

**Forum:** General Assembly 6

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

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## Introduction

Organ transplantation has been a medical revelation over the past decades. People around the world have been able to benefit, whether it has been the heart, liver, intestine, or kidneys, which are the organs that are most requested for organ transplantation. However, the negative aspect of this revelation is that there is a higher request of organs than there are organs available. According to the United Network for Organ Sharing, every day in the United States of America, 21 people die waiting for an organ. As a result, a grim reality that prevails in the world is that human traffickers often traffic these humans for the purpose of removing their organs, and then illegally sell them for an extremely high cost. This is referred to as illegal organ trade.

The debate of whether to legalize organ trade is evident society today, as legalizing this action might cause less people to delve into the black market and undergo transport tourism. One statistic by the WHO shows that illegal organ trade is on the rise. Many countries such as Brazil, Canada, and the United States of America, have had cases of illegal organ trade within their own country. There are many ways that illegal organ trade could be conducted, but most, especially in third-world countries, exploit vulnerable, minority groups, and get involved in kidnappings. The victims get taken into specific, hidden locations where they are harvested for their organs, and these organs become available for purchase by the sellers. Then, these organs would be put in the black market, and patients might travel to the host country in order to retrieve the organ. There is also a strong correlation between poverty-ridden societies and a high rate of illegal organ trade occurrences within the nation. This link can be predicted because in poverty-ridden societies, people are more susceptible to diseases and health damages, which would cause them to gain a higher risk of needing an organ transplant.

As stated before, the demand becomes greater than the supply, and people's desperations result in them engaging in such illegal activities. Therefore, As already stated, since the demand for organs are extremely high, the rate of the occurrence of illegal organ trade continues to increase. Often, it is towards people of poor backgrounds and social status who get targeted, as much is the case for

most human trafficking victims. People in these poor-backgrounds engage in illegal organ trade in order to pay off their debts, as the costs of some organs are to an extreme. For example, the price of a kidney in the black market can be around \$160,000 to the consumer but only around \$10,000. Many efforts have been made in order to set guidelines for this illegal, immoral, and harmful practice. For example, The Declaration of Istanbul was declared in a summit in Istanbul, Turkey, which discussed the transplant tourism of organ and human trafficking. Since the creation of this declaration, over 100 countries have followed and endorsed its principles, as nations such as China have strengthened laws against organ trade. The Declaration of Istanbul did an excellent job of providing ethical guidelines for organ transplantation practices.

## Definition of Key Terms

### Human Trafficking

Human trafficking is the practice of illegally transporting people from one country to another, typically for the purposes of trade, forced labor, sexual exploitation. Human trafficking can occur in many forms, but mainly from within a nation or across nations in different forms of transportation. Unless prevented from growing, human trafficking will be one of the most fastly-occurring trans-national criminal activities.

### Organ Trafficking

Organ Trafficking also known as “Organ trade”, which is the trade of human organs for the purposes of transplantation. This process is practiced all over the world, for medical purposes and such. Organ trade has been taken into other illegal practices, in which certain groups, or people abduct an organ from a person to take away their organs and sell them at high prices in the black market.

### Organ Transplant

Organ Transplant is the operation where a bodily organ is transplanted. It was invented in the 1950s. Organ transplants have helped rescue many lives of people at danger due to fatal diseases such as cancer. Organs have a limited time that they can stay functioning before becoming useless. The most known type of transplant is kidney transplant,

### Transplant tourism

Transplant tourism is the phenomenon where patients travel abroad to purchase organs for transplants. Patients or people usually seek countries in South Eastern Asia or Northern Africa, where this type of trade is available.

## **Deceased donation**

Deceased donation is the process of giving an organ away, at the time of the organ's death, for the purposes of transplantation. Deceased donation can occur after measures have been taken of the health of the organ, and the consent of the donor.

## **Living donation**

A living donor is a healthy, person, usually a family member or a friend of the patient, donates his organ or a part of his organ for the purpose of transplantation. Living donors also have certain rules to follow

## **Human Cell**

A human cell is a basic structural and functional unit of any living thing. Cells have the ability of being transplanted, and can serve a variety of functions. For example, the transplantation of hematopoietic stem cells can help cure some diseases, including many forms of leukemias.

