

WMA RESOLUTION ON CRIMINALISATION OF MEDICAL PRACTICE

Adopted by the 194th WMA Council Session, Bali, April 2013 as Council Resolution, adopted by the 64th WMA General Assembly, Fortaleza, Brazil, October 2013 and reaffirmed by the 217th WMA Council Session, Seoul (online), April 2021

PREAMBLE

Doctors who commit criminal acts which are not part of patient care must remain as liable to sanctions as all other members of society. Serious abuses of medical practice must be subject to sanctions, usually through professional regulatory processes.

Numerous attempts are made by governments to control physicians' practice of medicine at local, regional and national levels worldwide. Physicians have seen attempts to:

- Prevent medically indicated procedures;
- Mandate medical procedures that are not indicated; and
- Mandate certain drug prescribing practices.

Criminal penalties have been imposed on physicians for various aspects of medical practice, including medical errors, despite the availability of adequate non-criminal redress. Criminalizing medical decision making is a disservice to patients.

In times of war and civil strife, there have also been attempts to criminalize compassionate medical care to those injured as a result of these conflicts.

RECOMMENDATIONS

Therefore, the WMA recommends that its members:

1. Oppose government intrusions into the practice of medicine and in healthcare decision making, including the government's ability to define appropriate medical practice through imposition of criminal penalties.
2. Oppose criminalizing medical judgment.
3. Oppose criminalizing healthcare decisions, including physician variance from guidelines and standards.
4. Oppose criminalizing medical care provided to patients injured in civil conflicts.
5. Implement action plans to alert opinion leaders, elected officials and the media about the detrimental effects on healthcare that result from criminalizing healthcare decision making.
6. Support the principles set forth in the WMA's Declaration of Madrid on Professional Autonomy and Self-Regulation.
7. Support the guidance set forth in the WMA's Regulations in Times of Armed Conflict and Other Situations of Violence.