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La CEDU sulla libertà di espressione dei parlamentari
(CEDU, sez. II, sent. 30 settembre 2025, ric. nn. 38708/19 e altri)

Con la decisione in commento, la Corte si è espressa sul ricorso presentato da alcuni membri del Parlamento ungherese, i quali sono stati sanzionati per aver tentato di ostacolare la procedura di voto su un disegno di legge.
I Giudici hanno evidenziato che l'art. 10 CEDU protegge non soltanto il contenuto delle idee, ma anche la modalità con cui esse vengono espresse, sia essa verbale o meno. Restano escluse da una tale tutela le sole ipotesi in cui la libertà di espressione venga concretamente impiegata per fini contrari ai valori della Convenzione.
La condotta tenuta dai parlamentari nel caso di specie non poteva certamente qualificarsi come atto violento o, più in generale, come atto contrario ai diritti e alle libertà garantiti dalla CEDU, pertanto sottratto alla tutela dell'art. 10. La condotta costituiva evidentemente manifestazione non verbale di una opinione, e in particolare della contrarietà dei parlamentari all'approvazione del disegno di legge in esame.
La sanzione inflitta ai ricorrenti ha rappresentato quindi un'ingerenza nella loro libertà di espressione, peraltro ingiustificata, in quanto sproporzionata e non accompagnata da sufficienti garanzie procedurali.

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

SECOND SECTION

CASE OF XXX AND OTHERS v. HUNGARY

(Application nos. 38708/19 and 3 others)

JUDGMENT
STRASBOURG
30 September 2025

This judgment is final but it may be subject to editorial revision.

Case Of XXX and Others V. Hungary

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

Oddný Mjöll Arnardóttir, *President*,
Péter Paczolay,
Gediminas Sagatys, *judges*,
and Dorothee von Arnim, *Deputy Section Registrar*,
Having regard to:
the applications against Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by the applicants listed in the appended table, ("the applicants"), on the various dates indicated therein;
the decision to give notice of the complaint concerning freedom of expression raised in the applications indicated in the appended table to the Hungarian Government ("the Government") represented by their Agent, Mr Z. Tallódi, of the Ministry of Justice;
the parties' observations;
Having deliberated in private on 9 September 2025,
Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The case concerns the sanctioning of the applicants, members of Parliament, for their conduct obstructing parliamentary voting.
2. At the material time the applicants were opposition members of Parliament (MPs).
3. On 27 November 2018 Parliament debated Bill no. T/3628 amending the Labour Code and other related acts to increase the permissible hours of overtime in the private sector. During the general debate, the Speaker of Parliament withdrew the right to speak of a number of opposition MPs. On 8 December 2018 trade unions organised demonstrations in Budapest and on 10 December 2018, around three thousand amendments to the legislative proposal were submitted.
4. The bill was put to the vote on 12 December 2018. In protest against the legislative proposal, opposition MPs attempted to obstruct the session by preventing the Speaker from conducting the voting procedure. The details regarding each applicant's conduct are set out in the appendix. The bill was adopted on that day.
5. On 8 February 2019 the Speaker decided, by virtue of section 49 § 4 (in case of application no. 38708/19) and section 50 § 1 (in case of the other applications) of Act no. XXXVI of 2012 on Parliament (hereinafter "the Parliament Act", see paragraphs 9-10 below) to impose fines on the applicants for their conduct on 12 December 2018. The amounts of the impugned fines are set out in the appendix. According to the decision, the applicants expressed their opinions in violation of the rules of parliamentary proceedings, thereby obstructing the proper operation of Parliament. A total of twenty-eight MPs were fined for their conduct on that day.
6. The applicants challenged the Speaker's decisions before the Committee on Immunities, Conflict of Interest, Discipline and Verification of Credentials ("the Immunity Committee").
7. The Immunity Committee was scheduled to hear the applicants' case on 26 February 2019 and invited them to present their arguments. However, the Immunity Committee did not hold the meeting due to a disagreement among its members on the agenda. Thus, it failed to reach a decision within the prescribed time limit.

8. The applicants requested that Parliament set aside the Speaker's decisions. On 19 March 2019 Parliament upheld the Speaker's decisions without any debate. The decisions maintained the finding that the applicants' conduct aimed at obstructing the conduct of the parliamentary session and the operation of Parliament.

9. The relevant domestic law has been set out in *Ikotity and Others v. Hungary* (no. 50012/17, §§ 14-17, 5 October 2023) and *Karácsony and Others v. Hungary* ([GC], nos. 42461/13 and 44357/13, §§ 28-29, 17 May 2016), while the Constitutional Court's relevant practice and material from international and comparative law have been set out in *Karácsony and Others* (cited above, §§ 32-61).

