



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

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## Committee on Enforced Disappearances Fifteenth session

### Summary record of the 265th meeting

Held at the Palais Wilson, Geneva, on Friday, 9 November 2018, at 3 p.m.

*Chair:* Ms. Janina

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*The meeting was called to order at 3 p.m.*

**Follow-up dialogue on additional information submitted by States parties** *(continued)*

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

1. *At the invitation of the Chair, the delegation of Mexico took places at the Committee table.*
2. **The Chair** said that she would be grateful if the delegation, upon resuming its dialogue with the Committee, would address all unanswered questions from the previous meeting and provide additional relevant information in respect of the issues raised.
3. **Mr. Cabrera Alfaro** (Mexico), referring to the possible feminization of enforced disappearance, said that according to the National Registry of Missing and Disappeared Persons, women currently accounted for about a quarter of missing persons. He noted that by creating digital records on missing persons, the National Search Commission would be able to better identify the circumstances surrounding disappearances and thus be in a position to detect any worsening or changes in the nature of the problem.
4. **Mr. Rochín del Rincón** (Mexico) said that, according to the national records maintained by the Executive Commission for Victim Support, about 40 per cent of persons subjected to enforced disappearance in Mexico were women.
5. **Ms. Bonifaz Alfonso** (Mexico) said that the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Search System clearly established that responsibility for dealing with cases of enforced disappearance was shared between the federal, state and municipal levels of government, and that in all cases the Act should be interpreted in accordance with the principles set forth in the Constitution and in international treaties, including the *pro persona* principle. The Act also stipulated the manner in which the authorities should coordinate the search for missing and disappeared persons. The adoption of the Federal Act on Special Declaration of Absence for Disappeared Persons — as a federal rather than a general act — meant that that all states were required to bring their legislation on declarations of absence into line with the general principles laid down in the Act. Four states had already done so.
6. **Mr. Galván Gallardo** (Mexico) said that the continued presence of organized crime and drug cartels in some regions presented the Attorney General's Office with the problem of determining whether disappearances should be investigated as the offences set forth under the new General Act. To meet that challenge, the Attorney General's Office had adopted the concept of context analysis, whereby a technical expert assisted the Federal Prosecution Service in identifying possible causes of disappearance, including enforced disappearance. Another key tool employed by the Federal Prosecution Service was the "investigation plan", a methodological tool which brought together information on hypotheses or lines of inquiry, search actions undertaken in conjunction with the National Search Commission, and the participation of indirect victims, as well as setting out a specific timetable of investigative actions to be taken. Investigation plans allowed for improved oversight and administration of proceedings and helped avoid procedural violations that might jeopardize any eventual prosecution.
7. **Ms. Herrerías Guerra** (Mexico) said that the Attorney General's Office also scheduled regular meetings with family members and indirect victims to keep them apprised of developments in the investigation.
8. **Ms. López Rabadán** (Mexico) speaking in her capacity as chair of the Senate human rights committee, said that the Senate as it was currently constituted would serve a six-year term, having assumed its functions in September 2018 after federal elections. Given that the human rights situation in Mexico was a serious problem and that Mexicans in all 32 federative entities regarded security as their most pressing concern, all governmental authorities and institutions, including the Senate, recognized their obligation to do their utmost to address the problem. One priority was the prompt appointment of a new prosecutor general, meeting the demands of civil society for an independent prosecutor who would not be beholden to or intimidated by any other authority. The Senate would

initiate the selection process for the new prosecutor general by identifying 10 candidates, whose names would be submitted to the incoming President after his inauguration on 1 December 2018; the shortlist would then be pared down and returned to the Senate for the final decision on the appointment.

9. Mexico had made good progress towards gender parity in its elected legislative bodies — women now accounted for approximately 48 per cent of the representatives sitting in the Senate and the Chamber of Deputies. Although that in itself was a historic advance, a further opportunity had arisen to transform the face of decision-making in the country: the Senate had put forward draft legislation on gender parity in the executive, legislative and judicial branches and in autonomous bodies, which if adopted would be implemented at the federal, state and municipal levels.

