

**Forum:** General Assembly

**Issue:** Addressing the trafficking in persons for the purpose of removal of organs.

**Student Officer:** Juan Ignacio Carluccio and Dylan Fairless

**Position:** Chair and Deputy Chair

---

## Introduction

The issue of trafficking in persons for the purpose of removal of organs is usually confused with organ trade, and although both have the same malicious objectives, there are different topics, that are only connected by their illegality and their name similarity.

Moreover, it has been kept out of the public eye for long due to the secrecy of the criminal organizations that carry it out, making inconceivable, as well, the data collection needed to know the extent of THB/OR (Trafficking in human beings for the purpose of organ removal). However, recently new research has shed light on the issue, uncovering the main reasons and factors behind it.

As in many other aspects of our modern society, money is the fuel that maintains the trafficking machine running. The new data found, gathered by the Organization for Security and Co-operation in Europe, shows that this phenomenon occurs when a patient, most probably from a More Economically Developed Country (MEDCs), faces the existing waiting list for an organ transplant. Seeing the extent of it, patients resort to the illegal market, where they are charged more, for an organ of a person from a vulnerable environment that was coerced to sell their organ for not a fraction of the price the recipient paid for it.

The rising demand for organ transplants has made the issue even more concerning, since if no action is taken, we can expect a spike in the number of persons being trafficked in the next few years.

## Definition of Key Terms

### Trafficking

Trafficking is defined by the UN as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of

coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”

### **Criminal Network**

A criminal network is a highly organized enterprise that intends to engage in illegal activity seeking profit. Most of them have a transnational character, developing illicit activities in different territories.

### **Organ transplant**

Is a complex medical procedure that consists of the replacement of one person's malfunctioning organ with another one that can develop its task properly. There are legal and illegal organ transplants, the first ones are regulated by either the government or a company. By this system, organs are usually recovered from a defunct body. However, if it is an illegal transplant, the recipient (the person that needs the transplant) has to pay a vendor, that will, by different methods extract person's organs without any care, leaving them deceased or incredibly ill.

### **Transplant tourism**

According to the World Health Organization, “transplant tourism” refers to patients travelling across borders to receive an organ transplant elsewhere. People tend to travel for transplantation, either because it is not available in their home country, due to religious motives, or if the facilities are adequate in their home land, there are not enough organs available in the legal framework.

## **Background Information**

### **The reasons behind the issue**

When organ transplant became mainstream and available throughout all economically developed countries, another issue arose, organ availability. Efforts were focused on recovering more organs from the deceased, campaigns were put in place to encourage people to donate their organs when they die, and research was made in order to

discover ways to preserve the organs recovered. However, despite strategies to enlarge the donor organ pool, organ scarcity developed into a worldwide problem. Transplantation is becoming a victim of its own success record on helping extend a patient's lifespan, with demand for organs far outnumbering supply. To put it in clearly, the Global Observatory on Donation and Transplantation informed that in 2013 there were an approximate of 118127 organs transplanted globally, indicating an increase of about 2,98% compared to 2012. Although there is an increase in supply, the same organization esteemed that only a 10% of the demand was covered in 2012.

To illustrate the scarcity mentioned, let's put an example. In Europe, on average, a person who needs a kidney would have to wait around 3 to 5 years to receive one, since although the number of transplant and donors has increased, there are about 120,000 patients waiting for one on kidney dialysis. In the United States the panorama is not much different, according to the United States Department for Health and Human Services, there were, as of January 2014, 120,999 candidates in the organ waitlist, but only 10,587 donors registered in the U.S. as of March that year.

Due to scarcity, patients resort to illegal strategies to obtain organs, outside legal transplantation systems and frameworks. With the increased demand, and the low supply, comes the interest of criminal organizations seeking to make profit from desperate patients. That said, it is no secret that a black market coexists with the legal one.

The issue traces back to the 1980s, when some doctors from the Gulf States were asked by patients, that had already received a transplant in India, if they can follow up their health, specifically the transplant. Even though the international community was warned about the upcoming issue, the case remained unnoticed and little was made about it. On the other hand, from the beginning of the 21st century, researchers began to report on negative outcomes of people from various countries selling organs, mainly kidneys, to "special traders." During those year a new term was coined, "transplant tourism". Citizens from countries in North America, Europe and the Near East (demand countries) travelled to mainly Asia and North Africa (supply countries), to buy the organs they needed and have the transplant. In addition, there were cases reported of domestic purchases and sales.

