



International Convention for the Protection of All Persons from Enforced Disappearance

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Summary record of the 264th meeting

Held at the Palais Wilson, Geneva, on Friday, 9 November 2018, at 10 a.m.

Chair: Ms. Janina

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The meeting was called to order at 10 a.m.

Follow-up dialogue on additional information submitted by States parties

Information received from Mexico on follow-up to the concluding observations
(CED/C/MEX/CO/1/Add.2)

1. *At the invitation of the Chair, the delegation of Mexico took places at the Committee table.*
2. **The Chair**, in opening the meeting to begin the Committee's consideration of the information received from Mexico on follow-up to the concluding observations under article 29 (4) of the Convention, recalled that the Committee had requested the State party to submit, by February 2018, updated information on the implementation of the Committee's recommendations and any further information regarding the fulfilment of its obligations under the Convention. The State party's cooperation in its timely submission of that information and its previous reports represented positive practice to be followed by other States parties. The dialogue, which was a new practice for the Committee, would be divided into two parts: the first would focus on the general implementation of the law on enforced disappearance and the State party's duty to search and investigate, and the second would cover the rights of victims, the right to reparation, the urgent action procedure and measures for the protection of victims, human rights defenders and journalists. Three cross-cutting issues would be considered throughout: data collection and disaggregation, effective participation by the victims and civil society, and the gender dimension of disappearances.
3. **Mr. Ruíz Cabañas** (Mexico) said that his delegation was pleased to represent the first State party to be invited by the Committee to hold a follow-up dialogue. He underlined the State party's commitment both to the mandate of the Committee, whose recommendations it would continue to implement, and to the victims of enforced disappearance and their relatives. The State party deeply respected the pain experienced by victims, understood the anxiety felt by their relatives and recognized that its response to the huge challenges involved remained insufficient, and he reiterated its determination to support victims in their search for truth and justice. Accordingly, the delegation included high-level representatives of the executive, legislative and judicial authorities.
4. The disappearance of persons, whether through enforced disappearance or committed by individuals, had become the most serious challenge that the State party faced in terms of human rights. Efforts to ensure that the legislative and institutional framework could cope with the challenge included the introduction of the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Search System, which had entered into force only 10 months previously, on 16 January 2018.
5. There were three main aspects to the complex challenge of enforced disappearance in Mexico. First, the federal nature of the country — comprising 32 states, each with its own constitution and powers, and 2,459 municipalities — so that the distribution of competencies meant that coordination was indispensable to protect the rights of all 129 million inhabitants across the territory of 2 million square kilometres. Second, approximately 95 per cent of human rights violations came under local competency, and in the case of disappearance of persons, they were mainly concentrated in three states of the federation. To address the consequent problems of coordination and implementation, legislation had been harmonized and introduced at the federal and state levels, and institutional coordination mechanisms had been created and consolidated in which the federal and state governments worked together. Third, the location of Mexico between producers and consumers of drugs, including sharing a 3,000-kilometre border with the world's largest consumer market, along with an increase in demand for illegal drugs in the region, had led to an exponential increase in the flow of illicit resources, mainly as a result of organized crime. In addition, extensive illegal trafficking in arms, particularly from the United States of America into Mexico, had strengthened the activities and sphere of influence of criminal organizations. As a result, such criminal organizations had infiltrated the fabric of society and formed links with local public security authorities, which were

particularly vulnerable to the corrupting capacity of heavily armed and financed crime with presence in various regions of the country.

6. Against that complex background, the Government was fully aware that comprehensive action to address enforced disappearance needed, at a minimum, to address three main areas, which were covered in the General Act: eradicating enforced disappearance, including offences committed by individuals; combating impunity; and providing full reparation to victims. There was active participation by civil society and international bodies, and the recommendations of the Committee were taken very seriously into consideration. The Act complied with the strictest international standards, provided for criminal offences and ensured the necessary structures to comply with international commitments for the benefit of victims.

