

**Committee/Council:** Special Conference on Human Trafficking (SPECON)

**Issue:** Combating the illegal trade of human inner organs through clandestine markets

**Student Officer:** Zotou Amerissa

**Position:** Deputy President

## Personal Introduction

Dear Delegates,

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My name is Amerissa Zotou and I am honored to be serving as the Deputy President of the Special Conference of the 3<sup>rd</sup> AMLMUN Conference. I am 16 years old and an IB1 student at Pierce-ACG. This will be my 8<sup>th</sup> conference and first time chairing.

In this study guide, I will be providing you with basic information on the second issue to be discussed in our committee: “Combating the illegal trade of human inner organs through clandestine markets”. Bear in mind that this study guide will only form the foundation of your research. You are expected to research your countries policies and think of possible solutions.

For any questions, I will be at your disposal. Don’t hesitate to contact me at [amerissa.zotou@gmail.com](mailto:amerissa.zotou@gmail.com).

Kind Regards,

Amerissa Zotou

## Introduction to the topic

Often referred to as “modern-day slavery”, human trafficking can be simply defined as the act of exploiting of a person through the use of coercion. It is a multifaced phenomenon whose most common and well-known forms are those of forced labor and sexual exploitation.



**Forms of Human Trafficking**

Human trafficking for the purpose of organ removal is also a frequent form of human trafficking.

Organ transplantation, first established in the 1950s, is a widely prevalent medical practice. Its purpose is treating patients in otherwise incurable conditions of organ failures and generally, it has been proven to be highly effective. The most common organs that are subject to this procedure are the kidney, the heart and the lungs, with thousands of each being transplanted yearly.

Despite all the advancements in the field of medicine that have been made in recent years, organ transplantation keeps facing challenges universally. Organs are not available for everyone who needs to undergo a transplantation, which is why a lot of people resort to the clandestine market to get them. Such organs are not being donated altruistically, as required by the World Health Organization. They are being sold and purchased, while the means used to acquire them are illegal.

### Definition of Key-Terms

Human Trafficking: according to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Trafficking in Persons is “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs”.<sup>1</sup>

<sup>1</sup> “Human Trafficking.” *UNODC United Nations Office on Drugs and Crime*, UNODC, [www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html](http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html).

Clandestine Markets: according to the Cambridge online dictionary, the word clandestine refers to what is “planned or done in secret, [...] is not officially allowed”.

<sup>2</sup>

Also known as the black market, clandestine markets involve the “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”.<sup>3</sup>

Medical Black Market: “Black market medicine can be defined as the practice of medicine outside existing legal framework”.<sup>4</sup>

Transplant: <sup>5</sup> Britannica defines the noun as “a section of tissue or a complete organ that is removed from its original natural site and transferred to a new position in the same person or in a separate individual”.<sup>6</sup>

Consent: to give permission or agree.

Donor Pool: “group of people eligible to donate an organ”<sup>7</sup>

Stem Cells: cells basic in structure and function that can multiply many times to produce different types of specialized cells (kidney, heart, lung, nerve etc.). The most useful stem cells are found in embryos during the early stages of pregnancy. There is

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<sup>2</sup> “Clandestine.” *Cambridge Dictionary*, Cambridge University Press, dictionary.cambridge.org/dictionary/english/clandestine.

<sup>3</sup> “Black Market.” *Cambridge Dictionary*, Cambridge University Press, dictionary.cambridge.org/dictionary/english/black-market.

<sup>4</sup> Crespo, Alphonse L. “Black Market Medicine: An Ethical Alternative to State Control.” *Research Gate*, Jan. 1990, www.researchgate.net/publication/214073216\_Black\_Market\_Medicine\_An\_Ethical\_Alternative\_to\_State\_Control.

<sup>5</sup> Han, Yu et al. “Mesenchymal Stem Cells for Regenerative Medicine.” *MDPI*, www.mdpi.com/2073-4409/8/8/886.

<sup>6</sup> Calne, Roy Yorke. “Transplant.” *ENCYCLOPEDIA BRITANNICA*, ENCYCLOPEDIA BRITANNICA, www.britannica.com/science/transplant-surgery.

<sup>7</sup> Rice, Jane. “Dictionary of Organ Donation and Transplantation Terms.” *American Transplant Foundation*, American Transplant Foundation, Apr. 2014, www.americantransplantfoundation.org/wp-content/uploads/2014/04/Organ-Donation-Dictionary.pdf.

great interest in using embryonic stem cells to create tissues and even whole organs from scratch in a laboratory.<sup>8</sup>

## Background Information

<sup>9</sup>There are many reasons that contribute to this organ trafficking, one of which is economic inequalities. Organ transplants are not cheap and often not fully covered by insurance. Thus, people willing to give out a lot of money for organ purchases are prioritized. It is even usual that organs from areas of lower economic capacities are transferred to areas characterized by wealth. This could either be interstate or intrastate, meaning either within the same country (i.e. a patient from New York receives an organ from Tennessee) or between two nations (i.e. an organ from a Philippino donor is received by a European foreigner). There are also cases of wealthy individuals traveling to other areas to receive a transplant; this phenomenon is defined as transplant tourism.

