



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Concluding observations on the additional information submitted by Mexico under article 29 (4) of the Convention*

A. Introduction

1. The Committee appreciates the additional information provided in a timely manner by Mexico under article 29 (4) of the Convention on 14 January 2022,¹ as requested by the Committee in its 2018 concluding observations.² It is also grateful for the observations received from Mexico on 12 August 2022, in connection with the Committee's report on its visit to the State party under article 33 of the Convention.³

2. The Committee appreciates the constructive dialogue held with the delegation of the State party during its twenty-fifth session, on 13, 14 and 15 September 2023,⁴ on the measures taken to fulfil the obligations arising from the Convention in relation to the following areas: (a) national policy to prevent and eradicate disappearances; (b) investigations and justice; (c) searches and effective coordination; and (d) identification and handover of the remains of deceased persons. It also thanks the State party for the additional information and clarifications received during this exchange. At its 470th meeting, held on 29 September 2023, the Committee adopted the present concluding observations.

B. Positive aspects

3. The Committee welcomes the regulatory, public policy and institutional developments that have taken place following its visit to the State party in November 2021, including:

(a) The protocol of the Ministry of the Interior for the application of interim and provisional measures called for by international organizations concerned with protecting and defending human rights, published in August 2022;

(b) The establishment of the National Centre for Human Identification in Morelos, which began operating in August 2022;

(c) The adoption of the guidelines for the Mechanism for Mexican Support Abroad in Search and Investigation Activities in December 2022;

(d) The introduction of a mechanism to follow up on the Committee's recommendations in November 2022, coordinated by the Ministry of the Interior, and the setting up of five related working groups in 2023: search and forensic identification,

* Adopted by the Committee at its twenty-fifth session (11–29 September 2023).

¹ [CED/C/MEX/AI/2](#).

² [CED/C/MEX/OAI/1](#).

³ [CED/C/MEX/VR/1 \(Findings\)](#) and [CED/C/MEX/VR/1 \(Recommendations\)](#).

⁴ [CED/C/SR.447](#), [CED/C/SR.449](#) and [CED/C/SR.451](#).



prevention and security in searches, access to justice, victim support and protection of human rights defenders and journalists;

(e) The establishment of three state mechanisms to follow up on the Committee's recommendations in Veracruz (2022), Coahuila and Sinaloa (2023);

(f) The opening of the Human Identification Laboratory at the National Institute of Genome Medicine in January 2023;

(g) The publication of the National Programme for the Search for Missing and Disappeared Persons in March 2023;

(h) The inauguration of the National Forensic Databank on 29 May 2023, which grants access to the National Register of Unidentified and Unclaimed Deceased Persons;

(i) The publication of the Memory Act in Mexico City on 2 June 2023;

(j) The publication of the National Code for Civil and Family Procedures, which includes the legal concept of special declaration of absence on account of disappearance, on 7 June 2023;

(k) The publication on 23 August 2023 of the agreement adopting the guidelines for the temporary implementation of the Special Programme for Comprehensive Reparation and Compensation, as part of the reparation mechanism of the Commission for Access to the Truth, Historical Clarification and the Promotion of Justice for Serious Human Rights Violations committed between 1965 and 1990;

(l) The existence of local search commissions in the 32 federative entities of the State party;

(m) The judgments and decisions issued by the federal judiciary, including the Supreme Court, which provide for and make viable the application at the national level of various international standards relevant to the disappearance of persons.

C. Effect given to the Committee's recommendations and new developments in the State party

4. The Committee appreciates and welcomes the efforts made by various actors in the State party, since the issuance of its previous concluding observations and the report on its visit to the State party, to search for disappeared persons, investigate their cases and promote the rights of victims. However, it considers that there are challenges impeding the full implementation of the Convention and that these must be addressed by all competent authorities throughout the national territory. To this end, the Committee encourages the State party to take into account its recommendations, which are formulated in a constructive and cooperative spirit, and reiterates several of the recommendations already transmitted to the State party.

1. General information

5. The Committee finds it regrettable that disappearances continue to be widespread in the State party. It notes that 20 states have a law on disappearance and that 16 have a law on special declarations of absence, but is concerned about the delay in adopting the regulations implementing the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System and the regulations governing the operations of the National Search Commission, as well as the failure to hold substantive consultations with the families of disappeared persons and civil society during the drafting process (arts. 2 and 24).

6. The Committee urges the State party to:

(a) **Adopt, as soon as possible, the regulations implementing the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System, and the regulations governing the operations of**

the National Search Commission, ensuring an open, informed and participatory process that includes the families of disappeared persons;⁵

(b) Adopt local laws on disappearance and/or on special declarations of absence in the federative entities where such laws and declarations do not yet exist, ensuring the proper involvement of the families of disappeared persons.

2. National policy to prevent and eradicate disappearances

7. The Committee is concerned about:

(a) The lack of a national policy to prevent and eradicate disappearances and the limited impact of the national and state-level security committees for peacebuilding on efforts to prevent and eradicate this crime;

(b) The authorities' failure to recognize the different forms of responsibility of State agents, as well as the ineffectiveness of the measures adopted to combat the structural causes of impunity;

(c) The fact that the Prosecutor General's Office, the National Law Enforcement Conference, the Ministry of Naval Affairs and the Ministry of Defence are not part of the national mechanism for following up on the Committee's recommendations, as well as the limited participation of victims and victims' groups in the follow-up process;

(d) The lack of results yielded by the training on international standards applicable in cases of enforced disappearance dispensed to the teams responsible for searches, investigations, prosecutions, reparations and prevention, and the lack of indicators for assessing its impact;

(e) The poor coordination of efforts to raise awareness of the problem of disappearances and the mechanisms in place for reporting such acts (arts. 2, 3, 6, 12 and 24).

