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

SECOND SECTION

DECISION

Application no. 80686/17
Bernadett SZÉL and Ákos HADHÁZY
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. 80686/17) against Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 22 November 2017 by two Hungarian nationals, Ms Bernadett Szél ("the first applicant") and Mr Ákos Hadházy ("the second applicant"), who were born in 1977 and 1974, live in Budakeszi and Szekszárd respectively and were represented by Ms E. Frank, a lawyer practising in Budapest;

the decision to give notice of the complaint concerning Article 10 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;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the display of a placard in Parliament by the applicants during a speech, and the ensuing sanctions imposed on them.

2. At the material time, the applicants were members of the Hungarian Parliament (hereinafter "MPs"), of the opposition party *Lehet Más a Politika*.

3. On 29 May 2017 the first applicant addressed a priority question to the Minister of the Prime Minister's Office on the advertising expenditures of the

Hungarian state-owned electricity wholesaler, MVM Zrt, and of the "Paks II" nuclear power plant project company. From the row behind, the second applicant raised a placard labelled "the Paks 2 network" which included the names and photos of the beneficiaries of public funds as well as the amounts received.

4. The applicants were reminded of the prior authorisation rule applicable to visual aids in Parliament and were asked to remove the placard, but in vain.

5. Subsequently, the Speaker of Parliament presented a proposal at the meeting of Parliament's House Committee to fine each applicant 100,000 Hungarian forints ((HUF); approximately 325 euros (EUR)). With no consensus being reached on the proposal in the Committee, the Speaker of Parliament used his prerogative to decide that the applicants' respective salaries due that month should be decreased by this amount. According to the reasoning of the decision, the applicants had not sought prior permission to display the placard in Parliament, in breach of section 38/A (1)-(2) of Act no. XXXVI of 2012 (hereinafter "the Parliament Act"; see for the content of the provision *Ikotity and Others v. Hungary*, no. 50012/17, § 15, 5 October 2023).

6. The applicants challenged the Speaker's decision before Parliament's Immunity Committee, contesting in writing the constitutionality of the sanctions imposed on them and arguing that displaying the placard was covered by their right to freedom of expression.

7. On 5 September 2017 the Immunity Committee, sitting *in camera* and composed of three members from the ruling party and three members from the opposition, discussed the applicants' requests. With three votes in favour and three against, the Committee did not reach the majority required to remove the sanction. It issued its decisions on 6 September 2017. According to the reasoning, the vice-chairman of the Committee argued that the applicants' conduct had not been disruptive hence there was no ground for sanctions, whereas the chairman relied on the absence of prior permission and insisted on the penalties; the ensuing vote was not in the applicants' favour.

8. Subsequently, the applicants asked Parliament to set aside the Speaker's decision. However, on 18 September 2017 Parliament upheld the decision.

9. The applicants complained that sanctioning them for having displayed a placard during the parliamentary session had infringed their right to freedom of expression as provided for in Article 10 of the Convention.

THE COURT'S ASSESSMENT

10. The applicants submitted that their conduct had not been disruptive to the functioning of Parliament, and the aim behind the use of the placard had been solely to contribute to the speech of Ms Szél. In their view, the fine imposed on them had been disproportionate. In any event, the remedy at their

disposal to challenge the impugned measure had not been accompanied by sufficient procedural safeguards.

11. The Government maintained that the applicable rules had perfectly enabled the applicants to foresee the consequences of their unlawful conduct. The applicants had had other means to convey their intended message. Additionally, the applicants could have exercised their right to be heard by the Immunity Committee (section 51/A § 6 of the Parliament Act) but did not.

12. 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 relevant practice and 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 were explained in *Karácsony and Others* (cited above, §§ 132-47).

13. The parties agreed that the applicants' sanctioning constituted an interference with their right to freedom of expression guaranteed by Article 10 of the Convention and that the measure was prescribed by law for the purposes of Article 10 § 2. The Court sees no reason to hold otherwise. The Court is further satisfied that the interference pursued a legitimate aim, namely the "prevention of disorder", by preventing disruption to the work of Parliament so as to ensure its effective operation (compare also *Karácsony and Others*, cited above, § 129).

14. In examining whether the sanction was "necessary in a democratic society" to pursue that aim, in the context of complaints similar to the present one, the Court considered 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 applicants for displaying the placard was in itself 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).

15. As regards the requisite procedural protection, the Court notes that the Parliament Act provided for a remedy before the Immunity Committee, including the possibility of an oral hearing, against the decision of the Speaker to impose a fine, which the applicants availed themselves of, albeit only in writing. The Immunity Committee issued reasoned decisions in the case. Moreover, following the applicants' objections, the plenary Parliament took a vote on, and rejected those objections.

16. The Court takes note of the applicants' argument that in practice those remedies could not be successful, notably because the MPs of the ruling party

alliance would have the same number of votes as the opposition MPs in the Immunity Committee. While it is true that the ruling party alliance had three out of six members in the Immunity Committee, nothing in the circumstances of the present case brought to the attention of the Court 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). It further concluded in the case of *Ikotity and Others* that the same procedural safeguards available to the applicants in that case could be considered sufficient (see *Ikotity and Others*, cited above, § 38). 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 applicants, the Court notes that the use of visual aids during a parliamentary speech was regulated in section 38/A of the Parliament Act, which provided that no presentation tools should be used during parliamentary sessions except when permission to that effect had been granted by the House Committee. Such a permission had not been sought by the applicants in the present case and the applicants had thus not given the House Committee the opportunity to assess the necessity of the use of the presentation tool.

18. The Court further observes that while showing the placard does not appear to have been considerably disruptive to the functioning of Parliament, the restriction on the use of such presentation tools in Parliament concerned the manner of expression and not the substance of parliamentary speech, in respect of which the States have a wider margin of appreciation, taking account of the autonomy of parliaments in this regard (compare also *Karácsony and Others*, cited above, §§ 139 and 142-47, and *Ikotity and Others*, cited above, §§ 39 and 42). The Court further observes that the applicants did not substantiate that it was impossible to convey the information and message contained on the placard in Parliament by other means, notably in the parliamentary speech itself.

19. Lastly, the Court should examine the severity of the sanction imposed on the applicants, namely the one-time reduction of their remuneration in the amount of HUF 100,000. The Court did not consider fines of similar amounts disproportionate in comparable circumstances (see *Ikotity and Others*, cited above, § 44).

20. Having regard to the foregoing, the Court finds that the disputed interference was “necessary” in a democratic society.

21. In the light of the foregoing, the Court considers that the applicants’ complaints are manifestly ill-founded within the meaning of Article 35 § 3 (a) and must be rejected pursuant to 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