

**REPORT TO THE UNITED NATIONS
COMMITTEE ON ENFORCED
DISAPPEARANCES**



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Acronyms

OHCHR	United Nations High Commissioner for Human Rights
AFIS	Automated Fingerprint Identification System
ASF	Superior Audit Office of the Federation
CAVEH	Commission for Access to the Truth, Historical Clarification and the Promotion of Justice for serious human rights violations committed from 1965 to 1990.
CED-UN	United Nations Committee on Enforced Disappearances
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CGI	Coordination of General Investigations
IACHR	Inter-American Commission on Human Rights
CIESAS	Center for Research and Higher Studies in Social Anthropology
CLB	Local Search Commission
CNB	National Search Commission
CNC	National Citizen Council
CNIH	National Center for Human Identification
CNPJ	National Law Enforcement Conference
CONAVIM	National Commission to Prevent and Eradicate Violence against Women
I/A Court H.R.	Inter-American Court of Human Rights
CRIH	Regional Centre for Human Identification
CURP	Unique Population Registry Code
DGVyAC	General Citizen Liaison Office
FAFG	Forensic Anthropology Foundation of Guatemala
FEIDDF	Specialized Attorney General's Office for the Investigation of Crimes of Enforced Disappearance
FGE	State Public Prosecutor's Offices
FGR	Office of the Attorney General of the Republic
GLD	General Law on the Enforced Disappearance of Persons, Disappearances Committed by Individuals and the National Search System.
GN	National Guard

INACIPE	National Institute of Criminal Sciences
INAI	Federal Institute for Access to Public Information and Data Protection
INAMI	National Institute of Migration
INE	National Electoral Institute
INEGI	National Institute of Statistics, Geography and Informatics
LOFGR	Organic Law of the Office of the Attorney General of the Republic
MAEMBI	Mexican Foreign Support Mechanism for Search and Investigation
MBPMD	Bureau for the Search for Missing Migrants
MEIF	Extraordinary Mechanism for Forensic Identification
MFC	Mass Graves Module
NNA	Children and Adolescents
OIC	Internal Control Organ of the SEGOB (Interior Ministry)
PABNNA	Additional Protocol for the Search of Children and Adolescents
PHB	Standardized Protocol for the Search for Missing and Disappeared Persons
NSP	National Search Program
RENAPO	National Registry of Population and Identity
RNFCFC	National Registry of Mass Graves and Clandestine Graves
RNPDNO	National Register of Missing and Disappeared Persons
SCJN	Supreme Court of Justice of the Nation
SEDENA	Ministry of National Defense
SEMAR	Ministry of the Navy
SNB	National Search System
SRE	Ministry of Foreign Affairs
SUITI	Sole Technological and Informatics Information System
UNFPA	United Nations Population Fund

1. Introduction

The disappearance of people has plagued humanity throughout its history. Inadequate responses to the struggle of the families of disappeared persons, who face pervasive violence and institutional systems responsible for these disappearances, has led to both international responses, evidenced by the signing of treaties and founding of organizations, and national responses, with countries adapting their internal regulations and infrastructure in response to human rights violations.

Although the concept of disappearance initially focused on enforced disappearances, those committed by State authorities or with their collaboration and approval, the changing dynamic of enforced disappearances has broadened the spectrum of what we now understand as disappearance in many countries, including Mexico, to encompass disappeared persons that may be victims of a crime – such as enforced disappearance, abduction by private individuals, human trafficking, kidnapping, and forced recruitment. Beyond the legal dimension, this can be explained by how the effects of disappearances suffered by the families of victims are equally painful and heinous and should be considered as such by society.

National responses to disappearances, in addition to criminalizing offences and the corresponding judicial responses, have led to the creation of specialized mechanisms to aid in the search for persons, especially in countries where public security and judicial institutions have failed to respond. Examples include Colombia, Peru, El Salvador, Sri Lanka, Lebanon, and Mexico, which have all introduced mechanisms in response to extraordinary situations that merit a different approach.

Driven by the actions of families, Mexico has begun to introduce laws and public policies that place disappeared persons at the center of the discussion. This includes the creation of search commissions (both national and statewide) and a National Search System that brings together different institutions required to respond in a coordinated manner as part of this effort.

Today, Mexico has recognized both the crisis regarding the disappearance of persons and the forensic crisis. The Federal Government has taken significant steps towards building an institutional framework to facilitate the search as a cornerstone of federal policy, understanding that it is an obligation of the State. However, challenges remain in providing a comprehensive response at all governmental levels, from the federal to the municipal, including the three branches of government and even independent institutions. Due compliance will make it possible to combat and prevent disappearances head-on, guarantee rights to truth, justice, and reparation for disappeared persons and their families, and better understand the search, investigations, and preventive measures as State policy.

In this report, the National Search Commission presents the work performed since February 2019 in coordination with families, civil society, authorities and international

organizations, some of the challenges faced in drafting public policy on the matter and key aspects requiring implementation in the future.

2. Background

Between 1965 and 1982, the Mexican government implemented a strategy of repression for political dissidence, which included systematic enforced disappearances. Since 2007, in the name of the "war on drugs", we have seen human rights violations increase, including the disappearance of persons. Now, using a broader spectrum not limited to enforced disappearance, the focus has expanded to include disappearances linked to other illegal acts, including abduction by private individuals, kidnapping, human trafficking, and forced recruitment, among others. Disappearances and the State's failure to respond to them means the relatives of victims have faced a justice system that, in most cases, did not search for or investigate the cases. During this struggle, many families began to organize, forming groups and organizations throughout the country.

Given the momentum created on behalf of victims, by 2011 pressure was mounting to draft regulations to promote, firstly, attention to victims and comprehensive reparation of damages, and secondly, years later, a law on disappeared persons.

This led, on November 17, 2017, to the publication of the General Law on the Enforced Disappearance of Persons, Disappearances Committed by Individuals and the National Search System (GLD) ordering the creation of the National Search Commission (CNB), attached to the Ministry of the Interior, as a federal administrative body, as well as Local Search Commissions (CLB) in each of Mexico's 32 federal entities. In addition, the GLD establishes that each Public Prosecutor's Office or Attorney General's Office must appoint a Special Prosecutor to investigate crimes defined under the Law. A broad system of institutional coordination between search commissions, public prosecutor's offices (federal and state), police (municipal, state and federal) and other authorities (immigration, diplomatic, forensic, social assistance, etc.) was proposed, presenting a major challenge in the search for disappeared persons. It is anticipated that the 33 Search Commissions, together with other authorities or collegiate bodies (such as the Attorney General's Office, the National Law Enforcement Conference and the Ministry of Foreign Affairs) and members of a National Citizen's Council, will work jointly with the National Search System (SNB, acronym in Spanish).

Under the GLD, the CNB is responsible for implementing and providing follow-up on actions related to searches for missing and disappeared persons throughout Mexico. Public prosecutor's offices are responsible for investigating and prosecuting crimes related to disappeared persons.

It is critical to understand that the GLD employs a broad concept for "disappeared person," which is not solely defined as the victim of enforced disappearance or an abduction by private individuals but includes any person whose whereabouts are unknown and whose absence is presumed to be caused by the commission of a crime. This has at least three implications:

- 1) It does not establish who specifically should be unaware of the whereabouts of the person, which means the report or complaint could be made by unrelated persons or even anonymously.
- 2) The presumption that a crime has been committed is broadly regulated in Article 89 of the GLD and includes, in addition to evidence of a crime, whether the person is a minor and the time elapsed since their disappearance (72 hours without news of the person)¹. This means any person whose absence is known to the authorities, even without evidence of violence, must be considered a presumed victim of a crime (and therefore disappeared) if not promptly located, regardless of the criteria of public officials or what is known or believed to have happened to them (which may not be a crime: the implicit premise in the GLD is that this will be determined after locating them).
- (3) The crime of aiding in the disappearance of a person is defined in the GLD (enforced disappearance, abduction by private individuals or related crimes), as well as any other crime involving concealment of the victim (human trafficking, kidnapping, abduction of minors, organ trafficking) and any leading to the impossibility of locating the person without necessarily having concealed them (homicide, femicide).²

¹ Given the context in Mexico, the PHB adds women, the LGBTQ+ community, human rights defenders and journalists to the differentiated, but not discriminatory, treatment section.

² This leads to the investigation of crimes committed against missing persons being distributed among multiple offices of the 33 Public Prosecutor's Offices (those specialized in kidnapping, human trafficking, disappearances, etc.). Furthermore, for cases in which the person lost or was deprived of their life and their body or remains were discovered by chance, an office must be conducting an open investigation into the disappearance of that person (in which the investigation was opened in response to the reported disappearance), and another for the homicide or femicide (for which an investigation was opened in response to the discovery of the body or remains, which may or may not be identified). This makes homicide and femicide statistics partially redundant in relation to statistics for disappeared persons, since practices such as that described add one unit to the homicide/femicide count when the body of a murder victim is located and add one unit to the number of disappeared persons when the disappearance of a person is reported. These considerations assume special diagnostic relevance when considering the forensic crisis, in which tens of thousands of deceased persons are not identified by forensic medical services or, even if they are identified, their families are not located, notified, or the remains returned to them.

The GLD came into force in January 2018, and in March 2018 its first incumbent was appointed. The outgoing administration (2012-2018) provided the CNB with virtually no human, financial or technological resources to fulfill its mandate, and most state governments missed the deadline set in the GLD for CLBs to become operational.

In December 2018, the newly installed Federal Government publicly acknowledged the existence of the crisis concerning disappeared persons and forensics. Three months later, after a participatory procedure with families and civil society set forth in the GLD, President Andrés Manuel López Obrador appointed Karla I. Quintana Osuna as head of the CNB. On March 24, 2019, the President inaugurated the SNB³, an event attended by the families of disappeared persons from several states throughout Mexico, various secretaries of state, governors, state prosecutors, specialized prosecutors, undersecretaries of state, legislators of the Congress of the Union, and search commissioners.

At that time, the CNB had only eight offices, secondary legislation and regulations set forth in the GLD had not been issued, and no computer systems or databases had been implemented.

Since then, the State has begun to build an institutional framework for the search efforts. As will be explained below, in addition to daily operations involving thousands of field search actions, legal and operational tools have been created, including the Standardized Protocol for the Search for Missing and Disappeared Persons (PHB) and the Additional Protocol for the Search for Children and Adolescents (PABNNA), the National Register of Missing and Disappeared Persons (RNPDNO) has been implemented, and guidelines have been created for searches for disappeared persons – for the analysis of search contexts and in relation to *habeus corpus* and constitutional relief proceedings. Large databases have also been created and hundreds of possible locations have been verified, all CLBs have been launched, and federal subsidies have been allocated for over 1.2 billion pesos, almost \$60.5 million dollars (\$60,462,951.29 USD)⁴. Furthermore, CNB staffing has been doubled, currently numbering 89 people (52% women and 48% men), the Extraordinary Mechanism for Forensic Identification Mechanism (MEIF) and the Regional

³ The National Search System created on October 9, 2018, at the Mexican Ministry of the Interior. However, in practice, no actions were implemented at that meeting.

⁴ Considering an exchange rate of \$20.62 MXN per \$1 USD. Source: Banco de México, November 7, 2021.

Center for Human Identification (CRIH) in Coahuila have been created, and the competence of the CED-UN to hear individual petitions has been established. This work has been developed and implemented through participatory methodologies that involve victims' families in the preparation of public policy instruments.

3. Searches for Disappeared Persons

3.1. Search Actions

One of the obligations of the CNB is to promote search actions throughout Mexico, designing and executing search actions with the participation of the families of disappeared persons and federal and state authorities, as applicable.

In general, the principle of presumption of life governs search actions. However, considering the national context of violence, the possibility that the person is no longer alive cannot be ruled out. All phases of the CNB's search actions, from their design and planning, execution and localization, to restitution (alive or dead), guarantee the victims' families their full rights of participation. The PHB establishes a series of guiding principles that impact all phases of the search⁵.

Planning is necessary to implement field actions since it allows for greater efficiency and effectiveness in the allocation of human and material resources. It also includes the participation of authorities and family members, search commission personnel, public prosecutor's offices, security forces, specialized teams such as canine units, and civil protection, among others.

3.2. Field Searches

In accordance with the PHB, there are different types of searches and different ways of implementing them. From February 8, 2019, to November 4, 2021, the CNB has

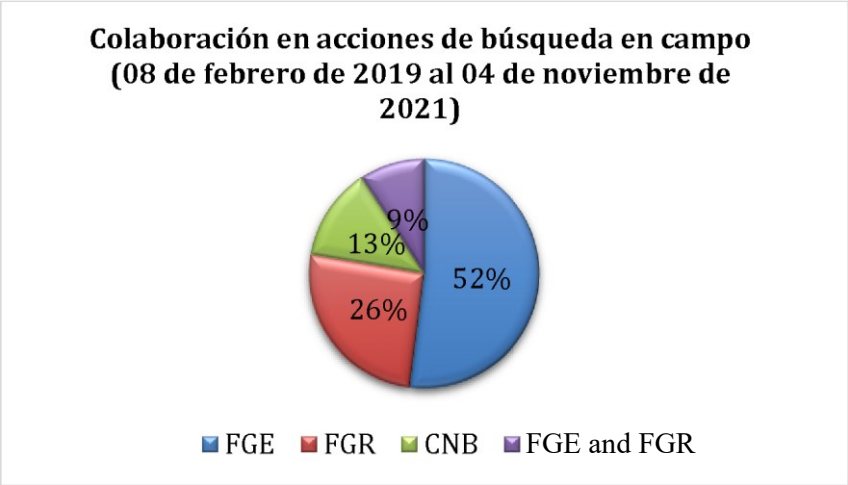
⁵ The PHB's guiding principles include: Allocation and Optimal Use of Resources, Clarity, Continuity, Coordination, Deformalization, Human-Rights Approach, Differentiated Approach, Gender Approach, Approach or Perspective on the Rights of Children and Adolescents, Long-Standing Approach, Humanitarian Approach, Evaluation and Continuous Improvement of Search Processes, Comprehensiveness, Access to Information and Information Management, Equality and Non-discrimination, Ex-officio Actions, Immediacy and Priority, Permanence, Psychosocial Perspective, Preservation of Life And Personal Integrity, Presumption of life and searches for living persons, Security, Systemization, and Truth and Memory (See PHB paragraphs 2 to 63).

implemented 2,260 field searches in 28 states and 314 municipalities⁶; of these searches, 18 have been aquatic⁷.