8. The Committee reiterates its previous recommendations and encourages the State party to:

(a) Urgently adopt and implement a comprehensive national policy to prevent and eradicate disappearances that includes at least the four minimum conditions⁶ and the 10 priorities⁷ listed in the Committee's report on its visit to the State party, and that has a transparent monitoring system with measurable indicators to assess compliance with and the results yielded by the policy;⁸

(b) Ensure that, in designing and implementing the national policy to prevent and eradicate disappearances, the authorities of the State party recognize and take into account the different forms of responsibility of State agents for disappearances, while also eradicating all structural causes of impunity;⁹

(c) Promote the active participation and cooperation of the Prosecutor General's Office, the National Law Enforcement Conference, the Ministry of Naval Affairs and the Ministry of Defence in the national mechanism for following up on the Committee's recommendations, and ensure the effective involvement of victims and victims' groups, civil society organizations and other interested actors in the design and implementation of the national policy to prevent and eradicate disappearances;

(d) Implement a comprehensive and continuous training programme on disappearances for the teams responsible for searches, investigations, prosecutions, reparations and prevention, ensuring the implementation of the regulatory and institutional framework and case law on the subject, as well as the establishment of goals and indicators to measure its impact;¹⁰

⁵ CED/C/MEX/VR/1 (Findings), para. 63.

⁶ Ibid., paras. 38–71.

⁷ CED/C/MEX/VR/1 (Recommendations), paras. 1–112.

⁸ CED/C/MEX/VR/1 (Findings), para. 32.

⁹ Ibid., paras. 42 and 43.

¹⁰ Ibid., paras. 65 and 66.

(e) **Design and implement a national campaign to raise awareness of disappearances for the population at large, including schools and the media, in order to, inter alia, disseminate information about mechanisms for reporting disappearances and combat the stigmatization faced by victims.**¹¹

The militarization approach to public security

9. The Committee welcomes the judgment handed down in connection with application for constitutional review No. 137/2022, which declared unconstitutional the legislative reform aimed at bringing the National Guard under the authority of the Ministry of Defence. However, it is concerned about the issuance of the November 2022 decree extending the participation of the armed forces in public security operations until 2028, as well as the increased participation of the armed forces in security operations and the lack of effective civilian controls to regulate or monitor their activities (art. 6).

10. **The Committee reiterates its previous recommendation¹² and urges the State party to strengthen its civilian law enforcement bodies and to draw up a plan to ensure the military forces' orderly, immediate and verifiable withdrawal from public security operations, including set time frames and specific actions. The Committee also recommends that the State party ensure the proper functioning of the civilian control and accountability mechanisms of the armed forces and the National Guard.**

3. Investigations and justice

The fight against impunity

11. The Committee welcomes the Standardized Protocol for the Investigation of Offences of Enforced Disappearance and the existence in all the federative entities of the State party of special prosecutors' offices or units responsible for investigating acts of enforced disappearance. It also notes that, according to information provided by the State party during the dialogue, the Office of the Special Prosecutor for the Investigation of Offences of Enforced Disappearance deals with an average of 400 persons per month. However, it notes with concern:

(a) That priority has still not been given to the investigation and criminal prosecution of offences of enforced disappearance and disappearances committed by private individuals;

(b) The alarming number of disappearances recorded in the State party and the inadequate investigation of such incidents, which results in the imposition of only a scant number of sentences and thus in the continuity of almost absolute impunity;

(c) The fragmentation of investigations and the consequent fragmented legal characterization of the incidents, as well as the limited use of on-site investigations and scientifically based evidence;

(d) The shortcomings in the prosecution of the crime of enforced disappearance, despite the existence of strong evidence of the involvement of authorities, as well as the automatic dismissal of cases of enforced disappearance in which the disappeared person subsequently reappears;

(e) The limited progress in the investigation and criminal prosecution of disappearances committed by individuals or groups of individuals, such as criminal organizations, acting with the authorization, support or acquiescence of the State, as well as disappearances carried out without the authorization, support or acquiescence of the State;

(f) The limited capacity to investigate; the practice of following investigative hypotheses based on prejudices and stereotypes about disappeared persons; and the insufficient budget allocated to prosecutors' offices at both the federal and state levels (arts. 2, 3, 4, 12 and 14).

¹¹ Ibid., paras. 54 and 55.

¹² Ibid., para. 48.

12. The Committee draws the State party's attention to its previous recommendations and to its statement on non-State actors in the context of the Convention,¹³ and urges the State party to:

(a) Prioritize and ensure the investigation and criminal prosecution of the acts defined in articles 2 and 3 of the Convention, both at the federal and state levels;¹⁴

(b) Ensure the prompt, impartial and thorough investigation of allegations of enforced disappearance and disappearances committed by private individuals, exercising due diligence at all stages of the process,¹⁵ and ensure that alleged perpetrators are prosecuted and, if found to be responsible, punished with appropriate penalties;

(c) Put in place comprehensive investigation strategies and ensure that prosecutors' offices avoid breaking cases down into separate offences, taking into account all relevant hypotheses, including the possible involvement of State agents by means of action, authorization, support or acquiescence, and ensure that prosecutors' offices prioritize on-site investigations, promptly and proactively collect evidence, including evidence provided by the families of the victims, and promote the use of scientifically based evidence;¹⁶

