

Nomination form

International Memory of the World Register

Judicial files concerning the birth of a right: the effective remedy as a contribution of the Mexican writ of *amparo*¹ to the Universal Declaration of Human Rights (UDHR) of 1948.

2014-100

1.0 Summary (max 200 words)

The judicial files submitted correspond to writs of *amparo* adjudicated by the Mexican federal courts between 1869 and 1935; bearing witness to the birth of a legal institution incorporated to constitutional systems in different countries around the world regarding the protection of individual rights. The *amparo* trial led to the inclusion of the right to an effective judicial remedy into article 8 of the UDHR. The scope of protection guaranteed by such a trial, of remote Spanish origin but developed during the 19th century in Mexico, covers property rights, public liberties, equality, security rights, and the right to life of both Mexican nationals and foreigners.

During the development, deliberation, and approval of the UDHR, other proposals were considered regarding the notion of *effective remedy*. The Anglo-Saxon tradition of *habeas corpus* seemed too specific, focusing only on physical integrity. The suggestion brought by the Mexican delegation predominated, since the writ of *amparo* functions as a judicial mechanism to counter abuses of power in all possible forms.

This novel initiative filled a void in the UDHR. The objective of this nomination is to demonstrate that 80 years before the UDHR, the Mexican writ of *amparo* had begun to emerge as an effective remedy against abuses of power, and that it held the public trust even during authoritarian times.

2.1 Name of nominator (person or organization)

Suprema Corte de Justicia de la Nación (Supreme Court of Justice of Mexico, SCJ)

2.2 Relationship to the nominated documentary heritage

Generator and Custodian

2.3 Contact person(s) (to provide information on nomination)

Dr. Carlos Pérez Vázquez, Human Rights Coordinator and Chief of Staff to the Chief Justice, Supreme Court of Justice of Mexico

2.4 Contact details

Name	Address
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¹ "Many dictionary and legal definitions have been offered for the term "amparo," but the Mexican institution of this name has no exact equivalent in English or common law. Literally, it means protection, favor, assistance, or support. Legally, in one of its aspects, it resembles our common law writ of habeas corpus. This particular aspect of physical freedom is the basis of similarly named institutions of amparo in other Latin American nations. However, as the amparo has evolved and been molded over a century of time in Mexico, it embraces, in addition to the habeas corpus elements, aspects of other common law writs of injunction, error, mandamus, and certiorari." Helen C. Clagett & David M. Valderrama, 'Writ of Amparo, Judicial Review, and Protection of Individual Rights', *A revised guide to the law and legal literature of Mexico*, Washington: Library of Congress, 1973, p. 38.

Carlos Pérez Vázquez

Avenida Pino Suárez 2, Colonia Centro, Distrito Federal, C.P.
06065, México

Telephone

00 (52) 55 41131315

Facsimile

Email

cperezv@mail.scjn.gob.mx

3.0 Identity and description of the documentary heritage

3.1 Name and identification details of the items being nominated

If inscribed, the exact title and institution(s) to appear on the certificate should be given

Title: *Expedientes sobre el nacimiento de un derecho: el recurso efectivo como aportación del juicio de amparo mexicano a la Declaración Universal de los Derechos Humanos (DUDH) de 1948.* (Judicial files concerning the birth of a right: the effective remedy as a contribution of the Mexican writ of *amparo* to the Universal Declaration of Human Rights (UDHR) of 1948).

Name of the Institution: *Suprema Corte de Justicia de la Nación de México* (Supreme Court of Justice of Mexico, SCJ)

Description of the items: A sample of 31 case files from the period from 1869 to 1935.