10. Lastly, she said that Mexico had developed its legal framework and legislative instruments and was strengthening institutions with a view to completing a virtuous circle in its efforts to combat enforced disappearance. However, the final step was for the Government to understand that Mexico could benefit from international expertise and support in its endeavours. Therefore, she undertook to propose to the plenary of the Senate that it should urge the incoming federal executive to recognize the competence of the Committee on Enforced Disappearance to consider communications from individuals.

11. **Mr. Rochín del Rincón** (Mexico) said that in May 2017, the Executive Commission for Victim Support, implementing a recommendation by the National Human Rights Commission, had launched a comprehensive programme to provide assistance, support, protection, access to justice and reparation for victims of the “dirty war”. Over 1,200 individuals had benefited from that programme, while 621 victims — 20 per cent male, 80 per cent female — had been registered with the National Registry of Victims. A working group comprised of victims’ associations and other stakeholders had been set up to develop a plan for comprehensive reparation, resulting in the recent award of collective reparation, which would be accompanied by measures such as a public apology, the creation of memorials, and medical and psychological rehabilitation programmes. The Ministry of the Interior had already carried out individual reparation processes through the Trust Fund for Compliance with Human Rights Obligations, in accordance with a previous recommendation of the National Human Rights Commission. Reparation measures were also under way for victims recognized by other authorities, including the Truth Commission of the State of Guerrero and the office of the special prosecutor for social and political movements of the past.

12. **Mr. Sánchez Pérez del Pozo** (Mexico) said that, under article 29 of the General Act, superior officials were considered to be the perpetrators of enforced disappearance under the terms set forth in applicable criminal legislation, namely the criminal codes that were in force at the state level. National legislation established that members of the military were under no obligation to follow rules or orders that might give rise to a human rights violation, while article 6 of the General Act allowed for the possibility of oversight to ensure that the actions of the military were in conformity with international human rights treaties. Mexican law did not provide for the immunity of military authorities in respect of acts constituting enforced disappearance. Authorities suspected of such conduct could be investigated by the Attorney General’s Office and, if necessary, prosecuted before the civilian courts. Moreover, the Federal Prosecution Service and other judicial authorities were permitted, subject to the minimum legal requirements governing investigative procedures, to examine registers at military bases. National and international human rights mechanisms, including the National Human Rights Commission, were also able to visit military bases to perform such checks as they deemed necessary, within the bounds of their authority.

13. **Mr. Beltrán Benites** (Mexico) said that the Ministry of Defence and the Ministry of the Navy had taken steps to promote, respect, protect and guarantee human rights. In that regard, a programme had been developed for the prevention of human rights violations by the military and instructions had been issued to all three branches of the armed forces to ensure respect for the fundamental rights of persons during the exercise of military activities. Agreements had been signed with several national and international organizations to provide military personnel with training on international humanitarian law and human

rights, including the prevention of enforced disappearance. Military doctrine on the rational use of force had been adapted and the relevant human rights manuals updated, while booklets had been produced and distributed to military personnel to provide guidance on the performance of their activities. Human rights had also been incorporated into the military education system and the evaluation process of personnel seeking promotion from intermediate to senior rank. In recent years, almost 2 million army, navy and air force personnel had attended a human rights promotion and training programme, while almost 200,000 had received specific training on the prevention of enforced disappearance. A human rights and gender training centre for military personnel had recently been inaugurated at a cost of approximately US\$ 1.2 million.

14. As a result of those efforts, the number of complaints of human rights violations by the military, recorded by the National Human Rights Commission, had fallen by over 78 per cent since 2012. Of the 3,166 complaints received by the Commission during the recent reporting period, only 82 had referred to enforced disappearance and the military had been found not responsible for 73 of those; the other 9 cases were still pending. Similarly, the number of recommendations issued by the Commission to the armed forces as a result of human rights violations had fallen sharply from 113 in the period 2006–2012 to 18 in 2013–2018, none of which referred to enforced disappearance. The military had heeded past recommendations and it remained committed to human rights training and instilling a culture of respect for human rights.

