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Humankind at a Crossroads: Universal Human Rights versus Commercialized Forced Organ Harvesting from Living People

Lord Hunt of Kings Heath

United Kingdom

On the 10th of December 1948, The Universal Declaration of Human Rights was proclaimed by the United Nations General Assembly, in Paris. For the first time, it set out fundamental human rights to be universally protected. Notably, this happened after the devastation of the Second World War and Hitler's murderous regime, when the international community vowed never to allow atrocities like those of that conflict to happen again.

As we commemorate the 10th December, 73 years on, severe human rights abuses are still happening in our world. Arguably the worst of such abuses is taking place in China today.

My interest in tackling the issue of forced organ harvesting in China came about after I was a sponsor of the opt-out organ donation Act, which is now in UK legislation. I took the view that, if we are to ask the UK public to have full confidence in our opt-out system, it was essential that its ethical basis was assured and overseen with rigorous inspection and regulation.

When I first heard about forced organ harvesting in China - forcibly extracting organs from prisoners of conscience - I was horrified. Organ donation is a precious act of saving a life, but forced organ harvesting is commercialised murder and, without doubt, among the worst of crimes.

Article 3, Subsection 2 of the Universal Declaration on Combating and Preventing Forced Organ Harvesting states, "The killing of vulnerable prisoners for the purpose of harvesting and selling their organs for transplant is an egregious and intolerable violation of the fundamental right to life."

My Organ Tourism and Cadavers on Display Bill, which had its Second Reading on 16th July this year, serves to prevent UK citizens from complicity in forced organ harvesting by amending the Human Tissue Act to ensure that UK citizens cannot travel to countries such as China for organ transplantation and to put a stop to the dreadful travelling circus of body exhibitions, which sources deceased bodies from China.

I come from Birmingham where, in 2018, an exhibition called "Real Bodies" by Imagine Exhibitions visited the National Exhibition Centre. It consisted of real corpses and body parts that had gone through a process of plastination whereby silicone plastic is injected into the body tissue to create real-life manikins, or plastinated bodies. The exhibit advertised that it, "uses real human specimens that have been respectfully preserved to explore the complex inner workings of the human form in a refreshing and thought-provoking style". Dig deeper, however, and it becomes clear that those deceased human bodies and body parts are "unclaimed bodies", with no identity documents or consent, sourced from Dalian Hoffen Biotech in Dalian, China. Notably, Dalian Labour Camp from 1999 to 2013 was notoriously known for its severe torturing of Falun Gong practitioners.

The commercial exploitation of body parts in all its forms is surely unethical and unsavoury. When it is combined with mass killing by an authoritarian state, we cannot stand by and do nothing. In 2019 the China Tribunal, led by Sir Geoffrey Nice QC, stated:

“The Tribunal’s members are certain—unanimously, and sure beyond reasonable doubt—that in China forced organ harvesting from prisoners of conscience has been practiced for a substantial period of time involving a very substantial number of victims ... Falun Gong practitioners have been one—and probably the main—source of organ supply ... In regard to the Uyghurs the Tribunal had evidence of medical testing on a scale that could allow them, amongst other uses, to become an ‘organ bank’.”

China has always denied the claims, brushing them off as rumours, and the World Health Organization has continuously backed this up. The UK Foreign, Commonwealth and Development Office has stated that the WHO shares its view that China was implementing an ethical, voluntary organ transplant system in accordance with international standards, although it has concerns about overall transparency. However, it was revealed by the UK Government in 2019 that the WHO’s assessment is based on China’s own self-assessment. The WHO has not carried out its own assessment of China’s organ transplant system—it does not have an independent expert compliance assessment mechanism in place to carry one out.

Over the years, evidence of forced organ harvesting has continued to build, and whistleblowers have stepped forward. The body of evidence is becoming vast, including detailed statistical analysis of transplantations and donations, numerous recorded undercover telephone conversations, legal and policy statements and the practice of the Government and the party, advertisements, admissions of university and military personnel and a large number of very brave personal testimonies.

Most recently, further evidence was heard during the course of the Uyghur Tribunal, including from Sayragul Sauytbay, who testified during the June hearings that she discovered medical files detailing Uyghur detainees’ blood types and results of liver tests while she was working at a Uyghur camp. Ethan Gutmann, senior research fellow at the Victims of Communism Memorial Foundation, spoke about his recent reports on the forced organ harvesting from Uyghurs and other ethnic minorities in Xinjiang, including his witness interviews, the human organ “fast lanes” in the Urumqi and Kashgar airports and the construction of vast crematoriums throughout region.

In June this year, 12 United Nations special procedures experts raised the issue of forced organ harvesting with the Chinese Government in response to, “credible information that Falun Gong practitioners, Uyghurs, Tibetans, Muslims and Christians are being killed for their organs in China.”

I have always believed that the UK Government could be a powerful advocate for changing these practices, but also that we should put our own house in order and deal with current gaps in human tissue legislation. Currently, human tissue legislation covers organ transplantation within the UK but does not cover British citizens travelling abroad for transplants, and British taxpayers’ money will pay for antirejection medication regardless of where the organ was sourced or whether it was forcibly harvested from prisoners of conscience. According to NHS Blood and Transplant, between 2010 and July 2020 there were “29 cases on the UK Transplant Registry of patients being followed up in the UK after receiving a transplant in ... China.” The Human Tissue Act 2004 has strict consent and documentation requirements for human tissue sourced within the UK, but it does not restrict imported human tissue in this way; it is merely advisory.

My Bill aims to amend the Human Tissue Act in five ways. First, it would prohibit a UK citizen from travelling outside the UK and receiving any controlled material for the purpose of organ transplantation when the organ donor or the organ donor's next of kin had not provided free, informed and specific consent. Secondly, it would prohibit a UK citizen from travelling outside the UK and receiving any controlled material for the purpose of organ transplantation when a living donor or third party receives a financial gain or comparable advantage, or, if from a deceased donor, a third party receives financial gain or comparable advantage.

Thirdly, it would provide for the offences in Section 32 of the Human Tissue Act 2004 to be prohibited even if the offence did not take place in the UK, if the person had a close connection to our country. Fourthly, it would provide for regulations for patient-identifiable records and an annual report on instances of UK citizens receiving transplant procedures outside the UK by NHS Blood and Transplant. Lastly, it would provide for imported bodies on display to have the same consent requirements as those sourced from the UK.

Article 4 of The Universal Declaration on Combating and Preventing Forced Organ Harvesting says, "All governments shall combat and prevent forced organ harvesting by providing for the criminalisation of certain acts and facilitate the criminal prosecution of forced organ harvesting both at the national and international levels." We must take action internationally and in the UK in order to do all we can to prevent this abhorrent practice. My Bill takes us a step forward.