

Orthodox concern over Welsh organ donor law

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Orthodox leaders have expressed reservations over new legislation in Wales for organ donation.

Wales will become the first country in the UK where people will be presumed to have consented for their organs to be donated unless they opt out.

The current system, which operates across the UK, relies on people signing up to a voluntary scheme and carrying a donor card.

Speaking on behalf of the Halachic Organ Donation Society, Founder and Director Robby Berman commented on the new legislation saying: “There is a philosophical question here if this is appropriate legislation but not a halachic question because ultimately the family will have the last word, as it did before this legislation.”

Continuing, Berman added that he believed the solution to be “education not legislation” saying that he would be “all for opt out if it will work but I just don’t think it will”. The effects of the change in the law remain to be seen.



The current Welsh NHS organ donation cards

But ministers in Cardiff Bay, keen to drive up low transplant rates, say the new scheme will save countless lives.

A Bill for Wales to adopt a system of presumed consent passed its final stage in the Welsh Assembly last night – despite objections from religious groups on moral grounds as well as concerns about it adding greater distress to bereaved family members.

Assembly Members (AMs) voted in favour of the Bill by 43 votes to eight, with two abstentions.

Ministers insist the scheme will be implemented sensitively – saying they will launch a major publicity drive so people are fully informed about which choice to make.

The Bill was not likely to have been defeated as the 30-strong Labour group in the Assembly was whipped to vote in favour.

Conservative and Plaid Cymru AMs were given a free vote, and the Lib Dems said all five of their AMs backed the opt-out system.

The new law is set to come into force in 2015 – after the Welsh Government has launched a two-year £8 million public campaign – and has been described as a historic event by the British Medical Association (BMA).

The BMA’s secretary in Wales Dr Richard Lewis said: “This is the most important piece of legislation created in Wales since the laws of Hywel Dda.

“A few years ago, Wales was ready to lead the UK on banning smoking in public places, but we didn’t have the necessary legal powers.

“This time we are delighted that our National Assembly has shown the rest of the UK the way forward and fully support its implementation.

“Patients across the country will now benefit directly or indirectly from this Bill.”

The Welsh Government has long said there is a desperate need to drive up transplantation rates – with 226 people in Wales waiting for a transplant – and hope it would increase donors by around a quarter.

The new consent law would mean that people would have to choose not to donate their organs and would apply to over-18s who die in Wales if they have lived in the country for more than 12 months.

Organs made available under the system would be the same as the “opt-in” method – including kidneys, heart, liver, lungs and pancreas – and would not only go to donor patients in Wales. They could go anywhere in the UK.

Despite five years in the making, the issue was still hotly contested for five hours in the Senedd – with AMs from the Assembly’s four parties mulling over more than 70 amendments.

Health Minister Mark Drakeford said regulations would need to be drawn up on which organs would not feature – but confirmed that tissues definitely exempt would be limbs as well as face transplants.

Roy J Thomas, chief executive of Kidney Wales Foundation, said “Deemed consent has a positive and sizeable effect on organ donation rates of some 25% to 35% higher on average in presumed consent countries.

“One person dies every week in Wales waiting for an organ transplant. Three people die a day in the UK.

“The current system has failed those waiting.

“The new deemed consent system in Wales needs to be given stewardship and trusted to the medical profession. The Human Tissue Act is there to oversee matters with a new Code of Practice for doctors.”

Mr Thomas added that religious groups had struggled initially with the moral issue organ donation presented.

“The first human organ transplant occurred on June 17, 1950, at the Little Company of Mary Hospital in Evergreen Park, Illinois,” he said.

“At the time, the church was opposed to the idea that tissue could be taken from a dead person and put into a living person, and that the tissue would then come to life again.

“But Christian churches all over the world support the system that we propose to implement here in Wales. Spain, France, Austria, Netherlands and Belgium.”

Simon Gillespie, chief executive at the British Heart Foundation, said: “This is a special and historic moment for a part of the UK that has decided to stand up and make a life-saving change.

“The Welsh have become the standard bearers and now other UK governments must join them and introduce opt-out legislation of their own.

“The system, where everyone is considered a donor unless they say otherwise, will help increase the number of available organs and better reflect the wishes of the majority of the UK.”

Celebrity doctor and Embarrassing Bodies TV presenter Christian Jesser tweeted: “Having an opt out system for organ donation has not removed any rights from you. You can still opt out. That’s the point!”

However those views were not shared by campaign group Patient Concern.

Spokeswoman Joyce Robbins said: “This legislation will result in human bodies being treated like clapped-out cars. You strip them of parts for re-use, unless the owner prefers to scrap the whole vehicle.

“It’s outrageous to pretend that people feel no differently about a human heart from a used car horn.

“To tell people that the absence of a registered objection equals consent is outrageous. It’s a lie.

“The risks of turning off support for transplantation far outweigh the possibility of increased organ supply.”

The Christian Medical Fellowship branded the presumed consent model “unethical”.

Chief executive Dr Peter Saunders said: “Organ donation should be encouraged. It resonates strongly with the Christian principles of sacrificial generosity and love for one’s neighbour.

“It should be encouraged as a gift, but this system lays the framework for the taking of organs as a right. That is a very dangerous precedent indeed.”

Mr Saunders said he feared that England and Scotland would now follow suit following Wales’s precedent.