

BSAMUN 2025

Regulating the growing trade in human organs

Humans Rights Council

President Chair: Diya Kakariya

Deputy Chair: Reeti Vaish

Introduction

The global trade in human organs, often referred to as "organ trafficking", has emerged as a pressing ethical, medical, and legal issue. Driven by an increasing demand for organs and a limited supply of legal donations, this trade thrives in an underworld that frequently results in exploitative practices. For those in need of life-saving transplants, the lack of available organs can lead to years on a waiting list or even death. However, vulnerable groups—particularly in impoverished regions—are forced to sell their organs, frequently at considerable personal risk, through coercion, fraud, or financial pressure.

The unregulated organ trade raises critical concerns: it undermines public trust in healthcare systems, maintains inequality, and fuels illegal businesses. At the same time, it poses significant health risks to both donors and recipients due to unsafe medical practices and inadequate post-operative care. Efforts to regulate this trade are crucial in order to protect human dignity and guarantee fair access to organ transplantation. Effective regulation must balance the urgent need to save lives with the protection of vulnerable individuals and elimination of these criminal enterprises.

Key Terms

(Organ) Donation: Donating human cells, tissues or organs intended for human applications

Organ Trafficking: a range of illicit activities that aim to commercialise human organs and tissues that are needed for therapeutic transplantation

Trafficking in Human Beings for Organ Removal (THBOR): is defined as a specific form of trafficking in persons (THB), in which internationally operating networks through deception and coercion lure or compel persons in acute poverty into selling an organ

Travel for transplantation: the movement of organs, donors, recipients, or transplant professionals across jurisdictional borders for transplantation purposes.

Transplant tourism: Involves organ trafficking and/or transplant commercialism or if the resources devoted to providing transplants to patients from outside a country undermine the country's ability to provide transplant services for its own population

Transplant commercialism: a policy or practice in which an organ is treated as a commodity, including by being bought or sold or used for material gain.

Incompetent person: An individual who is unable to make legally valid decisions or is deprived of his/her capacity to decide and/ or to understand the implications of his/her actions (e.g a minor or an individual legally declared unable to manage their own affairs)

Explicit consent: Legally valid permission for removal of human cells, tissues and organs for transplantation, otherwise known as "opting in"

Presumed Consent: Legally valid presumption of permission for removal of cells, tissues and organs for transplantation, in the absence of individual pre-stated refusal of permission. Otherwise known as “opting out”

Informed consent: A person's voluntary agreement, based upon adequate knowledge and understanding of relevant information, to participate in research or to undergo a diagnostic, therapeutic, or preventive procedure

General Overview

The trade in human organs is a growing global problem, in 2007, it was estimated that 10% of all organ transplants worldwide were conducted through illegal means, according to the World Health Organization (WHO). This black market is largely driven by a severe shortage of legally available organs. Although over 150,000 transplants are carried out worldwide each year, this satisfies less than 10% of the global demand. Globally, kidney transplants are the most in-demand, accounting for around 75% of the black market trade. Vulnerable populations, particularly in low-income countries, are often exploited. Many victims receive no money and sometimes no post-operative care, however some do receive limited financial compensation, with donors receiving as little as \$5,000 for a kidney, while recipients are charged up to \$200,000 in underground markets. Most of the victims are men, with two-thirds of reported cases involving male donors.

The United Nations (UN) has taken significant steps to address this issue through its specialized agencies. The UN Office on Drugs and Crime (UNODC) has reported that organ trafficking occurs in at least 25 nations and often overlaps with other forms of transnational crime, such as human trafficking. To support criminal justice responses to human trafficking for organ removal, the UNODC offers legislative and technical assistance. In order to improve national skills in combating human trafficking for organ removal and trafficking, it is creating research and capacity-building programs and offering assistance. It is also prepared to offer interested States capacity-strengthening. Additionally, the Declaration of Istanbul on Organ Trafficking and Transplant Tourism, endorsed by WHO, provides ethical guidelines to protect vulnerable donors and promote transparent, equitable transplantation systems.

Despite these efforts, several challenges persist. For instance, disparities in organ donation rates between nations highlight systemic inequities. Law enforcement faces difficulties in detecting and prosecuting organ traffickers due to the clandestine nature of the trade and corruption in some regions. Furthermore, the root causes, including poverty and limited healthcare access, remain largely unaddressed. Addressing this problem requires a holistic approach, including international cooperation, public

education campaigns, and investment in legal donation systems to reduce the supply-demand gap and ensure ethical practices in organ transplantation.

Major Parties/Countries Involved

India: India is a prominent source country due to widespread poverty and weak legal enforcement, where many impoverished individuals are coerced or misled into selling their organs. The first reports on commercial trade in human organs date from the 1980s and concern the selling of kidneys by poverty stricken Indian citizens to foreign patients. The Transplantation of Human Organ Act was passed in 1994, however the implementation of the law has been flawed and the Indian media frequently reports on numerous kidney scandals and organ trafficking cases.

