

# DISAPPEARED AND UNACCOUNTED FOR: LEGAL FRAMEWORKS AND FORENSIC FAILURES IN THE CONTEXT OF THE ICPPED ARTICLE 34 ACTIVATION FOR MEXICO

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## I. INTRODUCTION

In March of 2025, the search collective of relatives of the disappeared *Guerreros Buscadores de Jalisco* (Warrior Searchers of Jalisco), discovered a mass killing site located on a ranch in Teuchitlán, a few hours outside of Guadalajara.<sup>1</sup> The extermination site was allegedly used as a forced recruitment and training center by the Jalisco New Generation Cartel (CJNG), and the Attorney General’s Office of Jalisco had already searched the site in September of 2024, demonstrating impunity and likely collusion between organized crime and authorities.<sup>2</sup> The members of the Warrior Searchers found thousands of pieces of evidence, including hundreds of charred bone fragments and 200 pairs of shoes.<sup>3</sup> The discovery of this extermination site was unfortunately just the latest example of a much larger pattern. As of December 7, 2025, there are currently 133,480 people reported missing in Mexico, and 252,583 people who were reported missing but were subsequently found.<sup>4</sup> However, these figures are without a doubt a grave underestimate.<sup>5</sup>

As a result, government agencies and search collectives of the disappeared continue to uncover clandestine graves (unauthorized

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1. *Rancho Izaguirre: las estremecedoras fotografías del “centro de exterminio y reclutamiento” del crimen organizado que fue hallado en México*, BBC NEWS MUNDO (Mar. 13, 2025) (in Spanish), <https://www.bbc.com/mundo/articles/cvger770mpvo>.

2. Alejandro Santos Cid, *Mexico’s ‘searching mothers,’ alone against the drug cartels and the authorities: ‘We live with more fear than ever’*, EL PAÍS (Mar. 29, 2025), <https://english.elpais.com/international/2025-03-29/mexicos-searching-mothers-alone-against-the-drug-cartels-and-the-authorities-we-live-with-more-fear-than-ever.html>.

3. Belén Fernández, *In Mexico, Enforced Disappearance Is a Way of Life*, AL JAZEERA (Mar. 28, 2025), <https://www.aljazeera.com/opinions/2025/3/28/in-mexico-enforced-disappearance-is-a-way-of-life>.

4. Versión Estadística RNPdNO, COMISIÓN NACIONAL DE BÚSQUEDA (December 7, 2025) (in Spanish), <https://versionpublicarnpdno.segob.gob.mx/Dashboard/ContextoGeneral>.

5. Fernández, *supra* note 3.

burial sites containing human remains<sup>6)</sup> throughout Mexico. In just the first few weeks of 2025, around 40 clandestine graves were discovered in Casas Grandes, Chihuahua; 16 were discovered in Río Verde, San Luis Potosí, and at least one was discovered in the south of Mexico City.<sup>7</sup> Oftentimes, it is not government authorities who discover these graves but search collectives such as Warrior Searchers of Jalisco.<sup>8</sup> In addition to the fact that these search collectives often carry out functions that the government is legally obligated to assume, families searching for their missing loved ones face grave safety risks including threats, attacks, and assassinations: since 2010, at least 27 searchers have been murdered and three more have disappeared.<sup>9</sup> Extremely high levels of impunity manifest in deficient investigations, patterns of documented corruption of authorities, lack of support for the searching families, and a sentencing rate of only 0.56% for cases of enforced disappearance nationally.<sup>10</sup>

Section II of this paper begins with the state-sponsored enforced disappearances of the “Dirty War” in the 1960s to 1980s and traces the exponential rise of cases of disappearances since the militarization of public security in 2006, including the 97% of all recorded disappearances that have occurred in Mexico since 2006.<sup>11</sup> Section III provides regional context on enforced disappearance throughout Latin America, focusing on a comparative analysis with Colombia’s Search

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6. Graham Denyer Willis and Angélica Durán-Martínez, Making sense of clandestine graves: Material epistemology and the political geography of uncertain knowledge, *POLITICAL GEOGRAPHY*, (November 2024), p. 3, <https://www.sciencedirect.com/science/article/pii/S0962629824001720#fn1>.

7. Pablo Ferri, Mexico Keeps Finding Clandestine Graves, but the Government No Longer Shares the Statistics, *EL PAÍS* (Feb. 7, 2025), <https://english.elpais.com/international/2025-02-07/mexico-keeps-finding-clandestine-graves-but-the-government-no-longer-shares-the-statistics.html>.

8. Carmen Chinas Salazar, El horror de Teuchitlán revela el papel de las mujeres buscadoras, en México y en el resto del mundo, *THE CONVERSATION* (Mar. 13, 2025) (in Spanish), <https://theconversation.com/el-horror-de-teuchitlan-revela-el-papel-de-las-mujeres-buscadoras-en-mexico-y-en-el-resto-del-mundo-251462>.

9. Anely Nuño and Aranzazú Ayala Martínez, 27 personas buscadoras han sido asesinadas y tres más desaparecidas en México, *A DÓNDE VAN LOS DESAPARECIDOS* (Apr. 4, 2025) (in Spanish), <https://adondevanlosdesaparecidos.org/2025/04/04/27-personas-buscadoras-han-sido-asesinadas-y-una-mas-desaparecida-en-mexico>.

10. Oscar Noguera Romero, En los últimos 9 años, 66 mil casos de personas desaparecidas en México y sólo 373 condenas contra responsables, *ANIMAL POLÍTICO* (Mar. 24, 2025) (in Spanish), <https://www.animalpolitico.com/verificacion-de-hechos/te-explico/en-los-ultimos-9-anos-66-mil-casos-de-personas-desaparecidas-en-mexico-y-solo-373-condenas-contr-responsables>.

11. México, EQUIPO ARGENTINA DE ANTROPOLOGÍA FORENSE (EEAF) (in Spanish), <https://eaaf.org/eaaf-en-el-mundo/mexico/>.

Unit for Persons Reported Missing in the Context and Due to Armed Conflict (UBPD). Section IV summarizes the legal and policy framework addressing disappearances in Mexico, focused on the 2017 General Law on Enforced Disappearance and its 2025 reform. While the 2017 General Law created the National Search Commission (CNB), state-level search commissions, and specialized forensic mechanisms, these institutions remain under-resourced and fragmented, and some have even been dismantled by the state. Section V explores the forensic identification crisis in Mexico, which consists of tens of thousands of unidentified bodies in Forensic Medical Services (SEMEFOs) and thousands distributed throughout the country in clandestine graves. The Section also provides an overview of the National Forensic Data Bank (BNDF), the Extraordinary Forensic Identification Mechanism (MEIF), and the National Center for Human Identification (CNIH).

Section VI provides an overview of the United Nations Committee on Enforced Disappearances (CED) engagement with Mexico, and the CED's decision in April of 2025 to activate Article 34 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). Per Article 34, "If the Committee receives information which appears to it to contain well-founded indications that enforced disappearance is being practiced on a widespread or systematic basis in the territory under the jurisdiction of a State Party, it may...urgently bring the matter to the attention of the General Assembly of the United Nations."<sup>12</sup> This is the first time in the CED's history that they have activated Article 34, and bringing a state to account before the General Assembly is considered the most "extreme" action that the CED can take. Section VII analyses applicable international human rights law and international criminal law, engaging in-depth with questions regarding the scope of state responsibility for disappearances perpetrated by organized crime with state acquiescence, definitions of "widespread and systematic," and the potential of a referral to the International Criminal Court (ICC) for crimes against humanity. Section VIII concludes the paper by arguing why transitional justice is the best policy for addressing the disappearance crisis in Mexico. Ultimately, the paper argues that a robust transitional justice framework, grounded in truth, justice, reparation, and guarantees of non-repetition, offers the most

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12. G.A. Res. 61/177, International Convention for the Protection of All Persons from Enforced Disappearance art. 34 (Dec. 20, 2006), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>.

promising avenue for addressing the structural causes of disappearance in Mexico and rebuilding public trust in democratic institutions.

## II. THE DISAPPEARANCE CRISIS IN MEXICO

According to the UN Office of the High Commissioner for Human Rights (OHCHR), while the vast majority of disappearances in Mexico have occurred from 2006 to date, state-sponsored enforced disappearances in Mexico began to be documented as a result of the “Dirty War”<sup>13</sup> in the 1960s to 1980s, utilized as a strategy to repress political dissidents, students, and guerillas.<sup>14</sup> Between 1968 and 1982, more than 1,200 people were forcibly disappeared by authorities.<sup>15</sup> One notorious method used to disappear individuals during the Dirty War was so-called “Death Flights,” consisting of throwing people from an airplane into the sea after they had been tortured, some of them still alive.<sup>16</sup> In August of 2024, investigators uncovered a list—presumably from the Mexican Army—with the names of 183 possible victims of the flights in 1974.<sup>17</sup>

To address the legacy of these horrendous practices of state repression, in 2021 the Mexican government established the Commission for Access to Truth, Historical Clarification and the Promotion of Justice for Grave Human Rights Violations committed

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13. Oscar Lopez, Inquiry into Mexico’s “Dirty War” Obstructed by Military and Other Agencies, Board Says, *THE GUARDIAN* (Aug. 16, 2024), <https://www.theguardian.com/world/article/2024/aug/16/mexico-dirty-war-military-abuses-amlo>.

14. Mexico’s Disappeared: Pain Serves as an Engine for Collective Struggle, OFF. U.N. HIGH COMM’R FOR HUM. RTS. (Aug. 30, 2024), <https://www.ohchr.org/en/stories/2024/08/mexicos-disappeared-pain-serves-engine-collectivestruggle#:~:text=Official%20records%20in%20Mexico%20indicate,of%20repression%20against%20political%20dissidents; see also Lopez, supra note 12>.

15. Naming the Disappeared of Mexico’s Dirty War, OPEN SOC’Y JUST. INITIATIVE, <https://www.justiceinitiative.org/litigation/naming-disappeared-mexicos-dirty-war#:~:text=From%201968%20to%201982%2C%20during,without%20any%20prosecution%20or%20accountability>.

16. La evidencia oculta: vuelos de la muerte y represión en los archivos de la DFS, MEX. GOV’T, GEN. ARCHIVE OF THE NATION (Dec. 13, 2024) (in Spanish), <https://www.gob.mx/agn/articulos/la-evidencia-oculta-vuelos-de-la-muerte-y-represion-en-los-archivos-de-la-dfs>.

17. “Vuelos de la Muerte”. Hallazgo de posible lista de víctimas es de primera relevancia y debe ser investigada por autoridades, FUNDAR, CENTRO DE ANÁLISIS E INVESTIGACIÓN (Aug. 7, 2024) (in Spanish), <https://fundar.org.mx/vuelos-de-la-muerte-hallazgo-de-posible-lista-de-victimas-es-de-primera-relevancia-y-debe-ser-investigada-por-autoridades/>.

between 1965 and 1990 (CoVEH in Spanish) to investigate grave human rights violations in Mexico during the Dirty War.<sup>18</sup> The CoVEH established the Mechanism for Truth and Historical Clarification (MEH),<sup>19</sup> which in their report identified more than 500 perpetrators of violations, including former presidents and military officials.<sup>20</sup> The MEH documented a broader variety of victims of state violence than had previously been reported; in addition to social activists, political dissidents, and guerillas, LGBTQ+ people, sex workers, critical journalists, mobilized trade unionists, refugees, progressive religious figures, and community leaders opposed to extractive projects were also targeted by the state during the Dirty War.<sup>21</sup> However, these findings were selectively eliminated from inclusion in the final report by the Ministry of the Interior (SEGOB), a move that the MEH commissioners heavily criticized in a public statement, claiming that “[o]mitting these groups of victims from the Commission’s report is an attempt to deny them public recognition as victims of state political violence. This exclusion revictimizes people and is disrespectful to those who gave their testimony.”<sup>22</sup>

The end of the Dirty War did not bring about an end to disappearances in Mexico. In the early 2000s, President Felipe Calderón’s militarized campaign against drug cartels triggered unprecedented violence in the country, with both the government and organized crime utilizing disappearance as a tool of repression.<sup>23</sup> During this period, enforced disappearances were carried out by the

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18. Comisión para la verdad, MEX. GOV’T, TRUTH COMM’N (in Spanish), <https://comisionverdadyjusticia.segob.gob.mx/>.

19. Tania Galaviz Armenta, Comisiones de la Verdad en México: análisis del diseño de mecanismos para el esclarecimiento histórico, 6 *REVISTA LATINOAMERICANA ESTUDIOS DE LA PAZ Y EL CONFLICTO* 11, 88–107 (2025).

20. Informe final del Mecanismo para la Verdad y el Esclarecimiento Histórico, GOBIERNO DE MÉXICO, (Aug. 16, 2024) (in Spanish), <http://www.meh.org.mx/especial-informe-final/>; see also, Comisión de la Verdad apunta a expresidentes y mandos militares como artífices de la “Guerra Sucia”, *ANIMAL POLÍTICO*, (July 19, 2024) (in Spanish), <https://animalpolitico.com/politica/guerra-sucia-comision-verdad-militares-expresidentes>.

21. Elimina Segob de su informe final violencias destapadas por la comisión de la verdad de la “guerra sucia”, *A DONDE VAN LOS DESAPARECIDOS*, (Oct. 4, 2024) (in Spanish), <https://adondevanlosdesaparecidos.org/2024/10/04/elimina-segob-de-su-informe-final-violencias-destapadas-por-la-comision-de-la-verdad-de-la-guerra-sucia/>.

22. *Id.*

23. The Disappeared: Mexico’s Industrial-Scale Human Rights Crisis, *CIVICUS LENS* (Apr. 22, 2025), <https://lens.civicus.org/the-disappeared-mexicos-industrial-scale-human-rights-crisis/>.

Army, the Navy, and the Federal, State, and Municipal police forces.<sup>24</sup> During President Calderón's administration, it was estimated that more than 70,000 people were killed and more than 26,000 were disappeared,<sup>25</sup> the latter according to a leaked provisional list compiled by the Federal Prosecutor's Office and the Ministry of the Interior.<sup>26</sup> Human Rights Watch documented nearly 250 disappearances during this period, in 149 of which there was strong evidence of enforced disappearance by state agents.<sup>27</sup> According to Mexico's National Search Commission, 97% of all recorded disappearances have occurred since 2006.<sup>28</sup>

Perhaps the most well-known case of enforced disappearance in Mexico was that of 43 students from the Ayotzinapa Rural Teacher Training School in Mexico's Guerrero state in 2014.<sup>29</sup> In total, more than 180 people were direct victims of human rights violations that night and around 700 people were indirect victims.<sup>30</sup> In 2018, former President Andrés Manuel López Obrador established The Commission for Truth and Access to Justice in the Ayotzinapa Case (CoVAJ),<sup>31</sup> which concluded that Ayotzinapa was a "state crime."<sup>32</sup> September 2025 marked the 11<sup>th</sup> anniversary since the disappearance of the 43 students, yet there have been little tangible results in the ongoing investigations,<sup>33</sup> and the parents denounce that the State

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24. México: Crisis de desapariciones forzadas, HUM. RTS. WATCH (Feb. 20, 2013) (in Spanish), <https://www.hrw.org/es/news/2013/02/20/mexico-crisis-de-desapariciones-forzadas>.

25. End Mexico's Disastrous "War on Drugs" Once and For All, HUM. RTS. WATCH (Dec. 2, 2013), <https://www.hrw.org/news/2013/12/02/end-mexicos-disastrous-war-drugs-once-and-all>.

26. Crisis de desapariciones, *supra* note 23.

27. *Id.*

28. EEAF, *supra* note 10.

29. Ayotzinapa, CENTRO PRODH (in Spanish), <https://centroprodh.org.mx/casos-3/ayotzinapa/>.

30. *Id.*

31. Se crea la Comisión de la Verdad para el caso de los 43 normalistas desaparecidos de Ayotzinapa, COMISIÓN NACIONAL DE DERECHOS HUMANOS (CNDH) (in Spanish), <https://www.cndh.org.mx/noticia/se-crea-la-comision-de-la-verdad-para-el-caso-de-los-43-normalistas-desaparecidos-de-0>.

32. Mexico: Progress in investigation into the disappearance of 43 Ayotzinapa students renews hope for truth and justice, AMNESTY INTERNATIONAL (Aug. 20, 2022), <https://www.amnesty.org/en/latest/news/2022/08/disappearance-of-43-ayotzinapa-students/>.

33. Ayotzinapa: 11 años buscando la verdad, CENTRO PRODH (Sep. 24, 2025) (in Spanish), <https://animalpolitico.com/analisis/organizaciones/la-lucha-cotidiana-de-los-derechos-humanos/ayotzinapa-once-aniversario-sin-verdad>.

continues to protect former officials involved in the disappearance of their children.<sup>34</sup>

To date, disappearances persist in Mexico in all states of the Republic and have increased significantly in the past four years.<sup>35</sup> Analyzing official statistics from 2022 – 2025, after reaching the grim milestone of 100,000 reported cases of missing persons in 2022<sup>36</sup>, in 2023 the number of cases rose 7.3%, in 2024 6.3%, and in 2025 12%; from 2024 to 2025, the percentage increase in cases doubled.<sup>37</sup> In 2025, the five states with the highest number of reported cases of disappeared people are Jalisco, Mexico State, Tamaulipas, Veracruz, and Nuevo León; 44.3% of missing persons in the country are currently concentrated in these five states.<sup>38</sup> Between 2024 to 2025, the number of reported cases increased in 31 out of the 32 states of the Republic – the only state with a decrease was Yucatán.<sup>39</sup> The five states with the highest number of reported cases of disappeared women and girls are Mexico State, Tamaulipas, Jalisco, Mexico City, and Tabasco, representing 49% of these cases at a national level.<sup>40</sup>

### III. REGIONAL CONTEXT OF DISAPPEARANCES AND COMPARISON WITH COLOMBIA

Before delving into the legal and policy framework in Mexico that aims to address the crisis of disappearances, this Section aims to situate Mexico's institutional structure of search commissions by comparing it with that of Colombia, arguably the country in Latin America with the most similar institutional structure implemented to search for missing persons.

The disappearance of people is a serious human rights crisis in Latin America, with many countries experiencing high rates of missing

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34. Decepciona a padres de los 43 que no haya avances sólidos en las pesquisas, LA JORNADA (Sep. 5, 2025) (in Spanish), <https://www.jornada.com.mx/2025/09/05/politica/006n1pol>.

35. Informe Nacional de personas desaparecidas 2025, RED LUPA, (May 15, 2025) (in Spanish) <https://imdhd.org/redlupa/informes-y-analisis/informes-nacionales/informe-nacional-de-personas-desaparecidas-2025/>

36. Carrie Kahn, Mexico's official list of missing people passes 100,000, with few cases ever solved, NPR, (May 18, 2022), <https://www.npr.org/2022/05/18/1099680650/mexico-missing-record-high>

37. Informe Nacional de personas desaparecidas 2025, RED LUPA, (May 15, 2025) (in Spanish) <https://imdhd.org/redlupa/informes-y-analisis/informes-nacionales/informe-nacional-de-personas-desaparecidas-2025/>

38. *Id.*

39. *Id.*

40. *Id.*



people.<sup>41</sup> The causes are complex, and vary depending on the country; some causes include dictatorships in the Southern Cone, civil wars in Central America, organized crime and impunity in Mexico, or the internal armed conflict in Colombia.<sup>42</sup> In response, multiple countries have created search commissions for the missing, and to date, there are currently four institutions in Latin America created specifically to search for missing persons on an extraordinary basis: 1) The National Search Commission (CNB) and state-level search commissions in Mexico; 2) General Directorate for the Search for Disappeared Persons (DGBPD) in Peru; 3) the National Commission for the Search for Adult Disappeared Persons in the Context of Armed Conflict (CONABUSQUEDA) in El Salvador; 4) and the Search Unit for Persons Reported Missing in the Context and Due to Armed Conflict (UBPD) in Colombia.<sup>43</sup>

While comparisons could be drawn across the region, Colombia offers the most relevant comparison to Mexico. The Colombian UBPD and the Mexican CNB share certain key characteristics, given that both were created as “extraordinary,” ad hoc institutions, rather than the search commissions located within the Executive Branch, such as in the case of El Salvador and Peru.<sup>44</sup> Both Colombia and Mexico’s search commissions thus are not directly controlled by one of the other three branches of government, which makes them arguably more independent of institutions. The CNB in Mexico is part of the Ministry of the Interior (SEGOB) but is a decentralized administrative body.<sup>45</sup> The UBPD in Colombia is part of the Justice Sector; however, the search commission has “legal personality, administrative and financial autonomy, independent assets and a special regime for personnel administration.”<sup>46</sup>

Enforced disappearance is a serious human rights issue in Colombia, with significant historical and ongoing impacts, having persistently occurred throughout the country for more than 60 years,

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41. Lessons from Latin America as the United States Confronts Enforced Disappearance, WOLA (May 8, 2025), <https://www.wola.org/2025/05/lessons-from-latin-america-as-the-united-states-confronts-enforced-disappearance/>.

