



Forum: Sixth Committee of the General Assembly (Legal)

Issue: Strengthening the regulatory framework around organ transplantation

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“The success of transplantation as a life-saving treatment does not require—nor justify—victimizing the world's poor as the source of organs for the rich”

- Steering Committee of the Istanbul Summit, April 30-May 2, 2008 I. Description of the issue

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According to the *Heart Foundation*, organ transplantation, also known as organ transfer, is the act of removing organs from a deceased or alive person, to transfer it to someone who is very sick or threatened by death due to organ failure. This high maintenance procedure saves millions of people every year, yet it is still not enough. According to the *World Health Organization (WHO)*, less than 10% of the global organ transplantation demand is met annually with the majority of countries not being able to provide enough organ transfers being LEDCs.

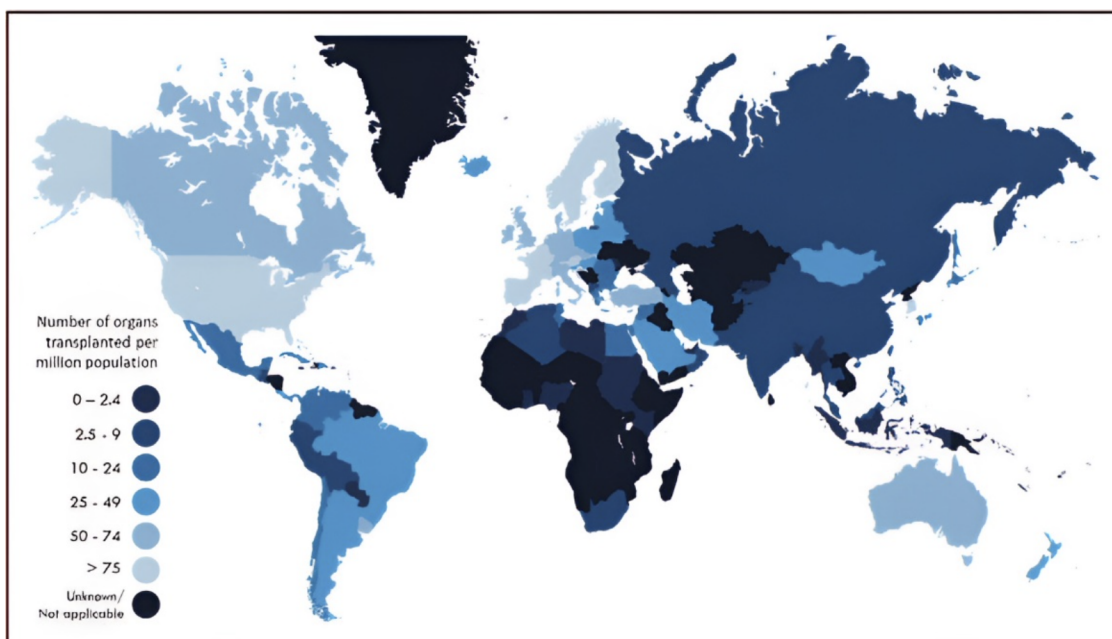


Figure 1: Number of organs transplanted per million population in 2018



According to the *United Nations Department of Economic and Social Affairs (UN DESA)*, approximately 16% of the world's population inhabits Africa, yet under 0.5% of all global organ transplants are performed on the continent. *Figure 1* gives a clear overview of all geographical areas in which organ transplantations are taking place, showcasing that MEDCs such as but not limited to the United States of America, the French Republic, the Kingdom of Spain and the Kingdom of Sweden are way more fortunate with more than 75 transplants per million population of the demand being met, in comparison to LEDCs such as but not limited to the Islamic Republic of Afghanistan and the Republic of Kazakhstan, where the amount is not even known to the public.

Due to the demand of organ transplantation continuing to rise with not enough donors to provide for all, people are willing to break the law and find alternative ways to attain the needed organs. The main ways of attaining illegally harvested organs include, according to *Rambam Maimonides Med J.*, organ trafficking, taking payments for organs as well as the possible involuntary harm the donor might endure for the wellbeing of the recipient.

According to the *Parlement du Canada*, the illegal global organ trade business makes an annual estimated income of somewhere between \$840 million USD to \$1.7 billion USD. In a year, around 12,000 organs are transplanted illegally, which supposedly makes up about 10% of all organ transfers. Most of these illegal transactions tend to take place in Northern Africa and in the Middle East, though it is not uncommon for an American or European to visit such places to obtain an organ. This procedure is also called Transplant tourism.

