

Russian Court Upholds Organ Harvesting Without Explicit Consent

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Russian medical institutions have the legal right to harvest organs from the deceased without notifying relatives, the Constitutional Court said a statement on the official court website.

“Presumed consent to the removal of organs — aimed at developing the country's organ donation and transplantation — does not violate the Constitution,” the statement said, the Novaya Gazeta newspaper reported Wednesday.

The Constitutional Court officially recognized the legality of presumed consent and said that the harvesting and transplantation of human organs and tissues was a way to save lives.

The ruling came in response to a lawsuit brought by the mother of Moscow student Alina Sablina, who was killed in a car accident in January 2014. Only a month after the funeral did her parents learn that she had been buried without seven of her organs. The girl's mother has been seeking compensation from the hospital.

Article 8 of the 1992 federal law on the transplantation of organs and/or tissues of human beings establishes a presumption of consent on the part of an individual or close relatives to

the postmortem removal of the deceased's organs for transplantation.

If family members of the deceased object to the removal of organs, they must notify the medical institution; otherwise, the corpses will be removed and organs may be harvested, the court's statement said, Novaya Gazeta reported.

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