42. *Id.*

43. Verónica Hinestroza, Iris Jave, and Rainer Huhle, *Comisiones de búsqueda en América Latina: Una apuesta extraordinaria por la integralidad en la investigación de las desapariciones*, BIBLIOTECA VIRTUAL DE LA COOPERACIÓN ALEMANA (2021) (in Spanish), para. 24, <https://www.bivica.org/file/view/id/5968>.

44. *Id.* at para. 26.

45. *Id.*

46. *Id.*

due in part to armed conflict.<sup>47</sup> Colombia's Truth Commission has reported approximately 121,768 cases of enforced disappearances between 1985 – 2016, but some estimate that the number could be as high as 210,000.<sup>48</sup> Despite the signing of the 2016 peace agreement, there are still frequent cases of disappearance in Colombia. The International Committee of the Red Cross (ICRC) documented 1,730 *new* cases of enforced disappearances, since the entry into force of the Peace Agreement (December 2016) through July 31, 2024.<sup>49</sup> In addition to the establishment of the Truth Commission, the Search Unit for Disappeared People (UBPD) was born out of the Integral System of Truth, Justice, Reparation and Non-Repetition (SIVJRNR) in 2016, with the limited mandate to search for those disappeared due to the armed conflict that occurred before December 1, 2016.<sup>50</sup> This is an important difference between the UBPD and the CNB and state-level search commissions in Mexico, which have no temporal limit in their Mandate, and are tasked with searching for the disappeared in the past, present and future.<sup>51</sup>

In 2024, the Committee on Enforced Disappearances (CED), the body of independent experts which monitors the implementation of the ICPPED by States parties,<sup>52</sup> visited Colombia, on its third-ever official country visit (following Mexico in 2021 and Iraq in 2022).<sup>53</sup> In its official visit report, the CED affirmed that the practice of enforced disappearances in Colombia continues to occur daily, and thus, was not a practice that stopped with the 2016 peace agreement.<sup>54</sup> However, reliable data about the numbers of people disappeared do not exist; the

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47. In Latin America and the Caribbean, Enforced Disappearances Hinder Democracy, INST. ON RACE, EQUALITY, & HUM. RTS. (Aug. 30, 2024), <https://raceandequality.org/resources/in-latin-america-and-the-caribbean-enforced-disappearances-hinder-democracy/>.

48. *Id.*

49. International Day of the Disappeared 2024: The Challenge of Coordinated Action in Latin America, INT'L COMM. RED CROSS (Aug. 29, 2024), <https://www.icrc.org/en/news-release/international-day-disappeared-challenge-coordinated-action-latin-america>.

50. About the Search Unit, UNIDAD DE BÚSQUEDA DE PERSONAS DADAS POR DESAPARECIDAS (in Spanish), <https://unidadbusqueda.gov.co/acerca-ubpd/>.

51. Hinestroza, Jave, and Huhle, *supra* note 36, para. 36.

52. Treaty Bodies: Committee on Enforced Disappearances, OHCHR, <https://www.ohchr.org/en/treaty-bodies/ced>.

53. Visit Reports: Committee on Enforced Disappearances, OHCHR, <https://www.ohchr.org/en/treaty-bodies/ced/visit-reports>.

54. Colombia: UN Committee Releases Visit Report with Roadmap to Combat Enforced Disappearances, OHCHR Press Release (Apr. 30, 2025), <https://www.ohchr.org/en/press-releases/2025/04/colombia-un-committee-releases-visit-report-roadmap-combat-enforced>.

CED reported that during their visit, they were provided with estimates ranging from 121,768 to 210,000.<sup>55</sup> In Colombia, enforced disappearances occur “both within the context of armed conflicts and beyond, affecting various groups across the country, especially in regions under the control of non-state armed groups and criminal organisations.”<sup>56</sup> The CED expressed concern regarding disappearances linked to forced recruitment, human trafficking, those occurring during military counterinsurgency operations, and in the context of migration.<sup>57</sup> Another concern which the CED raised is the invisibilization of the disappearances of LGBTQ+ people in Colombia, an issue that the UBDP raised in their campaign #WhereAreTheyLGBTIQ (*#DóndeEstánLGBTIQ*) in 2023, in which they report that “many of the disappearances of LGBTQ+ persons have been made invisible due to social discourses and practices that justify and naturalize gender-based and prejudicial violence against them.”<sup>58</sup> This invisibility results in lower rates of submission of search requests for LGBTQ+ people.<sup>59</sup> This dynamic is mirrored in Mexico, where civil society actors report that disappearances of LGBTQ+ people are rendered invisible by the very authorities obligated to document them, representing “a serious institutional denial of diverse orientations and identities.”<sup>60</sup>

Another similarity between the cases of Colombia and Mexico is the influential role played by women human rights defenders in the search for truth, justice and reparations, filling the void often left by the state. Female searchers, usually referred to as *buscadoras*, lead most of the searches for victims of enforced disappearances, but as a result often face great risk, including attacks and even bodily harm.<sup>61</sup> In

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55. *Id.*

56. *Id.*

57. *Id.*

58. #WhereAreTheyLGBTIQ, the Call by UBDP and People with Diverse Sexual Orientations and Gender Identities to Search for Their Missing Loved Ones, UNIDAD DE BÚSQUEDA DE PERSONAS DADAS POR DESAPARECIDAS (June 26, 2023) (in Spanish), <https://unidadbusqueda.gov.co/actualidad/lgbtiq-mes-orgullo-2023/>.

59. *Id.*

60. El silencio del registro: Desapariciones LGBTQ+ y la negación institucional de sus orientaciones e identidades, RED LUPA, (June 19, 2025) (in Spanish), <https://imdhd.org/redlupa/avance-de-la-ley-general-de-busqueda/el-silencio-del-registro-desapariciones-lgbtiq-y-la-negacion-institucional-de-sus-orientaciones-e-identidades/>.

61. Americas: States Must Guarantee Women’s Right to Search for Missing and Forcibly Disappeared People Without Fear, AMNESTY INT’L (Aug. 29, 2024), <https://www.amnesty.org/en/latest/news/2024/08/americas-states-must-guarantee-womens-right-search-missing-forcibly-disappeared-people-without-fear/>.

Mexico, at least 27 *buscadoras* have been assassinated since 2010.<sup>62</sup> The crucial role of families in the search process is a pattern throughout the region; some examples include “Argentine mothers in the Plaza de Mayo, Mexican search collectives with shovels and drones, [and] Central American parents seeking to trace children who disappeared along the migration route.”<sup>63</sup> In Colombia, Law 2364 was approved by Congress in June of 2024, the purpose of which is “to recognize women victims of forced disappearance as builders of peace and subjects of special constitutional protection, the enunciation of the duties of the State and the development of measures for their comprehensive protection.”<sup>64</sup> Amnesty International applauded the adoption of this law, stating that if the law is properly implemented “it has the potential to contribute to settling the historical debt that the Colombian State has with women seekers and protect their rights.”<sup>65</sup>

Given the crucial role of *buscadoras* in Mexico, and the plethora of threats that they face,<sup>66</sup> the adoption of a similar law or gender-focused protection policy for women searchers in Mexico, could potentially be a step in the right direction to help increase protection measures for *buscadoras*. In fact, in its concluding recommendations from the 10th periodic review of Mexico conducted in June of 2025, the Committee on the Elimination of Discrimination against Women (CEDAW committee) expressed concern regarding “the situation of *buscadoras*, noting that most of those searching for disappeared persons are women, predominantly mothers, daughters and wives, and that the violence and discrimination they face constitutes gendered persecution

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62. 27 Searchers Killed and Three More Missing in Mexico, A DÓNDE VAN LOS DESAPARECIDOS (Apr. 4, 2025) (in Spanish), <https://adondevanlosdesaparecidos.org/2025/04/04/27-personas-buscadoras-han-sido-asesinadas-y-una-mas-desaparecida-en-mexico/>; see also Mexico: The Search for Disappeared Persons Is a High-Risk Activity for Collectives of Women Searchers, AMNESTY INT’L (July 8, 2025), <https://www.amnesty.org/en/latest/news/2025/07/mexico-la-busqueda-de-personas-desaparecidas-es-una-labor-de-alto-riesgo-para-las-colectivas-de-mujeres-buscadoras/>.

63. Lessons from Latin America as the United States Confronts Enforced Disappearance, WOLA (May 8, 2025), <https://www.wola.org/2025/05/lessons-from-latin-america-as-the-united-states-confronts-enforced-disappearance/>.

64. L. 2364/2024, junio 18, 2025, FUNCIÓN PÚBLICA (Colom.) (in Spanish), <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=241736>.

65. Colombia: The Tempestuous Path of the Searchers of Victims of Forced Disappearance, AMNESTY INT’L (Dec. 3, 2024) (in Spanish), <https://www.amnesty.org/es/latest/news/2024/12/colombia-buscadoras-desaparicion-forzada/>.

66. 27 Searchers Killed, *supra* note 55; see also AMNESTY INT’L, *supra* note 55.

that reinforces patriarchal structures.”<sup>67</sup> The CEDAW committee criticized the fact that the work of *buscadoras* is frequently not recognized as human rights defense,<sup>68</sup> and thus recommended that Mexico “[f]ormally recognize *buscadoras* as a special category of human rights defenders...and extend the protection accorded to human rights defenders to *buscadoras* to ensure their inclusion in protection mechanisms.”<sup>69</sup>

#### IV. LEGAL AND POLICY FRAMEWORK ADDRESSING DISAPPEARANCES IN MEXICO

In the past nine years, as of March 2025, 66,389 people have been reported as disappeared in Mexico. Yet during that same period, only 373 convictions for enforced disappearances and disappearances committed by private individuals were issued, according to information from the state and federal judiciaries.<sup>70</sup> This represents a sentencing rate of 0.56%. The 373 convictions resulted in 68 sentences for enforced disappearance with involvement of the authorities; 201 for disappearances committed by private individuals, and 202 cases where the crime was not specified.<sup>71</sup> According to civil society organizations, these statistics demonstrate prevailing impunity, characterized by deficient investigations from prosecutors’ offices, corruption of authorities and lack of support for the searching families.<sup>72</sup>

##### *A. 2017 General Law on Enforced Disappearance of Persons, Disappearance Committed by Private Parties and the National System for the Search for Persons*

In response to Mexico’s alarming rates of disappearance, the General Law on Enforced Disappearance of Persons, Disappearance Committed by Private Parties and the National System for the Search

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67. UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the 10th Periodic Report of Mexico, para. 57, U.N. Doc CEDAW/C/MEX/CO/10 (July 10, 2025), <https://digitallibrary.un.org/record/4086353?v=pdf>.

68. *Id.* at para. 57.

69. *Id.* at para. 58.

70. In the Last 9 Years, 66,000 Cases of Missing Persons in Mexico and Only 373 Convictions Against Perpetrators, ANIMAL POLÍTICO (Mar. 24, 2025) (in Spanish), <https://www.animalpolitico.com/verificacion-de-hechos/te-explico/en-los-ultimos-9-anos-66-mil-casos-de-personas-desaparecidas-en-mexico-y-solo-373-condenas-contra-responsables>.

71. *Id.*

72. *Id.*

for Persons (the “General Law”) was adopted in 2017<sup>73</sup> and came into force in January 2018 at both the federal and state levels.<sup>74</sup> Article 44 of the General Law created the National Search System, which has as its objective “[t]o design and evaluate in an efficient and harmonious manner the resources of the Mexican State to establish the general bases, public policies and procedures among the authorities of all levels of government for the search, location and identification of Missing and Unaccounted for Persons, as well as for the prevention, investigation and punishment of crimes related to this Law.”<sup>75</sup>

The General Law created the National Search Commission (CNB), as well as the Federal State Commissions. Per the General Law, the 32 Local Search Commissions must work jointly and in simultaneous coordination with the CNB.<sup>76</sup> While, as mentioned *Supra*, there are similarities between the institutional structure of the search commissions in Mexico and Colombia, Mexico’s institutions are unique in Latin America: to date, “the Mexican CNB and the Mexican federal state commissions are the only extraordinary institutions in Latin America that have been created for the immediate search in cases of new disappearances.”<sup>77</sup> In addition to investigating cases of new disappearances, the search commissions in Mexico also investigate long-standing unsolved cases of disappearance; the mandate of the CNB is timeless, not being limited to a specific historical period.<sup>78</sup>

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73. General Law on Forced Disappearance of Persons, Disappearance Committed by Private Parties and the National System for the Search for Persons, Diario Oficial de la Federación [DOF] 17-11-2017, últimas reformas DOF 16-07-2025 (Mex.) (in Spanish), <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGMDFP.pdf>.

74. What Is the General Law on Forced Disappearance of Persons, Disappearance Committed by Private Parties and the National Search System (LGD)?, RED LUPA (in Spanish), [https://imdhd.org/redlupa/que-es-la-ley-general-en-materia-de-desaparicion-forzada-de-personas-desaparicion-cometida-por-particulares-y-del-sistema-nacional-de-busqueda-lgd/#:~:text=B%C3%BAsqueda%20\(LGD\)%3F-La%20Ley%20General%20en%20Materia%20de%20Desaparici%C3%B3n%20Forzada%20de%20Personas,16%20de%20enero%20de%202018](https://imdhd.org/redlupa/que-es-la-ley-general-en-materia-de-desaparicion-forzada-de-personas-desaparicion-cometida-por-particulares-y-del-sistema-nacional-de-busqueda-lgd/#:~:text=B%C3%BAsqueda%20(LGD)%3F-La%20Ley%20General%20en%20Materia%20de%20Desaparici%C3%B3n%20Forzada%20de%20Personas,16%20de%20enero%20de%202018).

75. National Search System: Conformation and Operation, COMISIÓN NACIONAL DE BÚSQUEDA (in Spanish), <https://comisionacionaldebusqueda.segob.gob.mx/sistema/>

76. Between Uncertainty and Access to Information, the Search for People in Latin America, ANIMAL POLÍTICO (Feb. 19, 2024) (in Spanish), <https://animalpolitico.com/analisis/organizaciones/verdad-justicia-y-reparacion/busqueda-personas-desaparecidas-latinoamerica>.

77. Hinestroza, Jave, and Huhle, *supra* note 36, para. 28.

78. What Is the National Search Commission?, COMISIÓN NACIONAL DE BÚSQUEDA (in Spanish), <https://comisionacionaldebusqueda.gob.mx/que-es-la-comision-nacional-de-busqueda-febrero-2024-3/>.

While the mandate of the search commissions is vast, the 32 state-level commissions do not have the adequate human resources to effectively comply with their mandate, as evidenced by the CED during a visit to Mexico, where they acknowledged that, while the creation of the search commission structure was an important step in addressing the disappearance crisis in Mexico, “very few [search commissions] have sufficient human and material resources for their operation, and some are single-person commissions.”<sup>79</sup> In addition to the fact that multiple local commissions do not have enough employees to handle the vast quantity of cases, the labor conditions are vastly inadequate and quite often precarious. The local commissions are not equipped with the resources nor training necessary to meet the demands that arise from a country experiencing a disappearance crisis.

Given the lack of human and financial resources provided to the search commissions, family members and civil society organizations often step up to fill this vacuum, performing tasks including conducting “search operations, combing remote areas for clandestine graves...[they] perform exhumations, collaborate with universities for DNA analysis and maintain secure databases to document findings and prevent evidence tampering.”<sup>80</sup> This is quite clearly an inadequate model due to various reasons: first, performing these functions can be re-victimizing, traumatic, and even physically dangerous for the families; second, these functions are legal obligations that the state must assume; and third, family members of the disappeared are not equipped with the technical or forensic training to conduct these tasks in the same way that employees of a search commission are.

The 2017 General Law also created the National Registry of Missing and Unaccounted for Persons (RNPDO) whose administration and coordination corresponds to the CNB.<sup>81</sup> In 2023, former president Andrés Manuel López Obrador (AMLO) announced the implementation of a new census on disappearances, arguing that the numbers reported by the CNB were too high and potentially

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79. Marcela Nochebuena, *Few to Search for Thousands: One Out of Three Search Committees Operates with Fewer Than 10 People; Two Are Single-Person*, ANIMAL POLÍTICO (Nov. 8, 2022) (in Spanish), [https://animalpolitico.com/sociedad/comisiones-busqueda-personas-pocos-funcionarios?rtbref=rtb\\_g22zdz7kxvpvcvsb6fj\\_1713926461956](https://animalpolitico.com/sociedad/comisiones-busqueda-personas-pocos-funcionarios?rtbref=rtb_g22zdz7kxvpvcvsb6fj_1713926461956). [Note: This article was published in 2022; it may be that some of these local search commissions currently have more employees as of 2025].

80. CIVICUS LENS, *supra* note 22.

81. Versión Estadística RNPDO, COMISIÓN NACIONAL DE BÚSQUEDA (December 7, 2025) (in Spanish), <https://versionpublicarnpdno.segob.gob.mx/Dashboard/ContextoGeneral>.

unreliable.<sup>82</sup> The methods employed by the new census to verify whether missing persons were alive and had returned home were denounced as unreliable and even revictimizing by search collectives,<sup>83</sup> and included methods such as cross checking with COVID-19 vaccination lists and government employees (sometimes accompanied by the National Guard) visiting the homes of families of missing persons in at least five states to ask about their whereabouts.<sup>84</sup> The new census results updated the RNPDO, decreasing “considerably the number of disappeared and missing people, and categorized ambiguously [almost] 80,000 people, acknowledging that [they] did not have enough data to search them.”<sup>85</sup> An investigation in 2024 revealed that at least 30 people who remain missing appear on the list of those located in the census.<sup>86</sup> Karla Quintana, the head of the CNB, did not agree with the controversial census, and as a result resigned in August of 2023.<sup>87</sup> The implementation of the census was also heavily criticized by civil society organizations, characterizing it as an attempt by the administration to misrepresent the data and lower the number of disappeared people ahead of the 2024 presidential election.<sup>88</sup>

In addition to the search commission structure, various search protocols have been adopted and implemented in Mexico, whose compliance is mandatory for all public servants. The Homologated Protocol for the Search for Missing and Unaccounted for Persons (PHB) was elaborated in 2020 by the CNB (in its capacity as Executive

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82. Mexico: Disappearances Strategy Puts Search at Risk, AMNESTY INT’L (Mar. 11, 2024) (in Spanish), <https://www.amnesty.org/en/documents/amr41/7596/2024/en/>.

83. Renuncia comisionada de búsqueda Karla Quintana; fue por presiones “de arriba,” A DONDE VAN LOS DESAPARECIDOS, (Aug. 24, 2023) (in Spanish), <https://adondevanlosdesaparecidos.org/2023/08/24/renuncia-comisionada-de-busqueda-karla-quintana-fue-por-presiones-de-arriba/>.

84. Lucía Flores and Germán Canseco, ‘Localizan’ a personas desaparecidas en registro de vacunas, A DONDE VAN LOS DESAPARECIDOS, (July 19, 2023) (in Spanish), <https://adondevanlosdesaparecidos.org/2023/07/19/localizan-a-personas-desaparecidas-en-registro-de-vacunas/>.

85. AMNESTY INT’L, *supra* note 75.

86. Efraín Tzuc, Decenas de personas ‘localizadas’ por el Gobierno siguen desaparecidas, A DONDE VAN LOS DESAPARECIDOS, (Mar. 6, 2024) (in Spanish), <https://adondevanlosdesaparecidos.org/2024/03/06/decenas-de-personas-localizadas-por-el-gobierno-siguen-desaparecidas/>.

87. Renuncia comisionada de búsqueda Karla Quintana; fue por presiones “de arriba”, *supra* note 76.

88. César Martínez, AMLO Announces New “Reliable” Census of Missing Persons, A DÓNDE VAN LOS DESAPARECIDOS (June 9, 2023) (in Spanish), <https://adondevanlosdesaparecidos.org/2023/06/09/amlo-anuncia-nuevo-censo-confiable-sobre-personas-desaparecidas/>.



