



**FALUN DAFA  
ASSOCIATION OF AUSTRALIA INC**

**Submission to the Australian Law Reform Commission's  
Review of Human Tissue Laws**

**4 July 2025**

**About the Association**

The Falun Dafa Association is a charitable organisation with volunteer committee members who work in an unpaid capacity. The Association helps facilitate free classes to teach Falun Dafa meditation and exercises, and organises public activities such as parades and conferences. It also does advocacy work to governments, non-governmental bodies, and media regarding the persecution of Falun Dafa in China, and supports known practitioners seeking humanitarian protection in Australia.

Falun Dafa,<sup>1</sup> also called Falun Gong, is a spiritual practice of self-cultivation in the Buddhist tradition. It includes meditation and gentle exercises and was introduced to the public in 1992 by Mr Li Hongzhi. While indigenous to China, it is now practiced in over 100 countries, including in Australia since 1995.

At the core of Falun Dafa's belief system are the principles of truthfulness, compassion, and forbearance (in Chinese, Zhen 真, Shan 善, and Ren 忍), which are taken as the essential characteristic of the universe.

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<sup>1</sup> Based on its theological and moral teachings, Falun Dafa is considered a religion in the West, and conforms to the general description in the Australian Standard Classification of Religious Groups (ASCRG), 1996.

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## 1. Introduction

The Falun Dafa Association of Australia appreciates the opportunity to make a submission to the Review of Human Tissue Laws by the Australian Law Reform Commission (ALRC).

We acknowledge the importance and value of the ALRC's expertise in specialised law reform work, especially with regard to human tissue laws and the complex interaction of social, ethical and medical technology issues of today.

We understand the importance of reforms to support increased access to human tissue in Australia, but have limited experience or expertise to contribute in that area.

As this submission seeks to addresses questions outlined in the ALRC's Issues Paper, we focus on the aspect of organ trafficking and forced organ harvesting, which has deeply concerned us over several decades of the persecution of Falun Dafa in China.

Please note, Sections 3, 4, and 5 of this submission respond to headings or questions from the ALRC Issues Paper 51 of May 2025.

Throughout this submission, "China" refers to the People's Republic of China, currently under the control of the Chinese Communist Party (CCP), and makes no reference or commentary on the Chinese people themselves, unless specifically noted.

We trust the matters presented in this submission will be of assistance for the ALRC's review in this important issue.

## 2. Aims and principles

Our starting point in entering the conversation of this review process are the principles of Falun Dafa that we take as a guide for daily life – *Zhen Shan Ren* - Truthfulness Compassion Forbearance.

In addition to the very relevant four principles outlined in the Issues Paper, we find that the "Principles of Biomedical Ethics" by Tom L. Beauchamp and James F. Childress, which also advocate for four core principles: respect for autonomy, non-maleficence, beneficence, and justice, also provide a crucial foundation for this review.

beneficence (the obligation to provide benefits and to balance benefits against risks);  
non-maleficence (the obligation to avoid causing harm);  
autonomy (the obligation to respect the decision-making capacities of autonomous people);  
justice (the obligation of fairness in the distribution of benefits and risks).

An essay by Tom L. Beauchamp, *The Four Principles Approach to Health Care Ethics*,<sup>2</sup> explains the source of these principles:

*"The common morality is applicable to all persons in all places, and all human conduct is rightly judged by its standards. The following are examples of standards of action (here rules of obligation) in the common morality: (1) don't kill, (2) don't cause pain or suffering to others, (3) prevent evil or harm from occurring, (4) rescue persons in danger, (5) tell the truth, (6) nurture*

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<sup>2</sup> <https://bioethics.pitt.edu/sites/default/files/Stott%2C%20Chapter%203%20Beauchamp.pdf>

*the young and dependent, (7) keep your promises, (8) don't steal, (9) don't punish the innocent, and (10) treat all persons with equal moral consideration."*

On the objective of the social institution of morality Beauchamp states:

*"This objective is to promote human flourishing by counteracting conditions that cause the quality of people's lives to worsen. The goal is to prevent or limit problems of indifference, conflict, suffering, hostility, scarce resources, limited information, and the like. Centuries of experience have demonstrated that the human condition tends to deteriorate into misery, confusion, violence, and distrust unless norms of the sort just listed—the norms of the common morality—are observed."*

We understand the principles developed by Beauchamp and Childress directly relate to ethical decision-making in medicine. However, we find the 'norms of the common morality' also extend to law and legislation, how action or inaction at all the stages related to organ transplantation, in Australia or other countries, impact our responsibility to protect human life and dignity.

Life and death consequences are faced by those in need of an organ transplant in Australia, and those at risk of becoming a forced organ "donor" in places such as China. We believe the noble aim of this review can help to serve both crucial needs.

*"Knowing the core ethical obligations of both procurement and allocation is crucial for working with patients, agencies, courts and policy makers."*<sup>3</sup>

### **3. Human rights, ethical sourcing of human tissue for transplantation as well as respect for human life and the human body should be the underlying guiding principles for HTA's and the Australian organ donation and transplantation framework**

The Issues Paper states at point 26 that whilst the HTA's do not set out their purposes or identify specific principles to guide how human tissue is obtained and used, their provisions reflect broader ethical principles, including the need for informed consent, restrictions on the commodification of tissue, and requirements to respect persons and the human body.

