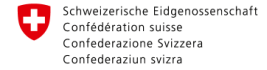




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## REGIONAL CONSULTATIONS

## REPORT

# LATIN AMERICA

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## **Acknowledgements**

The Convention against Enforced Disappearances Initiative (CEDI) extends its deepest gratitude to Ms. Martina Caslini, Student of the Advanced Master in Transitional Justice, Human Rights and the Rule of Law at the Geneva Academy of International Humanitarian Law and Human Rights, for her assistance in drafting this report on the online consultation with stakeholders from Latin America, and to everyone who contributed to the success of the online regional consultations with stakeholders held in May and June 2024

Our sincere thanks go to the survivors, victims, families of the disappeared, civil society representatives, international organisation representatives, experts, and national human rights institutions who participated in these consultations, as speakers and from the audience. Their invaluable insights and shared experiences are at the heart of the consultations, providing a unique understanding of the best practices, challenges, and recommendations in the fight against enforced disappearances.

CEDI would also like to thank everyone else who contributed to a successful event, including the interpreters English and Spanish, and everyone who helped prepare the consultations: Mr. Federico Andreu-Guzmán, Mr. Luciano Hazan, and Mr. Wilder Tayler, members of CEDI's Advisory Board, the Secretariats and Members of the United Nations Committee on Enforced Disappearances and of the Working Groups on Enforced or Involuntary Disappearances, and the OHCHR Country Office in Mexico, for facilitating contacts.

Special thanks to Ms. Tatiana Avanthay, our Communications Consultant, for ensuring that these online events ran smoothly.

CEDI is also grateful to its partners for their support.

## 1. Introduction

The first ever [World Congress on Enforced Disappearances](#), co-organised by [CEDI](#), the United Nations [Committee on Enforced Disappearances](#) (CED), the [Working Group on Enforced or Involuntary Dispareances](#) (WGEID), and the Office of the [High-Commissioner for Human Rights](#) (OHCHR), will take place on 15 and 16 January 2025 in Geneva, Switzerland. One of its objectives is to put families and CSOs back at the centre of the joint efforts for the ratification and implementation of the Convention.

To facilitate their contribution, CEDI organized a series of online regional consultations with victims, family members, civil society organisations, international organisations and national human rights institutions, in May and June 2024 to:

- Provide a space for stakeholders in the region to share experiences
- Gather their suggestions for the World Congress and the action plan that will be presented.

This report is based on the online regional consultation with stakeholders from Latin America held on 27 June 2024, part of a series of exchanges conducted from May to June 2024. The report highlights best practices, challenges, and recommendations shared during these sessions, with the insights gathered aimed at informing the World Congress on Enforced Disappearances, drawing from experiences across multiple countries.

### **Programme:**

- Introduction to the World Congress – *Speaker:* Carmen Rosa Villa Quintana, Member, United Nations Committee on Enforced Disappearances.
- Overview of the status of the Convention in the region – *Speaker:* Juan Pablo Alban Alencastro, Rapporteur of the United Nations Committee on Enforced Disappearances.
- PANEL I – *Facilitator:* Luciano Hazan, Former Member of the UN Committee on Enforced Disappearances and Former Rapporteur of the UN Working Group on Enforced or Involuntary Disappearances.
  - Regional Federation: The Role of Relatives in the Promotion of the Convention
    - Judith Galarza, President, Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos (FEDEFAM)
  - Mexico – *Speakers:*
    - Jesús Peña Palacios, Representative, High Commissioner Office in Mexico.
    - Yolanda Morán, BUSCAME.
    - María Luisa Aguilar, Miguel Agustín Pro Juárez Human Rights Center (Centro Prodh).
  - Colombia – *Speaker:* Gloria Gómez, President, Association of Families of the Detained and Disappeared (ASFADDES), and Leader, Relatives of Victims of Forced Disappearance Movement.
  - Honduras – *Speaker:* Bertha Oliva, Founder, Comité de Familiares de Detenidos-Desaparecidos en Honduras (COFADEH).
  - Paraguay – *Speaker:* Federico Tatter, Association of Relatives of Disappeared Detainees of Paraguay (FADDAPY).
  - Uruguay – *Speaker:* Wilder Tayler, President of the National Human Rights Institution of Uruguay.

- PANEL II – *Facilitator*: Luciano Hazan, Former Member of the UN Committee on Enforced Disappearances and Former Rapporteur of the UN Working Group on Enforced or Involuntary Disappearances.
  - Argentina – *Speaker*: Carolina Vilella, Coordinator of the Legal Team, Abuelas de Plaza de Mayo.
  - El Salvador – *Speaker*: Pilar Serrano, MOVIR.
  - Guatemala – *Speaker*: Guatemala, Paulo Estrada, Association of Families of the Detained and Disappeared of Guatemala, FAMDEGUA.
- Conclusion – *Speakers*:
  - Juan Pablo Alban, Rapporteur of the United Nations Committee on Enforced Disappearances.
  - Carmen Rosa Villa Quintana, Member of the United Nations Committee on Enforced Disappearances.

## **2. Overview of the situation in the region**

### ***Latin American Trends in the Field of Forced Disappearance of Persons***

Juan Pablo Alban Alencastro  
Member and Rapporteur  
United Nations Committee on Enforced Disappearances

There are three elements to define enforced disappearances:

- Deprivation of freedom in any form.
- Direct or indirect involvement of State agents.
- Refusal to disclose the fate and whereabouts of the missing person, hiding information and individuals.

Impact of enforced disappearances:

- The subtraction of the person from the protection of the legal order.
- The impossibility of exercising all their human rights.

Evolution of the phenomenon of enforced disappearances:

- The first enforced disappearances in the continent have been related to the 1932 in El Salvador to hide the corpses of those killed.
- “Nacht und Nebel”: Forced disappearances as a way of terrorising the population.
- Eliminating the “internal enemy”: Forced disappearances as a repressive strategy, mainly but not only implemented by military Governments.
- During the 60s and the 90s, enforced disappearances were used as a war strategy. Weapon of War: Enforced disappearances in the context of international and non-international armed conflicts.

New forms of forced disappearance of persons:

- Enforced disappearances as an organised crime strategy in the context of forced recruitment, recruitment for trafficking, and ways of gaining space.
- Enforced disappearances are used as a strategy to combat organised crime and terrorism: Secret arrests and “excesses” of security forces.

- Disappearances of “short duration”: to conceal the commission of other crimes or to deter the exercise of fundamental civil liberties, such as freedom of speech.
- Disappearances in the migratory environment: many migrants leave their country of origin, and a lot of them, in their journey, are victims of enforced disappearances.

Challenges:

- Weak institutional framework and lack of independence, especially of the authorities.
- Lack of legal tools or ineffectiveness of existing ones: the outcome is that the State is not complying with its obligations. In some countries, this is not criminalised, and even if it is criminalised, justice is avoided.
- Prejudices and negative social perception.
- Retaliation and/or fear of retaliation.
- Lack of knowledge about other avenues of protection.

Recommendations:

- Calling things by their name.
- Promoting a culture of denunciation.
- Universalising international protection mechanisms
- Document cases and activate protection mechanisms.

