



**A STUDY ON THE ISSUE OF EXPLOITATIVE TRADE
AND TRANSPLANTATION OF ORGANS IN
PAKISTAN**

BEFORE

**THE STANDING COMMITTEE ON HUMAN RIGHTS,
THE NATIONAL ASSEMBLY OF PAKISTAN**

**From:
THE OFFICE OF THE CHAIRMAN
NATIONAL COMMISSION FOR HUMAN RIGHTS
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INTRODUCTION:

Organ transplantation is essential as it saves thousands of children and adults each year by giving them a renewed chance at living full and active lives. All over the world, different systems are being adopted in order to facilitate the patients who are waiting for such transplantation. In developing countries like Pakistan, the situation is entirely different because of the exploitative trade of the organs. People from different countries travel to India, Pakistan, China, Indonesia etc. in search of poor donors who are willing to give their organs (especially kidneys) in return for financial consideration. International media has ranked Pakistan in top 5 countries which are involved in organ trafficking worldwide.¹

Prior to 2010, Pakistan was considered as a destination for “transplant tourism” with people with renal failure travelling from different countries to Pakistan for the transplants. According to the study conducted by Sindh Institute of Urology and Transplantation (SIUT) on kidney vendors, it was discovered that mostly all the donors belong to poor backgrounds and most of them are bonded labourers. They are manipulated by the agents to sell their organs so that they can pay their debts and set themselves free. Unfortunately, in few cases the poor donors were not paid any consideration by the organ traffickers.²

For the first time in 2007, the Honourable Supreme Court of Pakistan while hearing the case of “human organs trade” directed the Federal Government to enact a law to curb the exploitative organs trade in Pakistan.

Parliament enacted Transplantation of Human Organs and Tissues Act, 2010 to curtail the inhumane, illegitimate and unethical buying and selling of human organs all across Pakistan and to regulate the process of transplantation in a proper manner without any

¹ Illegal kidney trade booms as new organ is 'sold every hour', Denis Campbell, the Guardian, May 27 2012.

² Spare organs: Illegal organ transplant market thrives in Pakistan, Ferya Ilyas, Express Tribune, December 6 2015.

financial compensation. The aforesaid Act has formed an Evaluation Committee which will ensure organ transplantation in a proper manner with prior approval of the Committee. According to Section 3 of the aforesaid Act, organ donations is strictly restricted to blood relatives only. In case of non-blood relatives, Evaluation Committee will evaluate the case in order to determine whether the transplantation is necessary and no monetary benefits are involved. If an organ is removed or transplanted without any authority or commercial dealing of human organs is involved then the persons involved will be punished with imprisonment for a term which may extend to ten years and with fine which may extend to one million rupees. (Section 9 and 10 of the Act)

The Parliament has enacted the law to facilitate the organ transplantation, yet Pakistan is still considered to be one of the biggest black market of organ trading in the World. The law on the subject needs to be amended taking into account various aspects such as;

ISLAMIC FIQH ON TRANSPLANTATION OF HUMAN ORGANS:

There is a difference of opinion regarding the Organ Transplantation between various Islamic School of Thoughts. According to one school of thought organ donation is prohibited in Islam. An incident was reported in newspaper in 2015 in which Ms. Kishwer Zehra (Member National Assembly) made a statement that she decided to donate her organs after death and she will also move “The Transplantation of Human Organs and Tissues Bill” to raise awareness about organ donations in Pakistan. In response to her statement, Mr. Moulvi Agha Muhammad (Member National Assembly) objected to the bill and said that organ donation has never been allowed in Islam.³

³ MNA to move bill that promotes posthumous organ donation, Ikram Junaidi, Dawn, April 05 2015.

Generally, it is forbidden to violate the sanctity of the deceased, as has been explained by the Prophet Muhammad p.b.u.h.:

"كسر عظم الميت ككسره حيا"

Which means: "Breaking the bones of a corpse, is similar to breaking the bones of someone who is alive." (Hadith narrated by Ibn Majah) Thus, the same respect accorded to someone who is alive has to be accorded to someone who is deceased. However, the hadith above refers to a violation or act on the body that is not permissible in Islam. The hadith above forbids mutilating corpses as was practiced in the pre-Islamic era, especially done to those who died in battles. However, Islamic law allows performing operation on corpses, such as a post-mortem caesarean on a deceased mother to save her baby's life, or to extract valuable objects such as diamonds from the body of the deceased, etc. As such, an operation on the body of the deceased for the purpose of saving a human life is allowed in Islam. This does not fall under the category of mutilating corpses which is prohibited by the Prophet.

