

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.

STONEWALL GLOBAL WORKPLACE BRIEFINGS



EMEA

EUROPE, MIDDLE EAST AND AFRICA PACK

Belgium, Czech Republic, France, Germany, Hungary, Ireland, Israel, Italy, Kenya, Nigeria, Poland, Qatar, Russia, South Africa, Spain, Turkey, Uganda, United Arab Emirates and United Kingdom



BELGIUM



Population: 11+ million



Stonewall Global Diversity Champions: 55



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations. Belgium 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 19 and 25 of the Constitution include the **right to freedom of speech and expression**. Articles 26 and 27 include the **right to freedom of association and assembly**.

LGBT people fall within these **general provisions** but there is **no explicit reference** to sexual orientation or gender identity.

The **right to freedom of assembly** is **subject to police regulations** guaranteeing public order and safety.

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are **legal**.

There is an **equal age of consent** of 16 years for sexual acts regardless of gender under Article 372 of the Penal Code.

Same-sex marriage was **introduced** by the Law of 13 February 2003, modifying the Belgian Civil Code.

Registered partnership is **open to all couples**, including same-sex couples under Law of 23 November 1998.

Trans people may legally **marry a person of the sex opposite** to their acquired gender under Article 143 of the Belgian Civil Code (modified by the Law of 13 February 2003).

Same-sex and different-sex adoption are **equal** under the Federal Law of 18 May 2006.

The wife of a biological mother of a child is automatically registered as a parent in accordance with the Law of 7 July 2014, which entered into force on 1 January 2015.

Two male parents do **not have automatic parental rights** according to Belgian law. They **need** to go through an **adoption procedure**.

EQUALITY AND EMPLOYMENT

Article 3 of the federal Anti-Discrimination Law of 10 May 2007 **explicitly prohibits discrimination on the grounds of sexual orientation and gender**. This **includes discrimination based on change of gender, gender identity and gender expression**. It covers a broad range of activities, including **employment**.

There are in total **11 legislative texts** aimed at **combating particular forms of discrimination**, including on the basis of sexual orientation and gender, which includes discrimination based on change of gender, gender identity and gender expression.

Article 10 of the Belgian Constitution states that 'the **Belgians**' are **equal before the law**.

Hate speech on the basis of **sexual orientation** is a **crime** under Article 22 of the 2007 Anti-Discrimination Law.

If certain 'common' **crimes** are **committed with a 'discriminatory' motive**, including on grounds of **sexual orientation**, it will **constitute aggravating circumstances in sentencing** (Law of 25 February 2003).

Blood or tissue donations by men who engage in sexual activity with men are **possible if the man did not engage in sexual activity with another man** for at least **12 months**, in accordance with the Law of 11 August 2017, which came into force on 7 September 2017.

GENDER IDENTITY

The Federal Transgender Law of 25 June 2017 provides trans and intersex people the **right to change their legal gender to male or female** as well as to **change their first name**.

The legal gender and first name **can be changed on all identification documents, including the birth certificate**. This applies to Belgian citizens and aliens enrolled in the population registers.

For a person **above the age of 18**, the **change of legal gender** is **subject to a written application and an advice of the public prosecutor** (to prevent fraud). The **procedure to change the legal gender takes three to six months**.

For a person **aged 16-17**, the **change of legal gender** is **subject to parental consent** and a **psychological opinion**, confirming that their decision was made freely.

A person aged **12-16** can **only change their first name** but not their legal gender. The **change of name** is **subject to parental consent or, in case of disagreement, via an ad hoc guardian appointed by family court. A written application is required**.

For a person **above the age of 18**, the **change of first name** is **subject to a written application** and a number of **documents** including birth certificate, proof of residence, extract criminal register. The procedure to change the first name **takes six months to one year**.

IMMIGRATION

The Aliens Act enables family **reunification between same-sex partners**. Under the Belgian Code of International Private Law, it is sufficient that one of the partners is from a country that permits same-sex marriage.

Immigration Law states that **persecution or ill-treatment on the ground of sexual orientation** is considered a **valid reason for granting asylum or subsidiary protection** in Belgium.

A VIEW FROM BELGIUM

Katrien Van Leirberghe is policy officer at Çavaria, an umbrella organisation comprised of over 120 member associations across the Flemish region in Belgium. The collective aims to address LGBT equality on a structural level.

Frank Schoenmakers is coordinator at RainbowHouse, home to different French-speaking and Flemish-speaking LGBTQI associations from Brussels.



What are the legal challenges LGBT people face in Belgium?

Katrien: There are especially large gaps and barriers in the legal framework governing gender identity and expression. Trans people are protected from discrimination in the workplace and other areas. They can also change their legal name and gender marker in every region in Belgium on the bases of self-determination. However, trans people can only change their gender to male or female and not, for example, to non-binary. When it comes to transphobic hate crime, it's still very difficult to prosecute, even when transphobic bias is an aggravating factor. This is the case for several reasons. The list of crimes to which the aggravating circumstance applies, is extremely limited for trans people. The criminal code also refers to "sex change", which is more limited than gender identity. At the police level, they do not always identify and properly register the biased motive, and further do not always send their reports to the public prosecutor. Cases that do get to the public prosecutor are often quickly closed as they don't consider hate crimes as a priority for prosecution, or because there is a lack of evidence (often because of flawed police actions). Another factor is that access to justice is very costly unless the person qualifies for free legal assistance. In order to qualify, the income must be close to the poverty line. At the same time, compensations for damage are relatively low.

Frank: In terms of laws affecting lesbian, gay and bi people, there is currently no law on surrogacy. As is the case for everyone else, it's therefore neither forbidden nor allowed, and also not properly regulated. However, the LGB community itself does not have a unified opinion on the issue yet, so for the moment we are mostly working on this issue internally. Another 'battle ground' in the coming years will be the rights of intersex persons. Medically unnecessary interventions are still being carried out on babies and children, obviously without their own consent, which is a severe violation of their bodily integrity. The parents' consent is often given under pressure from the doctor, and from a society with a persisting binary view on gender and sex. We should change society, not the bodies of intersex babies.

What are some of the problems LGBT people face in society in Belgium?

Katrien: Because we have a good legal framework, many people assume problems no longer exist for LGBT people. However, LGBT people in Belgium face social exclusion in every aspect of their lives. Mental health issues are prominent and suicide rates are higher than among non-LGBT people. Not a single organisation in the Flemish

region receives money from the Health Department to tackle these issues. There's also an underreporting of discrimination and violence against LGBT people, and so it's sometimes hard to know if we're working on the right issues. As for trans people, they often face administrative problems in regard to their name and gender on legal documents.

Frank: I agree that there's a gap between the legal framework and how we put it to use. The laws that exist need to be more consistently applied by authorities. LGBT people also need to be made aware of their rights and how to access them. In general, Belgium remains tolerant rather than accepting – it's OK to be LGBT unless you're 'too open' about it.

What is the workplace like for LGBT people?

Katrien: Research carried out by the University in the City of Brussels in 2014 has shown that 46 per cent of LGBT people are not out at work. Many feel that it might become a problem if they were to be open about their sexual orientation and gender identity. Equally, it's hard to convince employers that this is not a private issue.

Frank: Often non-LGBT people can be open about their private life while many LGBT employees who are not out have to hide it. This can be very subtle, for example when talking about your weekend in the kitchen at work, but can cause distress. The number of people not out in the workplace is shocking and increases as the position becomes more senior.

How can employers support their LGBT employees and the LGBT movement in Belgium?

Katrien: Employers need to make sure they have an open and safe workplace culture where LGBT people are not discriminated against, harassed and bullied. They need to be working at every level to ensure this. Anti-discrimination policies should be expressly inclusive of LGBT people and companies should also be outspoken about LGBT issues and equality. Companies should also reach out to LGBT organisations and listen to our expertise.

Frank: Companies are welcome to offer support to our movement but they must really mean it. It's not enough to simply march in a Pride parade while not having worked on diversity and inclusion issues internally. Inclusive companies should work towards equality at all levels.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in Belgium:

-  **Consult local LGBT organisations to understand the local context for LGBT people**
 -  **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
-  **Train HR staff and promote inclusive policies**
 -  **Carry out LGBT-inclusive diversity training**
 -  **Encourage senior managers to promote their commitment to LGBT inclusion and equality**

NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

-  **Audit and extend partner benefits to LGBT partners**
 -  **Establish employee engagement mechanisms like LGBT networks and allies programmes**
 -  **Carry out LGBT awareness-raising events**
-  **Partner with local LGBT groups to advance LGBT equality beyond the workplace**
 -  **Work with suppliers and partners to advance LGBT workplace equality**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org.uk/gwei



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Accenture

Accenture is committed to a diverse workplace and leads initiatives to create equal and inclusive supportive workplaces for LGBT employees in Belgium. New joiners at Accenture learn about diversity and inclusion, including LGBT issues, during their induction. Managers and recruitment staff members are required to participate in unconscious bias training. The firm has an LGBT and allies employee support network, sponsored by a senior management member. The network works to champion LGBT equality at Accenture and to make LGBT employees feel safe and supported. Despite the existence of progressive laws for LGBT people in Belgium, Accenture recognises that much remains to be done for societal equality and acceptance. To this end, the network raises awareness through internal and external events. These include workshops on LGBT-related topics, as well as participation in Belgium's annual Pride parade. Allies also play a huge role in fostering an inclusive work environment. They show visible support by wearing LGBT lanyards and online support by having an Accenture LGBT badge in their email signatures. The network is further committed to encouraging other employers in Belgium to champion LGBT inclusion and diversity in the workplace. In April 2016, Accenture partnered with other organisations to launch Open@Work in the Accenture Brussels Office, which has continued to grow. Open@Work offers space for exchanging best practices on LGBT and ally networks, and gives interested companies an opportunity to listen to talks, expand their business networks and attract diverse candidates. To further share best practice and continue to learn, Accenture supports and participates in several conferences on LGBT topics. Accenture also partners with Belgian LGBT organisations, such as Çavaria, KliQ vzw, The Rainbow House, and Maison Arc-en-Ciel de Liège, to support the wider LGBT community in advancing LGBT equality.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

May – The Belgian Pride. www.pride.be

May – Brussels Pride Festival. www.rainbowhouse.be/en/projet/pride-festival-2

August – Antwerp Pride. www.antwerppride.eu

October – Tels Quels Festival. www.telsquels.be/festival

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



FIND LGBT GROUPS AND COMMUNITIES

Brussels Gay Sports – a group offering members the opportunity to practice sport and other activities in a welcoming and friendly setting. BGS is open to the LGBTQI community and allies. www.bgs.org

Çavaria – an umbrella organisation comprised of over 120-member associations across Belgium aiming to address LGBT equality on a structural level through policy work, campaigns, information service and training. www.cavaria.be

Égalité – an association of LGBT+ staff members of EU institutions. www.egalite-online.eu

ILGA Europe – an international organisation that lobbies for LGBTI rights on a European level. Based in Brussels, the group is affiliated with over 400 LGBTI organisations across 45 countries. www.ilga-europe.org

Maison Arc-en-Ciel de Liège - Alliège asb – an LGBT association based in Liège, focused on challenging discrimination, offering counselling services and referral to other groups across Belgium. www.macliege.be

Genres Pluriels – an organisation working to improve the visibility and rights of Belgium's trans community. www.genrespluriels.be

Homoparentalites – an association for gay and lesbian parents, offering legal support and organising meetings and activities for children and parents. www.homoparentalite.be

The Rainbow House – an LGBT information and training centre and home to different French-speaking and Flemish-speaking LGBTQI associations in Brussels. www.rainbowhouse.be

Tels Quels – an LGBT association focused on social and cultural activities. www.telsquels.be



GET LOCAL LGBT NEWS

Têtu – an LGBT news and lifestyle publication. www.tetu.com

ZiZo – a print and online LGBT news publication. www.zizo-online.be



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 55 ORGANISATIONS OPERATING IN BELGIUM.

Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact Stonewall.

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Legal Partner



Freshfields Bruckhaus Deringer

Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of July 2018. 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)



THE CZECH REPUBLIC



Population: 10.6 million



Stonewall Global Diversity Champions: 62



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

The Czech Republic 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.

To help put this into context, it is important to note that 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	FAMILY AND RELATIONSHIPS	EQUALITY AND EMPLOYMENT	GENDER IDENTITY	IMMIGRATION
<p>Articles 17, 19 and 20 of the Charter of Fundamental Rights and Freedoms protect the rights to freedom of speech, association and assembly.</p> <p>There are no LGBT-specific additions or restrictions to these rights.</p>	<p>Sexual acts between people of the same sex are legal under Section 187 of the Criminal Code.</p> <p>There is an equal age of consent of 15 years for sexual acts regardless of gender under Section 187 of the Criminal Code.</p> <p>Same-sex marriage is not legal because marriage is defined as a union between a man and a woman under Section 655 of the Civil Code.</p> <p>There are no additional marriage restrictions specific to trans people.</p> <p>Same-sex couples can legally enter into registered partnerships under the Act on Registered Partnerships. These partnerships have limited rights compared to marriages, such as no 'common ownership' of property and no right to a survivor pension in the case of a partner's death.</p> <p>In 2016, the Constitutional Court ruled people in registered partnerships could adopt. However, only one partner can be the adoptive parent.</p> <p>In June 2017, the Constitutional Court ruled in favour of both partners in a same-sex couple being recognised as legal parents of a child they got through surrogacy abroad (Judgment of the Constitutional Court, file number I. ÚS 3226/16).</p> <p>No laws specifically address trans parenthood. However, sterilisation is required for legal gender change (see GENDER IDENTITY).</p>	<p>Article 3 of the Czech Charter of Fundamental Rights and Freedoms guarantees the rights and freedoms of everyone. There is no explicit reference to sexual orientation and gender identity.</p> <p>Employment discrimination on the grounds of gender identity and sexual orientation is prohibited under Section 16(2) of the Labour Code.</p> <p>The right to access employment cannot be denied to an individual on the grounds of sexual orientation and gender identity under Section 4 of the Act of Employment.</p> <p>Hate crimes based on sexual orientation or gender identity may be considered an aggravating circumstance under Section 42(b) of the Criminal Code (Act No 40/2009).</p>	<p>Trans people can change their legal gender on all identification documents, including their birth certificate, under Section 72 of the Act on Registry, Names and Surnames. Trans people can also request a new social security number (which changes depending on gender) under the same law.</p> <p>Legal gender can only be changed to male or female. There is no option to change legal gender to a third gender.</p> <p>Legal gender change is subject to being 18 years old, sterilisation, a medical opinion, and in the case of a married person, compulsory divorce.</p> <p>Trans people can change their legal name on all identification documents under Section 72 of the Act on Registry, Names and Surnames. Legal names can be changed following a legal gender change and confirmation from a health service provider.</p>	<p>Under Section 180f of the Act on Residence of Foreigners in the Territory of the Czech Republic, dependent long-term visas and residency permits are available to same-sex partners if their partnership is officially registered.</p> <p>Czech courts recognise the right to asylum for the purpose of family reunification for officially registered same-sex partners under Sections 2, 13, and 14b of the Act on Asylum.</p> <p>The right to asylum on the grounds of persecution for being LGBT is not explicitly recognised under the Act on Asylum. However, case law has acknowledged persecution on the grounds of being LGBT as persecution for affiliation with a social group. Asylum can be granted on these grounds under Section 12b of the Act on Asylum.</p>



A VIEW FROM THE CZECH REPUBLIC

Stonewall spoke to **Czeslaw Walek**, CEO and Chairperson of **Prague Pride**. Prague Pride organises the annual Prague Pride festival in addition to running campaigns, peer support services and the Pride Business Forum. Prague Pride is a principal member of the Czech marriage equality campaign.

Stonewall also spoke to **Viktor Heumann**, the co-founder and director of **Trans*parent**. Trans*parent strives for empowerment, social justice, promotion of rights and positive social changes for trans men, women and other non-cis people. It works towards creating understanding and acceptance of trans people at both the social and legislative level.



Everyday life

Czeslaw: “In the past ten years there have been significant advances in LGBT acceptance. However, marriage equality has not yet been achieved (although there is a visible **nationwide campaign**) and trans people must be sterilised to change their legal gender. Also, as the LGBT rights movement is relatively new, many older LGBT people struggle to come out. Life for LGBT people can also vary depending on whether they live in a large city or more rural area. For instance, in Prague there is a lively and growing selection of LGBT groups and spaces.”

Viktor: “Trans people are pathologised and people think that trans people must want surgery to be ‘cured’, or they aren’t really trans. Multiple forms of discrimination impact exponentially on people’s experience of being trans. Roma trans women, in particular, face pervasive marginalisation and are often homeless.”

Trans rights groups can operate freely but trans issues are often sidelined. Trans*parent is currently working to change legal gender recognition requirements, especially forced sterilisation and divorce. Additionally, we are trying to alter the complicated and stigmatising process whereby trans people must change their legal name multiple times while transitioning, as Czech names are strictly gendered.

When trans people travel to the Czech Republic, they should be aware of the lack of acknowledgement of non-binary identities. Also, understanding of trans identities among medical professionals, public servants and the police can be low. Otherwise, the Czech Republic is mostly safe in terms of hate crimes, although verbal harassment can be common.”

Visibility

Czeslaw: “LGBT visibility has improved significantly the last decade: there are now openly gay politicians, celebrities, and CEOs of large companies locally and nationally. However, visibility is limited to lesbian and gay people who aren’t trans. There are almost no public figures who are bi or trans. There is quite a lot of media coverage surrounding LGBT issues: Prague Pride and the topic of marriage equality both receive significant attention. While a minority of outlets and public figures react negatively, most coverage is positive.”

Viktor: “Most trans people try to be invisible in the Czech Republic. Media representation focuses on transitioning and ‘before and after’ photos. Non-binary people are also completely invisible because Czech society has very binary understandings of gender and a heavily gendered language.”

Workplaces

Czeslaw: “LGBT people often feel the need to hide their identity at work for fear of negative reactions from colleagues. Many also fear that being out will negatively impact their careers. According to ‘LGBT+ First Job’, research conducted by Vodafone, Prague Pride and Out Now, in the Czech Republic only 24 per cent of LGBT people are out at work. Ten years ago, this was 11 per cent, so we are making progress, but we have further to go. For example, when young LGBT people get their first job, 47 per cent go back into the closet.”

Prague Pride has worked with employers for nine years and we’ve seen some big successes, particularly with multinationals. Engaging with smaller or local companies can sometimes be challenging, as they often don’t see the benefits of LGBT inclusion. Prague Pride has just published **ten basic steps** for businesses to support LGBT employees.

To support LGBT organisations and LGBT equality externally, businesses can do things like circulating marriage equality petitions internally, carrying out charity fundraising events in offices, and signing open letters. Additionally, businesses can use their platforms to increase LGBT visibility via social media and adverts: this is a great opportunity to increase acceptance as well as benefitting businesses.”

Viktor: “Trans people face discrimination at work. This can include being outed, being fired or, for trans women, having salaries lowered or not getting a raise after transitioning. Bullying can happen and there can be issues regarding the use of facilities such as toilets. Most employers aren’t ready to support trans staff when they transition, which hurts trans employees and contributes to low levels of people being out at work.”

To support trans staff, employers should have trans-inclusive policies and conduct training and workshops to support a shift in internal culture. There should also be a focus on non-binary identities. Businesses should ask trans organisations how best they can offer support and use their platforms to cultivate a positive discourse around trans identities. Public statements about the importance of trans inclusion would have a big impact too. Organisations can also help LGBT groups through pro bono support with research, physical spaces, and the use of their platforms.

Czech employers sometimes don’t understand the importance of trans inclusion, even if they are local branches of multinational organisations. Employers should ensure that organisation-wide standards are being fully implemented in the Czech Republic.”

Healthcare

Viktor: “Many healthcare services are available but the quality is low and being trans is seen as something that can be cured with surgery and hormones, with little psychological support available. Legal gender recognition exists but with strict and discriminatory conditions. Trans people often face disrespectful behaviour from healthcare staff. Even when receiving transition-related healthcare, medical staff still won’t respect their gender identity. Psychologists and psychiatrists are also widely refusing to accept the validity of trans identities and sometimes push for therapy to ‘cure’ trans people.”

LGBT INCLUSION IN THE WORKPLACE

Stonewall's **Global Workplace Equality Index** is the definitive benchmarking tool for global LGBT 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 LGBT inclusion work across the globe.

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

1. Implement LGBT-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 LGBT employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBT 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 LGBT employees.
6. Evaluate your **procurement** practices to ensure LGBT 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 LGBT groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Czech Republic with adequate, LGBT-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Allen & Overy

Allen & Overy's policies are explicitly inclusive of LGBT people, including those covering equal opportunities, bullying and harassment; dress codes; parental policies; discretionary leave; and transitioning at work. Staff benefits are also available regardless of gender. To ensure their implementation, learning about these policies is an integral part of the induction process for new employees. In the Czech Republic, Allen & Overy's local chapter of their global LGBT network, A&Out, have organised a number of events to demonstrate the Prague office's commitment to LGBT equality. Events have included inviting the entire office to dress in rainbow colours and writing messages on A&Out banners showing support for the LGBT community. Allen & Overy has also become a member of the Pride Business Forum, a local platform aimed at advancing LGBT equality in the workplace. They signed the 'Pride Business Forum Memorandum 2017+', highlighting their commitment to LGBT diversity and inclusion in the workplace and their desire to continue to advance this area in the future. Allen & Overy is also supporting the introduction of same-sex marriage legislation in the Czech Republic by supporting the 'Jsme fer' ('Let's be fair') initiative. Finally, Allen & Overy has provided pro bono legal support to Prague Pride.

Citi

Citi ensures that LGBT people are included throughout their policies. Sexual orientation, gender identity and gender expression are explicitly covered in Citi's anti-discrimination and bullying and harassment policies. Partners of employees are also able to access equal benefits, regardless of gender. Citi's tendering processes for procurement include a supplier diversity and inclusion assessment that covers sexual orientation, gender identity and gender expression. Employees in the Czech Republic are required to attend online training on 'Fostering an Inclusive Environment', which specifically addresses LGBT identities. In 2018, Citi started working with the local LGBT organisation Prague Pride. Together they organised an LGBT diversity discussion with Ester Janeckova, a well-known Czech TV personality and ambassador for peer mentoring portal for LGBT people in crisis, Sbarvouven. In 2019, Citi donated \$4,300 USD to the portal. Citi has also publicly supported the marriage equality campaign and is featured on the 'Jsme fer' ('Let's be fair') webpage in addition to signing an open letter to the Czech Prime Minister in support of equal marriage. Finally, Citi signed the 'Pride Business Forum Memorandum', demonstrating their commitment to and support for LGBT diversity and inclusion in the Czech Republic.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

April – Queer Eye

www.pragueoffthemap.com/culture/festivals-of-all-kinds/2323.html

May – Prague Rainbow Spring www.praguerainbow.eu

May – Fun & Run www.praguepride.cz/en/fun-run

August – Prague Pride www.praguepride.cz/en

November – Mezipatra Queer Film Festival www.mezipatra.cz/en

Throughout the year – Queer Ball www.queerball.cz/en

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



FIND LGBT GROUPS AND COMMUNITIES

Czech Tourists Club Queer – a Czech tourist group organising regular walks in the countryside for the LGBT community and their friends.

www.queer.kct.cz/o-nas

Platform for Equality, Recognition and Diversity (PROUD) – a membership organisation carrying out thematic projects to advance LGBT rights and equality throughout Czech society. www.proud.cz/en

Prague Pride – a non-government organisation promoting a tolerant civil society and combatting discrimination towards LGBT people.

www.praguepride.cz/en

The STUD, z.s – an organisation working to support LGBT young people in the Czech Republic. www.stud.cz/en

Society for Queer Memory/The Queer Memory Centre – a group established to facilitate dialogue between generations of the LGBT community and build a museum and collection of artefacts documenting this.

www.queerpamet.cz/inpage/society-for-queer-memory

Trans*parent – a national organisation working towards positive social and legislative change for trans people that offers support for adults and teenagers.

www.transparentprague.cz/english



NATIONAL HUMAN RIGHTS INSTITUTION

Public Defender of Rights – www.ochrance.cz/en

The Public Defender of Rights is the Czech National Human Rights Institution where complaints of human rights violations on the grounds of sexual orientation and gender identity can be made.



