

## INTEGRATED DOMESTIC VIOLENCE COURTS: ONE SOLUTION TO MEXICO'S FEMICIDE EPIDEMIC

### TABLE OF CONTENTS

INTRODUCTION .....	505
I. FEMICIDE IN MEXICO.....	509
<i>A. The Relationship Between Domestic Violence     and Femicide</i> .....	509
<i>B. Machismo and Ciudad Juarez: The Origins of Femicide</i> ..	511
II. MEXICO'S LEGAL SYSTEM: LAWS AND PROBLEMS .....	514
<i>A. Mexico's Basic Government and Legal Structures</i> .....	514
1. <i>Government Structure</i> .....	514
2. <i>Legal System</i> .....	515
<i>B. Mexico's Femicide Laws</i> .....	516
1. <i>Mexico Federal Penal Code Article 325</i> .....	517
2. <i>Problems with Mexico's Femicide Laws</i> .....	518
<i>C. Mexico's Domestic Violence Laws</i> .....	519
1. <i>Mexican Federal Penal Code Article 343</i> .....	519
2. <i>Legal Process</i> .....	519
3. <i>Mexico's Justice Centers for Women</i> .....	521
4. <i>Problems with Mexico's Domestic Violence         Legal Process</i> .....	523
<i>D. Increased Penalties and Deterrence</i> .....	525
III. INTEGRATED DOMESTIC VIOLENCE COURTS AS A SOLUTION.....	526
CONCLUSION .....	532

### INTRODUCTION

*“Ni una mas. Not one more [woman].” - Irinea Buendía<sup>1</sup>*

---

1. Irinea Buendía is an activist and mother of an intimate femicide victim. *¡Ni una mas! A mother's call for justice*, SPOTLIGHT INITIATIVE (May 29, 2019), <https://www.spotlightinitiative.org/news/ni-una-mas-mothers-call-justice>.

## 506 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 51

Dr. Raquel Padilla Ramos, from Sonora, Mexico, was a mother, academic, anthropologist, and activist for indigenous rights.<sup>2</sup> Ingrid Escamilla, from Puebla, Mexico, was a daughter, beauty queen, and master's graduate with a business administration degree in tourism.<sup>3</sup> What do these two women have in common? Both were murdered by their partners.

On November 7, 2019, Dr. Raquel Padilla Ramos was murdered by her domestic partner in Ures, Sonora.<sup>4</sup> Ramos was physically abused and killed with a knife.<sup>5</sup> Her murderer was convicted of femicide and sentenced to forty-five years in a Mexican prison.<sup>6</sup>

On February 9, 2020, Ingrid Escamilla's domestic partner murdered Escamilla in Mexico City, and previously abused her before he viciously murdered her.<sup>7</sup> Her murderer also mutilated and skinned parts of her body.<sup>8</sup> The media released images of her murdered body.<sup>9</sup> People all over Mexico took to the streets and demanded justice, seeking her murderer be convicted of femicide.<sup>10</sup>

These two women's stories illustrate Mexico's current epidemic: femicide. Femicide is the "intentional murder of women because they

---

2. Nicole Guidotti-Hernandez, *Femicidio Close to Home: Remembering Dr. Raquel Padilla Ramos*, MS. MAGAZINE (Nov. 11, 2019), <https://msmagazine.com/2019/11/11/femicidio-close-to-home-remembering-dr-raquel-padilla-ramos/>.

3. *Reina de belleza, amante de la naturaleza y solidaria, así era Ingrid Escamilla antes de ser desollada*, INFOBAE (Feb. 12, 2020), <https://www.infobae.com/america/mexico/2020/02/12/reina-de-belleza-amante-de-la-naturaleza-y-solidaria-asi-era-ingrid-escamilla-antes-de-ser-desollada/> [hereinafter "INFOBAE"].

4. Guidotti-Hernandez, *supra* note 2.

5. EFE, *Raquel Padilla Ramos en la terrible la tarde en la que le arrancaron la vida*, SAN DIEGO UNION TRIBUNE (Nov. 10, 2019 8:29 AM), <https://www.sandiegouniontribune.com/en-espanol/noticias/mexico/articulo/2019-11-10/raquel-padilla-ramos-en-la-terrible-la-tarde-en-la-que-perdio-la-vida>.

6. U.S. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2019 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: MEXICO, 20 (2019).

7. INFOBAE, *supra* note 3.

8. Linnea Sandin, *Femicides in Mexico: Impunity and Protests*, CTR. FOR STRATEGIC AND INT'L STUD. (Mar. 19, 2020), <https://www.csis.org/analysis/femicides-mexico-impunity-and-protests>.

9. INFOBAE, *supra* note 3.

10. Sandin, *supra* note 8.

are women” perpetrated by men.<sup>11</sup> According to the World Health Organization, there are four categories of femicide: (1) murders in the name of “honor,” (2) dowry-related, (3) non-intimate, and (4) intimate femicide.<sup>12</sup> Globally, the most predominant form of femicide is intimate femicide, which is femicide committed by a husband or intimate partner.<sup>13</sup> Dr. Raquel Padilla Ramos and Ingrid Escamilla were both victims of intimate femicide.

These women, like many others, were also victims of domestic violence, which, like femicide, has also been on the rise.<sup>14</sup> Although Mexico is faced with sexual, non-intimate, and intimate femicide, this Note will focus on intimate femicide within Mexico’s legal framework.

Currently, Mexico’s Federal Penal Code Article 325 defines and criminalizes femicide, and individual states’ penal codes have followed suit to enforce in kind.<sup>15</sup> Similarly, Mexico’s Federal Penal Code Article 343 criminalizes “family violence” or domestic violence and individual states’ penal codes contain similar laws.<sup>16</sup> However, despite the criminalization of femicide and domestic violence, these forms of violence against women are still on the rise in Mexico.<sup>17</sup> The Mexican government’s response to the ongoing femicide problem was

---

11. Pan Am. Health Org., *Understanding and Addressing Violence Against Women: Femicide* 1, WHO (2012), [https://apps.who.int/iris/bitstream/handle/10665/77421/WHO\\_RHR\\_12.38\\_eng.pdf;jsessionid=B51013CEF2564B2A3DA8D559608BCE70?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/77421/WHO_RHR_12.38_eng.pdf;jsessionid=B51013CEF2564B2A3DA8D559608BCE70?sequence=1).

12. *Id.* at 2.

13. UNITED NATIONS OFFICE ON DRUGS AND CRIME, GLOBAL STUDY ON HOMICIDE: GENDER RELATED KILLINGS OF WOMEN AND GIRLS 8 (2019).

14. *See generally*, Secretaria de Seguridad y Protección Ciudadana, *Información Sobre Violencia Contra la Mujeres*, INCIDENCIA DELECTIVA Y LLAMADAS DE EMERGENCIA 9-1-1, (Secretariado Ejecutivo Del Sistema Nacional De Seguridad Publica, MEX.), Aug. 25 2020, at 14 (these statistics are determined from 9-1-1 calls).

15. Código Penal Federal [CPF], art. 325, Diario Oficial de la Federación [DOF], 14-06-2012 (MEX.).

16. *Id.* art. 343. *See also* U.S. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, *supra* note 6.

17. Secretaria de Seguridad y Protección Ciudadana, *Instrumento para el Registro, Clasificación y Reporte de Delitos y las Víctimas CNSP/38/15*, INCIDENCIA DELECTIVA DEL FUERO COMÚN 2020, (Centro Nacional de Información, MEX.), Sept. 20, 2020.

