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To Enact a Law to Criminalize Forced Organ Harvesting is Urgent

It is an honor to attend this webinar side-event to the Human Rights Council 49th Session.

During the United Nations General Assembly session in September 2021, five NGOs from the United States, Asia, and Europe jointly held the World Summit on Combating and Preventing Forced Organ Harvesting and announced the Universal Declaration on Combating and Preventing Forced Organ Harvesting, calling on people to jointly stop the Chinese Communist Party's atrocities of forced organ harvesting, and advocating that all nations around the world put into practice the content of this declaration and enacted criminal laws to severely punish this unprecedented evil atrocity.

The Law Committee of the Universal Declaration on Combating and Preventing Forced Organ Harvesting has therefore drafted a bill and will push legislation to the international community through the five NGOs that issued the Universal Declaration against forced organ harvesting. Today, on behalf of this Committee, I will introduce important elements of this bill to you.

1. The reasons we urge all countries enact criminal laws to punish forced organ harvesting atrocities:

In 2006, the former UN Committee Against Torture and Manfred Nowak, former UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment expressed concern over the allegations of organ harvesting from prisoners, and called on the government of the People's Republic of China to increase the accountability and transparency of its organ transplant system and punish those responsible for abuses; however, the Party State failed to account adequately for the sources of organs when information was requested by Manfred Nowak.

On December 9, 2013, human rights lawyers and medical experts from six countries, including myself, went to Geneva to meet with Navi Pillay, a UN lawyer and a China specialist representing the United Nations High Commissioner for Human Rights. We presented UN officials with discs of scanned DAFOH petitions calling for an end to the Chinese Communist Party's (CCP) forced organ harvesting of Falun Gong practitioners, which garnered approximately 1.5 million signatures. The signatures were collected from 53 countries and regions in five continents over five months. The signed petitions appeal to the UN High Commissioner for Human Rights to publicly condemn the abuse of organ transplantation in China, and demand that the Chinese government immediately stop forced organ harvesting from Falun Gong practitioners; initiate further

investigations that lead to the prosecution of the perpetrators involved in this crime against humanity; and call upon the Chinese government to immediately end the brutal persecution of Falun Gong, which is the root cause for forced organ harvesting of Falun Gong practitioners.

I also informed these officials that we have knowledge, from reliable sources, of the existence of death camps, or secret concentration camps where Falun Gong practitioners are detained and murdered through forced organ harvesting. Such death camps are in almost every city throughout China. I reminded the UN officials that it is their responsibility to investigate and locate these camps and stop the tragedy of this unprecedented human rights violation. The officials did not question the source of the “death camp” allegations. They listened with somber attention, took notes, but did not respond.

Internationally, NGOs concerned about the CCP’s forced organ harvesting are no longer willing to sit idly by the indifference and inaction of the international judicial mechanism. Therefore, we decided to promote criminal legislation in various countries and form an international sanctions network to stop the atrocities.

2. Today, in a limited time, I will briefly introduce the important contents of this draft bill.

1) Definition:

Forced Organ Harvesting means the crime of knowingly removing organs or tissues from a living person, through the use of force or coercion against that person’s will, for the purpose of transplantation, medical experimentation or obtaining financial benefit, or other forms of utility through the use or exploitation of the removed organs or tissues, thereby causing serious harm or death to that person.

It is worth noting that the legal provisions on organ trafficking or illegal organ harvesting are essentially different from forced organ harvesting, that is, organ trafficking or illegal organ harvesting does not necessarily cause serious injury or death to the person whose organs are harvested. The most obvious criminal feature of forced organ harvesting is the forced harvesting of organs or tissues from a living person, causing serious injury and death.

Who and what conduct constitutes a live organ harvesting crime?

1. Transplanting a removed human organ or tissue into another person;
2. Storing or transporting a removed human organ or tissue, or transporting a living person to a site where his or her organ or tissue is to be removed;
3. Administering or maintaining a database of medical information of living persons, containing information of their organs or tissues;
4. Operating or maintaining facilities in which procedures to remove or transplant human organs or tissues are undertaken;

5. Operating or maintaining facilities in which persons, whose organs or tissues may be removed for transplant, are held;
6. Receiving the transplant of a human organ or tissue;
7. Business administration: operating or administering a business that derives its revenue, whether in whole or in part, directly or indirectly, from considerations given for organ transplants;
8. Providing funds, medical training, medical or other forms of personnel, medical or other forms of technology, or other forms of medical resources, in relation to, or which facilitates or supports, the commission of the crime of Forced Organ Harvesting as defined;
9. Referring potential recipients of removed human organs or tissues to persons or entities who provide such organs or tissues, for the purpose of receiving organ or tissue transplant from such persons or entities;
10. Organ brokerage: arranging for persons or entities to provide human organs or tissues to potential recipients of such human organs or tissues, and obtaining profit or any form of benefit for such act;
11. Advertisement and solicitation: advertising or otherwise communicating, for profit or any form of benefit, the availability of organ or tissue transplant to other individuals or entities for the purpose of soliciting or inducing such individuals or entities to receive organ or tissue transplant.

A person shall be criminally liable for the crime of Forced Organ Harvesting if that person is a constitutionally responsible ruler, public official, a superior, or a commander who directs or fails to exercise proper control over subordinates or other individuals under his or her effective authority and control, and such subordinates or other individuals commit Forced Organ Harvesting as a result of that direction or failure.

2). Extraterritorial jurisdiction:

A person who commits an act or omission outside the State that, if committed in the State, would be a crime under Article 1 and 2, is deemed to commit that act or omission in the legislating country, and shall be prosecuted for that act or omission in the State, provided that such person is found in the territory of the State, or is a permanent resident or national of the State.

3). No statute of limitation

Crimes under this bill may be prosecuted at any time.

4). Criminal punishment: the crime of forced organ harvesting is a crime against humanity for which the most serious criminal punishment should be imposed under each country's domestic criminal law. Those with serious circumstances should be considered for life imprisonment or the maximum statutory sentence.

Furthermore, we recommend administrative sanctions, including denial of entry or deportation of perpetrators: doctors, nurses or any other personnel engaged in medical

or medical-related activities, committing the crime of forced organ harvesting when performing their profession or duties; in addition to criminal liability, their qualifications to practice medical or medical-related professions shall be permanently disqualified.

5). Prevention and International Cooperation: there are 9 items in this draft. Due to today's time constraints, I won't introduce it.

Conclusion

In addition to constituting a mass and particularly brutal murder, forced organ harvesting has become a means of genocide, an unprecedented evil act of violence that shakes the moral foundation of our entire humankind.

I must emphasize again that when international justice has so far not taken any effective measures to stop the CCP's forced organ harvesting, it is necessary for each of us with a conscience to take any democratic and legal means to stop the CCP's atrocities at the national level. We urge all countries to play an active role in adopting the draft on the crime of forced organ harvesting proposed by our Law Commission for sanctioning and deterring crimes. It is also an important remedy to stop the destruction of human ethics and restore the rule of law through the domestic legislation of their countries. It is imperative.

On the day when the historical tragedy of forced organ harvesting ends, may each of us be able to say that I am worthy of my conscience.

Thank you all.