

REPUBLIC OF CROATIA
GENDER EQUALITY ACT

I. GENERAL PROVISIONS

Article 1

This Act regulates general bases for the protection and promotion of gender equality as one of the fundamental values of the constitutional order of the Republic of Croatia, and it defines and regulates the protection against discrimination based on gender and creation of equal opportunities for women and men.

Article 2

No one shall suffer any harm from giving a statement in front of the competent body in the capacity of a witness or victim of sexual discrimination or from alerting the public about a case of sexual discrimination.

Article 3

All government bodies, legal entities vested with public authority and legal entities whose majority shareholders are the state and units of local and regional self-government, in all phases of planning, adopting and implementing a decision or an action, shall be obliged to estimate and evaluate the effects of that decision or action upon the position of women, and men, with the aim of achieving the full equality between women and men.

Article 4

The provisions of this Act shall not be interpreted nor applied in a manner that would limit or reduce the content of guarantees of gender equality arising from the general rules of international law, the European Union *Acquis Communautaire* and the Convention on the Elimination of All Forms of Discrimination Against Women and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

II. DEFINITIONS

Article 5

Gender equality shall mean that women and men are equally present in all spheres of public and private life, that they have equal status, equal opportunities to exercise all their rights and equal benefit from the achieved results.

Article 6

- 1) Discrimination on the basis of gender (hereinafter: discrimination) shall mean any normative or real, direct or indirect differential treatment, exclusion or limitation based on one's gender which renders more difficult or denies equal recognition, enjoyment or exercise of human rights of men and women in political, educational, economic, social, cultural, civil and any other sphere of life.
- 2) Any discrimination on the basis of one's marital or family status and sexual orientation shall be forbidden.
- 3) Any incitement of another person to discrimination shall be considered an act of discrimination under this Act.

Article 7

- 1) Direct discrimination exists if a person is treated or could be treated unfavourably under the same or similar circumstances in comparison to a person of the different gender.
- 2) Indirect discrimination exists when a neutral legal norm, criterion or practise applied under the same or similar circumstances puts persons of one sex in an unfavourable position in comparison to persons of the other gender.
- 3) Legal norms, criteria or practices that are necessary or can be justified by objective facts that are gender neutral shall not be considered acts of discrimination.

Article 8

- 1) Harassment and sexual harassment shall be considered discrimination under this Act.
- 2) Harassment shall include any form of unwanted behaviour conditioned by the person's gender, which aims at or actually constitutes violation of the personal dignity and creates an unpleasant, unfriendly, humiliating or insulting atmosphere.
- 3) Sexual harassment shall include any form of unwanted verbal or non-verbal, that is, physical behaviour of sexual nature, which aims at or actually constitutes violation of the personal dignity and creates an unpleasant, unfriendly, humiliating or insulting atmosphere.

Article 9

- 1) Affirmative actions are specific privileges whereby members of a particular gender are enabled to participate equally in public life, the existing inequality is eliminated or the rights previously denied to them are guaranteed.
- 2) Affirmative actions are introduced on a temporary basis with the aim of achieving full equality of women and men and they are not considered acts of discrimination.

III. AFFIRMATIVE ACTIONS

Article 10

Affirmative actions shall be determined by regulations for individual spheres of public life.

Article 11

- 1) All government bodies, legal entities vested with public authority and legal entities whose majority shareholders are the state and units of local and regional self-government shall be obliged to apply affirmative actions and adopt action plans for the promotion and realisation of gender equality.
- 2) Bodies from Paragraph 1 of this Article shall adopt action plans for their domain on the basis of an analysis of the position of women and men, determine grounds for the introduction of affirmative actions, as well as their aims, methods of their implementation and methods of implementation monitoring.
- 3) Action plans from Paragraph 1 of this Article shall be approved by the Office for Gender Equality of the Government of the Republic of Croatia.

Article 12

- 1) Affirmative actions shall be used to promote equal participation of women and men in bodies of legislative, executive and judicial power, including public services, and gradually increase participation of the underrepresented gender so that its representation corresponds to its share in the total population of the Republic of Croatia.
- 2) For the purpose of achieving the goal from Paragraph 1 of this Article, affirmative actions shall be introduced when representation of one gender is significantly unbalanced.
- 3) When persons are appointed to government bodies and bodies of local and regional self-government and other legal entities vested with public authority, due care shall be taken that both genders are equally represented.
- 4) When a government body appoints committees, commissions and delegations representing the Republic of Croatia at the international level, due care needs to be taken that men and women are equally represented in these committees, commissions or delegations.

