

Committee: Special Conference (SPECON)

Topic: The issue of human trafficking for the purpose of organ harvesting

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Personal Introduction

Dear Delegates,

My name is Maria Tourni and I would like to hereby formally welcome you to the Special Conference and to the 9th CSMUN. I am really glad that you have chosen this committee and I hope this experience is educational, constructive and fun at the same time. I will do my best to ensure that all of you have the opportunity to express your opinion and actively participate in the discussion. We shall all work together in order for this conference to be fruitful and successful. I have been active in the MUN community for quite some time and from the conferences I have attended, I have gained precious knowledge that I will share with you through this study guide and of course during the actual conference. To all the newcomers, I truly hope that this year's CSMUN Conference is a proper setoff for your MUN career and that you get to understand what MUN is all about. To all the experienced delegates, I hope this conference will introduce you to new issues and contribute in expanding your skills and horizons.

I highly encourage you all to make thorough research on your topics and your country's position. This is admittedly a lot of work, but during lobbying and debate you will feel a lot more confident and certain. Also, while working on your draft resolutions avoid plagiarism and keep your writing authentic. Finally, bear in mind that a study guide should under no circumstances replace your individual research. It is a brief introduction to the topic and its aim is to assist you in understanding the context and fundamentals of it. Do not hesitate to contact me for any kind of question, procedural or topic-related. To that end I have left my email address below.



I can't wait to meet you all in October!

Best regards,

Maria Tourni

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Topic Introduction

Human trafficking is a multifaceted problem which has affected people on a global scale. It refers to the act of trading people for the aim of sexual acts, forced labor etc. One of its aspects, which will be our main concern in this session, is human trafficking for the purpose of organ harvesting.

Organ transplantations have been a significant advancement in the field of medicine, and have saved several lives of individuals whose organs have failed. However, with an increasingly amount of people in need of a new organ, supply fails to meet with the demand. Consequently, this leads to the illegal acquisition of organs through illegitimate surgical practices.

Organ Harvesting entails the surgical removal of an organ for their medical utilisation or for profit. The illegal harvesting and trading of organs has been an issue for decades now, making its first appearances in India. It is an issue which afflicts both Lower Economically Developed Countries (LEDCs) and More Economically Developed Countries (MEDCs), deeming it a threat to modern society and public health.





Figure 1: Men from the Philippines show their scars from kidney sales¹

Definition of key terms

Trafficking

The process of buying and selling goods and products illegally. ² Human trafficking involves the buying and selling of individuals for the purpose of sexual acts, forced labor etc. Individuals could also be trafficked in an attempt to perform nonconsensual organ transplantations.

¹ Men from Baseco, a Slum in the Port Area of Manila, the Philippines, Show Their Scars from Kidney Sales in a Photograph from 1999. 1999, newint.org/features/2014/05/01/organ-trafficking-keynote.

² "Trafficking." *Cambridge Dictionary*, dictionary.cambridge.org/dictionary/english/trafficking.

Organ harvesting

Organ harvesting is the illegal practice of surgically removing organs, in the absence of official consent.³

Intelligence agencies

A government body responsible for obtaining confidential information. Examples of their actions include: preventing terrorism, disrupting finances etc. ⁴

Transplantation

Transplantation is the transportation of an organ or a tissue from one individual to another. ⁵ It is executed by a certified transplant surgeon.

Supply

Supply refers to the total amount of services or products available to individuals.

Demand

“Demand refers to consumers’ desire to purchase goods and services at given prices.”⁶

³ International, Morgan RennieDeltaNet, et al. “What Is Organ Harvesting?: DeltaNet.” *DeltaNet / DeltaNet*, 3 Sept. 2018, www.delta-net.com/compliance/modern-slavery/faqs/what-is-organ-harvesting.

⁴ “Intelligence Agency Definition & Meaning.” *Dictionary.com*, Dictionary.com, www.dictionary.com/browse/intelligence-agency.

⁵ “Transplant.” *Merriam-Webster*, Merriam-Webster, www.merriam-webster.com/dictionary/transplant.

⁶ Team, The Investopedia. “Demand Definition.” Investopedia, Investopedia, 13 Sept. 2021, www.investopedia.com/terms/d/demand.asp.



