

## Re: Submission of Article for consideration in the EJLES

Dr.Ahmed Abdelsabour Aldalgawy <dr.abdelsabour@hotmail.com>

Mon 1/8/2018 11:29 AM

Inbox

To: oluyemisi Bamgbose <oluyemisibamgbose@hotmail.com>;

Dear Professor

We inform you that we received your article.

All the best

---

- Ahmed Abdelsabour ALDALGAWY

- Associate Professor of Economic Legislation.

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**Sent:** Monday, January 8, 2018 11:03:54 AM

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**Subject:** Submission of Article for consideration in the EJLES

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I hereby submit as an attachment my original article titled

Human Organ Trade: Trending Issues and the Relationship to Access to Justice

for consideration of publication in volume 10 of your peer reviewed journal - Egyptian Journal of Legal and Economic Studies

This is an original article written by me and it has not been sent to any other outlet for publication.

Kindly acknowledge receipt of the mail and the attachment

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1 attachments (46 KB)

Human Organ Trade Trending Issues and the Relationship to Access to Justice.docx;

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**Human Organ Trade: Trending Issues and the Relationship to Access to**

**Justice**

**By**

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## Outline

Abstract

Meaning and Definition

Historical Background

Global Trends

Prevalence in Nigeria

Legal Provisions of Organ trade

Effects of Organ Trade Globally

Recommendations

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## Abstract

*In a world facing a constant battle between the law and crime, yet another offspring of crime is unabashedly conceived and manages to seep out despite all attempts by the justice systems all over the world to eliminate or mitigate to the barest minimum crime in all its forms.*

*Human Organ trade is a new trend in crime and is in fact fast topping the echelons of criminal strata and is indeed a very deadly crime to battle with. The question one might ask is, how long is the hand of the law or better put, how efficient is the machinery of the law in curbing this fast rising global trend in crime before it becomes a subject of historical wreckage?*

*This paper wishes to discuss the meaning and definition of human organ trade, the historical background, global trends, prevalence in Nigeria, legal provisions of organ trade, the effects of organ trade globally and recommendations on how this new trend in crime can be weeded out before it grows to become too much of a thorn in the flesh globally.*

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## Introduction: Meaning and Definition of Human Organ Trade

International organ trading is said by Michael Bos from *European Platform on Ethical Legal and Psychosocial aspects of organ transplantation*, to be a big business with an estimated value of \$50million in 2008.<sup>1</sup> Human organ trade in simple terms is the trade of human organs-kidney, liver, heart, etc. and some other body parts for one reason or the other. Organ trafficking involves the “buying and selling of kidneys, livers and other human organs”.<sup>2</sup>

In a report made by the United Nations, Organ trafficking or trade was described as “a crime that occurs in three broad categories...an organized crime involving a host of other offenders”.<sup>3</sup> Organ selling also involves the illegal harvesting of human organs or tissues with or without a person’s consent; mostly sold on black market or through legalized means for organ transplants or other purposes.<sup>4</sup>

As the need for perfect health is on the constant rise, so is the trade in human organ to meet up with the body’s demands. However, the use of human organs varies in different jurisdictions. In developing jurisdictions in Africa, for example, it is highly believed that human organs and body parts are heavily used for ritualistic rites and incidental matters. However in other developed countries that these organs are sold and used for its transplantation for other humans.

It is salient to note at this juncture that, the legality of human organ trade is dependent on the legal provisions of different world jurisdictions. In many jurisdictions, the trade is considered highly illegal and unscrupulous, while in some, it is legally acknowledged but under the circumstances or within the ambit placed by the laws governing these jurisdictions.

This paper will focus more on the illegality of human organ trade, the criminal implications and the fate of the world at large if the trade is not appropriately managed within time. At this point, a historical guide on the subject matter is pertinent.

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<sup>1</sup> Chris Arsenault “Organ Trafficking: ‘Her heart was missing’, published on [www.aljazeera.com](http://www.aljazeera.com), on 17 May, 2011. Accessed on 7th November, 2017.

<sup>2</sup> Havoscope Global Black Market Information, “Organ Trafficking Prices and Kidney Transplant Sales”. Accessed from [www.ahavoscopereport:blackmarketcrime.com](http://www.ahavoscopereport:blackmarketcrime.com) on 7 November, 2017.

<sup>3</sup> Susan Scutti, “Organ Trafficking: An International Crime Infrequently Punished”, [www.medicaldaily.com](http://www.medicaldaily.com). Published on July 9, 2013, accessed on November 7, 2017.

<sup>4</sup>“NAPTIP investigates human organ harvesting in Nigeria, [www.vanguardnews.com](http://www.vanguardnews.com), October 29, 2017. Accessed November 7, 2017.

## Historical Background of Human Organ Trade

Human organ trade is an occurrence that has been around for a while now. However its prevalence can be said to fluctuate in different jurisdictions of the world. In 2011, it was reported that about 90,000 people were waiting to get new organs in the United States.<sup>5</sup> In the late 1980s, executed prisoners were often the sources of human organ transplants and trade, especially in China.<sup>6</sup> In the early 90s, India had a reportedly “successful trade” in human organs and this made India one of the biggest kidney transplant centres in the world.<sup>7</sup> In some countries like Iran, human organ transplant is age-long and has been legal if the recipients can afford the prices-the price range varies, usually an average of \$1200.<sup>8</sup> In the Philippines, human organ trade fully thrived until 2008, when restrictive laws and in fact a legal ban<sup>9</sup> were put in place to curb its occurrence-before this, even governmental parastatals in the Philippines “promoted an all-inclusive” kidney transplant package that retailed for an average of \$25,000.<sup>10</sup> The World Health Organization-WHO reports that as at “2005, 5% of all organ recipients had engaged in commercial organ transplants”,<sup>11</sup> and this covers a wide range of jurisdictions across continents of the world.<sup>12</sup>

In the United States of America, the “Uniform Anatomical Gift Act of 1968” was implemented to give rights to individuals wishing to donate their organs after their death.<sup>13</sup> Later in 1984, the “National Organ Transplant Act” was enacted to create a formal national

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<sup>5</sup> “The Case for Legal Organ Sale” published on 12 November, 2015 on [www.Reason.com](http://www.Reason.com). Accessed on 7th November, 2017.

