

Child organ trafficking: global reality and inadequate international response

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Abstract In organ transplantation, the demand for human organs has grown far faster than the supply of organs. This has opened the door for illegal organ trade and trafficking including from children. Organized crime groups and individual organ brokers exploit the situation and, as a result, black markets are becoming more numerous and organized organ trafficking is expanding worldwide. While underprivileged and vulnerable men and women in developing countries are a major source of trafficked organs, and may themselves be trafficked for the purpose of illegal organ removal and trade, children are at especial risk of exploitation. With the confirmed cases of children being trafficked for their organs, child organ trafficking, which once called a “modern urban legend”, is a sad reality in today’s world. By presenting a global picture of child organ trafficking, this paper emphasizes that child organ trafficking is no longer a myth but a reality which has to be addressed. It argues that the international efforts against organ trafficking and trafficking in human beings for organ removal have failed to address child organ trafficking adequately. This chapter suggests that more orchestrated international collaboration as well as development of preventive measure and legally binding documents are needed to fight child organ trafficking and to support its victims.

Keywords Child organ trafficking · Organ trafficking · Trafficking of human being for organ removal · Transplant tourism · Organ transplantation

Introduction

Though human trafficking itself has a very long history, the phenomenon of organ trafficking and Trafficking in Human beings for Organ Removal (THOR) began to surface in the early 1990s. Over the past two decades, though the number of transplant facilities around the world has increased, so too has the demand for organs, resulting in a continuing shortage of organs available for transplant. According to the Global Observatory on Donation and Transplantation report in 2012, 114,690 solid organs have been transplanted, which covers only 10 % of the global need (GODT Report 2014). Supply and demand numbers with respect to kidney transplant particularly illustrate the challenges in meeting demand for organs. For instance, in the United States between 1990 and 2003, while kidney donations increased by only 33 %, the number of patients on waiting lists for a kidney grew by 236 % (Scheper-Hughes 2008).

As the gap between supply and demand ever-widens, black markets grow and organized organ trafficking expands worldwide (Bagheri 2007). Whether an organ alone is trafficked (trafficking in organ), or a human being is trafficked for the purpose of organ removal, organ shortage for transplantation is the common root of these two kinds of organ trafficking. In fact, vulnerable populations such as illiterate and poor individuals, prisoners, undocumented immigrants, and political or economic refugees are now a major source of organs for rich patient-tourists who can afford to purchase trafficked human organs through brokers.

It should be noted that trafficking in human beings can have many purposes, one reason is to remove their organs. It has been argued that “trafficking in organ is a crime where the organ or the use of it is the central element, in

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contrast, trafficking in human being is a crime where the exploitation of an individual is the central aspect” (CE/UN Joint Study Report 2009, p; 55). Organ trafficking has been defined as: “The recruitment, transport, transfer, harboring, or receipt of living or deceased persons or their organs by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving to, or the receiving by, a third party of payments or benefits to achieve the transfer of control over the potential donor, for the purpose of exploitation by the removal of organs for transplantation” (Istanbul Declaration 2008).

It has been estimated that organ trafficking accounts for 5–10 % of the kidney transplants performed annually throughout the world (Budiani-Saberi and Delmonico 2008). However, an appreciation of the extent of the problem of organ trafficking and human trafficking for organ removal is made difficult by the lack of reliable statistical data. For obvious reasons, organ sellers and buyers, as well as organ trafficking victims, may be reluctant or in many cases frightened to report. It should be noted that, in contrast with adult organ trafficking, where there are many reports of individuals having sold their kidneys in illegal organ markets, in the case of children, there have only been reports about missing children, or children who were eventually found dead with some missing organs from their bodies.

It is important to mention that organ trafficking may occur domestically for the local recipient patients as well as through illegal “transplant tourism” for patients in other countries (De Castro 2013). The link between organ trafficking and transplant tourism is evident in several international documents. The Declaration of Istanbul on organ trafficking and Transplant tourism, attempts to address both together. It defines transplant tourism as “Travel for transplantation was defined as the movement of organs, donors, recipients or transplant professionals across jurisdictional borders for transplantation. Travel for transplantation becomes transplant tourism if it involves organ trafficking and/or transplant commercialism or the resources (organs, professionals and transplant centers) devoted to providing transplants to patients from outside the country interfere with the country’s ability to provide transplant services for its own population” (Istanbul Declaration 2008).