Background Information

Causes

Social barriers

The main trigger of human trafficking and organ harvesting, poverty, afflicts both LEDCs and MEDCs, varying in percentages. Phenomenons such as unemployment, lack of government support, homelessness etc. can lead to individuals' inability to earn a living. This individual may appeal to alternative ways of funding, in attempt to survive and/or be able to provide for his/her family. Consequently, they are easily approached and deceived by traffickers, who take advantage of their vulnerability and lure them into the world of organ trafficking. Living abnormalities such as natural disasters, wars, conflicts etc. can limit ones access to education. Without the sufficient education and access to information, people can neglect warnings, and may become victims of traffickers. In addition, people living in conflict stricken countries a can lead to the violation of human rights. This allows for illegal activities such as organ trafficking to occur, with no regulation, no inspections. Children and women, who are amongst the most common victims, are taken advantage of and have difficulties getting out of the situation due to threats, blackmail, and language barriers, lack of law enforcement and general unawareness of the situation.

Supply and Demand

When it comes to organ transplantation, it is evident that there is an imbalance between the supply and the demand of organs. Supply is failing to keep up with the demand for organs, which is evident since legal transplantations cover only 10% of the universal need for organs.⁷ Consequently, this gives rise to traffickers who, with the intention of prospering economically, will go on a search for their victims. Through the failure of supply to keep up with the demand, traffickers illicitly execute organ

⁷ "Research Publications." Trafficking in Human Organs: An Overview, lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/202083E.



transplantations, and proceed with selling them on the black market for an extravagant amount of money.

Effects

Health

Illegal organ transplantations are usually executed by health officials that have been bribed or by individuals who do not cover the necessary requirements and do not have the authority to execute such surgeries. As a result, hygiene protocols and regulatory rules may not be followed by both the patients and the doctors. This can lead to the infection of the organ and the transmission of lethal diseases such as Hepatitis B or HIV, from donors to people in need of a transplant. Both donors and organ acceptors may have grave post-surgery complications and may lack the sufficient aid for treatment.

Social

In most cases, victims of human trafficking do not survive. For those who do, the impact of their trauma may carry on for their rest of their lives, affecting even their future generations. Apart from the physical consequences a victim of organ trafficking must bear; the psychological effects scar them and disable them from living a normal life. Anxiety, depression, post-traumatic stress disorder, memory loss, are a few of the most common disorders seen in survivors of organ trafficking. The continuous violation of their basic human rights may leave them unable to proceed with their life, gain a living, start a family, and be involved in any relationships. The feeling of betrayal from both their traffickers and law enforcement agents may alter the personality and lead to a deviant and unassertive behavior.

Historical Background

Human trafficking has existed for hundreds of years now, however the phenomenon of organ trafficking constitutes one of its most recent forms. The first illegal organ transplantations are said to have taken place in the 1980s. The first scientific report on the phenomenon was published in *The Lancet* in 1990. It described the illegal transplantation of kidneys from people of low economic status, in Bombay



India. These kidneys were given to 131 patients from the United Arab Emirates and Oman. Unfortunately, after their return, the transplant acceptors suffered from post-operative implications, organ rejections and infections such as HIV and Hepatitis C.⁸ The phenomenon quickly expanded to the Middle East, Asia, and Latin America, till it took the form we know of today. One recent trafficking episode occurred in 2015 where Pakistani refugees escaped the Syrian civil war and relocated in Lebanon. There, they were prevented from re-registering as refugees in a second country. Consequently, the only way to financially support themselves and survive was to sell their organs to traffickers. Vast technological advancements and the general modernization of our society, have led to the expansion of the organ trafficking phenomenon, through the use of illegal sites, the dark web and online black markets.

