



International Convention for the Protection of All Persons from Enforced Disappearance

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Summary record of the 451st meeting

Held at the Palais Wilson, Geneva, on Friday, 15 September 2023, at 3 p.m.

Chair: Mr. Diop (Vice-Chair)

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In the absence of Mr. de Frouville (Chair), Mr. Diop (Vice-Chair) took the Chair.

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. **The Chair**, welcoming the delegation of Mexico to the meeting, explained that additional members of the delegation would be participating via video link.
2. **Ms. Villa Quintana** (Country Rapporteur) said that she would welcome further information on the types of reforms that would be necessary to ensure the participation of state prosecutors' offices in the National Missing Persons System. She would be interested to learn how the Government worked with those institutions in the absence of a relevant legal framework.
3. She would be grateful for information on the measures taken and results achieved under the first phase of the National Programme to Search for Missing and Disappeared Persons since 2020. In particular, she wondered what role organizations of victims and other civil society organizations had played in it. She would also be interested to know how much progress had been made in drawing up regional search plans and when they would be completed.
4. The Committee would be grateful for information on the three thematic working groups attached to the committee responsible for the Unified Information Technology System. She wondered whether the working groups were currently operational, whether the guidelines governing their work had been adopted, whether state prosecutors' offices participated in the committee's work and whether any meetings had been held on expediting the implementation of the system. The Committee would welcome information on the implementation of the customized log of search measures. In particular, it wished to know which of the search measures had been implemented to date, what their outcome had been and what contribution the customized log had made to the context analysis work being undertaken. The delegation might also indicate whether the customized log had helped to improve the level of coordination between all the different agencies involved in the search for missing and disappeared persons.
5. She was curious to learn whether any measures were being taken to overcome the apparent reluctance of some offices or bodies to share information and ensure that all agencies responsible for investigating enforced disappearances submitted detailed information on their investigations to the National Register of Missing and Disappeared Persons. She would be grateful to know what factors or evidence had led the State party to undertake an effort to verify the entries in the National Register of Missing and Disappeared Persons by conducting a survey and cross-checking those entries with the data stored in the National Population Registry. The Committee would appreciate details of any measures being taken to prevent the revictimization and stigmatization of the families participating in the survey. It wished to know what training had been provided to the census-takers and whether they had been supported by members of local search commissions.
6. She wondered what the outcome of the cross-checking process had been, how many persons reported as disappeared had subsequently been found and whether the number of persons registered as disappeared in the National Register had fallen.
7. The Committee would be grateful to learn who had access to the source code of the National Register of Missing and Disappeared Persons and how confidentiality was maintained. She would be interested to hear details about how the operational guidelines for the Mechanism for Mexican Support Abroad in Search and Investigation Activities were being applied, in particular with respect to the register of missing or disappeared migrants and visa applications. Information would be appreciated on the training being provided on the application of the guidelines and the steps being taken to bring such instruments as the Standardized Protocol for the Search for Missing and Disappeared Persons into line with them.

8. Could the delegation please indicate whether the Ministry of Foreign Affairs was working with the National Missing Persons System on the preparation of a proposal for the amendment of the Federal Fees Act to ensure that fees for humanitarian visas would be waived for relatives of disappeared migrants? The Committee had been informed that the bodies of some migrants who had been reported as disappeared had been identified. How many bodies had been identified and had they been handed over to the families?

9. The Committee wished to know how the State party saw to it that the national and state-level commissions for victim support provided effective assistance to victims and their families, including in relation to the defrayal of travel costs. She wondered whether guidelines for the bureaux for the search for missing migrants had been issued and whether the members of the bureaux had been appointed.

10. She would appreciate information on the impact of the cross-cutting actions taken by the thematic teams of the specialized inter-agency working group on the search for foreign migrants and the legislative changes made to ensure the transparency of custodial measures applying to migrants. It would also be useful to know whether the records on disappeared migrants had been consolidated and what procedures were used to search for and identify migrants. The Committee would welcome information on any safeguards used in searches for disappeared asylum-seekers.

11. Had the agreement on information exchange between the National Institute of Migration, the National Search Commission and the Register of Missing and Disappeared Persons been signed? If so, information on the scope of that agreement would be welcome.

12. The Committee would appreciate information on the work being done by the national technical coordination office for the harmonization of the Alba Protocol. It would be interested to learn whether the implementation of the minimum criteria for the application of the Protocol had helped to ensure that, at the state level, searches for disappeared women, adolescents and children were launched immediately rather than being delayed for 72 hours. Did the minimum criteria afford protection to any person who self-identified as a woman, irrespective of the person's sexual orientation or gender identity? Was a differentiated approach being taken to searches for Indigenous persons, persons with disabilities, older persons, rural persons and lesbian, gay, bisexual, transgender, intersex and queer persons?

