

## COMPARATIVE ANALYSIS OF THE PRACTICE OF FOREIGN COUNTRIES AND THE REPUBLIC OF UZBEKISTAN IN THE FIGHT AGAINST ILLICIT TRAFFICKING IN HUMAN ORGANS

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The illicit trafficking of human organs is a grave global issue that undermines public health and human rights, necessitating robust international responses. Various countries have developed diverse strategies to combat this illegal trade, reflecting their unique legal, social, and economic contexts. In this regard, the Republic of Uzbekistan has also implemented specific measures aimed at curbing organ trafficking within its borders. This paper presents a comparative analysis of Uzbekistan's efforts and those of other nations in addressing the illegal organ trade. By examining legislative frameworks, enforcement mechanisms, and international cooperation, this study seeks to uncover best practices and highlight areas for improvement. Such an analysis is crucial for enhancing global strategies and ensuring a coordinated approach to eradicating the illicit trafficking of human organs.

The specter of illicit organ trafficking looms large over Uzbekistan, preying on vulnerable individuals and undermining the ethical principles of healthcare. While existing legislation demonstrates a commitment to addressing this issue, a more robust and multifaceted approach is necessary to dismantle this criminal network. The cornerstone of Uzbekistan's legal defense against organ trafficking lies in the Criminal Code. Article 133 specifically criminalizes "illegal trafficking in human organs and tissues," outlining penalties for those involved in the removal, transplantation, or sale of organs without the donor's consent. Additionally, the "Law of the Republic of Uzbekistan On Transplantation of Organs and Tissues" establishes a regulatory framework for organ transplantation, emphasizing informed consent, donor anonymity, and ethical sourcing of organs. These legal instruments provide a crucial foundation for combating organ trafficking. Moreover, trade in human organs is prohibited criminally liability for crimes in the field of transplantation is introduced the Senate has approved amendments that provide for criminal liability for violations of legal norms in the field of transplanting human organs and tissues. The senators also spoke about the fears of citizens about the risk of kidnapping or human trafficking for the purpose of obtaining organs and tissues. At the 27th plenary session of the "Oliy Majlis" of the Republic of Uzbekistan, in connection with the adoption of the law "On Transplantation of Human Organs and Tissues" (entered into force in May of this year), it was decided to amend some legal documents. It was noted at the meeting that after the adoption of the law on transplantation, the number of applications for kidney and liver transplantation by many citizens is increasing. At the same time, many people express concern about the risk of kidnapping or human trafficking for the purpose of obtaining organs and tissues. The adopted law amends and amends the Criminal, Criminal Procedure Codes, as well as the Laws "On Combating Human Trafficking" and "On Burials and Burials" for violations of legal norms in the field of transplantation. 'implies additions. In particular, violation of the established terms and procedures for obtaining and transplanting human organs and tissues in the document, as well as keeping the organs or tissues of a deceased person intact for scientific or educational purposes without obtaining his consent while he was alive. it is envisaged to establish

responsibility for receiving, trading in human organs and tissues, taking transplanted human organs and tissues out of Uzbekistan. In addition, responsibility for kidnapping or human trafficking for the purpose of obtaining human organs and tissues is also established. The press service of the Senate informed that the Criminal Code is being supplemented with three articles: Article 1151 "Forcing a person to consent to the transfer of body organs and (or) tissues for transplantation"; restriction of freedom from 3 to 5 years, if it was committed by forcing a person to agree to receive body parts and (or) tissues for transplantation, using force or threatening to use it or shall be punished by deprivation of liberty for 3 to 5 years with deprivation of certain rights from 1 to 3 years; if similar actions are committed against a person who is in a helpless situation or who is financially, service or other dependent, it is punishable by deprivation of liberty from 5 to 8 years; Article 1331 "Purchase and sale of human body organs and (or) tissues": buying and selling human organs and (or) tissues is punishable by restriction of liberty from 3 to 5 years or deprivation of certain rights from 1 to 3 years and deprivation of liberty from 3 to 5 years. Those actions: a) by a repeated or dangerous recidivist; b) if it is committed by a group of persons with prior collusion, it shall be punished by deprivation of liberty from five to ten years. Article 1332 "Export of transplanted human organs and (or) tissues outside the Republic of Uzbekistan": taking transplanted organs and/or human tissues out of the Republic of Uzbekistan is punishable by restriction of liberty from 3 to 5 years or deprivation of certain rights from 1 to 3 years and deprivation of liberty from 3 to 5 years.