Major countries and organizations involved

China

China, apart from being the world's most populous country, is also the one with most organ harvesting cases. In the past deficient regulations and inadequate implementation led to the surge of such phenomena. In 2006, however, China banned the sale of human organs. In 2007, it said it would limit organ transplants for Non-Chinese peoples and give priority to its nationals. It is estimated that approximately 2 million people need a transplant in China; however, about 20,000 take place, due to organ shortages. This deficit creates room for illegal transactions and human trafficking for the purpose of organ harvesting. A turning point in China's stance on the issue was the scandal of organ harvesting from executed prisoners that concerned the global community during the past decade. UN human rights experts suggest that they have received credible information of alleged 'organ harvesting' targeting minorities, inclusion Falun Gong practitioners, Uyghurs, Tibetans, Muslims and Christians, in

⁸ Nancy Scheper-Hughes is Professor of Medical Anthropology at the University of California, et al. "Human Traffic: Exposing the Brutal Organ Trade." *New Internationalist*, 5 July 2017, newint.org/features/2014/05/01/organ-trafficking-keynote.



detention in China. Their reports suggest that these ethnic, linguistic, and religious minorities undergo medical examinations without their informed consent, while other prisoners are exempted of this task. The results of the examinations are reportedly registered in a database of living sources that then facilitates organ allocation. Understandably, this event places China as a primary actor in the issue of organ harvesting.⁹

Belarus

Although Belarus is a country, with high numbers of human trafficking cases, it has been making efforts towards alleviating the crisis. The situation however is the following: In 2020 alone, Belarus recorded 128 confirmed cases of human trafficking and 9 potential ones in the Trafficking in Persons report. According to NGOs' data in 2019 the number of identified victims was 91. The traffickers also either export men for forced labor to Russia and women for sex related professions to Western Europe or force them to work in the Belarusian 'subbotniks'. Although the rates seem to be in decline throughout recent years, it would be a mistake to assume that the problem has been resolved. Belarus still has a Tier 3 ranking by the U.S. State department¹⁰. As mentioned before, Belarus has continually strengthened its efforts to eradicate human trafficking. These efforts translate into more extensive police training, substantial prison sentences for offenders, and more efficient victim protection and rehabilitation. Moreover, the government has set out an action plan to protect minors from the dangers of human trafficking. Nonetheless, its Tier 3 ranking reaffirms the need for more efficient efforts. Some of the next steps of Belarus can include the abolition of

⁹ Ochab, Dr. Ewelina U. "United Nations Concerned about Organ Harvesting in China." Forbes, Forbes Magazine, 8 July 2021, www.forbes.com/sites/ewelinaochab/2021/07/08/united-nations-concerned-about-organ-harvesting-in-china/?sh=4d55990742dd.

¹⁰ U.S. Mission Liberia | 1 July, 2021 | Categories: News. "Statement on the Release of the 2021 Trafficking in Persons Report for Liberia." *U.S. Embassy in Liberia*, 1 July 2021, r.usembassy.gov/statement-on-the-release-of-the-2021-trafficking-in-persons-report-for-liberia/.



subtonics, the collaboration with NGOs, and the mitigation of political, social, and economic disparities of its people. ¹¹

Egypt

The issue of human trafficking for the purpose of organ harvesting is inadequately and ineffectively combatted in Egypt. It has become, in the latest years, the country's normality that such phenomena take place. There are thousands of stories, especially by refugees, that were victims of directly or indirectly forced organ removals. Human organ harvesting and trafficking in Egypt, mainly in Cairo and in Sinai Peninsula, is a product of induced consent, coercion, or even theft. Egypt has become the largest center for this purpose in North Africa because of its legislation that leads to traffickers preferring living over deceased donors. The most vulnerable populations include domestic rural migrants, asylum seekers, and undocumented laborers. The demand for organ trafficking in Egypt has been skyrocketing for two main reasons: firstly, the Egyptian culture and religion, and secondly the worldwide demand for organs, also known as transplant tourism. Another crucial issue, relating to organ trafficking in Egypt is that of migration. Egypt is a usual destination for African and Asian migrants, with their main purpose being crossing the Mediterranean in order to arrive to a European country. Hence, they are desperate to raise funds to accomplish this journey. Evidence proves that organ brokers increasingly approach migrants with the offer of a passage to Europe in exchange for donating an organ. Figures released by the European Commission in 2018 indicate that fewer people are now escaping to Europe via the Egyptian coast. On the contrary, the de facto closing of borders has led people to the undertaking of extreme measures; thus, fostering the formation of criminal networks, and, as a result, the targeting of migrants for organ sale. ¹²

¹¹ Philipp, Jennifer. "Efforts to Eradicate Human Trafficking in Belarus." *The Borgen Project*, Jennifer Philipp https://Borgenproject.org/Wp-Content/Uploads/The_Borgen_Project_Logo_small.Jpg, 22 Dec. 2020, Borgenproject.org/eradicate-human-trafficking-in-belarus/.

