

High Representative's Decision on trafficking and deportation

On Friday, 29 October, the High Representative, Wolfgang Petritsch, issued a decision ensuring the appropriate treatment of persons who are threatened with deportation, particularly those who are victims of trafficking.

This decision, effective immediately, has been necessary because the BiH House of Representatives has twice rejected a draft Law on Immigration and Asylum, designed to enable Bosnia and Herzegovina properly to address the issue of deportation.

The current system of deportation being applied by the Entities contravenes the European Convention on Human Rights. It also contravenes the BiH Constitution, which explicitly grants the State institutions competence in the regulation of immigration, refugee and asylum policy.

On 30 August, the IPTF Commissioner issued an Interim Directive, for a duration of two months, requesting, inter alia, that no deportation of foreign nationals should take place without prior consultation with his office. That Directive has now been extended by the High Representative's Decision.

Trafficking of persons has become a source of serious concern in BiH. The effective prosecution of those responsible for trafficking and traffick-related crimes is of course the highest priority, as is the protection of their victims.

The Decision will remain in force until the BiH Parliamentary Assembly debates and adopts the draft Law, which the High Representative now expects them to do without further delay.