

Committee: World Health Organization

Issue: The question of legalizing the sale of organs due to the worldwide organ shortage

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Position: Deputy President

PERSONAL INTRODUCTION

Dear Delegates,

My name is Filio Dimaki and I will serve as your Deputy President in the World Health Organization Committee of this year's 1st ACG MUN. I am a student at Pierce-The American College of Greece and I am really looking forward to working with you. Firstly, I would like to congratulate you on your decision to join this year's World Health Organization Committee which is one of the most interesting and challenging committees at this MUN Conference.

The purpose of this Study Guide is to provide you with basic knowledge on the question of legalizing organ sales due to the worldwide organ shortage. This should not be used as a substitute to your own nation-centered and specialized research meaning that it should not be the only source of your preparation for our conference. If this is your first time attending a MUN Conference, I would personally advise you to go through the Rules and Procedures of the ACGMUN Conference.

I wish you a productive research and preparation and am looking forward to seeing you all! If you are to have any questions regarding this topic, feel free to contact me anytime at the following e-mail address: filio.dimaki@gmail.com

Yours sincerely,

Filio Dimaki

Deputy President of the World Health Organisation

TOPIC INTRODUCTION

Nowadays, the organ trafficking market is on the rise worldwide. It is the tempting financial rewards promised to the organ donors, (about \$1,000-\$5,000 per kidney) that force people in need to sell their organs. On the Internet, there are package deals ranging from \$35,000-\$150,000 widely advertised by brokers, which are easily accessible to everyone. As a result many people choose to get organ transplants from the black market instead of waiting for a donor to be found. Despite ongoing efforts from governments around the globe to raise public awareness regarding the topic of organ donation, as well as the establishment of new laws, which aim to reduce transplant tourism; no solution has been found. At the same time, the worldwide escalation in the number of patients with kidney and heart failure combined with a shortage in the supply of, contributes to the continuation of the trade. Thus, measures to enhance the donor population in developed countries to meet their own needs will act as a strong deterrent to the future spread of transplant tourism in under-resourced nations.

DEFINITION OF KEY TERMS

Organ Trade

Organ trade is the trade of human organs, tissues or other body parts for the purpose of transplantation.¹

Transplant Tourism

The practice of travelling to another country for solid organ transplantation due to the cheap prices of organ transplants in specific countries.²

Transplant rejection

A process in which a transplant recipient's immune system attacks the transplanted organ or tissue.³

Presumed Consent Policy (Opt- out policy)

This means that organ donation is automatically considered in patients diagnosed as brain dead, unless they have specifically registered their wish not willing to donate. However, in some countries with a presumed consent law, doctors will still ask

¹ "Organ trade." *Wikipedia*. Wikimedia Foundation, n.d. Web. Winter 2017.

² "Transplant Tourism." *The Free Dictionary*. Farlex, n.d. Web. Feb. 2017.

³ "Transplant rejection." *MedlinePlus Medical Encyclopedia*. N.p., n.d. Web. Feb. 2017.

permission from relatives.⁴

Informed Consent Policy (Opt -in Policy)

This is a voluntary system of organ donation whereby relatives give permission at the time of death, usually in the knowledge that the potential donor had expressed a wish to become a donor.⁵

Required Consent Policy

In this case, physicians in charge of potential donors are required to ensure that someone speaks to the family about organ donation.⁶

BACKGROUND INFORMATION

In 2011, about 90,000 people were on the waiting list for a new organ in the United States and about 18 people died each day while waiting. On average, it is estimated that an individual will wait three and a half years for an organ transplant. The immediate need for organ transplants has forced people to seek and find alternative ways to sustain life with the most “preferred” one being organs sold in the black markets. In developing countries, selling an organ may be the only chance for people and their families to survive. Many citizens undergo organ removal surgery, because they are promised a substantial amount of money in return.

Organ trade is illegal in the majority of countries. In Iran though, the situation is different. Iran is the only nation that allows organ trade. However, there are some restrictions set by the government, which aim to limit organ tourism in the country. One restriction is that both the donor and the recipient must be Iranian. Moreover, the market is held within the country which means foreigners are not allowed to buy the organs of Iranian citizens.

The legal status of organ trade, however, is gradually changing around the world. For example, in 2013, both Australia and Singapore legalized financial compensation for living organ donors. In both countries there was a dramatic change in organ supplies, as people had a reason to donate. The system is considered to be a success, due to the fact that it slowly wipes out waiting lists. It is difficult to obtain data from the black market, but reports have shown that 20 percent of the worldwide organ supplies come from the black market. The question that has arose

⁴Foundation, Eurotransplant International. "Legislation within the Eurotransplant region." *Eurotransplant*. N.p., n.d. Web. Feb. 2017.

