

CONTRIBUTIONS TO REPORTS

Written Contribution to the European Commission 2025 Annual Report on Serbia

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Introduction

The A 11 – Initiative for Economic and Social Rights is a non-profit, non-partisan and non-governmental organisation which promotes and protects the rights of individuals from vulnerable, marginalised and discriminated groups, with a particular focus on economic and social rights. In this document, prepared as a contribution to the European Commission 2025 Annual Report on Serbia, the focus is on the following issues: constitutional review of the Gender Equality Law, violations of labor rights in the context of teachers' protests, forced evictions and Roma access to adequate housing, lack of institutional support for the improvement of social protection and the introduction of semi- automated decision-making processes in social protection, denial of parental and child allowance to Roma children, and the gaps in the provision of free legal aid.

Constitutional Review of the Gender Equality Law: A Setback for Women's Rights in Serbia

In June 2024, the Constitutional Court of the Republic of Serbia initiated a procedure to assess the constitutionality of the Law on Gender Equality. The decision to launch this procedure was made during the Court's 8th session, held on June 27, 2024, when it was also decided to suspend the application of the entire law pending the conclusion of the proceedings.¹ The constitutional review was initiated based on eight petitions submitted by natural and legal persons, including the Protector of Citizens (Ombudsman).²

The Law on Gender Equality provides a legal framework for combating gender-based discrimination and violence, and for promoting equal participation of women and men in all areas of society. It is a key instrument in achieving substantive gender equality in Serbia. While the arguments for alleged unconstitutionality varied, two aspects of the law were the most frequently criticized: the introduction of gender-sensitive language, and the commencement of its mandatory application—specifically Articles 37 and 44, which impose obligations on educational institutions, public authorities, and news agencies to use gender-sensitive language in their work.

Another contested provision was the introduction of the concept of "gender" instead of "sex," as the petitioners argued that the term "sex" should be used. These initiatives are the product of a growing anti-gender movement and right-wing politics. While criticism from traditionally conservative and right-wing political actors may be expected, it is

¹ Statement from the session of the Constitutional Court, Serbian only: https://ustavni.sud.rs/sednice-suda/saopstenja-sa-sednice-suda/saopstenje-sa-8-sednice-ustavnog-suda-odrzane?utm_source=chatgpt.com

² The initiative to review the constitutionality of the Gender Equality Law was submitted by the law firm of Milenko Radić, the Serbian Radical Party (right-wing party) and the Ombudsman. The Serbian Movement Dveri (right-wing party) submitted this proposal to the National Assembly.

unprecedented for a national human rights institution, such as the Ombudsman, to take part in such efforts.

It is worth noting that the temporary suspension of an entire law—rather than just its disputed provisions—is an extremely rare occurrence. In its previous practice, the Constitutional Court has suspended an entire law on only two occasions.³ In its reasoning, the Court stated that the application of the law could lead to “irreparable harmful consequences,” and further emphasized that “the constitutional issues raised by the petitions go beyond those indicated by the petitioners themselves. Therefore, at this stage of the proceedings, the Court has decided to initiate a review of the constitutionality of the Law on Gender Equality in its entirety.”

This decision has significant implications for gender equality efforts in all areas, including employment. One immediate consequence is the suspension of a legal obligation under the Law on Gender Equality that required employers to submit annual reports on the state of gender equality in the workplace. These reports were submitted to the Ministry for Human and Minority Rights and Social Dialogue, which compiled them into national reports. Based on these reports, gaps and inequalities were identified, which then served as the basis for policy advocacy—such as the adoption of support measures for women entrepreneurs in 2022 after underrepresentation in the sector was documented.

At present, the monitoring of gender equality has come to a halt. There is no continuity in reporting, and just as employers were beginning to accept and implement this obligation, the suspension of the law has seriously undermined progress, regardless of the eventual outcome of the constitutional review.

The challenge to the constitutionality of the Gender Equality Law represents yet another attempt to undermine already fragile mechanisms for protecting women and other vulnerable groups in Serbia. Although far from perfect, the law contains crucial provisions that could have improved the position of women in the labor market, enabled more effective sanctions for discrimination, and promoted a more equal distribution of unpaid domestic work.

