

Prime Minister, Mr Recep Tayyip Erdogan
Office of the Prime Minister
Vekaletler Caddesi
Basbakanlik Merkez Bina 06573
Kizilay/Ankara

**Directorate of
Professional Activities**

18 June 2013

Your Excellency

I am writing on behalf of the British Medical Association to express grave concern about emerging reports that doctors and other health professionals are being detained for providing emergency treatment to protesters following evictions from Gezi Park.

The primary obligation of all physicians is to provide medical treatment on the basis of need. Threatening or detaining medical personnel who are performing their medical duty constitutes a fundamental violation both of international humanitarian law and of internationally-binding codes of medical ethics.

I am writing therefore to seek your assurances that any medical personnel who have been detained purely on the basis of providing humanitarian medical aid to injured protesters will be released immediately. The purpose of medicine is to assure the protection of human life and health, irrespective of political affiliation. Health professionals must not be targeted for peacefully pursuing their binding professional obligations.

We look forward to hearing from you.

Yours sincerely

**Professor Vivienne Nathanson
Director of Professional Activities**

Chief Executive/Secretary: Tony Bourne

British Medical Association

bma.org.uk

BMA House, Tavistock Square, London, WC1H 9JP



Prime Minister, Mr. Recep Tayyip Erdoğan
Office of the Prime Minister
Vekaletler Caddesi
Başbakanlık Merkez Bina 06573
Kızılay / Ankara

**Directorate of Professional
Activities**

16 July 2013

Dear Prime Minister

Breaches of medical neutrality in Turkey

Further to our letter of 18 June, and the letter sent to you on 12 July by representatives of Physicians for Human Rights (PHR), the World Medical Association (WMA), the German Medical Association (GMA) and the Standing Committee of European Doctors (CPME), the British Medical Association (BMA) remains gravely concerned at mounting evidence of violations of medical neutrality in Turkey.

According to evidence gathered by the Turkish Medical Association, the Human Rights Foundation of Turkey and PHR, the police and other law enforcement officials have deliberately attacked clearly identifiable medical personnel and medical facilities with tear gas, water cannon, and rubber bullets. Police have beaten and detained dozens of doctors and other medical personnel for providing emergency care to those injured by police. There is also evidence that the Ministry of Health has required medical personnel to report the names of injured demonstrators, in clear breach of ethical requirements for medical confidentiality, and of medical personnel who have provided care to the injured.

By providing emergency assistance to the injured, medical workers in Turkey have fulfilled their duty under the International Code of Medical Ethics; had they not done so, they would have risked international condemnation and professional disciplinary proceedings being brought against them. International standards in human rights and medical ethics make it clear that doctors, nurses, paramedics and other health workers must be able to carry out their professional responsibilities to provide emergency and other medical care to those in need, without interference or fear of reprisal. The Turkish Government has a duty to support and protect health workers in their moral, ethical and professional responsibilities to provide care for the sick and injured. The evidence outlined above indicates that doctors and other health professionals have been, and continue to be, subject to a repressive response by the Turkish authorities, in clear breach of the principle of medical neutrality and human rights standards.

The BMA is also alarmed to learn that a health bill, recently submitted by the Ministry of Health to the parliament, would, if passed, criminalise the provision of emergency medical care, not only to demonstrators, but to anyone in need of emergency medical assistance in Turkey. We note that such legislation would be in direct conflict with the fundamental ethical obligation of doctors to give emergency care as a humanitarian duty.

The BMA joins with the representatives of PHR, the WMA, GMA and the CPME in urging you to take whatever action is necessary to ensure immediate protection for all health professionals in fulfilling their professional ethical duties to provide treatment to those in need, and full protection of the right to

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British Medical Association
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appropriate medical care for those suffering injuries. Doctors and other medical staff must be able to fulfil these duties without fear of interference, reprisal, attack or arrest. We urge you to prohibit any such response to those medical personnel who have provided, and continue to provide, emergency medical assistance to injured protesters, or to anyone else in need of emergency medical treatment, in Turkey.

Yours sincerely

Professor Vivienne Nathanson
Director of Professional Activities



November 21, 2013

Minister of Health, Dr. Mehmet Müezzinoğlu
Mithatpaşa Cad. No: 306434 Sıhhiye / ANKARA
Phone: +90 312 585 10 75, E-mail: ozelburo@saglik.gov.tr

Dear Dr. Mehmet Müezzinoğlu,

As physicians, we are writing to express our grave concerns that the Turkish parliament is considering a draft health law that would criminalize the provision of emergency health care in Turkey. As you may know, after debates in the Parliamentary Commission on Family, Labour and Social Affairs, Article 33 was recently revised and sent to the General Assembly as:

“All practices and procedures related to the delivery of health services shall be under the scrutiny of the Ministry of Health. With the exception of health services in emergency situations by authorized and competent persons until the arrival of formal health services, those who deliver or commission others to deliver health services without proper license shall be subject to imprisonment from one to three years and administrative fine equivalent to that of twenty thousand days.”

