



Suprema Corte
de Justicia de la Nación



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LIMITS ON FREEDOM OF EXPRESSION AND HATE SPEECH
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CASE: *Amparo Directo en Revisión 4865/2018*

REPORTING JUDGE: Norma Lucía Piña Hernández

DECISION ISSUED BY: First Chamber of Mexico's Supreme Court of Justice

DATE OF DECISION: October 30, 2019

KEY WORDS: right to equality and non-discrimination, right to free development of personality, right to freedom of expression, hate speech, antisemitism, tattoos, restriction of rights, proportionality test.

CITATION OF THE DECISION: Supreme Court of Justice of the Nation, *Amparo Directo en Revisión 4865/2018*, First Chamber, Norma Lucía Piña Hernández, J., decision of October 30, 2019, Mexico.

The full text of the decision may be consulted at the following link:

<https://www.scjn.gob.mx/derechos-humanos/sites/default/files/sentencias-emblematicas/sentencia/2020-12/ADR%204865-2018.pdf>

SUGGESTED CITATION FOR THIS DOCUMENT: Human Rights Office of Mexico's Supreme Court of Justice, *Extract of Amparo Directo en Revisión 4865/2018*, Mexico.

SUMMARY OF THE *AMPARO DIRECTO EN REVISIÓN* 4865/2018

BACKGROUND: A worker (the affected party) filed a lawsuit for pain and suffering (*daño moral*) against a commercial company (the company) that he considered had discriminated against him for wearing a tattoo with a swastika symbol in the workplace. The company terminated his employment after the affected party refused to remove or hide the tattoo, due to the complaints received by other employees that identify themselves as Jews. A first instance civil judge of Mexico City agreed with the affected party and ordered the company to pay an indemnity for pain and suffering, and to offer a public apology in a national newspaper. The company appealed the decision and the order was revoked by a chamber of the superior court of Mexico City. The affected party then filed an *amparo directo* against the determination of the chamber, which was granted by a federal collegiate court of Mexico City. The company then filed a *recurso de revisión*, which Mexico's Supreme Court (this Court) reviewed because it was a direct interpretation of the right to equality and non-discrimination, allowing it to establish a significant and important standard.

ISSUE PRESENTED TO THE COURT: Whether the swastika implies a discriminatory message and hate speech toward the Jewish community for ethnic/religious reasons; and if the wearing of a visible tattoo with that symbol in a workplace, where persons who identify themselves as Jewish work, enjoys constitutional protection.

HOLDING: The *amparo* was denied to the affected party for the following reasons. This Court did not consider that the company discriminated against the affected party by terminating his employment when he refused to hide or remove the tattoo with the swastika, visible to workers who identify as Jews. It also did not consider that there was an unlawful act giving rise to a claim for pain and suffering (*daño moral*). To reach this conclusion, the Court analyzed the right to equality and non-discrimination as a principle that must be observed by authorities and private parties, without dismissing the possibility of making justified distinctions between individuals. The Court deemed that the free development of personality includes the power of each person

to choose his/her own image and, therefore, to wear a tattoo. The Court recalled that the freedom of expression has great democratic value and this right and the right to free development of personality permit manifesting aspects of individuality in any way, including a tattoo. Nevertheless, the Court emphasized that those rights may be validly restricted, particularly when they are expressed through hate speech which is speech whose purpose is to generate discrimination, hostility and violence, and which can also be manifested through symbols. In this regard, it considered that wearing a tattoo with a particular symbol indicates adherence to the ideology or doctrine it fosters; in this case the swastika. In our cultural context and especially in the circumstances of the case, it communicates hate, since it is directly associated with Nazism and with its ideas of racial superiority and extermination of the Jews. Therefore, this Court determined that the freedom of expression must cede to the rights of the Jewish employees of the workplace, which measure is reasonable since this speech was not communicated in a public but a private context, in a commercial company. Therefore, the *amparo* of the affected party was denied.

VOTE: The First Chamber decided this matter unanimously by five votes of judges Norma Lucía Piña Hernández, Luis María Aguilar Morales, Jorge Mario Pardo Rebolledo (reserved the right to draft a concurring opinion), Alfredo Gutiérrez Ortiz Mena (reserved the right to draft a concurring opinion) and Juan Luis González Alcántara Carrancá (reserved the right to draft a concurring opinion).

