

**AUGUST 2010**

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**ORGAN &  
TISSUE  
DONATION**

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**JENNIE BRISTOW**



**DEBATING MATTERS  
TOPIC  
GUIDES**

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**MOTION:**

**“FINANCIAL  
INCENTIVES  
PROVIDE THE  
BEST SOLUTION  
TO THE CRISIS OF  
ORGAN AND TISSUE  
DONATION”**

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# INTRODUCTION

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In April 2010, the UK's Nuffield Council on Bioethics launched a public consultation on Human bodies in medicine and research [Ref: [Nuffield Council on Bioethics](#)]. A key question addressed by the consultation is whether it is ethical to use financial incentives to increase donations of organs and tissue, which in most cases is currently illegal in the UK [Ref: [Human Tissue Authority](#)]. Other options explored in the consultation include priority for the donor if they require a transplant later in life, the payment of more generous expenses and the sending of certificates or 'thank you' letters to the donor or donor's family [Ref: [BBC News](#)]. The Nuffield consultation takes place in the context of a worldwide discussion about the shortage of human tissues and organs, and the search for more effective ways of encouraging donation is taking place in countries across the globe, from the USA [Ref: [Daily News](#)], Canada [Ref: [Global Edmonton](#)] and New Zealand [Ref: [stuff.co.nz](#)] to Israel [Ref: [BBC News](#)], China [Ref: [Xinhuanet](#)] and Malaysia [Ref: [BNET](#)].

## KEY TERMS

[Consent](#)

[Organ donation](#)

[Personal autonomy](#)



**ORGAN & TISSUE DONATION:**  
"Financial incentives provide the best solution to the crisis of organ and tissue donation"



## The problem of donor shortages

In the UK, an estimated 1,000 people die per year while waiting for transplants: around 8,000 people are currently waiting for an organ, but there were only 3,500 transplant operations last year [Ref: [BBC News](#)]. The increase in fertility treatment means that there is demand for approximately 1,200 more egg donors and 500 more sperm donors. In response to this situation, the UK's Human Fertility and Embryology Authority (HFEA) has recently announced a public consultation on whether to relax the cap on payments to egg and sperm donors [Ref: [Daily Telegraph](#)]. Scientists also need people to donate human tissue for research. It is estimated that of the 660,000 people in the world who require any form of transplant, 10% receive one each year: and of these, 10% receive their transplant through commercial 'transplant tourism' [Ref: [National Center for Biotechnology Information](#)]. The use of organs and tissue in the UK is regulated by the Human Tissues Act 2004 [Ref: [Human Tissue Authority](#)].

There are different aspects to this debate, depending on which organs and tissues are being talked about. For organs such as hearts and livers, the debate is focused on encouraging people to donate at the time of their death. The questions about kidneys and bone marrow involve 'living donors', who will undergo risky and painful procedures to donate. To what extent should people be encouraged to put themselves through such procedures for somebody else's benefit (or encouraged to do so)? Egg donation is more invasive than sperm donation, but in both cases the issue is complicated by other regulations, for example the removal of donor anonymity in the UK [Ref: [The Times](#)]. However, all of these discussions share a common theme: should individuals

donate their organs and tissue for altruistic reasons, or should they receive financial rewards for doing so?

## Donating for the common good?

The current situation in the UK is one where individuals 'opt in' to the organ donor register if they wish to donate their organs after death. Payment or incentives for living donations of organs and tissue is prohibited. This is based upon the ideal that people should donate their organs and tissues for altruistic reasons [Ref: [Human Tissue Authority](#)]: a situation that prevents people from being pressurised, through financial or legal means, and which represents a broader public-spiritedness that would be irreparably damaged by the introduction of incentives [Ref: [Daily Telegraph](#)]. One possible alternative that has been discussed in the UK is moving towards a system of 'presumed consent', where people are assumed to agree to consent to their organs being donated after death, unless they actively 'opt out' during their lifetime or their families are strongly opposed [Ref: [The Times](#)]. This system is used in Spain [Ref: [BBC News](#)], which is known for its high donation rate, and many other European countries [Ref: [BBC News](#)]. A system of presumed consent has been strongly supported by medical organisations including the British Medical Association [Ref: [Medical News Today](#)] and the Royal College of Physicians [Ref: [Daily Mail](#)], and former prime minister Gordon Brown.

