T-THO BU (2024) 02

Committee of the Parties to the Council of Europe Convention against Trafficking in Human Organs (CETS No. 216)

(SANTIAGO DE COMPOSTELA COMMITTEE)

Questionnaire for the 1st thematic monitoring round:

Prevention and awareness mechanisms to counter trafficking in human organs (THO)[1]

As adopted by the Santiago de Compostela Committee on the 3rd December 2024

Replies should be addressed to the Santiago de Compostela Committee Secretariat (organtrafficking@coe.int)

by **30 May 2025**

[1] Theme adopted by the Committee at its plenary meeting on 26 October 2023.

NAME OF THE COUNTRY	Latvia

Please specify which state bodies/authorities (and, at the discretion of the country, where relevant, civil society and external contributors) contributed to responding to this questionnaire.

- **Body/authority responsible for collecting the replies**:

Irita Kuzma (Senior Expert, Division of Health Care Organization, Department of Health Care, Ministry of Health of the Republic of Latvia)

- **State bodies/agencies (where relevant, civil society and external contributors) that contributed to responding to this questionnaire:**

Egija Lapina (Head, National transplantation coordination department, Pauls Stradins Clinical University Hospital),

Kristīna Dombrovska (Ministry of Justice of the Republic of Latvia (Criminal Justice Department – Lawyer).

Introduction

1. **The Council of Europe Convention against Trafficking in Human Organs** (the Convention) which entered into force on 1 March 2018, requires the criminalisation of offences set out in the Convention in Articles 4-8. It sets out that states, in Europe and beyond, shall adopt specific legislation to prevent and combat the trafficking in human organs by criminalising certain acts, protecting the rights of victims of the offences established under the Convention, and promoting national and international co-operation.

2. The Committee of the Parties to the Convention (also known as the "Santiago de Compostela Committee"), established to monitor whether Parties effectively implement the Convention (Rule 26 of the Committee's Rules of Procedure), decided that:

> *"3. The monitoring round shall be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme. The Parties shall respond to the questionnaire within the time limit set by the Santiago de Compostela Committee."*

3. As prevention and awareness is key to preventing and combating the trafficking in human organs the Santiago de Compostela Committee decided that the first

monitoring round would focus on the "Prevention and awareness mechanisms to counter trafficking in human organs".[2]

4. On 3rd December 2024, the Santiago de Compostela Committee adopted this thematic questionnaire. Its purpose is to collect specific information on how Parties implement the Santiago de Compostela Convention with respect to the prevention and awareness mechanisms to counter trafficking in human organs. The replies to the questionnaire will be assessed against the related background information provided by the Parties when answering the "General Overview" questionnaire on the implementation of the Santiago de Compostela Convention (hereinafter "Country Profile Questionnaire" or "CPQ"), and any other relevant information from reliable sources.

5. It is recalled that, in accordance with Rule 27 of the Committee's Rules of Procedure:

> *"(…) 2. The secretariat shall address such questionnaires to the Parties through the member in the Santiago de Compostela Committee representing the Party to be monitored and who will act as "contact point".*
> *3. Parties shall coordinate with their respective domestic authorities to collect replies, which shall be submitted to the secretariat in one of the official languages of the Council of Europe within the time limit set by the Santiago de Compostela Committee. The replies to the questionnaires shall be detailed, as comprehensive as possible, answer all questions and contain all relevant reference texts. The replies shall be made public, unless a Party makes a reasoned request to the Santiago de Compostela Committee to keep its reply confidential.*
> *4. The Santiago de Compostela Committee may also receive information on the implementation of the Convention from non-governmental organisations and civil society involved in preventing and combating trafficking in human organs, in one of the official languages of the Council of Europe and within the time limit set by the Santiago de Compostela Committee. The secretariat transmits these comments to the Party or Parties concerned.*
> *5. The secretariat may request additional information if it appears that the replies are not exhaustive or are unclear. Where warranted, with the consent of the Party or Parties concerned and within the limits of budgetary appropriations, the Bureau may decide to mandate an on-site visit to the Party or Parties concerned to clarify the situation. The Bureau shall establish guidance as to the procedure governing the on-site visits pending any official guidelines agreed by the Santiago de Compostela Committee."*

PRELIMINARY REMARKS

6. The questions in this questionnaire are grouped around Article 21, paragraphs1 and 2 of the Santiago de Compostela Convention concerning issues of preventive actions, data collection and exchange of information, training to healthcare professionals and relevant officials, and promotion of awareness-raising campaigns addressed to the general public.

