



Submission

**Inquiry into the Migration Amendment (Overseas Organ Transplant
Disclosure and Other Measures) Bill 2023**

Australian Committee

International Coalition to End Transplant Abuse in China (ETAC)

endtransplantabuse.org

Table of Contents

ETAC - AUSTRALIAN COMMITTEE	3
INQUIRY INTO THE MIGRATION AMENDMENT (OVERSEAS ORGAN TRANSPLANT DISCLOSURE AND OTHER MEASURES) BILL 2023.....	4
HUMAN RIGHTS ISSUES IN CHINA	6
THE NEED TO STRENGTHEN LAWS TO PREVENT ORGAN TRAFFICKING	8
RAISING AWARENESS OF ORGAN TRAFFICKING.....	8
MONITORING OVERSEAS TRANSPLANTS.....	10
HUMAN RIGHTS DUE DILIGENCE.....	11
DEFINING “TRAFFICKING IN HUMAN ORGANS”	13
CONCLUSION	15

ETAC - Australian Committee

1. The Australian Committee of the International Coalition to End Transplant Abuse in China (**ETAC**) was established in 2016 in response to serious human rights violations in China associated with systematic, forced and state-sanctioned organ harvesting and trafficking from prisoners, including prisoners of conscience (**forced organ harvesting**).
2. The ETAC Australian Committee comprises lawyers, academics, ethicists, medical professionals and human rights advocates. ETAC is an independent, non-partisan organisation that is not aligned with any political party, religious or spiritual group, government, or any other national or international institution. Our members are from a range of backgrounds, belief systems, religions and ethnicities. We share a common commitment to supporting human rights and ending the heinous crime of forced organ harvesting in the People's Republic of China (**China**), and all associated crimes including torture and other inhuman or degrading treatment or punishment.
3. ETAC provides leadership and expertise on the issue of forced organ harvesting, and promotes and protects human rights by:
 - Undertaking, publishing and disseminating research regarding forced organ harvesting in China;
 - Calling for greater transparency and scrutiny of the transplantation system in China;
 - Promoting public debate regarding human tissue and organ trafficking laws and policy;
 - Raising public awareness regarding the importance of ending the detainment, torture and forced organ harvesting of prisoners of conscience in China;
 - Advocating for actions to reduce and avoid international complicity in China's violations of transplant ethics and human rights laws; and
 - Seeking justice for the victims of forced organ harvesting and their families, and demanding accountability for the perpetrators.
4. Details about the Australian Committee members can be viewed [here](#).

Inquiry into the Migration Amendment (Overseas Organ Transplant Disclosure and Other Measures) Bill 2023

5. ETAC welcomes the Inquiry into the Migration Amendment (Overseas Organ Transplant Disclosure and Other Measures) Bill 2023 (**Inquiry**) and supports the proposed legislation.
6. Slavery, in all forms, is an abhorrent practice and the Australian Government must continue to review, amend, and make laws to end all forms of slavery including organ trafficking which is a modern slavery offence pursuant to s 4 of the *Modern Slavery Act 2018* (Cth). Organ trafficking is prohibited under ss 271.7A-271.7E of the *Criminal Code Act 2005* (**Criminal Code**).
7. ETAC has been actively engaged at both the Commonwealth and State level in advocacy regarding organ trafficking laws and modern slavery legislation in Australia. In 2017, ETAC made submissions and gave public evidence at the Inquiry into Human Organ Trafficking and Organ Transplant Tourism. ETAC has since made a number of submissions to the Australian Government regarding organ trafficking.¹
8. The Explanatory Memorandum to the Migration Amendment (Overseas Organ Transplant Disclosure and Other Measures Bill 2023 (**Bill**) notes that the proposed legislation “amends the *Migration Act 1958* (the “Migration Act”) to better inform the Commonwealth of Australia about persons entering Australia who have received an organ transplant and to enable certain relevant information to be made publicly available. It also amends the Migration Act to allow the Minister to refuse to grant, or to cancel, a person’s visa if the Minister reasonably suspects the person has been involved in conduct constituting an offence involving organ trafficking.”²
9. ETAC submits that the legislation is an important step in strengthening the laws in Australia to prohibit organ trafficking, in particular unlawful organ transplants that occur overseas involving Australians.
10. ETAC commends the Australian Government’s commitment to addressing modern slavery, in particular organ trafficking. However, much more is needed to ensure Australians are not complicit in such offences, particularly as the current laws do not adequately safeguard our nation from some of the most egregious and heinous crimes associated with organ trafficking, including the serious violations of fundamental human rights including the right to life and the right to be free from torture or cruel, inhuman, or degrading treatment or punishment.