7. In particular, the Act defined enforced disappearance and disappearance perpetrated by individuals as autonomous offences that were continuing in nature and not subject to a statute of limitations, and punishable by 40 to 60 years' imprisonment. Given the complexity of the federal system, it was worth noting that the Act was a general act and not a federal act, meaning that it must be applied by both the federal and the state authorities and ensuring that all authorities had the normative framework necessary to combat the problem. With a view to linking efforts at the federal and municipal levels, the Act established the National Search System, the National Search Commission and local search commissions, as well as mechanisms for the exchange of information and national registers, including the National Forensic Databank, the National Register of Unidentified and Unclaimed Deceased Persons and the National Register of Graves. The Act also provided for the participation of relatives in search and investigation, and had laid the foundations to strengthen the institutional capacity of the State to work more closely with groups representing victims.

8. **Ms. Herrerías Guerra** (Mexico) said that the priority in the work of all public officials was to help victims of both enforced disappearance of persons and disappearance perpetrated by individuals. The National Search Commission had begun its work on 7 March 2018, and under the General Act all authorities were required to work with the Commission, including federal entities through the creation of local commissions. The Commission was currently working to create a harmonized protocol, generating the National Register of Disappeared and Missing Persons, implementing a pilot project on searches for persons alive and participating in the work of working groups on human identification and on a single information technology system, and had launched the National Search System and the National Citizens Council.

9. Within the Office of the Attorney-General, a special prosecutor's office had been established, tasked with preventing, investigating, punishing and eradicating offences linked to disappearance. That strategy had enabled a level of specialization among officials and had led to significant advances in investigations, given that there were common characteristics among that type of offence and patterns in the operation of criminal groups. Investigation groups had been established in six regions across the country to deal with the specific local issues, each with its own prosecutors, ministerial officials, police and experts. The special prosecutor's office had made considerable progress in preliminary enquiries and case files under consideration.

10. The Committee's recommendations contained in its concluding observations ([CED/C/MEX/CO/1](#)) had been fundamental to the State party in the process of strengthening its institutional capacities to deal with the phenomenon of disappearance. Substantial progress had been made with respect to each of the recommendations, and further details would be provided throughout the dialogue. Examples of how the recommendations had been implemented included establishing the criminal responsibility of superior officials and providing for investigation and trial by the competent civil authorities in the case of enforced disappearance committed by a military officer against another military officer; cooperation with the Committee under its urgent action procedure; the creation of a single nationwide register of disappeared persons; the creation of a unit within the special prosecutor's office in charge of investigating cases of disappearance of migrants; and the adoption of the Federal Act on Special Declaration of Absence for

Disappeared Persons. Much remained to be done, however, in the face of substantial challenges.

11. **Mr. Ruíz Cabañas** (Mexico) said that the Government had been considering the possibility of recognizing the Committee's competence to receive and consider individual communications, as recommended by the Committee. While those consultations were continuing, the State party had chosen to prioritize strengthening the legislative and institutional framework at the national level in order to be able to respond effectively and efficiently to the challenge that it faced. The State party cooperated closely with the Committee and recognized the competence of relevant international and regional mechanisms.

12. The State party recognized the importance of the urgent action procedure and was committed to it. The Committee had to date considered 343 urgent action requests in relation to Mexico, which were concentrated in the three states in which there was a strong presence of organized criminal activities. For the State party, the importance of the urgent action procedure was twofold: as part of its obligations under the Convention, and as an additional mechanism for the State party to tackle cases of the disappearance of persons, for each of which it duly initiated investigation and search processes. Its utility was unquestionable as a means of strengthening the search for disappeared persons, including during investigations and with respect to the involvement of relatives throughout the process. As a result of that conviction, the State party fully addressed all the cases of urgent action that the Committee referred to it, with a view to satisfactorily answering the Committee's concerns, which it shared. The State party had sought to strengthen its working methods through coordination between federal and local investigation authorities and through the creation of new mechanisms. It initiated the process for dealing with urgent action cases from the moment they were received from the Committee, notifying the competent authorities and requesting the relevant information, including at the state level, with a view to meeting its obligation to inform the Committee as quickly as possible.

13. In line with its proven continuous determination to prioritize fluid communication and mutual cooperation with the Committee, the State party had, in 2017, proposed a work arrangement to the Committee with a view to ensuring structured follow-up to thematic recommendations, coverage of all cases under the urgent action procedure and better formalization of the link in Geneva to facilitate the timely submission of information and periodic follow-up meetings. Since that work arrangement could constitute positive practice in a spirit of openness and constructive cooperation, the State party was resubmitting it for the consideration of the Committee. Over the previous five years, the State party had received 28 visits from international mechanisms, under both the United Nations and the inter-American system, and would maintain its openness to international scrutiny and cooperation with such mechanisms, including the present dialogue with the Committee, with a view to finding better solutions to such complex problems for the benefit of the Mexican people and guaranteeing the progressive development of their fundamental human rights.