In 1997, the Bellagio Task Force’s report on organ trafficking showed how the issue of organ trafficking is a global problem (Rothman et al. 1997). In another attempt, The United Nations *Rights of the Child, Sale of Children Report* in late 1980s, brought the issue of child trafficking for the purpose of organ removal, to international attention. The report states: “...because there is definitely a proven trade of human organs concerning adults; the threat to

children is thus ever-present” (UN Report 1993). There are several international documents on organ trafficking which have specifically addressed the issue of child organ trafficking. For instance, Article 3(a) of the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (2000), defines “trafficking in person” and Article 3(c) states that “The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered trafficking in persons”. It also defines children any person under 18 years of age.

Currently, there is no official report or reliable data about the number of organ trafficking in children. However, in terms of child trafficking in general, according to the 2014 *Global Report on Trafficking in Persons* released by the United Nations Office on Drug and Crime, child trafficking accounts for almost 30 % of all people trafficked. This percentage is similar to that found for 2007–2010 (UN Report 2014, p; 71). The report further states that, “trafficking in persons is a crime of global scope that leaves virtually no country unaffected,... there is no place in the world where children, women and men are safe from human trafficking, and ... official data reported to UNODC by national authorities represent only what has been detected. It is very clear that the scale of modern-day slavery is far worse” (UN Report 2014, p; 37).

Child organ trafficking: myth or fact?

Like the stories about organ trafficking and trafficking of human being for the purpose of the removal of organ, which were long considered to be myths, but became evident, the stories about young children being trafficked or kidnapped for their organs began as a myth. In the early 1990s, global media reported that children from Asia, Latin America and Africa were being sold to Americans and Europeans for their organs. Fear of trafficking grew so intense that in Latin America there were several instances of locals attacking North Americans on suspicion of trafficking children for their organs (Morelli 1995). In 1993, television documentaries in France (*Organ Snatchers*) and Canada (*The Body Parts Business*) brought a sense of alarm to the international community. However, not all resulting investigations found evidence of such trafficking. For instance, in response to the reports about kidnapped children for organ removal in Latin American countries, the result of an investigation by the United States Information Agency in 1994 called reports of child organ trafficking groundless, and calling child organ trafficking a “modern urban legend” (Leventhal 1994).

By 2009, however, the Joint Council of Europe/United Nations Study, *Trafficking in organs, tissues and cells and*

trafficking in human beings for the purpose of the removal of organs, reported that accounts of child organ trafficking, "...are constructed on a basis that confers them some degree of credibility: thousands of children worldwide disappear as a result of violent acts or are simply sold by their own parents and then sold on for adoption or for sexual or labour exploitation" (p:60). More strongly, however, the report went on to call organ trafficking and trafficking in human beings for the purpose of the removal of organs a "...dramatic reality that has been added to the tragic miseries of humanity during the last decades" and stated that "...there is possibly therefore a high number of unreported cases for the two crimes" (p:57).

With respect to claims of organ trafficking in children in particular, in 2004 the United Nations General Assembly tasked the Secretary-General to prepare a study on the extent of trafficking in human organs. The resultant United Nations Secretary General Report on *Preventing combating and punishing trafficking in human organs* (2006), with respect to the issue of trafficking in children for the purpose of organ removal, stated that, "while there is no conclusive evidence regarding such trafficking, it is noted that many abducted or missing children have subsequently been found dead with certain organs removed."

