



EX VIVO ORGAN TRAFFICKING AND ITALIAN CRIMINAL LAW. A REFLECTION ON ART. 601-BIS OF THE ITALIAN CRIMINAL CODE

The long-standing shortage of organs for transplantation purposes highlights a complex reality, characterised by marked vulnerability, where the organ 'owners' and transplant 'users' are mostly fragile or economically destitute people. The former category of people includes prisoners of war, refugees, those on death row, as well as minors who have been kidnapped for the purpose of organ removal, whose origins are often to be found in the poorest parts of the world; whereas the latter category consists mainly of people suffering from serious diseases who consider the grafting of 'new' organs as a new lease of life or a possibility of living in more bearable conditions. This is a context which is becoming increasingly more pronounced, made even more complex by the appetites of transnational criminals who exploit this particular situation for profit. This is a phenomenon that, in order to be thwarted, requires not only internationally co-ordinated repressive measures, but also the encouragement of biomedical research activities for the retrieval of 'laboratory' organs; the removal of organs from the living must be an additional option and not a substitute for cadaveric donation.