

Report of the Movimiento por Nuestros Desaparecidos en México (Movement for Our Disappeared in Mexico, MNDM) in the context of the Universal Periodic Review of Mexico (fourth cycle, 2024)
(Original in Spanish)

12 July 2023

The MNDM is an articulation of 85 collectives of relatives of disappeared people 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 elaboration and approval of a General Law on disappearances.

The following groups, all members of the MNDM, sign and 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 AC
- 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 Fallecidos y Desaparecidos de El Salvador (Cofamide)
- 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 AC
- 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
- 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 AC
- 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)
- 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 organizations are accompanying the MNMD and are also signatories to this report:

- Centro de Colaboración Cívica (CCC) in its role as facilitator
- 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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1. Overview of the disappearance crisis

According to official sources, there are 109,838 people reported disappeared or missing in Mexico.¹ Of these, 95,768 are disappeared and 14,070 are missing. Of the disappeared people, it is impossible to know how many have been victims of enforced disappearance and how many are considered by the authorities to have been victims of other crimes, since investigations are extremely deficient and impunity is almost total (as will be discussed below).

Ninety-eight percent of the disappearances have occurred since 2006, the year in which the Mexican government declared the "war on drugs" with heavy military deployment in public security tasks. The people who have disappeared since before 2006 are mostly those who suffered enforced disappearances during the so-called "dirty war" of the 1960s, 1970s and 1980s. The State has maintained that the figure amounts to 797 people. Social organizations estimate around 1,350 people disappeared during this period.²

The current trend continues to be worrisome. According to official figures, the first quarter of 2023 saw a 13% increase over the first quarter of 2022 (2635 and 2320, respectively).³



Despite the seriousness of these figures, there is significant underreporting of disappearances. Many families have not yet reported for fear of reprisals by the perpetrators. Institutions have significant deficiencies in their databases and provide late and incomplete information. For example, in March 2022, the Jalisco State Prosecutor's Office and Search Commission "updated" the status of 1,107 records, arguing that those persons had been "located" or that the records were "duplicated".⁴ To date, the institutions have not presented documentation proving the location (alive or dead) of these people. Recently, the state governor acknowledged that his government had not updated the data in the National

¹ National Register of Disappeared or Missing People as of May 18, 2023.

² Working Group on Enforced or Involuntary Disappearances, Report of visit to Mexico, 2011, p. 13.

³ National Register of Missing or Unaccounted for Persons as of May 18, 2023.

⁴ ZonaDocs, March 30, 2022, <https://www.zonadocs.mx/2022/03/30/denuncian-colectivos-manipulacion-de-estadisticas-de-desaparicion-por-parte-de-gobierno-de-jalisco/>; Telediario, May 25, 2022, <https://www.telediario.mx/comunidad/alfaro-asegura-corregiran-registros-personas-desaparecidas>.

Registry since 2022.⁵

Of the disappeared people, the majority are men (75%). However, if we look at the situation of adolescents, the situation is reversed. Seventy percent of the people between 12 and 18 years of age who suffer disappearances are women. This suggests a gender-specific vulnerability: a large number of adolescents disappear simply because they are women.⁶

Various Mexican government institutions, including the Presidency of the Republic, have repeatedly recognized the serious crisis that the country is experiencing in terms of enforced disappearances and disappearances by private individuals. This approach was very noticeable during the first year of government (2019). Since then, inter-institutional and high-level political will has declined. Currently, at the federal level, the Undersecretary of Human Rights of the Ministry of the Interior is practically the only institution that continues to prioritize this crime. In general, public recognition of the problem has not translated into effective and coordinated public policies to search, investigate, seek justice, attend to victims and prevent or eradicate disappearances.

The *General Law on Enforced Disappearance of Persons, Disappearance Committed by Private Parties and the National Search System* (hereinafter, General Law) constitutes the main legal and institutional framework that organizes the state response to this crisis. It is a roadmap that all institutions involved should respect and implement urgently and completely to begin to reverse the situation. It has been in effect since 2018. This report presents an analysis of the degree of implementation of the General Law, among other challenges related to the crisis of disappearances.