14. **Ms. Galvis Patiño** (Country Rapporteur) said that she would like to know whether the State party would consider granting the Committee the competence to receive individual and inter-State communications, in line with its recommendation, once the legal framework for such communications had been put in place. She would appreciate an explanation as to how the State party viewed the other mechanisms that it had ratified, namely the International Covenant on Civil and Political Rights and the American Convention on Human Rights, and how they tied in with the State party's obligations under the International Convention for the Protection of All Persons from Enforced Disappearance.

15. The delegation's affirmation that the State party would be willing to cooperate on urgent actions was welcome. However, during the exchanges with the State party, the Committee had been informed that the authorities at the federal and state levels believed that the measures required by the Committee did not impose obligations on the Mexican State. She would be grateful for a clarification of those statements and she would like to know what measures had been adopted to ensure that officials at both federal and state levels understood the binding nature of the Convention pursuant to international law.

16. The implementation of such a detailed law as the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Search System required significant resources. She wondered whether sufficient budget lines had been allocated to establish the institutions required under the Act and maintain them for the envisaged period. She would like to know whether a body would be set up to guide and coordinate the state and federal institutions in the implementation of the Act. Noting that the various bodies provided for in the Act, including local search commissions and special prosecutors, had not yet been established, she was interested to hear what plan and timeline were in place for doing so. It would also be helpful to know what steps would be taken to set up the necessary tools, such as registers of graves and unidentified deceased persons. She asked what timelines and measures had been adopted to ensure that the principle of gender equality was respected in those institutions. What role did victims play in the implementation of the Act?

17. She would welcome further information on the training on the Convention provided to public officials, including the number of officials who had already been trained and how many would receive training in the future. It would be helpful to know what indicators were in place to measure the effectiveness of the training programmes. She enquired whether the State party had a schedule for the issuance of a harmonized search protocol and the introduction of the National Search and Location Programme. Lastly, further details as to how the Government would ensure the harmonization of the General Act at the state level would be welcome.

18. **Mr. Huhle** said that he would appreciate clarification of the current implementation status of the National Register of Disappeared and Missing Persons. The previous register had been closed in April 2018 and it was not clear whether the data had been transferred to the new register. He wondered how the registered data were harmonized across the 32 states.

19. According to data from the Mexican authorities, a total of 37,435 persons had been disappeared in the country. He wished to know how that figure had been reached, since it was not clear how that data had been compiled or the total number calculated. Furthermore, the head of the National Search Commission had claimed in an interview that the names and dates of birth of approximately 26,000 of those disappeared persons were known and that the Commission had the photographs and fingerprints of around 16,000. He would be grateful for an explanation as to whether those persons were considered disappeared or whether they had been located and identified already. He invited the delegation to confirm reports that the database of the Office of the Attorney General contained over 40,000 genetic profiles, with which 661 persons had been identified. He asked whether the National Forensic Databank was in operation and, if not, when it would be set up. He would be interested to know whether the databank would hold all genetic data to be used for searching for disappeared persons in the country. How would data from other forensic databanks be incorporated?

20. In 2016, the National Human Rights Commission had reported that the judicial authorities had discovered 855 unmarked graves. According to information from the public prosecutor, over 1,600 unmarked graves had been discovered as of 2018, in which more than 3,000 bodies had been recovered. He would appreciate an explanation of those figures, including how they had been calculated. He wished to know how the Government ensured that the bodies were returned in a dignified manner and how the security of victims' data was assured. He would be interested to learn whether the Government still intended to set up a national institution to conduct forensic investigations in the search for disappeared persons. If so, he wondered whether the State party was seeking international technical assistance to expedite its establishment. Lastly, with regard to the register of persons deprived of their liberty, he asked how the State party would ensure that data contained therein would be made fully available and accessible in a timely manner.

