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**Małgorzata Kuśmierczyk**

Reviewer:

**Maciej Juzaszek**

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## **IMPLEMENTING INTERNATIONAL STANDARDS ON PRISON FOOD: THE POLISH CASE**

**Małgorzata Kuśmierczyk<sup>1</sup>**

Jagiellonian University, Faculty of Law and Administration

ORCID: 0000-0002-4104-2552

**Abstract:** This article examines the implementation of Council of Europe and United Nations standards regarding prison food in Poland, focusing on the gap between formal legal compliance and substantive realization in practice. Combining doctrinal analysis with qualitative empirical research conducted in selected Polish prisons and pre-trial detention facilities, it assesses how international norms are reflected in domestic regulations and everyday detention practices. The findings show that, while Polish law largely aligns with international standards at the normative level, significant deficiencies persist in their practical implementation. These are particularly visible in the qualitative dimensions of food provision, including variety, nutritional balance, individualization, and respect for human dignity. The article argues that regulatory models relying primarily on quantitative benchmarks are insufficient to ensure the dignity-centered approach embedded in international human rights standards.

**Keywords:** Prison Food; International Human Rights Law; Detention Conditions; Human Dignity; Poland.

**Resumo:** Este artigo analisa a implementação das normas do Conselho da Europa e das Nações Unidas relativas à alimentação em estabelecimentos prisionais na Polónia, centrando-se na diferença entre a conformidade jurídica formal e a sua concretização substantiva na prática. Combinando uma análise dogmática com investigação empírica qualitativa realizada em

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prisões polacas selecionadas e em estabelecimentos de detenção preventiva, o artigo avalia de que forma as normas internacionais se refletem na regulamentação interna e nas práticas quotidianas de detenção. Os resultados demonstram que, embora o direito polaco esteja, em grande medida, alinhado com as normas internacionais a nível normativo, persistem deficiências significativas na sua implementação prática. Estas são particularmente visíveis nas dimensões qualitativas da prestação alimentar, incluindo a variedade, o equilíbrio nutricional, a individualização e o respeito pela dignidade humana. O artigo defende que os modelos regulatórios baseados predominantemente em parâmetros quantitativos são insuficientes para garantir a abordagem centrada na dignidade consagrada no direito internacional dos direitos humanos.

**Palavras-chave:** Alimentação Prisional; Direito Internacional dos Direitos Humanos; Condições de Detenção; Dignidade Humana; Polónia.

## 1. Introduction

Food is one of the most basic elements of human existence, yet in the context of deprivation of liberty, it often becomes an invisible and underestimated dimension of detention. While international human rights law extensively regulates issues such as overcrowding,<sup>2</sup> access to healthcare,<sup>3</sup> or protection against violence,<sup>4</sup> prison food is frequently treated as a technical or administrative matter rather than a core component of human dignity (van Zyl Smit, Snacken, 2009: 158-160). In practice, however, the quality, quantity, and organization of meals significantly shape the everyday experience of detention and may determine whether conditions of imprisonment meet minimum human rights standards<sup>5</sup>.

Both the Council of Europe and the United Nations have developed detailed norms concerning the provision of food to people deprived of liberty. These

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2. ECHR Judgment of 20/10/2016. Delivered in Case no. 7334/13 *Muršić v. Croatia*, available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-167483%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-167483%22]})

3. ECHR Judgment of 26/10/2000. Delivered in Case no. 30210/96 *Kudła v. Poland*, available at: [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-58920%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-58920%22]})

4. ECHR Judgment of 28/10/1998. Delivered in Case no. 23178/94 *Aydın v. Turkey*, available at: [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-58371%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-58371%22]})

5. ECHR Judgment of 07/12/2010. Delivered in Case no. 18429/06 *Jakóbski v. Poland*, available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-102121%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-102121%22]})

standards emphasize not only nutritional adequacy but also dignity, variety, respect for health-related needs, and cultural considerations. Under Article 3 of the European Convention on Human Rights, inadequate food may contribute to inhuman or degrading treatment when assessed cumulatively with other conditions of detention. Similarly, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) explicitly recognizes access to adequate food and drinking water as an essential element of humane treatment<sup>6</sup>.

