



Organ Trafficking as a Criminological Problem

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Abstract

The author draws attention to the illegal trade in human organs, which has been increasing in recent times due to increasing demand. Means and methods of searching for organ donors, recruitment, transplantation technologies are improving. The volume of trafficking in human organs, the damage to specific individuals and the profits made illegally are difficult to quantify. Under these circumstances, the value of human life is leveled. Different approaches and methods are applied to the materialized determination of human life and the value of its organs, thus the volume of organs removed, and their prices are evaluated differently. The trafficking of human organs as a criminological problem is becoming more and more important in recognizing human beings as a fundamental value in today's society.

Keywords: Human Being; Human Organs; Organ Trade, Price of Organs; Transplantation; Values

Introduction

The cost of human life and its organs has never been properly valued and the value of the human being has not been sufficiently understood and protected. It is often acknowledged that it is immoral to determine the material value of a person and their organs because they can have the highest and even undetectable value. Different forms of human illnesses are growing in the world, new diseases are emerging. As new therapies develop, pharmacology is evolving as well. However, one of the cardinal treatments remains the replacement of worn-out human organs with new ones that have been acquired legitimately or illegally from donors, or the artificial creation of appropriate components that are becoming more widely used. In today's legal and medical practice, the illegal removal of human organs and their subsequent transplantation remain. This problem has a legal, including criminal, as well as a criminological aspect. The latter relates to the identification of human organ trafficking as a socially legal problem.

Aim

The aim of the study is to explore the criminological aspects of human organ trafficking as a socially legal as well as a medical issue in today's social reality, revealing a diverse approach to investigating the problem.

Material and Methods

The article uses existing legislation, the results of past research, and case studies. The paper is based on an empirical approach using analysis and synthesis methods.

Results

The problem of trafficking in human beings and their organs in the context of today's post-modern society, due to the increasing prevalence of this phenomenon, is becoming more pressing and important. The Council of Europe in 2015, in adopting the Convention on the fight against trafficking in human organs, notes that trafficking in human beings for the purpose of organ removal has become a global problem [1]. The convention is the first international treaty aimed at preventing and combating trafficking in human organs. Research notes that there is a growing tendency for patients in need of organ transplants from Western countries to travel to the Eastern Hemisphere countries for medical tourism [2,3] Demand for human organ donors, particularly the kidneys, is increasing as the number of people who need an organ transplant is increasing, as well as the quality of hospitals in the Eastern Hemisphere countries [4]. The Report of the European Parliament Foreign Affairs Committee on Trafficking in Human Beings in EU External Relations [5] recognizes that groups organized

internationally are secretly or with the consent of their victims falsely transporting victims to richer regions of European countries with wealthier customers [6]. Organ trafficking and forced sexual exploitation affect 80% of all victims of trafficking. The Global Financial Integrity Report mentions human organ trafficking as one of the ten most important illegal money-making activities in the world, generating profits of approximately US \$840 million to US \$1.7 billion annually [7], covering many countries.

The author addressed the problem of trafficking in human organs and tissues as early as 2002, while also exploring the diverse aspects of human trafficking [8]. More than fifteen years ago, people mentioned the value of their internal organs at between EUR 70 and EUR 70 000. At present, the price range is much larger. At present, prices of human organs on the illegal market vary. The price range is very wide. Thus, based on information available from the Global Financial Integrity, it can be concluded that the price of a kidney is between \$50,000 and \$120,000 7,995. On average, 7,995 kidneys are removed annually. The liver costs are between \$99,000 and \$145,000. On average, 2,615 livers are removed per year. Heart price is \$130,000 to \$290,000. Approximately 654 illegal lenses are transplanted per year. The lungs are transplanted illegally in 469 cases per year and their cost is between \$150,000 and \$290,000. The average price of a pancreas transplant is between \$110,000 and \$140,000. A total of 11,966 organs are being illegally removed and their cost in total is of \$840 million to \$1.7 billion [7]. Besides the above mentioned, the cost of the human eye cornea is \$5000 to \$100,000, the spinal cord is valued at \$150,000 to \$300,000, the ova range from \$650 to \$1,000, and organ prices depend on the donor's age, physical condition and health.

