

Inquiry into the Migration Amendment (Overseas Organ Transplant Disclosure and Other Measures) Bill

INFORMATION TAKEN ON NOTICE

Please note: The below list provides examples of measures taken by other countries but it is not exhaustive.

1. Recent Legislation
2. Resolutions
3. New Legislation in Progress
4. Government Hearings
5. Sanctions

1. RECENT LEGISLATION

- **2021 – UNITED KINGDOM - Medicines and Medical Devices Bill** which aims to protect UK medical institutions and practitioners from becoming unwittingly complicit in China's state-sanctioned forced organ harvesting. The amendment gives ministers the power to introduce regulations to ensure that human tissues, organs and cells imported from overseas—that may have been forcibly harvested—are not allowed to enter the UK for use in medicine. <https://endtransplantabuse.org/organ-harvesting-amendment-to-uk-medicines-and-medical-devices-bill/>
- **2022 – UNITED KINGDOM - An amendment to the *Health Care Act 2022*** prohibits commercial organ tourism to China, as well as other countries. The amendment adds extra-territorial provisions to UK laws regarding organ trafficking. Prior to this amendment, it was illegal to commercially trade in organs within the UK. This new law prohibits British citizens and British nationals from purchasing an organ outside the UK. It also criminalises the act of brokering the sale of organs in China or other countries by British citizens. <https://endtransplantabuse.org/uk-prohibits-commercial-organ-tourism-to-stop-complicity-in-crimes-against-humanity/>
- **2022 - CANADA– An amendment to the *Criminal Code and Immigration and Refugee Protection Act***
The Canadian Criminal Code section 240.1 criminalises trafficking in human organs. Section 240.1 (1) prohibits the removal of organs without informed consent. Section 240.1(2) prohibits the purchase and sale of organs.
The newly added Section 7(4.2) of the Criminal Code prohibits a Canadian citizen or permanent resident from committing an organ trafficking offence outside Canada under Code section 240.1. ^[1]

The newly added Immigration and Refugee Protection Act section 35(1)(c.1) provides that a permanent resident or foreign national is inadmissible to Canada if the designated Minister is of the opinion that they have engaged in conduct which violates section 240.1 of the Criminal Code.^[2]

^[1] <https://laws-lois.justice.gc.ca/eng/acts/c-46/page-33.html?wbdisable=true>. and <https://laws-lois.justice.gc.ca/eng/acts/c-46/page-2.html#docCont>

^[2] <https://laws.justice.gc.ca/eng/acts/i-2.5/page-6.html#docCont>

- **2023/2024 – UNITED STATES – States of Texas and Utah** - Texas and Utah have adopted laws to prevent American citizens from potential complicity in organ trafficking; the former came into effect in September 2023 and the latter begin in May 2024. The laws aim to end health insurance coverage for organ transplants conducted in countries like China known to be sites of organ harvesting. The bipartisan Texas law states that “organs may have been harvested from hundreds of thousands of incarcerated people, mainly Falun Gong practitioners.” These state laws are the first in the United States to enact measures to prevent potential complicity by American patients.

Texas S.B. 1040,

<https://capitol.texas.gov/BillLookup/History.aspx?LegSess=88R&Bill=SB1040>

Utah S.B. 262, <https://le.utah.gov/~2024/bills/static/SB0262.html>

For information on legislation pre-2021 <https://endtransplantabuse.org/legislation/>

2. RESOLUTIONS

- **2022 – EUROPE - European Parliament Resolution on the Reports of Continued Organ Harvesting in China** https://www.europarl.europa.eu/doceo/document/TA-9-2022-0200_EN.pdf This resolution expresses serious concerns about the reports of persistent, systematic, inhumane and state-sanctioned organ harvesting from prisoners in the People’s Republic of China, and, more specifically, from Falun Gong practitioners and other minorities such as Uyghurs, Tibetans and Christians. It calls for various measures by China and by EU member states to combat forced organ harvesting.
- **2024 – EUROPE - European Parliament Resolution on the Ongoing Persecution of Falun Gong in China** This resolution calls for the EU and its Member States to publicly condemn organ transplant abuses in China and to use the EU Global Human Rights Sanctions Regime and national human rights sanctions regimes against all perpetrators and entities that have contributed to the persecution of Falun Gong practitioners in China and abroad. https://www.europarl.europa.eu/doceo/document/TA-9-2024-0037_EN.html