The votes may be consulted at the following link:

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EXTRACT OF THE *AMPARO DIRECTO EN REVISIÓN* 4865/2018

p.1 Mexico City. The First Chamber of Mexico's Supreme Court of Justice (this Court), in its session of October 30, 2019, issues the following decision.

BACKGROUND

p.5-6 The worker (the affected party) filed an ordinary civil claim against the appellant commercial company (the company), for the payment of an indemnity for pain and suffering (daño moral). He was hired by the company but on his first day of work they informed him that he could not continue working in the company because he had a tattoo on the back of his left ear (a swastika), and the director and owner of the company would not permit it, since he was Jewish. When he was asked if he could remove or cover the tattoo, he responded no. With that answer his employment was terminated and he alleged in his claim that he was discriminated against by not being allowed to work because he had a tattoo.

p.7 The company indicated that the people who work there felt upset, violated, terrorized and threatened by the tattoo because it manifested hate and his antisemitic proselytism, and being Jewish and having Hebrew roots, they felt attacked. It also argued that antisemitism is a form of discrimination and a type of violence. Thus, its conduct should be not considered discriminatory.

p.7-8 A first instance civil judge in Mexico City heard the case and on May 5, 2017, ordered the company to pay an indemnity to the affected party and offer a public apology in a national newspaper as a dissuasive measure so it would refrain from engaging in discriminatory conduct.

p.8 The company filed an appeal (*recurso de apelación*), which was heard by a civil chamber of the superior court of Mexico City. On September 7, 2017, that chamber determined to revoke the decision.

p.1-2 On January 12, 2018, the affected party requested the *amparo* against the decision issued by the civil chamber and a federal collegiate court in civil matters in Mexico City admitted

it for processing. The company filed an adhesive *amparo*. On June 14, 2018, the federal collegiate court determined to grant the *amparo* to the affected party and deny the *amparo* to the company.

- p.3 The company filed an appeal (*recurso de revisión*) on July 13, 2018. Then, the collegiate court sent the court's record of the *amparo* proceeding to this Court, where it was assigned to the First Chamber.

STUDY OF THE MERITS

- p.27 This court considers that the present appeal's review is valid because the collegiate court directly interpreted a human right to equality and non-discrimination, in relation to the termination of employment for the act of wearing a tattoo of a swastika.
- p.30 In the judgment of this Court, the dispute involves discerning as genuine issues of constitutionality: 1) if the symbol of the swastika entails a message that can be discriminatory for ethnic religious reasons as hate speech, in particular toward the Jewish community; and 2) if the wearing of a visible tattoo with that symbol, in the context of a workplace where people who identify themselves as members of the Jewish community work, enjoys constitutional protection and therefore, the refusal of the employer to permit the person to work in that workplace wearing that tattoo was invalid, or if no such protection exists. And with that, be able to establish if the actions attributed to the defendant company constituted a discriminatory act against the affected party for having a tattoo, which triggered the unlawful act that justifies the claim for pain and suffering (*daño moral*).
- p.31 This study will require a direct interpretation and a weighing of the human rights in play, which are: the scope of the fundamental right of equality and non-discrimination, the relationship with the exercise of the right to free development of personality and the freedom of expression through the use of tattoos; and the possible restrictions on those human rights in the case of manifestations or expressions of hate speech prohibited by article 1 of the Constitution.

I. General scope of the protection of the right to equality and non-discrimination as a constitutional and conventional imperative norm.

- p.37. This court has held in its precedents that the equality recognized in article 1 of the Constitution is a human right that establishes that every person must receive the same treatment and enjoy the same rights in equal conditions as other persons, provided they are in a similar situation that is legally relevant.
- p.37-38 It has also specified that one aspect of that right is the prohibition of discrimination, which means that no person can be excluded from the enjoyment of a human right, or treated differently from another having similar legally relevant characteristics or conditions, especially when the differentiation falls under any of the categories specified in the mentioned constitutional article, which include ethnic or national origin, religion or any other discrimination that threatens human dignity and whose purpose is to undermine people's rights and freedoms.
- p.38-39 This does not mean that all individuals must be equal in everything. This Court observes that not every difference in treatment is discriminatory, since distinction and discrimination are legally different, the first constituting a reasonable and objective difference, while the second an arbitrary difference detracting from human rights. Thus, we must remember that the Constitution does not prohibit the use of suspect categories, just their unjustified use.
- p.39-40 In addition, this Court has recognized that the observance of these rights not only binds authorities; they are rights that also enjoy full efficacy in relations between private parties, since the fundamental rights have the double quality of being public subjective rights and objective elements that inform and permeate the entire legal order, such that the observance of the Constitution impacts private legal relations.
- p.42 Consequently, this Court considers that the right to equality and the prohibition on discrimination enjoy constitutional and conventional protection, and it is an imperative norm that must especially be assessed in conflicts in which their observance is embedded, since there is international consensus on the respect for and guarantee of those two rights, which imposes a duty on States, their authorities and even private parties to prohibit discrimination and adopt positive and immediate measures in that regard.

