

CONSIDERATIONS ON THE EXISTENCE OF DISCRIMINATION IN GRANTING THE STATE PENSIONS

MĂDĂLINA TOMESCU*

Abstract

Social protection is a way that respects human dignity. This is because each citizen is a part of society and he contributes to its development. In return, the society gives to him a social protection, materialized in social services including the pension he received after a full contribution stage.

This article attempts to demonstrate that the current public pension system violates the principle of contributiveness by establishing the government's pension point value and application of discrimination in the way of granting the state pensions.

Keywords: *human dignity, pension, discrimination, pension public system, the right to pension.*

Introduction

The issue of calling into question the existence of discrimination in the field of pensions by the State.

Pension rights are a very important constitutional right. Throughout our active life, all of us contribute (without having the possibility of option), to establish the State social insurance budget. Thanks to this contribution we have at the age of retirement, sometimes earlier, the advantage of the right of property on a public pension. This is a form of respect for human dignity, but also a form of from the society for all our contribution to its development.

Therefore, political decisions should have to respect the seniors, without breaking their dignity. Ensuring a decent life and the financial independence of these categories of persons should be an important aim of each Government.

Unfortunately, the Romanian system for public pensions, confirms a lot of discrimination based on various criteria. All these discrimination are the root of much dissatisfaction of the current retirees. Therefore, I decided to examine at least a part of this discrimination with the hope that I will warn the Government to remove them.

1.HUMAN DIGNITY

The 20th century was witness to propagating the idea of democracy from the political class towards the most of the domains of social life. The belief that **people are equals in dignity and rights** was confirmed by the institutions of mass societies, especially by the diversion industry that develops the ordinary person's ability of placing itself instead of others and watching the life as they would watch.

Dignity represented from 1948 an often treated subject, situated between theory and practice, sometimes with sympathy, other times disdainfully.

Human dignity is guaranteed by the two important principles of international law that governs the object of human rights, **equality and nondiscrimination**. Those principles postulate the right to exercise all the established rights and the ensuring of protection to every person when facing the possible abuses of the authorities. On the contrary, the inequality and discrimination are a

* Associate Professor, Ph. D., Faculty of Legal and Administrative Sciences, "Dimitrie Cantemir" Christian University, (email: madalina.tomescu@gmail.com)

negation of fundamental rights and liberties of the human person. *"If discrimination and its incontestably the most flagrant manifestation- the racism- continue, it is shown in a ONU document, we will not hope to to build up an international society founded on human being's dignity and value"*. Or, this object is connected with the Nations' purposes and its constitutive act states this triptych : equality, undiscrimination, dignity- in its many articles. The peoples from United Nations- shown in the second line from the preamble of the Chart- declare themselves decided to be reaffirmed "a) the belief in fundamental human rights, in dignity and value of human person, in equal rights of men and women as well as of large and small nations". Under Art.13, The General Meeting is authorized to initiate studies and to recommend in order to "b) promote human rights achievement and fundamental liberty for all, without discrimination of race, sex, language or religion". The principle of undiscrimination is enunciated in art.55 point c) and 76 point c).¹

Regarding the definition of the concept of human dignity, this realised mostly approaching the fundamental human values, as well as through the discovery of the rapport between dignity and the right to a decent life.

The dignity shows the value, the honesty, the moral merits, the degree of appreciation as well as the achieved rank by a person in society. In the Christian teaching, human dignity is a divine gift, that irrespective of the conditions in which the individual lives, he has the God's image as an example. Within society we understand dignity as the self-sufficiency and freedom of thinking and also the individual's behaviour².

The **human dignity** considered as fundamental and the sum of all the rights, it has been defined as **the sum of all the human values and of the respect towards the individual**, characteristics which man receives from the moment he is born and lasts till after his death. It is not and it cannot be considered an object irrespective of race, origin, etc. In the presence of "human dignity" as a fundamental right of freedom of the press and the right of liberty itself, the property rights, to life, the right of expressing opinions, of religious beliefs, the right to a decent life, the right to correspondence and all the other rights are built on human dignity, the corner stone of the civilisation and the entire society³. Not by chance, the dignity is considered **a right that protects the individual and the image of the individual** even after a person passed the limit between life and death.

