



# SOCHUM STUDY GUIDE

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## Agenda Item 1

**Questioning the ethics and morality of advancements  
made in biotechnology and genetic engineering**

*haydarpagumur*

**Topic:** Questioning the ethics and morality of advancements made in biotechnology and genetic engineering

**Committee:** (SOCHUM) Committee on Social, Cultural & Humanitarian Issues

**Name:** Azra Özen

**Position:** President

### A. Introduction to the Chairs

Most esteemed participants,

It is my utmost pleasure to serve you as the chair of the Social, Cultural, and Humanitarian Committee at the Haydarpaşa MUN Conference. I'm a sophomore at Kabataş Erkek High School, and the President of the General Assembly and the Head of Academy at Kabataş MUN. I'm thrilled to be a part of this conference, which offers young minds to collaborate and debate upon world issues. I aspire to create an inclusive environment, in which all participants have the opportunity to learn and grow.

We expect each delegate to come to the conference with an understanding of their country policy and willingness to cooperate. The best way to get prepared is to start by reading the study guide. Then continue to expand your research by further links provided in the guide, and briefly read about the role your country has in official news format. After doing research, creating a mind map on a paper about all the information you have gained is a practical way that I used to summarise the topic and simplify it under categories.

Our agenda items are questioning the ethics and morality of advancements made in biotechnology and genetic engineering. I prepared this chair report to introduce you to the agendas while guiding you to identify problems and come up with possible solutions. This issue can get controversial and has various approaches besides being relatively complex and scientific. Thus, never hesitate to ask questions and contact me at: [azraozen@gmail.com](mailto:azraozen@gmail.com)

Best regards

Azra Özen

### B. Introduction to Committee

The third committee of the General Assembly, also known as the Social Cultural and Humanitarian Committee mainly focuses on a wide range of topics revolving around humanitarian and social issues in the international community. The Committee also discusses questions relating to the advancement

of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the right to self-determination. The Committee also addresses important social development questions such as issues related to youth, family, ageing, persons with disabilities, crime prevention, criminal justice, and international drug control.

In HaydarpaşaMUN 2022, SOCHUM Committee delegates will discuss two agenda items: on biotechnological advancements and the ethical question of gene editing, and the issue of organ trafficking on an international level.

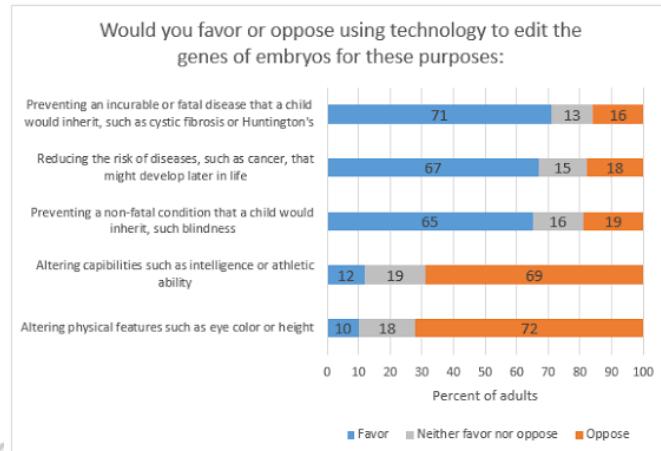
### C. Introduction to Agenda Item

The human genome is one of the most complex and puzzling concepts of human life. Some information encoded in an organism defines the abilities, appearance, and even the functioning of its mind. This mystery of life has always been an area of interest for scientists, starting with Gregor Mendel. Mendel experimented with pea seeds and observed that inheritance of particular traits follows patterns. The law of dominance follows as: if an allele of a trait is dominant and the other allele is recessive the organism will display the dominant character.

Since Mendel, the science of genetics has evolved in a revolutionary way. Humans now can identify which trait each part of DNA codes for with recent developments of the human genome project. Moreover, the science of genetics can now be amalgamated with the principles of engineering, making the human genome modifiable. Genetic engineering, if properly developed and used, can be just as revolutionary as the discovery of antibiotics. By the virtue of being a remedy for almost every genetic fatal disease. However there are various obstacles against the advancement of biotechnology. Engineering is a science which relies on the analysis of data. With the proper examination of data, actions are taken. Nevertheless the human genome is highly inconsistent and complex, making data examination troublesome. There are also many factors that affect the expression of a gene, which is an obstacle against the effectiveness of gene therapy. If the gene which is identified as the cause of colour blindness is cut out by genetic engineering, there are still other factor genes in the DNA which promote the expression of the fault gene.

Accessibility of gene therapy also raises concerns regarding the already existing inequalities in healthcare systems. Treatment of disease with genetic engineering is still relatively expensive. The groundbreaking advancements in biotechnology raises one main question in the science industry: Is it ethical and morally correct to change the genome of a species? Making alterations in the code of life can have serious unforeseen outcomes like changing the frequency of a trait in the population, occurrence of new diseases, disruption of the already existing ecosystems, and they can be utilised for

the benefit or a specific group. There are even speculations regarding countries building troops formed of genetically engineered soldiers. After all, ethics should be promoting and strengthening the advancement in technology by preventing possible immoralities, not hindering the process of technological development.