¹ <https://endtransplantabuse.org/submissions-to-government/>, <https://endtransplantabuse.org/etac-australia-submission-to-the-review-of-the-modern-slavery-act-2018-cth/>.

² Explanatory Memorandum to the Migration Amendment (Overseas Organ Transplant Disclosure and Other Measures Bill 2023, accessed 9 January 2023, https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fems%2Fs1384_e ms_09f43122-4656-4925-ab57-95d05167cfbe%22.

11. The Australian Government must take all measures to ensure that Australians are not associated with, or complicit in, organ trafficking related offences that occur both in Australia and overseas.
12. For the reasons submitted below in this submission, ETAC is of the view that more can be done to strengthen such laws to ensure that this does not occur. The Bill is an important step in the right direction.

Human rights issues in China

13. Before turning to the proposed legislation, we provide a brief overview of the relevant human rights issues associated with forced organ harvesting in China given that this is a niche area and raises its own unique challenges relating to law reform.
14. China is a one-party state led by the Chinese Community Party (CCP). The country is officially divided into twenty-three provinces, five autonomous regions and four direct-controlled municipalities, and the special administrative regions of Hong Kong and Macau. Each autonomous region is associated with an ethnic minority group.
15. In 2018 ETAC made submissions to the Foreign Affairs, Defence and Trade Legislation Committee (**Committee**) with respect to the *Inquiry into Human Organ Trafficking and Organ Transplant Tourism*³, and subsequently gave evidence at the public hearings.⁴
16. ETAC raised then with the Committee the deeply concerning issue of minority groups being detained in labour camps, including those who practice the Buddhist qigong and meditation practice of Falun Gong, Uyghurs, Tibetans, and House Church Christians. China refers to these camps as “re-education camps”. However, the ultimate intended aim of these camps is essentially religious, spiritual, and ethnic cleansing. The correct term for these camps therefore is “internment camps”, as minority groups are often detained without charge and without trial. Heinous crimes are committed in these internment camps including religious or spiritual persecution, torture, rape, slavery, forced organ harvesting, and extrajudicial killings. The evidence of these crimes has been put before the China Tribunal which is discussed in more detail below.
17. Australia has ratified several key international human rights treaties, including the *International Covenant on Civil and Political Rights (ICCPR)* and the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*. The treatment of those detained in internment camps and forced organ harvesting offences are serious breaches of a number of fundamental human rights including the right to life (Article 6, ICCPR); right to a fair trial (Article 14, ICCPR); freedom from cruel, inhuman or degrading treatment or punishment, in particular, no one shall be subjected without his free consent to medical or scientific experimentation (Article 7, ICCPR); right of all persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person (article 10, ICCPR); and the right to the enjoyment of the highest attainable standard of physical and mental health (Article 12, ICESCR).

³ Submission No. 7, International Coalition to End Organ Pillaging in China – AAIC, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Human_OrganTrafficking/Submissions.

⁴https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Human_OrganTrafficking/Public_Hearings.

18. In March 2020, after twelve months of detailed scrutiny of all available evidence, the Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China (**China Tribunal**)⁵, chaired by Sir Geoffrey Nice QC, unanimously and beyond reasonable doubt, concluded that:

“Forced organ harvesting has been committed for years throughout China on a significant scale and ... Falun Gong practitioners have been one – and probably the main – source of organ supply.”

“In regard to the Uyghurs the Tribunal had evidence of medical testing on a scale that could allow them, amongst other uses, to become an ‘organ bank’.”

“Commission of Crimes Against Humanity against the Falun Gong and Uyghurs has been proved beyond reasonable doubt...”

