

FORCE-FEEDING OF PRISONERS AND DETAINEES ON HUNGER STRIKE

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DETAINEES ON HUNGER STRIKE

Right to Self-Determination versus
Right to Intervention

Pauline JACOBS



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Pauline Jacobs

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To my parents

ACKNOWLEDGEMENTS

About six years ago, I defended my master's thesis entitled "Food refusal. A legal exploration into the possibilities of force-feeding in cases of food refusal" at Tilburg University. Before that time, I could not have predicted that this thesis would result in the writing of a research proposal, a PhD project and – finally – the appearance of this book. Throughout these years, the question of force-feeding a person who has explicitly stated that he refuses food has never failed to intrigue me and has me provided me with much food for thought.

Although the writing of a PhD thesis would seem to be one of the most solitary experiences possible, I can honestly say that this book would not have been there without the help, support and encouragement of many people in both my professional and my personal life.

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Tilburg, July 2012

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LIST OF ABBREVIATIONS

Biomedicine Convention	the Convention for the protection of human rights and dignity of the human being with regard to the application of biology and medicine
BMA	British Medical Association
CAT	Committee Against Torture
CESCR	Committee on Economic, Social and Cultural Rights
Convention against Torture	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child
D&R	Decisions and Reports of the European Commission of Human Rights
ECHR	European Convention on Human Rights
EComHR	European Commission of Human Rights
ECPT	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ECtHR	European Court of Human Rights
EPR	European Prison Rules
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICN	International Council of Nurses
ICRC	International Committee of the Red Cross

ICTY	International Criminal Tribunal for the former Yugoslavia
OHCHR	Office of the UN High Commissioner for Human Rights
PPA	Penitentiary Principles Act (<i>Penitentiaire beginselenwet</i>)
PPN	Peripheral Parenteral Nutrition
Principles of Medical Ethics	Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians, in the Protection of Prisoners and Detainees against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment
RAF	Red Army Faction (<i>Rote Armee Fraktion</i>)
SMR	Standard Minimum Rules for the Treatment of Prisoners
Special Rapporteur on the right to health	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
Special Rapporteur on torture	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
TPN	Total Parenteral Nutrition
UK	United Kingdom
UN	United Nations
US	United States (of America)
WHO	World Health Organisation
WMA	World Medical Association