



**State of Israel
Ministry of Justice**

The Legal Counseling and Legislation Department (International Law)

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**The State of Israel Efforts to Counter Trafficking for
Organ Removal**

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I. Israeli Legislative Framework

The Organ Transplant Law 5768-2008

- On March 24, 2008, the Knesset (the Israeli parliament) enacted the *Organ Transplant Law 5768-2008* (hereinafter: the "*Organ Transplant Law*"), which provides a comprehensive regulation of organ transplants in Israel.
- **The objective of the Law is to prevent trafficking in organs through a multifaceted approach: First, the Law prohibits organ transplantation from a living donor, except in the cases stipulated in the Law. Second, it establishes criminal jurisdiction against mediating, directly or indirectly, between a donor and a recipient for the purpose of organ removal or transplant; and third, the State's health insurance does not allow the funding of organ transplantation abroad, while it establishes a compensation mechanism for donors that accords with the requirements of the Law and were approved by a professional committee (as will be elaborated below).**
- **Section 3 of the *Organ Transplant Law* prohibits trade in organs, stipulating a prohibition on receiving and paying remuneration for an organ removed from a person's body or for an organ intended to be removed, **whether the removal is from a living donor or postmortem removal.****
- **Section 4 of the Law further prohibits a person from mediating, directly or indirectly, between a donor and a recipient for the purpose of organ removal or transplant, in circumstances where another person was promised remuneration as prohibited under Section 3 of the Law. Section 4 also prohibits the acceptance of remuneration for mediation under these circumstances.**
- **Section 36 of the Law provides for a criminal sanction - three years imprisonment or a fine - for a person who violates one of the obligations under Sections 3 or 4, as well as committing any of the acts described under Section 36. Note that with regard to offences concerning receiving/giving**

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reward for an organ transplanted or removal of organ, or brokering an arrangement between a donor and receipt (Sections 36(a)(1)-(3)), the Law applies, whether the organ removal or transplant is intended to take place **in Israel or outside its borders.**¹

- The Law has established an efficient regulatory framework in the field of organ transplantation by providing a comprehensive mechanism, which is based on a **full-consent and altruistic donation**. The mechanism is aimed at safeguarding the organ transplant system in Israel, in order to prevent any form of exploitation in this field, and to eliminate trafficking for organ removal. As will be elaborated below, the approval process to be an organ donor is meticulous and comprehensive.
- In addition, the Law grants priority in organ allocation for transplantation to candidates who have registered as organ donors.² In recent years, this has resulted in an increase in the rate of organ donation in Israel,³ thus, further reducing the need for the "Transplantation Tourism" abroad.

The Penal Law 5737-1977

- Alongside the *Organ Transplant Law*, the Israeli *Penal Law 5737-1977* (hereinafter: the "*Penal Law*") includes a **trafficking in persons** offence for the purpose of removing an organ from the person's body (hereinafter: "trafficking in persons for the purpose of organ removal")
- This Offence, set out in Section 377A of the *Penal Law*, carries a maximum penalty of 16 years imprisonment and 20 years imprisonment if the victim is a minor. The crime includes two elements: 1) A transaction *in* a person (as distinguished from a transaction *with* a person, thus denoting objectification of the victim). For this matter, "transaction in a person" means selling or buying a person or carrying out another transaction in a person, whether or not for consideration. 2) For one of seven purposes, *inter alia*, removing an organ

reaching him under the provisions of this Law, in violation of section 35.

² *The Organ Transplant Law*, Section 9(b)(4). Also see in: http://www.health.gov.il/Subjects/Organ_transplant/priority/Pages/default.aspx

³ Lavee and Brock Prioritizing registered donors in organ allocation: an ethical appraisal of the Israeli *Organ Transplant Law*, 18 *Wolters Kluwer Health (Lippincott Williams & Wilkins)*, 2012). Available at: <https://www.The NTC.gov.il/media/1449/currop.pdf>

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from the person's body; giving birth to a child and taking the child away; subjecting the person to slavery or forced labor; inducing the person to commit an act of prostitution and more. Section 377A of the *Penal Law* also forbids trafficking in a person if in doing so the offender exposes the victim to the risk of one of the purposes listed above. And Section 377A(c) of the *Penal Law* provides that the middleman in trafficking in a person, whether or not for consideration, shall be liable to the same penalty as the actual trafficker.