¹² "Organ Trafficking in Egypt: 'They Locked Me in and Took My Kidney'." *The Guardian*, Guardian News and Media, 9 Feb. 2019, www.theguardian.com/global-development/2019/feb/09/trafficking-people-smugglers-organs-egypt-mediterranean-refugees-migrants.



Israel

Israel is facing critical problems when combating human trafficking for the purpose of organ harvesting. Its legal instruments have provided a framework for regulating organ transplantation and consequently organ harvesting. However, because of their inefficiency, the line between legally conducted organ removals, and trafficking in humans for the purpose of organ harvesting. Moreover, there are important issues raised and a general complexity, when it comes to victim identification. In most of the cases, the victims are indeed Israeli nationals, as opposed to other forms of human trafficking, where most victims are migrants. Thus, the usual procedures for victim identification are irrelevant. Israel has dealt with a variety of cases concerning the crime of human trafficking for the purpose of organ harvesting, but has only one conviction for the crime in its records. The case is called *The State of Israel v. John Allen and Hassan Zachalkeh*. The defendants published ads in Arabic, seeking kidney donors, while promising them monetary reparations throughout their recovery period. They targeted the poor, uneducated, and vulnerable groups, persuading them to undergo a kidney removal surgery in Ukraine for the mere amount of \$7,000. The living conditions through this process were harsh and the patients' freedom was dramatically restricted. Of course, the amount of money promised was never paid to them. The two defendants were convicted of human trafficking for the purpose of organ removal, among other criminal offenses.¹³

Iran

The first renal (kidney) transplantation in Iran was carried out in 1967. Until 1988 almost all renal transplants were from living-related donors and the national demand for transplants exceeded its supply. In 1988, a living-unrelated donor renal transplantation program was initiated. The substantial increase in renal transplants led to the elimination of the transplant waiting list in 1999. In 2000, the parliament passed a bill that accepted brain death to allow organ transplantation. This way, Iran managed

¹³ "Human Trafficking for ORGAN Removal in Israel." Prosecution, www.justice.gov.il/En/Units/Trafficking/EffortsNew/Enforcement/Pages/organsstruggle.aspx.



to tackle its shortages and provide transplants for all those in need of it. Despite the well-functioning model for organ transplantations in Iran, the country is facing severe issues with human trafficking networks, as it also has a Tier 3 ranking by the U.S. Department of State. According to reports, there are government policies and patterns for recruiting and using child soldiers, as well as complicity in sex trafficking of adults and children with impunity, and did not report law enforcement efforts to address this crime. In addition, the government failed to identify and protect victims among vulnerable and non-privileged populations, and faced them as criminals. The victims were subjected to severe punishment, even death, for unlawful acts traffickers forced them to commit, such as commercial sex or immigration violations. Hence, the state has been taking insufficient measures to prosecute, protect, and prevent. All in all, although in Iran's case human trafficking is not directly related to organ harvesting, the lacking legal framework on the first leaves room for the development of organ removal networks, in the case that the program with deceased donors fails.

Thailand

The first organ transplantation in Thailand took place in Chulalongkorn hospital in 1972. Since then, demand for many kinds of organs, such as bone marrow, liver, heart, and lung, has been on the rise. In Thailand's case, as well, the significantly and disproportionately increasing demand for organs has been fostering the creation of an illegal organ harvesting network. On May 1989, the World Health Assembly recognized a series of fundamental principles on organ transplantation, in order to provide an organized, ethical, and well-functioning framework of regulations for organ transplantations for therapeutic purposes. These principles also condemn the commerce in human organs and the illegal removal of them from vulnerable groups. In Thailand, a scandal about illegal kidney transplantation in 1997-2000 had a significant effect on its organ transplantation system. It raised serious questions about the effectiveness of the regulatory system and the existing legislations. It also undermined the trust in the doctor-patient relationship. Lastly, it led to the unavoidable conclusion that the related functions and operation were performed with delays and inefficiently. There have been, to sum up, multiple organ harvesting incidents in Thailand, but the government has been enacting legislations towards resolving the



issue. To achieve the societal objectives of legal and legitimate organ harvesting, equitable distribution and good clinical outcome among recipients, and protection of the poor from exploitation, related regulations and adequate enforcement mechanisms are necessary. ¹⁴

