



## UNIVERSAL DECLARATION ON COMBATING AND PREVENTING FORCED ORGAN HARVESTING

### Preamble

WHEREAS, the *Universal Declaration of Human Rights* recognises the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world, and all States have pledged themselves to achieve the promotion of universal respect for and observance of human rights and fundamental freedoms, and all States have reached a common understanding of these rights and freedoms, which is of the greatest importance for the full realisation of this pledge;

WHEREAS, the *International Covenant on Civil and Political Rights* has realised that each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status and the individual, who has duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognised therein;

WHEREAS, 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);

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WHEREAS, free, voluntary and informed consent is the precondition for ethical organ donation, and international medical organisations state that prisoners, deprived of their freedom, are not in the position to give free consent and that the practice of sourcing organs from prisoners is a violation of ethical guidelines in medicine;

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 its 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 Manfred Nowak, the former United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;

WHEREAS, considering that the aim of *the Council of Europe Convention against Trafficking in Human Organs* is to prevent and combat where the removal is performed without the free, informed and specific consent of the living or deceased donor, or, in the case of the deceased donor, without the removal being authorised under its domestic law and 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, in 2019, the China Tribunal, an international, independent tribunal, established in London and chaired by Sir Geoffrey Nice QC, who worked at the International Criminal Tribunal for the former Yugoslavia and led the prosecution of Slobodan Milosevic, has concluded that the killing of detainees in China for organ transplants is continuing, and the main victims include imprisoned followers of the Falun Gong spiritual discipline, and commission of crimes against humanity against the Falun Gong and Uyghurs has been proved beyond reasonable doubt;

RECOGNISING that, to efficiently combat and prevent crimes against humanity by the forced harvesting of organs, close international co-operation should be encouraged.

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**Article 1**

- (1) Human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
- (2) Everyone has the right to life, liberty and security of person.

**Article 2**

- (1) Everyone is entitled to all the rights and freedoms set forth in the *Universal Declaration of Human Rights*, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- (2) No distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

**Article 3**

- (1) Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.
- (2) The killing of vulnerable prisoners for the purpose of harvesting and selling their organs for transplant is an egregious and intolerable violation of the fundamental right to life.

**Article 4**

All governments shall combat and prevent forced organ harvesting by providing for the criminalisation of certain acts and facilitate the criminal prosecution of forced organ harvesting both at the national and international levels.

**Article 5**

- (1) All governments shall take the necessary legislative and other measures to establish as a criminal offence under their domestic law, when committed intentionally, the removal of human organs from living or deceased donors where the removal is performed without the free, informed and specific consent of the living or deceased donor, or, in the case of the deceased donor, without the removal being authorised under their domestic law.

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- (2) Every organ transplant donor should consent to the donation in writing. These consents should be available for inspection by international human rights officials.

**Article 6**

All governments shall take the necessary legislative and other measures, in conformity with the principles of their domestic law, to ensure effective criminal investigation and prosecution of offences in order to combat and prevent forced organ harvesting in accordance with relevant applicable international conventions.

**Article 7**

All governments shall co-operate with each other, in accordance with relevant applicable international conventions and regional instruments and arrangements agreed upon the basis of uniform or reciprocal legislation and their domestic law, to the widest extent possible, for the purpose of investigations or proceedings concerning the offences in order to combat and prevent forced organ harvesting in accordance with international conventions.

**Article 8**

All governments shall urge the Party-State of China to cease the repression, imprisonment and mistreatment of Falun Gong practitioners and any other prisoners of conscience; to cease the forced organ harvesting of all prisoners; to open all detention centers and camps for free and independent international investigation of the crime of forced organ harvesting.

**Article 9**

All governments shall

- (1) urge medical professionals to actively discourage their patients from going to China for transplant surgery;
- (2) urge medical professionals not to give training in transplant surgery or not to provide the same training in their countries to Chinese doctors or medical personnel;
- (3) urge medical journals to reject publications about the “Chinese experience” in transplant medicine;
- (4) not issue visas to Chinese medical professionals seeking training in organ or body tissue transplantation abroad;

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(5) not participate in international seminars, symposia or conferences of Chinese doctors in the field of transplantation and transplant surgery.

**Article 10**

All governments shall bar entry to any person known to be directly or indirectly participating in forced organ harvesting.

**Article 11**

Each country or jurisdiction should provide equitable access to transplantation services for patients to adequately collect, analyze and exchange information related to illicitly obtained human organs in co-operation with all relevant authorities, and provide information to strengthen training of healthcare professionals and relevant officials.

**Article 12**

Each country or jurisdiction should promote awareness-raising campaigns about the unlawfulness of forced organ harvesting.

**Article 13**

The implementation of the provisions of this *Declaration* shall be secured without discrimination on any ground such as sex, race, colour, language, age, religion, political or any other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, state of health, disability or other status.

September 26<sup>th</sup>, 2021

