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**THE POLICY ON  
GENDER EQUALITY  
IN HUNGARY**

NOTE





**DIRECTORATE GENERAL FOR INTERNAL POLICIES**  
**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND**  
**CONSTITUTIONAL AFFAIRES**

**GENDER EQUALITY**

**THE POLICY ON GENDER EQUALITY IN HUNGARY**

**NOTE**

**Abstract**

This note reviews gender equality legislation and programs in Hungary in several areas of primary importance for both policy makers and women themselves. These include the field of paid and unpaid labour, the reconciliation of paid work and care responsibilities, violence against women, access to political decision making as well as the existence of gender stereotypes in Hungarian society.

This document was requested by the European Parliament's Committee on Women's Rights and Gender Equality.

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## **BACKGROUND: THE HUNGARIAN POLICY MAKING CONTEXT**

Hungary is a small country of about 10 million inhabitants in Central Eastern Europe. Historians point out the importance of her geopolitical location at the crossroads of East and West: Hungary acted as the westernmost border of the Roman Empire, of Western Christianity and the eastern border of the Turkish invasion and the Communist rule. This border position, some argue, creates an interesting mixture of ideas, cultures and political ideologies in the region.

Hungary was a state socialist ("communist") country until 1989, when the regime collapsed and the first multi-party elections in the spring of 1990 ushered in a new, democratically elected government. The transition from communism entailed the privatisation of productive assets and the integration of Hungary into the global capitalist market. Hungary opened its borders to foreign investors and has one of the highest rates of foreign direct investment flow in the region.

The transition had a complex impact on gender relations. Women's position deteriorated in many respects. Many women lost their jobs, welfare state cutbacks meant fewer childcare places and a decline in the real value of subsidies for families with children. However, new issues relevant for gender equality (such as violence against women, or same sex partnership) could become subjects of political discussion after 1989. While some researchers argue that women suffered disproportionately due to the marketisation process, others claim that this is not the case, since men also lost out to the same degree.

During the first years of the transition little legislative attention was paid to gender equality issues. Indeed, since the communist government had explicit regulations concerning women's emancipation, the first democratic governments tended to ignore this subject and avoid regulation in this field altogether.

Hungary signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1980 as well as the „Additional Protocol" (Act LX 2001), and submitted the 6th periodic report in 2006. The Hungarian government also adopted the Beijing Declaration of the Fourth World Conference on Women in 1995 (govt resolution 2174/1997 VI.26). It was, however, preparations for EU membership in early 2000 which prompted renewed legislative efforts in the field of gender relations. Hungary adopted and implemented the *acquis communautaire* and joined the European Union in 2004.

## **1. GENERAL DISPOSITIONS**

### **1.1. Key legislation**

The most fundamental document which guides gender equality legislation in Hungary is the Constitution. Article 66/A of this document guarantees women's and men's legal equality in the field of civil, political, economic, social and cultural rights. In addition, Article 70/A prohibits discrimination against anyone on the basis of a number of characteristics, including gender. Additional paragraphs prohibiting discrimination may be found in the Civil Code (Act IV of 1959, Article 76) and the Labour Code (Act XXII of 1992, Article 5)

The fact that both the Constitution and the Civil Code date back several decades indicates that the ideal of gender equality has significant legislative precedent in Hungary.

In 2003 in preparation for European Union membership the Hungarian Parliament passed Act CXXV of 2003 on Equal Treatment and the Promotion of Equality of Opportunities. The Equal Treatment Act establishes a framework for the fight against discrimination and specifies about 20 groups of people to be protected, among these, women and mothers (separately). It defines the concept of discrimination, names indirect discrimination as punishable and introduces the possibility of positive discrimination to right earlier disadvantages. In accordance with European Union directives, it legislates the reversal of the burden of proof in anti-discrimination cases. The Act, in accordance with EU directives, established the Equal Treatment Authority (ETA), the main body to monitor the execution of the legislation.

