

# UNESCO 1970 Convention - Periodic Reporting Form 2019

## Respondent Information

Name: Dita Limová

Position :	Head of UNESCO Division
Organization/Agency :	Ministry of Culture
Country :	Czech Republic

## 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.**

The specific laws used by the Czech Republic : The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property was declared to apply to the State Party through the Decree No. 15/1980 of the Minister of Foreign Affairs.

### 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)?

X	Yes
	No

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

The state policy/strategy including cooperation between the stakeholders is partly implemented in the Report on Execution of Objectives and Proposal of Further Procedures within the frame of the Integrated System of Protection of Movable Cultural Heritage in the years 2016-2020 (Zpráva o plnění úkolů a návrh dalšího postupu v rámci integrovaného systému ochrany movitého kulturního dědictví na léta 2016-2020), Ministerstvo kultury & Moravské zemské muzeum, Brno 2015, 43 pp.

### 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).

Decree No. 15/1980 of the Minister of Foreign Affairs on the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property Act No. 101/2001 on the Repatriation of Illegally Exported Cultural Property, as amended, laying down the procedure of repatriation of cultural property, if illegally exported to the Czech Republic from another EU Member State or from the Czech Republic to another EU Member State as amended in Act 358/2015; Act No. 214/2002 on the Export of Certain Cultural Goods from the Territory of the European Communities, as amended in Act No. 281/2009; Act No. 20/1987 on National Heritage Management, as amended; Act No. 122/2000, on the Protection of Museum-type Collections and on Amendment to Certain Other Acts, as amended; Act No. 499/2004 on Archives and Records Management and on Amendment on Certain Acts, as amended; Act No. 71/1994 on the Sale and Export of Items of Cultural Value, as amended Act No. 257/2001 on Libraries and Terms of Operating Public Library and Information Services, as amended

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

4	Clear definition of cultural property
4	State ownership of undiscovered cultural heritage
3	Regulations on trade of cultural property
3	Export controls
3	Export certificates
2	Certificate of authenticity
1	Import controls
3	Establishment of national services
4	National inventory of cultural property
3	Inventory requirements for museums, public institutions, private collections
3	Protection of archaeological sites and regulation of archaeological excavations
2	Public education and awareness raising
4	Measures to prevent museums and similar institutions from acquiring illegally exported cultural property
3	Prohibition of import of cultural property stolen from a museum or religious/secular institution
4	Regulation of the diplomatic pouch
3	Provisions for the return of cultural objects stolen from a museum or other public institution
	Sanctions (criminal and/or administrative and/or civil) of illicit activities related to destruction and illicit trafficking of

3	cultural property
2	Requirement of register of sales for antique dealers, auction houses, dealers of cultural heritage and art galleries
1	Protection of underwater cultural heritage
1	Regulations regarding the use of metal detectors
1	Regulations regarding the trade of cultural artefacts on internet
Other (please specify):	

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

X	Yes
	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)**

Decree No. 15/1980 of the Minister of Foreign Affairs on the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property Act No. 20/1987 on National Heritage Management, as amended; Act No. 122/2000, on the Protection of Museum-type Collections and on Amendment to Certain Other Acts, as amended; Act No. 499/2004 on Archives and Records Management and on Amendment on Certain Acts, as amended; Act No. 71/1994 on the Sale and Export of Items of Cultural Value, as amended

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

□

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

X	Yes
	No

**Please specify :**

Act No. 20/1987 on National Heritage Management, as amended; Act No. 122/2000, on the Protection of Museum-type Collections and on Amendment to Certain Other Acts, as amended; Act No. 499/2004 on Archives and Records Management and on Amendment on Certain Acts, as amended; Act No. 71/1994 on the Sale and Export of Items of Cultural Value, as amended

**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?**

X	Yes
	No

**Please specify :**

There are two cardinal difficulties concerning returning/ restituting of cultural property: the first is the extensive application of the “good faith holder” that often results either in dismissal of request or conditioning the return/restitution by high financial compensation; the second difficulty are the high costs related to lawsuits.

## 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 Ministry of Culture is in charge of legislation, protection of cultural heritage, standards of movable heritage care including inventorying and export permits/licenses issuing, and the awareness raising addressed to both professionals and the general public. These tasks are partially delegated to national institutions (National Heritage Institute, National Library and others). The Ministry of Culture, represented by the Protection of Cultural Objects Department, also administers and coordinates the agenda of returning/restituting illegally exported cultural property in cooperation with the respective stakeholders (police, customs, National Heritage Institute etc.). The protection of archival heritage is managed by the Ministry of the Interior.

