

China's Reform Narrative on Transplant Abuse: Does It Stand Up to Scrutiny?

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The Response -- Notes

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Legislation

Compulsory Reporting - Laws should make it compulsory for medical professionals to report cases of patients receiving organs overseas, to enable people to be aware of organ tourism and able to respond to organ tourism. All patients who receive transplants will require after-care, including anti-rejection drugs, and will therefore be seeing doctors. Compulsory reporting is common in other medical situations, like gunshot wounds and child abuse. Even a system Taiwan has passed this kind of law.

Organ brokering should be prohibited - with a ban on any selling, advertising and soliciting. In most countries, it is illegal to buy an organ in your own country. But most do not address extraterritorial effect. This should be remedied.

Immigration Laws - Other than the U.S., countries do not address organ transplant abuse in their immigration laws. Anyone complicit in organ transplant abuse should be denied entry.

Council of Europe Convention Against Trafficking In Human Organs - All countries that are member or observer states of the Council of Europe should sign and ratify the Council of Europe Convention Against Trafficking in Human Organs. But in addition, any other state can sign and ratify it with the approval of the Council of Europe, which would likely be forthcoming, and all countries should be encouraged to do so. It imposes an obligation to enact extraterritoriality provisions, to prohibit brokering, agency or referral. Making it a criminal offence to broker organs when financial or other incentives are attached. It sets up an international regime that is worth encouraging.

Non-Cooperation

There should also be a norm of non-cooperation with transplantation systems that do not meet international standards. **All transplantation professionals, hospitals, and universities should have nothing to do with transplantation system in China.** The Chinese system is so non-transparent you cannot be sure that any transplant related activity is free from transplant abuse. There should be a complete ban on cooperation with institutions and individuals in China on this issue. This means:

- No publication of articles using data that comes from transplantation in China
- No academic exchanges between Chinese transplant professionals working in China and transplant professionals elsewhere.
- No speakers invited to international conferences to present research based on transplantation or related research in China.
- No pharmaceutical trials for anti-rejection drugs involving tissue or organs from China's organ-procurement system.

- No memberships in global organizations and professional associations for transplant professionals practicing in China.

The system is so non-transparent that it is impossible to determine without a reasonable doubt that any transplantation activity in China is free from transplant abuse. Until there is accountability and openness to scrutiny and transparency there is no guarantee that any activity is ethical.

While the Chinese government dismisses criticism, medical professionals in China continue to seek international status. They want to be able to publish in international journals, present papers at international conferences, and receive training at reputable institution abroad. If they are shut off from international medical community due to the non-transparency of the system in China, they may become a force to help stop this abuse.

These are some of the remedies that I recommend are available in order to help stop this abuse.