

Forum: World Health Organization

Topic: The issue of the “One-Kidney Village” crisis in Nepal

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PERSONAL INTRODUCTION

Dear Delegates,

My name is Marianna Argeiti and I am an A'Lyceum (10th Grade) student at Pierce – The American College of Greece (ACG). It is my utmost honour and pleasure to be serving as a Deputy President of the World Health Organization (WHO) in SCMUN 2024. This will be my first time chairing in an MUN conference, so I'm truly excited to meet you all and hope we can have a fun and interesting committee!

In this study guide, you'll find important information about the One-Kidney Village in Nepal, that will help you take a thorough look at the situation. Remember, this should be just the basis of your research and you should conduct more research, in order to understand your country's policy and hopefully be part of a fruitful debate.

Having recently been a delegate myself, I know this process can feel intimidating, especially to those of you who are newcomers. I realize that the issue of the One-Kidney Village can be overwhelming and difficult to understand. So, if you have any questions about the topic or you face any related issues, please do not hesitate to contact me at M.Argeiti@acg.edu.

Looking forward to meeting you all in February!

Kind regards,

Marianna Argeiti

TOPIC INTRODUCTION

Hokse, or the “One-Kidney Village” is a village located in the eastern part of Kathmandu-Nepal and is known to be one of the peaks of organ trafficking. A lot of the citizens of this village live in conditions of extreme poverty and thus resort to selling their kidneys to survive. This is magnified by a lack of arable land, as well as a lack of education and despair. Nepal was also hit by a devastating earthquake in 2015, that has worsened the Nepali villagers’ lifestyles.

It is evident that organ trafficking is not limited to Hokse, and there have been many attempts to solve this issue internationally. Up to 7,000 kidneys are sold every year illegally through the black market, according to a report by Global Financial Integrity.¹

The case of this village though, is particularly shocking, given the illiteracy in the area, which means that organ smugglers are not predators that “steal” the organs, but uninformed citizens are willingly giving their organs to them, in exchange for monetary gain, as this is their sole way to survive.

Using the narrative that their kidneys will grow back and promising a lot of money to the victims, the traffickers manage to fool Nepali citizens into giving away their kidneys. Organ selling is a crime in itself, but in this particular case, it also becomes fraud. Nepali villagers do not disclose the appropriate information about the operations - which also does not happen with a medical licence, because the people performing them may not speak the same language as them. The trafficker is the one responsible for any communication and thus the victim remains unaware.

¹ Pokharel, Sugam. “Nepal’s Organ Trail: How Traffickers Steal Kidneys.” *CNN*, 26 June 2014, edition.cnn.com/2014/06/26/world/asia/freedom-project-nepals-organ-trail/index.html#:~:text=Up%20to%207%2C000%20kidneys%20are. Accessed 11 Dec. 2023.

The victims in Hokse may be aware that they have to do medical check-ups after such a procedure, however, because of the costly medical bills, as well as social stigma and illiteracy, they do not happen. So, the exploitation of poor citizens and their need to feed their families, with the incentive of a monetary reward, that they usually do not even receive, can be proven fatal.

Years of poor legislation by governments, lack of education and awareness, as well as connections to the trafficking range by countries bordering Nepal, such as India have led to such illicit operations going unnoticed and unpunished.

DEFINITION OF KEY TERMS

Atypical operation

An operation that is not performed in an official and formal surgery. The expertise of the person performing it, their medical license, as well as the protocol followed, sterilisation and following of hygienic guidelines are questionable.

Black market²

“An illegal traffic or trade in officially controlled or scarce commodities, it is an economic activity that takes place outside government-sanctioned channels. The Black market often sets a price for foreign exchange that is several times the official one. Examples of goods traded in the black market are weapons, illegal drugs, exotic and protected species of animals, and human organs needed for transplant surgeries”.

² Kenton, Will. “Black Market.” *Investopedia*, 2019, www.investopedia.com/terms/b/blackmarket.asp.

