



**Vail Symposium
Forum on Transplant Tourism**

**Tuesday, March 11, 2008
5:30 – 7:15 p.m.
Sonnenalp Resort of Vail**

Transplant tourism is cross-border travel by any participant in transplantation—recipients, live donors and medical staff—for the purpose of obtaining an organ in exchange for cash or goods from persons.¹

According to the World Health Organization (WHO):²

- One million people develop end stage renal disease every year. Only a fraction of these people receive dialysis, and even fewer receive kidney transplants.
- About 10% of the 63,000 kidney transplants performed annually worldwide involve payment of non-related donors of different nationalities.
- The payment of living-unrelated donors is forbidden under the WHO Guiding Principles.

Common Countries of Origin for Those Selling Organs	Bolivia Brazil China India Iraq Israel Egypt	Estonia Republic of Moldova Pakistan Peru South Africa Turkey USA ?
Common Countries of Origin for Those Buying Organs	Australia Canada Israel Japan	Oman Saudi Arabia USA
Countries with Presumed Consent^{*3}	Austria Belgium Bulgaria Croatia Cyprus Czech Republic Estonia Finland France Greece Hungary Israel Italy	Latvia Luxembourg Norway Poland Portugal Singapore Slovak Republic Slovenia Spain Sweden Switzerland (by canton) Turkey

*Presumed consent: a deceased individual is classified as a potential donor in absence of explicit opposition to donation before death.³

Transplant Laws around the World

Country	Number on the national transplant waiting list:	Details
Australia	3,000 (incl. tissue)	Commercial transplantation is prohibited by legislation. ⁵
China	1,500,000 could benefit from transplant each year, but only 10,000 can find compatible organs.	The Chinese government imposed new restrictions in May 2007 in an attempt to curb transplant tourism. The Health Ministry's regulations stipulate that foreigners visiting China on tourist visas cannot receive transplants, that hospitals cannot advertise abroad, and that hospitals planning to perform a transplant on a foreign patient must receive prior authorization from health authorities. Some accuse China of recovering the organs of executed prisoners in order to make organs more plentiful. Officials admit that some organs used for transplant have been from executed prisoners, but say the number of cases is low and that advance authorization is required. ⁶
India	No national registry.	The Human Organ Transplant Act of 1994 bans the organ trade and states that only immediate blood relatives may become donors without government authorization. ⁷ After the discovery of an illegal transplant ring in Gurgaon, India in January 2008, the government announced that it would liberalize the current transplant laws and launch a nationwide organ awareness program hoping to prevent the need for such illegitimate operations. ^{8,9} It is estimated that about 2,000 Indians sell a kidney every year. ¹⁰
Iran	No national registry.	Iran adopted a unique but controversial compensated and regulated living-unrelated donor transplant program in 1988. If a patient does not have a living-related kidney donor they are matched with a volunteer donor by a government organization. After the transplant, the donor receives an award (~\$1,200) and health insurance from the government. Due to this program, the renal transplant waiting list was eliminated in 1999. Transplant tourism has been effectively eliminated due to laws forbidding transplantation between people of different nationalities. ¹¹ WHO reports that many paid live donors are ashamed and do not seek or receive follow-up medical care. ²
Japan	More than 15,000 waiting for a kidney transplant.	The Organ Transplant Law of 1994 permits donation from a brain-dead patient only if the donor is over 15 years old and expressed, in writing, the intent to donate his or her organs and to agree to be submitted to brain death declarations. Family members must also approve. ¹²

Philippines	Not available.	Kidney sales are legal in the Philippines, where the booming transplant business draws patients from the US, Australia, New Zealand, and Japan. The Health Ministry's program costs a foreign buyer roughly \$73,700 to cover health insurance and a cash gift for the donor. The government's program is often criticized, citing scandals about kidney sales by slum dwellers. ¹³ At the time of this printing, the Philippine Medical Tourism Board was promoting a bill to enhance the partnership between the government and the private sector.
Saudi Arabia	More than 10,000 ¹⁴	A law to deter Saudi citizens from traveling to other countries to receive organ transplants, passed in October 2006, states that the government will pay a "reward" (~\$13,300) and will provide life-time medical care for unrelated organ donors. This law would be regulated at the national level. After a WHO meeting in November 2006, in which Saudi Arabia and 13 other countries from the Eastern Mediterranean Region pledged to oppose commercialization in organ donation, Saudi authorities were considering how to make this agreement altruistic, where donors would receive rewards, not cash. ² Prior to the new law, only patients who were declared brain dead and immediate family members were allowed to donate organs. ¹⁵
Spain	Not available.	Spain, a country with presumed consent (Law No. 30 of 1979), has the highest donation rates in the world. Though not explicitly required by law, in practice, organs are only used with permission of the donors' families. ³ The Transplantation Act of 1980 protects the altruistic character of organ donation and forbids organ marketing. ¹⁶
United Kingdom	More than 9,000 ¹⁷	Laws in the United Kingdom forbid the commercialization of organs for transplant. In January 2008, Prime Minister Gordon Brown proposed a national debate about changing laws for presumed consent to increase organ donations. ¹⁸
USA	More than 98,000	The National Organ Transplantation Act of 1984 makes it a crime to engage in organ sale and commerce for the purpose of transplantation. However, it is legal to sell organs and tissue for the purpose of research. ¹⁹

Disclaimer: Some of the policies and laws in this table may have changed. Facts were taken from the most current resources available as of March 3, 2008.

Did you know?**Facts about Transplants in the United States:**

More than 98,000 people in the United States are on the transplant waiting list.

