To: The Human Rights Subcommittee of the Parliament’s Joint Standing Committee on Foreign Affairs, Defence and Trade,

Response to Australian Parliament Inquiry into Human Organ Trafficking and Organ Transplant Tourism

Thank you for welcoming submissions into Human Organ Trafficking and Organ Transplant Tourism. I am an optometrist in Sydney. In my final university year, I read an article in the Optometry Association’s newsletter, titled “Optometrists must take note of illegal organ harvesting”. This was the first time Optometry Australia and its members were alerted to such an issue, and would be the first time my interest and concern in this topic was heightened. In subsequent years until now, I have witnessed increasing coverage of the issue in Australian media including ABC, SBS, and NewsCorp.

How widespread is organ trafficking and organ transplant tourism? For Australia, NewsCorp reported last year that Australians travel overseas to buy an organ in China, India, Pakistan and the Philippines. (news.com.au, 2016) In particular, 176 Australians are known to have travelled overseas for an organ transplant in the last 13 years and experts believe that half of these are illegal transplants. Of course, the true number may be more.

In a publication from the World Journal of Transplantation: “Transplant tourism and commercial kidney transplants are associated with a high incidence of surgical complications, acute rejection and invasive infection which cause major morbidity and mortality. There are ethical and medical concerns regarding the management of recipients of organs from vendors”. (Akoh, 2012) The exploited are the poor, while there are risks of physical harm on the transplant tourists involved in unregulated and illegal transplantation.

Australian organ recipients from transplant tourism, therefore, face high potential to return with complications, whereupon Australian taxpayers cop after-care costs. (news.com.au, 2016) According to NewsCorp, such costs sometimes exceed $500,000, and anti-rejection medications thereafter are also deducted from taxpayer money amounting $10,000 to $12,000 annually. (news.com.au, 2016)

Australia is one country from which transplant tourists originate. Australia must start to address its ethical responsibilities regarding this issue. Organ trafficking and transplant tourism should be prohibited, no matter in which country these acts were committed to protect both donor and recipients from exploitation and potential harm. Furthermore, Australia should continue to focus on developing a self-sufficient national organ donation system and encourage transplant professionals and their organisations worldwide to strive to meet the needs of transplant recipients while protecting donors.
Another aspect should be noted with key importance. The term ‘organ trafficking’ may arouse impressions of clandestine practices involving organ donors selling kidneys for profit, or gangs selling organs extracted from kidnapped victims. And while this is the case for many countries in which organ trafficking takes places, in China the situation is different. The majority of organ trafficking in China transpires within state-run hospitals, at a rate of 60,000 to 100,000 transplants a year, and growing. (Bloody Harvest/The Slaughter: An Update, 2016) Most organ donors in China are unwilling, and prisoners; some condemned to capital punishment for crimes, while others are prisoners of conscience—in particular, victims include Falun Gong practitioners, House Christians, Tibetans, and Uighur Muslims. For these unwilling donors, their death is their execution, where their organs are extracted while they are alive, and sold for profit. (Bloody Harvest/The Slaughter: An Update, 2017)

It is almost common knowledge that one can obtain a live organ in China and even schedule one’s organ transplantation date within just 2-4 weeks of waiting—this is not hard to verify, as with a call to hospitals in China the staff would confirm this.

Acknowledgement of China’s unique situation is not uncommon amongst authorities around the world, and unsurprisingly so given the widespread nature of organ transplantation in China alone. Today, governments of three countries ban their citizens from travelling to China for organ transplantation: Israel, Taiwan and Spain. The European Parliament passed a motion in 2013 condemning organ harvesting in China, (Europarl.europa.eu, 2013; NTD.tv, 2013) And later returned to the issue to address what its members can do to curb the practice, with a treaty signed by 14 countries in 2015; to increase awareness and ensure transparency in organ transplant practices; one particular highlight was a directive to punish any medical doctors who turn a blind eye on suspicious transplants. (DAFOH, 2015) In June 2016, the US House of Representatives unanimously passes Resolution 343, condemning organ harvesting from Falun Gong practitioners and other prisoners of conscience in China. (Amendment in the nature of a substitute to H.RES. 343, 2016) And 11 years ago, in Queensland Australia, Chinese surgeons are banned from training. (SMH, 2006)

Despite numerous contradictory claims by Huang Jiefu, a top Chinese official known for his involvement in organ trafficking operations in China, denying the scope of organ transplant numbers in the country, as well as a complete denial of procuring organs from prisoners of conscience,(DAFOH, 2013) the evidence indicates otherwise. (DAFOH, 2017) Those who believe Chinese authorities with ample monetary vested interests in the organ transplantation industry in China, do so at their own ethical peril.

Any actions the Australian Government takes to curb the practices of organ trafficking sends a strong message to all those involved in the crime, increases awareness of the issue at large to help deter the public from being involved.

As such, I strongly encourage the Australian government to consider effecting what was proposed in the media release: to have the offence of Organ Trafficking under division
271 of the Criminal Code have extraterritorial application; and for Australia to accede to the 2014 Council of Europe Convention against Trafficking in Human Organs.

The above will also send a strong message to the Chinese regime that Australia is aware and will not stand by silently in the face of egregious crimes. This will also protect Australians who may be unknowing accomplices to these crimes.

Yours sincerely,

Tran Chau Nguyen Ly
7 August 2017

Suggested Resources:

- http://www.stoporganharvesting.org/
- http://www.endorganpillaging.org/
- https://dafoh.org/
- http://interactive.humanharvestmovie.com/

References for Committee review:


