

THE SANTIAGO DE COMPOSTELA CONVENTION IN 11 QUESTIONS AND ANSWERS



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

French edition:

*La Convention de Saint-Jacques-de-Compostelle
en 11 questions et réponses*

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Cover design and layout: Publications and Visual Identity Division, Council of Europe
F-67075 Strasbourg Cedex

Cover design and layout: Publications and Visual Identity Division, Council of Europe

Infographics: Bürografik

Cover photos: Shutterstock

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Trafficking in human organs is a global problem that violates fundamental freedoms, human rights and human dignity. It poses a direct threat to individual and public health, integrity, freedom and often the lives of individuals. Trafficking in human organs threatens the right to life enshrined in the European Convention on Human Rights (ETS No. 5). Incidents related to trafficking in human organs in the transplant system undermine public confidence in organ donation, its regulation by public authorities and the healthcare system. To put an end to this phenomenon, the first step is to criminalise activities linked to organ trafficking. This is the main aim of the Council of Europe Convention against Trafficking in Human Organs (CETS No. 216), known as the **Santiago de Compostela Convention**.

Entered into force on 1 March 2018, this innovative treaty calls for the prevention and combating of trafficking in human organs as well as the protection of victims. It also facilitates co-operation at national and international levels to combat these illicit activities.

Given the **transnational nature of organ trafficking**, which does not respect borders, **each new ratification strengthens the convention's ability to prevent and combat this scourge**, which poses a direct threat to public health. Your parliament and country would benefit from becoming a party to the convention, protecting not only your citizens but also the fundamental values of international human rights.

This question-and-answer booklet presents **11 key issues** relevant to understanding how the Santiago de Compostela Convention operates:

- 1.** What is the Santiago de Compostela Convention?
- 2.** Why should every country join the convention and what benefits does it offer?
- 3.** Which countries can ratify the convention?
- 4.** What is the scope of application of the convention?
- 5.** What are the purpose and objectives of the convention?
- 6.** Why a Council of Europe convention?
- 7.** What acts are criminalised under the convention?
- 8.** How does the convention help to prevent these crimes in the first place?
- 9.** How does the convention help to protect the victims of organ trafficking?
- 10.** What is the Santiago de Compostela Committee?
- 11.** What is the difference between trafficking in human organs and trafficking in human beings for organ removal?

Acronyms

- **CDBIO:** Steering Committee for Human Rights in the fields of Biomedicine and Health
- **CDPC:** European Committee on Crime Problems
- **CD-P-TO:** European Committee on Organ Transplantation



CO-OPERATION



PREVENT & COMBAT



PROTECT VICTIMS

What is the Santiago de Compostela Convention?

The Council of Europe has drawn up a convention that constitutes, for the first time, a legally binding international instrument in the field of criminal law to combat trafficking in human organs: the Santiago de Compostela Convention. It recognises that organ trafficking is a violation of human rights and poses a serious threat to health and the right to life. It provides a **clear legal definition** of organ trafficking and establishes a solid and comprehensive **legal framework** to effectively combat the practice.

The convention pursues three main goals:

- ▶ to prevent and combat trafficking in human organs through criminalisation;
- ▶ to protect the rights of victims of the offences established in accordance with this convention;
- ▶ to facilitate co-operation at national and international levels on action against trafficking in human organs.

The convention aims to combat organ trafficking by **criminalising** and ensuring the prosecution of the entire chain of criminal acts linked to organ trafficking. It promotes **preventive measures**, notably by guaranteeing a transparent transplantation system and **banning advertisements** for the trading of human organs. Emphasising the particular situation and vulnerability of organ donors and recipients who are victims of trafficking, it offers protections such as assistance with reparation, compensation, access to information, support, legal assistance and protection for those who have suffered manifest harm. It also fosters **international co-operation** in investigations and prosecutions, including crimes committed abroad. It is **open to non-member states** to enhance global efforts. A monitoring system is included to oversee implementation of the convention, ensure the exchange of information and promote best practices.