This would criminalize independent medical care by qualified practitioners throughout Turkey and provide the Ministry of Health with unprecedented control over health care practices in Turkey. In addition, international standards for emergency medical care are based on medical need, not the presence or absence of medical transport. According to Article 33 of the draft law, the presence of state ambulances at a demonstration will be considered grounds not only to prevent emergency medical care by competent, independent clinicians, but also to prosecute emergency medical responders acting under the International Code of Medical Ethics to provide care to those in need.¹

In our July 12, 2013 letter to you, we expressed our concern that the Ministry of Health failed to provide adequate medical care to injured demonstrators – as it does in earthquakes and other medical emergencies. In the absence of emergency medical services by the Ministry of Health, thousands of independent physicians and other medical personnel provided emergency care as individuals through the organization of the Turkish Medical Association. Unfortunately, the Ministry of Health required medical personnel to report the names of injured demonstrators and medical personnel providing care to the injured, which were used to make arbitrary arrests of demonstrators and emergency medical responders.

International standards in human rights and medical ethics make it clear that doctors, nurses, paramedics, and other health workers must be able to carry out their professional responsibilities to provide emergency medical care to those in need without interference or fear of reprisal. The Ministry of Health and the Turkish government have a duty to support and protect health workers who are discharging their moral, ethical, and professional responsibilities to provide care for the sick and injured. Article 33 of the draft health law is not only inconsistent with international

¹ World Medical Association. International Code of Medical Ethics. 1949. www.wma.net/en/30publications/10policies/c8.

standards of medical ethics, but is also inconsistent with Articles 97 and 98 of the Turkish Penal Code, which makes it a crime for medical personnel to neglect their duty of providing emergency medical care to those in need.²

We call upon you, Minister Müezzinoğlu, and the Turkish parliament to:

- Call for the elimination of Article 33 from the draft health law and the exclusion of any provisions that would undermine independent, ethical, non-discriminatory care to those in need;
- Respect articles 97 and 98 of the Turkish Penal Code;
- Repeal the recent Ministry of Health circular requiring medical personnel to report the names of injured demonstrators and medical providers to authorities; and
- Support the independence and autonomy of the Turkish Medical Association and the Human Rights Foundation of Turkey for their critical contributions to the health and human rights of Turkish citizens. These organizations are highly respected by the international medical community for their integrity and the quality of their work.

Yours Sincerely,



Donna McKay, Executive Director, Physicians for Human Rights (PHR)



Dr. Otmar Kloiber, Secretary General, World Medical Association (WMA)



Prof. Dr. Frank Ulrich Montgomery, President, German Medical Association (Bundesärztekammer, GMA)



Dr. Katrin Fjeldsted, President, Standing Committee of European Doctors (CPME)



Dr. Vivienne Nathanson, Director of Professional Activities, British Medical Association (BMA)

CC:

President of Turkish Grand National Assembly (TGNA), Mr. Cemil ÇİÇEK, TBMM
06543 Bakanlıklar – ANKARA, Fax: 90 312 4205165, E-mail: iletisim-tbmm@hotmail.com, baskanlik@tbmm.gov.tr,
cemil.cicek@tbmm.gov.tr

² Turkish Penal Code, Article 97 and 98. See: <http://legislationline.org/documents/action/popup/id/6872/preview>.



January 9, 2014

President of Turkey, Mr. Abdullah Gül, Cumhurbaşkanlığı 06689 Çankaya, Ankara, Turkey;
Phone: +90 312 470 11 00 Fax: +90 312 470 24 33; Email: cumhurbaskanligi@tcgb.gov.tr

Dear President Abdullah Gül,

We are writing to you to express our grave concerns about the health bill that was passed by the Turkish parliament on January 2, 2014. Article 46 of the bill will criminalize emergency medical care and punish doctors with heavy fines and imprisonment for simply assisting Turkish citizens in need of emergency medical care.

The bill states that emergency services provided by authorized personnel would only be allowed “until the arrival of formal health services and health service becomes continuous.” Such vague and unnecessary conditions regarding who can provide medical care and when will result in the arbitrary arrest and punishment of emergency medical responders. International standards in human rights and medical ethics make it clear that doctors, nurses, paramedics, and other health workers must be able to carry out their professional responsibilities to provide emergency medical care to those in need without interference or fear of reprisal. The Ministry of Health and the Turkish government have an obligation to support and protect health workers who are simply adhering to their moral, ethical, and professional responsibilities to provide care for the sick and injured. Article 46 of the draft health law is not only inconsistent with such international standards, but also contradicts Articles 97 and 98 of the Turkish Penal Code, which make it a crime for medical personnel to neglect their duty of providing emergency medical care to those in need.¹

As you may know, we have expressed our concerns about Article 46 of the health bill to Turkey’s minister of health and the parliament on several occasions. On December 9, 2013, Anand Grover, Special Rapporteur on the right to health, also publicly stated that Article 46 “...will have a chilling effect on the availability and accessibility of emergency medical care in a country prone to natural disasters and a democracy that is not immune from demonstrations.... Enacting laws and policies criminalizing the provision of medical care to people challenging State authorities, such as political protestors, will certainly deter healthcare workers from providing services due to fear of prosecution.”²

¹ Turkish Criminal Code, Article 97 and 98, November 2004, <http://legislationline.org/documents/action/popup/id/6872/preview>.

