



Comisión Nacional de los Derechos Humanos

México

Recommendation 9/2011

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, March 18th, 2011

Case: Inadequate medical attention to the detriment of v1

Authority responsible: General director of the Mexican Social Security Institute

On May 12th, 2010, V1, a child aged one and a half years showed symptoms of suffering vomiting, diarrhoea and fever, which caused his mother to take him, the following day, to the Health Centre run by the Secretariat of Public Health, in the municipal district of Agua Dulce, Veracruz. There, medical staff attended the infant and prescribed a "saline solution". However, on the basis that the victim's condition did not improve, on the 14th of the same month and year, his parents took him to the Family Medical Unit number 53, of the Mexican Social Security Institute, located in the aforementioned municipal district. There, he was attended by doctor AR1, who instead of giving him the required urgent medical attention, due to the child suffering hypovolemic shock, ordered his transfer to a hospital located in the municipal district of Coatzacoalcos, Veracruz. He was transported by taxi, as there were no available ambulances, however, V1 died in transit.

The events described in the previous paragraph, were published in a number of information bulletins on May 15th, 2010, in the newspapers "El Diario del Istmo" and "Liberal del Sur". This caused the National Human Rights Commission to launch on the 17th of the same month and year file CNDH/1/2010/2794/Q, in order to discover and investigate the events of the case. Therefore, the CNDH requested the corresponding reports from the secretary of Public Health, the general director of Public Health Services of Veracruz, and the coordinator of The Mexican Social Security Institute's attention to Complaints and Guidance for Right Bearers.

A logical legal analysis was carried out using the evidence that make up the file CNDH/1/2010/2794/Q, in accordance with the terms set out in article 41 of the Mexican National Human Rights Commission Law. Elements from the analysis prove violations to the right to health protection and the right to life to the detriment of V1, attributable to a civil servant of the Family Medical Unit number 53, of the Mexican Social Security Institute located in the municipal district of Agua Dulce, Veracruz.

As a result, the National Human Rights Commission of Human Rights respectfully presents the following Recommendations:

To the General Director of the Mexican Social Security Institute:

First. Instruct whom it may concern so that the necessary measures are taken to compensate the relatives of V1 or whoever is better entitled. This is regarding the institutional responsibility incurred by AR1 and the points considered in the observations chapter of this recommendation. AR1 is a doctor assigned to the Family Medical Unit number 53 of the Mexican Social Security Institute, located in the municipal district of Agua Dulce, Veracruz. The National Commission must be provided with evidence that proves completion of the above.

Second. Circulate instruction amongst whom it may concern in order to repair psychological damage caused to the parents of V1. This is to reduce the suffering they may show through the necessary treatment to restore their physical and emotional health. Provide the National Commission with evidence that proves completion of the above.

Third. Circulate instructions to whom it may concern in order to provide the National Human Rights Commission with evaluation methods that show the positive impact of training on the content and observance of the Mexican Official Norms regarding public health, to be carried out by the Family Medical Unit number 53 of the Mexican Social Security Institute, located in the municipal district of Agua Dulce, Veracruz.

Fourth. Circulate instructions To Whom It May Concern in order to oblige the staff at the Family Medical Unit number 53 of the Mexican Social Security Unit, located in the municipal district of Agua Dulce, Veracruz, to present a copy of the certification and re-certification processed by the Medical Speciality Boards. This is to prove their updating, experience and adequate knowledge for the maintenance of the necessary skills needed to provide an adequate and professional medical service.

Fifth. Ample collaboration with the national institution in the presentation and processing of the complaint presented before the Internal Control Body of the Mexican Social Security Institute, against the medical staff involved in the events described in the present recommendation. Required evidence must also be sent to the National Commission.

Sixth. Necessary collaboration with the investigations derived from the complaint that due to the events the National Human Rights Commission presents before the Attorney General's Office, due to the involvement of a civil servant. Any evidence requested must also be sent to this national institution

Seventh. Circulate instruction To Whom It May Concern in order to provide a medical team, ambulance and medical staff that are qualified and proficient in all areas of the Family Medical Unit number 53 of the Mexican Social Security Unit, located in the municipal district of Agua Dulce, Veracruz. Evidence that proves completion of the above must also be sent to the National Commission.