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Mexico: Addressing Missing and Disappeared Persons

Mexico faces significant human rights concerns amidst record violence related to drug trafficking and organized crime. As of July 2022, the Mexican government has registered more than 101,300 cases of missing or disappeared persons. Some 32.2% of cases were reported since President Andrés Manuel López Obrador took office in December 2018 (See **Figure 1**). Some cases, referred to as “enforced disappearances,” have involved the complicity of state security forces. Congress has sought to address the general human rights situation in Mexico, as well as the specific issue of enforced disappearances, through foreign assistance and conditions on that assistance, hearings, and letters to Mexican and U.S. Administrations.

Background

The United Nations (U.N.) International Convention for the Protection of All Persons from Enforced Disappearance defines the term *enforced disappearance* to mean

the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

The phenomenon of enforced disappearances rose to prominence in Latin America during the military dictatorships of the 1960s-1980s. During the “dirty wars” of this period, officials arrested and “disappeared” individuals as a strategy to silence insurgents and opposition activists. Mexico is distinct in its experience with enforced disappearances. Only a small fraction of those who have disappeared in Mexico went missing during this period (1,500 out of an estimated 73,200 total).

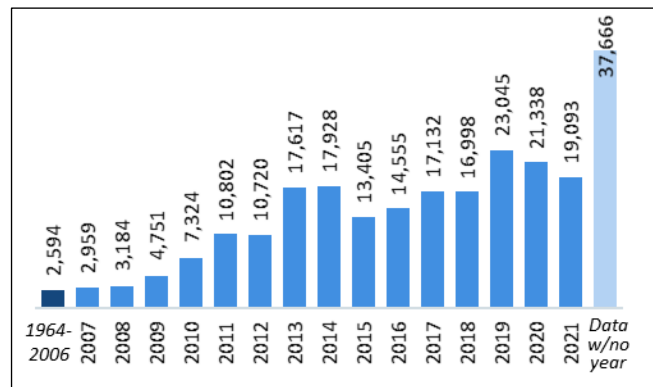
Enforced Disappearances in Mexico

As of July 2022, Mexican authorities estimated that 84,789 people had disappeared since former president Felipe Calderón launched a military-led response to drug trafficking in December 2006 that contributed to an escalation in homicides and enforced disappearances. Despite criticism by human rights groups and the U.S. government, President Enrique Peña Nieto (2012-2018) and President López Obrador maintained similar policies.

Under López Obrador, new cases of enforced disappearances committed by security forces have emerged, while past cases have not been prosecuted. From January to June 2021, Mexico’s National Human Rights Commission (CNDH) received nine complaints of enforced disappearances. Many human rights advocates maintain that

cases of enforced disappearances are often undercounted. Victims’ families routinely face threats and intimidation from authorities when trying to report disappearances. Families are often forced to carry out searches for disappeared family members on their own.

Figure 1. Missing and Disappeared Persons in Mexico: 1964-2021



Source: National Search Commission, Government of Mexico.

Human rights organizations have identified patterns of behavior regarding enforced disappearances in Mexico. In many cases, police or military officials first detain people from whom they seek to obtain confessions or gather intelligence without warrants or probable cause. Some detainees are tortured for purposes of obtaining information and then “disappeared” by security forces to cover up their deaths. Others are handed over to organized crime groups, who often hold them for ransom, extort them, or use them for forced labor. An August 2021 report by the nongovernmental organization *OpenGlobalRights* describes how Mexican officials often falsify evidence and use other means to “cover up” their involvement in disappearances.

Ayotzinapa, Guerrero

The emblematic case of 43 missing students who disappeared in Ayotzinapa, Guerrero, in September 2014—which allegedly involved both local police and federal authorities—remains largely unsolved despite efforts by the López Obrador administration to resolve the case with assistance from the Inter-American Commission on Human Rights (IACHR). In March 2022, IACHR experts published a report detailing how federal authorities under the Peña Nieto administration used torture to force witnesses to back a false version of how the crime was carried out. The report also described how the Mexican navy played a role in covering up evidence. According to the State Department’s *Country Report on Human Rights Practices* covering 2021, Mexican officials arrested more than 80 suspects related to the crime as of October 2021, but had yet to secure any convictions.