*Question: As you may know, scientists are working to develop technology that could be used to edit the genes of embryos in different ways, including to change characteristics of babies before they are born. Would you favor, oppose or neither favor nor oppose using this technology for each of the following purposes?*

*Source: AP-NORC poll conducted December 13-16, 2018 with 1,067 adults nationwide.*

*Poll chart by AP-NORC regarding the approaches to gene editing purposes*

## D. Key Terms

**Gene Editing:** Gene editing is the utilisation of modern technologies to make highly specific changes in the DNA, which uses specific enzymes to customise the organism's genetic makeup. These enzymes introduce specific cuts of DNA strands, while removing the already existing strands.

**Cloning:** Cloning is the process of creating two genetically identical organisms using somatic cell nuclear transfer. Cloning can also occur naturally, when an organism replicates its' DNA and reproduces asexually. Studies in animal cloning have been carried out in the last century. Human cloning is an issue which raises the main concerns about ethicality.

**CRISPR-Cas9:** CRISPR is a newly developed technology mimicking the gene modifying systems in bacteria to cut out or edit specific parts of DNA. Bacteria use a system to identify the foreign part of DNA in their genome, inserted by a virus. Then with the help of the enzymes the foreign DNA is cut-off. CRISPR uses the similar steps: it cuts the unwanted piece of DNA, then lets the neutral DNA repair process take over.

**Bioethics:** Bioethics is the synthesis of various disciplines. It investigates the ethical and moral questions revolving around medical research and treatment processes.

Questions like: “Is it ethical to use embryos in medical research? By utilising gene editing and changing the gene pool humans can shape the appearance of society. Is this ethical or could there be an abuse of power in this context? Is ending the life of a suffering non-treatable patient by his consent morally correct?”

**Euthanasia:** Euthanasia is defined as the practice off deliberately ending one’s life with their consent by a medical professional to end their suffering. The legality of this process varies from country to country.

**Biocentrism:** Biocentrism is a concept which undoes everything we are told. It explains the theory of everything as the universe comes from life itself, not the other way around. Reality is defined by the observer’s consciousness.

In an ethical perspective, biocentrism accepts all life as equal, and deserving of equal treatment. It raises an argument that all other species must also be treated as humans. Thus, experiments in genetic engineering would be immoral from this perspective.

**Germline Editing:** Germline editing is the occurrence of a modification in the genome which can be passed onto the offspring, thus is inheritable. The alterations in one's genome made by CRISPR are all shown in the later generations and zygotes of the organism.

**Gene Drive:** Gene drive is defined as exacerbating a particular gene's probability of being passed off to the offspring. This could happen naturally or deliberately with the recently advanced technologies.

## E. History of Topic

For the longest time, humans were curious about what caused them to be the way they are. Were diseases just unlucky coincidences? There must be a factor that affects their appearance and causes them to look like their mother. They began to look for some code which identified them.

DNA was first discovered by the Swiss chemist Friedrich Miescher. Later on, the [Hershey Chase experiment](#) affirmed that DNA was an inheritable material which is semi-conservatively replicated and passed on to later offspring.

As much as humans wanted to know what shaped their genome, they aspired to change it and cut out any errors. This demand gave rise to the science of genetics and genome editing.

First attempts to observe the changes in DNA were with the assistance of mutations.

Later methods were attempts of transposon insertions that could be induced in some organisms which produced changes at random sites in the genome. [The first targeted genomic changes](#) were produced in yeast and in mice in the 1970s and 1980s.

Todays' most important gene editing technology is CRISPR-Cas9 is the result of investigations made on restriction enzymes . These enzymes were found in certain bacteria and utilised in the process of cutting off DNA inserted by bacteriophages, which are infectants to bacteria. This process sparked the idea that certain parts of a DNA could be deleted or inserted.

Today in most biochemical experiments and tests polymerase chain reaction (PCR) is utilised. PCR was integral in later DNA experiments and breakthroughs, as it is used to make many copies of a specific DNA segment. With the assistance of PCR, any copy of a DNA sequence is [amplified to make more copies, and can generate thousands or even millions of copies](#).

With all the knowledge brought from yesterday, CRISPR genome editing technology was established in 1987.

