

SENATE  
STATE OF MINNESOTA  
EIGHTY-NINTH SESSION

S.F. No. 3603

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| DATE       | D-PG | OFFICIAL STATUS   |
|------------|------|---|
| 05/02/2016 | 6569 | Introduction and first reading<br>Referred to Judiciary |
| 05/09/2016 |      | Author added Eken                                       |
| 05/21/2016 | 7284 | Author added Wiger                                      |

1.1

A resolution

1.2

expressing concern over persistent and credible reports of systematic, state-sanctioned,

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forced organ harvesting from nonconsenting prisoners of conscience, primarily from

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Falun Gong practitioners imprisoned for their spiritual beliefs, and members of other

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religious and ethnic minority groups in the People's Republic of China.

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WHEREAS, when performed in accordance with ethical standards, the medical discipline

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of organ transplantation is one of the great achievements of modern medicine; and

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WHEREAS, organ transplantation depends on altruistic organ donation, which is based on

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free, voluntary, and informed consent of the donor; and

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WHEREAS, free, voluntary, and informed consent cannot be guaranteed for death row

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prisoners who are deprived of their freedom and exposed to coercion; and

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WHEREAS, forced organ harvesting is understood as organ procurement without prior

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free, voluntary, and informed consent, and includes the jeopardizing of the survival of the

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nonconsenting organ donor; and

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WHEREAS, the People's Republic of China implemented a regulation in 1984 that permits

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organ harvesting from executed prisoners, a practice that is banned by the World Medical

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Association and international ethical standards but continues unabated to date in China; and

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WHEREAS, the organ transplantation system in China does not comply with the World

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Health Organization's Guiding Principles of traceability and transparency in organ procurement

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pathways, and the government of the People's Republic of China has resisted independent

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scrutiny of the system; and

2.1 WHEREAS, the Department of State Country Report on Human Rights for China for 2011  
2.2 stated, "Overseas and domestic media and advocacy groups continued to report instances of organ  
2.3 harvesting, particularly from Falun Gong practitioners and Uighurs"; and

2.4 WHEREAS, Falun Gong, a spiritual practice involving meditative "qigong" exercises and  
2.5 centered on the values of truthfulness, compassion, and tolerance, became immensely popular in  
2.6 China in the 1990s, with multiple estimates placing the number of practitioners at upwards of  
2.7 70 million; and

2.8 WHEREAS, in July 1999, the Chinese Communist Party launched an intensive, nationwide  
2.9 persecution designed to eradicate the spiritual practice of Falun Gong, including physical and  
2.10 mental torture; and

2.11 WHEREAS, since 1999, hundreds of thousands of Falun Gong practitioners have been  
2.12 detained extra-legally in Chinese reeducation-through-labor camps, detention centers, and  
2.13 prisons, where torture, abuse, and implausible medical exams and blood tests on Falun Gong  
2.14 practitioners are routine; and

2.15 WHEREAS, the number of organ transplant operations in China increased by more than  
2.16 500 percent within five years after 1999, corresponding with the onset of the persecution of  
2.17 Falun Gong; and

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

2.21 WHEREAS, the Government of the People's Republic of China has not provided any  
2.22 explanation for the sudden increase of donor organs and the short wait times of 1 to 4 weeks  
2.23 for kidney and liver transplants; and

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

2.29 WHEREAS, in 2006, doctors from 17 Chinese hospitals admitted in phone calls with  
2.30 undercover investigators that they have used or could obtain vital organs of Falun Gong prisoners  
2.31 of conscience for transplant, with some of the doctors implicating local courts and security  
2.32 agencies in the organ procurement process; and

3.1 WHEREAS, Ethan Gutmann published findings that Chinese security agencies began  
3.2 harvesting organs from members of the predominantly Muslim Uighur ethnic minority group in  
3.3 the 1990s, including from Uighur political prisoners; and

3.4 WHEREAS, the United Nations Committee Against Torture and the Special Rapporteur  
3.5 on Torture have expressed concern over the allegations of organ harvesting from Falun Gong  
3.6 prisoners, and have called on the Government of the People's Republic of China to increase  
3.7 accountability and transparency in the organ transplant system and punish those responsible  
3.8 for abuses; and

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

3.14 WHEREAS, the aforementioned announcement made by Huang Jiefu has not been verified  
3.15 on official, publicly accessible Web sites or information boards of the Chinese ministry of  
3.16 health, and therefore remains an announcement by a single person, but not an announcement of  
3.17 the government; and

3.18 WHEREAS, the People's Republic of China neither acknowledged the organ harvesting  
3.19 from prisoners of conscience, nor expressed the cessation of it; and

3.20 WHEREAS, the Declaration of Istanbul Custodian Group, the International Society of  
3.21 Heart and Lung Transplantation, and Doctors Against Forced Organ Harvesting expressed in  
3.22 public statements that the announcement to end the organ harvesting by January 2015 is not  
3.23 credible, but only a semantic alteration of the same practice; and

3.24 WHEREAS, in January 2015, the White House, in response to the petition "We the People,"  
3.25 expressed its opposition to China's practice of harvesting organs from executed prisoners; and

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

3.28 WHEREAS, in September 2012, experts testified before the House of Representatives  
3.29 Foreign Affairs Committee that United States patients continue to travel to China for organ  
3.30 transplants and that the medical community continues cooperation and training with Chinese  
3.31 colleagues, creating the risk that they may be indirectly aiding abusive practices; NOW,  
3.32 THEREFORE,

4.1 BE IT RESOLVED by the Legislature of the State of Minnesota that it:

4.2 (1) calls on the Government of the People's Republic of China to immediately end the  
4.3 practice of organ harvesting from all prisoners and prisoners of conscience, and explicitly from  
4.4 Falun Gong prisoners of conscience and members of other religious and ethnic minority groups;

4.5 (2) calls upon the Government of the People's Republic of China to immediately end the  
4.6 15-year persecution of the Falun Gong, and the immediate release of all Falun Gong practitioners  
4.7 and other prisoners of conscience;

4.8 (3) calls upon the President of the United States to undertake a full and transparent  
4.9 investigation by the United States Department of State into organ transplant practices in the  
4.10 People's Republic of China, and calls for the prosecution of those found to have engaged in such  
4.11 unethical practices;

4.12 (4) will take measures to initiate a registry for residents of Minnesota who travel abroad to  
4.13 receive organ transplants; and

4.14 (5) will take measures to ban the entry of those who have participated in illegal removal  
4.15 of human tissues and organs, and seek prosecution of such individuals should they be found  
4.16 on the soil of Minnesota.

4.17 BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is  
4.18 directed to prepare copies of this memorial and transmit them to the President and Vice President  
4.19 of the United States, the President and Secretary of the United States Senate, the Speaker and  
4.20 Clerk of the United States House of Representatives, the chair of the Senate Committee on  
4.21 Foreign Affairs, the chair of the House Committee on Foreign Relations, and Minnesota's  
4.22 Senators and Representatives in Congress.