



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances Twenty-fifth session

Summary record of the 449th meeting*

Held at the Palais Wilson, Geneva, on Thursday, 14 September 2023, at 3 p.m.

Chair: Mr. de Frouville

Contents

Consideration of reports of States parties to the Convention (*continued*)

*Additional information submitted by Mexico under article 29 (4) of the Convention
(continued)*

* No summary record was issued for the 448th meeting.

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

Consideration of reports of States parties to the Convention *(continued)*

Additional information submitted by Mexico under article 29 (4) of the Convention (continued) ([CED/C/MEX/AI/2](#))

1. *At the invitation of the Chair, the delegation of Mexico joined the meeting.*
2. **The Chair**, welcoming the delegation of Mexico to the meeting, explained that additional members of the delegation would be participating via video link.
3. **Mr. Albán-Alencastro** (Country Rapporteur) said that he wished to know what budgetary and other measures the State party had adopted since August 2022 to provide the human, material and financial resources needed by the federal and state judicial systems to handle cases of disappearance in a timely and efficient manner and by the federal and state prosecution services to properly investigate cases of enforced disappearance and disappearance by private individuals, prosecute the perpetrators of those offences and comply with chain-of-custody protocols. It would also be useful to know what specific measures had been taken to ensure that victims' family members had effective access to case files and were kept informed in a comprehensive, timely and sensitive manner about the progress of investigations into the situation of their loved ones. He wondered what specific measures had been taken to ensure that investigating authorities were not biased by stereotypical views regarding the situation of disappeared persons or the reasons for which they had disappeared and took a differential approach to the investigation process based on the specific situation of each victim. In that regard, he would be particularly interested to learn how investigators approached the disappearance of persons with diverse gender identities or orientations and Indigenous persons. In addition, he would be grateful for an explanation of the specific measures taken by the federal and state prosecution services to protect all persons involved in investigation and search efforts, whether they were public officials or not.
4. The Committee had been informed that the prosecution rate for cases of enforced disappearance and disappearance by private individuals remained low in relation to the number of investigations conducted. With reference to paragraph 33 of the Committee's report on its visit to the State party under article 33 of the Convention ([CED/C/MEX/VR/1](#)), he would be grateful if the delegation could provide further information on the specific measures taken since August 2022 to place priority on the prosecution of persons thought to be responsible for cases of enforced disappearance and disappearance by private individuals. In that regard, it would be useful to learn how many judicial proceedings related to disappeared persons were under way at the federal and local levels and how many of those judicial proceedings specifically concerned the offence of enforced disappearance. He would also like to know how many persons were subject to those proceedings, how many of them had been formally charged, how many of them were public officials, how many arrest warrants had been issued for persons suspected of having committed enforced disappearances and how many of those warrants had been executed. He also wished to know how many convictions and acquittals had been handed down in trials concerning cases of disappearance and how many through abbreviated proceedings since the Committee's visit to the State party in November 2021. It would also be appreciated if the delegation could tell the Committee how many legal claims had been filed under the *amparo buscador* procedure, which allowed judges to travel to places where a victim was likely to be found in order to gather information directly, and what their results had been.
5. Lastly, bearing in mind the continuous nature of the offence of enforced disappearance, he would appreciate information on the measures taken by the State party to ensure that, in parallel with the activities of the Commission for Access to the Truth, Historical Clarification and the Promotion of Justice for Serious Human Rights Violations, federal and state prosecution services undertook and continued to pursue formal investigations into long-standing disappearances. Information on the results of those measures would also be welcome, as would a description of the results achieved to date by the Commission in solving long-standing cases of enforced disappearance. Had the Commission decided to refrain from pursuing any cases because of a lack of support or resources or any other reason? He would also be interested in hearing about the steps taken

to properly cross-check information on long-standing cases of enforced disappearance in the possession of the federal and state prosecution services and the Commission and to open up access to that information.