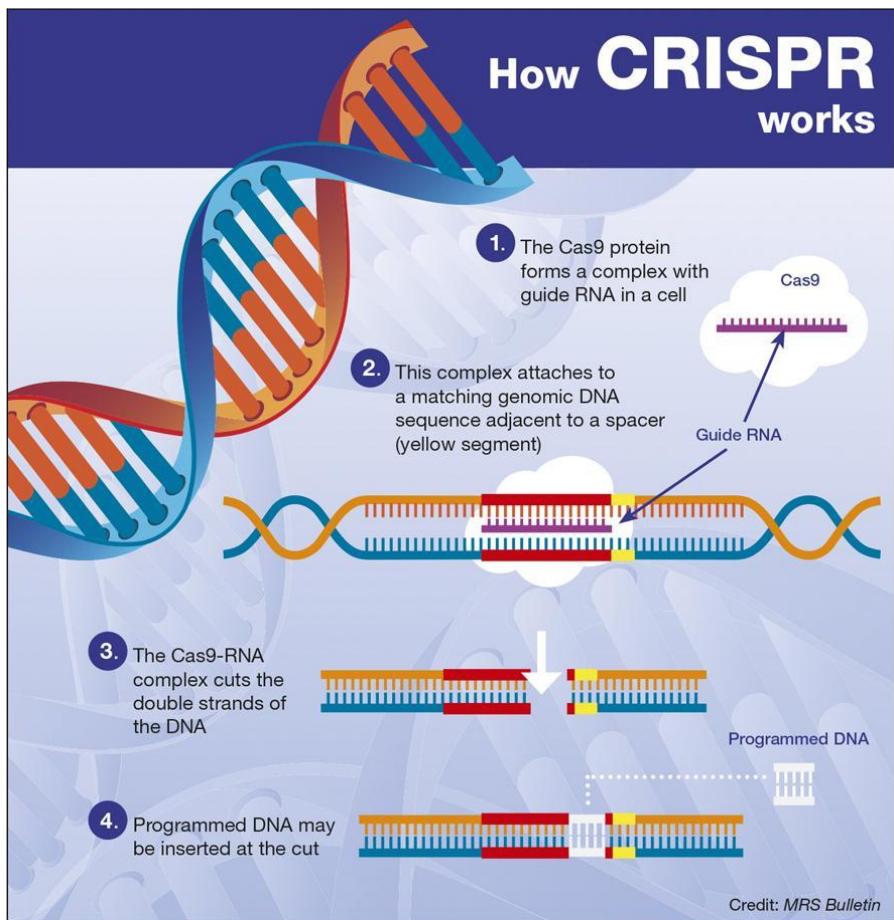
During 1990-2003 the human genome project was executed. [The HGP](#) is an international research project aiming to identify the base pairs that make up human DNA, mapping these genes according to their physical and functional outcomes. This discovery has a non neglectable impact on today's genetic sciences. With this information the sequences and alleles which cause disease can be identified.

Gene editing can be the remedy for many fatal diseases such as cancer, Tay Sachs disease, ALS, MS, Huntington Disease, Haemophilia, and Down Syndrome.

The scepticism about genome editing also leads way back in history. [%54](#) percent of the population believe that gene editing jeopardises the natural gene pool of humans and raises ethical concerns.

The ethical concerns are based on historical events of Eugenics such as the Nazi concentration camps in World War II. In these camps certain genes were promoted while some were taken out of the gene pool by controlled breeding. The criticised aspect of eugenics is that it could abuse the genetic criteria to the benefit of the group which has political power and say at that specific time.

*Shaydarupgajaman*



*Factsheet explaining the operation processes of CRISPR Cas9 by Ms Bulletin*

## F. General Overview

### 1. The Remedy for All Disease

Severe diseases such as malaria, asthma, cancer, HIV and many more are encoded in the DNA. If the segment of DNA which encodes disease could be cut out, humanity would not have to further strive to find remedies due to the fact that every disease could be treated. CRISPR technology was utilised with the particular aim to eradicate the transmission of HIV virus from the father to the child by the scientist He Jiankui in 2018. He created the world's first genetically engineered babies. This experiment aimed to resolve HIV related fertility problems. A father who had the virus and a healthy mother created an embryo, which was engineered by CRISPR to cut out the segment coding for the contraction of HIV. However there were concerns regarding the twins' well being, legal supervision, and information consent. The changes in the genome could have unforeseen impact and impact the child's life hazardously. Dr. He was found guilty and faced prison up to three years along with financial sentences. This remarked a milestone in genetic engineering and its ethical concerns.

Deleting the malfunctioning gene or inserting a new gene to the genome with the aims of curing disease is defined as gene therapy. Since 2016, more than 10,000 people have been patients of gene therapy.

## 2. Consummating Humans

With all the recent research and development, there is one question that comes to mind. What does humanity have next? The most probable answer is designer babies and superhumans. Throughout history, there have been several attempts to consummate humans, the most notorious one being in World War II called master race, where genetic diseases were regarded as unhealthy imperfections and with the help of eugenics tried to be erased. In modern times, this is not a distant scenario. Nowadays, practices at zygote modifications are commonly discussed and ready to perform. Alterations in a zygote's genome raises concerns regarding informed consent of the patient. Although illness scans are necessary to perform, the interference of a gene can go both ways which is to annihilate any quality the parent or designer wants. Therefore, the baby has no information and say in this crucial decision which will affect them and their possible children for generations, which can be morally incorrect.

If the genome can be edited to be resistant to a disease, it can also be edited to create smarter, better looking, or even ideologically biased offspring. Controversy of the designer babies is caused by the unforeseen effect the editing process can cause. Since humans are concerned, an experiment beforehand cannot be carried out and possible outcomes of DNA modification can make things even more complicated by not only receiving the desired gene sequence, but ending up having a damaged one. The legal processes are also complex and unique depending on the country.

