



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

Distr.: General
31 August 2022
English
Original: Spanish
English, French and Spanish only

Committee on Enforced Disappearances

**Observations received from Mexico in relation to
the Committee's report on its visit under article 33
of the Convention* ****

[Date received: 12 August 2022]

* The present document is being issued without formal editing.
** The annexes to the present document are available on the Committee's web page.



I. Introduction

1. Pursuant to rule 97 (2) of the rules of procedure of the Committee on Enforced Disappearances, the Government of Mexico is hereby submitting its observations on the Committee's report on its visit to Mexico, in accordance with article 33 of the International Convention for the Protection of All Persons from Enforced Disappearance.
2. The Government of Mexico expresses its total commitment to cooperating with the Committee to ensure full implementation and follow-up of its recommendations. Accordingly, in addition to the requested observations, the Government is also providing information on its initial efforts to comply with the recommendations.

II. Observations on the report on the visit to Mexico by the Committee on Enforced Disappearances

A. Observations of the National Prosecutor's Office

Observations on paragraph 14 of the report (CED/C/MEX/VR/1 (Recommendations))

3. Article 4 of the Act on the National Prosecutor's Office states that the Criminal Investigation Agency must have an administrative unit responsible for designing, harmonizing and implementing systems and mechanisms for collating and analysing information on national and international criminal activity. The resulting expanded and enhanced information ecosystem will make it easier to ensure that investigations into cases of disappearance are extensive, comprehensive, exhaustive and impartial. Furthermore, under article 45 of the Act, information analysts are empowered to support investigations by producing strategic reports on criminal activity through which it is possible to identify patterns, structures, organizations and *modi operandi*.

4. Chapter IX of the Act provides for the results of such analysis to be assessed using an institutional system within which all data capture and compilation processes involved in the procedural and monitoring activities carried out by the prosecution services, their auxiliaries and their support units are integrated. The system will be used to generate outputs for the analysis of institutional activities and performance indicators and to identify institutional needs. On the basis of these needs, technological systems and resources will be planned, developed and administered, and a system for managing information useful for investigations and intelligence and developing tactical and operational strategies will be established.

5. Owing to the scarcity of specialized forensic archaeologists, the Directorate General of Forensic Medicine Specialists of the General Office for the Coordination of Expert Witness Services of the Criminal Investigation Agency, working in coordination with the Office of the Special Prosecutor for the Investigation of Offences of Enforced Disappearance, schedules monthly sessions during which all expert witness work relating to the search for and location, exhumation and recovery of human corpses, body parts and skeletal remains throughout the country is conducted.

Observations on paragraph 16 of the report (CED/C/MEX/VR/1 (Recommendations))

6. The Act on the National Prosecutor's Office provides that, when conducting investigations with a view to determining the facts, investigation and litigation teams should follow coherent plans based on intelligence products, including context analysis, that allow for the swift resolution or prosecution of cases.

7. Analysts are authorized, under article 45 of the Act, to conduct context analysis on recurrent or emerging forms of criminal behaviour; to produce strategic reports on national, transnational and international crime with a view to identifying patterns, structures, organizations and *modi operandi*, along with any other information considered necessary, appropriate or useful for formulating, following up on, evaluating and rethinking the Strategic Prosecution Plan and investigating offences; and to contribute to criminal prosecution policy.

8. Thus, the investigations conducted by the National Prosecutor's Office and the contribution that the Office makes to prosecutions can be enhanced by means of diagnostics, data analysis, proposals for methodological and data-collection frameworks and the production of strategic reports. The conceptual and methodological thread running through all this work is the information ecosystem.

9. Any form of data collection and subsequent data processing exercise would fail if no consideration were given, at a fundamental level, to the objectives of the exercise, the intended use of the outputs, the form in which they are delivered and the underlying thought processes.

Observations on paragraph 17 of the report (CED/C/MEX/VR/1 (Recommendations))

10. The National Law Enforcement Conference, on behalf of the Government, observes that encouraging the Congress of the Union to undertake the reforms necessary to ensure that state-level prosecutors' offices participate in the National Search Programme will be a challenging aspect of implementing this recommendation.

Observations on paragraph 19 of the report (CED/C/MEX/VR/1 (Recommendations))

11. Important considerations for the development and refinement of the technical and scientific methods of investigation and scenario generation proposed are the legal and judicial strategies to be applied to each case and the procedural actions and lines of inquiry pursued by the specialized prosecutors on the basis of the investigations performed by officers of the Federal Criminal Investigation Agency of the National Prosecutor's Office and expert criminologists, applying a methodology and legal strategy that together constitute an investigation plan. The key inputs for such plans are the actions and lines of inquiry pursued during the specialist investigation, the probative information and items of evidence that they yield and the contributions of the victim's immediate family, witnesses, the National Search Commission and the search commissions of each federative entity.

12. In exercise of the authority conferred upon them under article 45 of the Act on the National Prosecutor's Office, analysts may contribute to this process by compiling intelligence products that draw on available data and suggest possible lines of action and possible locations for their implementation. The National Centre for Planning, Analysis and Information for the Fight against Crime has been involved in analyses of information carried out as part of investigative efforts to find disappeared persons alive led by the special and specialized prosecutors of the National Prosecutor's Office.

Observations on paragraph 22 of the report (CED/C/MEX/VR/1 (Recommendations))

13. The regulations of the search commissions have not yet been submitted to the General Office for the Coordination of Expert Witness Services for observations and comments.

Observations on paragraph 23 of the report (CED/C/MEX/VR/1 (Recommendations))

14. An update on the work of the National Search Programme was provided at an event held at the National Palace on 24 June 2019, at which a central focus was the analysis of the current situation of the country's forensic services that had been carried out. Also under the spotlight were the measures taken to improve management of the resources needed to enable forensic institutes and forensic cemeteries to hire forensic experts, acquire fingerprint scanners and automated fingerprint identification systems and enhance infrastructure and database support.

15. Participants in the second 2021 session of the National Law Enforcement Conference were briefed on the analysis of national expert witness and forensic capacities carried out in 2018. Following the briefing, they expressed their readiness to contribute to the compilation of the data necessary to update the analysis presented, and thus to the implementation of the National Exhumation and Forensic Identification Programme, and agreed to provide the Executive Secretariat of the National Public Security Programme with estimated costs for certain infrastructure projects. A commitment to strengthen the prosecution services' forensic capabilities, drawing on resources from the Public Security Contributions Fund, was also made at the event.

16. Currently the National Prosecutor's Office is working with the National Law Enforcement Conference and with independent medical and forensic services to collect, review, validate, collate and analyse the information needed to update the previous analysis of expert witness and forensic capacities.

17. However, the National Prosecutor's Office has highlighted the need for more generous budget allocations for the federal and state-level prosecution services, to enable them to acquire more materials, supplies, specialist equipment and laboratories, and for greater flexibility in the procurement process. Increased budgetary resources could be made available through existing mechanisms such as the National Priority Subprogramme tasked with ensuring more effective application of forensic science in the investigation of criminal offences, drawing on resources from the Public Security Contributions Fund.

18. The National Law Enforcement Conference highlights that it is the legislature that is responsible for allocating resources under the federal expenditure budget.

19. Similarly, pursuant to article 44 of the Fiscal Coordination Act, it is the Executive Secretariat of the National Public Security Programme, in consultation with the federative entities' heads of government, that is responsible for agreeing the resources to be assigned to the Public Security Contributions Fund. It is to be hoped that this recommendation results in a greater percentage of resources from the Public Security Contributions Fund being allocated to prosecutors' offices.

20. Accordingly, the Ministry of Public Security and Citizen Protection and the Executive Secretariat of the National Public Security Programme should be encouraged to make strengthening the capacities of the special prosecutors' offices a priority of their 2023 programmes.

Observations on paragraph 24 of the report (CED/C/MEX/VR/1 (Recommendations))

21. The State notes that the different search methodologies available are used to complement or supplement others, not as alternatives: a same goal – in this case ascertaining the whereabouts of unlocated, disappeared persons – can be achieved using various techniques and methods. The authorities should therefore pursue any and all lines of inquiry, with priority being accorded to carrying out an immediate search. Articles 28, 29 and 30 of the Act on the National Prosecutor's Office envisage the use of an investigation management model in which cases are not broken down into separate offences.

22. The management model adopted by the National Prosecutor's Office is based on guidelines intended to ensure an all-encompassing approach to investigations and prevent fragmentation in spite of responsibilities being shared between different administrative units. The aim is to build complex, cross-cutting cases even when no suspects can be identified and/or insufficient evidence for charges to be brought can be gathered.

23. The above-mentioned model is based on article 29 of the Act on the National Prosecutor's Office, which reads as follows:

“Article 29. Officers of the Federal Prosecution Service shall perform their duties individually and, where applicable, as part of investigation and litigation teams or units responsible for conducting investigations and bringing criminal and forfeiture proceedings, in accordance with the Organic Statute of the National Prosecutor's Office and other legislation.

The role of the investigation and litigation teams is to organize, manage and apply the criminal prosecution strategy of the National Prosecutor's Office flexibly and efficiently with a view to determining the facts. When conducting investigations, they shall adhere to coherent plans, supported by context analysis, that allow for the prompt resolution or prosecution of cases, depending on the circumstances. They shall always favour the application of alternative solutions and fast-track methodologies, and, by working together as a team, shall ensure swift, high-quality work and the best possible resolution of the criminal conflict.

The investigation and litigation teams shall form part of special prosecutors' offices or investigation and litigation units, whose competencies shall be established in the

Organic Statute. Where several overlapping offences have been committed, mixed investigation and litigation teams or units whose members are drawn from different units of the National Prosecutor's Office and/or from the personnel of the prosecutors' offices of federative entities may be formed, pursuant to institutional partnership agreements, to conduct the investigation and pursue criminal proceedings within the scope of their competencies. In all cases, fragmentation shall be avoided and the investigation shall not be broken down into separate offences.

Competencies shall always be distributed across administrative units in a manner that avoids fragmentation of the investigation. Investigations shall be conducted in a way that allows for complex, cross-cutting cases to be built even when no suspects can be identified and/or insufficient evidence for criminal proceedings to be brought can be gathered.

Cross-cutting case units, comprising federal prosecutors, officers of the Federal Criminal Investigation Police and analysts, may be established to conduct these investigations and bring criminal proceedings within the scope of their competencies.

Even in those cases where criminal proceedings are not brought or the case is temporarily archived, information collected in the investigations should be cross-referenced and collated in order to build complex, cross-cutting cases that allow for the identification of recurrent acts involving similar forms of conduct and the analysis of recurrent offences and of criminal groups and markets."

24. Based on the foregoing, in both its local and central units, the National Prosecutor's Office applies a collaborative model for institutional operations. This model has been implemented in all prosecution offices and units that form part of the Office's substantive operations, applying the guidelines set out in the relevant handbook and placing particular emphasis on the importance of conducting holistic investigations and preventing their fragmentation.

25. Lastly in relation to this recommendation, the State underscores that the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System (hereinafter the General Act on Enforced Disappearance) establishes several types of responsibility that State agents might incur when committing or supporting or acquiescing to the commission of offences of enforced disappearance.

26. Articles 27, 28 and 29 read as follows:

"Article 27. The offence of enforced disappearance of persons is considered to be any form of deprivation of liberty by a public official or an individual acting with the authorization, support or acquiescence of a public official, followed by a failure or refusal to acknowledge the deprivation of liberty or to provide information about the disappeared person or his or her fate or whereabouts.

Article 28. A public official or an individual acting with the authorization, support or acquiescence of a public official who conceals or refuses to provide information on the deprivation of a person's liberty or the whereabouts of a detained person or conceals a detained person in any way shall be liable to the penalty set out in article 30.

Article 29. Superior officers shall be regarded as perpetrators of the offence of enforced disappearance of persons in accordance with the applicable criminal legislation."

Observations on paragraph 25 of the report (CED/C/MEX/VR/1 (Recommendations))

27. The acquisition of automated fingerprint identification systems and the Codex genetic identification system to bolster forensic capabilities was one of the key measures spotlighted during the update on the work of the National Search Programme that took place at the National Palace.

28. Other important measures, in the opinion of the National Prosecutor's Office, are the analyses and strategic reports drawn up, including the context analyses produced using specific methodologies that provide scientifically based evidence for criminal prosecutions.

29. The Directorate General for Forensic Medicine Specialists of the General Office for the Coordination of Expert Witness Services of the Criminal Investigation Agency, in coordination with the Office of the Special Prosecutor for the Investigation of Offences of Enforced Disappearance, is currently running a course on investigating crimes under the General Act on Enforced Disappearance with a view to certifying federal prosecutors and expert witnesses in both physical and social anthropology, forensic archaeology, forensic medicine and forensic dentistry.

30. In addition, the two administrative units are considering the possibility of organizing an international training programme, with backing specifically from the Government of Switzerland, to enhance forensic capabilities. Furthermore, in September 2022 the National Prosecutor's Office expects to begin using technological solutions in the search for illegal burial sites.

Observations on paragraph 30 of the report (CED/C/MEX/VR/1 (Recommendations))

31. The competencies of the Unit for the Investigation of Crimes against Migrants are set out in Order A/012/18 issued by the Assistant Attorney General for Legal and International Affairs, acting on behalf of the then Prosecutor General, and published in the Official Gazette on 16 February 2018. Order A/012/2018 amended Order A/117/15 establishing the Unit for the Investigation of Crimes against Migrants and the Mechanism for Mexican Support Abroad in Search and Investigation Activities.

32. The competencies of the Office of the Special Prosecutor for the Investigation of Offences of Enforced Disappearance are set out in Order A/013/18 issued by the Assistant Attorney General for Legal and International Affairs, acting on behalf of the Prosecutor General, and also published in the Official Gazette on 16 February 2018.

33. The National Prosecutor's Office underscores that it has jurisdiction in respect of federal offences, as provided for in the Federal Criminal Code and other federal legislation. Its competencies in respect of such offences are established in Article 51 (I) (a) to (n) of the Organic Act on the Federal Judicial Branch. Article 51 (IV) of the Act gives the Office discretionary powers to also assume jurisdiction in respect of state-level offences.

34. Articles 24 and 25 of the General Act on Enforced Disappearance establish that the Office has jurisdiction in respect of offences of enforced disappearance.

35. Jurisdiction in respect of state-level offences falls to the local or state prosecutors' offices, each of which adheres to the criminal code of the federative entity in question: there are 32 criminal codes – one for each federative entity in Mexico – establishing criminal offences directly affecting individuals such as theft, homicide, fraud, and sexual harassment, abuse and violence.

36. The competencies of the National Prosecutor's Office and the state-level specialized prosecutors' offices and search commissions are clearly established in the in-force legal framework.

Observations on paragraph 31 of the report (CED/C/MEX/VR/1 (Recommendations))

37. On 30 November 2006, the then Prosecutor General issued Order A/317/06, published in the Official Gazette on 26 March 2007, which repealed Order A/01/02, resulting in the closure of the Office of the Special Prosecutor for Social and Political Movements of the Past and an order for all criminal proceedings and other cases pending with the Special Prosecutor to be handed over to the General Investigations Coordination Office.

38. The prosecution services coordinate their work with that of the National Search Commission of the Ministry of the Interior, providing information from their databases for incorporation in the latter's computer systems so that information from different sources can be collated and cross-referenced.

