Should Organ Donation Be Compulsory? A Comparative Analysis of Opt-In and Opt-Out Systems

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I. INTRODUCTION

Organ donation is a medical procedure in which a person donates their own organ to another individual suffering from an end stage organ disease and needs a transplant. Despite its importance, scarcity of organs for transplantations is on the rise globally. It is estimated that, in 2022, there were more than 157 thousand transplants performed globally, however it still falls short of the waiting list by a huge amount considering the fact that there were more than 1 million people that actively registered in the same year (Elflein, 2024). It is estimated that 17 people die waiting for an organ transplant each day (National Academies of Sciences et al., 2022). This crucial issue has sparked a debate among many regarding whether or not organ donation should be made compulsory for all citizens worldwide. A policy like this would make everyone a default organ donor from birth unless and until they explicitly refuse to do so and legally opt out. This report will thoroughly examine the ethical considerations, cultural challenges and potential benefits donation brings us. I will analyse the issue from a global and national scale and study existing policies regarding organ donation. The aim is to come to a conclusion whether compulsory organ donation could effectively address the organ shortage crisis globally.

II. CURRENT SCENARIO: OPT-IN SYSTEM VERSUS OPT-OUT SYSTEM

Opt-in systems

In an opt in system, individuals explicitly sign up and give their consent for organ donation upon death. The registration usually takes place through a donor registry or a government organ donation website. Countries like the United States, Japan and Canada follow this system. In these opt-in countries, fewer than 15% of people register. (Scheiber, 2012). Evidently, opt-in systems are not helping the shortage crisis as many people, despite wanting to donate, lack awareness of the whole procedure or end up procrastinating for the same.

Opt-Out Systems

In an opt-out system, all individuals are considered to be organ donors unless and until they explicitly refuse to do so by legally registering their decision. In opt-out countries, 'more than 90% of people register to donate their organs.' (Scheiber, 2012). In situations like these, the family only has to recall and come to a decision on whether the deceased had previously expressed their opinion on opting-out. In the end, the family's decision, regardless of it being a yes or no, is respected and followed.

III. PRIMARY CAUSE - CULTURAL CHALLENGES

Cultural and religious beliefs influence many aspects of an individual's life, including medical and health related ones. In the context of organ donation, most religions do permit and support the same however, some are still reluctant to participate in these processes, decreasing the donation rates globally.

1 Jehovah witnesses - Jehovah's witnesses strongly oppose blood transfusion. In their case, organs and tissues should be completely drained of blood in order to be able to carry out a transplant. This requirement makes it a bit hard as it is not medically advisable to remove blood from donated organs.
2 Hinduism - Hindu's value prolonging life and believe in the concept of karma wherein one's deeds will impact future birth, be it positive or negative. No religious laws prohibit hindu's from

donating organs and it is considered as an act of compassion among people.

3 Islam - Most individuals who follow the Islamic religion perceive organ donation as a charitable act; saving lives and acts of service. However, they also believe in the sanctity of the body after death - it should be buried and kept intact for as long as possible.

IV. SECONDARY CAUSE - DIFFERING SYSTEMS

In an opt-in system, such as those prevalent in the US, citizens need to actively register for donation. This results in fewer organ donation rates and extensive numbers on the waiting list. Many individuals end up not signing up due to inertia or reluctance to address and engage with the registration process. In contrast, in an opt-out system where every citizen is 'presumed' to be organ donors, countries like Spain have had the highest organ donation rates for 32 years, consecutively. This explicitly highlights how this different donation policies can influence public participation for organ donation in a country.

V. PREDICTED SCENARIO

Positive consequence - Impact on patients

If organ donation were to be made compulsory globally,it would immediately elevate the availability of organs. Waiting lists could be dismissed faster and in terms of life-saving transplants, it could potentially save more than thousands of lives each year. It would increase the quality of healthcare provided to citizens and since the donor pool would be so huge, increased matches between donors and recipients could be so much greater.

Negative consequence- Ethical challenges

If donation would be made mandatory for all, it could lead to the rise of ethical discomfort amongst citizens. Rights over bodily autonomy and state authority would be questioned. It is stated that it is a fundamental right - people should have the authority to make decisions about their own body - and this can clearly be perceived as a violation of this right. It could lead to concerns about the decision of state authority over one's own personal choice and public protest could be a direct consequence.

VI. GLOBAL PERSPECTIVES

Globally, many countries have not voiced their opinions on whether organ donation should be made compulsory or not and various background factors are influenced by their choice. Countries have instead resorted to having flexible systems (opt-in and opt-out) to make it easier for citizens to decide.

Many countries claim that making organ donation mandatory for all should be done for the 'greater good' as it emphasizes on saving lives. However, in a few other countries like Japan, only 2-3% of patients receive organ donors each year and this is mostly driven by deep-rooted cultural beliefs.

These global variations regarding organ donation make it complex for both needs to be met.

