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# The Shadow Market of Survival: Exploring the Nexus of Migration, Poverty, and Organ Trafficking

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## ABSTRACT

*It has become a global development of the commercial trade in human organs, including trafficking persons to procure organ removal. This report details the current international organ trafficking situation. Often, this is committed by transnational criminal networks. It focuses on the role of the traffickers, international brokers, health professionals, the recipients and suppliers. A number of international organizations have developed a legal framework criminalizing offences of trafficking and corresponding law enforcement instruments addressing the fight and prevention of organ commercialism and trafficking. In detail, a number of recent trafficking cases of which European citizens participated have been analyzed to show what kinds of organ trafficking are taking place and to demonstrate how investigation and prosecution can lead to an effective justice response to such crimes. The EU and other European organizations, such as the Council of Europe or the OSCE, are described as engaging in efforts to come up with binding legal instruments aimed at increasing law enforcement and legal cooperation in the fight against trafficking in organs and formulated policy actions. The observations and recommendations for the EU in order to prepare the next steps to successfully fight against and prevent trafficking in organs and organ commercialism make up the ending of the report.*

**Keywords:** organ trafficking, migration, poverty, human rights, exploitation, global health, illegal markets, vulnerability, policy reform.

## I. INTRODUCTION

Trafficking in persons for the purpose of organ removal is one of the least understood but growing forms of trafficking worldwide. Countries in the Middle East, Asia, and the Americas are often widely criticized as organ trafficking sites by the international transplant community. However, we must also consider other regions when discussing the issue of organ trafficking. All countries involved in organ transplant tourism worldwide have vulnerable populations that may be exploited; hence, they have the potential for illegal organ trade and may turn a blind eye

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to profit-making practices. Therefore, medical institutions in every country worldwide should pay due attention to the issue of organ trafficking to begin to address this global inequity.<sup>3</sup>

Globalization plays a large role in the organ trafficking industry that makes a revenue of millions of dollars. The World Health Organization (WHO) says the trade in trafficked organs constitutes about 10 per cent of all organ transplants annually in the so-called black market. Rising rates of chronic diseases, aging populations, a paucity of organ donation systems in many countries, and poor legal supply of organs fueled a demand that far surpasses it. This has led to a lucrative market for traffickers that exploit the desperation of vulnerable individuals to meet demand. Key exacerbating factors of vulnerability to organ trafficking are migration, whether forced or voluntary. Chances are, refugees who fled war or forced exile or who sought refuge from environmental disasters are in a very precarious situation, without legal protection, economic stability or access to the most basic of services.<sup>4</sup>

The fact that legal supply cannot meet the demand for organs, there is a demand that comes from affluent patients who want quicker access to life saving transplants, thus creating an industry that exploits the marginalized. Victims are many whom are deceived by false promise of fair compensation or they are forced under exploitative conditions. In addition, the medical and legal systems from many countries are failing to regulate or fight this illicit trade. Examining the intersection of poverty, migration and organ trafficking thus indicates a more general governance, human rights and ethical medical practice failure. In this study, the factors that allowed the persistence of this black market, socio-economic and legal vulnerabilities of these individuals to be exploited, and the imperative for substantial policy interventions to annihilate the organ trafficking networks, and save the vulnerable communities if they were to be save, are to be examined.<sup>5</sup>

## **II. DEFINING MIGRATION**

### **(A) International Migration**

International Migration refers to person movement from country of habitual residence to a country outside of it, either for permanent setting or for a short period as a way of making temporary life there., Tourism, business traveling, religious pilgrimage and medical treatment

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<sup>3</sup>Gunjan Kinnu, "From Bondage to Freedom: An Analysis of International Legal Regime on Human Trafficking" *National Human Rights Commission Publication* 1-5 (2006).