Also, it can be said that the human dignity constitutes the keystone that puts together the right to exist, the right liberty and the social right of the community that are mentioned in the Universal Declaration of Human Rights. Thus we find in this document affirmations according to which the human being is unique, irreplaceable, meant to a transcendent life, and not just a unity in a social entity. It has to be mentioned that the Universal Declaration of Human rights from 1948 recognises not only the individual rights of the human being, but the rights with various human collectivities. The definition of the person as a being in communion, as a solidary entity, loving the neighbours, determines us not to dissociate the human rights by its duties or responsibilities.

So, the formal right on the other hand must be completed with the moral-spiritual dimension of human dignity. The dignity of freedom is conditioned by its ethic foundation, respectively of responsibility. From this point of view the person's rights corroborate with those of the neighbours'. The respect for our neighbour has to be at least equivalent to that we want for ourselves.

¹ Ionel Cloșcă, Ion Suceavă, *Human Rights Treaty*, (Europa Nova Publishing House, Bucharest, 2003), p. 78.

² See *Explanatory Dictionary of Romanian Language*, precum și www.wikipedia.ro.

³ <http://www.dingermania.com/2010/demnitatea-umana/>

2. DISCRIMINATION

Discrimination is the different treatment applied to a person because this person belong, in real or supposed, to a certain social group. Discrimination is an individual action, but it constitutes a social paternal behavior, if the members of the same social group are similarly treated.⁴

According to the Government Ordinance no. 137/2000 discrimination is “*any distinction, exclusion, restriction or preference based on race, nationality, ethnicity, language, religion, social category, beliefs, sex or sexual orientation, belonging to a disadvantaged category or any other criterion that has the purpose or effect the restriction of the use or removal of recognition or exercise, on equal terms, human rights and fundamental freedoms or rights recognized by law, in the field of political, economic, social and cultural or any other areas of public life*”

From the sociological point of view, discrimination refers to actual behavior towards the other group. It can be observed in activities which removes the members of a group from opportunities offered another. Although the prejudice most often sits on the basis of discrimination, they may exist separately. People can have attitudes marked by prejudices, but which do not always give them way.⁵

The theories which place emphasis on social stratification suggest that discrimination is “the product of social stratification based on the unequal distribution of power, status and wealth between groups”.⁶ The dominant groups try to keep the position by discriminatory practices. Social psychology research has revealed that the members of groups with higher status tend to discriminate more than those of subordinate groups.⁷

The real conflict theory developed by Sherif (1956) argues that discrimination occurs in conditions of competition for limited resources between the two groups. In this context, individuals tend to favor the members of their group. Also, the social identity Theory developed by Henry Tajfel (1981) shows that individuals tend to discriminate for the group they belong to obtain a superior position to the other groups. This fact leads to a positive social identity at individual level. One of the areas in which discrimination is present often is the scope of public social services (for example, the social welfare services, health services, educational services, institutions intended to maintain public order). Discrimination is present here because of the discretionary power of the officials of these institutions (Michael Lipsky, 1980).

In the analysis that he makes relations between officials of public institutions and their customers, Michael Lipsky⁸ identified a number of situations which may arise to customers differentiated treatments and certain groups of customers that are potentially promote. Thus, the officials will be tempted to favor, in the distribution of resources, on customers who seem to have most likely eligibility according to the criteria of bureaucracy. Also, the bureaucrats will tend to favor the citizen that can get some gratification. In this case is the same size or other officials concerned with (for example ethnic or racial). Different treatment occurs especially when there are many resources for applicants and there is no procedure either control for the way in which they were assigned, also in a situation where officials must decide whether some customers respond better to

⁴ Michael Banton, *Discriminare*, (Editura DU Styl, București).