<sup>6</sup> Annika Tibell “The Transplantation Society’s Policy on Interactions with China” 2007

<sup>7</sup> “Organ Shortage Fuels Illicit Trade in Human Parts”. Published on May 1, 2017 on [www.wiki/humanorgantrade.com](http://www.wiki/humanorgantrade.com). Accessed on November 7, 2017

<sup>8</sup> Griffin Anne, “Iranian Organ Donation: Kidneys on Demand” (2007) *British Medical Journal* 334 (7592): 502-505 PMC 1819484 PMID 17347232 doi:10.1136/bmj.39141.49314894; Ghods AJ, Savaj S, “Iranian Model of Paid and Regulated Living-Unrelated Kidney Donation” (November 2006), *Clin J Am Soc Nephrol* 1 (6): 1136-45. PMID 17699338. Doi:10.2215/CJN.00700206

<sup>9</sup> “Cabral warns: No more Organs for Sale in Philippines”. Accessed at [www.wiki/organtrade.com](http://www.wiki/organtrade.com) on November 7, 2017

<sup>10</sup> Turner, Leigh “Commercial Organ Transplantation in the Philippines” (2009) *Cambridge Quarterly of Healthcare Ethics* 18 (2): 192-196 doi: 10.1017/S0963180109090318

<sup>11</sup> Shimazono, Yosuke “The State of the International Organ Trade: A Provisional Picture based on Integration of Available information” *Bulletin of the WHO* 85 (12) doi: 10.1590/S0042-96862007001200017

<sup>12</sup> Edward Fox “Desperation, Lack of Donors Drives Organ Trafficking in Latin America” (November 2015). Accessed at <http://www.newsweek.com/organ-trafficking-no-myth-78079> on November 7, 2017

<sup>13</sup> Jafar, Tazeen H. “Organ Trafficking: Global Solutions for a Global Problem” (2009) *American Journal of Kidney Diseases* 54 (6): 1145-1157 doi: 10.1053/j.ajkd.2009.08.014



online registry for organ donors on the one hand, and los to restrict or manage organ trade with other jurisdictions.<sup>14</sup>

A lot of cases have been historically recorded as regards human organ trade. It has been estimated that 42% of all organ transplantations can be traced to illegal organ trafficking.<sup>15</sup>In 1993, the Bombay Police revealed a kidney sale and transplantation that was run by a Santosh Raut-this man was arrested along with eleven of his cohorts, including two nephrologists, surprisingly, Raut managed to escape after arrest.<sup>16</sup> Another case of Indian illegal organ trafficking was reported in 2008, where a man, Amit Kumar was apprehended for running a kidney transplant center in Delhi and near Gurgaon. Interestingly, this "Amit Kumar" through technologically advanced gadgets and forensic investigation, has been found to be the same as the "Santosh Raut" of 1993.<sup>17</sup> It is revealed that this same man has perpetrated many evils using different aliases for several years. He currently faces charges of many illegal activities including the trade of and involvement in over 600 kidney transplants with the aid of two hospitals, spanning decades of years.<sup>18</sup>

In the United Kingdom, the first conviction-in accordance with the **Human Tissue Act 2004**, on basis of human organ trade arose in 2007, where a man was arrested for attempting to sell his kidney online for 24,000 Euros in order to pay off his gambling debts.<sup>19</sup>

These all goes to prove the fact that human organ trade is an ill that has been around for a while and needs to be nipped in the bud.

### **Global Trends in Human Organ Trade**

The international community at large has suffered and experienced a fair share of the trade in human organs. Notably, however is the fact that in different jurisdictions, the activities were made legal while in others, it has been illegal. As earlier noted in the historical background, several countries have had their experiences in human organ trade. The United States have

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<sup>14</sup> Ibid note 13

<sup>15</sup> Meyer, Silke "Trafficking in Human Organs in Europe: A Myth or an Actual Threat?" *European Journal of Crime, Criminal Law and Criminal Justice*. 14 (2): 208-229 doi: 10.1163/15718170677978739

<sup>16</sup> Ibid

<sup>17</sup> Scheper Hughes, Nancy "The Last Commodity: Post Human Ethics, Global (in)Justice, and the Traffic in Organs." Penang; Multiversity & Citizens International. ISBN 9789833302093

<sup>18</sup> Ibid

<sup>19</sup> Stephanie, Condron "Gambler tried to sell his kidney online" (May 11, 2007) *The Daily Telegraph* London

recorded human organ trade since the 1960s<sup>20</sup> and have over the years established methods to combat the ill. In 2006, the **Uniform Anatomical Gift Act** was revised and in 2007, the Charlie W. Norwood Living Organ Donation Act was established to curb the illegalities in human organ trade and transplantation.<sup>21</sup>

Many other countries having realized the consequences of this trade have adopted and created many laws aiming to mitigate this on-going menace in human organ trade and transplantations. South Africa adopted the Human Tissue Act of 1983, which inter alia makes illegal the transfer of body tissues, flesh, bone, organs, or bodily fluid for any pecuniary consideration.<sup>22</sup> In a bid to mitigate the prevalence of human organ trade, China, in 2007 adopted the **Human Transplantation Act** giving a permanent ban to all organ commercialism.<sup>23</sup>

In 2009, a man identified as Levy Izhak Rosenbaum of Brooklyn was arrested for “conspiring to arrange the sale of an Israeli citizen’s kidney to an undercover FBI Agent for \$160,000 during what was called “Operation Bid Rig”.<sup>24</sup> During trial, Rosenbaum confessed to have been in this line of business for over a decade and his business style was reported by US Attorney Ralph Marra, to be “enticement of vulnerable people to give up their kidney for \$10,000 which he would turn around and sell for \$160,000.<sup>25</sup> Nancy Scheper Hughes, an Anthropologist and Organ Trade Expert as a witness, said she informed the FBI about Rosenbaum-who was a major figure in International Organ Smuggling 7 years prior to his arrest and many of Rosenbaum’s clients and donors had come from Eastern Europe.<sup>26</sup> She also revealed that she has heard reports of Rosenbaum holding people at gunpoint to ensure they “donated” their organs.<sup>27</sup> In 2011, Rosenbaum pleaded guilty to organ trafficking and was convicted as such.<sup>28</sup>

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<sup>20</sup> Ibid note 13

<sup>21</sup> Ibid note 13

<sup>22</sup> Glaser, Sheri R. “Formula to stop the Illegal Organ Trade: Presumed Content Laws and Mandatory Reporting Requirements for Doctors”(2005) Human Rights Brief, Volume 12, Issue 20

<sup>23</sup> Budiani-Saberi, D.A., Delmonico, F.L “Organ Trafficking and Transplant Tourism: A Commentary on the Global Realities”. *American Journal of Transplantation* 8 (5): 925-929 PMID 18416734 doi: 10.1111/j. 1600-6143.2008.02200.x