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 62 ORGANISATIONS OPERATING IN THE CZECH REPUBLIC.

The **Global Diversity Champions** programme gives employers the tools they need to take a strategic and structured approach to LGBT 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 offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT 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



Freshfields Bruckhaus Deringer

FRANCE



Population: 67+ million



Stonewall Global Diversity Champions: 68



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

France 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

The French Constitution (1958) and constitutional principles recognise the rights to **freedom of expression, association and assembly**.

According to case law, the freedom of speech principle also **protects the expression of opinions** that may **hurt the feelings of LGBT people**.

The Law on Freedom of the Press criminalises public abuse, public slander and public **provocation of discrimination, hatred or violence on grounds of sexual orientation or gender identity** of the victim.

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are **not criminalised** under Law No 82- 683, 4 August 1982.

There is an **equal age of consent** for sexual acts regardless of gender.

Same-sex marriage is **legal** under the Law Providing for Same-Sex Marriage (2013).

As a result, there are also **no marriage restrictions specific to trans people**.

The Law Relating to the Civil Solidarity Pact (1999) **allows** for same-sex and different-sex **civil unions**.

Married same-sex and opposite-sex couples have the **same right to adopt children**, including second parent adoption and joint adoption (Article 6-1 of the Civil Code).

EQUALITY AND EMPLOYMENT

Article L1132-1 of the Employment Code **prohibits discrimination on grounds of sexual orientation or gender identity in employment**.

Discrimination on grounds of sexual orientation and gender identity is **criminalised** under Articles 225-1 of the Penal Code and Law No 2016-1547.

Article 1 of the French Constitution states that the Republic "shall ensure the **equality of all citizens before the law**, without distinction of origin, race or religion". The **list of criteria** does **not include sexual orientation or gender identity**.

The **penalties** for a criminal offense are **aggravated when the offence was motivated by the sexual orientation or gender identity of the victim** (Article 132-77 of the Penal Code).

The decree determining the selection criteria for **blood donors requires** a compulsory **one-year period of sexual abstinence** for men who have sex with men.

GENDER IDENTITY

Trans people have the **right to change their legal gender** to female or male under Articles 61-5 to 61-8 of the Civil Code enacted by Law No 2016-1547. The change is recorded on the **birth certificates** and, on this basis, can be modified on **all other identity documents**.

Pursuant to Article 61-5 of the Civil Code as enacted by the above mentioned law, the **change of legal gender is subject to proof**, by a sufficient combination of facts, that the **person's legal gender** in civil status documents does **not match the gender** in which the **person appears** and by which the **person is known** to other people.

Article 61-6 states that **medical treatment or surgical intervention** is **not a requirement** for the legal change of gender.

The **change of legal name** has to be **requested before a court** under Article 60 of the Civil Code.

IMMIGRATION

French law does **not distinguish between same-sex or different sex relationships** for **immigration purposes**.

French courts recognise a **right to asylum** for persons that are **subject to persecution** on the grounds of their sexual orientation or gender identity.

A VIEW FROM FRANCE

Marie-Hélène Goix is president and **Christophe Margaine** is a board member of L'Autre Cercle, a volunteer association operating nationally. L'Autre Cercle works across 12 French regions and aims to eliminate discrimination against LGBT people in the workplace. The association partners with multinational companies and local businesses in France to advance workplace equality and inclusion.



What is the public opinion of same-sex marriage today?

Just before the French parliament passed the equal marriage legislation in 2013, large numbers of people publicly protested against it. These public protests can be seen against the background of the French political climate at the time: many opponents framed the President's election promise to legalise same-sex marriage as being part of a socialist agenda. At the same time, some religious groups also mobilised people claiming that marriage should only be defined as a union between one man and one woman. However, the percentage of acceptance has slowly been increasing since the law was passed. A study conducted by IFOP in September 2016 showed that 65 per cent of people in France would oppose repealing the law on same-sex marriage. This is an increase of five per cent in two years. However, it's still important for the LGBT community to be vigilant. For example, ahead of the 2017 national elections, some groups tried to use the political climate as a platform to relaunch a campaign to repeal same-sex marriage, though they did not receive much support.

Which issues affect trans people in France?

It's extremely difficult to obtain a change in one's legal gender on official documents. Not only does a legal change in gender have to be requested before a court, but the person also has to meet strict criteria for the application to be successful. All of this contributes to the discrimination faced by trans people in their daily lives and more specifically when seeking employment. Gender recognition is one area of law in which there is still lots to be done.

What challenges do LGBT people face in the workplace?

In 2017, L'Autre Cercle published a survey on the experiences, perception and expectations of LGBT people in the workplace. This survey was carried out in collaboration with the French national survey company IFOP. More than 6,500 LGBT and non-LGBT employees responded, all of them part of 41 organisations who are signatories to L'Autre Cercle's Charter of Commitment to LGBT Equality. The survey showed that 29 per cent of LGBT people are 'invisible' in the workplace, meaning that they hide their sexual orientation and/or gender identity. While this number is too high, it's lower than the average result obtained in other studies, which is around 66 per cent. This suggests that LGBT employees who work for organisations that signed the L'Autre Cercle Charter feel more able to be themselves at work. In terms of discrimination, 30 per cent of LGBT people were aware of cases of discrimination against gay employees, while only 9 per cent of straight people were aware of this. A difference also remains between the levels of discrimination faced by lesbian, gay and bi people and trans people. Less than four per cent of the respondents felt 'uneasy' with a lesbian, gay or bi co-worker, but 15 per cent felt 'uneasy' with a trans co-worker.

What can employers do to promote LGBT equality inside and outside the workplace?

Creating LGBT employee resource networks and groups of allies can be significant for making LGBT employees feel welcome and able to be themselves. Employers can also show their commitment to LGBT equality by signing L'Autre Cercle's Charter of Commitment to LGBT Equality, and should then work on implementing the charter's principles in their own organisations. Another important element is collaboration between employers. Sharing experiences and best practice with other employers can really drive workplace equality for LGBT people in France. Lastly, it's important to support LGBT groups in France, for example by participating in LGBT community events.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in France:

- ✓ **Consult local LGBT organisations to understand the local context for LGBT people**
- ✓ **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
- ✓ **Train HR staff and promote inclusive policies**
- ✓ **Carry out LGBT-inclusive diversity training**
- ✓ **Encourage senior managers to promote their commitment to LGBT inclusion and equality**

NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

- ✓ **Audit and extend equal benefits to LGBT partners**
- ✓ **Establish employee engagement mechanisms like LGBT networks and allies programmes**
- ✓ **Carry out LGBT awareness-raising events**
- ✓ **Partner with local LGBT groups to advance LGBT equality beyond the workplace**
- ✓ **Work with suppliers and partners to advance LGBT workplace equality**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org/gwei

LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

BNP Paribas BNP Paribas is determined to create an inclusive environment for LGBT employees. Business and HR managers at BNP Paribas in France are offered LGBT diversity training, starting with an internal guide called 'I'm a Diversity Manager'. In 2015, Jean Laurent Bonnafé was the first CEO of a banking group to sign the L'Autre Cercle charter, supporting equality in the workplace for LGBT staff members. BNP Paribas also participated to the drafting of the 2017 UN Guiding Principles on Business and Human Rights and is officially sponsoring the Gay Games, taking place in Paris in August 2018.

In 2015, BNP Paribas launched its local LGBT employee network, PRIDE France, which is open to LGBT employees and their allies. PRIDE France works with the firm's stakeholders, such as senior management, HR and unions, to further equality in the workplace. Since the launch, PRIDE France has expanded outside Paris and now covers the entire country, even in the bank's smallest branches. Through events, the network continues raising awareness on LGBT-related topics, such as homophobia in the workplace, having HIV+, or LGBT parenthood. In October 2017, BNP Paribas has strengthened its commitments towards LGBT inclusion by inviting major BNP Paribas investment banking clients to BNP Paribas PRIDE anniversary event.

Herbert Smith Freehills In partnership with Stonewall, Herbert Smith Freehills invited colleagues from across their Europe, Middle East and Africa (EMEA) business to a day-long roundtable in Paris. The objective of the roundtable was to explore the working contexts for LGBT people and develop an LGBT diversity and inclusion action plan for the EMEA region. Colleagues were able to learn from each other and share ideas about LGBT inclusion initiatives to take back to their offices. The event was supported by partners in the Paris office as well as the global IRIS (Inclusion Respecting Identity and Sexuality) network sponsor, who is a member of the Global Executive and spoke at the event. Following the roundtable, Herbert Smith Freehills hosted a drinks reception advertised to all staff in the Paris office. The event was also attended by representatives from l'Autre Cercle, a French LGBT workplace organisation with whom Herbert Smith Freehills are partners. As a result of the roundtable, the Paris IRIS network has continued to grow its initiatives and activities. This included its first annual summer party attended by clients, partners and staff, and leaders of other Paris-based LGBT networks. Herbert Smith Freehills were also the first corporate law firm to sign l'Autre Cercle's Charter of Commitment to LGBT Equality.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June – Paris Pride. www.inter-lgbt.org/marche-des-fiertés

June – Lyon Pride. www.fierte.net

June – Strasbourg Pride. www.festigays.net

July – Marseille Pride. www.facebook.com/pridemarseille

July – Chéries-Chéris – LGBT Film Festival Paris. www.cheries-cheris.com

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



FIND LGBT GROUPS AND COMMUNITIES

Bi'Cause – a group for France's bi community, working to create bi spaces, increase societal understanding of bisexuality and defend the interests of the community. www.bicause.fr

Centre LGBT – a venue in Paris offering a space, networking opportunities and events for LGBT groups and individuals. www.centrelgbtparis.org

Inter-LGBT – an umbrella group of 50 local and regional groups across France. Among other activities, the group organises Pride events across France. www.inter-lgbt.org

L'Association Nationale Transgenre – a trans community association, offering information, assistance and solidarity and operating on a regional and national level. www.ant-france.eu

L'Autre Cercle – an organisation working with multinational companies and local businesses to advance workplace equality for LGBT people in France. www.autrecercle.org

Le Refuge – a group offering support and temporary shelter to young LGBT people in need. www.le-refuge.org

SOS Homophobie – a national association against homophobia, biphobia and transphobia, offering information, support, educational events as well as an anonymous hotline. www.sos-homophobie.org



FIND LGBT GROUPS AND COMMUNITIES

Illico – a free bi-monthly LGBT magazine available in print and online. www.e-illico.com

Centre LGBT – an LGBT magazine aimed at men. www.tetu.com



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 68 ORGANISATIONS OPERATING IN FRANCE.

Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact Stonewall.

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Legal Partner



Freshfields Bruckhaus Deringer

Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of July 2018. 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)

GERMANY



Population: 80+ million



Stonewall Global Diversity Champions: 74



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Germany 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 5, 9 and 8 of the Constitution protect the general **rights to freedom of expression, association and assembly**.

Each of these rights may be restricted under certain specified circumstances, but there are **no specific restrictions regarding the rights of LGBT people**.

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are **legal**.

There is an **equal age of consent** of 14 years for sexual acts regardless of gender under Article 176 of the Criminal Code.

Same-sex marriage was **legalised** on 01 October 2017 under Section 1353 of the Civil Code.

As a result, there are also **no marriage restrictions specific to trans people**.

Since 01 October 2017, **new registered partnerships cannot be entered** under the Registered Partnership Law (2001).

Existing registered partnerships remain but **can be converted into marriages** by a declaration of intention before a Notary Public.

Married same-sex couples have the **same rights to adopt** jointly as different-sex couples under Section 1741(2) of the Civil Code.

For registered partnerships, only second parent adoption is possible, and the registered partner can adopt the natural or adopted child of their partner under Section 9(7) of the Registered Partnership Law.

EQUALITY AND EMPLOYMENT

The Equal Treatment Act (2006) provides **protection from discrimination on the grounds of 'sexual identity'** in employment and occupation.

The same law also provides general **protection from discrimination based on 'sexual identity' in civil law** (Section 19) and in regard to the access to and supply of goods and services, among others (Section 2(8)).

Section 19a of the Fourth Book of the German Code of Social Law entails a **prohibition of discrimination on the grounds of** – among others – **'sexual identity'** with respect to the **claiming** of certain **benefits**.

According to a judgment of the German Federal Labour Court, the terms **'sexual identity' covers lesbian, gay, bi and trans people**.

Article 3(1) of the German Constitution states that all **people are equal before the law**. No explicit protection is provided regarding sexual orientation and gender identity.

Although not explicitly, Section 46(2) of the Criminal Code makes it possible to consider **hate crimes based on sexual orientation and gender identity** an **aggravating circumstance**.

GENDER IDENTITY

The Transgender Law (1980) provides trans people the **right to change their legal name** (Section 1) and/or their **legal gender** to 'female' or 'male' (Section 8).

Legal gender can be changed on **all identification documents including the birth certificate if** the legal gender change has been **confirmed by the court**.

Several **requirements need to be fulfilled** for the legal name or legal gender change. For example, the **person must have had an "obsessive sense of belonging to the opposite sex" for three years** and **two independent expert opinions** are needed **confirming** that the person's **gender identity will not change** in the future.

Medical interventions are **not a requirement** for the legal gender change.

IMMIGRATION

Section 27 (2) of the Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory **enables family reunification of same-sex couples if they are married or their partnership is officially registered** and is in substance equivalent to a German registered partnership.

German Asylum Law states that **persecution on the ground of sexual orientation or gender identity** is considered a valid **reason for granting asylum** (Section 3b (4)).

A VIEW FROM GERMANY

Markus Ulrich is communications officer at Lesben- und Schwulenverband in Deutschland (Lesbian and Gay Federation in Germany). LSVD is the largest LGBT-aligned NGO in Germany. The group aspires to establish legal and social equality for the LGBT community.



What is the lived situation for LGBT people in Germany?

The lived experiences of LGBT people in Germany depend very much on the wider context. For instance, experiences will differ depending on whether the person is a German citizen or not, if they live in a city or rural area, if they're disabled or not, if they're white or a person of colour and so on. Homophobia, biphobia and transphobia often intersect with other forms of discrimination.

Generally speaking, we've made advances in the acceptance of LGBT people. Studies have found that a majority of Germans support equal marriage and are against discrimination towards LGBT people. In 2017 Germany finally legalised same-sex marriage. The Federal Court also made a ground-breaking decision regarding gender identity: by the end of 2018, the government must legally recognise the existence of more than two genders. This means offering a third gender category in the civil status law or abolishing gender registration in this law all together. The decision is a huge step forward in the legal recognition of trans* and inter* people. On the other hand, around 40 per cent of Germans indicated that they find it repulsive to see two men kissing. There are also reservations on including LGBT topics in educational plans, although a few states have now done so. Populist movements have recently argued for a return to certain 'values' that marginalise LGBT people and contribute to a worrying societal divide.

What are the gaps in the legal framework and why do they still exist?

In recent years, Germany has fallen behind other European countries in terms of legal advances in LGBT equality. While this situation changed after the introduction of equal marriage, Germany's Basic Law provides for equality before the law but does not yet explicitly refer to sexual orientation or gender identity. Also still missing is a family law that legally recognises the diversity of families, including LGBT families in all of their lived varieties. Furthermore, the law relating to the rights of trans people was passed in 1980, so is outdated. Even though some of the criteria for legal gender change have since been overturned by the Constitutional Court, others remain.

The Conservative Union, which is currently the strongest political force, has historically acted as a barrier to legal progress. Although one quarter of party members voted for marriage equality, it remains to be seen if the party is willing to move away from a definition of conservatism based on the ignorance or degradation of gender and sexual diversity.

What problems do LGBT people face in the workplace?

Many LGBT employees are not out at work. Often the sentiment is that this would be irrelevant information. However, employers should think about the frequency with which straight people 'out' themselves – for instance when talking about their weekends, partner or holidays. Having to actively hide your sexual orientation can be very exhausting. This may have a negative impact both on the employees' well-being and performance. Employers could do more to create a welcoming atmosphere where LGBT employees feel able to be themselves.

In addition, trans people face numerous barriers even when seeking employment. For example, they have to change old transcripts and references to reflect their name and gender and may fear discrimination if they don't. In theory, trans people are protected by anti-discrimination laws, but this isn't always the case in everyday life.

What can employers do to support LGBT employees and the LGBT movement in Germany?

Employers should always assume that they have LGBT employees and reflect this in their internal communications. Doing so can send a signal of acceptance and inclusion, both internally and externally.

For example, summer party invitations can be written using gender-neutral language. Employers could also place job or other advertisements in LGBT press and fly the rainbow flag during Pride season. Anonymised application procedures are especially helpful for trans applicants. Bigger organisations can establish LGBT networks and straight allies' groups.

To support the LGBT movement in Germany, employers should always ensure their support is meaningful. It is always good to approach local LGBT groups and ask what is needed. This could be pro bono work, providing venues, helping with campaigns and so on.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in Germany:

- | | |
|--|---|
| <ul style="list-style-type: none">  Consult local LGBT organisations to understand the local context for LGBT people  Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies | <ul style="list-style-type: none">  Train HR staff and promote inclusive policies  Carry out LGBT-inclusive diversity training  Encourage senior managers to promote their commitment to LGBT inclusion and equality |
|--|---|

NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

- | | |
|---|---|
| <ul style="list-style-type: none">  Audit and extend equal benefits to LGBT partners  Establish employee engagement mechanisms like LGBT networks and allies programmes  Carry out LGBT awareness-raising events | <ul style="list-style-type: none">  Partner with local LGBT groups to advance LGBT equality beyond the workplace  Work with suppliers and partners to advance LGBT workplace equality |
|---|---|

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LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Freshfields Bruckhaus Deringer Halo is Freshfields Bruckhaus Deringer's (Freshfields) global LGBT+ employee network. The local network chapter in Germany has over 20 active members across all offices in the country. Halo hosts a global conference every two years, and Halo in Germany runs an annual conference. These conferences include various networking and development sessions on topics such as the importance of LGBT+ role models. Non-LGBT+ staff can actively support and promote sexual orientation and gender identity equality through participating in the Halo Champions network. Launched in 2014, Halo Champions now has over 190 members worldwide. Local senior leaders' active promotion of both networks has been instrumental in the success of Halo and Halo Champions in Germany. Freshfields also trains staff on LGBT+ issues in Germany. When starting at Freshfields, all employees must complete e-learning on German anti-discrimination law; this law includes sexual identity as a non-permissible basis for discrimination. At the regional induction, lawyers attend a diversity and inclusion session, which consists of a conversation about LGBT+ diversity, an introduction to Halo and its goals, and an invitation to join Halo or the Halo Champions network. In addition, the firm actively promotes itself to young LGBT+ recruits. For instance, Freshfields hosts an annual 'Out and About' recruitment event targeted at LGBT+ law graduates and is annually represented at 'Sticks and Stones', an LGBT+ careers fair in Berlin. These events have led to several recruitment success stories. Freshfields also undertakes LGBT+ rights-related pro bono work. For example, partners and other staff in the German offices worked with their colleagues in Italy to help an Italian trans man living in Germany obtain his legal name and gender change under Italian law, a fight which took over six years. His case was successfully closed recently.

Procter & Gamble Equal opportunities, as well as diversity and inclusion, are essential elements of Procter & Gamble's (P&G) corporate culture. The firm's policies expressly prohibit discrimination based on sexual orientation and gender identity. Partner-related employee benefits apply regardless of the partner's gender. In 2014, P&G launched its LGBT and allies network, GABLE, in Germany. The network aims to create a workplace atmosphere where every LGBT employee can bring their whole self to work. Allies are seen as essential for reaching this goal. They are trained to be responsible for their own actions and to intervene when they hear or see behaviour and language that discriminates against LGBT people. Allies are also provided with merchandise allowing them to show visible support for the LGBT community. Every March, P&G celebrates its diversity and inclusion week. GABLE uses this week to inform the organisation about its aims and goals, as well as to recruit and train new members. Since its launch, GABLE has rapidly grown and now works across 10 office and manufacturing plant locations in Germany, both in cities and more rural areas. The network's success is furthered by supportive leadership, with three sponsors at senior management level.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

May – XPOSED Queer Film Festival. www.xposedfilmfestival.com

August – Sticks & Stones LGBT Job and Career Fair. www.sticks-and-stones.com

June / July – Cologne Pride and Christopher Street Day. www.colognepride.de

July – Christopher Street Day Berlin Pride. www.csd-berlin.de

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

July – Christopher Street Day Munich Pride. www.csdmuenchen.de

July/August – Hamburg Pride Christopher Street Day. www.hamburg-pride.de

October – Queer Film Festival Munich. www.qffm.de



FIND LGBT GROUPS AND COMMUNITIES

Antidiskriminierungsstelle des Bundes – a state organisation supporting people who have experienced discrimination on grounds of ethnicity, gender, religion, disability, age, and 'sexual identity', as well as providing information and conducting research. www.antidiskriminierungsstelle.de

Centrum Schwule Geschichte – a Cologne-based centre maintaining a public library and archives relating to the history of homosexuality and activism in Germany, as well as organising exhibitions, lectures and events. www.csgkoeln.org

Lesben- und Schwulenverband in Deutschland – an organisation working to establish complete legal and social equality for the LGBT community through policy work, campaigns, education and community work. www.lsvd.de

MANEO – a Berlin-based anti-violence and anti-hate crime group educating against homophobic abuse and offering counselling and recovery services to victims. www.maneo.de

Mann-O-Meter – a Berlin-based group providing HIV/AIDS related health services and acting as a switchboard to connect tourists and residents with LGBT events, organisations and individuals. www.mann-o-meter.de

PROUT AT WORK – an organisation working with employers to advance workplace equality for LGBT*IQ people. www.proutatwork.de

Queer Refugees Deutschland – a project connecting, supporting and advising LGBTI refugees and organisations working with them. www.queer-refugees.de

Völklinger Kreis – a network for gay business leaders and managers, providing personal and professional networking opportunities and lobbying for equal opportunities in the workplace and beyond. www.vk-online.de

Wirtschaftsweiber – a network for lesbian businesswomen providing professional networking and development opportunities. www.wirtschaftsweiber.de



GET LOCAL LGBT NEWS

L.MAG – an online and printed magazine for lesbians. www.l-mag.de

respekt! – a political magazine run by the LGBT organisation LSVD. www.lsvd.de/presse/respekt.html



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 74 ORGANISATIONS OPERATING IN GERMANY.

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Legal Partner



Freshfields Bruckhaus Deringer

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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)

IRELAND



Population: 5 million



Stonewall Global Diversity Champions: 65

THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Ireland 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.

To help put this into context, it is important to note that 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 40.6.1 and 40.6.2 of the Irish Constitution protect the rights to **freedom of expression, assembly, and association** subject to public order and morality.

There are **no LGBT-specific additions or restrictions** to these rights.

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are **legal** under Section 2 of the Criminal Law (Sexual Offences) Act, 1993.

There is an **equal age of consent of 17 years** for sexual acts regardless of gender under Section 17 of the Criminal Law (Sexual Offences) Act 2017.

Same-sex marriage is legal under Article 41(4) of the Constitution of Ireland.

Same-sex couples have **equal rights to joint adoption and second-parent adoption** under Section 16 of the Adoption (Amendment) Act 2017.

Same-sex couples **cannot currently both register their names on a child's birth certificate**. However, under the Civil Registration Bill 2019, which is expected to be enacted in 2019, registration will be allowed by 'parent' as opposed to strictly one 'mother' and 'father'.

EQUALITY AND EMPLOYMENT

Employment discrimination based on **sexual orientation** is **prohibited** under Section 6(2)(d) of the Employment Equality Act.

There is **no specific legal prohibition of discrimination in employment based on gender identity**.

However, **discrimination against trans people** has been interpreted as being **prohibited** under gender and disability discrimination provisions (Hannon v. First Direct Logistics Limited (2011), Deirdre O'Byrne v. AIB (2014)).

