



Declassified¹
AS/Soc (2019) PV 07add2
5 December 2019
Asocpv07add2_2019

Committee on Social Affairs, Health and Sustainable Development

Minutes

Launch event of the handbook for parliamentarians on the Council of Europe Convention against Trafficking in Human Organs, held in Strasbourg, on Thursday, 3 October 2019

The Committee held a launch event for the Handbook for Parliamentarians on the Convention against Trafficking in Human Organs (CETS No.216), with an opening by Ms Liliane Maury Pasquier, President of the Parliamentary Assembly of the Council of Europe, a presentation of the Handbook by Mr Kristof Van Assche, Research Professor in Health Law and Kinship Studies, University of Antwerp, and a public hearing with the participation of:

- ✓ Mr Jan Kleijssen, Director, Information Society and Action against Crime Directorate
- ✓ Ms Marta Lopez Fraga, Scientific Programme Officer, HealthCare Section, European Directorate for the Quality of Medicines and Health Care

The Chairperson opened the launch event and welcomed the guest speakers. The President of the Assembly had initiated the work on a report on "Organ transplant tourism" in her former quality as a member of this Committee and had shown strong interest in this topic. Her support was very much appreciated.

The President stressed that trafficking in human organs was a serious human rights violation. It was also one of the most lucrative criminal activities. In 2003, the Assembly had adopted Recommendation 1611 (2003) on organ trafficking in Europe, which called on the member states of the Council of Europe to provide for criminal sanctions for organ trafficking. In 2009, the Council of Europe and the United Nations published a "Joint Study on trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs". This study envisaged the development of an international legal instrument on this topic. The Convention against Trafficking in Human Organs was consequently adopted in 2014 and opened for signature the following year. This treaty, which entered into force on 1 March 2019, had only been ratified by nine Member States, hence a much higher ratification rate was needed. In this context, parliamentarians had an important role to play, to support the ratification process, as well as the implementation of this Convention. This Handbook for Parliamentarians provided a clear explanation of the added value of the Convention, detailed its provisions and suggested ways in which parliamentarians could support it. Stopping organ trafficking was the parliamentarians' duty. It was now up to them to act as Ambassadors of this Convention.

Mr Van Assche gave a short presentation of the Handbook for Parliamentarians. The black market for organs was difficult to eradicate, since a shortage of organs continued to exist. Poor people in desperate circumstances could easily be persuaded into selling an organ and this was a very lucrative market. It was a highly dynamic process with traffickers moving to different places and changing their *modi operandi*. Difficulties in prosecuting included the cross-border character of trafficking, loopholes in legislation, corruption, reluctance to prosecute medical professionals and unwillingness of "donors"/recipients to co-operate. Prior action taken by the Council of Europe includes the Oviedo Convention, its Additional Protocols, and the Convention on Action against Trafficking in Human Beings. However, difficulties in prosecuting organ trafficking remained, as the Oviedo Convention had no criminal law provisions. The Anti-Trafficking Convention was not always applicable, particularly in the absence of exploitation of a living person. Even when a person had been exploited, it was difficult to prove that illicit means had been used, thus the Organ Trafficking Convention was badly needed. The

¹The minutes were approved and declassified by the Committee on Social Affairs, Health and Sustainable Development at its meeting on 5 December 2019, in Paris.

Handbook for Parliamentarians was designed to raise awareness, assist in promoting the Convention, encourage its implementation and ratification, and explain its provisions in understandable language and by referring to good practice. The added value of the Convention was that it included the first definition of organ trafficking, harmonised criminal law provisions, facilitated international co-operation, guaranteed protection of victims, required implementation of prevention measures and ensured monitoring of implementation of the Convention by the Committee of the Parties.

