

Open Letter to Xi Jinping, President of the People's Republic of China: China's Fight Against Corruption in Organ Transplantation

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The international media have recently focused attention on the resolve of China's new leadership to combat the rampant corruption within its society. The January 13, 2014, article in the *China Daily*, "For a clean and fair society," reported your guidelines for political and legal reform. The judicial system is now charged to "carry the sword of justice and scale of equality" for all of China. "The Chinese dream" you have proposed amounts to a call for a culture of human rights linking the dignity of a great nation to the dignity of each citizen. Therefore, it is timely for the international transplant community to urge China to address the unethical practices in organ transplantation as another measure of your commitment to rid Chinese society of corruption.

China is the only country in the world that still systematically takes organs from executed prisoners for the purpose of transplantation. The Transplantation Society (TTS) has expressed its strong objection to this practice through an academic embargo that prevents Chinese physicians who engage in this practice from presenting at international congresses, publishing articles in the medical literature, and achieving membership in TTS.

Why is China scorned by the international community for this practice? A fundamental principle of organ donation is that potential deceased donors must have a choice whether they wish their organs to be made available for transplantation after they die. The choice to donate should not be coerced by the prospect of execution or the fear that refusal might expose members of the surviving family to retribution by the authorities. Organs and tissues should always be given freely and without coercion, a principle articulated in the Declaration of Istanbul in May 2008 and affirmed for more than 25 years by the World Health Organization, most recently at

the 63rd World Health Assembly in a May 2010 resolution adopted by all member states, including China.

Some Chinese officials contend that prisoners give "consent" before their execution. It is obvious, however, that prison inmates condemned to death are not truly free to make an autonomous and informed consent for organ donation and that no legal due process exists to assure consent. First-hand reports from our Chinese colleagues and a number of investigations suggest that the practice of obtaining organs from prisoners in China involves notorious transactions between transplant surgeons and local judicial and penal officials.

Although the outcomes of this unethical practice cannot be compared with the results from other countries based on data in the peer-reviewed medical literature, the anecdotal reports of patients returning from China to their native countries with complications from clandestine organ transplantations are many. For example, a 14-year-old Saudi national who received an executed prisoner's kidney in Tianjin returned home with the transplant never functioning, according to her physician. A biopsy of the kidney showed it to be obsolescent and scarred and thus never suitable for transplantation. This teenage patient, who contracted a viral disease that the Chinese transplantation team should have prevented or at least treated, died within weeks of the transplantation. The procedure evidently cost her mother U.S. \$200,000. There was no redress, no accountability, and no assessment of performance associated with this illegal and unethical procedure.

The Tianjin Web site (<http://www.cntransplant.com>) continues to recruit international patients who are seeking organ transplants. Cases such as those of the Saudi girl are illustrative of the financial gain for those supplying and transplanting organs from executed prisoners. The underlying abuse by these medical professionals and widespread collusion for profit are unacceptable.

Modern day China arose from one of the oldest civilizations in the world, and its people have inherited a unique and great culture. Ancient Chinese civilization influenced the world before; by becoming a responsible member of the global transplant community, modern-day China can do so again. The special importance of China's role in organ transplantation globally is bolstered by China's prominence on the world stage as a permanent member of the United Nations

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Security Council. Social justice, safeguarded by the law, should play the same role in China as elsewhere. Regrettably, China's attempt to develop an ethical organ transplantation program is undermined by the corrupt practices of doctors and officials who obtain organs from executed prisoners illegally for sale to wealthy foreign patients from around the world.

The World Health Organization and TTS were closely associated with the development of the Human Organ Transplantation Regulation before its final approval by the State Council of China in 2007. The new national program was described in 2013 in an article, "The National Program for Deceased Organ Donation in China," in *Transplantation*, the Society's official journal.¹ This policy has been welcomed by the international community as an alternative to the still continuing practice of recovering organs from prisoners sentenced to death.

Recently, TTS representatives were invited as participants at two important meetings sponsored by the Chinese National Health and Family Planning Commission (NHFPC) held on November 1 to 2 and November 17, 2013, in Hangzhou and Changsha, respectively, to propel ongoing organ transplant reform. The Hangzhou Resolution, which is now posted on the NHFPC Web site, elaborates a legal framework for the oversight of the practice of organ donation and transplantation in China that establishes credentials for Chinese transplant professionals, bans the purchase and sale of human organs, prevents organ trafficking and transplant tourism, and promotes treating transplantable organs as a national resource for Chinese patients as a means of achieving national self-sufficiency in transplantation. Following the pronouncement of the Hangzhou Resolution, more than 38 hospitals voluntarily signed an agreement to immediately stop using executed inmates' organs and to strictly abide by the newly released NHFPC regulations. This development is an encouraging step toward an open, just, and ethical organ transplantation system in China. TTS supports these measures implemented for organ transplant reform in China in the last few years, which are moving in the right direction under the leadership of Prof. Huang Jiefu, the former Vice Minister of Health, who has been tasked with reforming China's transplantation system.

Nonetheless, TTS remains skeptical about the enforcement of Chinese government's policy and law. Chinese media report that even as the new program is being piloted, it has already been infiltrated by persons driven by the same corrupt practices who have assumed authority for the distribution of organs. A report in the *New York Times* on November 10, 2013, "No quick fixer," describes Chinese Red Cross officials

confronting hospitals over organs in a manner contrary to the NHFPC regulation that mandates all organs be allocated through the Chinese national organ allocation computer system. Furthermore, that foreign patients are still undergoing transplantation in China suggests that some hospitals are boldly and irresponsibly violating Chinese government regulations, thereby rendering the law a mere "paper tiger." These centers are both jeopardizing the public trust at home and tarnishing China's reputation on the international stage.

Thus, we ask the Chinese government for an immediate and sustained resolve, to monitor compliance by Chinese professionals in performing organ donation and transplantation in accordance with NHFPC and international standards. The fledgling national organ allocation computer system that has been developed must be authorized as the sole distributor of organs to ensure transparency and fairness. Otherwise, the perception will be that one corrupt system of organ donation in China has simply been replaced by another.

As the government under your leadership has stepped up its fight against corruption, a favorable domestic and international environment has now been created for Chinese medical professionals to establish an ethical and internationally respectable national organ donation and transplantation system. Resolving this decade-long malpractice would not only improve China's image in the world but also give China legitimacy in advancing the field of transplantation throughout Asia. China can position itself on the world stage by contributing to the development of transplantation globally and by ensuring that this lifesaving medical practice provides maximal benefit to the Chinese people in an indisputably ethical manner.

On behalf of The Transplantation Society and the Declaration of Istanbul Custodian Group

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