

Monday, 7th March 2016**PRESS RELEASE: FOR IMMEDIATE RELEASE****WWW.ELSA.ORG.MT**
INFO@ELSA.ORG.MTELSA MALTA,
STUDENTS' HOUSE,
UNIVERSITY OF MALTA,
MSIDA, MSD 2020**ELSA Malta releases Position Paper regarding 'Organ Donation'****In light of recent discussions in Parliament, "Organ Donation: a leap towards regulation - the present and future" aims to bring awareness on the controversial issue.**

Over the past few days, ELSA Malta published a position paper regarding organ donation in which it expressed its opinion in favour of the soft opt-out system.

The Organising Committee on Legal and Social Policy within the Maltese branch of the European Law Students Association decided to tackle this subject matter because organ donation is currently being discussed in Parliament, with the first reading of the proposed Organ Donation Act already over.

The position paper, 'Organ Donation: a leap towards regulation - the present and future', aims to tackle the different facets of organ donation, focusing particularly on the local context and then presenting ELSA Malta's opinion at the end.

While organ donation is a controversial issue because it touches upon sensitive and ethical issues related to death, ELSA Malta considers that this subject merits discussion on a national basis due to the fact that there is a dire need of awareness and education in our society. This is because every individual is a potential donor, or may be involved in the decision whether to donate or not donate a relative's organs. The scope of the position paper is to give an overview of the current position in Malta vis-à-vis organ donation, as well as delving into the White Paper and the proposed system to be set in place in Malta through the adoption of the Organ Donation Act, which at present, is being discussed in Parliament, with the first reading of the bill already done.

The position paper is not restricted to the Maltese position alone but delves into the comparative aspect, mainly within the European Union, highlighting the position in Member States like Spain, but other countries as well, such as Israel and the United States. Moreover, the negative issues concerning organ donation, inter alia, organ trading and transplant tourism, are discussed as well.

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The position of the Catholic Church of Malta is also brought forward due to the fact that the Church voices its opinion regarding many issues being discussed in Malta, and therefore excluding the religious point of view from the position paper would result in leaving out a valid opinion of one of the most active institutions in Malta. Briefly, the Roman Catholic Church encourages the donation of organs after death and considers this noble gesture as an act of love and a gift of life.

ELSA Malta believes that a soft opt-out system with added mechanisms would be ideal since it allows the removal and use of organs unless the deceased opted out during his or her lifetime. Nonetheless, such system would still allow the deceased's next-of-kin to consent in situations where the deceased has not opted in or out. The proposed system should be equipped with a registry system listing the wishes of donors, give legal status to donor cards and introduce the option of donating one's organs in identification documents such as identity cards.

"ELSA Malta believes that any upcoming law is to be fair, and which can be seen to be fair by the public, while leading to a system where the distribution of organs is more transparent, thereby clarifying the modus operandi of the system."

Although ELSA Malta recognises the necessary legislation to be adopted, it also acknowledges that there are other avenues which can be resorted to. In fact the position paper discusses promising areas which are being developed. Three evolving areas which can prove to alleviate and decrease the problem between availability and demand in the future are stem cell therapy, therapeutic cloning and xenotransplantation.

Several ethical considerations must be considered within these advanced scientific fields, such as situations where the destruction of the embryo is involved in stem cell therapy leading to controversial debate about the moral status of the embryo and further discussions related to life and conception.

ELSA Malta believes that it is high time that this sensitive subject is addressed. Malta needs to improve and regulate the area, with the ultimate aim of saving more lives through this honourable practice.

For more information and to read the full position paper please visit:
https://issuu.com/elsamalta/docs/organ-donation-final-pdf_1_/1?e=0

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