⁵ Giddens, A, *Sociology*, (All Publishing House, Bucharest, 2010), p.235

⁶ Bouhris, Turner, Gagnon „*Interdependence, Social Identity and Discrimination*”, în Oakes, Penelope, Naomi Ellemers, Alexander Haslam (coord.) – *The Social Psychology of Stereotyping and Group Life*, (Blackwell Publishers, Oxford, Cambridge, Massachusetts), p. 274

⁷ Ibidem, p. 285

⁸ Michael Lipsky is Senior Program Director at Demos, a public policy research and advocacy organization based in New York. Before coming to Demos in October, 2003, he served for twelve years as a Senior Program Officer in the Ford Foundation’s Peace and Social Justice Program, where he managed a portfolio of approximately 100 grants, creating and then managing initiatives to strengthen government and public accountability in the states. He studied discrimination and the vulnerability of some social groups from 1979 till now.(http://sourcewatch.org/index.php?title=Michael_Lipsky)

that treatment than others. In the conditions under which public servants work involves a tremendous stress, they will call the stereotypes to simplify work and will act in accordance therewith.

The groups subject to discrimination and often on the centered most studies are: ethnic minorities, racial, religious, elderly people and groups of immigrants. There was a special concern for the discrimination practiced against women. In the last period a particular interest is given to studies about sexual minorities, discrimination of persons with special abilities, and the elderly. The most investigated fields of manifestation of discrimination were the educational system, the labor market, indwelling. These socially vulnerable groups become economically vulnerable (S.M. Miller, 1996). Those who are the target of prejudice and discrimination in a society which will encounter difficulties on integration in the labor market (there they will not find employment as qualified or will be paid at the lower level of those who belong to favored groups), they will have difficulty in obtaining public benefits. However, they are vulnerable in economic terms and they are included in the category of groups with high risk of poverty.

3.THE ENSURING TO RESPECT THE HUMAN DIGNITY THROUGH PENSION RIGHTS

The pension represent the most important performance of social insurance given within the public system. Any type of pension is given to the person entitled to the requested of the entitled person, of the designated representative by this with special delegacy , of the tutor or of his curator⁹.

It can thus be said that because of the contributions paid by every person employed during his active life, pension is constituted in a gained right, Thus the citizen exerts a property right on the pension and the pension right. Also, **pension both as right and element of private property, represents a claim of the state which forces it to pay and to protect**¹⁰. From this perspective the quantum of tehe pension is considered that it cannot be negatively modified, because it is a gained right. Even in the Criminal law domain there is the principle of criminal law more favorable, all the more so in the domain of constituting the quantum on person's pension, if a recalculation is effectuated the more favorable pension is kept with the bigger amount). It is natyral to be so, because it is proper for the society to be thus thankful to those who contributed to the society development , in their way.

But in the same time , respecting the Resolution 3137/XXVIII from 1973 (Romania was member of O.N.U. in that moment), the obligation of the sate is that to assure the aged persons, on one side, a decent pension-to assure a financial independence and a decent living, and on the other side , the employment opportunity according to needs with the discouragement of the discriminating politics and measures. Therewith it recommended that when they elaborate national politics and programmes to be respectful of the following principles:

- To edit programmes for the sged persons' welfare, health and protection, including measures to assure them to the utmost extent economical independence and social integration;
- To elaborate measures of social security to assure them a sufficient income;
- To intensify aged persons' contribution to economical and social development;
- To dismay discriminating attitudes, politics and measures founded exclusively on age that the employment practices;
- To encourage the conclusion of cooperation agreements on social security for the aged persons;

⁹ <http://www.cnpas.org/portal/media-type/html/language/ro/user/anon/page/pensions;jsessionid=003C8E1F7316AF28E0EE1A07BB40C684>

¹⁰ <http://www.facias.org/documente/Petitie%20ONG%20Romania%20-%20abuzurile%20guvernului%20Boc.pdf>

- To encourage the creation of employment possibilities for aged persons, according to their needs.

Between the 26th of July and the 6th of August 1982, in Vienna, took place the World Meeting dedicated to aged persons and convoked in order to constitute a tribune destined to start a programme for an international activity meant to assure economical and social security in their own country for aged persons. This because the Meeting estimated that the number of these kind of persons would increase spectacularly in the following 20 years¹¹, but that these persons represent an important human resource, both in the economical- social domain and in what concerns the transmission of cultural patrimony¹².

