

Research Gaps in Human Trafficking for Organ Removal (THBOR)

By Daphne 'Nico' Mall Gasca

Human trafficking for organ removal (THBOR) is a lesser known yet severe form of transnational organized crime that exploits vulnerable populations, particularly migrants and refugees, through coercion and financial desperation. Unlike other forms of human trafficking, THBOR is challenging to track and prosecute due to its medical complexity and the ambiguous victim-perpetrator dynamic of complicit organ recipients. Addressing THBOR will require stronger international collaboration, improved detection mechanisms, and expanded multidisciplinary research to close the policy gaps and prevent further exploitation.

Introduction

The trafficking, harvesting, and selling of organs on the black market is a more commonly known form of transnational organised crime than its intrinsic counterpart - the trafficking of human

beings for organ removal (THBOR). This is defined in the United Nations Convention Against Transnational Organised Crime (2000) as, “*the recruitment, transportation, 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 or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of the removal of organs (Art. 3).*”

Where does THBOR occur and who are the victims?

THBOR is currently most common in India, China, Israel, Brazil, Nepal, and former Soviet Union states¹, but it has a more global impact and occurs outside of these hotspots. The most vulnerable populations to THBOR overall are migrants, refugees, and those typically vulnerable to other types of human trafficking.² Many victims of THBOR are kept alive and experience adverse physical and psychological effects afterwards from the intense procedures they undergo and violations of their basic human rights.³

¹ Arsenault, C. (2011, May 17). Organ trafficking trade remains rife. Retrieved from

<https://www.aljazeera.com/features/2011/5/17/organ-trafficking-her-heart-was-missing>

² Gonzalez, Garijo, I., & Sanchez, A. (2020). Organ trafficking and migration: A bibliometric analysis of an untold story. *International Journal of Environmental Research and Public Health*, 17(9), 3204.

<https://doi.org/10.3390/ijerph17093204>

³ Pascalev, Van Assche, K., Sándor, J., Codreanu, N., Naqvi, A., Gunnarson, M., Frunza, M., & Yankov, J. (2016). Protection of Human Beings Trafficked for the Purpose of Organ Removal: Recommendations. *Combating Trafficking in Persons for the Purpose of Organ Removal, The HOTT-Project*, 2(2), e59–e59.

<https://doi.org/10.1097/TXD.0000000000000565>

What makes THBOR different from other forms of human trafficking?

THBOR is widely under-researched,⁴ difficult to track, and challenging to prosecute⁵ when compared to most other forms of human trafficking. It is also unique in that the criminal operations of THBOR require a global organ demand⁶, trained medical personnel, and do not typically exploit victims long-term.⁷ This complicates the important criminal justice aspects of accountability and reparations. Estimating the frequency of THBOR occurrence must be conducted differently than other forms of human trafficking because of the catch-and-release methodology that is inherent to this crime. In other words, many victims of THBOR are trafficked or exploited with the intention of releasing them after organ harvesting. Defining victimhood also becomes multifaceted when the person who receives THBOR-sourced organs could also qualify as a victim themselves, particularly if they had no knowledge of the organ's origin and did not engage in transplant tourism.

Is there a THBOR- migration nexus?

There is limited THBOR literature linked to

migrants. This is a particularly sizable gap because migrants en route and in host areas are at their most vulnerable to abuse and exploitation. Financial desperation can influence a migrant's decision to sell organs or trust smugglers that may exploit them for their organs. Part of the issue is explained in how- "patients with sufficient resources in need of organs may travel from one country to another to purchase a kidney (or liver) mainly from a poor person. Transplant centers in 'destination' countries have been well known to encourage the sale of organs to 'tourist' recipients from the 'client' countries."⁸

What international actions have been taken to stop THBOR?

Shortages of organ donors worldwide and healthcare limitations for many people experiencing poverty significantly increase the occurrence of transplant tourism and transplant commercialism, which jointly fuel THBOR.⁹ The Declaration of Istanbul on Organ Trafficking and Transplant Tourism in 2008 was convened by 78 states to specifically address this and pressure governments to implement measures that combat unethical organ transplantation practices.¹⁰ It aims to ensure equitable distribution of organ transplants across

⁴ Gonzalez, Garijo, I., & Sanchez, A. (2020). Organ trafficking and migration: A bibliometric analysis of an untold story. *International Journal of Environmental Research and Public Health*, 17(9), 3204. <https://doi.org/10.3390/ijerph17093204>

⁵ Ambagtsheer, F. (2019). Combating Human Trafficking for the Purpose of Organ Removal: Lessons Learned from Prosecuting Criminal Cases. In *The Palgrave International Handbook of Human Trafficking* (Vol. 2, pp. 1733–1749). Springer International Publishing. https://doi.org/10.1007/978-3-319-63058-8_99

⁶ Council of Europe. (2015). Convention against Trafficking in Human Organs. Access at: <https://rm.coe.int/16806dca3a>