39. On 9 November 2021, the draft rules of procedure of the committee responsible for the Unified Information Technology System were presented at the second extraordinary meeting of the National Missing Persons System and were adopted by the Technical

Secretariat of the National Law Enforcement Conference on the understanding that the comments of the country's various prosecutors' offices would be taken into account.

40. With regard to recommendation 31 (a), work is under way on the regulatory and operational design of the Unified Information Technology System and the Technical Secretariat of the National Law Enforcement Conference is encouraging state prosecutors' offices to become involved in the work of the committee responsible for the System. As regards recommendation 31 (c), the National Prosecutor's Office does not consider it viable to give the search commissions the power to act as first responders.

Observations on paragraph 36 of the report (CED/C/MEX/VR/1 (findings))

41. The State points out that articles 13 and 14 of the General Act on Enforced Disappearance expressly provide that the offences of enforced disappearance of persons and disappearance perpetrated by individuals are continuous in nature and, therefore, not subject to a statute of limitations. The articles in question read as follows:

“Article 13. The offences of enforced disappearance of persons and disappearance perpetrated by individuals shall be prosecuted ex officio and considered ongoing or continuous in nature, as long as the fate and whereabouts of the disappeared person have not been determined or his or her remains have not been located and fully identified.

In cases of the offences provided for in this Act, investigations shall not be temporarily archived even if the inquiries have not uncovered sufficient evidence for criminal proceedings to be brought and further inquiries seem impossible. The police, under the direction and orders of the Federal Prosecution Service, shall be required at all times to proceed with the investigations with a view to determining the facts [...]

Article 14. The prosecution of the offences of enforced disappearance of persons and disappearance perpetrated by individuals and the enforcement of criminal sentences for these offences shall not be subject to a statute of limitations. Moreover, in cases involving these offences, the principle of prosecutorial discretion shall not apply and alternatives to trial and other similar measures shall not be available. The judge shall automatically order the pretrial detention of persons charged with the offences provided for in articles 27, 28, 31, 34, 35, 37 and 41 of this Act”.

42. The State notes that these articles are in line with the provisions of article 7 (II) of the Federal Criminal Code, as set out below:

“Article 7. An offence is an act or omission punishable under criminal law. In offences of result, the result typically produced shall be attributable to any person who fails to prevent the offence despite having a legal duty to do so. In such cases, the result shall be considered the consequence of an omission when it is determined that the person who failed to prevent it had a duty to do so based on a given law or agreement or his or her previous action.

I. An offence is instantaneous when it is fully consummated and completed the moment that all elements of the definition of the offence are in place;

II. An offence is enduring or continuous when its consummation extends over a period of time;

III. An offence is continuing when, with the same intent, through a series of criminal acts by the same perpetrator, the same legal provision is violated.”

43. As the above excerpts show, from a legal standpoint the State has implemented the above-mentioned recommendation as its legislation establishes that enforced disappearance is an enduring or continuous offence. As a result, investigations into offences of enforced disappearance can be initiated at any time irrespective of the date in which they are assumed to have commenced.

44. Accordingly, the legal instruments in force – treaties, statutes, protocols and so forth – are applied in all investigations under way.

Observations on paragraph 44 of the report (CED/C/MEX/VR/1 (Recommendations))

45. The Unit for the Investigation of Crimes against Migrants of the National Prosecutor's Office works, within its remit and in strict adherence to national and international law, to ensure that the human rights of migrants are respected and upheld.

Observations on paragraph 45 of the report (CED/C/MEX/VR/1 (Recommendations))

46. The Unit for the Investigation of Crimes against Migrants of the National Prosecutor's Office reports that the National Search Programme has approved operational guidelines for the Mechanism for Mexican Support Abroad in Search and Investigation Activities and will adopt and implement them in accordance with its mandate.

Observations on paragraph 46 of the report (CED/C/MEX/VR/1 (Recommendations))

47. Pursuant to articles 51, 131 (II), 132 (I) and (II), 211 (I) (a) and 223 of the National Code of Criminal Procedure, reports can be filed by any means, including electronically, with the Federal Prosecution Service or the police, whose staff are under an obligation to register them and immediately initiate the first stage of criminal proceedings, namely, the preliminary investigation. The relevant articles of the Code read as follows:

“Article 51. Use of electronic media. In order to facilitate the process, including the filing of the police report, electronic media may be used in all stages of criminal proceedings. Electronic tools that facilitate follow-up of reports and complaints filed online may also be used.

Real-time videoconferencing and any other form of communication that might be enabled by the emergence of new technologies may be used to receive and send evidence and to conduct hearings, provided that the identity of any persons speaking during such hearings is confirmed in advance [...]

Article 131. For the purposes of this Code, the Federal Prosecution Service shall have the following duties:

- I. To ensure that the human rights recognized in the Constitution and in treaties are strictly upheld in all investigations of offences;
- II. To receive reports and complaints filed orally, in writing or digitally, including by means of anonymous reports, in accordance with the applicable legislation, on any acts that might constitute an offence [...]

Article 132. Police duties. In the investigation of offences, police officers shall act under the direction and orders of the Federal Prosecution Service, in strict adherence to the principles of lawfulness, objectivity, efficiency, professionalism, integrity and respect for human rights, as recognized in the Constitution.

For the purposes of this Code, police officers shall have the following duties:

- I. To receive reports of any acts that might constitute an offence and inform the Federal Prosecution Service, immediately and by any medium, of the inquiries that they have conducted.
- II. To receive anonymous reports and immediately bring them to the attention of the Federal Prosecution Service so that the latter can coordinate the investigation [...]

Article 211. Stages in criminal proceedings. Criminal proceedings comprise the following stages:

- I. The investigation stage, which encompasses the following phases:
 - (a) Preliminary investigation, which begins with the filing of a report, complaint or other equivalent act and concludes when the defendant is brought before the due process judge to be formally indicted [...]

Article 223. Form and content of the report. Reports may be filed by any means and, except in the case of anonymous reports or when the identity of the reporting party is withheld, shall state the name and address of the reporting party, shall outline the

circumstances of the act, shall indicate which person or persons allegedly committed the act and any persons who might have witnessed or have information about it, and shall contain all information about the act of which the reporting party is certain.

48. It should be noted, with regard to the above, that, under procedural legislation, victims, aggrieved parties and any other person may file reports of any act identified in law as an offence either with one of the state or specialized prosecutors' offices or with the National Prosecutor's Office itself. Such reports may be filed by any means, including electronically.

49. Also of note is that, pursuant to article 30 of the Act on the National Prosecutor's Office, the Office has established a central client service unit to ensure, inter alia, that all reports received are duly followed up. The remit of the central customer service unit is, primarily, to:

- Provide the public with an attentive, high-quality service and enhance the credibility of the National Prosecutor's Office
- Process and assess matters under its competence or, where applicable, advice users and refer them to the appropriate service, thus preventing delays in the provision of assistance
- Establish policies and strategies that effectively serve to reduce and combat corruption within the Office
- Reduce the number of complaints made by users of the Office's services

50. The National Prosecutor's Office is of the view that the scope of the client service unit's activities should be expanded. In addition to prioritizing the provision of a friendly, effective and efficient service for users of the Office's services, building trust among the public and transparency, professionalism and ethical standards among staff, whose attentive, high-quality service enhances the Office's credibility, the establishment of the central client service unit has made it possible to record:

- All persons and objects entering the Office's premises
- The number of times assistance is provided
- The units to which users are referred
- The time taken to provide services
- Transfers of custody
- Weapons seized
- Vehicles seized

51. The establishment of the central client service unit has also improved public perceptions of the service provided, which is measured by means of quality control calls in which users are asked to state whether they were satisfied with the service provided, whether they have any suggestions to make and whether they were dissatisfied with any element of the service or wish to file a complaint about possible unlawful conduct on the part of the public servant with whom they dealt.

52. The central client service unit ensures either that reports received are duly registered and considered, if they fall within its competence, or, where applicable, that users receive guidance and are referred to the appropriate unit, so preventing delays and, above all, reducing the number of complaints made by users of the National Prosecutor's Office.

53. The text of article 30 of the Act on the National Prosecutor's Office reads as follows:

“Article 30. In order to fulfil its duties, the Office shall have a central client service unit that shall track and monitor the quality of case registration, referral and processing services provided in order to ensure due assistance and follow-up, in accordance with a management model subject to a process of continuous improvement pursuant to the prioritization policy contained in the Strategic Prosecution Plan and other regulations that the Office issues, and shall cover all the Office's various administrative units.”

54. In addition to this reporting mechanism, under articles 68 and 89 of the Regulations implementing the Mexican Foreign Service Act, consular authorities have the power and obligation to act as a link between Mexican citizens abroad and foreign nationals and authorities, on the one hand, and the Attorney General's Office and local prosecutors' offices, on the other, and are required to assist the Federal Prosecution Service in the performance of its duties. In other words, consular authorities are empowered to receive complaints of acts that might constitute an offence and to forward them to the competent authority. They are also empowered to file the relevant reports on their own initiative should such an act come to their attention.

55. The text of articles 68 and 89 of the Regulations implementing the Mexican Foreign Service Act reads as follows:

“Article 68. The priority obligation of the staff of the Foreign Service is to protect the interests of Mexicans abroad. To this end, they shall use their good offices to provide consular assistance and protection and, where applicable, shall provide the Ministry with all the information it requires in order to decide whether the Government of Mexico should exercise diplomatic protection.

Consular assistance shall be provided whenever there is a need to assist and advise Mexicans in their relations with foreign authorities. For these purposes, members of the Foreign Service shall:

I. Advise and counsel Mexicans on their relations with the authorities and inform them about local legislation, coexistence with the local population, their rights and obligations in respect of the foreign State in which they are present and their links and obligations in respect of Mexico, in particular their registration with the relevant consular office;

II. Provide legal advice for Mexicans whenever they request it, through the consular office's consultant lawyers, among others;

III. Visit any Mexicans who are detained, imprisoned or hospitalized or have suffered some other misfortune, in order to ascertain their needs and take action in response;

IV. Assume the representation of any Mexicans who, owing to absence or other reasons, are unable to assert their interests themselves.

For the purposes of this article, the provisions of article 2 (XI) of the Federal Fees Act and other applicable provisions, the Ministry shall estimate, allocate and monitor the resources received to fund the services provided by the consular offices.

The Ministry shall also define, review and, where applicable, update the activities and programmes to which these resources may be allocated, which shall include, but not be limited to: repatriation of vulnerable persons; legal and consular protection services and advice; visits to prisons and detention centres; telephone assistance; migrant safety campaigns; mobile consular services; general consular services; and assistance for members of the public [...]

Article 89. Pursuant to the applicable legislation, consular offices shall provide judicial support and shall conduct any inquiries requested by the Mexican courts, the Federal Prosecution Service and other federal, state and municipal authorities of the Republic. They shall also serve as a channel for transmission to the competent foreign authorities of letters rogatory and other requests and instruments sent to them by the Mexican authorities, following whatever instructions the Ministry sends them, within the bounds of international law and without prejudice to the provisions of the host State's legislation.”

56. In practice, reports from abroad have been received via the following channels:

- Email from the reporting party directly to the prosecutor's office
- Telephone call from the reporting party directly to the prosecutor's office
- Letter and/or email from the reporting party to a Mexican consular office abroad

- In-person visit of the reporting party to a Mexican consular office abroad
- Notification sent by a foreign authority to a Mexican consular office abroad
- Notification that a criminal offence is thought to have been committed sent by a Mexican consular office abroad to the National Prosecutor's Office

57. Once an investigation has been initiated, generally with the support of the Mexican Foreign Service itself and/or on the basis of mutual legal assistance treaties or the principle of reciprocity, in order to formalize and/or expand upon the report of the offence, the plaintiff and/or reporting party is invited to an interview during which they are asked to present any evidence available to support their statement.

58. In accordance with its mandate and specialism, the Unit for the Investigation of Crimes against Migrants receives reports electronically of acts constituting an offence committed by or against migrants.

Observations on paragraph 48 of the report (CED/C/MEX/VR/1 (Recommendations))

59. The Unit for the Investigation of Crimes against Migrants of the National Prosecutor's Office works in coordination with the various institutions involved in migration matters.

Observations on paragraph 49 of the report (CED/C/MEX/VR/1 (Recommendations))

60. The National Prosecutor's Office reports that the exchange of information between prosecutors' offices is based on an agreement on cooperation between prosecutors' offices published in the Official Gazette on 23 November 2012. The Technical Secretariat of the National Law Enforcement Conference is responsible for processing any cooperation requests received from the prosecutors' offices of federative entities. As regards the recommendations set out in the above-mentioned paragraph, with specific reference to the mechanisms for international cooperation through legal assistance provided for in articles 14 and 15 of the International Convention for the Protection of All Persons from Enforced Disappearance, the National Prosecutor's Office, as the central authority in this field, continues to provide legal assistance to Mexican and foreign investigating authorities with a view to obtaining evidence that might help with the identification and location of disappeared migrants on the basis of the mutual legal assistance treaties signed by Mexico, any multilateral conventions on legal assistance to which Mexico is a State party or, in the absence of any such legal instruments, of the international principle of reciprocity.

Observations on paragraph 50 of the report (CED/C/MEX/VR/1 (Recommendations))

61. Under article 45 of the Act on the National Prosecutor's Office, the Government of Mexico conducts context analysis on recurrent and emerging forms of criminal behaviour and produces strategic reports on national, transnational and international crime with the aim of identifying patterns, structures, organizations, *modi operandi* and any other information considered necessary, appropriate or useful for the formulation, follow up, evaluation and review of the Strategic Prosecution Plan and the investigation of offences.

62. This analysis serves as the basis for the production, upon the request of the Federal Prosecution Service, of intelligence documents on the State and prosecution services' capacities and on the systems used to monitor and evaluate crime incidence and criminological factors.

Observations on paragraph 64 of the report (CED/C/MEX/VR/1 (findings))

63. During the Forty-Second Plenary Assembly of the National Law Enforcement Conference, held on 6 December 2020, state prosecutors and attorneys general agreed to amend paragraph 17 of the guidelines for the training, assessment, certification and renewal of certification of the staff of the National Prosecutor's Office and local prosecutor's and attorney's general offices. The amended text sets out the minimum requirements for certification and renewal.

64. The Directorate General for Forensic Medicine Specialists of the General Office for the Coordination of Expert Witness Services of the Criminal Investigation Agency, in

coordination with the Office of the Special Prosecutor for the Investigation of Offences of Enforced Disappearance – all of which report to the National Prosecutor’s Office – is currently running a course on investigating crimes under the General Act on Enforced Disappearance with a view to certifying federal prosecutors and expert witnesses in both physical and social anthropology, forensic archaeology, forensic medicine and forensic dentistry.

65. In addition, the two administrative units of the National Prosecutor’s Office are considering the possibility of organizing an international training programme, specifically with backing from the Government of Switzerland, to enhance forensic capabilities. Furthermore, in September 2022 the National Prosecutor’s Office expects to begin using technological solutions in the search for illegal burial sites.

