

UNESCO 1970 Convention - Periodic Reporting Form 2019

Respondent Information

Name: Eva Martinez

Position :	Chief of Cultural Heritage
Organization/Agency :	Honduran Institute of Anthropology and History
Country :	Honduras

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 main legal instrument regarding Honduran Cultural Heritage, Cultural Heritage Protection Law (Decree 81-84), was passed in 1984 and written considering the UNESCO 1970 Convention. This Law was slightly reformed in 1997 (Decree 220-97). This Law is applied together with other national laws which consider indirectly the protection of cultural heritage (Municipal Law, Environment Law).

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).

Cultural Heritage Protection Law (1984 and 1997).

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

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

By establishing the Cultural Heritage Protection Law (1984 and 1997).

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

Besides the Cultural Heritage Protection Law, the country has subscribed multilateral agreements (UNESCO's Conventions of 1954, 1970, 1979, 2001), bilateral agreements (MOU between Honduras and the United States, MOU between Honduras Colombia specifically targeting actions against illicit trafficking of cultural properties) as well as regional agreements.

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

X	Yes
	No

Please specify :

The national policy includes the creation of a National Intergovernmental Committee against Illicit Trafficking of Cultural Property which works together to implement actions to prevent and tackled illicit trafficking of cultural property. This Committee is composed of IHAH, Ministry of Defense, Ministry of Interior, Ministry of Education, Public Ministry or Public Persecutor, Ministry of Foreign Affairs, National Direction of Culture, Ministry of Tourism, Attorney General Office, Honduran Episcopal Conference, and Direction of Revenue and Customs, Honduran Municipal Association and ICOMOS-Honduras.

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 Honduran Institute of Anthropology and History (IAAH) is the national institution in charge of the general protection, conservation, research and disseminate information regarding cultural heritage. Within the institution there are specialized units that manage the protection and inventory of archaeological sites as well as the registry and inventory of cultural property from different historical periods. The IAAH also coordinates with other national and international institutions the development of research projects, creation of museums and conservation actions. It also promotes public awareness about cultural heritage through local capacity building activities such as workshops and specialized talks.

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

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

Within the Public Ministry or Public Prosecutor there is an office called the Special Prosecutor for Ethnic Groups and Cultural Heritage which was established in 1994 to investigate and prosecute crimes against cultural property. In order to carry out its duty, the Special Prosecutor for Ethnic Groups and Cultural Heritage counts with specialized personnel who investigates complaints about crimes against cultural heritage properties. These activities are conducted along with legal prosecutors and specialists from the IAAH.

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

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

Though the National Intergovernmental Committee against Illicit Trafficking of Cultural Property. Activities are coordinated among governmental institutions through the National Intergovernmental Committee against Illicit Trafficking of Cultural Property in order to promote inter-institutional collaboration. The Committee meets regularly to address specific issues and make decisions for further actions.

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
X	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.**

The IHAH keeps a national inventory of cultural property in which is indicated whereas the good has been stolen. The IHAH maintains close communication with INTERPOL to update their databases.

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
	Most, but not all, cultural property is inventoried
	Some cultural property is inventoried, but significant gaps remain
X	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.**

Religious institutions in general do not keep their own inventories. The IHAH has carried out this activity in coordination with the Catholic Church. Private Museums do not keep their own inventories either. The IHAH has carried out this activity along with the private museums.

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

X	All/almost all protected cultural property is inventoried
	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.**

According to the Cultural Heritage Protection Law, (Chapter IV, Articles 11, 12, and 13), the IHAH is responsible for the elaboration and updating of the national inventory of cultural properties. The law also establishes that private possession of unregistered cultural property is illicit. Due to this disposition, the IHAH keeps an inventory of registered private collections up to 1997. From that year forward, new private collections are prohibited. The main challenge to keep and monitor the inventory is the lack of enough economic resources and personnel.

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.**

Looting and illicit excavation of archaeological property is a challenge due to the impossibility of creating inventories of archaeological objects before a scientific excavation takes place. Information, public complaints, about looting of archaeological sites is not frequent, so the actual data about looting is underrepresented in the national statistics. Updating and monitoring of the archaeological sites and the archaeological site inventory is a way of protecting the objects. However, this is not done systematically and as periodically as needed due to financial insufficiency.

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.**

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□

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

3	Protection of local archaeological and heritage sites by the public (eg. assistance in monitoring of sites, support in documenting etc.)
3	Return of objects to relevant authorities
4	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?

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	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
X	Other

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

Trainings are sporadic and nonsystematic. Workshops and talks have been provided to custom officers, the police and other agents, in order to promote awareness about the importance of protection cultural heritage and how to recognize objects that might be protected cultural property. Trainings also aim to strengthen communication networks among institutions and agencies related to cultural heritage protection.

