

# UNESCO 1970 Convention - Periodic Reporting Form 2019

## Respondent Information

Name: Delegation of Canada/Délégation du Canada

Position :	Manager and Senior Analyst, Heritage Policy and Legislation/Analyste principale et Gestionnaire, politiques et législation du patrimoine
Organization/Agency :	Department of Canadian Heritage/Patrimoine canadien
Country :	Canada

## Policy and Legislative Framework

### 1. Did your country implement the 1970 UNESCO Convention, and if so, how?

	Civil Law
	Criminal Law
X	Specific Law

**Please describe the specific law(s) used by your country.**

Canada's implementing legislation is the Cultural Property Export and Import Act, which came into force in 1977 to allow Canada to implement the 1970 Convention in Canadian law. Two regulatory instruments, The Canadian Cultural Property Export Control List and the Cultural Property Export Regulations support the legislation. The legislation controls the export of certain cultural property from Canada, contains provisions for the restitution of cultural property to foreign states and imposes penalties upon conviction. La loi canadienne régissant la mise en œuvre de la Convention est la Loi sur l'exportation et l'importation de biens culturels, qui est entrée en vigueur en 1977. Deux instruments de réglementation appuient cette loi, soit la Nomenclature des biens culturels canadiens à exportation contrôlée et le Règlement sur l'exportation de biens culturels. La loi contrôle l'exportation de certains biens culturels du Canada. Elle contient des dispositions sur la restitution de biens culturels à des États étrangers et impose des sanctions en cas de condamnation.

### 2. Does your country have an overall policy and/or strategy for fighting illicit trafficking of cultural property (i.e., a document that describes the country's overall vision for fighting illicit trafficking)?

	Yes
X	No

### 3. Please provide the name and year the policy was passed (and web link to the policy/strategy if available).

### 4. Please describe your country's overall legal framework for protecting cultural property from illicit trafficking, referencing specific laws and years passed (including specific provisions on the return of cultural objects

**illegally exported from other States Parties to the Convention).**

With respect to import/export protection, the Department of Canadian Heritage is responsible for the national administration of the Cultural Property Export and Import Act (1977) and has regular communications with all partners to coordinate activities. The Canada Border Services Agency also has an administrative role in issuing export permits, as well as enforcement responsibilities for the import/export of cultural property. The Canadian Cultural Property Export Review Board, an arm's length administrative tribunal, is responsible for the review of refused export permits and may set an export delay period of up to 6 months to allow Canadian institutions to purchase cultural property that is subject to export delay. The Royal Canadian Mounted Police (Canada's national police force) investigate specific cases when appropriate. Under the Act, a range of cultural property, both Canadian and non-Canadian in origin, is subject to export control, and is described in the Canadian Cultural Property Export Control List. Any cultural property contained in the list requires a permit to leave Canada, either temporarily or permanently. No cultural property is prohibited from export, but the export of cultural property deemed to be of "outstanding significance and national importance" may be delayed to provide public institutions with an opportunity to purchase it, so that it may remain in Canada, preserved and accessible to the public. Violations of the export permit provisions of the Act are subject to penalties in the form of fines and/or imprisonment. The Act contains specific provisions to return cultural property that has been illegally imported into Canada where it has been illegally exported from a foreign state that is a State-Party to the 1970 Convention. When cultural property is detained, Canada contacts the foreign state and seeks their collaboration in the return process, which includes a civil action in a Canadian court. Foreign states are asked to provide information about their cultural property legislation, and provide confirmation that the object is cultural property according to that law. This process is effective for both documented cultural property and undocumented antiquities. En ce qui a trait à la protection des importations et des exportations, le ministère du Patrimoine canadien est responsable de l'administration nationale de la Loi sur l'exportation et l'importation de biens culturels et communique régulièrement avec l'ensemble des partenaires afin de veiller à la coordination des activités. L'Agence des services frontaliers du Canada (ASFC) joue également un rôle administratif dans la délivrance des licences d'exportation, en plus d'assumer des responsabilités concernant l'exécution de la loi en matière d'exportation et d'importation de biens culturels. La Commission canadienne d'examen des exportations de biens culturels, un tribunal administratif indépendant, est chargée d'examiner les licences d'exportation refusées et peut fixer un délai d'exportation allant jusqu'à 6 mois afin de permettre aux établissements canadiens d'acquérir des biens culturels assujettis au délai d'exportation. La Gendarmerie royale du Canada (force policière nationale) enquête sur des cas en particulier, au besoin. Selon la Loi, divers biens culturels, qu'ils soient d'origine canadienne ou autre, sont assujettis à un contrôle d'exportation et sont décrits dans la Nomenclature des biens culturels canadiens à exportation contrôlée. Pour tout bien culturel figurant dans la Nomenclature qui doit sortir du Canada temporairement ou de façon permanente, une licence est exigée. Aucun bien culturel ne fait l'objet d'une interdiction d'exportation, mais l'exportation de biens culturels jugés « d'intérêt exceptionnel et d'importance nationale » peut être retardée pour donner à des établissements publics l'occasion de les acheter afin qu'ils restent au Canada, qu'ils soient préservés et rendus accessibles au public. Toute personne qui contrevient aux dispositions de la Loi liées aux licences d'exportation est passible d'amendes ou d'emprisonnement. La Loi sur l'exportation et l'importation de biens culturels renferme des dispositions relatives au retour des biens culturels importés illégalement au Canada, lorsqu'ils ont été exportés illégalement d'un État partie à la Convention de 1970. Lorsqu'il détient un bien culturel, le Canada communique avec l'État étranger et cherche à obtenir sa collaboration pour le renvoi des biens culturels, ce qui comprend une poursuite civile devant un tribunal canadien. On demande aux États étrangers de fournir de l'information sur leurs lois en matière de biens culturels et de confirmer que l'objet visé constitue un bien culturel en vertu de cette législation. Ce processus est efficace tant pour les biens culturels accompagnés de documents que d'antiquités non accompagnées de documents.