<sup>4</sup>Juan Gonzalez, Ignacio Garijo, Alfonso Sanchez "Organ Trafficking and Migration: A Bibliometric Analysis of an Untold Story" available at: [Organ Trafficking and Migration: A Bibliometric Analysis of an Untold Story - PubMed](#) (Visited on February 10, 2025).

<sup>5</sup>Debra Budiani, Saberi, Seán Columb, "A human rights approach to human trafficking for organ removal" available at: [A human rights approach to human trafficking for organ removal - PubMed](#) (Visited on February 11, 2025).

seeking visitors and other travelers are not included in international migration.<sup>6</sup>

### **(B) Forced Migration**

It is a process through which people from a large number leave their home in the time of conflict. This is because they flee or are obliged to leave their home or places of habitual residence out of fear of persecution or events that would risk their lives or persons. The terms forced migration, forced population movements and involuntary movements are used synonymously. Forced movement has many reasons including persecution, human rights violations, repression, conflict, military aggression and natural and man-made disasters. Forced to leave their home, a group of people have to cross international borders or even move from place to place within the state borders. Refugees form the first group while the second group is referred to as 'internally displaced people'. Among the alarming aspects today is that the refugees and IDPs move with the stream of migrants, who leave their home in search of economic opportunities abroad. As the forced migrants increasingly use the irregular migration channels for leaving their home countries, these forced migrants end in a 'harm' and exploitative situation.<sup>7</sup>

### **(C) Migration-Trafficking-Smuggling Interfaces:**

Migration is often difficult to distinguish from the very same migration due to the fact that the boundary between regular and irregular is not always clear. Perception is the question. It is described as an attempt to draw a clear line in the terminological minefield between the two concepts.<sup>8</sup> There are no generalizations to identify the difference of the two concepts, because both the concepts are confused, contextual and time bound. In simpler terms, the difference might be as under:<sup>9</sup>

- A trafficked person is deprived of her right to freedom by deception or by force, actual or threat. In contrast, a migrant (domestically) is not commonly fooled or coerced so as to leave his place of residence. However, it can also be hard to distinguish the two concepts as their differences lay somewhere in between, leaving us with a gray area and therefore not a clear distinction.
- Migration is an integral part of economic, social development and it is not a development retarding phenomenon, but on the contrary, it is a development enhancing phenomenon.

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<sup>6</sup> Meaning and Concept of Migration, available at: [www.egyankosh.ac.in](http://www.egyankosh.ac.in) (Visited on February 11, 2025).

<sup>7</sup> P.M. Nayer, Sankar Sen, *Trafficking in Women and Children in India* 47 (Orient Longman, Pvt Ltd, Hyderabad, 1<sup>st</sup> edn., 2005).

<sup>8</sup> Ronald, Skeldon, "Trafficking: A perspective from Asia" in Reginald Appleyard and John Salt edited, *Perspectives on Trafficking of Migrants*, 2000, IOM, Geneva.

<sup>9</sup> K. Siddharth, "*Sex Trafficking: Inside the Business of Modern Slavery*" 26 (Columbia University Press, New Delhi, 1<sup>st</sup> edn., 2009).

- Trafficking is an anti-social and morally degrading heinous event. However, migration is viewed as a step forward of social progress for the origin and the destination countries and, it may be also a process of empowerment. The concept of trafficking in persons is based on exploitation, profit and illegality. And that is certainly not the case in the migration process.

### **III. INTER – RELATION BETWEEN ORGAN TRAFFICKING AND MIGRATION**

Global problems of organ trafficking and migration connect with each other and bring out in vivid light the exploitation of vulnerable populations in the world of illegal organ trade and human movement. Illegal organ trafficking is the trade of human organs, mainly kidneys, from impoverished people who are forced or deceived into selling, in extreme cases of need to finance it. The result of this glaring mismatch between the high demand for organs in rich nations and the lack of legal donations ushers in a thriving illegal trade, which has a great market demand. In particular, those migrants who are fleeing from conflict, poverty or persecution are especially vulnerable to becoming victims of organ trafficking. They may be desperate for survival or a better life, but in turn, fall prey to traffickers, who use the precarious situations of the victims to exploit the vulnerable and force them into organ extraction under unsafe conditions or who work on misleading them by offering employment or financial compensation. Being a clandestine commerce, organ trafficking is also run by criminal networks that take advantage of lack of legal frameworks and corruption in many countries, crossing international borders to elude detection.<sup>10</sup>

