

## Mandate of the Special Rapporteur in the field of cultural rights

Ref.: UA SRB 4/2024  
(Please use this reference in your reply)

29 November 2024

Excellency,

I have the honour to address you in my capacity as Special Rapporteur in the field of cultural rights, pursuant to Human Rights Council resolution 55/5.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the **decision by the Serbian government to remove historical buildings in Belgrade from the list of protected cultural monuments, on alleged unlawful grounds and without appropriate consultative process, and the consecutive ongoing destruction of these sites for the construction of *in situ* private commercial buildings, and repression against those protecting the sites.**

According to the information received:

On 14 November 2024, the Government of Serbia adopted two controversial and allegedly unlawful decisions that remove several of Belgrade's historical buildings as well as certain plots of land from the list of protected cultural monuments and assets, opening the path for their possible destruction.

The first, Decision No. 633-6788/2024, terminated the status of cultural property for the Generalštab building complex, effectively and unilaterally removing it from the Register of Immovable Cultural Properties.

The second, Decision No. 633-6790/2024, amended the previously established designation of the area along Kneza Miloša Street as a spatial cultural-historical unit, specifically excluding two parcels of land plots (804/2 and 969/1), including the site of the General Staff complex.

It is alleged that the Government's determination was made without any public discussion regarding the future use of these sites, and that it was implemented adopted on unlawful grounds and without proper consultation. They have raised significant concerns among cultural heritage professionals and the public. The decision has also taken effect immediately, with some of the buildings being destroyed, in part or in full, since 14 November.

Although main concerns have focused on the destruction of the Generalštab and the Belgrade Fortress, the removal of the protection status extends to other significant sites and landmarks which have all become integral parts of the city's cultural heritage, such as the Old Sava Bridge, the Belgrade's Fortress and the Belgrade Fair, where encroaching private construction projects are currently threatening preservation.

Ongoing destructions of heritage and repressions against those preserving it

Demolition of the Hotel Jugoslavija, a historic symbol of the post-World War II era, has already begun, and has reached a point where it is considered to be a loss for the heritage of the city. It should allegedly be replaced by a modern building that lacks the soul and historical significance of the original hotel. Several proposals have been made to avoid its demolition, to modernize and repurpose the hotel in a manner that retained its cultural importance while adapting to contemporary needs, all of which have reportedly remain unconsidered.

Since 5 November and for the last 23 days, a collective of citizens has been grouping on the Old Sava Bridge, to physically prevent its destruction. The bridge has become a symbol of Belgrade over the past 80 years. It holds deep emotional significance for Belgrade inhabitants and is intertwined with the city's anti-fascist history and its evolution over time. Civil society organizations have asked for the bridge, which is still used daily by commuters, to be protected and revitalized, such as by transforming it into a pedestrian and bicycle bridge with greenery, in line with sustainable urban development principles. On 24 November 2024, police officers were sent to the Old Sava bridge to disperse the activists, resorting to force to remove them from the tents they were in.

It is also reported that significant political pressure has been placed on cultural heritage institutions, to reduce the public opposition to the decisions. It is alleged that two directors of the Institute for the Protection of Cultural Monuments were compelled to resign because they refused to yield to political pressure and provide the professional evaluation needed for the removal of the Generalštab's protection and its eventual destruction, and that the Institute was subsequently excluded from the decision-making process. It is further alleged that the Security Information Agency (BIA) visited the Institute and interrogated the staff.

This incident of governmental interference in the institution is unprecedented in Serbia's history and raises serious concerns about the safety and freedom of public-sector professionals in Serbia as well as about the autonomy and effectiveness of cultural heritage protection in the country. The situation reflects a deep disregard for legal procedures, cultural heritage protection, and fundamental rights, undermining both Serbia's national and international commitments to safeguarding cultural and historical integrity.

#### Violation of the national legal framework for the protection of heritage

Article 89 of the Serbian Constitution, which mandates the preservation of cultural heritage as a public good and obliges the Republic of Serbia to protect it.

Under the Law on Cultural Heritage,<sup>1</sup> a cultural property can only be removed from the registry if it has been "destroyed or lost, i.e., if it has lost its

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<sup>1</sup> *Official Gazette of the Republic of Serbia*, No. 129, 28 December 2021.

characteristics" (art. 61, para. 1), or if it has lost its "historical, artistic, architectural, archaeological, anthropological, ethnological, spiritual, natural, technical, scientific, social, economic, and other values" (art. 26). The procedure for removing a cultural property from the register follows the same legal process as the initial determination of its status (art. 61, para. 2). Specifically, the proposal to remove the status of immovable cultural property must be "prepared by the Republic Institute for the Protection of Cultural Monuments and submitted through the Ministry to the Government of the Republic of Serbia" (art. 43, para. 2).