(d) Increase the capacities of prosecutors' offices in terms of criminal investigation and prosecution, ensuring that when there are reasonable grounds to believe that a person disappeared in connection with the commission of a crime, the hypothesis of enforced disappearance or disappearance committed by private individuals is not ruled out, without prejudice to the investigation of other related crimes, regardless of the duration of the disappearance;¹⁷

(e) Strengthen the Prosecutor General's Office and state prosecutors' offices, particularly those prosecutors' offices specialized in dealing with disappearances, ensuring that they are allocated the necessary financial and material resources on an ongoing basis and that these are subject to a gradual increase, as well as trained staff who use a differentiated approach and work in partnership with other relevant institutions, in particular the National Search Commission and local search commissions.¹⁸

Context analysis

13. The Committee notes article 45 of the Act on the Prosecutor General's Office, which provides for the conduct of context analysis on criminal phenomena, as well as the existence of context analysis units in 30 local search commissions, as reported by the State party during the dialogue. However, it is concerned about the lack of information on the number of context analysis units in special prosecutors' offices, on the analysis reports prepared by these units and on how often special prosecutors' offices order such analyses to be carried out. The Committee is also concerned about the scant number of cases in which use has been made of context analysis and the delays in conducting such analyses (art. 12).

14. The Committee reiterates its previous recommendations and encourages the State party to:

(a) Conduct context analyses and make systematic use of them in searches and investigations in order to gain a comprehensive understanding of disappearances, make it easier to determine responsibilities in the chain of command and put in place effective overarching strategies for the prosecution of cases;¹⁹

¹³ CED/C/10.

¹⁴ CED/C/MEX/VR/1 (Findings), paras. 40–42.

¹⁵ CED/C/MEX/VR/1 (Recommendations), para. 15.

¹⁶ Ibid., paras. 24 and 25.

¹⁷ CED/C/MEX/OAI/1, para. 25.

¹⁸ CED/C/MEX/VR/1 (Recommendations), para. 23; and CED/C/MEX/OAI/1, para. 25.

¹⁹ CED/C/MEX/VR/1 (Recommendations), para. 16.

(b) **Set up and deploy context analysis units in all search commissions and special prosecutors' offices, and set up mechanisms for the systematic coordination of their work;**²⁰

(c) **Leverage the results of context analyses to identify risk factors, patterns, criminal practices and factors impeding investigations, and adopt effective measures to prevent and eradicate disappearances.**²¹

Participation of victims in searches and investigations

15. The Committee is concerned that, in general, the families and relatives of disappeared persons are continuing to lead search (in the field and in life) and investigation efforts, even though this is the responsibility of the State. In addition, the Committee is concerned about the difficulties experienced by victims' relatives and representatives in gaining access to investigation files, and about the allegations received of the phasing out of spaces where victims can participate in matters concerning them (art. 24).

16. The Committee recommends that the State party:

(a) **Guarantee the participation of family members, relatives and representatives of disappeared persons, and civil society organizations, in search and investigation processes without making them responsible for leading those processes or for producing evidence for the investigation;**

(b) **Ensure that groups of searching mothers and other civil society actors involved in search processes are always accompanied by trained staff, and ensure that any discoveries made are identified, investigated, kept safe and subject to follow-up;**

(c) **Ensure that the family members, relatives and representatives of disappeared persons have effective access to investigation files and are informed in a comprehensive, timely and respectful manner about how these processes are moving forward;**

(d) **Strengthen spaces for dialogue, consultation and the participation of family members of disappeared persons, particularly those spaces related to legislative reform and the design, implementation, monitoring and evaluation of public policy in this area.**

Bringing cases of enforced disappearance before the courts

17. The Committee welcomes the case law of the Supreme Court recognizing the right of disappeared persons to be sought,²² the development by the Council of the Federal Judiciary of indicators for measuring compliance with the Court's international obligations, including indicators on the disappearance of persons, as well as the judicial guidelines for the evaluation of expert evidence and the training programmes on enforced disappearance. In addition, it notes the general agreement of the Council of the Federal Judiciary sitting in plenary regulating the procedure for joining proceedings in the jurisdictional bodies under its responsibility (2022). Nevertheless, the Committee is still concerned about:

(a) The low rates of prosecution of cases of enforced disappearance and the persistence of bureaucratic requirements, such as excessive demands relating to the quality of the evidence provided or the monitoring of compliance with orders issued, which is conducted solely through the sending and receiving of official letters;

(b) The diversity of criteria for interpreting constitutional law to determine which courts are competent to hear cases under the adversarial judicial system and the mixed judicial system;

²⁰ Ibid., para. 17.

²¹ Ibid., para. 109.

²² Supreme Court, *Amparo* Appeal No. 1077/2019, First Chamber, 16 June 2021, paras. 108–111; and *Amparo* Appeal No. 51/2020, First Chamber, 10 August 2022, paras. 81–106.

(c) The limited use by lower courts of international standards on enforced disappearance and the case law of the Supreme Court on the disappearance of persons;

(d) The limited use of the *amparo buscador* mechanism, despite the existence of precedents that relax the procedural requirements for the remedy of *amparo* in cases of enforced disappearance;

(e) The insufficient resources allocated to the federal and state judiciaries (art. 12).