The judicial files to be evaluated concern individual petitions of *amparo* initiated by common citizens before Mexican federal courts; 18 of these cases were heard by the Supreme Court of Justice of Mexico (SCJ) and 13 by federal District Courts. They have been drawn from a selection made by the staff of this Supreme Court, advised by independent experts, wisely recruited for this project. The first group of case files was selected from among the 275,000 case files that comprise the Supreme Court's historical collection; the second group of case files form part of those held by the federal District Courts, which store nearly 87,000 case files. The first were found in Mexico City; the second in 6 historical court archives in different parts of the country (Campeche, Cuernavaca, Guadalajara, Hermosillo, Monterrey, and Queretaro), under custody of the Archive Center of the Mexican Supreme Court and of the Legal Cultural Houses.

This selection of documents ranges from the publication of the first *Ley de Amparo* (the Amparo Trial Statute) in 1869 up to the publication of the *Ley de Amparo* of 1935, which remained in effect until 2013. The sample demonstrates that the *amparo* procedure, even since its origin, covered a very wide spectrum of the protection of individual rights. On the other hand, such a wide protection grew expansively, reaching different continents. Federal judges became protectors of persons, even against authoritarian orders issued by other branches of the State. This occurred in Mexico decades before the notion of effective judicial remedy appeared in the Universal Declaration of 1948.

This selection of case files encompasses a wide range of topics, which include private property rights and equality, public liberties, guarantees of safety and certainty, access to natural resources, and the forms of protecting human life, which was particularly at risk during tumultuous times in Mexico. The Supreme Court archives held in each state, both in Mexico City and through a system of Legal Cultural Houses present in 45 cities around the country, offer thousands of court files that may be consulted by the public, and which demonstrate the particular problems found in each region of the country. These case files track real life stories; they are a historical memory of public and private institutions involved. They reflect realities in time and space.

3.4 History/provenance

The case files generated by the federal District Courts were, in the beginning, held under their custody, later on, due to insufficient space, deposited in the local public archives; since 1997 these files have been stored by the Supreme Court of Justice.

The case files generated by the Supreme Court have been in its care. Between 1978 and 1991, also a lack of space, they were deposited in the National Archives. On June 29, 2000, the reintegration of the archival collection at the SCJ building was formalized. This was mainly due to its jurisdictional value and because this facility can offer the proper conditions for its preservation and conservation.

In 1995, according to the provisions of the Federal Judiciary Power Statute (*Ley Orgánica del Poder Judicial de la Federación*), a specific obligation was imposed on the Supreme Court to preserve all legal documents from the whole federal court system. The institutional capacity acquired since then is noteworthy in terms of safeguard, systematization, order, availability, free of charge to the public and geographical distribution throughout the country, the existence of kilometers and kilometers of case files that date from before Mexico's Independence to date. However, the value of these archives is not only quantitative; it is also, and above all, qualitative, holding amongst its pages the history of common people during the different stages of history, representing the constitutional conformation of the American continent.

4.0 Legal information

4.3 Legal status

In 1995, the Organic Law for the Federal Judiciary Power imposed on the Federal Supreme Court of Justice the obligation to create a Center of Documentation and Analysis, tasked with safeguarding all the federal court files that had been held in different archives, and which had been stored under precarious conditions. The documentary memory of the federal cases ran the risk of disappearing.

Since then, the Plenary of the Supreme Court was responsible for regulating the operation of the Center of Documentation and Analysis in reference, specifically in terms of the coordination and administration of the central legal archive (of the Supreme Court) and those of the federal jurisdictional bodies outside Mexico City, historical and administrative records and archives that comprise the documentary heritage safeguarded by this high court.

4.4 Accessibility

Describe how the item(s) / collection may be accessed

In 1995, the Supreme Court was facing a critical situation due to the little importance that had, until then, been given to the preservation of the documentary heritage. The court files were virtually inaccessible by the public and their use had been practically restricted to jurisdictional personnel. To centralize the files and prevent these from being damaged, warehouses were leased for their storage. But after a certain time, warehouses were no longer sufficient.