Following are few of Islamic Fatwas from different Islamic jurisdictions which consider Organ Donations/Transplantations as valid in Islam.

a. Islamic Fiqh Academy

"Organs from the deceased can be transplanted to a patient, where the life of the recipient depends on the transplant, or if the continuation of the basic bodily functions of the recipient depends on the transplant. This is however, dependent on the deceased's consent, or that of his next-of-kin after his death, or by the decision of the leaders of the Muslim community, should the deceased be unidentified, or does not have any next-of-kin."

b. Fatwa of Dr Yusuf Al-Qaradhawi

"Someone who wishes to alleviate another human's suffering, such as kidney disease, by donating one of his healthy kidneys, is allowed to do so in Islamic law. [I]n fact, it

is considered to be a good act and the donor will be duly rewarded. This is based on a Prophetic tradition in which the Prophet p.b.u.h. is reported to have said that those who show kindness on earth will receive God's mercy and kindness.

INTERNATIONAL LEGAL FRAMEWORK ON PREVENTION OF ORGAN TRADE AND TRANSPLANTATION:

The Sixty-third World Health Assembly adopted resolution *WHA63.22* on 21 May 2010, which endorsed the updated World Health Organization (“WHO”) Guiding Principles and identified areas of progress to optimize donation and transplantation practices.⁴ According to the guiding principles, the sale and purchase of human organs has been strictly prohibited. Following are the guiding principles adopted by World Health Assembly:

- i. Cells, tissues and organs may be removed from the bodies of deceased persons for the purpose of transplantation if:
 - (a) Any consent required by law is obtained, and
 - (b) There is no reason to believe that the deceased person objected to such removal.
- ii. Physicians determining that a potential donor has died should not be directly involved in cell, tissue or organ removal from the donor or subsequent transplantation procedures; nor should they be responsible for the care of any intended recipient of such cells, tissues and organs.
- iii. Donation from deceased persons should be developed to its maximum therapeutic potential, but adult living persons may donate organs as permitted by domestic regulations. In general living donors should be genetically, legally or emotionally related to their recipients.

⁴ http://www.who.int/transplantation/Guiding_PrinciplesTransplantation_WHA63.22en.pdf?ua=1

- iv. No cells, tissues or organs should be removed from the body of a living minor for the purpose of transplantation other than narrow exceptions allowed under national law. Specific measures should be in place to protect the minor and, wherever possible the minor's assent should be obtained before donation. Cells, tissues and organs should only be donated freely, without any monetary payment or other reward of monetary value. Purchasing, or offering to purchase, cells, tissues or organs for transplantation, or their sale by living persons or by the next of kin for deceased persons, should be banned.
- v. The prohibition on sale or purchase of cells, tissues and organs does not preclude reimbursing reasonable and verifiable expenses incurred by the donor, including loss of income, or paying the costs of recovering, processing, preserving and supplying human cells, tissues or organs for transplantation.
- vi. Promotion of altruistic donation of human cells, tissues or organs by means of advertisement or public appeal may be undertaken in accordance with domestic regulation.
- vii. Physicians and other health professionals should not engage in transplantation procedures, and health insurers and other payers should not cover such procedures, if the cells, tissues or organs concerned have been obtained through exploitation or coercion of, or payment to, the donor or the next of kin of a deceased donor.
- viii. All health care facilities and professionals involved in cell, tissue or organ procurement and transplantation procedures should be prohibited from receiving any payment that exceeds the justifiable fee for the services rendered.
- ix. High-quality, safe and efficacious procedures are essential for donors and recipients alike. The longterm outcomes of cell, tissue and organ donation and transplantation should be assessed for the living donor as well as the recipient in order to document benefit and harm.
- x. The organization and execution of donation and transplantation activities, as well as their clinical results, must be transparent and open to scrutiny, while

ensuring that the personal anonymity and privacy of donors and recipients are always protected.

