3 National

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Bill seeking ban on organ trade deferred again

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ISLAMABAD, Jan 23: The proposed Human Organs and Tissues Transplant Bill has been once again deferred by the federal cabinet, prompting its proponents to think that a strong lobby in the government is obstructing the much-awaited law to curb booming trade of organs in the country.

"The bill was sent to the cabinet, but wasn't taken up at the last meeting," federal health secretary Anwar Mehmood told Dawn on Monday.

The government has been speaking for years about putting in place a law to discourage the lucrative trade in human parts, but nothing much has been achieved except for some paper work by the health ministry. The bill has made it to the cabinet a number of times, only to be deferred.

The health secretary says it is going ahead according to the rules of business.

Sindh Institute of Urology and Transplantation's founder and Director Dr Syed Adibul Hasan Rizvi, who has been at the fore-front of the struggle for the last several years for the law and a staunch supporter of altruistic transplantation, expressed disappointment at the deferment. "We have been struggling for some 19 years now, but a strong lobby is hindering the legislation," he added.

The absence of a law is particularly benefiting those involved in the kidney trade in the country, which is already being dubbed as Kidney Bazar.

Rough estimates show that the annual turnover of the kidney business here, centered in the country's two most politically powerful cities of Rawalpindi and Lahore, is close to Rs980 million.

The thriving business is also attracting transplant tourists from all over the world especially because of a ban on trading in human organs in most countries of the world. The biggest boost to the business in the country came from a ban in India on the controversial trade 10 years ago.

Rampant poverty in the country is one of the leading factors behind the growth in the trade. Poverty stricken people take this as an easy fix to their monetary woes without realizing the long-term implications of their decision.

Prospective recipients from Australia, Europe, the Middle East and the United States who visit clinics here providing human organs pay up to US$ 40000 for a kidney, while the donors get as little as US$1000 to US$2000 out of the deal.

Although, the trade is banned in their own countries, a large number of patients coming here for transplant are actively supported by their embassies in finding donors.

Dr Rizvi minces no words while suggesting that all this was happening with the blessings of certain elements in the government that had been successfully delaying the enactment of the law. He reminds the government of its responsibility to enact the law saying the World Health Organization forbids organ sales.

In 1991, the World Health Assembly endorsed the WHO Guiding Principles forbidding organ sales, which state: "The human body and its parts cannot be the subject of commercial transactions. Accordingly, giving or receiving payment (including any other compensation or reward) for organs should be prohibited." The assembly, in 2004, further resolved to make countries accountable for transplant activities by calling on member states to protect the most vulnerable from transplant tourism and the sale of tissues and organs.

The WHO advocates increase in the supply of kidneys from deceased patients, followed by those from living related donors in national, non-commercial and ethical programmes governed by legal frameworks.

Mr Ayaz Kiani, Executive Director of The Network, an NGO working on consumer issues, says this hesitation on the part of the government is anti-people.

"It looks the government is either not interested in the bill or is in double mind over the issue – whether to enact the law or kill it," he said.

The Network is sceptical about the government's plans to promote medical tourism in the country and says it is just a cover-up to protect and further promote trade in human organs.

The government, The Network says, has come up with special incentives for the transplant industry, exempting the import of plant, machinery, equipment and drugs used in kidney dialysis and transplant. These exemptions cost the government a revenue loss of Rs230 million in the current fiscal only.