RESEARCH PROJECT

Pakistan, an Organ Tourist State and critical analysis of National and International Organ Trafficking Laws



Bahria University
Discovering Knowledge

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ABSTRACT

This paper aims to investigate organ tourism in Pakistan and analyze the national and international legislative structures set up to prevent organ trafficking. This study investigates Pakistan's current standing as an organ tourism destination and the variables that have led to its rise in popularity. It provides an in-depth analysis of Pakistan's principal organ transplant law, the Transplantation of Human Organs and Tissues Act of 2010. Investigation, analysis, and identification of the difficulties encountered by law enforcement, the judicial system, and other parties involved in organ trafficking prosecutions and trials are all part of this research. The research examines international legal instruments dealing with organ trafficking and compares them to national legislation, especially THOTA 2010. Comparisons are made between domestic and international frameworks, and suggestions are made for bringing domestic laws into conformity with international norms. Victims of organ trafficking are exploited, have little to no protection, and have limited access to justice, all of which are issues highlighted in the thesis. The importance of victim-centric methods within the legal framework is emphasized, and the function of support services and rehabilitation programs is investigated. Finally, the study suggests how Pakistan's legal system might be improved to better combat organ trafficking. These suggestions include adopting a bill containing safeguards, procedures for helping victims, and international collaboration mechanisms. This thesis uses qualitative research methods, including a thorough literature review, examining relevant legislative requirements, and in-depth interviews with subject-matter experts. This research sheds light on the difficulties and gaps in the present legal system, and it provides concrete suggestions for enhancing organ trafficking prevention, prosecution, and victim care services in Pakistan.

Keywords: Organ Trafficking, Organ Transplantation, Pakistan, National Legal Framework, International Legal Framework, THOTA 2010

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DEDICATION

"Dedicated To My Parents for their Love, Support, and Prayers Throughout My Life"

DECLARATION

I, hereby certify that this thesis titled "Pakistan as an Organ Tourist State and critical analysis of National and International Organ Trafficking Laws" is a record of bona fide research carried out by me under the supervision of **Ma'am Qurat ul Ain Rehman** and that it has not been previously submitted for the award of any degree, diploma, or other similar title of recognition. It has been appropriately acknowledged where the material has been used for other sources.

Researcher

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LIST OF ABBREVIATIONS

CECTHO	Council of Europe Convention against Trafficking in Human Organs
CrPC	Code of Criminal Procedure 1898
DICG	Declaration of Istanbul Custodian Group
FIR	First Information Report
HOTA	Human Organ Transplant Authority
ICC	International Criminal Court
NADRA	National Database and Registration Authority
NOTA	National Organ Transplant Act 1984
NOTTO	National Organ and Tissue Transplantation Organization
PMDC	Pakistan Medical and Dental Commission
PPC	Pakistan Penal Code 1860
PHOTA	Punjab Human Organs Transplantation Act of 2010
QSO	Qanun e Shahadat Order 1984
THOTA	Transplantation of Human Organs and Tissues Act 2010
UN	United Nations
UNCATOC	United Nations Convention Against Transnational Organized Crime

UNHCHR	United Nations High Commissioner for Human Rights
UNODC	United Nations Office on Drugs and Crime
UNOS	United Network for Organ Sharing
UN TIP Protocol	United Nations Protocol to Prevent, Suppress, and Punish Person Trafficking
USA	United States of America
WHO	World Health Organisation

LIST OF CASE LAWS

Muhammad Asif v The State (2016) 117 PLD 216

State v Abdul Ghani and others (2017) PLD 814

State v Dr. Fawad Mumtaz (2015) PLD 223

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