



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention*, **, ***

Information on the visit and findings (art. 33, para. 1)

I. Programme of the visit and cooperation by the State party

1. In accordance with the powers established in article 33 of the Convention, in 2013, the Committee requested to undertake a country visit to Mexico. On 30 August 2021, after eight years of exchanges, the State party agreed to the visit as a sign of its openness to international scrutiny and support.

2. The Committee's visit, which took place from 15 to 26 November 2021, was carried out by a delegation comprising four of its members.¹ At the end of the visit, the delegation held a press conference² to highlight a number of aspects that it had observed during its time in the country, without prejudice to the adoption of the present report (annex 1).

3. The Committee welcomes the cooperation and facilities provided by the State party before and during the visit, as these were essential in enabling it to complete its scheduled activities. The delegation visited 13 states: Chihuahua, Mexico City, Coahuila, México, Guanajuato, Guerrero, Jalisco, Morelos, Nayarit, Nuevo León, Sinaloa, Tamaulipas and Veracruz. It held meetings with representatives of more than 85 institutions from the executive, legislative and judicial branches, as well as autonomous bodies, at both the federal and state levels. It also met with dozens of victims' associations and hundreds of victims and civil society organizations from 31 of the country's 32 states, and accompanied these associations during exhumations and search days in the states of Coahuila, México and Morelos. The delegation also visited the Regional Centre for Human Identification in Coahuila, several federal and state detention centres and migrant holding centres (see the list of meetings contained in annex 2). The Committee appreciates the willingness of all its interlocutors to engage in dialogue and to provide particularly valuable information and documentation. It is also grateful for the support provided by the Office of the United Nations High Commissioner for Human Rights in Mexico prior to and during the visit. Lastly, the Committee is especially grateful to the families and relatives of disappeared persons for their testimonies, insights and proposals, and wishes to draw public attention to their daily mobilization efforts and daily struggle.

4. The Committee highlights the empathy shown by some public officials at both the federal and state levels towards victims and their commitment to recognizing and addressing

* The present report should be read in conjunction with [CED/C/MEX/VR/1 \(Recommendations\)](#).

** Adopted by the Committee at its twenty-second session (28 March–8 April 2022).

*** The annexes to the present report are available on the Committee's web page.

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² See <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=27877&LangID=E>.



the critical situation that Mexico is facing with regard to enforced disappearance. The promotion of search, investigation and reparation efforts, and the creation of spaces for dialogue with victims, are key efforts that should be recognized and made widespread. It is imperative that all public officials of the State act with the same level of commitment and responsibility towards families and relatives who are still waiting for a loved one to be located.

II. Legal and institutional framework

5. The Committee welcomes the significant regulatory, institutional and case law-related advances that have taken place in the State party. Having already done so in its 2016 concluding observations and in its 2018 observations,³ the Committee again wishes to highlight the significance of the adoption of the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System (General Act on Enforced Disappearance) and the General Victims Act, as well as the creation of the National Register of Missing and Disappeared Persons. The Committee welcomes the reactivation of the National Missing Persons System, the establishment of local search commissions and the offices of the special prosecutor for the investigation of enforced disappearance, the adoption of the Standardized Protocol for the Search for Missing and Disappeared Persons and the Additional Protocol for the Search for Children and Adolescents, and the possibility of including persons involved in searches in the Protection Mechanism for Human Rights Defenders and Journalists.

6. The Committee welcomes the establishment of centres and units dedicated to human identification (the Regional Centre for Human Identification in Coahuila, the Comprehensive Forensic Medical Services Unit in Nogales, Veracruz, the Directorate for Human Identification in Jalisco and the forensic storage centre in Guerrero, Tamaulipas, and other states), as well as the creation of the Special Forensic Identification Mechanism and its coordinating group.

7. In addition, the Committee welcomes the establishment, at the President's initiative, of the Commission for Access to the Truth, Historical Clarification and the Promotion of Justice for Serious Human Rights Violations committed between 1965 and 1990, and the establishment of the presidential commission responsible for the Ayotzinapa case. It also welcomes the creation of the special unit responsible for investigating and litigating the Ayotzinapa case, the Transnational Mechanism for Access to Justice for Migrants and the Bureau for the Search for Missing Migrants under the umbrella of the National Missing Persons System.

8. This regulatory and institutional framework provides tools with great potential, whose effective implementation should be a priority in the fight against enforced disappearance.