Observations on paragraph 65 of the report (CED/C/MEX/VR/1 (findings))

66. The Government of Mexico is working to incorporate an interdisciplinary and inter-institutional perspective on on-site investigations and searches for disappeared persons into the comprehensive training programme. The training programme, which is intended to strengthen the elite search group for disappeared persons and, more generally, to strengthen the institutions involved in search programmes for disappeared persons, provides for the incorporation of such a perspective through actions, protocols, guides and handbooks. It also covers the corresponding impact on the legal framework and on support, assistance and comprehensive redress measures.

67. The Directorate General for Forensic Medicine Specialists of the General Office for the Coordination of Expert Witness Services of the Criminal Investigation Agency, in coordination with the Office of the Special Prosecutor for the Investigation of Offences of Enforced Disappearance – all of which report to the Attorney General’s Office – is currently running a course on investigating crimes under the General Act on Enforced Disappearance with a view to certifying federal prosecutors and expert witnesses in both physical and social anthropology, forensic archaeology, forensic medicine and forensic dentistry.

68. In addition, the two administrative units are considering the possibility of organizing an international training programme with the Government of Switzerland in order to enhance forensic capabilities. Furthermore, in September 2022 the National Prosecutor’s Office expects to begin using technological solutions in the search for illegal burial sites.

Observations on paragraph 67 of the report (CED/C/MEX/VR/1 (findings))

69. The National Prosecutor’s Office notes that, owing to the scarcity of specialized forensic archaeologists, the Directorate General for Forensic Medicine Specialists of the General Office for the Coordination of Expert Witness Services of the Criminal Investigation Agency, working in coordination with the Office of the Special Prosecutor for the Investigation of Offences of Enforced Disappearance, schedules monthly sessions during which all expert witness work relating to the search for and the location, exhumation and recovery of human corpses, body parts and skeletal remains throughout the country is conducted.

Observations on paragraph 66 of the report (CED/C/MEX/VR/1 (Recommendations))

70. A commitment to strengthen the prosecution services’ forensic capabilities, using resources from the Public Security Contribution Fund, was announced during the second 2021 session of the National Law Enforcement Conference.

71. On 12 November 2018, a summary of the technological guidelines for the National Forensic Databank and the National Register of Unidentified and Unclaimed Deceased Persons was published in the Official Gazette. In order to set up the National Forensic Databank, the National Centre for Planning, Analysis and Information for the Fight against Crime of the Criminal Investigation Agency was established within the National Prosecutor’s Office to serve as the body responsible for installing, administering, regulating and distributing the content of the Databank and overseeing its operation, with input from the country’s expert witness services.

72. Both the National Register of Unidentified and Unclaimed Disappeared Persons and the National Register of Mass and Clandestine Graves are currently working on the assessment and development of suitable mechanisms for their harmonization with other databases, in accordance with the Information and Strategic Analysis System of the I03 initiative established during the transition period. The information ecosystem and related governance model were designed to promote the interconnectedness and interoperability of information with a view to enhancing criminal investigation and prosecution procedures, using intra- and inter-institutional coordination mechanisms to that end.

73. The plan is for the National Forensic Databank and its component subsystems to be completed in 2025 or 2026, steps having been taken to consolidate the ante-mortem/post-mortem database. These steps include: setting-up the Combined DNA Index System as part of the development of the National Genetic Database, which currently encompasses the operation of four regional forensic genetics laboratories of the National Prosecutor's Office; updating the central laboratory of the General Office for the Coordination of Expert Witness Services; and establishing a national server and the five laboratories of the State Prosecutors' Offices in Chihuahua, Guanajuato, Puebla, Chiapas and Yucatán. Phase 2 will begin soon, with the incorporation of a significant number of government genetics laboratories linked to prosecution services. For the proper implementation of the National Genetic Database, and with the roll-out of the Combined DNA Index System scheduled to be completed in 2023, work on identifying technological needs, designing and developing databases and implementing information exchange mechanisms that will allow for full use of the Combined DNA Index System and any other genetics-related information that might be produced is expected to be needed. There is also a need to develop mechanisms for the acquisition of mobile and fixed laboratories.

Observations on paragraph 67 of the report (CED/C/MEX/VR/1 (Recommendations))

74. Article 45 of the Act on the National Prosecutor's Office empowers analysts to contribute to the design of methodologies that allow for national and international databases to be consulted for the purpose of accessing and cross-referencing information about criminal offences. Cooperation in the design of any methodologies that facilitate the collation of information by identifying variables that are useful for identification databases or registers or can be used in parallel to contribute towards their harmonization is therefore considered feasible.

75. The Directorate General for Forensic Medicine Specialists of the General Office for the Coordination of Expert Witness Services of the Criminal Investigation Agency of the National Prosecutor's Office does not identify persons itself; it simply provides data useful for their identification. However, the Directorate General does create the basic identification file that is subsequently added to the ante-mortem/post-mortem database, which currently has national interconnections with 30 states.

76. The National Group of Expert Witness Services and Forensic Sciences, which forms part of the National Law Enforcement Conference and reports to the Head of the General Office for the Coordination of Expert Witness Services of the Criminal Investigation Agency, has systematically contributed to coordination and communication between the heads of federal and state-level expert witness and forensic services.

Observations on paragraph 68 of the report (CED/C/MEX/VR/1 (Recommendations))

77. The Government of Mexico indicates that, on the basis of the powers conferred by article 45 of the Act on the National Prosecutor's Office, the Criminal Investigation Agency has been promoting an information governance model based on four principles: system interconnectivity and interoperability; intra- and inter-institutional coordination for effective and timely information exchange; operation through collegiate bodies; and oversight through monitoring mechanisms.

78. On 12 November 2018, a summary of the technological guidelines for the National Forensic Databank and the National Register of Unidentified and Unclaimed Deceased Persons was published in the Official Gazette.

79. The National Register of Unidentified and Unclaimed Deceased Persons and the National Register of Mass and Clandestine Graves are currently working on the assessment and development of suitable mechanisms for their harmonization with other databases. This is being done in accordance with the information ecosystem and related governance model, which encourages the interconnectedness and interoperability of information with a view to enhancing criminal investigation and prosecution procedure, to which end intra- and inter-institutional coordination mechanisms are being used.

80. Also important to note is the fact that the General Office for the Coordination of Expert Witness Services of the National Prosecutor's Office sends the National Search Commission and the Ministry of the Interior weekly updates on the illegal burial sites at which expert witness staff have been working.

81. On 3 August 2018, the technological guidelines for the National Forensic Databank and the National Register of Unidentified and Unclaimed Deceased Persons provided for in the General Act on Enforced Disappearance were published.

82. Their implementation is pending, as is the establishment of the National Register of Mass and Clandestine Graves, which, under the General Act on Enforced Disappearance, is the responsibility of the National Prosecutor's Office.

83. The cooperation of the state-level prosecutors' offices, within the framework of the National Law Enforcement Conference, will be necessary for the establishment of these databases and registers. It would thus be helpful if subparagraph 68 (b) of [CED/C/MEX/VR/1](#) (Recommendations) could be amended to read:

“(b) the Unified Information Technology System to be implemented and its interoperability with other registers to be ensured, to which end it is essential that state prosecutors' offices are represented in the committee responsible for the System.”

Observations on paragraph 69 of the report ([CED/C/MEX/VR/1](#) (Recommendations))

84. On the basis of the powers conferred by article 45 of the Act on the National Prosecutor's Office, cooperation is possible through proposals for evaluations, data analyses, intelligence products and methodological frameworks within the information ecosystem as well as through collaborative data management.

85. The plan is for the National Forensic Databank and its component subsystems to be completed in 2025 or 2026, steps having been taken to consolidate the ante-mortem/post-mortem database and to establish the Combined DNA Index System for the National Genetic Database.

86. Phase 1, which is now nearing its end, entailed the implementation of the Combined DNA Index System in four regional forensic genetics laboratories of the National Prosecutor's Office, updates for the central laboratory of the General Office for the Coordination of Expert Witness Services, the installation of the national server and the establishment of the laboratories of the State Prosecutor's Offices of Chihuahua, Guanajuato, Puebla, Chiapas and Yucatán. Phase 2 will begin soon, with the incorporation of a considerable number of government genetics laboratories linked to prosecution services, and is scheduled to be completed in 2023.

87. The setting-up of the National Forensic Databank will require the involvement of the state prosecutors' offices through the conclusion of agreements and participation in technical meetings of the National Law Enforcement Conference.

88. On 30 November 2006, the then Prosecutor General issued Order [A/317/06](#), published in the Official Gazette on 26 March 2007, which repealed Order [A/01/02](#), resulting in the closure of the Office of the Special Prosecutor for Social and Political Movements of the Past and an order for all criminal proceedings and other cases pending with the Special Prosecutor to be transferred to the General Investigations Coordination Office. The Coordination Office collects genetic samples from the relatives of direct victims of enforced disappearance, the results of which are stored in a database for which the General Office for the Coordination of Expert Witness Services of the National Prosecutor's Office is responsible.

Observations on paragraph 70 of the report (CED/C/MEX/VR/1 (Recommendations))

89. Pursuant to article 38 of the Act on the National Prosecutor's Office, the Office is responsible for designing, building and managing an interoperable national computerized system, to be maintained in conjunction with the prosecutors' offices of the federative entities, for the purpose of sharing information on investigations, criminal activities and markets, key characteristics of crimes, crime incidence, recidivism, relevant decisions and standards, penalties, reparation and success stories. For investigation purposes, the system should also include all information relating to genetic profile records and analysis, biological remains, fingerprints, ballistic fingerprints, voice analysis, biometric systems and vehicle systems and other crime-related data.

90. Furthermore, during the Forty-Fifth Plenary Assembly of the National Law Enforcement Conference, attendees were briefed on the final draft of the Technical Standard for the National Prosecution Statistics System, which they unanimously approved and agreed to submit to the Governing Board of the National Institute of Statistics and Geography for consideration and acceptance by electronic vote scheduled to take place from 13 to 15 December 2021.

91. The local DNA index of the National Centre for Planning, Analysis and Information for the Fight against Crime corresponds to the Combined DNA Index System, which is being set up as the National Genetic Database in Mexico. As well as in the United States of America, this software has demonstrated its functionality, effectiveness and robustness as a database in European Union countries including Spain, Belgium, Germany, France, Luxembourg, the Netherlands, Sweden and Austria and countries of the Americas including Colombia, Argentina, Canada, Uruguay, Guatemala and Chile.

92. The General Office for the Coordination of Expert Witness Services never buries deceased persons until they have been fully identified. Bodies are entrusted to the General Office as part of the official procedure for the registration and handover of corpses, during which a detailed explanation of the remains found at the recovery site, the analysis conducted and the identification process is provided, so that the authorities can then finally return the body to the family and authorize its eventual burial.

93. In short, the General Office for the Coordination of Expert Witness Services retains all biological remains until they have been fully identified. The recommendation contained in paragraph 70 thus shows a lack of knowledge of universities' operations and, rather than offering a definitive solution, can lead only to long-term problems. It should therefore be rephrased.

94. The General Health Act amended the guidelines for the donation of cadavers to universities since synthetic human simulators are now available that have rendered such donations obsolete. Last but not least, 95 per cent of the corpses, body parts and skeletal remains in the possession of the National Prosecutor's Office are in various states of decomposition; for the most part, only bones remain. Since such biological remains are of no use to universities, the National Prosecutor's Office is not a source of donated cadavers.

Observations on paragraph 71 of the report (CED/C/MEX/VR/1 (Recommendations))

95. Pursuant to article 42 of the Act on the National Prosecutor's Office, the powers of the expert witness services' staff include making proposals for the operation of and their participation in experience-, knowledge- and technology-sharing programmes involving exchanges on the subject of expert witness services between the services' own units, the prosecutors' and attorneys general offices of the federative entities and other municipal, state, federal, international, public, private and academic agencies, entities and bodies with a view to improving and modernizing procedures. The General Office for the Coordination of Expert Witness Services already has protocols of this kind but their content is currently being updated; the revised versions will be published soon.

B. Observations of the federal judiciary

1. Binding nature of urgent action requests

96. The Committee welcomed the Supreme Court's decision recognizing the binding nature of the recommendations adopted by the Committee in the context of the urgent action procedure. It should also be noted that the Supreme Court immediately took steps to publicize the decision by means of a lengthy press release¹ in order to raise awareness of the protective approach that should be adopted in this context.

97. In addition, as part of action taken to promote and raise awareness of human rights, on 27 September 2021 an event focused on the binding nature for the Mexican authorities of the urgent action requests issued by the Committee was organized at which panellists explained the legal reasoning behind the Supreme Court's decision on *amparo* appeal No. 1077/2019.²

98. The recommendation contained in paragraph 35 of the recommendations section of the report urges the federal judiciary to define uniform criteria for determining whether cases are to be heard under the current adversarial judicial system, the former mixed judicial system or as part of specialized federal criminal proceedings, and urges the State party to: (a) make use of the power to join proceedings provided for in article 100 of the Constitution and in article 86 of the new Organic Act on the Federal Judicial Branch in cases of enforced disappearance; (b) adopt similar regulations at the local level; (c) prevent the excessive use of bureaucratic requirements with a view to expediting the administration of justice; and (d) take measures to prevent vexatious litigation and other such actions designed to obstruct justice and make it impossible to determine the truth and punish the culprits.

99. Regarding this recommendation, in application of its constitutional powers, the Supreme Court would be able to define uniform criteria for determining whether cases are to be heard under the current adversarial procedural system, the former mixed procedural system or as part of specialized federal criminal proceedings, were it to have the opportunity to rule on a case in which there was a need to define such rules of jurisdiction. However, at the time of issuing this response, such an opportunity has not arisen.

100. Use of the power to join proceedings provided for in article 100 of the Constitution and in article 86 of the new Organic Act on the Federal Judicial Branch in cases of enforced disappearance.

101. Regarding the use of the power to join proceedings provided for in article 100 of the Constitution, in a plenary meeting held on 25 May 2022, the Council of the Federal Judiciary approved a general agreement regulating the procedure for joining proceedings in the jurisdictional bodies under its responsibility,³ which entered into force on 26 May 2022 and was published in the Official Gazette on 3 June 2022.

102. The agreement establishes guidelines concerning the reasons, conditions, procedures and provisions pursuant to which the Council of the Federal Judiciary may decide to join proceedings involving serious human rights violations in one or more jurisdictional bodies, irrespective of the level. Decisions on whether or not it is appropriate to join proceedings are made based on considerations of public interest and public order, constituting an exception to the general rules on duties and competencies.

103. The agreement also regulates the implementation of the penultimate paragraph of article 100 of the Mexican Constitution and the second paragraph of article 86 (XXIV) of the Organic Act on the Federal Judicial Branch (on joining proceedings related to incidents that constitute serious human rights violations) and article 13 of the *Amparo* Act (on joining *amparo* proceedings).

¹ Available for consultation at:

<https://www.internet2.scjn.gob.mx/red2/comunicados/noticia.asp?id=6479>.

² Available for consultation at: https://www.youtube.com/watch?v=7JY_PmQhkLg.

³ Available for consultation at:

https://www.dof.gob.mx/nota_detalle.php?codigo=5654105&fecha=03/06/2022#gsc.tab=0.

