
),6&\$/\$1', \$ 98/1(5i /\$ (67\$%,/, '\$' < q \$1(

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1. ABREVIATURAS

\$VDPEOHD *HQHUDO

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&RPLVlyQ ,QWHUDPHULFDQD GH 'HUHFKR, V++XPDQRV

&RPLWp GH 'HUHFKR V +XPDQRV

&' +

&RPLWp GH 'HUHFKR V (FRQyPLFRV 6RF&B D H W & XOWXUDOI

&RPLWp SDUD OD (OLPLQDFLyQ GH WRG&R PL W F L PLQDFLyQ

&RQYHQFLyQ \$PHULFDQD VREUH 'HUHFKR, V++XPDQRV

&RUWH ,QWHUDPHULFDQD GH 'HUHFKR V +XPDQR, V

&RUWH 6XSUHPD GH)LVFDODQGLD

&6)

'HUHF+KRV XPDQRV

''++

-XQWD GH 3RVWXODFLyQ GH)LVFDODQGLD XQWD

2SLQLyQ &RQVXOWLYD

2&

2UJDQL]DFLyQ GH ODV 1DFLRQHV 8QLGD 2M 8

5HS~EOLFD GH)LVFDODQGLD

)LVFDODQGLD (VWD

6LVWHPD ,QWHUDPHULFDQR GH 'HUHFKR, V++XPDQRV

7ULEXQDO (XURSHR GH 'HUHFKR V +XPDQR, V

L & DUWD 'HPRFUIWLFD , QWHUDPHULFDQD Pág. 35.

LL&RQYHQFLyQ , QWHUDPHULFDQD FRQWUD OD &RUUXSFLyQ

LL&XPEUH GH ODV \$PpULFDV &RPSURPLVR GH /LPD VREUH

OD FRUUXSFLyQ Pág. 22.

218

L \$* 'HFODUDFLyQ VREUH OD 3URPRFLyQ \ 3URWHFFFLyQ GH

LL'LUHFWULFHV VREUH OD '2&QFLyQ GH 'ORV)LVFDOHV

LL&DV%RDHQD 5LFDUGR \ RWURV 9V 3DQDPi 6HQWHQFLD

Pág. 29.

LY&DV%RiPDFD[V9HXO] 9V *XGHWPHDQFLD GH)RQG&RV5MSDUD

Pág. 31.

Y &DV&RDVWDxHGD *XWPDQ 9V (VWDGROW8QIEGBVGOH([FBS

3UHOLPLQDUHV)RQGR 5HSDUDFLRQHV \ &RVWDV

YL&DV&RDVWLOOR 3HWUX]]L6HQRWHUCRFLD9VGBH)BQGR 5HSDUD

Pág. 33.

YL&DV&RKRFUyQ &KRFUyQ 9V 9HQH]XHOD 6HQWHQFLD GH

5HSDUDFLRQHV \ &RV25/29)34. Págs.

YLL&DV&RDXGH 5H\HV \ RWURV 9V &KLOH 6HQWHQFLD G

Págs. 29/43.

L[&DV&R OLQGUHV 6FKRQHQE6HQWHQF(DD6B0Y)BQGR 5HSDU

Págs. 30/35.

[&DV&R RPXQLGDG &DPSHVLQD GH 6DQWD %iUEDUD 9V

5HSDUDFLRQHV \ &RV20)DV Pág.

[L &DVR GH OD &RPXQLG6XGLOQREHVDQFLD ([FHSFLRQHV :

)RQGR UHSDUDFLRQHV \ &RVWDV Pág. 19.

[LL&DVR GH OD &RUWH 6XSUHPD GH -XVWLFLD6HQXLIQVFLDQD

GH ([FHSFLyQ 3UHOLPLQDU)RQGR 5HSDUDFLRQHV \ &R

[LL&DVR 'XUDQG \ 8JDUWH 9V 3HU~ 6HQWHQFLD GH)RQGR

[LY&DVR)DLUpQ *DUEL \ 6ROtV &RQWBQFMD9GH+)RQGRUDV

20.

[Y & DVR)ORU)UHLUBHQWHQFDGRGH ([FHSFLyQ 3UHOLPLQD
&RVWDV Pág. 25.

[YL&DVR *HQLH /DFD\R 9V 1LFDUDJXD 6HQWHQFLD GH
Pág. 19.

