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

SECOND SECTION

DECISION

Application no. 54820/19
György SZILVÁSY
against Hungary

The European Court of Human Rights (Second Section), sitting on 7 April 2026 as a Committee composed of:

Jovan Ilievski*, President*,
Péter Paczolay,
Juha Lavapuro*, judges*,
and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the application (no. 54820/19) against Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 11 October 2019 by a Hungarian national, Mr György Szilvásy ("the applicant"), who was born in 1958, lives in Budapest and was represented by Ms E. Frank, a lawyer practising in Budapest;

the decision to give notice of the complaint concerning Article 8 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 alleged failure by the domestic courts to protect the applicant's right to his image in the online media.

2. The applicant, a former government minister, was prosecuted on charges of misuse of personal data and later, abuse of office. At one of the hearings held at the Pest Central District Court in April 2011, a journalist took a photograph of the applicant without his consent and despite a warning from the trial judge. The non-blurred, close-up picture, taken at about two metres

from the subject, captured the applicant as he was sitting on the defendants' bench with his arms crossed, showing no sign of emotion.

3. The applicant's claims alleging a violation of his right to respect for his image on account of the unlawful publications of this photograph in 2013 and in January 2014 by a media organisation were granted by the Hungarian courts on the basis of Article 80 (2) of Act IV of 1959 on the Civil Code, which provided that the consent of the person concerned shall be required for the public use of his or her image, except for appearances in public life (*nyilvános közszereplés kivételével*). That media organisation was ordered to remove the photograph from the online articles, send the applicant a letter of apology and pay 300,000 Hungarian forints in compensation for the non-pecuniary damage suffered by the applicant.

4. On 15 January 2015 several media outlets reported on the applicant's final acquittal from the criminal charges. An interview in which the applicant discussed the alleged political motivations behind his prosecution was published on a news website on 31 January 2015.

5. The day after, P News Agency, an online newspaper run by a private company, published an article on its online news website entitled '*Szilvásy: the prosecutors apologised to me for the false accusations*'. It reported on the final acquittal, published the photograph taken of the applicant in April 2011 and reproduced some of the applicant's comments expressed in his interview, which readers could access via a hyperlink.

6. The applicant brought civil court proceedings against P News Agency alleging a violation of his right to respect for his image. On 12 January 2016 his claim was dismissed by the Budapest High Court, regard being had to Article 2:44 of Act V of 2013 on the Civil Code, which, at the material time, provided as follows:

> **Article 2:44 [Protection of the personality rights of public figures]**
>
> "(1) The exercise of fundamental rights ensuring a free discussion of public affairs may limit the personality rights of public figures to an extent that is necessary and proportionate and is without prejudice to human dignity.
>
> (2) Public figures shall be entitled to the same protection as non-public figures with regard to communications or conduct falling outside the scope of free discussion of public affairs.
>
> (3) Activities and data in relation to the private or family life of public figures shall not qualify as public affairs. "

7. The applicant's appeal was granted by the Budapest Court of Appeal on 24 June 2016 which considered that there was a breach of the applicant's right to his image having regard to the unlawful taking of the photograph in 2011 and the absence of any connection with the content of the online publication.

8. The publisher of P News Agency submitted a constitutional complaint, alleging a breach of its right to freedom of expression and of the press. On

30 October 2018 the Constitutional Court, sitting in full bench, held in decision no. 3348/2018. (XI. 12.) AB that the challenged decision of the Budapest Court of Appeal was unconstitutional. It considered that the subject matter of the article was of public interest, to which the impugned photograph taken in the courtroom was closely linked. Furthermore, it took into consideration the new civil law provision on the personality rights of public figures. Finally, it held that the applicant had willingly discussed the details of his prosecution with the press even after his final acquittal, and the photograph, which was available on the Internet, did not depict him in a humiliating situation, in a seriously offensive manner, or in a way that violated the very essence of human dignity.

9. In the resumed proceedings before it, the Budapest Court of Appeal subscribed to the Constitutional Court's interpretation and held on 12 April 2019 that the publication of the applicant's photograph by P News Agency had constituted a proportionate restriction on the applicant's right to his image when balanced with the right to freedom of expression enjoyed by the media organisation and its readership.

10. Relying on Article 8 of the Convention, the applicant complained that the domestic courts failed to discharge their positive obligation to protect his right to respect for his private life, notably because his photograph had been taken and published without his consent in violation of domestic law with the purpose of smearing him. He complained that the courts had not attached sufficient importance to the photograph which depicted him in a humiliating manner.

THE COURT'S ASSESSMENT

11. The Court considers that, in the present case, what is in issue is not an act undertaken by the State, but the alleged inadequacy of the protection afforded by the domestic courts to the applicant's private life. It reiterates that the positive obligations inherent in Article 8 of the Convention may oblige the State to adopt measures designed to secure respect for private life even in the sphere of the relations of individuals between themselves. That also applies to the protection of a person's picture against abuse by others (see *Von Hannover v. Germany (no. 2)* [GC], nos. 40660/08 and 60641/08, §§ 98 and 99, ECHR 2012, with further references).

12. The Court further reiterates that the right to the protection of one's image is one of the essential components of personal development and the publication of a photograph may interference with a person's private life even where that person is a public figure (see *Couderc and Hachette Filipacchi Associés v. France* [GC], no. 40454/07, § 85, ECHR 2015 (extracts)).

