

ALIANȚA FAMILIILOR DIN ROMÂNIA

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The Secretariat
Parliamentary Assembly of the Council of Europe
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Via Facsimile Transmission
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LETTER OF PROTEST

Re.: Council of Europe's Attempts to Impose Same-Sex Marriage on Member States

Your Excellencies:

Greetings from the Alliance of Romania's Families ("Alliance")! Our Alliance is a civic movement for the protection of marriage and the family and has a constituency of hundreds of thousands of Romanian families. We address this Letter of Protest to the Parliamentary Assembly of the Council of Europe ("PACE"/"Council") to express our deep concern over the Council's impending attempts to pass a resolution calling for the recognition of same-sex partnerships or same-sex marriage in all of the 47 state members of the Council of Europe. We believe and respectfully submit that the Council has overstepped its bounds and has set a slippery precedent which is alarming and worrisome to millions of Romanians, and to hundreds of millions of citizens of the Member States. We have familiarized ourselves with the background documentation which various PACE committees have drafted on the subject and we must express our categorical opposition, on grounds of both procedure and substance.

In recent months we and hundreds of millions of citizens of the Member States have been faced with reckless actions by PACE which related to extremely controversial and sensitive issues, where the Council has simply thrown its weight behind the most extreme position, seeking to thus impose its political will on hundreds of millions of unwilling citizens of the Member States. In October 2007 PACE issued a radical resolution condemning creationism and intelligent design, thereby offending hundreds of millions of citizens of the Member States. In April 2008 PACE adopted another radical resolution calling on Member States to make abortion a special right, subject to virtually no criticism or restriction. And now, PACE is about to take up another destructive issue seemingly with the intent to compel Member States to embrace it. This course of conduct has left us speechless, but must now speak out and state, in unequivocal terms, that we condemn and reject PACE's course of action. Our reasons and concerns are listed below.

1. First: Marriage and the Family Are Institutions, not a Fad. Institutions alone are enshrined in law, fads are not. Societies protect institutions, not fads. Family and marriage are not trivial matters but are designed to ensure society's survival and the perpetuation of the human specie through procreation and the rearing of children. Homosexual partnerships, civil unions, or same-sex marriage do neither, and by their very nature are incapable to fulfill any of these objectives. Family and marriage predate the emergence of the state and of the phenomenon of homosexuality.

That same-sex marriage or partnerships are a mere fad is reflected, rather unambiguously, by the experience of the countries which have legalized them. In 2006 and 2007 there has been a significant drop in the number of same-sex unions contracted in the United Kingdom, and in 2007 only one same-sex marriage between Canadian citizens was performed in Toronto, Canada, a city of nearly 5 million inhabitants. Also, some individuals that have been involved in same-sex unions have exited them precisely because they viewed them, in retrospect, as whimsical fads.

2. Second: the Cost of Same-Sex Marriage Is Prohibitive. At the same time, the financial cost of redrafting the laws of Member States to provide for neutral marriage is enormous and its implications staggering. The experience of Canada is relevant on this issue as well. Though Canada recognized same-sex marriage several years ago, it was only in May 2008 that the process of modifying preexisting relevant legislation to make it compliant was actually completed. Prince Edward Island was the last of Canada's provinces to do so. No less than sixty (60) pieces of legislation had to be re-written with the words "married couple" changed to "spouses" and the words "husband," "wife," "bride," and "groom" removed, just to accommodate same-sex couples. If a wealthy and legally resourceful country such as Canada experienced such difficulties in rewriting its laws to accommodate same-sex marriage, the cost would be virtually prohibitive in the less developed and less resourceful Member States, such as Azerbaijan, Albania, Georgia, Moldova, Armenia, among others. Coupled with the reality that in some of these countries homosexuality is virtually unknown and that likely no same-sex marriages will be performed on any significant scale, the irrationality of PACE's intended resolution is even more self-evident. Why then impose on the unwilling states a burden that most of them will not be able to carry?