<sup>24</sup> “United States of America v. Levy Izhak Rosenbaum” *Justice.gov*

<sup>25</sup> Ibid note 24

<sup>26</sup> Mozgovaya, Natasha “Prof. says she told FBI of Kidney Trafficking” ( 26th July, 2009), accessed at [www.haaretz.com](http://www.haaretz.com) on November 7, 2017

<sup>27</sup> Ibid note 26

<sup>28</sup> Ibid



In South Africa, the South African National Director of Public Prosecution in November 2010, indicted St. Augustine's Hospital, owned and operated by a private company identified as Nectare Kwa-Zulu (Pty) Limited, for being involved in 102 counts of illegal activity relating to illegal kidney transplantations. Arrested along with the management of the company were four transplant doctors, a nephrologist, two transplant administrative coordinators and a translator.<sup>29</sup>

The charges against the parent company- Nectare and its CEO- Richard Friedland were interestingly dropped in order to obtain an admission of guilt from the hospital. In another twist, the parent company pleaded guilty to have been involved in 109 illegal kidney transplants, with major clients from Israel, Romania and Brazil between June 2001 and November 2003, including operations on five minors.<sup>30</sup> These clients/donors have been reportedly compensated monetarily after their surgeries, while the private company had been given an up-front payment for its assent to the activities.<sup>31</sup>

Likewise in December 2010, "Turkish nationals were reported to be involved in organ trafficking in Kosovo."<sup>32</sup> And in 2013, an international panel of judges from the European Union Rule of Law Mission in Kosovo convicted 5 persons in relation to illegal organ trafficking.<sup>33</sup>

In 2014, a member of the Mexican Knights Templar Cartel was arrested for allegedly kidnapping and murdering minors-these children were found murdered and wrapped in blankets and thereafter stuffed in a refrigerator in a van.<sup>34</sup> This man is suspected to be part of a cartel that kidnaps and kills children after removing their organs-the cartel is also suspected to be involved in other unscrupulous activities like drug trafficking, extortion, illegal mining and illegal logging.<sup>35</sup>

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<sup>29</sup> Allain, J. "Trafficking of Persons for the Removal of Organs and the Admission of Guilt of a South African Hospital" *Medical Law Review* 19 (1): 117-122 doi: 10. 1093/medlaw/fwr001

<sup>30</sup> Ibid note 29

<sup>31</sup> Ibid

<sup>32</sup> "Kosovo: Israeli accused of Organ Trafficking"; "Organ Trafficking case sent to Kosovo Court, "An Organ Trafficking Conviction in Kosovo", published on 14 December, 2010 at [www.SETimes.com](http://www.SETimes.com). Accessed November 7, 2017

<sup>33</sup> Ibid note 32

<sup>34</sup> "Mexico cartel member held in organ theft case" accessed on November 7, 2017 on [www.wiki/organtrade.com](http://www.wiki/organtrade.com)

<sup>35</sup> "Police nab cartel member in organ trafficking case" *USA TODAY* 17 March, 2014, accessed November 7, 2017

The media has contributed its fair share in the exposure of the prevalence of human organ trade globally. The 1977 fictional novel "Coma" by Robin Cook made into a movie by Michael Crichton, gives tales of unsuspecting medical patients who are put into a coma for their organs to be removed.<sup>36</sup> Also, Jan Brunvand wrote a book, "The Baby Train", which unveils the story of a man who wakes up in his hotel room after a one night stand, only to find his kidney missing.<sup>37</sup> The internet, tabloid, television media, magazines and emails have also been viable sources in exposing human organ trade.<sup>38</sup> However, it has been conversely argued by critic Silke Meyer that the media's contributions are sometimes gimmicks meant to distract the real operations going on and as such, more scientific researches should be carried out, so that the legendary myths portrayed by the media can be substantiated.<sup>39</sup>

In 2011, Scott Carney created a phrase called "Red Market"- a literary description of the black market involved in the trade of human organs.<sup>40</sup> He insists that the increase in the demand in human organs have also occasioned the rise in the illegal human organ commercialization plaguing continents of the world. He describes the trade as "encompassing a wide variety of transactions, from organ sale to organ thievery, bone thievery, blood farming and even rented space in women's wombs."<sup>41</sup>

The Bulletin of the World Health Organization on the current state of Human Organ Trade internationally, reports about 66,000 kidney transplantations, 21,000 liver transplantations and 6000 heart transplants performed globally in 2005.<sup>42</sup> Also in 2008, the United States records a transplant list projected to increase in a span of three years, whereas the United Kingdom reported lack in organs for 8000 patients with the rate increasing to 8%.<sup>43</sup> This high demand for organs has been met with a gliding increase in illegal organ trafficking, with the internet serving as a major facilitator.<sup>44</sup> A lot of estimations are ongoing as to human organ trafficking. About 10% of all transplantations have been reported to be illegal.<sup>45</sup> It has also

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<sup>36</sup> Human Organ Trade-[www.wiki/organtrade.com](http://www.wiki/organtrade.com) accessed on November 3, 2017

<sup>37</sup> Ibid note 15

<sup>38</sup> Leventhal, Todd "The Child Organ Trafficking Rumour: A Modern Urban Legend" (1994) United States Information Agency Report

<sup>39</sup> Ibid note 15

<sup>40</sup> Carney, Scott "The Red Market: On the Trail of the World's Organ Brokers, Bone Thieves, Blood Farmers and Child Traffickers", William Morrow. ISBN 978-0061936463

<sup>41</sup> Ibid note 40

<sup>42</sup> Ibid note 11

<sup>43</sup> Ibid note 13

<sup>44</sup> Delmonico, Francis. L "The Implications of Istanbul Declaration on Organ Trafficking and Transplant Tourism" *Current Opinion in Organ Transplantation* 14 (2): 116-119 doi: 10.1097/MOT.0b013e32832917c9

<sup>45</sup> Ibid note 44



been reported that about 4000 prisoners were executed in 2006 to supply approximately 8000 kidneys and 3000 livers for foreign buyers.<sup>46</sup> “In 2007, 2500 kidney transplants were purchased in Pakistan with foreign recipients making up two-thirds of the purchasers”.<sup>47</sup>

The Voluntary Health Association of India in 2007 estimated that approximately 2000 Indians sell a kidney every year.<sup>48</sup> Concurrently, in Canada and the United Kingdom, experts estimated that about 30 to 50 patients illegally bought organs abroad.<sup>49</sup>

