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**HUMAN EXPLOITATION IN LIBYA AND EGYPT: ORGAN TRAFFICKING  
AND MIGRATION**

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## INTRODUCTION

Migration has always been one of the most defining forces shaping human history, societies, and geopolitics, so much that, in recent decades, it has gained unprecedented centrality in political debates, security agendas, and humanitarian discourses, especially in regions marked by instability and armed conflict. The Mediterranean basin represents a particularly critical space in this regard, functioning both as a transit area and as a destination for millions of individuals fleeing war, poverty, political repression, and environmental degradation. North Africa, and especially Libya and Egypt, occupy a crucial role within this broader framework: not only do these countries serve as departure points or transit corridors for migrants seeking to reach Europe, but they are also deeply entangled in the dynamics of irregular migration, terrorism, and organized crime.

Understanding these complex phenomena requires moving beyond simplistic narratives and addressing the interplay of theories, practices, and geopolitical interests that sustain and shape migratory flows.

The study of migration cannot be separated from theoretical approaches that attempt to explain why individuals move, under what conditions, and with what broader implications. Classical and contemporary theories of migration offer insight into the push and pull factors, the economic and political incentives, and the global imbalances that drive human mobility. Yet, theory alone is insufficient: North African cases of Libya and Egypt illustrate the limitations of existing frameworks and highlight how local conflict, weak governance, and foreign interventions produce unique patterns of mobility that defy traditional explanations. These two countries embody both the causes and the consequences of migration: they are sites of departure, spaces of containment, and arenas where international and domestic actors clash over the management of human flows.

The link between irregular migration, terrorism, and transnational criminal networks has become one of the most debated and controversial issues in international relations. Migration routes in the Mediterranean often overlap with smuggling routes used by armed groups, militias, and terrorist organizations. This convergence has raised concerns not only about border security but also about the instrumentalization of human mobility for political and military purposes.

The case of ISIS in Libya, as well as reports of radicalization processes in detention centres and refugee camps, illustrates how migration may intersect with broader threats to international peace and security.

The human cost of these dynamics is most visible in the tragic phenomenon of human and organ trafficking: migrants who attempt to cross the Mediterranean often find themselves detained in official or militia-run centres, where they are exposed to severe human rights violations, torture, and exploitation. Libya, in particular, has become notorious for the appalling conditions of its detention facilities, while Egypt has been identified as a hub in the clandestine network of organ trafficking. Survivor testimonies reveal how human trafficking and illegal organ trade intersect, exploiting the extreme vulnerability of migrants who lack legal protection, financial resources, or political representation. The clandestine routes from Libya to Cairo highlight the hidden economy of exploitation that thrives on human suffering and that persists despite international condemnation. Investigations into forced organ harvesting demonstrate the extent to which migration, far from being merely a humanitarian challenge, is also a lucrative business for criminal organizations and corrupt networks.

Given the gravity of these issues, the role of international institutions and national legislations becomes crucial. The United Nations and the World Health Organization have developed protocols and policies aimed at combating human and organ trafficking, while the European Union has invested in cooperative partnerships with North African countries to address migration and border security, meanwhile adopting conventions on these subject. However, the implementation of these measures often reveals significant gaps and contradictions. Libya and Egypt, despite being bound by international obligations, face political instability, weak institutional capacity, and internal divisions that limit the effectiveness of national and international policies. Moreover, the cooperation between the EU and North African states has been criticized for prioritizing containment and security over protection of human rights, and these criticisms raise broader questions about sustainability and legitimacy of current migration management models, also starting a reflection on alternative approaches that balance security and humanitarian imperatives.

This thesis aims to analyse migration in the Mediterranean through a multi-dimensional lens, combining theoretical insights with empirical case studies on Libya and Egypt. It will explore how migration intersects with terrorism and criminal networks, and how human and organ trafficking reveal the darker side of mobility and corruption. Furthermore, it will assess the responses of international institutions, the EU, the UN and national governments, highlighting both achievements and limitations of existing policies.

Ultimately, the objective is to propose a more comprehensive and sustainable approach to migration governance - one that addresses not only security concerns but also the protection of human rights and the need for international harmonization of organ trafficking policies.

Although organ trafficking and human exploitation are phenomena widely acknowledged at the global level, they remain understudied in the specific context of Libya and Egypt. This neglect stems largely from the absence of reliable data: cases are rarely reported due to endemic corruption, weak judicial systems, and the lack of effective legal norms and enforcement mechanisms. As a result, the scale of the problem is obscured, making it difficult for international organizations and civil society to respond adequately.

Examining the cases of Libya and Egypt provides a critical lens through which to understand the complexities of migration and to envision more effective and humane responses.

# 1. MIGRATION AND THEORIES

## 1.1 Definition and Key Concepts: Difference between regular and irregular migration

Migration is one of the most significant social phenomena shaping human history as it has been an intrinsic part of human civilization, influencing cultural exchanges, economic developments, and political structures across the globe. In modern times, migration remains a central issue in public policy and international relations, given its profound implications for both sending and receiving countries. The study of migration encompasses a wide array of theoretical perspectives that attempt to explain why people migrate, the effects of migration on societies, and the challenges associated with different migration patterns (Massey et al., 1993).

Migration is broadly understood as the movement of people from one place to another, typically across national or regional borders, with the intention of residing temporarily or permanently in the destination location (de Haas, 2010). The motivations for migration can vary widely, ranging from economic aspirations to escape from conflict or persecution. The study of migration is interdisciplinary, drawing from sociology, economics, political science, and anthropology to understand its causes and effects (Faist, 2000).

Migration theories have evolved overtime, reflecting the changing nature of human mobility and the factors that drive it: on one hand, early economic theories, such as the push-pull model, focused on disparities in income and employment opportunities between different regions (Lee, 1966). On the other hand, more contemporary perspectives, including transnationalism and network theories, emphasize the role of social connections, policies, and historical ties in facilitating migration (Portes, 1997). These theories provide a framework for understanding the complexity of migration in today's globalized world.

In order to understand migration fully, it's crucial to define its key concepts and distinguish between different types of migration: migration can be classified into various forms based on legality, purpose, and duration. One of the primary distinctions is between regular and irregular migration, which refers to the legal status of the migrants and their mode of entry into a country (IOM, 2019a; IOM, 2019b).

Regular migration occurs when individuals move in accordance with the legal framework established by the destination country, meaning that they possess valid documentation, such as visas or work permits, and comply with the immigration regulations of the host nation. Regular migrants

may include students, skilled workers, family reunification migrants, and refugees who have obtained official recognition under international protection laws (UNHCR, 2018b).

On the contrary, irregular immigration, refers to movement that occurs outside the regulatory norms of the destination country, which can include unauthorized border crossing, overstaying visas, or entering a country using fraudulent documents. Irregular migration is often associated with heightened risks, such as exploitation, human and organ trafficking, and legal vulnerabilities, as irregular migrants don't always have access to basic services and legal protection (Koser, 2005).

Beyond legality, migration can also be categorized based on the motivations and conditions under which people migrate: economic migrants move primarily for financial reasons, seeking better employment opportunities and improved living standards (Todaro, 1969). This form of migration is often voluntary, as individuals choose to relocate to areas where wages, working conditions, and economic prospects are more favourable, which can occur within countries (internal migration) or across international borders. The demand for labour, economic inequalities, and globalization have contributed to significant flows of economic migrants, particularly from developing to developed nations. The impact of economic migration is profound, affecting labour markets, remittance flows, and social structures in both origin and destination countries (Scott, 2025; World Bank, 2016).

Refugees are individuals who flee their home countries due to persecution, armed conflict or violence, and whose migration is not voluntary but forced, as they seek safety and protection under international humanitarian law (UNHCR, 2018a). The *1951 Refugee Convention*, established by the United Nations, provides the legal framework for refugee protection, defining a refugee as “someone who has a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion” (Goodwin-Gill and McAdam, 2017; UNHCR, 1951). Unlike economic migrants, refugees are granted asylum in host countries, where they are entitled to legal protection, access to social services, and non-refoulement, meaning they cannot be returned to a country where they face danger. The global refugee crisis, fuelled by conflicts in regions such as the Middle East, Africa, and Central America, has underscored the need for comprehensive policies addressing displacement and humanitarian assistance (Betts, 2013).

Migration can also be driven by other important factors that have a direct impact on the people who migrate: migration driven by environmental factors, for example, has become a pressing issue in the context of climate change, and it refers to the displacement of people due to sudden or progressive changes in their environment, including extreme weather events, desertification, and rising sea levels (Myers, 2022). The term “climate refugees” has emerged to describe those forces to leave

their homes due to climate-related disruptions, though legal recognition under international law remains limited (Bekyashev and Ivanov, 2016; McAdam, 2012).

One of the most significant causes of environmental migration is desertification, particularly in regions such as the Sahel in Africa. Countries like Chad, Niger, and Mali have experienced severe droughts, leading to agricultural failures and food insecurity, which have pushed rural populations towards urban centres or across borders. The growing scarcity of arable land has exacerbated competition for resources, sometimes fuelling conflicts and further displacement (Black et al., 2011; UNODC, 2022a).

Another crucial factor to take into consideration is the role of gender in shaping the migration experience: women and men often migrate for different reasons and face distinct challenges throughout the migration process. Women constitute almost half of all international migrants, with many employed in domestic work, healthcare, and the service industry (Piper, 2008), but, at the same time, female migrants frequently encounter vulnerabilities, including lower wages, lack of legal protections, and exposure to exploitation (Bastia, 2019; Freedman, 2015).

Indeed, human trafficking disproportionately affects female migrants because women and girls are frequently targeted for sexual exploitation and forced labour, particularly along migration routes where they lack protection (Zimmerman et al., 2011). In Libya, for example, migrant women attempting to reach Europe via the Mediterranean have reported systemic abuse in detention centres and trafficking networks (Mixed Migration Centre, 2025).

Human trafficking is a grave violation of human rights that involves the exploitation of individuals through coercion, deception, or force, and, consequently, victims of trafficking are often individuals transported across borders or within countries for purposes such as forced labour, organ trafficking, sexual exploitation, or domestic servitude (UNODC, 2020a). Unlike economic migrants or refugees, trafficking victims do not migrate out of choice; instead, they are subjected to manipulation and abuse by traffickers who profit from their exploitation. The United Nations Office on Drug and Crime (UNODC) defines human trafficking as the recruitment, transportation, transfer, harbouring, or receipt of persons by means of threat or use of force for the purpose of exploitation (UNODC, 2020c). Governments and international organizations have implemented various policies and initiatives to combat human trafficking, including stricter border controls, victim protection programs, and efforts to dismantle criminal networks involved in trafficking activities (Laczko and Gozdzik, 2005).

Men and women also experience migration differently in terms of integration and opportunities: on one hand, men may find employment in sectors like construction and agriculture, and on the other, female migrants often have fewer job opportunities and face greater societal expectations regarding caregiving roles (Donato et al., 2006). Additionally, access to healthcare and reproductive rights remains a significant concern for migrant women, in particular in the context where legal restrictions or cultural barriers limit their options (Carling, 2005).

Understanding the distinctions between different categories of migrants is essential for developing effective migration policies and humanitarian responses, as migration is not a monolithic phenomenon, but rather it encompasses diverse experiences and challenges that require tailored approaches to governance and international cooperation (Roberts et al., 2020). The intersection of migrants with economic development, human rights, and global security underscores its significance in contemporary debates on globalization and social justice (Castles, de Haas, and Miller, 2013).

## **1.2 Theories of Migration and The Role of Migration in Global Geopolitics**

Migration theories offer different perspectives on why people move from one place to another: the neoclassical theory of migration, rooted in economic principles, argues that individuals migrate to maximize their economic well-being, so, according to this perspective, migration is primarily driven by wage differentials and employment opportunities between sending and receiving countries. In this model, individuals weigh the costs and benefits of migration, such as travel expenses and potential earning, before making the decision to migrate. This theory has been widely used to explain labour migration patterns, particularly from developing to developed countries (Todaro and Smith, 2015).

In contrast, the migration network theory emphasizes the role of social networks in migration decisions: this theory suggests that migration is not solely an economic decision but is influenced by existing social ties in destination countries. Migrants rely on family members, friends, and community connections to facilitate their movement networks, reducing the costs and risks associated with migration, leading to sustained migration flows between specific regions. As Massey et al. highlight, migration networks enable the creation of “cumulative causation”, where each successive migrant reduces the costs for future migrants, fostering more robust migration patterns (Massey et al., 1998).

Another important framework in migration studies is the push-pull model, which explains migration through a combination of driving and attracting forces. On one hand, push factors refer to conditions in the country of origin that compel people to leave, such as poverty, unemployment, political instability, and environmental disasters (Lee, 1966). On the other hand, pull factors are the advantages offered by destination countries, including higher wages, better living conditions, safety, and political stability. The interplay of these forces shapes migration patterns and influences migration decisions (Castles and Miller, 2014).

Globalization has further transformed human mobility by increasing connectivity, trade, and technological advancements. The ease of travel, access of information, and global labour demands have facilitated the movement of people across borders at unprecedented levels. While globalization has created new opportunities for migrants, it has also led to challenges such as stricter immigration controls, xenophobia, and concerns over national security (Sassen, 2007). As globalization continues to reshape labour markets, it both facilitates and complicates migration, as people are drawn to areas with greater economic opportunities, but are also subject to more rigorous immigration policies as countries attempt to balance openness with security concerns (Held et al., 1999).

As people move across borders, they inevitably influence economic structures, cultural landscapes, and international relations. Governments, international organizations, and policy makers must navigate the complexities of migration while balancing national interests, security concerns, and human rights obligations. It is central to explore two critical aspects of migration in geopolitics: border control and national security, as well as the economic effects of migration on both origin and destination countries (Roberts et al., 2020).

One of the most pressing issues in global migration is the regulation of borders and the implications for national security; governments employ a variety of measures to control migration flows, ranging from strict immigration policies to physical barriers such as border walls and security fences. Technological advancements, including surveillance drones, biometric screening, and artificial intelligence, have further transformed border management strategies (Bigo, 2002).

Border security policies are often shaped by concerns over irregular migration, transnational crime, and terrorism, and in response to this, countries with high levels of immigration, such as the members of the European Union, have implemented stringent border controls to curb unauthorized entries. The Schengen zone in Europe facilitates free movement among member states but also

requires robust external border security measures to prevent irregular migration and security threats (Kaldor et al., 2007).

The securitization of migration has sparked debates about human rights, in particular regarding asylum seekers and refugees. Many migrants fleeing conflict and persecution find themselves stranded in detention centres or facing deportation due to restrictive border policies. The treatment of migrants at borders has led to criticism from humanitarian organizations, which argue that security measures should be balanced with legal pathways for asylum and international protection (Huysmans, 2002).

International cooperation plays a necessary role in managing border security, indeed organizations such as the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) work with governments to develop comprehensive migration policies that ensure security while upholding international human rights standards (Tsegay, 2023), additionally to regional agreements, such as the *EU-Turkey deal*, which demonstrate how diplomacy can shape migration governance (European Council, 2016; Gogou, 2017).

Migration has also profound economic implications for both origin and destination countries as it contributes to the labour market, public finances, and social system in their new countries while also maintaining strong economic ties with their homelands through remittances (Scott, 2025).

In many developed countries, migration serves as a crucial factor in addressing labour shortages because migrants often take on jobs in sectors where local workers are unavailable or unwilling to work, such as agriculture, construction, healthcare, and domestic services. This labour supply boosts economic productivity and fills essential gaps in the workplace, especially in aging societies where declining birth rates have led to demographic challenges (Dustmann et al., 2005; Scott, 2025).

Highly skilled migrants contribute significantly to innovation and technological advancement in destination countries but, despite these benefits, migration can also create economic challenges, in particular in terms of wage competition and public resource allocation. Some argue that an influx of low-skilled labour may depress wages for native workers in specific industries (Borjas, 2017). Additionally, the increased demand for housing, healthcare, and education can strain public services in regions experiencing high migration rates. However, studies, such as the 2018 OECD report on migration and public finances, have shown that in the long term, migrants tend to contribute more in

taxes than they receive in social benefits, making migration a net positive for many economies (Liebig and Mo, 2013; OECD and ILO, 2018).

Migration also has significant economic consequences for the countries of origin, and one of the most notable effects is the flow of remittances - money sent by migrants to their families back home. According to the World Bank, remittances to low and middle-income countries reached over \$600 billion in recent years, surpassing foreign direct investment in some regions, making these funds a great way to improve living conditions, to provide education and healthcare, and to stimulate local economies (World Bank, 2024).

However, migration can also lead to a “brain drain” phenomenon, where the emigration of highly skilled professionals weakens the workforce of the country of origin, for example in the cases of Sub-Saharan Africa, North Africa, and South Asia, where it was experienced a loss of doctors, engineers, and scientists who move to wealthier nations for better opportunities. This outflow of talent can slow economic development and place additional pressure on already fragile institutions (Docquier and Rapoport, 2012).

While the motivations for migration - such as economic opportunities, conflict and security - are well-documented, the means through which people migrate vary significantly. Some individuals move through legal and structured pathways, while others are forced to undertake perilous journeys due to restrictive immigration policies, economic desperation, or political instability (Bloch and Dona, 2018). One of the most dangerous and widely known irregular migration routes is the Mediterranean crossing where thousands of migrants attempt to reach Europe by sea each year, often risking their lives on overcrowded, unseaworthy boats operated by human traffickers (European Commission, 2025; IOM, 2007).

Many are fleeing war, persecution, or extreme poverty, hoping for a better future, but, instead of finding safety, they often encounter exploitation, detention, or death at sea. The humanitarian crisis in the Mediterranean has prompted international efforts to address irregular migration and combat human trafficking but the challenges remain immense (Bloch and Dona, 2018; European Commission, 2025).

Many migrants are deceived by traffickers who promise them secure passage and job opportunities abroad, only to exploit them upon arrival. Victims of trafficking are frequently subject to forced labour, organ trafficking, sexual exploitation, or debt bondage, making migration not just a geopolitical issue but also a serious human rights concern. Addressing these challenges requires

coordinated international efforts, stronger legal protection, and viable economic alternatives for people in vulnerable situations (UNODC, 2024).

### **1.3 Theories of Migration Applied to North African Migration: The Cases of Libya and Egypt**

Migration toward and through North Africa, particularly in Libya and Egypt, is a complex phenomenon that can be analysed through various migration theories. These include neoclassical economic theory, migration network theory, and the push-pull framework, each of which provides a different perspective on why people migrate, how migration flows develop, and what structural factors sustain them. In the specific contexts of Libya and Egypt, these theories help explain how migration dynamics have evolved over time and why these two countries have become central nodes in African and Middle Eastern migration routes (de Haas, 2007).

Neoclassical economic theory suggests that migration is primarily driven by wage differentials between countries of origin and destination. According to this theory, individuals make rational decisions to migrate based on expected income gains. In the context of Libya and Egypt, this theory has long been applicable due to Libya's historical role as an economic hub for migrant workers from Sub-Saharan Africa. Before the fall of Muammar Gaddafi in 2011, Libya was a major destination for labour migration, attracting workers from Chad, Niger, Mali, and Sudan who sought employment in the country's oil industry, construction sector, and domestic service sector. Wages in Libya were significantly higher than these migrants' home countries, making it a logical destination based on economic incentives alone (Castles, de Haas, and Miller, 2013).

However, the neoclassical model does not fully explain why migration toward Libya continued even after the country descended into political instability and civil war, and this is where migration network theory becomes useful; migration networks are sustained by personal and communal connections that facilitate migration flows over time. Even after Libya became a dangerous transit zone rather than a stable destination, well-established smuggling networks continued to operate, using pre-existing social and familial ties to encourage new waves of migration (UN Office Drugs and Crime, 2017). For example, Sudanese and Chadian migrants who previously worked in Libya often became intermediaries, helping new migrants navigate routes, find accommodation, and secure employment, even in highly insecure conditions. These networks have been the continuation of migration despite the risks posed by human trafficking, militia violence, and forced labour (Massey et al., 1993).

Egypt, in contrast to Libya, presents a different case where migration patterns are influenced by both economic and geopolitical factors. As a major transit country, Egypt serves as a departure point for migrants and refugees seeking to cross the Mediterranean to Europe. The push-pull model provides a strong explanatory framework for migration through Egypt, because push factors, such as conflict, poverty, and political instability, force people to leave countries like Eritrea, Sudan, and Ethiopia, while pull factors, such as perceived job opportunities, safety, and higher living standards, draw them toward Europe. Many migrants arriving in Egypt view it as a temporary stop before attempting the hard journey across the Mediterranean (de Haas, 2008).

The role of Egypt in migration governance also highlights how geopolitical considerations shape migration flows. The Egyptian government, since the European migration crisis of 2015, has played a key role in controlling migration flows in exchange for economic and political concessions from the European Union. This aligns with aspects of the migration systems theory, which argues that migration is influenced by state policies, international agreements, and historical relationships between sending and receiving countries (Triandafyllidou, 2021). Egypt has received substantial EU funding to enhance border security and prevent irregular migration, effectively acting as a gatekeeper for Europe, leading to shifts in migration routes, with some migrants choosing riskier paths through Libya instead (Amnesty International, 2020; AP, 2024).

In Libya, the lack of a stable government has allowed human trafficking and smuggling networks to flourish, creating conditions where migration is heavily influenced by criminal organizations rather than state policies. The role of armed militias in detaining and exploiting migrants demonstrates how migration can be shaped by forces beyond traditional economic models. Reports from organizations such as Amnesty International and the International Organization for Migration (IOM) have documented widespread human rights abuses in Libyan detention centres, where migrants face forced labour, torture, and extortion (IOM, 2017a; IOM, 2022b; IOM, 2023). These conditions illustrate how migration can be driven not just by economic incentives or social networks, but also by coercion and exploitation, challenging classical migration theories that assume voluntary decision-making (Castles, de Haas, and Miller, 2013).

Overall, the cases of Libya and Egypt illustrate how different migration theories apply to real-world migration patterns. Neoclassical economic theory explains the initial attraction of Libya as a labour migrant hub, while migration network theory helps us to understand how migration continues even in the face of extreme danger (Todaro, 1969). The push-pull model is particularly relevant to Egypt's role as a transit country, while migration systems theory highlights the influence of

international agreements and state policies on migration control (Lee, 1966). At the same time, the reality of migration through North Africa also exposes the limitations of these theories, as factors such as war, trafficking, and exploitation create migration dynamics that go beyond purely economic or policy-driven explanation (Triandafyllidou, 2018).

Migration has played a crucial role in shaping urbanization patterns in those regions experiencing significant demographic shifts due to economic opportunities, environmental challenges, and political instability. In North Africa, Libya and Egypt serve as important examples of how migration affects urban expansion, labour markets, and socio-economic structures. As both sending and receiving countries, these nations also represent a complex interplay between migration and urbanization in the Mediterranean context (Venturini and Fargues, 2015).

The Harris-Todaro Model (1970) suggests that rural-urban migration is driven by expected rather than current wage differential, and, in this framework, migrants move towards urban centres with the expectation of better employment opportunities, even if initial conditions may involve underemployment or informal labour participation. This theory is relevant in Egypt, where internal migration from rural areas to cities like Cairo and Alexandria has been fuelled by economic disparities (Chakravarty, 2013).

Another key perspective is the World Systems Theory, which argues that migration is a result of global economic inequalities, where peripheral regions supply labour to core urban centres in response to economic pressures (Wallerstein, 2011). Libya exemplifies this dynamic as a destination for Sub-Saharan African migrants seeking employment in urban industries or using Libyan coastal cities as transit points to Europe. The influx of migrants has put pressure on Libya's urban infrastructure and housing services, and in cities like Zawiya and Sabha, informal settlements have expanded due to the lack of formal housing and legal employment opportunities for migrants. The urban landscape has been shaped by detention centres where migrants are held before deportation or further travel attempts (IOM, 2020).

On the other hand, Egypt experiences both internal and international migration trends that impact its urbanization process: the internal movement from rural areas to major cities like Cairo and Alexandria has resulted in the proliferation of informal settlements, making it difficult for the Egyptian government to provide adequate housing and public services to accommodate rapid urban growth fuelled by migration (Iskander, 2010). Egypt also serves as a sending country, with many Egyptians migrating to Gulf States and Europe for work, while simultaneously receiving migrants from Sudan, Syria, and Ethiopia. Urban centres like Greater Cairo have become the main

destinations for refugees and economic migrants, further straining urban infrastructure and social services (Zohry, 2012).

Both in Libya and Egypt there is a concentration of migrants in urban peripheries that has led to the growth of informal economies, increased competition for low-wage jobs, and social tensions (Collyer, 2016). Policies aimed at managing migration and urbanization in these countries have focused on border control and security rather than sustainable urban planning, resulting in the lack of integration policies on marginalization, and making urban migrants more vulnerable to exploitation and human trafficking (Achilli, 2018).

## **2. THE PHENOMENON IN THE MEDITERRANEAN – MIGRATION AND TERRORISM**

### **2.1 Migration Routes in the Mediterranean**

In the last decade, international migration flows have significantly changed making many countries both sources and destinations for migrants. The causes driving immigration have intensified, altering the patterns of movement and, alongside traditional migration from origin to destination countries for work, a new category has emerged: migrants who pass through several countries, forming complex legal and social relationships, making transit migration a complex issue for international analysis, with increased state involvement (Dinda, Maharani, Putri, Maulana, Saraswati, 2023).

Between 2011 and 2016, Europe faced a severe migrant crisis, with a peak occurring in 2015 when over one million migrants arrived on the continent. This crisis was largely fuelled by mixed migration flows, with migrants coming from a variety of backgrounds, including those fleeing conflict and others seeking better economic opportunities (Furness and Gänzle, 2017).

The Mediterranean has long been one of the main transit routes for migration to Europe and the migration routes have evolved in response to geopolitical conflicts, European policies, and economic changes in the countries of origin and transit (Fargues, 2017; Furness and Gänzle, 2017). Africa's rapid population growth and high poverty rates contrast with Europe's economic stability and low birth rates, so this disparity makes Europe an attractive destination for African migrants, who often undertake perilous journeys through multiple countries before reaching Europe. These transit countries face new socio-economic, legal, and security challenges, including internal order and counterterrorism efforts (Fargues, 2007).

In 2006, the immigration population in Europe was 65.44 million, representing 8.2% of the total population; of these, 60.8% lived in the twenty-five EU member countries, accounting for 8.7% of Europe's total population. The European Union, in particular the Mediterranean region, consisting of Italy, France, Spain, Greece, and Portugal, hosted 15.52 million immigrants, representing 8.5% of the region's population and 24% of all immigrants in Europe. Mediterranean countries on the southern and eastern shores, while still countries of origin for significant migration flows, also had a high proportion of immigrants relative to their national populations (EUROSTAT, 2008).

Additionally, irregular immigrants in Europe were estimated to number between 17 and 23 million in 2006. The International Center for Migration Policy Development (ICMPD) estimated that 100,000-120,000 irregular migrants crossed the Mediterranean each year, with 55,000 from Maghreb and Libyan-Egyptian areas, 35,000 from Sub-Saharan Africa, and 30,000 from other countries (Abu-Fadil, 2021; Villa, 2024).

Nowadays migration patterns and demographics in Europe underwent significant changes: by 2024, the migration landscape has shifted due to a combination of demographic trends, geopolitical crises, and evolving EU border and asylum policies. The total immigration population in Europe reached approximately 94.1 million individuals, significantly increasing both in absolute numbers and as share of the population. In the EU alone, there were about 44.7 million foreign-born residents, including long term migrants and asylum seekers, which represented approximately 9.9% of the total EU population, marking notable increase from the 8.7% recorded in 2006. Non-EU citizens made up an estimated 13.3% of the EU population by 2024, reflecting the growing diversity within the region (Frontex, 2024; UNHCR, 2024a).

Italy, France, Spain, Greece, and Portugal still represent a major share of Europe's foreign-born population, although their relative proportion has somewhat declined from 24% in 2006 to an estimated 15-20% in 2024, as northern and eastern EU countries began to host a higher number of migrants due to secondary movement and resettlement programs (UN, 2007). Irregular migration remains a pressing issue, though with fluctuations tied to conflict zones and enforcement policies; in 2024, irregular Mediterranean crossing were still prominent but varied by route (Kolliniah, 2024).

Approximately 208,000 irregular arrivals were recorded across all Mediterranean routes, divided between the Western (mainly Morocco to Spain, Central /Libya/Tunisia to Italy), and Eastern (Egypt to Greece) routes (Boubakri, 2004). Transit migrants are initially headed towards regions they cannot access until obtaining a visa for entry, typically those further than the countries they are in. The nationalities of immigrants in these zones are often poorly documented, largely due to the

lack of reliable civil registration systems in many African countries, where ethnicities transcended state borders (Papadopoulou-Kourkoula, 2008).

The Central Mediterranean route, connecting Libya to Italy, is among the most dangerous and heavily trafficked, as migrants mainly depart from the Libyan coast, aiming for Lampedusa, Sicily, and Calabria. Most come from Sub-Saharan Africa, with significant numbers from Bangladesh and Syria (IOM, 2022b; IOM, 2023). Journeys are undertaken in overcrowded rubber dinghies and makeshift boats, often operated by smugglers who exploit the instability in Libya (Eneje, 2025; Human Rights Watch, 2009; Wintour, 2017). Various criminal groups and militias take advantage of migrants, subjecting them to violence, arbitrary detention, and forced labour (FRA, 2024). The risk of shipwrecks is high due to the poor condition of the boats and adverse weather conditions (Frontex, 2021). For example, the significant scale of human trafficking involving Eritrean refugees using the Central Mediterranean route to reach Europe counts that, since 2009, over 100,000 officially registered refugees from Eritrea. The journey is fraught with interruptions, including bribes, ransom demands, and other payments that facilitate passage through various stages of the trafficking process (Columb, 2024b).

Many migrants come into contact with organizations that manage illegal trafficking, continuing their journey either within Libya or into the Sub-Sahara region. Sub-Saharan migrants enter Libya through cities like Sheba, while migrants from the Horn of Africa enter through Al-Jawf; key departure cities in Libya heading to Europe include Zuwarah, Tripoli, and Zliten, and the major points to entry into Europe from these routes include Malta, Pantelleria, Linosa, Sicily, and Lampedusa (ECCHR, 2021).