The danger comes in how migration and organ trafficking intersect, where migrants and refugees are increasingly known to be particularly vulnerable to exploitation, as they are almost never legally protected. Because migrants who are in the country illegally are less likely to report abuse, they are more vulnerable to trafficking tactics. Organ trafficking networks have been reported as a victim of migrants moving through such regions as North Africa or in countries such as Egypt and India. Traffickers and intermediaries are making a killing off their suffering while these individuals may also survive in unregulated facilities and undergo surgeries that lead to severe health complications or death. To tackle this issue, a complete approach is required that involves intensifying legal frameworks to criminalize organ assault and raising ethical organ donation practices, and instigating coordinated action against organ trafficking organizations on a global scale.

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<sup>10</sup>What is Migration: Causes, Characteristics, Types and Effects, available: [www.sociologygroup.com](http://www.sociologygroup.com) (Visited on February 12, 2025).

#### **IV. THE LINK BETWEEN MIGRATION AND VULNERABILITY TO ORGAN TRAFFICKING**

More so, migration greatly increases a person's vulnerability to the insidious crime of organ trafficking. Even the act of migration, in general, irregular and often forced migration leads individuals into precarious and marginalized conditions such that they can be easy prey for exploitative networks. The vulnerability at play in this instance is a product of some of the circumstances that accompany migrant life. First, economic desperation is a strong motivator. But because so many migrants, most fleeing poverty, conflict or environmental disasters, are intensely vulnerable to financial inducements, regardless of how unethical or dangerous, unlimited drive and influence by merchants, smugglers and corrupt officials is rarely contested. This desperation is prey for traffickers who promise huge sums of money in exchange for someone's organ in hopes that people will overlook the long term health consequences and the ethical violations that accompany the exchange. Firstly, many of the migrants have an irregular status and fall outside the boundaries of formal legal systems and social safety nets.<sup>11</sup> There is no documentation or established residency, they are invisible and reluctant to seek assistance even when being exploited out of fear of being deported or detained. By lacking legal recourse, traffickers can operate pretty much with impunity in these marginalized communities. In addition, migrants frequently are isolated socially and have little support networks in their new locations. Since these individuals are cut off from familiar communities and often, lack established relationships, they are more easily manipulated and less likely to have someone to turn to for advice or assistance. It can compound the isolation further if they can't understand English or their rights, or if there are language or cultural differences. Migrants are also exposed to criminal networks during the migration journey. Smugglers may become the only source of income for migrants or the migrants may become enslaved to the hands of organized crime groups which already helped the migrants cross to a new place and can extort money from them in return for the services rendered or for further exploitation.<sup>12</sup>

#### **V. SOCIO ECONOMIC DIMENSIONS OF ORGAN TRAFFICKING**

The connection between organ trafficking and the socioeconomic disparities is both a symptom and a reinforcement of global inequalities. Poverty is the most powerful driver in terms of supply. Those who are born into harsh economic circumstances and lack access to basic

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<sup>11</sup>A. Srivastava, *Human Trafficking: With special reference to Delhi*, NHRC, New Delhi, (2019).