2. The search for disappeared people

The General Law established the creation of the National Search System, which was effectively installed in 2019. Search commissions have been created in all states and in the federal government. However, most of them do not yet have the human, technical and budgetary resources to search for and find all the people who have disappeared.

In terms of personnel, "one out of every three search commissions operates with less than ten people; two are single-person commissions".⁷ The low staffing levels make it practically impossible to carry out effective work. For example, according to journalistic information, the Search Commission of the state of Colima would have "nine agents dedicated to the search of more than 1,700 disappeared people".⁸ This is a generalized situation in most states.

The budget allocated to the search commissions is generally insufficient and uncertain. The budget for the National Search Commission grew significantly in 2020, but has since stopped growing. The budget for 2023 is 198 million pesos. In parallel, the budget available to give, by way of subsidy, to the state search commissions has increased significantly (811 million pesos in 2023) but we have observed the recurring problem that many commissions return

⁵ Meganoticias, May 10, 2023, <https://www.meganoticias.mx/guadalajara/noticia/registro-nacional-de-desapariciones-sin-actualizar-por-irregularidades-asegura-alfaro/422816>

⁶ National Register of Disappeared or Missing People as of May 18, 2023. Women between the ages of 12 and 18 who have been missing or unaccounted for: 58,728. Males between the ages of 12 and 18 who have been missing or unaccounted for: 24,230.

⁷ Animal Político, November 8, 2022, <https://www.animalpolitico.com/sociedad/comisiones-busqueda-personas-pocos-funcionarios>.

⁸ Revista Proceso, May 14, 2023, <https://www.proceso.com.mx/nacional/2023/5/14/madres-buscadoras-de-colima-demandan-mas-recursos-para-investigaciones-307007.html>

their subsidies because they are unable to exercise them.⁹ In theory, each commission could receive about 25 million pesos, on average. This amount is small for the number of people to be sought.

The limited institutional capacity to search for disappeared people is aggravated by the lack of coordination and inter-institutional collaboration between search commissions and prosecutors' offices. The National Search Commission has recognized that "one of the strongest problems comes from the practices of the prosecutors' offices themselves. If the search for persons is not dealt with in a coordinated manner, it will be difficult to combat this crisis".¹⁰ The prosecutor's offices have a monopoly over various procedures, such as requesting lists of calls made from cell phones, geolocation coordinates of cell phones and search warrants for public or private property. The Committee against Enforced Disappearances (CED) observed the "absence of an integral strategy for the development of searches and investigations, despite the instructions to promote the use of this type of strategy contained in the homologated protocols".¹¹

Although the Homologated Search Protocol and the Homologated Investigation Protocol for the Crimes of Enforced Disappearance and Disappearance Committed by Private Individuals have been created, they are not linked to each other and do not require inter-institutional coordination. There is no public information on the degree of implementation of both protocols and on the results they have achieved in terms of searches and findings of disappeared people.

The National Registry of Disappeared and Missing People is, according to the CED, "the only functioning registry of those provided for by the General Law". It is an important tool with many qualities but also with limitations and room for improvement:¹²

- In its public version, it does not provide access to the data in open format, which prevents the families of the victims and any interested person from using the Registry as a search tool;¹³
- Certain sectors of victims are particularly invisible, such as LGBT+ persons (less than 1% of registered cases include information on the victim's gender identity and sexual orientation) and migrants (only 152 registered cases).¹⁴
- 13580 records are undated;
- There is "resistance from various institutions to register or share information": "although there is a 99.98% of capture of the variable on the "name of the disappeared person", 100% in the "sex", 92.67% in the "age" and 92.59% in the "place of disappearance"; the percentage of capture of the variable of the "crime" is equivalent to 16.11% of the total records of disappeared persons".¹⁵ In particular, the

⁹ Animal Político, November 7, 2022, <https://www.animalpolitico.com/sociedad/pese-crisis-desapariciones-comisiones-no-usan-recursos>.

¹⁰ Swiss Info, August 30, 2021, <https://www.swissinfo.ch/spa/d/C3%ADa-de-desaparecidos-m%C3%A9xico--previsi%C3%B3n-la-b%C3%BAsqueda-de-desaparecidos-en-m%C3%A9xico-choca-con-el-desd%C3%A9n-de-las-fiscal%C3%ADas/46907826>.

