

## International pact needed to prevent organ trafficking, UN-backed study says



Rachel Mayanja, Special Adviser of the Secretary-General on Gender Issues and Advancement of Women

13 October 2009 – A new, binding international treaty is needed to prevent trafficking in organs, tissues and cells (OTC), protect victims and prosecute offenders in this exploitation of the deeply impoverished, according to a joint study launched today by the United Nations and the Council of Europe.

It calls for the prohibition of financial gain from the human body or its parts as the basis of all legislation on organ transplants, adding that organ donation should be promoted to increase availability, with preference given to OTC donation from the deceased.

Secretary-General Ban Ki-moon's Special Adviser on Gender Issues and Advancement of Women Rachel Mayanja said she hoped the UN General Assembly would lay the groundwork for such a treaty expeditiously.

"This is the study that we have just launched, we hope that the study will be presented to the Assembly, and that the issue will be put on the agenda so that they can start working and debating this issue," she told a news briefing in New York. "We would like, of course, to see work on a convention, a binding convention, start as soon as possible."

Arthur Caplan, co-author of the study and Chair of the Department of Medical Ethics and Director of the Center for Bioethics of the University of Pennsylvania, stressed that money for body parts exploited the poor, who do not improve their situation post-sale or work their way out of poverty.

"The poor person is usually illiterate, not given any choice in the sense that they have no other job or occupation to make the sale, they wind up sicker, they wind up with no one paying attention to them, they sometimes wind up dead, they usually wind up regretting from the studies that we've seen that they did the sale because they have no follow-up," he said.

“What looks like perhaps a chance to take somebody out of poverty winds up being a situation in which the deeply impoverished are exploited for the sale, because there is no other way for them to make a living, they can only do it once, and the people who deal with the sellers don’t care about them,” he added. “Then it violates medical ethics to be involved in practices where you harm people just so they can sell a body part.”

Summing up the legal pillars of a proposed treaty, co-author and Public Prosecutor of Austria Carmen Prior said: “Prevention, protection and prosecution.”

Trafficking in OTC should be clearly distinguished from trafficking in human beings for the removal of organs, a small part of the wider problem, the report says, pointing to widespread confusion in the legal and scientific communities between the two types of trafficking, which require different solutions.

It notes the possibility of a high number of unreported cases of both crimes, due to low risks and huge profits for perpetrators. OTC trafficking often takes the form of what is known as “transplant tourism”, with recipients travelling, usually from wealthier nations, to acquire organs in countries where measures to prevent the crime or protect live donors are not in place or not implemented.

It is estimated that 5 per cent to 10 per cent of kidney transplants performed annually around the world are the result of trafficking.

The report calls for the collection of reliable data on trafficking in OTC and in human beings for organ removal, separated by sex to assess if the problem impacts women and men differently.

The Council of Europe Convention on Action against Trafficking in Human Beings, and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, already contain appropriate measures to combat trafficking in human beings for organ removal.

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