## 508 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 51]

a proposal for an increase in the criminal sentence for femicide convictions.<sup>18</sup>

Mexico's intimate femicide and domestic violence problem derives from *machismo*—the notion of male superiority.<sup>19</sup> It is the belief that women are inferior, and men's desire to maintain their superiority leads to the brutalization of women.<sup>20</sup> This distorted belief that women are inherently inferior bleeds into Mexico's justice system.<sup>21</sup>

This Note proposes integrated domestic violence courts as an alternative solution to the femicide epidemic in Mexico. Integrated domestic violence courts should employ individuals who specialize in domestic violence and femicide to diminish the impact of *machismo* in the legal system. Additionally, a single specialized court system is more efficient for domestic violence victims because, currently, domestic violence victims must navigate multiple court systems, including the criminal, civil, and family law court systems. If Mexico implements these proposals, domestic violence and femicide laws will be legitimized and enforced, and perpetrators' impunity will decrease.

Part I of this Note will examine the origins and causes of femicide and domestic violence in Mexico. Part II will discuss the criminalization of femicide and domestic violence and the legal system implementing these laws. Part II will also touch on a Chamber of Deputies proposal to increase penalties for the crime of femicide and show how increased penalties are an insufficient remedy for femicide prevention. Lastly, Part III of this Note will examine how the structure of Integrated Domestic Violence Courts is a preventative measure Mexico can take to decrease femicide and more effectively implement its current legislature.

---

18. Cámara de Diputados, *Bulletin No. 3239 El Pleno aprueba incrementar penas por feminicidio y abuso sexual a menores*, CÁMARA DE DIPUTADOS: COMUNICACIONES, at 1 (Feb. 18, 2020), <https://comunicacionnoticias.diputados.gob.mx/comunicacion/index.php/boletines/el-pleno-aprueba-incrementar-penas-por-feminicidio-y-abuso-sexual-a-menores#gsc.tab=0>.

19. *Infra* Part I, Section B.

20. Patricia M. Hernandez, *The Myth of Machismo: An Everyday Reality for Latin American Women*, 15 ST. THOMAS L. REV. 859, 863 (2003).

21. *Infra* Part II.

## I. FEMICIDE IN MEXICO

Over the course of four years, there was a 139 percent increase in the number of femicides, increasing from 411 in 2015 to 983 femicides in 2019.<sup>22</sup> In 2020, there was a surge in the femicide rate, with the total amount of femicides amounting to 626 from January to August.<sup>23</sup> The number of femicides reached its ultimate high in June of 2020, amidst the COVID-19 pandemic, with ninety-four femicides.<sup>24</sup> Mexico's domestic violence problem increased commensurately to its femicide epidemic.<sup>25</sup>

*A. The Relationship Between Domestic Violence and Femicide*

As illustrated by Dr. Raquel Padilla Ramos' and Ingrid Escamilla's stories, domestic violence is closely related to femicide because these women were also victims of domestic violence before their partners' murdered them. Although women do commit domestic violence, these crimes are more often committed by men and women are the targets.<sup>26</sup> More concerning is that intimate partner violence is the most common form of violence against women.<sup>27</sup> Intimate partner violence is "physical, sexual, psychological, economic abuse[,] and stalking [as] methods of violence . . . perpetrators utilize to achieve, maintain and regain control of their intimate partners or potential ones."<sup>28</sup> It may include coercion or threats.<sup>29</sup> Intimate partner violence may lead to femicide, especially when violence occurs over a long period of time.<sup>30</sup> Although Mexico lacks statistical information about

---

22. T. McGinnis, *Exploring the Legal Context of Femicide in Mexico*, JUST.IN MEXICO (June 12, 2020), <https://justiceinmexico.org/legal-context-femicide-mexico/>.

23. *Instrumento para el Registro, Clasificación y Reporte de Delitos y las Víctimas CNSP/38/15*, *supra* note 17.

24. *Id.*

25. *Infra* Part I, Section A.

26. Georgia Zara & Sarah Gino, *Intimate Partner Violence and its Escalation Into Femicide. Frailty thy Name Is "Violence Against Women."* 9 FRONTIERS IN PSYCHOL., Sept. 26, 2018, at 1, 2.

27. *Id.*

28. *Id.*

29. *Id.*

30. *Id.* at 9.

## 510 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 51

domestic violence, a study conducted in Italy showed about sixty percent of femicides were intimate femicides.<sup>31</sup> The study also concluded intimate partner violence was a recurring factor that led to these femicides.<sup>32</sup>

Although categorizing femicide lacks statistical evidence,<sup>33</sup> there is evidence suggesting an increasing amount of domestic violence is closely interrelated to femicide in Mexico.<sup>34</sup> First, in about forty percent of femicides, the victim knew the perpetrator.<sup>35</sup> Furthermore, thirty-six percent of women who are murdered are murdered in their homes.<sup>36</sup> This data implies husbands or domestic partners are murdering these women. Legal precedent acknowledges this connection: the Mexican Supreme Court established that femicides are often a result of prior violent abuse from their perpetrators.<sup>37</sup>

This connection between femicide and domestic violence is worrisome because domestic violence is on the rise. According to Mexico's 9-1-1 call statistics, domestic violence cases increased from 159,581 in 2016 to 274,487 in 2019.<sup>38</sup> From January to August 2020 alone, the number of domestic violence cases was 160,715.<sup>39</sup> Ultimately, the increase of cases of intimate partner violence indicates that femicide will also continue to rise.

---

31. *Id.* at 6.

32. *Id.* at 8.

33. This notion further cultivates femicide because it hides the problem, which makes it harder to combat. PATRICIA OLAMENDI, INSTIUTION NACIONAL DE LAS MUJERES, FEMINICIDIO EN MEXICO, 90 (2016).

34. Joan H. Robinson, *Another Woman's Body found Outside Jaurez: Applying Velasques Rodrigues for Women's Human Rights*, 20 WIS. WOMEN'S L.J. 167, 174-75 (2005).

35. Sandin, *supra* note 8.

36. OLAMENDI, *supra* note 33, at 85.

37. *Id.* at 91.

38. *Información Sobre Violencia Contra la Mujeres*, *supra* note 14, at 109.

39. *Id.* Note this data is not gender specific.

*B. Machismo and Ciudad Juarez: The Origins of Femicide*

Mexico's femicide epidemic is rooted in *machismo*, which refers to the notion that men are superior to women.<sup>40</sup> *Machismo* defines not only a man's role in society, but it also dictates a woman's role.<sup>41</sup> In Mexico's *machista*<sup>42</sup> society, men must be authoritarian and dominant, while women are expected to behave submissively.<sup>43</sup> Women are viewed as nurturers and home makers, while men are the financial heads of the home.<sup>44</sup> Women are not allowed to participate in the economic realm of society and, therefore, must rely on men for survival.<sup>45</sup> This domination created and maintained through *machismo*, established violence as another role for women endure.<sup>46</sup>

Violence against woman derives from the *machista* worldview, in that men are socialized to believe women must obey them, and men use violence to establish men's role in society.<sup>47</sup> Essentially, men punish women for not adhering to their subordinate role.<sup>48</sup> Men also perpetrate violence against women as a result of their self-perceived failure as men.<sup>49</sup> One theory suggests men originally fueled the idea of *machismo* due to a desire to provide for their families,<sup>50</sup> this desire evolved to a sense of pride and "insecurity that leads [men] to brutalize women."<sup>51</sup> This insecurity stems from the belief that "women are people of less value, unequal, objects that [can be] used

---

40. Gregory Browne, *Royal Road, Lustful Killings in Ciudad Juárez: A Look at "Femicide," Machismo, and Roberto Bolaño's "Precious,"* 1 U. TAMPA INT'L REPOSITORY 48, 51 (2017).

