

2019 DRAFTING REQUEST

Senate Joint Resolution

For: **André Jacque (608) 266-9870** Drafter: **jkreye**
 By: **Adam** Secondary Drafters:
 Date: **9/20/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Sen.Jacque@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Expressing concern over reports of systematic, state-sanctioned, forced organ harvesting in the People's Republic of China

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 9/20/2019	anienaja 9/20/2019			
/P1			jmurphy 9/20/2019		
/1			dwalker 9/20/2019	mbarman 10/31/2019	

FE Sent For: **<END>**

Kreye, Joseph

From: Cathlene Hanaman <cathleneh@gmail.com>
Sent: Friday, September 20, 2019 9:49 AM
To: Kreye, Joseph; Gallagher, Michael
Subject: Fwd: Updates to LRB-0184, Falun Gong Resolution

Is one of you there? Liah has a checkup and I'm taking Brian to the airport. I may be there in the 11 o'clock hour for a bit.

Sent from my iPhone

Begin forwarded message:

Cathlene,

I have two updates to the resolution that have been requested by our stakeholder. I see André already requested a /1 of LRB-0184, so would be able to get a new draft of the resolution with the two additional lines included and would be possible to have it tuned around today?

-Nik

Nik Rettinger III

Chief of Staff
Office of Senator André Jacque
1st Senate District
608-266-3512

From: Sharon Remer <sharon.remer10@gmail.com>
Sent: Sunday, September 15, 2019 6:24 PM
To: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Subject: Addition to Resolution

Hi Nik,

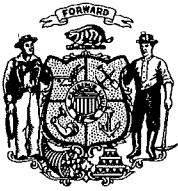
I am wondering if it is possible to add two "whereas" at the end of the resolution regarding the China Tribunal's (an international tribunal tasked with investigating forced organ harvesting in China) final conclusions. See below and let me know what you think. My hope is that it won't be a lot of work to add it. Thanks much - Sharon

Whereas an independent international tribunal, the China Tribunal, investigated the claim of forced organ harvesting from prisoners of conscience in China, and states in its December 2018 short form summary of its findings: "The Tribunal's members are certain-unanimously, and sure beyond reasonable doubt-that in China forced organ harvesting from prisoners of conscience has been practiced for a substantial period of time involving a very substantial number of victims."

Whereas the China Tribunal's final report, released on June 17, 2019, concludes that "forced organ

harvesting has been committed for years throughout China on a significant scale and that Falun Gong practitioners have been one – and probably the main – source of organ supply;” now, therefore, be it

Resolved by the senate, the assembly concurring, That:



State of Wisconsin
2019 - 2020 LEGISLATURE

4396/81
LRB-0184/1
CMH:amn

KJK

2019 SENATE JOINT RESOLUTION

insert

Walsh 9-20

1 **Relating to:** expressing concern over persistent and credible reports of systematic,
2 state-sanctioned, forced organ harvesting from nonconsenting prisoners of
3 conscience, including Falun Gong practitioners imprisoned for their spiritual
4 beliefs and members of other religious and ethnic minority groups in the
5 People's Republic of China.

6 Whereas, when performed in accordance with ethical standards, the medical
7 discipline of organ transplantation is one of the great achievements of modern
8 medicine; and

9 Whereas, organ transplantation depends on altruistic organ donation, which
10 is based on free, voluntary, and informed consent of the donor, not his or her killer;
11 and

12 Whereas, free, voluntary, and informed consent cannot be guaranteed for death
13 row prisoners who are deprived of their freedom and exposed to coercion; and

1 Whereas, forced organ harvesting is understood as organ procurement without
2 free, voluntary, and informed consent, and includes jeopardizing the survival of the
3 nonconsenting organ donor; and

4 Whereas, the People's Republic of China implemented a regulation in 1984 that
5 permits organ harvesting from executed prisoners, a practice that is banned by the
6 World Medical Association and international ethical standards but continues
7 unabated to date in China; and