Mr Kleijssen congratulated the Committee on organising the 2nd in a series of launching events. The Convention was now in force. Trafficking in human organs was very lucrative. 10 000 kidneys alone were trafficked every year. A lot of desperate people were trying to, were bullied into, or were forced to sell their organs. There was a big difference between the amount that they received and the amount that the traffickers charged the recipients (5 000 versus 100 000 Euros). One more ratification was expected by Costa Rica, which was encouraging, given the scale of the problem. Interestingly, the Council of Europe Convention on Cybercrime had been ratified by over 60 countries. This example could be followed by the Organ Trafficking Convention. Co-operation would start in the Committee of Parties after 10 ratifications. The best image to use was that of the carbon footprint as organ trafficking left “a medical footprint”. It ruined the lives of “donors” and often those of the recipients. This Convention could go a long way to address this negative impact.

The Chairperson pointed out that he used to work as an editor for a magazine which interviewed people who had donated their organs. When China had reformed its transplantation system to end the use of organs of executed prisoners, South Korea had protested as there were many clinics with no incoming material. Trafficking in organs was as unacceptable as death penalty, and no country should object to putting a stop to it.

Ms Lopez Fraga pointed out that the advances in organ transplantation were one of greatest medical successes of the century. 136.000 transplantation operations were held in 2016, but even so only 10% of global needs were met and the waiting lists were long. Nineteen people died every day because of the lack of organs. The disparity between supply and demand provided a powerful incentive for traffickers. Trafficking of human organs violated human rights and was a public health hazard. The consequences of not receiving treatments were serious for recipients, for their loved ones and for the community. In many countries there were alleged providers of trafficked organs and travelling abroad for organ transplantation was widespread. These were not speculations but confirmed data, and the numbers were staggering. In all countries there were “donors” and recipients. Many countries did not have adequate legislative frameworks and corruption was a major challenge. The Convention defined what constituted trafficking and addressed the absence of a comprehensive international tool. This was a unique opportunity to address the existing gap. Many people were involved in transplantation, including health professionals, pathologists and those responsible for evaluation of the legitimacy of donor-recipient pairs. A 2016 survey revealed that 31% of the respondents had ethical concerns and did not know what constituted an offence or what to do in problematic cases. Gaps included diversion of properly obtained organs to patients who did not qualify or were organ “tourists”. This continued to happen and had to be addressed. Not a single county was self-sufficient with respect to organ transplantation. Organs were moved between countries thus action was needed at the global level.

Mr Amraoui mentioned that in Germany there had been a debate for the last year and a half about consent related to organs donations.

The Chairperson called on all members to speak on this issue in their parliament, in order to increase the number of ratifications.

The Chairperson warmly thanked the President, Mr Van Assche, and the Council of Europe colleagues for their contribution, then closed the hearing.

Committee on Social Affairs, Health and Sustainable Development
 Commission des questions sociales, de la santé et du développement durable

List of members (84 seats) / Liste des membres (84 sièges)

Chairperson / Présidente :	
Mr Stefan SCHENNACH	Austria/ Autriche
Vice-Chairpersons / Vice-Président(e)s :	
M. Luís LEITE RAMOS	Portugal
Ms Carina OHLSSON	Sweden/ Suède
Ms Nina KASIMATI	Greece / Grèce

Mr Tritan SHEHU	Albania / Albanie	ZZ...
M. Pere LÓPEZ	Andorra / Andorre	Mme Mònica BONELL
M. Mikayel MELKUMYAN	Armenia / Arménie	Mr Ruben RUBINYAN
Mr Franz Leonhard ESSL	Austria / Autriche	Mr Roman HAIDER
Mr Stefan SCHENNACH	Austria / Autriche	Ms Doris BURES
Ms Sevinj FATALIYEVA	Azerbaijan / Azerbaïdjan	Mr Nagif HAMZAYEV
Ms Ganira PASHAYEVA	Azerbaijan / Azerbaïdjan	Ms Ulviyye AGHAYEVA
Mr Bob DE BRABANDERE	Belgium / Belgique	Ms Els VAN HOOF
M. Simon MOUTQUIN	Belgium / Belgique	ZZ...
ZZ...	Bosnia and Herzegovina / Bosnie-Herzégovine	ZZ...
Mr Nikolay ALEKSANDROV	Bulgaria / Bulgarie	Mr Krasimir BOGDANOV
Ms Aneliya KLISAROVA	Bulgaria / Bulgarie	Ms Ivelina VASSILEVA
Ms Marijana BALIĆ	Croatia / Croatie	Mr Mihael ZMAJLOVIĆ
Ms Stella KYRIAKIDES	Cyprus / Chypre	Ms Christiana EROTKRITOU
Ms Zdeňka HAMOUSOVÁ	Czech Republic / République tchèque	Ms Alena GAJDŮŠKOVÁ
Mr Jaroslav KYTÝR	Czech Republic / République tchèque	Mr Jiří STRÝČEK
Ms Mette GJERSKOV	Denmark / Danemark	Mr Jan E. JØRGENSEN
Mr Jaak MADISON	Estonia / Estonie	Ms Marianne MIKKO
Ms Minna REIJONEN	Finland / Finlande	Ms Tarja FILATOV