18. The Committee reiterates its recommendations and encourages the State party to:

(a) Prosecute cases by putting forward the hypothesis of enforced disappearance,²³ and continue to reduce bureaucratic requirements to avoid delaying proceedings;

(b) Define uniform criteria for determining whether cases are to be heard under the current adversarial judicial system, the former mixed judicial system or as part of special federal criminal proceedings,²⁴ and implement the general agreement of the Council of the Federal Judiciary sitting in plenary regulating the procedure for joining proceedings in the jurisdictional bodies under its responsibility;

(c) Redouble its efforts to provide continuous training within the judiciary, in particular to state judges, on international and national standards on enforced disappearance and disappearances committed by private individuals, and assess the impact of those efforts;

(d) Promote the use of the *amparo buscador* mechanism to expedite searches in cases of enforced disappearance;

(e) Ensure the allocation of the human, financial and material resources, on an ongoing basis and subject to a gradual increase, necessary to enable the federal and state judiciaries to adequately prosecute cases of enforced disappearance and disappearances committed by private individuals.

Long-standing disappearances

19. The Committee notes the Angelus tool used by the Commission for Access to the Truth, Historical Clarification and the Promotion of Justice for Serious Human Rights Violations committed between 1965 and 1990 to organize information related to the disappearances that occurred during that period. It also notes the “dialogues for truth” held in Mexico City, Chihuahua and Guerrero. However, it is concerned about:

(a) The resignation of the three members of the Committee for the Promotion of Justice of the Commission for Access to the Truth and the fact that it lacks the resources necessary to operate efficiently;

(b) The limited access to the archives of the military forces where the team of investigators has conducted fieldwork and searches, as well as the difficulty of having the documentation recovered from these archives analysed by experts;

(c) The lack of cooperation between the Prosecutor General’s Office and local prosecutors’ offices and the Commission for Access to the Truth, particularly regarding the cross-checking of information, as well as the limited action taken by them to conduct or complete formal investigations into long-standing cases of enforced disappearance (arts. 8 and 12).

20. Taking into account the continuous nature of enforced disappearance, the Committee reiterates its previous recommendations and urges the State party to:

(a) Strengthen the Commission for Access to the Truth, Historical Clarification and the Promotion of Justice for Serious Human Rights Violations

²³ CED/C/MEX/VR/1 (Recommendations), para. 34.

²⁴ Ibid., para. 35.

committed between 1965 and 1990, ensuring its independence and that it has the human, financial and technical resources necessary to fulfil its mandate;²⁵

(b) **Ensure that the Commission for Access to the Truth has access to relevant government archives, including those belonging to the Ministry of Defence, the Ministry of Naval Affairs, the Presidential General Staff²⁶ and the intelligence services, and those located in military camps and bases that were used as places of deprivation of liberty;**

(c) **Ensure the conclusion of cooperation agreements between the Prosecutor General's Office and local prosecutors' offices and the Commission for Access to the Truth, and expedite the criminal investigation and punishment of long-standing cases of enforced disappearance to guarantee victims' access to the truth and comprehensive reparation.**

4. Searches and effective coordination

Strengthening the institutions responsible for searches

21. The Committee welcomes the significant increase in the budget and staff allocated to the National Search Commission, as well as the training provided on standards on disappearance and searches for family members, prosecutors' offices, local search commissions, police officers and the general public. It also notes the individual and collective search actions undertaken at the federal level, referred to by the State party during the dialogue, as well as its position that it is not feasible to give the National Search Commission and local search commissions the power to act as first responders. The Committee is concerned that:

(a) The head of the National Search Commission has still not been appointed;

(b) Nineteen states do not have citizen search councils;

(c) Despite the granting of federal subsidies, the budget of the institutions responsible for conducting searches, in particular local search commissions, remains insufficient, and that such institutions are understaffed, their staff do not have security of tenure and the institutions have only limited operational capacity and technical and security resources at their disposal;

(d) The lack of clarity about the competencies of the institutions involved in searches leads to operational difficulties in the search for disappeared persons;

(e) The steps necessary to ensure that the first responder, regardless of the institution concerned, launches a search immediately have still not been taken (arts. 12 and 24).

22. **The Committee reiterates its previous recommendations²⁷ and urges the State party to:**

(a) **Ensure that the selection process for the head of the National Search Commission complies with the standards established in the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System;**

(b) **Set up citizen search councils in the 32 federative entities;**

(c) **Ensure that the institutions responsible for searches, in particular local search commissions, have sufficient economic, technical and human resources to fulfil their mandate, including qualified staff with security of tenure, and adopt guidelines and train staff to ensure the efficient management of federal subsidies;**

²⁵ Ibid., para. 55.

²⁶ Ibid., para. 56.

²⁷ Ibid., paras. 20, 21 and 30.

(d) **Clarify the competencies of the Prosecutor General's Office, special prosecutors' offices at the federal and state levels and search commissions to enable them to perform their functions effectively;**

(e) **Ensure that all reports of enforced disappearance are investigated promptly, thoroughly and impartially, even if a formal criminal complaint has not been filed.**

Search processes

23. The Committee notes with concern:

(a) The limited application of the Standardized Protocol for the Search for Missing and Disappeared Persons and the Additional Protocol for the Search for Children and Adolescents, their ineffectiveness in launching an immediate search, and the fact that the implementation of these instruments is not assessed;

(b) The increase in disappearances of girls, adolescents and women, with the highest number of cases having been recorded in the states of México, Tamaulipas, Jalisco and Guerrero, as well as the fact that the application of the Alba Protocol does not require searches to be carried out immediately in the federative entities, despite the publication of the Minimum Criteria for the Development and/or Harmonization of the Alba Protocol (2023);

(c) The decision by some authorities to maintain the requirement that up to 72 hours must have elapsed after a disappearance before a complaint can be received, thus preventing an immediate search for the disappeared person from taking place (arts. 12 and 24).