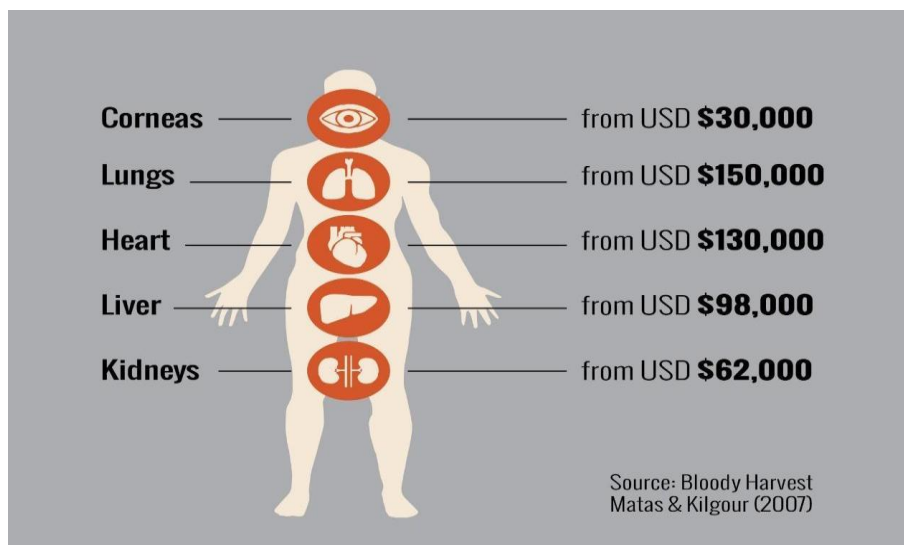
⁵Foundation, Eurotransplant International. "Legislation within the Eurotransplant region." *Eurotransplant*. N.p., n.d. Web. Feb. 2017.

⁶ Foundation, Eurotransplant International. "Legislation within the Eurotransplant region." *Eurotransplant*. N.p., n.d. Web. Feb. 2017.

is whether to legalize and regulate the organ trade in order to combat illegal trafficking and organ shortage. Proponents of legalized organ trade have shown their support towards the Iranian system as it is a perfect example of an effective and safe organ trading system. As far as other nations are concerned, they all have some kind of legislation in order to prevent the illegal trading of organs. Many countries, including Belgium and France, use a presumed consent system to increase the amount of legal organs available for transplantation. In the United States, the sale of organs is prohibited by federal law; however, the government has created initiatives to promote organ donation and to financially support those who voluntarily donate their organs.

Worldwide, the current trend is to increase regulation of organ trading and set strict punishments for those who disobey the law. In Iran's legal markets, the price of a kidney ranges from \$2,000 to \$4,000. On the black market, though, the price may be above \$160,000. The usual price that is paid to donors after the donation on the black market is thought to be about \$5,000, but there are cases where donors receive as little as \$1,000, an amount of money significantly lower than the one they were promised.

Other than that, it is crucial to take into consideration that criminal networks in developing nations often move to kidnapping actions, especially of children and teenagers, who are then taken to locations with medical equipment. There they are murdered and have their organs removed in order to be sold in the black market. From all the above, it is clear that poverty and loopholes in legislation also contribute to the illegal trade of organs. Poverty is common in all countries with a large black market for organs and that is simply because people in these countries are in desperate need of the money, which they will be given after the organ donation.



#1: Organ trade

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

Iran

In 1988, Iran legalized the organ donation of kidneys and established an associated transplantation system. The donor sells his organs to the government, which works as an intermediary between the donor and the recipient, and then compensates the donor for their organ. After that, the donor has the right to free health insurance for one year. Within the first year of the establishment of this system, the number of transplants had almost doubled.

Australia

Australia's organ donation system, like many other countries, is 'opt-in'. This means the patient has to give consent (opt-in) in order to be a donor prior to their death, otherwise it is up to the person's family if they will or will not be donating the organs of the deceased. Moreover, in 2013, Australia legalized the compensation of the living organ donors.

Japan

In 1977, the Organ Transplant Law was established in Japan. This Law legalized the organ donation only from donors who were diagnosed brain dead. Many patients in Japan are not satisfied by the underdeveloped state of transplant system. In Japan, there have been less than 50 cases of donated organs since the revised 1997 Organ Transplant Law, causing great dissatisfaction by the people.

China

The sale of organs for transplants is illegal in China, but due to the fact that it's a developing country with many people living under the border of poverty, a flourishing black market has developed. There have been rumors in the past that the organs in China's black market come from executed Chinese prisoners. A new report claims that China is still engaged in the widespread and systematic harvesting of organs from prisoners. The report estimates that 60,000 to 100,000 organs are transplanted each year in Chinese hospitals.

