EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

DECISION

Application no. 53927/21
Figela-Harieta DRĂGOI
against Romania

The European Court of Human Rights (Fourth Section), sitting on 2 December 2025 as a Committee composed of:

Anja Seibert-Fohr*, President*,
Ana Maria Guerra Martins,
András Jakab*, judges*,
and Valentin Nicolescu, *Acting Deputy Section Registrar,*

Having regard to:

the application (no. 53927/21) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 6 January 2022 by a Romanian national, Ms Figela-Harieta Drăgoi ("the applicant"), who was born in 1980 and lives in Arad, and, having been granted legal aid, was represented by Ms M.S. Marincu, a lawyer practising in Timișoara;

the decision to give notice of the application to the Romanian Government ("the Government"), represented by their Agent, Ms O.F. Ezer, of the Ministry of Foreign Affairs;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the rejection by the national courts of the applicant's requests for certain financial benefits in her capacity as personal assistant to a disabled person.

2. Since 2004, on the basis of a work contract signed with the municipality of their hometown, the applicant has been the personal assistant of a member of her family who is severely disabled.

3. In 2018 and 2019 the applicant requested the municipality (her employer) to grant her various benefits such as holiday vouchers, a

15% salary allowance for difficult working conditions, meal vouchers, payment of overtime and of the time worked during the weekends and holidays, payment of a so-called 13th salary and the allocation of a second personal assistant to the disabled person.

4. The municipality refused to grant her requests, following which the applicant complained before the National Council for Combating Discrimination ("the NCCD"), which is the national administrative authority in the field of discrimination.

5. On 5 February 2020 the NCCD decided that the applicant had been discriminated against in relation to her access to holiday and meal vouchers on grounds of her affiliation with the socio-professional category of personal assistants as compared to other categories of employees of the same municipality who had received the vouchers. The NCCD considered that if some of the employees had benefited from these vouchers, then such vouchers should have been given to all employees. The justification of budget limitations put forward by the municipality was not considered reasonable. The municipality was ordered to pay a fine.

6. In September 2020 the applicant complained before the courts about the municipality's refusal to grant her the above-mentioned benefits and sought non-pecuniary damages for the difficult work she had been performing while being deprived of those benefits.

7. In a final judgment of 14 July 2021, the Timișoara Court of Appeal partially allowed the applicant's complaint and ordered the municipality to award the applicant the meal vouchers from January 2019. The court considered that the applicant was not entitled by law to the remainder of the benefits claimed or, as a result, to the non-pecuniary damages requested. As regards the allowance for difficult work conditions, the court explained that the law provided for the possibility of awarding this benefit only to professional personal assistants who were certified to work with severely disabled persons and the applicant was not in a similar situation in the category of State employee to which she belonged. As regards the holiday vouchers, the court noted that the applicant had requested to be awarded the total sum equivalent to the value of the vouchers corresponding to the past years. However, these vouchers were distributed for the specific year to which they corresponded and their number was limited, depending on the budget allocated by the central administration and the contracts with the hospitality industry for the relevant year. The applicable legal framework prohibited the awarding of the total sum of these vouchers, therefore, the applicant's request to be awarded the total sum for the years that had passed did not have a legal basis and was rejected. The court noted that, in any event, the granting of such vouchers was a possibility and not an absolute right.

8. Relying on Article 6 § 1 and Article 14 of the Convention and, in substance, on Article 8 and Article 1 of Protocol No. 1 to the Convention, the applicant complained before the Court that the rejection of her requests had

breached her right to a fair trial, as the courts had wrongfully interpreted the legal framework and the evidence and had not taken into consideration that she had been carrying out difficult work that had affected her health. As a result, she had been discriminated against by being deprived of holiday vouchers that had been granted to other employees of the same municipality and of the salary allowance for difficult working conditions that had been granted to other personal assistants in other municipalities.

THE COURT'S ASSESSMENT

9. As regards the applicant's complaint under Article 6 § 1 of the Convention, the Court notes that the applicant had access to a court to complain about the conditions of her employment and, in the judicial decisions delivered, she received answers to all the arguments she had raised. The domestic courts' conclusions and their interpretation of the relevant law cannot be regarded as manifestly arbitrary or unreasonable.

10. As regards the complaints under Article 8 and Article 14 of the Convention, the Court has previously examined similar complaints and found that they did not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols (see *Radi and Gherghina v. Romania* (dec.), no. 34655/14, §§ 30-34, 30 April 2014).

11. In the present case, in proceedings that lacked any sign of arbitrariness (see paragraph 9 above), the domestic courts gave a reasonable justification for the difference in treatment alleged by the applicant and explained that she was not entitled by law to the benefits in question, as they either could not be compensated for by a monetary award, as requested by the applicant (the holiday vouchers) or the benefits applied solely to other categories of personnel who were in a different situation than the applicant (the allowance for difficult work conditions – see paragraph 7 above). The Court sees no reason to depart from the domestic court's interpretation of the applicable law (see *Radi and Gherghina*, cited above, § 32). Furthermore, as regards the holiday vouchers, the Court considers that the finding of discrimination by the anti-discrimination administrative body is not at odds with the decisions and reasoning of the domestic courts who, in the context of the specific request as raised by the applicant, referring to the applicable legal framework and providing detailed reasons, decided that the applicant was not entitled to the value of the vouchers corresponding to the past years as requested (compare, for illustrative purposes, *Nicolescu v. Romania*, ([Committee], (dec.), no. 39498/13, §§ 7, 9 and 27-30, 4 September 2018), where the applicant's request for benefits had been dismissed by the courts as not having a legal basis after a prior finding of discrimination by the NCCD).

12. It follows that the complaints above are inadmissible under Article 35 § 3 (a) of the Convention as manifestly ill-founded and must be rejected pursuant to Article 35 § 4 of the Convention.

13. As regards the complaint under Article 1 of Protocol No. 1 to the Convention, the Court notes that the benefits as requested by the applicant cannot be regarded as having a sufficient basis in domestic law, since the courts gave a clear interpretation of the relevant legal provisions and considered that they did not provide for the compensation of holiday vouchers corresponding to past years or that they were not applicable to the applicant as regards the allowance for difficult work conditions (see paragraph 7 above). As a consequence, it cannot be argued that the applicant had a possession within the meaning of Article 1 of Protocol No. 1. Therefore, this part of the application is inadmissible as being incompatible *ratione materiae* with the Convention and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 15 January 2026.

Valentin Nicolescu Acting Deputy Registrar	Anja Seibert-Fohr President