

## **Civil Partnerships in Romania: Legislative Deadlock and European Obligations**

### **1. Introduction**

The social and political transformations of recent decades have led to a significant reconfiguration of the legal concept of the family in most European states. While, in the European legal tradition, the family was associated almost exclusively with the institution of marriage, social and jurisprudential developments have gradually led to the recognition of alternative forms of organizing the life of couples. One such legal form is civil partnership, introduced in many European countries as a mechanism for the legal recognition of stable relationships between unmarried individuals, regardless of their gender.

Currently, 16 member states<sup>2</sup> of the European Union allow same-sex marriage, while other states (Italy, the Czech Republic, Cyprus, Croatia, Latvia, Hungary) offer forms of legal recognition through institutions such as civil partnerships or civil unions. In these countries, some of the rights granted to marriage are provided to same-sex couples, particularly in areas such as: inheritance, social benefits, protection against domestic violence, and recognition of the relationship before the authorities. In contrast, Romania, along with Bulgaria, Poland, Lithuania, and Slovakia, does not yet offer any form of legal protection for same-sex couples.

In this context, establishing a legal form of recognition for same-sex couples remains an unfulfilled goal in Romania, even though several legislative initiatives have been submitted to Parliament since 2008. This article aims to analyze these initiatives in chronological order, compare the proposed legal solutions, and demonstrate that the absence of regulation is not due to a lack of legislative models or viable regulatory solutions, but rather to a lack of political will.

### **2. The Evolution of European Standards on the Legal Recognition of Same-Sex Couples**

European case law has gradually strengthened states' obligations regarding the legal recognition of same-sex couples. Within the framework of the European Convention on Human

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<sup>2</sup> Belgium, France, Germany, Luxembourg, the Netherlands, Austria, Denmark, Estonia, Finland, Greece, Ireland, Malta, Portugal, Slovenia, Spain, Sweden according to the ILGA Rainbow Map 2025. Available online at: <https://rainbowmap.ilga-europe.org>, All links were accessible at the time of submission.

Rights, this evolution has been marked by decisions such as *Schalk and Kopf v. Austria (2010)*<sup>3</sup>, *Valianatos and Others v. Greece*<sup>4</sup>, *Oliari and Others v. Italy (2015)*<sup>5</sup>, *Fedotova and Others v. Russia (2023)*<sup>6</sup> and, directly concerning Romania, *Buhuceanu and Ciobotaru and Others v. Romania (2023)*<sup>7</sup>. In the latter case, supported and represented by ACCEPT Association’s human rights lawyer, Iustina Ionescu, the Court found that the absence of any form of legal recognition of same-sex relationships constitutes a violation of Article 8 of the Convention and stated that the Romanian state has a positive obligation to establish a legal framework that provides protection for these relationships. The decision unequivocally confirms the positive obligation of states, derived from Article 8 of the Convention, to establish a legal framework ensuring the recognition and protection of same-sex couples. At the same time, the Court placed particular emphasis on the practical dimension of protection: access to concrete rights, such as inheritance, housing protection, insurance, or caregiver status, while relegating to the background the symbolic dimension of recognition, understood as an expression of equality, dignity, and social inclusion<sup>8</sup>.

The Court of Justice of the European Union has, in turn, developed relevant case law regarding the recognition of the legal effects of same-sex marriages and family relationships. In the *Coman* case (C-673/16)<sup>9</sup>, the Court ruled that the concept of “spouse” under EU law must be interpreted in a gender-neutral manner, which obliges Member States to recognize, at least for the purposes of exercising the freedom of movement, same-sex marriages concluded in other Member States, even though Member States remain free to decide whether or not to permit same-sex marriage under their domestic law<sup>10</sup>. This trend in the case law was subsequently reinforced by rulings concerning civil status documents and cross-border family rights, including the *Mirin* case (2024)<sup>11</sup> and Case C-713/23 (2025)<sup>12</sup>.

However, the way in which Romanian authorities reacted to the *Buhuceanu and Others* ruling showed that the transposition of these standards is contested domestically, with public and religious reactions insisting on the idea that civil partnerships would merely be a step toward the legalization of same-sex marriage. This opposition highlights the fact that the Romanian impasse

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<sup>3</sup> *Schalk and Kopf v. Austria*, Final Judgment, available online at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-119820%22%5D%7D>.

<sup>4</sup> Case of *Valianatos and Others v. Greece*, Judgment of November 7, 2013, available online at <https://bit.ly/4d7rgce>

<sup>5</sup> Judgment of July 21, 2015 in the case of *Oliari and Others v. Italy*, Available online at <https://bit.ly/46UXALx>

<sup>6</sup> *Case of Fedotova and Others v. Russia*, available online at <https://bit.ly/4b6cOQd>.

<sup>7</sup> *Buhuceanu and Others v. Romania*, available online at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-224774%22%5D%7D>.

<sup>8</sup> Giulio Fedele, “More protection than recognition for same-sex couples in *Buhuceanu and Others v. Romania*,” *Strasbourg Observers*, 2023, available online at: <https://bit.ly/4bw0yc5>.

<sup>9</sup>“CJEU. C-673/16, *Coman and Others v. General Inspectorate for Immigration and Others*. The concept of ‘spouse,’ within the meaning of EU law provisions on freedom of residence, includes same-sex spouses,” *Juridice.ro*, 2018, Available online at <https://bit.ly/4lmiY1Y>

<sup>10</sup>Alina Tryfonidou, “Rights for same-sex married couples to move around the EU confirmed in landmark ruling,” *The Conversation*, 2018, Available online at <https://bit.ly/4buJ5AL>

<sup>11</sup>“CJEU. C-4/23 | *Mirin*. According to Advocate General Richard de la Tour, a Member State’s refusal to recognize changes of name and gender obtained in another Member State is contrary to the rights of Union citizens,” *Juridice.ro*, 2024, Available online at <https://bit.ly/4uPthQv>.

<sup>12</sup>Judgment of the Court (Grand Chamber) in Case C-713/23, Available online at <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:62023CJ0713>.

does not stem from a lack of European legal clarity, but from a political and ideological refusal to recognize these rights<sup>13</sup>.

Romania's obligations today stem from both the case law of the European Court of Human Rights and that of the Court of Justice of the European Union. Under the Convention, the obligation concerns the establishment of a form of legal recognition and protection of family life. Under EU law, the obligation concerns, at a minimum, the recognition of certain legal effects of family relationships legally established in another Member State.