- **The offence of trafficking in a person for the purpose of removing an organ from their body is separate from offences relating to illegal trade in organs (hereinafter: "trafficking in organs").** Trafficking for the purpose of organ removal is concerned with protecting *the person* said to have been trafficked, who has been used as a resource. Trafficking in a person is concerned with a person utilized as a repository for organs and protecting against that persons' deprivation of liberty and personhood, whereas the offences related to trafficking in organs are concerned with the prevention of unregulated and unsupervised trafficking in *organs*. . If a person willingly and freely sold their organs, the transaction will be criminalized, but it will not constitute trafficking in that person.⁴

An example of trafficking for the purpose of organ removal may be seen in the case of the State of Israel v. John Allen and Hassan Zahlaka (Cr.C 4044/07, Haifa District Court). The case presents an array of circumstances indicating the treatment of the donors as mere resources: those recruited were extremely vulnerable and needy, one of them mentally disabled; the offenders referred to them as blood types rather than people (dehumanizing language is often viewed as an indicator of trafficking); they were provided with misleading explanations about the nature of the procedure, significantly downplaying its health consequences; those who changed their mind were pressured back into "donation"; the victims were not paid in full even the small sum advertised (\$7,000); one victim received only 500\$, and was threatened when he asked for more. All those elements, taken together, indicate that the victims were trafficked for the purpose of organ removal.

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The Medical Bio-Ethic Code

The Israeli Bio-Ethic Code includes different guidelines on the issue of organ trade. For example, according to the Code, a physician must refrain from imposing any pressure on a patient to provide consent for organ donation.

II. Israel's Engagement in International Agreements Concerning the Efforts to Eradicate Trafficking in Organs

- *The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (15 November 2000):* In 2008, Israel ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (15 November 2000) (hereinafter: the "TIP Protocol"). The definition of Trafficking in Persons according to the TIP Protocol includes trafficking for the purpose of removal of organs under Article 3.⁵
- *The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000):*⁶ One of the objects of this Protocol is to prevent the transfer of organs of the child for profit. In 2008, Israel ratified this Protocol, and it reports to the Committee of the Rights of the Child on its efforts to comply with its obligations under the Protocol.
- *The Istanbul Declaration:* In 2009, the Israel Medical Association endorsed the Declaration of Istanbul on Organ Trafficking and Transplantation Tourism (2008). The Declaration serves to *"inspire and unite all those engaged in*

⁵ (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude **or the removal of organs;**

⁶ The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2008), Article 3(1)(b).

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combating unethical practices in organ transplantation".⁷ Professor Jacob Lavee, the Director of Heart Transplantation Unit at Chaim Sheba Medical Center in Israel, is a board member of the Declaration Steering Committee. The goal of the Declaration is to lay the foundations for universally defining organ trafficking, transplant tourism; and to achieve universal consensus regarding principles of practice and recommended alternatives to address the shortage of organs.

- Israel's success in the battle against trafficking in persons continues to receive recognition by the U.S. Department of State in its TIP report. This is the third year in a row that the U.S. Department of State ranked Israel as a "**Tier 1**" **country**. It was assessed as fully complying with the "minimum standards for the elimination of severe forms of trafficking" set forth in the 2000 Trafficking Victims Protection Act of the U.S.A., which accords with the standards established in the TIP Protocol.

III. Prosecution Efforts

- Both the State Attorney's Office and the Police are handling cases regarding organ trafficking and are doing their outmost efforts to expose such cases. In 2014, for example, seven (7) investigations were conducted and two (2) indictments were submitted. In addition, as of January 31, 2015, there are two (2) pending cases (against six (6) defendants) regarding the issue of trafficking for organ removal under the *Organ Transplant Law*.

Recent Highlighted Cases:

- 1) ***The State of Israel v. Tittlebaum and Rabinovich (Cr.C. 21217-09-11):***
In September 2011, the two (2) defendants were charged with mediation for organ trafficking under the *Organ Transplant Law*. The defendants were convicted in a plea bargain, of mediation for organ trafficking under the *Organ Transplant Law*. In 2014, Defendant 1 received a suspended imprisonment sentence and fined 6,000 NIS (1,500 USD). Defendant 2 received a suspended imprisonment sentence and fined 4,000 NIS (1,000 USD).

⁷ <http://www.declarationofistanbul.org/about-the-declaration/history-and-development>

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- 2) *The State of Israel v. Avigad Sandler, et.al.* In May 2013, the Central District Attorney's Office filed an indictment to the Tel Aviv – Jaffa Magistrate Court against seven defendants, for trafficking in organs and for organizing illegal transplants in different locations worldwide. According to the indictment, between 2008-2014 the defendants engaged, collectively and individually, according to each of his/her share, in trafficking in organs and in organizing illegal transplants. The defendants gained financial profits from organizing the illegal transplants, from taking organs from live donors that received compensation for harvesting the organs and for transplanting them to individuals who were not family members.
 - 3) *The State of Israel v. Uzi Shmueli et. al. (Cr. C. 28516-08-14)*: In August 2014, the five defendants were charged with mediation for organ trafficking according to the *Organ Transplant Law*. The case involves five (5) defendants, who operated an international network of organ trafficking during 2012-2014. According to the indictment, the network operated in Costa Rica and Turkey. The case is still pending.
- ***International Cooperation***: Israel is actively cooperating with other countries in the struggle against trafficking in human organs. For example, the case of *The State of Israel v. Avigad Sandler*, which is above mentioned, was initiated through a legal assistance that was rendered in 2011 by the Police and the State Attorney's Office to a prosecutor from the European Union Rule of Law Mission to Kosovo. In that case, the State Attorney's Office assisted in collecting the evidence from the Israeli victims who were involved in the case, and assisted with the testimony procedures which took place in 2012 in the Tel Aviv-Jaffa Magistrate Court. The case concluded with the conviction of most of the defendants. Due to the fact that Israeli victims were involved, the State Attorney's Office recommended initiating a further investigation relating to trafficking in organs. This comprehensive investigation yielded further evidence, which led to the exposure of a network of trafficking in organs in Kosovo and Sri Lanka. The suspects (from other countries) contacted Israelis who were in need of transplants, and convinced them to go through illegal

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transplant procedure in Sri Lanka. In 2014, based on new information, the Police initiated another investigation on the same trafficking in organs network, committing illegal transplants in Turkey. Following a detailed investigation, in May 2013, the Central District Attorney's Office filed an indictment to the Tel Aviv – Jaffa Magistrate Court against seven defendants, for trafficking in organs and for organizing illegal transplants in different locations worldwide.

In addition, members of the State Attorney's Office are attending international conferences, expert groups and meetings regarding the issue of trafficking in organs in the last several years.

IV. The National Transplant Center (NTC)

- In 1994, the Ministry of Health established the National Transplant Center (hereinafter: the "NTC"), for the purpose of creating an independent body to manage and coordinate the organ donation and transplant system in Israel and to create a national waiting list for organ transplantation. The NTC operates as a unit under the auspices of the Ministry of Health, in accordance with the relevant authorities, which are stipulated under Section 8 of the *Organ Transplant Law*. All of the employees are government employees⁸.
- The NTC is the sole body in Israel where enrollments for transplants are made, and through which organs for transplant are allocated. This is the **only body in Israel** where patients can be registered on the national organ transplant waiting list. It exclusively manages and coordinates the organ donation system in Israel.
- The NTC is also in charge of increasing the number of organ and tissue donations in Israel, *inter alia* by encouraging donations through public education and requesting potential donors to apply to the NTC's "Donor Card Program" in order to raise public awareness and willingness towards organ donation; implement an egalitarian and transparent organ allocation policy; manage quality assurance system; support and guidance for families that have

⁸<http://www.health.gov.il/English/MinistryUnits/HealthDivision/MedicalAdministration/Transplant/Pages/default.aspx>.