Secretary of the National System for the Search of Persons) in consultation with family members of the disappeared, civil society, experts, and various authorities.<sup>89</sup> In addition to identifying the competent authorities and their obligations in the search, the PHB establishes five types of search: immediate, individualized, generalized, pattern and family. The PHB entered into effect in January 2021.<sup>90</sup> The Additional Protocol for the Search for Children and Adolescents (PANNA) was also adopted in 2021, incorporating “needs expressed by searching authorities and families, when faced with the situation of a disappearance, and includes human rights approaches and pedagogy regarding the protection of children and adolescents.”<sup>91</sup> The CED applauded the adoption of the PHB and PANNA during their official country visit to Mexico in November of 2021.<sup>92</sup>

Another relevant instrument adopted to deal with the disappearance crisis in Mexico is the Alba Protocol, which is a mechanism for the immediate search and location of missing or unaccounted-for women and girls.<sup>93</sup> It is connected to the prosecutors’ offices, public prosecutors’ offices, search commissions and state governments, and “contemplates the creation of a Technical Committee for Institutional Collaboration, which allows for the deployment of coordinated actions by the Prosecutor’s Offices or Local Search Commissions.”<sup>94</sup> In compliance with the “Campo Algodonero” (*Case of González et al. v. Mexico*) judgment of the Inter-

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89. Homologated Search Protocol, COMISIÓN NACIONAL DE BÚSQUEDA (in Spanish), <https://comisionacionaldebusqueda.segob.gob.mx/protocolos/>

90. Id.

91. The Additional Protocol for the Search for Children and Adolescents, PANNA, Enters into Force. National System for the Search for Persons, MEX. GOV’T, (July 15, 2021) (in Spanish), <https://www.gob.mx/sipinna/articulos/entra-en-vigor-el-protocolo-adicional-para-la-busqueda-de-ninas-ninos-y-adolescentes-panna-sistema-nacional-de-busqueda-de-personas?idiom=es#:~:text=El%20Protocolo%20Adicional%20incorpora%20necesidades,de%20ni%C3%B1as%2C%20ni%C3%B9os%20y%20adolescentes.>

92. Press Conference Following the Visit of the Committee on Enforced Disappearances to Mexico, OFFICE OF THE U.N. HIGH COMM’R FOR HUM. RTS. (OHCHR), (Nov. 26, 2021), <https://www.ohchr.org/en/statements-and-speeches/2021/11/press-conference-following-visit-committee-enforced-disappearances>.

93. Alba Protocol: The Immediate Search for Missing Women and Girls, NAT’L COMM’N FOR PREVENTION & ERADICATION VIOLENCE AGAINST WOMEN (CONAVIM), (Jan. 26, 2021) (in Spanish), <https://www.gob.mx/conavim/articulos/protocolo-alba-la-busqueda-inmediata-de-mujeres-y-ninas-desaparecidas-262178>.

94. Id.

American Court of Human Rights,<sup>95</sup> the Alba Protocol, which began operating in Ciudad Juárez, Chihuahua in 2003, was modified in 2012, and in 2018 began to be implemented across the country.<sup>96</sup> As of 2024, there are 25 Mexican states that have already incorporated the Alba Protocol into their laws.<sup>97</sup>

### B. 2025 Reform to the General Law

Following the discovery of the Izaguirre Ranch in Teuchitlán, Jalisco, and complaints from multiple families and groups demanding that the authorities respond to the crisis of disappearances, the President of the Republic announced on March 17, 2025 that attending

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95. Case of González et al. (“Cotton Field”) v. Mexico, Preliminary Objection, Merits, Reparations, and Costs, Judgement, INTER-AM. CT. H.R., (Nov. 16, 2009), [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_205\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf). In Section 4.2, Guarantees of non-repetition, 4.2.3 Implementation of a program to look for and find disappeared women in the state of Chihuahua, the Court provides specific observations on the efficacy and implementation of the Alba Protocol. In para. 505, the Court writes that it “assesses positively the creation of Operation Alba and the Alba Protocol as a way of paying increased attention to the disappearance of women in Ciudad Juárez. Nevertheless, it observes that these search programs are only put in practice when a “high-risk” disappearance occurs, a criterion that, according to information from several sources, is only met in the case of reports with “specific characteristics”; namely, that “it is certain that [the women] had no reason to abandon their home”, a young girl has disappeared, “the young woman [had] a stable routine,” and that the report had “characteristics associated with the ‘serial’ killings.” Therefore, in para. 506, “The Court considers that the Alba Protocol, or any analogous mechanism in Chihuahua, should include the following parameters: (i) implement searches ex officio and without any delay in cases of disappearance as a measure to protect the life, personal liberty and personal integrity of the disappeared person; (ii) coordinate the efforts of the different security agencies to find the person; (iii) eliminate any factual or legal obstacle that reduces the effectiveness of the search or that prevents it from starting, such as requiring preliminary inquiries or procedures; (iv) allocate the human, financial, logistic, scientific or any other type of resource required for the search to be successful; (v) crosscheck the missing person report with the database of missing persons mentioned in section 4.2.4 *infra*, and (vi) give priority to searching areas where reason dictates that it is most probable to find the disappeared person, without arbitrarily disregarding other possibilities or areas. All of the above must be even more urgent and rigorous when a girl has disappeared. In this regard, an annual report must be presented for three years.”

96. Alba Protocol: The Immediate Search for Missing Women and Girls, NAT’L COMM’N FOR THE PREVENTION & ERADICATION OF VIOLENCE AGAINST WOMEN (CONAVIM), (Jan. 26, 2021), (in Spanish), <https://www.gob.mx/conavim/articulos/protocolo-alba-la-busqueda-inmediata-de-mujeres-y-ninas-desaparecidas-262178>.

97. Seeking to Implement Alba Protocol to Search for Women in Hidalgo, This Is What It’s All About, LA SILLA ROTA DE HIDALGO, (Mar. 26, 2024), (in Spanish), <https://lasillarota.com/hidalgo/estado/2024/3/26/buscan-implementar-protocolo-alba-para-busqueda-de-mujeres-en-hidalgo-de-esto-trata-475734.html>.

disappearances was a “national priority,” for which various legislative reforms would be presented and the National Search Commission (CNB) and the National Center for Human Identification (CNIH) would be strengthened.<sup>98</sup> The reform initiatives were presented to the Senate on March 31.<sup>99</sup>

However, the Executive Branch presented its proposals without opening a space for dialogue or discussion with the families of disappeared persons, provoking strong rejection by more than 150 relatives and collectives on March 18, 2025.<sup>100</sup> In a letter addressed to the President, they stated: “The families of missing persons saw and heard your response to the crisis of disappearances, which is becoming more serious every day. We are deeply concerned about your proposal, as it reflects a lack of knowledge of the institutional mechanisms and procedures that already exist in the country in terms of search and investigation.”<sup>101</sup>

On April 4, President Sheinbaum announced the establishment of a series of formal meetings with relatives and groups of missing persons, in sessions led by the Ministry of the Interior (SEGOB) and its Undersecretary for Human Rights, in order to review the ongoing legislative initiatives with the aim of strengthening the legal framework.<sup>102</sup> “On the instructions of the federal executive, the legislative chambers were asked to postpone the analysis of these

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98. President Claudia Sheinbaum Announces Six Immediate Actions Against the Crime of Disappearance, GOV'T OF MEX., PRESIDENCY OF THE REPUBLIC, (Mar. 17, 2025), (in Spanish), <https://www.gob.mx/presidencia/prensa/presidenta-claudia-sheinbaum-anuncia-seis-acciones-inmediatas-contra-el-delito-de-desaparicion>.

99. Draft Decree Amending, Adding, and Repealing Various Provisions of the General Law on Enforced Disappearance of Persons, Disappearance Committed by Private Individuals, and the National System for the Search for Persons, as well as the General Population Law, with Regard to Strengthening the Search, MINISTRY OF THE INTERIOR (SEGOB), (Mar. 31, 2025), (in Spanish), [https://infosen.senado.gob.mx/sgsp/gaceta/66/1/2025-04-01-1/assets/documentos/Ejecutivo\\_Iniciativa\\_Ley\\_Gral\\_Desaparicion\\_Forzada\\_Personas.pdf](https://infosen.senado.gob.mx/sgsp/gaceta/66/1/2025-04-01-1/assets/documentos/Ejecutivo_Iniciativa_Ley_Gral_Desaparicion_Forzada_Personas.pdf).

100. “A Proposal That Reflects Ignorance Is Cause for Concern,” Respond More Than 150 Relatives and Groups to Sheinbaum Regarding Missing Persons, ANIMAL POLÍTICO, (Mar. 18, 2025), (in Spanish), <https://animalpolitico.com/sociedad/colectivos-sheinbaum-desaparecidos-propuestas>.

101. *Id.*

102. Segob Will Be Responsible for Dialogue with Relatives of Missing Persons, Says Sheinbaum, NOTIPRESS, (Apr. 4, 2025), (in Spanish), <https://notipress.mx/actualidad/segob-encargara-dialogo-familiares-personas-desaparecidas-sheinbaum-28530>.

proposals in order to allow for the inclusion of new elements.”<sup>103</sup> In total, more than 84 working sessions were completed between SEGOB and the families of disappeared persons,<sup>104</sup> with the participation of 450 search collectives with 1,042 attendees.<sup>105</sup>

In a joint statement, the *Movimiento por Nuestros Desaparecidos en México* (MNDM), made up of more than 80 search collectives; the Union and National Network for the Search for Missing Persons; and the Contingent against LGBTTTIQ+ Disappearances, announced that the working sessions with the government had concluded “with progress.”<sup>106</sup> The collectives highlighted the incorporation of important mechanisms for data protection, enhanced search capabilities, improved conditions for addressing the forensic crisis, and new policies for assisting families. They also welcomed the inclusion of the concept of “social family,” which recognizes that in cases of disappearances of LGBTQ+ individuals, sometimes it’s not the victim’s biological family who reports their disappearance and searches for them, but their chosen family who does so.<sup>107</sup> However, other

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103.*Id.*

104.Marcos Nucamendi, Las reformas a la ley de desapariciones: Del diálogo al desencanto, A DÓNDE VAN LOS DESAPARECIDOS, (July 11, 2025), (in Spanish), <https://adondevanlosdesaparecidos.org/2025/07/11/las-reformas-a-la-ley-de-desapariciones-del-dialogo-al-desencanto/>.

105.Dialogue at the Ministry of the Interior Concludes “with Progress”: Search Groups, LA JORNADA, (June 19, 2025), (in Spanish), <https://www.jornada.com.mx/noticia/2025/06/19/politica/concluye-con-avances-el-dialogo-en-gobernacion-colectivos-de-buscadores>.

106.*Id.*; see also: Letter to Families, Collectives, and Platforms, MOVEMENT FOR OUR DISAPPEARED, (June 20, 2025), (in Spanish), <https://drive.google.com/file/d/1j8PW2nFp9LbIrq15fhmTMBMdrGY3uYlX/view?usp=sharing>.

107.Dialogue at the Ministry of the Interior Concludes “with Progress”: Search Groups, LA JORNADA, (June 19, 2025), (in Spanish), <https://www.jornada.com.mx/noticia/2025/06/19/politica/concluye-con-avances-el-dialogo-en-gobernacion-colectivos-de-buscadores>. “Juan Carlos Lozada Delgadillo, from the Contingent Against the Disappearance of LGBT+ Persons, pointed out that this is also observed in cases related to the disappearance of migrants, indigenous persons, or victims of social exclusion.” See also The “Social Family” of Missing LGBT+ Persons Will Be Able to Participate in Investigations, LA JORNADA, (July 27, 2025), (in Spanish), <https://www.jornada.com.mx/2025/07/27/politica/006n2pol#:~:text=En%20los%20casos%20de%20desaparici%C3%B3n,de%20afecto%2C%20de%20cuidado%20y.> “In cases involving the disappearance of sexually diverse individuals (LGBT+), often only the biological family is allowed to participate in the investigation and search, because prosecutors and ministries do not recognize their social family — that is, those

search collectives accused the government of excluding them from the working sessions and demanded that Congress establish an “open parliament” to voice their concerns with the proposed reform, given that they did not support the text as proposed.<sup>108</sup> The OHCHR office in Mexico applauded the working sessions, thanked the families of missing persons and the Mexican government for inviting them to accompany the process alongside the International Committee of the Red Cross, and encouraged the Congress of the Union to incorporate the proposals.<sup>109</sup>

As a result of the working sessions, 30 amendments were introduced into the legislative reform proposal, including provisions for socioeconomic support for the children of missing persons, security plans for families, and the creation of a single identity platform,<sup>110</sup> a tool which enables “automated searches and real-time

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with whom they have significant bonds of affection, care, and trust — even though they may be able to contribute more information to the investigation.”

108. “They Just Launched Their Reforms”: The Guerreros Buscadores Collective Accuses That It Was Excluded from the Dialogue Tables on the Law on Missing Persons, *LATINUS*, (July 9, 2025), (in Spanish), <https://latinus.us/mexico/2025/7/9/nada-mas-lanzaron-sus-reformas-colectivo-guerreros-buscadores-acusa-que-fue-excluido-de-las-mesas-de-dialogo-sobre-ley-de-desaparecidos-146427.html>; see also Groups Representing Families of Missing Persons Call for Open Parliament to Enrich Reforms, *EDUCA OAXACA*, (June 25, 2025), (in Spanish) <https://www.educaoxaca.org/colectivos-de-familiares-desaparecidos-piden-parlamento-abierto-para-enriquecer-reformas/>. “The Movement for Our Disappeared in Mexico (MNDM), the Contingent Against LGBTTTIQ+ Disappearances, and the National Search Union and Network, which did participate in the working groups, recognized the need to add other voices after a group of 178 family members expressed their rejection of the initiative, even with the modifications agreed upon with the aforementioned platforms. They therefore joined the demands that the Legislative Branch convene an Open Parliament to guarantee the possibility of broad participation by families, collectives, and networks in the dialogue on the proposed reforms to the law”; see also Searchers That Did Not Engage in Dialogue with the SG Ask Congress for an Open Parliament, *LA JORNADA*, (June 25, 2025), (in Spanish), <https://www.jornada.com.mx/2025/06/25/politica/010n2pol>.

109. ONU-DH Applauds Dialogue with Searchers, *LA JORNADA*, (June 21, 2025), (in Spanish), <https://www.jornada.com.mx/2025/06/21/politica/008n4pol>.

110. Missing Persons in Mexico: Segob Presents Reform; Includes These Points, *N+*, (June 23, 2025), (in Spanish), <https://www.nmas.com.mx/nacional/seguridad/segob-presenta-reforma-ley-desaparecidos-mexico-incluye-estos-puntos-algunos-colectivos-avalan/>; see also Status on X, MOVEMENT FOR OUR DISAPPEARED (MOVNDMX), (June 29, 2025), (in Spanish), <https://x.com/movNDmx/status/1939383369567265279>. “We share these infographics with the main proposals of the families that are part of the Contingent Against LGBTTTIQ+ Disappearances, the Movement for Our Disappeared in Mexico (MNDM), and the Union and National Search Network (RIAPD) for the

alerts for missing persons through interconnection with records from the National Search System, forensic databases, administrative records, and private sources such as health, transportation, education, and telecommunications services.”<sup>111</sup> The revised bill was then sent to the Congress for a nine-day special session to vote on 16 legislative reforms.<sup>112</sup> On the first day of the extraordinary session, Centro Prodh warned that “the reforms to the General Law on disappearances that will be discussed do not appear to represent substantive progress. Even with the minor changes that have been revealed—because the new text of the Executive’s initiative has not been made public—it would still fall short given the magnitude of the crisis.”<sup>113</sup> Centro Prodh expressed concerns that the proposed reforms risked neglecting the “currently abandoned” National Center for Human Identification (CNIH).<sup>114</sup> The CNIH is described in more detail *Infra*, but was created in 2022 through an amendment to the General Law on Disappearances to address Mexico’s forensic backlog.<sup>115</sup> However, at the end of 2023, the CNIH

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reform of the Disappearance Law, which were presented at roundtable discussions convened by SEGOB.”

111.Congressmen Approve CURP with Biometric Data and the Creation of the Single Identity Platform, INFOBAE, (July 1, 2025), (in Spanish), <https://www.infobae.com/mexico/2025/07/01/diputados-aprueban-curp-con-datos-biometricos-y-la-creacion-de-la-plataforma-unica-de-identidad/>; see also Mexico Approved a Reform to the Law on Forced Disappearance: Here’s What You Need to Know About Biometric Records, CNN EN ESPAÑOL, (July 3, 2025), (in Spanish), [https://cnnespanol.cnn.com/2025/07/03/mexico/ley-desapariciones-forzadas-mexico-registro-biometrico-orix#:~:text=%E2%80%99CEI%20art%C3%ADculo%2024%20y%20el,21%20de%20noviembre%20de%202024](https://cnnespanol.cnn.com/2025/07/03/mexico/ley-desapariciones-forzadas-mexico-registro-biometrico-orix#:~:text=%E2%80%99CEI%20art%C3%ADculo%2024%20y%20el,21%20de%20noviembre%20de%202024.). “According to experts consulted, the core of the reform lies in the creation of the Single Identity Platform (PUI), a centralized system that, according to official documents, will integrate information from different institutions through the mandatory assignment of a new CURP with biometric data, including facial features, iris scans, fingerprints, and other identifiers. According to the document, everyone must have this CURP to carry out public or private procedures.”

112.When and What Laws Will Congress Discuss During the Special Session?, ANIMAL POLÍTICO, (June 19, 2025), (in Spanish), <https://www.animalpolitico.com/politica/cuando-que-leyes-discutira-congreso-periodo-extraordinario>.

113.Status on X, CENTRO PRODH, (June 23, 2025), (in Spanish), <https://x.com/CentroProdh/status/1937183605123428852>.

114.Id.

115.Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas, CÁMARA DE DIPUTADOS (MEX.) (última reforma publicada DOF 01-04-2024) (Apr. 1, 2024) (in Spanish), <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGMDFP.pdf>.

was effectively dismantled, with the dismissal of 40 out of the 59 forensic specialists in its employment.<sup>116</sup>

On June 27, the Senate approved the legislative reform initiative, “after a heated discussion in which...legislators [from Morena, the ruling party] described as “fantastical” the opposition’s claims that through the Unique Population Registry Code (CURP), which will contain biometric data, they will be ‘spied on by the federal government’ and their personal data will be at risk.”<sup>117</sup> The initiative reformed both the General Law on disappearances and the General Population Law, the latter of which introduced the mandatory CURP with biometric data.<sup>118</sup> The bill, approved shortly after by the Chamber of Deputies,<sup>119</sup> incorporates the creation of the Single Identity Platform (*Supra*).<sup>120</sup> In the nine days of sessions, the Congress passed a set of

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116.Desmantelamiento del Centro Nacional de Identificación deja en vilo a cientos de familiares: “Todo se fue por el caño”, EL PAÍS (Feb. 19, 2024) (in Spanish), <https://elpais.com/mexico/2024-02-20/el-desmantelamiento-del-centro-nacional-de-identificacion-deja-en-vilo-a-cientos-de-familiares-todo-se-fue-por-el-cano.html>.

117.Senate Approves Reform on Enforced Disappearance, LA JORNADA (June 27, 2025) (in Spanish), <https://www.jornada.com.mx/noticia/2025/06/27/politica/aprueba-el-senado-reforma-en-materia-de-desaparicion-forzada>.

118.Senate Approves Reform on Missing Persons with Mandatory Use of Biometric CURP, INFOBAE (June 28, 2025) (in Spanish), <https://www.infobae.com/mexico/2025/06/28/senado-aprueba-reforma-en-materia-de-desaparecidos-con-uso-obligatorio-de-curp-biometrica/>.

119.General Law on Enforced Disappearance of Persons, Disappearance Committed by Private Parties & the National System for the Search for Persons, Current Text (Last Amendment Published in the Official Gazette of the Federation on July 16, 2025), CHAMBER OF DEPUTIES (MEX.), (July 16, 2025), (in Spanish), <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGMDFP.pdf>; see also Lower House Approves Law on Forced Disappearance, LA RAZÓN, (July 1, 2025), (in Spanish), <https://www.razon.com.mx/mexico/2025/07/01/avalan-ley-de-desaparicion-forzada-en-la-camara-baja>.

120.Congressmen Approve CURP with Biometric Data and the Creation of the Single Identity Platform, INFOBAE, (July 1, 2025), (in Spanish), <https://www.infobae.com/mexico/2025/07/01/diputados-aprueban-curp-con-datos-biometricos-y-la-creacion-de-la-plataforma-unica-de-identidad/>. See also Mexico Approved a Reform to the Law on Forced Disappearance: Here’s What You Need to Know About Biometric Records, CNN ESPAÑOL, (July 3, 2025), (in Spanish), [https://cnnespanol.cnn.com/2025/07/03/mexico/ley-desapariciones-forzadas-mexico-registro-biometrico-orix#:~:text=%E2%80%99CEI%20art%C3%ADculo%2024%20y%20el,21%20de%20noviembre%20de%202024](https://cnnespanol.cnn.com/2025/07/03/mexico/ley-desapariciones-forzadas-mexico-registro-biometrico-orix#:~:text=%E2%80%99CEI%20art%C3%ADculo%2024%20y%20el,21%20de%20noviembre%20de%202024.). “According to experts consulted, the core of the reform lies in the creation of the Single Identity Platform (PUI), a centralized system that, according to official documents, will integrate information from different institutions through the mandatory assignment of a new CURP with biometric data, including

legislative reforms which allow the federal government to access the biometric and personal data of the population<sup>121</sup> and grant more powers to security institutions, such as the National Guard, to carry out intelligence work.<sup>122</sup> Civil society organizations expressed deep concern that these reforms could seriously threaten the privacy of the population in the absence of any counterweights.<sup>123</sup>

Civil society organizations and experts criticized the reform to the General Law on Disappearances as insufficient to resolve the structural problems of impunity or guarantee effective results.<sup>124</sup> The legislative reform “ignored essential aspects of the recommendations made by the UN Committee on Enforced Disappearances (CED Committee), which are indispensable for developing a National Policy to Prevent and Eradicate Disappearances.”<sup>125</sup> Another area of concern is the lack of concrete measures included to address the forensic backlog; there is no reference in the reform to the National Center for Human

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facial features, iris scans, fingerprints, and other identifiers. According to the document, everyone must have this CURP to carry out public or private procedures.”

