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ANALYSIS OF THE MEXICAN POLICY REGARDING ORGAN TRAFFICKING BETWEEN 2012-2017

MARIA GABRIELA FLORES AVILES

DIRECTOR: Mtr. JUAN CARLOS VALAREZO

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DEDICATION

To my mother Marcia, a gentle and strong soul.
For her love, faith, effort, support, patience and understanding.
For being my father.
You are my everything.

To my brother and sister, Andrés and Paola.
For their support and care.
For being my musketeers.

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I thank my mother for her unbelievable support, tolerance, comprehension and LOVE.

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TOPIC

ANALYSIS OF THE MEXICAN POLICY REGARDING ORGAN TRAFFICKING BETWEEN 2012 AND 2017.

I. ABSTRACT

Since the beginning of the 1980s, organ trafficking began to rise in the Middle Eastern and European countries as a new form of power for organized crime networks, as a threat for States, and as a new obstacle for international organizations. Organ trafficking later expanded to North and Latin American countries. Hence, International Organizations such as the United Nations, the World Health Organization, the United Nations Office on Drugs and Crime, etc. have developed international legal instruments such as Conventions, Protocols, and Policies in order to detain and control organ trafficking in the global context. For example, countries such as Mexico have had to adapt their legislation in order to align their policies to the international legal instruments in order to combat organ trafficking with difficulty, because of internal factors such as bureaucracy and corruption that worsened in the mandate of former President Enrique Peña Nieto. To study the interaction between the Mexican State, International Organizations and organized criminal networks, this dissertation will analyze the Mexican policy regarding organ trafficking between 2012 and 2017. This case will be analyzed through a mixed methodology, with both a qualitative and quantitative approach. Also, this will be studied and analyzed, through the Complex Interdependence Theory of Robert Keohane and Joseph Nye, as well as the Public Administration Theory of Miguel Galindo, a framework to study the necessity of cooperation between actors and the dynamic system of norms implemented by those who govern a politically organized community.

Key words: Organized Crime Networks, Organ Trafficking, México, International Organizations and Cooperation.

II. RESUMEN

Desde inicios de los años 1980 el tráfico de órganos comenzó a expandirse en el Medio Oriente y países Europeos como una nueva forma de poder para el crimen organizado, nueva amenazas para el Estado y obstáculos para organizaciones internacionales. Con este antecedente el tráfico de órganos empezó a expandirse en países de América del Norte y Latinoamérica. Por ello, organismos internacionales como Naciones Unidas, Organización Mundial de la Salud, Oficina de las Naciones Unidas contra la Droga y Delito, etc. han creado instrumentos legales como convenciones, protocolos, políticas para detener y controla el tráfico de órganos en un contexto global. Países como México han tenido que adaptar su legislación para alinear sus políticas a los instrumento legales enfocado en combatir el tráfico de órganos. Lo anterior se ha gestionado con dificultad debido a factores internos como burocracia y corrupción, los mismos que empeoraron en el mandato del ex presidente Enriquie Peña Nieto. Para estudiar la relación entre el estado mexicano, organismos internacionales y el crimen organizado, esta disertación analizará la política Mexicana respecto al tráfico de órganos entre 2012 y 2017. Este caso será analizado a través de una metodología mixta, tanto desde un enfoque cualitativo como cuantitativo. A su vez el caso será estudiado y analizado desde la Teoría de la Interdependencia Compleja de Robert Keohane y Joseph Nye, como también la Teoría de Administración Pública de Miguel Galindo, como marco teórico para determinar la necesidad de cooperación entre actores y el sistema dinámico de normas implementado por aquellos que gobierna una comunidad organizada políticamente.

Palabras clave: Crimen organizado, Tráfico de Órganos, México, Organismos Internacionales y Cooperación

III. ASTRATTO

Dagli inizi degli anni 1980, il traffico di organi ha cominciato ad espandersi in Mezzo Orente e paesi europei come una nuova forma di potere di reti criminale organizzate, le nuove minacce per lo stato e gli ostacoli per le organizzazioni internazionali. Con questo background, il traffico di organi ha cominciato ad espandersi nei paesi del Nord America e dell' America Latina. Pertanto le organizzazione internazionale come le Nazioni Unite, l`Organizzazione Mondiale della Sanità, l`Ufficio delle Nazioni Uniter per il controllo della droga e la prevenzione del crimine, etc., hanno creato strumenti giuridici come convenzioni, protocolli, politiche per controllare e fermare il traffico di organi in un contesto globale. Paesi come il Messico hanno dovuto adeguare la loro legislazione per allineare le loro politiche con gli strumenti giuridici focalizzati sulla lotta al traffico di organi. Questo è stato gestito con difficoltà a causa di fattori interni come la burocrazia e la corruzione che sono empeorati nella presidenza da Enrique Peña Nieto. Per studiare la relazione tra lo stato messicano, le organizzazione internazionale e la criminalità organizzata, questa dissertazione analizzarà la politica messicana pero quanto riguarda il traffico di organi tral il 2012 e il 2017. Questo caso sarà analizzato attraverso una metodollogia mista, sia da un un approccio qualitativo che quantitativo. Ugualmente il caso sarà studiato e analizzato attraverso la teoria della Interdipendenza Complessa di Robert Keohane e Joseph Nye, così come dalla teoría della Amministazione Pubblica di Miguel Galindo, come contesto teorico per determinare la necessità di cooperazione tra attori e il sistema dinamico di norme implementato da coloro che governa una comunità organizzata politicamente.

Parole chiavi: Crimine Organizzato, traffico di organi, Messico, Organizzazioni Internazionali e Cooperazione.

IV. INTRODUCTION

Organized criminal networks have played a key role in the international security breaches, human rights violations, and disruption in the global sphere, while also gaining economic, geographical and political power. International Organizations as well as States have had to comply with each other to control and eliminate issues, such as drug trafficking, organ trafficking, weapon trafficking, etc., problems derived from criminal networks. States are no longer seen as the absolute source of power, since criminal networks have been gaining control. States incapacities to forgo a fight against criminal networks and their behavior have created the necessity of cooperation with international and national institutions. On the other hand, International Organizations have had to adapt legal instruments as a source of help of execution plans for States to adapt to a more compromised world. These have also emphasized in cooperation with States in order to control criminal networks that are blameworthy for human rights violations as well as other crimes.

From a historical perspective, attempts at a compromised world were set after the end of WWI and WWII. In 1918, at the end of WWI, the League of Nations was founded with the main objective of having world peace through collective security, cooperation and detaining human and drug trafficking (Knepper, 2012). In 1945, when WWII ended, The United Nations was founded because there was a responsibility of redesigning a new world order where peace could be guaranteed (United Nations, 2018). The United Nations undertakes maintaining international peace, security, developing friendly relations between nations, achieving international cooperation and being a center for harmonizing the actions of the nations (United Nations, 2018). Promoting and encouraging respect for human rights and for fundamental freedoms is an objective that The United Nations and its member States pledded to undergo by cooperation or separate action. The objective of guaranteeing human

rights from both, the League of Nations and the United Nations, comes in order to suppress human rights violations.

Additionally, criminal networks have become widespread in a 30 year time lapse in Latin America, acting through crimes, violence and brutality, jeopardizing the stability of institutions and States (Ignatieff, 2004). A way to destabilize States on behalf of criminal networks is by infiltrating governmental instances and therefore weakening nations (Villalobos, 2010). In this sense, creating policies and or adapting legislation to fight organized crime requires strategies that involve not only governments, but also national and international institutions, as well as civil society to enhance and consider their different perceptions on this matter (Bailey and Godson, 2000).

The chosen topic for this dissertation is "The Analysis of the Mexican Policy regarding Organ Trafficking between 2012 and 2017". The selection of this topic is to explain that although cooperation exists within the international community, these efforts are not enough to help control or eradicate the violation of human rights in organ trafficking, as well as to determine that even though governments such as Mexico have created policies to adapt and embrace protocols and conventions given through the United Nations, World Health Organization, etc., these policies tend to be inadequate in controlling or detaining organ trafficking.

Organ trafficking does not only affect the locations where this diversification of business takes place, but it also affects international security in a negative context by weakening States and International Organizations. This means that the racial, economic, and political differences have caused a new form of exploitation, where organ trafficking can be defined as the sale and purchase of parts of the human body in exchange for money or another form of payment (Matesanz, 1994). Thus, human rights are violated when people

are abducted with the purpose of having an organ removed against their will for an economic benefit of a third party.

Organ trafficking began when organ transplant became possible; this means the donation of a person's organ to another whose health and life depends on it. Nowadays, there are more patients who are in the need of an organ than available donors, statistically for each 6 patients waiting for an organ, there is only one in supply. With this precedent, organ trafficking started because criminal networks saw this as an opportunity to generate an income. Organ trafficking generates approximately 75 million dollars worldwide(UNICEF N/D).Organ trafficking would not be sustainable if people with high incomes would not contact nor pay criminal networks who offer this diversification of business where human rights are violated and international security is jeopardized. Therefore, criminal networks see Mexico as a lucrative opportunity for organ trafficking, making civilians who live and arrive to Mexico accessible targets. (UNICEF, N/D & WHO N/D).

One of the countries that has a strong influence in the economic sustention of organ trafficking in Mexico is the United States (Secretariat of Health in Mexico, 2018). As a consequence, International Organizations and governments have decided to create, adopt and implement policies in the hope of eradicating organ trafficking in the world (Rachen, 2012). The United Nations as well as other International Organizations are in the constant search for mechanisms or opportunities to fight this global issue that impinges against society. Organ trafficking causes an international concern because this affects the international security that governments and international institutions should be able to guarantee. As an example of a plan of action of both States and International Organizations , through the 10th and 12th of October of 2011, in Vienna, the "Conference of the Parties of the United Nations against Transnational Organized Crime" was held where the parties

decided to establish work committees to coordinate mechanisms to eliminate or paralyze organ trafficking.

Organ trafficking is not taken with enough importance as it should, mainly because governments argue that this is a myth created in society and by society. For the academic and university field, studying this issue creates awareness and interest because it shows that in society there is more than one way to violate rights (UNODC,2015).

The hypothesis that will be proven for developing this dissertation is: the policies created and applied by the Mexican government regarding the legislation of International Organizations have not contributed in decreasing organ trafficking in Mexico from 2012-2017 because of a marked bureaucracy and corruption within its instances. To validate this statement, the general objective for this research is: to analyze how the legislation of International Organizations applied by the Mexican government to eliminate or control organ trafficking has not been effective because of corruption and bureaucracy. The demonstration of this objective will be evidenced through three specific ones that are: 1) to describe how organ trafficking has influenced international institutions and international security, 2) to explain how the Mexican government has adopted policies to control organ trafficking within its territory and 3) to define the situation of victims of organ trafficking in Mexico.

For this dissertation, the chosen space is Mexico and the considered time period are the years between 2012 and 2017,considering that Enrique Peña Nieto was entering office as the elected president and how he along with his representatives have decided to act towards this issue.

The theories through which this study case will be analyzed are Complex Interdependence of Robert Keohane and Joseph Nye and Public Administration of Miguel Galindo.

Complex Interdependence states that world politics is constantly changing and the power that States possess is more elusive than in previous times. Keohane and Nye argue that technological advances and the increase in social and economic exchanges have caused a new world, where the State and the control of it will not have the same strength that it had in previous eras because through cooperation, better outcomes will be achieved. Today the world is conditioned by interdependence (Keohane & Nye, 1988). . Keohane and Nye express the following: "By creating or accepting procedures, norms or institutions for certain kinds of activities, governments regulate and control transnational and interstate relations. These governmental agreements are called "international regimes". (Keohane & Nye, 1988) States and International Organizations have the capacity to create policies that help dictate the importance of solving problems and achieving policies that contribute to the solution of them. Keohane argues that variations in the institutionalization of world politics have a significant effect on how State governments will act, because this determines if a country will act or not towards an issue. Likewise, it will determine the importance it gives to its actions if the country decides to act against a problem. However, taking a plan of action will not be enough if cooperation on how to handle an issue is not considered. (Keohane, 1989) This will be explained in chapters one and two of this dissertation.

Miguel Galindo on the other hand, states that public administration is "the dynamic system-integrated by norms, objectives, structures, organs, functions, methods and procedures, human elements and economic and material resources through which the policies and decisions of those who represent are executed or implemented or they govern a politically organized community" (Galindo, 2000). The former definition refers to the fact

that the Public Administration theory has a sustainable basis on legal order. The public administration is consolidated over time and through meaning; it is adapted according to the historical framework in which it is located, but it will always be linked to Political Science. That is why "the administration cannot and should not be considered as an end in itself, but the mechanisms or instrument through which the State meets the needs of its population by carrying out the public services required by the community" (Galindo, 2000). On the other hand, it is bounded by the degree of cooperative community that a society can reach, since it is the public substantial continent of the associated life, since human beings are not isolated individuals, but rather they are part of the growth of a society (Guerrero, 2000). The Public administration theory determines that it is a synergetic and dynamic system, since it is in constant movement to be able to satisfy needs, not only for individual well-being, but also for the collective, that is to say, of the society, for which it works in its resistance and improvement. The government decides on peace and war, and the administration organizes and regulates the details of these acts (Guerrero, 2000). This theory is a quality of the State and can only be explained through and from the State; it exists only according to society (Gordillo, 2005).

In this way, the Public administration Theory establishes that through the management of representatives of the State, a common well-being of society and the proper functioning of the State will be achieved. However, we can see that as a result of the new policies implemented and adopted in favor of eradicating or reducing organ trafficking in Mexico, the government has not achieved social welfare since there are still victims of this issue developed in chapter three of this investigation.

For this research, a mixed methodology will be utilized, meaning qualitative and quantitative approaches. Quantitative approach is a way of collecting data that can be converted into usable statistics to uncover patterns in researches. Quantitative data includes

poverty rates, scholastic rate, human development indexes, etc. Qualitative approach, on the other hand; helps uncover trends in thoughts and opinions of focused groups. Examples of qualitative data are audio-visual material, document studies, and interviews. Therefore and the mixed methodology will provide a broader perspective of the studied issue because of the use of both qualitative and quantitative approaches (Jackson, Drummond and Camara, 2007).

In this research, the data that will be used to analyze the case study on the quantitative approach will be: income rates, migration rates, prices of organs in the black market, corruption cases discovered within the government, and human development index applied to organ trafficking in the Mexican State.

For the qualitative approach, the utilized data will be: the interviews of Mexican government officials, document studies of resolution of the United Nations and World Health Organization, the Mexican General Law, and the policies adopted by the Mexican government regarding organ trafficking.

Data such as number of victims of organ trafficking, income rates of this type of business, poverty, rates, scholastic rates, migration rates, prices in the black market, corruption and bribery cases of the Mexican government, unemployment rates, number of filed complaints and indicator of human development are just examples of the statistic methodology that is necessary for the quantitative approach to demonstrate causes and effects on this issue (Rubio N/D).

For the qualitative approach, a documentary methodology will be used because of the different articles, papers, and testimonies emitted by the institutions and actors studied through this dissertation. The legislation developed by the United Nations and implemented by the Mexican government where organ trafficking has high rates will also be used.

Articles emitted by other Institutions such as United Nations International Children's Emergency Fund, World Health Organization, and the different Mexican agencies that handle organ trafficking will also be used in this analysis. This comes as helpful instruments to compare and contrast the different information provided by the former institutions (OHCHR, N/D). In addition, this methodology contributes to the organization and synthesis of the information, since it will help understand the main qualities or characteristics as to why this issue occurs in the international sphere (Rubio, S/F).

International security, foreign policy, human rights, international law, political science, etc. are all significant scopes that the Multilingual Bachelor in Business and International Relations studies and therefore, it is also significant for this case analysis, because it entails an orientation of foreign and public policy, international law, and other forms of civil organization. The viability of these investigations is obtained through academic papers, researches, dissertations, as well as official web pages from the Mexican government and International Organizations that will contribute to study and analyze Mexico`s foreign policy and its plan of action towards organized crime, which along with the government, should be held responsible for organ trafficking. The "United Nations Convention against Transnational Organized Crime", "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children", Resolution 59/156 "Preventing, combating and punishing trafficking in human organs" and Resolution 71/322 "Strengthening and promoting effective measures and international cooperation on organ donation and transplantation to prevent and combat trafficking in persons for the purpose of organ removal and trafficking in human organs" will be used as a primary source. Mexican laws will also be used as primary source for this investigation such as articles 461-463 of the Mexican General Health Law.

Therefore, the aforementioned elements will be used throughout this dissertation in order to accomplish the hypothesis as well as the general and specific objectives of the case study “Analysis of the Mexican policy regarding organ trafficking between 2012- 2017”.