The issue of illegal organ sales and transplant tourism is a significant global concern, with the United States being the largest destination for traded organs. To address these issues, representatives from various scientific, medical, governmental, and ethical organizations worldwide convened at the Istanbul Summit in 2008. This summit resulted in the Istanbul Declaration on Organ Trafficking and Transplant Tourism, which urged nations to develop administrative frameworks to regulate organ donation and transplantation. The declaration, created by over 150 representatives from 78 countries, defined key terms such as "organ trade," "commercialization of transplantation," and "transplant tourism," and offered specific advice on financing transplants and finding living donors. The 2018 revision of the declaration included additional definitions related to organ trafficking, self-sufficiency in organ donation, and the financial aspects of organ donation.

As a result of the Istanbul Declaration, the World Health Organization and the World Medical Association published standards and principles for the moral donation of organs from living and deceased donors with their consent, as well as moral guidelines for healthcare professionals performing organ transplants. Unfortunately, none of these documents are enforceable, and only the European Member States who have ratified the European Convention are subject to its legal requirements. There are very few nations in North and West Africa that have laws requiring live donors to donate their organs and tissues. In some nations, there are no explicit regulations or agencies to punish illicit transplants; instead, national anti-trafficking laws govern this violation.

Illegal organ trade in United States of America. While some experts include forms of enslavement or coercion to gain organ donation in the definition, U.S. official sources normally refer to such offenses as human trafficking for the purpose of organ removal. In response to public concern over organ trafficking, the word "organ trafficking" is widely used to refer to a variety of criminal behaviors, including unlawful organ harvesting from live or deceased

individuals, as well as the illegal sale and transplantation of human organs. Congress has identified possible legislative measures to prevent organ trafficking through proposed legislation, funding selections, and oversight hearings. It has also worked to find and influence persons whose actions may help to facilitate the illicit trade. The association between organ trafficking, political persecution in nations with a bad human rights record, and other crimes like human trafficking has also been studied by Congress. Organ trafficking may be viewed as a component of a larger market that also deals in tissues, cells, and other items derived from human body parts. This industry is also referred to as the "red market." Any sale of human organs is prohibited under many international legal frameworks, as well as many state frameworks, including those in the United States (with the exception of payment for expenses paid by organ donors).

1. Organ trafficking is distinct from other international crimes due to the widespread ban on organ sales; with very few exceptions, the product is not traded in a parallel, legal market.

2. Organ trafficking, which may be enabled by criminal groups or individuals, is fueled in part by the need for organ transplants that cannot be satisfied by ethical organ donations.

The World Health Organization (WHO) defines organ trafficking as either a commercially profitable transplant or one conducted outside a country's established medical systems. Unfortunately, the demand for healthy organs far exceeds the available supply for transplantation into sick patients. Before the National Organ Transplant Act (NOTA) was introduced, the ownership rights over human cadavers were not clearly delineated by law. Instead, the United States employed a "quasi-right" to the corpse, allowing family members of the deceased to decide how to dispose of the body, without the legal authority to sell or lease human organs and tissues, as they were considered illegal property.

As organ shortages and the demand for transplants increased, individuals began to resort to various, often illegal, methods to obtain organs starting in the year 2000, leading to the emergence of a commercial market for organs. In 1983, H. Barry Jacobs of Virginia unveiled a new scheme for the acquisition and sale of human organs. Jacobs charged a commission fee between \$2,000 and \$5,000, with healthy human kidneys costing up to \$10,000. This development raised significant concerns. In response, the National Organ Transplant Act of 1984 (NOTA) was enacted, making it illegal to donate human organs for payment with the intent of using them in human transplants. Following the prohibition of the purchase and sale of organs for transplantation, the Organ Transplantation Task Force and Administration Unit were established within the Ministry of Health Protection and Social Services to manage organ donors and recipients.

The Health Resources and Services Administration (HRSA) reports that 26 pieces of legislation have been passed in the US to control organ donation and transplantation. These regulations outline requirements for national prizes for organ donation and specify terms like "death" and "consent to organ donation."

The act of physically taking an organ or tissue from one person (the donor) and transplanting it into another (the recipient) is known as organ and tissue donation. In these situations, organ transplantation is required because the recipient's organ has failed or has been harmed by illness or accident. The liver, kidneys, pancreas, heart, lung, and intestine are among the organs that can be transplanted. A few examples of transplantable tissue are skin, which is used as a bandage for burns, severe abrasions, and other exposed areas; bone, which

is used in orthopedic surgery to speed up the healing of fractures or prevent amputation; tendons, which are used to mend torn ligaments in the knees and other joints; veins, which are used in cardiac bypass surgery; and corneas, which can restore vision. Up to eight lives can be saved by a single organ donor, and over 75 more can be enhanced.

