

Advances in China's Organ Transplantation Achieved with the Guidance of Law

The transplant experts of the National Organ Donation and Transplantation Committee

Jie-Fu Huang¹, Hai-Bo Wang², Shu-Sen Zheng³, Yong-Feng Liu⁴, Bing-Yi Shi⁵, Zhong-Yang Shen⁶, Sheng-Shou Hu⁷, Qi-Fa Ye⁸, Wu-Jun Xue⁹, Xiao-Shun He¹⁰, Jing-Yu Chen¹¹, Feng Huo¹²

¹Department of Surgery, Peking Union Medical College Hospital, Beijing 100730, China

²Hong Kong University, Hong Kong, China

³Department of Surgery, The First Affiliated Hospital of Zhejiang University, Hangzhou, Zhejiang 310058, China

⁴Department of Surgery, The First Hospital of China Medical University, Shenyang, Liaoning 110001, China

⁵Department of Surgery, 309 Hospital of People's Liberation Army, Beijing 100094, China

⁶Department of Surgery, The First Central Hospital of TianJin, TianJin 300192, China

⁷Department of Surgery, Fu Wai Hospital, Chinese Academy of Medical Sciences and Peking Union Medical College, Beijing 100037, China

⁸Department of Surgery, The Third Xiangya Hospital of Central South University, Changsha, Hunan 410083, China

⁹Department of Surgery, The First Affiliated Hospital of Xi'an JiaoTong University, Xi'an, Shaanxi 710049, China

¹⁰Department of Surgery, The First Affiliated Hospital, Sun Yat-sen University, Guangzhou, Guangdong 510275, China

¹¹Department of Surgery, Wuxi People's Hospital, Wuxi, Jiangsu 214194, China

¹²Department of Surgery, General Hospital of Guangzhou Military Command of People's Liberation Army, Guangzhou, Guangdong 510010, China

Key words: Transplantation; China; Guidance

“Transplantation” (Volume 97, Number 8, April 27, 2014) published an open letter from Professor Delmonico along with other seven professors to Mr. Xi Jinping, President of the People's Republic of China: China's Fight Against Corruption in Organ Transplantation. The article sharply posed this concern, thus evoking great attention at home and abroad within the transplant community. To this end, we hereby state our views and declare our position with regard to the concerns mentioned in the open letter about China's organ transplant undertaking.

We sincerely appreciate the enthusiastic support and help from the international community to China's organ transplant reform in recent years and earnestly welcome any good-willed or realistic suggestions and even criticism. China's transplant community wishes to make a joint effort with the international transplant community to propel the development of transplant science and fulfill the sublime mission of saving lives. Nonetheless, any exchanges or cooperation within the international academic circles can only carry on through scrupulously abiding by mutual respect for each other's sovereignty and non-interference with each other's internal affairs, the fundamental principle guiding international relations, in order to establish a situation of

cooperation among nations based on the principle of taking advantage of each other's strengths, mutual benefit and common development. As a member of the world community of nations, China cannot develop itself in isolation from the rest of the world, and the world also needs China for its development. China's reform and opening-up, as well as its modernization drive, shall prosper with friendly relations and cooperation with all other countries and the world's peace and development also need China's participation and contribution. China has consistently advocated conducting dialogs and exchanges with all countries on the basis of justice and equality after full consultation.

Organ transplantation is one of the greatest advances, and also the most challenging and complex areas of modern medicine. Originated from western countries, organ transplant technology is not culture-free, especially donation from deceased donors is dependent on local culture, rooted in specific cultural and socio-economical context. While organ donation from deceased donors has progressed in western countries, deceased donation in Asia has lagged. China is very different from the western countries in terms of cultural traditions and stages of socio-economic development. The western model of organ transplantation cannot be fully duplicated in Chinese Society. China's legal progress in organ transplantation lagged behind the advances in transplant biology and technology. The discordance between the Chinese legal structure and the

Access this article online

Quick Response Code:



Website:
www.cmj.org

DOI:
10.4103/0366-6999.149183

Address for correspondence: Prof. Jie-Fu Huang,
Peking Union Medical College, Beijing 100730, China
E-Mail: jeffrey1301@hotmail.com

impact of transplantation on the individual and society led to tremendous concern in China and abroad regarded modernizing regulatory control of both the donor system and the transplant centers. The Chinese government realized that some socio-cultural beliefs and customs must be re-aligned to keep pace with the current social development. As a responsible member of the global family, China must develop a national transplant program, which is rooted in Chinese culture and socio-economic reality and consistent with the World Health Organization (WHO) guiding principles and Declaration of Istanbul on organ transplantation through intensive consultations with national and international medical and ethical experts.^[1,2]

