



To
The Constituent Members of
The World Medical Association
The Members of the WMA Council
WMA Council Advisors
WMA Officials

January 11th, 2012

Attacks on Physician Self-Governance in Turkey

Dear Colleagues,

At the end of last year and the beginning of this year worrying messages arrived at our office all concerning government or legislative activities interfering with self-governing physician bodies.

Among those are the attempts of the Slovakian government to disempower the physicians trade union, a Polish law holding physicians financially liable for the administrative deficits of the Polish Health Care administration (we will come back to that in a separate message) and most seriously the attempt of the Turkish government to dismantle basic functions and roles of the Turkish Medical Association.

The Turkish Medical Association seeks the support of the WMA member associations in their resistance against a government take over of those functions and roles. The Turkish Medical Association wrote:

“In April 2011, prior to general elections, the Turkish Grand National Assembly as the legislative body authorized the Council of Ministers for a period of 6 months to introduce legislative arrangements while delineating the domain of this authorization. In spite of this delineation, the Council of Ministers moved beyond, adopted the Government Decree no. 663 in Force of Law and put it into effect on 2 November 2011. The Decree will radically affect the field of health including arrangements geared to stripping the Turkish Medical Association out of its functions. More specifically, the Decree no. 663:

- removed the provision in the constituting law of the Medical Association that envisaged “ensuring that medical profession is practised and promoted in line with public and individual well-being and benefit.”
- created a “Health Professions Board” to which the Ministry of Health is empowered to appoint the overwhelming majority of members and transferred to this Board many powers that used to be exercised by the Medical Association, other organizations of health workers and higher education institutions.
- The newly created Board is authorized in the following areas: Giving opinion on such matters as curricula of education and training in health; identification of professional areas and branches and planning for the employment of health workforce; laying down ethical

codes and principles in health profession; deciding on procedures to be followed in such issues as testing professional competencies of health workers; training of health workers in ethics and patient rights as well as content and duration of such trainings; conducting investigations on physicians alleged to have violated ethical rules; applying disciplinary sanctions including permanent or temporary exclusion from the practice of the profession for a period of three years.

- The Ministry of Health is authorized to grant permission to and supervise clinical research other than in pharmaceuticals, medical devices and products; the Ministry can now also exercise authority in scientific researches and studies conducted by universities.
- The authority to “conduct work and procedures related to specialization training in medicine” including specialization in side branches, which are obviously in the domain of higher education, is given to the Ministry of Health; in other words, the Ministry of Health can now interfere in the academic autonomy and scientific freedom in higher education.
- Again, by excluding higher education institutions and professional organizations, the Ministry of Health is authorized to identify the branches in which health professionals, including physicians, would receive certification training, the content of such training and who is to deliver it and to arrange for certificates. Similarly, the Ministry is authorized in issues related to “crediting”, monitoring and supervising trainings to be delivered to all health professionals.

The act of unconstitutionally issuing a decree in force of law in disregard of the authority of the legislative body gives rise to concerns about the totalitarian tendency of the ruling Government not compatible with any understanding of democracy.

Amendments in constituting laws of the Turkish Medical Association and other Professional organizations as well as new arrangements regarding higher education institutions in the field of health and medicine aim at intimidating and eliminating the pressure group functions of professional organizations and academics who are not in line with existing Government policies.”

The WMA is discussing with the TMA the options to support our Turkish colleagues in maintaining their independence and role to regulate the profession. We will keep you informed about further actions we prepare and suggest to you.

With kind regards



Dr. Otmar Kloiber