



Committee: Mexican Congress

Topic: State's responsibility on the lack of action on disappearances in Mexico

Chair: Anna Camila Martinez Delgado

Moderator: Diego Alfredo Zárate Cruz

Mexican Congress, better known as "Congreso de la Unión", was founded on September 28th, 1821. It is a bicameral organ of the Mexican government that has as its primary function to add, manage, and create abstract, general, and impersonal legal norms, as well as to modify the Current Regulatory System as it requires it.

There are 128 senators and 500 deputies, but the senators are the ones that have the most influence in decision-making, as well as being part of the "High Chamber", while the deputies are part of the "Low Chamber", which has a lower influence.

The "Congreso de la Unión" is constituted by el "Pleno", and throughout the elaboration of rulings, opinions, resolutions, and informs, has an objective to monitor the correct use of the power of "Cámaras de Poder Legislativo".

The state's responsibility on the lack of action regarding disappearances in Mexico has always been a prevalent topic in the Mexican Congress, due to the disappearance rate of over 210,000 people between 2006-2022.

In 2022, the security crisis reflects that from November 2021 to April 2022 more than 3,800 people have disappeared, averaging to 8 disappearances per day in Mexico, which is something the Mexican government has not been able to control. Women, children, and men go missing every day in the country. Both the high commissioner and the experts warned that disappearances often go unreported, so the total number of people whose fate is unknown could be higher.

Right now, the actual number of disappearances in Mexico is extremely high, even though the laws of the country apply to everyone. Consequences are applied to everyone, regardless of age, gender, or race, and the Mexican Congress is always proposing and applying new rules regarding the high disappearances rate in Mexico and its states.

Every deputy and senator of congress must reflect or show up with a short-term solution since disappearances have been increasing over the past 14 years. This is a problem that has to be solved as soon as possible or at least propose several solutions. Every deputy and every senator must get into an agreement for the

common good of the country, the congress should unite and think about what families have to get through when someone close to them disappears.

The high commissioner acknowledged that the Mexican government has taken significant action to tackle the problem, including passing “Ley General de Desapariciones” and setting up search commissions in each state as well as the National Center of Human Identification.

The University of North Texas Health Science Center campus in Fort Worth is home to the Center for Human Identification (CHI) laboratory. What are they in charge of?

- Performing forensic anthropological and genetic analyses for use in identifying missing persons and criminal cases.
- They control regional CODIS operations.
- They increase forensic identification efficiency with the new study to assist Texas with various projects.

As we all acknowledge, Mexico has several constitutions and reforms that have as their main purpose to manage and prevent all kinds of national problems. Article N.2 of the “Convención Internacional para la Protección de Todas las Personas Contra las Desapariciones Forzadas”, was principally created as a shield for the families of the disappeared people, as well as article N.14, which states that every disappeared person has its born right to be searched for, and in case it is not found, their families have the right to know what happened and to be aware of the final destination of the individual. As claimed by article 34 of The “Ley general en materia de desaparición forzada de personas, desaparición cometida por particulares y del sistema nacional de búsqueda de personas”, anyone who denies a person their liberty to hide the victim or its destiny or whereabouts commits the crime of disappearance perpetrated by private individuals. Anyone found guilty of this offense faces a sentence of 25 to 50 years in jail as well as a fine of 4000 to 8000 days.

There are two types of disappearances, voluntary and forced, and in the forced ones, they are two subtypes. A voluntary disappearance is where the person wants to “disappear”, and for example, leaves a note to the family and leaves where no one can find them. The forced one can be in two different types: accidental etiology is caused by a natural phenomenon or an accident and criminal etiology is the one where the person can disappear in the wild.

Every state of Mexico has its representative and its laws and reforms, and every one of them has statistics and data regarding the lack of disappearances in Mexico.

The six states that make up the US-Mexico border with the United States account for 42% of all officially reported disappearances. These are states where drug cartels are always at odds over territory. Narcotics cartels such as the “Triangulo dorado”, which is located on the border of the states of Chihuahua, Sonora, and Sinaloa, are ideal for the cultivation of drugs. Besides that number, according to registered

statistics, the five states that account for more than half of the missing persons have the highest incidence during the past three years. Over 15,700 people are missing, and they were reported in Jalisco, Sinaloa, Mexico state, Mexico City, and Nuevo Leon.