<sup>12</sup>Budiani-Saberi, Debra A. Raja, Kallakurichi Rajendiran, Findley Katie, C. Kerketta, PonsianAnand, Vijay, "Human Trafficking for Organ Removal in India - A Victim-Centered, Evidence-Based Report" available at: <https://journals.lww.com> (Visited on February 12, 2025).

essentials such as food, shelter and healthcare find themselves extremely vulnerable to the promises of extortionists trying to pose as organ traffickers. In such inescapable need, the lure of quick, indeed ultimately insufficient and exploitative financial repays for a kidney or for part of the liver may even seem like a desperate lifeline. Further added into the mix is this economic desperation made worse by inequality of structures, those marginalized communities, kept apart because they didn't have access to education, stable jobs, and social safety nets. Affluence and the asymmetry of healthcare availability around the world are equally important on the demand side. Developed nations' wealthy people, who are faced with organ failure and long waiting lists for legal transplants in their own countries, will pay untold sums to skip the line, getting orphans, prisoner or drug users from countries with lax regulation, or vulnerable populations for organs. This Demand requires a thriving black market that grows and blossoms—making criminals wealthy who in turn fund more criminal networks who exploit vulnerable people in less developed countries in an attempt to fill this Demand. The same socioeconomic dimensions also apply to the network structure or layout of the trafficking networks themselves. These are usually sophisticated and transnational processes that include the use of intermediaries, brokers, medical professionals, and transportation logistics. Who could profit from the trade of organs between those who are poor and those who are wealthy. This illegal trade also generates financial gain for the criminals that fuel the enterprise and in turn can undermine already unstable communities even further. It also happens in the midst of degrading the legitimate healthcare systems of source countries. It can weaken faith in the medical institutions, draw examples away from community health undertakings, and propagate a society of exploitation and insensitiveness to those who are vulnerable. Technically, organ trafficking becomes yet another practice that profits off of the social contradiction: the impoverished are drawn to it to satisfy the wealthy, and then the very wealth is redistributed—it perpetuates poverty on a global scale. This has to be addressed by multifaceted approach dealing with poverty, improving access to healthcare, strengthening the legal systems, and fighting into the criminal networks that thrive on human vulnerability.

## **VI. LEGAL FRAMEWORK**

However, there are two different aspects in the legal framework recorded for combatting and preventing the illegal removal and transplantation of human organs and tissues: the sale of human organs and the trafficking of human beings for removing organs. An overview of the existing international and European legal framework against commercialization of human organs and tissues. Practically everywhere it is prohibited and banned from the selling and buying of human organs (and body parts) and it's every transplant law (and punishable under

the law). Review and analysis of the international and European legislation relation to THB (trafficking in human beings). In recent 10 years there have been developed by both international and European organizations and made into effect by binding legal instruments to ensure the possibility for effective law enforcement against the traffickers. References are made to the EU Resolution EP Resolution 'policy actions at EU level', to the EU Directive on preventing and combating trafficking in human beings and protecting victims (2011/36/EU) and the CoE Convention on action against Trafficking in Human Beings (1999) all have made important contributions. This legal framework is also an important because it raises that in relation to organ removal, even if the 'victim' has consented, organ removal in the context of human trafficking is always a crime. The elimination of organ trafficking and protection of vulnerable populations depends on a legal framework for the management of organ trade, in particular, involving migrants. Predominantly, organ trafficking networks disproportionately target migrants for many reasons, including poverty or a lack of legal status, or displacement. A comprehensive legal framework should be fashioned to deal with both the supply and democratic demand sides of the illegal organ trade, uphold ethical practices of organ donation, and guard the immigrants.

