

**Report by the Movement for Our Disappeared in Mexico (Movimiento por  
Nuestros Desaparecidos en México, MNDM)  
to the Committee on Enforced Disappearances (CED)**

**Concerning the examination of the additional information submitted by Mexico  
and the follow-up to the visit report published by the CED on  
12 April 2022**

**25<sup>th</sup> session, 11-29 September 2023**

Original in Spanish; this is a rough translation into English  
9 August 2023

## Chapter 1

### General context since the publication of CED's report on Mexico

(12 April 2022)

The visit of the CED to Mexico and its subsequent report have been important tools in the fight against the disappearance of persons in the country. However, the response of the Mexican state to the visit, the report and the follow-up to the recommendations has not been what we expected. In this report we provide our analysis and assessment of what has happened in Mexico since the publication of the CED report (12 April 2022).

In general, we can confirm that we have registered:

- some minor announcements that may (or may not) constitute a first step towards relevant results in the medium and long term;
- some announcements and initiatives (minor and major) that are worrying because they may indicate setbacks in political will or emerging institutional capacity.

This report will address these issues by grouping them according to the recommendations issued by the CED in its report. Due to space limitations, not all recommendations will be addressed, but a selection of those that seem particularly relevant or strategic.

Since 12 April 2022 we have been pushing for the implementation of the CED report in our few dialogues with the Mexican State. We noticed some institutional openness during 2022. The State, led by the Ministry of the Interior (SEGOB), convened three public and inter-institutional working groups (30 June, 3 October and 15 November). However, since then, we have not received any invitation or follow-up information, despite our multiple attempts to encourage and advance. We have been told by the Ministry of the Interior that they are working with the various institutions internally and that we will be invited to a further meeting at a later date. We have learned that SEGOB continues to meet as the follow-up mechanism to the recommendations.<sup>1</sup> However, we do not know the content of the agenda and the progress (if any) in the implementation of the recommendations.

This report presents and analyses five main topics:

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<sup>1</sup> Secretaría de Gobernación, 29 July 2023, <https://www.gob.mx/segob/prensa/realiza-gobernacion-reunion-de-trabajo-en-torno-a-mecanismo-de-seguimiento-para-atencion-de-recomendaciones-del-ced>

- The crisis of enforced and private disappearances remains very serious in the country, as the CED observed and detailed in its report. The main progress since then is the increase in the budget of the National Search Commission (CNB) and the amount available for subsidies to local search commissions. The main setback (or possible setback) is the implementation of a policy of revision ("census") of the National Register of Disappeared or Missing Persons (RNPEDNO) without transparency, corroborating evidence, robust methodology or dignified treatment of victims;
- The forensic identification crisis remains at the same level of severity as the CED was able to ascertain. The few initiatives have yet to produce tangible or large-scale results. The main advance in this area is the incipient creation of the National Centre for Human Identification (CNIH). In the other institutions, whether traditional or recent, changes have been minimal;
- The impunity crisis remains at the same level of severity that the CED was able to document. We have not heard of any new convictions for the crimes of enforced disappearance and disappearance by private individuals (especially in numbers that are significant);
- The aggressions against searchers, especially mothers of disappeared persons, continue to worsen. Since the CED published its report, four compañeras have been murdered; many others have suffered other forms of aggression;
- Victims' spaces for political participation continue to shrink, both qualitatively and quantitatively. In this period, the authorities have launched legal reform initiatives and public policies without the slightest consultation with the families.

These issues and many others will be detailed and analysed in chapter 2. Chapter 3 presents our recommendations for the Mexican state.

## Chapter 2

### Analysis of a significant sample of the CED's recommendations in terms of their degree of implementation as of 31 July 2023

The CED's main recommendation was the need for a national policy for the prevention and eradication of enforced disappearances. In this respect we can say that such a national policy has not yet been worked on, implemented or announced. Few institutions (federal, state, local) carry out actions oriented towards this objective. At the federal level, this issue continues to be led by the Sub-Secretariat for Human Rights in the Ministry of the Interior with a group of civil servants. At the state level, although it is impossible to generalise, the same situation tends to be repeated: a small number of institutions and officials deal with these issues. We are a long way from having a national policy.

Below we analyse the degree of implementation of a significant sample of the recommendations issued by the CED in its report of 12 April 2022. The analysis we present also allows us to account for the degree of compliance of the Mexican State with the International Convention for the Protection of All Persons from Enforced Disappearance. We also address many of the points made by the State in its supplementary information report of 14 January 2022.

Regarding the minimum conditions, recommended in the CED report, to be able to elaborate a national policy for the prevention and eradication of disappearances:

- The responsibility of the authorities in the commission, by action or omission, of enforced disappearances remains to be investigated and sanctioned. As detailed below, efforts to combat impunity are minimal or non-existent;
- The militarisation approach to public security has deepened since the publication of the CED report: more military and marines have been deployed in public security tasks. There are now more than 126,000 military personnel in the National Guard;
- Governmental efforts to raise awareness about the crisis of disappearances are very limited. They are led by a group of officials committed to this issue;
- The normative framework of the General Law on disappearances is not yet fully and uniformly in force throughout the country. In 21 states, local laws have been

harmonised with the contents of the General Law.<sup>2</sup> Only 17 states have a Special Declaration of Absence Law, with poor implementation; only 16 states have citizen participation councils. The degree of implementation of the numerous instruments and institutions defined by the General Law is detailed below.

**Importance of establishing a comprehensive and integrated strategy to search for and investigate cases of disappearance (recommendation paragraph 14).**

The MNDM acknowledges the CNB's efforts to develop, publicise and implement tracing strategies. However, while regional efforts have been made, they are uncoordinated and disconnected from the justice system, which retains the power over ministerial proceedings and the filing of judicial requests necessary for basic search actions such as obtaining telephone data, bank details, conducting searches and raids, etc.

We recognise the importance of having published the National Tracing Programme. We believe it is a good opportunity to initiate, generate and promote coordinated search actions. However, it has some challenges and limitations that we will address in recommendation 18.

In terms of research, we have not identified attempts to implement this recommendation, as detailed below in recommendation 34.

**Conduct context analysis on search and research (recommendations paragraphs 16 and 17).**

According to official data, of the 66 institutions that should have created their context analysis units or areas (33 prosecutors' offices and 33 search commissions), 41 have done so (14 prosecutors' offices and 27 search commissions), which is equivalent to a 62% implementation rate.<sup>3</sup> This statistic is merely quantitative: it does not analyse the quality of the work or the performance of these units or areas.

According to official information through requests for access to public information and according to press reports, we have been able to document that:

- the CNB, as of 7 March 2023, had conducted nine diagnostics and context analyses.<sup>4</sup>

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<sup>2</sup> Aristegui Noticias, 24 January 2023, <https://aristeguinoticias.com/2401/mexico/exigen-a-adan-augusto-intervenir-para-armonizar-ley-de-desaparicion-forzada-en-11-estados/>

<sup>3</sup> Transitional Justice Mexico, *Units and Areas of Context Analysis in the Search Commissions and Prosecutor's Offices in Mexico. A consolidation still pending*, to be published soon, <https://twitter.com/JorgePeniche6/status/1634298123878113293?s=20>

<sup>4</sup> National Search Commission, Oficio: CNBP\_UT/00027/2023 in response to request with folio 332163723000027, 2023.

- The Attorney General's Office (FGR) conducted a study on "case association" in 17 states of the country, between 2019 and 2023.<sup>5</sup> The information available does not make it possible to determine how many context analyses were carried out, what their applications and results were, or what their contents were. Nor does it allow us to know how often and to what extent the FGR conducts context analyses.
- At the state level, there is some evidence of context analysis (or lack thereof) by search commissions and prosecutors' offices in the states of Baja California Sur<sup>6</sup>, Hidalgo<sup>7</sup>, Chihuahua<sup>8</sup>, Durango<sup>9</sup>, Michoacán<sup>10</sup> and Mexico City<sup>11</sup>.