Libya stands out as a particularly significant case among African countries, with a notably high percentage of migrants, about 10.6% of its total population; with a population of 5.8 million, Libya hosts approximately 618,000 migrants, and this statistic highlights that Libya plays a crucial role as a transit point for migrants, primarily from other regions in Africa, especially Sub-Saharan Africa, attempting to reach Europe (Beşer, and Elfeitori, 2018).

According to 2017 data, 91% of migrants left their home countries for economic reasons, while 5% migrated due to war, conflict, or political instability. A large portion of migrants (80%) entered Libya through illicit means, and 28% were Libyan nationals returning to their home country (International Labour Organization and Walk Free Foundation, 2017).

Libya is strategically located in North Africa, just a short distance from Europe, and its proximity to Mediterranean sea makes it a key transit point for migrants. Libya has also experienced ongoing

political instability since the fall of Muammar Ghaddafi's regime in 2011, leading to civil war and political fragmentation, together with the decrement in government control over many parts of the country, an environment conducive to human trafficking and illegal migration routes was created. The post-Arab Spring civil war, characterized by the rise of militias and armed groups, resulted in Libyan ports becoming key points for illegal migration to Europe, making many Libyans rely on human trafficking as a source of income, especially in remote areas. Migrants are often subjected to exploitation within Libyan detention cells, where they are held under harsh and inhuman conditions (Columb, 2016).

The scale of human trafficking in Libya is exacerbated by the country's weak legal system and the relative freedom with which traffickers can operate. According to the former Permanent Representative of Jordan to the United Nations (UN), Zeid bin Ra'ad, Libya's migration detention system is deeply flawed and beyond repair, because Libya has become a central player in the global human trafficking network. As of October 2021, international organizations estimated that at least 610,128 migrants and 41,000 refugees and asylum seekers were present in Libya, with migrant workers predominantly coming from Sub-Saharan and Sahelian countries (European Center for Constitutional and Human Rights, 2021).

The journey to Libya is gruelling and dangerous, with migrants often having to cross the Sahara Desert and, despite their high hopes of a better life in Europe, many migrants are left stranded in Libya, where they face severe hardships. Many of these people are detained in government-run prisons and private torture chambers, where they endure inhuman treatment, slavery, and exploitation. Both adults and children are vulnerable to extreme violence and human rights abuses, including physical, sexual, and verbal attacks, kidnapping for ransom, extortion, arbitrary killings, and forced labour (Amnesty International, 2020).

The Deputy Director of Libyan Irregular Migration Control Department, Mohamed Abu Breda, highlighted that both refugees and Libyan citizens live in fear due to the lack of security, compounded by the ongoing civil war. This has resulted in a failure to protect vulnerable individuals, with both the Libyan government and the United Nations (UN) unable to offer meaningful assistance. The lack of law enforcement, border control, and judicial capacity in Libya hampers efforts to tackle human trafficking effectively, as Libya's criminal justice system is not fully functional, and there are no dedicated administrative units or courts for human trafficking cases (Putri, Bakker, Chairunnisa, 2022).

On the other hand, the Eastern Mediterranean route connects Egypt to Greece, and to a lesser extent, Turkey. This route is frequently used by migrants from the Middle East, in particular

Syrians, Afghans, and Iraqis, as well as groups from North Africa (Triandafyllidou, 2021). Compared to the central route, it involves fewer shipwrecks, but journeys remain perilous, with reports of pushbacks by coastal authorities (Human Rights Watch, 2019a). Europe's restrictive border policies have led many migrants to seek alternative routes through the Aegean Sea, often continuing toward the Balkans or Northern Europe (European Commission, 2020).

Egypt, with a population of 74 million people, represents another key country in the context of migration within the region. While Egypt has not traditionally been a major transit point for migration to Europe in the way that Libya has, it plays a significant role in the regional migration dynamics. The country's proximity to the Mediterranean Sea, along with its established transport infrastructure, makes it a key transit hub. Egypt's own economic challenges, including high unemployment rates and high inflation, have pushed some of its population to seek employment opportunities abroad, particularly in the Gulf States (Amnesty International, 2021d; Amnesty International, 2024).

However, the country also hosts significant numbers of migrants from Sub-Saharan Africa and neighbouring Arab countries, many of whom pass through Egypt on their way to Europe or the Gulf. Unlike Libya, Egypt is not primarily a destination for migrants, but rather a point of departure or transit, making migrants vulnerable for exploitation not only by smugglers but also by terrorist-affiliated networks that operate in the shadows of Egypt's under-policed border regions (Horsley and Gerken, 2022).

The emergence of Egypt as a new route for refugees began around 2013, following the deterioration of the situation in Libya due to the civil war and militia activities. This shift highlights the increased difficulties faced by refugees in Sudan and Libya, and the growing importance of Egypt as an alternative route, albeit with its own risks (Van Reisen and Mawere, 2017). Refugees typically plan to travel from Egypt to Israel or Europe, with the route through Libya to Greece being considered more dangerous due to the longer distance and higher likelihood of death from hunger or dehydration (UNHCR, 2018a).

The time migrants spend in transit countries before reaching a new destination and the time refugees need to obtain recognition of their status often leads to their staying in the country of first arrival for longer than initially expected. As a result, they often enter the local labour market illegally, blending with immigrants waiting for residency permits, who themselves are looking for employment (Naceur, 2020).

In some countries, the presence of irregular migrants in the informal labour market is a widespread as transit migration: a significant example is Libya, where most Sub-Saharan African migrants integrate into the local labour market. Libya has long attracted immigrants due to both its population structure, employment conditions and its regional position. Since the 1990s, there has been notable increase in migration flows, mainly due to Libya's pan-African policy that promotes the free movement of people, capital, and goods through bilateral and multilateral agreements with other African countries (Bredeloup and Pliez, 2011).

The cost of these illegal trips can vary based on the destination: from Sudan to Egypt, it can cost around EUR 1,500 to 2,000, while crossing the desert from Sudan to Egypt can range from EUR 800 to 1,000 per person (IOM, 2023). Additionally, the journey from Sudan to Libya or Egypt, and then across the Mediterranean, involves significant financial costs, with the final leg alone costing approximately EUR 2,200. This fee often includes payment to smugglers for crossing harsh desert terrains, navigating checkpoints, and arranging temporary shelter during the journey. These costs reflects the increased risks involved, such as the use of overcrowded and unsafe boats, the possibility of interception by coast guards, and the involvement of complex smuggling networks (UNODC, 2021).

Mobile money services play a crucial role in facilitating financial transfers in the economies of several African and Middle East countries, particularly in contexts marked by instability and weak banking sectors, with some of them reaching hundreds of Euros (ANSA, 2016).

In Libya, where conventional banking is limited, especially in the south and in areas controlled by militias, mobile payments systems offer a lifeline for both regular and irregular economic activity. Particularly the Zain mobile network in Libya, extends its services to Libyan border regions due to transnational demand and migrants, smugglers, and family members abroad rely on such services to transfer funds necessary for the journey across the desert or onward Europe (Osabutey and Jackson, 2024; Van Reisen and Mawere, 2015). Refugees are often forced to pay significant amounts of money, with an estimated average cost of around EUR 10,000 per person, which can also be sent by a family member once proof of the migrant's embarkation is provided (IOM, 2015a). This system reduces the need for cash-on-hand, thus making smuggling operations more discreet and less risky in terms of robbery or interception (Global Initiative Against Transnational Organized Crime, 2015; Van Reisen, and Rijken, 2015).

Migrants interviewed in IOM and MMC reports have explained how mobile balances are often exchanged as a form of local currency in detention camps and safe house, with smugglers and guards requiring "recharge codes" instead of physical cash. The system thus creates an entire

micro-economy in which migrants are financially tethered to both their families abroad and their captors. In this dynamic, mobile money does not only serve as a neutral financial tool, it becomes part of the infrastructure of coercion, facilitating both mobility and exploitation (IOM, 2023; MMC, 2017).

Africa's socio-economic context supports that a third of African countries are dealing with ongoing conflicts and civil wars, causing forced displacement, that, together with environmental disasters due to climate change and recurring drought, also drive mass migration (Bloch and Dona, 2018). It is important to note that, in most first-reception countries, migrants, whether refugees, immigrants seeking employment, or asylum seekers, are often treated as one group of irregular immigrants, consequently, their presence is generally regarded as undesirable by both authorities and local populations, as it enters economies that are already weak, characterized by high unemployment rates, overloaded social infrastructures, and administrative systems designed to manage emigration rather than immigration (Van Reisen and Mawere, 2015; Venturini and Fargues, 2015).

In 2016, Egypt enacted a law to combat smuggling and trafficking, imposing heavy fines and prison terms on smugglers and those who assist refugees; while this law provides for some humanitarian protections, such as access to healthcare for migrants, the strict security measures have hindered the ability for refugees to reach for Europe. Many refugees are arrested and detained, especially those without proper refugees documents, with some being deported back to their own countries (Byaruhanga, 2023).

The testimony of an Eritrean refugee named "A" illustrates the consequences faced by deported individuals: "A" had fled Eritrea, passed through Sudan and Egypt, and lived in Israel before being abducted and trafficked back through Egypt to Sinai. After escaping torture, "A" was arrested by Egyptian authorities and later handed over to the Eritrean embassy; later on his return to Eritrea led to imprisonment and accusations of opposition activities. This case exemplifies the risk of deportation and the circular trafficking patterns that many refugees become trapped in, often facing further harm upon their return to their own countries (Van Reisen and Mawere, 2017).

Many testimonies reveal the appalling conditions refugees face along the route, including poor hygiene, lack of food, and the constant threat to death. The refugees are trapped in a vicious cycle, often with no choice but to risk their lives in hopes of escaping the violence and repression they face in their home countries (Columb, 2016).

Ismael Adderaza Saleh, an Eritrean trafficker, can be considered one of the largest smugglers operating in Libya, having cultivated extensive connections with security forces controlling

detention centres. Additionally, traffickers are reported to be close ties to both local governments and organized crime groups who operate along trafficking routes spanning Eritrea, Ethiopia, Sudan, Egypt, Sinai, and Libya, with some refugees believing that the same smugglers who once worked in Sinai have since moved their operations to Libya. The total value of the human trafficking trade, precisely involving Eritreans, is estimated at over EUR 1 billion, although this figure is speculative and cannot be fully substantiated, the estimates serves as a rough indicator of the scale of human trafficking and possibly organ trade in the North African region, showing the high financial stakes involved in these illicit operations (Van Reisen and Mawere, 2017).

Libya and Egypt serve as critical case studies in this context, especially following the geopolitical transformations that have occurred since the early 2010s. The collapse of state authority, widespread corruption, and the proliferation of armed non-state actors have all contributed to a dangerous convergence of irregular migration, human trafficking, terrorism, and even organ trafficking (Micallef, 2019; UNODC, 2018b). This convergence has far-reaching implications not only for the safety and rights of migrants but also for the regional security and international counterterrorism efforts (Fitzgerald and Toaldo, 2016).

The fall of Muammar Ghaddafi's regime in 2011 marked a turning point in Libya's political and social landscape; once a highly centralized autocracy with a tight grip on border control and internal security, post-Ghaddafi Libya descended into chaos. The sudden power vacuum enabled a variety of militia groups and criminal organizations to flourish in the absence of a functioning central government, and these groups took control of critical border areas, coastal cities, and desert routes, transforming Libya into both a hub and a transit point for irregular migration toward Europe (Van Reisen and Mawere, 2017).

The lawlessness that emerged in this post-revolutionary context created ideal conditions for traffickers and terrorist groups to exploit migrants; smuggling networks, initially focused solely on transporting people, evolved into multifaced criminal enterprises. Many of these systems became intertwined with radical Islamist militias operating in the region, and migrants, often fleeing war, persecution, or economic deprivation, became not only victims but also lucrative sources of income for extremist groups (Amnesty International, 2020b).

Egypt, although not in a state of civil war like Libya, has undergone significant political turbulence since the Arab Spring of 2011, caused by the rise and fall of various political regimes – including the brief presidency of Mohamed Morsi and the return to military-backed governance under President Abdel Fattah el-Sisi – that have contributed to a complex and often repressive security

environment (Hassan, 2020). The Sinai Peninsula has emerged as a hotbed for jihadist activity, most notably from groups aligned with the Islamic State (U.S Department of State, 2021).

This migration routes are not only a humanitarian issue but also a security concern: the potential infiltration of terrorists among migrants is one of the main fears of European governments (Europol, 2019). Jihadist groups have occasionally exploited migration flows to move fighters or recruit new members among vulnerable communities who saw Europe as their only chance for survival and for a better future (McKenna, 2016).

Migrants are caught in a critical situation where they are forced to choose between the risk of drowning or being intercepted at sea while trying to reach Europe or remaining in Libya, where they face the dangers or trafficking and abuse. The process of seeking refugee through the United Nations High Commissioner for Refugees (UNHCR) is slow and uncertain, leaving many migrants in a state of limbo (Tubiana & Purbrick, 2022).

## **2.2 The Link Between Migration, Terrorism and Criminal Networks**

### **2.2.1 Terrorist groups and their involvement in migration flows**

There is a strong connection between human trafficking and terrorism in Libya and Egypt, as since the fall of Ghaddafi's regime in Libya in 2011 and the political upheaval in Egypt, these countries have seen new forms of trafficking emerge, often linked with terrorism-related militias. Migrants, who were initially able to pass through Libya, now face greater danger due to the lawlessness in the country and the increasing danger of crossing the Mediterranean Sea (Eneje, 2025; Human Rights Watch, 2009).

In the recent years the link between terrorism and migration has long been the subject of political debate and academic research, focusing on the increased flows of migrations and refugees which have brought attention to the exploitation by terrorist organizations. There is a growing body of evidence suggesting that terrorist have, in some cases, strategically infiltrated or manipulated migration routes for operational and financial purposes (Triandafyllidou, 2017).

Since 2014, Libya has been hindered in a second civil war involving a variety of warring factions, including competing governments, rival militias, and a mix of local tribal tensions, making these dynamics further complicated by external interventions from powers like Turkey, Qatar, the United Arab Emirates, Egypt, and NATO. In 2017, Libya was under the control of three main governments: the UN-backed Presidential Council, a rival central government with no control over institutions, and a previous government base in Tobruk. Overall, Libya is divided into regions controlled by

different tribal and militia groups, each contending for power (Al Arabi, 2018). A key focus of this struggles is the control of resources like oil and the illicit economy, in particular human smuggling, which has become a highly profitable industry in Libya (Reitano and Shaww, 2017).

Smuggling networks provide protection to their communities, creating jobs and reinforcing systems of patronage making it a lucrative business intertwined with other forms of criminal activity, including weapons trade, drug trafficking, and the smuggling of goods: human smuggling is the most widespread illicit activity in Libya, contributing significant revenue, estimated at million euros annually for migrant smuggling alone (Furness and Gänzle, 2017).

There are four primary migrant smuggling routes in Libya, each serving different populations: migrants from West Africa often enter through the western coastal region, while those from Nigeria tend to travel through the southwest. The southeast route, which primarily serves migrants from the Horn of Africa; more specifically, Eritrean migrants, enter Libya through Sudan, traversing a land controlled by the Toubou. Finally, a route from the coastal east serves migrants from Egypt, Syria, and South Asia (Lamma, 2017).

The southeast Libyan route, which is primarily controlled by the Toubou, is the most organised and notorious for its high levels of criminal activity, but, however, there has been little research on this route due to inaccessibility. The Toubou, a nomadic group with deep knowledge of desert terrain, gained control of the southeast after the fall of Ghaddafi and successfully repelled the Zwaye, a rival tribe (Tinti and Wescott, 2016). Overtime, the Toubou built alliances with northern groups controlling access to the Mediterranean coast, thereby establishing a monopoly on smuggling and trafficking from the Horn of Africa. This control has allowed the Toubou to efficiently transport migrants from the southeast to the northern parts, where they are sent to Europe (McMahon and Sigona, 2018).

In this region, the Toubou enjoy local legitimacy because they fund communities through the illicit economy, which help maintaining security and provide employment in an otherwise struggling economy, and moreover, these dynamics are facilitated by the absence of judicial systems and protection of human rights for migrants in this part of Libya, which leaves migrants vulnerable to exploitation. The International Organization for Migration (IOM), which provides support to migrants across Libya, has limited presence in the Toubou-controlled southeast, which further exacerbates the dangers for migrants. Eritreans and other migrants arriving through this route face a well-established organised network of exploitation, on that defines the conceptual boundaries between migrant smuggling and human trafficking (Kuschminder and Triandafyllidou, 2019).

Terrorist groups operating in north Africa, especially in the Sahel region, Libya, and parts of Egypt, have increasingly capitalized on unregulated migration routes for both revenue generation and logistical advantages. These routes, often stretching across remote deserts and porous borders, are extremely difficult for national governments to monitor and control. As such, they provide ideal conditions for a convergence of human smuggling, weapons trafficking, and terrorist mobility (Guild, 2018; UNODC, 2022a).

For example, in Libya, the fragmentation of the state created the opportunity for armed groups, some with jihadist ideologies, to take control of the power and the key migration corridors. Militias affiliated with or sympathetic to terrorist organizations such as Ansar al-Sharia or Islamic State (ISIS) have been reported to control parts of the coastal regions and desert borders, imposing “taxes” on smugglers and even managing detention centres where migrants are abused, traded and tortured (Amnesty International, 2021a; UNHCR, 2024b).

In these scenarios, migrants are not merely victims of passive neglect; rather, they become valuable assets with a broader terrorist strategy. Some terrorist factions have coerced migrants into labour or service under threat of violence, while others have used the profits derived from smuggling operations to fund weapon purchases, recruitment activities, and media propaganda efforts (Horsley and Gerken, 2022). This creates a feedback loop wherein the instability caused by terrorism generates migration, and migration itself becomes a mechanism that fuels terrorism (International Crisis Group, 2016).

Domestic migration in Egypt, even though is less visible than cross-border flows, plays a crucial role in shaping illegal migration patterns: an estimated 20,000 Egyptians depart irregularly each year, with many traversing from rural regions toward coastal departure zones such as Kafr el-Sheikh and Damietta. These internal routes serve as funnel lines, guiding migrants toward the Mediterranean coast and onward to Libya or Europe, and this journey often spans vast desert stretches and remote borderlands, areas where oversight by Egyptian authorities is minimal, facilitating the operations of smuggling networks (Zohry, 2023).

The internal Egyptian migration flows are increasingly intertwined with regional instability and Sudanese refugee displacement, indeed, since 2023, approximately 1.5 million Sudanese have arrived in Egypt, and many, confronted with economic hardship, restricted access to services, and tightened government controls, move onward to Libya via desert corridors. Their departure from central hubs like Cairo and Aswan reveals a pattern in which internal Egypt becomes a transit ground, feeling organizes smuggling routes toward Europe while exposing migrants to heightened risks (Ismail, Eltahir and Malterou, 2025).

One of the most concerning aspects of terrorism involvement in migration is the use of human trafficking as a source of income, because, unlike traditional smuggling operations, which involve payment for transit, trafficking often entails the complete commodification of the migrant. Migrants are held hostage until their families pay ransoms, or they are forced to work under conditions of modern slavery, as well as woman and children who are especially vulnerable to sexual exploitation (Malik, 2017).

ISIS-affiliated groups in Libya and parts of the Sahel have reportedly operated networks where ransoms collected from detained migrants are funnelled directly into terrorist financing structures. In some documented cases, terrorist groups have trafficked migrants into forced labour camps or sold them to militias or criminal syndicates with whom they have alliances (United Nations Panel of Experts, 2025). The use of extortion and trafficking as economic tools demonstrate a shift in terrorist operational tactics, from ideologically motivated attacks to more pragmatic criminal enterprises that ensure financial sustainability (UNODC, 2022a).

Furthermore, there is emerging but credible evidence of organ trafficking linked to terror-financing networks; while data is sparse due to the secretive nature of such operations, testimonies from survivors and investigative reports suggest that some migrants who fail to pay for their transit may be killed and their organs harvested for sale on the black market. The profits from this trade are believed to support terrorist logistics and armament purchases (ACAMS Today, 2018; Interpol, 2021).

Although sensationalist narratives often exaggerate the risk of terrorist “posing as refugees”, it is important to address the reality that some terrorist operatives have exploited migratory movements to infiltrate target countries. This has occurred more frequently in conflict-adjacent regions than in Europe, but the risk remains a serious concern for national security agencies (Clarke and Newmann, 2006; Europol, 2022).

It is important to note, however, that the statistical likelihood of a terrorist entering a Western country via refugee status is extremely low. Studies by the Brookings Institution and other think tanks have shown that most terrorist acts in Europe were perpetrated by citizens or long-term residents, not recent migrants (Allen et al., 2019). Nonetheless, the perceived risk has been used politically to justify restrictive migration policies, often to detriment of humanitarian protections (Bakker and de Leede, 2015).

Egypt functions as a source, destination, and transit country for illicit migration, largely due to the predatory behaviour of criminal smuggling networks deeply embedded in the social and geographic

fabric of the state. These groups, often operating in regions with limited state presence like the Sinai and the western desert, coordinate internal transport and border crossing by exploiting migrants' vulnerabilities (Deliso, 2017). The ENACT Organized Crime Index (2023) highlights the presence of entrenched organized criminal groups involved in human trafficking and smuggling across Egypt (ENACT, 2023), and these networks employ a combination of extortion, debt bondage, and violence to control migrants and they frequently confiscate identity documents, impose exorbitant fees, and threaten awful consequences for non-compliance. Many migrants, particularly from Sudan and the Horn of Africa, are deceived with hollow promises of legal work in Egypt before being coerced into exploitative labour or moved onward toward Libya and Europe (U.S State Department, 2014; U.S State Department, 2024).

A standout pattern is the layered pricing model: migrants pay multiple times, first to Egyptian brokers, then to Libyan counterparts, often while being held at smuggling waystations where they may be tortured or extorted. The intermediating presence of some Egyptian security actors, who may be complicit or benefit financially, contributes to the persistence of these illicit routes (Volkel, 2016).

Beyond criminal smuggling networks, extremist groups in Egypt, principally those operating in the Sinai Peninsula, leverage human trafficking as both financial resource and coercive mechanism. Ansar Bait al-Maqdis (ABM), which evolved into IS-affiliated Wilayat Sinai, has controlled large desert tracts since 2011, orchestrating high-profile attacks in the region including the 2015 Sinai assaults and the 2017 Al-Rawda mosque massacre (Wieltschnig and Muraszkievicz, 2021).

These are two of the deadliest terrorist attacks in Egypt's recent history: in October 2015, militants affiliated with ISIS launched coordinated attacks across North Sinai, targeting multiple security checkpoints and military installations. These assaults resulted in the deaths of over 30 Egyptian soldiers and police officers and marked a significant escalation in the insurgency that began after the 2013 military coup. The group responsible, known as Wilayat Sinai, sought to destabilize the region and challenge Egyptian state authority (Ashour, 2016). The 2017 Al-Rawda mosque massacre, which took place in November, was even more devastating, because armed militants attacked the mosque during Friday prayers in the village of Al-Rawda near al-Abd in North Sinai. Over 300 civilians, many of whom were Sufi Muslim who were deliberately targeted, were killed (Gold, 2016).

In monitoring traps along migration corridors, Wilayat Sinai and allied forces have abducted migrants, primarily sub-Saharan Africans, and held them for ransom, extorting relatives abroad by torturing captives on satellite-connected ranches (World Council of Churches, 2012). Human rights

Watch documented hundreds of such cases between 2009-2014, where migrants were detained in remote desert camps, abused, and forced to pay thousands in ransom, failure to pay often resulted in severe injuries and death (Human Rights Watch, 2012; Human Rights Watch, 2017a).

These tactics have reportedly expanded to include the removal and trafficking of human organs, and, as a matter of fact, the Guardian reported in September 2024 that Sudanese migrants, upon reaching Cairo, were sometimes coerced into selling kidneys to fund their onward journey, highlighting an ecosystem of desperation, corruption, and violence (Michaelson, 2024; Columb, 2024a). Egypt has emerged as a critical node in regional organ trafficking networks, where undocumented migrants, especially from rural areas, refugees, or individuals transiting through the Sinai, are coerced or tricked into giving up organs. Medical professionals and corrupt officials gave reportedly facilitated these operations, complicating detection and prosecution, (ENACT, 2023).

Continued state-endorsed deportations exacerbate these risks by pushing vulnerable groups onto illicit routes. Simultaneously, the revenue streams developed by terrorist entities sustain insurgent operations and encourage further destabilization in the Sinai and border regions (Columb, 2024b).

These overlapping threats obstruct humanitarian access and complicate security responses: Egypt's own counter-trafficking and anti-terrorism efforts – such as the 2022-2026 national strategies – while formally robust, often struggle to penetrate remote zones, hindered by corruption and inadequate enforcement capacity (Hegazi, 2023; Tag, 2024).

### **2.2.2 The case of ISIS in Libya**

Following the fall of Ghaddafi's regime in 2011, Libya entered a prolonged state of fragmentation that empowered armed groups, including the Islamic State, to exploit the turmoil. While ISIS never regained full control of Sirte after 2016, fighters continued to operate in the surrounding desert and rural areas, leveraging Libya's power vacuum and porous borders (Human Rights Watch, 2017b).

These strategic positions along internal immigration routes allowed ISIS-associated networks to intercept migrants traveling from Sub-Saharan Africa en route to Europe. For instance ISIS fighters returning from Syria and Iraq have reportedly used refugee flows to move across borders undetected. Migrants convoys passing through southern border regions-such as routes from Chad, Niger, and Sudan, have been repeatedly ambushed. In North Africa, fighters have moved between these countries under the guise of migrant identities and this mobility enables terrorist groups to recruit, establish sleeper cells, or transport equipment under the radar of national security forces (Glied, 2024).

Hostage-taking, extortion, forced labour, and executions have been reported, with migrants being held until their families abroad paid ransoms (Caesar, 2023; Time, 2016). Notably, mass killings of Christian Ethiopian migrants in April 2015, near Sirte, were claimed by ISIS's Libya Province, an unmistakable instance of terrorists leveraging migration routes for ideological and lethal ends. These migrants were reportedly targeted based on their Christian faith, and the video framed the killings as retaliation against what ISIS called "hostile Christian campaigns". The massacre came just two months after the group's widely publicized beheading of 21 Coptic Christians, mostly Egyptians, also near Sirte in February 2015 (BBC News, 2015).

ISIS's operations were not limited to violence: militias and smuggling traffickers engaged in repeated ransom trades, and networks such as Kidane Zekarias' group captured thousands of migrants, extracting ransoms through torture and abuse, often transferring captives between ISIS-linked and criminal clans, thus entrenching criminal terrorists symbiosis (Caesar, 2023). A United Nations Security Council resolution (*No. 2388*, Nov 2017) explicitly references ISIS's engagement in human trafficking, highlighting sexual exploitation and forced labour as tools financing (UNSC Resolution 2388).

Many migrants face great challenges in the attempt to reach Europe, often falling into the hand of armed groups such as ISIS. These refugees, after crossing the Sahara from Sudan to Libya, are frequently captured by ISIS or other militias involved in trafficking and smuggling operations (Europol, 2019), and this is why the UN has raised concerns about the growing collaboration between armed groups, criminal gangs, and traffickers in Libya, who have committed numerous human rights abuses against migrants, including forced abductions, ransom demands, and exploitation (UNHCR, 2025a).

The testimonies describe the harrowing experiences of refugees who faced brutal violences and exploitation at the hands of ISIS, for example, many Eritreans and Ethiopians, were abducted and subjected to severe conditions, including beheadings (Crawley, 2018).

The refugees' accounts highlight the brutality and discrimination, with Muslims and Christians being treated differently. For example, Christian women were forced to convert to Islam before being allowed to marry ISIS fighters. The testimonies from women abducted by ISIS reveal a grim reality of forced conversions, sexual violence, and marriages to ISIS fighters (Columb, 2016); many women and girls were captured during their journeys through Libya, often in large groups, where the captives were frequently isolated from each other, with separation being one of the greatest fears, as it hinders their ability to find support within the group. Solidarity among women helped

many of them to survive, but, at the same time, they were continually at the mercy of their captors, enduring physical and psychological abuse (Amnesty International, 2013a).

### **2.2.3 Radicalization in detention centres and refugee camps**

Radicalization within detention centres and refugee camps is rarely the result of a single factor or moment. Instead, it is the culmination of a long, multifaceted process in which vulnerable individuals are gradually drawn toward extremist ideologies. These environments, especially in Egypt and Libya, characterized by harsh and overcrowded conditions in detention centres and refugee camps can act as incubators for radical thought and recruitment, in particular among young men and marginalized population (Eneje, 2025; IOM, 2023).

Detention centres in Egypt and Libya are often unregulated or run by militias rather than state authorities, and extremist groups exploit the power vacuum to insert themselves as providers of support, ideological clarity, and protection (Amnesty International, 2024a; Amnesty International, 2024c; Global Detention Project, 2024). In Egypt and Libya alike, prolonged detention without legal recourse, abuse, and poor oversight have provided opportunities for extremist ideologies to spread among vulnerable individuals (Amnesty International, 2021c; OHCHR and UNSMIL, 2016).

In Egypt, particularly in North Sinai and other high security prisoners, extremist recruiters have exploited appalling conditions to radicalize detainees, more specifically, in the notorious prisons such as Tora and Al-Aqrab, detainees are often held in isolation cells, subjected to physical and psychological torture, or denied medical care. Survivors and former prisoners report that Salafist or jihadist inmates take on leadership role inside the prison hierarchy (Amnesty International, 2021d). These individuals often provide new inmates with a sense of solidarity, religious purpose, and shared suffering, gradually shaping a new identity based on grievance and ideological resistance (Cairo Institute for Human Rights, 2019; ICJ, 2022).

According to Foreign Affairs, prisons like Tora have become “ideal for recruiting and indoctrinating young Islamists by extremists”. Former inmates report being held for months or even years without trial, subjected to mistreatment such as solitary confinement, torture, and forced sexual humiliation, all tactics that extremists use to identify and recruit new adherents (Keating, 2011; Peters, 2004).

