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ILLEGAL ORGAN TRAFFICKING. INTERNATIONAL EXPERIENCE OF THE USA AND CHINE

Every day in the United States, 18 people die while waiting to receive an organ transplant [1]. Kidneys demonstrate the desperation and economics of this situation, for as the demand for kidneys has risen, the number of donors has remained stagnant in comparison [3]. With over 100,000 patients on the waiting list in the United States each year, 70% of which are looking for a kidney, many have to wait years to receive a transplant. Additionally, costs are altogether prohibitive. The average cost for the first 90 days of care can be upwards of \$100,000, but this is still cheaper in the long run than the \$80,000 a year it costs to be on dialysis. In a life-or-death situation,

sidestepping the legal process and turning to the underground organ trade is often the only option to survive.

Aside from the few developed countries with active organ transplant systems, the majority of the world has developed a robust black market to respond to organ need. Increased international pressure from the human rights community has led to most countries technically banning the organ trade, but most governments do little to actively combat it. Currently Iran is the only country where it is legal to sell organs, but even there it is restricted to Iranian citizens and highly corrupt [2].

China was historically one of the main providers of illegal kidneys for foreigners. Even though selling organs for profit is illegal, laws allowed government officials to harvest and resell the organs of executed prisoners. International backlash became significant, as China's practices involved organ harvesting before prisoners actually died and insignificant efforts to elicit donations from healthy persons. The system gave an incentive to execute prisoners in order to harvest their organs, and numerous families of executed prisoners claimed they were coerced into signing donor agreement forms. In 2007, China passed the Human Transplantation Act, banning this practice and standardizing the organ collection process, and in 2011, China changed its laws to specifically ban the forced removal of organs. With the increased regulations in China, brokers for illegal organs moved to other developing countries with little to no enforcement of transplant laws. Brazil, Pakistan, India, Israel, and Turkey have all seen increases in organ trafficking, and Moldova, a small eastern European country, became particularly notorious as a hub for the illegal kidney trade. There, the black market is a thriving enterprise run by organized crime which takes advantage of the Moldovan citizens' willingness to sell one of their kidneys. The organ brokers entice the impoverished, offering them a few hundred to a few thousand dollars to donate their kidney [3]. Most of these people are not made aware of the actual risks involved, including the fact that people who have donated a kidney on the black market are at a much higher risk for kidney failure later in life. In addition to voluntary donation, men are often tricked into donating

by brokers who offer them work in Istanbul. With the high unemployment rate, many people accept this offer, only to be told once there that they must donate a kidney [1]. For those that decline the offer for work and do not want to voluntarily donate, walking away is not simple. Brokers will come back numerous times trying to recruit people and will often turn to intimidation and threats to get people to donate. Although little is known about these statistics, it is thought that large portions of the Moldovans who donate are coerced into doing so.

When Al Gore spearheaded NOTA he suggested “a voucher system or a tax credit to a donor’s estate” could be instituted if “efforts to improve voluntary donation are unsuccessful”. This could be instituted with deceased donors similar to how a life insurance policy works, providing a major incentive to donate with much less risk of corruption. Another policy that has recently been gaining ground due to its success in Europe is a change from the opt-in structure the U.S. has today to an opt-out one. In this system the health care providers relinquish the burden of recruiting donors and gives implied consent to harvest organs. If individuals do not consent they simply go through the process to opt-out of donating. Studies have shown that an opt-out system, as in Germany, has led to an increase in organ donation by as much as 30% [3].

In addition to policy changes, advances in medical technology seek to bypass the donor process altogether. Although still experimental, xenotransplantation is a promising practice that may eliminate the need for donors entirely. By transplanting organs obtained from another animal or grown *ex vivo* through the implantation of human genes into animal tissue via stem cells, petri dish organs can be grown for everyone in need of an organ [2].

However we address the problem of organ transplants, it is clear that there is an urgent need. As the waitlist continues to grow and black market brokers thrive, experts agree that the best way to combat the illegal organ trade is to fix the legal system regulating it. Cooperation from the international community along with incentives for social altruism, tax breaks, opt-out systems, xenotransplantation,

or a combination therein seem to provide the best hope to save the thousands of people who will die each year waiting for an organ.

Our experts believe, that as for sure international enforcement authorities try to control illegal organ trafficking, but this trouble acquired a large scale and it must be kept to a minimum. There are many objective factors that interfere with the resolution of this problem. Among them are next:

- lack of information;

- lack of resources;

- corrupted criminals communication among government officials;

- lack of competence of the employees in the field of crimes.

Great part of specialists' things, corrupted criminals communications is the biggest problem on the way to solve the problem. Because another interference could be destroyed. But this is connecting with the people's mentality.

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