Trafficking for Organ Removal
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In 2008 a young man with a large surgical scar collapsed at Pristina airport. His story led police to a group of migrants from Turkey, Moldova, and Russia, who had been lured to Kosovo to sell their kidneys and other organs to wealthy transplant recipients from Canada, Germany, Israel, and the United States. The victims, who included five children, were promised payments of up to $26,000—which never materialized—and were asked to sign false documents indicating they were engaging in altruistic donations to relatives.

In April 2013, five Kosovars, including three medical practitioners, were convicted of involvement in the well organized and highly profitable organ trafficking syndicate. An acute shortage of organs for transplant is driving an international shadow market.

Trafficking of persons for organ removal is not an urban myth, but an increasingly common means by which the global shortage in organs is being met. Recipients are generally independently wealthy or are supported by their governments or private insurance companies. Victims are inevitably poor and from poorer countries, often unemployed and with low education levels, which makes them vulnerable to deception about the nature of the transplant procedure and its potential impacts. Their passports are commonly withheld as a means of keeping control over their movement prior to the operation. If they try to back out of an agreement to sell an organ they encounter violence or threats of violence, a practice that continues after the transplantation to ensure victims’ silence. Victims are seldom provided adequate post-operative medical care and many suffer physical and psychological harm as well as social exclusion due to the stigma attached to being compelled to sell one’s own organs.

Case studies from Bangladesh, Brazil, Egypt, Moldova, and other countries confirm that poor and desperate individuals are lured into selling their organs on the promise of considerable payment, which is rarely made in full. In 2010 South African courts convicted doctors and administrators for offenses relating to more than 100 illegal kidney transplants carried out in a single hospital. Most of the recipients came from Israel. The organs were sourced from persons brought to South Africa from Eastern Europe and Brazil on false or exaggerated promise of payment. Police investigations in Brazil and South Africa revealed the existence of an international organ trafficking syndicate, part of a long-standing and flourishing “transplant tourism” business that has been well known in South African medical circles for many years.
Organ commercialization and transplant tourism constitute “trafficking in persons.”

After selling their kidneys for $1,700 each, Pakistani men show their scars.

A recent study by the U.S.-based Coalition for Organ Failure Solutions documented the use of debt bondage and extortion as a means of coercing organ “donation.” In this case, the victims are Sudanese asylum seekers making their way to Europe. Smugglers keep their victims in detention in Cairo and demand large sums of money for travel and other assistance. The victims are then offered the opportunity to sell a kidney to discharge their inflated debt.

Despite substantial gaps in our knowledge and understanding of trafficking in persons for organ removal, it is now well established that this form of exploitation occurs in all regions of the world and is not a rare event. My research has led me to conclude that the slick arguments of market-driven “realists”—for example, that a well-regulated market in organs is the only way to address global shortages and reduce exploitation—are ultimately unpersuasive. Put simply, the trade in organs is fundamentally unjust because the inherent imbalances of power are too great to prevent exploitation.

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What can be done? Unfortunately, the international and national legal frameworks around the sale and purchase of organs are extremely weak. An exception can be found in the policies that have been developed to address trafficking in persons. It is not generally well known that international law recognizes “removal of organs” involving coercion, deception, or abuse of vulnerability as a form of trafficking-related exploitation. This means that the brokered sale and purchase of organs, including through transplant tourism, effectively constitutes “trafficking in persons.” As a form of trafficking in persons, the trade in organs must be criminalized by nations and subject to appropriate sanctions. International law also requires that countries cooperate with each other in prosecuting such practices. Those who have been subject to exploitation for removal of organs are victims of trafficking, and as such, have specific and enforceable rights to assistance, protection, support, and remedy.

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