CHAPTER I

ORGAN TRAFFICKING AND INTERNATIONAL ORGANIZATIONS

As explained in the introduction, this case study will be divided into three chapters based on the actors that will be analyzed. This chapter will focus on how organ trafficking has influenced international organizations and international security. To understand the development of this chapter, it is important to answer: what is an international organization? According to Complex Interdependence theory of Keohane, international organizations are sets of persistent and connected formal and informal rules that prescribe behavioral roles, restrict activity, and shape expectations. In today's world organ trafficking and trafficking in personas has become a world issue because of the negative consequences that it carries; such as human right violations, corruption, mass murders, disappearances and social inequities. Even though organ trafficking generates negative social issues, these are not taken into account with the appropriate weight in international criminal law regimes and even more so in domestic criminal law (Francis & Francis, 2010).

1.1. History of organ trafficking

The origins of organ trafficking will be reviewed in this section, starting at defining organ trafficking emphasizing the definitions of the Mexican State and international organizations, as well as stating the commencements of this issue. The last part will describe how organ trafficking has diversified geographically and socially from its beginnings to the 21st century. For this chapter the elements and features such as cooperation, hard and soft power of the authors of Complex Interdependence Robert Keohane and Nye.

1.1.1. Definition of Organ Trafficking

Organ trafficking, also known as organ tourism, is considered as such because of the international outreach that this activity has. For this research the following definitions will be

used as guidelines because they cover most of the features. Organizations such as the European Parliament, the Office on Drugs and Crime of the United Nations (UNODC) and the Mexican Government, have described, through declarations, Statements and a study of what organ trafficking means.

For the European Parliament, organ trafficking is: “forms part of organized crime, constitutes one of the worst forms of human rights abuses, as it reduces human beings into commodities and profoundly and durably violates the dignity, the integrity and the rights of the victims and affects entire families and communities, as well as deliberately abusing situations of vulnerability such as poverty or isolation.” (European Parliament, 2016).

On the other hand, for the UNODC, the definition for organ trafficking is adopted based on the Declaration of Istanbul on Organ Trafficking and Transplant Tourism where it states: “organ trafficking is the recruitment, transport, transfer harboring or receipt of living or deceased persons or their organs by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving to, or the receiving by, a third exploitation by the removal of organs, tissues or cells for transplantation(Declaration of Istanbul, 2008).

The Mexican government defines organ trafficking as the selling, buying, transportation of organs in order to obtain an economic benefit, whether the payment is made by the person to whom the transplant will be performed or the benefit obtained by members or criminal networks that are well-structured for the illegal procurement of organs. These latter sold to hospitals or doctors who will perform transplants in a clandestine matter (Mexican Government Specialized Unit on Investigations of Minor, Human and Organ Trafficking, 2015).

These former definitions describe or imply that organs become or are used as commodities for an economic gain. Also, it suggests that this activity affects people in a vulnerable State, such as a low economic status, low education rates, or a vulnerable geographical location. There are also characteristics in common between the aforementioned definitions, such as, that under no conditions should a person be obligated to turn over an organ. If there is an economic transaction through resignation of an organ then the person or people involved should face punishment by law, whether the former is international or domestic.

Even though there are similarities in the definitions, an important difference can be highlighted between the 3, where the UNODC incorporates new terminology such as "tissues and cells" meaning that trafficking has undergone not just organs. Therefore, the criminal networks that carry out this activity have diversified the methods and ways to obtain financial benefits.

1.1.2. Beginnings of organ trafficking

According to the European Parliament, the first reports with information of cases of human trafficking date in the early 1980s; information prior to this date is not available or does not exist. At the beginning of the 1980s, buyers of organs came mainly from the Middle East and organ sellers were from India. The modus operandi for the time was to focus on buyers, and their hired doctors would travel to India. Once in India, surgery was performed both in the recipient and the donor. Nevertheless, both recipient and donor would die because of unsafe and unsanitary medical procedures. Because of the risks, in 1994, the Indian Government passed a law called "The Indian Transplantation of Human Organs Act" or THO, where buying or selling an organ was punished by law (Shroff, 2009).

The THO was established because of the international pressure that the Indian government was facing, where the main argument was that this practice was affecting people at the lowest social status, mainly from underdeveloped countries and benefitting people of high social status from developed countries. The citizens that were accused of taking advantage of organ trafficking were mainly from the United States and European countries. Conversely, representatives of the United States and Europe have permanently stated that there has never existed any type of payment for organs. (Directorate General for External Policies Policy Department European Union, 2015)

In the article "Organ Transplants: Questions and Controversy" from Porter, he describes how information on financial incentives were made; doctors and hospital faculty members were bribed to perform surgery of illicit acquisition, as well as finding candidates willing to be paid for their organs. In Europe, specifically the United Kingdom, many high income citizens would hire low income citizens in order to receive an organ (Porter, 1984).

In other registered cases in the United Kingdom, low income citizens hired to sell their organs died. It was not until people's lives were in danger that the government decided to take a course of action and begin to protect the citizens' rights. Therefore, the United Kingdom passed the "UK Human Organ Transplant Act" in 1989, where it stipulates organ trafficking as a criminal offence (Price & Mackay, 1991). This made the United Kingdom as one of the pioneer countries in condemning organ trafficking. However, prior to the act passing, no person was condemned for organ trafficking.

Before criminal networks were the connection to obtain an organ, newspapers were the place that constant advertisements motivated people with low incomes into selling an organ for prices ranging between 2 000-3 000 GBP.

According to a study of the European Parliament, Turkey was another country which allowed organ trafficking, and a company called "Trans Transplantsyon" would offer European citizens organs; for example a kidney would be sold for the price of 22 000 GBP. The surgeries performed in Trans Transplantsyon would be performed at clandestine clinics of Russia or India. The aforementioned Turkish company operated for over six years and made over 400 illegal organ transplants. The profit that the company generated motivated the owners to open an office in London to call for more buyers. Still, the Turkish government in the attempt to safeguard human rights decided to close Trans Transplantsyon (Directorate General for External Policies Policy Department European Union, 2015)

From a complex interdependence analysis, India, the United Kingdom and Turkey used channels of action of transnational relations to seek for mechanisms in order to stop organ trafficking by implementing the aforementioned laws. Likewise, the three countries prioritized the objective which was to detain organ trafficking without the use of a coercive power and by transcending the issue in their agenda. By prioritizing organ trafficking in the governments' agenda short term solutions, plans of actions and laws were made (Keohane & Nye, Power and Interdependence, 2011).

1.1.3. Organ trafficking in the 21st century

As seen organ trafficking began as a transaction of people with high income hiring people with low income to sell their organs mainly because the latter were in seek of a better standard of living. Nevertheless, organ trafficking began to expand towards the Middle East and Eastern Europe by the beginning of the 21st century. Iraq turned into a country, where donors would be willing to provide an organ for an economic incentive. Israel became the country where patients were eager to pay large amounts of money for an organ. Between Iraq

and Israel the most commercialized organs were kidneys with close to 80% of organ transactions (Friedlaender, 2002).

On the other hand, Jewish Israeli patients in need of an organ were not able to go to Iraq because of circumventing Israeli law, but options to obtain an organ from an Iraqi donor existed. The Jewish Israeli would travel with their doctors to countries such as Estonia, Bulgaria, Romania and Russia and there, the doctors would perform the organ transplants. This surgery had a fee of 200.000 US dollars. One the most relevant aspects in these cases, is that governmental institutions were involved, for example; the Veterans Health Organization, co-office of the Israeli Ministry of Defense (Council of Europe, 2003).

According to the European Police or EUROPOL, organ trafficking was more frequent in Turkey than in other countries. The modus operandi in Turkey worked by renting abandoned hospital facilities. Donors came mainly from countries such as Ukraine, Bulgaria, Russia and Georgia. Most of the "donors" were obligated to yield their organs; if they did so, then they would be offered 2 500- 3 000 US dollars, but for the majority of the cases no money was offered to them (Council of Europe, 2003).

In a report made by the Council of Europe, it was discovered that by 2007, criminal networks were the perpetrators of organ trafficking. They operated in a way that police or government officials had never seen before. Operations of criminal networks consisted in recruiting brokers, local recruiters, specialized medical staff and government officials, who were bribed but in most cases threatened. There were also leads that corruption in governmental instances existed because several police and custom officials were paid to allow or to ignore that the illegal activity was occurring. (Council of Europe, 2003)

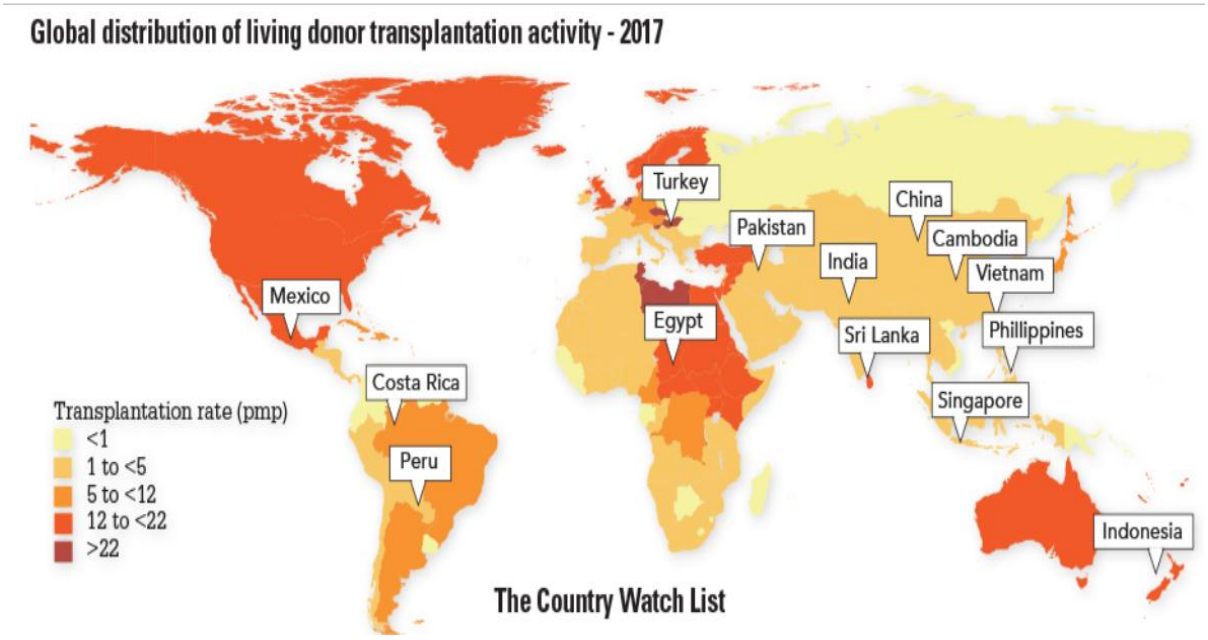
At the beginning of the first decade of the 21st century, criminal networks shifted the way organ trafficking worked. With conflicts in countries like Syria, many people were found

in the middle of war crimes which had caused an exodus of many people. People that fled their country in search for better standards of living, welfare, and security had become victims of organ trafficking by criminal networks that operated in borders. Refugees and migrants were either forced to get in organ trafficking or willingly concede in exchange for money; this was done in hopes of surviving their journeys to countries that could provide them with humanitarian help (Spiegel Online International, 2013). However, this did not only occur with organ trafficking, but also with other world issues such as human and drug trafficking.

Even though organ trafficking started in countries of the Middle East and Europe, it has reached new corners of the world. Organ trafficking has become widespread throughout Latin American countries such as El Salvador, Honduras, Guatemala and Mexico. These countries have increased organ trafficking rates because of their geographical proximity to buyer countries such as the United States and Canada. These countries are attractive for organ trafficking because of the high rates of migration flows because they are considered transit countries for migrants and therefore, this eases the search for potential organ donors for criminal networks (Fox, 2012). In the following charts, the rates of migration flows and organ trafficking of the mentioned countries can be distinguished.

GRAPHIC 1

GLOBAL DISTRIBUTION OF LIVING DONOR TRANSPLANTATION ACTIVITY – 2017



Source: Global Observatory on Donation and Transplantation (2018)

TABLE 1

MIGRATION FLOWS OF ORGAN TRAFFICKING COUNTRIES

	Migration Flows		
Country	**2017**	**2018**	**Growth**
El Salvador	5829	9392	62%
Honduras	12571	16224	29%
Guatemala	15760	23318	47%
Mexico	16832	21446	27%

Source: International Organization for Migration United Nations (2018)

Elaborated by: Maria Gabriela Flores A.

1.2. Actors involved in organ trafficking

The following section will start with the role of criminal networks in organ trafficking, as well as determining the role of international organizations in the matter and the international legal instruments that serve as a guidance to control or detain organ trafficking. Then, an overview of the role of States in organ trafficking will also be studied and close the section, the role of victims in organ trafficking will be analyzed.

1.2.1. Criminal networks in organ trafficking

Criminal networks or organized crime groups according to the United Nations Office on Crimes and Drugs, also known as UNODC, to be considered as such, must comply with the following characteristics: 1: to be a group of three or more people that was not randomly

formed, 2: that it has existed for a period of time[1] , 3: that they act in a predetermined manner with the aim of committing a crime punishable by at least four years of imprisonment and 4: in order to obtain directly or indirectly, a financial material benefit. The mentioned characteristics must have an international repercussion to be considered as a criminal network (United Nations Office on Drugs and Crime, 2012)

Criminal networks have grown as a consequence of globalization, impacting more countries which determine that States and international organizations decline in controlling the former. Criminal networks had their growth from the 1960s when the drug trade started to expand in Asia, Latin America and Europe in countries like Italy. It is important to highlight that the growth of criminal networks in a geographical, political and economic is still based on illicit drug trade (Shelley, 1993).

Criminal networks have diversified their activities and their actions in which, very structural reforms have been made in hand of not only these organizations, but also within States. Criminal networks strengthen their power within the territories they are located because States show passivity when creating or applying a law regime sufficient to detain their expansion and power (Truong, 2001).

This determines the global complexity of the problem that because of its international repercussion, governments tend to ignore if members of criminal networks should be charged under a local or international criminal law regime. However, this gives States and International organizations an opportunity to cooperate in order to help eradicate or detain criminal networks.

[1] In the characteristic given by the UNODC it does not determine the duration of the period

1.2.2. International organizations in organ trafficking

An international organization has presence, scope and influence at the global level. International organizations are established through treaties, conventions, protocols or legal instruments accepted by their members and therefore, they have a global reach. Normally,States are members of international organizations, but entities may also be held for membership. Among its members, voluntary cooperation and coordination is promoted. International organizations are also a mechanism to focus efforts of international relations, cooperation and policymaking. (Duffield, 2007)

International organizations focus in a common well-being for society and stand for the vulnerable, which is why protocols, conventions, treaties and policies are created in order to assure acceptance and implementation within the States that approve the former. To foster cooperation and compliance in world affairs, international organizations often use reciprocity, meaning that favors, benefits or penalties granted by States, citizens or international organizations should be returned (Keohane, 1986).

In organ trafficking, international organizations act through their policies and laws by guaranteeing the rights of the citizens through cooperation with State members. Therefore, if a State undergoes organ trafficking, a course of action should be taken into account with other States that have or go through the same issue. This is in order to create more effective mechanisms to detain the problem; in these cases, the standard of reciprocity is used.

In the following chart, there is a list of international organizations, that work to guarantee human rights and pressure States and governments to help control and detain organ trafficking:

TABLE 2

INTERNATIONAL ORGANIZATIONS INVOLVED IN COMBATING ORGAN TRAFFICKING

Name	**Date of Foundation**
United Nations	1945
Human Rights Watch	1978
Amnesty International	1961
Anti-Slavery International	1839
A21 Campaign	2008
Awareness Against Human Trafficking	2010
Coalition to Abolish Slavery and Trafficking	1998
Coalition Against Slavery	1998
The Emancipation Network	2005
Global Alliance Against Traffic in Women	1994
Slavery Footprint	2011
Run For Courage	2009
UNODC	1997
UNESCO	1945
Inter-American Commission for Human Rights Office of the High Commissioner for Human Rights	1959 1993

Source: Various. (2018)

Elaborated by: Maria Gabriela Flores A.

There are different international instruments that serve as guidance to help control and eliminate organ trafficking in the global community, to demonstrate how international organizations have worked in detaining or eliminating organ trafficking conventions and protocols have been created. The "United Nations Convention against Transnational Organized Crime" signed in Palermo, Italy in December 2000. By signing the aforementioned convention, the international community showed interest in addressing a problem with global repercussion, arguing that if criminal activities have sufficient capacity to cross borders, so does international law(United Nations Office on Drugs and Crime, 2000).

This Convention seeks to eliminate human rights violations that people suffer such as; forced labor, sexual exploitation, organ trafficking which may lead to their death. Assuring security of people is an obligation of every State. Therefore, members States have ratified the convention and have also decided to adopt the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children", which supplements the Convention of the United Nations against Transnational Organized Crime. Through General Assembly Resolution 53/111 of December 9th 1998, which stipulates the creation of an intergovernmental committee with the purpose of developing an international convention draft to be able to confront organized crime, the aforementioned protocol is drafted and therefore adopted on November 15th, 2000 (United Nations Office on Drugs and Crime, 2000).