13. She would appreciate information on the status of the requests for urgent action that the Committee had issued and the results of any searches carried out in connection with them. She wondered what measures were taken to monitor the implementation of the Committee's recommendations and whether any penalties were imposed on search and identification agencies that failed to act upon them.

14. As several persons who had been officially under the protection of the National Protection Mechanism for Human Rights Defenders and Journalists had been killed or disappeared, further information on the specific protection and risk assessment measures used by the Mechanism would be appreciated. The delegation might specify what resources were made available to the Mechanism to ensure its sustainability and effectiveness.

15. She wished to know how many requests for protection had been submitted to the Mechanism, how many such requests had been accepted, what method was used to determine whether or not to accept a request and how many of the people afforded protection had been disappeared or killed.

16. A description of the protection and risk-assessment measures taken by federal and state-level mechanisms would be welcome, as would information on the qualifications of their staff. Did different protection mechanisms share information with one another? She was keen to learn whether, when disappearances occurred, immediate searches were launched by such mechanisms in accordance with the Standardized Protocol, how the effectiveness of coordination procedures was assessed, what obstacles to effective coordination had been identified and what steps had been taken to overcome them.

17. The Committee would be grateful to learn about the work carried out by the national and state-level commissions for victim support. It would be useful to know whether they had analysed the effectiveness of the measures taken to support victims' families and had formulated recommendations for improvements. She wondered if victims had access to

medical services and if the Executive Commission for Victim Support reimbursed them for any medical costs they incurred. She would be grateful for information on the Commission's budget, the number of legal professionals who worked for it and the number of staff who provided counselling services, first-level medical care, social assistance and follow-up support. Did the available services meet the demand for them and, if not, what steps were being taken to eliminate the shortfall?

18. She wished to know how the National Register of Victims was coordinated with state-level registers, whether standardized protocols on the migration of data from the state-level registers to the National Register had been established and why the members of the National Missing Persons System had met only twice since its establishment. She was curious to know what obstacles had prevented the Government from establishing a comprehensive policy on protection and support for victims of human rights violations. The Committee would be grateful to learn about any measures taken to review the General Victims Act, whether victims and their representative organizations had been consulted about the review and whether any plans were in place to establish a national reparations programme.

19. The delegation might provide information on the resources made available for forensic agencies, forensic cemeteries, the recruitment of forensic experts, the acquisition of fingerprint scanners and automated fingerprint identification systems and the enhancement of infrastructure and database systems. What was the budget allocation for the National Exhumation and Forensic Identification Programme? She would appreciate information on how the State party coordinated the work of the various agencies responsible for identifying human remains. She was also interested in what steps the Prosecutor General's Office had taken to assess expert witness and forensic capacities, how much funding would be required to strengthen those capacities and whether the Public Security Contributions Fund had provided any funding for equipment and supplies. It would be interesting to hear about any measures for ensuring the effective application of international standards in connection with the exhumation, recovery and identification of bodies and human remains and their delivery to the deceased persons' families and whether any penalties had been imposed on officials who had failed to comply with such standards.

The meeting was suspended at 3.30 p.m. and resumed at 3.45 p.m.

20. **A representative of Mexico** said that, to begin by responding to a question about jurisdiction posed by Mr. Ravenna, it had been determined that any court in the country could hear cases involving enforced disappearance.

21. In answer to questions asked by Mr. Albán-Alencastro, since 2018, of the 91 requests for arrest warrants submitted to the judiciary, 61 had been authorized and 23 had been executed. Out of a total of 71 cases of enforced disappearance that had been submitted to the judiciary, 52 had gone to trial. To date, 15 convictions and 2 acquittals had been handed down. The judiciary had requested that its current budget should be maintained.

22. In response to questions raised by Ms. Villa Quintana, he could inform the Committee that, by a decision taken in connection with an *amparo* petition, the Supreme Court had recognized the right of disappeared persons to be the subject of a search operation. In addition, on 13 September 2023, the Chamber of Deputies had recognized the right to memory; the legislative process to establish that right in law had not yet been completed, but it was nonetheless an important step forward.

23. The judiciary and the German Agency for International Cooperation were conducting an ambitious project to strengthen the federal justice system for the promotion of human rights in Mexico by analysing and systematizing the hundreds of international human rights standards and recommendations, including in the area of enforced disappearance, and developing indicators for use in monitoring their implementation. The project was currently at the pilot stage and was progressing well.