Despite the existence of these international norms, their domestic implementation often raises complex questions. Compliance with formal legal requirements does not necessarily translate into the substantive protection of detainees' rights in everyday practice. Budgetary constraints, organizational discretion, and the lack of effective monitoring mechanisms may significantly affect how international standards are realized at the national level.

This article examines the implementation of Council of Europe and United Nations standards on prison food in Poland. Poland constitutes an instructive case study as a member state of both organizations, formally bound by their human rights frameworks and equipped with relatively detailed domestic regulations on prison nutrition. Drawing on qualitative empirical research conducted in selected Polish closed-type prisons and pre-trial detention facilities, the article explores the extent to which international standards are reflected in practice.

The central argument advanced in this article is that, while Poland largely complies with international standards at the formal and regulatory level, significant gaps persist in their substantive implementation. These gaps are particularly visible in areas such as budget-driven limitations on food quality, the monotony of meals, regional disparities, and the use of food as an element of institutional control. By juxtaposing international norms with empirical findings, the article aims to contribute to broader debates on the effectiveness of international human rights standards in the context of detention.

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6. See Rule 22 of the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), adopted on 17 December 2015.

## **2. International legal framework on prison food**

### **2.1. Council of Europe**

Within the Council of Europe system, the provision of food to people deprived of liberty is not regulated through a single, autonomous legal instrument. Instead, it emerges from a combination of binding treaty obligations, soft-law standards, and interpretative practice developed by supervisory bodies. Together, these elements form a coherent framework for assessing whether prison food meets minimum human rights requirements.

At the core of this framework lies Article 3 of the European Convention on Human Rights, which prohibits torture and inhuman or degrading treatment or punishment. Although the provision does not explicitly refer to food, the European Court of Human Rights has consistently held that the adequacy of nutrition constitutes an integral element of the conditions of detention. The Court assesses prison food cumulatively with other material conditions, such as overcrowding, sanitation, or access to healthcare, in determining whether the threshold of Article 3 has been reached<sup>7</sup>. In this context, food that is insufficient in quantity, nutritionally inadequate, or repeatedly served in a manner that undermines human dignity may contribute to the finding of degrading treatment, even if no single factor alone would suffice.

Beyond the Convention itself, the European Prison Rules (EPR) provide more detailed guidance on the organization of prison food. Adopted by the Committee of Ministers and revised most recently in 2020, the EPR constitute a key reference point for national prison administrations and monitoring bodies. Rule 22 requires that prisoners be provided with a nutritious diet that considers their age, health, physical condition and, as far as possible, religious and cultural requirements. The Rules further emphasize the regularity of meals, access to drinking water at all times, and the obligation to serve food in conditions that respect human dignity.

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7. ECHR Judgment of 20/10/2016. Delivered in Case no. 7334/13 *Muršić v. Croatia*, available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-167483%22%5D%7D>; ECHR Judgment of 26/10/2000. Delivered in Case no. 30210/96 *Kudła v. Poland*, available at: <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-58920%22%5D%7D>

Although the European Prison Rules are formally non-binding, their normative significance should not be underestimated. The European Court of Human Rights refers to them as an interpretative aid when assessing compliance with Article 3 of the ECHR, while national courts and prison oversight bodies increasingly treat them as authoritative benchmarks of acceptable detention standards.<sup>8</sup> As such, the EPR operate as a bridge between abstract human rights guarantees and their practical application in everyday prison life.

An additional and particularly influential component of the Council of Europe framework is the work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Through periodic and *ad hoc* visits to places of detention, the CPT has developed a substantial body of standards concerning the material conditions of imprisonment (CPT, 2002). CPT reports regularly address issues such as caloric adequacy, food quality, the variety of meals, access to special diets, and the practical realities of meal distribution (CPT, 2011).

