



Date:	23 July 2013	Document:	F13-046 EN
Title:	Slovakian Situation on the criminalization law (July 2013)		
Author:	Dr Pavel Oravec		

In April 2013, the legislative process leading to the criminalization of healthcare workers began in Slovakia. These process and legislative changes were proposed and approved by government's MP in Health Committee of Slovak Parliament on April 23, 2013. The ruling party SMER- SD "social democrats", member of the PES in the European Parliament, has a majority in Slovak Parliament. They planned to adopt the similar changes in January 2013, but they withdrew the proposal after protests of medical organisations including the letter of President of FEMS. The current proposal were going to be adopted without proper amendment procedure, bypassing the standard legislative process. It implements a change of the concept of good repute, which is essential to the performance of the medical profession in Slovakia, the Ministry of Health will be authorized to impose a fine resulting in a 10-year exclusion from health care profession without a court decision, it implements amendments to the Criminal Code according to a crisis situationn which are very similar to military criminal offenses, even the more stringent due to the wide range of udefined procedure. The proposed amendment discriminates one section of the population against others on the basis of their proffession.

In November 2011 the institute of a state of emergency in Slovakia was abused to the power game and rejection of dialogue and negotiation. State of emergency was declared in time of peace, without the threat of an unforeseen disaster. Declaration of the State of Emergency in time of peace, without the presence of sudden and unforeseen event, as a means of quelling protests because of unwillingness of political solutions and refusal agreements and negotiations by the government is contrary to Article 1 of the ILO Convention on the Abolition of Forced Labour number 105 of 1957.

On May 22-nd, 2013 at 17,07 p.m., the National Council of the Slovak Republic approved a law criminalizing doctors. Of the 150 MPs 84 voted for adoption /79 from the ruling party SMER-SD- Social Democrats- which is member of PES of European Parliament- all who were present except one who abstained/, 35 against, 23 abstentions, 8 were not present. This law was approved despite protests of all relevant organizations of health care workers in Slovakia and despite protests from European medical organizations. The only change compared to the draft amendment was the change in the concept of the term good repute /good standing/.

On 25-th June 2013, the Slovak Parliament re-approved a law criminalizing health-care workers which was returned by the President of the Slovak republic to the Slovak Parliament

for further discussion. It was done by votes of MPs of ruling party SMER-SD. The only change is that the period during which it can revoke the registration /licence/ in the chamber is 2 years and not 10, which was also the only reminder of the President. All other elements remain unchanged. Among other things, withdrawal of registration will be executed without a trial, only upon a decision of the Ministry of Health. It is clear that the effect of this law remains the same. The only solution, as we see it, is its cancellation. As I wrote, we start with a petition against this Act and the effort to submitting it to the Constitutional Court, but we can not do it themselves, it can do institutional actors only / at least 30 MPs, the President of the Slovak Republic or the Prosecutor General /. We also want to inform all European institutions and all European medical organizations.

Translation of the Petition which we have started

Petition to the National Council of the Slovak Republic

Stop criminalizing - Healthcare professionals are not criminals!

We, the citizens of the Slovak Republic, fundamentally reject the criminalization of health workers, adopted on basis of a proposal MPs Jozef Valocký to the Penal Code. It worsens the already dire conditions of patients and health professionals. We urge the National Council of the Slovak Republic in order to:

1 professional organizations in the health sector (chambers) could not without a court decision on guilt medical professional, only by a decision of the Ministry of Health, unregister and thus prevent him/her from exercising the profession for two years and that the Ministry of Health could not impose fines to healthcare workers ten times higher compared to other citizens;

2 from the Penal Code was repealed violation of duties in a crisis situation and crime avoidance of duties in a crisis situation as adopted by the National Council;

3 Slovak government could not abuse the institute emergency to prevent the free choice of employment of health workers within the European Union and that the government would bear the responsibility for the abuse of state of emergency.