Section 12 of the *Australian Organ and Tissue Donation and Transplantation Authority Act 2008* (Cth) states the Objects of the Australian Organ and Tissue Donation and Transplantation Authority ("OTA"). The Objects include the following:

- (a)(ix) improving public knowledge about, and public confidence in, organ or tissue donation*
- (b) international best practice*
- (c) safety*
- (f) equity*
- (g) transparency*<sup>4</sup>

We submit that the following additional principles should be included in the OTA's objectives or as principles underpinning HTA's:

- (1) ensuring that organ or tissue used for transplantation is ethically sourced;*

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<sup>3</sup> Dr. Arthur L. Caplan, renowned Bioethicist, Replacement Parts - The Ethics of Procuring and Replacing Organs in Humans <https://dafoh.org/replacement-parts-interview-with-arthur-caplan/>

<sup>4</sup> *Australian Organ and Tissue Donation and Transplantation Authority Act 2008* (Cth) ss 12(a)(ix), (b), (c), (f) and (g)

- (2) ensuring that organ or tissue donation and transplantation in Australia complies with our international human rights obligations<sup>5</sup>;
- (3) respect for life, human dignity and autonomy;
- (4) prevention of the commodification of human organ or tissue which would violate ethical or cultural norms;
- (5) employing measures that prohibit and protect Australians from participating in organ trafficking or organ transplant tourism inside and outside Australia;
- (6) employing measures to help prevent individuals, businesses, organisations or government bodies becoming complicit in organ trafficking or crimes against humanity such as organ harvesting anywhere.

The ‘Aims and Principles’ section of the Issues Paper sets out four principles said to be implicit in or could be seen to be fundamental to ethical and just human tissue laws.

Of these, at a glance it may seem that the first two: ‘Reform should support increased access to human tissue in Australia’ and ‘Respect for persons and the human body should be prioritised’ are in opposition with one another. Rather than being in conflict, we submit that these principles complement each other as increased education and awareness of the relevant ethical considerations may promote increased participation in a country’s voluntary organ donation system whilst increasing knowledge and awareness of the relevant issues will promote safety and best practice.

It is widely recognised that unethical sourcing of human organ or tissue poses serious risks to both recipients and organ donors. These include the loss of life, rights and/or negative health and socio-economic outcomes for unwilling or forced donors. Additionally, there are risks of detrimental health impacts for both recipients and donors, resulting in an increased burden on the health system of the home country of the recipient<sup>6</sup>.

#### 4. Should the HTAs regulate organ trafficking and transplant tourism?

The Issues Paper at point 92 states that organ trafficking and transplant tourism presents complex legal and policy issues which have warranted the attention of the Australian Government in recent years.

##### **Compassion Not Commerce Report**

The Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade published a report on its inquiry into organ trafficking and transplant tourism to explore these compelling issues and possible legal responses in November 2018 titled *‘Compassion, Not Commerce: An Inquiry into Human Organ Trafficking and Organ Transplant Tourism’* (“the Inquiry”). The outcome of the Inquiry was a list of 12 recommendations which we believe are highly valuable to be followed up for implementation and which drafters of HTA legislation should have regard to.

In relation to the issues of organ harvesting and organ trafficking in China the Inquiry stated:

*‘The Sub-Committee is not in a position to conclusively establish the veracity of the allegations either in relation to past activity or current practice, but, on the balance of evidence, is inclined*

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<sup>5</sup> Australia is a party to a number of international human rights conventions including: *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons*; the *United Nations Convention against Transnational Organized Crime* (noting that the definition of trafficking in persons in Article 5 extends to exploitation of another person which includes the removal of organs); *The Guiding Principles on Human Cell, Tissue And Organ Transplantation*; *International Convention Against Torture* and *International Covenant on Civil and Political Rights*.

<sup>6</sup> Joint Standing Committee on Foreign Affairs, Defence and Trade, Parliament of Australia, *Compassion, Not Commerce: An Inquiry into Human Organ Trafficking and Organ Transplant Tourism* (2018), pp 37-41.

*to conclude that organ trafficking has occurred in China and may continue to occur, albeit on a lesser scale. If the full extent of the allegations made were to be verified, it would represent a systemic campaign of human rights abuse against vulnerable ethnic and spiritual minority groups.<sup>7</sup>*

*“....the onus is on the Chinese authorities to demonstrate to the world that they are not overseeing or permitting the practice of harvesting organs from executed prisoners without their knowledge and free consent. In the absence of such a demonstration by the Chinese authorities, the world is entitled to question assertions of claims to the contrary.”<sup>8</sup>*

### **Desirability and practicability of extraterritorial jurisdiction**

The current Commonwealth laws which criminalise offences relating to organ trafficking is Subdivision BA of Division 271 of the *Criminal Code Act 1995* “Criminal Code”. Whilst division 271 of the Criminal Code criminalises the act of organising the transportation of persons into or out of Australia for the purposes of the removal of an organ in a manner contrary to State or Territory law, it does not criminalise organ transplant commercialism or transplant tourism.

A number of stakeholders to the Inquiry, including Australian Lawyers for Human Rights, The Royal Australasian College of Physicians and The Law Council of Australia, expressed support for the extension of the extraterritorial jurisdiction of organ trafficking offences<sup>9</sup>. It was recognised that the Commonwealth does have the power to legislate against conduct occurring outside of Australia generally<sup>10</sup>. However, the challenges of legislative provisions with extraterritorial jurisdiction due to potential difficulties in enforcing and prosecuting as well as the sensitivity of impinging on the sovereignty of a foreign state were also recognised<sup>11</sup>.

