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

SECOND SECTION

DECISION

Application no. 48725/17
Szabolcs SZABÓ
against Hungary

The European Court of Human Rights (Second Section), sitting on 20 May 2025 as a Committee composed of:

Stéphane Pisani*, President*,
Péter Paczolay,
Juha Lavapuro*, judges*,
and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to:

the application (no. 48725/17) against Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 3 July 2017 by a Hungarian national, Mr Szabolcs Szabó ("the applicant"), who was born in 1979, lives in Gyula and was represented by Mr B. T. Tóth, a lawyer practising in Budapest;

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 case concerns the use of a siren in Parliament by the applicant during the final vote of a bill and the ensuing sanction imposed on him.

2. At the material time, the applicant was a Member of Parliament (hereinafter: MP) not affiliated with any political party.

3. On 4 April 2017 Parliament held a final vote on Bill no. T/14686 (hereinafter: Bill) amending Act no. CCIV of 2011 on national higher education, in the course of an exceptional legislative procedure. During the announcement of the upcoming vote, the applicant rang a siren. The Speaker

of Parliament required the applicant to hand over the siren immediately to an usher.

4. Subsequently, the House Committee of Parliament considered the matter. However, no consensus was reached regarding the proposal to impose a sanction on the applicant and the issue was therefore referred to the Speaker. On 18 April 2017 the Speaker, on the basis of section 13(6) of Act no. XXXVI of 2012 on Parliament (hereinafter "the Parliament Act"), imposed a fine on the applicant in accordance with sections 49(4) and 51/A(13) of the same act (see for the content of the provisions *Ikotity and Others v. Hungary*, no. 50012/17, § 15, 5 October 2023). His salary, due that month, was to be decreased by 249,290 Hungarian forints (HUF) (approximately 620 euros (EUR)). The decision explained that the applicant's behaviour had disrupted order by temporarily preventing Parliament from holding a final vote on the Bill and seriously violated the authority of Parliament.

5. The applicant challenged the Speaker's decision before Parliament's Immunity Committee, contesting in writing the constitutionality of the sanctions imposed on him and arguing that the restriction of his freedom of expression was disproportionate. While his conduct may have disturbed orderly Parliamentary work, it lasted only a minute and, in any case, did not violate the authority of Parliament.

6. On 5 May 2017 the Immunity Committee, composed of three members from the ruling party and three members from the opposition, discussed the applicant's complaint. The applicant was also heard at the committee meeting where he maintained his position. With three votes in favour and three against, the Immunity Committee did not reach the majority required to remove the sanction. It issued a reasoned decision, explaining that the applicant's conduct interrupted the orderly functioning of Parliament while aiming at arousing media attention. It held that the applicant had other means at his disposal to express an opinion, such as proposing an amendment to the Bill, giving a speech during its parliamentary debate, casting his vote on it, or holding a press conference. It considered the applicant's conduct abusive as he was undoubtedly aware of the unlawfulness of his conduct and that it had entailed a proportionate sanction.

7. Subsequently the applicant requested the plenary Parliament to set aside the Speaker's decision. However, on 15 May 2017 Parliament upheld the measure.

8. The applicant complained that the disciplinary sanction imposed on him disproportionately restricted his right to freedom of expression as provided for in Article 10 of the Convention.

THE COURT'S ASSESSMENT

9. The Government maintained that the applicant had had – and used – other means to convey his intended message (namely, he had submitted an amendment to the Bill, asked for the floor and participated in the vote). They argued that, for the prevention of similar future incidents, a dissuasive measure was necessary, and the sanction was not disproportionate. Furthermore, effective and adequate procedural safeguards were available to the applicant.

10. The applicant disagreed. He argued that he had no other means to convey his message for want of a real and meritorious debate in Parliament. The procedural safeguards were not adequate; and the disciplinary sanctioning practice targeted opposition MPs in a discriminatory fashion.

11. The Court notes that the relevant domestic law has been set out in *Ikotity and Others* (cited above, §§ 14-17) while the Constitutional Court's practice as well as international and comparative law materials have been presented in *Karácsony and Others v. Hungary* ([GC], nos. 42461/13 and 44357/13, §§ 32-61, 17 May 2016). Furthermore, the general principles applicable to the assessment of an interference with the right to freedom of expression in the context of debates in Parliament have been explained in *Karácsony and Others* (cited above, §§ 132-47).