¹¹ Committee on Enforced Disappearances, *Report on the visit to Mexico*, April 12, 2022, p. 14.

¹² A dónde van los desaparecidos, May 19, 2022, <https://adondevanlosdesaparecidos.org/2022/05/19/registro-contador-desapariciones-mexico/>.

¹³ Fundar, Centro de Análisis e Investigación, July 15, 2020, <https://fundar.org.mx/necesario-publicar-metodologia-y-base-de-datos-en-formato-abierto-del-registro-nacional-de-personas-desaparecidas-y-no-localizadas-como-mecanismo-de-transparencia-verificacion-y-rendicion-de-cuentas/>.

¹⁴ Only one group of organizations has documented 963 cases of missing Honduran migrants, all presumably in Mexico. Source: Foundation for Justice and the Democratic Rule of Law, March 29, 2023, <https://www.fundacionjusticia.org/grupo-de-trabajo-sobre-desapariciones-forzadas-o-involuntarias-de-naciones-unidas-gtdfi-se-reune-con-familias-de-personas-migrantes-hondurenas-desaparecidas-en-mexico/>.

¹⁵ National Register of Disappeared or Missing People, <https://versionpublicampdno.segob.gob.mx/Dashboard/Boletin>

crime of "enforced disappearance" is little recognized: from the 1960s, 1970s and 1980s (the so-called "dirty war"), there are 975 records, but only 150 are for the crime of enforced disappearance (the rest are for other crimes).

A recent announcement by President López Obrador indicated that the government is preparing a "census" on disappeared people, prompting speculation that a government initiative may attempt to manipulate and reduce the number of disappeared people in order to downplay the seriousness of the problem.¹⁶

In March 2023 the National Search Commission published the National Search Program for Disappeared and Missing People. While its contents represent a step forward, it will be important to be able to verify the concrete and measurable impact of this program in the short and medium term.

To date, there has been no comprehensive accountability exercise of the National Search System. No one knows how many people each search commission has found, under what circumstances, in what ways and to what extent they have been found by the actions of the commissions, other institutions, families or individuals in solidarity.

3. Almost absolute impunity

According to official data, there are only 36 convictions for the crime of enforced disappearance in Mexico: 18 federal sentences and 18 common law sentences.¹⁷ A subsequent investigation, also based on official data, updated the number of federal sentences to 33 (15 more sentences than previously reported).¹⁸ Beyond the slight disparity in figures, we can affirm that impunity is practically absolute.

The key to this backlog is found, mainly, in the prosecutors' offices. According to information provided by the State to the CED, "only a minimal percentage of the cases of disappearance of persons, between 2% and 6%, had been prosecuted".¹⁹ The vast majority of the complaints are never brought before a judge due to the lack of investigation by the Public Prosecutor's Office. For example, the Attorney General's Office, which is responsible for investigating the disappearance of 2,635 people, only judicialized 30 files between 2018 and 2022.²⁰ According to an independent investigation, based on official figures, less than a third of the cases reported in the National Registry of Disappeared and Missing People between 2018 and 2020 had an associated investigation file.²¹

The causes of impunity are diverse, deep and long-standing: lack of political will, from the highest hierarchical levels, to order independent, prompt and complete investigations (especially if powerful actors are involved, such as the Armed Forces or organized crime

¹⁶ A dónde van los desaparecidos, June 9, 2023,

<https://adondevanlosdesaparecidos.org/2023/06/09/amlo-anuncia-nuevo-censo-confiable-sobre-personas-desaparecidas/>

¹⁷ Committee on Enforced Disappearances, *Report on the visit to Mexico*, April 12, 2022, p. 25; Where the Disappeared Go, June 28, 2022, <https://adondevanlosdesaparecidos.org/2022/06/28/desaparicion-forzada-pocas-sentencias-penas-minimas-y-silencio-sobre-paradero-de-victimas/>.

¹⁸ México Evalúa, July 21, 2022, https://www.mexicoevalua.org/solo-33-sentencias-federales-por-desaparicion-forzada-en-mas-de-20-anos/#_ftn4.

¹⁹ Committee on Enforced Disappearances, *Report on the visit to Mexico*, April 12, 2022, p. 5.