Why should every country join the convention and what benefits does it offer?

Global crime requires a global coalition to prevent and combat it

Trafficking in human organs is a transnational crime, involving organised criminal networks that no country is immune from, no matter how effective its internal controls may be. The legislative approach has to consider that the high profits and challenges in identifying these offences attract criminal groups that exploit vulnerable populations, especially in regions where access to healthcare is limited, while taking due regard to the rights and needs of patients still awaiting organ donation in any country. Combating this threat requires strong international co-operation to protect fundamental rights, in particular the right to life.

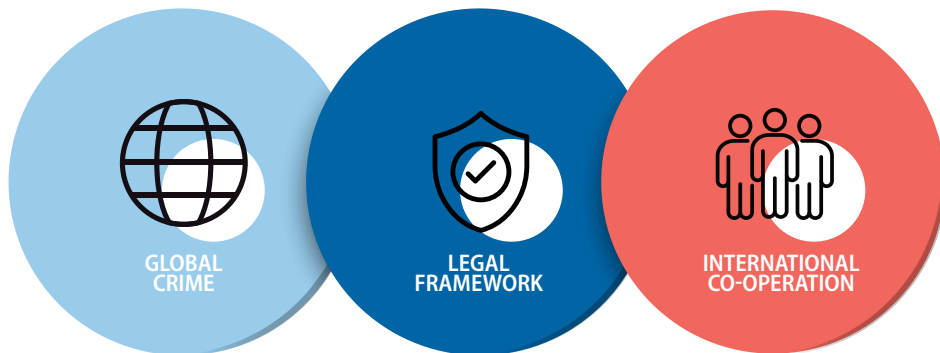
A common legal framework for prosecution

The Santiago de Compostela Convention is the first binding international treaty specifically dedicated to trafficking in human organs. It establishes a uniform legal framework and applies to trafficking in human organs for purposes of transplantation or other purposes, and to other forms of illicit removal and illicit implantation. The convention calls for the criminalisation and prosecution of the chain of criminal acts linked to organ trafficking.

Sharing strengths, expertise and international co-operation

The fight against organ trafficking is often hampered by a lack of co-ordination between the various players involved: health authorities, law-enforcement agencies, judicial authorities and international organisations. The convention facilitates national and international co-operation by encouraging the exchange of information and collaboration between states parties. The convention encourages parties to co-operate in investigations and proceedings concerning offences and provides instruments for legal co-operation. In addition, the

Committee of the Parties, set up by the convention, plays a key role in policy improvement and ensures the exchange of information and best practice between parties, with the aim of improving their policies in this field.



Which countries can ratify the convention?

No single country can battle trafficking in human organs alone because this crime does not respect borders. The Council of Europe considers that it is the common responsibility of the global community to eradicate trafficking in human organs. Therefore, accession to the convention is open to **all countries in the world** that wish to work towards this important goal, whether member or non-member states of the Council of Europe. This convention was not meant for Europe only. In addition to Council of Europe member states, Costa Rica has also ratified the convention.

With each new ratification, the convention's capacity to prevent and combat offences linked to trafficking in human organs increases. Accession to the convention is important for the international community, as it fosters closer and more effective co-operation between states in the fight against trafficking in human organs, as no country is spared from this scourge.

What is the scope of application of the convention?

The Santiago de Compostela Convention applies to:

- ▶ trafficking in human organs for transplantation or other purposes;
- ▶ other forms of illicit removal or implantation of human organs.



What are the purpose and objectives of the convention?

The purpose and objectives of the convention are various and form part of a global, co-operative approach to combat trafficking in human organs. The convention aims to establish a **harmonised criminal legal framework** to enable states parties to deal more effectively with this serious crime, which constitutes a direct attack on human dignity and the right to life.

