

Strasbourg, 3 July 2026

T-THO (2026) LD1-rev

Committee of the Parties Convention against Trafficking in Human Organs (Santiago de Compostela Committee)

LIST OF DECISIONS 8th Plenary meeting

Strasbourg, 9-10 June 2026

Council of Europe
Agora building, room G04

The Committee of the Parties (hereinafter, CoP) to the Council of Europe Convention against Trafficking in Human Organs (hereinafter, the Convention, the Santiago de Compostela Convention or THO Convention), meeting in Strasbourg, under the Chairmanship of Ms Pavla BUREŠOVÁ (Czechia), took the following decisions:

1. Opening of the meeting

- to **take note** of the introductory remarks by Mr Rafael BENITEZ, Head of the Directorate of Social Rights, Health and Environment, who welcomed the representatives of 14 States Parties, 2 Council of Europe (hereinafter, CoE) member States that have not yet acceded to the Santiago de Compostela Convention and all other participants and observers, with a particular thanks to the Chairs of both the Network of National Focal Points on Travel for Transplantation (hereinafter, NETTA) and the European Committee on Organs, Tissues and Cells (hereinafter, CD-P-TO) citing this as an example of cross-sectoral cooperation and bridge-building to foster transversal relationships. Mr BENITEZ referred to the Convention's growing momentum, noting the latest signatures (**Bosnia and Herzegovina** on 17 March; the **Netherlands** on 16 June) and ratifications

(**Azerbaijan** on 26 May) of the THO Convention. He also highlighted the second edition of the International Day Against Organ Trafficking (hereinafter, IDAOT), on 25 March, thanking all States Parties (Portugal, Belgium, Czechia and The Netherlands) and observers for having their active contribution via social media and encouraged all to continue supporting and promote future editions of this Day. He also briefly mentioned both the substantive and forward-looking work to be discussed during the current CoP meeting and introduced two new colleagues within his Directorate: Ms Christiane SCHIMECK, Head of Health and Addictions Department, and Mr Mickaël VEINANTE, Programme manager in the Health Division. Both new colleagues introduced themselves and Ms Laurence LWOFF, Head of the Health Division, gave some introductory remarks. Mr BENITEZ finally informed about the Ministers Conference devoted to on Health Literacy to be held in Rome (Italy) on 4 December 2026;

2. Adoption of the draft agenda

- to **adopt** the agenda without amendments, noting that the list of participants and the agenda are set out in Appendices I and II respectively;
- to both **take note** of the List of Decisions of the 7th Plenary meeting;

3. Information by the Chair and the Secretariat

- to **take note** of the information provided by the Chair regarding the importance of attending plenary meetings in person;
- to **take note** of the welcoming remarks delivered by Mr Oscar ALARCÓN-JIMÉNEZ, Executive Secretary to the CoP, addressed to the new members of the CoP, in particular **Azerbaijan, France, Norway and Sweden**;

4. Accession of new countries

- to **take note** of the update from the Executive Secretary that **Bosnia and Herzegovina** signed the Convention on 17 March 2026, the **Netherlands** is due to sign the Convention on 16 June 2026 and that **Azerbaijan** ratified the Convention on 26 May 2026;
- to **take note** of the Secretariat's request for States Parties' support in obtaining new signatures and ratifications of the Convention, in particular to:
 - o **Costa Rica** with Ibero-American countries;
 - o **Norway** with Nordic countries, mainly **Sweden**;
 - o **Czechia** with **Slovaquia**;
 - o **Albania** with neighbouring countries (**North Macedonia**);

- to **take note** and **welcome** the information provided by Ms Anna PSZENNY, Chair of NETTA, that Poland is considering ratification of the Convention;

5. Monitoring of the Santiago de Compostela Convention and future work

5.1 Summary report of the Country Profile Questionnaire

- to **take note** of the information provided by the Secretariat that the summary report of the Country Profile Questionnaire has been published online in both official languages;

5.2 1st monitoring round report

- to **thank** the States Parties that participated to the first monitoring round and to **thank** the consultants for their appreciated work;
- to **take note** of the presentation by the consultants on the methodology used, the restricted scope of this exercise (Article 21 of the Convention), the participation of all States Parties to this 1st monitoring report, with the exception of **Malta**, and the main conclusions;
- to **take note** of the information provided by the Chair concerning this first exercise from the CoP, in particular the finalisation of the report ahead scheduled. Moreover, she highlighted the lack of participation from **Malta** in both CoP meetings and in any written exercise. Against this background, the Secretariat proposed to have a bilateral meeting with the Maltese Permanent Representative to the Council of Europe to explain the situation;
- to **agree** on and **adopt** the first monitoring round report;

