



3<sup>rd</sup> May 2024

## Subject: Open Letter of Concern Regarding China's Regulation on Donation and Transplantation of Human Organs

To the High Representative of the European Union for Foreign Affairs and Security Policy,  
Mr. Borrell,

We, the undersigned individuals, and organisations, are writing to express our deep concerns regarding a regulation recently introduced in China about organ donation and transplantation.

On 1st May, the State Council of the People's Republic of China *Regulation on Donation and Transplantation of Human Organs*<sup>1</sup> came into force. In response to the global concern about the ongoing, state-sanctioned practice of forced organ harvesting in China<sup>2</sup>, and findings that it amounts to crimes against humanity<sup>3</sup>, apologists for the Chinese Communist regime have claimed this regulation reflects transparency and adherence to international standards. However, upon examination of the regulation, we can see that the regulation lacks necessary transparency measures and fails to incorporate the World Health Organisation (WHO) Guiding Principles on Human Cell, Tissue and Organ Transplantation into its framework or flag becoming signatories to the Council of Europe Convention against Trafficking in Human Organs<sup>4</sup>.

Despite the regulation prohibiting activity related to, or the trading of organs<sup>5</sup>, there is a glaring lack of provisions for increased transparency and alignment with global standards. By neglecting to address these issues, the Chinese government perpetuates a system that lacks accountability and denies justice to victims of forced organ harvesting.

In light of this, we urge you to:

1. End the EU's ongoing medical collaborations with China in the field of organ transplantation given continued reports of forced organ harvesting. By persisting in these collaborations, the EU risks being complicit in aiding and abetting forced organ harvesting. A recent Legal Advisory Report and Policy Guidance<sup>6</sup> published by Global Rights Compliance (GRC) outlines the risks and human rights due diligence required.
2. Protect EU citizens and institutions from complicity in aiding and abetting forced organ harvesting, by introducing legislation on mandatory reporting by health professionals for extra-territorial organ transplantations, with subsequent public transparency about transplant tourism volumes outside the EU by country visited. We remain troubled by the absence of mandatory reporting and transparency measures within the EU regarding EU citizens obtaining organs in other countries. Currently, citizens of the bloc could potentially travel to countries like China and obtain illicitly harvested organs and there are no reporting mechanisms to identify this is happening.

<sup>1</sup> [www.lawinfochina.com/display.aspx?id=42425&lib=law](http://www.lawinfochina.com/display.aspx?id=42425&lib=law)

<sup>2</sup> See, European Parliament resolution of 7 May 2022 on the reports of continued organ harvesting in China (2022/2677(RSP)); and UN human rights experts alarmed by 'organ harvesting' allegations

<sup>3</sup> <https://chinatribunal.com/>

<sup>4</sup> <https://www.coe.int/en/web/impact-convention-human-rights/council-of-europe-convention-against-trafficking-in-human-organs#/>

<sup>5</sup> Order No. 767 of the State Council of the People's Republic of China, Regulation on Organ Donation and Transplantation, Article 6 reads 'Any organization or individual shall neither trade in any way human organs, nor carry out any activity related to trade of human organs.'

<sup>6</sup> Do No Harm: Legal Advisory & Policy Guidance | Global Rights Compliance



We also call on you to advocate for the Chinese Government to:

3. Develop and implement legislation, aligning with the WHO transplantation guidelines<sup>7</sup> and the Declaration of Istanbul (DoI) on Organ Trafficking and Transplant Tourism.
4. Permit international organisations to have access to transplantation and organ donation records, including data from the China Organ Donation Administrative Center.
5. Redress historic injustices of forced organ harvesting against persecuted minorities, whose exploitation has been masked by the lack of transparency and accountability under the current Chinese government's organ transplantation system.

Whilst China continues to disregard the WHO and DoI protocols, it is antithetical to have Chinese delegates on the associated WHO<sup>8</sup> and DoI<sup>9</sup> advisory groups. It is essential that the EU take immediate action in calling for China to lose its memberships to the WHO Task Force on Donation and Transplantation of Human Organs and Tissues and the Declaration of Istanbul Custodian Group.

Thank you for your attention to this matter.

Yours sincerely,

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<sup>7</sup> WHO Transplantation Guiding Principle 11 outlines that "The organization and execution of donation and transplantation activities, as well as their clinical results, must be transparent and open to scrutiny, while ensuring that the personal anonymity and privacy of donors and recipients are always protected."

<sup>8</sup> [https://www.who.int/health-topics/transplantation#tab=tab\\_1](https://www.who.int/health-topics/transplantation#tab=tab_1)

<sup>9</sup> <https://www.declarationofistanbul.org/governance>



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