[YL&DVR *RQ]iOH] \ RWUDV &DPSR \$OJRGRQHUR 9V OF

YL&DFLXQD 3ROtWLFD ,QWHJUDO GH 3URWHFFLyQ D 3H

2(\$ 6HU / 9 ,, 'RF s.27/28. Pág

2 @P ì«Ñ 4]HñB/ FLD @ A00 Du uPP ` VF

LLÆVHUYDFLyQ *HQHUDO 1f (O 'HUHFKR D XQ -XLFLR
 7ULEXQDOHGH\ - &RWWFIVD Pág. 44.

&216(-2 '')+ +

L ,QIRUPH GHO 5HODWRUG (MSHCFE D QFDLLEWUSQBRVD GRV
 /HDQGUR 'HVSRX\ 4. Págs. 33/4

LL,QIRUPH GH OD 5HODW, QGBS (WSEFIQDQDWBLESIBQD GRV
 *DEULHOD .QDXOPágs.27/34.

LLQIRUPH GH OD 5HODW, QGBS (WSEFIQDQDWBLESIBQD GRV
 *DEULHOD .QDXO Pág. 27.

3. HECHOS

/D 5HS~EOLFD GH)LVFDODQGLD HV XQ (VWDGR DPHULF
 ORV SULQFLSLRV GH VHSDUDFLyQ GH SRGHUHV LQGHSHQG
 VHQWLGR KD UDWLILFDGR QXPHURVRV LQVWUXPHQWRV LQV
 OD FRUUXSFLyQ

)LVFDODQGLD HVWi HVWUXFWXUDGD HQ ORV SRGHUHV (
 3RGHU (MHFXWLYR HVWi HQFDEHJDGR SRU HO 3UHVLGHQWH
 GHO 3DUWQR (V(OR3RGHU -XGLFLDO HVWi LQWHJUDGR SRU
 -XJJDGRV GH SULPHUD LQVWDQFLD /D &6) QR VyOR HMFUHF
 VLQR WDPFLpQ GLVFLSOLQDULDV HQ WDQWR VH HQFDUJD
 \$GHPWV SUHVLGHQWH ÈQJHO /RER TXLHQ WLHQH OD IDFXO
 KD VLGR GHXQFLDGR SRU PDQLSXODU VX FRPSRVFLyQ H
 GHXQFLDV KDQ VLGR DUFKLYDGDV 3RU RWUR ODGR HO 3
 HQWUH ORV TXH VH HQFXHQWUD OD)LVFDOD *HQHUDO e
 HOHJLGR D SRU HO 3UHVLGHQWH WUDV DQDOLJDU XQD WHU

(O VH SXEOLFDyQ 3017\$ &RUUHRV' GRQG
 FRQYHUVDFLRQHV HQWUH XQ DVHVRU SUHVLGHQFLDO \ PLH
 &XHQWDV RWUR yUJDQR GHO 3RGHU &RQWUDORU 6HJ~Q OD
 HO DVHVRUHQWV VHOHFFLRQDGDV 7LHPSR GHVSXpV
 3UHVLGHQWH \ H[DOFDOGH GH OD FDSLWDO %HUHQD IXH L
 FHOHEUDGRV FRQ XQD HPSUHVD SULYDGD 6LQYDGR BUJR H
 &RPR FRQVHFXHQFLD OD)LVFDOD *HQHUDO ODJGDQHQD

OD FUHDFLyQ GH XQD -XQWD SDUD OD HOHFFLyQ GH XQ QXH

4. CUESTIONES DE ADMISIBILIDAD

\$ &

\ D O D O X] G H O D M X D L R ' S U X H G X O V I R Q P Q D X H U B G D J R W D G R V
S U R Q X Q F L D P L H Q W R G H O D & , ' + V R E U H O D D G P L V L E L O L G D G
S U H O L P L Q D U S O D Q W H D G D S R U) L V F D O D Q G L D