Out of 34 countries of the region, 16 are part of the Convention for the Protection of All Persons from Enforced Disappearances. In comparison, 13 countries have not even taken any action, while six have signed the ICPPED but have not ratified it.

PANEL I

***Facilitator***

Luciano Hazan

Former Member of the UN Committee on Enforced Disappearances

Former Rapporteur of the UN Working Group on Enforced or Involuntary Disappearances

**3. The Role of Relatives in the Promotion of the Convention**

Judith Galarza

President

Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecido  
(FEDEFAM)

Established in 1981, the Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos (FEDEFAM) emerged through the concerted efforts of relatives from various countries, including Bolivia, Chile, Guatemala, and Mexico. The organisation’s primary aim has been to combat enforced disappearances, a grievous human rights violation.

FEDEFAM has received significant support from highly skilled professionals in promoting the Convention for the Protection of All Persons from Enforced Disappearance.

The organisation's advocacy has emphasised the continuous nature of this crime and has firmly opposed granting amnesty to perpetrators.

The majority of enforced disappearances have occurred within the context of political struggle. FEDEFAM has worked tirelessly to ensure that enforced disappearances are recognised as State crimes. This acknowledgement is crucial for holding states accountable and ensuring that such violations are addressed appropriately.

Enforced disappearances are not just historical occurrences; they persist in the present. There is a notable connection between enforced disappearances and the abduction of young girls, often linked to paramilitary groups and high-level military operations. The incidence of such crimes is on the rise.

A critical aspect of FEDEFAM's mission is to address the issue of impunity. The organisation advocates for the compilation of a comprehensive list of perpetrators who continue to evade justice. Ensuring accountability is essential for preventing future violations and providing justice to victims and their families.

#### **4. Search Mechanisms for Disappeared Persons**

Federico Andreu-Guzmán  
Colombian Commission of Jurists

In recent years, albeit it was also diffused in the past, there has been a noticeable trend toward establishing extrajudicial search mechanisms aimed at finding disappeared persons. This development stems from the recognition that judicial systems often fail to adequately address the issue, primarily due to the fact that it pushes to inactivity, given the phenomenon of impunity. Prosecutors and judges tend to prioritise investigating the offence itself, rendering the search for disappeared individuals an ancillary or sometimes nonexistent effort. Several countries have pioneered non-judicial search mechanisms that are more focused and effective than traditional judicial approaches. These mechanisms have been developed in response to the inadequacies of judicial processes and are designed to operate with greater autonomy and efficiency.

- ***Autonomous search mechanisms***: Countries like Colombia and Uruguay have established mechanisms with the mandate and capacity to carry out searches independently. They possess the ability to investigate and exhume remains without relying on judicial processes.
- ***Committee-based search mechanisms***: Some countries, such as El Salvador, Mexico, and Peru, have developed committees that articulate State actions. While they retain some judicial characteristics, their effectiveness varies. In some instances, they have proven useful, while in others, they have not achieved the desired outcomes.
- ***Participation of relatives in search projects***: There is an increasing trend of the participation of relatives in search projects, both directly with search committees and individual search processes.



- **Guatemala:** The national coordinator for the search of women includes representatives from civil society, highlighting the increasing trend of involving relatives directly in the search process.
- **Colombia:** Similar mechanisms exist, although the country faces challenges due to the number of institutions involved.

The obligation of States to search for disappeared persons can be expressed through these extrajudicial mechanisms. However, it is crucial to note that such mechanisms do not replace the States' obligation to prosecute and punish those responsible for disappearances. The Inter-American Commission has recognised this dual obligation, emphasising that both must be fulfilled by the State. The World Congress must spread such a message on Enforced Disappearances.

Furthermore, the rights of families and victims represent a topic that has been historically neglected. It is essential to acknowledge and guarantee the rights of families in the search for disappeared persons, including:

- Right to protection;
- Right to access information;
- Right to form associations for the search.

These rights (in relation to which Article 24 of the Convention plays an important role) must be brought to the attention of stakeholders at the World Congress and guaranteed by States.

Finally, there have been two important and recent legal developments:

- The adoption in Colombia of the Law on Women Who Search for Enforced Disappeared.
- The case of *Lalinde y Familiares v. Colombia* currently pending before the Inter-American Commission underscores the right of families to search for their loved ones. The findings of this case should be included in discussions at the World Congress on Enforced Disappearances.

### **A. Mexico**

Jesús Peña Palacios  
Representative a.i.  
High Commissioner Office in Mexico

The International Convention for the Protection of All Persons from Enforced Disappearance is deeply rooted in the region, born out of the perseverance and creativity of victims and civil society organisations. Thirty years ago, in June 1994, the Inter-American Convention on Forced Disappearance of Persons was adopted, marking the first binding international instrument. This convention, along with the Declaration on the Protection of All Persons from Enforced Disappearance, inspired the adoption of the International Convention on the subject.

Mexico offers valuable lessons regarding the ratification and implementation process of the International Convention. Mexico is generally open to international scrutiny

and cooperation and was one of the pioneering countries in ratifying the Convention. However, it faces one of the most critical contexts concerning disappearances, with over 115,000 officially recognised disappeared persons, nearly absolute impunity, a forensic crisis, and a lack of protection for searchers. These searchers, due to the authorities' lack of diligent action, have had to take on the task of finding their loved ones themselves.

Lessons learned:

- The International Convention has been an important instrument that has positively influenced the creation of various normative frameworks in Mexico (General Law on Enforced Disappearances, Disappearances Committed by Individuals, and the National Search System for Persons). Additionally, the National Detention Registry Law was based on Article 17 of the Convention, and the definition of victims in the General Victims' Law was inspired by Article 24 of the Convention.
- Judicial precedents have also been significant, with international recognition. A noteworthy decision by the Supreme Court acknowledged the binding nature of recommendations made by the Committee on Enforced Disappearances under the urgent actions procedure of Article 30 of the Convention.
- The adoption of the Protocol by the Ministry of the Interior for implementing precautionary and provisional measures issued by international human rights bodies and the establishment of working groups for implementing the Committee's Urgent Actions are also commendable steps.
- The Guiding Principles for the Search for Disappeared Persons, developed with significant regional input, including from Mexico, are now recognised in some local laws and major instruments adopted for searching for disappeared persons.
- The campaign launched on 30 August 2017, International Day of the Victims of Enforced Disappearances, aimed for Mexico to recognise the Committee's competence to receive and examine individual complaints from victims under Article 31 of the Convention. Under the slogan "Recognition Now!", the campaign featured 31 segments giving voice to various actors, especially victims. Strategically timed before the 2018 electoral process, it led to the new Government's commitment, which was realised in 2020. The litigation strategy by Doña María Herrera and the Miguel Agustín Pro Juárez Human Rights Center, resulting in an innovative judicial decision, was also crucial. In 2023, Mexico received its first opinion from the Committee in the Mendoza Berrospe case.

Mexico is the only country examined three times by the Committee under Article 29 of the Convention, the first visited under Article 33, and the country with the most Urgent Actions registered under Article 30. This interaction led to significant lessons and actions, including the Committee's visit and the establishment of a follow-up mechanism to the Committee's recommendations in November 2022, and the creation of follow-up mechanisms in Veracruz, Coahuila, and Sinaloa, as well as reforms or decrees to establish human identification centres.