²⁰ Attorney General's Office, August 30, 2021, <https://www.gob.mx/fgr/prensa/comunicado-fgr-341-21-fgr-informa>; La Jornada, January 23, 2023, <https://www.jornada.com.mx/2023/01/23/politica/003n1pol>.

²¹ Washington Office on Latin America (WOLA), August 23, 2021, <https://www.wola.org/es/2021/08/miles-desapariciones-mexico-no-han-sido-investigadas-segun-preve-ley-general/#:~:text=M%C3%A1s%20de%2090,000%20personas%20remain,beings%20wanted%20and%20of%20justice.>

groups); corruption; collusion between criminals and officials who should be responsible for investigating; shortage and high turnover of personnel; lack of budget; lack of personnel properly trained in investigative tasks; lack of context analysis and fragmentation of investigations; etc.

The General Law on Disappearances mandated the creation of specialized prosecutors' offices throughout the country. According to CED, "only some states have specialized prosecutors' offices (Coahuila, Guerrero, State of Mexico, Nayarit, San Luis Potosi, Tamaulipas and Veracruz), while others have categorized them in a way that does not correspond to the organic structure and attributions established in the General Law (Baja California, Jalisco and Sonora). In addition, the specialized prosecutors' offices, in general, do not have the financial, material and human resources necessary to fulfill their functions. This situation is very worrisome since it impedes the effective and personalized follow-up of the search and investigation processes".²² By way of example, we can indicate that each agent of the Public Prosecutor's Office of the common jurisdiction initiates, on average, 149 investigation files (dossiers) per year.²³ With this workload, it is not surprising that impunity is almost absolute. In addition, there is a high turnover rate of prosecutors in the prosecutor's offices, which makes continuity of work even more difficult. Another factor is that investigations tend to be approached individually, without a contextual analysis that links cases and can contribute to massive modus operandi searches.

The General Law also provided for the adoption of a Homologated Investigation Protocol (already mentioned), which is deficient and was elaborated without the participation of families, organizations or independent experts. In 2022 the Attorney General's Office and the government promoted a regressive reform of the Organic Law of the Attorney General's Office which has not demonstrated any improvement in the performance of the institution.

4. The forensic identification crisis

According to official data collected through requests for access to public information, as of August 31, 2020, there were 52,004 unidentified deceased persons in Mexico.²⁴ Sixty percent of these unidentified deceased persons lie in mass (collective) graves in public cemeteries. In 2021 alone, forensic institutions received 92,590 corpses and/or human remains. Between 8738 and 10601 deceased persons remained unidentified.²⁵ This suggests that the cumulative number of unidentified deceased persons is currently much higher than 52,004.

Further indications that the current number of unidentified deceased is much higher than 52,004 are the new figures reported by some forensic services:

- Quintana Roo: as of August 31, 2020 reported 516 unidentified deceased persons. As of February 13, 2023 it reported 780.²⁶

²² Committee on Enforced Disappearances, *Report on the visit to Mexico*, April 12, 2022, p. 15.

²³ El Norte, October 21, 2022,

https://www.elnorte.com/aplicacioneslibre/preacceso/articulo/default.aspx?_rval=1&urlredirect=https://www.elnorte.com/atien-e-cada-agente-del-mp-149-casos-al-ano/ar2490546?v=3&Fuente=MD&referer=-7d616165662f3a3a6262623b727a7a7279703b767a783a-

²⁴ Movimiento por Nuestros Desaparecidos en México, *La crisis forense en México. Más de 52,000 personas fallecidas sin identificar*, 26 de agosto de 2021, <https://movndmx.org/mas-de-52-mil-personas-fallecidas-sin-identificar-en-mexico/>

²⁵ National Institute of Statistics and Geography (INEGI), April 5, 2023,

https://www.inegi.org.mx/contenidos/programas/cnpje/2022/doc/cnpje_2022_resultados_serv_per.pdf.

²⁶ Por Esto!, February 13, 2023, <https://www.poresto.net/quintana-roo/2023/2/13/existen-780-cuerpos-sin-reconocer-en-quintana-roo-fge-371128.html>.