## 1.2. Key institutional background

By the decree of the Equal Treatment Act, the *Equal Treatment Authority* came into existence in 2004. Its procedures are set forth in government decree 362/2004. The Authority examines and decides in cases brought to its attention and has the right to fine companies or government agencies, which are found to have acted in a discriminatory manner. The Authority makes exemplary cases public and contributes to legislative and educational efforts to stop all forms of discrimination. In recent years the number of cases brought before the Authority has increased steadily. In 2009, the ETA received over 1087 complaints and submitted final rulings in 273 of these. Of the 48, where the Authority established a violation of the Equal Treatment Act, about half involved discrimination on the basis of gender or maternity (ETA report 2009).

In addition, since the middle of the 1990s a government office, now called *Department for Equal Opportunities* operating as of 2010 in the Ministry of National Resources, has served the function of the key government agency entrusted with overseeing the promotion of equal opportunities for disadvantaged groups, among them women. The department coordinates and promotes gender mainstreaming in government agencies and institutions, works as a consultative body on legislative matters, runs grants and training programs and publishes informational material to achieve gender equality goals. It also works as the liaison between international agencies and government offices on gender issues.

Finally, the *Gender Equality Council* (established by government resolution 1089/2006 IX.25) is a consultative body, which advises on government decisions, future legislation, identifies problem areas, makes recommendations and in general contributes to the development of national planning. The Council comprises of delegates from the Ministries, from non-governmental organisations and the academia.

## 1.3. Key government-level policy document

In 2010 the government adopted the document which in the next decade will serve as the framework for action with respect to gender equality, "The National Strategy for the Promotion of Gender Equality- 2010-2021" (1004/2010 I.21). The document reflects priorities set by the European Union's Roadmap for Gender Equality 2006-2010, which are here translated into concrete areas of action for the Hungarian context. The Strategy also specifies the indicators to measure progress. The financial background for the strategy is provided partially by the national budget and the European Union's Strategic Funds through a variety of programs administered by the Hungarian Development

Agency. Government Resolution 1095/ 2010 IV. 21 has created a specific action plan for the two years 2010-11 with close to thirty, clearly specified tasks to be carried out by government agencies to promote gender equality in a wide range of areas including paid work, care work, family and political life, health and education.

## 2. THEMATIC DISPOSITIONS

### 2.1. Equal economic independence for women and men

The Hungarian Labour Code (Act XXII of 1992, Article 5, and its modification in 2001) guarantees equal treatment for women and men in the realm of employment relations. Specifically, Article 142/A (1) states that equal wages should be paid for equal work (or work of equal value). In general experts agree that *de facto*, rather than *de jure*, gender inequality is the key problem in the Hungarian labour market.

#### 2.1.1. Access to paid work

While during the communist era most Hungarian women worked full time all through their adult lives, by 2010 the employment rate of Hungarian women is one of the lowest in the EU. According to Eurostat 49.9% of Hungarian working age women were employed in 2009 and this represents a small but steady decline since 2006 (Eurostat 2010). Achieving a higher participation of women in paid work, moving closer to the Lisbon targets, is one of the foremost goals set out by the National Strategy and the Action Plan described above. Programs to this end are funded by Ministries as well as from resources allocated through the European Union's Structural Funds.

Mothers with small children (below 12 years of age) are especially unlikely to be in paid employment, the gap between mothers' and non-mothers' participation in paid work is the second largest in the EU<sup>1</sup>. To address this problem the government introduced a program run by the National Employment Service, which provides financial incentives to companies which hire women who are returning to paid work after parental leave. ("START PLUSZ" and Act CXXIII of 2004).

An important reason for the low rates of women's labour force participation is the unavailability of part-time employment options in Hungary. While 37% of women worked part-time in EU-15 countries in 2009, only 7.5% did in Hungary (Eurostat 2010). In order to harmonize Hungarian legislation with EU directives, it became necessary to review part-time employment regulations. Government resolution 2017/2003 (II.6) aimed to remove the financial disincentive for companies to hire part-time employees and to assess and eliminate other obstacles for the increase in part-time employment, such as for example the question of pension insurance payments. The impact of this legislation, however, has been quite small and the proportion of people working part-time increased only by less than one percentage point in the past five years.