Main challenge: The Committee has noted Mexico's "normative, institutional, and jurisprudential" advances but also expressed concerns over "serious deficiencies in implementation".

Recommendations:

1. **Family participation:** Recognising families as the driving force behind all advances. Democratic institutions must ensure their voices are heard and considered while the State remains responsible.
2. **Protection of searchers:** Addressing violence against searchers, including the murders of at least fifteen searchers since 2019, among them nine mothers recorded by our Office.
3. **Intersectional approach:** Prioritising the differentiated and intersectional needs of victims, including women, the elderly, children, migrants, indigenous, and Afro-descendant communities.
4. **Prevention policies:** Maximising the Convention's content to implement preventive policies and appropriate responses to disappearances.
5. **Economic, social, and cultural rights:** Analysing the impact of disappearances on these rights, including health, food, housing, and education.
6. **Technological impact:** Addressing the impact of new technologies on enforced disappearances.
7. **Access to information and transparency:** Ensuring transparency and protection of personal data against surveillance and espionage.
8. **Institutional involvement:** Engaging key institutions like the military, judiciary, and national human rights institutions.
9. **Cultural and academic engagement:** Involving culture, communication, art, and academia in raising awareness and supporting the Convention's implementation.
10. **Memory efforts:** Protecting public and citizen memory efforts, including "anti-monuments."
11. **Organised crime:** Addressing the role of organised crime in disappearances and its connections with state authorities.

### ***The Search for Truth, Justice and Reconciliation***

Yolanda Morán  
BUSCAME

For the past 15 years, I have been searching for my son, who disappeared in Northern Mexico, allegedly at the hands of a military group. Despite the existence of legally recognised international instruments, these were ignored during the Dirty War period. The struggle against organised crime in Northern Mexico began with the deployment of the army on the streets, resulting in widespread enforced disappearances among the civilian population.

Mexico has ratified the Convention against Enforced Disappearances. Initially, we, the families, began our search efforts alone, facing immense difficulties. In response, we petitioned for international intervention to highlight the situation within the country. The United States also issued warnings about the dangers in Mexican cities due to the high prevalence of enforced disappearances, assassinations, and general insecurity.

Legislative and policy measures:

- **Bill on Enforced Disappearances (2018):** Despite the adoption and enactment of a bill on enforced disappearances in 2018, there has been no subsequent action to implement its provisions.
- **UN Working Group and Committee Support:** The recommendations made by the UN Working Group and the Committee are critical. However, there is a significant absence of public policy to address these recommendations.
- **Special Absence Declaration:** This Declaration has been adopted as a legal measure.
- **Extraordinary Mechanism for Identifying Human Remains:** This mechanism was established to aid in the identification of missing persons. Additionally, exhumation bills were introduced to identify over 150,000 bodies officially.
- **National Centre for Identification:** Although a national centre for identifying 52,000 bodies was created, it remains unutilised.
- **National Commission:** A national commission was formed but has since seen no progress. Staff members were dismissed, and there has been a lack of competence among the remaining personnel.

#### Challenges:

- **Impact on youth and generations:** The issue of enforced disappearances has not been limited to isolated incidents but has affected entire generations, particularly the youth. These disappearances are not random; many families believe they constitute a crime against humanity.
- **Retaliation:** In some states, families have taken the lead in exhumation campaigns, often identifying bodies themselves. However, these efforts have been met with significant risks. More than 15 individuals involved in these campaigns have been assassinated in the desert, with some bodies found burnt.
- **Lack of technology:** Mexico urgently requires assistance in identification processes due to the lack of adequate technology.

The Mexican Government must take responsibility for addressing enforced disappearances.

#### Recommendations:

- **Action on the 2018 Bill:** Immediate implementation and enforcement of the provisions outlined in the bill on enforced disappearances.
- **Support for international recommendations:** Adopting policies that reflect the recommendations made by the UN Working Group and the Committee.
- **Enhancement of identification efforts:** Strengthening the National Centre for Body Identification and ensuring it is fully operational.
- **Protection for families:** Safeguarding those involved in exhumation and identification efforts, ensuring their safety from attacks and threats.

## ***The Promotion of Urgent Actions***

María Luisa Aguilar

Miguel Agustín Pro Juárez Human Rights Center  
(Centro Prodh)

The Miguel Agustín Pro Juárez Human Rights Center (Centro Prodh) is a human rights organisation that provides advice, support, and legal defence to victims of severe human rights violations, including families of the disappeared and victims of enforced disappearances.

The close relationship between the Committee on Enforced Disappearances and Mexico, with Mexico being a country where many of the Committee's procedures have been activated, is primarily due to the efforts of the families of the disappeared, the professional work of the OHCHR in Mexico, and the commitment of the Committee members. Several civil society organisations, including Centro Prodh, have joined these efforts.

Best practices:

- ***Evaluation and information submission:*** Continuously presenting the situation of disappearances in Mexico during the UN Committee's evaluations, ensuring that their observations are based on reliable and verifiable information. Since the 2015 evaluation, the Prodh Center has actively participated and submitted updated information for subsequent evaluations under Article 29 of the Convention. It is crucial for the Committee to hear directly from the victims while also benefiting from the technical insights of organisations that engage in litigation and support victims.
- ***Litigation for Committee procedures:*** Centro Prodh has pursued litigation, particularly for the State to recognise the Committee's competence to receive individual communications. In March 2018, with María Herrera, the mother of four disappeared youths, a lawsuit was filed against Mexican authorities for failing to recognise the Committee's competence, thereby depriving families of the opportunity to seek justice at an international level. This innovative litigation, alongside the demands of many families, was successful. In January 2019, a court ruled in favour of the Trujillo Herrera family, acknowledging the importance of international mechanisms in the context of Mexico's crisis. Although the State appealed, President Andrés Manuel López Obrador later instructed his cabinet to accept the Committee's competence, a decision finalised in 2020.
- ***Participation in Committee visits:*** During the Committee's first visit to Mexico, Centro Prodh played a significant role, organising communication strategies with the media to highlight the visit's relevance, supporting the OHCHR in preparing meetings with collectives, and accompanying the Committee during field searches. Hundreds of families were hosted in Centro Prodh's offices for meetings with the Committee members. Post-visit, the importance of the Committee's recommendations was underlined, emphasising the need for a National Policy on the Prevention and Eradication of Disappearances and addressing structural issues such as military involvement in security and territorial control by criminal groups.
- ***Structural litigation:*** Centro Prodh has utilised the Committee's recommendations in its structural litigation efforts. For instance, with Olimpia Montoya, whose brother Marco Antonio disappeared in 2017, litigation was pursued for the creation of the

National Forensic Data Bank (BNDF). In April 2023, a court ordered the Attorney General's Office to establish this tool to integrate national forensic data. Although the Bank is not yet fully operational, we have strategically used the Committee's recommendations and pointed out inconsistencies in the State's information to various entities.

- **Urgent actions for collective cases:** In response to the disappearance of 43 students from Ayotzinapa in September 2014, Centro Prodh requested urgent actions from the CED, resulting in 43 urgent action resolutions. This collective approach has been a model for handling large-scale disappearances and showcases the effectiveness of combining various international mechanisms.