Similarly, in Libya’s detention camps, especially those run by militias in areas like Gharyan, Tripoli, or Bani Walid, extremist elements offer protection or better living conditions in exchange for loyalty, and for many, this becomes a transactional gateway into radical ideologies (IEMed, 2017; IEMed, 2021).

Enforced disappearances and prison abuse post-2015 have allowed ISIS ideologues to flourish within Egypt's carceral system, as well as in Libya, where militias control detention centres in which migrants are detained under inhumane conditions. These facilities, ranging from social camps run by the Department for Combating Illegal Migration to unregulated sites controlled by militias, are characterized by overcrowding, torture, and sexual violence. Such environmental factors foster desperation and trust in any alternative offered by powerful figures, including extremist ideologies. Although direct evidence of extremist recruitment within these camps is limited, UN and NGO reports warn that militants operate within and around these centres, manipulating migrants and creating potential radicalization (El Sagezli, 2020; ICJ, 2022; UN News, 2025).

In these contexts, the radicalization process pursued by migrants coming from various countries in their journey to Europe begins often as a survival adaptation. Testimonies collected by the UN Panel of Experts on Libya (2023) confirm that ISIS-affiliated elements have infiltrated smuggling and detention networks in cities like Bani Walid, Sabha, and Sabratha, using detention centres both for income and for recruitment. Migrants who cannot pay ransom are sometimes given the option to work for armed groups, initially as labourers or informants, but often later indoctrinated into ideological frameworks (UN Panel of Experts, 2024; UN Security Council, 2022).

In Egypt, the migrants vulnerable to recruitment from Wilayat Sinai, facing losses in manpower, which has turned local smugglers and migrant populations to fill logistical roles (e.g. porters, scouts) in return for protection or passage (Jones et al., 2018). Indeed, a critical but yet often underexamined dynamic is how smugglers gradually co-opt migrants into their criminal economies. Initially, these smugglers present themselves as facilitators, offering passage to Europe in exchange for payment; however, when migrants are unable to afford the exorbitant costs of the journey, particularly in its final stage, smugglers frequently shift the nature of the relationship from transactional to coercive (Global Initiative Against Transnational Organized Crime, 2023a; Monzini et al., 2015).

Also in Libya, migrants who fall into debt or are abandoned by their financial sponsors are commonly forced to work off their journey, but this process quickly descends into a form of modern slavery. In many recorded cases, smugglers offer these individuals "work opportunities" which are, in reality, exploitative arrangements involving hard labour in agriculture, construction, or domestic servitude, often without pay or under constant threat of violence (Amnesty International, 2024c).

In Libya, especially in areas such as Bani Walid and Sabha, these practices are institutionalized within detention transit camps managed by smuggling networks (United Nations Office on Drugs

and Crime, 2023). Testimonies collected by IOM and UNHCR have documented how migrants are beaten, denied food, or even sold between groups if they refuse to comply or try to escape (ECCHR, 2021; IOM, 2022a).

Many refugees and detainees experience traumas, both in their countries of origin and during their migration journeys, and, once detained, these individuals are often stripped of agency, dignity and hope for the future. Psychological research has shown that individuals who suffer deep personal loss, social exclusion, or cultural dislocation are more susceptible to radical ideologies that offer purpose, belonging, and revenge. Psychological theories such as the one from Arie Kruglanski et al. “Quest for Significance” model, posits that individuals become radicalized when they experience a loss of personal significance, often due to humiliation, social marginalization, injustice, or trauma, and seek to restore it. Radical ideologies offer path to reclaim self-worth and meaning by joining a cause perceived as morally or ideologically important. Terrorism is not only political or religious but, on the contrary, is deeply psychological as the theory explains (Kruglanski and Dugas, 2014).

Extremist recruiters exploit these vulnerabilities by offering a black and white worldview: one that pits the oppressed against the oppressor, the pure against the impure, and the faithful against the infidel. Personal trauma is reframed as part of a broader global struggle: instead of remaining victim, the individual is offered a new identity as a martyr, fighter, or avenger, which can be both empowering and emotionally healing (Kruglanski et al., 2019).

Smugglers recruit migrants as collaborators, porters, lookouts, drivers or guards, under the guise of offering them a role in the business as a way to earn their freedom. In reality, these roles tie the migrants deeper into the criminal infrastructure, sometimes implicating them in the smuggling of others or in acts of violence (Bish, Borrion and Toubaline, 2024). This mechanism is particularly effective among young men, who are both physically capable and desperate to escape in definitive detention or destitution. Overtime, what starts as a strategy for survival often becomes a form of social conditioning, where the boundaries between victim and perpetrator blur (Global Initiative, 2023b).

The psychological consequences of overcrowding and abuse are well-documented by the International Committee of the Red Cross (ICRC), which warns that inhumane conditions intensify tension and erode detainees’ moral resistance. Research into extremist recruitment emphasizes the fusion of propaganda and peer pressure where inmates use religious study circles, written materials, and prayer sessions to disseminate a worldview that frames their suffering as part of a larger cosmic struggle against the Western enemies (ICRC, 2019; Kruglanski et al., 2019).

Testimonies from former inmates suggest that radical groups have turned these prisons into “universities of jihad”, where religious indoctrination and violent ideology are actively propagated (Cairo Institute for Human Rights, 2019). The role of groups dynamics in radicalization cannot be overstated; within both prisons and camos, extremist leaders establish micro-communities where radical ideology become a normative framework. These environment foster loyalty through peer pressure, coercion, and the promise of protection or improved living conditions. For those without family support or legal path forward, joining such groups often appears to be the only route to agency or survival (IGC, 2016).

Another important contribution on the radicalization process derives from Sageman whose model focus on social networks, friends, family, peers, or recruiters, who influence an individual’s path to radicalization. Prisons and camos create tight, insular communities where ideologies and behaviours can spread rapidly; exposure to charismatic figures or groups norms can normalize extremist ideas overtime (Sageman, 2004).

Once inside these facilities, detainees are often grouped by nationality, religion, or perceived ideological alignment, and in environments with minimal oversight, radical groups can dominate entire cell blocks or sections of a camo. They impose control over food, safety, communication, and access to visitors or religious services (Sageman, 2004).

These tight-knit micro-communities become echo chambers: detainees who resist indoctrination may be subjected to isolation, threats, or beatings, while others join simply to survive. Overtime, the internal normalization of extremist discourse blurs the line between coercion and belief (Micallef, 2019; Trinko, 2019).

In some cases, charismatic preachers or former combatants lead religious study sessions or distribute propaganda, including sermons, writings, and videos from jihadist ideologues like Abu Muhammad al-Maqdisi or Anwar al-Awlaki (Fruganti, 2023). These narratives frame current suffering within an eschatological or anti-colonial struggles, positioning the west or regional regimes as the root of all oppression (International Crisis Group, 2016).

Extremist groups, especially those affiliated with ISIS or Al-Qaeda, often strategically target detention and refugees camos for recruitment. In Egypt’s Sinai Peninsula, Wilayat Sinai (ISIS’s local affiliate) has leveraged networks of smugglers and jailers to identify and extract promising recruits. Some former detainees were reportedly released or escaped under suspicious circumstances, later surfacing in terrorist cells (ICJ, 2022).

Religious education is a double-edged sword in detention settings, indeed in many centres, official religious instruction is absent, unregulated, or banned altogether, opening the door for radical figures becoming primary religious authorities within a facility. These individuals often teach a distorted version of Islam, emphasizing takfir (declaring other Muslims apostates), violent jihad, and the obligation to resist oppressive regimes. They may also incorporate political grievances, such as Western intervention in the Middle East or the Egyptian governments' repression, to frame a theological justification for violence. Overtime, these teachings transform from coping mechanisms into comprehensive worldviews, forming the ideological backbone for release radical actions (Awan, 2013).

This exploitation is exacerbated in areas where smuggling overlaps with extremist networks: smugglers with links to ISIS-affiliated cells in southern Libya or militant groups in the Egyptian desert sometimes require coerced migrants to transport weapons, carry supplies, or even participate in surveillance activities, especially in areas of contested control (Frott and Cullmann, 2022). In these cases, recruitment is not ideological at first, but operational, driven by the need and vulnerability. However, prolonged exposure to militant groups, coupled with isolation from external influence, can lead to deeper forms of radicalization, especially when accompanied by indoctrination and promises of protection or purpose (Kruglanski et al., 2014).

The evidence from Egypt and Libya detention systems illustrates that prisons and refugee camps are not only failing in their rehabilitative or protective roles but have, in many cases, become catalysts for extremist recruitment and ideological consolidation. The interplay between humiliation, lack of legal recourse, and exposure to violence by captivating ideologues fosters conditions in which radicalization is inevitable. Addressing this issue requires more than a security-based solution, on the contrary, it demands a systemic overhaul of carceral and asylum institutions that include improving legal safeguards and counter-radicalization programs (Frouws and Sollitt, 2016; Vermeersch and Dal Santo, 2020).

### **3. HUMAN AND ORGAN TRAFFICKING – FOCUS ON LIBYA AND EGYPT**

#### **3.1 Detention Centres and Human Rights Violations: Differences between official and militia-run centres**

Detention centres, particularly those used for holding migrants, asylum seekers, and displaced persons, have increasingly come under scrutiny for widespread human rights violations. These facilities, often located in transit countries or at the borders of wealthier nations, are sites where

international legal standards are routinely ignored. Reports from humanitarian organizations and human rights watchdogs have documented serious abuses (Amnesty International, 2021b; Médecins sans Frontières, 2025), and these violations are often facilitated by the lack of legal oversight and the marginal legal status of detainees, who are frequently held without trial or access to legal representation (UNHCR, 2018b).

The continued use of detention as a migration management tool raises fundamental concerns about the erosion of international human rights norms, and at the same time, it calls into question the accountability of not local authorities but also of international actors who fund, tolerate, or cooperate with these regimes (FRA, 2020a).

In some cases, detainees, many of whom were children, are sold into forced labour or purchased by smugglers for further exploitation, including ransom and sexual exploitation (Human Rights Watch, 2009). These criminal networks thrive through connections between smugglers and security officials, who are often complicit in the trafficking of migrants. There are reports of uniformed officers coordinating with smugglers, facilitating the passage of migrants through Libya, while simultaneously preventing irregular migration (Human Rights Watch, 2009).

The number of official detention centres remains unclear: in 2017, the IOM recorded 25 active DCIM-managed centres alongside others that were inactive, closed or under maintenance (Global Detention Project, 2018; IOM Libya, 2017). However, no formal registration system exists, and Libyan authorities have refused to provide data to international organizations. While the government reported around 7,000 detainees in 2018, NGOs estimates the true number to be between 10,000 and 20,000 (Global Detention Project, 2018; InfoMigrants, 2018). Migrants don't receive legal processing and are detained indefinitely, often facing physical violence, torture, and forced labour. Despite international pressure, these conditions have persisted, for instance in 2018, the DCIM ordered 26 centres to improve detainee treatment and shut down five facilities known for human rights violations (U.S State Department, 2019). However, many of these centres quickly reopened under new names, now operated by militias: for example, the Bu-Issa detention centre in Zawiya, which was closed due to reports of sexual abuse, resumed operations just one day later under militia control (Global Detention Project, 2018; Global Detention Project, 2021; Malakooti, 2019).

Unofficial detention centres, which lack any government oversight, are often more dangerous than official sites, because militias, smugglers, and traffickers run these places as part of their lucrative human exploitation networks. Different armed groups control various sections of Libya's migration routes, each operating their own detention sites (Malakooti, 2019; UNICEF, 2017). Additionally,

thousands of migrants and refugees are held in unknown locations by traffickers who may collaborate with but remain independent from both government and militia-run facilities (Global Detention Project, 2018).

Detainees are separated by gender, with men, women and children held in different areas. However the reports indicate that children are sometimes placed in cells with adults, increasing their vulnerabilities to abuse. Abuse occurs at every stage of the migration route, from capture at sea by the Libyan Coast Guard to transit points, police stations, and detention facilities (Amnesty International, 2013b).

Women and children are at risk experiencing sexual assault (UN Security Council, 2019), and migrant kids suffer significant violence, with three-quarters reporting harassment, aggression, or abuse; girls are particularly vulnerable, often facing physical beating more frequently than boys (UNICEF, 2017). Racial and religious discrimination is also prevalent, with darker-skinned migrants and Christians subjected to harsher treatment compared to individuals from Syria, Gaza, or Egypt (Amnesty International, 2015a; Amnesty International, 2016).

The locations of detention and captivity sites in Libya reflect the shifting geopolitics of the country's ongoing civil war: most official detention centres were concentrated in the northwest, particularly around Tripoli and its surrounding areas, including Zuwara, Zawiya, Janzour, Ghasr Ben Ghasir, Zliten, Tarhouna, and Khoms, which has two facilities. Additional centres were located in Misrata, Zintanh, Jufra, and further south in Awbari, Sebha, Ghat, Qatrum, and Al-Jawf. In eastern Libya, Tobruk had one official centre, while Benghazi had two, and additionally, Shahat and Al-Bayda also had one for each. Although these centres were originally under the DCIM (Directorate for Combatting Illegal Migration) control, unofficial detention sites rivalled their numbers and sometimes operated within the same territories (ECCHR, 2021; Malakooti, 2019). The DCIM is an official body operating under the authority of the Libyan Ministry of Interior, although in practice it often functions autonomously and with little transparency (United Nations Human Rights Council, 2022)



(Major Smuggling Routes Across Libya. Source: Kuschminder & Triandafyllidou, 2019)

Despite official records marking some centres as “closed”, such as one in Al-Khoms, reports indicate that they remained operational; Libyan Coast Guard personnel reportedly delivered migrants to these locations, where they either disappeared or were sold to smugglers and traffickers (Creta, 2019).

Unofficial centres were primarily controlled by militias: in Tripoli, seven unofficial sites operated under the control of militias such as the Abu Salim Battalion, al-Kjouja militia, together with the TRB militia, al-Damn militia, and the 301 Brigade (Malakooti, 2019). The Tajoura detention centre, near Tripoli, was a DCIM-operated site run alongside the armed Daman Brigade, but it was destroyed in an airstrike on July 2, 2019, killing over 50 detainees and injuring over 100 others (Romo, 2019).

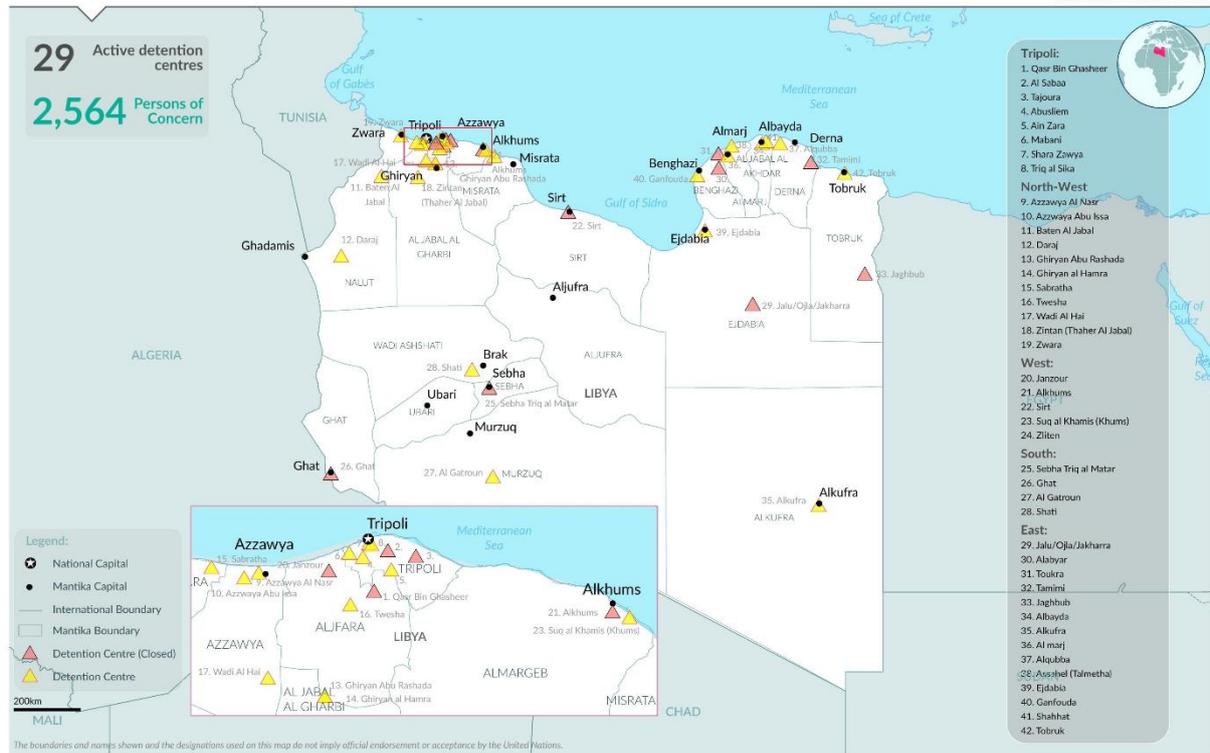
Outside of Tripoli, militia operated detention centres are scattered across the country: the Sabratha Operational Room militia controls a centre in Sabratha, while the Al-Nasr Brigade ran one in Zawiya. The Tarhouna militia operate in the Ghaser Ben Ghasir centre, and the al-Kwasim militia controlled Gharyan’s facility. In Al-Jawf, there was a centre managed by the Municipal Council and Sariya al-Hudud, which is a border protection group. Ajdabiya and Bani Walid also housed militia-controlled centres, with Bani Walid reportedly hosting at least 20 traffickers sites (ECCHR, 2021; Malakooti, 2019).

Sex trafficking networks also operate within Libya, primarily exploiting individuals from East Africa and sub-Saharan Africa; Nigerian captives are held in warehouse in Tripoli and Sabratha, managed by both Libyan and Nigerian traffickers (U.S State Department, 2019). Sub-Saharan

migrants are frequently detained in Sebha, Awbari, and Marzouq in the southwest, while female Cameroonian migrants are reportedly trafficked into prostitution by government-backed militias in Sabratha (Baker, 2019).



UNHCR LIBYA  
Reference Map - Detention Centres in Libya  
Figures/ Data as of 17 Oct 2021



(UNHCR, 2021)

Slave auction sites are another known form of human exploitation in Libya, but while the full extent remains unclear, investigative reports and victim testimonies confirm that auctions took place in the north, including in Sabratha, Zuwara, Castelverde, and Gharyan, as well as further inland in Al-Rujban, Zintan, Kabaw, Gadamis, and Sebha (Elbagir, Razek, Platt, & Jones, 2017; ECCHR, 2021; International Organization for Migration, 2017).

The Islamic State also operated captivity sites in Libya between 2015 and 2016, particularly in Sirte, which served as the group’s strongest province outside Iraq and Syria at the time. The group held kidnapped migrants in slavery conditions in a former hospital and an abandoned Turkish construction site in Nawfaliyah, and this pattern of enslavement mirrored the group’s previous actions against the Yazidis in Iraq and Syria (Al-Dayel, Mumford, & Bales, 2020; Gebrekidan, 2016; Trauthig, 2020).

Across all detention and captivity sites, detainees are subjected to a hierarchical valuation system based on their nationality and ethnic background. Ransom amounts vary according to these perceived values, influencing where individuals are detained and whether they are sold or transferred to other groups; this system reinforced a political economy of detention, where officials, militias, and smugglers alike profited from human exploitation (Malakooti, 2019).

Ultimately, the widespread use of detention centres in Libya underscores the role of detainment and captivity as instruments of power. Competing governments, militias, and criminal groups use these facilities not only for financial gain but also to establish and legitimize their control over territory and people. The interplay between detention, captivity, and power is further evident in the types of facilities used and the conditions within them (Hamid, 2016).

Libya's detention and captivity sites are composed of various structures repurposed for the confinement of migrants and refugees, including warehouses, prisons, schools, and shipping containers. These sites fall into two broad categories: state-legitimized facilities (operated by the Department of Combating Illegal Migration - DCIM, and DCIM-affiliated militias) and unofficial detention centres run by militias, traffickers, and criminal groups (Al-Dayel, Anfinson, and Anfinson, 2021).

Half of the official detention centres are located in buildings managed by the Ministry of Interior (Mol), which also accounts for 20% of unofficial sites, further blurring the line between legal and illicit detention centres. Transfers between official and unofficial sites are common, often dictated by health concerns or security considerations: for example, detainees in poor health are moved from Zintan's detention centre to a heavily militarized site in Gharyan (Médicins Sans Frontières, 2019).



(Malomocco, 2019).

Beyond Mol buildings, other structures are also used as detention sites: a school in Misrata, a prison in Benghazi, a former military prison in Zuwara, and warehouse in Zawiya and Zintan all serving as holding facilities for migrants (Malakooti, 2019). Unofficial sites in Zawiya, Gharyan, and Tripoli also relied on repurposed warehouses (Global Detention Project, 2018). Many centres are housed in unknown or makeshift structures, with official facilities of unclear designation found in Tripoli and Al-Jawf, and unofficial sites in Kufra, Jufra, Qatron, Tarhouna, Abari, and Zliten (ECCHR, 2021; Malakooti, 2019).

Militias with ties to smugglers and traffickers rely on mobile units to hold migrants before transferring them to other sites, forcing them into prostitution, or selling them at slave auctions (UNICEF, 2017), which can also be apartment complexes which are used for trafficking, with at least one such location identified in Zawiya (Naib, 2018). Slave markets themselves operated transnationally, with Nigerian and Ghanaian traffickers facilitating exploitation within Libya (Amnesty International, 2015a; United Nations, 2017a; U.S State Department, 2019).

Victims are often taken directly from these markets to private residences, where they endure forced labour and severe abuse, with reports indicating that some properties hold over 100 enslaved individuals at a time (IOM, 2007). Those in captivity are made to work as translators, market guards, or domestic servants for Libyan buyers, and some of them are released only after ransom payments, while others are resold to the highest bidder (Amnesty International, 2015b; Amnesty International, 2019). Fatalities during smuggling operations are widespread, through the exact death toll remains unknown; one local organization, Al-Salam, estimated burying around 50 bodies per month (Zarocostas, 2018).

Border crossing, which should have functioned as points for screening asylum seekers, instead became sites of severe abuse: Libyan border guards, in uniform, extorted migrants for money and held those who could not pay for ransom. Those unable to provide funds are subjected to sexual violence, including forced sexual acts, and men attempting to protect women from assault are threatened or killed (UNICEF, 2017).

Different forms of torture include electrocution, sodomy, waterboarding, prolonged suspension upside down, burning with hot oil, and severe beatings with rods, sticks, and hoses (Naib, 2018). Women and girls held in captivity are trafficked, gang-raped, impregnated, and in some cases starved until they agreed to enter prostitution. Alarming, Libyan security officials who had undergone human rights training by the International Organization for Migration were implicated in these abuses, and most of the times with no repercussion (Amnesty International, 2015a; Baker, 2019; Naib, 2018; U.S State Department, 2019).

At connection houses or militia-run transfer points, men and boys are forced into indefinite periods of labour (UNICEF, 2017), and many of them are sold in marketplaces or large warehouse to Libyan buyers, where they are resold or traded privately for prices ranging from \$200 to \$400, with payments sometimes accepted in the form of food (IOM, 2017c). Detainees are interrogated about their skills, and the strongest ones are forced to hard labour during the day before returning to detention centres at night (Amnesty International, 2016). Those imprisoned faced extreme malnourishment, communicable disease, and widespread suicide attempts (Médecins Sans Frontières, 2019; Zarocostas, 2018). Victims are branded on their faces to indicate the number of times they had been sold (Baker, 2019). Food rations are inadequate, with detainees receiving only bread or minimal portions along with a few or less litres of water per day in exchange of their hard work (Amnesty International, 2017; Coville, 2019; Malakooti, 2019).

Forced labour included agricultural work, construction, road maintenance, and garbage collection, services that benefited both private Libyan citizens and state-affiliated projects (OHCHR and UNSMIL, 2016; U.S State Department, 2021), while some are also forcibly conscripted into frontline military operations and militia skirmishes (Creta, 2019; UN Security Council, 2019).

At a single detention centre, malnutrition alone is responsible for three to four deaths per week, together with severe beatings that lead to lasting injuries, including head traumas, hearing loss, and blindness (Malakooti, 2019; United Nations, 2016a). According to a UN report, approximately 50% of detainees suffer from malnutrition: the daily caloric intake provided to migrants in detention centres in Tripoli is only 35% of what is required for an adult male. The water available to detainees is described as “salty, dirty, and undrinkable”, exacerbating health issues (United Nations, 2017).

Somali kidnapers also engage in sexual violence, with reports of individuals held for three months in a warehouse in Misrata (IOM, 2017b; IOM, 2017c). Under the Islamic State, Eritrean and Egyptian migrants are forcibly converted, given new names, and indoctrinated for suicide missions. Women and girls captured by the Islamic State become *sabaya* (war spoils), turned into sexual slaves, gifted, sold, or occasionally granted freedom; Eritrean, Senegalese, and Tunisian Islamic State fighters commit acts of sexual violence against them from since they are kids (Gebrekidan, 2016).

Those attempting to escape are often subjected to torture as a deterrent for others: both children and adults were executed for this reason or for failing to understand Arabic instructions given by security personnel (Amnesty International, 2016, 2017; OHCHR, 2016). Some children vanished from detention centres when international agencies attempted to follow up on their asylum cases, and reports of beheadings further underscores the brutality of these facilities (Creta, 2019). Abuse is also rampant for those who refused to comply with demands from security officials, such as signing forms or posing for photographs. For instance, over 150 Eritrean migrants in 2010 were severely beaten in one detention centre, with no medical care provided (Amnesty International, 2010).

However, at least 85 boys under the age of 16 were recorded as having “graduated” from an Islamic State training facility, where they were conscripted as *Caliphate Cubs*, child soldiers indoctrinated and trained for combat (OHCHR, 2016). These boys were taught to handle weapons, plant improvised explosive devices (IEDs), and conduct suicide missions (Anfinson and Al-Dayel, 2020; Human Rights Watch, 2016a; United Nations, 2017).

The centralized market of detainment that existed under Ghaddafi has not only persisted but has also become more decentralized, strengthening the power of various actors who profit from the enslavement of vulnerable individuals. This system directly contradicts the definition of detainment, which is meant to be a temporary deprivation of liberty for immigration-related reasons (Flynn, 2014); instead, it aligns with the very definition of slavery, where individual’s agency over movement and labour is transferred for the benefit of another (Bales, 2012). The concept of abuse-for-profit is evident in these cases, where torture and other form of violence are inflicted to extract financial gain (Anfinson and Al-Dayel, 2020).

There is a strong link between border security, human smuggling, and the organ trade in North Africa, and the EU migration policies have inadvertently fuelled criminal networks (Columb, 2024b). Interviews with Sudanese and Eritrean migrants who sold their kidney to cover smuggling costs reveal how migrant vulnerability has created new opportunities for exploitation. The decline

in irregular crossing has shifted criminal economies toward detaining and extorting migrants, leading to forced labour and organ trafficking (Columb, 2024b).

### **3.2 Organ Trafficking and Survivor Testimonies**

Since the second half of the twentieth century, the success of organ transplanting has allowed doctors to save lives of many individuals suffering from organ failure. While these transplants represent significant advancement in medical procedures, they have also sparked ongoing discussions on the acquisition of organs for transplantation; social scientists have documented the rise of organ trafficking as high-profit illegal enterprise (Scutti, 2013).

While the global trade in human beings for sex or labour falls within the legal framework of human trafficking, organ trafficking is often treated separately and is not typically included in the policies designed to prevent human trafficking. As a result, the victims of organ trafficking are frequently viewed as criminals involved in illegal transactions rather than as individuals who have been exploited for organ removal (Haken, 2011).

The expansion of this illicit trade into an international market has led to the rise of “patient tourism”, in which individuals travel abroad to seek the best available medical treatment, including organ transplantation. For patients suffering from organ failure, access to a transplant is often the primary motivation for traveling (Budjani-Saberi, and Delmonico, 2008), and in some cases, the recipient journeys to another country to receive an organ, while in others, traffickers facilitate the delivery of a healthy organ directly to the buyer (Danovitch et al, 2013).

The first recorded case of human organ trade dates back to the 1980s, and today the trade of human organs for transplantation has evolved into an organized and structured global market; initially, organ trafficking was limited to small-scale street-level dealing. Where only a few individuals were involved in coercively obtaining organs. Overtime, this illegal practice has expanded into a well-established international trade, reaching both developed and underdeveloped nations (Budjani-Saberi and Columb, 2013).

Various estimates suggest that the increasing demand for human organs, coupled with their scarcity, has fuelled a global black market for organs, generating a multi-billion-dollar industry. According to the U.S Department of State, more than 114,000 organ transplants are performed each year worldwide, meeting less than 10% of the need. The International Labour Organization (ILO) in 2017 reported that approximately 40 million people worldwide were victims of human trafficking, and the World Health Organization (WHO) estimates that approximately 10% of all organ transplant

globally involve illegal elements (UNODC, 2018a; U.S State Department, 2014). Many individuals in need of transplantation feel forced to contact organ traffickers due to the absence of family donors or the long waiting lists for legal transplants (ILO, 2017; Metwally et al., 2025).

Wealthy states in the Gulf region, Europe, and Israel have been identified as major sources of transplant tourists, while organ procurement predominantly takes place in underdeveloped countries (Danovitch, and Savransky, 2006). The kidney remains the most frequently trafficked organ, often advertised on online platforms or through brokers in the underground market (United Nations Office on Drugs and Crime, 2021).

Globally, chronic kidney disease affects approximately 13,4% of the population, with a high concentration of cases in advanced stage. Recent research highlights a significant increase of these kind of disease in the United Arab Emirates (UAE), a country known for its economic prosperity and rising living standards (Alnour, Sharma, Halawa, and Alalawi, 2021; WHO, 2017). The rapid urbanization and lifestyle changes have contributed to a surge in chronic health conditions, rising the demand for organ from Africa; given the UAE's strong financial position, the combination of high demand and ample financial resources may attract organ traffickers seeking to exploit the illegal organ market (Alnour, Sharma, Halawa, and Alalawi, 2021).

