

China's Organ Market

A Tale of Prisoners, Tourists, and Lies

For millions of ailing Chinese patients awaiting organ transplants, the creation of an orderly and transparent system for managing donation and transplantation could be a great boon. But the recent announcement that China's

government is implementing such a system should be eyed skeptically, as the country's record on issues of organ harvesting and donation is pitted with deception and empty promises.

The organ "shortages" common in other countries are exacerbated in

China by traditions about death: the beliefs that a dead body must remain intact before burial to be ensured eternal rest and that death occurs only when breathing ceases and the heart stops beating; the condition of “brain death” is not recognized by Chinese culture. As a result, many Chinese are highly suspicious of and even fundamentally opposed to organ harvesting and transplantation. Without an established transplantation system, and with cultural norms opposed to organ donation, some degree of confusion surrounding transplantation is to be expected.

But the problems in China are worse than shortages and confusion. Allegations first surfaced around 1990 that organs were being harvested from executed Chinese prisoners. That year, the London *Guardian* quoted several eyewitnesses attesting to the practice of collecting prisoners’ organs immediately after execution. The eyewitnesses asked to remain anonymous out of fear of reprisal; the Chinese government had allegedly insisted that doctors keep the practice a secret. Other newspapers in the early 1990s began uncovering the apparent sale of kidneys to Australian patients in Hong Kong hospitals. Writing in the *Sydney Morning Herald* in 1991, Yojana Sharma noted that

it is impossible to prove beyond reasonable doubt that Chinese kidneys have been obtained ethically. China insists that the consent of relatives is obtained for

the removal of condemned prisoners’ organs. But this is impossible to verify. And in the mid-1980s it was common for poor peasants to sell their kidneys for cash, although the Chinese government claims this is no longer the case.

Doctors and government officials in Hong Kong (then still under British rule) had reportedly become suspicious of the growing organ trade between Hong Kong hospitals and China.

Human rights organizations became suspicious, too. In the years following the 1989 Tiananmen Square massacre, Amnesty International noted an increase in China’s application of the death penalty, and in 1992 reported on the use of executed prisoners’ kidneys without their consent. Human Rights Watch in 1994 reported that, while the Chinese executions originally drove the organ trade, eventually the situation flipped: the demand for organs led to rushed executions of prisoners whose guilt was not unequivocally established, as well as the collection of organs without consent and the use of illegal methods of execution for the sake of preserving the desired organs. Dr. Ronald D. Guttman, a McGill University professor respected for his expertise in transplant science and practice, showed in a 1992 paper that, after 1989, about 90 percent of China’s transplanted kidneys came from executed prisoners.

The Chinese government denied all these allegations until 1994, when the Ministry of Health admitted that

some organs *were* being taken from executed prisoners—but supposedly never without the prisoners' consent, and executions were never rushed to obtain organs. The ministry called such allegations “baseless,” “sheer fabrications,” and “vicious slander against China's legal system.” That essentially remains the ministry's position today.

The Chinese government has also repeatedly denied similar allegations related to the treatment of Falun Gong adherents. A nonviolent, apolitical spiritual movement based on meditation and exercise, Falun Gong emerged in the early 1990s—coincidental with the rapid expansion of the Chinese organ market. The movement attracted millions of followers until the late 1990s when its growth made Chinese authorities uneasy. In 1998, the Ministry of Public Security began investigating Falun Gong, publicly declaring it a socially disruptive, dangerous, and heretical cult. The next year, the government formally banned Falun Gong and began cracking down on its practitioners, harassing and arresting them. Before long, accusations of persecution and torture surfaced, and by 2001, an op-ed in the *Washington Post* voiced suspicions about a possible link between, on one hand, “the grotesque harvesting and sale of human organs from freshly killed Chinese prisoners” and, on the other hand, “the escalating number of death sentences in China for even nonviolent offenses” as well as curious reports of hundreds of Falun Gong practitioners dying “by ‘accident’ or ‘suicide’” while in

prison. Evidence for this link trickled in over the next few years—including purported eyewitness accounts of a secret underground detention center in which Chinese doctors were harvesting organs from Falun Gong prisoners—but the Chinese denied everything.

On July 1, 2006, China outlawed the purchase and sale of human organs, as well as the harvesting of organs without consent. A few days later, David Kilgour, a former Secretary of State for the Canadian government, and David Matas, a Canadian international human rights lawyer, published a report showing that China had been killing practitioners of Falun Gong specifically to harvest their organs. Kilgour and Matas assembled eyewitness accounts, documentary evidence, damning interviews, and suspicious statistics. They noticed, among other aberrations, that China conducts more organ transplants than any other country except for the United States—but that the small number of living donors and brain-dead donors cannot mathematically have been the source of all of the transplanted organs. Stranger still, the average waiting time for a transplanted organ in China is very short—often just a week or two for “transplant tourists” visiting from foreign lands—suggesting “the existence of a large bank of live prospective ‘donors.’”

On the weight of the evidence, Kilgour and Matas concluded that

the government of China and its agencies in numerous parts of

the country, in particular hospitals but also detention centers and “people’s courts,” since 1999 have put to death a large but unknown number of Falun Gong prisoners of conscience. Their vital organs, including kidneys, livers, corneas, and hearts, were seized involuntarily for sale at high prices, sometimes to foreigners, who normally face long waits for voluntary donations of such organs in their home countries.

A few months after the publication of the Kilgour-Matas report, the Chinese Ministry of Health admitted that the great majority of the organs used in transplants in recent years had come from executed prisoners, and put the blame on the rise of transplant tourism: “The current big shortfall of organ donations can’t meet demand.” (To this day, the Chinese government continues to deny the allegations regarding Falun Gong prisoners’ organs.)

Since then, China has sought to give the impression of regulating organ transplantation. In 2007, for instance, the government set medical standards for transplantation and established fines and other punishments for violators—and in 2008, the Ministry of Health claimed to have penalized three hospitals for illegally selling human organs. However, the hospitals

were not named and the punishments have not been publicly announced.

The government has also sought to establish standards for organ donation procedures and to encourage Chinese citizens to donate their organs. The Ministry of Health and the Red Cross Society of China have been jointly developing a national organ registration system, in hopes that national standardization will encourage voluntary donations; they promise to roll out the new system soon. These plans garnered favorable international headlines in 2008 and again in 2009, but there are few real indications of action.

Given China’s track record of dissembling and delay, and given the scale of the illegal but lucrative transplant tourism market, there is little reason to expect that the Chinese government will act quickly on its promises of regulation or that it will vigorously enforce the laws now in place. For the foreseeable future, foreigners traveling to China for a transplant should understand that the organs they receive are likely to have been taken under questionable circumstances from inmates, perhaps Falun Gong prisoners, executed by a dishonest and unscrupulous regime.

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