24. In its decision on *amparo* petition No. 388/2015, the Supreme Court had held that statements from relatives of missing migrants were a sufficient basis for launching an investigation and, if appropriate, *amparo* proceedings; in other words, establishing victim status was no longer a prerequisite. In its judgment in *amparo* petition No. 1077/2019, the

Court had found that the Committee's requests for urgent action were legally binding and that the enforceability of such requests and the accompanying judicial and constitutional oversight thus formed an integral part of the right to an effective remedy in Mexico. An effort was being made to promote best practices in judicial oversight, including those identified at the district court level. Authorities had been warned that, if they failed to comply with urgent action requests, they could be held legally liable under the *Amparo* Act.

25. Another important measure was that victims' right to comprehensive reparation had been interpreted as including the provision of psychological support to those found alive and the establishment of truth and justice. It had also been established that the commission of the offence of enforced disappearance did not cease until a thorough investigation had been completed and full reparation had been awarded. The judiciary was aware of its role in coordinating the response of State authorities in that regard and was piloting an innovative approach to the issuance of notifications to the authorities in order to avoid any delays in the initiation of the corresponding actions.

26. **A representative of Mexico** said that a first assessment of the national exhumation programme had been undertaken in 2019. The information obtained from that joint assessment of the forensic and expert witness services mentioned in paragraph 23 of the report (CED/C/MEX/AI/2) had been updated in 2021 and supplemented in 2022 through further consultations with prosecution authorities. The results of that process had been published on the website of the Prosecutor General's Office.

27. **A representative of Mexico** said that the Office of the Special Prosecutor for Human Rights had provided training on the national protocol for judicial officials in cases involving sexual orientation or gender identity to 8,634 public officials between October 2018 and 31 July 2023 and training on sexual and gender diversity and the legal framework related to the right to equality and non-discrimination to 5,650 officials between 1 March 2021 and 31 July 2023. Of those combined 14,284 officials, 7,466 had been women and 6,818 had been men. The context analysis unit of the Office of the Special Prosecutor for the Investigation of Offences of Enforced Disappearance was responsible for analysing the political, socioeconomic, anthropological, geographical, economic and security conditions in which offences under the General Act on Enforced Disappearance had been committed and for providing that information as inputs for investigations into enforced disappearances.

28. **A representative of Mexico** said that the National Programme to Search for Missing and Disappeared Persons, which had been made public on 8 March 2023 following the conclusion of a participatory process involving international partners such as the United States Agency for International Development, sought primarily to enhance the authorities' capacity to ensure decent treatment, justice and truth for victims' families and Mexican society as a whole. The Programme established indicators and monitoring tools for use in gauging its progress. The first phase of its implementation, which was to be launched during an ordinary session of the National Missing Persons System, would involve the creation of technical working groups and the development of guidelines and mechanisms for coordination among relevant authorities.

29. The National Search Commission and federal and state authorities had been working to develop regional search programmes, details of which could be found in paragraphs 62 to 64 of the report. Work under the North-East Regional Search Plan was set to resume, having been suspended as a result of the coronavirus disease (COVID-19) pandemic. In early 2022, the Commission had begun to formulate a search plan for the Bajío region that would cover the states of Aguascalientes, Colima, Guanajuato, Jalisco, Michoacán, Querétaro and Zacatecas. A working group had held 40 meetings with authorities from those seven states and had recently finished incorporating their observations and inputs into a final draft of the plan.

30. The National Register of Missing and Disappeared Persons was continuously updated. In recent months, data from the Register had been cross-referenced with other national databases, including the National Population Registry. As a result of that exercise, steps had been taken to improve the quality of the data in the Register and thus contribute to the search for missing and disappeared persons. Access to the Register's source code was available only to employees of the National Search Commission.

31. In the 10 years since its inception, the National Protection Mechanism for Human Rights Defenders and Journalists had strengthened its capacity to safeguard the persons that it was tasked with protecting. Unfortunately, over that period two such persons had gone missing and four, all of them human rights defenders, had been murdered. The Mechanism currently afforded protection to 276 human rights defenders actively engaged in the search for missing and disappeared persons, of whom 205 were women; 77 per cent were concentrated in just nine states, with Guanajuato being home to the most. The Mechanism had a special unit for carrying out risk analyses, which were used to inform the decisions taken by its Governing Board. The Mechanism had spent more than Mex\$ 2.5 billion on protection measures over the previous five years and had drawn up a budget of Mex\$ 590 million for the following year.