Some organs, such as kidneys and portions of liver, can be transplanted from a living donor, while others, like the heart and lungs, can only be procured from a deceased donor. Transplantable organs include the heart, lungs, liver, kidneys, corneas, pancreas, and more recently, the uterus for infertility treatment (Alnour, Sharma, Halawa, and Alalawi, 2021; Meri, 2024; Iori and Banno, 2022).

Although the number of organ transplants performed globally appears substantial, it is still insufficient to meet the ever-growing demand, consequently, this scarcity opens a new path for illegal market, giving to more individuals the possibility of buying new organs, without delaying for hospital legal waiting lists (Abraham, Reddy, and Amalorpavanathan, et al, 2012).

### **3.2.1 The Link Between Migrant Trafficking and the Illegal Organ Trade**

This threat is not limited to traditional, hierarchical criminal organizations but now involves a global “mafia” with cross-border operations. Transnational organized crime (TOC) refers to criminal activities that span across national borders, involving at least two territories and legal systems. It is often portrayed as a foreign danger undermining state integrity and these organizations are blamed for various social issues, in particular human trafficking, which has gained

prominence in the global political agenda due to its moral outrage and widespread victimization (Jasmine, Maharani, Putri, Maulana, and Saraswati, 2023; United Nations, 2023).

TOC is characterized by its ability to circumvent national laws, trafficking across various cultural, social, linguistic, and geographic boundaries. It is often driven by criminal organization that exploit differences in national legal systems and law enforcement capabilities to operate with impunity (Jasmine, Maharani, Putri, Maulana, and Saraswati, 2023; United Nations Office on Drugs and Crime, 2022).

The traditional model of organized crime, often portrayed as a “mob-boss” structure, is still central to many legal and law enforcement agencies: the latter focuses on arresting criminals, disrupting networks, and policing borders. However, evidence suggests that these methods have limited effectiveness, and they often fail to benefit the victims of trafficking (Columb, 2017). Despite efforts to curb this trade, it remains a profitable illegal industry generating an estimated 1.5 billion dollars annually from around 12,000 illegal transplant each year (Matesanz, Mahillo, Alvarez, and Carmona, 2009).

Migrants are among the most vulnerable groups in this context: their status, whether as refugees or economic migrants, often exposes them to heightened exploitation by smugglers and other criminal actors, who take advantage of their desperation and lack of options. It is not only a matter of health risks but also human rights violations with far-reaching consequences for millions of people worldwide (Broumand and Saidi, 2017).

Internationally, organ trafficking operates through networks of local and transnational actors, including healthcare professionals, organ brokers, paramedical staff, donors, and recipients. The lack of international cooperation and a unified legal stance on organ trafficking, organ trade, illegal transplantation, and on the status of victims has significantly contributed to the unchecked growth of organ trafficking worldwide (Fiona, Katharine, and Joudo Larsen, 2019). As a result, there is no clear pathway to convict those who commit crimes related to illegal organ transplantation outside their country of residence, such as buying, selling, or undergoing illegal organ transplants abroad (Wilknsen, 2004).

Furthermore, the simplistic binary of “victim” and “criminal” does not accurately reflect the reality of the organ trade: many so-called victims actively seek brokers to facilitate the sale of their organs while some former seller later become brokers themselves. In Egypt, brokers are often trusted community members, such as relatives, neighbours, or friends, rather than members of an international crime syndicate, suggesting that the organ trade is often informal and community-

based, rather than being always exclusively run by transnational criminal organizations (Columb, 2014).

Highly trained surgeons, who play a central role in the transplantation process, are often shielded by their social status and professional reputation, which can protect them from legal accountability (Bianchino, 2021). These professionals may participate in illegal organ trafficking by performing surgeries without informing both the donor and the recipient about post-transplant complications or risks. In some cases, some surgeons have been known to falsely declare a donor dead in order to harvest organs, further complicating the case (Beshears, 2014).

The issue of corruption between medical professionals, hospital administrators, and flexible networks of intermediaries, has not received enough attention in discussions on illegal organ trade and human trafficking in general. Corruption is multifaceted and occurs at various levels of society, affecting both state and non-state actors (Peters and Welch 1978; Rose-Ackerman and Palifka 2016; Von Lampe 2008). While there are various definitions of corruption, it is commonly understood as the abuse of power for personal gain and this can involve public officials engaging in fraudulent conduct, or legal actors deviating from their duties for private benefit (Galtung 1969; Gupta 2012).

Despite the serious nature of the crime, such surgeons and medical professionals rarely face legal consequences. The lack of physical coercion in some cases makes it difficult to classify the acts as illegal organ trafficking, creating ambiguities in the legal classification of the crime, making it even harder to convict those involved. Many of these transactions involve consent, and without visible signs of force or coercion, it can be difficult for prosecutors to prove that the act was trafficking rather than in a voluntary sale (OHCHR, 2000).

Migrant populations, especially those from Sudan, play a crucial role in Cairo's expanding transplant industry by supplying organs. Excluded from formal labour markets, migrants face precarious working conditions and intense competition for limited opportunities. Without access to state protections, they often rely on social networks to find work (Thomas, 2010). However, the jobs available to them in both formal and informal sectors are low-paying and exploitative. This leads many migrants to engage in illegal or semi-legal activities, including organ trading, as a means to generate income (Karim, 2011).

Stakeholders, transplant professionals, hospitals, brokers operating within Cairo's informal economy are aimed to cooperate with others through subcontracting and joint ventures, and exchanging services and knowledge with those in the formal economy, allowing this dynamic to expand and develop (Bruinsma and Bernasco, 2004).

In many studies on organ trafficking, brokers are often portrayed as ruthless criminals exploiting vulnerable individuals and they are typically depicted as coercing victims into selling organs or forcibly harvesting body parts from innocent people. This narrative creates a stark image of brokers linked to organized crime, but, on the contrary, these brokers perform a variety of roles essential to the functioning of organ markets (Ambagtsheer, Zaitch, and Weiman, 2013). They are responsible for recruiting organ sellers, negotiating fees, preparing official documents, and connecting buyers with sellers. While Sudanese brokers mainly recruit other Sudanese migrants, their roles can expand depending on their skills and experiences, which increase their involvement and potential earnings (Campana and Varese, 2016).

Tissue typing and analytic labs emerge as key hubs in the broker networks, linking various participants in the trade. Brokers cooperate with these labs, forming partnerships to connect organ sellers, mostly from migrant communities with buyers, both domestically and internationally (Castells, 2010).

In Cairo, Sudanese brokers primarily operate in informal street markets across various districts, such as Maadi, Downtown Cairo, Dokki, Heliopolis, and Nasr City. These brokers maintain connections with tissue typing labs and hospitals, either directly or indirectly through intermediaries (EIPR, 2010). Rather than competing, these brokers cooperate, sharing information on potential organ sellers, the current market value of organs, and referring individuals to other brokers when necessary; brokers are not permanent or professional criminals, many like Shaker, a musician, engage in organ recruitment as a temporary means to supplement their income due to challenges they face in securing stable employment (Grabska, 2006).

Brokers, such as Shaker, form networks to recruit Sudanese migrants for organ sales, often seeking out those in difficult circumstances. Shaker described his involvement as providing a service for people who wanted to sell their organs, rather than coercing or exploiting them. He highlighted how his role was to connect potential sellers with the necessary paperwork and medical checks. While Shaker initially felt uncomfortable identifying himself as a “broker”, he clarified that individuals approached him for assistance, and he facilitated the process by bringing them to labs and clinics (Columb, 2017).

Kalib, a restaurant owner from Sudan, shared a similar perspective, explaining that brokers have specific territories in Cairo and are aligned with particular labs and hospitals. He mentioned that the demand for organs mostly comes from Gulf Buyers, and that Egypt has a plentiful supply of potential sellers from Sudanese migrants (Columb, 2017).

However, some respondents reported that they only agreed to sell their organs after persistent solicitation, or even intimidation. Brokers are skilled at targeting vulnerable individuals, particularly newly arrived Sudanese migrants who are unaware of the risks and who may have recently experienced exploitation (Columb, 2017).

Many brokers work closely with “scouts” – Sudanese street vendors, restaurant owners, or hotel staff – who observe the struggles of newcomers and facilitate recruitment by approaching them with offer of money, sometimes as high as \$30,000 LE (approximately \$2,340 USD). Those scouts often provide reassurances to potential organ sellers, using persuasive tactics to ensure that they proceed with the sale, sometimes even bringing in former organ sellers to show that the process is “safe”, although the former sellers may appear visibly affected (Columb, 2017; Farrell, Owens, and McDevitt, 2013).

Several sellers, including Hiba, a single mother, reported being approached persistently by brokers and feeling pressured into agreeing to sale after multiple solicitations. Hiba recounted how brokers used emotional persuasion, reassuring her that selling a kidney would benefit her and her family, until she finally relented (Columb, 2017).

For many, the recruitment process is not instantaneous but involves long-term persuasion, with brokers establishing trust over time, and in some cases, making individuals feel guilty for refusing the offer. This persistent approach reveals a more complex dynamic of coercion, in which the vulnerability and desperation of migrant sellers are exploited within the context of economic necessity (Cairo Institute Human Rights, 2019).

Once a potential organ seller expresses willingness to sell a kidney, the negotiation over the price begins, typically in informal settings like coffee shops or restaurants. Brokers, often including intermediaries connected to tissue typing labs or transplant clinics, play a key role in the negotiation process. The initial recruiter negotiates the price with the potential seller before escorting them to a lab for preliminary testing. In some cases, individuals consult an “adviser” to determine the current market value of an organ before agreeing to the terms (Columb, 2017).

Respondents shared that the price of a kidney can vary depending on an individual’s knowledge of the market. For instance, Mohammed, a Sudanese migrant, explained that the price could fluctuate, with the current rates around \$10,000 USD. The price varies from year to year, and brokers often attempt to lower prices during the negotiations, but, at the same time, the amount a seller receives often depends on their level of awareness of the going rate for organs, more specifically for kidneys. Some respondents reported receiving much higher amounts, between \$30,000 LE (around \$2,340

USD) and \$200,000 LE (about \$15,595 USD), suggesting that those more familiar with the market were able to secure higher fees, while new migrants, who lack this local knowledge, often receive lower offers (Columb, 2017).

This disparity highlights the vulnerability of newcomers to exploitation, especially those who have recently arrived in Cairo. These individuals, disconnected from local knowledge economy and with limited bargaining power, are at a heightened risk of being underpaid. As one NGO representative working with Sudanese migrants pointed out, newcomers are often manipulated by local intermediaries who exploit their precarious situation (Jacobsen, Ayoub, and Johnson, 2014). For example, brokers at hotels frequented by recent arrivals use persuasion to convince these migrants that selling an organ is the only way to make money and pay basic needs (Hamdy, 2012).

In some negotiations, intermediaries may also employ additional tactics to influence the seller's decision: Kariem, a Sudanese pimp, described using sex workers to "sweeten deals and persuade sellers to agree to the sale. This approach underscores the informal and often coercive nature of the negotiations (Ruggiero, 2000). Furthermore, Kariem explained that once the organ sellers undergo the surgery, they are often placed in "serviced" accommodation where additional costs are imposed on them for rent, furniture, and caretaking services. These "hidden charges" are deducted from the agreed payment, further reducing the amount that sellers ultimately receive (OHCHR, 2013).

In addition to his involvement in fee negotiations, Kariem claimed that he helped reduce the cost for some buyers, facilitating kidney sales for as low as \$45,000 USD when they could have paid much more. Although he refused to reveal how he connects buyers with organ sellers, his unintentional disclosure of a tissue typing lab's name suggests the involvement of specific labs and intermediaries in facilitating the trade (Columb, 2017).

This pattern of negotiation reveals that while brokers may present themselves as facilitators providing a necessary service, they often exploit the ignorance and vulnerability of sellers, leading to discrepancies in payment (Shelley, 1995). It also demonstrates the complex web of intermediaries involved in the organ trade, using both legal and illegal channels to facilitate transactions between sellers and buyers (Kishore, 2005).

In the process of selling a kidney, organ sellers are typically subjected to tissue typing and diagnostic testing at various labs to determine compatibility with potential recipients. This testing includes ultrasounds to assess the organ size and function, alongside blood and urine tests (Shimazono, 2007). For instance, for most individuals who sold their kidney, this process took about two weeks, with donors sometimes visiting multiple labs. This might have been an attempt by

brokers to secure a higher recruitment fee, as they could shop around for the best offer from different labs and hospitals, which varied depending on donor availability (Mackenzie, 2011).

Kalib, a broker familiar with the process, detailed how the payments in these illegal and semi-legal transactions were distributed. The recipient often paid between \$40,000 and \$100,000 USD, which would be then split between the hospital, lab, and the brokers (Columb, 2017).

Brokers typically received about \$3,000 USD from the lab and other \$2,000 USD commission from the doctor. The distribution of payments indicates the involvement of multiple stakeholders, but the structure remains decentralized without a clear central authority overseeing operations. The informal nature of the network and the relationships between brokers, labs, and hospitals complicate the legal frameworks used to combat these practices (McGrath, 2009).

While the payment structure is somewhat organized, the process is coercive in nature, particularly once the donor has agreed to sell. Although many organ sellers do not face overt physical violence, they often experience extreme pressure to follow through with the operation. Once a donor agrees to sell, changing their mind becomes virtually impossible. One respondent Shaker, bluntly stated that reconsidering was not an option: “once they agree, it is done” (Columb, 2017).

Other respondents reported experiencing threats and coercion: Talia, who has initially agrees to sell her kidney but later wanted to back out, was told that she would be in debt for the medical expenses already incurred and would face severe consequences if she reneged. The brokers used psychological pressure to enforce compliance, warning that changing her mind would lead to hard repercussions (Columb, 2017). Talia added that she faced additional intimidation tactics, such as being threatened with the loss of both kidneys or other organs while under anaesthesia. She was warned that the rumour of her kidney sale had already spread, and if she changed her mind, she would have received nothing (Columb, 2017). After attempting to back out, her door was broken multiple times, and she was forced to relocate and change her phone number due to fear of reprisal. Patrick, another victim, echoed similar sentiments, describing how brokers told him that backing out would have meant paying for all the health checks and losing his passport, and, as a result, he felt trapped and had to proceed with the sale (Columb, 2017).

Abdel-Rahman Abdel-Aziz and his wife, Asmaa, lived in the slums of Cairo, the couple has already sold nearly all of their possessions, and when those ran out, they resorted to selling their kidneys. They were promised \$5,4000 USD per organ, but after the surgery, they found themselves in a taxi, heavily sedated, with just \$2,300 USD tucked into their clothing. Nearly a year later, their economic situation has worsened even more. The lasting medical effects of selling their kidneys on Egypt’s

notorious black market, without proper follow-up care, left them too fragile and weak to even move around their apartment or even work without any physical help (Wilkins, 2018).

According to a report by Global Financial Integrity, approximately 10% of all transplanted livers, lungs, and hearts worldwide are sourced through organ trafficking, and among all organs, kidneys are the most demanded and make up around 75% of the illegal organ trade. The World Health Organization (WHO) estimates that approximately 10,000 kidneys are illegally trafficked each year, which equates to more than one kidney being illicitly removed every hour (Campbell, and Davison, 2012; WHO, 2007).

Nuredin Wehabrebi was arrested by the Italian police in 2014 and placed in protective custody in exchange for information about criminal network smuggling people, weapons, and drugs from Libya to Europe via Sicily. His testimony, obtained from the Office of the Liaison Magistrate in Catania, detailed the collaboration between smuggling groups in Libya, Egypt, and Tunisia. He explained that migrants unable to pay smuggling fees were sometimes handed over to organ traffickers in Egypt, where their organs were sold for around \$15,000 USD (Columb, 2024a; Guerette, and Aziani, 2022).

Human smuggling and illicit organ removal are distinct crimes, yet they often intersect along migrant routes. Reports from the UN and Interpol highlight cases of organ trafficking targeting refugees, particularly in North Africa and the Middle East (Interpol, 2021; UN News, 2022). Organized crime groups, such as the Megafe network in the Sinai, have been implicated in kidnapping migrants for ransom, forced labour and organ trafficking (Mannocchi, 2018), and despite being illegal and highly unethical, the underground market for organ trafficking continues to thrive on a global scale. In some rare but horrifying cases, victims are put under anaesthesia and wake up to find their organs missing, or they are even murdered for their organs (Alnour, Sharma, Halawa, and Alalawi, 2021).

To effectively address organ trafficking, it is critical to move beyond individual-level responses and tackle the broader socio-economic-political factors that create vulnerabilities. These susceptibilities often drive marginalized individuals into situations where they can be exploited for their organs (Manzano, Monaghan, Potrata, and Clayton, 2014). The phenomenon of illegal transplantation and organ trafficking cannot be reduced merely a “medical-scientific” exchange between the donor and the recipient; instead, it is deeply embedded in inequalities that foster exploitation of vulnerable groups, especially those in poverty, who are often trapped in cycles of marginalization, making them easy target for organ traffickers (Columb, 2020).

### **3.2.2 From Libya to Cairo: The Hidden Route of Organ Trafficking Through Detention and Exploitation**

Migration from Sub-Saharan Africa through Libya toward Europe has long been marred by human rights abuses, including detention, torture, and slavery-like conditions. Less visible, but equally disturbing, is the increasing evidence that some migrants are trafficked for their organs and Egypt, particularly Cairo, has emerged as a key destination for this illicit trade (Global Initiative Against Transnational Organized Crime, 2023a).

The detention centres in Libya operate under an informal economy where migrants are treated as commodities. Captured en route to the coast, migrants are routinely held for ransom, beaten, or forced into labour until their families pay their release fees (Amnesty international, 2017a) but however, when ransoms are not forthcoming, the captors face a choice: either discard the migrants or monetize them through more covert channels.

Egypt is known for its high rates of transplant tourism and organ trafficking, and it remains a major destination for foreign patients seeking illegal organ transplant. Despite efforts by the Egyptian government to enforce strict laws against organ sales, the illicit trade persists, with reports of illegal operations continuing to emerge (INTERPOL 2021). The role of corruption, both within institutions, (such as hospitals, law enforcement, and the judiciary), and among individuals (such as brokers, medical personnel, and customs officers), plays crucial role in perpetuating the organ trade (Columb, 2024b).

The route from Libya into Egypt is often facilitated by collusion between traffickers, border patrols, and corrupt officials on both sides of the border; these networks are deeply embedded and profit from every stage of the migrant journey (Mannocchi, 2019). Once in Egypt, migrants are taken to Cairo or Alexandria, where they are held in so-called “safe houses”, where they may be kept incommunicado and subjected to forced surgeries without consent as migrants are told, or coerced into believing that their organs are a form of payment for a passage to Europe (WHO, 2010a).

An investigation by the Coalition for Organ-Failure Solutions (COFS) has produced one of the most comprehensive victim-centred reports on organ trafficking in North Africa, specially focused on Sudanese refugees in Egypt. Through its fieldwork and interviews, COFS identified 57 victims of organ trafficking, in particular Sudanese and Eritrean asylum seekers in Egypt, of which 12 survivors provided in depth testimonies that confirmed kidney removal. Many were trafficked from Libya after failing to pay ransom feed with organs removed to fund their journeys or settle debt (Karim, 2011).

Some of these removals were involuntary, other occurred under coercion, and all were characterized by a lack of informed consent or legal oversights (COFS, 2011). The individuals interviewed ranged in age from 11 to 36, and notably, nearly half were minors at the time of the operation. Many were displaced persons from the Darfur region, whose movement toward Europe had been interrupted and redirected through a web of smuggling and exploitation across Libya and into Egypt (COFS, 2011; Columb, 2019).

The routes taken by the refugees fleeing conflict are increasingly intersecting with transnational trafficking networks that operate across borders. According to the COFS report and corroborating investigations by AIM and EgyptWatch, many of these Sudanese victims were initially detained or intercepted in Libya before being smuggled across the border into Egypt. Smugglers who presented themselves as facilitators of migration later transitioned into brokers of organ sale, pressuring individuals to undergo nephrectomies as a form of debt repayment or survival strategy. In some instances, the migrants were not even fully aware that an organ had been removed until they experienced physical symptoms or medical complications following the operation (Asmarino Independent Media, 2011; COFS, 2011).

Several survivors recounted that they were led to believe they were receiving medical treatment or engaging in legitimate employment, only to be sedated and wake up in unfamiliar surroundings with surgical scars and serious health issues. In one verified case, a minor was told he would be helping at a hospital as cleaner, only to wake up post-surgery missing a kidney. Medical verification through ultrasound imaging confirmed organ loss in multiple survivors, while COFS was able to retrieve documentation from Egyptian hospitals linking specific patient identities to organ removal surgeries. This substantiates the claim that certain private clinics in Egypt, operating outside legal regulatory mechanisms, have facilitated illegal transplants by exploiting stateless individuals and asylum seekers (COFS, 2011; The Guardian, 2014).

Egypt's economic collapse has had a severe impact on its citizens and the situation has been exacerbated by inflation and the inability of the state to provide basic services. Many Egyptians have resorted to the black market to obtain essential goods, with some even buying dollars on the underground market due to currency devaluation (IEMed, 2025), and as a result, a significant number of the population has turned to black markets for alternative sources of income, including illegal trade. The financial compensation for selling organs is an alluring option for individuals in dire economic situations (Kingsgate Lifestyle, 2025; The National, 2024).

In Egypt, many Sudanese and Eritrean refugees are unregistered with UNCHR and are not granted access to work permits, healthcare, or legal recourse, and consequently, this legal precarity renders

them ideal targets for criminal networks who promised financial assistance or passage to Europe in exchange for bodily sacrifice (Lewis, 2024; UNHCR, 2025b).

The legal infrastructure in Egypt, although formally prohibiting the sale of organs under the *Transplantation Act of 2010* and the *Human Trafficking Law*, is poorly enforced, and anti-trafficking units remain under-resourced and politically constrained (Egyptian Street, 2016). As a result, victims such as those identified by COFS have little or no avenue for justice or medical follow-up after surgeries are performed. Attempts to report the crime to authorities often result in threats of deportation, detention, or dismissal, reinforcing their invisibility in the eyes of the law (COFS, 2011; The Guardian, 2014).

Despite Egypt's legislative efforts to address the organ trade, the country remains a hotspot for human organ trafficking; while the sale of organs is illegal, the persistent state of poverty and the desperation of many Egyptians make the illicit trade an attractive option. Egypt has faced a long history of lacking specific legislation that criminalizes organ trafficking and provides clear regulations for organ and tissue transplantation (Amnesty International, 2024b). The situation remained unresolved until 2010 when Egypt's higher religious authorities ended theological disputes over the definition of "death", allowing deceased donation to occur under specific conditions; Sharia law required the heart to stop beating before declaring a person dead, meaning brain-dead individuals could not donate organs (Wilkens, 2018).

Egypt's Health Ministry, in response of this, trained medical professionals to recognize brain death and selected a few major hospitals for organ transplants. However, the organ trade persisted due to loopholes in the law and the high demand of organs (CSIS, 2010; Ramadan, 2015). Despite these measures, the high cost of legal organ donation procedures, limited facilities, and the lack of trained medical staff contribute to the black market continuation and medical corruption (Columb and Moniruzzaman, 2024).

Medical professionals in Egypt express a sense of indifference toward the state's regulation efforts; Hassam, a Cairo-based transplant surgeon, described the situation where doctors and brokers are more focused on financial gain than ethical concerns (Columb, and Moniruzzaman, 2024). Another transplant professional, Solomon, noted that the Egyptian public is largely indifferent to the issue, as the availability of organs and the financial benefits for the medical community sustain the trade (Columb, and Moniruzzaman, 2024).

Dawitt, an Eritrean asylum seeker, was instructed to falsely claim Sudanese nationality and state that his kidney donation was voluntary, despite being underage and not meeting the legal criteria for

organ donation. He was also told that corrupt embassy officials would provide “approval of kinship” forms for a fee, further enabling his participation in the illicit trade (Columb, and Moniruzzaman, 2024). He told to Aware Migrants: "They said I could give a kidney and I'd get enough money to continue to Italy. But after the surgery, they gave me \$2,000 USD—nothing compared to what was promised—and I never saw them again" (Aware Migrants, 2019).

Similarly, Yonas, another Eritrean, was detained by the Libyan coast guard after attempting to reach Europe via the Mediterranean in April 2018. He described severe conditions in Libya’s EU-backed detention centres, such as torture, extortion, lack of legal aid. He managed to pay around \$7,000 USD in bribes to be released and made his way to Cairo, but arrived heavily indebted. In Cairo, Yonas borrowed around 30,000 EGT (around \$470 USD) to survive but the debt quickly spiralled.

In Cairo’s street market, he was approached by a Sudanese broker named Ali, who offered \$10,000 USD for his kidney and Ali promised Yonas that his kidney could pay back all his debts and secure a place on a more reliable fishing vessel crossing from Egypt to Italy; Yonas agreed and the surgery took place in November 2018, at an underground clinic near Alexandria, but when he woke up he realized that he received only \$6,000 USD in cash. He was left in Alexandria with severe health issues and no means of continuing his journey. Yonas bravely went to the Cairo police to denounce the broker but he was treated with contempt because he was undocumented, he was accused of being an illegal immigrant, and instead threatened with deportation (Columb, 2024a).

The organ trade is laundered through a system of fabricated consent forms and officials approval, which make the transaction seem lawful. While some medical professionals are aware of the illegal nature of transaction, there is a little to no oversight, and most doctors avoid prosecution by claiming ignorance of the commercial arrangements (Ghalab, 2018).

The Egyptian healthcare system is partially subsidized, but two-third of transplant costs still need to be paid out-of-pocket, making organ transplantation unaffordable for most Egyptians. This exacerbated inequalities in access to healthcare, particularly for those working in the informal economy who lack of social security coverage. Many patients, particularly those who can afford it, prefer to buy organs from strangers rather than rely on family members to donate, due to the high costs and perceived corruption within the system (Columb, and Moniruzzaman, 2024).

With tighter border controls, smugglers have increased their fees, creating a two-tiered system: those who pay less face severe risks, including detention, forced labour, or sexual exploitation. Ibrahim, a former Sudanese Presidential Guard, sought asylum in Egypt in 2011 and later became a migration broker facilitating the transport of asylum seekers from Cairo to Alexandria. His role

involved organizing payments and coordinating with smugglers (*muharbin*) for crossing to Europe (Columb, 2024b). He revealed that both active and former military personnel in Sudan, Egypt, and Libya play key roles in smuggling networks, using their logistical knowledge and border control expertise to profit from irregular migration (Al-Arabi, 2018). Ibrahim noted that men often sell a kidney as their only economic asset, while women are coerced into selling organs or subjected to sexual abuse. The heightened risk of kidnapping and detention in Libya further fuels organ sales, as migrants pre-emptively sell kidneys to avoid ransom payments (Columb, 2024a).

Jemal's story illustrates the double criminalization of migrants, where both selling organs and illegal migration lead to punitive actions rather than protection; Jemal, a young Eritrean man, who fled indefinite military service in Eritrea was smuggled into Sudan in 2018. Struggling to survive in Khartoum, he avoided registering with the UNHCR due to concerns about corruption and sought out a migration broker (*samsar*) to facilitate his journey to Europe. Encouraged by the broker, Jemal decided to sell a kidney in Cairo to finance his passage across the Mediterranean. However, after undergoing surgery, he was paid less than promised, leaving him stranded, and when he reported the crime, he was threatened with arrest and deportation instead of receiving help (Belloni, 2016; Columb, 2024a)

This cycle of exploitation thrives due to restrictive migration policies, which force migrants to rely on criminal networks for survival. Border securitization, instead of deterring illegal migration, has strengthened human trafficking and organ trade networks, further victimizing those seeking a better life (Ambagtsheer, and Bugter, 2022).

Hakim, a young Sudanese man, was drawn into the organ trade after being detained and deported from Libya. His uncle, an organ broker in Cairo, introduced him to the business, and Hakim recruited refugees from Khartoum, arranging kidney sales in Egypt before their onward journeys to Europe (Columb, 2024a).

For many migrants, selling a kidney is falsely presented as a gateway to asylum: Omar, one of the few successful cases, sold his kidney in Cairo for \$6,000 USD to fund his passage to Europe. After surviving detention in Libya, he eventually reached the UK. However, many others either fail to reach their destinations or are trapped in cycles of exploitation (Boffey, 2019; Columb, 2017).

Amir, an Eritrean refugee, was arrested at sea and detained in Tripoli and after his release, he returned to Cairo and eventually sold his kidney to survive (Columb, 2024a); Solomon, another Eritrean asylum seeker, was forced to donate his kidney after failing to pay an \$8,000 USD ransom. He was taken to a clinic operated by Turkish-speaking medical staff, underwent surgery under

anaesthesia, and was later discharged without aftercare, and at the end, his family had to raise money to smuggle him out of Libya (Columb, 2024a).

Although direct evidence linking illicit organ removal to international medical network remains inconclusive, reports suggest a potential connection between Turkish transplant surgeons and illegal labs in Cairo (Husken, 2017).

In July 2018, the Egyptian Ministry of Health announced that 37 individuals, including doctors, nurses, and intermediaries, were convicted for their involvement in the illicit organ trade. However, there was no mention of the victims, and no specific details about the convictions were made public. In 2016, millions of dollars were reportedly seized from private hospital in a raid related to illegal organ harvesting, but court records have not been released, raising questions about the transparency of the investigation (Khalifa, Jabbour, Mataria, Bakr, Farid, and Mathauer, 2021).

Despite these actions, many respondents believe that the organ trade is protected by corruption among high-ranking officials. Okot, a Sudanese organ broker, revealed that doctors involved in the illegal trade pay “corruption money” to shield themselves from investigations (Columb, 2024a; Zhang, and Pineda, 2008). These people who actually control the business, unidentified individuals, take commission from doctors, ensuring that the trade continues without interference (Transparency International, 2019; Raza & Neuberger, 2022). While it cannot be definitively confirmed from anecdotal evidence, this information suggest that corruption at high levels may be a key factor in the lack of progress in investigations and prosecutions (Columb, and Moniruzzaman, 2024; FBI, 2017).