These searches are performed in coordination with authorities and families of disappeared persons.

The CNB is an administrative institution, meaning it has no investigative powers and is not considered a first responder. Consequently, it faces legal restrictions to, among other things, access private property without authorization from the owner or a court order requested through the public prosecutor's office, as well as to secure and process forensic findings. In addition, full coordination with law enforcement and judicial institutions is critical to guarantee the safety of search actions. Approximately 52.01% of the above-mentioned search actions have been performed in collaboration with state public prosecutor's offices (FGE), 25.64% with the FGR, 9.16% with both, and 13.19% without the participation of any public prosecutor's office, as can be seen in the following graph:

**Participation in Field Search Actions
(February 8, 2019, to November 4, 2021)**



⁶ From February 8 to December 31, 2019, there were 424 search days (with 9 people in the search department); after a staffing increase, from January 1 to December 31, 2020, there were 696 search days and from January 1 to November 4, 2021, there were 1,140 search days. See Annex 1.

⁷ These actions were performed with the support of the National Guard, the Ministry of National Defense and/or the Ministry of the Navy to ensure safety protocols during the searches.

In total, 18 aquatic searches have been conducted in seven states: Laguna Fierro in Nuevo Casas Grandes, Chihuahua (Alvarado Espinoza et al case); Laguna de Lerma, Estado de México (Edgar Villalva Ceballos case); Laguna Real del Valle in Mazatlán, Sinaloa (Ismael Alejandro Martínez Carrizales case); Lagunas de Zempoala in Huitzilac, Morelos (Víctor Andrés Vilchis case); Las Higueras Dam in Rosario, Sinaloa (general search); on the coast of Guaymas, Sonora (metal containers); Laguna de Tres Palos in El Arenal, Acapulco, Guerrero (Vicente Iván Suastegui case); as well as in Uruapan, Michoacán (Daniel Ramos Alfaro case). The above searches have been performed with the support of paramedics and divers from the Ministry of Health's Emergency Service System of Estado de México, divers from the Aquatic Rescue Squadron from the Ministry of Public Security of Mazatlán, Sinaloa, divers from the Ministry of the Navy, as well as Civil Protection in Mazatlán, Sinaloa and Civil Protection and Firefighters of Nuevo Casas Grandes, Chihuahua. See Annex 2.

These actions were performed in conjunction with the National Guard, the Ministry of National Defense and/or the Ministry of the Navy to ensure safety protocols during searches.

During the pandemic, field searches have been performed following sanitary protocols, based on the *Guidelines for the Development of Field Search Actions* jointly prepared by the CNB and the Ministry of Health⁸.

3.3. Legal Search

In 2020, a legal assistance department was created within the CNB in response to the need for relevant information for searches conducted as part of preliminary investigations or for investigation files, as well as to establish effective communication with CLBs, specialized prosecutors of State Special Prosecutor's Offices and the FGR. This department is also in charge of the on-call telephone number, available 24/7.

At the behest of families, reviews have been conducted to analyze the preliminary inquiry or investigation files, either individually or with the families of disappeared persons, to obtain information for generating search actions in coordination with the relevant authorities.

In addition, the department collects individualized cases of disappeared persons in Mexico, including federal⁹ and local cases, which account for 69% and 31%, respectively, of all cases.

One of the main challenges faced during legal searches is that the CNB is only granted access by public prosecutor's offices to investigation files for a third of cases, particularly by state public prosecutor's offices where access is only obtained through the victims' families. Barring access to case files makes it difficult to obtain information to prepare search plans and violates the principle of the right of every person to be found. Other difficulties are that in most cases the information in investigation files is minimal¹⁰, and there is a failure to comply with the Standardized Protocol for the Investigation of the

⁸ The document can be consulted at: https://coronavirus.gob.mx/wp-content/uploads/2020/06/Lineamientos_busqueda_campo_COVID_29062020.pdf.

⁹ This includes the Special Attorney General's Office for the Investigation of Enforced Disappearance, the Special Attorney General's Office for Crimes of Violence against Women and Human Trafficking, the Unit for the Investigation of Crimes against Migrants, the Special Unit for the Investigation of Crimes of Kidnapping and the Special Unit for the Investigation of Trafficking of Minors, Persons and Organs of the Special Attorney General's Office for the Investigation of Organized Crime of the Attorney General's Office and the regional delegations of the Attorney General's Office (Special Attorney General's Office for Regional Control - FECR).

¹⁰ Few folders include such information as the victims' telephone numbers or they are requested from telephone companies at the wrong time; there is also no follow-up on the route the victim may have taken; information from cameras in both public and private establishments is not requested; the only things done are the filing of the complaint and a search protocol limited to sending letters of inquiry to authorities such as hospitals and police stations, many of which go unanswered and/or receive no follow-up.

Crimes of Enforced Disappearance and Abduction Committed by Private Individuals and the PHB.

3.4. Differentiated Approach

Search processes should consider the specific circumstances of the missing person and their family members. The purpose of the differentiated approach is to establish whether any attribute of the disappeared person constitutes a factor of vulnerability associated with their disappearance and, if so, to consider that attribute as the principal line of inquiry¹¹. The actions of authorities in the search should be differentiated for cases in which the disappeared persons are migrants, foreigners, persons with disabilities, women, children and adolescents, human rights defenders, journalists and/or victims of enforced disappearance, as well as when their relatives meet certain conditions of vulnerability. Work in relation to some of these groups is presented below.

3.4.1. Searches for women

The PHB establishes a differentiated approach to searches involving young girls, adolescent girls and women, since one of the guiding principles of this protocol is the *Gender Perspective*, which requires the systematic examination of practices, roles and power relations assigned to people based on sexual identity, sexual orientation and gender identity.

As of November 12, 2021, 23,302 young girls, adolescents, and women were reported missing from 1964 to November 12, 2021. Of this number, 18,113 were reported from 2007 to the present. It is important to note that the age range with the highest number of missing women reported is 15 to 19. This same age range applies to located persons. The states with the highest number of missing women from 2007 to present are: Estado de México, Tamaulipas, Nuevo León, Jalisco, Mexico City, Puebla, Sonora, Veracruz, Coahuila and Michoacán.

The PHB also establishes that all authorities have a higher purpose of due diligence in cases involving gender-based violence, that is, when disappearances are linked to gender status or identity, specifically women (girls, adolescents or adults) and members of the LGBTQIA+ community. In this sense, the violent death of any woman should always include a line of inquiry linked to femicide and any disappearance involving women, girls and members of the LGBTQIA+ community should include a line of inquiry linked to crimes possibly related to expressions of gender violence, such as sexual violence, domestic violence, human trafficking, femicides, transfemicides, or any other crime (enforced disappearance or abduction by private individuals, kidnapping, etc.) that may have a differential impact due to the victim's gender.

Given this context of violence against women, the PHB does not consider any woman a person that cannot be located. All women should be considered disappeared from the outset even if there are no indications a crime has been committed against them. This

¹¹ Cf. PHB, para. 12.

implies that, in addition to immediately conducting a search, which is standard procedure for any person whose whereabouts are unknown, an investigation file should be opened immediately.

In 2021, the CNB, together with the National Commission to Prevent and Eradicate Violence against Women (CONAVIM), began a process to implement the National Program for the Harmonization and Application of the Alba Protocol. The goal is to align this immediate reaction with coordination mechanisms for the search and investigation of cases of missing women, girls and adolescents using the guidelines of the Inter-American Court of Human Rights, the recommendations of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Basic Principles and other international standards relating to human rights violations, as well as the accumulated experience of institutions. The goal is to have a document establishing the minimum criteria that should govern the drafting of or amendments to said mechanism in all states to make it more effective and simplify its implementation. In August 2021, the National Technical Coordinator for the Harmonization of the Alba Protocols was established, composed of Local Search Commissions and State Prosecutors from 32 states, with the aim of working together on the minimum criteria document. This process is supported by UN Women.

An information campaign has also been developed with UN Women concerning the obligations of authorities in cases involving the disappearance of girls, adolescent women, women or members of the LGBTQIA+ community. In addition, with the support of international cooperation, the CNB is conducting an investigation into the trafficking of girls and women in Estado de México. This report will be presented by the end of 2021.¹²

The relatives of disappeared persons are mostly women. The PHB ensures the obligations of authorities include a gender perspective.

3.4.2. Searches for migrants

The search for missing migrants involves specific challenges and the development of differentiated methods. In national migration, people cross borders between states, making it difficult for local authorities to establish jurisdiction and challenging for information to flow between authorities of different states. In transnational migration, in addition to the above, international borders are crossed, at which point Mexican authorities cease to be the authorities responsible. Persons who enter Mexican territory irregularly leave little or no record that can be used to identify them and it is necessary to turn to institutions in their countries of origin to obtain data. Families living abroad, particularly those of non-Mexican nationality, face additional difficulties in reporting or denouncing disappearances, transmitting information to authorities, following up on the search and investigation, and exercising their rights, for example, to participate in proceedings. Overcoming these problems and obstacles requires an extremely high

¹² ANNEX. 3 (CAMPAIGN TO SEARCH FOR MISSING PERSONS USING A GENDER PERSPECTIVE)

level of coordination between Mexican authorities from all three levels of government (including Foreign Service personnel working in Mexican missions in other countries), authorities from other countries, non-governmental organizations that assist and accompany migrants, international agencies, and the families of disappeared migrants themselves.

According to the RNPDO, as of November 12, 2021, over 87% of persons reported missing are Mexican, 1,730 persons (representing 1.83%) are foreigners, and for 10.52% there is no information on their nationality. Of the foreign persons reported missing, US citizens represent 0.45% (425 persons) and citizens from Central American countries (Guatemala, Belize, El Salvador, Honduras, Nicaragua, Costa Rica, Panama) represent 0.91% (855 persons).

This data clearly shows, among other things, intersectional discrimination in relation to migrants with an irregular migratory status. Given that the main source of information for the registry are complaints filed with public prosecutors, the family of a migrant rarely enjoys access to the system, for various reasons, ranging from structural discrimination to fear and distrust of authorities for filing reports (exacerbated by an irregular migratory status), fear of the perpetrators, and the material impossibility of filing a complaint in their home countries.

The CNB has promoted, together with different actors, three coordination mechanisms hoping it will not only facilitate communication in the search for each missing migrant but also serves to promote the resolution of problems that are pervasive at all levels pertaining to the disappearance of migrants and whose attention is often beyond the competence of each actor separately. These include:

- a) The Bureau for the Search for Missing Migrants (MBPMD), approved by the SNB on November 9, 2021, provides a broad space for dialogue, articulation, exchange of information and collaboration between Mexican authorities, institutions in other countries, civil organizations, international organizations and relatives of disappeared migrants¹³. Its purpose is to coordinate efforts to promote the search for disappeared migrants, particularly those lost while traveling through the Mesoamerican migration corridor. It was promoted by civil organizations, Central American committees of relatives of disappeared migrants in Mexico and the CNB, with the support and observations of international human rights organizations.
- b) The Inter-institutional Work Group is composed of permanent liaisons designated by each of the Mexican authorities involved in the search for migrants or the investigation of crimes committed against them. This includes, at the very least, the CNB, the CLBs of states forming part of migratory routes or circuits, the

¹³ Statement of the UNHCH: <https://twitter.com/onudhmexico/status/1458581463150915584?s=24>
ICRC: https://twitter.com/cicr_drmx/status/1458466258744233987?s=24 and
IACHR: <https://twitter.com/cidh/status/1458462923702128643?s=24>

Attorney-General's Office, local public prosecutor's offices investigating crimes committed against migrants, the National Institute of Migration (INAMI) and the Ministry of Foreign Affairs. Three initial meetings of this working group have been held. The guidelines of the working group have been approved and progress is currently being made for the appointment of permanent liaison officers.

- c) The Mexican Foreign Support Mechanism for Search and Investigation (MAEMBI) was, before the GLD came into force, a mechanism that articulated the Legal Attaché's Office of the Attorney General of the Republic for Central America and the Caribbean and the Unit for the Investigation of Migrant Crimes and was regulated by an agreement of the Attorney General. The GLD provides for the creation of a Foreign Support Mechanism for Search and Investigation (MAEBI) in which the staff of consulates and embassies also participate. In addition, the activating authorities, in addition to what is now the FGR, may be all those involved in the search for disappeared migrants or the investigation of crimes committed against them. Consequently, in March 2021, the CNB, the FGR, the SEGOB and the SRE formed a Technical Group to develop a draft Agreement that was shared with other institutions, families and organizations, prior to submission to the SNB.

3.4.3. Searches for children and adolescents

The GLD requires a differentiated approach for children and adolescents and has used a specific search protocol in force since April 2021.

From 1964 to November 12, 2021, 15,603 children and adolescents were reported missing of which 12,580 were reported from 2007 to the present. It is important to note that 55% are young girls and adolescent women while 44.79% are young boys or adolescent men, with the percentage changing drastically for children under the age of 18 in relation to women. In addition, the age range for the largest number of missing girls and adolescents reported is 13 to 17. The states with the highest number of missing children and adolescents are: Estado de México, Tamaulipas, Jalisco, Nuevo Leon, Mexico City, Puebla, Sonora, Veracruz, Guerrero and Coahuila.

All disappearances involving children and adolescents, or persons considered as such when reported as disappeared or when contact with them was lost, presuppose the occurrence of a crime. Therefore, searches must not only be organized immediately, law enforcement authorities and prosecutors must also immediately open an investigation into their disappearance.

Disappearances can be related to diverse contexts and/or crimes such as: child abduction, human trafficking (illegal adoptions for sexual or labor exploitation), organ harvesting, femicides and homicides, forced recruitment, contexts of human mobility (migrants, forced displacement), but also flight from violent environments (intra-family, school or due to the presence of organized crime groups), as well as disappearances within the framework of counter-insurgency policy during the so-called "Dirty War", by

which children and adolescents were disappeared along with their families, or as reprisals against their families, and finally, babies born in captivity.

The challenges of searching for children and adolescents are greater than in cases of adults since they are more vulnerable and there is no national population registry with their fingerprints or biometric information.

The CNB, in conjunction with international cooperation agencies, is conducting a dissemination and prevention campaign aimed at children and adolescents in relation to disappearances for this population group.