⁷ INTERPOL. (September 2021) North and West Africa: INTERPOL report highlights human trafficking for organ removal. Retrieved from <https://www.interpol.int/en/News->

[and- Events/News/2021/North-and-West-Africa-INTERPOL-report-highlights-human-trafficking-for-organ-removal](#)

⁸ Budiani-Saberi, D. A., & Delmonico, F. L. (2008). Organ trafficking and transplant tourism: a commentary on the global realities. *American journal of transplantation : official journal of the American Society of Transplantation and the American Society of Transplant Surgeons*, 8(5), 925–929. <https://doi.org/10.1111/j.1600-6143.2008.02200.x>

⁹ Abbud-Filho, M., Al-Mousawi, M., et al. (2008). Organ trafficking and transplant tourism and commercialism: the Declaration of Istanbul. *The Lancet*. 372. 5-6.

¹⁰ Abid.

populations, proper psychosocial care of organ donors, comprehensive reimbursement for medical expenses of both donors and recipients, and other measures. However, none of the proposals were directed at THBOR itself because the proposals were largely hospital-centric and for modifying internal ethical practices. Therefore, there remains a gap in THBOR-specific policies and preventative methods. This further exacerbates the limited capacity to attain THBOR-specific data for analysis.

What are other suggestions for combating THBOR?

Cross-border organ trafficking cases need to be better researched and detected through internationally coordinated efforts and collaboration between within-state actors. Domestic law enforcement and healthcare professionals must develop a strong partnership to combat THBOR¹¹ with oversight bodies such as national transplantation systems. These could include strict requirements, inspections, standards, accountability, safety procedures, and a reliable organ traceability system.¹² Implementing a standardized set of indicators for THBOR to be integrated into these systems and databases could be a productive aim for future research efforts.¹³ Conducting a multinational study that analyzes how healthcare or law

enforcement in different states have prevented, identified, and prosecuted THBOR could also be beneficial in developing a collective approach to its prevention.

Are there areas for growth in THBOR research?

THBOR literature is limited to publications by only a few experts. This limits the scope of knowledge to be built upon and most publications concentrate on the medical science perspectives while lacking more social science and humanities perspectives.¹⁴ Diverse perspectives and methodologies in studying THBOR are necessary for understanding its occurrence at different stages and for creating holistic and THBOR-tailored policies. Specific or more expansive literature on THBOR itself rather than organ trafficking as a whole is also necessary to determine where, when, and how human beings are being trafficked for these illicit purposes- not just the organs.

Many areas related to THBOR are identified and only partly studied. This includes the causes of high organ demand, who is vulnerable to THBOR, and why THBOR is challenging to identify and prosecute. More specific terminology has been coined and utilized to discuss organ trafficking, but

¹¹ Capron, Muller, E., Erlich, G., John, M., Bienstock, R. E., McCarren, M., Palmer, R., Scheper- Hughes, N., Siegel, D., & Yankov, J. (2016). Stimulating and Enhancing Partnerships Between Transplant Professionals and Law Enforcement: Recommendations. *Transplantation Direct*, 2(2), e57–e57.

<https://doi.org/10.1097/TXD.0000000000000567>

¹² Pascalev, Van Assche, K., Sándor, J., Codreanu, N., Naqvi, A., Gunnarson, M., Frunza, M., & Yankov, J. (2016). Protection of Human Beings Trafficked for the Purpose of Organ Removal: Recommendations. *Combating Trafficking in Persons*

for the Purpose of Organ Removal, The HOTT-Project, 2(2), e59–e59.

<https://doi.org/10.1097/TXD.0000000000000565>

¹³ Ambagtsheer, F., & Weimar, W. (2016). *Trafficking in human beings for the purpose of organ removal: Results and recommendations: HOTT Project*. Pabst Science.

¹⁴ Gonzalez, Garijo, I., & Sanchez, A. (2020). Organ trafficking and migration: A bibliometric analysis of an untold story. *International Journal of Environmental Research and Public Health*, 17(9), 3204. <https://doi.org/10.3390/ijerph17093204>

consistent operationalization of these terms in the research is yet to be found.

Concluding Thoughts

Gaps in THBOR research diminishes the ability to combat this form of human trafficking in a tailored and globally unified way. Health outcomes for THBOR victims and organ recipients are at stake, as well as the prevention of this gross violation of human rights. Areas for research growth

include having more THBOR-specific publications, a broader scope of experts, a greater range of field perspectives, and an increase in multinational or large-scale studies.

References

Ambagtsheer, F., & Weimar, W. (2016). *Trafficking in human beings for the purpose of organ removal: Results and recommendations: HOTT Project*. Pabst Science.