TIMELINE OF EVENTS

Date	Description of event
1823 (Germany)	First skin auto-graft transplantation of skin tissue from one location on an individual to another location.
1954 (USA)	First living related kidney transplant (identical twins).
1983 (Canada)	First successful lung transplant.
1983 (USA)	Ciclosporin approved for commercial use in the USA. A revolutionary anti-rejection drug, it heralded a new era for kidney, liver and heart transplantation.
1988 (France)	First two in one liver transplant (one liver split for two recipients).
1992 (USA)	Xenotransplant (pig liver to human) occurred for the first time.

RELEVANT RESOLUTIONS, TREATIES AND EVENTS

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons

This protocol includes organ removal and its subsequent sale as an end purpose of trafficking. More specifically, Article 3 of the UN Trafficking Protocol defines that trafficking in persons, clearly includes trafficking for the purpose of removal of organs.

Optional Protocol on the sale of children, child prostitution and child pornography (2000) to the UN Convention on the Rights of the Child (1989)

This protocol states that the sale of children for the purpose of removing their organs for profit is considered to be a criminal offence.⁷

Guiding Principles on Human Organ Transplantation (1991)

The Guiding Principles on Human Organ Transplantation (1991) of WHO state that the commercialization of human organs is 'a violation of human rights and human dignity'.

⁷ Siria.gastelum. "Trafficking for Organ Trade." *Global Initiative to Fight Human Trafficking*. United Nations, n.d. Web. Feb. 2017.

Additional Protocol to the European Convention on Human Rights and Biomedicine Concerning Transplantation of Organs and Tissues of Human Origin (2002)

It prohibits organ and tissue trafficking, aiming at a financial gain or comparative advantage from the human body and its parts and calls on States to provide appropriate sanctions and punishments for such trafficking.⁸

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

China

As mentioned before, China has been previously criticized by the global community for harvesting organ transplants from executed Chinese prisoners. Nevertheless, the problem of organ shortage has still not been solved. After a while, the Chinese Government makes an attempt to establish a new legislation system that banned the sale of organs. There is no legislation that prohibits organ donation from prisoners, who voluntarily want to donate their organs before the execution. China has also tried to solve the issue by introducing new legislation with the purpose of standardizing its organ collection process. The legislation includes regulations specifying which hospitals have the authority to perform operations.

India

In 1994, India had a wide and successful legal organ trading market. Due to the low costs and high availability of organ transplants, India became one of the largest and widely known kidney transplant centers in the world. However, at some point the situation got out of control and several problems surfaced. Doctors were performing organ removal surgeries without the consent of the patient and brokers were deceiving donors financially by not sticking to the deal. So, this unexpected turn of events and other ethical issues forced the Indian government to ban the sale of organs. This is a measure against the continuation of illegal organ trade. Nevertheless, current laws still contain loopholes and organ transplantation may be allowed in some situations under specific requirements.

Iran

In Iran, it remains legal to sell organs for profit. Iran's system has wiped out organ transplant waitlists. Kidney sales are legal and regulated by the Iranian government. Various organizations that match donors to recipients and set up tests to ensure compatibility have been authorized by the government. The compensation paid to the donor varies, but an average kidney donor is paid about \$1200. Charity

⁸ "Agreements and Conventions - Transplantation." *Council of Europe*. N.p., n.d. Web. Feb. 2017.

organizations support recipients that cannot afford the cost of the organ. The government also provides employment opportunities to these people, in order for them to be able to pay the cost of the transplant at some point in the future.

The Philippines

The sale of organs was legal in the Philippines, and the country became a popular destination for transplant tourism. In the country, transplant packages were promoted that costed about \$25,000. The government though, banned the sale of organs, in 2008. Since the ban was issued, there was a significant decline in the number of transplants available. For that reason the black market is on the rise once again.

POSSIBLE SOLUTIONS

Various solutions have been proposed to increase the number of legally available organs around the globe. Presumed consent policies, whether they are opt-in or opt-out, have been a major success in many countries. Research shows a 25-30% increase in the amount of available organs in opt-out countries.

Presumed consent programs reduce organ trafficking in many ways. These laws help increase the amount of available organs, decreasing patients' reliance on the black market. At the same time, the increased supply of organs decreases the financial cost of a transplant, lessening the need for medical tourism.

Many people believe that adopting a system for regulating organ trading similar to Iran's will help decrease the national shortage of kidneys. They argue that it is vital for nations to adopt similar policies in order to make the whole transplantation process more transparent and thus ensure the safety of both of the donor and the recipient.

Moreover, each country should promote the idea of live organ donations to citizens, simply because if nations were able to increase the supply of live donors, there would be no need for buying organs from the black market. In addition, nations should reconsider the idea of financial compensation to the organ donors and that is because organ donation may rely upon altruism but altruism itself is not enough. People should have motives to become donors, otherwise there will always be an organ shortage. By doing this, the control of the black market will be achieved and as a result both the donor and the recipient will avoid possible health problems after the surgery.

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