

**Forum: World Health Organization (WHO)**

**Issue: Developing Global Regulations to Combat Illicit Organ Trafficking**

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## **Introduction**

The history of organ transplantation dates back to 1954 when Dr. Joseph Murray achieved the first successful kidney transplant between identical twins, earning him a Nobel Prize in Medicine. Since then, medical advancements have led to remarkable progress in organ transplantation. However, this progress has also given rise to illicit organ trafficking, a global crisis fuelled by the scarcity of available organs for transplantation. As demand consistently exceeds supply, some individuals resort to the illegal organ trade, despite its prohibition in most nations. This underground market thrives on the desperation of patients in need. Shockingly, the global illicit organ trade is intertwined with a broader network of transnational crime, with an estimated annual value ranging from \$1.6 trillion to \$2.2 trillion, as reported by Global Financial Integrity in March 2017.

## **Definition of Key Terms:**

- **Organ** - *“organ, in biology, a group of tissues in a living organism that have been adapted to perform a specific function. In higher animals, organs are grouped into organ systems; e.g., the esophagus, stomach, and liver are organs of the digestive system.”*<sup>10</sup>
- **Organ trafficking** - *“The term organ trafficking is commonly used to refer to a range of criminal activities, including illegal organ harvesting from a living or dead individual and the illegal sale and transplantation of human organs.”*<sup>12</sup>
- **Organ transplantation** - *“Transplantation is a surgical procedure in which an organ/s, tissue or group of cells are removed from one person (the donor) and*

*transplanted into another person (the recipient), or moved from one site to another in the same person.”<sup>11</sup>*

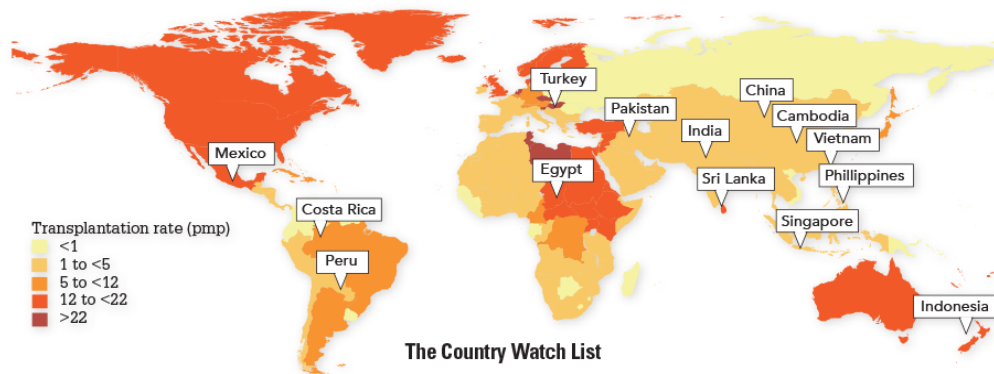
- **Transplant tourism** - Patients travelling across borders to receive transplants.
- **Organ donation** - *“Organ donation is the process of surgically removing an organ or tissue from one person (the organ donor) and placing it into another person (the recipient). Transplantation is necessary because the recipient’s organ has failed or has been damaged by disease or injury.”<sup>11</sup>*
- **Black market** - *“A black market is an economic activity that takes place outside government-sanctioned channels. Illegal market transactions usually occur “under the table” to let participants avoid government [price controls](#) or taxes. The goods and services offered in a black market can be illegal, meaning their purchase and sale are prohibited by law, or they can be legal but transacted to avoid taxes.”<sup>13</sup>*
- **Organ procurement organizations** - non-profit organization that is responsible for the evaluation and procurement of deceased-donor organs for organ transplantation.
- **Cross-boarder trafficking** - the illegal transportation of people, goods, or contraband across national boundaries, often involving criminal organizations or activities.
- **LNRD** - Living Non-Related Donor, used in the context of organ donation.

## Background Information

### Illicit organ trafficking

Figure A

## 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

The illegal organ trade involves the removal of organs from living or deceased individuals for the purpose of commercial transactions. Despite regulations against organ sales, this practice persists, with studies estimating that anywhere from 5% to 42% of transplanted organs are illicitly purchased. Research indicates that illegal organ trade is on the rise, with an estimated annual profit ranging from \$600 million to \$1.2 billion, spanning multiple countries. After trafficking, people are murdered, and their organs are harvested for the illegal organ trade. Poverty and loopholes in legislation also contribute to the illegal trade of organs.

