



***Public resources, social protection
and rights-compatible
digitalization in Serbia***

SUBMISSION TO THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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SUBMISSION TO THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS IN LIGHT OF THE
Call for inputs on the question of the realization in all countries of economic, social and
cultural rights, with a special focus on the mobilization of public resources to finance
sustainable development – HRC resolution 58/9

Public resources, social protection and rights-compatible digitalization in Serbia

Submitted by: A 11 - Initiative for Economic and Social Rights

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The A 11 - Initiative for Economic and Social Rights is a non-profit, non-partisan, and non-governmental organization that promotes and protects the rights of individuals from vulnerable, marginalized, and discriminated groups, with a particular focus on economic and social rights. In its work, the organization is guided by principles such as equality, dignity, solidarity, social justice, inclusiveness, and gender equality.

Scope of submission: This submission addresses the interaction between public resource allocation, the design and administration of social protection programmes, and the effective enjoyment of economic and social rights. It focuses on structural issues revealed by digitalisation of social welfare system through the introduction of the Social Card system¹ and related eligibility rules, and does not purport to provide an exhaustive account of all economic, social and cultural rights in Serbia.

1. Main submission

The duty to take steps, individually and through international assistance and cooperation, to the maximum of available resources is not confined to the aggregate size of a social budget. It requires that fiscal choices, programme design, public procurement, administrative systems and remedies be directed towards the progressive realization of rights, while avoiding unjustified retrogression and discrimination.² It has further been clarified that resource constraints do not excuse a failure to secure minimum essential levels of Covenant rights, and that deliberate retrogressive measures demand the most careful justification.³

In the field of social security, this requires systems that are available, adequately financed, accessible, affordable and responsive to the circumstances of persons in need.⁴ The immediate obligations of equality and non-discrimination apply to both the formal rules and the practical effects of eligibility criteria, data systems and administrative decisions.⁵ In Serbia, these standards are particularly

¹ Law on Social Card, Official Gazette of RS, no. 14/2021.

² International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR) art 2(1).

³ Committee on Economic, Social and Cultural Rights (CESCR), 'General Comment No 3: The Nature of States Parties' Obligations (art 2, para 1)' (14 December 1990) UN Doc E/1991/23, [9]-[10].

⁴ CESCR, 'General Comment No 19: The Right to Social Security (art 9)' (4 February 2008) UN Doc E/C.12/GC/19, [22]-[27], [59].

⁵ CESCR, 'General Comment No 20: Non-discrimination in Economic, Social and Cultural Rights (art 2, para 2)' (2 July 2009) UN Doc E/C.12/GC/20, [7]-[8].

relevant because concerns have already been identified regarding insufficient budget allocations, inadequate benefit coverage and amounts, discriminatory conditions attached to benefits, and barriers created by complicated administrative procedures.⁶

2. Public resources: adequacy, targeting and equality

Poverty remains a substantial concern. In 2025, 19.6 per cent of the population was at risk of poverty and 23.2 per cent was at risk of poverty or social exclusion; the risk was notably high for persons aged 65 and over, unemployed persons and single-parent households with dependent children.⁷

The available evidence points to a structural misalignment in the allocation and operation of social protection. Poverty-targeted assistance does not sufficiently reach poor households or cover essential needs; categorical, pro-natalist forms of support absorb resources that could otherwise support means-tested protection, while strict eligibility rules and uneven local capacity limit coverage.⁸ Public expenditure on social protection and budget transfers remains low, and the coverage and adequacy of financial social assistance require improvement.⁹

Resource priorities must be judged against their distributional effects. Available data indicate that programmes aimed at poverty reduction account for less than five per cent of total social protection spending. At the same time, families relying solely on financial social assistance may receive roughly 40 per cent less than the at-risk-of-poverty threshold.¹⁰ This raises a direct question under article 2(1) of the Covenant: whether fiscal and policy choices are being used to secure minimum material conditions for persons living in poverty, especially where the cost of living and the poverty threshold continue to rise.

3. Digitalization and the Social Card: public investment must expand, not restrict, access to rights

Digital tools can reduce documentary burdens, improve coordination and help identify unmet needs. Yet they are not neutral merely because they are technical. When a registry aggregates personal data and prompts adverse eligibility decisions, it becomes part of the State's system for allocating public resources and must be assessed by its impact on dignity, equality, due process and access to an effective remedy.

Serbia's Social Card is a centralized digital register established under the 2021 Law on the Social Card and operational since March 2022, bringing together more than 135 categories of personal data on social-protection applicants and beneficiaries, their household members and other related persons. While introduced by the Government as a means of making social assistance more accurately and fairly targeted, the system has instead enabled extensive surveillance and increasingly automated

⁶ CESCR, 'Concluding Observations on the Third Periodic Report of Serbia' (6 April 2022) UN Doc E/C.12/SRB/CO/3, [50]-[55].