Organ trafficking-related offences may be prosecuted by law enforcement authorities including the US Department of Justice (DOJ). Isaac Rosenbaum, an Israeli citizen, was found guilty on July 11, 2012, of purchasing, receiving, and giving human organs for significant payment for use in human transplantation. According to news announcements from the Justice Department, Rosenbaum assisted in the selling of organs from Israeli nationals who were transported to the US for transplantation into Americans. In order to deceive US medical professionals about the agreements into thinking that the organs were genuinely donated, Rosenbaum made up cover tales. The Rosenbaum case was the first federal conviction for illegal kidney transplantation under the National Organ Transplant Act.

When an organ or portion of an organ is removed from a person against their will and without that person's permission, the "donor" may pass away. If the transfer has an impact on interstate commerce, it is illegal under federal law for anyone to knowingly obtain, get, or share any human organ for valuable consideration for use in human transplantation. Furthermore, Florida Statute 787.06 F.S. defines human trafficking as the act of transporting, soliciting, hiring, housing, supplying, luring, maintaining, buying, sponsoring, getting, or obtaining of people for the purpose of harvesting organs.

Examples of anti-trafficking policies that could impair recognized rights:

immigration or shelter institutions detaining victims of trafficking;

the prosecution of trafficked individuals for status-related offenses, such as unauthorized admission, unauthorized abode, and unauthorized employment;

refusal of exit or entrance visas or allows, whether general or specific to a group of people regarded as being particularly vulnerable to trafficking;

refusal to provide anybody, even those who have been being traded, the right to seek refuge from persecution;

denying migrants' basic rights, especially those of migrant workers and those who are not legally on the territory of the State;

aids, rescues, and "crackdowns" that fail to fully take into account and respect the rights of the people concerned;

the forced return of victims who risk retaliation or re-trafficking;

refusal to provide a remedy;

rights violations, such as unfair trials and unjustified sentences, of those who are suspected of being involved in human trafficking or other crimes, or who have been found guilty of such crimes;

regulations or laws that permit any of the aforementioned .

Egypt adopted the Human Organ and Tissue Transplantation Law (2010) in response to the Istanbul Declaration, creating the "Superior Committee for Organ Transplantation" to monitor and regulate all surgeries. Organ trafficking is a crime, and medical professionals, hospitals, and healthcare institutions who carry out unlawful organ transplant procedures face harsh consequences. To strengthen the penalties for organ trafficking, the Egyptian Parliament's Legislative Committee passed changes to the Human Organ and Tissue

Transplantation Law in 2017 . In general, North and West African countries' national legal restrictions fall short of what is needed to establish quality standards for organ transplantation . There must be some kind of link between the person who donates and the receiver, according to many nations with live donor programs that are based on altruism, in order to reduce dangers. For instance, it is illegal in Egypt to transplant organs into patients from other countries, with the exception of marriages to foreigners. However, by falsifying official documents, criminal organizations are able to pass off fictitious affiliations as legitimate ones.

Despite the fact that there are several laws addressing organ trafficking, the judiciary has not carried them out. The lack of contact among medical and law enforcement authorities is one of the barriers to law enforcement. Police officers frequently have limited access to information about people participating in unlawful organ transplants as a result of health information privacy policies. According to scientists, in order to effectively combat illicit organ trafficking, law enforcement must work with medical specialists, and cross-border crimes require international coordination as well as additional specialized training for police personnel.

Anti-trafficking measures and the right to freedom of movement. Egypt adopted the Human Organ and Tissue Transplantation Law (2010) in response to the Istanbul Declaration, creating the "Superior Committee for Organ Transplantation" to monitor and regulate all surgeries. Organ trafficking is a crime, and medical professionals, hospitals, and healthcare institutions who carry out unlawful organ transplant procedures face harsh consequences. To strengthen the penalties for organ trafficking, the Egyptian Parliament's Legislative Committee passed changes to the Human Organ and Tissue Transplantation Law in 2017. In general, North and West African countries' national legal restrictions fall short of what is needed to establish quality standards for organ transplantation . China is the only nation in the world to engage in industrial-scale organ trafficking, harvesting organs from condemned political prisoners. Organ harvesting under duress is the term for this action.

For millions of patients, transplantation of organs is a life-saving procedure and one of the biggest successes of contemporary medicine. The worldwide organ trafficking business, which uses the destitute, oppressed, and persecuted as a source of organs for rich transplant tourists, has been fueled by a scarce supply of organs to donate and a high demand for transplants. Despite the fact that this behavior is widespread, the situation in China is especially alarming. China is the only nation in the world to engage in industrial-scale organ trafficking, harvesting organs from condemned political prisoners. Organ harvesting under duress is the term for this action.

Consider the following scenario to have a better understanding of forced organ harvesting: In Canada, a patient with end-stage coronary artery disease requires a life-saving heart transplant.