24. **The Committee reiterates its previous recommendations²⁸ and encourages the State party to:**

(a) **Step up efforts to implement the Standardized Protocol for the Search for Missing and Disappeared Persons, the Additional Protocol for the Search for Children and Adolescents, and the Alba Protocol, as well as to assess the implementation of these instruments and ensure that immediate search actions are undertaken by the competent authorities;**

(b) **Ensure that there is a gender-sensitive national strategy, coordinated at the three levels of government, in place for searching for and locating women and girls reported disappeared that enhances the effectiveness of the Alba Protocol in all the federative entities;**

(c) **Ensure that, when a person is reported disappeared, the related search is initiated ex officio and immediately, in accordance with principle 6 of the Guiding Principles for the Search for Disappeared Persons, which states, in particular, that activities to search for and locate disappeared persons should not be subject to any waiting period.**

Search programmes

25. The Committee remains concerned about the scant information on the implementation of the first phase of the National Search Programme for Missing and Disappeared Persons, as well as the lack of incentives and an effective accountability mechanism. The Committee is concerned about the delay in adopting the regional search programmes in the north-east and north-west of the country (art. 12).

26. **The Committee recommends that the State party publicize more widely the National Search Programme for Missing and Disappeared Persons, introduce an effective accountability mechanism and ensure the participation of victims and civil society organizations in the implementation and assessment of the Programme. The**

²⁸ CED/C/MEX/VR/1 (Findings), para. 65.

Committee also recommends adopting and implementing regional search programmes in the north-east and north-west of the country.

Systems of registers and interoperability

27. The Committee notes the adoption of the rules of procedure of the committee responsible for the Unified Information Technology System and the implementation of the single, customized log of search measures. However, it is concerned about:

(a) The scant action taken by the thematic working groups (legal, analytical and technical) of the committee responsible for the Unified Information Technology System, as well as the fact that the guidelines on their interoperability have not been adopted;

(b) The limited use and impact of the single, customized log of search measures in conducting context analysis activities (art. 12).

28. **The Committee recommends that the State party:**

(a) **Ensure the effective implementation of the thematic working groups of the committee responsible for the Unified Information Technology System and adopt the guidelines on their interoperability;**

(b) **Encourage the competent authorities, in particular state prosecutors' offices, to make proper use of the single, customized log of search measures.**

Register of disappeared persons

29. The Committee notes that, according to the National Register of Missing and Disappeared Persons, 111,540 persons have disappeared in Mexico between 1 January 1962 and 12 September 2023. In addition, the Committee recognizes the efforts made by the National Search Commission to encourage the competent authorities to enter complete information on cases of disappearance, including enforced disappearance, in the Register. However, the Committee notes with concern:

(a) Some authorities' reluctance to record and share information in the National Register of Missing and Disappeared Persons;

(b) The scant number of records that include information on the crime under investigation and the lack of clarity about the proportion of recorded cases that might involve enforced disappearance;

(c) The scant information based on disaggregated data in the Register;

(d) The process of updating the National Register of Missing and Disappeared Persons that is being carried out on the initiative of the Office of the President of the Republic, which does not comply with the criteria set out in the Standardized Search Protocol and in international standards applicable to this type of activity and is not being carried out by the competent search authorities but by other agencies; the fact that it does not have a clear and transparent methodology or include mechanisms that allow the participation of the relatives of the disappeared persons and that, in its implementation, acts of revictimization have been reported, including accusations against relatives of concealing the whereabouts of their loved ones. In addition, there are concerns about the security of the information contained in the National Register of Missing and Disappeared Persons and access to the source code (arts. 1–3, 12 and 24).

30. **The Committee recommends that the State party:**

(a) **Establish agile, interoperable, effective and transparent mechanisms to enable all competent institutions to enter detailed and updated information in the National Register of Missing and Disappeared Persons and state registers;**²⁹

(b) **Ensure that the information contained in the National Register of Missing and Disappeared Persons includes cases in which there is evidence of involvement of public officials or individuals or groups of individuals acting with the authorization,**

²⁹ Ibid., para. 52.

support or acquiescence of the State so that cases of enforced disappearance may be identified;³⁰

(c) **Take steps to ensure that the National Register of Missing and Disappeared Persons includes data disaggregated by, inter alia, age, sex, socioeconomic status, national and/or ethnic origin,³¹ sexual orientation, gender identity, migration status and disability;**

(d) **Ensure the transparency of the methodology used to update the National Register of Missing and Disappeared Persons, guaranteeing that the data compiled are reliable and that the process is coordinated by the National Search Commission in an independent and impartial manner. The State party should also establish mechanisms to guarantee the participation of victims' groups and adopt measures to prevent their revictimization and to safeguard the information contained in the Register.**

Disappearances in the context of migration

31. The Committee notes the steps taken to waive the requirement for relatives of disappeared persons to pay for humanitarian visas, as indicated by the State party during the dialogue. However, the Committee reiterates its concern about the vulnerability of migrants, particularly migrants in an irregular situation, which is exacerbated by migration policies with a security focus. It is also concerned about:

(a) The fact that the guidelines for the Mechanism for Mexican Support Abroad in Search and Investigation Activities do not take into account the differences between migrants and refugees or the risks faced by applicants for refugee status and refugees, who may be subjected to enforced disappearance;

(b) The lack of training on the guidelines for the Mechanism and the fact that they are not aligned with the Standardized Protocol for the Search for Missing and Disappeared Persons and the general guidelines for the issuance of visas;

(c) The difficulties faced by relatives of migrants in search and investigation processes and in gaining access to justice;

(d) The scant information on the operating status of the specialized inter-agency working group on the search for foreign migrants who are missing and the Bureau for the Search for Missing Migrants (arts. 16 and 24).