A review of presumed consent by a government-appointed taskforce rejected such a system in 2008, on the grounds that it would 'undermine the concept of a donation being a gift' [Ref: [Guardian](#)]. It has been argued that forcing people to donate their

## THE ORGAN & TISSUE DEBATE IN CONTEXT CONTINUED...

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organs will be counter-productive and the goal would be better achieved through a dedicated campaign to persuade people of the morality of organ donation [Ref: [spiked](#)]: UK Transplant launched such a campaign in 2009 [Ref: [UK Transplant](#)].

However, presumed consent remains a popular idea in the UK and elsewhere, as a means to increasing donation rates without offering financial incentives [Ref: [Daily News](#)]. Another option is that introduced by Israel, where donor card carriers are given a legal right to priority treatment if they should require an organ transplant [Ref: [BBC News](#)].

### Rewarding people for their sacrifice?

There are many forms of financial incentive up for discussion.

One is a system similar to that used in Iran, where a compensated and regulated living-unrelated donor renal transplant program was adopted in 1988: eleven years later, Iran had eliminated its waiting lists for kidney transplants [Ref: [Clinical Journal of the American Society of Nephrology](#)].

Suggested alternatives to cash payments include incentives such as help with paying for funeral costs, a system of grants to reimburse living donors [Ref: [Vancouver Sun](#)], or tax credits [Ref: [Science Daily](#)]. Some have raised concerns that payment for organs and tissue will exploit the poor and vulnerable; however, some studies suggest that payments motivate people to donate kidneys across income groups [Ref: [American Medical News](#)], and that payments do not deter people from donating altruistically [Ref: [Penn Medicine News](#)]. It is argued that the ban on financial incentives in the developed world leads to 'transplant tourism', where individuals buy organs from desperate members of less wealthy societies: or even on the

black market in countries like the USA [Ref: [PR Newswire](#)]. It is also argued that living donors face financial barriers to donating, and that incentives should be thought of as reimbursement [Ref: [Canadian Medical Journal](#)]. Some argue that offering financial incentives could encourage people to lie about their medical history, and put recipients at risk [Ref: [Business Wire](#)]; but others counter that these problems could be overcome with medical screening and regulation [Ref: [FindLaw](#)]. It is widely argued that altruism alone does not work, and nor is it straightforward, forcing the recipient of an organ to carry an emotional debt [Ref: [American](#)].

## ESSENTIAL READING

Human bodies in medicine and research

Nuffield Council on Bioethics 2010

Should there be a cash incentive for organ donation? (Debate)

BBC News 20 April 2010

Should women in Britain be paid to donate their eggs? (Debate)

Sun 17 March 2010

Would you donate your body to Gordon Brown?

Mick Hume *spiked* 16 January 2010

The potential impact of an opt out system for organ donation in the UK: an independent report

Organ Donation Taskforce 17 November 2008

Q&A: Organ donation laws

BBC News 17 November 2008

Organ Donation And Presumed Consent - BMA Position

Medical News Today 15 January 2008

## FOR

Altruism + incentive = more organ donations

Sally Satel *The Times* 11 June 2010

Suit Challenges Federal Ban on Compensation for Bone Marrow Donors

Donors

Sherry F. Colb *FindLaw.com* 9 November 2009

Putting organ traffickers out of business

Jeff Stier *Guardian* 24 July 2009

An ethical market in human organs

Charles A Erin and John Harris *Journal of Medical Ethics* 2003

## AGAINST

Egg donation must remain voluntary

Max Pemberton *Daily Telegraph* 26 April 2010

Your finest legacy should be the gift of life for a stranger

Joan Smith *Belfast Telegraph* 23 April 2010

Legalizing the Organ Trade?