“Governments and any who interact in any substantial way with the PRC [People’s Republic of China] ... should now recognise that they are, to the extent revealed above, interacting with a criminal state.”⁶

19. In China, “re-education through labour” (RTL) is part of the *laogai* system. The Laogai Research Foundation estimates that the *laogai* system currently comprises over one thousand detention facilities, incarcerating millions of individuals.⁷ The Foundation estimates that anywhere between 40 to 50 million Chinese have suffered in the *laogai* system since the founding of the People’s Republic of China.
20. In ETAC’s 2018 submission⁸, we recommended that the Australian Government work with the international community to hold China accountable for its past and present human rights violations of prisoners of conscience by seeking clear and compelling evidence that forced organ harvesting has ceased. ETAC reiterates this submission in the context of this Inquiry, and further submits that the Australian Government must have in force laws that deter and prevent organ trafficking.
21. The Bill plays a significant role in deterring and preventing organ trafficking by ensuring that Australians are not associated with, or complicit, in such heinous organ trafficking crimes.
22. This submission discusses the importance of having laws that deter and prevent organ trafficking and how the Bill can strengthen such laws.

⁵ <https://chinatribunal.com/>, accessed 9 January 2024.

⁶ The full judgement of the China Tribunal can be found here: https://chinatribunal.com/wp-content/uploads/2020/03/ChinaTribunal_JUDGMENT_1stMarch_2020.pdf

⁷ <https://laogairesearch.org/laogai-system/>, accessed 9 January 2024.

⁸ Submission No. 7, International Coalition to End Organ Pillaging in China – AAIC, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Human_OrganTrafficking/Submissions.

The need to strengthen laws to prevent organ trafficking

23. Given the hidden nature and secretive environment in which organ trafficking thrives, there are clearly challenges for the Australian Government in developing laws and regulations that aim to deter and prevent organ trafficking.
24. To add to the overly hidden nature of organ trafficking, the CCP is well known for its lack of transparency, especially with respect to human rights issues.⁹
25. These challenges are exemplified by the fact that Australia is yet to secure a prosecution for organ trafficking, despite having organ trafficking laws in force for many years. We note that in June 2023, according to the BBC, the UK secured its first prosecution for human trafficking for organ removal.¹⁰
26. Given these challenges, it is incumbent on the Australian Government to pass effective laws and regulations which will prevent and deter organ trafficking. Laws that require Australians to declare if they have had a transplant overseas are a step in the right direction in combatting organ trafficking.
27. There are a number of international jurisdictions which have laws to prohibit their citizens or permanent residents from engaging in unlawful organ transplants overseas including the United States of America, Canada, United Kingdom, Taiwan, and Israel.¹¹ The various laws in overseas jurisdictions can be found [here](#).

Raising awareness of organ trafficking

28. The importance of raising awareness and education amongst Australians regarding organ trafficking cannot be overstated.
29. The Human Rights Sub-Committee of the House of Representatives Joint Standing Committee on Foreign Affairs, Defence and Trade, in its report “Compassion, Not Commerce: An Inquiry into Human Organ Trafficking and Organ Transplant Tourism” (**Compassion, Not Commerce Report**) made two recommendations relating to raising awareness and education as follows:

⁹ According to Amnesty International, “China remained the world’s leading executioner – but the true extent of the use of the death penalty in China is unknown as this data is classified as a state secret; the global figure of at least 657 excludes the thousands of executions believed to have been carried out in China.”

<https://www.amnesty.org/en/latest/news/2020/04/death-penalty-in-2019-facts-and-figures/#:~:text=China%20remained%20the%20world's%20leading,been%20carried%20out%20in%20China.>

Accessed 18 February 2021.

¹⁰ <https://www.bbc.com/news/65960515>.

¹¹ Paragraphs 1.1 – 1.10 of the *Compassion, Not Commerce: An Inquiry into Human Organ Trafficking and Organ Transplant Tourism* report,

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Human_OrganTrafficking.

Recommendation 8

The Sub-Committee recommends that the Australian Government establishes a multilingual public health education program that:

- addresses the legal, ethical and medical risks associated with participation in organ transplant tourism;
- includes a stream for educating frontline staff such as medical professionals about how to best identify possible cases of organ harvesting and support both vulnerable victims and desperate patients, based possibly on the Anti-Slavery Australia e-learning model;
- is multi-lingual; and
- is designed in particular to educate Australians who were born in, or have family associations in, countries where human organ trafficking is known or suspected to occur.

Recommendation 9

The Sub-Committee recommends that the Australian Government includes information on trafficking in human organs and transplant tourism on relevant government websites, including on the SmartTraveller.gov.au website, on country-specific pages of countries where human organ trafficking is known or suspected to occur.