### 3. The Romanian legislative, social, and political context regarding family protection

Romania decriminalized consensual same-sex relationships in 2001, and anti-discrimination legislation was adopted in 2000 through Government Ordinance No. 137/2000<sup>14</sup>. However, subsequent developments in family law have not led to the legal recognition of same-sex couples; on the contrary, they have reinforced their exclusion from the specific protection afforded to family life.

A pivotal moment in this regard was the adoption of the new Civil Code, which, through Article 277<sup>15</sup>, expressly prohibited same-sex marriage, refused to recognize same-sex marriages concluded abroad, and refused to recognize civil partnerships between same-sex couples. Through these provisions, Romania situated itself among the European states that offer neither legal access to marriage nor any alternative form of legal recognition.

In 2018, the initiative to amend the Constitution to redefine marriage as a union between a man and a woman failed because the referendum turnout threshold was not reached<sup>16</sup>. During the same year, following the CJEU ruling in the Coman case, the Constitutional Court of Romania, in Decision No. 534/2018, found that “*the relationship between a same-sex couple falls within the scope of the concept of ‘private life’ as well as the concept of ‘family life,’ just like the relationship established in a heterosexual couple, a fact that triggers the application of the protection of the fundamental right to private and family life,*” guaranteed by Article 7 of the Charter of Fundamental Rights of the European Union, Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and Article 26 of the Romanian Constitution. Enjoying the right to private and family life, same-sex individuals who form stable couples have the right to express their personality within these relationships and to benefit, in due course and through the means provided by law, from legal and judicial recognition of the corresponding rights and duties<sup>17</sup>. This decision constitutionally affirms that same-sex

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<sup>13</sup>“ECHR Compels Romania To Adopt Legislation To Recognize Same-Sex Couples. BOR slams ECHR's ruling,” *Romania Journal*, 2023, Available online at <https://bit.ly/4bviXpj>.

<sup>14</sup> Government Ordinance No. 137/2000 on the prevention and punishment of all forms of discrimination, Available online at <https://www.cncd.ro/wp-content/uploads/2021/02/og-nr.-137-din-2000-republicata-2014.pdf>.

<sup>15</sup> Civil Code, Art. 277. Prohibition or Equivalence of Certain Forms of Cohabitation with Marriage, Available online at <https://www.codulcivil.ro/art-277-interzicerea-sau-echivalarea-unor-forme-de-convietuire-cu-casatoria/>.

<sup>16</sup>“The referendum failed. Final official results: over 91 percent of votes are YES,” *Digi24*, 2018, Available online at <https://bit.ly/4sZYlve>.

<sup>17</sup>Decision No. 534 of July 18, 2018, regarding the exception of unconstitutionality of the provisions of Art. 277 (2) and (4) of the Civil Code, Available online at [https://www.ccr.ro/wp-content/uploads/2020/07/Decizie\\_534\\_2018.pdf](https://www.ccr.ro/wp-content/uploads/2020/07/Decizie_534_2018.pdf).

relationships fall within the scope of the concept of family life protected by the Constitution, which further highlights the contrast between the evolution of the constitutional interpretation and the absence of legislative action.

The 2018 referendum cannot be understood merely as an isolated episode in the Romanian political and social life, but rather as a culminating moment of a period of intense public polarization, initiated several years earlier by organizations under the umbrella of the Coalition for the Family, which was behind the initiative. The campaign to amend the Constitution unfolded simultaneously with the litigation before the CJEU in the Coman-Hamilton case, the first major Romanian case concerning the freedom of movement of a same-sex family. In this context, the debate on LGBT rights was thrust to the center of the public agenda. In a society where the issue had previously been avoided or ignored by a large portion of political actors, the constitutional revision process provided ultra-conservative actors within the Coalition for the Family with multiple opportunities to stigmatize the LGBT community, under the guise of a democratic exercise. The explicit support of the Orthodox Church and most religious denominations, as well as the scale of the signature-gathering campaign, made it extremely difficult for political parties to take a pro-LGBT stance<sup>18</sup>.

At the same time, efforts to organize the constitutional referendum in Romania came amid significant progress in the recognition of family rights for members of the LGBT community, which sparked strong conservative reactions and mobilization. Thus, the referendum represented a local expression of a defensive reaction to the trend toward expanding legal equality for same-sex couples at the European level. The antagonistic public discourse was fueled by alarmist campaigns on sensitive, insufficiently debated issues, which included messages that manipulatively suggested that recognizing the rights of same-sex families would endanger children, the family, national identity, or “traditional values.”<sup>19</sup>

The failure of the referendum did not put an end to the political conflict and social polarization regarding the rights of the LGBT community. On the contrary, the issue of same-sex family rights has remained a fixture in electoral discourse and political competition, being revived whenever it serves as a tool for polarization, by using the LGBT community as a scapegoat and a means of diverting attention from other topics that are uncomfortable for the political class. Far from leading to the adoption of a form of legal protection, the debates in Romania regarding the granting of legal protection to same-sex families have instead contributed to the institutionalization of a recurring source of conflict, which continues to influence both the legislative deadlock regarding civil partnership or marriage and the public discourse on family and fundamental rights.<sup>20</sup>

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<sup>18</sup>Constantin Cojocariu, “Same-sex marriage before the courts and before the people: the story of a tumultuous year for LGBT rights in Romania,” *Verfassungsblog*, 2027, Available online at <https://bit.ly/3PyuLyk>.

<sup>19</sup>Alison Mutler, “Romanian Same-Sex Couples Become Talking Point Ahead Of Key Elections,” *Radio Free Europe, Radio Liberty*, 2023, Available online at <https://bit.ly/3PFMOCR>.

<sup>20</sup>Sim Sim Wissgot, “Romania Referendum: Is There a Backlash Against Gay Marriage?,” *China Global Television Network*, 2018, Available online at [https://news.cgtn.com/news/3d3d674e78596a4e7a457a6333566d54/share\\_p.html](https://news.cgtn.com/news/3d3d674e78596a4e7a457a6333566d54/share_p.html).

The evolution of the legislative framework must also be analyzed in relation to shifts in public opinion. Sociological data indicate a gradual change in attitudes toward the legal recognition of same-sex families. The study “*What Do Romanians Think About Same-Sex Marriage?*” conducted by the ACCEPT Association in 2021 showed that 43% of Romanians explicitly declared themselves in favor of some form of legal protection for same-sex families. Only one-fifth of respondents, 19%, said they knew gay or lesbian people – see <sup>21</sup> and <sup>22</sup>.

