



# Weekly Briefing

**Serbia political briefing:**  
**Two years of the implementation of the Law on social card**  
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# Two years of the implementation of the Law on social card

## Summary

*Citizens of the Republic of Serbia remember that social cards were promised in the exposé of the Government of Serbia back in 2017, while the system itself has been talked about for almost two decades. The Law on social card was adopted at the beginning of 2021 and came into force in March 2022. What are the effects of its implementation? Did, as announced, the introduction of the unique and centralized electronic record, which contains accurate and up-to-date data on the social and economic status of an individual and related persons, lead to a fairer exercise of the social rights of citizens? How come that even the Constitutional Court is asked to assess on this Law?*

## Introduction

The need to introduce social cards was contained in the exposition on the Government Program of the Republic of Serbia, which was presented in the National Assembly on June 28, 2017.<sup>1</sup> Within the part “Better targeting of social protection”, it was emphasized that an integrated system of creating social cards through connecting a large number different institutions - Tax Administration, Ministry of Internal Affairs, the Cadastre of real estate..., will be introduced in the Republic of Serbia in accordance with the best positive examples of world practice. It was explained that the introduction of such system would prevent abuses and, at the same time, enable fairer distribution of social assistance. In other words, the assistance will be given to those users who really need it. Parallel with that, the state will focus more on digitization of all public services available to citizens in order to complete introduction of electronic administration in the Republic of Serbia.

The basis for creating a single register Social card was defined by the Conclusion on the adoption of the Action Plan for program implementation of the Government<sup>2</sup>, which introduced

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<sup>1</sup> “Програм Владе Републике Србије кандидата за председника Владе Ане Брнабић, Народна скупштина Републике Србије, 28. јун 2017. године, [https://media.srbija.gov.rs/medsrp/dokumenti/ekspeze-mandatarke-ane-brnabic280617\\_cyr.pdf](https://media.srbija.gov.rs/medsrp/dokumenti/ekspeze-mandatarke-ane-brnabic280617_cyr.pdf), accessed on: 15/03/2024.

<sup>2</sup> The Action Plan was adopted by the Government at the session held on November 9, 2017, document 05

the social card defined as the priority of the work of the Ministry of Labour, Employment, Veterans and social issues.

The Law on social card introduced the establishment and management of the single Social Card register (hereinafter: Social Map), i.e. the content, method of access, processing and storage of data within the Social Card, as well as other matters of importance for its establishment and management.<sup>3</sup>

### **How far Serbia went two years after the Law on Social Card came in force?**

Law on Social Cards was announced to bring positive effects by speeding up the procedure, increasing the efficiency of centers for social work and improving the centers' information about the socio-economic position of beneficiaries and potential beneficiaries. Also, it was expected that establishment of an IT instrument by ensuring electronic data collection, will bring a relief for users who, according to announcements, will not have to collect papers from institution to institution in order to prove their material status, more complete insight of competent institutions into the position of potential users, considering that all necessary the data should be in one place<sup>4</sup>.

There are different interpretations on the type of changes brought by the long-awaited registry.

According to Nađa Marković from the Initiative for Social and Economic Rights A11, there was no fairer distribution of aid, but only some technical relief because the relevant social protection institutions networked.<sup>5</sup> As she pointed out, the biggest consequence of the 'Social

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Number: 021-1-10807/2017-2 of November 9, 2017, [https://www.arhiva2.srbija.gov.rs/dokumenti\\_pregled](https://www.arhiva2.srbija.gov.rs/dokumenti_pregled), accessed on: 15/03/2024.

<sup>3</sup> Article 1 of the Law on Social Card - "Zakon o socijalnoj karti", *Sl. glasnik RS* br. 14/21, <https://www.paragraf.rs/propisi/zakon-o-socijalnoj-karti.html>, accessed on: 15/03/2024.

<sup>4</sup> Zakon o socijalnoj karti ne rešava ključne probleme, najugroženiji će i dalje ostati nevidljivi, VOICE – Vojvođanski istraživačko-analitički centar, 24. februar 2021, <https://voice.org.rs/zakon-o-socijalnoj-karti-ne-resava-kljucne-probleme-najugrozeniji-ce-i-dalje-ostati-nevidljivi/>, accessed on: 15/03/2024.