30. The legal requirement for Australians to declare if they have had a transplant overseas, if passed by Parliament, will raise awareness of the issue of organ trafficking amongst the broader Australian community. The proposed legislation will require all Australians travelling into the country to complete the incoming passenger card. According to the Australian Bureau of Statistics, in October 2023 there were 1,562,520 arrivals into Australia. Out of the 1,562,520 arrivals, 834,290 were Australian resident arrivals, and 714,300 were overseas visitor arrivals.¹²
31. The Compassion, Not Commerce Report further recommended that the Australian Government “monitor the transplantation practices of other countries with regard to consistency with human rights obligations, including with regard to the use of the organs of executed prisoners...”¹³
32. Requiring Australians to declare if they have had an organ transplant overseas will raise the much-needed awareness of organ trafficking offences and will also assist the Australian Government to monitor the transplantation practices of other countries with regard to forced organ harvesting.

¹² <https://www.abs.gov.au/statistics/industry/tourism-and-transport/overseas-arrivals-and-departures-australia/latest-release#:~:text=Key%20statistics,-In%20November%202023&text=Short%2Dterm%20visitor%20arrivals%3A%20663%2C760,an%20annual%20increase%20of%20414%2C210>.

¹³ Recommendation 2, Compassion not Commerce Report, p. 36.

Monitoring overseas transplants

33. Australia does not currently maintain a national register of all organ transplants that occur overseas involving Australians. Despite this, Australians who do have transplants overseas and return to Australia will usually access Australia's health system for the required post-operative, clinical care following an organ transplant. Essentially this means that the Australian healthcare system incurs the financial burden of post-operative and any other aftercare following overseas transplants.

34. The Compassion not Commerce Report at paragraph 3.21 states the following:

While OTA-supported [Organ and Tissue Authority] registries collect and analyse data on organ and human tissue donation and transplantation in Australia, there is a paucity of data with regard to Australian participation in transplant tourism. There is currently no requirement that an Australian who may be seeking transplantation overseas to report their intentions, nor is it mandatory for a medical profession providing post-operative treatment to a patient who received their transplant overseas to report that fact.¹⁴

35. ETAC has previously made submissions about the need for a national registry of all organ transplants that occur overseas involving Australians. ETAC repeats this submission and encourages the Australian Government to strongly consider a national registry.

36. The Compassion not Commerce Report made three recommendations relating to data collection and monitoring overseas transplants as follows:

Recommendation 3

The Sub-Committee recommends that the Australian Government meets international best practice standards by establishing a comprehensive organ donation data collection repository, based possibly on the ANZDATA model, but comprising a single point of access to data regarding all organ transplantations in Australia, including outcomes of treatment, deaths, travel overseas for treatment, cross referencing against waiting lists and other relevant information.

Recommendation 4

The Sub-Committee recommends that the Australian Government ensures that suitably-anonymised data regarding the participation by Australians in overseas commercial transplants, or those involved in organ procured from a non-consenting donor overseas, be shared with appropriate international partners, in order to combat transnational organ trafficking through cross-jurisdictional intelligence sharing.

¹⁴ Paragraph 3.21, Compassion not Commerce Report.

Recommendation 5

The Sub-Committee recommends that the Australian Government works with the States and Territories, transplant registries, and the medical community, to consider the appropriate parameters, protections, and other considerations, to support a mandatory reporting scheme whereby medical professionals have an obligation to report, to an appropriate registry or authority, any knowledge or reasonable suspicion that a person under their care has received a commercial transplant or one sourced from a non-consenting donor, be that in Australia or overseas.

37. The Bill will, in part, assist the Australian Government to monitor overseas transplant. However, this relies on persons completing the incoming passenger card to be truthful. The proposed legislation would be further supported by a national registry of organ transplants, a registry that requires medical professionals to notify the registry of all overseas transplants. Similar laws are required of health professionals making notifications to the Australian Government regarding notifiable diseases.¹⁵
38. Having a national registry of overseas organ transplants will not only effectively monitor overseas transplants, it will also assist the Australian healthcare system to better deal with the far reaching clinical, ethical, and legal issues which arise as a result of Australian individuals having a transplant overseas.