Genes often have more than one use, thus editing even one nucleotide can have groundbreaking effects on the child. The unaffordability and lack of accessibility can also create gaps in the society. In the situation of misuse of gene editing and designer babies, outcomes could jeopardise the whole of humanity. As aforementioned, nations can produce genetically engineered soldiers, scientists, political leaders, and alter the way of thinking in a population which could benefit specific regimes.

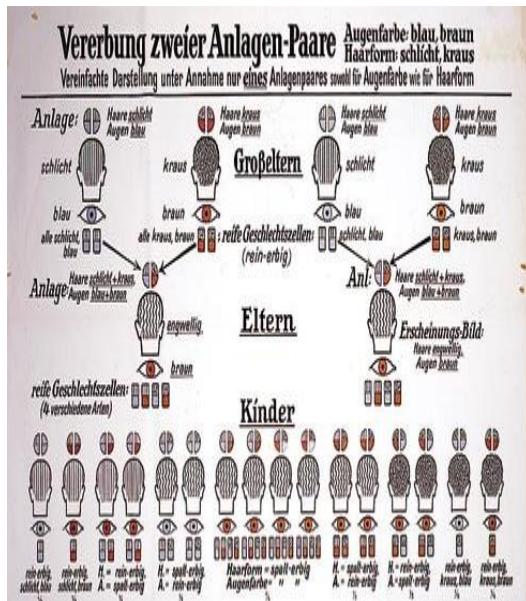
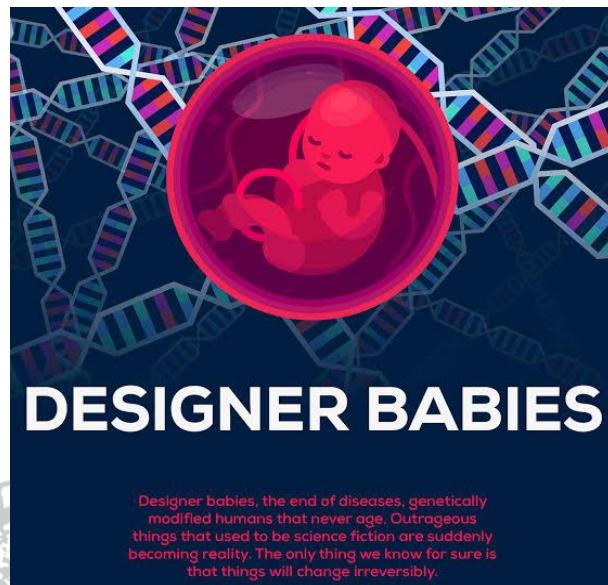


chart incorporating eugenics



Visual about designer babies by Kurzgesagt

A

### 3. Equality, Boundaries, and Safety

Genetic engineering is relatively less accessible compared to other technologies in medicine. It cannot be neglected that treatments in the genome are extravagantly promising and the future of medicine. However basic quality healthcare is already a challenge to access in many countries. If invested in this technology, only a specific group of the society will have the privilege to get treatment, enhancing the inequalities. As a result, there would be a group of individuals lacking basic healthcare while another group is being treated with highly technologically developed treatment which costs the governments millions of dollars.

A similar situation is also observed in agriculture with Genetically Modified Organisms (GMO's) crops. Some farmers will lack the access to these advanced seeds, exaggerating the competition in agriculture and eventually targeting small scale farming industries.

Since this technology is newly developed, there is a possibility that it could have side-effects on the patients. Safety raises a crucial concern regarding bioethics. Is it ethical to carry out an experiment on a human being, whose possible outcomes are not certain? But if experiments are prevented, the safety check would never be done. This raises a dilemma between safety and genetic engineering experiments.

In most countries there isn't a viable legislation in genetic engineering and modifying the human genome for scientific reasons. Boundaries must be clarified in order to continue with ethical and legal research. This could be done through laws, conventions, and guidelines released by authorised scientists in cooperation with governments. With the situation of ambiguity now, scientists hold back from carrying out research and advancing the already existing genetic engineering technologies.

#### **4. Ethical Concerns**

Ethics is a subject which is highly relevant with science. The rapid development of today's technology can be eye-blinding and prevent humanity from foreseeing possible ethical and moral issues. The concept of ethicality is what differs humans species from other animals, thus it should be highly prioritised while making advancements in technology.

Some examples of ethical and moral question which can guide the shaping process of a person's thoughts in the area of ethical genetic engineering are:

- Can other species be affected by a change in the gene pool of a species? Are humans responsible for protecting and considering all life on Earth?
- What defines consent in scientific research? Is modification of an embryos genome ethical if the treatment can save its life?
- How can the possible disaster scenarios be prevented in the advancement of biotechnology? What kinds of regulations must be formed, who should have the authority to set boundaries to genetic engineering?
- Are all living beings equal?
- Do humans have the right to alter what has been provided to them as the code of life by mother nature?
- Are diseases just harming the organisms or stabilising the population by natural selection?

