

<b>Date:</b>	<b>11-05-2013</b>	<b>Document:</b>	<b>F13-033 EN</b>
<b>Title:</b>	<b>FEMS Statement on the current situation in Slovakia and the effort of politicians to criminalize doctors in Slovakia, adopted by the General Assembly in Budapest 11 May2013</b>		
<b>Submitted by</b>	<b>FEMS - Board</b>		

### **Statement of FEMS GA on the current situation in Slovakia and the effort of politicians to criminalize doctors in Slovakia**

FEMS General Assembly is deeply concerned with the draft amendment to the Criminal Code and the Law on Health Care Providers, which are discussed in the Parliament of the Slovak Republic.

There are a number of objections to the draft. Among them, the draft law does not respect the independence of the professional chambers of healthcare workers. It is not acceptable that the Ministry of Health could, by its decision only and without a court proceeding, exclude a health care professional from the medical profession for 10 years for a breach of the work duty.

The experience of the last period in Slovakia convinces us that the intention of this amendment is contrary to Article 1 of the International Labour Organisation Convention on the Abolition of Forced Labour number 105 of 1957. Such laws have no parallel in democratic Europe and are contrary to the internationally recognized rights and European principles of democracy.

FEMS expresses its strong opposition against declaring a state of emergency in an EU member state in the time of peace and in absence of any objective disaster (force majeure). This legal instrument is provided for as an extraordinary measure in extraordinary circumstances which justify a temporary labour duty to prevent an imminent danger for life or welfare of the population (art. 8 of the International covenant on civil and political rights). Apart from that, the restrictions imposed by the state cannot be discriminatory, i.e. they cannot be imposed upon just a limited group of citizens depending on their personal circumstances. Therefore, the state of emergency cannot justify certain measures be imposed only upon health professionals, but should equally involve all citizens, regardless their profession. In a state of emergency, non-healthcare strictly defined scope. These principles, in our view, would not be sufficiently respected by the Slovak legislature if such proposal would be approved by the Slovak Parliament.

In terms of extrajudicial disciplinary procedures, it is our view that any procedure for a professional misconduct should be held only by a competent independent medical professional authority (like medical chamber) with a possibility to have recourse to an independent court established by law. Administrative procedure, conducted by the ministry as an authority controlled by the executive branch or even by the minister as a political figure, does not meet the guarantees to be processed, found guilty and disciplined only by an independent court instituted by law (art. 14 of the International covenant on civil and political rights).

FEMS is concerned with the working conditions of doctors, being aware of the consequences they can have on the quality of healthcare provided to citizens. In our opinion, EU politicians should share the same concern.

It seems that Slovakia's policy is currently following the opposite direction that can deteriorate a well functioning healthcare system, to disadvantage of the Slovak doctors and all Slovak citizens. Therefore, we urge the Government and the Parliament of the Slovak Republic to stop these legislative proposals.