32. The Mechanism was an auxiliary instrument, to be deployed when the authorities primarily responsible for providing protection were unable to do so. It was governed by a federal law that precluded it from issuing binding instructions to authorities at the state and municipal levels, which was where most domestic human rights issues arose. Steps were being taken with a view to amending an article of the Constitution and thereby enabling Congress to enact a general law that would clearly delineate the obligations in terms of protection of the three branches of government, facilitate the coordination of regional initiatives and clear the way for the establishment of national prevention programmes aimed at combating structural causes of violence and threats to human rights defenders and journalists. The proposed amendment had been approved by the Human Rights Commission and the Committee on Constitutional Affairs of the Chamber of Deputies.

33. Eligibility for protection under the Mechanism was limited to persons who belonged to the National Union of Journalists or the Association of Human Rights Defenders and were at risk because of that status or of activities carried out in that connection. In all, there were currently some 1,700 beneficiaries of the Mechanism, of whom slightly over 1,000 were human rights defenders and 300 to 400 were relatives of human rights defenders or journalists. There were 17 registered local protection mechanisms. The promulgation of a general law would make it possible to enhance coordination among authorities at all levels within the framework of a comprehensive national protection policy.

34. The Executive Commission for Victim Support, which assisted victims at the federal level, had an annual budget of Mex\$ 1.058 billion in 2023 and a projected budget of Mex\$ 1.113 billion for 2024. The Commission was staffed by more than 580 public officials across the country and collaborated with state agencies to ensure the provision of services at the local level.

35. The Commission stood ready at all times to respond to the Committee's concerns, recommendations and requests for urgent action, which had prompted the adoption of strategic measures to address and investigate cases of enforced disappearance, including the implementation of gender-sensitive protection and support measures based on a human rights approach that took into account the best interests of the child in cases involving minors. In certain cases, working meetings had been held with relatives of missing or disappeared persons. Through those strategic measures, the authorities had gained a better understanding of enforced disappearance and of their obligations under the Convention.

36. With regard to the Alba Protocol, in addition to the developments described in paragraph 156 of the report and in paragraph 191 of the State party's observations on the Committee's visit report ([CED/C/MEX/OVR1](#)), on 21 February 2023 the National Technical Coordination Office for the Harmonization of the Alba Protocol had held its third meeting, at which a document on minimum criteria that had been drawn up following lengthy consultations had been presented and approved. The Standardized Protocol for the Search for Missing and Disappeared Persons established strict, gender-sensitive guidelines. In accordance with those guidelines, investigations were to be launched as soon as an offence was suspected, and the protection afforded by the Protocol was to be extended to include all persons regardless of their sexual orientation or gender identity in accordance with international standards.

37. **Ms. Villa Quintana** said that she wished to know how many individuals had been identified by the Special Forensic Identification Mechanism to date and in what way victims'

organizations and families participated in its work. She would welcome information regarding the country's expert witness services, including how they were administered, how they operated and which body oversaw their work. It would be useful to have an update on the status of phase 2 of the implementation of the National Forensic Databank and to know what measures had been taken to identify and protect mass burial sites and to store the remains that were recovered. She wondered whether the body storage centres in Jalisco and Veracruz were operational and when the centre in Culiacan would be completed.

38. She would be interested to learn what budget and what human and material resources had been allocated to the National Centre for Human Identification, the Regional Centre for Human Identification in Coahuila and the regional centre currently under construction in Altamira. She would appreciate an indication of the number of individuals identified by the Regional Centre in Coahuila. It would be helpful to know the percentage of cases in which the identity of victims had been confirmed by experts using the fingerprint database of the National Electoral Institute and what progress had been made towards the introduction of a unified register that contained fingerprints, photographs and personal details in order to identify individuals from birth until death.

39. **Mr. Ravenna** said that the establishment of the National Centre for Human Identification had been a positive step forward and would constitute a satisfactory response to victims' concerns. It was important to ensure that the survey on the issue of enforced disappearance would be conducted in a manner that was respectful of victims and avoided revictimization in the course of the search for the truth.

40. **Mr. Albán-Alencastro** said that he would be interested to learn which government bodies had the access codes for the National Register of Missing and Disappeared Persons, which bodies could input updated information concerning the findings of searches for persons believed to still be alive and how the State party ensured that the register was updated on the basis of proof-of-life criteria in accordance with the Standardized Protocol, given reports that telephone calls had been accepted as proof. He wondered how the State party ensured that the requirement for the investigating authority to certify that the person in question had been found alive was met when other State bodies, such as the Ministry of Welfare, were involved in searches. He wished to know what steps had been taken to ensure that the information contained in the National Register and in the Angelus system was secure and that data were duly recorded. He would appreciate clarification of the State party's position regarding the withdrawal of two members of the Commission for Access to the Truth, Historical Clarification and the Promotion of Justice for Serious Human Rights Violations.

