

Health and Social Care Committee  
Human Transplantation (Wales) Bill  
HT(Org)32 - Islamic Medical Association

To Mark Drakeford  
Chair:Health and Social Care Committee

Ref: Islamic Medical Response on Presumed Consent

Dear Mark,

We like first to thank you for giving us the chance to send our Islamic responses by 14th Febr/today.

One thing we like to explain first:

The Islamic Medical Association, is a reg charity and is very much involved with Health and medical ethical issues since about 40 years..

We frequently try to respond to the government on many bills and consultations and to give the Muslim view on ethical issues and behalf of the Muslims.

We tried twice before to answer your Consultation/questionnaire on Presumed/Deemed consent(Organ transplantation Bill);

If you allow us to give you now an updated and brief version of our Islamic medical response on the bill and the issue of Organ transplantation:

-The issue of Organ donation and Organ transplantation, is a controversial issue among Muslim scholars and the Muslims generally.

However many Muslim scholars/Muftis allowed Organ donation but under many strict conditions and the most important condition is:

The Consent/Permission of the donor(a religious and a human right)

It is not allowed to take the organs of any Muslim at the time of death without clear written permission or consent before.

To presume that there is a consent.... is out of question and no Muslim or Welsh Muslim will accept it.

Organ donation is a voluntary GIFT ,given after a well informed consent.

-It is important in Islam also:

Not to take any organ while the patient is still alive !

The end of life of every one of us is FIXED in advance by the Creator who is the Owner of life.

Many Muslims have concern today if doctors "delay death or play with the natural moment of death"

The issue of BRAIN DEATH is questionable among many Muslims and theologians today.

It can not be accepted to allow any doctor to do what he/she likes with the organs of the "dead/live body" ?.

-OPTING OUT, is not practical and will not work among the Welsh Muslims for a lot of reasons:

Most Muslims will not be UNAWARE of this clause, many will shy away from doing it because of the language problem or other reasons ,others are lazy to do it like most public today who think they are " living for ever"...?

-The clause on the decision/permission of the FAMILY is also not practical and will not work among the Welsh Muslims for many reasons:

-First we noticed in your Bill that there was no clear VETO and no effective right of the family to say NO to the taking of the organs from their dead relatives.

Many Welsh Muslims have no family around and many of their families are living back home. Almost all Muslim students in Wales have no families.

Besides, some Muslim families might agree to allow the taking of the organs from their dead relatives contrary to the wishes of the dead person himself/herself.

**WELL INFORMED CONSENT AND PERMISSION DURING ONE'S LIFE IS THE ONLY POSITIVE WAY FORWARDS.**

-Finally, as we are having more damaged and failed organs today with more demand for organs and longer waiting list ...we feel it is very important for doctors and scientists to work on finding out the causes of the failure of our organs in order to work on PRIMARY PREVENTION.

British Medical Association  
bma.org.uk/wales

We know also today that some organs do fail for clear reasons:

Liver/Liver Cirrhosis from the consumption of alcohol...so efforts should be directed towards alcohol to prevent any damage to the Liver.

Thus there will be no need for the donation of a Liver.

Similarly: Lung cancer from smoking cigarettes...Proper medical practice is to STOP smoking in order to avoid the damage to the lungs

Thus there will be no need for the donation of a lung..

This is the only way forwards for PRIMARY PREVENTION and to reduce the need for a lot of organs today.

Also,if there is proven need for more organs donation in Wales,as many do not believe that this new bill on Presumed consent will not increase the number of donated organs ,we believe there are many other and simple ways to get organs: BY EDUCATING the public well about organ donation.

NOW ALLOW US TO GIVE YOU AN INTERESTING BRIEF REGARDING THE RESPONSE OF THE MUSLIM SCHOLARS AND THE WELSH MUSLIMS AGAINST PRESUMED CONSENT:

-First : there are 2 Islamic rulings/FATAWAS against Presumed consent :

First by the famous Islamic Sharia Council

Second by the Society of Muslim Scholars(Hizbul Ulama).

-Second: The clear Statement by the big famous Muslim body: The Muslim Council of Britain(MCB) against Presumed consent.

MCB represents over 500 Muslim organisations,mosques and Institutions(affiliates)

You can see all these Fatawas/Statement in the enclosed attachment after been published in the Muslim Weekly newspaper.

-Third: LETTERS SIGNED BY THE WELSH MUSLIMS IN MOSQUES AND ORGANISATIONS WITH THE FULL SUPPORT OF ALL IMAMS

AGAINST PRESUMED CONSENT:

\*Last September,about 2400 signed letters by Welsh Muslims were delivered by hand to the Welsh Assembly

\* In January/February this year,another 7000 signed letters by the Welsh Muslims were delivered by hand to the Welsh Assembly.

\*Today ,you are receiving also separately :A clear Islamic response from a Mufti/scholar in Islam and in Medical ethics:Mufti Mohammed Zubair Butt.

Who put clearly to you the Islamic argument and opposition to Presumed consent.

All were asking to drop this unethical unnecessary unislamic bill on Presumed consent.

We should keep the Status co on organ donation:

Any one can donate his/her organs by choice as a free gift and after a well informed consent and with the clear permission of the donor during his/her life.

We are all asking to drop this unethical unnecessary unislamic( & unchristian) bill on Presumed consent.

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