This culture of impunity is exacerbated by the broader political and legal context in Egypt, as since the 2011 Egyptian Revolution and the subsequent military coup in 2013, political corruption and police brutality have led to widespread mistrust in government institutions (Ketchley, 2017). The Egyptian police are known to solicit bribes, and the Mukhabarat (General Intelligence Service) has been linked to arbitrary arrests and torture in many reported cases (Columb, 2017). These patterns of corruption extend to the enforcement of laws against illegal organ trading. According to Okot, the fear of arrest is often used as a form of extortion, with corrupt medical professionals who participate in illegal transplants paying for protection to avoid prosecution. Those who refuse to pay face arrest, further highlighting the power dynamics that protect the illegal organ trade (Columb, and Moniruzzaman, 2024).

Additionally, the Administrative Control Authority (ACA), which is responsible for investigating corruption, has limited autonomy, as it operates in close coordination with the central government.

This makes it difficult for the ACA to challenge corruption among high-ranking officials, especially those who are involved in the organ trade (Columb and Moniruzzaman, 2024; Noll, 2019). While Egyptian authorities claim to have made arrests related to organ trafficking, no convictions or testimonies have been recorded by the judiciary. This lack of legal action underscores the systematic flaws in Egypt's law enforcement and justice system when it comes to tackling the illegal organ trade (Ambagtsheer, 2025).

Ultimately, the law's focus on punitive measures for organ trade transactions, while not addressing the deeper social and economic conditions driving the trade, has not been effective in curbing the problem. The impunity enjoyed by those involved in the trade is enabled by selective legal discretion, which can be bought for a fee, further entrenching the problem (Columb, and Moniruzzaman, 2024c).

The pattern revealed in COFS's research is not isolated but emblematic of a larger regional system in which human displacement is monetized in multiple stages. The fact that Sudanese, Eritrean and other refugees were transported from Libya and then deceived into organ removal in Egypt illustrates how detention centres, smugglers, and black market clinics are part of an interconnected system (Asgi, 2021). Libya, with its notorious migrant prisons, serve as a gatekeeper where human beings are captured, ransomed and funnelled into smuggling networks (Chatham House, 2025). Egypt, in turn, becomes the destination not only for those hoping to continue toward Europe but also for those whose bodies are harvested to fund future journeys or pay off imposed debts (Columb, 2016). This fusion of detention, smuggling, and organ trafficking reveals urgent need for transnational legal accountability and the reinforce, and of protection mechanisms for migrants at every stage of their journeys (Columb, 2019; Columb, 2020).

### **3.3 Investigations and reports on forced organ harvesting**

Most research on trafficking of human beings for organ removal (THBOR) is concerned within the medical field, with 76% of the studies originating from medical research areas. This is understandable, given that organ removal and transplantation require medical professionals. However, a striking gap in the literature is the limited involvement of other fields such as international relations, which accounts for only 2% of the total research (GODT, 2016).

This underrepresentation highlights the transactional nature of organ trafficking, which is not only a medical issue but also a complex human rights and legal challenge that intersects with politics, migration and international cooperation. Specifically, the issue of THBOR should be addressed by

scholars from law, human rights, and sociology to fully understand and tackle the social, legal, and political dimensions of this global crisis (WHO, 2009).

To address this gap, there needs to be greater emphasis on the intersection of migration and organ trafficking within the medical field and other interdisciplinary fields like human rights, social sciences, and law, in order to better identify and supporting defenceless migrants, who are often neglecting in existing research on organ trafficking (Ambagtsheer, Zaitch, and Weiman, 2013).

However, without collaboration across disciplines, medical practitioners may lack the legal and sociopolitical awareness needed to detect signs of trafficking in vulnerable patients who may not voluntarily disclose their experience due to fear, trauma, and legal insecurity (Budiani-Saberi and Columb, 2013).

Additionally, research on specific organs being trafficked is limited, despite kidneys being the most commonly trafficked organ, making up 67% of all trafficked organs. Most publications on THBOR focus on the broad concept of organ trafficking and fail to delve into the trafficking of specific organs, which is crucial to understanding the dynamics and risks associated with each type of organ removal (Sweileh, 2017).

The absence of focused research on specific organs also hinders efforts to develop targeted interventions and policies to combat trafficking, and moreover, while THBOR is a health issue, due to the surgical procedures involved, the literature shows that medical research on the health consequences for migrants is sorely lacking, and few studies integrate the health impact of organ trafficking on migrant populations. Gathering reliable data is difficult, particularly quantitative ones, because of the clandestine operations of trafficking networks and the political reluctance to expose the scale of the problem (Sweileh, 2018; Sweileh, 2019).

A concerning trend in THBOR research is the geographic bias, with the majority of publications coming from countries such as the USA, UK, South Africa, and Australia, countries that are often net receivers of migrants. This bias limits the perspective on THBOR, as many of the countries of origin and transit countries where migrants are vulnerable to trafficking, such as Libya and Egypt, do not contribute significantly to the academic discourse. Additionally, international relations and migration studies, which could offer critical insights into the global dynamics of organ trafficking, have contributed very little to the existing literature (Gonzalez, Garijo, and Sanchez, 2020).

Likewise, human rights scholars and legal experts can contribute frameworks for holding both state and non-state actors accountable, while social scientists offer ethnographic and field-based insights into how trafficking networks operate, particularly in under-researched routes such as Egypt-Libya

corridor (Efrat, 2016). An interdisciplinary approach is essential not only for producing robust, evidence-based research but also for designing policies that reflect the lived realities of the victims. This includes developing a trauma-informed support systems, cross-border legal cooperation, and international health protocols to ensure that organ transplants are ethically sourced and transparently regulated (United Nations Human Rights Council, 2022)

Most of the existing literature treats organ trafficking as merely one of the several “purposes” of human exploitation under the *UN Palermo Protocol*, formally known as the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, which is a supplement to the United Nations *Convention against Transnational Organized Crime* (2000), and it is the first legally binding international instrument with a comprehensive definition of human trafficking (UNODC, 2000).

This framing fails to address the specific actors, logistics, and victim experiences associated with the illicit organ trade. As a result, organ trafficking is often excluded from in-depth policy discussions and anti-trafficking interventions (Budiani-Saberi and Columb, 2013).

Academic production in this area is extremely limited; a review of peer-reviewed journals and global trafficking reports shows that organ trafficking comprises a small fraction of trafficking research, both in volume and funding. A 2022 UNODC report revealed that trafficking for the purpose of organ removal accounted for less than 1% of all identified human trafficking cases globally, and was “chronically underreported” reflecting the lack of data and poor detection mechanism than the actual scale of problem (OHCHR and UNSMIL, 2016; UNODC, 2022a).

Data scarcity is one of the most pressing obstacle to understanding and addressing organ trafficking; victims, often undocumented migrants of refugees, are unlikely to report abuse due to fear of arrest, deportation, or retaliation. Moreover, health systems rarely screen for signs of illegal organ removal, and forensic investigations into suspicious deaths are minimal in countries such as Libya and Egypt (Columb, 2020). Reports by humanitarian and investigative organizations describe a well-organized system, and a 2022 report from the United Nations Human Rights Council confirmed credible evidence of forced organ harvesting from migrants in Libya, with several individuals discovered with missing organs and no medical records of treatment (OHCHR, 2022a ; United Nations Human Rights Council, 2022).

Despite these findings, there is still no comprehensive dataset or long-term study that systematically maps organ trafficking activities in the region; the most available information comes from case

studies, journalistic investigations, testimonies, and humanitarian field reports, sources that, while valuable, lack consistency and scientific rigor (Columb, et al., 2024).

The lack of focused research on organ trafficking has critical consequences as it limits the ability to track the scale and evolution of the crime, hinders law enforcement cooperation, and prevents the development of targeted health and legal support services for survivors. Policy responses tend to be reactive and fragmented, often relying on anecdotal evidence rather than systematic data (OSCE, 2013).

What is needed is a paradigm shift: organ trafficking should be studied and addressed as a distinct transnational crime, not merely a branch of human trafficking. Dedicated funding for field research, forensic investigations, and health-system monitoring is crucial in this fight. In addition, international organizations must develop separate legal and procedural frameworks that treat organ trafficking with the urgency and specificity it demands (Ambagtsheer, Zaitch and Weimar, 2013).

Future research should focus on the health of migrants involved in organ trafficking, integrating more medical perspective into the conversation. It is essential to expand the geographic scope of research to include developing and transit countries, where trafficking often occurs, and to promote research that reflects the local and regional dynamics of THBOR. Lastly, quantitative studies on a global scale are needed to collect reliable data, which will help policymakers and researchers better understand the scope of the problem and develop effective solutions to combat organ trafficking (Ambagtsheer and Weimar, 2016; Gonzalez, Garijo, and Sanchez, 2020).

#### **4. THE ROLE OF INTERNATIONAL INSTITUTIONS AND NATIONAL LEGISLATIONS**

##### **4.1 The United Nations and WHO policies and protocols against human and organ trafficking**

Currently, there are international and national regulations aimed at combating illegal organ trafficking, including treaties such as the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons* and regional instruments like the *Council of Europe Convention against Trafficking in Human Organs*. However, the effective implementation of these norms remain challenging due to a lack of cohesion among countries and inconsistent enforcement practices. In particular, Libya and Egypt face significant difficulties in regulating this phenomenon, largely because of weak institutional capacity, ongoing political instability, and limited resources, which create gaps that traffickers exploit (Council of Europe, 2015a; ICTAT, 2021; UNSMIL and OHCHR, 2018).

While it may appear simple to differentiate between organ trade and organ trafficking based on the concepts of consent and coercion, the reality is far more complex; for victims of organ trafficking, the boundary between consensual donation and coerced trafficking is often blurred. This is especially the case when living donors are not fully informed by doctors about the risk and long-term implications of donating an organ (Ambagtsheer, 2025; UNODC, 2020b). It is difficult to establish whether organ donation was voluntary or the only real or acceptable option available to the victim, as many victims may feel forced to sell their organs due to severe pre-existing economic and social exploitation, leaving them limited choices (Yousaf, and Purkayastha, 2015).

The difficulty in drawing a clear line between trafficking and voluntary donation becomes even more apparent when considering the role of brokers, doctors, and others involved in the trafficking chain (Scheper-Hughes, 2013; WHO, 2010c). Victims find it difficult to demonstrate to authorities that they were coerced, and any attempt to do so require exposing the entire system of exploitation that let them to “choose” to sell an organ in the first place (Yousaf, and Purkayastha, 2016).

Several international organizations, including the World Health Organization (WHO) and the United Nations (UN), have actively sought to address the issue of illegal organ trafficking from a normative perspective. The WHO has developed ethical guidelines and a *Global Code of Practice on the International Recruitment of Human Organs* to promote transparency and prevent exploitation (WHO, 2010b).

The first comprehensive international legal instrument addressing aspects of organ trafficking came in the form of the *United Nations Convention against Transnational Organized Crime* (UNTOC), adopted in 2000 (UNODC, 2004a). Although organ trafficking is not explicitly mentioned in the Convention, it provides the foundational legal framework for combatting all forms of transnational organized crime, including human trafficking and related illicit markets, through criminalization, judicial cooperation, and the strengthening of domestic law enforcement capacities (UNODC, 2000). Supplementing this convention is the significant milestone in the global fight against human trafficking, that is to say the adoption of the *Protocol to Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children* (also known as the *Palermo Protocol*) by the United Nations General Assembly in 2000 (Columb, 2014; UNODC, 2000).

These efforts aim to harmonize international standards and encourage member states to implement comprehensive policies against organ trafficking, but, however, the effectiveness of these normative measures heavily on national commitment and cross-border cooperation (UNODC, 2020b). The UN has played a pivotal role in framing the international legal and normative architecture to combat this

illicit trade, addressing it through a combination of human rights principles, criminal justice measures, public health approaches, and international cooperation (UNODC, 2015).

The *Trafficking Protocol* was the first multilateral treaty to explicitly recognize human trafficking for organ removal as a criminal offense, and this protocol, which has been widely ratified, defines trafficking as the recruitment, transportation, transfer, harbouring, or receipt of individuals through threats, coercion, frauds, deception, or abuse of power for the purpose of exploitation. The *Protocol* aims to standardize definition of human trafficking across countries and promote cross-border cooperation for investigating and prosecuting trafficking cases, such exploitation includes forced prostitution, forced labour, slavery, servitude, and organ removal (Columb, 2014; UNODC, 2000).

The decision to include organ removal was made late in the negotiations and was added for further discussion, leading to a lack of clear definitions and provisions regarding organ trafficking, which had not been considered previously in international law. Importantly, the *Protocol* did not address various forms of organ trade, such as organ sales or transplantation tourism; it was later clarified that trafficking in organs independent of the body is not covered under the *Trafficking Protocol* and, consequently, its scope and application in relation to organ trafficking remains limited and vague, especially regarding when a consensual organ sale becomes exploitive and qualifies as trafficking (Columb, 2014; Francis, and Francis, 2010).

The *Trafficking Protocol* primarily serves prosecutorial purposes, offering flexibility for states in defining and prosecuting human trafficking cases. The inclusion of terms such as “the abuse of power” or “position of vulnerability” allows state to interpret and apply the law broadly. For instance, in the *Medicus Clinic case*, the EU Appeals Panel affirmed the human trafficking charges based on the donor’s vulnerability, emphasizing that such organ donation was driven by exploitation rather than altruism (Columb, 2014; Parliamentary Assembly, 2011; UNODC, 2013).

The *Medicus Clinic case* is one of the most well-known instances illustrating the challenges and illicit practices linked to organ trafficking: Medicus Clinic, based in Kosovo, was implicated in a major organ trafficking scandal in the late 2000s, where poor and defenceless individuals were reportedly recruited, often through coercion or deception, to sell their kidneys to foreign patients seeking transplants. The case highlighted severe ethical violations, exploitation of economically disadvantaged populations, and the shortcoming of regulatory frameworks in preventing illegal organ trade (Nielsen et al., 2023). Investigations revealed that some medical professionals were complicit in facilitating these illegal transplants, exposing systemic corruption and weak oversight in the healthcare system. The Medicus Clinic scandal became a catalyst for stronger international

attention on organ trafficking and prompted calls for improved legislation and enforcement measures across affected countries (Jafar, 2009).

Although the *Protocol* makes some efforts to protect victims, such as urging states to cooperate with civil society for victim recovery, it does not complete states to ensure compensation or remedies for victims (UNODC, 2013; Yousaf, and Purkayastha, 2016). The *Protocol* lacks a monitoring mechanism to ensure effective implementation, leading to challenges in enforcing its provisions. At the regional level, the *European Trafficking Convention* adds more victim-centres provisions and stronger obligations for victim protection. However, its focus remains limited, especially regarding organ trade (Council of Europe, 2005), and despite human rights violations, victim assistance is contingent on the outcome of criminal proceedings, and not all victims receive adequate help (UNODC, 2014b).

The framework, while recognizing the importance of protecting victims, is often criticized for being reactive rather than proactive, as it tends to address consequences of trafficking without tackling the root causes, such as the economic conditions of organ trade, the current anti-trafficking measures are unlikely to benefit organ sellers or address the broader socio-economic factors contributing to their vulnerability (IOM, 2015b).

The United Nations Office on Drugs and Crime (UNODC), as a custodian of the *UN Conventions against Transnational Organized Crime (UNTOC) and its protocols*, plays a crucial role in combating human trafficking, providing assistance to states by drafting legislation, creating national anti-trafficking strategies, and offering the necessary resources to implement these measures (UNODC, 2020b). Additionally, UNODC helps develop local expertise and facilitates cross-border cooperation in investigations and prosecutions, supporting Member States in combating trafficking in persons for the purpose of organ removal (Columb, 2014; Jafar, 2011).

In 2015, UNODC published the “*Assessment Toolkit: Trafficking in Persons for the Purpose of Organ Removal*”, offering practical guidance on how to identify, investigate, and prosecute cases of organ trafficking while safeguarding the rights of victims (UNODC, 2015). The toolkit provides detailed indicators of trafficking scenarios, such as coercion, fraud, or abuse of vulnerability in the context of organ removal, and has become an essential resource for law enforcement, judicial authorities, and health professionals worldwide (Malakooti, 2016; UNODC, 2023a).

UNODC has been instrumental in the collection and dissemination of global data through its *Global Report on Trafficking in Persons*, which includes statistics and case studies related to trafficking for organ removal. While the number of documented cases remains relatively low compared to other

forms of trafficking, the reports have emphasized that this is likely due to the hidden and underreported nature of the crime (UNODC, 2020a).

The United Nations has repeatedly urged Member States to develop more robust systems for detecting, reporting, and responding to organ trafficking cases and to integrate health, law enforcement, and victim support systems more effectively (UNODC, 2022c).

The UN Human Rights Council has addressed organ trafficking as part of its broader mandate to promote and protect the right of life, dignity, and bodily integrity. In 2007 and again in 2012, the Council adopted resolutions condemning the illicit removal and trafficking of human organs, particularly when committed against vulnerable populations such as prisoners, refugees, or persons in poverty (UNHCR, 2012b). These resolutions called for transparent regulatory systems, ethical standards in transplantation, and the prohibition of financial incentives in organ procurement (United Nations General Assembly, 2024).

The *Special Rapporteurs on trafficking in persons and on the sale of children* have also contributed significantly to raising awareness and shaping norms around organ trafficking; in multiple reports, they have documented the systemic risks posed by transplant tourism, black markets, and unethical medical practices in both developed and developing countries. In a 2013 report, *the Special Rapporteur on the sale of children* specifically highlighted the commodification of children for their organs, urging stronger protections and international oversight mechanisms (OHCHR, 2022b; UNHRC, 2015).

The United Nations General Assembly has also recognized the threat posed by organ trafficking: *Resolution 70/179*, adopted in 2015, emphasized the need for a comprehensive international approach to trafficking in persons and included calls for Member States to criminalize organ trafficking explicitly in their domestic legislation and to prosecute offenders without delay (UN General Assembly, 2016). The resolution aligns with the broader *UN Sustainable Development Goals* (SDGs), particularly Goal 3 on good health and well-being and Goal 16 on peace, justice, and strong institutions, which together reinforce the imperative of ethical organ donation systems and the elimination of trafficking networks (United Nations, 2015).

International organizations and governments have attempted to address these issues through sanctions: in June 2018, the United Nations and the United States sanctioned key figures, including a Libyan coast Guard commander in Zawiya and the leader of the Shuhaba al-Wadi militia, for their involvement in human trafficking. Although the Government of National Accord (GNA) publicly supported these sanctions and removed the Coast Guard official from his position, no further

investigations or prosecutions followed. This lack of accountability highlights the limitations of international pressure in a country where law enforcement is weak and institutions remain deeply infiltrated by criminal networks (Edwin, 2023; ISPI, 2025).

Another important step was the adoption of *The United Nations Global Initiative For Fight Human Trafficking* (UN.GIFT), launched in March 2007 by the United Nations Office on Drugs and Crime (UNODC) with funding from the United Arab Emirates, which is a collaborative effort designed to combat human trafficking worldwide (UNODC, 2007).

The UN.GIFT alliance consists of six major international organizations that provide expertise to governments and non-governmental entities in addressing human trafficking. The initiative operates in partnership with key international organizations, including:

- The International Labour Organization (ILO), which focuses on protecting workers' rights, particularly in cases of forced labour, child labour, and migrant workers, advocating for gender equality, fair employment policies, and safe working conditions (ILO, 2017; ILO, 2024).
- The International Organization for Migration (IOM), which adopts a comprehensive approach to combat trafficking by preventing exploitation, assisting victims, and working with governments and civil society; since 1994, IOM has implemented nearly 500 counter-trafficking projects in 85 countries and has helped over 15,000 trafficking victims (IOM, 2019b)
- UNICEF's anti-trafficking efforts align with its mandate to protect children from violence, abuse, and exploitation, addressing trafficking-related violations of children's rights, including sexual exploitation, forced labour, and illegal adoption (UNICEF, 2006; UNICEF, 2025).
- The Office of the High Commissioner of Human Rights (OHCHR), which integrates human rights principles into anti-trafficking measures, focusing on addressing root causes such as economic disparities and discrimination while strengthening victim protection (OHCHR, 2014).
- The Organization for Security and Cooperation in Europe (OSCE), which applies a broad security perspective to combat trafficking, working its 56 member states to enhance cooperation, build capacity, and promote a zero-tolerance approach to human trafficking (Edwin, 2022; OSCE, 2021).

These organizations work together to provide expertise, promote innovative solutions, and foster partnerships to address the global crisis of human trafficking (Edwin, 2022; UNODC, 2007).

UN.GIFT operates on the principle that human trafficking is a crime of such scale and brutality that no single government can tackle it alone. The primary goals and initiatives of UN.GIFT emphasize key objective: first, to generate global awareness, commitment, and action against human trafficking by enhancing coordination among diverse stakeholder through innovative partnerships, and promoting evidence-based policymaking. Second, to support countries in establishing and strengthening assistance structures for trafficking victims, developing the institutional and individual capacity of those involved in combating trafficking (Gallagher, 2001; UNODC, 2007; UNODC, 2014a; UNODC, 2022c).

To achieve this, UN.GIF focuses on enhancing coordination among existing initiatives, expanding knowledge and awareness, providing technical assistance, and promoting rights-based responses. Additionally, it aims to strengthen the capacity of both state and non-state actors, encourage joint efforts, and ensure shared responsibility in the fights against trafficking (Fredette, 2009; UNODC, 2000; UNODC, 2007). As a matter of fact, the UN.GIFT Steering Committee, which includes representatives from these founding members and the primary donor, coordinates anti-trafficking efforts, enhancing their impact and ensuring effective delivery of activities (Edwin, 2022).

By facilitating collaboration among UN agencies, international organizations, governments, businesses, academia, civil society, and the media, UN.GIFT seeks to create synergies and maximize the impact of anti-trafficking efforts (UNODC, 2007). Through its comprehensive approach, UN.GIFT aspires to develop efficient, cost-effective, and sustainable solutions that can be implemented across different national and regional contexts. By mobilizing resources, expertise, and cooperation, it continues to play crucial role in the global effort to eradicate human trafficking (Edwin, 2023; UNODC, 2007).

Despite international commitments, implementing the protocol remains a challenge: many traffickers operate with impunity, as convictions remain rare and most victims go unidentified and unassisted. Addressing human trafficking requires a coordinated international effort, robust legal frameworks, and effective law enforcement to protect victims and dismantle criminal networks. *UNODC's Global Programme against Trafficking in Persons* continues to play a vital role in this ongoing battle, working to turn international legal commitments into practical, on-the-ground-solutions (Columb, 2014; Edwin, 2023; UNODC, 2020a).

The issues of organ trafficking has become a significant concern on the global stage, prompting various international bodies, particularly the World Health Organization (WHO), to develop guidelines aimed at curbing illegal organ trade and exploitation. These efforts have evolved overtime, with the goal of establishing a comprehensive ethical framework for organ transplantation

and addressing the exploitation of vulnerable individuals involved in organ removal (Nullis-Kapp, 2004)

The U.S Department of State has made a distinction between illegal organ trade and organ trafficking, noting the former can become trafficking if it involves coercion or the abuse of a donors vulnerability. In 2012, the UN Office on Drugs and Crime published an issue paper to explain how abuse of a position of vulnerability in the context of organ donation can qualify as trafficking, as defined by the UN *Trafficking Protocol* (UNODC, 2000; UNODC, 2012).

The World Health Organization (WHO) took the first formal step in 1987 by declaring the organ trade incompatible with the fundamental human values and a violation of *the Universal Declaration of Human Rights* (UDHR). This stance was reinforced in 1991, when the World Health Assembly (WHA) of the WHO endorsed the *Guidelines Principles on Human Cell, Tissue, and Organ Transplantation* through *Resolution WHA44.25*, which emphasized that organs should only be donated voluntarily, without any financial transactions (Columb, 2014; Nullis-Kapp, 2004; WHO, 1987; WHO, 2010a).

The primary purpose of these guidelines was to combat the growing problem of organ trafficking and illegal transplantation by offering an ethical framework for the acquisition and transplantation of human organs for therapeutic purposes. These principles established important ethical standards for organ donation and transplantation, aiming to prevent the exploitation of vulnerable populations. (WHO, 2010a; Yousaf, and Purkayastha, 2016).

In 2010, the World Health Assembly revised these principles and adopted *The Global Code of Practice on the International Recruitment of Health Personnel*, through the *Resolution WHA63.22*, as a voluntary framework to promote ethical principles in the international recruitment of health workers and to protect the sustainability of health systems in source countries, which further sentenced the practice of purchasing human body parts and the exploitation of vulnerable people for organ procurement (WHO, 2010b).

The *Code* seeks to guide Member States in developing or improving national legal frameworks and in negotiating bilateral agreements that respect the rights of source and destination countries as well as the health personnel themselves. It emphasized cooperation between governments, recruitment agencies, professional associations, and other stakeholders, encouraging the exchange of information, and data to strengthen global health systems. The *Code* also establishes a triennial reporting requirement for Member States and relevant stakeholders, enabling the WHO Secretariat to monitor implementation (WHO, 2010b).

Guiding Principle 5 clearly stated that: “Cells, tissues and organs should only be donated freely, without any monetary payment or other reward of monetary value. Purchasing, or offering to purchase cells, tissues or organs for transplantation, or their sale by living persons or by the next of kin for deceased persons, should be banned...” (Columb, 2014; WHO, 2010b).

This was a crucial development as it reinforced the position that organ trafficking involves exploitation and must be prohibited worldwide. This prohibition extended beyond just the commercial transactions of organs, recognizing that exploitation for organ removal was a form of human trafficking, thus aligning it with the *UN Protocol To Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children*, 2000 (UNODC, 2000).

By 2005, the crime of commercial organ trading had become increasingly widespread, with vulnerable populations in economically weak countries, like transit migrants in Egypt being the primary victims (Alnour, Sharma, Halawa, and Alalawi, 2021; Delmonico, et al., 2008).

The growing concern over transplant tourism and organ trafficking was further discussed at the *International Summit on Transplant Tourism and Organ Trafficking in Istanbul in 2008*, organized by the Transplantation Society (TTS), which has actively worked at the global level to develop legally and ethically acceptable policies, and International Society of Nephrology. More than 150 experts, practitioners, and advocates convened to develop the *Declaration of Istanbul*. This declaration refined the UN’s definition of organ trafficking and provided a more specific description of what constitutes organ trafficking, including the recruitment, transport, transfer, harbouring, or receipt of living or deceased individuals or their organs through coercion, abduction, fraud, deception, or exploitation (The Transplantation Society and International Society of Nephrology, 2008).

The primary goal of these initiatives is to eliminate illegal organ trafficking and ensure that transplantation practices follow ethical guidelines, additionally, these efforts aim to encourage voluntary organ donation programs by obtaining informed and willing consent from donors (Alnour, Sharma, Halawa, and Alalawi, 2021; The Transplantation Society and International Society of Nephrology, 2008).

According to the *Declaration*, transplant commercialism, or the practice of treating organs as commodities to be bought and sold, generally leads to the exploitation of vulnerable donors and should be strictly prohibited (Council of Europe and United Nations, 2009; Delmonico et al., 2012; Yousaf, and Purkayastha, 2016). In response to this crisis, the *Declaration of Istanbul* and the WHO advocate for increasing the donor pool, especially through deceased organ donation, as a means of

preventing organ trafficking. The strategy aims to expand transplantation programs worldwide, particularly in countries lacking sufficient organ procurement systems (Columb, 2014).

However, while increasing donations is seen as a solution, it does not fully address the root causes of organ trafficking; the persistent shortage of organs, even in countries with established donor programs, continues to drive illegal trade (Columb, 2014; Scheper-Hughes, 2000).

The event also resulted in the creation of the Declaration of Istanbul Custodian Group, tasked with overseeing and promoting the principles outlined in the *Declaration*, which included ethical organ procurement, the prevention of exploitation, and the regulation of transplant tourism (Steering Committee of Istanbul Summit, 2008).

The *Declaration of Istanbul* has gained widespread recognition and support from approximately 115 global bodies dedicated to organ transplantation and its influence has been significantly boosted through its active involvement in conferences, organized by its members. These conferences have served as platforms for sharing knowledge and presenting work related to ethical organ transplantation (Steering Committee of Istanbul Summit, 2008). Endorsement of the *Declaration* is a requirement for participation in these conferences, for presenting research, and for even joining as a guest speaker. Additionally most internationally recognized journals now require authors to disclose their association with the *Declaration* before publishing their work (Steering Committee of Istanbul Summit, 2008).

Once an organization or individual has endorsed the *Declaration*, it is essential for them to notify the Patient Affairs Committee of any conflicts when implementing the policy; the Committee plays an essential role in evaluating organ procurement practices in different locations, as it communicates directly with high-ranking authorities of the respective countries, rather than engaging with smaller local groups. This top-down approach ensures that local authorities are held accountable and reduced the likelihood of unethical conduct in organ procurement and transplantation activities (Alnour, Sharma, Halawa, and Alalawi, 2021; Steering Committee of Istanbul Summit, 2008).

In conclusive terms, the combined efforts of the World Health Organization (WHO) and the United Nations (UN) have established a comprehensive legal, ethical, and operational agenda to address the global challenges of organ trafficking. Through instruments such as WHO *Guiding Principles on Human Cell, Tissue and Organ Transplantation* (WHO, 2010a) and initiatives like the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) (UNODC, 2000; UNODC, 2007),

these organizations have sought to harmonize international standards, promote ethical procurement, and enhance cross-border cooperation (UNODC, 2000; UNODC, 2007; WHO, 2010a).

Despite these measures and initiatives, there remains a significant lack of united protection and enforcement across countries, resulting in persistent gaps that allow organ trafficking to continue unabated. The fragmentation of legal frameworks, inconsistent application of ethical standards, and limited accountability mechanisms, especially in Libya and Egypt hinder effective prevention and prosecution. Consequently, victims often remain vulnerable, and illegal trade persists. Highlighting the challenges in translating international directives into concrete, coordinated action on the ground (UNODC, 2000; WHO, 2010c).

#### **4.2 The EU Policies and EU-North Africa cooperation**

Organ trafficking is a crucial and persistent violation of human rights and a pressing transnational criminal issue that has garnered increasing attention within the European Union (EU) over the past few decades. In response, the EU has developed a multi-layered framework combining legislative measures, policy instruments, cross-border cooperation, and support for international initiatives aimed at eradicating this illicit trade (Prpic, 2024).