7. This thematic questionnaire does not seek to collect information on the general legislative and institutional framework established by Parties to implement the Convention. Article 21, paragraphs 1, and 2 are aimed at providing for transparency in domestic transplantation systems of human organs, equitable access to transplantation services for patients, and adequate collection, analysis and exchange

[2] Committee of the Parties of the Convention against Trafficking in Human Organs (Santiago de Compostela Committee), *List of decisions*, 4th Plenary Meeting (25-26 October 2023), T-THO (2023) LD2, paragraph 6.2.

of information related to the offences covered by this Convention in cooperation between relevant authorities. This article also aims at strengthening the training of healthcare professionals and relevant officials and at the promotion of awareness-raising campaigns addressed to the public. This questionnaire focuses more narrowly on practical measures taken to prevent and combat against trafficking in human organs and includes highlighting protocols to identify and report trafficking in human organs, training programmes aimed at preventing this activity, and raising awareness for patients and other groups.

8. Responses to this thematic questionnaire will be understood against the background information submitted by Parties in reply to the CPQ. Whenever warranted, Parties are invited to refer to such information. Where questions overlap between the CPQ, and this questionnaire, the replies to the latter will be assessed by the Committee to prepare its implementation reports of the Convention concerning the monitoring theme.

9. If there are differences with the information provided in response to the CPQ and the 1st monitoring round, Parties are kindly requested to specify which State bodies/agencies and, where relevant, NGOs, contributed to responding to this questionnaire.

10. Parties are kindly requested to specify whether the measure in criminal law, administrative law, and/or whichever other measure is involved when responding to each question and each part of the question.

11. Parties are kindly requested to:

    a. answer the questions regarding central, regional and local levels, to the extent possible. Federal states may, with respect to their sovereign entities, answer the questions in a summarised way;
    b. provide the relevant text for the relevant provision (or a summary thereof), in English or French only, whenever questions/answers refer to legislation or other regulations.

Chapter V – Prevention measures

Article 21 – Measures at domestic level

1. Each Party shall take the necessary legislative and other measures to ensure:

    a. the existence of a transparent domestic system for the transplantation of human organs;

    b. equitable access to transplantation services for patients;

    c. adequate collection, analysis and exchange of information related to the offences covered by this Convention in co-operation between all relevant authorities.

2. With the aim of preventing and combatting trafficking in human organs, each Party shall take measures, as appropriate:

a. to provide information or strengthen training for healthcare professionals and relevant officials in the prevention of and combat against trafficking in human organs;

b. to promote awareness-raising campaigns addressed to the general public about the unlawfulness and dangers of trafficking in human organs.

Explanatory Report

Chapter V – Prevention measures

Article 21 – Measures at domestic level

125. The purpose of Article 21 is to prevent trafficking in human organs by obliging Parties to address some of its root causes. Hence Parties shall in accordance with paragraph 1 ensure the existence of a transparent domestic system for the transplantation organs; equitable access to transplantation services for patients, and finally, adequate collection, analysis and exchange of relevant information pertaining to trafficking in human organs between all relevant domestic authorities. Parties may wish to consider the provisions of Articles 3 – 8 of the Additional protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin, when reviewing their current transplantation systems in the light of this Article.

126. The issue of "transparency" is important, because it reduces the risk of illicitly removed organs being introduced into the legitimate domestic transplantation system. "Equitable access to transplantation services" means that Parties should ensure a "level playing field" in terms of the allocation of organs for all patients awaiting implantation. Ensuring a strong cooperation between the many different competent authorities involved in combatting trafficking in human organs is a prerequisite for achieving any measure of success. In this respect, the negotiators decided to put special emphasis on the collection, analysis and exchange of information between these authorities, thus enabling them to take timely action to prevent the crimes set out in the Convention.