Despite the risks and challenges, the Sub-Committee’s **Recommendation 7** was that:

*“the Australian Government should amend the Criminal Code Act 1995 and any other relevant legislation insofar as offences relating to organ trafficking to:*

- *include trafficking in human organs, including the solicitation of a commercial organ transplant;*
- *apply to any Australian citizen, resident or body corporate;*
- *apply regardless of whether the proscribed conduct occurred either within or outside of the territory of Australia;*
- *apply regardless of the nationality or residence of the victim; and*
- *apply regardless of the existence, or lack thereof, of equivalent laws in the jurisdiction in which the offending conduct occurred.”*

The Sub-Committee also expressed the view that:

*“It is, and should remain, a serious crime for an Australian person to exploit another person’s vulnerability by soliciting the purchase of their organs, or by trafficking a person for that purpose, within the territory of Australia.....If an Australian citizen or resident violates the*

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<sup>7</sup> Ibid [2.79]

<sup>8</sup> Ibid [2.81]

<sup>9</sup> Ibid [5.23]-[5.26]

<sup>10</sup> Ibid [5.27]-[5.29]

<sup>11</sup> Ibid [5.38] –[5.40]

*rights and dignity of a person in an identical manner in a foreign jurisdiction, that constitutes no less a violation of that person's rights than if it occurred in Australia. Human rights are universal; legislation should not excuse such conduct against any person regardless of geography and the conduct that the law permits of Australian people should reflect that.”<sup>12</sup>*

While the Sub-Committee recognised the enforceability risks posed by the extension of extraterritorial jurisdiction, and related issues of collaboration with foreign jurisdictions, it clearly identified the associated positive outcomes, with which we concur:

*“The Sub-Committee considers enforcement is practicable to such an extent as to have a sufficient deterrent effect. The Sub-Committee also considers that the extension of extraterritorial jurisdiction of offences provided for by accession to the Council of Europe Convention without reservation would provide a normative statement against participation in organ trafficking by Australian citizens and residents.”<sup>13</sup>*

### **Addressing the challenges of transplant tourism requires an evidence base**

The Inquiry noted that OTA-supported registries collect and analyse data on organ and human tissue donation and transplantation within Australia, but:

*“There is currently no requirement that an Australian who may be seeking transplantation overseas to report their intentions, nor is it mandatory for a medical profession providing post-operative treatment to a patient who received their transplant overseas to report that fact.”<sup>14</sup>*

We note that the Sub-Committee holds the view, with which we concur that:

*“medical professionals should have an obligation to report knowledge constituting reasonable cause to believe that a person under their care may have been involved in the violation of the rights and dignity of others. It is important however that the appropriate protections are in place to preserve both the privacy of patients and the quality of clinical care. Should the reporting threshold extend to suspicion rather than actual knowledge of a case of transplant tourism, due regard should also be taken to minimise any legal liability for medical professionals with a mandatory reporting obligation.”*

Therefore, to address these data gaps the Sub-Committee’s **Recommendation 5** was that:

*“the Australian Government works with the States and Territories, transplant registries, and the medical community, to consider the appropriate parameters, protections, and other considerations, to support a mandatory reporting scheme whereby medical professionals have an obligation to report, to an appropriate registry or authority, any knowledge or reasonable suspicion that a person under their care has received a commercial transplant or one sourced from a non-consenting donor, be that in Australia or overseas.”*

We believe mandatory reporting by medical health professionals on internationally sourced organ transplants are essential for data collection to assess the scale of Australians travelling overseas for transplant surgery. Such data is important to guide legislative measures to satisfactorily address the issues of organ trafficking and transplant tourism, and protect the rights and dignity of all.

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<sup>12</sup> Ibid [5.42]

<sup>13</sup> Ibid [5.43]

<sup>14</sup> Ibid [3.21]

## The China Tribunal

Following the Inquiry, in December 2018, the China Tribunal<sup>15</sup> issued an interim judgment (followed by a summary judgment in June 2019 and full judgment in March 2020) which notably concluded:

*“The Tribunal’s members are certain – unanimously, and sure beyond reasonable doubt – that in China forced organ harvesting from prisoners of conscience has been practiced for a substantial period of time involving a very substantial number of victims”..... “Forced organ harvesting has been committed for years throughout China on a significant scale and that Falun Gong practitioners have been one – and probably the main – source of organ supply. The concerted persecution and medical testing of the Uyghurs is more recent and it may be that evidence of forced organ harvesting of this group may emerge in due course. The Tribunal has had no evidence that the significant infrastructure associated with China’s transplantation industry has been dismantled and absent a satisfactory explanation as to the source of readily available organs concludes that forced organ harvesting continues till today”<sup>16</sup>*

The China Tribunal’s findings make it imperative that recommendations 1 and 2 of the Inquiry are actioned. **Recommendation 1** being the establishment of a Commission through the United Nations to thoroughly investigate organ trafficking in countries where it is alleged to occur on a large scale.

**Recommendation 2** is for the Australian government to:

- *monitor the transplantation practices of other countries with regard to consistency with human rights obligations, including with regard to the use of the organs of executed prisoners;*
- *seek the resumption of human rights dialogues with China;*
- *continue to express concern to China regarding allegations of organ trafficking in that country; and*
- *offer to assist with the further progression of ethical reforms to the Chinese organ matching and transplantation system<sup>17</sup>*

Although the Issues Paper expresses the view that the Australian Government has continued to respond to and address organ trafficking and transplant tourism in various ways, we respectfully say that more work needs to be done.

A starting point would be to acknowledge the extent of organ harvesting and organ trafficking in China as an international human rights problem, to not treat this topic as taboo or shy away from publicly expressing utmost concern and pressing for ethical reforms. Due to Australia’s geographical proximity to China, unless the Australian Government prioritises a dialogue on human rights, or an alternate forum to raise this matter publicly, Australians are at a foreseeable and heightened risk of becoming complicit in China’s human rights violations in the field of organ and tissue donation and transplantation.

## Australian Legislative Responses

The current State and Territory HTA’s contains provisions to prohibit commercial trading in human tissue however, as noted at point 92 of the Issues Paper, Australian law does not prohibit Australians from travelling overseas to purchase an organ.