12. The parties agreed that the applicant's sanctioning constituted an interference with his right to freedom of expression guaranteed by Article 10 of the Convention and that the measure was prescribed by law for the purposes of paragraph 2 of Article 10. They further agreed that the measure pursued the legitimate aims of "prevention of disorder" in Parliament and "protection of the ... rights of others", that is, other MPs (compare also *Karácsony and Others*, cited above, § 129). The Court sees no reason to hold otherwise.

13. In examining whether the sanction was "necessary in a democratic society" to pursue these aims, in the context of similar complaints, the Court has addressed two main questions, namely (i) whether the applicable procedure was accompanied by sufficient procedural safeguards, and (ii) whether the imposition of a sanction on the applicant was disproportionate and thus unjustified. These questions are not unrelated because the nature and severity of the interference, on the one hand, and the nature and importance of freedom of expression in the circumstances of the case, on the other, might have an impact on the assessment of both the reasons for the interference and the procedural safeguards required under Article 10 (see *Ikotity and Others*, cited above, § 33).

14. As regards the necessary procedural safeguards, the Court notes that the Parliament Act provided for a remedy against the decision of the Speaker to impose a sanction before the Immunity Committee, which the applicant availed himself of. That Committee heard the applicant and issued a reasoned

decision (see paragraph 6 above). Moreover, following the applicant's objection, the plenary Parliament took a vote on, and rejected that objection (see paragraph 7 above).

15. The Court takes note of the applicant's argument to the effect that in practice the remedies could not be successful, notably because the MPs of the ruling party alliance have the same number of votes in the Immunity Committee as the opposition. However, nothing in the particular circumstances of the present case indicates that the decisions of the Immunity Committee were based on bias towards members of the opposition (compare also *Karácsony and Others*, cited above, § 147).

16. The Court observes that the plenary Parliament took a vote on the applicant's objection challenging the decision of the Immunity Committee. The Court concluded in the case of *Ikotity and Others* that the same procedural safeguards available to the applicants in that case could be considered sufficient, having regard to the principle of the autonomy of Parliament and the latter's discretion in setting up its internal rules. The fact that the applicant's fine was upheld without another round of debate by the plenary constituted no appearance of a procedural shortcoming, as the procedure offered the possibility for the applicant to be involved in the relevant procedure, notably by being heard before the Immunity Committee (see *Ikotity and Others*, cited above, §§ 13 and 36-38; see *a contrario*, in a different factual situation, *Szabó v. Hungary* [Committee], no. 29627/19, §§ 20-24, 21 November 2024). The Court sees no reason to depart from this conclusion in the present application.

17. As regards the justification of the sanctions imposed on the applicant, the Court has already found that the use of a similar device in Parliament, such as a megaphone, obviously disrupts order (*Karácsony and Others*, cited above, § 149) and interrupts the normal conduct of parliamentary work. Therefore, the Court has no difficulties in accepting that in the instant case it was necessary to react to the applicant's conduct in Parliament, which was a matter for the House to consider in the exercise of its autonomy (*Karácsony and Others*, cited above, § 148). Contrary to the applicant, the Court is not convinced that the other means of influencing the debate that were at the applicant's disposal were insufficient. It considers that the applicant did not substantiate that it was impossible to convey his views on the Bill in question in Parliament by other means, notably by proposing amendments to the Bill or in a parliamentary speech.

18. As to the severity of the sanction imposed on the applicant, namely the one-time reduction of his remuneration in the amount of HUF 249,290 (see paragraph 4 above), the Court notes that this fine amounted to one-third of his monthly remuneration, which cannot yet be considered excessive (compare also *Ikotity and Others*, cited above, § 15 and § 44).

19. Having regard to the foregoing, the Court finds that the sanction was not disproportionate to the legitimate aims pursued. It can therefore be

concluded that the disputed interference was “necessary” in a democratic society.

20. Therefore, the Court considers that the applicant’s complaint is manifestly ill-founded within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 12 June 2025.

Dorothee von Arnim Deputy Registrar	Stéphane Pisani President