

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 30 May 2014

DH-BIO/INF (2014) 10

**COMMITTEE ON BIOETHICS
(DH-BIO)**

**5th meeting
5-7 May 2014
Strasbourg**

**Statement
on the prohibition of any form of commercialisation of human organs**

Adopted by the DH-BIO and the CD-P-TO

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on the prohibition of any form of commercialisation of human organs**

The Committee on Bioethics (DH-BIO) and the European Committee on Organ Transplantation (CD-P-TO) of the Council of Europe are concerned by some views, including in international fora, suggesting some forms of commercialisation of organs in response to shortage of organs for transplantation.

In this context, the DH-BIO and the CD-P-TO emphasise in particular the need to respect the fundamental legal principle that the human body and its parts shall not, as such, give rise to financial gain. Enshrined in the Convention on Human Rights and Biomedicine (CETS No 164) opened for signature in 1997 (Article 21), this principle was reaffirmed in 2002 in its Additional Protocol concerning Transplantation of Organs and Tissues of Human Origin (CETS No 186) and later by Article 3 of the EU Charter of Fundamental Rights. It was also included by the World Health Organisation in its Guiding Principles on Human Cell, Tissue and Organ Transplantation.

Human organs must not, therefore, be bought or sold or give rise to financial gain or comparable advantages for the person from whom they have been removed or for third party.

The DH-BIO and the CD-P-TO reiterate the fundamental importance of that established principle for the protection of human dignity, which must be strictly respected in any regulation and procedures concerning the transplantation of human organs. They strongly support any measure for reinforcement and better implementation of the principle at both national and international levels with a view to contribute to the setting up and functioning of appropriate transplantation systems, respecting the fundamental principles for the protection of human rights.

The DH-BIO and the CD-P-TO wish therefore to reaffirm their support to initiatives currently being taken in the Council of Europe and by other international, as well as professional organisations with a view to reinforcing the international legal framework on organ transplantation.