

# Ulovlig Organhandel

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### Illegal kidney trade booms as new organ is 'sold every hour'

World Health Organisation estimates 10,000 black market operations involving human organs take place each year

*Denis Campbell and Nicola Davison in Sha*

BBC NEWS

### Meeting an organ trafficker who preys on Syrian refugees

By Alex Forsyth  
BBC News, Beirut

25 April 2017 | Magazine



### An Orphanage Was A Primary Location For The Children Organ Trafficking Scheme



Photo: zilverbat/flickr/CC-BY-NC 2.0

The Home of the Big Family was a respected orphanage in Zamora, Mexico. That is until authorities raided the orphanage in 2014 and discovered that over 500 children were being kept against their will in cramped conditions.



The Award-Winning  
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AML CHALLENGES, JUNE - AUGUST 2018

### Organ Trafficking: The Unseen Form of Human Trafficking

JUNE 26, 2018



Organ trafficking, a lucrative global illicit trade, is often a lesser discussed form of human trafficking among anti-human trafficking stakeholders due to its intricate and often stealth nature. Trafficking sex and/or

Rudolf Christoffersen  
Statsadvokat

# Disposisjon

1. Hvorfor fokus på dette nå ?
2. Hva vet Politiet om omfanget av ulovlig organhandel?
3. Hva vet vi om det "*typiske*" offeret for ulovlig organhandel?
4. Hvordan foregår ulovlig organhandel?
5. Det Juridiske rammeverket
6. utfordringer for politi og Påtalemyndighet

# Hvorfor økt fokus på dette nå?

*"Trafficking for the purpose of organ removal is included in the United Nations Palermo Protocol on Trafficking of 2000 in its definition of trafficking in Article 3, but in fact **this form of trafficking remains one of the most unknown and least addressed**".*

OSCE 2014

Liten kompetanse i politi- og påtalemyndighet om dette fenomenet.

Ingen saker avdekket i Norge. Kun noen få straffesaker i EU, men økende.

Mangel på kompetanse i politiet i hvorledes etterforske denne type saker.

The Europol logo is displayed in a white, rounded rectangular box at the top of the slide. It features a stylized yellow and blue icon to the left of the word "EUROPOL" in a bold, blue, sans-serif font.

EUROPOL

The background of the slide is a dark blue digital network with glowing nodes and lines. In the upper right, there is a large, light blue abstract shape. The text "EXPLORING TOMORROW'S ORGANISED CRIME" is written in a bold, yellow, sans-serif font across the middle of the image.

EXPLORING TOMORROW'S  
ORGANISED CRIME

*" There is very little information at the EU level on this form of trafficking"*

Europol, Trafficking in Human Organs 2011

- \* Illegal transplants tend to be concealed or disguised as, for example, altruistic donations between relatives.
- \* Both the victim and the organ recipients have strong reasons for maintaining their involvement a secret, including for fear of prosecution, as well as feelings of shame and guilt, rendering detection difficult.

## Organ trafficking in UK on the rise

by Xavier Symons | 14 Mar 2015 | [Link](#)



Organ trafficking is often thought to be a phenomenon of the developing world. A number of recent UK cases have indicated otherwise. **A recent report** by the UK's National Crime Agency stated that there were two cases of organ trafficking in the country in 2014 – one involving a woman in her 30s, and another involving a boy as young as 12. Very little is known about the cases, other than that the organ traffickers were stopped before they could operate on the individuals. A spokesman for the Human Tissue Authority (HTA) stated that authorities had alerted them to the incidents.

According to the World Health Organisation (WHO), as many as 7,000 kidneys are illegally obtained by gangs each year around the world.

**The first reported case** of human organ trafficking in the UK was in 2012. **In 2013** a girl was brought from Somalia with the intention of removing her organs and selling them on to patients desperate for a transplant.

