**Inter-sessional seminar organized by the
Office of the United Nations High Commissioner for Human Rights**

***List of background documents used for this compilation***

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| **UN doc. number** | **Date** | **Title of the document** | **Author** |
| A/HRC/17/38 | March 2011 | The right of access to and enjoyment of cultural heritage | Special Rapporteur in the field of cultural rights |
| A/HRC/31/59 | February 2016 | The intentional destruction of cultural heritage as a violation of human rights: preliminary considerations |
| A/71/317 | August 2016 | The intentional destruction of cultural heritage as a violation of human rights |
| A/HRC/30/53 | August 2015 | Promotion and protection of the rights of indigenous peoples with respect to their cultural heritage | Expert Mechanism on the Rights of Indigenous Peoples |
| Resolution 33/20 | September 2016 | Cultural rights and the protection of cultural heritage | Human Rights Council |
| Resolution 2199 | February 2015 |  | Security Council |
| Resolution 2347 | March 2017 |  |

***Compilation of Recommendations***

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| **Session I: existing mechanisms and recent developments** |
| **Document** | **Recommendation** |
| **1. Ratification** |
| A/HRC/17/38, §77 (m), 2011 | States are encouraged to ratify relevant international and regional treaties for the preservation/safeguarding of cultural heritage, and to implement them at the national level adopting a human rights based approach. |
| AHRC/RES/33/20, §3, 2016 | Encourages States that have not yet become a party to all relevant treaties that provide for the protection of cultural property to consider doing so. |
| (A/HRC/31/59, §91 (b) and A/71/317, §78 (b), 2016 | Ratify the core cultural heritage conventions: - 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (also SC resolution 2347, op 17, 2017)- the 1999 Protocols thereto, (also SC resolution 2347, op 17, 2017)- the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol thereto,- the Rome Statute of the International Criminal Court- the 1977 Protocols Additional to the Geneva Conventions of 1949; |
| A/HRC/31/59, §91 (b) and A/71/317, §78 (b), 2016 | Urgently enact implementing legislation so as to enable full implementation of those conventions. |
| A/HRC/30/53, Annex, §23, 2015 | States that have not already done so should ratify the Convention for the Safeguarding of the Intangible Cultural Heritage, as a measure to increase the protection afforded to indigenous peoples’ intangible cultural heritage |
| A/HRC/30/53, Annex, §11, 2015 | States should revisit the draft Principles and guidelines for the protection of the heritage of indigenous peoples (E/CN.4/Sub.2/1995/26, annex), with a view to adopting them as an instrument to protect the cultural heritage of indigenous peoples. |
| **2. Human rights obligations of States and NSAs** |
| A/HRC/RES/33/20, §1, 2016 | States should respect, promote and protect the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage. |
| 2.1 Duty to respect |
| A/HRC/31/59, §91 (a), 2016 | The right of everyone to use and enjoy cultural heritage should be limited only as a last resort and in compliance with international law. |
| A/HRC/RES/33/20, §1, 2016 | States should respect, promote and protect the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage. |
| A/71/317 §78 (a), 2016 | To effectively prevent and stop intentional destruction of cultural heritage as a violation of human rights, the Special Rapporteur recommends that States respect and protect tangible and intangible cultural heritage, both nationally and transnationally.  |
| A/HRC/RES/33/20, §2, 2016 | Urges all parties to armed conflicts to refrain from any unlawful military use or targeting of cultural property, in full conformity with their obligations under international humanitarian law. |
| 2.2 Duty to protect from third parties and hold them accountable |
| A/HRC/17/38, §77 (b), 2011 | States […] have the duty […] to take measures to preserve/safeguard cultural heritage from destruction or damage by third parties. |
| A/HRC/17/38, §77 (f), 2011 | States should take measures to encourage professionals working in the field of cultural heritage to adopt a human rights based approach and to develop rules and guidelines in this respect;  |
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| SC res. 2347, op. 16, 2017 | Also encourages Member States to take preventive measures to safeguard their nationally owned cultural property and their other cultural property of national importance in the context of armed conflicts, including as appropriate through documentation and consolidation of their cultural property in a network of “safe havens” in their own territories to protect their property, while taking into account the cultural, geographic, and historic specificities of the cultural heritage in need of protection, and notes the draft UNESCO Action Plan, which contains several suggestions to facilitate these activities.  |
| A/HRC/17/38, §77 (h), 2011 | Researchers should build stronger relationships with the communities and peoples whose cultural heritage they desire to investigate, especially when recording cultural heritage manifestations, to ensure their free, prior and informed consent at all stages of research and dissemination. |
| A/HRC/17/38, §77 (i), 2011 | Tourism and entertainment industries should respect the right of access to and enjoyment of cultural heritage. This implies in particular fully taking into consideration the complaints lodged by concerned individuals and communities who consider that their cultural heritage has been misused, misrepresented or misappropriated, or that their cultural heritage is being endangered by their activities.  |