The "Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children" has as an objective of preventing and combating trafficking in persons with special attention to women and children, targeting as an objective the respect of human rights (Office of the High Commissioner and Human Rights, 2000). Achieving such an objective will beviable through cooperation between States and international organizations by creating a legal binding and compiling measures and standards to combat organ trafficking.

The former protocol establishes that cooperation between States and international organizations will be a guideline for dealing with organ trafficking, sexual exploitation, and other forms of human exploitation that threatens international security. The joint work of nations like Mexico, Thailand, India, and China, where organ trafficking originates, will be decisive for sanctioning the traffickers and protecting the victims.

Conference of the Parties Resolution 5/2 or CTOC/COP 201/17 advocates an invitation for member States to provide the Secretariat with updated information on organ trafficking; this is done to help prevent, detect, and prosecute those capable of such crimes. (UNODC, 2011) The report of the Secretary- General to the Commission on Crime Prevention and Criminal Justice or E/CN.15/2006/10 based on preventing, combating, and punishing organ trafficking, is the instrument which is used to discuss that the main causes of organ trafficking are the: lack of education, unemployment, and poverty (ECOSOC, 2006).

Resolution 59/156 "Preventing, combating and punishing trafficking in human organs" adopted by the General Assembly of the United Nations on December 20th, 2004, encourages member States to exchange experience and information on preventing, combating and punishing organ trafficking, as well as to determine the availability of resources to study the issue. (United Nations General Assembly, 2004).

Resolution 71/322 "Strengthening and promoting effective measures and international cooperation on organ donation and transplantation to prevent and combat trafficking in persons for the purpose of organ removal and trafficking in human organs" was adopted by the General Assembly on September 8th, 2017 and created in advisement of the National Transplant Organization and member States. Resolution 71/322 urges member States to prevent organ trafficking by going in accordance to their obligations of international and national law , as well as holding accountability through legislation, investigation,

prosecution and punishment of unauthorized organ trafficking (United Nations General Assembly, 2017).

Resolution 71/322 urges member States to adopt measures in accordance with their domestic legal systems and national legislations, as well as in line with the World Health Organization on their principles of human cell, tissue, and organ transplantation, by strengthening legislative frameworks, overseeing medical facilities and professionals involved in transplantation, promoting voluntary contribution of organ donation and persecuting those involved in organ trafficking(United Nations General Assembly, 2017).

Consequently, the conventions, protocols, and resolutions created by international organizations have the goal of developing effective systems for voluntary donation of organs established and guided by the mentioned legal instruments. In addition, these legal instruments determine that States which have achieved effective systems within their territory should collaborate with technical assistance to help States that have not achieved such a system. (United Nations General Assembly, 2017)(United Nations Office on Durgs and Crime, 2012) (Office of the High Commissioner and Human Rights, 2000). All the legal instruments mentioned, condemn organ trafficking because of the violation of human rights and therefore, seek to protect not only victims, but civil society in general. This shows the principle of Keohane that determines cooperation must not be understood as the inexistence of conflict, but as a mechanism to overcome it, this being eminent or potential (Keohane, Reciprocity in International Relations, 1986).

INTERPOL, on the other hand, has tried to detain organ trafficking through four strategies: 1) formulating a database to determine focal and vulnerable geographical points of organ trafficking, 2) cooperation strategies obtained by the use of the former database, 3) control of illegal migration as a measure to reduce victims in organ trafficking and 4)

determining channels of communication to disseminate legal repercussions in order to promote the non-involvement in this activity (INTERPOL, 2016).

1.2.3. States in organ trafficking

States in organ trafficking are required to demonstrate the same protection provided to victims of other violations such as labor, sex, or drug trafficking. A fundamental position of detaining organ trafficking is to create socioeconomic conditions that make victims less vulnerable, as well as to implement laws and policies that will allow a reduction in this problem. Not only laws should be created to reduce organ trafficking, but also to create laws that avoid the issue (Office of the High Commissioner and Human Rights, 2000).

The former can be achieved by creating campaigns to promote awareness, and explain the causes and seriousness of the problem. Therefore, governments are in charge of creating strategies and methodologies of prevention, detention, and elimination. Lack of opportunities and labor, underdevelopment, poverty and low education rates put people in a more vulnerable state that make them approachable targets. Overall, governments must recognize that within their territory organ trafficking exists, in order to identify victims and seek for solutions.

As signatories of international treaties, it is the States` responsibility that based on the convention, protocol and resolutions mentioned before, seekthe adaptation of necessary measures and legislations to combat organ trafficking.

To prevent, detain, or eliminate organ trafficking, there ought to be cooperation between actors, where the protection of victims should be on the top of the international agenda. International organizations as well as governments should have and use the know-how, experiences, methodologies, and tools not to only help victims, but also to detain organ

trafficking from gaining victims. International organizations will not be able to detain organ trafficking if support from governments is inexistent.

1.2.4. Victims in organ trafficking

People become victims of organ trafficking because they are recruited by criminal networks through financial bribery or forced into conceding an organ. Many victims find themselves in desperate needs and therefore, are negatively influenced to sell their organs.

EUROPOL, in its fight against this problem, has discovered that people with the following characteristics are more probable to become victims of organ trafficking: age range between 18 and 30, are from rural territories, have low- education rates and are unemployed (Canales, 2018). EUROPOL has also discovered that victims who have suffered violence in their home or transit countries, as well as migrants, are the most vulnerable to become victims of organ trafficking.

According to Keohane, world politics have a fundamental characteristic: "institutional deficiencies" that create a mutual advantage for cooperation. He distinguishes that cooperation between parties are actions of separating organizations that bring conformity with one another because coordination existed between the parties. Therefore, States and international organizations cooperating in the fight against organ trafficking and criminal networks will facilitate the attainment of goals, thus assuring security and human rights of the victims of this concern (Keohane, Reciprocity in International Relations, 1986).

1.3. Modus operandi of organ trafficking

The final section of this chapter will determine the financing and organization of organ trafficking by determining prices of organs in the black market, as well as the countries that are considered as buyers, sellers, or both. To continue this section, the violation in human rights that occurs because of human trafficking. Also, how international security has been

affected by organ trafficking will be taken into consideration. To finalize, the fulfillment of objective one will be approached.

1.3.1. The company as an enforcer of TRIPS and UPOV

Organ trafficking is considered illegal, and it is banned in most countries, except in Iran. However, the buying and selling of organs in Iran, is controlled by: The Charity Association for the Support of Kidney Patients and the Charity Foundation for Special Diseases. Nonetheless, internal laws have been created in order to control organ trafficking, making it viable only in this country and only within its citizens; therefore, foreigners are prohibited to buy Iranian citizens` organs. (Major, 2008) In Iran, a patient who sells his/her organ receives free health care insurance, tax credit compensation, and around 1200 US dollars. This comes to show that buying and selling organs is a profitable business[2] (Griffin, 2007). Also, countries such as China, India and The Philippines attempted to legalize the market of buying and selling organs.

Nowadays, patients are put on long waiting lists; where the minimum queue time is 3 years. As desperation hits patients and family members, the former seek for different alternatives to obtain the needed organ. In these scenarios, criminal networks provide a tempting alternative by offering a reduced wait time in exchange of a high economic cost. Patients and families are willing to pay high prices and ignore that the "donor" may have lost his or her life in the process or perhaps that they were forced to become a donor. In other words, criminal networks find people in low economic status or in a vulnerable state to hand in an organ with the false promise that they will have a better standard of living. In most cases, criminal networks profit up to 95% of the business and give the donor 5% or less if they were to survive the process. However, patients are usually promised 25 to 50%

[2]This legalized practice in Iran has become a model example of safe and effective organ trade, however this is influenced by a cultural aspect because many Iranian citizens consider organ donation as a taboo.

of the transaction. According to the Council of Europe and the World Health Organization, different organs in the black market may vary from 100.000 US dollars to 200,000 US dollars if not more(Council of Europe , 2003) (World Health Organization, 2007) (Matas&Kilgour, 2007). In the following figures, we can compare the income generated of organ transactions in a legal and illegal spectrum, as well as an estimated price for the most commercialized organs.

TABLE 3

CHART COMPARISON OF ORGAN TRAFFICKING IN A LEGAL AND ILEGAL SPECTRUM

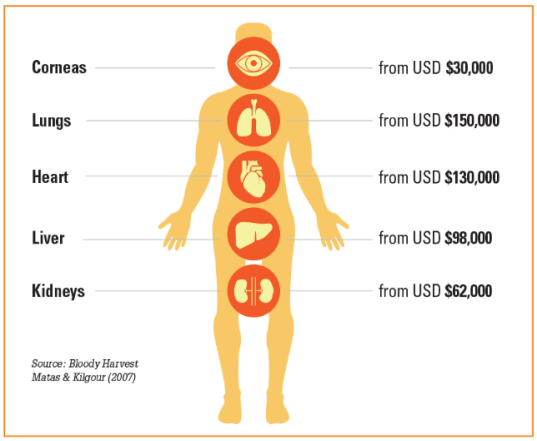
	IRAN`S LEGAL MARKET	BLACK MARKET
Cost of organ (kidney)	$ 1.200,00	$ 160.000,00
Middlemen	$ -	$ 150.000,00
Patient	$ 1.200,00	$ 3.000,00

Source: International Organization for Migration United Nations (2018)

Elaborated by: Maria Gabriela Flores A.

GRAPHIC 2

PRICES OF ORGANS IN THE BLACK MARKET



Source: Matas&Kilgour (2017)

Elaborated by: Maria Gabriela Flores A.

Nowadays, the demand of an organ is six times higher than the supply; this is seen in 6000 patients that die every year waiting for a transplant and a compatible donor[3]. Criminal networks are not involved in organ trafficking to assure a person`s life, but rather for a material gain to consolidate and expand power[4]. According to a study of 2016, called "Trafficking in human organs" done by the European Parliament, the profits obtained through organ trafficking goes from a range of 600 million US dollars to 1.2 billion US dollars (European Parliament, 2016).

Data becomes scarce and incomplete regarding organ trafficking, mainly because State representatives do not want to recognize that within their society such activity exists, and therefore, they do not monitor organ trafficking. Through the few cases that have been investigated and prosecuted, criminal networks through traffickers are the ones who price tag the organ transaction. The modus operandi of criminal networks is based on bribery, threats,

[3]In cases were a patient has found a donor, medical tests must be done in order to determine of their body will be able to react positively to the organ, if the test comes out negative, then the patient will not receive the organ.

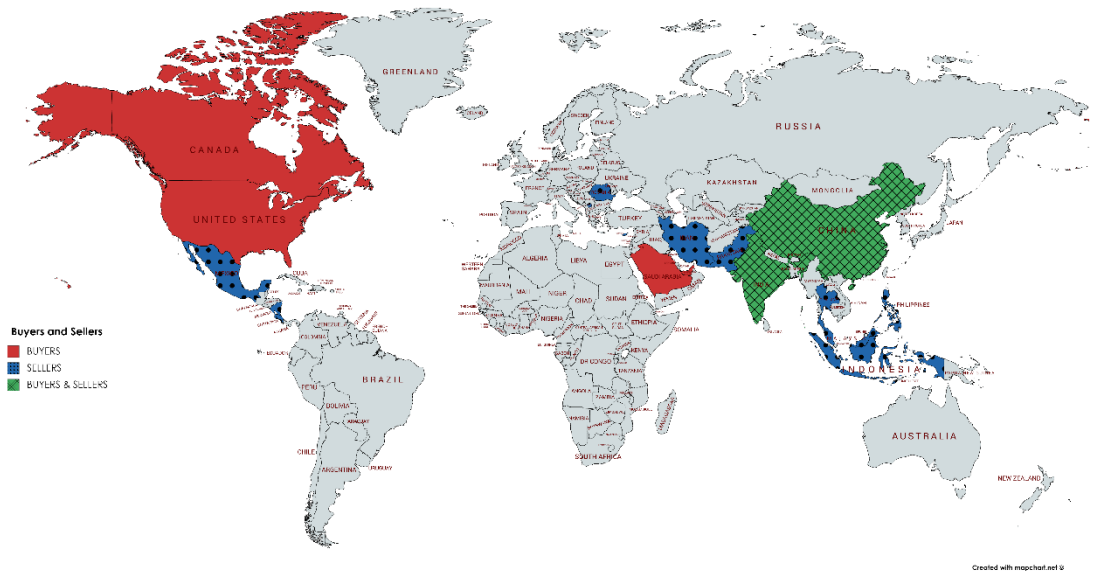
[4]Criminal networks seek economic, political, geographical and demographical power.

and money flow between middlemen. They can be doctors, surgeons, clinics, hospitals, police forces, government officials, etc. Therefore, through these money flows, it is verified that corruption does exist and it is necessary for the continuity of business of criminal networks (European Parliament, 2016).

In the following map, we can see that countries with higher GDP and per capita income such as the United States, Canada, United Arab Emirates, and Saudi Arabia become buyers of the organ market and countries such as Mexico, Cyprus, Kosovo, Philippines, Indonesia, Pakistan, Iran, Costa Rica and Nicaragua, where their GDP and per capita income are lower than the buyers, become sellers in the organ market. However, China and India are countries that are both sellers and buyers in the organ market, mainly because there is a marked social stratum.

GRAPHIC 3

COUNTRIES OF BUYER AND SELLERS OF ORGANS



Source: Pontifical Academy of Sciences (2017)

Elaborated by: Maria Gabriela Flores A.

1.3.2. Violation of Human Rights

For the following research, the human rights established in the Universal Declaration of Human Rights or its acronym UDHR will be used, because it is the document that has been accepted by the majority of the countries in the General Assembly of the United Nations. Article 01of the UDHR States that all human beings are born free and equal in dignity and rights (UDHR, 1948). In organ trafficking, this also comes as the first article in being violated because people are forced either by threats or by economic bribery to hand in an organ.

Article 2 of the UDHR stipulates that every person is entitled to all the rights, no matter their status; in organ trafficking, this article is also violated when criminal networks hire or obligate a person to concede or sell their organ because of their social status, this being: poor, illiterate, ignorant[5] or vulnerable (UDHR, 1948).

In the UDHR, article 3 determines that every person has the right to life, liberty and security. (UDHR, 1948) Organ trafficking also violates the former article because in countries such as Mexico, Costa Rica, Nicaragua, and Kosovo, people are hijacked and become hostages of criminal networks for the illegal business. This article goes in hand with article 5 of the same declaration, where it describes that no person should be a victim of torture or degrading treatment, as mentioned in the example of being hostage (UDHR, 1948).

Article 4 of the UDHR determines that no person should be held in slavery or servitude; organ trafficking violates this article because it exploits migrants, refugees and in general, people in vulnerable situations by taking advantage of their situation (UDHR, 1948).

Article 7 describes that everyone is equal before the law and should be protected by it. Therefore, when a government lacks capacity to assure article 7, a person`s right is also violated. In organ trafficking, when a person is forced or sees no alternative than conceding

[5] Ignorant: lacking knowledge or awareness in general or in a certain topic.

or selling an organ, their right is violated (UDHR, 1948). Hence, along with criminal networks; international institutions and organizations all become human rights abusers, the former for violating the people's rights and the latter for not assuring security among citizens.

In general, governments, local, and international institutions should have the sufficient capacities to assure human rights and to lack capacity in doing so; they should find mechanisms through cooperation to guarantee them.

1.3.3. International security

After World War II, a main objective was set, where maintaining and assuring international peace and security was necessary to build a shared feature. With the economic and financial system breaking borders by easing transactions amongStates with the help of technology, this has facilitated commercial transactions, agreements, and economic growth. However, globalization has also caused negative consequences where insecurity and crime have become widespread, causing crises among nations. Globalization has brought new global standards, therefore to safeguard the public, policies and conventions are required and therefore, driven through cooperation (World Economic Forum, 2018).

Organ trafficking has turned into a global problem now and in the past decade, making any country vulnerable because it can become a source, destination, or transit point for victims because it endangers the public health. Any person may become victim of organ trafficking; however, those who are more vulnerable are women, girls, and boys. Illegal trafficking, whether it is human, drug, or, organ exists because of economic inequality due to factors such as poverty, lack of educational and economic opportunities, displacement, and conflict, endangering a person to become a victim of organ trafficking. In countries such as Mexico, where organ trafficking occurs, many factors are involved, for instance, organized crime, corruption, and complicity of State instances. The former would not exist if countries

buying organs would end their demands, thus this is not the case. In all, organ trafficking exists because of an economic benefit that traffickers obtain (Global International Security).

Organ trafficking can affect international security by destabilizing States, whether the former are buyers or sellers, increasing migration flows, and empowerment of criminal networks. International security faces new threats as organ trafficking creates a new form of slavery, where the violation of human rights has diversified (Canales, 2018).

