

The position of HUN-REN Wigner RCP regarding the prevention and legal consequences of sexual harassment and gender-based discrimination

According to a survey performed by the European Union, the importance of gender-based discrimination and sexual harassment is underestimated at research and educational institutions. According to the institutions' report, the preventive procedures and policies currently in place are sufficient, however it would be beneficial to revise and expand the policies with the aim of directly targeting sexual discrimination.

The organisational culture of HUN-REN Wigner RCP implicitly prohibits of all manner of discrimination, and the Gender Equality Plan explicitly states the right of all people to live in equal dignity. Article II and XV of The Fundamental Law of Hungary, Hungary's international and EU obligations provide efficient legal protections for the victims of discriminatory actions.

1. Aim of the HUN-REN Wigner RCP policy:

- 1.1. to eliminate all forms of sexual harassment, discrimination, or violence,
- 1.2. to raise awareness of all forms of sexual harassment, discrimination, and violence and to counter the taboos associated with the subject in order to prevent it,
- 1.3. to offer help to the victims of any form of discrimination,
- 1.4. and to sanction the offender(s).

2. Legal framework

- 2.1. Act CXXV. of 2003 on equal treatment and the promotion of equal opportunities, approved by the Hungarian Parliament
- 2.2. The Gender Equality Plan of Wigner RCP
- 2.3. Act C of 2012 on the Criminal Code, approved by the Hungarian Parliament

3. Definitions

- 3.1. **sexual discrimination**: discrimination that is gender biased and based on sexuality, it can take the form of direct or indirect discrimination.
- 3.2. **sexual harassment**: sexual or other misconduct based on specific "characteristics"¹ of a protected class aiming at or effecting in an intimidating, hostile, humiliating, or bullying environment causing their infringement of dignity.

¹ A person or group treated less favourably based on protected characteristics including: sex, race, colour, disability, gender identity, sexual orientation, family status, etc.

- 3.3. Forms of sexual harassment may include but are not limited to unwanted physical contact, a hug, a kiss, sexually charged or humiliating comments, jokes, emails, messages, pictorial representations, or even unwanted gifts, favours, or other perceived microaggressions, if perceived by the person to whom it is directed as degrading or hurtful.
- 3.4. **institutional violence:** when the employer or supervisor learns about a case of discrimination against a co-worker and does not intervene.
- 3.5. **hierarchical violence:** a form of institutional violence where relative power positions play a role.
- 3.6. indictable /criminal offences, sexual or violent breaches of the penal code:**
 - 3.6.1. **sexual act:** is an intercourse or other obscene or pornographic act, aiming at arousing lust or satisfying sexual desire.
 - 3.6.2. **sexual violence** is a felony committed by violence threatening life, health, or corporal integrity of a person, or making use of his or her state of incapacity for self-defence, especially when there is a power or influential relationship within the offender and the victim.
 - 3.6.3. **humiliation of a vulnerable person** is the act when somebody persuades another person making use of his or her vulnerability to behave in a self-ignominious way.
 - 3.6.4. **slander or libel** is a false spoken or written statement about someone that damages their reputation.
 - 3.6.5. **defamation** is any intentional false communication, either written or spoken in front of the public damaging the reputation or honour of a person or group.
 - 3.6.6. **sexual coercion** is a practice of persuading someone to do or endure a sexual act.
 - 3.6.7. **obscenity** is when someone displays oneself in a way to arouse or satisfying the lust of another person.

4. Responsibilities and behavioural norms

Any form of discrimination, harassment, and violence is strictly forbidden at Wigner RCP. Wigner RCP takes all the necessary precautions within its sphere of influence (by providing information, regulations, sanctions) in order to prevent any unwanted sexual conduct and pursues breaches and investigates after each reported occurrence.

- 4.1. Those who file a legitimate complaint shall not incur any disadvantage as a result.
- 4.2. Any steps taken are agreed upon with the filer of the complaint, and their anonymity is guaranteed, except for instances when disclosure is legally required based on the content of the complaint filed.
- 4.3. Heads of departments and of other units must report any presumed incident to the Director General, who then must file the case.
- 4.4. The presumption of innocence on the part of any persons accused is respected.

5. Procedure for handling cases of sexual discrimination and sexual harassment

5.1. Support available for the victims at HUN-REN Wigner RCP:

- 5.1.1. There is the option to consult with or request for help from a direct supervisor, or other persons with leadership roles.
- 5.1.2. The Integrity Officer/Gender Equality Officer has an advisory and support function and is available for handling complaints regarding sexual misconduct.
- 5.1.3. The Gender Equality Committee may also handle complaints.
- 5.1.4. Both the complainant and the accused can involve third persons who are also sworn to strict confidentiality.
- 5.1.5. The parties involved may also contact external organizations.

5.2. The process of filing a petition

- 5.2.1. Complaints concerning sexual misconduct directed either at oneself or a third party may initially be submitted informally, in verbal, written, or electronic form.
- 5.2.2. Every complaint must be investigated. The seriousness of the incident determines the applicable legislation and the level of confidentiality.
- 5.2.3. All persons in leadership positions who become aware of any kind of complaints or suggestions implying sexual discrimination, harassment, or violence, if they suspect these are substantiated, are required to follow up, clarify, and take mitigating measures.
- 5.2.4. After the complaint is received the victim is informed about his or her rights and the possible legal and procedural options in a confidential manner.
- 5.2.5. The complainant may then decide what steps he or she would like to pursue.
- 5.2.6. Until the confirmation of the charges care must be taken to ensure that the accused does not suffer any retaliation.

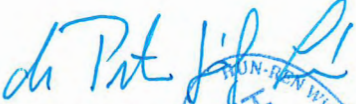
5.3. Conducting the investigation

- 5.3.1. For the investigation to proceed a formal written complaint must then be submitted, which contains a detailed description of the incident (including the date and place of the incident, persons involved, witnesses, details of evidence if available, and information regarding steps already taken, and on persons involved),
- 5.3.2. Hand in the written complaint to the Gender Equality Officer or Director General,
- 5.3.3. who will then carry out the investigation.

6. Possible implications and mitigation measures

- 6.1. Mandatory participation in professionally organized counselling or coaching sessions
- 6.2. Conducting an institutional integrity procedure review
 - 6.2.1. Exploration of necessary criminal or labour law consequences in case of integrity violations.
- 6.3. Measures of labour code
 - 6.3.1. Written warning
 - 6.3.2. Notice of immediate dismissal
 - 6.3.3. Reorganisation of working procedures
- 6.4. Measures of criminal code
 - 6.4.1. Reporting
 - 6.4.2. Providing information for the victim for individual denunciation

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Dr. Péter József Lévai
Director General