21. **Mr. Ravenna** (Country Rapporteur) said that the wording of article 31 of the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Search System, which imposed penalties of between 20 and 30 years in prison for officials who knowingly failed to surrender babies born to victims of enforced disappearance to the authorities or the victim's family, did not reflect the reality of

such situations, since officials could not deny being aware of the fact that a pregnant woman gave birth in detention. The perpetrators of enforced disappearance should therefore be responsible for declaring the birth to their superiors in all cases. Regarding the harmonization of laws at the state level, he would appreciate an explanation as to why the General Act did not apply in states that had not adopted it, while other laws, such as the Internal Security Act, specifically stipulated that they were applicable nationwide.

22. **Mr. Figallo Rivadeneyra** said that he would like to know what measures had been taken to enhance cooperation with civil society, including organizations of victims. He would welcome additional information on the status of the review process of the Harmonized Protocol on the Search for Disappeared Persons and on the Investigation of Enforced Disappearances. Further action was required to address the absence of accurate and verifiable data, which underpinned policies for implementing laws on enforced disappearance and were vital when conducting investigations. He would be interested to learn how many investigations into enforced disappearance were under way; how many had been archived at the federal and state levels; how many investigations had led to prosecutions; how many perpetrators had been identified; and how many trials were ongoing. The scant information available suggested that very few cases had been opened.

23. The delegation might wish to elaborate on reports, in cases such as *amparo* review No. 203/2017, of delays in bringing perpetrators to court, a lack of appropriate verification of complaints of physical attacks on persons deprived of their liberty and the absence of safeguards to ensure that statements were taken without coercion or duress. It would also be interesting to hear the delegation's comments regarding complaints that victims might be discredited, face prejudice or stereotypes, or be subject to revictimization when giving their testimony. While evidence centred on statements from material witnesses, which was indeed vital evidence, such statements were often not available in practice. He invited the delegation to elaborate on the problems associated with the gathering of evidence, such as the lack of human and financial resources to adequately preserve evidence from remains and graves. He would also like to know what progress had been made regarding the independence of the public prosecution service, and he would appreciate an explanation of the introduction of a method for appointing the attorney general in an impartial manner. Lastly, it would be useful to have further details on efforts to investigate enforced disappearances during the period known as the "dirty war", paying particular attention to the recommendations of the Committee in that regard ([CED/C/MEX/CO/1](#), para. 33).

24. **Mr. Decaux** said that article 6 (1) (c) of the Convention required military commanders to be held to a higher standard of criminal responsibility than other officers. He wondered whether that requirement had been reflected in domestic law and whether there had been any examples of cases where high-ranking officials had been held accountable. He would appreciate further details regarding the training provided to members of the armed forces on the issue of enforced disappearance under the Convention and international law in general, given the absence of information in the follow-up to the concluding observations ([CED/C/MEX/CO/1/Add.2](#)). He asked whether ordinary judges had access to military premises and documents in order to gather evidence for investigations into acts of enforced disappearance, or whether the military enjoyed immunity under the civilian judicial system.

25. **Ms. Kolaković-Bojović** said that it would be helpful to have more information on the training programmes offered to special prosecutors. She wished to know, in particular, who was responsible for developing the training curricula; who the trainers were; who was responsible for selecting and appointing the trainers, and according to what criteria; what topics were included in the training programmes; and what training methods were used. She would also be interested to learn how the prosecutors were examined or assessed and who conducted the assessments. How did the training programmes ensure the independence and impartiality of special prosecutors?

26. She would welcome an explanation of the assertion that the single nationwide register for disappeared persons was 70 per cent complete, bearing in mind the need to adjust the legislative framework, develop software, purchase hardware, recruit and train staff and enter all the data in the register. She would specifically like to know which of those steps had been taken and when the establishment of the register would be complete.

27. **Mr. Teraya**, noting that each of the 32 states had its own constitution and powers, asked what rules at the state level posed a hindrance to the implementation of the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Search System. What procedure could the Government impose to ensure the implementation of the Act at the state level?

28. **Mr. Baati** said that he would like to know what financial and human resources were provided to the special prosecutors' offices, whether those resources were sufficient and how they compared to those provided to the Office of the Attorney General. Given that three states in particular were responsible for most cases of forced disappearance, he wished to know whether they would receive special attention and a greater share of the resources set aside for the special offices. Would the teams in the offices be reinforced by experts specialized in forensic research and psychologists?