9. The recognition by the State party of the Committee's competence to consider individual communications under article 31 of the Convention is a significant step forward. The Committee welcomes the decision of the Supreme Court⁴ recognizing the binding nature of the recommendations adopted by the Committee in the context of the urgent action procedure under article 30 of the Convention. In its decision, the Court states that the Committee's powers to issue and monitor urgent action requests are unquestionably part of the regulatory content of the International Convention for the Protection of All Persons from Enforced Disappearance "and thus must be understood as being part of the provisions that Mexico accepts by signing, ratifying and incorporating it into its domestic legal system. This means that Mexico ratified and added to its domestic constitutional regime these powers and competencies, as well as the decisions issued in exercise of those powers". The Committee also welcomes the fact that this decision emphasizes "the urgent obligation to search for disappeared persons using all available institutional resources and all the institutional coordination necessary to achieve this end".⁵

³ CED/C/MEX/CO/1 and CED/C/MEX/OAI/1.

⁴ Judgment of 16 June 2021, *amparo* appeal No. 1077/2019, para. 122. Available at <https://www.idheas.org.mx/wp-content/uploads/2021/07/VERSION-PUBLICA.pdf>.

⁵ *Ibid.*, para. 72.

III. Context and trends observed

A. The phenomenon of disappearances in Mexico

10. Of the registers provided for under the General Act on Enforced Disappearance, only the National Register of Missing and Disappeared Persons, which is administered by the National Search Commission of the Ministry of the Interior, is currently operational. It serves to spotlight the different dimensions of the phenomenon of disappearance in Mexico. According to the official figures available, as at 26 November 2021, 95,121 persons had been registered as disappeared, of whom 112 had reportedly disappeared during the Committee's visit.

11. According to the information provided to the Committee, between 2006 and 2021, there was a steep rise in the number of disappearances in the country, with more than 98 per cent of them occurring during this period (annex 3).⁶ These data show the close correlation between the increase in the number of disappearances and the so-called "war on drug trafficking", which began during the six-year term of Felipe Calderón (2006–2012), when a policy characterized by the deployment of the armed forces to perform public security functions was implemented. This policy was maintained and has even been stepped up in subsequent six-year terms. Thus, while in the second half of the last century disappearances were mainly characterized as a means of political repression and committed by government agents and the armed forces, mostly against opposition social groups, from 2006 onwards, they have involved a wide range of perpetrators, modalities and victims.

12. The Committee notes that, according to the information provided by the State party, the number of disappeared persons has decreased over the last two years (annex 3). However, it also notes that, according to the information available to it, disappearances are often reported between one and two years after being perpetrated, which makes it difficult to draw definitive conclusions from the analysis of the most recent figures.

13. The Committee received alarming information, from both authorities and victims, about the emergence of several patterns in the commission of acts of enforced disappearance. These patterns can be observed in the vast majority of states (annex 4). Acts of enforced disappearance continue to be committed directly by public officials at the federal, state and municipal levels. In addition, persons involved in organized crime, with various forms of collusion and varying degrees of participation, acquiescence or omission by public officials, have become some of the main perpetrators of disappearances.

14. Disappearances continue to affect mostly men between 15 and 40 years of age (annex 5). However, official figures show a visible increase in the number of disappearances of children from 12 years of age and of adolescents and women,⁷ a trend which worsened during the coronavirus disease (COVID-19) pandemic (annex 6). These cases reportedly concern disappearances linked to the abduction of children (within or outside the family setting), disappearances as a means of concealing sexual violence and femicide, and disappearances linked to recruitment and reprisals. Victims and authorities also reported disappearances carried out for the purposes of trafficking and sexual exploitation.

15. The Committee is particularly concerned about the specific victimization of women who, in most cases, are left to care for their families and to search for their loved ones at their own expense all the while suffering the severe social and economic effects of disappearances and who, in addition, are often victims of violence, persecution, stigmatization, extortion and reprisals.

16. No less alarming is the situation of human rights defenders, some of whom have been disappeared because of their participation in searches and the fight against disappearances.

⁶ A total of 1,706 for the period 1964–2005.

⁷ In some states, the number of disappearances of women far exceeds the national average (25 per cent), reaching 67 per cent in Campeche and over 60 per cent in Chiapas, Tabasco and Yucatán (mostly cases involving girls and adolescents of between 10 and 19 years of age).

For them, attacks are an ever-present reality.⁸ The Committee is also concerned about the disappearance of more than 30 journalists between 2003 and 2021. None of them have been located and no progress has been made in investigating their cases or punishing those responsible. This situation poses a serious threat to the right to freedom of expression and society's right to be informed.⁹

17. During the visit, the Committee received allegations of disappearances that had occurred in prisons. By way of example, a mother reported that her daughter had been disappeared after having entered the detention centre in question to visit her partner; she had accompanied her daughter to the entrance of the centre and waited for her until the end of her scheduled visit, but she never came out. When she asked the prison authorities about the whereabouts of her daughter, they stated that they knew nothing about her.