VII. NATIONAL PERSPECTIVES

To highlight how different policies affect organ donation in different countries, this section will do an in-depth comparison of the organ donation rates (along with the factors affecting them) between two countries - Spain and United States (U.S)

Spain's opt-out system of organ donation is receiving greater attention globally. 'In 2023, around 48.9 people per million inhabitants in Spain were organ donors.' (Statista, n.d.). There are various reasons that contribute to the success of this model. The country emphasizes on identifying any suitable donors not only in the Intensive Care Unit (ICU) but also in hospital wards and emergency rooms. (Streit et al., 2023) It also recognizes the importance of considering donations, regardless of the circumstance of death (Brain death, euthanasia, cardiac arrests, circulatory death, organ failure, etc.). This system also guarantees a high level of public trust and support from its citizens. Public awareness campaigns from various foundations and the national government bureau - Organización Nacional de Trasplantes (ONT), have helped shape long-term, continuous support for the program. While Spain's system is highly regarded, we must also keep in mind the ethical concerns that it brings along with it. Some argue that the current order interferes with individual autonomy, especially if some citizens are not aware of the option to opt-out. Many individuals, particularly certain religious groups also believe that the body must remain intact after death as the soul retraces its steps. These traditional

beliefs oppose the hard policy opt-out system and may lead to reforms of the current system to ensure that ALL citizens are made fully aware about their rights regarding organ
donation. Furthermore, objection from these religious committees might also lead to compromisations of the quality of healthcare provided for its citizens.

In the United States, organ donation operates under an opt-in system. Here, individuals volunteer for organ donation by their own choice and officially register for the same. According to the HRSA [Health Resources and Services Administration], more than 46,000 organ transplants were performed in 2023. (optn.transplant.hrsa.gov, 2024), which, although significant, still falls short of the high demand of organs each year. Key initiatives include those by various nonprofit and private organizations like the United Network for Organ Sharing [UNOS] and the Department of Health and Human Services [DHHS] - a US federal government service. These establishments aim to increase efficiency, promote safe and secure organ transportations and hold various public campaigns to educate citizens on the need for organ donation. The US system is also particularly valued for its respect for individual choice and autonomy as well as its alignment with cultural aspects. (Lytle, 2021) Despite all these efforts, in 2023, over 6200 patients died while waiting for an available organ transplant. (Salim and Cotton, 2024). With these, the questions regarding the effectiveness of the opt-in system arise. Many individuals express their support for organ donation but in the end, only few take the necessary steps to register.

VIII. POSSIBLE COURSE OF ACTIONS

In order to effectively address the global organ shortage crisis, several courses of action from different perspectives should be considered. A practical solution that would respect individual autonomy, cultural beliefs, and the needs of the diverse global population should be implemented.

A potential approach could be launching a national awareness program for each country - which could significantly cater to their needs of addressing the organ donation shortage. This approach would involve hosting public awareness campaigns nationwide in order to maximize outreach and to address common misconceptions regarding the matter. It could help change public attitudes towards organ donation and influence more people to register. By emphasizing public awareness, this approach also respects individual autonomy and could lead to greater donation rates under both, opt-in and opt-out systems.

Another possible course of action would be strengthening family consent policies. This approach emphasizes the involvement of the family being at large in the decision-making process and making sure all of them are well aware about the situation at hand and supportive throughout. Hospitals and NGOs could implement enhanced education, counselling and workshops for families in order to help understand benefits of organ donation procedures. Strengthening policies would also help target respecting family autonomy and their say in the matter. It could alleviate emotional distress in addressing these situations and could lead to more strong, opinionated choices regarding donation.

Educational institutions, particularly schools, should also make it a must to inculcate and spread awareness about these issues. Many students, like myself, remain unaware of the complex challenges organ donation brings to us until they stumble upon it during independent research. By taking a few of these steps, schools can help shape young minds into selfless and compassionate individuals who are better equipped to make mature decisions on organ donation and raise voice about policies that emphasize both personal choice and collective good.

IX. EVALUATION OF SOURCES

IThe information used throughout this report are from various sources of different reliability and credibility. I primarily used data from articles and reports from the National Institutes of Health [NIH]. Since it's a government agency specializing in the field of extensive research of medicine and public health, it offers a reliable foundation for understanding the key aspects of organ donation. However, it was a bit hard navigating throughout the sources as the NIH only provides specific research findings and doesn't cover all perspectives.

For findings related to specific countries like the US, I used data from the Health Resources and Services Administration [HRSA] and the United Network for Organ Sharing [UNOS]. For the findings related to Spain, I relied on information from the Organización

Nacional de Trasplantes (ONT) - a government bureau. This was a key source in understanding the strategies and existing policies, along with the specific reason for analyzing the country's high donation rates and effective policies. Since it was explored as a national perspective, it allowed a detailed understanding as to why Spain is the leader in organ donation globally.

For my cultural and religious challenges section, I browsed through articles and reports from the Journey of Medical Ethics. Since it covers topics regarding bioethics and medicine, it helped shape my foundation on the causes and consequence section

X. PERSONAL REFLECTION AND CONCLUSION

Before conducting my research, I believed that organ donation should be a personal choice - something an individual gets to decide for oneself. The idea that I needed to feel obligated to donate felt a bit intrusive and against my own choice. However, throughout this report, I have gained a deeper understanding of the issue and the challenges it brings us. The severe organ shortages and the immense suffering and loss of life that it results in.

I discovered the different systems and how effective different policies could be in addressing the crisis. I also learnt about the broader impact - societal, ethical and cultural beliefs that organ donation brings along with it. Furthermore, I believe that organ donation ends up being, not a personal issue, but a communal one. It involves saving and improving multiple lives and supporting those in need.

By the end of my research, I have come to a conclusion that making organ donation compulsory for all would be the best option out there. After having weighed different perspectives - global and national, different policies - opt-in and opt-out, and different impacts - individual autonomy, personal rights and cultural context, I strongly think that this would be the most beneficial approach. While I still believe in respecting individual rights, donating my organs is a contribution I'm willing to make, for society, for the world and for the greater good.