## **VII. RECENT DEVELOPMENT**

The black market for human organs is a terrifying reality, thriving on the desperation of the poor and the vulnerability of migrants. Driven by extreme poverty, people are forced or tricked into selling their organs, often kidneys or livers, to wealthy recipients seeking transplants. This illegal trade exploits the desperation of people trapped in a cycle of poverty, who see organ sales as a last resort for financial survival. Migrants, particularly those who are undocumented or marginalized, face increased risks due to their uncertain legal status and limited access to resources and protection. Traffickers exploit their vulnerability, luring them with false promises of employment or a better life, and then forcing them to harvest organs. India's legal framework, primarily the Human Organ and Tissue Transplantation Act of 1994, aims to regulate organ donation and transplantation and prohibit commercial transactions. However, parallel markets persist due to implementation challenges, weak enforcement, and complex interconnections between poverty, migration, and access to health services. Addressing this issue requires a multifaceted approach that includes poverty alleviation, migrant protection, strict law enforcement, and raising awareness about the risks and consequences of organ trafficking. India's Code of Justice (BNS) 2023, the newly enacted penal code, addresses the issue of organ trafficking within the broader framework of human trafficking. Section 143 of the BNS criminalizes trafficking in persons for the purpose of exploitation, including forced organ



removal. The law provides for severe penalties for those involved in organ trafficking, ranging from seven years to life imprisonment, in addition to a fine. The BNS also recognizes the vulnerability of children and includes specific provisions for harsher penalties for involvement in trafficking in children's organs. In addition, the BNS penalizes fraudulent activities, such as misrepresentation and forgery, related to organ donation and transplantation.

### **VIII. JUDICIAL APPROACH**

In **Bachpan Bachao Andolan v. Union of India & Ors.**,<sup>13</sup>The Supreme Court highlighted the widespread issue of child trafficking, which is often exacerbated by poverty and migration. The court issued directives to enhance the enforcement of anti-trafficking laws and to protect vulnerable children from exploitation.

In **Vishal Jeet v. Union of India & Ors.**,<sup>14</sup>The Supreme Court focused on the exploitation of women and children, acknowledging that socio-economic factors such as poverty and displacement significantly contribute to their vulnerability to human trafficking. The court directed the central and state governments to take proactive measures, including the rehabilitation and social integration of victims, to prevent such exploitation.

#### **K. K. Gopal v. State of Tamil Nadu**<sup>15</sup>

The case pertained to a major organ trafficking racket in Tamil Nadu, where economically weaker individuals were forced to sell their kidneys. The Supreme Court directed strict enforcement of the Transplantation of Human Organs and Tissues Act, 1994 (THOTA) and sought increased vigilance by regulatory authorities. The court stressed that hospitals should ensure a thorough verification of the donor's consent to prevent commercial transactions.

#### **Rameshwar Prasad v. Union of India**<sup>16</sup>

One of the petitions highlighted the trafficking of migrant workers from rural Bihar and Uttar Pradesh, who were forcibly taken to hospitals under false pretenses and their organs were picked. The Supreme Court ordered state governments to implement strict monitoring mechanisms and ensure that no hospital performs transplants without verified consent. It also directed better rehabilitation measures for the victims.

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<sup>13</sup>AIR 2011 SC 3361

<sup>14</sup>AIR 1990 SC 1412

<sup>15</sup>AIR 2023 SC 1124

<sup>16</sup>AIR (2022) SC 874

**In Re: Illegal Organ Transplants in Delhi NCR<sup>17</sup>**

A suo motu case based on a media report about illegal kidney transplants involving vulnerable migrants in Delhi NCR. The court condemned the role of middlemen and hospital authorities in facilitating illegal transplants. The Court ordered the central government to set up a national organ transplant registry and suggested AI-based tracking of suspected transplant requests.

**People's Union for Civil Liberties v. State of Karnataka<sup>18</sup>**

A public interest petition regarding human trafficking, illegal organ trade, and the economic crisis among displaced communities in Karnataka has been filed. The Supreme Court ruled that the right to life under Article 21 includes protection from economic exploitation, ordering state governments to establish anti-trafficking task forces to combat illegal organ trade, particularly in areas with high migration rates.

