

REPUBLIC OF SERBIA

**LAW
ON GENDER EQUALITY**

Belgrade, 2016

LAW ON GENDER EQUALITY

Note: This is a true translation of the original Law,
but it is not legally binding.

Original title:

ZAKON O RAVNOPRAVNOSTI POLOVA

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LAW ON GENDER EQUALITY*

I BASIC PROVISIONS

Scope of Regulation

Article 1

This Law shall regulate creation of equal opportunities for exercising of rights and obligations, taking of special measures for the prevention and elimination of discrimination on the grounds of sex and on the grounds of gender and the procedure of legal protection of the persons exposed to discrimination.

Respect for International Standards and Constitutional Guarantee

Article 2

Gender equality implies equal participation of women and men in all areas of public and private sector, in compliance with the generally accepted rules of international law, ratified international agreements, Constitution of the Republic of Serbia (hereinafter: the Constitution) and laws, and everybody shall be obliged to respect it.

Gender equality shall be guaranteed in compliance with the generally accepted rules of international law, ratified international agreements, Constitution and laws.

The provisions of this Law may not be interpreted in a manner that would lead to abandoning or restriction of an existing right laid down by another regulation.

State authorities, authorities of the autonomous provinces, authorities of the local self-government units, organisations entrusted with exercising public powers, as well as the legal persons established or financed entirely, i.e. in a predominant part by the Republic of Serbia, the autonomous province and a local self-government unit (hereinafter: the public governmental authorities) shall be obliged to monitor the realisation of gender-based equality in all areas of social life, implementation of international standards and constitutionally guaranteed rights in this area.

* Published in the *Službeni glasnik RS*, No. 104/09 of 16 December 2009.

Policy of Equal Opportunities

Article 3

The public governmental authorities shall develop an active policy of equal opportunities in all areas of social life.

The policy of equal opportunities shall imply equal participation of sexes in all phases of planning, adoption and implementation of decisions impacting the position of women and men.

Discrimination

Article 4

Discrimination on the grounds of sex shall be each unjustified discrimination or unequal treatment, i.e. omission (exclusion, limitation or giving priority) that is aimed at or that results in aggravating, jeopardizing, precluding or denying recognition, enjoying or exercising of human rights and freedoms to a person or a group in a political, economic, social, cultural, civil, family and other areas.

Discrimination shall additionally be considered to include unjustified worse treatment of a person compared to another person, exclusively or predominantly due to such person's seeking or intending to seek legal protection against discrimination, or offering or intending to offer the evidence of discriminatory treatment.

Unjustified differentiating, exclusion, restriction and action or other measures taken, within the meaning of this Law, shall in particular be considered to be where:

- 1) a measure taken is not justified with a lawful or legitimate objective;
- 2) there is no proportionality between the measures taken and the objective achieved through the measures taken.

Direct Discrimination

Article 5

Direct discrimination shall be each unjustified differentiating, exclusion or restriction whereby in a same or a similar situation, by means of any act or an action of a public governmental authority, employer or a service provider, a person or a group of persons are placed or have been placed in a less favourable position, i.e. could be placed in a less favourable position, on the grounds of sex.

Indirect Discrimination

Article 6

Indirect discrimination shall be each unjustified differentiating, exclusion or restriction whereby in a same or a similar situation a person, i.e. a group of persons are placed in a less favourable position, on the grounds of sex as a personal characteristic, through the adoption of an act or by conducting an action that is ostensibly based on the principle of equality and non-discrimination.

Special Measures for Achieving Gender Equality

Article 7

Adoption of special measures with a view to eliminating and preventing unequal position of women and men and achieving equal opportunities for the sexes shall not be considered to comprise discrimination or infringement of the principle of equal rights and obligations.

Article 8

No one may suffer any adverse consequences due to testifying before a competent authority or due to giving a public warning of a case of discrimination as a witness or a victim of discrimination on the grounds of sex.

General Prohibition of Abuse of Rights

Article 9

It shall be prohibited to exercise the rights laid down by this Law contrary to the objective for which they were recognised or with an intention of infringing or restricting other persons' rights, or to cause serious consequences for the security, public order and morality.