15. **Mr. Galván Gallardo** (Mexico) said that the National Conference of State Attorneys General was required by law to issue guidelines for the training of special prosecutors. The development of study plans drew on those guidelines and covered such subjects as human rights, criminal proceedings, enforced disappearance and gender issues. The Offices of State Attorneys General were encouraged to adopt that training and certification process. The indirect victims of enforced disappearance had requested the establishment of a special prosecutor's office to deal with their cases. That request was a token of their trust. The ongoing training and certification of prosecutors would ensure that their trust was not misplaced.

16. **Mr. Lara Cabrera** (Mexico) said that plans of work had been developed for the three Mexican States that had been the scene of enforced disappearances prompting the largest number of requests for urgent action from the Committee. Plans had also been developed for other States in which enforced disappearances had led to such requests. The federal authorities would work with the special prosecutorial offices and search commissions that each of the country's first-level administrative divisions was required to set up under the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Search System. In that respect, he supported his Government's suggestion that the Committee help find a way of making it possible for Mexico to consider the Committee's requests for urgent action more methodically and, ultimately, more effectively.

17. **Mr. Ruíz Cabañas** (Mexico) said that although a visit to Mexico by the Committee would be useful, such a visit should be organized with representatives of the new Administration, which would be in place in three weeks.

18. **Mr. Ravenna** (Country Rapporteur) said that he wished to know whether a truth commission would be set up to look into the Ayotzinapa case, in which 43 students from a rural teachers college had been disappeared. He also wished to know what was meant by the provision of article 18 of the Internal Security Act that stated that the internal security operations carried out by the armed forces would not be considered public safety operations and whether or not the internal security responsibilities of the armed forces overlapped with those of other institutions. In addition, he wondered whether the armed forces envisioned scenarios in which they could be involved in foreign wars or whether their operations were limited to the country's internal conflict. In that respect, he asked whether the State party, as part of its efforts to resolve that ongoing conflict, respected the Geneva Conventions of 12 August 1949 and, in particular, the protocols additional thereto of 8 June 1977.

19. **Ms. Galvis Patiño** (Country Rapporteur) said that she wished to know whether the State party had taken steps to ensure that the Mechanism for Mexican Support Abroad in

Search and Investigation Activities, the Office of the Attorney General of the Republic's Criminal Investigation Unit for Migrants and the Forensic Commission had the technical, financial and human resources to carry out their mandates. In the same connection, she wondered whether measures had been taken to coordinate the work of those institutions with that of other relevant institutions. It would be interesting to know, for example, whether the migrant database used by the Office of the Attorney General was connected to databases used in Central American countries.

20. She also wished to know whether plans had been made to expand the mandate of the Forensic Commission. In addition, she wondered what steps had been taken to ensure that consular personnel, in particular in Central America, had the knowledge necessary to provide effective support to the relatives of migrants who had disappeared or been disappeared in the State party. She asked in particular what had been done to facilitate the issuance of humanitarian visas to such persons. Similarly, she asked what plans had been made to help the family members of disappeared persons deal effectively with the bureaucratic complications that their search for justice often entailed.

21. **Mr. Huhle** said that it might be a good idea for the State party to have an independent organization audit the operations of the Executive Commission for Victim Support, as the Commission's establishment some six years earlier had not led to a reduction in the number of complaints received by the Committee. In view of complaints that, in the absence of a successful prosecution, it was still very hard to obtain redress, he wondered what steps were being taken to ensure that all victims who turned to the Commission for support could exercise their rights. He also wondered what measures had been adopted in respect of the approximately 1,500 victims of enforced disappearance registered with the Commission. It would be interesting to know how many criminal investigations of enforced disappearance were currently under way in the State party and how many convictions had been secured in that respect. A comment on the State party's views of the utility of symbolic forms of reparation would also be welcome. Was the State party of the view that such forms of reparation — public apologies, for instance — could be provided only years after the events that had occasioned their necessity?

