



29th session of the Universal Periodic Review – Romania

Introduction

1. Romania should take steps to protect marriage and the family within its national law and allow the referendum on marriage to proceed as originally planned.

Marriage and Family

2. Marriage and family are well-defined by the Romanian Constitution as 'founded on the freely consented marriage of the spouses, their full equality, as well as the right and duty of parents to ensure the upbringing, education and instruction of their children' (Article 48), and by the Civil Code, which repeatedly refers to the freely consented union between one man and one woman in many of its provisions. Furthermore, the same Civil Code emphasizes that 'marriage shall be prohibited between persons of the same sex' and that same-sex unions contracted abroad shall not be recognized as marriages, in the same way as it applies to civil partnerships.
3. An ongoing citizens' initiative, initiated by the Coalition for Family (*Coaliția pentru Familie*) and supported by three million signatures, with the objective to bring clarity and coherence to the law of Romania by fully aligning – via a referendum proposal – the constitutional definition of marriage with the definition given by the Civil Code, was registered with the Romanian Senate on 23 May 2016. The proposal aims at replacing the word "spouses" with "a man and a woman" in the abovementioned Article 48 of the Romanian constitution. Despite the fact that, in July 2016, the Constitutional Court issued a unanimous ruling allowing the referendum proposal to move forward, no date has yet been established for the referendum. The proposal is currently pending before the Senate, after having received a vote of assent from the Chamber of Deputies (232 votes out of 270). The earliest date that a referendum could take place is in mid-October 2017.

Recommendations

4. ADF International suggests the following recommendations be made to Romania:
 - a. Give effect to the citizens' initiative in its current form calling for the protection of marriage as the union of one man and one woman in the Constitution of Romania, with Parliament being compelled not to change the wording of the amendment as this would contradict the will of the three million citizens who signed the petition and would eschew the democratic processes; and
 - b. Organise as soon as possible the referendum to constitutionally enshrine the definition of marriage as the union of a man and a woman, for which three million citizens have asked, in order to give effect to the democratic will of these citizens.