² Office of the High Commissioner for Human Rights, “Turkey: International Experts Warn Against Criminalizing Independent Medical Care in Emergencies,” December 9, 2013, United Nations, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14076&LangID=E>

As concerned physicians in the international medical community, we call upon you, Mr. President, to refuse to sign the health bill into law as Article 46 will compromise the health of Turkish citizens in need of emergency care, undermine essential trust in medical personnel, and violate international and Turkish law.

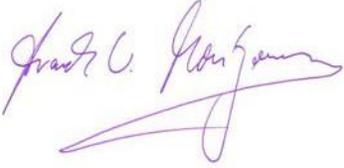
Yours Sincerely,



Donna McKay, Executive Director, Physicians for Human Rights (PHR)



Dr. Margaret Mungherera, President, World Medical Association (WMA)



Prof. Dr. Frank Ulrich Montgomery, President, German Medical Association (Bundesärztekammer, GMA)



Dr. Katrin Fjeldsted, President, Standing Committee of European Doctors (CPME)



Dr. Vivienne Nathanson, Director of Professional Activities, British Medical Association (BMA)

CC:

Minister of Health, Dr. Mehmet Müezzinoğlu
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President of Turkish Grand National Assembly (TGNA), Mr. Cemil ÇİÇEK, TBMM
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Prime Minister, Ahmet Davutoğlu

Office of the Prime Minister
Vekalestler Caddesi
Başbakanlık Merkez Bina 06573
Kızılay/Ankara
Turkey

3 November 2015

Breaches of medical neutrality

Dear Prime Minister

I am writing on behalf of the British Medical Association to express strong opposition to the prison sentences recently passed down to Dr Yasemin Erenç and Dr Sercan Yüksel for treating injured demonstrators in Dolmabahçe Bezm-i Alem Valide Sultan Mosque during the disturbances in Gezi Park in 2013. According to reputable international human rights bodies, including Amnesty International and Human Rights Watch, the prison sentences, although said to be for 'denigrating a mosque', are a politically motivated response effectively punishing health professionals for providing urgent medical treatment to protesters.

As we set out in earlier letters to you following the protests in 2013, doctors are under a professional obligation to provide emergency treatment to those in need. A failure to do so would put them in breach of their duties under the International Code of Medical Ethics and could have led to international condemnation and resulted in disciplinary proceedings by their professional body. International standards in human rights and medical ethics make it clear that all health professionals must be able to carry out their duties to provide assistance to those in need without fear of reprisal. The Turkish government has an obligation to support and protect health professionals as they strive to fulfil their duties to the sick and injured. We are therefore gravely concerned by these prison sentences and urge you to seek their immediate review.

Chief executive: Keith Ward

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Yours sincerely

A handwritten signature in black ink that reads "John Chisholm". The signature is written in a cursive style with a large initial 'J' and a horizontal line underneath the name.

Dr John Chisholm CBE
Chair, BMA Medical Ethics Committee

Sent by email to: embassy.london@mfa.gov.tr

Ümit Yalçın

Ambassador
Republic of Turkey, Turkish Embassy in London
43 Belgrave Square
London SW1X 8PA

3 September 2019

Your Excellency

I am writing to you on behalf of the British Medical Association to express our grave concerns about the continued persecution of physicians and health care workers in Turkey.

We are deeply disturbed by recent reports from the World Medical Association that additional arrests have been made of health care workers including one doctor and three nurses for providing care to a wounded child during a curfew in 2015. We have previously raised concerns about the arrest and detention of physicians for providing care to injured protesters, and for calling attention to the public health impacts of violent conflict, a peaceful exercise of their right to freedom of expression.

Medical staff are under a binding obligation to provide necessary and impartial medical treatment on the basis of need. This is in accordance with international humanitarian law, established human rights norms, and the statements and protocols set out by the World Medical Association. Threatening or detaining medical personnel who are performing their medical duty constitutes a fundamental violation of both international humanitarian law and of internationally binding codes of medical ethics.

Again, we urge the Turkish Government to put an immediate end to the persecution of physicians in Turkey and to release medical personnel who have been detained purely on the basis of providing humanitarian medical aid or for peacefully exercising their right to freedom of expression. Health professionals must not be targeted for peacefully pursuing their binding professional obligations.

In addition, the rights of the injured and wounded to appropriate medical treatment are set out in a range of binding international laws, treaties, and declarations. We call on the Turkish authorities to guarantee the rights of all to prompt and appropriate health treatment.

Yours sincerely



Dr John Chisholm CBE
Chair, Medical Ethics Committee

Chief executive officer: Tom Grinyer

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