Discrimination based on sexual orientation is prohibited in the **disposal of goods and services** and in the **provision of services, education and accommodation** to the public under Sections 5, 6 and 7 of the Equal Status Acts 2000 and 2015.

All citizens are **equal before the law** under Article 40.1 of the Constitution. There is no explicit reference to sexual orientation and gender identity.

Hate crimes based on **sexual orientation and gender identity** are **not considered an aggravating circumstance** in sentencing.

However, **hate speech** on the basis of **sexual orientation** is **prohibited** under the Prohibition of Incitement to Hatred Act 1989.

GENDER IDENTITY

Trans people **can change their legal gender** by applying for a gender recognition certificate under Sections 8, 12, 18 and 27 of the Gender Recognition Act 2015. Under the Act, a new birth certificate reflecting this change can be acquired.

Legal gender can **only be changed to male or female**. There is no option for a third gender under Section 18 of the Gender Recognition Act 2015.

Legal gender change for those **aged 18 and over** is subject to **self-declaration**. For trans people **aged 16 – 18**, **legal gender change** is subject to a **court order, parental consent** and **certificates** from a medical practitioner and an endocrinologist or psychiatrist under Sections 9, 10 and 12 of the Gender Recognition Act 2015.

Trans people of any age can **change their legal name on all identity documents**, except for their birth certificate, by deed poll. For **those aged 14 – 18**, **parental consent is required** to execute the deed poll. For **those under the age of 14** the deed poll must be **executed by a parent on the child's behalf** with the consent of the other parent (guardians may execute the deed poll if applicable).

IMMIGRATION

Same-sex partners of EU citizens in Ireland **can apply for visas** based on marriage, civil partnerships or de facto partnerships based on cohabitation under S.I. No. 548/2015 – European Communities (Free Movement of Persons) Regulations 2015.

Those who cannot return to their home country for fear of persecution because of their **sexual orientation can seek asylum** on these grounds under Section 8 of the International Protection Act, 2015. A person's **gender identity** may also be **considered when seeking asylum** under the same Act.

A VIEW FROM IRELAND

Stonewall spoke to **Oisín O'Reilly**, Head of Operations and Fundraising for **BeLonG To Youth Services**. BeLonG To works with LGBTI+ young people in Ireland to create a world where they are equal, safe, and valued through the provision of youth groups and specialised support services. It also advocates and campaigns on behalf of young LGBTI+ people to ensure their rights are respected.



Everyday life

Oisín: "Since same-sex sexual activity was decriminalised in 1993, there has been a big improvement in the lives of many LGBTI+ people in Ireland. While many people who used to need support no longer do, there are now other groups accessing our services, such as trans people, people with disabilities, and those struggling with their mental health.

A range of factors shape LGBTI+ people's experiences. These can include their location, their gender, whether they are from migrant communities, class, and disabilities. For instance, LGBTI+ people living in rural communities can find it more challenging to live openly despite the successful national vote in favour of same-sex marriage in 2015. Two-thirds of service users are trans, and trans people face unique challenges including mental health issues, family problems, and struggles related to transitioning.

Mental health is also an ongoing struggle for LGBTI+ young people. Research BeLonG To conducted last year showed us that 90 per cent of LGBTI+ young people have an ongoing struggle with their mental health. Nearly half of the LGBTI+ youth surveyed felt reluctant to open up about their mental health due to the perceived expectations that they should feel happy following the successful marriage referendum in Ireland. The research also found that LGBTI+ youth fear talking about mental health challenges they experience after coming out. 56 per cent of respondents didn't want to worry their parents or friends about their mental health issues and felt pressure to appear content after coming out as LGBTI+."

LGBT groups

Oisín: "Legally, LGBTI+ groups can organise freely in Ireland. However, we have seen a rise in hate speech and discrimination here: organisations have been forced to redirect their efforts to counter this, in addition to it negatively impacting on LGBTI+ people's wellbeing.

Despite this, there is a flourishing range of LGBTI+ organisations in Ireland. These vary from national lobbying and campaigning organisations to smaller social organisations such as sports groups. The areas of focus for LGBTI+ organisations are wide-ranging. Issues being focused on include workplace culture, bullying in schools and inclusive healthcare. The latter is particularly important because of the huge lack of funding for LGBTI+-specific health services and the lack of mental health provisions generally."

Visibility

Oisín: "LGBTI+ people are visible in everyday life, but the level of visibility varies depending on your identity and location. We have several gay politicians and our prime minister is openly gay. However, bi people are generally invisible in Ireland and when bi identities are publicised it is usually

accompanied by negative stereotypes. Trans people are visible in the media and everyday life but it is a different type of visibility, with the focus being on debates around trans identities instead of trans people themselves. Sometimes, this can lead to problematic or extreme views in the media which unfortunately can act as members of the public's single source of information on gender identity."

Workplaces

Oisín: "In more traditional workplaces, coming out can be one of the biggest challenges. Most people in Ireland work for small- and medium-sized enterprises (SMEs), meaning they are likely to be the only openly LGBTI+ person in their office. This can make asking their employers to be understanding difficult. Large multinationals in Ireland are engaging in ongoing work to create LGBTI+ inclusive workplaces but very little is done by smaller employers, likely due to a lack of HR teams or Diversity and Inclusion programmes within SMEs.

BeLonG To is excited to launch an online training programme for SMEs in 2019 to help overcome this challenge, which is one way that employers in Ireland can support their LGBTI+ staff. Professional associations also have a role to play through the provision of inclusive training. It's important that management understand the impact of inclusive workplaces, otherwise they won't be able to retain employees: a younger workforce is coming in with a better understanding of these issues.

It is always helpful for businesses to engage in advocacy for the wider LGBTI+ community. Advocacy on issues such as homelessness in the LGBTI+ community and access to healthcare for the trans community would be really helpful coming from employers. However, when engaging in advocacy, businesses should not simply get involved for PR purposes. Irish people and LGBTI+ groups will call them out. Businesses should make sure that they collaborate with local LGBTI+ groups and uplift the voices of the community, not just their own. True diversity and inclusion means supporting LGBTI+ equality for everyone, not just staff, and this should guide businesses' approach to their customers, advocacy, and their wider human rights responsibilities beyond the LGBTI+ community."

Healthcare

Oisín: "In Ireland, there is a two-tier healthcare system that can have a big impact on LGBTI+ people's experiences. If someone has private health insurance, it's much easier for them to access good, inclusive healthcare. Those using public healthcare can face several barriers, such as very long waiting times and clinicians with poor training. This has a particular impact on trans people, who can have very traumatic experiences trying to access healthcare in Ireland."

LGBT INCLUSION IN THE WORKPLACE

Stonewall's **Global Workplace Equality Index** is the definitive benchmarking tool for global LGBT 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 LGBT inclusion work across the globe.

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

1. Implement LGBT-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 LGBT employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBT 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 LGBT employees.
6. Evaluate your **procurement** practices to ensure LGBT 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 LGBT groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Ireland with adequate, LGBT-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Bank of America Merrill Lynch

Bank of America Merrill Lynch (BAML) has a strong policy in place that explicitly bans discrimination and harassment based on sexual orientation, gender identity and gender expression. BAML also has an LGBT+ network and an allies programme in Ireland, both of which are flourishing. The LGBT+ network and allies programme receive a high number of sign-ups and new staff are encouraged to join as part of their induction. Allies are engaged through an online portal, allowing them to gain bronze, silver, gold or platinum status based on the completion of various activities, which range from displaying ally stickers to holding breakfast sessions on what being a good ally means. The ally programme also offers specific training and engagement focusing on bi and trans inclusion. The LGBT+ network in Ireland regularly holds awareness-raising events, such as panel discussions with live and online audiences. Other events have included a movie night for staff, as well as a bingo night where all money raised was donated to the local LGBT+ group Gay Switchboard. BAML also participates in the annual Pride parade in Dublin, with 49 members of staff walking in the parade in 2019. Additionally, the Bank has inclusive policies and benefits are gender neutral and offered equally to those in same- or different-sex relationships.

Citi

Citi ensures that LGBT people are included throughout their policies. Sexual orientation, gender identity and gender expression are explicitly covered in Citi's anti-discrimination and bullying and harassment policies. Partners of employees are also able to access equal benefits, regardless of gender. Citi's tendering processes for procurement include a supplier diversity and inclusion assessment that covers sexual orientation, gender identity and gender expression. In Dublin, Citi has an active Pride network with over 100 members, including 15 committee members and two senior sponsors. The network carries out a range of initiatives to promote LGBT inclusion. These include monthly social events, senior leader panel discussions, an interactive training experience to build awareness on LGBT issues in the workplace and participation in the annual Dublin Pride parade. Citi has also carried out LGBT-inclusive diversity training in Ireland. Employees are required to attend online training on 'Fostering an Inclusive Environment', which specifically addresses LGBT identities. Citi Dublin is a founding member of FuSloN (the Financial Services Inclusion Network) and partners with 11 other financial institutions across Ireland to coordinate and implement LGBT-inclusive practices and collaborate on events and community service to drive positive change in the workplace and beyond.

Fidelity International

To enable all staff to engage with LGBT inclusion at work, Fidelity has an Allies programme, with 40 per cent of employees in Ireland signed up as LGBT allies. Voluntary local 'LGBT Ally' training is also run twice a year in the Dublin office, with over 50 staff in attendance at the previous session. Additionally, Fidelity has an intersectional employee network that has carried out a range of activities. These include sessions during Pride month to educate and inform all staff about LGBT issues, as well as participation in the annual Pride parade.

LGBT culture and history are celebrated: Fidelity provides information on, and facilitates access to, events such as Dublin GAZE LGBT Film Festival, the International Dublin Gay Theatre Festival, as well as screening LGBT-themed films in the office. Finally, Fidelity has partnered with other organisations in Ireland to advance wider LGBT equality. Fidelity is a member of FuSloN (the Financial Services Inclusion Network) and it also partners with local LGBT organisation BeLonG To. In addition to having BeLonG To speak at the Dublin office, Fidelity shares volunteering opportunities with staff and publishes blog posts about BeLonG To's work.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

May – International Dublin Gay Theatre Festival www.gaytheatre.ie

June – Dublin LGBTQ Pride www.dublinpride.ie

July / August – GAZE International Film Festival www.gaze.ie

September – Lisdoonvarna LGBT Matchmaking Festival www.theouting.ie

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



FIND LGBT GROUPS AND COMMUNITIES

LGBT Ireland – an organisation providing support and information services, with a helpline, peer support service, awareness training and conducting advocacy and campaigning. www.lgbt.ie

National LGBT Federation – an organisation campaigning for equal rights of and an end to discrimination against LGBT people in Ireland and internationally. www.nxf.ie

Transgender Equality Network Ireland – a national network seeking to improve conditions for and advance the rights of trans people and their families. www.teni.ie

BeLonG To – an LGBT youth organisation supporting young people aged between 14 and 23. www.belongto.org



GET LOCAL LGBT NEWS

Gay Community News (GCN) – an online LGBT news publication with a magazine, television channel and podcast. www.gcn.ie

EILE Magazine – an online LGBT magazine. www.eile.ie



NATIONAL HUMAN RIGHTS INSTITUTION

Irish Human Rights and Equality Commission – www.ihrec.ie

The Irish Human Rights and Equality Commission is the Irish National Human Rights Institution where complaints of human rights violations on the grounds of sexual orientation and gender identity can be made.



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The **Global Diversity Champions** programme gives employers the tools they need to take a strategic and structured approach to LGBT 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 offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT 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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ISRAEL



Population: 8.4 million



Stonewall Global Diversity Champions: 44



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Israel 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.

To help put this into context, it is important to note that 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

The rights to freedom of expression and assembly are guaranteed under Basic Law: Human Dignity and Liberty 1992 and the High Court of Justice Ruling, 73/53 Kol HaAm v. The Minister of Interior, 871.

There are **no LGBT-specific restrictions** or additions to these rights.

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are not criminalised and are therefore **legal**.

There is an **equal age of consent of 16 years** for sexual acts regardless of gender under Section 346 of the Penal Law, 1977.

Same-sex marriage is not legal. However, the Ministry of the Interior is obligated to **register same-sex couples who married abroad** as formally married in Israel according to Supreme Court Ruling Yossi Ben Ari v. The Director of the Population Administration, Ministry of Interior, November 21, 2006.

Same-sex couples can be recognised as **common law partners**, which entitles them to most of the rights of different-sex couples including certain financial entitlements parental rights, entitlements upon separation and procedural rights in court proceedings.

Same-sex couples have **equal rights to second-parent adoption** under Civil Appeal (Supreme Court) 10280/01 Dr. Tal Yaros Hakak v. The Attorney General.

Joint adoption by same-sex couples is **permitted** according to a memo published by the Attorney General in 2008.

EQUALITY AND EMPLOYMENT

Employment discrimination on the grounds of **sexual orientation is prohibited** under Section 2 of the Equal Opportunities at Work Law 5748 – 1998. There is **no explicit reference to gender identity**.

Discrimination on the basis of **sexual orientation** in the provision of products, services and entry to public places is **prohibited** under Section 3 of the Law on Prohibition of Discrimination in Products, Services and Entry to Entertainment and Public Places Law, 2000. There is **no explicit reference to gender identity**.

Sexual harassment on the basis of **sexual orientation** is prohibited under Section 10A of the Prevention of Sexual Harassment Law, 1998

The Patients' Rights Law – 1996 **prohibits the discrimination of patients** based on their **sexual orientation**.

Hate crimes based on sexual orientation and gender identity are considered an **aggravating circumstance** in sentencing under Section 144 of the Penal Law, 1977.

GENDER IDENTITY

Trans people can change their legal gender on their official ID card and in the official Population Registry.

Legal gender can **only be changed to male or female**. There is no option to change legal gender to a third gender

Legal gender change is subject to a medical certificate evidencing gender reassignment (without surgery) or **gender reassignment surgery** under the Population and Immigration Authority Regulations (updated November 2015).

Trans people **can change their legal name** under the Population and Immigration Authority Regulations (updated January 2019).

Legal name change is subject to approval from the registrar clerk at the Ministry of Interior. The Ministry of Interior may deny a request to a legal name change if the name is likely to mislead the public or insult public sentiment. There are no documented cases of trans people being denied a legal name change on these grounds.

IMMIGRATION

Dependent visas are available to partners of people working in the country, but it is **not specified whether this applies to same sex couples**. However, visas may be granted to couples who can prove a familial connection, which may include same-sex couples married outside of Israel.



A VIEW FROM ISRAEL

Stonewall spoke to **Shachar Grembek**, Founder and Director of **LGBTech**, about the context for LGBT+ people in Israel. LGBTech is an organisation dedicated to supporting the professional LGBT+ community and promoting diversity and inclusion within businesses. They do this by hosting networking and fundraising events with speakers from around the world (such as Lord Brown, the PM of Luxembourg, Dr Vivienne Ming and Sir Ronald Cohen, amongst others), as well as working with companies to develop their LGBT+ diversity and inclusion policies and activities, and offering their Israel Diversity Standard charter for consideration.



Stonewall also interviewed **Roei Shaul Hillel**, LGBT activist and social worker for LGBT communities in Israel.

Everyday life

Shachar: “Over the past few years, Israel’s LGBT+ population has won some hard-fought legal advances, the majority of which have come from the Supreme Court. Despite this progress, there are still rights to be won, such as marriage equality and local access to surrogacy. In the more liberal parts of Israel it’s generally safe for people to be themselves. However, this isn’t the case in the more conservative areas. Sadly, the last two years have seen an increase in anti-LGBT political rhetoric, which certainly trickles down to the day to day experiences people have. Though not common, there have been some high-profile cases of LGBT+ people experiencing physical violence.”

Roei: “We’ve seen progress in the past few years, but resources and advances in LGBT equality are not evenly distributed throughout Israel. There are big differences regarding different groups in society depending on gender, ethnicity, geography, etc. Palestinians and Arabs face particular barriers and have less access to LGBT-inclusive spaces and services. For instance, there are fewer LGBT groups focusing on issues specific to them, and also fewer that have resources and services available in Arabic. Trans people also have less access to resources. For example, they face many barriers when trying to access the labour market, or even educational institutions. Another factor is where in Israel you live. Tel Aviv has many resources, groups, clinics and clubs for LGBT people and the level of acceptance is generally higher. This means that those LGBT people who can afford to often move to Tel Aviv, while those who cannot may be more isolated and lack access to these services.”

LGBT movement

Roei: “There is a growing understanding that we have to work on LGBT equality throughout the country, and not just in the bigger cities. 20 years ago, we only had one Pride parade; this year, we saw over 90 Pride events taking place all over the country – a huge success. But there’s a lot of work left to do. We need to make services accessible to LGBT people outside Tel Aviv and we need to empower rural LGBT communities.”

LGBT groups in Israel are providing many services to LGBT communities, and the Ministry of Welfare works with us to this end. But often politicians are less willing to support us in terms of passing new laws that would provide legal equality for the LGBT community.

We also need to do more for trans communities and trans equality. For instance, universities have to become better at recruiting trans students, and need to change their policies and practices to support trans students throughout their education. Trans people often have less access to power than cis lesbian, gay and bi people and need them to step up as allies.”

Visibility

Roei: “At least in the secular Jewish society in Israel, LGBT people have become much more visible. We see musicians and artists who are out, and have more openly gay Parliament members than ever before. However, it’s mostly gay and lesbian people who are visible, with fewer trans and bi people.”

Workplace

Shachar: “One of the main challenges that LGBT people face at work in Israel is feeling the need to stay in the closet. In the top 100 companies in Israel, no CEOs or board members are visibly out. This is less of an issue in the tech industry, but it can be a big challenge in more conservative sectors like the financial industry. Also, I’m unaware of any Israeli financial businesses that have an LGBT employee resource group. There’s also often a lack of appropriate policies for supporting LGBT staff, with companies only just beginning to recognise the importance of inclusive policies.”

To support their LGBT employees, employers should actively communicate their commitment to LGBT equality. They should also implement inclusive policies to ensure LGBT staff are supported and to make up for gaps in the law. Companies should also invest more in understanding how to keep trans staff safe.

In terms of supporting the LGBT community more widely, businesses can donate to LGBT organisations.

Some companies may be wary of engaging publicly in the fight for LGBT equality because they worry conservative customers will have a negative response. However, there are other companies in the tech community who are actively supportive and will take part in Pride or use inclusive advertising.”

Healthcare

Roei: “There is generally a positive trend towards establishing new, unique clinics for LGBTQ communities in big cities (Tel Aviv, Jerusalem, Beer Sheva and Haifa) mainly in order to provide free or subsidised services, as well as appropriate services for trans people. There’s also a trend of educating existing institutions, training doctors and physicians regarding medical transitioning and so on, with information on this often lacking in less privileged communities. We see that in terms of mental health, there’s an increase in the number of services providers that are specifically for LGBT people. Asylum seekers, refugees and non-citizens are not included within the mandatory healthcare rule, therefore sex adjustment surgeries are not covered. Also, most services are given in Hebrew and English and are yet to be promoted enough within Arabic speaking societies.”

LGBT INCLUSION IN THE WORKPLACE

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT 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 LGBT inclusion work across the globe.

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

1. Implement LGBT-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 LGBT employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBT 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 LGBT employees.
6. Evaluate your **procurement** practices to ensure LGBT 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 LGBT groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Israel with adequate, LGBT-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

IBM

IBM's workplace policies are explicitly inclusive of LGBT+ people and prohibit discrimination and harassment, including, among others, based on sexual orientation, gender identity and gender expression. IBM puts emphasis on diversity and the importance of bringing people together. The LGBT+ employee network is an essential foundation driving the local practice at IBM Israel and ensuring LGBT+ staff are supported and included across all IBM sites in the country. During Pride month in June 2019, IBM held four lectures in partnership with local LGBT+ groups to educate staff on issues ranging from coming out and family members, to supporting trans people in the labour market. Every year, IBM's staff march under flags featuring IBM's diversity logo at Tel Aviv Pride. Out role models exist at IBM sites in Israel. They act as a point of contact for LGBT+ staff, management and allies, to raise concerns or initiate new ideas for inclusion initiatives.

IBM partners with and supports several LGBT+ groups in Israel. In 2018, when the government proposed a surrogacy law that excluded male couples, IBM supported the LGBT community and LGBTech organisation in particular in opposing the law. IBM was also part of the LGBTech working group to prevent parliament from passing discriminatory legislation. IBM supported its LGBT employees as well as allies that wanted to participate in a nationwide strike opposing the law, and was the first global company to issue a global statement condemning discrimination against the LGBT+ community.

IBM enables its staff to volunteer and provides grants when employees spend over 40 hours a year volunteering, for example with any of the dozens of NGO's in Israel including trans equality organisations and other LGBT+ organisations.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

March – Tel Aviv LGBT Games www.telavivgames.org

June – Tel Aviv Pride www.gaytelavivguide.com/events/event

June – Jerusalem Pride, organised by Jerusalem Open House for Pride and Tolerance www.joh.org.il

June – TLV Fest - The International LGBT Film Festival
www.tlvfest.com/tlv/he/en

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



FIND LGBT GROUPS AND COMMUNITIES

Jerusalem Open House for Pride and Tolerance – an organisation providing healthcare services and support to the LGBT community.
www.joh.org.il

Hoshen – an organisation working to promote tolerance of the LGBT community and raise awareness about sexual orientation and gender identity.
www.hoshen.org

Igy – an organisation acting to empower LGBT youth in education.
www.igy.org.il

LGBTech – an Israeli organisation dedicated to supporting the professional LGBT community and promoting diversity and inclusion.
www.lgbtech.com

The Aguda (The Association for LGBT Equality in Israel) – an umbrella organisation working locally and international to improve the situation for Israel's LGBT community. www.lgbt.org.il/english



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 44 ORGANISATIONS OPERATING IN ISRAEL.

The **Global Diversity Champions** programme gives employers the tools they need to take a strategic and structured approach to LGBT 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 offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT 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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ITALY



Population: 62+ million people



Stonewall Global Diversity Champions: 57



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations. Italy 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

The Constitution protects **rights to freedom of expression, association and assembly** under Articles 21, 18 and 17.

There are **no LGBT-specific restrictions or additions** to these rights.

FAMILY AND SAME-SEX RELATIONSHIPS

Sexual acts between people of the same sex are **legal**.

There is an **equal age of consent** of 14 years for sexual acts regardless of gender under Article 609 of the Italian Criminal Code.

The age of consent between minors is 13 years, as long as the other minor is a maximum of three years older.

Same-sex marriage is **not legal**.

Same-sex couples can legally **enter into civil unions** or register as 'de facto couples' under Article 1 of Law no. 76/2016.

A **marriage** entered into by a **person who** thereafter changes their **legal gender** is automatically **converted into a civil union**, if the relevant couple does not want to dissolve their union, as per Article 1 of Law no. 76/2016.

Same-sex couples cannot jointly adopt children as adoption is reserved for married couples under Article 6 of Law no. 184/1983.

Recently, **courts** have started to **grant second-parent adoption** to same-sex couples under particular circumstances (e.g. Court of Cassation, 22 June 2016, no. 12962).

EQUALITY AND EMPLOYMENT

Article 3 of the Constitution states that **everyone is equal before the law** but there is no reference to sexual orientation and gender identity.

Employment discrimination based on sexual orientation is prohibited under Article 7 of the Legislative Decree no. 165/2001, Legislative Decree no. 216/2003 and Article 15 of Law no. 300/1970.

These employment laws make **no reference to gender identity**.

The **prohibition on discrimination based on sexual orientation** is also included in some Italian national **collective bargaining agreements**, for example Article 58 of the Italian NCBA for the environmental service sector.

The provisions of national collective **bargaining agreements** that **grant rights to married individuals** (e.g. leave due to partner's serious illness) **extend to individuals** that have entered a **civil union** under Article 1 of Law no. 76/2016.

Hate crimes based on sexual orientation or gender identity are **not considered aggravating circumstances** in sentencing an offender under Article 3 of Law no. 205/1993.

GENDER IDENTITY

Trans people can change their **legal gender** (to 'female' or 'male') **and name** and obtain amendments of the relevant records in the official civil register and on identification documents.