104. In the preamble to the aforementioned general agreement, it is recalled that the main objective of the reform was for the courts to be able, by joining proceedings, to provide a unified and coherent response in which the rights of the victims could be satisfied in cases involving a large number of trials linked to serious human rights violations. The preamble also mentions that, in the reform process, one of the examples given to justify the need for the Council to have this power was the Ayotzinapa case. Additionally, it sets out certain minimum criteria for the identification of cases that constitute “serious violation of human rights”, drawing for this purpose on the guidelines that have been developed in international humanitarian law and international human rights law, among other legal systems, based on international criminal law and the definition of “crimes against humanity”.

105. The Government of Mexico considers the opinion of the relatives of disappeared persons to be of the utmost importance. Therefore, through the Council of the Federal Judiciary, relatives have been approached in several ways. In the Ayotzinapa case, a meeting was held on Friday, 17 July 2022, led by the Executive Secretary of the plenary Council of the Federal Judiciary, and attended by the victims’ lawyer and human rights defender, the mothers and fathers of the disappeared students and other public officials.

106. Those present at this meeting were provided with a copy of the general agreement and its scope was explained to them. The pivotal role of the victims in the joining of proceedings was emphasized, since, among other issues, victims, whether direct or indirect, have the right to request the joining of proceedings related to serious human rights violations, as stated in article 5 (II) and (III) of the general agreement. In addition, under article 13 (V) of the general agreement, one of the elements that may be taken into account when determining in which court different proceedings should be joined is the accessibility of the court to the parties, and especially to the victims. At the end of the meeting, the parents and their human rights defender expressed satisfaction regarding the general agreement and its content. They also indicated that they would consider which option was most suitable for them, with a view to filing a request for the joining of proceedings (see annex).

2. Prevent the excessive use of bureaucratic requirements with a view to expediting the administration of justice

107. In relation to the definition of uniform criteria for determining whether cases are to be heard under the current adversarial judicial system, the former mixed judicial system or as part of specialized federal criminal proceedings, it should be noted that jurisdiction over acts that the law defines as criminal offences, which applies to cases of enforced disappearance, is determined through a combination of the following regulations (see annex):

- The transitional provisions of the constitutional amendment to the criminal justice system, published in the Official Gazette on 18 June 2008, and specifically the provisions of paragraphs 1, 2, 3 and 4, in relation to the various declarations of entry into force in the different federative entities of the National Code of Criminal Procedure, which governs oral adversarial criminal proceedings, issued by the Congress of the Union (and the respective declarations of the state legislatures for its entry into force in the local jurisdictions)
- The transitional provisions of the decree issuing the National Code of Criminal Procedure, published in the Official Gazette on 5 March 2014, specifically articles 1, 2, 3, 4 and 6
- The provisions of the Organic Act on the Federal Judicial Branch, for assigning jurisdiction between courts of the traditional system and the oral adversarial judicial system, particularly in accordance with articles 51, 63, 64, 68 and 72, and for resolving possible jurisdictional conflicts, in accordance with paragraphs 42 and 43
- The General Act on Enforced Disappearance, published in the Official Gazette on 17 November 2017, specifically with respect to the non-applicability of statutes of limitation, the application of the rules for joining proceedings contained in the National Code of Criminal Procedure and the update of the jurisdictional assumptions derived therefrom by the federal courts, as referred to in articles 14, 19, 24 and the transitional provisions, specifically article 1 on the initial entry into force of the Act

and article 10 on the adjustment of the offence for cases that have not been brought before the courts

108. The rules of jurisdiction applicable for prosecutable acts in cases of enforced disappearance – by the district courts of federal criminal proceedings for cases processed under the traditional system and the federal centres for criminal justice for cases processed under the oral adversarial criminal system – can be drawn from a comprehensive analysis of the above-mentioned provisions.

109. Thus, when the processing of a case has already begun under the rules of the Federal Code of Criminal Procedure in the corresponding federative entity, the case will be heard before the federal criminal procedure courts, but, if the case was brought to trial after the respective declaration of entry into force of the National Code of Criminal Procedure, it will be heard by the courts with jurisdiction under the adversarial system.

110. The latter is the case even if the acts occurred before the National Code of Criminal Procedure entered into force, since jurisdiction is determined on the basis of the date of prosecution, not the date on which the offence was committed. This is because, in line with the above, the legislation specifies that: (i) criminal proceedings must be concluded according to the procedural regime under which they began; and (ii) it is not possible to combine inquisitorial and adversarial proceedings.

111. Accordingly, since the specialized legislation on enforced disappearance was issued and entered into force in November 2017, the adversarial oral criminal system was already operational and thus constitutes the normative framework for its application, meaning that jurisdiction in respect of offences under the legislation falls to the federal centres for criminal justice unless the investigation or judicial action had already been initiated under the rules of the traditional system.

112. In the event that a specific case could potentially fall under more than one jurisdiction according to these criteria, current legislation clearly indicates the procedure to be followed, specifically, that any conflict of jurisdiction that may arise should be referred to the Regional Plenums for resolution.

3. Take measures to prevent vexatious litigation and other such actions designed to obstruct justice and make it impossible to determine the truth and punish the culprits

113. In relation to the use of scientifically based evidence in the investigation of enforced disappearances, in June 2019 the Judicial Service Commission authorized inter-institutional efforts to formulate judicial guidelines for the evaluation of expert evidence. Since February 2020, these efforts have been led by the Unit for the Consolidation of the New Criminal Justice System of the Council of the Federal Judiciary, in coordination with the degree programme in Forensic Science of the Faculty of Medicine of the National Autonomous University of Mexico, the High Court of Justice of Mexico City, the General Office for the Coordination of Expert Witness Services of the National Prosecutor's Office and the Office of Overseas Prosecutorial Development, Assistance and Training and the Office of the International Criminal Investigative Training Assistance Program of the United States Department of Justice.

114. The purpose of the guidelines is to establish a minimum set of elements of certainty, defined on the basis of forensic science, to which judges can refer when making decisions – in the exercise of judicial discretion – on aspects of expert evidence such as the admissibility of an item of evidence, the proper packaging of such items and whether the correct chain of custody has been followed, the kind of points that might be substantiated by evidence, the criteria of relevance for its methodological validity or its results, as well as the possibilities of cross-examination of the forensic experts who appear at the hearing to provide evidence in the context of an adversarial oral decision, governed by the principles of adversarial procedure and immediacy.

115. The guidelines are of particular relevance for addressing the problems identified by the Committee since they cover various specialties of importance to the identification of individuals. The first volume of the guidelines was published on 29 April 2022 and includes

a genetics guide. The second volume, to be published later this year, will cover the specialties of forensic dentistry and physical anthropology.

116. Lastly, with respect to the adoption of measures to prevent the obstruction of justice through vexatious litigation, it is important to note that the Council of the Federal Judiciary does not have the power to restrict anyone's right of defence, including the right of persons being prosecuted for offences related to the disappearance of individuals.

117. On the contrary, in order to guarantee the right of access to justice and judicial protection, the jurisdictional bodies attached to the Council of the Federal Judiciary have an obligation to process all lawsuits brought before them, within the framework of their respective competencies and in accordance with the corresponding procedural regulations. To proceed otherwise would represent a step backwards in the protection of the human rights recognized in the Constitution and the treaties to which Mexico is a party, and such a regression would not be justified under any circumstances, especially when the aim is to remove the obstacles that prevent the effective realization of those rights.

118. Thus, in the opinion of the Council of the Federal Judiciary, in order to prevent obstruction of justice, it is essential to promote alternative procedures that do not impede but rather optimize the exercise of the right of access to justice in that the proceedings they involve accord greater importance to substantive solutions than to procedural formalities and are designed to ensure the prompt resolution of disputes while fully respecting the rights of the parties and strictly complying with the international commitments assumed by Mexico.

119. 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.

120. The incorporation of this Supreme Court decision within the jurisprudential framework has been facilitated by the entry into force of the constitutional reform of the federal judiciary. The amendments were published on 11 March 2021 and one of the most important changes envisaged thereunder is the transition to a system of precedents in *amparo* proceedings, as provided for in article 94 (12) of the Constitution.⁴ Under this new provision, precedents adopted by a qualified majority in a plenary session or in chambers of the Supreme Court will be binding.

121. Thus, under the above-mentioned constitutional amendment, *amparo* appeal No. 1077/2019 constitutes a binding precedent and all sections of the federal judiciary are under an obligation to follow the criteria adopted in this decision.⁵ This change will contribute

⁴ Article 94: The exercise of the judicial power of the Federation is vested in a Supreme Court of Justice, an Electoral Tribunal, regional courts, collegiate and single magistrate circuit courts, collegiate appeals courts and district courts ...

The reasons justifying the decisions contained in judgments issued by the plenary session of the Supreme Court by a majority of eight votes, and by the chambers by a majority of four votes, shall be binding for all jurisdictional authorities of the Federation and of the federative entities.

⁵ These criteria have been summarized in the following jurisprudential theses:

Enforced disappearance of persons. The urgent action requests issued by the United Nations Committee on Enforced Disappearances are mandatory for the authorities in charge of the search for disappeared persons. Decision No. 1a./J. 37/2021 (11a.), Gaceta del Semanario Judicial de la Federación, Book 7, November 2021, Volume II, page 1202.

Enforced disappearance of persons. An immediate, meticulous and thorough search for disappeared persons is an absolute obligation of the State and must be undertaken without undue obstacles and using all available institutional resources, as a consequence of the right of disappeared persons to be searched for. Decision No. 36/2021 (11a.), Gaceta del Semanario Judicial de la Federación, Book 7, November 2021, Volume II, page 1200.

Enforced disappearance of persons. The right to be sought is a core part of the right not to be a victim of enforced disappearance. Decision No. 1a./J. 35/2021 (11a.), Gaceta del Semanario Judicial de la Federación, Book 7, November 2021, Volume II, page 1198.

Enforced disappearance of persons. Compliance with the urgent action requests issued by the United Nations Committee on Enforced Disappearances can and should be judicially and constitutionally

significantly to observance of the said criteria by all legal professionals in Mexico, and by extension throughout the justice system, and, as a result, greater compliance on the part of the authorities involved in the fight against enforced disappearance is to be expected.

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

122. In its report, the Committee on Enforced Disappearances mentions that the training, certification, refresher and specialization programmes offered by the Federal Judicial Training School do not always specifically address the issue of disappearance and that a comprehensive training programme on disappearance should be developed to ensure familiarity with national and international institutional, jurisprudential and regulatory frameworks related to disappearance and the fight against impunity.

123. Since 2017, the Federal Judicial Training School has conducted 40 training courses covering the topic of enforced disappearance aimed at judicial officers of the federal judiciary and administrative personnel and staff assigned to the Federal Institute of Public Defence (see annex).

124. The topic of disappearance is addressed in the basic training and induction courses for secretaries and clerks of the federal judiciary at the national level and in the master's course in human rights, administration of justice and gender and the master's course in *amparo* offered to members of the federal judiciary.

125. In addition, in May and June 2021, a training programme on the obligations of the federal judiciary in respect of the disappearance of individuals was run for all personnel of the federal judiciary involved in disappearance-related cases. The academic team leading the programme included experts from the Inter-American Commission on Human Rights, the Latin American Faculty of Social Sciences in Mexico and the Argentine Forensic Anthropology Team.

C. Observations of the federal executive branch

126. Recommendation to abandon the militarized approach to public security and draw up a plan to ensure the military forces' orderly, immediate and verifiable withdrawal from public security operations.

127. Pursuant to the national public security strategy, the National Guard was constituted as a police institution responsible for preventing crime, preserving public security, re-establishing peace and fighting crime throughout the country.

128. The fifth and sixth transitional articles introduced as part of the constitutional amendment authorize the Ministry of Defence and the Ministry of Naval Affairs to take part in public security operations, on the orders of the President and subject to in-force legislation, provided that the procedures established by the competent civilian authorities are respected.

129. This authorization is supported in opinions issued by the Inter-American Court of Human Rights, which state that, provided that the defence forces' participation is exceptional, subordinate, complementary, regulated and supervised, it does not constitute militarization.

130. The Government of Mexico is not experiencing the "militarization" that the Committee refers to in its recommendations, since militarizing a State means that its political management, decision-making and relations are entirely in the hands of the armed forces, to the exclusion of civilian political intermediaries. Such a situation does not exist in Mexico, and the armed forces have in fact now concluded the duties they assumed in respect of the national and international civilian population, which were focused on rescue and support operations in the event of natural disasters and based on respect for and the protection of human rights.

monitored. Decision No. 1a./J. 34/2021 (11^a), Gaceta del Semanario Judicial de la Federación. Book 7, November 2021, Volume II, page 1196.

131. It is important to emphasize that public security is the responsibility of the National Guard – a civilian institution that is both disciplined and professional and is an administrative, decentralized body of the Ministry of Citizen Security and Protection. The temporary assignment of army and navy personnel to its ranks was authorized as a transitional measure to ensure the availability of trained personnel. Their collaboration was needed because the officers of the National Guard did not yet have training and experience in civilian police institutions. Through this close collaboration, National Guard recruits are receiving the education and training necessary in accordance with the plans and programmes of the Ministry of Security and Citizen Protection.

132. The Committee should also note that the Government of Mexico has stipulated that the armed forces may be involved in the public security functions for which the National Guard is responsible, on an exceptional, subordinate and complementary basis and in a regulated and supervised manner, only for the period necessary for the National Guard to develop its structure, capacities and nationwide presence, which period shall not exceed five years. This approach will allow for the gradual withdrawal of the armed forces from public security operations.

133. The participation of the armed forces to supplement and support the civilian authorities is therefore fully justified, in that it helps to safeguard lives and protect the freedoms, integrity and heritage of the people and thus to build and preserve public order and social peace and reduce the incidence of crimes that adversely affect national development.

134. By way of example, the positive impact of this strategy has been reflected in a reduction in the intentional homicide rate in the country, which was stable from 2019 until the end of 2021 and has decreased steadily during 2022.

135. In addition, the number of human rights complaints referred by the National Human Rights Commission to the Ministry of Defence is 26 per cent lower than it was under the previous Government.

136. Regarding the recommendation to ensure that the experts on the Commission for Access to the Truth are able to do their work independently and have unrestricted access to military camps and bases, the Ministry of Defence and the Ministry of Naval Affairs are complying with the presidential instruction to cooperate with the mechanism created to investigate the events of the past and ensuring that the Commission has the access it requires to carry out its functions.

137. In its recommendations, the Committee calls for the National Institute of Migration to assume a more proactive role in leading efforts to ensure that victims of disappearance in the context of migration can avail themselves of their rights.

138. It should be noted, in this connection, that, since its creation, the National Institute of Migration has ensured that the human rights of foreign nationals entering, transiting through and exiting Mexican territory are respected and protected regardless of their immigration status.

139. It is also important to emphasize that, while in transit through Mexico, migrants enjoy the rights recognized under the Constitution of Mexico, regardless of their immigration status, and that it is the duty of the National Institute of Migration to protect them.

140. Thus, the National Institute of Migration maintains its commitment to the human rights of migrants and will continue its ongoing efforts to protect their rights through its programmes and through continuous in-service training that enables its personnel to ensure, at all times, the best possible care and humane and dignified treatment for foreign nationals.

141. The 2019–2024 Strategic Plan of the National Institute of Migration is built around the following strategic objectives:

- Strengthening the mechanisms used to manage and facilitate regular migratory flows
- Strengthening the actions taken to record and monitor irregular migratory flows
- Providing care for Mexican and foreign migrants, with a focus on respect for human rights

- Fostering the modernization and improvement of institutional capacities
- Building the professionalism of public servants

142. The National Institute of Migration is legally authorized to contribute to the Government of Mexico's comprehensive response to the problem of enforced disappearance in the context of migration by sharing information from its systems in a timely and efficient manner.