The involvement of the Protector of Citizens in initiating a constitutional review of the Law on Gender Equality raises serious concerns regarding its compliance with the Paris Principles, which outline the mandate and standards for national human rights institutions. According to these principles, national institutions are obliged to promote and protect human rights, particularly those of vulnerable groups, independently and in line with

³ The fact that this is a rare practice is also supported by the fact that before this case, such a decision was made regarding the Law on Citizens' Gatherings, which was passed and amended during the validity of the 1990 Constitution and the Law on the Reduction of Net Income of Persons in the Public Sector.

international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women. By supporting an initiative that undermines gender equality mechanisms and questions the use of gender-sensitive terminology and the concept of “gender” itself, the Protector of Citizens has departed from the core values of impartiality and protection of marginalized communities. Such actions contradict the principles of independence, engagement with civil society, and adherence to international human rights standards, thereby compromising the legitimacy of the institution and weakening the broader framework for the protection of human rights in Serbia.

The core issue is not just the legal outcome, whatever it may be, but the broader societal message it sends - that women’s rights in Serbia remain subject to political bargaining and ideological conflict. Even if the Constitutional Court ultimately upholds the law, the mere fact that the process was initiated may discourage institutions from implementing it and further delegitimize the fight for gender equality.

Having all this in mind, Serbia should:

→ ensure the full implementation of the principle of gender equality, as well as enable progress or at least continuity in the realization of rights in the field of gender equality and stop the sharp decline in the realization of these rights.

Repression of Collective Action in Education: Violations of Labor Rights in the Context of Teachers’ Protests

During November 2024, teachers in primary and secondary schools began strike actions with the aim of improving working conditions and higher wages. Later on, in December, the strike actions continued to overlap with student protests caused by the social circumstances induced by the tragedy of the canopy collapse and deaths in Novi Sad. Soon, teachers began joining the students’ demands and their strike, which has been going on for a while, takes on a slightly broader outline.

Daily work stoppages begin across the country and in lots of schools, as well as the reduction of classes within the legal minimum for the work process for a strike. In order to curb the protests, the Ministry of Education, Science and Technological Development suddenly suspended the first semester in December, claiming that the safety of school processes is at risk.⁴ The official start of the second semester of classes was followed by stormy responses from teachers across the country in the form of refusal to continue working, i.e. suspension of classes, legal strikes, but also student blockades in secondary schools. This situation lasted throughout January, February and mid-March 2025, with some schools being blocked for so long that they did not even officially start the second

4 More details here: https://vreme.com/en/vesti/ekspresni-raspust-vlada-bezi-od-protesta-u-skolama/?utm_source=chatgpt.com

semester. Then, the Ministry of Education started putting more pressure on school principals and teachers to continue teaching, which was reflected in numerous threats, and intimidation. In addition to that, despite the majority opposition from the union membership, representative unions signed a moratorium on strikes with the Government and concluded a Special Collective Agreement with a number of discriminatory provisions. After that, a number of teachers left representative unions and turned to informal organizing, which will probably result in the discussion about the representative status of the existing unions.

After the President of Serbia gave the statement to media that February salaries would not be paid, the responsible ministry sent a circular letter of notice to schools, based on which they suspended payments or significantly reduced salaries to all teachers who participated in the protest suspension of their work.⁵ Therefore, salaries were calculated and paid in a non-transparent manner, without a clear basis for reduction or absence, mostly without issuing individual decisions, thereby denying the right to legal remedy. In this way, as a consequence of freedom of expression and social solidarity, practicing forms of strike, there was a massive violation of the labor rights of teachers in Serbia, without having an effective and urgent legal protection mechanism. The Government of Serbia failed to ensure the protection of the right to peaceful assembly and expression, recognizing that actions taken by teachers in solidarity with students are a legitimate form of **support for social justice causes**.

Having that in mind, Serbia should:

→ ensure full respect for the right to strike and organize workers, in accordance with international standards (e.g. the European Social Charter, ILO conventions), as well as to enable efficient inspection and legal procedures. The government must not use financial sanctions and repressive measures against workers, and especially teachers expressing their solidarity with student demands.

