

# ASIA IN THE SPOTLIGHT OF THE INTERNATIONAL ORGAN TRADE: TIME TO TAKE ACTION

*Alireza Bagheri\**

## ABSTRACT

*Along with the increase of organ procurement programs worldwide, there is growing discussion about the morality of organ sales and the emergence of the international organ trade. There is a volume of commentaries on both sides defending and condemning the morality of organ sales. However, on the one hand, the well-established position against commerce in organs has not been effective in stopping the rapid growth of organ markets around the world. On the other, the arguments in favor of organ sales have little popular acceptance. Patients have to travel beyond geographical borders to receive transplants, either because they cannot find a donor at home or because transplant technology has not been well established in their country. Although the morality of individual organ sales is surrounded by controversy and doubt, there is a relative consensus on the immorality of organ trafficking, especially across borders.*

*The problem of organ trade is no longer a domestic but an international issue. Asia has become notorious as a hub for transplant tourism and as a source of organs for many needy patients from other countries. After examining the global situation on organ procurement and trade, this paper focuses on the situation in Asia and highlights some countries' positive experiences to increase organ supply and to tackle organized trade*

---

\* M.D., Ph.D. Joint Center for Bioethics, University of Toronto, 88 College Street, Toronto, ON, Canada.

*on human body parts. By suggesting the formation of “Asian Taskforce” the paper calls for a joint action by law and ethics to tackle the issue of international trade in human body parts.*

**KEYWORDS:** *Organ transplantation, Organ trade in Asia, Organ market, Asian Task Force*

## I. INTRODUCTION

As the transplant technology has grown increasingly, the number and variety of organ transplantations has increased enormously. However the demand for transplants has grown far faster than the supply of available organs.

There have been many proposals to address the desperate need for organs by expanding the donor pool, such as providing financial and non-financial incentive,<sup>1</sup> providing compensation for organ donors,<sup>2</sup> establishing a self-governing market in organs,<sup>3</sup> adopting necessary legislation and revision of organ transplantation laws based on current socio-cultural changes.<sup>4</sup> However, on the one hand, the well-established position against commerce in organs has not been effective in stopping the rapid growth of organ markets around the world. On the other, the arguments in favor of organ sales have little popular acceptance. In current situation still the demand has not been met with supply and the need can not be ignored. Patients have to travel beyond geographical borders to receive transplants either because of donor shortage at home or unavailable transplant technology and in some countries because of restrictive organ transplantation laws (i.e. age limitation for organ removal from children). This situation has opened the door for market-like operation in human organs. Asia has become notorious as a hub for transplant tourism and as a source of organs for many needy patients from other countries. This migration has caused critics of the organ market to highlight Asian cases. I

---

<sup>1</sup> See Robert M. Veatch, *Why Liberals Should Accept Financial Incentives for Organ Procurement*, 13(1) KENNEDY INSTITUTE OF ETHICS JOURNAL 19, 20 (2003).

<sup>2</sup> See Leonardo de Castro, *Commodification and Exploitation: Argument in Favor of Compensated Organ Donation*, 29 J. MED. ETHICS 142, 144 (2003).

<sup>3</sup> See Charles A. Erin & John Harris, *An Ethical Market in Human Organs*, 29 J. MED. ETHICS 137, 137 (2003).

<sup>4</sup> See Alireza Bagheri, *Criticism of Brain Death Policy in Japan*, 13(4) KENNEDY INSTITUTE OF ETHICS JOURNAL 359, 367-68 (2003).