**5. To what extent does your country's policy and legislation on this issue address the following topics (Please rate the degree of achievement in accordance to options available in the drop down boxes below).**

5	Excellent
4	Very Good
3	Good
2	Satisfactory
1	Poor

2	Clear definition of cultural property
2	State ownership of undiscovered cultural heritage

2	Regulations on trade of cultural property
5	Export controls
5	Export certificates
2	Certificate of authenticity
5	Import controls
3	Establishment of national services
3	National inventory of cultural property
2	Inventory requirements for museums, public institutions, private collections
3	Protection of archaeological sites and regulation of archaeological excavations
2	Public education and awareness raising
2	Measures to prevent museums and similar institutions from acquiring illegally exported cultural property
2	Prohibition of import of cultural property stolen from a museum or religious/secular institution
2	Regulation of the diplomatic pouch
2	Provisions for the return of cultural objects stolen from a museum or other public institution
5	Sanctions (criminal and/or administrative and/or civil) of illicit activities related to destruction and illicit trafficking of cultural property
2	Requirement of register of sales for antique dealers, auction houses, dealers of cultural heritage and art galleries
3	Protection of underwater cultural heritage
2	Regulations regarding the use of metal detectors
2	Regulations regarding the trade of cultural artefacts on internet
<p>Other (please specify): All topics rated 2 - Satisfactory fall outside the scope of Canada's cultural property legislation and should be considered not applicable. Tous les sujets assignés une côte 2 - Satisfaisant ne relèvent pas de la législation canadienne sur les biens culturels. Ces réponses devraient être considérées comme "non applicables".</p>	

**6. Did your country's legal framework regarding illicit trafficking of cultural property change as a result of ratifying the 1970 Convention?**

	Yes
X	No

**7. What laws were passed or changed as a result of ratification? (Please provide the name of the law and the year it was passed)**

□

8. **Please add any additional comments on the legislative/policy framework**

Canada is a federal state and there is a division of powers between the federal government and the provinces. Certain aspects relating to the protection of cultural property rest with the federal government, while other responsibilities fall to the provinces. Canada's provinces, for example are responsible for civil law and property title matters. The provinces are also responsible for the protection and regulation of archaeological and paleontological resources and sites on non-federal lands. The provinces are not required to report to the federal government on the protection of cultural property that falls under their jurisdiction. The majority of museums, galleries, archives and libraries in Canada are not operated by the federal government. These institutions are also not required to report on their operations to the federal government and therefore reporting capacity on their activities is limited. Le Canada est un État fédéral et il y a un partage des compétences entre le gouvernement fédéral et les provinces. Certains aspects de la protection des biens culturels relèvent du gouvernement fédéral, alors que d'autres relèvent des provinces. Les questions de droit civil et de titre de propriété sont des exemples de compétences des provinces canadiennes. Les provinces sont également responsables de la protection et de la réglementation des sites archéologiques situés sur des terres non fédérales. Les provinces ne sont pas tenues de faire rapport au gouvernement fédéral de la protection de biens culturels qui relève de leur compétence. La majorité des musées, des galeries d'art, des archives et des bibliothèques au Canada ne sont pas exploités par le gouvernement fédéral. De plus, ces institutions ne sont pas tenues de faire rapport de leurs activités au gouvernement fédéral et, par conséquent, leur capacité de rendre compte de leurs activités est limitée.

9. **Has your country implemented a policy to prevent the illicit export of cultural property?**

X	Yes
	No

**Please specify :**

Canada's policy to prevent the illicit export of cultural property is expressed through the Cultural Property Export and Import Act. La politique du Canada visant à prévenir l'exportation illicite de biens culturels est énoncée dans la Loi sur l'exportation et l'importation de biens culturels.

10. **Does the implemented policy include the requirement of a legally issued export certificate of the country of origin and/or transit?**

	Yes
X	No

11. **Has your country encountered difficulties in returning/restituting cultural property to its place of origin due to incompatibilities with national judicial decisions?**

	Yes
X	No

## Implementation and operative framework

### Institutional Framework

12. Does your country have a specialized service for the protection of cultural property (as described in Article 5 of the Convention) whose functions may include drafting laws and legislation, establishing national inventory, promoting establishment/development of scientific and technical institutions, organizing the supervision of archaeological sites, establishing rules for curators, antique dealers, etc., developing educational activities and/or publicizing the disappearance of cultural property?

X	Yes
	No

13. Please describe this service's major roles and responsibilities.

The Department of Canadian Heritage is responsible for the national administration of the Cultural Property Export and Import Act, and has the responsibility for drafting federal laws and legislation with respect to cultural property. Le ministère du Patrimoine canadien est responsable de l'administration nationale de la Loi sur l'exportation et l'importation de biens culturels et c'est lui qui doit rédiger les lois fédérales relatives aux biens culturels.