The Kidney is the most sought after organ world-wide and the prices have been said to range from as low as \$1300 to as much as \$150,000.<sup>50</sup> It has been reported that 75% of all organ transplants have been kidneys.<sup>51</sup> The liver trade is also a major organ traded in with price ranges from \$4000 to \$157,000 per liver.<sup>52</sup> Other organs trades are the cornea-an average of \$24,400, unfertilized eggs-\$12,400, blood-with low costs ranging from \$25-\$337, skin \$10 per square inch, bone and ligament-\$5,465.<sup>53</sup> The heart and lungs despite being in high demand are not prevalent subjects of organ trade due to the complications and “sophisticated nature of its procedure”.<sup>54</sup>

According to the World Health Organization in 2014, there is currently an estimate of 10,000 black market operations involving trade in human organs with about 120, 675 patients on the waiting national list for organ transplant.<sup>55</sup> A lot of reactions have been put up globally as a response to the menace of Human Organ Trade. In fact, the International Community has at different times enacted many ordinances and declarations against the organ trade.

### **Prevalence of Human Organ Trade in Nigeria**

Nigeria is not left out in the human organ trade saga on-going in the world. Human Organ trade in Nigeria can be traced as far back to ancient times. Nigeria does not have any law or legislation backing organ transplantation and the closest legislation against it as provided by

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<sup>46</sup> Ibid note 45

<sup>47</sup> Ibid note 13

<sup>48</sup> Ibid

<sup>49</sup> Ibid note 11

<sup>50</sup> Ibid note 17

<sup>51</sup> Carney, Scott “The Red Market” wired 19, no.2:1121-1 (2011) accessed at [www.internetandpersonalcomputingabstract/redmarket/2011.com](http://www.internetandpersonalcomputingabstract/redmarket/2011.com) on November 7, 2017

<sup>52</sup> Ibid note 51

<sup>53</sup> Ibid

<sup>54</sup> Ibid note 51

<sup>55</sup> Juan Castillo “25 Alarming Facts about Organ Trafficking” Published on June 13, 2014. Accessed at [www.list25/25alarmingfactsaboutorgantrafficking.com](http://www.list25/25alarmingfactsaboutorgantrafficking.com) on November 7, 2017

*the constitution is contained in section 34 of the* Constitution of the Federal Republic of Nigeria 1999 (As Amended). In actual fact, in Nigeria, there have been a lot of activities and outcries about human trafficking, “ritualistic killings”, etc. but not so much focus on human organ trade. However, recently, the Director General of National Agency for the Prohibition of Trafficking in Persons (NAPTIP); Ms Julie Okah-Donli raised an outcry against the increasing level of illegal organ trade and harvesting in Nigeria, as she referred to them as complicating situations.<sup>56</sup> According to her,

*“NAPTIP has decided to begin full investigation because most of the times, other law enforcement agencies go out, they will come to tell us that the suspected organ harvesting is a ritual murder. And we have resolved to carry out our independent investigation because the law gives us the power to do that and we have strong reasons to believe that these are cases of organ harvesting”.*

From this it can be safely culled that organ harvesting *stricto sensu* is not recognized in Nigeria, however other forms of human organ illegalities have been recorded as implied above under the guise of “ritual killings”. Albeit, organ trade as a concept is not generally prevalent in Nigeria and we have close to no law as regarding it. This does not however mean that it is not on going, no matter how low scale or hidden it may be, or in whatever façade or form it may come by. This is what the ingenious director general of NAPTIP above has assured to fish out by thorough investigation especially as pertaining to the constant “ritualistic killings” which are well suspected to be actual cases of underground organ trade illegally being run. It doesn’t however help that Nigeria has no substantive law as regards organ trade which will go a long way in helping to give an accurate definition in the Nigerian context what organ harvesting/trafficking/trade refers to and thus help law enforcement agencies put a tag as to what exactly they are chasing after. Subsequently, if this is done, accurate measures can be taken to combat the ill. It is terrible to be in the dark as to the dangerous nature of this phenomenon and this can cost us more lives than we know or realize now. As such, urgent measures need to be taken against this canker worm before it rips off the entire clothing and renders us naked.

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<sup>56</sup> Vanguard “NAPTIP INVESTIGATES ORGAN HARVESTING IN NIGERIA”. Published October 29, 2017. Accessed at [www.vanguardonline/naptipinvestigatesorganharvestinginnigeria.com](http://www.vanguardonline/naptipinvestigatesorganharvestinginnigeria.com) on November 7, 2017.



The director general of NAPTIP assures that NAPTIP under “her watch would continue with its mandate of fighting all forms of human trafficking in the country”.<sup>57</sup>

It is further classified that in the Nigerian context, organ trafficking may be divide into three categories:

1. Traffickers who trick the victim into giving up an organ at no cost;
2. Con artists who convince gullible victims into selling their organs but do not end up paying them the agreed sum or not pay them at all;
3. Doctors who treat people for ailments which may or may not exist and remove organs without the victim’s knowledge.<sup>58</sup>

All these forms are all cruel and if appropriate awareness is made available to the general public, the citizenry will be wary and alert as to the nature of this crime and be more careful in the way they live and relate with people.

It is an appalling “mark of depravity that has enveloped modern societies such that (sic) theft and sale of human body parts or organs have become a thriving international trade”.<sup>59</sup> It is a grave phenomenon and its calls for a quick response from the government to quench this fast spreading wildfire attempting to seize and burn everything in its way.

Nigeria albeit through its Federal Ministry of Health has issued a warning to Nigerians travelling in and out of the country to be very cautious about medical treatments being received due to the upsurge in cases of human organ harvesting.<sup>60</sup> It cited as an example, the arraignment of “41 Egyptians who were charged to court for illegally harvesting organs from unsuspecting victims”.<sup>61</sup>

It is sad to note that this crime is fast taking roots in Nigeria, it has been rumoured that for sums ranging between three to five million naira, some Nigerians travel to health tourist destinations to donate their organs which is illegal and unacceptable.<sup>62</sup>

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<sup>57</sup> Ibid note 56

<sup>58</sup> Ibid 56

<sup>59</sup> Editorial Board OPINION “The Tragedy of Human Organs Trade”. Published November 3, 2017. Accessed at [www.Opinioneditorialboardtragedyofhumanorgantrade.com](http://www.Opinioneditorialboardtragedyofhumanorgantrade.com) on November 7, 2017.