22. **Mr. Figallo Rivadeneyra** said that, in view of reports that people were afraid to report crimes to the law enforcement authorities, he would welcome more information on how the Ministry of the Interior's special fund for the protection of persons who reported crime was used. He would also welcome an indication of whether the State party was of the view that the definition of enforced disappearance committed by non-State actors that appeared in article 34 of the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Search System was compatible with the Convention, article 3 in particular. Lastly, he wondered what steps the State party had taken or intended to take to ensure that enforced disappearances were considered crimes against humanity.

23. **Mr. Huhle** said that he would welcome an indication of the State party's view of the likely future of the Internal Security Act, the constitutionality of which was being reviewed by the Supreme Court.

*The meeting was suspended at 4.05 p.m. and resumed at 4.30 p.m.*

24. **Ms. Herrerías Guerra** (Mexico) said that, under the country's Constitution, the conduct of criminal investigations and prosecutions was the responsibility of the Office of the Attorney General. The Office had therefore challenged the unconstitutional court decision that would see responsibility for leading the probe in the Ayotzinapa case borne by a truth commission independent of the Attorney General. The Supreme Court was expected to rule on the Government's challenge shortly.

25. **Mr. Ramos Flores** (Mexico) said that the aim of the Internal Security Act was to establish rules for the coordination of the activities of the State institutions responsible for dealing with threats to internal security. Article 18 of the Act stated clearly that the objective of the security operations carried out by the federal authorities was in no case to replace the authorities of other jurisdictions or assume their responsibilities. Accordingly, the armed forces participated in internal security tasks only in a supporting role, when civilian law enforcement authorities alone were insufficient. The Mexican armed forces,

like those of every country, had a duty to provide protection from threats both internal and external. Intelligence operations in which a person's constitutional rights were violated were deemed unlawful under the Act. The Supreme Court, as suggested earlier, would shortly decide whether all or part of the Act was unconstitutional.

26. In his Government's view, it could not be said that there was not an internal armed conflict in Mexico. The country was dealing with organized criminal groups. As a result, international human rights instruments such as the Geneva Conventions were not applicable.

27. **Ms. Bonifaz Alfonzo** (Mexico) said that to rule on the applications for constitutional review submitted by the National Human Rights Commission and other institutions, the Supreme Court would consider the constitutionality not of the Internal Security Act as a whole but of each of its articles. Removing an article from the Act would require the vote of 8 of the Court's 11 justices.

28. **Mr. Ruíz Cabañas** (Mexico) said that Mexico was not engaged in an armed conflict of the type addressed by the Geneva Conventions. Mexico had well-armed criminal groups that did not have a single command structure, control territory or carry out military operations. They were criminal groups dedicated to extortion, not belligerents.

29. **Ms. Herreras Guerra** (Mexico) said that the Migrants Unit at the Office of the Attorney General of the Republic, which operated on the basis of the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Search System, had joined the Office of the Special Prosecutor for Disappeared Persons, so that more resources were available to address cases of disappearances, including cases involving migrants. The current head of the Migrants Unit, who had previously served as a federal prosecutor, had accumulated a great deal of expertise in the area. The Unit cooperated with the Forensic Commission, civil society and a team of Argentine forensic anthropologists. The Forensic Commission had been established following the discovery of human remains in Tamaulipas, Cadereyta and other locations.

30. Steps were being taken to bolster the Mechanism for Mexican Support Abroad in Search and Investigation Activities. Visits had been undertaken since 2016 to Honduras, El Salvador and Guatemala with a view to investigating cases of disappearance. Additional visits to the three countries would be undertaken in late November 2018. In 2016 the Mechanism had received 18 reports of missing persons from Honduras and 4 from El Salvador; in 2017 it had received 27 reports from El Salvador and 6 from Guatemala; and in 2018 it had received 22 from Honduras, 14 from El Salvador and 12 from Guatemala.