14. Please indicate which of the following departments/ministries/agencies also have specialized services for the protection of cultural property against illicit trafficking (mark all that apply).

	Magistrates and/or judges
X	Police, gendarmerie, and/or Department of Interior
	Public prosecutor
	Customs
	None
	Other (please specify):

15. Please describe the roles and responsibilities of these specialized services in more detail.

Canadian Heritage officials can contact the Royal Canadian Mounted Police or Canada Border Services Agency officials when enforcement services are required in connection with the export or import of cultural property. INTERPOL has an established office in Canada which is consulted as required when suspected stolen cultural property is imported into Canada. There is also a specialized art crime unit in the Province of Quebec to investigate theft and fraud. This unit was established in 2008. Les responsables de Patrimoine canadien peuvent communiquer avec leurs homologues de la Gendarmerie royale du Canada (GRC) ou de l'Agence des services frontaliers du Canada (ASFC) lorsque leurs services sont requis pour l'exécution des lois ayant trait à l'exportation ou l'importation de biens culturels. Le bureau d'INTERPOL au Canada est consulté au besoin lorsque l'on soupçonne que des biens culturels volés sont importés au Canada. Il y a aussi un groupe de répression des crimes liés aux œuvres d'art a été créé dans la province de Québec pour enquêter sur le vol et la fraude en matière de biens culturels. Ce groupe a été établi en 2008.

16. How do relevant stakeholders (Ministry of Culture, police, customs, etc.) coordinate regarding the protection of illicit trafficking? Mark all that apply

	Formal coordinating committee, working group, etc.
X	Coordination lead by specialized service (as described in Article 5), antenna or focal point

X	Communication and meetings as necessary (i.e., for specific cases)
X	Cross-trainings (i.e., trainings for police from Ministry of Culture staff)
	No Coordination
	Other (please specify) :

17. **Please provide more detail on this coordination, including how it functions and who is involved.**

With respect to import/export protection, the Department of Canadian Heritage, is responsible for the national administration of the Cultural Property Export and Import Act and maintains regular communications with all partners to coordinate activities. The Canada Border Services Agency also has an administrative role in issuing export permits, as well as enforcement responsibilities with respect to export and import of cultural property. When an object is stopped at the border by the Canada Border Services Agency, they will contact Canadian Heritage who will take steps to assess the import. The Royal Canadian Mounted Police (Canada's national police force) investigate specific cases when appropriate. En ce qui a trait à la protection des importations et des exportations, le ministère du Patrimoine canadien est responsable de l'administration nationale de la Loi sur l'exportation et l'importation de biens culturels et communique régulièrement avec l'ensemble des partenaires afin de veiller à la coordination des activités. L'Agence des services frontaliers du Canada (ASFC) joue également un rôle administratif dans la délivrance des licences d'exportation, en plus d'assumer des responsabilités concernant l'exécution de la loi en matière d'exportation et d'importation de biens culturels. Lorsqu'un objet est retenu à la frontière par l'ASFC, l'Agence communiquera avec Patrimoine canadien, qui prendra des mesures pour évaluer l'importation. La Gendarmerie royale du Canada (force policière nationale) enquête sur des cas en particulier, au besoin.

18. **Does your country use a database of stolen cultural objects?**

	Yes, we have our own national or/and regional database that is not linked with the INTERPOL database
	Yes, we have our own national or/and regional database that is linked with the INTERPOL database
	Yes, we use the INTERPOL database (and do not have our own national database)
X	No, we do not currently have a national database or use the INTERPOL database
	We would request assistance to establish such a database

19. **Please provide additional details on how your country uses such a database.**

□

## Protection and Prevention Systems

20. **To what extent do museums and religious or secular public monuments have their own specific inventories of their cultural property/collections?**

	All/almost all cultural property is inventoried
X	Most, but not all, cultural property is inventoried

	Some cultural property is inventoried, but significant gaps remain
	Very little cultural property is inventoried
	No/almost no cultural property is inventoried

21. **Please provide additional details on these inventories, specifying whether they are digitized, and including any challenges in creating/maintaining them.**

The majority of the Canadian museums, galleries and other heritage institutions operate independently and do not report on their operations to the Government of Canada. Canada does, however have a professional heritage community with well-developed museological practises. These institutions continue to make advances in their use of collection inventories and their digitization. La majorité des musées, des galeries d'art et des autres établissements du patrimoine du Canada fonctionnent de façon indépendante et ne rendent pas compte de leurs activités au gouvernement du Canada. Le Canada a toutefois une communauté du patrimoine professionnelle dotée de pratiques muséologiques bien établies. Ces établissements continuent de progresser dans leur utilisation des techniques de pointe en ce qui a trait à l'inventaire et à la numérisation de leurs collections.

