



BAR ASSOCIATION OF SERBIA

Decanska 13, 11000 Belgrade

Telephone: +381 11 32-39-072 Fax: +381 11 32-32-203

e-mail: a.k.srbije@gmail.com

No: 60/26

Date: 26 January, 2026

54th EUROPEAN CONFERENCE OF PRESIDENTS OF BAR ASSOCIATIONS

REPORT OF THE BAR ASSOCIATION OF SERBIA ON ACTIVITIES AND THE STATUS OF THE LEGAL PROFESSION IN 2025

Dear colleagues,

The annual report of the Bar Association of Serbia (BAS) provides an overview of the main activities and challenges that have affected the functioning of the legal profession in the Republic of Serbia and its development since the last report.

In 2025 the attention of the BAS was focused on following topics:

1. DRAFT LAWS ON AMENDMENTS AND SUPPLEMENTS TO THE CRIMINAL CODE AND THE CRIMINAL PROCEDURE CODE AND DRAFT LAW ON JUVENILE OFFENDERS AND THE PROTECTION OF MINORS IN CRIMINAL PROCEEDINGS

In last year's report, it was pointed out that the BAS proposed to the Ministry of Justice that the public debate on the Draft Law on Amendments and Supplements to the Criminal Code and the Draft Law on Amendments and Supplements to the Criminal Procedure Code, which was planned to last one month, be extended so that the professional and academic community would have sufficient time to thoroughly examine the proposed amendments and provide constructive and useful suggestions. Although there was not enough time for a quality public debate, the BAS submitted its comments, proposals, and suggestions regarding the said Draft Laws.

Taking into account the proposals of the domestic professional community to extend the public debate, and following consultations with the European Commission, the Ministry of Justice decided that the public debate would continue throughout 2025.

However, in September 2025, the Ministry of Justice determined that the public debate on the Draft Law on Amendments to the Criminal Code, the Draft Law on Amendments to the Criminal Procedure Code, as well as the Draft Law on Juvenile Offenders and the Protection of Minors in Criminal Proceedings would last only 20 days. As a result, the BAS sent a letter to the Minister of Justice stating that such a short deadline for a public debate on key systemic laws is inappropriate and unacceptable, that representatives of the legal profession were once again not invited to meetings of the Ministry of Justice working group dealing with amendments

to the Criminal Code, and that, for all these reasons, the BAS was not prepared to participate in the public debate.

The public debate on the aforementioned laws will continue during 2026.

2. AMENDMENTS AND SUPPLEMENTS TO THE LAW ON COURT FEES

The Draft Law on Amendments and Supplements to the Law on Court Fees was published without a detailed impact assessment on citizens, the economy, and the judicial system. In the absence of public hearings and dialogue with relevant professional associations, including attorneys, the professional community did not have the opportunity to timely and substantively influence the content of the Draft. Nevertheless, in late May 2025, during the public debate, the BAS submitted its comments to the Ministry of Justice regarding this Draft Law.

It was primarily pointed out that the Draft Law introduces a significant increase in court fees (including multiple increases in fees for extraordinary legal remedies), which directly affects citizens' right of access to court guaranteed by Article 36 of the Constitution of the Republic of Serbia. Instead of enabling citizens to exercise their rights more efficiently through new legal solutions, the proposed amendments and supplements complicate and increase the cost of access to the courts, further discouraging citizens from initiating proceedings. It is evident that the primary aim of the Draft Law is to increase budget revenues, rather than to ensure fairness and access to justice. Court fees are no longer a symbolic cost intended to cover the expenses of court administration, but rather constitute a barrier to the exercise of constitutionally guaranteed rights.

It was also emphasized that the amendments violate the principle of equality before the law (Article 21 of the Constitution of the Republic of Serbia), as in practice only those citizens who have sufficient financial means to pay the increased fees will have access to judicial protection. In this way, citizens who do not meet the requirements for free legal aid or for exemption from paying court fees will be discriminated against.