3.4.4. Searches involving enforced disappearances during the "Dirty War".

Between 1965 and 1982, the Mexican government repressed political dissent using a strategy that included systematic enforced disappearances. Civilian, state and federal agencies, as well as the armed forces, were involved in this repressive counterinsurgency policy and hundreds of victims are still missing.¹⁴

The GLD states that specific search actions must be conducted for persons whose disappearance is politically motivated. In March 2019, a team specializing in the search for individuals who were forcibly disappeared during the "Dirty War" was created. This team approaches the phenomenon in a comprehensive manner and not as isolated cases, based on the understanding that these enforced disappearances follow a pattern. This approach was legally conceptualized in the PHB as a Pattern Search.

The specialized team has worked using six lines of action: (a) access and collection of documents; (b) Development, in alliance with scientific institutions, of an "Angelus" computer system to organize sources, extract and structure data, make them searchable and analyze them; (c) Informal initiation of search and proactive contact with families¹⁵; (d) Collection of testimonies from relatives and survivors, and identification of potential informants; (e) Documentation and exploratory prospecting of points of forensic interest; (f) Inter-institutional coordination, in particular collaboration with the General Coordination of Investigations (CGI) of the FGR¹⁶.

¹⁴ Since the 1990s, different institutions have been responsible for investigating cases of enforced disappearance during the so-called Dirty War. For further information see Annex 4.

¹⁵ The CNB proactively communicates with families through a mailing list used to send general news and progress report bulletins. Through this same means, families can express their doubts and provide feedback. The latest bulletin (October 2021), for example, focused on the work related to admission logs for the Forensic Medical Service (SEMEFO) of the Federal District (1968-1982), where evidence has been found related to individuals disappeared by counterinsurgency. After reading the bulletin, the wife of one of the disappeared commented that her brother-in-law (brother of the disappeared) had been found dead in the SEMEFO in 1977. This observation helped the CNB identify the record in the logbook, as well as two more bodies admitted along with that of the brother-in-law, all of which bore a notation reading SC, which was later identified as a military folio. This finding facilitated analysis of all logs, in particular the records of unidentified persons, in search of similar folios.

¹⁶ The detailed report of these actions appears in Annex 5

In October 2021, the Mexican President signed a Decree for the creation of a Commission for Access to the Truth, Historical Clarification and the Promotion of Justice for serious human rights violations committed from 1965 to 1990 (CAVEH). The Decree considers the CNB part of the CAVEH, making it responsible for executing a Special Search Plan, which has been in development since 2019, with the participation of survivors and the relatives of disappeared persons. This Plan will serve as a continuation of the efforts of the CNB and must be coordinated with the CAVEH to transfer the information, documentation, experience and technological resources already developed.

In this new stage of coordination with CAVEH, the CNB is considering the inspection of 12 military installations that different sources and testimonies have named as sites used by the counterinsurgency to detain, torture and disappear people¹⁷.

3.4.5. Searches for human rights defenders and journalists

Human rights defenders and journalists are particularly vulnerable since their work can be classified as high risk. Consequently, the PHB emphasizes that, as in the search for women or children and adolescents, in the disappearance of such persons it should always be presumed a crime has been committed, requiring the immediate opening of an investigation file. This provides more effective legal tools for an immediate search since certain legal tools used in the search for missing persons can only be accessed by a public prosecutor's office. The RNDNO has records of 16 missing journalists or human rights defenders, mainly in Estado de México, Michoacán, Guerrero, Sonora and Oaxaca.

According to the SEGOB's Mechanism for the Protection of Human Rights Defenders and Journalists, which is based on reports from beneficiaries of this mechanism, aggressions mainly come from state or municipal authorities and organized crime.

The CNB works closely with the Mechanism to prevent and address the disappearance of human rights defenders and journalists employing a cross-sectoral approach.

As a prevention strategy, the federal government is working on a national campaign to be launched in December 2021 to dignify, exhibit and recognize the work of human rights defenders and journalists.

¹⁷ i. Campo Militar 37-C San Miguel de los Jagüeyes, in Estado de México; ii. Campo Militar Número 1 in Mexico City; iii. The Military Headquarters of the 27^a Zona Militar in Acapulco, Guerrero; iv. The Military Headquarters of the 28^a Zona Militar, Oaxaca; v. The Military Headquarters of the 35^a Zona Militar, in Chilpancingo, Guerrero; vi. The Military Headquarters of the 7^a Zona Militar, in Monterrey, Nuevo León; vii. The Military Headquarters of the 9^a Zona Militar, in Culiacán, Sinaloa; viii. The Military Headquarters of the 11 Batallón de Infantería, in Ixtepec, Oaxaca; ix. The Military Headquarters of the 47 Batallón de Infantería, in Pinotepa Nacional, Oaxaca; x. The Military Headquarters of the Octavo Batallón de Infantería, in Mazatlán, Sinaloa; xi. The Pie de la Cuesta military air base, in Acapulco, Guerrero; xii. The Santa Lucia military air base in Estado de México.

3.5. Context analysis

Context analysis provides an overarching framework in the search for disappeared persons. It is a tool for the study and analysis of both the circumstances and significant factors associated with serious human rights violations, such as the disappearance of persons. Context analysis helps us understand a given phenomenon or event in a comprehensive manner, without isolating it from other phenomena or events occurring in the same social scenario.

The GLD considers the integration of context analysis areas for both search commissions and special prosecutors. In the case of search commissions, context analysis is a fundamental tool when faced with a form of victimization or social phenomenon that may be systematic, generalized or structural. On the one hand it helps identify organized structures that commit human rights violations in delimited geographic areas at a specific moment in time and under specific conditions. On the other hand, context analysis helps identify patterns of criminal behavior that imply organized action by a group or structure to commit crimes.

Since its creation in March 2020, the Context Analysis Unit of the CNB has developed methodological tools to identify patterns for disappeared persons that streamline the incorporation of reports and databases into the search, location and possible identification of these persons.

The CNB has conducted numerous context analysis studies in response to requests or decisions issued by international organizations. With regards to Urgent Actions issued by the UN-ECD, it has worked on reports related to the disappearance of 47 people in Nayarit, the disappearance of Claudia Uruchurtu Cruz in Oaxaca, and the disappearance of Felipe Díaz Castro in Guanajuato. In addition, the CNB uses context analysis methods in cases with the Inter-American Court and the IACHR.

Furthermore, the CNB has employed context analysis methods in cases of disappearances in Colima, Jalisco and Zacatecas, and is currently working with analysis and contextual files on disappearances in Sinaloa, Chiapas, Chihuahua, Oaxaca, Sonora, Tamaulipas and Estado de México.

Of these, we highlight context analyses using differentiated approaches for the disappearance of 10 persons from the community of Lomas de Bacum, Sonora, seven of whom belong to the Yaqui tribe, and the investigation into the trafficking of girls and women in Estado de México.

The CNB is also conducting a context analysis for disappearances that occurred on the Monterrey-Nuevo Laredo federal highway, a case known as "KM26", and has been working with the CLBs of San Luis Potosí, Estado de México, Tamaulipas and Nuevo León, as well as the public prosecutor's offices of Tamaulipas and Nuevo León and the Nuevo León State Commission for Victim Aid. A register and statistical database are currently being developed using the information gathered. This work will help to make

the actions of authorities in charge of the search and investigation more effective and assist in the coordination of joint search actions.

Finally, it is important to highlight that, for the purpose of strengthening the CNB's context analysis departments, the CNB, with the support of international organizations, prepared *The ABC of Context Analysis*, a manual on context analysis focused on the search and location of missing persons.¹⁸

4. CNB's Work with Families of Disappeared Persons

The families of disappeared persons are an essential axis of the CNB's work in terms of public policy advocacy and operational actions. Although many of the families of disappeared persons have chosen to join groups or organizations (the CNB is aware of at least 190, although this number is constantly changing) the attention provided and the work performed with these individuals does not hinge on their belonging to a group or organization.

In terms of public policy advocacy, families have actively participated in the construction of protocols, the MEIF, programs and plans, among others.

In this regard, to ensure it has the required instruments to search for disappeared persons, the CNB established a process involving the active participation of the families of disappeared persons in the drafts of the PHB and the Additional Protocol for the Search for Children and Adolescents. These documents were disseminated through social media and the general public and civil society were able to contribute with observations via e-mails, text and voice messages, to enrich these tools. Virtual forums were also opened on social media to receive opinions and gather and document the proposals requested by families of disappeared persons¹⁹. In the case of the Additional Protocol, a closed forum was also held with children and adolescents.

For construction of the MEIF, nearly 50 working sessions were held between 2019 and 2021, both face-to-face and virtual, attended by families, civil society, federal and state authorities, as well as international organizations.

Moreover, families have helped the CNB prepare the Northeast Regional Search Plan, in coordination with state and federal authorities. For the construction of the first stage of the National Search Program for Locating Disappeared Persons (NSP) a meeting was held with family members to receive their comments and input.

Finally, in December 2020, an initiative to reform the Organic Law of the FGR was presented in the Senate of the Republic, which, for the relatives of disappeared persons,

¹⁸ The Guide can be downloaded using the following link: <https://www.gob.mx/cnb/documentos/el-abc-del-analisis-de-contexto-herramientas-basicas-del-analisis-de-contexto-orientado-a-la-busqueda-de-personas-desaparecidas>.

¹⁹ Each of the 5 regional forums for the Standardized Search Protocol were attended by 180 people connected live. In total, it reached over 120,500 people, with 30,500 views. The PABNNA reached over 20,600 people and totaled 7,000 views.

the CNB, the majority of CLBs, as well as national and international experts, represented a step backwards in the search for disappeared persons. Faced with this situation, they demanded implementation of an open assembly. Similarly, the CNB regularly informed the families of disappeared persons of the process through numerous channels. Congress, however, approved the initiative with minimal modifications²⁰.

The Foreign Support Mechanism for Search and Investigation has been included in the GLD so the families of persons who disappeared in Mexico (especially migrants), but who reside abroad, can gain access to Mexican institutions with the intermediation of the Mexican diplomatic and consular network. Since its regulation required an inter-institutional agreement, in 2020 a Technical Roundtable (FGR, SRE, SEGOB, and CNB) was established to work on the agreements. In August 2021, the Technical Roundtable reached a consensus draft and sent it to international bodies, civil organizations, and social committees and organizations of the relatives of disappeared persons in Mexico and Central America for feedback. In addition, a forum was convened on September 2, in which the institutions of the Technical Roundtable explained the Mechanism and listened to families and organizations, with international organizations acting as observers. Currently, a new draft, strengthened by their feedback, is under discussion at the Technical Roundtable.

The CNB offers training courses on PHB for family members and representatives who request it.

It is also important to emphasize that search actions conducted by the CNB are planned, coordinated and implemented with the participation of families, as well as that of federal and state authorities, with regards to security and justice. In addition, communication is maintained with them, and attention is provided, through face-to-face and/or virtual meetings, telephone calls or electronic media. Meetings are held with families, authorities at different government levels, civil society organizations, as well as national and international bodies/organizations to determine and coordinate search actions.

Bulletins are sent to the families of disappeared persons and survivors of the “Dirty War,” with progress reports and general news regarding the work performed, and feedback is also received through this channel.

Finally, in order to raise public awareness about the disappeared persons crisis in the country, the President, SEGOB and CNB have conducted two nationwide campaigns (2019 and 2021), in print and electronic media, inviting relatives of disappeared persons to send photos of their loved ones for dissemination.

In recognition of the work done by mothers, sisters, daughters, wives, and friends, on August 27, 2021, the Undersecretary of Human Rights, Population and Migration and the National Search Commission organized a photographic exhibition called “*Estos rostros que ves, mujeres que buscan*”, featuring photographs of the relatives of

²⁰ The communiqués can be found in Annex 6.

disappeared persons conducting searches in various parts of the country. The exhibition was installed in the Casa Miguel Alemán of the Centro Cultural Los Pinos.

5. National Register of Missing and Disappeared Persons (RNPDO) and Interconnection Tools.

5.1. RNPDO Background, Establishment and Operation

An essential aspect of conducting searches, which is an obligation of the State, is to know who has disappeared, who has been located (alive or not), as well as information related to their disappearance, not only for the organization of searches and investigations, but also to generate public policies to that effect. The National Register of Missing and Disappeared Persons (RNPDO), whose administration and coordination corresponds by law to the CNB, is a fundamental tool for this purpose.

At the beginning of this administration no solid register of missing and disappeared persons existed. There was only information consisting of multiple files with different formats and inconsistent data, a multiplicity of information, special characters, voided records with no standardization of information as well as duplicated information. The list did not include the fields required by the GLD and was not interoperable with authorities. There was public discussion of approximately 40,000 disappeared persons by December 2018. The CNB standardized this information, and it was used for the new Register.

To create this register, from 2019 the CNB has prepared, designed, developed and implemented a technological strategy²¹ for the incorporation of information into the RNPDO, allowing interoperability between federal and state authorities while ensuring the availability and consistency of data related to missing and disappeared persons. In this regard, three technological tools were developed for registering information and were made available to the above-mentioned authorities: the RNPDO single system, a web service and a mass uploading service²². These tools have been used to register 136,897 and update 110,473 reports of missing and disappeared persons.

²¹ The reference strategy can be consulted in the following link:

https://www.gob.mx/cms/uploads/attachment/file/551515/Estrategia_del_Registro_Nacional_de_Personas_Desaparecidas.pdf

In October 2020, the CNB was awarded 2nd place among 44 projects by IT Masters Mag in the category of “Most Innovative in the Public Sector” for its RNPDO Technology Strategy. <https://t.co/Uc6Mjl3NJz?amp=1>

²² These tools are explained in Annex 7.

Furthermore, the CNB has developed a tool that allows the public and other authorities to file reports or inform the CNB of any news regarding missing or disappeared persons without the need to file a complaint with prosecutors and by which individuals can file anonymously (in the knowledge that many people do not report disappearances out of fear or distrust of authorities). This public report can be filed 24/7, using the following link: <https://cnbreportadesaparecidos.segob.gob.mx/>. As of November 12, 2021, a total of 5,222 reports had been received through this channel, of which 4,226, that is, 80%, were reported by individuals and the remaining 996 by other authorities.

During the current presidential administration, the first phase of the public version was implemented and is available at <https://versionpublicarnpdno.segob.gob.mx/Dashboard/Index>. It provides information, for the first time from Government, on the disappeared persons crisis in the country, highlighting, among other points, the number of disappeared and missing persons, located persons, the year and place (state and municipality) of their disappearance, as well as their gender and age. At the beginning of November 2021, there were more than 94,000 people officially reported as missing and disappeared. As of November 12, 2021, this page has recorded 757,634 views.

