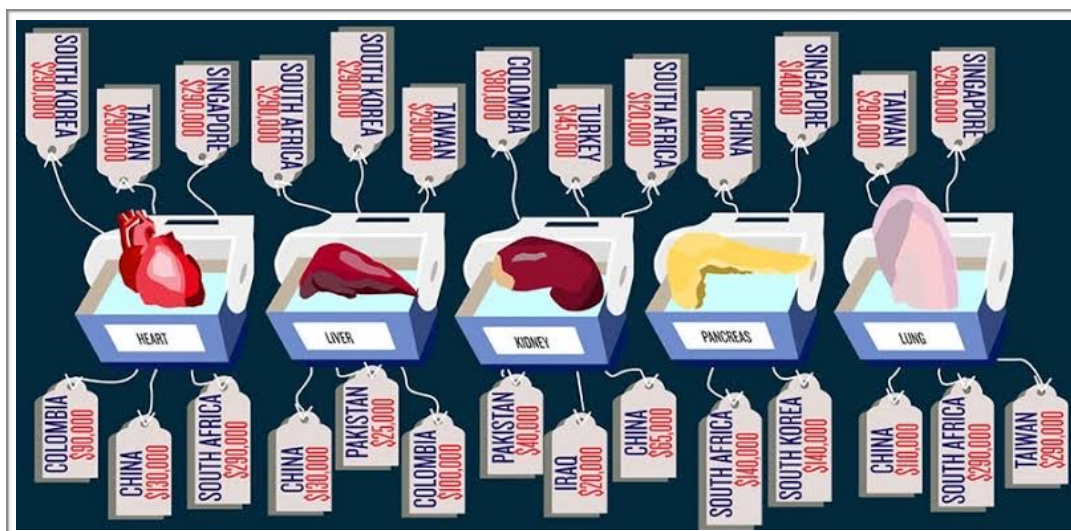


## Topic: Illegal organ transplantation

### A. Introduction

According to the World Health Organization (WHO), illegal organ transplantation is removing organs from a body for the purpose of commercial transactions. Although this is illegal anywhere from 5% to 42% of transplanted organs are illegally purchased. These percentages are rising according to a report by Global Financial Integrity estimating that illegal organ transplantation generates profits between \$600 million and \$1.2 billion per year, with a span over many countries. There are criminal networks, that kidnap people for their organs. (Most of the kidnapped people are children or teenagers.) These people are taken to places with medical equipment to be murdered and take out their organs.

The shortage of organs is virtually a universal problem. In some countries, the development of a deceased organ donation program is hampered by sociocultural, legal and other factors. Even in developed countries, where rates of deceased organ donation tend to be higher than in other countries, organs from this source fail to meet the increasing demand. The use of live donors for kidney and liver transplantation is also practiced, but the purchase and sale of transplant organs from live donors are prohibited in many countries.



### B. Background and context

#### *Iran*

In the 1980s, Iran had not only lack of legally donated kidneys but also subpar dialysis equipment in order to treat the growing segment of the population with end-stage renal disease (ESRD). But it had well-trained surgeons who are capable of performing organ transplants. That's why in 1988, the nation decided on a bold -debatable- strategy to eliminate the dangers that come with receiving an organ illegally: Making it legal for a living person to sell their kidney.

#### *The USA*

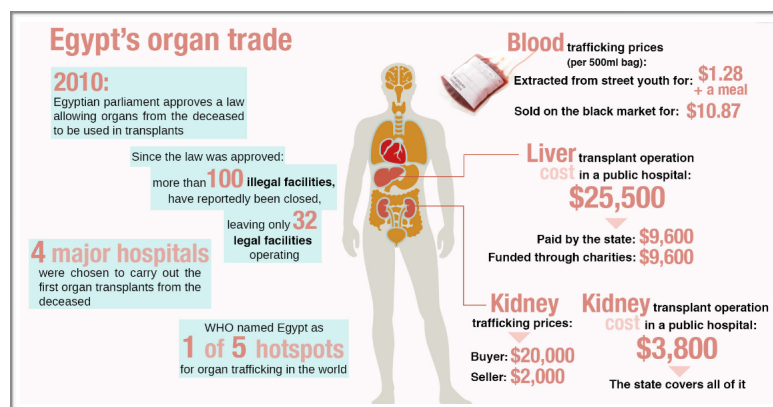
In 2016, legally donated organs were less than 10 percent of global need, according to a report from ONT-WHO, Global Observatory on Donation and Transplantation. In 2014, nearly 5 thousand Americans died while waiting for a kidney transplant and 3,668 were dropped off the list inasmuch as they became too sick to receive one- noted National Kidney Foundation (NKF)-