41. Hernandez, *supra* note 20, at 863.

42. *Machista* is the adjective form of *machismo*.

43. Hernandez, *supra* note 20, at 863.

44. *Id.* at 867.

45. *Id.*

46. *Id.* at 866.

47. Tamar Diana Wilson, *Violence against Women in Latin America*, 41 LATIN AM. PERSP. 3, 4 (2014).

48. *Id.*

49. *Id.* at 7.

50. Browne, *supra* note 40, at 51–52.

51. *Id.* at 53. (quoting GLORIA ANZALDUA, *THE NEW MESTIZA* (Aunt Lute Books 1987)).

512 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 51

and discarded, [and] that they can be punished with infinite cruelty.”<sup>52</sup> Thus, these notions cultivate femicide in Mexico.

The femicide epidemic in Ciudad Juarez illustrates the magnitude of the consequences caused by *machismo* in Mexico. Mexico’s femicide epidemic began in the 1990s and early 2000s, with the disappearance of approximately 4,000 women and the murder of approximately 400 women in Ciudad Juarez, Chihuahua.<sup>53</sup> One reason given for these femicides was the proximity of Ciudad Juarez to the U.S. border.<sup>54</sup> The proximity to the border cultivates organized crime, such as drug trafficking, human trafficking, arms trafficking, and money laundering.<sup>55</sup> Generally organized crime increases levels of insecurity in one’s safety and violence in general<sup>56</sup>—thus, increasing the likelihood of violence against women. In fact, there was evidence of sexual violence in thirty percent of these disappearances and murders, and some women were held captive.<sup>57</sup> Although there is evidence of non-intimate and sexual femicides, many of the femicides were a result of domestic violence that escalated to murder due to Mexico’s deeply rooted *machismo* culture.<sup>58</sup>

The problem was made worse by the rise of the *maquiladora* industry in Mexico.<sup>59</sup> *Maquiladoras* are Mexican factories run by foreign countries.<sup>60</sup> The *maquiladoras* took advantage of Mexico’s *machista* society and hired predominately young women at low wages for only eighty cents an hour.<sup>61</sup> The *maquiladoras* justified these low wages because they did not value women’s work or consider women to be primary bread winners.<sup>62</sup> The rise of the *maquiladora* industry led women to experience some financial independence, but also

---

52. OLAMENDI, *supra* note 33, at 41.

53. Jorge Caleron Gamboa, *Seeking Integral Reparations for the Murders and Disappearances of Women in Ciudad Juarez: A Gender and Cultural Perspective*, 14 HUM. RTS. BR. 31, 31 (2007).

54. OLAMENDI, *supra* note 33, at 97.

55. *Id.* at 97–98.

56. *Id.* at 100.

57. *Id.*

58. *See* Gamboa, *supra* note 53, at 32.

59. Robinson, *supra* note 34, at 174.

60. Browne, *supra* note 40, at 50.

61. Robinson, *supra* note 34, at 171.

62. *Id.*



caused many men to lose their jobs.<sup>63</sup> This resulted in a shift in Mexico's gender norms where women became the primary income earners.<sup>64</sup> This shift also fueled male resentment toward women, thus sparking the femicide epidemic.<sup>65</sup>

This powerful change in gender norms initiated a disturbing femicide epidemic because it threatened Mexico's *machista* society.<sup>66</sup> The rise of women entering the work force, and becoming the primary bread winners, only added to men's sense of insecurity.<sup>67</sup> This insecurity, paired with the belief women are property that can be brutalized, led to the murder and disappearances of hundreds to thousands of women.<sup>68</sup> Moreover, husbands and domestic partners were likely the ones enraged by their loss of primary earner status, and therefore, responsible for the femicides.<sup>69</sup>

Unfortunately, these causes of femicide—systemic *machismo* and domestic violence—undermine the seriousness of the epidemic. The problem is much more deeply rooted than two factors can explain. “This perception . . . women were breaking social roles and that the murders were a family matter has denied the murders the serious attention they deserve.”<sup>70</sup> Indeed, the cause of these disappearances and murders were attributed to the change in gender dynamics that challenged *machismo* culture.<sup>71</sup>

---

63. See generally Gamboa, *supra* note 53, at 31–32 (explaining how the factory based economy in Ciudad Juarez prefers female workers and coupled with economic downturns created less jobs for men).

64. See generally *id.* at 32.

65. See *id.*

66. See Browne, *supra* note 40, at 51.

67. See *supra* Section I.B.¶ 2.

68. See Gamboa, *supra* note 53, at 31 (“[s]ince 1993, more than 4,000 women have disappeared from Ciudad Juarez, Mexico, while nearly 400 have been confirmed murdered, the victims of femicide.”).

69. See *id.* at 32 (many femicide cases appear to be connected to domestic partners).

70. Robinson, *supra* note 34, at 175.

71. See *id.* at 174 (changes to traditional notions of males as primary earners spurred tension resulting in violence against women in Ciudad Juarez).

## II. MEXICO'S LEGAL SYSTEM: LAWS AND PROBLEMS

The disappearance and murders of women in Ciudad Juarez led to international pressure from the United Nations and Amnesty International on Mexico to address the femicide problem.<sup>72</sup> As a result of international pressure, Mexico created federal legislation supposedly aimed at addressing femicide. However, Mexico's current legal procedures (or lack thereof) regarding the implementation of femicide and domestic violence laws has fallen short.

### A. Mexico's Basic Government and Legal Structures

#### 1. Government Structure

Mexico is a representative democracy and a federal republic.<sup>73</sup> Mexico has thirty-one states and one federal district.<sup>74</sup> Each state possesses its own sovereignty, but each state is also part of the federation.<sup>75</sup> The Mexican government has three branches of government: the executive, legislative, and judicial branches.<sup>76</sup> The executive branch consists of the Federal Public Administration, headed by the president.<sup>77</sup> The legislative branch consists of the Congress of the Union, which is made up of the Chamber of Deputies and the Chamber of Senators.<sup>78</sup> Lastly, the judicial branch consists of the Mexican Supreme Court and lower court systems.<sup>79</sup>

There are several ways that laws are enacted in Mexico.<sup>80</sup> If either of the Chambers of Congress of the Union do not have exclusive rights over the type of bill that one Chamber is trying to implement,

---

72. *See id.* at 172.

73. Manuel Martínez Pérez, et al., *Legal Systems in Mexico: Overview, Practical Law Country Q&A* (Jan. 1, 2020), WESTLAW 017-6016, [https://uk.practicallaw.thomsonreuters.com/w-017-6016?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/w-017-6016?transitionType=Default&contextData=(sc.Default)&firstPage=true).