Organized criminal networks have had a global outreach because of their diversification in the market, where they have gained earnings and softened control from authorities. In countries where economic inequality exists, it is more likely to find people who are willing to hand in an organ for an economic benefit or are forced to do so. According to the World Health Organization, each year close to 10,000 organ transplants are clandestine. This illegal market has financed criminal networks and therefore, jeopardized peace and international security (World Health Organization, 2007).

International organizations regarding organ trafficking are keen on maintaining international security and peace; however, the focal point to achieve this is prevention. Offering mediation, a well driven diplomacy and neutral points for countries that may face a conflict is how international organizations seek to control organ trafficking. Peacekeeping is one of the most effective activities that organizations, such as the United Nations have to prevent or help contain problems. Even though the United Nations as well as other international organizations focus mainly on the interaction with governmental instances, the former and latter also work hand in hand with civilians, by giving them protection and assistance when their government lacks capacity to do so.

Defense and security will be benefited through cooperation because States will share legislative frameworks, by means of a global work, collective actions will have a wider

outreach bringing more results in stopping organ trafficking and therefore; debilitating criminal networks. Cooperation in organ trafficking will serve as guidelines for an international strategy because if States work in an individual matter, then more time will be needed to have positive outcomes (Canales, 2018).

Finally, it is common to assume that in any criminal activity, the only parties involved are the criminals and the victims; conversely, this is not correct. In organ trafficking, as well as in any other criminal activities such as human or drug trafficking, there are different actors. In organ trafficking, the following actors are involved: 1) the perpetrators as part of criminal networks, 2) victims, the ones who suffer from criminal networks, 3) civil society in general, represented through international organizations and 4) States whose plans of actions must assure local security in a global context. The demand of organs exceeds the supply of them; this has been a long-term problem in the international arena. However, unlike other international issues for instance sex trafficking, drug trafficking, and organ trafficking, it isn't taken into account with the deserved importance or ignored in the international agenda. The extent of organ trafficking has become widespread through the world in a matter of four, decades mainly because of the expansion of criminal networks and the lack of international and national institutions in assuring justice within this matter. Organ trafficking entails a network of a diverse and complicated modus operandi in order to function. Criminal networks designate people who will be in charge of every phase of the crime, this being recruitment, transport, false documentation needed, and corruption processes, to avoid the decoupling of the criminal network. On the other hand, cooperation between international organizations and governments is needed to help detain organ trafficking and assure citizens' security and welfare as explained in the Complex Interdependence Theory, that states that to have better solutions for a problem the conjoined forces of the actors should be held. Through the different insights provided in chapter one, the first objective of this dissertation "to

describe how organ trafficking has influenced international institutions and international security" has been accomplished.

CHAPTER II

ORGAN TRAFFICKING IN MEXICO

In chapter I, a general perception of organ trafficking was explained, from its beginnings in history to its affections in the international sphere, as well as the actors involved. Chapter II will focus on how organ trafficking began in Mexico and the repercussions that it had within the territory.

2.1. History of organ trafficking in Mexico

The first section of the second chapter will provide information of the beginnings of organ trafficking in Mexico, as well as determining the consequences of this issue within the State. To conclude this section, an analysis of the legal framework adapted by the Mexican government regarding organ trafficking will be explained. For this chapter the Public Administration theory as well as the Complex Interdependence will be used, for the first theory the applicability of a legal framework will be demonstrated based upon on the the acceptance of a problem within the public administrators in this case the Mexican government led by Enrique Peña Nieto. On the other hand, for the second theory the insights based on international regimes and the use of multiple channels will be explained through the application and adaptation of the Mexican legal framework.

2.1.1. Beginnings of organ trafficking in Mexico

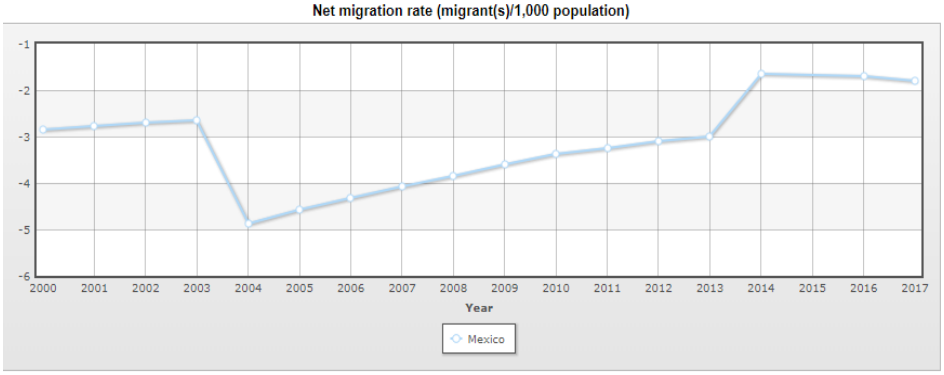
The beginning of organ trafficking is a consequence of the migration flux that Mexico has within its territory, mainly because it is considered as a transit country. At the end of the 19th and 20th century, Mexico, as well as other Latin American countries, such as Guatemala, Nicaragua, etc., where interested in attracting migration flows from European countries. However, because of high political instability, this made the countries less appealing for foreigners.

It is not until mid-20th century that migration flows start to increase in Mexico, with factors such as: 1) The Bracero Program which is a worker program established by the United States and Mexico, where "Mexican braceros" became the substitute for the lack of workers as well as offering a cheap workforce for United States companies who in return offered work and living in the country (Bartnik, 2011), 2) from 1980 to 1990 "The Silence Integration" was the prelude to NAFTA, and it was in this time period that Mexico and the United States started to enhance bilateral relations overall in economic aspects (Center for International Studies, 2018), 3)in 1994, the North American Free Trade Agreement or NAFTA was a trade agreement signed between Mexico, the United States, and Canada, that sought economic growth, dynamic commerce, and promoted investment and creates strategic alliances among its members (Audley, Papademetriou, & Vaughn, 2003) and 4) in 2001, the war against terrorism declared by the Unites States after the attacks of September 11th 2001; in this war, the allies of the USA supported its action, in this case, Mexico (Fitzpatrick, 2003).

The former factors were the baseline to improve the bilateral relations between Mexico and the United States, but also to increase migration rates between both countries. In the illegal terrestrial migration routes, criminal networks are in charge of the flows, by charging money to provide a pathway to the northern countries. The northern borderline is an important entry route to the United States, and the Mexican government through the National Institute of Migration as well as police and custom agents have had to assure the southern borderline with Guatemala. Because of these effects, Mexico has had to assure policies to help detain the irregular migration flows and maintain national security as a result of becoming a territory of transit, destination and return of migrants (Center for International Studies, 2018) Mexico suffers high migration rates, as evidenced in the following figure:

GRAPHIC 4

MIGRATION RATES OF MEXICO FROM 2000-2017



Country	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2016	2017
Mexico	-2.84	-2.77	-2.71	-2.65	-4.87	-4.57	-4.32	-4.08	-3.84	-3.61	-3.38	-3.24	-3.11	-2.99	-1.64	-1.7	-1.8

Source: United Nations Migration Report (2018)

Elaborated by: INDEXMUNDI (2018)

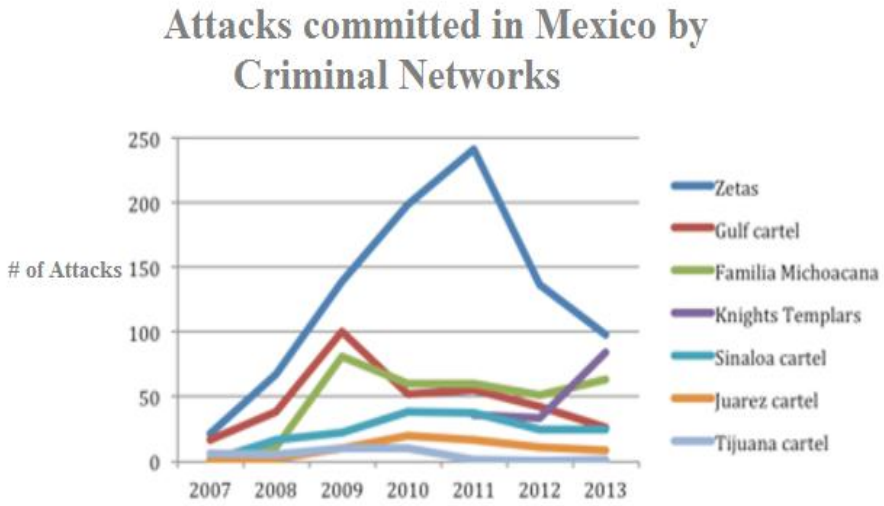
The former chart includes the figure for the difference between the number of persons entering and leaving a country during the year per 1,000 persons (based on midyear population). An excess of persons entering the country is referred to as net immigration (e.g., 3.56 migrants/1,000 population); an excess of persons leaving the country as net emigration (e.g., -9.26 migrants/1,000 population). The net migration rate indicates the contribution of migration to the overall level of population change.

Mexico, as many South American countries, has suffered the negative consequences brought by criminal networks such as drug trafficking, human trafficking, organ trafficking, corruption, and violation of human rights. Since 2010, criminal networks have gained power in Mexico. The accelerated force and violence generated by criminal networks have causes that countries like Mexico, Guatemala, Nicaragua, and Colombia can be considered in a State of crisis by the international community. Particularly, in Mexico, crime has become embedded because of the economic, political, social, and cultural growth that organized crime has.

In Mexico, almost 50 criminal networks operate in the territory, where constant clashes occur between crime gangs to consolidate economic, political, and geographical power. However, collateral damage occurs when civilians are caught in the middle of the violent encounters, as well as the media that covers the actions and police and military forces that try to secure and end the generated violence. The following chart describes the amount of attacks committed in Mexico by criminal networks.

GRAPHIC 5

ATTACKS COMMITTED IN MEXICO BY CRIMINAL NETWORKS



Source: Locks (2018)

Elaborated by: Maria Gabriela Flores A.

2.1.2. Historic consequences of organ trafficking in Mexico

In today's context, there are more people in need of an organ who cannot obtain one because of the existing shortage. In this sense, organized criminal networks have seen a financial opportunity to provide an organ, paying a high price. According to the WHO,an estimated 10% of organ transplants are done with an organ that has been obtained through an illegal action. As mentioned in chapter one, in countries where there are wide economic gaps,

people in underdeveloped countries find themselves forced to find mechanisms to provide an economic livelihood (World Health Organziation, 2007).

Every two years, the Mexican institute CONEVAL disseminates a report on poverty rates of the country[6]. In 2016, 43.6% of Mexican lived in poverty, which is more than 53 million people and 7.6% lived in extreme poverty, which represents more than 9 million Mexicans, rates that have increased in previous years as shown in the following chart:

TABLE 4

POVERTY RATES IN MEXICO 2008-2016

POVERTY RATES IN MEXICO 2008-2016					
	2008	2010	2012	2014	2016
Poverty	44.4%	46.1%	45.5%	42.6%	43.6%
Extreme Poverty	11.0%	11.3%	9.8%	8.5%	7.6%

Source: Consejo Nacional de Evaluación de la Política de Desarrollo Social (2017)

Elaborated by: Maria Gabriela Flores A.

In a country where more than half of its population suffers from poverty, many citizens are forced to find alternatives to sustain their day by day. Mexicans and migrants that arrive in the country and have to face critical situations are obligated to undertake decisions that jeopardize their integrity. In Mexico, there are different ways to obtain an economic incentive by putting their lives in danger such as becoming members of criminal networks, drug trafficking, human trafficking, and organ trafficking (Delomonico, 2009).

However, in most cases of organ trafficking in Mexico, civilians are not offered an opportunity to sell their organs, but rather are abducted, which subsequently marks them as victims who have their organs removed. This has a negative repercussion because violations

[6] For the year 2018 the report has not been disseminated.

of human rights exist and expand and therefore, it becomes harder to control within the Mexican country.

Organ trafficking in Mexico does not only cause negative social consequences, but there are also political significances such as corruption, which is a dishonest or fraudulent conduct of people who are in high power instances, mainly because of an economic bribery (Royal Spanish Academy, 2019).Corruption in many Latin American countries involve blackmailing, extortion, use of influences, partiality, “donations” in political campaigns, economic malfeasance, fraud, use of privileged information, nepotism, vote buying, rigged market disturbance, pork barrel politics, and a web of high dignitaries who find themselves involved in at least one of the aforementioned illicit activities.

According to Transparency International, which is a non-governmental organization that acts as the voice of victims or witnesses of corruption no matter their location or social status, Mexico ranked in the 135th place out of 180 countries and with a score of 29/100 where the 0/100 represents a highly corrupted country and 100/100 a country without corruption. According to the NGO, Mexico as many other Latin American countries such as Brazil, Ecuador, Peru, and Chile cannot control corruption for two reasons: 1) corruption exists within businessmen and politicians at the highest levels of power and 2) the incapacity to develop policies that can address the historic and structural causes of corruption (Transparency International, 2017). In the following chart , Corruption Perception Indexes can be compared:

TABLE 5

CORRPUTION PERCEPTION INDEXES COMPARISON

COUNTRY	RANKING	SCORE 2012	SCORE 2013	SCORE 2014	SCORE 2015	SCORE 2016	SCORE 2017
Mexico	135/180	34/100	34/100	35/100	31/100	30/100	29/100
United States	16/180	73/100	73/100	74/100	76/100	74/100	75/100
Canada	8/180	84/100	81/100	81/100	83/100	82/100	82/100
Colombia	96/180	36/100	36/100	37/100	37/100	37/100	37/100
Peru	96/180	38/100	38/100	38/100	36/100	35/100	37/100
Brazil	96/180	43/100	42/100	43/100	38/100	40/100	37/100
Ecuador	117/180	32/100	35/100	33/100	32/100	31/100	32/100

Source: Transparency International (2017)

Elaborated by: Maria Gabriela Flores A.

Corruption in Mexico has a strong impact in society's human rights because it affects the government's capacity to assure safety and security for its citizens. Many government officials become blind sighted in order to comply with the corrupters' will. This may lead to a decrease in public expenditure, meaning that goods and services will become harder to obtain and decrease quality; therefore, quality of life will be affected in a negative way. This can be witnessed in the many unsolved cases of violation of human rights in the country (Cardona, Ortiz, & Vazquez, 2017). Transparency International also states that in countries with higher rates of corruption such as Mexico, media also suffers consequences, where 9 out of 10 journalists, investigators or correspondents are killed in the attempt to unmask corruption cases (Transparency International, 2017)

2.1.3. Legal Framework adapted by the Mexican government regarding organ trafficking

To determine the legal framework that the Mexican Government has adopted to eliminate organ trafficking within its territory, it is important to recall the convention and protocol mentioned in chapter one. First, Mexico signed on December 13th, 2000 and ratified on March 4th,2003, the "United Nations Convention against Transnational Organized Crime" (Treaty Collection United Nations, 2000). Second, Mexico signed and adopted the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children". The Protocol states in the article that "Trafficking in persons" shall mean among other activities for the purpose of exploitation and hence, "exploitation" shall include servitude or the removal of organs. For Mexico to become a signatory of the Protocol, the country must have signed the aforementioned Convention ((UNODC, N/D). The Protocol became the supplement of the Convention because it became obsolete due to the fact that criminal networks adopted new forms of crimes. By signing the Protocol, the United Nations and its State members recognized for the first time that organ trafficking existed and was a crime (UNODC, N/D). By adopting the Convention and the Protocol, Mexico was and continues to be constrained to develop a legal framework that punishes organ trafficking (Cicero, 2005).One of the first responses that the Mexican Government has, is to harmonize its legislation with the mentioned legal instruments; was the creation of the Specialized Unit to Investigate the Trafficking of Minors, Undocumented Persons and Organs in the year 2003 created by the Ministry of Justice (Cicero, 2005).

In 2015, Mexico decided to intensify cooperation with its NAFTA partners, Canada and the United States by exchanging information, sharing good practices and identifying areas of cooperation. Regarding organ trafficking in 2017 the three countries celebrated the 4th Trilateral Reunion in Washington D.C., where a working group formed by delegates of

Mexico, United States and Canada focused on a conjoined effort to prevent trafficking in person, protect victims of crimes and process members of criminal networks who committed offences. In the aforementioned working group the delegation of the United States was established by representatives of the Department of State, Department of Justice, Department of Home Security, Human and Health Services, Department of Labor, Department of Treasure and Department of Immigration and Homeland Security. The Mexican delegation had representatives from the Ministry of Foreign Affairs, Ministry of the Interior, the Special Prosecutor for Crimes of Violence against Women and Trafficking in persons, the Specialized Unite for the Investigation of Trafficking in Minors, Persons and Organs of the Ministry of Justice, the Federal Police, The National Institute of Migration and the Financial Intelligence Unit of the Secretariat of Treasury and Public Credit. The delegation of Canada had representatives of Public Security of Canada, Global Issues Canada, Department of Justice, Royal Mounted Police, Public Services and Acquisitions, the Canadian Center for Analysis of Transactions and Financial Reports and the Ontario Center for Trafficking in Persons (International Center of Studies, 2017).