The changes started from transparency. Since the consultation meeting of transplantation with National Health Authorities in the Western Pacific Region, held by WHO in Manila, the Philippines in 2005, we had faced squarely to transplant practice relying on death-row inmate's organs and demonstrated China's political will to reform the system. The Interim Provision on the administration of Clinical Application of Human Transplant Techniques was issued by the Ministry of Health following Guangzhou declaration in November, 2006 by National Summit of Organ Transplantation. In May 2007, the state council promulgated the "Human Organ Transplant Regulation," to promote legislation of human organ transplant in China. The Ministry of Health conducted rigorous technical access to standardize the quality of organ transplantation, reducing the number of transplant hospitals from more than 600 to 169, issuing notifications on restrictions to provide organ transplant services for foreigners and formulating the self-sufficient principle of providing organ transplantation for its own people; In 2010, the Supreme Court promulgated the Criminal Law Amendment adding "organ trafficking crime" to combat against crimes of organ trafficking; the judiciary and related government departments jointly developed stringent provisions on donation and procurement of organs donated by death row prisoners. Due to the lack of a national organ donation system, we had to follow the principle of gradual improvement and "be sure about stones at the bottom of the river before crossing it." Before we establish a system of organ donation after citizens' death, if we brutally interrupt the source of organs from executed prisoners, it would inevitably lead to loss of lifesaving hope for many of patients with organ failure. We made a great effort to set a goal for the development of a citizen-based voluntary organ donation as an alternative to replacing the relying on the death row inmate's organs. Religions and cultures bestow death with different cultural and social meaning which must be respected by the organ donation system. We integrated the internationally recognized criteria of "brain death" and "cardiac death" to formulate the Chinese Classification of Deceased organ donation and have carried forward extensive social mobilization and advocacy, advocating the traditional virtues of compassion, love, mutual aid and lifesaving in Chinese national culture, trying our best to transform outmoded habits and customs

and thus building a huge group of organ donation volunteers in society.

In 2010, the Ministry of Health and the Red Cross Society of China jointly launched a pilot program of voluntary human organ donation among citizens. For 4 years, the Health Administrative Departments and the Red Cross of China have step by step issued more than 30 supporting regulations on organ donation, and gradually established five systems for human organ transplant in China: Organ donation system, organ procurement and distribution system, organ transplant clinical service system, scientific registration system after organ transplantation and the supervision and regulation system of organ transplantation. In 2013, the newly established Chinese National Health and Family Planning Commission (NHFPCC) initiated the pilot program of China's human organ donation and then promulgated the "The Regulation on the Procurement and Distribution of Donated Human Organs (Interim)," forming departmental regulations of organ donation in China, to ensure organ sources in compliance with medical ethics and build improved organ procurement organizations (OPOs) and professional teams of human organ donation coordinators (coordinator) strictly following the three types of Chinese criterion and procedures (brain death, cardiac death, brain and cardiac death) for voluntary organ donation after citizens' death; the commission also advocated the strict use of Chinese human organ allocation and sharing computer system (COTRS) for organ distribution. The Chinese Red Cross should give full play to their roles in organ donation, such as mobilization and advocacy, registration, donation witness, recalling relief and so on, to ensure open, fair and transparent organ procurement and distribution. We adhere to unpaid, voluntary organ donation with love and dedication and encourage honor and recognition of donor families and reasonable and legitimate humanitarian relief.^[3,4] On October 29, 2013, Li Bin, the Director of NHFPCC, met with Professor Delmonico, the President of TTS and announced to the international community about the initiatives and determination of the Chinese government in organ transplant reform. On November 1, 2013, the Clinical Technology Application Committee for Human Organ Transplant of NHFPCC passed the "Hangzhou Resolution" in the Chinese Medical Association National Conference on Transplant held in Hangzhou, reaching a high degree of consensus in the transplant community and concentrating our determination on reform for abolition of dependence on recovering organs from executed prisoners. China's organ transplant undertaking began to enter a new era of historical development dominated by voluntary donation after citizens' death.^[5] As of November 21, 2014, there were 2897 cases of voluntary donation after citizens' death in China, rescuing 7687 patients with end-stage organ failure. China's organ donation progressed rapidly recently. Taking Guangdong, Zhejiang, Hunan, Hubei, Shanxi, Guangxi and other provinces for instance, nearly 80% of the organs came from voluntary organ donation after citizens' death this year.^[6] Many touching stories about donation were

widely reported in the Chinese media, winning enthusiastic responses from the masses. By the end of 2013, the General Office of the CPC Central Committee and the General Office of the State Council issued “opinions about party cadres to take the lead on promoting funeral reform,” encouraging party cadres to donate organs or remains after death, bringing powerful positive energy for organ donation.^[7] Influence of organ donation on the whole society has exceeded transplant medical services itself. Such a caring deed as a gift for life with boundless beneficence in the interest of the current and future generations shall coruscate in the new era its flame of humanity in traditional virtues of the Chinese nation.