Human trafficking³

“Human Trafficking is the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit. The traffickers often use violence or fraudulent employment agencies and fake promises of education and job opportunities to trick and coerce their victims”

Organ trafficking⁴

“Organ trafficking is the recruitment, transport, transfer, harbouring, or receipt of living or deceased persons or their organs by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving to, or the receiving by, a third party of payments or benefits to achieve the transfer of control over the potential donor, for the purpose of exploitation by the removal of organs for transplantation.”.

Red market⁵

“Organ trade, the trading of human organs, tissues, flesh or other body products in the form of sex racket, child trafficking or organ selling, in counter-economics, its meaning refers to a market of violence and theft which is not approved by the State”

Transplantation⁶

³ United Nations. “Human Trafficking.” *United Nations: Office on Drugs and Crime*, 2023, www.unodc.org/unodc/en/human-Trafficking/Human-Trafficking.html.

⁴ EGM Vienna Organ Trafficking. “EGM Vienna Organ Trafficking.” *United Nations : Office on Drugs and Crime*, 2010, www.unodc.org/unodc/en/human-trafficking/2010/egm-vienna-organ-trafficking.html.

⁵ Meringer, Michelle. “The Red Market: International Organ Trade.” *The Observer*, Oct. 2017, theobserver-qiaa.org/the-red-market-international-organ-trade.

⁶ Cambridge Dictionary. “Transplantation.” *@CambridgeWords*, 6 Dec. 2023, dictionary.cambridge.org/dictionary/english/transplantation#google_vignette. Accessed 11 Dec. 2023.

“Taking body tissues from one body and placing them in another body or in another part of the same body“ This can look like a heart transplant from a deceased donor, a kidney transplant or even bone marrow.

Xenotransplantation⁷

“The process of transplanting an organ or another part of the body from one species (such as a set of animals with similar characteristics) to a different species”. An example of xenotransplantation could be the transplant of a pig’s heart into a human’s body.

BACKGROUND INFORMATION

Introduction to organ trafficking and smuggling

Organ smuggling and trafficking, meaning whether the contribution of organs is voluntary or not, is on the rise in recent times. There are multiple causes as to why someone would willingly give away an organ to a trafficker, the main reason being poverty. Studies show that 96% of people selling organs did so to pay off their debts, however only 22% of them received the money promised.⁸ In most countries, particularly Less Economically Developed ones, such as Nepal, but also the ones with higher economic development, such as Greece, organs for legal transplantations are scarce and legal waiting lists in hospitals are very long, which leads the patients to search for organs using alternative routes. Thus, demand for this illicit activity in the black and red market is high. Most of this activity happens in South Asia and Eastern Europe. A lack of education and awareness on trafficking is a factor that often contributes to the profit of smugglers, meaning victims may not know that the

⁷ ---. “Xenotransplantation.” @CambridgeWords, 6 Dec. 2023, dictionary.cambridge.org/dictionary/english/xenotransplantation#google_vignette. Accessed 11 Dec. 2023.

⁸ *DIRECTORATE-GENERAL for EXTERNAL POLICIES POLICY DEPARTMENT Trafficking in Human Organs*. 2015.

damage to their bodies is permanent or the future harm such a procedure could have on their health. People affected are in despair and are left in a worse situation than the one they were in before the forced organ harvesting.

Transplantation of a kidney

Kidneys are organs significant to human survival, as they filter our blood and help remove waste and excess fluid in our bodies. They regulate blood pressure, the quantity of nutrients in our body, as well as the production of red blood cells. Nowadays the main diseases linked with kidney failure are diabetes and chronic kidney disease (nephritis). Given that the aforementioned diseases are highly common, a way of treatment can often be the transplant of a kidney from a living donor. It has been discovered that humans can live with only one kidney, following proper guidelines about their lifestyle and undergoing frequent medical check-ups. For the transplant to be successful, a qualified doctor needs to approve that the living donor is compatible with the patient, which obviously in the illegal cases in Hokse does not happen.