Inadequate institutional capacities and legal and strategic framework in the field of social protection

The social protection system in Serbia continues to be hindered by a lack of effective policies and institutional capacities necessary for ensuring social protection, inclusion, and poverty reduction.

⁵ These sources provide insight into the scale of salary reductions affecting Serbian teachers during the strikes: According to informal teacher networks, 20,000 educators have had their salaries reduced or lost income entirely <https://novaekonomija.rs/vesti-iz-zemlje/bez-februarske-plate-ostalo-oko-20-000-nastavnika-i-nenastavnog-osoblja-gradjani-i-kompanije-prikupili-vise-od-76-miliona-dinara-pomoci>, https://www.vreme.com/en/drustvo/najava-novog-masovnog-strajka-u-skolama/?utm_source=chatgpt.com

The already inadequate framework and institutional capacities for social protection, social inclusion, and poverty reduction further deteriorated following the dissolution of the Social Inclusion and Poverty Reduction Unit (SIPRU), which operated within the Office of the Prime Minister, with a mandate to strengthen the Government's capacity to develop evidence-based social inclusion policies and to coordinate and monitor their implementation. SIPRU was dissolved on 31 December 2021, when the project that financed its work expired and the Government failed to take responsibility for its funding.

A decade and a half long issue is the absence of a national Social Protection Strategy. Although the work on a new strategy resumed in 2024, the process of its preparation has already been flawed, including due to irregularities in the inclusion of relevant stakeholders and members of the working group for drafting the Proposal of the strategy. Moreover, due to discriminatory criteria, professional associations were denied the opportunity to participate in the preparation of the draft of the strategy, which is in contradiction with the Law on the Planning System.

As of October 2024, the nominal amount of Financial Social Assistance (FSA) for an individual was 11,919 RSD (approx. €100), while the minimum consumer basket exceeded 54,000 RSD (approx. €460), indicating a staggering gap between state support and the actual cost of meeting basic needs. Biannual adjustments to the FSA amount are insufficient to improve this dire situation. Between October 2023 and October 2024, the FSA increased by only €4.

This already manifestly inadequate amount of financial social assistance is further reduced for able-bodied individuals and families with a majority of able-bodied members due to three-month interruptions in benefit payments⁶ and the calculation of so-called missed earnings⁷.

Amendments to the Law on Social Protection — announced over nine years ago — have not been adopted yet, despite repeated calls for reform by, among others, the Commissioner for the Protection of Equality, as well as the European Commission in its reports on Serbia. The Commissioner for the Protection of Equality, also reminded the MLEVSA about the legal obligation, under Article 14 of the Law on the Prohibition of Discrimination, to assess the impact of proposed laws and policies on the rights of socioeconomically disadvantaged individuals or groups during the drafting process.⁸

6 Article 85, para. 3 of the Law on Social Protection

7 Article 102 of the Law on Social Protection and the Rulebook on Forms Required for Obtaining Financial Social Assistance ("Official Gazette of RS", No. 90/2024).

8 The Commissioner for the Protection of Equality, Initiative for Amendments to the Law on Social Protection, No. 011-00-382/2024-02 of 31 October 2024, available at: <https://ravnopravnost.gov.rs/rs/894-2024-inicijativa-za-izmene-i-dopune-zakona-o-socijalnoj-zastiti/>

To improve the protection of vulnerable populations from destitution and facilitate their social inclusion, Serbia should:

→improve the coverage and adequacy of financial social assistance (FSA) and abandon additional reductions to its already insufficient amount—specifically by discontinuing benefit interruptions and deductions based on fictitious “missed earnings”.

Human rights issues raised by the implementation of the Law on Social Card and its impact on vulnerable groups

As emphasized in the European Commission's 2024 Report on Serbia, concerns remain on the impact of the Social Card on Roma and other vulnerable individuals who risk being unduly excluded from the benefits if their specific circumstances, in addition to the raw data automatically processed by the social card register, are not sufficiently addressed by social welfare staff, before a decision being made.⁹

With the continued implementation of the Law on Social Card, which entered into force in March 2022, nearly 60,000 persons¹⁰ lost their financial social benefits, without any significant improvements in poverty reduction or a decrease in the need for social support.