8 Whereas, the organ transplantation system in China does not comply with the
9 World Health Organization's Guiding Principles of traceability and transparency in
10 organ procurement pathways, and the government of the People's Republic of China
11 has resisted independent scrutiny of the system; and

12 Whereas, the Country Reports on Human Rights Practices for 2011 by the U.S.
13 Department of State reporting on China stated, "Overseas and domestic media and
14 advocacy groups continued to report instances of organ harvesting, particularly from
15 Falun Gong practitioners and Uighurs"; and

16 Whereas, Falun Gong, a spiritual practice involving meditative "qigong"
17 exercises and centered on the values of truthfulness, compassion, and tolerance,
18 became immensely popular in China in the 1990s, with multiple estimates placing
19 the number of practitioners at upwards of 70 million; and

20 Whereas, in July 1999, the Chinese Communist Party launched an intensive,
21 nationwide persecution, including physical and mental torture, designed to
22 eradicate the spiritual practice of Falun Gong due to its growth and independence
23 from the state, just as religious and ethnic groups have long been persecuted by
24 Chinese government authorities because they are perceived as a threat to the
25 communist regime; and

1 Whereas, since 1999, hundreds of thousands of Falun Gong practitioners have
2 been detained extralegally in Chinese reeducation-through-labor camps, detention
3 centers, and prisons, where torture, abuse, and implausible medical exams and blood
4 tests on Falun Gong practitioners are routine; and

5 Whereas, the number of organ transplant operations in China increased by
6 more than 500 percent within five years after 1999, corresponding with the onset of
7 the persecution of Falun Gong practitioners; and

8 Whereas, the increase of transplant organs is not attributable to an overall
9 increase in the number of death row inmates or to a public organ donation system
10 or another publicly recognized organ source; and

11 Whereas, the government of the People's Republic of China has not provided
12 any explanation for the sudden increase of donor organs and the short wait times of
13 one to four weeks for kidney and liver transplants; and

14 Whereas, two Canadian researchers — David Matas, a human rights attorney,
15 and David Kilgour, former Canadian Secretary of State for Asia-Pacific — conducted
16 an investigation into allegations of organ harvesting from Falun Gong prisoners of
17 conscience in 2006 and concluded, based on extensive circumstantial evidence, that
18 the allegations were true and that tens of thousands of Falun Gong practitioners may
19 have been killed for their organs; and

20 Whereas, in 2006, doctors from 17 Chinese hospitals admitted in phone calls
21 with undercover investigators that they have used or could obtain vital organs of
22 Falun Gong prisoners of conscience for transplant, with some of the doctors
23 implicating local courts and security agencies in the organ procurement process; and

1 Whereas, Ethan Gutmann published findings that Chinese security agencies
2 began harvesting organs from members of the predominantly Muslim Uighur ethnic
3 minority group in the 1990s, including from Uighur political prisoners; and

4 Whereas, the United Nations Committee Against Torture and the Special
5 Rapporteur on Torture have expressed concern over the allegations of organ
6 harvesting from Falun Gong prisoners, and have called on the government of the
7 People's Republic of China to increase accountability and transparency in the organ
8 transplant system and punish those responsible for abuses; and

9 Whereas, Huang Jiefu announced in December 2014 that the People's Republic
10 of China will end organ harvesting from executed prisoners by January 1, 2015,
11 while simultaneously stating that death row prisoners are citizens who have the
12 "right" to donate their organs and that their organs will be entered into the organ
13 allocation program, and therefore the organ procurement from death row prisoners
14 will continue under this new semantic terminology; and

15 Whereas, the aforementioned announcement made by Huang Jiefu has not
16 been verified on official, publicly accessible websites or information boards of the
17 Chinese ministry of health, and therefore remains an announcement by a single
18 person, but not an announcement of the government; and

19 Whereas, the People's Republic of China neither acknowledged the organ
20 harvesting from prisoners of conscience, nor expressed the cessation of it; and

