

**Migrants, refugees and victims of THB –
special reference to “non-punishment” of victims of THB for illegal acts in Croatia**

Abstract

Migration, which at first glance seem to have no common points with trafficking in human beings (subsequently: THB), actually can be closely linked to the THB. Migrants can become victims of THB at any time. For example, people who are trying to get job in other countries can arrive at destination, and ‘fall into the hands’ of the traffickers. However, there are refugees, displaced persons and other categories of persons who are not considered migrants, and who have special rights, and accordingly the that, some obligations. The causes of refugee "migration" are not of the economic nature (which is typical for migrants), but in principle they emigrate because of the fear of persecution based on religious, ethnic or racial origin, political opinion, membership of a particular social group or of war. It should be noted that for all of these categories of persons because of their position, which makes them more vulnerable in relation to persons who are not in these categories, there is an increased risk, and it is more likely they will become victims of trafficking. Often victims of THB find themselves in situations of committing petty offences or criminal offences solely because of their victim status. The problem is that the victims of THB are often treated as criminals rather than as victims both in destination countries and in countries of transfer or origin. In countries of destination (or the transition) against such people are often taken official actions and misdemeanor or criminal proceedings are initiated; for example, for illegal entry, immigration status, of forging documents, prostitution, illegal employment status etc., and often victims are deported to countries of origin. To avoid such action of states towards victims of THB, some regional documents such as the Convention on Action against Trafficking in Human Beings (2005), the EU Framework Decision 2002/629 / JHA on Trafficking in Persons (2002), which was later replaced with the EU Directive 2011/36 / EU on preventing and combating trafficking in persons and protecting victims (2011), contain so-called “non-punishment clause” of victims of THB.