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Global Rights Compliance (“GRC”) Legal Advisory Report and Policy Guidance on Global Organ Trafficking and Forced Organ Harvesting

This open letter published by the Bar Human Rights Committee of England and Wales (“BHRC”) responds to a [Legal Advisory Report](#) and [Policy Guidance](#) published by GRC concerning organ trafficking and forced organ harvesting around the world.

The GRC Legal Advisory Report and Policy Guidance

Organ trafficking and forced organ harvesting are pressing international issues. The World Health Organization estimates that between 5 and 10 per cent of organ transplants worldwide involve individuals who have been trafficked, coerced or deceived into relinquishing an organ.¹ Victims suffer not only devastating lifelong physical health consequences, but also often acute mental health repercussions and stigmatisation. This increases their vulnerability to poverty and further exploitation. The abuse of prisoners for organ harvesting is state-sponsored human rights abuse, torture and may constitute crimes against humanity; killing prisoners and others for their organs is murder.

The BHRC notes that these are urgent international issues that have serious ramifications at home and abroad. In May 2023, a senior Nigerian senator, his wife and a doctor were sentenced after being found guilty at a trial at the Old Bailey (the Central Criminal Court, London) of trafficking the victim from Nigeria to London to procure a kidney transplant for the senator’s daughter, exploiting a vulnerable victim for illegal organ harvesting.² In July 2015, the European Parliament produced a report on ‘Trafficking in human organs’ to develop binding legal instruments and formulate policy actions to step up law enforcement and legal cooperation in the combat against trafficking in organs.³ On 14 April 2021, the European Commission adopted a new EU Strategy on Combatting Trafficking in Human Beings (2021-2025), which acknowledges that ‘technology has broadened criminals’ ability to traffic human beings for different types of exploitation, particularly for sexual, but also for labour exploitation, the removal of organs, illegal

¹ UN Office on Drugs and Crime, Explainer: Understanding Human Trafficking for Organ Removal, https://www.unodc.org/unodc/frontpage/2024/June/explainer_-_understanding-human-trafficking-for-organ-removal.html

² See CPS press release, 5 May 2023: <https://www.cps.gov.uk/cps/news/updated-sentence-senior-nigerian-politician-jailed-over-illegal-uk-organ-harvesting-plot>.

³ European Parliament, Trafficking in human organs, [https://www.europarl.europa.eu/RegData/etudes/STUD/2015/549055/EXPO_STU\(2015\)549055_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2015/549055/EXPO_STU(2015)549055_EN.pdf)

adoption of children and forced marriages'.⁴ And in June 2021, 9 UN Special Rapporteurs sent a joint communication to the Chinese government expressing serious concern at reports of alleged 'organ harvesting' targeting minorities, including Falun Gong practitioners, Uyghurs, Tibetans, Muslims and Christians, in detention in China.⁵

These concerns are at the heart of BHRC's advocacy on the severe mistreatment of Uyghurs and other Turkic Muslims by the Chinese State that includes their internment in so-called 'voluntary vocational skills training centres' amidst allegations of organ trafficking and forced organ harvesting, as have been widely reported. In July 2020, BHRC published a high-level Briefing Paper on 'Responsibility of States under International Law to Uyghurs and other Turkic Muslims in Xinjiang, China' in which we focused on specific aspects of international law and legislative and policy changes that can be made domestically to support enhanced protection against the credible and widespread allegations of human rights abuses in Xinjiang. These allegations have emanated from a number of diverse and credible sources and, if proven, constitute very serious violations of international human rights, international criminal law, and peremptory norms of international law, that include the prohibitions of genocide, torture, and racial discrimination.

Alleged violations include the mass surveillance and arbitrary detention of over 1 million Uyghurs and other Turkic Muslims, torture and inhuman treatment of detainees, the forced separation of children from their parents, the denial of the right to practice their religion or speak their language, forced sterilisation, forced labour, and forced organ harvesting. BHRC has outlined the bases for these concerns, the availability of legal remedies, and the responsibility of all States under international law to ensure China respects and ensures respect for the rights of Uyghurs and other Turkic Muslims in its July 2020 Briefing Paper, available [here](#). In December 2020, BHRC provided written submissions to the UK Parliament Foreign Affairs Committee (FAC) on the use of detention camps in Xinjiang, available [here](#) and referring in its submission to the issues of forced labour, organ trafficking and forced organ harvesting. These violations are alleged to be continuing and must be taken seriously by the international community, and pursued using all appropriate means available, including by reference to international law and the international legal framework.

Globally, the BHRC also acknowledges the desperation that both fuels transplant demand and drives so-called "voluntary consent" of victims living in poverty and subject to economic coercion, and the desperate plight of prisoners subjected to forced organ harvesting and their families. Addressing the accountability gaps for illegal conduct and promoting human rights due diligence is a vital part of a solution that must include measures to improve global public health, address worldwide poverty and exploitation, and support ethical medical innovation to reduce organ demand.

The GRC Legal Advisory Report shines a critical spotlight on these ongoing human rights concerns from isolated violations of the principle of consent after death; to the widespread "voluntary" sale of organs coerced under economic duress and systematic criminal activity of organ trafficking and/or trafficking in persons for the purpose of organ removal as reported to be the case in India, Pakistan, Sri Lanka, Lebanon, Egypt and other countries; to the state-

⁴ European Commission, Communication from the Commission on the EU Strategy on Combatting Trafficking in Human Beings 2021- 2025, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021DC0171>

⁵ UN OHCHR, China: UN human rights experts alarmed by 'organ harvesting' allegations, 14 June 2021, <https://www.ohchr.org/en/press-releases/2021/06/china-un-human-rights-experts-alarmed-organ-harvesting-allegations>; please also see <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26382>

sanctioned regime in the People's Republic of China (PRC) of organs forcibly removed from prisoners and ethnic minorities. All these have very real and devastating impacts on victims as well as serious implications for human rights and human dignity.

The GRC Report and the accompanying Policy Guidance make a positive, timely and practical contribution to efforts to reduce organ trafficking and forced organ harvesting wherever they occur. They describe the legal framework which applies in various national and supranational jurisdictions, as well as identifying relevant principles arising from international human rights law and international criminal law, which are relevant to these practices. They conclude that “whilst entering and/or maintaining relationships with Chinese medical institutions and transplant-associated entities entails the highest risk of complicity in international crimes or gross human rights abuses, medical institutions and transplant-associated entities need also consider and guard against complicity in transnational crimes of organ trafficking where relationships are maintained with other high-risk countries.” To that end, they provide practical guidance for the many different actors involved in organ transplant medicine and research, highlighting the accountability gaps and providing practical tools to promote human rights due diligence.

The BHRC commends these publications and the organisations that have worked diligently to produce them. They are required reading for anyone working in or interested in organ transplant medicine and research.

Download the [Legal Advisory Report](#) and [Policy Guidance](#) published by GRC concerning organ trafficking and forced organ harvesting around the world.

About BHRC

The Bar Human Rights Committee of England and Wales (“BHRC”) is the independent, international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges, and human rights defenders around the world. BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.

Our vision is for a world in which human rights are universally protected, through government and state actors’ adherence to international law obligations and internationally agreed norms.

Our mission is to protect and promote international human rights through the rule of law, by using the international human rights law expertise of some of the UK’s most experienced human rights barristers, legal practitioners and academics.

BHRC members are primarily barristers called to the Bar of England and Wales, as well as pupil barristers, legal academics, and law students. Our Executive Committee and members offer their services pro bono.

For more information on our work, advocacy and strategic priorities, please visit barhumanrights.org.uk.