II. The constitutional protection of the rights to free development of personality and freedom of expression, in relation to body tattoos

p.42-43 This Court has held that the right to the free development of personality implies fundamentally that individuals have the power to choose, freely and autonomously, their life project. This is in conformance with the principle of the freedom of choice, which is the inherent power of human beings to freely decide on their selves and on the conditions in which they wish to live their own lives, in all aspects of their existence.

p.44 When deciding the *Amparo Directo* 6/2008, the Plenary of this Court indicated that this right entails the power of every person individually to be however he or she wants to be, without coercion or unjustified controls by the State or other persons.

p.44-45 This court considers that, among the expressions of this right is the freedom of people to choose their personal appearance, as one aspect of the form in which they wish to project themselves before others, and therefore, they may make this choice according to their own autonomy. In addition, the “undefined freedom” protected by the free development of personality complements other more specific freedoms, such as the freedom of conscience or expression, since its function is to safeguard the “personal sphere” that is not protected by the more traditional and concrete freedoms.

p.46,48 Regarding the right to freedom of expression, while we commonly associate this fundamental right with the sociopolitical sphere of dissemination of opinions, ideas and information, it also has a more intimate side, that permits people to express themselves according to their individuality in any context. In effect, it covers the freedom to express one’s own thoughts, ideas and opinions and disseminate them, and to seek, receive, transmit and disseminate information, of any kind and matter, through any media, procedure or way of expression.

p.49-50 The precedents of this Court show that the freedom of expression has a plurality of foundations. As with the free development of personality, it also arises from the principle of personal autonomy. The instrumental connection is clear, since the possibility of freely choosing and materializing a life plan requires coordination with other people, which can only be achieved with the freedom to express thoughts, opinions and information.

- p.50-51 In addition to the above, this Court emphasizes that the freedom of expression has a special connection with the existence and maintenance of a democratic society. Therefore, the freedom of expression has been considered to have special relevance in constitutional democracies, given the primary obligation of State neutrality before the content of opinions and, consequently, the need to guarantee that no persons, groups, ideas or means of expression are excluded *a priori* from public debate.
- p.51-52 Nevertheless, this right is not absolute and can be restricted when justified, when it conflicts with another right that under the circumstances has greater relative weight or with a public good especially connected with the protection of other human rights that are imperative to protect. This characteristic is recognized constitutionally and conventionally, where the rights of third parties and public order are expressly recognized as limits on the freedom of expression.
- p.52 This Court clarifies that, in this case, aspects of interest for public debate are not in play. The questions arising from this case relate to the autonomy of the affected party, and therefore, special weight cannot be given in this case to the freedom of expression in relation to the rights with which it entered into conflict, such as the dignity and equality of the employees for whom the message was meant.
- p.52-55 Thus, this Court understands that taking into account that the exercise of the right to free development of personality includes the self-determination of people to choose, among other things, their physical appearance, according to their life plan and the form in which they wish to project themselves to others; and assuming that the right to the freedom to express thoughts, opinions or ideas, allows a person to manifest aspects of their individuality by any means, it is possible that a tattoo visible on the skin constitutes a form of exercising both rights. Thus, although in principle the act of tattooing the skin has a meaning that is internal to the person who wears the tattoo, by placing it in a zone of the body that will be visible to others, obviously the intention is also for it to be seen by others, and this constitutes an act of communication to others of the person's individuality, regardless of the specific content of the message transmitted and of the meaning that the

observer of the tattoo assigns it, since in this graphic form of expression no verbal feedback between the subjects is commonly expected.

p.56 The wearing of tattoos is a practice that, as a general rule, enjoys constitutional protection, in that it is a manifestation of the free development of personality and free expression; it also has the protection of the prohibition of discrimination and expressly of the law.

p.57 This protection, from the view of this Court, relates to different contexts in which the tattooed person is found or develops, among them, the work space and sphere in which, as a general rule, employers and co-workers are required to respect the free decision and free expression of people regarding their corporal appearance and to not interfere in that exercise, and even less condition the fundamental right to work denying access to it for wearing tattoos.

