



Comisión Nacional de los Derechos Humanos

México

Recommendation 13/2011

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, 29th March, 2011

Case: Recourse to impugnation of V1.

Authority responsible: Constitutional Governor of the free and sovereignstate of Guerrero

On January 28th, 2009 at the CODDEHUM, the complaint file CODDEHUM-VG/018/2009-II was registered by V1, in which it is stated that on May 16th, 2008, due to an accident at home, he suffered a dislocation and light fracture of his left ankle. Therefore, he went to the General Hospital of Chilapa de Álvarez, Guerrero, run by the Secretariat of Public Health of this federal entity. There, AR1, who was working at Emergency services at said hospital, put his ankle in cast and told him, verbally, to come back for a check up in six weeks.

On July 2nd, 2008 V1 returned to the same hospital where he was checked over by SP1, a specialist in trauma. He informed that the injury had not progressed correctly, given that AR1 had not verified the positioning of the cast using X-ray, and therefore they would have to operate on July 7th, 2008. However, after the intervention and to the current date, V1 experiences irritation when walking and according to SP1, will suffer these consequences for life as the bone was not set correctly. Once the CODDEHUM carried out the corresponding investigation and upon proving the violation to the human right of protection of health, V1 directed recommendation 015/2010 to AR2, on February 22nd, 2010.

Said resolution was not accepted, given that the authority to which it was sent, responded by accepting the first and third points of the resolution, but not the relative presentation of compensation to V1. Therefore, he called for recourse to impugnation, which was settled at the National Commission under file number CNDH/2/2010/152/RI. On June 24th, 2010, the national institution requested a report from the authority that received recommendation 015/2010, regarding the offences made known by the offended that was not attended.

A logical legal analysis was carried out on the collection of evidence that compose the recourse to impugnation CNDH/2/2010/152/RI described earlier. The national institution agrees with the resolution issued by the state commission, given that the right to protection of health was violated to the detriment of V1.

Given the above, the National Human Rights Commission respectfully presents the following Recommendations:

To the Constitutional Governor of the free and sovereign state of Guerrero:

First. Instruct whom it may concern so that the recommendation 015/2010 is accepted and fully completed. The recommendation was directed to the Secretariat of Public Health of the Government of Guerrero, issued on February 22nd, 2010 by the Guerrero State Human Rights Defence Commission. Evidence that proves the full completion of the above must be sent to the National Commission, in accordance with the information set out in the observations chapter of this document.

Second. Circulate the necessary instructions to repair the damage caused to V1, through psychological, medical and rehabilitative aid, up until his total recuperation. The institution must be informed of the results of the above.

Third. Launch the corresponding administrative process of investigation into the state Secretariat of Public Health, for the acts and omissions specified in the observations chapter of this document. If necessary, keep the National Commission informed from the beginning of the investigation to the conclusion of the respective procedure, as well as the resolution issued, seeing as the required reports were not provided.