5.3 2nd monitoring round

- to **take note** of the presentation and any comments on the draft questionnaire for the 2nd monitoring round;
- to **take note** of the timeline presented by the Secretariat;
- to **instruct** the Secretariat to revise the questionnaire in light of the comments received and to **adopt** the 2nd monitoring round questionnaire and its timeline;
- to **instruct** the Secretariat to send the questionnaire to the States Parties having as a deadline 10 December 2026;

5.4 Survey on mandatory reporting of transplantations abroad

- to **take note** of the presentation by the consultants on the analysis of the answers provided by States Parties to the survey and main conclusions;
- to **discuss** the answers provided and recall that this survey is a short and targeted questionnaire designed to gather specific information quickly from the States Parties and signatories;

- to **thank** the consultants for their remarkable work in a very short timeframe;
- to **thank** the 11 States Parties (**Albania, Belgium, Costa Rica, Croatia, Czechia, France, Latvia, Portugal, Republic of Moldova, Spain** and **Switzerland**) and the 4 signatory countries (**Italy, Luxembourg, Poland** and **United-Kingdom**) that participated in this exercise ;
- following the request from the Bureau, to **take note** of the reasons provided by the States Parties that did not participate in answering this survey;
- to **agree** on and **adopt** the content of the flash survey report;
- to **instruct** the Secretariat to publish the report on the website in both official languages;

5.5 National Platforms

- to **take note** of the information provided by some States Parties on their national situation on national state of play.
- To instruct the Secretariat to draft a brief paper clarifying the concept and functioning of national platforms which can be a source of inspiration for States Parties;
- to **take note** of the presentation by Dr. Roselyn SERRANO VARGAS, Technical Executive Secretariat for Donation and Transplantation, Ministry of Health, Costa Rica on their National transplantation platform (SINADOC);
- to **thank** Dr. Roselyn SERRANO VARGAS for her presentation;

5.6 Position paper on websites promoting illicit transplant tourism

- to **take note** of the information provided by the Chair regarding this document and to recall that it is the result of the CoP's decision, taken at the last plenary meeting, to adopt a position paper following both the hearing entitled "*From Online Offers to Organ Trafficking: The Need for Coordinated Action*" and the statement by the Secretary General on the occasion of European Day for Organ, Tissue and Cell Donation (11 October);
- to **take note** that this document was discussed and agreed by the Bureau at its most recent meeting;
- to **take note** of the comment from **Slovenia** proposing the addition of a reference to the protection of the victims in the position paper;
- following the introduction of the **Slovenia's** comment, to **agree** on the content and to **adopt** the position paper;
- to **instruct** CoP members to translate it in their national languages, disseminate it and raise awareness of the adopted position paper;
- to **instruct** the Secretariat to include it in the CoP website in both official languages;

5.7 Guidance Note on reporting criteria principles

- to **postpone** this item to a future plenary meeting;

- to **take note** of the information provided by States Parties in a *tour de table* in particular: **Belgium** and **Switzerland** (Appendix III);

5.8 Potential common position paper on financial neutrality

- to **take note** of the information provided by the Chair at the Steering Committee for Human Rights in the fields of Biomedicine and Health (hereinafter, CDBIO) plenary meeting, in particular the possibility of collaborating with the CDBIO on a joint statement concerning financial neutrality;
- to **instruct** the Secretariat to be in contact with the Declaration of Istanbul Custodian Group (DICG) for participating in its restricted WG on financial neutrality. Based on the information from there, to **instruct** the Secretariat to contact other steering committees (CDBIO and CD-P-TO) and propose them to participate in the drafting of a common position paper/statement for its submission to and endorsement by the Committee of Ministers;

5.9 NETTA's Terms of Reference

- to **take note** of the Secretariat's formal apology regarding any misunderstanding or confusion arising from the inaccurate wording of the said heading;
- to **recall** that, during its last plenary meeting, the CoP formally invited States Parties to provide their views on how to reinforce and enhance its cooperation with NETTA based on NETTA's Terms of Reference;
- following the request from the Bureau, to **take note** of the explanations provided by those States Parties that did not provide any answer.
- to **agree** on the extension of the deadline until the end of July for States Parties to submit their views;

5.10 Discussions about tissues and cells

- to **take note** of the information provided by the Secretariat following the inclusion of this item in the agenda at the request of the Bureau and taking into consideration the references in the Explanatory Report on this topic;
- following the request from certain States Parties, to **instruct** the Secretariat to provide information, at a plenary meeting, on the procedure to be followed for the possible drafting of a legal instrument concerning trafficking in tissues and cells;
- to **instruct** all representatives to contact their counterparts from the CoP on Trafficking in Human Beings to seek an invitation to their plenary meeting;

5.11 Paper on the distinction between Trafficking in Human Organs (THO) and Trafficking in Human Beings for Organ Removal (THBOR)

- to **take note** of the decision of the Bureau to postpone this item to a future plenary meeting, pending finalisation of the document;
- to **circulate** this document, once agreed by the Bureau and finalised, among the observers and participants to the CoP for possible comments;

