

# Organ Trafficking and Transplant Tourism

## Statement of the Pontifical Academy of Sciences Summit

*Pauselijke Academie voor Wetenschappen, 8 februari 2017*

In accordance with the Resolutions of the United Nations and the World Health Assembly, the 2015 Vatican Summit of Mayors from the major cities of the world, the 2014 Joint Declaration of faith leaders against modern slavery, and the Magisterium of Pope Francis, who in June 2016, at the Judges' Summit on Human Trafficking and Organized Crime, stated that organ trafficking and human trafficking for the purpose of organ removal are "true crimes against humanity [that] need to be recognized as such by all religious, political and social leaders, and by national and international legislation," we, the undersigned participants of the Pontifical Academy of Sciences Summit on Organ Trafficking, resolve to combat these crimes against humanity through comprehensive efforts that involve all stakeholders around the world.

Poverty, unemployment, and the lack of socioeconomic opportunities are factors that make persons vulnerable to organ trafficking and human trafficking for the purpose of organ removal. Destitute individuals are victimized in schemes of organ trafficking when induced to sell their organs in a desperate search for a better life. Similarly, desperate are the patients who are willing to pay large amounts and travel to foreign destinations as transplant tourists to obtain an organ that may keep them alive— oblivious of the short and long-term health consequences of commercial transplantation. Unscrupulous brokers and health care professionals make organ trafficking possible, disregarding the dignity of human beings. The operative procedures are performed in unauthorized facilities that clandestinely serve transplant tourists. But organ trafficking can also occur at legitimate facilities, in situations where individuals who are willing to sell their organs present themselves to transplant centers as a relative or altruistic friend of the recipient. The media have made an important contribution to public understanding in highlighting the plight of trafficked individuals by publishing their independent investigations of transplant-related crimes and corrupt healthcare professionals and unregulated facilities.

A number of international legal instruments define, condemn, and criminalize these practices, namely the United Nations Protocol against Trafficking in Persons (Palermo Protocol), the Council of Europe Convention against Trafficking in Human Beings, and the Council of Europe Convention against Trafficking in Human Organs. We support these documents, which assert that the transplant professionals who commit or abet these crimes should be held legally accountable whether the offenses take place domestically or abroad.

The legal instruments of the recent past are an important link to emerging innovative policy to combat social inequality. Trafficking in human beings for the purpose of organ removal and organ trafficking are contrary to the United Nations General Assembly 2030 Agenda for Sustainable Development as an issue of human rights and social justice because the poor are exploited for their organs and yet not able to receive a transplant if they suffer organ failure. Jeffrey Sachs has written that "Sustainable development argues that economic policy works best when it focuses simultaneously on three big issues: first, promoting economic growth and decent jobs; second, promoting social fairness to women, the poor, and minority groups; and third, promoting environmental sustainability". Countries in conflict and without domestic stability can become the locations of transplant-related crimes.

Progress has been made by healthcare professionals aligned with the Declaration of Istanbul to curtail organ trafficking. Nevertheless, a number of destinations for transplant tourism remain around the world where appropriate legislation to curtail these crimes and protect the poor and vulnerable do not exist or are poorly



enforced. These practices also persist because some states have failed in their responsibility to meet the need of their citizens to obtain an organ transplant.

Thus, aware of the UN Sustainable Development Goals, the UN Palermo Protocol on Human Trafficking, the Resolutions of the World Health Assembly (2004 and 2010), the Council of Europe Convention against Trafficking in Human Beings, the Council of Europe Convention against Trafficking in Human Organs, the Madrid Resolution on Organ Donation and Transplantation, and the Declaration of Istanbul, and as a result of the data on organ trafficking presented at this PAS Summit on Organ Trafficking, we the undersigned pledge our commitment to combat these illicit and immoral practices as a community of stakeholders fulfilling the directive of Pope Francis to combat human trafficking and organ trafficking in all their condemnable forms.

The following recommendations from the PAS Summit on Organ Trafficking are proposed to national, regional and municipal governments, to ministries of health, to the judiciary, to religious leaders, to professional healthcare organizations, and to the general public for implementation around the world:

1. That all nations and all cultures recognize human trafficking for the purpose of organ removal and organ trafficking, which include the use of organs from executed prisoners and payments to donors or the next of kin of deceased donors, as crimes that should be condemned worldwide and legally prosecuted at the national and international level.
2. That religious leaders encourage ethical organ donation and condemn human trafficking for the purpose of organ removal and organ trafficking.
3. That nations provide the resources to achieve self-sufficiency in organ donation at a national level—with regional cooperation as appropriate—by reducing the need for transplants through preventive measures and improving access to national transplant programs in an ethical and regulated manner.
4. That governments establish a legal framework that provides an explicit basis for the prevention and prosecution of transplant-related crimes, and protects the victims, regardless of the location where the crimes may have been committed, for example by becoming a Party to the Council of Europe Convention against Organ Trafficking.
5. That healthcare professionals perform an ethical and medical review of donors and recipients that takes account of their short- and long-term outcomes.
6. That governments establish registries of all organ procurement and transplants performed within their jurisdiction as well as all transplants involving their citizens and residents performed in another jurisdiction, and share appropriate data with international databanks.
7. That governments develop a legal framework for healthcare and other professionals to communicate information about suspected cases of transplant-related crimes, while respecting their professional obligations to patients.
8. That responsible authorities, with the support of the justice system, investigate transplants that are suspected of involving a crime committed within their jurisdiction or committed by their citizens or residents in another jurisdiction.
9. That responsible authorities, insurance providers, and charities not cover the costs of transplant procedures that involve human trafficking for the purpose of organ removal or organ trafficking.
10. That healthcare professional organizations involved in transplantation promote among their members awareness of, and compliance with, legal instruments and international guidelines against organ trafficking and human trafficking for the purpose of organ removal.
11. That the World Health Organization, the Council of Europe, United Nations agencies, including the United Nations Office on Drugs and Crime, and other international bodies cooperate in enabling a comprehensive collection of information on transplant-related crimes, to yield a clearer understanding of their nature and scope

and of the organization of the criminal networks involved.

### **Signatories**

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