<sup>60</sup> Ibid note 59

<sup>61</sup> Ibid note 59

<sup>62</sup> Ibid note 59

Nigeria in no small way has contributed to this ill taking place. Firstly, there are no adequate laws to curb or accurately deal with this illegality. Also, the Nigerian governmental health centres are lacking in a lot of ways, this in turn pushes many patients outside the country for adequate medical care and this exposes them to being victims of unsuspected organ harvesting or involvement in illegal organ trade.<sup>63</sup>

As a panacea to this, adequate laws should be made and health centres refurbished and well equipped and awareness of this illegality should be spread.

### **Effects of Organ Trade**

According to the World Health Organization, illegal organ trade “occurs when organs are removed from the body for the purpose of commercial transactions.” As an adverse effect of organ trade, the WHO opines 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 transplant is a risky venture ab initio, how much more when it is done illegally. Kidney transplant procedure particularly, if not properly done opens patients to risks of Hepatitis or HIV. This is just one out of the numerous health and social effects of organ transplantation.

Health wise, organ transplantation is a risky procedure that needs to be done with appropriate gadgets and close monitoring. In the United States, as well as other developed countries like Denmark have adopted the screening method, which entails the proper screening of the organs to be transplanted and the health status of both the donor and recipient. This in effect, will reduce health complications and accuracy of steps to take in doing the transplant and also determining the shelf life vis a vis condition of the organ to be donated. It is said that kidney or organs received from living donors last relatively longer than those from dead donors. However, with the advent of this screening method, there is safety in transplantation, thus the health effects might not be as grievous as it used to be.

However, the black market surgeries are another story entirely. With little or no good medical monitoring, inappropriate equipment, a lot of clients are bound to have health complications and most times, many die during or not long after the procedure.

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<sup>63</sup> Ibid note 59



Gregory Pence, a Bioethicist has expressed his deep concerns on the psychological effects of organ donation and transplantation. He says the family and friends of the donor face "intense social pressure" -as such to reduce this, some medical centers provide monetary compensations and medical panacea to reduce the pressure.

Another effect is that non-compensated donors have been said to sometimes give impulsive donations, which according to Professors Becker and Elias can be prevented using a written consent and compulsory waiting period system.

Another disadvantage of organ trade is the increasing network of criminality, especially the kidnapping of children and teenagers, who are murdered and their organs harvested. This is one of the cruelest and grave effects of organ trade, an increase in the mortality rate of children globally.

Poverty is a very deadly cause of organ trade and this makes the organ trade black market thrive. Data received from the World Health Organization shows that upon research about 71% of Donors in India fell below the poverty line and organ theft is usually carried out by unemployed males between 20 and 40 years old who were seeking gainful employment and were taken outside the country for these operations. The story of a Makbuba Aripova is given, whose husband left Uzbekistan for a job in Canada but his corpse was found along with those of family members travelling with him with missing organs and bags of money believed to be proceeds from organ sale. Men are not the only victims as impoverished gullible women too are used. Albeit, data shows that women are rarely the recipients of purchased organs. In some instances, an organ donor is requested to marry the recipient to avoid legal penalty. This is a gross process and effect of organ trade and goes to show reasons why this ill has to be quelled now.

Results have shown that for donors, there has been a decrease in health and economic well-being for those who donate organs through transplant tourism. In Iran, 58% of donors have been reported to experience negative health outcomes, while in Egypt 78% of donors have negative health effects with 96% regretting their decisions to donate. It has also been reported that "donors in different countries often report weaknesses after surgery that mostly leads to decreased employment opportunities, especially those who make a living through physical labour."

## Legal Provisions of Organ trade

Different jurisdictions have their legal provisions as relating to organ trade. We will take a look at some jurisdictions globally and their laws on organ trade.

Worthy of note is the fact that Iran is the only country worldwide that legalized trading of human organs.<sup>64</sup> This is in fact a culture shock and a bit unbelievable. However, they have some restrictions as to the implementation of this trade. One of it is that the trade must only be done within the county, kicking against transplant tourism.<sup>65</sup> Another restriction is that the donor and donee must be from same nationality.<sup>66</sup> It is also reported that the organ trading system is largely on humanitarian and charity basis, volunteer-based and is usually a selfless act at no costs attached.<sup>67</sup>

In relation to this, Internationally, Australia and Singapore recently legalized monetary compensation for living donors of organs, with kidney disease advocacy organizations in these countries expressing their support for this new initiative.<sup>68</sup>

Most other world countries still consider organ trade as illegal and have legislations pertinent to that effect. Many countries give an outright ban or provide restrictive laws as regards organ transplantation. Belgium and France for instance, “use a system of presumed consent to increase the amount of legal organs available for transplant”<sup>69</sup>.

In the United States, the Federal law expressly prohibits the trade of organs and the government has initiatives to encourage more of volunteer organ donations with pecuniary compensations attached to it-in 2004, the state of Wisconsin went as far as providing tax deductions to living donors.<sup>70</sup>

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<sup>64</sup> Griffin, Anne “Iranian Organ Donation: Kidneys on Demand” *British Medical Journal*. 334 (7592): 502-505 PMC 1819484 PMID 17347232 doi:10.1136/bmj.39141.49314894

<sup>65</sup> Ibid note 64

<sup>66</sup> Ibid

<sup>67</sup> Hippen, Benjamin E. “Organ Sales and Mortal Travails: Lessons from the Living Kidney Vendor Programme in Iran” *Cato Institute: Policy Analysis*.

<sup>68</sup> Rashida Yosufzai “Live Donors get financial support” [www.AAP.com](http://www.AAP.com), published April 07, 2013, accessed November 7, 2017; Author A. “Singapore Legalizes Compensation Payments to Kidney Donors” (2008) *BMJ*. 337: a2456 doi: 10.1136/bmj.a2456

<sup>69</sup> “The Debate: Presumed Content” published on 24th October, 2010 on [www.wiki/organtrade.com](http://www.wiki/organtrade.com) accessed November 7, 2017

<sup>70</sup> “Organ Trafficking Laws in Key Countries” published on 24th October, 2010 on [www.wiki/organtrade.com](http://www.wiki/organtrade.com) accessed November 7, 2017



In Iran's Legal Markets, the price of a kidney ranges from \$2000 to \$4000, while in black market goes as high as \$160,000. Donors are paid between the ranges of \$1000-\$5000. In Pakistan, they use a system where, travel and hospital expenses are deducted from the total agreed price in black market trade.<sup>71</sup>

Nigeria has discussed earlier has little or no law describing or warding off organ trading or transplantation. The closest law is Section 34 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), which provides for the dignity of human persons and protects them as such impliedly from cases such as the phenomenon currently discussed.