18. The Committee was informed about the failure to give immediate notification when persons were deprived of their liberty in prisons or migrant holding centres or when they were transferred from one place of deprivation of liberty to another. This failure by the State to inform interested parties sometimes occurs despite requests for information on the location of the person deprived of his or her liberty having been submitted. The Committee recalls that, under article 2 of the Convention, these acts constitute enforced disappearance, irrespective of the duration of the deprivation of liberty or of the concealment of the person or his or her whereabouts.¹⁰

19. This failure to notify or inform is compounded by the fact that persons deprived of their liberty in prisons or migrant holding centres often face obstacles in communicating with the outside world and in reporting their whereabouts. In some cases, they have been denied access to a telephone, while, in others, public officials have allegedly charged persons deprived of their liberty to make calls. In cases where authorities do permit detainees to call their family members and relatives, they may be denied access to their belongings or mobile telephones and thus be prevented from obtaining the relevant contact numbers. In general, detainees can only be located if the prison authorities give the proper notification. Moreover, most migrants who are reported missing after having been detained in a migrant holding centre are only located when they are returned to their country of origin or released.

20. The Committee received information about other patterns of disappearances that had occurred in the context of migration. The massacres in San Fernando, Cadereyta, Güemez and Camargo (annex 7) were held up as prime examples of the gravity of the situation. The Committee also received allegations that perpetrators of disappearances confiscate migrants' mobile telephones after having unlawfully deprived them of their liberty in unknown locations in order to call their relatives and ask them for money, sometimes with the support or acquiescence of public officials. In addition, several of the Committee's interlocutors referred to the practice of returning migrants to the country's southern border and abandoning them there; these migrants are then forced to return to their countries by their own means and, at times, are left to fend for themselves in unknown places without any money. In these conditions, many have been kidnapped, extorted, sexually assaulted, trafficked and disappeared.

21. Indigenous communities have also been affected by disappearances. These occur mainly in the context of social and territorial conflicts linked to the implementation of mining or energy megaprojects or following the removal or grabbing of land for economic exploitation by organized crime groups or other private actors, with varying degrees of involvement or acquiescence by public officials. In addition, several victims made allegations of acquiescence in relation to disappearances of indigenous persons that had occurred after they had been forcibly recruited.

⁸ Of the more than 1,500 beneficiaries of the Protection Mechanism for Human Rights Defenders, 70 per cent are human rights defenders and 15 per cent are involved in searching for disappeared persons.

⁹ According to the 2021 World Press Freedom Index of Reporters without Borders, Mexico is ranked 143rd out of 180 countries. See <https://rsf.org/en/ranking>. See also A/HRC/38/35/Add.2, para. 46.

¹⁰ *Yrusta and Del Valle Yrusta v. Argentina* (CED/C/10/D/1/2013), para. 10.3.

22. During the visit, the Committee received information regarding the disappearance of LGBTIQ+ persons. These disappearances had allegedly been committed by security forces or by persons involved in organized crime, with varying degrees of collusion by the authorities, often for the purpose of “social cleansing” or sexual exploitation and frequently after a period of detention in so-called “conversion therapy centres”.¹¹

23. There are specific patterns of disappearances in some states, regardless of the profile of the victims. By way of example, the Committee notes with concern the increase in the number of disappearances occurring at kilometre 26 of Highway 85 from Monterrey to Nuevo Laredo – mainly drivers of heavy goods vehicles and their companions (206 cases between 2010 and 2021). The Committee also received information regarding a significant number of disappearances related to fuel trafficking in the north of the country, and the involvement of the state and municipal authorities of Nayarit in appropriating the property of disappeared persons. In Jalisco and Coahuila, the Committee received allegations that persons had been disappeared after having been placed in addiction treatment centres.

24. In the light of the above, and after having carried out an exhaustive analysis of the information it has received, the Committee reiterates its deep concern that disappearances continue to be widespread over much of the State party’s territory and that almost absolute impunity and revictimization prevail in this regard.¹²

B. Disappearances in Mexico: almost absolute impunity

25. According to information provided by the State party, as at 26 November 2021, only a minimal percentage of cases of disappearance – between 2 per cent and 6 per cent – had been brought before the courts, and only 36 judgments had been issued in such cases at the national level.¹³

26. An additional factor is the often passive attitude of judicial institutions in the face of such a serious phenomenon as the disappearance of persons, which all public authorities have a responsibility to address. This leads to victims’ visibly lacking confidence in these institutions, which, in turn, results in a high number of cases going unreported.