5.12 Data collection

- to **take note** of the information provided by the Secretariat regarding the modifications proposed by the Bureau to the Terms of Reference (hereinafter, ToR) of the Working Group on data collection ;
- to **discuss, agree** on and **adopt** the ToR for a Working Group on data collection;
- to **instruct** the Secretariat to send a request to both set-up the Working Group and ask for participants to it;
- to **take note** that participation is open to observers and participants to the CoP;

5.13 Gender Equality Rapporteur (GER)

- given the non-participation of the GER, to **postpone** this item to the next plenary meeting;

5.14 Analysis of reservations and declarations to the Convention

- to **postpone** this item to a future plenary meeting;

5.15 Extraterritoriality

- to **postpone** this item to a future plenary meeting;

6. Exchange of information, experiences and good practices

6.1 The work of NETTA

- to **take note** of the presentation by Dr Anna PSZENNY, Chair of NETTA, on NETTA's current work, in particular the concerns for travelling for transplantation, NETTA's objectives, how several countries introduced mandatory reporting requirements inspired by the NETTA framework, etc.
- to **discuss** certain terminology aspects and to show an interest in the work carried out by NETTA;
- to **thank** Dr Anna PSZENNY for her presentation;

6.2 Information from representatives participating in other bodies

- to **take note** of the presentation by Ms Laurence LWOFF, Secretary of the CDBIO, on current activities and in particular the [Strategic Plan](#) (2026-2030) for human rights in biomedicine and health;
- to **discuss** about the different concerns on the notions of prohibition of financial gain, informed consent and compensation;
- to **welcome** the positive response of the CDBIO to the decision proposed by the CoP, to draft a joint position paper, in conjunction with other steering committees, for submission to the Committee of Ministers;
- to **thank** Ms Laurence LWOFF for her participation in the meeting and her presentation;
- to **instruct** the Secretariat to circulate the Strategic Plan to the States Parties, observers and participants;

6.3 **Presentation by Dr Frederike AMBAGTSHEER, Vice-Chair of ELPAT**

- to **take note** of the presentation by Dr Frederike AMBAGTSHEER, Vice-Chair of The European Platform on Ethical, Legal and Psychosocial Aspects of Organ Transplantation (ELPAT), on the European Research Council project on organ trade entitled "*Walls of secrecy and silence in the human organs trade: facilitating, concealing and laundering illegal transplants*", a €1.5 mil project (2025-2030) coordinated by Erasmus Universitair Medisch Centrum Rotterdam, mainly focused in trade in living donor (including migrants) kidneys.
- following the presentation provided, to **discuss** about the project component on systematic searches of organ trade activity on the world wide web, websites and social media platforms;
- to **encourage** States Parties, in particular Costa Rica, to liaise with Dr Ambagtsheer and facilitate her any contact within their jurisdictions;
- to **thank** Dr Frederike AMBAGTSHEER for her interesting presentation and agree to welcome her in the forthcoming (and future) plenary meetings to inform the CoP about the project results;

6.4 **Presentation by Dr Roza PATI, Founder and Director of the John J. Brunetti Human Trafficking Academy**

- to **take note** that the presentation by Dr Roza PATI will be postpone to a future plenary meeting;

6.5 **Presentation of relevant activities by international governmental organisations and other observers**

- to **take note** of the presentation by Ms Silvia DE ROSA on behalf of INTERPOL, on reported cases -particularly those identified through Operation Liberterra III- and suspicion and their current projects;

- to **take note** of the presentation by Professor Thomas MÜLLER on behalf of the Declaration of Istanbul Custodian Group, on their current activities (projects, news and fake news, financial neutrality);
- to **take note** of the presentation by Mr Haris KHALID on behalf of the World Patients Alliance, on their activities and priorities (including the position statement on ethical transplantation, patient safety, and donor protection);
- to **thank** the international governmental organisations and observers for their presentations;

7. Activities to promote the Santiago de Compostela Convention

7.1 International Day against organ trafficking

- to **take note** of the information provided by the Secretariat regarding the outcome of IDAOT 2026;
- to **thank** the States Parties, signatory countries, observers and the Secretariat for their commitment to the event;
- to **instruct** the Secretariat to send all visuals to the States Parties for translation into their respective languages;
- to **instruct** the States Parties, signatory countries, and observers to submit their ideas to the Secretariat for IDAOT 2027;
- to **take note** of the information provided by the Secretariat concerning a proposed joint one-hour event with the Declaration of Istanbul Custodian Group (DICG) to be organised next year near 25 March 2027. It should also be noted that the DICG is organising a webinar on the occasion of the United Nations' World Day against Trafficking in Persons (30 July 2026);

7.2 Education & Training about organ trafficking

HELP Training

- to **take note** of the information provided by the Secretariat regarding the lack of resources;
- to **take note** that a working group, with English as its working language, will be established to develop a training using the HELP methodology, as utilised by Council of Europe for the trainings on the Conventions;
- to **take note** that, given the transversal nature of the Convention, the working group may include experts from various fields;