| SC res. 2347, op. 17 (g), 2017 | Engaging museums, relevant business associations and antiquities market participants on standards of provenance documentation, differentiated due diligence and all measures to prevent the trade of stolen or illegally traded cultural property. |
| SC res. 2347, op. 17 (h), 2017 | Providing, where available, to relevant industry stakeholders and associations operating within their jurisdiction lists of archaeological sites, museums and excavation storage houses that are located in territory under the control of ISIL or any other group listed by the 1267/1989/2253 ISIL (Da’esh) and Al-Qaida Sanctions Committee;  |
| SC res. 2199, op. 21, 2015 | Recalls the importance of all Member States complying with their obligation to ensure that their nationals and persons within their territory do not make donations to individuals and entities designated by the Committee or those acting on behalf of or at the direction of designated entities. |
| SC res. 2199, op. 23, 2015 | Urges Member States to take steps to ensure that financial institutions within their territory prevent ISIL, ANF or other individuals, groups, undertakings or entities associated with Al-Qaida from accessing the international financial system. |
| A/HRC/30/53, Annex, §22, 2015 | States should ensure that investors and corporations respect the cultural heritage of indigenous peoples. Businesses have a responsibility to protect the right to cultural heritage; if operations have a negative impact on the realization of that right, businesses have a responsibility to remedy that impact. |
| 2.3 Duty to fulfil |
| A/HRC/31/59, §90 (a), 2016 | Respect, protect and fulfil cultural rights in the context of implementing the full range of human rights and ensure the exercise of these rights is firmly embedded in the universal human rights framework;  |
| A/71/317, §78 (p), 2016 | Tackle, in accordance with international standards, extremist and fundamentalist ideologies, sectarianism and discriminatory attitudes towards, inter alia, those with different views, minorities, indigenous peoples and women, which often lead to cultural cleansing in the form of cultural heritage destruction […] |
| A/HRC/31/59, §91 (c), 2016 | States should take appropriate legislative, administrative, educational and technical measures to prevent, avoid, stop and suppress intentional destruction of cultural heritage, in line with the UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage.  |
| A/HRC/30/53, Annex §13, 2015 | States need to legally recognize and protect the right of indigenous peoples to their lands, territories and resources through appropriate measures and policies, including declaring cultural heritage sites, sacred sites and other areas of spiritual significance to indigenous peoples as “no-go zones” for extractive industries, tourism development and other development projects which have not received the free, prior and informed consent of the indigenous peoples concerned  |
| A/HRC/30/53, Annex, §14, 2015 | States need to harmonize their national legislations based on the provisions of the Declaration and taking note of the outcome document of the World Conference on Indigenous Peoples (General Assembly resolution 69/2), and should develop national action plans for the protection and promotion of the cultural heritage of indigenous peoples.  |
| A/HRC/30/53, Annex, §21, 2015 | States should strengthen their legal and policy frameworks to encourage public and private museums to reach out to indigenous communities in order to better understand the impact of restoring stolen cultural heritage,  |
| 2.4 Accountability mechanisms |
| A/HRC/31/59, §91 (e) and A/71/317, 78 (e), 2016 | Take all steps necessary to facilitate prosecutions of those responsible for intentional destruction of cultural heritage, at the national or international level, in accordance with relevant international standards. |
| A/HRC/31/59, §92 (a), and A/71/317, 79 (a), 2016 | Consider how to enhance the application of existing international legal standards regarding the prohibition of intentional destruction of cultural heritage and the obligation to respect cultural rights to non-State actors. |
| A/71/317, §78 (e), 2016 | Collect and preserve evidence needed for such prosecution. |
| A/71/317, §78 (k), 2016 | Anyone alleged to have harmed [cultural heritage professionals and other defenders of cultural heritage on the front lines] must be brought to justice in accordance with international standards.  |
| SC res. 2199, op.2, 2015 | Reaffirms that all States shall ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that such terrorist acts are established as serious criminal offenses in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts  |
| A/71/317, §78 (e), 2016 | Collect and preserve evidence needed for such prosecution |
| A/HRC/17/38, §77 (l), 2011 | States should make available effective remedies, including judicial remedies, to concerned individuals and communities who feel that their cultural heritage is either not fully respected and protected or that their right of access to and enjoyment of cultural heritage is being infringed upon. In the arbitration and litigation processes, the specific relationship of communities to cultural heritage should be fully taken into consideration;  |
| A/71/317, §78 (j), 2016 | Recognize that parties to conflicts as well as international and national criminal courts should interpret narrowly any military necessity exception to the ban on targeting cultural property, taking into consideration the impact on cultural rights; and should subject to close scrutiny all military decisions resulting in the destruction of or damage to cultural heritage, while acknowledging that public accountability for those decisions is essential.  |