3. Third: An Undemocratic Process Is at Work. We further object on grounds that the process by which PACE seeks to impose same-sex marriage on the Member States is extremist and undemocratic. The European Convention on Human Rights is categorical that the right to marry is a matter of national sovereignty, not international pressure. Its Article 8 and Article 1 of Protocol No. 1 state that the right to marry is protected for "men and women of marriageable age," "according to national laws governing the exercise of this right." The proposed, but yet unadopted, European Constitution also states that marriage and the family are matters of national sovereignty to be determined and defined by national laws. PACE's actions contravene the national sovereignty of the Member States and usurp the democratic process to which their citizens are entitled. Matters of same-sex unions or marriage do not fall within the competence of the Council of Europe, especially where the attempt, as here, is to impose

uniformity. We believe, like the framers of the initial instruments, that these matters must be left to the discretion of each member state's citizens. The citizenry must be given an ample opportunity to discuss and debate these issues for itself and come up with solutions best suited and congruent with local cultural and religious sensitivities. PACE's contrary attempts ignore, discount, and necessarily violate these cultural and religious sensitivities. This is unacceptable.

A related argument relates to popular sovereignty. PACE's anticipated course of action infringes on popular sovereignty. The citizens of Romania have not surrendered their sovereignty to any international body to define, dictate, and legislate their values and norms. On the contrary, in December 2006, 650,000 adult citizens of Romania submitted to their government a petition requesting that marriage be defined in law as the relationship between one man and one woman. Therefore, we respectfully, yet sternly, ask PACE to respect our norms and values.

4. Fourth: No International Right to Same-Sex Marriage Exists. On July 7, 2002 the United Nations Commission on Human Rights issued decision 902/1999 rejecting the notion that the International Convention on Civil and Political Rights enshrines the right to same-sex marriage. In no ambiguous terms, the Commission stated the obvious: "*Use of the term "men and women" ... has been consistently and uniformly understood as indicating that the treaty obligation of State parties stemming from article 23, paragraph 2, of the Covenant is to recognize as marriage only the union between a man and a woman wishing to marry each other.*") The same language is found in the European Convention on Human Rights as well. It seems, therefore, inappropriate and a violation of national sovereignty for PACE to manufacture ex nihilo a right to same-sex marriage and impose it on the Member States, especially considering that the overwhelming majority of the family of nations, not only of the Council of Europe, rejects the existence of a right to same-sex marriage.

The European Court, interpreting the European Convention on Human Rights has reached the same conclusion in D. v. Kingdom of Sweden, ECtHR (May 31, 2001) ("It is no question that, according to the definition generally accepted by the Member States, the term "marriage" means a union between persons of the opposite sex.") See also, Siegmund Karner v. Austria, ECtHR (July 2003) (the protection of traditional family is a legitimate objective on the basis of which members of the European Union can define marriage as the exclusive union between a man and a woman).

Consequently, PACE's insistence that suddenly all 47 Member States must think and act otherwise is not only outrageous but insensitive.

5. Fifth: Same-Sex Marriage Violates the Rights of Children. Same-sex marriage violates the rights of children to a "mother and a father." Article 7 of the International Convention on the Rights of Children stipulates the right of every child to a mother and a father. Same-sex marriage will necessarily violate this international right of the child which in time predates the right to same-sex marriage which PACE seeks to create. It is also worth pointing out that the debate on same-sex marriage and homosexual partnerships has largely focused on the rights of adults, without due regard for the consequences, often adverse, of such rights on the

welfare of children. Seemingly, to PACE it matters little that imposing a right to same-sex marriage will violate the rights of children. Naturally, rights are not exercised in a vacuum but in relation to one another. Simply because the supposed right to same-sex marriage is a right to be exercised by adults does not give it the legitimacy to trump the rights of the most feeble segment of society – children. This view was echoed in the December 2006 decision of the Supreme Court of Ireland which refused to recognize under Irish law same-sex marriages contracted in Canada by Irish citizens, precisely because they are harmful to children.

Furthermore, the short societal experimentation with same-sex marriage and partnerships sheds light on the plight of children reared in such relationships. A recent bestseller on this subject is Dawn Stefanowicz, Out from Under. The Impact of Homosexual Parenting (Canada 2007). Also, in a recent conference given in April 2008 in Buenos Aires, internationally renown Spanish psychiatrist, Enrique Rojas, revealed his findings that there is a 70-80 percent chance that a child reared in a homosexual relationship will likely develop the same tendencies. In 95% of all cases, he declared, homosexuality is the result of an absent father, overweening mother, or sexual abuse in childhood. It is, therefore, not in the best interest of the Member States that this happen, or else the end of the human race will soon loom on the horizon.

6. Sixth: Same-Sex Divorce Is Harshest on Children. A related concern is not only that same-sex relationships are harmful to children, but also that same-sex divorce is much harsher on children than divorce between opposite sex parents. A thorough analysis of this phenomenon and of the rationales was published a few years ago in the Harvard Journal of Law & Public Policy, “Economic Assessment of Same-Sex Marriage Laws” (Volume 29, 2005). Thus, to avoid harsh consequences for children, same-sex marriage should not be legalized in the first place.