- Guanajuato: as of August 31, 2020 had reported 818 unidentified deceased persons. In June 2023 the total was 1654.²⁷

The prosecutors' offices, on which almost all the ordinary forensic services depend, have shown very little interest or capacity to confront the crisis. The regressive reform of the Organic Law of the Attorney General's Office (mentioned above) aggravated the dependence of forensic services on the Public Prosecutor's Office. In general, the budget allocated to the forensic sector is minimal: in 2018 the prosecutor's offices allocated only 3% of their budgets to the forensic sector, which includes many other tasks besides human identification.²⁸ The Attorney General's Office allocated less than 1% of its budget to its forensic service, the General Coordination of Forensic Services, in 2021.²⁹ The federal government's aid fund to state governments for public security allocated, in 2022, only 7% to forensic work.³⁰

Some Mexican state institutions have repeatedly recognized the crisis Mexico is experiencing in the area of forensic identification. Some state, regional and national forensic identification centers have been created, as well as an Extraordinary Mechanism specialized in the matter. To date, these institutions have yielded minimal concrete results in terms of identification.

The General Law on Disappearances has established several forensic obligations for the Attorney General's Office: to create the National Forensic Data Bank, the National Registry of Mass and Clandestine Graves, the National Registry of Unidentified and Unclaimed Deceased Persons and the National Exhumation Program. To date, none of these tools have been created. According to the Attorney General's Office, the National Forensic Data Bank would have come into effect on May 29, 2023, but it has refused to provide more information on the subject.³¹

In January 2023, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions paid an unofficial visit to Mexico. Despite meeting with federal authorities and offering technical assistance to help address the forensic crisis, to date the Mexican government has not extended an official invitation to visit the country.

5. Attacks against relatives of disappeared people

Attacks against relatives of disappeared people have increased in recent years. Mostly, the attacks are against searching mothers, in an attempt to stop or make our struggle more difficult. Below we mention the murders that have occurred since Mexico's third UPR review (November 2018):

- Zenaida Pulido Lomera, murdered in the state of Michoacán on July 22, 2019. She had been looking for her husband since 2002.

²⁷ Official information provided to the Platform for Peace and Justice in Guanajuato.

²⁸ Observatorio Nacional Ciudadano de Seguridad, Justicia y Legalidad, *Desapariciones Forzadas e Involuntarias. Crisis institucional forense y respuestas colectivas frente a la búsqueda de personas desaparecidas*, September 2020, p. 17, https://onc.org.mx/public/rednacionaldeobservatorios/public/onc_site/uploads/digital-dfi-fasc3.pdf.

²⁹ Fundar, Centro de Análisis e Investigación, *Presupuesto y crisis forense en México*, December 1, 2022, p. 3-4, <https://fundar.org.mx/publicaciones/presupuesto-y-crisis-forense/>.

³⁰ Fundar, op. cit, p. 6.

³¹ Diario Oficial de la Federación, May 11, 2023,

https://dof.gob.mx/nota_detalle.php?codigo=5688420&fecha=11/05/2023#gsc.tab=0; Aristegui, May 29, 2023, <https://aristeginoticias.com/2905/mexico/admiten-que-banco-nacional-de-datos-forenses-inicia-operaciones-hoy-sin-claridad/>.

- Maria Del Rosario Zavala was murdered in the City of Leon, Guanajuato state, on October 14, 2020. Since December 2019, Maria del Rosario had been searching for her son Yatziri Misael Cardona Aguilar aged 16 at the time of his disappearance.
- Francisco Javier Barajas Piña was murdered on May 29, 2021 in the municipality of Salvatierra, Guanajuato state. He had been looking for his sister Guadalupe Barajas since February 2020, who was later found in a clandestine grave. But Francisco Javier continued to support family members who still could not find their loved ones.
- Gladys Aranza Ramos, was murdered in Guaymas, Sonora, on July 15, 2021. She had been looking for her husband, Bryan Omar Celaya, since December 6, 2020.
- José Nicanor Araiza Dávila was found murdered on July 22, 2021 in the state of Zacatecas. He was looking for his son, José Nicanor Araiza Hernández, who had been disappeared since September 30, 2018.
- Ana Luisa Garduño Juárez, murdered in Temixco, Morelos, January 28, 2022 (her daughter had been a victim of femicide in 2012). Ana Luisa was accompanying families of disappeared people.
- Rosario Lilián Rodríguez Barraza, mother searcher in Sinaloa and member of the collective "Corazones sin Justicia", August 30, 2022. She was looking for her son Fernando Abixahy Ramirez Rodriguez, disappeared since October 16, 2019.
- Esmeralda Gallardo was murdered in Puebla City on October 4, 2022. She was part of the collective "La voz de los desaparecidos". She was looking for her daughter Betzabé Alvarado, 22, last seen in January 2021.
- María del Carmen Vázquez was murdered on November 6, 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 June 14, 2022.
- Teresa Mayegal was murdered in the town of San Miguel de Octopan, Guanajuato state, on May 2, 2023. She was a member of the collective "Una promesa por cumplir". She was looking for her son José Luis Apaseo, who disappeared in 2020.

