

Immigration and Refugee Board of Canada

[Home](#)

> [Research Program](#)

> Responses to Information Requests

Responses to Information Requests

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16 September 2016

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Iraq: Requirements and procedures for obtaining medical reports in Kurdistan, particularly Sulaymaniyah, including who can obtain them and whether they can be obtained from abroad; whether reports are kept by hospitals for short-term patients who stayed for two days or less; whether hospitals retain reports of crime-related injuries prepared for the police and whether such reports are available to the injured person (2015-August 2016)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

1.1 Overview on Medical Record Keeping

In correspondence with the Research Directorate, a manager at Medya Diagnostic Center (MDC), a medical centre located in Erbil that "offers full service diagnostics to the public and private sectors" and is accredited by the College of American Pathologists (MDC n.d.), stated that

[t]o date, there are no formal records kept of a patient's medical history and each new disease or period of illness are assessed as a new case with little previous medical incidents accessible other than [the] information [that] the patient can supply. (ibid. 1 Sept. 2016)

Similarly, in a telephone interview with the Research Directorate, an official at the Representation of the Kurdistan Regional Government (KRG) of Iraq in Washington, DC indicated that there are "no medical records in the Kurdistan region" (KRG 29 Aug. 2016).

1.2 Overview on Medical Report Documentation

In discussing medical documentation in Kurdistan's hospitals and healthcare facilities, the KRG official stated that "no report is provided after a medical visit or a medical treatment" but that patients can ask for a medical report if they wish (KRG 29 Aug. 2016).

Concerning the availability of medical reports in the Kurdistan Region, the MDC Manager indicated that [e]very private hospital has different policies but every government owned hospital is required to open a file for the patient containing all medical information including past medical history (information obtained from the patient or their relatives), any investigations and diagnostic procedures carried out during their hospital stay and any treatment received. A summary medical report is not routinely provided upon discharge but because the file is stored away, usually, upon a written request, the file can be re-opened and a report produced. (MDC 1 Sept. 2016)

Similarly, in correspondence with the Research Directorate, an official at Dohuk Governorate's Directorate General of Health stated that in Dohuk, any patient who has been admitted to a public hospital can obtain a "summary discharge report" (Dohuk Governorate 30 Aug. 2016).

1.3 Authorities that Produce Medical Reports

According to sources, copies of medical reports are issued by doctors (Lawyer, Erbil 30 Aug. 2016; Attorney 31 Aug. 2016). Other sources indicated that medical reports are drafted by the patient's doctor and approved by the hospital administration (MDC 1 Sept. 2016; WEO 30 Aug. 2016).

1.4 Retention of Reports for Patients Who Remain in Healthcare Facilities for Two Days or Less

The MDC Manager indicated that "any patient that has been admitted to [a] hospital (regardless of the period of time) will be documented and a file initiated containing all medical information for the duration of their hospital stay" (MDC 1 Sept. 2016). In correspondence with the Research Directorate, a lawyer who practices in a Sulaymaniyah law firm that specializes in, among other fields, insurance and health litigation, indicated that a medical record is filed for any patient who stays "at least 24 [hours]" in the hospital (Lawyer, Sulaymaniyah 31 Aug. 2016). In correspondence with the Research Directorate, an attorney who practices in Erbil and whose area of specialization includes family law issues, indicated, however, that medical reports "could be kept" by the hospital (Attorney 31 Aug. 2016). Further information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Requirements and Procedures for Obtaining Medical Reports in Kurdistan

In correspondence with the Research Directorate, a lawyer who practices in Erbil indicated that a patient, for whom a medical report has been produced, can "generally" request a copy of it from the hospital where they were treated, or directly from the doctor who treated him or her (Lawyer, Erbil 30 Aug. 2016). According to the same source, the patient may need to provide "identification documents" and the "receipt" that was issued by the hospital (ibid.). Similarly, the Manager at MDC stated that copies of medical reports are to be requested at the hospital and that, "usually," the only requirements are a verbal request and an ID card, although "[s]ome hospitals may ask for a simple written request" (MDC 1 Sept. 2016). The lawyer in Sulaymaniyah indicated that the patient needs to provide a written request signed by him or her or by their "attorney-in-fact," as well as a copy of their "personal identification" (Lawyer, Sulaymaniyah 31 Aug. 2016).