## **Human Tissue**

Human Tissue make up organs and other body parts in the human being. They are found all over the body and make up most of the soft tissue. They are clumps of cells that serve a certain function in the functioning of a certain organ. In transplantation, these tissue are tested for certain diseases or any malfunction in them.

## **National Organ Transplant Act**

It is a law declared in the United States "that outlawed the sale of human organs and provided for the establishment of the Task Force on Organ Transplantation". This law was sponsored by House of Representative member Al Gore, as well as Senator Orrin Hatch. It also authorized the Department of Health and Human Services to establish operations of OPOs (Organ Procurement Organizations).

## **Polaris Project**

The Polaris Project is a non-governmental organization that works to combat human trafficking that was established in 2002. Over 10 years, the Polaris Project has run the human trafficking hotline, and has worked on over 40,000 reports on cases of human trafficking.

## **Altruistic kidney donation**

Altruistic kidney donation is defined as “the living organ donation to strangers”. It is a practice not that common in many countries, as a complete stranger may be reluctant to give a kidney to another complete stranger. It involves many different types, such as paired and pooled donation. In paired donation, kidneys are swapped between the pairs. In pooled donation, more than two pairs are involved in this process.

## **Background Information**

The World Health Organization (WHO) issued “Guiding Principles on Human Cell, Tissue and Organ Transplantation”, which was approved and supported by the 63rd World Health Assembly in May of 2010. These principles regulate the rules of the removal of the organs from both deceased and living donors. Despite the attempts to help widen the rules for organ donors, organ trafficking is developing into a worldwide issue. Organs are being demanded more than could supply, which results in transplantation being a victim of its own success. Over the years the number of organs needed has becoming increasing, as patient numbers are increasing. According to the “Global Observatory on Donation and Transplant” (GODT), about 120,000 organs are being transplanted annually as of 2015 with a 5.8% increase from 2014. Many different diseases such as Cirrhosis have been the leading cause for organ transplant. The supply of organs can only handle a certain capacity, which leads to many being put on a waiting list and in intensive care with mortality rate up to 30%. Under severe situations of organ transplant, patients will seek to obtain organs in illegal ways. In the presence of the strategy of obtaining illegal organs, rises the opportunity for people to profit from the selling of these organs. Also, a rise of a blackmarket will exist to be able to fulfill the needs of the organ supply.

## **Guiding principles on human cell, tissue and organ transplantation**

The principles followed for organ donation are split into 2 main parts, in cas of a deceased donor and in the case of a living donr. In the case of deceased donor donation the need of the approval or lack of denial from the deceased donor. Also, the need to avoid conflict with physicians regarding the related death to the removal of organs, meaning that a person’s life cannot be put in danger for the purpose of removing an organ. However, in the case of living donor donation, the living donor must be emotionally, genetically, or legally related to the recipient. The donor must give voluntary consent and act willingly and free of any undue influence or coercion and need to be informed of the probable risks. A donor must be aware of the benefits and consequences of the donation in a complete and understandable fashion. The donor must be under hands of professional care to ensure the safety and health of the

donor. Allocation of organs must be based on clinical criteria and ethical norms, and not financial state. Organs shall be donated freely without any payments (unless it is a reimbursement of expenses paid by the donor). The purchasing or offering of organs must be banned.

## Organ Trade

As the rise of organ trade continued rapidly, researchers began to report and investigate the drawback of countries that sell their kidneys. Countries located in Northern Africa and Asia mainly are tend to serve as a supply to other countries mainly Europe, Northern America, and the Near East. In 2007, WHO reported that 5-10% of all transplants were conducted illegally. That number is only increasing as profits in “organ trade” has reached around 600\$ million to 1.2\$ billion yearly as of 2011. These illegal trades create a worldwide threat in organ transplantation.

## Trafficking in persons

Trafficking in persons is the act of recruitment, transportation, transfer, harbouring, and receipt of persons in the use of threat, using force, abduction, fraud, deception for the purpose of exploitation including prostitution of others, sexual exploitation, forced labour, and removal of organs. These all make up the purpose and the means and the use of human trafficking globally.