27. In Mexico, impunity is a structural feature that is conducive to the recurrence and concealment of acts of enforced disappearance and that endangers and creates anxiety for victims, those who defend and promote their rights, public officials involved in searching for disappeared persons and in investigating their cases, and society as a whole. Impunity is also a factor that contributes to revictimization and undermines the impact of any initiative to eradicate and prevent enforced disappearance. As one victim stated during the visit: “human beings live on faith and hope, but when there is injustice, their souls never rest”. The fight against impunity for disappearances in Mexico is therefore a matter of urgency.

C. Forensics crisis: a deeply alarming reality

28. The Committee expresses its deep concern about the forensics crisis in the country. According to publicly available data, more than 52,000 unidentified deceased persons are currently located in mass graves, forensic service facilities, universities or forensic storage centres.¹⁴ Despite its magnitude, this figure does not include the bodies not yet located or the thousands of fragments of human remains that families and search commissions collect weekly from clandestine graves (see the photographs in annex 8).

¹¹ These allegations relate primarily to events in Jalisco, Michoacán and Veracruz.

¹² CED/C/MEX/CO/1, para. 10; and CED/C/MEX/OAI/1, para. 3.

¹³ Report of the National Search Commission to the Committee on Enforced Disappearances, pp. 39–40.

¹⁴ Movimiento por nuestros desaparecidos en México, “La Crisis Forense en México: más de 52 mil personas fallecidas sin identificar” (Movement for disappeared persons in Mexico, “The Forensics Crisis in Mexico: more than 52,000 unidentified deceased persons”) p. 4. Available at <https://movndmx.org/wp-content/uploads/2021/08/Informe-La-Crisis-Forense-en-Me%CC%81xico.pdf>.

29. A total of 71.73 per cent of these unidentified bodies are located in the states of Baja California, Mexico City, México, Jalisco, Chihuahua, Tamaulipas and Nuevo León. Forensic services are insufficient and, as will be explained below, several of the instruments provided for in the General Act have not yet been established and there is no public policy on human identification in relation to the disappearance of persons. According to several experts interviewed during the visit, under the prevailing conditions, it would take 120 years to identify all such bodies, and that is without taking into account the new bodies that are being added to the total every day.

IV. Need for a national policy to prevent and eradicate enforced disappearance

30. In recent decades, authorities, victims, national and international non-governmental organizations (NGOs), academics and international cooperation actors have implemented multiple projects and public policies to address disappearances. However, since these actions are not carried out within a coordinated overarching framework, there are duplications and inequalities in terms of commitment to and the quality of the interventions carried out.

31. **The seriousness of disappearances and their diverse and intense impact on victims and Mexican society as a whole require the adoption and urgent implementation of a national policy to prevent and eradicate disappearances. To this end, the Committee urges the State party to ensure that the national policy addresses all of the observations and recommendations made¹⁵ and that it includes due diligence standards, a differentiated approach and a human rights-based approach as cross-cutting components.**

32. **The national policy should be comprehensive, address and combat the causes of enforced disappearance and be aimed at ensuring non-repetition. It should include concrete actions and measurable indicators to allow for the assessment of compliance and results. To this end, a transparent and independent monitoring system should be established to ensure accountability.**

33. **The process of designing the national policy should involve all federal, state and municipal authorities, as well as the country's autonomous bodies and broad sectors of society, including victims, victims' associations and their representatives.**

34. **The implementation of the national policy should be underpinned by the strong political will and effective commitment of all State authorities.**

35. **The Committee recommends that the State party request international bodies and the international community to oversee the operation of cooperation and coordination mechanisms for the multiple projects undertaken to address disappearances. The Committee considers that there is an urgent need for these projects to be carried out in a more concerted manner with the aim of avoiding duplication and bridging existing protection gaps.**

36. **Bearing in mind the continuous nature of the disappearances, the date on which they began does not preclude the current responsibilities of the State party under the Convention.¹⁶ Therefore, the Committee urges the State party to implement the recommendations contained in the present report in respect of all cases of disappearance in the country, including those that occurred between 1965 and 1990, and in subsequent years.**

37. **The disappearance of persons in Mexico is everyone's problem – this includes society as a whole and all humankind. The Committee reiterates its unwavering commitment to supporting any processes put in place to prevent and eradicate enforced disappearance.**

¹⁵ Contained in the present report and in [CED/C/MEX/VR/1 \(Recommendations\)](#).

¹⁶ [A/69/56](#), annex V, paras. 3–4; and Inter-American Court of Human Rights, *Rosendo Radilla v. Mexico*, judgment of 23 November 2009, Series C No. 209, paras. 140 ff.