Thus, in the case of Hokse, the operations are proven futile to the person receiving the kidney, as they may not be compatible with the donor. The victim of smugglers donating a kidney is left with harm to their health and probably does not even receive the money promised.

The lack of a license and specialized knowledge

Even in a legal and very thoroughly examined operation, a kidney transplant often fails because of incompatibility with the donor. Thus, the sacrifice of the organ in itself is proven futile from a medical standpoint. In the context of an atypical operation, which is not as sterile as in a hospital the surgery for organ removal can be proven fatal. The individual performing the surgery often does not have a medical license or specialized training and knowledge in this kind of operation.

The lack of understanding of what the victims consent to

A part of the traffickers' work is to convince the ignorant victim that the surgery is safe. It is reported that victims are told that there will be no permanent damage to their body and that their kidney will "grow back". Given that those procedures usually do not take place in Nepal, the patient may not understand the language in which the trafficker communicates with the person operating. Thus, due to a language barrier and illiteracy, or even the blurred judgement they have in a state of despair, the victim can never undoubtedly consent to the surgery.

The avoidance of future medical check-ups

After having a kidney removed, a human can survive provided that they follow particular guidelines such as a healthy diet and that they frequently get medical check-ups. Once again, because of the costly medical bills or because of illiteracy, those tests do not happen. This can be proven fatal to the victim.

Causes in the particular case of Hokse

The Nepali healthcare system

Only about 6% of Nepal's national budget goes toward healthcare and corruption, which exists in Nepal, makes its healthcare system degrade. In combination with the earthquakes, which have destroyed over 1,100 healthcare facilities and a very low doctor-to-patient ratio, Nepal's healthcare system fails to treat patients who need a kidney transplant legally.⁹ Diabetes is one of the most common diseases in Nepal, which means kidneys for transplants are often needed. This forces desperate patients to resort to the black market to receive the kidneys they need.

⁹ Asokan, G.V., and A. Vanitha. "Disaster Response under One Health in the Aftermath of Nepal Earthquake, 2015." *Journal of Epidemiology and Global Health*, vol. 7, no. 1, Mar. 2017, pp. 91–96, <https://doi.org/10.1016/j.jegh.2016.03.001>.

Poverty Increase in 2015

Nepal as a region is very prone to earthquakes and on 25 April 2015, the Gorkha earthquake struck near Kathmandu. About 9,000 people were killed and many were injured.¹⁰ Structures were destroyed, among which were healthcare facilities and the survivors of the earthquake were left impoverished. This is why many people resorted to trafficking to sustain themselves and their families. Nepal is vulnerable to food insecurity, as 66% of its total population is dependent on agriculture to survive.¹¹ Nepal is also one of the least developed countries in the world, so even a minimal amount of money received by a trafficker could potentially help them secure a house or infrastructure for agriculture.

Illiteracy leading to uninformed consent

Smugglers use the narrative that the kidney will grow back, that there are no fatal implications to the operation and that the damage on the patient's body is limited solely to the scar they get after the surgery. With the promise of a stable house and money, because of a lack of awareness on the issue, the traffickers can easily lure uninformed victims into donating their kidneys. In contrast to those promises, victims actually either do not receive any money or they receive minimal amounts of what was promised. It needs to be highlighted that even if the victims were to receive a larger amount of money, kidney selling still constitutes a crime.

The open border with India

¹⁰ Rafferty, John. "Nepal Earthquake of 2015 | Magnitude, Death Toll, Aftermath, & Facts." *Encyclopædia Britannica*, 18 Apr. 2018, www.britannica.com/topic/Nepal-earthquake-of-2015.

¹¹ "Impediments in the Agriculture Sector of Nepal." *Nepaleconomicforum.org*, nepaleconomicforum.org/impediments-in-the-agriculture-sector-of-nepal/#:~:text=In%20the%20year%202000%2C%20approximately.