It's not that unexpected for people turn to the black market to save their live due to being given this substantial need. While the black market doesn't exactly have any official ways to track it, the illegal trade of all organs generates between \$840 million and \$1.7 billion in each year and accounts for an estimated %10 transplanted organ, following by the report (2017) Global Financial Integrity (GFI).

### *Egypt*

Egypt was regarded by WHO as one of the top five countries for illegal organ trade in 2010, for at that time, above %95 kidney transplants and at least %30 liver transplants were between non-related donors and recipients, which proved that payment was involved. Those catastrophe situations made Egypt to pass a law in 2010 banning commercial trade of organs as well as transplants between Egyptians and foreigners, apart from cases of husband and wife.

In 2012, then UN refugee agency chief, Antonio Guterres, said some migrants in Egypt's Sinai Peninsula were being killed organs, and there have been reports that people who could not pay their debt were sold to the organ traffickers.



### *China*

Organ transplantation in China has started ever since 1960s and also it is one of the largest organ transplant programmers in the world, with over 13,000 liver and kidney transplants a year in 2004. China is involved in innovative transplant surgery as well, like face transplantation which includes bones.

Reluctant organ harvesting is illegal under Chinese law; Nonetheless, under a 1984 regulation, it became legal to remove organs from executed criminals with permission of the criminal and relatives. By the 1990s it was condemned due to growing concerns about possible ethical abuses which arises from coerced consent and corruption led medical groups and human rights organizations.

### *South Africa*

More than 100 illegal kidney transplants were performed at St. Augustine Hospital in South Africa in 2001 and 2002; most of the recipients came from Israel, while the donors were from eastern Europe and Brazil. The police investigation in Brazil and South Africa revealed the existence of an international organ trafficking syndicate. These cases may involve human trafficking for the purpose of organ transplantation. Unlike cell tissues, no confirmed report on transplant organs being trafficked after their removal was found in this survey.

## India

India was a commonly known organ-exporting country, where organs from local donors are regularly transplanted to foreigners through sale and purchase. Although the number of foreign recipients seems to have decreased after the enactment of a law banning the organ trade (the Human Organ Transplantation Act of 1994), the underground organ market is still existent and resurging in India. The Voluntary Health Association of India estimates that about 2000 Indians sell a kidney every year. The drop in foreign recipients in India was accompanied by an increase in the number of foreign recipients in other countries, such as Pakistan and the Philippines.

## Pakistan

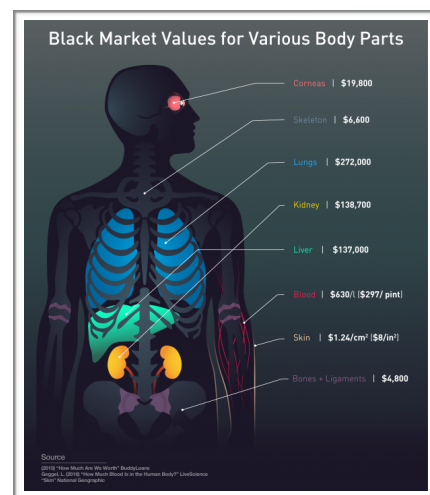
In Pakistan, according to the Sindhi Institute of Urology, approximately 2000 renal transplants were performed in 2005, of which up to two-thirds were estimated to have been performed on foreigners. 12 In the Philippines, data obtained from the Renal Disease Control Program of the Department of Health, National Kidney Transplant Institute, show that of the 468 kidney transplants in 2003, 110 were for patients from abroad. There is no comparable data for Egypt but a considerable number of patients from neighboring countries are believed to undergo organ transplantation there.

## Transplant Tourism

The most common way to trade organs across national borders is via potential recipients who travel abroad to undergo organ transplantation, commonly referred to as “transplant tourism”. Although this term may be contentious as it disregards the patients’ desperate motives and fails to reflect ethical issues.

