



SRBIJA

**USVOJEN NOVI ZAKON
O RODNOJ RAVNOPRAVNOSTI**

Narodna skupština Republike Srbije je 20. maja 2021. godine usvojila Zakon o rodnoj ravnopravnosti („*Zakon*“) čiji je cilj uspostavljanje institucionalnog okvira za ostvarivanje rodne ravnopravnosti, a prvenstveno stvaranje jednakih mogućnosti za učešće i ravnopravan tretman muškaraca i žena u svim oblastima društvenog života.

Osnov ovog Zakona predstavlja politika jednakih mogućnosti, koja podrazumeva:

- ravnopravno učešće žena i muškaraca u svim fazama planiranja, pripreme, donošenja i sprovođenja odluka koje utiču na položaj žena;
- uzimanje u obzir različitih interesa, potreba i prioriteta žena i muškaraca prilikom donošenja javnih i drugih politika i odlučivanja o pravima, obavezama i na zakonu zasnovanim interesima, kao i
- preduzimanje mera kojima se obezbeđuje jednaka polazna tačka za ostvarivanje principa jednakih mogućnosti za lica,

SERBIA

**NEW LAW ON GENDER EQUALITY
IS ADOPTED**

On 20 May 2021, National Assembly of the Republic of Serbia adopted Law on Gender Equality (the “*Law*”), whose purpose is to establish institutional framework for realization of gender equality, and primarily to create equal possibilities for participation and equal treatment of men and women in all aspects of social life.

The basis of this Law is an equal opportunities policy, including:

- equal participation of women and men in all phases of planning, preparation, making and implementation of decisions affecting the position of the women;
- consideration of different interests of the men and women, needs and priorities when issuing public and other politics, and deciding about rights, obligations and interests based on the law, as well as
- undertaking measures that provide an equal starting point for achieving the principle of equal opportunities for persons, or groups

odnosno grupe lica koja se nalaze u nejednakom položaju po osnovu pola, polnih karakteristika, odnosno roda, posebno pripadnika osetljivih društvenih grupa.

of persons who are in the unequal position on the basis of gender, gender characteristics, and especially members of vulnerable social groups.

U skladu sa politikom jednakih mogućnosti, Zakon definiše i konkretizuje primenu **opštih i posebnih mera** u cilju ostvarivanja i unapređivanja rodne ravnopravnosti.

In accordance with the politics of equal opportunities, the Law defines and concretizes the application of **general and special measures** in order to achieve and promote gender equality.

Shodno Zakonu, **opšte mere** predstavljaju zakonom propisane mere kojima se u određenoj oblasti zabranjuje diskriminacija na osnovu pola, odnosno roda, ili nalaže odgovarajuće postupanje radi ostvarivanja rodne ravnopravnosti, dok **posebne mere** predstavljaju aktivnosti, mere, kriterijume i prakse u skladu sa načelom jednakih mogućnosti kojima se obezbeđuje ravnopravno učešće i zastupljenost žena i muškaraca, pri čemu posebne mere određuje i sprovodi organ javne vlasti, kao i poslodavac.

According to the Law, **general measures** are measures prescribed by the law which, in certain area, prohibit discrimination based on gender, or require undertaking of certain actions in order to achieve gender equality, while **special measures** represent activities, measures, criteria and practices in accordance with the principle of equal possibilities ensuring equal participation and representation of women and men, whereby those special measures are being determined and implemented by the public authority and the employer.

U skladu sa članom 16. Zakona, organi javne vlasti i poslodavci koji imaju **više od 50 zaposlenih**, dužni su da **određuju i sprovode posebne mere** u zavisnosti od ciljeva koje je potrebno ostvariti njihovim određivanjem i sprovođenjem, **pri čemu se posebne mere određuju i sprovode u okviru godišnjih planova i programa rada**.

In accordance with Article 16 of the Law, public authorities and the employers who employ **more than 50 employees** are obliged **to determine and implement special measures**, depending on the purposes that need to be achieved by their determination and implementation and **whereby those special measures are determined and implemented in the annual plans and work programs**.

Organi javne vlasti i poslodavci su dužni da u roku od **15 dana od dana donošenja odnosnih akata** obaveste nadležno ministarstvo i da uz obaveštenje dostave izvod iz plana, odnosno programa u delu koji se odnosi na ostvarivanje i unapređenje rodne ravnopravnosti, odnosno da dostave obaveštenje o glasilu ili internet stranici na kojoj je plan ili program objavljen.

Public authorities and employers are obliged to inform the competent Ministry **within 15 days from the day of issuance of the respective acts** and to submit an excerpt from the plan or program related to the realization and promotion of gender equality, or to submit a notice about the gazette or the website on which the plan or program is published.

Pritom, podaci o realizaciji godišnjeg plana ili programa u delu koji se odnosi na ostvarivanje rodne ravnopravnosti su **sastavni deo godišnjeg izveštaja o realizaciji godišnjeg plana ili programa, koji se dostavljaju nadležnom ministarstvu u roku od 30 dana od dana usvajanja**.

In addition, information on the implementation of the annual plan or program with regard to the realization of gender equality are **an integral part of the annual report on the implementation of the annual plan or program**. **Respective documents are submitted to the competent Ministry within 30 days from the day of their issuance**.

Nadalje, Zakon propisuje i reguliše oblasti u kojima se određuju i sprovode opšte i posebne mere, među kojima je i *oblast rada, zapošljavanja i samozapošljavanja*.