...&

GLFWDURQ VHQWHQFLD VREUH HOI XHEXQV B DG/HPXQ PFDDJ ISVHW
SDWLFHSDX B QR FHGLPLHQWR B G VWHF³ FORDMJHOFV RU VRV LQWHQW
VXSXHVWDV YtFWLPDV QR HUDQ FDSDFHV GH SURGXFLU HO
HVWDEDQ FRQGHQDGRV DO IUDFDVR FRPR HQ OD SUIFWLFD
(Q)LVFDODQGLD B D B 6) yHU DORH GR FDUJDGR GH DSOLFD
VDQFLRQH V GH VXVSHQVlyQ \G B LQWMLDQXFLDyQOLKHEWLEDCM
SURFHGLPLHQWR GLVFLSOLQDULR GH F B QVDRQEXM V H B O H
7ULEXQDO H S B F HV SOLSDOGLR tD T&H) O B LQDQDLQYHVWLJDFI
VHD WDPELpQ OD FX B G V H L V H G L D O O t X O M P D U L R V X S R W H Q F L D
FRQVHFHXQFLD 0DULLPQ B F H G H D I E R H W D H U O H R V U H F X U V R V L Q W
H O U W t F X O R G H O D & \$ ' + V G D G L B G T K R H V W i Q G D U H V G H O 6 , ' +
)LVFDODQGLD UHFxUVR DOJXQR TXH SXGLHUD LQWHQWDU T

5. CUESTIONES DE FONDO

\$ (/ & 217 (; 72 '(& 25583 & , i) 1,6 (& \$ / \$ 1 ' , \$

/D FRUUXSFLyQ HV XQ IHQyPHQR TXH GHELOLWD ODV
FRQILDQ]D GH OD FLXGD GIDR B U E O H O O J R H V L I X Q B E R Q D O W B V H V
DFW~DQ FRPR DJHQV F H D Q S U R P L V R Q V S U L Y D G R V V H D

&RUWH,'+ 7ULEXQDO &RQVWLWXFLRQDO 9V 3HU~ ^
\$FODUDWRULD
+HFKRv^
\$FODUDWRULD
+HFKRv^
&IU &RUWH,'+ 5DPtUH] (VFREDU \ 2WURV & , g v I R U P H R B E D H & R U U X S F I
''++ ^ 2(\$ &RPSURPLVR GH /LPD VREUH *REHUQDELOLGDG 'HPRF
^
&IU & , ; QIRUPH VREUH &RUUXSFLyQ2(\$'+&RQYHQFLyQ , QWHUDPHULFDQD
SUIPEXOR

VX IXQFLyQ SRU SDUWH GH yUJDQRV DMHQRV WOUBRGQDO-XV
TXH HMFHFHQ IXQFLRQH V GH &RUWUHLyQURDDSEQDMLFQDPHQW
(VWDGRV HVWiQ REQJDDGSRVUDHJQFIDQVH]DQGHSHQGHQFLD G
FRQILDQ]D QR VyVR QFODXFLXIGFLDDEQHD HQ XQD VRFLHGDG

\$O VGRVWXHFHIXQGVDPHQWDOHV SDUD ISO RXQH J(HVUV DGRV
GHPRFUIQVLEFRQ HVWDEOHFHUVH SURFHGLPLHQWRV HVWULFV
/D LQGSHQGHQFLD MXGLFLDO M[XLHJHDXQVLDVGRVDMWXJLDy
GLVFLSOLQDQVSHHNGEFPHQVSHLSRUSLR GH QDLPDQVHYEUGK
GHVWLWYDRLGQEH SURFHGHU SRU FRQGXFWDVHFODVHDVHQWH
FDVR GH QHJOLJHQFLD R LPSHULFLD GHEHQ H[LVWLU RWUD

3DUWLFXQDUQRQWHODWLYR D VDQFLRQH V GLVFLSOLQD
H[LJHQFLD GH PRWLYDFLyQ HV PFKR PD\RRTXWSDUFRWVY
ODV UHVROXFLRQH V GH FDUiFWHU GLVFLSOLQDULR GHEHQ
FRQVWLWX\H XQD IDOWD \ HO GHVDUUROOR GH DUJXPHQW
WLHQHQ HQWLGDG VXILFDH QVHR SDUD DMXV]WDIHFQVXTKEUXQ

\$Vt EDXQXDOHGRVWLHUD XQD GHFODUDFLyQ GH HUURU M
XQ yUJDQR GH UHYLVLyQ GHEH DQDOL]DUVH OD JUDYHGDC
VDQFLyQTXH ORV IXQFLRQDULRV MXGLFLDQXHFQDREBEHQV

