

Croatian Law on Same Sex Civil Unions

1. GENERAL PROVISIONS

Article 1.

Same sex civil union and legal effects of the existence of that union are regulated by this Law.

Article 2.

Same sex civil union, as defined by this Law, is a union of two persons of the same sex living together (later in the text: partner) which lasts at least 3 years and is based on principles of equality between partners, mutual respect, assistance and an emotional relationship between partners.

Article 3.

(1) Same sex civil union is considered to be a life union of persons which:

- are at least 18 years old
- have working capabilities
- are not married or living in civil marriage or other same sex civil unions
- are not directly related

Article 4.

Legal effects of the existence of same sex civil unions are the right to support one of the partners and the right to acquisition and regulation of mutual relations regarding property and the right to mutual assistance.

Article 5.

For disputes on issues which are regulated by this law, the competent authority is the Court, acting on general rules of procedure, if it is not otherwise determined by this law.

2. SUPPORT

Article 6.

(1) In same sex civil union, the partner which does not possess enough means for life or if she/he can not obtain them from her/his own property or can not become employed, has a right to support from her/his partner.

(2) If same sex civil union ceases to exist, the partner which fulfills these conditions from paragraph 1. of this article and article 2. of this Law has a right to support by the other partner.

(3) The term to submit statement of claim for support is 6 months from the day the civil union ceased to exist.

Article 7.

Court may reject request for support, if there was present obvious injustice concerning the other partner.

Article 8.

(1) Court may decide that the obligation of support of partner shall last one year, specially when plaintiff is capable during this time to secure means for life in some other way.

(2) In justified cases court may prolong obligation of support.

(3) Statement of claim the prolonging of support may be submitted only until the expiration of time for which support was determined.

Article 9.

(1) Right to support terminates if partner enters a marriage.

(2) Right to support terminates by courts decision if court establishes that supported partner lives in common law marriage or new same sex civil union. Right to support also terminates if supported partner has become unworthy of that right or if any of the conditions from article 6. have ceased to exist.

(3) Court shall determine that the legal effects of the decision on the termination of support from paragraph 2. of this article originates even before its finality, from the day when the presumptions for termination of support have occurred.

Article 10.

In the procedure of determination of support, provisions from Family law shall be applied.

3. PROPERTY RELATIONS

Article 11.

Partners may have joint earnings and individual property.

Article 12.

Joint earnings are property which partners have acquired by work in the duration of the same sex civil union or property that has emerged from that property.

Article 13.

Partners are co-owners by equal parts in joint earnings.

Article 14.

Provisions in property rights and obligation laws shall be applied to joint earnings, if not otherwise determined by this law.

Article 15.

(1) For businesses of ordinary administration it is considered that the other partner gives her/his consent if it is not proven otherwise.

(2) Nonexistence of consent does not affect rights and obligations of well-intended third person.

Article 16.

Profit from gambling or other related earnings is joint property.

Article 17.

(1) Property which partner possesses at the moment of conception of the existence of same sex civil union remains her/his own property.

(2) Individual property is also property which the partner has aquired in the duration of the same sex civil union by descent or donation.

Article 18.

(1) Work of authorship is individual own property of the partner who has created it.

(2) Royalties and similar earnings from the period of duration of same sex civil union is joint property.

Article 19.

(1) Property-law relations of the partner may be regulated by contract. This contract on regulations of property-law relations applies to existing or future earnings and property.

(2) Contract from paragraph 1 of this article shall conclude in a written form. Signatures of partners have to be certified.

Article 20.

Contract on property-law relations does not allow contract applications of foreign law to be applied to property law relations.

4. PROHIBITION OF DISCRIMINATION

Article 20.

(1) Any form of discrimination, direct or indirect on the basis of same sex civil union, as well as on the basis of sexual orientation is prohibited.

(2) Encouraging other persons to discriminate is considered to be the discrimination cited in paragraph 1 of this article.

(3) Direct discrimination means any act which puts or has put a person who is a member of same sex civil union into an unfavorable position in regards to a comparable situation. This is based on the fact that the person which is discriminated against is a member of a same sex civil union.

(4) Indirect discrimination exists when specific regulations, criterion or practice, which appear to be neutral, put a person which is a member of same sex civil union into unfavorable position regarding all other persons.

5. FINAL PROVISION

Article 21.

This Law becomes active on the 8th day after proclamation in «Official Gazette».

Translated from Croatian by *Kontra* group coordinator Sonja Juras for IGLHRC/New York.