V. Minimum conditions for an efficient and effective national policy to prevent and eradicate disappearances

38. Designing a national policy to prevent and eradicate enforced disappearance requires concrete action to be taken on a set of specific priorities.¹⁷ However, in order to ensure that these actions are carried out efficiently and effectively, the Committee considers that the minimum conditions listed below must be met.

A. Recognize and take into consideration the criteria for determining the responsibility of public officials and eradicate the structural causes of impunity

39. Throughout the visit, the Committee's interlocutors put forward various hypotheses concerning the possibility that public officials were responsible for disappearances. Although the prevailing discourse in official circles tends to deny or dilute the responsibility of the State party by claiming that most disappearances are perpetrated by private individuals mainly linked to organized crime, the Committee has received many other allegations that insist on the direct or indirect responsibility of the State, taking into account the patterns of the disappearances occurring in the country. In some cases, it is alleged that public officials are directly involved based on strong evidence such as photographs, testimonies and videos. In others, that the authorities and officials fail to act in the face of known risks.

40. The Committee recalls that, under article 2 of the Convention, States parties bear responsibility for acts of enforced disappearance committed by public officials, regardless of the circumstances in which they occur. Under the same article, States parties also bear responsibility for acts of enforced disappearance committed by persons or groups of persons, such as criminal organizations, acting with the authorization, support or acquiescence of the State. This includes, inter alia, situations where criminal organizations or armed groups are de facto under the control of State authorities or where such organizations receive some form of support from State agents, or where there is a known pattern of disappearances and the State fails to take the measures necessary to prevent further disappearances from occurring or to investigate and bring the perpetrators to justice. Thus, even if a violation is initially not directly attributable to the State, its international responsibility may still be triggered because of its lack of due diligence in preventing the violation or in addressing it in accordance with the requirements imposed by international law, in particular the International Convention for the Protection of All Persons from Enforced Disappearance.¹⁸

41. However, this does not mean that States parties do not bear responsibility for disappearances committed by persons or groups of persons acting without the authorization, support or acquiescence of the State. Even in these cases, States parties bear responsibility if they fail to investigate these disappearances and bring those responsible to justice (art. 3) or when these disappearances constitute a crime against humanity (art. 5). They also bear responsibility if they fail to search for and locate disappeared persons and, in the event of their death, if their bodies are not returned to their families and relatives in a dignified manner

¹⁷ CED/C/MEX/VR/1 (Recommendations), paras. 1–117.

¹⁸ European Court of Human Rights, *Taniş and Others v. Turkey*, application No. 65899/01, 2 August 2005, paras. 206–210; *Er and Others v. Turkey*, application No. 23016/04, 31 July 2012, paras. 66–79; *Meryem Çelik and Others v. Turkey*, application No. 3598/03, 16 April 2013, paras. 48–60; *Imakayeva v. Russia*, application No. 7615/02, 9 November 2006, paras. 139–143; *Alikhanov v. Russia*, application No. 17054/06, 28 August 2018, paras. 70–75; *Tsakoyevy v. Russia*, application No. 16397/07, 2 October 2018, paras. 115–121. See also Human Rights Committee, *Molina Arias et al. v. Colombia* (CCPR/C/114/D/2134/2012) and *Padilla García et al. v. Mexico* (CCPR/C/126/D/2750/2016); *Valdez Cantú et al. v. Mexico* (CCPR/C/127/D/2766/2016). See also Inter-American Court of Human Rights, *Pueblo Bello Massacre v. Colombia*, judgment of 31 January 2006, Series C No. 140, para. 123; *González et al. ("Cotton Field") v. Mexico*, judgment of 16 November 2009, Series C No. 205, paras. 280–283; and *Velásquez Paiz et al. v. Guatemala*, judgment of 19 November 2015, Series C No. 307, para. 109.

and, in general, if they fail to fulfil their obligations towards the victims (art. 24), including children (art. 25).

42. **The Committee considers it essential that all authorities recognize the different forms of responsibility of the State party in cases of disappearance and that they take them into consideration when designing and implementing the national policy to prevent and eradicate enforced disappearance.**

43. **The Committee urges the State party to eradicate all structural causes of impunity. To this end, all institutions making up the system for the administration of justice should put an end to practices that hinder access to justice and perpetuate enforced disappearance as the paradigm of the perfect crime.**

B. Abandon the militarization approach to public security

44. As has been widely denounced in national and international forums, the public security approach taken by the State since the 1990s, and bolstered by the 2006 legislative reform, which is characterized by the use of the military to combat crime, has been insufficient and inadequate in terms of human rights protection.

