

Submission to the inquiry into human organ trafficking and organ transplant tourism by the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade

I, Michelle (Xiaoyu) Li, appreciate the opportunity to make this submission to the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade (the Committee).

Terms of Reference

The Committee will have regard to the offence of Organ Trafficking under division 271 of the Criminal Code and whether it would be practicable or desirable for:

1. This offence to have extraterritorial application; and
2. Australia to accede to the 2014 Council of Europe Convention against Trafficking in Human Organs.

Response to Terms of Reference

1. I believe Australia should pass legislation to prevent citizens of this country travelling to countries for an organ transplant where there is any suspected irregularity in the source of the organs offered for transplant in their country of destination.
2. I support the proposal that Australia accede to the 2014 Council of Europe Convention against Trafficking in Human Organs., and further propose that appropriate domestic legislation be passed to ensure that the terms of the Convention are carried out.
3. I would also suggest Australia government pay attention to the on-going forced human organ harvesting to prisoners of conscience in China. Where a state-driven medical genocide has been happening since the year of 2000.

Reason for Supporting the Terms of Reference

I am making this submission as I have been investigating the practice of forced human organ harvesting in China for years. I'm an IT consultant based in Sydney, and I conduct research on China's organ transplantation system for China Organ Harvest Research Center, a non-profit organization based in New York. Before establishing this organization, a number of international researchers including myself studied the Chinese organ transplantation system for over a decade. Our work has formed the basis of independent reports regarding forced human organ harvesting in China that

have been cited by CNN, The New York Times, PBS, ABC, News Group, SBS.

When the forced human organ harvesting was first publicly exposed to the world in 2006, people would hardly believe it. And because the organ harvesting crimes are ongoing and covered up, digging the true transplant volume data is not easy. It takes massive volume of work to do vast data collection, cataloguing, and analysis, then collectively piece all the evidences together, and dig out the state-driven nature and vast scale of China's human organ transplantation industry — which appears to have relied heavily on extrajudicial killing to fuel it.

To gauge the development and scale of China's organ transplantation industry, we analyzed 169 individual hospitals approved by the government to conduct transplants. Specifically, we collected data regarding transplant types performed, qualifications, revenue, potential patient demographics, bed counts, surgical and support personnel, transplant capacity and volume, research projects, relationships with other hospitals and related entities, funding, patents, and awards. To estimate the true volume of transplants performed independent of official government figures, we referred to policies and regulations published by the Ministry of Health and its successor, the National Health and Family Planning Commission, which sets minimum bed count requirements transplant centers must meet to maintain their qualifications. We then incorporated bed utilization rates and lengths of hospitalization from primary hospital sources and other published materials to provide the minimum system-wide capacity among the 169 approved transplant centers since 2000.

To determine the sources of organs used, we tracked the evolving policies surrounding China's officially acknowledged sources of death-row prisoners and recently introduced voluntary donation programs, including from relatives, cadavers, and donations after cardiac death. We are unable to calculate precise transplant volumes due to state censorship and widespread falsification of public data. Therefore, we qualitatively compared the number of transplants possible from officially claimed sources against the total transplant volume estimated above to determine the gap representing unaccountable organs.

We then examined Party and state policies that have resulted in the extralegal killing of prisoners of conscience and how state, military, and civilian institutions have been mobilized to conduct organ harvesting from these unwilling "donors."

As you can see in the summary report, all of our data has been sourced from Chinese medical journals, media reports, official statements, web archives, government policies, national strategic programs and fund allocations, and other public sources. Researchers also made phone calls to hospitals to verify the status of their organ transplant programs and other key information.

Based on the decade-long first hand investigation, the China Organ Harvest Research Center has documented its findings in a 20-minute video, a summary report, and produced a booklet for people. I've attached the following items in this submission:

1. A DVD of documentary produced by China Organ Harvest Research Center:
MEDICAL GENOCIDE: hidden mass murder in China's organ transplant industry
2. A summary report produced by China Organ Harvest Research Center:
The Killing of Prisoners of Conscience for Organs in China
3. A booklet produced by China Organ Harvest Research Center:
MEDICAL GENOCIDE: hidden mass murder in China's organ transplant industry