Meaning of Terms

Article 10

Individual terms, within the meaning of this Law, shall have the following meanings:

- 1) sex pertains to the biological characteristics of a person;
- 2) gender shall be the term signifying the socially established roles, positions and statuses of women and men in public and private life, from which, due to the social, cultural and historical differences, discrimination based on a person's biological sex arises;
- 3) a special measure shall be a measure of interim character directed at abolishing inequality and speeding up and achieving full gender equality in practice;
- 4) equal opportunities shall be the respect for and exercising of human rights on the grounds of sex in all areas of social life and the potential for equal use of the results arising from the development of the society;
- 5) gender-based violence shall be the behaviour jeopardizing bodily integrity, psychological health or tranquillity, or incurring material damage to a person, as well as a serious threat by such behaviour, which is preventing or restricting a person from/in enjoying the rights and freedoms based on the principle of gender equality;
- 6) harassment shall be any unwanted verbal, non-verbal or physical act, committed with an intention of or resulting in violation of dignity and causing intimidation or creating a hostile, degrading or offensive environment, which is sex-based;
- 7) sexual harassment shall be any unwanted verbal, non-verbal or physical act of the sexual nature, perpetrated with an intention to, or resulting in, the violation of personal dignity, creating an intimidating, hostile, degrading or offensive environment, which is sex-based;
- 8) sexual blackmailing shall be any behaviour of a responsible person who, with the aim of requesting favours of the sexual nature, blackmails another that in case of a refusal to

provide the services requested, something will be disclosed against him or against a person close to him that may be injurious to her or his honour or reputation;

9) the employer shall be a legal or a natural person that employs, i.e. engages for work one or more persons, except for the public governmental authorities;

10) a service provider shall be any natural, i.e. legal person that provides certain services within their scope of competencies as laid down by the law, i.e. the founding act to other natural and legal persons.

The terms designating positions, professions, i.e. occupations in this Law that are expressed in grammatical masculine gender shall imply the natural masculine and feminine gender of the persons to whom they pertain.

II EMPLOYMENT, SOCIAL AND HEALTH PROTECTION

Equal Opportunities

Article 11

The employer shall be obliged to provide for equal opportunities and treatment relating to exercising of the rights from employment and on the basis of employment to the employees, irrespective of their sex, in compliance with the law regulating labour.

The following shall not be considered to comprise discrimination or breach of the principle of equal opportunities:

- 1) special measures aimed at increasing employment levels and employability of a less employed sex;
- 2) special measures aimed at increasing participation of the less represented sex in professional training and provision of equal opportunities for promotion;
- 3) other special measures, as laid down in compliance with the law.

Records and Documentation on Gender Breakdown of Employees

Article 12

The employer shall be obliged to maintain records on gender breakdown of employees in compliance with the law regulating records in the field of labour and to provide the data from such records for inspection to the labour inspection and to the authority in charge of gender equality, in the manner and in compliance with the law regulating personal data protection.

The data and information on gender breakdown of employees shall be processed and recorded as statistical data.

Plan of Measures for Elimination or Mitigation of Unequal Representation of Sexes and Report on Implementation

Article 13

The employer with more than 50 employees employed with them for an unspecified period of time shall be obliged to adopt the plan of measures aimed at elimination or mitigation of unequal representation of sexes for each calendar year, by 31 January at the latest.

The employer shall be obliged to compile the annual report on the implementation of the plan of measures referred to in paragraph 1 of this Article by 31 January of the current year for the previous year at the latest.

The employer shall be obliged to deliver the plan of measures and the report referred to in paragraphs 1 and 2 of this Article to the Ministry in charge of gender equality.

The contents and method of delivery of the plan of measures and the report referred to in paragraphs 1 and 2 of this Article shall be prescribed by the Minister in charge of gender equality.

Equal Availability of Jobs and Positions

Article 14

Where the representation of the less represented sex in each organisational unit, in the management positions and in the administrative and supervisory authorities is less than 30%, the public governmental authorities shall be obliged to apply the affirmative measures in compliance with the Law on Civil Servants and the Law on State Administration.

Entering into Employment and Work Engagement

Article 15

Making distinctions on the grounds of sex on the occasion of public announcement of job vacancies and conditions for the performance of job and of making decisions on the selection of persons seeking employment for the purpose of entering into employment or another form of work engagement shall be prohibited, except where there are justified reasons laid down in compliance with the law regulating labour.

