



## Suspension of journalists' parliament accreditation breached the right to freedom of speech

In today's Chamber judgment<sup>1</sup> in the case of [Mándli and Others v. Hungary](#) (application no. 63164/16) the European Court of Human Rights held, unanimously, that there had been:

**a violation of Article 10 (freedom of expression) of the European Convention on Human Rights.**

The case concerned the suspension of the applicants' Parliament accreditation as journalists.

The Court found in particular that the applicants, journalists working for various media outlets, had been reporting on a matter of public interest – alleged illicit payments linked to the National Bank. Their accreditation to work in parliament had been suspended after they had tried to interview deputies outside the designated areas for such work.

While acknowledging the right of parliaments to regulate conduct on their premises, the Court found that the applicants had had no mechanism to appeal against the suspension of their accreditation. The sanction against them had thus not been accompanied by sufficient safeguards, resulting in a breach of the Convention.

### Principal facts

The applicants, Iván Szabolcs Mándli, Ferenc Bakro-Nagy, Tamás Fabián, Norbert Fekete, Balázs Kaufmann, and Klára Anikó Kovács, are Hungarian nationals who were born in 1975, 1967, 1987, 1976, 1987, and 1978 respectively and live in Budapest except for Mr Mándli, who lives in Dunaharaszti and Mr Fabián, who lives in Nyíregyháza (both in Hungary).

In April 2016 the applicants, who work for various media outlets including index.hu, 24.hu and hvg.hu, obtained accreditation to report on a plenary session of parliament.

Intending to gain comments on the issue of alleged payments related to the Hungarian National Bank, they tried to question various members of Parliament, including the speaker of Parliament and the Prime Minister. They put their questions without prior notification in part of the Parliament building not designated for recording. Many of the parliamentarians declined to answer.

The applicants were warned by the Prime Minister's press officer and staff members of the Offices of Parliament that they were not filming in a permitted manner or in the designated areas. The following day, the Speaker suspended their Parliament accreditation, referring to, among other things, "recording without permission and the open and deliberate breach of the rules".

They requested access to Parliament for the June plenary session to report on planned discussions of the sixth amendment of the Fundamental Law of Hungary, but received no response.

The Speaker withdrew the suspension decision in September 2016.

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](http://www.coe.int/t/dghl/monitoring/execution).

### Complaints, procedure and composition of the Court

The applicants complained that the suspension of their accreditation to enter Parliament had violated their rights under Article 10 (freedom of expression).

Under Article 6 § 1 (access to court) and Article 13 (right to an effective remedy), they complained that they had had no remedy under domestic law to contest the sanction imposed on them; in particular, they had not been able to challenge the Speaker's decision in court.

The application was lodged with the European Court of Human Rights on 26 October 2016.

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

Jon Fridrik **Kjølbro** (Denmark), *President*,  
Faris **Vehabović** (Bosnia and Herzegovina),  
Iulia Antoanella **Motoc** (Romania),  
Carlo **Ranzoni** (Liechtenstein),  
Georges **Ravarani** (Luxembourg),  
Jolien **Schukking** (the Netherlands),  
Péter **Paczolay** (Hungary),

and also Andrea **Tamietti**, *Section Registrar*.

### Decision of the Court

#### Article 10

For the Court, the central issue was whether the interference complained of by the applicants had been "necessary in a democratic society".

It reiterated its case-law principles, such as the fact that the protection of Article 10 for journalists was subject to the proviso that they acted in good faith in order to provide accurate and reliable information in accordance with the tenets of responsible journalism.

The concept of responsible journalism was not confined to content, but also included the lawfulness of journalists' conduct, including their public interaction with the authorities.

The Court noted that the applicants, while seeking information from parliamentarians, had broken the rules of conduct in Parliament, which prohibited filming in certain areas. The Court was satisfied that they had not been penalised for imparting information on issues of political relevance, but rather for the place and manner in which they had done so. However, the measure had still restricted their subsequent journalistic activities, namely direct reporting on parliamentary work.

The Court did not agree with the Government's argument that the recordings in question had not meant to address a matter of public concern, but that they had aimed to present members of parliament in a sensationalist manner, and thus had not had the same level of protection as parliamentary reporting otherwise would have had.

In fact, the applicants had been seeking to obtain the reaction of members of parliament to alleged illicit payments linked to the National Bank, which was a matter of considerable public interest.

The Court had already held that freedom of the press afforded the public one of the best means of discovering and forming an opinion on the ideas and attitudes of their political leaders. In particular, it gave politicians the opportunity to reflect and comment on the preoccupations of public opinion; it thus enabled everyone to participate in the free political debate which was at the very core of the concept of a democratic society.

Neither the Court nor national courts could substitute their own views for those of the press as to the necessary techniques of reporting. The Court thus accepted that the subject matter in question was of public interest and considered that the applicants' interest in being allowed entry to Parliament for further reporting was related to matters which the public had a legitimate interest in being informed about.

The Court also examined the issue of protecting the orderly conduct of parliamentary business as well as the rights of members of parliament. It in principle accepted that parliaments had to regulate conduct within their premises, for instance by designating areas for recording, to avoid disruption in parliamentary work without such disruption being manifest, and that the Court's scrutiny of such regulations had to be limited.

It thus focussed its review on whether the restriction on the applicants' right to freedom of expression had been accompanied by effective and adequate safeguards against abuse. It noted that the Speaker's Order against the applicants had not required any assessment of the potential impact of the sanction or the relevance of the journalistic activity giving reason for the restriction.

Furthermore, it had not provided for the possibility for persons sanctioned to be involved in the decision-making procedure, which had consisted of a letter being sent to applicants' editors-in-chief informing them of the suspension. Neither the Speaker's order nor the decision to ban the applicants from entering Parliament had specified the period of restriction and the applicants' subsequent requests for authorisation to enter Parliament had been left unanswered. Lastly, the Speaker's Order had not offered any effective means of challenging the decision, where the applicants could have presented their arguments.

Amendments to the Speaker's Order, which had entered into force in July 2017, had introduced a time-limit for suspension of accreditation, elements relevant for the assessment of sanctioning, and a possibility for journalists to seek redress.

The Court concluded that the interference with the applicants' right to freedom of expression had not been proportionate to the legitimate aims pursued because it had not been accompanied by adequate procedural safeguards. The interference had thus not been "necessary in a democratic society" and there had been a violation of Article 10.

### Other articles

Given its findings under Article 10 of the Convention, the Court concluded that it was not necessary to examine separately the admissibility and merits of the complaints under Articles 6 and 13.

### Just satisfaction (Article 41)

The Court held that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicants. It held that Hungary was to pay the applicants 4,575 euros (EUR) in respect of costs and expenses.

*The judgment is available only in English.*

---

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHR\\_CEDH](https://twitter.com/ECHR_CEDH).

### Press contacts

[echrpress@echr.coe.int](mailto:echrpress@echr.coe.int)

Patrick Lannin

## Press Release

---

**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.