2.2. Policies adapted to control and detain organ trafficking in Mexico

The second section of chapter II, the policy applicability of organ trafficking will be considered based on the international legal instruments created in fighting organ trafficking. As a second study point, the viability of policies regarding organ trafficking will be taken into consideration based on the time period on which this dissertation is developed. To conclude this section, the functioning of organ trafficking policies in Mexico will be analyzed

2.2.1. Policy applicability of organ trafficking in Mexico

In the Conference of the Parties of Organized Crimes Convention from October 10th to October 12th, 201,1 the UNODC marked as a priority in their agenda to approach organ trafficking through the Working Group on Trafficking in Persons with the purpose of organ

removal. The Working Group handed in recommendations to member States, these were: 1) better use of the Convention and Trafficking in Persons Protocol to camber illegal organ removal, 2) encourage United Nations entities to turn in evidence-based date on organ trafficking where it includes: a) root causes, b) trends and c) modus operandi to better understand the raising of the phenomenon, 3)request the UNODC to develop a training module of organ trafficking and 4) the UNODC should provide technical assistance with a special focus on investigations, exchange of information and international legal cooperation (UNODC, 2011).

The working group also determined that organ trafficking addresses other issues such as: 1) the existence of loopholes in international and national law, 2) undetermined patterns and trends regarding organ trafficking, 3) lack of determining which actors are relevant for organ trafficking, 4) no differentiation on determining offenders from victims and "bystanders", 5) undetermined role of the recipient of the organ and 6) lack of forms of prevention in organ trafficking due to low regulations and practices to help prevent the crime (UNODC, 2011).

Based on the signature and ratification of the mentioned Convention, Protocol, resolutions and COPs, Mexican law enforcement agencies developed new scenarios and new areas of cooperation. Mexico, in its Federal Organized Crime Act adopted in 2004 redefined criminal networks as three or more individuals organized to permanently commit one of the following crimes: 1) terrorism, 2) drug trafficking, 3)counterfeiting, 4)money laundering, 5) arms trafficking, 6) human trafficking, 7) organ trafficking, 7) robbery, 8) kidnapping, 9) minor trafficking, and 10)car theft (Labardini, 2005). It was the first time that a Mexican government recognized within its legislation organ trafficking as a crime and therefore, the policy adaptation in Mexico was viable for the first time. According to Keohane and Nye, the current challenge in world issues is to overcome the democratic deficit with greater

accountability. The former will be achieved by internally-initiated transparency and by being evaluated by external organizations, mainly because policies and agreements produced by international institutions are different from unilateral agreements. These agreements are based on compromise to achieve international objectives (Keohane & Nye, Power and Interdependence, 2011).

2.2.2. Viability of policies regarding organ trafficking

Events such as the empowerment of criminal networks and diversification of crimes have prompted in the Mexican society a consideration of the viability of the policies regarding organ trafficking in Mexico. Based on the time period this research is conducted, an understanding on its foreign policy within 2012-2017 is based on the mandate of Enrique Peña Nieto, former Mexican president. During his government, Enrique Peña Nieto had a difficult task to fulfill the creation of a system of universal social security, free market model with a social purpose, readjustment of the security strategy and elimination of poverty, all of what was promised in his presidential campaign (Gutierrez & Cuevas, 2019).

One of the main achievements according to government officials determined that Enrique Peña Nieto was to become a signatory in The Pact for Mexico which was an agreement signed between the three main Mexican political parties: PRI[7] , PAN[8] and PRD[9] . The agreement was divided into five main sections that came to be the focal point on which the legislation will focus to improve Mexico, these being: 1) agreements for a society with human rights and liberties, 2) agreements for an economic growth, employment and competitiveness, 3) agreement for security and justice, 4) agreement for transparency,

[7] PRI stands for Institutional Revolutionary Party founded in Mexico in 1946 has a center right tendency. Former president Enrique Peña Nieto belongs to PRI. (Institutional Revolutionary Party, 2017).

[8] PAN stands for National Action Party founded in 1939 and has a right ideological position (Gomez, 2018)

[9] PRD stands for Democratic Revolution Party founded in Mexico in 1989 and has a center-left tendency (Campuzano, 2017)

accountability and combating corruption and 5) agreement for democratic governance (Mexican Government, 2012).

Regarding former President Peña Nietos's policy on security, his main focus was on criminal networks of Mexico, where his strategy was determined to decrease the violations generated by these groups rather than fighting against them like previous governments did. Therefore, he believed that the creation of a militarized police was necessary. On September 16th, 2013, the militarized police was created with 40.000 officials and called "Gendarmería Nacional". According to the General Attorney's Office of Mexico, a Statement released by Peña Nieto's administration on December, 2013, determined that his administration detained or killed close to 69 crime network leaders of the most important and dangerous Mexican crime networks, these were; Miguel Angel Treviño Morales known as Z-40 leader of Los Zetas. In 2014, according to the former president, Mexico had one of the biggest hits against criminal networks because of the capture of Joaquin Loera Guzman also known as "El Chapo", leader of the Sinaloa Cartel and Juan Manuel Rodriguez Garcia, believed leader of the Gulf Cartel (Mexican Government, 2014).

Viability became inadequate because Enrique Peña Nieto cooperated with international organizations, but not with local governments. In fact, the ex-head of State blamed local governments for the increase of insecurity in Mexico. He sustained that the police force did not have the capacity to combat organized criminal networks mainly because there wasn't a further follow-up of the security strategy.

In the National Governors' Conference held in 2017, former president Nieto demanded governors to control and detain the emergence of violence in Mexico. The change of government officials in 22 municipalities close to the northern border consequently matched the municipalities with the highest rates of kidnappings, murder, and abductions. Citizens of those municipalities determined that it was a reaction of criminal networks to

demonstrate their dissent with mentioned changes. An average of 72 people is killed each day in Mexico. Until September 2017, in the National Registry of Missing or Lost Persons or RNPED, there were more than 32,000 people missing, more than the half of them being teenagers and young adults between the ages of 15 and 29. However, the number of missing persons may be higher because the Mexican government cannot assure that all missing people have been declared as such before the ministry. In some cases according to former government officials the disappearance of a person comes from the hand of States where corrupt policemen, militaries, and State officials are involved (Mexican Government, 2017).

As mentioned, corruption determines an important role as to why the policies regarding organ trafficking implemented in Mexico became unsuccessful. When Enrique Peña Nieto won office, Mexico scored in corruption the following: 1) in the year 2012, 34/100, 2) in the year 2013, 34/100, 3) in the year 2014 it increased to 35/100, 4) in the year 2015, 31/100, 5) in the year 2016, 30/100 and 6) in his last year as president it decreased to 29/100. This shows that when Peña Nieto received the presidency of Mexico the country was ranking as a very corrupt one, but instead of implementing policies to improve those rates, corruption only increased in the country. This is evidenced through the number of unsolved or unattended cases regarding complaints and penal accusations of criminal networks, meaning that high and low governmental instances are struck with corruption (Transparency International, 2017).

TABLE 5

CORRPUTION PERCEPTION INDEXES COMPARISON

COUNTRY	RANKING	SCORE 2012	SCORE 2013	SCORE 2014	SCORE 2015	SCORE 2016	SCORE 2017
Mexico	135/180	34/100	34/100	35/100	31/100	30/100	29/100
United	16/180	73/100	73/100	74/100	76/100	74/100	75/100

States							
Canada	8/180	84/100	81/100	81/100	83/100	82/100	82/100
Colombia	96/180	36/100	36/100	37/100	37/100	37/100	37/100
Peru	96/180	38/100	38/100	38/100	36/100	35/100	37/100
Brazil	96/180	43/100	42/100	43/100	38/100	40/100	37/100
Ecuador	117/180	32/100	35/100	33/100	32/100	31/100	32/100

Source: Transparency International (2017)

Elaborated by: Maria Gabriela Flores A.

The spread of corruption also means the spread of power that organized criminal networks have within the Mexican territory. According to the report of Amnesty International; a non-governmental organization integrated by more than 7 million people in more than 150 countries who seek for an end in the violation of human rights and abuse of power in all the countries, determined that organized criminal networks in Mexico have caused the disappearance of persons, thousands of deaths, displaced people and crimes against humanity (Amnesty International, 2018).

2.2.3. Functioning or organ trafficking policies in Mexico

According to Alejandro Carrillo, public administration is "the dynamic system-integrated by norms, objectives, structures, organs, functions, methods and procedures, human elements and economic and material resources through which the policies and decisions of those who represent are executed or implemented or they govern a politically organized community" (Galindo, 2000). The public administration theory is consolidated over time and through meaning and therefore, it is adapted according to the historical framework in which it is located, which is why it cannot and should not be considered as an end in itself, but the mechanisms or instrument through which the State meets the needs of

its population by carrying out the public services required by the community" (Galindo, 2000).

In this sense, the Mexican government throughout its historical processes has had to create legal frameworks to condemn organ trafficking because of the diversification of crimes by providing a safer health system, poverty reduction and higher education rates. Nonetheless, it has become a difficult task because of corrupt government officials.

The policies adopted by the Mexican government regarding organ trafficking were made on the hope of a cooperative community, where it would be necessary to say that it is in a synergistic and dynamic system, since it is in constant movement to be able to satisfy needs not only for the individual well-being, but also collective, that is to say, of the society, for which it works in its resistance and improvement .."(Gordillo, 2005).Mexican anticrime legislation still requires harder sentences in comparison to other legislations such as the United States and European countries because of a fundamental difference. The difference is that in first world countries, criminal action is managed and decided by the prosecutor, while in Mexico, the prosecutor is society's representative and hence, has no possibility to allow criminals and defendants to fall in witness protection programs or bargain sentences (Labardini, 2005).

The government decides on peace and war, and the administration organizes and regulates the details of these acts"(Guerrero, 2000)The executive power is entrusted with material and financial human resources in order to govern the country with the monitoring of norms established to achieve social justice or the economic social and cultural benefit of the people. It should be emphasized that the governors of the States or their representatives will be responsible for violations of the policies created or laws as well as inadequate management of funds (Gordillo, 2005).

The functioning of the policies will have to depend on a superb management of the representatives of the State than on a common well-being of society and the proper functioning of the State will be achieved. However, we can see that as a result of the new policies implemented and adopted in favor of eradicating or reducing organ trafficking in Mexico, the government has not yet achieved social welfare, since there are still victims of this problem and those captured and accused of the crime face sentences that don't correspond to their acts. The low punishments in these performances are based on the corruption that exists in the three branches of the State, which are legislative[10], executive[11] and judicial[12].

2.3. Effort of Mexico and international organizations to control organ trafficking

Now that the legal framework regarding organ trafficking in Mexico has been explained, it is suitable to determine how Mexico has acted in order to control organ trafficking in this country, as well as the financing of combating organ trafficking in Mexico. To close the last section of chapter II, the consequences of organ trafficking will be described.

2.3.1. Control of organ trafficking in Mexico

Mexico has an intense, continued, and reciprocal relation with international organizations, even more so with the United Nations. According to Rosario Green, former chancellor of Mexico, her country has always searched to maintain strong ties with the organization because Mexico believes that United Nations has managed to have a more social order. According to representatives of Mexico, United Nations has served many countries including Mexico as a forum to come to dialogue and understandings to world problems.

[10]The legislative branch is in charge of making laws and policies (Legislative Services Agency, 2018)
[11]The executive branch is in charge of executing and enforcing law and policies as well as the administration of public affairs (Legislative Services Agency, 2018).
[12] The judicial branch is in charge of interpreting laws and policies and administrating justice (Legislative Services Agency, 2018).

Mexico sees and trusts the United Nations as an important ally to fight social inequities (UNESCO, 2019).

Therefore, Mexico believes that through the coalition with the United Nations a better and more sustained solution can be sought to help control organ trafficking within its territory. Mexico cannot detain nor control the problem on its own, example of this has been the support shown in signatures, ratifications in conventions protocols and policies in various topics given in assemblies through and by the United Nations (UNESCO, 2019). As mentioned, organ trafficking exists because of the desperation of patients and families toobtain an organ to improve their lives. Nevertheless, in any context, the organ must come from a person, so therefore; those who have acquisitive power can pay in desperate needs or hire brokers who can take care of the job (Shimazono, 2007). In this context, a broker is a person or an organization that takes care of the process of finding an organ in exchange of money or other sources of payment associated with criminal networks. Thus, Mexico is a country that is and has been vulnerable to organ trafficking.

In resolution WHA57.18 from General Assembly of the World Health Organization adopted in 2004, it impulses State members to take measures to protect the poorest and the most vulnerable groups from "transplant tourism" and the sale of tissue and organs". Mexico as well as other Latin American countries such as Brazil, Peru, Bolivia, and Colombia can be considered as organ exporting countries, where it is not necessary that all organs come from Mexican citizens, but from migrants that arrive at the northern border. In the northern border, civilians put their lives at risk not only in the attempt to cross the border, but also to become possible victims of the organized criminal networks that control those territories (Shimazono, 2007).

2.3.2. Financing of organ trafficking in Mexico

Although the Mexican Government has implemented resources to combat organ trafficking, it has not been in the same measure as combating drug trafficking, gangs, human trafficking, and corruption. In the year 2017, in order to fight against illegal drug trade, the Mexican government spent close to 10 billion Mexican pesos; however, this has not been enough to assure civilians nor their human rights. The investment in military force has also been high; overall when Enrique Peña Nieto created "Gendarmería Nacional" where close to 6 billion Mexican pesos were invested. According to FORBES, corruption costs close to 6% of its GDP (FORBES, 2015).

Mexico has also invested in other areas such as education, but not as highly as it has done in defense. According to the Organization for Economic Co-operation and Development or OECD in its report on the Regional Education Overview of 2017, Mexico is the State member that finds itself on the bottom of the list regarding investment in education (Organization for Economic Co-operation and Development, 2018) Mexico also invests in health, but just like education, it does not represent as much as its investment in defense, health investment in Mexico represented 2,79% of its GDP in the year 2017 which actually dropped 0,7% in comparison to year 2016 making it stand in place 128 of a ranking of 192 countries (Bank of Mexico, 2018). By the year 2017, the external debt that Mexico had represented 46, 2% of its GDP making this country one on the most in debt States in Latin America (Hernandez, 2018).

Consequently, in Peña Nieto's mandate; the government stood in eliminating organ trafficking, human trafficking and drug trafficking rather than fighting against organized criminal networks, which are the root causes of the former issues.

2.3.3. Repercussions of organ trafficking in Mexico

Consequences of organ trafficking in Mexico and countries such as Nicaraguan and Guatemala involve a disruption in its judicial system. On the other hand, those who sell or are obligated to concede their organ will have 1% of life expectancy (World Health Organization, 2007). For many patients and families paying a broker for obtaining an organ, this has become the only viable option of survival; therefore, many more people become vulnerable to be victims of organ trafficking. The incapacity of the national healthcare systems to meet the needs of the demand of organs causes desperation and strong criticism by civil society. Also, legal frameworks have loopholes that in some cases are used as an advantage by organ traffickers to receive no punishment or reduced sentences regarding the topic (Shimazono, 2007).

International security has been affected by organ trafficking. Mexico is considered as one of the most visited countries in the world, as well as one of the most transited countries; hence, Mexico has a continued high rate flux of people. This means that citizens may become victims of organized crime gangs and therefore this does not only violate civil society, but it also violates the lack of capacity of States to assure security in an international context. Organized crime gangs seem to expand territorially and they also diversify their business involving more people either by threats or economic benefits.

As seen in this chapter, Mexico has tried to control and detain organ trafficking by adopting and ratifying Conventions, Protocols and Resolutions and implementing the former in a local legislation according to the process of what the Public Administration theory describes. As well as determining the former's applicability, viability consequences, control and finance to combat this matter. Also, the use of multiple channels of the Mexican Government to adapt and apply a legal framework in order to help control and

detain organ trafficking, element of the Complex Interdependence theory. The aforementioned review sets the bases to achieve the second objective of the present dissertation, which is “to explain how the Mexican government has adopted policies to control within its territory”.

CHAPTER III

VICTIMS OF ORGAN TRAFFICKING IN MEXICO

Victims of organ trafficking ought to be considered in chapter III to determine what factors caused by the government makes them vulnerable for organ trafficking. According to Human Rights Watch, Amnesty International, and SOS Children's Village, Mexico is considered one of the most vulnerable States regarding human rights violations. Mexican citizens, migrants passing the country and tourists are in constant threats of being violated in different forms, such as: kidnapping, harassment, disappearances, killings, organ trafficking, etc.

3.1. Vulnerability of citizens

This section of Chapter III will begin by describing the human rights violations that occur in Mexico. The socio-economic conditions that Mexico offers to its citizens and visitors will also be described and finally, to conclude this section, an explanation of the recognition of organ trafficking in Mexico will be given. Therefore the actions of the Mexican government in order to control organ trafficking within its instances will be developed, features that the Public Administration Theory of Miguel Galindo explains.