### **Difference with organ trade**

The main difference between organ trade and trafficking in persons for the purpose of removal of organs, is that, where as the focus of the first one is only the organs, the second issue takes into consideration other factors, such as the person of whom the organ is extracted. The broader radio of the issue also sheds light in the criminal organization that convince people to sell their organs, and the ones that are in charge of the medical procedure.

### Impact on the vulnerable

When regarding the issue in matter, researchers tend to focus on the exploitative nature of this practice, and not in the long term consequences that the issue has on the people that were exploited and now have to live with it. Discrimination is embedded in the practice of organ trading and it starts when the brokers search for potential seller, since they do not look for organs as a doctor would, on the medical benefit, but at their social condition. There is no doubt brokers prefer people that are in a vulnerable economic and social position, since they are the ones who would ask less money for their organs. The people in question are, among others: undocumented immigrants, prisoners, refugees and the poor.

Moreover, research has shown that the worst discrimination for the sellers occurs after the operation. Recent data, recovered by Viral Acharya in India has found that those who have sold their organs are regularly marginalised in the community. For instance, organ sellers are consciously excluded from government positions, such as participating from the local committer. Moreover, not only the organ sellers face discrimination in their community, but also their children do by being treated different by their teachers and peers. In Acharya s own words, " Victims gathered in the interaction program conducted in Dhulikhel recounted some bitter experiences in their villages. One victim said neighbours and relatives now treated him as untouchable and discriminated against him by not including him in social gatherings such as marriages and other ceremonies. Another victim encountered such hostility in the village that he left to live in Kathmandu Valley. "

### The role of transplant professionals in THBOR

The first account of organ trade was already mentioned, however, the physician or physicians in charge of the transplant were not judged. The first recorded case in which the professional that carried out the procedure received a sanction was in 2004, and the charges were laid by a South African court. The accusation was for the doctor's involvement in over

one hundred kidney transplants, with organs bought from Brazilian suppliers and Israeli recipients. The nephrologist involved, pleaded guilty and was fined 150,00.

Other cases include the arrest of an Israeli transplant surgeon in Turkey in 2007, charges and convictions also took place in India, Brazil and more recently in Costa Rica, where a surgeon was arrested as a suspect for running an international transplant organization that linked suppliers in Eastern Europe, to needers in Israel.

### Ethical views on THB/OR

There are thousands of ethical problems that arise while treating THB/OR. In the case of living donors the UNODC dictates some rules that go in accordance with ethical conducts. The most relevant are found in the list that follows:

- "living donors should be, in general, genetically, legally [e.g. spouses] or emotionally related to their recipients (unless such related persons and recipient do not match well immunologically);
- living donors have to give informed and voluntary consent;
- living donors should act willingly and free of any undue influence or coercion and need to be informed of the probable risks, benefits and consequences of the donation in a complete and understandable fashion; the need to ensure professional care of donors and well-organized follow up;
- the need to strictly apply and monitor criteria for donor selection and to allocate organs based on clinical criteria and ethical norms, not financial considerations;
- organs should only be donated freely, without any monetary payment or other reward of monetary value (except for the reimbursement of reasonable and verifiable expenses incurred by the donor, such as loss of income);
- all healthcare facilities and professionals involved in cell, tissue or organ procurement and transplantation procedures should be prohibited from receiving any payment exceeding the justifiable fee for the services rendered." (UNODC, 2015)

In addition, consent is linked to ethical, making it a cornerstone of this topic. As mentioned above, complete consciousness from the donor is needed so to carry an ethical and legal organ transplantation. In reality, the donor often has none or little knowledge about

the procedure, the short-term and long-term consequences that it could have, nor the recovery after the extraction.

## Major Countries and Organizations Involved

### Iran

Iran is the only nation where organ trade is legal. As a consequence of the system of legally buying and selling kidneys, in Iran there are no waiting lists, these were actually eliminated by the government in 1999, or lack of kidneys: an average of 1400 Iranians sell their kidneys annually. Perhaps the most interesting detail of the programme is that the seller is not only compensated by the buyer, but also by the Iranian government. The system still manages to have a strict regulation towards foreigners since under Iranian law it is illegal for an Iranian to sell his or her organs to a non-citizen. Comparing Iran to nations such as Pakistan, where the organ trade is illegal but still occurs, authorities seem to prefer keeping the matter under the protection of the law. The Iranian solution to the problem seems to be very efficient as not only it reduces the shortage of organs whilst maintaining matters transparent and legal, but also it avoids people in financial need to resort to illegal methods to obtain money, which instead helps save lives. It is still important to note that many still see the Iranian policies on organ trade as an exploitation of the poor. (*Wikipedia, 2018*)