M. Bernard CAZEAU	France / France	M. François GROSDIDIER
Mme Yolaine de COURSON	France / France	Mme Martine WONNER
Mme Jennifer DE TEMMERMAN	France / France	Mme Nicole TRISSE
Mme Laurence TRASTOUR-ISNART	France / France	Mme Sophie AUCONIE
Ms Irina PRUIDZE	Georgia / Géorgie	ZZ...
Ms Sybille BENNING	Germany / Allemagne	Mr Josef RIEF
Mr Andrej HUNKO	Germany / Allemagne	Ms Cornelia MÖHRING
Mr Matern von MARSCHALL	Germany / Allemagne	Ms Doris BARNETT
Mr Ulrich OEHME	Germany / Allemagne	Mr Christoph HOFFMANN
Ms Nina KASIMATI	Greece / Grèce	Mr Theodoros ROUSOPOULOS
Mr Sokratis FAMELLOS	Greece / Grèce	Mr Kyriakos VELOPOULOS
Ms Mónika BARTOS	Hungary / Hongrie	Mr Jenő MANNINGER
Mr Tibor BANA	Hungary / Hongrie	Mme Zita GURMAI
Mr Bergþór ÓLASON	Iceland / Islande	Mr Birgir THÓRARINSSON
Mr Joseph O'REILLY	Ireland / Irlande	Mr Thomas PRINGLE
Mr Fabio DI MICCO	Italy / Italie	Mr Gianluca PERILLI
Mr Emilio FLORIS	Italy / Italie	Ms Maria RIZZOTTI
Mr Gaspare Antonio MARINELLO	Italy / Italie	Ms Barbara GUIDOLIN
Mr Gianfranco RUFA	Italy / Italie	Mr Manuel VESCOVI
Ms Linda OZOLA	Latvia / Lettonie	Ms Dana REIZNIECE-OZOLA
Ms Susanne EBERLE-STRUB	Liechtenstein / Liechtenstein	ZZ...
Mr Virgilijus PODERYS	Lithuania / Lituanie	Mr Kęstutis MASIULIS
Mme Françoise HETTO-GAASCH	Luxembourg / Luxembourg	M. Marc SPAUTZ
Mr Etienne GRECH	Malta / Malte	Ms Rosianne CUTAJAR
ZZ...	<i>Republic of Moldova / République de Moldova</i>	ZZ...