13. Relevant criteria for examining whether a fair balance has been struck between the right to respect for private life and the right to freedom of expression are: the contribution to a debate of public interest, the degree of

notoriety of the person concerned, the subject of the news report, the prior conduct of the person concerned, where appropriate, the circumstances in which the information or photograph was obtained and the content, form and consequences of the publication (see *Von Hannover (no. 2)*, cited above, §§ 109-13, and *Axel Springer AG v. Germany* [GC], no. 39954/08, §§ 90-95, 7 February 2012).

14. In determining whether, in the present case, the domestic courts, which did not prohibit the publication of the applicant's photograph, struck a fair balance between the applicant's right to respect for his private life and the P News Agency's right to freedom of expression, the Court observes that the domestic courts assessed the publication as a whole, rather than examining the photograph out of its context. It sees no reason to call into question their interpretation that the online news article, reproducing the applicant's interview together with the picture in issue, related to the applicant's involvement in highly mediatised criminal proceedings and concerned a matter of public interest (compare also *Couderc,* cited above, §§ 102 and 105; *Egeland and Hanseid v. Norway*, no. 34438/04, § 58, 16 April 2009; and *Index.hu Zrt v. Hungary*, no. 77940/17, § 33, 7 September 2023).

15. The applicant argued that the lapse of five years between his withdrawal from public life and the publication of the photograph removed his 'public figure' status. The Court would however agree with the Constitutional Court that a former government minister who was under investigation in criminal proceedings for offences allegedly committed during his time as a public official, which was the subject of the article at issue, could be regarded as a 'public figure' (compare also *Lingens v. Austria*, 8 July 1986, § 42, Series A no. 103).

16. Furthermore, the Court observes that the domestic courts had due regard to the applicant's prior conduct, which militated in favour of a more limited protection of his private life by the domestic courts (compare also *Hachette Filipacchi Associés (*ICI PARIS*) v. France*, no. 12268/03, § 52, 23 July 2009; *Faludy-Kovács v. Hungary*, no. 20487/13, § 31, 23 January 2018; compare and contrast *Hurbain v. Belgium* [GC], no. 57292/16, §§ 226-230, 4 July 2023). The Court notes in that regard that the applicant made himself available to the press shortly after his final acquittal to discuss his allegedly biased prosecution, which P News Agency decided to reproduce and make accessible to its readers together with the photograph of him taken during the criminal proceedings at issue.

17. As to the circumstances in which the photograph was taken, the Court notes that the domestic courts had observed that it had been taken unlawfully at the relevant time. Indeed, it appears that the picture in issue was taken without the consent of the applicant and despite a judicial warning in April 2011 (see paragraph 2 above). The domestic courts did not consider that element decisive. The Court reiterates in this context that, in certain

circumstances, the recording of a person's image without his knowledge or consent may be justified on public-interest grounds if the person concerned is a 'public figure', as the applicant in the present case (see *Von Hannover (no. 2)*, cited above, § 113, and *Reklos and Davourlis v. Greece*, no. 1234/05, § 41, 15 January 2009).

18. Moreover, there was no express requirement of consent limiting the publication of public figures' photographs by third persons under the domestic law at the material time. Under Article 2:44 of the Civil Code, proportionate restrictions of public figures' personality rights (including their right to their own image) were permissible in the interests of the "free discussion of public affairs" (see paragraph 6 above). The Court notes that the domestic courts departed from their earlier jurisprudence, according to which even public figure defendants, whose presence at the criminal trial was not out of their free choice, had to give prior consent to the publication of their image. The Court observes that in the context of the use of the photo by P News Agency in January 2015, the domestic courts interpreted the newly applicable civil law provisions as not subjecting the publication to a requirement of consent. For the Court, such an interpretation of the new domestic law provisions (see paragraph 6 above) was not arbitrary or manifestly unreasonable.

19. As to the content, form and consequences of the publication, the domestic courts also had regard to the medium concerned – an online news portal, the portrayal of the applicant by this photo to support the article and finally, the absence of implications on the applicant's position as a former defendant since the criminal proceedings had been terminated by then. Having regard to the material available, the Court accepts the Government's argument, reflecting the Constitutional Court's approach, that the photo, which was taken in the criminal proceedings at issue, was sufficiently linked to the applicant's recent interview, which was reproduced without any journalistic commentary (compare also *Couderc,* cited above, § 148). It further observes that there is no indication that the journalists of P News Agency acted in bad faith or that they pursued any purpose other than reporting on matters of public interest (compare also *Radio Twist a.s. v. Slovakia*, no. 62202/00, §§ 62 and 63, ECHR 2006-XV).

20. As regards the editorial choice of using the impugned photo showing the applicant in an unfavourable setting (sitting on the defendant's bench with a blank facial expression), the Court reiterates that it is not for this Court, or for the national courts for that matter to substitute their own views for those of the press in respect of the presentation of a press article, the style used in it and what details ought to be published to ensure an article's credibility (see *Jersild v. Denmark*, 23 September 1994, § 31, Series A no. 298; *Couderc*, cited above, §§ 139 and 144).

21. In conclusion, the Court has no reasons to substitute its views for those of the domestic courts, which struck the requisite fair balance between the

applicant's right to respect for his private life and the news agency's right to freedom of expression (compare also *Von Hannover (no. 2)*, cited above, § 107).

22. The Court therefore finds that the application is manifestly ill-founded and rejects it 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 13 May 2026.

Dorothee von Arnim Deputy Registrar	Jovan Ilievski President