

Organs for Sale? - Regulation of a Market for Human Organ Donation.

Globally, the number of people currently awaiting an organ transplant is far greater than the number of organs being donated. Traditionally, human organs used in transplants in Ireland are acquired from brain dead donors. Given the recognised shortfall in the supply of human organs for transplantation a number of different options have been suggested to increase the supply of donor organs. One such option that is being investigated in Ireland is the establishment of a live donor programme. Should a live donor programme be implemented, the question arises whether people should receive financial incentives to donate their organs.

A commercialised market in human organs from live donors should, increase the number of people willing to donate their organs, thereby alleviating the current shortfall in suitable organs. In addition, recent evidence has shown that the success rate from a living donor organ transplant is greater than that from a dead donor. It has also been argued that it should be the decision of the donor, as an individual, what they wish to do with their own body. This argument is dependent on the donor being fully informed of the risks and benefits of the organ donation process.

However, commercialisation of organ donation could be deemed as treating donors as a commodity, thereby, diminishing the dignity and respect of the donor as a person. Given the financial incentives of a commercial system, there is a danger of wrongful exploitation of donors, especially those who are financially vulnerable. Furthermore, other options exist, which could increase the number of donor organs available without the need for a financial incentive. One such option is a system of presumed consent, which presumes that a person wishes to be an organ donor unless they state otherwise to the relevant authorities.

The Irish Council for Bioethics has organised a lecture and a discussion on this topic between two eminent Professors of Bioethics. Professor John Harris (University of Manchester) will be speaking in favour of a regulated open commercial market in donor organs. Under this system a national health authority or an equivalent body would regulate and distribute the organs and tissues purchased.

Professor Paul Schotsmans (University of Leuven, Belgium) will be outlining the argument against commercialisation on the basis that it denigrates the absolute value of the individual. Professor Schotsmans is an advocate of the presumed consent system currently in operation in Belgium, Spain and France.