

## TRANSNATIONAL ORGAN TRAFFICKING: INTERNATIONAL COOPERATION MECHANISM AND PROSECUTION

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### ABSTRACT:-

*Organ trafficking is a tough problem that puts hospitals at risk and takes advantage of people who are weak. Most of what the world is doing to fight it is making rules stricter and finding ways for people to work together. For the world to respond, we need a complicated plan that includes people, governments, and international groups. There are rules about organ giving and transplants that are made by international groups like the UN and the WHO. Laws must be made and followed by governments to stop the trade in organs and protect weak people. Civil society has groups that help people and make people more aware. The fact that organ giving and transplantation are not open and accountable is a big problem. To keep weak people safe, countries need to set up reliable ways to track and watch people and strong safety measures. Each country needs to share information and work together to stop organ trafficking. There are rules that govern foreign projects, as well as ways to work together, that are looked at in this study. It talks about what governments, non-governmental organizations, and regular people can do to stop organ trade and encourage people to donate organs in an honest way.*

**Keywords:** Organ trafficking, International cooperation, Legal frameworks, Cooperation strategies, Ethical organ donation.

### 1. INTRODUCTION

People all across the world live because of organ transplants. It worked well, but now there's a significant problem: there aren't enough parts. Not many people wish to aid the more than 1 lakh people throughout the world who require transplants. States have pushed for expanded organ donor lists and education to close this gap. On the other side, organ trafficking and taking organs without permission have become more common because there is a strong demand for them and a lot of money to be earned from them. The WHO knows about this, and they have highlighted how crucial it is to protect weak

people from being abused and from transplant tourism. The UN and WHO set rules for organ donation to keep people safe. Following these principles is very crucial to stop abuse and maintain up good habits. People want hearts, livers, kidneys, and eyeballs a lot more than they can offer. This is true in the United States and in other parts of the world. It is against the law to trade organs, and there are severe laws and consequences for both donors and receivers.

For the past few years, selling people illegally for organ harvesting has been a huge concern on the world market. Many international, regional, and non-governmental organizations work to stop the unlawful trade of women and

children. The UN also took up this issue in 2013. They asked the UN Office on Drugs and Crime to look into it more and find ways to stop people from stealing organs without permission. It is commonly known that thieves from all over the world steal organs from poor individuals in a country that is still developing and sell them for money. Many dealers, doctors, and hospitals are involved in the illegal trading of organs. The World Health Organization does a lot to stop the terrible trafficking in organs and tissues around the world. Some poor countries also cooperate with the WHO to make sure that there is a regular, normal, and safe approach for people and doctors to receive organs for donations. People in impoverished nations who are destitute and need money have to sell their organs for very little money. This puts these folks in danger of being abused. People all throughout the world are affected by the black market that has emerged because of this. People and groups from all around the world, including rich countries like the US and Australia, are working to stop organ trafficking. But some countries still make it easy for citizens to flout the law. Many restrictions have been made in the US to make sure that organ donation and transplants are safe. This illustrates that we need tight restrictions to stop this.

The US established the Uniform Anatomical Gift Act in 1968, and Austria passed a law with the same name. Both of these laws have to do with giving organs. In Iran, though, it is permissible to sell parts. People still sell organs, nevertheless. Only around 10% of the organs that are given away are sold without permission. Most of the time, kidneys are sent to other cities and communities. Both the WHO and the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons have done things to try to fix this issue. They underline how crucial it is to keep weak populations safe from people who wish to receive organs or have transplants. WHO told the nations who are members of it that they need to do more to eliminate abuse and make sure that those who donate organs do so in a fair way.

