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	Republic of Moldova

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**:

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

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

[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.

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 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

1. Article 27 of Law No.42/2008 on the transplant of human organ, tissue and cells;
2. Chapter VIII from the standard regarding organization and implementation of procurement and transplantation of human organs, tissues and cells, approved by Ministry of Health order No. 427/2017;
3. Standardized clinical protocol „Maintaining the potential donor in brain death", approved by Ministry of Health and Social Protection order No. 1538/2018;
4. National clinical protocol „Liver transplant. Brain-dead donor", approved by Ministry of Health and Social Protection order No. 303/2019;
5. Standardized clinical protocol „Kidney transplant. Brain-dead donor", approved by Ministry of Health and Social Protection order No. 846/2020.

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:

a. Please state if there is an audit of the donation and transplants, and the transplantation system.

The control measures of the transplantation activity is established by the Transplant Agency and maintained through a system of quality control and testing of donation, procurement, preservation, testing, storage and distribution activities in order to guarantee the quality and safety of organs, tissues and cells used for transplantation. The control measures and inspection modalities are approved by the Transplant Agency, and are regulated by Article 6 paragraph (1) of Law No.42/2008 on the transplant of human organ, tissue and cells.

b. If so, is this an independent audit, whether internal or external to the organisation?

According to the powers assigned by Article 6 paragraph (1) of Law No.42/2008 on the transplant of human organ, tissue and cells, the Transplant Agency carries out the internal control.

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?

According to Article 9^3 of Law No.42/2008 on the transplant of human organ, tissue and cells, the Ministry of Health, upon the proposal of the Transplant Agency, suspends the authorization order if the unit does not meet the authorization criteria established by this law. The suspension of the authorization order is carried out only for activities that do not meet the authorization criteria.

d. Please state the frequency of such audits

[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.

According to Article 6 paragraph (3) of Law No.42/2008 on the transplant of human organ, tissue and cells, inspections are organized whenever necessary, but not less than once a year. Inspection of legal entities' activity is planned, carried out and recorded in accordance with the provisions of Law No. 131/2012 on state control over entrepreneurial activity.

e. Are the audits mandatory or voluntary?
Inspections are 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?

Government Decision no. 1207/2010 approved the Regulation on the organization and functioning of the Independent Approval Commission under the Ministry of Health and the authorization criteria for carrying out procurement and transplantation activities.

The Commission is chaired by the Center for Combating Trafficking in Persons (CCTP) of the National Investigation Inspectorate of the General Inspectorate of Police, Ministry of Internal Affairs.

Meetings are held as often as necessary to approve organ donation from a living donor.

According to Article 27 of Law No.42/2008 on the transplant of human organ, tissue and cells, is prohibited:

- obtaining financial profits as a result of the donation of human organs, tissues or cells;
- popularizing the need for organ, tissue and/or cell transplantation in order to propose or obtain financial profits or corresponding advantages.

The donation and transplantation of organs, tissues and cells cannot be the subject of a material transaction.

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?

In the Republic of Moldova, there is the database of the Ministry of Internal Affairs "BCD" managed by the Information Technology Service where all information is stored, including with reference to organ trafficking crimes.

The Statistical Reporting Module within the Integrated Case Management Program generates general statistical data by articles, namely art. 158 "Trafficking in human organs, tissues and cells" of the Criminal Code of the Republic of Moldova, the Integrated Case

Management Program does not provide for the collection of offenses provided for in the Council of Europe Convention against Trafficking in Human Organs.

c. Which authority has the primary responsibility for the collection, collation and analysis of data specific to offences covered by this Convention?

The main responsibility for collecting, compiling and analysing data specific to the offenses provided for in this Convention lies with the Ministry of Internal Affairs through the Information Technology Service (ITS), which collects such information, and the Center for Combating Trafficking in Persons (CCTP) of the National Investigation Inspectorate of the General Inspectorate of Police, Ministry of Internal Affairs quarterly performs at the national level the analysis of data specific to THB offenses, based on information about the criminal cases initiated, obtained from the MIA's ITS, where the offenses provided for in this Convention are also found, reflecting this data in an activity report prepared quarterly.

d. Which authority is responsible for the preparation and dissemination of such reports?

The authorities involved in the exchange of information and reports are the Ministry of Internal Affairs and the Ministry of Health.

e. Are reports shared with all relevant authorities? Please also include the frequency of such reporting.

Reports are prepared quarterly and shared with all relevant authorities.

f. Which authorities are involved in the exchange of information and reports?

Ministry of Internal Affairs and the Ministry of Health.

g. Do any relevant authorities not share data? If so, please specify the legal reason for not doing so.

No.

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.

