

DERECHO CANÓNICO: TRABAJO FINAL DE SEMESTRE

I. LOS CONVENIOS:

1) Convenio Europeo de Derechos Humanos (1950):

El Convenio Europeo para la Protección de los Derechos Humanos y de las Libertades Fundamentales, más conocido como la Convención Europea de Derechos Humanos, fue adoptado por el Consejo de Europa el 4 de noviembre de 1950 y entró en vigor en 1953. Nace tras la segunda guerra mundial, cuando los estados se dan cuenta de la barbarie que ellos mismos pueden cometer contra sus ciudadanos. Tiene por objeto proteger los derechos humanos y las libertades fundamentales de las personas sometidas a la jurisdicción de los Estados miembros, y permite un control judicial del respeto de dichos derechos individuales.

El Convenio ha sido desarrollado y modificado por diversos protocolos adicionales que han añadido el reconocimiento de otros derechos y libertades al listado inicial o han mejorado las garantías de control establecidas. Por otra parte, el número de Estados miembros se ha ido incrementando hasta abarcar casi todo el continente europeo. Su antigüedad y desarrollo lo convierten en el más importante sistema de protección de los derechos humanos en el mundo.

El Tribunal Europeo de Derechos Humanos supervisa la implementación de la Convención en los 46 estados miembros del Consejo de Europa. Las personas pueden presentar denuncias de violaciones de los derechos humanos ante el Tribunal de Estrasburgo una vez que se hayan agotado todas las posibilidades de recurso en el Estado miembro en cuestión.

Cabe aclarar que la CEDH actual (1950) fue revisada después de su ratificación y consta de 59 artículos agrupados en tres títulos: el artículo 1 compromete a los Estados signatarios a reconocer los derechos regulados en el Convenio «a toda persona dependiente de su jurisdicción», lo que supone que no se limita a los ciudadanos ni a los residentes.

El Título I (artículos 2 a 18) enumera y regula los derechos humanos reconocidos.

El Título II (artículos 19 a 51) regula la composición, funcionamiento y competencias del Tribunal Europeo de Derechos Humanos, órgano

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Victor M. Corman



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