It was further pointed out that the amendments will directly affect the work of attorneys, as due to the high costs of court proceedings citizens increasingly refrain from engaging attorneys, which jeopardizes both their rights and the functioning of the independent legal profession as a cornerstone of the exercise of the right to legal protection. Attorneys are already witnessing a significant decline in the number of proceedings initiated by citizens as a result of financial barriers.

3. AMENDMENTS AND SUPPLEMENTS TO THE LAW ON STATE SURVEY AND CADASTRE AND THE LAW ON SPECIAL CONDITIONS FOR THE RECORDING AND REGISTRATION OF RIGHTS IN REAL ESTATE

With regard to the Law on Amendments and Supplements to the Law on State Survey and Cadastre of October 2025, which introduced certification of certain professional users, the BAS addressed the Ministry of Justice and the Ministry of Construction, Transport and Infrastructure, pointing out that these solutions relate to technical and professional activities, primarily the geodetic profession, and therefore cannot be applied to attorneys who, in

proceedings before the authorities competent for the real estate cadastre, act as legal representatives of the parties. It was emphasized that the status of the legal profession is regulated by the Constitution of the Republic of Serbia and the Law on Legal Profession, and that there is no legal basis for prescribing additional certificates or licenses for the performance of attorneys' professional activities in such proceedings. The application of certification requirements to attorneys would therefore constitute impermissible interference with the constitutionally guaranteed status of the legal profession and could lead to violations of legal certainty and of citizens' right to freely choose their legal representative. In this regard, the BAS proposed that, through normative clarifications, it be explicitly specified that the provisions on certification of professional users do not apply to attorneys, and stressed that the legal profession did not participate in any phase of the amendments to this Law.

In December 2025, the BAS submitted to the Ministry of Justice and the Ministry of Construction, Transport and Infrastructure a proposal to amend the new Law on Special Conditions for the Recording and Registration of Rights in Real Estate, which repealed the Law on Legalization of Buildings upon its entry into force. Bearing in mind the complexity of the procedure and the large number of illegal buildings in the Republic of Serbia, the BAS pointed out that the deadline for submitting applications for the recording and registration of ownership rights in real estate prescribed by Article 20 of the Law is objectively short, which may result in many citizens being unable to exercise their rights within the prescribed time limit. Accordingly, the BAS proposed an extension of this deadline. In addition, in order to improve the efficiency of the procedure and the exercise of citizens' rights, it was proposed that attorneys, as legal representatives, be allowed to submit applications electronically on behalf of the parties, with a power of attorney attached, and to represent them in this procedure.

The BAS issued a public statement on 25 January 2026 in which it most strongly condemned the public appearance of the President of the Republic, who, while giving alleged advice to citizens regarding the registration of ownership rights in real estate, portrayed attorneys as those who "rob citizens" and called on citizens not to engage attorneys in exercising their rights. The BAS considers this to be an attack on the constitutionally guaranteed right to legal aid and on the independence of the legal profession, and states that in this way the inability of the state to resolve systemic problems of illegal construction for decades is being concealed, while responsibility is unjustly shifted onto attorneys.

4. PROPOSAL TO AMEND THE LAW ON PERSONAL INCOME TAX AND THE LAW ON VALUE ADDED TAX

The BAS has on several occasions in the past, and again in 2025, submitted an initiative to the Ministry of Finance to amend the Law on Personal Income Tax and the Law on Value Added Tax with regard to increasing the thresholds for lump-sum taxation of income from self-employment and for the status of small taxpayers who are not in the VAT system. This is because the thresholds were set more than 12 years ago and no longer reflect real economic and market conditions, which results in an increasing number of attorneys formally exceeding the prescribed thresholds, even though this does not in substance represent a significant increase in real income.

The Ministry of Finance has still not responded to the BAS's proposal.

