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CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandate of the Special Rapporteur on trafficking in persons, especially women and children.

REFERENCE: AL Trafficking (2004-5)
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15 February 2012

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on trafficking in persons, especially women and children pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 17/1.

In this connection, I would like to bring to the attention of your Excellency's Government the information I have received concerning **alleged trafficking of Sudanese refugees and asylum seekers for the purpose of the removal of organs**.

According to the information received:

An increasing number of Sudanese refugees and asylum seekers are reportedly trafficked for the removal of their kidneys which takes place within Egypt. In many cases, the victims include children and women, many of them from neighbouring regions in conflict, who have fled the conflict to seek asylum in Egypt.

In some cases, people smugglers or traffickers facilitated the victims' travel to Egypt and then had their brokers in Egypt arrange for the removal of the victims' kidneys in Cairo. In other cases, victims have been approached by brokers in coffee shops and other meeting places in Cairo. In both situations, brokers commonly offered the victims food and housing and then demanded money for this assistance. When victims were unable to pay, the brokers threatened to evict them from their houses or arranged a debt collector to threaten them with arrest and deportation. Once in this situation of vulnerability and desperation, the brokers offered the victims a solution: money in exchange for the sale of their kidneys. Allegedly, most of the victims were not paid or did not receive the full amount promised.

There have also been cases in which the victims were taken to private hospitals or clinics for medical examination and had their kidneys removed while they were under anesthesia without their consent. In one case, a Sudanese man allegedly came to Egypt with the help of an Egyptian trafficker who he trusted. Symptoms were induced which made him believe he was unwell. Upon experiencing pain in the right side of his body, the trafficker took him to a doctor for medical examination. He lost consciousness after he was given an injection by the doctor and his kidney was removed without his knowledge while he was asleep.

It is reported that the victims have experienced deteriorating health after the removal of their kidneys. Many of them suffered from prolonged pain at the site of the incision and became unable to lift heavy objects and to perform manual labour. In addition, they reportedly suffered negative social, economic and psychological consequences as a result of having their kidneys removed. They are often unable to work due to their health conditions and thus to earn a living. Further, the victims often felt stigmatized and ashamed of their experience, given the perception in the victims' community that selling one's organs is a sinful and dishonorable act.

Furthermore, there are indications that for the trafficked women, they were also sexually exploited.

Following my country visit to Egypt in April 2010, I observed that trafficking in persons for the purpose of the removal of organs was growing in scale (A/HRC/17/35/Add.2, para 10). I am also aware of the national *Law on Human Organ Transplantation*, passed in February 2010, which provides a framework for the prohibition of organ trafficking. While I do not wish to prejudge the accuracy of the above allegations, it is of concern to me that this form of trafficking appears to be on the rise.

In this connection, I would like to draw the attention of your Excellency's Government to its obligations under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime ("the Palermo Protocol"). As a State Party to the Palermo Protocol, your Excellency's Government is obliged to prevent and combat trafficking in persons, and to protect and assist the victims of such trafficking, with full respect for their human rights. Further, under article 11 of the Palermo Protocol, State parties undertake without prejudice to international commitments in relation to the free movement of people, to strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons.

I would also like to refer to the Recommended Principles and Guidelines on Human Rights and Trafficking, issued by the Office of the United Nations High Commissioner for Human Rights in July 2002. Principle 2 of the Recommended

Principles and Guidelines provides that States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers, and to assist and protect trafficked persons. Principle 13 similarly states that they “shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-State actors”. Further, I would like to refer to guideline 11, paragraph 6, which urges States to establish mechanisms to facilitate the exchange of information concerning traffickers and their methods of operation.

In addition, I would like to take this opportunity to reiterate some of my recommendations following my country visit to Egypt, which included providing comprehensive training programmes to increase knowledge and awareness of human trafficking among all stakeholders, particularly the police, immigration and border guards, and labour inspectors, with a view to equipping them with skills to accurately identify cases of trafficking (A/HRC/17/35/Add.2).

As it is my responsibility under the mandate provided to me by the Human Rights Council to seek to clarify all cases brought to my attention, I would be grateful for your cooperation and your observations on the following matters, as may be relevant to the case under consideration:

1. Are the facts alleged in the above summary of the cases accurate?
2. Please provide details, and where available the results, of any investigation, judicial or other inquiries which may have been carried out in relation to the allegations of trafficking in Sudanese refugees and asylum seekers for the purpose of the removal of organs.
3. Please provide information on any prosecution of traffickers in Egypt in relation to trafficking for the purpose of removal of organs, including any information about the implementation of the the *Law on Human Organ Transplantation*.
4. Please provide information on any preventive and awareness-raising measures undertaken to combat trafficking for the purpose of the removal of organs in Egypt.
5. Please indicate whether the victims have access to adequate procedures of compensation for damages from those legally responsible for the harms suffered by them.

I would appreciate a response within sixty days. I undertake to ensure that your Excellency’s Government’s response to each of these questions is accurately reflected in the report I will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Joy Ezeilo
Special Rapporteur on trafficking in persons, especially women and
children