### World Health Organization (WHO)

Since its creation, 1948, this UN agency is the leading coordinator of nearly all international health programmes. The WHO provides leadership and authority in medical issues, also acting as mediator between organizations and nations creating partnerships. The organization also works on reinforcing international legislation and standards, whilst supervising their application. In human organ transplantation, the WHO works hand in hand with organizations such as the Transplantation Society, to maximize the effect of guidelines. Furthermore, the WHO Global Observatory on Donation and Transplantation (GODT) works on collecting data and building database systems. Thanks to the information gathered by the GODT nations and intergovernmental organizations like the UN have a better and more detailed image of the issue at hand; for example the data recovered by the GODT shows that there are approximately 130 thousand organ transplants performed around the globe annually.

### The Transplantation Society

The Transplantation Society is a global non profitable NGO responsible for building guidelines towards ethical medical practice mainly through education programmes worldwide. The organization deals with the increasing shortage of organ donors, promoting organ transplantation of live and deceased patients, whilst developing medical mechanisms and instructions. Furthermore the Transplantation Society also deals with illicit practices such as transplant tourism and organ transplantations of executed prisoners, persuading legal and transparent measures. *(Stock. P, n.d.)*

## Pakistan

According to the U.Ss State Department Pakistan has made significant efforts to counter the trafficking of persons within its territory, however; it does not meet the minimum standards needed for the elimination of the issue, the same entity states. Various media outlets from Pakistan, report that there are "loopholes" in the measures and programs implemented by the asian government. The country is classified as a destination, a place of transit and a source of trafficked people. The report made by the mentioned U.Ss organization also points out the fact that due to the existing feudal system in rural Pakistan, trafficking is easier, due to the fact that the landlords do not only own the land where people live, but also own the people themselves. What is more, landlords are seduced by human traffickers, to sell the peasants living in their land for the purpose of organ trafficking.

The economical factor is also present in Pakistan. As close as 2017, Reuters reported about a Pakistani woman that did not hesitate whether to sell her kidney or not. She tells the journalist about her experience, making emphasis on the fact that it was not as easy as she was made to believe by a neighbour, that was the middleman between her and the traffickers. In a brief manner, she states that selling her kidney was not worthy, but she had no choice due to the economical hardship she and her family where living in.

## UNODC (United Nations Office on Drugs and Crime)

UNODC is, as their official webpage defines it "a global leader in the fight against illicit drugs and international crime". Created in 1997, the UNODC operates in every corner of the world through an extensive network of field offices that is possible because of the voluntary contributions, mainly from Governments, that account for 90 percent of the organization's budget.

The aim of UNODC is to assist Member States in their struggle against illicit drugs, crime

and terrorism, in general. Moreover in the Millennium Declaration, Member States resolved to intensify efforts to fight transnational crime in all its dimensions, including THB/OR.

## Timeline of Events

Date	Description of event
1954	The first successful kidney transplant was made
July 13th, 1968	The United States enforces the Uniform Anatomical Gift Act
December 12th, 1968	The UN signs the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
May 3rd, 2005	The Council of Europe enacts the Convention on Action against Trafficking in Human Beings
May, 2007	China prohibits organ commercialism
February, 2008	An Indian criminal organization dedicated to persons and organ trafficking is disarticulated

## Relevant UN Treaties and Events

- Declaration on the Critical Economic Situation in Africa, 3 December 1984 (**A/RES/39/29**)
- Resolution 53/111, 20 January 1999 (**A/RES/53/111**)
- Resolution 53/126, 26 January 2000 (**A/RES/53/126**)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 25 December 2003 (**A/RES/55/25**)
- Resolution 70/179, 16 February 2016 (**A/RES/70/179**)
- Resolution 71/322, 25 September 2017 (**A/RES/71/322**)
- Resolution 59/156, February 2005 (**A/RES/59/156**)

## Previous Attempts to solve the Issue



The Declaration of Istanbul on Organ Trafficking and Transplant Tourism, developed in 2008, was a global attempt to stop the infamous transplant tourism phenomenon. Providing guides and instruction material for professionals that work in the specialty of transplantation. The declaration's Custodian Group is in charge of gathering records and statements of the illicit organ trade and delivering such reports to local authorities. (*Wikipedia, 2018*). There has been some kind of light towards progress. In many countries such as Pakistan and India, legislation which prohibit organ trade have been implemented. Organ trafficking cases have been prosecuted by India, China, United States and United Kingdom. Still, organ trafficking has been growing, as vendors relocate and travel to countries where authorities have higher priorities.