6. **Ms. Villa Quintana** (Country Rapporteur) said that she would be grateful if the delegation could indicate the exact date of the amendment of the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System that incorporated the right of all persons to be searched for and explain exactly how that amendment had strengthened the National Search Commission. She would also appreciate an update on the progress made towards the adoption of the draft implementing regulations for the General Act on Enforced Disappearance and information on the time frame for their adoption. It would be useful to learn why the Ministry of the Interior had not yet approved the draft regulations concerning the National Search Commission and when it planned to do so. According to information received by the Committee, only 25 of the 32 federative entities had adopted laws on enforced disappearance. She wondered whether the authorities in the other seven states had plans to adopt such a law.

7. The Committee had received reports that, despite increases in the budget and staff of the National Search Commission, it continued to lack the tools and resources it needed to fulfil its mandate. She would be grateful for a detailed account of the technical and operational resources allocated to the Commission, the training received by its members, their working conditions and the projected trend of the Commission's budget allocations over the coming two years. In addition, she would appreciate information on the steps taken to ensure that the federative entities provided sufficient budgetary resources to their search commissions and would welcome the delegation's comments on reports that significant portions of the federal funding allocated to state search commissions between 2019 and 2022 had been reimbursed to the federal government, which appeared to point to serious issues in the way in which the budgets of those commissions were managed. She also wished to know what measures the State party had taken to follow up on collective searches and to make the search for living persons a priority. What support was provided to mothers searching for their children by local search commissions and the National Search Commission?

8. It would be useful to hear the delegation's comments on reports that the Prosecutor General's Office had been so resistant to the implementation of communication, collaboration and information-exchange mechanisms and the establishment of the Standardized Protocol for the Search for Missing and Disappeared Persons that it had instructed the Institute of Criminal Sciences not to participate in training sessions on the Protocol. It was also unclear how exactly the Prosecutor General's Office cooperated with the National Search Commission and local search commissions under the National Missing Persons System. In that regard, she wondered how the State party approached the question of the independence of the Prosecutor General's Office in the context of the development of a national policy for the prevention of enforced disappearance, given that combating impunity was a crucial component of that policy. She was interested in learning how it planned to address the Office's alleged reticence towards collaborative endeavours. In paragraph 40 of the observations received from Mexico in relation to the Committee's report on its visit ([CED/C/MEX/OVR/1](#)), the State party had indicated that the Prosecutor General's Office did not consider it feasible to give the search commissions the power to act as first responders. She would appreciate an explanation of the grounds or arguments that supported such a statement and whether, given the Office's position, the State party planned to take other measures to ensure that searches were launched and discoveries of persons or remains were attended to immediately.

9. Regarding the Standardized Protocol and the Additional Protocol for the Search for Children and Adolescents, it would be useful to have a full account of the mechanisms and channels used to ensure intra-institutional and inter-institutional communication and a systematic, rapid and flexible exchange of information. What means were employed to ensure that all the primary, transmitting, reporting and broadcasting institutions identified in the protocols were involved in the management of information? She wondered whether the planned evaluation of the Standardized Protocol had begun and, if so, what progress had been made in that regard, what information and indicators were being analysed and whether the monitoring and evaluation committee had developed a tool for assessing the application of

the two protocols. If, as she understood, training activities on the two protocols had been organized, she would like to know what the impact of that training had been and whether a differentiated approach was applied when dealing with children and adolescents. She also wondered what measures had been taken by the State party to prevent the re-victimization of victims' family members and ensure that their inherent dignity was respected in the course of their involvement in search and investigation efforts.

The meeting was suspended at 3.40 p.m. and resumed at 3.50 p.m.

10. **A representative of Mexico** said that the Government was taking steps to strengthen the National Missing Persons System by consolidating the National Search Commission and local search commissions in different parts of the country. Since the Commission had been launched, its budget had increased from Mex\$ 468 million in 2018 to Mex\$ 1.097 billion in 2023. The Commission was due to be allocated Mex\$ 1.149 billion for 2024. The staff of the Commission had comprised 43 persons in 2019, 89 persons in 2020 and 243 persons in 2022.