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donated the organs of their loved ones, by means of memorials and support groups.⁹

- In addition, Section 8(4) of the *Organ Transplant Law* enables the NTC to collaborate with foreign countries and organizations with respect to the removal and transplant of organs.
- The policy of the NTC is outlined by a **Steering Committee**, appointed by the Minister of Health and headed by the chairman of the NTC.¹⁰ The Steering Committee is composed of leading transplant surgeons, professionals from the fields of psychology, law, bio-ethic, NCT representatives, clergy, and representatives of the patients associations. This is a high-level professional body. The Steering Committee meets 4-6 times a year.
- In addition, there are several **professional committees** (Heart and Lung Committee, Liver Committee, Kidney Committee, Harvesting Committee, Tissues Committee and Research Committee), whose members are transplant specialists that are tasked with advising the Steering Committee as to organ allocation, procedures, transplant education programs and quality assurance.¹¹
- In addition, according to the Law, the NCT appoints registered nurses as Transplant Coordinators to coordinate between the NTC, their approved medical center and other approved medical centers in the field of organ removal and transplant. The law also specifies to appoint a specialist physician to act as an inspecting physician who is, *inter alia*, in charge of examining the quality of operational procedures in the field of organ removal and transplant. These procedures range from locating the deceased persons whose organs may be suitable for transplant to completing the removal and transplant. The inspecting physician must submit reports to the NTC Director and the Steering Committee on the possible ways to encourage organ donation in approved medical centers.

⁹The *Organ Transplant Law*, Section 8. For further information see: <https://www.adi.gov.il/en/about-us/>

¹⁰ The *Organ Transplant Law*, Section 9. Also see: <https://www.adi.gov.il/en/about-us/>

¹¹ <https://www.adi.gov.il/en/about-us/>

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V. Regulated Mechanism for Donation of a Living Donor's Organ

- A donation from a live donor occurs when a healthy person is willing to donate an organ to a person who needs the organ in order to better their quality of life.
- Chapter 4 of the *Organ Transplant Law* is specifically designated to regulate donations of organs from a living donor. In addition, The Ministry of Health Director General Circular No. 10/13 (2013) on Organ Donation, updates the regulations and procedures of organ donation from a live donor¹² (hereinafter: "Director General Circular").
- There are three categories of live donors: relatives, non-relatives, and Exceptional Donation.¹³
- "Exceptional Donations" includes donations from non-residents of Israel (most of them are relatives of the recipient), donations that are not designated to a specific person, Matched Organ Donation and Internationally Coordinated Matched Organ Donation.

Remuneration in exchange for an organ donation is prohibited under the law in Israel, except for one exception, provided under the *Organs Transplant Law*

The Donor Compensation Program – According to section 22 of the Law reimbursement of expenses is provided by the State of Israel and transferred to the donor by the NTC, on the condition that the donor is a permanent resident in Israel.¹⁴

¹² Ministry of Health Director General Circular, August 1, 2013, No. 10/13. (hereinafter: "Director General Circular").

¹³ Director General Circular, p.2.

¹⁴ *The Organ Transplant Law*, Section 22:

a) With the consent of the Minister of Finance and the Knesset Labor, Welfare and Health Committee, the Minister of Health shall determine a uniform sum of money to be paid to all organ donors as compensation for the monetary loss reasonably attributable to the procedures associated with organ removal, and shall also determine rules and conditions for the reimbursement of the donor's expenses on the following —

(1) Taking out private health care insurance, or procuring supplementary health care services under section 10 of the *National Health Insurance Law 5755-1994* (in this Law — the *National Health Insurance Law*), taking out insurance against loss of the ability to work or loss of earning power, taking out life insurance, all the above for a period and to an amount which shall be determined in the said manner;

(2) Psychological care, under terms, for a period and to an amount which shall be determined in the said manner;

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In 2010, the Program was initiated by ADI and approved by the Knesset. The purpose of the program is to protect the donor both medically and financially. It ensures that the donor does not suffer from loss of earnings during the period following the surgery, and ensures the donor's future physical and mental health.¹⁵ Furthermore, **the institutional compensation given to the donor by the Government reduces the risk of black market and other ways of exploiting donors.** The Compensation Package includes,¹⁶ *inter alia*, refund due to loss of earnings; refund of travel expenses; private medical insurance; loss of working capacity insurance; life insurance counseling; recovery leave; and an exemption for 3 years from paying the health levy.