121. Government and Congress Weave a Web of Laws to Access Personal Information and Increase Controls Over Citizens, *ANIMAL POLÍTICO* (July 2, 2025), (in Spanish), <https://animalpolitico.com/politica/congreso-leyes-aumenta-control-acceso-informacion-personal>.

122. Senate Approves New National Guard Law Allowing Its Members to Carry Out Surveillance and Covert Operations, *ANIMAL POLÍTICO* (June 30, 2025), (in Spanish), [https://www.animalpolitico.com/politica/senado-nueva-ley-guardia-nacional?\\_gl=1\\*63ewml\\*\\_ga\\*MTY0NzY0NjMzLjE3NTUxODExOTM.\\*\\_ga\\_JSN48THPPC\\*cze3NTY4MTgyMjkkbzYkZzEkdDE3NTY4MTkyNzMkajYwJGwwJGgw](https://www.animalpolitico.com/politica/senado-nueva-ley-guardia-nacional?_gl=1*63ewml*_ga*MTY0NzY0NjMzLjE3NTUxODExOTM.*_ga_JSN48THPPC*cze3NTY4MTgyMjkkbzYkZzEkdDE3NTY4MTkyNzMkajYwJGwwJGgw). “As part of the sixth anniversary of the National Guard, the Senate concluded the legislative process that formalizes the military structure of the corporation and allows its members to carry out intelligence activities.”

123. Amnesty International Expresses “Deep Concern” Over Reforms That Invade Citizens’ Privacy in Mexico, *LA CRÓNICA*, (July 2, 2025), (in Spanish), <https://www.cronica.com.mx/nacional/2025/07/02/expresa-amnistia-internacional-profunda-preocupacion-por-reformas-que-invaden-privacidad-de-ciudadanos-en-mexico/>. “They warn that these reforms to the Enforced Disappearance Act and the General Population Act introduce measures that threaten privacy, such as unrestricted access to biometric and personal data and the creation of a biometric CURP, without any checks and balances.”

124. Mexico Approved a Reform to the Law on Forced Disappearance: Here’s What You Need to Know About Biometric Records, *CNN EN ESPAÑOL*, (July 3, 2025), (in Spanish), <https://cnnespanol.cnn.com/2025/07/03/mexico/ley-desapariciones-forzadas-mexico-registro-biometrico-orix#:~:text=%E2%80%99CEI%20art%C3%ADculo%2024%20y%20el,21%20de%20noviembre%20de%202024>.

125. Reforms to the General Law on Disappearances, Without Substantive Progress, *ANIMAL POLÍTICO & CENTRO PRODH* (July 1, 2025) (in Spanish), <https://animalpolitico.com/analisis/organizaciones/la-lucha-cotidiana-de-los-derechos-humanos/reforma-ley-desapariciones-sin-avance>.



Identification (CNIH),<sup>126</sup> which was effectively dismantled by the administration of López Obrador.<sup>127</sup> In addition, the reform eliminates the administrative report of disappearance required by law since 2017;<sup>128</sup> “Efforts are focused on the National Investigation File Database, leaving aside cases where families cannot report for fear of reprisals, in regions controlled by macro-crime, or because they are migrants.”<sup>129</sup> In short, the reforms put an end to the existence of the administrative disappearance report as an alternative for relatives who do not wish to file a criminal complaint for fear of reprisals or because they live in regions controlled by organized crime.

Some civil society organizations, such as Centro Prodh, argued that the cycle of reforms served to quell outrage over the March 2025 discovery of the extermination camp at Rancho Izaguirre in Teuchitlán, and to “neutralize voices” of those calling for real change.<sup>130</sup> According to Centro Prodh, the reforms enabled the State, while under the scrutiny of the CED, “to argue that it is engaged in dialogue with

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126.*Id.*

127.The Dismantling of the National Identification Center Leaves Hundreds of Families in Limbo: “Everything Went Down the Drain,” *EL PAÍS* (Feb. 19, 2024) (in Spanish), <https://elpais.com/mexico/2024-02-20/el-desmantelamiento-del-centro-nacional-de-identificacion-deja-en-vilo-a-cientos-de-familiares-todo-se-fue-por-el-cano.html>.

128.Since 2017, family members of a missing person have been able to go to a Search Commission in Mexico and submit an “administrative report” of the disappearance, without that automatically opening a criminal investigation with the Prosecutor’s Office. The figure of the administrative report was especially important for those who were scared of going the Prosecutor’s Office or police for fear of reprisals (i.e. in cases where the perpetrators of the disappearance were suspected to be state agents) but still wanted their loved one to be searched for by the authorities. The administrative report was thus a key feature of the National Search System’s autonomy from the Prosecutor’s Office. See Reforms to the General Law on Disappearances, Without Substantive Progress, *ANIMAL POLÍTICO & CENTRO PRODH* (July 1, 2025) (in Spanish), <https://animalpolitico.com/analisis/organizaciones/la-lucha-cotidiana-de-los-derechos-humanos/reforma-ley-desapariciones-sin-avance>. “The elimination of the administrative report of disappearance will lead to the counting of, above all, the investigation files that are opened after the report is filed, and since in many regions of the country there are not even minimal conditions for reporting, this will lead to a decrease in the figures. Undoubtedly, the administrative report required by law since 2017 could be improved to make it more reliable but eliminating it is a step backward.”

129.Status, *CENTRO PRODH*, X (June 30, 2025), (in Spanish), <https://x.com/CentroProdh/status/1939883918423101803>.

130.Reforms to the General Law on Disappearances, Without Substantive Progress, *ANIMAL POLÍTICO & CENTRO PRODH*, (July 1, 2025), (in Spanish), <https://animalpolitico.com/analisis/organizaciones/la-lucha-cotidiana-de-los-derechos-humanos/reforma-ley-desapariciones-sin-avance>.

families and has promoted relevant reforms.”<sup>131</sup> There have also been complaints regarding the efficacy of the reforms. For instance, a representative of the Instituto Mexicano de Derechos Humanos y Democracia (IMDHD), another NGO, warned of the risk of approving reforms when the provisions of the original text have not yet been fulfilled: “The risk is that everything will now be conditioned on setting up the [Single Identity] Platform and the CURP, and that this will condition and postpone all the pending issues of the [original] law: the National Search Program, the National Exhumation Program, improving the quality of information in the National Registry of Missing and Unlocated Persons, or completing the National Forensic Data Bank.”<sup>132</sup>

Family members and search collectives, on the other hand, have been divided in their opinions on the reform.<sup>133</sup> Some applauded the reforms as a success, pointing in particular to the fact that relatives of the disappeared were invited to participate in the working sessions organized by SEGOB, marking a contrast with the term of López Obrador, during which “there was no opportunity for dialogue or proposals.”<sup>134</sup> However, other relatives of victims harshly criticized the reform, arguing that the working sessions were a pretext to legitimize the amendments to the law and the creation of a “mass surveillance system.”<sup>135</sup> A few days before the approval of the reform, more than 100 search collectives of family members across the country published a joint communication expressing their rejection of the reform initiative, arguing that “the initiative presented by the Federal Executive does not address the crisis of missing persons and aims to impose a system of mass surveillance that is useless in the search for our missing relatives and could be dangerous for the safety of everyone in Mexico.”<sup>136</sup>

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131.*Id.*

132.Reforms to the Law on Disappearances: From Dialogue to Disillusionment, A DÓNDE VAN LOS DESAPARECIDOS (July 11, 2025) (in Spanish), <https://adondevanlosdesaparecidos.org/2025/07/11/las-reformas-a-la-ley-de-desapariciones-del-dialogo-al-desencanto/>.

133.*Id.*

134.*Id.*

135.*Id.*

136.Status, GLORIETA DE LAS Y LOS DESAPARECIDOS, X (June 24, 2025) (in Spanish) <https://x.com/GlorietaMx/status/1937604875728400641>.

## V. THE FORENSIC IDENTIFICATION CRISIS IN MEXICO

As of September 2024, there are 72,172 registered unidentified bodies in Forensic Medical Services (or SEMEFOs) in Mexico.<sup>137</sup> Of the 72,172 unidentified bodies registered since 2006, 48% (34,699) arrived at morgues during AMLO's presidency.<sup>138</sup> However, according to civil society activists, the Attorney General's Office (FGR) has only 490 records of unclaimed bodies.<sup>139</sup> According to civil society organizations, there is such a high number of unidentified bodies due to "the lack of infrastructure to store and identify the bodies that are arriving at SEMEFO, to the decisions made by high-ranking officials to store these bodies in inadequate spaces or to place them in mass graves without the minimum registration necessary to identify where and which bodies are being placed."<sup>140</sup> In addition, there are multiple documented situations of family members of the deceased repeatedly asking their local SEMEFO if the body of their loved one was stored there, being told no, only for the information to later come to light that the body was in fact stored in the SEMEFO.<sup>141</sup> One such striking case was that of María Guadalupe Alcalá, whose body remained in the Jalisco SEMEFO for eight years before being successfully identified and delivered to her mother for a dignified burial.<sup>142</sup> In 2016, the year that María disappeared, her mother demanded DNA tests from the authorities to see if there were any matches with bodies held in the Jalisco SEMEFO, but her request was denied.<sup>143</sup>

Another concerning human rights and forensic issue in Mexico is the large number of clandestine graves, oftentimes discovered by

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137.Efraín Tzuc y Mayela Sánchez, *Cierra sexenio con más de 72,100 cuerpos sin identificar, A DÓNDE VAN LOS DESAPARECIDOS* (Sept. 24, 2024) (in Spanish), <https://adondevanlosdesaparecidos.org/2024/09/24/cierra-sexenio-con-mas-de-72100-cuerpos-sin-identificar/>.

138.*Id.*

139.Forensic Crisis: FGR Fails to Comply with National Data Bank and Leaves Thousands of Disappearances Unresolved, *PROCESO* (Mar. 20, 2025) (in Spanish), <https://www.proceso.com.mx/nacional/2025/3/20/crisis-forense-fgr-incumple-con-banco-nacional-de-datos-deja-sin-resolver-miles-de-desapariciones-347740.html>.

140.Forensic Crisis in Mexico: Institutional Incapacity or Lack of Will?, *A DÓNDE VAN LOS DESAPARECIDOS* (July 25, 2024) (in Spanish), <https://adondevanlosdesaparecidos.org/2024/07/25/crisis-forense-en-mexico-incapacidad-institucional-o-falta-de-voluntad/>.

141.*Id.*

142.*Id.*

143.*Id.*

family members of the disappeared rather than by the authorities.<sup>144</sup> Clandestine graves have multiplied in Mexico since Former President Calderón's War on Drugs beginning in 2006.<sup>145</sup> As of 2023, 5,696 clandestine graves in 570 municipalities in the country have been discovered, located in 23 percent of municipalities nationwide.<sup>146</sup> 2,864 of them were discovered during AMLO's six-year term, with the majority being located in Veracruz, Colima, Sinaloa, Guerrero and Michoacán.<sup>147</sup>

In 2021, several civil society organizations, the Universidad Iberoamericana, and the Human Rights Data Analysis Group launched the "Citizen Platform for Clandestine Graves,"<sup>148</sup> responding to the lack of a public version of the National Registry of Mass Graves and Clandestine Graves, which, according to the General Law on Disappearance, is the responsibility of the Attorney General's Office (FGR) in collaboration with state prosecutors and attorneys general.<sup>149</sup> In March 2023, the CNB published the Map of Clandestine Grave Discoveries, but it has not been updated since April 2023,<sup>150</sup> which

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144. Mexico Keeps Finding Clandestine Graves, but the Government No Longer Shares the Statistics, *EL PAÍS* (Feb. 7, 2025), <https://english.elpais.com/international/2025-02-07/mexico-keeps-finding-clandestine-graves-but-the-government-no-longer-shares-the-statistics.html>.

145. México rebasa las 5,600 fosas clandestinas, *A DÓNDE VAN LOS DESAPARECIDOS* (Oct. 9, 2023) (in Spanish), <https://adondevanlosdesaparecidos.org/2023/10/09/mexico-rebasa-las-5600-fosas-clandestinas/>.

146. *Id.*

147. *Id.*

148. Lanzamiento de la Plataforma Ciudadana de Fosas Clandestinas, *ARTÍCULO 19*, (Sept. 14, 2021) (in Spanish), <https://articulo19.org/lanzamiento-de-la-plataforma-ciudadana-de-fosas-clandestinas-por-parte-de-articulo-19-cmdpdh-ibero-data-civica-y-hrdag/>.

149. General Law on Enforced Disappearance of Persons, Disappearance Committed by Private Parties and the National System for the Search for Persons, Current Text (Last Amendment Published in the Official Gazette of the Federation on July 16, 2025), art. 48, 133, CHAMBER OF DEPUTIES (MEX.) (current text; last amendment July 16, 2025), (in Spanish), <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGMDFP.pdf>. Art. 133 (II): "The National Registry of Graves, which shall contain information on the mass graves that exist in cemeteries and mausoleums in all municipalities of the country, as well as on clandestine graves located by the Attorney General's Office and local prosecutors' offices."

150. Introducción, *PLATAFORMA CIUDADANA DE FOSAS* (in Spanish), <https://plataformaciudadanadefosas.org/>; see also Mexico Keeps Finding Clandestine Graves, but the Government No Longer Shares the Statistics, *EL PAÍS* (Feb. 7, 2025), <https://english.elpais.com/international/2025-02-07/mexico-keeps-finding-clandestine-graves-but-the-government-no-longer-shares-the-statistics.html>.

means that there are not publicly-available, official statistics on the number of clandestine graves found in Mexico in the last two years. In addition to the lack of updates for the past two years, there are other issues with the CNB's map: users can see the number of graves by state and municipality, but the tool does not provide information on total number of bodies and/or human remains recovered, nor does it provide information from all state prosecutors' offices.<sup>151</sup>

#### A. National Forensic Data Bank (BNDF)

Article 119 of the General Law on Missing Persons establishes that the Attorney General's Office is responsible for the creation of the National Forensic Data Bank (BNDF) to concentrate relevant information for the search and identification of missing persons, as well as for the investigation of crimes.<sup>152</sup> The National Forensic Data Bank should, according to the law,<sup>153</sup> be integrated by means of the gradual interconnection of databases, registries and systems, including the National Registry of Mass and Clandestine Graves, the Federal Forensic Registry, the National Database of Genetic Information, the National Registry of Arrests, the National Registry of the Crime of Torture, criminal records, the National System of Identification of Fingerprints, the Amber Alert, the National Registry of Disappeared and Missing Persons, as well as other databases containing forensic and genetic information relevant to the search of missing persons.<sup>154</sup>

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clandestine-graves-but-the-government-no-longer-shares-the-statistics.html; see also *Así se ve el mapa de fosas clandestinas en México; en el último mes rescataron más de 100 cuerpos*, INFOBAE, (Jan. 29, 2025), (in Spanish), <https://www.infobae.com/mexico/2025/01/30/asi-se-ve-el-mapa-de-fosas-clandestinas-en-mexico-en-el-ultimo-mes-rescataron-mas-de-100-cuerpos/>.

151.Introducción, PLATAFORMA CIUDADANA DE FOSAS (in Spanish), <https://plataformaciudadanadefosas.org/>.

152.Tras cuatro años de retraso y por orden judicial, la FGR anuncia que abrirá el Banco Nacional de Datos Forenses el 29 de mayo, ANIMAL POLÍTICO (May 11, 2023) (in Spanish), [https://animalpolitico.com/seguridad/fgr-anuncia-arranque-banco-nacional-datos-forenses?rtbref=rtb\\_qittie2wgj7pb2qhilo\\_1713964185775](https://animalpolitico.com/seguridad/fgr-anuncia-arranque-banco-nacional-datos-forenses?rtbref=rtb_qittie2wgj7pb2qhilo_1713964185775).

153.Aviso general por el que se da a conocer la fecha de inicio de operaciones del Banco Nacional de Datos Forenses y del Registro Nacional de Personas Fallecidas No Identificadas y No Reclamadas, DIARIO OFICIAL DE LA FEDERACIÓN (May 11, 2023) (in Spanish), [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5688420&fecha=11/05/2023#gsc.tab=0](https://www.dof.gob.mx/nota_detalle.php?codigo=5688420&fecha=11/05/2023#gsc.tab=0).

154.Tras cuatro años de retraso y por orden judicial, la FGR anuncia que abrirá el Banco Nacional de Datos Forenses el 29 de mayo, Animal Político (May 11, 2023) (in Spanish), [https://animalpolitico.com/seguridad/fgr-anuncia-arranque-banco-nacional-datos-forenses?rtbref=rtb\\_qittie2wgj7pb2qhilo\\_1713964185775](https://animalpolitico.com/seguridad/fgr-anuncia-arranque-banco-nacional-datos-forenses?rtbref=rtb_qittie2wgj7pb2qhilo_1713964185775).

The FGR has been legally obligated to create the BNDF since 2019, yet by 2021 had still not done so, which led Olimpia Montoya Juárez, a woman from Guanajuato searching for her disappeared brother Marco Antonio, to file an injunction.<sup>155</sup> In 2022, the auxiliary court ruled on the appeal and ordered the FGR to do everything necessary to create the BNDF as mandated by the General Law on Disappearances; however, rather than complying with the ruling, the FGR appealed the decision.<sup>156</sup> In 2023, an appeals court ordered, definitively and irrevocably, that the FGR must implement the BNDF within 40 business days.<sup>157</sup> However, one of the lawyers on the team representing Montoya Juárez reports that in the process of complying with the injunction, there has been a delay on the part of the FGR, with multiple registries managed by the FGR still not updated with accurate, relevant records for identifying individuals.<sup>158</sup> In cases like that of the extermination site discovered at Rancho Izaguirre in Teuchitlán, the lawyer on Montoya Juárez's case explains that the lack of a single, coordinated DNA database nationally (which should be implemented as part of the BNDF) means that, if it is possible to obtain DNA from the remains identified at the extermination site, the human identification process will be lengthy and bureaucratic.<sup>159</sup>

#### B. *Extraordinary Forensic Identification Mechanism (MEIF)*

The Extraordinary Forensic Identification Mechanism (MEIF) is a multidisciplinary, technical-scientific body created in 2019 at the insistence of family members of the disappeared. It is tasked with identifying the thousands of unidentified bodies currently in SEMEFOs, mass graves, and medical schools in Mexico and returning

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155.Gloria Leticia Díaz, Forensic Crisis: Attorney General's Office Fails to Comply with National Database and Leaves Thousands of Disappearances Unsolved, PROCESO (March 20, 2025) (in Spanish), <https://www.proceso.com.mx/nacional/2025/3/20/crisis-forense-fgr-incumple-con-banco-nacional-de-datos-deja-sin-resolver-miles-de-desapariciones-347740.html>.

156.Tribunal Colegiado confirma obligación de FGR de crear y operar el Banco Nacional de Datos Forenses, CENTRO PRODH (April 16, 2023, (in Spanish), <https://centroprodh.org.mx/2023/04/16/tribunal-colegiado-confirma-obligacion-de-fgr-de-crear-y-operar-el-banco-nacional-de-datos-forenses/>.

157.*Id.*

158.Gloria Leticia Díaz, Forensic Crisis: Attorney General's Office Fails to Comply with National Database and Leaves Thousands of Disappearances Unsolved, PROCESO (March 20, 2025) (in Spanish), <https://www.proceso.com.mx/nacional/2025/3/20/crisis-forense-fgr-incumple-con-banco-nacional-de-datos-deja-sin-resolver-miles-de-desapariciones-347740.html>.

159.*Id.*

the remains to the families of the deceased.<sup>160</sup> In March of 2020, the agreement for the creation of the MEIF was published in the Official Gazette of the Federation, stating that the MEIF “an extraordinary, multidisciplinary mechanism, with technical-scientific autonomy...will perform the pertinent expertise on the bodies or skeletal remains that have not been identified and are within its competence.”<sup>161</sup> Per agreement SNBP/001/2019, which approved the creation of the MEIF, it is tasked with conducting multidisciplinary expert examinations on corpses or remains of persons who have not yet been identified, applying best practices in the field, and operating in accordance with applicable regulations and with the agreements signed with the competent authorities.<sup>162</sup> The MEIF was financially supported by the United Nations Population Fund (UNFPA) in Mexico, which also conducted evaluations of the MEIF.<sup>163</sup> Notably, some have warned that UNFPA’s role in the management of the MEIF could constitute a threat to the mechanism’s independence.<sup>164</sup>

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160. Adiós al Mecanismo Extraordinario de Identificación Forense; cierra en marzo, A DÓNDE VAN LOS DESAPARECIDOS (Feb. 16, 2024) (in Spanish), <https://adondevanlosdesaparecidos.org/2024/02/26/adios-al-mecanismo-extraordinario-de-identificacion-forense-cierra-en-marzo/>.