The foundations of the EU's approach to organ trafficking rest on broader legal and ethical commitments to uphold human dignity, prevent trafficking in human beings, and protect public health. Although the phenomenon of organ trafficking per se was not always explicitly addressed in early EU documents, it gradually gained prominence as part of the wider fight against trafficking in persons and organized crime (European Commission, 2017b).

Important international frameworks, such as the *Council of Europe Convention on Biomedicine and Human Rights*, also categorically rejected organ sales and sought prevent financial exploitation in transplantation practices (Columb, 2014). The Convention is also known as the *Oviedo Convention*, and it was adopted in 1997 in Oviedo, Spain, and entered into force in 1999. It is the first legally binding international instrument dedicated to bioethics, aiming to protect human dignity, rights, and freedoms in the application of biology and medicine. The *Convention* establishes principles related to informed consent, the prohibition of financial gain from the human body parts, equitable access to healthcare, and the primacy of the individual's welfare over the sole interest of society or science. It also addresses genetic testing, organ and tissue removal from living donors, biomedical research, and transplantation ethics. The *Convention* is supplemented by additional protocols, including those

concerning transplantation organs and tissue of human origins, biomedical search, genetic testing for health purposes, and the prohibition of cloning human beings (Council of Europe, 1997)

One of the earliest and most significant legislative instruments in this domain is the Council of Europe *Convention against Trafficking in Human Organs (CETS No. 216)*, adopted on July 9, 2014, and opened to signature on March 25, 2015, in Santiago de Compostela, Spain, which aims to combat the trafficking of human organs through new offenses that supplement existing international legal frameworks (Columb, 2014; Council of Europe, 2014).

This *Convention* is the first legally binding international instrument focused on preventing and combating trafficking in human organs, but, at the same time, the *Convention* introduces a broader definition of “trafficking” as the illicit removal of human organs, which differs from the *Trafficking Protocol’s* definition; this discrepancy may cause confusion for states adopting the convention (Council of Europe, 2014; Gawronska, 2019).

It was opened for signature to both EU and non-EU states, and while the *Convention* was developed by the Council of Europe, rather than the EU itself, the European Commission has supported its objectives and encouraged Member States to ratify and implement its provisions. The *Convention* criminalizes the removal and trafficking of human organs when done without the free, informed, and specific consent of the donor or in exchange for financial gain (Council of Europe, 2015a).

A key issue with the *Convention* is its reliance on two conditions for criminalization: lack of informed consent and the exchange of money. While informed consent is generally required for organ donation, it becomes problematic because many organ sellers voluntarily agree to sell their organs due to socio-economic pressures, such as poverty or debt (Council of Europe and United Nations, 2009; Delmonico et al., 2012). From a moral perspective, selling an organ is controversial, but not necessarily exploitative if the seller benefits in some way from the transaction (Yea, 2010; Columb, 2014).

The *Convention against Trafficking in Human Organs* does not distinguish between organ sales and organ trafficking, which is problematic because it treats the exchange of organs for financial gain as inherently criminal, making it difficult to discern exploitation from voluntary transactions. This approach oversimplifies the issue and overlooks the structural conditions that drive people to sell their organs. Consent, in this context, becomes a fixed legal standard, ignoring the broader economic and social factors that render individuals vulnerable to exploitation (Columb, 2014; Yea, 2010).

Moreover, the *Convention* does not address the inconsistencies in how different states punish organ sales and trafficking, as punishments vary widely, from minimal fines or short prisons sentences (e.g, the UK) to lengthy sentences in countries like Egypt. This lack of harmonization means that states have significant discretion in prosecuting organ donors, with potential for organ sellers to be criminally liable unless they are recognized as victims of trafficking (Columb, 2014; Council of Europe, 2014). In the end, the *Convention* does little to resolve these inconsistencies, instead simply urging states to adopt new offenses aimed at preventing and combating trafficking (Columb, 2014).

The *Council of Europe Convention against Trafficking in Human Organs* lacks substantial impact due to its reliance on vague, non-binding language, similar to the *Trafficking Protocol*. For instance, *Article 4(4)* merely states to “consider” implementing legal measures to criminalise organ removal from living or deceased donors, rather than mandating it. The *Convention* also uses ambiguous terms like “undue advantage” (*Article 7*), and “vulnerable person” (*Article 13*), offering no clear definitions or guidance (Council of Europe, 2014).

Key provisions such as *Article 11* on corporate liability are left to the discretion of existing state laws which may not be proportionate to the offense. In terms of prevention, *Article 21* focuses on punitive measures rather than addressing the root cause of organ trafficking, such as reducing organ failure. Additionally, there are no mandatory reporting requirements or mechanisms for monitoring implementation (Columb, 2014; Council of Europe, 2014).

At the EU level, another important step is the adoption of the *Directive 2010/53/EU on standards of quality and safety of human organs intended for transplantation*, which marked a critical phase in regulating transplantation practices across the Union. While primarily focused on ensuring the safety and traceability of organ donation and transplantation, the *Directive* also indirectly addresses organ trafficking by promoting transparency, strict regulation of transplant centres, and robust systems for donor consent and procurement (European Commission, 2010; European Parliament and Council, 2010; European Union, 2010). The *Directive* established national competent authorities in each Member State responsible for authorizing organ procurement and transplantation activities, this providing a legal framework that helps prevent illicit practices (European Parliament and Council, 2010).

Further addressing criminal aspects, *Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims* recognizes organ trafficking as a form of exploitation under the umbrella of trafficking in persons (European Parliament and Council, 2011). This *Directive* obliges Member States to criminalize trafficking for the purpose of organ removal and to adopt victim-centred policies including assistance, support, and protection for trafficked individuals

(European Parliament and Council, 2011). Importantly, the *Directive* emphasizes the importance of cross-border cooperation and information-sharing among law enforcement authorities, which is vital in dismantling transnational organ trafficking networks (European Parliament and Council, 2011).

In addition to legal instruments, the EU has developed policy frameworks such as the *EU Action Plan on Organ Donation and Transplantation (2009-2015)*, which laid the groundwork for improving the availability and quality of organs while safeguarding ethical standards. One of the objectives of the *Action Plan* was to strengthen the protection of living donors and to monitor potential trafficking risks (European Commission, 2008). Through the *Plan* concluded in 2015, it was succeeded by continuous monitoring and support through EU-funded initiatives and coordination under the EU Health Programme (European Commission, 2015a).

Europol, the EU's law enforcement agency, plays a key role in addressing organ trafficking as part of its mandate to combat serious and organized crime. In its reports and operations, Europol has highlighted the links between organ trafficking and broader criminal networks involved in smuggling, forced labour, and sexual exploitation (Europol, 2021). The agency has supported Member States through intelligence sharing, joint investigations, and capacity-building efforts aimed at detecting and preventing organ trade activities (Europol, 2021).

An important framework, which also focuses on migration as a key element, is *the EU Agenda on Migration* which is built on the assumption that securing borders disrupts human smuggling and trafficking networks (European Commission, 2015a). However, instead of working against criminal groups, the EU's migration deterrence policies have fostered a symbolic relationship between legal and illegal actors. By outsourcing border control to third-party states, like Libya and Egypt, the EU inadvertently fuels illicit markets that exploit migrant populations for profit (Columb, 2024a).

The EU's migration containment strategy has deepened criminal synergies between states and non-states actors in North Africa as Libya received €90 million from the *EU Trust Fund for Africa* (EUTF) in 2017 to establish protection spaces for migrants, which were effectively detention centres (European Commission, 2017a); this funding also included military equipment and training for the Libyan Coast Guard, despite reports of human rights abuses (Human Rights Watch, 2022a).

On the other hand, Egypt received €80 million (2022-2023) and an additional €200 million in 2014 to curb irregular migration; this has bolstered its surveillance and law enforcement under the National Coordinating Committee for Combating and Preventing Illegal Migration (NCCPIM) while legitimizing Egypt's oppressive policies (European Parliament, 2024). *Egypt's Law No*

82/2016, which combats illegal migration, expands the scope of human trafficking laws but conflates irregular migration with smuggling, advancing a law enforcement-driven approach. Despite claiming not to criminalize migrants, in practice, many are arrested, detained, and even refouled at border crossing with Sudan (Egypt Today, 2020; Human Rights Watch, 2022b).

The *EU Action Plan 2015-2020* was established with the primary aim of combating migrant smuggling and addressing the broader issues linked to illegal migration into Europe. This action is not only intended to disrupt the illicit channels through which migrant smuggling occurs but also serves as a strategic initiative to tackle the root causes of the problem. It is part of the EU's broader effort to control the influx of illegal migrants and the activities of migrant smugglers, which have been continuously adapting to changes in EU security measures and surveillance protocols (European Commission, 2014; Jasmine, et al., 2023).

One of the key elements of the EU's approach involves strengthening its security and surveillance frameworks, which act as a safeguard against not just migrant abductions but also the long-term socio-economic and security impacts of admitting large numbers of migrants. Given the ever-evolving tactics of migrant smugglers, the EU has worked to adapt its measures in response to the growing challenges posed by illegal migration and the smuggling networks that facilitate it (European Commission, 2020).

The increasing number of illegal migrants attempting to enter Europe has made the need for more effective cooperation and border control mechanisms all the more urgent (Frontex, 2023). The EU's response reflects both a tactical shift to combat smuggling and a broader strategy to ensure the safety and stability of the region (Martini and Megerisi, 2023).

Despite increased border reinforcement and law enforcement crackdowns, irregular migration to Europe continues, but with new exploitative dynamics; these measures have weakened essential support networks for migrants in transit, making them more vulnerable to exploitation by both state and non-state actors. Smuggling laws often criminalize migrants and their helpers, even those providing aid without financial gain (Amnesty International, 2019; Columb, 2024a).

The European Union's counter-smuggling policies in North Africa have contributed to the marginalization and vulnerability of refugee populations, and by prioritizing deterrence over resettlement, the EU-Africa cooperation has resulted in indiscriminate arrests and forced returns pushing migrants onto more dangerous and clandestine routes. Overtime, this state-driven neglect has transformed asylum itself into a commodity, one that is bought, sold, and controlled by both state and non-state actors (Columb, 2024a; European Commission, 2015b).

One of the most extreme manifestation of this commodification of migrant bodies is the illicit trade in human organs, which has been shaped by the EU's securitization policies, which have created a symbiotic relationship between migration control and criminal enterprise. These policies have resulted in a black market economy, where intermediaries, some with ties to state-backed forces, monopolize access to essential services, including clandestine transportation and healthcare, at extortionate prices (Columb, 2024a).

Many migrants who sold a kidney did so as a mean to finance their journey to Europe, but after being arrested, detained, or forcibly returned to an EU-designed safe country such as Egypt, as previously explained in the previous chapter. With few legal pathways for migration and after exhausting their resources in multiple failed asylum attempts, some migrants were pressured into organ sales as means to settle smuggling debts or secure safe passage (Columb, 2024a).

By outsourcing migration control to North African states and funding enforcement operations, the EU has created conditions of confinement and economic desperation that push migrants into unequal and exploitative transactions (Amnesty International, 2025; Columb, 2024a).

Given their shared interest in migration management, Libya and the European Union (EU) have developed significant collaborative efforts to combat human trafficking during migration, and both entities have launched numerous missions and programs to address these transnational crimes, which plague migrants as they travel from Africa to Europe via Libya (European Commission, 2023a; Jasmine, et al., 2023).

The *EU Border Assistance Mission* (EUBAM) was established in 2013 under the Common Security and Defence Policy of the EU; the mission aimed to strengthen Libya's border control capabilities in land, air, and sea sectors. This initiative was part of a broader effort to improve *Integrated Border Management* (IBM) and enhance Libya's security infrastructure, helping the country regulate migration more effectively and combat trafficking (Council of the European Union, 2013).

In addition to EUBAM, the EU launched the *Frontex Joint Operation Triton* on June 22, 2015: this naval operation focused on securing the waters between Libya and Italy, aiming to track and protect against threats, such as human trafficking, while also ensuring the safety of migrants crossing the Mediterranean. The operation was especially important during the 2016 migration crisis, as it provided protection to migrants trying to reach Europe from Libya (Frontex, 2017; Nugroho, and Elistania, 2019; Jasmine, et al., 2023).

Another significant EU initiative was the *EU Military Operation in the South Central Mediterranean* (EUNAVFOR MED), which began in 2015: this mission targeted smuggling

networks operating at sea with the goal of tracking, intercepting, and neutralizing ships and other infrastructure used by traffickers. With the rising number of migrants in 2016, the EU refocused on the central Mediterranean route, where the majority of migrants were leaving from Libya (European External Action Service, 2017b; Martini and Megerisi, 2023).

The EU has also worked within its legal and human rights frameworks to ensure that its migration policies align with the protection of trafficking victims; according to the *EU Charter of Human Rights*, victims of human trafficking are entitled to rights such as access to healthcare, employment, and justice. Additionally, under the *Directive 2012/29/EU*, member states are obligated to rescue and protect trafficking victims, offering them support according to relevant defence legislation. The *Directive 2004/81/EC* sets standards for granting residence permits to victims of trafficking from third countries (European Commission, 2021; Jasmine, et al., 2023).

The current refugee crisis in the Mediterranean has prompted some EU Member States to propose establishing asylum-processing centres outside Europe, likely in North Africa: the plan suggests that individuals should only enter Europe after their asylum claims have been positively processed, with refugees then resettled across the EU based on a quota system (Léonard and Kaunert, 2019; Warbrooke, 2014). This proposal is not new, first suggested by the United Kingdom in 2003, followed by Germany in 2005 and Italy between 2007-2009. This idea draws inspiration from *Australia's Pacific Solution 2001-2008* and its *Operation Sovereign Borders* since 2013 (Wood, 2002).

The EU has yet to advance such proposals, primarily due to several practical challenges, such as uncertainty about who would handle asylum claims in these third countries and what would happen to refugees once recognized (Carrera and Guild, 2017; Pries & Zülfiyar Savci, 2023). More crucially, the European Court of Human Rights (ECtHR) has repeatedly stated that the EU's legal responsibilities toward asylum seekers extend beyond its physical borders, meaning EU member States cannot outsource their obligations under the *European Convention on Human Rights* (ECHR) (ECtHR, 2016).

The European Union has increasingly externalized its borders since 1990s, particularly through remote control measures like visa policies and an extensive military and police presence aimed at limiting access to EU territory for those in need of international protection (Ruhrmann and FitzGerald, 2016).

In recent years, European measures so far have focused on managing the flow of migrants from transit countries rather than addressing migration in countries of origin or nearer to Europe. The EU

has also entered into agreements with other Northern African countries, such as Morocco and Tunisia, to enhance their border management capabilities, and Italy has signed several agreements with the UN-backed Government of National Unity (GNA) in Tripoli to prevent migrants from reaching Italian shores (Beşer, and Elfeitori, 2018; Wintour, 2017).

These agreements include providing training and equipment to local border agents and ensuring the return of irregular migrants from Europe under “readmission agreements” (European Commission, 2013; Limam and Del Sarto, 2015). Furthermore, the EU started similar agreements with several sub-Saharan countries like Ethiopia, Mali, Niger, Nigeria, and Senegal, also reinforcing cooperation with Horn of Africa countries like Djibouti, Kenya, Libya, Somalia, and South Sudan to stem irregular migration to Europe (IOM, 2014; Netherlands Institute for Human Rights, 2017; Nielsen, 2016).

A prominent example of this externalization is the February 2017 *EU Summit in Malta*, where the former EU Council President, Donald Tusk, promised to close the Central Mediterranean migration route. This was followed by the signing of *Memorandum of Understanding* between Italy and the UN-backed Libyan government, aiming to combat illegal immigration, human trafficking, and contraband, and to strengthen border security between Libya and Italy (EU-Libya Memorandum of Understanding, 2017).

The *Memorandum of Understanding* between Italy and the GNA aimed to train Libyan forces to combat illegal immigration at sea, but the Libyan court ruled that the GNA lacked the constitutional authority to sign agreements, only to overturn this decision later. The *2017 Italy-Libya Memorandum of Understanding*, while not officially endorsing a pushback policy, effectively transfers the responsibility of intercepting and returning migrants to Libyan authorities (Ceretti, 2023; Human Rights Watch, 2019b).

Despite this, deals have been made with the Libyan coast guard, which is often misleading as the coastal guard is composed of militias. Given the ongoing power struggle between three governments and numerous militias, the so-called coastal guards are essentially militias groups (Amnesty International, 2017a; Human Rights Watch, 2016b).

However, Libya’s political instability and the division of power among rival governments raised concerns, as some factions do not recognize the legitimacy of the agreement, nevertheless, the EU endorsed the deal in its *Malta Declaration* (Council of the European Union, 2017; Eurojust, 2022).

This new *memorandum* builds a previous *2008 Treaty of Friendship* between Italy and Libya, which had included Italy’s financial support for migration containment, including funding detention

centres in Libya (Del Sarto, 2010; Global Detention Project, 2021; Levy, 2010). The latest deal extends Italy's financial and technical support to Libya, enabling its Navy and Coast Guard to intercept more migrant boats and improve conditions in Libyan detention facilities (Memorandum of Understanding, 2017). Italy's financial assistance to Libya, initially set at €30 million in 2008, was then projected to rise to €240 million (Merelli, 2022).

However, this agreement raises serious human rights concerns regarding the treatment of migrants in Libya: Libya is not a signatory to the *1951 Refugee Convention* and has no domestic laws or procedures for considering asylum claims. Migrants arriving in Libya without valid travel documents are deemed “*illegal and detained in centres under poor conditions, facing abuse such as torture, sexual exploitation, forced labour, and lack of access to legal rights*” (Amnesty International, 2014; Human Rights Watch, 2017b; OHCHR and UNSMIL, 2016).

Despite these human rights violations, the *Memorandum* makes no reference to Libya's international obligations nor does it establish an independent monitoring mechanism. Following the *Malta Declaration*, EU leaders emphasized that the goal was to reduce irregular migration and save lives at sea (European Council, 2017).

The EU's approach to migration, particularly in relation to Libya, highlights significant contradictions and human rights concerns that undermine its stated objectives of reducing irregular migration; the EU's efforts to externalize its borders have not only resulted in the mistreatment of migrants in countries like Libya but have also failed to reduce the number of people attempting to reach Europe. In fact, the fear for their lives due to widespread abuse and violence in Libyan detention centres is precisely what compels migrants to risk their lives crossing the Mediterranean as quickly as possible (European Commission, 2015b; Human Rights Watch, 2017b).

In response to the closure of the eastern Mediterranean route following the *EU-Turkey deal of 2016*, the Central Mediterranean route has become the main pathway for migrants, with over 180,000 arrivals in Italy that year (Frontex, 2016; Gogou, 2017).

The EU's approach reflects a worrying tendency to circumvent international and regional law, which undermines the fundamental values upon which the EU was founded. The agreement with Libya might keep the problem of irregular migration out of immediate view but does not address the root causes or diminish the suffering of migrants. The EU must prioritize human rights and ensure that there are mechanism in place to assess individual protection needs and to independently monitor migrant detention centres in Libya (Human Rights Watch, 2017b).

On January 25, 2017, the EU's High Representative/Vice-President Federica Mogherini outlined a new approach to reduce irregular migration across the Mediterranean, focusing on Africa. In a press conference, she declared: "*The real solution comes with the economic development of Africa. We are working with five key countries [Senegal, Ethiopia, Niger, Nigeria, and Mali], utilizing the [European] External Investment Plan, Trust Funds, and the Valetta Summit we held last year with African partners.*" (European External Action Service, 2017a). This precautionary approach involves collaboration with key African countries to reduce migration flows at the source (Beşer, and Elfeitori, 2018; Delegation of the European Union to Iraq, 2017).

Moreover, the EU has promoted international collaboration by participating in and supporting initiatives led by the World Health Organization (WHO), and the United Nations Office on Drugs and Crime (UNODC), including the *Declaration of Istanbul on Organ Trafficking and Transplant Tourism* (2008), which has helped shape global norms and ethics in organ donation and transplantation. Although non-binding, the *Declaration* has influenced European policies by advocating zero tolerance for commercial organ trade and transplant tourism (Danovitch et al., 2013; Delmonico et al., 2008).

In the realm of judicial cooperation, Eurojust has facilitated numerous cases involving organ trafficking by coordinating legal actions among national prosecutors. As the European Union's agency for judicial cooperation in criminal matters, Eurojust supports national prosecutors by enabling cross-border collaboration, sharing intelligence, and harmonizing investigation and prosecution strategies. Given the transnational nature of organ trafficking networks, Eurojust's coordination is essential for overcoming legal fragmentation and procedural disparities among member states (Eurojust, 2021).

Through joint investigations teams and operational meetings, Eurojust helps streamline evidence gathering, align charges, and expedite judicial proceedings, thereby enhancing the overall effectiveness of law enforcement responses. Moreover, Eurojust fosters cooperation with external partners, including Interpol and Europol, broadening the scope of judicial efforts beyond the EU (European Commission, 2024b). Despite these advances, challenges remain, particularly in ensuring timely information exchange and addressing differing national legal frameworks that can hamper prosecutions (Ambagtsheer, 2025). Nonetheless, Eurojust's contributions represent a significant step towards a unified EU approach to dismantling organ trafficking networks (Eurojust, 2023).

These collaborations have proven essential in overcoming jurisdictional barriers and ensuring the prosecution of traffickers who exploit legal loopholes or operate across EU borders (Eurojust, 2023).

Frontex, the European Border and Coast Guard Agency, plays a crucial role in coordinating EU member states' efforts to manage and secure external borders, including addressing illegal migration and related crimes such as human trafficking and organ trafficking. Operations like Themis and Sophia have been central to these efforts: *Operation Sophia* (EUNAVFOR MED) was launched in 2015 to target and dismantle human smuggling and trafficking networks in the Mediterranean, with a particular focus on the central Mediterranean route from Libya to Europe (European External Action Service, 2017b).

*Operation Themis*, initiated by Frontex in 2018, focuses on surveillance and border control in the Aegean Sea, aiming to detect and prevent illegal migration and trafficking activities along the Greece-Turkey route (Ministero della Difesa, 2018). These operations illustrate the EU's strategic approach to border security, though they have faced criticism related to human rights concerns and the potential for pushing migrants into more dangerous routes (Amnesty International, 2020).

Despite these efforts, challenges remain; disparities in national legislation, lack of specific data on organ trafficking cases, and difficulties in identifying victims hinder the effectiveness of EU-wide policies. To address these gaps, the European Commission has called for better harmonization of national legal definitions, enhanced data collection mechanisms, and continuous training for healthcare professionals and law enforcement agents on how to detect signs of trafficking (European Commission, 2025c).

#### **4.2.1 Italy's Legislative and Institutional Response to Organ Trafficking**

The Italian legal system has taken notable steps in recent years to address the specific crime of organ trafficking, reflecting a broader attempt to fill previous gaps in criminal law. In 2016, Italy introduced *Article 601-bis* into *the Criminal Code* through *Law no. 236/2016*, formally criminalizing the trafficking of human organs from living donors, including the sale, transfer, or illegal handling of organs, as well as advertising or facilitating travel for these purposes (Tigano, 2017). This legislation repealed outdated provisions and consolidated penalties within the framework of crimes against personal integrity, representing a critical advancement in domestic criminal jurisprudence (Tigano, 2017).

Institutionally, enforcement of these laws involves specialized anti-crime units within Italy's law enforcement apparatus: the *Raggruppamento Operativo Speciale (ROS)* of the *Carabinieri*, specializing in complex organized crime investigations, operates in coordination with regional and national authorities to target organized networks that may be complicit in organ-related offenses

(ROS, n.d.). It is equipped to tackle terrorism and syndicate-driven criminality through advanced techniques such as undercover operations, surveillance, telecommunications analysis, and infiltration. Although not focused exclusively on organ trafficking, the ROS's mandate covers "*serious violent crimes, kidnappings, and trafficking*," adapting its methodological framework to emerging forms of organized exploitation (ROS, n.d.).

Similarly, the Guardia di Finanza, through its Gruppo d'Investigazione Criminalità Organizzata (G.I.C.O), carries out financial investigations and border surveillance, crucial for uncovering the economic and logistical dimensions of organ trafficking (ConcorsiGuardiadiFinanza, 2023).

The coordination among these forces is further supported by the Direzione Investigativa Antimafia (DIA), which unites the Carabinieri, Polizia di Stato, Guardia di Finanza, and prison police under a centralized anti-mafia strategy, allowing an integrated approach to transnational criminal networks (Understanding Italy, 2022; Law Enforcement in Italy, n.d.). These agencies do not operate in isolation, indeed, the Direzione Nazionale Antimafia e Antiterrorismo (DNAA) orchestrates the work of the district-level Anti-Mafia prosecution offices, ensuring coordination across prosecutorial jurisdictions, driving national investigations priorities, and addressing inertia or fragmentation in responses to organized crime (Ministero della Giustizia, 2024).

Civil society organizations also play vital role in monitoring and exposing the human rights dimensions of trafficking, including organ-related abuses; one such body, EveryOne Group, operates at the intersection of human rights and migration, raising awareness and documenting cases of exploitation involving migrants in Italy (EveryOne Group, 2006; Radu, 2020).

While Italy has strengthened its legislative apparatus against organ trafficking and empowered specialized enforcement agencies, the absence of full alignment with international instruments, the need for better statutory clarity, and reliance on fragmented investigative mechanisms continue to weaken the overall effectiveness of its response (Tigano, 2017).

Despite these legislative advances and institutional deployment, significant challenges persist: the National Bioethics Committee and other advisory bodies have emphasized the need for clearer legal definitions and the harmonization of organ trafficking regulations with the broader European norms (NBC, 2013). Crucially, Italy is not among the signatories or parties to the Council of Europe's *Santiago de Compostela Convention*, which significantly limits its alignment with the international standards (which are already limited their own), and deprives its judicial system of a comprehensive transnational legal framework (Council of Europe, 2015a; Council of Europe, 2019; Siller, 2017).

Another limitation lies in the lack of detailed provisions for victim assistance and witness protection in cases of organ trafficking, even though migrations and vulnerable persons constitute the majority of those affected; despite this, they rarely come forward due to fear of deportation, lack of legal status, or mistrust of authorities. This is particularly evident in Italy, where strict immigration laws such as *Legislative Decree No. 286/1998 (Testo Unico sull'Immigrazione)*, as amended by *Law No. 189/2002* (the so-called *Bossi-Fini Law*), and the subsequent restrictive measures like *Decree-Law No. 113/2018 (Decreto Sicurezza)*, have created a climate of deterrence, making undocumented migrants fearful of reporting abuses (Italian Government, 1998; Italian Government, 2018; Italian Parliament, 2002).

While Italy has comprehensive mechanisms for human trafficking victims under *Legislative Decree No. 24/2014*, the extension of such protections to organ trafficking cases remains limited and inconsistently applied (Columb, 2024a). Furthermore, the law does not explicitly address the responsibility to medical professionals, clinics or intermediaries who may knowingly participate in illegal transplants, creating loopholes that weaken accountability (Siller, 2017).

A final structural weakness is that human trafficking is still treated in broad and general terms, without specific legal focus on organ trafficking, so, consequently, perpetrators are rarely punished proportionately to the seriousness of this crime, and cases of medical or institutional complicity remain under-investigated (Radu, 2020).

Another deficiency is the absence of reliable national data collection and a specialized monitoring body dedicated to transplant-related crimes; most of the available information comes from police operations or journalistic investigations, while systematic reporting remain absent (Radu, 2020). This lack of transparency not only hampers academic research but also reduces Italy's ability to cooperate effectively with Europol, Interpol, and EUROPOL' Joint Investigation Teams (Council of the European Union, 2017; Eurojust, 2022; European Commission, 2022; Europol, 2024).

Without stronger legislative tools, including mandatory reporting by healthcare institutions, extended criminal liability for medical complicity, and ratification of international instruments, Italy risks leaving significant gaps in this fight against one of the most profitable and exploitative transnational crimes (Tigano, 2017).

Italy, together with the wider Mediterranean basin, represents a crucial region for the identification of victims of organ trafficking due to its geographical position as both a point of entry and transit for migratory flows (European Commission, 2022). The centrality of Italy's location makes it a strategic hub where migrants arriving from North Africa (Libya and Egypt) and the Middle East,

often first encounter European institutions (UNODC, 2020c). This unique position not only exposes Italy to the risks associated with transnational criminal networks but also gives it a pivotal role in developing mechanisms for the early detection and protection of victims of organ trafficking (Council of Europe, 2019).

### **4.3 National Policies and International obligations of Libya and Egypt**

#### **4.3.1 The Egyptian Case**

The Egyptian government is well aware of the ongoing issues related to organ trafficking and the exploitation of migrants within its borders (Amnesty International, 2021d), but, despite acknowledging the problem, efforts to address these challenges have often been hindered by systemic corruption and institutional weakness, which undermine the effectiveness of implemented policies (Euro-Med Human Rights Monitor, 2022). While some initiatives and legal reforms have been introduced, many of these measures remain insufficient and, at times, counterproductive, failing to provide adequate protection for vulnerable populations or to dismantle trafficking networks effectively; consequently, the persistence of organ trafficking and migrant exploitation reflects broader governance challenges to continue to impede meaningful progress (IOM Egypt, 2022).

In the effort to suppress opposition, al-Sisi's government has increasingly targeted human rights defenders, civil society groups, and NGOs, and, as a result, these organizations have been harassed, banned from travel, and had their assets frozen, hindering their ability to advocate for the rights of ordinary Egyptians and migrants. News laws have been implemented that criminalize the work of many NGOs, placing them under the direct surveillance of the Egyptian state (Wilkins, 2018).

Even though authorities have broken up with some trafficking networks, such as the 2017 bust of a large trafficking ring, the illegal organ trade continues, and the efforts of the Administrative Control Authority (ACA), tasked with investigating corruption, have not been sufficient to eliminate the black market (Human Rights Watch, 2019b; Wilkins, 2018).

International organizations, such as the United Nations, have recognized the need for greater intervention, providing support for victims of organ trafficking in Egypt by offering medical and legal assistance and documenting these crimes to improve future intervention strategies (Lopez-Fraga et al., 2014).