To do so, a **two-step process** is required under Law no. 164/1982 and Article 31 of Legislative Decree no. 150/2011.

The **applicant must acquire authorisation from a judge for surgical intervention** when 'necessary' as well as authorisation to amend the legal records and identification documents.

Both the Constitutional Court and the Supreme Court held that **surgical intervention** is **only 'necessary' if considered so by the person seeking legal change of gender** (Italian Constitutional Court, 13 July 2017, no. 180; Italian Court of Cassation, 20 July 2015, no. 15138).

IMMIGRATION

Dependant visas are **available to same-sex partners** who have entered into a civil union with an Italian citizen or a foreigner with a work permit or residence permit (Circular of the Italian Ministry of the Interior, 5 August 2016, no. 3511).



A VIEW FROM ITALY

Igor Suran is the Executive Director of Parks – Liberi e Uguali, a non-profit organisation supporting businesses in different sectors to build respectful and open environments for their LGBT employees. Through training, panel events, conferences and a workplace LGBT diversity benchmarking index, Parks are setting the standard for how to be a truly inclusive employer in Italy.



Global Inclusion through LGBT Inclusion

What are some of the developments for LGBT equality in Italy?

The Civil Unions law was approved in 2016 but previously the lack of legislation recognising same-sex partnerships had repercussions, both for individuals and more broadly for the societal acceptance of LGBT people in a country where a religious, conservative tradition has often shaped opinions on divisive issues. However, the Civil Unions law is now legitimising and normalising same-sex relationships. Civil unions in Italy differ from marriage mainly in name and adoption rights: the right to adopt a same-sex partner's child is not part of this law and continues to be decided by judges on a case-to-case basis. Same-sex couples are also still not allowed to jointly adopt children.

What are some specific issues regarding lesbians, bi women and trans people?

Bi identities are largely off the radar. Lesbians used to lag behind in visibility and public recognition. Partly, this was because of a traditional culture that did not acknowledge the existence of lesbian relationships but also because of the general lack of gender equality in society. This is now changing, partially because of an increased focus on biological and fostered motherhood in lesbian couples. Parks has held roundtable events with high-ranking lesbians in the workplace to build awareness, which have shown that many lesbians in fact wish to first tackle gender discrimination in the workplace before looking at sexual orientation. With regards to trans rights, Italy has allowed legal gender reassignment since 1982. However, it wasn't until recently that the courts set precedents for legal gender change without the need for gender reassignment surgery. Parks work with a growing number of businesses on the creation of transitioning at work guidelines as a tool for managers.

How are LGBT people portrayed in the media?

Legislation exists against discrimination in the media based on sexual orientation and gender identity. However, until the Civil Unions law was passed, the representation of LGBT community was either non-existent or largely limited to humorous characterisations of effeminate gay men and other stereotypes. This is now changing with more serious and objective discussions about the LGBT community in the press and in TV debates. Fictional entertainment is becoming more open to true-to-life LGBT representation and several TV commercials now include LGBT people and families. More public visibility for LGBT people has also received a backlash, but in the long run will stimulate an open debate across society.

What is the workplace like for LGBT people?

All employers in Italy have had to implement benefit and leave policies for same-sex partners after the Civil Unions law was passed. Parks created a guide on how the provisions of the Civil Unions law change HR policies. Despite this positive progress, LGBT workplace inclusion is still not necessarily viewed as a legitimate concern. Bias, stereotypes and strongly embedded negative views, such as perceived lack of leadership skills, still largely prevent LGBT people from coming out at work. However, more and more businesses participate in awareness and consultancy courses to move the conversation in the right direction and challenge unconscious bias.

Do international or Italian organisations publicly support LGBT equality?

In the process leading to the Civil Unions law, inclusive businesses – while not publicly 'lobbying' for LGBT equality legislation – did lead by example. They did so through policies, such as extending equal benefits, and through having strong internal statements about non-discrimination. Some also spoke in the press about their policies and about the business case for inclusion. Pride parades in Italy have seen a growing number of businesses participating every year. The best employers extend their HR policies beyond legal requirements and recognise social or affective parenthood and facilitate gender transition for trans employees. In the past, foreign companies used to be the most progressive but today a growing number of Italian companies are at the forefront of LGBT inclusion. What used to be done by large employers is now increasingly happening in small- and medium-sized enterprises as well. Finally, a number of foreign diplomatic missions have historically been valuable allies to Italian organisations engaged in LGBT inclusion.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

There are several steps that employers can take to start creating a supportive workplace environment for their LGBT employees in Italy:

- ✓ **Consult local LGBT organisations to understand the local context for LGBT people**
- ✓ **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
- ✓ **Train HR staff and promote inclusive policies**
- ✓ **Carry out LGBT-inclusive diversity training**
- ✓ **Encourage senior managers to promote their commitment to LGBT inclusion and equality**
- ✓ **Audit and extend partner benefits to same-sex partners**

NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

- ✓ **Establish employee engagement mechanisms like LGBT networks and allies programmes**
- ✓ **Carry out LGBT awareness-raising events**
- ✓ **Partner with local LGBT groups to advance LGBT equality beyond the workplace**
- ✓ **Work with suppliers and partners to advance LGBT workplace equality**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org.uk/gwei



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

BNP Paribas

BNP Paribas has a code of conduct that expressly prohibits discrimination based on sexual orientation and gender identity. In addition to legally required benefits, BNL, the commercial bank of BNP Paribas in Italy, also offers benefits and parental permissions to same-sex couples in a civil union that married different-sex couples are entitled to. In May 2017, BNP Paribas launched a local LGBT network in Italy, sponsored by the Italian CEO and HR Director. The network is open to LGBT employees and their allies and works to promote a supportive environment where LGBT employees are respected and valued. BNP Paribas runs LGBT awareness-raising events to train employees and mobilise allies. For instance, BNP Paribas Pride Italy organised a seminar on the language of inclusion, attended by around 130 employees. Senior managers have also been trained on the importance of being an ally through a webinar organised by the BNP Paribas Global Pride network. The bank partners with the local LGBT organisation Parks - Liberi e Uguali to create a more equal and inclusive workplace for BNP Paribas' LGBT employees in Italy. The bank participates in Parks' annual LGBT diversity index to measure its success and plan progress.

Vodafone

Vodafone Italy is committed to creating equal and inclusive workplaces for its LGBT+ employees and the company's policies and practices build the foundation for this. These policies explicitly ban discrimination and harassment based on sexual orientation and gender identity. They're implemented at Vodafone Italy, along with equal partner benefits for employees in same-sex relationships. To bring these policies to life, Vodafone collaborates with non-profit organisations to set up training activities on inclusion for employees. For example, a one-day training session for managers focused on building an inclusive workplace culture and included LGBT+ themes. A range of toolkits and training materials is also available to employees, including on gender identity and embedding LGBT+ inclusion into customer care. To make sure that LGBT+ employees feel supported to be themselves at work, Vodafone Italy also runs an LGBT+ Friends network for LGBT+ employees and allies of LGBT+ people. The network is supported by an executive LGBT+ sponsor, who provides leadership support and sponsorship of in-country activities. Vodafone also works to support LGBT+ equality beyond its own workplace. The firm has an ethical purchasing code, which includes Vodafone's stance on LGBT+ inclusion. Every new supplier must sign the code to confirm they will comply with it. In 2017, Vodafone was also an official sponsor of Milan and Rome Prides and promoted its involvement through social media and in local retail stores. For Valentine's Day, Vodafone ran a TV advert that featured a same-sex couple's kiss, reaching millions of people throughout the country.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June – Rome Pride. www.romapride.it

June – Milan Pride. www.milanopride.it

September – Annual Forum: LGBT People at Work. www.parksdiversity.eu

December – Diversity Media Awards. www.diversitylab.it/dma/

December – Diversity Business Awards. www.diversitylab.it/dba/

All year – Prides throughout Italy. www.ondapride.it/londa

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



FIND LGBT GROUPS AND COMMUNITIES

Arcigay – an LGBT organisation operating throughout Italy and focusing on policy work, education and campaigns. www.arcigay.it

Arcilesbica – a group working to end discrimination against lesbians and to enhance the visibility of lesbians in Italian society. www.arcilesbica.it

Diversity Lab – an organisation working with businesses, including the media, to promote diversity and inclusion with a focus on sexual orientation and gender identity and expression. www.diversitylab.it

EDGE – a network of LGBT professionals, entrepreneurs and managers working to improve the personal and professional lives of LGBT people in Italy. www.edge-glb.it

Famiglie Arcobaleno – a group for gay and lesbian parents and prospective parents which aims to support them, foster dialogue and rethink what families can look like. www.famigliearcobaleno.org

MIT - Movimento Identità Transessuale – an organisation providing services to trans people and working for the advancement of trans rights. www.mit-italia.it

Parks – Liberi e Uguali – an organisation supporting businesses in different sectors to build respectful and open environments for their LGBT employees. www.parksdiversity.eu

Rete Lenford – an association of lawyers working to advance respect for the rights of LGBTI people. www.retelenford.it



GET LOCAL LGBT UPDATES

Gay News – an online LGBT publication. www.gaynews.it

Gay.it – an online publication for the gay community. www.gay.it

LGBT Italia – an online LGBT publication. www.lgbitalia.it



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Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of February 2018. 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)

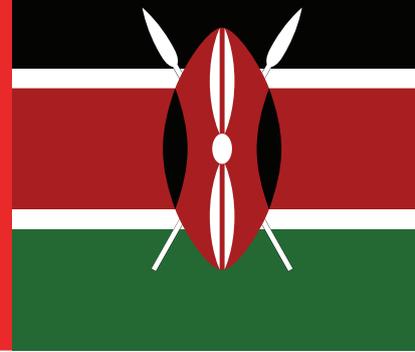
KENYA



Population: 47+ million



Stonewall Global Diversity Champions: 19



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Kenya is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. 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.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 33, 36 and 37 of the Constitution of Kenya protect the **rights of freedom of expression, association and assembly, demonstration, picketing and petition.**

Each of these **rights may be restricted** under certain specified circumstances, but there are **no specific restrictions** regarding the **rights of LGBT people.**

In 2015, the **High Court of Kenya ruled** that these **rights are held by every person, including LGBT people.**

The **Kenya Film Classification Board regulates** the creation, broadcasting, possession, distribution and exhibition of **films and stage plays** as provided for in Section 15 of the Films and Stage Plays Act.

The **Board has banned LGBT-related content** from being aired or watched in Kenya on the ground that such content is against public morals.

FAMILY AND RELATIONSHIPS

Different **sexual acts** and attempted sexual acts **between people of the same sex are illegal** and may be **punished with imprisonment** of up to five or up to 14 years under Sections 162, 163 and 165 of the Penal Code Cap 63 Laws of Kenya.

A **petition to decriminalise same-sex sexual activity** was **referred to the Chief Justice** by the High Court in 2016 in order to make a constitutional determination.

In March 2018, a **Court of Appeal held** that **forced anal examinations** previously used by authorities to test for same-sex sexual activity **are unconstitutional.**

Article 45 of the Constitution only **recognises marriages between persons of the opposite sex.**

There is **no legal recognition of same-sex couples.**

Section 158(3)(c) of the Children Act specifically **prohibits the adoption of a child by a 'homosexual' person.**

EQUALITY AND EMPLOYMENT

Section 5 of the Employment Act, Cap 226 of the Laws of Kenya, **prohibits employment discrimination based on a limited list of grounds including HIV status.** The **list does not include sexual orientation or gender identity.**

There are **no other non-discrimination provisions** making **reference specifically to sexual orientation and gender identity.**

Article 27(1) of the Constitution provides the **rights to equality, freedom from discrimination** and that **every person is equal before the law** and has the **right to equal protection** and benefit of the law.

GENDER IDENTITY

There is **no legal gender recognition** for trans people.

Under the Registration of Persons Act, Cap 107, the **details of a person in the principal register of persons must include sex.** 'Sex' has subsequently been defined as **either male or female** by the High Court in 2007.

Name change is allowed for all persons, including trans people, as held by the High Court in 2014. The name **can be changed via a deed poll** under the Registration of Documents Act.

Trans people submitted a memorandum on the 2016 Health Bill **seeking to be legally recognised** and to curb the stigma associated with trans identity. The **law has remained unchanged.**

In 2014, the **High Court allowed** for the **removal of the gender mark on a trans person's exam certificate.**

IMMIGRATION

There is **no explicit provision** in the Kenya Citizenship and Immigration Act Cap 171 that **allows for dependant visas for same-sex partners.**

A VIEW FROM KENYA

Jackson Otieno is programmes officer at the Gay and Lesbian Coalition of Kenya (GALCK). GALCK is a national umbrella organisation connecting 16 Kenyan LGBTI groups and has been operating since 2006.

Levis Maina is the founder of Sullivan Reed, a national LGBT group working to economically empower LGBT people in Kenya as well as create safe workplaces.



What is the context within which LGBT rights discussions take place in Kenya?

Jackson: Kenya is a very diverse country, with different religious groups and various ethnic communities. There are also sharp ideological divides between political movements. Within this diverse society, gender and sexual minorities have increasingly claimed space to talk about issues affecting them. Making use of social media and other online spaces, we can see a growing boldness to speak about gender and sexual diversity. This is despite strong resistance: often the louder the sexual orientation and gender identity and expression movements get, the louder their opposition responds.

What are some of the challenges LGBT people face in Kenya?

Jackson: People who don't conform to society's expectations about gender and sexuality, particularly LGBTIQ persons, are immediately in danger. LGBTIQ persons are not only marginalised but often face violence and discrimination when they're open about their sexual orientation and gender identity, and when they're perceived to be anything other than heterosexual and/or cisgender. This can come from an individual's family, community or even from state officials.

Together with the organisation Hivos, Sullivan conducted a study on the *State of LGBT Workplace Diversity Among Multinational Corporations in Kenya*. Can you tell us about this?

Levis: 10 international corporations participated in the study and we made several interesting discoveries. There was a real gap in employee awareness on LGBT issues in general, as well as with regard to their companies' diversity and inclusion LGBT policies and actions. Employers on the other hand sometimes have an optimistic perception of what the workplace is like for their LGBT employees. The good news is that both employees and employers believe that championing LGBT workplace equality leads to better

productivity from the workforce. In mid-2017 we launched the Colorful Workplaces programme, which seeks to bridge this gap. Through workplace interventions, we've since found that in Kenya it's more about building a social-cultural case for diversity and inclusion than building a business case.

What can businesses do to champion LGBT equality in Kenya?

Levis: Within the Kenyan context, it's not always best for employers to be publicly vocal about LGBT rights in the country. However, there's a lot employers can - and should - do within their organisations. An important step is training staff on LGBT workplace issues. In particular, HR teams need to be educated on unconscious bias towards LGBT employees and potential LGBT employees during recruitment. Senior and middle-level staff should also be trained on the unique needs of LGBT employees, so they can lead by example. Policies and diversity programmes should be audited and include a commitment to LGBT equality; these policies need to be explained during staff inductions so new employees are aware of them. Business forums and roundtables on LGBT issues can also be very useful for participating employers to share experiences, as well as discuss LGBT diversity and inclusion strategies. In addition, businesses can and should sign up to the UN Standards of Conduct on tackling LGBTIQ discrimination, launched for the first time in Africa at the Colorful Workplaces conference in Nairobi in February 2018.

Jackson: Businesses do have a role to play in advancing the rights of LGBTIQ persons. At GALCK we believe this role should go beyond workplace issues. Companies can actively advocate for social justice issues and push for human rights for all, including LGBTIQ people. Some of the approaches companies undertake in the west to advance gender and sexual diversity and inclusion may not make complete sense in Kenya. However, companies can understand and use their power to push for diversity and inclusion for all, including LGBTIQ persons. To make sure the approach taken is mindful of local context and corresponds to the needs of LGBTIQ people in Kenya, businesses should consult with local LGBTIQ rights movements.



LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in Kenya:

- ✓ **Consult local LGBT organisations to understand the local context for LGBT people**
- ✓ **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
- ✓ **Train HR staff and promote inclusive policies**
- ✓ **Carry out LGBT-inclusive diversity training**
- ✓ **Encourage senior managers to promote their commitment to LGBT inclusion and equality**

NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

- ✓ **Carry out LGBT awareness-raising events**
- ✓ **Partner with local LGBT groups to advance LGBT equality beyond the workplace**
- ✓ **Work with suppliers and partners to advance LGBT workplace equality**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org.uk/gwei



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Safaricom

Safaricom is committed to providing a supportive working environment to all employees. As part of its Diversity and Inclusion work, Safaricom continues to train its leaders and employees on unconscious bias and ways to promote an inclusive workplace. Further, all Safaricom employees enjoy access to an employee assistance programme that offers them advice and support on a broad range of issues, including matters regarding their gender and sexuality. The success of Safaricom's diversity and inclusion work is a result of support at a senior leadership level. The CEO, Bob Collymore, is a member of a global team of leaders who support diversity initiatives, with a specific focus on LGBT+ and equality. Safaricom, continues to partner with other multi-national organizations in Kenya to further the conversation on Diversity and Inclusion; one such event was a recent external LGBT equality event hosted by IBM.



GET INVOLVED



FIND LGBT GROUPS AND COMMUNITIES

Gay and Lesbian Coalition of Kenya (GALCK) – a national sexual orientation and gender identity and expression umbrella body, representing LGBQ voices across Kenya. www.galck.org

Ishtar MSM – a group working for sexual health rights and social wellbeing for men who have sex with men. www.ishtarmsm.org

Transgender Education and Advocacy – an organisation defending and promoting the human rights of trans people. www.transgender.or.ke

Artists for Recognition and Acceptance – a group seeking to provide a safe platform for LBT women to express themselves and engage with others. www.galck.org/afrakenya

Minority Women in Action – a group representing the rights of LGBTI women. www.galck.org/mwa

Persons Marginalized and Aggrieved – a group working to advance the human rights of gender and sexual minorities through advocacy, partnerships, health promotion and empowerment. www.pemakenya.org

Gay Kenya Trust – a human rights, media and religious advocacy group for gay identifying men. www.gaykenya.com



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 19 ORGANISATIONS OPERATING IN KENYA.

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NIGERIA



Population: 190+ million people



Stonewall Global Diversity Champions: 18



THE LEGAL LANDSCAPE

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Nigeria is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. 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.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY	FAMILY AND SAME-SEX RELATIONSHIPS	EQUALITY AND EMPLOYMENT	GENDER IDENTITY	IMMIGRATION
<p>Sections 39 and 40 of the Constitution generally protect the rights to freedom of expression, association and assembly.</p> <p>However, the Same Sex Marriage (Prohibition) Act 2013 (the 'Same Sex Marriage Act') restricts these rights for LGBT people.</p> <p>Section 4 and 5 of the Same Sex Marriage Act criminalise the running of, or participation in 'gay clubs, societies and organisations' with a penalty of 10 years' imprisonment.</p> <p>Sections 4 and 5 also criminalise the direct and indirect public display of same-sex relationships with a penalty of 10 years' imprisonment.</p>	<p>Sexual acts, relationships and spouse cohabitation between people of the same sex are criminalised under several laws and punishable with up to 14 years' imprisonment.</p> <p>Same-sex marriage is prohibited under Sections 1, 2 and 3 of the Same Sex Marriage Act.</p> <p>The Same Sex Marriage Act also criminalises the entry into same-sex marriage contracts or civil unions with a penalty of 14 years' imprisonment.</p> <p>'Same sex marriage' is defined in the Same Sex Marriage Act as 'the coming together of persons of the same sex with the purpose of living together as husband and wife' or for other purposes of same-sex sexual relationships; while 'Civil Union' is defined as any arrangement between persons of the same sex to live together as 'sex partners' and includes a list of different partnership arrangements.</p> <p>Same-sex marriage and civil union certificates issued in other countries are invalid in Nigeria under Sections 1 and 2 of the Same Sex Marriage Act.</p> <p>Same-sex couples have no legal right to adopt children jointly or through second parent adoption as the submission of a marriage certificate or sworn declaration of marriage is a requirement for adoption under Section 126 of the Child's Rights Act 2003 and such certificates are invalid if issued to same-sex couples.</p>	<p>There is no specific law which expressly prohibits discrimination in employment based on sexual orientation and/or gender identity.</p> <p>Section 17 of the Constitution states that every citizen is equal before the law, but it does not explicitly refer to sexual orientation and gender identity. This Section of the Constitution is not justiciable and therefore cannot be used for an action in court.</p>	<p>There is no law which permits trans people to change their legal gender or name.</p> <p>Being trans is criminalised in the state of Bauchi under Section 405 of the Bauchi Penal Code.</p>	<p>Dependant visas are available to partners of people working in Nigeria, but it is not specified whether this applies to same-sex couples under Section 20(4)(d) of the Nigerian Immigration Act 2015 and Section 13 of the Immigration Regulations 2017.</p> <p>As same-sex marriages and unions are prohibited it is unlikely that dependent visas would be granted to same-sex partners.</p>

A VIEW FROM NIGERIA

Olumide Femi Makanjuola, of The Initiative for Equal Rights, and **Bisi Alimi**, of the Bisi Alimi Foundation, spoke to Stonewall to tell us about the situation for LGBT people in Nigeria.

The Initiative for Equal Rights (TIERs) works to protect and promote the human rights of sexual minorities nationally and regionally. TIER's work focuses on education, empowerment and engagement with the many communities in Nigeria.

The Bisi Alimi Foundation advocates for the rights and dignity of LGBT people in Nigeria by addressing public opinion and accelerating social acceptance. The Foundation works to achieve its goals through research, legal and media training and campaigns, as well as through work with employers in Nigeria.



Everyday life

Bisi: Sex between men was first criminalised by the British colonial criminal code. The law still exists today. In 2013 the Same Sex Marriage Prohibition Act (SSMPA) was introduced, which further criminalises LGBT people. Not only is the law applied in practice and people are prosecuted, but the general public are also unsure about what it actually entails. LGBT people have been evicted from their homes because landlords were unsure what the law meant and didn't want to go to jail. The law also sends a message that discrimination against LGBT people is acceptable. As soon as people find out someone is LGBT, that person can lose their home, their job, face violence and harassment and may be rejected by family and friends. Most LGBT people will hide their sexual orientation and gender identity to remain safe, but this has a negative impact on their mental health and well-being.

Olumide: Two of the biggest issues LGBT people in Nigeria face is a lack of acceptance and concerns over physical safety. People who fight the battle for greater acceptance towards LGBT people need to worry about their safety especially. Many LGBT people are worried about coming out. Even in cases where family, friends or colleagues are accepting, people will have to worry about attacks on the street or elsewhere. Levels of acceptance and safety will, however, also be influenced based on where in the country the person lives, their class and social status. Nigeria has several regional and national laws criminalising same-sex relationships. While some are not used to prosecute people, others are. However, even where laws are not implemented, they have an impact on the safety and wellbeing of LGBT people.

LGBT groups

Bisi: The SSMPA prohibits the registration of 'gay' clubs, societies and organisations. This means that LGBT groups cannot register as such. However, some organisations registered as human rights, women's or health organisations do focus on issues affecting LGBT people, such as HIV prevention and treatment and other service provisions. Community-based groups also exist for peer support. Businesses can support human rights groups by linking up with them, donating or offering office spaces for meetings.

Olumide: In the past, much of the focus of activism has been on HIV prevention. However, this is now changing, and the focus of activism has shifted beyond just that. Work is being done that focuses on human rights, litigation, policy changes, education, popular culture and shifting the narrative in the country. This holistic approach is needed to change laws and practices as well as heart and minds. In some areas, we have seen some positive progress. For example, we're starting to see more visibility of LGBT people in the media. Of course, while it's still mostly negative narratives being told, this has slowly been changing in the past years and some positive narratives are emerging due to hard work of the activist communities. In general, much of the LGBT rights work is being done under the disguise of health and human rights so as to not break the law and fear arrest. Nevertheless, activists are putting their lives on the line due to their visibility and work, but this activism is desperately needed to change the status quo.

