



# Weekly Briefing

## **Romania Social briefing:**

**The referendum for family was invalidated due to low participation**

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## **The referendum for family was invalidated due to low participation**

*Romanians voted in the period 6-7 October for the change of the Constitution in the sight of defining the family as the union between a man and a woman, with the aim of avoiding any potential interpretation of the notion. Although the referendum was invalidated due to low participation, its result unveiled several realities of the Romanian society related to politics and church and seems to be the issue for changing the paradigm that used to describe the society since the Revolution in 1989.*

Romanians voted in the period 6-7 October for to the change of the Constitution in the sight of defining the family as the union between a man and a woman. The actual formulation states that the family represents the union between spouses. Therefore, the referendum's aim was to state clearly who are the founders of the family, for avoiding any interpretation of the term.

The first talks about the revision of the Constitution started in 2013, when the governing parties concluded that several articles of the law need to change their form, content and meaning in order to adapt to the realities of the times we live. Some of the main changes were related to the separation of the powers, fixed dates of elections, banning political traces etc. In this context, the Coalition for the Family has militated for redefining the family concept in the form mentioned above. Initially, the law project was rejected by the Constitutional Court.

Still, according to the Romanian legislation, the Constitution can be modified upon a proposal by the President, the government, a quarter of the members of the Parliament or at least 500,000 citizens. Parliament must then approve the change, which will further be subject to a referendum at national level. Following this situation, in 2016, the Coalition for the Family has

collected three million signatures in favour of replacing the expression "spouse" with "a man and a woman". The Coalition for the Family is an association without juridical status, or political and confessional affiliation. The Coalition joins 44 non-governmental organizations, foundations, associations and four Romanian federations for promoting the values of the traditional family, whose main aims are to define the family, in legislation and in the Constitution, as the fundamental institution for the society based on the freely consented marriage between a man and a woman and on parent-child legal relationships; to inform the young population about the importance of marriage and family; to support the family from a social, cultural and legal point of views; to raise and educate the child in a stable family environment, with a mother and father; not to recognize alternative forms of cohabitation.

The EU regulations leave each Member State to decide whether they recognize same-sex marriages and further rights emerging from this acceptance. As a result, several countries have established the institution of civil partnership. However, there are certain social relations subject to Community rules, such as the right to move and reside freely within the territory of the Member States for citizens of the Union and their family members, which establishes rights and freedoms of such registered partners, which must be respected even by Member States that do not accept same-sex marriage (the institution of civil partnership). Poland and Slovakia are among the EU countries where the same-sex marriage is forbidden by law. There is no legal recognition of this institution in Bulgaria and Lithuania; in the rest of Europe, Serbia, Bosnia and Herzegovina, Bulgaria, Macedonia, Montenegro, and Albania have a similar situation. As the Constitution was considered too ambiguous, the option was to have a referendum for making clear this issue in Romania.

The Coalition for the Family mentioned that over the past ten years, the Romanian Parliament has rejected five legislative proposals on civil partnership (in 2008, 2011, 2013, 2014 and 2015), and that the citizens' initiative does not propose to criminalize homosexuals, but to support the family that is founded on

a solid foundation, which is the love based on the biological, emotional and psychological complementarity between a man and a woman.

The Chamber of Deputies adopted, in May 2017, the citizens' initiative to revise the Constitution but it was only on September 2018 that the Senate, as a decision-making body, approved the initiative and established the date of the referendum for the days of 6 and 7 October.

In order to have a valid referendum, there were two conditions that had to be met: the number of participants to be at least 30% of those registered in the permanent electoral lists and the validly expressed options to represent at least 25% of the number of those registered on these lists, according to the legislation. The great challenge of the referendum was to gather the requested number of participants, namely 5.5-6 million persons. Since 2003, Romania had five other referendums, but they generally reflected political events and aroused an intense and fierce development of the electoral forces of the main parties in the country. Therefore, this referendum was considered atypical, as it envisaged the promotion of a value, not of a political party; it was not associated with any face or representative, as in usual electoral competitions; it did not provide any direct motivation for the territorial party networks to involve and stimulate the participation of the social groups in their proximity.