Another reason a patient may not receive an organ is that there are strict requirements for an organ to fit the patient. Patients are matched with the donors in regard to their blood type and organ size. Patients with blood type O have the largest difficulty in finding an organ that fits them.

Seeing as there is a difficulty in finding a transplant, many people have resorted in the illegal means of the black market. In fact, the World Health Organization has estimated that 5-10% of organ transplants in 2007 were conducted illegally, generating a profit of 600 million to 1.2 billion USD. Nevertheless, these data are only considered to be only the tip of the iceberg.

The medical black market can be divided into four categories. The first category is the practice of the medical profession by someone who actually is licensed to do so, but it is outside the public health laws of their country. As an example, a doctor doesn't cut receipts or performs an abortion when it is prohibited in their country. TSecondly, the exercise of the medical profession by people not licensed to do so, meaning people who have not gone through medical school. People could approach such individuals to skip through the organ transplant waiting line or to afford a transplantation. The third category involves the meeting with people who offer services such as surrogate

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<sup>8</sup> "STEM CELLS" *Biology: for the IB Diploma*, by Andrew Allott, Oxford University Press, 2014, pp. 3–3.

pregnancies illegally. The fourth refers to the illicit transactions of pharmaceutical products, ranging from counterfeit medicines to addictive drugs. The category that is most related to the issue of organ trafficking is the second, but also the first.

Just like the rest of the types of human trafficking, organ trafficking victims are coerced, deceived or exploited into giving an organ. More vulnerable to this are people in poverty-stricken regions, who are exploited into giving an organ in exchange of money. The victims are deceived into thinking it will take them out of their difficult financial situations, when in reality the amount of money received is minimal in relation to what the organ is really worth. Such victims can be recruited by untruthful ads, be threatened for their family members' lives or physically be forced as to technically give consent, when the victim is not actually willing to do so.

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#### Forms of human trafficking by gender (2014)

Nonetheless, it is important to understand that illicit transplants don't only originate from less economically developed countries. Human trafficking is a universal phenomenon. People vulnerable to exploitation exist in all communities. Children can be tricked into selling a kidney in the promise of allegedly large sums of money or items of luxury. Organs of deceased patients can be taken without consent to be transplanted or used for educative purposes in universities.

<sup>10</sup> "Global Report on Trafficking in Persons 2016." *UNODC United Nations Office on Drugs and Crime*, UNODC, 2016, [www.unodc.org/documents/data-and-analysis/glotip/2016\\_Global\\_Report\\_on\\_Trafficking\\_in\\_Persons.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf).

Migrants are also a vulnerable group to human trafficking for the purpose of organ removal. Many refugees of African origin are selling their kidneys for few thousands of dollars as to afford their families' migration to Europe and refugees in camps in Lebanon are approached to sell their organs to earn small amounts of money as well. Refugees from Eritrea are held hostage by Bedouins on their way to Europe and are asked for sums of money. If the refugees are not able to provide them, they are killed and have their organs harvested. In the borders, law enforcers at customs are bribed to allow the crossing of organ suppliers.

The Islamic State of Iraq and Syria (ISIS) is known to use organ trafficking as one of their means to fund its activities. The terrorist organization is thought to have even created specialist organ smuggling division, recruiting foreign doctors and facilitating their movement into the organization's areas of control. Organs are either harvested from deceased ISIS fighters or from kidnapped individuals from minority groups in Iraq and Syria. These organs are then sold mainly into Saudi Arabia and Turkey.