The main purpose of the convention is to prevent and combat trafficking in human organs. It aims to respond to this scourge by relying on four fundamental pillars, often referred to as the 4 “Ps”.

- ▶ **Prevention:** this involves implementing measures to prevent trafficking from developing, for example by strictly regulating and promoting legal organ donation, improving traceability and raising awareness among healthcare professionals and the general population of the risks and ethical issues involved in trafficking.
- ▶ **Prosecution:** the convention requires states to criminalise certain conduct constituting organ trafficking, such as the illicit removal or transplantation of illegally obtained organs. It also encourages the strengthening of judicial and police resources to effectively prosecute the perpetrators of these offences.
- ▶ **Protection:** the convention devotes particular attention to the rights of victims, notably by guaranteeing their access to justice, medical and psychological assistance, and compensation mechanisms. It is fully in line with respect for fundamental rights, and in particular the right to life, as enshrined in the European Convention on Human Rights.
- ▶ **Promotion:** the convention promotes co-operation both nationally and internationally on action against trafficking in human organs, between the competent authorities, healthcare systems, judicial services and law-enforcement agencies.

Finally, the convention is also designed to strengthen public confidence in healthcare systems. By establishing clear and rigorous rules for organ procurement and transplantation, it helps to guarantee the integrity and transparency of these medical practices, while ensuring effective oversight by health authorities.



Why a Council of Europe convention?

The Council of Europe has long been concerned by the absence of harmonised international legislation, and by sanctions that are not dissuasive and proportionate to the harm caused to both patients and donors, as well as by the involvement of criminal organisations operating across borders. The Council of Europe, drawing on decades of experience in creating international standards, is resolving this situation by criminalising organ trafficking.

Background

In 2009, a study by the Council of Europe and the United Nations revealed a legal loophole: existing instruments, such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (the Palermo Protocol), covered the trafficking of people for the removal of organs as part of human trafficking, but not organ trafficking itself. In view of the growing scale of this phenomenon and its impact on human rights, the need for a specific legal instrument became apparent. Under the authority of the European Committee on Crime Problems (CDPC), the convention was drafted. This instrument aims to specifically criminalise organ trafficking, strengthen victim protection and guarantee a more effective legal response to this crime.

Drafting committee

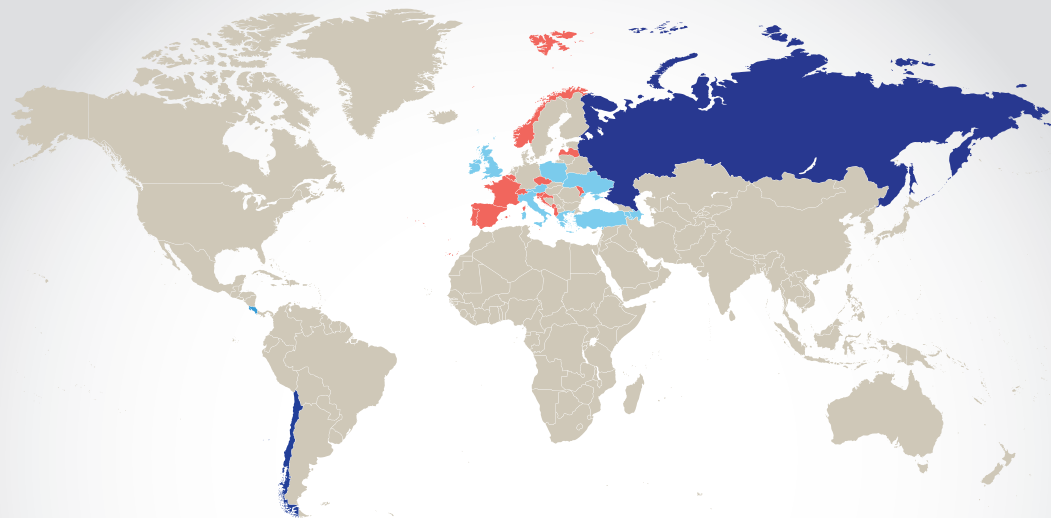
Under the authority of the CDPC, the drafting of the convention was entrusted to the Committee of Experts on Trafficking in Human Organs, Tissues and Cells. This work involved representatives of Council of Europe member states and observer states, external experts and various Council of Europe bodies, including the Parliamentary Assembly, the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) and the European Committee on Organ Transplantation (CD-P-TO). The convention is based on major international instruments, notably the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and