## 2.1 INTERNATIONAL NORMS AND POLICIES ADDRESSING ORGAN TRAFFICKING AND TRANSPLANTATION

Organ transplants save lives all over the world. It worked great, but now there's a big problem: there aren't enough parts. There are not many volunteers who want to help the more than 1 lakh people around the world who need transplants. In order to close this gap, states have pushed for more organ donor lists and education. Organ trafficking and removal without consent, on the other hand, have grown because of the high demand for them and the good money that can be made from them. This is something that the WHO is aware of, and they have stressed how important it is to keep weak people safe from being mistreated and from transplant tourism. Organ giving is regulated by the UN and WHO to protect lives. To stop abuse and keep up good habits, it is very important to follow these rules. People want kidneys, livers, eyes, and hearts a lot more than they can give. This is true in the US and other places around the world. Organ trade is against the law, and both donors and receivers are protected by strict rules and punishments. Since a few years ago, selling people illegally for organ harvesting has been a big problem on the world market. Stopping the illegal trade of women and children is the job of many non-governmental organisations, international groups, and regional groups. This problem was also brought up by the UN in 2013. They asked the UN Office on Drugs and Crime to look into it more deeply and find ways to stop people from taking organs without permission. It is a well-known fact that thieves from all over the world take organs from poor people in a country that is still developing and sell them for money. A lot of dealers, doctors, and hospitals are involved in the criminal trade of organs. The World Health Organization does a lot to stop the awful trade in organs and tissues all over the world. There are also some poor countries that work with the WHO to make sure that there is a standard, normal, and okay way for people and doctors to get organs for donations.

People in developing countries who are poor and need money are forced to sell their organs for very little money. This makes these people vulnerable to abuse. The black market that has grown because of this affects people all over the world. Groups from all over the world and wealthy countries like the US and Australia are fighting organ trafficking. However, some nations still make it simple for people to break the law. To keep organ donation and transplants safe in the US, many rules have been passed. To stop this, we need strict rules, as this shows. From 1968, the US passed the Uniform Anatomical Gift Act and Austria passed a law with the same name. Both of these laws talk about organ donation. In Iran, on the other hand, it is legal to sell parts. Still, people still trade organs. It is only about 10% of given organs that are sold without permission. Most of the time, kidneys are sent to other towns and cities. The WHO and the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons have both taken steps to deal with this problem. They stress how important it is to protect weak groups from people who want to get organs or undergo transplants. WHO told the countries that are a part of it that they need to do more to stop abuse and make sure that people who give organs do so in an honest way.

## 2.2 GLOBAL ETHICAL FRAMEWORKS ON ORGAN DONATION: ROLE OF WHO

The United Nations' World Health Organization is a specialised group that was officially formed on April 7, 1948. Its major purpose is to promote and defend public health around the world. It is based in Geneva, Switzerland. The firm currently has six regional offices and more than 150 national and field offices around the world. Over the years, the WHO has made a lot of vital progress in the area of global health. Some of them are the effective eradication of smallpox, the discovery of vaccinations against hazardous diseases like Ebola, and the incredible progress made in the fight to end Polio. Today, this UN group's top goals and priority are to stop the spread of diseases like HIV/AIDS, Ebola, malaria, and tuberculosis. They

also want to do something about the rising number of diseases that can't be spread, like heart disease and cancer. The World Health Organization releases the World Health Report every year in addition to its regulatory and operational obligations. This is its most important publication, and it has in-depth studies, research results, and policy suggestions on critical health concerns that affect people all over the world.

## 2.3 ROLE AND CONTRIBUTION OF WORLD HEALTH ORGANISATION

The World Health Organization and the United Nations are both working hard to fix the large and hard problem of organ transplantation, which is getting worse and worse. Because more and more individuals are suffering chronic and life-threatening diseases, there is always a need for different kinds of human organs. But there aren't many of these organs, and it's against the law to sell them. Because there is too much supply and not enough demand, people have been able to take advantage of others. This has caused unofficial agents and middle-men to act unethically, illegally, and in ways that take advantage of people, especially in emerging and poorer countries. A lot of the time, these measures involve employing force, lying, or money to target weaker groups, which is not respectful of people or medical ethics.

To address these worries, the World Health Organization has created and pushed a variety of moral norms and criteria to control organ donation and stop its abuse and sale. The World Health Assembly has made a number of critical decisions that have helped the organization make organ transplantation more efficient and consistent around the world. The 40th World Health Assembly in 1987 was the first important move in this approach. People all throughout the world were highly disturbed about the surge in illegal products and organ trade in Mexico, several European countries, and some parts of Asia at that time. The 1987 Resolution stressed the need for broad regulations for organ transplantation that take

into account the value of human life, the moral values laid out in the Universal Declaration of Human Rights, and the goals of the World Health Organization as stated in its Constitution. The idea to outlaw buying and selling human organs was put into action after the 42nd World Health Assembly in May 1989, which enthusiastically supported it. It was at that point that international rules were written down and put into effect. An informal working group was set up at the WHO's main office in Geneva. This group came up with a set of moral principles and a universal worldview. This led to talks and gatherings about organ transplants all across the world. Because of this work, there will be guidelines developed in the future, and governments will work together to stop organ trafficking and encourage ethical transplants.