## Major Countries and Organizations Involved

### India

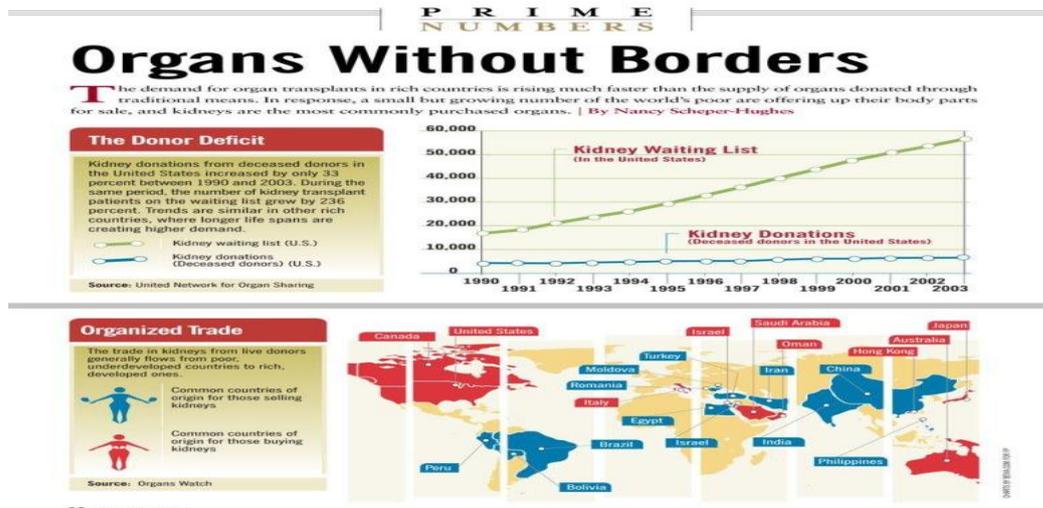
India constitutes an organ-exporting country, meaning that organs of its people are continuously being purchased for transplantation by foreigners. Nonetheless, since the "Human Organ Transplantation Act of 1994" was enacted by the Indian Parliament, the rates of organ trafficking have decreased. Around 2,000 Indians are believed to put one kidney up for sale yearly.<sup>11</sup>

### China

In China, the situation is more complex and almost unregulated, making it difficult to record the organ transactions. As a whole, an estimate of the number of renal and liver transplants in 2005 reached 12,000, the majority of which are said to originate from the bodies of prisoners that have been executed. Paid organ donors may not exist in China, but this practice of selling the organs of executed prisoners has been condemned by the international community. What is more, foreigners are being prioritized in receiving such organs, as they have the capacity to pay bigger amounts for them.

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<sup>11</sup> "THE TRANSPLANTATION OF HUMAN ORGANS ACT." *Ministry of Health and Family Welfare*, Ministry of Law, Justice and Company Affairs , 1994, [mohfw.gov.in/sites/default/files/Act%201994.pdf](http://mohfw.gov.in/sites/default/files/Act%201994.pdf).



**Countries from which organs originate contrary to countries to which they are sold to.**

### The Islamic Republic of Iran

The Islamic Republic of Iran's organ donation system openly allows paid kidney donations, but it is strictly regulated towards foreign receivers, as to not promote the international organ trade. Government officials maintaining this policy has significantly helped the country's citizens as, since 1999, they don't have to wait to receive a kidney. Some critics and the World Health Organization are concerned this policy is not as beneficial as it sounds, maintaining the republic's sanctioned economy will act in combination with it and encourage the poverty-stricken civilians to sell their kidneys to live in better financial conditions.

### United States of America

The United States are considered as one of the major importing countries. The waiting list for organs is very long, having one new requester being added to the sum every 10 minutes that pass. The mortality rates due to the donor pool shortage is undeniably high in the United States, with an average of 20 patients passing away every day. The number of organs legally obtainable can only satisfy 10% of the demands, leading worried patients and their families to support organ trafficking.

### Organs Watch

The Organs Watch is a program that was launched in 1999 by four professors from the Universities of Columbia and Berkley. It still remains operational to this day and it is trusted by the United Nations, as the international organization often obtains data

<sup>12</sup> Scheper-Hughes, Nancy. "Organs Without Borders." *FP*, 2009, [foreignpolicy.com/2009/10/21/org](http://foreignpolicy.com/2009/10/21/org) .

from the program. Its founding purpose is to document, research and examine claims of human rights abuses related to organ trafficking.

#### Doctors Against Forced Organ Harvesting (DAFOH)

Nominated for the Nobel Peace Prize in 2016, DAFOH is a medical organization that raises awareness on the ethical considerations of organ trafficking in the medical community. China is the focal point of their work.

#### World Health Organization (WHO)

WHO is a specialized agency of the United Nations concerning the field of health. It has set 11 guiding principles on human cell, tissue and organ transplantation ([https://www.who.int/transplantation/Guiding\\_PrinciplesTransplantation\\_WHA63.22en.pdf](https://www.who.int/transplantation/Guiding_PrinciplesTransplantation_WHA63.22en.pdf)).

### Timeline of Events

Date	Description of event
March 2007	UN.Gift.HUB launched
May 21, 2010	WHA.63.22 and WHO guiding principles on Transplantation
2012-2015	European Union awareness raising project against organ trafficking
2016	Project Organ Launched
December 20, 2016	S/RES/2331
July 1, 2018	Declaration of Istanbul on Organ trafficking and transplant tourism (Second Edition)

### Relevant UN Treaties, Resolutions and Events

#### UN.Gift.Hub

The United Nations Global initiative to fight human trafficking was launched for the purpose of fighting the phenomenon as a whole. It also defines illegal organ trade and divides it into three categories: victim forced or deceived, victim selling organ but not rewarded as promised, victim giving no consent but having organs removed during therapeutic interventions.

