



Intersessional Workshop on Cultural Rights and the Protection of Cultural Heritage

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*Speech by Ms Monica REDONDO ALVAREZ
Programme Manager – Culture and Cultural Heritage Division
DG II - Democracy
Council of Europe*

Ladies and gentlemen,

Following my colleague's presentation, I will comment on some specific aspects or innovations of the Nicosia Convention.

To face up to the illicit trafficking of cultural property, the Nicosia Convention sets out substantive criminal law provisions, as my colleague has mentioned before.

Let me point out that the 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.**

I also would like to highlight is that, the Nicosia Convention states that the public should be **informed, 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.

As we all know, the struggle against the trafficking in cultural property has changed. The black market is moving away from traditional means of trading, such as flea markets, to trading antiquities **online** through social media and the Deep Web.

As an innovation, the Nicosia Convention encourages **internet providers, internet platforms and all actors involved in online sales** to take proactive measures in the fight against criminal offences relating to cultural property.

Another added value of the Convention is that also focuses on **the role of free ports** in the trafficking of cultural property, as they have been often used to store illicitly traded artworks. Article 20 of the Convention encourages States Parties to ensure that free ports are not used for those purposes either by adopting legislative measures or encouraging free port authorities to establish and implement internal norms.

Another point that we need to highlight regards **the chain of people involved in illicit trafficking.**

The offences contained in the Nicosia Convention are only punishable when committed intentionally or when the offender knew of the unlawful provenance of the cultural property.

But the black market in art and antiquities operates through a complex series of fences, smugglers, handlers, restorers, and sellers before items reach foreign markets where they are sold with relative ease.

In this regard, the Convention encourages the State Parties **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.**

Finally, let me emphasise that we must not forget that prevention and criminalisation are two sides of the same coin.

A holistic approach and strong cooperation, together with awareness-raising, education and communication campaigns, are necessary to combat crimes against cultural heritage, reduce damage and prevent criminal behaviour.

And to succeed in this endeavour, we need to work together!

Thank you for your attention.