<sup>5</sup> Registar "Socijalna karta" posle godinu i po – šta je postignuto, Jelena Nikolić, RTS, 13.10.2023, <https://www.rts.rs/lat/vesti/drustvo/5289881/registar-socijalna-karta-posle-godinu-i-po---sta-je-postignuto.html>, accessed on: 15/03/2024.

Card' is that a large number of people got excluded from the social protection system, about 35,000 people, which is about 15 percent of the users in the entire social protection system.<sup>6</sup>

From the other hand, Nikola Selaković, Minister of Labour, Employment, Veterans and Social Affairs, thinks that the Law on the social card fully fulfilled the purpose of its enactment, which means that it enabled a significantly higher degree of accuracy and up-to-date data, greater efficiency of centers for social work and enabled a fairer distribution of what are social benefits. His explanation for decreased number of beneficiaries is that almost 15,000 people were deleted from the records because they are no longer alive. Minister gave an example of a man in whose name the state paid social assistance 20 years after his death! Still, according to minister, people are not automatically deleted from the registry. There is a duty for every officer of the center for social work to enter into each case, to examine the circumstances and make a decision based on that.

Referring to the decrease of the people eligible to receive social assistance, Branimirka Radosavčević, President of the Management Board of the Association of Centers for Social Work, commented that “it is evident that after the implementation of the Social Card register, there was a drop in the number of beneficiaries of cash social assistance. However, the movement of the number of beneficiaries of material support in the social protection system is a complex issue and cannot be interpreted unilaterally, because the number of beneficiaries of this type of assistance was slightly decreasing even before the start of the Social Card register. By applying the register, the professional worker who acts on the submitted request for financial social assistance has insight into the property that the beneficiary can have in any place on the territory of Serbia, not only in the place of birth and residence, which was the case before.”<sup>7</sup>

In an extensive report, Amnesty International documented the impact of the Social Card digital register on users in Serbia.<sup>8</sup> A report published on December 4 stated that the introduction of a digital register into an already inadequate social assistance system only worsened already existing problems and further limited people's access to social protection.<sup>9</sup>

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<sup>6</sup> Op. cit.

<sup>7</sup> „Socijalna karta“ ne odlučuje sama, i dalje nejasno zašto manje ljudi prima socijalnu pomoć”, Nevena Petaković, Nova ekonomija magazine, 18. januar 2024, <https://novaekonomija.rs/vesti-iz-zemlje/socijalna-karta-ne-odlucuje-sama-i-dalje-nejasno-zasto-manje-ljudi-prima-socijalnu-pomoc>, accessed on: 15/03/2024.

<sup>8</sup> Trapped by automation: Poverty and discrimination in Serbia's welfare state, Amnesty International, December 4, 2023, <https://www.amnesty.org/en/latest/research/2023/12/trapped-by-automation-poverty-and-discrimination-in-serbias-welfare-state/>, accessed on: 15/03/2024.

<sup>9</sup> Amnesty International's report is part of a broader investigation by this international organization into the use of automated or algorithmic technologies in the public sector and their implications for human rights. The report is based on a research of public reports and documents, a review of the files of five people who were in the

“While the exact numbers on benefit denials, particularly due to the new system, are unclear, government figures show 176,000 recipients in the system by August 2023. That's 35,000 fewer than in March 2022, when the law came into force,” Amnesty said.

The sharp decrease in the number of social assistance recipients, which coincides with the introduction of the law, is in sharp contrast to the high rates of absolute poverty in Serbia, which amount to seven percent of the total population. This means that almost half a million people live below the poverty line of 12,500 dinars (106 euros) per month and are unable to meet their basic needs.

In March 2024, two years after the Law on the Social Security Card came into force, data show that at least 44,000 people have been left without the right to financial social assistance since. Due to all the harmful effects that this law carries, A 11 - Initiative for Economic and Social Rights advocates for the repeal of this legal solution and the suspension of the application of the Social Card Information System.

The Social Card register in one place includes about 135 personal data of users of social protection services, as well as their relatives and so-called “connected persons”. The Government of Serbia and the Ministry of Labour, Employment, Veterans and Social Affairs envisioned the Social Card as a solution for “fairer distribution of social assistance” and “improving the quality of work of state bodies in the field of social protection”, insisting that there are a number of abuses in this area, without specifying at the same time, exact data on who is behind these abuses, and how and when they are carried out.<sup>10</sup>

Instead of improving the previous system of work, a completely new system was introduced for which social workers were not actually trained, and about which beneficiaries of financial social assistance were not informed.