#### 2.4 WORLD MEDICAL ASSOCIATION

The World Medical Association (WMA) is a global federation of state medical associations that speaks for doctors around the world. The group was formed on September 18, 1947, and its membership has expanded consistently since then. As of 2022, it has 116 national medical organisations and more than 1,400 associate members, such as junior physicians and medical students. Together, these groups represent more than 10 million doctors around the world. The WMA has legal ties to the World Health Organization and wishes to engage with UN groups like the Special Rapporteur on the Right to Physical and Mental Health. The folks who started this global association wanted to aid everyone, develop medical ethics, and maintain professional standards. The World Medical Association has made substantial and powerful contributions to the field of organ transplantation. At its 37th General Assembly in Brussels in 1985, the Association publicly came out against the rising problem of the trade in human organs. The WMA firmly condemned the buying and selling of human organs for transplantation in its meetings. It also told member countries and medical professionals to take strong steps to make sure that organ donation doesn't become a business. The WMA

then issued a resolution called the Declaration on Human Organ Transplantation in 1987. This resolution set essential moral requirements for doctors who conduct transplants. This Declaration made it clear that persons who work in health care have a duty to stop and control illicit actions that involve human parts. It further suggested that only doctors and surgeons who are well-trained and educated and operate in specialised medical facilities with the correct tools should undertake organ transplants.

The Declaration made it clear that it was immoral to sell organs for money and that doing so went against the rules of medical ethics. The WMA made another important step forward in 2000 by creating new laws about the ethics of donating organs and tissues. These standards made it obvious what doctors should do for their patients and their families, especially when living donors are involved. It was stressed over and over how crucial it is to acquire informed, willing agreement from the donor. People have the right to say no to donating organs, and they shouldn't be compelled, urged, or persuaded to do so. People who work in medicine were advised to make sure that organ donations are free, open, and don't come with any form of money or other benefits. In 2000, an ethical framework was put in place. In 2006, it was amended again to make professionals more accountable and responsible to society. The new rules make it apparent that doctors are responsible for more than just their own patients. They are also responsible for the health of the whole community. Doctors and nurses were required to use healthcare resources properly, promote organ donation, and keep patients from becoming wounded. Transplant surgeons had to be especially careful that the organs they were putting in people did not come from illegal, immoral, or exploitative sources. The WMA ruled that the process of giving out organs had to be fair, swift, and open. They also stressed that the reasons for choosing recipients ought to be applied fairly, without any

trickery or bias. The world Medical Association has made it easier for organ transplant to be done in a moral way all around the world by doing these things.

## 2.5 GUIDING PRINCIPLE ON HUMAN ORGAN TRANSPLANTATION

The World Health Organization made the Guiding Principles on Human Organ Transplantation public in 1991. This was another big step forward in the process of making foreign rules for this area. For many years, the group worked hard to help people all over the world live longer and make sure that transfers were done in a fair way. A lot of lives have been saved thanks to the work of the WHO and progress in the art of donation. Three was one of the rules. It was about donors who are still alive and how important it is for them to give their free, informed permission. It said that people who are genetically linked should usually donate live organs. For bone marrow or some organs, on the other hand, it might not matter if the donors are family members. If someone agrees to a live gift, the Principle made it clear that they must do so freely and without any tricks, pressure, or other forms of coercion. If certain very rare medical events happened, organs from kid donors could not be taken out. In Principle 4, this was made clear.

