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Plenary sitting

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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on organ harvesting in China
(2013/2981(RSP))

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on behalf of the ALDE Group

**European Parliament resolution on organ harvesting in China
(2013/2981(RSP))**

The European Parliament,

- having regard to Charter of Fundamental Rights of European Union,
- having regard to its resolution in 2010 on the European Commission Communication: action plan on organ donation and transplantation (2009-2015), noted the report of David Matas and David Kilgour about the killing of members of Falun Gong for their organs,
- having regard to its resolution in 2006 on EU-China relation, concerned about reports that organs of detained Falun Gong practitioners have been removed and sold to hospitals,
- having regard to hearings in December 2009 and 2012 in Human Rights Subcommittee of this house, where two investigators David Kilgour and David Matas respectively testified that there has been a large scale organ harvesting of unwilling Falun Gong practitioners in China since 2000,

A. whereas the People's Republic of China performs more than 10,000 organ transplantations per year, yet as of May 2013 it did not have an organized or effective public system of organ donation or distribution;

B. whereas the organ transplantation system in China does not comply with the World Health Organisation's requirement of transparency and traceability in organ procurement pathways, and the government of the People's Republic of China has resisted independent scrutiny of the system;

C. whereas due in part to traditional views on the importance of preserving the body intact after death, China has very low rates of voluntary organ donations;

D. whereas the People's Republic of China implemented regulations in 1984 that permitted the harvesting of organs from executed prisoners;

E. whereas voluntary and informed consent is the precondition for ethical organ donation; and international medical organizations 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;

F. whereas Falun Gong, a peaceful spiritual practice involving meditative "qigong" exercises became immensely popular in the 1990s, with multiple estimates placing the number of practitioners upwards of 70 million;

G. whereas in July 1999, the Chinese Communist Party launched an intensive, nationwide persecution designed to eradicate the spiritual practice of Falun Gong, reflecting the party's long-standing intolerance of large independent civil society groups;

H. whereas since 1999, hundreds of thousands of Falun Gong practitioners have been detained extra-legally in reeducation-through-labour camps, detention centres, and prisons, where torture and abuse are routine. In many detention facilities and labour camps, Falun Gong prisoners of conscience comprise the majority of the population

I. whereas the number of organ transplant operations in China increased significantly after 1999, corresponding with the onset of the persecution of Falun Gong;

J. whereas this increase does not appear to be attributable either to an overall increase in the number of death row inmates or to an increase in voluntary donations, and in fact, human rights groups such as Amnesty International and the Dui Hua Foundation believe there has been a decrease in the number of executions in China in recent years;

K. whereas the government of the People's Republic of China has failed to adequately account for the sources of the excess organs when information has been requested by the United Nations former Rapporteur on Torture Manfred Nowak and by Canadian researchers David Matas, human rights attorney, and David Kilgour, former Canadian Secretary of State for Asia-Pacific

L. whereas Chinese hospitals have advertised wait times of 2-4 weeks for kidney and liver transplants, and documented cases of scheduled heart transplantations with 3 weeks advanced notice. Because organs have a very limited survival period outside the body, such short wait times are best explained by the existence of a large pool of living donors whose organs can be harvested on demand;

M. whereas the United Nations Committee Against Torture and the former United Nations Special Rapporteur on Torture Manfred Nowak have expressed concern over the allegations of organ harvesting from Falun Gong prisoners, and have called on the government of the People's Republic of China to immediately conduct or commission an independent investigation into these claims and take measures, as appropriate, to ensure that those responsible for such abuses are prosecuted and punished;

N. whereas former Vice-Minister of Health Huang Jiefu admitted publicly that more than 90 percent of transplant organs extracted from deceased donors stemmed from executed prisoners in China;

O. whereas in June 2001, Chinese doctor Wang Guoqi testified before the United States House of Representatives International Relations Subcommittee on International Organizations and Human Rights that Chinese hospitals worked in collusion with state security agencies to extract organs from executed prisoners without written consent of the organ donors, and that these transplants were a lucrative source of income;

P. whereas in January 2013, Uyghur doctor Enver Tohti testified in the European Parliament that in July 1995 he had been ordered to extract organs from a prisoner in China who he discovered had been shot but was not yet dead;

Q. whereas interviews conducted by Matas and Kilgour with previously imprisoned Falun Gong practitioners suggest that, while in custody, they were targeted for medical exams, including blood and urine tests, x-rays, ultra-sound and selective physical exams. The targeted nature of these exams suggests they are intended to assess the health of the practitioners' vital organs and their potential candidacy for organ harvesting. Other prisoner groups are generally not subjected to such medical tests;

R. whereas in May 2012, the World Organization to Investigate the Persecution of Falun Gong (WOIPFG) released telephone transcripts and audio recordings of conversations between undercover investigators and senior Chinese Communist Party officials, in which several officials indicated that central authorities were aware of and/or involved in organ harvesting from Falun Gong prisoners. Among those implicated were former Politburo member Bo Xilai and his deputy, Wang Lijun;

S. whereas Matas and Kilgour conducted an investigation into allegations of organ harvesting from Falun Gong prisoners of conscience in 2006; based on extensive circumstantial evidence, their report concluded that the allegations were true and that tens of thousands of Falun Gong practitioners may have been killed for their organs;

T. whereas in 2006, doctors from fifteen Chinese hospitals admitted in phone calls as part of an undercover investigation undertaken by Kilgour and Matas that they used or could obtain vital organs of Falun Gong prisoners of conscience for transplant, with some of the doctors implicating local People's courts and security agencies in the organ procurement process;

U. 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;

V. whereas in Spain, a penal code adopted in 2010 states that those who promote, encourage, facilitate, or advertise or obtaining illegal human organ transplantation others or they will be punished with imprisonment.

W. whereas in 2008, the Israeli Knesset passed a transplantation law that ended health insurance funding for organ transplant related visits to China and increased the public organ donation in Israel by over 60 percent within one year;

X. whereas the Department of Health in Taiwan urged doctors in Taiwan to discourage patients from undergoing commercial organ transplants in China;

Y. whereas the Australian Senate unanimously passed a motion on 21 March 2013 urging the government to support UN and Council of Europe initiatives to oppose the practice of organ harvesting;

Z. whereas Australian Associated Press reported in December 2006 that two major organ transplant hospitals in Queensland, Australia, have stopped training Chinese surgeons because of concerns that China takes organs from executed prisoners;

1. Expresses its deep concern over persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience, in the People's Republic of China, including from large numbers of Falun Gong practitioners imprisoned for their religious beliefs, and members of other religious and ethnic minority groups,
2. Calls on the government of the People's Republic of China to immediately end the practice of organ harvesting from all prisoners and members of other religious and ethnic minority groups,
3. Calls for a full and transparent investigation by the European Union into organ transplant practices in the People's Republic of China,
4. Demands an immediate end to the 14-year persecution of the Falun Gong spiritual practice by the Communist Party of China, and the immediate release of all Falun Gong practitioners and other prisoners of conscience,
5. Recommends that the European Union issue a travel warning for European citizens traveling to China for organ transplants informing them that the organ source for their operation may be a prisoner of conscience,
6. Recommends that the European Union publicly condemn organ transplantation abuses in China and ban the entry of those who have participated in illegal removal of human tissues and organs,
7. Instructs its President to forward this resolution to the Council and Commission and Parliaments of member states.