143. With a view to assuming a more proactive role, the National Institute of Migration and all authorities involved in the search and location of disappeared persons are currently well positioned to make the rapid and concrete changes that will guarantee comprehensive, transparent and coherent results.

144. The National Institute of Migration already has several mechanisms for searching for missing persons in place. For example, the information contained in its existing systems can be used to ascertain the number of times a given person has entered and/or exited the country (if applicable), the dates and times of such movements, the mode of transport used (air, sea or land), related travel data and details of their identification documents and migration status. The systems can also provide information on foreign nationals who have been picked up and taken to one of the National Institute of Migration migrant holding centres or temporary shelters, which are located in the various states of Mexico, because they were unable to provide evidence of their regular migration status or lawful entry to the country.

145. These searches enable the authorities to ascertain the person's full name, date of birth and nationality, the date on which he or she was brought before the immigration authority and the reason, the facilities in which he or she was housed, the migrant holding centre or temporary residence in charge responsible for determining his or her migration status and the reason for and date of his or her departure.

146. The Deputy Legal Commissioner of the National Institute of Migration is responsible for coordinating all action taken by the Institute with a view to ensuring best practice and full respect for the human rights of those who use its services. The Commissioner also serves as the liaison officer in issues of human rights, monitoring compliance with the requirements established by human rights protection agencies, collecting the information needed to address issues that arise, and overseeing and ensuring compliance with recommendations in coordination with the units involved and the competent authorities, all the foregoing as provided in article 129 (XXIII) of the internal regulations of the Ministry of the Interior.

147. Also pursuant to these regulations, the Office of the Deputy Legal Commissioner is responsible for responding to and processing requests from human rights protection agencies for information on missing and unaccounted for persons that might assist them in the search or even lead to the persons' being located. With a view to making this search process more effective, the following coordinated action is under way:

- Information from all units of the Institute is being centralized in order to make searches for information and data on missing persons more effective and efficient
- The Institute's various units are coordinating their efforts to integrate information and respond to requests for information on missing persons
- Point 3.3.2 of the Standardized Protocol for the Search for Missing and Disappeared Persons is being implemented to enhance collaboration with the National Search Commission
- A standard form for recording details of the search for missing persons has been designed and is being implemented in order to facilitate database searches
- An agreement on internal coordination within the National Institute of Migration in responding to requests for information on missing persons in the context of migration, whether they are Mexican or foreign nationals and whether they have entered Mexico lawfully or unlawfully, has been drafted, approved and implemented

148. Regarding inter-institutional coordination with the authorities in charge of the search and investigation of enforced disappearances, the National Institute of Migration duly performs the duties that fall to it under the General Act on Enforced Disappearance as well

as those derived from the Standardized Protocol for the Search for Missing and Disappeared Persons. In addition, the Institute is fully prepared to collaborate with the National Search Commission and the other authorities involved.

149. Recommendation to the Special Forensic Identification Mechanism to establish “systematic inter-agency coordination mechanisms, in accordance with the guidance contained in the standardized search and investigation protocols”.

150. This recommendation, contained in paragraph 67 of the Committee’s report, refers to “the institutions tasked with identifying the bodies of deceased persons” and is not directed solely to the Special Forensic Identification Mechanism.

151. The Special Forensic Identification Mechanism’s work in some states has revealed a lack of coordination between institutions as well as an absence of mechanisms for sharing information on the search for and identification of persons. The Government of Mexico therefore believes that this recommendation is urgent and that a mechanism open and accessible to all the institutions involved should be established, as indicated by the Committee.

152. The coordinating group of the Special Forensic Identification Mechanism is in contact and is coordinating its activities with prosecutors’ offices, state-level search commissions and state-level commissions for victim support, international institutions such as the International Committee of the Red Cross and the Forensic Anthropology Foundation of Guatemala, and international cooperation agencies, all of which share the need for inter-institutional coordination in human identification activities.

153. Conditions conducive to inter-institutional coordination are therefore considered to exist. However, in order to comply with the recommendation, the Government of Mexico must prioritize the establishment of mechanisms for such coordination. The Special Forensic Identification Mechanism will be able to contribute to this task to the extent that its capacities allow.

154. With specific regard to the Special Forensic Identification Mechanism, to date, on behalf of the Mechanism, the United Nations Population Fund (UNFPA) has signed general collaboration agreements with the Public Prosecutor’s Office in San Luis Potosí, the Public Prosecutor’s Office in Tamaulipas and the State Search Commission of San Luis Potosí.

155. These agreements have resulted in workplans for human identification activities being concluded with the San Luis Potosí Prosecutor’s Office and the State Search Commission, which began on 15 July 2022. Similar workplans are being developed with the Public Prosecutor’s Office in Tamaulipas.

156. These workplans will be executed in accordance with standardized search and investigation protocols, as they form part of the legal framework to which the Special Forensic Identification Mechanism must adhere.

III. Progress made by the National Search Commission of the Government of Mexico since the visit, either by exercising its direct powers or in its capacity as Executive Secretariat of the National Missing Persons System

A. Establishment of the National Centre for Human Identification, establishment of new centres and impact on forensic services

157. In April 2022, the Committee urged the Government of Mexico to “move forward as quickly as possible with the process of establishing a national centre for human identification; and establish regional centres for human identification that are suitably equipped to carry out

the work of identifying the bodies and human remains that have been located, with priority being given to the identification of those found in mass graves.”⁶

158. On 31 March 2022, prior to the issuance of the report, the President submitted to the Chamber of Deputies a proposal to amend the General Act on Enforced Disappearance in which he suggested establishing the National Centre for Human Identification and endowing the National Search Commission with certain powers in the area of forensics.

159. On 26 and 27 April 2022, respectively, the Chamber of Deputies and the Senate unanimously approved this amendment. On 13 May 2022, a decree providing for the establishment of the National Centre for Human Identification was published in the Official Gazette and the 90-day period within which the Centre was required to begin operating commenced.⁷

160. Accordingly, a call for applications to work at the National Search Commission, including at the National Centre for Human Identification,⁸ was published on 25 July. In August 2022, work on adapting the building that will house these facilities will begin in Morelos.

161. The purpose of the Centre will be to identify disappeared persons whose bodies are found in mass graves, using an approach that takes into account the context and needs of the country. The Centre was established in line with the public policy that the Government of Mexico is implementing to establish the truth for the families of disappeared persons – without neglecting to search for living missing persons – as a guiding principle. The Centre supplements the identification centres already established by the current Government in Coahuila, Tamaulipas, San Luis Potosí and Jalisco.

162. The National Centre for Human Identification will begin by training its staff to identify bodies found in mass graves and taking a number of specific measures in coordination with existing human identification centres while the building is being adapted.

163. On 9 August 2022, a ceremony was held to mark the start of the work to adapt the building that will house the Centre. It was attended by representatives of the National Institute of Genome Medicine, the National Autonomous University of Mexico, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNFPA, the coordinating group of the Special Forensic Identification Mechanism, the National Citizens’ Council of the National Missing Persons System, the United States Agency for International Development, the embassies of the United States, Germany and the European Union, the head of the Executive Commission for Victim Support, and legislators and officials from the State of Morelos and civil society organizations.

164. With regard to the regulations implementing the General Act on Enforced Disappearance, which provide for the incorporation of the National Centre for Human Identification, the National Search Commission, acting in its capacity as the Executive Secretariat, reported on the activities of the working groups, which are composed of representatives of the Commission, the National Citizens’ Council, local search commissions and the Executive Secretariat of the National Public Security System, at a session of the National Missing Persons System held on 21 July 2022. The preliminary draft will be submitted for review and comment by families, collectives and civil society organizations, among other groups, at the end of August.

165. In order to address the country’s forensics crisis, the National Search Commission has been awarding federal subsidies to the local search commissions in the federative entities since 2019. The Forensic Identification and Search Centre, located in San Luis Potosí, was built in 2021 and fitted out in the first half of 2022. The first stage of the construction of the

⁶ CED/C/MEX/VR/1 (Recommendations), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, 12 April 2022, para. 65.

⁷ *Diario Oficial de la Federación*, Decree reforming and adding several provisions to the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System, 13 May 2022, available at: <https://n9.cl/7qm9z>.

⁸ National Search Commission, official Twitter account @Busqueda_MX, 25 July 2022, available at: <https://n9.cl/sb7t4>.

building that will house the Forensic Identification Centre in the southern region of the State of Tamaulipas began in 2021, while the second stage will be carried out in 2022. Five body storage centres have also been built: two in Tamaulipas (2020), one in Michoacán (2020–2021), one in Jalisco (2021) and one in Veracruz (2021). This year, a further three have been authorized in Jalisco, Nayarit and Sonora.

166. In addition, subsidies from federal resources for an approximate amount of 460 million pesos (\$22,701,139.50)⁹ have been authorized for 27 local search commissions in 2022 alone. In accordance with the plans submitted by each local search commission and the relevant guidelines,¹⁰ these resources have been devoted to strengthening search activities in these federative entities. With regard to the subsidies issued in 2022, 24 local search commissions developed plans that focused on identifying and locating persons and constructing body storage centres.

167. Between 9 and 12 May, in Mexico City, a unit of the National Search Commission took reference samples to be used for identifying bodies in mass graves in coordination with the Regional Centre for Human Identification of Coahuila. The unit assisted a total of 121 family groups, including members of the sixteenth Caravan of Central American Mothers.¹¹

168. With regard to the systematization of information on identified and unidentified deceased persons,¹² the National Search Commission has begun systematizing the records of burials in mass graves in municipal cemeteries in order to enter them in a standardized national database. A total of 14 cemeteries have been reviewed to date. As at 13 June 2022, the Mass Graves Module contained 8,201 entries for the bodies and remains of identified deceased persons and 7,806 entries for the bodies and remains of unidentified deceased persons, among other data.

B. Special Forensic Identification Mechanism

169. The Committee urged the Government of Mexico to ensure that the Special Forensic Identification Mechanism has the budget, organizational structure and independence necessary to carry out its work.¹³ In accordance with the agreement established with families on the setting up of the Mechanism, the independence of the coordinating group is guaranteed by the fact that its members are recruited by UNFPA, using federal resources that will continue to be made available and that the coordinating group has used to hire forensics support staff. On 28 April 2022, the Human Identification Centre of San Luis Potosí, which was built using federal subsidies and forms part of the local search commission of this state, was made available to the coordinating group of the Special Forensic Identification Mechanism.¹⁴

170. During the first ordinary session of the National Missing Persons System in 2022, held on 21 July 2022,¹⁵ the coordinating group of the Special Forensic Identification Mechanism reported that it has signed two cooperation agreements (for San Luis Potosí and Tamaulipas) in relation to which operational work has begun; that cooperation with six other entities is looking possible; and that a total of 24 meetings and workshops have been held

⁹ Based on fixed exchange rate of 20.2633 pesos to US\$ 1. Source: Bank of Mexico, 1 August 2022.

¹⁰ *Diario Oficial de la Federación*, “Agreement providing for the issuance of the guidelines for the award of subsidies to the federative entities, through their local search commissions, for actions to search for persons, within the framework of the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System, for the 2022 financial year”, 18 January 2022, available at: <https://n9.cl/sbw0tn>.

¹¹ National Search Commission, official Twitter account @Busqueda_MX, 9 May 2022, available at: <https://n9.cl/8z8ko>.

¹² CED/C/MEX/VR/1 (Recommendations), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, cit., para. 67.

¹³ *Ibid.*, para. 65.

¹⁴ Ministry of the Interior, *Se inaugura Centro Estatal de Identificación Forense y de Búsqueda en San Luis Potosí*, 28 April 2022, available at: <https://n9.cl/7okzs>.

¹⁵ Official YouTube account of the Ministry of the Interior, first ordinary session of the National Missing Persons System in 2022, 22 July 2022, available at: <https://youtu.be/0xm6-HTieQk>.

with groups of relatives of disappeared persons from 17 Mexican states and 3 Central American countries.¹⁶

C. Context analysis

171. The Committee highlighted the fundamental importance of context analysis in both searches and investigations and pointed out the specific and complementary importance of such analysis for each activity. However, it expressed concern about the failure of most authorities to use context analysis and the failure to use the available tools.¹⁷

172. In addition to the statements made by the National Search Commission in relation to context analysis,¹⁸ it should be noted that the Commission has continued to work on this analysis since the Committee's visit. Priority is given to the preparation of state-level analyses that provide information on the dynamics of disappearance and the context in which this offence and other criminal practices occur. The information obtained from such analyses sheds light on the key facts, circumstances, issues and problems from a geographical, social, political, economic, cultural and criminal justice perspective. All this information relates to contextual factors that are common to every case of disappearance registered in the federative entity and, in this regard, are an obligatory reference for the analysis of individual cases.

173. The aim is to ensure that public prosecutors' offices and local commissions have general information on the context of disappearances and can use it in the context analysis that they carry out in the cases of disappearance that fall within their sphere of competence.

174. In principle, the information obtained from analysis encompasses all cases of disappearance in the federative entity concerned and may be taken up and updated by public prosecutors' offices and local commissions in all cases of disappearance that can be linked to specific factors that might explain the disappearance.

175. State-level analyses will also be used to group together the information available for each federative entity in order to obtain a regional overview. This grouping will make it possible to explain cases of disappearance that go beyond the borders of particular states, either because they take place in interstate border areas or because they may be associated with migratory routes. Any disappearance that, for whatever reason, goes beyond the state level, can be analysed as a regional act, practice, circumstance, phenomenon or problem on the basis of state-level analyses and the grouping of the information that they facilitate.

176. In order to disseminate a methodology for applying context analysis to searches, a document entitled "The ABCs of context analysis" has been translated into Spanish, with international assistance, and will be published in the coming weeks.

177. In January 2021, the National Search Commission developed and implemented an information system consisting of a single, customized log of search measures that is updated by search commissions and the ministerial authorities carrying out customized searches. The log allows them to record any search measures undertaken and the results of these measures and to consult the measures undertaken and results achieved by other agencies. To date, the system has 175 active users representing the National Search Commission, local search commissions, prosecutors' offices and offices of attorneys general. The tool will also make it possible to gather information to supplement the sources used for context analysis.

¹⁶ Ministry of the Interior, *Se aprueban los Lineamientos del Mecanismo de Apoyo Exterior de Búsqueda e Investigación*, 21 July 2022, available at: <https://n9.cl/8pxbp>.

¹⁷ CED/C/MEX/VR/1 (Recommendations), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, cit., paras. 14, 16 and 17.

¹⁸ National Search Commission, *Informe para el Comité contra las Desapariciones Forzadas de Naciones Unidas*, 15 November 2021, pp. 20–23.

