



Hungarian authorities' dissolution of association involved in anti-Roma rallies and paramilitary parading was not disproportionate

In today's Chamber judgment in the case of [Vona v. Hungary](#) (application no. 35943/10), which is not final¹, the European Court of Human Rights held, unanimously, that there had been:

no violation of **Article 11 (freedom of assembly and association)** of the European Convention on Human Rights.

The case concerned the dissolution of an association on account of the anti-Roma rallies and demonstrations organised by its movement.

The Court recalled that, as with political parties, the State was entitled to take preventive measures to protect democracy against associations if a sufficiently imminent prejudice to the rights of others undermined the fundamental values upon which a democratic society rested and functioned. In this case, a movement created by Mr Vona's association had led to demonstrations conveying a message of racial division, which, reminiscent of the Hungarian Nazi Movement (Arrow Cross), had had an intimidating effect on the Roma minority. Indeed, such paramilitary marches had gone beyond the mere expression of a disturbing or offensive idea, which is protected under the Convention, given the physical presence of a threatening group of organised activists. Therefore, the only way to effectively eliminate the threat posed by the movement had been to remove the organisational backup provided by the association.

Principal facts

The applicant, Gábor Vona, is a Hungarian national who was born in 1978 and lives in Budapest (Hungary). He was the chair of the Hungarian Guard Association (the Association), which had been founded in May 2007 by ten members of a political party called Movement for a Better Hungary with the stated aim of preserving Hungarian traditions and culture. In July 2007, the Association founded the Hungarian Guard Movement (the Movement), the objective of which as defined in its charter was to defend Hungary, defenceless physically, spiritually and intellectually.

Shortly after its foundation, the Movement started to carry out activities which were not in accordance with its charter, including organising the swearing-in of 56 guardsmen in Buda Castle in August 2007. Therefore, the authorities requested the Association to put an end to its unlawful activities.

In November 2007, Mr Vona notified the authorities that the unlawful activities had been terminated and that the Association's charter would be modified accordingly. However,

¹ Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

members of the Movement dressed in uniforms subsequently held several rallies and demonstrations throughout Hungary, including in villages with large Roma populations, calling for the defence of ethnic Hungarians against so-called Gypsy criminality. During one of these demonstrations, in December 2007, the police did not allow the march to pass through a street inhabited by Roma families. Almost immediately after this, the authorities lodged a court action seeking the dissolution of the Association.

In December 2008, the Budapest Regional Court disbanded the Association. The legal effect of the judgment was limited to the dissolution of the Association, not its Movement. Considering two further demonstrations organised by the Movement, the Budapest Court of Appeal upheld the judgment of the Regional Court in July 2009 and, establishing a closer connection between the Association and the Movement, extended the scope of the judgment to the latter. The Supreme Court upheld the judgment of the Budapest Court of Appeal in December 2009.

Complaints, procedure and composition of the Court

Relying on Article 11 (freedom of assembly and association), Mr Vona complained about the dissolution of his Association.

The application was lodged with the European Court of Human Rights on 24 June 2010.

Judgment was given by a Chamber of seven judges, composed as follows:

Guido **Raimondi** (Italy), *President*,
Peer **Lorenzen** (Denmark),
Dragoljub **Popović** (Serbia),
András **Sajó** (Hungary),
Nebojša **Vučinić** (Montenegro),
Paulo **Pinto de Albuquerque** (Portugal),
Helen **Keller** (Switzerland),

and also Stanley **Naismith**, *Section Registrar*.

Decision of the Court

Article 11

The Court noted that the Association chaired by Mr Vona had been dissolved as well as the Movement, which constituted an interference with his right to freedom of association. That dissolution, based on the Hungarian courts findings as to the relationship between the Association and the Movement, had been prescribed by law and pursued the aims of public safety, prevention of disorder and protection of the rights of others.

Although the case concerned the dissolution of an association and a movement, rather than that of a political party, the Court acknowledged that social organisations such as Mr Vona's could play an important role in shaping the political life of Hungary. The Court recalled that a State did not have to wait until a political movement had recourse to violence before intervening. Even if that political movement had not made an attempt to seize power and the danger of its policy was not sufficiently imminent, a State was entitled to take preventive measures to protect democracy as long as it was established that such a movement had started to take concrete steps in public life to implement a policy incompatible with the standards of the Convention.

No violence had actually occurred during the rallies, but it could not be for sure that this had been due to the presence of the police or not. Moreover, the activists had marched in villages wearing military-looking uniforms in a military-like formation, together with salutes and commands. Such rallies had hence conveyed the message that its organisers had had the intention and the ability to have recourse to a paramilitary organisation in order to achieve their aims.

Furthermore, the paramilitary formation had been reminiscent of the Hungarian Nazi movement (Arrow Cross), responsible for the mass extermination of Roma in Hungary. In view of historical experience – such as that of Hungary in the wake of Arrow Cross power – the reliance of an association on paramilitary demonstrations expressing racial division and implicitly calling for race-based action had to have had an intimidating effect on members of a racial minority, therefore exceeding the scope of protection under the Convention for freedom of expression or of assemblies. Indeed, such a paramilitary march had gone beyond the mere expression of a disturbing or offensive idea, given the physical presence of a threatening group of organised activists.

As regards the dissolution of the Association, it was irrelevant that the demonstrations, in isolation, had not been illegal since it was only in the light of the actual conduct of such demonstrations that the real nature and goals of the Association became apparent. Indeed, a series of rallies organised to allegedly keep Gipsy criminality at bay by paramilitary parading could have led to a policy of racial segregation being implemented. While the advocacy of anti-democratic ideas was not enough in itself for banning an association, the entirety of circumstances – in particular the Movement's coordinated and planned actions – constituted sufficient and relevant reasons for such a measure. Therefore, the arguments of the Hungarian authorities had been relevant and sufficient to demonstrate that the dissolution had corresponded to a pressing social need.

The threat posed by the Movement could only be effectively eliminated by removing the organisational backup of the Movement provided by the Association. The general public could even have perceived the State as legitimising such a menace, had the authorities continued to acquiesce in the activities of the Movement and the Association by upholding their legal existence. This would have meant that the Association, benefiting from the prerogatives of a legally registered entity, could have continued to support the Movement, and that the State would have indirectly facilitated the orchestration of its campaign of rallies. Finally, since no additional sanction had been imposed on the Association or the Movement or their members, who had not been prevented from continuing political activities in other forms, the Court concluded that the dissolution had not been disproportionate.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.