Importantly, the CPT adopts a functional and experience-oriented approach. Rather than limiting its assessment to formal compliance with domestic regulations, it examines how food is actually prepared, served, and consumed by detainees. Recurrent CPT concerns across member states include the excessive monotony of meals, insufficient portions, inadequate accommodation of medical diets, and the use of food-related restrictions as informal disciplinary measures (CPT, 2011).

Taken together, the Convention, the European Prison Rules, and CPT standards establish a comprehensive framework in which prison food is recognized not merely as a logistical necessity, but as a legally relevant component of humane detention. This framework obliges states not only to ensure formal legal guarantees but also to secure the material conditions necessary for their effective realization.

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8. ECHR Judgment of 20/10/2016. Delivered in Case no. 7334/13 *Muršić v. Croatia*, available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-167483%22%5D%7D>; ECHR Judgment of 26/10/2000. Delivered in Case no. 30210/96 *Kudła v. Poland*, available at: <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-58920%22%5D%7D>

## 2.2. United Nations standards – the Mandela Rules

At the universal level, standards concerning prison food are primarily articulated through the United Nations human rights system. While, similarly to the Council of Europe framework, no single treaty provision is devoted exclusively to prison nutrition, a combination of binding norms and soft-law instruments provides a detailed normative basis. The most prominent reference point is the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules). Revised in 2015, the Mandela Rules set out comprehensive standards for the treatment of people deprived of liberty and are widely regarded as the global benchmark in this field. Rule 22 explicitly requires that every prisoner be provided with food of nutritional value adequate for health and strength, of wholesome quality, and well prepared and served. It further mandates the provision of drinking water whenever needed and stresses the obligation to respect prisoners' health-related dietary needs.

In addition to the Mandela Rules, the International Covenant on Economic, Social and Cultural Rights (ICESCR) provides a broader normative foundation. Article 11 of the Covenant recognizes the right of everyone to an adequate standard of living, including adequate food. While the Covenant does not specifically address detention, its provisions apply to all individuals under the jurisdiction of a state, including persons deprived of liberty (UN Committee on Economic, Social and Cultural Rights, 1999: §§1-6). Although the UN standards in this area are formally non-binding, their practical impact is significant. They shape the expectations of international monitoring bodies, inform the interpretation of binding treaty obligations, and influence domestic prison policies. As with the Council of Europe framework, the emphasis increasingly lies not on formal regulatory compliance but on the lived reality of detention.

The following section examines how these international standards are reflected in the Polish legal and institutional framework, and to what extent they are substantively implemented in practice.

## 3. Methodological note

This article adopts a qualitative research approach, combining a doctrinal analysis of international and domestic legal frameworks with empirical material collected through individual in-depth interviews. The empirical

component serves an illustrative and contextualizing function, allowing for an examination of how international standards on prison food are reflected in everyday detention practices.

The empirical material is based on twelve semi-structured in-depth interviews conducted between November 2024 and March 2025. Seven interviews were carried out with people deprived of liberty, including sentenced prisoners serving long-term custodial sentences and individuals held in pre-trial detention. Five additional interviews were conducted with prison staff employed in departments responsible for food provision and logistical organization within correctional facilities. The research focused on closed-type prisons and pre-trial detention facilities, which are characterized by the most restrictive detention regimes. Participants were selected using purposive sampling combined with the snowball method, reflecting the limited accessibility of the prison environment and the need to rely on existing contacts to reach potential respondents. Fieldwork was conducted in selected correctional facilities located in southern Poland. The choice of research sites was determined by organizational and logistical factors, including access permissions granted by prison authorities and the feasibility of on-site research. Interviews were conducted either by telephone or in person. All interviews were carried out in Polish. The quotations in this article are the author's own translations and aim to preserve the meaning and tone of the original statements. Due to security restrictions, audio recording was not permitted in all cases. Where recording was possible, interviews were transcribed verbatim; in other instances, detailed field notes were prepared immediately after the interviews. To ensure confidentiality and protect participants' anonymity, all identifying details have been removed, and respondents are referred to using coded identifiers.<sup>9</sup>

The empirical findings presented in this article do not aim to provide statistically representative conclusions. Instead, they highlight recurring patterns, experiences, and institutional practices relevant to the implementation of international standards on prison food. The qualitative material is used selectively, in conjunction with legal analysis, to illustrate

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9. The letter "R" is used to denote respondents, with numerical identifiers reflecting the chronological order of the interviews.

areas where formal compliance with international norms diverges from their substantive realization in practice.