Placement and Promotion

Article 16

A person's sex may not be an impediment to promotion at work.

Absence from work due to pregnancy and parenthood must not be an obstruction to the selection for a higher rank, promotion or professional development.

Absence from work due to pregnancy and parenthood must not be the grounds for placement to inadequate jobs or for termination of employment contract in compliance with the law regulating labour.

Equal Pay for Equal Work or Work of Equal Value

Article 17

Irrespective of their sex, the employees shall exercise the right to equal pay for equal work or work of equal value with the employer, in compliance with the law regulating labour.

Harassment, Sexual Harassment and Sexual Blackmailing

Article 18

Harassment, sexual harassment or sexual blackmailing at work or in relation to work perpetrated by an employee against another employee shall be considered a breach of work duty that is the basis for termination of an employment contract, i.e. for imposing the measure of termination of employment, as well as the grounds for employee's removal from work.

The employee shall notify the employer of the circumstances that are indicative of his/her exposure to harassment, sexual harassment or sexual blackmailing in writing and shall seek efficient protection.

Professional Development and Training

Article 19

In each cycle of professional development or training, the employer shall ensure that the representation of sexes reflects to the greatest extent possible the gender breakdown of the employees with the employer, or alternatively the employees in the organisational unit for which the training is conducted, and shall include a report thereon in the annual report referred to in Article 13, paragraph 2 of this Law.

Termination of Employment and Work Engagement

Article 20

Initiating of a procedure by the employee due to discrimination on the grounds of sex, harassment, sexual harassment or sexual blackmailing may not be considered a duly justified reason for termination of an employment contract, i.e. for termination of an employment or other (contractual) relation based on labour, nor can it represent a duly justified basis for proclaiming the employee redundant in compliance with the regulations governing labour.

Collective Bargaining

Article 21

Trade unions and employers' associations shall be obliged to, on the occasion of establishing the bargaining committee in compliance with the law regulating labour, provide a minimum of 30% of the representatives of the less represented gender, i.e. the number of representatives of the less represented gender that is proportionate to the share of such gender in the membership in trade unions and employers' associations.

Promotion of Employment

Article 22

The organisation in charge of employment shall provide for equal availability for jobs and for the equality in employment procedure of both sexes.

Promotion of employment and self-employment of the less represented sex shall not be contrary to the principle referred to in paragraph 1 of this Article.

The organisation in charge of employment shall promote employment and self-employment of the less represented sex by including a larger number of persons of such sex in individual measures of active employment policy.

The measures of active employment policy shall provide for: the affirmation of equal opportunities in the labour market; career guidance, professional information, counselling and individual employment plan; additional education and trainings; other activities focused on the promotion of self-employment and employment of the less represented sex.

Social Protection

Article 23

Discrimination on the grounds of sex in exercising and enjoyment of rights in the field of social protection shall be prohibited irrespective of the entities organising and implementing such protection.

Budgetary appropriations for the improvement of financial position of the single and unemployed parents shall be laid down on the level of the Republic of Serbia, autonomous province and local self-government unit, in compliance with the law.

Health Protection

Article 24

Discrimination on the grounds of sex in exercising of the right to health protection shall be prohibited.

The Republic of Serbia shall provide for the health protection of women and men through establishing of health institutions on the primary, secondary and tertiary level, in compliance with the law regulating health protection.

Health protection of women shall in particular include:

- 1) prevention and early detection of diseases;
- 2) health protection relating to family planning, during pregnancy, childbirth and motherhood;
- 3) health protection in case of illnesses and injuries, in compliance with the law regulating health protection.

Working Hours of Institutions of Social and Health Protection

Article 25

The institutions of social and health protection shall be obliged to adjust the organisation of work and working hours' schedule to the needs of the users.

III FAMILY RELATIONS

Family Life

Article 26

Everybody shall be equal, irrespective of the family or marital status.

Marriage and Domestic Partnership

Article 27

Spouses and domestic partners shall be equal, in compliance with the law.

Birth Giving

Article 28

Each person in reproductive age shall be entitled to health care and provision of health services relating to family planning, irrespective of their sex.