IV. DISCRIMINATION IN THE FIELD OF EMPLOYMENT AND LABOUR

Article 13

- 1) Discrimination in the field of employment and labour shall be forbidden both in the public and private sectors, including in government bodies, when it comes to:

1. requirements for employment, self-employment or carrying out a professional activity, including the criteria and requirements for the selection of candidates for particular jobs in any activity and at all levels of professional hierarchy,
 2. promotion at work,
 3. access to all types and levels of education, career counselling, vocational training, additional training and retraining,
 4. employment and working conditions and all rights that arise from work and are based on work, including equal pay,
 5. membership and participation in workers' associations or employers' associations or in any other professional organisation, including privileges arising from such membership.
- 2) Job vacancies must be advertised in such a way that the advertisement clearly states that persons of both genders may apply for the job.

V. EDUCATION

Article 14

- 1) Education in gender equality shall be an integral part of the system of elementary, secondary and tertiary education as well as life-long learning, which shall include the preparation of both genders for active and equal participation in all areas of life.
- 2) Gender studies curricula should stimulate new non-discriminatory knowledge about women and men, abolishment all gender/sexual inequalities and gender stereotypes at all levels of education, recognition of gender aspects in all educational areas and adoption of measures to ensure equal representation of both genders among students as well as among teaching staff.
- 3) All government bodies, legal entities vested with public authority and especially all educational institutions and other legal entities that participate in the promotion and realisation of gender equality shall be obliged to systematically engage in education and awareness raising in gender equality.
- 4) The competent government body for education and institutions that are active in the field of education shall implement affirmative actions, especially in regard to:
 1. access to education,
 2. preparation, adoption and implementation of the educational programme,
 3. issuing mandatory approvals for text-books and teaching aids,
 4. introduction of organisational innovations,
 5. changes in teaching and andragogical methods.

V. POLITICAL PARTIES

Article 15

Political parties that are registered in the Register of political parties shall adopt an action plan every four years regarding the equal representation of women and men and, in accordance with the aforementioned plan, they shall determine methods for the promotion of a more balanced representation of women and men in the party bodies, on the lists of their candidates for the Croatian Parliament and bodies of local and regional self-government.

VII. THE MEDIA

Article 16

- 1) The media shall through their programme concepts help raise awareness about equality of women and men.
- 2) Public display and presentation of any person in an insulting, belittling or humiliating manner, as regards his/her gender and sexual orientation, shall be forbidden.

VIII. STATISTICAL DATA

Article 17

- 1) All statistical data and information that are collected, registered and processed by government bodies, public agencies and institutions, shall be expressed by sex.
- 2) Statistical data and information that are collected, registered and processed in accordance with Paragraph 1 of this Article are available to the public, in compliance with the legislation that regulates protection of private data and provisions of the special act that regulates official statistical data operations.

IX. ENFORCEMENT OF THE ACT

1. OFFICE FOR GENDER EQUALITY

Article 18

- 1) The Government of the Republic of Croatia shall pass a decree whereby it shall establish the Office for Gender Equality (hereinafter: the Office) as a professional body to carry out tasks relating to the realisation of gender equality.
- 2) The Office shall carry out professional and other tasks, by:
 1. coordinating all activities aimed at achieving gender equality, including provision of professional assistance in the implementation and application of this Act and other regulations relating to gender equality,
 2. approving the implementation of action plans of bodies from Article 11 of this Act,
 3. proposing to the Government of the Republic of Croatia and to government bodies adoption or amendments of laws and other regulations and adoption of other measures,
 4. developing national policy for the promotion of gender equality and monitoring its implementation,
 5. making research and analysis and reporting to the Government of the Republic of Croatia every two years on the implementation of the national policy,
 6. monitoring the level of harmonisation and implementation of laws and other regulations relating to gender equality in relation to international documents,
 7. preparing national reports on the extent to which the Republic of Croatia fulfils its international obligations in the area of gender equality,
 8. cooperating with non-governmental organisations active in the field of gender equality and providing a portion of funds for their projects or activities,
 9. promoting knowledge and awareness of gender equality,
 10. receiving petitions that regard violations of this Act and other regulations,
 11. reporting once a year to the Government of the Republic of Croatia on the activities of the Office during the previous year, not later than end of April.

2. GENDER EQUALITY OMBUDSMAN

Article 19

- 1) Gender Equality Ombudsman (hereinafter: the Ombudsman) shall be appointed and dismissed by the Croatian Parliament on the proposal of the Government of the Republic of Croatia.
- 2) The Ombudsman shall have a deputy who shall be appointed and dismissed by the Croatian Parliament on the proposal of the ombudsman.
- 3) The Ombudsman and his/her deputy are state officials of the Republic of Croatia. They shall be appointed for a term of 8 years and can be reappointed.
- 4) The Ombudsman and his/her deputy shall be of different genders and one of them shall be a lawyer.

- 5) The persons appointed as ombudsman and his/her deputy shall be Croatian citizens with university degree whose personal endeavours in the field of protection of human rights are well-known to the public.