United Nations in its Convention against Transnational Organized Crime which came into force on 29th September, 2003, supplemented a Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children which is commonly known as Palermo Protocol. According to the Protocol, organ trafficking is placed under the definition of human trafficking. Article 3 of the Protocol states that: ⁵

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

United Nations Global Initiative to Fight Human Trafficking divided organ trafficking into three categories.⁶

- a. Cases where traffickers force or deceive the victims into giving up an organ.
- b. Cases where victims formally or informally agree to sell an organ and are cheated because they are not paid for the organ or are paid less than the promised price
- c. Vulnerable persons are treated for an ailment, which may or may not exist and thereupon organs are removed without the victim's knowledge.

⁵ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>

⁶ <http://www.ungift.org/knowledgehub/en/about/trafficking-for-organ-trade.html>

Several International Standards (like Guiding Principles of World Health Assembly) has been enforced in order to curtail the organized crime of organ trafficking.

LAWS ON ORGAN TRANSPLANTATION FROM DIFFERENT JURISDICTIONS:

United Kingdom:

United Kingdom has enacted Human Tissues Act, 2004 in order to regulate the subject of Organ Transplantation. Following are the aims and objectives of the aforesaid law:⁷

- To regulate the activities concerning removal, storage, use and disposal of human tissue. (Preamble of the Act)
- Human Tissue Authority has been established to regulate the process of removal, use, storage and disposal of human tissue. (Section 13-15 of the Act)
- Consent of the donor is essential for the lawful removal and transplantation of the organs. Proper procedure has been prescribed with regards to the consent of the donor. (Section 2-4 of the Act).
- It is prohibited to perform such activities mentioned below without the consent of the donor or his nominated representative. (Section 5 of the Act)
- License requirement is made part of the above-mentioned Act. A person who needs to perform anatomical examination, post-mortem examination, removal of organs from the body of deceased, storage of anatomical examination and use of body for public purposes is required to have license from the Authority in order to have lawful permission to do such acts as mentioned herein. (Section 16 of the Act).
- The Authority is required to prepare and issue codes for the purposes of giving practical guidance and laying down standards in relations to activities performed by licensed persons.

⁷ Human Tissues Act, 2004, http://www.legislation.gov.uk/ukpga/2004/30/pdfs/ukpga_20040030_en.pdf

- The Act has strictly prohibited the commercial dealings of human material for transplantation. Commercial dealings have been declared unlawful and criminal liability is created for such actions. Section 32 of the Act deals with the prohibition of commercial dealings and explains the different instances.
- The Act has created a new offence of DNA 'theft'. It is unlawful to have human tissue with the intention of its DNA being analysed, without the consent of the person from whom the tissue came. (Section 45 of the Act)

United States of America:

United States first enacted the Uniform Anatomical Gift Act, 2006⁸ which was later amended in 2009. The scope of aforesaid Act is limited to donations from deceased donors as a result of gifts made before or after their deaths. The Act prescribes the proper mechanism and procedures regarding the donations of organs made by the persons before their death. The Act has created a body namely "Procurement Organization" which will regulate and maintain the database of gifts of organs made by the person before his death.

United States also passed a National Organs Transplant Act, 1984⁹ to prevent the sale and purchase of human organs. The Act established a Task Force on Organ Procurement and Transplantation. The purpose of Task Force is to regulate deceased donor organs and maintain check and balance on the transplantations and the process in regards to a deceased donor organ transplantation along with other lines of duty. Title 1 of the Act prescribes functions of the Task Force which includes but not limited to the following:

- Conduct examinations of all medical, legal, ethical, economic, and social issues that may rise from obtaining deceased human organs and the transplantation of them.
- assessing immunosuppressive medication used to prevent organ rejection in transplant patients, including safety, effectiveness, costs, insurance reimbursements, and making sure those who need these drugs can receive them

⁸ Uniform Anatomical Gift Act, 2006, http://www.legislation.gov.uk/ukpga/2004/30/pdfs/ukpga_20040030_en.pdf

⁹ National Organs Transplant Act, 1984, <https://history.nih.gov/research/downloads/PL98-507.pdf>

- prepare a report including assessments of public and private efforts to obtain deceased human organs, problems in obtaining these organs, recommendations for education and training of health professionals and for education of the general public
- assessment of the effectiveness and of establishing a national registry of deceased human organ donors

Title II of the Act deals with the creation of Organs Procurement Organizations which are designed to have:

- effective agreements, to identify potential organ donors, with a substantial majority of the hospitals and other health care entities in its service area which have facilities for organ donations
- conduct and participate in systematic efforts, including professional education, to acquire all useable organs from potential donors
- arrange for the acquisition and preservation of donated organs and provide quality standards for the acquisition of organs which are consistent with the standards adopted by the Organ Procurement and Transplantation Network
- have a system to allocate donated organs among transplant centers and patients according to established medical criteria
- provide or arrange for the transportation of donated organs to transplant centers
- have arrangements to coordinate its activities with transplant centers in its service area
- participate in the Organ Procurement Transplantation Network established under section 372
- have arrangements to cooperate with tissue banks for the retrieval, processing, preservation, storage, and distribution of tissues as may be appropriate to assure that all useable tissues are obtained from potential donors
- evaluate annually the effectiveness of the organization in acquiring potentially available organs.