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<sup>1</sup> Frey, Maria. 2009. Nők és férfiak a munkaerőpiacon – a Lisszaboni Növekedési és Foglalkoztatási Stratégia céljainak a tükrében [Women and men in the labor market in light of the Lisbon Strategy] in Nagy Ildikó and Pongrácz Tiborné (eds). Szerepváltozások: Jelentés a nők és férfiak helyzetéről 2009 [Changing Roles: Report on Women's and Men's Situation 2009]



### 2.1.2. Segregation, pay gap

As mentioned above, the Labour Code emphasizes equal wages for work of equal value. Indeed, the pay gap in Hungary (11% overall in 2007) is lower than the European Union average, even though job segregation indices show that men and women tend to do different work and work in different sectors (Frey 2009). One reason for this relatively small gap is the recent wage adjustment introduced by the government starting in 2001, which significantly increased the wages of public sector employees. This regulation also established explicit criteria for wage setting with wage levels determined each year by the government for each category of employees. This resulted in an increase in wages for all public sector employees and also in a reduction of the gender pay gap.

The Department for Equal Opportunities established expert groups to advise and monitor the implementation of each priority area targeted in the Roadmap for Gender Equality 2006-10. Accordingly, expert groups have been organized to develop recommendations on increasing women's economic independence through wage work as well as a reduction in the wage gap. The groups maintain informational websites, have commissioned and prepared studies, organized conferences and developed training materials for a variety of actors, such as, for example, human resource managers.

## 2.2. Equal participation in decision making

The representation of women in high levels of political decision making has been quite low in Hungary since 1989. After the most recent elections in 2010, thirty-five members of the Hungarian Parliament are women, i.e., 9% of all MP's. This is well below the European Union average or women's representation in most Central and East European parliaments. The proportion of women political leaders is somewhat higher at the local level (Koncz 2008) and in the European Parliament (Levai 2009).

The mixed Hungarian electoral system, in which a significant proportion of candidates are elected directly, does not favour the access of women to political positions. To solve this problem, in 2007 the party Alliance of Free Democrats (SZDSZ) introduced a proposal to establish gender quotas on party election lists and in high-level government positions but this proposal did not pass. It did, however, engender a lively public debate on quotas. As a contribution to this public discussion, the Department for Equal Opportunities developed a booklet and other informational material describing the possibilities of a gender quota in Hungary and assessed arguments for and against the measure. It also commissioned and made public results of surveys, which examine the attitudes of Hungarians towards the participation of women in political life.

## 2.3. The eradication of all forms of gender based violence

### 2.3.1. Prostitution and trafficking

The regulation of prostitution is somewhat ambiguous in Hungary: researchers call the system "limited abolitionist" (Feher 2009). Hungary signed and is party to the "New York Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others" (New York, 21 March 1950). Until 1993, however, the act of prostitution itself was a punishable offense and prostitutes themselves could be prosecuted, even though this segment of the Penal Code was enforced in a rather ad hoc manner. This article was deleted by the modifications introduced in 1993, which simultaneously restricted punishment for related activities such as pimping or operating brothels, living on the

earnings of prostitutes, etc (Penal Code, articles 205-7).

In 1999, a further step towards legalization was taken with the introduction of Act LXXV on the Modification of the Rules of Intervention Against Organized Crime. This legislation makes prostitution acceptable but only under certain circumstances, specifically, in specific zones set by local authorities, for adults only and on condition of obtaining a health certificate. Health screening of prostitutes became mandatory every three months (Order 41/1999 of the Ministry of Health) and regulations encouraged them to become private entrepreneurs and pay taxes on their income. Aside from its potential conflict with existing legislation, the greatest problem with this new law has been its application. Most importantly, local authorities have been reluctant to designate prostitution zones, even though this became mandatory for settlements over a certain size or in case prostitution became a public problem.

