



Comisión Nacional de los Derechos Humanos

México

Recommendation 007/2010

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., 19th of February 2010

Case: Medical Negligence resulting in loss of life to the detriment of V1 and V2.

Responsible authority:

General Director of the Mexican Social Security Institute.

The National Commission emitted Recommendation 07/2010, relating to the complaint received by the Human Rights Commission of the State of Mexico on the 23rd of February 2009 regarding the complaint submitted by V1, in which she declared that on the 15th of October 2008 she was eight months pregnant; given that she started releasing vaginal fluids, she went to the General Hospital of the District number 68 of the Mexican Social Security Institute (IMSS), located in the municipality of Ecatepec in the State of Mexico. Once at the hospital, an ultrasound was performed on her, followed by a caesarean, without being told about the overall health of V2 (baby); she added that she was released three days afterward even though the incision from the caesarean was infected, adding that V2 perished five days after her birth, without being given information regarding her true cause of death. She also pointed out that she was not given a birth certificate because there was no paper in stock at the hospital, even though such document was a requirement for the burial of V2. As a result, V1 requested the intervention of the Mexican National Human Rights Commission in order to investigate these events as well as V2's cause of death.

From the logical-juridical analysis performed in conjunction with the evidence that makes up the file, the National Commission possesses elements which prove violations to the right to the protection of health, and as a result, of life, to the detriment of V1 with the death of V2, by civil servants of the Mexican Social Security Institute.

The National Commission recommended instructing whomever it may concern, in order to proceed with the indemnification of the relatives of V2 or whoever is more rightfully entitled in accordance with the applicable laws and the precepts recognized in the Declaration about the Fundamental Principles of Justice for the Victims of Crime and Abuse of Power, as a result of the institutional responsibility which the doctors of the Mexican Social Security Institute who intervened in this case are liable to.

Issue instructions to whomever it may concern so that in that General Hospital of the District No 68 of the Mexican Social Security Institute, a comprehensive training program on the subject of human rights is designed and implemented, 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 sane administrative habits they must adhere to whilst fulfilling their duties, guaranteeing the execution of the exact intervention protocols, having to send the documents which certify that these conditions have been fulfilled to the National Commission.

Collaborate fully 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 institute, against the doctors who intervened in the treatment of V1 and V2, sending whichever documents are required to the National Institution.

It also recommended a proper collaboration 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