

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

Questionnaire for the 2nd thematic monitoring round

REINFORCING LEGAL FRAMEWORKS AND ENFORCEMENT MECHANISMS AGAINST ORGAN TRAFFICKING

As adopted by the Santiago de Compostela Committee on the 9 June 2026

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

by **10/12/2026**

Name of the country	<i>Write your answer here.</i>
Name of person making submission	<i>Write your answer here.</i>
Position	<i>Write your answer here.</i>
E-mail	<i>Write your answer here.</i>
Mobile phone number	<i>Write your answer here.</i>

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	<i>Write your answer here.</i>
State bodies/agencies (where relevant, civil society and external contributors) that contributed to responding to this questionnaire	<i>Write your answer here.</i>

INTRODUCTION

1. [The Council of Europe Convention against Trafficking in Human Organs](#) (the Convention or the Santiago de Compostela 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 cooperation.
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 the Santiago de Compostela Convention’s effective implementation relies on the legal frameworks and enforcement mechanisms against organ trafficking by the Parties, the Santiago de Compostela Committee decided that the second monitoring round would focus on “Reinforcing legal frameworks and enforcement mechanisms against organ trafficking”.¹
4. On 9 June 2026, 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 legal frameworks and enforcement 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”.

. 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

¹ Committee of the Parties of the Convention against Trafficking in Human Organs (Santiago de Compostela Committee), *List of decisions*, 7th Plenary Meeting (16-7 October 2025), T-THO (2025) LD3, paragraph 6.3.

replies shall be made public, unless a Party makes a reasoned request to the Santiago de Compostela Committee to keep its reply confidential.

. 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.

. 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 onsite visits pending any official guidelines agreed by the Santiago de Compostela Committee.”

PRELIMINARY REMARKS

1. The questions in this questionnaire are grouped around articles 4-8, 9 and 11, and 13 regarding incriminations of the criminal law and around articles 12, 14-16 regarding the enablement of the effectiveness of enforcement measures against trafficking in human organs concerning issues on identifying how and where reinforcing legal frameworks and enforcement mechanisms are required.
2. This thematic questionnaire seeks to collect information and analyse the legal framework in relation to how the implementation of each article for substantive criminal law in the Convention has been achieved and the measures in place to enforce this. It includes a focus on incrimination techniques within the internal law, and the extent to which aggravating circumstances are focused on the substantive criminal law specific to the Convention or are general criminal law in nature. It includes a focus on the extent of enablement of enforcement mechanisms through the Convention. It includes consideration of the application of articles regarding criminal procedure law that ensures that enforcement provisions of the Convention are effective through implementation and practice. It seeks to assess the need for reinforcing measures in the legal framework, or the enforcement mechanisms, or both, specific to combating against organ trafficking. It does not seek to collect information on the general legislative and institutional framework. This thematic monitoring round is concerned with the specific implementation of the Convention in the aforementioned areas.
3. 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 by specific reference to the CPQ response highlighting the CPQ question number while ensuring that such information adequately responds to the question posed in this questionnaire. Where questions overlap between the CPQ, and this questionnaire, or where the relevant legislation has been amended, the replies to the latter will be assessed by the Committee to prepare its implementation reports of the Convention concerning the monitoring theme.
4. The reply to questions 5, 7 and 11 of the CPQ will be examined by the Committee to assess the implementation of Articles 4, 5, 6, 7, 8, 9 and 13 with respect to the theme of the 2nd monitoring round. While replying to this questionnaire, please therefore only add the specific information requested.

5. Parties are kindly requested to specify which State bodies/agencies and, where relevant, NGOs, contributed to responding to this questionnaire.
6. 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.
7. 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.
8. Parties are kindly requested to answer each question separately and not to refer to another question's response as the answer, or not to provide a consolidate answer to all or several questions.

REINFORCING LEGAL FRAMEWORKS

This section aims to collect information on the concept of “intentionally” and the establishment of certain behaviours as criminal offences, as well as aggravating circumstances to identify opportunities for reinforcement of legal frameworks to combat trafficking in human organs.

	Question 1
	What is understood by “intentionally” related to the offences included in articles 4, 5, 6, 7 and 8 in Internal law? (Explanatory Report, paragraph 28): <i>Write your answer here.</i>
	Question 2 a. Does internal law apply Article 4, paragraph 1, to the donor? (Explanatory Report, paragraph 29)? <i>According to the text of the Convention there is no legal obligation to apply article 4, paragraph 1, to the donor and the recipient.</i> Yes ☐ No ☐ Please specify and provide the reference of the legislation and its article/rule <i>Write your answer here</i> b. Does internal law apply Article 4, paragraph 1 to the recipient? (Explanatory Report, paragraph 29)? <i>According to the text of the Convention there is no legal obligation to apply article 4, paragraph 1, to the donor and the recipient.</i> Yes ☐ No ☐ Please specify and provide the reference of the legislation and its article/rule <i>Write your answer here</i> c. Does the internal law establish as a criminal offence the removal of human organs from living or deceased donors, where the removal is performed outside the framework of its domestic transplantation system, or in breach of essential principles of domestic transplantation laws or rules? (article 4, paragraph 4; Explanatory Report, paragraphs 41 and 42).