The attorney stated that the patient is legally required to provide an identity document (such as a passport, or a national or personal ID card) to obtain a medical report, but that if the doctor has known them for a long time, no proof of identity is required (Attorney 31 Aug. 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the official at Dohuk Governorate's Directorate General of Health, the patient must know their date of admission as well as the department they were admitted to in order to "ease [the] process of getting the records back" (Dohuk Governorate 30 Aug. 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The lawyer in Sulaymaniyah indicated that fees vary (31 Aug. 2016). According to the attorney, the cost to obtain a medical report is approximately 25,000 Iraqi dinars (IQD) [approximately C\$28] (31 Aug. 2016). However, the MDC Manager stated that medical reports are "usually" free of charge (1 Sept. 2016). The Dohuk Governorate official similarly reported that obtaining medical reports is currently free in Dohuk public hospitals (30 Aug. 2016).

2.1 Variations Within the Kurdistan Region

Sources indicated that there are no major differences in the procedure to obtain medical reports between Erbil and Sulaymaniyah (Attorney 31 Aug. 2016), or within the Kurdistan region as a whole (Lawyer, Erbil 30 Aug. 2016; Lawyer, Sulaymaniyah 31 Aug. 2016). In correspondence with the Research Directorate, a representative of Women Empowerment Organization (WEO), an NGO established in Erbil that aims to "consolidate women's roles and capabilities in the Iraqi community" (WEO n.d.), stated that "[t]here are differences ... between public and private hospital procedures, but no major difference[s] ... between the public hospitals all over the region" (ibid. 30 Aug. 2016). In contrast, the MDC Manager explained that medical reports can be obtained "at the discretion of the physician providing the medical care" and that "each hospital or healthcare facility may differ with regards to policies" (1 Sept. 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Persons Who Can Obtain Medical Reports

Without providing further detail, sources indicated that both the patient and his or her family members may obtain a copy of the patient's medical report (MDC 1 Sept. 2016; Attorney 31 Aug. 2016; WEO 30 Aug. 2016). According to the lawyer in Erbil, "[a] guardian can obtain a medical report for any minors or persons in their care" (30 Aug. 2016). The Dohuk Governorate official indicated that in Dohuk, relatives can obtain a patient's medical report if they possess an "official court allowance" indicating that they are officially representing the patient (30 Aug. 2016). Information on the need for a "court allowance" in the Kurdistan region's other governorates could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that a patient's medical report can be obtained by someone holding a power of attorney (Lawyer, Sulaymaniyah 31 Aug. 2016; Lawyer, Erbil 30 Aug. 2016) or "the receipt" (ibid.). The attorney stated that anyone who holds a power of attorney and has been approved by the Ministry of Health can obtain someone's medical report, but that, "in most of the cases," hospitals would give the medical report to someone holding a power of attorney without ministerial approval (31 Aug. 2016).

The MDC Manager indicated that courts and law enforcement services can request a copy of a medical report "if criminal involvement is suspected" (MDC 1 Sept. 2016).

According to the lawyer in Sulaymaniyah, a patient's medical report can be obtained as well as by the following entities:

[I]itigant parties, judges of courts, inquiry bodies, [the] physicians who signed the report, [the] attending physician, licensed private hospitals, public hospitals, interim or permanent medical commissions, testing laborator[ies] and radiography labs. (Lawyer, Sulaymaniyah 31 Aug. 2016)

The same source stated that, in case the patient is applying for a residency status in another country, authorities within that country may request their medical reports, "formally and in writing," through the Department of Foreign Relations of the Kurdistan Regional Government (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.3 From Abroad

According to sources, in order to obtain their medical report from abroad, the patient needs to designate a representative who presents the request on their behalf to the hospital or doctor (MDC 1 Sept. 2016; Attorney 31 Aug. 2016; Lawyer, Sulaymaniyah 31 Aug. 2016). The lawyer in Sulaymaniyah indicated that the requestor must visit either an Iraqi Embassy or Consulate, or a KRG Representative Office abroad in order to grant a power of attorney to an individual residing in Kurdistan (ibid.). The lawyer in Erbil stated that the patient can also write to the hospital to request a copy of the medical report, providing the "receipt" and "some form of identification" (30 Aug. 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. According to the attorney, the process to obtain a report in such a way "takes months to complete"; if the medical record is kept by a private hospital, the patient can directly email the hospital to obtain their report (Attorney 31 Aug. 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Medical Reports of Crime-related Injuries

3.1 Whether Hospitals Retain Reports

Sources indicated that in the Kurdistan region, hospitals have to report crime-related injuries to the police (KRG 29 Aug. 2016; MDC 1 Sept. 2016). According to the MDC Manager, the report is drafted by the patient's doctor, and one copy is kept at the hospital and another one is provided to the law enforcement authorities (ibid.). In contrast, the official at the Representation of the KRG in Washington stated that, although the police is informed of the injury, a medical report will only be sent to the police if the police ask for it (29 Aug. 2016). According to the lawyer in Erbil, two reports are issued, a "medical report" written by the doctor and a "hospital police report" which is "written by the police officer at the hospital that addresses the accident and possible criminal elements" (Lawyer, Erbil 30 Aug. 2016). The same source stated that a copy of each report is sent to the court and another copy of each report is kept "in the hospital's system indefinitely" (ibid.). According to the attorney, the investigator opens a file, which is kept at the hospital (Attorney 31 Aug. 2016). The same source explained that, if a report is claimed by a court, a copy of this file will be sent to the court (ibid.).

