



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 037/2010**

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 City, June 17th, 2010**

**Subject: About the case of inadequate medical attention to the detriment of V1 (Yucatan)**

**Authority responsible:**

**Secretary of Public Health**

On the 30th of January 2009 V1, a 26-year-old woman, was admitted at the Highly Specialized Regional Hospital of the Yucatan Peninsula, a dependency of the Secretariat of Public Health, after being diagnosed with endometrial cancer. AR1 prescribed a hysterectomy as treatment and, given that the patient was overweight, he also ordered an evaluation by a bariatric surgery specialist in order to carry out a gastrojejunal anastomosis (mini-gastric bypass). AR2 confirmed the feasibility of performing the mini bypass at the same time as the hysterectomy.

Due to all of the complications which emerged after the surgical interventions performed on the patient at the aforementioned Regional Hospital, V1 died on July 17th, 2009. In light of these events, Q1 filed a complaint before the State Human Rights Commission of Yucatan, which was passed on to this National Commission due to jurisdictional reasons.

From the logical juridical analysis carried out on the entirety of the evidence which makes up this case, the Mexican National Human Rights Commission observed that sufficient evidence exists to confirm that V1's rights to health protection and life were violated as a result of the inadequate medical attention provided, attributable to personnel of the Highly Specialized Regional Hospital of the Yucatan Peninsula, a dependency of the Secretariat of Public Health.

Therefore, the National Commission allows itself to respectfully present you, Mr. Secretary of Public Health, with the following Recommendations:

First. Issue instructions to whomever it may concern in order to take the necessary measures to repair the damages and compensate the relatives of V1, resulting from the institutional responsibility incurred upon by the doctors of the Highly Specialized Regional Hospital of the Yucatan Peninsula who treated her, sending evidence of compliance to the National Commission.

Second. Issue instructions to those concerned so that within Secretariat of Health hospitals, and especially within the Highly Specialized Regional Hospital of the Yucatan Peninsula, comprehensive training and education programs on the subject of human rights are developed and implemented, with special emphasis on the content, management, and observance of the Official Mexican Norms regarding matters of health, so that the public service provided by both the medical and nursing staff is adjusted to suit the legal framework and administrative best practices that should be observed whilst performing their duties, guaranteeing that intervention protocols be applied precisely, therefore avoiding actions which violate human rights such as those which led to this recommendation. Evidence of compliance should be sent to the National Commission.

Third. Cooperate fully with the Mexican National Human Rights Commission in the initiation and processing of the complaint brought before the Secretariat of Health's Internal Control Body against the doctors who participated in the treatment of V1, sending evidence of compliance as required to the National Commission.

Fourth. Cooperate duly in the investigations stemming from the complaint that concerns the presented events which the Mexican National Human Rights Commission brings before the Attorney General's Office, as the case involves federal public servants, and remit to the National Commission proof of compliance as required.