Africa: Organ trafficking is especially prevalent in North and West Africa, where displaced people and underprivileged communities are more vulnerable to exploitation. The economic instability, conflict, and weak legal frameworks in the region contribute to the prevalence of this crime.

China: Organ trafficking in China has been a subject of significant international concern, particularly due to allegations of forced organ harvesting from prisoners, including political detainees and members of religious or ethnic groups like Falun Gong practitioners and Uyghurs. While China officially banned the use of executed prisoners' organs in 2015 and established a voluntary organ donation system, skepticism remains about transparency and ethical practices. The country faces a high demand for transplants, leading to a thriving black market.

EU: Organ trafficking in the European Union is a persistent issue driven by high demand for organs and limited availability through legitimate channels. Vulnerable groups, such as migrants and impoverished individuals, are often targeted for exploitation. The EU has implemented measures, such as the EU Action Plan on Organ Donation and Transplantation (2009-2015) and directives on organ safety and quality, to combat this crime and promote ethical organ donation. Despite these efforts, cross-border organ trafficking networks continue to exploit legal loopholes and disparities in healthcare systems.

USA: Organ trafficking in the United States is a critical concern due to the high demand for organs and long transplant waiting lists, over 100,000 individuals are on the national transplant waiting list, and 17 people die each day waiting for an organ. The black market exploits this demand, with vulnerable individuals, including undocumented migrants and impoverished populations, at risk of coercion or deception. U.S. laws, such as the National Organ Transplant Act (NOTA) of 1984, strictly prohibit the sale of organs

and promote ethical donation systems. Despite these measures, global organ trafficking networks sometimes involve U.S. citizens traveling abroad for illegal transplants.

UK: Organ trafficking in the UK is a concerning issue, driven by the demand for transplants and the potential for individuals to exploit vulnerable populations. While the UK has stringent laws, including the Human Tissue Act 2004, which criminalizes organ trafficking and transplant tourism, there have been cases of individuals traveling abroad for illegal organ transplants. The UK government and healthcare system promote voluntary organ donation through the opt-out system, introduced in 2020, to increase organ availability. Nonetheless, international collaboration and vigilance are essential to combat illegal organ trade and ensure ethical practices in both domestic and global transplantation networks.

WHO: The WHO has been pursuing ethical guidelines for the donation and transplantation of human organs and tissues since 1987. The first revision of the Guiding Principles on Human Organ Transplantation was adopted in 1991, emphasising important issues including non-commercialization of human organs & tissues and free and voluntary informed consent. The 2008 revision of these Guiding Principles strengthened the ban on the sale or purchase of organs and highlighted the connection between organ trafficking and organ sales. The 2010 revision of the Guiding Principles adopted 'measures to protect the poorest and vulnerable groups from transplant tourism and the sale of organs and tissues.' The worldwide trafficking of human organs and tissues was given particular focus in the updated Guidelines. Countries' health authorities and medical practitioners are guided by the WHO standards and principles.

Timeline of Key Events

1980s: The first reports on commercial trade in human organs

1984: 300 kidneys were transplanted into non-residents in the US

1984: National Organ Transplant Act (NOTA) (USA)

1988: A high profile case of organ trafficking was reported in the UK

1989: UK Human Organ Transplant Act, which made organ trafficking a criminal offence

1991: the first version of the Guiding Principles on Human Organ Transplantation was adopted

1994: Indian Transplantation of Human Organs Act, which outlawed the selling and buying of human organs

2004: Human Tissue Act (UK)

2008: Declaration of Istanbul

UN involvement & Relevant Resolutions

In 2010, the General Assembly adopted the Global Plan of Action to Combat Trafficking in Persons (resolution 64/293), which included measures to tackle trafficking in human beings for organ removal

On 17 December 2018, the General Assembly adopted a resolution (73/189) on strengthening and advancing efficient measures and international collaboration on organ donation and transplantation in order to prevent and combat trafficking in persons for the purpose of organ removal and trafficking in human organs.

In October 2011, the Conference of the Parties (COP) to the United Nations Convention against Transnational Organized Crime (UNTOC) addressed the challenges posed by transnational organized crime, including trafficking in persons for the purpose of organ removal. The COP facilitated the implementation of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, which supplemented UNTOC. It emphasized international cooperation, legislative harmonization, and capacity-building to combat the crime. In order to increase awareness, improve victim protection, and criminalise organ trafficking, the COP urged member states to implement policies through its Working Groups, including the one on trafficking in persons. It also emphasised how important it is to work across borders in order to bring down criminal networks that make money off of this kind of exploitation and to hold those responsible accountable.