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

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	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
X	Other Trainings are sporadic and nonsystematic. Workshops and talks have been provided to custom officers, the police and other agents, in order to promote awareness about the importance of protection cultural heritage and how to recognize objects that might be protected cultural property. Trainings also aim to strengthen communication networks among institutions and agencies related to cultural heritage protection.

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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.**

Because of the legal dispositions of Honduras (Cultural Heritage Protection Law) the acquisition of private collections is prohibited. Museums have adhered to this disposition. Also, the participation of museums in regional networks promoted by ICOM have contributed to the implementation of a code of ethics in line with the principles of the Convention.

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?**

X	All or almost all follow such practices
	Most follow such practices
	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.**

As indicated before, the Cultural Heritage Protection Law prohibits private collections since 1997. Selling and buying national cultural property is not allowed in Honduras. Private museums that hold national cultural heritage are monitored by IHAH periodically to ensure the integrity of the collections, which are part of the national inventory. There are not auction houses in the country.

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

There are not antiquity dealers in the country.

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.

Memorandum of Understanding Between the Government of The United States of America and the Government of the Republic of Honduras Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Columbian Cultures of Honduras. First signed in 2004, amended and extended in 2009, amended and extended in 2014 to include religious objects. In process, the 2019 extension. Bilateral Agreement Colombia and Honduras concerning the prevention of importing, exporting of cultural property. Signed in 2016 In process, bilateral agreements with Ecuador, Perú and México.

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

Being signatories of the Convention has provided strength to the legal procedures particularly in terms of international cooperation and alliances.

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

Honduras is part of different networks of officials who work in institutions or ministries that are responsible for protecting cultural heritage and responsible for specialized units in this area. These networks communicate through the Internet and as such information flows quickly when there has been a theft of cultural property. These networks are composed of Latin American institutions.

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

Basically through the networks themselves.

Overall

46. **Yearly statistics**

Thefts

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting	1	Number of objects
Additional information : Religious Objects		
3rd Year reporting	7	Number of objects
Additional information : Religious Objects		
4nd Year reporting	0	Number of objects
Additional information :		

Illegal Excavations

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting	1	Number of objects
Additional information : No actual looting detected. Illegal excavations linked to construction.		
3nd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	0	Number of objects
Additional information :		

Seizures (cultural objects originating from own country)

1st Year reporting	21	Number of objects
Additional information : Archaeological Objects.		
2nd Year reporting	31	Number of objects
Additional information : Archaeological Objects		
3nd Year reporting	71	Number of objects

Additional information : Archaeological Objects

4nd Year reporting	0	Number of objects
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Additional information :

Seizures (cultural objects originating from another country)

1st Year reporting	0	Number of objects
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Additional information :

2nd Year reporting	0	Number of objects
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Additional information :

3nd Year reporting	0	Number of objects
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Additional information :

4nd Year reporting	0	Number of objects
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Additional information :

Restitutions

1st Year reporting	0	Number of objects
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Additional information :

2nd Year reporting	0	Number of objects
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Additional information :

3nd Year reporting	0	Number of objects
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Additional information :

4nd Year reporting	0	Number of objects
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Additional information :

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.).**

Lack of economic resources to carry out the procedures required for restitutions. Difficulty to prove provenience and property of archaeological objects obtained through looting of archaeological sites since they are not part of the inventories.

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.).**

Lack of economic resources to carry out the procedures required for restitutions. Difficulty to prove provenience and property of archaeological objects obtained through looting of archaeological sites since they are not part of the inventories.

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.**

These tools are difficult to use regarding archaeological objects obtained through looting. Some archaeological objects from Honduras have high international demand but it is hard to prove its provenience since they are not registered because they are looted.

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

We have not.

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

A tool that does not rely solely on an archaeological object's inventory as prove for provenance or property, especially if the objects are not part of known private or museum collection.

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.**

Since the participation in these workshops, a more direct communication has been maintained with other entities of our country linked to the protection of cultural heritage, such as Customs and INTERPOL. Likewise, communication has been strengthened with officials from other countries that oversee the fight against illicit trafficking of cultural property.

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.**

Supporting programs to develop preventive actions (protection and preventive conservation) especially among communities living closely to archaeological sites. Looting and illicit trafficking of cultural property, in the case of Honduras, has a root in socioeconomic problems, so it should not be treated as an isolated issue. Most policies regarding illicit trafficking of cultural property focus on punishing the crime instead of impeding it or develop mechanisms to restraint it. We need more preventive policies.

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

The lack of enough resources is always a main issue to overcome.

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

To the extent of our possibilities and in conjunction with our current legislation.

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

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