

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



CRIMINAL LAW COOPERATION UNIT

Intersessional Workshop on Cultural Rights and the Protection of Cultural Heritage

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Ladies and gentlemen,

Allow me to thank the organisers for focusing on the topical issue of the protection of cultural heritage, which lies in the heart of the Council of Europe Convention on Offences Relating to Cultural Property (known as the Nicosia Convention), and for having invited the Council of Europe to be present here today.

The issue of offences relating to cultural property is of concern to a large number of countries worldwide. Cultural property is targeted with alarming frequency in both peace and wartime, often leading to the permanent loss of structures and objects and thereby impoverishing humanity as a whole. Cultural objects have been stolen and looted from museums, galleries, public and private collections and religious buildings, while important archaeological sites and monuments have been illicitly excavated and destroyed.

The absence of an international legal instrument that criminalises the offences relating to cultural property can only increase the risk of destruction of, damage to and trafficking in cultural property. This absence of a legal framework promotes additional criminal behaviours from organised criminal networks such as corruption, terrorism, money laundering, etc.

The protection of cultural property has long been a key element of the work carried out by the Council of Europe. Among other conventions and recommendations adopted in this regard, the Nicosia Convention represents the most recent universal instrument.

Adopted on 19 May 2017 in Nicosia, Cyprus, in the framework of the Council of Europe action to fight terrorism and transnational organised crime, the Nicosia Convention recalls that cultural property constitutes a unique testimony of the history and identity of human societies that needs to be protected in all circumstances.

The Nicosia Convention shows a holistic approach aiming to enhance the law enforcement capacity of the State Parties to implement several important provisions concerning cultural property into their criminal law. The Convention has for purpose (**three Ps**): Prosecute certain acts; Prevent crime and strengthen the criminal justice response and Promote national and international cooperation in combating criminal offences relating to cultural property.

The Convention is the only legal instrument specifically dealing with the illicit trafficking and destruction of cultural goods from the criminal-law perspective. As such, it closes the existing loopholes and strengthens

a more effective cross-border cooperation in investigating, prosecuting and sentencing persons suspected of the offences listed therein.

The Nicosia Convention has only been ratified by four States. One more ratification is needed for its entry into force. I can only encourage States to join the Nicosia Convention and allow it to be fully operational. Its entry into force will open the door for its accession by any other country in the world.

In order to promote the Nicosia Convention and provide guidance to national authorities working in the field of cultural property and illicit trafficking, the Council of Europe is currently implementing a regional project entitled "*Fight against Offences relating to Cultural Property*". This project assesses the level to which existing domestic criminal laws support the fight against offences relating to cultural property, in line with the Nicosia Convention standards. Those findings will be consolidated in a report which is intended to serve as a roadmap to all the Council of Europe member and non-member States.

Ladies and gentlemen,

I have offered you a rapid overview of some key elements of the Nicosia Convention. We all understand how interdependent these elements are, whether they concern the measures to be adopted within the national legal orders or at the international level. The Nicosia Convention provides an extraordinary opportunity to all the States in the world to consolidate national and international efforts in preventing and countering offences relating to cultural property.

It is of utmost importance to concentrate all of our efforts to support the unique system provided by the Nicosia Convention. This is the only way to ensure that this Convention becomes a success.

We hope that this workshop would become a starting point for our improved cooperation and would deliver a fruitful result.

Thank you for your attention.