&IU &RUWH,'+ 5HYHUYQ 7UXMLOOR 9V 9HQH]XHOD ^
&IU &RUWH,'+ +HUHUD 8OORD 9V &RVWD 5LFD ^
&IU &RUWH,'+ *DUDQWtDV SDUD OD ,QGHSHQGHQFLD GH ORV DV 2SHUDGRUHV
&IU &RUWH,'+ 7ULEDQDQV &RUWVWLWXFLRQ
&IU &RUWH,'+ /ySH] /RQH \ RWURV 9V +RQG XUDV ^
&IU &RUWH,'+ (GXDUGR 5LFR 9V \$UJHQWLQD ^
&IU &RUWH,'+ 4XLQWDQD &RHOOR 9V (FXDGRU ^
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GHELGR D TXH VX GHFLVLYQ IXH UHYRFDGD PHGLDQWH XQD
VXSHU(LPS)DUWLFXODU OD PRWLYDFLYQ GH XQD GHVWLWXF
GLIHUHQFLD UD]RQDEOH GH LQWHUSUHWDFLRQHV MXUtGLFD

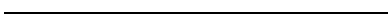
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QHJOLJHQWH

6XEVLGLDULDPHQWH D~Q VL PIRWLHYDMD FULBSQRVKQEV
FRQVLGDGFXMVLXQDLGQSLYRGRVFLTRQHDGDHPSUHOGVLEPHDUtD
UDWRIRHUPGHSHURGH]DU OD HVWDELORISGHDGGRUHOXFDWLFRRD
(Q WRGR FDVR)LVFDODQGLD GHEHUtD KDEHU XWLOLJDGR
VDQFLRQDUDDR 5H[

I(B) SOBRE LA ESTABILIDAD Y AUTONOMÍA DE LOS /AS FISCALES

/D HVWDELOLGDG GH ORV DV MXHFHV]DV UHVXOWD WDF
GHVHPSHxDQ XQ SDSHO IXQGDPHQWDOCHVQUHGOFFRIGVRVXVD
LQYHVWLJDFLyQ \ GHIHQVD GH ORVDTXFDXGDENDQWR GV SX
LQWHUQDV \ H[WHUQDV FRQ UHVSRBWHRORODWDGDELDWDFGHV
PLQDU OD FUGLELOLGDG GH OD DXWRULGDG ILVFDO \ VRF
MXVWLFLD

I3RU RWUR ODGR HQ WDQWR RSHUDGRUHV



(Q HVWH VCHMMLGRO HV TXH VURQS VHSVDFLDQY EMWLJDU FD
FRUUXSFEHQ UHFLELU SURWHFFELYQHSEHUJSDUDQWLGBO (HOWBQ
IXQFLyQ VLQ LQWLPLGDFLyQ KRVWLBDPPIHQWLR ORD VQFMDXUHD
SURPXHYHQ DIHFWDQ SDQGLLOODV JUXSRV GHOLQFXHQFLD
HPSUHVDULDQHV R DJHQWHV HVWDWDQHV HQWUH RWURV

(V QHFHVDULR TXH ORV WUDVODGRLDGRVSHOXDGRUBM
UHDOLJDGRV FRQ EDVH D FULWHULRV S~EOLFRV \ REMHWLY
\D TXHH OR FRIQVWHD DPHGUHQWDPLHQWR DFWXGHSURFWRRE
OD DWHQFLyQ GHELGD SDUD HO HQMXLFLDPLHQWR GH IXQ
HVSHFLDOPHQWH OLJDGRV D OD FRUUXSFLyQ

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ODJGDOHQDKDEFREBQJDGR D LQYHVWLJDU SUHVXQWRV
LQYROXFUDEDQ LQGLUHFWDPHQWH DO 3UHVVLGHQWH 2EUHJY
OD -XQWD SDUD QRPEUDU D 6LQEQHQYQR)UXFDORURQBBBQW
UHPRYHCBUHVVLGHQWH QRPEUY D XQD QXHYD SHUVRQD HQ
IXQFLRQHTXH IIFWLFDPHQWH0FRQYVBLQDX\FHQRMDDHQCB
IXH WUDVODGDGD DO GLVWULWR GH ORUHQD FDUDFWHUL
SDQGLDQVAVBJGDQBQD GHQXQFLDGR DFWRV GH KRVWLJDP
TXLHQ UHVXOWy ILQDOPHQWH HOHJLGR)LVFDO *HQHUDO 3

&IU &,'+ ,QIREUPH OD 6LWXDFLyQ GH 'HIHQVRUDV HV GH ''++ ^

VXIVWDELOLGDG HQ HO FDUJR

WUDQVSDUHQFLD DFWLYD D OD KRUD GH SURSRUFLRQDU L
ORV SURFHVRV GH WRSDFGNDOPVHQLWHRQD VGH FRQYRFDWRUL
FDUJRV GH RSHUNDGRWIEFLDV