⁷ Statistical Office of the Republic of Serbia, 'Poverty and Social Inequality, 2025' (Statistical Release, 20 March 2026) 1.

⁸ World Bank, Serbia: Social Protection Situational Analysis (2022) 2, 22-23.

⁹ European Commission, Serbia 2025 Report SWD(2025) 755 final, 84.

¹⁰ A 11 - Initiative for Economic and Social Rights, A System Adverse to the Poor: Social Rights Trapped Amid Obsolete Regulations, Algorithmic Decision-Making, and Disregard for International Obligations, Report on Economic and Social Rights in Serbia in 2024 (2025) 41, 44-45.

decision-making about some of the poorest people in Serbia, without adequate transparency regarding the algorithm on which it relies.

Significant public resources have been invested in the Social Card system. By August 2024, RSD 656,679,550 (approximately 5.6 million EUR) had been spent on the procurement, modification and upgrading of the Social Card information system, alongside RSD 800,000,000 (approximately 6.8 million EUR) invested in the SOZIS information system.¹¹ The system was still incompletely implemented, with weaknesses in application controls, gaps in information-security governance, insufficient arrangements for business continuity and inadequate definition and supervision of the maintenance provider's access to the system.¹²

The number of beneficiaries of financial social assistance fell from 211,266 immediately before implementation of the Social Card system in February 2022 to 150,226 in January 2026. This trend does not, on its own, establish the reason for every individual loss of support. It does, however, require a transparent and independent assessment of whether the system has caused or intensified exclusion, and whether those affected were able to challenge the underlying data and decisions.¹³

For example, it was documented that the Social Card System treats social housing tenancy as property ownership, retains long-scrapped vehicles as assets, or attributes implausible or irrelevant income to persons seeking financial social assistance. The information used to generate such notifications is drawn from multiple administrative sources, while the system's algorithm and source code have not been made publicly available despite repeated information access proceedings.¹⁴

Robust safeguards are required for such systems to comply with human rights standards. The Social Card decision-making process should be reviewed, with particular attention to transparency of algorithmic systems, effective remedies and strong oversight, involving equality bodies and civil society.¹⁵ Comparative analysis of automated public administration systems supports the same conclusion: automated or semi-automated decision-making that affects access to social rights must be governed by legal safeguards, prior rights and equality assessments, meaningful human oversight, accessible explanations and effective independent review.¹⁶

4. Work, sustainability and intersectional discrimination

Social protection should enable people to take up dignified work rather than penalise survival strategies in a labour market marked by informality, seasonal work and discrimination. The Serbian legal framework for simplified seasonal work is intended to preserve financial social assistance by

¹¹ State Audit Institution of the Republic of Serbia, Izveštaj o reviziji svrsishodnosti poslovanja: Efektivnost informacionog sistema Socijalna karta u Ministarstvu za rad, zapošljavanje, boračka i socijalna pitanja, Beograd (20 August 2024) 17, 40. SOZIS (*Informacioni sistem za podršku poslovnim procesima u sprovođenju socijalne zaštite*) is Serbia's centralized information system used by centres for social work and other social-protection institutions to manage cases, procedures and exchange information. It became operational in December 2021 and is distinct from the Social Card Register, which primarily aggregates and cross-checks data relevant to eligibility for social-protection rights.

¹² State Audit Institution (n 10) 1, 61.

¹³ A 11 - Initiative for Economic and Social Rights, A System Adverse to the Poor (n 9) 41, 72-73.

¹⁴ A 11 - Initiative for Economic and Social Rights, A System Adverse to the Poor (n 9) 72-73, 82-83.

¹⁵ European Commission, Serbia 2025 Report (n 8) 84.

¹⁶ Bojana Kostić and Ana Toskić Cvetinović, Social Protection, Discrimination and Automation: Everything That Could Go Wrong, Went Wrong (A 11 - Initiative for Economic and Social Rights 2025) 30-33.

excluding statutory seasonal work remuneration from eligibility calculations. Nevertheless, inconsistent forms and practice have resulted in income from seasonal work being counted and in unlawful refusals or reductions of financial social assistance.¹⁷ A rights-compatible allocation of resources must ensure that social assistance rules support, rather than deter, lawful low-income work and that agencies have the staffing and guidance necessary to apply the law consistently.

Collection of secondary raw materials is commonly a survival strategy undertaken in the absence of accessible formal employment. Incomes are irregular and low; yet individual collectors make a considerable contribution to municipal recycling and waste management without a stable legal status, social insurance or bargaining power.¹⁸ Treating proceeds from this work as straightforward evidence of disposable income, without examining their irregularity, distribution within a household or relation to basic needs, can lead to the withdrawal of assistance and punish the very activity through which people seek to survive.

