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***Istanbul Medical Chamber & Turkish Medical Association***  
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Official arrangements introduced in Turkey one after another in recent years violate the principles of neutrality in health services, right to health and privacy of the personal health data.

The last one in the series was the All-Inclusive Law on health taking effect on 18 January 2014 upon publication in the Official Gazette. Article 46 of this Law, in particular, was being debated for about 7 months in both Turkey and abroad. The article imposes imprisonment from 1 to 3 years and monetary fine up to 2 million TL (about 900,000 USD) to health professionals who deliver or cause the delivery of health services without authorization by the Ministry of Health. This law and its article made health services driven by humanitarian motives in such extraordinary cases as earthquake, flood or in demonstrations subject to “licence” and thus breached the fundamental principles of the medical profession. Against this legislation that restricted emergency services to patients and wounded persons, including even first aid with some vague expressions, professional organizations including the Turkish Medical Association (TMA) raised their voices. They called the Government to withdraw this particular article of the act in the name of the right to health, human rights and professional ethics of medicine. Meanwhile, the World Medical Association (WMA), Standing Committee of European Doctors (CPME), Physicians for Human Rights (PHR) as well as British and German Medical Associations sent letters first to the Minister of Health and then to the President of Turkey and wrote articles to eminent journals stating their objection to the act and requesting the deletion of the article mentioned. The United Nations Special Rapporteur on the Right to Health stressed that the act makes independent health services a crime. The adoption of the law in spite of all these aroused reaction worldwide. Unfortunately, from now on in Turkey one can witness the trial of physicians for imprisonment or heavy fines for fulfilling their professional duties and acting for the benefit of human beings.

The passing of this law reminded many wounded people, some losing their lives, and suffered permanent injuries almost totally as a result of police violence during protests taking place in all parts of Turkey in last June. In these events named as “Gezi Park protests” and closely watched by the world, physicians rushed to help wounded protesters and delivered first aid services right at the point. The TMA gathered information and data from individual physicians and chambers of medicine related to the health status of demonstrators and shared them with the public. This attitude of the TMA and physicians which was in fact nothing beyond fulfilling the requirements of their profession unfortunately irritated the Ministry of Health and Government. Investigations were launched on the TMA and Ankara, İstanbul and İzmir Chambers of Medicine, they were accused of giving “unregistered” medical care, and they were asked to supply the names of doctors giving first aid service to wounded people and

of wounded persons. International medical and human rights organizations published articles about these unacceptable implementations.

It is extremely disturbing that the legislation considering independent health services as “offence” and its enactment despite objections from Turkey and other parts of the world came right after this process. Health Minister’s statement that Gezi Park demonstrations showed the necessity for such a legislation is particularly alarming in that it openly shows the threat to the neutrality of health services.

At present, it is the expectation of citizens and physicians in Turkey to have the law annulled by the Constitutional Court.

There are also new legislative arrangements violating the obligations of doctors to keep personal information confidential as one of the most fundamental ethical codes of the medical profession. This obligatory practice was first introduced in November 2011 with a Government decree-law. Now legislations make it imperative for all health institutions and facilities, even the private offices in Turkey to supply personal health data of all their patients, whether examined or given treatment, to the Ministry of Health and Social Security Agency. While the original act was annulled by the Constitutional Court, it was enacted again in another way; the act violates most fundamental patient rights while doctors are forced to breach their obligation to keep personal information confidential. As the act was being brought again before the Constitutional Court, the most recent All-Inclusive Law mentioned above introduces provisions envisaging condemnation and monetary penalties for doctors and health facilities refusing to share their patients’ personal health data.

Our objection to and struggle against these arrangements is ongoing in the name of our profession and patients.

Another hard-to-believe practice in the field of health in Turkey starting from 1 December 2013 is the collection of biometric data from all patients by private health facilities through fingerprints and palm vessel reading system. In order to benefit from the Social Security coverage to which they are entitled, patients have to go through fingerprint and palm vessel reading procedures every time they visit private health facilities. Identity documents with photographs are not considered sufficient, they are considered as potential swindlers and forced to prove their identities through biometric data. The TMA rejects this practice considering it as a clear violation of human rights.

Almost every day many citizens apply to the TMA stating various cases of victimization. Those who refuse to go through biometric testing are told they cannot benefit from their social security rights and they have to pay for examination and treatment costs! The Turkish Medical Association is now preparing to bring a lawsuit against this preposterous practice.

The Turkish Medical Association and physicians in Turkey are struggling for good medical practice and quality health services in Turkey. In the same vein, they declare their desire and will for solidarity with health professionals all over the world.

We believe that we will see FEMS standing with us more in the coming period in our struggle against all these impositions on the physicians of Turkey, and offer our respects and best wishes to the Board.