In early 2024, the Accept Association released a new study showing a shift in society’s understanding of the need for legal recognition of same-sex families: 56% of Romanians stated that they agree with marriage or another form of legal recognition for same-sex families, an increase of 13 percentage points compared to 2021. This represents a majority of society that supports the adoption of legislation providing legal protection for same-sex families. The 2024 study also indicates an increase in the visibility of LGBT people in Romanian society, by approximately 10 percentage points. While in 2021, only 19% of Romanians knew someone from the LGBT community, by 2024 this percentage had risen to 29%. Among those who answered affirmatively, the majority stated that they had LGBT acquaintances in their close social circles: colleagues or friends, which indicates that the number of people who feel safe to publicly embrace their identity has increased<sup>23</sup>. Thus, analyzing the data from the two studies, it can be observed that there is a direct correlation between the increased visibility of the LGBT community, the increased level of personal familiarity within society, and the increased support for equal rights among the general population.

After the Grand Chamber of the European Court of Human Rights rejected the Government’s request to challenge the judgment in the case of *Buhuceanu and Ciobotaru and Others v. Romania*, the Prime Minister at the time, Marcel Ciolacu, stated that “Romanian society is not ready” for such a decision and that it is not a priority, downplaying the obligation to comply by noting that it is “neither the first nor the last” judgment that has not been enforced by the Romanian state.<sup>24</sup>

In a more cautious tone, Nicușor Dan, currently President of Romania, stated in March 2025, during the presidential election campaign, that civil partnerships are an issue that “society must decide,” and that politicians should merely serve as mediators in this debate, though he acknowledged the existence of concrete legal needs for unmarried families.<sup>25</sup>

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<sup>21</sup>Sabina Șancu, “Study | 43% of Romanians support the recognition of same-sex partnerships,” *Europa Liberă România*, 2021. Available online at <https://bit.ly/3NXWKXV>.

<sup>22</sup>Mihaela Iordache, “ECHR: Romania has violated LGBT+ rights,” *Osservatorio Balcani Caucaso Transeuropa*, 2023. Available online at [https://www.balcanicaucaso.org/en/cp\\_article/echr-romania-has-violated-lgbt-rights/](https://www.balcanicaucaso.org/en/cp_article/echr-romania-has-violated-lgbt-rights/)

<sup>23</sup>Alexandru Mihăilescu, “ACCEPT: A survey shows that 70% of Romanians believe that all families should be protected by law, including same-sex families,” *G4Media*, 2024, Available online at <https://bit.ly/4bOCwb9>.

<sup>24</sup>George Costiță, “Prime Minister Ciolacu: Romania is not ready to support the rights of same-sex couples,” *Europa Liberă România*, 2023, Available online at <https://romania.europalibera.org/a/ciolacu-parteneriat-civil-romania/32698497.html>.

<sup>25</sup>Valentina Postelnicu, “Nicușor Dan on Civil Partnerships Between Two People of the Same Sex: It Is an Issue That Society Must Decide, Politicians Should Merely Be Mediators in This Debate,” *News.ro*, 2025, Available online at <https://bit.ly/3Nnd1FN>.

For his part, Sorin Grindeanu, leader of the Social Democratic Party, illustrates the volatility of political positions on this subject: while in 2017 he declared himself “more traditionalist” and voiced support for the Coalition for the Family’s initiative to restrictively amend the Constitution<sup>26</sup>, in February 2026 he stated that he would implement the ECtHR ruling if he became prime minister and that he does not understand why it has not already been enforced<sup>27</sup>. Once again, these positions show that, although the European standard is clear, its implementation remains dependent on political calculations, the invocation of opportunity, and fear of electoral costs.

#### 4. The Evolution of Legislative Initiatives on Civil Partnerships in Romania

To track the evolution of legislative initiatives regarding civil partnerships, we primarily considered the legislative drafts identified in the Chamber of Deputies’ public database, using the phrase “civil partnership” as a search term in the titles of the legislative initiatives. This methodological approach allowed for the identification of bills that have formally entered the legislative process and that can be tracked in a comparable manner in terms of the definition of partnership, the procedure for entering into it, the rights and obligations provided for, the advisory opinions received, and the bill’s parliamentary history.

However, to more accurately capture the evolution of the legislative debate, the analysis is not limited exclusively to bills appearing in the records of the Chamber of Deputies. Two initiatives that do not appear, or do not appear clearly, in this database were also included, as they are essential for understanding the chronology and diversity of the proposed solutions. The first is the 2008 initiative by UDMR Senator Péter Eckstein-Kovács, which represents the first explicit legislative proposal regarding the legal recognition of same-sex couples in Romania. The second is the 2019 bill on the protection of family life and the regulation of certain legal situations for persons in consensual unions, associated with Adriana Diana Tuşa, whose legislative history is available in the Senate’s public records, but not in those of the Chamber of Deputies.

The inclusion of these two initiatives is justified by their analytical relevance. The 2008 bill marks the explicit beginning of the parliamentary debate on a form of legal recognition for families composed of same-sex couples, while the 2019 bill proposes a normative model distinct from civil partnership, based on the limited recognition of “consensual unions” and sectorial legal contracts. Consequently, the latter serves in this analysis not as an example of an appropriate solution, but as a point of contrast to the bills that sought to establish a unified form of legal protection.

Therefore, the corpus analyzed in this section consists of the bills identified on the Chamber of Deputies’ website, supplemented by Péter Eckstein-Kovács’s 2008 initiative and the 2019 bill associated with Diana Tuşa. This controlled expansion of sources not only allows the

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<sup>26</sup> Gabriel Pecheanu, “Sorin Grindeanu on civil partnerships: I signed for the other side, I’m rather traditionalist,” *Mediafax*, 2017, Available online at <https://bit.ly/4ITYYEw>.

<sup>27</sup>A.C., “Grindeanu says he will implement the ECtHR ruling on the recognition of same-sex marriages if he becomes prime minister. ‘I don’t know why it isn’t in effect,’” *Digi24*, 2026, Available online at <https://bit.ly/47iwf65>.

reconstruction of the legislative evolution but also highlights the fact that, between 2008 and 2019, multiple legal frameworks were proposed for the protection of family life, but none of them were enacted into law.

A comparative analysis of these initiatives reveals three key elements: the diversity of the proposed registration mechanisms, the relative convergence of the rights granted in the actual civil partnership bills, and the persistence of the parliamentary deadlock, regardless of the technical form of the legislation. From this perspective, the evolution of legislative initiatives does not illustrate a lack of regulatory solutions, but rather the legislature’s inability or refusal to select and adopt one of the formulas already available.

