

TESTIMONY OF ROBERT A. DESTRO¹
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United States Congress
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Forced Organ Harvesting in China: Examining the Evidence

Chairman McGovern and Chairman Smith:

I thank you and the Commission for the invitation to share my thoughts and experiences on the question before the Commission. I also welcome the opportunity to comment on the Stop Forced Organ Harvesting Act of 2021 ([H.R. 1592](#)), and its Senate companion ([S. 602](#)). Because my fellow panelists are the acknowledged experts on both the evidence adduced to date and the methods used to gather that evidence, I will limit my testimony to a very simple question: *What should United States Government officials do when presented with credible evidence of government-sanctioned organ harvesting?*

My perspective on this question is that of a former Assistant Secretary of State for Democracy, Human Rights, and Labor (September 18, 2019 to January 20, 2021). In that capacity, my responsibilities included, among other things:

1. Oversight of the production of the annual Human Rights Country Reports on Human Rights Practices;
2. Oversight of approximately \$1.5 billion in foreign assistance programming;
3. Oversight of the investigative process for the imposition of human rights sanctions;
4. Collaboration with counterparts in the Office of the Undersecretary for Civilian Security, Democracy, and Human Rights whose offices develop the annual Trafficking in Persons [TIP] Report, the International Religious Freedom [IRF] Report, and other relevant reporting functions dealing with human rights;
5. Collaboration with counterparts in the State Department and USAID's functional and regional bureaus to ensure that reporting is consistent, that foreign assistance produces measurable outcomes, and foreign policy is coordinated.
6. Collaboration with counterparts at the National Security Council, the Department of Labor, Department of Homeland Security, the Intelligence Community, and with counterparts in other countries to ensure collaboration and situational awareness concerning human rights issues abroad.

¹ Professor of Law, Columbus School of Law, The Catholic University of America; Former Assistant Secretary of State for Democracy, Human Rights, and Labor.

THE ROLE OF THE ASSISTANT SECRETARY FOR DEMOCRACY HUMAN RIGHTS AND LABOR

The Assistant Secretary for Democracy, Human Rights, and Labor (hereafter “the DRL”) plays a pivotal role in the reporting and sanctions programs under existing law. H.R. 1592 would impose additional responsibilities, including:

- 1) developing and investigating cases where an American passport holder crossed an international border in an effort to obtain trafficked human organs [Section 4(b)(1-2)];
- 2) assessing “forced organ harvesting and trafficking in persons for purposes of the removal of organs in each foreign country” covered by the annual human rights reports [Section 5 (a)]
- 3) identifying “any agencies, instrumentalities, or officials of the country that are responsible for forced organ harvesting or trafficking” [Section 5(b)(1)(A)]
- 4) developing a “tiered ranking” of all foreign countries [Section 5(b)(1)(B) and 5(b)(2)];
- 5) developing and maintaining what is, in effect, an analysis of both the “market” in trafficked persons, organs, and tissues, and the actions of foreign governments to combat the trafficking problem [Section 5(c, d);
- 6) in consultation with the Department of Health & Human Services, to develop “a report on medical and educational institutions and other entities in the United States at which organ transplant surgeons are trained” so as to determine whether such trainees are “employed by or affiliated with an agency or instrumentality identified [as being involved with forced organ harvesting or trafficking in persons] [Section 6];
- 7) in consultation with the National Security Council, the Department of the Treasury, and the White House, to develop and investigate cases in which sanctions might be appropriate. [Section 8].

My experience as DRL convinces me that, even if we assume that the President and the Secretary of State have the political will to engage fully on the topic, it is not clear that the House and Senate bills in their current form will facilitate timely and accurate reporting. Each of these tasks requires a substantial time commitment, the ability to marshal human and financial resources, access to timely and accurate information developed in the field, and coordination of effort not only within the Department of State, but in the “inter-agency.”

I will be happy to make recommendations during the hearing or in a subsequent submission.

Political Will

The size and scope of the organ harvesting and trafficking “market” is staggering. My colleague and student at The Catholic University of America, Ms. Jane Jagas, has recently written:

The trade itself is obscured not only by the secretive nature of its crimes, but also by the lack of international consensus on the exact meaning and use of terminology pertaining to it such as organ trafficking, trafficking in organs, trafficking in persons for the purpose of organ removal, transplant tourism or commercialism, and forced organ harvesting.²

There is enormous social pressure on individuals in the United States and other Western countries to donate their organs, and there is enormous professional and financial pressure on surgeons to make them available on an expedited basis³. There are staggering financial incentives that reward those who harvest and obtain what a friend and colleague once called “organs of indeterminate origin.” Organized criminals work closely with government officials to facilitate this grisly trade, and medical experts and journals have no incentive to look too deeply into the provenance of the transplant experience reported in the journals or the pedigree of the surgeons themselves. In sum: there is a vast market and little incentive either to bring attention to the problem, or to get it under control.

I now return to the issue of political will. What incentives are there for diplomats to raise this difficult issue, or, in the short term, to spend time and precious political capital reporting on the nature and extent of the problem? What incentives are there for the Intelligence Community to obtain ground level, actionable intelligence on the identities of the organized criminals and their confederates who are stealing the organs of others? I submit to you that there is very little incentive. It is far easier to be willfully blind than to ask hard questions. It is truly difficult to inform a foreign government that the United States has determined that that government is committing genocide and/or engaged in or facilitating trafficking in persons or in organs stolen from innocents.

² Sara Jane Jagas, “Witness to the Organ Trade” (May 5, 2022) (unpublished paper).

³ The topic of “brain death” – when it occurs and what it actually means – is a subject worth considering in detail at another time and place.

THE CHINESE ROLE IN THE INTERNATIONAL ORGAN TRADE

It is fitting that this hearing focuses on the role of the People’s Republic of China in the human trafficking market. China’s role in labor trafficking is well established, as is its well-deserved designation as a perpetrator of genocide against its Uighur citizens. This hearing conveys actionable information about its involvement in the grisly market for human organs and tissues.

As I mentioned earlier, the question is: *What should United States Government officials do when presented with credible evidence of government-sanctioned organ harvesting?*

The answer is straightforward: be aware. China has a well-deserved reputation as a government that focuses on “extraction” – whether of minerals, other natural resources, intellectual property, or human beings themselves. For many in the State Department and in the business community, mentioning China’s inhumane behaviors is bad form. It is not. One must know and understand who sits across the diplomatic table. The fact that those on the other side of transactions – whether for trade in solar panels, electric cars, or other business transactions – have turned their own citizens into “commodities” and run the human equivalents of auto “chop shops” are not to be trusted. As the late President Reagan famously said: “Trust, but verify.” H.R. 1592 and S. 602 are steps in the right direction.

I will address some specific example that arose during my tenure as Assistant Secretary of State for Democracy, Human Rights, and Labor in my remarks.

I thank the Chairs for the invitation to participate today, and look forward to your questions.