7. Seventh: Same-Sex Marriage Violates Religious Freedom. The same short societal experimentation with same-sex partnerships or marriage reflects that not only the rights of children but also religious freedoms are adversely impacted. The supposed right to same-sex marriage is on a collision course with religious liberties. Any dissent or criticism of same-sex marriage stemming from religious convictions, as well as refusals to perform same-sex marriage ceremonies, have been consistently reprimanded and in some cases have resulted in hefty fines. This has more particularly been the case in Canada which has the harshest record of penalizing the church, the faithful, priests, and pastors for exercising their rights to free speech. The infamous provincial Human Rights Commissions in Canada have become virtual inquisitors of those who criticize homosexuality, levying hefty fines. In the last two years the United Kingdom has also moved in this direction rather aggressively, and religious civil servants speak of a “climate of fear.” Sweden, too, has a less than honorable record, the case of Ake Green being the best known. The Netherlands and Belgium, too, have shown increased hostility toward those who, on the subject of homosexual marriage, have shown more faithfulness toward their convictions and God, than toward the fads of the day.

A recent scholarly article on this point was published in the world’s most outstanding law journal, pointing out the perils which same-sex marriage poses to religious freedom. Roger

Severino, "Or for Poorer? How Same Sex Marriage Threatens Religious Liberty," Harvard Journal of Law and Policy (Vol. 30, No. 2, 2007).

8. Eighth: Same-Sex Marriage Imposes a Fatal Social Cost. The social cost of same-sex marriage is disastrous. Lurking beneath the attempt to impose same-sex marriage in the name of "dignity, tolerance, and broadmindedness," to use the terms employed in one of the recently redacted PACE documents on the subject, is the unspoken agenda of a tiny minority which in many of the Member States is virtually nonexistent. Social engineering, intolerance, imposing uniformity of thought, eliminating dissent and nonconformist thought and expression, imposing politically correct speech codes, the very deinstitutionalization of family and marriage, and preferential legislation based on sexual orientation, are the additional objectives which underpin the recognition of a right to same-sex marriage. For instance, in the United Kingdom children are now prohibited in schools from referring to their parents as "mother and father." Same-sex marriage undermines the family and marriage, and inevitably encourages a life style that stifles population growth. It undermines the public's confidence in the very institutions which have ensured its survival.

On the other hand, if the ultimate objective is to secure dignity and acceptance for homosexuals, forcing same-sex marriage on unwilling Member States will likely have the opposite effect. Likewise, the confidence in the Council of Europe of hundreds of millions of citizens of Member States will erode. Promoting same sex marriage under these conditions would, therefore, not seem a wise endeavor.

We are also mindful that the very concepts and institutions which PACE seeks to impose on the Member States find their origins in the teachings of the founders of communism, namely Karl Marx and Friedrich Engels. The elimination of the family and marriage, largely viewed by them as bourgeois institutions designed to oppress women, was one of their ultimate objectives. It is, therefore, to be noted, that PACE's actions are highly offensive to the hundreds of millions of citizens of the Member States who as recently as a generation ago lived under the tyranny of communism.

Our Plea

We, therefore, assert our rights as citizens of the Council of Europe and of the European Union and respectfully request that the Council of Europe and PACE immediately desist from pursuing any resolutions designed to urge or impose same-sex marriage or same-sex partnerships on the Member States. We also request that this Letter of Protest be disseminated to all representatives of Member States in PACE. Finally, we call on like-minded citizens of the Member States to join in this Letter of Protest.

We may be contacted at the particulars identified above.

Respectfully submitted,
Executive Board of the Alliance of Romania's Families

BY: *Peter Costea, Esq., On Behalf of the Board*

Peter Costea, Esq., President
Bogdan Mateciuc, Executive Director
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Liviu Axinte, Member
Olimpia Popa, Member
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Other Organizations Joining in the Letter of Protest:

Alianta Evanghelică Română din SUA și Canada (The Romanian Evangelical Alliance of the United States and Canada)

Asociația Familia și Viață (Association Family and Life)
Asociația Familiilor Catolice "Vladimir Ghika" (București)
Asociația Ieromonah Arsenie Boca (Arad)
Darul Vieții, Timișoara (Gift of Life)
Mercy's Action Mission, Inc.
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