Pune World Summit

Model United Nations Conference 2017

Agenda

Discussing the legalization of organ trade and measures to curb the illicit markets in view of the trade legalization in Iran

Study Guide

UNITED NATIONS OFFICE OF DRUGS AND CRIME (UNODC)
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1. Letter from the EB

Dear Delegates,

It is an honour for us to be chairing the United Nations Office on Drugs and Crime (UNODC) at the PWS Model United Nations Conference 2017. The issue for discussion is of grave importance to the future security of the world and hence comes under the mandate of discussion of the UNODC.

As part of the UNODC, it is important for committee members to weigh ethical, political, and economic implications before putting forth recommendations. We must consider whether the legalization of organ trade will either expand the black market, or push patients towards the legal options available. The committee should discuss to what extent sale of organs is acceptable and what role the government would serve in the organ trade process.

We hope that this committee will be able to do justice to the topic. We wish all delegates the very best and look forward to meeting you at PWS MUN 2017.

Regards,

Executive Board,

UNODC, PWS MUN 2017
2. Introduction

Countless lives have been saved by organ transplantation since its rapid progress over the course of the past century. However, the disparity between the high demand for organs and their scarce supply has fuelled a billion-dollar illegal trade both internationally and on a domestic scale in nations across the globe. Kidneys top the list of most commonly transplanted organs, followed by liver, heart, lungs, pancreas, and intestines. In the examination of the illegal organ trade, kidneys are most significant as they are the organ most frequently sourced from living donors. The commercial transaction of organs is illegal in every country with the single exception of Iran; elsewhere, the system by which organs are obtained relies wholly on altruism without financial compensation for donors. Thus, the term “organ trafficking” applies to any instance in which organs are sold for profit. The World Health Organization states that payment for organs is “likely to take unfair advantage of the poorest and most vulnerable groups, undermines altruistic donation, and leads to profiteering and human trafficking. Organ trade is illegal in the majority of countries. In Iran though, the situation is different. Iran is the only nation that allows organ trade. However, there are some restrictions set by the government, which aim to limit organ tourism in the country. One restriction is that both the donor and the recipient must be Iranian. Moreover, the market is held within the country which means foreigners are not allowed to buy the organs of Iranian citizens. The legal status of organ trade, however, is gradually changing around the world. For example, in 2013, both Australia and Singapore legalized financial compensation for living organ donors. In both countries there was a dramatic change in organ supplies, as people had a reason to donate. The system is considered to be a success, due to the fact that it slowly wipes out waiting lists. It is difficult to obtain data from the black market, but reports have shown that 20 per cent of the worldwide organ supplies come from the black market. Proponents of legalized organ trade have shown their support towards the Iranian system as it is a perfect example of an effective and safe organ trading system. As far as other nations are concerned, they all have some kind of legislation in order to prevent the illegal trading of organs. Many countries, including Belgium and France,
use a presumed consent system to increase the amount of legal organs available for transplantation. In the United States, the sale of organs is prohibited by federal law; however, the government has created initiatives to promote organ donation and to financially support those who voluntarily donate their organs. Worldwide, the current trend is to increase regulation of organ trading and set strict punishments for those who disobey the law. In Iran's legal markets, the price of a kidney ranges from $2,000 to $4,000. On the black market, though, the price may be above $160,000. The usual price that is paid to donors after the donation on the black market is thought to be about $5,000, but there are cases where donors receive as little as $1,000, an amount of money significantly lower than the one they were promised. Other than that, it is crucial to take into consideration that criminal networks in developing nations often move to kidnapping actions, especially of children and teenagers, who are then taken to locations with medical equipment. There they are murdered and have their organs removed in order to be sold in the black market. From all the above, it is clear that poverty and loopholes in legislation also contribute to the illegal trade of organs. Poverty is common in all countries with a large black market for organs and that is simply because people in these countries are in desperate need of the money, which they will be given after the organ donation.
3. Major Countries and Organisations involved

Iran

In 1988, Iran legalized the organ donation of kidneys and established an associated transplantation system. The donor sells his organs to the government, which works as an intermediary between the donor and the recipient, and then compensates the donor for their organ. After that, the donor has the right to free health insurance for one year. Within the first year of the establishment of this system, the number of transplants had almost doubled. In Iran, it is legal to sell kidneys for profit. The market, as well as well being of the patients and the donors is regulated by the Charity Association for the Support of Kidney Patients (CASKP) and the Charity Foundation for Special Diseases (CFSD) and the government. The average price paid for donating a kidney is about $1200, though it varies. However, it is estimated that 70% of donors are considered poor among the Iranian society.

Australia

Australia’s organ donation system, like many other countries, is 'opt-in'. This means the patient has to give consent (opt-in) in order to be a donor prior to their death, otherwise it is up to the person’s family if they will or will not be donating the organs of the deceased. Moreover, in 2013, Australia legalized the compensation of the living organ donors.