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/D -XQWD QR DGRSWy XQD GHFLVlyQ GHELGDPHQWH IX
FDQGLGDWRV D)VWDDXQGHDPHQOVDFLyQ KDEUtD SHUPLWLGR
FXiOHV DRMURRQWLTXRHEHQYDORSQWD GHWHUPLQDU TXH ORV W
WHUQDXILQDOY Piv LGyQHRV SDUD GHVHPShxDU HO FDUJR
GHELHURQ VHU HOLPLQDGRV GXUDQWH OD HSDSD BRQHND
SXQWDMH PtQLPR HSWPSEXOHVDDURLFSXUJ OBDQGDUD VLHQGR
GHVHPShxRV HVRQVSDODGEXQWDMHVQVREGHEHVDORGLQMHVH[FOX
WHUQD ILQDO VLQ XQD MXVWLILDFLyQ UD]RQDEOH

,,(/ '(5(&+2 \$ \$&&'(5 \$ 81 52&0\$87,92

(O DUWtFXSD+FRQWHPSOD OD REORJDFLWQGRV GHLHQH
WRGDV ODV SHUVRQDV EDMR VX MXULVGLFFLyQ XQ UHFxu
WULEXQDOVWHODH&RUVRRV,WXYRQTXWLSURFLyQ DO GHODVSDUR
FDUDFWGHFWDFULDV SDUD OD WXWHOD HIHFwlyD GH ORV
VHQFLEOHRY(NQ SDUWLFXODU HO GHUHFKR GH DFFHVR D O

&IU &,'+ 5HVROXFLyQ VREUH &RUUXSFLyQ \ ''++
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&I&RUWH,'+ 7ULEXQDO &RQVWLWXFLRQDO 9V 3HU~ ^

3RU ~~SDWVH~~)LVFD~~QDQGLG~~HI~~BQMD~~yDQWH OD &,'+ TXH HC
KDEHU DJRWDGR ODV YtFWL~~SDV~~-~~HV~~ODD ~~DFJLLy~~QD~~G~~Hy~~QXQLVFDG~~
H~~S~~URFHVR F~~DCW~~HQ~~ELV~~~~R~~V~~D~~WL~~DR~~H~~Q~~~~W~~~~S~~H~~R~~H~~G~~FFV~~R~~QDU GH OD
S~EO~~L6FLQ~~ HPE~~HQ~~~~S~~~~D~~ODE~~SURV~~~~S~~QH OD

SURFHVR WUDQVFXUOLQXDYRDLWD DO DGTXLHUD HO FDUJR

DQWHGLFKRV HQ SDULWLRQDWRXSRUTXSRVLELOLGDG GH UH

LQGSHQGHQFLD MXGLFLDO HQ FRQMXQFLyQ FRQ HO GHUH
LJXDOGDG D XQ FDUJR S~EOLFR

(O GHUDEFKRGHU D FDUJRV S~EOLFRV HQ FRQGLFLRQHVV
SDUWLFLSDFLyQ FLXGDGD L FSHVDFLW LGHOGHSHOQ FHWQGR
GLVPLQXD GSRVLELOLGDG GH TXH VXV DJHQWSEVWUUDQ
HO DFFHVR FRPR OD SUJRPD GFRPRVYRNVLJQDFLyQ \ QRPEU
LQFQRH DGHPiV OR UHODWLYR D ORV SURFHGLPLHQWRV C

3RU RWUR ODGR OD HSVWQFESDRUGHOD BXDO GFRGHOR GL
DO (VWDGR D JHQHUDU FRSHGLFLGRHQWYSWIDPDWWXDFLGR J
YXOQHUBELMLVGDG LFDPHQWH H[FOXLRV FRPR ODV PXMHUH

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,*8\$/'\$' (1 3(5-82&(/\$6 9E&7,0\$6

ODULFUX] \ 6DQGUD YLHURQ YXOQHUGR VX GHUHFKR D
GH LJXDOGDG DO QR LQDEKQDSALGR HQWMLGDU OD WHUQD IL
HO SULPHU \ VHJXQGR OXJWU D V H G R V H Q H R G S X E Y D O M H F I Q y Q D
GH FRQRFLPLHQWRV \ KDEHUUERSHUVRYDPHQW SXQHQRD
DQWHFHGHQWHU D U B R H O O D F R Q W L Q D O P H Q W H F R Q I R U P D G D

