



# Paid Organ Donation: An Italian Perspective

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## ABSTRACT

The only countries that have allowed financial incentives for organ donation are Iran since 1988, and later on, Singapore and Saudi Arabia. In Europe, and of course in Italy, financial incentives for donors are prohibited. The author has completed extensive research via the Internet (PubMed) of worldwide scientific literature on paid organ donation, also researching studies concerning public opinion on organ commercialism and "regulated markets". Italian transplant laws also have been reported and analyzed.

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**T**HE ONLY countries that have allowed financial incentives for organ donation are Iran [1–3] since 1988, and later on, Singapore and Saudi Arabia [4]. In Iran, the first living donor kidney transplantation was performed in 1967, but only after the approval of the "Organ Transplantation and Brain Death Act" in 2000 could deceased donor kidney transplantation be performed. Meanwhile, a government-regulated and -funded unrelated living kidney donation program was introduced, with a reported significant reduction in the waiting list. According to this program, if a patient does not have a living related kidney donor and does not want to be on a deceased donor waiting list, he or she is referred to a nonprofit organization run by patients with chronic renal diseases called the Iranian Patients' Kidney Foundation, which matches patients with paid unrelated kidney donors (PUKD). The Iranian government covers all fees for kidney transplantation and immunosuppressive drugs, and provides PUKD a reward equivalent to \$400 USD and only 1 year of free medical insurance. The actual payment corresponding to the equivalent of \$4000 USD to the PUKD is done directly by the kidney transplant recipient, in some cases with the help of nongovernmental charitable organizations. PUKD are poor young men (or women) who after donation have, if compared with living related kidney donors, lower than normal quality of life scores and a higher percentage of microalbuminuria (35% vs 0%,  $P < .001$ ) [5]. All of them after "donation" remained poor, and some are rejected from society or even from family, or have been divorced. In Europe, and of course in Italy, financial incentives for living or deceased organ donors are prohibited.

## MATERIALS AND METHODS

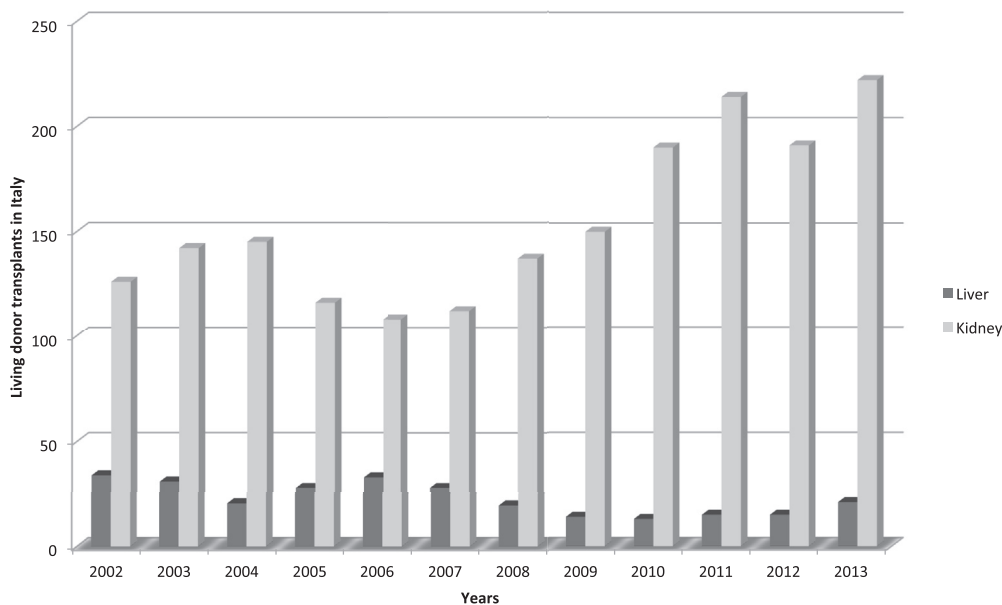
The author has completed extensive research via the Internet (PubMed) of worldwide scientific literature on paid organ donation, also looking for studies concerning public opinion on organ commercialism and "regulated markets". Italian transplant laws also have been reported and analyzed.

