



PRESS RELEASE

UN Joint Statement on new Israeli law on force-feeding of detainees

8 August 2015, JERUSALEM: The Israeli law adopted on July 30 allowing the force-feeding of detainees and prisoners on hunger strikes in Israeli prisons is a cause for concern to those who work to protect the right to health of Palestinians in the occupied Palestinian territory.

The law potentially affects all detainees but particularly Palestinian detainees who have resorted to hunger strikes to protest their conditions, including their prolonged detention on administrative orders without charge. Hunger strikes are a non-violent form of protest used by individuals who have exhausted other forms of protest to highlight the seriousness of their situations. The right to peaceful protest is a fundamental human right.

The Israeli Medical Association has said that force-feeding is tantamount to torture.¹ United Nations human rights experts² have called it a violation of internationally-protected human rights. The United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, has called “feeding induced by threats, coercion, force or use of physical restraints of individuals, who have opted for the extreme recourse of a hunger strike to protest against their detention ... tantamount to cruel, inhuman and degrading treatment, even if intended for their benefit.” The UN Special Rapporteur on the right to health, Dainius Pūras, has observed that “(u)nder no circumstance will force-feeding of prisoners and detainees on hunger strike comply with human rights standards. Informed consent is an integral part in the realization of the right to health.”³

The principle of an individual’s right to informed and voluntary refusal of medical measures is reiterated in several basic United Nations human rights documents⁴ where lack of free and informed consent is considered a clear violation of an individual’s right to health.

The World Health Organization (WHO), according to guidance on health in prison published by the WHO Regional Office for Europe,⁵ including on forced feeding of prisoners on hunger strike, referred to the revised World Medical Association’s Declaration of Malta (Declaration on Hunger Strikers):⁶

“Feeding should never be forced in prison. Such a procedure can only be justified if a serious mental disorder affects the decision-making capacity of the patient. Generally, however, when a hunger strike is the logical expression of a lucidly thought out struggle and not a pathological response by a severely depressed patient considering suicide, prison doctors have to respect the expressed will of the patient and limit themselves to the position of medical counsellor.”

¹ Israel Medical Association, position paper, <http://www.ima.org.il/ENG/ViewCategory.aspx?CategoryId=4497>

² <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16269&LangID=E>

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⁴ OHCHR and WHO, The Right to Health, Fact Sheet No. 31. <http://www.ohchr.org/Documents/Publications/Factsheet31.pdf>

⁵ “Health in prisons: A WHO guide to the essentials in prison”, WHO Regional Office for Europe (2007), p. 40.

http://www.euro.who.int/_data/assets/pdf_file/0009/99018/E90174.pdf

⁶ <http://www.wma.net/en/30publications/10policies/h31/>

We emphasize the importance of working towards improving health and human rights conditions of Palestinian prisoners in line with international standards. The practice of administrative detention is incompatible with international human rights law and should be ended. All detainees should be promptly charged or released.

Signed:



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