	Yes ☐ No ☐ Please specify and provide the reference of the legislation and its article/rule <i>Write your answer here</i> .
Question 3	
	a. Does the internal law establish as a criminal offence the use of illicitly removed organs for purposes of implantation or other purposes than implantation established in article 5? Yes ☐ No ☐ b. If "Yes", please specify, what other purposes are covered. <i>Write your answer here.</i>
Question 4	
	Does the law establish as a criminal offence the implantation of organs outside of the domestic transplantation system or in breach of essential principles of national transplantation law included in article 6? Yes ☐ No ☐ Please specify and provide any relevant information <i>Write your answer here.</i>
Question 5	
	a. Does internal law establish as a criminal offence the illicit solicitation, recruitment, offering and requesting of undue advantages established in article 7? Yes ☐ No ☐ b. Does the internal law apply Article 7 to the donor? According to the text of the Convention there is no legal obligation for the States to apply article 7 to the donor (Explanatory Report, para. 29 and 53)

	Yes ☐	No ☐
Question 6		
a. Does internal law establish as <u>separate</u> criminal offences those enumerated in article 8 (preparation, preservation, storage, transportation, transfer, receipt, import and export of illicitly re-moved human organs), Yes ☐ No ☐ b. consider them as aiding or abetting or attempt under article 9? Yes ☐ No ☐		
Question 7		
a. Does internal law criminalise aiding or abetting the commission of any of the criminal offences established in accordance with this Convention (Article 9, paragraph 1)? Yes ☐ No ☐ b. Does the internal law criminalise the attempt to commit any of the criminal offences established in accordance with this Convention (Article 9, paragraph 2)? Yes ☐ No ☐		
Question 8		
a. As regards corporate liability, are there any other measures foreseen in addition to those contained in the reply to question 7 of the CPQ? Yes ☐ No ☐ b. The CPQ will be examined to assess the implementation of article 11 of the Santiago de Compostela Convention with respect to the theme of the 2nd monitoring round. In particular, please provide information (where this has not already been clarified in the CPQ) regarding the nature of the legal liability of legal persons for the offences covered by the Convention (civil, administrative or criminal), as well as the legal basis for establishing such liability (the relevant code or law).		

Write your answer here.

Question 9 – Aggravating circumstances

The reply to question 9 of the CPQ will be examined to assess the implementation of Article 13 of the Santiago de Compostela Convention related to the aggravating circumstances.

While replying to this question, please, therefore, only add whether the internal law ensures the following circumstances are taken into consideration as aggravating circumstances in the determination of the sanction for offences established in this Convention.

- a. the offence caused the death of, or serious damage to the physical or mental health of, the victim;

Yes ☐

No ☐

- b. the offence was committed by a person abusing his or her position;

Yes ☐

No ☐

- c. the offence was committed in the framework of a criminal organisation;

Yes ☐

No ☐

- d. the perpetrator has previously been convicted of offences established in accordance with this Convention;

Yes ☐

No ☐

- e. the offence was committed against a child or any other particularly vulnerable person (see Article 13, paragraph 94 of the Explanatory Report).

Yes ☐

No ☐

REINFORCING ENFORCEMENT MECHANISMS

This section aims to collect information on certain matters of sentencing and sanctioning, effective criminal investigation and prosecution of offences, and the provision of relevant resources to criminal investigators and prosecutors to identify opportunities for reinforcing of enforcement mechanisms.

	Question 10
	a. Does internal law and other measures (Article 14) provide for the possibility to take into account final sentences passed by another Party in relation to offences established in accordance with this Convention when determining sanctions? Yes ☐ No ☐ Please specify and provide any relevant information <i>Write your answer here.</i> b. In relation to question 10.a above, is this a legislative provision or other measure enacted specifically to implement article 14? Yes ☐ No ☐ Please specify and provide any relevant information <i>Write your answer here.</i>
	Question 11 a. Do internal laws enable or other measures ensure that investigation and prosecution of offences (Article 15) included in the Convention Articles 4-8,9 and 11 are not subordinate to a complaint? Yes ☐ No ☐ b. That proceedings may continue even if the complaint is withdrawn? Yes ☐ No ☐ Please provide the relevant provision or measure. <i>Write your answer here.</i>
	Question 12 Is there a specialised unit/service, or a lead specialist in the absence of a specialised unit/service (Article 16) in relation to combating the trafficking in human organs for:

a. Judiciary

Yes ☐

No ☐

b. Prosecution service

Yes ☐

No ☐

c. Law enforcement investigations (including police, gendarmerie, customs and border agency criminal law investigators)

Yes ☐

No ☐

d. Customs and border detection services

Yes ☐

No ☐

Please note that this does not preclude the specialised unit/service, or lead specialist from having other official duties.

Question 13

Is the specialised unit/service, or lead specialist (mentioned in question 12) (Article 16)

a. an established position by official order or other legislative provision?

Yes ☐

No ☐

Please provide the relevant information.

Write your answer here.

b. a temporary or ad hoc provision?

Yes ☐

No ☐

Please state the time duration in which this is in place.

