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Health and Social Care Committee  
 Human Transplantation (Wales) Bill  
 HT(Org)3 - Catholic Bishops in Wales

December 2012

Dear Ms Butler

### Human Transplant (Wales) Bill

When the above Bill comes before the Welsh Assembly for debate, we, the Catholic Bishops in Wales, ask you to consider the following points:

We support the profound generosity which lies at the heart of human organ donation.

The positive ethos of organ donation as a free gift, however, will be endangered by an ill judged if well intentioned proposal to move from voluntary donation to presumed consent.

'Presumed consent' is not consent. If organs are taken without the prior, free and express consent of the deceased, or even against the express wishes of relatives, then it becomes organ transplantation but has ceased to be organ *donation*. The Bill stipulates that the law will "deem" that someone has consented, but if the only evidence of consent is an absence of objection, then this "deeming" is a legal fiction. It is not real consent.

Human rights such as personal autonomy and the relationship between the state and the citizen are compromised by this proposal.

Respect for the human body after death is also compromised.

The right to privacy and respect for personal beliefs and religion are disregarded.

The Bill gives no right for a next of kin to object. It would be inhumane to procure organs in cases where this is opposed or has given rise to strong aversion, or acute distress, or is done without prior knowledge of such removal, and particularly as there is no positive evidence that the person even wished to donate.

The Government seems to have ignored evidence and representation which disagrees with its proposal. The evidence does not show that this legislation is necessary and it carries with it a real danger to the trust between doctors, patients and relatives.

We thank you for considering these concerns and for further information we attach a copy of the Joint Response to the White Paper of the Roman Catholic Church in Wales, The Church in Wales and the Wales Orthodox Mission.

Yours sincerely,

*+George Stack*

The Most Revd George Stack  
 Archbishop of Cardiff

*+Peter M Brignall*

The Rt Revd Peter Brignall  
 Bishop of Wrexham

*+Tom M Burns*

The Rt Revd Tom Burns  
 Bishop of Menevia