These measures are meant to promote and to assure **the respect for dignity of aged persons**, because their brutal removal from the work system and the neglect of their creative capacities, because of the age has dramatical effects on the entire society.

4. DISCRIMINATION IN THE FIELD OF GRANTING STATE PENSIONS

4.1. Equality versus equalization

The Constitution of Romania (1965), art. 20 established the right of citizens to material insurance of old age, sickness or incapacity for work. According to this article, the right to material insurance for manual workers and officials was done by pensions and sickness benefits granted under the social security system, and for members of the cooperative organizations or of other public organizations was done by forms of insurance held by the latter.

In application of this constitutional provision was adopted the law No. 3/1977 on pensions of State social insurance and social assistance. According to this law, the State guarantee for every citizen, regardless of sex or nationality, the right to a pension on the basis of the provision brought to the society development.

The pensions were established in relation to the quantity, quality and social importance of the work, which is laid down the principle of achieving a fair relationship between the proceeds of the pay and pension.

The criteria for differentiation in the level of the pension were made up of length of service, salary and working group.

Initially, law No. 3/1977 has provided for the calculation, as regards the criterion of retribution, as the average of the monthly salary. Then, by variations introduced since the year 1990, it was intended as a basis for this criterion, the average fee for a period of 5 years chosen by each worker, in the last 10 years of activity¹³.

The funds required for pension's payment were established from contributions made up of units and from the amounts allocated for that purpose from the State budget. Employed persons contributed 2-4% of the monthly pension contribution for the additional pension. According to the law, **the right to pension was imprescriptibly and not taxable.**

The pension rights, when all the conditions were accomplished, was triggered by "Decision" which provided the monthly amount due under this law.

The legislator adopted the law No. 19/2000 on the system of public pensions and other social insurance rights, a normative act, which entered into force on 01.04.2001. The new legislation differs substantially from the law no. 3/1977. The first difference is represented by the principles underlying the public pension system: uniqueness; gender equality; social solidarity; contribution; the distribution; autonomy.

¹¹ Since 1982 till nowadays (2012), third age population really multiplied, according with present statistics.

¹² I.Cloșcă, I.Suceavă, op.cit. p. 201

¹³ Băjan, Doru, *About the right to a public pension*, <http://www.consultingreview.ro/articole/despre-dreptul-la-pensia-publica.html>

The big novelty is the pension point! Also, another novelty is the mode of regulation laying down the amount of the pension, determined by multiplying the annual average score achieved by the insured person during the period of contribution by the amount of a pension point in the month of removal to a pension.

In the form of the original law no. 19/2000 provided that the amount of the pension point was at least 45% of average gross monthly salary on economy, forecast for the year. This pension point is approved by the law of the State social insurance budget. In case of a deviation of more than 10% from the gross monthly salary on economy achieved compared with the forecasted, then it will recalculate the amount of the pension point on the basis of a new forecasts of gross monthly medium salary on economy.

Contributions are due to make both of the employers and their employees being differentiated in terms of working conditions, the odds are approved annually by the law of the State social insurance budget.

Determined on the basis of the score and the value of the pension point was established the new amount of the pension, **but the favorable amount for the person.**

According to the law no. 19/2000, the pension is a benefit of social security and income replacement for loss of professional earnings as a result of old age, which represents a risk insured.

The pension rights were demonstrated by the "Decision" to set the average score achieved. Quantifying the value of the pension point is, however, from this moment, at the discretion of the State, it is losing the contact with the person's contribution to the social security budget over the life of the asset. The concrete amount of the pension becomes so dependent on public financial resources, which shall draw up by the Government, the annual budget bills through Parliament, and the majority of the approved annual budget laws, allocate them for this purpose.

There is a responsibility of the State, in this respect, to carry out the fundamental rights stipulated in the Constitution, has the reach of public and private property that belongs to and is the largest owner of Romania. Financial resources depend on the ability of the political class just to power/governance to manage this wealth.¹⁴ Therefore, the taxpayer, despite lengthy contributions, has no control over the money which they were stopped on a monthly basis, the gross salary. So, there appears the next question: *Why there must be a political involvement on the amount of pension a person?* If the value of the pension have not exceed a percentage of maximum 45% of the gross average salary per economy, what happens to the rest of the money that helped the citizens of the (necessarily) the social insurance budget?