8. Decisions to be taken by the Committee of the Parties

8.1 Observer status to the Santiago de Compostela Committee

- to **take note** of the presentation by Professor Adnan Sharif, Consultant Nephrologist and Transplant Physician at University Hospitals Birmingham, delivered on behalf of Doctors Against Forced Organ Harvesting (DAFOH), on their activities and their application for observer status within the CoP;
- to **thank** Professor Adnan Sharif for his presentation and to **express** appreciation for DAFOH's interest in the Santiago de Compostela Convention;
- to **grant** observer status to DAFOH, following a successful vote;

9. Events

- to **instruct** the members of the Committee of the Parties (CoP) to inform the Secretariat of any forthcoming events at which the presence of the Secretariat or CoP members would be relevant;
- to **take note** of the information provided by **Belgium** concerning several events, including the following:
 - a) 3 July 2026: Committee of the Parties to the Palermo Convention on trafficking in human beings (United Nations);
 - b) Last week of July 2026: Committee of the Parties to the Warsaw Convention on trafficking in human beings (Council of Europe);
 - c) 30 July 2026: United Nations' World Day against Trafficking in Persons;
 - d) 24 and 25 June 2026: United Nations Working Group on Trafficking in Persons, with the main discussion focusing on trafficking and artificial intelligence;
 - e) 18 October 2026: European Day against Trafficking in Human Beings (European Union);
 - f) November or early December 2026: Committee of the Parties to the Warsaw Convention (Council of Europe);
- to **take note** of the information provided by **Slovenia** and **Sweden** concerning the European Organ donation day to be held the 2nd weekend of October (11 October) in Cyprus, noting that the 2027 edition will take place in Strasbourg;
- to **take note** of the information provided by the Chair regarding the presentation of the CoP's activities at the following meetings: a) On 15–16 April 2026, the CoP's activities were introduced at the CD-P-TO meeting; b) on 2-5 June 2026, the CoP's activities were introduced at the CDBIO meeting. Representatives from both committees were showed a particular interested in the CoP's work;

10. Working Methods

- to **take note** of the information provided by the Secretariat regarding the reminders that have been sent to obtain sufficient responses for the various projects;
- to **take note** of the Chair's statement that the Secretariat has limited resources and cannot afford to send repeated reminders. Accordingly, to instruct CoP members to reply to any reply from the Secretariat, whether positively or negatively, and in any case not to omit a reply;

11. Any other business

- to **take note** of the information provided by the Secretariat regarding the issue of plastinated body exhibitions, as raised by Professor Luisa Borgia, representative of San Marino and vice-Chair within the CDBIO Committee;
- to **agree** to invite Professor Luisa Borgia to deliver a presentation on this topic at the next plenary meeting;

12. Dates of the next meetings

- to **take note** that the next plenary meeting will be held on 20-21 October 2026;

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➤ Appendix I – List of Participants	See below
➤ Appendix II - Agenda of the meeting	Agenda
➤ Appendix III - Information provided by States Parties in the <i>tour de table</i> (item 5.7)	See below

Appendix I



Strasbourg, 10 June 2026

T-THO (2026) LP1

Committee of the Parties to the Council of Europe Convention against
Trafficking in Human Organs /

Comité des Parties à la Convention du Conseil de l'Europe contre le
trafic d'organes humains

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**List of participants /
Liste des participants**

8th meeting of the Committee of Parties to the THO Convention /
8^{ème} réunion du Comité des Parties à la Convention TOH

Room G04, Strasbourg, France, 9 – 10 June 2026 /
Salle G04, Strasbourg, France, 9 – 10 juin 2026

1. **MEMBERS / MEMBRES (STATE PARTIES TO THE CONVENTION / ETATS PARTIES A LA CONVENTION)**

ALBANIA / ALBANIE

Mr Gjergj PRABIBAJ, Director of the Directorate of Anti-Trafficking Policy at the Ministry of Internal Affairs

AZERBAIJAN / AZERBAIDJAN

Mr Nurlan ALIZADA (online, *en ligne*)

Mr Rafiq ABDULLAYEV (online, *en ligne*)

BELGIUM / BELGIQUE

Ms Claire HUBERTS, Juriste au sein du Service public fédéral Justice, Direction générale Législation, Libertés et Droits fondamentaux, Service des principes de droit pénal et de procédure pénale

Ms Régine WILMOTTE, Legal Officer in the Federal Public Service Public Health, Directorate-General for Health Care, Legal Service (Apologised, *Excusée*)

COSTA RICA / COSTA RICA

Dr. Roselyn SERRANO VARGAS, Technical Executive Secretary of Donation and Transplantation, Ministry of Health