127. Paragraph 2, letter a, obliges Parties to take measures, as appropriate, with regard to providing information and strengthening training, e. g. on how to detect indications of trafficking in human organs, for healthcare professionals and relevant officials. According to letter b, Parties are furthermore obliged to promote, as appropriate, awareness-raising campaigns addressed to the general public on the unlawfulness and dangers of trafficking in human organs.

Preventive Measures -
Identifying and reporting of THO

This section aims to collect information on internal protocols to identify trafficking in human organs for purposes of transplantation and other purposes, and other forms of illicit removal and illicit transplantation.

Question 1.

Which legislative, policy, strategic, and other measures have been taken to develop and implement protocols to facilitate the identification of trafficking in human organs and other forms of illicit removal and illicit transplantation[3]:

By those involved in the supply, procurement and transplantation programmes (both public and private agents

- The field of organ transplantation is regulated by: Law On the Protection of the Body of Deceased Human Beings and the Use of Human Tissues and Organs in Medicine (the legal framework included therein has been adjusted in order to ensure the effective application of the Council of Europe Convention of 25 March 2015 on the fight against trafficking in Human organs) and Cabinet of Ministers Regulation No. 70 of 29 January 2013, Regulations regarding the use of Human organs in medicine, as well as the use of Human organs and the body of a deceased person for medical studies. The legal framework outlined in both national law and the regulations set forth by the Cabinet of Ministers is rooted in Directive 2010/53/EU of the European Parliament and of the Council, dated 7 July 2010. This directive pertains to the standards of quality and safety for human organs intended for transplantation. Furthermore, it draws from Commission Implementing Directive 2012/25/EU of 9 October 2012, which establishes procedures for the exchange of information regarding human organ transplantation among Member States.
- National Focal Point (NFP) for transplant related crimes collects medical information about possible suspicious cases in transplantation (since 2019). NFP shall transfer the collected information (a report) to other institutions according to their competence (for example, the State Police) and send it to the network of National Focal Points on travel for transplantation (NETTA).

Question 2.

Specify legislative, policy, strategic, and other measures that have been taken to ensure transparency and fairness in the domestic system for the transplantation of organs:

[3] "other forms of illicit removal and illicit transplantation" has the meaning provided by paragraph 20 of the Explanatory Report and by Article 4, paragraph 4, and Article 6 of the Convention.

a. Please state if there is an audit of the donation and transplants, and the transplantation system.
   - Organ Procurement Organisation's (OPO) and Transplantation Centre (TC) audits (internal by the hospital where OPO and TC are located and external by the State Agency of Medicines)
b. If so, is this an independent audit, whether internal or external to the organisation?
   - Yes. The State Agency of Medicines shall assess the conformity of OPO and TC with the requirements referred to in the legal regulation (including shall carry out further repeated inspections (also extraordinary and previously non-notified)), as well as carry out supervision of OPO and TC.
c. Does the audit have as an aim the identification of weaknesses in systems that hinder or do not facilitate the detection and reporting of suspected offences contained in articles 4 to 8, and 9 in this Convention?
   - An audit is aimed to analyse the compliance with requirements provided by the legal regulation
d. Please state the frequency of such audits
   - Internal audits are organized in an annual manner, external are organized each 2nd year
e. Are the audits mandatory or voluntary?
   - Mandatory

Data Collection, Analysis, and Exchange of Information

This section concerns the effective collection, collation, and analysis of data, and exchange of information related to the offences covered by this Convention between all relevant authorities that support the identification and prevention of trafficking in human organs for purposes of transplantation and other purposes, and other forms of illicit removal and illicit transplantation.