*Table 1. Summary of legislative proposals regarding civil partnerships available on the Chamber of Deputies’ website.*

*Source: Chamber of Deputies database*

*Keywords in title: civil partnership*

*Number of records found: 7*

No.	Number	Title	Status
1	PL-x 670/23.12.2013	Legislative proposal on civil partnerships	Definitively rejected 06/11/2014
2	PL-x 340/07.04.2015	Legislative proposal on the regulation of civil partnerships	Definitively rejected  12/09/2015
3	PL-x 498/31.10. 2016	Legislative proposal on civil partnerships	In committee 10/31/2016
4	PL-x 662/31.10.2018	Legislative proposal on civil partnerships	Definitively rejected  09/28/2021
5	PL-x 152/20.03.2019	Legislative proposal on civil partnerships	In committee 03/20/2019
6	PL-x 153/20.03.2019	Legislative proposal on civil partnerships	In committee 03/20/2019
7	BP855/13.10.2010	Legislative proposal on civil partnerships	Withdrawn by the sponsor 02/23/2012

## **2008 - Legislative proposal on civil partnerships initiated by Péter Eckstein-Kovács**

The first explicit legislative initiative on civil partnerships in Romania was proposed in 2008 by UDMR Senator Péter Eckstein-Kovács, in collaboration with the ACCEPT Association. The bill aimed to establish a legal framework for recognizing unmarried families, regardless of the partners' gender, and to grant a limited set of rights, particularly regarding inheritance, social protection, and property.

In his public justification for the initiative, Eckstein-Kovács argued that family law no longer reflected contemporary social realities: "*The Family Code was adopted more than 50 years ago and no longer reflects social realities, both for homosexuals and heterosexuals*"<sup>28</sup>. The bill was officially submitted to the Senate on July 23, 2008, but was not fully debated and did not reach a final vote<sup>29</sup>.

The significance of this initiative lies in the fact that it explicitly opened, for the first time, the parliamentary debate on the legal recognition of same-sex families in Romania.

## **2010 - Legislative proposal on civil partnerships: PL-x BP855/2010**

**Sponsors:** Viorel Arion (deputy, PD-L)

**Definition:** A civil partnership is a contract between two people who live together based on mutual respect and support, affection, and equal rights.

**Registration:** before a notary public in the locality where the partners have their common domicile or residence. The partnership is registered in a special registry, the "Registry for the Recording of Civil Partnerships," maintained by the notary, for a special fee. If the partners reside abroad, the contract may be concluded at Romanian embassies or consulates. The legislative proposal also provided for the possibility of opposition or the possibility of modifying the partnership

**The partnership may be entered into by:** persons who are at least 18 years of age; at least one of the partners is a Romanian citizen or has legal residence in Romania; neither partner is married or a party to another civil partnership; they must declare that they have disclosed their health status to each other; based on free consent given in writing before a notary public (under penalty of absolute nullity). It is prohibited for relatives of a certain degree, guardians and minors, or persons lacking legal capacity, under penalty of absolute nullity.

**Rights and obligations:** contribution to shared expenses in proportion to each partner's means; regime of shared and separate property; income is combined when calculating the guaranteed minimum income; in the event of death: right of inheritance for the surviving partner in competition with other classes of heirs; special right to furniture and household items; right of residence; right to a survivor's pension; continuation of lease agreements; freedom of movement

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<sup>28</sup>Andreea Georgiana Ion, "Same-Sex Marriage - Its Legality at the European Level," *Avocatoo.ro*, 2018, Available online at <https://www.avocatoo.ro/casatoria-persoanelor-de-acelasi-sex/>.

<sup>29</sup>"Ekstein Calls for Civil Rights for Same-Sex Couples," *Hotnews*, 2008, Available online at <https://hotnews.ro/cotidianul-eckstein-cere-drepturi-civile-pentru-cuplurile-de-homosexuali-791630>.

and residence; rights related to obtaining the Romanian citizenship; protection in cases of violence; legal representation of one partner by the other; liability for the other's obligations/debts; leave in the event of death or serious illness, scheduling of leave/absences from work; right to mutual support

**Current status:** legislative procedure terminated by withdrawal by the initiator on February 23, 2012<sup>30</sup>.

### **2013 – Legislative proposal on civil partnerships: PL-x No. 670/2013**

**Sponsors:** 7 deputies and senators: PSD: Dumitrache Ileana Cristina; PNL: Șcheau Ion; UNPR: Marian Ion Cristinel, Rotaru Răzvan; independents: Cernea Remus-Florinel, Harbuz Liviu, Tănase Răzvan-Ionuț

**Definition:** A civil partnership is a contract entered into, without any discrimination, by two persons who decide to live together based on affection, respect, mutual support, and equal rights.

**Registration:** in authentic form, before a notary public in the jurisdiction of the Court of Appeals where at least one of the partners has their domicile or residence. Registration is made in a special registry, subject to a fee. Partners residing abroad may register the partnership at an embassy or consulate. Partnerships entered into abroad are recognized within Romania.

**Conditions for entering into a partnership:** the partners must be at least 18 years of age; at least one of the partners must be a Romanian citizen or a foreign citizen or stateless person domiciled in Romania; neither partner is married or a party to another civil partnership; they declare that they have disclosed their health status to each other. Persons who cannot enter into a partnership include relatives of a certain degree, guardians and minors, and persons lacking legal capacity. Various situations are possible regarding the choice of name. With regard to property, the partners may choose between different regimes. This partnership proposal provided for the possibility of contesting or modifying the partnership.

**Rights and obligations:** rules regarding separate and joint property: the income of both partners will be considered jointly when determining the guaranteed minimum income or when taking out a loan; the insured partner may provide medical services to the uninsured partner based on his/her health insurance; in the event of death, there is a right of inheritance, a special right to household property, a right of residence, and a survivor's pension; revocation of a donation; continuation of lease agreements; freedom of movement and residence; citizenship rights; protection in cases of domestic violence; legal representation is permitted only based on an express power of attorney from the other partner; neither partner may be held liable for obligations contracted by the other partner; partners are entitled to leave: 3 days in the event of the other partner's death or serious illness; the employer must take into account whether the two partners work at the same location when scheduling leave; a maximum of 5 days of absence from work upon registration of the partnership; partners owe each other mutual support.

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<sup>30</sup> PL-x No. BP855/2010 – Legislative proposal for civil partnerships, Available online at [https://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?cam=2&idp=11483](https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=11483).

**Negative opinions** received from the Committee on Equal Opportunities for Women and Men, the Committee on Health and Family, and the Committee on Legal Affairs, Discipline, and Immunities.