The Act has also established an Organ Procurement and Transplantation Network. The Organ Procurement and Transplantation Network shall be a private nonprofit entity which is not engaged in any activity unrelated to organ procurement, and have a board of directors which includes representatives of organ procurement organizations (including organizations which have received grants, transplant centers, voluntary health associations, and the general public). Following are the functions of Organ Procurement and Transplantation Network:

- (i) a national list of individuals who need organs
- (ii) a national system, through the use of computers and in accordance with established medical criteria, to match organs and individuals included in the list, especially individuals whose immune system makes it difficult for them to receive organs
- (iii) maintain a twenty-four-hour telephone service to facilitate matching organs with individuals included in the list
- (iv) assist organ procurement organizations in the distribution of organs which cannot be placed within the service areas of the organizations
- (v) adopt and use standards of quality for the acquisition and transportation of donated organs,
- (vi) prepare and distribute, on a regionalized basis, samples of blood sera from individuals who are included on the list and whose immune system makes it difficult for them to receive organs, in order to facilitate matching the compatibility of such individuals with organ donors.
- (vii) coordinate, as appropriate, the transportation of organs from organ procurement organizations to transplant centers
- (viii) provide information to physicians and other health professionals regarding organ donation
- (ix) collect, analyze, and publish data concerning organ donation and transplants.

India:

India firstly enacted the TRANSPLANTATION OF HUMAN ORGANS ACT, 1994¹⁰. The aforesaid Act is very similar to the one enacted by the Government of Pakistan i.e. Transplantation of Human Organs and Tissues Act, 2010. On the other hand, India proposed a Bill namely Transplantation of Human Organs (Amendment) Bill, 2009¹¹ to amend the above-mentioned Act, however, the Bill is still in the process of becoming an Act. The Bill has proposed some important changes in the law which must be taken into account while making proposed amendments/recommendations in our law.

Following are the amendments as proposed by the Transplantation of Human Organs (Amendment) Bill, 2009:

- The Bill has increased the scope of the Act by including tissues with human organs
- Definition of “near relative” has been extended by adding grandparents and grandchildren in it.
- In the section containing removal of organs from deceased person, a proviso has been added, according to which a doctor shall ask the patient or relative of every person admitted to the ICU whether any prior authorisation had been made. If not, the patient or his near relative should be made aware of the option to authorise such donation
- In case of live donation, Authorisation committees will be constituted by State Governments instead of Central Government.
- A new section related to Organ Swapping has been added. According to the proposed section, a pair of donor and recipient who are near relatives but whose organs do not medically match for transplantation are permitted to

¹⁰ <http://organdonationindore.org/THOA1994act.pdf>

¹¹ <http://organdonationindore.org/LegislativeBriefTransplantationofhumanorgansBill2009.pdf>

swap with another pair of such persons. The agreement between the two sets has to be approved by the Authorisation Committee.

- Addition in the powers of Appropriate Authority has been made and the Authority has been given the powers of Civil courts in regards to summoning of persons, issuing search warrants and production of documents.
- Establishment of National Human Organs and Tissues Removal and Storage Network to maintain a database of registry of donors and recipients of human organs and tissues.