Under Nepalese law, one can donate a kidney only if they are a blood relative or a spouse. Legislation about kidney donation in bordering India is not as strict and one can donate “out of affection”, after the approval of a medical committee, which is often dismissed and used as an excuse for trafficking. After the signing of the Indo-Nepali Treaty of Peace and Friendship, the open border between the two countries allowed traffickers and victims to cross to India with a less thorough check.

Harms on the individual and society

After undergoing this entire procedure, the person is worse off, often abandoned by their families because of their physical inability. There are implications for their health, which means they can work less and thus, they end up poorer at the end of the day. Because of trafficking ranges, there is a huge loss of population in Nepal, the economy is subsequently harmed and the cycle of poverty in this country is perpetuated.

TIMELINE OF EVENTS

| Date | Description of event |
|------------------|---|
| 31 July 1950 | The Indo-Nepali Treaty of Peace and Friendship was signed |
| 1954 | The first successful live donor kidney transplant was performed |
| 15 November 2000 | The Palermo Protocol was signed by UN Member States, condemning human trafficking |
| 25 April 2015 | Nepal was struck by a devastating earthquake, with many casualties |

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

UNODC

After a rather long ratification process, the Palermo Protocol is now effective in Nepal and other 178 countries, and UNODC has aided the government in paving the way for this enforcement. Anti-human trafficking laws and laws to criminalise trafficking were introduced by the Nepali government but there is still a long way to ensure transparency in the following of such laws.

India

India is a country bordering Nepal and a common route for organ smugglers, It also has a diplomatic relationship with Nepal. Villagers from Hokse are often brought to India to allow for forced organ harvesting, under laxer legislation than that of Nepal. While the Government of India has mandated the Sashastra Seema Bal (SSB) to guard the open border with Nepal, the Government of Nepal has deployed the Armed Police Force (APF) to watch over its border. However, procedures relating to the interception of victims or suspected traffickers of cross-border human trafficking are not institutionalised. This gap is exploited by traffickers on both sides of the border, who go unidentified. Cooperation between the countries could potentially alleviate the issue.

Maiti Nepal

Maiti Nepal aims to end sexual and other forms of exploitation against women and children. It helps raise awareness, provides counselling to stakeholders at risk of being trafficked, provides legal and health assistance to victims, and rehabilitates kidney trafficking survivors by offering them a safe home and education.¹²

Free For Life

Free For Life's aim is to prevent and tackle slavery and by extension human trafficking. It supports victims financially, emotionally and spiritually. An example of its action is border checkpoints, set to stop trafficking while it happens, bring

¹² "Introduction – Maiti Nepal." *Maitinepal.org*, maitinepal.org/menu_management/introduction/.

traffickers to the attention of the justice system and rescue victims before the operation.¹³

China

China faces a high rate of organ trafficking, but its government has been opposing allegations of human trafficking and organ smuggling, in cases including this of Hokse. Geographically, the fact that it borders Nepal, allows for more and easier trafficking which is a crime its citizens resort to living in poverty and high unemployment.

Democratic People's Republic of Korea (DPRK)

North Korea is one of the countries with the highest percentages of human trafficking and does not fully meet the minimum standards for the elimination of human trafficking. There also appears to be a system of political repression in the form of human trafficking in prison camps.

RELEVANT UN TREATIES, CONVENTIONS AND RESOLUTIONS

Palermo Protocol

The Palermo Protocol signed on 15 November 2000, is a protocol to prevent, suppress and punish trafficking in persons especially women and children, supplementing the United Nations Convention against Transnational Organized Crime. It focuses on the prevention of organ trafficking, raising awareness as well as implementing of measures such as border control to stop trafficking. It also addresses legal procedures to end trafficking and the rehabilitation and reintegration of victims into society.

