



NEWS REPORT

Date:	22 February 2011
Expert:	Romanița Iordache
Title:	Draft Law on Recognition of Partnerships Withdrawn by its Initiator after Rejection by the Government
Country:	Romania
<u>Context</u>	
Issue at stake:	Draft law regulating the regime for heterosexual and homosexual civil partnerships was withdrawn after criticisms raised by the Government
Ground of discrimination:	Sexual orientation
Source:	Draft legislation
Field:	Social protection, social advantages, access to goods and services, education, housing, all fields, other
Legislative provisions:	Art. 277 of New Romanian Civil Code not entered into force yet prohibiting same-sex partnership and marriage, including also a prohibition to recognize partnerships and same-sex marriages registered in other countries, be it between Romanian or foreign citizens.

Content

Political development: Currently Romanian legislation does not recognise heterosexual or homosexual couples. In addition, the new Civil Code adopted in 2009 and meant to enter into force at a later date, specifically prohibits same-sex partnerships and marriages or recognition of same-sex partnerships and marriages legally recognised in other countries.¹ A draft law, filed in 2008, aimed at establishing the legal regime for both heterosexual and homosexual consensual couples. It had received the positive appraisal of the Legislative Council but had been shelved after its initiator was not re-elected in the Senate. On 15 November 2010, a new

¹ Art. 277 of Romania/ Lege 289/2009 privind Codul Civil [Law 289/2009 on the Civil Code] (17 July 2009). 'same-sex marriages performed abroad, by Romanian citizens or by foreigners are not to be recognised in Romania.' Similarly, the new Civil Code mentions that same-sex or opposite-sex civil partnerships registered or contracted abroad by Romanian citizens or foreigners are not recognised in Romania.

draft regulating the civil partnership regime (without specifically making a distinction between same-sex and heterosexual couples) was filed by Deputy Viorel Arion. The draft provided basic provisions regarding recognition of civil partnerships, rights and obligations, succession, access to social protection and social advantages based on the marital status.

The assessment of the draft by the Legislative Council was once again positive; however, the Government rejected the draft. While in the explanatory note supporting the draft law, its initiator mentioned the European trend which recognises same-sex and heterosexual partnerships and same-sex-marriages and the importance to observe the principle of equality, including in the area of social protection and social advantages currently conditioned by marital status, the governmental position was rather to specify that the 2009 provisions of the New Civil Code stated the option of the government for a particular legislative policy, regulating as “only form of recognised cohabitation, the marriage between persons of different sexes.”

Internet link source and additional information: Legislative proposal and supporting documentation available at: http://www.cdep.ro/pls/proiecte/upl_pck.proiect?cam=1&idp=15581 (10.02.2011). Media reports regarding the rejection of the draft by the Government and subsequent withdrawal of the draft by the initiator available at : <http://www.mediafax.ro/social/concubinajul-si-legaturile-gay-interzise-in-romania-7983614> (15.02.2011).