22. **To what extent does your country have a centralized national inventory of cultural property?**

	All/almost all protected cultural property is inventoried
	Most, but not all, protected cultural property is inventoried
X	Some protected cultural property is inventoried, but significant gaps remain
	Very little protected cultural property is inventoried
	No/almost no protected cultural property is inventoried

23. **Please provide additional details on this inventory, including any challenges in creating/maintaining it.**

Over 500 Canadian institutions have contributed collections data and images to the Artefacts Canada database of the Canadian Heritage Information Network (CHIN), an agency of the Government of Canada. This publicly accessible national database currently holds over 4.3 million object records and nearly 1 million artefact images. As such, it makes the database a valuable tool to protect those collections from the risks of misappropriation or theft because it establishes a clear publicly-accessible record of ownership and provenance. Plus de 500 établissements canadiens ont fourni des données et des images afin de les ajouter à la base de données d'Artefacts Canada du Réseau canadien d'information sur le patrimoine (RCIP), un organisme du gouvernement du Canada. Cette base de données nationale renferme actuellement plus de 4,3 millions de fichiers d'objets et environ 1 million d'images d'artefacts accessibles au public. À ce titre, la base de données constitue un outil utile pour protéger ces collections des risques d'appropriation illicite ou de vol, car elle établit un dossier de propriété et de provenance clair et accessible au public.

24. **Please describe the extent to which looting/pillaging/illegal excavations of archaeological and ethnological objects is a challenge, including actions taken to combat it.**

In Canada, the federal government has jurisdiction over archaeological resources on federal lands, and archaeological resources on non-federal lands fall under the jurisdiction of provincial governments. As a result of certain self-government and land claim agreements with individual First Nations, jurisdiction over archaeological resources on settlement lands rests with those First Nations governments. All provinces and territories have enacted legislation and/or regulations protecting archaeological heritage. Looting or illegal excavations do not occur consistently across Canada. Anecdotal evidence suggests that areas containing objects that are sought-after on the international market are significantly more prone to looting than those areas containing material that is of lesser interest to the market. Au Canada, les ressources archéologiques se trouvant sur les terres fédérales sont du ressort du gouvernement fédéral, et celles qui sont situées sur des terres non fédérales relèvent des gouvernements provinciaux. En vertu de certaines ententes sur les revendications territoriales et l'autonomie gouvernementale conclues avec certaines Premières Nations, les ressources archéologiques situées sur les terres visées par ces ententes sont du ressort des gouvernements de ces Premières nations. Toutes les provinces et tous les territoires ont promulgué des lois ou des règlements protégeant le patrimoine archéologique. Le pillage et les fouilles illégales ne sont pas monnaie courante à l'échelle du Canada. Des cas précis donnent à penser que les secteurs où se trouvent des objets en demande sur le marché international sont beaucoup plus susceptibles d'être pillés que les secteurs dont les objets sont moins recherchés sur le marché.

## Knowledge, Skills and Values of Stakeholders and the Public

25. **Has your country undertaken any public awareness campaigns related to the protection of cultural property in the past five years?**

	Yes
X	No

26. **Please describe, including methods, target audience, etc.**

□

27. **To what extent is the public in your country engaged in the protection of cultural property? Examples of engagement may include :**

5	Excellent
4	Very Good
3	Good
2	Satisfactory
1	Poor

1	Protection of local archaeological and heritage sites by the public (eg. assistance in monitoring of sites, support in documenting etc.)
2	Return of objects to relevant authorities
2	Sharing information on stolen objects with authorities
1	Placing pressure on museums to change acquisition policies
1	Advocating for policy change



28. Overall, to what extent do police and/or gendarmerie have the necessary resources and knowledge to address cultural property crime?

	To a great extent
	To a considerable extent
X	To some extent
	To no extent

29. Overall, to what extent do customs officers have the necessary resources and knowledge to address cultural property crime?

	To a great extent
X	To a considerable extent
	To some extent
	To no extent

30. What type of training do police receive on cultural property crime?

	No specific training on this issue
	Training has occurred in the past, but is not ongoing
X	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other

31. Please provide additional details on the content and frequency of these trainings.

Royal Canadian Mounted Police officers receive training on the export and import of cultural property, and specialized information sessions are available. In 2008 an art crime unit was established in the Province of Quebec to investigate cultural property theft and fraud. These officers receive additional specialized training. Les agents de la GRC reçoivent de la formation sur l'exportation et l'importation de biens culturels, en plus de pouvoir assister à des séances d'information spécialisées à ce sujet. En 2008, un groupe de répression des crimes liés aux œuvres d'art a été créé dans la province de Québec pour enquêter sur le vol et la fraude en matière de biens culturels. Les agents faisant partie de ce groupe reçoivent une formation spécialisée additionnelle.

32. What type of training do customs officers receive on cultural property crime?

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	No specific training on this issue
	Training has occurred in the past, but is not ongoing
X	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other

33. **Please provide additional details on the content and frequency of these trainings.**

In addition to general training concerning import and export control in Canadian law, Customs officials are provided with documentation and can receive customized training from Canadian Heritage officials concerning cultural property. En plus de la formation générale sur l'aspect de la loi canadienne lié au contrôle des importations et des exportations, les agents des douanes reçoivent des documents et suivent une formation adaptée offerte par des responsables de Patrimoine canadien relativement aux biens culturels.

34. **To what extent have museums in your country adopted a code of ethics, such as the ICOM Code of Ethics, that is in line with the principles of the 1970 Convention?**

	All or almost all have adopted such a code of ethics
	Most have adopted such a code of ethics
	Some have adopted such a code of ethics
	None/only a few have adopted such a code of ethics
X	<b>Other (please specify) :</b> Canadian Museums Association, Ethical Behaviour of Museum Professionals. L'Association des musées canadiens a adopté les Principes d'éthique professionnelle à l'usage des employés professionnels des musées.