According to the allegations received, the procedure for removal from the list, as described above, has not been followed. The Republic Institute did not prepare a detailed proposal, and there is no evidence to suggest that the buildings of the Generalštab complex have lost their cultural, historical, or architectural significance.

The government's actions, bypassing the legally required procedures, have been the object of widespread criticism at the national level for compromising the legal protections of Serbia's architectural heritage. Furthermore, these decisions breach Serbia's international and regional obligations under various conventions.

#### Creation of a general climate of fear about significant heritage

Several esteemed organizations, operating at local, national, and international levels, firmly reiterated their opposition to any proposals for demolishing the Generalštab building, an exceptional modernist structure and a key landmark in Belgrade's historic urban setting.<sup>2</sup> The buildings of the Generalštab complex were designated as immovable cultural property and as cultural monuments of exceptional value by Government Decision No. 633-8111/2005 on 22 December 2005.<sup>3</sup>

A movement to protect the building gained momentum after it was revealed that private companies were planning to construct new buildings, which required demolishing the structure. A proposal for new real estate development in particular, accompanied by preliminary images showing the construction of a hotel at the location of the General Staff building, has raised significant concerns and seems to confirm the complete disregard for the national and international legal safeguards and Serbia's obligations. Cultural heritage experts and civil society organizations have highlighted that it would set a concerning precedent for the future preservation and management of heritage sites across Serbia and the region, posing a risk not only to cultural heritage sites but also to the cultural rights of residents and their connections to these sites.

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<sup>2</sup> See for example the 23 April 2024 joint declaration from over 350 professionals from fields including architecture, engineering, conservation, law, economics, and urban planning, condemning the government's intention to allow the demolition of symbolic and historic cultural buildings in Belgrade [www.arh.bg.ac.rs/wp-content/uploads/2024/05/deklaracija-.pdf?pismo=lat](http://www.arh.bg.ac.rs/wp-content/uploads/2024/05/deklaracija-.pdf?pismo=lat). See also the statement from Europa Nostra from 19 September 2024: [www.europanostra.org/europa-nostra-statement-protecting-belgrade-generalstab-is-a-matter-of-law-and-public-interest/](https://www.europanostra.org/europa-nostra-statement-protecting-belgrade-generalstab-is-a-matter-of-law-and-public-interest/).

<sup>3</sup> *Official Gazette of the Republic of Serbia*, No. 115, 27 December 2005.

The lack of transparency and public participation has raised concerns about the long-term preservation and appropriate use of the city's cultural heritage, the legality of the decisions and actions taken as well as, undue pressure on cultural institutions, and has left the fate and memory of the city's cultural heritage uncertain.

The situation also raises broader concerns about the preservation of Serbian and former Yugoslav cultural heritage in the country, amid pressures from construction projects and private investors. Some have allegedly already argued that Second World War-era and socialist-era heritage should be discarded, regardless of their cultural and memorial significance.

#### The Belgrade Fair and other key sites

It is alleged that other important landmarks in Belgrade are also at imminent risk of demolition or inappropriate redevelopment.

**The Belgrade Fair**, particularly Hall 1, is an important site that is threatened by the "Belgrade Waterfront" development project, which plans to transform significantly the area. According to the information received, the Belgrade Fair, as part of the city's heritage, needs to be preserved in a way that respects both its historical value and its potential for the future. Cultural heritage experts highlighted the urgent need to halt urban sprawl that harms public spaces and goes against the public interest.

**The Belgrade Fortress (Kalemegdan)**, a cultural asset of exceptional significance, is allegedly under threat from various urban development projects, including the expansion of Vojvoda Bojović Boulevard and the proposed cable car connecting the Sava River to the Fortress. These projects reportedly pose a risk to the integrity and authenticity of this unique site. Despite appeals from experts and civil society to halt these developments, they continue to encroach upon the protected area surrounding the Fortress.

In addition, it is alleged that the **Belgrade Fortress** faces challenges from proposed construction projects that would endanger its UNESCO World Heritage status. The absence of a comprehensive and responsible spatial plan for the Fortress is a significant concern. Experts have called for the government to urgently adopt a holistic approach that balances the protection of the Fortress with sustainable development.

