



Intersessional Workshop on Cultural Rights and the Protection of Cultural Heritage

15 June 2021

NICOSIA CONVENTION

*Promoting accountability of those related with the illicit
trade in cultural artefacts*

Mamuka Longurashvili
Criminal Law Co-operation Unit

Mónica Redondo Álvarez
Culture and Cultural Heritage Division



A JOINT ACTION OF THE COUNCIL OF EUROPE AND THE EUROPEAN UNION
 EUROPEANHERITAGEDAYS.COM



Cultural route
 of the Council of Europe
 Itinéraire culturel
 du Conseil de l'Europe



Standards of the Council of Europe in the Cultural Heritage Sector

Recommendation [CM/Rec\(2020\)7](#) to member States on **promoting the continuous prevention of risks in the day-to-day management of cultural heritage: co-operation with States, specialists and citizens**

Recommendation [CM/Rec\(2017\)1](#) to member States on the **European Cultural Heritage Strategy for the 21st century**

Convention on the Value of Cultural Heritage for Society (Faro, 2005)

Convention for the Protection of the Archaeological Heritage of Europe (Valletta, 1992)

Convention for the Protection of the Architectural Heritage of Europe. Granada, 1985

European Cultural Convention (Paris, 1954)



european heritage network
 réseau européen du patrimoine

Purpose of the Nicosia Convention

- ✓ **Prosecute** the destruction, damage, and illegal trafficking of cultural properties by criminalization of certain acts as criminal offences.
- ✓ **Prevent** crime and strengthen criminal justice response to all criminal offences relating to cultural property
- ✓ **Promote** national and international cooperation in combatting criminal offences relating to cultural property



Substantive Criminal Law Provisions

NICOSIA CONVENTION PROVIDS FOR THE CRIMINALISATION OF OFFENCES RELATING TO CULTURAL PROPERTY

- Theft and other forms of unlawful appropriation
- Unlawful excavation and removal
- Illegal importation and exportation
- Illegal Acquisition and placing on the market
- Falsification of documents
- Destruction and damage
- Aiding or abetting and attempt

NICOSIA CONVENTION

RATIFICATIONS

-  Cyprus
-  Greece
-  Latvia
-  Mexico

SIGNATURES

-  Armenia
-  Italy
-  Montenegro
-  Portugal
-  Russia
-  San Marino
-  Slovenia
-  Ukraine

***THE NICOSIA CONVENTION WILL ENTER
INTO FORCE FOLLOWING FIVE
RATIFICATIONS***



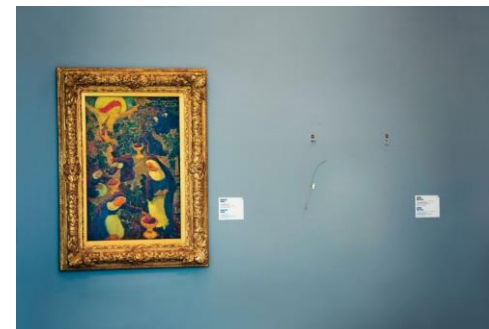
Council of Europe Project "Fight against Offences relating to Cultural Property"

- Legislative gap analysis
- Needs assessment and recommendations for improvement
- Promotion of the Nicosia Convention and path towards its ratifications.



- Nicosia Convention covers not just any cultural property which has been classified, defined or specifically designated by Parties to the Convention, **but also to property listed by any State Party to the UNESCO Conventions of 1970 and 1972**
- Nicosia Convention encourages States **to inform the public, not only of the value of cultural heritage, but of the serious nature of crimes committed against cultural property** and the **criminal sanctions** which could be imposed as a result of committing any of the offences set out in the Convention

- The black market is moving away from traditional means of trading, such as flea markets, to trading antiquities online and through social media.
- Nicosia Convention encourages internet service providers, internet platforms and web-based sellers to co-operate in preventing the trafficking of cultural property.
- Also calls the States to prevent that free ports are not used for the purposes of trafficking of cultural property.



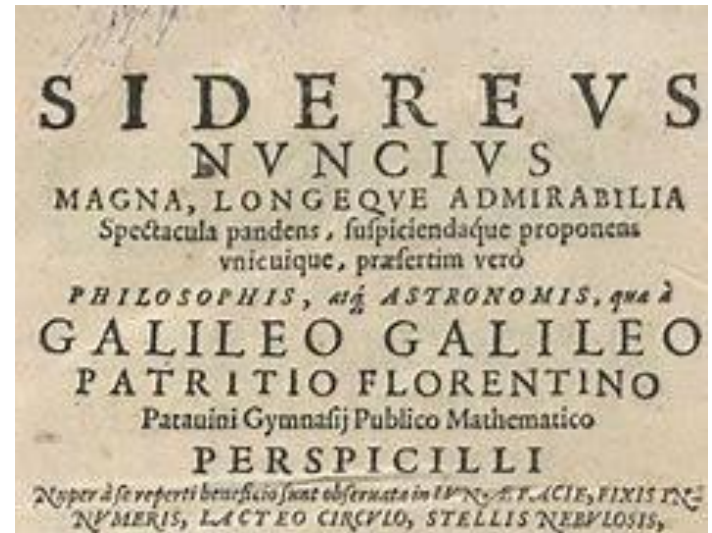
- The offences contained in the Nicosia Convention are only punishable when committed intentionally.
- For offences on import, acquisition and placing on the market there is an additional requirement which is that the offence is punishable when the offender knew of the unlawful provenance of the cultural property.
- However, the Convention aims the States to consider whether to take measures in respect of certain persons who should have known of the unlawful provenance of the cultural property but failed to exercise an appropriate level of due care and attention.



**Prevention and criminalization
are two sides of the same coin**

**A holistic approach is necessary for
fighting against offences, reduce
the damages and prevent criminal
behaviour**

- **CRIMINALISATION.**
- **PREVENTION.**
- **CO-OPERATION.**
- **RAISING AWARENESS and
EDUCATION**
- **COMMUNICATION**



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**Act for
Heritage!**

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CULTURE and CULTURAL HERITAGE



www.coe.int/criminal-law-coop

Let's work together!