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A decade on, Organ Transplant Law falls short

Giko Sehata and Tatsuya Kimura / Yomiuri Shimbun Staff Writers

In the decade since the nation's first organ transplant from a brain-dead patient under the Organ Transplant Law was conducted on Feb. 28, 1999, organs have been harvested from 81 brain-dead donors to help patients in need.

However, a huge number of patients are still waiting in line for organs they need, with infants and children finding it especially difficult to receive organ donations.

Under such circumstances, Japanese patients continually travel abroad to receive organ transplants. But the World Health Organization plans to urge its member states to take measures to stop such a practice.

For its part, Japan has faced calls from various international bodies to revise the Organ Transplant Law as soon as possible.

"I just wish that [my son] had been able to receive a transplant in Japan," said Keiichiro Nakazawa, a company employee of Yokohama, regretfully.

Nakazawa's 1-year-old son, Sotaro, died in December at a California hospital where he was staying in advance of a planned heart transplant.

The tragedy happened six days after the boy arrived in the United States after a campaign that collected 189 million yen in donations from the public.

"If only he could have survived two more weeks, he would have been able to receive the transplant," Nakazawa, 37, said.

Even after the Organ Transplant Law was enacted in 1997, a number of children went abroad to receive organ transplants as Sotaro had done. This is because the law bans children under 15 from donating organs.

It is possible to donate an adult's organ to a child if it is small enough. In case of liver, an adult's liver can be divided and transplanted into children. However, this is not the case with heart transplantation.

Of the 81 organ transplant cases from brain-dead donors since the law's introduction, 65 patients received heart transplants, including five who were under age 20.

A Japan Society of Pediatric Cardiology and Cardiac Surgery survey shows about 80 patients--mostly children--received heart transplants in the United States and European countries during the same period.

Currently, more than 12,000 patients in the country wish to receive transplanted organs, including kidneys and livers. But only a small number of these patients will be fortunate enough to receive transplants from brain-dead donors, prompting many to go abroad to seek greater opportunities.

According to a 2006 survey by a Health, Labor and Welfare Ministry research team, at least 522 patients have received organ transplants in the United States, China and the Philippines, among other countries.

But there is mounting international criticism of the practice because organ trafficking is suspected in organ transplants conducted in Asia involving private brokers.

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Criticism from abroad

In May last year, the Montreal-based Transplantation Society endorsed the Declaration of Istanbul on Organ Trafficking and Transplant Tourism, which in principle bans the receipt of organ transplants outside patients' home countries, saying "the success of transplantation as a life-saving treatment does not require--nor justify--victimizing the world's poor as the source of organs for the rich."

In response, the WHO plans at a general meeting in May to incorporate a clause in its organ transplant guideline requesting member states to complete the entire organ transplant process in their own countries.

Though the WHO guideline is not binding, Luc Noel, a WHO official in charge of transplantation, stressed the need to revise the transplantation law in Japan.

"The child [who receives a transplant] abroad also needs to have rich parents or to raise funds from the community," Noel writes in an e-mail interview. "There is an inequity that would not be applicable if Japan had an appropriate transplantation service in place as part of its [domestic] health service."

Once the new clause is added to the WHO guideline, it is expected that an even smaller number of people will be able to receive organ transplants abroad.

Australia and Britain already have stopped accepting Japanese who wish to receive organ transplants in those countries.

Germany has accepted 18 Japanese patients in the past, thanks to efforts by Prof. Kazutomo Minami of Nihon University, who has performed 1,300 organ transplants in Germany.

However, that arrangement is expected to end next month.

"Even the two-thirds of Germans [awaiting organ transplants] die without receiving transplants. Therefore, there was strong criticism within Germany [against the special treatment for the Japanese]," Minami said.

In the United States, on the other hand, more than 20 hospitals are accepting Japanese patients for organ transplantation. The country has a rule that up to 5 percent of available organs can be transplanted into non-American patients.

Therefore, Yoshio Aranami, director general of Transplant Recipients International Organization Japan, a group supporting those wishing to receive organ transplants, was rather positive, saying the United States would continue receiving Japanese patients for the time being.

However, Norihide Fukushima, an associate professor at Osaka University, expressed concern.

"There is a growing sense of opposition among U.S. residents," Fukushima said. "The number of facilities [that will accept Japanese patients] will certainly decline in the future."

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