

**Case:** Vajnai vs Hungary ([see text here](#))

**Date:** July 8, 2008

**Issue:** use of symbols of repressive past

### **Summary**

On 21 February 2003, Mr. Attila Vajnai (Vice-President of the Workers' Party, a registered left-wing political party) was speaker at a lawful demonstration in central Budapest. On his jacket Mr. Vajnai wore a five-pointed red star as a symbol of the international workers' movement. For that reason, criminal proceedings were instituted against him for having worn a totalitarian symbol in public. Mr. Vajnai complained before the ECHR that his prosecution for having worn a red star infringed his right to freedom of expression guaranteed by Article 10 of the Convention.

The Government of Hungary argued that all ideologies of a totalitarian nature (including bolshevism symbolized by the red star) should be treated on an equal footing, and their expression should be removed from the protection of Article 10. In its opinion, the red star symbolized totalitarian ideas and practices directed against the Convention's underlying values and that wearing it – being a conduct disdainful of the victims of the Communist regime and the very antithesis of the rule of law and pluralism– meant the justification of a policy aimed at the destruction of the rights and freedoms under the Convention. The ECHR argued that utmost care must be observed in applying any restrictions, especially when the case involves symbols which have multiple meanings. While underlying that mass violations of human rights committed under Communism discredited the symbolic value of the red star, the Court affirmed that the red star could not be understood as representing exclusively Communist totalitarian rule. In its opinion, it was clear that this star also still symbolized the international workers' movement, struggling for a fairer society, as well certain lawful political parties active in different Member States. The ECHR argued that the displaying of that symbol by a leader of a registered political party with no known totalitarian ambitions could not be equated with dangerous propaganda. It considered that the prohibition of Section 269/B unacceptably broad because does not require proof that the actual display amounted to totalitarian propaganda.