Cultural heritage experts and Serbian civil society organizations have highlighted the tensions between the interests for urban development and the protection of cultural heritage and emphasized that Serbia must prioritize the preservation, restoration, and enhancement of its cultural heritage, rather than permitting it to be sacrificed for unsustainable and inappropriate development. They advocate for an urban planning approach that is both responsible and thoughtful, one in which decision-making processes concerning urban design and new constructions is transparent and participative, so that the people of Belgrade may maintain their emotional and historical relationship with the

city.

While I do not wish to prejudge the accuracy of the above-mentioned allegations, I express serious concern about the ongoing destruction of Belgrade's historical sites for the construction of private commercial buildings.

I would like to highlight that international law acknowledges the crucial role of cultural heritage in the protection and enjoyment of human rights. Therefore, the deliberate destruction or damage of cultural heritage constitutes not only a violation of cultural rights but also a breach of broader human rights standards. Moreover, dismissing professional opinions and expertise, as well as failing to engage in public consultations with all the population concerned, undermines Serbia's commitment to safeguarding its cultural heritage and adhering to international conventions.

In this regard, I wish to draw your attention to article 27 of the Universal Declaration of Human Rights (UDHR) and article 15 of the International Covenant on Economic, Social and Cultural Rights, affirming everyone's right to freely participate in cultural life, which includes the right to access and enjoy cultural heritage in all its forms. As stated by the Committee on Economic, Social and Cultural Rights, cultural heritage must be preserved, developed, enriched and transmitted to future generations as a record of human experience and aspirations, in order to encourage creativity in all its diversity and to inspire a genuine dialogue between cultures. Such obligations include the care, preservation and restoration of historical sites, monuments, works of art and literary works, among others (E/C.12/GC/21, para. 50. a).

This right is also enshrined within numerous other international legal instruments, which emphasize the duty of States to prevent the destruction of cultural heritage and ensure its protection. In this regard, I wish to recall the 1972 *Convention for the Protection of the World Cultural and Natural Heritage*, which serves as a foundational instrument, outlining the obligations of State parties to protect and preserve cultural heritage sites of universal value for present and future generations. Article 4 of the 1972 Convention states that the duty of the state is "to protect the cultural and natural heritage". The 2003 UNESCO *Convention for the Safeguarding of the Intangible Cultural Heritage* further reinforces this duty, urging States to take measures to safeguard the intangible cultural practices, expressions, and traditions that contribute to cultural identity. These protections extend to cultural heritage found in all its forms—tangible and intangible, movable and immovable—and include cultural, religious, and historical sites of significance. In addition, the 2003 UNESCO *Declaration concerning the Intentional Destruction of Cultural Heritage* asserts that States must take all appropriate measures to prevent and halt the intentional destruction of cultural heritage, regardless of its location or status of inscription on an international heritage list. This Declaration highlights the responsibility of States not to intentionally destroy their own heritage, "whether or not it is inscribed on a list maintained by UNESCO or another international organization" (section VI), to act decisively to avoid, stop, and suppress acts that endanger the integrity of cultural heritage, ensuring that future generations may benefit from its preservation. The UNESCO Declaration also stresses the responsibility of States to take all appropriate measures to protect cultural heritage in conformity with the principles and objectives of, inter alia, the 1972 Convention for the Protection of the World Cultural and

Natural Heritage, and the 1976 Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas (section IV).

I also wish to recall the obligations contracted by Serbia towards various European instruments, including the Convention on the Value of Cultural Heritage for Society (Faro Convention, 2005), which highlights the importance of heritage in relation to human rights and democracy, the Convention for the Protection of the Architectural Heritage of Europe (1985), which reinforces and promotes policies for the conservation and enhancement of Europe's heritage, as well as Serbia's contracted commitments under the European Green Deal, the New European Bauhaus initiative, and the Davos Principles of High-Quality Baukultur.

States have a duty not to destroy damage or alter cultural heritage, and to take measures to preserve/safeguard cultural heritage from destruction or damage by third parties (A/HRC/17/38, in particular paras. 78 and 80 and A/HRC/31/59, paras. 52, 53, 60).

In line with these international standards, the United Nations Human Rights Council has reiterated in several resolutions that the destruction of cultural heritage may severely impact the enjoyment of cultural rights and all human rights. In Resolution 33/20 (2016), the Human Rights Council stressed the irreversible harm caused by the destruction of cultural heritage and its devastating impact on communities and their identities. In this regard, it is important to highlight that the destruction of cultural heritage not only violates cultural rights but can also exacerbate social, political, and economic instability, particularly in conflict and post-conflict situations. As such, international law calls on States to take preventive measures, including the enactment of laws and policies that criminalize the intentional destruction of cultural sites, and to ensure accountability for those responsible for such actions.

