



EUROPEAN PARLIAMENT

**Members of the European Parliament  
Intergroup on LGBTI Rights**

TO:

**Honorable Calin Popescu-Tariceanu**

*President of the Senate of Romania*

**The Honorable Liviu Dragnea**

*President of the Chamber of Deputies  
of Romania*

CC:

**Ludovic Orban**

*Leader of Partidul Național Liberal*

**Kelemen Hunor**

*Leader of Uniunea Democrată Maghiară din România*

**Dan Barnea**

*Leader of Uniunea Salvați România*

**Traian Băsescu**

*Leader of Partidul Mișcarea Populară*

*By email*

**Concerns: draft legislation on civil partnerships**

Brussels, 16 May 2018

Honourable President of the Senate of Romania,

Honourable President of the Chamber of Deputies of Romania,

As Members of the European Parliament from various political groups and different EU member states, we want to call on you to support equal treatment and non-

**The European Parliament's Intergroup on LGBTI Rights**

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discrimination for everyone in Romania, including same-sex couples. We have recently seen your government take an important step, as news reached us that work on a draft partnership legislation, open to all couples, has begun. This legislation has been long awaited and will finally provide basic legal protections to same-sex couples, as called for by the European Courts of Human Rights, also in Romania. We call on you to set out a clear timeline for the draft legislation and to stand firm behind this proposal.

While we do not wish to intervene directly in Romanian family law, the dire situation of same-sex couples and their lack of legal protection and recognition has come to our attention time and again, most recently in the framework of judicial debates at the level of the Court of Justice of the European Union. As you are most certainly aware, the Romanian Constitutional Court has referred the Coman and Others case (673/16) to the CJEU requesting a preliminary ruling regarding the freedom of movement of same-sex couples. In this particular case, a European citizen, incidentally a Romanian national who has a lawful and legitimate same-sex relationship recognised in one member state, was denied any form of right to settle with his life partner in the member state he is returning to. The Advocate General assigned to this case noted the total lack of legal protection afforded by Romania to same-sex couples in his opinion, issued on January 11, 2018. While this case is pending a CJEU ruling very soon, we cannot help but wonder how many more European citizens of Romanian origin face similar situations.

As a result such concerns, the European Parliament adopted on February 7, 2018 a resolution urging the European Commission “to ensure that Member States correctly implement the Free Movement Directive, consistently respecting, inter alia, the provisions related to family members and prohibiting discrimination on any grounds.”

Currently in Romania same-sex couples are being excluded from basic rights and duties, with grave consequences. Without any recognition, same-sex couples are not entitled to the protection of the common home and are not allowed to take medical decisions regarding their partner, or can be refused visits to their partner in hospital. Moreover, same-sex couples currently have no right to inheritance, and do not have access to basic social rights as partners.

In accordance to European Human Rights law, the European Court of Human Rights has clearly recognised the right to respect for private and family life (Art. 8 ECHR) for same-sex couples and obliges States to provide for an alternative form of recognition of same-sex couples (Oliari and Others v Italy, App. nos. 18766/11 and 36030/11, 21 July 2015). The Court has also ruled that States shall not discriminate between same-sex and different-sex couples when creating such an alternative form of recognition (Vallianatos and others v Greece, App. nos 29381/09 and 32684/09, 7 November 2013).

Therefore, we call upon the Romanian Parliament to create an additional and alternative form of recognition for all couples, including same-sex couples, in order to provide for the most basic level of protection to which they are entitled under both European Union law and European human rights law.

Yours Sincerely,

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