The critical benchmark for validating the referendum was not met, as the presence was of 21.1%, almost 10 percentages lower than needed. 91.56 of the valid votes stated for the change of the Constitution in favour of the family between a man and a woman, while 6.47% were against. Interestingly, the number of Romanians living abroad who voted in the referendum on the revision of the Constitution was almost 14% higher than those who voted on the last parliamentary elections. The largest part of the population preferred to boycott the referendum by non-participation, preferring not to manifest their opinion through vote fearing that, in this way, the benchmark of 30% will be reached, therefore the referendum will be validated, while the opinions expressed would rather indicate in favour of changing the Constitution.

The whole period since the decision to launch the referendum (11<sup>th</sup> of September) until its end saw a large dispute among the two sides, the supporters and the opponents, an unfolding of fake news and messages in the media and social media that rather polarized the society. One of the main issues that supported the lack of participation at referendum was even the question on the ballot, which did not clearly asked whether the family to be formed by a man and a woman, but was referring to the article in the legislation that has to be changed. This made a lot of people think that the result could be subject of interpretation. Another cause that explained the reticence of people to vote was that the referendum was seen as a method for supporting the leader of the actual governing party, Liviu Dragnea, against whom several protests took place in the last period.

Although it was invalidated, the result of the referendum pointed to some changes in the Romanian society. As regards the political side, there were two major parties that launched messages for mobilizing the population to vote, the Social Democrat Party (SDP) and the National Liberal Party (NLP), although the first one is the main party in the governing coalition and the second one is the largest party in the opposition. Therefore, the referendum could be considered as a failure of SDP, as it was the party that assumed the organization of the referendum and it was initially perceived as a popularity test for SDP. The image of NLP weakened through its association with SDP, although its members had the liberty to present their own choice publicly. Among them, the leader of the party supported the referendum, therefore, after its failure, he attracted the criticism of some of its colleagues. Their main issue was that the leader's open support for the referendum meant an association with Liviu Dragnea and led to favouring the second largest party in opposition, namely the Union Save Romania (USR), to the detriment of NLP. On the other side, the USR was the only party that firmly stated its position against the referendum, which also led to a resignation from the position of deputy for one of their members that was against the path followed by the party. At present, it seems that USR's

popularity increased, but again the society is divided regarding their ideological platform.

The involvement of the Orthodox Church in supporting the Coalition for the Family was initially considered to be a guarantee of the referendum's success, as more than 90% of the Romanian population is declared Christian and more than 80% is Orthodox. In addition, it is still considered that the church has a large influence in rural areas. Therefore, the invalidation of the referendum should be a lesson for the church, which is considered to have a lack of credibility on the topic of traditional family. One of well-known psychologists in Romania observed that although in Romania the religiosity is very high, it is the results of a superstitious background, therefore many Christians do not understand the religious meaning of marriage.

In fact, the Coalition for the Family has accused all parties, but especially SDP, of boycotting the referendum, and emphasized a misinformation campaign, considering strange that the parties that voted for the revision of the law withdrew their support. On one side, some voices said that the tensions in SDP affected the party's mobilization capacity. On the other side, the larger European political family to whom SDP belongs, the European Socialists, is a keen supporter of tolerance towards sexual minorities and any other type of minority. In fact, during her visit to Brussels, the Prime Minister Viorica Dancila promised that the party would not campaign on this theme.

No later than one week after the referendum, the President of the Senate in the Parliament announced that the draft law on civil partnership, developed by lawyers from the National Council for Combating Discrimination (CNCD), is due to be submitted to Parliament, while the Deputy Minister for European Affairs was more precise, announcing that the draft law on civil partnership will be submitted to Parliament the following week.

On the other hand, the political class should take into account the vote of the 3.5 million people who made clear their opinion at the referendum. Analysts state that this number is higher than that of people who massively voted for SDP

in the last elections, therefore the ideological orientation of the parties should be carefully build in the future in order to be able to integrate the options of this part of the population.