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COUNCIL OF EUROPE
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Deliberate destruction and illegal trafficking of cultural heritage

Reply to Recommendation[1]: Recommendation 2139 (2018)
Committee of Ministers

1. The Committee of Ministers has carefully examined Recommendation 2139 (2018) "Deliberate destruction and illegal trafficking of cultural heritage" and brought it to the member States' attention. It has also forwarded it to the European Committee on Crime Problems (CDPC), the Steering Committee for Culture, Heritage and Landscape (CDCPP) and the European Committee on Legal Co-operation (CDCJ), for information and possible comments.

2. The Committee of Ministers welcomes the Parliamentary Assembly's interest in this key subject. Cultural heritage is a non-renewable common asset and one of Europe's defining features. The Committee of Ministers is concerned that offences targeting cultural property are growing and that such offences, to an increasing extent, are leading to the destruction of the world's cultural heritage. Accordingly, it acknowledges the need for practical measures to be taken at international and national level to combat this problem.

3. It recalls the resolve of the Ministers responsible for cultural heritage, meeting in Namur in 2015, when they firmly condemned "the deliberate destruction of cultural heritage and the illicit trafficking of cultural property" and decided to "reinforce European cooperation" in this field, all of which led to the adoption of the European Convention on Offences relating to Cultural Property (the Nicosia Convention).

4. The Committee of Ministers would highlight the crucial role of this convention, which fleshes out the international legal framework on cultural heritage. The Convention takes a comprehensive approach, harmonising regulation in many aspects of the illegal trade in art and antiquities, and provides a real added value in terms of criminal law policy. It encourages States to take preventive action and co-ordinate responses to threats to cultural property worldwide.

5. The Committee of Ministers endorses the appeal by the Assembly to member States to ratify the Nicosia Convention promptly and implement it immediately.

6. The Committee of Ministers emphasises how essential it is to work in close co-operation with the member States to be in a position to deal more effectively with the transnational aspects of illegal trafficking of cultural heritage. In this context, it is also aware of the need to discuss matters and co-operate with other relevant international partners (UNESCO, UNIDROIT, European Union, INTERPOL), in order to take action along the lines recommended by the Assembly and hence to help counter the deliberate destruction and illegal trafficking of cultural heritage.

7. The Committee also notes with interest the measures proposed by the Assembly to raise public awareness and promote the convention, particularly through "a general publication to accompany the convention" and "regional and national conferences on harmonising criminal law". It would emphasise that the CDPC and the CDCPP undertake, in accordance with their terms of reference and within the limits of the resources allocated to them, to promote the Nicosia Convention by devising activities intended to encourage and help States who request it to ratify it, including Council of Europe non-member states.

1. Adopted at the 1332nd meeting of the Ministers' Deputies (12 December 2018).

8. It should be noted, however, that setting up additional activities would be difficult in the current budgetary context, which has a significant impact on the Organisation's human and financial resources.