In Canada, doctors suggest the patient to join a waiting list until a suitable donor dies under the correct conditions. During this procedure, weeks, months, or even years may pass. When a possible donor heart transplant can be planned weeks in advance, the patient discovers a transplant center in China that can do the same.

In the years 2006-2007, two international human rights lawyers, David Kilgour and David Matas, who were subsequently nominated for the Nobel Peace Prize for their efforts, expressed concerns about coerced organ harvesting. The China Tribunal was founded in 2019 to

investigate charges of forced harvesting organs objectively. Its chairman is human rights lawyer Sir Geoffrey Nice.

For over three decades the People's Republic of China has been accused of harvesting the organs of its own citizens by force. The victims are killed in the process and their organs are used in transplant operations. We are all affected by this human rights violation known as organ trafficking, but what exactly is forced harvesting of organs in China? What distinguishes it from transplantation systems in other nations? And where is it happening, exactly? The majority of nations use a voluntary donation system. When a donor passes away, the best match individual on the waiting list is immediately sent to the hospitals to receive their transplant. Patients wait for an organ to become accessible, often for three or four years. Reverse matching consumers pay for an organ to be made accessible in China, where the system is considerably different. The paying recipient gets matched with a prisoner from a wide pool of inmates. After that, the convicts are executed, and their organs are removed for transplant. Organ transplants for things like hearts, livers, and kidneys are planned beforehand and completed in under a week. Transplants cannot be made available on demand by a system of ethical organ donation. The question of whether or not prisoners of conscience are being killed has been up for debate for a long time. To evaluate all relevant evidence, an impartial people's tribunal led by Sir Geoffrey Nice QC was established. Falun Gong practitioners have been one-and probably the main source of organ supply, according to the China Tribunals' 12-month report, which also included five days of public hearings. The report also stated that "The vulnerability of the Uyghurs to being used as a bank of organs is also obvious." When Chinese doctors started transplanting organs from inmates on death row in the late 1970s, that is when this horror first started. 1994 was a widespread condemnation of a practice, and human rights watch revealed three significant findings: "Political offenders and other non-violent criminals" were being used as source for organs Chinese doctors participated in "pre-execution medical tests" and matching of prisoners with recipients "often on a first paid-served basis" Execution were deliberately mishandled to ensure that prisoners were "not yet dead when their organs were removed". China's transplant industry grew substantially after 2000. Falun Gong is a popular Buddhist qigong and meditation practice in China that is being violently eradicated by the government at the same time. Falun Gong practitioners flooded into prisons, black jails, and labor camps, which significantly raised the number of transplant procedures. These quickly accessible organs couldn't have originated from only death row inmates. Falun Gong practitioners, in contrast, are a better supply for organs because they refrain from drinking and smoking and consistently perform qigong as part of the spiritual discipline. "In 2000, there were ten times as many liver transplants as there were in 1999. In 2005, the number tripled further", As the Chinese transplant system is continued to grow, so did the pool of prisoners.

There is currently little openness over the source of organs, despite China just starting to build a voluntary donation system. In 2017, Muslim Uyghurs started to be imprisoned in large numbers, with many being declared "missing." Members of the China Tribunal having experience in international human rights law, organ transplantation, and international relations from July 2018 to June 2019 Several pieces of evidence were examined by China Studies and Business, including: Testimonies from families of Testimonies from internees who were forced to undergo organ scans, including chest x-rays and ultrasounds, and from weaker and Falun Gong inmates who were threatened openly with forced organ harvesting.

Organs are available on demand and Falun Gong organs are also accessible, according to government officials and surgeons who admitted this in undercover phone calls and videos from as recently as 2019. Former PLA Minister for Health Bai Shuzhong said in a forensically studied phone call that former President Jiang Zemin had specifically ordered the execution of Falun Gong practitioners for their organs. The China Tribunal also reviewed investigations compiling Chinese records including bed utilization rates, surgical teams and hospital revenue that show 60 to 100 000 transplants have been performed each year... far more than officially claimed. In 2000, just one hospital carried out over 5 000 transplants.

In conclusion, the battle against illicit organ trafficking remains a critical global challenge, necessitating a unified and robust response. The evolution of policies and legal frameworks, such as the National Organ Transplant Act (NOTA) and the establishment of international guidelines, underscores the progress made in regulating organ donation and transplantation. However, the persistent gap between organ demand and supply continues to drive illegal activities. By learning from the varied approaches of different countries, including the initiatives taken by the Republic of Uzbekistan, we can identify best practices and areas for enhancement. Strengthening international cooperation, advancing ethical standards, and promoting public awareness are vital steps towards a world where organ transplants are safe, equitable, and free from illicit practices. Through continued dedication and collaboration, we can strive to eliminate the dark market of organ trafficking and ensure that life-saving transplants are conducted with integrity and compassion.

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