



**Fédération Européenne
des Médecins Salariés**
European Federation
of Salaried Doctors

Enrico Reginato, President

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President of the Slovak Republic

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Excellency, Mr President of the Slovak Republic,

FEMS and all its European Members have been following with great attention and anxiety the projects and the decision of the Slovak Government to adopt a law that heavily punishes Slovak doctors' protests for better working conditions.

On January 2013 we asked the Prime Minister and The Minister of Health to withdraw the proposed changes in the Slovak legislation, concerning the restrictions imposed on doctors in case of emergency. Inter alia, the proposed change in the law by which the Ministry of Health can withdraw physician's licence for the term up to 10 years in an administrative extrajudicial procedure if he fails to perform his labour duty in such emergency cases.

From our letter to the Prime Minister and Minister of Health, of Jan 2013:
" Official documents of the European Commission expect a significant change in the healthcare workers demography, with, by 2020, a lack of more than 13% of doctors. It means that, due to free circulation, EU doctors will move towards Member States with better working conditions and salaries. It will be, therefore, a strong interest of EU Member States to keep their doctors inside the National borders through favourable working and salary conditions. This phenomenon has been already present for years in Countries like Germany, France, UK, that attract doctors coming from EU Member States and will be more and more extended.

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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). The withdrawal of practice licence in case of misconduct is not a sanction of an administrative, but rather of the penal nature. The sanction of licence withdrawal has the effect "punitur quia peccatum est" (the wrongdoer should be sanctioned because he committed a wrong) and not the effect of controlling the quality of medical services which is the primary scope to regulate the medical profession. A doctor who has committed a wrong is, in most occasions, completely competent to provide medical services, therefore it is not the case to withdraw his licence, that would not be done because of lack of competence, but rather in order to punish him for something that he did, being aware of the responsibilities that had been expected from him. It is, therefore, needed to distinguish between the withdrawal of practice licence because of lack of competence and because of a wrong committed."

FEMS and its National representatives urged the Slovak government and the Parliament of the Slovak Republic not to support these legislative proposals, contrary to the internationally recognized guarantees but, mostly, against the interest of a well working Healthcare System, as it would damage not only the Slovak Doctors but all the Slovakian Citizens.

With regret, we noticed that the Parliament approved the law amending the Criminal Code and the Law on health care providers in Slovakia.

There are many objections to the adopted amendment that, in our opinion, will damage the status of health care professionals and also the perception of Slovakia in the European context.

Therefore we courteously ask you NOT TO SIGN the referred amendment.

Respectfully yours,

Dr. Enrico Reginato
FEMS President

