



Permanent Mission of Montenegro to the  
United Nations Office and other International Organizations  
Geneva

No. 01/279/OHCHR

The Permanent Mission of Montenegro to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, Special Procedures Branch, and, with reference to a communication of the Special Rapporteur on the right to privacy, dated on 16 September 2025, has the honour to transmit herewith the letter from H.E. Mr. Ervin Ibrahimović, Deputy Prime Minister for International Relations and Minister of Foreign Affairs of Montenegro.

The Mission would highly appreciate the kind assistance of the Office in presenting the letter to the esteemed recipient.

The Permanent Mission of Montenegro to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, Special Procedures Branch, the assurances of its highest consideration.



Geneva, 20 November 2025

**OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**  
**GENEVA**



*Montenegro*  
*Ministry of Foreign Affairs*  
*Minister*

Podgorica, 18 November 2025

**Ms. Ana Brian Nougrères**  
**Special Rapporteur on the right to privacy**

**United Nations Human Rights Council Special Procedures**  
**G e n e v a**

Dear Ms. Brian Nougrères,

I have the honour to acknowledge the receipt of your letter dated 16 September 2025, requesting comments on the information contained in the letter concerning the Draft Law on the Agency of National Security, adopted by the Government of Montenegro, discussed within the Parliament of Montenegro and subsequently withdrawn from the legislative procedure.

The Government of Montenegro highly appreciates the attention you have dedicated to the proposed legislative proposal concerning the Agency for National Security. We have carefully examined your observations, with particular focus on concerns regarding the articles 13, 15 and 18 of the Draft Law.

The Agency for National Security is the central civilian, intelligence and security institution, with clearly defined competences under the Constitution of Montenegro and the applicable

legislative framework, including international legal instruments to which Montenegro is a state party.

In accordance with its clearly prescribed competences, and taking into consideration contemporary global trends and the nature of security challenges and threats in the era of digitalization, while fully respecting the right to privacy, Article 13 of the Draft Law regulates access to data contained in electronic records, registers and data collections of State authorities, administrative authorities, local self-government authorities and local administration authorities, as well as legal entities and other entities which maintain such records, registers and data collections, with explicit limitation that such access shall pertain solely to data "necessary for the performance of functions falling within the Agency's mandate."

The same Article establishes, as a dual safeguard mechanism, a mandatory rule requiring that an authorized official of the Agency, after having inspected the relevant records, shall prepare an official report. Furthermore, it establishes the obligation of the entity whose data are accessed to maintain a record containing, inter alia, information indicating that data have been provided to the Agency, or that direct inspection or electronic access has taken place, including the dates when such inspection or access to the data commenced and was concluded.

Respecting the European Convention on Human Rights, which provides for the possibility of restricting the right to privacy for the purpose of safeguarding national security, the aforementioned Article also establishes a form of oversight of access to data held by other entities, to be exercised by the national authorities responsible for the protection of personal data and the safeguarding of classified information.

With regard to your concerns related to Articles 15 and 18 of the Draft Law, the Government of Montenegro would like to underline that the enhancement of the legislative framework (contained in the Draft Law) is contingent on Euro-Atlantic and European integration processes and emerging security challenges. The Agency for National Security of Montenegro, as an integral part of the intelligence and security community, is obliged to address such challenges adequately and promptly. At the same time, the proposed provisions governing data collection are aligned with the Agency's prior operational experience, which has demonstrated that their current form constitutes an effective organizational framework for the maintenance and further strengthening of national, regional and collective security systems.

In the process of drafting the law, the Government was mindful of potential risks of human rights and fundamental freedoms guaranteed by the Constitution and international

instruments being restricted by certain means and methods of surveillance, and dedicated special attention to minimizing those risks. Therefore, we particularly emphasize that for the application of more invasive methods, prior judicial authorization shall be required in each individual case, which constitutes a judicial safeguard mechanism for the protection of human rights and fundamental freedoms.

In addition, the Government relied on comparative practices of the intelligence and security services of NATO and EU member States, whose laws prescribe similar or even more robust mechanisms concerning the use of means and methods for data collection. Moreover, entities from which the Agency collects data (Articles 12, 13 and 15 of the Draft Law), in cases they suspect potential abuse, may seek protection of their rights in proceedings before the ordinary courts. The courts, in each individual situation, constitute an additional oversight mechanism ensuring the legality of the Agency's activities.

Montenegro strongly adheres to the position that any State interference with the right to privacy must be compatible with international human rights law and meet the standards of legitimate purpose, legality, necessity and proportionality.

As a responsible and reliable UN member state, Montenegro will continue to further support the work of the Human Rights Council Special Procedures mandate holders, including through regular and substantive communication in good faith, thereby further advancing the human rights situation in Montenegro.

Please accept, esteemed Special Rapporteur, the assurances of my highest consideration.

**Ervin Ibrahimović, MSc.**

**Minister**

A handwritten signature in blue ink, appearing to be 'Ervin', written in a cursive style.