3.2 Whether Reports are Available to the Injured Person

According to sources, copies of medical reports for crime-related injuries can be obtained by the patient at their own request (Lawyer, Erbil 30 Aug. 2016; Attorney 31 Aug. 2016). Without providing further detail, the official of the KRG stated that the patient can request their medical report at the police department (29 Aug. 2016). The lawyer based in Erbil indicated that

[a]nyone who has a [power of attorney] can obtain a copy of the medical report, but they must file a request with the court, then the court will address a letter to the hospital instructing them to provide a copy to the person. (30 Aug. 2016)

However, the MDC manager said that, to her knowledge, "the patient will not be provided with the report when requested" (MDC 1 Sept. 2016). According to the same source,

[d]ue to the sensitive nature of the information provided by the doctor, an official body (the Ministry of Health or the Ministry of Justice or a court official) would have to place a formal request to obtain a copy. (ibid.)

4. Challenges in Obtaining Medical Reports

The lawyer in Sulaymaniyah indicated that some of the challenges to obtain a medical report include the failure of medical or law enforcement authorities to provide the medical report without a "justified reason ... [which] mostly can be overcome through a lawyer" (31 Aug. 2016). According to the same source, if a person is "politically targeted or wanted due to terror related matters," it is "usually" difficult for them to be represented through a power of attorney due to potential restrictions (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. The MDC Manager indicated that if the nature of the illness is "particularly sensitive," the patient may have to request their medical report in person at the health facility (MDC 1 Sept. 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Without providing further detail, the Dohuk Governorate official stated that in Dohuk, "outpatient report[s], laboratory reports, radiology report[s], [reports for] short admission under observation in the emergency department" cannot be obtained (Dohuk Governorate 30 Aug. 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4.1 Destroyed, Lost or Incomplete Reports

According to the lawyer in Sulaymaniyah, the "Instructions for Destruction of Official Documents of the Ministry of Health," published in 1976, states that "[o]fficial files are destroyed, if destructible, after 20 years or 15 years after its closure" (31 Aug. 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. The lawyer in Erbil stated that, in Sulaymaniyah, medical reports are kept for 10 years (30 Aug. 2016). The Dohuk Governorate official indicated that in Dohuk, public hospitals keep records of admitted patients for up to 15 years, but "sometime [s] less ... when stores are full of records" (30 Aug. 2016).

However, the MDC Manager noted that "in most hospitals ... all documentation is in the form of a hard copy" and "many hospitals do not store previous medical reports for a long time" (MDC 1 Sept. 2016). According to the same source, there have been instances in which a patient requests a medical report after it has already been destroyed (ibid.). Similarly, the Dohuk Governorate official reported that in the Dohuk public sector, "since the records are not electronic," it can be difficult to retrieve medical reports (Dohuk Governorate 30 Aug. 2016). According to the same source, if the patient's admission to the hospital took place a long time before they request their medical report, "the chance that records are kept and not discarded is low" (ibid.)

The lawyer in Erbil reported that medical paperwork can occasionally be mishandled (30 Aug. 2016). Similarly, the lawyer in Sulaymaniyah stated that some records have been lost "due to wars and negligence of authorities" (31 Aug. 2016). The MDC Manager stated that

in some circumstances, e.g. busy periods, a patient needing a crime-related report may be accidentally overlooked and a report not carried out or the report may be misplaced or incomplete. (MDC 1 Sept. 2016)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

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Additional Sources Consulted

Oral sources: Faruk Medical City Hospital; International Committee of the Red Cross; Kurdish Women's Rights Watch; Kurdistan Regional Government of Iraq (KRG) – Department of Foreign Relations, Directorate to Combat Violence Against Women, Ministry of Health; Sulaymaniyah Teaching Hospital.

Internet sites, including: Amnesty International; ecoi.net; Freedom House; Human Rights Watch; IRIN; UN – Office of the High Commissioner for Human Rights, Refworld, Development Programme; US – Department of State.

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[Top of Page](#)

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