



January 9, 2014

President of Turkey, Mr. Abdullah Gül, Cumhurbaşkanlığı 06689 Çankaya, Ankara, Turkey;
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Dear President Abdullah Gül,

We are writing to you to express our grave concerns about the health bill that was passed by the Turkish parliament on January 2, 2014. Article 46 of the bill will criminalize emergency medical care and punish doctors with heavy fines and imprisonment for simply assisting Turkish citizens in need of emergency medical care.

The bill states that emergency services provided by authorized personnel would only be allowed “until the arrival of formal health services and health service becomes continuous.” Such vague and unnecessary conditions regarding who can provide medical care and when will result in the arbitrary arrest and punishment of emergency medical responders. International standards in human rights and medical ethics make it clear that doctors, nurses, paramedics, and other health workers must be able to carry out their professional responsibilities to provide emergency medical care to those in need without interference or fear of reprisal. The Ministry of Health and the Turkish government have an obligation to support and protect health workers who are simply adhering to their moral, ethical, and professional responsibilities to provide care for the sick and injured. Article 46 of the draft health law is not only inconsistent with such international standards, but also contradicts Articles 97 and 98 of the Turkish Penal Code, which make it a crime for medical personnel to neglect their duty of providing emergency medical care to those in need.¹

As you may know, we have expressed our concerns about Article 46 of the health bill to Turkey’s minister of health and the parliament on several occasions. On December 9, 2013, Anand Grover, Special Rapporteur on the right to health, also publicly stated that Article 46 “...will have a chilling effect on the availability and accessibility of emergency medical care in a country prone to natural disasters and a democracy that is not immune from demonstrations.... Enacting laws and policies criminalizing the provision of medical care to people challenging State authorities, such as political protestors, will certainly deter healthcare workers from providing services due to fear of prosecution.”²

¹ Turkish Criminal Code, Article 97 and 98, November 2004, <http://legislationline.org/documents/action/popup/id/6872/preview>.

² Office of the High Commissioner for Human Rights, “Turkey: International Experts Warn Against Criminalizing Independent Medical Care in Emergencies,” December 9, 2013, United Nations, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14076&LangID=E>

As concerned physicians in the international medical community, we call upon you, Mr. President, to refuse to sign the health bill into law as Article 46 will compromise the health of Turkish citizens in need of emergency care, undermine essential trust in medical personnel, and violate international and Turkish law.

Yours Sincerely,



Donna McKay, Executive Director, Physicians for Human Rights (PHR)



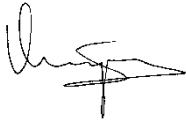
Dr. Margaret Mungherera, President, World Medical Association (WMA)



Prof. Dr. Frank Ulrich Montgomery, President, German Medical Association (Bundesärztekammer, GMA)



Dr. Katrin Fjeldsted, President, Standing Committee of European Doctors (CPME)



Dr. Vivienne Nathanson, Director of Professional Activities, British Medical Association (BMA)

CC:

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