UNODC has published the Toolkit on the Investigation and Prosecution of Trafficking in Persons for Organ Removal. The Toolkit is a specialized resource developed to assist law enforcement agencies, prosecutors, and other stakeholders in effectively addressing the complex crime of trafficking in persons for the purpose of organ removal. It provides practical guidance, methodologies, and best practices to enhance the identification, investigation, and prosecution of such cases while ensuring the protection and rights of victims. It also emphasizes the importance of interagency and international cooperation, given the transnational nature of this crime. By offering strategies for evidence collection, interviewing victims, and building strong legal cases, the toolkit seeks to strengthen the capacity of authorities to combat organ trafficking effectively. Additionally, it highlights the need for adherence to ethical principles and human rights standards throughout the investigative and prosecutorial processes.

Global Observatory on Donation and Transplantation: a collaboration between the World Health Organization (WHO) and the Spanish Transplant Organization, Organización Nacional de Trasplantes (ONT). GODT serves as a key resource for monitoring global trends, promoting ethical practices, and supporting evidence-based

policymaking in the field of transplantation. The observatory tracks and reports on various aspects of donation and transplantation, such as the number of donors, transplants performed, and waiting lists across different countries. It aims to enhance transparency, identify disparities in access to transplantation services, and encourage the implementation of strategies to improve organ donation systems globally.

Palermo Protocol: The 'Protocol to prevent, suppress and punish trafficking in persons especially women and children', is an international treaty adopted in 2000 to combat human trafficking. It aims to prevent trafficking, protect victims, and prosecute offenders by supplementing the United Nations Convention against Transnational Organized Crime. The protocol defines trafficking as the exploitation of individuals through coercion, deception, or abuse of power, including for forced labor, sexual exploitation, and organ removal. It provides a framework for nations to strengthen laws, promote international cooperation, and safeguard the rights and dignity of victims.

Previous attempts to solve the issue

Interpol and project ENACT: Project ENACT (Enhancing Africa's Response to Transnational Organized Crime) is an initiative designed to strengthen Africa's capacity to combat transnational organized crime, including human trafficking and organ trafficking. Led by the Institute for Security Studies (ISS) in partnership with INTERPOL and funded by the European Union, ENACT focuses on research, policy development, and capacity-building across the continent. The project provides in-depth analyses of crime trends, supports law enforcement training, and fosters regional and international collaboration. By identifying key drivers of organized crime, such as weak governance, economic inequality, and porous borders, ENACT equips policymakers with data-driven strategies to mitigate these threats. It also promotes awareness of organ trafficking and emphasizes the need for coordinated, continent-wide efforts to protect vulnerable populations and disrupt criminal networks.

Declaration of Istanbul, 2008: The Declaration of Istanbul is a landmark initiative aimed at combating organ trafficking and transplant tourism while promoting ethical practices in organ donation and transplantation. Developed by the Transplantation Society (TTS) and the International Society of Nephrology (ISN), the declaration provides a framework to address the exploitation of vulnerable populations and the commercialization of organ transplantation. It emphasizes the principles of transparency, informed consent, and equitable access to transplantation services, urging nations to achieve self-sufficiency by increasing legitimate, voluntary organ donation within their borders. The declaration also calls for robust legal measures, international cooperation, and public education to prevent unethical practices. Since its

adoption, the Declaration of Istanbul has gained global recognition, with many countries integrating its principles into their healthcare and legal systems to ensure ethical and sustainable organ transplantation practices.

EU Action Plan on Organ Donation and Transplantation (2009-2015): The EU Action Plan on Organ Donation and Transplantation was a comprehensive strategy aimed at improving organ availability, enhancing the safety and quality of transplantation, and combating organ trafficking across European Union member states. The plan outlined key priorities, including increasing organ donation rates through public awareness campaigns and improving donor identification systems in hospitals. It promoted cross-border collaboration to ensure equitable access to transplantation services and fostered the sharing of best practices among member states. Additionally, the action plan sought to establish robust frameworks for monitoring and reporting organ donation and transplantation activities to prevent illegal practices. By addressing disparities in access to transplantation and reinforcing ethical standards, the initiative significantly contributed to the EU's efforts to create a more transparent, safe, and effective organ donation and transplantation system.

Possible solutions

Strengthen Legal Frameworks: Countries need to establish robust legal frameworks to explicitly criminalize organ trafficking and related activities, such as transplant tourism and the illicit trade of human organs. This includes setting clear and enforceable penalties for individuals and organizations involved in these crimes. Governments must also regulate and monitor organ transplantation procedures to ensure ethical practices. International cooperation is essential to combat the transnational nature of organ trafficking, enabling law enforcement agencies to share intelligence, coordinate cross-border investigations, and extradite offenders. Harmonizing laws and creating bilateral or multilateral agreements can further strengthen global efforts to dismantle trafficking networks.