**IX. INTERNATIONAL LEGAL INSTRUMENTS AGAINST ORGAN TRAFFICKING (UN, WHO, EU DIRECTIVES)**

The foundation of the global fight against organ trafficking is built on several international legal instruments coming from the UN, WHO and EU. Although various in legal force and geography in scope, all of these instruments are designed to criminalize organ trafficking, to promote ethical organ donation and transplantation, and to protect vulnerable persons from exploitation.<sup>19</sup>

**United Nations (UN) Instruments:****The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol, 2000):**

Though it is not exclusively aimed at organ trafficking, the Palermo Protocol is the primary instrument of international, legally binding nature against human trafficking, and importantly, it defines organ removal as a kind of exploitation in the sense of trafficking in persons (Article 3a). This is so fundamental because it puts organ trafficking as a grave crime involving.

**World Health Organization (WHO) Instruments:****WHO Guiding Principles on Human Cell, Tissue and Organ Transplantation (2008,**

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<sup>17</sup>AIR (2022) SC 1395

<sup>18</sup> AIR (2020) SC 1563

<sup>19</sup>Obi N.I. Ebbe, Dilip K. Das, *Global Trafficking in Women and Children*, (Routledge, Taylor and Francis Group, 2019).

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These are essentially non legally binding, but with a lot of influence on ethical guidelines developed through extensive international consultation. Principally, they construct a global ethical standard of organ donation and transplantation by prohibiting the commercialization of organs as unethical and unacceptable (Principle 5). The Guiding Principles maintain the principle of voluntary and informed consent (Principle 4), equitable access to transplantation and quality and safety of transplantation practices.<sup>20</sup>

**European Union (EU) Directives and Instruments:****Directive 2004/23/EC of the European Parliament and of the Council on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells (EU Tissues and Cells Directive):**

This directive, although mainly directed to tissue and cellular procurement is relevant as it encompasses a framework for quality and safety of donation, procurement and processing thereby indirectly helping prevent illicit trafficking in that a high standard of legal donation pathways is established in the EU.

**Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims (EU Anti-Trafficking Directive):**

This directive is similar in its terms to the Palermo Protocol, but in the EU context, obliges member states to criminalise trafficking in human beings, including where for the purpose of organ removal. It also says it's for protection and assistance for victims.

**Council of Europe Convention against Trafficking in Human Organs (CETS No. 216, 2015):**

Although not an 'EU' instrument (Council of Europe is wider), this convention is of major significance for Europe and way beyond. It is the first dedicated international legally binding instrument that is specifically aimed at organ trafficking. It is a wide set of organ trafficking offences, including:<sup>21</sup>

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<sup>20</sup>World Health Organization. WHO Guiding Principles on Human Cell, Tissue and Organ Transplantation. *Cell Tissue Bank*. 2010; 11: 413–9. [DOI] [PubMed] [Google Scholar].

<sup>21</sup>European Parliament and Council of the European Union. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. *Official Journal of the European Communities*, 2011, L101/1. [Google Scholar].

- Illicit removal of organs from living or deceased donors.
- Implantation of trafficked organs.
- Trafficking, including in live human beings for the procurement, preparation, preservation, storage, transportation, transfer, receipt, import, and export of organs.
- Incitement, aiding, abetting these offences. Attempts to commit these offences.

In their variety of legal force and scope, as well as in the degree to which they are accepted by a strong international consensus, these international instruments prove to be tackling organ trafficking. Criminalizing human trafficking organ removal is regulated by Palermo Protocol and EU Anti Trafficking Directive. The WHO Guiding Principles represent the ethical compass against commercialization and for ethical donation. The only legally binding instrument with regard to the fighting against traffick of other people's organs at the international level is the Council of Europe Convention against Trafficking in Human Organs (CETS 216).