In general, it can be acknowledged, that in many cases the organs of illegal organ transplantation and those involved in these crimes do not have adequate quality medical equipment and technology for the removal and storage of donor material, and the normal conditions of transportation are limited. Last but not least, illegal activities are hidden and disguised, which undermines the safety of the transplant process. Transplantation of a criminal nature takes place under illegal conditions, which increases the risk of medical manipulation. Consequently, these criminal activities result in increased costs for patients. Illegal organ transplantation and the high cost of services contribute to the development of selfish motives among appropriate health care providers, which are not always balanced by appropriate quality of manipulation. In the case of criminal transplants, less concern is given to the donor's health and overall physical condition. There are no reliable studies on the further functionality and life of donors. There are criminal cases where human organs are removed without the consent of the donors and without even their being aware of the actions involved.

Discussion

Discussion of the topic points to the fact that new techniques and methods for finding, recruiting and donating human organs are emerging. Sufficiently new and widespread trafficking in

human organs can be found on websites [9], where control is limited [10]. It is noted that on the internet, trade in wine is often stricter controlled than trade in human organs. New information technologies and investigative authorities need to be proactive in responding to organ supply and demand on social sites, including DarkNet. A well-known Russian criminologist, Professor Vladimir Ovchinsky, admits that a killing line is currently being formed to obtain the organs needed from their bodies. A new segment of human organ regeneration and transplantation is currently emerging - pseudocloning of human organs and tissues. Cloned organisms or their elements could replace human injured organs by replacing the procurement of criminal organs or tissues [11]. It should be noted that on 8 March 2005, the UN adopted Declaration No. 59/280 "On Human Cloning" [12] (United Nations Declaration on Human Cloning, 2005) calling on UN member states to ban all forms of human cloning that are incompatible with human dignity and the protection of human life. The UN declaration was not explicitly accepted. However, research ethics regarding reproductive and therapeutic cloning are perceived and evaluated differently.

The advancement of modern technology is leading to the increasing use of 3 D printers for 3-dimensional printing of various organs. To print the necessary organs, you need: cells; biomaterial matrix and special medium. Cells are placed on biometric and then stored in a special medium [13]. Currently, a 3-D printer successfully builds an animal bone element, muscles, and more. US Medical Center Wake Forest has developed a methodology for using a 3-D printer. As a result, the number of people killed to obtain their organs or tissues for further transplantation could decrease [14]. There is also a slightly different approach to estimating the price of human organs based on the chemical elements that make up the human body. French chemists identified the chemicals present in the human body. The human body is estimated to contain 860 grams of phosphorus, 300 grams of sulfur, 210 grams of potassium, 100 grams of sodium, 70 grams of chlorine, and one gram of magnesium, iron, fluorine, zinc, copper and several milligrams of iodine, cobalt, manganese, molybdenum, chromium, selenium. A person only has 5-7 kilograms of solids and 90% water.

Thus, based on current prices of chemical products, it is estimated that the substances that make up the human body do not exceed \$145. The medical approach shows that the human body as a whole, consisting of organs that are functionally very important, is undoubtedly much more valuable than just the value of the chemical components. It is recognized that selling each human body organ and tissue separately can cost up to \$45,000,000 in total [15]. The price of man and his organs can be calculated in different ways. It must be assessed from a medical, social and legal point of view. Human life has moral and ethical value as well as material value.

Conclusion

Human life as a whole and human organs, have the highest value. However, its value in the historical development of civilization, as

well as in its diverse national frameworks, has been perceived and valued differently. Various techniques and methods are used to calculate the cost of human life and its organs, and their application also determines different values of human organs. Certain human organs and tissues are in high demand in transplant operations. However, obtaining them in an unconventional way is facilitated by the development of modern technologies. Based on the growing demand for human organs, not only legal but also organ transplants are increasing. Human organ transplantation acquires a global socio-medical and legal, including criminological, context.

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