



Immigration and
Refugee Board of Canada

Commission de l'immigration
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30 June 2011

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Slovak Republic: Procedures for obtaining police reports and medical records; whether the complainant can obtain the police reports and medical records without being personally present
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Police reports

In October 2010 correspondence with the Research Directorate, an official from the Embassy of the Slovak Republic, in Ottawa, stated that the police are obligated to provide the victim of a crime with a copy of the police report (6 Oct. 2010). The official also indicated that the police must send a copy of the police report to an applicant in a foreign country if the person has "legal grounds" for requesting it, such as when the applicant is the victim of a crime or at the request of a legal representative or lawyer (Slovak Republic 6 Oct. 2010). In correspondence with the Research Directorate, a program manager with the Open Society Foundation in Bratislava, a non-governmental organization (NGO) that works to improve transparency and openness in Slovak Society (Peacebuilding Portal n.d.), also stated, in correspondence with the Research Directorate, that a request for a police report can be made in person or through a lawyer (14 June 2011b).

According to the Program Manager, "it takes some time" to obtain a police report, especially if the request comes from outside Slovakia (14 June 2011b). In 16 June 2011 correspondence with the Research Directorate, the Program Manager stated that a request should be made at the institution or office in the area where the individual was last a permanent resident or where the crime was registered. She added that it would take one to three months to get a response (16 June 2011).

In other correspondence, the Program Manager discussed the process for obtaining criminal records (14 June 2011a). She explained that "criminal records are kept by the General Prosecutor Office of the Slovak Republic" and are issued following a written request by the person to whom the records pertain, "whose identity must be verified" (Program Manager 14 June 2011a). The claimant must provide a completed application form, a fee, his or her identity card and, "if necessary to avoid doubts about the identity of the person," a birth certificate (ibid.). The request to obtain the criminal record must be made by the individual in person, by an authorized third party or by "the employer of the applicant with her/his written consent" (ibid.). The authorization given to a third party must be certified by a notary or some other competent authority (ibid.). The Program Manager also stated that applicants who wish to obtain their criminal record while outside of the country must do so through a Slovak embassy (ibid.).

The website of Citizenship and Immigration Canada (CIC) provides the following information for an individual wishing to obtain a Slovak police certificate, which provides details of a criminal record or declares the absence of such (Canada 6 Jan. 2009):

You may obtain a *Výpis z Registra Trestov* in person or through an authorized representative from any office of the public prosecution or any municipality with register by submitting:

- an application form;
- an original identification card; and
- a stamp-duty mark covering the processing fees. (Canada 20 2009)

The CIC website also states that an individual living outside of the Slovak Republic should apply for a police certificate at "the nearest Slovak embassy or consulate" (ibid.). It provides a link to online application instructions and to a list of public prosecution offices, both of which are in Slovak (ibid.).

Medical records

In 27 June 2011 correspondence, the official from the Slovak Embassy declared that it was not necessary for individuals wishing to obtain copies of medical records to do so in person, explaining that a request could be made by letter, although the individual's signature would need to be "legalised" (Slovak Republic 27 June 2011). However, during a 13 June 2011 telephone interview, the Open Society Foundation Program Manager stated that it is "difficult" and time-consuming to obtain medical records unless doing so in person. She explained that in order to give the authority to obtain medical records on one's behalf, it is necessary to take legal steps, such as getting the authorization certified by a notary (Program Manager 13 June 2011). However, she stated that it is "quicker" and

"easier" to obtain one's medical records when doing so in person at the facility at which the medical service was administered, such as a hospital or doctor's office, and providing identification (*ibid.*).

In April 2009, the European Court of Human Rights (ECHR) ruled that the rights of eight Roma women had been violated when they were denied access to their medical records (US 8 Apr. 2011; Open Society Foundations 28 Apr. 2009). According to a press release issued by the Open Society Foundations, the women had originally tried to access their records in 2002 due to the suspicion that they had been forcibly sterilized, but the hospitals involved claimed that the women did not have the right to do so (28 Apr. 2009). The press release states that the Slovak courts upheld the hospitals' decision, saying that the records were the property of the hospitals (Open Society Foundations 28 Apr. 2009). The women were instead granted permission to make handwritten notes when consulting their records (*ibid.*). The press release adds:

The European Court ruled that people have the right to access their medical information, and persons who wished to obtain photocopies of documents containing their personal data should not have been obliged to make specific justification as to why they needed the copies. Instead, it is the responsibility of the authority in possession of the data to prove that there are compelling reasons for not providing that information. (*ibid.*)

According to the United States' *Country Reports on Human Rights Practices for 2010*, following the ECHR ruling, "[f]our of the women subsequently received access to their medical files. The remaining four women continued to be denied access to their medical records" (US 8 Apr. 2011).

In January 2005, "Act No. 576/2004 Coll. of 21 October 2004 on healthcare, health-related services and on the amendment and supplementing of certain laws" came into effect (Alzheimer Europe 27 Apr. 2011). The Act provides access to medical records (*ibid.*; UN 19 Feb. 2009, para. 40). In an article detailing health care in Slovakia, the advocacy organization Alzheimer Europe states that, according to the law,

[t]he patient (or his/her legal representative in the case of incapacity) has the right to examine his/her medical record and to make excerpts or copies. Doctors can refuse access to medical records to patients receiving psychiatric care if they believe that this would negatively affect their treatment. (*ibid.*)

The article also states that

[a]ccording to paragraph 25.1 [of the law], the patient, his/her legal representative and/or a person previously appointed by means of a power of attorney are entitled to access the patient's medical file (to the extent determined by the power of attorney for the latter). (*ibid.*)

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: Neither a representative of the Embassy of the Slovak Republic in Ottawa nor the Embassy of the Slovak Republic in Washington, DC, provided information within the time constraints of this Response.

Publications: *The Right to Know: Europe and the Police*.

Internet sites, including: Access Info Europe; Embassy of the Slovak Republic - in London, Ottawa, and Washington, DC; European Country of Origin Information Network (ecoi.net); Factiva; Policing OnLine Information System; Slovak Republic - Government Office, HealthNet, Ministry of Foreign Affairs, Ministry of Interior, Ministry of Justice, National Health Information Centre, Public Health Authority; United Nations Refworld.