Due to the dangerous nature of organ trade and transplantation, a lot of arguments have gone forth as to its legality.

In the '70s, pharmaceuticals that prevent organ rejection were initiated, however within a system that lacked medical regulation which fostered the organ market incredibly<sup>72</sup>. There has since that time being an open debate as to the safety in organ transplantation.

Robert D. Truog of the Centre for Bioethics of Harvard Medical School's Department of Global Health and Social Medicine, in an open letter to Former US President Barack Obama in 2014, raised a support project to sponsor forms of compensating live kidney donors.<sup>73</sup> This open letter had the support of many political leaders, academics, ethicists, lawyers, religious leaders, health and transplant professionals and in a paper written by Truog and published in the New England Journal of Medicine, Truog also reiterates the need for more kidney donors vis a vis the low safety risk of the procedure for kidney transplant, the significant decrease in finances, the morbidity and mortality rate associated with kidney transplants and the implementation of safety laws and ethical safeguards concerning kidney transplants.<sup>74</sup>

Other arguments have been put forward as relating to the safety clause in organ trade.

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<sup>71</sup> Syed Ali Anwar Naqvi, Bux Ali, Farida Mazhar, Mirza Naqı Zafar and Syed Adibul Hasan Rizvi, "A Socioeconomic Survey of Kidney Vendors in Pakistan", (2007) *Transplant International* Vol 20, p934. <http://onlinelibrary.wiley.com/doi/10.1111/j.1432-2277.2007.00529.x/abstract>

<sup>72</sup> [www.wiki/organtrade.com](http://www.wiki/organtrade.com). Accessed on November 7th, 2017

<sup>73</sup> Truog Robert D., "An Open Letter to President Barack Obama, Secretary of Health and Human Services Sylvia Mathews Burwell, Attorney General Eric Holder and Leaders of Congress", accessed on November 7, 2017 on [www.wiki/organtrade.com](http://www.wiki/organtrade.com)

<sup>74</sup> Truog Robert D., "The Ethics of Organ Donation by Living Donors" *New England Journal of Medicine* 353: 444-446. Doi: 10.1056/NEJMp058155

It has been said that the risk in kidney transplant is low, like in liposuction,<sup>75</sup> and screened live kidney donors have the tendency to live longer.<sup>76</sup> Also, that there should be legalized organ markets where both the donor and donee are better protected.<sup>77</sup>

In China, there are no organized systems of organ donations.<sup>78</sup> It has been reported that since the late '80s, prisoners have been the main source of organ and tissue donations in China, which is a legalized process.<sup>79</sup> It is however suspected, that despite the legality of this process, the government is downplaying the scope of organ harvesting through confidentiality agreements<sup>80</sup> and uses the guise of laws, such as Temporary Rules concerning the Utilization of Corpses or Organs from the Corpses of Executed Prisoners to cover this loophole.<sup>81</sup> Nonetheless, China has been reported in the Kilgour-Matas Report that "there has been and continues to be large scale organ seizures from unwilling Gong Practitioners and china suffers a shortage of organs for transplant".<sup>82</sup>

When the above suspicions got to the ears of the Chinese government, in a ripple effect, new legislations were put in place to ban the use of organs without consent,<sup>83</sup> this however has reportedly not been seen to be implemented. The Chinese government however put a ban on the legal sale of organs. The only clause left is that, currently, there is no law prohibiting the collection of organs from deceased prisoners who sign agreements before being executed.<sup>84</sup>

In addition, China initiated a new legislation that standardizes organ collection process- includes regulations on the hospitals accredited to carry out organ procedures, the legal definitions of brain death and also a total ban on foreign transplant patients.<sup>85</sup> In 2009,

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<sup>75</sup> "Psst, wanna buy a kidney?" *Organ Transplants*. The Economist Newspaper Limited (2011), November 16, 2006.

<sup>76</sup> Ibid note 75

<sup>77</sup> Ibid note 75

<sup>78</sup> David Matas, Esq.; Hon. David Kilgour, Esq "Bloody Harvest: Revised Report into allegations of Organ Harvesting of Falun Gong Practitioners in Chins" accessed at [www.organharvestinvestigation.net](http://www.organharvestinvestigation.net) p.237 on November 7, 2017

<sup>79</sup> Hemphill, Joan E. "China Practice of Procuring Organs from Executed Prisoners: Human Rights Groups must narrowly Tailor their Criticism and Endorse the Chinese Constitution to End Abuses" *Pacific Rim Law & Policy Journal Association* 16 (2): 431-457

<sup>80</sup> Ibid note 79

<sup>81</sup> Glaser, Sheri R. "Formula to stop the Illegal Organ Trade Presumed Consent Laws and Mandatory Reporting Requirements for Doctors (PDF) (2007) *Human Rights Brief* Issue 20

<sup>82</sup> "New Witness Confirms Existence of Chines Concentration Camp, says Organs Removed from Live Victims" *Epoch Times*, 17 March 2006

<sup>83</sup> "Organ Harvesting" Accessed at [www.Minghui.org](http://www.Minghui.org) on November 7, 2017

<sup>84</sup> Ibid note 83

<sup>85</sup> Watts, Jonathan "China Introduces New Rules to Deter Human Organ Trade" *The Lancet* 369 (9577): 1917-1918. PMID 17566160 doi: 10.1016/S0140-6736(07)60897-6



Manfred Nowak, the United Nations Special Rapporteur on Torture said “The Chinese Government has yet to come clean and be transparent...it remains to be seen how it could be possible that organ transplant surgeries in Chinese hospitals have risen massively since 1999, while there are never that many donors available.”<sup>86</sup>

India, a country known for the prevalence of organ crime successfully passed the Transplantation of Human Organs Act (THOA) in 1994.<sup>87</sup> Before this however, India was a destination center across the globe that thrived on the legal sale and transplantation of organs. The problems started when this bred a lot of illegality, unsuspecting victims<sup>88</sup>, human trafficking, non-compensation complications,<sup>89</sup> and a host of other ethical issues. This prompted the government to put a ban on the sale and transplantation of organs in the country.<sup>90</sup> However, the current legislation on it has some loops; the THOA allows donations for reasons of feelings and this is to be done by family and friends of the recipient-this has been reported baseless and unfounded.<sup>91</sup> The donor need not be Indian or even speak same language as the recipient.<sup>92</sup> Albeit, the law is a good progression to curb the illegal nature of organ trade.