This information suggests that:

- Context analysis is not carried out systematically but selectively. The number of context analysis reports seems to be very insufficient for the number of officially registered cases.
- It would be important for the CNB to clarify what context analyses have been carried out, what the quality of these analyses is and what the concrete impact has been in terms of accounting for disappeared people and judicial investigation of their cases, among other issues.
- The quality of context analysis appears to be poor.
- There is no information on the results and impacts of context analysis: have they prevented fragmentation of cases, have they made searches and investigations more effective, how many people have been located, at least partially, thanks to context analysis, how much progress has been made in cases where context analysis has been used, and what is the judicial progress of cases with context analysis?

We recommend that the CED refer these questions to the State and request full and detailed information.

<sup>5</sup> Office of the Attorney General of the Republic, *Association of cases. Spatial and sequence analysis. Organised crime. Victimological gender profile. Spatial analysis. Network analysis. Background files. Analysis of sequence of events. Georeferencing request. Method of concealment. Modus Operandi. Context analysis. Criminological profile. Victimological profile. Generic request. Spatial analysis and open sources. Forensic Analysis and Competition Study, 2023*, Oficio No. FGR/UTAG/DG/001147/2023 in response to request for access to information with folio 330024623000284.

<sup>6</sup> Zeta, 7 March 2023, <https://web.archive.org/web/20230308120514/https://zetatijuana.com/2023/03/familiares-de-desaparecidos-en-la-mira-del-crimen/>

<sup>7</sup> Milenio, 28 May 2023, <https://web.archive.org/web/20230529043536/https://www.milenio.com/politica/organismos/hidalgo-ausencias-voluntarias-la-mayoria-de-desapariciones>

<sup>8</sup> Office of the Attorney General of the State of Chihuahua, Oficio: FGE-4C.5/1/2/54/2023 in response to request with folio 080139723000008, 2023.

<sup>9</sup> Fiscalía General de Justicia del Estado de Durango, Oficio: UDAI/005/2023 in response to the request with folio 101126500001123, 2023.

<sup>10</sup> Michoacán State Attorney General's Office, Oficio: ST-0160/2023 in response to request folio 20230111001658887, 2023.

<sup>11</sup> Mexico City Attorney General's Office, Oficio: FGJCDMX/CGIDGAV/FIPEDE/00017/2023-01, 2023.

## **Adoption and implementation of the National Tracing Programme (recommendation paragraph 18)**

The CNB published the National Programme for the Search for Missing and Unaccounted for Persons (PNBP) on 8 May 2023.<sup>12</sup> In addition to meetings between authorities, there was a public consultation process with relatives of disappeared people. The Programme is to be implemented by the authorities of the National Search System and other relevant authorities. It contains 89 lines of action deriving from 7 identified problems. The timetable indicates that the Programme would be fully implemented in 10 years.

Civil society organisations issued a communiqué in which they pointed out that the Programme presents "important limitations that reduce the scope of the actions it establishes to guarantee the search, location and identification of disappeared persons".<sup>13</sup> For this reason, they proposed:

- Carry out a comprehensive diagnosis of the problem of the disappearance of persons, as well as of the existing capacities in the country for the search and investigation. This requires incorporating official information from the CNB and the situation in the states.
- Propose the means or mechanisms for the implementation of the lines of action. The PNBP should outline key elements such as who is responsible for the activities, indicators of results and impact, and timeframes for the strategies in order to be feasible.
- Make clear mention of enforced disappearance and strategies to prevent and address it as a serious human rights violation that continues to be used in the current context of violence in the country.
- Establish precise guidelines that guarantee a voice and a vote for families and other social actors in decision-making throughout the public policy cycle.
- Precisely define differentiated strategies to address disappearances in different contexts, considering particular measures for the different population groups affected.
- Consider local or regional search strategies and guidelines for the elaboration and implementation of state search programmes. The crisis of disappeared people demands the development and implementation of strategic actions that respond to its seriousness.

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<sup>12</sup> National Search Commission, Programa Nacional de Búsqueda de Personas Desaparecidas y No Localizadas, 2023, [https://web.archive.org/web/20230717155926/https://comisionacionaldebusqueda.gob.mx/wp-content/uploads/2023/05/2DA-PNBP\\_Final\\_V7\\_19052023\\_ConLogosyDisclaimer-1.pdf](https://web.archive.org/web/20230717155926/https://comisionacionaldebusqueda.gob.mx/wp-content/uploads/2023/05/2DA-PNBP_Final_V7_19052023_ConLogosyDisclaimer-1.pdf).

<sup>13</sup> Citizens in Support of Human Rights and other organisations, *Strengthening the Search: A critical analysis of the National Search Programme is needed*, 29 May 2023, <https://web.archive.org/web/20230709210726/https://cadhac.org/fortalecer-la-busqueda-necesario-un-analisis-critico-del-programa-nacional-de-busqueda-pnbp/>.

It is striking that the programme does not include incentives, accountability bodies or proposals for legislative reforms that would lead to the fulfilment of its strategic objectives. Particularly bearing in mind that the powers of the search commissions are limited and, in this sense, the collaboration of law enforcement institutions is required to effectively search for disappeared people (this issue is analysed in other sections of this report).

**Ensure adequate human and financial resources for search commissions  
(recommendation paragraph 20).**

In terms of human resources, according to official data from early 2022, the search commissions in two states, Oaxaca and Yucatan, had only one person in their structure.<sup>14</sup> Excluding temporary employees, 16 commissions had 10 or fewer people employed in their structure. In several commissions, temporary positions outnumber permanent positions.

In terms of budgetary resources, the CNB obtained 285 million pesos for its operation in 2023. This represents an increase of 88% over the previous year (155 million pesos). Also noteworthy is the budget increase to support local commissions through subsidies: for 2023, 811 million pesos have been allocated for subsidies (the highest figure on record). The MNDM advocated for these budget increases in 2022.

However, it is worrying that regular state budgets have not followed the same trend. Local commissions should be funded primarily by their regular state budgets, not by federal grants (which, among other limitations, do not include the possibility of paying staff salaries).

Another outstanding issue is the considerable repayment of subsidies. Between 2019 and 2022, 1.8 billion pesos in subsidies were disbursed.<sup>15</sup> However, 368 million pesos have been returned to federal coffers. This represents 20.5% of the subsidy initially granted. In 2022, the commissions of Baja California, Jalisco, Nayarit and Puebla returned more than 50% of the resources received to the federation. The State Search Commission of Aguascalientes returned the entire subsidy received. Although the number of commissions requesting subsidies increased from 2019 to 2022, the percentage of returns has been growing until closing at 23.6% (equivalent to \$128 million pesos) in 2022.

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<sup>14</sup> Animal Político, 8 November 2022, <https://web.archive.org/web/20230606153152/https://www.animalpolitico.com/sociedad/comisiones-busqueda-personas-pocos-funcionarios>

<sup>15</sup> National Search Commission, SEGOB/CNBP/DT/140/2023 and annexes in response to request for access to information with folio 332163723000044, 2023.



According to specialists accompanying this Movement:<sup>16</sup>

1. The design of the CNB's budgetary programmes makes it impossible to know what budget will be allocated to the Extraordinary Mechanism for Forensic Identification (MEIF) and the National Centre for Human Identification (CNIH).
2. The Forensic Sub-programme of the Public Security Contribution Fund of the States and the Federal District (FASP) has never been more than 10% of the FASP.
3. There is no public information on the budget for forensic activities that the State Search Commissions receive as a subsidy from the CNB.

**Importance of prioritising field investigations, avoiding fragmentation of cases and investigating in depth the possible involvement of state actors (recommendation paragraph 24).**

The prosecutors' offices have not published information that would show that field investigations are prioritised, that fragmentation is avoided and that hypotheses of possible involvement of state actors are maintained until sentences are handed down.

The FGR has not published new figures on cases of enforced disappearance in its jurisdiction: as of 31 December 2020 there were 1,615 preliminary investigations or investigation files.<sup>17</sup> There would appear to be 154 public servants (59 from the Armed Forces; 30 from the FGR; the rest from other institutions) already identified as allegedly involved in these cases. From 1 December 2018 to 30 October 2022, the FGR had prosecuted 30 cases, omitting to report on the outcome of these prosecutions.<sup>18</sup>

In the period from 2006 to 2022, the FGR requested 107 arrest warrants for the crime of enforced disappearance, of which only 21 were executed.<sup>19</sup> It is important to note that in the last three years of that period, the numbers were particularly low: in 2020, no arrest warrants were requested; in 2021, 11 arrest warrants were requested; in 2022, three arrest warrants were requested.

