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

SECOND SECTION

DECISION

Application no. 54323/22
Eszter NÉMETH
against Hungary

The European Court of Human Rights (Second Section), sitting on 17 February 2026 as a Committee composed of:

Oddný Mjöll Arnardóttir*, President*,
Péter Paczolay,
Hugh Mercer*, judges*,

and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the application (no. 54323/22) 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 November 2022 by a Hungarian national, Ms Eszter Németh ("the applicant"), who was born in 1978, lives in Budapest and was represented by Ms B. Iványi, a lawyer practising in Budapest and acting on behalf of the Hungarian Helsinki Committee;

the decision to give notice of the application to the Hungarian Government ("the Government"), represented by their Agent, Mr Z. Tallódi, of the Ministry of Justice;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns an identity check carried out by the police on the applicant and the subsequent regulatory offence proceedings instituted against her for placing candles, as an expression of opinion, on the pavement in front of Parliament in 2017. She complained that the impugned police measures disproportionately restricted her rights under Article 10 of the Convention.

THE COURT'S ASSESSMENT

2. The Court gave notice of the application to the Government on 11 July 2024. On 17 July 2024 the Registry sent draft declarations setting out a friendly settlement proposal to the parties and the applicant was informed, with reference to Rule 62 § 2 of the Rules of Court, that there was a requirement of strict confidentiality in respect of friendly settlement negotiations.

3. As the attempt to reach a friendly settlement between the parties failed, the Court invited the Government to submit written observations on the admissibility and merits of the case. A letter, referring to the information note on the proceedings after communication of an application, was sent to the applicant's representative on 10 October 2024; it included a warning regarding the confidentiality of friendly settlement negotiations.

4. In their observations dated 14 January 2025, the Government informed the Court that the applicant had published a public post on her social media account on 8 November 2024 disclosing details of the friendly settlement proceedings, in particular, the proposed compensation amount. They furthermore submitted that on the same day, an article was published on the news website *hvg.hu* under the title "Woman who was fined after holding a demonstration with candles in Kossuth Square supporting CEU does not want to negotiate an amicable solution with the Government" ("*Nem akar peren kívül egyezkedni a kormánnyal az a nő, akit megbírságoltak, miután mécsesekkel tüntetett a Kossuth téren a CEU mellett*"). With reference to the applicant's social media post and a statement by the Hungarian Helsinki Committee, the details of the friendly-settlement proceedings, including the amount of the compensation proposed by the Court, were disclosed in that article. The Government argued that the applicant had breached Article 39 § 2 of the Convention and Rule 62 § 2 of the Rules of Court and raised an objection of abuse of the right of individual application.

5. The applicant submitted a copy of her social media post of 8 November 2024 and the news article of the same day published on *hvg.hu* as part of her observations in reply. She emphasised that the publications were made one month after the parties had failed to conclude a friendly settlement. She argued that she did not disclose any information either during the friendly settlement proceedings or in the contentious phase. She explained that no negotiations had taken place between the parties, therefore even if she wanted to she could not have disclosed any information on them either before or after the non-contentious phase.

6. The Court observes that the Government raised a plea of inadmissibility in their observations, namely that the applicant, by disclosing information in relation to the friendly settlement proceedings, abused the right of individual application for the purposes of Article 35 § 3 (a) of the Convention.

7. The Court reiterates that, according to Article 39 § 2 of the Convention, friendly settlement negotiations are confidential. This rule is repeated in Rule 62 § 2 of the Rules of Court. The rule that friendly settlement negotiations are confidential is absolute and does not allow for an individual assessment of how much detail has been disclosed (see *Abbasov and Others v. Azerbaijan* (dec.), no. 36609/08, § 28, 28 May 2013, and *Gorgadze v. Georgia* (dec.), no. 57990/10, § 18, 2 September 2014, and the case-law cited therein). It prohibits the parties from making information concerning the friendly settlement negotiations public, either through the media, or by a letter likely to be read by a significant number of people, or by any other means (see *Miroļubovs and Others v. Latvia*, no. 798/05, § 68, 15 September 2009; *Abbasov and Others*, cited above, § 30; and *Tsonev v. Bulgaria* (dec.), no. 44885/10, § 26, 8 December 2015). In addition, the Court has emphasised that the confidential nature of the friendly settlement negotiations should be complied with at all stages of the proceedings (see also *Rusevi v. Bulgaria* (dec.), no. 39997/19, § 11, 27 September 2022, and *Khmaladze v. Georgia* (dec.) [Committee], no. 29836/19, § 9, 23 November 2023).

8. Furthermore, the general purpose of the principle of confidentiality is to protect the parties and the Court against possible pressure. Consequently, an intentional breach of the duty of confidentiality of friendly settlement negotiations may be considered as an abuse of the right of application and result in the application being rejected (see *Hadrabová v. the Czech Republic* (dec.), no. 42165/02, 25 September 2007; *Miroļubovs and Others*, cited above, § 66; *Benjocki and Others v. Serbia* (dec.), nos. 5958/07 and 3 others, 15 December 2009; *Abbasov and Others,* cited above, § 29, *Baucal-Đorđević and Đorđević v. Serbia* (dec.), no. 38540/07, § 28, 2 July 2013; and *Gorgadze,* cited above, § 19).

9. Turning to the present case, the Court finds that the applicant intentionally disclosed to the public details of the friendly settlement negotiations, including the proposed amount of compensation (see *Khmaladze*, cited above, § 9, and, *a contrario*, *Lesnina Veletrgovina d.o.o. v. the former Yugoslav Republic of Macedonia* (dec.), no. 37619/04, 2 March 2010). The confidentiality of friendly settlement negotiations and Rule 62 § 2 of the Rules of Court were explicitly cited in the Court's letter of 17 July 2024 when the procedure of friendly settlement was launched (see paragraph 2 above). Furthermore, the information note referred to in the Court's letter of 10 October 2024 had reiterated that friendly settlement negotiations were strictly confidential (see paragraph 3 above). Hence, the applicant ought to have been aware of that requirement and should have complied with it at all stages of the proceedings (see the relevant case-law cited in paragraph 7 above). However, the applicant did not do so and failed to provide an adequate justification for this.

10. In view of the above, the Court considers that the applicant's conduct amounts to a breach of the rule of confidentiality, which must also be

considered, in view of the Court's relevant case-law (see paragraphs 7-8 above), to constitute an abuse of the right of individual application.

11. It follows that the application is inadmissible 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 19 March 2026.

Dorothee von Arnim Deputy Registrar	Oddný Mjöll Arnardóttir President