**Current status:** definitively rejected by the Chamber of Deputies on June 11, 2014.

**Vote for rejection:** 298 in favor, 4 against, 3 abstained, 2 did not vote<sup>31</sup>.

### **2015 - Legislative proposal on civil partnership PL-x No. 340/2015**

**Sponsors:** Remus Cernea (independent deputy)

**Definition:** A civil partnership is a contract entered into, without any discrimination, by two persons who decide to live together based on mutual affection, respect, and support, and equality of rights.

**Registration:** before a notary public, in authentic form, registered in a special registry (for a fee). For partners residing abroad: the partnership may be concluded at an embassy or consulate.

**Conditions:** the partners must be at least 18 years of age; at least one of the partners must be a Romanian citizen, a foreign national, or a stateless person residing in Romania; neither partner may be married or a party to another civil partnership; the partners must declare that they have disclosed their health status to one another. It is prohibited to enter into a civil partnership between relatives of a certain degree, a guardian and a minor, or persons lacking legal capacity. The civil partnership is entered into based on free consent, in writing, before a notary public. Failure to comply with the conditions for entering into the partnership results in absolute nullity. Various possible scenarios are provided for regarding the choice of name, and partners may choose between different property regimes. A civil partnership may be contested or modified under certain conditions.

**Rights and obligations:** partners have the same rights and obligations; rules regarding joint and separate property; income is combined for calculating the guaranteed minimum income, bank loans; the right to joint health insurance; in the event of hospitalization, the partner is a family member; in the event of death, there is a right of inheritance, a special right to household property, a right of residence, and a survivor's pension; donations between partners are revocable during the partnership; continuation of lease agreements; freedom of movement and residence; citizenship rights; protection against domestic violence; no legal representation without an express power of attorney; no liability for the other partner's obligations; partners are entitled to leave: 3 days in the event of the other partner's death or serious illness; the employer must take into account when scheduling leave whether the two partners work at the same location; a maximum of 5 days of absence from work upon registration of the partnership; partners owe each other mutual support

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<sup>31</sup> PL-x No. 670/2013 – Legislative proposal for civil partnerships, Available online at [https://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?cam=2&idp=13901](https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=13901).

**Negative opinions received from** the Committee on Human Rights, Religious Affairs, and National Minority Issues, the Committee on Equal Opportunities for Women and Men, and the Committee on Labor and Social Protection; negative opinion from the Government. Committee on Legal Affairs, Discipline, and Immunities – report of rejection.

**Current status:** definitively rejected by the Chamber of Deputies<sup>32</sup>.

### **2016 – Legislative proposal on civil partnership: PL-x No. 498/2016**

**Sponsors:** 5 deputies: PSD: Dumitrache Ileana Cristina, PNL: Cristian Horia, Gunia Dragoș-Ionel, independents: Cernea Remus-Florinel, Sturzu Mihai-Răzvan.

**Definition:** A civil partnership is a contract entered into, without any discrimination, by two persons who decide to live together based on mutual affection, respect, and support, and equality of rights. The civil partnership contract is the contract entered into by two natural persons under the terms of this law.

**Registration:** A civil partnership is concluded before a notary public in authentic form and is entered into a special registry for a fee. Foreign nationals may conclude a civil partnership at an embassy or consulate. The bill provides for the recognition within Romania of civil partnerships concluded abroad.

**Conditions:** the partners must be at least 18 years of age; at least one of the partners must be a Romanian citizen or a foreign citizen or stateless person domiciled in Romania; neither partner is married or a party to another civil partnership; the partners declare that they have disclosed their health status to each other. A civil partnership cannot be entered into between relatives of a certain degree, a guardian and a minor, or persons lacking legal capacity. It is based on free consent.

**Rights and obligations:** equal rights and obligations; rules regarding joint and separate property; the couple's combined income will be considered when calculating the guaranteed minimum income and/or when applying for a bank loan; necessary medical services for one partner who does not have health insurance may be provided under the other partner's health insurance; in the event of hospitalization of one of the partners, the other is considered a family member; in the event of the death of one of the partners, the surviving partner has: the right to inherit when competing with any of the classes of heirs; a special right of inheritance regarding furniture and household items, gifts received by the two partners during the partnership, and donations; the right of residence in the home; the right to a survivor's pension; the right to paid leave: 3 days of paid leave in the event of the other partner's death or serious illness; the employer is required to take into account the partnership when scheduling leave if both partners work at the same location; a maximum of 5 days of paid leave following the registration of the partnership agreement; any donation between partners is revocable only during the partnership; the right to continue residential lease agreements; the right to freedom of movement and residence and the right to permanent residence on Romanian territory; rights related to acquiring

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<sup>32</sup> PL-x No. 340/2015 – Legislative proposal for civil partnerships, Available online at [https://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?cam=2&idp=14867](https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=14867).

the Romanian citizenship; provisions regarding special protection in cases of domestic violence are applicable; neither partner may represent the other in court without an express power of attorney; neither may be held liable for obligations contracted by the other party; the partners owe each other mutual support.

**Negative opinions received from:** the Committee on Labor and Social Protection; the Committee on Health and Family.

**Favorable opinions:** Committee on Human Rights, Religious Affairs, and National Minority Issues; Committee on Equal Opportunities for Women and Men.

**Current status:** undergoing review by committees.<sup>33</sup>

### **2018 - Legislative proposal on civil partnership: PL-x No. 662/2018**

**Sponsors:** Oana-Mioara Bîzgan-Gayral (independent deputy).

**Definition: Civil partnership:** a civil union between two adults, established through an agreement entered into in accordance with the law, with the aim of organizing their life together.  
**Informal civil partnership:** a civil union between two adults who have not formalized the partnership before a competent authority, provided the relationship has lasted at least 5 years and meets the conditions for validity.

**Procedure for entering into an informal civil partnership:** by filing a petition with the court.

**The civil partnership** is established before a registrar through an express agreement of consent and is recorded in a special registry—in physical form at the local level (SPCLEP) and in a centralized electronic system.

**The partnership may be entered into** by persons who have reached the age of 18; the person must be a Romanian citizen or a foreign citizen residing in Romania for at least 1 year. Partnerships are prohibited for persons lacking legal capacity, between relatives of a certain degree, and for those who are already in a partnership or marriage. Failure to meet these conditions results in absolute nullity, which does not affect the status and rights of children born of the civil partnership. Surname: various possible situations.