Due to the new, semi-automatic and algorithmic decision-making on the rights that citizens have - whether their income has increased, whether they have acquired more property and whether these changes have also occurred in the persons connected to them, in exactly two years of the application of the law without social assistance there are also those who did not

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appeal process and detailed interviews with 21 recipients of social assistance in Serbia, all of whom lost their support after the introduction of the social card law. Amnesty International also spoke to social workers, government officials and representatives of civil society.

<sup>10</sup> Dve godine Zakona o socijalnoj karti: Nismo ni korak bliže pravednijoj raspodeli novčane socijalne pomoći, ukinuti zakon, Inicijativa za ekonomska i socijalna prava, 05.03.2024, <https://www.a11initiative.org/dve-godine-zakona-o-socijalnoj-karti-nismo-ni-korak-blize-pravednijoj-raspodeli-novcane-socijalne-pomoci-ukinuti-zakon/>, accessed on: 15/03/2024.

“cheat” the system in any way, but instead became victims of an accelerated, sloppy, non-transparent way of working. Social workers' job has become to deal with so-called notifications about changes in the individual's status, rather than field work that would allow them to truly understand the conditions in which beneficiaries of cash social assistance live. Thus, the semi-automated system recorded incredible incomes for individual citizens from employment that did not happen, seasonal work was unlawfully taken as a reason for canceling social assistance, and social workers were referred to the wrong provisions of the Law on Social Protection. The A 11 initiative in the field revealed a number of errors of this registry. Along with the insensitivity of the system that rests on it, (new) negative standards are established in social protection. For example, due to the lack of knowledge of the way collectors of secondary raw materials work, a situation was recorded in which a collector from Belgrade recorded a monthly income that would mean that one man, alone, would collect and sell 22 tons of cardboard in a month, which is even almost impossible to imagine.<sup>11</sup>

The practice of Initiative A 11 also showed that some social workers ignore the efforts of beneficiaries to prove that the system made a mistake in their alleged incomes, even though these mistakes leave them without social assistance, thus without any social support in overcoming poverty.

The Ministry's position that the implementation of the Social Card will eliminate abuses is neither justified nor reasonable. Trying to essentially test semi-automated, algorithmic decision-making on a group of people who are the most marginalized in society is just a move to reduce the possibility of those people complaining, which begs the question - which group is next in line to test unproven technologies?

According to the official information provided by the Ministry of Labour, Employment, Veterans and Social Affairs to the Initiative A11 legal team, in the two years of application of the law, beneficiaries of cash social assistance damaged by the Social Card filed only 361 appeals against the decisions of centers for social work. Compared to more than 100,000 notifications of alleged increases in income and assets of welfare recipients and their families, that number is negligible.

The Ministry did not provide Initiative A 11 with information on the number of citizens who, by applying the algorithm, actually achieved the right to cash social assistance, that is, on those whom the system helped to survive. This information has never been publicly disclosed,

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<sup>11</sup> Ibidem.

which leads to suspicion that the intentions of the decision makers regarding the Social Card were not really in the best interest of the poorest.

As Amnesty International's report stated, the introduction of the social card registry in Serbia had a negative impact on people's rights to social security, equality and non-discrimination, legal remedy and information. "These are rights that are based on key international and regional instruments that Serbia has ratified, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR)", reminded Amnesty.<sup>12</sup>

These facts were also observed by the Initiative A 11 which, due to the contradiction of the Law on the Social Card with numerous national and international legal acts, submitted to the Constitutional Court of the Republic of Serbia in April 2022 the Initiative for the constitutionality assessment of the Law on the Social Card. The Law on the Social Card (Article 17) contradicts the provisions of the Council of Europe Convention on the Protection of Persons in relation to the automatic processing of personal data. The provision of this article of the Law stipulates that, based on an algorithm that automatically checks the fulfillment of the conditions for exercising the right to social assistance, social protection institutions are only notified that it is necessary to take certain actions regarding the rights of the person whose personal data is contained in the Social Card. Contrary to the guarantees from Article 9 of the Convention of the Council of Europe<sup>13</sup>, the user of the social protection system is prevented from having his views taken into account in relation to this automated processing of personal data. The Social Card Law also contradicts Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms<sup>14</sup>, as well as with Article 9 of the International Covenant on Economic, Social and Cultural Rights<sup>15</sup>, which guarantees the right to social security.