Chloe Setter, from child protection charity Ecpat UK, **is concerned about the extent of trafficking in the country**: 'We know of just a handful of cases but we suspect these are the tip of the iceberg. Organ harvesting is prevalent in many countries. We have felt confident in the UK that we have robust systems and procedures in place in relation to transplants but this could be something that is happening underground and out of view.'

*We know of just a handful of cases, but we suspect these are the tip of the iceberg.*

***"We have felt confident in the UK that we have robust systems and procedures in place in relation to transplants but this could be something that is happening underground and out of view".***

# The organ snatchers: Boy of 12 smuggled into UK... for gang to sell his body parts on black market

- A 12-year-old boy and a woman in her 30s started journey in Africa or Asia
- They were rescued by police who suspected they were being trafficked
- Cases are rare but first British 'illegal harvesting' incident reported in 2011
- Market for hearts, lungs and livers - but kidneys are the most sought-after
- Organ trafficking ring in Kosovo performed 24 illegal kidney transplants

By [MARTIN DELGADO FOR THE MAIL ON SUNDAY](#)

**PUBLISHED:** 22:14 BST, 7 March 2015 | **UPDATED:** 13:37 BST, 8 March 2015



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Two people – one a boy as young as 12 – have been smuggled into Britain to have their organs removed and sold on the black market.

The horrific cases, which have been revealed in an official report, show the lengths to which human traffickers will go to make money from their vile trade.





# Migrasjonsflommen, ulovlig organhandel og Menneskehandel



# Tidligere menneskesmugler: Migranter som ikke betalte, ble solgt for organer



*I retten i Palermo på Sicilia fortalte han om grusomme detaljer. Migranter som ikke kunne betale for seg, ble solgt til egyptere for rundt 15.000 euro som drepte dem og solgte organene videre på Svartebørsen, ifølge det italienske nyhetsbyrået Ansa.*



Haaretz | 22 Sept 2018

[\[read the article\]](#)

## **Illegal Organ Harvesting Is Rampant in Egypt, and Refugees Are the Main Target**

Thousands of Egypt's 250,000 African refugees have fallen victim to the illegal organ trade. Haaretz traveled to Cairo and spoke with six survivors. 'A strange man held a rag doused with an anesthetic over my mouth. Six days later, I woke up with a scar'

# 10,000 refugee children are missing, says Europol

The EU's criminal intelligence agency warns pan-European gangs are targeting minors for sex abuse and slavery


# Hva vet politiet om ulovlig organhandel ?

- Høy profitt
- Meget lav risiko for å bli straffeforfulgt
- Ofrene er i all hovedsak fattige mennesker.
- Mange ofre er barn.
- "Kundene" er som regel rike pengesterke mennesker.

*It is difficult to know exactly how much transplant tourism generates annually worldwide but it is estimated that the illegal trade conservatively generates approximately \$840 million to \$1.7 billion annually, according to GFI.*

*Transnational Crime and the developing World (2017)*

# Australians turn to black market for human organs

 AUGUST 7, 2016 3:34PM



Organs for sale - special investigation

Sue Dunlevy | news.com.au

**ALMOST** a hundred desperate Australians have turned to the black market to buy a human organ as demand for transplants outstrips supply.

## Australians turn to black market for human organs

AUGUST 7, 2016 3:34PM



Organs for sale - special investigation

Risking their own health many of them end up sick in hospital back in Australia leaving Australian taxpayers to foot the after care bill that has exceeded to \$500 000 in some cases.

# Hva vet vi om det typiske offeret for ulovlig organhandel ?

The victim-donors are generally suffering from acute poverty and are deceived or coerced by the trafficking network into giving up an organ for a mere fraction of the money the recipient has paid the traffickers.

They lack medical knowledge, particularly relating to transplant surgery and its potential consequences.