The RNPNDNO is updated daily with reports of current and past disappearances. The main sources for the register are Public Prosecutor's and Attorney General's Offices (82.0%), Search Commissions (14.7%), other authorities (2.7%), and (0.6%) people not associated with authorities.

One of the challenges faced by the RNPNDNO is the resistance of various institutions to register or share information. In this sense, of the approximately 450 variables that exist in this register, there is an average data capture rate of 9.5% in the case of Public Prosecutor's/Attorney General's Offices, and 10.8% by Search Commissions. As can be seen, the percentage of information registered in the RNPNDNO by authorities is extremely low²³, a situation that makes it difficult to understand the scope of disappearances and to make decisions regarding searches, investigation and prevention in terms of public policy.

It is important to remember that disappearances in Mexico may be the result of numerous offences, such as the enforced disappearance of persons, abductions committed by private individuals, kidnapping, human trafficking, forced recruitment, and abduction of minors, among others, information that can only be provided by Public Prosecutor's/Attorney General's offices as they are responsible for investigating the reports. In this regard, the CNB has noted a percentage of data capture in the RNPNDNO for the variable of the crime committed equivalent to 16.2% of the total number of records of Missing and Disappeared Persons, while over 93% of records do not include information on the crime for which the disappearance is being investigated. To give an example, in only 399 records of persons who are still missing or disappeared (equivalent

²³ The CNB will soon include graphs in the Public Version of the RNPNDNO, showing the percentage of data capture by public servants at Search Commissions and Attorney General's Offices/Public Prosecutor's Offices in the RNPNDNO.

to 0.33% of cases), the crime has been listed as enforced disappearance; 47% of these records (186) have been opened by the Attorney General's Office, the remaining 53% corresponds to records of state Public Prosecutor's/Attorney General's Offices (213). This allows us to confirm that, at least in these 213 cases, the enforced disappearance was committed by state or municipal authorities (because they are under the jurisdiction of state public prosecutor's offices), and 186 cases may have been committed by federal or state authorities, but the FGR could have decided to transfer the case. The CNB continues to regularly request this information from the corresponding authorities.

RNPDNO guidelines are currently under review²⁴ and a section on access profiles is being integrated, including open data - not only statistics - in accordance with the Federal Institute for Access to Public Information and Data Protection (INAI) resolutions and opinions, the result of requests for access to information and numerous consultations made by the CNB.

Moreover, two technological tools related to the Registry currently under construction, as provided for in the GLD, are the public consultation and the RNPDNO mailbox. The former will provide the general public with online access to data on missing and disappeared persons included in the register, in the terms of the General Law on the Protection of Personal Data held by Obligated Parties (LGPDPPO), the GLD and the register's guidelines. For its part, the mailbox receives information provided by the general public.

Finally, it is important to note that the CNB has developed technological tools for internal and/or inter-institutional use of information related to the RNPDNO, such as the analysis tool²⁵, the sole log of individualized search actions (for CLBs and Public Prosecutor's offices), the comparison of different sources of information with the RNPDNO, and the percentages of data captured in the register itself.

5.2. Sole Technology and Informatics Information System (SUITI)

The SNB has the obligation to achieve the integration and operation of a single technology and computer information system (SUITI) which allows access, processing and use of all relevant information for the search, location and identification of missing or disappeared persons, as well as for the investigation and prosecution of crimes under the GLD²⁶. Accordingly, the PHB mandated the creation of the SUITI Committee, which must provide guidelines to establish interoperability between authorities or institutions,

²⁴ The performance audit conducted by the ASF for RNPDNO verified that "the CNB accredited the implementation of the 7 methodological phases to standardize RNPDNO information, similarly, it noted that since 2019, the CNB has implemented a strategic plan for the operation, administration and coordination of the RNPDNO in accordance with the provisions of the LGMDFP, as well as international recommendations to the Mexican State, good practices identified in other countries and compliance with the Guiding Principles for the Search for Disappeared Persons issued by the United Nations Committee on Enforced Disappearances". https://informe.asf.gob.mx/Documentos/Auditorias/2020_0006_a.pdf

²⁵ In October 2021, the CNB was recognized as one of the Top 10 Most Innovative, among more than 50 projects, by IT Masters Mag, within the "Most Innovative in the Public Sector" category due to its Analysis Tool, which permits consultation of more than 449 RNPDNO variables. <https://datastudio.google.com/s/tBNz1vXux48>

²⁶ Article 49, section II of the GLD.

whether public or private, national and international, for the SUITI's integration and operation.

In this regard, the CNB, in its capacity as Technical Ministry of the SNB, submitted a preliminary draft to SNB members of the Rules of Operation of the SUITI Committee, as well as for the integration of Thematic Working Groups, which took into consideration the observations and comments issued by thirteen state Public Prosecutor's offices and one CLB. These Rules were approved on November 9, 2021, by the SNB.

5.3. CNB-RENAPO Information Cross-Referencing

To cross-reference information between existing RNPDO records and the National Population and Identity Registry (RENAPO) database, in 2019 the CNB promoted the signing of the Constitution of the Monitoring and Evaluation Committee, which permits cross-referencing through the CURP Search web service provided by RENAPO, using the name, first and second surname, date of birth, gender and state of birth, for the purpose of obtaining the Unique Population Registry Code (CURP) of missing and disappeared persons in order to be certain of their identity.

In 2020, the information on missing and disappeared persons held by RNPDO was compared with the National Civil Registry Database administered by RENAPO and 537 possible matches were identified with data recorded in death certificates provided to the CLBs so that, in coordination with law enforcement authorities, the necessary steps could be taken to confirm, where appropriate, the identity of the persons concerned.

5.4. Inter-agency coordination

In 2020, the CNB promoted contact with more than 20 federal institutions²⁷, with which working meetings were held to establish procedures for inter-institutional coordination in relation to the information they possess that contributes to the search for, and location and/or identification of, missing or disappeared persons.

It is important to reiterate that one of the difficulties in searching for disappeared persons is gaining access to information from different institutions. In this regard, in relation to the above-mentioned institutions it is necessary, as a first step, to lay the groundwork for the development of corresponding information agreements.

²⁷ These include the Ministry of Health, Ministry of Public Education, National Human Rights Commission, National Institute of Indigenous Peoples, Institute for Social Security and Services for State Workers, Executive Commission for Victim Assistance, National System for Integral Family Development, National Institute of Migration, Mexican Institute of Social Security, National Insurance and Bonding Commission, National Banking and Securities Commission, Federal Telecommunications Institute, Mexico Platform, National Information Centre, Ministry of Foreign Affairs, Ministry of Welfare, Mexican Postal Service, National Commission of the Retirement Savings System, Executive Ministry of the National Public Security System, Ministry of Communications and Transport.

6. Disappeared persons

In Mexico, the young are disappearing. Roughly 60% of people reported as disappeared are under 35 years of age. In the case of men, the age group with the highest number of disappearances is 20 to 30, while in the case of women it is the age group 15 to 25. Based on field observation (since little information is officially provided by authorities), most of the disappeared population is racialized, many disappeared persons, along with their families, live in poverty or economic precariousness and are stigmatized not only by authorities but also by society in general. In the case of women, moreover, in some instances similar physical profiles can be noted among the missing adolescents and young women.

According to the RNPDO, from March 15, 1964, to November 12, 2021, the number of reports of missing or disappeared persons was 232,134, of whom 94,344 are still missing. The majority of these persons (81.14%)²⁸ were reported disappeared since 2007. Of the persons reported as missing or disappeared during the reporting period, 59.36% were found [93.36% were found alive²⁹ (128,647) and 6.64% were found dead (9,143)].

The states with the highest number of reports of persons still disappeared and missing are:

No.	STATES	MISSING AND DISAPPEARED	PERCENTAGE
1	Jalisco	14,591	15.54%
2	Tamaulipas	11,721	12.48%
3	Estado de México	10,121	10.78%
4	Nuevo León	5,740	6.11%
5	Veracruz	5,492	5.85%
6	Sinaloa	5,046	5.37%
7	Sonora	4,209	4.48%
8	Michoacán	4,194	4.47%
9	Guerrero	3,656	3.89%
10	Chihuahua	3,457	3.68%
TOTAL		68,227	72.66%

During the same period, 96,979 women were reported missing or with whereabouts unknown. Of these, 73,677 were located (72,338 alive and 1,339 dead) and 23,302 are

²⁸ 2.07% for the period 1964 to 2006 and there is no information on the date of disappearance for 16.79%.

²⁹ Given the lack of information from RNPDO sources, mainly Public Prosecutor's offices, it is not possible to determine the context in which the persons have been located, whether alive or dead; that is, it is not possible to determine whether or not they were victims of a crime.

still missing or their whereabouts unknown³⁰. 74.45% of women who are still disappeared or whose whereabouts remain unknown are concentrated in 10 states:

No.	STATES	MISSING AND DISAPPEARED	PERCENTAGE
1	Estado de México	4,493	19.40%
2	Tamaulipas	2,647	11.43%
3	Jalisco	2,334	10.08%
4	Nuevo León	1,674	7.23%
5	Veracruz	1,313	5.67%
6	Mexico City	1,213	5.24%
7	Puebla	1,054	4.55%
8	Sonora	914	3.95%
9	Coahuila	832	3.59%
10	Michoacán	776	3.35%
TOTAL		17,250	74.48%

During this same period³¹, 15,603 children and adolescents (8,582 women and 6,988 men) are still missing or unaccounted for. The states with the most missing children and adolescents are:

No.	STATES	MISSING AND DISAPPEARED	PERCENTAGE
1	Estado de México	3,568	22.99%
2	Tamaulipas	1,681	10.83%
3	Jalisco	1,213	7.82%
4	Nuevo León	1,075	6.93%
5	Mexico City	812	5.23%
6	Puebla	776	5.00%
7	Sonora	674	4.34%
8	Veracruz	620	3.99%
9	Guerrero	494	3.18%
10	Coahuila	484	3.12%
TOTAL		11,397	73.43%

³⁰ It is important to note that, given the national context of violence against women, the PHB does not consider any woman as someone that can't be located. All women must be considered disappeared, even if there are no indications a crime has been committed against them. This implies that, in addition to immediately conducting a search, which is standard procedure for any person whose whereabouts are unknown, an investigation file should be opened immediately.

³¹ Id.

7. Regulations and programs for disappeared persons searches

7.1. Search protocols

7.1.1. Standardized Protocol for the Search for Disappeared Persons

During 2020, the CNB prepared the Project of the Standardized Protocol for the Search for Disappeared Persons (PHB) by means of a broad participatory process involving relatives of disappeared persons, representatives and national and international experts, as well as various federal and state authorities. The Project was approved by Agreement of the SNB in August 2020, with the abstention of the FGR and the CNPJ, published in the Official Gazette of the Federation in October of that year, entering into force in January 2021.

The PHB prevails over all authorities involved in the search for disappeared persons, regardless of whether there are indications that their absence is related to the commission of a crime and establishes actions authorities must take to search for these persons, for which it requires close inter-agency coordination.

Taking into account the contexts of disappearances and considering the particular circumstances of the disappeared or missing person and their families, it uses a differentiated approach requiring search actions and differentiated inter-institutional coordination.

The protocol establishes 5 types of searches: immediate, individualized, generalized, pattern and family. It also defines the authorities involved in the search processes and their degree of responsibility:

- *Primary Authorities:* CNB and CLB, ministerial authorities, public security institutions and courts (*habeas corpus*). Their general function is to proactively execute actions to locate persons.
- *Transmitting Authorities:* human rights commissions, embassies and consulates, municipal authorities. Their main functions are to take reports and support communication between families and primary authorities.
- *Broadcasting Authorities:* Public radio and TV. Their general functions are to broadcast public messages from the primary authorities.
- *Reporting Authorities:* archives, shelters, cemeteries, the National Migration Institute (INM) and others. Their main functions are to provide information to primary authorities.

The Commission for the Implementation, Monitoring, Evaluation and Updating of the PHB has met regularly to promote implementation of the PHB. In addition, training has been provided to CNB staff, CLBs, relatives of disappeared persons and

representatives, police and prosecution staff. In addition, a summarized version of the PHB was prepared, approved, published and presented to family members.³²

It is important to point out that, according to the PHB, two years after issuing this instrument, the Implementation Commission will conduct a comprehensive evaluation of the PHB in which the suggestions and observations of family members, their representatives, experts and institutional actors, as well as all inputs generated during implementation and monitoring, and the recommendations, reports and requests from international organizations, must be considered.

The Implementation Committee is also tasked with monitoring implementation of the PHB, so unjustified non-compliance and negligent actions by authorities responsible for executing its processes will be considered serious, in accordance with Article 43 of the GLD and, once informed of these situations, it must channel them to Internal Control Bodies or the authorities responsible for investigating and determining the case.

The FGR and the CNPJ have shown resistance in processes related to the creation and implementation of the PHB. In relation to its creation, the FGR pronounced itself against the rights of individuals to be found, as well as against any mention of the FGR in the PHB, and abstained, together with the CJPJ, from voting on its creation. With regard to implementation, although the CNPJ is a member of the Implementation Commission, it has only attended on one occasion. Furthermore, the FGR ordered INACIPE, one of its training institutes, not to participate in the PHB's pilot training program.

7.1.2. Additional Protocol for the Search for Children and Adolescents

The GLD requires a differentiated approach for children and adolescents, as well as a search protocol specific to this population group. During 2021, the CNB, through a similar participatory process, with the support of organizations specialized in children's issues as well as with the active participation of children and adolescents, prepared the Draft for the Additional Search Protocol for Children and Adolescents (PABNNA), which was approved by the National Search System in April and published in August 2021. The PABNNA must be implemented jointly with the PHB.

In this additional protocol, children and adolescents are recognized as persons with rights, emphasizing respect for their dignity, life, survival, well-being, health, development, participation and non-discrimination, guaranteeing the full enjoyment of their rights. If there is no certainty regarding their exact age, they should always be considered to be under 18 years of age. Searches involve complementary actions such as activation of the Amber Alert (for children and adolescents) and the Alba Protocol (investigation protocol for disappeared girls and adolescent women).

