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PERMANENT MISSION OF MONTENEGRO TO THE UNITED NATIONS OFFICE AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVE

Rue de Lausanne 147, 1202 Geneve

No. 6/2/UMCAT

The Permanent Mission of Montenegro to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations Commissioner for Human Rights and referring your letter from 18 November 2011, has the honour to inform about the process of establishment of a National Preventive Mechanism(NPM) in Montenegro in accordance with article 17 of the OPCAT(the copy of the part of legislation leading to the establishment of NPM is attached).

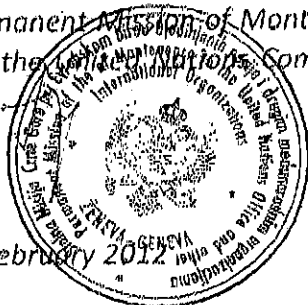
The establishment of NPM in Montenegro is regulated by the Law on Ombudsman (Official Gazette of Montenegro nb.42/2011), that entered into force on 24th August 2011.

The article 25 of the above mentioned Law defines the institution of Ombudsman as a National mechanism and the actions which is authorized to take. The article 26 stipulates the obligation of direct cooperation of the Ombudsman with the Subcommittee on Prevention of Torture.

58 000 Euros more than the previous year has been allocated to the Office of Ombudsman, according to additional powers, defined by Law.

The Office of Ombudsman has been in process of making by-laws which will define closely the working rules of the NPM.

The Permanent Mission of Montenegro avails itself of this opportunity to renew to the Office of the United Nations Commissioner for Human Rights assurances of its highest consideration.



Geneva, 1st February 2012

**Subcommittee on Prevention of Torture
Office of the United Nations High Commissioner for Human Rights**

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IV. SPECIAL AUTHORIZATIONS

Article 24

Protector, its deputy, as well as an officer authorized by the Protector shall be entitled to:

- without notice, search the premises in the bodies, organizations, institutions and other places where a person deprived of liberty may be located;
- without prior notice and approval, visit person deprived of liberty and check respect of their rights;
- without presence of an officer or other person, personally or through an interpreter, talk to the person deprived of liberty as well as to other person that may offer necessary information.

Article 25

Protector shall be a national mechanism for protection of persons deprived of liberty from torture and other types of cruel, inhuman or degrading treatment or punishment.

Protector shall undertake measures to prevent torture and other types of inhuman or degrading treatment and punishment in accordance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

For the purpose of making an analysis and in order to make an expert opinion of the situation in the bodies, organizations and institutions where persons deprived of liberty or persons whose movement is limited are situated, the Protector shall establish an Advisory Body which shall consist of experts in relevant fields.

The act on establishment of an Advisory Body from paragraph 3 of this Article shall define its tasks and authorizations.

Supervisor i.e. the person who manages the body, organization or institution from paragraph 3 of this Article shall be obliged to enable the members of the Advisory body to, without being disturbed, have an access to the premises where persons deprived of liberty or persons whose freedom of movement is limited are situated. The supervisor shall also enable them to talk to these persons and it shall make the necessary documentation available to them.

The body, organization or institution from paragraph 3 of this Article shall be bound to, without delay i.e. within the envisaged term, implement the recommendations of the Protector for prevention of torture and other inhuman or degrading treatment and punishment.

Article 26

Protector shall cooperate directly with the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Article 27

Protector shall be the institutional mechanism for protection against discrimination.

With the consent of the discriminated person, Protector shall act and take measures for protection from discrimination in accordance with this Law and particular Law which regulates the prohibition of discrimination.

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When Protector assesses as necessary, he/she shall institute the proceedings before the court for protection from discrimination or shall be joined to discriminated person in such proceedings as an intervener.

Protector shall act according to the applicable provisions of this Law in cases of discrimination by natural or legal persons.

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