According to civil organisations, the FGR has refrained from investigating cases of disappearance involving federal public servants and has referred them to the ordinary

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<sup>16</sup> Fundar, Centro de análisis e investigación, *Presupuesto y crisis forense en México. Opacidad e insuficiencia del presupuesto en materia de identificación forense, 2022*, [https://web.archive.org/web/20230717174742/https://fundar.org.mx/wp-content/uploads/2022/12/CrisisForense\\_PEF2023.pdf](https://web.archive.org/web/20230717174742/https://fundar.org.mx/wp-content/uploads/2022/12/CrisisForense_PEF2023.pdf)

<sup>17</sup> Federal Supreme Audit Office, *Informe Individual del Resultado de la Fiscalización Superior de la Cuenta Pública 2020*, page 51, 2021.

<sup>18</sup> La Jornada, 23 January 2023, <https://www.jornada.com.mx/2023/01/23/politica/003n1pol>

<sup>19</sup> Office of the Attorney General of the Republic, Oficio No. FGR/UTAG/DG/000782/2023 in response to request number 330024623000075, 2023.

courts.<sup>20</sup> When asked about the transfer of cases from ordinary to federal jurisdiction, the FGR replied that it did not have this information.<sup>21</sup>

**On the competences of the FGR, the federal and state specialised prosecutors' offices and the search commissions to enable them to carry out their functions effectively (recommendation para. 30)**

We have not detected any efforts or initiatives by these institutions to clarify their competences in order to carry out their functions effectively. We suggest that the CED request specific information from the State on this issue, as well as a technical consultation with national and international experts on how to define and clarify the competencies of these institutions.

**Effectively implement standardised search and investigation protocols, including intra- and inter-agency cooperation and first responder powers (recommendation paragraph 31).**

Since the publication of the CED report, we have not detected any changes in the degree of implementation of these standardised protocols. We assess that both have not been properly implemented. A review or evaluation of both should be carried out in order to make the relevant changes to ensure that they function reasonably, but above all to ensure that they interact and coordinate better.

There continue to be unjustified delays in getting the first responder (regardless of which institution it is) to promote the immediate search actions required to locate the persons. Families continue to be forced to wait up to 72 hours before the competent authority accepts the complaint. To this must be added the delay in initiating basic search procedures.

The CNB has implemented in the RNPEDNO the Single Search Log (Bitácora Única) in which the competent authorities can review updates and/or requests regarding the cases of disappearance they are searching for and investigating. Through this channel they also

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<sup>20</sup> Inter-American Commission on Human Rights, *Follow-up to recommendations made by the IACHR in its country or thematic reports. Mexico*, page 1161, [2022](https://web.archive.org/web/20230422064402/https://www.oas.org/es/cidh/docs/anual/2022/capitulos/14-IA2022_Cap_5_MX_ES.pdf), [https://web.archive.org/web/20230422064402/https://www.oas.org/es/cidh/docs/anual/2022/capitulos/14-IA2022\\_Cap\\_5\\_MX\\_ES.pdf](https://web.archive.org/web/20230422064402/https://www.oas.org/es/cidh/docs/anual/2022/capitulos/14-IA2022_Cap_5_MX_ES.pdf)

<sup>21</sup> Office of the Attorney General of the Republic, Oficio No. FGR/UTAG/DG/006464/2022 and annexes in response to request number 330024622002811, 2022.

receive location clues generated by the CNB from the massive cross-referencing of data from different institutions (this topic will be further discussed in recommendation 53).<sup>22</sup>

There are some intra-institutional and inter-institutional communication spaces such as the Committee of the Single System of Technological and Informatics Information (SUITI), the Inter-institutional Working Group to search for patterns of missing migrants, the National Conference of Justice Prosecutors and the National System for the Search for Persons. However, the latter has not met so far in 2023. No documentary evidence was located to suggest that these mechanisms allow for "systematic, instantaneous, and flexible exchanges of information".

No evidence was found of any draft modification of the National Public Security System Law, which establishes the National First Responder Protocol. In fact, the FGR considered that "it is not viable to give the power of first responder to the search commissions".<sup>23</sup> In the agreements reached by the National Conference of Justice Procurators - in which both issues of disappearances and the National Protocol have been discussed over the last year - the issue has not been addressed.

### **Access to justice and prosecution of cases raising the hypothesis of enforced disappearance (recommendation paragraph 34).**

On 5 October 2022, the Supreme Court of Justice of the Nation (SCJN) presented a Manual on the disappearance of persons with which judges will be able to "acquire the necessary knowledge for the resolution of cases of disappearance, with the main focus on the recognition of the rights of the direct victims and their relatives, prioritising the search for the right to truth, justice, memory and comprehensive reparation".<sup>24</sup>

Prosecutors' offices appear to have few open investigations for the crime of enforced disappearance. According to the National Censuses of State Prosecution from 2015 to 2022, state prosecutors' offices reported a total of 4,020 preliminary investigations and investigation files for this crime.<sup>25</sup> According to the National Census of State Justice Delivery, in 2021, 400

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<sup>22</sup> Where the Missing Go, 23 January 2023, <https://web.archive.org/web/20230717175948/https://adondevanlosdesaparecidos.org/2023/01/23/cruce-de-datos-la-clave-para-localizar-a-miles-de-personas-desaparecidas/>

<sup>23</sup> Committee on Enforced Disappearances, *Observations received from Mexico in relation to the report of the Committee on its visit under Article 33 of the Convention*, 2022.

<sup>24</sup> Suprema Corte de Justicia de la Nación, *Manual sobre desaparición de personas*, 2022, <https://web.archive.org/web/20221005141433/https://www.scjn.gob.mx/derechos-humanos/sites/default/files/Publicaciones/archivos/2022-10/Manual%20de%20desaparicion%20de%20personas.pdf>.

<sup>25</sup> Instituto Nacional de Estadísticas y Geografía (INEGI), *Censo Nacional de Procuración de Justicia Estatal 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022*, <https://www.inegi.org.mx/programas/cnpje>.

criminal cases for enforced disappearance were initiated, in the first instance, in the common jurisdiction, throughout the country.<sup>26</sup> In other words, state prosecutors' offices prosecuted 400 cases. According to the National Census of Federal Justice Delivery, no criminal cases were reported to have been initiated in the federal jurisdiction in 2021 and 2022.<sup>27</sup> In other words, the FGR did not prosecute any cases of enforced disappearance in those years.

According to requests for access to public information, as of 31 August 2022, there had been around 79 convictions for enforced disappearance and 32 for disappearance committed by private individuals across the country, including in federal jurisdiction.<sup>28</sup> This contrasts with the figure commonly cited by the Mexican government of 36 convictions for the crime of enforced disappearance nationwide. Still, the figures remain very low for the number of cases of disappearances that have been reported. In addition, the inconsistency of the figures shows that the state itself is unable to collect reliable statistics on such a relevant issue.

It is recommended that the CED transmit these data to the State and request confirmation and explanation of the data.

#### **On cooperation mechanisms between FGR, state prosecutors' offices and governments of countries of origin of missing migrants (recommendation para. 49)**

On 21 July 2022, the National Search System approved the Guidelines for the External Support Mechanism for Search and Investigation (MAEBI). Their proper implementation remains to be observed and verified.

On 9 November 2021, the National System for the Search for Disappeared People agreed to create the Search Table for Missing Migrants with the aim of "facilitating continuous, direct interaction and the exchange of information between national and foreign actors in the institutional and civil spheres" for the search, location and identification of missing migrants<sup>29</sup>. However, the roundtable has not begun its work because the CNB has not issued operating guidelines.

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<sup>26</sup> National Institute of Statistics and Geography (INEGI), *Censo Nacional de Impartición de Justicia Estatal 2022*, <https://www.inegi.org.mx/programas/cnspe/2022/>.

<sup>27</sup> Instituto Nacional de Estadísticas y Geografía (INEGI), *Censo Nacional de Impartición de Justicia Federal 2022*, <https://www.inegi.org.mx/programas/cnijf/2022/>; INEGI, *Censo Nacional de Impartición de Justicia Federal 2023*, <https://www.inegi.org.mx/programas/cnijf/2023/>.