III. The restrictions or limitations on the rights of free development of personality and freedom of expression

p.57-58 This Court has held that the constitutional principle of free will and the right to free development of personality sustained in that principle, are not absolute. They are limited by the rights of others and by public order, such that the legitimacy of their exercise will depend on the individual right to choose and carry out the life project with its implications not unjustifiably affecting the legal sphere of third parties in a manner that violates their rights or public order.

p.60-61 Similarly, this Court has noted that the right to freedom of expression is not absolute since restrictions are imposed constitutionally and conventionally; and such right finds its limit in respecting morality, private life and rights of third parties; prohibiting hate speech and provocations to commit a crime, and ensuring public order. Thus, as an exception, its exercise may be restricted by the imposition of subsequent liabilities according to the constitutional text, the treaties and court precedents interpreting them.

p.61 Any restriction on the constitutional and conventional protection of the exercise of these rights must be examined cautiously, and decided on factual and legal grounds according to the circumstances of each case (it must overcome a proportionality test in a broad sense), in order not to unjustifiably limit the full enjoyment of human rights.

IV. The status of hate speech

- p. 72 From a constitutional, conventional and legal analysis, this Court considers that discriminatory speech, and particularly hate speech, is contrary to fundamental values on which human rights and constitutional democracy are based, such as equality and dignity, and including the right of those to whom hate speech is directed to, in conditions of equal consideration and respect, exercise their freedom of expression.
- p.72-73 Nevertheless, not all discriminatory speech, nor all hate speech should be repressed. The response of the legal system must be gradual in function of a set of circumstances that should be weighed by the lawmaker and by the judges. These include the context in which it is expressed; whether it is expressed in a forum of public deliberation or in the private sphere where the public interest that gives the freedom of expression special weight is absent; whether or not its expression implies advocacy of the hate or an incitement to discrimination or violence; whether its expression generates an imminent risk of violence or rupture of public order; whether acts of physical violence or disturbances have already been generated, etc. Given the relevance that the freedom of expression has for fundamental values such as autonomy, democracy, culture or generation of knowledge, special precaution must be taken before admitting restrictions on its exercise.
- p.73-74 In this regard, the response of the legal system can range from not protecting hate speech to preventing its reproduction and reinforcement; or discouraging it through education; or non-action by the State given the non-violent critical reaction through more freedom of expression; or its tolerance in certain circumstances where its repression entails more costs than benefits; or the imposing of subsequent civil liabilities; or, as an exception, its repression through sanctions in especially serious cases based on the circumstances.
- p.75-76 This Court reminds us that it has already determined that hate speech is a special case of discriminatory speech, that in our legal system it does not have constitutional protection and can mean a valid limit or restriction on the right to freedom of expression. In this regard distinction has been made between discriminatory language and hate speech.
- p.76-79 When deciding the *Amparo Directo en Revisión* 2806/2012, the First Chamber of this Court indicated that hate speech is speech that incites violence – physical, verbal,

psychological, among others – against citizens in general or against particular groups characterized by dominant historical, sociological, ethnic or religious characteristics. That such speech is characterized by expressing a conception through which there is a deliberate intention to disparage and discriminate against persons or groups because of any personal, ethnic or social condition or circumstance. The problem is that expressions of disparagement generate social sentiments of hostility against persons or groups. They also are intended to generate a climate of hostility, discrimination and violence. Protection from hate speech cannot be simply implicit, it requires the active intervention of the State to ensure that the content of the hate speech is confronted and its incompatibility with a democratic State is shown.

p.79 Thus it is considered that in order to protect the freedom of expression, hate speech can be limited in certain circumstances. The same limitation will operate in the case of the exercise of the right to free development of personality when the manifestation of hate is inviolably linked to the freedom of expression, as occurs when the discriminatory message of the hate speech occurs through the wearing of body tattoos.