The answer is very clear. From my point of view there is a equalization of the citizens, and not in compliance with the principle of equal rights. This is because no matter the importance of the work.

4.2. Discrimination based on age criteria

4.2.1. The equalization of retirement ages for men and women

European Commission Program entitled "*Supporting national strategies for safe and sustainable pensions through an integrative approach*" includes a series of objectives, including the Equalization of retirement ages for men and women. Present in Romania at a seminar on the reform of pensions, organized by the Partnership for Equality Center, Susan Ward, independent consultant and author in the field of pension schemes in the United Kingdom, believes that it is very difficult to secure good pensions to those who worked for 40-45 years old, having a good job and secure income, but it is more difficult to secure decent pensions to those who have discontinued their work or have changed their place of work. This was referred to gender equality and the more flexible employment and career systems, because women are the ones that have most disruption in the period of employment or periods of employment without full time because of their role in the care of

¹⁴ Ibidem.

children and the elderly. Ms. Ward has referred to the EU legislation in the field of social security, in particular to Directive 79/9 which stipulates equal treatment for women and men in the social insurance system, which is the age of retirement, with a few derogations, and equal treatment on the labor market. A new EU directive prohibits discrimination, including age discrimination, which entered into force in 2006, being relevant at the time of the change of pensionable age.

In the same seminar¹⁵ has talked about how the countries of the region have opted to increase the retirement age to solve financial problems faced by national pension funds. However, there are differences in the way in which this measure has been applied.

Thus, Hungary, Estonia, Latvia and Slovakia, Governments have taken the decision to balancing out the retirement age of women with the retirement age of men. In Bulgaria, Lithuania and Slovenia will shrink the difference between the pensionable age of women and men from 5 years to 3 years to 2 years.

Retirement age In the Czech Republic will be the same for women and men, except for women who have many children, who may leave earlier retirement. Romania and Poland keep difference of 3 and 5 years.

Although the removal of the difference between retirement ages may be considered by some women as unfair or unlike, the studies carried out have shown that this is justified (for various reasons), and that is one way of achieving gender equality in this area. These reasons are related to the interaction between the changes of orientation of reform, by individualism and retirement age. In countries where it was chosen by an individualization of pensions, the real value of "benefit" of a lower retirement age for women is indirectly being dampened; in other words, women receive lower pensions, because they will contribute five years less from the Pension Fund. A simulation carried out in Poland for 2050, on the old pension scheme shows that if you continue retirement women before men (women to 60 years and men at 65), women's average pension will represent 75% of the average pension of men. If women retire at the same age as men, women's average pension will be 81% of pension of men. The same simulation on the new system, shows that if they hold retirement 5 years before women with men, women's average pension will be only 57% of the average pension of men, while if the two groups the same retires, the pension age for women will be the average of 73% of that of men.

The conclusion can be that the new system- leveling the retirement age for men is the only way of protecting women against poverty at the old age. Although it is not the most pleasant of the options, the BIM study shows that maintaining the retirement age difference not only leads to disadvantages for women. This is the best argument to justify the extent of the Equalization of retirement ages¹⁶.

The new law on pensions in Romania—law no. 263/2010 keep the difference in retirement age between men and women, in the art. 53. Thus, women may retire at 63 years old, while males can do it at the age of 65 years old.

4.2.2. Introduction of pillar II –private managed pension¹⁷

According to the Commission for supervision of Private Pension System (CSSPP), introducing 2nd pillar- pension private managed represents a significant reform of pensions, because it means "expanding databases system". Here is a first case of discrimination, whereas, according to law no. 411/2004, the contribution to this pillar is compulsory for persons up to 35 years old and optional for persons between the ages of 35 and 45 years. In my view, the contribute to this pillar

¹⁵ Elaine Fultz, Markus Ruck and Silke Steinhilber, *The gender dimension of social security reform in Eastern and Central Europe, Case studies, Czech Republic, Poland and Hungary*, (BIM SRB, Budapest, 2003).