<sup>28</sup> 66 requests for access to public information (33 on enforced disappearances and 33 on disappearances by private individuals), which are in the possession of this Movement and can be shared by email.

<sup>29</sup> Diario Oficial de la Federación, *ACUERDO SNBP/007/2021 por el que se crea la Mesa de Búsqueda de Personas Migrantes Desaparecidas*, 2022, [https://web.archive.org/web/20220504130439/https://dof.gob.mx/nota\\_detalle.php?codigo=5650986&fecha=04/05/2022](https://web.archive.org/web/20220504130439/https://dof.gob.mx/nota_detalle.php?codigo=5650986&fecha=04/05/2022)

Families of missing migrants in Mexico have reiterated that Mexican institutions and those of Central American countries continue to fail to collaborate effectively in the search, identification and repatriation of migrants who were found dead.<sup>30</sup>

The lack of identifications can be clearly seen in the three emblematic cases of massacres of migrants.<sup>31</sup> In San Fernando, Tamaulipas state, 72 bodies were found in August 2010; nine people remain unidentified. Also in San Fernando, in April 2011, 196 skeletal remains were located; 59 remain unidentified. In Cadereyta, Nuevo León state, 49 bodies were found and, to date, 30 remain unidentified. In addition, with regard to the San Fernando massacre in 2010, the lack of bi-national collaboration in exhumations and the review of the identification of 7 bodies buried in Guatemala and Brazil, requested 9 years ago, has been denounced.<sup>32</sup>

**Importance of the National Register of Missing and Unaccounted for Persons (RNPEDNO) to be permanently updated by all relevant institutions (recommendation paragraph 53).**

We, the families, have been encouraging the prosecutors' offices and search commissions to participate in filling out the RNPEDNO register, and we have insisted on ensuring the quality of the information received in the register. However, since April 2022, we, the relatives, have noticed and evidenced a substantial drop in the register of disappeared people in the state of Jalisco.<sup>33</sup> When the CNB was questioned about the decrease, they argued that there had been "manual updates" of the status of disappearance. There was no reliable evidence of the location, alive or dead, of the "updated" persons. In the state of Baja California, inconsistencies have also been reported between the records of the state Attorney General's Office and the RNPDNO. According to the civil organisation Elementa DH, while the national registry reported 1,834 disappearances, the data provided via public information requests amounted to more than 14,000 disappearances.<sup>34</sup>

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<sup>30</sup> A dónde van los desaparecidos, 28 August 2022, <https://web.archive.org/web/20230602015408/https://adondevanlosdesaparecidos.org/2022/08/28/exigen-busqueda-e-identificacion-de-personas-desaparecidas-en-mexico-y-centroamerica/>; Articulación de diversos colectivos y organizaciones, *Pronunciamiento por los derechos de las personas migrantes desaparecidas y sus familias*, 24 February 2023, <https://web.archive.org/web/20230602051719/https://serapaz.org.mx/pronunciamiento-por-los-derechos-de-las-personas-migrantes-desaparecidas-y-sus-familias/>.

<sup>31</sup> La Jornada, 16 April 2023, <https://web.archive.org/web/20230717164644/https://www.jornada.com.mx/notas/2023/04/16/politica/aun-no-identifican-97-cuerpos-de-las-masacres-en-tamaulipas-y-nl/>

<sup>32</sup> Inter-American Commission on Human Rights, Public Hearing "Avances y retos en la búsqueda forense en México (solicitada por el Estado)", March 9, 2023, <https://www.youtube.com/watch?v=KjmhkPMtfVw>.

<sup>33</sup> ZonaDocs, 21 November 2022, <https://www.zonadocs.mx/2022/11/21/graves-deficiencias-en-el-registro-de-personas-desaparecidas-en-jalisco/>

<sup>34</sup> Demichelis R. (2022). Disappearing in Baja California: a hidden crisis. <https://web.archive.org/web/20230717181812/https://www.animalpolitico.com/analisis/organizaciones/blog-de-elementa/desaparecer-en-baja-california-una-crisis-escondida>

In July 2023, President López Obrador announced a "census" of disappeared persons on the grounds of apparent duplication of records and locations of persons still listed as disappeared in the RNPEDNO.<sup>35</sup> In this regard, this Movement expressed its concerns.<sup>36</sup>

Firstly, the CNB has informed the National Citizen Council that there is no room for duplication in the RNPEDNO, as there are filters for each new entry, which guarantees a single record per missing person, regardless of whether different authorities enter it, as verification is carried out manually, per person, avoiding the use of automatic methods so that spelling mistakes and homonyms do not lead to duplication of records. Presidential statements and current "census" policy contradict these safeguards.

Secondly, according to the testimonies of numerous colleagues who have already been visited by "census-takers", the "census" consists of a visit to the home of the disappeared person's relatives, in which more than one official comes to question and assert that the disappeared person received the COVID-19 vaccine during 2021-2022 (or another indication of location obtained from databases), which is why they visit the address to corroborate the person's return without the authorities having been notified. In all the testimonies we have received, the person is still missing. This methodology shows that:

- the authorities are not conducting any investigation, even preliminary, into the alleged matches between the vaccination register (or other official registers) and the RNPEDNO;
- there is no verification of the authenticity of the official records reviewed, no documentation supporting such records, and no authority responsible for collecting, documenting, archiving and cross-checking the information;
- Rather than an interview, it resembles a court appearance in which relatives are accused of concealing the whereabouts of their disappeared loved ones, which re-victimises and stigmatises the families;
- In the midst of a pre-election campaign, the president's statements seem to predict that the result of this "census" will be a decrease in the number of disappeared people, particularly during his administration;

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<sup>35</sup> A dónde van los desaparecidos, 9 June 2023, <https://www.zonadocs.mx/2022/11/21/graves-deficiencias-en-el-registro-de-personas-desaparecidas-en-jalisco/>; Reforma, 1 August 2023, <https://www.reforma.com/quieren-bajar-numero-de-desaparecidos-en-el-censo/ar2634733>; La Jornada, 1 August 2023, <https://www.jornada.com.mx/notas/2023/08/01/politica/la-cifra-de-desaparecidos-es-menor-proyecta-un-censo-en-proceso-amlo/?from=homeonline&block=ultimasnoticias>.

<sup>36</sup> Movimiento por Nuestros Desaparecidos en México, 31 July 2023, <https://movndmx.org/el-mndm-hace-un-llamado-a-las-autoridades-encargadas-de-actualizar-datos-del-rnpdno-ser-transparentes-y-documentar-debidamente-evitando-revictimizar-a-las-familias-de-personas-desaparecidas/>

- the RNPEDNO still does not include the many cases that have not been reported by families, which could be made visible through a real census targeting the entire population.

**Ensure the search for and investigation of disappearances in the context of migration, as well as the effective prosecution of these cases (recommendation paragraph 44).**

There is no immediate search plan to address migrant disappearances in Mexico. One year after the regulation of MAEBI, it still does not work and does not generate search plans or policies for the prevention of disappearances with a migration focus. The same happens with the comprehensive care for relatives, where the CEAV declares itself incompetent to provide care in the countries of origin, even for the repatriation of the identified bodies, where the responsibility for the expenses falls on the families, even when it is a question of reimbursement, there are no protocols to facilitate and speed up the payment. Medical, legal and psychological care is still not a priority for the authorities.

**On the effective operation of the Extraordinary Mechanism for Forensic Identification (MEIF), the National Centre for Human Identification and the regional centres (recommendation paragraph 65)**

Extraordinary Mechanism for Forensic Identification (MEIF)

Progress:

- Two teams of specialists have been set up and are carrying out field work in the state of San Luis Potosí. They carry out documentary analysis and multidisciplinary forensic reports.
- The MEIF has signed agreements with the states of Tamaulipas and Zacatecas (in addition to the agreement already signed with San Luis Potosí) for future forensic identification projects.
- The Mexican state has made two budgetary contributions to the MEIF. Since its installation in 2021, the MEIF has received some 67 million pesos.

Earnings:

- Almost two years after its installation, the MEIF has not identified a single person.
- Work in the state of Tamaulipas has been minimal. In the state of Zacatecas, work has not yet begun.