Workplace

Bisi: If a person is perceived to be LGBT, they'll be unable to find a job or will be fired. This has happened even in global organisations with a global commitment to diversity, inclusion and LGBT equality. As a result, LGBT people hide their sexual orientation and gender identity at work, which can have a very negative impact on their well-being and work performance. Not only do they need to hide a part of themselves, but they'll also hear colleagues making general homophobic, biphobic and transphobic comments. However, employers can and should do a lot to support LGBT employees and groups in Nigeria. Introducing policies that prohibit discrimination against LGBT people goes a long way. Staff then need culturally sensitive diversity and inclusion training to bring these policies to life. For example, the Bisi Alimi Foundation offered free training in Lagos in 2017 and further training sessions are planned.

Olumide: Whether and how supported LGBT people feel in the workplace will often depend on factors such as if someone works in a multinational or a local business, as well as what their rank is within the organisation. For most LGBT people it will be safer to hide their sexual orientation or gender identity at work. Even if the business itself has a commitment not to discriminate against LGBT people, LGBT employees will fear harassment from their colleagues. LGBT inclusive anti-discrimination policies are key in ensuring that the workplace is safe for LGBT people. However, these policies need to be well implemented too. Staff need to know that these policies exist, why they exist and how complaints can be reported. Businesses also need to understand that it makes business sense to support their LGBT staff, as LGBT employees will perform better when they feel safe at work. They have a role to play in talking about the cost of homophobia, biphobia and transphobia and how this affects businesses. We also have to think beyond multinational businesses. If multinational organisations require their suppliers and service providers to have LGBT-inclusive policies and practices in place, this will have a positive impact on local businesses too.

Healthcare

Bisi: Accessing healthcare is difficult for many Nigerians, but LGBT people face additional barriers. Many LGBT people feel unsafe accessing healthcare because they fear discrimination from nurses and doctors. LGBT people may also encounter staff who are poorly prepared to attend to their needs and to whom it may be unsafe to disclose personal details. Again, the SSMPA adds an additional worry that doctors and nurses may report the person to the police. However, there are groups offering healthcare services to LGBT people, mostly focusing on HIV and AIDS work.

Olumide: As most LGBT don't feel safe disclosing their sexual orientation or gender identities to their doctor, they often don't receive the care and services they need. This is the case even within the private healthcare system. There's a huge amount of work to be done in order to change hearts and minds within the healthcare system.

LGBT INCLUSION IN THE WORKPLACE

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in Nigeria:

- ✓ **Consult LGBT and human rights organisations to understand the local context for LGBT people**
- ✓ **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
- ✓ **Carry out or sign up to diversity training for staff, especially HR staff, managers and leaders**
- ✓ **Build a global LGBT employee network group**
- ✓ **Enable LGBT employees to remotely and anonymously access the global LGBT network**
- ✓ **Support local LGBT groups to advance LGBT equality beyond the workplace**

Multinational businesses may send their staff on overseas assignments to Nigeria. Here, it is vital that employers have policies and practices in place to support LGBT people ahead of and during their work travel. Employers should take the following steps:

- ✓ **Have relocation policies in place that address additional considerations for LGBT staff and set out how such issues are to be handled by managers**
- ✓ **When sending employees on a posting to Nigeria, make sure to provide them with information on the legal and cultural situation for LGBT people in the country, and a realistic overview of how your organisation can support LGBT employees during the posting**
- ✓ **Make sure LGBT employees do not suffer a career detriment if they decide not to accept the assignment due to their sexual orientation or gender identity, by providing equivalent alternatives**
- ✓ **Take steps to avoid outing of LGBT employees in Nigeria; this may include change of email address and social media security training**
- ✓ **Have strong security mechanisms in place, digital and otherwise, to ensure confidential access to global employee support mechanisms. For example, this may include confidential membership lists and privately marked calendar invitations**
- ✓ **Have an emergency evacuation procedure in place that explicitly takes into consideration sexual orientation and gender identity**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org.uk/gwei



LEARN FROM STONEMALL'S GLOBAL DIVERSITY CHAMPIONS

Baker McKenzie

Baker McKenzie is committed to LGBT equality and employ a 'not neutral' stance on LGBT issues globally. Holding true to this stance, the firm has supported the Bisi Alimi Foundation to accelerate social acceptance of LGBT people in Nigeria. Baker McKenzie provided pro bono legal work to help set up the Foundation and has hosted a range of their events. In 2017, the Bisi Alimi Foundation brought together businesses at Baker McKenzie in London to discuss LGBT workplace inclusion in Nigeria. At the event, Partner Harry Small delivered a presentation on the legal situation for LGBT people in Nigeria. Baker McKenzie also provide pro bono legal work to help local activists defend LGBT people in court.



GET INVOLVED



FIND GROUPS AND COMMUNITIES

The Initiative for Equal Rights (TIERS) – an organisation working to protect and promote the human rights of sexual minorities nationally and regionally. TIERS focuses on advocacy as well as providing a range of services, including legal, psychological and educational services and leadership development programmes. www.theinitiativeforequalrights.org

Women's Health and Equal Rights Initiative (WHER) – a group working to advance and promote the well-being and equal rights of sexual minority women in Nigeria. WHER offer a range of health and other support services. www.whernigeria.org

International Centre for Advocacy on Rights to Health (ICARH) – a group focusing on the rights of sexual minorities and people living with HIV/AIDS in Nigeria, through research, analysis, training, awareness-campaign development and advocacy. ICARH also runs a health clinic. www.icarh-ng.org

Advocacy for Justice and Equality Nigeria – a community group providing access to human rights and sexual reproductive health services for sexual minorities in Nigeria through public education, service delivery, advocacy and stakeholder engagement. www.facebook.com/Advocacy-for-Justice-and-Equality-Nigeria-AJEN-1740475159534029/

The Bisi Alimi Foundation – a diaspora group based in London, advocating for the rights and dignity of LGBT people in Nigeria by addressing public opinion and accelerating social acceptance. The Foundation works to achieve its goals through research, legal and media training and campaigns, as well as through work with employers in Nigeria. www.bisialimifoundation.org



GET LOCAL UPDATES

Where love is a crime – a website that provides information on the criminalisation of same-sex relationships at the federal and state level, as well as the development of the LGBTI movement in Nigeria. www.whereloveisacrime.org



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 18 ORGANISATIONS OPERATING IN NIGERIA.

Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact Stonewall.

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Legal Partner



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POLAND



Population: 38+ million people

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.

Poland 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

The Constitution protects the **rights to freedom of expression, association and assembly** under Articles 54, 57 and 58.

There are **no LGBTQ+-specific restrictions or additions** to these rights.

FAMILY AND SAME-SEX RELATIONSHIPS

Sexual acts between people of the same sex are **legal**.

There is an **equal age of consent** of 15 years for sexual acts regardless of gender under Article 200 of the Polish Penal Code.

Same-sex marriage is **not legal** and marriage is defined as a union between a man and a woman under Article 18 of the Polish Constitution and Article 1 of the Polish Family and Guardianship Code.

Same-sex relationships are **not** otherwise **recognised by law**.

Same-sex couples have **no legal right to adopt children** jointly or through second parent adoption under Section II of the Polish Family and Guardianship Code.

EQUALITY AND EMPLOYMENT

Article 32 of the Constitution states that **everyone is equal before the law** and provides for **equal treatment and non-discrimination**. However, it **does not explicitly refer to sexual orientation and gender identity**.

Employment discrimination based on sexual orientation is prohibited under Articles 11³ and 183^a of the Labour Code.

There is **no legislation** explicitly **protecting trans people from discrimination**.

Employment services provided by the **state**, such as career counselling and job intermediation, should **follow the principle of equality** under Articles 36 and 38 of the Act on Promotion of Employment and Labour Market Institutions. This means **it is prohibited to create discriminatory requirements (on the grounds of sexual orientation, but not explicitly including gender identity)** regarding access to these employment services.

Hate crimes based on sexual orientation or gender identity are **not** expressly **considered aggravating circumstances** in sentencing.

GENDER IDENTITY

There is **no clear law** providing for **legal gender change**.

Court practice establishes that **trans people can change** their name and **legal gender** through a court ruling.

All legal documents can be amended to show gender as 'male' or 'female', except for extended birth certificates, which can only be annotated.

In order **to obtain** such a **court ruling**, the person needs to **file a lawsuit against** their **parents** under Article 189 of the Polish Code of Civil Procedure. Additionally, the **person cannot be married**.

The **court ruling can be used** as a legal ground for justifying **legal name change** when filing an application for name change to the Head of the Registry Office.

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

IMMIGRATION

There are **no legal provisions** that specifically **support immigration of same-sex partners**.

As same-sex relationships are not recognised by law (as non-marriage relationships in general), **same-sex partners cannot obtain a dependant visa**.



A VIEW FROM POLAND

Stonewall spoke to Franciszka Sady, Program Coordinator at **Campaign Against Homophobia** (KPH) and Magdalena Świder, Trainer and Consultant at **Diversity Drill**, about the situation for LGBTQ+ people in Poland.



Campaign Against Homophobia (KPH) works nationwide to prevent violence and discrimination against LGBTQ+ people through advocacy work and the implementation of educational programmes for various professional groups.

Everyday life

The political climate in Poland makes life very challenging for LGBTQ+ people. The anti- LGBTQ+ rhetoric from the ruling party, the shrinking space for non-governmental organisations, and the public voices of right wing and religious fundamental groups all have an impact on daily life for the community.

For example, these groups were behind the 'LGBT-free zones' which have appeared across the country.

In general, life is easier for LGBTQ+ people in cities than it is in more rural areas. However, many homophobic, biphobic and transphobic hate crimes are still committed across the country. As Poland's hate crime legislation does not recognise crimes based on sexual orientation and gender identity, the police and judges are often unable to adequately deal with instances of violence. General awareness and public support of LGBTQ+ issues is slowly growing, but at the same time there is consistent negative representation of LGBTQ+ people across state-owned media, right wing private media and from institutions with a wide influence.

Since the situation for the LGBTQ+ community in Poland has become more well-known, there are service providers and businesses that are starting to support us more actively, and people are mobilised to act. Recently there has been more visibility of trans and non-binary people in the media, and LGBTQ+ organisations are also trying to increase the visibility of bi communities. Social media is one of the strongest forms of community for young people, and this is definitely helping to raise awareness of LGBTQ+ issues.

LGBTQ+ groups and advocacy

Since 2018, LGBTQ+ groups and the LGBTQ+ community in general have become much more visible in Poland. This has been demonstrated through a large increase in the number of annual Pride events that take place across the country which has grown from 5 to around 30. LGBTQ+ advocacy really is a grassroots movement, and local organisations across different cities are working together and taking to the streets. There is clearly energy and frustration, and people want to do something about it.

We have also seen great collaboration across LGBTQ+ groups and different rights challenges, for example the women's rights movement. In terms of funding, some large LGBTQ+ organisations are receiving donations and external support thanks to the awareness of the current situation in Poland. At KPH, for example, we are then distributing this funding to smaller organisations across the country. Unfortunately, we don't have any expectations of legal protections and recognition for the LGBTQ+ community changing soon, but our main focus is to ensure that the situation doesn't get any worse.

Healthcare

The majority of people are covered by state health insurance. However, the healthcare available is not particularly inclusive of LGBTQ+ people. The university curriculum for health professionals usually doesn't cover LGBTQ+ topics. While some NGOs are working on further educating health professionals in this regard, many doctors don't know about health issues specific to sexual orientation and gender identity. They tend to assume all their patients are straight and cisgender.

There is a particular lack of expertise and services in regard to trans issues. Many trans people have to resort to self-medicating. Gender reassignment surgeries also have to be covered financially by the individual. Confidence among the community in reporting misconduct or discrimination in healthcare settings is increasing, which is helping to drive positive change.

Workplace

LGBTQ+ people often face discrimination in the workplace including jokes, inappropriate language and being excluded from social events, among other things. Because of this, many LGBTQ+ people hide their sexual orientation and gender identity at work, often with a negative effect on their mental health. However, since 2018, perhaps due to more awareness of the situation for LGBTQ+ people in Poland, there has been a large increase in businesses reaching out to LGBTQ+ organisations to offer fundraising support, donations, and to ask for advice on building safer and more inclusive workplace environments.

In the past, businesses haven't wanted to work directly with LGBTQ+ organisations, but this is definitely changing. Local Polish businesses as well as larger international corporations are understanding their responsibility in supporting the community and influencing in the public sphere. The key action businesses can take is to reach out to a local LGBTQ+ group and come up with a solution which has mutual benefit and creates real change. For example, the LGBTQ+ group might be able to support with internal training, and the business could participate in Pride events and provide funding to help their important work continue.

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 Poland, 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 Poland with adequate, LGBTQ+–specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Credit Suisse

Credit Suisse sets the foundation for an equal and inclusive workplace by referring explicitly to sexual orientation and gender identity in its anti-discrimination policies and Code of Conduct. To foster an understanding of the importance of equality for all, employees are required to take an annual e-learning module on diversity and inclusion. In 2015, Credit Suisse extended its successful LGBT+ Ally programme to Poland. Over 400 LGBT+ allies across both offices in Poland have since pledged their commitment to advancing equality for LGBT+ people at work. Since 2014, an internal LGBT+ network group has driven inclusion and equality for LGBT+ staff across the Polish organisation. The group organizes trainings, personal story sharing meetings, and celebrations for major events for LGBT+ people such as Pride, IDAHOBIT and Coming Out Day. In 2016, Credit Suisse Poland was the first global company to officially attend the Wrocław Pride event, and they have since inspired and encouraged other companies to join the annual march. In 2019, Credit Suisse introduced a global campaign for Pride, with senior management encouraging others to sign up as LGBT+ Allies. This substantially increased the number of allies in Poland from around 200 to the current 400. In response to the extended harassment and discrimination currently faced by the LGBT+ community in Poland, Credit Suisse Poland responded with additional sessions for management across all seniority levels about the importance of being an LGBT+ ally. This ran alongside additional internal communications about inclusion and support for LGBT+ employees, including the 'Wall of Fame' initiative where global allies provide their picture with encouraging slogans, and additional sessions with psychologists for employees in need.

Procter & Gamble

P&G started its LGBTQ+ inclusion journey in 1992, when it added sexual orientation to the Equal Employment Opportunity Statement. P&G Central Europe joined the movement in 2015 and formed the GABLE network (lesbian, gay, bisexual, transgender, queer and ally employees). In addition to ensuring equal treatment in policies, career opportunities and benefits for LGBTQ+ employees, the network holds training sessions, empowers others to become allies, and issues a quarterly newsletter on relevant events and resources. In 2019 more than 200 employees joined the Warsaw Pride parade with their family members. Covid-19 didn't stop these efforts, as initiatives became virtual and even more accessible, with over 300 employees joining the virtual 'Can't Cancel Pride'. The network measures its effectiveness with an annual survey. In 2021, 96% of P&G Poland LGBTQ+ employees reported they feel accepted at their workplace and 80% are out to their colleagues. Its leadership team demonstrates the values of diversity, contributing to our wider company values and helping to build a world free of bias. GABLE network was externally awarded with 'Excellence in Belonging' in the Central European region by We Are Open foundation in 2020. With recent events in Poland, GABLE's mission to create a LGBTQ+ inclusive culture within the company is more important than ever.



GET INVOLVED



THE ANNUAL LGBTQ+ CALENDAR

May - Queer May Festival. www.queerowymaj.org/festiwal-queerowy-maj

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

June - Warsaw Equality Parade. www.paradarownosci.eu

June - Poznan Pride Week. www.grupa-stonewall.pl/poznan-pride-week



FIND LGBTQ+ GROUPS AND COMMUNITIES

Campaign Against Homophobia (KPH / Kampania Przeciw Homofobii)

- a nationwide organisation working to prevent violence and discrimination against LGBT people through advocacy work and educational programmes for various professional groups. www.kph.org.pl

Polish Society of Anti-Discrimination Law (Polskie Towarzystwo Prawa Antydyskryminacyjnego)

- a group of Polish law practitioners, policy experts, NGOs and academics interested in promoting and improving anti-discrimination legislation. The society carries out litigation and provides legal guidance, education and monitoring of the state's performance. www.ptpa.org.pl

The Stonewall Group (Grupa Stonewall) - an LGBT organisation operating in greater Poland and focusing on education as well as services for the LGBT community. www.grupa-stonewall.pl

Trans-Fuzja Foundation (Fundacja Trans-Fuzja) - a trans equality organisation focusing on research, education, counselling and assistance for trans people. www.transfuzja.org

Lambda Warszawa - the longest operating LGBT organization in Poland providing support to LGBT individuals. www.lambdawarszawa.org

Kultura Równości (The Culture of Equality) - an LGBT organisation operating in Wrocław focused on community building, events and providing support for LGBT persons in the Lower Silesia region. www.kulturarownosci.org

My, Rodzice (Us, Parents) - A nationwide group for parents of LGBT people and their supporters, focused on educational programmes, workshops and individual support and guidance for parents of LGBT people and their families. www.myrodzice.org

Tolerado - an LGBT organization based in Gdańsk focusing on individual support and guidance for LGBT people and their families through workshops, support groups, events and panels. www.tolerado.org

Queerowy Maj (Queer May) - an LGBT organization based in Kraków focusing on educational and cultural events such as the Equality Parade in Kraków and Queer May festival. www.queerowymaj.org

Fundacja Interakcja (InterAction Foundation) - an Intersex organization working to educate on intersex issues, provide guidance and support for intersex people and their parents. www.interakcja.org.pl



GET LOCAL LGBTQ+ UPDATES

Queer.pl - an online news portal for the LGBT community in Poland. www.queer.pl



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

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)

QATAR



Population: 2.3 million



Stonewall Global Diversity Champions: 46



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Qatar is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

To help put this into context, it is important to note that two further zones exist:

In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. 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.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 44, 45 and 47 of the Qatar Constitution protect **the rights to freedom of assembly, association and expression.**

However, as sexual acts between people of the same sex are illegal under Article 296(3) of the Penal Code, **any act promoting same-sex relationships, including assemblies, publications or associations** would be **considered to be promoting a criminal offence** and would therefore be **prohibited.**

Section 47 of the 1979 Press and Publications Law **bans publication** that is “deemed contrary to the ethics, violates the morals or harms the dignity of the people or their personal freedoms”. This **may be used to censor LGBT-related content.**

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are illegal according to the Articles 296 (3) and 285 of the Penal Code. Punishments include imprisonment for between one and five years.

Qatar also runs Sharia courts, where technically it is possible that Muslim men could be **face the death penalty for same-sex sexual activity.**

Same-sex marriage is not legal under Article 9 of Law No.22 of 2006 (the “Family Law”).

Under Qatari law there is no adoption, however, there is the institute of guardianship. Any person in a same-sex couple is **considered to be unfit to be a guardian** under Article 169 of Law No.22 of 2006 (the “Family Law”).

EQUALITY AND EMPLOYMENT

Employment discrimination based on sexual orientation and gender identity is not prohibited.

Hate crimes based on sexual orientation and gender identity are **not considered an aggravating circumstance** in sentencing.

GENDER IDENTITY

Trans people **cannot change their legal gender.**

Qatari nationals **may legally change their name** by applying to a Committee at the Ministry of Justice with a brief explanation of the reason for the change.

While there are instances in which names have been registered that are typically associated with a gender that is different to the one assigned at birth, if the requested name change had **religious significance** it is likely that authorities would **refuse to register** it on public order grounds.

IMMIGRATION

There are **no legal provisions** that specifically **support immigration of same-sex partners.**

Article 25 of the Law no 21 of 2015 (the “Sponsorship Law”) gives the Minister power to order for the expatriate to leave the country on moral grounds. Based on this law, the government can **prevent LGBT people from entering or deport LGBT people** from Qatar on the grounds of their sexual orientation and gender identity.

CONTEXT

Given the restrictive legislative framework in Qatar in relation to sexual orientation and gender identity, any LGBT-related activities in the region should be approached with caution. The safety and security of LGBT staff should be paramount at all times.

The [Global Workplace Briefing](#) series seeks to give employers the tools they need to create more equal and inclusive workplaces for their LGBT employees. To inform the content of the briefings and to understand the situation for LGBT people in different countries, Stonewall always consults with local LGBT groups.

In these briefings we usually provide an overview of the context based on the views of a local LGBT civil society organisation willing to be quoted publicly. Unfortunately, due to the restrictive context in Qatar, Stonewall was unable to effectively consult with local LGBT groups for this briefing.

In the absence of a locally informed perspective, the guidance in this briefing is limited. Nonetheless, this briefing provides employers with tools to support international LGBT staff working in Qatar.

INTERNATIONAL INSIGHT INTO HUMAN RIGHTS IN QATAR

Amnesty International, in its 2017/18 report on the state of the world's human rights, summarised the general human rights situation in Qatar:

"Severance of relations with Qatar by several of its regional neighbours imposed arbitrary restrictions on Qatar that resulted in human rights violations. The government continued to unduly restrict freedom of expression. Steps were taken to improve access to compensation for abused migrant workers. The government committed to revise its laws and reform the sponsorship system, as part of an agreement with the International Labour Organisation. After years of delays, migrant domestic workers' labour rights were protected for the first time, though the new law contained flaws. Discrimination against women remained entrenched in both law and practice. The courts imposed death sentences; no executions were reported." *Amnesty International, Amnesty International Report 2017/18: The State of the World's Human Rights*

ILGA World, in its 2019 State Sponsored Homophobia Report, also addressed the situation for LGBT people in Qatar:

"In addition to the penal provisions, Qatar also runs Sharia courts, where technically it is possible that Muslim men could be put to death for same-sex sexual behaviours. However, it does not appear that any person has been executed for this reason or at all. Nevertheless, the 'chill factor' of these provisions are covered by UNHCR guidance of 2002 that explains norms that do not confirm with international human rights law can be seen to be persecutory "per se". The offence of "Zina" renders any sexual act by a married person outside of marriage punishable by death, while sexual acts by non-married persons are punishable by flogging – both are offences, no matter if they were same-sex or different-sex." *International Lesbian, Gay, Bisexual, Trans and Intersex Association: Lucas Ramon Mendos, State-Sponsored Homophobia 2019 (Geneva; ILGA, March 2019)*

During its third cycle of the Universal Periodic Review, the process in which a country's human rights record is reviewed by all UN member states, Qatar received a number of recommendations on LGBT rights:

- France recommended that Qatar guarantees the rights of LGBTI individuals.
- Australia recommended that Qatar develops and implements anti-discrimination laws and government policies to address discrimination, particularly against LGBTI individuals.
- Iceland recommended that Qatar decriminalises consensual same-sex acts and promote and protect the human rights of LGBTI individuals.

United Nations Human Rights Council, Report of the Working Group on the Universal Periodic Review: Qatar

LGBT INCLUSION IN THE WORKPLACE

Despite a challenging context for LGBT people in Qatar, there are several steps employers can take to create a more inclusive and supportive workplace environment for their LGBT employees. However, LGBT-inclusive activity that is appropriate elsewhere may put LGBT staff in danger in Qatar and any decisions made about LGBT workplace related activities should be done in full consideration of this particular context. The safety and security of LGBT staff, both from Qatar and elsewhere, should be paramount at all times and will require careful consideration.

CREATING GLOBAL STRUCTURES

It is important that multinational employers work to create a strong global LGBT diversity and inclusion framework. Global policies and structures send a signal to LGBT employees that their needs are taken seriously wherever they are or when they travel for work. Employers should work to:

- | | |
|--|---|
| <ul style="list-style-type: none">  Introduce global anti-discrimination and anti-bullying and harassment policies that are explicitly inclusive of sexual orientation and gender identity  Appoint a global senior champion who addresses the importance of LGBT equality globally | <ul style="list-style-type: none">  Build a global LGBT employee network group and a global allies programme  Have a global diversity and inclusion team or position in place whose remit covers sexual orientation and gender identity |
|--|---|

SUPPORTING MOBILE STAFF

Multinational businesses may send their staff on overseas assignments to Qatar. It is vital that employers have policies and practices in place to support LGBT people ahead of and during their work travel. Employers should take the following steps:

- | | |
|---|--|
| <ul style="list-style-type: none">  Have relocation policies in place that address additional considerations for LGBT staff and set out how such issues are to be handled by managers  When sending employees on a posting to Qatar, make sure to provide them with information on the legal and cultural situation for LGBT people in the country, and a realistic overview of how your organisation can support LGBT employees during the posting  Make sure LGBT employees do not suffer a career detriment if they decide not to accept the assignment due to their sexual orientation and gender identity, by providing equivalent alternatives | <ul style="list-style-type: none">  Take steps to avoid outing of LGBT employees in Qatar – this may include change of email address and social media security training  Have strong security mechanisms in place, digital and otherwise, to ensure confidential access to global employee support mechanisms for mobile and domestic staff. For example, this may include confidential membership lists and privately marked calendar invitations  Have an emergency evacuation procedure in place that explicitly takes into consideration emergency situations specific to LGBT people |
|---|--|

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT 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 LGBT inclusion work across the globe.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

In our experience, sharing case studies from employers operating in-country can be highly informative. However, we were unable to secure a case study that an employer could share publicly. Bearing this in mind, we are keen to work with employers and discuss individually any challenges they face because of the extremely restrictive context of Qatar. To learn about the steps employers are taking to support their LGBT staff in other zone three countries, please refer to Stonewall's [Global Workplace Briefings](#) on Malaysia and the UAE.