5. INTERNATIONAL COOPERATION

The BAS is a full member of the International Association of Lawyers (UIA) and actively participates in the work of its Governing and Executive Committees, as well as in annual congresses, through its national representative who was elected in December 2023, after the previous national representative had been elected Deputy Director of UIA for collective members. The BAS representative in the UIA Human Rights Commission and the Committee on Women's Rights was, at the last UIA Congress in autumn 2025, elected for the third time as Counselor to the President of UIA. UIA provided support when the Governing Board of the BAS adopted the decision on the suspension of work in July 2025.

The BAS is a full member of the International Bar Association (IBA) and in 2025 appointed its representative to this organization.

As an associate member, the BAS actively participated in the work of the CCBE and the CCBE PECO Committee through its representative who was elected at the end of 2023.

With regard to the Council of Europe Convention on the Protection of the Legal Profession, in May 2025 the BAS addressed the Government of the Republic of Serbia and the Ministry of Justice with a request to undertake, as a matter of urgency, all activities necessary to prepare for submitting this Convention to the National Assembly for ratification.

6. SUSPENSION OF ATTORNEYS' WORK

In last year's report, it was stated that the Assembly of the BAS, at an extraordinary session held on 2 February 2025, adopted a decision on the suspension of attorneys' work for a period of 30 days due to continuous interference of the executive branch in the judiciary, which manifested itself through threats to strip bar associations of their public powers. In addition, the executive authorities encouraged attacks on students, and the courts were also under pressure to render decisions in line with the interests of the executive branch.

On 3 July 2025, the BAS issued a public statement on continuous and systematic violations of human rights in Serbia, which culminated on Vidovdan, 28 June 2025, in the excessive use of police force against peaceful demonstrators, including students and citizens, as well as an attempted entry of the police into the Faculty of Law, thereby violating the independence and autonomy of the University. The BAS assessed this escalation as a continuation of a repressive pattern that became evident after the tragedy that occurred at the railway station in Novi Sad in November 2024, which led students to start protests and put forward demands related to the establishment of the rule of law, determination of responsibility, and the fight against systemic corruption, which the BAS supported, as an expression of solidarity, through suspensions of attorneys' work at the end of 2024 and the beginning of 2025. It was also decided that all capacities of the BAS be made available to protest participants in cases of detention, arrest, or physical attacks, and thus lists of hundreds of attorneys providing pro bono legal aid were formed and published on the BAS website.

The BAS, in a public statement of 7 July 2025, condemned the unlawful arrest of attorney Radovan Novaković during a peaceful gathering in Užice. He was detained for

continuing to move along, together with other citizens, a blocked roadway that had been unlawfully obstructed by the police. The BAS pointed out that this was the fourth case of police violence against attorneys within three days, indicating a systemic pattern of repression. The BAS demanded the immediate release of attorney Novaković and called on the executive authorities to refrain from the use of force.

On 9 July 2025, the Governing Board of the BAS adopted a decision on the suspension of attorneys' work in criminal proceedings throughout the entire territory of the Republic of Serbia for a period of three days, due to the unlawful ordering of detention of the attorney from Užice, Radovan Novaković.

This decision was adopted as an urgent, initial, and necessary measure to protect the freedom to practice the legal profession, the personal dignity of attorneys, and the fundamental values of the rule of law, given that, contrary to legal obligation, the public prosecutor did not inform the bar association of the deprivation of liberty of attorney Novaković, nor did the court do so when ordering detention. This decision also followed an incident a few days earlier in which the police, at a public gathering in front of the Faculty of Law in Belgrade, violated the freedom and physical integrity of several attorneys, humiliated them by forcing them into a kneeling position in the street, and thereby unlawfully deprived them of liberty, inflicting serious bodily injuries on one of them, including fractures of the collarbone and ribs, despite the fact that police officers had been repeatedly informed that they were attorneys, one of whom stated that he was providing legal aid to an arrested citizen at that very moment.

The BAS continues its fight for the honor and independence of the legal profession and, in the period ahead, will persist in defending justice and every citizen's right to an independent and fearless legal representative.

**SECRETARY OF THE GOVERNING BOARD OF THE
BAR ASSOCIATION OF SERBIA**

Nemanja Jolović, attorney-at-law