- The pace of progress against plan is very slow. With the reduction of staff in its Coordinating Group (from seven specialists to one), the speed of work will not increase.
- MEIF's institutional linkage is still very incipient. It has only managed to reach three agreements with prosecutors' offices. It has sent letters to all the prosecutors' offices but it is not clear what it will do in the absence of a response. This speaks to MEIF's lack of capacity to work with the prosecutors' offices and lack of political will on the part of the prosecutors' offices to work with MEIF.
- The human resources of the MEIF are still very incipient. The total staff of the MEIF is around 20 people. In general, they are people with very limited professional experience.
- Most of the recommendations of the external evaluation requested by UNFPA have not yet been implemented. The consultant's report does not provide supporting empirical evidence for many of its findings and recommendations. It is also unclear why these recommendations, made by a consultancy, are more accurate than the recommendations made by family collectives and other stakeholders. According to a former member of the Coordinating Group, "one might think that the changes were decided first and then an assessment was made to justify those decisions".
- The government's budgetary contributions do not form a predictable and regular pattern, which would have created and could re-create situations of economic uncertainty within the MEIF that could jeopardise its sustainability, permanence and consolidation.
- The transparency of MEIF information should be proactive, not based on requests from collectives, organisations, journalists and other actors.

#### Setbacks:

- Six of the seven people originally appointed to the MEIF Coordinating Group resigned or their contracts were not renewed by the United Nations Population Fund (UNFPA, the administering agency of MEIF).<sup>37</sup>
- Spaces for dialogue and participation in the implementation of the MEIF have diminished considerably. Despite our repeated attempts to build a regular and frank dialogue, MEIF recently informed us that it was withdrawing from the dialogue with the MNDM "because it had nothing more to contribute".
- There is still no effective accountability scheme for the MEIF: the National Search System has shown that it is not; the MEIF has no will to dialogue with the family

<sup>37</sup> One of the seven people made public their reasons for leaving: <https://www.imdhd.org/comunicacion/blog/el-mecanismo-extraordinario-de-identificacion-forense-un-proyecto-trunco/>



groups that promoted its creation, but neither does it generate dynamics or processes of rapprochement with other groups.

- The MNDM itself, which proposed and negotiated the MEIF with the Mexican state, no longer believes in the effectiveness, legitimacy and technical autonomy of the MEIF.

### Establishment of the National Centre for Human Identification (CNIH)

The government promoted a reform to the General Law on Disappearances to empower the CNB to carry out forensic work.<sup>38</sup> Article 21 of the Constitution was not reformed, which means that the CNB continues to be the exclusive authority of the forensic services for the custody, processing and identification of corpses, which is why the CNB requires the signing of collaboration agreements with the prosecutors' offices. The CNIH is an administrative unit of the CNB with "technical-scientific independence". A first incumbent was appointed and resigned in May 2023. Apparently there would be another person in charge of the office, but no public presentation and follow-up meetings have been convened.

Almost a year after its inauguration, and according to official information, the CNIH would have:

- Human resources: more than 100 people employed. It has five multidisciplinary technical teams: investigation and documentation of victims; recovery of unidentified deceased persons; post mortem analysis; forensic genetics; and confirmation of identifications.
- Financial resources: The CNIH's budget is part of the CNB's budget, but it is not clear what its budget is in 2023 and what its budget will be in 2024. According to a report by non-governmental specialists, "the current design of the budget programmes under its responsibility and the lack of transparency [of the CNB] make it impossible to know the proportion of the budget that will be used exclusively to provide resources to the most important bodies for the identification of bodies and human remains, such as the Extraordinary Mechanism for Forensic Identification (MEIF) and the National Centre for Human Identification (CNIH)".<sup>39</sup>

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<sup>38</sup> Diario Oficial de la Federación, 13 May 2022,

[https://www.dof.gob.mx/nota\\_detalle.php?codigo=5651985&fecha=13/05/2022#gsc.tab=0](https://www.dof.gob.mx/nota_detalle.php?codigo=5651985&fecha=13/05/2022#gsc.tab=0)

<sup>39</sup> Fundar, Centro de Análisis e Investigación, *Presupuesto y crisis forense en México. Opacidad e insuficiencia del presupuesto en materia de identificación forense*, 2022, page 1, [https://web.archive.org/web/20230717174742/https://fundar.org.mx/wp-content/uploads/2022/12/CrisisForense\\_PEF2023.pdf](https://web.archive.org/web/20230717174742/https://fundar.org.mx/wp-content/uploads/2022/12/CrisisForense_PEF2023.pdf)

- Technical resources and infrastructure: in addition to the aforementioned building and the implementation of its budget, there is an apparent agreement with US cooperation to provide it with equipment.

To date, the main activities of the CNIH would have been:

- 11 statewide reference sample collection days (i.e. from relatives of disappeared people): 2,222 reference samples, 889 life interviews, 822 family groups. Apparently, none of these 2,222 samples have been transformed into a genetic profile yet.<sup>40</sup>
- 25 requests to the National Electoral Institute for matching fingerprints obtained from unidentified deceased persons.<sup>41</sup>
- Drafting and signing of six collaboration agreements with state prosecutors' offices for the exchange of information and technical advice on forensic search.<sup>42</sup>

It is still pending:

- The CNIH has not yet made any identification.
- The authorities have not convened public meetings to report on the plans, resources and results (planned or achieved) by the CNIH.
- The CNB must issue CNIH guidelines, according to the General Law.
- The CNB and other government institutions should explain how they will guarantee the "technical-scientific independence" of the CNIH as an entity that has no institutional independence (it is completely dependent on the CNB). Numerous national and international human rights bodies have repeatedly recommended that Mexico guarantee the independence of all its forensic institutions.
- Clarity on the coordination of the CNIH with other forensic bodies.

### Regional and State Human Identification Centres

The only existing and functioning one is the Regional Centre for Human Identification in the state of Coahuila. As of 10 July 2023, this Centre would have achieved 65 identifications out of more than 860 bodies exhumed from various mass graves in the state of Coahuila.<sup>43</sup>

As far as state centres are concerned, there are other exercises, for example:

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<sup>40</sup> National Search Commission, "What is the National Human Identification Centre?", 2023, <https://comisionacionaldebusqueda.gob.mx/>.

<sup>41</sup> Ibid.

<sup>42</sup> National Search Commission, Oficio SEGOB/CNBP/DT/227/2023 in response to request folio 332163723000120, 2023.

<sup>43</sup> El Siglo de Torreón, 13 July 2023, <https://www.elsiglodetorreon.com.mx/noticia/2023/identifica-crih-65-cuerpos-de-desaparecidos.html>

- The State Centre for Human Identification of the Jalisco Institute of Forensic Sciences (IJCF), which became operational in 2023. Shortly before, the state's Citizen Search Council expressed that they had "half-hearted" information on the progress of the construction, budget, work plan and operation of the Centre.<sup>44</sup>
- The State Centre for Forensic Identification and Search of San Luis Potosí, inaugurated on 28 April 2022. However, months later it was unclear whether there really was an identification centre or merely a genetics laboratory. In addition, there were allegations of corruption in the equipment process.<sup>45</sup>
- Integral Unit of Forensic Medical Services of the Attorney General's Office of the State of Veracruz, located in the city of Nogales. This Unit concentrates the forensic identification work in the State of Veracruz.

Other state human identification centres are in various stages of construction:

- The Centre for Human Identification and Temporary Shelter in the state of Hidalgo is reportedly currently in partial operation.
- The Centro Estatal de Resguardo Temporal e Identificación Humana del estado de Colima, whose first stage of construction would have been completed by 13 June 2023.
- The Temporary Shelter and Human Identification Centre in the state of Sinaloa is nearing completion.
- The State Centre for Genetic Identification and Forensic Pantheon in the state of Sonora would start operating on 1 January 2024.

In some states, temporary holding centres for unidentified deceased persons have been built which are not linked to identification centres. According to data from the CNB, "by the end of 2023, there will be 18 Temporary Holding Centres located in 16 states: Baja California, Baja California Sur, Coahuila, Colima, Durango, Guerrero, Hidalgo, Jalisco, Michoacán, Morelos, Nayarit, Sinaloa, Sonora, Tamaulipas, Veracruz and Zacatecas" (some mentioned above because they include an identification centre).<sup>46</sup> The construction and use of temporary holding centres is a step forward because it attempts to prevent "second disappearances" (misplacement of bodies) but in itself is not a measure that results in greater speed or efficiency in forensic identification.