Partners shall be equal in planning the number of children, access to information, education and means enabling them to exercise these rights.

Special measures promoting childbirth and special measures aimed at protection and promotion of reproductive health of women shall not be considered discrimination.

Domestic Violence

Article 29

All members of a family shall be equally entitled to the protection against domestic violence.

Special measures and programmes intended for the following shall not be considered discrimination:

1) the domestic violence victims to whom the social, legal and other assistance and compensation are provided with the aim of protection against domestic violence and removing and mitigating the consequences of violence;

2) taking care of violence victims, with a view to preventing violence and exercising of their right to life without violence (safe houses, etc.);

3) the perpetrators of domestic violence, with a view to preventing further violence.

Public governmental authorities shall be obliged to plan, organise, implement and finance the measures intended to raise public awareness of the need to prevent domestic violence.

IV EDUCATION, CULTURE AND SPORTS

Equal Opportunities

Article 30

Educational and scientific institutions, as well as the institutions for professional training must not discriminate on the grounds of sex, in particular if relating to:

- 1) the conditions for admission and for rejection of admission to the institution;
- 2) the conditions and opportunities for access to continuing education, including all programmes for adult education and functional literacy programmes;
- 3) the conditions for exclusion from educational process, scientific work and professional development;
- 4) the method of providing services and giving advantages and notifications;
- 5) the assessment of knowledge and valuation of the results achieved;
- 6) the conditions for acquiring scholarships and other types of assistance for schooling and studies;
- 7) the conditions for the selection for or acquiring of a title, professional guidance, professional development and acquiring diplomas;
- 8) the conditions for promotion, additional training or retraining.

Equality of Sexes as an Integral Part of Education

Article 31

Education on gender equality shall be an integral part of preschool, primary, secondary and higher education, as well as of the lifelong learning.

Education on gender equality shall be provided for within curricula and programmes, i.e. study programmes, with the aim of overcoming the restrictive gender-based roles, freeing from gender-based stereotypes and gender-based prejudices.

Special adequate information and education in the field of sexual education and reproductive health shall be provided for within curricula and programmes as well.

The state administration authorities in charge of education, i.e. the educational institutions in the procedure of adoption of curricula and programmes, i.e. study programmes, and on the occasion of determining the standards for textbooks, teaching methods and regulations for school spaces and equipment, shall be obliged to enable the implementation of the policy of equal opportunities for women and men.

Equal Representation of Sexes

Article 32

The authorised proposer shall propose a minimum of 30% representatives of the less represented sex on the occasion of appointing the members of the administrative and supervisory authorities in public services.

Special Measures

Article 33

With a view to providing conditions for advancement and more complete inclusion in the process of education and professional development, the public governmental authorities in charge of education shall be obliged to take special measures aimed at inclusion of students or groups of students, who, due to their culture, tradition and socio-economic conditions, drop out of school early, in these processes.

Measures aimed at providing special support to students or groups of students for their transfer from a lower to a higher educational level, i.e. continuation of schooling may be taken as well.

The public governmental authorities in charge of education shall lay down special programmes aimed at returning the students referred to in paragraph 1 of this Article to schools and other educational institutions.

The public governmental authorities in charge of education may additionally take other special measures, and in particular the measures aimed at the promotion of information, technical and technological education of the less represented sex.

Equal Representation of Sexes in Sports

Article 34

Educational institutions shall be obliged to provide for equal conditions for active practicing of sports, independently of the sex, and to take measures for the promotion of physical exercising and sports activities for girls and women.

Sports organisations and associations shall be obliged to provide for the equal treatment of sexes in developing and financing of sports activities.

Sports organisations and associations shall be obliged to provide for the equal representation of sexes in the management authorities of such organisations and associations.

V POLITICAL AND PUBLIC LIFE

Equal Opportunities for Political and Other Action

Article 35

The right to enrolment in a political party, active participation in the work and participation in the bodies of a political party shall be realised without discrimination on the grounds of sex, in compliance with the acts of the political party.

The political parties shall adopt every four years the plan of action with special measures for the promotion and furthering of equal representation of women and men in the bodies of the party, and on the occasion of proposing the candidates for the election of members of parliament and aldermen.

