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Human trafficking and refugee status determination - Asylum as protection for victims

Migration, as a continuous process of movement of persons, is at the centre of political interest throughout the world and constitutes a global phenomenon that affects nearly all countries, regardless of whether they are countries of origin, transit or destination for migrants. International migration, in addition to legal and free individual migration, also includes irregular migration, forced migration and mass migration. Such mixed migration flows cover different categories of persons – refugees, asylum seekers, economic migrants, victims of trafficking in human beings – who for various reasons leave their countries of origin, move and cross state borders without suitable documents, and illegally enter the countries of destination.

Persons who have been or are at risk of being trafficked may have a well-founded fear of persecution or be at risk of serious harm. Therefore, an important source of protection for victims of trafficking is the Convention Relating to the Status of Refugees (1951) and its Protocol (1967). While not all victims of trafficking will meet the requirements for refugee status, it is important to consider the relationship between refugee status and human trafficking. In doing so, administrative capacities of bodies responsible for reception of asylum seekers and granting of international protection have to be sufficiently developed. In addition, the appropriate and effective referral mechanisms have to be in place between authorities involved in anti-trafficking policy and those in charge of asylum policy.