<sup>44</sup> UDGTV, 9 October 2022, <https://web.archive.org/web/20230717175010/https://udgtv.com/noticias/familias-y-expertos-con-informacion-a-medias-de-centro-de-identificacion-humana-en-jalisco/>

<sup>45</sup> Cortez, Edgar, *El Mecanismo Extraordinario de Identificación Forense: un proyecto trunco*, 2022, <https://web.archive.org/web/20230712215214/https://www.imdhd.org/comunicacion/blog/el-mecanismo-extraordinario-de-identificacion-forense-un-proyecto-trunco/>.

<sup>46</sup> National Search Commission, *What is the National Human Identification Centre*, 2023.

**Need to establish the operational and technical independence of forensic services and their human, material and technical resources (recommendation paragraph 65).**

Since the issuance of this Committee's recommendations, we have seen no efforts by the State to establish and guarantee the independence of forensic services.

In terms of resources, official data published in 2022 have revealed little capacity expansion:<sup>47</sup>

- There were 246 state amphitheatres and 2 FGR amphitheatres. This represents an increase of 4.4% over the previous year.
- The maximum storage capacity was 6,581 corpses and/or human remains in cold chambers and 4,576 in osteotanks.

Finally, according to the same source, in 2021, 89,157 bodies were admitted to the country's morgues. Of these, 8,738 were not identified, which represents 9.8%. This figure is very worrying because it indicates that approximately 8,738 bodies go to the mass grave every year. This is a very high figure which indicates, once again, that the accumulation of unidentified deceased persons could be much higher than 52,000.

According to the findings of a national diagnosis carried out by the FGR, there is a lack of adequate and optimal infrastructure for forensic evidence, as well as a lack of personnel in forensic specialities essential for the work to be carried out by forensic medical and expert services.<sup>48</sup> There are approximately 6,081 specialists involved in the treatment, identification and disposal of bodies and skeletal remains, the most numerous being criminalists (30.5%) and forensic doctors (25%). The same document recognised "a significant deficit in the number of specialists for the search and exhumation of corpses, such as archaeologists, of which there are only 12". The forensic services have only 52 physical anthropologists in the whole country.

**On coordination between institutions responsible for the identification of deceased persons (recommendation paragraph 67)**

On this recommendation, we have detected only two developments since the publication of the CED report.

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<sup>47</sup> Instituto Nacional de Estadísticas y Geografía (INEGI), Servicios Periciales, 2022,

[https://www.inegi.org.mx/contenidos/programas/cnpje/2022/doc/cnpje\\_2022\\_resultados\\_serv\\_per.pdf](https://www.inegi.org.mx/contenidos/programas/cnpje/2022/doc/cnpje_2022_resultados_serv_per.pdf)

<sup>48</sup> Office of the Attorney General of the Republic, *Strengthening the areas of forensic and expert investigation*, 2023,

[https://web.archive.org/web/20230719155502/https://www.gob.mx/cms/uploads/attachment/file/798881/6\\_Fortalecimiento.pdf](https://web.archive.org/web/20230719155502/https://www.gob.mx/cms/uploads/attachment/file/798881/6_Fortalecimiento.pdf).

According to public information, the CNB has led efforts to establish agreements and arrangements with various forensic services in the country (see recommendation 65). In recent months, the CNB has announced forensic cooperation agreements (information exchange, training, technology exchange, etc.) with six forensic services (see recommendation 65). The CNB also announced the creation of the "National Human Identification Network" with a number of forensic institutions. These announcements could be positive initiatives as there is a great need for coordination and collaboration between forensic institutions. However, there is no participatory dialogue or transparency about these initiatives: what are these agreements, what are the specific objectives, their members, their powers, their work plans and their results so far, among other questions.

The second development we have detected comes from a report by the National Electoral Institute (INE) on the cross-referencing of fingerprints with various prosecutors' offices for identification purposes.<sup>49</sup> As of 31 May 2023, INE has received 65,406 requests from 19 different institutions. Mostly from the National Security Commission and the CNB. To a lesser extent, from 17 state prosecutors' offices. This refers to fingerprints of 65,406 unidentified deceased persons. The INE has detected 19,181 "candidates". Of these candidates, 6,961 have been confirmed by specialised experts as matching fingerprints (between those registered by INE and those registered by the forensic services). INE has no further information on how many of these 6,961 "matches" have subsequently been confirmed by genetic analysis, after having located the families of these persons.

The use of fingerprints and INE's biometric database for identification purposes is a methodology that should be used more consistently and regularly because it certainly has the potential to identify many individuals. However, it would be important for the INE, the CNB, the prosecutors' offices and other institutions involved to clarify:

- Why have only 17 prosecutors' offices made use of the exchange of fingerprints with the INE, and why have the other 16 prosecutors' offices in the country not used this method?
- Why is it that, out of 65,406 applications, only 19,181 "candidates" were detected? We are aware that many unidentified deceased persons did not register their fingerprints with the INE (minors, foreign migrants, etc.) but these groups hardly represent such a large proportion of unidentified deceased persons in Mexico.

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<sup>49</sup> National Electoral Institute (INE), *Informe de los resultados de los Convenios para la identificación de personas a través del método de biometría y colaboración para la localización de personas desaparecidas*, 2023.

- Of the 19,181 "candidates", only 6,961 have been confirmed by expert opinion. What is the reason for this two-thirds reduction? Are prosecutors' offices carrying out too few expert opinions? Other reasons?
- INE claims to have no information from the prosecutors' offices of any corroborated identification of those 6,961 cases of fingerprint matches confirmed by expert opinion. Why have the prosecutors' offices not sent any confirmation to INE? Have they managed to identify any of those 6,961 people? What is the real success rate of this methodology in Mexico? Can this be an effective and large-scale methodology? Or will it only remain a case-by-case methodology?
- The variation in the "success rate" between institutions is striking. While the fingerprints sent to INE by the CNB have a "success rate" of 0.01%, the fingerprints sent by Baja California, Mexico City, Jalisco, Nuevo León and Tamaulipas have between 35% and 45% matches. What is the reason for this great disparity?

**On the creation of a National Forensic Data Bank, a national register of unidentified and unclaimed disappeared people and a national register of mass graves and clandestine graves; and the implementation of the Single Information Technology and Computer System (recommendation paragraph 68).**

In addition to being an obligation set out in the General Law, since October 2022 there has been a judicial resolution that obliges the FGR to implement the National Forensic Data Bank (BNDF) immediately.<sup>50</sup> According to the FGR, the BNDF would have started operating on 29 May 2023.<sup>51</sup> However, the CNB reported that only the BNDF guidelines came into effect on that day.<sup>52</sup> It is worrying that the State has not convened the families to explain in detail and clearly the status of the BNDF's creation process.

The CNB's Registry of Clandestine Graves, which gathers information from the FGR and the state prosecutors' offices, has been made public. However, the difficulty with this register is that, possibly due to the opacity of the prosecutors' offices, the relevant information on the place of discovery and date of location is not provided. Finally, as far as a Single Information Technology and Computer System is concerned, its existence is unknown.

<sup>50</sup> Centro Pro, *Ordena juez a FGR implementar el Banco Nacional de Datos Forenses en 40 días*, 19 de octubre de 2022, <https://centroprodh.org.mx/2022/10/20/ordena-juez-a-fgr-implementar-el-banco-nacional-de-datos-forenses-en-40-dias/>

<sup>51</sup> National Forensic Data Bank (BNDF), <https://bndf.fgr.org.mx/>

<sup>52</sup> Aristegui Noticias, 29 May 2023, <https://aristeguinoticias.com/2905/mexico/admiten-que-banco-nacional-de-datos-forenses-inicia-operaciones-hoy-sin-claridad/>

For persons identified but apparently "unclaimed" and whose bodies lie in mass graves throughout the country, the CNB has published a database called "Módulo de Fosas Comunes".<sup>53</sup> It keeps a register of deceased persons buried in mass graves in municipal cemeteries in Mexico. The Module, still under construction and expansion, has 21,019 records from information retrieved from cemetery books and archives on bodies, remains and burials in mass graves since 1956.

