

Organ donation law in Pakistan: An overview of the current situation

Madam, Beyond doubt, organ transplantations save lives of thousands of patients throughout the world every year. But at the same time, the procedure endangers the lives of organ donors because of the exploitative organ trade widely prevalent in developing countries. Every year thousands of people from Europe, Middle East, United States, and Australia come to India,

Pakistan, China, Egypt, Philippines, and other countries in search of poor donors who are willing to give one of their kidneys for financial compensation.¹ According to WHO, up to 10% of the 63,000 kidney transplants that occur annually through out the world involve donors from developing countries who are unrelated to the recipients.² A common feature of this commercial

organ trade is that the donor usually does not receive any post operative care which can lead to grave consequences. Another dark aspect of this inhumane and unethical business is that the donor receives only a small fraction of the amount which the recipient pays. It involves malpractice and immoral behaviour on part of doctors and hospitals where these transplant surgeries are carried out. Clinics in Pakistan have been reported to charge on average US dollar 40,000 from organ recipients whereas a donor gets only US dollar 1500 to 2000.²

The dilemma that the world faces today is to make organ transplants legitimate and ethical so that the patients requiring transplantations get the organs without exploitation of the vulnerable populations.³ In developed countries, genetically unrelated organ donations are strictly restricted to altruistic donors who do have a close and emotional relationship with the recipients. By legislature, commercial organ transplantation is prohibited. The situation is alarmingly different in a Third World country like Pakistan.¹ It is one of the favourite resorts worldwide as far as "transplant tourism" is concerned. According to WHO estimates, Pakistan hosts up to 1500 transplant tourists every year, second only to China.⁴ Pakistan didn't have any law to curb the human organ trade until recent past. In the end of July 2007, Supreme Court of Pakistan, the premier judicial body in the country, issued a ruling which ordered the Government of Pakistan to enact a law regulating the illegal organ trade in the country, especially the kidneys. This ruling came out as a response of complaints that poor people were forced to sell their kidneys by middlemen for very meager monetary compensations. It was also a result of media reports in July that at least 10 hospitals in Lahore, a major city of the country, were found to be involved in the black marketing of human organs. The Government of Pakistan, following the Supreme Court ruling, formulated the "Transplantation of Human Organs and Tissues Bill 2007" in the National Assembly. The bill proposes a number of measures, including the restriction of organ donation only to close blood relatives who are over the age of 18 as well as a ban on the donations

by those who are not related to the recipients. As per this law, every donation has to be evaluated by a committee of medical experts that would determine that the donation is fully voluntary. The bill proposes a 10 year jail sentence for anyone found guilty of being involved in the commercial trading of organs.⁵

The bill was converted to an ordinance by the President of Pakistan as there was no time for discussing it in the Parliament. According to the legislation an ordinance is valid for 4 months and within this period the bill should be passed by the assembly. We are still at cross roads regarding the implementation of the law. The delay in the process has evoked serious concerns among the experts in the field of ethics of organ transplantation in the country as well as among general population.^{6,7} Nevertheless, this recent development has halted the illegal organ trade at least for the time being. Only time will tell whether this law will be able to mark an end or at least decrease the black marketing of organs in the country. Pakistan also has as yet no law allowing the transplantation of organs from the deceased. The much needed cadaver legislation can not only help patients who require an organ donation, but it can also help in curbing the illegal organ trade in the country. Dedicated efforts from Government and Public sector institutions are required to put an end to this inhumane trade in Pakistan.

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