**General rights and obligations:** civil partners decide by mutual agreement on all matters of importance to their life together; the right to protection of privacy and of their life as a couple; they have the obligation to provide mutual support, care, and assistance in case of illness; the same procedural rights and status in all courts and administrative proceedings as married couples.

**Personal rights of civil partners:** Surname: various options; obligation of mutual support, including for the children of one of the partners / if one of the partners is the guardian of a child;

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<sup>33</sup> PL-x nr. 498/2016 – Legislative proposal for civil partnerships, Available online at [https://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?cam=2&idp=16017](https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=16017)

exercise of parental responsibilities; both parents by mutual agreement or a parent who independently exercises guardianship over a child may temporarily entrust the exercise of parental responsibilities, in part or in full, to the civil partner (under certain conditions); making decisions regarding the children; maintaining a personal relationship with a child after the termination of a civil partnership; civil partners are presumed to be the parents of a child born during the civil partnership; guardianship (situations, requirements, conditions, and procedure; rights and obligations of the guardian; effects of guardianship; termination of guardianship); property: may choose between different regimes; right to inheritance by applying the provisions of the surviving spouse's right to inheritance and by applying the provisions of the children's right to inheritance (parent / guardian); equal treatment = the same treatment as in marriage with regard to partners and children; less favorable treatment is prohibited and constitutes discrimination; tax matters; status in the social security, social assistance, and health care systems; in relation to labor and employment; access to public or private services; rights regarding lease agreements; free movement within the European Union: the same rights as a married person; a partnership between citizens of EU Member States is equivalent to a marriage; obtaining Romanian citizenship under the same conditions as a person married to a Romanian citizen; the rights and obligations of civil partners during the enforcement of custodial sentences: they are considered family members and have the same rights as married couples; guaranteeing equal treatment with married couples regarding civil rights pertaining to the acquisition of citizenship, freedom of movement and residence, as well as international protection.

**Comment:** Although it is the most comprehensive bill regarding relationships with children, it does not introduce adoption for same-sex partners as a distinct general institution; the focus is on kinship, guardianship, and the exercise of parental responsibilities.

**Negative opinions:** negative opinion from the Government, the Committee on Labor and Social Protection, the Committee on Public Administration and Territorial Planning, and the Committee on Health and Family: rejection report.

**Favorable opinion:** Committee on Human Rights, Religious Affairs, and National Minority Issues.

**Current status:** definitively rejected by the Chamber of Deputies on September 28, 2021.

**Vote for rejection:** 226 in favor, 57 against, 6 abstained, 3 did not vote.<sup>34</sup>

### **2019 - Legislative proposal on civil partnership PL-x No. 152/2019**

**Sponsors:** 37 deputies and senators from various groups: independents, PSD, PNL, USR, UDMR: Independents: Bizgan-Gayral Oana-Mioara, Dohotaru Adrian-Octavian; PSD: Manole Petre-Florin; PNL: Calista Mara-Daniela, Nicoară Romeo Florin, Raetchi Ovidiu Alexandru, Săftoiu Ana Adriana, Voicu Mihai Alexandru; USR: Barna Ilie Dan, Benga Tudor Vlad, Bulai Iulian, Dehelean Silviu, Drulă Cătălin, Ghinea Cristian, Ion Stelia-Cristian, Iurișniți Cristina-Ionela, Nășui Claudiu-Iulius-Gavril, Pop Rareș Tudor, Prisnel Adrian-Claudiu, Prună Cristina-

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<sup>34</sup> PL-x No. 662/2018 – Legislative proposal for civil partnerships, available online at [https://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?cam=2&idp=17482](https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=17482).

Mădălina, Seidler Cristian-Gabriel, Ungureanu Emanuel-Dumitru, Zainea Cornel; UDMR: Andal Istvan Janos, Benlo Erika, Biro Zsolt-Istvan, Csep Eva-Andrea, Csoma Botond, Farago Petru, Korodi Attila, Magyar Lorand Balint, Sebesteyen Csaba-Istvan; USR Senators: Alexandrescu Vlad-Tudor, Fălcoi Nicu, Goțiu Remus Mihai, Lungu Dan, Presadă Florina-Raluca.

**Definition:** A civil partnership is the union of two individuals for the purpose of organizing and protecting their shared life as a family life. It is the union of two people of different sexes or the same sex through a declaration before a notary and registration with the Civil Registry.

**Registration:** it can be done before a notary public, followed by registration in various registers such as the Civil Registry, the National Notarial Registry of Civil Partnerships (RNNEPC), the National Notarial Registry of Matrimonial Regimes, and the National Notarial Registry of Donations, for a fee. There is also the possibility of drafting addenda.

**Conditions:** the partners must be at least 18 years of age; at least one of the partners is a Romanian citizen or a foreign citizen or stateless person who has resided in Romania for at least 1 year; neither partner is married or registered as a civil partner; persons prohibited from entering into civil partnerships: minors, relatives of a certain degree, persons lacking legal capacity; personal and freely given consent; authentic form, under penalty of absolute nullity, before a notary public; the partners must declare that there are no legal impediments, that they have disclosed their health status to each other, and that they are not part of another partnership or marriage.

**Rights and obligations:** protection of privacy and family life; mutual respect and material and moral support; equal rights and obligations within the civil partnership and joint decision-making on all matters concerning the civil partnership; each partner retains the name they had prior to entering into the civil partnership; partners must choose between the regime of separate property, statutory community of property, or contractual community of property, which may be modified during the partnership; inheritance: treated as a surviving spouse, unless the partners expressly waive their mutual right of inheritance; survivor's pension and other social security rights: treated as a surviving spouse, partners are treated as spouses with regard to social assistance, social security, health insurance, patient rights, access to services, taxes and fees, the prevention and combating of domestic violence and other criminal or misdemeanor acts committed against a family member, legal relations, the determination of incompatibilities in appointments to public office, and conflicts of interest; the dependent partner of an insured partner is entitled to health insurance in the public health system without paying contributions, obtaining the status of co-insured; hospitalization or death: the other partner is considered a caregiver and a family member; until the termination or dissolution of the partnership: mutual support; paid leave: 3 days of paid leave are provided in the event of the death or serious illness of the other partner; the employer is required to take into account whether the two partners work at the same location when scheduling leave; a maximum of 5 days of paid leave following the registration of the civil partnership; in the process of obtaining Romanian citizenship, the two partners are treated as spouses; they have the right to freedom of movement and residence, as well as the right to permanent residence in Romania in accordance with European Union law; the right to continue the residential lease agreement in the event of the leaseholder's permanent