Of these 21,019 records, the identity of 11,625 persons is known (55.3%). Of the remaining 9,395 persons (44.7%), their identity is unknown. These figures raise the question of whether these 11,625 families were actually notified of the death and identification of their relative. It is possible that the prosecutors' offices have not done their job of notification with due diligence. On this issue it would be relevant for the CNB and the prosecutors' offices to report in a complete, transparent and regular manner how many families were effectively notified, how many were not, how many dignified restitutions have been carried out through this methodology (i.e. what has been the effectiveness of this methodology) and what are the plans for the future (including when the Module is expected to be completed at the national level), among other follow-up points.

**On the implementation of the National Forensic Data Bank ensuring its interoperability with other existing genetic profile banks in Mexico and in other countries (recommendation paragraph 69).**

In addition to what was reported in recommendation 68, although the BNDF website is already available, we have no confirmation that the Public Prosecutor's Offices are allowing family members to consult it. Although it is a database, we do not know its actual content, its design, its security measures, whether it has an algorithm that searches and compares the records against the *ante mortem* information of the investigation files, etc. The MNDM is concerned that the FGR and state prosecutors' offices transfer the responsibility to the families of searching through thousands of photographs and forensic data for the individualising features of their disappeared, that there is no protocol for attention in case of probable coincidence and that there is no certainty of traceability in the physical storage of the body. We are also concerned that there is no coordination with the forensic efforts of the CNB and the state search commissions, as the CNIH and the other human identification centres are also carrying out forensic identification and search work, making the BNDF and the National Genetic Information Base essential for finding matches at the national level.

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<sup>53</sup> National Search Commission, *Mass Graves Module*, updated 1 May 2023, <https://comisionacionaldebusqueda.gob.mx/modulo-de-fosas-comunes/>.

**Ensure that all unidentified deceased are buried in individual graves with detailed information and recorded in an operational database; ensure that they are not handed over to universities or other entities (recommendation paragraph 70).**

Despite the mandate of the General Law, it is known that the disposal of the bodies does not have a standardised protocol, that each State and each forensic medical service has its own procedure; even with the efforts of the International Committee of the Red Cross, there are still areas of opportunity and many omissions on the part of the competent authorities. With regard to the registration of data, despite the FGR's announcement, it has transpired with some families that the FGR has not yet completed the database of deceased persons and that the States have not standardised the database, which is why they are still working on the information within the FGR to be able to upload it into the database.

**On attacks against relatives of disappeared persons and the lack of effective protection and investigation (recommendations paragraphs 90 and 91)**

Aggressions against relatives of disappeared persons continue to increase. The following are the murders that have occurred since the publication of the CED report:

- Rosario Lilián Rodríguez Barraza, searching mother in Sinaloa and member of the collective "Corazones sin Justicia" (Hearts without Justice), 30 August 2022. She was looking for her son Fernando Abixahy Ramírez Rodríguez, disappeared since 16 October 2019.
- Esmeralda Gallardo was murdered in Puebla City on 4 October 2022. She was part of the collective "La voz de los desaparecidos" (The voice of the disappeared). She was looking for her daughter Betzabé Alvarado, 22 years old, last seen in January 2021.
- María del Carmen Vázquez was murdered on 6 November 2022 in the city of Abasolo, Guanajuato state. She was a member of the collective "Personas Desaparecidas de Pénjamo, Guanajuato". She had been looking for her son Osmar Zúñiga Vázquez since 14 June 2022.
- Teresa Mayegal was murdered in the town of San Miguel de Octopan, Guanajuato state, on 2 May 2023. She was a member of the collective "Una promesa por cumplir" (A promise to keep). She was looking for her son José Luis Apaseo, who disappeared in 2020.



In addition to murder, women seekers often suffer from various forms of attacks and intimidation.

Various national and international actors have recommended that the Mexican state strengthen the Protection Mechanism for Human Rights Defenders and Journalists. This Mechanism is still very weak in terms of personnel and budget to deal with the growing number of people requesting protection. It lacks differentiated and effective strategies to protect women seekers. The government has repeatedly announced its intention to promote a General Law in this area that would oblige state and municipal institutions to implement protection and attack prevention measures. But to date we have not seen any draft of such a law. We consider it somewhat naïve that such a serious situation can be solved or substantially improved with a legislative change.

Like the disappearance of persons, attacks against family members remain almost entirely unpunished. In some cases the authorities have announced arrests of alleged perpetrators, but almost never have they announced arrests of masterminds. Often the arrests are temporary, with no hard evidence to back them up in the judicial process.

**Ensure that all authorities act on the basis of clear criteria and in accordance with Article 24 of the Convention, to facilitate victims' participation and access to information in all processes related to their cases (recommendation paragraph 95).**

One of the pillars of the General Law is the joint participation of families of disappeared persons in its elaboration, implementation and eventual reform initiatives. Opportunities for effective and genuine participation have decreased in recent years.

- The 2022 reform to create the National Centre for Human Identification was not widely consulted.
- Since its creation, the National Centre for Human Identification has not provided spaces for adequate and genuine participation of families to discuss its plans, objectives, results, etc. The Extraordinary Mechanism for Forensic Identification was an initiative of the MNDM and was widely consulted in its elaboration phase, as well as in the first months of its management. However, in 2023, it decided to stop participating in a working group with this Movement because it had "no new contributions to make".
- In 2022 the government tried to reform the General Law to incorporate the concept of crimes against humanity. Again, we were not consulted. The initiative has or had significant shortcomings.

- In 2023 we learned in the media of a constitutional reform initiative to incorporate the right of every person to be sought. Again, we were not consulted. The initiative has or had significant shortcomings. These initiatives contain important deficiencies that, if they had been properly consulted, would not have been promoted.
- On 2 February 2023, the CNB issued a call for consultation on the preliminary draft of the Regulations of the General Law. The consultation methodology was only the completion of a Google form and the socialisation of the preliminary draft document. It was not a broad, informed, accessible and timely participatory process that would allow for the participation of families and for the authorities to seriously and deeply listen to the concerns and proposals of families and other interested actors. Since the closure of the consultation on 24 March 2023, no follow-up has been reported for a process of participatory construction of the regulations to the Law. Participation seems to have been considered only as a formal requirement to be fulfilled.
- To date, the FGR has not accepted any requests for dialogue to discuss its announcements of a National Forensic Data Bank (BNDF, mentioned above).

The government has stated that "the great challenge in a country with more than 112,000 people reported as disappeared is how to make effective the right to participation with everyone equally (...) It is not always possible to reach everyone. How do we reach 112,000 families for equal participation?<sup>54</sup> We consider that it is the State's obligation to create the necessary instances and spaces to maintain a permanent, effective and genuine dialogue with families. We recognise that this is a challenge, but this does not mean that it is impossible. Any attempt to reduce or eliminate spaces for participation with the argument that "we are many" is contrary to the General Law and is revictimizing.

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<sup>54</sup> Speech by the National Search Commissioner, Karla Quintana, at the public hearing before the Inter-American Commission on Human Rights, 9 March 2023, <https://www.youtube.com/watch?v=KjmhkPMtfVw>

### Chapter 3

#### Recommendations from the MNDM to the Mexican State

The information and analysis presented in this report allows us to conclude that the degree of implementation of the CED report on Mexico is still incipient. While there is some progress, which is acknowledged in this report, the vast majority of the recommendations are still at a low or very low level of implementation.

The CED is requested to re-emphasise the importance of complying with all the recommendations in its report, promptly and effectively, with concrete results, transparency and broad and genuine participation of families, accompaniers and experts. Compliance must be based on a national and inter-institutional strategy in which the authorities assume specific responsibilities and commitments, with deadlines, budgets and accountability.

We highlight below the main recommendations arising from this report:

#### **Emergency search (búsqueda en vida):**

- Strengthen the National Search System (CNB and state commissions) and ensure its effectiveness and accountability. Allocate the necessary human, technical and financial resources, not only through subsidies.
- ensure inter-institutional coordination and collaboration between commissions, prosecutors' offices and other institutions of the three levels of government to carry out immediate and effective searches, with clear results in terms of persons found and their circumstances, thus preventing short-term disappearances from becoming long-term disappearances.
- strengthen, strengthen and improve the RNPEDNO, giving full certainty over all its records, ensuring that any inclusion or removal of data is done with full transparency and accountability.
- eliminate, in practice, the 72-hour time limit for starting the search for persons classified as "unlocated".

