



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 006/2010**

The following is a synopsis of the recommendation emitted by the CNDH . The complete version may be consulted on this institution's web page.

**Mexico, D. F., 18th of February 2010**

**Case: Inadequate Medical Attention to the detriment of V1**

**Responsible Authority:**

**General Director of the Juárez Hospital of Mexico.**

The National Commission emitted its recommendation 06/2010, relating to the complaint received from Q1 on the 24th of October 2008, through which he announced alleged violations to the detriment of V1, a male of 52 years of age, who entered the emergency room of the Juárez Hospital of Mexico in the Federal District on the 6th of October 2008 because he was having a cardiac arrest, according to Q1, and was released that same day after having been treated by the doctors of this hospital.

He added that on the next day, V1 reentered the Juarez Hospital of Mexico due to other health complications and this time doctors diagnosed kidney damage, ordering his internment in this hospital's nephrology ward.

He stated that on the 24th of October 2008, the doctors who were attending V1 informed him that he would be released because his overall health was stable, instructing V2, son of V1, to take him to another hospital in order for him to receive dialysis treatment; along these lines, Q1 mentioned that at the time of V1's release from the Juarez Hospital of Mexico, he was not in control of his body, he could not speak and he was basically very weak, leading him to request the Mexican National Human Rights Commission's intervention to keep this patient from being released until his overall health allowed it.

As a result of the visits performed by staff of the CNDH to V1, of information requested from the Juarez Hospital of Mexico and based on the logical-judicial analysis, the National Commission considers there are elements which prove violations to the rights to the protection of health, and as a result, of life, to the detriment of V1, by the doctors who attended him in the Juarez Hospital of Mexico.

The National Commission recommended instructing whomever it may concern in order to proceed with the reparation of the damage caused to the relatives of V1 as a result of the institutional responsibility the hospital's doctors are liable to. This reparation must be carried out in accordance with the terms established by article 20, paragraph B of the Political Constitution of the United Mexican States as well

as by the precepts recognized in the Declaration about the Fundamental Principles of Justice for the Victims of Crime and Abuse of Power.

It recommended designing and implementing a comprehensive training program on the subject of human rights in the Juarez Hospital of Mexico, giving special importance to the content, handling and observance of the Official Mexican Norms regarding Healthcare, aiming to make the public service provided by both the medical and nursing staff adjust to the legal framework. It must also focus on the same administrative habits they must adhere to whilst fulfilling their duties, guaranteeing the execution of the exact intervention protocols.

Issue instructions to whomever it may concern in order to fully collaborate with the Mexican National Human Rights Commission in the initiation and processing of the complaint that this public institution brings before the Internal Control Body of this hospital against the doctors who intervened in V1's treatment.

Instruct whomever it may concern in order to properly collaborate with the investigations derived from the accusation presented before the Attorney General's Office by the Mexican National Human Rights Commission as a result of these events, given that those involved are federal public servants. The documents which certify that this term has been complied with must be sent to the National Commission.