S tim u vezi, članom 28. Zakona regulisano je vrednovanje ukupne vrednosti neplaćenog kućnog rada, a pri čemu lice koje nije zdravstveno osigurano po bilo kom drugom osnovu stiče pravo na zdravstveno osiguranje po osnovu neplaćenog rada u kući (poput vođenja domaćinstva, staranja o podizanju dece, staranja o ostalim članovima porodice), neplaćenog rada na poljoprivrednom imanju i dr.

Takođe, članom 30. Zakona propisana je obaveza poslodavca da u organima upravljanja i nadzora kod poslodavca, kao i na položajima u tim organima, obezbedi uravnoteženu zastupljenost polova. U smislu ovog Zakona, **uravnotežena zastupljenost polova** postoji kada je zastupljenost jednog od polova između 40-50% u odnosu na drugi pol, a **osetno neuravnotežena zastupljenost polova** postoji kada je zastupljenost jednog pola niža od 40% u odnosu na drugi pol, osim ako iz posebnog zakona ne proizlazi drugačije.

Dodatno, Zakonom je izričito propisana i zabrana otkaza, odnosno raskida radnog odnosa od strane poslodavca ili organa javne vlasti, kao i proglašavanje zaposlenog viškom na osnovu pola, odnosno roda, trudnoće, porodiljskog odsustva ili odsustva sa rada radi nege deteta i odsustva sa rada radi posebne nege deteta, kao i zbog pokrenutog postupka za zaštitu diskriminacije, uznemiravanja, seksualnog uznemiravanja i seksualnog učenjavanja.

Dalje, Zakon propisuje i da vreme tokom kojeg je zaposleni odsustvovao sa rada zbog trudnoće, porodiljskog odsustva, odsustva radi nege deteta i odsustva radi posebne nege deteta neće se računati kod procene uspešnosti rada u ukupnom vremenskom periodu u kome se uspešnost rada računa.

Dodatno, članom 66. Zakona propisana je dužnost organa javne vlasti i poslodavaca (bez obzira na broj zaposlenih) da sačinjavaju godišnje izveštaje o ostvarivanju rodne ravnopravnosti.

Furthermore, the Law prescribes and regulates areas in which general and special measures are determined and implemented, among which is the *area of labor, employment and self-employment*.

In that regard, Article 28 of the Law stipulates the valuation of the total value of unpaid housework, whereby the person who is not health insured on any other basis, is entitled to the right to health insurance on the basis of unpaid work at home (such as running a household, taking care of raising children, taking care of other family members), unpaid work on the farm, etc.

In addition, Article 30 of the Law stipulates the employer's obligation to ensure balanced gender representation in the management and supervisory bodies, as well as in the positions in those bodies. In terms of this Law, **a balanced gender representation** exists when the representation of one gender is between 40-50% compared to the other gender, and **significantly unbalanced gender representation** exists when the representation of one gender is lower than 40% compared to the other gender, unless otherwise is provided by special law.

Moreover, the Law explicitly prescribes the prohibition of termination of the employment by the employer or by public authority, as well as determination of an employee as redundant on the basis of gender, pregnancy, maternity leave, childcare leave or leave for special care of a child, as well as due to the initiated procedure for protection of discrimination, harassment, sexual harassment and sexual blackmailing.

Furthermore, the Law prescribes that the time during which the employee was absent from work due to the pregnancy, maternity leave, childcare leave and leave for special care of a child, will not be considered when evaluating work performance.

Additionally, Article 66 of the Law prescribes the duty of public authorities and employers (regardless of the numbers of employees) to make annual reports about realization of gender equality.

Odnosni izveštaji sadrže ocenu stanja u pogledu ostvarene rodne ravnopravnosti u organu javne vlasti, odnosno kod poslodavca, uključujući i razloge zbog kojih nije ostvarena propisana ravnopravna zastupljenost žena i muškaraca u sastavu organa javne vlasti, odnosno poslodavca, ako ta zastupljenost nije ostvarena. Odnosni izveštaji se dostavljaju nadležnim ministarstvima najkasnije **do 15. januara tekuće godine za prethodnu godinu**, a za nepostupanje u skladu sa ovom odredbom Zakona propisana je i novčana kazna.

The respective reports must contain an assessment of the situation regarding gender equality in the public authority or at the employer, including the reasons why needed equal representation of women and men is not achieved in the public authority or at the employer. This report should be submitted to the competent Ministry **no later than 15 January of the current year for the previous year**. According to the Law, employers and public authorities may be fined for non-compliance with this provision.

Konačno, stupanjem na snagu ovog Zakona prestao je da važi raniji Zakon o ravnopravnosti polova, a svi sudski postupci za pružanje građanskopravne zaštite od diskriminacije, koji su započeti na osnovu ranijeg Zakona o ravnopravnosti polova, a nisu okončani do stupanja na snagu Zakona, biće okončani po odredbama ovog Zakona.

Finally, with the entry into force of this Law, previous Law on Gender Equality ceased to produce legal effects. Furthermore, the Law especially prescribes that all initiated court proceedings related to civil protection against discrimination on the basis of the previous Law on Gender Equality, not finished by the day of entering this Law into the force, shall be finished under the provisions of this Law.

Usvajanjem Zakona Srbija je konačno dobila „moderan krovni zakon“ iz oblasti rodne ravnopravnosti. Tekst odnosnog Zakona je dostupan [ovde](#).

By adopting the Law, Serbia finally create a „modern framework law” in the area of gender equality. Text of the respective Law is available [here](#).

Za više informacija kontaktirati / For more information please contact:

Kristina Minić
Associate – Doklestin Repic & Gajin
kristina.minic@doklestin.law
T. +381.11.414.33.60

Marina Krsmanović
Associate – Doklestin Repic & Gajin
marina.krsmanovic@doklestin.law
T. +381.11.414.33.60