Medicine: Convention on Human Rights and Biomedicine (ETS No. 164), known as the Oviedo Convention, its additional protocols and the World Health Organization's (WHO) Guiding Principles on Human Cell, Tissue and Organ Transplantation.

Adoption of the convention

Adopted in Santiago de Compostela, Spain, the convention was opened for signature on 25 March 2015 and entered into force on 1 March 2018.

Signatures and ratification



As of 31 July 2025

- Signatures of member states of the Council of Europe
- Member states of the Council of Europe which have ratified the convention
- Signatures of non-member states of the Council of Europe
- Non-member states of the Council of Europe which have ratified the convention

Since the convention was opened for signature in Santiago de Compostela on 25 March 2015, 14 states have ratified it:

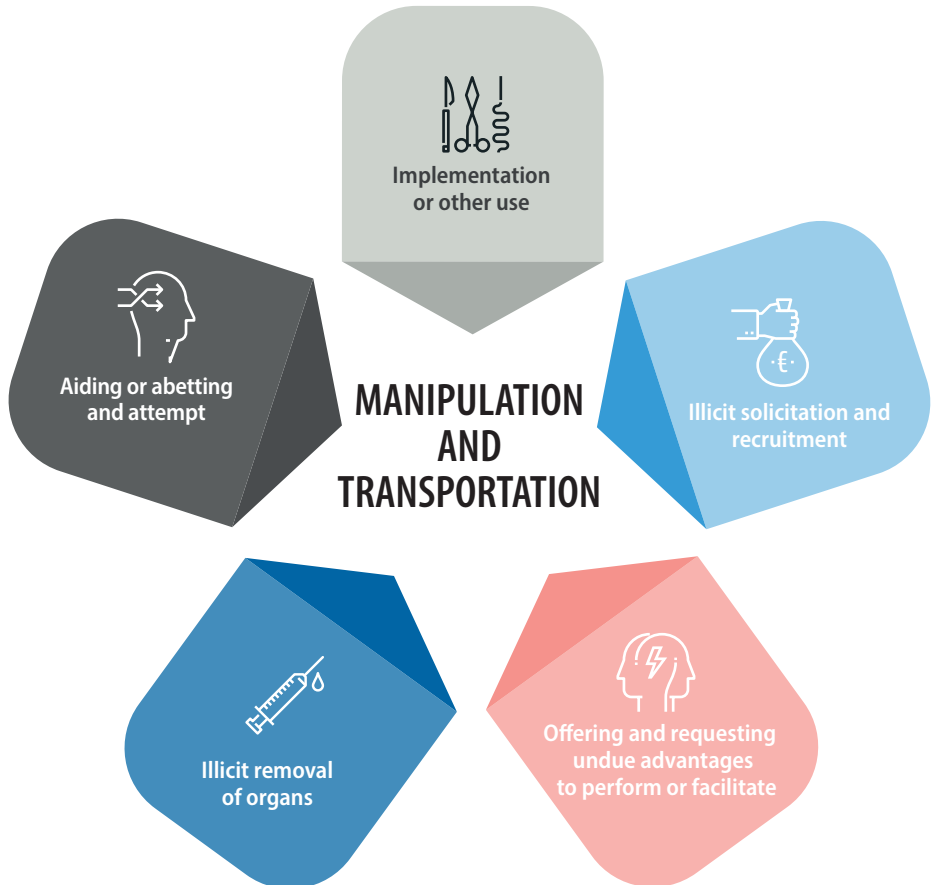
Albania	6 June 2016
Belgium	22 February 2022
Costa Rica	24 November 2021
Croatia	16 May 2019
Czech Republic	21 September 2017
France	18 January 2023
Latvia	9 July 2019
Malta	7 November 2017
Republic of Moldova ...	21 June 2017
Montenegro	5 February 2019
Norway	12 September 2017
Portugal	8 November 2018
Slovenia	3 May 2022
Spain	15 December 2020
Switzerland	21 October 2020