45. Recent regulatory and operational reforms do not deviate from this trend. Mention should be made of three key milestones: (a) the decree of 26 March 2019 amending article 21 of the Constitution and establishing the National Guard as a civilian police institution attached to the Ministry of Public Security which, in its transitory provisions, provides for broad intervention by the army and the navy in public security work; (b) the Presidential Decision of May 2020 ordering the armed forces to continue performing public security functions pursuant to the fifth transitory article of the constitutional amendment; and (c) the National Guard Act, the National Act on the Use of Force and the National Act on Detention Registers, adopted in 2019. Under this reform, extensive use may be made of the armed forces in conducting public security tasks, a trend which is reflected in the composition of the National Guard: of its 101,182 members, 58 per cent come from the Ministry of Defence, 26 per cent from the former Federal Police and 16 per cent from the Ministry of Naval Affairs.

46. Several aspects of the reform have been the subject of applications for constitutional review filed by the National Human Rights Commission before the Supreme Court. On 21 October 2021, the Supreme Court examined the challenges brought against the National Act on the Use of Force and found there to be several legislative omissions and a regulatory portion of the National Act that was invalid.¹⁹ The other applications had still not been decided at the time of the visit.

47. The Committee is concerned about the militarized approach to public security because of the human rights risks it entails. According to official information, between 2007 and 2021, the National Human Rights Commission issued a total of 162 recommendations to the Ministry of Defence and the Ministry of Naval Affairs in relation to serious human rights violations; 15 of these recommendations related to cases of enforced disappearance. Likewise, in 2021, the Ministry of Defence and the National Guard were among the 10 authorities mentioned most frequently in the case files relating to alleged human rights violations registered by the National Human Rights Commission, and the Ministry of Defence and the Ministry of Naval Affairs were among the five federal authorities in respect of which the highest number of recommendations remained pending.²⁰ The ongoing participation of the armed forces provided for in the constitutional amendment of 11 May 2021,²¹ despite being presented as “extraordinary, regulated, monitored, secondary and complementary in nature”,

¹⁹ Supreme Court, judgment of 21 October 2021, No. 326/2021. Available at <https://www.internet2.scjn.gob.mx/red2/comunicados/noticia.asp?id=6634>.

²⁰ National Human Rights Commission, 2021 Activity Report, available at https://informe.cndh.org.mx/uploads/principal/2021/IA_2021.pdf.

²¹ Ministry of the Interior, Official Gazette.

raises doubts as to its conformity with constitutional and international standards on human rights and citizen security.²²

48. **In view of the above, the Committee urges the State to abandon its militarized approach to public security. Its public security policy should be developed in full accordance with international human rights principles and ensure that security institutions are civilian in nature, in keeping with article 21 of the Constitution. Therefore, the Committee reiterates its recommendation that the State party strengthen its civilian law enforcement bodies and requests it to draw up a plan to ensure the military forces' orderly, immediate and verifiable withdrawal from public security operations.**²³

C. Spotlight, disseminate information on and raise awareness of disappearances in Mexico

49. The efforts made to record and update data through the National Register of Missing and Disappeared Persons have been the key to spotlighting the different dimensions of disappearances in Mexico. However, several interviewees expressed concern about duplications, errors in the data recorded or incomplete information²⁴ and mentioned the difficulties experienced in requesting corrections or updates.

50. Furthermore, the Committee is concerned that the National Register of Missing and Disappeared Persons does not provide a clear picture of the proportion of registered cases that might involve enforced disappearance. Although a suspected case of enforced disappearance can only be confirmed once the investigation has been concluded, if there is evidence, it is essential that it be recorded in the initial stages to spotlight these cases and to allow the adoption of efficient strategies for conducting searches and investigations, providing support and reparation to victims and preventing disappearances.

51. During the visit, the Committee also noted that, for many people, disappearances continue to be “someone else’s problem”. As one victim, a minor, said: “I never imagined I would be here with you now, talking about my mother’s disappearance. I didn’t think this was possible or that it could happen to me. It’s not the kind of thing they teach you at school. When your mother suddenly disappears, you have no idea what to do. It’s a nightmare that starts over every day”. This testimony illustrates the urgent need to further inform the Mexican population as a whole about the reality of disappearances and what to do when a person has disappeared. The Committee welcomes the initiatives undertaken, mostly by victims and civil society organizations, to disseminate information on the subject.²⁵ However, while laudable, these initiatives should be accompanied by others that are more wide-ranging.