11. In 2019, the Commission had established a federal subsidization programme for local search commissions. Under that programme, Mex\$ 2.333 billion had been allocated to local commissions between 2019 and 2023. The programme had been adapted over time to meet the local commissions' evolving operational needs. In 2019 and 2020, the subsidies had mainly been used to provide local commissions with the minimum facilities required to operate. Since 2021, they had been used to equip them with the infrastructure and resources needed to search for and identify human remains.

12. In 2022, the National Centre for Human Identification had been set up to coordinate a multidisciplinary forensic system for identifying human remains while guaranteeing the technical independence of forensic professionals.

13. Since December 2022, 10 day-long sample collection exercises had been conducted at the state level, resulting in the collection of 3,182 samples from 1,154 families. In connection with those exercises, 1,300 persons had been interviewed. In order to strengthen the Commission's policy on forensic identification at the local level, a large number of new facilities, including centres for the identification of human remains, temporary storage centres and laboratories, had been set up and others were being readied in a number of different states.

14. The Special Forensic Identification Mechanism had been established in May 2020 and was coordinated by a group of experts with multidisciplinary profiles who held meetings with search groups and organized networks. The Mechanism was an independent body that used advanced scientific techniques to identify previously unidentified bodies or remains. It was administered by the United Nations Population Fund, which was responsible for hiring the Mechanism's expert staff. Two technical teams had been set up in San Luis Potosí, agreements on the identification of human remains had been signed in Tamaulipas, San Luis Potosí and Zacatecas, and discussions with a view to the conclusion of such agreements had been held with a number of other states.

15. The Mechanism's coordinating group consisted of four specialists in forensic identification, one legal expert, one specialist in international technical cooperation and one specialist in psychosocial approaches and family support. The Mechanism depended on a mixed funding scheme established under a collaboration agreement between the Ministry of the Interior and the United Nations Population Fund, with supplementary support from international partners. A performance assessment of the coordinating group focusing on its quite extensive 2022 work plan indicated that a substantial portion of the completed tasks related to the hiring of staff, as was to be expected, since the Mechanism had started out without any support staff whatsoever.

16. The regulations governing the National Search Commission were currently being reviewed and were expected to be adopted within the next few months. The Commission had been established in compliance with the Standardized Protocol for the Search for Missing and Disappeared Persons. The draft implementing regulations for the General Act on Enforced Disappearance would shortly be disseminated among victims' families, academics, experts and the general public so that their views on the draft could be obtained.

17. **A representative of Mexico** said that all efforts to prevent violence and establish peace were conducted in accordance with the national security strategy. It was important to note that the Government had not made any pacts with criminals or criminal groups as it strove to prevent violence in the country and that it adhered to the principles of zero impunity and zero corruption.

18. The current Administration had adopted a new approach to dealing with insecurity in the country. It sought to address the root causes of violence by establishing universal social programmes aimed at reducing inequality and promoting access to development opportunities that benefited the entire population, particularly vulnerable groups. Special emphasis was placed on supporting young people by helping them to stay in school and avoid organized crime and drug use. Over 135,000 students and over 12,000 teachers and family members belonged to networks for preventing violence and addiction. Under the Peace Builders Programme, representatives of the Ministry of Citizen Security and Protection had visited the 50 municipalities with the highest homicide rates. The Ministry had engaged with over 43,000 households and enrolled over 8,000 young people who had neither been studying nor working in the “Young People Building the Future” programme. Those young people now received a monthly grant and received support from local employment centres.

19. The Ministry organized peace fairs and voluntary disarmament programmes to raise awareness of the dangers of keeping weapons and ammunition at home. Since December 2021, a significant number of firearms, ammunition and other weapons had been collected and destroyed. The Government had also seized a large number of assets from organized criminal gangs and used those funds to provide basic necessities to families in need.

