



PRESS RELEASE

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The German National Ethics Council proposes a graduated system to increase the number of organ donations

The National Ethics Council is today (Tuesday) publishing its Opinion “Increasing the Number of Organ Donations: a Burning Issue for Transplant Medicine in Germany”.

The shortage of organs is a chronic problem for transplant medicine in many countries, but particularly so in Germany. When the Transplantation Law came into force in 1997, it was hoped that organ donation would increase, but this has not happened. There are indications that this state of affairs is due not only to deficiencies in the organization of the health system but also to the relevant legislation, which provides that organ donation after death is conditional on an explicit declaration of consent by the donor or his or her relatives.

The present Opinion considers whether a change in the current law to relieve the shortage of organs would be ethically and constitutionally justifiable. It discusses various proposals directed towards achieving a balance between the right of self-determination of potential donors, the desire to save lives and to reduce suffering in others, and established principles of the health system such as equal access to care.

The National Ethics Council proposes a graduated model combining elements of a system of declared consent with aspects of a system of presumed consent with provision for refusal. This would require the State to ensure that its citizens:

1. are called upon by a formal procedure to make a personal declaration as to whether they agree to organ donation, and
are made aware that in the absence of a declaration organ removal is legal unless the relatives refuse consent.

The National Ethics Council further recommends the introduction of appropriate legislation to ensure that hospitals comply to a greater extent than hitherto with their obligation to give notice of potential non-living organ donors. Provision must also be made for adequate reimbursement to hospitals of the cost of notification and of treatment of potential organ donors.

The English version can be accessed online at:
<http://www.ethikrat.org/english/publications/opinions.html>.

The German National Ethics Council

The German National Ethics Council's task is to provide a forum for interdisciplinary discourse between the natural sciences, medicine, theology and philosophy, and the social and legal sciences.

It expresses views on ethical issues relating to new developments in the field of the life sciences and on their consequences for the individual and society.

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PD Dr. Christiane Woopen

Press officer

Ulrike Florian
Telephone: +49 (0)30/203 70-246
Fax: +49 (0)30/203 70-252
Email: florian@ethikrat.org

Head of Secretariat

Dr. Rudolf Teuwsen
Telephone: +49 (0)30/203 70-612
Mobile: 0173-2590190
Email: teuwsen@ethikrat.org

Secretariat

Jaegerstr. 22/23
D-10117 Berlin
Telephone: +49 (0)30/203 70-242
Fax: +49 (0)30/203 70-252
Email: kontakt@ethikrat.org
Website: www.ethikrat.org