#### **G. Bloc Positions**

Biotechnology requires a large amount of funding for researchers and high-technology labs, thus it is mostly common in developed countries such as the United States of America, China, many European countries and Japan. The first national bioethics committee was found in France followed by Denmark, Finland, Italy, Luxembourg, Malta, Netherlands, Norway and Portugal in Europe. There had been several parliament caucuses and conventions regarding the issue of biotechnology and its ethics. In the United States of America, the studies are held both by private companies and the government itself, especially in agriculture. Regarding regulations taken from the two sides, we can see that the USA's are easy to revise, more transparent and applies to wider cases. The United Kingdom has a similar policy like the United States of America which is more liberal and permits scientific researchsing on human body parts. One of the most important biotech leaders in the world is China and one of the biggest marketplace and producers of the products. However it can be seen that

there are not enough regulations taken and transparency cannot be provided yet. Developing countries are yet to be doing research and experiments, however it has started to become more common lately in nations such as Brazil, Cuba, Egypt and Kenya. The Convention of Human Rights and Biomedicine has been adapted and applied which includes various aspects of the issue such as human embryo research and freezing, in-vitro fertilisation.

## **H. Relevant UN Treaties, Resolutions and Events**

There have been many conventions and councils held among the European Union in order to discuss the ethics of biotechnology and biomedicine especially in the period of 1980-1990, when many resolutions and recommendations were made. Therefore, an advisory group formed nowadays turned into the Steering Committee on Bioethics (CDBI). Another council called The Nuffield Council on Bioethics was formed in the United Kingdom with the help of the Department of Health and has been working upon it till then. On the other hand, the United Nations has also made plenty of sessions at which biotechnology was discussed, especially in areas like sustainable development and human rights concerns. One of the most vital ones being the third session of the Commission on Sustainable Development. [Universal Declaration on the Human Genome and Human Rights](#) adopted in 1997 and United Nations Convention on Biological Diversity (CBD) are also important on the matter. Also the UNHCR has formed an expert group taking necessary actions at the areas of human reproductive cloning e.g. as well as their repercussions on human rights and its morality.

## **I. Possible Solutions**

- Establishing international cooperation systems and database sharing systems
- Promoting the establishment of viable laws with clear boundaries
- Forming sub-bodies and advisory boards on the said issue consisting of genetic engineers and ethics professors
- Establishing adequately delivered funds to countries for Research and Development, bearing in mind the GDP of the country
- Coming up with a long term detailed action plan regarding the experiments and the utilisation of genome editing technologies
- Organizing conference, forums, education centers to inform the public mostly the ones who are sceptic about gene editing

## **J. Dig Deeper**

- [Video](#) by Kurzgesagt about CRISPR Cas-9 Technology
- [Frontier Technology Quarterly](#) by the United Nations
- [Ethics of Genome Editing](#) by the European Group on Ethics in Science and New Technologies
- [Ethical Dilemma of Designer Babies](#), TED Talk by Paul Knoepfler
- [CRISPR'd babies](#): human germline genome editing in the 'He Jiankui affair'
- [Article](#) from UN-iLibrary about biotechnology and development by Rita R. Colwell and Albert Sasscn

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- Paper presented at the Western Economic Association International 76th annual conference, from <http://aei.pitt.edu/28/1/TransatlanticBiotech.pdf>



haydarpaşa



# SOCHUM STUDY GUIDE

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**Agenda Item 2**

**Tackling the issue of organ trafficking  
on the international level**

*haydarpagumur*

**Topic:** Tackling the issue of organ trafficking on the international level  
**Committee:** GA:3 Social, Humanitarian and Cultural Committee (SOCHUM)  
**Name:** Beren Bayraktar  
**Position:** Vice President

### A. Introduction to the Chairs

Most Esteemed Participants,

It is my pleasure to welcome you all to the Social, Humanitarian and Cultural Committee (SOCHUM) and HaydarpaşaMUN'22.

My name is Beren Bayraktar, I am currently studying at Hüseyin Avni Sözen Anatolian High School, and I will be serving as a board member in this precious committee. This year, the SOCHUM committee will be dealing with two crucial agenda items. In this document you will find any necessary detail and information about the second agenda item which is "Tackling the issue of organ trafficking on the international level."

I would like to extend my gratitude to my great friend Eren Ersanlı for his endless support, always being with me and helping me whenever I need him.

If you have any further questions, do not hesitate to contact me via [berenbayraktar0@gmail.com](mailto:berenbayraktar0@gmail.com). I trust the distinguished delegates of our committee about the preparation and the ability to deal with the agenda items.

Sincerely,  
Beren Bayraktar

### B. Introduction to the Committee

The Social, Humanitarian, and Cultural Issues Committee, along with other General Assembly committees, was established in 1946 as part of the United Nations Organization. SOCHUM was founded in response to the founding of the Universal Declaration of Human Rights. Its aim is to address "agenda items relating to a range of social, humanitarian affairs, and human rights issues that affect people all over the world." The committee's seventy-fourth session just ended. As a result, the committee's primary focus is on human rights issues, including reports from the Human Rights Council's special procedures, which were established in 2006. The committee is also concerned about women's development, child protection, indigenous issues, refugee treatment, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the right to self-determination. The group covers topics linked to youth, family, aging, persons with disabilities, crime prevention, criminal justice, and worldwide drug control in terms of social development. SOCHUM collaborates with a variety of non-governmental and government organizations, including the World Health Organization (WHO),

the United Nations International Children's Emergency Fund (UNICEF), and the United Nations High Commissioner for Refugees (UNHCR), as well as other humanitarian organizations<sup>1</sup>.