20. The “More Baseball, Less Violence” programme promoted the social reintegration of young people in conflict with the law. To date, over 360 teenagers had joined one of the 10 baseball teams formed in detention centres in seven different states. The Government had set up 32 state-level and 266 regional peace and security committees to analyse the security situation in each area with a view to implementing focused strategies for the prevention of violence. Between 2 December 2018 and 22 August 2023, the peace and security committees had met over 340,000 times.

21. In the 50 municipalities with the highest homicide and femicide rates, the peace committees had coordinated inspections of over 230,000 disreputable businesses or gathering places.

22. Between 1 April 2022 and 31 March 2023, over 1,000 day-long field searches had been carried out in 264 municipalities with the support of the National Guard. Since the current Administration had taken office, 373 day-long field searches had been undertaken in 471 municipalities in coordination with the families of missing or disappeared persons and search groups with support from the National Guard, the Ministry of Defence, the Navy and other bodies.

23. In support of the national and local search commissions, the Prosecutor General’s Office, state prosecutors’ offices and the National Guard had carried out a large number of search operations. Searches conducted by the National Guard had used specialized staff, trained dogs and drones. As a result, 655 genetic profiles had been gathered and 18 bodies had been identified. The forensic laboratories of the National Guard had received over 160 samples and conducted over 6,000 analyses, after which expert reports had been submitted to the judiciary, ministerial authorities and a number of federal, state and municipal institutions. The investigations carried out had uncovered evidence relating to acts of gender-based violence, femicide, homicide, torture, kidnapping and enforced disappearance.

24. **A representative of Mexico** said that the Prosecutor General’s Office had drawn up guidelines on maintaining the chain of custody and had trained its staff in that area. In 2015, the National Law Enforcement Conference had approved a national manual on the chain of custody, and several sets of forensic guidelines had been drawn up. The relatives of disappeared persons had access to the information in investigation files and could participate in preliminary investigations and court proceedings. In 2018, the National Law Enforcement Conference had adopted a national protocol for judicial officials in cases involving sexual orientation or gender identity.

25. The Office of the Special Prosecutor for Human Rights had provided training to state prosecutors' offices. A draft protocol on the investigation of offences committed against lesbian, gay, bisexual, transgender and intersex persons had been drafted and was to be adopted by the end of 2023.

26. **Mr. De León Huerta** said that, in order to increase access to justice in cases of enforced disappearance, the Government had focused on expediting the filing of complaints, the opening of investigations and the prosecution of cases. Much remained to be done, but the figures were improving. Since 2018, local courts had heard more than 1,193 cases of enforced disappearance and had handed down 218 convictions and 53 acquittals. Thus, at the local level, approximately 20 per cent of the cases that had been prosecuted had resulted in a conviction. It was expected that, with the recent establishment of special prosecutors' offices and units, the situation would continue to improve.

27. **A representative of Mexico** said that a number of legislative steps had been taken to remove bureaucratic and other obstacles to investigations into enforced disappearances. For instance, a decision taken in connection with an application for constitutional review filed in 2015 had established the unconstitutionality of legislative amendments adopted at the local level relating to the definition of criminal offences and the imposition of sanctions, thereby preventing the application of different standards by courts at different levels.

28. The right to the truth had been recognized as an independent right, and access to investigation files had been strengthened. In accordance with decisions taken in connection with other *amparo* reviews, previously inaccessible information on acts committed in connection with the "dirty war" had been made accessible. The collegiate courts had also conducted an analysis of the remedy and had concluded that writs of *amparo* had not been designed for use in connection with cases of enforced disappearance because the perpetrators and site of the events were unknown. On the basis of that analysis, the relevant procedures had been simplified to some extent and made more flexible in order to ensure that the rights of direct and indirect victims took precedence over procedural considerations.

29. A decision taken in connection with another application for constitutional review had established that all documentary references to the National Register of Missing and Disappeared Persons should be understood to refer to administrative detention registries or similar instruments if they related to periods before the National Register had been set up.