31. The staff that maintained the ante-mortem/post-mortem database had compiled data from questionnaires distributed in Guatemala and among caravans arriving from Honduras and El Salvador and had incorporated the results into a consolidated national database.

32. **Mr. Rochín del Rincón** (Mexico) said that in 2008 the Executive Commission for Victim Support had established a unit for migrants that also dealt with cases of enforced disappearance. It had cooperated with the authorities in Guatemala and Honduras to ensure compliance with human rights obligations vis-à-vis the relatives of disappeared persons and had participated with the Government of El Salvador in the High-level Security Group. The Executive Commission was currently dealing with 80 files based on complaints concerning 59 men, 18 women and 3 children from El Salvador, Guatemala, Honduras and Mexico. The Commission had issued 20 resolutions concerning migrants who were indirect victims of enforced disappearance. The resolutions provided support for housing, food, funerals, child development and medical costs. Reparations totalling US\$ 2.2 million had been provided to victims in the case of San Fernando, Tamaulipas.

33. **Mr. Lara Cabrera** (Mexico) said that the Ministry of Foreign Affairs played a major role in facilitating cooperation with law enforcement agencies through the National Search System, the Office of the Attorney General of the Republic and various consulates. It was expected that guidelines on the establishment of procedures for dealing with requests submitted to the National Search Commission and requests for mutual legal assistance would be completed within a few weeks. The Ministry also specified procedures under the Migration Act for the issuance by consulates of humanitarian visas.

34. The recommendations concerning support mechanisms issued by the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW/C/MEX/CO/3) would also be taken into account.

35. **Mr. Rochín del Rincón** (Mexico) said that the General Victims Act required all governmental authorities to provide protection, aid and reparations for victims. The Act had been amended in 2017 in order to streamline the procedures and eliminate bureaucratic barriers. The implementing regulations, which would be published within the next few days, reflected the outcome of national consultations of victims, family members, civil society organizations and academics. They facilitated access to the Executive Commission for Victim Support, expedited the procedures and provided greater protection for vulnerable victims.

36. The Executive Commission provided support for the implementation of local legislation. A model law had been adopted to support the enactment of 30 local laws, and 20 local commissions had been established, 15 of which had received funds totalling US\$ 9.1 million. It was hoped that states would eventually allocate about 0.4 per cent of their budgets to a victims fund.

37. The Executive Commission could occasionally address the right to reparation in civil court cases, for example in cases raised by the National Human Rights Commission, the Inter-American Commission on Human Rights or the United Nations. If victims appealed to the Executive Commission, assistance was never denied, regardless of the court involved.

38. The new regulations governing the Fund for Aid, Assistance and Comprehensive Reparation rendered access to resources for victims more flexible, and a national model for comprehensive reparations was currently being elaborated. Victims now had access to financial assistance in advance instead of having to await reimbursement. In addition, the ceilings applicable to assistance had been eliminated so that victims could continue benefiting for as long as necessary, and bureaucratic restrictions on access to the national registers of victims had been removed.

39. The Executive Commission for Victim Support and the Fund for Aid, Assistance and Comprehensive Reparation were regularly monitored by external bodies. Furthermore, the poet Javier Sicilia had interviewed victims and submitted a valuable review of the Executive Commission that contained explicit recommendations for improvements.

40. The National Register of Victims of Enforced Disappearance contained details of 406 direct victims. The data stemmed not only from the Office of the Attorney General of the Republic, but also from the National Human Rights Commission.

41. With regard to the collective reparations granted to 14 groups of victims of the Veracruz incident, the Executive Commission had signed a document based on a request from the victims for an investigation involving the 480 registered relatives that would help to shed light on the problem in the state concerned. The investigation had not yet been concluded and the study by a civil society organization was still in its initial stages.