74. *Id.*

75. *Id.*

76. *Id.*

77. *Id.*

78. *Id.*

79. *Id.*

80. *Id.*

then both chambers must discuss and vote on the bill.<sup>81</sup> Generally, a bill can be enacted by either chamber and both chambers have the right to approve the bill; “the approval can be total or partial.”<sup>82</sup> From there, the president must approve the bill for the law to be enacted.<sup>83</sup>

## 2. Legal System

Mexico has a civil law legal system, meaning that codes and written laws govern.<sup>84</sup> The main sources of law are the constitution, legislative laws, judicial precedents, customs, individualized forms, consisting of official standards and regulations, and doctrine.<sup>85</sup> The highest court in Mexico is the Supreme Court.<sup>86</sup> The federal court system consists of two appellate level courts, the collegiate circuit courts and the unitary circuit courts, and one district court system.<sup>87</sup> Additionally, each state has its own court system.<sup>88</sup> Mexico does have specialized courts in broadcasting, telecommunications and antitrust, employment, and taxation.<sup>89</sup> However, Mexico does not have specialized femicide courts or domestic violence courts.<sup>90</sup>

Both the federal and state governments have their own, respective penal codes.<sup>91</sup> Although the Mexican constitution is the supreme law of the land, there is no “subordination” between federal law and state law.<sup>92</sup> Instead, each government has power over its jurisdiction can

---

81. *Id.*

82. *Id.*

83. *Id.*

84. *Id.*

85. *Id.*

86. *Id.*

87. *Id.*

88. Jorge A. Vargas, *Mexico and its Legal System*, LAW AND TECHNOLOGY RESOURCES FOR LEGAL PROFESSIONALS (Feb. 27, 2008), <https://www.llrx.com/2008/02/mexico-and-its-legal-system/>.

89. Pérez, *supra* note 73.

90. See ANDRIA HERNANDEZ MONZOY, UN DEVELOPMENT PROGRAM, COMPARING POLICY INTERVENTIONS ON DOMESTIC VIOLENCE IN LATIN AMERICA: CRIMINALIZATION, FEMALE EMPOWERMENT AND MALE ENGAGEMENT 21, 23 (2017).

91. Pérez, *supra* note 73.

92. Jane Kingman-Brundage, *Mexico's Traditional Criminal Justice System: A Layperson's Guide*, 14 JUST. IN MEX. WORKING PAPER SERIES 4, Mar. 2016, at 1, 10, 14, [https://justiceinmexico.org/wpcontent/uploads/2016/03/mexico%](https://justiceinmexico.org/wpcontent/uploads/2016/03/mexico%20)

516 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 51

regulate and classify crimes as it sees fit.<sup>93</sup> Federal criminal laws address issues such as health, economy, and national security.<sup>94</sup> This includes jurisdiction over “smuggling, tax fraud, environmental crime, drug trafficking and other drug crimes, illegal possession of firearms, illegal audio and video cassettes, theft of property of the nation, money laundering, human trafficking, electoral fraud, etc.”<sup>95</sup> In contrast, state’s criminal laws address crimes committed between individuals.<sup>96</sup> States have jurisdiction over “threats, property damage, sexual crimes, fraud and embezzlement, homicide, assault, robbery, etc.”<sup>97</sup>

### *B. Mexico’s Femicide Laws*

Prior to the codification of Mexico’s femicide laws, Mexico’s General Law on Women’s Access to a Life Free from Violence was passed in 2007.<sup>98</sup> This act was intended to define and combat all forms of violence against women, including femicide and domestic violence.<sup>99</sup> The act created protective orders to combat violent crimes against women and was meant to harmonize state and federal laws, requiring a six-month deadline to adopt the laws.<sup>100</sup> However, Mexico did not codify femicide in its Federal Criminal Penal Code until April of 2012.<sup>101</sup> Also, it was not until 2019 that all of Mexico’s states incorporated femicide into state penal codes.<sup>102</sup>

---

E2%80%99s\_traditional\_criminal\_justice\_system\_laypersonsguide\_janebrundage-final-1.pdf.

93. *Id.* See also McGinnis, *supra* note 22.

94. Kingman-Brundage, *supra* note 92, at 10.

95. *Id.*

96. *Id.* at 11.

97. *Id.*

98. Board of Canada, Ottawa, *Mexico: Adoption of the 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), its implementation regulations, and local implementation laws in the Federal District and the states of Mexico, Jalisco and Querétaro*, Research Directorate, Immigration and Refugee, REFworld (June 12, 2008), <https://www.refworld.org/docid/48a3028817.html>.

99. *Id.*

100. *Id.*

101. United Nations, *Entity for Gender Equality and the Empowerment of Women, Latin American Model Protocol for the investigation of gender-related*

*1. Mexico Federal Penal Code Article 325*

Mexico's Federal Penal Code Article 325 defines femicide as depriving a woman of life, solely based on her gender.<sup>103</sup> Article 325 enumerates seven instances that indicate a woman was murdered on the basis of gender.<sup>104</sup> The first, second, and third instances are if the victim shows signs of sexual violence, necrophilia, or any other signs of inflicted injury pre- or post-murder.<sup>105</sup> The fourth is if there is a history of violence and a sentimental or trusting relationship between the perpetrator and the victim.<sup>106</sup> The fifth is if the perpetrator had engaged in criminal acts such as threats or harassment.<sup>107</sup> The sixth is if the victim was prevented from communicating with others prior to her murder.<sup>108</sup> The seventh instance that a femicide was committed is if the woman's dead body is on display.<sup>109</sup> Further, Article 325 states that a perpetrator, if convicted of femicide, will be imprisoned for forty to sixty years and required to pay a fine.<sup>110</sup> Moreover, the perpetrator will lose all rights in relation to the victim, including potential inheritances.<sup>111</sup> Additionally, federal law punishes all public officials who obstruct justice from being served against a perpetrator.<sup>112</sup> These public officials will be imprisoned for three to four years, required to pay a fine, and prohibited from working in

---

*killings of women*, at fn. 269; AUSTRIAN CENTRE FOR COUNTRY OF ORIGIN & ASYLUM RESEARCH AND DOCUMENTATION, MEXICO: DOMESTIC VIOLENCE; COI COMPILATION 12 (2017), [https://www.ecoi.net/en/file/local/1401475/1226\\_1496997659\\_accord-coi-compilation-mexico-domestic-violence-17may-2017.pdf](https://www.ecoi.net/en/file/local/1401475/1226_1496997659_accord-coi-compilation-mexico-domestic-violence-17may-2017.pdf).

102. U.S. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, *supra* note 6.

103. Código Penal Federal [CPF], art. 325, Diario Oficial de la Federación [DOF], 14-06-2012 (Mex.).

104. *Id.*

105. *Id.*

106. *Id.*

107. *Id.*

108. *Id.*

109. *Id.*

110. *Id.*

111. *Id.*

112. *Id.*

518 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 51

public office or commission for three to ten years.<sup>113</sup> If a femicide is not declared, then the laws for homicide apply.<sup>114</sup>

## 2. Problems with Mexico's Femicide Laws

Mexico faces high impunity rates for crimes generally and is unable to effectively implement femicide laws.<sup>115</sup> In 2018, ninety-three percent of crimes in Mexico were either not reported or not investigated.<sup>116</sup> Femicide is likely not an exception to this trend. Impunity rates are heightened by the Prosecutor General's office's lack of funding which results in ineffective criminal investigations.<sup>117</sup> Mexico is unable to effectively implement existing femicide laws due to a lack of investigative protocols "since there is no comprehensive reform that orders and forces the creation and application of criminal investigation protocols . . ."<sup>118</sup> Further, Mexico does not have a specialized court system, police force, or task force to investigate and prosecute femicide.<sup>119</sup>

Additionally, there is a lack of harmony between federal and state femicide laws. Although Mexico's federal law criminalizes femicide, and, as of 2019, all of Mexico states have criminalized femicide, there are disparities between state and federal law.<sup>120</sup> For example, although the federal femicide law penalizes government officers for not enforcing the femicide law, the state of Veracruz does not.<sup>121</sup> Thus, Veracruz cannot hold government officials accountable

---

113. *Id.*

114. McGinnis, *supra* note 22.

115. *Id.*

116. *Id.*

117. *Id.*

118. *See generally* Aliznza por los Derechos de las Mujeres en el Estado de Mexico, *Organismos de la Sociedad civil exigen al estado mexicano que frene la violencia feminicide*, PERSEO (Apr. 29, 2015), <http://www.pudh.unam.mx/perseo/organismos-de-la-sociedad-civil-exigen-al-estado-mexicano-que-frene-la-violencia-feminicida/>.