The universal problem that seems to prevail is that there is a shortage of organ donors. This is why countries such as Australia and United States have developed initiative over the lack of donors. The US has implemented the Organ Donation Breakthrough Collaborative (ODBC) programme which aimed to reach a 75 percent donor conversion rate in the country, an objective later to be accomplished by 200 hospitals around the nation. (*Ross, 2013*) Australia has also improved its medical care by creating new institutions such as the Organ and Tissue Authority in order to improve organ donations and transplantations inside its borders with project like the Donate Life programme. (*Australian Government, n.d.*) A clear example of good legislation and poor execution is seen in nations such as Pakistan and India. As mentioned in the "Major Countries and Organizations Involved" section, although Pakistan has put its efforts in eradicating the trafficking of persons, it is still long before achieving such objective. In 2018 the Pakistani government developed the "Prevention of Trafficking in Persons Act", which finally gave Pakistan the necessary legal framework to improve jurisdiction as mean to tackle the issue. Nevertheless, the country still struggles in apprehending perpetrators of such crime, in particular government officials. According to the US Department of State, the country should work on "increas[ing] prosecutions and convictions" and "provide additional resources to increase trafficking-specific services for victims". India finds itself in a similar position. Although it has developed the correct legal framework to deal with human trafficking, including the Immoral Traffic Prevention Act (ITPA), still struggles to enforce the law. In 2016, nearly 20,000 women and children were subject to human trafficking. (*Us Department of State, 2018*) Thus, in order to truly achieve results in tackling the issue, governments should balance the probability of enforcing the law in reality, with the law.

## Possible Solutions

Although there is no one solution to the issue at hand, in most cases the trafficking of organs appears to constitute organized international crimes, therefore before providing local constitution solutions to the problem, the global community should seek to find more international mechanisms to stop the illegal market of organs. Stronger and more efficient communication between nations and international law enforcement agencies such as INTERPOL, could be a fast solution to the apprehension of perpetrators. Another globalized answer to the problem is finding ways of enforcing international treaties and conventions against the illicit trafficking of organs that could make punishments more severe.

Many support the Iranian solution to the issue, establishing legal kidney and/or other organ markets thus being a step closer in eradicating the black market. Nevertheless, others believe that this would only worsen the issue as the black market would not be eliminated but simply relocated and most probably expanded, improving its mechanisms and thus making it even more difficult to tackle the issue at hand.

Simplier solutions include:

- persuading and incentivizing posible living donors to perform an altruistic kidney donation
- better treatment of diseases that can lead to kidney malfunctions
- stronger legislation and penalties on organ trafficking
- developing efficient programs for deceased kidney and other organ donation.

## Bibliography

Australian Government. (n.d.). *Donate an Organ*. Retrieved from Organ and Tissue

Authority: <https://donatelifegov.au>

Australian Government. (n.d.). *Organ and Tissue Authority*. Retrieved from Australia

Government: <https://www.australia.gov.au/directories/australia/ota>

Broumand, B., & Saidi, R. F. (2017, February). *New Definition of Transplant Tourism*.

Retrieved from US National Library of Medicine National Institutes of Health:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5347406/>

Budiani-Saberi, D. (n.d.). *HUMAN TRAFFICKING FOR AN ORGAN REMOVAL (HTOR): A*

*CALL FOR PREVENTION, PROTECTION, PROSECUTIONS AND INVESTIGATIONS*.

Retrieved from Coalition for Organ-Failure Solutions (COFS):

<https://humanrightscommission.house.gov/sites/humanrightscommission.ho>

[use.gov/files/documents/Budiani%20-%20Powerpoint%20Presentation%20-%20revised.pdf](https://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/1990-1999/1998/General_Assembly/A-RES-53-111.pdf)

Dehghan, S. (2012, May). *Kidneys for sale: poor Iranians compete to sell their organs*.

