

Human Organs Transplants Law no. (21) for the year 1997

We, Hamad Bin Khalifa Al Thani, Emir of the state of Qatar,
After perusal of the Amended Provisional Constitution of the state of Qatar, particularly Sections (34) and (51) thereof,
And of Law no. (16), for the year 1971, for Civil and Commercial Transactions, as amended by Law no. (10), for the year 1982, particularly Section (22) thereof.
And of Law no. (11), for the year 1982, for the Organization of Health Care Establishments.
And of Law no (2), for the year 1983, for the Practice of the Medication and Dentistry, and the Laws amending thereto.
And of Decree no. (35), for the year 1979, Regarding Hamad Medical Corporation, amended by Decree no. (38), for the year 1987
And after consultation with the Presidency of Sharia Courts and Religious Affairs,
And in accordance with the recommendation of the Minister of Public Health.
And based on the Bill submitted by the Council of Ministers.
And after consultation with Shwrra Council,

We hereby resolve the following Law:

Section (1)

In implementing the provisions of this Law, the following phrases and words shall have the meanings designated opposite to each, unless the context requires otherwise:

Minister: Minister of Public Health.

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Organ: Any organ of the human body or any part thereof, which is vital and essential for the life saving of a patient.

Transplantation of Organ: Removal of an organ of a human, dead or alive, and its implantation in a living human.

Death: Irreversible cessation of the heart and respiratory system, or irreversible cessation of all functions of the brain (brain death).

Section (2)

Specialist doctors may undertake surgical procedures for the removal of organs from the body of a living person or a cadaver and implant it in the body of a living human to save his life, or to realize a probable therapeutic benefit for him, provided that the conditions and procedures provided for in this Law are duly complied with.

Section (3)

Removal of genital organs carrying genetic properties from a living body or a cadaver for the purposes of transplantation into a living human body is prohibited.

Section (4)

A person with full legal capacity may donate or make a living will to donate one or more of his body organs, by virtue of a written statement attested by two full capacitated witnesses.

Section (5)

No organ shall be removed from a living person, notwithstanding such person's consent, if such removal shall result in the death, or inability to perform a legal obligation, or if the probable medical opinion was that the transplantation will not be successful.

Section (6)

Donors shall be fully informed in writing with both the probable and confirmed medical consequences of the removal of the donated organ. Information shall be given in writing by a specialized medical team, and after comprehensive medical screening having been performed on the donor.

A donor shall have an unqualified and unconditional right, at any time before the organ removal, to revoke his consent to donate an organ.

Section (7)

Human organs may be removed from the cadaver of a deceased person, provided that the consent of his next of kin, of full capacity, (up to second degree relatives) is obtained. Shall there be multiple relatives of the same kinship degree, their unanimous consent shall be obtained. Such consent shall, in all cases, be in writing, by virtue of a written statement attested by two witnesses, who are of full capacity. The following conditions shall, however, be observed:

1. Ascertainment of the death of the concerned person conclusively, through a unanimous written report issued by a medical committee composed of three specialist doctors, one of whom shall be a neurologist, and non of whom shall be the one assigned to perform the removal surgery, a relative of the patient receiving the donated organ, a relative of the deceased, or a person having an interest in the death of that person.
2. That the deceased person shall not have objected, during his life, in writing or orally in the presence of two fully capacitated witnesses, to the removal of his body organs.

Section (8)

Organs may be removed from the body of unidentified cadavers three days after death, provided that the approval of the Sharia Court is obtained, if a patient will probably benefit from such organ. Sharia courts may, however, grant its approval before the elapse of the said

three days, based on a report from the medical committee established under Section (7) of this Law, if such removal is necessary to the life saving of a person who is in urgent need for such organ.

Section (9)

No sale or purchase of human organs, nor the acceptance of any compensation therefor shall, in any manner, be allowed. Doctors are prohibited from knowingly undertaking any such removal surgeries

Section (10)

Removal and implantation surgeries shall take place exclusively in such governmental hospitals as to be designated by the Ministry for this purpose, and in conformity with the conditions and procedures to be designated by a decision of the Minister.

Section (11)

The Minister shall issue a decision designating the conditions and specifications that shall be satisfied in the locations specified for the good keeping of organs and the methods of their utilization.

Section (12)

Whoever violates the provisions of this Law or any of the implementing decisions thereof shall be punished with imprisonment for a period no less than two years and not to exceed ten years, and with fine no less than ten thousand Qatari Riyals and not to exceed forty thousand Qatari Riyals, or with either punishment, without prejudice to any other severer punishment imposed by any other enactment.

Whoever removes a human organ from a person without his/ her knowledge shall be punished with imprisonment for a period no less than seven years and not to exceed fourteen years.

In case of repetition the punishment shall be doubled. Repetition shall mean repeating the commission of the same crime before the elapse of three years from the date of execution of the former decreed punishment.

Under all circumstances, the court may, upon conviction, make a ruling to revoke the offender's license to practice.

Section (13)

The Minister shall issue the decisions necessary for the implementation of the provisions of this Law.

Section (14)

All concerned authorities, each within the scope of its jurisdiction, shall implement the provisions of this Law. This Law shall come into force after sixty days after the date of its publication in the official Gazette

(Signature)

Hamad Bin Khalifa Al Thani
Emir of the state of Qatar

Issued at the Amiri Diwan on 5/7/1418 AH
Corresponding to: 5/11/1997