Question 3.

a. Which legislative, policy or other measure mandates and supports the collection, collation, analysis of data and the exchange of information between authorities in order to enable them to take timely actions to prevent the crimes set out in this Convention?
   - The medical information about possible suspicious cases in transplantation (a report) NFP shall transfer to other institutions according to their competence (for example, the State Police) (since 2019)

b. Please indicate if there is a system in place to collect, collate and analyse data relating to offences covered by this Convention. When did this system begin to operate?
   - Yes, such a system exists. Since 2019, the National Focal Point (NFP) for transplantation has been collecting medical information regarding potentially suspicious cases in organ transplantation. Additionally, data exchange takes place between law enforcement authorities in accordance with the Criminal Procedure Law.

c. Which authority has the primary responsibility for the collection, collation and analysis of data specific to offences covered by this Convention?
   - The primary responsible authority is the NFP for transplantation issues, which operates in cooperation with the State Agency of Medicines, Health Inspectorate, as well as the State Police and Prosecutor's Office when there are indications of a possible criminal offence.

d. Which authority is responsible for the preparation and dissemination of such reports?
   - Reports on suspicious cases are prepared by the NFP and, when necessary, forwarded to competent authorities such as the State Police. The State Agency of Medicines and the Health Inspectorate also prepare reports within their competence, for example regarding violations in medical institutions.

e. Are reports shared with all relevant authorities? Please also include the frequency of such reporting.
   - Yes, reports are shared with all relevant authorities according to their competence. The frequency depends on the regularity of identified cases—that is, as needed and based on current cases. Additionally, reporting takes place within the international network (NETTA).

f. Which authorities are involved in the exchange of information and reports?
   - National Focal Point (NFP), State Agency of Medicines, Health Inspectorate, State Police, Prosecutor's Office, Ministry of Foreign Affairs (in cases involving international cooperation), International partners (NETTA and others).

g. Do any relevant authorities not share data? If so, please specify the legal reason for not doing so.
   - Generally, authorities cooperate; however, data sharing may be restricted where it would violate data protection regulations (e.g., the Personal Data Processing Law, which incorporates GDPR standards). Furthermore, the Criminal Procedure Law provides for limited disclosure of information in the interests of ongoing investigations.

h. Do the measures and systems permit the exchange of information with relevant authorities in different countries (at both the national and international levels)? If so, please indicate whether there is a designation of a single contact point for this exchange.
   - Yes, information exchange with authorities in other countries takes place. In Latvia, the National Focal Point for transplantation issues is designated as the single contact point for such information exchange, cooperating with the NETTA network and Council of Europe mechanisms.

Prevention and Training

This section aims to collect information on policies, strategies, plans and activities to prevent the trafficking in human organs for purposes of transplantation and other purposes, and other forms of illicit removal and transplantation. The questions concern all those whose responsibilities it is to procure and supply human organs for human transplantation and those whose responsibilities it is to prevent and combat the aforementioned activities.

Question 4

Which legislative, policy, strategic and other measures have been taken to provide training to prevent the trafficking in human organs for purposes of transplantation and other purposes, and other forms of illicit removal and illicit transplantation to:

a. those involved in all the stages included in the process of the procurement, supply, and transplantation programmes (both public and private agents)?
   - Lectures provided by NFP to professional organizations and associations, patient organizations on regular basis upon request.

b. Specialist doctors who monitor and treat recipients whose transplant has been performed in another country outside their usual place of residence?
   - Lectures provided by NFP to professional organizations and associations, patient organizations on regular basis upon request.

c. Other immunology services that perform donor-recipient histocompatibility studies for human organ transplantation?
   - Lectures provided by NFP to professional organizations and associations, patient organizations (all services in one hospital/national TC)

d. other logistical services, including transportation, for human organs for transplantation?
   - Lectures provided by NFP to professional organizations and associations, patient organizations (all services in one hospital/national TC)

e. allied healthcare professionals and officials, law enforcement, customs/border surveillance services, and the regulatory authorities providing oversight of the human organ transplantation authority?
   - In Latvia, several legislative and strategic measures have been implemented to ensure targeted training and capacity building aimed at preventing trafficking in human organs and other illicit activities related to organ transplantation.
     Allied healthcare professionals involved in transplantation procedures, organ procurement, and patient care receive regular training on recognizing indicators of trafficking and illicit transplantation. This training is conducted by the State Agency of Medicines and the Health Inspectorate, ensuring compliance with legal and ethical standards.
     The National Focal Point for transplantation crimes plays a central role in organizing joint training workshops, sharing best practices, and facilitating information exchange between healthcare providers, law enforcement, customs, and regulatory bodies.

f. Specialised criminal investigation units/bodies in the investigation of offences covered by this Convention?