Opportunities for the World Congress on Enforced Disappearances:

- **Implementation of recommendations:** Prioritising the coordination of actions to monitor the implementation of the Committee's recommendations, considering limited resources. Proposing schemes for technical assistance or follow-up visits to prevent delays in key supervisory processes.
- **Regional learning:** Systematising and sharing experiences from regional organisations and victims to explore the Committee's procedures and enhance international contributions.
- **New technologies:** Continuing coordinating with the Working Group on Enforced Disappearances on relevant topics, such as the use of new technologies in searches.
- **Context analysis:** Balancing approaches to contexts where committed public officials may be temporary while structural issues persist, requiring sustained efforts and practice changes.

## **B. Colombia**

Gloria Gómez  
President  
Association of Families of the Detained and Disappeared  
Leader  
Relatives of Victims of Forced Disappearance Movement

Colombia has experienced over 60 years of conflict, during which enforced disappearances have been a prevalent tool for repressing individuals associated with left-wing parties and guerrilla movements. The country has undertaken significant efforts to address this issue through legal frameworks and international commitments. The nation played a pivotal role in drafting the Declaration on the Protection of All Persons from Enforced Disappearance. The Colombian Constitution explicitly prohibits enforced disappearance, and, for instance, specific protocols have been established to address this issue. The primary objective of these measures is to locate missing persons alive whenever possible. In cases where this is not feasible, the goal is to ensure that those deceased receive a dignified recognition and condition. Despite these efforts, the underreporting of cases remains a significant challenge.

Following the peace talks in Havana between the Government of Colombia and the Revolutionary Armed Forces of Colombia (FARC), several institutions were established to address the legacy of enforced disappearances:

1. Commission for the Clarification of Truth, Coexistence, and Non-Recurrence;
2. Special Jurisdiction for Peace;
3. Unit for the Search of Persons Considered Missing.

The Unit for the Search of Persons Considered Missing is tasked specifically with locating individuals who have disappeared, including those lost during hostilities.

Challenges:

1. **Temporal scope of the mandate:** The Unit's mandate covers disappearances only until 2016. Consequently, there is uncertainty and lack of clarity regarding cases that occurred after 2016, even though Colombia continues to experience conflict.
2. **Overwhelmed judicial system:** The Office of the General Prosecutor of the Nation is currently overwhelmed with cases, impeding its ability to effectively address all instances of enforced disappearances.
3. **Lack of macro case initiation:** The Special Jurisdiction for Peace has yet to open a macro case specifically addressing enforced disappearances. This indicates a gap in addressing the systematic nature of these crimes.
4. **State responsibility and armed conflict:** There is ambiguity regarding the State's responsibility for enforced disappearances and the definition of the timeframe of armed conflict. This ambiguity complicates efforts to address and resolve these cases effectively.
5. **Women who are forcibly disappeared:** Particular attention must be given to the cases of women who have been forcibly disappeared. Ensuring protection and guarantees for the search and recovery of these individuals is critical.

### **C. Honduras**

Bertha Oliva  
Founder

Comité de Familiares de Detenidos-Desaparecidos en Honduras  
(COFADEH)

Recommendations:

- **Paying tribute to Nora Cortiñas:** The World Congress on Enforced Disappearances should be called "Nora Cortiñas" to pay homage to her.
- **Importance of memory and truth:** significance of maintaining historical memory and truth. Remembering the past atrocities is crucial not only to honour the victims but also to educate future generations. Historical memory serves as a tool to avoid the repetition of past mistakes and to foster a culture of human rights and justice.
- **Role of testimonies:** Value of personal testimonies from survivors and victims' families. These testimonies are essential in preserving the truth and ensuring that the experiences of those affected are acknowledged and recorded. Testimonies contribute to the collective memory and help in building a more accurate historical record.

- **Challenges in achieving justice:** There are difficulties faced in the pursuit of justice for human rights violations. The struggle to hold perpetrators accountable and the systemic barriers that hinder this process are ongoing. Continued solidarity and support from international communities are called for, as well as pressure for justice and accountability.
- **Educational efforts:** Educational programs need to incorporate the history of human rights violations. Educating young people about past atrocities is vital in cultivating a society that values and upholds human rights. It is crucial to advocate for the integration of human rights education in school curriculums to promote awareness and understanding among the youth. Young people should be educated not only with words but also bringing them to visit places of memory.
- **Solidarity and support:** Importance of solidarity among human rights organisations and the international community, such as the Office of the High Commissioner for Human Rights. Collective efforts to support victims and their families, as well as to advocate for justice and human rights, are urged. It is crucial to provide ongoing support and collaboration to address human rights issues effectively.
- We are facing a system that is more powerful than the State itself.
- The terror structures are intact in the country, but there is no State policy.
- There is a need for a truth report.

#### **D. Paraguay**

Federico Tatter<sup>1</sup>

Association of Relatives of Disappeared Detainees of Paraguay  
(FADDAPY)

The inconsistent implementation of transitional justice in Southern Cone, Central America, and North America is well-known, particularly regarding the aftermath of the civic-military dictatorships that plagued these regions in the latter half of the 20th century. During the dictatorship, 440 forcibly disappeared persons were recorded, albeit they are expected to be more.

Presently, even if Paraguay has ratified the International Convention on the Protection of All Persons from Enforced Disappearances, we face unfinished transitions, with advances and regressions varying across our regions. Whether incomplete or enacted under the principles of Memory, Truth, Justice, and Reparation, the reality of numerous societies and countries is marked by different degrees of transitional justice. Nevertheless, it is far from establishing a political, social, civil, and state apparatus that ensures such atrocities never happen again.

The resurgence of right-wing and extreme-right movements and the drift towards fascism have been notable in Latin America in recent years, undermining transitional justice and reparation efforts. Numerous examples highlight the difficulty in discouraging and preventing authoritarian, exclusionary, repressive, and exterminationist models within the incomplete democracies of Latin America. Consequently, in Latin America, the mechanisms of torture have been ingrained in the operations of the state and dominant classes.

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<sup>1</sup> The presentation of Federico Tatter was prepared together with Marcelo Chalréo, Grupo Tortura Nunca Mais of Rio de Janeiro (TNM/RJ).



Torture, imprisonment, disappearances, and state violence against Black, Indigenous, poor, working-class, LGBTQIA+, and women (both cis and trans), people with disabilities, and traditional communities have perpetuated power and wealth. Alarming, we are witnessing dangerous parallels between the practices of state terrorism during the civic, business, and military dictatorships and the incomplete democracies that have evolved into security regimes. These regimes feature dual states, militias, co-opted judicial systems, paramilitary groups, private armies, and organised crime with terrorist practices, including disappearances, criminalisation, selective assassinations, and torture targeting vulnerable populations.

