



Asylum, Hunger Strikes, and Force-Feeding

Physicians for Human Rights Fact Sheet

Introduction

Asylum seekers in the United States have been using hunger strikes to protest their conditions of detention while they await the outcome of their immigration cases. In early 2019, at least 11 men being held in the El Paso, Texas Immigrations and Customs Enforcement (ICE) detention center engaged in a hunger strike to protest prolonged detention and abuse by guards.¹ Nine men were force-fed during their hunger strikes, but the process was stopped by immigration officials after a court hearing examined the issue and numerous organizations and associations decried the practice.² In response to this instance of force-feeding, the United Nations High Commissioner for Human Rights called the United States' practice of force-feeding asylum seekers a violation of the U.N. Convention Against Torture, a document that the United States ratified in 1994.

While ICE has defended the practice as a way of ensuring the health and well-being of those on hunger strike, force-feeding remains a breach of ethical policies towards detainees and a critical violation of their human rights and autonomy.

Immigration Detention and Hunger Strikes

- Hunger strikes are often the only way for detainees to express their contempt for their conditions of confinement, which are notoriously poor in U.S. immigration detention facilities.³
 - Asylum seekers and other detained immigrants who protest by refusing to eat are exercising their personal autonomy.⁴
 - These people have the right to refuse treatment; when the decision is rationally made by a competent person, it must be respected by authorities and medical professionals.
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Force-Feeding is Cruel and Inhumane Treatment

- Force-feeding is the forcible provision of nutrients to a hunger-striking person against the person's will.
- In U.S. detention centers, force-feeding is most often performed by restraining the person in an upright position, inserting a plastic tube into their nose and down through their body, and pumping liquid nutrients through the tube into the person's stomach. A court order is usually obtained to provide authorization.⁵
- This method of force-feeding is extremely painful and can be dangerous, according to the World Medical Association (WMA): "It is the most unsuitable approach to save lives."⁶
- The process of force-feeding has been condemned as cruel and inhuman treatment, in violation of the Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment, by medical associations and human rights organizations alike, including the WMA, Physicians for Human Rights, Human Rights Watch, and the Office of the High Commissioner for Human Rights.⁷

The Declaration of Malta states that “force-feeding is never ethically acceptable.”

Force-Feeding Violates Medical Ethical Standards

- The WMA has advised medical professionals on appropriately treating patients who undertake a hunger strike. The Declaration of Malta demands respect for patients’ autonomy and requires physicians to accept a patient’s informed refusal of treatment and to adhere to their primary obligation to the patient, rather than their employer, in the face of dual-loyalty pressures.⁸
- The Declaration of Malta references the WMA’s Declaration of Tokyo, which states that competent patients refusing to eat should not be fed artificially. The Declaration of Malta further explains that “force-feeding is never ethically acceptable.”⁹
- The American Medical Association has denounced the force-feeding of detainees at Guantánamo Bay as unethical.¹⁰
- The American Nurses Association’s Code of Ethics for Nurses recognizes the right to self-determination, which encompasses “the right to accept, refuse, or terminate treatment without deceit, undue influence, duress, coercion, or prejudice.”¹¹

Endnotes

1. Clara Long, “ICE Force-feeding Immigrant Detainees on Hunger Strike,” Human Rights Watch, February 1, 2019, <https://www.hrw.org/news/2019/02/01/ice-force-feeding-immigrant-detainees-hunger-strike>;
2. Daniel Borunda, “ICE Halts Force-feeding Detainees on Hunger Strike at El Paso Immigration Detention Center,” USA Today, February 15, 2019, <https://www.usatoday.com/story/news/nation/2019/02/15/ice-halts-force-feeding-immigrant-detainees-el-paso-detention-center/2879201002/>;
3. “Force-feeding of Immigrants in Detention Centers Violates Medical Ethics,” Physicians for Human Rights (Press Release), February 4, 2019, <https://phr.org/news/force-feeding-of-immigrants-in-detention-centers-violates-medical-ethics/>;
4. J. Wesley Boyd, “Force-Feeding Prisoners is Wrong,” American Medical Association Journal of Ethics, 17, 10 (2015): 907, <https://journalofethics.ama-assn.org/sites/journalofethics.ama-assn.org/files/2018-05/ecas2-1510.pdf>.
5. “Joint Letter to Chuck Hagel on the Force-feeding of Hunger-striking Prisoners at Guantánamo Bay,” Human Rights Watch, May 13, 2013, <https://www.hrw.org/news/2013/05/13/joint-letter-chuck-hagel-force-feeding-hunger-striking-prisoners-guantanamo-bay>.
6. “WMA Appeals to Israeli Prime Minister to Reconsider Force Feeding Bill,” World Medical Association, (Press Release), June 26, 2015, <https://www.wma.net/news-post/wma-appeals-to-israeli-prime-minister-to-reconsider-force-feeding-bill/>.
7. Ibid.; “WMA Declaration of Malta on Hunger Strikers,” § 23, World Medical Assembly, adopted November 1991, revised October 2017, <https://www.wma.net/policies-post/wma-declaration-of-malta-on-hunger-strikers/>; “Force-feeding of Immigrants in Detention Centers Violates Medical Ethics,” Physicians for Human Rights; Long, “ICE Force-feeding Immigrant Detainees on Hunger Strike”; Borunda, “ICE Halts Force-feeding Detainees on Hunger Strike at El Paso Immigration Detention Center” [citing the spokeswoman for the OHCHR on force-feeding as ill treatment].
8. “WMA Declaration of Malta,” World Medical Assembly, §§ 4, 6.
9. Ibid. at §§ 21, 23.
10. Carol Rosenberg, “AMA Opposes Forced Feedings at Guantánamo,” Miami Herald, April 30, 2013 (updated November 6, 2014), <https://www.miamiherald.com/news/nation-world/world/americas/guantanamo/article1950859.html>.
11. “ANA Code of Ethics for Nurses with Interpretive Statements,” § 1.4, American Nurses Association, 2015, <https://www.nursingworld.org/coe-view-only>.



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