departure from the residence or their death; for civil partnerships between persons of different sexes: the partners are not treated as spouses with regard to the establishment of the paternity of children; the paternity of children born or conceived during the partnership is established in accordance with the provisions governing paternity outside of marriage; a partner must ensure the protection and well-being of the other partner's children who live with and are cared for and raised jointly by the two partners; the partner of the opposite sex who has participated directly, for an uninterrupted period of at least 5 years within the civil partnership, in the upbringing and care of the child/children, whether biological or adopted, of the other partner who exercises or has exercised parental rights alone, may adopt under conditions similar to those applicable to the adoption of the child(ren) by the spouse of the biological or adoptive parent; partners in a same-sex civil partnership may not adopt; couples who have legally entered into civil partnerships in other countries are entitled to recognition of their status in Romania and to the same rights and obligations as couples who have entered into a civil partnership in Romania; same-sex marriages legally entered into in other countries are entitled to all the rights and obligations enjoyed by same-sex couples who have entered into a civil partnership in Romania.

**Negative opinions** received from the Committee on Public Administration and Territorial Planning, a negative opinion from the Government, and from the Committee on Health and Family.

**Positive opinions** received from the Committee on Human Rights, Religious Affairs, and National Minority Issues, the Committee on Labor and Social Protection, and the Committee on Equal Opportunities for Women and Men.

**Current status:** undergoing review by committees<sup>35</sup>.

**Note:** This legislative initiative represents the most comprehensive parliamentary effort to regulate civil partnerships in Romania, both in terms of the number of sponsors and the manner in which it was drafted, indicating a broader political base of support than in the case of previous legislative initiatives. It is the only bill that expressly provides that a partner in a civil partnership between persons of different sexes may, under certain conditions, adopt the other partner's child; but partners in a civil partnership between persons of the same sex may not adopt; thus, even here, the bill expressly excludes adoption by same-sex couples.

A distinctive feature of this bill is the process by which it was drafted. The draft was prepared by the **National Council for Combating Discrimination (CNCD)**, in collaboration with the **ACCEPT Association** and in consultation with civil society organizations involved in promoting equality and combating discrimination within the **Anti-Discrimination Coalition**. The initiative was subsequently endorsed politically by lawmakers from various parties, being presented publicly as an attempt to introduce into Romanian law a form of legal protection for couples living in stable relationships, without altering the legal status of marriage<sup>36</sup>.

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<sup>35</sup> PL-x No. 152/2019 – Legislative proposal for civil partnerships, available online at [https://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?cam=2&idp=17750](https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=17750).

<sup>36</sup> Flavia Drăgan “What’s in the first civil partnership bill supported by all parliamentary parties,” *Newsweek*, 2018, available online at <https://bit.ly/4rQfB5a>.

## **2019 - Legislative proposal on civil partnerships PL-x No. 153/2019**

**Sponsors:** Andrei Dominic Gerea (PSD deputy) and Ion Popa (PNL senator).

**Definition:** A civil partnership is a freely consented union between two persons, entered into in accordance with the law. A civil partnership is a union between two persons of different sexes or of the same sex, established by declaration before a civil registrar, for the purpose of organizing a shared private life and managing a household together.

**Registration:** before a civil registrar, at the local community registry office/city hall. It is formalized through a written declaration of partnership and the issuance of a civil partnership certificate as a civil status document.

**Conditions:** the partners are at least 18 years of age; at least one of the partners is a Romanian citizen or a foreign citizen or stateless person who has resided in Romania for at least 1 year; neither partner is married or has entered into another civil partnership; the partners are not relatives of a certain degree; both partners have full legal capacity; the expression of personal, free, and full consent by each partner; in writing through a partnership declaration before a civil registrar; concluded at the local community registry office of the municipality.

**Rights and obligations:** equal rights and obligations; mutual material and moral support; property and non-property rights and obligations, with the provisions applicable to spouses; retention of surname; children born within the partnership are considered children born out of wedlock; obligation to support the other partner's children; the same legal status as spouses in relations with public and private legal entities; treatment equivalent to that of a spouse in: inheritance, maintenance obligations, survivor's pension, social assistance, health and patient rights, domestic violence, justice, incompatibilities and conflicts of interest, and freedom of movement. Citizenship: recognition of civil partnerships and same-sex marriages concluded in other states

**Negative opinions** received from the Committee on Human Rights, Religious Affairs, and National Minority Issues, and the Committee on Public Administration and Territorial Planning. Negative opinions from the Government, the Committee on Labor and Social Protection, the Committee on Equal Opportunities for Women and Men, and the Committee on Health and Family.

**Current status:** undergoing review by committee<sup>37</sup><sup>[OBJ]</sup>.

## **2019 - Draft Law on the Protection of Family Life and the Regulation of Certain Legal Situations for Persons in a Consensual Union - PLX 593/2019<sup>38</sup>**

**Sponsors:** Adriana Diana Tuşa - PSD deputy

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<sup>37</sup> PL-x No. 153/2019 – Legislative proposal for civil partnerships, Available online at [https://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?idp=17751](https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=17751).

<sup>38</sup> PLX 593/2019 – Legislative proposal regarding the protection of family life and the regulation of certain legal situations for persons in consensual unions, Available online at [https://www.senat.ro/legis/lista.aspx?nr\\_cls=L456&an\\_cls=2019](https://www.senat.ro/legis/lista.aspx?nr_cls=L456&an_cls=2019).

A bill that must be analyzed separately, even though it does not strictly fit among those establishing civil partnerships as an autonomous legal institution, is the Draft Law on the Protection of Family Life and the Regulation of Certain Legal Situations for Persons in a Consensual Union, identified in the parliamentary process as L456/2019 in the Senate and as PL-x No. 593/2019 in the Chamber of Deputies. According to data available in secondary parliamentary sources that track the bill's progress, the draft was initiated by Adriana Diana Tuşa, was tacitly adopted by the Senate on October 21, 2019, following the expiration of the constitutional deadline, reached the Chamber of Deputies, and subsequently received a negative opinion from the Government on July 10, 2020. In publicly available records, it subsequently appears as still "in progress," making its final status difficult to track based solely on publicly available parliamentary documents.

Unlike the civil partnership bills analyzed previously, this initiative does not create a form of formal legal recognition of the relationship and does not establish a clear legal status for the partners. Article 1 defines a "consensual union" as the situation of persons living together for the purpose of establishing family-like relationships without entering into marriage, and Article 2 provides that its existence may be proven in court by any means of evidence. The draft does not establish a procedure for registration with the civil registry, a notary, or another authority that would, in and of itself, produce general legal effects.