The Law lacks safeguards for the protection of human rights, including the right to privacy, fair process, and principles of human dignity and non-discrimination. The system's proclaimed proactivity is primarily focused on reducing or terminating benefits. In addition to that, the beneficiaries are oftentimes precluded from meaningful participation in the process and denied an opportunity to explain their specific circumstances to social workers handling their case.

Law on Social Card denies social benefits, but also due process – if a system finds that a beneficiary no longer meets the condition for social benefits, the system does not require the caseworker to interview the beneficiary and leave them the opportunity to explain their situation. This practice is in direct contradiction to the provisions of the Law on General Administrative Procedure and the right to be heard. This semi-automated decision-making is also in contradiction with the Personal Data Protection Law, Art. 9 of International Covenant on Economic, Social and Cultural Rights, the Convention on the Protection of Individuals with Regard to Automatic Processing of Personal Data, and the European Convention on Human Rights.

⁹ European Commission, Serbia 2024 Report, 2024, p. 79.

¹⁰ Data received based on the FoI request from the Ministry of Labour, Employment, Veteran and Social Affairs, Act. No 000273947 2025 13400 009 001 041 001, dated 13 February 2025.

Persons who sought assistance from the A 11 Initiative due to the loss or reduction of social benefits resulting from the implementation of the Law on Social Card, mainly belonged to the Roma minority. Errors in income calculations, particularly affecting Roma engaged in collecting secondary raw materials or performing seasonal jobs, led to the unjustified termination of their financial social assistance.

The semi-automation of procedures in the social welfare system has far-reaching consequences for vulnerable citizens and their rights to social security, equality, privacy and fair proceedings. The described situation and functioning of the social card system also violates the Council of Europe Convention on Protection of Individuals with Regard to the Processing of Personal Data, stipulating in Article 9 that individuals have the right not to be subject to a decision about automated processing significantly affecting them without their views being taken into account.¹¹

Furthermore, since the beginning of the implementation of the Law on Social Card, there is **an increased number of cases in which vulnerable persons performing occasional and seasonal jobs lost their financial assistance. This occurs because the income from seasonal jobs, registered in the social card system, is unlawfully taken into account when calculating income and eligibility for financial social assistance.** This practice contradicts the Law on Simplified Work Engagement on Seasonal Jobs in Certain Activities, which aims to preserve some social rights of workers working in this regime and clearly specifies that the earnings made from seasonal jobs shall not impact on the exercise of the right to financial social assistance. However, in practice, earnings from seasonal jobs lead to a loss or reduction of social benefits.

Lack of transparency and safeguards related to the protection of privacy rights are other serious human rights issues brought by the Social Card Registry. The Law introduced disproportionate processing of around 135 personal data of beneficiaries and persons related or connected to them. This extensive processing of data of beneficiaries of the social protection system, as laid out in the Social Card Law, is contrary to the principles of data minimization in personal data protection, the right to social protection, as well as the prohibition of discrimination, particularly since a large Roma proportion of the social protection system beneficiaries belong to the Roma community.

It is also important to note that, contrary to the Law on Free Access to Information of Public Importance, the Ministry of Labour, Employment, Veteran and Social Affairs (MLEVSA) refuses to publish the algorithm and the source code behind the Social Card Registry. The procedure for accessing the information is unreasonably long. Since April 2022, the A 11 Initiative has been trying to obtain this information from the Ministry through requests for access to information of public importance. However, nearly three years later, this information is still not available. The A 11 Initiative has been waiting for almost a year for a

¹¹ Council of Europe, Convention for the Protection of Individuals with Regard to the Processing of Personal Data, <https://rm.coe.int/convention-108-convention-for-the-protection-of-individuals-with-regar/16808b36f1>

third decision on its appeal. An administrative dispute was initiated in March 2025 due to the silence of administration.

