



RESPONSES TO INFORMATION REQUESTS (RIRs)

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13 June 2007

MEX102551.E

Mexico: Protection available to women victims of domestic violence in the state of Jalisco (2005 - May 2007).
Research Directorate, Immigration and Refugee Board du Canada, Ottawa

Situation

Cecilia Vargas Alcazar of the Jalisco State Commission for Human Rights (Comision Estatal de Derechos Humanos Jalisco, CEDHJ) is quoted in a 9 March 2007 *La Jornada Jalisco* article as saying that the number of women who have died as the result of violence in Jalisco has increased substantially in the last two years and that [translation] "of the analyzed cases, 57 percent of the time, the woman was killed by her partner, after years of domestic violence".

The Jalisco Institute of Forensic Science (Instituto Jalisciense de Ciencias Forenses, IJCS) reportedly registered 44 murders of women in 2004, 28 in 2005 and 32 in the first six months of 2006, of which 7 murders were committed by the victim's partner (*El Universal* 29 Sept. 2006).

In an interview with Notimex, the Mexican national press agency, the Executive Director (*Secretario Ejecutivo*) of the CEDHJ indicated that women tend not to report abuse; for the year 2005, 3,196 human rights complaints were lodged by men whereas only 1,203 complaints were lodged by women (Notimex 21 Nov. 2006).

Mural, an online publication covering Guadalajara news, reports that from January to April 2006, the Office of the Attorney General of Jalisco (Procuraduria de Justicia del Estado de Jalisco, PGJ Jalisco) received 104 reports of violence against minors and that the Family Assistance Centre (Centro de Atencion a la Familia) of the Jalisco branch of the Network of Family Development Agencies (Sistema Nacional para el Desarrollo Integral de la Familia, DIF Jalisco) responded to 545 cases of this nature (18 May 2006).

In written communication with the Research Directorate, the President of the Centre for Guidance on and the Prevention of Sexual Assault (Centro de Orientacion y Prevencion de la Agresion Sexual) stated that all state institutions that provide assistance to women victims of violence maintain independent registries, which makes it difficult to access reliable comprehensive statistics on domestic violence (1 June 2007).

Legal situation, including restraining orders

The state of Jalisco adopted the Law to Prevent and Respond to Domestic Violence (*Ley para la Prevencion y Atencion de la Violencia Intrafamiliar del Estado de Jalisco*) in December 2003 (Jalisco 24 May 2007). There are ongoing discussions around the state-level application of the federal government's February 2007 General Law on Women's Access to a Life Free of Violence (*Ley General de Acceso de las Mujeres a una Vida Libre de Violencia*) (Centro de Orientacion y Prevencion de la Agresion Sexual 1 June 2007).

On 30 May 2007, during a telephone interview with the Research Directorate, the Director of Victim Assistance (Atencion a Victimas) of the PGJ Jalisco stated that a family judge can order the separation of an aggressor from a victim (Jalisco 30 May 2007). The PGJ Jalisco may request such an order after a victim presents herself to its Victim Assistance unit (*ibid.*). In a majority of cases, the separation of the aggressor and victim is requested, but in cases determined to be higher risks, the woman is moved to a shelter (*ibid.*). If a police officer commits domestic violence, the same legal procedures apply (*ibid.*). In addition, the police force has an internal body in charge of personnel management that helps the public prosecutor's office (Ministerio Publico) to conduct an inquiry (*ibid.*). Additionally, public sector employees may face more severe penalties for crimes, as specified in Article 144 of the state penal code (*ibid.* 2 Sept. 1982).

Governmental services and programs

Technically independent, the State Council for the Prevention of and Response to Domestic Violence (Consejo Estatal para la Prevencion y Atencion de la Violencia Intrafamiliar, CEPAVI) is part of DIF Jalisco and participates in developing public policies in relation to domestic violence (Jalisco n.d.b). CEPAVI has developed a standardized protocol for the institutions assisting victims of violence in the state of Jalisco in order to improve services and to facilitate the process for reporting violence (*La Jornada Jalisco* 8 Mar. 2007).

In a phone interview with the Research Directorate, the head of the Legal Department of DIF Jalisco provided the information in the next three paragraphs, indicating that his organization offers services through the help of an interdisciplinary team (psychologists, social workers, medical doctors, lawyers) (Jalisco 31 May 2007).

Additionally, from the time a complaint is recorded, the PGJ of the state also offers support to the victim. The Victim Assistance branch (Dirección de Atención a Víctimas) conducts this work with the help of its own team of interdisciplinary experts.

DIF Jalisco offers similar support to all women, even if they have not registered a complaint with the PGJ, and help is provided on a need-by-need basis, without time restrictions. All of DIF Jalisco's services are offered free of charge. DIF Jalisco helped 1000 people living in violent situations in 2005, 800 in 2006 and 300 in the first five months of 2007; most victims came from the Guadalajara metropolitan area. These numbers do not take into account the services provided by the municipal DIF in Guadalajara.