V. The symbol of a swastika in a visible tattoo as an expression of hate

p.79-81 This Court considers, taking into account what the United Nations Committee on the Elimination of Racial Discrimination has held, that the expression of hate speech can be materialized by transmission of the message, in any media, either directly or indirectly, through symbols, which in a particular context leads to the conclusion that it involves a manifestation of hate that necessarily results in discrimination or violence against a particular person or group of persons, as a result of their characteristics of identity, ethnic origin, religion, culture, among others. In this regard, a visible body tattoo, in principle, can be used as a means for expressing hate, when its content is a symbol or image that contains a defined message (explicit or implicit) which, again, can be qualified as hateful and which produces the discrimination or violence of the so-called hate speech, since the wearing of a tattoo with that connotation entails an act of communication or expression of the meaning of the symbol.

- p.82-83 With respect to the attribution of meaning to the swastika, keep in mind that such emblem has a fully identifiable historic connotation. In the western cultural environment, it represents Nazism, an extreme hate speech that advocates the superiority of the Aryan race and the physical extermination of races, ethnic groups or groups that its members consider “inferior”. Such doctrine not only advocates for a discriminatory treatment, principally against the Jews, but expressly advocates their genocide on the basis of not recognizing the human dignity of that ethnic-religious group. It is speech that intends the destruction of the foundations of democracy and human rights themselves.
- p.84 For this Court it is viable to admit, in principle, that the use or wearing of the symbol of the Nazi ideology in a body tattoo, in our cultural environment by an adult of average culture, generates the presumption that the user follows, supports or sympathizes with that extreme hate speech, especially given that the election of the design of a tattoo is generally the result of a deliberate personal and autonomous act of the wearer, which implies the assignment of personal meaning to the content of the design or knowledge of the socially recognized or assigned meaning of the graphic element. Furthermore, a visible tattoo is an act of expression of individuality. In this case the record shows that the affected party exhibited an antisemitic symbol before an auditorium composed of employees that were identified as Jewish, refusing to hide it when he was requested to because of protests, which leads to the assumption that his intention was to express this hate speech specifically before that auditorium.
- p.86 Thus, this Court considers that in a democratic and multicultural society, freedom of expression and the free development of personality can be restricted when hate speech is involved, for the safety of all, including restricting the prohibition of discrimination and respect for the equality and dignity of people, even in the work environment.
- p.90 The Inter-American Court of Human Rights (IACHR) has referred to the protection of the freedom of expression in work environments, especially when a general or public interest in a democratic society comes from that protection. For this Court, hate speech in the workplace, in the case of a private commercial company, is not protected by the reasons of general or public interest that justify granting a special weight to the freedom of

expression when linked with the possibility of a public deliberation related to the functioning of the democracy, and therefore the application of restrictions is permissible to preserve the rights of others.

p.92-93 Thus, it is considered that the use of the image of the swastika on a tattoo, exhibited in a specific context in the presence of persons of the Jewish faith who will necessarily interact with the person wearing the symbol, does not remain in the category of offensive and opprobrious speech in itself discriminatory and exempt from constitutional protection, but rather transitions to the nature of hate speech, and generates the climate of discrimination and hostility inherent to its message. Therefore, a restriction arises on the protection of the exercise of the rights of freedom of expression and free development of personality, through the prohibition of discrimination.

p.93 The above is on the understanding that no prejudgment is made on the exhibition of a tattoo with such symbol or with any other one that could be classified as hate speech in different factual contexts, especially in spheres in which the reasons of public interest that counsel protecting the freedom of expression and public deliberation are more broadly present, linked with the functioning of democracy, which can justify tolerating their expression, if circumstances such as those mentioned do not occur. These cases shall be analyzed according to their own relevant circumstances without extrapolating with nothing more than the criteria established in this decision, since it has to be weighed case by case whether or not there is an impact on fundamental rights of such a magnitude that it validly justifies restricting the constitutional protection of the rights of free development of personality and freedom of expression embedded in the use of tattoos.

VI. Examination of the proportionality of the measures adopted by the defendant, in the circumstances of the case

p.100-103 This Court considers it necessary to analyze the measures the company adopted, according to the circumstances of the case, under a proportionality test, to determine whether or not the conduct of the company should be considered an act of discrimination, constituting an unlawful act for purposes of civil liability. To discern the above, the following

parameters are applied concurrently: i) legality and purpose, and ii) necessity and proportionality of the measure applied.