D. Searches for migrants

178. The Committee recalled that Mexico must ensure that searches and investigations are conducted in cases of disappearances occurring in the context of migration.¹⁹ It also reiterated that the implementation of the existing regulatory and institutional framework for addressing such cases was a priority and that the operational guidelines for the Mechanism for Mexican Support Abroad in Search and Investigation Activities should be adopted without delay.²⁰

179. On 21 July 2022, after three years of activity by working groups, the National Missing Persons System, which has more than 40 members, unanimously approved the Guidelines for the Mechanism for Mexican Support Abroad in Search and Investigation Activities. The purpose of the guidelines is to ensure that all embassies, consulates and attaché's offices of Mexico act as points of contact for the families of persons who have disappeared in Mexico, allowing them to report disappearances, provide and request information, and initiate procedures and formalities related to their rights as victims from their countries of residence. This mechanism should also allow the authorities responsible for search and investigation to request support from consulates and embassies of Mexico in relation to activities conducted outside the country.

180. The guidelines were formulated by the Ministry of Foreign Affairs, the National Prosecutor's Office, the National Law Enforcement Conference, the Ministry of the Interior, the National Search Commission and local search commissions. The initial draft was further developed through an inclusive consultation process involving families, committees of family members, civil society organizations and international organizations. The guidelines will shortly be published in the Official Gazette of the Federation.²¹

181. The adoption of the Guidelines for the Mechanism for Mexican Support Abroad in Search and Investigation Activities provides users and operators with certainty about procedures. It will also facilitate training, make it easier for families and organizations to ensure measures are enforced, and provide a road map for the progressive implementation of the mechanism worldwide.

182. The Committee added that the State should adopt measures to facilitate the filing of reports of missing migrants from abroad.²² The guidelines adopted provide for such measures. Independently of the guidelines, toll-free telephone numbers²³ and a public website managed by the National Search Commission²⁴ have been in operation since 2019, allowing for reports of disappeared or missing persons to be filed 24 hours per day, 365 days per year from anywhere in the world.

183. The Committee also stated that there was "an urgent need for the specialized inter-agency working group on the search for foreign migrants and the Bureau for the Search for Missing Migrants to enter into operation" and that "the first step in that connection should be the adoption of operational guidelines for these bodies".²⁵ In late 2021, the National Missing Persons System gave the green light for the establishment of the Bureau for the Search for Missing Migrants, which is a mechanism with a wide reach and a remit to facilitate the participation of disappeared migrants' family members and civil society organizations specializing in the field.²⁶ The operational guidelines for the Bureau are now being developed, in ongoing consultation with these organizations. Subsequently, a call for applications to join

¹⁹ CED/C/MEX/VR/1 (Recommendations), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, cit., para. 44.

²⁰ Ibid., para. 45.

²¹ Annex: Draft guidelines approved on 21 July 2022.

²² CED/C/MEX/VR/1 (Recommendations), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, cit., para. 46.

²³ National numbers 800-028-77-83 and 55-1309-9024 and, for calls from abroad, the international toll-free number 185-52-623-109.

²⁴ <https://cnbreportadesaparecidos.segob.gob.mx/Pages/TerminosyCondiciones.aspx>

²⁵ CED/C/MEX/VR/1 (Recommendations), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, cit., para. 45.

²⁶ Agreement SNBP/007/2021, establishing the Bureau for the Search for Missing Migrants. <https://n9.cl/3hr65>.

the Bureau will be issued. The inter-agency working group, which is provided for in section 3.3.2 of the Standardized Protocol for the Search for Missing and Disappeared Persons, has had guidelines in place since October 2021 and scores of institutions have designated permanent liaison officers. The working group has formed thematic teams, made up of liaison officers from various institutions, that to take action to address the problem from a cross-cutting perspective. Such actions include large-scale comparisons of information from prisons and information held in the National Register of Missing and Disappeared Persons and legislative changes to ensure transparency in relation to the holding of migrants.

184. The Committee stated that Mexico “should facilitate the issuance of humanitarian visas free of charge for family members and loved ones of migrants who are missing or have disappeared in Mexico by allowing them to be processed by Mexican consulates in the countries where relatives of missing migrants reside”.²⁷ The transitional provisions of the Guidelines for the Mechanism for Mexican Support Abroad in Search and Investigation Activities provide for a road map for amending the Federal Fees Act in order to guarantee free-of-charge visa applications. In addition, in coordination with the Ministry of Foreign Affairs and the National Institute of Migration, humanitarian visas have been granted to the relatives of disappeared persons so that they can travel to Mexico to attend meetings with the authorities and witness search activities. Those granted visas include persons attending the sixteenth Caravan of Central American Mothers.

185. The Committee also stated that Mexico “should conduct campaigns in consulates to disseminate information on the mechanisms in place in Mexico and to promote judicial cooperation and assistance between the States concerned in cases of missing migrants”.²⁸ These actions are provided for in the recently adopted Guidelines for the Mechanism for Mexican Support Abroad in Search and Investigation Activities.

186. In June 2022, the National Search Commission undertook a mission to Guatemala to strengthen inter-institutional relations between the two countries with a view to promoting the formulation of strategies for searching for, locating, identifying and repatriating Guatemalan migrants who have disappeared in Mexico. Working meetings were held with officials from various agencies of the Government of Guatemala and with representatives of civil society whose work relates to missing migrants and human rights.

187. With regard to the registration of disappeared migrants, the Committee stated that the different institutions should report cases of missing migrants.²⁹ This task falls to one of the working group’s thematic teams, whose role is to consolidate records on the disappearance of migrants.

188. The Committee also states that Mexico should ensure that the National Register of Missing and Disappeared Persons “clearly identifies disappearances of persons in a regular or irregular situation and is interoperable with existing registers of migrants, including those kept in migrant holding centres”.³⁰ It adds that “although the Register includes details of persons in an irregular situation, the information available does not reliably identify cases in which these persons have disappeared while in transit through the country”.³¹

189. In early 2022, the National Search Commission established an inter-agency group tasked with searching for migrants and composed of liaison officers from around 60 institutions. One of its remits is to consolidate the information that the different institutions hold on disappeared migrants. The Commission is also examining the possibility of incorporating into the National Register of Missing and Disappeared Persons a dedicated section in which to store reliable information on disappearances occurring in the context of migration.

190. On 28 July 2022, the National Institute of Migration, the Ministry of Foreign Affairs and the National Search Commission held a meeting at which they agreed, *inter alia*, to sign

²⁷ CED/C/MEX/VR/1 (Recommendations), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, *cit.*, para. 47.

²⁸ *Ibid.*, para. 53.

²⁹ *Ibid.*, para. 43.

³⁰ *Ibid.*, para. 43.

³¹ *Ibid.*, para. 36.

an agreement on sharing information and to establish technical committees responsible for making the systems managed by the National Institute of Migration and the National Search Commission interoperable.³²

E. Gender-sensitive searches

191. The Committee noted the importance of taking “the specific needs of victims into account”,³³ both in searches and investigations. Consequently, the National Search Commission has continued to develop a differentiated approach to searches, specifically by making efforts to standardize search protocols for women and girls. Thus, in 2021, the National Search Commission, together with the National Commission for the Prevention and Elimination of Violence against Women, began implementing the national programme for the harmonization and application of the Alba Protocol. The purpose of this programme is to collate the accumulated experiences of the different institutions and align the immediate action and coordination mechanism for investigating cases of disappearance involving women, girls and female adolescents and searching for the victims with the guidelines of the Inter-American Court of Human Rights, the recommendations of the Committee on the Elimination of Discrimination against Women, the Standardized Protocol for the Search for Missing and Disappeared Persons and other international standards relating to human rights violations.

192. The aim is to have a document that lays down the minimum criteria that should govern the creation or update of this mechanism in the different federative entities in order to make it more effective and to simplify the procedure for its application. In August 2021, the National Technical Coordination Office for the Harmonization of the Alba Protocol was set up. Composed of liaison officers from the local search commissions and specialized prosecutors’ offices of the country’s 32 federative entities, its purpose is to work on the minimum criteria document. On 25 April 2022, the second meeting of the National Technical Coordination Office for the Harmonization of the Alba Protocol was held in Xochitepec, Morelos, where a document setting out the minimum criteria for the development and/or harmonization of the Alba Protocol was presented. This process is supported by UN-Women.

F. Search activities

193. Between 8 February 2019 and 15 July 2022, the National Search Commission conducted 3,040 day-long field searches in coordination with authorities from the different levels of government and the relatives of disappeared persons. During these activities, security measures were put in place with the support of the National Guard, the Ministry of Defence, the Ministry of Naval Affairs and/or the Department of Public Security of the federative entity involved.

194. The National Search Commission requests the assistance of the National Guard, the Ministry of Defence and the Ministry of Naval Affairs to establish the perimeter security arrangements during field search activities for the following reasons:

- To address the high level of risk at search sites resulting from the activities of criminal gangs
- To help meet the search party’s security requirements by supplementing the staff of the National Guard
- To address families’ avowed lack of trust in the willingness of the state and/or municipal public security authorities to participate in search activities
- To respond to the requests received by the National Search Commission from prosecutors’ offices, and/or local search commissions and family members, to

³² National Search Commission, official Twitter account @Busqueda_MX, 27 July 2022, available at <https://n9.cl/0wgi2>.

³³ CED/C/MEX/VR/1 (Recommendations), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, cit., para. 75.

collaborate with the Ministry of Defence and/or the Ministry of Naval Affairs in search activities

195. With regard to levels of participation in the National Search Commission's field search activities, records indicate that, between 8 February 2019 and 15 July 2022, 51 per cent of activities were carried out in collaboration with the Prosecutor's Office of the state in question, 25 per cent in collaboration with the National Prosecutor's Office and 9 per cent in collaboration with both bodies. A total of 15 per cent of search activities were not carried out in collaboration with any prosecutor's office.

196. The local search commissions, working with relatives of disappeared persons, are continually engaged in search activities, having conducted thousands of day-long searches. By way of example, nearly 5,000 such searches had been carried out by just 10 of the 32 local search commissions³⁴ between the date of their establishment and 15 July 2022.

G. Unified Information Technology System and/or interoperable systems

197. Throughout its report, the Committee stresses the need and obligation to prevent the fragmentation of information, establish mechanisms and channels for exchanging information and ensure that information is easily consultable and managed effectively.³⁵

198. The National Missing Persons System has been tasked, by law, to develop and implement a unified information technology system that allows for access to, and the processing and use of, all information that may be relevant to the search for and location and identification of disappeared and missing persons and the investigation and prosecution of the offences established in the General Act. The Standardized Protocol for the Search for Missing and Disappeared Persons provides for the establishment of a committee to assume responsibility for the Unified Information Technology System and formulate guidelines for coordination between public and private authorities and institutions, at the national and international levels, in the System's development and implementation. The National Search Commission oversaw the formulation of the rules of procedure of the committee responsible for the Unified Information Technology System, which were submitted to and adopted by the members of the National Missing Persons System in the second ordinary session of 2021.

199. At the time of writing, the first ordinary session of the committee has been held and work has begun on establishing three thematic working groups (legal, analytical and technical), on which basis the actions to be taken to achieve the committee's objectives have been defined. In 2022, guidelines for the committee's development and functioning will be drafted.³⁶

H. National Register of Missing and Disappeared Persons

200. The Committee pointed out that "efforts made to record and update data through the National Register of Missing and Disappeared Persons have been key to spotlighting the different dimensions of disappearances in Mexico"³⁷ and made several comments regarding the need to step up these efforts.

1. Register of forcibly disappeared persons and authorities allegedly involved

201. The Committee considered 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

³⁴ The local search commissions that provided information are those based in Baja California Sur, Chiapas, Chihuahua, Guerrero, Michoacán, Sinaloa, Sonora, Tabasco, Tamaulipas and Veracruz. In total, they carried out 4,965 day-long searches.

³⁵ [CED/C/MEX/VR/1 \(Recommendations\)](#), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, cit., paras. 12 and 31.

³⁶ Annex: guidelines on its development and functioning.

³⁷ [CED/C/MEX/VR/1 \(Findings\)](#), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, para. 49.

persons acting with the authorization, support or acquiescence of the State may be discerned in a transparent and reliable manner and so that cases of enforced disappearance may be clearly identified”.³⁸ Furthermore, the Committee was 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”.³⁹

202. It is important to note that the Register is administered by the National Search Commission of the Ministry of the Interior and that, of those provided for in the General Act on Enforced Disappearance, it is the only one currently in operation. It can be accessed through the link <https://versionpublicarnpdno.segob.gob.mx/Dashboard/Index>. It is the only register that gives a glimpse of the reality of the crisis of disappearances, containing as it does a range of information such as the age and sex of the disappeared person and the place and date of disappearance. However, as mentioned in the report submitted to the Committee,⁴⁰ the reason for the lack of information recorded is that various institutions are reluctant to submit or share information. For example, out of approximately 450 variables in the Register, the average data capture rate from prosecutors’ and attorney generals’ offices is 9.5 per cent. As can be seen, the percentage of information registered by the authorities is very low, a situation that makes it difficult to understand the problem of disappearance and take decisions on searches, investigation and prevention in the context of public policy.⁴¹ It is therefore essential to bring the problem into the open in order to understand the extent of the lack of information and promote the necessary strengthening of the Register from various standpoints. Thus, the Commission has constantly urged the authorities to provide the fullest information they have, stressing in particular the registration of the criminal offence, given the importance of pointing out all cases where there is evidence that public servants are involved.

203. In the public-facing version of the Register it is possible to view the figures for cases relating to the criminal offence of enforced disappearance,⁴² which the ministerial authorities have been able to report since the register was created, including in those cases where they had initially reported a different offence; the record can be updated at any time. In addition, work is ongoing to add a further variable to show, in cases of enforced disappearance, whether the reporting authority is a municipal, state or federal authority.

2. Missing migrants register

204. Reference is made to this register in the section on searches for migrants above.

3. Register interoperability

205. In addition, the Committee urged “the authorities to establish flexible, interoperable, efficient and transparent mechanisms” to ensure the entry into the national and state registers of “detailed and up-to-date information ... and to remove any duplications and to correct errors in the data entered”⁴³ and pointed out that “several interviewees expressed concern about duplications, errors in the data recorded or incomplete information and mentioned the difficulties experienced in requesting corrections or updates”.⁴⁴

206. The National Search Commission, as coordinator and administrator of the National Register, prepared a strategic plan for the design, development, implementation and operation of the Register, as well as for its constant improvement in order to ensure that it contains detailed information that is useful to the authorities responsible for searching for

³⁸ Ibid., para. 53.

³⁹ Ibid., para. 50.

⁴⁰ Submitted on 15 November 2022 to the delegation of the Committee on Enforced Disappearances, available at: (Spanish) <https://rb.gy/bshfog> and (English) <https://n9.cl/3q64x>.

⁴¹ See page 24 of the Commission’s report (English version).

⁴² Annex: public-facing version of the National Register of Missing and Disappeared Persons.

⁴³ See [CED/C/MEX/VR/1 \(Findings\)](#), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, para. 52.

⁴⁴ Ibid., para. 49.

disappeared or missing persons and for those investigating the crimes related to their disappearance.

207. The Commission's strategy has two components: (a) reporting disappeared or missing persons through the Web portal, whereby any authority – even if they do not have a user name and password – or any person – including anonymously – can submit a report or bring to the Commission's attention a disappeared or missing person, 24 hours a day, 365 days a year, via the following link: <https://cnbreportadesaparecidos.segob.gob.mx/>, and; (b) enabling the authorities of the federative entities and the Federation to input the information in a timely manner using the electronic instrument of their choice (web service, the central National Register system⁴⁵ or, exceptionally, bulk upload).