3.1.1. Human rights violations in Mexico

As mentioned in chapter I human right inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Some rights are: the right to life, freedom from slavery and torture, freedom of opinion and expression, etc., as seen in chapter one. Mexican citizens are not the only ones vulnerable and insecure in the country, also the migrants and tourists that enter it as transit country.

According to Christopher Gascon, representative of the International Organization for Migration, nearly 450,000 people enter Mexico to arrive into the United States (International

Organization for Migration, 2017). Many of the migrants come from South American countries to pass the transit country in order to arrive in the United States to assure income and security that their home countries no longer provide. Nonetheless, this journey exposes them to become victims of organ trafficking in a higher grade, than if they remained in their home countries. Every year close to 30.000 people including women and children go missing, which accentuated the vulnerability and lack of the State to assure security to society (Jasso, 2013).

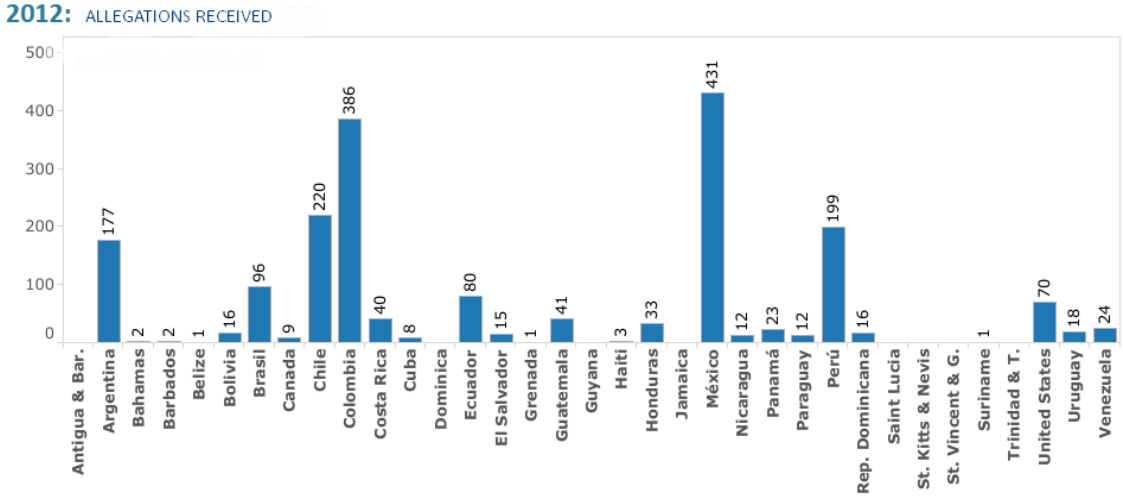
Rendering to the Federal Government, criminal networks are to be held responsible for human rights violation; nonetheless, an effective plan of action has been taken into consideration to detain the problem. On the other hand, citizens argue that the Mexican government and security forces are also to be held accountable of not assuring their human rights as well as violating them because there were reports of torture and arbitrary arrests against civilians. To stop the former judgments, the Mexican government oversaw the excessive use of power of military and police forces (Serra, 2014).

Violence and human right violations in organ trafficking and other crimes in the Mexican State should better be understood from a historical perspective Mexico as well as the rest of the Central American countries has a legacy of war, violence, and economic as well as social uncertainty (Vogt, 2013). South American countries are no strangers to violation of human rights. The Inter-American Commission on Human Rights, or IACHR, is one of the bodies that comprise the Inter-American system that seeks to promote and protect human rights. In annual meetings, the IACHR examines allegations of human rights violation in the territory (IACHR, 2012). In the following charts, the cases of violation of human rights of all the South American countries reported to IACHR can be seen. In graphic 6 the allegations correspond to year 2012 when Enrique Peña Nieto entered office while in graphic

7, the allegations corresponding to year 2017 when the former president was to conclude his presidential mandate can be seen.

GRAPHIC 6

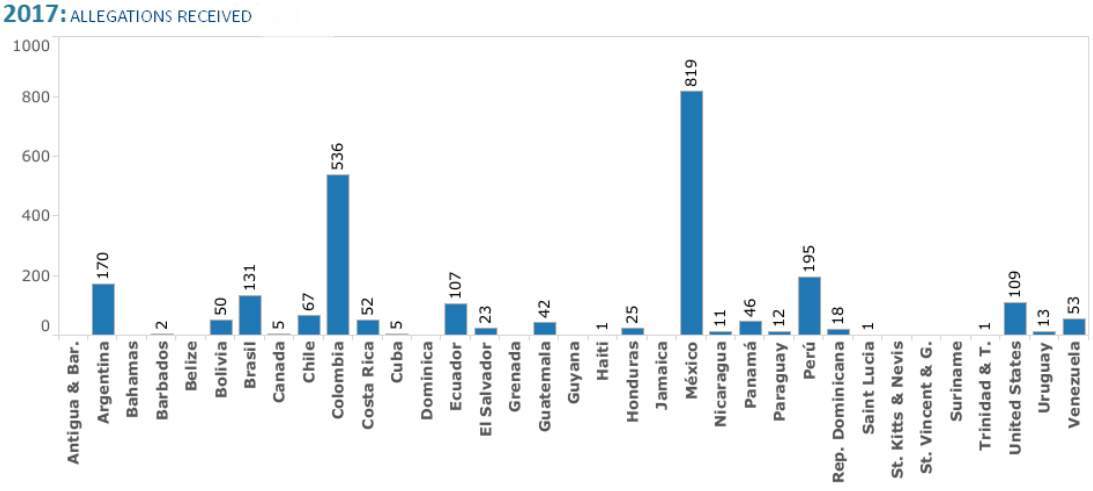
ALLEGATIONS REPORTED IN 2012 TO IACHR FROM LATIN AMERICA



Source: IACHR (2012)

GRAPHIC 7

ALLEGATIONS REPORTED IN 2017 TO IACHR FROM LATIN AMERICA



Source: IACHR (2012)

In comparison to the year 2017 when former president Peña Nieto's mandate was almost concluded, the allegations received or reported regarding violation of human rights to the IACHR were 819, almost double the allegations than when he received office.

The protection of all human rights and fundamental liberties must be considered as priority by the international community. There were times when human rights were considered an internal matter of the State. Therefore, the interference of the international community was denied because it was considered as a violation of sovereignty. However, after the acting of some governments such as Nazi Germany, the Genocides in Cambodia, Bosnia, Rwanda, Herzegovina, WWI, WWII, etc.; international organizations such as the United Nations sought the need to become responsible for the well-being of society notwithstanding the sovereignty principle (Office of the High Commissioner of Human Rights, 2016).

3.1.2. Socio-Economic conditions in Mexico

Complex interdependence theory determines that in today's world, States are conditions in dependence between two or more actors the former being: States or organizations (Keohane & Nye, Power and Interdependence, 2011). Therefore, Mexico regarding organ trafficking will be conditioned based on the effects of global politics. In a country like Mexico where more than half of its population lives in poverty, as shown in Chart "Poverty Rates in Mexico 2008- 2016" in chapter one. Mexico is challenged in its high dependence on the U.S. economy, high criminality rates, income inequities, low education rates and corruption. In the following chart, the main indicators are provided.

TABLE 6

MEXICO'S MAIN INDICATORS 2016-2017

Main Indicators	**2016**	**2017**
GDP (billions USD)	1077.78	1151.05
GDP per Capita (USD)	8815	9319
General Government Gross Debt in % of GDP	56.8	54.3
Inflation Rate (%)	2.8	6.1
Unemployment Rate (% of the labor force)	3.9	3.4
Current Account (in % of GDP)	-2.2	-1.7

Source: IACHR (2012)

Elaborated by: Maria Gabriela Flores A.

Former president Enrique Peña Nieto's mandate, showed the social conflict between the economic policies adopted, that have become insufficient to maintain a stable development process for the Mexican society (Comisión de DerechosHumanosdel Distrito Federal CDHDF, 2015).

Even though government officials are elected by the Mexican society through a democratic process, European countries such as France and England argue that people in government positions no longer look for society's best interest but crime gangs' best interest, which weakens the government and empowers criminal networks. This is shown that for every 10 accusations against members of criminal networks, only 2 get a minor sentence (Amnesty International, 2018). Hence, Mexico is a country of great contrasts, where 51% of

its population lives in poverty, 37% of its population is low middle class, 10% middle class and only 2% of the Mexican population is considered wealthy (ConsejoNacional de Evaluación de la Política de Desarrollo Social, 2017). These statistics show that within the Mexican territory, people find themselves in a vulnerable State where finding a livelihood becomes a difficult task.

3.1.3. Recognition of organ trafficking in Mexico

The Mexican government of 2012-2017 attempted to ignore violation of human rights caused by organ trafficking. Nonetheless, Mexico has admitted that within its territory many global issues affect them; these are, drugs, trafficking, human trafficking, weapon trafficking, money laundering, homicides, corruption, etc. However, few Mexican authorities have recognized that organ trafficking exists, those who have recognized the problem maintain that it is Mexico's responsibility to detain the problem, thus; this will not be achieved if cooperation with local and international instances is not present.

Mexican government authorities have recognized that within the country organ trafficking exists. Carlos Castellanos Becerra who was Secretariat of Public Security of Michoacán in twitter post of May 2014 Stated: "Manuel Plancarte Gaspar, of 34 years old and member of the Knights Templar Cartel, has been arrested; he was investigated for the deaths of minors, from whom he extracted their organs for the purpose of selling them". A day after Castellanos post, on March 18th, 2014, the Attorney General of Mexico, Jesus Murillo Karam, in a press conference Stated: "organ trafficking is not so serious in Mexico…, but we do not want it to be more serious, we do not want it to expand."(Karam, 2014)Through the Statements emitted by government officials, Mexico recognized another problem with global repercussion.

According to a testimony of Wilfrido Robledo, a retired Admiral of the Mexican Armada he States: there has always been a high penetration rate of criminal networks within the national institutions and that who ignores this, does not live in Mexico". Robledo also argues that these matters do not change because they are entrenched in the Mexican culture.

Also in the year 2013, the Federal government created a unit called "Centro Nacional de Transplantes" or CENATRA, in order to control a legal process of organ transplantation in the territory, justifying the creation of this UNIT in article 327 of the Mexican General Health Law that stipulates "the commerce of organs, tissue and cells is prohibited and that organ can only be donated with no attempt of donating" (Mexican Government General Health Law, 2011). In data released from CENATRA in 2012, close to 14,000 Mexicans were on a waiting list for an organ (CENATRA, 2013).

3.2. Relation between international organizations and Mexico regarding organ trafficking

The second section of chapter III will begin by explaining the necessity of cooperation between States and international organizations. It will continue to describe how Mexico has cooperated with international organizations and finally, how criminal networks have pushed away the efforts of cooperation between Mexico and international organizations.

3.2.1. Necessity of cooperation between States and international organizations

According to Keohane and Nye cooperation can be understood as a situation in which actions of separate individuals or organizations are brought into conformity with one another through a process of negotiation and therefore, should not be considered as the absence of conflict but as a successful effort to overcome potential or real conflict. International cooperation refers to community work and the union of efforts and resources between the different countries of the world that decide to collaborate in the execution of projects and new

strategies that, after a time of dedication, represent benefits, especially at the development level. Traditionally, fields covered by international cooperation have been those related to health, education, environmental conditions and inequalities that arise in the social and economic sphere (Martinez, 2018).

The need to achieve interactions, of all sorts, between the different countries of the world, are aimed at obtaining greater social growth as an improvement, within the framework of international relations, such as international cooperation. Through these interactions and mutual aid, different countries fight to reduce social and economic inequality and improve the quality of life of all its inhabitants, especially those belonging to the most vulnerable sectors in order to: achieve higher levels of investment in research and technology capable of influencing the generation of industry, production and sustainable development. In this regard, the States that have become part of this dynamic have decided to incorporate into their domestic legislation a series of principles and norms aimed at strengthening mutual assistance, complementarily, and respect for a global wellbeing such as peace, security, justice, democracy, and environmental sustainability (Martinez, 2018).

3.2.2. Cooperation of Mexico and international organizations

In 2016, the Mexican government through Foreign Minister Claudia Ruiz made commitments to cooperate with international and multilateral organizations to help combat criminal networks and their acting's' within its territory. She met with the president of the International Committee of the Red Cross (ICRC), Peter Maurer, to explore "new forms of cooperation in the promotion of international humanitarian law and human rights", in the framework of the agreements of the World Humanitarian Summit, held in Istanbul, in May of 2016 (Mexican Foreign Ministry, 2016).

Throughout former president Enrique Peña Nieto's mandate, awareness has increased within the States of the international community. More national institutions of human rights have been created to assure no human rights are violated. These institutions have gained political, judicial, and executive power. The national institutions of human rights have also gained the capacity and authority to present recommendations, proposals and reports to the national governments over any issue regarding human rights, and examine complaints regarding the violation of human rights in an individual or collective perspective depending on the case. Cooperation with the United Nations, regional institutions, and national institutions of other States and NGOs throughout the adoption of agreements or treaties contribute to a better process in handling organ trafficking in Mexico (Comisión de DerechosHumanos Del Distrito Federal CDHDF, 2015).

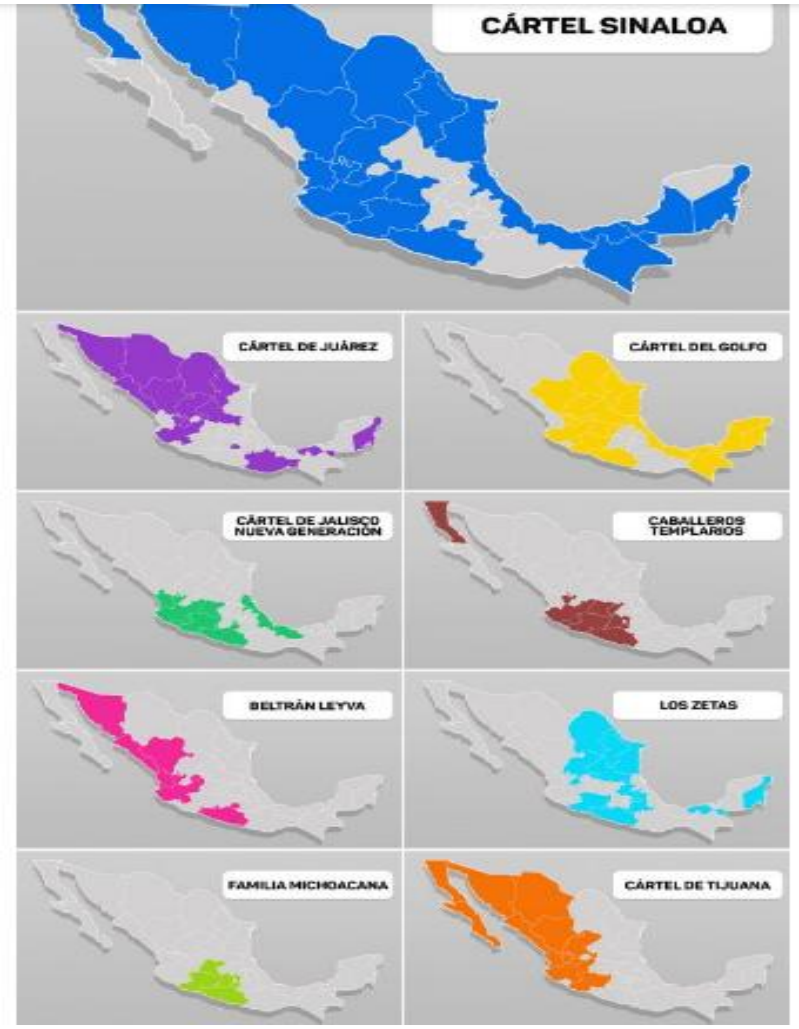
Also, if international obligations are not applied at national levels, international institutions become meaningless. The Mexican government has an important role ensuring what was accepted in a Treaty and therefore; has a judicial, penal or administrative situation. Mexico has applied policies and laws to combat organ trafficking basing its cooperation with international organizations.

3.2.3. Criminal networks interference in cooperation process of Mexico and international organizations

Mexico is home to the most sophisticated, violent, and demographically large criminal networks in the global context. Cartels such as Los Zetas, Sinaloa Cartel, Gulf Cartel, the Michoacana Family, the Juarez Cartel, the Tijuana Cartel, the New Generation Cartel, the Templar Knights and the Beltran Leyva Cartel are all established within the Mexican territory. In the following figure the distribution in the Mexican territory of the aforementioned cartels can be seen.

GRAPHIC 8

LOCALIZATION OF MEXICAN CARTELS/CRIMINAL NETWORKS



Source: Meza (2018)

Criminal networks in Mexico have risen due to the geographical position that the country has with the United States making them not only a regional threat, but a global one as well. The networks abroad boundary lines in Latin America, North America and Europe as well as penetrating the government structures and State institutions.

