

Preventing and combating trafficking in human organs and trafficking in persons for the purpose of organ removal

The Commission on Crime Prevention and Criminal Justice,

Recognizing that, although differences exist between the crimes of trafficking in human organs and trafficking in persons for the purpose of organ removal, both crimes are related to the shortage of human organs used in organ transplantation, which suggests the necessity of preventing and responding to both crimes in an effective and coordinated manner,

Recalling the United Nations Convention against Transnational Organized Crime¹ and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,²

Recognizing that the United Nations Global Plan of Action to Combat Trafficking in Persons,³ inter alia, promotes universal ratification and implementation of the Organized Crime Convention and the Trafficking in Persons Protocol,

Recognizing also the need for a multidisciplinary approach to combating trafficking in human organs and trafficking in persons for the purpose of organ removal,

Recalling General Assembly resolutions 59/156 of 20 December 2004, entitled “Preventing, combating and punishing trafficking in human organs”, and 70/179 of 17 December 2015, entitled “Improving the coordination of efforts against trafficking in persons”,

Recalling also the report of the Secretary-General on preventing, combating and punishing trafficking in human organs,⁴

Recalling further its resolution 23/2 of 16 May 2014, entitled “Preventing and combating trafficking in human organs and trafficking in persons for the purpose of organ removal”, in which it requested the United Nations Office on Drugs and Crime to conduct a study on trafficking in human organs based on the analysis of information provided by Member States and invited Member States to provide both data and extrabudgetary resources for that purpose,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,⁵ which reaffirms the commitment by Member States to take immediate and effective measures to, inter alia, eradicate forced labour and end modern slavery and trafficking in persons,

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

² *Ibid.*, vol. 2237, No. 39574.

³ General Assembly resolution 64/293.

⁴ E/CN.15/2006/10.

⁵ General Assembly resolution 70/1.

Welcoming also the efforts made at the international, regional and national levels to prevent and combat trafficking in organs and trafficking in persons for the purpose of organ removal,

Taking note of the Agreement on the Cooperation of the Commonwealth of Independent States in Combating Trafficking in Persons, Human Organs and Tissues of 2005, and noting the opening for signature on 25 March 2015 of the Council of Europe Convention against Trafficking in Human Organs,⁶

Taking note with appreciation of the World Health Organization guiding principles on human cell, tissue and organ transplantation, endorsed by the sixty-third World Health Assembly in its resolution 63.22 of 21 May 2010,

Taking note with appreciation also of the joint study by the United Nations and the Council of Europe in 2009 entitled *Trafficking in Organs, Tissues and Cells and Trafficking in Human Beings for the Purpose of the Removal of Organs*,

Welcoming the United Nations Office on Drugs and Crime assessment toolkit entitled *Trafficking in Persons for the Purpose of Organ Removal*,

Noting with concern that the crimes of trafficking in human organs and trafficking in persons for the purpose of organ removal, wherever they occur, constitute a form of exploitation and an offence against the human dignity of the victims, and condemning the involvement of criminal groups and unethical medical professionals in criminal offences involving the unauthorized removal or implantation of organs and the illicit sale, brokering and purchase and other illicit transactions with respect to human organs, as well as trafficking in persons for the purpose of organ removal, which may, in some cases, affect the integrity and the functioning of health-care systems,

Convinced of the need to strengthen international and regional cooperation, as well as national coordination, for the effective prevention and combating of trafficking in human organs and trafficking in persons for the purpose of organ removal, wherever these crimes occur,

Noting the need to protect living donors by preventing their exploitation by traffickers in human organs,

Emphasizing the importance of respecting and protecting the rights of victims of trafficking in persons for the purpose of organ removal, and of providing assistance as applicable,

Determined, in accordance with relevant national legislation, to investigate, prosecute and punish those who facilitate, engage in, or profit from trafficking in human organs and trafficking in persons for the purpose of organ removal, to prevent the provision of safe haven to those found responsible for these crimes and to implement anti-money-laundering measures to identify and confiscate proceeds of these crimes,

⁶ Council of Europe Treaty Series, No. 216.

