



Comisión Nacional de los Derechos Humanos

México

Recommendation 60/2011

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, October 14th, 2011

SUBJECT:ABOUT THE CASE OF A SUSPENDED LIFELONG ORPHAN'S PENSION AND MEDICAL SERVICES TO THE DETRIMENT OF V1

AUTHORITY RESPONSIBLE: HEAD OF GENERAL MANAGEMENT AT THE INSTITUTE OF SOCIAL SECURITY AND SERVICES FOR STATE EMPLOYEES (ISSSTE)

The events took place at two different times. The first occurred on February 13th 2007 when, according to Q1, his brother, V1, who suffers from convulsive crises (epilepsy), was stripped of the card with which he claimed his lifelong orphan's pension which was given to him on April 25th 1994 by the Institute of Social Security and Services for State Employees' representative for the southern region of the Federal District. Subsequently, the second event took place during August 2008, at which time the staff of the ISSSTE's Hospital-Clinic in Manzanillo, Colima refused to give him the medical attention he required, a service which he had been receiving since January 27th 1995.

Along these lines, Q1 considered it unfair for V1 not to receive any of the money which his pension entitled him to, even though his card was "active" at the time. He therefore requested the intervention of the Mexican National Human Rights Commission to find out who had benefitted from this. The National Commission consequently initiated files CNDH/1/2008/4790/Q, asking the general manager of the ISSSTE for the corresponding report, as well as for V1's medical history.

From logical juridical analysis performed on the entirety of the evidence contained within file CNDH/1/2010/1742/Q, the National Commission was able to gather sufficient proof to confirm the violation of the rights to health protection, legality and legal certainty and to enjoy social security benefits to the detriment of V1, committed by civil servants of the ISSSTE.

In response to these events, the Mexican National Human Rights Commission considers it necessary to issue the following **Recommendations**:

To you, the Head of General Management at the Institute of Social Security and Services for State Employees:

First. Instruct whoever it may concern so that the necessary steps are taken to comprehensively repair the damage caused to V1, in accordance with the terms of

the conciliatory proposal dated on February 24th 2009, issued by the Mexican National Human Rights Commission. Proof of compliance must be submitted.

Second. Collaborate with the Mexican National Human Rights Commission during the initiation and processing of the complaint it files before the Internal Affairs Department of the Institute of Social Security and Services for State Employees against the civil servants involved in this matter. Any proof of compliance requested must be sent to the national commission.

Third. Dully collaborate with the investigations deriving from the report filed by the Mexican National Human Rights Commission before the Attorney General's Office in response to these events, given that federal public servants are involved. Any proof of compliance requested must be sent to the National Commission.

Fourth. Instruct all the necessary persons so that, in the state offices of the Institute of Social Security and Services for State Employees and especially at the Colima State Office, comprehensive training programs on human rights are developed and carried out. The goal of this is to ensure that the service provided by both medical and nursing staff in accordance with their responsibilities, is adjusted to suit the legal framework and done with respect for human rights. Proof of compliance must be sent to the National Commission.