a) Legality and Purpose

- p.104 On legality, the international consensus on the rights of equality and non-discrimination as an imperative norm and therefore the prohibition of racial discrimination is clear. Furthermore, that the right to freedom of expression and the right to free development of personality may be validly restricted when they affect other rights of third parties, particularly when hate speech is involved.
- p.104-105 With respect to purpose, this Court considers that the restrictions on the freedom of expression and the free development of personality when faced with manifestations of antisemitic hate, weighed against the prohibition of racial discrimination, undoubtedly protects a legitimate end compatible with the constitution and the conventions examined, corresponding to the protection of the rights to human dignity and safety.
- p.105 Thus, it must be admitted that, in principle, the challenged action of the defendant had a legitimate purpose, corresponding to protecting its members, who objectively and fundamentally felt discriminated against.

b) Necessity and Proportionality

- p.107-110 This Court considers that the measure that the company adopted was necessary, because it had to protect the rights of equality and non-discrimination, human dignity and safety of the Jewish employees and directors. Thus, the need for the company to adopt the measure established in article 47 of the Federal Labor Law which authorizes the termination of employment when the worker engages in acts of violence or analogous situations can be seen as imperative. Even more so, in view of the fact that there is a need to eradicate a discriminatory practice such as the expression of racial antisemitic hate speech. And in the private sphere, the expression of hate speech also conflicts with aspects of the right of association that permits private organizations to legitimately establish certain requirements to generate a particular environment or culture in its work space, in order to pursue a legitimate purpose consistent with its formation.

- p.110 This Court also remarks that the measures adopted by the company were not disproportionate, and that the actions were gradual since the affected party was first requested to agree to remove the tattoo. Since he did not, there was no alternative but to terminate the employment.
- p.110-111 When hate speech is expressed in a private sphere, the freedom of expression must be given ordinary weight *vis a vis* the rights to dignity, equality and freedom of the victims (recipients of the message), and therefore, under these circumstances, there is no legal obligation to tolerate it and the coexistence with the aggressor can be ended if this is necessary to preserve their own dignity, sense of equality and, finally, their own freedom to express themselves without fear of being assaulted.
- p.111 Therefore, it is not considered that the measures that the defendant took were arbitrary, discriminatory or disproportionate against the rights in play. On the contrary, the employer reasonably protected the primary rights of its employees and permitted the termination of the employment. Therefore, its action cannot be identified as discriminatory.
- p.112 In conclusion, the expression of hate speech by the affected party, which ultimately drove the defendant to separate him from his job, by severance, is not given constitutional protection and is grounds for the lawful actions of the defendant, since it, given the particular circumstances, did not have the legal duty to tolerate this act of racist violence of a symbolic nature against its employees, and therefore the actions of the defendant must be qualified as lawful, considering the circumstances of the case.

VII. Precision on some considerations by the Collegiate Court

- p.113 While in this case the fundamental rights of the legal person (the company) are not discussed, that does not exclude its legitimation to protect, as an employer, the legal assets it protected in favor of its personnel.
- p.113,115 Furthermore, the collegiate court required the company to convincingly prove that the affected party had displayed specific additional discriminatory or violent acts against its members. Nevertheless, the Judicial Branch should refrain from giving protection, in principle, to hate speech and contribute to its eradication. Therefore, in view of the racist

content of the swastika that allows it to be classified, *prima facie*, as obvious hate speech, this was unnecessary.

p.116-117 Finally, this Court considers that, according to the United Nations Committee, the criteria that must be used by the courts to evaluate the identity of persons, in this case, as Jews, must be that of self-identification or self-assignment, and therefore in a scenario of discrimination for these reasons, the identification of the person as belonging to an ethnic or religious group is sufficient for there to be the presumption that the victim has been discriminated against for this reason. Which presumption, in any case, must be refuted as part of the dispute and disproved with sufficient evidence by the person it prejudices.

DECISION

p.117-118 This Court recognizes that wearing a tattoo is permitted and no one should be discriminated against for it in the workplace. In this case, the symbol that the affected party wore represents racist (antisemitic) hate speech, that in the specific circumstances, triggered a restriction on the constitutional and conventional protection of the rights of free development of personality and freedom of expression exercised by him. Therefore, the measures adopted by the company to safeguard the equality, human dignity and safety of its employees and directors were valid, reasonable and proportional. Therefore, they cannot be considered an act of discrimination against the affected party. Thus, the civil liability action filed to obtain an indemnity for pain and suffering (*daño moral*) does not prosper.

p. 120 Consequently, the appealed decision should be revoked, and the affected party denied the *amparo* against the decision of the civil chamber of the superior court of Mexico City.