#### 4. Implementation of international standards in Poland

##### 4.1. Domestic legal framework governing prison food

The implementation of international standards on prison food in Poland is primarily shaped by domestic regulations governing the execution of custodial sentences and pre-trial detention. At the statutory level, the right of persons deprived of liberty to adequate food is explicitly recognized in the Polish Code of Execution of Criminal Sentences (*Kodeks karny wykonawczy*).<sup>10</sup> Article 102 guarantees prisoners' access to meals sufficient to preserve health, reflecting the minimum requirements articulated under Article 3 of the European Convention on Human Rights and the United Nations Standard Minimum Rules for the Treatment of Prisoners. The statutory framework is further elaborated through Article 109 of the Polish Code of Execution of Criminal Sentences and executive regulations issued by the Minister of Justice [*Rozporządzenie Ministra Sprawiedliwości z dnia 19 lutego 2016 r. w sprawie wyżywienia osadzonych w zakładach karnych i aresztach śledczych*].<sup>11</sup> These regulations specify detailed nutritional requirements applicable in prisons and pre-trial detention facilities, including the number of daily meals, minimum caloric values, and categories of diets adapted to age, health conditions, and the specific needs of detainees. As a general rule, people deprived of liberty are entitled to three meals per day, including at least one hot meal, accompanied by access to drinking water.

Polish regulations distinguish between several types of diets. In addition to the standard diet for adult prisoners, special provisions apply to juveniles, detainees performing physically demanding work, and individuals requiring medical diets, such as diabetic or easily digestible meals. The regulations also provide for diets adjusted to religious or cultural requirements, subject to administrative approval. For each dietary category, minimum daily caloric

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10. Ustawa z dnia 6 czerwca 1997 r. – Kodeks karny wykonawczy (Dz.U. 1997 nr 90 poz. 557 ze zm.).

11. Rozporządzenie Ministra Sprawiedliwości z dnia 19 lutego 2016 r. w sprawie wyżywienia osadzonych w zakładach karnych i aresztach śledczych, Dz.U. 2016 poz. 302.

values are defined, and the cost of meals is regulated through fixed daily food allowances. At the administrative level, the organization of prison food is further governed by internal regulations and instructions issued by the Prison Service.<sup>12</sup> These acts regulate practical aspects of food preparation and distribution, including meal schedules, permissible intervals between meals, and the internal allocation of food budgets. While these instruments aim to ensure uniformity across facilities, they also grant significant discretion to individual prison administrations in designing menus and sourcing food products.

**Table 1. Categories of food provision under Polish law applicable to prisoners and pre-trial detainees**

Type of diet	Energy value	Minimum daily cost	For whom
Basic	2600 kcal	4.00 PLN (approx. 0.90 EUR)	Adult detainees
For juveniles	2800 kcal	4.40 PLN (approx. 1.00 EUR)	Juvenile detainees
Easily digestible	2600 kcal	4.80 PLN (approx. 1.10 EUR)	Detainees following a medical recommendation
Diabetic	2600 kcal	5.70 PLN (approx. 1.30 EUR)	Detainees following a medical recommendation
Individualized	2600 kcal	5.80 PLN (approx. 1.30 EUR)	Detainees following a medical recommendation
Religious	2600 kcal	5.80 PLN (approx. 1.30 EUR)	Detainees granted approval upon request

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12. Zarządzenie Dyrektora Generalnego Służby Więziennej nr 23/17 z dnia 03.04.2017 r. w sprawie realizacji żywienia osób osadzonych w zakładach karnych i aresztach śledczych; Zarządzenie Dyrektora Generalnego Służby Więziennej nr 22/19 z dnia 17.04.2019 r. w sprawie gospodarki żywieniowej w jednostkach organizacyjnych Służby Więziennej.