Regardless of unconfirmed claims about child organ trafficking, in recent years there have been reports of investigations by police, civil societies and not-for-profit organizations which provide confirm cases of child organ trafficking. For instance, the Coalition for Organ-Failure Solutions reports in 2011 and 2014 confirm that in their field studies in Egypt and India, children are amongst the victims of organ trafficking. According to the report on "Sudanese Victims of Organ Trafficking in Egypt", of the 57 Sudanese victims of organ trafficking in Egypt who were identified, 26 (46 %) were female and 5 (9 %) were children. The report estimated the total number of victims of organ trafficking in Egypt to be in the thousands (COFS Report 2011, 2014). Furthermore, in 2012 the head of the United Nations High Commissioner for Refugees in Sudan confirmed instances of organ trafficking, such as when Eritrean refugees including children were kidnapped and killed for the traffic of organs in Sudan (UNHCR 2012). There is even a documented case of victim-made-broker, where the mother of an 11-year-old boy, being threatened to pay her further debts, brokered the removal of her son's kidney for a commercial transplant (Budiani-Saberi 2012). Another confirmed case recently published in Huffington post reports that, according to officials in Mexico, police detained an alleged member of a crime group who is suspected of kidnapping children to harvest their organs. According to the report, they have kidnaped children and took their organs (Huffington Post. 2014/03/17. <http://www.huffingtonpost.com/>). A very recent report in

December 2014, revealed that for months terrorist groups have been recruiting foreign doctors in order to harvest the internal organs not only from the bodies of their own dead fighters, but also from living hostages, including children, snatched away from minority communities in Iraq and Syria (Daily Mail. 2014/12/19. <http://www.dailymail.co.uk/>).

On account of increasing legitimate concerns, several international documents have addressed this issue as well, which confirm the global problem of child organ trafficking as a sad reality of our time.

Child organ trafficking: the worst of the worst

Organ trafficking has been ethically condemned in many professional guidelines as well as national and international laws and regulations (Istanbul Declaration 2008; WHO Guiding Principles 2010). As stated in the Declaration of Istanbul, "organ trafficking and transplant tourism violate the principles of equity, justice and respect for human dignity".

In most of the cases, adults are the subjects of organ trafficking or THOR, however, there are numerous reports of child organ trafficking. The cases of child organ trafficking are more horrifying as the victims are absolutely physically vulnerable defenseless children. For instance, while in most cases of organ trafficking in adults, or THOR, the victims are released after organ removal, in the confirmed cases of child organ trafficking, harvesting of organs from those trafficked or kidnapped children cost their lives.

Although, it cannot be claimed that all missing children were subject of organ trafficking, the confirmed cases of child organ trafficking are missing children who have been found dead with transplantable organs removed from their body. The UN Secretary General Report to the Commission on Crime Prevention and Criminal Justice, on preventing, combating and punishing trafficking in human organs has stated that: "...many abducted or missing children have subsequently been found dead with certain organs removed" (UN Secretary General Report 2006).

The technical requirements of transplantation are so formidable that to conduct such activities in a clandestine manner is a practical impossibility unless healthcare professionals are involved. In order for an organ transplantation to have any chance of success, a number of sophisticated medical procedures must be conducted, such as the determining of the suitability of organ for transplantation to permit a match with potential recipients. In particular, correct tissue and blood typing is critical to matching donor organs and potential transplant recipients. As a result, in organ trafficking not only are brokers and

other intermediaries involved, but also physicians and hospital staff. However, even in the case of adult organ trafficking, if healthcare professionals try to justify their unethical and illegal acts by assuming that victims of organ trafficking are convinced –often under false promises– or forced to sell their organs, and have consented to organ removal, this unjustified reason cannot be assumed in case of child organ trafficking. How is it possible to assume that a trafficked or kidnaped child who is under legal age has consented to organ removal? While there are several professional ethical guidelines about the necessity of donors consent for organ removal as well as international documents against organ trade and trafficking (Istanbul Declaration 2008; WHO Guiding Principles 2010; Asian Task Force 2008), there is no way to justify the immorality and illegality of their involvement in removing an organ from a trafficked child and transplant it to a recipient patient.

It is important to note that organ donation by adults has been accepted by all international guidelines –given that, amongst other requirements, there is informed consent– but, as stated in the *World Health Organization Guiding Principles* (2010), no organs should be removed from the body of a living minor for the purpose of transplantation other than in narrow exceptions allowed under national law. Article 3(c) of the *United Nations Trafficking in Persons Protocol* (2000), states: “The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered trafficking in persons”. Given the above mentioned guidelines, the question is, how physicians can be ignorant about the medical and social history of a trafficked child before organ removal.