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<sup>15</sup> A people’s Tribunal comprising of a panel of seven independent members and chaired by Sir Geoffrey Nice KC <https://chinatribunal.com/who-we-are/>

<sup>16</sup> <https://chinatribunal.com/final-judgment/>

<sup>17</sup> Joint Standing Committee on Foreign Affairs, Defence and Trade, Parliament of Australia, Compassion, Not Commerce: An Inquiry into Human Organ Trafficking and Organ Transplant Tourism (2018), p 36

The State and Territory HTA's are restricted in their operation to activities that take place within their jurisdiction and do not cover the actions of persons outside the geographical boundaries of the relevant State or Territory, such as the solicitation or receipt of a commercial transplant overseas.<sup>18</sup>

Proposed legislation such as *Human Tissue Amendment (Trafficking in Human Organs) Bill 2016* sought to amend the *Human Tissue Act 1983 (NSW)* to address human rights violations such as organ harvesting and organ trafficking by creating extraterritorial offences relating to the use of organs and other tissue taken from people without consent; and imposing a duty on registered health practitioners to report a reasonable suspicion that a patient has received an organ or tissue that was commercially traded or taken without appropriate consent.<sup>19</sup>

It may be worthwhile to revisit such proposed amendments to State and Territory HTA's to address the concerns which prevented the proposed Bill from being enacted. Alternatively, it may be prudent to implement HTA at the federal level to ensure that legislative responses to organ harvesting or organ trafficking which introduces extraterritorial offences or imposes mandatory reporting is consistent across Australian States and Territories.

### **Solutions Beyond Legislation**

The Australian Government's submissions are that:

*“...a holistic approach should continue to be taken to address [transplant tourism], including efforts through the national reform agenda to encourage more lawful organ donations and to raise awareness of the risks associated with transplant commercialism”<sup>20</sup>*

As was stated in the Inquiry's report:

*“whilst there is information available through disparate sources, there is currently no uniform approach to education surrounding organ trafficking and transplant tourism in Australia. There are a number of education and awareness raising campaigns around organ donation and registering with the OTA, but these do not address transplant tourism or organ harvesting.”<sup>21</sup>*

We agree that educating Australian Government staff members, relevant stakeholders and the Australian public on the prevalence of organ harvesting and trafficking internationally and more particularly in China and the grave risks it poses to both the recipients and the victim donors is an important means of prevention and deterrence.

To formulate a “uniform approach to education”, it is important to listen to the victim communities and learn from their experiences so as to address and prevent these human rights violations and ensure that Australia and its citizens do not exacerbate or become complicit in such crimes against humanity.

### **5. What are some other uses for tissue and bodies and how should they be regulated?**

The case study of the ‘Real Bodies’ exhibition as set out in Part 6 of the Inquiry highlights the gap in legislation to address unethical use of human tissue. Despite legitimate and reasonable concerns that the bodies used in the exhibition belonged to Falun Gong practitioners and other prisoners of conscience<sup>22</sup>, the lack of legislative provisions to prevent the importation and use of unethically sourced human bodies and tissue absolved the organisers of the exhibition of any legal wrongdoing.

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<sup>18</sup> Ibid [5.18]

<sup>19</sup> Ibid [5.20]

<sup>20</sup> Ibid [5.47]

<sup>21</sup> Ibid [5.57]

<sup>22</sup> Ibid [6.4]-[6.5]

This remained the case even though there were calls from numerous stakeholders including the Royal Australasian College of Physicians (RACP) for the exhibition to be closed.<sup>23</sup>

We consider that there is scope for provisions to be introduced to HTA's to regulate or prohibit the trading, importation and use of human bodies, organs and tissue where the provenance of such human bodies, organs and tissue cannot be ascertained or where there are strong grounds for suspecting that such human bodies, organs or tissue have been procured through inhumane, unethical or illegal means.

## 6. Relevant Legislation in Other Countries

Organ transplant tourism, organ trafficking and forced organ harvesting of Falun Gong and Uyghurs and other prisoners of conscience in China have been recognised by the international community as a global issue and international human rights violation. Many countries in the developed world have enacted legislation or passed resolutions to sanction or condemn these criminal practices. The Inquiry in its Appendix D provides a summary of legislative approaches implemented by other jurisdictions including the United States, United Kingdom, Canada, Taiwan and Isreal.

A hyperlinked time-line summary of laws enacted by overseas jurisdictions is provided below:

### Legislation<sup>24</sup>

- [2025 – Arizona End Organ Harvesting Act Signed Into Law](#)
- [2025 – Tennessee Passes New Law to Stop Health Insurance Coverage of Organ Transplant Linked to China](#)
- [2024 – Idaho Passes Bill Targeting Insurance Coverage of Organ Transplants from China](#)
- [2024 – Utah Passes Bill Restricting Insurance Coverage of Organ Transplants from China](#)
- [2023 – Texas Passes New Law to Stop Health Benefit Plan Coverage of Organ Transplant in China](#)
- [2022 – Canada amends the Criminal Code and the Immigration and Refugee Protection Act \(trafficking in human organs\)](#)
- [2022 – Amendment to the Health and Care Act: UK Prohibits Commercial Organ Tourism](#)
- [2021 – UK Amends Medicines and Medical Devices Bill](#)
- [2020 – South Korea Amends Internal Organs Transplant Act](#)
- [2019 – Belgium Passes Legislation Reform to Combat Organ Tourism](#)
- [2019 – New South Wales \(Australia\) Introduces Modern Slavery Act](#)
- [2018 – Australia Introduces Federal Modern Slavery Act](#)
- [2017 – Norway amended Transplantation Law to implement the Convention against Trafficking in Human Organs](#)
- [2016 – Italian Parliament passed legislation punishing any person who illegally sell organs from living people with severe sanctions and stiff prison terms](#)
- [2015 – Taiwan Human Organ Transplantation Act amended and promulgated](#)
- [2010 – Spanish Criminal Code amended to combat transplant tourism and organ trafficking](#)
- [2008 – Israel Organ Transplantation Law](#)

In addition to legislation, many countries around the world have passed parliamentary or congressional resolutions to condemn forced organ harvesting and trafficking in China. Some noteworthy resolutions/ responses are extracted below:

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<sup>23</sup> Ibid [6.12]

<sup>24</sup> Table of hyperlinked legislation courtesy of: The International Coalition to End Transplant Abuse in China: <https://endtransplantabuse.org/legislation/>

## Parliamentary & Congressional Resolutions<sup>25</sup>

### Jan 2024 – European Parliament Resolution on the Ongoing Persecution of Falun Gong in China

Calls for the EU and its Member States to publicly condemn organ transplant abuses in China and to use the EU Global Human Rights Sanctions Regime and national human rights sanctions regimes against all perpetrators and entities that have contributed to the persecution of Falun Gong practitioners in China and abroad.