In its 2024 report on Serbia, the **European Commission against Racism and Intolerance (ECRI) also warns about the impact of the algorithmic system and the Social Card Law on groups of concern to ECRI.** ECRI report states that **“the law and its implementation have raised serious questions over their implications for the right to social assistance and its impact on the most vulnerable categories of the population, in particular Roma.”**¹² While acknowledging that algorithmic systems may create opportunities in various areas of life, ECRI **nevertheless considers that their design development and operation should be supported by strong safeguards against discrimination (including indirect discrimination).**¹³ This not only requires setting out effective equality and non-discrimination as key principles, but also **action to address potential bias in the production of training data, to ensure transparency in the operation of algorithmic systems and in the decision-making, and to develop effective remedies to challenge potentially arbitrary or discriminatory decisions and to set up a powerful oversight mechanism.**¹⁴

ECRI recommends that the authorities fundamentally review the decision-making process involving algorithmic systems in the provision of social assistance with a view to ensuring that Roma and other groups of concern to ECRI have equal opportunities in benefiting from social assistance and are not subjected to discrimination.¹⁵ Particular emphasis should be placed on addressing potential bias in the production of training data, ensuring transparency in the operation of algorithmic systems and in the decision-making, organising appropriate awareness-raising activities amongst relevant professionals, developing effective remedies and establishing a powerful oversight mechanism.¹⁶ Such a review should involve equality bodies and civil society organisations.¹⁷

In order to improve the protection of most vulnerable population from discrimination in their access to social benefits, Serbia should:

→ suspend the implementation of the Law on Social Card and ensure that adequate safeguards are in place to prevent violations of rights to non-discrimination, due process of law and privacy rights of persons accessing social protection programmes.

→ review (with meaningful participation of CSOs and relevant experts) the decision-making process involving algorithmic systems in the provision of social assistance

¹² ECRI, ECRI Report on Serbia (sixth monitoring cycle), Adopted on 9 April 2024, Published on 27 June 2024, available at: <https://rm.coe.int/fourth-ecri-report-on-serbia/1680b06413>, p. 28.

¹³ Ibid, p. 29.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

with a view to ensure that Roma and other vulnerable groups have equal access to social assistance and are not subjected to discrimination

Forced evictions and Roma access to adequate housing

Although in 2016 Serbia adopted the new Law on Housing and Building Maintenance which, for the first time regulated the resettlement procedure, so far there were no cases where the authorities fully complied with the provisions of this Law, and some of the systemic challenges identified in the implementation of this piece of legislation are still persistent.

Contrary to its positive obligations under the international human rights law, and the urgency of improving the living conditions of the most vulnerable individuals, Serbia still lacks systemic solutions for the improvement of Roma housing in informal settlements, and the effective system for the provision of affordable, safe and adequate social housing. Even though the research shows that in Serbia, there are 702 substandard Roma settlements, and that 159 substandard Roma settlements, with a total population of 32,843, inhabitants have no or have only irregular access to clean water, and that the access to sewage is irregular or missing in 457 substandard Roma settlements, and at least 24,104 Roma living in 64 settlements have no access to electricity,¹⁸ little progress were made in improving such dire living conditions for Roma in Serbia.

For years now, Serbia is failing to adopt the National Housing Strategy which should set the priorities for housing interventions of the State and improve the access to adequate housing for most vulnerable populations, including Roma. All of this have led the Committee on Economic, Social and Cultural Rights to express its concern over the limited provision of social housing to Roma and other disadvantaged and marginalized individuals and families and deteriorating standard of living of those living in social housing. However, no measures were taken even to address these areas of concern.

In recent years, there has been a growing trend of putting Roma children at risk of family separation in cases of forced evictions they are experiencing. In cases of forced evictions, children are additionally marginalised due to the fact that their families are not provided with alternative accommodation, contrary to the provisions of the Convention on the Rights of Child and the Art. 11 of the International Covenant on Economic, Social and Cultural Rights. This happens not only in cases of forced evictions, but also in situations when Roma families lose their homes in a fire or other types of accidents and need assistance for securing alternative accommodation. The A 11 Initiative observed a number of cases when

