



RESPONSES TO INFORMATION REQUESTS (RIRs)

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Mexico: Protection and recourse available in Puebla to a young girl beaten and sexually assaulted by her mother's spouse who is not her father (1999 to January 2003)
Research Directorate, Immigration and Refugee Board, Ottawa

The information which follows was provided by the director of the crime victims' services department of the Crime Victims' Protection Centre of the Office of the Justice Attorney General in the state of Puebla (Centro de Protección a Víctimas de Delitos de la Procuraduría General de la Justicia del Estado de Puebla) during a telephone interview held on 8 January 2003.

A victim of family violence, including a person assaulted by her step-father, can lodge a complaint concerning the act of violence with the Specialized Agency for Sexual Offences and Family Violence (Agencia Especializada en Delitos Sexuales y Violencia Intrafamiliar) of the public prosecutor's office located in Puebla, as well as with other public prosecutor's offices. This body will then undertake an investigation to assess the evidence against the person accused of the offence and the possibility of prosecuting the person. In cases where the public prosecutor's office determines that the person responsible for the violence is a parent (a definition that includes step-parents), the System for Integral Family Development (Sistema para el Desarrollo Integral de la Familia, DIF) can intervene and remove the minor from the home where the violence occurred. The DIF then determines which family member or authority should be entrusted with custody of the minor. In Puebla, the DIF manages a safe-house called the Casa de la Familia Poblana, and the Crime Victims' Protection Centre also administers a temporary shelter for victims of family violence.

Other services available to victims in the municipality of Puebla include those of the Citizens' Office (Procuraduría del Ciudadano) which offers a variety of legal services free of charge to low-income persons, ranging from guidance of the plaintiff to his or her representation in court.

Victims can have recourse to the safeguards provided for by the Law on the Protection of Crime Victims (Ley para la Protección a Víctimas de Delitos) and the Law on the Prevention and Punishment of Family Violence (Ley para la Prevención, Atención y Sanción de la Violencia Familiar). The former provides for free legal and psychological counselling services, as well as health care. It also makes available shelter and food services. The latter, which was passed in 2001, provides for the creation of an inter-institutional victims' assistance agency which has still not been implemented, but for which preparatory work has already been undertaken.

The family violence legislation of several states, however, including the state of Puebla, does not classify family violence as a criminal act (CIMAC 19 Nov. 2002). The penalties applicable to persons guilty of assault in cases of family violence in the state of Puebla correspond to the general provisions applying to crimes involving bodily injury; to date, no penalties have been imposed under those provisions in cases of family violence (*ibid.*).

The services available to victims of family violence in Puebla also include a free and confidential telephone line called Telmujer which came into service on 1 February 1999 (*ibid.* 31 Jan. 2001). By calling this telephone line, victims can obtain, among other things, legal advice on divorce, family violence, support payments and custody of children (*ibid.*). Since it was set up, Telmujer has provided advice for 12,000 people in need, 2,000 of whom have received special attention at the Puebla Women's Institute (Instituto Poblano de la Mujer, IPM) (*ibid.*). In 2000, Telmujer facilitated interventions in at least 126 cases of sexual violence, which included 44 cases of violence against minors (*ibid.*).

The National Women's Institute (Instituto Nacional de las Mujeres) stated in its preparatory report for the UN Special Rapporteur on violence against women that of the 110 people tried by first instance courts in the state of Puebla in 2000 for rape (*violación*), 87 were found guilty and 23 were found not guilty (Mexico July 2002). With regards to the crime of indecent assault (*atentados al pudor*), the same source mentions that of the 60 cases brought before the Puebla courts, all resulted in guilty verdicts (*ibid.*).

In 2001, the IPM provided legal services for 662 persons and supported the legal procedures undertaken in relation to 278 lawsuits (*ibid.*). According to its Internet site, the IPM also provides psychological help (Puebla Sept. 2002a), support group services (*ibid.* Sept. 2002b), the 075 Telmujer telephone line (*ibid.* Sept. 2002c) and the services of a mediation centre (*ibid.* Sept. 2002d.).

The Human Rights Commission of the state of Puebla (Comisión de Derechos Humanos del Estado de Puebla) has put in place an assistance program for women and children in difficult circumstances who are victims of family violence (Programa de Atención a la Mujer, Niñez en Condiciones Extraordinarias y Violencia Intrafamiliar) in order to [translation] "defend, protect and promote the rights of women and children" (ibid. 18 Sept. 2002). Among other things, the program provides services free of charge to assist with the preparation of complaints pertaining to violations of the human rights of women and children and with their submission to the appropriate governmental and non-governmental authorities (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 to refugee status or asylum. Please find below the list of sources consulted in researching this Information Request.

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LEXIS/NEXIS

World News Connection

Internet sites including:

Boletín Electrónico de la Red Feminista Latinoamericana y del Caribe contra la Violencia Doméstica y Sexual. 2001-2002

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La Jornada de Oriente [Puebla]. Search engine. 1999-2002

Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM)

UNIFEM

World Health Organization (WHO)

Search engine:

Google

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