

## INTRODUCTION

The 1986 United Nations Declaration on the Right to Development brings one definition of development in the context of human rights that relates to well-being, participation and fair distribution of benefits (United Nations 1986: 1). As pointed out in the Making of Development course, these two fields often overlap in their goals.

Making use of different lenses of development, I jump to the anticipated conclusion that development is a subjective matter as it strongly varies depending on who's talking and his/her context and reality. In contrast, Human Rights are not subjective.

While the sole outsider view of human rights seems clear, their enforcement is truly tied to an ocean of situations, legacies, cultures and contexts, hence its complexity. The human rights-based approaches to development (HRBAs) offer a range of instruments through which different actors in the international, national and local spheres will act upon.

## CONTEXT

Even when the the goal on the HRBAs is to drive social justice or social change in the long run, the true dimension of these is better understood as focalized interventions within a set of conditions that can be translated as cases or targets (Gauri and Gloppen 2012: 487). HRBAs are more precisely defined as "principles that justify demands against privileged actors made by the poor or those speaking on their behalf, for using national and international resources and rules to protect the crucial human interests of the globally or locally disadvantaged" (Gauri and Gloppen 2012: 486).

As mentioned by Gauri and Gloppen (2012), there are four analytic types of HRBAs and these are differentiated based on the modalities under which they operate, these approaches are namely: global compliance, programming, rights talk and legal mobilization. For the sake of this essay I will elaborate only on the fourth dimension of these since it provides a more robust field of action, promotes social inclusion and its effects, while not without its caveats, are largely positive within the context of the example I shall explain further.

The HRBA of legal mobilization approach comprehends litigation at local or national courts considering claims from the socially marginalized, often using civil associations to speak on their behalf, against privileged actors or state institutions (Gauri and Gloppen 2012: 497).

When excluding the international and regional spheres from the formula, it bypasses the dilemma of blind universal applicability of a law or norm. This is relevant when either a human right or law clashes with the local culture. This in turn allows a direct dialogue between the relevant parties.

Litigation in local courts with a series of cases with parallelism also help to create jurisprudence that answers to a social demand and establishes more efficient ways of justice impartation, especially in countries with weak institutions and/or with a record of serious human rights violations (Gauri and Gloppen 2012: 498).

## CENTRO DE DERECHOS HUMANOS MIGUEL AGUSTÍN PRO JUÁREZ A.C.

Also known as Centro Prodh, is a Mexican non-profit civil association that seeks to promote structural changes so that society has the conditions to enjoy and exercise the totality of their human rights in an equitable manner. The people and groups represented by the Centro Prodh are mainly indigenous peoples, women, migrants and victims of social oppression.

While the Centro Prodh has represented the victims of a vast number of iconic cases, the Ayotzinapa case is perhaps the most prominent one, where in 2014, 43 students from a rural teachers' college were forcibly abducted by the Mexican state security forces.

There's a general consensus that the case was widely mismanaged by the authorities for over 4 years with a great number of inconsistencies on the official version of the story. Without going into the specifics of the pieces of information that have been validated and are taken as truthful, the largest portion of the story remains unknown.

Throughout the early stages of the investigation, local and federal authorities were found to be deeply implicated. The so-called official truth has been widely criticized due to its inconsistencies and overwhelmingly proven farcical by external experts (GIEI, 2016). Later evidence also showed that the vast majority of the alleged evidence in form of confessions were obtained under torture (OHCHR, 2018).

Paradoxically, Mexico has signed and ratified the International Convention for the Protection of All Persons from Enforced Disappearance of the United Nations (UN Human Rights, 2017), as well as the Inter-American Convention on Forced Disappearance of Persons from the Organization of American States (OAS, 2002). This manifests that the signing and ratification of such supra-national instruments have poor effect on the factual approaches implemented by a state.

Even at a national level, in 2017 the General Law on Forced Disappearance of Persons, Disappearance Committed by Individuals and the National System of Persons Search was instrumented (Government of Mexico, 2017) and was until early 2019 that an implementation plan for such law was presented (Government of Mexico, 2019).

The government recognizes that in Mexico are over 40,000 missing persons, 1,100 clandestine graves and more than 26,000 unidentified dead bodies. A good portion of this toll can be dated back to 2006 when the approach of the Mexican state to fight face-to-face the drug cartels and organized crime cells began.

The forced disappearance of persons has become the most painful tragedy in the recent years in Mexico. The Ayotzinapa case has taken the form of icon of resistance and struggle for other cases and situations of social unrest as it has exposed the impunity and indolence of the state.

When approaching to the authorities claiming for truth and justice, the families of the students were re-victimized by being ignored and later fooled with the official truth. The Centro Prodh, among other civil associations, has accompanied the families of the students and other individuals involved in the case, providing them with the platform so their voices could be heard, as well as legal, psychological, technical and logistical assistance.

While the case remains unsolved, some modest but important achievements have been made: the creation of the commission for the truth and access to justice in the Ayotzinapa case, followed by the installment of the special unit of investigation and litigation in June (Centro Prodh, 2019). The

implementation plan of the law of forced disappearance has a robust scope that includes consultation to victims' groups, takes into account international bodies recommendations and witness protection programs.

## CONCLUSIONS

Human rights are indeed key for development if we acknowledge that the fundamental right to life, liberty and security has a paramount importance in the development of every individual. Legal mobilization in the domestic arena seems to bring the most tangible and lasting positive effects when it comes to enforce the procurement of human rights by the state.

The specific actions driven by associations like the Centro Prodh are fundamental to represent, empower and bring as much as possible justice and truth to the victims that by large are in conditions of poverty and marginalization.

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