Nuevo Laredo, Tamaulipas

Some 36 people vanished between February and May 2018 in Nuevo Laredo, Tamaulipas, including a U.S. citizen. Witness reports collected by the U.N. Office of the High Commissioner for Human Rights indicated that federal security forces had detained many of those individuals. In July 2020, Mexico's National Human Rights Commission released a report that attributed 27 of the disappearances to the marines and recommended that criminal investigations be opened against those responsible. In April 2021, prosecutors arrested 30 marines for involvement in the 2018 disappearances and killings, but a judge released 12 of those suspects later that year.

Mexican Government Response

Until recently, Mexican administrations did little to address the issue of enforced disappearances. In 2017, the Peña Nieto administration supported passage of a law on enforced disappearances but did not ensure its implementation. The law created a National Search Commission (CNB), but the CNB did not receive sufficient funds to carry out its mission.

The López Obrador administration has taken steps toward addressing enforced disappearances and implementing the 2017 law, but significant gaps remain. The administration has met regularly with families of the missing, launched an online portal for reporting missing persons, supported community-led searches, and ensured that all states create state-level search commissions. The CNB has received small annual budget increases since 2020. From December 2018 through July 2021, the CNB registered more than 1,749 clandestine graves and identified 1,153 of the 3,025 bodies exhumed from those graves. Families have complained, however, that the CNB has had problems mobilizing to search for missing persons who may be alive.

Amidst what the Interior Ministry has deemed a “forensics crisis,” the government has sought international assistance. Mexico created an “Extraordinary Mechanism for Forensic Identification,” which recently began operations, to resolve a backlog of some 52,000 unidentified bodies. Mexico has received some support from U.S., Argentine, Austrian, and Guatemalan forensics experts, among others.

Despite these efforts, obstacles have continued to impede Mexico's efforts to address enforced disappearances, according to U.N. experts and human rights organizations. These include inadequate funds and staffing on commissions and in forensics labs; mishandling of bodies and case information; limited information sharing and trust among families, commissions, and prosecutors; low political will in some states; and inadequate access to DNA analysis. In addition, a planned National Forensic Data Bank had not yet been established.

In November 2021, the U.N. Committee on Enforced Disappearances visited Mexico and acknowledged recent efforts by the Mexican government to address enforced disappearances. The Committee nevertheless criticized the “structural impunity” that continues for perpetrators of disappearances, including corrupt public officials. In an

April 2022 follow-up report, the U.N. asserted that only 2% to 6% of disappearances were successfully prosecuted.

U.S. Response

The U.S. Department of State and the U.S. Agency for International Development (USAID) have supported efforts to address enforced disappearances in Mexico. Within the State Department, the Bureau of International Narcotics and Law Enforcement Affairs (INL) has provided forensics assistance that has enabled all of Mexico's federal labs and several state labs to receive international accreditation. INL is enabling Mexican police, forensic experts, prosecutors, judges, and others to receive training and technical assistance, and to participate in international conferences. INL has brought five groups of investigators, forensic technicians, and prosecutors to the University of Tennessee's Forensic Anthropology Center. There, they have honed how to search, process, and analyze clandestine graves; identify remains; and present DNA evidence at trial. With the Federal Bureau of Investigation, INL is helping the prosecutor general build a national genetics database.

USAID has helped draft Mexico's 2017 law on enforced disappearances, supported the CNB and the creation of a national search protocol, and strengthened several state search commissions. USAID continues to support the CNB, the Extraordinary Mechanism and efforts to identify backlogged remains in five priority states, state search commissions, and bolster victims' groups.

Congressional Action

Congress has expressed ongoing concerns about human rights conditions in Mexico through monitoring compliance with vetting requirements for units receiving U.S. training and equipment, support for human rights and rule of law programming, hearings, and letters to successive U.S. and Mexican administrations.

U.S. assistance to Mexico under the Mérida Initiative (FY2008-FY2021) supported the Mexican government's efforts to reform its judicial system and improve human rights conditions. Similar support continues under the new Bicentennial Framework for Security, Public Health, and Safe Communities, including programs to address enforced disappearances and forensics support. The explanatory statement accompanying the FY2022 Consolidated Appropriations Act (P.L. 117-103) includes human rights reporting requirements (including on efforts to address enforced disappearances); the reporting directives are not tied to any conditions on assistance. In June 2022, the Lantos Commission held a hearing on human rights in Mexico, including the issue of enforced disappearances. Witnesses suggested continued technical assistance and capacity building, especially at the state level, for actors involved in resolving cases of disappearances, as well as support for victim's families.

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