Given the costs of renting, it was considered preferable to acquire buildings where, in addition to offering direct access to court files, a specialized legal library could be made available to the public in all the federal circuits. Nearly twenty years later, the Supreme Court's system of libraries, available at the same buildings where the legal archives are housed (available at locations distributed throughout the country), with a bibliographic catalog, currently, of nearly one million volumes published by the major publishers of legal and social sciences materials in the world. Collected at 45 Legal Cultural Houses, with locations in the 31 states of Mexico, and also at the centralized locations in Mexico City,

the court files can be consulted in comfortable venues adapted for academic work, and are complemented with books and quality journals in the reference libraries.

The institutional commitment of giving documentary access to everyone can be measured according to public spending allocated each year by the Supreme Court to safeguard its archives and libraries. Plus the construction costs for a new building to house the central archive, which will gather the court files from 1950 to the present (expected to be completed by the end of 2014); 250 million pesos (approximately US\$20 million) is budgeted each year for the operation of the 45 Cultural Houses around the country alone. To operate the system, 450 Supreme Court staff have been assigned permanently (most of whom have a legal background), to the different locations around the country, and are available to help any person interested in consulting these archives. The real challenge in the upcoming years will be to make these spaces more inviting. The SCJ would like to see more and more users, national and foreigners, consulting the available legal materials. In addition, it would like to welcome a wider spectrum of users, not only legal professionals, but also historians, sociologists, philosophers, political scientists, anthropologists, writers, students, or any other person interested in understanding the different realities of the country reflected in court disputes.

Article 6 of the Mexican Constitution was amended in 2002 to include as a fundamental right, access to information and the protection of personal information, also creating a federal autonomous administrative body responsible for guaranteeing this right. Accordingly, the Supreme Court undertook the task of facilitating access to its documentary archives, through concrete measures.

The files submitted on this nomination, as well as all those held in the archives safeguarded by the Supreme Court, can be accessed by everyone.

Therefore any user can request documentation under the modalities of physical consult, photocopy, certified copy, by email, CD, or DVD.

In addition to this, an index of files of the High Court from 1898 to 1928 is available online via the website of the SCJ under the section *Catálogo de Expedientes Históricos (1898-1928)* (Catalog of Historical Case Files (1898-1928)). There is also an ongoing program to catalog and digitalize historical case files generated by the federal jurisdictional bodies outside Mexico City, which will allow online consultation of the catalog records and digitalized images of these files.

Specifically, regarding the case files submitted to the MoW-UNESCO program, described in APPENDIX-1, the cases concerning specific *amparo* trials, brought before the Supreme Court of Justice, and also those files held in the historical court archives outside Mexico City in the Legal Cultural Houses in Campeche and Cuernavaca, are cataloged according to archival and legal criteria on a consulting system that allows access to data and images; while the documentation held in Guadalajara, Hermosillo, Monterrey, and Queretaro is in the process of being cataloged. All these files are available to everyone.

The Supreme Court has disbursed material and human resources. It is committed to continue doing so in order to create easier access and greater availability, through physical consults and a program of selective digitalization of documents, currently being developed.

Added to this nomination, the Supreme Court will facilitate the consult of documents under its care, through specific programs that build on the efforts made and public resources disbursed until now, so that any individual anywhere in the world will be able to remotely access any of the documents most representative of the founding historical eras of our law system, complementing the partially digitalized materials with a program of the selective digitalization of files that will be extended into the future.

The Mexican Supreme Court will also continue executing internal policies on training and awareness for the personnel responsible of safeguarding the materials at both the Documentation Center and the Cultural Houses, in order to facilitate public other than professional researches. In addition, the staff should also have a legal background to facilitate the user the understanding of technical legal

aspects; thus, making easier to anyone have a plane understanding of complex documentary expressions which, represent a clear blueprint of different times and issues, as occurred in many different regions around the country.

4.5 Copyright status

Describe the copyright status of the item(s) / collection

In Mexico, article 14, section VIII of the Federal Copyright Law provides that court and legal texts are not subject to such protection.

5.0 Assessment against the selection criteria

5.1 Authenticity.

These documents were generated by the District Courts of the Federal Judiciary and the SCJ; also, they bear the original stamps, seals, signatures, and certifications that confirm their authenticity.