208. The Commission has also developed algorithms, which are integrated in the electronic tools mentioned, that make it possible to identify and tag duplicate entries based on the degree of similarity with records containing the minimum information requested and cross-referenced against the National Register database, with each entry being classified under one of the established status headings.

209. In addition, owing to the interoperability existing between the National Register and the National Population Registry, any authority or individual can check the unique identification code number of the disappeared or missing person concerned so as to ensure that his or her name and other personal information is input correctly.

210. It is important to note that, regardless of the tool used to record a disappeared or missing person in the National Register, there may also be interoperability between federal institutions and those of the federative entities, as there is a procedure for referring entries.⁴⁶

4. Possible duplicates, errors or gaps in the National Register

211. The National Register has tools and procedures for verifying information received. The Register is designed to collate multiple reports of a disappeared or missing person, even if the reports come from different authorities or have been entered using different data-entry tools available in the Register, and even if they are entered anonymously by individuals. It is also possible to update any entry 24 hours a day, 365 days a year, to take account of the information contained in the other records, even if they relate to the same person.

212. As mentioned above, algorithms have been developed to identify possible duplicates. Each of the various tools will check the degree of similarity with records in the National Register database containing the minimum required information. An algorithm is used to verify matches of 92 to 100 per cent between records. The drop-down lists associated with the various register entries and details of the method of processing them in order to avoid duplicate records, to the extent possible, are annexed.

213. In addition, in respect of the so-called errors in the records, it is important to note that the Register contains 99 drop-down lists to help standardize the information input by the federal and state authorities in 169 of the Register's 450 variables.⁴⁷ The applications used for inputting information also have validation procedures to ensure that the data being added does not contain special characters that hinder the standardization of the information. Also, as mentioned above, there are algorithms to help verify and compare the names of persons registered even if they are incorrectly spelt by the authorities entering the information.

214. In order to ensure that the person reported missing is properly identified, it is important, especially for the authorities, to enter their unique personal identification code number when recording or updating information; however, if the code is not available, it can be found.⁴⁸

215. Although it is true that there may be several records per person, duplicate records are maintained only when the information is incomplete. In September 2021, the Commission modified the applications used in the Register to show the authorities in graphic form the

⁴⁵ Annex: National Register of Missing and Disappeared Persons central system.

⁴⁶ For a description of how referral works, see annex.

⁴⁷ See annex.

⁴⁸ <https://www.gob.mx/curp>.

percentage of information captured for each of the records in the Register and for the various sections and variables in the record, thereby allowing them to visualize that percentage per report and per person.⁴⁹ As already mentioned, there is a need – and an obligation – for all authorities to record as much information as possible.

216. As to the difficulties in requesting corrections or updates, it is essential to note that the applications used by the Commission are structured in such a way that the authorities can update or correct the information at any time, directly, with no need for a request or authorization, and that such amendments are recorded in a log.⁵⁰

217. As can be seen, while no technological tool is infallible, the Commission is constantly working to guarantee the reliability of the information received.

218. Lastly, with regard to the use of these technological tools and the strategy for the development of the Register, 92 training sessions have been held for more than 678 public servants, and have also been made available to the authorities in order to support them in the use and operation of these tools.⁵¹

I. National Search and Location Programme

219. The Committee required the Mexican authorities to prepare plans with, among other things, clear goals, indicators and accountability mechanisms, and to implement all pending regulatory instruments.

220. To supplement the existing Standardized Protocol for the Search for Missing and Disappeared Persons and the Protocol for the Search for Children and Adolescents, which impose specific obligations on the various authorities, the National Missing Persons System, which is composed of more than 40 institutions, is making progress in the construction of the National Search Programme.

221. During the meeting of organizations making up the System, the Commission, in its capacity as Executive Secretariat, gave an update on progress in the development of the National Programme. At the current stage, work is under way to define national policy in working groups composed of representatives of, among others, the Ministry of Foreign Affairs, the National Citizen Council of the National Search System, the National Prosecutor's Office, local search commissions, the National Law Enforcement Conference and the Executive Secretariat of the National Public Security System. The working groups will be set up between August and September 2022 in order to enable families, collectives, civil society organizations and others to take part.⁵²

1. Budget

222. The Committee expressed concern about the budget allocated to the National Commission and the local search commissions and considers that the State should ensure that they have the necessary human and financial resources to properly discharge their functions (including by hiring specialized personnel and conducting searches).⁵³

223. In this regard, the Commission has launched two calls for applications for the recruitment of specialized personnel. The first invites applications for personnel for a project run in coordination with the Economics Research and Teaching Centre, with funding from the National Science and Technology Council, who will analyse documentation related to persons who were forcibly disappeared during the counter-insurgency or “dirty war”;⁵⁴ while the other focuses on recruiting personnel for the National Centre for the Identification of

⁴⁹ See annex.

⁵⁰ See annex.

⁵¹ See annex.

⁵² See annex.

⁵³ See [CED/C/MEX/VR/1 \(Recommendations\)](#), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, paras. 6 and 20.

⁵⁴ National Search Commission, official Twitter account @Busqueda_MX, 12 July 2022, available at: <https://n9.cl/untee>.

Human Remains, which is aiming for a 80–200 per cent increase in staffing by the end of 2022.⁵⁵ The budget request for 2023 is also being prepared, and proposes an increase in both personnel and operating expenses. Under the preliminary draft federal budget, more than 950 million pesos (US\$ 46,882,788.1)⁵⁶ will be sought from the Ministry of Finance and Public Credit. This amount covers a staffing increase for the Commission’s operations, including the National Centre for the Identification of Human Remains.

224. It is also important to note that, from 2019 to 2022, the Federal Government, through the National Search Commission of the Ministry of the Interior, has allocated more than 1,600 million pesos (US\$ 78,960,485.21)⁵⁷ for reinforcement of the search commissions, including for their work on forensics. As previously mentioned, 460 million pesos (US\$ 22,701,139.50)⁵⁸ were allocated in 2022 alone.

225. Lastly, the Commission, as Executive Secretariat of the National Missing Persons System, has urged the state governments to make adequate budget allocations for their search commissions⁵⁹ and has reminded them of the Government of Mexico’s specific obligation in respect of the search for persons and the obligation of each federative entity to strengthen the local commissions, regardless of federal subsidies.

2. International cooperation

226. The Committee recommended 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 considered 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”.⁶⁰

227. In this regard, the Commission reiterates that it is working closely with international cooperation agencies to strengthen the institutional search infrastructure. On 20 June 2022, the Office of the Under-Secretary for Human Rights, Population and Migration at the Ministry of the Interior, together with the National Search Commission, organized a meeting to share experiences, progress and challenges in forensic search and identification at which representatives of embassies, including those of the United States of America, the European Union and Germany, as well as the United Nations, shared their experiences in forensic collaboration.⁶¹ The meeting also encouraged cooperation in searches. Important cooperation programmes are currently under way with the United States of America, the European Union, Germany and the Netherlands.

3. Further action

228. With regard to specialist training, the Committee urged the Government of Mexico to “develop a comprehensive training programme” that promotes “the use of established tools”.⁶² The following activities were carried out by the Commission in 2022:

- January–March: Training for Commission staff on supporting and assisting victims of disappearance, using the internal online programme
- 25 March–30 April: Training programme on human rights-based searches for persons, run by the Directorate General of Public Human Rights Policy at the Ministry of the

⁵⁵ National Search Commission, official Twitter account @Busqueda_MX, 25 July 2022, available at: <https://n9.cl/8z8ko>.

⁵⁶ Based on fixed exchange rate of 20.2633 pesos to US\$ 1. Source: Bank of Mexico, 1 August 2022.

⁵⁷ Based on fixed exchange rate of 20.2633 pesos to US\$ 1. Source: Bank of Mexico, 1 August 2022.

⁵⁸ Based on fixed exchange rate of 20.2633 pesos to US\$ 1. Source: Bank of Mexico, 1 August 2022.

⁵⁹ Documents were sent on 28 October 2021 and 29 July 2022.

⁶⁰ See [CED/C/MEX/VR/1 \(Findings\)](#), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, para. 35.

⁶¹ Ministry of the Interior, “Por el derecho humano de las personas sin vida para tener un trato y sepultura digna,” (Towards the human right of persons without life to dignified treatment and burial), Comunicado No. 262/2022, 21 June 2022, available at: <https://n9.cl/hkih8>.

⁶² See [CED/C/MEX/VR/1 \(Findings\)](#), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, para. 65.

Interior, and the Commission, and attended by Commission staff and officers of the National Guard, the National Prosecutor's Office, the Office of the Prosecutor General of Mexico City and the Office of the Prosecutor General of the State of Mexico.⁶³

- April–May: First online course on the Standardized Protocol for the Search for Missing and Disappeared Persons and the Additional Protocol for the Search for Children and Adolescents. This course is hosted on the Ministry of the Interior Training Portal and is designed for members of the public at large interested in learning about the subject. A total of 925 applications were received, and 502 persons started the course. Of those enrolled, 88 per cent completed the programme and obtained a certificate of attendance.
- May–June: Virtual course on the Standardized Protocol for the Search for Missing and Disappeared Persons and the Additional Protocol for the Search for Children and Adolescents, for staff of the Office of the Prosecutor General of Michoacán State, the Michoacán Local Search Commission, the Michoacán State Human Rights Commission and the National Guard. The course is delivered via the video conference platform. A total of 236 applications were received and 119 persons successfully completed the course.
- July–August: Second online course on the Standardized Protocol for the Search for Missing and Disappeared Persons and the Additional Protocol for the Search for Children and Adolescents, hosted on the Ministry of the Interior Training Portal and designed for members of the public at large interested in learning about the subject. On this occasion, 1,141 applications were received. One application was for a group from the Local Search Commission of Sonora.
- 3 June–9 July: Commission staff attended a certification course on receiving a request for a search for a missing or disappeared person (Atención de primer contacto para la Búsqueda de Personas Desaparecidas y No Localizadas) given by the National Institute of Criminal Sciences.
- 7 July: Start of the training course/workshop for trainers in the Standardized Protocol for the Search for Missing and Disappeared Persons and the Additional Protocol for the Search for Children and Adolescents, aimed at the 22 local search commissions that do not yet have a trainer. The course ends on 20 October 2022.
- July 2022: Virtual course on the Standardized Protocol for the Search for Missing and Disappeared Persons and the Additional Protocol for the Search for Children and Adolescents, for staff of the Office of the Prosecutor General of Mexico City, the Office of the Prosecutor General of Oaxaca and the Local Search Commission of Oaxaca. The course is delivered synchronously via the video conference platform.

229. Another comment made by the Committee on Enforced Disappearances was that campaigns are needed to publicize the disappearance crisis.⁶⁴ Here it may be recalled that the Commission has launched a prevention campaign aimed at children, and that, again with international cooperation, information campaigns have been run specifically targeting women.⁶⁵ The Commission has also released an information video on how to go about reporting a person who has disappeared or is missing.⁶⁶ Lastly, the Office of the President is designing an information campaign.

230. The Committee emphasized the urgent need to adopt and implement a national policy to prevent and eradicate disappearances and noted the link between security and the

⁶³ Official account of the Directorate General of Public Human Rights Policy, available at: <https://youtu.be/sqZo0Z6Mp9Y>.

⁶⁴ CED/C/MEX/VR/1 (Findings), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, paras. 54–56.

⁶⁵ United States Agency for International Development, official Twitter account @USAIDMX, 8 March 2022, available at: <https://n9.cl/1q87r>.

⁶⁶ Commission, official account, 13 April 2022, available at: <https://youtu.be/zypb5oPRMHA>.

disappearance crisis.⁶⁷ In accordance with its mandate, the Commission has set up working groups with the Ministry of Public Security on prevention issues related to children and adolescents, in which the Ministry of Education will also take part.

J. Response to urgent action requests

231. In January 2021, the section of the Human Rights Unit that is responsible for coordinating the response to cases before international human rights bodies established a dedicated office to take charge of following up on urgent action requests issued by the Committee.

232. Under the provisions of articles 1 (3) and 133 of the Mexican Constitution, article 27 (I), (II), (VII) and (XXIV) of the Organic Act on the Federal Public Administration and article 43 (I), (VI), (X) and (XII) and article 45 (I), (V) and (VI) of the Internal Regulations of the Ministry of the Interior, this office coordinates the action taken to comply with the Committee's requests, in line with the United Nations Guiding Principles for the Search for Disappeared Persons, the Convention, the General Act on Enforced Disappearance, the Standardized Protocol and other applicable regulations.

233. The procedure adopted by this office is as follows:

- Upon receipt of the Committee's urgent action request, which the Ministry of Foreign Affairs forwards to the Ministry of the Interior, information is requested from the authorities in charge of the search and investigation activities undertaken in respect of the disappearance, at both the local and federal level, as applicable
- The authorities that are notified and asked to provide information include: the National Prosecutor's Office or the public prosecutor's office in the federative entity where the investigation was opened, the state-level search commission and the state-level commission for victim support or the Executive Commission for Victim Support and the National Search Commission. In some cases, information is also requested from the state-level human rights commission or the National Human Rights Commission. This information compilation exercise provides an overview of the investigation and search activities already carried out and makes it easier to share information between institutions and establish effective coordination
- The second step is to convene a follow-up meeting with the authorities involved, family members and their legal representation, if applicable. The purpose of these meetings is to inform family members of the actions taken to date, thereby ensuring respect for their right to information. The authorities also share details of how the investigation will continue and the search actions to be carried out. This allows family members and their representatives to contribute actively to the formulation of an action plan for the search and suggest possible lines of inquiry. The content of the search and investigation plan is agreed at these meetings, as well as the protection measures to be provided for family members
- The agreements reached between the authorities and family members are formalized in an official record, which is sent to all participants. The Ministry of the Interior monitors compliance with their content and coordinates with the relevant federal and local authorities to ensure the advance of the search and investigation work. Provided that the safety of family members can be guaranteed, they are permitted to participate fully in the search activities. For search activities in the field, the law enforcement agencies are able to provide sufficient support to protect those involved and the work they carry out
- To conclude the process, the Ministry of the Interior prepares a report, which is sent to the Committee via the Ministry of Foreign Affairs so that the action taken by the Mexican authorities can be assessed and recommendations can be issued

⁶⁷ CED/C/MEX/VR/1 (Findings), Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, paras. 31–32 and 42.

- Follow-up reports are issued, even if not expressly requested by the Committee, in line with the United Nations Guiding Principles for the Search for Disappeared Persons and the provisions of the Convention
- The process described above is repeated periodically, as required, until the missing person is found

234. Since its creation within the Ministry of the Interior, the office responsible for following up on urgent action requests has received notification of 139 urgent actions requests, adding to the 362 of which the Mexican authorities had been notified from 2012 to 2019.

235. As for the status of the urgent action requests issued to the Government of Mexico by the Committee, according to official Committee data, there are currently 356 active urgent action requests and 98 suspended urgent action requests. In 28 cases, the persons have been found alive and in 21 cases they were located deceased.

236. No update has been received from the Committee in respect of 11 urgent action requests which the person concerned has been located deceased.

K. National Protection Mechanism for Human Rights Defenders and Journalists

237. The OHCHR country office in Mexico presented an analysis of the functioning of the Protection Mechanism for Human Rights Defenders and Journalists (the Protection Mechanism) in July 2019 that set out 104 recommendations.