| A/HRC/17/38, §77 (n), 2011 | States should include in their periodic reports to treaty bodies, in particular the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, and the Committee on the Rights of the Child, information on action taken to ensure the full participation of concerned individuals and communities in cultural heritage preservation/safeguard programmes, as well as on measures taken, particularly in the field of education and information, to ensure access to and enjoyment of cultural heritage.  |
| **3. Preventive measures** |
| 3.1 Identification and prevention in time of peace |
| A/HRC/17/38, §77 (a), 2011 | States should recognize and value the diversity of cultural heritages present in their territories and under their jurisdiction  |
| A/HRC/30/53, Annex, §9, 2015 | States should recognize the value and livelihood aspects of the cultural heritage of indigenous peoples, which is not limited to the protection of specific manifestations, symbols or objects, but also includes tangible and intangible manifestations of their ways of life, achievements and creativity, and of their spiritual and physical relationships with their lands, territories and resources.  |
| A/HRC/17/38, §77 (a), 2011 | [States should] acknowledge, respect and protect the possible diverging interpretations that may arise over cultural heritage.  |
| A/HRC/17/38, §77 (a), 2011 | The choices of individuals and communities to feel associated (or not) with specific elements of cultural heritages should be respected and protected;  |
| A/HRC/17/38, §77 (b), 2011 | States should respect the free development of cultural heritage.  |
| A/HRC/17/38, §77 (e), 2011 | States are encouraged to develop cultural heritage mapping processes within their territory and should utilize cultural impact assessments in the planning and implementation of development projects, in full cooperation with concerned communities. |
| A/HRC/RES/33/20, §7, 2016 | Identify innovative ways and best practices, at the national, regional and international levels, for the prevention of violations and abuses of cultural rights, and for the prevention and mitigation of damage caused to cultural heritage, both tangible or intangible. |
| A/HRC/RES/33/20, §11, 2016 | Invites States to adopt effective strategies to prevent the destruction of cultural heritage by, inter alia, ensuring accountability, documenting the cultural heritage within their jurisdiction, including through digital means, implementing educational programmes on the importance of cultural heritage and cultural rights and training military forces in all relevant rules concerning the protection of cultural heritage, both during and in the aftermath of armed conflict. |
| A/HRC/31/59, §91 (c) (i), and A/71/317, §78 (c) (i), 2016 | Prepare in peacetime for any possible threat to cultural heritage in time of war, including through:* Documenting the tangible and intangible cultural heritage within their jurisdiction (national/ provincial / municipal lists of tangible and intangible heritage for example)
* Employing digital technologies and new media, wherever feasible and appropriate.
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| A/HRC/31/59, §91 (c) (i), and A/71/317, §78 (c) (ii), 2016 | Allocate sufficient budgetary resources at the national levels to the protection of cultural heritage |
| A/71/317, §78 (m), 2016 | Preserve and strengthen institutions designed to preserve cultural heritage, including in situations of conflict;  |
| A/HRC/RES/33/20, §6, 2016 | Develop partnerships between competent national authorities and civil society, in particular grass-roots institutions, with the aim of enhancing the protection of cultural rights and promoting the right of everyone to participate in cultural life, including the ability to access and enjoy cultural heritage. |
| 3.2 Prevention during conflict |
| A/HRC/31/59, §92 (b) and A/71/317, 79 (c), 2016 | Recognize the protection of cultural heritage and cultural rights as a critical component of humanitarian assistance, including in conflicts. |
| A/HRC/RES/33/20, §8, 2016 | Recognize the protection of cultural heritage as an important component of humanitarian assistance, including in armed conflict and with regard also to displaced populations. |
| A/71/317, §78 (g), 2016 | Engage in assessment and emergency stabilization efforts with regard to tangible cultural heritage that has been subject to destruction or damage, to the extent feasible, while armed conflicts are ongoing. |
| A/71/317, §79 (e), 2016 | Systematically incorporate cultural awareness; safeguarding, restoration and memorialization of cultural heritage; and the respect and protection of cultural rights, in the mandate of peacekeeping missions. |
| 3.3 Data collection |
| SC res. 2347, op. 17 (a), 2017 | Introducing or improving cultural heritage’s and properties’ local and national inventory lists, including through digitalized information when possible, and making them easily accessible to relevant authorities and agencies, as appropriate. |
| A/71/317, §79 (b), 2016 | Consider the creation of a mechanism for systematically collecting, analysing and distributing information on at-risk cultural heritage defenders around the world. |
| SC res. 2347, op.16, 2017 | Encourages Member States to take preventive measures to safeguard their nationally owned cultural property and their other cultural property of national importance in the context of armed conflicts, including as appropriate through documentation and consolidation of their cultural property in a network of “safe havens” in their own territories to protect their property, while taking into account the cultural, geographic, and historic specificities of the cultural heritage in need of protection, and notes the draft UNESCO Action Plan, which contains several suggestions to facilitate these activities;  |
| SC res. 2347, op.17 (a), 2017 | Introducing or improving cultural heritage’s and properties’ local and national inventory lists, including through digitalized information when possible, and making them easily accessible to relevant authorities and agencies, as appropriate.  |