Ambagtsheer, F. (2019). Combating Human Trafficking for the Purpose of Organ Removal: Lessons Learned from Prosecuting Criminal Cases. In *The Palgrave International Handbook of Human Trafficking* (Vol. 2, pp. 1733–1749). Springer International Publishing.
https://doi.org/10.1007/978-3-319-63058-8_99

Arsenault, C. (2011, May 17). Organ trafficking trade remains rife. Retrieved from <https://www.aljazeera.com/features/2011/5/17/organ-trafficking-her-heart-was-missing>

Bain, C., Mari, J., & Delmonico, A. D. (2018, July 31). Organ Trafficking: The Unseen Form of Human Trafficking. Retrieved from <https://www.acamstoday.org/organ-trafficking-the-unseen-form-of-human-trafficking/>

Budiani-Saberi, D. A., & Delmonico, F. L. (2008). Organ trafficking and transplant tourism: a commentary on the global realities. *American journal of transplantation : official journal of the American Society of Transplantation and the American Society of Transplant Surgeons*, 8(5), 925–929. <https://doi.org/10.1111/j.1600-6143.2008.02200.x>

Capron, Muller, E., Erlich, G., John, M., Bienstock, R. E., McCarren, M., Palmer, R., Scheper-

Hughes, N., Siegel, D., & Yankov, J. (2016). Stimulating and Enhancing Partnerships Between Transplant Professionals and Law Enforcement: Recommendations. *Transplantation Direct*, 2(2), e57–e57. <https://doi.org/10.1097/TXD.0000000000000567>

Caulfield, T., Duijst, W., Bos, M., Chassis, I., Codreanu, I., Danovitch, G., Gill, J., Ivanovski, N., & Shin, M. (2016). Trafficking in Human Beings for the Purpose of Organ Removal and the Ethical and Legal Obligations of Healthcare Providers. *Transplantation direct*, 2(2), e60. <https://doi.org/10.1097/TXD.0000000000000566>

Council of Europe. (2015). Convention against Trafficking in Human Organs. Access at: <https://rm.coe.int/16806dca3a>

Da Silva W.C. (2015) El Respeto a la Dignidad de la Persona Humana: Curso Brasileño Interdisciplinario en Derechos Humanos. *Instituto Interamericano de Derechos Humanos; Ceará, Brasil. Vulneración de la Dignidad Humana en el tráfico de órganos.*

EGM Vienna Organ Trafficking. (n.d.). Retrieved from <https://www.unodc.org/unodc/en/human-trafficking/2010/egm-vienna-organ-trafficking.html>

Gonzalez, Garijo, I., & Sanchez, A. (2020). Organ trafficking and migration: A bibliometric analysis of an untold story. *International Journal of Environmental Research and Public Health*, 17(9), 3204. <https://doi.org/10.3390/ijerph17093204>

Jong, J. D., & Ambagtsheer, F. (2016). Indicators to Identify Trafficking in Human Beings for the Purpose of Organ Removal. *Transplantation Direct*, 2(2). doi:10.1097/txd.000000000000056

North and West Africa: INTERPOL report highlights human trafficking for organ removal. (n.d.). Retrieved from <https://www.interpol.int/en/News-and-Events/News/2021/North-and-West-Africa-INTERPOL-report-highlights-human-trafficking-for-organ-removal>

OPTN, “Board Addresses International Definitions of Transplant Tourism,” (2009, March 3), retrieved from <https://optn.transplant.hrsa.gov/news/board-addresses-international-definitions-of-transplant-tourism/>

Organ trafficking and transplant tourism and commercialism: The Declaration of Istanbul. (2008). *The Lancet*, 372(9632), 5-6. doi:10.1016/s0140-6736(08)60967-8

OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE Region: Analysis and Findings, Occasional Paper Series no. 6 (July 2013), p. 29. <https://www.osce.org/secretariat/103393>

Pascalev, Van Assche, K., Sándor, J., Codreanu, N., Naqvi, A., Gunnarson, M., Frunza, M., & Yankov, J. (2016). Protection of Human Beings Trafficked for the Purpose of Organ Removal: Recommendations. *Combating Trafficking in Persons for the Purpose of Organ Removal, The HOTT-Project*, 2(2), e59–e59. <https://doi.org/10.1097/TXD.0000000000000565>

Pascalev A, de Jong J, Ambagtsheer F, et al. (2013). Trafficking in human beings for the purpose of organ removal: a comprehensive literature review. www.hottproject.com.

The declaration of Istanbul on organ trafficking and transplant tourism. (2008). *Indian journal of nephrology*, 18(3), 135–140. <https://doi.org/10.4103/0971-4065.43686>

The Declaration of Istanbul on Organ Trafficking and Transplant Tourism. (2008). *Transplantation*. 2008; 86: 1013–1018.

The history of organ donation and transplantation. (2022, March 21). Retrieved from <https://unos.org/transplant/history/>

United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, United Nations Office on Drugs and Crime. Vienna: Treaty Series 2237 (A/55/383); 2000.

What Fuels Human Trafficking? (2017, January 13). Retrieved from <https://www.unicefusa.org/stories/what-fuels-human-trafficking/31692>