

The commodification of human beings: the example of trafficking in human beings for the removal of transplantable organs



“A Bouquet on the Table”

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- ‘In the news’: unemployed Spanish mother offers her organs up for sale...

<http://www.nrc.nl/nieuws/2012/11/13/werkloze-spaanse-moeder-verkoopt-haar-organen-om-te-overleven/>

- Introduction: why the ‘need’ for human organs?
- Numbers: waiting lists & mortality
- Profile of ‘organ seekers’
- *The Declaration of Istanbul*
- Closing the gap between demand & supply

Why the 'need' for human organs...?

- Human trafficking ~ 'reasons'
 - > domestic work
 - > prostitution
 - > ...
- But: what 'drives' human trafficking for the removal of transplantable organs?
Or: where does the 'market' come from?
- The success-story of organ transplantation – and its shadow-side...
 - > from 1956 on: improvements in surgical techniques, crossmatching tissues, medical management & coordination, legislation, immunosuppressive drugs => 'standard therapy'!
 - > the ever growing waiting-lists... => rising 'demand'!

Numbers: waiting list

Waiting List 31/12/2011 (31.12.2010) (31.12.2009)
 (31.12.2008) (31.12.2007) (Belgium) – **European Total**

| | |
|----------|--|
| Kidney | 837 (867) (806) (776) (796) – 10231 |
| Heart | 53 (59) (50) (39) (28) – 1222 |
| Liver | 147 (171) (166) (179) (166) – 2530 |
| Lung | 118 (88) (92) (74) (50) – 997 |
| Pancreas | 29 (17) (16) (3) (5) – 92 |

Numbers: mortality while on list

- 2003: 1388
- 2004: 1448
- 2005: 1357
- 2006: 1430
- 2007: 1325
- 2008: 1456
- 2009: 1451
- 2010: 1563
- 2011: 1538



~ www.eurotransplant.org



- Well off males, age beyond 50, good medical insurance (but no family members to 'ask for organ') ~ 'organ tourism'
- Old, very ill and desperate patients no longer eligible for official/therapeutic transplantation ~ 'anything goes'

The Declaration of Istanbul

On Organ Trafficking and Transplant Tourism (2008)



Organ trafficking is the recruitment, transport, transfer, harbouring, 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.

Transplant commercialism is a policy or practice in which an organ is treated as a commodity, including by being bought or sold or used for material gain.

Travel for transplantation is the movement of organs, donors, recipients, or transplant professionals across jurisdictional borders for transplantation purposes. Travel for transplantation becomes **transplant tourism** if it involves organ trafficking and/or transplant commercialism or if the resources (organs, professionals, and transplant centres) devoted to providing transplants to patients from outside a country undermine the country's ability to provide transplant services for its own population.



The Declaration of Istanbul

On Organ Trafficking and Transplant Tourism (2008)

Principle 6:

“Organ trafficking and transplant tourism violate the principles of equity, justice and respect for human dignity and should be prohibited. Because transplant commercialism targets impoverished and otherwise vulnerable donors, it leads inexorably to inequity and injustice and should be prohibited”.

- Legislation: who is/can be donor?
 - > 'opting in': making an explicit commitment (~ donor card; register)
 - > 'opting out': presumed consent to be donor if no explicit refusal (~ register)
- Death criteria ~ 'death-donor-rule'?
 - > total or partial brain death
 - > non heart beating 'patients'
 - > persistent vegetative state 'patients'

- 'Repair' defective organs?
 - > genetical therapy
 - > stem cell therapy
- 'Substitute' defective organs?
 - > cultivate biological copy organs
 - > make artificial/mechanical organs (~ dialysis)
 - > xeno-transplantation: 're-programming' animals

- Donation by *real* = consenting living donors?
 - > lessons from the past
 - > optimal match
 - > transparent & regulated \leftrightarrow illegal trafficking
- European Convention on Human Rights and Biomedicine, Additional Protocol (Council of Europe 2002):
 - > Article 9: "Removal of organs or tissue from a living person may be carried out solely for the therapeutic benefit of the recipient and where there is no suitable organ or tissue available from a deceased person and no other alternative therapeutic method of comparable effectiveness".

- Donation by *real* = consenting living donors?
 - > donor: active solidarity out of altruism
 - > donor: a non-therapeutical medical procedure?
 - > informed consent ~ proportion between own risks and possible benefits for recipient
 - > recognize implicit 'pressure' (~ 'save a life'!)
 - > compensate donor via health insurance ~ avoid any suggestion of commercialization
- Accepting the gap?
 - > ...