| (SC 2347, op.17 (e), 2017) | Establishing procedures and where appropriate databases devoted to collect information on criminal activities related to cultural property and on illicitly excavated, exported, imported or traded, stolen, trafficked or missing cultural property. |
| SC res.2347 op. 17 (j), 2017 | Taking appropriate steps to inventory cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance which have been illegally removed, displaced or transferred from armed conflict areas, and coordinate with relevant UN entities and international actors, in order to ensure the safe return of all listed items |
| SC res. 2199, op. 10, 2015 | Encourages Member States to propose listings of ISIL, Al-Qaida and associated individuals, groups, undertakings and entities involved in the illicit trade in cultural property to be considered by the 1267/1989/2253 ISIL (Da’esh) and Al‑Qaida Sanctions Committee, that meet the designation criteria set forth in resolutions [1267 (1999)](http://undocs.org/S/RES/1267%281999%29), [1989 (2011)](http://undocs.org/S/RES/1989%282011%29) and [2253 (2015)](http://undocs.org/S/RES/2253%282015%29);  |
| **4. Education** |
| 4.1 General education and awareness raising |
| A/71/317, §78 (p), 2016 | Tackle, in accordance with international standards, extremist and fundamentalist ideologies, sectarianism and discriminatory attitudes towards, inter alia, those with different views, minorities, indigenous peoples and women, which often lead to cultural cleansing in the form of cultural heritage destruction, while ensuring that critical strategies in this regard include humanist education, respect for human rights and promotion of tolerance and pluralism;  |
| A/71/317, §78 (c) (iv), 2016 | Implement educational programmes on the importance of the cultural heritage and cultural rights of all, especially for young people, and review existing curricula with a view to ensuring that they reflect the culture and heritage of all, as recommended by the Committee on Economic, Social and Cultural Rights;  |
| SC 2347 op.17 (i), 2017 | Creating educational programmes at all levels on the protection of cultural heritage as well as raising public awareness about illicit trafficking of cultural property and its prevention.  |
| A/HRC/30/53, Annex, §18, 2015 | States should provide measures for the revitalization and transmission of the cultural heritage of indigenous peoples in formal and informal education, including the promotion and protection of indigenous peoples’ languages through effective mother tongue education for indigenous children. |
| A/HRC/30/53, Annex, §41, 2015 | Indigenous peoples should ensure the inter-generational transmission of their cultural heritage within their communities. |
| 4.2 Training |
| A/HRC/31/59, §91 (d), 2016 | Train fully military forces in all relevant rules concerning the protection of cultural heritage in armed conflict;  |
| A/HRC/31/59, §92 (d), and A/71/317, 79 (e), 2016 | Systematically include cultural awareness, the safeguarding, restoration and memorialization of cultural heritage and the respect and protection of cultural rights in the mandate of peacekeeping missions, in peacebuilding policies and initiatives and in post-conflict reconciliation. |
| (A/71/317, §78 (d), 2016 | Train fully the personnel of all relevant agencies, inter alia, military forces and customs and law enforcement officials, including firefighters and police, in the application of all relevant rules concerning the protection of and respect for cultural rights and cultural heritage, including in armed conflict. |
| SC res. 2347, op.17 (d), 2017 | Establishing, where appropriate, in accordance with national legislation and procedures, specialized units in central and local administrations as well as appointing customs and law enforcement dedicated personnel, and providing them, as well as public prosecutors, with effective tools and adequate training [in order to prevent and counter trafficking of cultural property illegally appropriated and exported in the context of armed conflicts, notably by terrorist groups]. |
| **5. Inclusion and participation** |
| 5.1 Access and participation |
| A/HRC/17/38, §77 (j), 2011 | States should ensure access to cultural heritage of one’s own communities, as well as that of others, while respecting customary practices governing access to cultural heritage. In particular, such access should be ensured through education and information, including by the use of modern information and communication technologies. States should also ensure that, to that end, the content of programmes is established in full cooperation with the concerned communities. |
| A/HRC/17/38, §77 (k), 2011 | States should adopt positive measures to ensure access to and enjoyment of cultural heritage by all people regardless of gender, including people with scarce financial resources, and those with mental and physical disabilities. |
| A/HRC/31/59, §90 (b), 2016 | Ensure the right of all individuals to practise their culture, including with others. This includes: * Ensuring non-discrimination in the enjoyment of cultural rights across all categories protected by international human rights law;
* Upholding the rights of dissenting or disempowered individuals within any groups;
 |
| A/HRC/31/59, §90 (c), 2016 | Ensure the right of all persons, including women, persons with disabilities, migrants, indigenous peoples, lesbian, gay, bisexual, transgender and intersex persons and persons living in extreme poverty, to access, participate in and contribute to all aspects of cultural life, including in:* Identifying and interpreting cultural heritage,
* Deciding which cultural traditions, values or practices are to be kept intact, modified or discarded altogether and to do so without fear of punitive actions.