35. **Please provide additional details on the degree to which museums adhere to such a code of ethics.**

The majority of the Canadian museums, galleries and other heritage institutions operate independently and do not report on their operations to the Government of Canada. The Canadian Museums Association (CMA) represents many of Canada's museums. The CMA supports the guiding principles of the ICOM Code of Professional Ethics. It has created a Canadian statement which addresses contemporary conditions and national issues in Canada's museum community. The CMA Ethical Behaviour of Museum Professionals was adopted in 1979 and updated in 1999. The text of the Ethical Guidelines is available on the Association's website at: <https://www.museums.ca/uploaded/web/docs/ethicsguidelines.pdf> The CMA has approximately 2000 individual and institutional members. La majorité des musées, des galeries d'art et des autres établissements du patrimoine du Canada fonctionnent de façon indépendante et ne rendent pas compte de leurs activités au gouvernement du Canada. L'Association des musées canadiens (AMC) représente de nombreux musées du Canada. L'AMC appuie les principes directeurs du Code de déontologie de l'ICOM pour les musées. Elle a élaboré un énoncé canadien portant sur les réalités contemporaines et les questions nationales avec lesquelles doit composer la communauté muséale du Canada. L'AMC a adopté les Principes d'éthique professionnelle à l'usage des employés professionnels des musées en 1979 et les a mis à jour en 1999. Le texte des Principes déontologiques est affiché sur le site Web de l'AMC à l'adresse suivante : [https://www.museums.ca/uploaded/web/docs\\_fr/principesdeontologiques.pdf](https://www.museums.ca/uploaded/web/docs_fr/principesdeontologiques.pdf). L'AMC compte environ 2 000 membres individuels et institutionnels.

36. **To what extent do dealers and auction houses in your country follow practices that are in line with the principles of the 1970 Convention, such as those outlined in the UNESCO International Code of Ethics for Dealers in Cultural Property and the Operational Guidelines of the 1970 Convention?**

	All or almost all follow such practices
	Most follow such practices
	Some follow such practices
	None/only a few follow such practices
X	Other (please specify) : The Art Dealers Association of Canada includes ethical criteria among its membership requirements, but no specific reference is made to the UNESCO Code. Les exigences auxquelles doivent satisfaire les membres de l'Association des marchands d'art du Canada englobent des critères liés à l'éthique, mais on n'y trouve aucune référence au Code de l'UNESCO.

37. **Please provide additional details on the policies and practices of dealers and auction houses in your country.**

The UNESCO International Code of Ethics for Dealers in Cultural Property was first endorsed by the Canadian Cultural Property Export Review Board in September 2001 and forwarded to the main dealers association in Canada. The Board reiterated its support for the Code of Ethics in November 2010. The Art Dealers Association of Canada includes ethical criteria among its membership requirements, but no specific reference is made to the UNESCO Code. Le Code international de déontologie pour les négociants en biens culturels de l'UNESCO a d'abord été approuvé par la Commission canadienne d'examen des exportations de biens culturels en septembre 2001, avant d'être transmis aux principales associations de marchands au Canada. En novembre 2010, la Commission a réitéré son appui au Code. Les exigences auxquelles doivent satisfaire les membres de l'Association des marchands d'art du Canada englobent des critères liés à l'éthique, mais on n'y trouve aucune référence au Code de l'UNESCO.

38. **How has your country engaged art and antiquities dealers around the issue of illicit trafficking of cultural property?**

Canada has a vibrant, licit cultural property market which includes auction houses, galleries, antique dealers, booksellers and others. Canada's implementing legislation for the 1970 Convention prohibits the import of any cultural property illegally exported from a fellow State Party from the time when the Convention took effect in both countries. Since the import of such objects is prohibited, it is unnecessary to establish additional mechanisms to prevent their acquisition by art and antiquities dealers or by museums and other institutions. Au Canada, le marché des biens culturels est dynamique et licite ; il se compose entre autres de maisons de vente aux enchères, de galeries, d'antiquaires et de libraires. Dans le cadre de la loi canadienne régissant la mise en œuvre de la Convention de 1970, le Canada interdit l'importation de tout bien culturel exporté illégalement d'un autre État partie à compter de l'entrée en vigueur de la Convention dans les deux pays. Puisque l'importation de tels objets est interdite, des mécanismes additionnels ont été établis afin d'empêcher leur acquisition par des marchands d'art et des antiquaires ou par des musées et d'autres établissements.

39. **Do you regulate the trade of cultural objects on internet?**

	Yes
X	No

40. **Have you entered into a specific agreement with an internet platform?**

	Yes

## International Cooperation

41. **Please list any bilateral agreements your country has regarding the protection of cultural property, including the years for which the agreement is in effect.**