This regulatory choice is essential for a critical evaluation of the draft. Instead of creating a legal institution of recognition, it keeps the relationship within the realm of social fact and allows partners only to build their legal protection through scattered instruments. Article 3 provides that persons in a consensual union may enter into any civil act or contract with one another and may dispose of their property in favor of the other through a will. Articles 4–8 regulate, to a limited extent, property matters such as the presumption of community of property for certain movable assets, the possibility of joint registration in deeds of acquisition, the contracting of joint debts, the conclusion of authentic property agreements, and the division of property. Article 11 provides for effects regarding the continuation of residential leases, and Article 12 permits the exercise of certain patient rights only on the basis of a notarized power of attorney or a prior declaration registered with the healthcare facility.

Consequently, the draft does not recognize family life as such, but instead requires partners to resort to a series of separate legal acts for each area in which they seek protection: property agreements for assets, contracts for economic relations, a will for inheritance, and a power of attorney or advance directive for medical representation. Such a solution shifts the entire bureaucratic and financial burden of legal protection onto individuals in a consensual union and turns recognition into a permanent administrative burden. Instead of a unified legal regime, comparable to that proposed by civil partnership bills, the result is a fragmented protection, contingent on individual diligence, access to notarial services, and the ability to anticipate all relevant legal situations.

From this perspective, the bill can be seen as a negative example of pseudo-recognition. Although it ostensibly offers a protective framework, in reality it refuses to treat the relationship as a legal bond worthy of public and institutional recognition. Moreover, for same-sex families, such a solution has a discriminatory effect: the state does not grant them a direct and accessible legal status, but pushes them toward a combination of individual contractual solutions, which are

inaccessible in practice for many people and incapable of producing the same legal coherence as a civil status institution or a form of registered partnership. In this sense, the bill mimics protection without actually providing it.

Compared to the other legislative initiatives analyzed, which sought to establish a legal state distinct from marriage, with general and recognizable effects vis-à-vis authorities and third parties, the bill on consensual unions represents a conceptual step backward. It does not address the legal vulnerability of partners, just manages it through narrow and incomplete solutions. Precisely for this reason, its inclusion in the overall analysis is useful: not as a model of acceptable regulation, but as an example of how the legislature can simulate protective intervention without effectively meeting the requirements arising from the right to private and family life.

## **5. Conclusions**

An analysis of legislative initiatives regarding civil partnerships submitted to the Romanian Parliament between 2008 and 2019 shows that the issue of legal recognition of same-sex families has not been absent from the legislative agenda; on the contrary, it has been repeatedly raised, in various legal forms, by sponsors from diverse political parties and parliamentary groups. From the first initiative announced by Péter Eckstein-Kovács in 2008 to the bills submitted in 2019, there have been multiple attempts to create a minimal form of legal protection for *de facto* relationships that do not currently enjoy legal recognition under Romanian law. In other words, throughout this period, there has been not only a real social problem but also a succession of possible legislative solutions.

An examination of the content of these bills shows that they sought to establish a distinct legal form of protection for family life, more limited than marriage, intended to provide partners (of different sexes and same-sex) with a core set of rights and obligations in matters such as inheritance, social protection, health insurance, the right to continue a lease, caregiver status, survivor's pension, mutual support, protection against domestic violence, or recognition in the context of free movement. Furthermore, a comparison of the bills highlights that, although they differ in terms of the formal mechanism for entering into the partnership – whether before a notary, a civil registrar, a registrar, or, in the case of an informal partnership, through a court ruling – they all pursue the same ultimate goal: to provide a minimal form of legal protection for a family life that already exists in social terms. The legal and bureaucratic implications of each mechanism for entering into a civil partnership are not the subject of this article, but they deserve separate attention.

A particularly important element for understanding the Romanian debate is the fact that none of the draft laws analyzed sought to introduce adoption of children by same-sex couples. On the contrary, the only draft law that expressly addressed this issue explicitly excluded the possibility. Therefore, the argument that regulating civil partnerships would have constituted an indirect means of altering the adoption regime is not supported by the actual content of the legislative initiatives submitted. This finding is essential, as it shows that the opposition to the civil partnership bills cannot be justified by their actual normative content, but must rather be understood as part of a broader political refusal to legally recognize same-sex families.

In parallel with this succession of Romanian legislative initiatives, the European and constitutional legal framework has evolved significantly. The case law of the European Court of Human Rights, from *Schalk and Kopf* to *Oliari and Fedotova*, has progressively reinforced the idea that stable same-sex relationships fall within the scope of the right to family life and that states have a positive obligation to ensure some form of legal recognition and effective protection. Under European Union law, the *Coman-Hamilton* case demonstrated that Romania cannot ignore the legal effects of same-sex family relationships, at least with regard to freedom of movement. Domestically, Constitutional Court Decision No. 534/2018 explicitly established that same-sex relationships fall within the concept of family life protected by the Constitution. Thus, while the legislature has remained deadlocked, international and domestic legal standards have become increasingly clear.

Therefore, the conclusion that emerges from this analysis is that the absence of legislation on civil partnerships in Romania cannot be explained by a lack of legislative models, the absence of coherent legal proposals, or regulatory uncertainty at the European level. On the contrary, draft legislation has existed, has been repeatedly proposed, and has been sufficiently diverse and flexible to allow for the adoption of a form of minimal legal protection, while the relevant case law has, over time, become increasingly firm. What is missing, therefore, is not a legal solution, but the political will to transform it into positive law.

The persistence of the Government's negative opinions, the rejection reports drafted by committees, and the repeated blocking of legislative initiatives indicate an institutional pattern of refusal that goes beyond the logic of a mere legislative policy choice. To the extent that the Romanian state continues to ignore both social realities and the legal standards arising from European law and its own constitutional jurisprudence, this inaction has direct effects on the exercise of the right to private and family life of the persons concerned. The issue of civil partnerships can no longer be treated as a marginal or optional matter, but rather as a relevant test of how Romania understands its obligation to respect the rule of law, its European obligations, and human rights requirements.

In the context of an emerging European consensus on the legal protection of these relationships and the obligations arising from the case law of the European Court of Human Rights and the Court of Justice of the European Union, the absence of such legislation places Romania at odds with developments in European law. The adoption of a form of legal recognition for these relationships, whether through the introduction of civil partnerships or by extending the protection afforded by the institution of marriage to same-sex families, is not merely a legislative option, but a logical consequence of the Romanian state's obligations regarding fundamental rights.