## Health Risks

Illicit organ trafficking presents severe health risks to both organ recipients and donors due to its clandestine and unregulated nature. Organ recipients often face substandard surgical conditions, increasing the likelihood of post-transplant complications and infections. Moreover, the origin of organs is often uncertain, raising concerns about their suitability and potential transmission of diseases. For donors, especially those coerced or impoverished, the health consequences can be dire. Many experience physical and psychological trauma, inadequate medical care, and long-term health issues, such as kidney dysfunction. Additionally, there is a risk of disease transmission during organ removal. These health risks underscore the urgent need for comprehensive measures to combat illicit organ trafficking and promote ethical, safe, and legal organ transplantation.

## **Current Situation**

### **Transplant tourism**

Transplant tourism, the purchase of transplant organs abroad, involves access to organs while avoiding the laws, legislations, or processes of the countries involved. It describes the commercialism that drives illegal organ trade, but not all medical tourism for organs is illegal. In some cases, both the donor and the recipient of the organ travel to a country with adequate facilities to perform legal surgery. In other cases, a recipient travels to receive the organ of a relative living abroad. Transplant tourism raises concerns because it involves the transfer of healthy organs in one direction, depleting the regions where organs are bought. The kidney is the most commonly sought-after organ in transplant tourism, with prices for the organ ranging from as little as \$1,300 to as much as \$150,000. Reports estimate that 75% of all illegal organ trading involves kidneys. While there is a high demand for vital organs such as hearts and lungs, transplant tourism and organ trafficking of these parts are very rare due to the sophisticated nature of the transplant surgery and the state-of-the-art facilities required for such transplants.

### **Major affected groups**

Data from the World Health Organization indicates that donors in the illegal organ trade are predominantly impoverished people in developing nations. In one study of organ donors in India, for example, 71% of all donors fell below the poverty line. Poor people, including migrants, are more likely to fall victim to organ theft. Poor people are also more likely to volunteer to sell their organs, often to pay off debt. While some supporters of the organ trade argue that it helps lift some people out of poverty by providing compensation to donors, evidence of this claim is hotly debated. Often, people who sell their organs in order to pay off debt do not manage to escape this debt and remain trapped in debt cycles.

## **Major Parties Involved and Their Views**

**Iran**

The only country that currently allows organs to be sold and bought for monetary gain is Iran. Iran allowed living non-related kidney donation (LNRD) and developed a transplantation system in 1988. This government-run system, including The Charity Association for the Support of Kidney Patients (CASKP) and the Charity Foundation for Special Diseases (CFSD) monitored and supported the transplantation process, as well as compensating the organ donors with benefits such as free healthcare insurance, tax benefits, money and so on.

Do note that Iran has some regulations in place to contain the market within the country, meaning that foreign citizens are not allowed to purchase organs from Iranian citizens, and vice versa.

### **China**

While discussing organ trafficking concerns, China and reports of its forced organ harvesting come up very often. It has also been accused of selling these organs to foreign nations. Finding the statistics for this case can be challenging, as the numbers vary from source to source, including the official numbers, but one source alleges that from at least 4,000 prisoners that China executed in 2006, around 8,000 kidneys and 3,000 livers were sold to foreign nations. A key report that aimed to expose China's immoral practices is The [Kilgour–Matas report](#).

### **India**

Before 1994, India had no laws against organ sales, leading to a booming kidney transplant industry. However, issues emerged, such as false promises to donors and unauthorized kidney removals.

In 1994, India enacted the Transplantation of Human Organs Act (THOA) to prohibit organ commerce and promote posthumous donations. THOA limited kidney donations to relatives, spouses, or those with an "affectionate" relationship, aiming to curb organ sales.

### **Philippines**

A popular destination for transplant tourism until 2008, at which point new legislation was enforced, banning organ sales in the country. Prior to that, it had

been fully legal and even endorsed by the government, offering all-inclusive packages for as little as \$25,000, while the donors received just a small fraction of that money.