“Transplant tourism” involves not only the purchase and sales of organs, but also other elements relating to the commercialization of organ transplantation. The international movement of potential recipients is often arranged or facilitated by intermediaries and health-care providers who arrange the travel and recruit donors. The Internet has often been used to attract foreign patients. Several web sites offer all-inclusive “transplant packages” – the price of a renal transplant package ranges from US\$ 70 000 to 160 000.

There are also facilitators in the recipients’ countries of origin. In Taiwan, China 118 patients who underwent organ transplants in China were questioned by their Department of Health, and 69 reported that their transplants were facilitated by doctors. Subsequently, the local authorities in Taiwan, China, have prohibited such activities. There have also been allegations that embassy officials of certain Middle Eastern countries have facilitated overseas commercial kidney transplants in Pakistan and the Philippines.



Name of organization, website	Location of Transplantation	Transplant package
BEK-transplant( <a href="http://www.bek-transplant.com/joomla/index.php">http://www.bek-transplant.com/joomla/index.php</a> )	China	Kidney (US\$ 70 000)Liver (US\$ 120 000)Pancreas (US\$ 110 000)Kidney and pancreas (US\$ 160 000)
China International Transplantation Network Assistance Center( <a href="http://en.zoukiishoku.com/">http://en.zoukiishoku.com/</a> )	China	Kidney (US\$ 65 000)Liver (US\$ 130 000)Lung (US\$ 150 000)Heart (US\$ 130 000)
Yeson Healthcare Service Network( <a href="http://yeson.com/index.htm">http://yeson.com/index.htm</a> )	China	Kidney, liver, heart and lung
Aadil Hospital( <a href="http://www.aadilhospital.com/index.html">http://www.aadilhospital.com/index.html</a> )	Pakistan	Kidney
Masood Hospital( <a href="http://www.masoodhospital.com/services/surgery/ktp/kidney_transplant.htm">http://www.masoodhospital.com/services/surgery/ktp/kidney_transplant.htm</a> )	Pakistan	Kidney (US\$ 14 000)
Renal Transplant Associates( <a href="http://www.renaltransplantsurgery.com/index.html">http://www.renaltransplantsurgery.com/index.html</a> )	Pakistan	Kidney [Euro 16 000 (US\$20 500)]
Kidney Transplant Associates( <a href="http://www.kidney.com.pk">http://www.kidney.com.pk</a> )	Pakistan	-
Liver4You( <a href="http://www.liver4you.org/">http://www.liver4you.org/</a> )	Philippines	Kidney (US\$ 85 000)

### *Human Trafficking For Organs*

Organ trafficking victims, as with most human trafficking victims, are generally poor, vulnerable populations (United Nations, 2018). There are rare instances where victims are put under anesthetic and wake to find their organs missing or are murdered for their organs.

The exploitation of human beings for purposes of organ transplantation is also linked to other commodification practices, such as transnational commercial surrogacy, which hold special dangers for the rights and dignity of the world's poorest and most vulnerable, and to broader questions of justice and rights that arise in the context of transplant tourism.

Available information on trafficking in persons for the removal of organs is incomplete and often unverified. Scholarly research in this area is not yet well developed and anecdotal reports from civil society organizations and the media remain the primary source of information. Part of the problem lies in the clandestine nature of the trafficking. Even more so than other forms of trafficking in persons, those involved in trafficking in persons for the removal of organs (including victims) have very little incentive to come forward to researchers and criminal justice authorities with information and evidence. Victims are also unlikely to be identified through the multitude of channels that are now used to identify other victims of trafficking such as those subject to forced labour or sexual exploitation. Health-care providers who end up treating persons who have obtained organs abroad may be inhibited from sharing information with the authorities owing to concerns over patient privacy, their own obligations of confidentiality, uncertainty as to whether any laws have been breached or, indeed, their own complicity in the arrangement. Furthermore, definitional problems and confusion contribute to poor reporting and analysis and render comparisons between countries and between transplantation practices extremely difficult.