161. Acuerdo SNBP/001/2019 por el que se aprueba la creación del Mecanismo Extraordinario de Identificación Forense, DIARIO OFICIAL DE LA FEDERACIÓN (Mar. 19, 2020) (in Spanish), [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5589797&fecha=19/03/2020#gsc.tab=0](https://www.dof.gob.mx/nota_detalle.php?codigo=5589797&fecha=19/03/2020#gsc.tab=0).

162. Evaluación del Mecanismo Extraordinario de Identificación Forense 2022, UNFPA MÉXICO (Jan. 25, 2023) (in Spanish), [https://mexico.unfpa.org/sites/default/files/pub-pdf/29\\_01\\_23\\_eval\\_final\\_meif\\_vf.pdf](https://mexico.unfpa.org/sites/default/files/pub-pdf/29_01_23_eval_final_meif_vf.pdf).

163. Adiós al Mecanismo Extraordinario de Identificación Forense; cierra en marzo, A DÓNDE VAN LOS DESAPARECIDOS (Feb. 16, 2024) (in Spanish), <https://adondevanlosdesaparecidos.org/2024/02/26/adios-al-mecanismo-extraordinario-de-identificacion-forense-cierra-en-marzo/>.

164. Id. “The MEIF was conceived as an autonomous body, but in practice it never was. Between 2021 and 2023, the CNB transferred 75 million pesos to UNFPA. The money, which was supposed to be used to operate the mechanism, was also allocated to the CNB, and part of it was even used to pay for the UNFPA’s operating costs—including Insad’s evaluation—according to the agency’s latest report. In a public letter, Cortez, who served as the mechanism’s legal and judicial specialist between August 2021 and October 2022, said that “there was an agreement between UNFPA and CNB to modify the number of members and their tasks in the MEIF, [but] this decision was never clearly communicated to us.” Reyna pointed out that over time they realized that there was no real autonomy. “We did depend on an institution, we did have a boss [former commissioner Karla Quintana], we did have someone to report to, but we were never told that. [. . .] All resources, everything went through her. [. . .] UNFPA was totally aligned with the decisions of the National Search Commission,” said the academic.”

It took a year and a half for the MEIF to begin functioning due to failure to coordinate.<sup>165</sup> The agreement which created the MEIF does not have the legal force to oblige the state prosecutor's offices specialists to allow the MEIF specialists to review the files of each body and, if necessary, to re-examine it.<sup>166</sup> This is an issue because most of the state prosecutors' officers house the Forensic Medical Services [SEMEFOs] and therefore have legal custody of the unidentified corpses.<sup>167</sup> Once implemented, the MEIF was only able to sign collaboration agreements with three of the 33 state prosecutor's offices in the country.<sup>168</sup>

While there were high hopes for the MEIF, it is unfortunately considered by many to be an overall failure. Edgar Cortez Moralez, one of the experts who formed part of the Coordinating Group of the MEIF,<sup>169</sup> in 2024 published his reflections on his time with the MEIF and the reasons, from his perspective, why the project failed.<sup>170</sup> According to Cortez Moralez, "If we take into account that today the coordinating group is made up of only one person, that there is no international cooperation for the MEIF and that the effective commitment of the federal government is the National Center for Human Identification (CNIH), it must be recognized that the MEIF is a project that has been truncated... The most important reason for the failure of this project was the lack of political backing."<sup>171</sup> As of July 2024, there were speculations about the potential disappearance of the MEIF, a move that, according to activists, "would be a step backwards for all the work and momentum that the seekers have put in to address

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165. Mecanismo Extraordinario de Identificación Forense: el reto de regresar el nombre a miles de cuerpos, A DÓNDE VAN LOS DESAPARECIDOS (Aug. 30, 2021) (in Spanish), <https://adondevanlosdesaparecidos.org/2021/08/30/mecanismo-extraordinario-de-identificacion-forense-el-reto-de-regresar-el-nombre-a-miles-de-cuerpos/>.

166. *Id.*

167. *Id.*

168. Se debilitan los centros de identificación forense mientras crece el hallazgo de fosas, advierte ONG, LA JORNADA (Mar. 13, 2025) (in Spanish), <https://www.jornada.com.mx/2025/03/13/politica/006n1pol?partner=rss>.

169. Se presenta a personas integrantes del Grupo Coordinador del Mecanismo Extraordinario de Identificación Forense, SECRETARÍA DE GOBERNACIÓN (Aug. 30, 2021) (in Spanish), <https://www.gob.mx/segob/prensa/se-presenta-a-personas-integrantes-del-grupo-coordinador-del-mecanismo-extraordinario-de-identificacion-forense>.

170. El Mecanismo Extraordinario de Identificación Forense: un proyecto trunco, CENTRO PRODH (Feb. 27, 2024) (in Spanish), [https://centroprodh.org.mx/sididh4\\_0/2024/02/27/el-mecanismo-extraordinario-de-identificacion-forense-un-proyecto-trunco/](https://centroprodh.org.mx/sididh4_0/2024/02/27/el-mecanismo-extraordinario-de-identificacion-forense-un-proyecto-trunco/).

171. *Id.*



the crisis that they inhabit.”<sup>172</sup> A lack of government funding led the MEIF to cease operations in 2024.<sup>173</sup>

### C. National Center for Human Identification (CNIH)

As referenced above, another of the crucial initiatives to address the forensic identification crisis in Mexico was the creation of the National Center for Human Identification (CNIH). The CNIH was created on May 13, 2022 through an amendment to the General Law on Disappearances.<sup>174</sup> The CNIH was inaugurated in August of 2022, and, according to Undersecretary for Human Rights, Population and Migration, Alejandro Encinas in the inauguration ceremony, the CNIH is tasked with “the mass identification of people, which means to address the huge backlog that unfortunately the Attorney General’s Office and the state prosecutors have not been able to address.”<sup>175</sup> Family members of the disappeared were able to visit the CNIH to provide DNA samples and be interviewed about their cases, which provided a helpful option for those who feared visiting the prosecutors’ offices due to threats against them or the fear of reprisals.<sup>176</sup>

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172.Crisis forense en México: ¿incapacidad institucional o falta de voluntad?, A DÓNDE VAN LOS DESAPARECIDOS (July 25, 2024) (in Spanish), <https://adondevanlosdesaparecidos.org/2024/07/25/crisis-forense-en-mexico-incapacidad-institucional-o-falta-de-voluntad/>.

173.Crisis Forense en México: Desaparición de Personas: Estado de la cuestión y propuestas para su abordaje, IDHEAS, LITIGIO ESTRATÉGICO EN DERECHOS HUMANOS, A.C. 20, (Feb. 2025) (in Spanish), <https://www.idheas.org.mx/wp-content/uploads/2025/02/CrisisForense.pdf>. “The decision to close the MEIF was accompanied by a reduction in human capital in terms of personnel specialized in human identification and officials from the National Search Commission (CNB); This decision had an impact on the viability of the National Human Identification Center (CNIH), founded in 2022, and led to a setback in relation to the progress achieved (Tzuc, 2024; Martínez, 2024).”

174.Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas, CÁMARA DE DIPUTADOS (MEX) (last amended Apr. 1, 2024) (Apr. 1, 2024) (in Spanish), <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGMDFP.pdf>.

175.Centro Nacional de Identificación Humana, institución única al servicio de la sociedad, SECRETARÍA DE GOBERNACIÓN (Aug. 9, 2022) (in Spanish), <https://www.gob.mx/segob/prensa/centro-nacional-de-identificacion-humana-institucion-unica-al-servicio-de-la-sociedad?idiom=es>.

176.Desmantelamiento del Centro Nacional de Identificación deja en vilo a cientos de familiares: “Todo se fue por el caño”, El País (Feb. 19, 2024) (in Spanish), <https://elpais.com/mexico/2024-02-20/el-desmantelamiento-del-centro-nacional-de-identificacion-deja-en-vilo-a-cientos-de-familiares-todo-se-fue-por-el-cano.html>.

At the end of 2023, the CNIH was effectively dismantled, with the dismissal of 40 out of the 59 forensic specialists in its employment.<sup>177</sup> In early 2024, the CED published an Urgent Action which ordered the reactivation of the CNIH.<sup>178</sup> However, by April of 2024, less than two years after it opened, the CNIH closed its doors, with its building in Morelos left completely empty.<sup>179</sup> In addition to the CNIH, the federal government promised to create five regional human identification centers throughout the country.<sup>180</sup> According to *Movimiento por Nuestros Desaparecidos en México* (MNDM), five years after this promise, the only center operating is the one in Coahuila, which has identified 121 people as of October 2024.<sup>181</sup>

#### VI. U.N. COMMITTEE ON ENFORCED DISAPPEARANCES (CED) AND MEXICO

The U.N. Committee on Enforced Disappearances (CED) has repeatedly expressed concern about the disappearance crisis in Mexico.<sup>182</sup> Mexico is the country with the highest number of “urgent actions” for enforced disappearance issued by the CED.<sup>183</sup> Urgent actions are requests “from the Committee to a State party to immediately take all necessary measures to search for, locate and protect a disappeared person, and investigate the disappearance (Article 30 of the Convention).”<sup>184</sup> From 2012 through the beginning of September, 2024, Mexico registered 681 CED urgent actions, ahead

177. *Id.*

178. *Id.*

179. Centro de Identificación Humana cierra sus puertas en menos de 2 años, EL SOL DE CUERNAVACA, (Apr. 18, 2024) (in Spanish), <https://oem.com.mx/elsoldecuernavaca/local/centro-de-identificacion-humana-cierra-sus-puertas-en-menos-de-2-anos-13515545>.

180. De los cinco centros de identificación forense prometidos, el único que opera es el de Coahuila, según MNDM, VANGUARDIA (Mar. 13, 2025) (in Spanish), <https://vanguardia.com.mx/noticias/mexico/de-los-cinco-centros-de-identificacion-forense-prometidos-el-unico-que-opera-es-el-de-coahuila-segun-mndm-OA15266190#:~:text=Seg%C3%BAn%20un%20informe%20de%20Movimiento%20por%20Nuestros,%C3%BA%20que%20opera%20es%20el-de-coahuila>.

181. *Id.*

182. Análisis del Comité de la ONU sobre Desapariciones: Superar el negacionismo, ANIMAL POLÍTICO & CENTRO PRODH (Apr. 8, 2025) (in Spanish), <https://animalpolitico.com/analisis/organizaciones/la-lucha-cotidiana-de-los-derechos-humanos/negacionismo-analisis-onu-desapariciones>.

183. To Mexico, More Requests for Urgent Action on Disappearances: CED, LA JORNADA, (Apr. 8, 2025) (in Spanish), <https://www.jornada.com.mx/2025/04/08/politica/005n1pol>.

184. Urgent Actions, OHCHR (COMM. ON ENFORCED DISAPPEARANCES), <https://www.ohchr.org/en/treaty-bodies/ced/urgent-actions>.

of Iraq, which in the same period ranked second with 608 urgent actions.<sup>185</sup>

In its 2015 report on Mexico, the CED wrote: “The information received by the Committee illustrates a context of widespread disappearances throughout much of the State party’s territory, many of which could be characterized as enforced disappearances, including those that began after the entry into force of the Convention.”<sup>186</sup> In 2019, in its follow-up observations, the CED expressed concern regarding “patterns of lack of reliable data on enforced disappearances, the low number of convictions, the emergency constituted by the high number of unidentified corpses and clandestine graves without adequate attention throughout the territory of the State party.”<sup>187</sup>

In an important step, in 2021 the Mexican Supreme Court (SCJN) issued a judgment recognizing the binding nature of the recommendations adopted by the CED in the context of the urgent action procedure under Article 30 of the Convention.<sup>188</sup> In November of that year, the CED conducted their first-ever country visit under Article 33<sup>189</sup> of the ICPPED to Mexico. They stated afterwards that they received worrying information “both from authorities and victims, about varying patterns in the commission of enforced disappearances in different regions of the country, which operate simultaneously and evidence scenarios of collusion between State agents and organized

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185.To Mexico, More Requests for Urgent Action on Disappearances: CED, LA JORNADA, (Apr. 8, 2025) (in Spanish), <https://www.jornada.com.mx/2025/04/08/politica/005n1pol>.

186.Observaciones finales sobre el informe presentado por México, OHCHR (Feb. 11, 2015) (in Spanish), <https://hchr.org.mx/comite/comite-contra-la-desaparicion-forzada-observaciones-finales-sobre-el-informe-presentado-por-mexico/>.

187.Observaciones de seguimiento sobre la información complementaria presentada por México, OHCHR (Sept. 6, 2019) (in Spanish), [https://hchr.org.mx/wp/wp-content/uploads/2023/08/02.-Observaciones-de-seguimiento-sobre-la-informacion-complementaria-presentada-por-Mexico-con-arreglo-al-articulo-29-parrafo-4-de-la-Convencion\\_-2018.pdf](https://hchr.org.mx/wp/wp-content/uploads/2023/08/02.-Observaciones-de-seguimiento-sobre-la-informacion-complementaria-presentada-por-Mexico-con-arreglo-al-articulo-29-parrafo-4-de-la-Convencion_-2018.pdf).

188.Sentencia del 16 de junio de 2021, amparo revisado 1077/2019, SUPREME COURT OF JUSTICE OF THE NATION ¶ 122 (June 16, 2021) (in Spanish), <https://www.idheas.org.mx/wp-content/uploads/2021/07/VERSION-PUBLICA.pdf>.

189.Visit reports: Committee on Enforced Disappearances, OHCHR, <https://www.ohchr.org/en/treaty-bodies/ced/visit-reports>. “Article 33 of the Convention stipulates that if the Committee receives information indicating that a State Party is seriously violating the provisions of the Convention, it may, after consultation with the State Party concerned, request one or more of its members to undertake a visit and report back to it without delay.”

crime. In addition to this, some enforced disappearances are committed directly by State agents.”<sup>190</sup>

In their visit report, presented to the U.N. Human Rights Council in May 2022, the CED emphasized the necessary adoption of a national policy to prevent and eradicate enforced disappearance. They pointed to the fact that, although multiple mechanisms and public policies to address disappearances have been implemented in Mexico, “these actions are not carried out within a coordinated overarching framework, [and] there are duplications and inequalities in terms of commitment to and the quality of the interventions carried out.”<sup>191</sup> In addition to the need for a national policy with a differentiated and human rights-based approach as cross-cutting components, the CED expressed concern regarding the almost absolute impunity in disappearance cases. They added that there is also a deeply alarming forensic crisis, a need to eradicate the structural causes of impunity and establish criteria for determining the responsibility of public officials and further recommended that the country abandon the militarization approach to public security because of the human rights risks that it entails.<sup>192</sup> In September 2023, the CED evaluated the steps taken by Mexico since the CED’s visit in 2021, expressing concern that no steps have been taken to implement a sustained National Policy and emphasizing the lack of accountability.<sup>193</sup>

#### *A. ICPED Article 34 Procedure Activation*

According to Centro Prodh, the Mexican state has continually ignored the recommendations of the CED.<sup>194</sup> As a result, in April of 2025, the CED took the extraordinary step of activating the Article 34

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190.Press conference following the visit of the Committee on Enforced Disappearances to Mexico, OHCHR (Nov. 26, 2021), <https://www.ohchr.org/en/statements-and-speeches/2021/11/press-conference-following-visit-committee-enforced-disappearances>.

191.Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention, UNITED NATIONS DIGITAL LIBRARY (May 18, 2022), <https://digitallibrary.un.org/record/4032520?v=pdf>.

192.*Id.*

193.Follow-up to the CED Committee’s Visit to Mexico, CENTRO PRODH, (in Spanish), <https://centroprodh.org.mx/visita-del-comite-desapariciones-forzadas/#>.

194.Análisis del Comité de la ONU sobre Desapariciones: Superar el negacionismo, ANIMAL POLÍTICO, CENTRO PRODH (Apr. 8, 2025) (in Spanish), <https://animalpolitico.com/analisis/organizaciones/la-lucha-cotidiana-de-los-derechos-humanos/negacionismo-analisis-onu-desapariciones>.

procedure of the ICPPED<sup>195</sup> for Mexico, under which, “If the Committee receives information which appears to it to contain well-founded indications that enforced disappearance is being practiced on a widespread or systematic basis in the territory under the jurisdiction of a State Party, it may, after seeking from the State Party concerned all relevant information on the situation, urgently bring the matter to the attention of the General Assembly of the United Nations, through the Secretary-General of the United Nations.”<sup>196</sup> This is the first time in the CED’s history that they have activated Article 34, and bringing a state to account before the General Assembly is considered the most “extreme” action that the CED can take.<sup>197</sup>

The Mexican federal government, headed by President Claudia Sheinbaum, did not react positively to the activation of Article 34: per an official statement, “The Government of Mexico rejects the statements made by members of the Committee regarding the alleged practice of forced disappearance by the State. The Mexican Government does not consent to, permit or order the disappearance of persons as part of a State policy.”<sup>198</sup> President Sheinbaum blamed organized crime for the majority of disappearances in Mexico, explicitly stating in her morning press conference that “[these cases are] not an enforced disappearance perpetrated by the state.”<sup>199</sup> The National Human Rights Commission (CNDH) also rejected the CED’s accusations, issuing a statement in which it denies that Mexico is experiencing a disappearance crisis, denies that there is a State policy behind these crimes, and argues that “the presence of foreign missions

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195. International Convention for the Protection of All Persons from Enforced Disappearance, art. 34, OHCHR, (Dec. 20, 2006), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>.

196. UN Committee on Enforced Disappearances Publishes Findings on Belgium, Central African Republic, Gambia, Malta, and Serbia, OHCHR, (Apr. 8, 2025), <https://www.ohchr.org/en/press-releases/2025/04/un-committee-enforced-disappearances-publishes-findings-belgium-central>.

197. UN Committee Opens Procedure to Present the Situation of Unlocated Persons to the General Assembly, LA JORNADA, (Apr. 5, 2025) (in Spanish), <https://www.jornada.com.mx/noticia/2025/04/05/politica/comite-de-la-onu-abre-procedimiento-para-exponer-ante-la-asamblea-general-la-situacion-de-no-localizados>.

198. Mexican Government Responds to UN: Rejects Statements of the Committee Against Enforced Disappearances, INFOBAE, (Apr. 5, 2025) (in Spanish), <https://www.infobae.com/mexico/2025/04/06/gobierno-de-mexico-responde-a-la-onu-rechaza-las-declaraciones-del-comite-contra-la-desaparicion-forzada/>.

199. Sheinbaum Rejects UN Statements on Forced Disappearances, EL ECONOMISTA, (Apr. 8, 2025) (in Spanish), <https://www.economista.com.mx/politica/sheinbaum-rechaza-senalamientos-onu-sobre-desaparicion-forzada-20250408-754019.html>.

or measures imposed or recommended from abroad have proven to be ineffective.”<sup>200</sup> The Senate of the Republic, with 71 votes in favor, 28 against and three abstentions, approved a pronouncement in relation to the statements made by the CED President, Olivier de Frouville, arguing that the accusations made by the official are unsubstantiated, and demanding that the United Nations sanction him.<sup>201</sup> Centro Prodh issued a statement condemning the Senate vote: “Never before has one of the chambers of the Congress of the Union asked for sanctions for a member of a body provided for in a human rights treaty.”<sup>202</sup>

In response to this massive pushback, the CED issued a statement clarifying its procedure under Article 34, highlighting that “its decision to activate the article 34 procedure was adopted by consensus on the basis of the allegations received under this provision, but also giving due consideration to the reports, additional information, replies to the urgent actions, individual complaints and Committee’s visit report that have been submitted in a constructive manner by the State party since 2014.”<sup>203</sup> In addition, the CED emphasized that, per Article 5 of the ICPED, “the widespread or systematic practice of enforced disappearance constitutes a crime against humanity,” and cited to the Rome Statute of the International Criminal Court (where Mexico is a member) which “provides that enforced disappearances are perpetrated ‘by, or with the authorization, support or acquiescence of, a State or a political organization’, thereby contemplating the possibility that enforced disappearances be committed directly by ‘political organizations’ distinct from the State.”<sup>204</sup> Likely related to President Sheinbaum’s assertion that disappearances are committed by organized crime groups, and not by the state, the CED wrote that “based on its experience and that of other human rights mechanisms, the Committee found that the circumstances covered under article 2 apply, *inter alia*, to so-called “paramilitary groups” but also to persons involved in organized crime,

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200.CNDH Denies Crisis of Disappearances in Mexico While UN Warns of Crimes Against Humanity, RAICHALI NOTICIAS, (Apr. 9, 2025) (in Spanish), <https://raichali.com/2025/04/09/cndh-niega-crisis-desapariciones-en-mexico/>.

201.Senate to Demand Sanction for UN Official for Position on Disappearances; Accusations Are Unsubstantiated, They Say, ANIMAL POLÍTICO, (Apr. 8, 2025) (in Spanish), <https://animalpolitico.com/politica/senado-sancion-funcionario-onu-desapariciones>.

202. *Id.*

203.UN Committee on Enforced Disappearances Clarifies Its Procedure Under Article 34 of the Convention, OHCHR, (Apr. 9, 2025), <https://www.ohchr.org/en/press-releases/2025/04/un-committee-enforced-disappearances-clarifies-its-procedure-under-article>.