If you operate in Qatar and are taking steps, big or small, to advance LGBT inclusion and would like to be profiled as a best practice case study, please contact global.programmes@stonewall.org.uk



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 46 ORGANISATIONS OPERATING IN QATAR.

The [Global Diversity Champions](#) programme gives employers the tools they need to take a strategic and structured approach to LGBT 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 offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT 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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RUSSIA



Population: 142+ million people



Stonewall Global Diversity Champions: 47

THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Russia is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and 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

The Constitution protects the rights to **freedom of speech and peaceful assembly** under Articles 29 and 31. However, these rights are **restricted for LGBT people** through further legislation.

Advocating "non-traditional sexual relations" (i.e. any non-heterosexual relations) **to individuals under 18 years is prohibited** under Article 5 of Federal Law No. 436-FZ and Article 6.21 of the Administrative Offences Code, unofficially called the 'LGBT Propaganda Law'.

Violations can result in **administrative liability**, such as fines, suspensions in the case of businesses, and expulsion from the country in the case of foreigners.

Russian **courts and regulatory authorities interpret** the above **restrictions broadly**. In practice, **any public meeting advocating for LGBT rights may be deemed unlawful**.

Non-profit **organisations that receive foreign donations** and engage in 'political activity' are **required to register as foreign agents** under the Foreign Agents law (2012).

FAMILY AND SAME-SEX RELATIONSHIPS

Sexual acts between people of the same sex are **legal**.

There is an **equal age of consent** for sexual acts **regardless of gender**. Sex between a person older than 18 years and a person younger than 16 years is criminalised under Article 134 of the Criminal Code.

Same-sex marriage is not legal and marriage is defined as a union between a man and a woman under Articles 1 and 12 of the Family Code.

Even though there is no explicit restriction preventing **trans people** from **marrying**, in practice, due to lack of statutory regulation and applicable court practice, there is **legal uncertainty** about this.

Same-sex relationships are **not** otherwise **recognised** by law.

Same-sex couples have **no legal right to adopt** children jointly as only married couples may adopt children jointly under Article 127 of the Family Code.

The same law also **prohibits same-sex spouses** legally **married in another country** from jointly **adopting** a child in Russia.

EQUALITY AND EMPLOYMENT

Article 19 of the Constitution states that everyone is **equal before the law**, but it does not explicitly refer to sexual orientation and gender identity.

Employment discrimination 'on any ground' is **prohibited** under Article 3 of the Labour Code **but it does not explicitly refer to sexual orientation and gender identity**.

The **law does not specifically consider hate crimes based on sexual orientation or gender identity** as aggravating circumstances in sentencing.

Article 86 of the Labour Code **prohibits an employer from receiving and processing employees' personal data regarding** their political, religious and other beliefs and **private life**.

GENDER IDENTITY

Trans people can legally change their **gender** to female or male by filing an application to the registering authorities under Article 70 of Federal law No 143-FZ.

The law states that in order to do so, the person **must complete a statutorily prescribed form**. However, this **form is not yet available**.

In practice, it is **unclear** what the **requirements** for legal gender change are. In some cases, a medical certificate confirming **gender reassignment surgery** has been requested by the authorities. In other cases, it has been stated that the legal gender change cannot be allowed until the statutorily prescribed form is adopted.

Courts have also stated that a **married person cannot change their legal gender**.

A person over the age of 14 can **change** their **legal name through applying** in written form **to the registering authorities**. However, in the past a **court ruled** that a **trans person could not change** their **legal name as they had not yet changed** their **legal gender**.

IMMIGRATION

As same-sex relationships are not legally recognised, **partners are not able to obtain a dependant visa** under Decree No. 335 (2003).

This is also the case if the same-sex partners are married in another country.

A VIEW FROM RUSSIA

Svetlana Zakharova is communications manager at the Russian LGBT Network, which works throughout Russia. The Russian LGBT Network is a movement seeking to give a voice to, and enhance the visibility of, the LGBT community. It offers various support services, carries out campaigns and engages in dialogue with the government and various international institutions.



Everyday life

Many LGBT people remain invisible in society for fear of violence. Big cities are somewhat safer for LGBT people, small cities are often not safe at all. There, people are attacked for even looking like they might be LGBT. Unfortunately, levels of violence against LGBT people are high. Hate crimes and discrimination are both on the rise. Research conducted by the Russian LGBT Network shows that most LGBT people will not go to the police because they mistrust them, with good reason. LGBT people who've sought help have often been humiliated by state officials. Foreign LGBT people visiting or working in Russia should be aware of this context and be careful.

In April 2017, it became known that men believed to be gay or bi were abducted and tortured in the Russian republic of Chechnya. After what appeared to be a short break, persecutions resumed in July and as of winter 2017, the situation remains critical. People are advised to check our website for updates and information on how they can help.

LGBT groups and advocacy

LGBT groups provide community support and LGBT-specific services. They also focus on advocacy, monitoring the situation for LGBT people in the country as well as submitting reports to various international institutions, including the UN Committees. The so-called 'LGBT Propaganda Law' and the 'Foreign Agents Law' are regularly used to target LGBT groups and their activities. For example, Elena Klimova, a person who started a social network group for LGBT young people called 'Children-404 Group' was charged under the Propaganda Law. That law is also used to refuse permissions for public demonstrations. At other times, the police suddenly show up at closed private events run by LGBT groups and interrogate attendees. Additionally, some LGBT groups, like the Russian LGBT Network, are listed as foreign agents. The application of the Foreign Agents Law meant that we lost certain donors and that we are now subjected to extra scrutiny by the state. It also means that affected NGOs must mark all of their materials as having been produced by "foreign agents".

Despite these difficult conditions, the LGBT movement in Russia is growing. New community groups and initiatives are starting. For example, a coalition of trans groups has recently been formed. All in all, the state's restrictions are making our community grow closer.

Workplace

The large majority of LGBT people hide their sexual orientation and gender identity in the workplace. They are afraid of being humiliated and stigmatized at work or more simply being fired, which is not uncommon. Our survey showed that 37 per cent of interviewees experienced difficulties in their relationships with employers (or potential employers) because of their sexual orientation and gender identity. Another problem is that non-LGBT employees often 'out' their LGBT colleagues to their employers and co-workers.

Inclusive employers should support their LGBT staff by implementing policies that prohibit discrimination and harassment based on sexual orientation and gender identity. They should also train all employees on the importance of non-discrimination and inclusivity. Such training should not only focus on sexual orientation and gender identity, but also other forms of diversity. Additionally, employers can support the LGBT movement in general, even though few currently do. For example, they could provide LGBT groups with venues, office supplies, pro bono services or help with research tasks.

Healthcare

There are almost no medical specialists that trans people in Russia can visit if they wish to transition medically. The very few that do exist are private. This means trans people must pay for every single visit. As a result, many trans people have no choice other than to self-medicate. This means the medication they receive is often from unreliable sources. Lesbian, gay and bi patients mostly hide their sexual orientation from healthcare staff. Some LGBT groups offer medical services to the LGBT community, but they lack resources and funding.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in Russia:

- | | |
|--|---|
| <ul style="list-style-type: none">  Consult local LGBT organisations to understand the local context for LGBT people  Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies | <ul style="list-style-type: none">  Train HR staff and promote inclusive policies  Carry out diversity and inclusion training for all staff |
|--|---|

NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

- | | |
|--|--|
| <ul style="list-style-type: none">  Establish employee engagement mechanisms like LGBT networks and allies programmes | <ul style="list-style-type: none">  Support local LGBT groups to advance LGBT equality beyond the workplace |
|--|--|

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org.uk/gwei



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

IBM

IBM addresses the importance of diversity and inclusion in the workplace by holding workshops about all diversity groups as part of an in-office diversity training week in Russia. The workshops include a session on sexual orientation and gender identity. This complements IBM's other established personal development opportunities including leadership training, reverse mentoring and LGBT ally training, which is available globally online. In addition, June Pride Month posters were put up in the coffee corners in Russia openly stating IBM's support for the LGBT community.

Baker McKenzie

Through several different initiatives Baker McKenzie provides its LGBT employees in Russia with anonymous and safe spaces to seek support and advice. Its regular global 'affinity calls', which are communicated to all staff globally, provide an online space for any employee worldwide to listen or raise awareness of any specific problems. To support this, Baker McKenzie's Moscow office also has an LGBT liaison partner, a clearly defined point of contact for one-to-one conversations.

Viacom

Viacom responded quickly to the introduction of regressive legislation passed in Russia, which prevents any form of LGBT 'propaganda' to minors under the age of 16 and severely limits important freedoms for LGBT groups. Following senior-level discussions about the legal change and the social conditions in Russia for LGBT people, the head of Viacom's global HR team (and executive sponsor for the LGBT employee network group) reinforced the organisation's respect for its LGBT staff by vocally confirming its commitment to equal treatment for all employees in Moscow.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

September – QUEERFEST: festival with cultural and educational events. www.queerfest.ru

November – Side by Side International Film Festival. www.bok-o-bok.ru

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



FIND LGBT GROUPS AND COMMUNITIES

Coming Out St. Petersburg – an LGBT organisation focusing on advocacy and awareness raising as well as the provision of psychological and legal services to the LGBT community. www.comingoutspb.com

Moscow Community Centre – an organisation acting as a resource and a platform for LGBT initiatives that seek to implement educational projects in the Moscow region. www.mcclgbt.com

Moscow LGBT Initiative Group “Stimul” - an LGBT group providing free legal advice and focusing on advocacy work and capacity training for LGBT activists. www.msk-stimul.eu

Russian LGBT Network – an organisation seeking to enhance the visibility of the LGBT community through campaigns and direct dialogue with the government and political parties. The Network also offers information support services. www.lgbtnet.org

Russian LGBT Sport Federation – a group promoting health, sports and a healthy lifestyle among the LGBT community through sports and social projects. gay-sport.ru



GET LOCAL LGBT UPDATES

Gay.ru – an online magazine in Russian for gay and bi men. www.gay.ru

Lesbi.ru – an online magazine in Russian for lesbians and bi women. www.lesbi.ru



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 47 ORGANISATIONS OPERATING IN RUSSIA.

Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact Stonewall.

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SOUTH AFRICA



Population: 54+ million people



Stonewall Global Diversity Champions: 44



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

South Africa 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

The Constitution protects the **rights to freedom of expression, association and assembly** under Sections 16-18.

There are **no LGBT-specific restrictions or additions** to these rights.

FAMILY AND SAME-SEX RELATIONSHIPS

Sexual acts between people of the same sex are **legal**.

There is an **equal age of consent** of 16 years for sexual acts regardless of gender under Sections 15 and 16 of the Criminal Law (Sexual Offences and Related Matters), Amendment Act 32 of 2007.

Same-sex marriage is legal under the Civil Union Act 17 of 2006.

Same-sex and different-sex couples can enter a civil union, which has the same legal status as a marriage under the Civil Union Act 17 of 2006.

Same-sex couples have **equal rights to adopt children** under Section 231 of the Children's Act 38 of 2005.

EQUALITY AND EMPLOYMENT

Section 9 of the Constitution states that **everyone is equal before the law** and **prohibits discrimination based on a specified list that includes sexual orientation**. The **list does not explicitly include gender identity**.

Employment discrimination based on sexual orientation is **prohibited** under Section 9 of the Constitution and other legislation such as Section 6 of the Employment Equity Act 55 of 1998.

There is **no non-discrimination legislation explicitly protecting trans people** based on their gender identity.

Hate crimes based on sexual orientation have been **considered as an aggravating circumstance** for the purposes of sentencing in criminal trials as per Case RCB216/06. However, this is not codified in legislation.

GENDER IDENTITY

Trans people can change their **legal gender** to female or male on all identification documents under the Alteration of Sex Description and Sex Status Act 49 of 2003 and the Identification Act 68 of 1997.

Applications need to be made to the Director General of the National Department of Home Affairs.

Legal gender change may be **subject to surgical or medical treatment, a report from the treating medical practitioner** and an **independent medical report** under Section 2 of the Alteration of Sex Description and Sex Status Act.

Trans people can alter their **legal name** under Section 24 read with Regulations 16, 17 and 18 of the Births and Deaths Registration Act 51 of 1992.

Legal name change is **subject to filing a prescribed form**. It **can only be done once** unless exceptional circumstances exist.

IMMIGRATION

Dependent visas are **available to same-sex partners** of citizens, permanent residents or persons holding a valid study, treaty, business, crew, medical treatment, relative's, work, retired person, corporate, exchange or asylum transit visa under Section 11 of the Immigration Act 13 of 2002.

A VIEW FROM SOUTH AFRICA

Dawie Nel is the Director of the LGBT organisation OUT, based in Pretoria, which has supported the physical and mental health of LGBT people throughout South Africa for the last 21 years. OUT offers health and counselling services, a vibrant community centre, community building programmes and support groups.



Have societal attitudes caught up with progressive legal rights for LGBT people?

South Africa's strong legal protections for LGBT people have had, and continue to have, a hugely positive effect on society including in government, where LGBT rights have been firmly enshrined in South Africa's human rights framework. However, the country's overall transition has been slow due to a number of intersecting factors such as poverty, weak governance and a strongly conservative and religious culture. These factors contribute to the higher levels of discrimination and exclusion LGBT people may still suffer from.

How are lesbians, bi women and trans people treated in society?

South Africa is a patriarchal society and women suffer as a result. It's even more difficult when women do not adhere to expected gender roles, for example 'masculine' lesbians. Trans people too are specifically discriminated against and targeted. Research conducted by OUT in 2016 showed that 47 per cent of trans respondents had experienced discrimination within the last 24 months, including verbal insults, sexual harassment, physical violence and threats of physical violence. However, few trans people reported such incidents to the police.

How are LGBT people portrayed in the media?

Mainstream media often tends to only focus on one part of the LGBT community: the flamboyant gay man. This caricature is hard to dispel because the media reinforces the stereotype. Despite negative public media coverage, there is not a strong and organised anti-LGBT voice, however there is a real lack of positive role models for young people, for example, in sport.

What is the workplace like for LGBT people?

It's varied. Some workplaces can be quite open and others not. It's fair to say that directly or indirectly, in the workplace employees are expected to be heterosexual and cisgender. This impacts on LGBT employees when it comes to appointments, promotions, fitting in and other workplace issues. Trans people in particular face barriers due to gender expectations that they do not always fulfil. Many trans people are not able to complete their education and therefore lack opportunities. Often this means that they will have to work within the sex industry.

Do South African or international companies publicly support LGBT equality?

A number of organisations such as Accenture, EY, IBM and KPMG make clear efforts through employee network groups, awareness-raising events and work in universities to improve the inclusion of LGBT people in their offices. Elsewhere however, there has been limited public sponsorship and low-key support for LGBT rights from the private sector. In smaller companies, I'm aware of a number of instances where people have lost their jobs, with the root cause having been indirectly judged to be related to their sexual orientation.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in South Africa:

- ✓ **Consult local LGBT organisations to understand the local context for LGBT people**
- ✓ **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
- ✓ **Train HR staff and promote inclusive policies**
- ✓ **Carry out LGBT-inclusive diversity training**
- ✓ **Encourage senior managers to promote their commitment to LGBT inclusion and equality**

NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

- ✓ **Audit and extend partner benefits to same-sex partners**
- ✓ **Establish employee engagement mechanisms like LGBT networks and allies programmes**
- ✓ **Carry out LGBT awareness-raising events**
- ✓ **Partner with local LGBT groups to advance LGBT equality beyond the workplace**
- ✓ **Work with suppliers and partners to advance LGBT workplace equality**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org.uk/gwei



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Norton Rose Fulbright

Norton Rose Fulbright started its outreach and development on workplace LGBT inclusion in South Africa through the official launch of its PRIDE employee network group. The network was set up to support a number of important objectives including:

- Engaging allies in the workplace to show support for the LGBT community
- Providing guidance on the implementation of inclusive policies
- Encouraging the recruitment and retention of LGBT talent
- Developing contacts with clients who are members of the LGBT community

PwC

PwC took the progressive measure in 2012 of amending all their adoption and paternity policies in South Africa to be inclusive of same-sex parents. The amendment ensured whoever is assuming the role of primary caregiver to the adopted child may take four months paid leave equivalent to maternity leave. PwC's paternity policy now allows the parent assuming the role of secondary caregiver to make use of the policy. This has placed PwC as an employer of choice because their commitment to inclusion is reflected in tangible measures taken to create equality for their LGBT employees directly.

AIG

AIG requires all new employees in South Africa to attend a two-day workshop called 'Valuing Diversity', which includes content on LGBT inclusion. For underrepresented groups AIG also runs general career-development programmes, such as mentioning and coaching. These groups specifically include LGBT staff.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

March - Cape Town Pride. www.capetownpride.org

May - Pink Loerie Mardi Gras and Arts Festival.
www.pinkloeriefoundation.com

June - Durban Pride. www.durbanpride.org.za

October - Durban Gay and Lesbian Film Festival. www.dglff.org.za

October - Johannesburg Pride. www.johannesburgpride.co.za

November - Nelson Mandela Bay Pride. www.nmbpride.co.za

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



FIND LGBT GROUPS AND COMMUNITIES

Durban Gay and Lesbian Centre - a group working to empower the LGBT community by providing health and other services, support and training.
www.gaycentre.org.za

GALA - a centre for LGBTI history, culture and education in Africa.
www.gala.co.za

Gender Dynamix - a trans community organisation providing resources, information and support to trans people, their partners, family, employers and the public. www.genderdynamix.org.za

Iranti-org - a queer human rights visual media organisation defending the rights of lesbians, transgender and intersex persons in South Africa and across the African continent. www.iranti-org.co.za

OUT - an organisation working for LGBT people's physical and mental health through providing health services and carrying out research and advocacy work.
www.out.org.za

Pietermaritzburg Gay and Lesbian Network - a group working primarily with young, unemployed and marginalized LGBTI people to create a non-discriminatory, supportive and accepting society. www.gaylesbian.org.za

The Triangle Project - a group offering a range of services to the LGBT community, including sexual health clinics, counselling, support groups, a helpline, public education and training services, community outreach and a library. www.thetriangleproject.org

OutRight Action International - a regional branch of OutRight International is based in Johannesburg. They support LGBTIQ organisations in Sub-Saharan Africa and work with mainstream human rights organisations to promote LGBTIQ rights. www.outrightinternational.org/region/africa



GET LOCAL LGBT UPDATES

Mamba Online - a news and lifestyle platform for South Africa's gay community. www.mambaonline.com

GaySA Radio - an online LGBTI internet radio station. www.gaysaradio.co.za



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SPAIN



Population: 48+ million



Stonewall Global Diversity Champions: 61



THE LEGAL LANDSCAPE

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Spain 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	FAMILY AND RELATIONSHIPS	EQUALITY AND EMPLOYMENT	GENDER IDENTITY	IMMIGRATION
<p>Rights to freedom of expression, association and assembly are established in the Spanish Constitution as fundamental rights to which every Spanish citizen is entitled.</p> <p>LGBT people and issues are not specifically mentioned but have been included by way of case law.</p>	<p>Sexual acts between people of the same sex are legal.</p> <p>There is an equal age of consent of 16 years for sexual acts regardless of gender.</p> <p>Same-sex marriage was legalised in 2005, when the Spanish Parliament approved an amendment to Article 44 of the Civil Code.</p> <p>As a result, there are no marriage restrictions specific to trans people.</p> <p>Same-sex couples can enter civil unions and registered partnerships on the same terms as different- sex couples.</p> <p>Same-sex couples (married and not married) can adopt children jointly or through second parent adoption under the same conditions as different-sex couples under Article 175.4 of the Civil Code, as amended by Law 13/2005 of 1 July.</p>	<p>Article 17 of the Workers Statute provides protection from discrimination, among others, on the grounds of sex, sexual orientation or 'condition' in employment.</p> <p>According to the case law of the Court of Justice of the EU, gender identity is included as discrimination on grounds of sex.</p> <p>Discrimination in employment on these grounds is also considered a criminal offence under Article 314 of the Spanish Criminal Code.</p> <p>Article 14 of the Spanish Constitution states that Spaniards are equal before the law. Sexual orientation and gender identity are not expressly included in the list of protected characteristics, but have been included by way of case law.</p> <p>Article 510 of the Criminal Code punishes hate crimes based on sexual orientation with imprisonment from one to three years and a fine.</p> <p>Article 22(4)(a) considers the commission of a criminal offence based on sexual orientation as an aggravating circumstance.</p> <p>Some regions have enacted laws promoting LGBT rights but in general terms, there is no specific national law.</p>	<p>Trans people can change their legal gender to female or male on all official documents as provided by the Law Governing Sex Registry Information Rectification (2007).</p> <p>Legal gender change is subject to certain requirements, such as a gender dysphoria diagnosis and proof of absence of personality disorder.</p> <p>Additionally, the person has to undergo medical treatment for at least two years. Under certain circumstances, the individual can be exempted from the medical treatment.</p>	<p>In accordance with the Organic Law Governing the Rights and Liberties of Foreign People in Spain and their Social Inclusion (2000) if a person is allowed to legally reside in Spain, their partner or spouse is allowed to reside in Spain as well. This is regardless of the genders of the couple.</p>



A VIEW FROM SPAIN

Jennifer Rebollo and **Alberto Martín-Perez** are Director and Project Manager at the Spanish LGBT Federation (FELGBT). The organisation represents the collective interests of over 50 LGBT initiatives across Spain. FELGBT lobbies to secure legislative progress, offers community support, provides educational seminars and organises Pride events across Spain.



What are the legal challenges LGBT people still face in Spain?

A lot of progress has been made regarding the legal equality of LGBT people in Spain. Spanish legislation prevents discrimination based on sexual orientation and gender identity. The 2005 Equal Marriage Law and the 2008 law for the change of name and sex in documents (so-called 'Gender Identity Law') provided the LGBT population with equal civil rights. However, obstacles to full effective equality remain.

At FELGBT we are lobbying for progressive legal changes in the areas of health, family life, trans issues, education, work and asylum law. This includes equal parental rights for unmarried same-sex parents as well as the prohibition of conversion therapies for LGBT people. Much needs to be done for the rights of trans people. At the moment, trans individuals are still required to undergo medical interventions to change their legal name and gender on identity documents. We would also like to see a right for trans people to access comprehensive healthcare according to their social, health and legal needs.

What is the general situation for LGBT people in Spain and what are some of the barriers to inclusion?

A majority of Spanish people are, to varying degrees, accepting of LGBT people. For example, around 70 per cent of Spaniards supported marriage equality when it was achieved in 2005. On the other hand, some are still against progress and visible homophobia, biphobia and transphobia still exist.

In general, the lived situation for LGBT people can only be understood in relation to the general context in Spain. Due to the current economic and social crisis, there are high levels of poverty, child poverty and unemployment in Spain. This has an especially grave impact on the LGBT community. Unemployment rates are high in Spain in general, but even higher among trans people and people with HIV/AIDS. Many people are losing their homes, and again, trans people are highly affected by this. This highlights the fact that those affected by intersecting forms of inequality are hit the hardest in times of crisis.