CROATIA / CROATIE

Ms Marina PREMUŽIĆ, National Transplantation Coordinator, Ministry of Health

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Chair/Présidente

Ms Pavla BUREŠOVÁ, Senior Ministerial Counsellor, Ministry of Justice of the Czech Republic

FRANCE

Mr Kévin VEZIEN, Magistrat – Rédacteur, Bureau du droit économique, financier et social, de l'environnement et de la santé publique (Apologised, *excusé*)

LATVIA / LETTONIE

Ms Kristīna DOMBROVSKA, Lawyer of the Criminal Law department of the Ministry of Justice of Latvia

MALTA / MALTE

Mr Michael Camilleri, Director (Human Rights), Human Rights Directorate, Office of the Prime Minister (Apologised, *Excusé*)

REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA

Dr Dorian VISTERNICIANU, Head of Informatics Systems and Logistics Dept.

MONTENEGRO / MONTENEGRO

Ms Mirjana VLAHOVIĆ ANDRIJAŠEVIĆ, State Secretary in the Ministry of Health of Montenegro (Apologised, *Excusée*)

NORWAY / NORVEGE

Mr Torkil CLEMENTSEN, Director of the Department for Planning and Coordination, Norwegian Directorate of Health

PORTUGAL / PORTUGAL

Vice - Chair / Vice- Président

Mr Manuel AIRES MAGRIÇO, Public Prosecutor, Administrative Court of Lisbon, (Apologised, *Excusé*)

SLOVENIA / SLOVÉNIE

Ms Danica AVSEC, Deputy director of the Institute of Organ and Tissue Transplantation Slovenia-transplant

SPAIN / ESPAGNE

Ms Escarlata GUTIÉRREZ MAYO, Prosecutor. Advisor to the General Directorate for Public Justice Service, Ministry of the Presidency, Justice, and Relations with the Courts (online, *en ligne*)

Ms Lola PEROJO VEGA, Head of the Technical and Support Unit, Management Department, National Transplant Organisation (online, *en ligne*)

SWITZERLAND / SUISSE

Ms Salome RYF, Deputy head of Unit / Federal Department of Home Affairs FDHA / Federal Office of Public Health FOPH / Biomedicine Division / Transplantation Unit

2. OBSERVERS TO THE SANTIAGO DE COMPOSTELA CONVENTION/ OBSERVATEURS DE LA CONVENTION DE SAINT-JACQUES-DE-COMPOSTELLE

Declaration of Istanbul Custodian Group

Prof. Thomas MÜLLER, Co-Chair of the Declaration of Istanbul Custodian Group (DICG)

Doctors Against Forced Harvesting (DAFOH)

Prof. Adnan SHARIF, Secretary (online, *en ligne*)

Europol

Mr. Nenad NACA, Team Leader AP Phoenix (Trafficking in Human Beings), Europol, European Serious & Organised Crime Centre (ESOCC), European Migrant Smuggling Centre (EMSC) (Apologised, *Excusé*)

Eurotransplant

Dr André MATERA, General Director

Interpol

Mr Patrice KOUASSI, Criminal Intelligence Officer, Human Trafficking and Smuggling of Migrants (HTSM) Unit (Apologised, *Excusé*)

Ms Silvia DE ROSA, Project Assistant, Focal Point for Victim Protection and Assistance, Human Trafficking and Smuggling of Migrants (HTSM) Unit

World Health Organization

Mr Efstratios (Stratos) CHATZIXIROS, Advisor, Transplantation Human Organs-Tissues-Cells, Health Systems Division (Apologised, *Excusé*)

World Medical Association

Dr. Jose Antonio LORENTE, M.D., Ph.D., Full Professor of Legal Medicine at the School of Medicine of the University of Granada (Spain) (online, *en ligne*)

World Patients Alliance

Ms Penney COWAN, Secretary (online, *en ligne*)

Mr Hussain JAFRI, CEO (online, *en ligne*)

Mr Haris KHALID, office manager (online, *en ligne*)

3. PARTICIPANTS

CDBIO

Prof. Luisa Borgia, Professor of Bioethics, Polytechnic University of Marche, President of National Bioethics Committee of Republic of San Marino (online, *en ligne*)

CD-P-TO

Dr. Beatriz DOMINGUEZ-GIL GONZALEZ, General Director of the National Transplant Organisation, Ministry of Health of Spain (online, *en ligne*)

NETTA

Dr. Anna PSZENNY, Chair of the Network of National Focal Points on Travel for Transplantation (NETTA)

4. SIGNATORIES/ SIGNATAIRES

UNITED KINGDOM / ROYAUME-UNI:

Ms Sharmilie GNANACHELVAM, Policy and Corporate Support Officer, UK Delegation to the Council of Europe (Apologised, *Excusée*)

5. COUNCIL OF EUROPE MEMBER STATES / ETATS MEMBRES DU CONSEIL DE L'EUROPE

FINLAND / FINLANDE:

Ms Sonja SJÖMAN, Senior Specialist, Ministry of Justice of Finland (Apologised, *Excusée*)

NETHERLANDS/ PAYS-BAS

Mr Eros PUGGIONI, Policy Officer on Human Trafficking, Ministry of Justice and Security

SWEDEN / SUEDE:

Ms Emilie GRIPEWALL, Programme Officer, National Board of Health and Welfare

6. EXPERTS / CONSULTANTS

Independent experts / Experts indépendants

Mr Hugo BONAR, Consultant

Mr. Arantza LIBANO BERISTAIN, International expert, Associate Professor of Procedural Law at Autonomous University of Barcelona (Spain) (online, *en ligne*)

Dr. iur. Asier URRUELA MORA, Professor of Criminal Law, University of Zaragoza

7. SPEAKERS / INTERVENANTS

Dr J.A.E. (Frederike) Ambagtsheer, Criminologist, Organ Trafficking Researcher, Assistant Professor (online, *en ligne*)

Ms Fernanda GÜZMAN SANTORO, PhD student (online, *en ligne*)

Dr Roza Pati, St. John Paul II Distinguished Professor of Law, Director, LL.M./ J.S.D. Program in Intercultural Human Rights, Founder & Director, The John J. Brunetti Human Trafficking Academy (Apologised, *Excusée*)

8. COUNCIL OF EUROPE SECRETARIAT / SECRÉTARIAT DU CONSEIL DE L'EUROPE

DGI - HUMAN RIGHTS AND RULE OF LAW / **DGI - DROITS HUMAINS ET ÉTAT DE DROIT**

Directorate of Social Rights, Health and Environment / **Direction des droits sociaux, de la santé et de l'environnement**

Mr. Rafael BENITEZ, Director of Social Rights, Health and Environment / *Directeur des Droits Sociaux, Santé et Environnement*

Ms. Christiane SCHIMECK, Head of Health and Addictions Department / *Cheffe du Service Santé et addictions*

Ms Laurence LWOFF, Head of Health Division / *Cheffe de la Division Santé*

Dr. iur. Óscar ALARCÓN-JIMÉNEZ, **Executive Secretary to the Committee of the Parties to the Trafficking in Human Organs Convention / Secrétaire Exécutif du Comité des Parties de la Convention contre le trafic d'organes humains**

Mr Mickaël VEINANTE, Programme Manager / *Chargé de Programme*

Ms Emma JEANNOEL, Administrative Assistant / *Assistante Administrative*

EUROPEAN DIRECTORATE FOR THE QUALITY OF MEDICINES AND HEALTHCARE (EDQM) /

DIRECTION EUROPEENNE DE LA QUALITE DU MEDICAMENT ET SOINS DE SANTE (DEQM)

Dr. Petra DOERR, Director of the EDQM (Apologised, *Excusée*)

Mr Jaime MARCO, Scientific Programme Manager, Transplantation & Blood Transfusion Steering Committees

9. INTERPRETERS / INTERPRETES

Ms Bettina LUDEWING QUAINÉ

Ms Celia MONCOQ

Mr Jean-Jacques PEDUSSAUD

Appendix III - Information provided by States Parties in the *tour de table* (item 5.7)**Belgium**

-Fournir au Secrétariat les coordonnées du Secrétariat de l'UE (Régulation SoHO)

-Proposer au Secrétariat des experts de profils divers prêts à contribuer bénévolement à l'élaboration d'un curriculum sur la Convention en utilisant le modèle envoyé par le Secrétariat le 10 juillet 2025

-Soumettre des commentaires et observations écrits sur le thème de la transplantation illicite d'organes à l'étranger en vue de l'élaboration d'une déclaration par le CdP
La délégation belge rappelle le libellé de l'article 22 de la convention et de son commentaire 129 qui se réfère à des informations générales.

Article 22 – Mesures au niveau international

Les Parties coopèrent dans la mesure la plus large possible afin de prévenir le trafic d'organes humains. Elles sont notamment chargées :

- a. de faire rapport, à sa demande, au Comité des Parties sur le nombre de cas de trafic d'organes humains sur leur territoire respectif ;*
- b. de désigner un point de contact national responsable de l'échange d'informations se rapportant au trafic d'organes humains.*

Article 22 – Mesures au niveau international

129. L'article 22 oblige les Parties à coopérer, dans la mesure la plus large possible, dans le but de prévenir le trafic d'organes humains : (i) en faisant rapport, à sa demande, au Comité des Parties sur le nombre de cas de trafic d'organes humains sur le territoire de chaque Partie ; (ii) en désignant un point de contact national responsable de l'échange, entre les Parties, d'informations de nature générale se rapportant au trafic d'organes humains.

130. Les négociateurs ont estimé que ces mesures sont nécessaires pour pouvoir apprécier l'impact de la Convention et pour garantir une coopération internationale efficace.