30. With regard to searches, requests for urgent action issued by the Committee were not only considered binding but were also subject to judicial monitoring. All persons involved in the unlawful detention of a person could be sanctioned regardless of whether they had participated directly in the act. A further decision had established that human rights defenders had the right to participate in proceedings irrespective of whether they were experts in law. With regard to the impact of decisions taken by the Supreme Court on the lower courts, a recent constitutional reform had provided that it was sufficient for the Court to have set a single precedent for that precedent to be considered binding on the lower courts. Prior to the reform, the Court had been required to have set five consecutive precedents in order for a particular decision to be binding.

31. Numerous academic activities were being conducted to disseminate information on recent legal changes. For example, a 50-hour course had been provided to over 120 members of the judiciary on justice officials' obligations in cases of enforced disappearance with a view to strengthening compliance with international standards. Forums for dialogues with victims had been set up, including a workshop that was regularly held by the Supreme Court at which justice officials not only provided information but also listened to the views and experiences of victims and other users of the criminal justice system.

32. The judiciary had published a manual on enforced disappearance and two other manuals that contained sections on that offence, one dealing with human rights and evidence in criminal proceedings and the other addressing the gender perspective in criminal proceedings. In June 2023, the judiciary had published a booklet on the right to truth that set out case law relating to that right. The Centre for Constitutional Studies of the Supreme Court was seeking to establish forums for dialogues with judges at the local level.

33. **Mr. Ravenna** (Country Rapporteur) said that, given the problem posed in relation to the *amparo* procedure by the fact that the site of the events was unknown in cases of enforced disappearance, he would be interested to learn what criteria had been applied to determine jurisdiction over the *amparo* petitions currently before the courts in such cases.

34. **Mr. Albán-Alencastro** said that he would be grateful for clarification as to whether the Ministry of Citizen Security and Protection conducted day-long field searches on its own account or in collaboration with the national and state search commissions. An explanation of the discrepancy between the large amount of evidence gathered during such searches and the comparatively low number of resulting forensic reports would also be appreciated.

35. He would be interested to learn what was meant by the term “*trilogía investigadora*” (investigative trilogy), what was being done to enable the relatives of disappeared persons to access information and participate in prosecution proceedings, what budgetary provisions had been made to ensure that prosecutors’ offices had adequate human, material and financial resources and whether steps were being taken or planned to raise prosecutors’ awareness of sexual orientation and gender identity issues.

36. **Ms. Villa Quintana** said that she had heard no reply to her questions on the application of the Standardized Protocol for the Search for Missing and Disappeared Persons and the Additional Protocol for the Search for Children and Adolescents or on the measures taken to evaluate compliance with the former. It would also be useful to know whether the implementing regulations for the General Act on Enforced Disappearance and for the National Search Commission were expected to be approved in the near future.

37. She invited the delegation to explain the discrepancy between the recorded numbers of disappeared and missing persons and the number of associated investigations and whether the establishment of the “*mesas de paz*” (peace committees) had helped to reduce the numbers of disappeared and missing persons, build public trust in State institutions and determine responsibility for disappearances, bearing in mind paragraphs 40 and 41 of the Committee’s report on its 2021 visit to Mexico under article 33 of the Convention (CED/C/MEX/VR/1). She also wished to know what was being done to investigate the involvement of organized crime in cases of disappearance and ensure that investigations were conducted with due diligence. Had the 18 sets of human remains that had recently been identified been from among the 52,000 unidentified deceased persons mentioned in paragraph 28 of the Committee’s report?

38. It would be helpful to know how many prosecutors’ offices had context analysis units, whether and how much context analysis information had been generated by bodies other than the national and state search commissions and what steps the State party had taken to ensure that such information was applied effectively and systematically in search and investigation activities. She was also keen to learn whether the analyses carried out to date by the National Search Commission had been duly taken into account by specialized prosecutors’ offices and other judicial authorities, had helped to determine where in the chain of command responsibilities lay and had contributed to the design of effective strategies for the prosecution of cases at a system-wide level. Lastly, she would welcome details on the results achieved by the mechanisms set up for the systematic coordination of the work of search commissions and specialized prosecutors’ offices.

