

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.



HUNGARY

 **Population: 9.7 million**

THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations. Please note, the zoning system is currently defined only by laws relating to sexual orientation.

Hungary is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

Two further zones exist. In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 6 and 54 of the Hungarian Constitution guarantee the **rights to freedom of expression, association and assembly**.

A new law **banning the promotion and/or presentation of LGBTQ+ identities to under-18s** was passed by Hungarian Parliament in June 2021. The full impact and implementation of this new law is not yet clear.

FAMILY AND SAME-SEX RELATIONSHIPS

Sexual acts between people of the same sex are **legal** and there is an **equal age of consent** of 14 years.

Same-sex marriage is not legal. Same-sex relationships **can be recognised** by law as **civil unions or registered partnerships** under the Act on Civil Unions.

Same-sex couples have **no legal right to adopt children** under Article 101(6) of the Act on the Protection of Children.

There is **no legal distinction** between the **sexual orientation** of potential **single adoptive parents**.

Trans people cannot marry according to their gender identity, as they **cannot legally change their gender**.

EQUALITY AND EMPLOYMENT

Discrimination on the grounds of sex, **sexual orientation or gender identity is prohibited** under the Constitution, the Equal Treatment Act and the provisions of the Labour Code.

Article 14 of the Constitution protects the **right to equality before the law for all citizens** regardless of several listed characteristics, however **gender identity and sexual orientation are not included** in this list.

Although it is not explicitly listed, the Constitutional Court has included sexual orientation as a protected characteristic in several of its decisions, defining it as 'other circumstances'.

Article 216 and Article 332 of the Criminal Code **prohibit any form of violence** (or the incitement of it) against a member of the community based on any protected characteristic, including **gender identity and sexual orientation**.

GENDER IDENTITY

Under Articles 3 and 69 of the Act on Birth Certificates, **trans people cannot change their legal gender** on identification documents or birth certificates.

Trans people cannot change their legal name. A change of legal name is restricted to marriage or a name that is considered to match the gender assigned at birth.

There is **no legal gender marker** option **other than 'male' or 'female'**.

IMMIGRATION

Dependant visas are, without discrimination, **available for individuals that are married** or have entered a **civil union** under Article 3 of the Act of Civil Unions.

A VIEW FROM HUNGARY

Háttér Society is the largest and oldest LGBTQI organisation currently operating in Hungary. The organisation provides support services, legal aid, training, organises cultural and community events, and conducts research and advocacy for the community.

We Are Open is a non-profit organisation founded in 2013 that creates campaigns with a coalition of businesses to promote diversity and inclusion, helping companies become more open by offering services, workshops, talks and consulting.

Bea Sándor, Director of the Legal Program at Háttér Society, and Melinda Miklós, CEO of We Are Open, spoke to Stonewall about the situation for LGBTQ+ people in Hungary.



Everyday life

One of the key challenges for LGBTQ+ people in Hungary is the invisibility of the community, and the impact that has on people not feeling able to come out and be themselves. The direction was slowly starting to change over the past decade. However, since 2020, the anti-LGBTQ+ rhetoric from the right wing government has led to a complex situation where there is more visibility for some LGBTQ+ people, but it is often negative visibility. This means the community regularly feels threatened. Strong anti-discrimination legislation on the grounds of sexual orientation and gender identity does exist, but the recent bans on legal gender recognition and LGBTQ+ people becoming parents has had a detrimental effect on many people.

In general, life is better for LGBTQ+ people in the capital compared to those outside of Budapest or in the rural countryside. There is a large Roma community in Hungary and the LGBTQ+ Roma community face distinct challenges, especially in relation to coming out. In public discourse, these identities are generally seen as separate issues. This leads to challenges for all intersections of the community, for example LGBTQ+ people with a disability. There isn't visibility of the community across state-owned media, but there is some visibility across other media platforms. Knowledge and visibility of bi and trans identities is particularly low, and Háttér Society does a lot of work in raising awareness of these identities across workplaces and wider society.

Healthcare

There are challenges for trans people across all aspects of the healthcare system. Specific trans-inclusive state healthcare doesn't exist, but there are private options for trans people who need to access hormones or gender-affirming surgery. HIV positive people also face difficulties in the healthcare system, and most LGBTQ+ people hide their identities in healthcare settings because it isn't explicitly inclusive. Medical professionals typically don't receive any specific LGBTQ+ training.

Workplace

The experience of LGBTQ+ people in the workplace in Hungary can depend on a number of factors, such as type of industry and size of workplace. For example, some global businesses which have offices in Hungary have worked with NGOs like Háttér Society and We Are Open to adapt their diversity and inclusion initiatives to the local context, and these workplaces are safe, welcoming and diverse spaces for LGBTQ+ people. There are also many smaller Hungarian businesses that are focusing on diversity and inclusion work. There is a competitive labour market in Hungary, and many employers are starting to recognise that diversity and inclusion is a key aspect of being a good employer and improving the workplace culture.