10. In addition, at the material time, the relevant parts of section 50 of the Parliament Act provided that if a member of Parliament used physical violence, threatened to use direct physical violence, incited to violence or obstructed the removal of someone else from the session, the Speaker could propose his/her exclusion from the sitting, the suspension of his/her rights as a member of Parliament or the reduction of his/her allowance.

11. The applicants complained under Article 10 of the Convention that the fines imposed on them did not have a legal basis, were disproportionate and served political purposes. Furthermore, they had no access to a fair procedure to challenge the sanction imposed on them.

THE COURT'S ASSESSMENT

I. JOINDER OF THE APPLICATIONS

12. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 10 OF THE CONVENTION

13. The Government submitted that the conduct of the applicants OMISSIS (application no. 38766/19), OMISIS (application no. 38837/19) and OMISSIS (application no. 47436/19) had not constituted a non-verbal expression of opinion, but clearly an illegal act, namely the use of physical violence by blocking the Speaker's pulpit and the voting button. Thus, they had been fined for the use of physical violence; their other conduct had not formed the basis of the sanction imposed on them and was therefore irrelevant for the assessment of the present case. The Government contested that the use of physical force constituted an expression of opinion, protected under Article 10 of the Convention. They put forward that the applicants had had numerous opportunities to express their opinion on Bill no. T/3628, including participating in a debate and submitting amendments, instead of which they had deliberately obstructed the operation of Parliament and abused their right to speak. Their conduct could have led to a serious altercation.

14. OMISSIS (application no. 47436/19) argued that Article 10 did not apply solely to certain types of information or ideas or forms of expression, but also to forms of conduct. The purpose and intention of his conduct was to protest, and he did not engage in violence. The remainder of the applicants denied that they had resorted to violence or that they had made the work of Parliament impossible. Even if their conduct had been unusual, Article 10 protected ideas that offended, shocked or disturbed.

15. The Court reiterates that Article 10 of the Convention protects not only the substance of the ideas and information expressed, but also the form in which they are conveyed (see *Jersild v. Denmark*, 23 September 1994, § 31, Series A no. 298). In cases under Article 10, it is possible to declare a

complaint incompatible *ratione materiae* with the provisions of the Convention only if it is immediately clear that the expression in issue has sought to deflect this Article from its real purpose by employing the right to freedom of expression to ends contrary to the Convention's values (see *Zhablyanov v. Bulgaria*, no. 36658/18, § 78, 27 June 2023).

16. The Court observes that the applicants contested before the domestic forums and before the Court that they had resorted to violence or had hindered the work of Parliament. In any event, even assuming that the applicants obstructed the operation of Parliament, their acts do not appear as an incitement to destroy the rights and freedoms enshrined in the Convention. It is also clear that the applicants intended to express their objection to the legislative proposal and sought to engage in political protest and "impart" their "ideas" about Bill no. T/3628.

17. The applicants are therefore entitled to the protection of Article 10 of the Convention in the present case. The Government's objection is therefore dismissed.

18. The Court further notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

19. The applicants' sanctioning constituted an interference with their right to freedom of expression guaranteed by Article 10 of the Convention. That measure was prescribed by law for the purposes of Article 10 § 2 (see paragraphs 9 and 10 above) and 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).

20. The general principles applicable to the assessment of the necessity of the interference with the applicants' right to freedom of expression were set out in *Karácsony and Others* (cited above, §§ 132-47).

21. In the context of complaints similar to the one in the present applications, the Court has considered it appropriate to address two main questions in examining whether the sanction was "necessary in a democratic society" to pursue the said aim, namely, (i) whether the applicable procedure was accompanied by sufficient procedural safeguards, and (ii) whether the imposition of a sanction on the applicant was in itself disproportionate and thus unjustified (see *Ikotity and Others*, cited above, § 33). As regards *ex post facto* disciplinary sanctions, the Court has held that the procedural safeguards available to this effect should include, as a minimum, the right for the MP concerned to be heard in a parliamentary procedure before a sanction is imposed. It noted that the right to be heard would indeed increasingly appear as a basic procedural rule in democratic States, above and beyond judicial procedures. The manner and mode of implementation of the right to be heard should be adapted to the parliamentary context, bearing in mind that a balance must be achieved which ensures the fair and proper treatment of the parliamentary minority and precludes abuse of a dominant position by the majority (see *Karácsony and Others*, cited above, §§ 156-57).

22. As to whether the applicable procedure in the present case was accompanied by sufficient procedural safeguards it should be noted that, at the material time, section 51/A (6) of the Parliament Act (see paragraph 9 above) foresaw the possibility for a fined MP to seek a remedy and make representations before a parliamentary Immunity Committee. However, this legislative provision had no effect on the applicants' situation in the present case, as the Immunity Committee did not hold a hearing due to a disagreement among its members about the agenda (see paragraph 7 above).