### C. Introduction to the Agenda Item

Due to a global shortage of organs for transplantation, a profitable trade in trafficking organs or people for the purpose of organ transplantation has emerged. International law prohibits these actions, which are sometimes referred to as organ trafficking, as part of a broader prohibition on human trafficking. In an official proclamation, government and non-government entities, including medical associations, agreed that this prohibition includes any transplantation in which the organ donor obtains financial gain or an equivalent benefit from the transaction.

Organ trafficking is now a worldwide issue. According to estimates, trafficked organs account for up to 10% of all organ transplants performed worldwide, with yearly revenues ranging from US\$840 million to US\$1.7 billion. Criminal groups that traffic in human persons are increasingly expanding their operation to include organ trafficking in an effort to exploit the gap between supply and demand for organs.

Over 100 countries have passed legislation restricting or strengthening existing laws against the trafficking in organs over the last several decades. Several governmental and professional groups have also made attempts to regulate and prevent organ trafficking both domestically and internationally. These initiatives, taken combined, present professional, regulatory, and international law solutions to counter a growing global criminal enterprise<sup>2</sup>.

### D. Key Terms

**Black Market:** Illegal trading of goods that are not allowed to be bought and sold, or that there are not enough of for everyone who wants them

**Life expectancy:** the length of time that a living thing, especially a human being, is likely to live

**Organ donation:** The act of a person giving permission for a part of their body to be taken, while they are alive or after they are dead, and put into someone else's body to replace an organ that is not working correctly

**Organ supplier:** Person who sells any of their organs against money.

**Organ trafficking:** Organ trafficking is the practice of selling organs for transplant.

**Transplant:** A medical operation in which a new organ is put into someone's body.

### E. History of the Topic

Organ trade (also known as Red market) is the trading of human organs, tissues, or other body products, usually for transplantation. According to the World Health Organization (WHO), organ trade is a commercial transplantation where there is a profit, or transplantations that occur outside

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<sup>1</sup> "United Nations, Third Committee, Social, Humanitarian, Cultural, Main Body, Main Organs, General Assembly." *United Nations*, United Nations, <https://www.un.org/en/ga/third/>.

<sup>2</sup> "Research Publications." *Trafficking in Human Organs: An Overview*, [https://lop.parl.ca/sites/PublicWebsite/default/en\\_CA/ResearchPublications/202083E#a1](https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/202083E#a1).

of national medical systems. There is a global need or demand for healthy body parts for transplantation, which exceeds the numbers available<sup>3</sup>.

The organ trade is much more common in hospitals which are capable of performing transplants. It began in India in the 1980s, and in the following years, Pakistan, the Philippines, Egypt, and China (where the organs were allegedly obtained from executed prisoners) became commercial transplant hubs. Such illegal transplants are also known to have been done in Turkey, Kosovo, South Africa and other sites. Patients are generally from wealthy East Asian nations (e.g., Japan and Taiwan), wealthy Middle Eastern countries (e.g., Saudi Arabia and Israel), as well as the United States and Western Europe<sup>4</sup>.



For instance, three cases of trafficking in organs can be mentioned which are the Gurgaon trafficking network, the Netcare trafficking network, and the Rosenbaum trafficking network.

#### a. The Gurgaon Trafficking Network, India

The organ trafficking case in Gurgaon is one of the most extensive scandals in the world. In January 2008, local police detained many people accused of recruiting destitute pavement dwellers in Moradabad and engaging in unlawful transplant activities. The initial investigation led to the industrial township of Gurgaon, near Delhi, where Amit Kumar, who owned a residential building and a guesthouse in that section of town, was a crucial figure in the operation. The police stormed the building, which turned out to be a private – clandestine – clinic, and found three patients recovering from kidney removal operation and five foreigners on the premises (three Greek citizens and an Indian couple resident in the USA). After being tipped off by local police, Amit Kumar and two of his associates (his brother Jeevan and medical doctor Upendra Aggarwal) escaped being arrested. The investigation was handed over to the Indian Bureau of Investigation (CBI) due to the scope and gravity of the incident. The Kumar brothers have been handed arrest warrants by the Gurgaon court. Two other hospitals and eight laboratories were

<sup>3</sup> "Organ Trade." Wikipedia, Wikimedia Foundation, 7 May 2022, [https://en.wikipedia.org/wiki/Organ\\_trade](https://en.wikipedia.org/wiki/Organ_trade).

<sup>4</sup> Efrat, Asif. "Analysis | Organ Traffickers Lock up People to Harvest Their Kidneys. Here Are the Politics behind the Organ Trade." The Washington Post, WP Company, 7 Dec. 2021, <https://www.washingtonpost.com/news/monkey-cage/wp/2016/12/07/organ-traffickers-lock-up-people-to-harvest-their-kidneys-here-are-the-politics-behind-the-organ-trade/>.

discovered to be participating in illicit transplant activities in places around Delhi. The CBI notified Interpol, which issued a global Red Alert for the Kumar brothers. Soon after, Jeevan Kumar was arrested in Mumbai, while Amit Kumar was apprehended in a wildlife area in Nepal by special police in early February 2008.