204. *Id.*

including informal groups or networks, from the moment when they received the authorization, support or acquiescence of a state authority.”<sup>205</sup>

In June 2025, the CEDAW committee carried out its tenth periodic report of Mexico at its 91st period of sessions.<sup>206</sup> The Mexican delegation used this forum to question the actions of the CED and voice their disagreement with the activation of the article 34 procedure.<sup>207</sup> In the session on June 18th, the Mexican delegation stated that, regarding the activation of Article 34, “we do not agree with what the committee is doing, since it is basing the activation of the article on the declaration on non-state actors that it adopted unilaterally in 2023... We disagree with the application of a declaration that, in our view, distorts the object and purpose of the Convention and that should be the subject of a broad debate among the States Parties to the Convention because they are interpreting the concept of disappearance and including issues such as the concept of acquiescence, which we consider to be too broad an interpretation.”<sup>208</sup> Effectively, the Mexican state questioned the Committee’s authority to interpret the very Convention that created the Committee.<sup>209</sup>

On June 24, the Committee officially requested information from the Mexican state in the context of the article 34 proceeding.<sup>210</sup> In response, the Ministry of Foreign Affairs and SEGOB released a joint

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205. *Id.*

206. Experts of the Committee on the Elimination of Discrimination Against Women Commend Mexico’s Equality Achievements in Political and Public Life, Raise Questions on the Judiciary’s Response to Gender Crimes and Gender-Based Violence in Schools, OHCHR, (June 18, 2025), <https://www.ohchr.org/en/meeting-summaries/2025/06/experts-committee-elimination-discrimination-against-women-commend>.

207. Mexico Before the CEDAW Committee: Listing of Pending Issues and Unprecedented Questioning of the CED Committee, ANIMAL POLÍTICO, CENTRO PRODH, (June 24, 2025) (in Spanish), <https://animalpolitico.com/analisis/organizaciones/la-lucha-cotidiana-de-los-derechos-humanos/mexico-cedaw-pendientes-cuestionamiento-comite-ced>.

208. 2153rd Meeting, 91st Session, Committee on the Elimination of Discrimination Against Women (CEDAW), UN WEB TV, (June 18, 2025), <https://webtv.un.org/en/asset/k1d/k1dwq9far6>.

209. International Convention for the Protection of All Persons from Enforced Disappearance, art. 26, OHCHR, (Dec. 20, 2006), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>.

210. Committee on Enforced Disappearances, Request for Information from Mexico Pursuant to Article 34 of the Convention for the Protection of All Persons from Enforced Disappearance, OHCHR, (June 24, 2025) (in Spanish), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40308&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40308&Lang=en).

communication, stating that “Mexico reiterates its rejection that there are systematic and widespread forced disappearances by the State in our country, and any accusation or insinuation to that effect is unacceptable.”<sup>211</sup> The State affirmed that it continues to work with search collectives of family members of the disappeared within the framework of new legislative initiatives, and that the Mexican government is combatting the crime of disappearance.<sup>212</sup> Despite their disagreement with the article 34 activation, the State confirmed that they will continue to cooperate with international human rights protection mechanisms and will respond promptly to this request within the required time frame.<sup>213</sup>

In the Committee’s request for information from Mexico, they cite to Article 103, “Transmission of information to the General Assembly” of the rules of procedure of the CED, which establishes that “the Committee shall seek from the State party all relevant information on the situation in order to urgently address incidents of enforced disappearance which it deems is being practised on a widespread and systematic basis in the territory under the jurisdiction of a State party.”<sup>214</sup> The Committee gave the state the deadline of September 18 to submit information, in order to examine the information submitted by Mexico at the Committee’s 29th session to determine whether to “bring the matter, as a matter of urgency, to the attention of the General Assembly of the United Nations,” or to take other measures, in accordance with rule 106(1) of the Committee’s Rules of Procedure.<sup>215</sup>

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211. Ministry of Foreign Affairs & Ministry of the Interior, Mexico Rejects the Claim That There Are Systematic and Widespread Forced Disappearances Carried Out by the State in Our Country, GOBIERNO DE MÉXICO, (June 24, 2025) (in Spanish), <https://www.gob.mx/sre/prensa/mexico-rechaza-que-en-nuestro-pais-haya-desapariciones-forzadas-sistematicas-y-generalizadas>. See also: UN Committee to Request Information from Mexico on Forced Disappearances; Government Rejects Allegations, ANIMAL POLÍTICO, (June 25, 2025) (in Spanish), <https://animalpolitico.com/politica/comite-onu-informacion-mexico-desapariciones-forzadas>.

212. *Id.*

213. *Id.*

214. CED/C/1/Rev.3 Committee on Enforced Disappearances Rules of Procedure, OHCHR, (Nov. 6, 2024), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2F1%2FRev.3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2F1%2FRev.3&Lang=en).

215. Committee on Enforced Disappearances, Request for Information from Mexico Pursuant to Article 34 of the Convention for the Protection of All Persons from Enforced Disappearance, OHCHR, (June 24, 2025) (in Spanish), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40308&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40308&Lang=en).



The Committee noted Mexico's cooperation with the Convention procedures since the beginning of its interactions in 2012, recalling the observations and recommendations it transmitted to the Mexican government, and observing that "the extent and frequency of interaction between the Committee and Mexico reflects a particular concern about disappearances, including enforced disappearances, in the territory under the jurisdiction of the State party."<sup>216</sup> While the Committee recognized the recent reform to the General Law on Disappearances, the Committee warned that "the process of adopting the national policy for the prevention and eradication of disappearances, including enforced disappearances, has not yielded concrete and effective progress, including with regard to the structural changes that were identified as priorities by the Committee in its visit report."<sup>217</sup>

The Committee reported that it had "received credible information from various sources indicating that enforced disappearances appear, *prima facie*, to be committed in a widespread or systematic manner in Mexico."<sup>218</sup> The information cited is explicitly that which was sent to the CED from the non-governmental organization International Federation for Human Rights (FIDH), annexed to the Committee's request.<sup>219</sup> FIDH, along with local civil society organizations and victims collectives, first submitted a request to the CED in February of 2025,<sup>220</sup> urging the Committee to urgently bring the situation of Mexico to the attention of the UNGA by

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216.*Id.* at para. 5.

217.*Id.* at para. 9.

218.*Id.* at para 10.

219. Annex – Request for Information to the State Party on the Situation (Art. 34); International Federation for Human Rights (FIDH), Document Submitted to the Committee on Enforced Disappearances Regarding the Situation in Mexico, FIDH, (Feb. 11, 2025), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40310&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40310&Lang=en). Annex – Request for Information to the State Party on the Situation (Art. 34); FIDH, Mexico Referral Under Art. 34 of the Convention: Information Indicating Systematic Character of Recent Cases, FIDH, (Apr. 22, 2025), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40311&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40311&Lang=en).

220.*Id.* at footnote 5: "The document submitted to the CED on 11 February 2025 details the commission of enforced disappearances on a systematic basis in Coahuila, Nayarit and Veracruz, in cases dating between 2009 and 2017. The purpose of the present document is to present information on more recent cases, dating since 2023."

activating article 34 of the ICPPED.<sup>221</sup> As stated in the request, “FIDH believes that there is clear evidence that the crime against humanity of enforced disappearance has been committed in Mexico on both a widespread and systematic basis. This has occurred with almost total impunity, which is a result of both a lack of capacity and a lack of will by the Mexican authorities.”<sup>222</sup> In addition to recommending that the CED activate Article 34, FIDH recommended that a State (or several States) that are parties to the Rome Statute refer the case of Mexico to the International Criminal Court (ICC) for the alleged commission of crimes against humanity.<sup>223</sup> FIDH “believes that the announcement of a preliminary examination by the ICC could transform the manner in which the Mexican State investigates and prosecutes enforced disappearances, by recognizing them as crimes against humanity.”<sup>224</sup>

Following the Article 34 activation, the FIDH submitted additional information to the CED, indicating “that the commission of enforced disappearances continues to occur on a systematic basis, in light of the definition of a ‘systematic’ under international criminal law, in Mexico since 2023, with a specific focus on elements demonstrating the organized nature of enforced disappearances through the recent findings of mass graves, in particular the situation in the states of

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221. Annex – Request for Information to the State Party on the Situation (Art. 34); International Federation for Human Rights (FIDH), Document Submitted to the Committee on Enforced Disappearances Regarding the Situation in Mexico, FIDH, (Feb. 11, 2025), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40310&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40310&Lang=en)

222. *Id.* at 12.

223. *Id.* at 2 and 3. “This communication was prepared by FIDH and local civil society organizations or victims collectives: Familias Unidas en Búsqueda y Localización de Personas Desaparecidas, Fuerzas Unidas por Nuestros Desaparecidos en Mexico, and Centro Diocesano para los Derechos Humanos Fray Juan de Larios, it was also supported by Red Todos los Derechos Para Todas y Todos (which gathers more than 80 non-governmental organizations in Mexico), la Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH), IDHEAS Litigio Estratégico en Derechos Humanos, la Fundación Para La Justicia y el Estado Democrático de Derecho, el Centro de Derechos Humanos Juan Gerardi, la Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos, las Asociadas por lo Justo, el Instituto Mexicano de Derechos Humanos and Democracia, Fundar Centro de Análisis e Investigación, Casa del Migrante de Saltillo, Pastoral Penitenciaria de Saltillo Pastoral Social de la Diócesis de Saltillo. The full report with annexes and confidential information was submitted to the Office of the Prosecutor of the ICC, requesting that it open a preliminary examination on the situation in Mexico.”

224. *Id.* at 2.

Jalisco and Nayarit.”<sup>225</sup> In this document, FIDH addressed the case of the discovery in March 2025 of the extermination site in Rancho Izaguirre Jalisco, which was reportedly run by the Jalisco New Generation Cartel (CJNG) in Teuchitlán.<sup>226</sup> FIDH also offered a definition of “systematic” according to applicable international criminal law, which will be discussed in the following Section of this paper.

In September 2025, 61 search collectives, 66 civil society organizations, 129 family members, and 50 supporters submitted a parallel report<sup>227</sup> to the CED providing evidence of systematic and widespread disappearances in the country, proposing the creation of an international mechanism for clarification.<sup>228</sup> By September 18, the Mexican government was required to submit its report to the CED providing the requested information as part of the Article 34 procedure; however, it was reported at the time that the government had not submitted the report to the Committee.<sup>229</sup> Later information revealed that the government in fact *had* submitted it on September 18; however, the government requested that it be kept confidential “given the severity of the case,” a marked change in practice, given that Mexican government reports to the UN can usually be consulted publicly and without restriction on the OHCHR website.<sup>230</sup>

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225. Annex – Request for Information to the State Party on the Situation (Art. 34); FIDH, Mexico Referral Under Art. 34 of the Convention: Information Indicating Systematic Character of Recent Cases, FIDH, (Apr. 22, 2025), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40311&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40311&Lang=en)

226. *Id.* at 2.

227. The full report can be found here: <https://aristeginoticias.com/1809/mexico/familiares-de-desaparecidos-y-organizaciones-exigen-al-gobierno-federal-colaborar-con-el-ced-de-la-onu-comunicado/>.

228. Arturo Rojas, ONG envían informe sobre desapariciones, *EL ECONOMISTA*, (September 19, 2025), (in Spanish), <https://www.eleconomista.com.mx/politica/ong-envian-informe-sobre-desapariciones-20250919-777886.html>.

229. Marlene Mizrahi, El Comité de la ONU contra la Desaparición Forzada pide respuestas al gobierno mexicano, *EL FINANCIERO*, (September 29, 2025), (in Spanish), <https://www.elfinanciero.com.mx/opinion/marlene-mizrahi/2025/09/29/el-comite-de-la-onu-contra-la-desaparicion-forzada-pide-respuestas-al-gobierno-mexicano/>.

230. Gabriela Sotomayor, Gobierno de Sheinbaum no transparenta informe al Comité de la ONU contra desapariciones forzadas, *PROCESO*, (October 2, 2025), (in Spanish), <https://www.proceso.com.mx/nacional/2025/10/2/gobierno-de-sheinbaum-no-transparenta-informe-al-comite-de-la-onu-contra-desapariciones-forzadas-359942.html>.

On September 29<sup>th</sup>, as part of the 29<sup>th</sup> session of the CED, representatives of the Mexican State met with Committee members to discuss the activation of Article 34.<sup>231</sup> In this meeting, a representative of the Mexican State shared that “my country has submitted a timely and detailed response to the Committee’s request for information,” however, the response is not publicly available to date.<sup>232</sup> The State delegation reiterated that, “We recognize the magnitude of the problem and do not deny its challenges, but we also firmly affirm that the Mexican State does not condone, permit, or order forced disappearances, and that it will continue to redouble its efforts to eradicate them.”<sup>233</sup>

In addition to meeting with government representatives, the CED also met with search collectives of family members of the disappeared, as well as NGOs such as Centro de Derechos Humanos Fray Juan de Larios and Consulta Solidaria, which jointly presented to the CED the findings and recommendations contained in their shadow report, *Widespread and/or Systematic Disappearances Committed in Mexico*, which they launched publicly<sup>234</sup> on October 1<sup>st</sup>.<sup>235</sup> Upon leaving the closed-door meeting with the CED, various *buscadoras* shared that they felt the meeting had been “positive because the Committee was sympathetic to their demands and promised to follow up on this situation, including the possibility of sending the “shadow report” to the General Assembly meeting in New York.”<sup>236</sup>

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231.Silvia Chica and Edgar Cortez, México ante el Comité Contra la Desaparición Forzada: promesas, omisiones y la urgencia de cumplir, RED LUPA, (October 6, 2025), (in Spanish), <https://imdhd.org/redlupa/avance-de-la-ley-general-de-busqueda/mexico-ante-el-comite-contra-la-desaparicion-forzada-promesas-omisiones-y-la-urgencia-de-cumplir/>.

232.*Id.*

233.*Id.*

234.Desapariciones Forzadas Generalizadas y/o Sistemáticas Cometidas en México, FUNDACIÓN PARA LA JUSTICIA, (October 1, 2025), (in Spanish), <https://www.fundacionjusticia.org/desapariciones-forzadas-generalizadas-y-o-sistematicas-cometidas-en-mexico/>.

235.Arturo Rojas, Desapariciones forzadas, expuestas ante ONU, EL ECONOMISTA, (October 2, 2025), (in Spanish), <https://www.eleconomista.com.mx/politica/desapariciones-forzadas-expuestas-onu-20251002-779710.html>. Ver también: Gloria Leticia Díaz, Colectivos piden someter crisis de desapariciones en México a consideración de la ONU, PROCESO, (October 4, 2025), (in Spanish), <https://www.proceso.com.mx/nacional/2025/10/4/colectivos-piden-someter-crisis-de-desapariciones-en-mexico-consideracion-de-la-onu-360088.html>.

236.Gabriela Sotomayor, Gobierno de Sheinbaum no transparenta informe al Comité de la ONU contra desapariciones forzadas, PROCESO, (October 2, 2025), (in

On October 2<sup>nd</sup>, the CED announced the finalization of the information-gathering phase of the Article 34 procedure for Mexico.<sup>237</sup> The same day, in a similar vein to its April statement, the Mexican National Human Rights Commission (CNDH) released a press release once again attacking the CED.<sup>238</sup> Among other points, the CNDH accused media and political actors of spreading false information and creating biased perceptions about the actions of the state; affirmed that the CNDH does not conceal or embellish statistics of disappearances; rejected the proposal of the creation of an international clarification mechanism, arguing that this would undermine the sovereignty of the Mexican people; and questioned the capacity of the UN to address complex problems, citing as an example the inability of world powers to stop the genocide in Gaza.<sup>239</sup>

On October 21<sup>st</sup>, at the 80<sup>th</sup> period of sessions of the U.N. General Assembly (UNGA), the president of the CED, Juan Pablo Albán Alencastro, announced the Article 34 activation for Mexico.<sup>240</sup> During the plenary session of the UNGA Third Committee, Albán reported that Mexico submitted the initially-requested information in September, and that “the next stages of the proceedings will be communicated and made public in due course.”<sup>241</sup> Shortly thereafter,

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Spanish), <https://www.proceso.com.mx/nacional/2025/10/2/gobierno-de-sheinbaum-no-transparenta-informe-al-comite-de-la-onu-contra-desapariciones-forzadas-359942.html>.

237. ONU finaliza recopilación de información sobre desapariciones en México, EL TIEMPO, (October 2, 2025), (in Spanish), <https://eltiempomx.com/a/517409-onu-finaliza-recopilacion-de-informacion-sobre-desapariciones-en-mexico>. See also: UN Committee on Enforced Disappearances publishes findings on Benin, Montenegro, and Sri Lanka, OHCHR, (October 7, 2025), <https://www.ohchr.org/en/press-releases/2025/10/un-committee-enforced-disappearances-publishes-findings-benin-montenegro-and>.

238. Comunicado DGDDH/210/2025: Precisiones de la CNDH respecto a la solicitud de información del Comité contra la Desaparición Forzada (CED) de Naciones Unidas y la respuesta del Estado Mexicano, COMISIÓN NACIONAL DE LOS DERECHOS HUMANOS, (October 2, 2025), (in Spanish), [https://www.cndh.org.mx/sites/default/files/documentos/2025-10/COM\\_210\\_2025\\_0.pdf](https://www.cndh.org.mx/sites/default/files/documentos/2025-10/COM_210_2025_0.pdf).

239. *Id.* See also: CNDH niega “ocultar o maquillar cifras sobre desapariciones”; rechaza mecanismo internacional de esclarecimiento, ANIMAL POLÍTICO, (October 2, 2025), (in Spanish), <https://www.animalpolitico.com/politica/cndh-ocultar-maquillar-cifras-desapariciones>.

240. Gloria Leticia Díaz, CED activa artículo 34 a México: ONU estimará si desaparición forzada es generalizada o sistemática, PROCESO, (October 22, 2025), (in Spanish), <https://www.proceso.com.mx/nacional/2025/10/22/ced-activa-articulo-34-mexico-onu-estimara-si-desaparicion-forzada-es-generalizada-sistemica-361309.html>.

241. *Id.*

Héctor Enrique Vasconcelos y Cruz, the permanent representative of Mexico to the United Nations, shared that Mexico does not agree with the Article 34 activation, arguing that “The application of this article should be reserved for exceptional situations and based on objective criteria so as not to undermine its nature or set precedents that could affect trust and the spirit of cooperation between the States Parties and the Committee.”<sup>242</sup>

In response to the State’s argument that Article 34 should be reserved for “exceptional situations,”<sup>243</sup> Amnesty International Mexico released a statement arguing that the disappearance of nearly 134,000 people in the country is not normal; nor is it normal for most of the cases to remain in impunity; nor is it normal that it is the families of the disappeared, mainly women, and not the authorities, lead the search efforts; and nor is it normal nor acceptable “for women *buscadoras* to be threatened, attacked, or killed for defending their human rights.”<sup>244</sup> These all constitute “exceptional situations.” María Luisa Aguilar Rodríguez, the Director of Centro Prodh, also criticized the government for failing to recognize the gravity of the national context: “How can we not consider this an extraordinary situation when there are more than 130,000 missing persons in Mexico, with few mechanisms in place to prevent disappearances and rampant impunity in this area?”<sup>245</sup>

Two days later, the Ministry of Foreign Affairs (SRE) released an official communication rejecting the statements shared by the CED as “unfounded and unacceptable.”<sup>246</sup> The SRE reaffirmed that enforced disappearances in Mexico are mainly linked to organized crime, and that the state institutions responsible for searching for and identifying

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242.*Id.*

243. María Cabadas, México rechaza decisión de la ONU para activar artículo 34 por desaparición; “es para situaciones excepcionales”, señala, EL UNIVERSAL, (October 21, 2025), (in Spanish), <https://www.eluniversal.com.mx/nacion/mexico-rechaza-activar-articulo-34-por-desaparicion-forzada-que-pidio-la-onu-es-para-situaciones-excepcionales-senala/>.

244. Amnistía Internacional México, Publication on X, (October 22, 2025), (in Spanish), <https://x.com/amnistiamexico/status/1981067196060356764>.

245. México response a ONU con sigilo y acciones insuficientes sobre desapariciones: Centro Prodh, ARISTEGUI NOTICIAS, (October 22, 2025), (in Spanish), <https://aristeginoticias.com/221025/mexico/mexico-responde-a-onu-con-sigilo-y-acciones-insuficientes-sobre-desapariciones-centro-prodh/>.