Japan

In 1977, the Organ Transplant Law was established in Japan. This Law legalized the organ donation only from donors who were diagnosed brain dead. Many patients in Japan are not satisfied by the underdeveloped state of transplant
system. In Japan, there have been less than 50 cases of donated organs since the revised 1997 Organ Transplant Law, causing great dissatisfaction by the people.

**China**

The sale of organs for transplants is illegal in China, but due to the fact that it’s a developing country with many people living under the border of poverty, a flourishing black market has developed. There have been rumors in the past that the organs in China’s black market come from executed Chinese prisoners. A new report claims that China is still engaged in the widespread and systematic harvesting of organs from prisoners. The report estimates that 60,000 to 100,000 organs are transplanted each year in Chinese hospitals.

4. Transplant in Countries

**China**

As mentioned before, China has been previously criticized by the global community for harvesting organ transplants from executed Chinese prisoners. Nevertheless, the problem of organ shortage has still not been solved. After a while, the Chinese Government makes an attempt to establish a new legislation system that banned the sale of organs. There is no legislation that prohibits organ donation from prisoners, who voluntarily want to donate their organs before the execution. China has also tried to solve the issue by introducing new legislation with the purpose of standardizing its organ collection process. The legislation includes regulations specifying which hospitals have the authority to perform operations.
**India**
In 1994, India had a wide and successful legal organ trading market. Due to the low costs and high availability of organ transplants, India became one of the largest and widely known kidney transplant centres in the world. However, at some point the situation got out of control and several problems surfaced. Doctors were performing organ removal surgeries without the consent of the patient and brokers were deceiving donors financially by not sticking to the deal. So, this unexpected turn of events and other ethical issues forced the Indian government to ban the sale of organs. This is a measure against the continuation of illegal organ trade. Nevertheless, current laws still contain loopholes and organ transplantation may be allowed in some situations under specific requirements.

**Iran**
In Iran, it remains legal to sell organs for profit. Iran’s system has wiped out organ transplant waitlists. Kidney sales are legal and regulated by the Iranian government. Various organizations that match donors to recipients and set up tests to ensure compatibility have been authorized by the government. The compensation paid to the donor varies, but an average kidney donor is paid about $1200. Charity organizations support recipients that cannot afford the cost of the organ. The government also provides employment opportunities to these people, in order for them to be able to pay the cost of the transplant at some point in the future.

**The Philippines**
The sale of organs was legal in the Philippines, and the country became a popular destination for transplant tourism. In the country, transplant packages were promoted that cost about $25,000. The government though, banned the sale of organs, in 2008. Since the ban was issued, there was a significant decline in the number of transplants available. For that reason the black market is on the rise once again.
5. Possible Solutions

Various solutions have been proposed to increase the number of legally available organs around the globe. Presumed consent policies, whether they are opt in or opt-out, have been a major success in many countries. Research shows a 25-30% increase in the amount of available organs in opt-out countries. Presumed consent programs reduce organ trafficking in many ways. These laws help increase the amount of available organs, decreasing patients' reliance on the black market. At the same time, the increased supply of organs decreases the financial cost of a transplant, lessening the need for medical tourism. Many people believe that adopting a system for regulating organ trading similar to Iran's will help decrease the national shortage of kidneys. They argue that it is vital for nations to adopt similar policies in order to make the whole transplantation process more transparent and thus ensure the safety of both the donor and the recipient. Moreover, each country should promote the idea of live organ donations to citizens, simply because if nations were able to increase the supply of live donors, there would be no need for buying organs from the black market. In addition, nations should reconsider the idea of financial compensation to the organ donors and that is because organ donation may rely upon altruism but altruism itself is not enough. People should have incentive to become donors, otherwise there will always be an organ shortage. By doing this, the control of the black market will be achieved and as a result both the donor and the recipient will avoid possible health problems after the surgery.

As part of the UNODC, it is important for committee members to weigh ethical, political, and economic implications before putting forth recommendations. We must consider whether the legalization of organ trade will either expand the black market, or push patients towards the legal options available. The committee should discuss to what extent sale of organs is acceptable and what
role the government would serve in the organ trade process. In Iran the
government acts as a third party and the country has seen the immense
success in reducing the number of wait listed patients to 0, but committee
members must keep in mind that there is no one definite solution that will
produce universally optimal results. A comprehensive solution would widely
increase access to organ supply and discuss how the body can ensure that
donors in less developed countries are receiving proper compensation and
post-operative care.

6. Questions that a resolution must answer (QARMA)

1. What solutions should be put in place to reduce the human rights violations
associated with illegal organ trade activities? Should organ trade be legalized
in order to do so?

2. What policies does your country have in place to combat illegal
organ trade? How effective are these policies?

3. How prevalent of an issue is organ trade in your country, and what role
does your country have in the organ market on a global scale?

4. Does your country have any prevailing cultural, ethical, or religious
views that may interfere with potential solutions?

7. Bibliography and Links for additional Research


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http://www.pbs.org/newshour/bb/sack/

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