 |
| A/HRC/17/38, §77 (h), 2011 | Researchers should build stronger relationships with the communities and peoples whose cultural heritage they desire to investigate, especially when recording cultural heritage manifestations, to ensure their free, prior and informed consent at all stages of research and dissemination. |
| A/HRC/30/53/Annex, §10, 2015 | Indigenous peoples should be consulted and enabled to actively participate in the whole process of identification, evaluation, classification, interpretation, preservation, safeguarding, monitoring, stewardship and development of their cultural and natural heritage. |
| A/HRC/30/53/Annex, §40, 2015 | Indigenous peoples should participate actively to educate the non-indigenous population about the importance of the collective protection of the heritage of indigenous peoples. |
| A/HRC/30/53/Annex, §30, 2015 | UNESCO and the World Heritage Committee should dedicate resources to the development of mechanisms to ensure that indigenous peoples can effectively participate in all World Heritage Convention processes affecting them and that their rights, priorities, values and needs are duly recognized, considered and reflected. |
| A/HRC/30/53/Annex, §37, 2015 | Indigenous peoples should ensure the equal participation of women in discussions and decisions on cultural heritage at the level of the community. |
| A/71/317, §78 (q), 2016 | Indigenous peoples should engage and take an active part in international fora related to the protection of cultural heritage, notably under the aegis of WIPO and UNESCO. (A/HRC/30/53/Annex, §38, 2015)Adopt a fully gender-sensitive approach to the protection of cultural heritage, including by recognizing the work of women defenders of cultural heritage, promoting inclusion of women cultural heritage experts in relevant national and international forums and institutions, and addressing the particular challenges faced by women in accessing cultural heritage without discrimination.  |
| A/HRC/RES/33/20, §9, 2016 | Encourages States to adopt a gender-sensitive approach to the protection of cultural heritage and the safeguarding of cultural rights  |
| 5.2 Consultation |
| A/HRC/17/38, §77 (b), 2011 | States have the duty not to destroy, damage or alter cultural heritage, at least not without the free, prior and informed consent of concerned communities. |
| A/HRC/30/53, Annex, § 12, 2015 | In accordance with the United Nations Declaration on the Rights of Indigenous Peoples, States have the obligation to seek the free, prior and informed consent of indigenous peoples before adopting measures affecting their cultural or natural heritage. No inscription on lists of the United Nations Educational, Scientific and Cultural Organization (UNESCO) relating to the cultural or natural heritage of indigenous peoples or national lists or registers should be requested or granted without the free, prior and informed consent of the indigenous peoples concerned. |
| A/HRC/30/53, Annex, §26, 2015 | International organizations working in the field of cultural heritage, such as UNESCO, the World Intellectual Property Organization (WIPO) and other United Nations specialized agencies, must integrate and respect the rights proclaimed in the Declaration in their work. This includes obtaining the free, prior and informed consent of indigenous peoples before any decision affecting their lands is taken.  |
| A/HRC/30/53, Annex, §35, 2015 | The Human Rights Council should consider calling for an immediate halt to any removal of ancestral remains and cultural items indigenous peoples for any reason, unless their free, prior and informed consent is obtained.  |
| A/HRC/17/38, §77 (c), 2011 | Concerned communities and relevant individuals should be consulted and be able to actively participate in the whole process of identification, selection, classification, interpretation, preservation/safeguard, stewardship and development of cultural heritage. No inscription on UNESCO Lists relating to cultural heritage and national lists or registers should be requested or granted without the free, prior and informed consent of the concerned communities. More generally, States should seek the free, prior and informed consent of source communities before adopting measures concerning their specific cultural heritage, in particular in the case of indigenous peoples, in accordance with the Declaration on the Rights of Indigenous Peoples.  |
| A/HRC/17/38, §77 (d), 2011 | States should ensure that cultural heritage policies and programmes are not implemented at the expense, or to the detriment, of concerned communities. The preservation/safeguarding of cultural heritage should aim at ensuring human development, the building of peaceful and democratic societies and the promotion of cultural diversity. |
| A/HRC/17/38, §77 (g), 2011 | Professionals working in the field of cultural heritage and cultural institutions (museums, libraries and archives in particular) should build stronger relationships with the communities and peoples whose cultural heritage they are the repositories of; respect their contributions regarding the significance, interpretation, sharing and display of such heritage; and consider in good faith their queries regarding repatriation;  |
| **6. Measures to curve illegal trade** |
