ABSTRACT
Latin America started its transplant activity early—as soon as the first transplants in the world took place. Its member states have created their laws of donation and transplantation also. The first laws for transplants in the region were created in Brazil in 1963. Subsequently, all states approved its regulatory framework for transplants. Until 2012, Nicaragua was the only country in the region that did not have a transplants law. In October 2013, Nicaragua adopted the “Law on Donation and Transplantation of Organs, Tissues and Cells for Human Beings,” which consummates the process that creates the legal framework for donation and transplantation in Latin America, a journey of 50 years’ duration, from Brazil’s law to Nicaragua’s law. This achievement is the fundament for searching an exercise of transplantation in a ground of accessibility, equity, ethics, and transparency as part of comprehensive health care services in the region.

METHODS
We present a historical review of transplant activity in Latin America and its transplant laws; it summarizes the experience of Nicaragua in the process of creating its donation and transplant law.

RESULTS
Latin America is a subregion of the Americas consisting of countries with common languages of Latin extraction, either Spanish or Portuguese. It includes Mexico, in North America, Central and South America, and the Spanish-speaking islands in the Caribbean.

In Latin America, transplant activity began as soon as the first transplants were performed worldwide. The first kidney transplant in the region took place in Argentina in 1957. It is worth mentioning that after the first 4 pancreatic transplants conducted worldwide at the University of Minnesota, the following 4 were conducted in South America—3 in Brazil and 1 in Argentina. The first living donor liver transplant in the world was performed in Brazil in 1989, and the first hand transplant in the world was performed in Ecuador in 1964 [3].

These countries were creating transplant laws also. The first Law on Donation and Transplantation in Latin America was written in Brazil in 1963 and 1968 [4,5] and was followed by Uruguay in 1971 [6]. In the Caribbean, Cuba was the next to create such laws in 1988 [7]. In Central America, the first transplant laws were written in Honduras in 1982 [8], then in Costa Rica in 1994 [9], and Panama, Guatemala, and El Salvador in this sequence in the next 7 years [10–12]. Between 2009 and 2011, various medical journals and international transplant registries discussed the fact that Nicaragua was the only country in Latin America that had no law on transplants, and, in this context, brain death is not legally recognized as the death of the person [2,13,14].

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Nicaragua transplant activity began in 2000, with living donor kidney transplantations being performed. To date, no organ or tissue transplant from a deceased donor or other non-renal organ has been performed. Nicaragua started the process of creating the transplant law in 2009, which ended with the adoption of Law 847, “Law of donation and transplantation of organs, tissues, and cells for human beings” in October 2013 [15]. The Pan American Health Organization, the international community transplant, The Transplantation Society, Transplantation Society of Latin America and the Caribbean, Iberoamerican Network/Council of Donation and Transplantation, and support organizations such as The Bambino Nefropatico (Italy), have played an active role in supporting the process through visits to the local official in charge by advising and accompaniment. The law contains relevant aspects such as the creation of the Nicaraguan Transplant Organization (ONITRA) legal framework for donation and transplantation from deceased donors, banning of transplants from unrelated living donors, and transplants to nonresident aliens, among others.

CONCLUSIONS

The adoption of the Law on Donation and Transplantation of Nicaragua represents a milestone for Latin America; now all countries have their transplant legislative framework, completing a journey of 50 years’ duration, from Brazil’s law to Nicaragua’s law. This represents the basis for searching the motto of access to transplantation as part of comprehensive health care services, transplant activity on ethical grounds, and self-sufficiency in organ generation in each country of the region.

REFERENCES