Lessons learned:

- Continuity, resumption, and persistence in the struggle for Memory, Truth, Justice, and Reparation with a historical vision. This should be incisive and within a broad and effective transitional justice framework that reaches all executioners and perpetrators of crimes against humanity. It must include all individuals, communities, and groups whose fundamental rights to be, exist, live, express themselves, love, and organise have been violated.
- Relentless fighting against enforced disappearances, both past and present. In contemporary times, the act of disappearing has different political and ideological impacts, significantly affecting those who, in some way, stand in the path of barbarism.
- New types of enforced disappearances are “invisible”, taking place in the frame of migration, borders, and human trafficking and trade routes (e.g. Paraguay-Panama), focusing on African-Americans, as well as other vulnerable groups.
- Continuing the struggle against mass incarceration and selective elimination. This represents a political-ideological model of social control over “dangerous classes” through police, judicial, and paramilitary apparatuses, and the elimination of subjects opposed to the order established by capital and its exacerbation in open fascism.

Recommendation: We join Bertha Oliva’s proposal to call the World Congress on Enforced Disappearances “Nora Cortiñas”.

### **E. Uruguay**

Wilder Tayler

Commissioner of the National Institution of Human Rights of Paraguay.

Enforced disappearances in Uruguay have been a persistent issue since approximately 1973. A constant element in this context has been the involvement of relatives and social movements advocating for justice and resolution. Despite having a dedicated research and investigation team, there is insufficient administrative support. Investigations are conducted both domestically and internationally, including excavations at military centres. New technologies are being employed to locate evidence, and efforts are made to find witnesses from 40 years ago while ensuring their identities are protected.

Challenges:

- **Limited number of findings:** There have only been seven findings of disappeared individuals in Uruguay, compared to around 15 cases in Argentina and Chile. One notable case involved discovering the remains of a woman named Amelia, which took considerable time due to challenges in identifying her DNA.
1. **Government and enforced disappearances:** In the past two years, there have been attempts by the Government to control or politicise the issue.
  2. **Passing of time:** The significant passage of time leads to the loss of evidence and human resources.
  3. **Silence of perpetrators:** Perpetrators often do not disclose information about the whereabouts of the disappeared, contributing to a phenomenon of silence of denial.
  4. **State efforts and policy:** The State's efforts include calls for information from those who might know something, as well as a need for systematic and comprehensive policies for searching and archiving. The public absence and lack of systematic policies are significant obstacles.

Recommendations:

1. **Clear political message and information requests:** There is a need for a clear political stance and requests for information from individuals who may have interacted with perpetrators, such as nurses and drivers. This step is crucial in combating impunity and supporting public policies that encourage people to speak up.
2. **Collaboration with States:** Collaboration with State entities is vital. Bureaucratic challenges have made it difficult to prosecute individuals despite legal provisions. However, the Ministry of Defence has provided some documents.
3. **Systematic policy for archive review:** There has never been a systematic policy for reviewing archives, which is essential for uncovering information about enforced disappearances.
4. **International cooperation:** Developing cooperation mechanisms for searching and finding persons who have disappeared abroad is critical. The Government has been slow in this matter. International cooperation is necessary to enhance efforts against enforced disappearances and address the needs of criminal cases where perpetrators are hiding.

## PANEL II

### **Facilitator**

Luciano Hazan

Former Member of the UN Committee on Enforced Disappearances

Former Rapporteur of the UN Working Group on Enforced or Involuntary Disappearances

### **A. Argentina**

Carolina Villella

Coordinator of the Legal Team

Abuelas de Plaza de Mayo

The issue of disappeared persons who have changed their identities presents significant challenges. This phenomenon is characterised by a high degree of denial and deliberate actions that delay case resolution.

Challenges:

1. **Obstruction in document discovery:** The deliberate hindrance in locating and obtaining necessary documents delays the resolution of enforced disappearance cases. This obstruction affects the ability to gather critical evidence and hampers the investigation process.
2. **Articulation of key investigative areas:** There is a need for clear and focused articulation of key areas for investigation. Properly identifying and prioritising these areas is essential for effective case resolution.
3. **Risks to the National Genetic Information Bank:** The modification of the National Genetic Information Bank poses significant risks. This Bank is crucial for identifying individuals, particularly grandchildren, through DNA analysis. Any changes could undermine its effectiveness and reliability.
4. **Funding for memory policies:** Inadequate financing for policies aimed at preserving memory and ensuring justice for victims represents a significant drawback for human rights. Sustained funding is necessary for the continuation of these important initiatives.
5. **Dismantling of the archive analysis team:** The dismantling of the team responsible for analysing armed forces' archives, which operated under the Ministry of Defence, is a significant setback. This team was instrumental in replacing and analysing archives related to armed forces agents, producing over 170 reports that contributed to legal cases. These reports have been crucial in identifying individuals who passed through clandestine centres and uncovering structures related to death flights.
6. **The complexity of document analysis:** Given the clandestine context and the deliberate hiding and obstruction of documents, proper investigation requires specialised knowledge of current regulations. The disbanded team had this expertise, and their absence was a considerable loss.

The National Committee for the Right to Identity (CONADI) was established to fulfil obligations regarding children's rights and promote the search for sons and daughters born while their parents forcibly disappeared. Many of its investigations have successfully

reached the courts. Previously, the Ministry of Security and Ministry of Defense provided CONADI with essential documents.

Further challenges:

1. **Draft Bill in Congress:** A draft bill currently under debate in Congress proposes granting extraordinary powers to the President to modify the content, structure, and tasks of organisations like CONADI and the national genetic information bank. There has been a public debate about dissolving the Specialized Unit within CONADI that deals specifically with disappeared grandchildren.
2. **Impact of political changes:** The potential dissolution of such units and the modification of key institutions highlight the importance of institutionalising public policies to safeguard against political changes. These developments underscore the necessity of stable and consistent support for human rights initiatives.

The situation in Argentina serves as a crucial warning. Despite decades of positive progress and good practices, recent political changes threaten to reverse these gains. The institutionalisation of public policies is essential to protect against such regressions. The international community, particularly the World Congress on Enforced Disappearances, must be alerted to these challenges. Argentina, once a strong advocate of the Convention, is now sending concerning signals that could have broader implications for human rights globally.

## **B. El Salvador**

Pilar Serrano  
MOVIR

A poignant example of the human toll of enforced disappearances involves a man who has been missing for two years and three months. Accused of a crime that he did not commit under an emergency regime, his disappearance has had profound effects on his family.

Impact:

- **Mental and physical health:** The family of the disappeared individual experiences severe mental and physical health issues. The uncertainty and trauma associated with not knowing the fate of their loved one lead to significant psychological distress
- **Fear of reporting:** Family members often feel too frightened to report disappearances due to fear of reprisal or distrust in authorities. This fear stems from the potential consequences of speaking out against powerful entities or regimes, further perpetuating the cycle of silence and impunity.

How do we ensure that the State commits to ratifying the Convention?

## C. Guatemala

Paulo Estrada

Association of Families of the Detained and Disappeared of Guatemala

FAMDEGUA

Despite significant advancements in forensic work and DNA analysis leading to the identification of thousands of disappeared individuals, impunity for enforced disappearances persists.

Best practices:

- **Forensic work and DNA analysis:** Thousands of disappeared persons have been identified through meticulous forensic work and DNA analysis. These efforts have provided closure to many families, yet much work remains to be done to identify all the victims.
- **FAMDEGUA's contributions:** The Association of Families of the Detained and Disappeared of Guatemala (FAMDEGUA) has conducted 160 excavations across 14 regions, significantly contributing to the identification and recovery of disappeared persons.
- **Inter-American Court of Human Rights rulings:** There have been over 15 rulings by the IACtHR addressing cases of enforced disappearances, highlighting the ongoing judicial recognition of these crimes and the need for accountability.

