



## Committee on Social Affairs, Health and Sustainable Development

### Prohibition of any form of commercialisation of human organs

Former rapporteur: Ms Liliane Maury Pasquier, Switzerland, SOC  
(Opinion 286 (2013) on the "Draft Council of Europe Convention against Trafficking in Human Organs")

#### **Background**

*On the occasion of the 5th plenary meeting of the Committee on Bioethics (DH-BIO) (5-7 May 2014), the DH-BIO and the European Committee on Organ Transplantation (CD-P-TO) unanimously adopted a statement on the prohibition of any form of commercialisation of human organs (see Appendix).*

*The DH-BIO and the CD-P-TO wish to draw the attention of the Parliamentary Assembly to this statement which underlines a fundamental principle for the protection of human dignity. Having in mind the recommendations and resolutions of the PACE on the fight against trafficking in human organs, they invite the PACE to adopt a possible declaration at its level, as well, to reinforce the message.*

### Declaration adopted by the Committee on 24 June 2014

The Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly of the Council of Europe shares the concerns expressed by the Committee on Bioethics and the European Committee on Organ Transplantation with regard to some views expressed, including in international fora, suggesting some form of commercialisation of organs with a view to responding to the shortage of organs for transplantation.

Human organs must not be bought or sold or give rise to financial gain or comparable advantages for the person from whom they have been removed or for a third party.

The Committee recalls that this fundamental principle is asserted in the Council of Europe's Convention on Human Rights and Biomedicine and in its Additional Protocol concerning Transplantation of Organs and Tissues of Human Origin. The principle is also enshrined in the European Union Charter of Fundamental Rights and the World Health Organization's Guiding Principles on Human Cell, Tissue and Organ Transplantation.

The Committee reiterates the fundamental importance of that established principle for the protection of human dignity. It also recalls that the draft Council of Europe Convention against trafficking in human organs, which is currently before the Committee of Ministers, criminalises any removal of organs performed in violation of this principle.

The Committee calls on the Committee of Ministers to work towards a rapid opening for signature of the Convention taking into account the Assembly's recommendation and opinion on the matter.

## **Appendix**

### **Statement on the prohibition of any form of commercialisation of human organs adopted by the DH-BIO and the CD-P-TO**

The Committee on Bioethics (DH-BIO) and the European Committee on Organ Transplantation (CD-P-TO) of the Council of Europe are concerned by some views, including in international fora, suggesting some forms of commercialisation of organs in response to a shortage of organs for transplantation.

In this context, the DH-BIO and the CD-P-TO emphasise in particular the need to respect the fundamental legal principle that the human body and its parts shall not, as such, give rise to financial gain. Enshrined in the Convention on Human Rights and Biomedicine (CETS No. 164) opened for signature in 1997 (Article 21), this principle was reaffirmed in 2002 in its Additional Protocol concerning Transplantation of Organs and Tissues of Human Origin (CETS No. 186) and later by Article 3 of the EU Charter of Fundamental Rights. It was also included by the World Health Organization in its Guiding Principles on Human Cell, Tissue and Organ Transplantation.

Human organs must not, therefore, be bought or sold or give rise to financial gain or comparable advantages for the person from whom they have been removed or for a third party.

The DH-BIO and the CD-P-TO reiterate the fundamental importance of that established principle for the protection of human dignity, which must be strictly respected in any regulation and procedures concerning the transplantation of human organs. They strongly support any measure for reinforcement and better implementation of the principle at both national and international levels with a view to contribute to the setting up and functioning of appropriate transplantation systems, respecting the fundamental principles for the protection of human rights.

The DH-BIO and the CD-P-TO wish therefore to reaffirm their support to initiatives currently being taken in the Council of Europe and by other international, as well as professional organisations with a view to reinforcing the international legal framework on organ transplantation.