The Donation Procedure from a Live Donor

A person who wishes to donate an organ will undergo a comprehensive medical and psychological assessment. The objective of the assessment is to ensure that the donor is fit to donate, and that no aspect of his/her medical or psychological status will jeopardize his/her health or function due to the donation. Only if he/she is found to be fit will he/she be able to continue the process.

Donation from a live donor must be approved, according to the following procedure:

- 1) **Donation to a relative**: A donor who seeks to donate an organ to his/hers relative must submit a request to the **Local Evaluation Board**, i.e. the Evaluation Board of the hospital where the donation and transplant are performed. A "Relative"

(3) Convalescence immediately after the organ removal, under terms, for a period and to an amount which shall be determined in the said manner;

(b) The uniform payment and reimbursement of expenses under this section shall be paid to each donor through the agency of the Transplant Center, after removal of the organ, provided that the donor is a resident of Israel, and that he has a certificate from the Transplant Center certifying that he donated an organ for another's medical needs.

(c) The provisions of Clause 22(a) notwithstanding, the Minister of Health, with the consent of the Minister of Finance and the approval of the Knesset Labor and Welfare Committee, may fix the monetary reimbursement for loss of earning power not at a flat rate for every donor.

(d) Without detracting from the provisions of Clauses 22(a)-(c), for the purposes of Clause 8(a1)(2)(c)(6) of the *National Health Insurance Law* donors shall be deemed to be chronically ill.

(e) The uniform payment and reimbursement of expenses under this section are not transferable, nor subject to attachment or lien.

¹⁵http://www.health.gov.il/English/Topics/organ_transplant/live_donors/Pages/compensation_live_donors.aspx

http://www.health.gov.il/LegislationLibrary/Hashtala_02.pdf

¹⁶http://www.health.gov.il/English/Topics/organ_transplant/live_donors/Pages/compensation_live_donors.aspx

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includes the following: spouse, parent, child, sibling, grandparent, grandchild, uncle/aunt, nephew/niece, cousin, father/mother in-law, brother/sister in-law, and daughter/son in-law.¹⁷

- 2) **Donation to a non-relative**: A donor who seeks to donate an organ to a non-relative must submit a request to the **Central Evaluation Board** of the Ministry of Health.¹⁸ (Liver-lobe donation is allowed from a relative only¹⁹).

The Evaluation Boards

- The Local and Central Evaluation Boards includes five members: (1) Chairman - a specialist physician and head of a hospital department or unit not performing transplants; (2) a psychiatrist or clinical psychologist with a specialist qualification under the *Psychologists Law 5737-1977*; (3) a social worker within the meaning of the *Social Workers Law 5756-1996*; (4) a public representative - the donor may request a public representative who will be, if possible, of the same religious, social or cultural group as the donor. (5) an attorney, who is qualified to be appointed as a District Court judge²⁰.
- The Local Evaluation Board is appointed by the head of each medical center, while the Central Evaluation Board is appointed by the head of the NTC.²¹
- The Director General Circular contains provisions that ensure the impartiality of the Board. For example, none of the Board members shall be from transplant or nephrology wards, or from clinics managing organ transplant waiting lists, or part of the medical staff associated with the patient awaiting the donation²².

The Assessment Process

¹⁷ *The Organ Transplant Law*, Section 13; Director General Circular, p.2.

¹⁸ *The Organ Transplant Law*, Section 13. Ministry of Health Director General Circular 10/13, para 2(a).

¹⁹ *The Organ Transplant Law*, Section 13. Also see in: http://www.health.gov.il/Subjects/Organ_transplant/donation_of_organ/Pages/organs_donors.aspx

²⁰ *The Organ Transplant Law*, Section 14(c).

²¹ *The Organ Transplant Law*, Section 14 (a)-(b).

²² Director General Circular, para 5(c), 13 (c).