Challenges:

- **Judicial system co-optation and persistence of perpetrators:** The co-optation of the judicial system remains a significant obstacle, with individuals responsible for enforced disappearances still holding influential positions. This undermines the impartiality and effectiveness of the judicial process.
- **Lack of access to military archives:** Access to military archives is severely limited, hindering investigations and the ability to gather comprehensive evidence necessary for prosecuting those responsible for disappearances.
- **Judicial harassment:** Organisations like FAMDEGUA face judicial harassment. For instance, it was accused of providing false evidence. This not only impedes their work but also intimidates and discourages other groups and individuals from pursuing justice.

## 5. Conclusion

Juan Pablo Alban

Rapporteur of the United Nations Committee on Enforced Disappearances

The universal ratification and effective implementation of the Convention on Enforced Disappearances require joint efforts from various entities, including the Committee on Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances, the Office of the High Commissioner for Human Rights, the Inter-American Court of Human Rights, supportive States, civil society organisations, and victims. Victims' tireless efforts uniquely drive this Convention.

Ratification is only the initial step; states must commit to effective implementation, which involves:

- **Public policies of prevention:** Developing coordinated policies addressing structural causes of enforced disappearances, such as impunity, corruption, and social violence.
- **Monitoring mechanisms:** Establishing robust mechanisms to oversee public policies on enforced disappearances.
- **Strengthening institutions:** Ensuring institutions have adequate human, financial and material resources to prevent and punish enforced disappearances.
- **Recognising new forms of enforced disappearances:** Criminalising actions by, for instance, non-State actors and addressing new forms of disappearances, which have to be acknowledged and confronted.
- **International cooperation:** Enhance cooperation, particularly for the disappearance of migrants.
- **Providing protection:** Safeguard defenders, victims, and searchers, ensuring their safety and freedom to operate.
- **National search mechanisms:** Create or strengthen mechanisms to investigate and search for disappeared persons.
- **Forensic capacity:** Improve forensic capabilities with modern techniques and international cooperation.
- **Judicial independence:** Guarantee the independence, specialisation and sensitivity of prosecutors and judges in these cases.

The fight against enforced disappearances requires a firm and sustained commitment, not only from States but also from protection bodies, CSOs and the international community as a whole.

Carmen Rosa Villa Quintana  
Member  
United Nations Committee on Enforced Disappearances

The path forward for the Convention on Enforced Disappearances requires the development of a concrete action plan that can be assessed and monitored. Mere commitment is insufficient; it must be translated into tangible actions such as public policies of prevention. Eradicating enforced disappearances is a state obligation and a collective commitment that unites us all in this common endeavour.

To properly give life to the Convention, an actionable plan must be implemented, one that can be monitored to ensure the Convention's principles are upheld through concrete commitments. This includes harmonising national legislation, conducting thorough investigations, and establishing effective search mechanisms. Additionally, it is essential to recognise and support the key roles of victims and their families in this process.

By focusing on these actionable steps, we can move beyond pledges and towards a reality where enforced disappearances are systematically addressed and eradicated.

## **ANNEXES**

### **List of annexes:**

- Centro de Derechos Humanos Fray Bartolomé de Las Casas, “Tocar el vacío. Informe Frayba 2024 sobre la desaparición de personas en Chiapas”.
- IDHEAS. Litigio Estratégico en Derechos Humanos, México, “Contribución escrita”.

<https://frayba.org.mx/desaparicion>

El informe *Tocar el vacío* es un esfuerzo para analizar el fenómeno de la desaparición de personas en Chiapas, desde la mirada del *Centro de derechos humanos Fray Bartolomé de las Casas*, con la participación de *Voces Mesoamericanas Acción Con Pueblos Migrantes* y *Melel Xojobal* (que acompaña procesos participativos con niñas, niños y adolescentes de los pueblos originarios). Desde hace varios años ha habido un aumento significativo de las cifras de personas desaparecidas, con un impacto profundo sobre quienes buscan a sus seres queridos y sobre la sociedad chiapaneca en general.

En contextos de desapariciones sistemáticas y/o generalizadas cometida por particulares, donde impera la impunidad, debe asumirse que existe tolerancia y aquiescencia del Estado, lo que las convierten en desapariciones forzadas, en la medida que son marcadas por la tolerancia y aquiescencia hacia sus perpetradores. Aún cuando en muchos casos las autoridades insistan en clasificarlas como personas no localizadas, el contexto de la mayoría de ellas debería ser un indicio suficiente para catalogarlas como desapariciones.

Las instancias estatales y federales encargadas de la investigación y búsqueda realizan diversos artificios para diluir públicamente la situación. Ello va desde la negativa a recibir las denuncias o a inscribir a las personas desaparecidas en los registros oficiales, hasta la clasificación de los hechos como algo distinto a la desaparición. La Fiscalía Especializada en la materia no tiene personal suficiente para hacer frente al fenómeno, lo que demuestra el desinterés estatal por crear condiciones para la investigación. Entre el 1 de diciembre de 2018 y el 30 de junio de 2023, la Fiscalía General del Estado de Chiapas registró 201 carpetas de investigación por desaparición de personas a manos de particulares, pero ninguna por desaparición forzada.

Llevar a cabo esta primera radiografía de la problemática ha representado un gran reto, pues muchas de sus características son nuevas en Chiapas, además de que existe un extendido silenciamiento de los territorios donde sucede. Los patrones de la desaparición en Chiapas reflejan dinámicas nacionales, pero también presentan características propias relacionadas a condiciones históricas, políticas y sociales. Existen dos focos rojos en el estado. el primero, de acuerdo a datos expuestos por el Comité de Naciones Unidas contra la Desaparición Forzada (CED, por sus siglas en inglés), en Chiapas la desaparición de mujeres es mucho mayor a los índices nacionales. El segundo foco rojo es visibilizado por la organización Melel Xojobal quien da cuenta de que en el 2022 Chiapas ocupó el cuarto lugar nacional en desaparición de niñas, niños y adolescentes (NNA). Es decir que, de acuerdo a estadísticas, en Chiapas existe un riesgo mayor de desaparición de mujeres y NNA.

La desaparición se presenta en diferentes contextos que reflejan patrones diferenciados. El interés del informe es identificar y analizar las varias líneas de la desaparición, una de ellas siendo la disputa y control territorial de la delincuencia organizada. Es de especial preocupación la situación en la región sierra y frontera, dónde la explosión de violencia ligada a la disputa entre la delincuencia organizada ha llevado a un alza de las desapariciones sin que sea posible medir el problema con precisión tanto por la violencia



que impera, como por la desconfianza en las autoridades. Otros patrones documentados en el informe incluyen: la desaparición de personas en movilidad internacional; los que se presentan alrededor de las realidades de niñas, niños y adolescentes; así como los que emergen en el contexto de la violencia político-electoral; en el marco de detenciones arbitrarias cometidas por agentes estatales; los relacionados a la violencia contra las mujeres, con énfasis en la trata de personas y feminicidio; de personas defensoras de derechos humanos; en el marco de las acciones militares y paramilitares de contrainsurgencia durante los años noventa.