OSCE 2014



## Pakistani police rescue 24 from organ trafficking gang

By Ruth Evans

File on Four, BBC Radio 4, and Nosheen Abbas, BBC Urdu Service

🕒 24 January 2017 | Health



Trafficking victims allege they were taken to the Kidney



(Bigstock)

Pakistani police recently [raided](#) an apartment near the capital Islamabad and released 24 people who were locked inside. Brought and held there through deception and threats, the terrified men and women were waiting to be taken to a clinic to have a kidney removed — unwilling participants in a global phenomenon known as organ trafficking. Here are some key facts and insights about this illicit activity and the efforts against it.

### What is organ trafficking?

Start your day by asking for  
**The Washington Post**

[Find out how](#)



# Inside The Mexican Cartel's Unspoken Child Organ Harvesting Ring

Photo: via Imgur



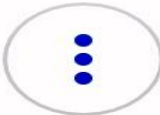
**Amanda Sedlak-Hevener**

95.4k views • 12 items

Reports of a Mexico child organ trafficking ring emerged in 2014 when authorities [suspected the](#) Knights Templar [cartel](#) of kidnapping children and harvesting their organs for sale on the black market. Human organ trafficking is an issue in many developing countries where people are tricked into selling, and even donating, kidneys and other body parts. These organs are [sold](#) to wealthy foreigners who desperately need them.



 CNN.com



# Traffickers targeting Haiti's children, human organs, PM says ...

Children recently orphaned by Haiti's earthquake could be targeted for organ trafficking, Haiti's prime minister

# Land hvor det er kjent at illegale organtransplantasjoner utføres

Pakistan

India

Egypt

Kina

Brasil

Israel

Tyrkia

Colombia

Saudi-Arabia

Kuwait

Oman

Filipinene

# Hvordan foregår ulovlig organhandel?

- Kontakt på internett (Sosiale medier og "transplant blog sites")
- Dark web
- Agencies and Medical centers – "Medical tourism"



# Hvordan opererer de kriminelle nettverkene involvert i ulovlig organhandel ?

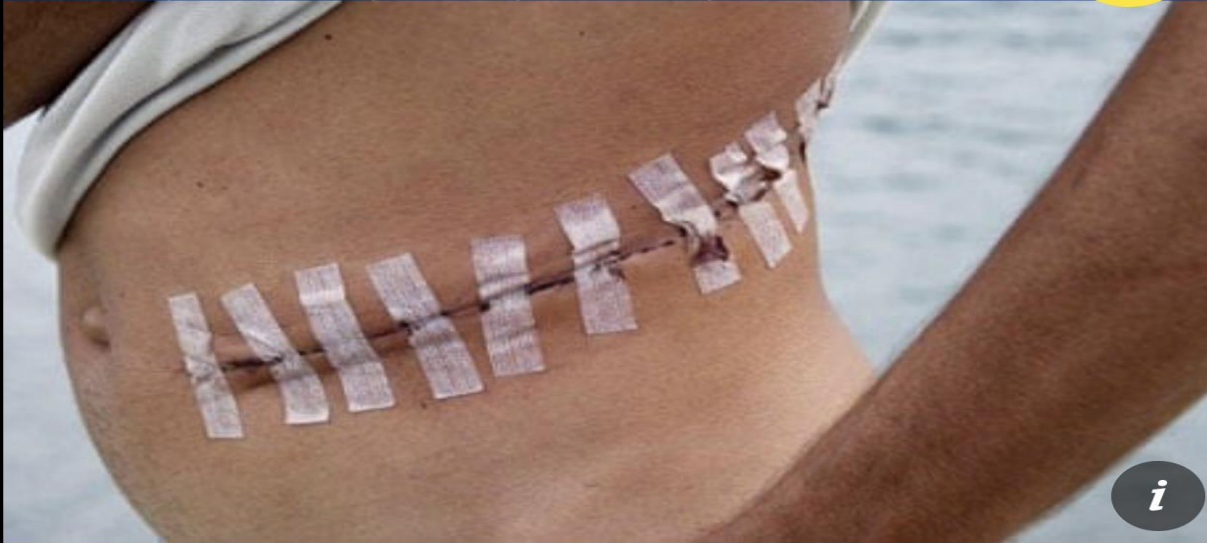
- International brokers make the strategic decisions for the networks, including the selection of target populations for victim-donors and the selection of local brokers to work with.
- Local brokers then target persons who are vulnerable to recruitment due to acute poverty. Early in the recruitment process, blood samples are taken from the donor in order to carry out the lab test to match the donor and recipient.
- The donor is then trafficked or smuggled to another country under the fraudulent pretence of a job.
- The transplant surgery is carried out soon after the donor and recipient arrive. The victim is generally placed on a flight back to his or her point of origin within days of the surgery.