The answer for question 3 letter g. and h is: The exchange of information with relevant authorities from different countries is also carried out in this regard, within the General Inspectorate of Police of the Ministry of Internal Affairs, there is the International Police Cooperation Directorate, which ensures, as a single national focal point, the exchange of information at the international level with the authorities involved.

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)?

According to Article 4 paragraph (3) letter j) of Law No.42/2008 on the transplant of human organ, tissue and cells, Transplant Agency is responsible for training medical personnel and informing the general public on transplant issues. These trainings are performed within the Center for Professional Training of Medical Personnel in the Field of Transplantation, Transplant Agency, established by the Government Decision no. 386/2010 on the establishment of the Transplant Agency.

b. Specialist doctors who monitor and treat recipients whose transplant has been performed in another country outside their usual place of residence?

According to Article 4 paragraph (3) letter j) of Law No.42/2008 on the transplant of human organ, tissue and cells, Transplant Agency is responsible for training medical personnel and informing the general public on transplant issues.

c. Other immunology services that perform donor-recipient histocompatibility studies for human organ transplantation?

According to point 8, subparagraph 1) letter i) of Government Decision no. 386/2010 on the establishment of the Transplant Agency, one of the Agency's obligations is to train medical workers within the Center for Professional Training of Medical Personnel in the Field of Transplantation and to inform the general public on transplantation issues.

d. other logistical services, including transportation, for human organs for transplantation?

Respectively within the Center for Professional Training of Medical Personnel in the Field of Transplantation, Transplant Agency.

e. allied healthcare professionals and officials, law enforcement, customs/border surveillance services, and the regulatory authorities providing oversight of the human organ transplantation authority?

Government Decision no. 56/2025 on the exchange of human organs intended for transplantation between the Republic of Moldova and other states, import and export of human tissues and cells.

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

The Ministry of Internal Affairs.

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?

The Transplant Agency develops training programs within the Center for Professional Training of Medical Personnel in the Field of Transplantation.

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.

Promotion and awareness-raising companies regarding the illegality and dangers of human organ trafficking for the purpose of human transplantation through mass media and social networks.

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.

1. On October 13, 2018, the Conference dedicated to the 19th edition of the European Organ Donation and Transplantation Day was organized, which brought together more than 200 people, from international experts in the field of transplantation, representatives from the Ministry of Health, university professors, doctors from the Republic of Moldova and abroad to transplant recipients, students, etc.
2. In order to educate the general public and civil society about the risks and illegality of human organ trafficking, the following measures were taken:

- On 01.02.2019, the trilateral cooperation agreement was concluded between the Transplant Agency, the National Patrol Inspectorate and the Public Association of Transplant Beneficiaries, aimed at cooperation based on mutual benefit and the interest of society, through training, information and awareness-raising activities for drivers, managers of automotive companies, medical personnel and the general population on the subject of donation and transplantation of human organs, tissues and cells, by disseminating information through various legal channels;
- A working group was created within the framework of the trilateral cooperation agreement, which developed the action plan. The creation of information material was initiated jointly with the National Patrol Inspectorate.

3. The Transplant Agency has made sustained efforts to introduce the subject of donation and transplantation of human organs, tissues and cells, as well as "in vitro" fertilization in the

Curriculum of the optional subject "Health Education" for grades V-XII. After several working sessions, the Optional Curriculum "Health Education" was approved by MECC Order No. 1110 of September 6, 2019;

4. On 30.08.2019, a bilateral agreement was concluded between the Transplant Agency of the Republic of Moldova and the National Transplant Agency of Romania in the field of organ donation and transplantation;
5. Organizing national and international workshops and conferences targeting current issues in the field of Transplantology.

Regarding information and communication issues, the several assessments of the current situation regarding professional and public perception of transplantation activities were carried out. These took into account the political environment, the social context, the influence of religious aspects, the health care situation, cases of illicit organ trafficking, the influence of the media:

Stage 1. The general public survey in 2014;
Stage 2. The healthcare workers survey in 2014-2015;
Stage 3. The high school students survey in 2018;
Stage 4. The general public and healthcare workers surveys in 2018

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.

1. The annual organization of the European Day of Organ Donation and Transplantation under the theme "Hope for Life" in the square of the monument dedicated to organ donors;
2. Participation in television programs on Moldova 1, PRO TV, Prime, Canal3, Impact TV, Publika, etc., interviews in the media, radio programs;
3. Ensuring access to medical information sources and subscriptions to international electronic resources;
4. Promoting the altruistic image of donation;
5. Development and application of scientific research results and expansion of education and information actions for citizens of the Republic of Moldova in the field of donation and transplantation.

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.

The effectiveness of awareness campaigns is carried out by the Transplant Agency as the national authority.