5.2 World significance

The documentary heritage proposed for registry in the UNESCO-MoW program is a direct legal antecedent to the content of the UDHR, an international instrument that, as we know, was a response from the international community to the horrors of Nazism and the Second World War, and the enormous efforts of the United Nations member states to incorporate into a single catalog the minimum rights of all persons to live in dignity.

Multiple proposals and initiatives arose during the process of the development, deliberation, and approval of the UDHR to include different rights in the text originally drafted by the Human Rights Commission. As part of this work, the Third Committee of the United Nations General Assembly, prior to its approval by the General Assembly, on the night of December 10, 1948, the Mexican delegation proposed the incorporation of a new right, from the perspective of international law into the draft text: the right to an effective remedy against the abuse of power, the origin of which is found in the Mexican legal system since the 19th century. The Latin American tradition of the writ of *amparo* appeared to be more appropriate than the Anglo-Saxon *habeas corpus*, which, as a legal remedy, only protected against acts of deprivation of freedom.

The initiative had its roots in the legal institution of the writ of *amparo*, present in Mexican legislation since the second half of the 19th century. Its expansion over the Latin American region during the first decades of the 20th century and the regularity with which this remedy is perceived can also explain the inclusion of the notion of the *amparo* months before, in the American Declaration of the Rights and Duties of Man, approved in Bogota in May 1948.

During the 9th International American Conference, from which the American Declaration arose, the Mexican delegation in Bogota, comprised of top level diplomats (who months later were also present at the deliberations for the UDHR), proposed that article 18 of the American Declaration include, for all individuals, a “simple and brief proceeding to seek the protection of justice”². The

² Ministry of Foreign Affairs. “*Conferencias Internacionales Americanas (Segundo Suplemento 1945-1954): Recopilación de tratados y otros documentos*” (International American Conferences (Second Supplement 1945-1954): Recopilation of treaties and other documents). Mexico, SRE, second reprint 1990. Pg. 123.

intention of the Mexican Chancellery argued for the generalization of a national legal remedy, effective within each country, although susceptible to preventing the creation of an international system that would Foster an “undue use of the diplomatic protection of citizens abroad”, invading the purview of national authorities. The latter, in accordance with the non-interventionist theory that has characterized the Mexican state on the international stage³.

At the end of 1948, the approval of the proposal led by the Mexican diplomat Pablo Campos Ortiz and considered novel by various delegations, filled a void in the draft of the UDHR. The access to an effective remedy implies specific means of control on the acts of the authorities that affect or violate an individual's rights, furthermore it is a legal institution with a broader range of protection than that guaranteed by other schemes of legal protection, such as the *habeas corpus* or the French remedy of appeal (*Cassation*).

In the opinion of representatives of other countries who participated in the preparatory work for the UDHR, such as Guy Pérez Cisneros, delegate from Cuba and rapporteur for the Subcommittee on the Rights of Man (body responsible for drafting a Declaration text in a short time), the work of the 9th American Conference influenced the drafting of the project for the Human Rights Commission of the United National Economic and Social Council, created almost in parallel to the project for the Inter-American Legal Committee of Bogota.

According to the Cuban delegate, both the American Declaration and the UDHR had a common origin. On September 5, 1944, regarding the Dumbarton Oaks Project, the Mexican Ministry of Foreign Affairs held the following position: “[o]n the one hand, achieve that the human rights be laid out in a Declaration that is conventionally accepted by all States; and on the other, organize an international system to ensure that said document receives practical application”.⁴

This served as the basis for the initiative to consider judicial remedy as an essential right of individuals, being simple and swift, to protect them against acts that would violate their basic rights and freedoms as recognized by the Constitution or the Law.