It is important to restate that, right now, all citizens of Mexico are afraid of what could happen if they get out of their homes, according to the official data provided by the Mexican government, 2022 has been a violent year with dozens of disappearances, and more than half of them had been women, but in the other side, men have been the ones that report more disappearances, as well as it is important to take into account that almost every disappearance in Mexico is directly connected in a way or another to the narcotraffic world, it is extremely weird and improbable to report a disappearance because of a person who has got lost in the forest or a mountain, but it has happened in several times.

However, not all the states of the country have the same level or rate of disappearances, of course, there are exceptions where the rate is lower and the difference with other states is huge, for example; According to the newspaper "El País" from 2006 to 2021, Jalisco has been the state with more disappearances having a total amount of 13,308 disappearances during these years. Then, Tamaulipas with 10,544 disappearances per year since 2006, with a total average of 6,335 disappearances per year since 2006, following Estado de México, and after it, Nuevo León and Sinaloa, these two states have a total average between 5,000 and 5,800 missing people per year since 2006. All of these states together have a total average of more than 85,000 disappearances between 2006 and 2021. Of course, there are other states with more security where disappearances have a lower average (comparing data and statistics) and where the difference is clear.

According to official data from the government and the newspaper "El País", Sonora and Michoacán have a medium-high rate of disappearance, having a total average between 4,000-4,150. Veracruz has a medium-high rate of 3,860 disappearances per year in total. The states of Chihuahua en Coahuila have a medium rate of disappearances having an average between 3200 and 3250 disappearances. Guerrero has a medium rate as well, having a total average of 3,000 people missing and disappearing.

Like every country in the world, Mexico's states have different types of representatives, rules, and laws. Now, according to official data and statistics proportioned by official news, the states of Zacatecas and Guanajuato have a low-medium average between 2,500 and 2,700 disappearances since 2006, then goes the state of Puebla with a total average of 1,900 disappearances, after this state goes Baja California and Nayarit with a low average of disappearances having a rate of 1,000-1,100.

Information and Statistics show off that the states of Mexico with the lowest rates of disappearances are: Durango, San Luis, Aguascalientes, Hidalgo, Morelos, and

Oaxaca; all of these states have had a really low rate of disappearances from 2006 to 2022, being the total average of lower than 600 disappearances.

In February of 2021, two new reforms were added to the law to prevent kidnapping and disappearance, the first one states that “The penalties will get or be aggravated if the crime of kidnap or disappearance is made to people with disabilities”

After an exhaustive investigation and thanks to official data we have access to; we conclude that 2 State's responsibility on the lack of action on disappearances in Mexico² is a topic that the “Cámara de Diputados y Senadores” has discussed with frequency, and it is known as a fact that we should increase security all among the country.

Therefore, there are some elements we should take into consideration to reach a solution. The committee should consider Narcotraffic systems, as it is the biggest problem, being that the number of disappearances due to narcotraffic is 61,637. Poverty in the country and security systems should also be kept in mind, people should have the right to go out into the streets without the fear of being kidnapped, as well as families should have the separate peace and knowledge that they'll stay safe.

References

Congreso General. (2022). *Gobernacion.gob.mx*.

<http://sil.gobernacion.gob.mx/Glosario/definicionpop.php?ID=52>

RESUMEN EJECUTIVO. (2022). *Diputados.gob.mx*.

<https://www.diputados.gob.mx/comisiones/estudios/tesinas2/053.html>

México: Ante los más de 100.000 desaparecidos, la ONU insta al gobierno a combatir la impunidad. (2022, May 17). *Noticias ONU*.

<https://news.un.org/es/story/2022/05/1508892>

de, N. (2021). *Personas Desaparecidas*. *Cndh.org.mx*.