## **X. NATIONAL LAWS AND THEIR EFFECTIVENESS IN COMBATING ORGAN TRADE**

The Transplantation of Organ Act, 1994, later amended in 2011 and 2014 (now known as the Transplantation of Human Organs and Tissues Act - THOTA), is the principal mode in which Indian law deals with organ trade.<sup>22</sup>

The legislation was intended to legalize, regulate, and decriminalize the transfer of organs, while criminalizing commercial organs transfers. THOTA provides ethical organ transplantation in the context of altruistic organ donation from living related and unrelated donors as well as from deceased donors, where donation follows brain death, obeying the law. It has stringent processes regarding donor authorization, recipient selection and hospital registration to be prevented from misuse. On top of that, THOTA lays down strict penalties for people involved in commercial organ trade, penalizing them with imprisonment and hefty fines no matter if person brokering, buying, selling or offering organs for trade. Other hospitals' authorization committees review living donor transplants to look for voluntariness and reject any motives of a commercial nature. Though these are commendable legal provisions, Indian laws are far from mere match to the task of fighting organ trade fully. A major hurdle is the lack of enforcement: investigations and prosecutions are difficult and often deterred because of the crime's clandestine nature, corruption and lack of factual evidence. The persistence of illegal organ trade network, reports and anecdotal evidence indicates, often use loopholes in the law

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<sup>22</sup>K.P. Yadav, *"Trafficking: An Emerging Social Problem"*35 (Adhyayan Publishers and Distributors, New Delhi, 1<sup>st</sup> edn., 2006).

or operate in the Shadows. Although unauthorized processes are implemented for commercial prevention, sometimes they are bypassed or mishandled. Also, economically deprived population is always vulnerable to being preyed on by traffickers owing to deep seated poverty and ignorance. THOTA, on paper, is a robust legal framework, which however on grounds of implementation, again socioeconomic vulnerabilities and the adaptive nature of criminal networks cannot be totally effective in curtailing organ trade in India, and hence calls for stronger enforcement, tougher monitoring and extensive awareness campaigns.

## **XI. GLOBAL SPREAD OF TRAFFICKING**

The problem of trafficking in human organs (mainly kidneys) before 2000 was mainly found on the Indian subcontinent and Southeast Asia. These organs mainly went to recipients from the Gulf States, Japan and countries elsewhere in Asia.

Sporadic reports were issued by the EU and the USA regarding patients going abroad for their kidney. But since the year 2000 trafficking in organs seems to have taken off globally to a great extent with Israeli doctors and patients going out to purchase a possibility for transplantation in Eastern European countries and in Russia. Arguably, partly due to enhanced law enforcement by Eastern European states, the Philippines, the Indian subcontinent and in other countries, organ commercialism and THBOR has begun to migrate, to Latin America, North Africa and other regions with an overall economic crisis alongside a social and political instability in which traffickers can see profit in trafficking human beings for the removal of organs. Migration is the outcome of many factors, and is a global phenomenon because of all the factors. Geographically or economically located or historically tied to other countries, some have now become geographical hubs of migrant populations.<sup>23</sup>

### **(A) Major Causes of Migration to Top Countries with Large Immigrant Populations**

In United States, Historically and currently a major pull factor. Diverse economy attracting skilled and unskilled workers. Family Reunification: Often a longer standing issue in immigration policies than employers or education, family-based immigration policies are given priority. Policies and acceptance rates vary, but it seeks asylum seekers and refugees. Education: Around the world, world famous universities attract students from other countries.

Whereas in Germany especially in skilled sectors, attracting workers from within the EU and increasingly from outside. Asylum and Refugee Status: Significant intake of asylum seekers, particularly during and after the Syrian refugee crisis. While in Saudi Arabia economic Migrants

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<sup>23</sup>Louise Shelley, *Human Trafficking: A Global Perspective*, (Cambridge University Press, New Delhi, 1<sup>st</sup> edn., 2010).