The text with which the Mexican writ of *amparo* was recognized in the UDHR states:

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

At the end of the Third Meeting, the Mexican delegate Campos Ortiz, in his address to the United Nations General Assembly on December 10, 1948 at the Palais de Chaillot in Paris⁵, affirmed that regarding the UDHR, although it did not constitute a legal obligation, the States should observe “*always the base, broad and firm, to carry out one of the highest purposes of the United Nations: to promote universal respect for Human Rights*”. Under an international order of peace, the Mexican delegate continued, a regime of respect for individual rights was necessary, while the main concern should be the need for an effective legal remedy.

The positive impact of this remedy, through article 8 of the UDHR, generated the conditions needed for the development of international systems for the protection of human rights, as a key element in the rule of the prior exhaustion of domestic judicial resources, the basic rule of the principle of complement and subsidiarity that characterizes International Human Rights Law.

This contribution from the Mexican tradition of the writ of *amparo* in 1948 was recognized by other participant in the Third Committee of the General Assembly of the United Nations. René Cassin,

³ Declarations made in the National Press by the Secretary of Foreign Affairs, Jaime Torres Bodet on March 19, 1948, Ministry of Foreign Affairs. “*México en la IX Conferencia Internacional Americana*” (Mexico at the 9th International American Conference). Mexico, SRE, 1948. Pg. 312.

⁴ Ministry of Foreign Affairs. “*México en la IX Conferencia Internacional Americana*” Mexico at the 9th Inter-American International Conference), Mexico, SRE, 1948. Pg. 137.

⁵ Op. Cit. Pg. 131

member of the Drafting Commission (as a representative of France)) and rapporteur for the initial proposal⁶, said that for “[t]he effective realization of Human Rights”, in his opinion, the Mexican delegation had provided a very important text, article 8, led by “Mr. Campos Ortiz”, proposal that he rated as “acutely accurate”⁷.

Examples that support the importance of the right to an effective remedy are found while seeking the influence of the writ of *amparo* in similar human rights protection mechanisms either internationally or regionally, following the UDHR; such as the European Convention on Fundamental Rights and Freedoms of 1950,⁸ the International Convention on Civil and Political Rights of 1966,⁹ the American Convention on Human Rights of 1969¹⁰, and the African Charter of Human and Peoples Rights of 1981.¹¹

In Latin America, constitutional history shows that the influences of the Mexican writ of *amparo* are also found in the constitutional legislation of countries in the region, such as El Salvador, which incorporated it following the debates held by its Constituent Congress in 1886, where there are clear references to the Mexican model of individual protection. Similarly, in Honduras and Nicaragua, where it appeared for the first time and was recognized in their respective Constitutions of 1894. Later, during the first half of the 20th century, the writ of *amparo* was introduced into the Constitutions of Guatemala in 1921, Panama in 1941, and Costa Rica in 1949.

The draft constitutions of 1898 and 1921 for the two attempts at a Central American Federation included the writ of *amparo*. In addition, Argentina offers an important development in the *amparo* trial model, which although incorporated into its provincial legislation during the first half of the 20th century, assigning jurisdiction to state judges; it is incorporated jurisdictionally in 1957 and 1958. In 1966, the *amparo* trial was legislated for the first time and the Argentinian Constitution of 1994 formally established the *amparo* procedure. In Brazil, during the constituent debate of 1933-1934, which would establish the writ of *mandamus* (*mandado de segurança*), there were influences and important references to the Mexican writ of *amparo*, particularly in the use of the verb “*amparar*” (to protect) to refer to the action resulting from the writ.

In Europe, Spain adopted the institution of the Mexican writ of *amparo* in the “remedy of protection of individual guarantees”, which is attributed to the Mexican constitutionalist in exile Rodolfo Reyes, whose influence on the constituents of 1931 of the Second Republic is seen in academic literature on the different aspects of the constitutional drafts. Although it had its own legal source, in Germany the Fundamental Law incorporated an individual constitutional remedy in 1949

⁶ Toro de la Huerta, Mauricio Iván. “Anexo II” localizado en “La Declaración Universal de Derechos Humanos: un texto Multidimensional (Fascículo 2)” (Appendix II to the “Universal Declaration of Human Rights: a Multidimensional text (part 2)”) CNDH, Mexico, August 2012; Pg. 51. Available on the CNDH website at: http://200.33.14.34:1033/archivos/pdfs/DH_99.pdf

