

Health and Social Care Committee
Human Transplantation (Wales) Bill
HT(Ind)48 - Revd Brendan Gerard

Dear Committee Members,

As an overseas UK voter, I wish to make the following comments on the proposed legislation for an opt-out system of organ donation in Wales, which could set a precedent for developments elsewhere in the UK and abroad.

It is principle, a laudable act to allow the removal of organs, including unpaired vital organs, in the event that one's death has been verified.

However, respect for the human person (and for the human body after death) requires that this be a free decision on the part of the donor. To safeguard that freedom, a system of presumed consent is not adequate. One must be at liberty to opt in, not obliged to opt out.

That freedom is all the more essential since "brain stem death" is (to say the least) a doubtful criterion for verifying death. Even the more stringent criterion of "brain death," adopted in other countries, is disputed.

There are people who, if properly informed, would not be happy about the removal of their vital organs under those conditions. If they should meet with a fatal accident without having opted out of the system (for whatever reason) the removal of their organs would be an abuse.

An opt-out system could also encourage a certain tendency to treat the human body as a commodity falling under the power of the state.

Given the magnitude of this question, I would also respectfully urge you to extend the consultation period before any draft legislation whatsoever on this subject goes any further.

Yours faithfully

Brendan Gerard

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