According to the police investigators, the trafficking network had been in operation for at least seven years and around 400-500 transplants may have been carried out. Organ suppliers were found in at least eight Indian states, with the assistance of local recruiters and hospitals. These suppliers were usually unemployed urban pavement dwellers or unemployed rural peasants who were approached on the job market while looking for jobs. The men were offered jobs by the 'kidney scouts.' They were all young guys (between the ages of 20 and 35), yet during the trial, it was revealed that Kumar had also brought Nepali women to Delhi as suppliers. When it was discovered that the job offer was a scam, potential suppliers were paid between \$1000 and \$2500 to give a kidney; they were medically inspected and held in safe places until the operation was completed. Furthermore, several shocking facts were revealed during the trial. Despite the fact that neither of the Kumar brothers had ever received medical training, they have done hundreds of organ transplants and removals. It was also revealed that Amit Kumar and his brother had previously been arrested four times for illegal organ trafficking. There were also connections between the organ traffickers and the (corrupt) police, as well as the Indian urban mafia, to which Kumar paid extortion money.

This case reveals the ingredients for a successful organ trafficking network: extreme poverty, entrenched corruption, desperate (but wealthy) dialysis patients, and the potential for global operation. It also demonstrates that due to a lack of police collaboration amongst Indian states, the major broker was able to operate for more than ten years under various aliases without ever being prosecuted. He was able to avoid arrest due to corruption and a close relationship with the local police and mafia<sup>5</sup>.

#### b. The Netcare trafficking network, South Africa

The investigation into this case began in 2003, when the police got multiple signals that unlawful transplants were occurring at St. Augustine's Hospital in Durban, which is part of the Netcare system. One of these signals came from Nancy Scheper-Hughes, an American anthropologist and the creator of Organs Watch, while the other came from a local whistle-blower. A background investigation was first started.

According to evidence and statements, at least 109 unlawful transplants were carried out at the hospital, with organ suppliers from Israel, Romania, and Brazil, and recipients from a variety of countries, with the majority of recipients coming from Israel. A central broker (from Israel), local recruiters in Brazil who provided transportation, travel, visas, and prior blood tests, and local helpers in South Africa who worked as chaperons and

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<sup>5</sup> "Trafficking in Human Organs." European Parliament, 2015.

interpreters made up the network. Money flowed mostly from recipients to the primary broker, who then distributed funds to the hospital/surgeons and coworkers. The recipients were expected to pay in advance, but the suppliers were paid when the operation was completed. The Netcare Corporation (the hospital's owner), two transplant coordinators, four surgeons, the nephrologist, and an interpreter have all been charged. Six people were subsequently found guilty (four doctors and two transplant coordinators), but they were released on bail and the case was dropped in 2012. (because of the long delay in the case). The Netcare Corporation was penalized, but after a plea agreement, criminal charges against the CEO of Netcare were withdrawn<sup>6</sup>.

#### c. The Rosenbaum trafficking network, USA

This case was discovered after an FBI undercover operation (Operation Bid Rig) in New Jersey targeting tax evasion and corrupt public officials on the allegation of money laundering in the local Jewish community. Although the operation began in 1999, it was not until 2008 that FBI investigators discovered the trafficking operation after one of the suspects became an FBI informant. Rabbi Levy Izhak Rosenbaum, the principal organ broker, was pursued by the FBI. Rosenbaum was approached by an FBI agent in another undercover operation with a request to help a family member get a kidney donation. To pass the screening procedure, Rosenbaum promised to find a matching 'donor' who would be presented to the transplant center as a close relative. To accomplish this, false identity papers would be required. The recipient would be charged USD 160 000 for the surgery (half paid up-front and the other half shortly before the transplant). Shortly after the FBI undercover operation resulted in the arrest of 44 people, including Rosenbaum, the FBI sent the first payment to a nonprofit organization's bank account in Brooklyn. Rosenbaum has been an organ trafficking broker since 2001, according to the evidence presented during the trial. At the end of the trial, Rosenbaum was finally sentenced to 30 months imprisonment and confiscation of the criminal proceeds of the three transplants that had been proved (as well as the USD 10 000 payment that the FBI undercover agent had made)<sup>7</sup>.

## F. General Overview

#### a. Reasons of Organ Trafficking

Global organ trafficking is driven by an international shortage of organs and a growing number of deaths as a result of waiting too long for an organ. Demand for organs significantly outstrips supply. Consider the following statistics: As of early 2016, 100,791 people were waiting for lifesaving kidney transplants in the United States. Yet in 2014,

<sup>6</sup> ibid.

<sup>7</sup> ibid.

only 17,107 kidney transplants took place there. That year, 4,761 Americans died while waiting for a kidney transplant<sup>8</sup>.

Another reason is the growing life expectancy. As life expectancy is growing around the world, so too is the number of people who need to have their organs replaced at some point in their lives. The percent of the world's population greater than 60 years of age is projected to be higher than that of those younger than 35 by 2050. This elderly population is the same group of people that receives about 20% of heart and kidney transplants. In many cases, these transplants offer a chance of prolonged life, sometimes by almost two decades. The only problem is that the supply of organs is nowhere near the demand. And this gap is only getting bigger<sup>9</sup>.

