



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Hungary
Title:	Discrimination against an LGBTQ sport club through refusing to rent out two lanes of a swimming pool to the club for a sports event
Date:	2 February 2018
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<u>Context</u>	
Issue at stake:	Whether the subsidiary of the municipality discriminated against the LGBTQ Sport Club on the basis of its members' sexual orientation and gender identity
Ground of discrimination:	Sexual orientation, gender identity
Source:	Equality body decision
Field:	Goods and services
Applicable law:	Act CXXV of 2003 on Equal treatment and the Promotion of Equal Opportunities (ETA), Articles 5 and 8

Content

Case:¹ Atlasz Sports Club offers an LGBTQ friendly environment for LGBTQ people where they can practice sport activities. In January 2017 the Club contacted a swimming pool and sports complex (MOM Sports Pool and Sports Complex) operated by a subsidiary company of the municipality of Budapest's 12th District (District 12 Sports Hall and Sports Center Ltd.) requesting the company to rent out two lanes in the swimming pool for their event, the Annual Atlasz Sport Day. The company confirmed the availability of the two lanes via email, but when it found out that Atlasz was an LGBTQ sports club, it withdrew the confirmation. With the legal assistance of Háttér Society (an NGO protecting the right of LGBTQ people) the sports club initiated an administrative procedure before the Equal Treatment Authority. In the course of the proceeding, the company argued that the refusal was not based on sexual orientation or gender identity associated with Atlasz Sports Club, but the pool was overbooked and Atlasz insisted on bringing in its own swimming instructor, which was not allowed by the pool's house rules.

Decision of the equality body: The Equal Treatment Authority found that neither the pool's occupancy nor ticket sales data supported the company's argument concerning overbooking. It also found that the house rules had been modified to exclude outsider swimming instructors only after the proceeding before the equality body had started. Therefore, the Equal Treatment Authority held that the company discriminated against the sports club on the basis of its members' sexual orientation and gender identity. It imposed a fine of 1,000,000 HUF (approximately 3,250 EUR) on the company and ordered that its decision be published on the authority's and the company's website. The company informed the press that it would seek judicial review of the decision.

¹ Summary based on Háttér's report on the case.

Key points of analysis: The Hungarian Equal Treatment Authority does not have many cases concerning discrimination against LGBTQ people. This is the highest fine the Authority has ever imposed as a sanction for discrimination on the basis of sexual orientation and gender identity (and the amount of the fine can be regarded as high compared to all other grounds too), which is a promising sign as to the Authority's willingness to combat discrimination based on sexual orientation and gender identity.

Internet link source:

<http://en.hatter.hu/news/highest-ever-fine-imposed-on-swimming-pool-discriminating-against-lgbtq-sports-club-in-hungary>.