Write your answer here.

Question 14

Is there specialised training (Article 16), separate to information provision by general training and conferences, on combating the trafficking in human organs appropriate to the activity of the officials below:

a. Judges

	Yes ☐ No ☐ b. Prosecutors Yes ☐ No ☐ c. Law enforcement investigators (or equivalent, including Customs and border agency criminal law investigators) Yes ☐ No ☐ d. Customs border detection services Yes ☐ No ☐
Question 15	
	In relation to officials in question 14.b and c, above, are enforcement powers: a. Specific to the offences mentioned in article 4-8 of the Santiago de Compostela Convention? Yes ☐ No ☐ <u>or</u> b. applied from the general criminal law enforcement powers Yes ☐ No ☐ Please provide details where the enforcement powers are specific to the Convention. <i>Write your answer here.</i>
Question 16	
	This question at a and b seeks to ascertain the extent of reporting and where the reporters are grouped. Q. 16 c-g seeks to identify how the enforcement measures are working effectively or need reinforcing. Please provide, if available, by year, information available for the period since 1 January 2020: a. on suspected offences related to offences described in article 4-8, 9 and 11 of the Santiago de Compostela Convention <i>Write your answer here.</i> b. The designation, by agency/service, of the reporters mentioned in question 16.a, above

- i. General police service (including gendarmerie or equivalent)

Write your answer here.

- ii. Investigate police service (including gendarmerie or equivalent)

Write your answer here.

- iii. Customs/border investigate service

Write your answer here.

- iv. Customs/border general service

Write your answer here.

- v. Criminal intelligence (if different from above categories)

Write your answer here.

- vi. Human Organ Transplant Service

Write your answer here.

- vii. Ministries (e.g. Health, Justice, Interior, Defence, etc)

Write your answer here.

- viii. Healthcare Professionals

Write your answer here.

- ix. Informers and whistleblowers

Write your answer here.

- x. Victims

Write your answer here.

- xi. Media reports

Write your answer here.

- xii. Other (please specify)

Write your answer here.

- c. Number of prosecution proposals rejected or discontinued by prosecutors related to offences described in articles 4-8, 9 and 11 of the Santiago de Compostela Convention

Please provide any additional information on the reasons for rejection or discontinuation of the prosecution if available.

Write your answer here.

- d. Number of prosecutions initiated related to offences described in article 4-8, 9 and 11 of the Santiago de Compostela Convention

Write your answer here.

- e. Number of final convictions recorded related to each of articles 4-8, 9 and 11 of the Santiago de Compostela Convention

Write your answer here.

- f. The principle aggravating and mitigating circumstances, if recorded, accepted by Courts in relation to final sentences for offences described in articles 4-8, 9 and 11 of the Santiago de Compostela Convention.

If this information cannot be retrieved, please state so in this answer.

Write your answer here.

- g. Number of repeat offenders relating to

- i. Reported suspected offences described in articles 4-8, 9 and 11 of the Santiago de Compostela Convention

Write your answer here.

- ii. Final sentences for offences described in articles 4-8, 9 and 11 of the Santiago de Compostela Convention

Write your answer here.

Question 17

Please provide the sanctions provided by final sentencing (Article 12), by year, from 01 January 2020 for offences described in articles 4, paragraph 1, article 5, as appropriate, and articles 7-9 of the Santiago de Compostela Convention, in the following categories.

- a. Custodial sentences that enable extradition based on the duration of the sentence

Write your answer here.

- b. Custodial sentences that do not enable extradition based on the duration of the sentence.

Write your answer here.

- c. Monetary sanctions

Write your answer here.

- d. Probation

Write your answer here.

- e. Other non-custodial penalties mentioned in the United Nations Standard Minimum Rules for Non-custodial Measures, adopted in 1990 ("Tokyo Rules")

Write your answer here.

Question 18

Please provide the sanctions provided by final sentencing, by year, from 1 January 2020 for offences described in article 11, paragraph 2 of the Santiago de Compostela Convention (applicable to legal persons), in the following categories

- a. Temporary or permanent disqualification from exercising commercial activity

Write your answer here.

- b. Placing under judicial supervision

Write your answer here.

- c. Judicial winding-up order

Write your answer here.

Question 19

Does the internal law provide for (article 12, paragraph 3) of the Santiago de Compostela Convention:

- a. the seizure and confiscation of proceeds of the criminal offences established in accordance with this Convention, or property whose value corresponds to such proceeds?

Yes ☐

No ☐

If the answer is "Yes", please provide the reference to the internal provision.

Write your answer here.

- b. Enable the temporary or permanent closure of any establishment used to carry out any of the criminal offences established in accordance with this Convention, without prejudice to the rights of *bona fide* third parties?

Yes ☐

No ☐

If the answer is "Yes", please provide the reference to the internal provision.

Write your answer here.

- c. Deny the perpetrator, temporarily or permanently, in conformity with the relevant provision of law, the exercise of a professional activity relevant to the

commission of any of the offences established in accordance with this Convention?

Yes ☐

No ☐

If the answer is “Yes”, please provide the reference to the internal provision.

Write your answer here.