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**Nominated for the Public Eye Swiss Award 2010  
by the Berne Declaration**

## Roche

Headquarters: Basel, Switzerland  
Sector: Pharmaceutical industry  
Turnover / Profit: CHF 45.6 billion / CHF 10.8 billion (2008)  
Owned by: Hoffmann & Oeri families (50.01%), Novartis (33.3%), other shareholders  
Employees: 80,080 (2008)  
CEO: Severin Schwan

### In Brief

*China proudly proclaims that roughly 10,000 organ transplants take place annually in its clinics. However because of Chinese culture, there are few voluntary organ donations from the population. Where do all the transplanted organs come from? At the end of 2008, the Chinese vice health minister admitted in a medical journal that more than 90 percent of all transplanted organs come from executed prisoners. The World Medical Association and other international organizations unanimously oppose the transplantation of prisoner organs on ethical grounds. Even when a prisoner supposedly consents to an organ donation, such consent while imprisoned cannot be considered of one's own free will. The drug Cell Cept, from the Roche pharmaceutical firm, prevents the rejection of transplanted organs. Roche markets the drug in China despite the country's unethical transplantation practices. The company has even been producing Cell Cept in China for several years. Furthermore, Roche is currently studying the drug's effects in two studies with some 300 transplanted organs in Chinese clinics. Roche claims to have no information regarding the origins of the transplanted organs. The firm must therefore immediately halt these studies since it cannot ensure that none of the organs come from prisoners.*

### Irresponsible Corporate Behavior

The Chinese market is gaining in importance for Roche. In 2005, Cell Cept was the third most important product for Roche in China. In 2006, a study of Cell Cept's effectiveness was carried out by the firm on roughly 36 heart transplant patients in three clinics. According to Roche it is currently researching the effectiveness of Cell Cept on about 300 kidney and liver transplant patients in numerous Chinese clinics, without information about the origin of the transplanted organs. Since over 90 percent of all transplanted organs in China come from prisoners, it is highly likely that some of the organs in this study belonged to prisoners. When the company does business in such a dubious setting and carries out studies on transplanted organs, it is at least morally obligated to determine and independently verify that the organs do not originate from prisoners. Since the company cannot do this, such studies represent irresponsible corporate behavior.

## Consequences

Even Chinese lawyers have publicly expressed their apprehensions that the demand for organs contributes to the exorbitantly high number of executions in China, where the death penalty is imposed for nearly 70 offenses, and the number of executions is guarded as a state secret. Furthermore, the UN Committee Against Torture is concerned that organs from prisoners of conscience from the Falun Gong religious movement could also be used for transplants, and the committee calls for an independent investigation by the Chinese government into these concerns. Members of Falun Gong are treated as supposed enemies of the state in China, and are often held for years in reeducation and labor camps, usually without a court ruling. Members frequently die under unclear circumstances. The valid concerns that perhaps even organs from prisoners of conscience are used for transplantations, requires that Roche exercise special care in the clarification of origin of transplanted organs. When the company conducts studies in China on organs that may have come from prisoners, it undermines international efforts to end the unethical use of such organs in China.

## Current Status and Demands

Roche defends its studies by claiming that it satisfies the latest legal regulations in China. These regulations allow, despite international protests, that organs from prisoners can be transplanted, although this is internationally seen as unethical, since the consent of a prisoner cannot be considered of one's own free will. Despite these efforts, China still has no independent and transparent organ donor system that can ensure that no prisoner organs are used. The World Health Organization's principles on organ transplantation call for transparency regarding organ donations as well as a traceability of the origin of the transplanted organs. As long as Roche cannot prove that the organs in its studies do not come from prisoners, it must refrain from such studies and immediately cease any such studies in progress. International medical organizations such as the World Medical Association and The Transplantation Society should expand their guidelines for the behavior of doctors and Chinese transplantation medicine to include the behavior of pharmaceutical firms that profit from the unethical transplantation practices that take place in China.

## Further Information

- <http://www.roche-trials.com> Darin Studien: ML21740, ML21241, ML20055
- <http://press.thelancet.com/chinaorgan.pdf>
- [http://www.searo.who.int/LinkFiles/BCT\\_WHO\\_guiding\\_principles\\_organ\\_transplantation.pdf](http://www.searo.who.int/LinkFiles/BCT_WHO_guiding_principles_organ_transplantation.pdf)
- <http://www.tts.org/images/stories/pdfs/StatementMembs-ChineseTXProg.pdf>
- <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.CHN.CO.4.pdf> (page 10)
- <https://www.dafoh.org>