3. NEW LEGISLATION IN PROGRESS

- **UNITED STATES - The US Stop Forced Organ Harvesting Bill passed in the House (413-2) and has now been received in the Senate**, read twice and referred to the Committee on Foreign Relations. Co-sponsors of the Bill in the Senate are bipartisan.
<https://www.congress.gov/bill/118th-congress/house-bill/1154/text?q=%7B%22search%22%3A%22hr1154%22%7D>

The legislation authorises the Secretary of State to deny passports and visas to anyone involved in illegal organ trafficking. It also mandates annual reporting on forced organ harvesting in foreign countries and sanctions individuals that facilitate organ harvesting.

The Bill text specifically includes mention of China:

“to hold accountable persons implicated, including members of the Chinese Communist Party, in forced organ harvesting and trafficking in persons for purposes of the removal of organs.”

NGOS Urge Senate to Pass the Stop Forced Organ Harvesting Act

<https://endtransplantabuse.org/joint-ngo-letter-urges-us-senate-to-pass-the-stop-forced-organ-harvesting-act/>

- **UNITED STATES - The Falun Gong Protection Act, re-introduced in June 2023**, remains pending in the House. H.R. 4132 would require the President to impose sanctions on foreign persons who facilitate organ trafficking in China and would require the Department of State to report to the Congress on such trafficking.
<https://www.congress.gov/bill/118th-congress/house-bill/4132>
<https://www.cbo.gov/publication/59290#:~:text=Summary,the%20Congress%20on%20such%20trafficking>.

4. GOVERNMENT HEARINGS AND COMMITTEE MEETINGS

- **2024 – UNITED STATES - Congressional Executive Commission on China – Stopping the Crime of Organ Harvesting: What More Must Be Done?** (United States Congress)
<https://www.cecc.gov/events/hearings/stopping-the-crime-of-organ-harvesting%E2%80%94what-more-must-be-done>
<https://www.youtube.com/watch?v=ywQIIYqNRMc>
- **2022 – UNITED STATES - Tom Lantos Human Rights Commission Hearing – Forced Organ Harvesting in China: Examining the Evidence** (United States Congress)
<https://humanrightscommission.house.gov/events/hearings/forced-organ-harvesting-china-examining-evidence>
- **2021 – EUROPE - European Parliament Subcommittee on Human Rights (DROI)** discuss the ongoing forced organ harvesting from prisoners of conscience in China with China Tribunal experts Sir Geoffrey Nice KC and Professor Martin Elliot.
<https://endtransplantabuse.org/european-parliament-discussed-forced-organ-harvesting-in-china-with-china-tribunal-experts/>

5. SANCTIONS

- **2021 – United States – Sanctioned** Yu Hui, former Office Director of the “Central Leading Group on Preventing and Dealing with Heretical Religions” of Chengdu, Sichuan Province, pursuant to Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021. He is designated for his involvement in gross violations of human rights, namely the arbitrary detention of Falun Gong practitioners for their spiritual beliefs. Yu Hui and his immediate family members are ineligible for entry into the United States. <https://www.state.gov/designation-of-peoples-republic-of-china-official-due-to-involvement-in-gross-violations-of-human-rights/>
- **2022 – UNITED STATES - Sanctioned** Yong (Tang), former deputy director of the Chongqing Area Prisons in the PRC. Pursuant to Section 7031(c), the Department of State is designating Tang for his involvement in gross violations of human rights, namely arbitrary detention of Falun Gong practitioners, which also amount to particularly severe violations of religious freedom. <https://www.state.gov/combating-global-corruption-and-human-rights-abuses/>

6. REPORTS

- **2022 – UNITED STATES - Congressional-Executive Commission on China (CECC) Annual Report Includes Forced Organ Harvesting in China**

The report makes a series of recommendations on how the Biden administration should respond, including a tougher sanctions regime and imposing further conditions on access to US capital markets for any Chinese companies shown to have provided services to or otherwise participated in the Chinese surveillance state, forced labour or other human rights abuses. <https://www.cecc.gov/publications/annual-reports/2022-annual-report-2022>

- **2022 – UNITED STATES – State Department International Religious Freedom Report** includes information about forced organ harvesting in China. <https://www.state.gov/reports/2022-report-on-international-religious-freedom/china/>