42. **Ms. Herrerías Guerra** (Mexico) said that the Office of the Attorney General of the Republic collaborated with other State bodies in seeking to end impunity. The National Conference of State Attorneys General played an important role in that regard. One of its duties was to issue a harmonized investigation protocol. Relatives of victims had raised a number of issues during consultations on the protocol and assistance had been provided by the International Committee of the Red Cross (ICRC). The Office of the Attorney General of the Republic had reassured the relatives that the protocol would be fine-tuned and additional meetings had been held with them in September and October 2018. The amended protocol had been submitted to the most recent National Conference of State Attorneys General. It was being analysed and would continue to be amended.

43. Meetings had been held in the 13 public prosecution services to discuss and share experience and good practices on the investigation of enforced disappearances and the harmonized investigation protocol. The Office of the Attorney General of the Republic also organized awareness-raising and training programmes for the public prosecution services.

44. **Mr. Galván Gallardo** (Mexico) said that the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Search System had only recently entered into force. The public prosecution services had previously been required to undertake searches rather than investigations. Since the promulgation of the General Act, they were required to undertake investigations in order to save victims and prosecute the perpetrators. There was no statute of limitations, and public prosecutors could not exercise discretionary power in order to interrupt or suspend investigative action. The investigations concerned both direct and indirect victims, and were required to follow strict guidelines.

45. **Ms. Bonifaz Alfonzo** (Mexico) said that article 15 of the new *Amparo* Act contained a specific provision applicable to enforced disappearances. The 43 cases considered to date had led to 8 convictions and 17 acquittals. Decisions on 18 cases were still pending. *Amparo*, which was equivalent to habeas corpus, was being used to compel the authorities to fulfil their duties during search procedures. The judiciary should take action to raise public awareness of its existence.

46. **Mr. Sánchez Pérez del Pozo** (Mexico) said that 145 people had received financial compensation for human rights violations through the Trust Fund run by the Ministry of the Interior. The National Human Rights Commission had issued a recommendation concerning reparations for “dirty war” victims. A total of 74 million Mexican pesos had been paid to the 145 indirect victims of enforced disappearances, an amount that was in line with inter-American financial compensation norms. The Ministry had run a number of campaigns aimed at locating relatives of persons who had disappeared many years ago and at collecting documents to prove their kinship.

47. **Ms. Heredia Zertuche** (Mexico), recalling that crimes were punished differently across the national territory on account of the country’s federal structure, said that, since July 2017, the Office of the Attorney General of the Republic, in partnership with the National Institute of Criminal Sciences, technical experts, competent public officials and academics, had been drafting a federal criminal code. The new code would contain a general chapter, a chapter covering specific crimes and a third chapter on international crimes, including crimes against humanity, such as enforced disappearance, which would be understood in accordance with the relevant provisions of the Rome Statute of the International Criminal Court. The draft code had been discussed at the National Conference of State Attorneys General and amendments put forward by both state prosecutors and attorneys general had been incorporated into the text in October 2018. The draft code would also be discussed by the National Conference of State Governors and the National Council on Public Security. However, the draft federal criminal code could only enter into force once the necessary constitutional amendments had been enacted, given that the Congress of the Union was not currently empowered to legislate on criminal matters. A draft decree to amend the corresponding constitutional provisions had already been prepared to that end.

48. **Ms. Galvis Patiño** asked whether, as part of its proposed strategy for addressing requests for urgent action, the State party envisaged creating a federal mechanism for following up on those cases, monitoring progress made in that connection and coordinating the efforts of the different competent authorities. Furthermore, the Committee remained concerned about the safety of the victims who submitted requests for urgent action and about the safety of human rights defenders in Mexico in general. It would be useful to hear more about the steps being taken to protect those persons. It was her understanding that there were still some 35,000 bodies that had not been identified in Mexico. She asked whether that figure was accurate and whether a strategy for identifying them had been adopted.

49. **Mr. Huhle** asked whether all the sentences imposed for the crime of enforced disappearance had resulted from an action for *amparo*.

50. **Mr. Ravenna** asked whether the heirs of victims of enforced disappearance were required to produce a death certificate in order to fulfil the accreditation formalities required to claim reparation on their behalf.

