



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 5/2011**

*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, 3rd February, 2011**

**Case: negligence due to the inadequate medical care of V1 and V2 at the Women's Hospital run by the Federal Department of Health**

**Authority Responsible: Federal Secretary of Public Health**

On 3rd September, 2010, V1, a 42 year old woman, in the 37th and 38th week of pregnancy, went to emergency services at the Women's Hospital run by the Federal Department of Health, given that she was experiencing contractions. Later, the medical staff that attended her, without specifying her personal details, informed her that she would be sent to the operating theatre, in order to perform a caesarean birth. However, this was not carried out due to her irregular blood pressure. Furthermore, according the complaint, V1 returned to a regular stability. However, medical staff of said hospital denied her the caesarean, without showing identification details. The decision was based on the fact that the patient was 37 weeks pregnant. Additionally, on September 6th, 2010, they carried out various tests that indicated that V1 and V2 (the baby) were healthy.

Eventually, on September 9th, 2010, medical staff at the Women's Hospital run by the Secretariat of Public Health informed Q1 that V2 no longer showed signs of movement and that they no longer detected its pulse. As a result, V1 underwent a caesarean, but the baby was removed, no longer alive. Given the above, on September 10th, 2010, Q1 presented a complaint before the Human Rights Commission of Mexico City. This was then passed on to the National Human Rights Commission, on September 14th of the same month and year, which led to the national institution's request for the respective report from the head of the Women's Hospital run by the Secretariat of Public Health.

The logical legal analysis carried out on the collection of evidence that constitutes file CNDH/1/2010/5441/Q, under the provisions of article 41 of the Law on the National Human Rights Commission, evidenced elements that proved violations to V1's human right to health protection and V2's right to life. These violations are attributable to medical staff at the Women's Hospital run by the Federal Secretariat of Public Health.

As a result, the National Human Rights Commission presents, with all due respect, the following Recommendations:

To the Secretary of Public Health:

First. Provide instruction to whom it may concern, so that the necessary measures are taken to repair damage and compensate V1 and Q1, or whomever may have or whoever is more rightfully entitled, regarding the institutional responsibility incurred by AR1, AR2, AR3, AR4, AR5 and AR6. These are the doctors assigned to the High Risk Pregnancy service of the Women's Hospital run by the Secretariat of Public Health that attended V1 and failed to check the stability of V1 and V2. Additionally, provide the National Commission with evidence that proves accomplishment of the above.

Second. Circulate instructions to whom it may concern, in order to repair physical and psychological damages to V1 and Q1, which will reduce the suffering present in each specific case. This is through the necessary medical and psychological treatment to recuperate their physical and emotional health. Additionally, provide the National Commission with evidence that proves accomplishment of the above.

Third. Circulate instructions to whom it may concern so that the Women's Hospital run by the Federal Secretariat of Public Health design and deliver integral training programmes regarding content, use and observance of the Official Mexican Norms regarding public health. This is so that the service provided by the medical staff adapts to the framework of legality and healthy administrative practice that they must obey. This is in order to guarantee and supervise the application of study and intervention protocols necessary for the implementation of accurate diagnosis, which gives way to adequate treatment. Additionally, this will lead to opportune and quality medical attention in order to avoid acts such as those that brought about the present declaration. Additionally, provide the National Commission with evidence that proves accomplishment of the above, as well as indications of procedure or evaluation applied to the staff that receive the same instruction, specifying the effective impact produced by training.

Fourth. Circulate instructions to whom it may concern in order to oblige medical staff at the Women's Hospital run by the Secretariat of Public Health to present certification and recertification processed before the Council of Medical Specialities. This is to prove possession of the necessary actualisation, experience and knowledge for maintaining the skills needed to offer professional and adequate medical service.

Fifth. Full collaboration with the national institution in presenting and processing the complaint brought before the Federal Secretariat of Public Health Internal Control Body, presented against AR1, AR2, AR3, AR4, AR5 and AR6. This is, against medical staff at the Women's Hospital involved in the events presented

by this recommendation. Additionally, provide the National Commission with the evidence required.

Sixth. Collaboration, as required, in the investigations derived from the complaint that due to the events the National Human Rights Commission presents before the Attorney General's Office. This is due to the involvement of federal civil servants. Additionally, provide the national institution with any evidence requested.