| SC res. 2347, op. 9, 2017 | Urges Member States to introduce effective national measures at the legislative and operational levels where appropriate, and in accordance with obligations and commitments under international law and national instruments, to prevent and counter trafficking in cultural property and related offences, including by considering to designate such activities that may benefit organized criminal groups, terrorists or terrorist groups, as a serious crime in accordance with article 2(b) of the UN Convention against Transnational Organized Crime. |
| SC res. 2347, op.11, 2017 | Urges Member States to develop, including, upon request, with the assistance of UNODC, in cooperation with UNESCO and INTERPOL as appropriate, broad law enforcement and judicial cooperation in preventing and countering all forms and aspects of trafficking in cultural property and related offences that benefit or may benefit organized criminal groups, terrorists or terrorist groups. |
| SC res. 2347, op.17 (b), 2017 | Adopting adequate and effective regulations on export and import, including certification of provenance where appropriate, of cultural property, consistent with international standards. |
| **7. National economic and trade measures** |
| A/HRC/17/38, §77 (e), 2011 | States are encouraged to develop cultural heritage mapping processes within their territory and should utilize cultural impact assessments in the planning and implementation of development projects, in full cooperation with concerned communities. |
| A/71/317, §78 (c) (ii), 2016 | Allocate sufficient budgetary resources at the national levels to the protection of cultural heritage, including through making their full contributions to the United Nations Educational, Scientific and Cultural Organization (UNESCO). |
| **8. Post-conflict and transitional justice measures** |
| A/71/317, §78 (f), 2016 | Promote truth processes, involving all relevant stakeholders, to determine the history of, and enable fact-finding with regard to, the destruction of the cultural heritage of all. |
| A/71/317, §78 (f), 2016 | Include cultural heritage and cultural rights in any transitional justice or truth and reconciliation processes. |
| A/71/317, §79 (e), 2016 | Systematically incorporate cultural awareness; safeguarding, restoration and memorialization of cultural heritage; and the respect and protection of cultural rights, in peacebuilding policies and initiatives and in post-conflict reconciliation.  |
| A/71/317, §78 (h), 2016 | Subsequently, before proceeding with any form of reconstruction or long-term preservation efforts, conduct thorough consultations among local, national and international stakeholders, including technical experts and relevant populations, taking into consideration the need to memorialize conflicts within the context of cultural heritage sites. |
| A/71/317, §78 (i), 2016 | Recognize the role that cultural rights and cultural heritage preservation can play in* The integration and rehabilitation of refugees and displaced persons after trauma,
* Giving refugees a place to which to return,
* Their importance in post-conflict stabilization and reconciliation
 |
| A/71/317, §78 (i), 2016 | Ensure the cultural rights of refugees and displaced persons, including women, and especially those from locations where cultural heritage has been destroyed, including their right to take part in cultural life and to enjoy their intangible cultural heritage. |
| A/HRC/30/53, Annex, §19, 2015 | States should take effective measures to assess, redress and remedy the effects of past injustices and violations of the rights of indigenous peoples by ensuring the restitution and repatriation of their cultural heritage. |
| **9. Protection of defenders** |
| A/71/317, §78 (l), 2016 | In accordance with Human Rights Council resolution 31/32 on protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights, respect, protect, promote and facilitate the work of those defending cultural rights, recognizing that those who work to promote access to cultural heritage, and to preserve and safeguard it, in accordance with international human rights norms, should be considered human rights defenders. |
| A/HRC/31/59, §91 (f) and A/71/317, §78 (k), 2016 | Respect the rights of cultural heritage professionals and other defenders of cultural heritage on the frontlines of the struggle against intentional destruction. |
| A/HRC/31/59, §91 (f), and A/71/317, §78 (k), 2016 | Ensure [cultural heritage professionals and other defenders of cultural heritage’s] safety and security, while recognizing that everyone has a duty to respect the rights of cultural heritage defenders. |
| A/HRC/31/59, §91 (f), and A/71/317, §78 (m), 2016 | Work at the international and national level to provide [cultural heritage professionals and other cultural heritage defenders] with the conditions necessary to complete their work, including material and technical assistance.  |
| A/HRC/RES/33/20, §10, 2016 | Calls for the safety and security of cultural rights defenders involved in the protection of cultural heritage to be protected, including by investigating and, where appropriate, bringing to justice anyone alleged to have harmed them. |
| (A/HRC/31/59, §91 (f), 2016 | Everyone has a duty to respect the rights of cultural heritage professionals and anyone alleged to have harmed them must be brought to justice in accordance with international standards.  |