¹⁶ See " *Gender equality and reform of pensions-critical aspects for Romania* " – <http://www.cpe.ro/romana/images/stories/continuturi/cateva%20aspecte%20critice%20pentru%20romania-brosura.pdf>

¹⁷ <http://www.csspp.ro/pilonul-2>

private managed pensions would have to be optional or mandatory for ALL those who contribute money to the national pension system, regardless of age. The introduction of age classes shows discrimination on this criterion. In other words, if a person who has exceeded the 45 years old would like to subscribe to pillar II will not be able to do so, being considered... too old.

Moreover, private managed pension may inherit, which is not valid for the public pension. Again, the age says: stop! What is different from a person who has more than 45 years to the one that is up to 45 years old at the time of the application of the law? Why does not have the same options? Answer: this person is too old; anyway ... no longer matter whether or not to leave any legacy...

In addition, another discrimination – all on the criterion of age – is just the introduction of this system, because the private managed pension "steals" of pension insurance budget a percentage (determined according to the political interests of a particular time), so this budget was a significant lack of money. Current retirees can see the situation can be considered true burden on the shoulders of the State, whose governmental activity now have no reason to deprive him of a property right – the property right on pension. In the name of an invented "crisis", the Government can now take ... charge lower pensions!!!

So, I asked myself: is it incidentally that Hungary chose undemocratic solution to nationalize the private managed pensions – 2nd pillar?

4.3. Discrimination based on the criterion of estate

Art. 14 of the Convention for the protection of human rights and fundamental freedoms "the prohibition of discrimination" obligation to ensure the exercise of rights provided for by the Convention, among other things, without any distinction on the "assets".

"Assets/fortune" is a property right which is protected by the first additional Protocol to the Convention.

All retirees regardless of the pension system are equal in quality for retirees with regard to the revenue obtained through the recognition of the fundamental right to a pension provided for by art. 47 of the Constitution.

By the law nr. 343/2006 was amended the tax code (approved by law No. 571/2003) fixing the taxation of the income of the monthly pension for amounts exceeding lei 1,000.

New obligations were imposed for retirees with income greater than 740 lei to pay health insurance contribution in the amount of 5.5% of the income by no O.U.G. 117/2010.

Within the meaning of art. 14 of the Convention for the protection of human rights and fundamental freedoms, such taxation only to the pensioners who carried out the pension income above a certain ceiling, means discrimination according to wealth, you can always be invoked in the courts of common law.

The pension is a good, consisting of a claim of the citizen towards the State, whose property is protected by the Convention for the protection of human rights and fundamental freedoms.

Through the taxation of pension, the State does reduce the amount of the claim of the citizen, and thus its property¹⁸.

4.4. Discrimination based on... contribution

One of the fundamental principles governing the organization and functioning of the public pension system is contribution principle, according to which our social insurance funds is established on the basis of the contributions due from individuals and legal entities participating in the public system; social security rights are based on social insurance contributions paid¹⁹. In other words, you get how much money you contribute. However, it is just a trap, because the contribution principle is

¹⁸ Băjan, Doru, *About the right to a public pension*- <http://www.consultingreview.ro/articole/despre-dreptul-la-pensia-publica.html>

¹⁹ <http://www.drp.gov.ro/download.php?433fa673fe3895ee44e63c71729d24ca>

valid only if it is implemented from scratch. Or, as the sociologists say when doing an experiment "*all things being equal*". Only that "*all things*" are not nor may it be "*equal*"²⁰. Therefore, this principle of contribution should be taken into account more relative, he can never be accepted as the only rule for the award of pensions in a civilized state and considered a "*state with the rule of law*".

Those of special systems did not have and do not have equal terms with other contributors. Due to their special status, policemen, the military and others have not contributed to the State insurance budget. They are not privileged, as some would believe. Special character was due to special conditions of work, which has limited rights that otherwise they would have had in civil life. In the case of the military and policemen, as in the case of persons in the National Administration of Penitentiaries, they made an oath to the Romanian people, so they were available to all their active period. **I have to specify that the oath of allegiance was made in front of this people, not for those who have the power in the state temporary.** Also, it is very important to consider the danger they faced during their activity, as military, policeman or civil servant in National Prison Administration. Specific restrictions that prevent them from systems other than the income received from the service. And, while the system was designed so that there is no need for their contribution because their pension system was different from the other, as everywhere in the civilized world, the principle of contribution may not apply to them²¹.