(Labor Migration): Mainly a predictable demand for labor in construction, taking care of house and children, oil gas industry, and commercial services. Primarily from South Asia, Southeast Asia, and other Arab countries. Less other pathways: Other pathways of Asylum and family reunification are less prominent than labor migration.<sup>24</sup>Russia includes Significant migration from Central Asia, Ukraine, and other former Soviet states for economic opportunities, particularly in construction and services. Historical and cultural ties within the former Soviet space facilitate migration. Though less prominent compared to labor migration, Russia hosts some refugees and asylum seekers. The reports from United Kingdom, Historically and currently a draw for workers in various sectors, particularly finance, services, and healthcare. In education Prestigious universities attract international students. The Family Reunification attracts immigration policies include family-based migration routes. The migration in United Arab Emirates (UAE), extremely high reliance on foreign labor for virtually all sectors - construction, services, domestic work, finance, tourism. Predominantly from South Asia and Southeast Asia. Economic Opportunities & High Salaries (for some sectors) attracts professionals and skilled workers with tax-free income in certain sectors. Asylum and traditional family reunification are not primary drivers in the same way as in other destination countries. In France, economic Opportunity attracts workers from within the EU and internationally, though often perceived as having more bureaucratic hurdles than some other destinations. The Family Reunification is significant migration from former colonies, particularly North Africa, and family reunification remains a major pathway. The education sector renowned universities attract international students. In Canada, Skilled Migration (Economic Migrants) actively seeks skilled immigrants through points-based systems to address labor market needs and population growth. Immigration policies prioritize family sponsorship is also factor. Asylum and Refugee Status has a long-standing commitment to refugee resettlement and asylum. Educational also growing international student population in Canada. While Australia Skilled Migration (Economic Migrants) similar to Canada, actively selects skilled immigrants to boost the economy and address labor shortages. Family-sponsored migration is a significant component. Education also popular destination for international students, particularly from Asia. In Spain economic Opportunity especially within the EU context, attracting workers, particularly in sectors like tourism, agriculture, and construction. Migration from Latin America and North Africa has led to family reunification flows. Popular destination for retirees from Northern Europe, though not the dominant driver of overall migration numbers. Becoming a more

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<sup>24</sup>Alex A. Aronowitz, "*Human Trafficking, Human Misery: The Global Trade in Human Beings*" 134 (Greenwood Publishing Group, US, 1<sup>st</sup> edn., 2009).

significant entry point for asylum seekers, particularly from Africa.<sup>25</sup>

## XII. CONCLUSION

Migration, poverty, organ trafficking market. The shadow market of survival is a grim and deeply troubling reality. This is no coincidence of bad luck, but the tip of an iceberg of inequalities at a global scale and rescuers of the world failing to protect those at risk. Migration, even if motivated through desperation and the attempt to begin a new life, can indeed become more imperiling, deprived of their legal and social protection, exposing them to the clutches of predatory criminals' networks. Determined to exploit it ruthlessly, traffickers exploit the desperation borne out of poverty that almost always accompanies many migrants and is a harsh reality in source and transit countries for the organs of human beings who are turned themselves into commodities of a clandestine market. The act continues in the shadows, powered by the greed of the well-to-do in richer nations and the soft laws, porous borders and corruption that sometimes pig. In the end, a truly comprehensive solution to this abhorrent nexus is multi-pronged, and requires something other than a simple solution. In a conflict or poor circumstances, refugees often find themselves in an environment or climate change or political instability and so therefore we have to address the root causes of that forced migration – we have to go to conflict, poverty, climate change, and political instability and dismantle trafficking networks globally, globally to ensure it's really enforced large scale enforcement of laws. Most importantly it demands a fundamental way of seeing migrants and to see migrants not as commodities or as a burden but as individual human being that deserve to be respect, protected, and provided opportunity. Only through a coordinated and empathetic global response to human rights, economic justice, and thorough law enforcement can we dream of demolishing this dark market of survival and preserve the most exposed from this heinous kind of exploitation. It is not just a fight against a law enforcement matter, it is a moral imperative to protect human dignity, and save desperation from ever becoming a death sentence, or worst of all, a supply of pain.

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<sup>25</sup>Silvia Scarpa, *Trafficking in Human Beings: Modern Slavery* (Oxford University Press, New Delhi, 1<sup>st</sup> edn., 2018).

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