In the Philippines, legal sale of organs thrived to the extent that the country was one of the transplantation tourist centers globally.<sup>93</sup> The Philippine Information Agency, a branch of the government even promoted “all-inclusive” kidney transplant packages with costs an average of \$25,000.<sup>94</sup>

However, in March 2008, a ban was placed on all legal organ trade and since then transplants have reduced from 1,046 in 2007 to 511 in 2010. This is a plus to the Filipino government. Professor Roger Lee Mendoza has a defiant view to this; he suggested that the declining numbers may actually be pointing to more black market operations going on and this should

<sup>86</sup> “Organ Harvesting” accessed at [Chinaview.wordpress.com](http://Chinaview.wordpress.com) on November 7, 2017

<sup>87</sup> “Organ Shortage Fuels Illicit Trade in Human Parts” accessed at [www.wiki.organdtrade.com](http://www.wiki.organdtrade.com) on November 7, 2017

<sup>88</sup> “Indian Kidney Trade”, “Hub for Global Organ Trade”; “Asia’s Organ Farms” accessed on [IndianJournalofMedicalEthics/onlineibrary.com](http://IndianJournalofMedicalEthics/onlineibrary.com) on November 7, 2017

<sup>89</sup> Ibid note 88

<sup>90</sup> Ibid note 88

<sup>91</sup> Glaser, Sheri R. “Formula to stop the Illegal Organ Trade Presumed Consent Laws and Mandatory Reporting Requirements for Doctors (PDF) (2007) *Human Rights Brief* Issue 20

<sup>92</sup> Ibid note 91

<sup>93</sup> Turner, Leigh “Commercial Organ Transplantation in the Philippines” (2009) *Cambridge Quarterly of Healthcare Ethics* 18 (2): 192-196 doi: 10.1017/S0963180109090318

<sup>94</sup> Ibid note 93

be warned against.<sup>95</sup> According to him, “banning organ sales fosters compensation based contractual systems in the between underground donors, brokers and buyers.”<sup>96</sup> This in actual fact may be true, and the Filipino government is advised to be watchful of the ripple effect this might be having. In turn a better review of their law, accurately capturing all sides of organ trade should be made and implemented.

Legal reactions have been taken globally to quell organ trade. There is the World Medical Authority’s 1985 denouncement of organs for commercial use, the Council of Europe’s Convention on Human Rights and Biomedicine of 1997, the 2002 Protocol concerning Transplantation of Organs and Tissues of Human Origin, the Declaration of Istanbul on organ trafficking and transplant tourism to mention a few.<sup>97</sup> The Declaration of Istanbul on organ trafficking and transplant tourism goes ahead to define transplant commercialism, organ trafficking and transplant tourism-it denounces these practices based on violations to equity, justice and human dignity.<sup>98</sup> The Declaration aims to foster ethical practices in organ transplantation and donation on an international level-asking for the support of over 100 transplant organizations and countries like China, Israel, Pakistan, the Philippines etc.<sup>99</sup>

Likewise, the WHO first declared organ trade illegal in 1987 as it was said to negate the provisions of the Universal Declarations of Human Rights.<sup>100</sup> Thus, in 1991, at it 44th World Health Assembly, the WHO approved nine guiding principles for human organ transplant-which inter alia stated that organs cannot be subjects of financial considerations.<sup>101</sup> On May 22, 2004, these guidelines were amended at the 57th World Health Assembly and intended for the use of all governments worldwide.<sup>102</sup>

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<sup>95</sup> Lee Mendoza Roger “Kidney Black Markets and Legal Transplants: Are they opposite sides of the same coin?” (2010) *Health Policy* 94 (3): 255-265 doi: 10.1016/j.healthpol.2009.10.005

<sup>96</sup> Ibid note 95

<sup>97</sup> Ibid note 91

<sup>98</sup> Ambagtsheer, F; Weimar, W. “A Criminological Perspective: Why Prohibition of Organ Trade is not Effective and How the Declaration of Istanbul can Move Forward” *American Journal of Transplantation* 12 (3) 571-575 doi: 10.1111/j.1600-6143.2011.03864.x

<sup>99</sup> Ibid note 98

<sup>100</sup> Ibid note 98

<sup>101</sup> Ibid

<sup>102</sup> Ibid note 13



All these global legislations and initiatives have been resourceful in establishing medical professional codes and proper legal frameworks to guide organ transplantation, however, sanctions required to be attached to its enforcement have not been provided for.<sup>103</sup>

### **Access to Justice: The Human Rights to Protect Body Organs**

Illegal Human Organ trade and trafficking is a fast spreading plague that must keep all societies and jurisdictions of the world at alert. The importance of being aware of individual human rights as regards protection of the body and body organs cannot be over emphasized or under estimated. The society is as strong as its weakest link, thus if the least lay man knows the basics of his rights as pertaining to protecting his body, and more so the long term consequences of body organ trafficking; not only to himself but his family and the society at large, the world would have cured the disease of ignorance, gullibility and poverty of the mind, which are the three major fulcrums used to manipulate the weak into getting involved in organ trade or trafficking. The layman here need not be the poor man in the remotest village, it also includes the rich man unaware of his human rights and basic body organ protection laws against the shady medical personnel who may tend to sway and scare him with medical jargons.

Universally, quite a number of legal activities are ongoing as measures have been recommended and laws provided to protect individual from being maimed or duped of their body organs. This discuss takes into note the choice of persons to voluntarily donate their organs within the permissible ambit of backing of the law. Albeit, different jurisdictions of the world and some organizations have gone the extra mile in ensuring access to justice, creation and awareness of laws protecting individuals against body organ crimes.

The Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin is one of such measures. In its preamble, it provides that transplantation can take place

“Considering that organ and tissue should take place under conditions protecting the rights and freedoms of donors, potential donors and recipients of organs and tissues...”

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<sup>103</sup> Budiani-Saber, D.A.; Delmonico F.L., “Organ Trafficking and Transplant: A Commentary on the Global Realities”. *American Journal of Transplantation* 8 (5): 925-929. PMID 18416734 doi: 10.1111/j1600-6143.2008.02200.x

It goes further in its Article 1, to categorically protect all members adopting the treaty to human rights of dignity and other fundamental freedoms as relating to body organs and transplantation. This is a very good example of protectionist laws that can help protect individuals from being maimed or illegally robbed of their body organs.