There were some very strong rules that said no to doing any kind of business with body parts. It was clear from the text that advertisers and deals that had to do with the organ trade were also not okay. A part of the Principles also talked about what doctors and other health care workers should do as part of their jobs. It became clear that doctors and nurses should be in charge of making sure that people who give or buy organs follow the law and do the right thing. Organs were given out after a lot of thought about how to do it the fair and right way. Just medical facts and practical needs had to be used to choose the people who were picked so that everything was fair. You couldn't choose people based on their social standing, political

power, or ability to pay. After that, in 2004, the World Health Organization made another big decision to protect the poor and other weak people from being abused during transplant tourism. This Resolution told member states to protect poor people who might have to sell their organs from harm. On top of that, the WHO's Director-General should look over and update the Guiding Principles from 1991. They should think about things like data security, quality assurance, how well transplant processes work, changes in statistics, and new concerns about what is right and wrong. It also said that countries need to work together more to make sure that everyone can get organs at the same time. In the 2008 Executive Board report, the Guiding Principles from 1991 were changed because of this order. There are specific law which lays down the rules regarding quality standards, safety, and how it works. They are known as "Guiding Principles on Human Cell, Tissue, and Organ Transplantation." It was also important to them that the shift process was more open and clear so that the right people could be in charge and held accountable. They also wanted to make sure that both the donors and the recipients' privacy and secrecy were kept safe. These changes were made by the WHO to show that it is still dedicated to moral leadership, patient safety, and stopping the buy, sell, and trade of organs around the world.

## 2.6 GLOBAL REGULATORY APPROACHES TO ORGAN TRAFFICKING UNDER THE ISTANBUL DECLARATION

In 2008, something very important was said about people who come to transplants and sell body parts. It was a big step toward making organ transplants safer all over the world. What this project is also known as is the Istanbul Declaration. It was made at the World Meeting on Organ Trafficking and Transplant Tourism. It was possible thanks to the work of the Transplantation Society and the International Society of Nephrology. All countries must work together to stop the illegal and unethical trade of organs and the travel of people to get transplants. Around the world, more and more

people are beginning to get this. As time went on, it became clear how important it is for people from all over the world to agree on what is right and wrong and understand each other. It said that organ donation was both a medical process that saved lives and a way for people to show they cared about each other and were united when it was first written. It also said that criminal activities like organ trafficking and transplant tourists have gotten worse because there aren't enough legal organs. That each country is in charge of making sure its own people always have enough organs was important to show. If we want to meet this goal, the Declaration says we should work at the country level, the world level, and the regional level. It was also made clear how important it is to use old parts.

The Declaration of Istanbul also made some very important points about the illegal organ trade very clear, which was also very helpful. Organ trafficking is when you hurt or kill someone and then trick, lie to, or force them to work for you, move you, or give you a place to stay so you can take their organs. People's organs should be seen as things that can be bought and sold for cash or other useful things. This is how you sell plants. People or agents crossed countries to get organs in ways that were against the law or wrong. This is known as "transplant tourism." The Declaration helped people around the world get a better sense of these ideas and agree on what was going on. It also makes the rules and laws of the world possible.

The Declaration also has a lot of rules and ideas that can be used to fight scams and bad behaviour. The main goal was to keep people from doing bad or illegal things. The goal was to get people to do good, legal things. It was made clear that for it to work, national governments, professional medical groups, and international groups like the World Health Organization need to all work together. The countries were told to make strict rules to protect patients, stop taking advantage of poor people, and keep gifts in check. A big part of the

Declaration was also making it easy for people to get treatments that are moral enough. Patients need a way to get care that is safe, open, and responsible. It was said in the Declaration that there should be events that teach and make people more aware so that they can give and take part in a smart way. It said that when people give organs, they shouldn't be judged by their race, religion, social class, income, or gender. Not that way. It must depend on honesty, medical need, and the law relating to it. People who need transplants should get one to protect their rights and honour and to improve their health and quality of life. It was also important for each country to try to trade parts on its own. A lot of people said that governments should first take care of their own citizens' needs before letting patients from other countries in. This wouldn't work for people who are moving parts across countries without permission or who are about to get transplants. Aside from that, they were told to work together in a fair and kind way. It also said that countries that don't have good ways to give bodies should improve them. It also asked for new software that would let people move dead bodies. Many people didn't like ads or gifts that weren't needed. People who give money need to take care of their bodies and thoughts for a long time. This was made clear in the Declaration. People who gave the gifts were told to keep some cash on hand and make sure the recipients had enough health insurance and follow-up care in case something went wrong after the gift. Organ donors might not get paid directly, but they could get their money back for things they bought. In the end, international talks like the 2010 Madrid Resolution on Organ Donation and Transplantation backed up these ideas. Once more, this decision made it clear that the most important things for every country to do are organ donation and transplants. Member states were told to follow the Guiding Principles on human cells, tissues, and organs and to support systems that help people give up their organs, cells, and tissues in a safe and easy way.