## RESULTS

A brain-dead law was approved in Italy and has allowed deceased organ donation and transplantation to be performed since the late 1960s. Paid organ donation has always been prohibited because the earlier law (Legge 26 giugno 1967, n.458. G.U. n. 160 27 giugno 1967. Edizione straordinaria) concerning living kidney donation stated that before transplantation, the donor must undergo evaluation by a psychiatrist/psychologist and must confirm to a judge that he or she had not been forced or promised money to donate; this law includes punishment for organ brokers [6]. From 2 to 5 years in jail and permanent exclusion from the medical or health professions occur in the case of commercialism of organs from a deceased donor, according to the current Italian law (Legge 01 aprile 1999, n.91. G.U. Serie Generale, n. 87 del 15 aprile 1999) [7]. These laws have been incorporated by the Transplant Regulatory Authority, Centro Nazionale Trapianti (CNT), into its guidelines ("Documento Informativo sul programma di trapianto di rene da donatore vivente") for living kidney donation [8], including an

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**Fig 1.** Number of liver and kidney transplants performed from living donors in Italy from 2002 to 2013. Data available through the informative system of Centro Nazionale Trapianti (C.N.T.).

appropriate consent form for the donor. Donors' data (including strict follow-up controls) are stored in a computerized registry that has been maintained by CNT since 2001. In 2014, in Italy there have been 2574 transplants and 181 transplants from living donors (data published by the informative system of CNT [9]). Fig 1 shows living liver and kidney transplantations in Italy from 2002 to 2013.

## CONCLUSIONS

Francis L. Delmonico [10] and other experts in the field of transplantation have proposed ethical incentives such as the payment of funeral costs in the case of a deceased donor, or other benefits for the living donor, but not tax credits or other deductions that have been requested by other transplant professionals and by some U.S. politicians, without general consent. In fact, a note dated September 22, 2014, on the website of the Transplantation Society [11], stated: "The Custodian Group of the Declaration of Istanbul (DICG) required Mayor (of Rome) Marino (the Mayor is a transplant surgeon himself...) to arrange a private audience with Pope Francis with the intention of deriving the support of Pope Francis for the principles of Declaration Of Istanbul (DOI) and the mission of DICG...". Three proposals have been suggested as a result of this audience: "Retain the prohibition against financial gain for organ donation, including in the United States...Support the recently adopted Council of Europe Convention against organ trafficking. Call for deceased organ donation by all cultures throughout the world...DICG has been invited to submit a background/reference document that Pope Francis will use in a pronouncement to be widely reported in 2015."

Also in Europe, direct financial benefits to organ donors seem not to be welcome. It is noteworthy that according to the "Council of Europe Convention against Trafficking in Human Organs" [12]:

Article 4—Illicit removal of human organs.

- 1) Each party shall take the necessary legislative and other measures to establish as a criminal offence under its domestic law, when committed intentionally, the removal of human organs from living or deceased donors:
  - a) where the removal is performed without the free, informed and specific consent of the living or deceased donor or, in the case of the deceased donor, without the removal being authorized under the domestic law;
  - b) where, in exchange for the removal of organs, the living donor or a third party has been offered or has received a financial gain or comparable advantage;
  - c) where, in exchange for the removal of organs from a deceased donor, a third party has been offered or has received a financial gain or comparable advantage.
- 2) Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, or approval, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply paragraph 1.a of this article to the removal of human organs from living donors, in exceptional cases and in accordance with appropriate safeguards or consent provision under its domestic law. Any reservation made under this paragraph shall contain a brief statement of the relevant domestic law.
- 3) The expression "financial gain or comparable advantage" shall, for the purpose of paragraph 1.b and 1.c, not

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