119. *See* MONZOY, *supra* note 90 (However, besides these generalized legal proceedings, there is a lack of research available regarding how the legal system address femicide legislature).

120. *Id.* *See also* McGinnis, *supra* note 22.

121. *See* Código Penal Estatal de Veracruz, art. 367, Diario Oficial de la Federación [DOF], 2-04-2010 (Mex.).

2021] INTEGRATED DOMESTIC VIOLENCE COURTS 519

for facilitating femicides. This is problematic because states have jurisdiction over crimes between individuals like homicides and femicide.<sup>122</sup> As previously mentioned, each state has the power to enumerate their own criminal and regulate the crimes.<sup>123</sup> Thus, state laws do not have to adhere to the standards Mexico's federal femicide law imposes.

### *C. Mexico's Domestic Violence Laws*

#### *1. Mexican Federal Penal Code Article 343*

The Mexican Federal Penal Code Article 343 defines "family violence" as:

The crime of family violence is committed by anyone who carries out acts or behaviors of dominance, control or assault of physical, psychological, patrimonial, or economic, to any person [who] have been joined by link [in] marriage, of kinship due to consanguinity, affinity or civil, concubinage, or a relationship of a couple inside or outside of the family home.<sup>124</sup>

Domestic violence falls under this definition. Article 343 states a perpetrator can be sentenced for six months to four years in prison and will lose their child visitation rights.<sup>125</sup> The perpetrator will also be required to receive psychological treatment.<sup>126</sup> Additionally, Article 343 extends protection against "family violence" to a person "who is subject to custody, protection, education, instruction or care" of the perpetrator.<sup>127</sup>

#### *2. Legal Process*

Mexico does not have a specialized police unit in charge of domestic violence or a specialized court system designed for domestic

---

122. Kingman-Brundage, *supra* note 92.

123. McGinnis, *supra* note 22.

124. Código Penal Federal [CPF], art. 343, Diario Oficial de la Federación [DOF], 14-06-2012 (Mex.).

125. *Id.*

126. *Id.*

127. *Id.*

## 520 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 51

violence matters despite having laws addressing domestic violence.<sup>128</sup> Oftentimes, family courts have jurisdiction over domestic violence cases because those cases are often treated as a form of violence against family members.<sup>129</sup> Twenty-three out of thirty-one states, do, however, have public prosecution offices, which specialize in investigating domestic violence.<sup>130</sup> The federal public prosecution office, or “The Special Prosecutor’s Office for Violence against Women and Trafficking in Persons,” is responsible for leading government programs to combat domestic violence.<sup>131</sup> The office has thirty prosecutors, nine of which specialize in cases of violence against women.<sup>132</sup> These public prosecution offices are authorized to pursue legal action against a domestic violence perpetrator without the victim initiating the claim.<sup>133</sup>

Mexico also provides emergency, preventative, and civil protective orders.<sup>134</sup> Emergency orders prevent abusers from entering the victim’s home, place of work or study, or another’s home that the victim frequents.<sup>135</sup> Preventative orders include the removal of the abuser’s weapons, inventory of common property, access to shared domicile for the abused, and provide police assistance to implement these measures.<sup>136</sup> Upon request, preventive and emergency orders may be issued by “competent authority” and are valid for a fixed duration.<sup>137</sup> Civil protective orders refer to the temporary suspension of an abuser’s child visitation rights, denial of an abuser’s access to belongings if they are in the shared domicile, and temporary alimony obligations.<sup>138</sup> Civil protective orders are issued by a judge and upon

---

128. See MONZOY, *supra* note 90.

129. *Id.* at 21.

130. *Id.* at 22.

131. U.S BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, *supra* note 6.

132. *Id.*

133. MONZOY, *supra* note 90, at 21.

134. *Id.* at 25.

135. Ley General de Accesos de las Mujeres a Una Vida Libre de Violencia [LGAMVLV] VI, art. 29, Diario Oficial de la Federación [DOF] 01-02-2007 (Mex.).

136. *Id.* art. 30.

137. *Id.* art. 27.

138. *Id.* art. 32.



the victim's request.<sup>139</sup> Further, Mexico created Justice Centers for women to facilitate this legal process.

### 3. Mexico's Justice Centers for Women

Mexico modeled its Justice Center for Women ("Justice Centers") after the Family Justice Centers in the United States. Mexico's Justice Centers, established under the Mexico's General Law on Women's Access to a Life Free from Violence, aim to provide a comprehensive, victim-based approach to challenge gender-based violence.<sup>140</sup> There are fifty-one Justice Centers throughout twenty-nine states. Three states do not yet have a center: Baja California—which has the highest number of intimate partner violence cases in Mexico,<sup>141</sup> Tamaulipas, and Tabasco.<sup>142</sup> The Public Prosecutor's Office, the Office of the Attorney General, the Government Secretariat, Ministry of Women, or other state executive branch may facilitate the Justice Centers, depending on the jurisdiction.<sup>143</sup> Justice Centers provide social services such as medical care, psychological aid, temporary shelter, child care, administrative work areas, and legal aid.<sup>144</sup> Moreover, some Justice Centers have legal units to aid both family and criminal matters, including providing legal advice and legal representation, and issuing protective orders.<sup>145</sup> Mexico's General Law on Women's Access to a Life Free from Violence allows the Prosecutor's Office to grant preventative and emergency orders.<sup>146</sup> Thus, if the Prosecutor's Office facilitated Justice Centers, it could grant the protective order at the center.<sup>147</sup> Some Justice Centers even assist in criminal

---

139. MONZOY, *supra* note 90, at 27.

140. CLAUDIA MIR CERVANTES & ALONSO VERAZA LÓPEZ, INTER-AMERICAN DEVELOPMENT BANK, DOCUMENTATION REGARDING THE ESTABLISHMENT OF WOMEN'S JUSTICE CENTERS 13 (2018).

141. *Información Sobre Violencia Contra la Mujeres*, *supra* note 14, at 110.

142. COMISIÓN NACIONAL PARA PREVENIR Y ERRADICAR LA VIOLENCIA CONTRA LAS MUJERES, DIRECTORIO DE LOS CENTROS DE JUSTICIA PARA LAS MUJERES, (2020).

143. CERVANTES & LÓPEZ, *supra* note 140, at 14.

144. *Id.* at 16.

145. *Id.* at 26, 38.

146. *Id.* at 38.

147. *Id.*

## 522 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 51]

investigations.<sup>148</sup> It is important to note that the facilities provided by the center and the aid they are able to grant varies by Justice Center.<sup>149</sup> Other Justice Centers, including Centers in Hidalgo and Mexico City, have criminal or civil courts in the same location or nearby to hear cases and prosecute criminal defendants.<sup>150</sup> However, this is not a defining characteristic of all Justice Centers. For example, Chihuahua, the state in which Ciudad Juarez is located and where the femicide epidemic sparked, does not work alongside a judicial branch.<sup>151</sup>

Although Mexico has attempted to address domestic violence and other forms of violence against women through the Justice Centers with a holistic approach, its legal unit still faces fundamental issues. First, although Justice Centers' staff members work with a gender perspective,<sup>152</sup> the prosecutor's offices working along some of the Justice Centers, such as the Justice Center in Hidalgo are not obligated to adhere to the Justice Centers' gender perspective guidelines.<sup>153</sup> These guidelines vary by Justice Center, but the Centers are meant to conduct consultations and client meetings through a gender perspective to empower women.<sup>154</sup> However, police officers, who help construct case files, do not have to adhere to a gender perspective, which leads to re-victimizing the women.<sup>155</sup> Further, each state has the ability to dictate which branch of the government governs the Justice Centers; the reach of the Justice Center depends on the

---

148. *Id.*

149. *See id.* at 26.