⁷ Cassin, René. “El problema de la realización efectiva de los derechos humanos en la sociedad universal” (The problem of the effective realization of human rights in world society) found in: various authors “Veinte años de Evolución de los Derechos Humanos” (Twenty years of the evolution of human rights), UNAM-ILJ, Mexico, 1974; Pg. 397. Available on the Institute of Legal Research website at: <http://biblio.juridicas.unam.mx/libros/libro.htm?l=848>

⁸ Article 13. Right to effective remedy. All persons whose rights and freedoms recognized under this Convention have been violated have the right to effective remedy before a federal court, including when the violation has been committed by persons acting on duty of their official charge.

⁹ Article 2. 3. Each of the states party to this Convention commits to guaranteeing that: a) All persons whose rights or freedoms recognized under this Convention have been violated may seek effective remedy, even when the violation has been committed by persons acting on duty of their official charge; [...]

¹⁰ Article 25. Legal Protection. 1. All persons have the right to a simple and swift remedy or to any other effective remedy before the courts and tribunals holding jurisdiction, that protects them against acts that would violate their fundamental rights recognized by the Constitution, the law, or this Convention, even when such violation is committed by persons acting on duty of their official charge./ 2. The party states commit to: a) guaranteeing that the authority identified by the legal system of the state will rule on the rights of all persons that seek such remedy; b) developing the possibilities of the legal remedy, and c) guaranteeing compliance, by the corresponding authorities, with all rulings and decisions that have awarded the remedy.

¹¹ Article 7. 1. All persons have the right to have their case heard, which implies: a) the right to appeal before national bodies against acts that would violate their fundamental rights recognized and guaranteed by the conventions, laws, orders, and customs in effect [...].

(*Bundesverfassungsbeschwerde*) the characteristics of which are similar to the Mexican writ of *amparo*¹²; Austria and Switzerland also recognize remedies of constitutional protection, with different influences, but with the aim of being a useful and effective in protecting the individual; there is another similar development in the recognition of the right to effective remedy in other Eastern and Central European countries, and also in some countries in Asia and Africa.¹³

In this manner it was internationally recognized that the right to effective remedy is the useful means to guarantee both the protection of human rights and appropriate reparations for victims of human rights violations, as a central element of the right of access to justice, which contributed to the consolidation of the writ of *amparo* borne out of the Mexican legal system.

In summary, the universality and subsequent generalization of the right to effective remedy implied an institutional guarantee regarding the structure of the human rights protection national and international systems. Recapitulating the statements made by René Cassin in 1948, Mexico proposed the notion of effective remedy because behind this was the declaration approved in Bogota in February that same year. But he recognized that these elements had not been included in the early draft of the UDHR. Cassin “gives homage not only to the man that made the proposal, but to the country that possesses an institution called the writ of *amparo*”¹⁴.

Today, the Mexican Supreme Court gives continuity to the generation of legislative standards at the highest level of protection for a wide range of human rights. The evolution of its jurisprudence, over more than 150 years, bears witness to a substantive labor that since its origins has been based primarily on petitions of *amparo* granted to individuals by federal judges. The continuity of the protection derived from the *amparo*, and also subsequent legislative amendments (such as the important Human Rights constitutional reform published in 2011) explain why on December 10, 2013, the Mexican High court received the United Nations Prize in the Field of Human Rights given out every five years. The justification for the prize is based on “the Supreme Court of Justice having provided real protection of the constitutional rights of its citizens and residents in the country. This court has achieved important advances in the promotion of human rights through its interpretations and the application of the Mexican constitution and its obligations under International Human Rights Law; additionally, it has set important standards in human rights for Mexico and for the Latin

¹² HÄBERLE, Peter, “*El recurso de amparo en el sistema de jurisdicción constitucional de la República Federal de Alemania*” (The writ of relief in the constitutional jurisdiction system of the German Federal Republic); in Héctor Fix-Zamudio and Eduardo Ferrer Mac-Gregor (coords.), *El Derecho de Amparo en el Mundo* (Appeal law around the world), Mexico, Porrúa-UNAM-Konrad Adenauer Stiftung, 2006.