32. **The Committee recommends that the State party take into account its general comment No. 1 (2023) on enforced disappearance in the context of migration, and reiterates its previous recommendations calling on the competent authorities to:**

(a) **Revise the guidelines for the Mechanism for Mexican Support Abroad in Search and Investigation Activities to ensure that there are safeguards in place for applicants for refugee status and refugees;**

(b) **Train all competent authorities on the guidelines for the Mechanism for Mexican Support Abroad in Search and Investigation Activities and on the need to align them with the Standardized Protocol for the Search for Missing and Disappeared Persons and the general guidelines for the issuance of visas, and ensure their effective implementation;**

(c) **Ensure that the Executive Commission for Victim Support and the state commissions for victim support assist the families of migrants in search and investigation processes and in gaining access to justice, and continue to take steps to provide free humanitarian visas for the families of migrants who have disappeared in Mexico;**

³⁰ Ibid., para. 53.

³¹ CED/C/MEX/OAI/1, para. 17.

(d) **Ensure the operationalization of the specialized inter-agency working group on the search for foreign migrants who are missing and the Bureau for the Search for Missing Migrants.**³²

Requests for urgent action by the Committee

33. The Committee again notes with satisfaction the decision of the Supreme Court³³ recognizing the binding nature of the recommendations adopted by the Committee in the context of the urgent action procedure and making their implementation subject to judicial oversight. However, the Committee is concerned that the authorities responsible for implementing the decisions taken in the context of these proceedings merely request information from other institutions, without duly following up on requests made under the procedure, establishing a search plan or following the national protocol for the search for disappeared persons (arts. 12 and 30).

34. **The Committee reiterates its previous recommendation³⁴ and urges the State party to ensure that all authorities act in accordance with the decision of the Supreme Court declaring the binding nature of requests for urgent action, and to monitor effective compliance with such requests, adhere to the deadlines set by the Committee and ensure the due participation of victims and authorities involved in searching for persons.**

Protection mechanisms

35. The Committee notes the increase in the budget and human resources of the National Protection Mechanism for Human Rights Defenders and Journalists, the existence of 17 local protection mechanisms, the awareness-raising campaigns in this area and the signing of agreements with federative entities with a view to applying protection measures. It also notes the information provided by the State party on the proposal for a general law on the protection of human rights defenders and journalists that would serve to improve inter-institutional coordination at the three levels of government. However, the Committee is concerned about:

(a) Allegations received about threats, surveillance, reprisals, disappearances and murders affecting relatives of disappeared persons who carry out search and investigation activities, the persons accompanying them, human rights and environmental defenders and journalists;

(b) The fact that the resources of the National Protection Mechanism for Human Rights Defenders and Journalists and local protection mechanisms continue to be insufficient; the lack of targeted protection for persons belonging to groups involved in searching for disappeared persons; the difficulty of having persons involved in searches recognized as human rights defenders and of ensuring that they have access to State protection, and the ineffectiveness of the State protection measures granted;

(c) The insecurity faced by public officials in charge of searches and investigations related to disappeared persons;

(d) The lack of response from the State party during the dialogue on the impact of the resignations of various officials responsible for investigation and search processes (arts. 12 and 24).

36. **The Committee reiterates its previous recommendations and urges the State party to:**

(a) **Redouble its efforts to prevent acts of violence, surveillance, threats and reprisals against relatives of disappeared persons, the persons accompanying them, human rights defenders, journalists, environmental defenders and public officials involved in searches and investigations, including awareness-raising campaigns; and**

³² CED/C/MEX/VR/1 (Recommendations), para. 45.

³³ Judgment of 16 June 2021, *Amparo* Appeal No. 1077/2019, para. 122.

³⁴ CED/C/MEX/VR/1 (Findings), para. 69.

ensure that these practices are investigated, those responsible are effectively punished and victims receive full reparation;³⁵

(b) **Strengthen the National Protection Mechanism for Human Rights Defenders and Journalists and local mechanisms for protecting victims by providing them with sufficient financial, technical and human resources to enable them to effectively fulfil their mandate, and ensure targeted protection for persons belonging to search groups, risk analysis based on a differential approach, effective recognition of persons involved in searches as human rights defenders and their access to State protection, and the effectiveness of these protection measures;**³⁶

(c) **Design and implement a comprehensive protection programme for public officials involved in searches and investigations related to disappeared persons, taking into account the latent risks in places where organized criminal groups have warned that they will not allow them to perform their duties;**³⁷

(d) **Adopt the measures necessary to ensure that the officials in charge of searches and investigations can perform their duties in a completely independent and impartial manner.**

Effective coordination mechanisms

37. The Committee notes with concern the insufficient coordination and exchange of information among the institutions responsible for searches and investigations, which contributes to the fragmentation of these processes. It is also a cause for concern that, as reported by the State party during the dialogue, only 45 per cent of the 4,465 day-long field searches conducted between February 2019 and September 2023 were coordinated with prosecutors' offices. In addition, the Committee is concerned about the reluctance of the Prosecutor General's Office and state prosecutors' offices to cooperate and process requests from search commissions and about the lack of coordination between special prosecutors' offices and between federal and state prosecutors' offices. The Committee is further concerned about the poor coordination of efforts between the federal State and the federative entities with direct responsibility for searches and investigating cases of enforced disappearance (arts. 12 and 24).