Under Canada's implementing legislation for the 1970 Convention, import prohibitions are automatically established for any cultural property illegally exported from a fellow State Party, as defined by that state's export control law. As a result, Canada does not require the conclusion of separate bilateral agreements to extend the fullest possible protection to foreign cultural property. Canada does have a range of cultural Memoranda of Understanding with foreign states that encourage cooperation and sharing of best practices, but they do not contain obligations for import or export control, or return of cultural property, in addition to those that already exist as a result of the Convention. In addition, Mutual Legal Assistance treaties can be used for police services. En vertu de la loi canadienne régissant la mise en œuvre de la Convention de 1970, des interdictions d'importation sont automatiquement établies lorsqu'il s'agit d'un bien culturel exporté illégalement à partir d'un autre État partie, comme il est défini dans la loi sur le contrôle des exportations de cet État. Par conséquent, le Canada n'exige pas que des ententes bilatérales distinctes soient conclues afin d'offrir la protection la plus complète qui soit aux biens culturels étrangers. Le Canada a un éventail de protocoles d'entente avec d'autres États qui favorisent la collaboration et la mise en commun de pratiques exemplaires, sans toutefois contenir d'obligations relatives au contrôle des importations ou des exportations, ou au retour de biens culturels, en plus de celles qui découlent déjà de la Convention. En outre, il est possible d'avoir recours à des traités d'entraide juridique pour des services de police.

42. **Please indicate how the 1970 Convention helped with return/restitution cases your country has been involved in?**

	To no extent	To some extent	To a considerable extent	To a great extent
Provided a legal framework for return/restitution				X
Provided a moral framework for return/restitution	X			
Provided a diplomatic framework for return/restitution				X
Other (please specify):				

43. **Please provide additional details on or examples of how the 1970 Convention has facilitated return/restitution cases**

From 2015 to 2018, Canada has returned 66 objects to six other Member States (India, Lebanon, Bulgaria, China and Mexico and Jordan). These returns were possible under the provisions of the Cultural Property Export and Import Act which implements Canada's obligations under the 1970 Convention. De 2015 à 2018, le Canada a retourné 66 objets à six autres États membres (l'Inde, le Liban, la Bulgarie, la Chine, le Mexique et la Jordanie). Ces retours étaient rendus possibles en vertu de dispositions de la Loi sur l'exportation et l'importation de biens culturels qui mettent en œuvre les obligations du Canada en vertu de la Convention de 1970.

44. Does your country have a system in place to facilitate international cooperation (e.g. single points of contacts and easily accessible information) in cases of illicit trafficking of cultural property?

	Yes
X	No

45. How has your country promoted this system and ensure the international community is aware of it?

□

## Overall

46. Yearly statistics

### Thefts

1st Year reporting	1	Number of objects
<p><b>Additional information :</b> For the purpose of police investigations cultural property is not differentiated from other property crimes. As a result there are no statistics available in Canada specifically on the theft of cultural property and the number above is not an accurate reflection of Canada's experience. Newspapers periodically report on the theft of cultural property primarily from private residences, private art galleries, or public art installations. Aux fins des enquêtes policières, on ne fait pas de distinction entre les crimes qui concernent les biens culturels et les autres crimes contre la propriété. Le numéro ci-dessus ne reflète pas fidèlement la situation du Canada. Par conséquent, il n'existe pas de statistiques au Canada sur le vol de biens culturels. Les journaux rapportent périodiquement le vol de biens culturels principalement dans des résidences privées, des galeries d'art privées ou des installations d'art public.</p>		
2nd Year reporting	0	Number of objects
Additional information :		
3rd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	0	Number of objects
Additional information :		

### Illegal Excavations

1st Year reporting	1	Number of objects
<p><b>Additional information :</b> The majority of archaeological resources on non-federal lands falls under the jurisdiction of provincial governments in Canada. All provinces and territories have enacted legislation or regulations protecting archaeological heritage. Provincial laws typically impose penalties for violations of the legislation, including in instances of illegal excavations. The provinces are not required to report to the federal government on the protection of cultural property that falls under their jurisdiction. The number above is not an accurate reflection of Canada's experience. Au Canada, la majorité des ressources archéologiques sur des terres non fédérales relèvent de la compétence des gouvernements provinciaux. Toutes les provinces et tous les territoires ont promulgué des lois ou des règlements protégeant le patrimoine archéologique. Les lois provinciales imposent habituellement des sanctions en cas d'infraction à la loi, y compris dans le cas de fouilles illégales. Les provinces ne sont pas tenues de faire rapport au gouvernement fédéral de la protection des biens culturels qui relèvent de leur compétence. Le numéro ci-dessus ne reflète pas fidèlement la situation du Canada.</p>		

2nd Year reporting	0	Number of objects
Additional information :		
3rd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	1250	Number of objects
Additional information : No additional information is available at this time. Aucun renseignement supplémentaire n'est disponible pour le moment.		

### Seizures (cultural objects originating from own country)

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting	0	Number of objects
Additional information :		
3rd Year reporting	5	Number of objects
Additional information : No additional information is available at this time. Aucun renseignement supplémentaire n'est disponible pour le moment.		
4nd Year reporting	1250	Number of objects
Additional information : No additional information is available at this time. Aucun renseignement supplémentaire n'est disponible pour le moment.		