There is another ugly picture of child organ trafficking which makes it the worst form of organ trafficking. While parents have special duty to protect their children from unnecessary harms, there are reported cases in which children have been brokered for organ removal by their parents. In these cases usually a parent, who has been a victim of organ trafficking, is under pressure or threatened by organ brokers or members of a gang group to victimize her child in organ trafficking to pay her further debts (Budiani-Saberi 2012).

Global effort against organ trafficking: inadequate response to child organ trafficking

In the early 1990s, with increasing media reports of organ sale and trafficking of men, women and children for organ removal in poor and war-torn countries, the problem became subject to investigation by professional associations, individual researchers and international organizations. For instance, in 1997, the Bellagio Task Force report

confirmed the expansion of organ trafficking as a global problem and urged international organizations to tackle this global problem (Rothman et al. 1997).

Currently, related professional associations, international organizations and governments around the world have acknowledged the problem of organ trafficking as well as THOR. In response, several regional and international guidelines, recommendations and regulations have been developed against organ trafficking and THOR. However, these international documents have failed to address child organ trafficking adequately.

United Nations

The United Nations has issued several documents addressing the issue of organ trafficking. For instance, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* which was adopted in 2000. The Protocol is a very important international instrument against trafficking in human beings. Article 3 (a) of the Protocol defines “trafficking in person” as: “The recruitment, transport, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving to, or the receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other form of sexual exploitation, forced labour or services, slavery or practice similar to slavery, servitude or the removal of organs”.

The Protocol includes “the removal of organs” when elaborating on different kinds of exploitations in trafficking in persons and also addresses the issue of child trafficking. Regarding the issue of consent to organ removal, the Protocol makes it clear that “the consent of a victim of trafficking in persons to the intended exploitation is irrelevant. However, it does not bring the issue of child organ trafficking in focus.

One of the objectives of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights. Furthermore, to help stem the growing abuse and exploitation of children worldwide, the United Nations in 2000 adopted the Optional Protocol to the “*Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*”. The Optional Protocol provides detailed requirements to end the sexual exploitation and abuse of children and also protects children from being sold for non-sexual purposes, such as other forms of forced labour, illegal adoption and organ donation (trafficking). It provides definitions for the offences of sale of children, child prostitution and child

pornography. It also creates obligations on governments to criminalize and punish activities related to these offences. It requires punishment not only for those offering or delivering children for the purposes of sexual exploitation, transfer of organs or children for profit or forced labour, but also for anyone accepting the child for these activities (UN Optional Protocol 2000).

In the 2004 resolution, *Preventing, Combating and Punishing Trafficking in Human Organs*, the United Nations condemns the commercialisation of the human body and urges member states to explore if such a phenomenon [organ trafficking] exists in their countries. It urges them to adopt the necessary measures to prevent, combat and prosecute the illicit removal of organ and trafficking in human organs.

Reports from different countries have suggested a link between organ trafficking and THOR. This link has been recognized by the United Nations, which in a joint effort with the Council of Europe, initiated a project investigating the link between organ trafficking and THOR. The idea was to establish some essential facts that would facilitate policy formulation and norm-setting regarding trafficking of organ, tissues and cells, as well as THOR.

The Joint Council of Europe/United Nations Study on *Trafficking in Organs, Tissues and Cells and Trafficking in Human Beings for the Purpose of the Removal of Organs* was launched at the United Nations in October 2009. The report of this joint study clearly explains how trafficking of organs is linked with THOR and emphasizes that these two practices are two different phenomena, and that the solution for preventing the two types of trafficking have to be different (CE/UN Joint Study Report 2009). It is noteworthy that the United Nations initiatives have made some progresses in the fight against trafficking in human being. However, despite these progresses, the UN efforts have not been equally successful in mobilizing resources against organ trafficking or THOR (Bagheri and Delmonico 2013). For instance, although, based on the recommendations of the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, several practical measures have been taken by the member states to prevent trafficking in human being for sexual exploitation, forced labor and slavery, similar measures have not been implemented to prevent THOR.