<http://informe.cndh.org.mx/menu.aspx?id=30062>

LA GRAVEDAD DE LAS DESAPARICIONES EN MÉXICO Y SU INCIDENCIA MUNICIPAL. (n.d.). Retrieved October 13, 2022, from

<https://cedehm.org.mx/en/wp-content/uploads/2021/01/03B-La-gravedad-de-las-desapariciones-en-Mexico-y-su-incidencia-municipal.pdf>

Ferri, P. (2022, May 18). *EL PAÍS Edición México: el periódico global*. El País México.

<https://elpais.com/mexico/2022-05-18/el-pais-de-los-100000-desaparecidos.html>

Redacción 24 Horas. (2021, April 8). *¿Cuáles son los estados y municipios con más desaparecidos y fosas? - 24 Horas*. 24 Horas.

<https://www.24-horas.mx/2021/04/08/cuales-son-los-estados-y-municipios-con-mas-desaparecidos-y-fosas/>

De Diputados, C., Congreso De, D., Unión, L., & Ley, N. (n.d.). *LEY GENERAL EN MATERIA DE DESAPARICIÓN FORZADA DE PERSONAS, DESAPARICIÓN COMETIDA POR PARTICULARES Y DEL SISTEMA NACIONAL DE BÚSQUEDA DE PERSONAS LEY GENERAL EN MATERIA DE DESAPARICIÓN FORZADA DE PERSONAS, DESAPARICIÓN COMETIDA POR PARTICULARES Y DEL SISTEMA NACIONAL DE BÚSQUEDA DE PERSONAS*.

<https://www.diputados.gob.mx/LeyesBiblio/pdf/LGMDFP.pdf>

Barrios, C. (2018, February 28). *Tipos de desapariciones*. Sociedad de Conocedores Del Crimen; Sociedad de conocedores del crimen.

<https://crimiperito.wordpress.com/2018/02/28/tipos-de-desapariciones/>

Redacción Animal Político. (2022, August 30). *Niñas y jóvenes representan el 56% de la población desaparecida en México*. Animal Político.

<https://www.animalpolitico.com/2022/08/ninas-y-adolescentes-mas-de-la-mitad-mujeres-desaparecidas/#:~:text=Desaparecer%20en%20M%C3%A9xico,hombres%20y%2041%25%20son%20mujeres>

Jasso, C. (2019). *Mujeres desaparecidas: entre la omisión y la criminalización*. Nexos.com.mx.

<https://seguridad.nexos.com.mx/mujeres-desaparecidas-entre-la-omision-y-la-criminalizacion/>

Canal del Congreso. (2021). *Noticias del Congreso - Analizan acciones para atender crisis de desaparición de personas en México*. Canal Del Congreso.

https://www.canaldelcongreso.gob.mx/noticias/14634/Analizan_acciones_para_atender_crisis_de_desaparicin_de_personas_en_Mxic

Villarreal, T. (2016). Los colectivos de familiares de personas desaparecidas y la procuración de justicia. *Intersticios Sociales*, 11, 1–28.

<https://www.redalyc.org/journal/4217/421744677007/html/>

México ha de adoptar una política para prevenir las desapariciones forzadas: “Las víctimas son personas, no números.” (2021, November 29). Noticias ONU. <https://news.un.org/es/story/2021/11/1500672>

Roja, C. (2021, January 18). *México: a tres años de la Ley de Desaparición, urge profundizar implementación y proteger lo ganado*. Comité Internacional de La Cruz Roja. <https://www.icrc.org/es/document/mexico-tres-anos-de-la-ley-de-desaparicion-urge-profundizar-implementacion-y-proteger-lo>

Homepage - Center for Human Identification. (2022, September 14). Center for Human Identification. <https://www.unthsc.edu/center-for-human-identification/>

Mary Beth Sheridan. (2020, December 3). *La cifra de desaparecidos en México a causa del narcotráfico supera la suma de desapariciones en Argentina, El Salvador y Guatemala durante sus respectivos conflictos armados internos*. Washington Post; The Washington Post. <https://www.washingtonpost.com/graphics/2020/world/mexico-losing-control/mexico-desaparecidos-narcotrafico/>