

# Law No. 21 of 1997 on the Regulation of Transplantation of Human Organs 21 / 1997

Number of Articles: 14

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### Articles (1-14)

We, Hamad bin Khalifa Al-Thani, Emir of the State of Qatar,

Having perused the Amended Provisional Constitution, in particular articles 23, 34 and 51 thereof,

The Civil and Commercial Articles Law No. 16 of 1971, as amended by Law No. 10 of 1982, in particular Article 22 thereof,

Law No. 11 of 1982 organizing medical institutions,

Law No. 2 of 1983 concerning the practice of human medicine and dental medicine & surgery;  
Decree No. 35 of 1979 concerning Hamad Medical Corporation (HMC), as amended by Decree No. 38 of 1987,

Having consulted the presidency of the Sharia courts and religious affairs,

The proposal of the Minister of Public Health,

The draft law submitted by the Council of Ministers, and

After taking the opin

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## Articles

### Article 1

In the application of the provisions of this Law, the following words and expressions shall have the following meanings assigned to them, unless the context requires otherwise:

“**Minister**” means the Minister of Public Health;

“**Ministry**” means the Ministry of Public Health;

“**Organ**” means any organ of the human body or part thereof that is vital and essential for saving a patient.

“**Organ Transplant**” means the removal of an organ from the body of a live or dead human and subsequently implanting it in the body of a live human.

“**Death**” means the permanent cessation of the heart or breathing or complete and irreversible cessation of brain function.

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### Article 2

Expert surgeons may carry out operations effecting the removal of organs from the body of a live person or the corpse of a dead person and transplanting them into the body of another live person with the aim of preserving his life or to achieve a tangible therapeutic benefit, in accordance with the conditions and procedures stipulated in this Law.

### Article 3

It shall be prohibited to excise reproductive organs which bear genetic traits from the body of a live person or the corpse of a dead person and to subsequently transplant them into the body of another live person.

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### Article 4

A person who has legal capacity may donate or bequeath one or more of his body organs by virtue of a written statement witnessed by two witnesses, who also have full legal capacity.

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### Article 5

An organ may not be transplanted from the body of a live person, irrespective of his consent, if the removal of the organ leads to the death of that person; or seriously incapacitates him such that he is unable to fulfil his personal or work obligations, or if the prevailing medical opinion is that the transplant operation is likely to fail or confer little therapeutic benefit.

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### Article 6

The donor should be made cognizant of all the possible, likely and definite health consequences of the operation to remove the donated organ and of the ongoing health implications of its removal. This shall be in writing by a specialised medical team after carrying out comprehensive examination and assessment of the donor.

The donor may at any time before the transplant operation withdraw his consent to the procedure, and he may do this without any conditions or penalties.

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### Article 7

Organs may be removed from the body of a deceased person upon the approval of whoever is present of his near-relatives up to the second degree, who have legal capacity. In cases where several relatives of the same degree are present, approval must be obtained from all of them. In all cases, approval shall be by virtue of a written deposition witnessed by two witnesses of full legal capacity, subject to the following:

1. Conclusive confirmation and certification of death by virtue of a written report issued unanimously by a committee of three specialist physicians including a neuropathologist, provided that the committee members shall not include the physician carrying out the operation, a relative of the recipient patient or the deceased person or any person who may benefit from his death;

The deceased person had not expressed, before his death, any objection to the removal of any of his body organs by virtue of a

written objection or the testimony of two witnesses who have full legal capacity

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## Article 8

Upon the approval of the Shariaa Court, organs may be removed from the dead bodies of unidentified individuals, after three days from the date of death if the transplantation of these organs is likely to result in a clear therapeutic benefit for the patient. Prior to the elapse of this period, and upon a report by the medical committee stipulated in Article 7 herein, and according to the provisions thereof, the Court may approve the transplantation whenever this is necessary to save the life of another person who is in dire need of the organ to be transplanted.

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## Article 9

Body organs may not be sold or purchased in any manner, nor may any financial compensation be received in lieu thereof. A specialist physician shall be prohibited to carry out the removal of such organs if he understands that such a transaction has occurred.

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## Article 10

Organ removal and transplantation operations shall be carried out in government facilities allocated by the Ministry for this purpose, in accordance with the conditions and procedures issued in the Minister's resolution.

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## Article 11

The Minister shall issue a resolution determining the mandatory conditions, standards and specifications that need to be fulfilled in facilities allocated for the preservation and correct storage of organs, thereby enabling them to confer therapeutic benefit from their subsequent transplantation.

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## Article 12

Without prejudice to any stricter penalty stipulated in any other law, whoever violates the provisions of this Law and its implementing resolutions, shall be penalised with imprisonment for a minimum period of two (2) years but not exceeding ten (10) years and a fine of at least ten-thousand Riyals (QR 10,000) but not exceeding forty-thousand Riyals (QR 40,000)

or either of these penalties.

Whoever removes a human organ from the body of a living person, without his knowledge, shall be penalised with imprisonment for a minimum period of seven (7) years but not exceeding fourteen (14) years.

In case of repeated violations, the penalty shall be doubled. The person shall be deemed to repeat a violation, if he commits a similar violation before the elapsing of three (3) year from the date of execution of the sentenced penalty.

In all cases, the court may, upon a successful conviction, may revoke the license for practicing the profession.

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## Article 13

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

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## Article 14

All competent authorities, each acting within their own jurisdiction, shall enforce this Law after sixty days from the date of its publication in the *Official Gazette*.