The Special Rapporteur on cultural rights has also emphasized that the protection of cultural heritage is integral to the broader framework of human rights, particularly the right to participation in cultural life. Destruction or damage to cultural heritage undermines this right and impedes the collective memory and identity of communities. Furthermore, the destruction of cultural heritage may violate the right to a remedy for those whose cultural heritage is harmed or lost. The reports of the Special Rapporteur underline the importance of free, prior, and informed consent from affected communities before any decisions are made regarding the destruction or alteration of cultural heritage sites, especially those of religious or cultural significance. In accordance with the principles of the UDHR and other international human rights instruments, States are urged to take preventive measures and ensure the legal protection of cultural heritage against intentional harm.

In particular, I draw the attention of Your Excellency's Government to the reports of successive Special Rapporteurs in the field of cultural rights, particularly regarding the right to access and enjoy cultural heritage (A/HRC/17/38) and the intentional destruction of cultural heritage (A/71/317). As cultural heritage represents values linked to the cultural identity of individuals and groups, access to and enjoyment of cultural heritage also includes "contributing to the identification, interpretation, and development of cultural heritage, as well as to the design and

implementation of preservation and safeguarding policies and programs." Therefore, consultation with all concerned parties is essential before deciding on the destruction of sites of cultural or religious significance (A/HRC/17/38, paras. 58 and 79; A/71/317, paras. 13 and 58). Mandate holders in the field of cultural rights have recommended that States recognize and value the diversity of cultural heritages present in their territories and under their jurisdiction, and acknowledge, respect, and protect the choices of individuals and groups to feel associated with (or not) specific elements of cultural heritage.

Given the largely irreversible nature of the destruction of cultural heritage—which constitutes a prima facie violation of cultural rights—effective efforts must be made to prevent and stop it (A/71/317, para. 5) in the best delays.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please explain any measures that have been taken by State authorities to prevent the demolition of Belgrade's historical buildings and cultural heritage assets mentioned above.
3. Please provide information about the reasons grounding the decisions to remove the cultural property status of the Generalštab building complex, and how these comply with the conditions established in the Law on cultural Heritage, and with international human rights and heritage law norms and standards.
4. Please provide any information on measures taken to uphold the highest standards in the promotion and protection of cultural rights regarding the preservation of historical monuments in Belgrade and in the country. While awaiting a reply, I urge that all necessary interim measures be taken urgently to ensure respect for these rights, including in relation to the potential demolition of any site of historical interest in Belgrade and the protection of their cultural property status.
5. Please provide any information regarding the government's commitment to protecting cultural heritage by ensuring that decisions regarding cultural properties are made transparently and with respect for a proper consultative process, in accordance with both domestic

law and international conventions.

6. Please provide any information regarding the government's engagement with cultural heritage organizations, both domestically and internationally, to seek guidance and support for the preservation of the Generalštab Building and other culturally significant sites.
7. Please provide any information regarding the steps taken to strengthen legal protections for cultural heritage, particularly through the revision of policies that allow for the arbitrary de-listing of protected properties, ensuring that decisions affecting cultural properties are based on expert opinions rather than political or commercial interests, and are made in accordance with lawful and consultative procedures.
8. Please provide information on the existing plans for the preservation, renovation, rehabilitation, and potential adaptive and sustainable reuse of historical and cultural heritage, both in Belgrade and at the national and regional levels, which constitute the shared heritage of all humankind and would be impacted by the demolition.
9. Please provide information about all measures that were taken to guarantee that the staff of the Institutes for the Protection of Cultural Monuments, as well as any other relevant stakeholders and cultural experts involved in the process, were not subjected to external pressure from private interests in determining the historical status of the building.
10. Please provide information on any efforts made by the authorities to ensure that planned urban projects respect the rights of affected residents and stakeholders to be consulted and participate in decision-making, while avoiding conflicts of interest with private companies. Additionally, please explain how the authorities are fostering collaboration, including with the international community, to safeguard these invaluable assets. Furthermore, kindly clarify to what extent the rights of residents to participate in cultural life have been considered in these processes.

As a member of the Human Rights Council, I call upon Your Excellency's Government to uphold the highest international law standards in the promotion and protection of human rights, including cultural rights. While awaiting your response, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their recurrence. I also call for investigations to be launched to establish if the allegations concerning the legality of the decisions are accurate, and to ensure accountability for the alleged violations.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations.

The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

Alexandra Xanthaki  
Special Rapporteur in the field of cultural rights