18 UN Human Rights Unit in Serbia, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, Mapping of Substandard Roma Settlements According to Risks and Access to Rights in the Republic of Serbia with Particular Attention to the COVID-19 Epidemic, December 2020, available at: http://socijalnoukljucivanje.gov.rs/wpcontent/uploads/2020/12/Mapiranje_podstandardnih_romskih_naselja_prema_rizicima_i_pristupu_pravima_sa_narocitim_osvrtnom_na_COVID-19.pdf.

the only alternative offered by Centres for Social Work (local social protection authorities with a number of social, family, child protection and other competences) to Roma families was separation of family members.¹⁹ In these cases, the only solution proposed by social protection institutions was the separation of the family, i.e. the placement of the minor child in the Shelter for Children, and the adult family members in the Shelter for Adults and the Elderly. By putting affected families at such dilemma, social protection institutions are asking them to “choose” between a situation of losing their home and the family separation, which could also be perceived as contrary to Art. 8 of the ECHR.

Finally, it should be noted that despite the fact that Art. 103 of the Law on Housing and Building Maintenance regulates the procedure of the provision of housing assistance as a form of housing support, especially in cases when such assistance is needed for persons who are homeless, there is no persistence in the provision of such provision which provides the space for arbitrary provision of housing support and in most cases leaves Roma families without alternative accommodation in cases of forced evictions.

In order to improve access to adequate housing for Roma and other vulnerable individuals and groups, Serbia should:

→adopt public policies aimed at the improvement of access to housing for most vulnerable population, including Roma, and secure sufficient resources for the improvement of informal Roma settlement and the provision of affordable housing for most vulnerable population.

Denial of parental and child allowance to Roma children

The Law on Financial Support to Families with Children (LFSFC) continues to contradict Serbia’s obligations under international human rights law and hampers efforts toward the social inclusion of Roma. Despite repeated recommendations from treaty bodies, no steps have been taken to revise the law’s discriminatory provisions.

Article 25 of the Law conditions the parental allowance on children’s school attendance and immunization status. While seemingly neutral, these requirements have a disproportionate impact on Roma children, who face systemic barriers to accessing both education and healthcare.

Available data consistently confirms this disparity. According to UNDP research, one in six marginalized Roma children of school age is not enrolled in education, and the primary education completion rate among Roma girls is only 57%, compared to 93% for non-Roma

¹⁹ Š family forced eviction, July 2022, and Antena settlement fire, August 2024.

girls.²⁰ Early childhood education enrolment is also alarmingly low: only 7% of Roma children are enrolled, compared to 61% in the general population. Similarly, only 35% of Roma children are fully vaccinated on time, compared to 69% among other children (UNICEF, 2019).²¹

In its 2022 review, the UN Committee on Economic, Social and Cultural Rights expressed concern about the conditionality of the allowance and its discriminatory effects on Roma families.²² The Committee urged Serbia to review and remove conditions that undermine equal access to this social benefit.²³ To date, no action has been taken to implement this recommendation.

Another exclusionary provision limits eligibility for parental and child allowances to a maximum of four children per family, with few exceptions. This measure disproportionately affects large Roma families, who are overrepresented among households with five or more children. Despite the discriminatory implications, there has been no public or legislative discussion on amending this aspect of the Law.

The Law on Financial Support to Families with Children was amended again in 2024, but once again, **the competent ministry refused to change the eligibility criteria for the parental allowance, which the UN Committee on Economic, Social and Cultural Rights had found to be in violation of human rights standards due to their discriminatory effect on Roma families.** The parental allowance – a form of support granted on the basis of childbirth – continues to be denied through the imposition of eligibility conditions that have no connection to the birth of a child or with the newborn, such as the requirement that older children in the family attend school. In this way, equal access to financial support is denied precisely to those children who are at the highest risk of remaining trapped in poverty and social exclusion.

The described consequences could have been avoided if the competent ministry had not **disregarded the obligation set out in the Law on the Prohibition of Discrimination – the duty to assess the impact of laws and policies on socioeconomically disadvantaged individuals and groups.** In a letter submitted along with its written comments on the Draft Amendments to the Law on Financial Support to Families with Children, the A 11 Initiative reminded the ministry of its obligation to carry out such an impact assessment, as well as of the recommendation issued by the Commissioner for the

20 UNDP, Roma at glance, Serbia, available at: https://www.eurasia.undp.org/content/dam/rbec/docs/Factsheet_SERBIA_Roma.pdf, page 2.