For the monitoring, evaluation and updating of the PABNNA, the mechanism described in the PHB should be applied. In addition, the Implementation Commission should

³² https://www.gob.mx/cms/uploads/attachment/file/656158/PHB_VR-Digital.pdf

develop a tool for evaluating the PABNNA by victims in its application and effectiveness, as well as the conduct of the implementing authorities.

7.2. Disappeared Persons Search Programs

7.2.1. National Search Program

The National Search Program for Locating Disappeared Persons (NSP) is the guiding instrument for national policy on the search and location of disappeared persons that defines strategies, operational models and structured operational tools to establish a unified synergy to achieve measurable objectives and results. This instrument should articulate and engage the efforts of the government, families and civil society in the search for disappeared persons³³.

During 2019, and based on the Planning Act and tax provisions, the CNB, with the participation of the families of missing persons, prepared the first part of the NSP (2020 - 2024), which was approved by tax authorities.

Development of the NSP involves nine stages³⁴, to be implemented by working groups with the participation of families, family groups and civil society organizations, accompanying persons, experts and agencies. Currently, for the first phase, information is being compiled with key actors for the diagnosis established by the GLD and a self-diagnosis tool will be sent to CLBs throughout the country while the indicator tree is being prepared. This information was submitted to the SNB on November 9, 2021.

7.2.2. Regional Search Programs

The GLD includes specific search programs or strategies to be implemented in certain contexts. In this sense, the CNB has promoted development of a regional search program in Northeast Mexico and is currently in the process of planning a regional program in the Northwest.

a) Northeast Regional Search Plan

The purpose of the Northeast Regional Search Plan is to guide the joint actions of different institutions involved in the search process to implement effective and coordinated strategies to search for and locate missing or disappeared persons in the northeast region, comprising the states of Coahuila, Durango, Nuevo León and

³³ The CNB believes the GLD confuses, in articles 53 and 134, the CNB's institutional program to strengthen the institutional and organizational structures with the systematic programming of all SNB actors, as well as its interventions, providing structure for the implementation of national public policy. In any case, both must be, and are being, advanced.

³⁴ 1. Planning and methodological design for the participatory drafting of the NSP; 2. Definition of NSP strategic objectives; 3. NSP diagnosis and frame of reference; 4. Definition of the National Search Policy for the Location of Disappeared and Missing Persons; 5. Definition of Mechanisms for Implementation, Monitoring and Evaluation; 6. Integration of the preliminary version of the NSP; 7. Identification of resources necessary for the implementation of the NSP; 8. Design of methodological tools to implement the national search policy for disappeared and missing persons; and 9. Integration of final NSP draft.

Tamaulipas. During 2019, work was performed on a preliminary project through a participatory process with authorities, family members and civil society organizations. In 2020, work began on development of the PHB and the PABNNA, which required updating of the aforementioned document for presentation to family members and authorities.

b) Northwest Regional Search Plan

Based on experiences during development of the Northeast Regional Plan, work is under way to prepare the Northwest Regional Plan, which will include the states of Baja California, Baja California Sur, Sonora and Sinaloa. This work was divided into the following stages: planning, document review, consultation with family members and local authorities, drafting and presentation of the Plan.

It is important to mention that regardless of the advances in the development of Regional Plans, the CNB and the different federal and state authorities conduct search actions and are obliged to implement the GLD and the PHB.

7.3. GLD Regulations

7.3.1. Regulations of the General Law of Disappearances

The Regulations of the General Law represent an instrument that guides, as a complement to the PHB and pursuant to parameters related to the disappearance of persons, the obligations of all member institutions of the SNB in addition to secondary regulations issued by states. These regulations must be drafted and approved by all members of the SNB; therefore, on November 9, 2021, a plan was approved for drafting the regulations which must be collective and include the participation of families, civil society organizations and authorities.

7.3.2. CNB Regulations

The CNB draft regulations are currently being reviewed by the competent authorities of the Ministry of the Interior for approval. These regulations, which are aligned with the PHB, will make it possible to have a structure and powers in keeping with the institution's needs.

8. The CNB and Its Relationship with the International Community

8.1. International Mechanism Monitoring Department

The CNB must, pursuant to Law, follow up and comply with the recommendations and sentences of international human rights bodies on issues related to the search for persons. More specifically, the PHB has determined that the CNB is responsible for "following up and complying, in coordination with the other competent authorities, with the decisions issued by international human rights bodies on the search for disappeared persons, including recommendations, opinions, rulings, decisions, final observations, reports on the merits, judgments and international sentences, as well as urgent actions and precautionary or provisional measures". In addition, liaison and coordination with other authorities responsible for compliance are considered³⁵.

In February 2019, the office of International Mechanisms was created to follow up on 265 existing urgent actions of the CED, four recommendations by the Human Rights Committee³⁶, six precautionary measures³⁷, four amicable settlement agreements pending before the IACHR³⁸, and the follow-up for three judgments of the Inter-American Court of Human Rights concerning the search for persons³⁹.

It is therefore essential to work in coordination with authorities responsible for jointly implementing compliance with international decisions, together with the families of disappeared persons. Each case has different characteristics to be considered in the design of search actions. In most cases, a comprehensive search plan is drawn up, consisting of different activities. As much information as possible is gathered from the Attorney General's office, family members and open sources to formulate hypotheses for the search. In some cases, context analysis is performed.

Certain challenges have led to difficulties in achieving compliance with some decisions due to the reluctance of public prosecutors' and attorney generals' offices to share

³⁵ Article 53, section XXXVI of the GLD and paragraphs 552-555 of the PHB.

³⁶ Communications 2750/2016 Christian Téllez Padilla (Veracruz), 2760/2016 Jesús Israel Moreno Pérez (Oaxaca), 2766/2016 Víctor Manuel Guajardo Rivas (Coahuila) and 3259/2018 Roy Rivera Hidalgo (Nuevo León).

³⁷ MC-262-11, Sociedad eco-turística Zapotengo Pacheco de Pochutla (Oaxaca); MC-201-18, Raffaele Russo, Antonio Russo and Vincenzo Cimmino (Jalisco); MC-870-19, Casimiro Méndez Ruiz and Alfredo Castillo (Tamaulipas); MC-453-13, Daniel Ramos Alfaro (Michoacán); MC-1008-19, Alberto and Alfonso Alejandro Díaz (Michoacán); MC-1375-18, Daniel Ramírez Contreras (Sonora) and MC 102-10, Inhabitants of the Mixteca Indigenous Community of Lázaro Cárdenas (Oaxaca).

³⁸ 13,007, Alfredo Jiménez Mota (Sonora), 12,322, Antonio González Méndez (Chiapas), 12,550, Silvia Arce et al (Chihuahua) and 12,130, Miguel Orlando Muñoz Guzmán (Chihuahua)

³⁹ Campo Algodonero Case, Alvarado Espinoza et al Case and Rosendo Radilla Pacheco Case.

relevant information to generate search actions, claiming secrecy of the investigation. In addition, it is essential to point out the difficulty of working with authorities that, according to the families themselves, are involved in the disappearances, especially at the local level.

8.2. The CNB and Search Mechanisms in Latin America

Disappearances are characterized by a particular level of complexity in certain Latin American countries, leading to the creation of specialized and extraordinary mechanisms for the search for persons, as in Colombia, Peru, El Salvador and Mexico⁴⁰.

The CNB maintains a close relationship with search mechanisms in the region for the exchange of experiences and common challenges. Forums have been held with international experts⁴¹, a thematic hearing has been held before the IACHR⁴², and regular meetings are held. In addition, a web page was launched to share the experiences of each of the mechanisms as a result of a joint effort between Mexico, El Salvador, and Peru⁴³.

8.3. Coordinated Work with International Organizations

The CNB has worked in coordination with various international organizations, namely the Mexico Office of the UN High Commissioner for Human Rights, the IACHR and the ICRC. These organizations have participated in working groups, attended meetings to follow up on individual cases before international mechanisms, conferences/seminars on forensic issues, migrants and women; they have also supported various processes, including the creation of the PHB, PABNNA, MEIF and the Migrant Search Roundtable, in which they have participated and contributed as experts on the subject.

Regarding the construction of the MEIF, the CNB signed a collaboration agreement with the United Nations Population Fund (UNFPA) in Mexico to assist in the design, selection and establishment of the MEIF Coordinating Group, and also incorporated the United Nations High Commissioner for Human Rights (OHCHR) in Mexico using federal funds. This will guarantee autonomy in the work of the Coordinating Group in accordance with international standards.

⁴⁰ In Colombia, the Search Unit for disappeared persons in the context of, and due to, the armed conflict in Colombia (UBPD); in El Salvador, the National Commission for the Search for Missing Persons in the context of the armed conflict in El Salvador (CONABUSQUEDA); and in Peru, the General Department for the Search for Disappeared Persons of Peru (DGBPD).

⁴¹ November 20, 2020, and July 2021. These events and the construction of the website were achieved with the support of GIZ. The forums can be found at <https://fb.watch/9dgg6LgAy6/> and https://youtu.be/zRjwSy_nQRc.

⁴² On December 10, 2020, the IACHR held a public hearing on "Regional Search Commissions" available at https://youtu.be/zRjwSy_nQRc.

⁴³ Available at <https://mecanismosregionalesdebusqueda.com>

It is also working with UN Women on implementation of a gender perspective in the search for persons⁴⁴, and has been involved in activities with the UNODC, UNICEF-Mexico and the Inter-American Children's Institute of the OAS.

8.4. International cooperation

To strengthen inter-institutional cooperation, tools and mechanisms mandated by the GLD⁴⁵ and promoted by the CNB as the SNB's Technical Secretary, as well as the strengthening of various SNB institutions and the preparation of diagnoses, international cooperation has been received, in particular from the governments of the United States⁴⁶, Germany and the European Union. This cooperation has also provided forensic support for certain SNB members.

8.5. International presence of the CNB

The CNB has participated in public hearings before the IACHR, both with respect to Mexico and thematic hearings⁴⁷, as well as in the country evaluation by the UN Human Rights Committee⁴⁸.

9. CNB Interaction with the Judicial Branch

The search for disappeared persons and the system designed to comply with this obligation as part of State policy must be strengthened through recognition of the content and scope of different rights and the exercising of others. In this sense, the CNB has interacted with the Judicial Branch, which is considered a search authority in accordance with the PHB, through the presentation of *amicus curiae* briefs, as well as in the preparation of a guide for judges. Similarly, on the understanding that the right to truth

⁴⁴ As a first step, the following brochures have been produced: UN Women, "Searching for Missing Persons Using a Gender Perspective", 2021, available at: <https://mexico.unwomen.org/es/digiteca/publicaciones/2021/05/busqueda-de-personas-desaparecidas-con-perspectiva-de-genero#view>.

⁴⁵ Such as construction of search plans and programs, publications, construction of guides, training, among others.

⁴⁶ In its June 2021 visit to Mexico, the delegation of high-level U.S. officials, led by Vice President Kamala Harris, reported that both governments "commit to forensic cooperation to help solve the thousands of cases of disappearances and enforced disappearances in Mexico, for the benefit of victims' families and in our fight against impunity." In October 2021, the Joint Statement for the U.S.-Mexico High-Level Security Dialogue stressed that "Both governments commit to forensic cooperation to help solve the thousands of cases of disappearances in Mexico, for the benefit of victims' families and in our fight against impunity." Communiqué available at the following links: <https://www.gob.mx/sre/prensa/declaracion-conjunta-para-el-dialogo-de-alto-nivel-de-seguridad-entre-mexico-y-estados-unidos?idiom=es> and <https://mx.usembassy.gov/joint-statement-u-s-mexico-high-level-security-dialogue/>

⁴⁷ Public hearing "Enforced disappearances and the proposal of the Extraordinary Mechanism for Forensic Identification in Mexico", held on May 10, 2019. Public hearing "Mexico: Children, forced recruitment and disappearances", held on March 6, 2020. On December 10, 2020, the IACHR public hearing on "Regional Search Commissions" was held.

⁴⁸ Substantiation of the VI periodic report of Mexico on the implementation of the International Covenant on Civil and Political Rights before the UN Human Rights Committee, held on October 16 and 17, 2019.

is intimately related to the right to justice, it is fundamental for the CNB to monitor sentences issued for enforced disappearance.

9.1. *Amicus curiae* before the Supreme Court of Justice

The Supreme Court of Justice of the Nation (SCJN) received a case alleging that urgent actions issued by the United Nations Committee on Enforced Disappearances are binding on all authorities involved. In a decision appealed before the SCJN, a court considered that Urgent Actions are binding for Mexican authorities because there is no explicit legal basis to sanction their non-compliance.

On September 9, 2020, the CNB filed an *amicus curiae* brief before the SCJN to present arguments highlighting the mandatory nature of the urgent actions issued by the Committee, based on the parameter of control of constitutional regularity and control of conventionality. It also reiterated there is a substantive human right to search for disappeared persons⁴⁹.

On June 15, 2021, the First Chamber of the SCJN ruled on the case highlighting the mandatory nature of the urgent actions issued by the Committee and recognizing the right to search⁵⁰ for disappeared persons, setting a fundamental precedent at the national and comparative level.

9.2. *Amicus curiae* before the Superior Court of Justice of Coahuila.

On September 17, 2021, the CNB filed an *amicus curiae* brief before the Superior Court of Justice of the State of Coahuila in relation to the Acts of Unconstitutionality of the Regulations of the Organic Law of the Public Prosecutor's Office of Coahuila, published on May 21, 2021, and in force since June 1, 2021. In its submission, the CNB considered, on the one hand, that the disappearance of the Immediate Search Unit in the referred Regulation violated the right of every person to be searched for, and on the other, that said Regulation was issued without the participation of the families of missing persons, violating the parameter of constitutional regularity with respect to the right to participation⁵¹.

On September 27, 2021, the Court rejected the draft that considered issuance of the Regulations unconstitutional, denied the families the right to participation, and ruled that the receipt and consideration of the *amici curiae* was not admissible. On November 2, 2021, the FGE of Coahuila issued an Agreement by which it reincorporated the Immediate Search Unit into the Regulations. The determination of the Superior Court of Justice, which has yet to rule on the families' right to participation, is still pending.

⁴⁹ https://twitter.com/Busqueda_MX/status/1336704737467625472?s=20.

⁵⁰ SCJN. First Chamber. AR 1077/2019. Unanimous vote. Speaker: Minister Alfredo Gutiérrez Ortiz Mena.