The Declaration of Istanbul changed many laws and rules all over the world. From what it says, a lot of countries have changed or added rules about transplants. It is required to do some work around the world to break of the trade of organs or for protecting human rights and medical ethics and to make sure that secure options must be there.

### 3.1 INTERNATIONAL COOPERATION AND JUSTICE MECHANISMS

Over the past few decades, organ donation has slowly become a business, mostly through the sale of organs and organised organ trafficking. These activities have turned into a major underground global company over the years, with a lot of money and people from all over the world. Usually, organs are relocated from nations that aren't very developed since it's easier to get them there because their governments are weaker and their economies are worse. Because of this, people from other nations are more inclined to fly to those countries to seek organ transplants. The World Health Organization states in an official report that kidney donation happens in as many as 91 nations. The actual number of countries where individuals need organ transplants is substantially higher, though. To effectively deal with and contain this growing threat, countries must work together.

The Palermo Convention, commonly known as the United Nations Convention against Transnational Organised Crime, is very important. It compels member states to give each other as much help as feasible with criminal investigations, prosecutions, and court cases concerning crimes that occurred all over the world. The Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography, 2000, says the same thing. It tells member states to aid each other with investigations and extradition proceedings. It also asks countries to do everything they can to make it easier for them to work together on a bilateral, multilateral, regional, and international level. This will help stop, catch, investigate,

prosecute, and punish traffickers and people who take advantage of others more effectively, especially when it comes to women and children. The protocol also says that states should collaborate with their own governments, non-governments organisations. The Council of Europe has been a prominent and active player in the battle against organ trafficking at the regional level by making gradual reforms to the law. In this context, the Convention against Trafficking in Human Organs (CTHO) was drafted in 2015 and opened for signature in 2019. This treaty says that countries must cooperate together to make sure that both international and domestic laws are obeyed. It also says that trafficking in human organs is a crime that must be punished. It is crucial to make sure that criminal justice is fair and that it interacts with other significant international accords, such as the Palermo Convention and the Optional Protocol on the Sale of Children. The CTHO does, however, require governments to work together on topics like extradition and mutual legal aid. This is because states need to cooperate together to eliminate organ trafficking. These agreements are intended to protect victims and facilitate government collaboration on criminal justice issues, particularly in relation to organ trafficking. Both the European Convention on Extradition and the European Convention on Mental Health are well-known. Everyone benefits when thieves are apprehended, and the courts function effectively when the law is clear. When everyone is aware of the plan, it is simpler to follow the rules and collaborate.

### 3.2 Prosecution initiation and mandatory proceedings

There are several efforts being taken to stop the trafficking of human organs and make sure that trafficking in people for the purpose of organ removal and transplantation is done properly. These steps have been given to people who are responsible for carrying out ex-officio processes. We shouldn't just rely on the victim's accusation to make sure that the traffickers are punished and investigated. The law's goal is to stop traffickers from threatening victims or

getting back at their families. According to the Directive in the European Union Legal Framework, all member states must follow the rules and pursue criminal actions against them until something is done. Article 10, Paragraph 3 of the legal framework states that prosecution can only begin if the victim has filed a report at the location of the offence. It is worth noting that the Convention against Trafficking in Human Organs and the Convention on Action against Trafficking in Human Beings, 2005, have comparable rules. The Convention on Trafficking in Human Organs clearly states that investigations and prosecutions should not be stopped by a complaint and should continue even if the complaint is dropped. This is because victims may feel pressured or unfairly pressured to drop their complaints.

Not usually does withdrawing a complaint mean that the crime hasn't happened. The fact that the victim filed the complaint shows that there is something illegal and against their human rights that made them do so. In most circumstances, the oppressor or traffickers in this case are more better connected and in a lot stronger position than the victim. This makes them ideal targets for undue influence. The Convention on Action against Trafficking in Human Beings, 2005, has more or less spelt out this criterion. It says that the need to take action only applies to cases where the crime happened entirely or in part in the same territory. It allows these States to keep their laws on this subject the same. The Convention on Action against Trafficking in Human Beings mandated that ex-parte applications from non-resident victims be evaluated by the state where the complaint was lodged. Article 11, Paragraph 2 of the European Union Council Framework regarding the decision dated March 15, 2021, was pertinent to criminal proceedings, which have now been superseded by the Directive under Article 17. Article 27 says that people who are victims of unlawful trafficking of human organs in another state must file their complaint solely in their own

state. The right authorities would send a copy of the complaint to the place where the crime happened so that the right facts of the case can be known and looked into. However, this Article does not assign any responsibility to the State of the victim's residence for the inquiry or proceedings.