UHVXOWDGRV REMHWLYRV IXHURQ QRWOREOTXPHQHWEGHQIFLU
LUUHJXODULGDGHV GHO SURFHVR

\$ VX YHJ 0DYJGRDYKQDHUDGR VX GHUHFKR D SHUPDQH
FRQGLFLRQHV GH LJXDOGDG DO KDEHDQVLEHYHQHODVSUFD
GH)LVFDO *HQHUDO \ WUBRQWLDQXGD DXHLQFMRWLGJHFLRQ U
GH FRUUXSFLYQ TXH LQYROXFUDEDQ DO LDFSADDOQRKMLHUHQV
OOHJDU DORFRVDFUJRV FRPR RSHUDGRUDV GH MXVWLFLD
)LVFDODDQVROAEBRQSAFWXKQGR ODV WUDEDV D XQD HIHFWL

H M H U F L F L R G H V X V G H U H F K R S R I O G V L X P O O T X W D G R L W F W I D P G Q I D F
 S X H G H V H U G L U H F W D R L Q G L U H F W D H [L V W L H Q G R H V W D ~ O
 V X D S O L F D F L y Q U H V X W W D F S E E R Q I R P O O D W F X U L H U H V F X \ D S U H
 G H U H V S R Q V D E L O L G D G H V H V F D V D H V W i Q H Q V L W X D F L y Q
 D S O L F D F L y Q S D U X I Q W I R W Q V H Q H F J P Q W R S Ø H G H S H U S H W X D U
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GHPRFUDFLD (V SRU HOOR TXH LQYROXFUDU D HVD PXM
LPSUHVFLQGLEOH SDUD FRQVROLGDU OD GHPRFUDFLD SDUV

(Q FRQVHFHXHQFLD UGHEJHEDK PHSQV' MXVWLILFDU XQD
EDVDGD ~QLFDPHQW H VSO FHLV D B HQM y QFRVJ BQHURQ GR XQB
FDWHJRUD VRVSHFKRVD GH VLFVGRDFLy Q C H VWL D VOX G HD F
WUDWD GH XQD SUIFWLFD KLVWYULFD GH GLVFULPLQDFLyQ
UDFLR ODOMXULVSHU XGLYQHULRV VLVWHPDV GHHQ SURLV B FFT y Q
GLVFULPLQDFLyQ VH SUHVXPH LQYLFVWUHQV S RQD M BGR D
GHPRVWUDU TXH VX GHFLVLYQ QR WHQtD SURSyVLWR GLVFU

3RU HOOR FXDOTXLHU GDWU Q EYLYG QPQWIR FXG SLGRPXK
OD SUHVHQFLD HTXLOLEUDGD GH KRPEUHV \ DXOD UKRV D V M
DGRSWDU PHGLGDV SRVLWLYDV TXH FRPEDWDQ OD VXEHS

(VWR FREUD YLWDO UHOHYDQGLD MIXVDWUHU LEVSH FRLSK
VHOHFFLyQ \ QRPEUDPLHQWR GH ILVFDQHV (Q H V W DL Q Q HD
VHJ~Q ORV PpULWRFD S V S L H U L R W D O M V Q R H W D P E L p Q HO DVHJ
GH RSRUWXQLGD GHVWUDU TXH ODV DXWRULGDGHV WHH EDVH

&IU 218 'HFODUDFLyQ \ 3ODWDIRUPD GH \$FFLyQ GH %HLMLQJ ^
&IU ,'+ 3DUWLFLSDFLyQ 3ROtWLFd GH ODV OXMUHV HQ ODV \$PpULFDV
&IU &,0DUtD (XJQLD 0RUDOHV GH 6LHUUD 9V *XDWHPDOD
&IU 8SULPQ&iQFKHJL(H`°0

GHEH JDUDQWL]DU TXH ORV JUXSRV LQVXILFLHQWHPVQMH U
DVSHHWRFDVWVULGMQDOHV HYDOXDGRUHV GH FDQGLGDWRV
KRPEVHVKD GHVWDFSDGRJUMR GH ODV PXMHUHV KD VLGR O
KRPEUHV TXH HVWiQ HQ SXHVWRV GH GHFLVLyQ FRQRFHQ
ODV FXDOLGDGHV \ KDELOLGDGHV GH ODV PXMHVHVDVHQ S
SDUWLFLSDFLyQWHPVQMHQFLD D PDQLSXODU OD HOHFFL
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GH FRUUXSFLyQ

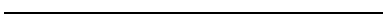
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6\$1'5\$ '(/0\$6752