In practice, the procedure in the applicants' case consisted of a written proposal by the Speaker to impose a fine and its subsequent adoption by the plenary without debate, not offering any possibility for the MPs to be involved in the relevant procedure, notably by being heard.

23. This procedural shortcoming is all the more relevant as some of the applicants contested the facts established in the Speaker's decisions, in particular concerning the use of physical violence (see paragraph 16 above). However, the procedure in the present case did not offer them an effective means of challenging the Speaker's findings in this respect.

24. Having regard to the foregoing, the Court considers that in the circumstances of the case the impugned interference with the applicants' right to freedom of expression was not proportionate to the legitimate aims pursued, since it was not accompanied by adequate procedural safeguards.

25. Accordingly, there has been a violation of Article 10 of the Convention on this account.

III. OTHER COMPLAINTS

26. The applicant in application no. 47436/19 complained under Article 13 of the Convention that he had no effective remedy against the violation of his right to freedom of expression, as the decisions in his case were taken by forums dominated by the ruling party, which could therefore not be considered impartial and independent.

27. The Court considers that the applicant's doubts, raised in terms of political realities concerning the composition of the domestic decision-making bodies, are insufficient to find that the applicant would have had no prospect of success in a complaint before the domestic bodies. It follows therefore that the applicant's complaint under Article 13 is manifestly ill-founded within the meaning of Article 35 § 3 (a) and must be rejected pursuant to Article 35 § 4 of the Convention.

28. The applicants in applications nos. 38708/18 and 47436/19 further complained that the sanctions imposed on them for their political speech showed that they were discriminated against on account of their political opinion, contrary to Article 14 of the Convention. They submitted that only opposition members of Parliament were subjected to disciplinary sanctions by the Speaker.

29. Even assuming that the majority of MPs sanctioned for their allegedly disturbing behaviour in Parliament were members of the opposition, the Court does not consider that this in itself discloses a practice which could be classified as discriminatory within the meaning of Article 14. Having regard to all the materials in the case file, there is no substantiation of the applicants' allegation that they were discriminated against in the enjoyment of any of their Convention rights.

30. It follows that this complaint is manifestly ill-founded within the meaning of Article 35 § 3 (a) and must likewise be rejected pursuant to Article 35 § 4 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

31. The applicants claimed pecuniary damage corresponding to the fine they were obliged to pay as a disciplinary sanction.

32. The applicants in applications nos. 38708/19 and 47436/19 further claimed 5,000 euros (EUR) each in respect of non-pecuniary damage.

33. The applicants in applications nos. 38708/19 and 47436/19 also claimed EUR 5,800 plus 27% for value-added tax (VAT) jointly, for the legal fees incurred before the Court. This sum corresponds to 29 hours of legal work billable by their lawyer at an hourly rate of EUR 200.

34. The Government contested these claims.

35. The Court finds that all applicants suffered pecuniary loss as a result of the fine that they were ordered to pay. Having regard to the link between the fines imposed in the domestic proceedings and the violation of Article 10 found by the Court, the Court considers it reasonable to award them the sums indicated in the appendix, plus any tax that may be chargeable.
36. As regards the claims in applications nos. 38708/19 and 47436/19 in respect of non-pecuniary damage, having regard to the particular circumstances of the present case, the Court considers that the finding of a violation of Article 10 constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicants.
37. As to the costs and expenses claimed in applications nos. 38708/19 and 47436/19, the Court reiterates that the applicants are entitled to their reimbursement only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum. In the present case, having regard to the documents in its possession and the above criteria, the Court considers it reasonable to award the applicants in applications nos. 38708/19 and 47436/19 jointly the sum of EUR 3,000 covering costs and expenses, plus any tax that may be chargeable to these applicants.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* applications nos. 38766/19 and 38837/19 and the applicants' complaints under Article 10 of the Convention in applications nos. 38708/18 and 47436/19 admissible and the remainder of applications nos. 38708/18 and 47436/19 inadmissible;
3. *Holds* that there has been a violation of Article 10 of the Convention;
4. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicants in applications nos. 38708/19 and 47436/19;
5. *Holds*

(a) that the respondent State is to pay, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
(i) to all applicants the amounts indicated in the appendix, plus any tax that may be chargeable, in respect of pecuniary damage;
(ii) to the applicants in applications nos. 38708/19 and 47436/19, jointly, EUR 3,000 (three thousand euros) plus any tax that may be chargeable to these applicants, in respect of costs and expenses;
(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

6. *Dismisses* the remainder of the applicants' claim for just satisfaction;

Done in English, and notified in writing on 30 September 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.
Dorothee von Arnim Deputy Registrar
Oddný Mjöll Arnardóttir President