Council of Europe

Since 1997, the Council of Europe has been active in setting ethical and legal standards for organ transplantation at the regional level. In 1997, the Council's *Convention on Human Rights and Biomedicine* made legally binding prohibition of financial gain from the human body and its parts. Its Article 21 states that "the human body and its

parts shall not, as such, give rise to financial gain". That principle was then reaffirmed in the 2002 *Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin*. Article 22 of the Protocol explicitly states that "organ and tissue trafficking shall be prohibited" (Council of Europe Additional Protocol 2002).

The most recent regulation established by the Council of Europe is the 2014 *Convention against Trafficking in Human Organs*. Despite the existing documents that prohibit organ commercialism and THOR, based on the results of a study on trafficking in organs, tissues and cells carried out jointly by the Council of Europe and the United Nations in 2009, which identified certain loopholes in the existing international legislation, the Council recommends the development of a criminal law convention against trafficking in human organs, tissues and cells. The purpose of this new Convention is to prevent and combat the trafficking of human organs by providing for the criminalization of certain acts and to protect the rights of victims of a series of offences established in accordance with this Convention. Article 4. para. 1., elaborates on the illicit removal of human organs. It urges member states to take the necessary legislative measures to establish as a criminal offence if the removal of human organs from living or deceased donors is performed under any of the following conditions:

- without the free, informed and specific consent of the living or deceased donor, or, in the case of the deceased donor, without the removal being authorised under its domestic law;
- where the living donor, or a third party, has been offered or has received a financial gain or comparable advantage in exchange for the removal of organs;
- where in exchange for the removal of organs from a deceased donor, a third party has been offered or has received a financial gain or comparable advantage.

However, this recent Convention does not specifically address child organ trafficking.

World Health Organization

The World Health Organization (WHO) is the only international organization that has clearly addressed the issue of organ removal from children. It provides a general prohibition of organ donation from children. After extensive consultations at national, regional and sub-regional levels with all stakeholders, the World Health Organization revised its previous document, the *WHO Guiding Principles on Human Organ Transplantation* (WHO Guiding Principles 1991). The result was the development of the *WHO Guiding Principles on Human Cells, Tissues and*

Organ Transplantation, which has been endorsed by the sixty-third World Health Assembly in May 2010. The document introduces 11 guiding principles to address a number of ethical issues in organ transplantation, among them consent requirements, donation from minors and legally incompetent persons, and the allocation of organs, cells, and tissues. It has been suggested that this document helps to regulate legitimate organ procurement systems, prohibits organ commercialism, and is instrumental in advocating for deceased organ donation (Delmonico et al. 2011).

Importantly, the issue of organ transplantation from children has been addressed in this document. Principle 4 states that “No cells, tissues or organs should be removed from the body of a living minor for the purpose of transplantation other than narrow exceptions allowed under national law. Specific measures should be in place to protect the minor and, wherever possible the minor’s assent should be obtained before donation. What is applicable to minors also applies to any legally incompetent person” (WHO Guiding Principles 2010). For instance, exceptions are deemed permissible under national law in the case of regenerative tissues. Based on the commentary on the Principle 4, in such cases, the protection of minors could be assured by, for example, requiring the consent of the minor and of the parent(s) or the legal guardian. In the case of a conflict of interest on their part, prior permission of an independent body should be required, but in any case, an objection by the minor should prevail over any other consent.

There is a strong link between organ commercialism, transplant tourism and trafficking. While these issues have to be dealt in a comprehensive way, the WHO Guiding Principles has missed to address these global problems all together. For instance, Article 4 of the Guiding Principles clearly prohibits the removal of organs from living minors for the purpose of transplantation, but it does not address the issue of child organ trafficking in particular and does not instruct the member states how to tackle this growing illegal and unethical phenomenon.