Trade unions and vocational associations shall adopt every four years the plan of action with special measures for the promotion and furthering of equal representation of women and men in their bodies.

Political parties, trade unions and vocational associations shall publish the plan of action with special measures on their official internet site, and the political parties whose candidates were elected members of parliament, i.e. aldermen, shall additionally deliver it to the Committee on Gender Equality in the National Assembly of the Republic of Serbia.

Political parties, trade unions and vocational associations shall be obliged to fulfil the obligations referred to in paragraphs 2, 3 and 4 of this Article for the first time by 1 December, 2010, when the time limit referred to in paragraphs 2 and 3 of this Article shall start to run.

Right to Vote

Article 36

The right to vote, without discrimination on the grounds of sex, shall be provided for in compliance with the Constitution and the law.

Equal Representation and Equal Opportunities for Access in the Authorities of the Executive Branch of Government, Public, Financial and Other Institutions

Article 37

Gender equality shall be provided for on the occasion of candidacy for the president of the Republic, members of parliament and aldermen, in the manner and in compliance with the regulations governing elections.

Gender equality shall be provided for on the occasion of candidacy for the election on all the functions and designation with the public governmental authorities, financial and other institutions.

Gender equality shall be provided for during conducting the electoral procedure through the composition and work of the authorities for conducting elections, in compliance with the regulations governing elections.

Participation in International Cooperation

Article 38

Everyone shall be equally entitled to equally and without discrimination participate in international cooperation realised within the foreign policy of the Republic of Serbia, in compliance with the competencies of the Republic of Serbia, autonomous province and local self-government unit, as well as to be represented and to participate in the work of international organisations and institutions.

On the occasion of election or appointment of delegations representing the Republic of Serbia, the composition of the delegations must mandatorily include a minimum of 30% of persons of the less represented sex, in compliance with the international standards.

The provisions of paragraph 2 of this Article shall also apply to the international cooperation realised by the autonomous provinces and local self-government units in compliance with the Constitution and competencies prescribed by the laws.

Obligations of the Authorities of Local Self-Government Units

Article 39

Authorities of the local self-government units shall provide for the gender equality and realisation of equal opportunities within their competencies.

Authorities of the local self-government units shall promote and further gender equality within their competencies and tasks related to gender equality.

In the process of adoption of developmental plans and other acts, the competent authorities of the local self-government units shall consider the measures and activities aimed at gender equality and provision of equal opportunities.

In the authorities of the local self-government units, within the existing organisation and act on internal organisation and job classification, a permanent working body shall be organised or an employee for gender equality and conducting of tasks aimed at achieving equal opportunities shall be designated, in compliance with this law.

Statistical Records

Article 40

Statistical data that is collected, recorded and processes at the level of the Republic of Serbia, autonomous province and the local self-government unit, as well as in the institutions and organisations exercising public powers, public enterprises and companies must be presented by gender.

Statistical data referred to in paragraph 1 of this Article shall be an integral part of the statistical information system of the Republic of Serbia and shall be available to the public, in compliance with the law.

Public Information

Article 41

Information through the media must not comprise or instigate gender-based discrimination.

The provisions of paragraph 1 of this Article shall also pertain to all the aspects of advertisements and promotional materials.

Through their programmes, the media shall be obliged to develop awareness of the equality on the grounds of sex, as well as to take adequate measures with the aim of changing the social and cultural forms, customs and any other practices, which are causing stereotypes, prejudices and discrimination based on the idea of subordination, i.e. superiority of a certain sex.

Associations

Article 42

The associations whose objectives are related to furthering gender quality shall be entitled to monitor the realisation of gender equality and to point to discrimination, as well as to compile and publish reports on their findings.

The associations referred to in paragraph 1 of this Article shall take an active part in the realisation of gender equality, in proposing special measures and creating conditions for achieving gender equality, as well as in compiling reports on the realisation of gender equality.

The associations referred to in paragraph 1 of this Article shall have their representatives in the working body of the Government in charge of gender equality, which shall be formed and whose members shall be appointed by the Government.