150. *Id.*; *see also* *Centro de Justicia para las Mujeres*, FISCAL GENERAL DE JUSTICIA CIUDAD DE MEXICO, <https://www.fgjcdmx.gob.mx/nuestros-servicios/en-linea/mp-virtual/centros-de-justicia-para-las-mujeres> (last visited Nov. 14, 2020).

151. *See generally* *Servicios (CEJUM)*, CHIHUAHUA GOBIERNO DEL ESTADO, *Servicios (CEJUM)*, <http://www.chihuahua.gob.mx/CEJUM/servicios> (last visited Nov. 14, 2020).

152. The gender perspective refers to the notion of the role gender plays in individuals lives. In a policy context gender is taken into consideration to properly implement laws and programs, while promoting equality. *Gender Perspective*, EUROPEAN INSTIT. FOR GENDER EQUALITY, <https://eige.europa.eu/thesaurus/terms/1197#:~:text=The%20gender%20perspective%20focuses%20particularly,interests%2C%20of%20women%20and%20men> (last visited Apr. 2, 2021).

153. CERVANTES & LÓPEZ, *supra* note 140, at 39.

154. *Id.* at 27.

155. *Id.* at 39.

branch that governs.<sup>156</sup> Thus, the Justice Centers do not have jurisdiction over all domestic violence cases.<sup>157</sup> For example, the Justice Center in Hidalgo is governed by the Prosecutor's Office, and only has legal power over one jurisdiction in the state: the eleventh district of Pachuca de Soto, which only accounts for eighteen percent of the state's population.<sup>158</sup> Therefore, if victims of domestic violence, or other forms of violence, fall outside of this jurisdiction then they cannot receive legal aid.<sup>159</sup>

Another issue is the lack of harmony in the structure and overall implementation of the Justice Centers across Mexico due to states' authority to create and regulate the Justice Centers.<sup>160</sup> The federal government does not have the authority to regulate Justice Centers' effectiveness and the Justice Centers do not have to report information to the federal government.<sup>161</sup> Further, Justice Centers face shortage of resources due to lack of funding, such as a lack of employees.<sup>162</sup> Consequently, criminal investigations are delayed due to a Justice Center's small staff.<sup>163</sup> Ultimately, the Justice Centers provide legal aid and can help some women navigate the judicial systems.<sup>164</sup> However, since Justice Centers' implementation varies by state and jurisdiction and Mexico does not have specialized domestic violence courts, most women still need to navigate multiple legal systems to sever the relationship with their abuser and achieve reformatory justice.<sup>165</sup>

#### 4. *Problems with Mexico's Domestic Violence Legal Process*

Despite Mexico's policies, the domestic violence legal system has several problems. First, there is evidence indicating survivors refrain

---

156. *See id.* at 13, 28.

157. *Id.* at 28.

158. *Id.* This jurisdiction includes five municipalities: Epazoyucan, Mineral del Chico, Mineral del Monte, Mineral de la Reforma, and Zempoala.

159. *See generally id.*

160. *Id.* at 13.

161. *Id.*

162. *Id.* at 36.

163. *Id.* at 38.

164. CERVANTES & LÓPEZ, *supra* note 140, at 17.

165. *See id.* at 26; *see also* Pérez, *supra* note 73.

## 524 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 51

from reporting abusers due to the legal system's complexity.<sup>166</sup> The increase in domestic violence cases created many procedural problems within the criminal justice system.<sup>167</sup> Women have a general lack of trust in the legal system due to high levels of impunity in Mexico, which leads them to either not report abuse or withdraw charges.<sup>168</sup> For instance, although federal law gives survivors access to civil protection orders, these orders are not widely granted.<sup>169</sup> In 2015, there were 104,470 protection orders requested, of which only 29,776 were granted.<sup>170</sup> This is especially problematic because protection orders are one of the few preventative measures domestic violence survivors have to escape their abusers and improve their situation.

Impunity relates to government agents' internalized *machismo* and perception that domestic violence cases are not sufficiently serious nor worthy of persecution.<sup>171</sup> Agents often blame the victim for the violence they suffer, fail to "respect[] survivors' decisions to report (or not to report) their aggressor," and discourage survivors from seeking help.<sup>172</sup> The lack of specialized units in Mexico's police force exasperates these perceptions.<sup>173</sup> Additionally, when a domestic violence survivor reports a crime, the unspecialized police officer who arrives at the scene is not required to arrest the accused.<sup>174</sup> Police officers ultimately have discretion, which results in varying responses to each crime report. Sometimes that results in no response at all, leaving the victim in a dangerous situation. Despite these issues, and Mexico's increased domestic violence and femicide case, the Mexican government has done little to address these problems.

---

166. MONZOY, *supra* note 90, at 16.

167. McGinnis, *supra* note 22.

168. MONZOY, *supra* note 90, at 16; Código Penal Federal [CPF], art. 325, Diario Oficial de la Federación [DOF], 14-06-2012 (Mex.).

169. CECILE LACHENAL & CECILIA TOLEDO, EVIDENCE AND LESSONS FROM LATIN AMERICA, DOMESTIC VIOLENCE LAWS IN THE SPOTLIGHT: ENHANCING PROTECTION SERVICES FOR SURVIVORS IN MEXICO 6 (2016).

170. *Alliance for the Rights of Women in the state of Mexico*, *supra* note 118.

171. MONZOY, *supra* note 90, at 16.

172. LACHENAL & TOLEDO, *supra* note 168.

173. MONZOY, *supra* note 90, at 21.

174. *Id.* at 21.

*D. Increased Penalties and Deterrence.*

In light of the increased femicide rate, the Mexican government's Chamber of Deputies approved the increase of penalties from forty to sixty years to forty-five to sixty-five years and is currently awaiting senate approval.<sup>175</sup> However, there is a general consensus among scholars, politicians, and non-profit organizations that the Mexican government has simply suggested an increase in penalties to claim it is acting to combat femicide without proposing real change.<sup>176</sup> Although sentencing penalties are beneficial because they prevent perpetrators from recommitting femicide while they are in prison,<sup>177</sup> research indicates increased penalties does not deter femicide.<sup>178</sup> Therefore, increased penalties are unlikely to diminish the growing femicide rate.

The hypothesis that increased penalties deter crime has never been confirmed.<sup>179</sup> An increase in penalties is unlikely to deter a perpetrator from committing a crime because it is unrealistic to assume a perpetrator will evaluate consequences before committing the crime.<sup>180</sup> Even if a perpetrator does consider consequences, he would need to be aware of change in penalties to weigh his options.<sup>181</sup> Based on reports, there is some indication that perpetrators are usually unaware of increased penalties, and increases in an already lengthy sentence is unlikely to deter crime.<sup>182</sup> Further, increased punishment can only be effective if a perpetrator subjectively feels at risk of being caught.<sup>183</sup> Therefore, Mexico's proposed increased penalty for femicide is unlikely to lead to deterrence. First, a murderer is unlikely

---

175. Cámara de Diputados, *supra* note 18, at 1.

176. Sanchez et. al., *Will Tougher Penalties Reduce Mexico's Femicides?*, LATIN AMERICAN ADVISOR A DAILY PUBL'N OF THE DIALOGUE (Feb. 27, 2020), <https://www.thedialogue.org/analysis/will-tougher-penalties-reduce-mexicos-femicides/>.