⁵¹ https://twitter.com/Busqueda_MX/status/1448841802056966146

9.3 Constitutional Relief Proceedings for Missing Persons: A Tool against Enforced Disappearance

Different authorities are responsible for searching for persons. These include, in addition to search commissions, public prosecutor's offices and others, judges, since they have the exclusive constitutional power to search for forcibly disappeared persons through habeas corpus or constitutional relief proceedings for disappeared persons (*amparo buscador*), ordering another authority not only to provide information but also to produce the person in its power.

Despite the importance and scope of constitutional relief proceedings for missing persons, little is known about what they can achieve. For this reason, the CNB, with the support of international cooperation, created a Guide for relatives and judges on "Constitutional Relief Proceedings: A Tool against the Enforced Disappearance of Persons"⁵², to explain and clarify the concepts, procedural means and scope of constitutional relief proceedings for disappeared persons in the hope it can be useful mainly to the relatives of disappeared persons and their companions, while at the same time providing tools for judges.

The CNB has disseminated the guide through social networks and presentations, coordinated with the Mexican Association of Women Judges and the National Association of Circuit Judges and District Judges of the Federal Judiciary, with the participation of relatives of disappeared persons, human rights defenders, members of the Federal and local judiciaries, as well as academics and federal authorities⁵³.

9.4 Criminal sentences issued for enforced disappearances

The CNB has a record of 36 criminal sentences for enforced disappearance and abductions committed by private individuals. The total number of persons sentenced for any of these crimes total at least 79, and the total number of victims is at least 56⁵⁴. Twenty-four sentences are federal (usually because the perpetrators were federal public servants), and the remaining 12 are local (3 from Chihuahua, 2 from Coahuila, 2 from Jalisco, 1 from Nuevo León, 1 from Sinaloa, 1 from Sonora and 2 from Veracruz). Sentences may be final or under review and the persons sentenced may continue to be held in pretrial detention pending a final judgment, may be serving their sentence or may have finished serving it (the federal criminal definition of enforced disappearance provided for a minimum sentence of 5 years, and most of those found responsible at the

⁵² <https://www.gob.mx/cms/uploads/attachment/file/644426/GuiaAmparoBuscador.pdf>

⁵³ On Monday, August 23rd the Asociación Mexicana de Juzgadoras A.C. (Mexican Association of Women Judges) presented the guide. Please consult the following videos. <https://fb.watch/9dy-KETxuX/> and <https://fb.watch/9dzjESP584/>, and for the National Association of District Judges <https://fb.watch/9f0OYHall8/>

⁵⁴ In cases where information is not available, at least one victim is assumed for counting purposes.

federal level for committing this offence were given a minimum sentence), or may be held in pretrial detention until the 5-year sentence has been served.

In the 2019 annual report of the Special Attorney General's Office for Human Rights of the FGR, the Special Attorney General's Office for the Investigation of Enforced Disappearance (FEIDDF) reported that from January 1 to December 31, 2019, it filed 2 preliminary investigations and prosecuted 2 investigation files but did not achieve sentencing (neither for those cases nor for cases prosecuted in previous years)⁵⁵. Public information shows that in 2020, the FGR did not file any preliminary inquiry, nor did it prosecute any investigation file for enforced disappearance⁵⁶.

The CNB also has records of four acquittals in which at least one of the accused was acquitted of enforced disappearance.

To contextualize the figures provided, it is important to remember that there are several crimes that can lead to the disappearance of the victim in addition to those criminalized since 2017 by the GLD, for example, kidnapping and human trafficking. The CNB registry only covers sentences for the crimes of enforced disappearance or abduction by private individuals⁵⁷.

10. Impact of the CNB on forensic matters

The serious forensic crisis the country is experiencing, recognized by the Federal Government, prevents guaranteeing the part of the right to truth that implies, in forensic matters, knowing who has been located and to hand them over to their relatives with dignity, as well as to know what happened to the disappeared person to guarantee an effective investigation as part of the right to access to justice.

The processing of bodies, forensic identification, as well as the construction, homologation, and systematization of genetic databases, and the registers of identified

⁵⁵ Available at <https://www.animalpolitico.com/wp-content/uploads/2020/01/INFORME-DERECHOS-HUMANOS.pdf>

⁵⁶ See performance audit 6-GB of the Superior Audit Office of the Federation in 2021.

⁵⁷ It is also important to highlight that the CNB did not have the sentences or full information for all cases. Furthermore, several of these cases were judged based on criminal types prior to the GLD and currently repealed, included in local criminal codes and consequently heterogeneous (for example, in Jalisco it was possible to prosecute a person for enforced disappearance without any relationship with State agents). The first code to criminalize enforced disappearance was the Federal Criminal Code in 2003. Prior to criminalization, an investigation could have classified the conduct as another criminal offense, such as kidnapping or abuse of authority. Today, the remarkable similarity of the criminal offenses of kidnapping, illegal deprivation of liberty, enforced disappearance and abduction committed by private individuals makes it possible for the same facts to be investigated, judged and punished with any framework. *Vid* Yankelevich, Javier, "El concepto de persona desaparecida", Manual de capacitación para la búsqueda de personas, 2020, available at <https://www.gob.mx/cnb/documentos/86483>. It should be noted that one aspect of the crime of kidnapping does not require that the kidnapper request a ransom, but only that they do so to "cause harm or damage to the victim or third parties", which is very close to the crime of abduction committed by private individuals, "to deprive [the person] of liberty for the purpose of concealing them", since concealing the victim causes harm to the victim as well as to third parties and their family.

and unknown deceased persons, has corresponded, until now, to prosecutor's offices, and in some cases to the courts of justice or the health ministry. The administration of mass graves corresponds to cemeteries, which are municipal.

There are tens of thousands of unidentified bodies but no census of unidentified bodies⁵⁸, nor is the methodology for taking genetic samples systematized; there is no centralized genetic database that permits orderly comparison, dedicated to disappeared persons organized by family groups with prior detection of potential donors; the genetic information that does exist is rarely compared and shared, and there is no capacity or willingness to do so on a massive scale. There is no census of unidentified bodies in mass graves, and sometimes there is no traceability of bodies found in them, either because they are poorly registered or because they are not registered at all. Forensic information is fragmented, incomplete, and there is no technical communication between experts who perform forensic procedures useful for identification since they work individually rather than jointly. Forensic medical services are insufficient. To summarize, there are tens of thousands – the number is yet to be determined - of unidentified bodies and remains due to the absence of a national public policy on forensic matters focused on the search for human identification in relation to the disappearance of persons.

The PHB recognizes that identification of deceased persons is not only part of the investigation of crimes committed against them, but also a form of searching for disappeared persons. It therefore conceptualizes human identification as a type of search, in particular processes that use a mass approach (e.g., mass genetic matching) as methods of a Generalized Data Search. The process of human identification is therefore also a form of search that must be used to determine the fate or whereabouts of persons.

Within the scope of its competence and in accordance with the presidential instruction to contribute to human identification, SEGOB, through the CNB, has performed various actions in this regard, as described below.

10.1. Subsidies to reinforce forensics

Between 2019 and 2021, the CNB has provided a total of 1.247 billion pesos, almost 60.5 million dollars (\$60,462,951.29 USD)⁵⁹, in subsidies to CLBs to reinforce CLB search actions. Of this total, 656 million pesos, just over 31.8 million dollars (\$31,807,294.34 USD)⁶⁰, have been directed to reinforcing forensics, including three

⁵⁸ In 2019, the FGR reported at least 37,000 unidentified people in the country, 8,000 of whom were found in the open air and the rest presumably in mass graves. In 2020, Quinto Elemento Lab calculated 39,000 unidentified decedents in 2020. In 2021, the Movement for our Disappeared reported over 52,000 unidentified decedents.

⁵⁹ An exchange rate of \$20.62 MXN per \$1 USD is considered, source: Banco de México, November 7, 2021.

⁶⁰ Idem.

human identification centers in Coahuila (equipped), San Luis Potosí (in the process of acquiring equipment) and Tamaulipas (under construction); five body storage facilities in Tamaulipas (2), Michoacán, Jalisco and Veracruz; two mobile forensic laboratories in Sonora, as well as equipment for forensic identification in 15 other states⁶¹.

10.2. Regional Centre for Human Identification (Coahuila)

The Regional Center for Human Identification (CRIH), located in Saltillo, Coahuila, is a state project that involves a joint effort - in both material and human resources - between federal and state governments, national and state search commissions, and the state prosecutor's office, with the support and accompaniment of families. The CRIH is the only one of its kind in Latin America and is designed to identify persons using a mass approach, implemented with the technical advice of the Forensic Anthropology Foundation of Guatemala (FAFG). It also responds to the demands of the families of disappeared persons.

To this end, it has a genetic database that permits mass cross-referencing of information for all bodies located and the families of disappeared persons, not only in Coahuila, but also in neighboring states, regardless of whether there is a report of the disappearance and with due follow-up and information for families. Coahuila is also building local capacity with this new methodology of forensic analysis with dignified treatment for bodies and families.

The CRIH consists of a temporary body storage facility, a vertical forensic cemetery with 720 individual niches, and two refrigeration chambers with the capacity to house 200 bodies.

With a joint state and federal investment of over 250 million pesos, the CRIH integrated forensic areas in archaeology, anthropology, forensic medicine, radiology, forensic genetics and documentation of victims. It has also received support from international cooperation in the form of a grant for 536,000 dollars to process mass exhumations and processing to obtain genetic profiles. There is currently a staff of 34 professionals in forensic and administrative areas.

Between March and November 2021, a major exhumation of mass graves was conducted in five municipal cemeteries (2 in Torreón, Matamoros, Saltillo, and Ramos Arizpe, Coahuila), with the recovery of at least 730 bodies.

By November 8, 2021, *postmortem* analysis in radiology, anthropology, odontology and forensic medicine of the first 300 bodies recovered from the first cemeteries (Cemeteries 2 and 1 in Torreón) had been conducted and more than 900 osteological samples were taken to obtain genetic profiles that are now being processed. In addition, *postmortem* analysis of bodies recovered in the fourth and fifth exhumations is underway.

⁶¹ Baja California, Campeche, Chihuahua, Mexico City, Coahuila de Zaragoza, Colima, Michoacán, Nayarit, Nuevo León, Oaxaca, Puebla, Quintana Roo, San Luis Potosí, Sonora and Zacatecas.

Between March and November 2021, the CRIH took 1,250 baseline samples from families of missing persons in Coahuila, Nuevo León and Durango, and has documented information for missing persons and their families.

As of November 8, 2021, the CRIH had identified seven bodies and 10 matches are under investigation for confirmation.

Building on the experience of the CRIH in Coahuila, a process has begun for the creation of the Jalisco Human Identification Center, a joint effort involving the government of Jalisco and the federal government, through the CNB, for mass human identification.

10.3. Extraordinary Mechanism for Forensic Identification (MEIF)

In May 2019, at a public hearing before the IACHR⁶², the families of victims and civil society organizations requested the Mexican State create an Extraordinary Mechanism for Forensic Identification (MEIF). At the hearing, the Mexican State presented initial results of forensic diagnosis and committed to construction of the MEIF.

Since then, several meetings and discussions were held between families of missing persons, civil society organizations, federal and state authorities, with the participation of international organizations, resulting in approval by the SNB of the agreement to create the MEIF on December 5, 2019⁶³.

One of the points of the aforementioned agreement was the creation of the MEIF Follow-up Committee, which held a total of more than 40 face-to-face and virtual meetings. This Committee agreed, among other things, on the profiles for MEIF Coordinating Group experts, the selection method and the means of recruitment through UNFPA and UNODC, with federal funding. In the first half of 2021, the selection process was conducted, in which more than 200 people participated, both nationals and foreigners.

Finally, it was determined that the forensic experts of the Coordinating Group would be Jairo Vivas Díaz (Colombia), Yadira Reyna Hernández (Mexico), Alan Robinson Caicedo (England) and Magner Rincón Soto (Colombia). The other three experts, in psychosocial care, legal matters and international cooperation, respectively, are Ximena Antillón Najlis (Costa Rica-Nicaragua), Edgar Cortez (Mexico) and Sharon Bissell (USA-Mexico). The public presentation of the Coordinating Group was made on August 30, 2021.

⁶² "Desapariciones forzadas y la propuesta del Mecanismo Extraordinario de Identificación Forense en México (Enforced Disappearances and the Extraordinary Mechanism for Forensic Identification Facility proposal)", https://youtu.be/0ZzjN_RmQXw.

⁶³, <https://twitter.com/CIDH/status/1207353098223718402?s=20>
México: familias y autoridades construyen un mecanismo para reforzar el trabajo forense en el país | Comité Internacional de la Cruz Roja (icrc.org). [.\(Mexico: families and authorities build a mechanism to strengthen forensic work in the country | International Committee of the Red Cross \(icrc.org\)\)](https://www.icrc.org/es/mexico-familias-y-autoridades-construyen-un-mecanismo-para-reforzar-el-trabajo-forense-en-el-pais)

At the Second Ordinary Session of the SNB, held on November 9, 2021, participation of the MEIF Coordinating Group in System sessions was voted on and it will periodically report on its work.

10.4. Internal CNB clandestine graves register

The GLD provides for the creation of a National Register of Mass and Clandestine Graves (RNFCFC) as a tool of the SNB. The FGR is responsible for its management, legal responsibility currently resides with the Attorney General's offices for the processing of clandestine graves and the burial of bodies and remains retrieved from mass graves⁶⁴.

Notwithstanding the above and given the lack of official public information on clandestine graves, since 2019 the CNB began to document findings to make headway in determining the number of clandestine graves, bodies and remains exhumed in Mexico. An effort is being made with this internal registry to include the greatest number of data recorded by different authorities and permits, as far as possible, non-segmentation of information.

The CNB's own registry is comprised mainly of information provided, through various means, by the 32 FGEs and the FGR. In view of the responses received and the lack of structural uniformity in the information received, further specifications have been provided to improve the quality of this information.

It has been noted there are different methods of understanding the various concepts related to clandestine graves and the different methods employed in locating them, as well as a refusal to recognize their existence (for example, certain Public Prosecutor's offices have refused to recognize the existence of clandestine graves; furthermore, in other cases, we were unofficially informed that certain Public Prosecutor's offices had instructed personnel to change the name of the findings so they would not fall under the definition of clandestine graves). Given the diversity of forensic findings in Mexico (e.g., clandestine graves, clandestine crematoria, extermination sites, exposed bodies, among others) and in order not to exclude any such findings, the PHB opted for a broader definition regarding the "context of discovery".

