

Thesis

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RIGHT TO THE DEFENSE OF HUMAN RIGHTS. CONSTITUTES AN AUTONOMOUS HUMAN RIGHT RECOGNIZED BY THE PARAMETER OF CONTROL OF CONSTITUTIONAL REGULARITY.

Facts: A civil association filed an indirect amparo lawsuit against the Decree amending, adding and repealing several provisions of the Federal Telecommunications and Broadcasting Law, published in the Official Gazette of the Federation on October thirty-first, two thousand seventeen, as it considered that the human right to defend human rights, in particular, the rights of audiences, was violated to its detriment.

Legal criterion: The First Chamber of the Supreme Court of Justice of the Nation recognizes that, as part of the mechanisms to consolidate the postulates of democracy, it is fundamental to protect and guarantee the right of persons, individually or collectively, to "defend human rights", which consists of carrying out any work or action tending to the recognition of human rights as a whole or of some of them, whether civil, political, social, economic or cultural rights.

Justification: The foregoing finds its basis, in the first place, in the United Nations General Assembly, who through Resolution 53/144 approved the "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms", in which it was recognized that everyone has the right, individually or collectively, to promote and seek the protection and realization of human rights and fundamental freedoms at the national and international levels. Secondly, in the General Assembly of the Organization of American States, which, through Resolution 1671, urged the Member States - including the Mexican State- to continue with their efforts to grant them the necessary guarantees and facilities in order to continue freely exercising their tasks of promoting and protecting human rights. Thirdly, in the case of "Defensor de Derechos Humanos y otros Vs. Guatemala", in which the Inter-American Court of Human Rights ruled that what allows attributing to a person or group of persons the status or quality of human rights defender lies in the work they carry out, regardless of whether the person doing so is a private individual or a public official; as well as in the case of "Valle Jaramillo Vs. Colombia" case, in which it ruled that the work carried out by human rights defenders is fundamental for the strengthening of democracy and the rule of law, insofar as they act by constantly demanding, monitoring, making visible and denouncing situations in which the enjoyment and enjoyment of human rights is not guaranteed or is even violated. Fourthly, in the general obligation of the State to promote, respect, protect and guarantee the rights of women and children.



Article 1, third paragraph, of the General Constitution. And, in fifth place, in the horizontal effectiveness of human rights, by virtue of which individuals are also obligated to promote, protect, respect and guarantee them.

Amparo in review 1031/2019. Centro de Litigio Estratégico para la Defensa de los Derechos Humanos, A.C. January 19, 2022. Five votes of Ministers Norma Lucía Piña Hernández, who agrees with the sense, but with a reservation in the considerations, for additional considerations, and reserved her right to formulate a concurring vote in which she separates herself from the considerations contained in this thesis, and Ana Margarita Ríos Farjat, who formulated a concurring vote, and Justices Juan Luis González Alcántara Carrancá, Jorge Mario Pardo Rebolledo, who formulated a concurring vote in which he separates himself from the considerations contained in this thesis, and Alfredo Gutiérrez Ortiz Mena, who formulated a concurring vote. Speaker: Justice Juan Luis González Alcántara Carrancá. Secretary: Pablo Francisco Muñoz Díaz.

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