- In Latvia, specialised criminal investigation units within the State Police and Prosecutor's Office are responsible for investigating offences related to trafficking in human organs and other illicit transplantation activities. To support these units, the following measures have been implemented.
  Specialised investigators receive dedicated training on the legal framework pertaining to organ trafficking, relevant investigative techniques, and international cooperation mechanisms. Training covers identification of trafficking indicators, evidence collection, and victim protection. Regular interdisciplinary workshops involving healthcare experts, legal professionals, and investigators foster knowledge sharing and improve coordinated responses to organ trafficking cases. Training includes guidance on cooperation with international networks such as the Council of Europe's NETTA, enabling effective cross-border investigation and intelligence exchange. Specialised units have access to expert advice from the NFP for transplantation crimes and other regulatory authorities, ensuring informed decision-making.

Question 5

Are there any oversight programmes to assess the frequency and effectiveness of the training provided? If so, are there revision programmes to ensure remedial actions for any deficiencies identified?

- Trainings and information is provided upon request and usually included in transplant professional portfolio.

Awareness Raising

This section concerns awareness-raising programmes aimed at identifying measures for educating the general public, and civil society, on the risks and unlawfulness of trafficking in human organs.

Question 6

Please elaborate on the strategies, policies and other measures that have been planned or implemented:

a. To educate the general public on risks associated with the trafficking in human organs.
   - Latvia has developed and implemented various public education and awareness programs coordinated primarily by the Ministry of Health, in cooperation with the State Agency of Medicines and the Health Inspectorate. These initiatives are grounded in the Public Health Law (Sabiedrības veselības likums, Latvijas Vēstnesis, 2010, No. 80) and align with the obligations under the Council of Europe Convention against Trafficking in Human Organs (CETS No. 216), which Latvia ratified in 2017. Information campaigns focus on the legal prohibitions and health risks of trafficking, disseminated through official websites, public service announcements, printed materials, and community outreach.

b. To encourage civil society, including patients' associations, academia, publishers, media, online platforms, industry, and other relevant organisations, to engage in

   a. raising public awareness campaigns, and, or
   b. the promotion of awareness-raising measures provided by public authorities

   on the unlawfulness and dangers of trafficking in human organs for human transplantation.
   - The Latvian government supports engagement with civil society actors through collaboration platforms established under the National Health Policy Guidelines 2014–2020 and the Action Plan for Combating Human Trafficking, which includes trafficking in human organs. Joint initiatives include seminars, educational projects, and awareness-raising campaigns promoting the illegality and dangers of organ trafficking. These efforts comply with transparency and inclusivity principles established in the Public Administration Structure Law and related policy documents.

c. To raise awareness of media, including social media and e-commerce platforms, and other virtual sites that facilitate information linking potential donors and recipients of human organs for transplantation of the illegality of illicit solicitation, recruitment, offering and requesting of undue advantage, including the making of a financial gain or other comparable advantage.
   - There is no information on such events taking place in recent years.

Question 7

Are there national oversight measures adopted to assess the effectiveness of awareness campaigns carried out by the institutions/organisations, whether public or private? If so, please specify.

- Latvia has established oversight mechanisms to monitor and evaluate the impact of awareness campaigns, as required by the Public Health Law and related

regulatory frameworks. The Ministry of Health and State Agency of Medicines are responsible for preparing periodic reports on the effectiveness of campaigns, including analysis of reach, public engagement, and changes in awareness levels. These reports also consider feedback collected through surveys among healthcare professionals, patients, and the general public.

Oversight activities are guided by the principles set out in the Administrative Procedure Law (Latvijas Vēstnesis, 2004, No. 153), ensuring transparency, accountability, and continuous improvement. Coordination with civil society and media sectors further supports monitoring the visibility and impact of awareness measures.