Increase Ethical Donations: Promoting ethical and voluntary organ donation can help meet demand and reduce the appeal of illegal practices. Public awareness campaigns can educate people about the importance of organ donation and dispel myths surrounding the process. Countries should adopt opt-out systems (presumed consent), where all citizens are considered donors unless they explicitly opt out. Additionally, nonfinancial incentives, such as covering medical expenses, providing leave for recovery, or recognizing donors publicly, can encourage more people to donate organs altruistically.

Improve Healthcare Access: Expanding transplant infrastructure is crucial to reducing the gap between organ supply and demand. Investments in healthcare facilities, advanced surgical techniques, and specialized training for medical professionals can

improve access to safe and efficient transplant services. Governments must also ensure equitable access to transplantation for all patients and provide post-operative care for both donors and recipients. Adequate follow-up care reduces complications and helps prevent financial burdens on donors, making it less likely for individuals to turn to illegal markets.

Address Socioeconomic Causes: Organ trafficking often exploits individuals living in poverty or in vulnerable situations, such as refugees or marginalized communities. Combating poverty through social protection programs, economic empowerment, and education can reduce the desperation that traffickers exploit. Governments and NGOs must also focus on protecting at-risk groups by strengthening social safety nets and implementing targeted interventions, such as providing access to healthcare, housing, and employment opportunities.

Raise Awareness: Raising awareness is essential for both prevention and detection. Public education campaigns should inform communities about the risks and consequences of organ trafficking, encouraging vigilance and ethical donation. Training for healthcare professionals is equally important, equipping them to identify signs of trafficking, such as inconsistencies in medical histories, suspicious arrangements for transplants, or evidence of exploitation. Such training can help frontline workers act as gatekeepers against illegal transplants.

Adopt Global Standards: Adopting and implementing global standards, such as the WHO Guiding Principles on Human Cell, Tissue, and Organ Transplantation, can promote ethical practices and reduce organ trafficking. These guidelines emphasize voluntary, unpaid donations and prioritize transparency, equity, and safety. Establishing global organ donor registries and fostering international organ-sharing agreements can help countries better manage organ shortages ethically. Collaborative efforts through global organizations can ensure accountability, streamline processes, and reduce reliance on illegal markets.

Bibliography

- [https://www.europarl.europa.eu/RegData/etudes/STUD/2015/549055/EXPO_STU\(2015\)549055_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2015/549055/EXPO_STU(2015)549055_EN.pdf)
- https://www.unodc.org/unodc/en/frontpage/2024/June/explainer_-_understanding-human-trafficking-for-organ-removal.html
- <https://www.theguardian.com/world/2012/may/27/kidney-trade-illegal-operations-who>
- <https://iris.who.int/bitstream/handle/10665/341813/WHO-HTP-EHT-CPR-2009.01-eng.pdf?sequence=1>
- <https://pmc.ncbi.nlm.nih.gov/articles/PMC2779960/#:~:text=The%20legislation%20called%20the%20Transplantation,of%20organs%20a%20punishable%20offence>

- <https://www.transplant-observatory.org/>
- <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>
- <https://www.unodc.org/unodc/en/human-trafficking/glo-act2/tip-for-or-toolkit.html>
- https://www.unodc.org/documents/treaties/organized_crime/2011_CTOC_COP_WG4/2011_CTOC_COP_WG4_2/CTOC_COP_WG4_2011_2_E.pdf
- <https://www.interpol.int/en/News-and-Events/News/2021/North-and-West-Africa-INTERPOL-report-highlights-human-trafficking-for-organ-removal>
- <https://www.interpol.int/en/How-we-work/Criminal-intelligence-analysis/Project-ENACT>
- https://www.declarationofistanbul.org/images/documents/doi_2008_English.pdf
- <https://documents.un.org/access.nsf/get?OpenAgent&DS=A/RES/73/189&Lang=E>
- https://www.unodc.org/documents/human-trafficking/United_Nations_Global_Plan_of_Action_to_Combat_Trafficking_in_Persons.pdf
- https://www.unodc.org/documents/human-trafficking/2015/UNODC_Assessment_Toolkit_TIP_for_the_Purpose_of_Organ_Removal.pdf
- https://ec.europa.eu/health/ph_threats/human_substance/oc_organ/docs/organs_action_en.pdf
- Analytical report: Trafficking in Human Beings for the purpose of organ removal in North and West Africa
- <https://pmc.ncbi.nlm.nih.gov/articles/PMC4571160/>
- <https://www.ohchr.org/en/press-releases/2021/06/china-un-human-rights-experts-alarmed-organ-harvesting-allegations>
- <https://www.legislation.gov.uk/ukpga/2004/30/contents>