JUDICIAL APPROACH TOWARDS EXPLOITATIVE ORGANS TRADE AND TRANSPLANTATION:

Superior Courts of India has observed in many cases a need to curb the exploitative trade of humans especially children and women and appreciated the transplantation keeping in view the requirements of Transplantation of Human Organs Act, 1994. Following are the case law regarding the exploitative human trade and organ transplantation by Indian Judiciary:

- **Nagendra Mohan Patnaik And Others Vs. The Government Of A.P. Rep. (1997 (1) ALT 504)**

“Existence of large scale illegal removal, storage of human organs and commercialisation affecting the poorer sections of the society, are well known causes to restrict the removal and transplantation of the human organs by every medical practitioner/persons, so that no one benefits himself/herself at the misery of the donors. No one to-day can deny that when transplantation of human organ is necessary to save a life and the medical science has recognised it as a method, it should receive approval as a method well-recognised and well-practised. Medical practitioners, however, are people who cannot behave like mercenaries and see only the interest of the recipient and not that of the donor. Can the society allow any hospital or clinic/a doctor or a physician to go astray and remove human organs to help it thrive as a business and emergence of middle-men to benefit at the cost of donors, who for the reasons of poverty sometime agree to sell their organs? There would have been

no need for the Legislature of the State to intervene, had concerned people shown respect to values of life. Medical practitioners are people who enjoy high social status in the society and are treated with respect by all concerned, for all beings and more so human beings need medicare. We have reasons to state that regulation of hospitals, as envisaged under the Act and the rules made thereunder, emphasise that they have to perform their duties by caring for the recipient as well as the donor and that they do not fall a prey to the designs of those who want to profit themselves at the cost of others.” [Paragraph 15]

- **Bachpan Bachao Vs. Union Of India & Others**
(2012 IAD (Delhi) 565)

“Trafficking in women and children is the gravest form of abuse and exploitation of human beings. Thousands of Indians are trafficked everyday to some destination or the other and are forced to lead lives of slavery. They are forced to survive in brothels, factories, guesthouses, dance bars, farms and even in the homes of well-off Indians, with no control over their bodies and lives. The Indian Constitution specifically bans the trafficking of persons. Article 23, in the Fundamental Rights, Part III of the Constitution, prohibits "traffic in human beings and other similar forms of forced labour". Though there is no concrete definition of trafficking, it could be said that trafficking necessarily involves movement/transportation, of a person by means of coercion or deceit, and consequent exploitation leading to commercialization. The abusers, including the traffickers, the recruiters, the transporters, the sellers, the buyers, the end-users etc., exploit the vulnerability of the trafficked person. Trafficking shows phenomenal increase with globalization. Increasing profit with little or no risk, organized activities, low priority in law enforcement etc., aggravate the situation. The income generated by trafficking is comparable to the money generated through trafficking in arms and drugs. Trafficking in human beings take place for the purpose of exploitation which in general could be categorized as (a) Sex- based and (b) Non-sex-based. The former category includes trafficking for prostitution, Commercial sexual abuse, paedophilia, pornography, cyber sex, and different types of disguised sexual exploitation that take place in some of the massage parlours, beauty parlours, bars, and other manifestations like call girl racket, friendship

clubs, etc. Non sex based trafficking could be for different types of servitude, like domestic labour, industrial labour, adoption, organ transplant, camel racing, marriage related rackets etc.” [Paragraph 17]

- **Balbir Singh Vs. The Authorisation Committee etc.**
AIR 2004 Delhi 413

“Each society and community has to develop and devise its principles and guidelines as per the prevalent norms of the Society for organ donation and transplantation. One norm which can be said to be all pervasive across the world is that trading and commercialization and exploitation in Organ Transplantation is discouraged and avoided. The donor can either be a relative other than a "near relative" or even an outsider, for which approval for transplantation is required to be given by the Authorization Committee under Section 9 for reason of affection, or attachment or other special reasons. The Donors falling in either class deserve protection and priority in treatment should the need arise for them. Similarly these benefits could be extended to family members of deceased who authorized donation of organs.” [Paragraph 21]

In Pakistan, unfortunately there is only one reported case against Organ trade which is titled as *“Sharafat Ali Vs. Additional Sessions Judge/Justice of Peace etc.”* titled as **2015 PCrLJ 1758**. The afore-mentioned case is regarding the registration of FIR against the doctor who fraudulently removed the kidney of the petitioner. Justice of Peace directed the Police officials for registration of FIR, but the Honourable High Court held that Justice of Peace has issued directions for Registration of FIR without advertent to express provisions of special enactment of Transplantation of Human Organs and Tissues Act, 2010 as the offence clearly comes under the ambit of Section 10 of the aforementioned Act and special procedure regarding the offence is laid under Section 14 of the Act which provides:

"14. Cognizance of offence.-(1) No Court inferior to that of the Magistrate of First Class empowered under section 30 of the Code of Criminal Procedure, 1898 (Act V of 1898) shall try an offence punishable under this Act.