Acknowledging gaps in knowledge about trafficking in human organs and human tissues, fluids and cells and trafficking in persons for the purpose of organ removal, which may entail the need to enhance data collection and research in order to determine the magnitude and scope of the problems of trafficking in human organs and trafficking in persons for the purpose of organ removal,

Recognizing that reliable and verifiable data may contribute to understanding the magnitude and scope of the offence of trafficking in human organs, including the possible involvement of terrorist groups in the crime in some cases, and the possibility that the proceeds of this crime may be used for financing terrorism,

1. *Urges* Member States to prevent and combat trafficking in human organs and to uphold accountability through measures that may include preventing and, in accordance with relevant national legislation, investigating, prosecuting and punishing the unauthorized removal or implantation of organs and the illicit sale, brokering and purchase and other illicit transactions in respect of human organs, as well as trafficking in persons for the purpose of organ removal;

2. *Encourages* Member States to make use of the United Nations Office on Drugs and Crime assessment toolkit entitled *Trafficking in Persons for the Purpose of Organ Removal*;

3. *Also encourages* Member States to consider taking the following measures in accordance with the fundamental principles of their domestic legal systems and national legislation:

(a) Strengthening legislative measures, including by reviewing, developing or amending them, as appropriate, to prevent and combat trafficking in human organs, which may include prosecution for illicit sale, brokering and purchase and other illicit transactions in respect of human organs;

(b) Strengthening regulatory oversight of relevant medical facilities and the medical professionals thereof;

(c) Providing training and capacity-building, when necessary, for law enforcement and border control officials as well as medical professionals to identify potential cases of organ trafficking and trafficking in persons for the purpose of organ removal;

(d) Conducting awareness-raising campaigns aimed at preventing and combating trafficking in human organs by informing the general public, including potential donors and vulnerable members of society, of the risks associated with these crimes and of their rights with respect to organ transplantation;

4. *Further encourages* Member States to share experiences and good practices in and information on preventing, combating and prosecuting trafficking in human organs and its new modalities, as well as trafficking in persons for the purpose of organ removal, including through the United Nations Office on Drugs and Crime Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal;

5. *Encourages* Member States to strengthen international cooperation in responding to these crimes, as provided for in relevant and applicable law, including domestic and international law;

6. *Requests* the United Nations Office on Drugs and Crime, in carrying out the study on trafficking in human organs requested by the Commission in its resolution 23/2, based on the analysis of information provided by Member States, to engage in a dialogue with relevant intergovernmental international organizations, where appropriate, in close consultation with Member States, to enable it to collect data and analyse instances of human organ trafficking and relevant prosecutions, as well as to collect examples of applicable legislation, while bearing in mind that the data on trafficking in persons for the purpose of organ removal is being gathered for the *Global Report on Trafficking in Persons*, in accordance with General Assembly resolution 70/179 of 17 December 2015;

7. *Also requests* the United Nations Office on Drugs and Crime to solicit, in the context of the study, the views of Member States on the advisability of developing, within the Office, guidelines, including legislative, administrative and regulatory guidelines, on combating trafficking in human organs that may be used by Member States in their domestic jurisdictions;

8. *Further requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to prepare the study for consideration by the Commission on Crime Prevention and Criminal Justice at its twenty-seventh session;

9. *Encourages* Member States to provide, upon request, relevant information to the United Nations Office on Drugs and Crime for the preparation of the study;

10. *Requests* the United Nations Office on Drugs and Crime to provide capacity-building and technical assistance to States, upon request, to assist them in strengthening national capacities to effectively prevent and combat trafficking in persons, including for the purpose of organ removal and, based on the results of the United Nations Office on Drugs and Crime study, trafficking in human organs;

11. *Invites* Member States and other donors to provide extrabudgetary resources for this purpose, in accordance with the rules and procedures of the United Nations.