21 Whereas, the Declaration of Istanbul Custodian Group, the International
22 Society of Heart and Lung Transplantation, and Doctors Against Forced Organ
23 Harvesting expressed in public statements that the announcement to end the organ
24 harvesting by January 2015 is not credible, but only a semantic alteration of the
25 same practice; and

1 Whereas, in January 2015, the White House, in response to the petition “We the
2 People,” expressed its opposition to China’s practice of harvesting organs from
3 executed prisoners; and

4 Whereas, according to a 2017 Freedom House report on religious freedom in
5 China, there is “credible evidence suggesting that beginning in the early 2000s,
6 Falun Gong detainees were killed for their organs on a large scale”; and

7 Whereas, the killing of religious or political prisoners for the purpose of selling
8 their organs for transplant is an egregious and intolerable violation of human dignity
9 and the fundamental right to live; and

10 Whereas, in September 2012, experts testified before the House of
11 Representatives Foreign Affairs Committee that U.S. patients continue to travel to
12 China for organ transplants and that the medical community continues cooperation
13 and training with Chinese colleagues, creating the risk that they may be indirectly
14 aiding abusive practices; now, therefore, be it *and*

insert
5-14

15 ***Resolved by the senate, the assembly concurring, That:***

16 (1) The government of the People’s Republic of China must by moral necessity
17 immediately end the practice of organ harvesting from all prisoners, particularly
18 including prisoners of conscience due to adherence to Falun Gong and members of
19 other religious and ethnic minority groups; and

20 (2) The government of the People’s Republic of China is morally obligated to
21 recognize religious freedom and to immediately end its longtime persecution of the
22 Falun Gong and other ethnic and religious groups, and to immediately release these
23 prisoners of conscience; and

24 (3) The Wisconsin Legislature supports undertaking a full and transparent
25 investigation into organ transplant practices in the People’s Republic of China, and

1 calls for the prosecution of those found to have engaged in such unethical practices;
2 and

3 (4) The Wisconsin Legislature opposes the entry of those who have participated
4 in illegal removal of human tissues and organs, and seeks the prosecution of such
5 individuals should they be found on Wisconsin soil.

6 (END)

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4396/?ins

JK...ann

Insert 5 -14

1 Whereas, an independent international tribunal, the China Tribunal,
2 investigated the claim of forced organ harvesting from prisoners of conscience in
3 China and states in its December 2018 short form summary of its findings: “The
4 Tribunal’s members are certain^{em dash}unanimously, and sure beyond reasonable
5 doubt^{em dash}that in China forced organ harvesting from prisoners of conscience has been
6 practiced for a substantial period of time involving a very substantial number of
7 victims”; and

8 Whereas, the China Tribunal’s final report, released on June 17, 2019,
9 concludes that “forced organ harvesting has been committed for years throughout
10 China on a significant scale and that Falun Gong practitioners have been one^{em dash}and
11 probably the main^{em dash} source of organ supply”; now, therefore, be it



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4396/P1
CMH&JK:amn

1

NO
Change

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
2019 SENATE JOINT RESOLUTION

1 **Relating to:** expressing concern over persistent and credible reports of systematic,
2 state-sanctioned, forced organ harvesting from nonconsenting prisoners of
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6 Whereas, when performed in accordance with ethical standards, the medical
7 discipline of organ transplantation is one of the great achievements of modern
8 medicine; and

9 Whereas, organ transplantation depends on altruistic organ donation, which
10 is based on free, voluntary, and informed consent of the donor, not his or her killer;
11 and

12 Whereas, free, voluntary, and informed consent cannot be guaranteed for death
13 row prisoners who are deprived of their freedom and exposed to coercion; and

Barman, Mike

From: Rettinger, Nik
Sent: Thursday, October 31, 2019 12:42 PM
To: LRB.Legal
Subject: Draft Review: LRB -4396/1

Good afternoon,

Please Jacket LRB -4396/1 for the SENATE.

-Nik