What is the workplace like for LGBT people in Spain?

Many LGBT people do not disclose their sexual orientation and gender identity due to fear of discrimination. A European Union study in 2012 showed that 44 per cent of Spaniards perceived that LGBT people were discriminated against at work. The study also showed that a high majority of lesbian, gay and bi employees were not out in the workplace. Having to hide who you are at work can be very distressing and isolating, and the lack of visibility remains an issue.

Some progress has been made however. In the last 15 years, there has been support from unions to tackle these issues, for example by creating protocols for inclusion. Corporations are also starting to understand the importance of diversity and inclusion. For instance, this year 25 companies have taken part in our project EMIDIS, where we assess the progress companies have made in matters of LGBT diversity in the workplace.

What can employers do to support their LGBT employees?

Employers need to take positive action to create safe spaces for LGBT visibility. LGBT employees who know that they will be supported rather than discriminated against or bullied will feel more comfortable to be out and themselves at work. Employers can take several steps to create such a workplace culture. For example, senior staff can give speeches about the importance of diversity and inclusion. LGBT topics can also be included in events so that all employees can learn how sexual orientation and gender identity is relevant to a person's work life. Managers should be specifically trained on these issues. Employers should also make sure to use gender-neutral language – for instance when inviting an employee's partner to work events. Companies can also work with organisations like FELGBT to learn from our expertise.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in Spain:

-  **Consult local LGBT organisations to understand the local context for LGBT people**
-  **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
-  **Train HR staff and promote inclusive policies**
-  **Carry out LGBT-inclusive diversity training**
-  **Encourage senior managers to promote their commitment to LGBT inclusion and equality**

NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

-  **Audit and extend equal benefits to LGBT partners**
-  **Establish employee engagement mechanisms like LGBT networks and allies programmes**
-  **Carry out LGBT awareness-raising events**
-  **Partner with local LGBT groups to advance LGBT equality beyond the workplace**
-  **Work with suppliers and partners to advance LGBT workplace equality**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org.uk/gwei



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Procter and Gamble

2017 marked the 25th anniversary of the inclusion of sexual orientation and gender identity on Procter and Gamble's (P&G) global policies. This means that P&G's employee policies expressly ban discrimination and harassment based on sexual orientation and gender identity. P&G's commitment to LGBT equality can also be seen in its staff benefits, which apply equally to same-sex and different-sex couples in Spain. These include health insurance, life insurance plans, leaves of absence and perquisites like company cars and relocation support. P&G also requires all suppliers to follow the organisation's sustainable business guidelines. These include anti-discrimination clauses that explicitly refer to sexual orientation, gender identity and expression. GABLE is P&G's employee network for LGBT people and their allies. The Spanish GABLE chapter works to raise awareness and create equal and inclusive workplaces for LGBT people. This is achieved through internal and external training programmes, such as tailored trainings for upper and middle management as well as training on how to be an effective ally in the workplace. About 50 GABLE members and allies from 10 different countries participated in the LGBT World Pride event in Madrid in July 2017, wearing branded t-shirts and carrying P&G GABLE flags. Recognising the firm's LGBT diversity and inclusion efforts, P&G was named winner of the Spanish LGBT Federation's first ranking of LGBT-inclusive employers in 2016.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June – Barcelona Pride. www.pridebarcelona.org

August – Gay Pride Sitges. www.gaysitgespride.com

June / July – Madrid Pride. www.gomadridpride.com

September – GayDay Madrid - Family Diversity Day. www.gaydaymadrid.es

November – Winter Pride Maspalomas. www.winterpridemaspalomas.com

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



FIND LGBT GROUPS AND COMMUNITIES

Aegal – an association of companies, professionals and institutions directing their activities, products or services toward the LGBT community in Madrid and Madrid region. www.aegal.es

Acropoli – a group working on the social and legal equality of LGBT people and to eradicate LGBT-phobia. The group was started at the Polytechnic University but has since opened up to the community of Madrid. www.arcopoli.org

Asociación Española de Transexuales – a Madrid-based trans rights organisation focusing on a range of topics, such as health, research and the running of a workplace programme. www.transexualia.org

Casal Lambda – a Barcelona-based community centre providing a safe space for LGBT people and offering information concerning LGBT-friendly

venues, employers and neighbourhoods. The group also campaigns for greater acceptance of LGBT people. www.lambda.cat

COGAM Colectivo LGBT+ de Madrid – an organisation defending the human rights of LGBT people, transforming societal attitudes, promoting full legal and social equality, and eradicating discrimination based on sexual orientation, gender identity and HIV-status. www.cogam.org

Federación Estatal de Lesbianas, Gays, Transexuales, y Bisexuales – an umbrella organisation of over 50 LGBT initiatives lobbying to secure legislative progress, offering community support, providing educational seminars, and organising Pride events across Spain. www.felgtb.org

LesWorking – a business networking group for lesbians and bi women. www.lesworking.com



GET LOCAL LGBT NEWS

MagLes – an online lifestyle publication for lesbians and bi women. www.maglesrevista.es

Shangay – an LGBT news, culture and lifestyle magazine. www.shangay.com



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TURKEY



Population: 80+ million people



Stonewall Global Diversity Champions: 40

THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Turkey is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and 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

The Constitution protects the **rights to freedom of expression, association and assembly** under Articles 26 and 34.

There are **no LGBT-specific restrictions or additions** to these rights.

However, **general provisions** can be used to **restrict rights of LGBT people and groups**, subject to individual circumstances.

For example, Article 56 of the Turkish Civil Code (2002) states that **'no association can be formed** for an object **contrary to laws and ethics'**.

Another example is Law No. 5651 (2007), which allows for the **blocking and removal of online content**, including material **related to 'obscenity'**.

Recently, **LGBT events have also been banned** for 'public security concerns'.

FAMILY AND SAME-SEX RELATIONSHIPS

Same-sex sexual acts are not criminalised.

There is an **equal age of consent** of 18 years for sexual acts regardless of gender under Article 11 of the Turkish Civil Code.

Same-sex marriage is not legal under Articles 124-144 of the Civil Code.

Same-sex relationships are **not** otherwise **recognised** by law.

Same-sex couples have **no legal right to adopt** children under Articles 305-320 of the Civil Code.

EQUALITY AND EMPLOYMENT

Article 10 of the Constitution states that **everyone is equal before the law** but it **does not explicitly refer to sexual orientation and gender identity**.

Employment discrimination based on **several grounds** is **prohibited** under Article 5 of the Law on Labour. However, **sexual orientation and gender identity** are **not listed as prohibited grounds**.

Hate crimes based on sexual orientation or gender identity are **not considered aggravating circumstances** in sentencing.

GENDER IDENTITY

Trans people can change their legal gender on all identification documents through a court decision according to Article 40 of the Civil Code.

The legal gender **can only be changed to male or female**.

The change of legal gender is **subject to sterilisation, medical opinion, compulsory divorce** and being **over the age of 18**.

Trans people can change their legal name on all identification documents under Article 27 of the Civil Code.

Legal name change is **subject to an application to the National Registration Office**, a **'valid reason'** and having a **witness**. What constitutes a 'valid reason' is not defined in the Civil Code.

IMMIGRATION

Dependant visas are not available for same-sex partners of people working in the country.



A VIEW FROM TURKEY

Sedef Çakmak is on the board of the Social Policy, Gender Identity and Sexual Orientation Studies Association (SPoD) and is also a councillor of the Beşiktaş municipality in Istanbul. SPoD was formed to combat oppression and discrimination in society with a specific focus on sexual orientation and gender identity based violence.



What is the biggest problem facing LGBT people in Turkey?

The equality article in Turkey's constitution does not include sexual orientation and gender identity, which means LGBT people can be lawfully discriminated against in a number of public spheres, including the workplace. This lack of protection makes it extremely difficult to secure positive outcomes in court cases, and is at the heart of homophobia, biphobia and transphobia in Turkish society.

What are some of the specific issues lesbians, bi women and trans people face?

The majority of lesbians and bi women are forced to live in the closet until they gain financial independence, which is also true for women forced into heterosexual marriages. There are several court cases in which women lost custody of their children after a divorce, with the excuse that their sexual orientation made them 'unfit' to be a parent. There is still much work to be done regarding the legal, social and economic rights of lesbians and bi and trans women. The widespread transphobia in society as well as the lack of anti-discriminatory laws narrow down job opportunities of trans people. Many trans women have no choice but to become sex workers. Even though prostitution isn't a crime in Turkey, rights of the sex workers aren't well protected either. This situation causes many trans women sex workers to work in extremely unsafe environments, deprived of basic social securities.

How are LGBT people portrayed in the media?

There is oppressive censorship of a range of subjects by the government, and independent media is tightly controlled. Even some forms of social media, such as Twitter and YouTube, have been temporarily blocked in recent years. In 2011, when the constitution was being re-written, television journalists were extremely reluctant to cover stories about the inclusion of LGBT protections, for fear of losing their jobs. Although there has been some positive change and objective discourse in newspapers, it's still common to find hate speech towards LGBT people on social media.

What is the workplace like for LGBT people?

LGBT people often feel the need to hide their sexual orientation and gender identity at work, and those who don't, or are unable to do so, may face repercussions. Even where discrimination is obvious, it will often be ignored because unemployment rates are high in Turkey and people don't want to risk their livelihoods. Trans people in particular will find it nearly impossible to be open about their gender identity at work. Some positive precedents have been set in the courts, although these mainly relate to the police and the army. However, the private sector is becoming increasingly aware of LGBTI employees and is cooperating with NGOs advocating for LGBTI rights. For example, organisations are seeking to partner with LGBT groups to deliver LGBT rights training to their employees.

Do international or Turkish organisations publicly support LGBT equality?

SPoD has held LGBT training sessions for international organisations, and many of these organisations also have LGBT-inclusive non-discrimination statements on their public recruitment websites. But for most businesses, LGBT equality is not a priority and relationships between the LGBT community and businesses are hard to establish. SPoD would like to see greater cooperation between the public and private sectors and LGBT groups. Employers should create a more inclusive working environment and shouldn't shy away from explicitly condemning discrimination based on sexual orientation and gender identity.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in Turkey:

- ✓ **Consult local LGBT organisations to understand the local context for LGBT people**
- ✓ **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
- ✓ **Train HR staff and promote inclusive policies**
- ✓ **Carry out LGBT-inclusive diversity training**
- ✓ **Encourage senior managers to promote their commitment to LGBT inclusion and equality**

NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

- ✓ **Audit and extend partner benefits to same-sex partners**
- ✓ **Establish employee engagement mechanisms like LGBT networks and allies programmes**
- ✓ **Carry out LGBT awareness-raising events**
- ✓ **Partner with local LGBT groups to advance LGBT equality beyond the workplace**
- ✓ **Work with suppliers and partners to advance LGBT workplace equality**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org.uk/gwei



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

IBM IBM's commitment to diversity is manifested in its global policy, which expresses explicit commitment to sexual orientation and gender identity equality and prohibits discrimination on these grounds. This policy is applied throughout IBM in Turkey. IBM diversity events include LGBT topics. IBM also provides support to its LGBT staff when posting or relocating them to and from Turkey. All internal job descriptions make clear that candidates are not discriminated against on the grounds of sexual orientation or gender identity, reinforcing IBM's diversity policy. If an LGBT employee has to decline a transfer or assignment for reasons relating to their sexual orientation or gender identity, IBM ensures that it will not have a negative impact on their career. If an assignment is accepted or a person moves permanently, IBM treats the person's same-sex partner in the same way that it treats opposite-sex partners.

Baker McKenzie Since its inception in 2014, the Baker McKenzie Istanbul office has been unequivocal in its position as a positive advocate for LGBT+ equality. Every year, a large rainbow flag proudly adorns the front of the building in celebration of Pride week. This way, Baker McKenzie externally displays its support for the LGBT+ community. The local Diversity & Inclusion committee, which has a strong LGBT+ focus, plans a series of internal events visited by clients, NGOs and Baker McKenzie colleagues alike. Each year, the office also joins the annual Istanbul Pride parade carrying 'Baker McKenzie supports Pride week' banners and badges. Many internal film screenings have taken place at the Istanbul office. For example, a screening of the LGBT+ themed documentary *Benim Cocugum/My Child* took place in 2014. This was followed by a Q&A session with the families of some of the trans children featured in the documentary. In 2015, Baker McKenzie organized an LGBT+ panel event, which was attended by colleagues, clients and the then US Consul General to Turkey. 2016 again saw screenings and events rolled out specifically in support of the LGBT+ community. In 2017, the office held an LGBT+ and allies networking event bringing together colleagues, clients and leading local LGBT+ NGOs, helping to educate attendees about LGBT+ equality and build a supportive network.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

January - Pink Life KuirFest is a queer film festival.
www.pembehayatkuirfest.org

June or July – Istanbul Pride.

Note that in 2016-17 these events were banned. For more information, visit www.pembehayatkuirfest.org. Check the events websites for the most up-to-date information on dates.



FIND LGBT GROUPS AND COMMUNITIES

KAOS GL – an LGBT group offering support through conducting cultural, educational, artistic and sports activities and providing information on LGBT rights issues. www.kaosgldernegi.org

Lambdaistanbul LGBTI Solidarity Association – an LGBT organisation focusing on community work, campaigns and the organisation of Pride events. Lambdaistanbul runs a community centre, library and LGBT helpline. www.lambdaistanbul.org

LISTAG (Families of LGBTs in Istanbul) – a voluntary support and solidarity group for families and friends of LGBT people in Turkey. www.listag.org

Mersin LGBT 7 Renk – an LGBT group working to raise awareness of LGBT issues, report instances of discrimination and positively influence laws and policies. www.mersinyedirenk.org

Pembe Hayat – an organisation and community group focusing on trans rights. www.pembehayat.org

Siyah Pembe Üçgen İzmir – an LGBT association focusing on legal and social advocacy work. www.siyahpembe.org

SPoD – a national LGBT organisation focusing on economic and social rights, legal issues, political participation, research, visibility in the media and international solidarity. SPoD's activities also include LGBT training sessions for international businesses. www.spod.org.tr



GET LOCAL LGBT UPDATES

Kaos GL Magazine – a magazine discussing LGBT issues. www.kaosgldergi.com/anasayfa.php

LGBTI News Turkey – a group of volunteer-translators providing English translations and sources on LGBTI issues in Turkey for journalists, activists, scholars and the general public. www.lgbtinewsturkey.com



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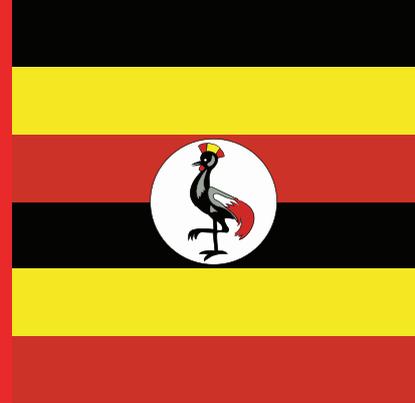
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UGANDA



Population: 40.8 million



Stonewall Global Diversity Champions: 19



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Uganda is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

To help put this into context, it is important to note that two further zones exist:

In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation.

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 21, 23, 24 and 27 of the Constitution of Uganda protects the **right to freedom of expression, association and assembly**.

There are **no LGBT-specific additions or restrictions** to these rights.

FAMILY AND RELATIONSHIPS

Any action or attempt to **have carnal knowledge of another against the order of nature is criminalised** and are punishable with up to seven years imprisonment under Sections 145 and 146 of the Penal Code.

While not explicitly stated, **sexual acts between people of the same sex** have long been seen as **falling under this**.

In February 2014, the Ugandan parliament passed an **Anti-Homosexuality Act** but it was **repealed** the following August due to irregularities in the procedure of its passing.

Same-sex marriage is not legal as the Marriage Law defines marriage as a union between a man and a woman.

Same-sex couples **cannot adopt children** because their marriage is not recognised by Ugandan law and only married couples can adopt under Part VII of the Children Act.

EQUALITY AND EMPLOYMENT

Employment discrimination based on **sexual orientation and gender identity is not prohibited**.

No other provisions exist to **protect against discrimination** based on **sexual orientation and gender identity**.

Article 21 of the Constitution of Uganda guarantees **equality before the law**. There is no explicit reference to sexual orientation and gender identity.

Hate crimes based on sexual orientation and gender identity are **not considered an aggravating circumstance** in sentencing.

GENDER IDENTITY

Trans people **over the age of 18 cannot change their legal gender**.

Trans people **under the age of 18 can change their legal gender** under Section 14 of the Births and Deaths Registration Act.

Legal gender change is **subject to** gender reassignment **surgery, certification of operation by a medical doctor, an application by the parents** to the Registrar of Births and Death and **approval from the Registrar**.

Legal gender can only be changed to male or female. There is **no option to change legal gender to a third gender**.

Trans people can **legally change their name on all documents and records**, including birth certificates, under Section 12 of the Births and Deaths Registration Act.

Legal name change is subject to **publishing a notification of name change** in the Gazette.

IMMIGRATION

Dependent visas are available to children and spouses, however, there are **no legal provisions that specifically support immigration of same-sex partners**. As same-sex marriages are not legally recognised, this may pose challenges for same-sex couples applying for dependent visas.

A VIEW FROM UGANDA

Stonewall spoke to **Takao Foundation**, which works to strengthen the wellbeing, health and livelihoods of marginalised groups in Uganda and Eastern Africa through advocacy and individual and community capacity development. The individual Stonewall interviewed at the Takao Foundation did not wish to be named.

Stonewall also spoke to **Dr Adrian Jjuuko**, Executive Director of the **Human Rights Awareness and Promotion Forum (HRAPF)**. HRAPF promotes the protection of the human rights of marginalised people through legal aid, research and advocacy, strategic litigation, legal and human rights awareness raising, capacity development and strategic partnerships.



Everyday life

Takao Foundation: “Increasing numbers of LGBT people are open about their identity in Uganda. This is likely because there are more mechanisms to support their human rights. Despite this, LGBT people still face verbal, physical and sexual violence, arbitrary arrest and detention, and are regularly denied access to housing, education and employment.”

Dr Jjuuko: “One of the biggest challenges for LGBT people in Uganda is the legal framework. Exclusion from education, the economy and housing, as well as violence against LGBT people, are all grounded in or facilitated by the law. Cultural and religious attitudes, which are often influenced by the law, as well as a range of other factors, also impact LGBT people’s struggles. For example, white LGBT people in Uganda may have an easier experience. Also, those who are financially empowered face less scrutiny and are generally safer than people who are poor. Finally, gender plays a big part. For instance, gay men are generally treated more harshly than lesbians.”

LGBT groups

Dr Jjuuko: “While many groups work on LGBT issues in Uganda, only one or two are open about this and are visible. The law is increasingly restrictive for LGBT groups, which makes operating challenging. No groups use ‘LGBT’ in their name and cannot organise open meetings as the law doesn’t allow the association of organisations that are seen as promoting illegalities. LGBT activists are also at risk, with several break-ins or murders targeting LGBT organisations and activists.”

LGBT groups are focused on changing the law and perceptions and treatment of LGBT people. For example, HRAPF has been training the police on LGBT issues and organisations like Sexual Minorities Uganda (SMUG) are engaging religious leaders and healthcare workers. Legal advocacy has been successful in the past, but recently, this has not been the case. LGBT issues have become increasingly politicised, with courts upholding the status quo.”

Visibility

Dr Jjuuko: “LGBT people are largely not visible in Uganda. When an LGBT person is well known, it is because they are an activist. People may be wary of being visible because in Uganda, the fact that someone is LGBT can often be used against them. LGBT people feel like they need to be invisible to survive, otherwise they will never be able to access the safety and security afforded to others.”

Workplaces

Takao Foundation: “Discrimination, harassment and violence all mean that at work, LGBT people usually hide their identity. The Ugandan context means employers’ ability to externally support the LGBT community may be limited.

However, there are still internal initiatives businesses can implement to help promote LGBT equality and inclusion. Being vocal about their support for the LGBT community internally clearly demonstrates an expectation that LGBT staff should be respected at work. Businesses can also support LGBT organisations by consulting them about their workplace practices. Finally, businesses can support LGBT organisations more publicly in more accepted areas, such as health and HIV/AIDS.

The climate for LGBT people in Uganda means public advocacy is not going to be effective, but businesses can promote favourable messages for the LGBT community in marketing. This should however be done subtly, for example by focusing on wider issues that may impact the LGBT community, such as HIV/AIDS. If you promote LGBT issues from a perspective that all people can relate to, you are more likely to be successful.”

Dr Jjuuko: “The number of LGBT people in formal employment is very low and very few are out at work. Those who are face several problems. People are fired for being LGBT and have no access to justice, as discrimination on the grounds of sexual orientation and gender identity is not illegal. LGBT people also face violence and blackmail from both their employers and colleagues. In general, most employees are not treated well in Uganda, but LGBT people tend to experience the worst of this.

While the situation for LGBT people in Uganda can be challenging, there are still steps employers can take to support LGBT staff. For instance, discrimination and harassment policies covering sexual orientation and gender identity are a key way of protecting LGBT staff. Organisations should also carry out equality and diversity training, which many Ugandan LGBT and human rights organisation offer.

Businesses can also support the LGBT community in Uganda more widely. While public promotion and sponsoring events are not really options, providing funding or pro bono services to LGBT organisations can help the LGBT community and is appropriate for the local context.”

Healthcare

Dr Jjuuko: “LGBT people should have equal access to healthcare but this is not generally the case. Mostly, if you told a healthcare centre you were LGBT, you would not be able to go back there. However, the Ministry of Health supports the Most at Risk Populations Initiative (MARPI) which provides specialised services to LGBT persons. There is limited availability when it comes to many LGBT-specific services and treatments, and stigma towards LGBT people makes accessing them difficult. Wealthy people may be able to access LGBT-specific care through private healthcare. However, in Uganda, some treatments are completely unavailable and so international travel would be required to access them.”

LGBT INCLUSION IN THE WORKPLACE

Despite the challenging context for LGBT people in Uganda, there is great scope for employers to contribute to a Ugandan society that supports equality for LGBT people. There are several ways that an employer can do this through their programmes and policies – however, to ensure that they develop their practices it is important for them to monitor and evaluate their performance.

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT 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 LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, there are several steps employers can take to create a more inclusive and supportive workplace environment for their LGBT employees that suits the context of Uganda, while being mindful that LGBT-inclusive activity that is appropriate elsewhere may put LGBT staff in danger in Uganda. The safety and security of LGBT staff, both from Uganda and elsewhere, should be paramount at all times and will require careful consideration. Employers should:

1. Implement globally LGBT-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 diversity **training**.
3. **Engage staff** by ensuring they can access global ally programmes without exposing themselves to risk.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Evaluate your global **procurement** practices to ensure LGBT inclusion is a key part of the tendering process and your relationship with potential and existing suppliers.
6. Work to **understand the local context and support local communities** by partnering with local LGBT groups.
7. Ensure your **mobility** policies account for employee's sexual orientation and gender identity and provide staff travelling to or from Uganda with adequate, LGBT-specific information. Be prepared to evacuate staff in emergency situations that affect your LGBT employees.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Citi

Citi ensures that LGBT people are included throughout their policies. Sexual orientation, gender identity and gender expression are explicitly included in Citi's anti-discrimination and bullying and harassment policies. Employees are required to attend online training on 'Fostering an Inclusive Environment', which specifically addresses LGBT identities, and Citi has hosted global LGBT awareness raising webinars with PFLAG and Stonewall. These webinars covered how to be LGBT allies, along with LGBT rights and advocacy around the world. The sessions were advertised and available to Citi employees in Uganda and were attended by staff based there. Citi has also created a collection of LGBT Travel Safety guides for the 54 countries in which Citi has a presence in Europe, the Middle East and Africa. Citi's EMEA CEO sent these guides to employees in each of these countries, accompanied by a strong message on Citi's commitment to LGBT equality across all countries in which it operates.