M. José BADIA	Monaco / Monaco	M. Guillaume ROSE
Ms Marija Maja ČATOVIĆ	Montenegro / Monténégro	Mr Predrag SEKULIĆ
Ms Reina de BRUIJN-WEZEMAN	Netherlands / Pays-Bas	ZZ...
Ms Ria OOMEN-RUIJTEN	Netherlands / Pays-Bas	ZZ...
Ms Silje HJEMDAL	Norway / Norvège	Ms Emilie Enger MEHL
Mr Nikola POPOSKI	North Macedonia / Macédoine du Nord	Mr Antonijo MILOSHOSKI
Ms Margareta BUDNER	Poland / Pologne	Mr Cezary TOMCZYK
Mr Maciej MASŁOWSKI	Poland / Pologne	Mr Krzysztof PASZYK
Mr Jarosław OBREMSKI	Poland / Pologne	Ms Agnieszka POMASKA
Mme Edite ESTRELA	Portugal / Portugal	ZZ...
M. Luís LEITE RAMOS	Portugal / Portugal	ZZ...
M. Cezar Florin PREDA	Romania / Roumanie	M. Viorel Riceard BADEA
Mr Ionuț-Marian STROE	Romania / Roumanie	Ms Cristina-Mădălina PRUNĂ
Ms Adriana Diana TUȘA	Romania / Roumanie	Mr Valeriu Andrei STERIU
Mr Sergey KALASHNIKOV	Russia/ Russie	Mr Aleksandr BASHKIN
Ms Alfiia KOGOGINA	Russia/ Russie	Mr Andrey EPISHIN
Mr Sergey PAKHOMOV	Russia/ Russie	Mr Igor KAGRAMANYAN
Ms Irina RODNINA	Russia/ Russie	Mr Sergey LISOVSKIY
Mr Roger ZAVOLI	San Marino / Saint-Marin	Ms Vanessa D'AMBROSIO
Ms Elvira KOVÁCS	Serbia / Serbie	Ms Dubravka FILIPOVSKI
Mr Aleksandar ŠEŠELJ	Serbia / Serbie	Mr Miljan DAMJANOVIĆ
Mr Ján MAROSZ	Slovak Republic / République slovaque	Ms Renáta KAŠČÁKOVÁ
Ms Andreja ZABRET	Slovenia / Slovénie	Mr Andrej ŠIRCELJ
Ms Susana SUMELZO	Spain / Espagne	Mr José CEPEDA
Mr César SÁNCHEZ	Spain / Espagne	Ms Carmen LEYTE

Mr Antón GÓMEZ-REINO	Spain / Espagne	Ms Melisa RODRÍGUEZ HERNÁNDEZ
Mr Alexander CHRISTIANSSON	Sweden / Suède	Mr Ola MÖLLER
Ms Carina OHLSSON	Sweden / Suède	Ms Annicka ENGBLOM
M. Pierre-Alain FRIDEZ	Switzerland / Suisse	M. Filippo LOMBARDI
Mr Hannes GERMANN	Switzerland / Suisse	M. Jean-Pierre GRIN
Ms Selin SAYEK BÖKE	Turkey / Turquie	M. Haluk KOÇ
Ms Emine Nur GÜNAY	Turkey / Turquie	Mr Mehmet Kasim GÜLPINAR
Mr Hişyar ÖZSOY	Turkey / Turquie	Ms Felekna UCA
Mr Ali ŞAHİN	Turkey / Turquie	Ms Sena Nur ÇELİK
Mr Oleksandr BILOVOL	Ukraine / Ukraine	Mr Vladyslav GOLUB
Mr Serhii KIRAL	Ukraine / Ukraine	Mr Boryslav BEREZA
Mr Viktor VOVK	Ukraine / Ukraine	Mr Oleksii GONCHARENKO
Mr John HOWELL	United Kingdom / Royaume-Uni	ZZ...
Baroness Doreen E. MASSEY	United Kingdom / Royaume-Uni	Mr Conor McGINN
Ms Kerry McCARTHY	United Kingdom / Royaume-Uni	Mr Steve DOUBLE
Mr John PRESCOTT	United Kingdom / Royaume-Uni	Lord Don TOUHIG

PARTNERS FOR DEMOCRACY / PARTENAIRES POUR LA DEMOCRATIE

Mr / M. Allal Amraoui.....Morocco / Maroc

EMBASSIES / PERMANENT REPRESENTATIONS AND DELEGATIONS
AMBASSADES / REPRESENTATIONS ET DELEGATIONS PERMANENTES

Ms/ Mme Maria ASTAKHOVA, Deputy to the Permanent Representative, Permanent Representation of the Russian Federation to the Council of Europe / *Adjointe du Représentant Permanent, Représentation permanente de la Fédération de Russie auprès du Conseil de l'Europe*