Elle propose donc d'échanger au sein du Comité les informations suivantes :

- Des **statistiques** policières et judiciaires sur la TEH/Po et le TO (avec le problème ordinaire du retard de livraison variable selon les pays, comme l'a souligné la délégation française)
- Des informations sur les **affaires ouvertes** entre deux réunions plénières (type de faits, auteur présumé connu ou non de la justice, période, région, détails sur modus operandi, nombre de victimes nu, mode de dévoilement, dans les grandes lignes pour *ne pas violer le secret de l'enquête, le secret de l'information menée par le parquet ou le secret de l'instruction, et la présomption d'innocence.*

A minima, il y aurait lieu de transmettre les communiqués de presse des agences nationales de presse ou les articles de presse parus, et les extraits éventuels des rapports publiés d'une agence officielle ou d'une organisation nationale reconnue.

Il faudrait aussi être prudent dans la rédaction du rapport des plénières (rendus publics) ; chaque Etat partie a la responsabilité de transmettre par écrit au préalable (préférable) ou de relire (au besoin rectifier) le projet de PV du secrétariat.

- Des informations d'actualisation sur des **affaires judiciaires en cours** (phase de la procédure judiciaire, difficulté particulière, collaboration éventuelle avec Eurojust), dans les grandes lignes sans violer le secret de l'enquête, de l'information, de l'instruction et la présomption d'innocence. Si condamnation, les peines prononcées. Si non-lieu ou acquittement, les raisons dans les grandes lignes.

Même remarque sur les documents à transmettre.

Même remarque sur le PV des plénières.

- La jurisprudence utile (anonymisée).

Sur des points particuliers, de la jurisprudence sur le crime organisé, la traite des êtres humains ou le trafic de migrants peut en effet être utile, vu les liens avec le trafic d'organes (ex. le fait qu'une victime prenne l'initiative de contacter la personne qui l'exploitera, n'empêche pas de conclure qu'il y a de la traite).

- Les **analyses** de jurisprudence ou de doctrine publiées dans l'Etat partie, sur la traite à des fins de prélèvement et le trafic d'organes (peu importe la langue).

-Soumettre d'autres propositions pour le deuxième cycle de suivi en vue de leur discussion lors de la 7e réunion du CdP en utilisant le modèle envoyé par le Secrétariat le 23 juin 2025

Voir la fiche complétée en annexe ; j'ai repris des passages de Pavla.

-Fournir au Secrétariat les coordonnées de leurs homologues dans d'autres États membres du Conseil de l'Europe NON-parties à la Convention

Luxembourg - Pays-Bas : déjà transmis à Oscar il y a longtemps.

-Examiner l'existence d'entités nationales collectant des communiqués de presse relatifs au trafic d'organes

En Belgique, si un communiqué de presse sort sur le trafic d'organes, en principe, les SPF Justice et/ou Santé en sont informés et ils peuvent les transmettre au secrétariat. En annexe, les communiqués reçus de l'agence Belga sur la problématique à l'étranger (ceux sur le Guatemala ou le R-U de 2023) ou sur le don d'organes (2015).

Il y a les communiqués de presse et les articles des médias. Il faudrait que le comité puisse s'appuyer sur les associations internationales pour ces derniers. Nos observateurs peuvent sûrement nous aider.

-Informier le Secrétariat des réunions pertinentes sur le trafic d'organes en vue d'un éventuel partage entre les membres du CdP

ONU (Vienne) 6-7 Suivi du protocole TEH ; 9-10 Suivi du protocole Trafic de migrants : rien de spécifique sur le trafic d'organes

-Fournir au Secrétariat la législation nationale pertinente ainsi que la Convention traduite dans leur langue nationale pour le site internet

(Déjà mis sur le site du CoE)

Pour information, le nouveau Code pénal a été voté mais il n'est pas encore en vigueur (8/4/2026) et il fera l'objet d'une loi de « réparation » d'ici là. C'est mieux d'attendre la publication de cette loi pour le mentionner sur le site du CoE.

-Fournir toute information pertinente qui pourrait faciliter les connexions avec d'autres pays et améliorer la diffusion des informations

(Pas d'information pour le moment ; réunion du groupe de coordination fin septembre, je demanderai aux Affaires étrangères)

-Formuler des commentaires sur la manière dont le CdP devrait gérer les interactions avec les réseaux

La Belgique n'étant pas membre du NETTA, en l'absence de rapport d'activité du NETTA (de son analyse, de ses recommandations), il est difficile pour nous de commenter.