| A/HRC/31/59, §91 (f) and A/71/317, §78 (n), 2016 | Grant asylum to at-risk cultural heritage professionals and defenders when necessary; and ensure that displaced cultural heritage professionals are able to continue their professional work and training in exile and to take part in the protection and reconstruction of their country’s cultural heritage. |
| A/71/317, §78 (o), 2016 | Expedite the issuance of visas and assist scholars and heritage professionals based in conflict areas with regard to travel so as to enable them to sustain the knowledge of their cultural resources and to access best practice, advice and support. |
| **10. International cooperation** |
| SC res. 2347, op. 14, 2017 | Encourages Member States to enhance, as appropriate, bilateral, subregional and regional cooperation through joint initiatives within the scope of relevant UNESCO programmes. |
| SC res. 2347, op. 20, 2017 | Calls upon UNESCO, UNODC, INTERPOL, WCO and other relevant international organizations, as appropriate and within their existing mandates, to assist Member States in their efforts to prevent and counter destruction and looting of and trafficking in cultural property in all forms. |
| SC res. 2347, op. 18, 2017 | Encourages Members States, relevant United Nations entities, in accordance with their existing mandate, and international actors in a position to do so to provide assistance in demining of cultural sites and objects upon request of affected States. |
| SC res. 2347, op. 19, 2017 | Affirms that the mandate of United Nations peacekeeping operations, when specifically mandated by the Security Council and in accordance with their rules of engagement, may encompass, as appropriate, assisting relevant authorities, upon their request, in the protection of cultural heritage from destruction, illicit excavation, looting and smuggling in the context of armed conflicts, in collaboration with UNESCO, and that such operations should operate carefully when in the vicinity of cultural and historical sites. |
| SC res. 2347, op.11, 2017 | Urges Member States to develop, including, upon request, with the assistance of UNODC, in cooperation with UNESCO and INTERPOL as appropriate, broad law enforcement and judicial cooperation in preventing and countering all forms and aspects of trafficking in cultural property and related offences that benefit or may benefit organized criminal groups, terrorists or terrorist groups. |
| 10.1 Sharing of information |
| A/71/317, §79 (f), 2016 | Further, the Special Rapporteur recommends that civil society submit communications concerning both individual and systematic violations of human rights through the destruction of cultural heritage to the Committee on Economic, Social and Cultural Rights under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.  |
| SC res. 2199, op. 14, 2015 | Calls upon Member States to improve international, regional, and subregional cooperation, including through increased sharing of information for the purpose of identifying smuggling routes used by ISIL and ANF, and for Member States to consider provision of technical assistance and capacity building to assist other Member States to counter smuggling of oil and oil products, and modular refineries and related material, by ISIL, ANF and any other individual, group, undertaking or entity associated with Al-Qaida. |
| SC res. 2347, op. 6, 2017 | Invites, in this regard, the United Nations and all other relevant organizations to continue providing Member States, upon their request and based on their identified needs, with all necessary assistance. |
| A/HRC/30/53, Annex, §42, 2015 | Museums and other places in which the cultural heritage of indigenous peoples is stored should inform the relevant indigenous peoples and develop mechanisms to facilitate the return of such cultural heritage when sought by the indigenous peoples concerned.  |
| 10.2 Cooperation in policy development |
| A/HRC/31/59, §91 (c) (iii), and A/71/317, 78 (c) (iii), 2016 | Provide international technical assistance to facilitate prevention of the intentional destruction of cultural heritage. |
| A/HRC/31/59, §92 (c), and A/71/317, 79 (d), 2016 | Investigate the use of funds from looting and the illicit traffic of cultural objects for the financing of terrorism and consider requiring increased due diligence with regard to cultural objects being sold from at-risk regions. |
| A/71/317, §78 (e), 2016 | Take all steps necessary to facilitate prosecution of those responsible for intentional destruction of cultural heritage, looting and illicit trafficking in cultural objects at the international level, in accordance with relevant international standards. |
| A/HRC/31/59, §92 (e), and A/71/317, 79 (f), 2016 | Promote, coordinate and provide resources for the international exchange of best practices in the field of protection of cultural heritage and of the right to access and enjoy cultural heritage. |
| A/HRC/RES/33/20, §12, 2016 | Encourages States to consider implementing the recommendations on intentional destruction of cultural heritage made by the Special Rapporteur in the field of cultural rights in her reports presented to the Human Rights Council1 and to the General Assembly. |
| 10.3 Financial support mechanisms |
| A/71/317, §78 (c) (ii), 2016 | Allocate sufficient budgetary resources at the international levels to the protection of cultural heritage. |