### 3.3 INVESTIGATION PROCEEDINGS

The United Nations Convention against Transnational and Organised Crime, 2000<sup>295</sup>, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000, the Convention on Action against Trafficking in Human Beings, 2005, the Convention against Trafficking in Human Organs, 2015, and Article 9 of the Directive of the European Parliament and of the Council, 2011 all say that the authorities who are looking into the matter should help each other in order to get the cooperation that the legal instruments suggest. The primary objective of the inquiry is to facilitate effective criminal justice regarding human trafficking for organ removal and transplantation. Additionally, it has been recommended that the state parties adopt numerous International and European protocols in the execution of criminal investigations. The Palermo Convention of 2000 allows state parties to make bilateral and multilateral agreements to establish up joint investigating agencies. There is already a provision for joint inquiry on a case-by-case basis. Article 20 allows state parties to summarise these kinds of agreements in the framework of international cooperation on controlled delivery, electronic or other forms of surveillance, and undercover operations. Article 26 and 27 of the Palermo Convention say that different sorts of operations with law enforcement agencies must be safe. It is also said that steps should be taken to improve cooperation between law enforcement agencies and to acquire information that can be used to find the criminals. It would be helpful to know who the criminals are, what they do, where they are, how they move, and how they are connected to other organised crime groups.

The parties should work together to do secret enquiries and analytical investigations, and they should build up ways to communicate so that they can quickly share information on the crimes committed by organised crime groups. In this regard, the Convention on Action against Trafficking in Human Beings seeks to facilitate the dissemination of information and assist in criminal investigations. One country can give another country confidential information like this. According to Article 34, no party is required to automatically provide information to another party, and automatic disclosure of information does not prevent the party providing the information from initiating legal procedures based on information it possesses within its domain.

The European Union has emphasised the significance of collaboration in human trafficking cases through the establishment of joint investigative teams by the European Union Agency for Law Enforcement Cooperation (EUROPOL). The investigations can use tactics used in the situations of organised crime, such as wiretapping conversations, covert monitoring like electronic surveillance, reporting bank accounts, and other financial enquiries. It is necessary to guarantee that investigations are regulated by the Directive of the European Investigation Order, which possesses extensive applicability, including in the context of Human Organ Transplantation 304. A complete mechanism has been set up for making evidence that crosses borders. A novel way has been proposed to get around the difficult rules that the current tools in this field deal with. This new way of doing things is based on the European Investigation Order. This ruling allows evidence to be moved from one country in the European Union to another. The transmission of evidence helps the countries involved go after the criminals in a better way since getting proof is very crucial. The Framework Decision governs the formation of collaborative investigation teams, aiming to expedite cross-border criminal investigations. The European Investigation Order has made it

easier to deal with a variety of major international crimes, such as trafficking in people for organ removal and offences relating to the transplantation of human organs. Also, a European Order can be refused or not carried out if it doesn't include a crime, unless it is connected to a crime listed in Annexure D of the European Investigation Order. If this is the case, the issuing state can punish it for up to three years. Annexure D contains a list of offences, including trafficking in people and trading in human organs and tissues without permission. The directive on the European Investigation Order in criminal cases is highly important for finding and punishing people who traffic in people for the purpose of removing and transplanting human organs. The above Directive also sets up a system for member states of the European Union to help each other with legal matters, as well as other international treaties, the Palermo Convention, and conventions within the Council of Europe.

### 3.4 JURISDICTIONAL NORMS

Multiple jurisdictional principles have been included in regional and international legal documents to make it possible to prosecute people who are involved in organ trafficking and human trafficking. According to the territorial concept, the state where the crime happened has jurisdiction. However, there are unique laws for ships and aeroplanes. Furthermore, both the active and passive personality principles are acknowledged, allowing jurisdiction to be determined by the nationality of either the criminal or the victim.