Peter Ritter *Time* 19 August 2008

Financial Incentives for Organ Donation

National Kidney Foundation 1 February 2003

## IN DEPTH

A Life-Saving Approach to Transplantable Organs

Michael F. Cannon *Cato@Liberty* 23 June 2010

EU Directive on Organ Donation and Transplantation Briefing

*EUbusiness* 20 May 2010

Payments found to increase willingness to donate a kidney

Kevin B. O'Reilly *American Medical News* 22 March 2010

'Dan Rather Reports' Investigates Black Market Organ Trafficking

*PRNewswire* 12 January 2010

Pay donors to end IVF egg shortage, says fertility watchdog

Claire Ellicott and Fiona Macrae *Daily Mail* 28 July 2009

When Altruism Isn't Moral

Sally Satel *American* 30 January 2009

Presumed consent 'not ruled out'

BBC News 17 November 2008

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## ESSENTIAL READING CONTINUED...

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How the Spanish donor system works

Branwen Jeffreys *BBC News* 13 January 2008

Live Kidney Organ Donation: Is It Time for a Different Approach?

Iranian Model

Ahad J. Ghods and Shekoufeh Savaj *Clinical Journal of the American Society of Nephrology* 2006

Living organ donors face financial barriers: A national reimbursement policy is needed

Scott Klarenbach, Amit X. Garg and Sorina Vlaicu *Canadian Medical Association Journal* 14 March 2006

Organ donations: The failure of altruism

Linda C. Fentiman *Issues in Science and Technology* 1994

Paying kidney donors: time to follow Iran?

Rupert WL Major *McGill Journal of Medicine*

Teaching Ethics in Organ Transplantation and Tissue Donation (pdf)

*Universitätsverlag Göttingen*



## BACKGROUNDEERS

Brother, can you spare a kidney?

Shlomo Brody *Jerusalem Post* 5 July 2010

I feel like I'm the last sperm donor in Britain

Andy Jones *The Times* 25 June 2010

A new kidney, a new life ahead – and then tragedy struck

Peter Stanford *Daily Telegraph* 30 May 2010

New thinking on a matter of life and death

*Independent* 21 April 2010

Israeli organ donors to get transplant priority

Adam Brimelow *BBC News* 17 December 2009

Presumed consent 'not ruled out'

*BBC News* 17 November 2008

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## ORGANISATIONS

British Medical Association (BMA)

British Transplantation Society

European Society for Organ Transplantation

Human Tissue Authority

Patient Concern

The Patients Association

The Transplantation Society

UK National Kidney Federation

UK Transplant



## IN THE NEWS

Egg and sperm donors could get up to £800 in payments  
*Daily Telegraph* 22 August 2010

Province offers grant for living organ donors  
*Edmonton Journal* 7 July 2010

Ethicist Urges Tax Credits to Spur Organ Donation  
*ScienceDaily* 3 June 2010

'Human organs are not for sale'  
*New Straits Times* 6 May 2010

NY lawmaker wants presumed organ donation consent  
*Daily News Los Angeles* 27 April 2010

Cash for organs a bad idea  
*Sunday Sun* 25 April 2010

S China province pilots organ donation system  
*Xinhuanet* 21 April 2010

Organ donation incentive plans labelled 'crass'  
*Oxford Mail* 20 April 2010

Organ donors could be rewarded under plans to boost registration  
*The Times* 20 April 2010

Be an organ donor, get a free funeral! Incentive plan to ease the transplant shortage  
*Daily Mail* 20 April 2010

British group asks how best to boost organ supply  
*Associated Press London* 19 April 2010

Call to pay donors for their organs  
*Dominion Post* 8 April 2010

Woman appeals for kidney donor: Incentives available to anyone willing

*Sudbury Star* April 2010

Leading Transplant and Transfusion Organizations Join Forces  
*Business Wire* 22 March 2010

In Israel, a radical way to boost organ supply  
*MSNBC* 14 March 2010

Donor shortage 'driving women to risky online sperm banks'  
*Daily Telegraph* 22 January 2010

Kidneys for Sale: Transplant Experts Say Uncommon in the US, but Difficult to Police  
*Nephrology Times* Volume 2, Issue 12 December 2009

Change the law to force adults to decide on organ donation, say doctors  
*Daily Mail* 2 November 2009

Taskforce opposes 'presumed consent' for organ donors  
*Guardian* 18 November 2008

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**“TEENAGE CITIZENS  
THINKING DEEPLY  
ABOUT...SOCIAL  
ISSUES”**

**IAN GRANT, CEO, BRITANNICA**

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