En efecto, a la coyuntura actual es importante sumarle un pendiente histórico, el de la guerra de contrainsurgencia tras el levantamiento armado del Ejército Zapatista de Liberación Nacional (EZLN). El *Centro de Derechos Humanos Fray Bartolomé de Las Casas* registró por lo menos a 37 personas desaparecidas en este contexto, además de 32 personas desaparecidas en combate que reivindica el EZLN. El actual gobierno morenista sigue el incumplimiento a su deber de búsqueda, verdad, justicia y reparación integral.

Con *Tocar el vacío*, buscamos visibilizar la desaparición de personas en Chiapas, así como generar reflexiones a partir de las cuales pensar en respuestas colectivas.

Ciudad de México, a 30 de junio de 2024

Señores  
CEDI  
Congreso Mundial sobre Desapariciones Forzadas  
[wced@cedi193.org](mailto:wced@cedi193.org)

**REF:** Contribución escrita

IDHEAS. Litigio Estratégico en Derechos Humanos,  
México

En atención a la invitación hecha por ustedes para enviar contribuciones escritas sobre los objetivos abordados en las consultas regionales, previas a la celebración del Congreso Mundial sobre Desapariciones Forzadas, IDHEAS presenta algunas consideraciones relacionadas con los objetivos remarcados en su invitación, entre ellos, prácticas compartidas, historias y desafíos en la lucha contra las desapariciones forzadas.

IDHEAS, Litigio Estratégico en Derechos Humanos A.C. es una organización de la sociedad civil mexicana que busca garantizar el acceso a la justicia y la reparación integral de quienes han sufrido violaciones graves a derechos humanos como es la desaparición forzada de personas.<sup>2</sup> En esta condición, IDHEAS ha acompañado numerosas víctimas de desaparición forzada en México, ha litigado sus casos a nivel nacional e internacional y ha buscado incidir en avances jurisprudenciales y legislativos para la protección y garantía de sus derechos y, específicamente, en la lucha contra la impunidad. Entre algunos logros de la organización destaca: la presentación del primer caso de México ante el Comité contra la Desaparición Forzada (CED); la obtención de dictámenes en favor de las víctimas ante el Comité de Derechos Humanos en casos de desaparición forzada<sup>3</sup>; el litigio ante Suprema Corte de Justicia de la Nación para la determinación del carácter vinculante de las Acciones Urgentes, la documentación de la afectación al derecho a la salud a familiares de personas desaparecidas en México; la presentación ante el Comité para la Eliminación de la Discriminación contra la Mujer (CEDAW) del primer caso en materia de desaparición forzada,<sup>4</sup> por mencionar algunos. Esta experiencia nos permite hacer las siguientes consideraciones.

#### *Desafíos en la lucha contra las desapariciones forzadas en México*

México aprobó en noviembre de 2017 la Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas,<sup>5</sup> que creó instituciones fundamentales para la prevención, la investigación y la lucha contra las desapariciones forzadas. México avanzó también en esta lucha al reconocer la competencia del Comité contra la Desaparición Forzada (CED) para examinar las comunicaciones individuales,

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<sup>2</sup> Sitio de I(dh)eas: <https://www.idheas.org.mx/>

<sup>3</sup> Véase Dictámenes aprobados en favor de Christian Téllez Padilla, Jesús Israel Moreno Pérez y Víctor Manuel Guajardo por el Comité de Derechos Humanos al tenor del artículo 5, párrafo 4 del Protocolo Facultativo, respecto de las comunicaciones núm. 2750/2016, 2760/2016 y 2766/2016, respectivamente.

<sup>4</sup> Véase caso Ivette Melissa Flores Román.

<sup>5</sup> Disponible en <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGMDFP.pdf>

conforme al artículo 31 de la Convención; y al reconocer por vía de decisión de la Suprema Corte de Justicia de la Nación el carácter vinculante y obligatorio de las Acciones Urgentes del CED.<sup>6</sup>

Sin embargo, a pesar de estos avances, México enfrenta serios desafíos en su lucha contra las desapariciones forzadas. En la experiencia de I(dh)eas, estos desafíos son de carácter institucional, vinculados a deficiencias/carencias institucionales y a prácticas arraigadas que obstaculizan la prevención y favorecen las desapariciones y su impunidad. Los desafíos son también políticos, vinculados a la tendencia de las autoridades a negar o minimizar la realidad de la desaparición forzada en México.

### *Desafíos de carácter institucional*

En los desafíos institucionales se identifican *deficiencias y carencias institucionales*, como: a) la invisibilización de las víctimas de desaparición forzada, al no ser registradas como tales en el Registro Nacional de Personas Desaparecidas y No Localizadas (RNPDNO) o en los Registros locales de personas desaparecidas y no localizadas, lo que obstaculiza su búsqueda y protección, así como la prevención de las desapariciones forzadas;<sup>7</sup> b) la falta de una adecuada y permanente capacitación de las autoridades de búsqueda y de procuración de justicia, tanto en las normas y estándares del derecho internacional y del propio derecho interno como en metodologías y técnicas de búsqueda y de investigación enfocadas en la desaparición forzada; y c) la falta de recursos suficientes en las fiscalías, tanto tecnológicos, técnicos, científicos y presupuestales como humanos, necesarios para la integración exhaustiva, rápida y eficaz de las investigaciones en los casos de desaparición forzada, lo que incide en la escasa judicialización de estos casos y en la prevención de la repetición de los mismos.

Como desafíos institucionales, se identifican también *prácticas institucionales* que afectan en forma directa la búsqueda de las personas desaparecidas, la investigación y la prevención de las desapariciones forzadas. Entre ellas, en primer lugar, y de especial preocupación, la práctica de colusión o connivencia de algunas autoridades del poder ejecutivo y de procuración de justicia con organizaciones del crimen organizado, que favorece la desaparición forzada de personas y consolida la impunidad de estos casos.

Entre las *prácticas institucionales* que afectan en forma directa la búsqueda y la investigación están también: a) la ausencia de coordinación y colaboración entre sí de las autoridades federales (Comisión Nacional de Búsqueda) y locales (Comisiones Locales de Búsqueda) encargadas de la búsqueda, y la falta de comunicación, coordinación y colaboración entre estas autoridades y las fiscalías, lo que determina la lentitud e ineficacia de las búsquedas y reduce la posibilidad de encontrar en vida las personas desaparecidas; y b) la falta de aplicación oportuna y adecuada por las autoridades de herramientas de derecho interno que pretenden hacer eficaz la búsqueda y la investigación, como

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<sup>6</sup>Ver, Amparo en Revisión 1077/2019, disponible en <https://www.scjn.gob.mx/derechos-humanos/sites/default/files/sentencias-emblematicas/sentencia/2022-05/AR%201077-2019.pdf>