51. **Ms. Bonifaz Alfonzo** (Mexico) said that all the sentences handed down for the crime of enforced disappearance had indeed resulted from an action for *amparo*.



52. **Mr. Lara Cabrera** (Mexico) said that the Federal Government's proposed strategy for addressing requests for urgent action included a mechanism to guarantee immediate follow-up to those cases. Upon receiving a request for urgent action, the Permanent Mission of Mexico in Geneva transmitted it electronically to the Ministry of Foreign Affairs, which examined it and identified the federal and/or state authority competent to provide the information requested. The request for urgent action was then submitted to the competent authority along with detailed guidance. If necessary, the Ministry of Foreign Affairs, in cooperation with the Ministry of the Interior, could order protective measures. Once obtained, the information requested was sent to the Committee. State authorities and the Office of the Attorney General of the Republic had recently exchanged information on cases requiring urgent action to ensure that they were thoroughly reviewed. The Ministry of Foreign Affairs and the recently established National Search Commission would likewise exchange such information going forward. Information on cases requiring urgent action could be transmitted to the Committee on an ad hoc basis without a formal request for information having been received. Consultations were also held with family members of persons who were the subject of requests for urgent action and their representatives as a means of ensuring the effectiveness of any protective measures ordered in that connection.

53. **Mr. Sánchez Pérez del Pozo** (Mexico) said that the national mechanism for the protection of human rights defenders accompanying or acting as legal counsel for victims of enforced disappearance and for the protection of groups of family members who defended other victims consisted of a committee composed of nine people, including four who were either civil society representatives, human rights defenders or journalists, one representative of the National Human Rights Commission and four representatives of competent federal bodies. A special unit was tasked with assessing the risks facing such defenders in accordance with international standards. The risk assessment methodology used was being constantly improved and now included a gender and intercultural perspective. The decision to apply protective measures was taken by the committee as a whole, thus ensuring the involvement of civil society. Those measures ranged from issuing human rights defenders with a panic button in lower risk situations to ordering their extraction or providing them with an armed escort or a bullet-proof vehicle in higher risk situations. Protective measures had been applied in respect of 60 human rights defenders and seven groups of family members defending other victims.

54. A separate national mechanism existed for the protection of victims of enforced disappearance and members of their families who were actively involved in a criminal investigation. The Office of the Attorney General of the Republic and the state prosecution service leading the investigation were both empowered and obliged to order protective measures when the safety of the victim or members of his or her family was at risk. Protective measures had been ordered in respect of 57 victims of enforced disappearance or members of their families who were actively involved in a criminal investigation.

55. The accreditation process for heirs of victims of enforced disappearance during the period known as the "dirty war" who wished to claim reparation on their behalf was necessary on account of the lengthy period of time that had elapsed since the period in question and the fact that federal legislation did not yet provide for that possibility. Heirs needed only prove their relationship by descent to a direct victim of enforced disappearance to be recognized as such and obtain reparation. They were not required to initiate inheritance or any other legal proceedings for that purpose.

56. **Mr. Cabrera Alfaro** (Mexico) said that, as was the case with the register of disappeared persons, the data reflected in the register of unidentified deceased persons was often unreliable on account of the diverse sources from which it originated. The figure of 35,000 unidentified bodies was therefore impossible to verify. In contrast, the fingerprints of unidentified deceased persons delivered to forensic medical services were easily verifiable and were stored in a national database currently comprising 36,000 entries. However, if an unidentified deceased person was subsequently identified by means other than his or her fingerprints, his or her database entry would remain unchanged. There were plans to establish a consolidated national register for unidentified and/or unclaimed deceased persons in the future.

57. **Mr. Ruíz Cabañas** (Mexico) said that, although the situation was deeply regrettable, Mexico was not the only country in the world with a large number of unidentified deceased persons. The Federal Government was considering the possibility of exchanging information on best practices for collecting data on such persons with another federal jurisdiction where they were similarly high in number.