177. BEN JOHNSON, MN HOUSE RESEARCH, DO CRIMINAL LAWS DETER CRIME? DETERRENCE THEORY IN CRIMINAL JUSTICE POLICY: A PRIMER 5 (2019).

178. Michael Tonry, *The Mostly Unintended Effects of Mandatory Penalties: Two Centuries of Consistent Findings*, 38 CRIME & JUST. 65, 65 (2009).

179. *Id.* at 69.

180. *Id.* at 92.

181. JOHNSON, *supra* note 176.

182. *Id.*

183. *Id.* at 6.

526 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 51

to consider the consequences of committing femicide before committing the murder. It is even less likely they will specifically consider the five-year increase. Not only may the perpetrator not be aware of the increase, but forty to sixty years is a long sentence; an additional five years is not a substantial difference. Lastly, as previously mentioned, Mexico faces an impunity problem, therefore femicide perpetrators are likely not fearful of being caught and punished.

Moreover, Mexico's legislative history serves as an example of how increased penalties do not deter femicide. It has been eight years since Mexico criminalized femicides, making it punishable by a forty-five to sixty year prison sentence.<sup>184</sup> However, femicide continues to rise; within the last five years alone, femicide has more than doubled.<sup>185</sup> Prior to femicide's criminalization, it was not recognized as a distinct and separate type of crime to homicide because it carried no specialized criminal sentence. This prior disregard of femicide contributed to the fact that the current penalty did not decrease the amount of femicides. Although criminalization of femicide is a step towards acknowledging the problem, simply increasing the existing penalty is an inadequate solution, especially because of the high levels of impunity. In contrast, a possible alternative to increased penalties for femicide is prevention<sup>186</sup> using integrated domestic violence courts to diminish femicide cases.

### III. INTEGRATED DOMESTIC VIOLENCE COURTS AS A SOLUTION.

Although Mexico has domestic violence laws, and some women have access to Justice Centers, domestic violence laws are not adequately implemented and the Justice Centers do not sufficiently streamline the judicial process for all women. This section will define integrated domestic violence courts and describe its positive characteristics, as modeled by over forty integrated domestic violence

---

184. United Nations, *supra* note 101; Código Penal Federal [CPF], art. 325, Diario Oficial de la Federación [DOF], 14-06-2012 (Mex.).

185. See *Información Sobre Violencia Contra la Mujeres*, *supra* note 14 at 14.

186. See Tonry, *supra* note 177, at 92 (discussing crime prevention in general).

courts in the New York's Unified Court System,<sup>187</sup> which will aid Mexico in successfully implementing its current domestic violence laws and systems.

Currently, Mexico has no form of specialized domestic violence court system.<sup>188</sup> Domestic violence courts refers to a "specialized court[s] that provide[] comprehensive judicial monitoring of domestic violence offenders and frontloads services to victims."<sup>189</sup> There are three forms of domestic violence courts: criminal domestic, civil domestic, and integrated domestic violence courts.<sup>190</sup> As indicated by the names, criminal domestic violence courts only look at criminal matters, and civil domestic violence courts only look at civil matters, such as family law claims and civil protection orders.<sup>191</sup> On the other hand, integrated domestic violence courts consolidate civil and criminal proceedings involving the same parties without undermining due process.<sup>192</sup> A single judge oversees all related proceedings, but cases are heard individually and are afforded the proper rules and procedures for the specific type of case.<sup>193</sup> Integrated domestic violence courts allow judges to gain a comprehensive view of the plaintiffs' case.<sup>194</sup> Judges can impose consistent court mandates designed to address all issues in the case, "including orders of protection, bail conditions and sentences, support, visitation and custody orders, divorce, treatment mandates and services for

---

187. Shani Katz & Michael Rempel, *The Impact of Integrated Domestic Violence Courts on Case Outcomes Results for Nine New York State Courts*, CTR. FOR CT. INNOVATION, at iii (Dec. 2011), [https://www.courtinnovation.org/sites/default/files/documents/Nine\\_IDV.pdf](https://www.courtinnovation.org/sites/default/files/documents/Nine_IDV.pdf).

188. Pérez, *supra* note 73.

189. *Specialized Domestic Violence Court System*, STOP VIOLENCE AGAINST WOMEN, [https://www.stopvaw.org/specialized\\_domestic\\_violence\\_court\\_systems#\\_ednref7](https://www.stopvaw.org/specialized_domestic_violence_court_systems#_ednref7) (last updated May 2019).

190. *Id.*

191. *Id.*

192. *Id.* at 1. See also *Integrated Domestic Violence Courts: Key Principles*, CENTER FOR COURT INNOVATION, [https://www.courtinnovation.org/sites/default/files/documents/IDV\\_FACT\\_SHEET.pdf](https://www.courtinnovation.org/sites/default/files/documents/IDV_FACT_SHEET.pdf) (last visited Apr. 1, 2021), at 1 [hereinafter CENTER FOR COURT INNOVATION].

193. CENTER FOR COURT INNOVATION, *supra* note 192, at 1.

194. *Id.*

## 528 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 51

children.”<sup>195</sup> Further, these courts may also monitor a defendant’s compliance with court orders.<sup>196</sup> This could require defendants to engage in community service such as batterers’ programs, parenting classes, and substance abuse treatment.<sup>197</sup> A court-employed resource coordinator would ensure defendants attend programs and report their attendance to the judge.<sup>198</sup> The judge will then be able to efficiently consider the defendant’s compliance while issuing court orders.<sup>199</sup> Ultimately, integrated domestic violence courts aim to reduce revictimization.<sup>200</sup>

Integrated domestic violence courts are designed to expedite and simplify the process for domestic violence survivors.<sup>201</sup> One study identified that the legal process was more efficient because all cases were heard in one court in one day,<sup>202</sup> and plaintiffs traveled less and took fewer days off work.<sup>203</sup> Additionally, the court process is more streamlined by eradicating duplicative legal proceedings and decreasing the need for survivors to appear in court or repeatedly testify.<sup>204</sup> Integrated domestic violence courts diminish the potential for inconsistent or conflicting orders since a single judge is issuing these orders.<sup>205</sup> For example, in the standard criminal and civil system, victims may be issued a protective order prohibiting the defendant from visiting the victim’s home, while a family law court

---

195. *Id.*

196. Katz & Rempel, *supra* note 187.

197. CENTER FOR COURT INNOVATION, *supra* note 192, at 2.

198. *Id.*

199. *Id.*

200. *See id.* at 1 (explaining how the main goals of Integrated Domestic Violence Courts is to promote “victim safety and defendant accountability”).

201. Nancy Wolff, *Domestic Violence Courts: The Case of Lady Justice Meets the Serpents of the Caduceus*, in PROBLEM SOLVING COURTS: SOCIAL SCIENCE AND LEGAL PROSPECTIVE 83, 85 (Richard L. Weiner & Eve M. Brank, 2013th ed. 2013) [hereinafter Wolff].

202. *Información Sobre Violencia Contra la Mujeres*, *supra* note 14.

203. SARAH PICARD-FRITSCH, CENTER FOR COURT INNOVATION, LITIGANT PERSPECTIVES IN AN INTEGRATED DOMESTIC VIOLENCE COURT, THE CASE OF YONKERS, NEW YORK 11 (2011).

204. *See* Wolff, *supra* note 201, at 85 (explaining these courts attempt to “expedite, simplify, and unify” the civil and criminal aspects of the domestic violence legal process).

