

### HUMAN TRANSPLANT (WALES) BILL

Like our Roman Catholic counterparts, we, as Bishops of the Church in Wales, would like to bring the following points to your attention regarding this Bill.

1. We strongly support organ transplantations. We see such gifts to others as the greatest gifts that can be given to other human beings. The Church in Wales was consulted and involved in producing the NHS Blood and Transplant leaflets encouraging organ donation from a Christian perspective. We therefore support the Heart to Heart campaign to encourage people to sign the donors' register.
2. However, a gift by definition is a voluntary donation by one person to another - and therein lies the difficulty we have with this Bill. Deemed or presumed consent is neither a gift nor a consensual act. It assumes that if you have not opted out of organ donation, your organs can be used after death. We cannot see how a failure to opt out can be interpreted to mean consent to the transplantation of organs. It turns the definition of donation on its head.
3. Such a Bill as this changes the relationship between individuals and the State, between doctors and their patients and raises a question about individual human rights.
4. The Welsh **Government believes that by allowing "someone in a qualifying relationship to the deceased immediately before death to provide information that would lead a reasonable person to conclude that the deceased would not have consented" is allowing** relatives a say and is a soft out option. That is at variance with its previous statements

regarding a soft out option where relatives could veto transplantation where someone had not opted out. This could potentially lead to very difficult encounters between relatives and medical staff.

5. During the consultation period, most of the reactions received were negative in character which the Government has decided to ignore, attributing it to an orchestrated campaign. In 2008, a UK Task Force as well as the **Assembly's Health Committee rejected such an approach.** Given the fact that Wales has seen a 49% increase in donation rates since 2008, encouraging people to donate would seem to be a better way forward.
6. It is arguable that countries which have such a scheme as is proposed (e.g. Spain) have seen an increase in donors only when transplantation services have been vastly improved.
7. We would be pleased to appear before the committee to present our views on this matter during the scrutiny stage of the legislation.

**The Most Rev'd Dr Barry Morgan**

Archbishop of Wales

On behalf of the Bench of Bishops of the Church in Wales