In terms of trafficking, Hungary is primarily a transit country, rather than either a source or a destination. In line with EU regulations the Penal Code (Article 175/B) explicitly prohibits trafficking and any form thereof. The Department of Equal Opportunities operates an expert group, whose mandate is to study and advise on this issue. In addition, the government developed and adopted a strategic plan to combat trafficking in persons (1018/2008. (III. 26.)). A shelter operates – with support from the government as well as charitable organizations supporting victims of human trafficking. Closely related to this, Act CXXXV of 2005 regulates the support and services that must be made available to victims of crime – including victims of violence and trafficking. Hungary also transposed EU directive 2004/81 on providing temporary visas for victims of trafficking from third countries.

### 2.3.2. Domestic violence

The existence of domestic violence was not acknowledged openly under the communist regime. After 1989 several measures were passed to amend this situation but Hungary still lacks a specific law that criminalises domestic violence. Instead, prosecution must draw on a number of different articles in the Penal Code, such as those addressing battery or assault. It is not surprising that very few cases of domestic violence make it to court and are prosecuted in Hungary.

Some positive steps have, however, been taken in the direction of combating violence against women. In 2003, prior to EU accession and following a handful of much publicized cases, the head of the Hungarian Police Force issued a document specifying a set of practices and procedures to deal with cases of domestic violence within the Police Force (13/2003) and the Parliament decreed that a strategy should be developed to stop domestic violence and to disseminate information about it (Parliament decree 45 and 115/2003). Marital rape (sexual violence in marriage) has been criminalised in the Penal Code since 1997, although very few cases have been prosecuted so far.

More recently, in 2008 the concept of harassment was introduced into the Penal Code (Article 176/A), and although sexual harassment is not addressed separately, it is included in a list of possible forms of harassment. In 2008 a law was passed in Parliament which allowed restraining orders to be issued in case of domestic violence. Although ruled unconstitutional by the Hungarian Constitutional Court, a modified version, much criticized by NGOs dealing with domestic violence, later passed in Parliament and came into effect in October 2009.

These regulations notwithstanding, combating violence against women and helping victims of violence are typically left to NGOs and charitable organizations. A small number of crises help lines are operated in Hungary by NGOs and a state funded National Crisis and Informational Hotline was established in 2005. While the help lines receive calls from all over the country, the availability of actual help is uneven: in rural areas shelters and access to other types of resources are limited and information on the issue of domestic violence – even among experts, such as police officers- is insufficient.

## **2.4. The reconciliation of private and professional life**

### 2.4.1. Childcare institutions

In Hungary most children under 3 years of age are cared for in the home primarily by their mothers. Fewer than 10% of children in this age group are in public day care, thus Hungary falls far short of the “Barcelona targets” of 33%. The situation is somewhat better for preschool children: 79% attend preschool of the 3-6 year old group. In addition to the overall low numbers access is uneven: rural areas are less likely to have functioning day care facilities. Given the deficiency compared to EU norms, the previous Hungarian government, while reforming the parental leave system (see below) passed legislation to improve funding for public day care facilities, required local governments to establish nurseries in smaller communities and encouraged the establishment of private family nurseries.

### 2.4.2. Career breaks

Hungary provides very generous parental leave options for new parents. These regulations, with some modifications, have been in effect for several decades. The system has two tracks, one for insured mothers (called “GYED”) and another for those without social security insurance (“GYES” and “GYET”). New mothers, if they can prove insured status in the year prior to the pregnancy can claim 24 weeks of maternity leave at 70% of their previous wages and then up to 1.5 additional years of parental leave (until their child reaches 2 years of age) at 70% of their wages up to a cap, which is currently about 360 Euros per month (“GYED”). Fathers also can utilise all or some of the parental leave period. Paid work is not allowed while receiving this benefit but the period counts towards pension and parents’ jobs are legally protected.

Uninsured parents, and insured parents at the end of the second years of parental leave can claim a different type of benefit (“GYES”) up to age 3 of the child. This is a universal right, parents receive a flat fee equal to the minimum pension (about 100 Euros per month). Parents are allowed to work 30 hours per week after the child reaches 1 year of age, and not only fathers but even grandparents who take care of the child can claim this benefit.