Ms/ Mme Raphaëlle BOHBOT, trainee, Permanent Representation of France to the Council of Europe / *stagiaire, Représentation permanente de la France auprès du Conseil de l'Europe*

Ms/ Mme Iryna POSPIELOVA, Deputy to the Permanent Representative, Permanent Representation of Ukraine to the Council of Europe / *Adjointe du Représentant Permanent, Représentation permanente de l'Ukraine auprès du Conseil de l'Europe*

Mr/ M. Ermin ZEC, trainee, Permanent Representation of Finland to the Council of Europe / *stagiaire, Représentation permanente de Finlande auprès du Conseil de l'Europe*

**SECRETARIAT OF DELEGATION OR OF POLITICAL GROUP /
SECRETARIAT DE DELEGATION OU DE GROUPE POLITIQUE**

Mr/ M. Semih Emre ÖZER, Delegation Secretary, Turkish delegation to PACE / *Secrétaire de délégation, délégation de la Turquie à l'APCE*

Ms / Mme Karine SHIMSHIRYAN, Delegation Secretary, Armenian delegation to PACE / *Secrétaire de délégation, délégation de l'Arménie à l'APCE*

ALSO PRESENT / EGALEMENT PRESENTS

Ms / Mme Bénédicte COLIN, collaborator, Federation of Catholic Family Associations in Europe / *collaboratrice, Fédération des Associations Familiales Catholiques (FAFCE)*

COUNCIL OF EUROPE STAFF / SECRETARIAT DU CONSEIL DE L'EUROPE

Mr / M. Jan KLEIJSSSEN, Director, Information Society and Action against Crime Directorate / *Directeur, Direction de la société de l'information et de la lutte contre la criminalité*

Ms / Mme Marie-Laure HECQUET, Head of Section, HealthCare Section, European Directorate for the Quality of Medicines and Health Care / *Chef de section, Section soins de santé, Direction européenne de la qualité du médicament et soins de santé*

Ms / Mme Tanja RAKUSIC-HADZIC, Head of Unit, Criminal Law Co-operation, DG I / *Chef d'Unité, Coopération dans le domaine penal, DG I*

Ms / Mme Marta LOPEZ FRAGA, Transplantation Unit, HealthCare Section, European Directorate for the Quality of Medicines and Health Care / *Unité transplantation, Section soins de santé, Direction européenne de la qualité du médicament et soins de santé*

Mr / M. Ian PALOMBI, Press & Communication section, European Directorate for the Quality of Medicines and Health Care / *section Presse & communication, Direction européenne de la qualité du médicament et soins de santé*

Mr / M. Oscar ALARCON JIMÉNEZ, Criminal Law Co-operation, DG I / *Coopération dans le domaine penal, DG I*

Ms / Mme Cleo MEINICKE, trainee, Criminal Law Co-operation, DG I / *stagiaire, Coopération dans le domaine penal, DG I*

Ms / Mme Stefania ZAHORA, trainee, Criminal Law Co-operation, DG I / *stagiaire, Coopération dans le domaine penal, DG I*

**SECRETARIAT OF THE PARLIAMENTARY ASSEMBLY /
SECRETARIAT DE L'ASSEMBLÉE PARLEMENTAIRE**

Ms / Mme Tanja KLEINSORGE Head of the Secretariat / *Cheffe du Secrétariat*
Ms / Mme Aiste RAMANAUSKAITE Secretary to the Committee / *Secrétaire de la commission*
Ms / Mme Yulia PERERVA Secretary to the Committee / *Secrétaire de la commission*
Ms / Mme Prisca BARTHEL Europe Prize section / *Section Prix de l'Europe*
Ms / Mme Bogdana BUZARNESCU Principal Assistant / *Assistante Principale*
Ms / Mme Melissa CHARBONNEL Assistant / *Assistante*
Ms / Mme Françoise SCHIR Assistant / *Assistante*
Ms / Mme Anne-Sophie PALSTERMAN Trainee / *Stagiaire*