DIF Jalisco operates and finances one shelter, whose location is kept secret. DIF Jalisco also contacts temporary shelters (*albergues*) to verify whether they have room for the women who contact them in need of refuge. Access to the DIF shelter is granted only after a registered complaint, and after any possibilities for assistance from the victim's extended family have been considered and an evaluation of the woman has been conducted by the DIF team of experts at its Family Assistance Centre. The head of DIF Jalisco's Legal Department added that access to their shelter is not easy, as eligibility requirements are strict. Although there is room for 35 families in the shelter, there were only 4 families in it at the time of the telephone interview, 31 May 2007. Additionally, it is very common for women from other states to request services from DIF Jalisco. When a situation is deemed "high risk," a woman who seeks refuge in Jalisco may be housed in a shelter in another state.

However, the President of the Centre for Guidance on and the Prevention of Sexual Assault stated that there was no [translation] "official shelter" in Jalisco, only one operated by DIF Guadalajara for minors, which has a section for women victims of abuse (Centro de Orientación y Prevención de la Agresión Sexual 1 June 2007). The President also indicated that women are usually referred to shelters operated by religious congregations, which are not adequately prepared to respond to victims' needs, do not employ specialists and do not provide proper security (*ibid.*).

The Director of Victim Assistance of the PGJ stated that her branch works with DIF Jalisco to provide support to women victims of violence, including moving a victim to a shelter in Jalisco or to another state (Jalisco 30 May 2007). Although not common, a woman coming from another state can have the same access to the support services provided by the PGJ and DIF Jalisco (*ibid.*). The state of Jalisco has signed agreements with all the other states in Mexico to make this possible (*ibid.*). The Victim Assistance branch helps women find all the support they might need, including help in registering a complaint with the authorities (*ibid.*). From the beginning, a therapist can be assigned to a woman for a period of one or two years as needed (*ibid.*). When violence happens outside the Guadalajara metropolitan area, the Guadalajara-based team can go to the victim's home (*ibid.*).

DIF Guadalajara has an Institute for the Prevention of and Response to Family Violence (Instituto para la Prevención y Atención de la Violencia Familiar), which sets public policy and operates units responsible for preventing and responding to domestic violence in Guadalajara (Guadalajara n.d.). Similarly, DIF Zapopan has a Social and Gender Violence Observatory (Observatorio de Violencia Social y de Género), which is funded by federal, state and municipal governments and works in this municipality, offering training to DIF employees and counting the number of cases of domestic violence reported to authorities and in the media (Zapopan 17 Aug. 2006).

According to the President of the Centre for Guidance on and the Prevention of Sexual Aggressions, police do not receive training on how to respond to domestic violence cases, which leads to inappropriate responses, particularly in smaller municipalities and rural areas (Centre for Guidance on and the Prevention of Sexual Aggressions 1 June 2007). The President added that, sometimes, public prosecutors discourage women from registering complaints (*ibid.*).

Jalisco Institute of Women

In written communication with the Research Directorate, a planning analyst (*analista de planeación*) from the Jalisco Institute for Women (Instituto Jalisciense de las Mujeres) explained that the Institute operates a telephone help line for women, which provides psychological and legal support, as well as information on programs and services available to women (Jalisco 24 May 2007).

The Jalisco Institute for Women offers other services, which are listed on their Web site and include access to a documentation centre (*ibid.* n.d.a). The Institute offers personal counselling for women, including those living in violent situations, going through a divorce or requesting child support payments (*ibid.*). From January 2004 to March 2005, the Institute reportedly provided legal aid to 1,405 women, of which 514 concerned cases of violence (*Mural* 1 July 2005). In 658 of the 1,405 cases, service was provided in Guadalajara (*ibid.*). The Institute also operates a telephone help line and this service received 5,845 phone calls between its inception in April 2004 and July 2005 (*ibid.*).

The planning analyst also indicated that the Institute has provided training on gender and access to justice to public prosecutors (*agentes del Ministerio Público*) posted to agencies working on cases involving sex crimes, abuse

of minors and domestic violence and to employees of PGJ Jalisco's Crime Victim and Community Services Unit (Coordinacion de Atencion a Victimas del Delito y Servicios a la Comunidad) (Jalisco 24 May 2007).

Temporary shelters

The head of the Legal Department of DIF Jalisco stated that there are 110 temporary shelters (*albergues*) in the state of Jalisco (Jalisco 31 May 2007). Unlike the specialized shelter in Jalisco, their locations are not secret and they are usually used for temporary stays (*ibid.*). It is likely that if a woman requires help for several months, she will have to move from one temporary shelter to another (*ibid.*). The temporary shelters are financed by civil society associations (*ibid.*). Unlike at the DIF Jalisco shelter, women do not have to meet specific conditions to enter a temporary shelter although the system is usually full, as the demand for temporary shelter usually exceeds shelter capacity (*ibid.*).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact the Centro de Investigacion y Atencion a la Mujer (CIAM) were not successful.

Internet sources, including: Comision Estatal de Derechos Humanos del Estado de Jalisco; Factiva; Gobierno de Jalisco; Procuraduria General de Justicia del Estado de Jalisco; Secretaria de Seguridad Publica, Prevencion y Readaptacion Social de Jalisco.

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