Mexico Between Acquiescence and the Politics of Denial

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After more than a decade of observations, monitoring, individual communications, reports and an official visit to Mexico, the UN Committee on Enforced Disappearances (CED) has now concluded that there are well-founded indications that enforced disappearances have been and continue to be committed in Mexico as crimes against humanity. The decision marks the first time the CED has brought the situation of a State Party to the attention of the General Assembly. It also introduces an important distinction: enforced disappearances cannot be reduced to a single federal policy but may instead engage multi-level state responsibility through collusion, participation, or acquiescence across levels of government.

The decision

On 2 April 2026, the CED adopted a decision invoking, for the first time, the mechanism under Article 34 of the International Convention for the Protection of All Persons from Enforced Disappearance ("the Convention") to bring the situation of a State Party to the attention of the General Assembly. The aim of the decision is for the General Assembly to consider measures designed to support the country in the prevention, investigation, punishment and eradication of this crime.

The CED did not find sufficiently substantiated evidence of a single federal policy deliberately aimed at committing enforced disappearances, whether by action or omission, within the meaning of the Rome Statute (para. 118). Nonetheless, it did conclude that there is sufficient basis to maintain that enforced disappearances have been committed through widespread or systematic attacks, conceived and carried out by organisations or with the complicity, participation or acquiescence of public authorities at the municipal, state and federal levels (paras. 64–66).

The reception of the decision in Mexico

The decision was rejected by the Mexican government, which challenged the CED's interpretation (including on a personal level), defended recent regulatory and institutional progress, and emphasised that the CED itself had ruled out the existence of a federal policy aimed at the commission of enforced disappearances. The State has advocated a restrictive interpretation of the Convention, arguing that enforced disappearances are those attributable to state agents or, at most, to private individuals with demonstrable acquiescence under a very strict standard; most cases, by contrast, would fall within the scope of common criminal violence. In its 2025 response and its public statement of April 2026, the government insisted that Article 34 was designed for contexts in which disappearances are committed in a widespread and systematic manner by State agents, and further emphasised that the CED itself had ruled out the existence of a federal policy of attacks against the civilian population.

At the same time, the Mexican government calls for recognition of the reforms undertaken, such as the enactment of specific legislation, the establishment of specialised institutions, search mechanisms and databases. The CED has acknowledged on several occasions that regulatory progress has been made; the problem is that such progress has been insufficient and ineffective in altering the structural trends of the phenomenon. The CED clearly states that, despite the efforts made, the situation has not improved since the 2021 visit, that the authorities remain overwhelmed by the scale of the crime, and that structural changes are still needed to tackle it effectively (para. 120).

Victim groups approved the CED decision and criticised the state's position. What the state's official response overlooks is that even cases in which the killings were physically carried out by members of organised crime take place within a context of structural impunity, institutional fragmentation and a crisis in the forensic system. This is precisely why we must ask: what kind of responsibility arises when a disappearance cannot be directly attributed to the state, yet cannot be dismissed as merely a matter of 'organised crime'?

The dispute over acquiescence

The CED's response suggests that the appropriate framework is one of complex responsibility, comprising direct action in some cases, collusion in others, and structural tolerance in many more. That is why acquiescence is now the decisive category for understanding Mexico. Although there is no definition in the convention and other international treaties, traditionally acquiescence has been understood as "thus consent inferred from a juridically relevant silence or inaction".

However, in March 2023, the CED adopted the Statement on Non-State Actors, giving a definition as follows:

> *"5. 'Acquiescence' means that the State knew, had reasons to know or ought to have known of the commission or of the real and imminent risk of commission of enforced disappearance by persons or groups of persons, but that one of the following applies:a) The State has either accepted, tolerated or given consent to this situation, even implicitly;b) The State has deliberately and in full knowledge, by action or omission, failed to take measures to prevent the crime and to investigate and punish the perpetrators;c) The State has acted in connivance with the perpetrators or with total disregard for the situation of the potential victims, facilitating the actions of the non-State actors who commit the act;d) The State has created the conditions that allowed their commission6. In particular, there is acquiescence within the meaning of article 2 when there is a known pattern of disappearance of persons and the State has failed to take the measures necessary to prevent further cases of disappearance and to investigate the perpetrators and bring them to justice."*

On the other hand, since 1988, the Interamerican Court of Human Rights (IACtHR) has recognized acquiescence as "the lack of due diligence to prevent the violation" (*Velásquez Rodríguez vs. Honduras*, para. 172) and, in 2009, the IACtHR condemned Mexico, arguing that "the State was aware that there was a real and immediate risk [...] it failed to demonstrate that it had taken reasonable measures" (*González et al. vs. México*, para. 283 ff.)