Human rights due diligence

39. The proposed legislation may assist certain Australian businesses to better assess and identify modern slavery risks of organ trafficking as required by the *Modern Slavery Act 2018* (Cth).
40. The proposed legislation will require the relevant Minister to produce an annual report on the number of overseas transplants declared on the incoming passenger card including information on the medical facilities, including the country and town or city, at which the transplant took place.
41. This information will assist Australian businesses required to report under the *Modern Slavery Act 2018* (Cth) to identify modern slavery risks associated with organ trafficking.
42. In 2022 ETAC commissioned Global Rights Compliance (**GRC**) to undertake a project to:
- consider the international business and human rights responsibilities of hospitals, universities, professional societies, medical journals, independent professional bodies, medical schools and associated medical professionals in the field of organ transplantation; and

¹⁵ See: <https://www.health.gov.au/our-work/nndss>.

- examine the risks of complicity of medical professionals, medical institutions and transplant-associated businesses in human rights abuses by engaging in relationships with institutions and medical businesses that may be facilitating the practice of unethical organ transplantation, including hospitals and professionals involved in the state-sanctioned regime of forced organ harvesting in the People's Republic of China.¹⁶

43. GRC produced two reports, the Legal Advisory Report and the supplementary Policy Guidance, both titled, *'Do No Harm – Mitigating Human Rights Risks when Interacting with International Medical Institutions & Professionals in Transplantation Medicine'*.¹⁷ The Legal Advisory Report emphasises the need for medical institutions and transplant-associated businesses to undertake due diligence, having regard for the United Nations Guiding Principles on Business and Human Rights. The report specifically states that

medical institutions and transplant-associated businesses must carry out assessments of existing high-risk “business” relationships (i.e., business relationships that involve geographies, products or sectors that have been identified as presenting high risks of adverse impacts such as organ trafficking or forced organ harvesting)¹⁸, to inform an assessment as to what extent transplantation institutions may be causing, contributing to or are linked to the practice of unethical organ transplantation.¹⁹

44. Identifying modern slavery risks associated with organ trafficking is not without its challenges. Undertaking the requisite human rights due diligence however can be made easier when Australian businesses are made aware of entities that may be involved in unethical or unlawful organ transplants. The annual report required under the proposed legislation has the potential to assist Australian businesses to comply with its modern slavery reporting requirements.

¹⁶ Global Rights Compliance. 2022. Legal Advisory Report, *Do No Harm – Mitigating Human Rights Risks when Interacting with International Medical Institutions & Professionals in Transplantation Medicine*, p4. <https://globalrightscompliance.com/project/do-no-harm-policy-guidance-and-legal-advisory-report/>.

¹⁷ GRC's methodology to produce the Legal Advisory Report and supplementary Policy Guidance included a literature review of primary and secondary sources, and stakeholder interviews with experts in relevant fields, including transplantation surgeons, nephrologists, anaesthetists, nursing staff, bioethicists, journal editors, and journalists. Based on GRC's expertise in international and national business and human rights obligations, international human rights law and international criminal law, GRC provides a legal analysis of the findings of the literature review and the information gathered from the stakeholder interviews, resulting in the Legal Advisory Report and supplementary Policy Guidance

¹⁸ OECD, OECD Due Diligence Guidance for Responsible Business Conduct (OECD 2018) 66
<<https://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf>>.

¹⁹ Global Rights Compliance, n21, p39.

Defining “trafficking in human organs”

45. The proposed legislation intends to insert after paragraphs 5C(1)(bc)(ii) of the *Migration Act 1958* the words, “an offence involving trafficking in human organs.”
46. The Criminal Code does not provide for the offence of “trafficking in human organs”. The Compassion not Commerce Report recommended that the Australian Government amend the Criminal Code as follows:

Recommendation 7

The Sub-Committee recommends that the Australian Government amend the Criminal Code Act 1995 and any other relevant legislation insofar as offences relating to organ trafficking:

- include trafficking in human organs, including the solicitation of a commercial organ transplant;
 - apply to any Australian citizen, resident or body corporate;
 - apply regardless of whether the proscribed conduct occurred either within or outside of the territory of Australia;
 - apply regardless of the nationality or residence of the victim; and
 - apply regardless of the existence, or lack thereof, of equivalent laws in the jurisdiction in which the offending conduct occurred.
47. At the date of making this submission the Australian Government is yet to amend the Criminal Code to capture the type of offences involved whereby an Australian goes overseas, has an organ transplant where there is a commercial transaction involved in the organ transplant and where the organ donor has not consented to removal of their organ for transplantation. This conduct does not often, if at all, involve trafficking in persons for the removal of human organs, however it does involve trafficking in human organs.
48. The Australian Government has not amended the Criminal Code accordingly, despite the Attorney-General’s recent report in 2023 titled, “Targeted Review of Modern Slavery Offences in Divisions 270 and 271 of the *Criminal Code Act 1995* (Cth)”, which examined Australia’s organ trafficking laws and made Finding 12 as follows:
- Amending the offence names in Division 271 Subdivision BA to ‘trafficking in persons for the purpose of organ removal’ instead of ‘organ trafficking’ would clarify the scope and intent of these offences.
49. ETAC reiterates its previous submission and evidence given to the Australian Government that Australia’s current organ trafficking laws are inadequate as they do not capture conduct whereby Australians receive an organ transplant that has been unlawfully and unethically removed without

the consent of the organ donor. Often referred to as “transplant tourism”, this conduct does not always involve trafficking in persons for the removal of organs, if at all. Thus, respectfully, the Attorney-General’s finding, whilst welcomed, is unlikely to cure the lacuna in Australia’s organ trafficking laws.

50. ETAC submits that an offence for “trafficking in human organs” as provided for in the Council of Europe Convention against Trafficking in Human Organs should be inserted into Australia’s Criminal Code as provided for by Article 4 of the Convention:

Article 4 – Illicit removal of human organs

1 Each Party shall take the necessary legislative and other measures to establish as a criminal offence under its domestic law, when committed intentionally, the removal of human organs from living or deceased donors:

- a. where the removal is performed without the free, informed and specific consent of the living or deceased donor, or, in the case of the deceased donor, without the removal being authorised under its domestic law;
- b. where, in exchange for the removal of organs, the living donor, or a third party, has been offered or has received a financial gain or comparable advantage;
- c. where in exchange for the removal of organs from a deceased donor, a third party has been offered or has received a financial gain or comparable advantage.

51. Inserting this offence will ensure that the illicit removal of human organs is captured by Australia’s Criminal Code and will be consistent with the proposed legislation’s term, “trafficking in human organs”.
52. The Attorney-General’s report following its targeted review stated that “there may be merit in considering new offences in Australia to criminalise trafficking in organs...”, however stated that this was outside the scope of the targeted review. Given the proposed Bill and the use of the term, “trafficking in human organs”, this is now an opportunity for the Australian Government to make the necessary amendments to its organ trafficking laws to ensure the necessary conduct that occurs overseas by Australians is captured by the laws. Further, such law reform will bring Australia’s laws in line with jurisdictions overseas.
53. Australia should also sign and ratify the Council of Europe Convention against Trafficking in Human Organs as recommended in the ‘Compassion not Commerce’ Report in 2018 in Recommendation 6.

Conclusion

54. Having legislation which strengthens the prohibition on organ trafficking, especially overseas organ transplants, is an important step in preventing and eradicating forced organ harvesting in China and all associated crimes and human rights violations.
55. ETAC unequivocally supports the proposed legislation for the reasons stated above in this submission.
56. ETAC also calls on the Australian Government to amend its organ trafficking laws to provide for the two distinct offences of “trafficking in persons for the removal of organs” and “trafficking in human organs”. This will capture conduct that is not currently captured by Australia’s organ trafficking laws and may explain why Australia is yet to secure a prosecution for organ trafficking.
57. As was stated in the Attorney-General’s targeted review report:

The Targeted Review recognises that strong criminal justice responses are an integral part of combatting modern slavery in Australia and seeks to ensure Australia’s legislative framework continues to support effective disruption, investigation and prosecution actions.²⁰

Date Submitted: 23 January 2024

²⁰ Targeted Review of Modern Slavery Offences in Divisions 270 and 271 of the *Criminal Code Act 1995* (Cth), p. 19, https://consultations.ag.gov.au/crime/modern-slavery-offences/user_uploads/targeted-review-of-modern-slavery-offences-in-divisions-270-and-271-of-the-criminal-code-act-1995.pdf, accessed 15 January 2023.