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	SLOVENIA

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**:

  The institute for transplantation of organs and tissue of the Republic of Slovenia

- **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.

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.Act on the Acquisition and Transplantation of Human Body Parts for Medical Purposes (ZPPDČT)
Official Gazette of the Republic of Slovenia, No. 56/15 and 186/21 – KZ-1I
ID: ZAKO6624

2. Criminal law v article 181 a, Official Gazette of the Republic of Slovenia, No. 55/2008, 66/2008 - amended, 39/2009, 55/2009 - decision of the Supreme Court, 91/2011, 54/2015, 38/2016, 27/2017, 23/2020, 91/2020, 175/2020 - ZIUOPDVE, 195/2020, 95/2021, 186/2021, 206/2021 - ZDUPŠOP, 105/2022 - ZZNŠPP, 16/2023, 107/2024 - decision of the Supreme Court

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.
Yes, in Slovenian donation and transplantation system there are more regular audits:
1) Inspectors from the Ministry of Health (MoH) check the data every year for accuracy, completeness, transparency and traceability.
2) Slovenija Transplant (ST), as the competent authority, regularly monitors the number of deceased donors in line with WHO classification, organs procured, transplanted and discarded and prepares a monthly report. Besides, ST prepares the monthly report on all organs exchanged internationally.
Each year, the controller, ST, prepares an annual report on the number of deceased donors, the number of organs procured, transplanted and discarded. In addition, Slovenia Transplant's data is compared with that of Eurotransplant every year.

ST coordinates the entire organ procurement process, including allocation, in co-operation with Eurotransplant. All donor data is transferred from the donor hospitals, entered into the central information system and forwarded to Eurotransplant. The internal check is carried out in case -by- case way in parallel with the coordinators from Slovenia and Eurotransplant, as the process cannot be finalised if the donor data is not entered correctly and does not correspond to the situation in practise.

[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.

The third form of monitoring is carried out with regard to the effectiveness of the donor programme in all hospitals where donation takes place after death. In addition to the reasons for donation and missing items, the cause of death is also checked and whether consent to donate was given in accordance with the law. If the potential donor's medical file is incomplete, the investigators request the missing data from the hospital coordinators. ST uses a special IT programme for this type of check.

3) Data on the quality of procured organs, the reason for their removal, the place of donation and transplantation, transport, the exchange of organs between countries and biovigilance data are also regularly checked by ST and monitored through case-by-case reports.

4) In case of special need, ST is able to immediately provide all data to the authority interested in investigating the case upon request.

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

All audits/controls listed above are carried out as internal audits or by Slovenija transplant or by Eurotransplant. The external audit is carried out by inspectors from the Ministry of Health.

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?

Yes, if missing data is found during the audit, this is noted in the report and completion is requested.

d. Please state the frequency of such audits

As answered above, internal audits are carried out on a case-by-case basis and regularly via the monthly and annual reports.
External audit is performed annually.

e. 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?

The aim of identifying vulnerabilities or missing data is preferably to ensure the completeness of the data in terms of traceability and transparency.
Suspicious violations could be detected by an external audit, but this is almost impossible in Slovenia due to the very intensive and strict internal controls. Theoretically, it is not possible to create a parallel illegal system for transplantation in such an well structed and controlled system.
Living donations are very rare in Slovenia, most transplants are performed with organs from deceased donors. Living donation is legally defined and possible only between relatives and emotionally connected persons.
Furthermore, there is no detected transplant tourism in Slovenia currently, but we are vigilant to this appearance.

f. Are the audits mandatory or voluntary?

Some of the internal audits are essential for the implementation of donation, allocation and transplantation cases due to the precisely defined path and data exchange. The

collection of data is legally defined as various types of registers, for the maintenance and creation of which Slovenija transplant is responsible.
External auditing is mandatory and required by law.

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?
Act on the Acquisition and Transplantation of Human Body Parts for Medical Purposes (ZPPDČT) (Transplant law)

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?