Le Comité Trafic d'organes fait le lien particulièrement entre les ministères de la Justice et/ou de l'Intérieur (autorités policières et judiciaires) et les autorités de la santé, dès lors il nous semble que, dès la parution du rapport du NETTA, une présentation du rapport (de l'analyse, des conclusions, des recommandations) et une discussion en plénière, avec les observateurs permanents et les observateurs de notre comité notamment le GRETA, doivent avoir lieu sur les informations récoltées et leur analyse, pour identifier les actions utiles sur les différents volets d'action de notre Comité, couverts par la convention (les 3P). Par ex. sensibiliser les agents de liaison, les consulats, ...

Les informations rassemblées par le NETTA et destinées à être rendues publiques sont des informations précieuses qui doivent être (sont) portées à la connaissance de notre comité, au même titre que d'autres sources (ex. rapport d'Interpol ou de l'ONU, rapports de recherche, rapports du GRETA ...). A ce stade, on ne sait pas encore quelles informations seront publiées, leur degré de précision.

Il serait utile de savoir comment les Etats parties à notre Comité qui sont membres du NETTA, utilisent / vont utiliser l'analyse du NETTA, si et comment ils comptent s'adapter.

Concrètement, savoir que tel pays voire *telle clinique* dans le pays (le rapport du NETTA en parlera-t-il ?) accueille chaque année par exemple des receveurs francophones ou que des donneurs indiens sont plus nombreux à venir dans un Etat partie par exemple serait précieux pour informer les consulats en Inde (pour adopter les mesures de prévention contre la traite), à appeler à la prudence les néphrologues qui suivent les receveurs (surtout ceux d'origine indienne) qui seraient intéressés de partir, ou d'avertir les personnes chargées du screening avant la transplantation de manière plus ciblée.

-Réfléchir et déterminer quelles données doivent être collectées et partagées entre les États Parties afin de se conformer à l'article 25.2 de la Convention

Article 25 – Fonctions du Comité des Parties

2 Le Comité des Parties facilite également la collecte, l'analyse et l'échange d'informations, d'expériences et de bonnes pratiques entre les Etats afin de renforcer leur capacité à prévenir et à lutter contre le trafic d'organes humains. Le Comité peut bénéficier de la compétence d'autres comités et organes pertinents du Conseil de l'Europe.

Sur un site restreint, on devrait pouvoir trouver des outils qu'un Etat Partie estime utile à partager avec les autres (brochure, protocole ...), spécifiquement sur le trafic d'organes mais aussi sur la traite si c'est utile. On les placerait dans des fardes « brochure » (pour les patients, pour les hôpitaux... », « protocole pour les praticiens », « plateforme de coordination », « outils pour diplomates »,

« indicateurs », « actions et campagnes de sensibilisation », « power points » (sur la convention ou sur la problématique).

Et pour certaines rubriques, une fiche introductive avec les étapes, les questions à se poser, des conseils (y compris des experts) pour construire un outil pertinent pour l'Etat, pour diffuser adéquatement un outil pour atteindre l'objectif, histoire de guider les agents des Etats parties.

Le but étant d'équiper le mieux possible les 15 Etats parties en attendant un agrandissement, sur base des bonnes pratiques et des expériences.

-Envisager de mettre en oeuvre toute initiative possible (au niveau national) le 25 mars 2026 (Journée internationale contre le trafic d'organes) afin de sensibiliser à la Convention et en informer le Secrétariat à l'avance. Tenir le CdP au courant à ce sujet lors de la prochaine réunion plénière

On a le projet de communiqué de presse des deux départements (Justice et Santé) de mars 2025, qu'on actualisera. Un message sur les réseaux sociaux des SPF et des associations partenaires reste aussi envisageable.

Switzerland

This is based on the note that Switzerland sent to the Secretariat in August 2025.

In our opinion, the CoP should define which cases must be reported under **Article 22 letter a**: judgments, penalty orders, decisions not to prosecute. It should specify how often countries must provide these figures. The first survey on the number of cases since the convention came into force in each country should be carried out as soon as possible. The number of cases prior to the entry into force of the convention could also be reported on a voluntary basis. The implementation of Article 21 paragraph 1 letter c enables countries to provide this data and, on the basis of additional information and exchanges with other authorities, to identify interesting cases or examples that they could present to the CoP.

With regard to the data on organ transplants abroad collected by NETTA, the publication of the results should be awaited first. The CoP could issue a statement on the category of cases that may involve organ trafficking. If necessary, it could also invite countries with a particularly high number of problematic cases that are members of the Council of Europe to exchange information and encourage them to ratify the Convention.

The following activities could be included in the implementation of Article 25 paragraph 2:

- Presentation and discussion of the number of cases collected under Article 21 paragraph 2 letter c
- Presentation of interesting cases by countries in the CoP
- Presentation of the publication of NETTA data by NETTA
 - o Discussion of the category of cases that may involve organ trafficking.
 - o Invitation to Council of Europe member states that are particularly affected by these cases (as destination or country of origin).
 - o Comparison of the number of cases reported by CoP members with the cases reported under Article 22 letter a.
 - o Drafting of a statement on the classification of these cases.