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
X	Customs
	None
	Other (please specify):

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

Police: administration of database of stolen artworks, cooperation with Interpol and Europol, special section for investigation in the field of cultural goods, standard police services etc. Customs: boarder controls, special authority based on the Act. 71/1994 Coll. (export licences)

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

X	Formal coordinating committee, working group, etc.
	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)
	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.

Cooperation is stipulated by the Integrated System of Protection of Movable Cultural Heritage, with a three-level architecture protection, whose parts are mutually interconnected: - legislative measures - financial tools - administrative tools (cooperation between national authorities) Police – administration of database of stolen artworks, cooperation with Interpol and Europol, special section for investigation in the field of cultural goods, standards police services etc. Customs – border controls, special authority based on Act No. 71/1994 Coll. Ministry of Culture – returning / restituting of illegally exported cultural objects, coordination

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

X	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)
	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.

In 1992 the Police of the Czech Republic created and still uses national specialized searching database on stolen artworks which is available in four languages. The information system called SEUD (currently because of some improvements - called PSEUD - Artworks portal evidence system) contains around 20 000 records with photo-documentation about stolen, found and returned artefacts and artworks. Since the beginning, the database could be used by both non-police organisations such as Ministry of Culture of the Czech Republic and Customs of the Czech Republic. Other relevant stakeholders can ask for logged access. The database has been publicly accessible on the internet since 2001 with restricted extent of data. (<http://pseud.policie.cz/wps/portal/>)

## 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 most valuable part of Czech movable heritage - objects listed on the Central List of Cultural Monuments (according to Act 20/1987 Coll.), museum-type collections (according to Act 122/2000 Coll.), historic books in public libraries (According to Act 257/2001 Coll.) and archival items (according to Act 499/2004) - are inventoried and digitized to a considerable extent. Inventorying and / or digitizing of private collections to the extent that corresponds inventorying of the aforementioned types of cultural property represents a challenge.

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

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

There are two national databases of movable cultural property, the List of Cultural Monuments (according to Act 20/1987 Coll.) and the Museum-type Collections Registry (according to Act 122/2000 Coll.) Challenges in the field of inventorying and digitizing of cultural property, and maintaining the databases, are represented mostly by relatively limited financial resources. The challenges concerning inventorying and digitizing of private collections also result from insufficient instruments (both legal and financial) that would encourage it.

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.**

Illegal excavations are dominantly related to prospecting using metal detectors. There are about 20,000 active amateur users of metal detectors in the Czech Republic at present. According to qualified estimates, they may find around 80,000-100,000 archaeological finds every year. Only a very small portion of this number gets to the rightful owner, such as the state, region or local municipality. Most of these objects remain in private collections without being properly treated and recorded (there are no records of the find circumstances) and are subject to illegal trade. Current legal regulations do not offer any specific measures against illegal excavations.

## 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?**

X	Yes
	No

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

In 2018, the Police of the Czech Republic launched a campaign within the frame of the Year of Cultural Heritage. The campaign was focused on promoting the police database of stolen cultural objects PSEUD, and on supporting the use of the database as a tool in preventing the illicit trade in cultural property.

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
	To a considerable extent
X	To some extent
	To no extent

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

X	No specific training on this issue
	Training has occurred in the past, but is not ongoing
	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.

□

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

X	No specific training on this issue
	Training has occurred in the past, but is not ongoing
	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.**

□

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?**

X	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
	Other (please specify) :

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

The Czech Association of Museums and Galleries and the ICOM Czechia have accepted the ICOM Code of Ethics for Museums that implies that all members of these two museum organizations are expected to adhere to it. The Czech version of the Ethics is published on the ICOM Czechia's website. Czech museum professionals are familiar with the Code. However, the state is not authorized to monitor compliance with the Code. The two aforementioned organizations are entitled to monitor and control their members.

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
X	Some follow such practices
	None/only a few follow such practices
	Other (please specify) :

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

Approaches of art and antiquities dealers to the Code depend and vary. The state is not authorized to order them to accept the Code or to monitor whether they act in compliance with the Code, however, the state endeavors to raise awareness in this field.

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

The authorities endeavor to raise awareness in this field, for example by disseminating information on stolen cultural objects. The Czech Ministry of Culture invited a representative of a major player in the art market to participate in the Capacity Building Conference “The European Art Market and Fight against Illicit Trafficking in Cultural Property” organized by UNESCO and the European Commission in March 2018.