29. **The Chair**, speaking in her capacity as an expert, said that as of the State party's last communication with the Committee, it had refused a country visit under article 33 of the Convention. She would like to know if a positive response would be forthcoming, as a country visit was an effective tool for the Committee to assess full implementation of all provisions in the Convention.

The meeting was suspended at 11.25 a.m. and resumed at 11.50 a.m.

30. **Mr. Ruíz Cabañas** (Mexico) said that his Government was still considering recognizing the Committee's competence to receive individual communications. However, it had given priority to developing a legal framework of general application and the specific institutions required to tackle the problem of enforced disappearance. This was necessary because the Government had previously lacked the necessary instruments. It had first been necessary to amend the Constitution to allow Congress to legislate on the matter. It had then taken two years to adopt the law, not due to a lack of political will but because of consultation with civil society organizations and family members of disappeared persons. After adoption, the relevant institutions had to be set up. All recommendations by the Committee had been considered seriously and offered guidance on development of the legal framework to the highest international standards. The decision on whether to accept the Committee's competence to receive individual communications would be transferred to the new federal Government, which would take power on 1 December 2018; a member of the transitional team was included in the delegation.

31. Mexico was open to other international mechanisms in the matter of enforced disappearance, namely the Inter-American Commission of Human Rights and Inter-American Court of Human Rights. The Government had accepted the jurisdiction of the Court since 1998 and was therefore bound by its judgments; some emblematic decisions had already been handed down. It also recognized the competence of the United Nations Human Rights Committee.

32. **Mr. Lara Cabrera** (Mexico) said that contrary to the information received by the Committee, his Government recognized the compulsory nature of urgent actions pursuant to article 30 of the Convention. Urgent actions were not only an obligation stemming from the Convention, but were also useful to the Government to bolster its efforts in terms of search and investigation. When an urgent action was received by the Ministry of Foreign Affairs, it was referred to the competent authorities and the Ministry worked hard to ensure that officials were aware of their obligations to provide the relevant information. He believed that the information sent to the Committee concerning urgent actions had improved in quality.

33. **Mr. Galván Gallardo** (Mexico) said that although the General Act on Enforced Disappearance, Disappearance Perpetrated by Individuals and the National Search System had been published in November 2017, implementation had only started in 2018. The first stage had been to set up a special prosecutors' office for crimes of enforced disappearance within the Office of the Attorney General; the decision creating it had been published on 16 February 2018. The second stage had been the publication on 28 June 2018 in the Official Gazette of guidelines drawn up by the National Conference of State Attorneys General for the training and certification of staff. About 80 staff had currently been trained based on those guidelines, with written and practical exams held on a number of modules, and the

National Conference had appealed to all Mexican states to provide such training in 2018. The third stage had been the publication on 16 July 2018 in the Official Gazette of the harmonized investigation protocol for offences of enforced disappearance. Continuous improvement of the protocol with consultation of the family members of disappeared persons, citizens' bodies and international institutions was set out in the law. After incorporating points raised by family members of disappeared persons and practices shared by local prosecutors' offices, a revised protocol had been issued in October.

34. The General Act included technological developments to improve the search for disappeared persons, such as guidelines for a national genetic database for unidentified and unclaimed deceased persons; those guidelines had been adopted by the National Conference of State Attorneys General in August 2018. A single search platform was currently being developed to fully comply with the law. The special prosecutors' office had a budget of approximately 25 million pesos for its operational activities. In October 2018, a request to increase the office's budget and staff for 2019 had been made; the next Government would decide whether to grant it.

35. **Mr. Cabrera Alfaro** (Mexico) said that the National Search Commission had a budget of 169 million pesos in 2018 and a separate budget of 282 million pesos was available for local commissions to improve their technological infrastructure. The Commission had requested a budget of 609 million pesos for 2019. The Commission had disseminated a decree with a minimum organizational structure for local commissions, although only nine had been set up so far. A meeting had been held with federal ministers, calling for each federal ministry to draw up a road map for establishing the local state level commission.

36. The methodology of the National Search Programme had been published and two public consultations had been held. One of the requests had been for workshops to be held with families of disappeared persons before the final programme was adopted, and this process was currently ongoing. The document setting out the methodology was public and was available to the Committee.

