

## **TRAFFICKING IN HUMAN ORGANS – FAQ**

Trafficking in human organs is a serious and growing international crime, exploiting vulnerable individuals and undermining medical ethics. Driven by a global shortage of legally donated organs, criminal networks profit by illegally removing and trading organs, often at great risk to donors and recipients alike.

In response to this threat, the Council of Europe developed a specific international treaty: the **Convention against Trafficking in Human Organs**, also known as the “**Santiago de Compostela Convention**”, and other tools to help counter this threat.

### **WHAT IS THE SANTIAGO DE COMPOSTELA CONVENTION?**

The Santiago de Compostela Convention ([CETS No. 216](#)) is a landmark international treaty aimed at preventing and combating the trafficking in human organs by prosecuting offenders, protecting the rights of victims and promoting cooperation both nationally and internationally. It was opened for signature in 2015, entered into force in 2018 and is open to countries worldwide.

### **WHICH COUNTRIES ARE PARTIES TO THE CONVENTION?**

Currently, 15 countries have ratified the Convention: Albania, Belgium, Costa Rica, Croatia, Czechia, France, Latvia, Malta, Montenegro, Norway, Portugal, Republic of Moldova, Slovenia, Spain and Switzerland. 13 other countries have signed the Convention but not yet ratified it.

[Chart of signatures and ratifications](#)

### **HOW DOES THE CONVENTION COMBAT ORGAN TRAFFICKING?**

The Convention establishes a legal framework requiring States to criminalise key offences related to organ trafficking: illegal removal and subsequent acts, use of illicitly removed organs, solicitation, recruitment or undue advantages, aiding/abetting, protects victims’ rights and strengthens national and international cooperation. This approach ensures coordinated global action while respecting national legal systems.

A major achievement of the Convention is the definition of organ trafficking through a list of criminal acts.

### **WHAT ARE THE KEY HUMAN RIGHTS PRINCIPLES ON WHICH THE CONVENTION IS BASED?**

The right to free and informed consent prior to any intervention on a person, namely for the removal of an organ, together with the prohibition of any form of commercialisation of human organs, are key human rights principles on which the Convention is based.

### **HOW IS THE CONVENTION MONITORED?**

A committee of representatives of the States Parties, the Santiago de Compostela [Committee](#), oversees the implementation of the Convention, makes recommendations, and supports effective application through a multidisciplinary approach.

### **IS ORGAN TRAFFICKING INCREASING?**

Yes, the shortage of legally donated organs fuels trafficking. Criminal networks exploit vulnerable donors and desperate patients. The Convention calls for stronger cooperation between health, law enforcement and judicial authorities.

## **WHAT IS THE ESTIMATED VALUE OF ILLICIT ORGAN TRADE?**

The exact figures are unknown. Before the Convention, only human trafficking for organ removal was criminalised. The Convention promotes better data collection to enable reliable estimates.

## **IS IT LEGAL TO PAY FOR AN ORGAN?**

No. Payments for organs are illegal under the Convention. As it is not permitted, Parties shall criminalise the removal of human organs performed outside the framework of its domestic transplantation system, or in breach of essential principles of national transplantation laws or rules. Medical expenses or loss of earnings are costs that can be reimbursed when duly justified.

## **IS THE REMOVAL OF ORGANS A CRIMINAL OFFENCE? WHAT IF IT IS COMMITTED ABROAD?**

Yes, the intentional removal of organs without free, informed and specific consent from the donor constitutes a criminal offence according to Article 4 of the Convention. In addition, receiving financial gain or comparable advantage in exchange for organ removal also constitutes a criminal offence. Intentionally removing an organ abroad is also a criminal offence when committed by nationals or residents of a State Party if the organ removal and the transplantation fall within Articles 4 and 5 of the Convention and the country where the organ removal is performed also criminalises it. Broader ratification of the Convention would strengthen the prosecution of these offences.

## **IS TRANSPLANTATION ABROAD LEGAL?**

Yes, if performed legally under bilateral agreements or national authorisations. Such cooperation often helps address organ shortages and is fully lawful. The Council of Europe facilitates information-sharing between states about transplants performed abroad through its Committee on Organ Transplantation.

## **DOES THE COUNCIL OF EUROPE COLLECT DATA ON ORGAN TRAFFICKING?**

While the Council of Europe doesn't directly collect organ trafficking data, it requires data collection, analysis and exchange of information on offences covered by the Convention under its Article 21.

## **HOW ARE ILLICIT DONORS AND RECIPIENTS TREATED UPON RETURN HOME?**

States may choose to treat returning donors or recipients as victims rather than offenders, depending on national law.

## **WHAT ARE THE MEDICAL RISKS FOR DONORS?**

Living kidney donors face a slightly increased risk of kidney failure and pregnancy complications. However, within regulated systems, these risks are low and monitored through proper long-term care.

## **WHAT'S THE DIFFERENCE BETWEEN TRAFFICKING IN HUMAN ORGANS (THO) AND TRAFFICKING IN HUMAN BEINGS FOR ORGAN REMOVAL (THBOR)?**

THO focuses on organs as the object of crime and it involves the organ removal from living or deceased donors without valid consent or authorisation, or in exchange for financial gain or other advantages for the donor or a third party.

THBOR involves the recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of having their organs removed through illicit means, such as use of force, abduction, fraud, deception, abuse of power or of a position of vulnerability.

### **More resources**

[Countering the trafficking in human organs](#)  
[Human rights and biomedicine \(transplantation\)](#)  
[Resolution CM/Res \(2017\)2](#)  
[Resolution CM/Res \(2013\)55](#)  
[About the Council of Europe](#)

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