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- The *Organ Transplantation Law* and the Director General Circular provides a comprehensive list of conditions that must be met in order to approve a donor's application.²³ The criteria for approving a transplant, relate, *inter alia*, to the donor's medical, psychological and cognitive health, personal background, relation to the recipient, motive for donation, informed consent given of the donor's free will and full lucid comprehension, with no pressure or coercion, and that the donation is being made without the receipt of compensation or benefits.
- The Assessment Process includes: (1) medical test to ensure the patients match each other medically in accordance with the organ being donated, (2) psychiatric/psychological evaluation conducted by a psychiatrist/psychologist, (3) social evaluation conducted by a social worker.²⁴ (4) In the event of a donor who seeks to donate to a non-relative, the donor is required to undergo a psycho-diagnostic evaluation as well²⁵.
- Following the Assessment Process carried by the Central or Local Board, the Medical Center shall approve the evaluation and examinations and ensure that the donor and recipient fully comprehend the risks entailed in the procedure, and will have them sign documents agreeing to the procedure. The Law specifically requires that the Evaluation Board would be fully convinced that the donor gave his/her consent for donation out of his/her free will and a sound mind, and not as the result of family, social, economic or other pressure²⁶.
- Note, that the Evaluation Board will not hear cases involving persons who are staying illegally in the country or who have entry visas expiring within three months²⁷.

The Evaluation Board's Decision

- **An Evaluation Board shall only accept a request to donate an organ if convinced that the following criteria are met:**

²³ The Organ Transplant law, section 15; Director General Circular, para 6(2), 7.

²⁴ Director General Circular, para 6(2).

²⁵ Director General Circular, para 14.

²⁶ Director General Circular, para 15(b)-(e).

²⁷ Director General Circular, para 22.2.

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1. The donor is medically and psychologically suitable to donate the organ, and there is no concern that his/her current medical or psychological state may lead to increased risks to his/her health or ability to function, beyond the expected risks entailed in the procedure.
 2. The donor gave his/her full consent to the donation out of free will and with a sound mind, and not due to any familial, financial, social or other pressure.²⁸
 3. The donor and recipient gave their full consent to undergo the medical procedures entailed in the organ transplant, in accordance with Section 13 of the *Patients' Rights Law 5756-1996*.²⁹
 4. The donor's consent was not given in exchange for payment or a promise of payment which are illegal in accordance with Section 3 of the *Organ Transplant Law*, or solely in order to receive the compensation package owed to him/her by law under Section 22 of the *Organ Transplant Law*.³⁰
 5. The donor recognizes that he/she may change their mind up until the procedure itself, and will be free from any civil or criminal liability in a case of withdrawal of consent.³¹
 6. The recipient is medically and psychologically suitable to receive the organ.³²
 7. There is no other reasons arise which may prevent accepting the request of donation, including the donor's familial status.³³
- **In the event that the Board was unconvinced that all or part of the criteria listed above were not met, it shall reject the request.**³⁴

²⁸ Director General Circular, para 7(c), 2 (c) and 15(c)

²⁹ Director General Circular, para 7(c), and 15(c).

³⁰ Director General Circular, para 7(d), 15(d)

³¹ Director General Circular, para 7(e) 15(e).

³² Director General Circular, para 7(g), 15(g).

³³ Director General Circular, para 7(h), 15(h).

³⁴ Director General Circular, para 9(c), 1(c), and 17(c), 1 (c).

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- In the event that the Board was convinced that all of the criteria were met, the Board shall accept the request and send its decision to the Director General of the Ministry of Health for approval.³⁵
- The Evaluation Board's decision will be made by a majority vote of its members.³⁶ However, in the event that a Local Evaluation Board member disagreed with the decision to accept a request, that member may bring the decision before the Central Evaluation Board. Once the decision was referred to the Central Evaluation Board, the Local Evaluation Board's decision would be void.³⁷

• **Consent is a prominent aspect of the *Organ Transplants Law*. The decision to be a live donor is a sensitive and complex one. The Evaluation Board must be fully convinced that the donor gave his/her consent for donation out of his/her free will and sound mind, and not as a result of family, social, economic or other pressure³⁸.**

- **Moreover, the donor may withdraw his/her consent at any time during the process, up until the moment that he/she enters the operating room. Section 34 of the Law ensures that the donor will not carry any civil or criminal liability if she/he decides to withdraw consent.**

The Ministry of Health's Decision

- In the event that the Ministry of Health's Director General approved the decision, it shall notify the National Transplant Center.³⁹
- In the event that the Ministry of Health's Director General was not convinced that the exhaustive list of criteria were met (all or part of it), he/she would deny the request and shall notify the donor and the recipient within seven days, including the full reasoning for the decision.⁴⁰

³⁵ Director General Circular, para 9(b), 17(b).