13 states have signed but not yet ratified the convention:

Armenia	21 January 2018
Austria	25 March 2015
Azerbaijan	30 October 2023
Chile	27 November 2024
Greece	25 March 2015
Ireland	8 October 2015
Italy	25 March 2015
Luxembourg	25 March 2015
Poland	25 March 2015
Russian Federation.....	24 September 2015
Türkiye	25 March 2015
Ukraine	11 September 2017
United Kingdom	25 March 2015

See the updates on the convention's website: www.coe.int/en/web/trafficking-human-organs/signatures/-ratifications

Trafficking in human organs



What acts are criminalised under the convention?

The convention criminalises trafficking in human organs and other forms of illicit removal and implantation of human organs. It outlines specific offences and the responsibilities of states parties.

Offences related to trafficking in human organs that parties are required to criminalise

- ▶ **Illicit removal of human organs:** organ removal from living or deceased donors is criminalised if it is carried out without the donor's free, informed and specific consent, or if it is not authorised by national legislation in the case of deceased donors. It is forbidden to offer or receive financial gain in exchange for an organ donation.
- ▶ **Use of illicitly removed organs for purposes of implantation or other purposes:** whether for transplantation or other purposes, the use of illegally obtained organs is criminalised. This provision is aimed at those who knowingly use organs obtained through trafficking.
- ▶ **Illicit solicitation, recruitment, offering and requesting of undue advantages:** soliciting or recruiting donors or recipients for financial gain is prohibited. It is also forbidden to offer or receive undue advantages to influence healthcare professionals or public officials in order to facilitate the illegal removal or implantation of organs.
- ▶ **Preparation, preservation, storage, transport, transfer, receipt, import and export of illicitly removed human organs.** All stages of the organ trafficking chain are covered.
- ▶ **Aiding or abetting and attempt:** the convention extends criminal liability to those who assist, facilitate or attempt to commit any of these acts, thus recognising the complexity of organ trafficking networks.

Stronger together



Other forms of illicit removal and implantation that, while not mandatory, parties are encouraged to criminalise

- ▶ Removal or implantation outside the legal framework of the transplantation system.
- ▶ Failure to comply with the fundamental principles of transplant legislation.

How does the convention help to prevent these crimes in the first place?

The convention not only focuses on the repression of crimes but also aims to prevent organ trafficking. Preventive measures are defined at both national and international levels. In order to prevent organ trafficking, it is important that parties address its root causes.

Preventive measures at the national level are:

- ▶ a transparent transplant system;
- ▶ equitable access to transplantation services for patients;
- ▶ adequate collection, analysis and exchange of information related to offences;
- ▶ information and training for healthcare professionals and public officials;
- ▶ awareness-raising campaigns for the public;
- ▶ prohibition of advertising need for, or availability of, organs for financial gain.

Parties are required to co-operate to the fullest extent possible to prevent organ trafficking. It is important that the parties:

- ▶ report to the monitoring body, the Committee of the Parties, established by the convention at its request, on the number of cases of organ trafficking in their respective territories;
- ▶ designate a national correspondent for the exchange of information on organ trafficking.

Protecting the victims



How does the convention help to protect the victims of organ trafficking?

