



EMBASSY OF EL SALVADOR
STOCKHOLM - SWEDEN

EES/057A/08

The Embassy of El Salvador presents its compliments to the Honourable Parliament of the Kingdom of Denmark and has the honour to enclose the Pronouncement issued by the Legislative Assembly of the Republic of El Salvador and its non official translation into English, further to the Return Directive adopted by the European Parliament on June 18, 2008.

The Embassy of El Salvador avails itself of this opportunity to renew to the Parliament of the Kingdom of Denmark the assurances of its highest consideration.

Stockholm, July 22nd, 2008



FOLKETING
COPENHAGEN
DENMARK

PRONOUNCEMENT

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR

Due to the European Parliament's adoption of the "Directive on the procedures and common norms for the return of nationals of third countries that are illegally residing in its territory" (Return Directive);

AGREES:

I.- To manifest our preoccupation for the contents of the Return Directive, since it contradicts the international system of protection of Human Rights.

II.- That the Law, Jurisprudence, and International Doctrine establish that the sovereignty has limitations, since it self-regulates "independently" at the moment in which the States acquire international commitments, such as the case of the ratification of agreements dealing with the protection of Human Rights. Therefore, this Legislative Assembly urges the European Union to seek a balance in which its internal safety is guaranteed, but at the same time, in which the rights and guaranties established by International Law in favour of immigrants are contemplated, in search as well, of a migratory flow which is orderly and safe, and in which the basic principles of ius cogens of formal and material equality, no discrimination, due process, and respect to the person's dignity are consecrated; and

III.- That in accordance to the norms of International Law, the condition of immigrant does not turn the subject into a transgressor of penal norms.

ISSUED IN THE BLUE HALL OF THE LEGISLATIVE PALACE, San Salvador, on the third of July, two thousand and eight.



Asamblea Legislativa

PRONUNCIAMIENTO

LA ASAMBLEA LEGISLATIVA DE LA REPÚBLICA DE EL SALVADOR,

Ante la adopción por el Parlamento Europeo de la "Directiva sobre los procedimientos, normas comunes para el retorno de los nacionales de terceros países que se encuentren ilegalmente en su territorio" (Directiva de Retorno);

ACUERDA:

I.- Manifestar nuestra preocupación por el contenido de la Directiva de Retorno, ya que la misma contradice el sistema internacional de protección de los derechos humanos.

II. Que el derecho, la jurisprudencia, y la doctrina internacional, establecen que la soberanía tiene limitantes, ya que la misma se auto regula "soberanamente" en el momento en que los Estados adquieren compromisos internacionales, como es el caso de la ratificación de convenios sobre protección a los Derechos Humanos, por lo cual insta a la Unión Europea a buscar un equilibrio en el que se garantice su seguridad interna, pero a la vez, se contemplen los derechos y garantías consagradas por el derecho internacional a favor de los migrantes, en busca de un flujo migratorio ordenado y seguro, en donde se consagren los principios básicos de los cogens de igualdad formal y material, no discriminación, debido proceso y respeto a la dignidad de la persona humana; y,

III. Que de conformidad a las normas del derecho internacional, el carácter de migrante no convierte al sujeto en infractor de normas penales.

DADO EN EL SALÓN AZUL DEL PALACIO LEGISLATIVO, San Salvador, a los tres días del mes de julio del año dos mil ocho.