38. **The Committee reiterates its previous recommendations and encourages the State party to guarantee the intra- and inter-institutional coordination of federal and state institutions responsible for searches and investigations, in accordance with the standardized search and investigation protocols, ensuring the exchange of information among them. It also urges the State party to implement effective methodologies and indicators to enable the periodic assessment of the effectiveness of the coordination mechanisms.**³⁸

Support for victims of enforced disappearance

39. The Committee notes the first national study on support for victims. Nevertheless, it is concerned about:

(a) The barriers faced by victims in gaining access to health care, psychological support and legal advice, even when they are part of the National Protection Mechanism for Human Rights Defenders and Journalists;

(b) The failure to update the criteria used to provide support to victims of disappearance;

(c) The weakness of the National Victim Support System, as reflected in the limited budget and human resources allocated to the Executive Commission for Victim Support and local victim support commissions;

³⁵ CED/C/MEX/VR/1 (Recommendations), para. 90.

³⁶ Ibid., para. 91.

³⁷ Ibid., para. 103.

³⁸ Ibid., paras. 31 and 32.

(d) The fact that the law does not provide for the participation of the Executive Commission for Victim Support in the sessions of the Governing Board of the National Protection Mechanism for Human Rights Defenders and Journalists;

(e) The lack of a national reparations programme and of an approach to reparation that includes more than compensation (arts. 12 and 24).

40. The Committee reiterates its previous recommendations and encourages the State party to:

(a) **Ensure that all persons who are part of the National Protection Mechanism for Human Rights Defenders and Journalists can receive legal advice, psychological support and health care, in coordination with the Executive Commission for Victim Support and victim support commissions at the state level;**

(b) **Relax the criteria for the provision of support set out in the General Victims Act, diversify the type of support offered and ensure that it is fully tailored to the needs of victims using a differential approach;**³⁹

(c) **Strengthen the National Victim Support System, ensuring that the Executive Commission for Victim Support and local victim support commissions have sufficient economic resources and trained staff;**⁴⁰

(d) **Institutionalize the participation of the Executive Commission for Victim Support in the working groups of the Governing Board of the National Protection Mechanism for Human Rights Defenders and Journalists;**

(e) **Design a national programme for providing comprehensive reparation to victims of disappearance that includes a differential approach.**⁴¹

5. Identification and handover of the remains of deceased persons

Forensics crisis

41. The Committee notes the guidelines for the implementation and operation of the National Forensic Databank, the Federal Forensic Register, the National Register of Unidentified and Unclaimed Deceased Persons, the National Register of Mass and Clandestine Graves and the National Genetic Database, published in April 2023. It also recognizes the investment of resources in creating infrastructure and in building forensic capacity, including the construction of two temporary body storage centres in Tamaulipas, one in Jalisco and another in Veracruz, as well as the second phase of the Forensic Identification Centre in Tamaulipas, the Temporary Storage Centre in Culiacán, Sinaloa, and the expansion of the Temporary Storage Centre in Veracruz. The Committee also notes that, according to the information provided by the State party, there will be 19 temporary storage centres in 16 federative entities by the end of 2023. However, it notes with concern:

(a) The high and increasing number of bodies and/or human remains received by the forensic medical services and the inability of these services to properly identify them and to ensure their safekeeping. Information received indicates that 89 per cent of the 53,347 bodies and/or human remains stored in amphitheatres, laboratories and forensic storage centres were not identified in 2022;

(b) That the Prosecutor General's Office has not launched a national programme for exhumations and forensic identification and that there is no national register of mass and clandestine graves;

(c) The lack of a coordinated public policy on the institutional safekeeping of deceased persons;

³⁹ Ibid., para. 93.

⁴⁰ Ibid., para. 92.

⁴¹ Ibid., para. 97.

(d) The insufficient infrastructure, equipment, budget and specialized human resources of the forensic medical services;

(e) Information received on the existence in some states of forensic practices and procedures that are contrary to international standards on exhumation, recovery, custody, identification, reporting identification and handover of bodies and remains;

(f) The lack of coordination and cooperation among the entities responsible for human identification (arts. 12 and 24).

42. The Committee reiterates its previous recommendations and encourages the State party to:

(a) Step up efforts to expand the capacity of forensic services in the areas of human identification and safekeeping, and ensure that all unidentified deceased persons are buried in individual graves with detailed information and are recorded in an operational database;⁴²

(b) Develop and publish a national programme for exhumations and forensic identification and a national register of mass and clandestine graves;

(c) Implement a public policy on institutional safekeeping that takes into account information from municipal cemeteries and burials in mass graves located in these cemeteries, and ensure the operationalization of temporary storage centres in all federative entities;

(d) Ensure that forensic services have sufficient budgets, adequate infrastructure and properly trained staff, and the technical and material resources to carry out their work, including digital registers containing detailed, updated and protected information on the admission of deceased persons; and establish effective accountability mechanisms for the activities of such services;⁴³

(e) Adopt operational protocols for the different forensic disciplines and for reporting the identification and dignified handover of the remains of disappeared persons,⁴⁴ and train staff on international standards on exhumation, recovery, custody, identification, reporting of identification and handover of bodies and remains;

(f) Establish mechanisms for systematic inter-institutional coordination among the institutions responsible for the identification of deceased persons,⁴⁵ in particular between the National Centre for Human Identification, regional identification centres, the Special Forensic Identification Mechanism, prosecutors' offices and search commissions.

Special Forensic Identification Mechanism

43. The Committee notes the cooperation agreements signed by the Special Forensic Identification Mechanism in San Luis Potosí, Tamaulipas and Zacatecas, and of the independent assessment presented in 2023 on the functioning of the Mechanism, which is administered by the United Nations Population Fund. However, the Committee notes with concern:

(a) That the Mechanism has not made any positive identifications, despite the time that has elapsed since its establishment;

(b) The resignation of six of the seven members of its coordinating group;

(c) The insufficient engagement of the Mechanism with victims' families and victims' groups (arts. 12 and 24).

