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[Françai](#)

- [S](#)
- [Home](#)
- [Contact Us](#)
- [Help](#)
- [Search](#)
- [canada.gc.ca](#)

[Home](#) > [Research](#) > [Responses to Information Requests](#)

RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIRs](#) | [Help](#)

[The Board](#)

[About the Board](#)

[Biographies](#)

[Employment](#)

[Legal and Policy References](#)

[Organization Chart](#)

[Publications](#)

[Tribunal](#)

[Decisions](#)

[Forms](#)

[Immigration Appeal Division](#)

[Immigration Division](#)

[Refugee Protection Division](#)

[Statistics](#)

[Research](#)

[Research Program](#)

[National Documentation Packages](#)

[Issue Papers and Country Fact Sheets](#)

[Responses to Information Requests](#)

[Recent Research](#)

26 August 2010

UKR103557.E

Ukraine: Obligations of medical personnel or institutions to file reports with authorities when a victim of assault or other crime is treated
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Information about the obligations of medical personnel or institutions to file reports with authorities when treating victims of assault or other crimes was scarce among the sources consulted by the Research Directorate.

According to a report by the Open Society Institute (OSI), a private foundation created by investor and philanthropist George Soros to promote democracy and safeguard rights (OSI n.d.), medical institutions and law enforcement agencies are obligated to cooperate (OSI 2007, 44). The OSI report refers to Order No. 63 of 1993 of the Ministry of Internal Affairs and Ministry of Health, dated 11 June 1993, and states that managers of hospitals, clinics, and other medical institutions are obligated to inform law enforcement authorities when treating people with injuries that appear to be caused by "illegal actions" (ibid.). A report by the West Ukrainian Centre "Women's Perspectives," a non-governmental organization (NGO) based in Lviv which promotes gender equality, corroborates this information (West Ukrainian Centre "Women's Perspectives" 2007, 67). Citing Order No. 307/105 of the Ministry of Internal Affairs and the Health Ministry, dated 10 May 1993, the report states that "heads of medical institutions must ensure 'the police are informed about all cases of persons with shot and knife wounds and other bodily injuries turning for medical assistance, if there are reasons to believe that they have been sustained as a result of a crime'" (ibid.). However, West Ukrainian Centre "Women's Perspectives" notes that some medical personnel who attend to victims of domestic violence do not follow these rules (ibid.). They provide an example in which a woman who was hospitalized twice for injuries caused by domestic violence, and spent more than a week in the hospital on each occasion, was not given a "forensic and medical examination" of her injuries; instead, the doctor asked if she would prefer to say that she fell and hurt herself rather than involve the police (ibid., 68).

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

- Open Society Institute (OSI). 2007. *Violence Against Women. Does the Government Care in Ukraine?* <http://www.stopvaw.org/uploads/Ukraine_4.pdf> [Accessed 27 July 2010]
- _____. N.d. "About OSI. Overview." <<http://www.soros.org/about/overview>> [Accessed 17 Aug. 2010]

West Ukrainian Centre "Women's Perspectives." 2007. H. Fedkovych, I. Trokhym and M. Chumalo. *Combating Domestic Violence: Ukrainian and International Experience*. Lviv: Publishing House of Lviv Polytechnic National University.
<<http://www.familyviolence.gov.cy/upload/20091217/1261040322-03792.pdf> > [Accessed 5 July 2010]

Additional Sources Consulted

Oral sources: Attempts to reach officials at the Canadian Embassy in Ukraine, the Embassy of Ukraine in Ottawa and the Ukrainian Ministry of Internal Affairs were unsuccessful within time constraints.

Internet sites, including: European Country of Origin Network (ecoi.net), Factiva, Freedom House, Human Rights Watch, Legislationline, Office of the United Nations (UN) High Commissioner for Refugees (UNHCR) Refworld, Radio Free Europe/Radio Liberty (RFE/RL), Transitions Online, UN Secretary-General's Database on Violence Against Women, World Health Organization (WHO).

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[Top of Page](#)

[Important Notices](#)