52. **In view of the above, the Committee stresses the urgent need for the authorities to establish flexible, interoperable, efficient and transparent mechanisms to ensure the entry of detailed and up-to-date information in the National Register of Missing and Disappeared Persons and in state registries, and to remove any duplications and to correct errors in the data entered.**

53. **The Committee considers it a priority for the National Register of Missing and Disappeared Persons to be updated on an ongoing basis by all competent institutions so that cases in which there is evidence of involvement by public officials or persons or groups of persons acting with the authorization, support or acquiescence of the State**

²² Office of the United Nations High Commissioner for Human Rights, communiqué of 13 May 2020. Available at https://hchr.org.mx/wp/wp-content/themes/hchr/images/Comunicados/2020/20200513_ComPrensa-AcuertoFuerzasArmadas.pdf.

²³ CED/C/MEX/OAI/1, paras. 34–35; and CCPR/C/MEX/CO/6, para. 19.

²⁴ According to the information received, in 2020, 47.5 per cent (9,306.8) of the 19,603 records had empty fields. For example, the field related to the question “Do you have fingerprints that you could provide?” remained empty in 99.9 per cent of cases.

²⁵ For example: plays, murals, illustrations and publications produced by civil society, or institutional information campaigns, such as “Chuchi Cacomixtle” (National Search Commission).

may be discerned in a transparent and reliable manner and so that cases of enforced disappearance may be clearly identified. The updating of information should be accompanied by periodic analyses so that the national policy can be adjusted to reflect changing realities.

54. In addition, the State party should launch, as a matter of urgency, a broad national information and awareness-raising campaign that will reach all sectors of the population and, *inter alia*, help to counter the stigmatization faced by victims on a daily basis.²⁶

55. The campaign should widely disseminate, including in schools and mainstream media, clear and accessible messages about disappearances, the mechanisms in place to address them, the results yielded by those mechanisms and the challenges encountered.

56. The information and awareness-raising campaign should also be international in scope to allow information about the situation that Mexican society as a whole is facing to be disseminated widely and lessons learned to be shared.

D. Duly implement the framework of regulations, case law and institutions throughout the country

57. The success of any national policy on enforced disappearance requires all federal, state and municipal authorities to ensure the full implementation of the relevant framework of regulations, case law and institutions. While the Committee acknowledges the wealth of existing tools to address disappearances in Mexico, it is concerned to note that serious shortcomings have been identified in their implementation. Moreover, the noteworthy efforts made by some authorities to establish and implement an effective framework of regulations, case law and institutions to prevent and eradicate disappearances are frequently hampered by incompatible decisions taken by other authorities.²⁷

58. The Committee finds it regrettable that, four years after the entry into force of the General Act on Enforced Disappearance, the regulations implementing the Act have not yet been published. The majority of states still lack a public policy on the disappearance of persons. Some states have not brought their legislation into line with the General Act or provided their search commissions with the minimum resources they require to carry out their work. In addition, a national forensic databank, a national register of unidentified and unclaimed deceased persons and a national register of graves have still not been created, and the National Exhumation Programme has not been published.

59. The Committee is also concerned to note that many of the available tools are little known and rarely used. Few prosecutors carry out context analyses or apply search and investigation protocols. Unfortunately, very few judges make use of habeas corpus, or *amparo buscador*, which is provided for in the Constitution and the *Amparo* Act of 2013 and empowers judges to order other authorities to provide information, produce persons held in their custody, or travel to places where a victim is likely to be found in order to gather information directly.²⁸

60. The same trend can be observed in the implementation of case law. Some authorities continue to disregard the Supreme Court's decision of June 2021, which established the binding nature of urgent action requests issued by the Committee.²⁹ The Committee regrets

²⁶ The testimonies received illustrated the stigmatization that victims of disappearance face on a daily basis: "he/she must have been involved in something" or "his/her actions explain everything" are the kind of comments that they receive, even from the authorities.

²⁷ See, for example, the Organic Act on the Prosecutor General's Office of 2021, which is incompatible with several provisions of the General Act on Enforced Disappearance and the General Victims Act.

²⁸ National Search Commission and the United States Agency for International Development, *El amparo buscador: una herramienta contra la desaparición forzada de personas, guía para familiares y personas juzgadoras (Amparo buscador: a tool to combat enforced disappearance, a guide for family members and judges)* (Mexico, 2021).

²⁹ For example, the National Human Rights Commission decided to close the investigation into the disappearance of Daniel Ramos, thereby disregarding a specific request made by the Committee on

to note that, according to information it has received, the State party has not given due effect to the Views adopted by other United Nations treaty bodies in relation to the issue of disappearances in Mexico (see in particular the Human Rights Committee³⁰).

61. The Committee welcomes the training initiatives carried out by the National Search Commission and the refresher, specialization, and training and certification programmes implemented by the professional career service of the public prosecutor's office, the training centres of state-level public prosecutors' offices, the Federal Training School for Judges, some state training schools for judges, the Ministry of Naval Affairs and the Ministry of Defence. However, these programmes do not always specifically address the issue of disappearances, are not part of a comprehensive, coordinated strategy, often lack impact indicators and have unclear outcomes.