However, there are still many workplaces where LGBTQ+ people can face challenges such as inappropriate jokes, discrimination and not feeling able to come out. Since the ban on legal gender recognition, there are specific challenges faced by trans people in the workplace – many of them are forced to come out, since their gender and name can no longer be changed on official documents.

For employers that have a headquarters outside of Hungary, it's crucial that they work with Hungarian NGOs to 'localise' their diversity and inclusion toolbox. If a workplace initiative doesn't feel like it has come from our local community, it can feel as if someone is trying to impose their own ideas or opinions on us. Supporting your employees to start a local LGBTQ+ Staff Network Group, in combination with consistent and vocal support from senior leadership, is a really successful approach to initiating LGBTQ+ inclusion in the workplace.

Since LGBTQ+ inclusion has become so politicised in Hungary, some companies aren't as ready to be vocal outside of the workplace. However, We Are Open works with many companies who act in the public sphere through support of our campaigns and also march with us at Pride, which sends a strong signal to the LGBTQ+ community in Hungary. There is an important balance for workplaces between supporting the LGBTQ+ community internally and externally. Most importantly, employers should remember that taking clear steps to ensure their workplace is inclusive can change people's lives. If somebody can't be out as LGBTQ+ in their family or in society, having a safe and open workplace can be hugely beneficial.

LGBTQ+ INCLUSION IN THE WORKPLACE

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBTQ+ workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBTQ+ inclusion work across the globe.

The Index evaluates an organisation's performance across key areas of employment policy and practice. In line with these areas, in Hungary, employers can work to:

1. Implement LGBTQ+-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies, and equal partner and family benefits.
2. Carry out comprehensive **all-staff training** on sexual orientation and gender identity.
3. **Engage staff** by setting up local LGBTQ+ employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBTQ+ inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBTQ+ employees.
6. Evaluate your **procurement** practices to ensure LGBTQ+ inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBTQ+ groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Hungary with adequate, LGBTQ+-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

BP

BP policies expressly prohibit discrimination, bullying and harassment on the grounds of sexual orientation and gender identity. All employee benefits are offered equally to same-sex couples, and the definition of 'family member' in all policies includes a spouse or life companion, along with adopted or foster children. BP offers personalised support from HR, line management and the Diversity and Inclusion team for individuals who are transitioning, in line with the transitioning at work policy. BP Hungary has initiated quarterly events with other businesses to share and discuss best practice around LGBTQ+ inclusion, and approximately 200 employees participate in the annual Budapest Pride March. The BP Pride Hungary staff network meets regularly and has many active members, including allies. LGBTQ+ sensitisation training is delivered to all employees, and specific trans awareness, anti-hate speech and anti-hate crime training has been delivered by Háttér Society, a national LGBTQ+ organisation.

Citi

Citi has a strong inclusive culture, and it is made clear to everyone from the first day that they can bring their whole selves to work. The Citi Hungary Pride Network is open to all LGBTQ+ colleagues and allies. It works in partnership with the Citi Diversity office and other diversity network groups to provide a forum which develops, sustains and promotes Citi's diversity policies and initiatives. The network's goal is to foster an environment of inclusion, respect and equality, where LGBTQ+ employees can feel safe and make meaningful contributions. Network initiatives include awareness-raising panel discussions, participation in Budapest Pride, and programs such as a Living Library. Citi's parental benefits are offered equally to all employees, including same-sex couples, and an LGBTQ+ awareness programme for people managers has recently been developed. Citi has a close relationship with the organisation We Are Open and supports the Rainbow Foundation, who organise Budapest Pride.



GET INVOLVED



THE ANNUAL LGBTQ+ CALENDAR

July - Budapest Pride. www.budapestpride.hu

November - Open Conference – workplace diversity & inclusion conference. www.openconference.hu

Check the events websites for the most up-to-date information on dates.



FIND LGBTQ+ GROUPS AND COMMUNITIES

Háttér Society - the largest and oldest LGBTQI organisation currently operating in Hungary. The organisation provides support services, legal aid, training, organises cultural and community events and conducts research and advocacy for the community. <https://en.hatter.hu/>

Transvanilla Transgender Association Hungary – an organisation supporting trans, gender nonconforming and intersex people in Hungary through programmes, workshops, campaigning, research and advocacy. <https://transvanilla.hu/>



STONEWALL'S **GLOBAL DIVERSITY CHAMPIONS** PROGRAMME WORKS WITH A RANGE OF ORGANISATIONS OPERATING IN HUNGARY.

The Global Diversity Champions programme gives employers the tools they need to take a strategic and structured approach to LGBTQ+ equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offers tailored one-to-one advice on how to create LGBTQ+ -inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBTQ+ inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

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Legal Partner



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Our use of the acronym LGBTQ+ may differ across our interviews with civil society and case studies from employers as we seek to reflect the language that they use to represent their communities. Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of March 2021. Introducing any new initiative requires careful consideration and the safety of staff should always be of paramount importance. This overview is for guidance purposes only and does not constitute, nor should it be interpreted as a substitute for, detailed legal advice. If you have any specific legal concerns, always consult with local legal experts. Stonewall Equality Ltd, Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)