In the Mexican National Risk Agenda of the year lapse 2014-2015, the second threat, to national security are criminal networks. According to master in War Studies Fausto, he Carvajal determines that criminal networks are embedded in government instances with the

sole purpose of gaining force against other criminal networks as well as freedom to operate with impunity. For government officials working with criminal networks under the table involve economic incentives and political power, those who go against the aforementioned bribery are usually threatened or murdered (Carvajal, 2016). The link between political power and organized crime occurs mainly in the Mexican municipalities where two different but intersecting dynamics of violence converge: the fragmentation of the criminal world and the democratization process in Mexico (Center for Higher Naval Studies, 2016). This is an example that criminal networks in Mexico work in a polymorphic form.

According to Aida Torres Chavez; professor of the Institute of Strategic Investigations of the Mexican Navy, there is a permanent presence of organized crime within the structure of the State, which is why this issue has been the most relevant for the security agenda managed in the presidential mandates of the years between 2006-2017 (IIEAM, 2018). The modus operandi of these criminal networks have led them to gradually assume government functions with the objective of creating an ideal environment for their activities causing that plans of actions to fight them are hampered especially when trying to cooperate at a national level and even more so at an international level. This generates a lack of coordination of the different levels of government in the field of public and international security (Botello, 2018).

3.3. Role of Mexico regarding organ trafficking in victims

The last section of chapter III will determine how Mexico has acted towards victims of organ trafficking by explaining the method it uses of guaranteeing human rights, continuously.The Mexican legal framework regarding organ trafficking will be described. The last section of this chapter will define the Mexican bureaucratic system.

3.3.1. Guarantee of Human Rights

To guarantee Human Rights in Mexico, according to counselor Sylvia Aguilera Garcia[13], this is done because of the strengthening of the Inter-American system that hinders the Mexican System. In the Inter-American System, according to Garcia, Mexico has failed to take a course of action in guaranteeing human rights, although the State is a signatory of the majority of international and regional agreements regarding human rights.

In 2013, Mexico enacted a Federal Victims Law intended to ensure justice, protection, and reparations for crime victims. The law obligated authorities and officials of all areas of government, offices, dependencies, agencies and public or private institutions to guarantee the rights of victims of crime and human right violations, especially the right to assistance, protection, attention, truth, justice, integral reparation, and all other rights recognized by their constitution, the International Treaties of human rights of which Mexico is a Party and other human rights instruments (Victims General Law Mexican Government, 2013). This law was created to transform the Public Ministry, one of the most criticized institutions by the people, because it did not comply with the obligation to adequately represent victims of human rights violation.

3.3.2. Mexican legal framework regarding organ trafficking

Mexico has developed policies in order to punish organ traffickers and to assure citizens as well as the international community that a legal framework has been created to guarantee human rights of victims of organ trafficking. The main legal instruments for condemning organ trafficking in Mexico are the General Health Law and Regulation of the General Law on Health in Transplant.

[13] She has a degree in Social Psychology from the Autonomous Metropolitan University, specializing in Work with Conflicts, at the University of Birmingham; and teacher in Peace Studies by the University of Bradford, both of United Kingdom. She was the director of the Mexican Commission for the Defense and Promotion of Human Rights. Since 2006 she is a member of the Civic Collaboration Center, and has been executive director since 2012(University of YALE, 2018).

In the General Health Law crimes are typified in articles 461 and 462 that state:

Article 461. - Anyone who transfers or carries out acts tending to move organs, tissues and their components of living human beings or corpses out of the national territory, without permission from the Ministry of Health, will be imprisoned for four to fifteen years and will be imposed a fine for the equivalent of three hundred to seven hundred days of the general minimum wage depending on the economic zone. The same sanction will be applied to those who transfer or perform acts tending to move tissues of human beings that may be a source of genetic material (deoxyribonucleic acid) for genomic population studies in contravention of articles. If the person in charge is a professional, technical or auxiliary of the disciplines for the health then, to the previous sentence suspension in the exercise of his or her profession for up to seven years will be added. Article 461 was modified in 4 occasions: May 27th, 1987; June 14th, 1991; November 5th, 2004 and July 14th 2008(Mexican Government General Health Law, 2008).

Article 462.- Six to seventeen years of imprisonment and a fine shall be imposed for the equivalent of eight thousand to seventeen thousand days of the general minimum depending on the economic zone to: the person who unlawfully obtains, conserves, uses, prepares or supplies organs, tissues and their components, corpses or fetuses of human beings; whoever trades or performs acts of legal simulation aimed at the onerous intermediation of organs, tissues, including blood, corpses, fetuses or remains of human beings; the one who transplants an organ or tissue, without attending to the preferences and the order established in the hospital, institutional, State and national databases referred to in article 336 of the General Health Law; those who promote, favor, facilitate or publicize the procurement or illegal procurement of organs, tissues and cells or the transplantation therefore; to the receiver of the organ that consents to the accomplishment of the transplant knowing its illicit origin; whoever transplants an organ or tissue when the recipient and / or

donor is foreign, without following the procedure established for that purpose, and person who intentionally causes infection of receptors by transmissible agents by transfusion of blood and its components. Also, the person responsible; in addition to other penalties, will be sentenced from five to ten years in prison. If professionals, technicians or assistants of the disciplines for the health intervene, they will be applied, besides suspension of five to eight years in the professional, technical or auxiliary exercise and up to six years, in case of recidivism. Article 462 was reformed in 5 occasions: May 27th, 1987; June 14th, 1991; May 26th, 2000; November 5th, 2004 and December 12th, 2011 (Mexican Government General Health Law, 2011).

3.3.3. Mexican bureaucratic system

Bureaucracy will be understood as an organizational structure characterized by explicit and regularized procedures, division of responsibilities and specialization of work, hierarchy and impersonal relations (Mendoza, 2014). Therefore, according to the public administration, PA is "the dynamic system-integrated by norms, objectives, structures, organs, functions, methods and procedures, human elements and economic and material resources through which the policies and decisions of those who represent are executed or implemented or they govern a politically organized community" (Galindo, 2000). This means that administration within a government should not be considered as an end by itself, but the mechanisms or instrument through which the State meets the needs of its population by carrying out the public services required by the community (Galindo, 2000).

Mexico´s bureaucratic system, according to its citizens, is characterized by the following: cumbersome network of laws and regulation, procedures that are not explicitly and diffusely regulated, inefficient division of responsibilities, hierarchy based on partisanship

and groups of interest, excessive use and abuse of procedures that prevent access to the system (Mendoza, 2014). This creates a low sense of trust among the Mexican society.

According to an investigation developed by the Inter-American Development Bank, each transaction in a government institution has an average cost of 9 US dollars, if this cost remains constant for the 360 million Mexican citizens, then the cost for the State will be close to 3.3 billion US dollars per year equivalent to 23% of federal expenditures (Public Education Secretariat, 2017). In Mexico, in order to complete a transaction whether it is a demand, request for information, etc., it takes an average of 6.9 hours to do so (IADB, 2018).

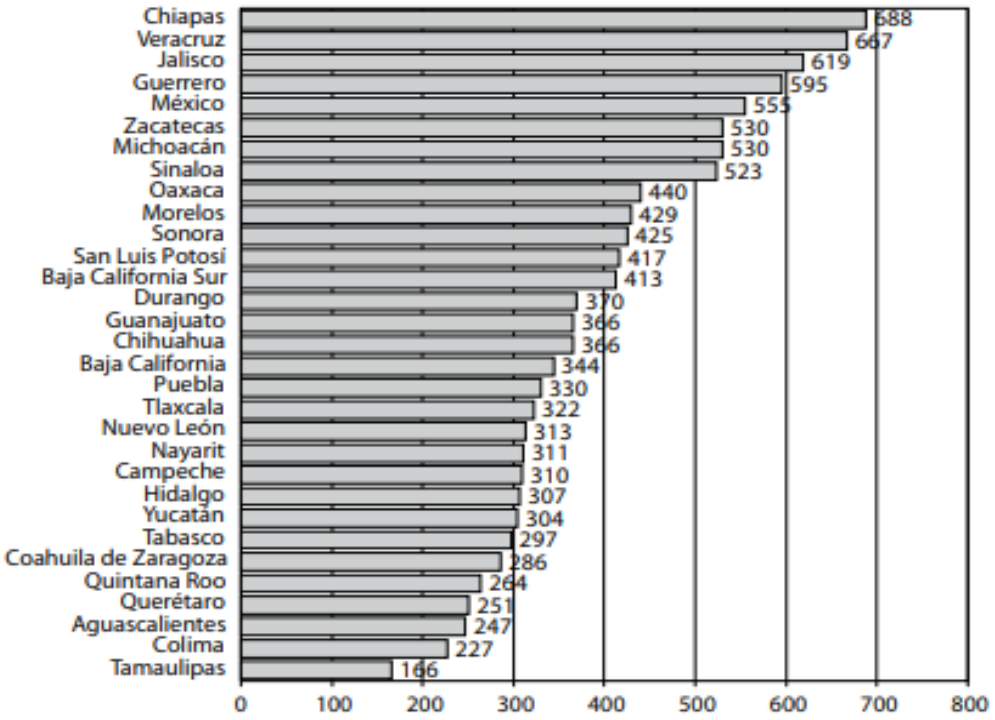
According to Transparency International Mexico along with Peru and the Dominican Republic, record the highest proportions of citizens who reported having paid a bribe, in Mexico 51% of citizens have done it. This is an example of how corruption is embedded within the Mexican bureaucratic system. With corruption as a serious mean of negative effects, these influence the government where: 1)effectiveness of public policies, 2) no trust on behalf of individuals regarding the State's capacity 3) failure in providing services equitably and fairly. This influences bureaucratic processes that in short term become negligent and dysfunctional (Transparency International, 2018).

In Mexico, the entity in charge of undergoing audits to determine if there are possible cases of corruption going within the government is the Superior Audit of the Federation or ASF. This institution determines whether or not the Mexican government through its institutions and officials, has done processes that may speculate to be corrupt. The audits done by ASF have the purpose of determining if the public policies of Mexico are being accomplished, if the institutions have a proper execution and finally if a correct management of public income and expenditure is being done (Cardona, Ortiz, & Vazquez, 2018).

The following chart determines which Mexican States have been the ones with more red flags regarding corruption cases within the audits made by the ASF between the years 2012 and 2017.

GRAPHIC 9

CORRUPTION CASES 2012-2017 DISCOVERED BY ASF



Source: Superior Audit of the Federation (2018)

Elaborated by: Maria Gabriela Flores A.

In the chart above we can see that no Mexican State is exempted from corruption cases. This shows that the Mexican criminal justice system continuously fails to control their officials. As a consequence of this, the violation of human rights continues to increase. In many cases, society sees itself unprotected and in the urge to find mechanisms of defense, which is why the emergence of armed citizen self-defense groups have grown in the country, due to the corruption that the Mexican bureaucratic system undergoes; controlling internal issues such as drug trafficking, human trafficking, weapon trafficking, money laundering, homicides, corruption, etc. become a difficult task.

The review of the theoretical base regarding cooperation amongst actors in this case Mexico and international organizations, as well as how the creation and application of polices and laws will not assure that it will guarantee specific political, social or economic situations according to the Complex Interdependence theory and the Public administration theory respectively have contributed to the fulfillment of the third objective which was “to define the situation of victims of organ trafficking in Mexico”.

V. ANALYSIS

Recalling the reader of the general objective of this dissertation which is: to analyze how the legislation of International Organizations applied by the Mexican government to eliminate or control organ trafficking has not been effective because of corruption and bureaucracy; sufficient insights will be described in order to determine the accomplishment of the general objective.

First of all, it is important to mention that cooperation between actors, as mentioned in Complex Interdependence theory of Keohane and Nye has been useful to remark certain aspects for each actor. For example Mexico, in comparison to other Latin American countries has a high human development index[14] ranking 74 out 189 States, despite suffering internal issues such as, drug trafficking, money laundering, corruption, organ trafficking, human right violations, etc.

Mexico, as well as countries like Chile, Uruguay and Argentina stands out from the rest of the Latin American countries because of the cooperation with developed countries such as the United States and the European Union. However, this cooperation tends to be seen only from an economic perspective rather than a social or human perspective, which may influence the HDI.

Organ trafficking begins because the demand of organs exceeds the supply of them; this has been a long-term problem in the international arena. To address organ trafficking from the Complex Interdependence theory of Keohane and Nye, it is necessary to mention that the issue has been ignored by International Organizations and States, unlike other international matters such as sex trafficking, or drug trafficking. The extent of organ trafficking has become widespread through the world in a matter of four decades mainly because of the expansion of criminal networks and the lack of international and national

[14] The Human Development Index takes into consideration aspects such as life expectancy, education rates, dignified living standards, etc.

institutions in assuring justice within this matter. As mentioned, the actors involved in organ trafficking are: criminal networks, victims of the matter, International Organizations and States.

Mexico, along with other Latin American countries such as Nicaragua and Guatemala, have had to adapt their legislation regarding security and human rights in order to punish criminal networks involved in organ trafficking in the territory. Organ trafficking in Mexico began as it did at the global context where criminal network members took advantage of the desperation of patients and family members who needed an organ transplant, but at the cost of an economic incentive that involved violating human rights.

Mexico becomes a hot spot for organ trafficking because it is considered a transit country due to the shared border with the United States in the north and Guatemala in the south, causing high migration flows. This has not only jeopardized the Mexican state but all States, whose citizens enter the transit country. Mexican citizens, migrants passing through the country and tourists are in constant threats of being violated in different forms, such as: kidnapping, harassment, disappearances, killings, etc. According to Amnesty International, Mexico has forgone an increase in murder rates of 15% in the year 2018 in comparison to 2017. During former President Enrique Peña Nieto's mandate, violence has widespread in 33% compared to his predecessor President Felipe Calderon Hinojosa, as Mexican criminal networks operated and continued to do so with impunity facing few if any repercussions from law enforcement agencies.

In 2018, Mexico saw the highest rates of violence. According to the data disseminated by the Mexican Interior Ministry 33,341 murder investigations were open in that year, surpassing the 25, 000 investigations of 2017 which until then was the highest number since 1997. This obligated the government to seek for sources to restrain or control it. Thus, the government implemented a law on Interior Security; this law states that armed forces should

maintain presence in vulnerable geographical locations such as the borders with the United States and Guatemala as well as cities like Chiapas, Ciudad Juarez, Tijuana and Acapulco where there are violent clashes between enemy crime gangs.

However, this law managed to ignore any effective provisions regarding transparency, accountability or civilian oversight. Due to the implementation of this law arbitrary arrests were made and this implicated higher violations to human rights, not only on behalf of criminal networks, but of governmental forces as well, endangering even more civilians' security.

Therefore, Mexico has signed legal instruments at an international and national level in order to secure possible victims of organ trafficking by using repercussion within the state. Examples of these legal instruments are the "United Nations Convention against Transnational Organized Crime", "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children", Resolution 59/156 "Preventing, combating and punishing trafficking in human organs" and Resolution 71/322 "Strengthening and promoting effective measures and international cooperation on organ donation and transplantation to prevent and combat trafficking in persons for the purpose of organ removal and trafficking in human organs".

The International legal instruments signed and ratified by Mexico have served as guidelines to enhance new legislations forms. However, this does not assure that new legal frameworks will control nor eliminate organ trafficking caused by criminal networks because factors such as poverty, scholastics rates, and human rights violations allegations received. Mandates of presidents play important roles in the Mexican legislation because it is in their authority to act in a particular way on public issues.

