

## EXPENSIVE JUSTICE IS UNACHIEVABLE JUSTICE

Human Rights House Belgrade condemns the proposed solution from the Draft Law on Amendments to the Law on Civic Procedure, which conditions access to justice by paying court fees. The long duration of court proceedings, the inaccessible amount of court fees and legal aid costs already leave a large number of citizens without the opportunity to protect their rights in court proceedings. The right to access to courts implies the right of an individual to bring his or her legal matter before the court without any legal or practical obstacles. The draft law significantly increases the existing obstacles and directly violates the rights guaranteed to the citizens by the Constitution, such as the right to a fair trial, the right to equal protection and a legal remedy, and thus discriminates against citizens with regard to their income status.

The draft proposed by the Ministry of Justice stipulates that a submission for which the court fee has not been paid within the legal deadline of 8 days is considered withdrawn. This means that the lawsuit, the response to the lawsuit, or the appeal will be considered withdrawn, leaving the citizens for the first time without court protection due to non-payment of the court fee in such a short period of time.

According to the [Initial Report on Monitoring the Judiciary for Serbia](#), conducted by 12 civil society organizations, as many as 73% of Serbian citizens believe that the costs of court proceedings are too high. The announced changes will be especially difficult for citizens who want to protect their employment rights. For example, a citizen who claims three unpaid average salaries would have to pay the amount of 13,700.00 dinars, otherwise, his lawsuit would be considered withdrawn. According to the [SILC survey](#), 34.3% of the population of the Republic of Serbia (2.28 million) is at risk of poverty or social exclusion. The proposed amendments make the Law on Free Legal Aid completely meaningless, because citizens who exercise the right to free legal aid, which does not automatically include exemption from court fees, may be denied access to the court. The exercise and protection of citizens' rights must not be limited to those who have money to pay for judicial protection.

Since the proposed legal solution violates the rights guaranteed by the Constitution and discriminates against low-income citizens, we call on the Ministry of Justice to withdraw this draft law from the procedure and to take into account the fact that more than a third of Serbian citizens are at the poverty line.

Respectfully,

**Human Rights House Belgrade:**

**Civil Initiatives**

**Belgrade Centre for Human Rights**

**Lawyers' Committee for Human Rights**

**Helsinki Committee for Human Rights in Serbia**

**Policy Center**