39. **A representative of Mexico** said that regulations governing the National Search Commission should be approved by the end of 2023, whereas the process of developing implementing regulations for the General Act on Enforced Disappearance was more complicated, as it involved gathering input from the families of disappeared persons. The monitoring and evaluation committee for the Standardized Protocol had assessed its implementation and, based on that assessment, the National Search Commission was preparing a road map for updating the Protocol, taking into consideration the views of victims, their families and relevant authorities. In 2022 and 2023, training on both of the protocols had been provided to 2,491 civil servants and members of the general public.

40. The Commission for Access to the Truth, together with the National Search Commission, scientists and international partners, had developed the Angelus software tool for the compilation, comparison and analysis of data on enforced disappearances that had

occurred during the “dirty war”. A few days previously, the remains of seven victims of that war had been exhumed by authorities in the Ajuchitlán del Progreso area of Guerrero State.

41. The Ministry of the Interior planned to engage in a dialogue with state search commissions to establish guidelines and strategies for the timely provision of the resources they needed for their search and investigation activities. Context analysis units were operational in 30 state search commissions and were being created in the remaining 2, in the states of Querétaro and Yucatán. The National Search Commission had submitted eight context analysis reports to prosecutors’ offices pursuant to article 89 of the General Act on Enforced Disappearance. In April 2021, the Commission had begun work on the further institutionalization and development of methodologies, tools and guidelines for use in the units’ work. Moreover, it had helped to strengthen state search commissions by, for example, producing a context analysis handbook and providing support and training. Two mechanisms had been put in place to facilitate communication between units and prosecutors’ offices regarding the review of case files and the submission of context analysis reports.

42. **A representative of Mexico** said that there was no limit to the number of analyses that public security institutions could carry out or facilitate on their own initiative or at the request of search commissions and prosecutors’ offices, although not all the information that they collected was necessarily fed into a report or invoked in legal proceedings. Peace committees served as coordinating bodies for such analyses and took action at the community level in an effort to prevent femicides and homicides in the 50 municipalities of the country with the highest rates of such crimes.

43. The Ministry of Citizen Security and Protection published a fortnightly report on progress in crime reduction and the steps taken by the National Guard to support search activities. According to data from the National Survey on Victimization and Perceptions of Public Security that had been made public the previous week by the National Institute of Statistics and Geography, the crime rate in Mexico had fallen since 2018, with a roughly 20 per cent reduction in the prevalence rate up to 2022 and a 24.1 per cent drop in the incident rate. There had also been a decline in the public’s perception of insecurity and an improvement in public trust in institutions, with the Navy, the Army and the National Guard having performed particularly well over that period. Those positive trends could be attributed to the focus of the national security strategy on prevention and on addressing the root causes of crime.

44. **A representative of Mexico** said that the Office of the Special Prosecutor for the Investigation of Offences of Enforced Disappearance provided assistance to around 400 individuals each month. That assistance took the form of providing them with progress updates and obtaining access for them to relevant documentation, among other services. Victims were invited to participate in field searches with employees of the Office and in prosecution proceedings as observers. There were also mechanisms for coordination between the Office and public security institutions, the national and state search commissions, state prosecutors’ offices and victims’ families.

45. The term “*trilogía investigadora*” referred to the Public Prosecutor’s Office, the police force and expert services staff, including analysts. The Office of the Special Prosecutor for the Investigation of Offences of Enforced Disappearance used the context analysis reports submitted to it by the National Search Commission and those produced by its own context analysis unit in investigations and prosecutions, particularly in connection with long-standing cases involving criminal organizations and possible acquiescence by public officials.

The meeting rose at 5.05 p.m.