

## **OPINION NO. 176 (1993) ON THE APPLICATION BY ROMANIA FOR MEMBERSHIP OF THE COUNCIL OF EUROPE**

### **1.**

The Assembly has received a request for an opinion on the accession of Romania to the Council of Europe (Doc. 6548) from the Committee of Ministers in pursuance of Statutory Resolution (51) 30 A adopted by the Committee of Ministers on 3 May 1951.

### **2.**

It observes that democratic parliamentary elections were held in Romania on 27 September 1992 and that they were monitored by an ad hoc committee of the Assembly. Presidential elections were held on the same day (first ballot) and on 11 October 1992 (second ballot).

### **3.**

It appreciates the contribution made by Romania to the work of the Council of Europe both at parliamentary level since its parliament obtained special guest status on 1 February 1991 and at intergovernmental level since acceding to the European Cultural Convention on 19 December 1991.

### **4.**

The Assembly attaches great importance to the commitment expressed by the Romanian authorities to sign and to ratify speedily the European Convention on Human Rights and to recognise the right of individual petition to the European Commission of Human Rights (Article 25 of the Convention), as well as the compulsory jurisdiction of the European Court of Human Rights (Article 46 of the Convention).

### **5.**

It appreciates the written declaration of the Romanian authorities in which they commit themselves to basing their policy regarding the protection of minorities on the principles laid down in Recommendation 1201 (1993) on an additional protocol on the rights of national minorities to the European Convention on Human Rights, as well as the commitments laid down in the letter dated 22 June 1993 of Mr Melescanu, Minister of Foreign Affairs of Romania. It wishes the honouring of these commitments to be monitored in accordance with Assembly Order No. 488 (1993).

### **6.**

In accordance with commitments made by the Romanian Parliament and authorities, as well as the remarks and proposals contained in the reports of the committees concerned with the application for membership, the Assembly calls the attention of the Romanian authorities to the necessity of instituting separation of powers, guaranteeing the real independence of the media, and ensuring the conditions for the free functioning of local administrative bodies. The Assembly recommends that the Romanian authorities sign the European Charter on Local Government as soon as possible.

### **7.**

It expects that Romania will shortly change its legislation in such a way that:  
i. Article 19 of the Act on the organisation of the judiciary, and possibly other legal provisions, will render it impossible in future for a minister to give instructions to judge;

ii. Article 200 of the Penal Code will no longer consider as a criminal offence homosexual acts in private between consenting adults.

**8.**

The Assembly calls upon the Romanian Government to return property to the churches and to permit the establishment and operation of church schools with a particular view to teaching children of minority groups their mother tongue.

**9.**

In accordance with commitments entered into by the Romanian authorities, the Assembly urges them to implement improvements in conditions of detention. It also calls upon the competent Romanian political leaders to reconsider in a positive manner the issue of releasing those persons imprisoned on political or ethnic grounds.

**10.**

The Assembly proposes that the Romanian authorities and the Romanian Parliament:

**i.**

adopt and implement as soon as possible, in keeping with the commitments they have made and with Assembly Recommendation 1201, legislation on national minorities and education;

**ii.**

make use of all means available to a constitutional state in order to combat racism and anti-Semitism, as well as all forms of nationalist and religious discrimination and incitement thereto.

**11.**

The Assembly recommends that Romania sign the European Charter for Regional or Minority Languages as soon as possible.

**12.**

The Assembly considers that Romania is able and willing:

**i.**

to fulfil the provisions of Article 3 of the Statute which stipulates that "every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms";

**ii.**

to collaborate sincerely and effectively in the realisation of the aim of the Council of Europe as specified in Chapter I of this Statute, thereby fulfilling the conditions for accession to the Council of Europe as laid down in Article 4 of the Statute.

**13.**

The Assembly therefore recommends that the Committee of Ministers, at its next meeting:

**i.**

invite Romania to become a member of the Council of Europe;

**ii.**

allocate ten seats to Romania in the Parliamentary Assembly.

**14.**

The Assembly also recommends that the Committee of Ministers encourage the Romanian authorities to continue the efforts they have started to make in order to implement the principles of the rule of law, the respect for minorities, the independence of the judiciary and to take the measures which have been called for in the reports of the Political Affairs Committee and the Committee on Legal Affairs and Human Rights, in accordance with the requirements established by the Council of Europe.

Text adopted by the Assembly on 28 September 1993 (46th Sitting).