58. **Ms. Galvis Patiño** thanked the delegation for the highly informative dialogue and said that the Committee had gained a better understanding of the state of implementation of the Convention in the State party and of the progress that it had made in giving effect to the recommendations contained in the Committee's concluding observations. The Committee had likewise gained a clearer insight into the immense challenges impeding the State party's efforts in that area and an overview of the steps that it was taking to ensure the full realization and effective protection of the rights of victims of enforced disappearance and the members of their family.

59. She reminded the State party of its obligation to search for disappeared persons, especially in recent cases of disappearance, and of the importance of conducting effective investigations into suspected cases of enforced disappearance, imposing penalties commensurate with the seriousness of the crime and of mainstreaming a gender perspective in its institutions and their activities. The State party should also take steps to ensure the effective participation of victims of enforced disappearance and members of their family in institution-building and in addressing the myriad challenges that remained.

60. **Mr. Ravenna**, recalling the solidarity shown by Mexico in the 1970s when it had taken in refugees fleeing various Latin American dictatorships, said that present-day Mexico was a far cry from the Mexico of the past. He was grateful to the delegation for the constructive dialogue and hoped that it was an omen of the State party's renewed commitment to fulfilling its international obligations and to protecting the rights of the Mexican people. The Committee trusted that, in the light of the discussions held, the State party would provide adequate and timely follow-up to the requests for urgent action submitted to it and spare no effort to ensure that the various institutional and legislative measures that it had taken to prevent and combat enforced disappearance bore fruit. He hoped that the Committee would have the opportunity to visit Mexico in the future.

61. **Mr. Ruíz Cabañas** (Mexico) thanked the Committee for the interest that it had shown in Mexico and said that the delegation had taken due note of the concerns raised throughout the dialogue. The Federal Government had set out a clear road map for addressing the problems and challenges that remained and was ready and willing to implement it.

62. Context was very important when considering the issue of enforced disappearance in Mexico. The refugees that had arrived in the country in the 1970s had fled dictatorships where enforced disappearance was a general policy of the State, which was not the case in Mexico. Regrettably, enforced disappearances continued to occur in the country, sometimes with the involvement of agents of the State. However, a large number of enforced disappearances were committed by organized criminal groups, which had not been present to the same extent in the Mexico of the 1970s.

63. The Federal Government was committed to continuing its dialogue with the Committee and remained open to any observations and recommendations that it wished to make. Mexico was perhaps the State party with the greatest appreciation for the Committee's work, as its recommendations had guided the Federal Government's efforts to establish a legislative framework for addressing the phenomenon of enforced disappearance and to devise the above-mentioned road map for future action. The Committee's recommendations had likewise informed the decision to establish the National Search Commission, which played a vital role. He hoped that the incoming administration would take measures to strengthen the existing institutional and legislative framework to prevent and combat enforced disappearance and that it would give serious consideration to recognizing the Committee's competence to receive and consider individual communications under article 31 of the Convention.

64. While some positive results had already been achieved under the existing institutional and legislative framework to prevent and combat enforced disappearance, it

was still being refined. It would therefore be premature to assess its overall impact at that time. The Federal Government was aware of its imprescriptible duty to search for the victims of enforced disappearance, investigate cases of that phenomenon and bring the perpetrators of that crime to justice. It remained committed to working with civil society to support the victims of enforced disappearance and the members of their family. The follow-up dialogue had undoubtedly signalled the beginning of a new chapter in the cooperation between the Committee and the Federal Government of Mexico.

65. **The Chair** said that the Committee was grateful to the State party for having accepted the Committee's invitation to participate in the follow-up dialogue and for having sent a high-level, multidisciplinary delegation. Going forward, the Federal Government should ensure that the various legislative measures taken to prevent and combat enforced disappearance were effectively enforced and that they translated into tangible results for the victims of that phenomenon. While the State party had made progress in a number of areas, much remained to be done to eradicate the practice of enforced disappearance in its national territory.

*The meeting rose at 6 p.m.*