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
X	No

## 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.**

The Declaration on Jurisdictional Immunities. The document prepared by the Czech Republic and Austria was signed by the Czech Minister of Foreign Affairs and the Austrian Federal Minister for European and International Affairs on November 18, 2013. The purpose of the Declaration is to strengthen the legal position of States when lending State-owned cultural property for public displays abroad. Since 2013, nineteen more states have joined the Declaration.

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**

No return/restitution of a cultural object illegally removed from the Czech Republic has been realized through applying the 1970 Convention's tools yet. The application of legal and others instruments of the Regulation 2014/60/EU is quite frequent.

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?**

X	Yes
	No

**If yes, please specify**

The Ministry of Culture is the national authority entitled to communicate the cases of illicit trafficking within EU. The IMI platform serves as a highly effective tool in communicating cases of illicit trafficking within EU. Police joined the informal network EU CULTNET in 2016; this facilitates cooperation in this field.

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

See No. 44

## Overall

46. **Yearly statistics**

### Thefts

1st Year reporting	156	Number of objects
Additional information : Additional information: 130 paintings 68 sculptures 58 coins & medals		
2nd Year reporting	440	Number of objects
Additional information : Additional information: 129 paintings 50 sculptures 65 coins & medals		
3rd Year reporting	473	Number of objects
Additional information : Additional information: 118 paintings 45 sculptures 68 coins & medals		
4nd Year reporting	365	Number of objects
Additional information : No additional information		

### Illegal Excavations

1st Year reporting	0	Number of objects
Additional information :		

2nd Year reporting	0	Number of objects
Additional information :		
3rd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	3	Number of objects
Additional information : Additional information: 3 objects seized in Germany		

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

1st Year reporting	9	Number of objects
Additional information : Additional information: 3 objects seized in Austria 6 objects seized in Germany		
2nd Year reporting	4	Number of objects
Additional information : Additional information: 2 objects seized in Austria 1 object seized in Germany 1 object seized in Italy		
3nd Year reporting	2	Number of objects
Additional information : Additional information: 1 object seized in Germany 1 object seized in Italy		
4nd Year reporting	3	Number of objects
Additional information : Additional information: 3 objects seized in Germany		

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

1st Year reporting	1	Number of objects
Additional information : Additional information: 1 object from Slovakia		
2nd Year reporting	0	Number of objects
Additional information : Additional information: 2 objects seized in Austria 1 object seized in Germany 1 object seized in Italy		
3nd Year reporting	0	Number of objects
Additional information : Additional information: 1 object seized in Germany 1 object seized in Italy		
4nd Year reporting	0	Number of objects
Additional information : Additional information: 3 objects seized in Germany		

### Restitutions

1st Year reporting	4	Number of objects
Additional information : Additional information: One of the four objects was obtained based on financial compensation paid to a good-faith holder.		
2nd Year reporting	1	Number of objects
Additional information : Additional information: The object was obtained based on financial compensation paid to a good-faith holder.		

3rd Year reporting	1	Number of objects
Additional information : Additional information: The object was obtained based on financial compensation paid to a good-faith holder.		
4nd Year reporting	1	Number of objects
Additional information : Additional information: The object was obtained based on financial compensation paid to a good-faith holder.		

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 art market			X	
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.).**

The biggest barriers, our country faces in securing the return/restitution of cultural property that has been stolen/illegally exported, are the costs of legal proceedings in other countries, favoring of the "good-faith holders" and complicated communication with authorities outside the EU.

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.).

□

## 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.

The aforementioned UNESCO's tools have been to a certain extent implemented into national laws and / or guidelines.

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

The Czech Republic has uploaded relevant national laws to the UNESCO Database of National Cultural Heritage Laws.

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

A guidelines on practical aspects of sharing information and communicating requests for return/restitution including an online platform would certainly facilitate both communication and returns/restitutions.

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?**

X	Yes
	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.**

Representatives of the Ministry of Culture and the art-buying market participated in the Capacity Building Conference "The European Art Market and Fight against Illicit Trafficking in Cultural Property" organized by UNESCO and the European Commission in March 2018.

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.**

A guidelines on practical aspects of sharing information and communicating requests for return/restitution including an online platform would certainly facilitate both communication and returns/restitutions.

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)?**

No specific use.

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

□