³⁶ Director General Circular, para 8(g), 16(f).

³⁷ Director General Circular, para 9(c), 3(c)

³⁸ Director General Circular, para 15(b)-(e).

³⁹ Director General Circular, para 10 and 18.

⁴⁰ Director General Circular, para 10 and 18.

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- In order to ensure maximum transparency in the organ transplant process, the donor and the recipient may receive upon request the detailed decision of the Evaluation Board and the results of the evaluations and examinations, unless the Board decided against relaying this information for reasons of the donor/recipient's best interest.⁴¹
- **In 2014, a total of 84 requests to donate organs were submitted to the Central Evaluation Board, and out of which only 61 requests were approved.**

VI. Organ Transplantation Conducted Outside Israel

- The *Organ Transplants Law* does not prohibit organ transplantation conducted outside Israel, including an Israeli entity funding such transplantation, as long as the following two conditions are met: first, the organ removal and transplant are carried out in accordance with the laws of the foreign country; and second, that all the provisions in the *Organ Transplant Law* prohibiting trafficking in organs are fully adhered to.⁴²
- However, no organ shall be brought into, or taken out of, Israel for the purpose of transplant into a human being other than in accordance with the directives laid down by the Minister of Health, in consultation with the Minister of Foreign Affairs, and with the approval of the Knesset Labor, Welfare and Health Committee. In the case where the organ has been removed from a human body post mortem, it shall be brought into, or taken out of Israel in accordance with the law of the state in which the organ was removed, and, if removed in Israel, according to the *Anatomy and Pathology Law 5713-1953*.⁴³
- **Since the *Organ Transplant Law* was enacted, the number of Israelis that are turning to the "Transplant Tourism" abroad was decreased from approximately 160 people a year to 35 people a year.**

VII. Raising Public Awareness

⁴¹ Director General Circular, para 2.

⁴² *The Organ Transplant Law*, Section 5.

⁴³ *The Organ Transplant Law*, Section 6.

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- Increasing the number of donations in Israel would decrease the number of Israelis that would turn to "Transplant Tourism" abroad. Israel is making notable efforts to encourage organ donations from live and deceased donors. *Inter alia*, the NTC initiates special campaigns aimed for different communities and in different languages, including through social media (Facebook, Twitter etc.).
- For example:
 1. **The Organ Donor Card - "ADI Card"**: "ADI Card" is an Organ Donor Card. This is a proof of registration to the database of the NTC, and an indication that the holder of the Card is willing to donate his/her organs after death. 97% of the families of a deceased who owned an ADI Card provide consent to donate their family member's organs (in Israel there is an Informed Consent System). The database of the NTC Donor Cards signatories is confidential and managed by the NTC.⁴⁴
 2. **Meetings with clergies** – meetings between representatives of the NTC and high ranked clergies, including rabbis and imams in Israel, are conducted in order to encourage religious leaders and their congregation to endorse organ donations.
 3. In 2015, the NTC initiated several **campaigns to encourage people to sign on a Donor Card**. For example: during the 2015 elections, every voting station had a ADI stand so that the NTC would be able to reach the wider public and encourage people to sign an ADI Card; there is an ongoing effort to add an 'Offer to Consent form to sign ADI Card', to the standard papers required to be filled in for ID and driving license card renewal.
 4. Finally, in 2012, the *Organ Transplant Law* was amended so it grants priority in organ allocation for transplantation to candidates who have registered as organ donors.⁴⁵

⁴⁴ <https://www.adi.gov.il/en/>

⁴⁵ *The Organ Transplant Law*, Section 9(b)(4). Also see in: http://www.health.gov.il/Subjects/Organ_transplant/priority/Pages/default.aspx