United Nations Security Council Resolution 2331 (S/RES/2331 20 December 2016)

[https://undocs.org/S/RES/2331\(2016\)](https://undocs.org/S/RES/2331(2016))

The Security Council (SC) adopted resolution 2331 on Human Trafficking. Among others, the SC has recognized the vulnerability of people in belligerent nations to organ trafficking. It encourages action plans to be pursued by the member states which will include the implementation of victim identification mechanisms, the formation of partnerships for information exchange and the establishment of strict border control. As for anti-terrorism measures, it condemns the illicit activities of ISIS in regard to human trafficking. It also considers targeted sanctions for all factors involved in the issue.

WHA63.22, WHO Guiding Principles on Transplantation

[https://www.who.int/transplantation/Guiding\\_PrinciplesTransplantation\\_WHA63.22\\_en.pdf](https://www.who.int/transplantation/Guiding_PrinciplesTransplantation_WHA63.22_en.pdf)

The World Health Organization (WHO) condemns organ trade and has adopted 11 guiding principles on organ transplantation through the World Health Assembly resolution 63.22. These principles concern: donor consent, donor and health professionals responsibilities, limitations to accept living donations, children donors, the issue of payment, transparency and scrutiny, ethics, quality and safety of procedure.

## **Previous Attempts to solve the Issue**

### Project Organ

Founded in 2016, Project organ is a not-for-profit organization, situated in Canada, aiming to put an end to the organ transplant waiting list by increasing the organ pool and defeating inequalities in organ availability. This is achieved by urging Canadians to become organ donors, educating the youth and negating misconceptions about what it means to be a living donor.

### European Union

As human trafficking has been a phenomenon also reported within the borders of the European Union, the EU has taken into account how to care for victims of organ trafficking. In 2011, a binding to all EU member states anti-trafficking law was adopted that focused on the three aspects of prevention of human trafficking, combating of such crimes and protecting victims. It also raises awareness on the issue and promotes coordination between the states on the application of the law.

## Declaration of Istanbul on Organ Trafficking and Transplant Tourism

In 2008, an international workshop was held by the Declaration of Istanbul Custodian Group (DICG), formed by transplant professionals and scholars, for the purpose of guiding the conduction of organ donation and transplantation in an ethical manner. It has proposed definitions for transplant tourism and organ trafficking, as well as principles to be adopted by policy makers and medical professionals.

## **Possible Solutions**

### Embryonic Stem Cells

A promising but controversial solution is creating organs by embryonic stem cells. In the past, there have been many health conditions that have been treated through the use of stem cells. One example is leukemia. It is possible that stem cells can be taken from an embryo and cultivated in a laboratory to produce an organ. Therefore, countries may choose to invest in stem cell research to investigate the feasibility of that idea. Nonetheless, a lot of ethical concerns can arise. The first and main argument against stem cell research is that the embryo cannot give informed consent for the procedure it will undergo. I suggest that you look further into both the arguments in favor and against, while also check your country's stance on the matter.

### Stronger and Common Legislation and Jurisdiction

As it is common that the organs transferred pass through countries' borders, there is a need for stronger and common legislation and jurisdiction. It is important that we held accountable both the actors in the black market and the transplant professionals. Black market actors such as vendors can be prosecuted, but they will just be replaced. What could be done with the prosecutors using them to get information, but still, the black-market strategies change day by day so the benefits from this are limited. Thus, do not rely much on this measure. What can have an effect is imposing fines and professional medical sanctions on transplant professionals (doctors, hospitals, insurance companies), who often argue that they have zero responsibility over the source of the organs they transplant or that they were tricked it was a valid donor organ. An example of a medical sanction would be forfeiting a doctor's license.

### Regulation of Transplant Services

Stricter regulating of transplant Services by the Department of Labor Inspection could also be considered. Regular and unscheduled inspections could be conducted or reports proving the validity of the sources of the organs to be transplanted could be demanded for the authorities to approve the surgical operations. Nevertheless, too much bureaucracy can get time consuming and many transplants are required in emergency situations.

### Awareness Raising

Lastly, we should focus on prevention, meaning limiting the need for organs. Kidneys are the most desired transplants. Thus, awareness campaigns could be initiated, promoting a healthy lifestyle and informing about the early symptoms of kidney disease indicating the need for a checkup. Investments on better diagnosis and treatment techniques would also be welcome.

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