### May 2022 – European Parliament Resolution on the Reports of Continued Organ Harvesting in China

Requires that the Chinese authorities grant open, unfettered and meaningful access to the UN High Commissioner for Human Rights and the mandate holders of the special procedures of the UN Human Rights Council to visit Xinjiang; asks the Chinese Government to cooperate with the UN organisations on this matter; urges the UN Human Rights Council to deal with the issue of forced organ harvesting as a matter of priority.

### July 2016 – European Parliament written declaration

Written declaration, under Rule 136 of Parliament's Rules of Procedure, on stopping organ harvesting from prisoners of conscience in China

### June 2016 – US House of Representatives unanimously passes Resolution 343

Calls on the Government of the People's Republic of China and Communist Party of China to immediately end the practice of organ harvesting from all prisoners of conscience

### December 2013 – European Parliament resolution on organ harvesting in China

Calls on the Government of the People's Republic of China to end immediately the practice of harvesting organs from prisoners of conscience and members of religious and ethnic minority groups

## Recent International Legislative Developments

### **May 2025 - Falun Gong Protection Act & Stop Forced Organ Harvesting Act**

The United States House of Representatives passed the Falun Gong Protection Act (HR 1540), and the Stop Forced Organ Harvesting Act (HR 1503). If they become law, it will be US policy to avoid transplant co-operation with China, impose sanctions and criminal penalties on individuals involved in forced organ harvesting, and require investigation and reporting from certain federal agencies.

Prof. Arthur Caplan stated the following in relation to the above legislative development:

*"This is of enormous significance. A House Resolution will be heard and will trigger concern both inside China to reform procurement practices and internationally in terms of discouraging transplant tourism to China."* <sup>26</sup>

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<sup>25</sup> Extracts of Parliamentary & Congressional Resolutions with hyperlinks courtesy of: The International Coalition to End Transplant Abuse in China: <https://endtransplantabuse.org/parliamentary-congressional-resolutions/>

<sup>26</sup> Dr. Arthur L. Caplan, renowned Bioethicist, Replacement Parts - The Ethics of Procuring and Replacing Organs in Humans <https://dafoh.org/replacement-parts-interview-with-arthur-caplan/>

## Conclusion

It can be seen from the international legislative developments outlined above that despite Australia's close geographical proximity, Australia's legislative response to organ transplant tourism, organ trafficking and forced organ harvesting of Falun Gong and Uyghurs and other prisoners of conscience in China has not been as robust as that of the United States, United Kingdom, Canada and the European Union.

It is important that Australia keeps abreast of international measures aimed at countering these grave human rights violations to ensure a strong global joint response and for Australia to meet its international human rights obligations. Only by doing so can we maintain the integrity of Australia's human tissue and organ donation and transplantation network.

## 7. Other related matters

### Understanding the Chinese Communist Party (CCP) and China

To effectively respond to the Chinese communist government's dismissive attitude towards the West's democratic values, respect for human rights and the sanctity of life, it is imperative to understand the Chinese Communist Party's political ideology and beliefs.

As was recently stated by Kevin Rudd, Australian Ambassador to the United States:

*"One important body of thought has been largely absent from this search for understanding, however: Marxism-Leninism. This is odd because Marxism-Leninism has been China's official ideology since 1949. But the omission is also understandable, since most Western thinkers long ago came to see communist ideology as effectively dead — even in China."*

*"Under Xi, ideology drives policy more often than the other way around. Xi has pushed politics to the Leninist left, economics to the Marxist left, and foreign policy to the nationalist right. He has reasserted the influence and control the CCP exerts over all domains of public policy and private life, reinvigorated state-owned enterprises, and placed new restrictions on the private sector."<sup>27</sup>*

John Garnaut, founder of *Garnaut Global* consultancy, an authority on the Chinese Communist Party in a presentation at an Asian Strategic and Economic Seminar Series in 2017 titled, *Engineers of the Soul: what Australia needs to know about ideology in Xi Jinping's China* stated:

*"[I]f you're in the business of intelligence, defence or international relations; or trade, economic policy or market regulation; or arts, higher education or preserving the integrity of our democratic system - in other words, just about any substantial policy question whatsoever - then you will need a working knowledge of Marxism-Leninism Mao Zedong Thought."<sup>28</sup>*

On the CCP's view of the rights of the individual, Garnaut notes:

*"Under communism, individuals are merely a means to be used toward the achievement of the ends of the collective nation state. Thus, individuals can be easily sacrificed for the nation state's goals. Individuals do not have inherent value under Marxism-Leninism. They exist to serve the state; the state does not exist to serve them."*

<sup>27</sup> "The World According to Xi Jinping: What China's Ideologue in Chief Really Believes" published October 10 2022; <https://www.foreignaffairs.com/china/world-according-xi-jinping-china-ideologue-kevin-rudd>

<sup>28</sup> <https://sinocism.com/p/engineers-of-the-soul-ideology-in>

*The totalitarian machine works to a predetermined path. It denies the existence of free will and rejects “abstract” values like “truth”, love and empathy. It repudiates God, submits to no law and seeks nothing less than to remould the human soul.”*

It is this disdain for the value and dignity of human life that has led to the perpetuation of the atrocity of forced organ harvesting and brutal persecution of minorities including the Falun Gong and Uyghurs in China until the present day.