The convention helps to protect victims of organ trafficking by putting in place a set of measures focused on their recovery and the recognition of their rights. It recognises the physical, emotional and social suffering endured by victims, who are affected not only by the illegal removal of their organs, but also by the associated exploitation and abuse. In this regard, it complements international instruments on trafficking in human beings.

Article 18 of the convention is dedicated to the protection of victims. It obliges each state party to adopt legislative and other measures to guarantee in particular:

- ▶ access for victims to relevant information to protect their health and rights;
- ▶ help with physical, psychological and social recovery;
- ▶ the right of victims to compensation from perpetrators.

In addition, the convention ensures that the rights and interests of victims are respected at all stages of criminal investigations and proceedings. It also provides for the protection of witnesses who testify (and, if appropriate, for their relatives and other persons close to them) to shield them from reprisals or intimidation.

The convention establishes a comprehensive framework that takes into account the legal, medical and social needs of victims, providing them with comprehensive support and reinforcing their protection in the fight against organ trafficking.

What is the Santiago de Compostela Committee?

The Santiago de Compostela Committee, also known as the Committee of the Parties, is the body responsible for monitoring the effective implementation of the convention. It is made up of representatives of the states parties that have ratified the convention, as well as members of various specialised Council of Europe bodies such as the Parliamentary Assembly, the CDPC, the CDBIO and the CD-P-TO. Observers from international organisations, official

bodies of the parties or civil society may also be invited to participate. This diversity allows for a multisectoral and multidisciplinary approach, which is essential for effective monitoring.

The Committee of the Parties has three main functions, as defined in Article 1 of its Rules of Procedure:

- ▶ to monitor the implementation of the convention;
- ▶ to exchange information, experiences and good practices;
- ▶ to amend the convention if need be.

The Committee of the Parties monitors the application of the convention by member states. Within this framework, it can propose measures to improve the use and implementation of the convention, in particular by identifying the challenges encountered by the parties or the effects of certain reservations. The committee can also express an opinion on any question relating to the application of the text and make specific recommendations to the states concerned, to help them combat organ trafficking more effectively.

At the same time, the Committee of the Parties plays a crucial role in the exchange of information, experiences and best practices. It facilitates the collection and analysis of relevant data between states parties to strengthen their capacity to prevent and combat organ trafficking. It also encourages the sharing of information on legal, political and technical developments in this field, drawing where necessary on the expertise of other Council of Europe committees and bodies.

What is the difference between trafficking in human organs and trafficking in human beings for organ removal?

Trafficking in human organs involves the removal of organs 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. The object of the trafficking is the organ and, depending on national law, a donor may be criminally liable for profiting from selling an organ.

Trafficking in human beings for organ removal involves the recruitment, transport, 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. Although victims appear to have consented to the removal of their organs, their consent is invalid when obtained through such illicit means. Pursuant to the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), victims of human trafficking should not be punished for unlawful acts, such as the receipt of payment in exchange for their organ, if they have been compelled to do so through the use of illicit means. In the case of children, it is irrelevant if any illicit means have been used as they are considered vulnerable in view of their age.

Many victims of illicit organ removal are also victims of trafficking in human beings, as these two offences frequently overlap.

Trafficking in human organs poses a serious threat to public health and may undermine the right to life and physical integrity of individuals, principles enshrined in the European Convention on Human Rights. These criminal practices endanger vulnerable victims, undermine public confidence in health systems and compromise the safe and ethical development of transplantation. The Council of Europe Convention against Trafficking in Human Organs, also known as the Santiago de Compostela Convention, aims to prevent these crimes by making them criminal offences and establishing a clear legal framework to protect donors and recipients.

This booklet presents 11 key questions about the Santiago de Compostela Convention in an accessible format for the general public. It explains the objectives of the convention and provides arguments in favour of its signature, ratification and implementation, while raising awareness of the dangers of illicit trafficking in human tissues and organs.

www.coe.int/trafficking-human-organs

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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