21 Serbia Multiple Indicator Cluster Survey 2019 and Serbia Roma Settlements Multiple Indicator Cluster Survey 2019, Statistical Snapshot, page 37, available at:

[https://www.unicef.org/serbia/media/16301/file/Serbia%20\(National%20and%20Roma%20Settlements\)%202019%20MICS%20Statistical%20Snapshots_English.pdf](https://www.unicef.org/serbia/media/16301/file/Serbia%20(National%20and%20Roma%20Settlements)%202019%20MICS%20Statistical%20Snapshots_English.pdf)

22 CESCR, Concluding observations on the third periodic report of Serbia, 6 April 2022, E/C.12/SRB/CO/3, para. 50.

23 Ibid, para. 51 (b).

Protection of Equality to all ministries regarding the implementation of this requirement. The obligation requires that, when adopting new legislation or policy, an assessment should be made of the impact of the proposed regulations on socioeconomically disadvantaged individuals, including an evaluation of the regulation's alignment with the principle of equality. However, the competent ministry ignored both the proposals submitted by the A 11 Initiative and the Commissioner's recommendation regarding the impact assessment obligation stipulated in Article 14, paragraph 4 of the Law on the Prohibition of Discrimination, which clearly requires that all new laws and policies must be assessed for their compliance with the principle of equality.

In order to ensure social inclusion of Roma, in the field of financial support to families with children Serbia should:

→ amend the Law on Financial Support to Family with Children with a view to remove discriminatory conditions from Article 25 which excludes marginalized Roma children and prevents them from exercising the right to parental allowance.

→ abandon the limitation on the number of children who are eligible for the children and parental allowance which deny these entitlements to the most vulnerable families and children.

Gaps in the system of the Law on Free Legal Aid

Implementation of the Law on Free Legal Aid is still inadequate, marked by the insufficient and uneven provision of free legal aid in local free legal aid services. Persons eligible for free legal aid, particularly those from the most vulnerable and marginalized groups, are often unaware of the procedure for accessing free legal aid, these procedures are lengthy and without real prospect of the free legal aid provision.

Furthermore, the material census for eligibility for free legal aid is set too low, leaving many vulnerable citizens without access to free legal aid. The procedure for submitting a request for free legal aid, and even the form of this request, are complicated and not adjusted to the needs of most vulnerable citizens. Additional challenges are linked with the evidence required by the applicants, particularly when citizens applying for free legal aid are requested to provide evidence that should be obtained by the competent free legal aid service *ex officio*.²⁴

²⁴ Research conducted in ten municipalities from April until December 2023 with ten free legal aid providers shows that they are still facing problems in the implementation of the Law and provision of free legal aid – mainly related to short deadlines, insufficient number of personnel or lack of established free legal aid service. More information: <https://www.a11initiative.org/wp-content/uploads/2024/01/Kljucni-nalazi-o-primeni-ZBPP-u-2023.-godini.pdf>

As of 2024, the **already fragile Free Legal Aid system** has been further burdened by the **introduction of new obligations for providers of free legal aid and support**, requiring them to report quarterly to the Ministry of Justice on any changes—or confirm the absence of changes—under the threat of significant fines for non-compliance. **In the context of the already challenging position of CSOs as providers of free legal aid, these new requirements are perceived as an additional form of pressure.** As a result, some organizations have already submitted **requests to be removed from the Registry of Free Legal Aid Providers.**²⁵

In order to ensure full access to free legal aid, Serbia should:

→improve the capacities of the free legal aid system, and increase the level of legal information and general information of citizens on the existence of the Law on Free Legal Aid.

→consider amending the Law on Free Legal Aid in order to provide CSOs specialized in providing free legal aid services to the most vulnerable citizens being recognized as providers of free legal aid.

²⁵ See, for example, the People's Parliament, „We are withdrawing from the Registry of Free Legal Aid Providers”, 23 March 2025, available at: <https://parlament.org.rs/ispisujemo-se-iz-registra-pruzalaca-besplatne-pravne-pomoci/>