¹³ LÖSING, Norbert, “*El derecho de amparo en Austria*” (*Amparo trial in Austria*); FERNÁNDEZ SEGADO, Francisco, “*El recurso de amparo en España*” (*Amparo trial in Spain*); BRAGE CAMAZANO, Joaquín, “*La staatsrechtliche beschwerde o recurso constitucional de amparo en Suiza*” (The constitutional remedy of appeal in Switzerland); BRAGE CAMAZANO, Joaquín, “*Una visión panorámica del recurso constitucional de amparo en los países de la Europa Central y del Este (Chequia, Croacia, Eslovaquia, Eslovenia, Hungría, Macedonia, Polonia y Rusia)*” (An overview of the *amparo* trial in Eastern and Central European Countries (Croatia, Czech Republic, Hungary, Macedonia, Poland, Russia, Slovakia, and Slovenia), and CARDINAL, Pablo, “*La institución del recurso de amparo de los derechos fundamentales y la juslusofonia –los casos de Macau y Cabo Verde*” (The institution of the writ of *amparo* for fundamental rights and *juslusofonia* -the cases of Macau and Cape Verde), all in Héctor Fix-Zamudio and Eduardo Ferrer Mac-Gregor (coords.), *El Derecho de Amparo en el Mundo* (*Amparo trial around the world*), Mexico, Porrúa-UNAM-Konrad Adenauer Stiftung, 2006.

¹⁴ *Idem*. Pg. 397

American region”.¹⁵

In this context, the full comprehension of the historical development of the court cases, which for over a century and a half have resolved legal problems brought by any person, demonstrates the manner in which the constitutional state was consolidated, *i.e.* the rule of law in this region of the globe. However, it must also be considered that the federal court archives, insufficiently explored until now, comprise a fundamental vein for understanding the emergence of remedies of constitutional protection of rights worldwide.

In this context, the case files nominated represent a primary source for research in terms of the history and knowledge of the culture of humanity, as they held to understand the development of a legal institution aimed at protecting human rights.

5.3 Comparative criteria:

1 Time

The files nominated reveal the appearance and the process of the evolution of the writ of relief in Mexico, as the first procedural institution of its kind during the second half of the 19th century in Latin America. In the then young Mexican nation, the writ of *amparo* was created (first locally in 1841 in the state of Yucatan, and then federally in 1847) as an institution that would protect individual rights. At the time, the protection of rights was precarious and complicated, given the predominant perception that the will of the legislator was untouchable; the law could not be declared unconstitutional. The documents reveal how the Federal Judiciary acted to consolidate itself and gain legitimacy against the political power of the dictatorship or before the economic interests of the large corporations; and also the manner in which the federal courts proceeded when there were no mechanisms for defending specific rights, such as the protection of agrarian rights, before and after the agrarian reform. In this sense, the case files submitted to UNESCO illustrate how the *amparo* corrected these shortcomings and developed strength as an effective means for protecting rights.

The evolution of this remedy led it to become a paradigmatic legal element that provides a wide range of legal consequences for the protection and restitution of individual rights. Such characteristics led to the incorporation of similar mechanisms in different national legal systems and also in the universal human rights protection system. It is considered a legal remedy ahead of its time, given that the protection of human rights by legal means, with a scope similar to that of the *amparo*, started to be implemented in national courts around the world in 1950 with the impact of its recognition and incorporation into the UDHR.