For all that, the law no. 119/2010 specifies in art. 3 alin.2 that „*in the situation of the pensions (...) established based on special laws, the pension in public system makes considering carried out all the conditions specified by the Law no. 19/2000*”. In other words, even the legislator sanctions a lie, only for seeing made their political interest, meaning reduction the incomes of these categories of persons.²²

Also, in the debate on the application of the law no. 119/2010 passed unnoticed provision of the article. 177 of the Law No. 263/2010, according to which, for military and similar frameworks, from the State budget will be charged the corresponding differences that these contributions, together with employers, must pay to the State insurance budget, net income of the staff have not to be affected²³.

The law also specifies that special pensions that have become "normal" and they have to be paid from the State insurance budget. Thus, in addition to a lie, this law promotes a great deal of discrimination, too. Pensions to these persons, who have not contributed, because the law at that time was required to contribute, will be paid only by those persons who have contributed and contribute, in accordance with the law to this budget. So, suddenly there was a great burden on the Social Insurance System budget and on the current taxpayers.

5. Instead of conclusions...

The pension system and the Social Insurance System needs a reform. This reform must not outline a political decision without coverage in real life. In our opinion, it has to regard a direct connection between the contribution that every active person deposits during his life and his pension. Also, it is important the fact that some categories, whose activity is extremely important not only for the citizens, but for the entire country, must benefit of a special abidance, because of the fact that their rights are not limited during his active life as employee.

²⁰ Năstase, Adrian , *Contribution – a principle with perverse effects* - <http://nastase.wordpress.com/2010/05/19/contributivitatea-%E2%80%93-un-principiu-cu-efecte-reale-perverse/>

²¹ Băjan, Doru, *About the right to a public pension*- <http://www.consultingreview.ro/articole/despre-dreptul-la-pensia-publica.html>

²² At the end of January 2011, Romanian Government adopted a new Government Order changing the methodology for calculate again these pensions. The law 119/2010 is still in force, so, the lie is still in force!!!

²³ Băjan, Doru, *About the right to a public pension*- <http://www.consultingreview.ro/articole/despre-dreptul-la-pensia-publica.html>

References

- Băjan, Doru, *About the right to a public pension*- <http://www.consultingreview.ro/articole/despre-dreptul-la-pensia-publica.html>.
- Cloșcă, Ionel, Ion Suceavă, *Human Rights Treaty*, (Europa Nova Publishing House, Bucharest, 2003).
- Elaine Fultz, Markus Ruck and Silke Steinhilber, *The gender dimension of social security reform in Eastern and Central Europe: Case studies, Czech Republic, Poland and Hungary*, (BIM SRB, Budapest, 2003).
- ” *Gender equality and reform of pensions-critical aspects for Romania*” – <http://www.cpe.ro/romana/images/stories/continuturi/cateva%20aspecte%20critice%20pentru%20romania-brosura.pdf>
- Giddens, A.- *Sociology*, (All Publishing House, Bucharest, 2010).
- <http://www.cnpas.org/portal/media-type/html/language/ro/user/anon/page/pensions;jsessionid=003C8E1F7316AF28E0EE1A07BB40C684>
- <http://www.csspp.ro/pilonul-2>
- <http://www.dingermania.com/2010/demnitatea-umana/>
- <http://www.drp.gov.ro/download.php?433fa673fe3895ee44e63c71729d24ca>
- <http://www.facias.org/documente/Petitie%20ONG%20Romania%20-%20abuzurile%20guvernului%20Boc.pdf>
- Năstase, Adrian – *Contribution – a principle with perverse effects* – <http://nastase.wordpress.com/2010/05/19/contributivitatea-%E2%80%93-un-principiu-cu-efecte-reale-perverse/>