Trafficking in persons for the main purpose of organ removal, causes physical, psychological and emotional harm on the donor. They are people in poverty that sell their vital organs in order to try to defeat their poverty. It was confirmed through many reports of research by different press members and psychologists that middlemen will try to convince weaker people in society to sell their organs. These weaker people, who are in need of money, will fall for this, and the middlemen will take their organs, and as a result, exploiting their vulnerability and engaging in illegal organ trade.

The Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings of the OSCE, reported that although information about these cases tend to be limited and not always informative. These actions are mostly related to human trafficking to obtain organs. Many researchers have pointed out networks that help in the process of human trafficking, and such organizations were uncovered in the Middle East, Southern Africa, and South Eastern Europe. For example, in Mumbai, India, the AHTU (Anti Human-Trafficking Unit) discovered another private sex trafficking network and saved a group of girls in May 15, 2018. In another case, vigilante hackers were able to uncover secret “Dark web” trafficking groups that used the internet to attract potential victims.

## Major Countries and Organizations Involved

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

The UNODC is the United Nations office, established in 1997, that revolves around the struggle against illicit and transnational organized crime. The UNODC goals are mainly to address issues surrounding eradicating different forms of trafficking (drugs, organs, people, etc.), as well as decrease rates of crime and corruption in all nations. The UNODC has conducted meetings, written reports, and held conferences to address the issue of the illegal trafficking of human organs. In October 2011, the UNODC held a conference titled “Conference of Parties at the Organized Crime Convention” and the trafficking of human organs was on the agenda. The Working Group on Trafficking in Persons, who established this conference, recommended that States within the UNODC gather data to discover more about the root causes of organ trafficking in order to have a better understanding of the issue, as well as the difference between organ trafficking, cell trafficking, and tissue trafficking. They also recommended that the UNODC would conduct training sessions to prepare the investigation of organ trafficking, as well as encouraging legal, global cooperation to prevent the issue. In addition, the UNODC have written an assessment toolkit on “Trafficking in Persons for the Purpose of Organ Removal”.

### WHO

The World Health Organization has written countless articles and reports addressing the topic of illegal organ transplantation. In a report published by Yosuke Shimazono for the WHO, Shimazono summarizes the “context of organ trade; the major organ-exporting and importing countries; and the outcomes and consequences of commercial organ transplants”. Shimazono, in his results, stated that the most common form of illegal organ transplantation is what is described as “transplant tourism”, where the patient travels abroad to another country in order to receive the transplantation. They also found alarming statistics, as well. They discovered that more than 100 illegal transplants were conducted at St. Augustine Hospital in South Africa in 2001 and 2002. Most of these transplants occurred to the transporting of live donors from one country to South Africa. Through their studies, they also discovered other known “organ-exporting countries”: India, Pakistan, and China. Major importing countries included the United States of America, Oman, Japan, and Saudi Arabia. In the 2004 World Health Assembly, organized by the World Health Organization, member states encouraged the development to ensure ethical practices of organ transplantation. As many other resolutions stated, the resolution states that member states agreed that there should be more measures to protect groups that could be exploited and to prohibit the sale of organs in the black market and across borders. They also addressed the issue of

transplanting animal tissue to organ tissue, and the ethical debate regarding that topic, and the need for regulation of this practice to avoid infections.

## India

India has been given the reputation of being one of the biggest market for illegal organ trading. In 2016, the Indian government released information that the rate of human trafficking has increased 20% greater than the previous year. Many victims of human trafficking in India come from poor, rural backgrounds, and traders have exploited these victims, and have trafficked them in great amounts across multiple borders for the sake of illegal organ trading. In only a year, 200,000 people in India require a kidney transplant, but only 3% of these people's demands are met. It is easier to dive into the black market, get an organ illegally, than be put on a waiting list that could last for years. This supply-demand gap encourages illegal transplant and trade of human organs.