| SC res. 2347, op. 15, 2017 | Takes note of the UNESCO Heritage emergency fund as well as of the international fund for the protection of endangered cultural heritage in armed conflict as announced in Abu Dhabi on 3 December 2016, and of other initiatives in this regard, and encourages Member States to provide financial contributions to support preventive and emergency operations, fight against the illicit trafficking of cultural property, as well as undertake all appropriate efforts for the recovery of cultural heritage, in the spirit of the principles of the UNESCO Conventions. |
| A/HRC/30/53, Annex, §20, 2015 | States should increase their financial support to museums that are owned and managed by indigenous peoples, as part of the redress and repatriation process.  |
| SC res. 2199, op. 17, 2015 | Reaffirms its decision in paragraph 7 of resolution 1483 (2003) and decides that all Member States shall take appropriate steps to prevent the trade in Iraqi and Syrian cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011, including by prohibiting cross-border trade in such items, thereby allowing for their eventual safe return to the Iraqi and Syrian people and calls upon the United Nations Educational, Scientific, and Cultural Organization, Interpol, and other international organizations, as appropriate, to assist in the implementation of this paragraph. |
| SC res. 2347, op. 2, 2017 | Recalls its condemnation of any engagement in direct or indirect trade involving ISIL, Al-Nusra Front (ANF) and all other individuals, groups, undertakings and entities associated with Al-Qaida, and reiterates that such engagement could constitute financial support for entities designated by the 1267/1989/2253 ISIL (Da’esh) and Al-Qaida Sanctions Committee and may lead to further listings by the Committee. |
| SC res. 2347, op.8, 2017 | Requests Member States to take appropriate steps to prevent and counter the illicit trade and trafficking in cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance originating from a context of armed conflict, notably from terrorist groups, including by prohibiting cross-border trade in such illicit items where States have a reasonable suspicion that the items originate from a context of armed conflict, notably from terrorist groups, and which lack clearly documented and certified provenance, thereby allowing for their eventual safe return, in particular items illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011, and recalls in this regard that States shall ensure that no funds, other financial assets or other economic resources are made available, directly or indirectly, by their nationals or persons within their territory for the benefit of ISIL and individuals, groups, entities or undertakings associated with ISIL or Al-Qaida in accordance with relevant resolutions. |
| SC res.2347, op. 21, 2017 | Requests the Analytical Support and Sanctions Monitoring Team of the 1267/1989/2253 ISIL (Da’esh) and Al-Qaida Sanctions Committee to continue, within its existing mandate, to provide the Committee with relevant information regarding the illicit trade of cultural property. |
| SC res. 2347, op.12, 2017 | Calls upon Member States to request and provide cooperation in investigations, prosecutions, seizure and confiscation as well as the return, restitution or repatriation of trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded cultural property, and judicial proceedings, through appropriate channels and in accordance with domestic legal frameworks as well as with the United Nations Convention against Transnational Organized Crime and the Protocols thereto and relevant regional, subregional and bilateral agreements. |
| A/HRC/RES/33/20, §4, 2016 | Calls for enhanced international cooperation in preventing and combating the organized looting, smuggling and theft of and illicit trafficking in cultural objects and in restoring stolen, looted or trafficked cultural property to its countries of origin and invites States to take measures in this regard at the national level to make effective use to this end of relevant tools and databases developed under the auspices of the United Nations Educational, Scientific and Cultural Organization, the United Nations Office on Drugs and Crime, the World Customs Organization and the International Criminal Police Organization, within the scope of their respective mandates.  |
| A/HRC/RES/33/20, §5, 2016 | Encourages the strengthening of dialogue and cooperation between relevant international organizations and States affected by the organized looting, theft or smuggling of or illicit trafficking in cultural property, including through the provision of support and technical assistance aimed at enhancing their national capacities to restore, protect and preserve cultural heritage and property. |
| SC res. 2347, op.17 (c), 2017 | Supporting and contributing to update the World Customs Organization (WCO) Harmonized System Nomenclature and Classification of Goods. |
| SC res. 2347, op.17 (f), 2017 | Using and contributing to the INTERPOL Database of Stolen Works of Art, UNESCO Database of National Cultural Heritage Laws, and WCO ARCHEO Platform, and relevant current national databases, as well as providing relevant data and information, as appropriate, on investigations and prosecutions of relevant crimes and related outcome to UNODC portal SHERLOC and on seizures of cultural property to the Analytical Support and Sanctions Monitoring Team. |