#### b. Arguments For and Against Legalization

##### i. For Legalization

The most common argument in support of legalizing organ sales is that it would increase the number of organs available for transplant. Even though many governments tried to implement many initiatives in order to increase organ donation, the waitlist for organs continued to grow. Also , if made legal, getting paid for selling your organ could/would encourage more people to donate their organs. Moreover, multiple studies have found that donors reported a higher quality of life than the average non-donor. Lastly, many people believe that legalization would help get rid of the black market, would help the donor get a larger sum of money for their donation and make the donors receive important medical follow-up without being afraid of their role in the crime<sup>10</sup>.

##### ii. Against Legalization

On the other hand, many people believe that people who are in extreme poverty will not have any choice but to sell their organs for a sum of money in order to survive. Consequently, it would be appropriate for the government to protect poor people by prohibiting the sale of organs. Another argument against organ markets is that if organ sales were legalized, a destitute individual could face pressure from family and creditors to sell a kidney – and possibly endure social consequences such as scorn or guilt if they declined. Legalizing organ sales would create this unwanted pressure (and attendant disapproval) for all poor individuals, regardless of whether or not they wished to sell their kidneys<sup>11</sup>.

<sup>8</sup> Efrat, Asif. "Analysis | Organ Traffickers Lock up People to Harvest Their Kidneys. Here Are the Politics behind the Organ Trade." *The Washington Post*, WP Company, 7 Dec. 2021, <https://www.washingtonpost.com/news/monkey-cage/wp/2016/12/07/organ-traffickers-lock-up-people-to-harvest-their-kidneys-here-are-the-politics-behind-the-organ-trade/>.

<sup>9</sup> Bhattaram, Veda. "Organ Trafficking: Causes and Potential Solutions." *Medium*, Medium, 21 Apr. 2020, <https://medium.com/@veda.bhattaram/organ-trafficking-causes-and-potential-solutions-b3ac511913c3>.

<sup>10</sup> "Organ Trade." *Wikipedia*, Wikimedia Foundation, 7 May 2022, [https://en.wikipedia.org/wiki/Organ\\_trade](https://en.wikipedia.org/wiki/Organ_trade).

<sup>11</sup> *ibid.*

c. Reasons Why Organ Trafficking Can Not Be Stopped

Unable to obtain an organ at home, patients from rich countries chose to travel to developing countries, where they can buy the organ and have it transplanted. In developing countries, organ brokers lure poor, uneducated individuals into selling their kidney through the promise of financial gain and a better future. Economic need drives most organ sellers, but in some cases actual coercion(force) is used. Pakistani police recently raided an apartment near the capital Islamabad and released 24 people who were locked inside. Brought and held there through deception and threats, the terrified men and women were waiting to be taken to a clinic to have a kidney removed — unwilling participants in a global phenomenon. Lack of awareness and education may be the key to solve this issue<sup>12</sup>.

## G. Possible Solutions

- 1) Doctors, particularly those involved in transplantation, should be educated on the need of preventing organ trafficking and encouraging live and deceased organ donation.
- 2) Governments should establish and implement programs for the prevention and treatment of organ failure that are ethical and clinically sound, while also fulfilling the overall healthcare needs of their communities.
- 3) Transplant policies and programs should prioritize the optimal care for organ donors and transplant recipients.
- 4) Human organ trafficking, as well as human trafficking for the purpose of organ removal, should be prohibited and criminalized.
- 5) Organ donation should be a financially neutral act.
- 6) Each country or jurisdiction should design and implement rules and regulations that are consistent with international standards to govern the recovery of organs from deceased and living donors, as well as the practice of transplantation.
- 7) Organ donation, allocation, and transplantation practices should be overseen and accountable by designated authorities in each jurisdiction to promote uniformity, traceability, transparency, quality, safety, fairness, and public trust.
- 8) All residents of a country should have equitable access to donation and transplant services and to organs procured from deceased donors.
- 9) Organs for transplantation should be distributed evenly within nations or jurisdictions, based on objective, nondiscriminatory, externally justified, and transparent standards that are governed by clinical criteria and ethical values.
- 10) Health professionals and healthcare institutions should assist in preventing and addressing organ trafficking, trafficking in persons for the purpose of organ removal, and transplant tourism.
- 11) Governments and health professionals should develop initiatives to dissuade and prevent citizens from traveling abroad for transplants.

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<sup>12</sup> Efrat, Asif. "Analysis | Organ Traffickers Lock up People to Harvest Their Kidneys. Here Are the Politics behind the Organ Trade." *The Washington Post*, WP Company, 7 Dec. 2021, <https://www.washingtonpost.com/news/monkey-cage/wp/2016/12/07/organ-traffickers-lock-up-people-to-harvest-their-kidneys-here-are-the-politics-behind-the-organ-trade/>.

12) Countries should strive to achieve self-sufficiency in organ donation and transplantation.

## H. Further Reading & Bibliography

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