Article 20

The Ombudsman and his/her deputy shall be dismissed before their term of office expires if:

1. they resign from the office,
2. they lose Croatian citizenship;
3. they become permanently incapacitated to perform their duties,
4. they get convicted of a criminal offence, or
5. their annual report is rejected or it is determined that they have carried out their duties in unlawful, untimely or unprofessional manner.

Article 21

- 1) The Ombudsman shall act autonomously and independently, monitor the implementation of this Act and other regulations relating to gender equality and report thereof to the Croatian Parliament at least once a year.
- 2) The Ombudsman shall consider cases of violations of the principle of gender equality, cases of discrimination against individuals or groups of individuals committed by government bodies, bodies of the units of local and regional self-government or other bodies vested with public authority, by employees of that body and other legal and natural persons.
- 3) Everybody shall be entitled to approach the Ombudsman for the reason of a violation of this Act, regardless of whether the person is directly harmed or not, unless the person harmed expressly objects to it.

Article 22

- 1) While carrying out the tasks that fall under his/her competence, the Ombudsman shall be entitled to issue warnings, proposals and recommendations.
- 2) The Ombudsman shall be entitled to request reports from the bodies from Article 21 (2), and if such a request is not met, the Ombudsman may require that their respective supervisory body carries out an inspection of their work.
- 3) If in the course of his/her activity the Ombudsman learns that the violation of the provisions of this Act contains elements of a criminal act, he/she shall file a report thereof to the competent state attorney's office.

Article 23

- 1) The Ombudsman shall be entitled to propose to the Constitutional Court of the Republic of Croatia to initiate the proceedings to decide on conformity of laws with the Constitution and conformity of other regulations with the Constitution and the law, in cases where he/she believes that the principle of gender equality is violated.
- 2) When the Ombudsman determines that the principle of gender equality is violated because of the lack of conformity of a legal regulation with this Act, he/she shall initiate the proceedings to amend such a regulation.
- 3) In the course of his/her activity the Ombudsman is entitled to request professional assistance from scientific and professional institutions and individuals.

Article 24

- 1) Government bodies and legal entities vested with public authority, legal entities whose majority shareholders are the state or units of local and regional self-government, and other legal and natural persons shall be obliged to provide all necessary information to the Ombudsman and ensure access to documentation, not later than 15 days after the receipt of the request.
- 2) The Ombudsman and his/her office staff shall be obliged to keep the data accessed in course of their duty as confidential.

Article 25

- 1) The Ombudsman shall adopt the rules of procedure that will stipulate the mode and the organisation of his/her work, internal structure of the office staff and other important issues related to the work of his/her office.
- 2) The rules of procedure shall be approved by the Croatian Parliament.

3. GOVERNMENT BODIES COORDINATOR

Article 26

- 1) The head of each government body shall appoint an official to carry out the tasks of the gender equality coordinator.
- 2) The coordinator from Paragraph 1 of this Article shall cooperate with the Office in conformity with the competences of his/her government body and shall be responsible for the implementation of this Act.

4. LEGAL PROTECTION

Article 27

In cases of discrimination pursuant to Articles 6, 7 and 8 of this Act, the party that considers itself harmed may demand compensation in accordance with the regulations of the obligations law on damage liability.

5. FUNDING

Article 28

The work of the Office shall be financed from the central budget of the Republic of Croatia.

XI. PENAL PROVISIONS

Article 29

The responsible person in a legal entity vested with public authority or legal entity whose majority shareholder is the state or units of local and regional self-government which does not submit its action plan to the Office, shall be charged a penalty of HRK 3,000.00.

XII. TRANSITORY AND FINAL PROVISIONS

Article 30

Bodies from Article 11 of this Act shall make analysis and submit to the Office their action plans which shall include affirmative actions within one year of this Act coming into force.

Article 31

The competent government body from Article 31 of this Act shall be obliged to ensure that elementary and secondary school curricula, vocational education and training curricula and life-long learning curricula are in conformity with the provisions of this Act within one year of this Act coming into force.

Article 32

The bodies responsible for collecting statistical data from Article 17 of this Act shall be obliged to adjust forms for data collection and processing in a way that will ensure implementation of this Act.

Article 33

- 1) The Government of the Republic of Croatia shall adopt the Decree as stipulated by Article 18 of this Act within 60 days of this Act coming into force.
- 2) The Government of the Republic of Croatia shall propose to the Croatian Parliament a nomination for the Ombudsman within 60 days of this Act coming into force.
- 3) The Ombudsman shall nominate a person for the deputy ombudsman position and propose it to the Croatian Parliament within 30 days of his/her appointment.

Article 34

The Ombudsman shall adopt the rules of procedure from Article 25 of this Act within 60 days of assuming his/her office.

Article 35

The coordinators from Article 26 of this Act shall be appointed within 3 months of this Act coming into force.

Article 36

Acts and other regulations shall be accorded with the provisions of this Act within one year of this Act coming into force.

Article 37

This Act shall come into force on the eight day from the day of its publication in the Official Journal ("Narodne novine").