That is why, in this case, acquiescence should be understood as the legally relevant tolerance or tacit consent of the State in the face of deprivation of liberty and concealment carried out by non-state actors. It is the legal term for describing a reality in which the boundary between omission, tolerance, collusion and participation is, in practice, blurred.

The CED noted that many of the complaints received describe patterns in which public authorities have been directly involved or in which non-state actors have operated with their support or acquiescence (paras. 64–66); furthermore, it maintained that, even under the restrictive interpretation advocated by Mexico, several of the situations examined could fall within a framework of prior knowledge, manifest state conduct and tacit consent (para. 62). And the CED had already clarified, since its 2021 visit, that this responsibility encompasses contexts in which criminal organisations operate with the support of officials, under their *de facto* control, or within a known pattern of disappearances against which the State fails to take effective measures to prevent the recurrence of harm or to investigate it seriously.

The seriousness of the situation lies in the fact that the CED, given the scale and severity of the events, considers these to be crimes against humanity. The official response fails to dispel a fundamental doubt: if the State maintains that the problem lies with criminal structures outside its federal policy, it should be particularly willing to accept mechanisms

for cooperation, technical assistance and international investigation.

Security-sector and institutional reform

The forensic crisis, the proliferation of mass graves and the fact that families continue to carry out search functions that should fall to the State constitute the first major area in which international support could prove decisive. The CED has repeatedly highlighted the inadequacy of records, the lack of reliable data, the insufficiency of forensic services and the need to distinguish between enforced disappearances and other cases (paras. 47 ff.). It has warned of the number of unidentified bodies and graves that remain without adequate attention and emphasised the persistence of the phenomenon and the failure to prioritise criminal investigations (paras. 21 ff.). A potential resolution by the General Assembly could therefore provide technical and financial support to improve administrative capacity, to restore traceability, strengthen evidentiary systems and reduce the burden that has been displaced onto victims' families.

This support could be translated into a request to the Secretary-General and Office of the United Nations High Commissioner for Human Rights (OHCHR) to design a technical assistance package for Mexico focused on search, forensic identification and investigation, such as the recent UN work on missing persons. It could invite Member States, UN agencies and specialised bodies to provide material and financial assistance as well as technical cooperation; it could call for the creation or strengthening of an integrated national search and information system using the CED's Guiding Principles.

A second area of opportunity is the review of the public security model. The CED reiterated the close correlation between the increase in disappearances since 2006 and the 'war on drugs' policy, characterised by the deployment of armed forces in security operations. Without equating that policy with a federal policy of enforced disappearance, the CED identifies it as part of the structural context that facilitated the expansion of the phenomenon (para. 88). The point is that militarisation contributed to an institutional environment marked by opportunities for abuse, collusion and concealment. Any serious response to the CED's decision therefore requires a reassessment of the security model itself, including civilian control, oversight mechanisms, documentation duties and the effective subordination of security operations to civil legal accountability.

A third issue is Mexico's institutional coordination problem. The creation of specialised institutions and legislation has not by itself altered the structural conditions of impunity. Fragmentation among municipal, state and federal authorities continues to disperse responsibility, obstruct coordination and allow each level of government to shift blame onto another. The CED points to multiple forms of state implication across different institutional levels (para. 62), that is why a reform should address how responsibilities are distributed, coordinated, supervised and enforced across the State apparatus as a whole.

Conclusion

The central analytical point is now clear: the significance of the CED's decision lies in identifying a broader structure of responsibility in which direct action, collusion, participation and acquiescence coexist across different levels of the State. For that reason, the government's insistence that no such federal policy exists is no longer a sufficient response. The real issue is whether Mexico is prepared to confront a pattern of disappearances sustained by structural impunity, institutional fragmentation and legally relevant forms of tolerance that cannot be dismissed as the work of "organised crime" alone.

Mexico now faces a specific political choice. It can persist in a defensive strategy centred on contesting the CED's interpretation, narrowing the scope of attribution and protecting the State's institutional narrative. Or it can accept that the Committee's decision opens a necessary space for international cooperation, technical assistance and deeper structural reform in the fields of investigation, forensic capacity, public security and accountability. The former path would preserve official discourse; the latter would begin to

address the conditions that have allowed the crime to endure.

What is ultimately at stake is not the credibility of the State's self-depiction, but the rights of those who continue to search for the disappeared, identify bodies, preserve evidence and demand truth in the absence of effective institutional answers. A response that remains focused primarily on institutional defence risks deepening the very conditions that have forced victims and their families to bear, almost alone, the burden of disappearance.

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