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Convention against trafficking in human organs set to enter into force with Malta's ratification

The Council of Europe Convention against Trafficking in Human Organs will come into force after ratification by Malta on 07 November 2017. This is the fifth ratification, following those of Albania, Norway, the Republic of Moldova and the Czech Republic, and it triggers the Convention's entry into force. These five ratifying member states will be bound by the Convention as of 01 March 2018.

The Convention, which was prepared by the Committee of Experts on Trafficking in Human Organs, Tissues and Cells (PC-TO) under the authority of the Council of Europe's European Committee on Crime Problems (CDPC), with the contribution of the European Committee on Organ Transplantation (CD-P-TO) and of the Committee on Bioethics (DH-BIO), identifies various activities constituting human organ trafficking; ratifying member states must consider these as criminal offences. The central principle of the Convention is "the illicit removal of human organs". This is defined as organ removal without free, informed consent from living donors, or from the family of deceased donors, or the receipt of financial gain or comparable advantage by the donor, or a third party, in exchange for the removal of organs. Any subsequent action involving illicitly removed organs will also be considered as trafficking: including the use of the organs for implantation or other purposes, the illicit solicitation, recruitment or offering and requesting of undue advantages, as well as the preparation, preservation, storage, transportation, transfer, receipt, import and export of organs. Attempts to commit, aid or abet any of the above activities will also be considered criminal.

Susanne Keitel, Director of the EDQM, greeted the signature by Malta: "The worldwide problem of organ trafficking can only be addressed through concerted action at global level and this Convention is a key international legal instrument that for the first time reaches illicit transplant practices that currently escape prosecution. With its entry into force, the Council of Europe Convention brings the eradication of trafficking in human organs one step closer."

The Convention includes measures to protect witnesses and victims and calls signatory parties to cooperate in international investigations and prosecutions. Preventative measures are also foreseen, at both national and international levels, which will aim to ensure transparency, promote equal access to transplants and designate national contact points for the exchange of information pertaining to trafficking in human organs.

The World Health Organization (WHO) estimates that 5-10% of all kidney transplants performed annually worldwide involve illicitly acquired organs. Organ trafficking not only represents a risk to individual and public health, but is also an affront to human rights and dignity.

- [More information on the Council of Europe Convention against Trafficking in Human Organs \(Treaty No.216\)](#)
- [More information on the work of the Council of Europe's EDQM \(European Directorate for the Quality of Medicines & HealthCare\) on organ transplantation](#)

Contact: Caroline Larsen Le Tarnec, Public Relations Division, EDQM, Council of Europe
Tel.: +33 (0) 3 88 41 28 15 - E-mail: caroline.letarnec@edqm.eu

Note for the Editor: The Council of Europe's EDQM is a leading organisation that protects public health by enabling development, supporting implementation, and monitoring the application of quality standards for safe medicines and their safe use. Our standards are recognised as a scientific benchmark worldwide. Similarly, the EDQM develops guidance and standards in the areas of blood



transfusion, organ transplantation and consumer health issues. Further information is available on the internet site www.edqm.eu

A political organisation set up in 1949, the Council of Europe works to promote democracy and human rights continent-wide. It also develops common responses to social, cultural and legal challenges in its 47 member states.