GET INVOLVED



FIND LGBT GROUPS AND COMMUNITIES

Cámara de Comerciantes LGBT de UGANDA – a feminist organisation promoting the rights of lesbian, bi and queer women. www.faruganda.org

Icebreakers Uganda – a local group that works to raise awareness for LGBT people on the human rights aspects of health, particularly HIV/AIDS and tackles discrimination and bullying based on sexual orientation and gender identity. www.sexualminoritiesuganda.com/icebreakers-uganda

Sexual Minorities Uganda (SMUG) – a non-governmental organisation that supports LGBTI people by advocating for policy reform and an end to discrimination as a partnership of 18 Uganda LGBTI organisations. www.sexualminoritiesuganda.com

Human Rights Awareness and Promotion Forum – an organisation working to achieve equality, non-discrimination and access to justice for the most marginalised populations, including LGBTI people. www.hrapf.org

Takao Foundation – a local non-governmental organisation working to strengthen the wellbeing, health and livelihoods of marginalised groups in Uganda. www.takao-africa.org



GET LOCAL LGBT NEWS

Kuchu Times – an online media platform for LGBT people. www.kuchutimes.com



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 19 ORGANISATIONS OPERATING IN UGANDA.

The *Global Diversity Champions* programme gives you the tools you need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep you informed of legal changes and implications for your staff wherever they are in the world. Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT 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



Freshfields Bruckhaus Deringer



Population: 6+ million



Stonewall Global Diversity Champions: 65



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

The UAE is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. 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.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Article 30 and 33 of the UAE Constitution protect the right to **freedom of expression and assembly "within the limits of the law"**.

Article 72 of UAE Federal Law No. 15 of 1980 for Printed Matter and Publications states that "[v]iews which are in **breach of public morality**, harm young persons or invite persons to espouse or promote destructive principles **may not be published.**"

Article 24 of Federal Law No. 5 of 2012 (Cyber Crime Law) makes it **illegal to "promote disorder, hate, racism or sectarianism and damage the national unity, social peace, public order and public decency."**

All sexual acts outside of a different-sex marriage are illegal, including consensual heterosexual acts committed outside of wedlock. Given this legal context, **expression of support for LGBT rights would likely be deemed a violation of public morality and decency.**

All private **associations must be approved and licensed** by local government authorities.

FAMILY AND RELATIONSHIPS

All **sexual activity outside of different-sex marriage is illegal**. Penalties include imprisonment for a minimum period of one year under Article 356 of the UAE Penal Code, Article 177 of Dubai's Penal Code and Article 80 of Abu Dhabi's Penal Code.

The **death penalty still exists** under Sharia law. It is **unclear whether modern courts would extend such a sentence to such offences**. To the knowledge of the international community, the death penalty has **not yet been applied** for cases of same-sex sexual acts.

Because sexual activity outside of different-sex marriage is illegal, **sexual acts** between people of the same sex are **strictly prohibited**.

EQUALITY AND EMPLOYMENT

There is **no legal prohibition of discrimination** in employment **based on sexual orientation or gender identity**.

Law No. 2 of 2015 against Discrimination and Hatred **prohibits all forms of discrimination on the basis of a limited list of characteristics** that does **not include sexual orientation or gender identity**.

Article 27 of the UAE Constitution states that all **persons shall be equal before the law** and that no discrimination shall be practiced between citizens based on a list of limited characteristics. This **list does not include sexual orientation or gender identity**.

GENDER IDENTITY

Article 7 of Federal Decree No. 4 of 2016 **legalised gender reassignment surgeries** if a person (a) suffers from gender dysphoria and (b) is provided mental health care to psychologically prepare them for the gender reassignment surgery.

It is **unclear if authorities will change a person's legal gender** on official documents **after such surgery**. The law permitting gender reassignment is very new and it is hard to predict how authorities will implement the law in this respect.

IMMIGRATION

Same-sex relationships are not recognised for immigration purposes.

Article 6 of Federal Law No.6 of 1973 allows for **deportation if security authorities see this as necessary** for the "public interest or public security or public discipline."

Under this law, **people caught engaging in illegal sexual conduct or 'cross-dressing' can be deported.**

LGBT activists previously have been denied entry into the UAE.

CONTEXT

Given the restrictive legislative framework in the UAE with regards to sexual orientation and gender identity, and particularly the threat of the death penalty, any LGBT-related activities in the region should be approached with caution. The safety and security of LGBT staff should be paramount at all times.

The Global Workplace Briefing series seeks to give employers the tools they need to create more equal and inclusive workplaces for their LGBT employees. To inform the content of the briefings and to understand the situation for LGBT people in different countries, Stonewall always consults with local LGBT groups.

However, due to the lack of known and strong civil society groups advocating for LGBT rights in the UAE, Stonewall is unable to consult with local LGBT groups for this briefing.

In the absence of a local perspective, we are limited in the guidance that we can give. As such, the content of this briefing focuses on giving employers the tools they need to support international LGBT staff working in the UAE.

INTERNATIONAL INSIGHT INTO HUMAN RIGHTS IN THE UAE

Amnesty International, in its 2017/18 report on the state of the world's human rights, summarised the general human rights situation in the UAE:

"The authorities continued to arbitrarily restrict freedoms of expression and association, using criminal defamation and anti-terrorism laws to detain, prosecute, convict and imprison government critics and a prominent human rights defender. Scores of people, including prisoners of conscience, who were sentenced following unfair trials remained in prison. Authorities held detainees in conditions that could amount to torture and failed to investigate allegations of torture made in previous years. Women continued to face discrimination in law and in practice. Migrant workers remained vulnerable to exploitation and abuse. Courts continued to hand down death sentences; there was one execution."

The report also stated:

"In Dubai, two men were arrested for "dressing in a feminine way", in violation of their right to freedom of expression." **Amnesty International, Amnesty International Report 2017/18: The State of the World's Human Rights**

ILGA World, in its 2017 State Sponsored Homophobia Report, also addressed the situation for LGBT people in the UAE:

"It is through the Sharia code that the death penalty theoretically can apply to same-sex sexual relations through the offence of Zina (Article 356) which applies to sexual relations outside of marriage of any sort. However, research by leading human rights organisations concludes that although in some cases courts have gone beyond codified laws and imposed harsher sentences of stoning and flogging for Zina crimes, it appears that the law is used in rape cases only."

International Lesbian, Gay, Bisexual, Trans and Intersex Association: Carroll, A., State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition (Geneva; ILGA, May 2017)

LGBT INCLUSION IN THE WORKPLACE

Despite a challenging context for LGBT people in the UAE, there are several steps employers can take to create a more inclusive and supportive workplace environment for their LGBT employees. However, LGBT-inclusive activity that is appropriate elsewhere may put LGBT staff in danger in the UAE. The safety and security of LGBT staff, both from the UAE and elsewhere, should be paramount at all times and will require careful consideration.

CREATING GLOBAL STRUCTURES

It is important that multinational employers work to create a strong global LGBT diversity and inclusion framework. Global policies and structures send a signal to LGBT employees that their needs are taken seriously wherever they are or travel for work. Employers should work to:

- ✓ **Introduce global anti-discrimination and anti-bullying and harassment policies that are explicitly inclusive of sexual orientation and gender identity**
- ✓ **Appoint a global senior champion who addresses the importance of LGBT equality globally**
- ✓ **Build a global LGBT employee network group and a global allies programme**
- ✓ **Have a global diversity and inclusion team or position in place whose remit covers sexual orientation and gender identity**

SUPPORTING MOBILE STAFF

Multinational businesses may send their staff on overseas assignments to the UAE. It is vital that employers have policies and practices in place to support LGBT people ahead of and during their work travel. Employers should take the following steps:

- ✓ **Have relocation policies in place that address additional considerations for LGBT staff and set out how such issues are to be handled by managers**
- ✓ **When sending employees on a posting to the UAE, make sure to provide them with information on the legal and cultural situation for LGBT people in the country, and a realistic overview of how your organisation can support LGBT employees during the posting**
- ✓ **Make sure LGBT employees do not suffer a career detriment if they decide not to accept the assignment due to their sexual orientation and gender identity, by providing equivalent alternatives**
- ✓ **Take steps to avoid outing of LGBT employees in the UAE – this may include change of email address and social media security training**
- ✓ **Have strong security mechanisms in place, digital and otherwise, to ensure confidential access to global employee support mechanisms for mobile and domestic staff. For example, this may include confidential membership lists and privately marked calendar invitations**
- ✓ **Have an emergency evacuation procedure in place that explicitly takes into consideration emergency situations specific to LGBT people**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org.uk/gwei



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Pinsent Masons

Pinsent Masons has a global commitment to equality, diversity and inclusion and work to implement this commitment in its offices around the world. While the firm is always respectful of local laws and culture, Pinsent Masons doesn't compromise on its values, or on its commitment to creating safe and inclusive workplaces for everyone. Before sending staff to work in the UAE, employees are provided with a comprehensive country guide, developed in conjunction with the employee networks including the LGBT+ employee network. This information helps employees to make an informed decision on whether it would be safe for them to take on the assignment. Additionally, a network of people happy to share their personal experiences offers one-to-one chats, so staff can discuss any concerns and gain a better understanding of the local culture before travelling. All staff can also connect remotely to a global employee assistance programme to seek confidential advice and support wherever they work in the world. This programme covers topics such as finances, health, relationships, sexual orientation and gender identity. Pinsent Masons works with the programme's suppliers so that they have a better understanding of how to support LGBT+ staff travelling internationally, for example in regard to accessing medical support or where there may be a risk to an employee's personal safety.



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 65 ORGANISATIONS OPERATING IN THE UNITED ARAB EMIRATES.

Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact Stonewall.

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UNITED KINGDOM



Population: 64 million people



Stonewall Diversity Champions: Over 750



THE LEGAL LANDSCAPE

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

The **rights to freedom of expression, assembly and association** are protected by Articles 10 and 11 of Schedule 1 of the Human Rights Act 1998.

There are **no LGBT-specific restrictions or additions** to these rights.

FAMILY AND SAME-SEX RELATIONSHIPS

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

Sexual acts between people of the same sex are **legal**.

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

There is an **equal age of consent** of 16 years for sexual acts regardless of gender under Section 1 of the Sexual Offences (Amendment) Act and Section 16 of the Sexual Offences (Northern Ireland) Order 2008.

ENGLAND, WALES AND SCOTLAND: Same-sex

marriage is legal under Section 1 of the Marriage (Same Sex Couples) Act 2013 and Chapter 1 of the Marriage and Civil Partnership (Scotland) Act 2014.

NORTHERN IRELAND: Same-sex marriage is not legal and same-sex marriages conducted outside Northern Ireland are recognised only as civil partnerships under Part 4 of the Civil Partnership Act 2004.

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

Same-sex couples can enter into civil partnerships under the Civil Partnership Act 2004.

ENGLAND, WALES AND SCOTLAND: Same-sex couples have the **right to adopt** jointly and through second parent adoption under the Adoption and Children Act 2002 and the Adoption and Children (Scotland) Act 2007.

NORTHERN IRELAND: The Court of Appeal ruled that same-sex parents **have equal rights to apply to adopt** children (Re Judicial Review (2013)).

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

Same-sex parents can both be listed as parents on a birth certificate, but there are **different procedures** depending on the gender and marital status of the same-sex couple, under the Human Fertilisation and Embryology Act 2008 (sections 42, 44 and 54 in particular).

EQUALITY AND EMPLOYMENT

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

The right to **enjoy human rights without discrimination** on 'any ground' is guaranteed by Article 14 of Schedule 1 of the Human Rights Act 1998. Courts have ruled that 'any ground' **includes gender identity and sexual orientation**.

ENGLAND, WALES AND SCOTLAND: Employment discrimination and several other forms of **discrimination based on sexual orientation and gender reassignment** are **prohibited** under Section 39 of the Equality Act 2010.

NORTHERN IRELAND: Employment **discrimination on the grounds of gender reassignment and sexual orientation** is **prohibited** under the Sex Discrimination (Gender Reassignment) Regulations 1999 and Employment Equality (Sexual Orientation) Regulations (NI) 2003.

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND: Harassment and discrimination based on sexual orientation and gender reassignment are **prohibited in the provision of goods and services, premises, education and public functions** under several laws, including the Equality Act 2010.

SCOTLAND: Hate crimes based on sexual orientation and being transgender are **considered an aggravating circumstance** in sentencing under Section 146 of the Criminal Justice Act 2003 and Section 2 of the Offences (Scotland) Act 2009.

NORTHERN IRELAND: Hate crimes based on sexual orientation (but not gender identity) are **considered an aggravating factor** during sentencing under Article 2 of the Criminal Justice (No.2) (NI) Order 2004.

ENGLAND AND WALES: Inciting hatred on the grounds of sexual orientation is a separate **criminal offence** under Section 29B of the Public Order Act 1986 as amended in 2008.

THE LEGAL LANDSCAPE (CONT.)

GENDER IDENTITY

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND: **Trans people** over the age of 18 **can change** their **legal gender** to female or male by applying for a gender recognition certificate under Section 1 of the Gender Recognition Act 2004.

The **certificate allows** trans people to **acquire a new birth certificate** and **full legal recognition** of their gender identity.

There are several requirements for a gender recognition certificate, **including a medical report** and **evidence** that the person **has lived in their 'acquired' gender** for **two years**.

ENGLAND, WALES AND SCOTLAND: A **civil partnership** would have to be **ended or converted into a marriage before** applying for a **gender recognition** certificate as civil partnerships are only open for same-sex couples.

ENGLAND AND WALES: The **married spouse** of a trans person **can veto** the full legal **gender recognition**.

NORTHERN IRELAND: A **marriage or a civil partnership** would have to be **ended before applying for a gender recognition** certificate as marriage is only available for different-sex couples, and civil partnerships are only available for same-sex couples.

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND: Anyone, including trans people, **can freely change** their **legal name** by making a deed poll and do not need a gender recognition certificate to do so (except for changes to the birth certificate).

IMMIGRATION

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND: **Same-sex partners** of British citizens or those settled in the UK can apply for a **dependent visa** based on marriage/civil partnership or having a British or "settled" fiancé(e).

Those who can show that a return to their home country puts them at risk of serious harm because they are **LGBT can seek asylum** on these grounds.



LEGAL TRANS EQUALITY

The above described Gender Recognition Act 2004 (GRA) is in urgent need of reform. The current process, under the GRA, means trans people have to go through a series of intrusive medical assessments and long, demeaning and bureaucratic interviews with healthcare professionals in order to 'prove' their gender identity. People who are non-binary (who don't identify as either male or female) don't have any legal recognition at all under the current law.

This legal system was recently reviewed by the Women and Equalities select committee who recommended reform. The UK Government is expected to launch a public consultation in 2018. Stonewall supports an amended GRA that requires no medical diagnosis or presentation of evidence. It is important that the updated legislation recognises non-binary identities, and that it gives all trans people the right to self-determination, through a much simpler process. Stonewall's position is set out in our plan for trans equality – 'A Vision for Change': www.stonewall.org.uk/vision-change



OVERSEAS TERRITORIES & COMMONWEALTH

The UK has 14 overseas territories that are under the jurisdiction and sovereignty of the UK, but do not form part of the UK. The situation for LGBT people across these territories differs but many LGBT people still suffer under the discriminatory effects of British colonial anti-sodomy laws. These laws also still influence former British colonies. A total of 36 of the Commonwealth's member states maintain laws which criminalise sexual acts between people of the same sex.

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.



THE UK: A SNAPSHOT

The United Kingdom is made up of England, Wales, Scotland and Northern Ireland. LGBT communities in each part of the UK share many experiences, but also face distinct challenges. Stonewall operates in England, Wales and Scotland and works in partnership with the Rainbow Project in Northern Ireland.



John O'Doherty, director of the Rainbow Project, on being LGBT in Northern Ireland:

"The rights of LGBT people in Northern Ireland have vastly advanced in the last 20 years. Discrimination against LGBT people is illegal, trans people can change their legal gender and same sex-couples can enter civil partnerships. However, many challenges remain. Same-sex couples cannot yet marry and the nationwide Gender Recognition Act needs reform. While acceptance of LGBT people is growing – particularly in cities – Rainbow Project research has shown that one in three LGBT people are worried about being the victim of crime. Additionally, because the focus in Northern Ireland is often on divisions in the post-conflict society, it's harder to make people focus on other issues surrounding equality. In general, LGBT people lack visibility in all aspects of life and public discourse."

Ruth Hunt, chief executive of Stonewall, on being LGBT in Britain:

"Over the past 25 years, Britain has taken huge strides on the journey to equality for LGBT people. Changes in the law mean that more schools, employers and public services are tackling anti-LGBT discrimination and bullying. Equal marriage is now a reality for many, and Section 28 - a law making it illegal to discuss same-sex relationships in schools - has been consigned to history. But for many LGBT people, these legal changes have not translated into true equality, and for trans people in particular there is still much progress to be made before they are fully protected and equal under the law."

Everyday life and discrimination

While acceptance of LGBT people has increased vastly in the past 25 years, a huge amount of work still remains before all LGBT people can feel safe, included and free to be themselves in Britain. Stonewall's *LGBT in Britain 2017* research showed that in England, Scotland and Wales:

- One in five LGBT people have experienced a hate crime or incident because of their sexual orientation and/or gender identity in the last 12 months
- Two in five trans people have experienced a hate crime or incident because of their gender identity in the last 12 months

Healthcare

Health and social care services have a duty to treat people fairly and equally. However, there are too few clinics that provide specialised treatment for trans people, with very long waiting lists. Stonewall's *Unhealthy Attitudes 2014* report also highlighted some major issues resulting in the unfair treatment of both LGBT patients and staff in England, Scotland and Wales. For example, Stonewall's research showed that:

- 10 per cent of health and social care staff say they are not confident in their ability to understand and meet the specific needs of lesbian, gay or bi patients and service users
- 24 per cent of health and social care staff are not confident in their ability to respond to the specific care needs of trans patients and service users

Workplace

Every year, Stonewall measures the performance of employers through our Workplace Equality Index and publishes a list of the Top 100 Employers. We have seen huge progress since the Index started in 2005. However, we also know that many challenges remain and that our work is not yet done. For example, in our *LGBT in Britain – Trans Report* research we found out that:

- One in eight trans employees have been physically attacked by colleagues or customers in the last year
- Half of trans and non-binary people (51 per cent and 50 per cent respectively) have hidden or disguised the fact that they are LGBT at work because they were afraid of discrimination

Come Out for LGBT

At Stonewall we know that the fight for LGBT equality in Britain is far from over. 'Come Out for LGBT' is our new campaign. We're asking people to visibly show their support for LGBT equality and encourage others to do the same. To see how people are coming out for LGBT and to learn what you can do, visit: www.stonewall.org.uk

LGBT INCLUSION IN ORGANISATIONS

Many employers and universities publish information about their initiatives for LGBT staff and students. To find out what your organisation and other employers do to support LGBT people, staff and students can look out for the following:

- | | |
|---|--|
| <ul style="list-style-type: none">  Are policies and staff benefits explicitly inclusive of LGBT people?  Are LGBT people specifically encouraged to apply?  Do specific development opportunities exist for LGBT people?  Do LGBT network groups and formal allies programmes exist? | <ul style="list-style-type: none">  Are LGBT role models celebrated?  Does the leadership team champion LGBT equality?  Are staff and students asked about their sexual orientation and gender identity in surveys to analyse and improve LGBT initiatives?  Does the organisation engage with the wider LGBT community? |
|---|--|

Through the Diversity Champions programme, Stonewall works with over 750 organisations to help them create inclusive and accepting environments for their workforce and students. To join the programme or find out more, visit www.stonewall.org.uk/dc

Stonewall also has a range of free workplace resources available at www.stonewall.org.uk/workplace-resources



BEST PRACTICE FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Lloyds Banking Group “At Lloyds Banking Group, our goals are to become the best bank for customers, a company that reflects the diversity of modern Britain in our workforce, and provides an inclusive and welcoming environment for everyone” - **Karin Cook, Group Director, Group Services and Group Executive Sponsor for sexual orientation and gender identity**

Lloyds Banking Group became Stonewall's Employer of the Year 2017 after competing with more than 400 employers in the Workplace Equality Index. The Group has an LGBT strategy that covers colleagues, customers and communities. Bringing the strategy to life, the Group has recently extended their private healthcare provision to include interventions and support for trans employees. Lloyds Banking Groups' LGBT staff network, Rainbow, has over 5,000 members. They support the Group's strategy by focusing on professional development and promoting visible role models and allies. They've also supported : Bi Visibility Day and Transgender Day of Visibility, with new training tools, social media campaigns, and by flying the bisexual flag and transgender flags at 35 of their key sites. Lloyds Banking Group supports LGBT organisations across the UK, with colleagues and leaders spending over 1,000 hours volunteering with these charities and raising £75,000 within the last year. The Lloyds Bank 'For Your Next Step' advertising campaign featured a same-sex marriage proposal. The campaign was reported in the LGBT and mainstream press and has received positive feedback from the LGBT community.

The University of Birmingham The University of Birmingham examines LGBT inclusivity in the whole student journey, as well as supporting their LGBT staff. The University's successful LGBT staff network provides consultation, raises awareness and contributes to staff, student and community initiatives, including during LGBT History Month. Last year, for instance, one event focused on LGBT asylum seekers and included a talk by Clare Summerskill about her 2016 play Rights of Passage. The university careers service was the first in the country to set up an LGBT mentoring scheme which aims to enable young LGBT people to be comfortable about being themselves in the workplace after they graduate. 'Get out stay out' connects LGBT students with LGBT professionals in the city of Birmingham who act as mentors. They come from a range of public, private and voluntary sector organisations including the university's own LGBT staff network. The university has also led the establishment of the inter-institutional LGBT Inclusivity in Higher Education network and annual conference (@LGBTQinHE), which brings together higher education providers from across the UK and internationally to increase understanding of LGBT issues and make higher education a more inclusive place. As part of this work, the University of Birmingham have developed an LGBTQ-inclusive curriculum best practice guide. The guide supports higher education staff to think about inclusive language, curriculum content and the importance of LGBT role models in the learning environment. It is available for free online: www.intranet.birmingham.ac.uk/staff/teaching-academy/documents/public/lgbt-best-practice-guide.PDF.

GET INVOLVED



FIND LGBT GROUPS AND COMMUNITIES

To find LGBT services and community groups that are local to you, use Stonewall's What's in My Area search tool at www.stonewall.org.uk/whats-my-area

If you can't find what you're looking for you can call our info line on 08000 50 20 20 (Mon-Fri 9:30am - 5:30pm, UK time) and the info team will try to point you in the right direction.



PRIDE EVENTS IN THE UK

Pride events now take place in more than 100 towns and cities across the UK. Every year, Stonewall attends more than 30 Prides across the UK and is always looking for people to campaign for LGBT equality with us.

To find out more about volunteering with Stonewall at Pride celebrations, visit www.stonewall.org.uk/pride

SPOTLIGHT ON UK BLACK PRIDE

UK Black Pride is an annual Pride event. It promotes unity and co-operation among all black people of African, Asian, Caribbean, Middle Eastern and Latin American descent who identify as LGBT, as well as their friends and families.

Find out more: www.ukblackpride.org.uk

SPOTLIGHT ON TRANS PRIDES

The number of trans-specific Prides grows each year, celebrating trans, including non-binary, and intersex people and fighting discrimination against trans communities. Find out more:

Trans Pride Brighton: www.transpridebrighton.org

Sparkle Manchester: www.sparkle.org.uk

Trans Pride South West: www.facebook.com/transpridesouthwest

Trans Pride Scotland: www.facebook.com/TransPrideScotland/



GET LOCAL LGBT UPDATES

Bi Community News – a bimonthly publication focusing on the bi community. www.bicommunitynews.co.uk

Diva Magazine – an online and printed magazine for bi women and lesbians. www.divamag.co.uk

Gay Star News – an online LGBT news publication. www.gaystarnews.com

Pink News – an online LGBT news publication. www.pinknews.co.uk



STONEWALL EMPOWERMENT PROGRAMMES

Stonewall runs a series of personal and professional development programmes to enable people to connect with and influence others to challenge homophobic, biphobic and transphobic bullying, celebrate difference, improve inclusion and increase the visibility of role models.

Find out more at www.stonewall.org.uk/our-work/working-individuals



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