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

SECOND SECTION

DECISION

Application no. 27307/18
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. 27307/18) against Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 1 June 2018 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 posters in Parliament by the applicants during a pre-agenda speech of another Member of Parliament (MP), and the ensuing sanctions imposed on them.

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

3. On 20 November 2017 Sz.N., an MP affiliated with the ruling party, gave a pre-agenda speech entitled *"Let's say 'no' to [EU] immigration quotas"*. He claimed that the first applicant had politically endorsed those quotas.

4. As an act of disagreement, both applicants wrote the note "*He is lying*" on two sheets of paper which they displayed standing in the row behind Sz.N., facing the Speaker's pulpit and the TV cameras.

5. The applicants were asked to end their demonstration, but in vain. Once the pre-agenda speech was over, the applicants returned to their seats. The Chair presiding the session informed Parliament that the applicants had disregarded the prior-authorisation rule applicable to visual aids as well as his calls for the termination of the demonstration.

6. Subsequently, the Speaker of Parliament presented a proposal at the meeting of Parliament's House Committee to fine the first applicant 432,107 Hungarian forints ((HUF); approximately 1,400 euros (EUR)) and the second applicant HUF 100,000 (some EUR 325). 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 these amounts. According to the reasoning of the decision, the applicants had not sought prior permission to use a visual aid 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). The demonstration was performed in breach of the rules of Parliament, which did not permit a reply to be given by the applicants to the pre-agenda speech. Furthermore, the applicants acted in an abusive manner, the expression of their opinion was provocative, and their obvious intention was to raise media attention.

7. The applicants challenged the Speaker's decisions before Parliament's Immunity Committee, contesting in writing the constitutionality of the sanctions imposed on them and arguing that displaying the posters was covered by their right to freedom of expression. They informed the chairman of the Immunity Committee of their intention not to attend the hearing held in their case.

8. On 5 February 2018 the Immunity Committee, 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 a reasoned decision, explaining that the applicants had not obtained the requisite prior permission to use visual aids and, moreover, what they did exceeded the boundaries of freedom of expression, was provocative and clearly aimed at arousing media attention.

9. Subsequently, the applicants asked Parliament to set aside the Speaker's decisions. However, on 20 February 2018 Parliament upheld the measure.

10. The applicants complained that sanctioning them for having expressed their disagreement with Sz.N. 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

11. The applicants submitted that their conduct had not been disruptive to the functioning of Parliament, and the aim behind their demonstration was to react to false information in an attention-raising manner so as to have a better chance of reaching the electorate. In their view, the fine imposed on them for their silent protest had not responded to a legitimate aim under Article 10 § 2 of the Convention and the severe penalty had been disproportionate in the circumstances. The remedy at their disposal to challenge the impugned measure had not been accompanied by sufficient procedural safeguards, in particular, because the fine was upheld by the plenary without a debate on the matter.

12. The Government maintained that the applicable rules had perfectly enabled the applicants to foresee the consequences of their unlawful conduct. The sanction imposed on them pursued the protection of the rights of others and the prevention of disruption in Parliament. The applicants had had other means to convey their intended message. Nonetheless, they were not actually prevented from displaying the sheets of paper – which was followed by a rather lenient sanction, proportionate to the disturbance that they had caused by their demonstration. Additionally, the applicants could have exercised their right to be heard in the ensuing proceedings; however, they decided not to appear at the Immunity Committee's hearing of their cases.

13. 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* ([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).

14. 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 two legitimate aims, namely the "prevention of disorder", by preventing disruption to the

work of Parliament so as to ensure its effective operation, and the "protection of the rights of others", namely of other members of Parliament (compare also *Karácsony and Others*, cited above, § 129).

15. In examining whether the sanction was "necessary in a democratic society" to pursue these aims, 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 a poster 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).

16. As regards the requisite procedural protection, the Court notes that the Parliament Act provided for a remedy before the Immunity Committee against the decision of the Speaker to impose a fine, which the applicants availed themselves of. They did so in writing but declined to participate at the oral hearing. The Immunity Committee issued a reasoned decision in the case.

17. The Court takes note of the applicants' argument that in practice the 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).

18. The Court observes that the plenary Parliament took a vote on the applicants' objections challenging the decisions 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 applicants' fines were upheld without another round of debate by the plenary constituted no appearance of a procedural shortcoming, as the procedure offered the possibility for both MPs 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.

19. As regards the justification of the sanctions imposed on the applicant, the Court takes note of the applicants' argument that their non-verbal and

spontaneous demonstration was triggered by Sz.N.'s speech and that their provocative conduct constituted merely an immediate response. The Court reiterates that there is a wide margin of appreciation of the Contracting States in regulating the use of presentation tools in Parliament, as an aspect of parliamentary autonomy, where the restriction at issue, as in the present case, concerns the manner of expression rather than the substance of the speech (see *Ikotity and Others*, cited above, § 42). The Court observes that the first applicant had no right to reply directly to the remarks of Sz.N. and that the second applicant was not personally targeted by the pre-agenda speech. Their reaction, symbolic as it may be, ran counter to section 38/A of the Parliament Act on the use of visual aids and the rules of Parliament. According to these provisions, which served to ensure the orderly conduct of parliamentary debates, they did not have, in general, the possibility of a direct reply to allegedly offensive remarks and their disagreement could not be conveyed using presentation tools without prior authorisation by the House Committee.

20. The Court takes note of the applicants' argument that as opposition MPs they had no other option, in situations requiring an immediate answer, but to disregard the above duty to seek permission to use visual aids. However, in the Court's understanding, the applicants conduct related to the place (behind the back of Sz.N. with the acknowledged intention to have their conduct broadcast to the wider public, see paragraph 4 above) and the manner (using an instrument of visual aid generally prohibited) in which they had decided to convey their message. While the Court notes that the provocative style of their expression should not have justified, of itself, the imposition of a fine (see *Szanyi v. Hungary*, no. 35493/13, § 38, 8 November 2016), it considers that the applicants did not substantiate that it was impossible to convey the information and message displayed on the poster in Parliament by other means, notably in a subsequent parliamentary speech itself.

21. Lastly, the Court should examine the severity of the sanction imposed on the applicants, namely the one-time reduction of their remuneration in the amounts of HUF 432,107 and HUF 100,000 respectively. As regards the fine imposed on the second applicant, the Court did not consider fines of a similar amount disproportionate (see *Ikotity and Others*, cited above, § 44). The fine imposed on the first applicant amounted to one-third of her monthly remuneration, which cannot yet be considered excessive (compare also *Ikotity and Others*, cited above, § 15 and § 44).

22. 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.

23. Therefore, the Court considers that the applicants' complaints are 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