GA Resolution A/RES/71/322

This resolution presents one of many attempts to stop organ trafficking by supporting victims on a mental and practical level and aiming for better international

¹³ "Free for Life Nepal - End Slavery Now." *Endslaverynow.org*, www.endslaverynow.org/free-for-life-nepal. Accessed 11 Dec. 2023.

legislation. It further incentivises member states to provide extra-budgetary resources to UNODC and the WHO to ameliorate such efforts.

GA Resolution A/RES/77/232

This resolution signed on January 9, 2023, aims towards the reintegration of offenders, in this case, the traffickers, into society, in order to prevent them from reoffending, taking into account the restrictions of the current law and cultural diversity. It also encourages judicial systems to implement programmes based on specific social and mental health issues of the offender.

Article 4 of the Universal Declaration of Human Rights (OHCHR)

This declaration has been the basis of legislation for human trafficking. Although it is not a legally binding document, it is important to note that the coercion into the selling of organs constitutes a violation of human rights in itself. In its exact words, Article 4 states that “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”.¹⁴

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Emergence of a legal donor system in Nepal

Blood relatives of a patient can donate their kidney to them, in exchange for \$2,000 from the Nepali government. This has reduced the people resorting to India to have such operations performed on them. However, this solution is by its principle problematic and contingent on the idea of profit for the offering of one's kidney.

Effective surveillance of borders by local authorities

Along with other measures, it is an effective solution to trafficking in Nepal. Police officers have made arrests of people part of trafficking ranges and tracked down

¹⁴ ---. *Universal Declaration of Human Rights*. 1948.

some ranges in Hokse. Hokse, though is simply one of the villages in Nepal where this kidney selling happens and for the solution to be effective, police surveillance needs to be enhanced throughout India and Nepal.

Council of Europe Convention against Trafficking in Human Organs

This Convention was signed between Albania, Austria, Belgium, Czech Republic, Greece, Italy, Luxembourg, Norway, the Republic of Moldova, Poland, Portugal, Spain, Turkey, and the United Kingdom. Its aims are “to prevent and combat the trafficking in human organs by providing for the criminalisation of certain acts”, “to protect the rights of victims of the offences established following this Convention” and “to facilitate cooperation at national and international levels on action against the trafficking in human organs.”

POSSIBLE SOLUTIONS

Advancement of technology and spread in developing countries, including Nepal

Despite the advancement of medicine, there is a long way to ameliorating the process of transplant. Methods such as xenotransplantation could signify a lower demand for human organs through the black market. Fewer people would become traffickers and even fewer would willingly give away their kidneys to make money. Such operations could also save a lot of people who cannot receive a transplant legally. If governments and organisations were to offer grants to researchers, such methods would be better developed. Finally, when those technologies are developed, they have to become widespread enough to reach developing countries.

Enforcing a global comprehensive anti-trafficking legislation

This has been attempted by the aforementioned resolutions. The discrepancy between transplant legislation in India and Nepal is a major problem in tackling human trafficking in Hokse and thus an agreement in the countries' policies could be an effective solution. The guidelines on arresting traffickers and aiding victims could

become an effective deterrent for people involved in organ trafficking, knowing they could face harsh punishment in any part of the world.

Ameliorating the educational and healthcare system in Nepal

Illiteracy and lack of trust in the Nepali healthcare system are the main grounds on which smugglers persuade others to donate their organs. The government minimally invests in healthcare, and thus, better waiting lists for organ donors and better facilities could be a part of the solution. In the educational system, children should be brought in touch with general education to allow for the decrease in illiteracy needed for Nepal's economy to grow.

Raising awareness on the smuggling of kidneys

To this day, some people are unfamiliar with the term "organ trafficking", which is why not an adequate amount of pressure is put on the government to take action. A collective effort is needed to achieve such a result, therefore informing the Nepali citizens of the dangers and possible fatalities that such harmful procedures carry, would pave the way to newer, and more effective policies to be implemented by the national, and local governments.

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