(O (VWDGR QR IDYRUHFLy HOODEVHIVGtGH HQPEUDDVOPXMHC
UHJLyQ H[LVWHQ FXRWDV GH JpQHUR WHQGLHQWHV DO
\$UJHQWLQD %ROLYLVDFD@BQGKDDWLHQH XQ ~QLFR SUR\HFV
SRU HO DQGLR@FLDFWXDOPHQWH HO SRUFFHQWUDPHHGMHS
LQIHULRU \$VLPLVLaB ORV @0T êSÀ \$N e00#ÓTU`0Ru

0iV D~Q)LVFDODQGLD WDPSRFR DSOLFy PHGLGDV SRV
 GHO FDVR KLSRWpWLFER SHUPLWH LQIHULU TXH OD -XQWD H
 OR TXH SURSLFLDUtD TXH VX HOHFFLyQ IDYRUH]FD D RWURV
 SRU SDUWH GH OD -XQWD \D TXH VXV PLHPEURV EXVFDURQ
 HO 3UHVVLGHQWH 2EUHJyQ FRP S V U W U H L Q D W M U H U Q H V S S R U D W R I E F U
 LGyQHdV \ FDSDFHV SDUD RFXSDU HO FDUJR GH)LVFDO *HQ

\$ VX YH] OHMRV GH TXH H[LVWDQ QRUPDV TXH OH GHQ
 LJXDOPHQWHFRD O H L F S U R S V y V L W R G H U B D N U W E W L P D V G H Q R L J
 FRQVLGHUDGDV HQ OD WHUQD ILQDO SHVH D KDEHU REWH
 PpULWR VXSHUDQGR FRQ FUHFHV OD SXQWXDFLyQ REWHQ
 HOHJLGRVOR H[LVWLHQGRULOD O D F X Q W B G H F X L G L y G L V P L Q X L
 HYDOXDU ORV DQW S I F V G H Q B W H W H S S Q D W t G R V G H O R V
 PLHPEURV GH OD WHUQD LQFOX\HQGR 'RPLQJR ODUWtC
 (YLGHQWHPHQWHV W D W K I D O M H Q F R y S R V L E O H S D U D T X H O D W H U
 GH ODV Yt F W Q M D O H S B U L G D G G R P E J O H U R Q D S H U V R Q D D I t Q D
 FDUJR GH)LVFDO *HQHUDO

\$GHPiV OD SUHVXQFLyQ GH TXH ODULFUXYH] B D Q H U R D I X
 FREUD P X H B J D S R U T X H Q R U H F L E L D I F U R U F D L G H X Q B 9 H [S O @ 4 B F



OD GLVWLQFLyQ HIHFWXDGD HQWUH ODV YtFWLDPDV \ ORV
UD]RQDEOH SURSRUFLRQDGR \ DMHQR DO KHFKR GH TXH V

),6&\$/\$1', \$ 9,2/; *8\$/'\$' (1 /26 &\$6*1 3(5-8, &(20\$*'\$/((1\$(6&2%\$

(O (VWDGR QR FRQVLGHUy OD LPSRUWDQFLD GH TXH OD
)LVFDO *HQHWDQWR XQD PXMHU HV LQGXDGOHPHQWH O
PiV DOWR FDUJR GH OD)LVFDOtD HQ HO FRQWH[WR GH XQ (Y
LQYLVLLELOLJD ODV QHFHVLGDGHV GH ODV PXMHUHV \$XQTX
3IRUPDOPHQWH GHVWLWXLGD' ORV KHFKRV GHPXHVWUDQ T
D XQ QXHYR RFXSDQWH GH VX SURSRUFLRQDGR GHVWLWXF

\$ VX YH])LVFDODQGLD MXVWLILFy HO OODPDGR D OD
SHUPDQHQWH \D TXH HO GH ODJGDOD HQHWDQWR QVU &H UDCE
FDUJR TXH VH YLR LPSHGLGR GH FXPSOLU VX PDQGDWR R
QLQJXQD -XQWD SDUD UHHPsOD]DU ORV RWURV PDQGDWRV

DxRV SDUD TXH YHQFLHUD OD (GHWLJQDFWUD OD FOLY Q
XWLOL]DFLyQ GHO KDVKWDJ 3 % < (0\$*'\$/((1\$' SRU SDUWH GH
HO YHUGDGHUR REMHWLYR SXQW GDOPH QDLESRUD WUHPARDYHUH
PXMHU TXH DGHPDFWLYGHWERDE SFLyQ TXHDSR \$ DEOHLGRQA
SURSLR 3UHVLGHQWH