3 People

¹⁵ Geneva, December 9, 2013.- The High Commissioner on Human Rights, Navi Pillay, congratulates the Federal Supreme Court of Justice for receiving the United Nations Human Rights Prize. “The work of the Supreme Court of Justice has been crucial in promoting the development and implementation of international human rights law in Mexico”, Pillay said. This is the first time the Human Rights Prize has been given to a court. “The fact that this prize is given to a High Court is a clear reflection of the essential role the judiciary power plays in protecting human rights. Judges, at all levels, are the protectors of human rights”, the High Commissioner added. It underlined the fundamental role of the Supreme Court of Justice in the implementation of the landmark Constitutional Reform regarding human rights in 2011, and the important decisions made by the Court to advance the protection of human rights on matters such as the scope of military jurisdiction, the superseding interests of children, the rights of indigenous peoples, the prohibition of torture, and the freedom of expression. The Supreme Court of Justice has made not only international human rights law its own, but also the standards of the Inter-American System on Human Rights, which shows how both legislations are reinforced. United Nations Press Release, at <https://www.scjn.gob.mx/modal/files/Navipillay.pdf>

The case files capture an important period in the construction of the constitutional system in the Americas; particularly, in countries with Hispanic roots. Those benefited from these cases were individuals (nationals or foreigners) and society in general, whose immediate effect was felt on recognizing their right to seek protection from the courts against arbitrary acts of authorities.

The documents selected illustrate an original manner in which, contrary to the contemporary trend in Europe, rights violations could be remedied through a legal remedy. The case files submitted for consideration gather the considerations expressed by Mexican judges against such violations caused to specific individuals by the government and by the legislator; and their content demonstrates an individual and societal significance in terms of the restitution or remedy of the rights violated by the authorities. These documents are clear evidence of the historical, economic, political, and social context of the time when they were created, the institution of the writ of relief, and its profound social impact. This impact transcended throughout the continents to be considered by the Drafting Commission for the UDHR as an example of a universally effective remedy in favor of the individual.

4 Subject and theme

The documents submitted offer a sample of the manner in which the writ of *amparo* quickly gained legitimacy among the people in Mexico. On filing such petition, any person could defend themselves against abuses of authority, local authorities, and large corporations, which because of political differences or differences of opinion, or the unjust imposition of power without cause founded in law, could cause injury to them. During times when the check and balances were incipient, it was not unusual to find restrictions on the freedom of expression; or acts of discrimination based on ethnic origin; victims of torture, cruel, inhuman, and denigrating treatment; orders of exile; a lack of legal certainty on proceedings brought against individuals; imprisonment without any crime having been committed; seizures of private property; forced recruitment into the army to cover discharges, or even sentences of the death penalty based on reasons that were not even considered in the criminal law that, by exception, permitted this punishment. On acting under this enormous spectrum, it can be affirmed that the Mexican *amparo* was constructed as an effective legal remedy, enshrined years later in article 8 of the UDHR.

The universality of the right to effective remedy implies an evolution in the theory of human rights, as an analysis of the institutions, legislation, and effects of the *amparo* has led to the development of social and legal studies on systems for the protection of human rights worldwide.

6 Social/ spiritual/ community significance:

The documentary heritage proposed witnesses the evolution of the administration of justice regarding the protection of human rights and its positive impact on the lives of individuals and society in the 19th, 20th, and 21st centuries; its influence on universal culture is seen in the overall scope of the right to effective remedy and its value for humanity, as today this is one of the legal mechanisms individuals have in many countries to defend their rights and freedoms. This is a human right recognized universally by the countries that comprise the United Nations. The recognition of this human right, the defense of rights through a legal remedy, is the cornerstone to the effective realization of the United Nations' values: peace and security.

The content of these case files, reflecting the development and impact of the *amparo* on daily life, explains and help have a better understanding of the founding moments of the history of universal human rights.

6.0 Contextual information

6.1 Rarity

The specificity of the case files submitted for consideration, which covers a wide range in the protection of the individual, even during times when the judiciary tended not to interfere in the actions of the other branches of the state, makes them unique.

6.2 Integrity

The thirty-one case files are complete.

The state of the preservation of the paper is good and there are no damages or alterations found.