World Health Organization (WHO)

The World Health Organization plays a significant role on both the issue of human trafficking and organ harvesting. It has proceeded to the creation of the Global Forum on Transplantation, a specialized organ, aiming to counter the dangers of organ harvesting and illegal organ trading networks, in general. The tenet of the WHO is that the person, whether the recipient of the organ or the donor, is the main concern, and their rights and health are protected. Furthermore, commercial exploitation of the organs hinders equitable access to organ reserves and creates inequalities. Lastly, organ donations from living donors pose numerous health hazards; hence, it is preferred that the donors are deceased. All in all, it crucial that the WHO manages to ensure quality, safety, efficiency, and transparency in the procedures of organ transplantations for therapeutic reasons. Additionally, it is essential to highlight the important role of the United Nations on the issue of human trafficking. The United Nations Office on Drugs and Crime (UNODC) assists countries to sign and adopt the UN Protocol on Trafficking in Persons, which is a multi-sided response to the aforementioned issue. The UNODC functions on four main areas. First of all, they 'deliver expertise'. This means that the UNODC officials counsel the countries on their related legislations and action plans. Secondly, they 'build networks', in the form of partnerships and collaborations to jointly alleviate the crisis. Thirdly, they 'provide the tools', offering, in other words, the necessary materials and knowledge to the responsible actors. Lastly, they 'invest in people', which means that they offer specialized training to the people prosecuting traffickers and protecting victims. ¹⁵

¹⁴ <https://www.semanticscholar.org/paper/Regulation-of-Organ-Transplantation-in-Thailand%3A-it-Tangcharoensathien-Tungsiripat/f77e4535534baf200a7057529a260bc306c06810>

¹⁵ "Who Proposes Global Agenda on Transplantation." World Health Organization, World Health Organization, www.who.int/news/item/30-03-2007-who-proposes-global-agenda-on-transplantation.



Timeline of events

<u>1954</u>	The kidney was the first organ to be successfully transplanted.
<u>1967</u>	First successful liver transplant.
<u>1994</u>	The Transplantation of Human Organ Act.
<u>2000</u>	The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons was signed.
<u>2005</u>	The Council of Europe Convention on Action against Trafficking in Human Beings was adopted.
<u>2014</u>	The Council of Europe adopted the Convention Against Trafficking in Human Organs.
<u>17 September 2018</u>	The General Assembly adopted the resolution “Strengthening and promoting effective measures and international cooperation on organ donation and transplantation to prevent and combat trafficking in persons for the purpose of organ removal and trafficking in human organs”.

Previous attempts to solve the issue

Council of Europe Convention Against Trafficking in Human Organs

The Treaty was adopted on the 16th of May 2005¹⁶, with the aim of preventing human trafficking for the purpose of organ harvesting, and reinforcing measures to identify and halt the carrying through of such actions. The treaty is composed of many measures and suggestions that member states could adopt, for battling this issue. Some of these measures include enhancing educational programs, aimed at

¹⁶ SRD.03, HOME-JUST. “Council of Europe Convention on Action against Trafficking in Human Beings - Together against European Commission.” *Together Against Trafficking in Human Beings - European Commission*, 29 Oct. 2018, ec.europa.eu/anti-trafficking/legislation-and-case-law-international-legislation-council-europe/council-europe-convention-action_en.



identifying the causes of the issue and increasing border checks through border control agencies to ensure the prevention of illegal movement of people across borders. Furthermore, it focuses on finding more ways of identifying victims and providing them with the necessary aid, following the event.