62. The Committee is also concerned about reports indicating that the National Human Rights Commission and the state-level commissions lack independence and autonomy. The allegations received relate to slowness in resolving complaints, especially those filed against the National Guard for human rights violations, including acts of enforced disappearance; the decision not to file applications for constitutional review against the Presidential Decision of May 2020, which maintains and deepens the militarization of security policy; and, where reparation policies are concerned, the failure to take any action in relation to the abolition of trust funds and the proposed reform of the General Victims Act. Furthermore, the Committee considers it significant that, at the time of the visit, not all the members of the Advisory Council of the National Commission had been appointed, despite the fact that two years had passed since the start of the new administration,³¹ and that local citizens' councils had not been established.

63. In view of the above, the Committee urges the State party to adopt and implement the regulations related to and all the instruments provided for in the General Act. At the same time, all states should adopt and implement a regulatory and institutional framework that is compliant with the Act, in consultation with the families of disappeared persons. To this end, the authorities should identify and provide the resources necessary for the functioning of all institutions involved in dealing with disappearances at the federal and state levels and should carry out strict selection and vetting procedures for staff.

64. Furthermore, the establishment and strengthening of teams responsible for search, investigation, prosecution and reparation procedures, and actions to prevent disappearances, require specialized in-service training programmes to be implemented immediately in order to create and maintain the national capacity necessary to address disappearances and combat impunity.

65. The State party should develop a comprehensive training programme on disappearance that includes coordinated in-service training and ensures the appropriation of national and international frameworks of institutions, case law and regulations related to disappearance and the fight against impunity. These programmes should promote the use of established tools, including the Standardized Protocol for the Search for Missing and Disappeared Persons, the Standardized Protocol for the Investigation of Offences of Enforced Disappearance of Persons and Disappearance Perpetrated by Individuals, the AMBER Alert system, the Alba Protocol, the Additional Protocol for the Search for Children and Adolescents, and the guidelines on searching for missing or disappeared persons, searches incorporating a gender perspective and context analysis during the search phase, respectively, and the use of habeas corpus or *amparo buscador*.

Enforced Disappearances in relation to urgent action request No. 10 (2013). *Amparo* proceedings are currently under way in this connection.

³⁰ *Hidalgo Rea and Rivera Hidalgo v. Mexico* (CCPR/C/131/D/3259/2018); *Valdez Cantú et al. v. Mexico* (CCPR/C/127/D/2766/2016); *Padilla García et al. v. Mexico* (CCPR/C/126/D/2750/2016); *Moreno Zamora et al. v. Mexico* (CCPR/C/127/D/2760/2016).

³¹ The Committee notes that, on 7 December 2021, the Senate appointed the nine new members of the Advisory Council.

66. The programmes should set goals and indicators to measure the impact of the training and refresher courses and should provide for periodic follow-up on the implementation of the content taught.

67. At the same time, the institutions involved in searches and investigations, prosecuting cases, providing support and reparation to victims and preventing disappearances should draw up periodic, detailed and coordinated workplans with clear goals that ensure the implementation of the available tools, allow the workload to be processed in a strategic and effective manner and are subject to follow-up and accountability mechanisms. The process of defining these goals should take into account lessons learned and good practices, including the procedures developed by the special unit responsible for investigating and litigating the Ayotzinapa case and any noteworthy measures undertaken by justice officials who have effectively made use of the available tools.

68. The Committee stresses the importance of including and promoting in university curricula the teaching and dissemination of, and research into, topics related to the disappearance of persons from a multidisciplinary standpoint.

69. The State party should ensure that all authorities act in accordance with the requirements laid down by the Supreme Court's decision of June 2021, which established the binding nature of the urgent action requests issued by the Committee. In addition, it should establish mechanisms to ensure that effect is given to the Views of the United Nations treaty bodies and other international human rights mechanisms.

70. The Committee considers that there is a need for the State party to ensure that the National Human Rights Commission and the state-level human rights commissions perform their functions in a wholly autonomous and independent manner. In this connection, the National Human Rights Commission and the state-level commissions should strengthen their investigative capacity, streamline the processing of all case files, pay due attention to particularly complex cases, optimize follow-up on their recommendations and, in particular, make effective use of all the powers granted to them by the Constitution as agencies responsible for protecting, observing, promoting, studying and raising awareness of human rights.

71. The Committee recommends that the local citizens' councils, which have not yet been established, be set up as soon as possible. Furthermore, the State party should give due consideration to any recommendations issued by these councils.
