



**Resolution CM/Res(2009)3
amending Resolution (97) 10
on the monitoring arrangements under Articles 24-26
of the Framework Convention for the protection of National Minorities**

*(Adopted by the Committee of Ministers on 16 April 2009
at the 1054th meeting of the Ministers' Deputies)*

The Committee of Ministers,

Having regard to the Framework Convention for the Protection of National Minorities (CETS No. 157, which entered into force on 1 February 1998;

Having regard also to Resolution (97) 10 of the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities;

Considering that, after more than 10 years of operation of the Framework Convention and the Resolution, certain procedural modifications are needed, to accord with developments in practice and to promote a more transparent monitoring process following the adoption of the opinions of the Advisory Committee;

Recalling in this respect the decision adopted in June 2001 (756th meeting of the Ministers' Deputies), interpreting Resolution (97) 10 so as to allow States Parties to make opinions and state comments public earlier, without prejudice to the adoption of the Committee of Ministers' resolution,

Decides as follows:

to modify paragraphs 26 and 27 to the text of Resolution (97) 10 and to include a new paragraph 26 bis, as follows:

"26. States Parties are entitled to submit written comments on the opinion of the Advisory Committee concerning them within four months of transmission of the opinion to the state Party.

26bis The opinion of the Advisory Committee concerning the report of a State Party shall be made public:

- (a) on the authorisation of the State Party concerned (which authorisation may be given immediately upon transmission of the opinion to the State Party or at any time thereafter);*
- (b) four months after transmission of the opinion to the State Party concerned, unless that State Party submits a reasoned objection in writing to the Secretariat;*
- (c) at the same time as the conclusions and recommendations of the Committee of Ministers concerning the opinion, unless the Committee of Ministers decides otherwise; or*
- (d) at the latest, 12 months after transmission of the opinion to the State Party concerned, unless the Committee of Ministers decides otherwise.*

27. The opinion of the Advisory Committee shall be made public together with any comments of the State Party concerned in relation to the opinion, unless the State Party concerned informs the Secretariat in writing that it does not wish the comments to be made public."