More than 6,500 people die each year while waiting for a transplant.

One deceased donor can provide organs to save eight people's lives and can provide tissues that can improve the well-being of more than 100 recipients.

A healthy person can become a 'living donor' by donating a kidney, a part of the liver, lung, intestine, blood or bone marrow.

Organs that can be donated after death are the heart, liver, kidneys, lungs, pancreas and small intestines. Tissues include corneas, skin, veins, heart valves, tendons, ligaments and bones.

Our Speakers

Dr. Christoph Broelsch is Chairman of the Department of General and Transplantation Surgery in Essen, Germany. He performed the world's first successful living-donor liver transplant in the United States in 1989.

Dr. Igal Kam is Chief of Transplantation at University of Colorado Hospital. He came to the University of Colorado Health Sciences Center in 1988 to rebuild the transplant program. Since then, Dr. Kam's team has performed more than 4,000 solid-organ transplants including over 1,300 liver transplants, of which 120 were from living-donors, and 1,600 kidney transplants, of which 400 were from living-donors.

“There are two prevailing concepts of transplantation. One relies on money and leads to increased inequality, besides putting a price on the integrity of the body and human dignity. The second is based on solidarity and the donor’s sole motivation to save a life. We should seek a common global approach to donation and transplantation characterized by respect for the donors, so that they are proud of what they have done.”

—Dr. Luc Noël, World Health Organization—²

References:

- ¹ Noel L. The World Health Organization and the international organ trade: Market for kidneys? The ethics of the organ bazaar. Symposium at Harvard University, Boston. 8 Feb 2008. Available at: http://webapps.sph.harvard.edu/content/EVENT_FEB8,2008_2008-02-08_01-36-PM_files/flash_index.htm.
- ² Garwood P. Dilemma over live donor transplantation. *Bulletin of the World Health Organization*. January 2007; 85(1), 1-84.
- ³ Abadie A and Gay S. The impact of presumed consent legislation on cadaveric organ donation: A cross country study. Dec 2005. Available at: <http://ksghome.harvard.edu/~aabadie/pconsent.pdf>.
- ⁴ Scheper-Hughes N. Prime numbers: organs without borders. *Foreign Policy* 200529-31.
- ⁵ Transplant Australia. Available at: <http://www.transplant.org.au/>
- ⁶ Cody, E. “Transplant-tourism cuts; China tightens rules on providing organs to foreign patients.” *The Wall Street Journal Asia*. July 4, 2007.
- ⁷ Indian Government Laws for Human Organ Transplant. Medical India Tourism. Available at: <http://medicalindiatourism.com/medical-tourism/human-organs-transplant-laws-india.html>
- ⁸ Gentleman A. Kidney Theft Shocks India. *New York Times* 30 Jan 2008. Available at: <http://www.nytimes.com/>
- ⁹ India to liberalize Organ Transplant Act and launch nationwide awareness campaign. *Med India*. 27 Jan 2008. Available at: <http://www.medindia.net/news/India-to-Liberalize-Organ-Transplant-Act-and-Launch-Nationwide-Awareness-Campaign-32309-1.htm>
- ¹⁰ Shimazono Y. The state of the international organ trade: a provisional picture based on integration of available information. *Bulletin of the World Health Organization*. December 2007; 85(12), 955-962.
- ¹¹ Ghods AJ and Mahdavi, M. Organ transplantation in Iran. *Saudi Journal of Kidney Diseases and Transplantation* 2007;18(4): 648-655.
- ¹² Japan Organ Transplant Network (JOTNW). Available at: <http://www.jotnw.or.jp/english/>.
- ¹³ Sakar, S. The global kidney bazaar. *ISN Security Watch*. 2008 Feb 18. Available at: <http://www.isn.ethz.ch/news/sw/details.cfm?id=18655>.
- ¹⁴ Saudi Center for Organ Transplantation (SCOT). Available at: <http://www.scot.org.sa/>.
- ¹⁵ Saudi Arabia to pay non-relatives \$13,333 US for donating kidney. *Transplant News*. Dec 2006. Available at: http://findarticles.com/p/articles/mi_m0YUG/is_20_16/ai_n17215716
- ¹⁶ Organizacion Nacional de Trasplantes (National Organization of Transplants- Spain). Available at: http://www.ont.es/Home?id_nodo=124
- ¹⁷ British Medical Association. Available at: <http://www.bma.org.uk/ap.nsf/Content/OrganDonationPresumedConsent>
- ¹⁸ PM backs automatic organ donation. *BBC News*. 13 Jan 2008. Available at: <http://news.bbc.co.uk/>
- ¹⁹ The Organ Procurement and Transplantation Network (OPTN): <http://www.optn.org/>.

Research compiled by Kathryn Cicerchi.

The American Transplant Foundation is a national non-profit, 501(c)3, charitable organization that works to increase the donation of organs and tissue to reduce the growing list of men, women and children who are awaiting a life-saving transplant. To accomplish this goal, the Foundation's primary objectives are to develop more mainstream opportunities for people to register as donors, to provide education and awareness through community-based outreach programs, and to support medical and clinical advancements in transplantation.

The American Transplant Foundation began with the personal journey of Denver attorney Steve Farber who was the recipient of a kidney transplant. Unique from other organizations that promote organ donation, the Foundation goes beyond basic education by coordinating collaborative efforts and proactively tackling policy issues to eliminate the gap between the critical need for organs and their supply, ultimately saving lives.

Please visit www.AmericanTransplantFoundation.org or contact Heidi A. Heltzel, Executive Director, at hh@americantransplantfoundation.org or 303-757-0959 for more information.



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