Trafficking in human beings: prevention and control of trafficking in human organs and tissues. Framework Decision. Initiative Greece

2003/0812(CNS) - 30/09/2003

The committee adopted the report by Robert EVANS (PSE, UK) broadly approving the proposal subject to a number of amendments under the consultation procedure. It wanted the title of the Framework Decision to be changed to "illegal trafficking in human organs, parts of organs and tissues". As trafficking can imply both legal and illegal trade, it should be made clear that the proposal was concerned only with illicit trade in such materials and not with legitimate, properly-regulated trade for medical purposes (such as fertility treatment). As a logical extension to this clarification, the committee then deleted the exemptions from the original proposal, i.e. reproductive organs and tissues, embryonic organs and tissues, blood and blood derivatives, so that it would be clear that the scope of the directive extended to illegal trafficking in all circumstances, with no distinction being made between different types of organs and tissues. MEPs also tabled a series of amendments to the article defining the offences falling within the scope of the Framework Decision. Thus, "deceit or any other form of coercion", would count as an offence when used to effect the removal of organs from living donors or to recruit a person with a view to the removal of organs. The committee also wanted to ensure that donors who sell their organs are not made criminally responsible, given that in most cases such donors offer to sell as a result of persuasion or coercion by criminal networks who prey on their vulnerable situation. MEPs also added a new offence, that of "advertising, via the Internet or any other medium, the need for, or availability of, organs, parts of organs or tissues, with a view to offering or seeking financial gain or comparable advantage". However, the committee wanted to make provision for donors to receive compensation to avoid possible financial disadvantage which may otherwise occur. These payments should not be treated as financial gain or a comparable advantage. In other amendments, the committee said that special attention should be paid to ensure protection of minors and other vulnerable persons. Moreover, as illegal trafficking in organs would be undermined if more people were prepared to donate tissues, cells and organs after their death, the Commission and the Member States were urged to do more to inform public opinion on the issue of organ donation and to encourage citizens to indicate their consent or otherwise to the use of their organs in the event of death. Lastly, the committee wanted the Framework Decision to be transposed into national law by 31 December 2004.