

Japan, the G7 and transplant abuse in China

by David Matas

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The Group of Seven or G7 - Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States, with the European Union as a guest - is meeting in Hiroshima on May 19th to 21st. Japan is the president of the G7 for 2023. A Government of Japan Concept Paper sets out as a priority for the Japan G7 Presidency to "continue strengthening the global health architecture". Japan's Ministry of Foreign Affairs has explained that Japan's presidency would focus on boosting multilateral cooperation to drive, amongst other matters, public health.

The focus of my talk is what Japan could do during the remaining term of its presidency and beyond to advance its goals of strengthening the global health architecture and boosting multilateral cooperation to drive public health. My talk addresses one particular aspect of public health - international organ trafficking.

Compelling evidence has established that Chinese official institutions – hospitals, prisons and detention centres - on an industrial scale kill for their organs prisoners of conscience, primarily practitioners of the spiritually based set of exercises Falun Gong and also Uyghurs in large numbers. In smaller numbers, Tibetans, and House Christians, primarily Eastern Lightning, are also victims. The organs are sold to transplant tourists at high prices and wealthy or well-connected Chinese.

Because of its G7 presidency, Japan holds a unique position of potentially leading in developing solutions to this global health problem. To lead others, the Japanese Government and Parliament, the Diet, Japanese companies and the Japanese transplant profession must first make changes in Japan. I suggest a number of changes.

- 1) Japan should stop the export of transplant technology into China. Prohibited goods

should include supercooling refrigerators used for organs, organ preservation solutions, and extracorporeal membrane oxygenation (ECMO) devices.

2) Japan should stop the export of anti-rejection drugs into China beyond current levels. A transplanted patient needs anti-rejection drugs after transplantation. Keeping exports at current levels would work to ensure that the ban does not impact adversely on patients who already have transplants.

3) Japan should impose a bar on the importation of organs for transplant from China into Japan. The city of Busan Korea in November 2022 co-hosted with an NGO a symposium to canvass ways in which Japan Korea and China could collaborate and seek ways to build a cooperative transplantation system. One of the speakers proposed, in emulation of transplantation cooperation within Europe, the transport of organs from China to Japan and Korea.

4) Japan should prevent its health insurance systems, both public and private, from reimbursing the costs of transplant tourism into China. An example of this is the Israeli Organ Transplant Act, 2008 (through section 5) which prohibits any Israeli entity from contributing to the funding of transplantation outside Israel if the transplantation violates Israeli legal standards.

5) Japan should require reporting by health practitioners to a central registry of the transplant tourism of their patients. An example of this is the Taiwan Human Organ Transplant Act which provides (in section 10) that

"Patients who have received an organ transplant outside the R.O.C. [Republic of China or Taiwan] and are going to receive post-transplant follow-up treatment in a domestic hospital shall provide the hospital with the following information in writing: category of the organ transplanted, name of the country in which they received the

transplant, name of the hospital where the transplant took place, and name of the physician who performed the transplant; the hospital may report the case" to the central competent authority.

6) Japan, consequently, should require the central competent authority to whom reports are made to make public aggregate data of all transplant tourism from Japan and sub-aggregates indicating each country of destination.

7) Japan should impose an entry ban on anyone about whom there is reasonable grounds to believe is complicit in organ transplant abuse. An example of this is Canadian immigration law which renders inadmissible to Canada anyone who has been engaged in organ transplant abuse.

8) Japan should revoke or refuse to issue a passport to a person while on parole who had been convicted of cross border organ trafficking. An example of this is the US House of Representatives bill which has a provision to that effect.

9) Japan should impose Magnitsky type sanctions on those complicit in organ transplant abuse in China. Japan is the only country among the Group of Seven without this legislation. The legislation, where enacted, provides for freezing assets of publicly named human rights abusers and denying them entry to the country.

10) Japan should sign and ratify the Council of Europe Convention against Trafficking in Human Organs. Though the Convention was adopted by the Council of Europe, it is open for signature by any country on invitation. Japan, I am confident, would receive such an invitation should they express interest. The Convention obligates states parties to enact extraterritorial legislation prohibiting complicity in organ trafficking abroad.