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E. FISCALANDIA VIOLÓ EL ARTÍCULO 13 DE LA CADH EN RELACIÓN CON EL 1.1 EN PERJUICIO
DE MARICRUZ HINOJOSA Y SANDRA DEL M

XQ VX VHFUHW R HYLGHQFLD D~Q PIV TXH)LVFDODQGLD
 GHWUiv GH OD VHOHFFLyQ ILQDO GHO)LVFDO *HQHUDO
 /D OLEHUWDG GH H[SUHVLyG LGHH FVYLRFDQGE B DDQGDUEH UX
 ~QLFDV TXH QR W XFLHSDNUE HM SDFMR DU ODV UD]RQH V GH VX S
 SRU ORV FXDOHV GHEFRUQV DQG VHUD QORH JDDG D V K QWD YLROy OD
 WLHR SRU HJXQWDV SUHHVWDEOHLF LGDFLEQ B DVFVRQRV UD P D D
 TXH VH SUHVHQWDURQ \ TXH ORJUDURQ REWHQH UDHO DPHMR
 WRWDOLGDG GHO FRDHHFWLWR REBHQUDR B WJXQR R B V WDFXOR
 VXV UHFODPRV D XQ OXJDU GH SUH(SRQGHU DQRGR HQ VOF UD
 LGHD GH TXH OD HOHFFLyQ GHILQDFLYG LGFRGHG H LGDFVW L
 FDQGLGDSV DWHHQGLYV DQXHQ B B OD FODVH SROtWLF D GR

6. PETITORIO

3RU WRGRVHQ RWR D WJXRUHSLGFRVHQWDFLyQ VROLFLWD UH
 &RUWH,'+ TXH GHFODUH OD UHVSQRVDEYLORLQDFV DQWIFXQRV
 F HQ UHODFLyQ FRQ ORV DUWtFXORV \ DGMtFXQRV+
 F \ HQ UHODFLyQ FRQ HO DUWtFXOR GH OD &
 DUWtFXORV F \ HQ UHODFLyQ FRQ HO DUWtFXO
 +LQRMRVD \ 6DQGUD GHO ODVWUR

\$FODUDWRULD
 +HFKRV^
 +HFKRV^

'H FRQIRUPLGDG FRQ HO DUWtFXOR GH OD &\$'+ W
LQWHUQDFLRQDO TXH KD\D SURGXFLGR XQ3 ~~RU xR DQVCR~~ OHHV
UHSUHVHQWD ~~FMV~~ ~~SHW~~ ~~R~~ ~~Q~~ ~~V~~ ~~D~~ ~~P~~ ~~W~~ ~~D~~ WH TXH OD &RUWH,'+ GLFWH C
&RPR ~~PL~~GD GH JDUDQWtD)LVFDODQGLD GHEH OOHYDU
PDQHUD D GC00VP

EpbD DØ L S



MXHFH ~~DXJQD~~ LQVWDQFLD UHYLVRUD HQ ORV SURFHVRV
 HIHFWLYRV TXH JDUDQWLFHQ OD WUDQVSDUHQFLD \ SX
 FRPR DTXHOORV TXH SHUPLWDQ HO ~~HYQDXWLQDRJGR~~ VO
 UpJLPHQ GH UHQGLFLyQ GH FXHQWDV GH VXV LQWHJUD
 HIHFWLYRV TXH JDUDQWLFHQ OD LJXDOGDG GH RSRUW
 SHUPDQHQFLD D DOWRV FDUJRV ~~HQDORVLODWHSDRGHD~~
 FDSDFLWDFLyQ D IXQFLRQDULRV ~~SPVMOHLERV MREDUHWOR~~ LF
 MXVWLFLD

3RU ~OWLPR HQ PDWHULD GH ~~LQGHPSOLJDELQDQD~~ ~~QD~~
 RFDVLRQDGR+ ~~DQRMLFDQXHO~~ 0DVWUR FRQ 86' GyOD
 HQ HTXLGDG ~~SDEUDHSDGDXR~~ DLQPDW ~~DULGDQDFHQDLRVQFRE~~
 FRQ 86' GyODUHV GLH] PLO HQ HTXLGDG PiV 86'
 HQ FRQFHWR GH GDxR PDWHULD ~~SRHSDDDDUHLQVQRR~~
 RFDVLRQDGR D 0DULDQR 5H[FRQ 86' GyODUHV C
 GyODUHV FLQFXHQWD PLO HQ FRQFHWR GH GDx