Initially, information on the discovery of clandestine graves, bodies and exhumed remains, as well as any progress made in identification, was requested from the FE and FGR as of December 1, 2018, with permanent updates. Subsequently, information was requested on clandestine graves, bodies and remains exhumed from 2006 to 2018, for the purpose of establishing a historical diagnosis of the findings. In addition, to supplement this information a request was made concerning the progress of identification, however, few state Attorney General's offices responded and only with

⁶⁴ See audit 6-GB of the Superior Audit Office of the Federation.

partial data, so no comprehensive diagnosis exists for the progress of identification for the period 2006 to 2018.

Certain Public Prosecutor's offices have not submitted updated information, or do not provide all the information required. This internal registry also includes data obtained from the discovery of clandestine graves and exhumed corpses, derived from field search activities in which CNB personnel have participated⁶⁵.

From 2006 to November 4, 2021, a total of 4,839 clandestine graves were discovered and 8,278 bodies exhumed. The five states with the highest number of clandestine graves total 2,399, which corresponds to 49.58% of the national total. These states are:

States with the highest number of clandestine graves		
State	Clandestine graves	Percentage
Veracruz	620	12.81%
Tamaulipas	528	10.91%
Guerrero	459	9.49%
Sinaloa	446	9.22%
Chihuahua	346	7.15%
Total	2,399	49.58%

In addition, four states and the FGR⁶⁶ accounted for the largest number of bodies exhumed, 4,175, which corresponds to 50.43% of the total number of bodies exhumed during this period:

Institutions with the highest number of exhumed bodies		
State	Bodies exhumed	Percentage
Jalisco	1,399	16.90%
FGR	797	9.63%

⁶⁵ It is important to note that the CNB is not present for, or does not participate in, all findings in Mexico and, when it does intervene, it does not always do so until the findings are concluded since processing of these findings is the responsibility of Public Prosecutor's offices.

⁶⁶ The FGR only reported the total number of clandestine graves and exhumed bodies from 2006 to 2018, failing to indicate in which state each finding was made. This prevents the data from being classified into totals per state as it conflicted with data from state public prosecutor's offices.

Sinaloa	728	8.79%
Guerrero	646	7.80%
Chihuahua	605	7.31%
Total	4,175	50.43%

From December 1, 2018, to November 4, 2021, a total of 2,004 clandestine graves have been located and 3,335 bodies exhumed. Of these, 1,336 have been identified⁶⁷ and 1,019 have been handed over to their families. The five states with the largest number of clandestine graves (1,064 which corresponds to 53.09% of the total) during that period were:

States with the highest number of clandestine graves		
State	Clandestine graves	Percentage
Veracruz	296	14.77%
Sinaloa	245	12.23%
Guerrero	199	9.93%
Colima	190	9.48%
Guanajuato	134	6.69%
Total	1,064	53.09%

The five states with the highest number of bodies exhumed during this period, (amounting to 2,188 or 65.61% of the total) were:

States with the highest number of bodies exhumed		
State	Bodies exhumed	Percentage
Jalisco	1,107	33.19%
Sinaloa	368	11.03%
Colima	270	8.10%
Guanajuato	236	7.08%

⁶⁷ In spite of requests for progress in the identification of bodies and remains exhumed from clandestine graves, the Attorney General's Office and various state public prosecutor's offices have not provided the requested data. In addition, certain public prosecutor's offices only report the number of bodies identified, but not their identification data.

Veracruz	207	6.21%
Total	2,188	65.61%

10.5. Cemeteries with mass graves

The National Institute of Statistics and Geography (INEGI) conducted two information gathering processes involving public cemeteries in Mexico’s metropolitan areas. The original process, in 2020, was motivated by the need to understand the capacity of cemeteries in the face of mounting deaths caused by the COVID pandemic. The quality and level of data disaggregation in the results sparked the interest of the CNB. After several feedback meetings between the CNB and INEGI, the data collection instrument was adjusted to collect information on points of interest in the search for missing persons, so the process was repeated.

The results of the second compilation show that 216 municipal cemeteries in metropolitan areas have mass graves (both operational and non-operational) and included the total number of burials in such graves, both of unidentified and identified but unclaimed persons. This information is of great importance for the design and planning of public policy on the institutional safekeeping of deceased persons, the concentration of information on this subject in a national register, and the development of the National Exhumations Program, which is the responsibility of the Attorney General's Office and is awaiting publication. The CNB is currently working to systematize the information in five of the 15 cemeteries that reported the largest number of burials⁶⁸, as explained in the following section.

10.6. Generalized Data Search of Mass Grave Burial Records

According to the GLD, the preparation of the National Exhumation and Forensic Identification Program is the responsibility of the Attorney General's Office, while the management of mass graves remains under municipal purview since they are located in municipal cemeteries.

Notwithstanding the above, given that the CNB considers the information in cemetery records includes relevant data in the search for and location of disappeared persons, in coordination with certain CLBs it has begun to systematize records for burials in mass graves in municipal cemeteries using a nationally standardized database named the Mass Graves Module (MFC). As of August 31, 2021, the CNB has been systematizing the mass grave burial records of five cemeteries. It has already concluded with the mass grave in Mexico City and has moved on to cemeteries in Puebla, Sonora, and Veracruz.

⁶⁸ INEGI, 2021 Compilation of Public Cemetery Information in Metropolitan Areas in Mexico, <https://www.inegi.org.mx/programas/ricpzmp/2020/>.

Furthermore, the CBM built by the CNB currently includes information from five cemeteries located in the three states mentioned above and will continue to be updated.

These records undergo mass comparison with the RNPDO. When there is a possible match, a complementary investigation is conducted involving the public prosecutor's office responsible for investigating the death, the authorities responsible for investigating the disappearance and the CLBs responsible for the search. When it is concluded that it is the same person, the family is notified and steps are taken for exhumation, supplementary identification and dignified restitution.

As of November 5, 2021, there were 16,540 entries in the CBM, corresponding to bodies and remains of identified deceased persons (7,380), bodies and remains of unidentified deceased persons (6,216), fetuses (1,180), and biological material (e.g., amputated legs) of living persons (1,697)⁶⁹. The process of comparison and follow-up has confirmed 5 locations, with two families notified and exhumation processes currently underway, and another 68 possible positives, of which 28 are in the supplementary investigation and follow-up stage. These possible positives involve, on the one hand, missing persons in Chihuahua, Chiapas, Puebla, Mexico City, Estado de México, Jalisco, Sonora, Nayarit, Nuevo León, Querétaro, Sinaloa, Tamaulipas and Veracruz; and, on the other hand, bodies buried in Mexico City, Puebla and Sonora.

10.7. Fingerprint Matching

A collaboration agreement was signed by the INE and the CNB in September 2018 concerning the search and identification of missing persons and identification of corpses and human remains.

According to public information⁷⁰, by November 2018 the CNB had made comparisons between AFIS and INE fingerprint records. Between February 2019 and September 30, 2021, the CNB issued requests for individual fingerprint comparisons, with 360 coming up positive, 52 negative, 2 with insufficient data and leaving 100 requests pending response. It is important to note that these requests were sent directly from the Public Prosecutor's/Attorney General's offices to the CNB.

In order to automate queries received by the INE, the CNB is currently in the process of developing a computer system that will allow interoperability to streamline the flow of information contributing to the search for missing persons.

⁶⁹ The remaining entries correspond to burials in which the cemetery register does not allow us to identify the type of remains.

⁷⁰ According to public information in the document "Additional information submitted by Mexico" in relation to the "Dialogue with the United Nations Committee on Enforced Disappearances" dated November 13, 2018, "the CNB requested from Plataforma Mexico (PM) the records relating to unidentified bodies contained in AFIS (Automated Fingerprint Identification System). It received 262,043 fingerprints corresponding to 26,676 unidentified bodies." This information is being monitored during the internal handover-reception process.

10.8. COVID-19 Measures

At the beginning of the pandemic, several states ruled that all bodies of people who had died due to COVID-19 (identified or unidentified) should be cremated. Since both the General Law of Victims and the GLD prohibit the cremation of unidentified bodies, on April 17, 2020, the Ministry of the Interior and the Ministry of Health, at the urging of the CNB, issued an Agreement prohibiting the cremation of both unidentified and unclaimed identified bodies that had died as a result of COVID-19. It was also established that such bodies could not be buried in existing mass graves⁷¹.

Moreover, with searches being considered a priority, the CNB convinced the Ministry of Health to issue Guidelines for the Development of Field Search Actions in the Context of the SARS-Cov-2 Pandemic (COVID-19), which establishes the health safety measures for conducting field searches⁷².

A system was also developed for the registration of unidentified and identified and unclaimed persons whose cause of death was attributed to COVID-19. There are currently 96 users registered in this system, however, it is only used by one local commission and the CNB.

10.9. Large-scale Approach for the National Centre for Human Identification

The magnitude and complexity of the process of searching for and identifying disappeared persons presents specific difficulties, further complicated by the context for conducting investigations, the diversity of actors involved and the collaboration required between them. Most of these cases, due to their mass scale, overwhelm traditional local forensic systems.

The approach to forensic investigations is different when dealing with large-scale cases of disappearance. One of the most common misconceptions is the assumption that the same forensic investigative practices and their application used in criminal cases are useful for missing persons search and identification cases, and that the lack of results is limited to material resources.

Identification with a large-scale approach (such as that implemented at the Regional Center for Human Identification at the urging of the CNB) is a multidisciplinary system of human identification for the analysis of all available and useful forensic information for identification, prioritizing technical procedures that increase the likelihood of identification. It is a forensic system for working solely on cases of missing persons.

Due to the missing persons crisis, as well as the forensic crisis in Mexico, and the experience with the CRIH, the SEGOB's Undersecretary of Human Rights, Population

⁷¹ ___ The agreement is available in the Official Gazette of the Federation. http://dof.gob.mx/nota_detalle.php?codigo=5591880&fecha=17/04/2020

⁷² ___ These guidelines are available at https://coronavirus.gob.mx/wp-content/uploads/2020/06/Lineamientos_búsqueda_campo_COVID_29062020.pdf

and Migration and the CNB have promoted the creation of new similar centers in the country, in addition to the need to create a National Center for Human Identification (CNIH) that is dedicated exclusively to large-scale identification for the purpose of searching for missing persons.

11. CNB Institutional Infrastructure

11.8. CNB Structure

The initial CNB structure included 43 positions, which increased to 89 by 2020 (consisting of 52% women and 48% men as of November 12, 2021). The organizational structure has a unit head position, three general departments, ten area departments, 30 sub-departments, 40 department heads and five administrative supports.

The General Department of Search Actions and Information Processing comprises 38 people with diverse professions in forensic, social and legal sciences, among others. It is divided into 5 operational sub-areas: field search (generalized search⁷³); legal search (individualized); international mechanisms departments; context analysis; missing person searches, enforced disappearances during the "dirty war" and missing migrants.

The General Planning and Evaluation Department includes 20 people with profiles in law, administration, economic-administrative sciences and information technology. Its main functions are, among others, to manage and coordinate National Register operations, as well as to create and, if necessary, propose technological tools and regulations for the register, propose actions to access the information stored in platforms, databases and registers to search for missing persons; consult, collect and cross-reference public or private databases or registers, and provide assistance to authorities and institutions that manage the databases or registers.

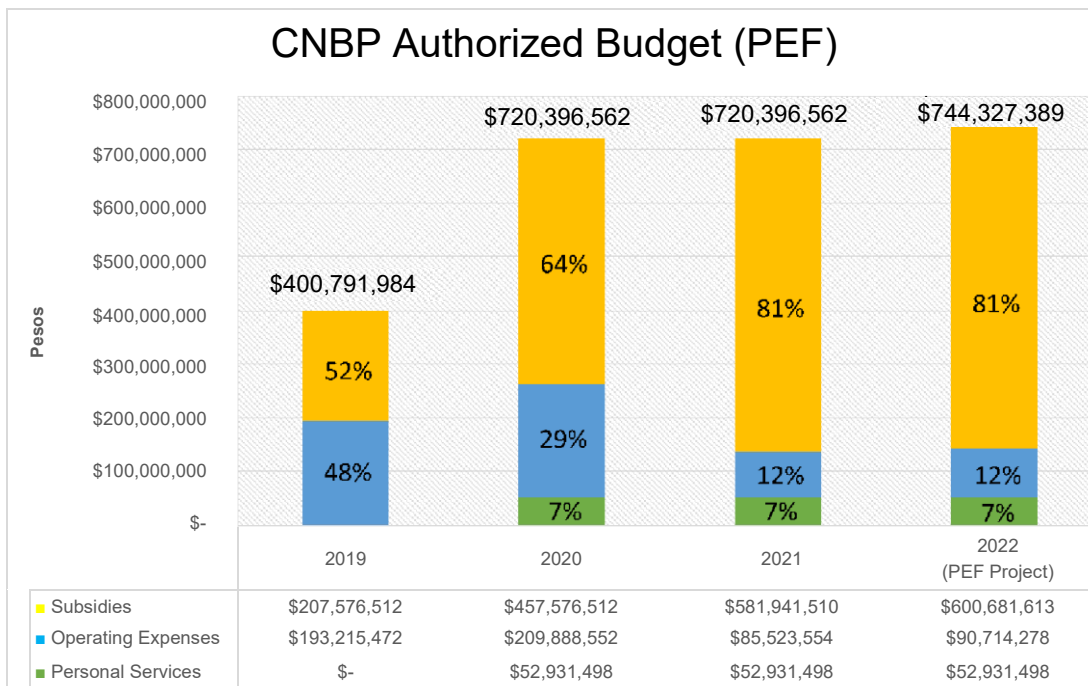
The General Citizen Liaison Office (DGVyAC) consists of sixteen individuals with profiles in fields such as law, economic-administrative sciences, political sciences and social sciences. It has four central tasks for the operational functioning of the CNB and the SNB: the legal department (appeals, consultations, agreements, transparency, and litigation, among others), the subsidies department (agreement and physical-financial follow-up of the subsidies granted) and public policy; the SNB's training and follow-up department.

The Administration Department includes fourteen individuals with profiles in the fields of law and economic-administrative sciences. Its main functions are to plan, organize, direct and evaluate the four types of resources required by the institution: human, material, financial and technological resources.

⁷³ Generalized field search and generalized data search through large-scale database construction and comparison.