(2) No Court shall take cognizance of an offence under this Act except on a complaint in writing made by:-

(a) The Monitoring Authority or its Secretary; or

(b) An aggrieved person who has given notice of not less than fifteen days, in such manner as may be prescribed, to the Monitoring Authority, of the alleged offence and of his intention to lodge a complaint.

"In view of above, this Court is of the firm opinion that the special law has provided a special procedure for initiation of criminal proceedings against the accused and it is an established principle of law that when a thing is provided to be done in a particular manner, it is to be done in that manner and if it is not so done, it is illegal. " [Paragraph 8]

RECOMMENDATIONS:

Taking into account of above-mentioned International Guidelines, Conventions and Protocols, Islamic Fatwas and Laws from different Jurisdictions, following are the recommendations proposed by National Commission for Human Rights to amend the Human Organs and Tissues Act, 2010 in order to protect the best interest of needy patients and to curb the organ trafficking within the jurisdiction of Pakistan:

Proposed Amendment of Penal Provisions:

1. Section 10 of the Transplantation of Human Organs and Tissues Act, 2010 provides punishment for term which may extend to ten years and fine which may extend to one million rupees. It is pertinent to mention here that,

Section 334 and Section 336 of Pakistan Penal Code, 1860 deals with the offences of same nature and the punishment is the same as mentioned above. Section 10 of the aforementioned Act shall be amended to the extent that offence be cognizable, non-bailable and amount fine be extended to fifty million rupees in the best interest of society at large.

2. Procedure for registration of case regarding commercial dealings of Organs is enunciated under Section 14 of the Transplantation of Human Organs and Tissues Act, 2010 which provides that a Court will take cognizance of an offence on a complaint made by Monitoring Authority or an aggrieved person who has given notice of not less than fifteen days to Monitoring Authority with intention to lodge a complaint. Section 14 of the aforementioned Act needs to be amended taking into account the timeline of fifteen days as it will cause delays in registration of cases.
3. Law enforcement agencies shall work in coordination with the Authorities in order to maintain the check and balance on hospitals, clinics, medical professionals designated for Organ Transplantation.
4. Foreign office be issued directions with regards to issuance of visas to foreigners.
5. DNA Theft be declared as unlawful if the DNA has been taken from the individual for such purposes without his/her consent.

Restructuring the functions and constitution of Monitoring Authority:

1. Powers of Monitoring Authority be amended keeping in view the functions of Task Force on Organ Procurement and Transplantation established in United States.

2. Monitoring Authority must be given the powers of Civil Court with regards to summoning of persons, issuing search warrants for raids and production of documents.
3. Member from Pakistan Medical and Dental Council and National Commission of Human Rights be added in the constitution of Authority. Also, Monitoring Authority shall work on District Levels and concerned DCOs and EDOs of the District be made part of the Authority.
4. A report must be published by the Authorities established under the Act in order to spread awareness regarding the difficulties in obtaining the deceased organs for needy people.

Restructuring the functions of Evaluation Committee:

1. Licensing requirement must be strictly followed and proper mechanism regarding the license be created. Any medical personnel who needs to perform anatomical examination, post-mortem examination, removal of organs from the body of deceased, storage of anatomical examination and use of body for public purposes must be required to have a license from the Authorities.
2. Organ Swapping shall be allowed with approval of the Evaluation Committee if both the pairs of donors and recipients mutually authorize such transplantation.
3. Organ Transplantation Network, a non-profit body shall be established keeping in view the structure and functions of Organ Procurement and Transplantation Network established in United States vide National Organs Transplant Act, 1984.
4. Media Cell be established to provide public awareness of organ transplantation in order to educate the people with regards to organ

donation and every citizen needs to be encouraged to make complaints regarding organ trafficking occurring in his/her area to Media Cell.

Steps for Promotion of Organ Transplantation:

1. Definition of “relative” be added which should not be limited to close blood relatives. It is recommended that definition of “relative” shall also include grandparents, grandchildren and guardians.
2. Non-profit agencies should be created and recognized by the Act with aim to provide proper counselling to the deceased’s family/nominated representative to encourage organ donation.
3. A donor must be allowed to nominate a representative who after the death of donor is authorized to make consent on behalf of the donor regarding organ donation.
4. Every patient in the ICU or in critical condition must be made aware of the option to authorize the organ donation in his/her life or in case of his death.