### **Analysing the CCP’s claims of reform**

The Sub-Committee’s **Recommendation 2** from the Inquiry was for the Australian Government to “seek the resumption of human rights dialogues with China.” A human rights dialogue calls for an open and honest discussion or a meaningful exchange of ideas and values. This is can only occur if China is willing to be fully transparent and provides verifiable independent evidence of reforms to its organ transplantation industry and practices and not just mere assurances of the same.

**Appendix E** to the Inquiry’s report being the Letter received from Embassy of the People’s Republic of China (submission from the Chinese Organ Transplant Development Foundation) is an example of a standard response containing such assurances and which seeks to cite the Foundation’s own claimed “policies” and work said to have been carried out in conjunction with other international organisations as evidence of China’s “reformed organ donation and transplantation system.”<sup>29</sup> It was noted by the Sub-Committee that the Foundation’s submission did not address the allegations of organ harvesting from prisoners of conscience<sup>30</sup>.

### **Analysis of official deceased organ donation data casts doubt on the credibility of China’s organ transplant reform**

A 2019 research paper published in *BMC Medical Ethics*, entitled *Analysis of official deceased organ donation data casts doubt on the credibility of China’s organ transplant reform*, by Matthew P. Robertson, Raymond L. Hinde and Jacob Lavee, examines China’s claims of organ procurement from voluntary donors, rather than executed prisoners.

The paper examined the availability, transparency, integrity, and consistency of China’s official transplant data by forensic statistical methods applied to deceased organ donation datasets from 2010 to 2018. Its conclusion was the following:

*“A variety of evidence points to what the authors believe can only be plausibly explained by systematic falsification and manipulation of official organ transplant datasets in China. Given that this data appears to have been falsified, international medical organizations may wish to reassess their stance. The welcoming of China’s organ transplantation system into the international medical community has been based on trust; in light of our findings, we believe this trust has been violated.”*

*“We believe that, given current information, the only plausible explanation that accounts for all of our observations is that the three datasets were manufactured and manipulated from the central levels of the Chinese medical bureaucracy. The goal of these elaborate efforts appears to have been to create a misleading impression to the international transplantation community about the successes of China’s voluntary organ donation reform, and to neutralize the criticism*

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<sup>29</sup> Joint Standing Committee on Foreign Affairs, Defence and Trade, Parliament of Australia, Compassion, Not Commerce: An Inquiry into Human Organ Trafficking and Organ Transplant Tourism (2018) [2.70]-[2.71]

<sup>30</sup> Ibid [2.72]

*of activists who allege that crimes against humanity have been committed in the acquisition of organs for transplant.”<sup>31</sup>*

A full copy of the above paper is recommended for reading and can be found at the following link:  
<https://rdcu.be/eu1N2>

Professor Anne-Marie Brady, a specialist in the politics of China under the CCP refers to its foreign elite capture and shaping global narratives about China in her 2019 submission to the NZ Justice Select Committee Inquiry into Foreign Interference:

*“Utilise foreign politicians, academics, and entrepreneurs to promote China’s national interest in the media and academia or at the very least, not raise a critical view. This is called “using foreign strength to promote China” (利用外力为我宣传). Build up asset relationships with susceptible individuals via China-based political hospitality at all-expenses-paid conferences, paid talks, paid and unpaid ‘advisory’ roles and consultancies. Prominent “advisors” can get as much as US\$150,000 per annum just for being affiliated to PRC entities. If necessary, compromise prominent individuals via: hacking of devices used while in China, bribery, honey traps, or use intimidation tactics such as denial of visas to China.”<sup>32</sup>*

In the absence of verifiable empirical evidence and independently tested data, Australia and the international community should not accept China’s claims of a “reformed” organ donation and transplantation system at face value.

## 8. Recommendations

1. Australia should adopt the twelve recommendations from the Joint Standing Committee on Foreign Affairs, Defence and Trade, Human Rights Sub-Committee’s report, “Compassion, Not Commerce: An inquiry into Human Organ Trafficking or Organ Transplant Tourism”.
2. The Australian Government should sign and ratify the Council of Europe Convention against Trafficking in Human Organs, and work with the States and Territories to make the requisite amendments to Commonwealth and State and Territory legislation and ensure non-legislative obligations are met.
3. Australian legislation or administrative policy should deter Australia’s public health system and insurance providers from providing or subsidising post procedure care for recipients of unethically sourced organs in circumstances where if the recipient knew, should have known or were recklessly indifferent of the unethical sourcing of the organ.
4. Australian hospitals, doctors and nurses and other medical professionals should not collaborate with or provide education, training or support to Chinese medical professionals in circumstances where there is a reasonable suspicion of these persons’ involvement in unethical organ transplantation or forced organ harvesting in China.
5. Australian health professionals should not engage with or participate in Chinese transplantation conferences, training or presentations.

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<sup>31</sup> Robertson, M.P., Hinde, R.L. & Lavee, J. Analysis of official deceased organ donation data casts doubt on the credibility of China’s organ transplant reform. *BMC Med Ethics* **20**, 79 (2019)

<sup>32</sup> <https://newsroom.co.nz/2019/05/08/anne-marie-bradys-full-submission/>

6. Australia should not permit Chinese transplant professionals to engage with or participate in Australian conferences, lectures or the provision of training in Australia.
7. Australian medical journals should not publish Chinese transplant research unless the sourcing of organs referenced in the research are verifiable and ethical sourcing is properly confirmed and documented.
8. Proper procedures and requirements should be implemented under mandatory reporting by Australian health professionals to collect data and sources of organs from transplants outside Australia.
9. Resources such as *GRC Legal Advisory Report & Policy Guidance*<sup>33</sup> should be utilised by relevant stakeholders in the field of organ transplantation to mitigate risks, prevent complicity and identify circumstances where disengagement may be required.

