

*Presidenza del Consiglio dei Ministri*



**Abstract**

**ILLEGAL TRAFFICKING OF HUMAN ORGANS FROM  
LIVING DONORS**

Published on the 14<sup>th</sup> of June 2013

Approved on the 23<sup>rd</sup> of May 2013

The existence in the world of illicit trafficking in human organs for transplantation is a dramatic event that represents a real danger to public and individual health and violates fundamental rights and human dignity.

The Committee does not intend in this document to specifically analyse the problem of illicit trafficking in organs with exclusive reference to the Italian situation, but rather it wants to address the problem on a general level, prompted by the current reflection and exploration of the Council of Europe.

The conclusion reached by the NBC is that although the idea of regulation is difficult to achieve in the social and medical reality of many parts of the world, especially in poor Countries, Europe at least should provide for legal regulation that is international and national with the introduction of types of criminal offense, aimed at defining the trafficking in organs, to prevent it, to enforce the principle that the human body or its parts are not for commercial trade.

It is desirable for States to work together on an international level to improve the practice of transplantation and organ donation and cooperate, in accordance with the relevant international instruments and their national laws, as far as possible, in order to carry out investigations regarding possible infringements committed on its territory and outside of it.

There should also be established, by agreement, with multilateral treaties based on the principle of double incrimination, the mutual recognition of the types of criminal offences, in order to ensure adequate collaboration between requesting countries and the countries in which the act was intentionally committed.

Appended to the Opinion is a personal remark which draws attention to the position of the doctor or the medical facility in the Country of origin, assigned with the duty to provide therapy and assistance, when requested by the patient-buyer who has acted clandestinely.