<sup>7</sup> La Comisión Nacional de Búsqueda señala, por ejemplo, en esa perspectiva, lo siguiente: “Entre los retos del RNPDNO está la resistencia de diversas instituciones para registrar o compartir información. Cualquier información que no se visualice en el RNPDNO se debe a que no ha sido aportada por la autoridad federal o local que hizo el reporte. En ese sentido, el porcentaje de registro de información en el RNPDNO por parte de las autoridades es muy bajo. Así por ejemplo, si bien se tiene un 99.98% de captura de la variable sobre el “nombre de la persona desaparecida”, un 100% en el “sexo”, un 92.67% en la “edad” y un 92.59% en el “lugar de desaparición”; el porcentaje de captura de la variable del “delito” equivale al 16.11% del total de los registros de personas desaparecidas.” Ver: <https://versionpublicarnpdno.segob.gob.mx/Dashboard/Boletin> El CED ha expresado que: “le preocupa que el Registro Nacional de Personas Desaparecidas y No Localizadas no permite tener una visión clara sobre la proporción de casos registrados que podrían corresponder a desapariciones forzadas.” CED. Informe del Comité contra la Desaparición Forzada sobre su visita a México en virtud del artículo 33 de la Convención. CED/C/MEX/VR/1 (Findings), párr. 50.

son el Protocolo Homologado para la Búsqueda de Personas Desaparecidas o No Localizadas, el Protocolo Adicional para la Búsqueda de Niñas, Niños y Adolescentes y el Protocolo Homologado de Investigación para los Delitos de Desaparición Forzada y Desaparición Cometida por Particulares. Ello incide en la ausencia de planes de búsqueda que den respuestas inmediatas y eficaces a las denuncias de desaparición; así como en la ausencia de planes de investigación integrales que permitan desarrollos exhaustivos y diligentes de las investigaciones, lo que dificulta el esclarecimiento de los hechos, la desarticulación de estructuras implicadas en las desapariciones y la vinculación procesal de los responsables y su presentación en juicio.

Es importante referir que estas prácticas repercuten de manera agravada en los casos de desaparición de niñas, adolescentes y mujeres. En un gran número de casos, se ha observado la omisión por parte de las autoridades del Estado Mexicano de investigar bajo una perspectiva de género y la falta de una búsqueda inmediata derivado de la perpetuación de estereotipos basado en el género y edad de las víctimas.

Otro de los desafíos institucionales es la grave crisis forense existente en materia de identificación humana y resguardo de indicios. De acuerdo con el informe al respecto de su más reciente visita a México, el Comité contra la Desaparición Forzada estima que al menos 40 mil cuerpos que se encuentran resguardados en servicios forenses y fosas comunes en calidad de desconocidos, a la espera de ser identificados. Pese a algunos esfuerzos por implementar mecanismos masivos de identificación humana, observamos que prevalece la falta de coordinación entre autoridades y la duplicación de esfuerzos.

### *Desafíos de carácter político*

El Registro Nacional de Personas Desaparecidas y No Localizadas (RNPDPNO) registra, a la fecha, 115,425 personas desaparecidas y no localizadas, de las cuales 104,061 son personas desaparecidas.<sup>8</sup> Si bien el RNPDPNO no permite, hasta ahora, establecer la proporción de casos registrados correspondientes específicamente a desapariciones forzadas, es una herramienta que, como ha expresado el CED, “permite visibilizar la dimensión del fenómeno de la desaparición en México.”<sup>9</sup>

El 26 de noviembre de 2021, cuando el CED visitó a México en virtud del artículo 33 de la Convención, en el RNPDPNO estaban registradas 95,121 personas desaparecidas.<sup>10</sup> De ese momento a la fecha, el número de personas desaparecidas registradas no ha disminuido, y, por el contrario, ha aumentado de modo considerable.

A pesar de la realidad de los propios registros oficiales, las autoridades del Gobierno han tendido a reducir el número de personas desaparecidas, contradiciendo las cifras del RNPDPNO.<sup>11</sup> Como ha sido ya advertido por organismos internacionales de derechos humanos, la negativa a

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<sup>8</sup>RNPDPNO: <https://versionpublicarnpdno.segob.gob.mx/Dashboard/ContextoGeneral>, consultado el 26/06/2024.

<sup>9</sup> CED. Informe del Comité contra la Desaparición Forzada sobre su visita a México en virtud del artículo 33 de la Convención. CED/C/MEX/VR/1 (Findings), párr. 10.

<sup>10</sup> Cf. CED. México: La prevención debe ser central en la política nacional para detener las desapariciones forzadas, señala Comité de la ONU, 12 abril 2022. Disponible en <https://www.ohchr.org/es/press-releases/2022/04/mexico-prevention-must-be-central-national-policy-stop-enforced>

<sup>11</sup> Al respecto, El País. Casi 100.000 desaparecidos en México: el Gobierno reduce en 20.000 la cifra oficial, 18 de marzo de 2024. Disponible en <https://elpais.com/mexico/2024-03-18/casi-100000-desaparecidos-en-mexico-el-gobierno-reduce-en-20000-la-cifra-oficial.html>

reconocer o minimizar la dimensión del fenómeno de las desapariciones en México es un obstáculo directo a la lucha contra las desapariciones forzadas.<sup>12</sup>

#### *Algunas prácticas frente a estos retos*

Frente a la grave crisis de derechos humanos y la falta de respuesta por parte de las instituciones del Estado mexicano, ha aumentado considerablemente el número de familiares y organizaciones que han activado mecanismos contemplados en el derecho internacional para exigir la búsqueda de sus familiares. Un claro ejemplo de ello han sido las Acciones Urgentes del Comité contra la Desaparición Forzada. En la actualidad México es uno de los principales países con el mayor número de Acciones Urgentes adoptadas por el Comité, reflejando la ausencia de una efectividad al respecto de las políticas públicas en materia de búsqueda de personas y procuración de justicia. La adopción de estas acciones en diversos casos ha permitido abrir espacios de interlocución entre familiares y organizaciones con autoridades, espacios que fuera del cumplimiento de este tipo de medidas difícilmente se podrían establecer, o al menos no de una manera continua. Recientemente, derivado de un litigio encabezado por la i(dheas), la Suprema Corte de Justicia de la Nacional resolvió reconocer el carácter vinculante y la obligatoriedad de las Acciones Urgentes del Comité, además, señaló que su cumplimiento es susceptible de ser sometido vía judicial. Sin embargo, pese a la adopción de estos criterios es importante referir que las observaciones y recomendaciones del comité en un gran número de casos no son cumplidas, principalmente por parte de las instituciones encargadas de la búsqueda.

Pese a que al aumento de decisiones y sentencias internacionales en contra de México, no se cuentan con mecanismos claros o una legislación que regule el cumplimiento de tales determinaciones, por lo cual, vemos con necesidad de que México adopte lineamientos homogéneos al respecto del proceso de cumplimiento y adopción de este tipo de decisiones tendientes a garantizar la reparación del daño, la aceptación de la responsabilidad y la implementación de medidas de no repetición.

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<sup>12</sup> Al respecto, GTDFI. Report of the Working Group on Enforced or Involuntary Disappearances. Addendum. Follow-up report to the recommendations made by the Working Group. Seguimiento a las recomendaciones del Grupo de Trabajo sobre desapariciones forzadas o involuntarias en su informe relativo a su visita a México del 18 al 31 de marzo de 2011. (A/HRC/19/58/Add.2, párrafos 80-113). A/HRC/30/38/Add.4, 11 September 2015, párrs. 8-9.