41. **Mr. de León Huerta** (Mexico) said that the National Search Commission had shared a database on disappeared Mexican migrants containing entries on over 300 cases with the Ministry of Foreign Affairs, and the Ministry was working on approximately 70 cases in cooperation with the Commission to locate the families of Mexican persons who had died abroad. The Mexican consulate in Nogales, United States of America, was implementing a binational plan to search for migrants throughout Santa Cruz County, Arizona, and the judicial authorities and relevant ministries had issued requests for international legal assistance in criminal matters through the Mexican consular services. The search for disappeared migrants abroad was part of the National Human Rights Programme, and action had been taken to facilitate the issuance of humanitarian visas for family members of persons who had disappeared in Mexico.

42. **A representative of Mexico** said that the Unit for the Consolidation of the New Criminal Justice System of the Council of the Federal Judiciary had prepared codes of conduct for court hearings and a manual on the examination of genetic evidence. It had published manuals on forensic dentistry in April 2022 and on physical anthropology in November 2022, and it had also drafted guidelines on evidentiary reasoning and expert evidence that had yet to be released. The Government was engaging in a dialogue with civil society organizations to hear their concerns regarding enforced disappearance and was moving towards a people-centred approach to justice.

43. **A representative of Mexico** said that the National Forensic Databank, which was part of the National Missing Persons System, promoted the interconnection and interoperability

of information systems used by local prosecutors' offices and the Prosecutor General's Office to help investigate cases of enforced disappearance and locate victims. The Databank was under constant development; there were no truly distinct phases in its implementation. The National Law Enforcement Conference had approved the establishment of the Databank in December 2022, guidelines for its implementation and operation had been published in April 2023 and it had become operational in May of the same year. Use of the Databank by prosecutors' offices was regulated by law.

44. **A representative of Mexico** said that, in September 2022, over a thousand genetic samples had been obtained from family members of disappeared persons, and around 1,300 victims of enforced disappearance had been interviewed over a 10-day period. As at mid-September 2023, the National Centre for Human Identification had received more than 300 requests for biometric information, of which approximately half had been processed. The Centre had the same budget as the National Search Commission, which had been allocated more than Mex\$ 5 billion over the previous five years. The Centre had 59 staff members and 17 vehicles at its disposal.

45. The Special Forensic Identification Mechanism had not yet identified any victims. As at the end of August 2022, 26 meetings had been held with groups of victims' families from various states. The Mechanism was an independent body and conducted dialogues with the families of disappeared persons at its own discretion.

46. The Regional Centre for Human Identification in Coahuila had identified around 80 individuals. It had 54 vehicles, 8 drones and a certified anthropological laboratory with capacity for 1,200 corpses and had spent almost Mex\$ 5 million on software and invested Mex\$ 74 million in its laboratories. A genetic laboratory would be opened later in 2023. The National Search Commission had allocated Mex\$ 87 million to build the regional centre for human identification in Altamira between 2021 and 2023.

47. Only search commissions and prosecutors' offices, as the main authorities responsible for recording findings related to disappeared persons in accordance with the Standardized Protocol, had access codes for the National Register of Missing and Disappeared Persons. Under the protocol, a document signed by, or a photograph of, the disappeared person constituted proof of life. States' search commissions, prosecutors and government authorities had been involved in efforts to search for living victims of enforced disappearance, and cooperation agreements had been signed with the Office of the Under-Secretary for Human Rights, the National Human Rights Commission and the Ministry of Welfare. The Commission for Access to the Truth was a presidential commission that had been provided with all the resources it needed in order to provide its services and fulfil its objectives.

48. The rules of procedure of the committee responsible for the Unified Information Technology System had been approved during the second ordinary meeting of the National Missing Persons System in November 2021. While interoperability guidelines had not yet been drafted, the committee was functioning and had established thematic working groups at its meetings in March and April 2022. The thematic working group on legal analysis had held its first meeting in January 2023.

49. The customized log of search measures had been developed and was administered by the National Search Commission. The log was used to record search activities undertaken by search commissions and ministerial authorities. The log contained evidence for use in locating disappeared persons obtained by cross-referencing information from the National Register of Missing and Disappeared Persons and various federal databases. The public officials who used the log were appointed by the Commission or prosecutors' offices and were required to sign a confidentiality agreement.

50. **Ms. Méndez Escobar** (Mexico), expressing appreciation for the Committee's support, said that the Government would maintain its firm commitment to eradicating enforced disappearance, protecting the rights of individuals and ensuring access to truth and justice for victims.

The meeting rose at 5.05 p.m.