VI COURT PROTECTION

Civil Law Protection

Article 43

Each person whose right or freedom has been infringed on the grounds of their sex may initiate proceedings before the court of relevant jurisdiction and request:

- 1) determining of the breach perpetrated through discriminatory treatment;
- 2) prohibition of conducting actions which present threat from the breach;
- 3) prohibition of any further taking, i.e. repeating actions that caused the breach;
- 4) withdrawal from the market of the means, i.e. objects whereby the breach was committed (textbooks including discriminatory or stereotypical representation of a sex, printed media, advertising, promotional materials, etc.);
- 5) removal of the breach and restoring the position, i.e. the condition prior to the breach committed;
- 6) compensation of material and non-material damage.

The proceedings referred to in paragraph 1 of this Article may be initiated, with the consent of the person discriminated against, in his/her name, by the trade union or associations whose objectives are related to furthering of gender equality. These entities may join the plaintiff in the capacity of an intervenor.

In case of discrimination whereby the rights of a large number of persons have been infringed, the entities referred to in paragraph 2 of this Article may initiate the proceedings in their own name. The person whose right has been infringed may join the plaintiff in the capacity of an intervenor.

Following the entry in the proceedings, i.e. upon initiating the proceedings, the entities referred to in paragraph 2 of this Article may, through the media or in some other adequate manner, inform other injured persons, trade unions and associations of the proceedings initiated and invite them to join the plaintiff in the capacity of intervenors or co-litigants.

The new plaintiff may subsequently enter the proceedings with the plaintiff even without any consent from the defendant following his/her entry in the hearing of the main issue.

Procedure in Proceedings for Civil Law Protection

Article 44

The provisions of the law regulating civil proceedings shall apply *mutatis mutandis* where no special rules are prescribed by this Law, in the proceedings for civil law protection due to discrimination on the grounds of sex.

Initiation of Proceedings

Article 45

The procedure in the proceedings for civil law protection against discrimination on the grounds of sex may be initiated even before the completion of the procedure for the protection of rights arising from labour and on the basis of labour before the competent authority.

Jurisdiction

Article 46

The proceedings for civil law protection against discrimination on the grounds of sex shall be within jurisdiction of the court of general territorial jurisdiction, in accordance with the law regulating courts.

In addition to the court of the general territorial jurisdiction, the court in the territory of which the plaintiff has his/her domicile, i.e. residence shall be competent to decide in the proceedings referred to in paragraph 1 of this Article.

Urgency of the Procedure

Article 47

The procedure in the proceedings for civil law protection against discrimination on the grounds of sex shall be particularly urgent.

The first hearing must take place within 15 days from the claim receipt date. The time limit for a reply to the claim shall be eight days.

The court shall be obliged to pass a decision on the motion for imposition of an interim measure within three days from the motion receipt date.

The time limit for an objection against the decision on the interim measure shall be 48 hours from the receipt of the decision. The decision on the objection shall be passed within the following 48 hours.

The time limit for an appeal against the decision in the proceedings for civil law protection against discrimination on the grounds of sex shall be eight days, and the second instance court shall be obliged to pass a decision on the appeal within three months from the date of its filing, in compliance with the law regulating civil proceedings.

Exemption from Prior Payment of the Costs of Procedure

Article 48

In the procedure in the proceedings for civil law protection against discrimination on the grounds of sex, the plaintiff shall be exempt from the prior payment of the costs of the procedure, which shall be disbursed from the court funds.

Presumption of Guilt and Burden of Proof

Article 49

It cannot be proven that direct discrimination on the grounds of sex has been committed without any guilt, if it is indisputable between the parties or where the court has established that an action of direct discrimination has been committed.

If the plaintiff has made it probable during the procedure that a discriminatory act on the grounds of sex has been committed, the burden of proof that there has been no breach of the principle of equality, i.e. of the principle of equal rights and obligations due to such an act shall be borne by the defendant.

Interim Measures

Article 50

Prior to initiating or during the procedure in the proceedings for civil law protection against discrimination on the grounds of sex, the discriminated person, i.e. entities authorised to initiate the procedure, may request imposition of an interim measure whereby the discriminatory treatment shall be prohibited until the final completion of the procedure.

The person making the motion must make it probable that there is a concrete danger of the breach of right due to the discriminatory treatment and that without imposition of the interim measure a significant material or non-material damage would be incurred.