Parents of multiples and of disabled children receive more generous and longer benefits. Those with three children can extend their leave until the youngest child is 8 years old (“GYET”). Since 2002 fathers are allowed 5 working days to take care of children during their first few years of life (government resolution 305/2002). No other period is set aside specially for fathers to do so.

In an effort to promote wage work for women, in May 2010 the previous government modified this parental leave policy - which had been in effect for almost four decades - primarily by reducing its length to 2 years. In December 2010, however, the current

conservative government reinstated the previous length of the leave and additionally reduced the numbers of paid work hours allowed from full time to 30 hours. Given the general unavailability of part time work in Hungary (described above) as well as the length of the leave, this move is unlikely to encourage women to enter waged employment and to reduce discrimination against mothers and women of child-bearing age. The regulation reflects the highly conservative vision of the government about women's role in society.

#### 2.4.3. Atypical work hours, family friendly workplaces

One of the reasons why women's labor force participation is low is the unavailability of atypical, "family -friendly" work hours and work arrangements in Hungary. As mentioned above, very few people work part-time, partially because such work is unavailable, even though the existing regulations have eliminated the financial disincentives for employers.

Only a handful of specific programs exist to address this problem. An example is the committee established in 2003 in the (then) Ministry of Information to educate companies and initiate distance working opportunities for women with children, among other target groups. The government's gender machinery, the Department for Equal Opportunities, runs training sessions (funded by the government and/or some of the programs of the EU's Structural Funds) to educate employers about the benefits and opportunities offered by reorganizing their work schedule to accommodate people with outside work responsibilities. As a step towards the same goal, an annual national prize is awarded (until 2009 by the Department of Equal Opportunities) to the „most family friendly workplaces" in Hungary.

## 2.5. Breaking down gender stereotypes

According to social science researchers Hungarians tend to hold more conservative views on women's role in society than most other nations in the European Union. In a survey on gender stereotypes, Hungarians were more likely than people from other EU countries to support the notion that men should have priority when jobs are scarce and that women should be prepared to do less paid work in order to care for their families (Takacs 2008).

Slow changes in attitudes and more rapid changes in actual behaviour are observable, however. To support the dismantling of gender stereotypes the Higher Education (Act CXXXIX/ 2005) and the Public Education Act (especially its modification in 2007 - Act LXXXVII/ 2007) approach education in a more gender sensitive way, introducing the concept of gender mainstreaming into the institutional hierarchy of higher level educational institutions and an educational approach that is designed to dismantle gender stereotypes. Additional regulations on textbooks and preschool education attack directly the problem of gender stereotypes in educational processes.

The current government is planning a major overhaul of the higher education act. As an indication of the direction in which they are headed, the state secretary for education has modified the national curriculum for preschools (Government Resolution 221/2010) by eliminating a sentence that called for a fight against gender stereotypes and replacing it with the more modest goal of avoiding prejudice of any sort in preschools. This way, the new curriculum does not actively fight against the elimination of gender stereotypes from the education of young children.

A number of training programs, websites, media campaigns, textbooks and informational booklets have been designed and realized by the Department of Equal Opportunities with the help of a variety of local NGOs. Additionally, so called "Houses of Opportunities" have

been established in each county and are run by the above mentioned department. The mandate of these institutions is to support the promotion of equal opportunities for disadvantaged groups, women among them.

### **3. CONCLUSION**

The legislative framework for realising gender equality is, with some exceptions, in place in Hungary. The major obstacles are found rather in the lack of a more determined political and public will to realize this goal, as well as in the many details of this lengthy and arduous process. Hungary has a long way to go to guarantee equal opportunities, economic independence, security, freedom from violence for women. Certain groups of women, mothers of young children, Roma women, or the elderly are at a particular disadvantage. It is the task of current and future governments to realize *de facto* gender equality and to refine the legislative building blocks necessary for this process.

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