

## **A Necessary Reparation with Systemic Risks: Romania Between Social Equity and Financial Sustainability**

Romania once again faces the classic dilemma of social policies: how to repair a historical injustice without creating new ones?

Legislative proposal B606/2025, initiated by Senator Coarnă Dumitru, brings to light a sensitive issue affecting thousands of Romanian families – the discriminatory treatment of mothers who took childcare leave between April 2001 and January 2006.

### **An Inequity Created by Law**

Imagine two mothers who interrupted their careers to raise their children.

The first entered leave in March 2001, the second in May 2001.

Today, at retirement, the first receives stability points for that period, while the second receives nothing.

This difference was not a personal choice, but a legislative decision imposed without their consent.

The paradox becomes even more evident when comparing three distinct periods:

- before April 2001, childcare leave was considered full contributory time;
- between 2001 and 2006, it became *'invisible'* to the pension system;
- after 2006, it was partially recognized.

Romania's Constitutional Court and the Court of Justice of the European Union have confirmed that this situation represents indirect gender discrimination, predominantly affecting women.

### **The Proposed Solution: Total Transformation**

The legislative initiative proposes a radical solution: the complete transformation of these periods into contributory time, *'with all legal effects'*.

This means not only inclusion in pension calculation but also the granting of stability points – benefits normally reserved for those who have actually contributed to the system for over 25 years.

The National House of Public Pensions would be obligated to recalculate ex officio all affected pensions within 12 months, without beneficiaries having to file applications or pay retroactive contributions.

A titanic administrative task for an institution already overburdened with the general recalculation of over 4.6 million files.

### **Arguments in Favor: Belated Social Justice**

Proponents of the proposal invoke powerful arguments:

- **Elimination of flagrant discrimination:** Mothers from the 2001-2006 period bear no fault for being placed in a disadvantaged category by law.
- **Recognition of care work:** Raising children represents an essential contribution to society, generating future generations of taxpayers.
- **Compliance with European standards:** CJEU jurisprudence is clear – failure to value care periods constitutes gender discrimination.

*'Mothers who interrupted their careers to raise children in the early years of life have contributed not only to the family but to the future of the country'* – argues the law's explanatory memorandum.

### **Criticisms: Systemic and Administrative Risks**

Technical analysis of the proposal reveals major problems that could transform good intentions into an administrative and financial disaster:

- **Unrealistic deadline:** 12 months for recalculating all affected pensions is considered impossible by experts, given the CNPP's capacity crisis.

- **Reverse discrimination:** Mothers from the 2001-2006 period would receive more benefits than those who took leave after 2006, creating a new inequity.
- **Undermining contributivity:** Granting stability points for periods not financed through actual contributions creates a dangerous precedent for system sustainability.
- **Underestimated permanent costs:** Stability points generate expenses throughout the beneficiary's lifetime, creating a permanent structural deficit.

### The Middle Way: Amendments for Balance

Experts propose a more nuanced approach that resolves the inequity without destabilizing the system:

- **Extension of the recalculation deadline** to 36 months, allowing CNPP to manage the process without compromising other activities.
- **Transformation into fully valued assimilated time**, not contributory – points calculated based on benefits received, but without stability points.
- **Implementation of a hybrid system** combining ex officio recalculation with the possibility of digital applications to expedite the process.

### Lessons for the Future: Between Populism and Responsibility

This legislative proposal perfectly illustrates the dilemma of modern social policies.

On one hand, there is an evident injustice that must be corrected – thousands of women were discriminated against by law through no fault of their own.

On the other hand, maximal solutions, while popularly attractive, can create long-term systemic problems.

Romania, like many other European countries, faces an aging population and increasing budgetary pressures on the pension system.

In this context, any decision affecting long-term financial sustainability must be analyzed with maximum attention. *'Reparatory populism'* – the promise of generous benefits without rigorous impact assessment – can transform good intentions into a burden for future generations.

At the same time, ignoring historical injustices is not an option.

The Romanian state has a moral and legal obligation to correct discriminations created by its own laws.

The challenge lies in finding a balance between immediate social justice and responsibility for system sustainability.

### Conclusion: The Need for a Rational Approach

Proposal B606/2025 addresses a real and urgent problem, but the proposed solution risks creating more problems than it solves.

Romania needs a mature debate about how to reconcile social equity with financial sustainability, avoiding both indifference to injustices and unsustainable populist solutions.

Parliamentarians now have the responsibility to transform this initiative into a balanced law that repairs discrimination without destabilizing the pension system.

This means substantial amendments that preserve the goal of equity while eliminating administrative and financial excesses.

Finally, this debate reminds us that responsible governance means not only identifying problems and promising solutions, but finding realistic and sustainable paths for implementation.

For mothers affected by discrimination in the 2001-2006 period, delayed justice must not become denied justice – but neither justice that creates new victims.

*Editorial | 18 December 2025*