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Committee on Social Affairs, Health and Sustainable Development

Sub-Committee on Public Health and Sustainable Development

Combating the commodification of and trafficking in tissues of human origin

Draft declaration

for adoption by the Sub-Committee and transmission to the Plenary Committee for adoption on 26 January 2023

Document prepared by the Secretariat upon the instructions of the Chairperson

1. The Committee on Social Affairs, Health and Sustainable Development shares the concerns recently expressed by the European Committee on Organ Transplantation of the Council of Europe (CD-P-TO) with regards to the development and production of new therapeutic options based on substances of human origin, in particular with regard to tissues of human origin and derived products, and their commercialisation. It is particularly concerned that the fundamental principles of prohibition of financial gain, free and informed consent, and the prevalence of the interests of the human being over the sole interest of society or science, as enshrined in the Convention on Human Rights and Biomedicine (Oviedo Convention), are in danger of being bypassed and/or watered down through these practices.
2. The Committee recalls its Recommendation 2173 (2020) on “Combating trafficking in human tissues and cells” where it warned, in particular, about the illicit and unethical practices that may occur in the form of financial inducement to donors. Increasing commercialisation, the absence of an internationally accepted definition of trafficking in human tissues and/or cells, cross-border situations, differences in national legislation and the rapid evolution of technologies make it difficult to prosecute illicit activities linked to substances of human origin.
3. The Committee is convinced that stronger action is needed in this area, at international and national levels. It thus reiterates its recommendation to initiate the drafting of a legally binding Council of Europe instrument against trafficking in human tissues and cells. Moreover, it calls on member States which have not yet done so, to ratify the Oviedo Convention and to take measures to uphold the fundamental principle of prohibition of financial gain from human bodies or its parts as such, which is developing into a serious threat to the sustainability of national healthcare systems and the principle of equitable access to healthcare.
4. Finally, the Committee calls on member States to reinforce national legislation, including by ensuring transparency in donor recruitment strategies and pricing schemes (with caps on the financial benefits for manufacturers, marketers and intermediaries involved in the production and/or distribution of therapies based on substances of human origin). Legal frameworks should also establish standards for the assessment of quality, safety and efficacy of treatments based on substances of human origin, proportionate to their potential risk. It fully supports the proposals set out by the European Committee on Organ Transplantation (CD-P-TO) in their [Position statement on risk of commodification of substances of human origin](#), and invites member States to update their national legislations accordingly.