Love Justice

“Love Justice”¹⁷ is a Non-Governmental Organisation, founded in order to prevent and limit the trafficking of human beings. This is enacted through the establishment of “monitoring stations”, located in countries with significantly high percentages of trafficking. These monitoring stations, which are handled by experts on the matter, stop suspected traffickers and proceed with interviewing them. In the case where “red flags” are identified, the victim is separated from the trafficker and is relocated to a safe space, where he or she is provided with the essential aid; physical, mental, financial and judicial. Furthermore, Love Justice has established an easily accessible platform for those willing to donate and/or participate in their volunteering activities.

Relevant UN Resolutions, Events, Treaties and Legislation

Resolution adopted by the General Assembly on 17 December 2018

The resolution on “Strengthening and promoting effective measures and international cooperation on organ donation and transplantation to prevent and combat trafficking in persons for the purpose of organ removal and trafficking in human organs”, was implemented in attempt to tackle the issue of human trafficking for the purpose of organ harvesting. Included in this resolution are measures that could be implemented internationally by all member states. The General Assembly suggests the ratification of relevant treaties, which protect individuals from human trafficking in all of its forms. It encourages the strengthening of national legislation in order to prevent the illegal accusation of organs and to hold accountable those who initiate it.

¹⁷ “Love Justice.” *Love Justice*, www.lovejustice.ngo/.



The resolution proposes to implement measures to ensure that medical experts are executing such procedures, without any additional monetary payment and to also raise global awareness about the scarcity of organs, therefore increasing organ donations.

Resolution WHA57/18 adopted by the Fifty-seventh World Health Assembly

The resolution was adopted on the 22nd of May 2004¹⁸, in order to raise awareness about the lack of supply of organs for organ transplantations. Some of its requests include the enhancement of international cooperation with the aim of increasing worldwide access to such medical procedures, and extending the use of organ donations. Additionally, it proposes the implementation of preventative and protective measures in LEDCs, in an attempt to limit the manipulation of human beings for the purpose of organ trafficking and holding accountable those who initiate it.

Possible solutions

Reinforcement of Intelligence Agencies

Intelligence agencies are our principal body for acquiring information for the prevention and identification of illegal activities. Seeing that organ trafficking is a relatively new threat to the entirety of the collective whole and it has taken a more digitalized form, measures need to be taken in order to reinforce intelligence agencies, through the provision of technologies necessary for the carrying through of this process, and the necessary education and training on the matter. With the necessary resources, intelligence agencies could be able to identify sites of illicit trade of organs, black markets and illegal border crossings for the purpose of organ trafficking. However, many countries may not have the sufficient financial stability to be able to implement these measures. This could be achieved through international cooperation and the necessary agreements.

¹⁸ FIFTY-SEVENTH WORLD HEALTH ASSEMBLY-Human Organ And Tissue Transplantations. WHO, www.who.int/ethics/en/A57_R18-en.pdf.



Education, awareness, and social welfare

Governments worldwide should take initiative to educate their citizens on the matter of human trafficking and its various forms. This could be achieved through seminars, specialized lessons that will be modified according to age, public speeches, media etc. This is an important measure, especially in LEDCs, where lack of education about human rights and identifying “red flags”, leads to the rise of human trafficking. Education also plays an important role in the identification of a trafficking “ring”, and in helping the victim reach out to law enforcement officials. Furthermore, governments should take initiative and prioritize the integration of victims back into society through social welfare and social protection. This could include benefits, housing aid, job opportunities, mental aid, etc.

Ratification and Implementation of Laws, Treaties, Conventions

All member states ought to sign and ratify already existing treaties such as the “Transplantation of Human Organs Act” and the “UN Protocol to Prevent, Suppress and Punish Trafficking in Persons”, whilst at the same time adopting their own national measures in an attempt to tackle the issue of human trafficking for the purpose of organ harvesting, abiding to their own federal legislations. These legislations could include measures to increase the supply of organs from organ donations, security measures to ensure the prevention of illegal transplantations, border checks, as well as the judicial procedures when it comes to identifying and prosecuting individuals involved in human trafficking for organ harvesting. Any international laws created and agreed upon could be monitored through the use of a UN body or a government body and any obedience to international law could be dealt in a punitive matter.

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Men from Baseco, a Slum in the Port Area of Manila, the Philippines, Show Their Scars from Kidney Sales in a Photograph from 1999. Pat Roque/AP/Press Association Images, newint.org/features/2014/05/01/organ-trafficking-keynote.

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