11) The Japanese Parliament, the Diet, should enact this sort of legislation whether Japan joins the Council of Europe Convention or not. There are twenty countries now with this legislation. Fifteen are state parties to the Council of Europe Convention and five are not.

12) Japan should cease training physicians who intend to engage in transplantation in China. Chinese transplant hospitals and transplant wings of general hospitals have short bios of transplant physicians which shows that several were trained in Japan. While not all transplantation in China involves abuse, the lack of transparency in China is such that it is impossible to tell which transplantations are not abusive.

An example is provided by Queensland, Australia. Queensland's two major transplant hospitals, the Prince Charles Hospital and the Princess Alexandra Hospital, have taken measures in light of the evidence of organ transplant abuse in China. The Queensland Prince Charles Hospital developed a policy of not training any Chinese surgeon in any transplant surgical technique. Princess Alexandra Hospital decided not to undertake any sponsored organ transplant research or training with China.

13) Japan should avoid engaging, alone or in coordination with others, in transplantation research which relies on organs in China or from China with unexplained provenance. An example is provided by The International Society for Heart and Lung Transplantation in April 2022 which stated that, in light of the evidence of transplant abuse in China, submission of data related to clinical transplantation or the use of tissue from human donors in China would not be accepted for presentation at a Society sponsored meeting or for publication in a Society sponsored journal.

14) Japanese publications should not publish transplantation research where organ sources are not traceable. A British Medical Journal publication in 2019 noted that

"research shows that this standard has been widely violated, when it comes to

publication of China based transplant research, leading to several paper retractions after publication. In order for the standard to function in an effective manner, there should be, at least a checklist tool for all transplant papers, itemising mandatory information about organ sources."

15) Japan should not fund any Chinese transplantation institution. The China-Japan Friendship Hospital located in Beijing was established jointly by Japan and China in the 1980's; the hospital engages in transplants. Japan should not be sending any funding to this hospital.

16) Japanese transplant professionals should avoid attendance at Chinese transplantation conferences. An example is provided by the October 2014 Hangzhou, China transplant conference. Many invited overseas transplant experts declined to attend that conference because of the evidence of transplant abuse in China.

17) Japanese pharmaceutical companies should not undertake trials of anti-rejection drugs for transplant patients in China. Some pharmaceutical companies, notably Novartis and Pfizer, have stated they would not undertake these trials.

The United States National Library of Medicine runs a website setting out clinical trials of drugs world-wide. The website shows that the Japanese pharmaceutical company Astellas has engaged in a number of clinical trials of anti-rejection drugs throughout China. Astellas should adopt a policy to end these trials.

18) Japan should enact legislation to address body exhibits. Bodies exhibits are not organ transplant abuse. However, they are cognate, similar fact evidence. Many of the bodies in various exhibits come from China, and within China, from police sources. The evidence points to the sourcing in China from prisoners of conscience for both organs for transplants

and bodies for exhibits.

The legislation should require verifiable documentation showing the sourcing of bodies and the consent of the individuals whose bodies were put on display after death or their family members. The legislation should also prohibit sourcing of bodies from prison or detention or police.

A bodies exhibit displayed in Kyoto between December 2010 and January 2011 led to complaints to police. The Kyoto District Public Prosecutors Office told the complainants a year later that the Office was not going to prosecute the Japanese organizer of the exhibit because of the difficulty in establishing that the organizer intentionally violated the law.

Since then, there have been no bodies exhibits in Japan. Nevertheless, it would be advisable to enact an explicit law addressing bodies exhibits. Leaving the matter to the interpretation of an unrelated law applied or not at the discretion of prosecutors or to those responsible for giving permission for the exhibits or to public campaigns against the exhibits are weaker solutions.

Conclusion

Before Japan can reasonably lead the G7 on combatting global organ trafficking, the country needs to get its own house in order. Although my talk has given examples from governments, parliaments, companies, and professional association in other countries, no country has a complete and comprehensive response to global organ trafficking in general and to organ transplant abuse in China in particular. If Japan were to adopt this comprehensive response, it could be an example to the G7, which it now leads, and to the whole planet.

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He is the co-author with the late David Kilgour of "Bloody Harvest: The Killing of Falun Gong for their Organs" and co-founder with David Kilgour and Ethan Gutmann of The International Coalition to End Transplant Abuse in China.