Supplementary meal	> 1000 kcal	3.20 PLN (approx. 0.70 EUR)	Detainees engaged in physically demanding work
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From a formal perspective, the Polish legal framework appears to closely align with international standards developed within the Council of Europe and the United Nations. The existence of detailed caloric norms differentiated diets, and explicit statutory guarantees suggests a high level of normative compliance. The legal framework emphasizes adequacy, regularity, and health-related considerations, thereby reflecting key elements of the European Prison Rules and the Mandela Rules. However, the reliance on quantitative benchmarks, such as caloric values and fixed food allowances, raises questions about the extent to which qualitative aspects of nutrition, including variety, freshness, and overall food quality, are effectively safeguarded. Moreover, the decentralization of certain organizational decisions to individual facilities creates space for variation in implementation, despite the formally uniform nature of the legal standards. These structural features of the Polish regulatory model are particularly relevant when assessing how international standards are translated into everyday detention practices.

#### 4.2. Nutritional adequacy and budgetary constraints

While the Polish legal framework governing prison food reflects the core requirements articulated in Council of Europe and United Nations standards, the empirical material suggests that the substantive realization of these guarantees is strongly shaped by budgetary constraints. The European Court of Human Rights consistently emphasizes that financial considerations cannot justify conditions of detention that fall below minimum standards of dignity.<sup>13</sup> Nevertheless, in practice, the organization of prison food operates within rigid financial limits that significantly influence both the quality and composition of meals. Polish executive regulations define fixed daily food

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13. ECHR Judgment of 20/10/2016. Delivered in Case no. 7334/13 *Muršić v. Croatia*, available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-167483%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-167483%22]); ECHR Judgment of 26/10/2000. Delivered in Case no. 30210/96 *Kudła v. Poland*, available at: [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-58920%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-58920%22])

allowances for each dietary category. These allowances are intended to ensure compliance with prescribed caloric norms and to facilitate uniform standards across detention facilities.

However, the empirical findings indicate that the static nature of these allowances – combined with rising food prices – has resulted in cost-minimization strategies that affect the nutritional value of meals. Respondents consistently pointed to a deterioration in food quality over time, particularly in comparison with earlier periods of detention:

“The allowance is the same as it was many years ago, but prices have gone up. So, they have to cut costs somewhere, and that always affects the food.”

(R2 – sentenced prisoner)

From the perspective of international standards, this practice is problematic. Both the European Prison Rules and the Mandela Rules conceptualize nutritional adequacy as a qualitative, not merely quantitative, requirement. Adequate food must be wholesome, varied, and appropriate to maintain health and strength. Empirical accounts suggest that compliance with caloric thresholds is often achieved through the increased use of inexpensive, highly processed products and carbohydrates, accompanied by limited access to fresh vegetables, fruit,<sup>14</sup> and protein-rich foods. Budget-driven constraints were also evident in descriptions of food preparation practices aimed at stretching limited resources. Some respondents described techniques designed to meet formal weight or volume requirements while reducing the actual nutritional content of meals:

“They dilute certain products with water, so the weight matches the norm, but the real nutritional value is much lower.”

(R3 – sentenced prisoner)

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14. Limited access to fresh fruit and vegetables in Polish detention facilities has also been the subject of intervention by the Polish Ombudsman, who raised concerns regarding nutritional adequacy and compliance with detainees' rights. See: <https://bip.brpo.gov.pl/pl/content/wiezniowie-dostana-owoce-i-warzywa-sluzba-wiezienna-spelnila-postulat-rpo>

Such practices illustrate the gap between formal compliance with domestic regulations and the substantive realization of international standards. While the Polish legal framework does not explicitly permit cost-driven dilution of nutritional content, the structure of food allowances and the lack of effective qualitative monitoring create incentives for such practices. This dynamic resonates with concerns repeatedly expressed by the CPT, which has emphasized that prison food must be assessed based on its actual nutritional value and quality, rather than solely on formal compliance with budgetary norms (CPT, 2011). Moreover, the empirical material points to regional disparities in the implementation of nutritional standards. Despite the uniformity of national regulations, respondents reported noticeable differences in food quality between facilities located in different regions. These variations suggest that discretionary decisions at the institutional level – such as supplier selection and menu planning – play a significant role in shaping outcomes. From an international law perspective, such disparities are difficult to reconcile with the principle of equal treatment inherent in human rights protection.