37. **Ms. Quiroga Quiroga** (Mexico) said that gender parity in Government institutions was a target of all public agencies at state and federal level and such agencies were subject to a non-discrimination order, requiring them to provide women with appropriate working conditions so that they could progress in their careers under the same conditions as men. Gender parity in the legislature had been achieved after the last elections and the number of women mayors had risen by 23 per cent. One state had gender parity in the executive and affirmative action was being taken to increase the number of women in the judiciary. The Office of the Attorney General had given instructions to ensure that equal numbers of men and women would be hired following the next recruitment process. The National Search Commission had seven female staff members, and three of six local commissions were headed by women.

38. **Ms. Bonifaz Alfonzo** (Mexico) said that the federal law on the special declaration of absence for disappeared persons had been enacted on 22 June 2018. According to the transitional articles, all states were required to harmonize their legislation with the federal law and that process was ongoing. Under the federal system, all civil legislation came under state jurisdiction and therefore, in most cases of disappearance, the competent judges would be in local civil courts. A general law would have involved amending the Constitution; it had therefore been decided to adopt a federal law setting out the principles to be incorporated by local legislatures during the harmonization process. After harmonization, all the civil needs of family members of disappeared persons would be covered by state-level legislation.

39. **Mr. Cabrera Alfaro** (Mexico) said that, before the General Act had come into force, the only available registers of disappeared persons had been of very poor quality. The previous register had been compiled from the various state-level registers and then sent to the Executive Secretariat of the National Public Security System publication. There were often multiple records of the same person, for example in cases where the disappearance had been reported to two different entities. Multiple entries often led to revictimization because victims were asked to provide information to several different entities. Since the

new law had been published, the secretariat had transferred all the information in its possession, on approximately 37,000 cases, to the National Search Commission. The aim was to produce a register of disappeared persons, each with a digital identity. To achieve this, all the information was cross-checked with the National Population Register, which included the date of birth, parents' names and place of birth of each person. Approximately 26,000 persons on the register had been identified using that method. Agreements had been signed with two civil society organizations to assist with the work and they had been supplied with all available information. The National Search Commission also hoped to work with academic institutions in the future.

40. Previously, it had only been possible to determine if a victim of enforced disappearance had left the country or been imprisoned by conducting a name and date of birth search, if the latter was available. Sometimes, however, those searches were hindered because names had not been accurately registered. Searching for individuals using their biometric data, namely, their fingerprints and photographs, had improved the search process, however, and data could be cross-checked with other databases. To this end, an agreement had been signed with the National Electoral Institute and further checks would be carried out with the National Forensic Databank. In addition to their birthdates and parentage, the biometric data of 16,000 disappeared persons had now been obtained.

41. **Ms. Herrerías Guerra** (Mexico) said that the Office of the Attorney General of the Republic and federal entities had continued to use the International Committee of the Red Cross' ante-mortem/post-mortem database. Information on disappeared persons and human remains could therefore be managed, with a view to facilitating identification. The ante-mortem database included dental records, circumstances of disappearance, DNA and family contact details, while the post-mortem database included post-mortem results and forensic anthropological data. Thousands of ante-mortem and post-mortem records had been added to the database so far, enabling 188 identifications to be made. The next step would be to connect the databases nationwide. Most federal entities had the necessary software and officials had received specific training in order to use it. Funding allocated at state level had increased significantly up to 2018, with a view to purchasing, inter alia, computer equipment, radars and other field search equipment, and paying for training and recruitment.

42. **Mr. Ravenna** said that he hoped that the incumbent Government's pledge to consider recognizing article 31 of the Convention could be conveyed to the future Government, with a view to it acting upon that commitment. In addition, in the light of complaints received by the Committee, he would like to know whether the gender perspective incorporated in the country's work on enforced disappearances took account of women's greater victimization.

43. It would also be useful to know what urgent steps the Government would take to harmonize federal and state legislation on enforced disappearance and to define victims in the broadest possible sense in line with the Convention. It was difficult to understand why constitutional reform would be required in order to do so. Furthermore, the political will was needed to compile the genetic data of families of victims of enforced disappearance for the National Forensic Databank in order to search for disappeared persons.

