

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

SECOND SECTION

CASE OF VILLÁS v. HUNGARY

(Application no. 33134/21)

JUDGMENT

STRASBOURG

17 March 2026

This judgment is final but it may be subject to editorial revision.



In the case of Villás v. Hungary,

The European Court of Human Rights (Second Section), sitting as a Committee composed of:

Oddný Mjöll Arnardóttir*, President*,
Gediminas Sagatys,
Juha Lavapuro*, judges*,
and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to:

the application (no. 33134/21) against Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 18 June 2021 by a Hungarian national, Mr Szilárd Villás ("the applicant"), who was born in 1979, lives in Budapest and was represented by Mr P. Szegi, a lawyer practising in Budapest;

the decision to give notice of the complaint concerning Article 6 § 1 of the Convention to the Hungarian Government ("the Government"), represented by their Agent, Mr Z. Tallódi, of the Ministry of Justice and to declare inadmissible the remainder of the application;

the parties' observations;

the withdrawal of Mr Péter Paczolay, the judge elected in respect of Hungary, from sitting in the case (Rule 28 § 3 of the Rules of Court);

the information given to the Hungarian Government on 28 November 2025 that the case was to be assigned to a Committee;

Having deliberated in private on 17 February 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The case concerns the alleged lack of impartiality of the Constitutional Court in proceedings instituted by the applicant to challenge the termination of his service of 22 years as a court bailiff.

2. According to public information emanating from the Ministry of Justice, in September 2017 the Government examined the need for a systemic reform of the court bailiff service on the initiative of Ms H., then the President of the National Judicial Office, a State agency in charge of the central administration of courts. Having endorsed her recommendations, the Government introduced various bills to the Parliament aimed at overhauling the system of court bailiffs. In particular, Bill T/7844 passed into law on 19 November 2019 as Act no. LXXXI of 2019. The Act amended certain aspects of the service of judicial employees, and included, in particular, the abolition of the status of court bailiffs as of 31 January 2020.

3. The applicant's service as court bailiff was terminated *ex lege* on 31 January 2020, after he had refused to accept a substitute employment within the judiciary.

4. On 23 July 2020 the applicant submitted a constitutional complaint under section 26(2) of the Constitutional Court Act in which he challenged the constitutionality of the legal basis for the institutional reform, notably Act no. LXXXI of 2019. In support of the complaint, he filed the information provided by the Ministry of Justice (see paragraph 2 above) according to which the recommendations that underlay the reform had been made by Ms H.

5. On 23 February 2021 the Constitutional Court, sitting as a panel of five judges, found the applicant's complaint inadmissible due to the absence of victim status. Ms H. – by then, member of the Constitutional Court – was the rapporteur of the case and the president of the panel.

6. Relying on Article 6 § 1 of the Convention, the applicant complained that the Constitutional Court panel hearing his case was not impartial because it included Ms H. who had initiated, in a previous capacity, the very legislative amendments he was challenging.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

7. The Government argued that the involvement of Ms H. in the legislative process was not of a nature or degree that could cast objective doubt on her impartiality. The applicant disagreed.

8. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

9. The relevant Convention principles are summarised in the case of *Morice v. France* [GC] (no. 29369/10, §§ 73-78, ECHR 2015, with further references) and, specifically in connection with Constitutional Court judges, in *Mežnarić v. Croatia* (no. 71615/01, §§ 29 to 32, 15 July 2005) and in relation to the involvement of members of the deciding tribunal in the drawing-up or assessment of the legal provisions at issue in the case *Procola v. Luxembourg* (28 September 1995, §§ 44-45, Series A no. 326) and *McGonnell v. the United Kingdom* (no. 28488/95, §§ 52-57, ECHR 2000-II). In particular, the objective test of impartiality consists in ascertaining whether the tribunal itself and, among other aspects, its composition, offered sufficient guarantees to exclude any legitimate doubt in respect of its impartiality (see, *inter alia*, *Morice*, cited above, § 73; *Fey v. Austria*, 24 February 1993, §§ 27, 28 and 30, Series A no. 255; *Wettstein v. Switzerland*, no. 33958/96, § 42, ECHR 2000-XII; and *Mežnarić*, cited above, § 29).

10. In the present case, the Court observes that Ms H., in her capacity of President of the National Judicial Office, was at the source of an organisational overhaul of the court bailiff system. The ensuing reorganisation ultimately caused the applicant's loss of job. He challenged

the constitutionality of the legislative amendments that had been enacted in pursuit of the recommendations emanating from Ms H., this legal pathway being considered an effective remedy in such circumstances (see *Mendrei v. Hungary* (dec.), no. 54927/15, §§ 27-43, 19 June 2018).

11. The Constitutional Court heard the case as a panel of five judges. Ms H., by then a Constitutional Court judge, presided and was also the rapporteur of the case. The court's conclusion was that the applicant lacked the requisite victim status, since the impugned legislation only indirectly led to his grievance. The underlying argument was that although the amendment indeed made the position of court bailiff unavailable for the applicant in the future, another post within the judiciary was offered to him which however he did not accept.

12. The Court observes that, strictly speaking, the Constitutional Court did not decide on the merits of the case. However, its stance on the impact that the legislative amendment had, directly or indirectly, on the applicant's professional situation flowed from an analysis of the case and the impugned legislation, nonetheless. In the court's deliberations, Ms H., who had been at the source of the legislation criticised by the applicant, participated in the dual role of rapporteur and panel president. This fact created, in the Court's view, a situation which was capable of raising legitimate doubts as to Ms H.'s impartiality as a Constitutional Court judge sitting in the applicant's case (see, *mutatis mutandis*, *Mežnarić*, cited above, § 36).

13. In these circumstances, the Court finds that there has been a violation of Article 6 § 1 of the Convention as regards the requirement of an impartial tribunal, examined under the objective test. This conclusion obviates the need to perform the subjective test.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. The applicant claimed 12,000 euros (EUR) in respect of non-pecuniary damage and EUR 1,654 in respect of costs and expenses incurred before the Court.

15. The Government contested these claims.

16. Ruling on an equitable basis, the Court awards the applicant EUR 7,800 respect of non-pecuniary damage, plus any tax that may be chargeable.

17. Having regard to the documents in its possession, the Court considers it reasonable to award full sum claimed, that is to say, EUR 1,654, for costs and expenses incurred in the proceedings before the Court, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;

3. *Holds*

(a) that the respondent State is to pay the applicant, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:

(i) EUR 7,800 (seven thousand eight hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;

(ii) EUR 1,654 (one thousand six hundred and fifty-four euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 17 March 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Dorothee von Arnim
Deputy Registrar

Oddný Mjöll Arnardóttir
President