### **United States**

The United States has taken several measures to prevent illegal organ sales in the country, relying on a system that prioritizes voluntary organ donation after brain or circulatory death. The most commonly transplanted organs are kidney, lungs, heart, pancreas, and liver. According to CDC (Centres for Disease Control and Prevention), on any given day, there are around 100,000 people on the active waiting list for organs, but only approximately 14,000 deceased organ donors in 2021, with each providing on average 3.5 organs. Living donors provide on average only around 6,000 organs per year. National Organ Transplant Act (NOTA) was passed in 1984 by The U.S Congress, which is supposed to improve organ matching process for individuals and address the organ donation shortage.

### **UN Involvement, Relevant Resolutions, Treaties and Events**

Through a number of initiatives and partnerships, the UN actively works to stop the trafficking of organs. One noteworthy initiative is the World Health Organization's (WHO) "Guiding Principles on Human Cell, Tissue, and Organ Transplantation." which aims to provide a thorough foundation for moral and secure organ transplantation. The need of informed consent is emphasized in these recommendations, which also forbid the sale of organs and guarantee equal access to transplant procedures. They also emphasize the importance of maintaining safety and quality standards during the organ donation and transplantation processes in order to lower risks for both donors and recipients. Furthermore, UN has written a number of resolutions to combat the issue of organ trafficking, such as:

- United Nations resolution against Transactional Organized Crime, 8 January 2001, A/55/383
- Human organ and tissue transplantation, 21 May 2010, WHA63.22
- Improving the coordination of efforts against trafficking in persons, 20 December 2006, A/RES/61/180

## **Possible Solutions**

Addressing illicit organ trafficking requires a multifaceted approach that encompasses legal reforms and ethical considerations. Several potential solutions have been proposed to combat this global crisis.

### **Accountability for Medical Professionals**

Healthcare professionals are on the front lines of organ transplantation. Encouraging them to report any suspected cases of organ trafficking is vital. This can be achieved by emphasizing ethical medical practices, ensuring that medical personnel adhere to stringent guidelines and codes of conduct. Training programs and awareness campaigns can help medical professionals recognize the signs of organ trafficking and understand their ethical responsibilities. By creating a culture of accountability within the healthcare sector, it becomes more difficult for illegal organ trade to thrive. Furthermore, establishing a system, where whistleblowers who may provide information on the cases of organ trafficking, are offered protection and some kind of compensation would encourage them to come forward without a fear for their lives.

### **Increasing Legal Organ Supply**

One of the fundamental challenges contributing to illicit organ trafficking is the scarcity of legally available organs for transplantation. To address this, countries can consider adopting presumed consent laws, which presume individuals as organ donors unless they explicitly opt out. This approach has proven effective in countries like Spain, where it significantly increased the pool of available organs. Additionally, strengthening organ procurement organizations (OPOs) can enhance the legal organ supply chain. OPOs play a crucial role in evaluating and procuring deceased-donor organs for transplantation. By improving their efficiency and coordination, more organs can be ethically sourced, reducing the demand for illegal organs.

### **Regulation Inspired by Iran's Model**

Iran's unique approach to organ transplantation, which allows for compensated living non-related kidney donation (LNRD), offers an alternative model that other nations could explore. While Iran's system has garnered both praise and criticism, it provides an intriguing case study. Countries with organ shortages could consider adopting a similar system but with a strong emphasis on donor care and protection. This would involve stringent regulations to ensure that donors are not exploited, coupled with comprehensive benefits such as free healthcare insurance, tax benefits, and financial compensation. However, implementing such a system requires careful consideration and robust oversight to prevent potential abuses and exploitation.

### **Increased International Cooperation**

A key component to addressing the issue of illicit organ trafficking is international cooperation. As mentioned above, organ trafficking often involves cross-boarder networks, which makes it absolutely crucial for countries to work together. For example, agencies such as Interpol (The International Criminal Police Organization) and Europol (The European Union Agency for Law Enforcement Cooperation) have been heavily involved in efforts to combat organ trafficking (ex. [Project ENACT](#) by Interpol). Another example of international cooperation is [A Plan of Action](#) by ASEAN (The Association of Southeast Asian Nations). A continued effort in this regard will ensure the identification and prosecution of traffickers and the rescue of victims.



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