246. Press Release No. 194: Ministry of Foreign Affairs Rejects Statements Issued by the Committee on Enforced Disappearances, MEXICAN GOVERNMENT MINISTRY OF FOREIGN AFFAIRS, (October 23, 2025), <https://www.gob.mx/sre/prensa/ministry-of-foreign-affairs-rejects-statements-issued-by-the-committee-on-enforced-disappearances?tab=>.

missing persons have been strengthened.<sup>247</sup> The SRE also asked the Committee to analyze “objectively, before issuing new judgments,” the detailed report submitted to the CED by the Mexican government on the situation of disappearances in the country.<sup>248</sup> A few days later, President Sheinbaum herself affirmed that currently, most disappearances in the country are linked to organized crime and are not a “widespread and systematic” practice on the part of the state.<sup>249</sup>

Despite the constant negationist posture of the State, numerous NGOs, search collectives, and experts have reiterated their support for the activation of Article 34.<sup>250</sup> Many view the activation as a historic opportunity for accountability through international review of the state’s capacity to deal with the crisis, potential increased international cooperation and dialogue, including technology, strategies, and forensic support, and the eventual implementation of effective search and prevention strategies.<sup>251</sup> Numerous relatives of missing persons, NGOs, and search collectives have urged the federal government to “correct its misguided position regarding the CED and, instead of

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247.*Id.*

248.*Id.* See also: Rodrigo Soriano, México rechaza los señalamientos de la ONU que estiman que existe la desaparición forzada sistemática en el país, *EL PAÍS*, (October 23, 2025), (in Spanish), <https://elpais.com/mexico/2025-10-24/mexico-rechaza-los-senalamientos-de-la-onu-que-estiman-que-existe-la-desaparicion-forzada-sistemica-en-el-pais.html>.

249. Sheinbaum atribuye la “gran mayoría” de desapariciones en México al crimen organizado, *SWI*, (October 27, 2025), (in Spanish), <https://www.swissinfo.ch/spa/sheinbaum-atribuye-la-%22gran-mayor%C3%ADa%22-de-desapariciones-en-m%C3%A9xico-al-crimen-organizado/90234165>.

250. Lorenzo Serrato, Desapariciones en México, realidad alarmante que lastima a miles de familias y exige la máxima seriedad y cooperación, dice México Unido Contra la Delincuencia, *INFOLLITERAS*, (October 26, 2025), (in Spanish), <https://infolliteras.com/2025/10/26/desapariciones-en-mexico-realidad-alarman-te-que-lastima-a-miles-de-familias-y-exige-la-maxima-seriedad-y-cooperacion-dice-mexico-unido-contra-la-delincuencia/>. See also: Jessica De Loera, Respaldan colectivos de búsqueda de Aguascalientes activación de artículo 34 en materia de desaparición forzada, *BINOTICIAS*, (October 25, 2025), (in Spanish), <https://www.binoticias.com/aguascalientes/respaldan-colectivos-de-busqueda-de-aguascalientes-activacion-de-articulo-34-en>. See also: Arturo Rojas, Desapariciones en México, generales y sistémicas: expertos, *El Economista*, (October 27, 2025), (in Spanish), <https://www.eleconomista.com.mx/politica/desapariciones-mexico-generales-sistemicas-expertos-20251027-783632.html>.

251. Tadeo Campoy, ONU activa artículo 34 contra México por desapariciones forzadas; colectivos y ONG ven oportunidad histórico para rendición de cuentas, *EL IMPARCIAL*, (October 27, 2025), (in Spanish), <https://www.elimparcial.com/mexico/2025/10/27/onu-activa-articulo-34-contra-mexico-por-desapariciones-forzadas-colectivos-y-ong-ven-oportunidad-historica-para-rendicion-de-cuentas/>.

contradicting it, to collaborate with it and with the international community to eradicate the root causes of disappearances and guarantee truth, justice, and reparation for victims.”<sup>252</sup> While they rejected many elements of the SRE’s press release, relatives of missing persons, NGOs, and search collectives welcomed the SRE’s acknowledgement that disappearances primarily linked to organized crime are *enforced* disappearances; “This position differs from previous attitudes, which denied that contemporary disappearances in our country have any links to the State.”<sup>253</sup>

### B. ICPPED Article 34 Standard of Proof & Potential Next Steps

Regarding the standard of proof required for the CED to bring the situation of Mexico before the General Assembly, per Article 34 of the ICPPED, it can do so “if the Committee receives information which appears to it to contain *well-founded indications* that enforced disappearance is being practised on a widespread or systematic basis in the territory under the jurisdiction of a State Party” [italics added for emphasis].<sup>254</sup> In the request for information sent to the Mexican State, the Committee defines the applicable standard of proof in order to determine the existence of *well-founded indications*: “the Committee must be satisfied, *prima facie*, that it has received detailed and precise information from a reliable source that events falling within its competence have occurred.”<sup>255</sup> The Committee has clarified that it “does not act as a commission of inquiry and does not have to reach a

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252. Colectivos y familiares de desaparecidos piden al gobierno federal no contradecir al CED, ARISTEGUI NOTICIAS, (October 28, 2025), (in Spanish), <https://aristeginoticias.com/291025/mexico/colectivos-y-familiares-de-desaparecidos-piden-al-gobierno-federal-no-contradecir-al-ced/>.

253. Colectivos y familiares celebran que SRE reconozca que desapariciones vinculadas con el narco son forzadas, ARISTEGUI NOTICIAS, (November 5, 2025), (in Spanish), <https://aristeginoticias.com/061125/mexico/colectivos-y-familiares-celebran-que-sre-reconozca-que-desapariciones-vinculadas-con-el-narco-son-forzadas/>. See also: Sara Navarrete, Comité de la ONU acusa “impunidad casi absoluta” en desapariciones forzadas en México, Vanguardia, (November 6, 2025), (in Spanish), <https://vanguardia.com.mx/noticias/mexico/comite-de-la-onu-acusa-impunidad-casi-absoluta-en-desapariciones-forzadas-en-mexico-DI18014227>.

254. International Convention for the Protection of All Persons from Enforced Disappearance, OHCHR, art. 34 (Dec. 20, 2006), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>.

255. Committee on Enforced Disappearances, Request for Information from Mexico Pursuant to Article 34 of the Convention for the Protection of All Persons from Enforced Disappearance, ¶ 12, OHCHR, (June 24, 2025) (in Spanish), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40308&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40308&Lang=en).



conclusion of fact. It is therefore not required to apply the standard of proof for determining facts, such as ‘reasonable grounds’ or ‘substantial reasons to believe,’ otherwise used by commissions of inquiry or by the Prosecutor of the International Criminal Court in deciding whether to open an investigation (article 53 of the Rome Statute).”<sup>256</sup> If the Committee is satisfied that the *well-founded indications* standard has been met, it can refer the situation to the General Assembly, which then could decide to “take further steps to establish the relevant facts and take action within its competence.”<sup>257</sup>

What will happen next with the Article 34 activation is uncertain; if the CED announces that it will bring the situation of Mexico before the UNGA, it is possible that as a result stronger international technical cooperation could be established. Amnesty International, in their submission to the CED through the Article 34 procedure, recommended that Mexico “consider and accept international technical assistance to design a roadmap with the reforms and practices necessary for institutional strengthening, so that prosecutors and police forces can effectively fulfill their functions in the search for truth and justice.”<sup>258</sup> However, given the Mexican government’s constant rejection of the Article 34 activation, it is difficult to imagine a world in which they are open to accepting international technical cooperation or assistance. Only time will tell.

#### VII. AN ANALYSIS OF APPLICABLE INTERNATIONAL HUMAN RIGHTS LAW AND INTERNATIONAL CRIMINAL LAW

While the activation of Article 34 is a novel scenario for the international human rights system, there do exist definitions and jurisprudence from the Inter-American Human Rights System, International Human Rights Law, and International Criminal Law that can and should be drawn upon when analyzing the activation of Article 34. To begin, the following three definitions of enforced disappearance are legally binding for Mexico. Per Article 2 of the ICPPED, an enforced disappearance “is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to

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<sup>256</sup>*Id.*

<sup>257</sup>*Id.*

<sup>258</sup>México: Activación del artículo 34 de la Convención Internacional para la protección de todas las personas contra las desapariciones forzadas, Amnesty International, (October 17, 2025), (in Spanish), p. 12, <https://www.amnesty.org/es/documents/ior40/0311/2025/es/>.

acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”<sup>259</sup>

Per the Inter-American Convention on Forced Disappearance of Persons, Article II, “forced disappearance is considered to be the act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees.”<sup>260</sup>

Per the Rome Statute of the International Criminal Court, Article 7, “‘Enforced disappearance of persons’ means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.”<sup>261</sup>

Common to all three of these definitions is the concept of “acquiescence.” In order to determine whether enforced disappearance is being practiced on a widespread or systematic basis in Mexico, the term acquiescence must be precisely defined. When exactly, if ever, is a State legally responsible for disappearances carried out by non-state actors?

#### *A. Acquiescence and Non-State Actors*

Article 2 of the ICPPED “covers circumstances under which the acts or omissions of persons or groups of persons that are not agents of the State may nevertheless be attributed to the State and thus trigger

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259. International Convention for the Protection of All Persons from Enforced Disappearance, OHCHR, art. 2 (Dec. 20, 2006), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>.

260. Inter-American Convention on Forced Disappearance of Persons (Jun. 9, 1994), entered into force Mar. 28, 1996, Art. Inter-American Convention on Forced Disappearance of Persons, ORGANIZATION OF AMERICAN STATES (OAS), (June 9, 1994), entered into force Mar. 28, 1996, art. II, ratified by Mexico in 2002, <https://www.oas.org/juridico/english/sigs/a-60.html>.

261. Rome Statute of the International Criminal Court, OHCHR, (July 17, 1998), entered into force July 1, 2002, art. 7(2)(i), <https://www.ohchr.org/en/instruments-mechanisms/instruments/rome-statute-international-criminal-court>.

the State's responsibility in international law. Such attribution may occur in any context, including situations of international or non-international armed conflict."<sup>262</sup> The Committee's 2023 "Statement on non-State actors in the context of the International Convention for the Protection of All Persons from Enforced Disappearances" clarifies the scope of applicability of the Convention with regard to acts committed by non-State actors. According to the Committee, in understanding enforced disappearance committed by non-State actors falling within the scope of Article 2,

"Acquiescence" means that the State knew, had reasons to know or ought to have known of the commission or of the real and imminent risk of commission of enforced disappearance by persons or groups of persons, but that one of the following applies:

(a) The State has either accepted, tolerated or given consent to this situation, even implicitly;

(b) The State has deliberately and in full knowledge, by action or omission, failed to take measures to prevent the crime and to investigate and punish the perpetrators;

(c) The State has acted in connivance with the perpetrators or with total disregard for the situation of the potential victims, facilitating the actions of the non-State actors who commit the act;

(d) The State has created the conditions that allowed their commission.<sup>263</sup>

The Committee further clarifies in paragraph 6, that "In particular, there is acquiescence within the meaning of article 2 when there is a known pattern of disappearance of persons and the State has failed to take the measures necessary to prevent further cases of disappearance and to investigate the perpetrators and bring them to justice."<sup>264</sup>

The Mexican State has publicly disagreed with the Committee's Statement on Non-State Actors. As referenced by the Mexican delegation in the CEDAW 91st period of sessions, in 2022 the Mexican state submitted a comment to the Committee's call for inputs and comments on the draft statement on non-state actors, which the

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262. CED/C/10 Statement on Non-State Actors in the Context of the International Convention for the Protection of All Persons from Enforced Disappearances, OHCHR, (May 2, 2023), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2F10&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2F10&Lang=en).

263. *Id.* at para. 5.

264. *Id.* at para. 6.

Committee adopted at its 22nd session.<sup>265</sup> In its submission, Mexico argued that “the CED does not have the conventional powers to issue a statement that seeks to reformulate the obligations contained in the Convention,” that “the draft declaration departs from the terms of the Convention, as well as from its object and purpose,” and that “it would be contrary to international law for a committee created by an international treaty to extend the scope of a rule to the point that it escapes the consent expressed by States at the time of ratification.”<sup>266</sup> Thus, Mexico argued that the CED is ultimately incompetent to issue a statement of this nature.

The Mexican state also offered comments on the interpretation of Article 2 of the Convention, disagreeing with the definition of “acquiescence” provided by the CED in the statement. The State argued that “this part of the declaration exceeds the content of the rule of acquiescence established in general international law, and, therefore, suggests its elimination.”<sup>267</sup> It further stated, per relevant international law, “in order to establish acquiescence, it is necessary to analyze the reasonableness of the State’s actions, a determination which requires proof that the conduct of the acquiescing State must be manifest and beyond doubt in light of the relevant facts.”<sup>268</sup> Accordingly, it argued that the inclusion of “tolerance” in the definition of acquiescence is problematic in light of the jurisprudence of the Inter-American Human Rights System.<sup>269</sup>

Mexico also disagreed with the inclusion of the text in paragraph 6: “. . . it also includes situations in which there is a known pattern of

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265.Call for Inputs / Comments on the Draft Statement on “Non-State Actors and Enforced Disappearances in the Context of the Convention for the Protection of All Persons Against Enforced Disappearances”, OHCHR, (Sept. 5, 2022), <https://www.ohchr.org/en/calls-for-input/2022/call-inputs-comments-draft-statement-non-state-actors-and-enforced>.

266.Ministry of Foreign Affairs, Contribution of Mexico to the Draft Declaration on Non-State Actors and Enforced Disappearances, OHCHR, (Sept. 5, 2022) (in Spanish), <https://www.ohchr.org/en/calls-for-input/2022/call-inputs-comments-draft-statement-non-state-actors-and-enforced>.

267.*Id.* at para. 5.

268.*Id.* at para. 5. Citing to: ICJ, Temple of Preah Vihear (Cambodia vs Thailand) (Judgment) [1962], pág. 23; ICJ, Sovereignty over Pedra Branca/Palau Batu Puteh, Middle Rocks and South Ledge, Op. Cit., pág. 50-51, párra. 121.

269.*Id.* at para. 4. Citing to: Cfr. Corte IDH, Caso Norín Catrimán y otros (Dirigentes, miembros y activista del pueblo indígena Mapuche) vs Chile, Sentencia de fondo, reparaciones y costas [2014], párr. 70, párr. 201. Cfr. Corte IDH, Caso Zambrano Vélez y otros vs Ecuador, Sentencia de Fondo, Reparaciones y Costas de 4 de julio de 2007, Serie C, No. 166, pág. 31, párra. 104. Corte IDH, Caso Myrna Mack Chang vs Guatemala, Sentencia de Fondo, Reparaciones y Costas [2003], Voto razonado del Juez A.A. Cancado Trindade, pág. 7, párr. 19.

disappearances of persons and the State has not taken the necessary measures to prevent further disappearances, investigate, and bring those responsible to justice.”<sup>270</sup> Mexico argued that this statement is not consistent with the jurisprudence of the CED by citing the case of *Jesús Israel Moreno Pérez et al. v. Mexico*, in which the “Committee determined that it is necessary to demonstrate the direct acquiescence of State agents and, if this is not the case, it is necessary to demonstrate a context of human rights violations in the region and the timing of the events, and also to prove with circumstantial evidence the presumption of acquiescence by State agents in the disappearance.”<sup>271</sup>

The International Court of Justice (ICJ) has defined acquiescence as a tacit recognition manifested by unilateral conduct by the State, which the other party—in this case the individuals or groups of individuals who perpetrate the enforced disappearance—interprets as consent.<sup>272</sup>

The Inter-American Court of Human Rights has established that “acquiescence would generate a more direct level of responsibility than that derived from risk analysis, inasmuch as it implies consent by the State to the actions of the individual, whether through deliberate inaction or through its own actions in creating the conditions that allow the act to be carried out by individuals.”<sup>273</sup> In other words, for liability to be established for acquiescence with respect to the actions of non-state actors, state agents must engage in conduct, whether through

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270.CED/C/10 Statement on Non-State Actors in the Context of the International Convention for the Protection of All Persons from Enforced Disappearances, para. 6, OHCHR, (May 2, 2023), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2F10&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2F10&Lang=en)

271.Ministry of Foreign Affairs, Contribution of Mexico to the Draft Declaration on Non-State Actors and Enforced Disappearances, OHCHR, (Sept. 5, 2022) (in Spanish), <https://www.ohchr.org/en/calls-for-input/2022/call-inputs-comments-draft-statement-non-state-actors-and-enforced>. Citing to: CCPR, Comunicación 2760/2016, *Jesús Israel Moreno Pérez y otros vs México* [2019] pág. 14, párr. 12.3. En el mismo sentido: CCPR, Comunicación núm. 2134/2012, *Julio Eduardo Molina Arias y otros vs Colombia* [2015], pág. 4, 6, párr. 2.9, 2.20, 2.21; CCPR, Comunicación 3018/2017, *Alcedo Mora Márquez vs Venezuela* [2020] pág. 7 y 8, párr. 9.3; Corte IDH, *Caso Arrom Suhurt y otros vs Paraguay*, Op. Cit., pág. 26, párr. 96; Corte IDH, *Caso Terrones Silva y otros vs Perú*, Sentencia de Excepción Preliminar, Fondo, Reparaciones y Costas [2018], Serie C. No. 360, pág. 45, párr. 137.

272.Delimitation of the Maritime Boundary in the Gulf of Maine Area (Can./U.S.) (Judgment), INTERNATIONAL COURT OF JUSTICE (ICJ), (Oct. 12, 1984), at 305 ¶ 130, <https://www.icj-cij.org/case/67/judgments>.

273.Case of López Soto et al. v. Venezuela, I/A COURT H.R., Series C No. 362, ¶ 146, n.233, (Sept. 26, 2018) (in Spanish), [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_362\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_362_esp.pdf).

deliberate action or inaction, which, without being the violation itself, has allowed the conditions for it to occur. Therefore, the State is liable in the following cases: (i) where the group acted with the support or tolerance of the authorities, i.e., with acquiescence; or (ii) where, even without any action or omission strictly related to the violation, the authorities failed in their duty to prevent the violation in a context of risk.

The Inter-American Court notes that in most cases in which its jurisprudence establishes liability for acquiescence related to specific groups (mostly paramilitary groups in Colombia) it considered state responsibility for acquiescence manifested through various acts, both of commission and omission, including: collaboration of state elements in the violation, tolerance of the group's actions, the impossibility of the action having been committed without the support of the authorities, as well as the existence of conduct that encouraged or allowed acts contrary to the Convention. In all of these cases, it is relevant (whether by action or omission) that the state's conduct enabled the actions of private individuals or created the conditions for the violation to occur.<sup>274</sup>

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274.*Id.* at 50, para 146, FN 233. "In the jurisprudence of the Inter-American Court, cases of acquiescence generally refer to the actions of paramilitaries in Colombia. In Case 19 Merchants, the Court found Colombia responsible based on its collaboration in the acts prior to the unlawful act of the third party, the State's acquiescence to the meeting of the third parties at which the act was planned, and the State's active collaboration in the execution of the unlawful acts of the third parties...In relation to the Case of the "Mapiripán Massacre," the Court concluded that Colombia was responsible based on the coordination of actions and omissions between state agents and private individuals, aimed at committing the massacre, on the basis that although it was perpetrated by paramilitary groups, it could not have been carried out without the assistance of the state's armed forces...In the Case of the Ituango Massacres, the Court found responsibility based on the acquiescence or tolerance on the part of the army in the acts perpetrated by the paramilitaries...Likewise, in relation to the Operation Genesis case, the Court determined the State's acquiescence in the commission of the unlawful act on the basis of a "causality test," by virtue of which it considered untenable a hypothesis in which the unlawful act could have been carried out without State assistance...On the other hand, in the cases of *Kawas Fernández v. Honduras* and *Gutiérrez and Family v. Argentina*, the Court emphasized a body of evidence regarding the participation of state agents in the respective homicides, even though the perpetrators were not fully identified at the domestic level, as well as the obstruction of the investigation, in order to conclude that the state was responsible...In the *Vereda La Esperanza* case, the Court concluded that the forced disappearances that occurred in Vereda La Esperanza were attributable to the State due to the support and acquiescence provided by law enforcement officials to the actions of that paramilitary group, which facilitated the incursions into Vereda La Esperanza and encouraged or allowed the commission of these acts contrary to an international obligation, thus constituting the international crime of forced disappearance..."

In order to prove the existence of acquiescence, the Inter-American Court held that “it is enough to prove that there has been support or tolerance by public authorities in the infringement of the rights embodied in the Convention, or omissions that enabled these violations to take place.”<sup>275</sup> Unlike liability for a failure to prevent, which implies knowledge of a risk against which diligent measures are not taken, when organized crime acts with the acquiescence of the authorities, it implies that the latter engaged in acts of support or tolerance, thus creating the conditions that made the violations possible.

### B. Defining “Widespread” and “Systematic”

The CED can activate article 34 “if the Committee receives information which appears to it to contain well-founded indications that enforced disappearance is being practised on a *widespread or systematic basis* in the territory under the jurisdiction of a State Party” [italics added for emphasis].<sup>276</sup> Thus, for the CED to bring Mexico to the UNGA, either “widespread” or “systematic” is sufficient to demonstrate; both are not needed. However, Article 34 does not define either “widespread” nor “systematic,” so we must turn to International Criminal Law. Per the jurisprudence of the International Criminal Court, “The term ‘widespread’ connotes the large-scale nature of the attack and the number of targeted persons. The assessment of whether the attack is widespread is neither exclusively quantitative nor geographical, but must be carried out on the basis of all the relevant facts and circumstances of the case.”<sup>277</sup>

The CED first expressed concern about the possibility of widespread enforced disappearances in Mexico in 2015, in its Concluding observations on the report submitted by Mexico, in which it warned that “the information received by the Committee reveals a

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275. Mapiripán Massacre Case, I/A COURT H.R., Series C No. 132, ¶ 110 (2005), citing Case of the 19 Tradersmen, *supra* note 190, ¶ 141; Case of Juan Humberto Sánchez, *supra* note 184, ¶ 44; and Case of Cantos (Judgment of Nov. 28, 2002), Series C No. 97, ¶ 28, [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_134\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_134_ing.pdf).