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Sak fra Sør- Afrika

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## South African hospital firm admits 'cash for kidney' transplants

- Netcare KwaZulu pleads guilty to organ trafficking
- Children were among poor paid to have a kidney removed

# Det juridiske rammeverket ift ulovlig organhandel.

- Organhandelkonvensjonen
- Straffeloven § 257 og § 258
- Transplantasjonsloven



# Organhandelskonvensjonen

Norge undertegnet som et av de første landene Europarådets konvensjon mot ulovlig handel med menneskeorganer (Organhandelskonvensjonen) da den ble åpnet for signatur 25.3.2015.

For at Norge skulle kunne gjennomføre konvensjonen måtte det gjøres enkelte endringer i transplantasjonslova og obduksjonslova. Disse endringene er nå gjort, og Konvensjonen er ratifisert og gjennomført i norsk rett.

Den generelle strafferammen i transplantasjonsloven økes til fengsel i 2 år, og strafferammen for grove brudd på loven økes til fengsel i 6 år. Forsøk på forsettlig overtreddelser er straffbare.

Fengselsstraff kan gi grunnlag for utlevering til annen konvensjonspart.

# Europarådets konvensjon mot ulovlig handel med menneskeorganer

## - Formål, virkeområde og begrepsbruk

**Formålet** med Europarådets konvensjon mot ulovlig handel med menneskeorganer er å forebygge og bekjempe handel med menneskelige organer. Organhandel skal kriminaliseres og ofre for organhandel skal beskyttes. Det skal legges til rette for samarbeid mot organhandel på nasjonalt og internasjonalt nivå.

**Virkeområdet** for konvensjonen er handel med organer til transplantasjon eller andre formål, samt andre former for ulovlig uttak og ulovlig innsetting (*uttak og innsetting av organer som skjer utenfor det nasjonale transplantasjonssystemet*).

**Organhandel** er definert som ulovlig uttak av organer, bruk av organer uttatt på ulovlig vis, ulovlig forsøk på verving, ulovlig rekruttering og tilbud og anmodning om utilbørlige fordeler. Definisjonen omfatter også klargjøring, preserving, lagring, transport, overføring, mottak, innførsel og utførsel av organer på ulovlig vis til innsetting eller andre formål.

# Handlinger som skal være straffbare

Konvensjonen pålegger statene å straffe uttak av organer uten tilstrekkelig samtykke fra donor. Det skal alltid være straffbart å ta et organ fra en levende donor uten et **frivillig, informert og uttrykkelig** samtykke. Konvensjonen omfatter alle uttak uten samtykke, uavhengig av formålet med uttaket.

*Donor må være i stand til å samtykke.*

Uttak er også straffbart når donor eller en tredjemann er blitt tilbudt, eller har mottatt, økonomisk vinning eller tilsvarende fordel.

- Det er straffbart å forsettlig forsøke ulovlig verving og rekruttering av organdonorer og-mottakere med sikte på økonomisk vinning eller tilsvarende fordel for den som forsøker å verve eller rekruttere, eller for tredjemann.
- Det skal være straffbart å forsettlig tilby, gi løfte om eller gi en utilbørlig fordel for helsepersonell, offentlige tjenestemenn eller personer som arbeider for enheter i privat sektor for at disse ulovlig skal ta ut eller sette inn et organ eller legge til rette for det.
- Det skal være straffbart for helsepersonell, offentlige tjenestemann og personer som leder eller arbeider for enheter i privat sektor, å forsettlig anmode om eller motta utilbørlig fordel for å ta ut eller sette inn et organ på en måte som er straffbart etter konvensjonen eller legge til rette for slik handling.