Retrieved from The Guardian:

<https://www.theguardian.com/world/2012/may/27/iran-legal-trade-kidney>

General Assembly. (1999, January). *A/RES/53/111*. Retrieved from United Nations:

[https://www.unodc.org/documents/commissions/CCPCJ/Crime\\_Resolutions/1990-1999/1998/General\\_Assembly/A-RES-53-111.pdf](https://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/1990-1999/1998/General_Assembly/A-RES-53-111.pdf)

General Assembly. (2005, February). *A/RES/59/156*. Retrieved from United Nations:

<https://undocs.org/A/RES/59/156>

General Assembly. (2016, February). *A/RES/70/179*. Retrieved from United Nations:

<https://undocs.org/A/RES/70/179>

Give a Kidney . (n.d.). *Altruistic or non-directed donation is the giving of a kidney, from a living person, to a stranger who has kidney failure*. Retrieved from

Give a Kidney :

<http://www.giveakidney.org/2014/latest-news/altruistic-or-non-directed-donation-is-the-giving-of-a-kidney-from-a-living-person-to-a-stranger-who-has-kidney-failure/>

Martin, D. (2012, June). *Action to stop thriving global organ trade must start at*

*home*. Retrieved from The Conversation US:

<https://theconversation.com/action-to-stop-thriving-global-organ-trade-must-start-at-home-7333>

Nephrol, I. (2008, July). *The declaration of Istanbul on organ trafficking and*

*transplant tourism*. Retrieved from US National Library of Medicine National

Institutes of Health:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2813140/>

Pascalev, A., de Jong, J., Ambagtsheer, F., Lundin, S., Ivanovski, N., Codreanu, N., . . .

Weimar, W. (2013, December). *TRAFFICKING IN HUMAN BEINGS FOR THE PURPOSE OF ORGAN REMOVAL*. Retrieved from HOTT project:

<http://hottproject.com/userfiles/HOTTProject-TraffickinginHumanBeingsforthePurposeofOrganRemoval-AComprehensiveLiteratureReview-OnlinePublication.pdf>

- Rheeder , R. (2017). *A global bioethical perspective on organ trafficking: Discrimination, stigmatisation and the vulnerable*. Retrieved from Faculty of Theology, North-West University  
<https://www.ajol.info/index.php/sajbl/article/download/158663/148285>
- Sarvestani , N. (2006, October). *Iran's desperate kidney traders*. Retrieved from BBC:  
[http://news.bbc.co.uk/2/hi/programmes/this\\_world/6090468.stm](http://news.bbc.co.uk/2/hi/programmes/this_world/6090468.stm)
- Riazul Haq (2018, July 13). *Pakistan lacks efforts to eliminate human trafficking*. Retrieved from The Express Tribune:  
<https://tribune.com.pk/story/1756660/1-pakistan-lacks-efforts-eliminate-human-trafficking/>
- Ross, S (2013, April). *The Organ Donation Breakthrough Collaborative: has it made a difference?.* Retrieved from US National Library of Medicine:  
<https://www.ncbi.nlm.nih.gov/pubmed/23414636>
- Shimazono, Y. (2007, December). *The state of the international organ trade: a provisional picture based on integration of available information*. Retrieved from United Nations:  
<https://www.who.int/bulletin/volumes/85/12/06-039370/en/>
- Stock, P. (n.d.). *POLICY & ETHICS*. Retrieved from The Transplantation:  
<https://www.tts.org/policy-a-ethics-223>
- Tazeen , J. (2009, December). *Organ Trafficking: Global Solutions for a Global Problem*. Retrieved from National Kidney Foundation:  
[https://www.ajkd.org/article/s0272-6386\(09\)01177-9/fulltext#sec6](https://www.ajkd.org/article/s0272-6386(09)01177-9/fulltext#sec6)
- UNODC. (n.d.). *Human Trafficking*. Retrieved from UNODC:  
<https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>
- UNODC. (n.d.). *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*. Retrieved from UNODC:  
<https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>
- US Department of State (2018). *Pakistan*. Retrieved From the US 2018 Trafficking in Persons Report:  
<https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282725.htm>

Wikipedia. (2018, October). *Declaration of Istanbul*. Retrieved from Wikipedia:

[https://en.wikipedia.org/wiki/Declaration\\_of\\_Istanbul](https://en.wikipedia.org/wiki/Declaration_of_Istanbul)

Wikipedia. (2018, October). *Kidney trade in Iran*. Retrieved from Wikipedia:

[https://en.wikipedia.org/wiki/Kidney\\_trade\\_in\\_Iran#cite\\_note-1](https://en.wikipedia.org/wiki/Kidney_trade_in_Iran#cite_note-1)