#### **Forensic search:**

- reform traditional forensic services to provide the answers that the forensic crisis requires, such as the identification of more than 52,000 deceased persons.

- strengthen the forensic mandate of newly created forensic institutions, either through agreements between these institutions and prosecutors' offices or by reforming article 21 of the Constitution so that the functions of forensic services are shared among all existing institutions.
- ensure coordination and exchange of information between all institutions that have a mandate or relevant information to carry out identifications
- implement all the forensic instruments outlined in the General Law (mentioned earlier in this report) with transparency, participation of families, accompanying persons and experts.
- implementing international standards and protocols, such as the Minnesota Protocol.

#### **Justice:**

- transform the prosecutors' offices, renew personnel, strengthen budgets and technical resources to achieve greater resolution of cases of enforced disappearances and disappearances by private individuals, bringing all those responsible to justice and enabling the clarification and prevention of disappearances.
- ensure coordination and collaboration between prosecutors' offices, search commissions and other institutions to achieve an expeditious and effective investigation of all disappearances.
- review the criminalisation of related crimes (kidnapping, trafficking, disappearance by private individuals) with the support of context analysis as a tool for macro-investigation of the involvement of authorities with criminal groups in the disappearance of persons.
- investigate all attacks against relatives of disappeared persons, determining the criminal responsibilities of the perpetrators, regardless of their status as authorities or private individuals.
- guarantee the life and integrity of justice operators so that they can carry out their work without fear of reprisals.

#### **Protection:**

- rethink, together with the victims and experts, the transformation and/or strengthening of the Protection Mechanism for Human Rights Defenders and Journalists so that it allows us to continue our search work without putting our lives at risk.
- ensure the implementation of protection measures by all responsible authorities.

#### **Participation:**

- create and deepen spaces for regular and meaningful participation of families as a transversal axis of public policies on disappearances, both to guarantee the right earned and contained in the General Law, and to promote transparency and take advantage of the knowledge and experience in various areas where families can contribute relevant elements for decision-making and institutional strengthening.
- refrain from promoting legal or institutional reforms without prior consultation with families, accompanying organisations and experts.

## Annex 1

The MNDM is an articulation of 85 collectives of relatives of disappeared persons located in 21 states of the Mexican Republic and in three Central American countries: Guatemala, Honduras and El Salvador. The MNDM was founded in 2015 with the main objective of promoting the drafting and approval of a General Law on disappearances.

The following collectives articulated in the MNDM wish to explicitly endorse this report:

- Agrupación de Mujeres Organizadas por los Ejecutados, Secuestrados y Desaparecidos de Nuevo León (AMORES)
- Amor, esperanza y lucha, Zacatecas
- Ángeles de pie por ti
- Armadillos Rastreadores Ensenada
- Asociación Comité de Familiares Migrantes Fallecidos y Desaparecidos el Salvador (COFAMIDE)
- Asociación Unidos por los Desaparecidos A.C.
- Buscadoras Guanajuato
- Buscadoras Huatabampo, Sonora
- BUSCAME (Buscando Desaparecidos México)
- Buscando a Nuestros Desaparecidos y Desaparecidas en Veracruz
- Buscándote Con Amor Estado de México
- Búsqueda Colectiva Coatzacoalcos Zona Sur
- Búsqueda de Familiares Regresando a Casa Morelos, A.C.
- Caminando por los ausentes de Tamaulipas
- Comité de Familiares de Migrantes Desaparecidos del Centro de Honduras (Cofamicenh)
- Comité de Familiares de Migrantes Desaparecidos Amor y Fe (Cofamideaf)
- Colectivo Alondras Unidas en Búsqueda y Justicia de Nuestros Desaparecidos
- Colectivo BCS Sin Ellos No
- Colectivo Colibrí
- Colectivo Buscando el camino hacia ti, A.C.

- Colectivo de esposas y familiares de agentes de seguridad estatales desaparecidos por los militares en Culiacán en 1977
- Colectivo de Familiares y Amigos Desaparecidos en Tamaulipas
- Colectivo 21 de Mayo
- Colectivo Familias Unidas en contra de la Impunidad
- Colectivo justicia y esperanza de San Luis de la Paz, Guanajuato
- Colectivo Madres en Búsqueda Belén González
- Colectivo Solecito Veracruz A.C.
- Comité Familias Unidas de Chiapas Buscando a Nuestros Migrantes Desaparecidos "Junax Ko'tantik"
- De Frente Hasta Encontrarte A.C.
- Desaparecidos Justicia AC Querétaro
- Deudos y Defensores por la Dignidad de nuestros Desaparecidos.
- Familia Desaparecidos Orizaba - Córdoba
- Familiares Caminando por Justicia
- Familiares en búsqueda María Herrera Poza Rica Veracruz
- Familias De Acapulco en Busca de sus Desaparecidos A.C.
- Familias unidas en busca de una esperanza Zacatecas
- Familias Unidas por la Verdad y la Justicia
- Fuerzas Unidas por Nuestros Desaparecidos En Nuevo León
- Fundación Girasoles Encontrados
- Fundación Mónica Alejandrina por los Derechos Humanos
- Familias Unidas por Nuestros Desaparecidos Jalisco (FUNDEJ)
- Fuerzas Unidas por Nuestros Desaparecidos en Coahuila (FUUNDEC)
- Fuerzas Unidas por Nuestros Desaparecidos en México (FUUNDEM)
- Guerreras Buscadoras de Cajeme
- Guerreras buscadoras de Sonora
- Guerreras en busca de nuestros tesoros, A.C.
- Hasta encontrarte
- Independientes de Jalisco
- Juntos por Hidalgo
- Justicia y Dignidad Veracruz

- Las Rastreadoras del Fuerte
- Madres en búsqueda Coatzacoalcos
- Madres unidas por nuestros hijos San Fernando
- Oaxaqueños buscando a los nuestros, A.C.
- Mariposas Destellando Buscando Corazones y Justicia Nacional
- Por Amor a Ellxs
- Proyecto de Búsqueda
- Por Amor te busco
- Rastreadoras de Cabo San Lucas
- Rastreadoras de Ciudad Obregón
- Rastreadoras de Los Mochis Uniendo Familias
- Rastreadoras por La Paz de Sinaloa A.C.
- Rastreadores Fe y Esperanza de Los Mochis
- Rastreadores Independientes de Culiacán Sinaloa
- Red de desaparecidos Tamaulipas (REDETAM)
- Red de madres buscando a sus hijos Veracruz
- Red Nacional de Enlaces (Nacional y CDMX)
- Red de Eslabones por los Derechos Humanos (Nacional y CDMX)
- Red Eslabones por los Derechos Humanos Estado de México
- Sabuesos Guerreras A.C.
- Sabuesos Guerreras A.C. Ext. Oaxaca
- Siguiendo Tus Pasos
- Tesoros perdidos hasta encontrarlos Mazatlán A.C.
- Tesoros perdidos. Hasta encontrarlos, A.C.
- Una nación buscando T
- Una promesa por cumplir
- Unidas por Amor A Nuestros Desaparecidos
- Unidas por el dolor
- Unidos por la Paz Veracruz
- Uniendo Corazones de Culiacán, Sinaloa
- Uniendo Cristales A C.
- Uniendo Esperanzas Estado de México



- Unión de Madres con Hijos Desaparecidos de Sinaloa, años 70s
- Víctimas de la guerra sucia de los años 70
- Voces unidas por la vida y la dignidad humana
- Voz de los Desaparecidos en Puebla
- Zacatecanas y Zacatecanos por la paz

The following Mexican civil society organisations are accompanying the MNDM and are also signatories to this report:

- Centro de Colaboración Cívica (CCC) en su rol de facilitador
- Centro de Justicia para la Paz y el Desarrollo (CEPAD)
- Data Cívica
- Fundar, Centro de Análisis e Investigación A.C.
- Instituto Mexicano de Derechos Humanos y Democracia (IMDHD)
- Servicios y Asesoría para la Paz (SERAPAZ)
- Voces Mesoamericanas, Acción con Pueblos Migrantes A.C.

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