Global distribution of living donor transplantation activity - 2017



Courtesy Jeremy Chapman  
Data source: Global Observatory on Donation and Transplantation ([www.transplant-observatory.org](http://www.transplant-observatory.org)) slide courtesy of S. White

### **C. Past UN actions**

The international organ trade has been recognized as a significant health policy issue in the international community. A World Health Assembly resolution adopted in 2004 urges Member States to “take measures to protect the poorest and vulnerable groups from ‘transplant tourism’ and the sale of tissues and organs”. Despite growing awareness of the issue, the reality of the international organ trade is not well understood due to a paucity of data and also a lack of effort to integrate the available information.

#### *ECOSOC Resolution July 2004*

Subject: Preventing, combating and punishing trafficking in human organs

1. Urges Member States, should they ascertain that such a phenomenon exists in their country, to adopt the necessary measures to prevent, combat and punish the illicit removal of and trafficking in human organs;
2. Encourages Member States to exchange experience in and information on preventing, combating and punishing the illicit removal of and trafficking in human organs;
3. Requests the Eleventh United Nations Congress on Crime Prevention and Criminal Justice to pay attention to the issue of the illicit removal of and trafficking in human organs;
4. Requests the Secretary-General of the United Nations, in collaboration with the States and organizations concerned and subject to the availability of extrabudgetary resources, to prepare a study on the extent of the phenomenon of trafficking in human organs for submission to the Commission on Crime Prevention and Criminal Justice at its fifteenth session."

#### *The Declaration of Istanbul 2008*

The Declaration of Istanbul was drafted by over 150 representatives from 78 countries around the world to become the legal and professional framework for ethical practices of organ procurement and transplantation. The Declaration of Istanbul defined organ trafficking, transplant commercialism, and transplant tourism as well as gave specific guidelines for care, reimbursement, and recruitment of living donors. The revised 2018 edition of The Declaration of Istanbul further defines organ trafficking, specifically trafficking in persons for the purpose of organ removal, self-sufficiency in organ donation, and financial aspects of organ donation. Following the Declaration of Istanbul, the World Health Organization, the World Medical Association, and the European

#### *October 2011*

Trafficking in persons for the purpose of organ removal was on the agenda of the Working Group on Trafficking in Persons established by the Conference of Parties to the Organized Crime Convention at its fourth session, from 10 to 12 October 2011.

The Working Group recommended that States make better use of the Convention and Trafficking in Persons Protocol in combating trafficking in persons for the purpose of organ removal.

The Working Group recommended that States parties to the Convention should encourage relevant United Nations entities, including UNODC, to gather evidence-based data on trafficking in persons for the purpose of organ removal, including root causes, trends and modus operandi, with the aim of facilitating better understanding and awareness of the phenomenon while recognizing the difference between trafficking in organs, tissues and cells.

The Working Group also requested UNODC to develop a training module against trafficking in persons for the purpose of organ removal, and provide technical assistance, especially in regard to investigation, exchange of information and international legal cooperation.

#### *The United Global Report on Trafficking in Persons - 2018*

The United Nations Global Report on Trafficking in Persons (2018) states that the areas where human trafficking as a whole has decreased are countries that have adopted legislation, have detailed action plans, and are dedicated to identifying victims and perpetrators of trafficking. In regards to organ trafficking specifically, the United Nations (2018) highlights the importance of: coordination among United Nations entities in efforts against organ trafficking; taking on full implementation of provisions against organ trafficking; focusing on protection of vulnerable populations and preventing abuses of power; increasing efforts at identifying victims; and addressing international supply and demand and increasing awareness.

## **D. Conclusions**

In this study guide we mentioned, organ trafficking is illegal in most of the countries around the world. But this doesn't stop people from it. Still today are there underground organ transplantations been done. Because buyers can't get an organ the legal way. But is this ethic ? While they get their illegal new organs there are people more sick than them waiting for an organ or the people that get kidnapped and killed for there organs is this fair to them ?

At this subject we want you to think of both ethical and in accordance to the law. We want u the have fruitful resolution for both the buyer and sellers of the organs.

We as a united nations social cultural and humanitarian committee have responsibility for solving World issues like that and we will solve it in that committee.

## **E. Questions a resolution must answer**

1. Should selling an organ with people's own permission be illegal
2. What can be done against organ black market?
3. Could legalizing an organ sale save lives?
4. If organ trade were legal, what kind of ethical affairs would be taken into account?
5. What are the other ways of making it easy for people to access to an organ in legal way?

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