In addition to murders, women searchers often suffer other forms of attacks and intimidation. In general, we do not report aggressions because for us it is important to keep searching and because we have little confidence in the authorities and little hope of receiving any kind of protection.

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 attend to 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 on this matter 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 in almost absolute impunity. In some cases the authorities have announced arrests of alleged perpetrators, but almost never have they announced arrests of intellectual authors. Often the arrests are temporary, with no hard evidence to support them in the judicial process.

6. Public safety policy

The public security crisis that Mexico has experienced since at least 2006 has been addressed with policies that have not addressed the root causes (e.g. impunity), have not reduced the levels of violence and insecurity and, on the contrary, have caused an escalation in human rights violations, including enforced disappearances.³²

The implementation of public security policies has been characterized by the massive deployment of the Armed Forces in citizen security tasks and the weakening of civilian police forces, including the penetration of organized crime, the lack of trained personnel and the lack of an adequate budget, among other factors. Both the Armed Forces and civilian police institutions lack effective internal and external controls. Accountability is rare, particularly for the former. Sentences against military personnel for human rights violations are minimal.³³

7. Right to participate

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

- The reform carried out in 2022 to create the National Human Identification Center was not widely consulted.
- Since its creation, the National Center for Human Identification has not provided spaces for adequate and genuine participation of the families to discuss its plans, objectives, results, etc. The Extraordinary Forensic Identification Mechanism 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 table with this Movement because it had "no new contributions to make".
- In 2022, the government attempted to reform the General Law to incorporate the concept of crimes against humanity. Again, we were not consulted. The initiative has or had important deficiencies.
- In 2023, we learned through the media of a constitutional reform initiative to incorporate the right of every person to be searched. Again, we were not consulted. The initiative has or had important deficiencies. These initiatives contain important deficiencies that, had they been adequately consulted, would not have been promoted.
- On February 2, 2023, the National Search Commission issued a call for consultation on the preliminary draft of the Regulations of the General Law. The consultation methodology was only the filling out of a Google form and the socialization of the preliminary draft document. It was not a broad, informed, accessible and timed participatory process that would allow the participation of families and the serious and deep listening, by the authorities, of the concerns and proposals of families and other stakeholders. Since the closing of the consultation on March 24, 2023, no follow-up has been reported for a process of participatory construction of the regulations to the

³² México Unido contra la Delincuencia, *La militarización de la seguridad pública*, <https://www.mucd.org.mx/militarizacion/la-militarizacion-de-la-seguridad-publica/>; Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, *Entre la brutalidad y la impunidad. Los crímenes atroces cometidos al amparo de la seguridad militarizada (2006-2018)*, <https://www.cmdpdh.org/publicaciones-pdf/cmdpdh-entre-la-brutalidad-y-la-impunidad.pdf>; Storr, Samuel, *¿Han mejorado las prácticas del Ejército mexicano en materia de los Derechos Humanos?*, January 9, 2023, <https://seguridadyiviabilidad.iberomexico.mx/2023/01/09/han-mejorado-las-practicas-del-ejercito-mexicano-en-materia-de-los-derechos-humanos/>

³³ Miguel Agustín Pro Juárez Human Rights Center, *Poder militar. La Guardia Nacional y los riesgos del renovado protagonismo castrense*, June 2021, https://centroprodh.org.mx/wp-content/uploads/2021/06/Informe_Poder_Militar.pdf

Law. Participation seems to have been considered only as a formal requirement to be fulfilled.

