



**Oasis International School Model United Nations**

Human Rights Council

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Guiding Package

Topic 1 : Combating organ trafficking

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## Abstract

Organ trafficking is a serious matter that the United Nations has been combating for years. Organ trafficking can happen in three categories. Firstly, a person can be deceived into giving up an organ. Secondly, a person can agree (either formally or informally) to sell an organ. Organ trafficking only includes a person voluntarily giving someone an organ if it is in exchange for money. Thirdly, a person's organs can be removed without their awareness or consent. This happens mostly to a vulnerable category of people, such as immigrants, migrant workers or illiterate people. Usually while the person is getting treated or operated for an illness that may not even exist. Any organ can be transplanted can be the subject of illegal trading. Yet, the organs most commonly traded are kidneys and the liver.

It is important to note that there is a huge lack of organs available for translation worldwide. This makes organ trafficking even more popular. Nowadays, only Iran legalizes organ trafficking. In fact, 42% of organs that are transplanted derive from illegal human trafficking<sup>1</sup>. Since this percentage is so high, there is a lot of debate as to whether or not Organ trafficking should be legalized. Many believe that in order to be properly regulated, it should be legalized. Yet, human rights organizations such as Organs Watch and the World Health Organization have combated this idea.

The goal of the Human Rights Council is not only to protect the victims of organ trafficking but also to deal with the organ shortage in the most efficient way possible.

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<sup>1</sup> UNKNOWN, *Meron Estefano Reacts to Claims of Organ trafficking*. Available on: redseafisher.wordpress.com. Consulted the 1<sup>st</sup> of November 2015.

## I. Introduction

Nowadays, organ trafficking has become more accessible and facilitated by some institutions. In fact, the exact number of organs being traded is unknown to this day. It is detrimental to note that this lack of regulation can have consequence for both donors and recipients that might affect their health condition or even cause their death in several cases. The greater challenge in this entire procedure is acquiring organs for transplantation. Some countries are dealing with the challenge better than others. However, no country is immune to it.

## II. Definition of key terms<sup>2</sup>

- **Organ:** “A part of an organism, which is typically self-contained and has a specific vital function”.
- **Trafficking:** “deal or trade in something that is illegal”.
- **Illegal:** “contrary to or forbidden by law”.
- **Transplant:** surgery used to transfer an organ from one body to another.
- **Donation:** Something that one can give a person or a group of people without expecting or receiving anything in return.
- **Stem cells:** “An undifferentiated cell of a multicellular organism which is capable of giving rise to indefinitely more cells of the same type, and from which certain other kinds of cell arise by differentiation”<sup>3</sup>.
- **Bribe:** “Persuade (someone) to act in one's favor, by a gift of money or other inducement”<sup>4</sup>.

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<sup>2</sup> All available on: [www.thesaurus.com](http://www.thesaurus.com). Consulted the 1<sup>st</sup> of November 2015

<sup>3</sup> OXFORD DICTIONARY *stem-cells*. Available on: <http://www.oxforddictionaries.com/definition/english/stem-cell>. Consulted the 1<sup>st</sup> of November 2015.

<sup>4</sup> OXFORD DICTIONARY, *bribe* Available on:

- **Illiterate people:** Uneducated, a person that cannot read or write.

### **III. Background information:**

Historical background:

The worldwide request of donated organs has begun when the first successful transplantation was created, over a century ago in 1906. Throughout the years, surgeons have been capable of developing the capability of performing new transplant techniques. It all began with the first successful kidney and escalated quickly followed by heart, pancreas, liver, lung, intestines and hand. The increase in cardio-metabolic diseases and kidney diseases are only aggravating the problem.

### **IV. UN involvement:**

- a. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons<sup>5</sup>: Organ removal and its sale have been included in this protocol. Article 3 mentions trafficking in persons and includes trafficking for the purpose of removing the organs.
- b. World Health Organization (WHO) : The Guiding Principles on Human Organ Transplantation (1991) of WHO<sup>6</sup> has stated that the commercial selling of organs is 'a violation of human rights and human dignity'.

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<http://www.oxforddictionaries.com/definition/english/bribe>. Consulted the 1<sup>st</sup> of November 2015.

<sup>5</sup> UNITED NATIONS. Organ trafficking is a global crime: Available on: [www.ungift.org/knowledgehub/en/about/trafficking-for-organ-trade.html](http://www.ungift.org/knowledgehub/en/about/trafficking-for-organ-trade.html) .Consulted the 1<sup>st</sup> of November 2015.

<sup>6</sup> UNITED NATIONS. Organ trafficking is a global crime: Available on: [www.ungift.org/knowledgehub/en/about/trafficking-for-organ-trade.html](http://www.ungift.org/knowledgehub/en/about/trafficking-for-organ-trade.html) .Consulted the 1<sup>st</sup> of November 2015.

- c. An Additional Protocol to the European Convention on Human Rights and Biomedicine Concerning Transplantation of Organs and Tissues of Human Origin (2002)<sup>7</sup> has prohibited organ trafficking that derives from monetary gain. It also calls upon the states to provide serious sanctions for the people guilty of organ trafficking.

