

Organ donation: also rely on advance directives!¹

Press release from the French National Academy of Medicine

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In the name of solidarity and respect for individual autonomy, the French Bioethics Law² regulates the collection of consent to the removal of organs from the body of a deceased person on the basis of presumed consent. The refusal register collects objections, but a favorable expression, by carrying an organ donor card or by informing one's family, is encouraged.

It has been noted for years that the number of people on the refusal register is very low and that few people express their position to their family. In the event of sudden death that could lead to organ removal for transplant, this situation results in an opposition to the removal in 30% to 34% of cases each year in France since 2017 (1-2), this opposition being most often expressed by the family under the shock of brutal mourning and ignoring the will of the deceased.

It is also noted that more than one third of organ removals for transplantation from the bodies of deceased people are today carried out in people aged 65 and over (2), the high age of the donor being however generally compatible with a satisfactory functioning of the graft for a prolonged period in the transplanted person. This observation makes us consider that any person, whatever his/her age, may declare to be in favor of organ donation. Doctors will then judge whether or not it is appropriate to follow up their authorization to take certain organs.

At the same time, the shortage of organs is regularly highlighted, due to the increase in the number of candidates on the waiting list, almost 20,000 currently, while only 5,900 organ transplants are carried out annually in France (2).

It is therefore important to seek solutions that will reduce the percentage of oppositions to the removal of organs from the bodies of deceased people and to improve these possibilities. Such a solution should be sought from the advance directives provided for in the legislative framework concerning the end of life.

1 Press release from the Academy's Rapid Communication Platform.

2 Article L. 1232-1 of the Public Health Code

In accordance with human person autonomy, the Law relative to the rights of patients and the end of life, people express their wishes³ on the basis of consent in the form of advance directives. It has been observed that only 18% of French people have established their advance directives relative to the end of life, the percentage being 33% among those over 65, and that 20% of French people are unaware of the very existence of this possibility (3).

In order, on the one hand, to more strongly motivate, by adding an altruistic dimension, the anticipation of the end-of-life situation and, on the other hand, to try to reduce opposition to the donation of organs linked to ignorance of the position of the deceased, it would seem appropriate to consider that the drafting of advance directives relative to the end of life would also allow the concerned people to express their favorable opinion on an organ donation for transplantation (4).

Remaining attached to the principle of presumed consent as the basis of the Law relative to the removal of organs from the bodies of deceased persons for transplantation and wishing to reduce the excessively high level of opposition to this removal, often linked to the ignorance of the entourage on the wishes of the deceased, the French National Academy of Medicine suggests that:

- the drafting of advance directives relative to the end of life makes it also possible, with an altruistic aim, to formulate a favorable opinion on the removal of his/her organs for transplantation, if the death circumstances make it possible;
- this proposal should be accompanied by an enhanced public information on the importance of drafting advance directives (5);
- the study of the legislative implications of such a proposal be initiated.

References

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4. Boudjema K., Manton G., Report of the National Academy of Medicine, Issues medical and societal aspects of liver transplantation in France, Session of May 9, 2023
5. Press release from the French National Academy of Medicine, End of life: the importance of writing advance directives, December 7, 2021

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