

## **DECLARATION AGAINST TRANSPLANT TOURISM IN LATIN AMERICA**

Latin America has achieved in recent years to maintain a sustained economic and social development, allowing people of different countries gain access to new therapeutic modalities in the area of health, including the donation and transplantation of organs, tissues and cells.

The transplantation of organs, necessarily includes the use of organs from humans, generally scarce. No country in the world has succeeded in fully meeting its requirement of organs for transplantation, as their demand to care for patients in the country exceeds the local supply of organs.

According to **“The Declaration of Istanbul on Organ Trafficking and Transplant Tourism” of May 2nd, 2008, “travel for transplantation becomes transplant tourism if it involves organ trafficking and/or transplant commercialism or if the resources (organs, professionals and transplant centers) devoted to providing transplants to patients from outside a country undermine the country’s ability to provide transplant services for its own population”.**

This makes organ donation a process susceptible to commercial practices or contrary to ethics, such as misleading advertising, transplant tourism, trafficking and organs commercialization.

Considering:

- that in International Forums on donation and transplantation, some Latin American countries have been pointed as players or sponsors of transplant tourism, deceptive publicity and organ commercialization;
- that World Health Organization (WHO) has addressed this issue in the following Guiding Principles on donation and transplantation:
  - Guiding Principle 5: 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.

- Guiding Principle 6: Advertising the need for or availability of cells, tissues or organs, with a view to offering or seeking payment to individuals for their cells, tissues or organs, or, to the next of kin, where the individual is deceased, should be prohibited.
  - Guiding Principle 7: 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.
  - Guiding Principle 8: 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.
- that Iberoamerican Network/Council of Donation and Transplantation (RCIDT) quotes in the document about Bioethical Consideration as follows:

“Most of our Legislations state the prohibition of commercial transactions on donation and transplantation. During the last decades, in limited geographic areas, lucrative trafficking of organs has occurred through interested intermediaries with the exploitation of donors and recipients, which erodes the public feeling towards this kind of treatment.

A market in organs and tissues would primarily serve to institutionalize the exploitation of misery. While the medical risks would not be different, it would violate the right of individuals to the same consideration and respect, and enshrine the existence of two distinct groups of people, not only by its wealth but by their access to the most basic goods: life and health.”

- that it is responsibility of Health Authorities to guarantee and to watch over the right, the integrity, the improvement of health care, the defense and quality of life of their citizens;

Consequently, RCIDT, concerned about the existence of transplant tourism in some Iberoamerican countries:

- Expresses its opposition and disapproval to this practice, public and unanimously condemned by the International Community and competent organisms, make an alert call to governments of member states and highly recommends they oppose and/or take measures in their legislations to control and sanction the promotion and publicity of transplantation to people that come into foreign territory with the only purpose of organ transplantation (transplant tourism) from local or foreign donors, as these practices promote inequity, exclusion and social injustice, and violate human rights of national recipients.
- It will give support to the Health Authorities and public and private organizations part of this network, to move forward the identification of promoters and sponsors of transplant tourism that are detrimental to the citizens of the country where the transplant is performed, and distorts the general activity on donation and transplantation of the entire region.

All citizens of our countries who need a transplant must access it with transparency, efficiency and quality, for its own actions or cooperation agreements fair, equitable and of solidarity between our countries, giving priority to transplantation for those in need with organs from donors of their own country.