

# To legalise organ trade in kidneys: A good solution for reducing the waiting lists?

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*A 60-year-old male from the United States has been on a waiting list for a kidney transplantation for almost two and a half years. Through unofficial routes, he learns that he can buy a new kidney in India. In the meantime, in India, there is a family with great financial debts. The husband pressures his wife to sell a kidney. He argues that he takes care of the weekly income of their household and, therefore, cannot be missed. The wife donates her kidney even though she was not adequately informed about the potential health consequences. She has terrible postoperative pains and starts having bad dreams. Meanwhile, back in the US, the receiver of the kidney sees his nephrologist, who urges him to test for transmittable diseases such as hepatitis, tuberculosis and HIV immediately.*

## **Introduction**

As shown in the case above, there are many difficulties concerning organ donation and organ trade. The long waiting lists are a major problem. These exist all over the world. In the USA, in 2012, there were more than 114.000 patients waiting for an organ. In the Netherlands, there were more than 1.300 people on the waiting list at the end of 2011. In the region where organ donation is organised by Eurotransplant, which consists of Austria, the Benelux, Croatia, Germany, Hungary and Slovenia, 15 499 persons were waiting for an organ at the end of 2011. Iran is one of the few exceptions: it is the only country in the world where kidney transplantation is assisted by a governmental reward. Iran's controlled living unrelated donor (LURD) program for renal transplantation has resulted in an elimination of the renal transplant waiting list in 1999. This shows that selling kidneys could be an effective way to reduce the waiting lists.

The question rises, however, whether this is also ethically acceptable. Organ trafficking is defined by the United Nations in the following way: "Organ trafficking entails the recruitment, transport, 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

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the abuse of power, of a position of vulnerability, 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 by the removal of organs, tissues or cells for transplantation." One of the keywords in this definition, is that organ trafficking is regarded as exploitation.



Currently, organ trafficking accounts for 5-10% of all the kidney transplants in the world, as estimated by the World Health Organization. Commerce in kidney transplantation occurs in many parts of the world, especially in India, China, Pakistan, South Africa, the Middle East and South America. The ethical issue concerning organ trade is that poor people are forced to sell a kidney: they sell an organ when they see no other way out of poverty. That is why many people do not consider kidney sales as an expression of individual autonomy, but as acts of desperation by impoverished individuals. On the other hand, there are people who justify kidney sales as a practice to save the lives of patients with no other treatment option, and at the same time to help a donor overcome poverty. There are a few aspects that have to be taken into account, when contemplating whether the legalisation of regulated organ trade is a good

option to reduce the waiting list for kidney transplantations. Firstly, the health consequences of donating a kidney should be taken into consideration. Secondly, it is important to know what the economic consequences of selling a kidney are for the donor.

### **Health consequences**

There are many different types of health consequences that play a role in the lives of organ vendors. After selling a kidney, there can be complications. A survey in India showed that the subjective health status of people declined after selling a kidney. Furthermore, 50% complained of persistent pain at the nephrectomy site, and 33% complained of back pain. This survey reported that 79% of the participants would not recommend selling a kidney to other people, and they would not have sold their kidney had they

understood these consequences. In an article written for the World Kidney Forum it is stated that the health status deteriorates after a paid kidney donation. High prevalences of depression and psychosomatic reactions have been reported among donors, which often leads to social isolation. Iran's regulated system for unrelated organ donation leads to the same problems as in an unregulated system: in both cases, the donor is 'forced' to sell a kidney due to debts and poverty. The situation is different in the case of living related donations. Altruistic kidney donations generally do not lead to change or a deterioration of psychosocial health.

Not only the donor, but also the recipient may experience negative health consequences after donation. This is especially the case when the transplantation occurs in a 'back-street' clinic. These clinics often do not even have clean sanitation, let alone good hygiene regulations, which increases the danger of developing complications after the transplantation. Furthermore, transmission of infectious diseases from the donor to the recipient may occur. Diseases like HIV and hepatitis are transmittable diseases. These diseases are normally transmitted through blood contact, but can also be caused by the transplantation of a kidney. This effect has been observed in different countries, including India, Iran, Pakistan, the Philippines and Malaysia. A recipient usually does not know where his new kidney is coming from. This issue could be solved by legalising and regulating organ trafficking. Where regulation is possible, testing potential donors beforehand can then be demanded.

An important problem regarding uncontrolled commercial renal transplants is that there is an incomplete medical follow-up for the donor and the recipient. This results in high incidences of complications. This problem could be

addressed by regulation, because the sale of kidneys would move from the black market to a regulated market. Unfortunately, Iran shows that a regulated market does not automatically improve the follow-up. Even though it has a regulated system, the follow-up and health care after donation are still inadequate. A study by Zargooshi showed that 79% of the vendors had no follow-up visit after the removal of stitches. This is because donors are often unable to pay the consultation fees. Also in Iran, it seems that many vendors are not well informed about the consequences of selling a kidney, and of the precautions they should take. This resulted for many people in isolation, because they did not dare to return to their original work or they did not dare to practice sports any longer<sup>2</sup>. Isolation is also a major reason for deterioration in health status, as it causes depression and other psychosocial problems.

### **Economic consequences**

Besides health risks, there are also negative economic consequences for kidney donors. Often, these consequences arise from the negative health consequences brought on by selling an organ. Most donors sell their kidney to pay off financial debts. However, research has shown that, after selling a kidney, the economic status of the majority of donors deteriorates. Several reasons have been proposed. Firstly, agreed

**“Most donors sell their kidney to pay off financial debts”**

prices are often not received. Furthermore, many people remain physically weak and become unable to work such long hours as they did before nephrectomy. Often they have to switch jobs or they cannot work at all. Donors are rarely adequately informed about the fact that they might be un-

able to work for, at least, a while. In a regulated market, the up-front information could be improved. The question remains if this would change the situation.

### Conclusion

In conclusion, organ trade in kidneys should not be legalised. The main reasons for selling organs are extreme poverty and accumulated debts. The regulation of organ donation could improve the awareness among organ vendors about potential negative consequences of donation. In addition, it could lead to a better follow-up of patients. Unfortunately, there are too many negative health and economic

consequences for the organ vendor that are difficult to overcome, even when regulating organ trade. Therefore organ trade in kidneys should not be legalised. It is, however, still a global problem that deserves our urgent attention, in order to come up with solutions to prevent this illegal trade in the first place.

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### About the author

Elske van den Burg is a fourth year medical student at Maastricht University. She has followed the Honours Programme International health and this article was part of her thesis.