United Nations Education, Scientific, and Cultural Organization

The issues of organ transplantation and trafficking have been addressed by UNESCO in several documents developed by the organization. The *Universal Declaration on Bioethics and Human Rights* (2005) addresses ethical issues related to medicine, life sciences and associated technologies as applied to human beings, taking into account their social, legal and environmental dimensions. The Declaration is addressed to the member states. As appropriate and relevant, it also provides guidance to

decisions or practices of individuals, groups, communities, institutions and corporations, public and private (Article 1. Scope). To address the issue of organ trafficking, the Art 21.5 of the Declaration sets forth that “[s]tates should take appropriate measures, both at the national and international levels, to combat bioterrorism and illicit traffic in organs, tissues, samples, genetic resources and genetic-related materials (UNESCO Declaration 2005).

In another initiative, the UNESCO International Bioethics Committee, in a newly published report, examines the issue of organ transplantation and trafficking under the “conceptual umbrella” of the principle of non-discrimination and non-stigmatization. The *UNESCO Report on the Principle of Non-discrimination and Non-stigmatization* (2014) focuses on the global problem of organ transplantation and trafficking in the context of the principles of Non-discrimination and Non-stigmatization, as described in Article 11 of the *Universal Declaration of Bioethics and Human Rights* (2005). Article 11 of the Declaration states that, “[n]o individual or group should be discriminated against or stigmatized on any grounds, in violation of human dignity, human rights and fundamental freedoms” (UNESCO Declaration 2005).

The Report elaborates on how unethical organ transplantation, as well as organ trafficking, may discriminate and stigmatize individual organ donors/vendors and recipients, especially in poor societies. The Report provides some recommendations and action against organ trafficking. For instance, it recommends that financial assistance for organ transplants abroad must be forbidden if the organs have been deemed objects of organ trafficking. The document also calls for the non-discrimination and non-stigmatization of victims of organ trafficking.

However, the issue of child organ trafficking is not the focus of this international document.

Professional associations

Professional associations have been instrumental in fostering regional and international efforts against organ trafficking. In early 2008, the Asian Task Force on Organ Trafficking, formed by an international working group, developed a set of recommendations on how to tackle the issue of organ trafficking, particularly in Asia. In its twenty *Recommendations on the Prohibition, Prevention and Elimination of Organ Trafficking in Asia* (2008), the Task Force urges Asian countries to: pass legislation clearly defining both prohibitions as well as allowable practices pertaining to organ transplantation; address the needs of the population who suffer from economic disadvantages in order to prevent organ trafficking; implement the United Nations Convention Against Trans-national Organised Crime and its protocols; establish a monitoring system and

national registry for organ transplantation and restrict transplantation to donors and recipients from the same nationality.

In 2008, an initiative led by the Transplantation Society and the International Society of Nephrology resulted in the *Declaration of Istanbul on Organ Trafficking and Transplant Tourism*. This initiative was specifically intended to address the urgent and growing problems of organ sales, transplant tourism and trafficking (Istanbul Declaration 2008). The Declaration consists of six principles and proposes several strategies to increase the donor pool and to prevent organ trafficking, transplant commercialism and transplant tourism, and to encourage legitimate life-saving transplantation programs. The Declaration states that organ trafficking and transplant tourism violate the principles of equity, justice and respect for human dignity and that they should be prohibited. It calls for the development of programs to prevent organ failure; national self-sufficiency in organ transplantation; and enhanced deceased organ donation programs. These two documents have the potential to build consensus amongst the professional transplant community against organ trafficking and transplant tourism around the world, however, none of them have addressed the issue of child organ trafficking explicitly and failed to warn transplant surgeon about removing an organ from a trafficked child.

Conclusion

The collective international efforts against organ trafficking should first focus on the full implementation of the existing international guidelines and recommendations. For instance, the implementation of all clauses of the 2000 United Nations Protocol -including THOR- by the member states would bring a better result in the fight against organ trafficking especially in Children. The role of medical professions and licensed transplant facilities is crucial because illicit child organ removal and transplantation cannot take place without the involvement of healthcare professionals and transplant facilities.