### Seizures (cultural objects originating from another country)

1st Year reporting	19	Number of objects
Additional information : Canada does not seize objects arriving from another country. Objects may be detained for assessment under the Cultural Property Export and Import Act. Objects that do not violate the Act, either because the object is not cultural property or due to lack of evidence or because a foreign state does not request its return, are released. Canada does not maintain statistics on the number of objects released, only on the number of shipments assessed. In 2015 Canada assessed 19 shipments. Le Canada ne saisit pas les objets qui arrivent d'un autre pays. Les objets peuvent être retenus pour évaluation en vertu de la Loi sur l'exportation et l'importation de biens culturels. Les objets qui ne contreviennent pas à la Loi, soit parce qu'il ne s'agit pas d'un bien culturel, soit parce qu'il n'y a pas de preuve, soit parce qu'un État étranger ne demande pas son retour, sont libérés. Le Canada ne tient pas de statistiques sur le nombre d'objets dédouanés, seulement sur le nombre d'envois évalués. En 2015, le Canada a évalué 19 envois.		
2nd Year reporting	23	Number of objects
Additional information : In 2016 Canada assessed 23 shipments. En 2016, le Canada a évalué 23 envois.		
3rd Year reporting	28	Number of objects
Additional information : In 2017 Canada assessed 28 shipments. En 2017, le Canada a évalué 28 envois.		
4nd Year reporting	25	Number of objects
Additional information : In 2018 Canada assessed 25 shipments. En 2018, le Canada a évalué 25 envois.		

### Restitutions

1st Year reporting	2	Number of objects
<p><b>Additional information :</b> In 2015, Canada returned a Phoenician glass antiquity dating to the 6th century BC to the Republic of Lebanon and a 12th century sculpture of a Parrot Lady to the Republic of India. En 2015 le Canada restitue une antiquité phénicienne en verre datant du 6e siècle av. J.-C. à la République du Liban et une sculpture de « la dame au perroquet » du 12e siècle à la République de l'Inde.</p>		
2nd Year reporting	2	Number of objects
<p><b>Additional information :</b> In 2016, Canada returned a 19th century curved sword and dagger to the Republic of Bulgaria. En 2016 le Canada restitue une épée incurvée et une dague du 19e siècle à la République de Bulgarie.</p>		
3rd Year reporting	4	Number of objects
<p><b>Additional information :</b> In 2017, Canada returned two fossils and a pair of wooden architectural carvings to the People's Republic of China. The returned objects were a Saurichthys fish fossil, approximately 220 million years old from the Guizhou Province of China, an Ichthyosaur fossil, approximately 247 million years old, and a pair of 19th century carved wooden roof supports. Canada also returned a pre-Columbian ceramic head from a figure to the Government of the United Mexican States. En 2017 le Canada restitue deux fossiles et une paire de sculptures architecturales en bois à la République populaire de Chine. Les objets étaient un fossile de poisson Saurichthys datant d'environ 220 millions d'années et provient de la province de Guizhou en Chine, un fossile d'Ichtyosaure datant d'environ 247 millions d'années et une paire de supports de toit sculptés en bois du XIXe siècle. Le Canada a également retourné une tête de céramique précolombienne au gouvernement des États-Unis du Mexique.</p>		
4nd Year reporting	58	Number of objects
<p><b>Additional information :</b> In 2018, Canada returned 58 antiquities, including pottery, glass vials, sculptures and oil lamps to the Hashemite Kingdom of Jordan. En 2018, le Canada restitue 58 antiquités qui comprennent des poteries, des flacons de verre, des sculptures et des lampes à l'huile au Royaume hachémite de Jordanie.</p>		

47. **Please rate the extent to which each of the following is a challenge your country faces in preventing theft and illicit exportation of its cultural property.**

	Not a challenge	Somewhat of a challenge	A considerable challenge	A major challenge
Gaps in national legislation to protect cultural property		X		
Lack of police capacity related to cultural property		X		
Lack of customs capacity related to cultural property		X		
Lack of coordination between relevant stakeholders	X			
Lack of inventories and databases in museums		X		
Inadequate security systems in museums and places of worship	X			
Inadequate security of archaeological sites			X	
Lack of cooperation from the	X			

art market				
Lack of expertise/capacity in the legal field (lawyers, judges, prosecutors, etc.)		X		
Lack of regulation on the internet		X		
Lack of public awareness		X		
Other (please specify):				

48. **If applicable, please describe the three biggest barriers your country faces in securing the return/restitution of cultural property that has been stolen/illegally exported (e.g., cost of legal proceedings in other countries, lack of communication with counterparts in other countries, etc.).**

□

49. **If applicable, please describe the most common reasons why your country is not able to fulfill requests for return/restitution made by other countries (e.g., requests made outside parameters of existing legal framework, lack of evidence for claims, etc.).**

In the few instances where Canada was not able to fulfill a request for the return of cultural property the request fell outside the parameters of the Cultural Property Export and Import Act. In addition, the foreign state was not able to clearly demonstrate their claim to the appropriate enforcement authorities. In more general terms, in order to better allow Canada to assess whether an import may be a violation of Canada's legislation, it is important for Canada to have access to up-to-date foreign legislation available in either French or English. It is also helpful when that legislation clearly defines the types of objects that are considered as cultural property by the foreign state. Dans les quelques cas où le Canada n'a pas été en mesure de répondre à une demande de restitution de biens culturels, la demande dépassait le cadre de la Loi sur l'exportation et l'importation de biens culturels. De plus, l'État étranger n'avait pas été en mesure de démontrer clairement le bienfondé de sa demande aux autorités compétentes. De façon plus générale, afin de permettre au Canada de mieux évaluer si une importation peut contrevenir à la loi canadienne, il est important que le Canada ait accès aux législations étrangères à jour, en français ou en anglais. Il est également utile que ces lois définissent clairement les types d'objets qui sont considérés comme des biens culturels par l'État étranger.