The United Nations Convention against Transnational Organised Crime (UNTOC), the Optional Protocol on the Sale of Children (OPSC), the Convention on Action against Trafficking in Human Beings, and the Convention against Trafficking in Human Organs are all important international agreements that give clear instructions on how to set up jurisdiction.

These instruments are especially important when crimes happen outside of a state's

borders, involve people from other countries, or make it hard to figure out which court has the right to hear a case of human or organ trafficking. The Convention against Trafficking in Human Organs clearly includes the passive personality concept, which allows countries to claim jurisdiction over crimes committed against their own citizens. The Convention on Action against Trafficking in Human Beings and the Convention against Trafficking in Human Organs both include the active personality principle for EU member states. This means that these countries must have the power to punish crimes committed by their own citizens. If member states decide to extend their jurisdiction to crimes committed outside of their own borders, they must inform the appropriate commission of these jurisdictional actions.

### **3.5 COOPERATION IN JUSTICE: STREAMLINING EXTRADITION THROUGH THE EUROPEAN ARREST WARRANT**

Extradition is the official process of moving a person who is accused of a crime or has been found guilty from one state to another. This is usually done so that they can go to trial or serve their sentence in the country that asked for them. This situation commonly arises when an individual commits an offence in a foreign jurisdiction and subsequently escapes to their country of origin or to a third state. Bilateral and multilateral extradition accords are very important for making these transfers happen. They make sure that criminals can't avoid prosecution by crossing country borders. The Palermo Convention and the Optional Protocol on the Sale of Children, as well as the Convention against Trafficking in Human Organs, are examples of international agreements that provide rules for extradition. One of these rules is double criminality, which says that the act in question must be a crime in both the requesting and the requested states. These tools also allow extradition even if there isn't a separate bilateral treaty, as long as both countries agree that the applicable convention is a valid legal basis for working together. This framework makes it easier for countries to work

together to stop transnational crimes like people trafficking and organ trafficking. It also makes sure that criminals are brought to justice no matter where they try to hide. The European Arrest Warrant (EAW) system, which went into effect on January 1, 2004, made extradition procedures much easier within the European Union. The EAW system makes it possible for people to be arrested and handed over in all EU member states. It also makes it apparent that national authorities must work together. There are only a few reasons why someone would not be able to surrender, and for a specific list of significant crimes, such as human trafficking, organ trafficking, corruption, and money laundering, the need of double criminality has been removed. The Framework Decision governing the EAW establishes a simplified and efficient procedure, while also allowing limited exceptions under specific circumstances. When there are more than one request for extradition, the appropriate judicial authority must decide whether to give priority to an EAW or a traditional extradition request. They must consider things like the type and location of the crime and whether the request is for prosecution or the execution of a sentence. This legal framework aims to improve collaboration between courts, increase efficiency, and make sure that cross-border crimes are prosecuted effectively in the European Union. This will help create a more coordinated and secure system of justice among member states.

### **4. CONCLUSION**

In conclusion, both national and international governments must collaborate to combat organ trafficking effectively, comprehensively, and sustainably. To eradicate organ trafficking and promote ethical organ donation, it is imperative to employ more collaborative strategies, enhance legislative frameworks, and improve regulatory processes. Significant effort is required to devise effective strategies for addressing issues and safeguarding human rights globally. By working together, people can help prevent the exploitation of vulnerable groups and build a society that values life and

dignity.

The global community must unequivocally denounce organ trafficking, particularly when it exploits those who are financially or socially vulnerable. They must have robust legal frameworks and effective oversight to prevent such crimes. It is imperative for governments and health authorities to safeguard live donors by providing social protections, enforcing stringent regulatory requirements, and adhering to the recommendations set forth by the World Health Assembly. International agreements, exemplified by the UN Trafficking Protocol, remain crucial for criminalising organ trafficking and enhancing the protection of human rights. Governments must prioritise the welfare of their citizens, particularly those affected by organ trafficking. Safeguarding fundamental rights and preserving human dignity are paramount concerns. To effectively address this issue, a comprehensive approach is necessary, including strong legal frameworks, efficient implementation strategies, and extensive support for those affected by rights violations.

International and national collaborations are essential for stopping abuse, ensuring fair and transparent organ donation, saving lives, and maintaining the integrity of the medical field.

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- Supra note