## Iran

Iran are one of the few countries in this world that legalize and regulate kidney trade. Due to this organized procedure, there is no waitlist for kidney transplantation, and most citizens in need are able to receive a kidney without waiting for years and being put on a long waitlist, as is the procedure in other countries. Non-profit organizations, such as the CFSD (Charity Foundation for Special Diseases), cooperate with the government in order to match recipients with donors in order to ensure compatibility between the two. These charities also help fund recipients who may not be financially capable of buying a kidney. In Iran, there is a fixed price of \$4,600 per organ. However, critics of this system claim that this kidney-regulated market way is just another way of exploiting poor and vulnerable peoples in the Iranian society, as most donors are not checked up on medically after the procedure. Advertisements lure them in with the prospect of gaining money, but there are certainly health risks these donors may not be able to avoid.

## Declaration of Istanbul Custodian Group

The role of the DICG (Declaration of Istanbul Custodian Group) is to uphold and implement the Declaration of Istanbul, which was a summit held in Istanbul From April 30 to May 1 in 2008. In the declaration, it discusses issues such as transplant tourism, which is previously defined as "phenomenon where patients travel abroad to purchase organs for transplants", trafficking and to "provide ethical guidelines for practice in organ donation and transplantation". In this declaration, they emphasize that organ trafficking and transplant tourism, as they violate human rights laws, justice, and the concept of consent. This is because people who are victims of organ trafficking often come from poor backgrounds, and thus, their rights are being exploited, which is an extreme human rights violation. Most importantly, they gave clear distinctions between *organ transplantation* and *travel for transplantation*. They stated that

organ travel for transplantation becomes organ transplantation when there is the trafficking of organs across borders, and if the resources/organs provide undermine the host country's inability to provide such resources. Therefore, the Declaration of Istanbul Custodian Group aims to uphold these principles that were discussed in the declaration. The measures that this group took involved specific professional societies, pharmaceutical companies and journals that emphasize the end of the illegal commerce of human organs.

## Timeline of Events

Date	Description of event
1954	First successful kidney transplant performed.
1968	The Southeast Organ Procurement Foundation (SEOPF) is formed as a membership and scientific organization for transplant professionals.
1984	National Organ Transplant Act (NOTA) passed.
2000	U.S. Department of Health and Human Services publishes Final Rule (federal regulation) for the operation of the OPTN.
2001	For the first time, the total of living organ donors for the year (6,528) exceeds the number of deceased organ donors (6,081).
2002	Polaris Project created.
2008	Fifty seven illegally smuggled people into Thailand suffocated while being transported in a seafood container.
2009	A large human trafficking organization was busted in Taipei, Taiwan.

## Relevant UN Treaties and Events

- Condemning the trafficking of human beings, 21 November 2017 **(2388)**
- Preventing, combating and punishing trafficking in human organs, 21 July 2004 **(2004/22)**
- Preventing and combating trafficking in human organs and trafficking in persons for the purpose of organ removal, 15 October 2006 **(64/293)**
- World Health Assembly, 22 May 2004

## Previous Attempts to solve the Issue

Many Previous attempts to solve the issue have been taken such as, the prevention of unauthorized transplant surgeon, to lessen the degree of organ trafficking. Setting harsh import laws, which cease human trafficking groups for the purpose of organ removal. The observation on groups around suspected area that are known for organ removal, and human trafficking. Secretary General help, and inprovison in resolution pertaining to the topic of human trafficking in general and for the purpose of organ removal specifically.

## Possible Solutions

In order to end organ trafficking, it is important to eliminate the root cause: reduce people's vulnerability of getting exploited by increasing safety measures. Countries, particularly those over-ridden by poverty, and therefore, are most likely to have records of organ trafficking in their nation, should take measures to seek safety for their poverty-ridden citizens and create programmes dedicated to such cause. Another factor that increases illegal organ trade is the huge demand for organs in our current climate. People who are in need of these organs are more likely to look in the black market and illegally buy organs, rather than be put on a waiting list. Therefore, a solution is to either find a way to legalize a market where such transactions can happen in a safe and regulated manner, or introduce programs that prevent people from having the need to get access to these organs by promoting healthy lifestyles within your nation.

We must take into account that organ trafficking is a global problem, and a global problem is in need of global solutions. Global conferences, such as the World Health Assembly and Declaration of Istanbul, have recommended developing better systems to implement deceased organ transplantation and to encourage altruistic living kidney donation, preventing diseases that cause the need for organ transplantation, and to implement stricter laws that prohibit organ trafficking.

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