

## **Submission**

### **Australian Parliamentary Inquiry Into Human Organ Trafficking and Organ Transplant Tourism**

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2017-07-31

To the Committee Secretary:

### **Introduction**

I have been a volunteer campaigner on stopping China's unethical organ transplants for a few years and I am pleased to make a submission to the Senate inquiry into Human organ trafficking and organ transplant tourism. I welcome this inquiry and hope Australia will make this offence to have extraterritorial application; and to accede to the 2014 Council of Europe Convention against Trafficking in Human Organs.

### **Nature and Extent of Organ Transplant Tourism**

Organ transplant tourism has been a thriving business, especially in China. It has been widely condemned on ethical grounds. Statistics on the number of organ transplants in China are difficult to obtain, as it is regarded as the state secret.

Before 1999, there were 150 transplant institutions in Mainland China. In 2007, more than 1000 hospitals applied for permits from the Ministry of Health to continue performing transplants. The surge in transplants, while absorbed by domestic population and accompanied by a corresponding boom in transplant tourism from other countries made China a global center for those in need of vital organs.

Take a major transplant center for an example; the Oriental Organ Transplant Center built a new building with a price tag of 130 million yuan. The new building has 500 beds with a more than 10,000 overall annual turnover rate. The surgery center in the new building can support the operation of nine liver transplants and eight kidney transplants simultaneously.

### **China becomes the center of organ tourism due to its short waiting time and abundant organ supplies**

The following table shows the average waiting period for organs published by three major organ transplant centers in China during the period of 2003 and 2006. Such an extraordinarily short waiting period points to an extraordinary source of organs.

### Average Waiting Period for Organs in China

	Oriental Organ Transplant Center  (Tianjin No. 1 Central Hospital)	Organ Transplant Institute of the People's Liberation Army  (Shanghai Changzheng Hospital)	CITNAC, China International Transplantation Network Assistance Center  (The First Hospital of China Medical University in Shenyang)
Average Waiting Period	<b>2 weeks</b>	<b>1 week for a liver transplant</b>	1-2 months for a liver.  <b>1 week to 1 month for a kidney. If 1<sup>st</sup> surgery fails, 2<sup>nd</sup> surgery within 1 week.</b>

China's Liver Transplant Registry System indicated in 2005 and 2006, there were more than 25% of cases were emergency transplants, for which organs were found within days or even hours.

**China did not start piloting organ donation system until 2010, and a national system was not established until late 2013. Willingness to donate in china is till extremely low** today, as traditional Chinese custom requires bodies to be preserved intact after death.

**China now performs more organ transplants than any other country in the world, despite having few donations.**

International researchers examined hundreds of transplant hospitals in China and their revenue, bed counts, bed utilization rates, surgical expertise, training programs, state funding, and more. Their sources include media reports, official statements, medical journals, hospital websites, and web archive, supplemented by whistleblower testimony. Through this network of information, the researchers pieced together the system of state, military, and civilian institutions that have been mobilized to carry out a systematic medical genocide.

### Global response to unethical organ transplant tourism

Australia should learn from the practices employed by governments in other countries to restrict illicit organ tourism.

### LEGISLATION

**ISRAEL:** Israel passed the Organ Transplant Act in 2008, which prohibits insurance companies from reimbursing cost for transplants received in other countries that violates Israeli organ trade guidelines.

**Spain:** A 2010 amendment to the Criminal code imposed new penalties for those who promote, facilitate or advertise the procurement or illegal trafficking of human organs

**Italy:** The Italian Senate approved a bill on March 4, 2015 to introduce penalties against individuals who trade or sell illegally trafficked organs.

**Taiwan:** The Human Organ Transplantation Act of 2015 bans the sale, purchase and brokerage of organs. It also prohibits the use of organs from executed prisoners and organ tourism regardless of foreign laws

## **RESOLUTIONS**

**United States:** On June 13, 2016, the U.S. House of Representatives passed H Res. 343 “expressing concern regarding persistent and credible reports of systematic state sanctioned organ harvesting in China

**European Parliament:** On December 12, 2013 passed a similar resolution calling for the prosecution of those found to have engaged in unethical practices.

## **Conclusion**

Organ harvesting of unwilling donors where it is either systematic or widespread is a crime against humanity. Australia has a moral imperative to work to stop unethical organ transplant tourism.

Here is what Australia government can do:

- 1) Pass legislation making extra-territorial receipt of a trafficked organ illegal; in the way that extra-territorial child sex offences are illegal.
- 2) State medical funding systems should deny reimbursement for commercial organ transplants abroad and aftercare funding for those benefiting from such transplants.
- 3) Any person known to be involved in trafficking in the organs of prisoners in China or elsewhere should be barred entry to Australia;
- 4) To accede to the 2014 Council of Europe Convention against Trafficking in Human Organs.