- To date, the Attorney General's Office has not accepted any request for dialogue to discuss its announcement of a National Forensic Data Bank (mentioned above).

The normative framework of the General Law is not yet in force, in a complete and uniform manner, throughout the country. According to the National Citizen Council of the National Search System, there are 11 states in which local laws have not been homologated with the contents of the General Law.³⁴ Only 17 states have a Special Declaration of Absence Law. Even in these states, access to this legal figure is limited and the legal effects are little known by lawyers, public prosecutors, judges and other institutions. A recent reform of the National Code of Civil and Family Procedures allowed the incorporation of this figure, which is of great help to protect the social and economic rights of the families of disappeared people.

8. International observation

The government's openness to international scrutiny and assistance has been relevant during the current administration. In 2020 the state recognized the competence of the CED to receive individual cases that occurred in Mexico (in 2023 the CED issued its first opinion).³⁵ The Supreme Court of Justice of the Nation recognized the obligatory nature of the CED's Urgent Actions before national institutions to search for disappeared people.³⁶ At the request of collectives of relatives of disappeared people and with the support of various institutions, the government invited the CED to visit Mexico in September 2021. The CED issued its report, with 85 recommendations, in 2022. There is still no comprehensive strategy to achieve compliance with these recommendations (with the exception of the state of Coahuila). Nor are there any concrete measures of compliance.

The disappearance of persons has given rise to dozens of recommendations and provisions from various international human rights bodies, both on individual cases and on the structural situation. Of those recommendations, only a few have been duly implemented. In the 2018 UPR, the disappearance of persons was explicitly mentioned in 27 recommendations out of a total of 272. In 2012, this issue was addressed in 14 out of 207 recommendations. In 2006, it was addressed in 3 out of 159 recommendations. All recommendations on disappearance of persons were accepted by Mexico.

The situation remains very challenging and international actors, including those participating in the UPR, must assume themselves as relevant players that can contribute to fostering effective solutions.

9. Suggested recommendations for Mexico

From the MNDM we suggest the following recommendations to the Mexican state:

³⁴ Aristegui Noticias, January 24, 2023, <https://aristeginoticias.com/2401/mexico/exigen-a-adan-augusto-intervenir-para-armonizar-ley-de-desaparicion-forzada-en-11-estados/>.

³⁵ Committee on Enforced Disappearances, May 4, 2023, <https://www.ohchr.org/es/press-releases/2023/05/mexico-un-committee-finds-violations-first-enforced-disappearance-case>.

³⁶ Office in Mexico of the United Nations High Commissioner for Human Rights, June 17, 2021, <https://hchr.org.mx/comunicados/onu-dh-mexico-saluda-la-decision-de-la-scjn-que-reconoce-el-valor-vinculante-de-las-acciones-urgentes-emitidas-por-el-ced/>.