According to the *United Nations Office on Drugs and Crime (UNODC)*, refugees, migrants, and asylum seekers are particularly targeted by traffickers because they may lack financial stability and are therefore willing to sell an organ to support themselves and their family during vulnerable times. However, this has a number of side effects, as victims of organ trafficking are told lies about human anatomy and about the payment they will receive. The *WHO* requires victims of organ trafficking to undergo a psychological evaluation to confirm that the donor is not benefiting financially from the crime which would then also make them a criminal.

It is very clear that the trafficking in persons for organ removal is a prevalent issue in society, which results in the harm and mistreatment of vulnerable and impoverished people, thus



leading the *United Nations* to find measures which strengthen the regulatory framework around the transplantation of organs around the world.

II. Definition of Key terms

- **Body snatching:** Body snatching is the term for the stealing of corpses with the intention of selling them illegally, typically to medical institutions for the exploration of human anatomy. Body snatching has since died out, as this was a way of human trafficking back in the 19th century.
- **Brain death:** A person whose brain is insentient and loses all of its functions, which can happen due to varying factors such as the blood and/or oxygen supply being cut off. A person who experiences brain death has no chance of ever regaining consciousness or breathing without artificial life support, thus declaring them officially dead.
- **Donors:** A person who voluntarily provides another person with blood, plasma, organs, and much more. They contribute to helping people in need all over the world.
- **Harvest:** The term "harvest" refers to the act of removing organs from a living or deceased person without their informed consent, typically for the purpose of illegal transplantation.
- **LEDCs:** The way that a country handles their funds, goods, and trade is described as its economy. Some nations have a less developed economy than others, which is why they are referred to as less economically developed countries (LEDCs). Nations with better economies are more economically developed countries (MEDCs).
- **Organ trafficking:** Harvesting and selling/buying organs illegally, which come from exploited people living in LEDCs or victims of human trafficking. This includes the illegal extraction of organs such as, but not limited to, kidneys, corneas, lungs, hearts, and livers.
- **Procurement costs:** In relation to organ transplants, procurement costs refer to the expenses that need to be taken for acquiring and transporting organs for transplantation purposes. These fees include medical bills as well as getting the organs to the wanted destination.



- Transplant tourism: The act of citizens of Western countries visiting impoverished regions with higher rates of illegal organ harvesting to obtain organs and have them transplanted for a cheaper price.
- United Nations Department of Economic and Social Affairs (UN DESA): The organization is a vital division within the *United Nations Secretariat*. Its primary mandate is to address global economic and social challenges, promote sustainable development, and encourage international cooperation.
- United Nations Office on Drugs and Crime (UNODC): The *UNODC* is a United Nations agency tasked with combating illicit drugs, organized crime, and corruption. *UNODC* works with member states to promote global cooperation in preventing and addressing these issues, offering technical assistance, conducting research, and assisting in the development of policies and programs to combat drug trafficking, crime, and corruption at national and international levels.
- World Health Organization: The *World Health Organization (WHO)* is a *United Nations* organization that focuses on "keeping the world safe and serving the vulnerable," which means they have a goal of helping impoverished regions by supplying healthcare products or medical help in general. Additionally, they also work towards finding cures to medical diseases such as AIDS to help the suffering people in need.

III. Background information

Reasons on why the framework around organ transplants should be further strengthened and not made completely new is because the *United Nations* have already made a *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, which clearly states in Article 3 that organ trafficking and removal is a crime and a stipulated form of exploitation, especially in LEDCs, which needs to be prohibited in national laws.

Ways in which the framework around organ transplants can be strengthened is by establishing more international and comprehensive guidelines that cover aspects such as but not limited to ethical considerations, organ procurement, allocation systems, and cooperation in combating



organ trafficking. This can be achieved by cooperation between the *United Nations* and relevant international organizations such as the *WHO* or the *UNODC*.

The economic problems that arise from the issue of organ shortages, according to *Rambam Maimonides Med J.*, are the improvement and advancement of the medical and surgical techniques which can't be matched with an equal number of donors, dead or alive. This means that a lot of the expenses on advanced surgical procedures and equipment cannot be put to its use as much as preferred. The reasoning behind the slow increase is due to problems such as being able to define the point when a person is officially brain dead by the medical team as it is the deciding factor of whether the organs get donated or not. This may be the result of personal beliefs, emotions, and distrust of the family who are in denial during these vulnerable times of losing a loved one.

