

Recently published: Transnational crimes related to health: How should the law respond to the illicit organ tourism?

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Birmingham Law School academics Professor Jean McHale and Dr Sheelagh McGuinness collaborated on a major paper published this month in *Legal Studies*.

Abstract:

In this paper, to paraphrase Scheper-Hughes, we explore the contested legalities and illegalities of medical tourism. Increasingly, individuals are travelling outside of their home jurisdiction to access health services. This may be for a range of reasons: for speed, for cheapness or in some cases to bypass criminal restrictions at state level. This paper explores those who fall into the latter category and who travel to avoid statutory or regulatory prohibitions in relation to certain clinical procedures in England and Wales. In this paper, we consider the appropriate legal response to illicit transplant tourism. We examine the legitimacy of using extra-territorial jurisdiction to enforce the ban on the commercial trade in organs found in the Human Tissue Act 2004. We suggest that this, along with the recent Draft Council of Europe Convention against Trafficking in Human Organs, provide an effective response to the transnational crime of illicit organ tourism.

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