- Adopt a comprehensive and detailed strategy for the prompt and full implementation of the recommendations issued by the CED in 2022. The strategy should contain concrete actions, deadlines and responsible institutions, which should assume their commitments with deep political will to fulfill them. This process must include the permanent and substantive participation of families, accompanying organizations, experts and international bodies, starting with the CED.
- Urgently and fully implement the General Law on the Disappearance of Persons, in particular the creation of the instruments established in said law that have not yet been created: the National Forensic Data Bank; the National Registry of Deceased, Unidentified and Unclaimed Persons; the National Registry of Mass and Clandestine Graves; the National Exhumation Program; etc.
- Establish clear mechanisms that guarantee effective coordination between search actions and investigation processes, as well as the participation of families, under appropriate conditions, in the planning and execution of these tasks.
- Provide the search commissions with the economic, human and technical resources necessary for their full operation, ensuring that the majority of these resources come from the regular budget of each state, and be accountable for the use and concrete results obtained by these institutions.
- Carry out a profound reform in the system for the procurement and administration of justice that will result in a substantial increase in the number of convictions for the crimes of enforced disappearance, disappearance by private individuals and related crimes.
- Create and implement context analysis units in all general prosecutors' offices in the country and especially in all prosecutors' offices specialized in enforced disappearances and disappearances by private individuals.
- Reform the Homologated Investigation Protocol to improve and standardize investigations and deepen the link between search and investigation, consulting extensively with families in the reform process.
- Guarantee families, including families of disappeared migrants in Mexico, prompt access to files and all relevant information in ministerial investigations.
- Make public the results of the evaluation of the Homologated Search Protocol, make the necessary modifications and guarantee its full implementation, with the participation of the families.
- Expand and improve routine forensic services. In particular, expand the staff of experts in specialties related to human identification (physical anthropology, odontology, dactyloscopy, genetics, radiology, archeology, etc.) to reach adequate capacities to analyze the growing number of unidentified deceased persons.
- Ensure the collaboration of all regular forensic institutions (mostly under the general prosecutors' offices) with the extraordinary or newly created institutions, such as the Extraordinary Forensic Identification Mechanism, the National Center for Human Identification and the regional identification centers.
- Include a specific budgetary program in the Federal Expenditure Budget for forensic identification, with the objective of strengthening the resources and capacities of the ordinary and extraordinary institutions dedicated to this task.
- Broaden and deepen the recently announced "National Human Identification Network", with concrete actions of collaboration, broad family participation and accountability.
- Invite the UN Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the Working Group on Enforced or Involuntary Disappearances to make an official visit to

the country.

- Elaborate and implement a differentiated and specific policy for the protection of relatives of disappeared persons, with a gender focus and territorial deployment, in broad consultation with families, accompanying organizations and experts. This policy should include, but not be limited to, the effective strengthening of the Mechanism for the Protection of Human Rights Defenders and Journalists and the approval of a General Protection Law that obliges state and municipal institutions, without exempting federal institutions from carrying out their work.
- Refrain from reforming the General Law, or promoting reforms in other regulatory frameworks on the issue of disappearances, without first consulting widely and genuinely with the victims, accompanying organizations, experts and international bodies.
- Re-establish and improve mechanisms for dialogue and consultation with relatives of disappeared people, civil society organizations, academia and international organizations. More broadly, establish a scheme of regular, genuine, substantial and frequent consultation in accordance with international best practices and national and international standards on the matter.
- Implement a gradual withdrawal of the Armed Forces from public security tasks, while strengthening civilian police institutions, guaranteeing at all times strict internal and external controls of both with the objective of preventing and investigating enforced disappearances and other human rights violations.

Annex 1

Full list and contact information of the organizations signing this report:

Organization	Contact person	Address
Movimiento por Nuestros Desaparecidos en México (MNDM)	Information available upon request.	Attention: SERAPAZ, Patricio Sanz 449, Colonia del Valle, Alcaldía Benito Juárez, 03100, Mexico City, Mexico.
Collectives of relatives of disappeared people	Information available upon request.	Information available upon request.
Centro de Colaboración Cívica (CCC) en su rol de facilitador	Nayely Lara	Miraflores 221, Colonia Insurgentes San Borja, Ciudad de México.
Centro de Justicia para la Paz y el Desarrollo (CEPAD)	Francisco Campos	Hospital 721, Colonia Centro, 44200, Guadalajara, estado de Jalisco.
Data Cívica	Verónica Patraca	Monte Albán 261, Colonia Narvarte, Alcaldía Benito Juárez, 03650, Ciudad de México.
Fundar, Centro de Análisis e Investigación A.C.	Natalia Pérez	Cerrada de Alberto Zamora 21, Colonia Villa Coyoacán, Alcaldía Coyoacán, 04000, Ciudad de México.
Instituto Mexicano de Derechos Humanos y Democracia (IMDHD)	Silvia Chica	Avenida de los Insurgentes Sur 601, Nápoles, Alcaldía Benito Juárez, 03810, Ciudad de México.
Servicios y Asesoría para la Paz (SERAPAZ)	Mariano Machain	Patricio Sanz 449, Colonia del Valle, Alcaldía Benito Juárez, 03100, Ciudad de México.
Voces Mesoamericanas, Acción con Pueblos Migrantes A.C. (VM-APM)	Sandybell Reyes	Francisco Villa #10, Barrio de Fatima, San Cristóbal de las Casas, 29264, estado de Chiapas.