Abstract

This work assess the constitutionality of hunger strikes taken by people who are incarcerated, and their forced feeding, in dialogue with national judicial decisions that have been taken from three decades up to now. We used the usually called proportionality principle, looking at both, hunger strike and forced feeding, starting from the criteria of suitability, necessity and weighting, that constitute the principle. For this purpose a conceptual framework is developed that allows understanding the legitimacy of hunger strike, as a way to demand the effective enjoyment of given fundamental rights.

Keywords

Hunger Strike, Forced diet, People deprive of freedom, Principle of proportionality.