In November 2022, several members of ESCR-Net, a global network for economic, social and cultural rights, including Amnesty International, Centro de Estudios de Derecho, Justicia y

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<sup>12</sup> Trapped by automation, op. cit.

<sup>13</sup> Human rights convention, Council of Europe, <https://www.coe.int/en/web/human-rights-convention>, accessed on: 15/03/2024.

<sup>14</sup> Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols No. 11 and 14, Council of Europe, [https://www.eods.eu/library/CoE\\_European%20Convention%20for%20the%20Protection%20of%20Human%20Rights%20and%20Fundamental%20Freedoms\\_1950\\_EN.pdf](https://www.eods.eu/library/CoE_European%20Convention%20for%20the%20Protection%20of%20Human%20Rights%20and%20Fundamental%20Freedoms_1950_EN.pdf), accessed on: 15/03/2024.

<sup>15</sup> International Covenant on Economic, Social and Cultural Rights, General Assembly of the United Nations, 16 December 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>, accessed on: 15/03/2024.

Sociedad (Dejusticia), the Digital Welfare State and Human Rights Project (DWS project) at the Center for Human Rights and Global Justice at New York University School of Law, the European Roma Rights Center (ERRC), the Initiative for Social and Economic Rights (ISER), the Kenya Human Rights Commission (KHRC) and the Program on Human Rights and Global of Economics (PHRGE) at Northwestern University, submitted a Joint Legal Opinion to the Constitutional Court of Serbia regarding the Initiative for Constitutional Review of the Social Card Law. In it, they highlighted the key issues that arise from the point of view of human rights through the application of this Law. They explained that, in order to ensure compliance with international human rights legislation, the judicial review of the Law on the Social Map of the Republic of Serbia is of vital importance not only for the affected persons and communities in Serbia, but also for the fulfillment of Serbia's existing obligations under international human rights legislation.<sup>16</sup> This case also taps into an international context in which courts and international mechanisms condemn and limit similar large-scale public sector digitization initiatives. For this reason, a judicial review of this law may affect the development of precedents in the field of digitization and universal human rights. The organizations-authors of the document submitting this legal opinion, which individually and collectively have rich experience in analysis and litigation in the field of human rights law, claim that this case related to the Social Card Law is of particular importance in the context of international human rights.

Surprisingly or not, the Constitutional Court of the Republic of Serbia remained silent, not a single announcement has been delivered on this matter.

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<sup>16</sup> Правно мишљење о међународном компаративном законодавству из области људских права у светлу Закона о социјалној карти пред Уставним судом Србије , [http:// /social-card-legal-opinion-final-serbian-pub.pdf](http://social-card-legal-opinion-final-serbian-pub.pdf), accessed on: 15/03/2024.



## **Conclusion**

The Law on Social Card was introduced with the specific goal to establish a unique and centralized record, in electronic form, which contains accurate and up-to-date data on the socio-economic status of an individual and related persons, and which enables data users to perform data processing tasks in order to determine the facts necessary for the exercise of rights and services from in the field of social protection, especially for more effective exercise of social protection rights and services, fairer distribution of social assistance, improvement of the efficiency and proactivity of the work of authorities in the field of social protection, providing support in defining and shaping social policy and monitoring the overall effects of social protection measures, as well as ensuring up-to-date data on users in case of an emergency.

Unfortunately, two years after it became effective (it came into force on March 1, 2022), it received more critics than praises. The “Social Map” register does not provide an automatic solution, does not contain any algorithm, nor is it some kind of artificial intelligence that can make decisions independently. Through it, the official social worker only receives a notification generated by the registry and which refers to a specific user - but does not receive instructions on how to act on the received notification. Each official independently can decide on further steps. Scope of those further actions that each of them can undertake varies and may concern field visits, taking statements from users, collecting additional information from other institutions, etc. Digital technologies are often introduced with the promise of making public service delivery more effective and efficient. The Law on the Social Card is particularly promoted as a tool that will increase administrative efficiency in the social protection system. However, this law and the digitalized system it envisages and provides, pose significant risks to human rights, which will unevenly and disproportionately affect marginalized groups, including the Roma community, people with disabilities and people living in poverty, who make up the vast majority of welfare help seekers.