## UNESCO Support for the Implementation of the 1970 Convention

### General awareness raising and communication strategies

50. **UNESCO and its partners have developed a number of tools to help State Parties implement the 1970 Convention. Please rate how helpful these tools have been to your country :**

	Not helpful	Somewhat helpful	Very helpful	Extremely helpful
Object ID Standard (ICOM, the Getty, and UNESCO)		X		
UNESCO International Code of Ethics for Cultural Property Dealers		X		
ICOM Code of Ethics for Museums		X		
UNESCO Database of National Cultural Heritage Laws				X



Basic Measures Concerning Cultural Items Offered for Sale on the Internet (INTERPOL, UNESCO, ICOM)		X		
Model Provisions Defining State Ownership of Undiscovered Cultural Property (UNESCO and UNIDROIT)	X			
Model Export Certificate for Cultural Objects (UNESCO and WCO)		X		

51. **Please provide additional details on how your country has used UNESCO's tools.**

Canada regularly refers to the existing tools produced by the Secretariat to support the implementation of our national legislation, the Cultural Property Export and Import Act. Canada refers most frequently to the database of national export laws. Le Canada consulte régulièrement les outils produits par le Secrétariat afin de faciliter l'application de sa Loi sur l'exportation et l'importation de biens culturels. La base de données sur les législations nationales en matière d'exportation est l'outil que le Canada consulte de plus fréquemment.

52. **Please indicate whether your country has uploaded relevant national laws to the UNESCO Database of National Cultural Heritage Laws.**

Yes, Canada has uploaded the Cultural Property Export and Import Act and its two regulations to the UNESCO Database of National Cultural Heritage Laws. Oui, le Canada a téléchargé la Loi sur l'exportation et l'importation de biens culturels et ses deux règlements dans la Base de données de l'UNESCO sur les législations nationales du patrimoine culturel.

53. **What additional tools would be helpful for UNESCO to develop ?**

In order to strengthen implementation of the Convention through international cooperation, Canada has recommended to the Subsidiary Committee to the meeting of States Parties of the 1970 Convention that individual States Parties consider the development of a document which will help other States navigate their laws and procedures and thus facilitate the return of cultural property, and that the Secretariat could develop a compendium of any such documents produced by States Parties. Ideally, such documents should use plain and simple language, and could be structured through a standardized set of questions to be answered by each State Party about: • whether existing laws allow the return of cultural property and any relevant limits or restrictions; • the requirements and procedures to be followed by a state requesting a return. Afin de renforcer la mise en œuvre de la Convention par la coopération internationale, le Canada a recommandé au Comité subsidiaire de la réunion des États parties à la Convention de 1970 que chaque État partie envisage l'élaboration d'un document qui aidera les autres États à s'y retrouver dans ses lois et procédures et ainsi faciliter le retour des biens culturels, et que le Secrétariat élabore un recueil de ces documents produits par les États parties. Idéalement, ces documents devraient être rédigés dans un langage clair et simple, et pourraient être structurés au moyen d'un ensemble normalisé de questions auxquelles chaque État partie doit répondre indiquant : • si la législation actuelle prévoit le retour de biens culturels, ainsi que toute autre limite ou restriction pertinente ; • les exigences et les procédures à suivre pour demander le retour d'un objet.

54. **Have you or other stakeholders in your country participated in any of UNESCO's capacity building workshops or projects related to preventing illicit trafficking of cultural property in the past five years?**

	Yes
X	No

55. **How did these workshops or projects contribute to the implementation of the 1970 Convention in your country? Please provide specific examples where possible.**

□

56. **There are a number of ways the UNESCO Secretariat could support State Parties in the implementation of the 1970 Convention in the future, in addition to servicing the governing bodies of the Convention. Please indicate the extent to which the Secretariat should give priority to the following activities :**

	No priority	Low priority	Somewhat of a priority	High priority
Support in reforming national policies and legislation				X
Promoting policy dialogues between countries			X	
Support for inventorying projects			X	
Specialized trainings for police			X	
Specialized trainings for customs			X	
Specialized trainings for museum staff		X		
National workshops to bring together stakeholders across departments, ministries, etc.		X		
Regional workshops to bring together stakeholders from across the region across departments, ministries, etc.			X	
Awareness raising activities (press releases, video clips, etc.)				X
Development of more legal and practical tools such as the WCO model export certificate, the Database of National Cultural Heritage Laws, etc.			X	
Facilitating the sharing of best practices between countries (e.g., online or through a newsletter)		X		
Other (please specify):				

57. **Please provide any additional suggestions for how UNESCO should focus its work on this topic going forward.**

□

58. **What difficulties did you State encounter while implementing the Convention during the last reporting cycle period ?**

□

59. **How has your country used the Operational Guidelines of the 1970 Convention adopted in UNESCO during the Third Meeting of States Parties (2015)?**

The Guidelines reflect existing policy and practice in Canada. Canada views the Operational Guidelines as being more beneficial to new Member States and to those states who are seeking to join the Convention. Les lignes directrices reflètent la politique et la pratique en vigueur au Canada. Le Canada considère que les Directives opérationnelles sont plus avantageuses pour les nouveaux États membres et les États qui souhaitent adhérer à la Convention.

60. **Any other additional issues or comments you would like to share.**

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