Under the conditions referred to in paragraphs 1 and 2 of this Article, the court may determine the interim measure *ex officio*.

No appeal against the decision on determining an interim measure shall have a suspensory effect on the decision.

Records and Documentation on Protection

Article 51

The court shall be obliged to deliver all the final decisions passed in the proceedings for civil law protection against discrimination on the grounds of sex to the Ministry in charge of gender equality as well.

The Ministry in charge of gender equality shall be obliged to maintain the records on all the final decisions passed in the proceedings for civil law protection against discrimination on the grounds of sex.

The Minister in charge of gender equality shall prescribe the method of maintaining records and documentation.

VII SUPERVISION OF THE IMPLEMENTATION OF THE LAW

Supervision

Article 52

The Ministry in charge of gender equality shall supervise the implementation of this Law.

The Ministry in charge of gender equality shall submit a report on the situation with the protection and furthering of gender equality to the Government and to the competent Committee of the National Assembly, once a year at the minimum.

In the territory of the autonomous province, the supervision of the implementation of this Law shall be conducted by the competent provincial authority, as the conferred task.

The Ministry in charge of gender equality shall supervise conducting of the conferred tasks.

Penal Provisions

Article 53

A fine of RSD 10,000 to RSD 100,000 shall be imposed for an offence to an institution for discrimination on the grounds of sex relating to: conditions for admission and rejection of admission to the institution; conditions and opportunities for access to continuing education, including all programmes for adult education and functional literacy programmes; conditions for exclusion from the educational process, scientific work and professional development; method of providing services and giving advantages and notifications; assessment of knowledge and valuation of the results achieved; conditions for acquiring scholarships and other types of assistance for schooling and studies; conditions for the selection for or acquiring of a title, professional guidance, professional development and acquiring diplomas; conditions for promotion; additional training or retraining (Article 30, paragraph 1, items 1 through 8).

A fine of RSD 5,000 to RSD 15,000 shall be imposed for an offence referred to in paragraph 1 of this Article to the responsible person in the institution.

Article 54

A fine of RSD 10,000 to RSD 100,000 shall be imposed for an offence to an employer with the capacity of a legal person for:

- 1) a failure to compile the plan of measures for providing equal representation of sexes referred to in Article 13, paragraph 1;
- 2) a failure to compile the annual report on the implementation of the plan of measures referred to in Article 13, paragraph 2;
- 3) requiring or using notifications on family life or family plans of a candidate on the occasion of employment or work engagement;
- 4) discrimination on the grounds of sex on the occasion of public announcement of job vacancies and conditions for the performance of job and making decisions on the selection of persons for the purpose of entering into employment or another form of work engagement (Article 15);
- 5) breach of the provisions on gender equality on the occasion of placement on job positions (Article 16);

6) breach of the provisions on equal pay for equal work of women and men (Article 17);

7) failure to take measures to protect an employed person against harassment, sexual harassment or sexual blackmailing (Article 18, paragraph 1);

8) failure to comply with the provisions on equal representation of sexes on the occasion of organising professional development or training (Article 19);

9) termination of employment or employment contract to an employed person contrary to the provisions of this Law (Article 20).

A fine of RSD 5,000 to RSD 25,000 shall be imposed for the offence referred to in paragraph 1 of this Article to an entrepreneur.

A fine of RSD 5,000 to RSD 25,000 shall be imposed for the offence referred to in paragraph 1 of this Article to a responsible person with the employer.

Article 55

A fine of RSD 5,000 to RSD 25,000 shall be imposed for the offence to a responsible person in the media where the information published in such media insults the dignity of a person in regard to their sex, infringes equality of persons in regard to their sex or instigates such infringement (Article 41).

VIII TRANSITIONAL AND FINAL PROVISIONS

Article 56

The Ministry in charge of gender equality shall be obliged to adopt the by-laws on the basis of the powers referred to in this Law within one year from the date of entry into force of this Law.

Article 57

This Law shall enter into force on the eighth day from the date of its publication in the Službeni glasnik Republike Srbije, and the provisions of Article 12, paragraph 2, Articles 13, 40 and 51 shall apply upon the expiry of the time limit of one year from the date of entry into force of this Law.