

Declaration of Tokyo **on organ transplant abuse in China**

(January 20, 2020)

Bearing in mind the Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (1997, ETS No. 164) and the Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin (2002, ETS No. 186);

Considering that the aim of the Council of Europe Convention against Trafficking in Human Organs is to prevent and combat trafficking in human organs by criminalising certain acts, to protect the rights of victims as well as to facilitate national and international co-operation on action against trafficking in human organs;

Whereas the organ transplant system in China does not comply with the World Health Organisation's requirements for transparency and traceability in organ procurement pathways;

Whereas in 2006, Canadian researchers David Matas, human rights attorney, and David Kilgour, former Canadian Secretary of State for Asia-Pacific, conducted an independent investigation into allegations of organ harvesting from Falun Gong prisoners in China, and concluded that Falun Gong practitioners are killed for their organs;

Whereas in 2019, the China Tribunal, an international, independent tribunal, that established in London and chaired by Sir Geoffrey Nice QC, who worked at the International Criminal Tribunal for the Former Yugoslavia – the ICTY – and led the prosecution of Slobodan Milosevic. joining Sir Geoffrey, has concluded that the killing of detainees in China for organ transplants is continuing, and victims include imprisoned followers of the Falun Gong movement and commission of crimes against humanity against the Falun Gong and Uyghurs has been proved beyond reasonable doubt;

Whereas the UN Committee Against Torture and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or

punishment have expressed concern over the allegations of organ harvesting from prisoners, and have called on the Government of the People's Republic of China to increase the accountability and transparency of the organ transplant system and punish those responsible for abuses;

Whereas the Government of the People's Republic of China has failed to account adequately for the sources of organs when information has been requested by the former United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, and by Canadian researchers David Matas and David Kilgour;

Whereas the killing of religious or political prisoners for the purpose of selling their organs for transplant is an egregious and intolerable violation of the fundamental right to life;

Determined to contribute in a significant manner to the eradication of the trafficking in human organs and organ harvesting through the introduction of new offences supplementing the existing international legal instruments in the field of trafficking in human beings for the purpose of the removal of organs;

Recognising that, to combat the global threat posed by the trafficking in human organs, close international co-operation should be encouraged;

We hereby declared as follows:

1. Urge the party-state in China to: cease the repression, imprisonment and mistreatment of Falun Gong practitioners; cease organ-harvesting from all prisoners; remove its military from the organ transplant business; establish and regulate a legitimate organ donor system (Every organ transplant donor should consent to the donation in writing. These consents should be available for inspection by international human rights officials); open all detention centers and camps, for international investigation;
2. Urge medical professionals actively discourage their patients from going to China for transplant surgery;
3. Urge all governments not to issue visas to Chinese MDs seeking training in organ or body tissue transplantation;
4. Urge Asia, USA and EU's MDs not to travel to China to give training in transplant surgery;
5. Urge all medical journals reject Chinese research paper on organ

- transplantation experience;
6. Urge Asia, USA and EU enact extraterritorial legislation, penalizing participation in organ transplants without consent;
 7. Urge Asia, US and EU governments bar entry to any person known to be participating in organ trafficking or organ harvesting;
 8. Urge each country or jurisdiction develop legislation and regulations to govern the recovery of organs from deceased and living donors and implement the practice of transplantation, consistent with international standards;
 9. Urge each country or jurisdiction provide equitable access to transplantation services for patients adequately collect, analyse and exchange information related to illicitly obtained human organs in co-operation with all relevant authorities provide information to and strengthen training of healthcare professionals and relevant officials;
 10. Urge each country or jurisdiction promote awareness-raising campaigns about the unlawfulness and dangers of trafficking in human organs;
 11. Invite Asia legal professionals, MDs and experts in the field of medical ethics to set up the “Asia Advisory Committee on Organ Transplant Abuse in China” to strive to achieve goals above.

Transplant Tourism Research Association (ITRA, Japan)

<http://www.stop-oh.org/>

SMG Network <http://smgnet.org/>

Taiwan Association for International Care of Organ Transplants (TAICOT, Taiwan) <https://www.organcare.org.tw/>

Korea Association for Ethical Organ Transplants (KAEOT, Korea)

<http://www.kaeot.org>

Korea University International Centre for Human Rights (SSK Human Rights Forum, Korea) <http://sskhumanrights.org/about/>

<http://sskhumanrights.org/>

Korean Bar Association <http://koreanbar.or.kr/eng/pages/main/main.asp>