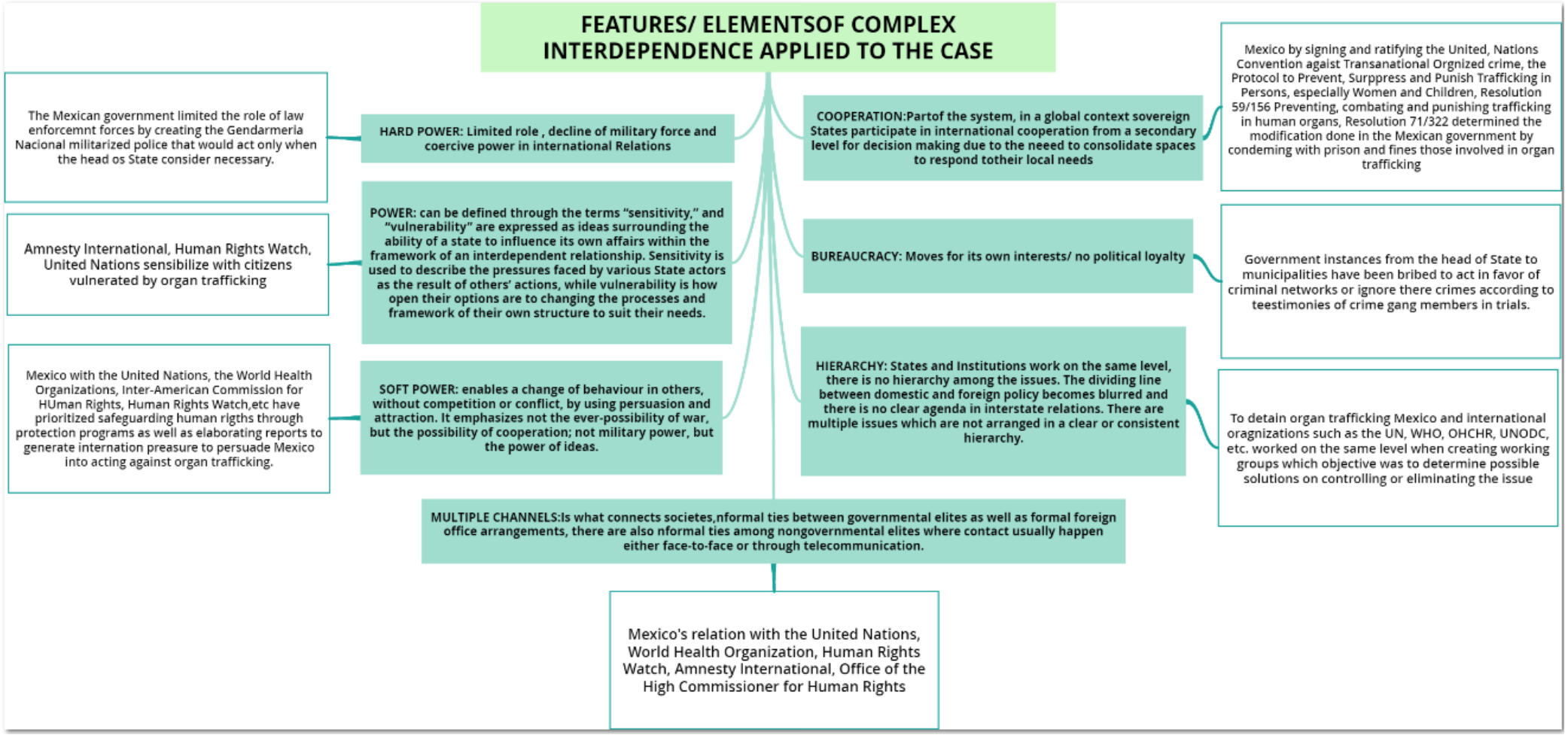
Mexico, as well as other States, have complementary interests which in cooperation make them interdependent in order to achieve beneficial resolutions that foster mutual

dependence between States and International Organizations. In President Enrique Peña Nieto's mandate, he focused on: 1) broadening and strengthening Mexico's presence in the global context, 2) promoting Mexico's value through economic, tourist and cultural dissemination, 3) reaffirming the country's commitment to free trade, capital mobility and productive integration and 4) ensuring the interest and rights of Mexican and foreigners in the national territory, these interests were all established in the National Development Program.

The Mexican government, created policies that help dictate the importance of solving problems and achieving its national interests. However, implementing a system integrated by norms, structures, human and economic resources mentioned in public administration theory, will not be enough if cooperation between the federal and local governments does not exist. Despite adopting policies and resolutions that may seem beneficial for the detainment of organ trafficking, these are often frustrated by different reasons such as corruption in governments, a marked bureaucracy or partial application of the former, that also tags the continuity of lack of security and violation of human rights.

In the following chart a comparison between the elements/ features of the Complex Interdependence theory and the case study of this dissertation will be analyzed.

GRAPHIC 10 FEATURES / ELEMENTS OF COMPLEX INTERDEPENDENCE APPLIED TO THE CASE



Sources: Various (2000)
Elaborated by: Maria Gabriela Flores A.

However, if there isn't cooperation among all the parties interested in detaining an issue, then detaining organ trafficking will be harder to achieve. Keohane and Nye express the following: "by creating or accepting procedures, norms or institutions for certain kinds of activities, governments regulate and control transnational and interstate relations". These governmental agreements are called "international regimes". According to Keohane and Nye, external alliances and assistance of nations are needed in order to solve problems of an international nature and repercussion. Therefore, cooperation is necessary to unite the affected States directly and indirectly with International Organizations.

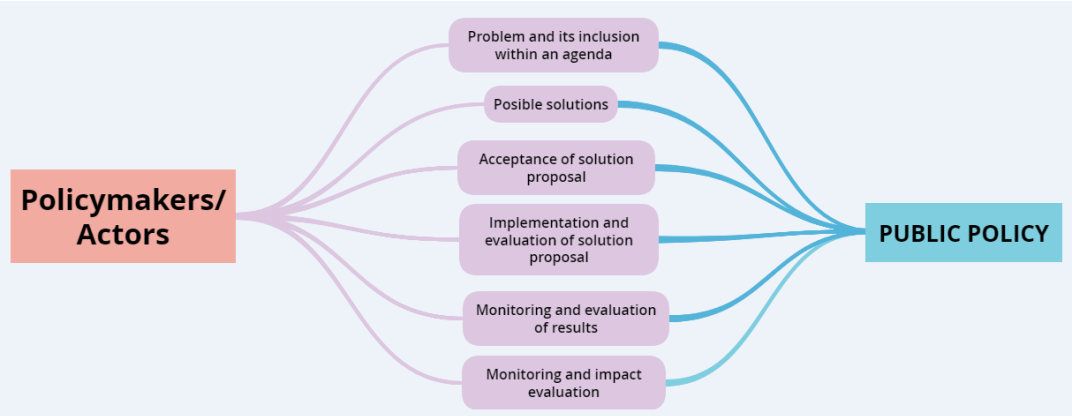
On the other hand, acknowledging human rights in a legal system allow States to create laws to be applied based on universal principles. However, the creation and application of policies and laws will not assure guarantee of specific political, social or economic situations, because based on the elements of Complex Interdependence, individuals are considered and therefore are participants of the outcomes within society. In context, this pushes and pulls between global visions and local visions of justice creates a quandary on how to handle violation of human rights. Even though Mexico and International Organizations have different roles regarding the violation of human rights committed in organ trafficking, these roles do come as complementary.

Mexican government officials have been chosen by society through a democratic process that seems to get weaker, for example in the mandate of ex-President Enrique Peña Nieto he won office with 58% of the total votes; however, when he left office , 85% of Mexicans disapproved his job as president. This unpopularity according to the citizens that participated in the polls done by "Parametrics" in his mandate, the former no longer sought society's best interest, but rather criminal networks' best interest; therefore, weakening the government and empowering crime leaving Mexico in a vulnerable state.

Recalling the public administration theory, where it determines that public administrators or government officials are those in charge of dealing with the implementation of a policy or policies for the smooth operation of plan of actions that are the outcomes of policy decisions made by governments, this is in order to have a cooperative human action. Public administration is characterized by having a politicized bureaucracy, corruption, spoils system, rule of law, voice and accountability to analyze within the case study (Galindo, 2000).The Mexican legislation and its government's action regarding organ trafficking policies will be considered. In the following chart a comparison between the characteristics of public administration and the Mexican public administration regarding organ trafficking will be taken into account. In the following graphic the process for public policy creation according to the public administration theory will be developed.

GRAPHIC 11

PUBLIC POLICY CREATION PROCESS ACCORDING TO PUBLIC ADMINISTRATION THEORY



Sources: Galindo (2000)
Elaborated by: Maria Gabriela Flores A.

TABLE 7

PUBLIC ADMINISTRATION THEORY COMPARISON CHART MEXICO 2006 AND 2017

Public Administration Characteristics	**Mexico 2006**	**Mexico 2017**
Politicized bureaucracy	1.200.000	1.567.381
Corruption Score	34/100	29/100
Corruption Ranking	111/180	135/180
Control of Corruption	-0,3	-0,9
Spoils system	13,80%	32,60%
Government effectiveness	0,1562	0,003
Hierarchy	87	91
Bureaucracy	-6,60%	41,70%
Voice and accountability	0,2	-0,1
Rule of law	-0,4	-0,6

Sources: Various (2006-2017)

Elaborated by: Maria Gabriela Flores A.

The figures demonstrate that a marked bureaucracy and corruption has always been embedded in the Mexican State; however, throughout the years, especially in the space dimension in which this dissertation is developed, corruption and bureaucracy worsened. Despite Mexico having implemented new policies and adopted its legislation to control organ trafficking this ineffectiveness does not only affect the control and elimination of organ trafficking, but also other issues such as drug trafficking, human trafficking, money laundering, kidnapping, murders, etc. where violation in human rights tend to grow.

VI. CONCLUSIONS

The present dissertation proposed the hypothesis: the policies created and applied by the Mexican government regarding the legislation of International Organizations have not contributed in todecreasing organ trafficking in Mexico from 2012-2017 because of a marked bureaucracy and corruption within its instances. This statement has been completely verified, which is summarized in the following conclusions:

- The application of new policies such as article 461 of the Mexican General Health Law that stipulates: "anyone who transfers or carries out acts tending to move organs, tissues and their components of living human beings or corpses out of the national territory, without permission from the Health Ministry will be imprisoned for four to fifteen years…", as well as the alignment of the Mexican legislation regarding organ trafficking have not been effective in this matter, allowing criminal networks freedom on their illicit actions because of their imposition in governmental instances.

- Mexico has not been able to control organ trafficking because it has rather focused on other issues such as strengthening its defense by investing 77 billion dollars in 2017 to combat drug trafficking, human trafficking, money laundering and weapon trafficking, while only 2.79% of its GDP is invested in improving health, within education rates the investment is of 5.02% of its GDP. However; because of the embedded corruption that exists in which Mexico is ranked 135 of 180 in the Corruption Perception Indexes disseminated by Transparency International, no issue has been solved entirely nor profoundly.

- Mexico has focused on ratifying agreements that may only help the country develop itself in the economic sphere such as the North American Free Trade Agreement, The Free Trade Agreement with The European Union and the Pacific Alliance Framework Agreement. Resting importance to other international legal instruments such the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to help improve social, cultural, and human conditions within its border and therefore jeopardizing the welfare of its citizens and visitors.

- The diversification of human rights violation in Mexico such as kidnaps, disappearances, murders, and tortures have aggravated once the bureaucratic system has been compromised with the political mischief and hampering caused by criminal networks. For example, in Joaquin Loera's trail, a testimony of one of Loera's men of confidence Alex Santiago, determined that Enrique Peña Nieto received close to 100 million dollars in bribery. This shows that the Mexican authorities and representatives oversee criminal networks actions because of corruption within its instances, causing discomfort and lack of confidence among society.

- International Organizations, the Mexican State, the victims and criminal networks are transformed and also transformers. Criminal networks have transformed the governmental instances for their benefit by paying government officials to act for their profit, as well as by transforming their modus operandi to enter the Mexican policy through entering in the political sphere and not just by acting from outside of this aspect. The Mexican State has allowed criminal networks to operate freely because of the link that government officials have with them. Civil society has been transformed into

victims of organ trafficking when abducted against their will and criminal network members transform society by persuading them to become part of their organization.

- Despite the international legal instruments that exist on controlling and detaining organ trafficking, its effectiveness is not shown when applied at a local context, as in the case of the Mexican government because it does not take into consideration cultural, social, economic, and political aspects such as poverty rates, education rates, and corruption cases.

- Organ trafficking affects all levels of society from International Organizations, to States as well as civil society. However, this matter will continue to exist as long as the demand of organs exceeds the supply therefore it will continue to affect human rights, but in a broader geographical and demographical aspect, recalling its beginnings in the 1980s in the Middle East and European countries that later affected Latin America at the beginning of the 21st century.

- Criminal networks have grown and diversified their actions as a consequence of globalization and therefore; causing a complexity in determining if members of criminal networks should be charged under a local or an international criminal law regime. An example is that in 2007, Criminal Networks such as Los Zetas committed 46 proclaimed attacks, while in 2013, they admitted to having committed 247 attacks. In the 1960s criminal networks only occupied the north and south borders of Mexico, but nowadays they operate in the entire Mexican territory.
- Organ trafficking can affect international security by destabilizing States because of the high amount of buyers and sellers, increasing migration flows and empowering criminal networks. Therefore, international security is affected because organ trafficking is a new

form of slavery that diversifies the violations of human rights as well as endangering the 1 234 500 foreigners mainly from Latin American countries such as Guatemala, Nicaragua and Venezuela that Mexico fosters.

VII. RECOMMENDATIONS

With the conclusion of the analysis and the verification of the proposed hypothesis through the insights that are presented above, various recommendations have been developed, these are:

- As it was determined in the analysis of this dissertation in the years 2012-2017, the Mexican bureaucratic system grew exponentially being one public administrator for every 21 Mexican citizens. However, this growth did not contribute into accelerating procedures, but rather it hindered them, causing an increase in the national expense budget as well as taking more than double the time needed to end them. This is why a redistribution of personnel should be made to determine in what sections of the bureaucratic system there is an excess of public administrators and in what sections there is a lack of them to balance the governmental instances. This may be achieved by implementing a qualification system to determine the capabilities required for each governmental position based on the necessity of each institution.
- Considering that Mexican institutions are embedded with corruption caused by organized criminal networks, then audits to control this issue should be held. The audits should be done through the ASF, the Mexican institution that is already in charge of discovering corruption cases as well as an international institution specialized in the matter. However, these audits should not be entirely developed on behalf of Mexican authorities, but rather with the participation or observation of international delegations to secure a clean corruption free process such as Transparency International , the Anti-Corruption Alliance of the United Nations Development Program or the MESICIC which is the Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption which is the Anti-Corruption Mechanism of the Organization of American States.

- Mexicans and society in general should not have to fear repercussion coming from criminal networks nor an inefficient action of government representatives, which is why awareness campaigns on behalf of national and international institutions as well as civil society groups are made. Determining that any type of injustice of human rights violation must be alerted. On behalf of national institutions campaigns determining the responsible entities of caring for human rights violations and the correct process to follow when being a victim to assure a general understanding. If security is not offered in the legal forms, then citizens should seek for support from other States or institutions. On the advantage of International Organizations campaigns determining the State's role in safeguarding human rights, it should be disseminated as well determined what human rights are and the forms of violations within the context.
- For International Organizations, their efforts must not only stand on reports regarding the events that happen on a daily basis in the Mexican territory, but also become part of new constructive scenarios where a more collective approach is taken into account to guarantee international security and human rights. For example, lobbying in national institutions to determine the state's accountability or actions regarding the information and accusations diffused in their reports in order to reduce violence, murder, and poverty rates.
- Governments, international organizations, and health care providers cannot speculate regarding the relative safety of commercial transplantation in different countries as reliable information regarding specific center or country outcomes may be varied.
- Society in general should be educated regarding the unethical treatment and human right violations of individuals who sell their organs for money in unregulated systems in the developing countries such as Mexico, India, Singapore, China, Russia, etc. Patients

should be educated about the harms the may come to those who provide organs through organ trafficking.

- Society, healthcare providers' specifically have a duty to advocate for their patients, but as members of the health community, they also have a duty to prevent harm to other individuals.
- Throughout the years, a sense of awareness has increased within the States of the international community. More national institutions of human rights have been created through society to assure or fight against human rights violations. These institutions have gained political pressure which is why these nation institutions of human rights should have the capacity and authority to present recommendations and proposals to national governments over any issue regarding human rights, examining complaints regarding violations of human rights in an individual or collective perspective .
- This case study could be addressed from other fields such as economics, public health, social groups, civil society, or from perspectives of other countries, since it considers multidisciplinary aspects to obtain a global perspective and therefore generate plans of actions with a wider approach.
- This case study could be addressed through other theoretical frameworks such as the Critical Theory, Realism. Socialism, etc. as well through other actors such as the buyer States, civil society or stakeholders.
- Law enforcement agencies and the judiciary should be made aware that they are under the obligation no to punish victims of organ trafficking basing the former on article 26 of the Council of Europe Convention on Actions against Trafficking in Human beings and Article 8 of the EU Directive 2011/36/EU, victims are to be protected from prosecution or punishment for criminal activities that they have been compelled to commit as a direct consequence of being subject to trafficking.

- Also Law enforcement agencies and the judiciary are not allowed to make exemption from criminal liability of a penalty not only when it becomes evident that they are a victim of organ trafficking but as soon as there is a credible suspicion that the might have been trafficked, therefore persons should be kept immune from prosecution, detention, and the applicability of a penalty.
- States should offer victims of organ trafficking the same kind og protection and services that they provide to other victims of human trafficking like labor and sex trafficking by improving socioeconomic conditions they make persons vulnerable to this type of illict activity by developing strategies to alleviate the factor that make persons vulnerable to trafficking, such as poverty, underdevelopment and lack of opportunity, as well as support programs designed to assist victims.
- States should also implement measure to aid organ trafficking victims by offering temporary visas, permanent residency, healthcare, housing and rehabilitative services and witness protection program eligibility for victims who are willing to aid in the prosecution of organ traffickers.

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