Other world organizations have taken up protectionist legal measures in combating body organ crimes. These laws are meant to sensitize societies on the risks involved in organ trafficking and transplantations, and also provide for ways individuals can protect themselves from being victims of such crimes, one of such being reporting any suspicion to the appropriate authorities. These international laws and treaties include, the Istanbul Declaration on Organ Trafficking and Transplant Tourism, likewise, the International Transplantation Society in collaboration with the World Health Organization have set up Victim assistance schemes to help protect and give legal and psychological assistance to victims of body organ crimes. Likewise, the United Nations has created the UN Principles and Guidelines on Human Trafficking as an international law aimed at protecting legal rights and obligations relating to body organs. Also, in 2008, the United Nations Office on Drugs and Crime developed a "Toolkit" to combat human trafficking for the purpose of organ removal. Several other protectionist laws have been provided by the Joint Council of Europe/United Nations Study "Trafficking in Organs, Tissues and Cells and Trafficking in Human Beings for the Purpose of Removal of Organs; these laws provide for strengthened resolutions available to protect individuals from body organ crimes.

Coming down to Nigeria, it has been established that there is little or no law specifically created against body organ crimes. However, protection of individuals' body organs is implied from some provisions of the 1999 Constitution of the Federal Republic of Nigeria (as amended) (CFRN) and the available law on human trafficking.

Taking a critical look of the CFRN, some provisions under Chapter four of same were designed to protect individuals from non-dignifying situations of which body organ theft or illicit removal is construed to be implied therein. Section 33 provides the Right to life of every citizen. In many cases of human trafficking for the purpose of organ removal, the victims after being used are either left for dead or killed-it is for this purpose that section 33 (1) can be construed as protectionist in nature as pertaining to illegal organ removal, as it provides the right of every person to life and no one shall be intentionally deprived of this right. This provision is a life saver despite its non-specificity to organ removal; however its



ambits are wide enough to accommodate it. One may however say that it is only relations of the deceased that can fight for a deceased victim, so to what extent is this law protectionist in nature? This leads to another laudable provision of the CFRN. Section 34 provides for the Right to Dignity of the Human Person. Subsection 1 says

“Every individual is entitled to respect for the dignity of his person and accordingly-

- (a) No person shall be subjected to torture or to inhuman or degrading treatment;
- (b) No person shall be held in slavery or servitude; and
- (c) No person shall be required to perform forced or compulsory labour”

This provision though still non-specific is yet profound and is a protective measure individuals can rely on to secure themselves against illegal organ removal or trafficking. It inter alia provides impliedly for the right of individuals against degrading or inhuman treatment; two elements the act of illicit organ removal/trafficking violates expressly.

Other legal frameworks available in Nigeria to combat human trafficking for the purpose of organ removal albeit impliedly include the Childs Rights Act, United Nations Convention protecting the rights of children in matters of health, education, religion and general welfare of children, *Trafficking in Human Person (Prohibition) Law Enforcement and Administrative Act, 2003* as amended-sections 36 to 38 provide for the humane treatment, protection and non-discriminatory practices towards victims of trafficking, Ratified United Nations Conventions and other International treaties.

In addition to the above, protectionist agencies such as National Agency for Prohibition of Trafficking in persons (NAPTIP) and United Nations Children’s Funds Nigeria (UNICEF Nigeria) have been set up as centers to investigate and protect individuals on the one hand and then victims on the other against human body organ removal/trafficking.

All these goes to show that there is access to justice against illegal body organ removal/trafficking both locally and internationally, however more work needs to be done to ensure true safety of citizens, especially in Nigeria.

## **Recommendations**

A lot of recommendations have been made globally as regards organ trade. A couple of them are discussed below.

### **Presumed Consent Policies on Organ Trade**

Countries across the globe like Brazil, the United States and several European Nations have successfully implemented policies of presumed consent. These policies are thus recommended; they could be opt-in or opt-out. An opt-out organ donation policy system suggests that organ donation is done after death. However individuals can choose not to donate through the submission of appropriate documentation.<sup>104</sup> In a research done, there is about 25-30% increase in available organs for countries using the opt-out policy system of organ donation.<sup>105</sup> The opt-in policy system of organ donation is where an individual may decide to donate his/her organ while still living.<sup>106</sup> Presumed consent policies have in a lot of ways curbed organ trafficking, and at the same time increased the numbers of legal organ donations globally, lessening the need for organ tourism. It is therefore suggested that this policy system be made aware to countries globally and implemented. This will foster a general appreciation of volunteer organ donation and reduce the illegality involved in organ transplantation.

### **Enactment of Medical Ethical Regulations**

This involves the enactment of laws regulating medical personnel associated with organ transplantations. Likewise, laws against use of organs or harvesting of organs of unsuspecting patients by doctors. Scheper-Hughes in this regard has written novel articles on the dangers and doctors illegally performing operations with illicit organs and this has served as a good move against the unscrupulous activities some doctors subject themselves to.<sup>107</sup> She opines that, the doctors on the one hand would be violating their doctor-patient privilege and on the other hand. Their legal obligation to the patients will be infringed upon; as such they should put an end to all acts leading to allegations of medical violations. Accountability measures with sanctions attached should be made which will make doctors liable if found associated in illegal organ transplantation.

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<sup>104</sup> Ibid note 13

<sup>105</sup> Ibid note 11

<sup>106</sup> Ibid note 91

<sup>107</sup> Ibid note 17



## Appropriate Regulatory Systems for Organ Trade and Transplantation

It is advised, especially for countries like Nigeria, with little or no regulations at all concerning organ trade, that regulations, legislations and agencies should be set up and put in place, adequately equipped with appropriate measures and sanctions to quell this disturbance of organ trade fast rising globally. Countries can adopt systems that will foster accountability, safety in surgical practices, employ vendor registries, provide donors with lifetime care and also include benefits or compensations, especially for volunteer donors as a means of appreciating and encouraging legal organ donation, whilst also reducing black market operations. Laws can also be made to make inviolable long-term care available in donation agreements.<sup>108</sup>

## **Conclusion**

This paper has given a succinct exposition on the workings and prevalence of Human Organ Trade. The Legal dynamics across several world jurisdictions has also been discussed, along with the effects the black market organ trade has on world systems. The paper ends with recommendations from the writer as to how the world can join hands and put an end to illegal organ trading.

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<sup>108</sup>Hippen, Benjamin E. "Organ Sales and Moral Travails: Lessons from the Living Kidney Vendor Program in Iran" Cato Institute: Policy Analysis accessed November 7, 2017