In general, religious beliefs play a major role in the decision of a lot of families when deciding what to do with the deceased family member. Even in non religious households, sometimes advice from religious authorities is sought and followed during these times of loss of a family member, which is factoring into the declining increase of organ donors globally.

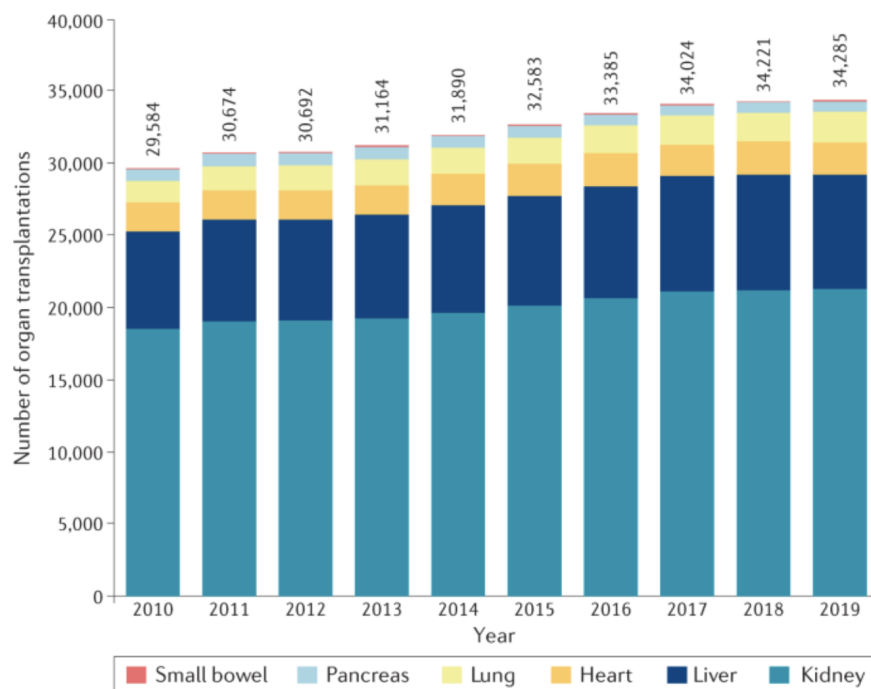


Figure 2: Number of organ transplantations performed in the EU between 2010 and 2019.

Figure 2 clearly demonstrates a very slow increase of civilians willing to donate organs, which further factors into the enormous shortage of availability for people in severe need of a replacement. Although kidneys seem to be the most donated organ in the *European Union (EU)* with around 34,285 donors in the year of 2019, the organ is still highly demanded without enough supply globally, which is why organ harvesting and transplant tourism are thriving, even during modern times.