As having been pointed out in the “open letter,” “The Chinese Dream” as advocated by President Xi Jinping to achieve the great rejuvenation of the Chinese nation is a call for a culture with respect for human rights, which links the dignity of a great nation to the dignity of each citizen, reflecting the core values of Chinese society. WHO has pointed out in the International Seminar of OPO since organ donation after citizens’ death was launched in an all-round way in China in 2003 that “From 2007 to February 25, 2013, China has made arduous efforts for the all-round launching of a national organ donation system. Six years seems to be long, but many countries have spent decades of time to establish a national organ donation system, especially when they faced different social and cultural understanding of the concept of death that hinder the development of organ donation. With the guidance and support from China’s NHFPC, China has already possessed the resources and strength is improving full transparency of organ donation. China is now showing to the outside world how it follows the requirements of its national laws to gradually advance the processes of organ donation, procurement, distribution and transplantation within its medical health system. These efforts concertedly made by the Chinese government and medical experts in the field of organ transplantation are good examples set to strive for realizing self-sufficiency in organ transplantation as advocated by WHO. You are walking on the right path.” We are grateful to the objective and impartial evaluation from WHO.^[8] The paper entitled “Voluntary Organ Donation System Adapted to Chinese Cultural Values and Social Reality” will be published in the Liver Transplantation (2014) online demonstrated the roadmap for a further organ transplant reform.^[9] The first year’s implementation of the national voluntary citizen-based organ donation achieved success. In the national organ transplant congress on 30th October 2014, at Hang Zhou, on behalf of the China’s National Organ Donation and Transplantation Committee, Prof. Huang Jiefu declared the decision of fully implementation of “Hangzhou resolution”. That all the transplant hospitals must stop using the organs from the executed prisoners immediately and recover the organs from sole source of the civilian organ donation.

All the achievements China has made in the reform of organ transplantation are embodied in the energetic support and help from friendly countries and friends all over the world. We are

also looking forward to the objective and rational evaluation of China’s advances from the international transplant community, eliminating discrimination and adjusting the strategy of containment. The advances in China’s organ transplantation in recent years can be regarded a great practice of reform guided by the government’s major policy of “governing the country by law,” which reflects perfection of China’s legal systems. In October 20th this year, the Fourth Plenary Session of 18th Chinese Communist Party Congress examined how to impel “governing the country by law” comprehensively, with the aim to push on gradual transition of anti-corruption from temporary to permanent cure, highlighting the political character of China’s new collective leadership that practices what it preaches and creating a delicate political ecosystem, which would be very beneficial to the further deepening of China’s reform in organ transplantation and shall also be the best response to the open letter from eight experts who are concerned about China’s organ reform undertaking.

The National Committee on Organ Donation and Transplantation in China was only formally established on March 1 this year, which still faces daunting tasks and challenges. China’s organ donation and transplant system are still a newborn baby who is in need of a gradual process of growing up. Establishment of the OPO system, utilization of the COTRS system, the establishing of China’s organ transplant development foundation and building of the coordinator team are all imperative. We will also amend the “regulation” promulgated in 2007 to complete the regulations for organ donation and construct the five work systems for the whole organ donation and transplantation. There is still a long way to go. China’s organ transplant workers have the confidence and determination to work hard to achieve the strategic goal for modernization of the transplant undertaking. We want to ensure that this lifesaving medical practice shall bring maximal benefits for the Chinese people in an undisputed manner consistent with ethics. We will build a high-level ethical human organ donation and transplantation model in line with China’s national conditions and the traditional Confucian culture as well as meeting with development of the world’s transplant undertaking, to set an example for the whole Asia, especially for those countries with similar social and cultural background and contribute to the development of global organ transplant undertaking.

REFERENCES

1. Huang J. Ethical and legislative perspectives on liver transplantation in the People’s Republic of China. *Liver Transpl* 2007;13:193-6.
2. Huang J, Mao Y, Millis JM. Government policy and organ transplantation in China. *Lancet* 2008;372:1937-8.
3. Huang J, Millis JM, Mao Y, Millis MA, Sang X, Zhong S. A pilot programme of organ donation after cardiac death in China. *Lancet* 2012;379:862-5.
4. Huang J, Wang H, Fan ST, Zhao B, Zhang Z, Hao L, *et al*. The national program for deceased organ donation in China. *Transplantation* 2013;96:5-9.
5. Editorial Office. OTC Hangzhou resolution. *Hepatobiliary Surg Nutr* 2013;2:317-8.
6. Administration COD. Statistics of Organ Donation. 2014. Available from: <http://www.chinaorgandonation.org.cn>. [Last cited on 2014 Sep 22].

7. Council CCPAS. Opinions about the party cadres take the lead in promoting the reform of funeral. 2013. Available from: http://www.gov.cn/jrzq/2013-12/19/content_2551138.htm. [Last cited on 2014 Sep 23].
8. WHO Statement. Available from: http://www.clttr.org/pages/stateinfo/stateinfo_info_detail.jsp?id=6647 and objId=12 and number=2 and curPage=1 and isAll.
9. Voluntary Organ Donation System Adapted to Chinese Cultural Values and Social Reality. [In press]. 2014.

Received: 18-11-2014 **Edited by:** Jian Gao

How to cite this article: Huang JF, Wang HB, Zheng SS, Liu YF, Shi BY, Shen ZY, Hu SS, Ye QF, Xue WJ, He XS, Chen JY, Huo F. Advances in China's Organ Transplantation Achieved with the Guidance of Law. *Chin Med J* 2015;128:143-6.

Source of Support: Nil. **Conflict of Interest:** None.