Overall, the findings indicate that Poland's implementation of international standards on prison food remains primarily formal in nature. Although caloric norms and dietary categories are clearly defined, budgetary constraints and cost-minimization practices significantly affect the quality and balance of meals provided to people deprived of liberty. This raises broader questions about the adequacy of regulatory models that rely heavily on quantitative benchmarks without ensuring robust mechanisms for qualitative assessment and independent oversight.

#### **4.3. Food, human dignity and institutional control**

In the Polish context, food is sometimes experienced by persons deprived of liberty as an instrument of institutional control rather than solely as a neutral element of daily care. Respondents repeatedly emphasized the monotony of meals, the absence of seasoning, and the rigid uniformity of food provision. While such practices are often justified by reference to organizational simplicity or health-related considerations, they may nevertheless contribute to a broader sense of depersonalization inherent in detention.

Several interviewees described meals as being intentionally bland and repetitive, particularly in the case of special diets, such as easily digestible or diabetic meals. One respondent noted:

“Everything is boiled, without salt, without any seasoning. It’s technically food, but it’s hard to say it’s meant to be eaten with any sense of pleasure.”

(R5 – pre-trial detainee)

Although international standards do not require that prison food be enjoyable in a culinary sense, they do require that it be served in conditions that respect dignity and avoid unnecessary suffering.<sup>15</sup> The European Court of Human Rights has emphasized that treatment which humiliates or debases an individual, even without causing physical pain, may fall within the scope of Article 3 of the ECHR.<sup>16</sup> In this light, practices that systematically deprive detainees of any sensory variation or agency in relation to food may cumulatively contribute to degrading conditions of detention.

The perception of food as a tool of control was further reinforced by respondents’ references to informal disciplinary practices. Some interviewees recalled situations in which portion sizes or access to certain food items appeared to depend on relations with prison staff, despite the absence of formal disciplinary measures:

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15. An interesting comparative illustration of the distinction between nutritionally adequate food and food deliberately designed to be unappetizing can be found in the Vermont Supreme Court’s judgment in *Borden v. Hofmann* (2009). The case concerned the introduction of *nutraloaf*; a nutritionally sufficient but intentionally unpalatable form of prison food. The court held that imposing such a diet could not be treated as a neutral administrative measure and, due to its punitive character, required procedural safeguards, including a prior hearing. The judgment offers a thought-provoking perspective on how the intent and experiential quality of prison food may acquire legal relevance beyond mere nutritional adequacy.

16. ECHR, Judgment of 18/01/1978. Delivered in Case no. 5310/71 *Ireland v. the United Kingdom*, available at: [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-57506%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-57506%22]})

“You feel that food can be taken away or reduced, not officially, but in practice. It’s one of the ways the system reminds you who is in control.”

(R1 – sentenced prisoner)

From the perspective of the Mandela Rules, the instrumentalization of food undermines the fundamental requirement to treat prisoners with respect for their inherent dignity. Rule 1 explicitly affirms that all prisoners shall be treated with respect for their dignity and value as human beings, while Rule 22 situates adequate food within this broader normative framework. When food is perceived as an extension of institutional power rather than a basic right, the protective function of these standards is weakened.

The empirical material thus highlights a tension between the formal neutrality of food provision under Polish law and its lived experience as an element of control within the prison environment. While such practices may not, in isolation, reach the threshold of inhuman or degrading treatment, their cumulative effect is legally relevant under Article 3 of the ECHR. International standards require states not only to avoid overt abuse but also to organize detention regimes in a manner that minimizes unnecessary suffering and preserves a basic sense of human dignity.