The impact of eligibility rules is also gendered. Women, particularly in rural areas, may face entrenched pressure to renounce inheritance in favour of male relatives. A rule that disqualifies a person from financial social assistance because they waived an inheritance can then impose a double exclusion: loss of property in practice and loss of social protection in law.¹⁹ Such rules require gender-focused assessment and an accessible process for considering the actual circumstances of people who seek support.

5. Transparency, participation and accountability

Budget decisions and digitalisation choices are human-rights decisions. They should therefore be subject to transparent information, meaningful participation by rights holders and independent oversight. Regional disparities in social services reflect low and unequal financial and administrative capacity at the local level; economic, social and cultural rights implications must be integrated into policy formulation and implementation.²⁰

The current framework remains weak in this regard. In 2025, Serbia scored 53 out of 100 for budget transparency and only 2 out of 100 for public participation.²¹ Limited fiscal participation is particularly troubling where choices on benefit design, digital procurement and local social services directly affect people in poverty. It compounds the lack of transparency over the Social Card's decision-making logic and makes it harder for affected communities and civil society organisations to identify, challenge and remedy harmful outcomes.

¹⁷ A 11 - Initiative for Economic and Social Rights, Seasonal and Informal Workers' Rights in Serbia: Exploitation, Unsafe Conditions, and Legal Insecurity (2025) 10-11.

¹⁸ Milica Marinković, Invisible Workers: The Position of Collectors of Secondary Raw Materials (A 11 - Initiative for Economic and Social Rights 2026) 7-8.

¹⁹ Milica Marinković and Emilija Stepanović, Between Rights and Reality: Barriers to Women's Access to Economic and Social Rights in Serbia (A 11 - Initiative for Economic and Social Rights 2026) 9-10; A 11 - Initiative for Economic and Social Rights, A System Adverse to the Poor (n 9) 51-52.

²⁰ CESCR, Concluding Observations on the Third Periodic Report of Serbia (n 5) [6]-[7].

²¹ International Budget Partnership, Open Budget Survey 2025: Serbia (2025) 1-2.

6. Recommendations for the Secretary-General's report

- Clarify that the obligation to use the maximum of available resources concerns the size, composition, targeting, execution and oversight of public expenditure. States should demonstrate how fiscal priorities advance minimum essential levels of economic and social rights and should assess whether policy changes have retrogressive or discriminatory effects.
- Call on States to protect and expand adequately funded, poverty-targeted social assistance and community-based social services. Benefit levels should be periodically assessed against living costs and poverty thresholds, and eligibility procedures should be accessible, timely and capable of providing immediate protection where a person's subsistence is at risk.
- Require *ex-ante* and periodic independent human rights and equality impact assessments for digital systems, automated tools and data-sharing arrangements that affect access to social protection. These assessments should examine direct and indirect discrimination, data quality, exclusion errors, accessibility, privacy, due process and impact on different groups.
- Ensure that no person is denied, reduced, or suspended from an essential social protection benefit solely or primarily because of an automated flag or unverified data discrepancy. Before an adverse decision, the person should receive clear notice, an understandable explanation, a genuine opportunity to respond, and access to prompt, independent, and effective review.
- Require transparency in the public procurement, operation and oversight of systems used to make or support public administration decisions. This should include publication of contracts, costs, data sources, decision rules, performance and error information, audit findings and the safeguards governing access by service providers. Source code or other technical information should be disclosed to the maximum extent compatible with a demonstrable and proportionate security interest.
- Support inclusive pathways into dignified work by ensuring that low, irregular, and seasonal income is not used unlawfully or mechanically to withdraw life-sustaining assistance. Labour market, social protection, and environmental policies should be coordinated so that work contributing to a circular economy is recognised and protected rather than criminalised or penalised.
- Adopt gender-responsive social protection rules and procedures, including review of eligibility conditions that can disproportionately burden women who have experienced economic dependence, informal work, unequal inheritance practices, or housing insecurity.
- Strengthen participatory budgeting and social-policy design. People affected by poverty, Roma communities, women, persons with disabilities, informal workers and local civil society organisations should be able to shape spending priorities and monitor their implementation. Budget and programme data should be available in formats that allow independent scrutiny.

Besides giving practical effect to the Covenant's requirements of progressive realization, non-discrimination and effective access to social security, these recommendations would also help ensure that public resources and digital innovation are used to remove barriers to rights rather than to make exclusion more efficient.²²

²² ICESCR (n 1) arts 2(1), 9 and 11; CESCR, General Comment No 19 (n 3) [22]-[27].