44. **Ms. Galvis Patiño** said that according to reports, rather than taking immediate action, the authorities would sometimes consider that it was necessary to wait 72 hours before initiating investigations into disappearances. Such a practice went contrary to the Convention and to the premise that the sooner investigations were led, the greater the likelihood disappeared persons would be found. It would also be useful to discover whether actual field searches were routinely carried out, rather than solely document-based investigations.

45. **Mr. Huhle** said that he would like to know how many of the 37,000 disappeared persons were migrants; whether the figures were categorized into victims of enforced disappearance and persons who had disappeared for other reasons and lastly, whether the figures related to the past or present. It would be useful to know what steps would be taken in light of reports that authorities sometimes refused to conduct investigations and what mechanisms were in place to ensure investigations were conducted immediately.

46. **Mr. Ruíz Cabañas** (Mexico) said that the Government had decided to prioritize the development of national capacity, in the form of legislation and institutions, to deal with the problem of enforced disappearance, although the recognition of the Committee's competence remained under consideration. Since the incumbent Government was nearing the end of its term of office, that decision would be taken by new Government.

47. **Ms. Quiroga Quiroga** (Mexico) said that, following concerns raised by civil society about a rise in incidences of disappearance of women in one particular state and in certain municipalities, a working group had attempted to establish whether the disappearances were due to femicide or human trafficking. Unfortunately, records could not be used to determine the reason why those women had disappeared. However, at national level, technical committees, working under the auspices of the Alba Protocols, regularly recorded the reasons why women had eventually been located. Family violence had been found to be key to teenagers, in particular, being driven from their homes and searching for safety elsewhere. Moreover, investigations into disappearances were conducted immediately.

48. **Mr. Cabrera Alfaro** (Mexico) said that in the past, not all states had classified enforced disappearance as an offence. Records on disappeared persons included all the activities conducted in the search for them in addition to information about their sex, age and migrant status. The data kept by the National Registry of Missing and Disappeared Persons were incomplete, however, which hampered the possibility of analysing enforced disappearance at national level.

49. **Mr. Galván Gallardo** (Mexico) said that the country's general law compelled the Federal Prosecution Service to incorporate a gender perspective and respect due diligence to take immediate action to search for persons reported disappeared. The National Code of Criminal Procedure also obliged the Federal Prosecution Service to receive complaints lodged under all circumstances. Furthermore, the Federal Prosecution Service was obliged to conduct investigations and searches immediately, in coordination with the National Search System.

50. **Ms. Bonifaz Alfonzo** (Mexico) said that police authority was not harmonized across Mexico which resulted in different levels of liability in cases of enforced disappearance caused by municipal or federal police officers. Constitutional reform was needed for a general law on enforced disappearance.

51. **Ms. Herrerías Guerra** (Mexico) said that the Government was awarded the importance of collecting DNA samples from the family members of victims of enforced disappearance. The Office of the Attorney General of the Republic had worked with the National Security Commission to compile a single databank and was doing similarly with attorney generals' offices and public prosecution services. In response to families' concerns about giving samples, the Government had run campaigns and would continue to do so with a view to collecting genetic data.

52. **Mr. Cabrera Alfaro** (Mexico) said that, by law, the national register had to include information on migrants and that the register included 384 migrants reported disappeared. The Government had pledged to a migrant organization that information about disappeared persons would be duly processed.

53. **Mr. Galván Gallardo** (Mexico) said that, in the event of a refusal by the authorities to conduct a search, a control judge could instruct them to begin the search immediately. Only 114 out of the Attorney General of the Republic's 1,000 pending cases had been registered as cases of enforced disappearance.

54. **Mr. Cabrera Alfaro** (Mexico) said that on the basis of the information in the national register, it was not possible to distinguish between enforced disappearance and disappearances perpetrated by individuals.

55. **Ms. Herrerías Guerra** (Mexico) said that the General Office for the Coordination of Expert Witness Services had processed clandestine graves in a number of federal states. The prosecution service specialized in investigating cases of enforced disappearance by individuals had worked on 186 investigations. A protocol was being drafted with the help of families of disappeared persons in order to improve the manner in which prosecution services broke the news to families when a discovery was made.

The meeting rose at 1.05 p.m.