## V. **Major countries involved:**

### **Iran:**

In Iran one can sell his organ for monetary exchange. Iran legalizes Organ trafficking for profit. Iran no longer has a wait list for kidney transplantation. The sale is said to be well regulated. Two charities control the regulation: the Charity Association for the Support of Kidney Patients (CASKP) and the Charity Foundation for Special Diseases (CFSD) control the trade of organs with the support of the government.

### **China:**

This country does not have an organized system of organ donation. Some executed prisoners are the source (more or less the only source) of organs in the Chinese transplant programs. Using the tissue of executed prisoners is legal in China. China suffers from a lack of organs for transplants.

### **India:**

India had a successful legal market in organ trading before 1994, before the transplantation of Human organs act in 1994.

### **The United States of America:**

On average 79 people receive an organ daily. The United States is one of the most successful countries when it comes to the regulations of organ donation. Yet the system is not perfect. In 2013 for instance, 121,272 Americans were waiting for an organ, while only 28,954 received an organ that year. About 14,697 obtained their

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<sup>7</sup> UNITED NATIONS. Organ trafficking is a global crime: Available on: [www.ungift.org/knowledgehub/en/about/trafficking-for-organ-trade.html](http://www.ungift.org/knowledgehub/en/about/trafficking-for-organ-trade.html) .Consulted the 1<sup>st</sup> of November 2015.

organs through organ trafficking that year. Also, in 2008, the waiting time for the transplant list was greater than 3 years<sup>8</sup>.

### **Philippines:**

The sale of organs was legal in the Philippines until a ban took place in 2008. The Philippine's "Information agency" (a branch of the government) were selling kidney transplants for about \$25,000. Transplants have dropped from 1,046 in 2007 to 511 in 2010.<sup>9</sup>

### **VI. Possible solutions:**

- In order to solve the issue there must be more controls in all aspects of organ donation and transplantation as well as measures against illegal organ trafficking. Such measures include harsher penalties for the dealers.
- Including laws worldwide to remove the doctor's medical license.
- Providing hospitals with cameras for surveillance.
- Educating the children about this important issue in school programs.
- Addressing the organ shortage and find a different solution. Such as funding stem cells research for example.
- There should be more transparency when it comes to donation and transplantation. That means for example the publishing of activity reports from every country annually.

### **VII. Guiding questions:**

- Where does your country stand in terms of organ trafficking? What is your country's policy when it comes to organ trafficking? Why?
- Why is refuting organ trafficking completely? Is it the right way to deal with the crisis?

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<sup>8</sup>JAFFAR, Tazeen. *Organ trafficking: Global Solution for a Global problem*, American Journal of Kidney diseases. Available on: [www.medscape.com/viewarticle/716188\\_2](http://www.medscape.com/viewarticle/716188_2). Consulted the 1<sup>st</sup> of November.

<sup>9</sup> Unknown, *Philippines claims success on organ trafficking*- Phyto.org. Available on: [phys.org/news/2010-07-philippines-success-trafficking.html](http://phys.org/news/2010-07-philippines-success-trafficking.html) . Consulted the 1<sup>st</sup> of November 2015.

- Can regulation organ trafficking be functional and will it be more functional than making the practice illegal?
- How can countries prevent organ trafficking?
- What penalties should the organ traffickers receive?
- How can countries protect the children from this?
- If organ trafficking ceases to exist, how can the world deal with the organ shortage?
- What new procedure can the world use in order not to need organ trafficking?
- What are the ethical/moral reasons behind making the practice illegal?
- How safe is Organ trafficking on both the donor and the recipient?

**VIII. Useful links:**

- [www.ajkd.org/article/S0272-6386\(09\)01177-9/fulltext](http://www.ajkd.org/article/S0272-6386(09)01177-9/fulltext)
- [www.ungift.org/knowledgehub/en/about/trafficking-for-organ-trade.html](http://www.ungift.org/knowledgehub/en/about/trafficking-for-organ-trade.html)
- [www.dailymail.co.uk/news/article-3027088/A-Human-Harvest-Chinas-organ-trafficking-exposed-shocking-documentary-alleges-illegal-trade-worth-staggering-1-billion-year.html](http://www.dailymail.co.uk/news/article-3027088/A-Human-Harvest-Chinas-organ-trafficking-exposed-shocking-documentary-alleges-illegal-trade-worth-staggering-1-billion-year.html)
- [www.stoporgantraffickingnow.org/http://www.stoporgantraffickingnow.org/](http://www.stoporgantraffickingnow.org/http://www.stoporgantraffickingnow.org/)
- [www.coe.int/t/dghl/monitoring/trafficking/](http://www.coe.int/t/dghl/monitoring/trafficking/)



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- <http://www.oxforddictionaries.com/definition/english/bribe>. Consulted the 1<sup>st</sup> of November 2015.
- Thesaurus. Available on: [www.thesaurus.com](http://www.thesaurus.com). Consulted the 1<sup>st</sup> of November 2015.
- UNKNOWN, *Meron Estefano Reacts to Claims of Organ trafficking*. Available on: [redseafisher.wordpress.com](http://redseafisher.wordpress.com) . Consulted the 1<sup>st</sup> of November 2015.