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<sup>33</sup> <https://globalrightscompliance.org/project/do-no-harm-legal-advisory-policy-guidance/>

## APPENDIX A

### TIMELINE ORGAN HARVESTING IN CHINA AND FALUN GONG

1960-1980	A 1994 Human Rights Watch (HRW) report, <i>Organ Procurement and Judicial Execution in China</i> <sup>34</sup> explains how China's organ transplant program began during the 1960s, expanded during the 1970s – although success rates remained low – and appeared to be faltering by the early 1980s.
1979	Governmental sanctioning of organ harvesting from prisoners reportedly began in 1979 with the issuance of a document from China's Public Health Ministry entitled, <i>Rules Concerning the Dissection of Corpses</i> . This document asserted the legality of the practice and laid the foundation for future generations. <sup>35</sup>
1983	The 1994 HRW report also notes China's transplant program was boosted in 1983 by a series of “crackdown on crime” campaigns, which increased the number of criminals sentenced to death (and the supply of transplantable organs), and the introduction of anti-rejection drug Cyclosporine A, which raised the success rate in transplant operations. In the absence of proper legal safeguards for prisoners' rights, this caused the evolving relationship between China's surgical capacity, patient demand and organ supply to develop in a particularly abusive direction.
1984	In 1984 China issued regulations entitled, <i>Provisions for Regulations on the Use of Dead Bodies or Organs from Condemned Criminals</i> . <sup>36</sup> In this 1984 internal document, the Chinese regime provided detailed instructions on the conditions and the procedures for harvesting organs from executed prisoners, including the coordination between health personnel and prison and public security officials and the need for confidentiality in the entire process. <sup>37</sup>
	<p>Note: Despite new regulations in China and claims of reform prohibiting organs taken from prisoners sentenced to death, this 1984 regulation still exists.<sup>38</sup></p> <p>By 1984, at least 98 hospitals around China had started organ transplant operations. Senior government cadres were reportedly given preferential status for organ procurement, while prompt organ transplant surgery was also widely available for high-paying foreign or overseas Chinese patients.<sup>39</sup></p>
1990's	During the 1990's the Uyghur people of the north-west region of China had become victims to fuel China's transplant program, as reported by investigative journalist Ethan Gutmann in his 2011 article, <sup>40</sup> “The Xinjiang Procedure” in the Weekly Standard. Gutmann recounted witness testimony from Enver Tohti, a general surgeon in an Urumqi hospital in 1995, and his experience of cutting out vital organs while a prisoner was still alive, and a young Uyghur doctor who took blood from Uyghur political prisoners in 1997 prior to their evisceration.

<sup>34</sup> [https://www.hrw.org/reports/1994/china1/china\\_948.htm](https://www.hrw.org/reports/1994/china1/china_948.htm)

<sup>35</sup> US Congress hearing in 2001, titled Organs For Sale: China's Growing Trade and Ultimate Violation of Prisoners' Rights [https://commdocs.house.gov/committees/intlrel/hfa73452.000/hfa73452\\_0.htm](https://commdocs.house.gov/committees/intlrel/hfa73452.000/hfa73452_0.htm)

<sup>36</sup> <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansard%2F2000-11-01%2F0146%22;src1=sm1>

<sup>37</sup> [https://commdocs.house.gov/committees/intlrel/hfa73452.000/hfa73452\\_0.htm](https://commdocs.house.gov/committees/intlrel/hfa73452.000/hfa73452_0.htm)

<sup>38</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC4668660/>

<sup>39</sup> [https://www.hrw.org/reports/1994/china1/china\\_948.htm](https://www.hrw.org/reports/1994/china1/china_948.htm)

<sup>40</sup> <https://www.fdd.org/analysis/2011/11/28/the-xinjiang-procedure/>

1999	By the end of 1999, the Uighur crackdown would be eclipsed by Chinese security's largest-scale action since Mao: the elimination of Falun Gong. By my [Gutmann] estimate up to three million Falun Gong practitioners would pass through the Chinese corrections system. Approximately 65,000 would be harvested, hearts still beating, before the 2008 Olympics. An unspecified, significantly smaller, number of House Christians and Tibetans likely met the same fate. <sup>41</sup>
1992	On 13 May 1992, Mr. Li Hongzhi first began teaching Falun Gong in his home town of Changchun, in northeastern China. Soon Falun Gong was recognized by the state-run China Qigong Science Research Association and Mr. Li was formally declared a "Master of Qigong," with a permit to teach nationwide.
1992-1994	Mr Li was invited to teach Falun Gong in 54 cities across China. He gave 9-day lectures at minimal cost, just to cover hall hire and travel expenses. His talks were unlike those of other qigong teachers because of his unwavering focus on moral standards and self-improvement.
1993	Mr Li was invited by the Ministry of Public Security to provide qigong treatments to injured attendees at a National Conference Recognizing Heroes in Justice and Courage. Mr Li also received awards at the Asian Health Expo in Beijing as "Most Acclaimed Qigong Master," and for "Advancing Frontier Sciences."
1995	Mr. Li was invited by the Chinese ambassador to lecture on Falun Gong at the Chinese Embassy in Paris. Also, <i>Zhuan Falun</i> , the complete teachings of Falun Dafa (transcribed from Mr. Li's 9-day lectures), was first published.
1996	Falun Gong withdraws from the state-run China Qigong Science Research Association as it refused to establish a Communist Party branch and charge fees for the practice. Without formal ties to the party-state, Falun Gong becomes one of the largest independent civil society groups in PRC history.  The first major state-run media articles appear criticizing Falun Gong. Falun Gong books are banned from publication by the Ministry of Propaganda. Mr. Li moves to the United States.
1997-1998	China's Public Security Bureau conducts an investigation into Falun Gong whether it is a "heretical teaching." It concludes, "No evidence has appeared thus far." China's State Sports Commission estimates that over 70 million people are practicing Falun Gong in China.  Qiao Shi, former Politburo member and Chairman of the Standing Committee of the National People's Congress, led an investigation into Falun Gong that concluded, "Falun Gong has hundreds of benefits for the Chinese people and nation, and does not a bit of harm."
1998-1999	Interference in public Falun Gong practice sites, and attacks on Falun Gong in state-run media escalate, even as positive reports continue alongside, suggesting internal divisions among China's political leadership.
1999-April 26	Over 10,000 Falun Gong adherents peacefully assemble outside the Central Appeals Office, adjacent to the Zhongnanhai leadership compound in Beijing, to