205. CENTER FOR COURT INNOVATION, *supra* note 192, at 1.



may issue a visitation order that still allows the defendant to visit his children.<sup>206</sup> However, if these cases were tried in an integrated domestic violence court, it would not have issued conflicting protective orders; additionally, these courts also have the authority to correct inconsistencies from past litigation.<sup>207</sup> Therefore, integrated domestic violence courts can likely grant more effective protective orders.<sup>208</sup> If the process is more centralized, survivors' safety would improve because legal intervention would be more efficient and prevent future abuse.<sup>209</sup> Thus, if integrated domestic violence courts can prevent future abuse it may serve as a way to prevent femicide. If women are granted protective orders more efficiently and their abusers are properly prosecuted, an abusive situation is less likely to escalate to murder.

Integrated domestic violence courts are better equipped to deal with crimes against women because it has a gendered perspective, which allows it to be more understanding of domestic violence survivor's situations.<sup>210</sup> Integrated domestic violence courts do not victim blame, unlike Mexico's *machista* legal system, which leads to revictimization. Judges in integrated domestic violence courts undergo specialized training not only on the court's special procedures and on the impacts that domestic violence has on victims and their families.<sup>211</sup> Judges in these courts are trained specifically on domestic violence issues and related issues such as "custody, support, dissolution, separation, child development, substance abuse, sexual abuse, child abuse and neglect, juvenile justice, adoption, social services and mental health."<sup>212</sup> Further, these judges receive

---

206. *See id.* ("Under many state court structures, a single family . . . may have to appear in several different courts involving multiple judges . . . [a]nd there is the potential for judges to issue inconsistent or conflicting orders.").

207. *Id.*

208. *See id.* at 1–2.

209. Wolff, *supra* note 201, at 85.

210. *See id.* at 84 (explaining that a large reason for domestic violence legislation and domestic violence courts was due to the feminist movement in the 1960s).

211. CENTER FOR COURT INNOVATION, *supra* note 192, at 2.

212. PICARD-FRITSCHÉ, *supra* note 203, at 2–3.

## 530 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 51

continuing education on these issues to provide efficient and comprehensive orders.<sup>213</sup>

By applying a gendered perspective, integrated domestic violence courts can combat one of Mexico's largest problems: impunity. For example, New York's integrated domestic violence courts saw a decrease in acquittals for criminal defendants and higher rates of defendants being rearrested, indicating protective orders were followed.<sup>214</sup> Even in family law cases, less petitions were dismissed.<sup>215</sup> Therefore, judges who are specially trained with a gendered perspective properly penalize guilty defendants because these judges appreciate the seriousness of domestic violence crimes. If impunity is addressed, women would also become trusting of Mexico's legal system and would be more inclined to report domestic violence. By combating impunity and increasing confidence in the legal system, Mexico can prevent domestic violence's escalation to femicide.

Integrated domestic violence courts would be a great asset to Justice Centers. In fact, current domestic violence courts in New York work alongside community partners to facilitate judicial proceedings, including the "police, probation, district attorney, defense counsel, civil attorneys, victim service agencies, batterers' program staff, mental health and substance abuse treatment providers, children's services and lawyers for children."<sup>216</sup> This also includes working alongside the Family Justice Centers in the United States, which the Justice Centers in Mexico emulated.<sup>217</sup> Further, prior to the creation of Mexico's Justice Centers, the United Nations recommended Mexico implemented domestic violence courts to minimize violence against women.<sup>218</sup> The United Nations reasoned:

---

213. CENTER FOR COURT INNOVATION, *supra* note 192, at 2.

214. PICARD-FRITSCHÉ, *supra* note 203, at 9, 14; Katz & Rempel, *supra* note 187, at iv. 14.

215. PICARD-FRITSCHÉ, *supra* note 203, at 9, 30, 32.

216. CENTER FOR COURT INNOVATION, *supra* note 192, at 2.

217. See MELISSA LABRIOLA, CENTER FOR COURT INNOVATION, A NATIONAL PORTRAIT OF DOMESTIC VIOLENCE COURTS iv, 51 (2009) (explaining how over 100 international domestic violence courts have been created after the movement began in the United States).

218. U.N. Div. for the Advancement of Women, U.N. Office on Drugs and Crime, *Good practices in legislation on violence against women*, at 21 (2008).

[I]n regular courts . . . [the] personnel frequently do not have the necessary gender-sensitivity or comprehensive understanding of the various laws that apply to violence against women cases; may not be sensitive to women's human rights; and may be overburdened with other cases, resulting in delays and increased costs to the survivor.<sup>219</sup>

Now, integrated domestic violence courts could function as the Justice Centers' legal and judicial units. As previously mentioned, some Justice Centers, like the center in Hidalgo, work with the local judicial branch and only one judge hears the criminal cases.<sup>220</sup> Although Justice Center in Hidalgo aids in family law matters, the attorneys are forced to travel outside the Justice Center to attend family court proceedings. However, if the Justice Center had an integrated domestic violence court, a single judge could resolve both issues. Further, many Justice Centers do not hear judicial proceedings; thus, those Justice Centers should form integrated domestic violence courts modeled after the courts in New York. In doing so, Mexican women would be able to obtain emergency, preventative, and civil protective orders from one judicial institution without worrying about conflicting orders. Ultimately, integrated domestic violence courts provide a holistic legal solution for Mexican women who have experienced domestic violence. For instance, if a woman is married to her abuser and has children, she could potentially receive a civil protection order, file for divorce, obtain child custody, and press charges against her abuser in one judicial system.

Generally, a possible barrier to establishing the integrated domestic violence courts is the current lack of consistency among the Justice Centers because of the absence of specific national protocols. Mexico must work towards consolidating these femicide and domestic violence laws to adequately implement integrated domestic violence courts with the Justice Centers. Moreover, the Justice Centers are underfunded. Despite this, the Mexican government must first prioritize eradicating domestic violence if the country wants to see real change, and reduce domestic violence and femicide. Further, integrated domestic violence courts may take time to implement; however, in the interim, Mexico should develop special police task

---

219. *Id.*

220. CERVANTES & LÓPEZ, *supra* note 140, at 28.

532 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 51

forces or train police officers with a gendered perspective to ensure domestic violence victims' needs are met. Despite these shortcomings, if Mexico, with the help of the Justice Centers, establishes integrated domestic violence courts, it could be the necessary tool to diminish the impunity attached to domestic violence cases and prevent intimate femicides.

#### CONCLUSION

Over the past few decades, Mexico has taken legislative strides to combat femicide and domestic violence.<sup>221</sup> However, the deeply rooted *machismo* in Mexico's society has impeded the successful implementation of domestic violence laws, and women continue to be victims of domestic violence and femicide. Integrated domestic violence courts provide a unique solution to this issue because these courts efficiently and empathically address both the criminal and civil legal issues, which many victims of domestic violence face. Ultimately, integrated domestic violence courts may have been able to prevent the murders of Dr. Raquel Padilla Ramos and Ingrid Escamilla and are essential to eliminate the femicide epidemic in Mexico.

*Sasha Ramirez\**

---

221. *See supra* Part II.

\* J.D. Candidate, California Western School of Law, 2022; B.A., *summa cum laude*, California State University, Long Beach, 2019. I would like to thank the *California Western International Law Journal* team for their hard work during the editing and publication process. I would also like to thank Professor Nancy Cantalupo for her guidance throughout the writing process. Lastly, I would like to thank the strong Mexican women in my family, you all were the inspiration for this Note, which I dedicate to you.