

Health and Social Care Committee
Human Transplantation (Wales) Bill
HT(Ind)70 - Anonymous

Dear Deputy Clerk,

I wish to submit the following comments on the proposed Bill to introduce 'deemed consent' to organ donation in Wales:

The ethical basis of organ donation is just that – it is a gift freely given, with the informed consent of the donor. This Bill would replace donation by organ harvesting, in order to acquire more organs to meet the perceived demand. It arrogates to the State the right of access to the bodies of the deceased without any evidence of such informed consent.

Current law and associated code of practice requires either the donor to consent while alive, or a nominated representative or next of kin to give express consent after the person's death. The Bill would replace this with an untrammelled right by transplant teams to the deceased person's organs, casuistically called 'deemed consent'. The person has not consented, has not said one way or the other what their views are, but the State will take the organs anyway.

The provision for family members to give evidence that the deceased would have objected to the taking of his or her organs, is meaningless, since if the doctor decides to reject the evidence proffered, the family cannot veto the harvesting of their loved one's organs. The prior rights of the family are to be usurped by the State.

Moreover, the Bill imposes a "duty on the Welsh Ministers to promote transplantation". And that duty is defined in section 2 of the Bill as follows:

The Welsh Ministers must—

- (a) promote transplantation as a means of improving the health of the people of Wales,
- (b) provide information and increase awareness about transplantation, and
- (c) inform the public of the circumstances in which consent to transplantation activities is deemed to have been given in the absence of express consent.

This removes the freedom of conscience and action from a Minister who may disagree either with the principle of organ donation or with the spurious notion of deemed consent, and some authorities take the view that it would make it very difficult to modify in the future. The Bill is authoritarian, and does not respect fundamental human rights.

The Welsh Parliament is being asked to pass an authoritarian and anti-democratic Bill, which is based upon a fiction, that "deemed consent" is the same as "consent", and which:

1. allows the State to claim ownership of a person's body after death (a form of 'grave robbing') – and possibly even before death, since there are serious scientific concerns as to whether brain-stem death is actual death with all the fundamental ethical issues that follow from that;
2. permits the State to make assumptions about a person's beliefs and wishes which no one is entitled to make;
3. imposes on the community a set of values at odds with the traditional practice of medicine;
4. deprives Ministers of their right to freedom of conscience; and
5. imposes a "duty on the Welsh Ministers to promote transplantation" as understood by this Bill and the ideology of deceit which underpins it.