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Commission on Crime Prevention and Criminal Justice

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Item 6 of the provisional agenda*

World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

China, Ecuador, Egypt, Guatemala and Iran (Islamic Republic of): draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

Strengthening crime prevention and criminal justice responses to protect cultural property

The General Assembly,

Recalling its resolutions 58/17 of 3 December 2003, 61/52 of 4 December 2006 and 64/78 of 7 December 2009 on the return or restitution of cultural property to the countries of origin and the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,¹ as well as other relevant United Nations resolutions,

Reaffirming the United Nations Convention against Transnational Organized Crime,² adopted by the General Assembly in its resolution 55/25 of 15 November 2000,

Recalling the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,³ adopted by

* E/CN.15/2011/1.

¹ A/CONF.213/18, chap. I, resolution 1.

² United Nations, *Treaty Series*, vol. 2225, No. 39574.

³ *Ibid.*, vol. 823, No. 11806.



the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970, the Convention on Stolen or Illegally Exported Cultural Objects,⁴ adopted by the International Institute for the Unification of Private Law on 24 June 1995, and the Convention for the Protection of Cultural Property in the Event of Armed Conflict,⁵ done at The Hague on 14 May 1954, and the two Protocols thereto adopted on 14 May 1954⁵ and 26 March 1999,⁶ and reaffirming the necessity of all Member States acceding to and implementing those international instruments,

Reiterating the significance of cultural property as part of the common heritage of humankind and as unique and important testimony of the culture and identity of peoples, and the necessity of protecting it, and reaffirming in that regard the need to strengthen international cooperation in preventing, prosecuting and punishing all aspects of crimes against cultural property,

Alarmed at the growing transnational and organized nature of and increasing use of modern and sophisticated technologies in all aspects of crimes against cultural property,

Concerned by the fact that demand for stolen and illicitly exported cultural property fuels further loss, destruction, removal and theft of and trafficking in such treasured property, and affirming that commensurate legislative and administrative measures discouraging such demand in the market are urgently needed,

1. *Welcomes* Economic and Social Council resolution 2010/19 of 22 July 2010, entitled “Crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking”, and resolution 5/7, entitled “Combating transnational organized crime against cultural property”, adopted by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fifth session, held in Vienna from 18 to 22 October 2010;

2. *Urges* Member States, as well as relevant international organizations, to fully implement the aforementioned conventions, resolutions and other legal instruments to effectively address crimes against cultural property;

3. *Welcomes* the decision taken by the Economic and Social Council to establish an open-ended intergovernmental expert group on protection against trafficking in cultural property, and invites Member States and other donors to support the convening of additional expert group meetings with the mandate of submitting to the Commission on Crime Prevention and Criminal Justice practical proposals for implementing the recommendations of the expert group meetings held in Vienna in November 2009;

4. *Also welcomes* the call by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to mandate its working groups to examine the relevant recommendations of the expert group and to make recommendations for consideration by the Conference of the Parties in order to promote the practical application of the Convention, by considering the extent and

⁴ Available from www.unidroit.org.

⁵ United Nations, *Treaty Series*, vol. 249. No. 3511.

⁶ *Ibid.*, vol. 2253, No. 3511.

adequacy of existing norms as well as other normative developments, with due attention to aspects of criminalization and international cooperation, including mutual legal assistance and return of cultural property to the countries of origin;

5. *Urges* the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Commission on Crime Prevention and Criminal Justice to continue their efforts to effectively address crimes against cultural property by formulating, inter alia, an effective mechanism of international cooperation for combating trafficking in and the theft, loss, destruction and removal of cultural property and all normative developments in this matter;

6. *Urges* Member States to criminalize activities related to trafficking in cultural property by using a broad definition that can be applied to all stolen and illicitly exported cultural property and to make trafficking in cultural property, including stealing and looting at archaeological sites, a serious crime, in accordance with article 2 of the Organized Crime Convention, with a view to fully utilizing that Convention for the purpose of extensive international cooperation in fighting crimes against cultural property;

7. *Also urges* Member States to take all appropriate measures to address the gaps and inadequacies of legislative and administrative measures discouraging demand for stolen and illicitly exported cultural property in the market and to maximize transparency in the activities of traders in cultural property, including increasing the regulation and supervision of dealers in antiquities and similar institutions;

8. *Requests* the United Nations Office on Drugs and Crime, on the basis of the views expressed by Member States, to analyse the gaps and inadequacies of provisions of the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property,⁷ and to consider improving it to make it a more effective technical assistance tool;

9. *Also requests* the United Nations Office on Drugs and Crime, through consultation with Member States and on the basis of analysis of crime-trend data collected by the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, in close cooperation with the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL) and other pertinent international organizations, to promote good practices of and develop specific guidelines for crime prevention and criminal justice responses to crimes against cultural property, to assist Member States, upon request, and to consider, where appropriate, incorporating initiatives addressing crimes against cultural property in its regional and thematic programmes.

⁷ *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.1, annex.