### **5. Formal compliance vs. substantive implementation**

The analysis presented above reveals a recurring pattern in the implementation of international standards on prison food in Poland: a high degree of formal compliance combined with significant gaps in substantive realization. At the level of domestic law, Polish regulations governing prison food closely reflect the requirements articulated in the European Prison Rules and the Mandela Rules. Caloric norms, differentiated diets, and explicit statutory guarantees suggest that international standards have been effectively transposed into the national legal framework.

However, empirical findings demonstrate that compliance at the regulatory level does not necessarily translate into adequate protection in practice. The organization of prison food is heavily influenced by budgetary constraints, cost-minimization strategies, and administrative discretion exercised at the institutional level. As a result, qualitative aspects emphasized by international standards – such as variety, freshness, individualization, and

respect for dignity – are often marginalized in favor of quantitative benchmarks and procedural conformity. This discrepancy highlights a structural limitation of regulatory models that prioritize numerical indicators, such as caloric intake, without ensuring effective mechanisms for qualitative assessment and oversight. International standards developed within the Council of Europe and the United Nations clearly conceptualize adequate food as a multidimensional requirement, encompassing not only nutritional sufficiency but also dignity, health, and individual needs. When domestic implementation focuses narrowly on measurable criteria, the protective function of these standards is weakened.

The findings further suggest that the decentralization of organizational decisions contributes to uneven implementation across detention facilities. Despite formally uniform regulations, regional disparities in food quality and access to special diets persist, reflecting differences in management practices and resource allocation. From a human rights perspective, such disparities raise concerns regarding equality of treatment and the effective enjoyment of rights guaranteed under international law. Importantly, the empirical material also indicates that food may acquire an instrumental role within the prison environment, functioning as an element of institutional control rather than solely as a component of care. While such practices may not, in isolation, reach the threshold of inhuman or degrading treatment, their cumulative impact is legally relevant under Article 3 of ECHR and the dignity-centered approach of the Mandela Rules. International standards require states to assess detention conditions holistically, considering the combined effect of material deprivations and institutional practices.

## **6. Conclusions**

This article examined the implementation of Council of Europe and United Nations standards on prison food in Poland, focusing on the distinction between formal legal compliance and substantive realization in everyday detention practice. The analysis demonstrates that, while Polish domestic law closely mirrors international norms concerning prison nutrition, significant gaps persist at the level of implementation.

International standards conceptualize prison food as an integral component of humane detention. Adequate nutrition is framed not merely as a technical or logistical requirement, but as a multidimensional obligation closely linked

to dignity, health, and equality of treatment. The findings of this study suggest that regulatory models relying primarily on quantitative benchmarks, such as caloric intake and fixed food allowances, are insufficient to secure these broader objectives in practice. The Polish case illustrates a broader challenge inherent in the domestic implementation of international human rights standards. The formal transposition of norms does not guarantee their effective enjoyment when budgetary constraints, institutional discretion, and limited qualitative oversight shape everyday practices. In such contexts, food may become an instrument of cost control or institutional power rather than a safeguard of dignity, thereby weakening the protective function of international standards.

From a normative perspective, these findings underscore the importance of shifting the focus of compliance assessment from formal legality to substantive outcomes. Effective implementation of international standards on prison food requires adequate funding mechanisms, qualitative monitoring, and an institutional understanding of food as a core element of humane treatment. Independent oversight bodies, including international monitoring mechanisms, play a crucial role in identifying implementation gaps and reinforcing the dignity-centered approach embedded in international law. More broadly, the analysis highlights the need to reconsider how international detention standards are operationalized at the domestic level. Prison food should not be treated as a marginal aspect of detention policy but as a meaningful indicator of a state's commitment to human dignity in conditions of deprivation of liberty. Addressing the gap between formal compliance and lived experience remains essential for ensuring that international human rights standards fulfill their intended protective function.

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