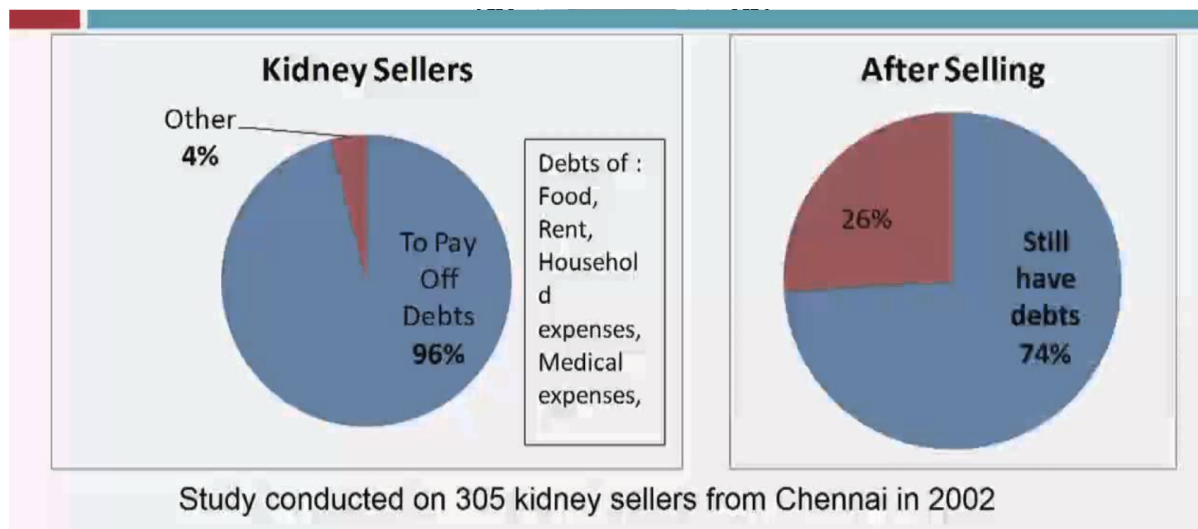


Figure 3: Financial Aspects of Organ Trafficking in 2002

Figure 3 shows that the majority of people agreeing to sell their organs are mostly in debt and under financial struggle but are still unsuccessful in paying all of it off. In the survey, which was conducted in India, a country with one of the highest organ trafficking rates, only 22% of donors were able to pay off their loans, which is less than half. Thus, still leaving 75% unable to balance out their debt. This disappointing decrease is the result of manipulation by the traffickers promising the victims a higher reward than what they actually get.

Another factor on why a lot of people tend to illegal organ transplantation are the procurement costs. According to the *Global propagation of transplant expertise*, the price of an organ transplant averages around \$100 000, half of which goes to the hospital bill that also includes extended postoperative care. The other half takes care of most of the transportation cost of the organ which is needed especially for time-sensitive cases. As the majority of the working-class citizens that are in need of a new organ cannot afford this, they see their only way of survival is a cheaper illegal harvest. The *Global propagation of transplant expertise*



believes that if the safe preservation of organs can be increased from hours to days or longer, the price would lower as emergency transportation devices would be used less, thus making more citizens opt for a safe and legal transplant if possible. As this is currently not the case, the *UN* believes the need for a solution to be very pressing.

IV. Historical background

Illegal organ trade has been a significant part of organ transplants since the early 19th century, according to *The Global Traffic in Human Organs*. Some documentations of organ trade were found from ancient Rome and China, showcasing the timeline in which this crime had started to surface. In the 19th century and beginning of the 20th, “body snatching”, also known as grave robbery, consisted of corpses being stolen and sold for medical research or anatomical dissection. The illegal trafficking of organs documented a sky-rocketing increase during World War 1, when soldiers would opt for selling their kidneys for financial support. It was also reported that before ethical guidelines and regulations were established globally people would sell their organs directly to recipients or through facilitators, which is the complete opposite of procedures nowadays, showing the positive effects of national legislation.

When comparing these methods to modern organ trade, a significant change can be seen. This is the result, according to the *Current Anthropology*, of new transplantation techniques, advancements in the medical field of science and global disparities in healthcare, all of which factor into the new procedures of organ trafficking.

But to this day, improvements have been made such as immunosuppressive therapy. As the name states, it helps to suppress the immune system to avoid any rejection from the transferred organ. And according to the *Economic Times*, even this rather simple technological advancement has been able to save numerous lives.



V. How to prepare as a delegate

To have fruitful debates, you as a delegate need to be well prepared and educated on your issues. As this research report only gives an overview on the issue, it is your job to go further into detail, specializing your research in your country. Research on the current status as well as the political and religious state of your country and find out how that influences their opinion on the matter. Are they taking any measures to prevent organ trafficking? Are their citizens affected by illegal organ trade and if yes, how much? To be better prepared to respond to other delegates that may call you out during points of information, make sure to find reasonable arguments that your country would also use in this case scenario. Please remember to send your **two position papers** as well as your **resolution** to your chairs by **September 8th, 2023**, as we will not be able to correct it and give you tips if it is submitted after the deadline! After completing your research on the issue of strengthening the regulatory framework of organ transplantation, you should be able to answer the following questions such as but not limited to: Why is defining the framework around organ transplants a pressing matter? Does organ trade actively take place in my country and which nations are my allies and which countries have opposing views?

If you have done your research and feel like you are able to represent your country and its views in a diplomatic manner, rehearse your public speaking skills, such as giving speeches and debating in general. This will be very useful for you as a delegate and all of your hard work will be in your favor. A very nice and safe way to get involved into the debate is by pre-writing a speech, which you can give in front of your committee.

Always remember that if you struggle with writing your papers or need help with conducting further research, I am always open to any and all points of information!