238. In response, a capacity-building plan has been developed under which the recommendations are divided into three categories: (i) protection; (ii) prevention; and (iii) institutional capacity-building.

239. Coordination with the federative entities on the basis of cooperation agreements is foreseen for protection activities.

240. The Human Rights Defenders and Journalists Protection Act, enacted in 2012, is not binding for state and municipal authorities. In view of this situation, the current Government is overseeing an update of agreements with the federative entities with a view to establishing pathways for cooperation.

241. As at July 2022, seven coordination and cooperation agreements had been concluded, between the Federal Government and the States of Sonora, Nuevo León, Morelos, Coahuila, Chihuahua, Baja California and Michoacán. These agreements lay the groundwork for coordination and cooperation, through joint actions, projects and interventions, in fulfilling the fundamental obligation to protect, promote and safeguard the human rights of human rights defenders, journalists and persons who exercise freedom of expression throughout the country. It is hoped that the remaining agreements will be signed in the coming months.

242. The Protocol for Coordination in the Protection of Human Rights Defenders and Journalists concluded between the federal Protection Mechanism and the state-level protection units was approved by the Mechanism's Governing Board in August 2017 and by the National Conference of State Governors on 11 August 2017. In a subsequent review exercise, the Protocol was updated to enhance strategic coordination in the prevention of violations against and the protection of human rights defenders and journalists.

243. In the second half of 2022 and the first half of 2023, workplans for the implementation of the Protocol will be established with the federative entities.

1. Technical assistance for the federative entities

244. Technical capacity-building assistance is provided to the federative entities upon their request. Under the current Government, three training sessions on the operation of the Protection Mechanism have been organized for liaison officers from the federative entities (in December 2021 and May and June 2022).

245. Further activities are being planned that will provide the federative entities with tools for assessing risk and exchanging best practice in the specialized handling of attacks on journalists and human rights defenders, among other topics.

246. Workplan:

- By the end of 2022: conclusion of 11 agreements with the federative entities
- In the course of 2023: conclusion of remaining cooperation agreements
- Sharing of information on the update of the Protocol for Coordination in the Protection of Human Rights Defenders and Journalists between the federal Protection Mechanism and state-level protection units
- Formulation of a road map for the coordination and handling of cases under the Protocol
- In the second half of 2022, five capacity-building sessions for public officials from the federative entities

2. Strengthening the legal framework

247. The Human Rights Defenders and Journalists Protection Act, enacted in 2012, is intended to foster cooperation between the Federal Government and the federative entities in implementing the preventive, protective and urgent protection measures ordered by the Governing Board of the National Protection Mechanism for Human Rights Defenders and Journalists. However, the Act is not binding on local authorities.

248. In order to strengthen the current legal framework, the adoption of a general law that establishes competencies and obligations for the authorities at all three levels of government has been proposed.

249. In the legislative drafting process, the contributions of human rights defenders and journalists are being given priority, to which end 12 day-long consultation sessions have been organized in the federative entities of Mexico City, Oaxaca (one in the capital and four in the regions), Sonora, Baja California, Nayarit, Morelos, Jalisco and Michoacán.

250. The formulation of the general law on this subject requires a constitutional amendment that, for the first time in history, gives the recognition of the right to defend human rights constitutional status. This is a first in the protection of this right, and is intended to reflect the development of the right in international human rights law. It is proposed that the Congress of the Union should be accorded the corresponding legal powers.

251. Besides this constitutional amendment, there is a need to strengthen the legislative framework guaranteeing protection for human rights defenders and journalists, which the Protection Mechanism has been working closely with the Human Rights Commission of the Chamber of Deputies to address.

252. Furthermore, several federative entities have been consulted with a view to revising and harmonizing the legislative framework that will provide protection against attacks on persons engaged in the exercise of freedom of expression and journalistic activity in their territories (México, Querétaro, Oaxaca, Morelos).

253. Workplan:

- During the second half of 2022: at least two days of consultations with human rights defenders and journalists are planned to gather their input (Chihuahua, Tamaulipas)
- During the second half of 2022: a draft general law will be prepared that incorporates the input obtained during the consultations
- The draft law will be disseminated and publicized during the first half of 2023
- As part of preventive efforts, the following are envisaged:
 - Adoption of a strategy for raising awareness of the Protection Mechanism

- Publication of various documents to raise awareness of the work of the Protection Mechanism, including procedures for joining, protection measures and self-protection

254. A set of visual materials (infographics, interactive presentations) is currently being developed for dissemination on social media.

255. In the second phase of the project, the distribution of leaflets and citizen guides on the law, recognition of the work of journalists and self-protection measures is envisaged.

256. Workplan: by year-end 2022, the following will be available:

- Five infographics, containing key information on the Protection Mechanism published on the social media accounts of the Ministry of the Interior
- A leaflet containing information about access to protection measures and the use of close protection
- Videographic materials
- In the second half of 2022, the content of the citizen guides on protection and self-protection mechanisms will be developed
- In the first half of 2023, work on the design of the citizen guides will be carried out
- Recognition of the work of human rights defenders and journalists

257. In 2018, the Governing Board approved the Guidelines for the Recognition of the Work of Human Rights Defenders and Journalists, which were drafted with the support of the OHCHR country office in Mexico and Espacio OSC, an association of NGOs. The Protection Mechanism considers it important to formulate a communication strategy for recognizing the work of human rights defenders and journalists.

258. In addition to the above, through the Office of the President, the Protection Mechanism is involved in a campaign, launched in 2020 with European Union funding, to increase recognition of the work of human rights defenders and journalists. Work on the production of materials for future publication is currently under way.

259. Workplan:

- Presentation of proposed strategy for raising awareness of the Guidelines for the Recognition of the Work of Human Rights Defenders and Journalists
- Review of content and production of audio-visual materials
- Post-production and final product approval
- Campaign launch

260. Planned institutional capacity-building activities include:

- Developing the capacities of the Protection Mechanism's personnel

261. In order to provide timely and effective support and eliminate revictimizing practices, the United States Agency for International Development has provided capacity-building assistance for the Mechanism's personnel, prioritizing a human rights-based approach to handling cases.

262. From December 2021 to June 2022, three capacity-building sessions were held for staff with a focus on human rights, emotional support and interview techniques. Two more sessions are expected to be held in the second half of 2022.

263. In addition, the design of a comprehensive training strategy for public officials involved in preventive and protective action for human rights defenders and journalists is planned for 2023.

264. Furthermore, the design of a standard set of professional competencies related to the care and protection of human rights defenders and journalists with a differential, specialized and intersectional approach is proposed.

265. Workplan:

- During the second half of 2022, two capacity-building sessions will be held for staff
- In the first half of 2023, a comprehensive and specialized training strategy will be designed, as well as a plan for increasing staff professionalism
- A specialized course will be designed for the personnel of the Protection Mechanism and the units in the federative entities or authorities involved in preventive and protective action for human rights defenders and journalists
- The operational capacity of the National Protection Mechanism for Human Rights Defenders and Journalists will be strengthened

266. As at June 2022, the Protection Mechanism was providing protection for a total of 1,599 individuals, of whom 531 were journalists and 1,068 were human rights defenders.

267. Within the Protection Mechanism there are 26 staff members working to process cases received, implement measures and ensure follow-up, all of whom are required to have specific tools and skills for approaching cases (specifically, from a differential, specialized, intersectional and human rights-based perspective). A further five staff members work in the prevention and follow-up unit.

268. Workplan:

- Negotiations with the administrative units to justify and achieve the implementation of the proposal to expand the organizational structure of the Protection Mechanism, and negotiations for a budget increase or reallocation with the corresponding administrative units
- Definition of the professional skills required of the Protection Mechanism's personnel
- Update of internal administrative rules and regulations
- Development of guidelines for the Protection Mechanism's personnel

L. Work of the National Commission for the Prevention and Elimination of Violence against Women

269. The National Commission for the Prevention and Elimination of Violence against Women is the lead agency for national public policies to prevent, address, punish and eradicate violence against women and girls. It works in coordination with the three levels of government to guarantee women and girls' right to a life free from violence and respect for their human rights, promoting the cultural shift necessary for gender equality.

270. Accordingly, and in compliance with operative paragraph No. 19 of the ruling issued by the Inter-American Court of Human Rights in *González et al v. Mexico*, the National Commission for the Prevention and Elimination of Violence against Women and the National Search Commission are developing a national programme for the harmonization and application of the Alba Protocol. The aim of the programme is to achieve increased compliance with the aforementioned ruling through gender mainstreaming and the alignment of the Alba Protocol with obligations arising from various sources and the highest standards of protection of the human rights of women and girls. Ultimately the goal is to establish, on an inter-institutional basis, the minimum criteria for the application of the Alba Protocol through which to achieve, by reviewing, harmonizing and updating its content, standards of efficiency and effective coordination that will have positive impacts in terms of the investigation, immediate search for and location of missing women and girls in all state-level public prosecutors' offices as well as in the National Prosecutor's Office.

271. Following the appointment of a liaison officer in each of the federative entities, and with a view to assessing the application of the Alba Protocol and beginning the coordination work, the following information was sought:

- Whether the federative entity has its own Alba Protocol and, if so, the date of its adoption

- Whether the Alba Protocol has been published in the entity's Official Gazette or Journal and, if so, on what date
- Whether the federative entity's Alba Protocol provides for the establishment of a technical cooperation group and, if so, whether the group is operational
- Whether the Alba Protocol or an alternative mechanism is applied in cases of the disappearance of women and girls

272. As at May 2021, the following 21 states had provided the information requested: Aguascalientes, Baja California, Chiapas, Chihuahua, Mexico City, Colima, Durango, State of Mexico, Guanajuato, Guerrero, Hidalgo, Jalisco, Michoacán, Nayarit, Oaxaca, Puebla, Querétaro, San Luis Potosí, Sinaloa, Yucatán and Zacatecas.

273. With a view to ensuring ongoing, continuous coordination between the local authorities responsible for adopting and implementing the Alba Protocol, investigating offences and pursuing judicial proceedings and the federal agencies responsible for preventing, addressing, punishing and eradicating violence against women and searching for missing women, the liaison officers designated by the prosecutor's offices and those of the local search commissions were invited to an event organized to mark the establishment of the National Technical Coordination Office for the Alba Protocol, which took place on Tuesday, 17 August 2021, in Ciudad Juárez, Chihuahua.

274. In order for the Alba Protocol to effectively fulfil its purpose, various other contextual issues need to be taken into account in the development and/or harmonization process, including:

- Advances in the national and state-level legal frameworks relating to the disappearance of persons, in application of the guiding principles for the search for living persons and the principle of the best interests of the child and taking a human rights-based, differential, specialized and intersectional approach
- The specialized protocols in force, primarily the Standardized Protocol for the Search for Missing and Disappeared Persons and the Additional Protocol for the Search for Children and Adolescents
- The accumulated experiences of families, groups of relatives of missing persons and civil society organizations that monitor and follow up on disappearance issues, mainly in terms of ensuring an immediate response and search, in recognition of the fact that not all aspects of their experience have been addressed and incorporated into the legal framework and instruments in force
- The gaps and incompatibilities that persist between the standards, the regulatory framework in force, the specialized instruments for the search for persons and the capacities of the competent authorities
- The lack of harmonization and complementarity between specialized instruments for the search for persons at two levels: first, between the various Alba Protocols and Amber Alert Protocols existing in the country; and, second, between these Protocols and the Standardized Protocol for the Search for Missing and Disappeared Persons and the Additional Protocol for the Search for Children and Adolescents
- Best practices derived from the above-mentioned protocols
- Issues of standardization and divergence between key actors in terms of the perspective, scope and content of the harmonized Alba Protocol

275. In order to move forward with the harmonization of the Alba Protocol, a working group composed of members of the National Search Commission, the search commission of the State of Mexico, the local commission for missing persons of the State of Nuevo León, the search commission for missing persons in Jalisco and the search commission of the State of Veracruz was established to prepare a document on the minimum criteria for the formulation and/or harmonization of the Alba Protocol that will provide the National Technical Coordination Office with a methodological guide upon which to base its work.

276. For the purpose of preparing this document, the working group carried out the following activities:

- 18 November 2021: Onboarding meeting for the working group, during which the work schedule and methodology were decided
- 15 November 2021: Development of the methodology for drafting the guide to the minimum criteria for the formulation and/or harmonization of the Alba Protocol
- 22 December 2021: Meeting to review the national and local legal framework relating to disappearance of persons, with reference to the guiding principles for the search for living persons and the principle of the best interests of the child and taking a human rights-based, differential, specialized and intersectional approach, as well as the specialized protocols in force, primarily the Standardized Protocol for the Search for Missing and Disappeared Persons and the Additional Protocol for the Search for Children and Adolescents
- 25 January 2022: Meeting to review questions such as which persons the Alba Protocol is intended to protect, the specific principles governing the search for women and girls and the main operating guidelines
- 2 February 2022: Meeting to review questions such as the authorities that should be involved, the obstacles or challenges related to coordination, and the use of differentiated actions in the search for women
- 7 February 2022: Meeting to review the different contexts of disappearance of women and girls, taking a cross-cutting, human rights-based approach
- 11 March 2022: Meeting to review a first draft containing the information compiled from the previous meetings to be used to draft the document on the minimum criteria for the formulation and/or harmonization of the Alba Protocol

277. In addition, in coordination with the National Search Commission, the 32 liaison officers of the state-level public prosecutor's offices and the 32 liaison officers of the local search commissions were invited to a second meeting of the National Technical Coordination Office for the harmonization and application of the Alba Protocol. The meeting was held on 25 April 2022, in the State of Morelos, with the objective of presenting the first draft of the document on the minimum criteria for the formulation and/or harmonization of the Alba Protocol, as well as the discussion and feedback methodology.

278. In order to ensure its correct application and operation, once the Alba Protocol begins to be applied in the different federative entities, training will be provided to the authorities involved in the search for and location of women and girls.

M. Work of the Executive Commission for Victim Support

279. In December 2021, the Executive Commission for Victim Support, in collaboration with the Executive Secretary of the National Public Security Programme, prepared the first national study on support for victims.

IV. Establishment of a mechanism for following up on recommendations

280. On 30 June 2022, the Ministry of the Interior organized a meeting with representatives of various institutions, victims' groups and civil society organizations to follow up on the recommendations issued by the Committee to the Government of Mexico following its visit.

281. At this meeting, the Ministry of the Interior undertook to establish a mechanism for following up on the recommendations through thematic working groups responsible for acting upon the recommendations related to their particular thematic focus, in line with a specific schedule of activities.

282. Once the focus and composition of these working groups have been agreed, civil society groups and organizations will be contacted so that they can make observations and possible ways in which they might contribute can be defined.

283. The Ministry of the Interior also undertook to convene a follow-up meeting in the last week of September 2022 to confirm the focus and composition of the working groups. The minutes can be consulted in the annexes.

V. Requests

284. On the basis of the foregoing, the Committee is requested:

(a) To consider the observations of Mexico in relation to the Committee's report on its visit to the country in November 2021 as submitted, through the Mexican Ministry of Foreign Affairs, as the State's only official channel of communication; and

(b) To take note of the advances made and actions taken by the various government institutions in Mexico towards achieving compliance with the recommendations issued and protecting the human rights of all persons.