276. International Convention for the Protection of All Persons from Enforced Disappearance, OHCHR, art. 34 (Dec. 20, 2006), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>.

277. The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (Public Redacted Version of Trial Judgment), INTERNATIONAL CRIMINAL COURT (ICC), ICC-01/12-01/18-2594-Red, ¶ 1113, (June 26, 2024), <https://www.icc-cpi.int/court-record/icc-01/12-01/18-2594-red> (citing Ongwen Trial Judgment, ¶ 2681; Ntaganda Trial Judgment, ¶ 691; Katanga Trial Judgment, ¶ 1123).

situation of widespread disappearances in much of the State party's territory, many of which may be classified as enforced disappearances and some of which occurred after the Convention's entry into force."<sup>278</sup> In its subsequent reports in September 2019,<sup>279</sup> April 2022,<sup>280</sup> and September 2023,<sup>281</sup> the CED again expressed concern about the widespread nature of disappearances in Mexico and the lack of concrete actions to stop them.

Per the jurisprudence of the International Criminal Court, "The term 'systematic' reflects the organised nature of the violent acts, referring often to the existence of 'patterns of crimes' and the improbability of their random or accidental occurrence. In examining whether an attack was systematic, the Chamber shall assess if a series

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278.CED/C/MEX/CO/1 Concluding Observations on the Report Submitted by Mexico Under Article 29, Paragraph 1, of the Convention, OHCHR, ¶ 10, (Mar. 5, 2015), <https://docs.un.org/en/CED/C/MEX/CO/1>.

279.CED/C/MEX/FAI/1 Concluding Observations on the Additional Information Submitted by Mexico Under Article 29(4) of the Convention, OHCHR, ¶ 3, (Sept. 6, 2019), <https://docs.un.org/en/CED/C/MEX/OAI/1>. "The Committee deeply regrets that the phenomenon of disappearance continues to be widespread over much of the territory of the State party and that impunity and revictimization prevail. The Committee observes with concern patterns such as a lack of reliable data on cases of enforced disappearance, the very small number of convictions and the emergency situation created by the existence, throughout the State party's territory, of a large number of unidentified bodies and clandestine graves that have not been duly addressed. The Committee also notes that there are various obstacles to the effective participation of victims and victims' organizations, particularly in institutional search and investigation mechanisms, and that there are structural barriers that impede access to truth, justice and full reparation."

280.CED/C/R.9 (Findings) Report of the Committee on Enforced Disappearances on Its Visit to Mexico Under Article 33 of the Convention, OHCHR, ¶ 24, (Apr. 12, 2022) (in Spanish), <https://hchr.org.mx/wp/wp-content/uploads/2022/04/Informe-de-visita-a-MX-del-Comite-contra-la-Desaparicion-Forzada-abril-2022.pdf>. "In view of the above and after conducting an exhaustive analysis of the information received, the Committee reiterates its deep concern that a widespread situation of disappearances continues in a large part of the national territory, faced with almost absolute impunity and re-victimization."

281.CED/C/MEX/OAI/2 Concluding Observations on the Supplementary Information Submitted by Mexico Pursuant to Article 29, Paragraph 4, of the Convention, OHCHR, ¶ 5, (Sept. 29, 2023) (in Spanish), <https://hchr.org.mx/wp/wp-content/uploads/2023/10/Observaciones-Finales-CED-2023-Mexico.pdf>. "The Committee regrets the persistence of a widespread situation of disappearances in the State party. It notes that 20 states have a law on disappearances and 16 have a law on the special declaration of absence, but is concerned about the delay in the adoption of the Regulations of the General Law on Enforced Disappearance of Persons, Disappearances Committed by Private Parties, and the National Search System for Persons (General Law) and the Regulations of the National Search Commission, as well as the lack of substantive consultations with the families of disappeared persons and civil society during their drafting (arts. 2 and 24)."



of repeated actions seeking to always produce the same effects on a civilian population were undertaken, and consequently, it may consider whether: (i) identical or similar criminal practices can be identified; (ii) the same *modus operandi* was used; or (iii) victims were treated in a similar manner across a wide geographic area.”<sup>282</sup>

### *C. Crimes Against Humanity and Potential ICC Referral*

Per Article 5 of the ICPPED, “The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law.”<sup>283</sup> In its request for information sent to the Mexican State in June of 2025 in the context of the article 34 activation, the CED clarifies that it “considers that ‘applicable international law’ refers both to general international law (customary international law and general principles of international law) as well as to the provisions of treaties that the State in question has ratified, acceded to, or otherwise accepted, which, in the case of Mexico, includes the Rome Statute of the International Criminal Court, which it ratified on October 28, 2005.”<sup>284</sup>

In the context of the Article 34 procedure activation, “the Committee must determine whether, *prima facie*, the available information appears to reveal well-founded indications that the enforced disappearances have been “committed as part of a widespread or systematic attack against a civilian population, with knowledge of such attack.”<sup>285</sup> The Committee clarifies that these

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282. *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* (Public Redacted Version of Trial Judgment), ICC, ICC-01/12-01/18-2594-Red, ¶ 1113, (June 26, 2024), <https://www.icc-cpi.int/court-record/icc-01/12-01/18-2594-red> (citing *Ongwen Trial Judgment*, ¶ 2682; *Ntaganda Trial Judgment*, ¶ 692; *Katanga Trial Judgment*, ¶ 1123). The Court cites to: *Ongwen Trial Judgment*, para. 2682, referring to *Ntaganda Trial Judgment*, para. 692; *Katanga Trial Judgment*, para. 1123.

283. International Convention for the Protection of All Persons from Enforced Disappearance, OHCHR, art. 5, (Dec. 20, 2006), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>.

284. Committee on Enforced Disappearances, Request for Information from Mexico Pursuant to Article 34 of the Convention for the Protection of All Persons from Enforced Disappearance, ¶ 22, OHCHR, (June 24, 2025) (in Spanish), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40308&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FRIS%2FMEX%2F29%2F40308&Lang=en).

285. *Id.* at para. 23. See Article 7, paragraph 1, of the Rome Statute. See also International Criminal Court (ICC), Trial Chamber II, Situation in the Democratic Republic of the Congo, *Prosecutor v. Germain Katanga*, Judgment under Article 74 of the Statute, 7 March 2014 (ICC-01/04-01/07), paras. 1104–1106; 1108; 119; 1123;

concepts “must be interpreted in accordance with the relevant jurisprudence of the International Criminal Court and other international or hybrid courts, which describe in detail the conditions that must be met in order to qualify the existence of crimes against humanity.”<sup>286</sup> Per Article 7 of the Rome Statute of the International Criminal Court, the enforced disappearance of persons constitutes a crime against humanity “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”<sup>287</sup> The CED cannot refer Mexico to the ICC. For the ICC to begin an investigation, Mexico must be referred by another state party to the Rome Statute, by the U.N. Security Council, or by the ICC Office of the Prosecutor (OTP) which can initiate an investigation on its own.<sup>288</sup>

As noted above, the definition of crimes against humanity requires not just that enforced disappearances be practiced on a *widespread or systematic* basis, but that they constitute an *attack against a civilian population*, and that the State has *knowledge*<sup>289</sup> of such attack. Thus, just even if the CED were to determine that Mexico was practicing enforced disappearance on a widespread or systematic basis, that would not necessarily constitute a crime against humanity per the Rome Statute. Aside from these additional criteria that must be met, as mentioned *Supra*, the CED and the ICC OTP employ different standards of proof.

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ICC, Appeals Chamber, Situation in the Democratic Republic of the Congo, in the case of Prosecutor v. Bosco Ntaganda, Judgment on Appeals, 30 March 2021, paras. 381, 424; ICTY, Appeals Chamber, The Prosecutor v. Milan Martić, 8 October 2008, para. 297.

286.*Id.*

287.Rome Statute of the International Criminal Court, OHCHR, (July 17, 1998), entered into force July 1, 2002, art. 7, <https://www.ohchr.org/en/instruments-mechanisms/instruments/rome-statute-international-criminal-court>.

288.How the Court Works, ICC, <https://www.icc-cpi.int/about/how-the-court-works>.

289.Rome Statute of the International Criminal Court, OHCHR, (July 17, 1998), entered into force July 1, 2002, art. 30, <https://www.ohchr.org/en/instruments-mechanisms/instruments/rome-statute-international-criminal-court>. “1. Unless otherwise provided, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court only if the material elements are committed with intent and knowledge. 2. For the purposes of this article, a person has intent where: (a) In relation to conduct, that person means to engage in the conduct; (b) In relation to a consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of events. 3. For the purposes of this article, “knowledge” means awareness that a circumstance exists or a consequence will occur in the ordinary course of events. “Know” and “knowingly” shall be construed accordingly.”

### VIII. WHAT COMES NEXT? A TRANSITIONAL JUSTICE PERSPECTIVE

This Article argues that transitional justice<sup>290</sup> is the best policy to address the disappearance crisis in Mexico, and that robust transitional justice processes must be implemented. Mexico's transition from one-party rule to a multiparty democracy in 2000 did not coincide with a meaningful process of transitional justice; in fact, political elites from both the PAN and PRI parties resisted efforts to investigate the country's extensive history of state repression and neglected to reform entrenched authoritarian institutions, including the armed forces, the police, and the judiciary.<sup>291</sup> During the War on Drugs, the state relied on repressive and corrupt security and judicial institutions, resulting in militarized, iron-fist policies that led to systemic human rights abuses.<sup>292</sup> Despite AMLO's claims of leading a transformational agenda, his administration has largely perpetuated prior patterns. He declined to implement a transitional justice process or to reform the military, police, or judiciary, echoing the approach of all other governing administrations since 2000.<sup>293</sup> The militarization of public security that began under AMLO's administration has only continued under that of Sheinbaum, with the constitutional reform placing Mexico's National Guard under Ministry of National Defense control, a move criticized by U.N. human rights experts.<sup>294</sup>

The continued reticence of governing parties to reform entrenched authoritarian institutions, and the increased militarization

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290. About transitional justice and human rights: OHCHR and transitional justice, OHCHR, <https://www.ohchr.org/en/transitional-justice/about-transitional-justice-and-human-rights>. "For the United Nations, transitional justice comprises "the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past violations and abuses to ensure accountability, serve justice, and achieve reconciliation" (S/2004/616). It aims at providing recognition to victims of past abuse as rights holders, enhancing trust between individuals in society and trust of individuals in State institutions, and reinforcing respect for human rights and promoting the rule of law (A/HRC/21/46). Transitional justice thus seeks to contribute to reconciliation and the prevention of new violations."

291. Guillermo Trejo, Mexico's Illiberal Democratic Trap, in *Divisive Politics and Democratic Dangers in Latin America*, THOMAS CAROTHERS & ANDREAS FELDMANN EDS., CARNEGIE ENDOWMENT FOR INT'L PEACE, at 23, (2021), <https://carnegieendowment.org/research/2021/02/divisive-politics-and-democratic-dangers-in-latin-america?lang=en#mexicos-illiberal-democratic-trap>.

292. *Id.* at 23.

293. *Id.*

294. Mexico: UN experts concerned over upcoming constitutional reform proposal implying greater role of Armed Forces in public security, OHCHR, (September 24, 2024), <https://www.ohchr.org/en/press-releases/2024/09/mexico-un-experts-concerned-over-upcoming-constitutional-reform-proposal>.

of public security, points to a potential reluctance on the part of the authorities in power, regardless of political party, to engage in meaningful process of transitional justice. Trejo argues that the “fundamental division facing Mexico’s democracy” is not a question of political party policies, but rather “the reluctance of the ruling elite as a larger class, regardless of its particular party attachments, to transform the authoritarian enclaves in the security and judicial sectors, which are central to producing large-scale criminal violence and gross human rights violations in the drug wars.”<sup>295</sup> After the chilling discovery of the extermination site at Rancho Izaguirre in Jalisco, which the Mexican authorities knew about<sup>296</sup> and allegedly knowingly facilitated,<sup>297</sup>—it is clear that the “authoritarian enclaves” in the security and judicial sectors that Trejo mentions continue unchecked.

There are a number of reasons why the establishment of robust transitional justice mechanisms may have the potential to transform these authoritarian enclaves and break cycles of state impunity. The scholarship on transitional justice underscores the critical role that accountability for state violence plays in preventing the proliferation of criminality, including enforced disappearances. Transitional justice processes, especially those that combine truth commissions and domestic trials, can 1) “redefine the rules of state coercion and deter members of the armed forces and the police from becoming leading actors in the production of criminal violence,”<sup>298</sup> 2) “send a powerful signal that influences state specialists in violence to change their expectations about the unlawful use of force (Sikkink, 2011)”<sup>299</sup> and

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295. Guillermo Trejo, Mexico’s Illiberal Democratic Trap, in *Divisive Politics and Democratic Dangers in Latin America*, THOMAS CAROTHERS & ANDREAS FELDMANN EDS., CARNEGIE ENDOWMENT FOR INT’L PEACE, p. 23, (2021), <https://carnegieendowment.org/research/2021/02/divisive-politics-and-democratic-dangers-in-latin-america?lang=en#mexicos-illiberal-democratic-trap>.

296. Mexico: Investigate Apparent Mass Killing Site, HUMAN RIGHTS WATCH, (Mar. 19, 2025), <https://www.hrw.org/news/2025/03/19/mexico-investigate-apparent-mass-killing-site>.

297. Teuchitlán Mayor Arrested for Alleged Ties to Rancho Izaguirre, Mexico’s Organized Crime Training Camp, BBC NEWS, (May 5, 2025) (in Spanish), <https://www.bbc.com/mundo/articles/c89g48n58n4o>. “The mayor, a dentist by profession with more than a decade in politics, is suspected of conspiracy with the Jalisco Cartel - New Generation (CJNG), something he has denied. The FGR is charging Murguía with organized crime and omission, arguing that he was notified of the activities taking place at the ranch but did nothing.”

298. Guillermo Trejo, Juan Albarracín & Lucía Tiscornia, Breaking State Impunity in Postauthoritarian Regimes: Why Transitional Justice Mechanisms Deter Criminal Violence in New Democracies, 55 J. PEACE RSCH. at 787, (2018), <https://doi.org/10.1177/0022343318793480>.

299. *Id.* at 793.

demonstrate that they will not be able to benefit from impunity while cooperating with organized crime to carry out human rights abuses, 3) “alert democratic officials to who should be kept under strict controls to avoid the expansion of the gray zone of criminality,”<sup>300</sup> and 4) “can make new democracies [such as Mexico] less vulnerable to large-scale criminal violence, even when the socio-economic conditions that favor such violence are present.”<sup>301</sup>

Robust transitional justice mechanisms could signal that extrajudicial violence and collusion with organized crime carry real consequences, exposing and penalizing state actors while enabling institutional reforms to prevent future abuses. In the context of enforced disappearances, accountability is thus not only a matter of redressing past violations but also a proactive tool to reshape incentives within the security sector, reduce impunity, and constrain the structural conditions that allow disappearances to persist. Some potential priorities for these transitional justice mechanisms in Mexico that have been identified include: “first, new laws and institutions to search for missing persons; second, truth-seeking processes; third, judicial prosecution of perpetrators of atrocities; fourth, reparations for victims of political and criminal violence; and fifth, institutional reforms to prevent future atrocities.”<sup>302</sup> While there have been multiple instruments created in Mexico that could be considered to “go beyond the traditional justice system...these have been insufficient and, for the most part, ineffective.”<sup>303</sup> These instruments have proven unsuccessful due in large part to the continued reticence of governing parties to reform entrenched authoritarian institutions.

In order for transitional justice mechanisms to be effective in dealing with the disappearance crisis in Mexico, “it is essential to guarantee judicial autonomy, combat impunity, include victims, work with collectives in the search, overcome political resistance and militarization, and ensure protection mechanisms for witnesses and

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300.*Id.* at 793.

301.*Id.* at 788.

302. Guillermo Trejo, Mexico’s Illiberal Democratic Trap, in *Divisive Politics and Democratic Dangers in Latin America*, THOMAS CAROTHERS & ANDREAS FELDMANN EDS., CARNEGIE ENDOWMENT FOR INT’L PEACE, at 26, (2021), <https://carnegieendowment.org/research/2021/02/divisive-politics-and-democratic-dangers-in-latin-america?lang=en#mexicos-illiberal-democratic-trap>.

303. Alicia Azzolini Bincas, La justicia transicional frente a la desaparición de personas en México, JURÍDICA IBERO, (March 2025), (in Spanish), p. 126, <https://juridica.ibero.mx/index.php/juridi/article/view/252>.

whistleblowers.”<sup>304</sup> The transitional justice mechanisms implemented must “coherently articulate the different tools (truth commissions, investigation commissions, search commissions, reparation programs), together with public policies aimed at addressing the structural causes of violence, such as poverty, corruption, and impunity.”<sup>305</sup> However, as long the “authoritarian enclaves” in the security and judicial sectors continue, implementing meaningful transitional justice processes will be challenging. In fact, it could be argued that these enclaves are currently being strengthened in Mexico, both through the constitutional reform placing the National Guard under the control of the Ministry of National Defense,<sup>306</sup> and the constitutional reform implementing popular elections for judges, likely weakening judicial independence in Mexico.<sup>307</sup>

At this critical moment, the need for the implementation of transitional justice mechanisms to guarantee truth, justice, reparation, and non-recurrence in the cases of disappearance in Mexico is all the greater. Full participation of the families of the disappeared must be guaranteed in all transitional justice mechanisms. In this way, the courage and persistence of families can guide the state toward a future of truth, justice, and dignity.

## IX. CONCLUSION

Mexico’s disappearance crisis represents one of the gravest human rights challenges of the twenty-first century. Despite the creation of legal frameworks, specialized institutions, and reforms designed to address the scale of the problem, structural impunity, forensic failures, and limited political will, amongst other factors, have continued to undermine meaningful progress. Families of the disappeared, particularly *buscadoras*, remain at the forefront of the

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304. Transitional Justice in Mexico: An Urgent Response to the Crisis of Disappearances, PRESENTE, (Mar. 19, 2025) (in Spanish), <https://revistapresente.com/contextos/justicia-transicional-en-mexico-una-respuesta-urgente-ante-la-crisis-de-desapariciones/>.

305. Alicia Azzolini Bincáz, La justicia transicional frente a la desaparición de personas en México, JURÍDICA IBERO, (March 2025), (in Spanish), p. 127, <https://juridica.iberomexico.mx/index.php/juridica/article/view/252>.

306. Victoria Dittmar, México profundiza la militarización con reforma a la Guardia Nacional, INSIGHT CRIME, (October 7, 2025) (in Spanish), <https://insightcrime.org/es/noticias/mexico-refuerza-militarizacion-con-reforma-guardia-nacional/>.

307. Preliminary Report of the OAS Electoral Observation Mission for the Elections of the Federal Judiciary in Mexico, OAS, (June 6, 2025), [https://www.oas.org/fpdb/press/2025\\_MEXICO\\_EOM\\_Judiciary\\_Elections\\_Preliminary\\_Report\\_ENG.pdf](https://www.oas.org/fpdb/press/2025_MEXICO_EOM_Judiciary_Elections_Preliminary_Report_ENG.pdf).

search for truth and justice, filling the void often left by state inaction while facing violence, threats, and neglect. The unprecedented activation of Article 34 of the ICPED represents both a challenge and a potential opportunity to the Mexican state, if the state is willing to abandon its negationist posture and recognize the true magnitude of the disappearance crisis. If the state opens itself up to a productive dialogue with the CED, it might pave the way for the implementation of some model of international technical cooperation, or even the adoption of extraordinary justice mechanisms, if there was sufficient political will, a scenario that at the moment unfortunately feels quite far-fetched. The activation of Article 34 displays both the existing institutional indifference in Mexico, as well as the ineffectiveness of international human rights mechanisms such as the ICPED to guarantee tangible impacts on the ground for those directly impacted by human rights violations. As the legal representative of a local NGO in Mexico shared when interviewed about the Article 34 activation, “While the UN issues warnings and mothers continue digging with their bare hands, the government continues to present the search as an achievement, when in reality it is the most painful proof of its failure.”<sup>308</sup>

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308. Rocio Casas, ONU lanza alerta por desapariciones; “no sirve de nada”, advierte abogado, MEGA NOTICIAS, (November 5, 2025), (in Spanish), <https://www.meganoticias.mx/cdmx/noticia/onu-lanza-alerta-por-desapariciones-no-sirve-de-nada-advierte-abogado/679261>.