Currently, organized crime networks employ even more sophisticated plans to exploit underprivileged people, including defenseless children for the illicit removal of their organs. Therefore, while implementation of the existing guidelines is important, development of preventive measures and legally binding documents at the international level is very crucial to prevent child organ trafficking. In this regard, the approach taken by the Council of Europe in criminalization of organ trafficking is exemplary. Without doubt, organ trafficking and THOR are linked. However, as these two phenomena are different in purpose, objects, occurrences and circumstances, specific strategies

to tackle each problem should be employed. Such policies should include necessary socio-psychological support for the victims, especially for children.

In conclusion, the following recommendations:

- Implementation of the existing documents which prohibit exploitative organ removal from children;
- Adoption of WHO's general prohibition of organ removal from children and its restriction of organ donation from children to very exceptional cases;
- Criminalization of child organ trafficking, commercial or other exploitative arrangements of organ removal from children;
- Holding medical professionals accountable for involvement in organ transplantation with commercial organ donor victims;
- Raising awareness among public as well as medical professions about all forms of organ trafficking, especially in children.

Would be a major step forward to fight child organ trafficking.

References

- Asian Task Force. 2008. Recommendations on the prohibition, prevention and elimination of organ trafficking in Asia. http://www.law.ntu.edu.tw/center/wto/04research.asp?tb_index=403. Last visited 29 Aug 2015.
- Bagheri, A. 2007. Asia in the spotlight of international organ trade: Time to take action. *Asian Journal of WTO and International Health Law and Policy* 2(1): 11–24.
- Bagheri, A., and F. Delmonico. 2013. Global initiatives in tackling organ trafficking and transplant tourism. *Journal of Medicine, Healthcare and Philosophy*. doi:10.1007/s11019-013-9493-1.
- Budiani-Saberi, D.A., and F.L. Delmonico. 2008. Organ trafficking and transplant tourism: A commentary on the global realities. *American Journal of Transplantation* 8(5): 925.
- Budiani-Saberi, D.A. 2012. Human trafficking for and organ removal: A call for prevention, protection, investigations and accountability. Briefing before the Senate Foreign Relations Committee and the Tom Lantos Human Rights Commission United States Congress, 23 January 2012. <http://cofs.org/home/publications/>. Last visited 14 Aug 2015.
- Coalition for Organ-Failure Solution Report. 2011. Sudanese victims: evidence-based findings on African victims of organ trafficking in Egypt: COFS calls for investigations and accountability. Washington D.C. and Cairo. <http://cofs.org/home/sudanese-victims/>. Last visited 29 Aug 2015.
- Council of Europe Convention on Action against Trafficking in Human Beings. 2005. <http://conventions.coe.int/Treaty/EN/Treaties/Html/197.htm>. Last visited 29 Aug 2015.
- Council of Europe Convention. 1997. Convention on human rights and biomedicine. <http://www.coe.int/bioethics>. Last visited 14 Aug 2015.
- Council of Europe Additional Protocol. 2002. Additional protocol to the convention on human rights and biomedicine concerning transplantation of organs and tissues of human origin. <http://>