⁴² Ibid., para. 70.

⁴³ Ibid., para. 66.

⁴⁴ Ibid., para. 71.

⁴⁵ Ibid., para. 67.

44. **The Committee reiterates its recommendations and urges the State party to:**

(a) **Ensure that the Special Forensic Identification Mechanism has the human, technical and financial resources, and the organizational structure, necessary to carry out its work effectively;**⁴⁶

(b) **Seek to enter into cooperation agreements with all states and centres for human identification in order to expand the Mechanism's operations;**

(c) **Ensure that the families and relatives of disappeared persons can have access to information on the progress and obstacles identified by the Mechanism and actively participate in forums for dialogue.**

National Forensic Databank

45. The Committee notes the roll-out of phase two of the National Forensic Databank by the Prosecutor General's Office, which involves the incorporation of other laboratories, the operationalization of the technological tool of the National Genetic Database and the deployment of the Combined DNA Index System. However, it is concerned about:

(a) The lack of an effective database to allow the comparison of the genetic information available;

(b) The limited priority given to identifying persons whose remains have been found in mass graves;

(c) The lack of systematization of the methodology for taking genetic samples provided by the relatives of disappeared persons, as well as the safekeeping and protection of the related information (arts. 12, 19 and 24).

46. **The Committee reiterates its previous recommendations and encourages the State party to:**

(a) **Ensure the effective functioning of the National Forensic Databank and its interoperability with other genetic profile banks in Mexico and other countries in order to multiply options for the cross-referencing of genetic data;**⁴⁷

(b) **Accelerate the processes of identifying bodies and human remains, as well as the construction, standardization and systematization of genetic databases and registers of deceased persons, ensuring that priority is given to identifying persons whose remains have been found in mass graves, in accordance with the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System;**

(c) **Encourage the national authorities to submit reference sample profiles from the family members of disappeared persons so that they may be sought in existing systems by comparing the DNA reference samples from their families with the DNA profiles of unidentified human remains within the national database systems of the countries potentially concerned by the cases,⁴⁸ and expand capacity for the safekeeping and protection of information related to the genetic material handed over.**

Centres for human identification

47. The Committee appreciates the efforts made by the State party in this area, including the opening of the National Centre for Human Identification in Morelos (2022), the Regional Centre for Human Identification in Coahuila (2021) and the Centre for Genetic Identification in Veracruz (2021), as well as the building of a centre for human identification in Tamaulipas. However, the Committee is concerned about:

(a) The insufficient information on the resources to be allocated to the National Centre for Human Identification;

⁴⁶ Ibid., para. 65.

⁴⁷ Ibid., para. 69.

⁴⁸ Ibid.

(b) The allegedly limited number of occasions on which fingerprints are checked against the biometric database of the National Electoral Institute for identification purposes (art. 12).

48. **The Committee recommends that the State party:**

(a) **Ensure the allocation of sufficient technical, financial and human resources to the National Centre for Human Identification, regional centres for human identification and forensic institutes so that they can operate effectively;**

(b) **Ensure the availability of fingerprint readers and automated fingerprint identification systems, as well as database support.**

Single register for the identification of persons

49. The Committee regrets the lack of progress made towards establishing a single register for the identification of persons (arts. 19 and 24).

50. **The Committee reiterates its recommendation calling on the State party to establish a single register for the identification of persons in which fingerprints, photographs and personal data from birth to death that are relevant for the purpose of identification are entered, bearing in mind the provisions of article 19 of the Convention on the protection of personal data.**⁴⁹

D. Implementation of the rights and obligations under the Convention, dissemination and follow-up

51. The Committee wishes to draw attention to the obligations taken on by States when they ratify the Convention and urges the State party to ensure that all the measures it adopts, regardless of their nature or the authority adopting them, are in full accordance with the Convention and other relevant international instruments.

52. The Committee also emphasizes the particularly cruel effect of enforced disappearance on women and children. Women victims of enforced disappearance are particularly vulnerable to sexual and other forms of gender-based violence. Women who are relatives of a disappeared person are also particularly likely to suffer serious social and economic disadvantages and to be subjected to violence, persecution and reprisals as a result of their efforts to locate their loved ones. Children who are victims of enforced disappearance, either because they themselves have been disappeared or because they suffer the consequences of the disappearance of members of their families, are especially vulnerable to violations of their human rights. The Committee therefore places particular emphasis on the need for the State party to systematically adopt a gender perspective and take into account the specific needs of women and children as it implements the recommendations contained in the present concluding observations and the full range of rights and obligations established in the Convention.

53. The State party is encouraged to disseminate widely the Convention and the present concluding observations in order to raise awareness among governmental authorities, civil society actors and the public at large. The Committee also encourages the State party to promote the participation of civil society in the actions taken to implement the recommendations contained in the present concluding observations.

54. In accordance with article 29 (4) of the Convention, the Committee requests the State party to submit, by no later than 29 September 2026, with a view to the review in 2027, additional, specific and updated information on the follow-up given to all the recommendations made in the present concluding observations. The Committee emphasizes the importance of integrating the present recommendations into the design and implementation of the national policy to prevent and eradicate disappearances. It also reiterates its recommendation calling on the State party to promote and facilitate the

⁴⁹ Ibid., para. 112.

participation of civil society, in particular organizations of victims of enforced disappearance, in the preparation of the additional information.