Organ laundering is a critical method for circumventing legal oversight, and despite the regulations established by the Egyptian law under the *Transplantation of Human Organs And Tissue Act (Law*

*no. 5/2010*), and the guidelines set by the Egyptian Medical Syndicate, the reality is that these regulations are often circumvented (Columb, 2017; Columb and Moniruzzaman, 2024). The law requires that all transplants must be approved by the Egyptian Medical Syndicate, and the involved clinic or lab must submit detailed information about the donor and the recipient to ensure that the donation is altruistic and that informed consent has been granted (Amnesty International, 2019; GODT, 2020). In practice, the affidavit confirming informed consent is often signed under the broker's direction, not by the donor of their own volition. Afterward, the necessary paperwork is processed at the Ministry of Health and transplant centres receives the official documentation (UNODC, 2022b; WHO, 2010b).

Once this paperwork is submitted, the transplant centre and its physician are legally protected, as they are operating on the basis of the supposedly verified informed consent. This process makes it difficult to prosecute, as the necessary documentation appears legitimate, and the illegal organ sale is concealed through a system of paperwork that creates the illusion of lawful procedure (Columb, 2017; Human Rights Watch, 2014b; Transplantation Society, 2018).

While Egypt's *Transplantation of Human Organs and Tissues Act of 2010* criminalizes the buying and selling of organs, and more than 100 illegal facilities have been shut down, the problem remains pervasive (Wilkins, 2018). Notwithstanding legal prohibitions against organ trade, the practice persists due to cultural resistance to donation, logistical challenges, and heavy reliance on live donors, many of whom are paid (Columb, 2017).

According to the Egyptian law, transplant professionals are required to confirm the donor's consent verbally, ensuring that the donor is aware of the medical risks and consequences. However, the medical doctor is under no legal obligation to ensure the consent was safely given, provided the transplant has been approved by the Medical Syndicate. As long as the appropriate paperwork is in order, a transplant professional may perform the operation without facing legal repercussions, even if they suspect the organ was procured illegally (BBC, 2020; Fisher, 2009; Human Rights Watch, 2017c; Kimball et al, 2012).

In addition, Egyptian law does not mandate that transplant professionals report suspected illegal organ sales, even though they are ethically bound by the Hippocratic Oath to maintain confidentiality (Metwally et al., 2025; Price, 2000). The lack of clear legal duties regarding the reporting of organ purchases or sales creates a significant barrier to investigating and prosecuting illegal organ transactions. Without the testimony of transplant professionals, establishing the occurrence of an illegal sale becomes extraordinarily difficult, which significantly limits the

effectiveness of criminal investigations in this area (Columb, 2017; Martin et al., 2018; Scholz, 2020).

With the introduction of *Law No. 5/2010*, which made organ sales illegal, brokers became crucial players in the system, helping to circumvent legal restrictions (Columb and Moniruzzaman, 2024). Reports suggest that the number of illegal organ transplants decreased by the 80% after the law was enforced, but, however, the political instability has made it difficult to assess the accuracy of these figures, and the reluctance of victims to report their involvement in organ trafficking further complicates efforts to control the practice. Without protective measures in place for those who come forward, many individuals are too fearful of prosecution to report their victimization, allowing the trade to continue in the shadows (Wilkins, 2018).

The law was amended in 2017 to impose harsher penalties, including up to 10 years in prison for intermediaries who facilitate commercial organ transactions and medical professionals who knowingly perform these illegal transplants. In cases of death resulting from an illegal transplant, the responsible parties could face life imprisonment and hefty fines. The death penalty can even be applied in cases involving manslaughter or murder (Columb and Moniruzzaman, 2024).

In Egypt, several large-scale criminal investigations and prosecutions have targeted organ trafficking networks: one notable example occurred in 2018, when Egyptian courts convicted multiple defendants for participating in an illegal organ trade involving the exploitation of vulnerable individuals. Although these proceedings took place within the domestic judicial system and not before an international tribunal, they represent one of the most prominent legal actions in the region addressing this crime (BBC, 2016; Columb, 2024a; Reuters, 2018).

The United Nations (UN) has long engaged with the Arab Republic of Egypt to combat human trafficking and, to a lesser extent, organ trafficking, through a mixture of international legal commitments, capacity-building initiatives, and multi-agency cooperation. Egypt ratified the *United Nations Convention against Transnational Organized Crime* and its supplementary *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, in 2004, thereby obligating itself to criminalize human trafficking in all its forms, including for the purpose of organ removal (UNODC, 2000).

In alignment with these commitments, Egypt enacted *Law No. 64 of 2010 on Combating Human Trafficking*, which explicitly prohibits trafficking in persons for the purpose of organ removal and provides penalties for individuals and groups involved in such crimes. The law was recognized by

UN treaty bodies as a step forward in the domestic implementation of international anti-trafficking standards (UN Committee on the Rights of the Child, 2011).

In parallel, the National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons (NCCPIM&TIP) has acted as the lead Egyptian body in developing anti-trafficking strategies and coordinating with international partners, including the UN Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM), and the International Labour Organization (ILO). In order to launch national awareness campaigns for the World Day Against Trafficking in Persons, these campaigns focused on raising public understanding of the different forms of human trafficking, including forced labour and organ removal, and promoted reporting mechanisms (IOM Egypt, 2022; NCCPIM&TIP et al., 2023).

Training and capacity-building have been central to UN-Egypt cooperating: in 2022, IOM Egypt and the Office of the Public Prosecutor launched a specialized training program for Egyptian prosecutors, focusing on the investigation and prosecution of trafficking cases including organ trafficking and illegal organ transplantation (IOM Egypt, 2022). These programs aim to equip legal practitioners with tools to detect and dismantle transitional trafficking networks operating through Egypt, often exploiting migrants from sub-Saharan Africa and Asia (IOM Egypt, 2022).

The regional UNODC Office for the Middle East and North Africa (ROMENA) has also worked closely with Egyptian authorities under the framework of the EU-funded project *“Dismantling Human Trafficking and Migrant Smuggling Criminal Networks in North Africa”*, which includes specific objectives related to strengthening national mechanisms to combat organ trafficking (UNODC, 2020b). In 2021, IOM trained over 60 Egyptian prosecutors on trafficking and smuggling cases, the use of financial evidence, and victims protection strategies. While these sessions did not exclusively focus on organ trafficking, the topic was included as part of broader discussions on exploitation and illegal markets (IOM, 2023; UN Office Drugs and Crime, 2017).

In terms of international and regional cooperation, Egypt has hosted several multilateral conferences with support from UNODC and NCCPIM&TIP and, notably, a high-level meeting in Sharm El-Sheikh in 2023 brought together stakeholders from North and West African countries to enhance cross-border judicial cooperation, information-sharing, and best practices in the prosecution of trafficking cases (UNODC, 2023b). These regional dialogues are essential in addressing the transnational nature of both human and organ trafficking, particularly given Egypt’s geographical position as a transit and destination country (UNODC, 2018b).

Although no bilateral treaty between the UN and Egypt exists that focuses solely on organ trafficking, the inclusion of these issues in legal instruments, training curricula, and international discussions reflects the UN's recognition of the growing risks associated with illicit organ trade in Egypt. The UN Committee on the Rights of the Child previously noted with concern the vulnerability of children in Egypt to exploitation for organ removal (UN Committee on the Rights of the Child, 2011).

The European Union (EU) and Egypt progressively deepened their cooperation on migration governance, focusing strongly on combating human trafficking, migrant smuggling, and, not explicitly but implicitly, organ trafficking through legal, financial, operational, and judicial frameworks as part of a broader strategic partnership (al-Kashef and Martin, 2019; European Commission, 2021; European Commission, 2024a).

Under the *EU-Egypt Joint Declaration of March 2024*, migration and mobility are designated as key pillars, with commitments to strengthen border management, suppress smuggling and trafficking in persons, promote legal migration pathways, and protect migrants' rights in line with international norms (European Commission, 2024b). In July 2025, the EU launched *Partnership to Counter Smuggling of Migrants and Trafficking in Persons* (PACSOM) with Egypt under the Strategic Partnership framework; this initiative, funded via a €10 million top-up, builds trust among stakeholders, including public prosecution, judiciary, interior ministry and anti-trafficking committee, to better identify and prosecute smuggling and trafficking cases (EEAS, 2025). Earlier, in June 2022, the CONMIGO project facilitated a workshop for Court of Cassation judges to reinforce judicial capacity in trafficking and smuggling cases through knowledge exchange with European counterparts (EEAS, 2022).

In April 2025, Egypt and Europol signed a first-ever *Working Arrangement* allowing structured non-personal data exchange and positioning an Egyptian liaison officer at Europol's HQ – marking a milestone in law enforcement cooperation against serious organized crime, including migrant trafficking (Africanews, 2025; European Commission, 2025a). At a high level, Commissioner Ylva Johansson's visit to Cairo in September 2024 underscored EU-Egypt alignment on migrant, including support for Egypt's national strategies to combat human trafficking (2022-2026) and prevent illegal emigration (2016-2026), alongside return and reintegration schemes and cross-agency cooperation with EU bodies such as Frontex, Europol, and EUAA and CEPOL (EEAS, 2024).

While organ trafficking is seldom addressed separately in these agreements, EU-supported training and judicial dialogues, combines with Egypt's domestic legislation criminalizing organ trade since

2010 and further strengthened in 2018, implicitly include the risks of organ removal in broader anti-exploitation efforts (Daily News Egypt, 2025; European Commission, 2025a).

Financially, the €7.4 billion EU package unveiled in March 2024 dedicates €200 million specifically to migration management and initiatives combating smuggling and trafficking, alongside criticism over human rights concerns (AP, 2024; Le Monde, 2024).

Taken together, EU-Egypt cooperations reflects a multifaced approach combining normative alignment, legal reform, judicial exchange, and financial support, aimed at disrupting human trafficking networks, and by extension preventing contexts that could facilitate organ trade (European Commission, 2024c; Triandafyllidou & Palumbo, 2023).

### 4.3.2 The Libyan Case

Libya, as well as Egypt, is well aware of the illegal migrant business operating within its territory, which has become deeply intertwined with human trafficking, smuggling, and other forms of organized crime. However, the country's prolonged political fragmentation, marked by the existence of rival administrations and the absence of a unified and stable governing authority, has severely hindered the development of a cohesive national approach to address the problem. The lack of institutional capacity and effective oversight has allowed trafficking networks to operate with relative impunity, particularly in coastal and border regions (Chatham House, 2025; Watkins, 2024).

*The Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* (CAT) mandates that all States parties respect human rights, particularly the inherent dignity of all individuals. *Article 11* specifically requires countries to systematically review interrogation practices, detention conditions, and the treatment of individuals in custody to prevent torture. Torture is defined as the intentional infliction of severe pain or suffering physical or mental to obtain information, punish, intimidate, or discriminate against a person, and this must be done or with the consent of a public official or someone acting in an official capacity (Alkhateeb, 2019; OHCHR, 1984).

Libya ratified the *Convention against Torture* in May 1989 but it struggled to meet its obligations under the convention. While the law in Libya prohibits torture, it often happens in detention centres, not as a lawful punishment but as a method of terror and repression. The *Libyan Penal Code* criminalize torture of detainees, while *Article 431* also penalizes public officials who use violence that impairs dignity or causes physical pain during their functions (Alkhateeb, 2019; Amnesty International, 2019; DCAF, n.d.).

Reports from organization like Human Rights Watch and Amnesty International document the widespread torture and abuse in Libyan detention centres, highlighting practices which are a clear violations of Libya's obligations under the CAT (Human Rights Watch, 2019a; Kimball et al, 2012).

In Libya, many children are detained in centres under dire conditions, disregarding their special needs as outlined in the *Convention on the Rights of the Child* (CRC). The CRC emphasizes that children have the right to special care, legal protection, and measures that prioritize their best interests, and Libya ratified it on April 15, committing to these principles. However, the conditions in Libyan detention centres starkly contradict these rights (Alkhateeb, 2019; Taylor, 2018).

The CRC mandates that detention should only occur when it is in the child's best interest and for the shortest possible time, and it also specifies that children should not be detained without adequate provisions to meet their needs. Unaccompanied minors, in particular, should never be detained, but in Libya, children are often subjected to physical and psychological abuse, malnutrition, and unsanitary conditions, with disease like tuberculosis spreading within detention centres (Taylor, 2018).

The European Commission reported in 2014 that Libya's legal and regulatory framework concerning migration is fragmented, underdeveloped, and inconsistent, and consequently, the Libyan government has indicated that it prioritizes international treaties over domestic laws, meaning that in case of conflict, international treaties should take precedence (Alkhateeb, 2019; European Commission, 2014).

Furthermore, there are significant gaps in the legal protections for migrants once detained with some detainees being released through bribery rather than legal procedures: Libya, although a signatory to several international human rights treaties, has not signed the *1951 Refugee Convention* or the *1967 Protocol on the Status of Refugees*, which outlines the responsibilities if states toward asylum seekers, and as a result, Libya lacks a comprehensive legal framework to protect migrants, refugees, and victims of trafficking (Grange and Flynn, 2015). The registration of refugees is governed by *Law No. 6 of 1987*, which requires the deportation of non-citizens who have entered the country illegally or overstayed their visas. This law imposes severe penalties on migrants, including imprisonment, with sentences up to 20 years for those caught crossing Libyan borders without permission, especially if facilitated by organized crime (Alkhateeb, 2019; UNHCR, 2025c).

This lack of legal protections exacerbates the human rights violations in Libyan detention centres, and while Libya's constitutional declaration of 2011 prohibits the extradition of political refugees, it still does not guarantee asylum rights (Agresta et al., 2020; Human Rights Watch, 2014a).

Additionally, *Law No. 19 of 2010*, which addresses illegal immigration, allows for indefinite detention of unauthorized migrants, while it mandates the deportation of migrants after serving a sentence, it does not explicitly prohibit prolonged detention; foreign detainees are typically imprisoned from two weeks to three months, though there are reports of people detained for years under these laws (Alkhateeb, 2019; Grange, and Flynn, 2015).

Libya's detention centres, which are supposed to be managed by the Ministry of Interior and the Combating Illegal Immigration Agency (DCIM), have largely fallen under the control of armed militias due to the ongoing conflict. The European Union has urged Libya to regain control over these centres, but procedural standards outlined in Libyan law are frequently ignored (Alkhateeb, 2019; Grange, and Flynn, 2015). *Articles 14 and 15* of the *Libyan Penal Code* and other relevant laws outlined the rights of detainees, such as the requirement to inform relatives and provide a judicial process, but, however, detainees are often denied access to communication with relatives, legal representation, and consular service (Agresta et al., 2020; UNHCR, 2025c).

European countries, particularly Italy, play a role in exacerbating these violations under international law; these countries provide logistical and judicial support to Libyan authorities to intercept refugees attempting to cross the Mediterranean, subsequently returning them to detention centres where they face the risk of torture, rape, and other inhuman treatment (Alkhateeb, 2019; European Commission, 2014).

According to *Article 16* of the International Law Commission's *Article on State Responsibility*, any state that assists another state in committing human rights violations is responsible for those violations; this principle holds that European nations providing support to Libya for the purpose of intercepting migrants and returning them to unsafe detention centre, are complicit in the human rights abuses occurring there (International Law Commission, 2007).

The forcible return of migrants to Libya, which is not a party of the *1951 Refugee Convention* and lacks a specific refugee protection law, is a violation of international law; this act places refugees at risks in a country that cannot provide them with adequate protection or legal safeguards. However, Libya is a party to the *African Charter on Human Rights and People's Rights* (the *Banjul Charter*), which broadens the definition of refugees and mandates cooperation with the Refugee Commission. This *Charter* also prohibits the forcible return or endangerment of refugees' safety and freedom, highlighting Libya's responsibility under international human rights law to protect refugees (African Union, 1981; UNHCR, 1951).

Libya's failure to protect refugees and migrants is further compounded by its lack of comprehensive national legislation to address racial discrimination, despite ratifying the *International Convention on the Elimination of All Forms of Racial Discrimination* in 1968. Asylum seekers from countries like Somalia and Eritrea face severe discrimination, often being treated as illegal immigrants and denied registration by the UNHCR (Alkhateeb, 2019; OHCHR, 1965; UNHCR, 1951).

The system of organ laundering, while technically ensuring that the transplant procedure appears lawful, helps perpetuate the illegal trade for human organs by covering up the illicit nature of the transaction. As a result, the limitations in both legal frameworks and professional reporting make it challenging to combat organ trafficking effectively (Manzano et al., 2014; Shimazono, 2007).

Despite these constraints, Libya has made limited attempts to align with international standards, notably through cooperation with the United Nations and regional bodies, and by formally endorsing frameworks such as the United Nations *Convention against Transnational Organized Crime* (UNTOC) and its *Trafficking in Persons Protocol* in 2004 (ICAT, 2021; UNODC, 2000), including human trafficking, migrant smuggling, and indirectly on organ trafficking, through both normative instruments and operational cooperation, Libya formally committed to criminalize trafficking for organ removal among other practices (Selmi, 2025; UNSMIL, 2020). Despite the legal commitment, institutional capacity in Libya has remains chronically weak, with no dedicated national coordination body, limited victim identification mechanisms, and minimal public anti-trafficking campaigns (ECOI, 2024; Niamey Declaration Guide, 2025).

The UN Security Council, responding to graphic evidence of modern slavery, including video documentation of migrants being auctioned in Libya, adopted *Resolution 2388* in November 2017: that text explicitly condemned human trafficking and noted that Libya had become a major conduit for such abuse, stressing the need for investigations and accountability for state and non-state actors involved in trafficking and exploitation (UNSC, 2017). Building on that mandate, Security Council *Resolution 2240* in October 2015 authorizes interdiction of vessels departing Libya suspected of migrant smuggling or human trafficking on the high seas, assigning primary responsibility to Libya while permitting international assistance under strict conditions (UNSC, 2015).

UN human rights investigators have repeatedly documented egregious abuses affecting migrants and trafficking victims in Libya; a UN-mandated *Independent Fact-Finding Mission* reported crimes including torture, enslavement, sexual slavery, forced labour, murder, and enforced disappearances in detention centres controlled by security services or militia groups. While organ trafficking per se was not always documented, the pervasive exploitation environment creates high risks for commodification of human body parts (Salah, 2023). UN experts similarly raised alarm at

systematic detention and abuse of migrants in southern Libya, including torture for ransom and transfer to undisclosed locations, conditions that expose victims to trafficking networks and possibly organ trafficking risks (UN Human Rights Office of the High Commissioner, 2023).

On enforcement, the UN Security Council, acting on Secretary-General António Guterres's appeals, imposed sanctions in June 2018 on six traffickers and smugglers operating in Libya, subjecting them to travel bans and asset freezes. Guterres emphasized that these individuals were central figures in network exploiting migrants and facilitating trafficking in persons in Libya and into Europe (UN News, 2018).

At the operational level, UN agencies such as UNODC and IOM have collaborated directly with Libyan authorities and external partners, a notable instance occurred in July 2025 when the Libyan Centre for Criminal Research and Training, working with UNODC and IOM, hosted a prosecution workshop in Tripoli to strengthen capacity in prosecuting trafficking and smuggling crimes and to enhance international cooperation mechanisms (IOM Libya, 2022; Libya Review, 2025). In March 2024, IOM Libya signed an agreement with the UK government to scale up prevention of trafficking and to deliver protection, reintegration and psychosocial support service to survivors, demonstrating operational collaboration with Libya and international support (IOM Libya, 2024).

While direct UN frameworks addressing organ trafficking in Libya remain limited, underlying treaties such as the *UNTOC/TIP Protocol* and the general human-rights based normatively guided interventions reflect implicit recognition of the threat. Realistically, organized criminal networks that traffic migrants, engage in forced labour, and extort detainees also create conditions ripe for organ commodification and transplant tourism, although documented organ trafficking cases in Libya remain rare or under-reported (UNODC, 2004b; UNSMIL and OHCHR, 2018).

Departure control and arrests of migrants and suspected traffickers have formed a central component of country's migration management strategy, often implemented with support from international partners, including European Union and the International Organization for Migration. While these measures are officially aimed at disrupting smuggling and trafficking network, human rights organizations have repeatedly documented that such operations frequently result in arbitrary detention, abuse, and the extortion of migrants, with minimal impact on dismantling the underlying criminal structures (Amnesty International, 2022; UNSMIL and OHCHR, 2018).

#### **4.4 Criticism and Limitations of Current Policies**

Despite ongoing efforts by national governments and international organizations, organ trafficking continues to be a significant global issue, raising serious human rights concerns and exposing major flaws in the current policy framework (O'Neill, 2024). While international treaties and domestic laws have made progress in criminalizing organ trafficking, the practical effectiveness of these mechanisms remains limited, and the continuing exploitation of vulnerable populations highlights the inadequacy of current approaches (Columb, 2024a; Martial, 2023).

The challenge of investigating and prosecuting organ trafficking are compounded by several significant limitations in both the structure of the organ trading process and the legal framework. One of the primary hurdles is the inherent difficulty in tracing illegal organ sales due to the laundering process, which effectively masks the criminal nature of the transactions (Columb, 2017).

In many cases, while buying or selling organs is illegal, organ transplantation itself remains a legitimate medical procedure. This distinction allows the proceeds from illegal organ sales to be easily reinvested into the legal medical system, thereby further obscuring any criminal activity (Scheper-Hughes, 2000; Shimazono, 2007).

Typically, when a recipient pays for a transplant, the payment is made directly to the transplant centres to cover medical expenses, such as the nephrectomy surgery (Axelrod, Vagefi and Roberts, 2015). Any surplus from this payment is distributed to the various intermediaries involved in supplying the organ. This segmented distribution of funds makes it difficult for law enforcement to trace the proceeds back to a specific criminal organization. In essence, the proceeds of illegal organ sales are laundered through legitimate medical transactions, leaving little trace of criminality at the transplant centre itself (Greenslade, 2024; Lopp, 2013).

The fact that the organ trafficking network is not organized under a single, cohesive group adds to the difficulty of investigations, as there is no structured organization or criminal entity with a consistent method or goal, making it hard to establish a clear connection between individuals or groups involved in the trafficking operation (Columb, 2017).

Law enforcement agencies face difficulty in pursuing human trafficking charges because they must demonstrate evidence of criminal intent, means, and purpose which is challenging in cases involving organ trafficking (Ambagtsheer, 2025; Shimazono, 2007). As a result, many suspects involved in the organ trade are charged individually with lesser crimes like illicit organ sales, assault, fraud, or kidnapping, and these charges, while serious, do not directly address the core

issues of human trafficking, and thus the larger criminal network remains obscured (Bales, 2007; Shelley, 2010).

Furthermore, the legal elements required to establish a strong case of human trafficking are often unclear until tested in court, complicating the prosecution of organ trafficking cases, new laws aimed at addressing organ trafficking create additional difficulties, as their application is uncertain, and legal definitions of trafficking often lack clarity (Columb, 2017). The complexities of these laws mean that organ sellers are often treated as perpetrators rather than victims of trafficking, even though many of them are coerced or exploited in the process (Caplan, 2013). This shift results in a failure to properly recognize the victims of trafficking, and many cases that should meet the legal criteria for trafficking persons go unreported (Chaung, 2010).

As already mentioned, one of the most critical limitations in current policies is the fragmented legal framework governing organ trafficking; while the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol)* includes organ removal as a form of exploitation, there is no dedicated global treaty specifically addressing complexities or organ trafficking as distinct from human trafficking (UNODC, 2004a).

The Council of Europe *Convention against Trafficking in Human Organs* (2015) is more targeted but lacks global reach and has not been ratified by many countries outside Europe (Council of Europe, 2015a; Council of Europe, 2024). This legal fragmentation leads to divergent national interpretations and enforcement gaps, undermining global efforts to dismantle trafficking networks (Council of Europe, 2018; PACE, 2019).

The international frameworks discussed earlier follow a distinct ideological path, where the moral reasoning behind the prohibition of organ sales is now absorbed into a broader narrative of human trafficking (Columb, 2014; UNODC, 2017). This shift has led states to adopt more punitive measures in addressing the organ trade regardless of whether trafficking or organ harvesting is involved, and, as a result, organ sellers face the same legal consequences as those involved in organizing or committing organ trafficking. It is therefore unsurprising that organ sellers are often hesitant to report instead of abuse, fraud, or deception to authorities when these violations occur (Council of Europe and United Nations, 2009; Delmonico, et al., 2012).

In order to receive any assistance, even if minimal, an organ seller must fit into predefined victim profiles associated with a presumed criminal act, and consequently, the seller is framed as a victim of trafficking, oppressed by a criminal underworld that must be eradicated to protect societal values (Murphy and Lazzarino, 2023; Stammers, 2022). These victims are often used to promote

campaigns for heightened crime control and stricter security measures, conveniently deflecting attention from the deeper social, cultural, economic, and political issues that drive individuals to sell their organs. Conversely, organ sellers who don't align with the trafficking victim narrative are frequently excluded from support, despite facing various forms of exploitation (Budiani-Saberi and Delmonico, 2008; Columb, 2020).

While criminal prosecution is important for signalling society's intolerance of certain crimes and potentially deterring future offenses, it does little to address the underlying conditions that foster crime, instead, focusing on prosecution and crime control often serves a political purpose, rather than offering practical solutions to the problem (Danovitch et al., 2013).

Victims' rights are frequently discussed in official reports without any clear indication of how these rights can effectively be enforced. Many of these reports make impressive claims about victim assistance and crime prevention, appealing to a simplistic understanding of human rights, dignity, and empowerment, but offering little tangible support. NGOs and advocacy groups, while driving social change, often reinforce the human trafficking narrative by portraying victims suffering to advocate for remedies that lack substantive solutions (Budiani, and Karim, 2008; Columb, 2014).

The issue of criminality is typically confined to the Global South, where certain countries are identified as hotspots for trafficking (Ellison, and Pino, 2012), and advocates often place unrealistic demands on these nations for victim services, even though many of these states lack the resources to fulfil such commitments, which are more about meeting the expectations of international organization agreements than addressing real issues (Delmonico, 2011).

Victims, often drawn from economically and socially marginalized communities, such as migrants from different parts of Africa, are coerced or deceived into selling their organs under exploitative conditions, and these individuals typically receive inadequate post-operative care and are often abandoned by traffickers once the transaction is completed, as it happens in Egypt. The UN Human Rights Council and Special Rapporteurs have condemned the failure of states to protect individuals from such exploitation, particularly in conflict zones and migration corridors where legal protections are the weakest (UNHRC, 2019). The commodification of the human body and the medical complicity in illegal transplants also raise profound ethical concerns violating rights to body integrity, health, and human dignity (Budiani-Saberi and Columb, 2013).

The scarcity of prosecuted organ trafficking cases significantly hampers research into law enforcement responses to this crime, as few studies have been conducted on organ trafficking convictions (Ambagtsheer, Zaitch and Weimar, 2016; De Jong, 2017; OSCE, 2013). One example to

take into consideration is the OSCE study, which provides a valuable starting point for understanding criminal justice responses to organ trafficking, highlighting challenges arising from the trade's transnational nature and diverse charging patterns. The report underscores that the clandestine nature of organ trafficking, coupled with inconsistent legal definitions across jurisdictions, makes detention and prosecution particularly difficult (OSCE, 2013).

These discrepancies often result in traffickers exploiting legislative holes or relocating their operations to countries with ineffective enforcement mechanisms. The absence of systemic data collection from relevant countries, compounded by restricted access to official documentation, together with the vast criminal networks which sees the collaboration between judicial authorities and health professionals, significantly undermines the ability to map the true scale and routes of organ trafficking networks. This is one of the reasons why it is difficult to introduce an harmonized international standard on organ trafficking that could strengthen judicial cooperation (Ambagtsheer and Weimar, 2011). However, this study lacked the collection of data from the relevant countries and had limited access to official documentation (OSCE, 2013).

The continued prevalence of human trafficking for organ removal underscores the unsuccessfulness of current policies; according to UNODC's *Global Report on Trafficking in Persons* (2020), while organ trafficking represents a small percentage of recorded trafficking cases, it is significantly underreported and underestimated due to its clandestine nature and the involvement of medical professionals (UNODC, 2020a). Many countries lack effective monitoring systems, and trafficking routes often extend across multiple jurisdictions, making prosecution challenging. In several high-profile cases, victims have been trafficked across borders for organ removal with minimal legal consequences for perpetrators, highlighting the weakness of transnational cooperation mechanisms (Council of Europe, 2015b; O'Neill, 2024).

A further limitation lies in the inadequate victim protection and support system, as many trafficking victims are not identified as such by authorities and are often criminalized for participating in illegal transplant activities, even when coerced (UN Office on Drugs and Crime, 2017). Human rights organizations such as Amnesty International and Human Rights Watch have criticised governments for failing to provide safe reporting channels, medical care, and legal assistance to survivors of organ trafficking (Office of the UN Deputy Secretary-General, 2021). The lack of victim-centred approach impedes both justice and rehabilitation, perpetuating cycles of exploitation (Budiani-Saberi and Columb, 2013).

Enforcement and resource disparities also contribute to policy failure: in low- and middle-income countries, law enforcement agencies lack the training and resources to identify and investigate

complex organ trafficking cases. Furthermore, corruption within law enforcement and healthcare systems further undermines prosecution efforts. For instance, in most cases in Egypt, illegal transplants have taken place in recognized medical facilities with minimal accountability for medical staff involved, leading this complicity, combined with weak regulatory oversight, to facilitate the continuation of transnational black market (Shimazono, 2007).

Moreover, socioeconomic drivers of organ trafficking remain insufficiently addressed; the shortage of legally donated organs, coupled with global inequalities in access to healthcare, created a demand-driven environment in which vulnerable populations become easy targets for traffickers (Scheper-Hughes, 2013). Current policies focus largely on criminalization rather than prevention through addressing poverty, healthcare disparities, and lack of organ donation systems (WHO, 2010a), so consequently, without tacking the root causes that make individuals susceptible to organ selling, law enforcement measures alone cannot be effective (Budiani-Saberi and Karim, 2009).

