**Questionnaire on bioethics and disability**

a) **Prenatal diagnosis** and b) **Disability - related abortion**

Law on Conditions and Procedure for Termination of Pregnancy[[1]](#footnote-1) enables abortion up to the 32nd week (8th month) of the pregnancy only if “on the basis of medical indications it is expected that child will be born with severe physical or psychical defects” (Article 6, Paragraph 1, Point 2). The only other reason why the pregnancy can be terminated in this period is in the situation where the pregnancy is a serious threat to the life or health of a mother. Differently, if a fetus is formed as a consequence of a criminal act (rape), abortion is allowed up to the 20th week of the pregnancy. Worrying is the fact that institutions that collect data on abortions points out these abortions are a success, because they prevented existence of a persons whose “quality of life would be unsatisfactory due to their potential disability" (which is stated in the Law as a reason for termination of the pregnancy).[[2]](#footnote-2) These provisions contain selective and discriminatory abortion only on the basis of disability, and because of the presumption that such child will not have satisfactory quality of life.

c) **Informed consent to medical treatment and scientific research** and d) **Protection of persons with disabilities undergoing research**

The Law on Patients' Rights[[3]](#footnote-3) defines the right of a patient to refuse to be the subject of scientific research. Scientific research can be undertaken on an adult or with legal capacity patient, only with his or her consent, which can be revoked at any time. The patient gives consent in writing form, after sufficiently informed about the purpose, goal and way of process, expected results, potential risks, as well as about possible unwanted effects of examination and research (article 22). The patient has the right to receive from the health care staff timely information necessary to make a decision on acceptance or rejection of the proposed medical intervention. Mentioned information shall be given by a healthcare professional who provides the patient with a specific type of healthcare service, and if the patient does not require it, orally in a manner that is understandable to the patient, taking into account his / her age, education and emotional state. If the patient does not speak the official language or is deaf, the healthcare institution is obliged to provide him / her with translator or interpreter (article 11).

Medical intervention on a juvenile patient or patient deprived of legal capacity can be undertaken with the consent of its legal representative or custodian. The mentioned patient may, with respect to a medical intervention, make a statement, which shall be valued and taken into account in accordance with the age and the degree of understanding of the medical condition, for consent to the proposed medical intervention (article 17). However, consent to the proposed medical intervention is not mandatory in the case of a mentally ill patient or a patient with an infectious disease.

On other side, in accordance with Article 23 of the same Law, scientific research on a juvenile patient or patient deprived of legal capacity can be undertaken with the consent of its legal representative or custodian. Consent is not obligatory in extraordinary situations defined by the law and which is in accordance with medical standards and ethics. Therefore, for example, medical examination and research can be done on juvenile patient or patient deprived of legal capacity, only for his/her direct benefit and with written consent of legal representative, i.e. custodian, who previously was informed about purpose, goal, way of process, expected results, possible risk, as well as about possible unwanted effects of examination and research.

Finally, Article 19 of the Law on Patients' Rights stipulates that medical intervention against the will of the patient, legal representative or custodian of juvenile patient or patient deprived of legal capacity can only be undertaken in exceptional cases established by law and in accordance with medical standards and ethics.

e) **Euthanasia and assisted suicide**

In Montenegro euthanasia and assisted suicide is not recognized and legalized.

1. Law on Conditions and Procedure for Termination of Pregnancy, published in “Official Gazette of Montenegro”, No. 53/2009 [↑](#footnote-ref-1)
2. Specific information on the number of prenatal diagnoses and observations of healthcare professionals and other similar information can be found in the Montenegrin Alternative Report on the Implementation of the UN Convention on the Rights of Persons with Disabilities available at <file:///D:/Downloads/Izvjestaj-ENG.pdf> [↑](#footnote-ref-2)
3. Law on Patients' Rights, published in "Official Gazette of Montenegro", No. 040/10, 040/11 [↑](#footnote-ref-3)