



Human Trafficking Committee

## **Establishing an international pact to prevent organ, tissues and cells (OTC) trafficking**

### **Introduction**

“The human body and its parts shall not, as such, give rise to financial gain, “ Article 21 of the 1997 Convention on Human Rights and Biomedicine – Council of Europe

The demand for cells, tissues and organs increases worldwide as technology and health care possibilities develop. The usage of cells and tissues amongst research fields is historically at its peak. This is related not only to outstanding technological possibilities, but also to the financial potential which it offers. Apart from the fact that organ transplantation is accessible as never before (yet still insufficiently safe). Nowadays the demand overtops the supply by far. Over the past 20 years it has become apparent that rumors regarding human trafficking in terms of OTC unfortunately turned out to be reality. The controversy amongst OTC trafficking is far reaching and does not address only human rights. As it is a very complex topic it also involves ethical, socio-economic and gender issues. The concept of human trafficking is tightly connected with the global illegal market. Therefore, international cooperation is a crucial aspect in preventing such worldwide illegal actions effectively. Preferably a pact aiming to prevent OTC trafficking agreed amongst the Human Trafficking Committee is the key step in reaching such a difficult goal.

### **Issues**

There is a significant confusion between the “trafficking in OTC” and “trafficking in human beings for the purpose of the removal of organs” amongst the public and legal debate. The aim of the Human Trafficking Committee is to cover both of the aspects. In the second type the object of the crime is clearly the human being, however in the first it is debatable whether the object of the crime is only the OTC itself, or if it is also the donor. Since it is tightly related, we will discuss it as a violation of rights of the human being (the donor).

It is extremely hard to track the illegal market. Information regarding its extent is in many cases based only on assumptions since there is a significant lack of official sources. This leads to a high percentage of unreported cases (which involved violations of human rights). The perpetrators act upon high profits and low risks, meanwhile the victims are ashamed and perhaps frightened to report the crimes. The recipients will remain silent and others who know about the process are usually involved in it.

Transplantation needs are global. However, countries have different attitudes towards it in spite of existing bioethical standards. Trafficking is more likely to take place in countries which do not have an effective regulatory framework which would prevent it, or do not have sufficient regulations in preventing the rights of the donor. The donors usually come from less developed countries, live in poverty and are not fully aware of their human rights. This may lead to so called “transplant tourism”, where people travel from Northern rich countries to poor South countries to buy the organs as fast as possible. People sell them the organs order to solve desperate financial needs. Also, human trafficking for the purpose of removal of organs is more practiced on women and children.

The ethical debate raises important questions, such as: who should have the right to decide about whom gets a transplant? To what extent should the government interfere? How to distribute organs evenly? How to deal with the shortage of organ supply?

The consequences of having a vague regulatory system in preventing trafficking with OTC are a rising number of cases amongst such illegal action. Trafficking is going to grow in its financial benefit for its perpetrators. Meanwhile the possible legal punishments are going to remain inadequately low. Most importantly, victims get severely psychologically and physically damaged. Without effective prevention, they will remain unaware of their basic human rights.

## International regulations

There are several important international regulations regarding the OTC Trafficking issue. The key organizations and their regulations are as follows:

- United Nations General Assembly – 2004 resolution on Preventing, combating and punishing trafficking in human organs
- WHO - Resolution on the development of guiding principles for human organ transplants; Resolution on preventing the purchase and sale of human organs; Guiding Principles on Human Organ Transplantation
- Council of Europe: Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin; Convention on Action against Trafficking in Human Beings; Convention on Human Rights; Parliamentary Assembly Recommendation 1611 (2003) on trafficking in organs in Europe; Committee of Ministers Recommendation (2004) 7 to member states on organ trafficking;
- European Union: Initiative of the Hellenic Republic with a view to adopting a Council Framework Decision concerning the prevention and control of trafficking in human organs and tissues
- The Iberoamerican Network/Council of Donation and Transplantation (RCIDT)
- The Transplantation Society and the International Society of Nephrology - Declaration of Istanbul on Organ Trafficking and Transplant Tourism
- Asian Task Force on Organ Trafficking - Recommendations on the Prohibition, Prevention and Elimination of Organ Trafficking in Asia (Taipei Recommendations)

## Further research

WE RECOMMEND BRIEFLY READING THROUGH THE “Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs“ Joint Council of Europe/ United Nations Study, AS IT VERY WELL COVERS THE TOPIC AND BRINGS RELEVANT AND USEFUL STATISTICS.

Apart from the most important question: “How should human trafficking for the purpose of removal of organs and the trafficking of OTC itself be prevented?”, the following questions could be taken in consideration when writing your countries’ position paper:

- How to deal with the global shortage of organ supply?
- How to enforce and control laws regarding the topic?
- Who and how should decide about who gets a transplant and who does not?
- How to distribute organs fairly?

- What steps can the government take in the question of transplant distribution?
- Should donations be financially rewarded? If yes, how?
- How to track the illegal market?
- How to raise awareness about basic human rights regarding human trafficking issues?
- What should the rights of the victim/donor (of tissues/organs/cells) be?

What to research for your country:

- Attitude of your country towards the topic
- Statistics about trafficking in OTC and the trafficking of human beings for the purpose of removal of organs
- The socioeconomic situation in your country
- Regulations/laws regarding the topic
- Involvement in existing international pacts regarding the topic
- Religion, Human Development index and how it might relate to the topic

### **Sources and links:**

- [https://www.coe.int/t/dghl/monitoring/trafficking/Docs/News/OrganTrafficking\\_study.pdf](https://www.coe.int/t/dghl/monitoring/trafficking/Docs/News/OrganTrafficking_study.pdf)
- <http://lastradainternational.org/doc-center/2397/trafficking-in-organs-tissues- and-cells- and-trafficking-in-human-beings-for-the-purpose-of-the-removal-of- organs>
- <http://www.osce.org/cthb/103393?download=true>
- <http://www.policyinnovations.org/ideas/briefings/data/000165>
- [https://www.unodc.org/documents/human-trafficking/UNVTF\\_fs\\_HT\\_EN.pdf](https://www.unodc.org/documents/human-trafficking/UNVTF_fs_HT_EN.pdf)