11.9. Budget

The CNB's budget allocation from 2019 to 2021 is indicated below:⁷⁴



The last performance audit conducted by the ASF was named "Institutional Design for the Search for Disappeared Persons"⁷⁵. One of its recommendations to the CNB focused on the budget and the institution's operational and staff needs. In this regard, it recommended, among other measures, that the CNB "undertake a diagnosis of its operational capacity to determine the administrative structure needed to perform its functions and have the necessary personnel to establish at least specialized search groups, a context analysis department, as well as an information management and processing department; and include the information on the number of positions required in the Positions Analysis of the Federal Expenditure Budget."⁷⁶

Moreover, the Senate's Human Rights Commission issued a letter rogatory to the Chamber of Deputies regarding the CNB budget allocation⁷⁷.

⁷⁴ In dollars as follows: in 2019, grants amounted to \$10,064,706 USD and operating expenses \$9,368,386 USD, for a total of: \$19,433,092 USD; in 2020, grants amounted to \$22,186,388 USD, operating expenses \$10,176,809 USD and personal services \$2,566,475, for a total of \$34,929,673 USD; in 2021, grants amounted to \$28,216,440 USD, operating expenses \$4,146,757 USD and personal services \$2,566,475, for a total of: \$34,929,673 USD; while for 2022, the pre-approved budget included \$29,125,087 USD for subsidies, \$4,398,439 USD for operating expenses and \$2,566,475 for personal services, totaling \$36,090,001 USD. Note: The above considering an exchange rate of \$20.62 MXN per \$1 USD. Source: Banco de México, November 7, 2021.

⁷⁵ The full report can be found at: https://informe.asf.gob.mx/Documentos/Auditorias/2020_0006_a.pdf.

⁷⁶ https://informe.asf.gob.mx/Documentos/Auditorias/2020_0006_a.pdf

⁷⁷ https://www.senado.gob.mx/64/gaceta_del_senado/documento/121660.

11.10. Ongoing Education and Training for CNB Personnel

Since the CNB recognizes the importance of training as a process that helps public officials in their professionalization and updating, leading to a better performance of functions such as the search for disappeared persons, it promotes the ongoing implementation of training activities. This is done through collaboration with various educational institutions and organizations at the national and international levels, making use of educational technology to reach different types of people.

During 2019 and 2020, work was carried out on the development and subsequent issuance of Competency Standard 1235 "First Contact Attention for the Search for Disappeared and Missing Persons"⁷⁸. The first certification course was subsequently held for CNB personnel and work is currently underway in collaboration with CIESAS.

In September 2020, the SNB approved the Training, Specialization, Certification and Certification Renewal criteria for CNB public officials, as well as CLB criteria⁷⁹. Both were updated in November 2021.

The PHB training program was implemented in December 2020, with 845 people attending 14 courses (41% to family members, 16% to representatives and the remaining 43% to public officials, including the CNB, CLB, prosecutors and police). Finally, a training program for PHB replicators has been underway for CLBs since August 2021.

11.11. Transparency

The CNB is responsible for handling transparency requests. In 2019, 158 requests for review were received. In 2020, 253 requests and 15 appeals were received and as of October 2021, 226 requests and 30 appeals. Most requests are related to the RNPDNO (number of disappearances), search actions (number and places where they are conducted) and the internal grave register (number of graves, location, number of bodies exhumed).

In relation to the RNPDNO, the INAI was contacted for two ex officio consultations on the public version of the Register, specifically regarding a method to resolve the conflict between the rights of access to information and the protection of personal data. One of the recommendations issued by INAI was to specify within RNPDNO guidelines various topics that contribute to the creation of a public version with clear and specific criteria through determined register access profiles and a proportionality study, as well as determining the processing purpose of the data contained therein, pursuant to GLD provisions and resolutions in the appeals for review with INAI. These draft guidelines are being prepared with expert supervision on information access.

⁷⁸ https://www.conocer.gob.mx/contenido/publicaciones_dof/2019/EC1235.pdf

⁷⁹ https://www.gob.mx/cms/uploads/attachment/file/586937/Criterios_capacitacio_n_CLB_y_FE_CNB_VF_330.pdf

11.12. Accountability

To ensure transparency and accountability with the relatives of missing persons and society in general, the SEGOB's Undersecretary of Human Rights, Population and Migration and the CNB have issued at least ten public reports detailing actions performed⁸⁰. Information on the CNB's work has also been presented at public hearings of the IACHR⁸¹. Furthermore, 2 SNB sessions have been uploaded to social networks, and transmitted live, at the request of the National Citizen Council. Finally, on October 6, 2021, the head of the CNB held a public working meeting with the Senate's Human Rights Commission.

11.13. Audits

The CNB has been audited twice by the Superior Audit Office of the Federation (ASF) and three times by the Internal Control Organ of the SEGOB (OIC). Regarding the OIC, one audit is currently in progress and two have been concluded and their observations addressed. Regarding the ASF, both have been concluded and follow-up is being given to the recommendations issued. These mainly referred to financial and regulatory compliance with respect to the Federal Public Finance Account for the 2019 and 2020 tax years. One of the ASF audits consisted of a Special Performance Audit.

The latest audit named "Institutional Design for the Search for Missing Persons" involved the CNB and the FGR. The audit process began in February 2020 and ran throughout the year. Six of the ASF's recommendations were addressed to the CNB and covered the following topics: legal instruments, agreements, training, searches for persons, budget, operational and staffing needs, and the RNPDO. Currently, most of the recommendations have been addressed and work is underway in particular on personnel certification processes and the publication of pending legal instruments.

The report was issued by the ASF to the Budget Committee of the Chamber of Deputies⁸².

12. Local Search Commissions

12.8. Creation and operation

The GLD provides for the creation of local search commissions, which were required to be operational ninety days after the GLD came into effect. However, by March 24, 2019, the date the SNB was reinstated, only 14 CLBs were established.

With the support of the Federal Government and the collaboration of state authorities, 32 local search commissions are currently in place (8 in 2018, 17 in 2019, 6 in 2020 and 1 in 2021). Although creating commissions is an important step, very few of them have

⁸⁰ May 14, 2019, June 24, 2019, August 30, 2019, November 7, 2019, January 6, 2020, July 13, 2020, October 7, 2020, November 25, 2020, January 29, 2021, and April 8, 2021.

⁸¹ In May 2019 and March 2020.

⁸² The full report can be found at: https://informe.asf.gob.mx/Documentos/Auditorias/2020_0006_a.pdf.

the human and material resources necessary for operation (some are even single-person commissions)⁸³. The federal government, through the CNB and the SNB, has reiterated to state governors their obligation to build, strengthen and maintain the CLBs.

12.9. Subsidies

It is important to remember that it is the responsibility of each state to support CLBs. Furthermore, considering the presidential mandates to prioritize the search for disappeared persons, states have received Federal subsidies (via the CLB) through the CNB.

Between 2019 and 2021, the CNB has provided a total of 1.247 billion pesos, almost 60.5 million dollars (\$60,462,951.29 USD)⁸⁴, in subsidies⁸⁵ to local search commissions to strengthen their search actions. Of this amount, over fifty percent has been directed to state commissions that prioritize actions focused on supporting forensics, including three human identification centers located in Coahuila (equipped), San Luis Potosí (in the process of acquiring equipment) and Tamaulipas (the latter under construction), five body storage facilities located in Tamaulipas (2), Michoacán, Jalisco and Veracruz, two mobile forensic laboratories in Sonora, as well as equipment for forensic identification. In total, 19 states are promoting forensic initiatives.

The annex includes the breakdown of subsidies by state and year, as well as subsidies destined for forensic initiatives.

13. National Search System

The objective of the National Search System (SNB) is to efficiently and harmoniously design and evaluate Mexican State resources to establish general provisions, public policies and procedures for authorities at all government levels regarding the search, location and identification of persons, as well as for the prevention, investigation and punishment of crimes under the GLD. This collegiate body is composed of 38 heads of federal or state institutions or agencies, one CNPJ representative and three members of the National Citizens' Council.

Five ordinary sessions have been held between 2019 and 2021, as well as three extraordinary sessions, while several agreements have been issued to help build a comprehensive policy on the question of disappearances. Among the issues addressed are the following: creation of the MEIF⁸⁶; issuance of the PHB and the PABNNA⁸⁷; calls and pleas for broad participation to discuss modifications to the LOFGR, to prevent,

⁸³ See appendix 8.

⁸⁴ Considering an exchange rate of \$20.62 MXN per \$1 USD. Source: Banco de México, November 7, 2021.

⁸⁵ For further information see Annex 9.

⁸⁶ https://www.dof.gob.mx/nota_detalle.php?codigo=5589797&fecha=19/03/2020

⁸⁷ https://www.dof.gob.mx/nota_detalle.php?codigo=5601905&fecha=06/10/2020

http://www.dof.gob.mx/nota_detalle.php?codigo=5623969&fecha=15/07/2021

among other things, the elimination of said body during integration of the SNB; Creation of the Search Roundtable for Missing Migrants; Training, Specialization, Certification and Certification Renewal Criteria for Public Officials of the National Missing Persons Search Commission.

Finally, we hereby inform you that the CNB maintains close communication with the National Citizens' Council.

14. Conclusions

Since December 2018, the Mexican Government has acknowledged there is a crisis regarding disappearances and forensics. Since then, the National Search Commission of the Ministry of the Interior has worked on the institutional structure for searches at the national level, on the understanding it is the State's obligation to search for these disappeared persons.

As highlighted in the report, the CNB and the SEGOB have created, with the participation of the families of disappeared persons, search protocols (standardized and differentiated protocols for children and adolescents), as well as search mechanisms for migrants. There is now an official register that allows us to know who we are looking for regardless of where they were last seen or how long their whereabouts have been unknown. The UN Committee's authority in terms of Enforced Disappearances, as well as its visit, requested since 2013, was promoted. Thousands of searches have been conducted and legal and context analysis tools have been implemented. Furthermore, 32 local search commissions have been created and the National Search System has been strengthened.

In forensics, the first human identification center dedicated to missing persons using a large-scale identification approach was built as part of a state project. Furthermore, the Extraordinary Mechanism for Forensic Identification was created as a collective initiative, and databases have been compiled to discern the country's real forensic standing (covering clandestine graves and other contexts of discovery, recovered bodies, as well as books concerning mass graves).

In addition, the President's Office has issued two decrees that involve, among other issues, the search for disappeared persons, one of which created the Commission for Truth and Access to Justice for the Ayotzinapa case, and another for the Commission for Access to the Truth, Historical Clarification and the Promotion of Justice for serious human rights violations during the so-called Dirty War.

The aforementioned work has been performed in collaboration with the families of missing persons, civil society at large, international organizations, and state and federal authorities, and will continue to be strengthened and improved.

Despite these efforts, there are still more than 94,000 people officially reported disappeared, tens of thousands of unidentified bodies, and a justice crisis in relation to disappearances. In this sense, the CNB notes important structural challenges persist in the search for disappeared persons and the investigation of crimes committed against them (which impact searches), as well as possible responses involving numerous government authorities. Some of these are mentioned below:

- It is critical for all authorities to assume their responsibilities and obligations in the search for disappeared persons. This will help strengthen inter-institutional coordination and impact the results and information flows necessary to locate people throughout Mexico.
- It is necessary to guarantee a comprehensive approach to complex cases, avoiding fragmentation of information and skills required for searches, clarification of the facts and criminal prosecution of those responsible.
- It is essential to provide search commissions with additional legal tools. Although the GLD anticipates these commissions to execute and coordinate the search for missing persons, it does not provide them with adequate legal tools. Some examples of this include requests for geolocation, search warrants, call sheets, as well as forensic findings processing, which can only be performed by the Attorney General's office.
- Harmonization and standardization of different existing protocols and guidelines for the search for persons is key.
- Obstacles exist for search commissions to obtain information essential to the search from public and private entities. Of particular concern is the refusal to share information and documentation by most public prosecutor's offices, since these are the only office to have documented the background to cases prior to the creation of the CLBs, and they also have a quasi-monopoly on forensic processing and information.
- Budgets must be reinforced for the matter at hand (both for the commissions and for the public prosecutor's offices and forensic services at the federal and state levels), focusing on the recruitment and training of specialized search and identification personnel. It is essential to remember, in this regard, that states have a primary obligation to strengthen state institutions (such as commissions and public prosecutor's offices).
- Witnesses and perpetrators possess relevant information for the search for disappeared persons and the investigation of crimes committed against them. Existing legal tools and institutional mechanisms are inadequate, so it is

essential to design a policy that benefits effective collaboration and has an impact on the right to truth and justice for such cases, and which includes the participation of different institutions, such as search commissions.

- Strengthening forensic services is imperative, regardless of whether they are attached to public prosecutor's offices, judicial courts or health ministries, as is promotion of the work of the Extraordinary Mechanism for Forensic Identification.
- The creation of a National Center for Human Identification aimed exclusively at identifying disappeared persons using a large-scale approach is extremely important.
- In the search for persons the creation of forensic registers anticipated by law, which employ a large-scale approach, is vital. These are currently the responsibility of the Attorney General's Office. It is also important for commissions to enjoy real-time access to these registers.
- It is essential to open a public discussion focused on solutions geared to combat impunity related to disappearances (only 2% to 6% of cases are prosecuted, there are no large-scale cases and cases are not analyzed based on context; nationwide there are fewer than 40 convictions and the constitutional relief tool is not sufficiently accessible to the public).
- It is necessary to rethink the distribution of powers between federal and state governments regarding attention to victims since the current understanding generates unequal treatment regarding the rights to justice and truth.
- The strengthening of national public policy (at the federal and state levels) is critical for attending to victims and the rights of truth and justice, which guarantee equal treatment for all victims and their families.
- There are challenges for all authorities regarding the participation of victims' families and that this participation be equal.
- Although most inter-agency coordinated searches at both the federal and local levels are accompanied by members of security forces, significant security challenges remain, primarily related to events beyond the searches.
- It is necessary to combat and address the causes of disappearances to ensure they do not continue, including the use of public policies to provide comprehensive prevention measures.

- While it is true that the issue of disappearances has been brought into public debate, there is in general a lack of collective public awareness related to the stigmatization of disappeared persons and their families.
- It is fundamental to understand the crisis of disappearance as a State obligation that, in addition to meriting important reforms for its solution, must be assumed by all authorities without suspicion and on the understanding that the constitutional and conventional obligation is to guarantee the rights of disappeared persons and their families.