The collection of data is laid down in the Transplantation Act. It begins with the donation processes and ends with the transplantation and the follow-up data on the recipient side.
Criminal law does not define any requirements for data collection in connection with donation/transplantation.

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

Slovenija transplant as it is defined by the Transplant law.

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

Slovenija transplant.

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

The monthly and annual reports are published on the Slovenija transplant website at www. Slovenija-transplant.si.
The monthly and annual reports are submitted to the Ministry of Health on a wide range of activities, including the number of donors, organs procured, transplanted and disposed of.

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

Slovenija Transplant, the donor hospitals and the Ljubljana University Hospital exchange data as part of their daily clinical work and for statistical and research purposes.

For a more complex exchange for the investigation of suspected cases, the exchange and reports should be defined with an action plan.

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

Disclosure of rough tracking data is not automatically accepted, but it is provided to Slovenija Transplant every year upon request by UMC Ljubljana.

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 transfer of data and the exchange of data is possible within the framework of a specific agreement in which the purpose, type of use, processing, storage, all partners involved in the processing and the duration of storage with final recovery or destruction of the data are fully clear.
Slovenija transplant is a place for data exchange and UMC Ljubljana, where the transplant centres are located.

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)?

Slovenija transplant is responsible for education in all areas of donation and transplantation in accordance with the Transplant law and related legal documents in order to inform about and promote donation and transplantation. Specific definitions for education or training to prevent human trafficking are not defined by law, but the topic is covered in various trainings according to the interest of Slovenija transplant's experts.
The more complex training plan is in preparation.

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

Slovenija transplant has proposed that this obligation be included in the Code of Ethics for Physicians, at least as far as the reporting of certain suspected cases is concerned. The drafting of the code has not yet been finalised.

c. Other immunology services that perform donor-recipient histocompatibility studies for human organ transplantation?
Not defined by law.

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

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

Slovenija transplant experts are included.

f. Specialised criminal investigation units/bodies in the investigation of offences covered by this Convention?
Certainly not by Slovenija transplant.

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?

Slovenija transplant educational strategy and annual training plan.

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.

The content of the presentations, the tools and media used are in preparation. We want to prepare a user-friendly approach to inform different audiences, including opinion leaders and regulators, without spreading fear or discouraging people from donating, but rather gently reminding them of the key ethical principles (altruism, non-profit, non-commerciality, justice) that are important and must be followed. On the other hand, we would like to remind people that suspicious cases should be reported to the relevant institutions. It is planned that Slovenia Transplant will be the central institution alongside the police and criminal investigation department that will receive the first reports and share them with other organisations on the platform in order to investigate the case, stop it and prepare preventive measures.

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

   Measures to raise public awareness of donations are already well underway to encourage people to donate and build trust. The most important background needed for public trust is a well-structured and transparent system. Two aspects of such a system need to be considered: the organisational and the technical, in order to achieve the desired level of trust and control over the quality of human organ transplantation. Awareness and education campaigns should not be expensive activities using the latest marketing techniques and the manipulation of patients and emotions. It is not ethically justifiable to use a large amount of money, considering that we ask people to donate their organs out of solidarity to help other people in difficult situations.

   All of the above aspects are taken into account in the Slovenian way of working in the field of transplantation, also with regard to avoiding organ travelling.

   b. the promotion of awareness-raising measures provided by public authorities on the unlawfulness and dangers of trafficking in human organs for human transplantation.

   Various partners are invited to participate in activities to raise public awareness on the issue of human trafficking, but in cooperation with Slovenija Transplant, in order to avoid any kind of panic and negative effects caused due to insufficient information.

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.
Discussions with the media about organ donation and transplantation have also been well utilised for several years. The experts from Slovenija transplant have also always been available when it comes to data on organ trafficking, prepared preventive measures and future steps. We will continue this practise and always provide the media with accurate, up-to-date data on routine work and also on possible criminal offences.

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.

No