# Virkeområde for statenes straffelovgivning (Jurisdiksjon)

Konvensjonen artikkel 10 om jurisdiksjon skal sikre at statene kan straffe ulovlig organhandel uansett hvor i verden handlingen har funnet sted.

Handlingene kan også straffes uavhengig av om de er begått av egne borgere eller utenlandske borgere.

# Straffeloven

Den som ved vold, trusler, misbruk av sårbar situasjon eller annen utilbørlig atferd tvinger, utnytter eller forleder en person til å samtykke i fjerning av et av vedkommendes indre organer, straffes med fengsel inntil 6 år. Det følger av straffeloven § 257. Grov menneskehandel straffes med fengsel inntil 10 år, jf § 258.

På samme måte straffes den som legger forholdene til rette for slik tvang, utnyttelse eller forledelse ved å anskaffe, transportere eller motta personen.

Etter straffeloven § 5 kommer straffeloven § 257 og § 258 om menneskehandel til anvendelse også for handlinger foretatt i utlandet av en norsk statsborger, eller en person med bosted i Norge. For samme personkrets vil overtredelser av straffelovgivningen, herunder straffebestemmelser i transplantasjonslova, foretatt i utlandet kunne straffes i Norge dersom handlingen også var straffbar i landet hvor handlingen ble utført.

## Forholdet mellom Straffeloven og transplantasjonslova

Straffeloven rammer de mest alvorlige handlingene, dvs bruk av vold, trusler, misbruk av sårbar situasjon eller annen utilbørlig atferd for å tvinge, utnytte eller forlede en person til å samtykke i fjerning av et organ.

Transplantasjonslovas straffebestemmelser rammer alle former for ulovlig uttak og innsetting av organer, men en overtredelse av transplantasjonslova rammes ikke nødvendigvis av straffelovens bestemmelse om menneskehandel

I hvilken grad har helsepersonell i de europeiske land adgang til å varsle politiet ved mistanke om at en pasient har fått utført en ulovlig organtransplantasjon i utlandet?

*Patients on long waiting lists can be tempted to pay for an organ abroad. But when they return to the UK requiring follow-up care their doctors will generally have their suspicions. **Most medical professionals feel bound by patient confidentiality and do not report their suspicions, but this eliminates one of the few potential methods of detecting and prosecuting this murky underworld trade.** The illegal organ trade is complex and illusive, and without doctors reporting cases it will likely remain so.*

*The Independent 24.7.2018*



## **Dutch Study**

### **Rapporteur concerned at results of study on organ trafficking**

News item | 22-10-2014

**Many health care professionals who treat kidney patients know of patients who have travelled abroad for a transplant. A large majority of them suspect, or know for certain, that the patient paid for the organ, according to a study conducted by the Erasmus Medical Center in Rotterdam.** The National Rapporteur is concerned at the results of the study because transplant tourists might be using donors who have been forced to surrender their organ.

Although the study reveals nothing about the circumstances under which the organs were donated, other studies have identified the risk of human trafficking by organ trade networks.

**The study was based on a survey of 241 health care professionals, including 133 nephrologists. Forty-six percent of the respondents said they had treated patients who had been given a kidney transplant abroad. Ninety percent of them suspected that the patient had paid for the kidney, which is a criminal offence. Nine transplant professionals had suspicions of human trafficking in the period between 2008 and 2013.**

## **Litauen:**

Doctors are under an obligation to inform the National Transplant Bureau of any adverse effects of transplantation they may come across, including any suspicion on illegal transplantation.

The National Transplant Bureau makes the decision whether to inform the police or not.

Information given to GRETA 2018

# SPØRSMÅL



Takk for  
oppmerksomheten.

Rudolf Christoffersen  
Statsadvokat