VI. UN Resolutions regarding the issue

- *United Nations General Assembly resolutions 73/189 (2018) and 75/195 (2020) on strengthening and promoting effective measures and international cooperation on organ donation and transplantation to prevent and combat trafficking in persons for the purpose of organ removal and trafficking in human organs*



- <https://digitallibrary.un.org/record/3896451>
- *UN General Assembly resolutions 64/293*, July 2010, on their Global Plan of Action to Combat Trafficking in Persons (If clicking on the link didn't work the first time, try again.)
 - <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N09/479/41/PDF/N0947941.pdf?OpenElement>
- *United Nations Human Rights Office of the High Commissioner (OHCHR) on Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime:*
 - <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>
- *World Health Organization resolution WHA40/13* on Development of guiding principles for human transplants, May 1987
 - <https://www.afro.who.int/sites/default/files/2017-06/WHA40-13.pdf>
- *UN General Assembly resolution WHA42.5* on Preventing the Purchase and Sale of Human Organs, 1989
 - https://apps.who.int/iris/bitstream/handle/10665/172138/WHA42_R5_eng.pdf?sequence=1&isAllowed=y
- *UN General Assembly resolution WHA44.25* on Human Organ Transplantation, May 1991
 - https://apps.who.int/iris/bitstream/handle/10665/175311/WHA44_R25_eng.pdf?sequence=1&isAllowed=y
- *UN General Assembly resolution WHA57.18* on Human organ and tissue transplantation, May 2004
 - https://apps.who.int/gb/ebwha/pdf_files/WHA57/A57_R18-en.pdf

VII. Useful links

- Social, economic, and policy implications of organ preservation advances, April 2018



- https://www.researchgate.net/publication/324701937_Social_economic_and_policy_implications_of_organ_preservation_advances#pf6
- The Global Trafficking Human Organs by Nancy Scheper-Hughes
 - <https://escholarship.org/uc/item/0fm776vf>
- Technological advancements in transplants by Healthworld.com, 2022
 - <https://health.economictimes.indiatimes.com/news/industry/technological-advancements-in-transplants/90097111?redirect=1>

VIII. Sources

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 - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3678939/>
- The ethics of organ transplantation: how comprehensive the ethical framework should be? By Mohammed Ghaly, 17 January , 2012
 - <https://link.springer.com/article/10.1007/s11019-012-9379-7>
- Social, economic, and policy implications of organ preservation advances, April 2018
 - https://www.researchgate.net/publication/324701937_Social_economic_and_policy_implications_of_organ_preservation_advances#pf6
- Organ Trafficking Facts by Susan Maginn, January 16, 2023
 - <https://theexodusroad.com/organ-trafficking-facts/>
- Organ Harvesting, International Society for Human Rights
 - <https://ishr.org/organ-harvesting/#:~:text=Numerous%20pieces%20of%20evidence%20suggest,far%20take%20place%20in%20China.>
- Legal and Ethical Aspects of Organ Transplantation, David Price
 - <https://books.google.de/books?hl=de&lr=&id=hd4HwXJkploC&oi=fnd&pg=PR9&dq=framework+of+organ+transplantation&ots=x>



[KyaAu_v5w&sig=nKMLwHQphyM5H1d2VPWjDiy6110#v=onepage&q=framework%20of%20organ%20transplantation&f=false](#)

- The Declaration of Istanbul on Organ Trafficking and Transplant Tourism, September, 2008
 - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4571160/#:~:text=The%20Istanbul%20Declaration%20proclaims%20that,by%20unregulated%20and%20illegal%20transplantation.>
- UN General Assembly resolution WHA57.18 on Human organ and tissue transplantation
 - https://apps.who.int/gb/ebwha/pdf_files/WHA57/A57_R18-en.pdf
- World Population Prospects, 2015 Revision by the UN
 - https://population.un.org/wpp/publications/files/key_findings_wpp_2015.pdf
- United Nations General Assembly resolutions 73/189 (2018) and 75/195 (2020) on Strengthening And promoting effective measures and international cooperation on organ donation and transplantation to prevent and combat trafficking in persons for the purpose of organ removal and trafficking in human organs
 - <https://digitallibrary.un.org/record/3896451>
- Trafficking in persons for the purpose of organ removal, *The Inter-Agency Coordination Group against Trafficking in Persons (ICAT)*
 - https://icat.un.org/sites/g/files/tmzbd1461/files/publications/icat_brief_tip_for_or_final.pdf
- *Figure 1:* Number of organs transplanted per million population in 2018
 - file:///C:/Users/afg-b/Desktop/Sammah/Social_economic_and_policy_implications_of_organ_p.pdf
- *Figure 2:* Number of organ transplantations performed in the EU between 2010 and 2019.
 - <https://www.nature.com/articles/s41581-021-00425-3/figures/2>
- *Figure 3:* Financial Aspects of Organ Trafficking in 2002
 - http://www.endslavery.va/content/endslavery/en/publications/acta_20/abraham.html