- www.coe.int/t/DGHL/STANDARDSETTING/CDPC/PC_TO_en.asp. Last visited 14 Aug 2015.
- Council of Europe. 2005. Action against trafficking in human being. http://www.coe.int/t/dghl/monitoring/trafficking/default_en.asp. Also see, the United States government action against human trafficking. <https://www.dhs.gov/human-trafficking-victim-assistance-program>. Last visited 14 Aug 2015.
- De Castro, L. 2013. The declaration of Istanbul in the Philippines: Success with foreigners but a continuing challenge for local transplant tourism. *Journal of Medicine, Health Care and Philosophy*. doi:10.1007/s11019-013-9474-4.
- Delmonico, F.L. 2009. The hazards of transplant tourism. *Clinical Journal of the American Society of Nephrology* 4: 249–250.
- Delmonico, F.L., D.G. Beatriz, R. Matesanz, and L. Noel. 2011. A call for government accountability to achieve national self-sufficiency in organ donation and transplantation. *The Lancet* 378(9800): 1414–1418.
- Global Observatory on Donation and Transplantation. 2014. Global activity in organ transplantation report of 2012. <http://www.transplant-observatory.org/Documents/Data%20Reports/Basic%20slides%202012.pdf>. Last visited 29 Aug 2015.
- Istanbul Declaration. 2008. Declaration of Istanbul on organ trafficking and transplant tourism. <http://www.declarationofistanbul.org/>. Last visited 14 Aug 2015.
- Joint Council of Europe/United Nations Study. 2009. Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs. http://www.coe.int/t/dghl/monitoring/trafficking/Docs/News/OrganTrafficking_study.pdf. Last visited 14 Aug 2015.
- Leventhal, Tood. 1994. Child organ trafficking rumor: A modern urban legend. A report submitted to the United Nations special rapporteur on the sale of children, child prostitution and child pornography, by the United States Information Agency. Dec 1994.
- Morelli, M.N. 1995. Organ trafficking: Legislative proposals to protect minors. *American University International Law Review* 10(2): 917–954.
- Padilla, B., G.M. Danovitch, and J. Lavee. 2013. *Impact of legal measures prevent transplant tourism: The interrelated experience of the Philippines and Israel*. Medicine Health Care and Philosophy: DOI. doi:10.1007/s11019-013-9473-5.
- Rothman, D.J. et al. 1997. The Bellagio task force report on transplantation, bodily integrity and the international traffic in organs. *Transplant Proceedings*. <http://www.sciencedirect.com/science/article/pii/S0041134597005770>.
- Scheper-Hughes, N. 2008. Illegal organ trade: Global justice and the traffic in human organs. In *Living donor organ transplants*, ed. R. Grussner, and E. Bedeti, 107–121. New York: McGraw-Hill.
- Secretary-General Report. 2006. Report to the commission on crime prevention and criminal justice, on preventing, combating and punishing trafficking in human organs, 21 February 2006, E/CN.15/2006/10, paragraph 82. <http://www.un.org/en/ecosoc/docs/2004/resolution%202004-22.pdf>. Also see, <http://www.unodc.org/documents/human-trafficking/2008/BP011HumanTraffickingfortheRemovalofOrgans.pdf>. Last visited 29 Aug 2015.
- UN Report. 1993. Rights of the child, sale of children: Report by Mr. Vitit Muntarbhorn, special rapporteur, commission on human rights, 49th session, agenda item 24, at 221 127, U.N. Doc. E/CN.4/67.
- UN Convention. 2000. The United Nations convention against transnational organized crime. <http://www.unodc.org/unodc/treaties/CTOC/index.html>. Last visited 14 Aug 2015.
- UN Protocol. 2000. United Nations protocol to prevent, suppress and punish trafficking in persons, especially women and children. Supplementing the United Nations convention against transnational organized crime. <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCbook-e.pdf>. Last visited 14 Aug 2015.
- UN Optional Protocol. 2000. United Nations optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography. (General assembly resolution A/RES/54/263 of 25 May 2000). <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>. Last 29 Aug 2015.
- UN Report 2014. *Global report on trafficking in persons*. New York: United Nations Publications. <http://www.unodc.org/unodc/en/data-and-analysis/glotip.html>.
- UNESCO Declaration. 2005. Universal declaration on bioethics and human rights. <http://www.unesco.org/new/en/social-and-human-sciences/themes/bioethics/bioethics-and-human-rights/>. Last visited 29 Aug 2015.
- UNESCO Report. 2014. UNESCO report on the principle of non-discrimination and non-stigmatization. 2014. <http://unesdoc.unesco.org/images/0022/002211/221196E.pdf>. Last visited 29 Aug 2015.
- UNHCR Report 2012. Reported cases such as Eritrean refugees kidnapped and killed for the traffic of organs in Sudan. <http://reliefweb.int/report/sudan/eritrean-refugees-kidnapped-killed-unhcr-chief>.
- WHO Guiding Principles. 2010. World Health Organization guiding principles on human cell, tissue and organ transplantation. http://www.who.int/transplantation/Guiding_PrinciplesTransplantati on_WHA63.22en.pdf. Last visited 29 Aug 2015.