International bodies have increasingly condemned the status quo, indeed, the World Health Organization (WHO) has called for stronger ethical frameworks and greater regulation of transplant tourism and commercialized transplantation practices (Human Rights Watch, 2024). *The Istanbul Declaration* (2008), endorsed by major transplant societies, denounces organ trafficking and urges governments to adopt transparent, equitable organ donation systems, but yet compliance remains voluntary, and without the mandatory enforcement mechanisms, many countries fall short of these commitments (Danovitch et al., 2013; Delmonico et al., 2008).

It is also pivotal to underline how national policies in both Libya and Egypt exhibit profound shortcomings in preventing organ trafficking, owing largely to legal gaps, institutional weakness, and sociopolitical constrains (Budiani-Saberi, and Delmonico, 2008; Danovitch et al., 2013).

In Egypt, although the *2010 Transplantation of Human Organs and Tissues Act* formally criminalized the sale and purchase of organs and sought to establish a deceased donor program, but these reforms have not translated into effective practice. Persistent reports continue to implicate Egyptian hospitals in illicit transplant activities, highlighting a disconnection between legislation and on-the-ground reality (Murphy and Lazzarino, 2023; Stammers, 2022; U.S Department of State, 2021).

Subsequent amendments in 2017 increased penalties; however, rather than deterring offenders, they appear to have merely driven the trade underground, and the healthcare professionals involved remain legally undeterred (Egyptian Initiative for Personal Rights, 2015). Even with elevated sanctions, enforcement remains limited: until these reforms, professionals involved in illegal organ

transplants faced minimal consequences, chiefly loss of medical license, which often could be regained through judicial means (Budiani-Saberi, and Karim, 2009; Human Rights Watch, 2020).

Moreover, the Egyptian policy environment reveals deeper systemic issues such as limited access to healthcare, exacerbated by high out-of-pocket expenses, marginalizing a large segment of the population, making them vulnerable to exploitation and more likely to resort to clandestine organ sales (Fasseeh et al., 2022; World Bank, 2023).

Additionally, the absence of any protective mechanisms for victims of organ trafficking further compounds the problem: individuals who undergo forced or coerced organ removal, particularly migrants or asylum seekers, often face detention without legal support or medical care, reinforcing a cycle of vulnerability and impunity (Euro-Med Human Rights Monitor, 2022; IOM, MMC and UNHCR, 2024a; UNHCR, 2012a). A socio-legal study of Cairo concluded that despite the existence of organ trafficking legislation, no victims in Egypt have been formally identified or assisted, revealing a failure for both protection policies and institutional capacities. These conditions underscore how organ markets in Egypt are deeply rooted in structural inequalities and social exclusion, rather than being a simple criminal phenomenon (Columb, 2017).

Also in Libya the challenges are even more systemic and politically embedded; although there are no prominent laws specifically addressing organ trafficking, the broader context of extreme institutional fragility and endemic corruption creates fertile ground for illicit practices. Libya's abysmal ranking in *Transparency International's Corruption Perceptions Index*, 173 out of 180 countries, reflects a profound lack of oversight and accountability that undermines any meaningful intervention against organized crime, including organ trafficking (Raza & Neuberger, 2022; Transparency International, 2023; U.S Department of State, 2021).

Ongoing conflict, divided governance, and the proliferation of armed groups have severely degraded state capacity; thus, even when anti-corruption or anti-trafficking legal frameworks exist, they suffer from near-complete lack of execution (Abegunrin, & Abidde, 2020), and coupled with the failure to provide protective services for trafficking victims, including medical, psychological, or legal assistance, the Libyan context exemplifies how institutional collapse and impunity act as structural enablers of exploitation (Amnesty International, 2024c).

In both countries, policies fall short not merely due to legal insufficiencies but because they fail to address root causes such as poverty, social exclusion, and weak governance. Egypt's punitive reforms have not reversed entrenched black markets dynamics, while Libya's volatile environment

and absence of effective institutions prevent any robust policy response (Budiani-Saberi, and Karim, 2009; U.S Department of State, 2021).

Without tackling the underlying socioeconomic and political ecosystems that facilitate organ trafficking, legislative reforms, however well-intentioned, remain largely symbolic and ineffective (Shelley, 2010). Currently, there are no judgements issued by courts of the European Union or United Nations tribunals that have adjudicated and convicted specific cases of organ trafficking in Libya or Egypt, although the issue has been extensively documented and denounced in official reports by international bodies, in particular United Nations agencies, as well as through national-level judicial proceedings, especially in Egypt (ACAMS Today, 2018; IOM, 2017a; OHCHR, 2023; UNSMIL & OHCHR, 2018).

The absence of EU or UN case law in this area can be explained by jurisdictional limits: the Court of Justice of the European Union and the European Court of Human Rights can only hear cases involving states under their respective jurisdictions, and neither Libya nor Egypt are member states. Similarly the UN human rights mechanisms primarily issue recommendations and findings, while criminal prosecutions at the international level typically occur before the International Criminal Court (ICC) or ad hoc tribunals. To date, no ICC or other UN-based court has issued a ruling on organ trafficking in these countries (OHCHR, 2023; UNSMIL and OHCHR, 2018).

#### **4.5 Alternative Proposals and Sustainable Models**

Current efforts to combat organ trafficking have proven insufficient, largely due to their reactive and punitive nature, which fails to address the structural and geopolitical roots of the problem. A sustainable and human-rights-based model must incorporate long-term strategies, regional cooperation, and a strong humanitarian framework. Such an approach must move beyond criminalization and focus on the systemic conditions that allow organ trafficking to thrive, particularly along migration routes involving North Africa and Europe (Council of European Union, 2013; OSCE, 2013).

One of the most promising strategies involves the creation of humanitarian corridors and economic-purpose visas for vulnerable populations, particularly migrants and asylum seekers who are disproportionately at risk of exploitation (Triandafyllidou & Palumbo, 2023; UNHCR, 2012b). These legal migration pathways would reduce dependence on smuggling networks and minimize exposure to traffickers who often coerce individuals into selling organs under false promises of safe passage or economic opportunity (OSCE, 2013). By providing legitimate alternatives, destination

countries can disrupt the supply chain of traffickers and reduce the economic incentive for organ trade (Ambagtsheer and Weimar, 2011; UNODC, 2020c).

In tandem, the reform of European asylum system and implementation of equitable responsibility-sharing mechanisms is crucial. The current *Dublin Regulation*, which places the burden of asylum processing primarily on border countries such as Italy, Greece, and Spain, has resulted in bottlenecks, poor living conditions, and chaotic enforcement that indirectly fuel illegal practices, including trafficking (Guild et al., 2015; Pries & Zülfiyar Savci, 2023). A more balanced model of asylum distribution would help stabilize reception conditions and reduce the vulnerability of migrants to organ traffickers, particularly in detention centres, and border zones where oversight is limited (European Commission, 2025b; FRA, 2020b).

Another essential pillar is increased investment in countries of origin, where many individuals resort to irregular migration, and consequently fall prey to organ trafficking, due to poverty, conflict, or lack of healthcare. Investing in education, healthcare infrastructure, and employment programs in source countries, especially in Sub-Saharan Africa, would address the root causes of migration and create alternatives to selling organs as a survival strategy (IOM, 2017b; UN Office Drugs and Crime, 2017).

These investments should be coupled with the implementation of international treaties such as the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons*, which mandates states to prevent trafficking and protect victims, and the Council of Europe's *Convention against Trafficking in Human Organs* (Council of Europe, 2015a; UNODC, 2004a). A further critical reform is the introduction of real accountability for violations of international human rights norms, especially in transit and detention contexts (European Parliament, 2021). European cooperation with countries such as Libya, despite overwhelming evidence of torture, slavery, and trafficking within detention centres, exposes serious ethical contradictions in EU external migration policies (Amnesty International, 2021b).

Independent human rights monitoring, legal accountability for complicit actors, and the suspension of refoulement practices (forced returns to unsafe countries) are urgent steps to align anti-trafficking measures with international law (Giammarinaro et al., 2019; UNHCR, 2019).

Consequently, to ensure that organ trafficking is prosecuted effectively, the establishment of specialized international or EU-level tribunals based on a harmonised international law framework, coupled with the collaboration of IOM and WHO, would be advantageous. Such tribunals could operate under the auspices of existing institutions, such as judicial bodies within the European

Court of Justice or a dedicated organ within EUROJUST or EUROPOL, empowered by the *Santiago de Compostela Convention* and aligned with EU directives (Council of Europe, 2015b; European Commission, 2010).

Judges and prosecutors trained in the medical, ethical, and legal complexities of organ trafficking could be effectively secure convictions and handle evidentiary challenges. A unified judicial body could mitigate disparities in national prosecution rates and legal definitions, ensuring coherence in the interpretation of organ trafficking crimes. Centralised tribunals could streamline cross-border investigations, evidence gathering, and witness protection, drawing lessons from past international and ad hoc tribunals (Cassese, 2012). Finally, a dedicated tribunal could better ensure reparative justice, such as compensation, medical and psychological support to victims, as envisaged in the *Santiago de Compostela Convention* (Council of Europe, 2015b).

At the same time, further challenge emerges in relation to countries such as Libya and Egypt, which are not members of the European Union and therefore cannot be bound by EU directives, so in these cases international obligations can only derive from universally binding human rights of *ius cogens*, such as the prohibition of slavery, torture, and inhuman treatment, which apply to all states regardless of their treaty commitments (United Nations, 2006).

Close cooperation with the UNHCR and IOM is also indispensable in order to provide screening, assistance, and protection to at-risk migrants. In this scenario, humanitarian organizations can play a central role in identifying victims of trafficking and offering them pathways to safety, rehabilitation, and asylum. National governments should facilitate success to detention centres, registration hubs, and remote border areas, and ensure detention conditions meet basic humanitarian standards. Improvements in medical care, legal aid, and psychological support are particularly important for organ trafficking survivors, who are often physically and emotionally traumatized (OHCHR, 2021).

In this context, the European Union has critical responsibility and opportunity to lead with integrity: first, the EU must end all deportations and pushbacks to Libya, where documented abuses in migrant detention centres include organ theft and forced removal under coercion (Global Initiative Against Transnational Organized Crime, 2023a; Monzini et al., 2015; Van Reisen and Rijken, 2015). Cooperation with the Libyan government should be suspended until minimum human rights standards are verifiably met, and funding border control operations in such contexts without adequate human rights guarantees not only breaches international norms but indirectly enables criminal networks to flourish under official oversight (Human Rights Watch, 2021).

Furthermore, the EU should exert diplomatic pressure on Libya to improve refugee conditions, including the dismantling of informal detention centres, granting access to international agencies, and punishing officials involved in trafficking-related crimes. On a broader level, the EU must implement a robust, centralized asylum distribution and support mechanism to reduce uneven burden across member states and ensure rapid access to protection for those fleeing both persecution and trafficking networks (Pries & Zülfiyar Savci, 2023).

In conclusive terms, combating organ trafficking requires a multifaced and sustainable approach that tackles not only criminals networks but also the structural inequalities and migration management failures that enable such exploitation. Humanitarian corridors, asylum system reform, socio-economic investment, legal accountability, and ethical diplomacy are all indispensable elements in this new model. The European Union and the United Nations must now match their rhetoric on human rights with decisive, unifies action among its member and non-member states to dismantle the conditions that aloe the organ trade to thrive (European Parliament, 2015; Triandafyllidou & Palumbo, 2023; UNHCR, 2024b).

## **CONCLUSION**

The analysis conducted throughout this thesis demonstrates that one of the most urgent gaps in the international response to human mobility is the absence of harmonization in the management of organ trafficking. The migration theories examined should serve as a foundation for designing effective and coherent regulations to address this phenomenon (OHCHR and UNSMIL, 2016). Despite being widely recognized as a global phenomenon, organ trafficking remains underregulated and insufficiently addressed in both academic literature and international law. It must be considered, in every respect, a violation of fundamental human rights, targeting millions of migrants and directly causing the death of many more (Smith, 2019).

What emerges clearly is that the phenomenon is scarcely studied even in countries such as Italy and other EU countries, where the arrival of migrants makes it a relevant issue for both public policy and academia (European Commission, 2025b). At the global level, there are no comprehensive and reliable international datasets capable of quantifying the true scale of the problem (Jones, 2020). Instead, the majority of available evidence derives from the testimonies of survivors, who have recounted to international organizations, how their passage to Europe was facilitated through the sale of organs. The reliance on oral accounts highlights the silence surrounding this hidden

economy, further exacerbated by corruption and lack of transparency in the countries where the practice is most entrenched (UNODC, 2021).

International legal instruments are not sufficiently stringent to combat the phenomenon effectively; the legal vacuum has enabled organ trafficking to persist with impunity in Libya and Egypt, where weak institutions, widespread corruption, and fragmented state authority prevent the enforcement of existing norms (Ahmed, 2022). Despite awareness at the government and law administration level of what occurs daily in detention centres and along clandestine routes, little is done to halt these practices. On the contrary, the profitability of organ trafficking ensures its persistence: the illicit trade constitutes a highly lucrative business that ultimately benefits not only local criminal networks but, also indirectly, Western markets and medical systems that ultimately absorb this demand (Brown, 2018).

The findings of this thesis underscore the urgent need for a more focused and coordinated approach to the issue, and this would require the establishment of stronger international monitoring mechanisms, harmonized legislation, and, most importantly, the creation of special international tribunals and investigative bodies with jurisdiction to prosecute those responsible for organ trafficking as perpetrators of crimes against humanity (Columb, 2020). Only by elevating the severity of this practice within international criminal law can the structural incentives that sustain the business be dismantled (Taylor, 2021).

Organ trafficking is not a peripheral concern but rather a central dimension of contemporary migration and human rights violations, which unfolds both in the shadows and openly before everybody's eyes. Its persistence exposes the weakness of the current international system and reflects the structural inequalities that allow exploitative practices to thrive. A more decisive, coherent, and legally binding global approach is indispensable if the international community is to address not only the humanitarian consequences of migration but also the systemic abuses that exploit migrant vulnerability for profit.

## **SUMMARY:**

Migration across the Mediterranean constitutes a pressing global challenge, driven by an intricate interplay of conflict, economic deprivation, and environmental stressors, with North African states such as Libya and Egypt occupying central roles as both points of departure and transit.

In these contexts, weak governance, protracted political instability, and external interventions create highly complex and dynamic migration flows, often mediated and exploited by criminal networks, including militias and armed groups, that prey on the vulnerability of migrants. Irregular migration in the region is closely intertwined with human trafficking, encompassing forced labour, sexual exploitation, domestic servitude, and illicit organ trade, which collectively constitute severe and systemic human rights violations, ensnaring individuals in cycles of coercion and abuse.

While traditional migration theories, such as neoclassical economic models, push-pull frameworks, and network theory, offer insights into the motivations and patterns of mobility, they frequently fall short of capturing the layered political, social, and security dynamics that shape North African migration, particularly the ways in which criminal, state, and transnational actors interact to influence both risks and opportunity along irregular routes.

Libya and Egypt function as pivotal nodes within North African migration dynamics, their roles shaped by profound economic disparities, persistent political instability, and the pervasive influence of organized criminal networks. The Central Mediterranean route, linking Libya to Italy, represents one of the most perilous migration pathways in the world, exposing travellers to a constellation of dangers including exploitation by smugglers, physical violence, arbitrary detention, and systemic abuse.

In the context of Libya's fragmented political landscape, militias and armed groups have capitalized on irregular migration, transforming it into a lucrative enterprise, while the Eastern Mediterranean route connecting Egypt to Greece and Turkey, though less trafficked, remains fraught with risk due to pushbacks, restrictive border practices, and harsh enforcement measures. Egypt primarily functions as a transit hub, yet economic pressures such as high unemployment and inflation drive both domestic and cross-border irregular migration. The financial and physical costs of these journeys are substantial, encompassing payments to smugglers, arduous desert crossing, and dangerous maritime voyages, and upon arrival, migrants often face stigmatization and are perceived as burdens on fragile local economies and overextended social systems.

The collapse of centralized authority in Libya after 2011 created a power vacuum that empowered militias and criminal networks, including the Toubou to dominate smuggling corridors, merging

human trafficking with broader criminal enterprises. Terrorist organizations exploit these migration routes for both financial and operational objectives, including hostage-taking, forced labour, and the sale of migrants to allied militias. In Egypt, irregular migration occurs both internationally and domestically, as significant numbers of Sudanese and Egyptian migrants traverse desert pathways toward Libya or Europe.

Extremist actors, particularly ISIS-affiliated groups, exploit these flows not only to facilitate logistical operations such as the transport of equipment and the establishment of sleeper cells but also to recruit individuals into their ranks, leveraging the extreme violence, sexual exploitation, and harsh condition prevalent in detention centres as a forms of psychological and ideological conditioning. Migrants in Libya are frequently subjected to modern slavery when abandoned or held in debt bondage, while in Egypt, detention facilities and prisons are exploited by recruiters to radicalize vulnerable populations. The complex interplay between irregular migration, organized crime, systemic exploitation, and terrorism underscores both structural and psychological dimensions of vulnerability and radicalization, with women, children, and other marginalized groups experiencing compounded risks.

Radical organizations systemically exploit the trauma and vulnerability of migrants and detainees by reframing individual suffering within broader ideological narratives, offering identity, purpose, and empowerment through roles as fighters, martyrs, or agents of revenge. Prisons, refugee camps, and detention centres both in Libya and Egypt function as “universities of jihad”, where radicalization is reinforced through peer influence, indoctrination, and coercion. Groups such as Wilayat Sinai and various ISIS-affiliated cells strategically recruit from existing smuggling and detentions networks, often initially engaging individuals in pragmatic tasks, such as transporting goods or acting as porters, which over time, can evolve into deeper ideological alignment and commitment.

In Libya, militias exert control over a vast network of detention sites, both official and unofficial, where migrants are subjected to indefinite abuse, forced labour, and systemic exploitation, often with little to no oversight. These conditions, perpetuated by shifting power dynamics among armed groups, create fertile ground for the recruitment and radicalization of detainees while children and other vulnerable populations remain particularly exposed to harm. Despite formal closures of detention facilities, operations continue, frequently coordinates with the Libyan Coast Guard, and migrants are routinely handed over to militia-controlled sites such as those run by the Abu Salim Battalion, al-Kjouja, and other armed factions, some of which are co-managed with the Directorate for Combating Illegal Migration (DCIM). Within these facilities, exploitation is structured along

lines of nationality and ethnicity, with detainees often held for ransom or coerced into forced labour, while women from Sub-Saharan Africa are disproportionately trafficked for sexual exploitation.

Organ trafficking, intrinsically linked to broader patterns of human exploitation, has evolved into a highly organized transnational trade, driven by global scarcity of human organs and sustained by the vulnerability of displaced populations. This illicit market generates billions of dollars annually, involving complex networks of brokers, medical professionals, and paramedical staff operating across borders, while conventional law enforcement mechanisms frequently fail to prevent victims, who are sometimes criminalized rather than recognized as exploited. Surgeons and other medical personnel play a central role, often shielded from accountability by their professional status, and may participate in transplants without informed consent or falsify donor status, with systemic corruption among hospital staff and intermediaries further facilitating these operations. Legal frameworks remain limited and ambiguous, particularly when transactions appear consensual, leaving critical gaps in prosecutorial authority and victim protection.

Economic precarity, particularly among migrants from marginalized populations, drives many individuals into organ sales, where brokers exploit their lack of market knowledge, manipulate compensation, and coordinate intricate networks across multiple hospitals and laboratories to maximize profits. In Libya, detention centres effectively commodify migrants, who are exploited, held for ransom, or forced into labour when payments cannot be made, while in Egypt, the country has emerged as a hub for transplant tourism, where migrants-often deceived or coerced-undergo illegal organ removal. Corruption across state officials, border authorities, and medical personnel enables traffickers to operate with impunity, with fraudulent consent procedures masking criminal acts and disproportionately affecting stateless individuals, asylum seekers, and minors. These dynamics illustrate the intersection of economic exploitation, coercion, organized crime, and professional complicity in sustaining the illegal organ trade across North Africa.

Compounding these structural vulnerabilities, Egypt's healthcare system, which requires high out-of-pocket payments for transplantation, drives demand for unrelated donors and exacerbated existing inequalities in access to care, thereby fuelling organ trafficking. Research on trafficking in human beings for organ removal (THBOR) remains overwhelmingly focused on clinical and medical dimensions, largely neglecting its legal, political, and human rights aspects. Effectively addressing THBOR therefore demands an interdisciplinary approach that integrates migration studies, law, sociology, and human rights perspectives, aiming to disrupt exploitative networks while protecting vulnerable populations and promoting equitable access to healthcare.

International and national legal frameworks, including the *Palermo Protocol*, the United Nations *Convention against Transnational Organized Crime* (UNTOC), and the Council of Europe *Convention against Trafficking in Human Organs*, formally criminalize organ trafficking and seek to promote cross-border cooperation to dismantle transnational networks, yet their effectiveness is severely constrained by weak enforcement, political instability, and limited institutional capacity, particularly in countries such as Egypt and Libya, where governance deficits and systemic corruption undermine implementation. Complementing these instruments, the World Health Organization (WHO) and United Nations (UN) have established ethical standards and guidelines, including the 2010 WHO *Global Code of Practice on the International Recruitment of Human Organs*, which instructs Member States on the development of legal frameworks, bilateral agreements, and monitoring mechanisms; however, practical adherence remains inconsistent due to fragmented oversight and entrenched exploitation.

Legal definitions of organ trafficking remain ambiguous and protections for victims frequently contingent upon criminal proceeding, creating significant gaps in safeguarding vulnerable populations. Tools such as UNODC's "*Assessment Toolkit*" provide guidance for detecting indicators for coercion, fraud, and abuse, highlighting the clandestine nature of organ trafficking and emphasizing the necessity of integrated national systems that connect health services, law enforcement, and victim support in a coordinated manner. The UN has consistently recognized organ trafficking as serious human rights violation, accentuating the protection of life, dignity, and bodily integrity, and its organs have been the subject of resolutions, reports by the Human Rights Council, and investigations by *Special Rapporteurs*, which underscore the disproportionate impact on prisoners, refugees, children, and impoverished communities. Initiatives such as the UN *Global Initiative to Fight Human Trafficking* (UN.GIFT) further advocate for criminalization, prosecution, and coordinated international responses, linking anti-trafficking efforts to *Sustainable Development Goals*, particularly those addressing health, justice, and the strengthening of institutions

Global summits, including the 2008 Istanbul Summit and the subsequent *Declaration of Istanbul on Organ Trafficking and Transplant Tourism*, redefined the conceptualization of organ trafficking by emphasizing coercion, deception, and exploitation as defining elements, while regional instruments such as the Council of Europe's *Oviedo Convention* established legally binding standards for informed consent, prohibition of financial gain from organs, equitable access to healthcare, and the prioritization of individual welfare, accompanied by detailed protocols on transplantation ethics, genetic testing, and biomedical research. Complementing these, the Council of Europe *Convention against Trafficking in Human Organs* and European Union *Directives 2010/53/EU* and *2011/36/EU*

reinforce international legal protections by criminalizing organ trafficking, ensuring traceable and ethical procurement, and promoting victim-centred policies, while emphasizing cross-border cooperation and information-sharing to disrupt transnational trafficking networks.

The European Union has operationalized these frameworks through policy initiatives and programs, such as the *Action Plans on Organ Donation and Transplantation (2009–2015)* and *anti-smuggling measures (2015–2020)*, which aim to enhance the availability of organs, uphold ethical standards, and protect vulnerable populations, while border-focused operations, including *EUBAM Libya*, *Frontex Triton*, and *EUNAVFOR MED*, have sought to strengthen maritime management, monitor trafficking, and interdict smuggling networks.

Yet these interventions, while enhancing security, have often inadvertently displaced migrants toward more dangerous routes, increasing exposure to exploitation and highlighting the persistent tension between enforcement and protection. The EU legal instruments, including *the Charter of Fundamental Rights*, complement these measures by ensuring access to healthcare, justice, employment, and residency protections for trafficking victims, reflecting a multi-dimensional strategy that integrates security, humanitarian, and ethical imperatives.

At a bilateral level, the *Italy-Libya Memorandum of Understanding (MoU)* and related EU initiatives have focused on central Mediterranean migration management by bolstering Libyan maritime control and intercepting migrant vessels. Nevertheless, the Libyan authorities responsible for implementing these measures predominantly consist of militias operating amid political fragmentation, raising significant concerns regarding human rights, detention conditions, and the risk of migrant exploitation. Frontex operations, including *Sophia and Themis*, exemplify the EU's approach to targeting smuggling networks but have also been criticized for contributing to the diversion of migrants toward perilous and clandestine routes, underscoring the ongoing challenge of reconciling border security with the protection of vulnerable populations.

In Italy, the introduction of *Article 601-bis* in 2016 formally criminalizes the trafficking of human organs from living donors, yet significant ambiguities remain regarding the legal liability of healthcare professionals involved in procurement and transplantation, leaving a grey zone in which medical actors may evade accountability despite participating in illicit activities. Similarly, in Egypt, the *Transplantation of Human Organs and Tissues Act of 2010*, reinforced by 2017 amendments, prohibits organ sales and establishes formal consent requirements; however, enforcement is sporadic and weak, allowing intermediaries to exploit procedural gaps, opaque consent mechanisms, and political instability, thereby enabling trafficking networks to operate with persistence and relative impunity. These contrasting legal frameworks in Italy and Egypt underscore

the ongoing difficulties in balancing robust legislation, effective oversight, and adequate protection for vulnerable migrant populations, especially within contexts where domestic and transnational organ trafficking intersect and reinforce one another.

Judicial engagement in Egypt, including high-profile convictions in 2018, demonstrates some domestic capacity to prosecute organ trafficking, while international instruments, notably the UN *Convention against Transnational Organized Crime*, obligate the state to criminalize trafficking and safeguard vulnerable populations. In recent years, coordinates EU-Egypt initiatives, such as the 2024 *Joint Declaration*, the 2025 *PACSOM* partnership, and formalized collaboration with Europol, have sought to strengthen border management, enhance judicial and law enforcement capacities, and promote multi-agency cooperation to combat human trafficking, migrant smuggling, and organ trafficking. Yet these efforts must contend with systemic weakness and entrenched criminal networks that exploit gaps in law, oversight, and accountability.

Libya presents even deeper structural and institutional challenges: the country's persistent political fragmentation, the presence of rival administrations, and the prevalence of militia-controlled detention facilities create an environment of near-total impunity, in which migrants and children are routinely subjected to abuse, malnutrition, overcrowding, and restricted access to legal protections. Forced returns and systemic discrimination against asylum seekers further exacerbate vulnerabilities, while organ trafficking thrives under these conditions, often concealed behind apparently legitimate medical procedures, facilitated through laundered payments, and sustained by fragmented networks that are exceedingly difficult to investigate or prosecute.

Legal enforcement is further complicated by the ambiguous delineation between victims and perpetrators, uncertainties in the interpretation of newly enacted national laws, and the fragmentation of international legal frameworks. While instruments such as the *Palermo Protocol* and regional agreements, including the Council of Europe *Convention against Trafficking in Human Organs*, formally recognize organ removal as a form of trafficking, on the other hand, inconsistent adoption, limited coordination, and weak monitoring mechanisms allow illicit networks to persist with minimal accountability. International approaches increasingly frame organ sales within the broader paradigm of human trafficking, yet in practice, organ sellers – particularly migrants and marginalized individuals – are often criminalized rather than recognised as victims, while legal definitions and victim profiles remain narrowly constructed. Consequently, punitive enforcement emphasized deterrence and societal condemnation, often neglecting the underlying structural drivers of organ trafficking, including poverty, forced migration, and limited access to healthcare.

In Egypt, organ trafficking continues despite legal prohibitions and the imposition of harsher penalties, as enforcement remains inadequate, healthcare professionals frequently avoid accountability, and high out-of-pocket medical costs exacerbate susceptibility among migrants and economically disadvantaged populations. Victims are exposed to coercion, deception, and inadequate post-operative care, while clandestine markets flourish. In Libya, systemic collapse, entrenched corruption, ongoing armed conflict, and the absence of protective frameworks create conditions in which trafficking networks operate with near-total impunity, with militia-run detention centres and weak institutional oversight further intensifying the exploitation of migrants.

Given these landscapes, the European Union has a pivotal role in mitigating abuses by adoption of measures that address both protection and prevention. These include ending pushbacks to Libya, suspending cooperative arrangements until human rights standards are met, establishing humanitarian corridors and safe legal migration pathways, and reforming the European asylum system to ensure equitable responsibility-sharing among Member States. Only through a combination of rigorous enforcement, structural reforms, and protective interventions can the systemic drivers of organ trafficking be addressed, reducing the vulnerability of migrants and dismantling the entrenched networks that profit from this exploitation.

An effective and sustainable response to organ trafficking in North Africa must be conceived as a comprehensive and integrated strategy that not only enforces legal norms with rigor and safeguards fundamental human rights, but also tackles the deep-rooted structural conditions – such as poverty, marginalization, political instability, and weak governance – that perpetuate vulnerability and exploitation, recognizing that punitive measures alone cannot dismantle such a complex phenomenon.

This requires a systemic, multi-layered approach built upon robust domestic and international legal frameworks, harmonized enforcement mechanisms, and victim-centred protections, complemented by long-term investments in education, healthcare, and employment to address socio-economic precarity. To ensure accountability and dismantle entrenched transnational networks, it is equally necessary to establish specialized investigative bodies or tribunals with clear jurisdiction, supported by strengthened monitoring, transparent reporting systems, and enhanced cross-border cooperation.

Despite its gravity, organ trafficking remains insufficiently addressed, as it is too often subsumed under the broader framework of human trafficking, which obscures its distinct dynamics and complexities. While both involve exploitation, organ trafficking constitutes a serious crime in its own right, with unique legal, medical, and ethical dimensions that demand tailored instruments and specialized mechanisms. Treating it merely as a subset of human trafficking limits accountability

and protection for victims, highlighting the urgent need for specific frameworks capable of addressing its particular nature.

In conclusion, organ trafficking in North Africa is not merely a criminal or medical issue, but a fundamental migration and human rights concern that exposes deep structural inequalities and governance deficits. Sustainable and effective global responses must integrate law enforcement with human rights protection and strategic interventions addressing the root causes of vulnerability, thereby dismantling the systemic drivers of exploitation and safeguarding the dignity, health and security of affected populations.

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