2019 SENATE JOINT RESOLUTION 72

November 1, 2019 - Introduced by Senators JACQUE, LARSON, NASS, STROEBEL and L. TAYLOR, cosponsored by Representatives THIESFELDT, ANDERSON, BALLWEG, BOWEN, GUNDRUM, HORIZACHER, KULP, MURPHY, POPE, C. TAYLOR, VRUWINK and WICHGERS. Referred to Committee on Senate Organization.

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

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

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

Whereas, free, voluntary, and informed consent cannot be guaranteed for death row prisoners who are deprived of their freedom and exposed to coercion; and
Whereas, forced organ harvesting is understood as organ procurement without free, voluntary, and informed consent, and includes jeopardizing the survival of the nonconsenting organ donor; and

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

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

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

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

Whereas, in July 1999, the Chinese Communist Party launched an intensive, nationwide persecution, including physical and mental torture, designed to eradicate the spiritual practice of Falun Gong due to its growth and independence from the state, just as religious and ethnic groups have long been persecuted by Chinese government authorities because they are perceived as a threat to the communist regime; and
Whereas, since 1999, hundreds of thousands of Falun Gong practitioners have been detained extralegally in Chinese reeducation-through-labor camps, detention centers, and prisons, where torture, abuse, and implausible medical exams and blood tests on Falun Gong practitioners are routine; and

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

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

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

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

Whereas, in 2006, doctors from 17 Chinese hospitals admitted in phone calls with undercover investigators that they have used or could obtain vital organs of Falun Gong prisoners of conscience for transplant, with some of the doctors implicating local courts and security agencies in the organ procurement process; and
Whereas, Ethan Gutmann published findings that Chinese security agencies began harvesting organs from members of the predominantly Muslim Uighur ethnic minority group in the 1990s, including from Uighur political prisoners; and

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

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

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

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

Whereas, the Declaration of Istanbul Custodian Group, the International Society of Heart and Lung Transplantation, and Doctors Against Forced Organ Harvesting expressed in public statements that the announcement to end the organ harvesting by January 2015 is not credible, but only a semantic alteration of the same practice; and
Whereas, in January 2015, the White House, in response to the petition “We the People,” expressed its opposition to China’s practice of harvesting organs from executed prisoners; and

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

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

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

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”; and

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:

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

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

(3) The Wisconsin Legislature supports undertaking a full and transparent investigation into organ transplant practices in the People's Republic of China, and calls for the prosecution of those found to have engaged in such unethical practices; and

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

(END)