<sup>41</sup> Ibid.

raise concerns over the arrest and beatings of 45 practitioners the prior day in Tianjin by a Public Security Bureau team.

Then-Prime Minister Zhu Rongji meets with Falun Gong representatives in his Zhongnanhai office. By the end of the day, those arrested in Tianjin were released and the gathering quietly dispersed.

1999-June 10 The “6-10 Office” is established by Chinese Communist Party head, Jiang Zemin, to plan and execute a campaign to eliminate Falun Gong.

1999-July 20 The persecution of Falun Gong begins. Tens of thousands are abducted by security forces into detention centres and sports stadiums. Mass arrests ensue along with ransacking, and abductions. A nationwide propaganda campaign is launched demonising Falun Gong. Millions respond by petitioning Chinese authorities.

2000 As arrests continued and first reports of deaths from torture emerged, practitioners throughout China travelled to Tiananmen Square to appeal to their government, and the world for help, by meditating or raising banners like, “Falun Dafa Hao” (Falun Dafa is good). Police responded by beating and arresting them.

2004-Nov The “Nine Commentaries on the Communist Party,” a series of editorials exposing the real history of the Party is published overseas by The Epoch Times, and secretly circulated throughout China. Tourists bring copies back from Hong Kong, others download it from the Internet or receive them in the mail.  
It includes a chapter about the persecution of Falun Gong and set off a wave of denunciations and withdrawals from the Party, and from the affiliated Young Pioneers and Youth Brigade in China, and among the Chinese diaspora. As of July 2025, over 448 million have registered their withdrawal from the Party online.<sup>42</sup>

2006-March A woman who had worked in a Chinese hospital and a Chinese journalist revealed that Falun Gong practitioners in northeastern Suiyatun were being killed by the thousands for their organs. As evidence from investigation mounted, a Chinese military doctor also revealed the atrocities are taking place throughout the country.

2006-July Former Canadian Secretary of State David Kilgour and international human rights lawyer David Matas released a report – *Bloody Harvest* - with evidence showing harvesting of organs from Falun Gong practitioners in China appears more widespread than previously thought.

2014 *The Slaughter: Mass Killings, Organ Harvesting, and China’s Secret Solution to Its Dissident Problem*, by Ethan Gutmann reports that China’s organ transplant business and its connection with internment camps for arrested dissidents, especially the adherents of Falun Gong, still continues.

2016 *An Update (to Bloody Harvest and the Slaughter)* is published. Over 690 pages it analyses hospital revenue and websites, bed counts, utilization rates, surgical personnel, training programs, state funding, media reports, official propaganda and medical journals. The report shows that the Chinese regime is performing 60,000 to 100,000 transplants per year as opposed to a claimed 10,000 per year.

2019-2020 The *China Tribunal*, chaired by UK barrister Sir Geoffrey Nice KC, examined all available evidence on forced organ harvesting in China up to June 2019. Its final

<sup>42</sup> <https://global.tuidang.org/>

judgement issued on 1 March 2020 concluded: *Forced organ harvesting has been committed for years throughout China on a significant scale. Falun Gong practitioners have been one—and probably the main—source of organ supply. Commission of Crimes Against Humanity against the Falun Gong and Uyghurs has been proved beyond reasonable doubt.*

2021-June 12 United Nations human rights experts (Special Rapporteurs) said they have received credible information of alleged ‘organ harvesting’ targeting minorities, including Falun Gong practitioners, Uyghurs, Tibetans, Muslims and Christians, in detention in China. The experts call on China to promptly respond to the allegations of ‘organ harvesting’ and to allow independent monitoring by international human rights mechanisms.

2024-Jan The European Parliament passed a resolution calling for the EU and its Member States to publicly condemn organ transplant abuses in China and to use the EU Global Human Rights Sanctions Regime and national human rights sanctions regimes against all perpetrators and entities that have contributed to the persecution of Falun Gong practitioners in China and abroad.

2024 -Aug Mr Cheng Pei Ming, a Falun Gong practitioner from a rural area in Shandong Province, escapes from China and speaks out in the US. He is the first known survivor of China’s state-sanctioned forced organ harvesting practices.<sup>43</sup>

2025-May The United States House of Representatives passed the *Falun Gong Protection Act* (HR 1540), and the *Stop Forced Organ Harvesting Act* (HR 1503). If they become law, it will be US policy to avoid transplant cooperation with China, impose sanctions and criminal penalties on individuals involved in forced organ harvesting, and require investigation and reporting from certain federal agencies.

2025-July The persecution of Falun Gong in China, and forced organ harvesting, still continue today. For 26 years Falun Gong practitioners in China and around the world have continued to work peacefully and tirelessly to raise awareness to help end this atrocity.

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<sup>43</sup> <https://endtransplantabuse.org/first-known-survivor-of-forced-organ-harvesting-speaks-out-to-the-world/>