

JOINT PRESS RELEASE

Mexico: The Concluding Observations of the Committee on Enforced Disappearances Should Constitute a Roadmap to Full Observance of the Convention

Geneva, 18 February 2015. On 13 February 2015, the concluding observations of the United Nations Committee on Enforced Disappearances (CED) review of Mexico were released,¹ following the review of the first report submitted by Mexico, which took place on 2 and 3 February, in the framework of the 8th session of the CED².

The undersigned organisations welcome the detail and the systematic approach of the CED's observations and recommendations, which should constitute a roadmap for systematic and comprehensive monitoring in a context, in the words of the CED, of 'widespread disappearances in a large part of the State party's territory'³. The same organizations urge the Mexican authorities to continue cooperating with the CED, pursuant to Article 29 of the International Convention for the Protection of All Persons from Enforced Disappearance (hereinafter, the Convention), implementing its recommendations in line with the State's international commitments taken on when Mexico ratified the Convention and accepted that the Committee of experts will monitor its implementation under Article 26 (1).

To deal with the multiple challenges and shortcomings that have led to the current alarming situation, with more than 22,000 people reported 'disappeared or missing', according to official figures, and with the recurrence of incidents like the enforced disappearance of 43 students in Iguala, Guerrero State, in September 2014, the CED encourages the Mexican State to adopt numerous measures, including:

- The recognition of the competence of the CED to examine individual complaints and inter-State complaints under Articles 31 and 32 of the Convention;
- The urgent enactment of a General Law on Enforced Disappearance, with the participation of victims, civil society organizations and the National Human Rights Commission (CNDH) during the process of adoption;
- The creation of a national registry of persons disappeared, which should collect exhaustive data, including information on persons who are presumed to have been subjected to enforced disappearance, based on evidence or leads indicating direct or indirect involvement of public officials;

¹ Available at (unedited version):

http://tbinternet.ohchr.org/Treaties/CED/Shared%20Documents/MEX/INT_CED_COB_MEX_19564_S.pdf

² The CED considered the report submitted by Mexico (CED/C/MEX/1) under Article 29 of the International Convention for the Protection of All Persons from Enforced Disappearance.

³ The translations are unofficial, as the original source is only available in Spanish.

- The creation of a Specialised Unit within the General Attorney's Office dealing with the investigation of enforced disappearances, which should work in close cooperation with the Specialised Search Unit for Disappeared People.
- The uniform registration of all persons deprived of liberty, including those placed in migrant holding centres and military detention facilities.

Furthermore, against a backdrop of impunity which, according to the CED, 'is shown by the almost total lack of convictions' vis-à-vis the large amount of cases reported, the concluding observations include several recommendations aimed at ensuring the prevention, prompt and effective investigation, as well as adequate punishment of the perpetrators (including those high-level officials held criminally responsible), both in relation to the ongoing wave of enforced disappearances⁴ and those perpetrated during the period known as the 'dirty war'.⁵

The CED also urges Mexico to strengthen its search mechanisms, databases and coordination among responsible bodies to ensure that searches are carried out immediately and *ex officio*. In the same vein, in light of the numerous cases of migrants who have disappeared in Mexico, a situation described as 'dramatic' by the CED, it calls upon the authorities to redouble efforts in order to prevent and investigate these disappearances.

In this context, the undersigned organisations consider of utmost importance those recommendations regarding the protection of those who report cases and/or who are participating in the investigation of enforced disappearances. The CED urges the Mexican authorities to ensure that 'all state agents refrain from public statements that could discredit, stigmatize or endanger relatives of disappeared persons and human rights defenders (...)'.⁶ Indeed, organizations of families of victims, as well as human rights defenders who accompany and assist victims, have reported to the CED the persistent threats, acts of intimidation and persecution which they suffer and which are directly related to their activities.⁷

We believe that the CED's concluding observations constitute an opportunity for the Mexican State. They mark the beginning of a monitoring process of the recommendations' implementation by the Mexico, within which the international human rights community has a fundamental role, both by following up closely and by assisting the victims and Mexican human rights organizations.

The Mexican authorities should provide information to the CED regarding progress made in the coming months. In this setting, we urge the Mexican authorities to undertake all legislative, administrative and judicial measures necessary to fully implement the recommendations of the CED in order to bring laws and practices into line with their international obligations stemming from the Convention.

⁴ According to official figures, there are only six judgments for the crime of enforced disappearance between 2006 and 2013.

⁵ Concluding Observations of the CED, *supra nota* 1, paras. 32 and 33.

⁶ *Ibid*, para. 31(d).

⁷ See, among others: <http://www.tlachinollan.org/nota-informativa-estamos-aqui-para-denunciar-una-serie-de-eventos-represivos-en-contra-de-familias-y-normalistas-mexico-df-16-de-diciembre/>; <http://www.ishr.ch/news/mexico-protect-human-rights-activists-working-against-enforced-disappearances>

The case of the 43 students of Ayotzinapa, subjected to enforced disappearance in Iguala, Guerrero, is a paradigmatic example of the challenges and deficiencies that Mexico is currently facing. We, the undersigned organisations, call upon the Mexican authorities to continue the search for the students' whereabouts, as well as the investigation, prosecution and punishment of those responsible, including the direct perpetrators and the intellectual authors, taking into account the CED's concluding observations and the demands for truth, justice and reparation of relatives and civil society organizations. Finally, we demand that the authorities put an end to the stigmatization, repression and other acts of harassment against the students of the Ayotzinapa Rural School 'Raúl Isidro Burgos', the relatives of the disappeared students and their legal representatives, as well as the human rights defenders and organisations that support them.

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