

UNESCO 1970 Convention - Periodic Reporting Form 2019

Respondent Information

Name: ivonne naguila calleri

Position :	Referent of Culture Affairs at International Cooperation and Projects Office // Executive Secretariat of the National Committee for the Prevention and Fight against the Illicit Trafficking of Cultural property
Organization/Agency :	Education and Culture Ministry
Country :	Uruguay

Policy and Legislative Framework

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

<input checked="" type="checkbox"/>	Civil Law
<input type="checkbox"/>	Criminal Law
<input type="checkbox"/>	Specific 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)?

<input type="checkbox"/>	Yes
<input checked="" type="checkbox"/>	No

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

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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).

Agreements for protection, restitution of cultural property with Bolivia (Law 18422); Perú (law 19499); Colombia (Law 19499 and 19500); México (Law 18766); Paraguay (Law19.442); Ecuador (date of coming into force:16/10/2013) and there are projects with Chile and Rusia. // There is no specific law for cultural property illicit trafficking, as well as specific aggravating circumstance. Other laws that collaborate with the institutional framework strengthening at national level: 1971 Law 14.040 Creation of the Commission of Historical, Artistic and Cultural Heritage of the Nation. 1987 Law 15.903 Register of works acquired by the State 1988 Law 15.964 Approval of the Convention for the Protection of the World Cultural and Natural Heritage, 1972. 1994 - Res 23/Nov Corporate resolution on export of architectural elements characterized. 2002 - Law 17.473 Creation of the General Registry of the State Property of Works of Plastic Artists 2009 - Law 18362 art.414 Creation of Organized Crime Courts 2012 - Law 19.037 of Museums and the National Museum System 2014 Law 19.293 / 2015 Law 19.334 Office of the Attorney General of the Nation creation and new Criminal Procedure 2017 Law 19.574 Comprehensive Anti-Money laundering law and 378/2018 Decree with reglamentation

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
4	Export controls
4	Export certificates
3	Certificate of authenticity
3	Import controls
3	Establishment of national services
3	National inventory of cultural property
3	Inventory requirements for museums, public institutions, private collections
2	Protection of archaeological sites and regulation of archaeological excavations
1	Public education and awareness raising
3	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
3	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
3	Requirement of register of sales for antique dealers, auction houses, dealers of cultural heritage and art galleries
3	Protection of underwater cultural heritage
1	Regulations regarding the use of metal detectors
2	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)

- 2012 - Law 19.037 of Museums and the National Museum System - Presidential Decree of April 7, 2015 for the accounting of property and works of art owned by the State. - 42/2017 National Committee for the Prevention and Fight against the illicit traffic of cultural property (Memberse: Ministry of Foreign Affairs; General Direction of Cultural Affairs // Ministry of Economy and Finance (National Customs Directorate) // Ministry of Education and Culture (International Cooperation Directorate; National Sistem of Museums; National Heritage Comission) // Interior Ministry (Interpol and Organized Crime Directorate. guest institution: Office of the Attorney General of the Nation)

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 :

Since 2017 a National Committee works on the matter. Through it, we have been working in an articulated way to prevent crimes related to the traffic of cultural property.

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

X	Yes

	No
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Please specify :

It is mandatory to present a customs guide to take out cultural goods from the country
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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.

through the National System of Museums and National Heritage Commission

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
	Public prosecutor
	Customs
X	None
	Other (please specify):

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

□

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
	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.**

The National Committee for the Prevention and Fight against the illicit traffic of cultural property is integrated by: - Chancellery (Cultural Affairs Directorate) - Ministry of Interior (Interpol and Organized Crime Directorate) - Economy Ministry (National Customs Directorate) - Education and Culture Ministry (International Cooperation Directorate; Commission of the Cultural Patrimony of the Nation; National system of museums) The Attorney General's Office also participates as a guest MEC chairs this space that meets a minimum of 6 times a year. Since its creation in 2017: - The procedure for receiving regional alerts and disseminating them has been systematized - Participated in 2 processes of seizure of works of art. - An "alert" document was generated for cases of theft at the national level - Uruguay joined regional alert networks - The 1st national seminar on the subject was held - Interviews were held with key actors to generate new alliances (UNESCO Regional Office, Anti-Lavado Secretariat, Association of Auctioneers, School of Auctioneers)

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
X	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 database is used by officials of the Interior Ministry. It is expected that in 2019 a user will be awarded to the Committee against illicit traffic. It is expected that in 2019 Argentina will provide Uruguay with its work methodology and national base system through a South-South Cooperation project or other financing mechanisms.

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
X	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.**

Law 19.037 requires public or mixed collections to enter the National Registry of Museums and Museum Collections of Uruguay. This implies, among other things, inventories of goods. Registration is voluntary for private parties, although it is recommended because it is a requirement to obtain State support. In turn, the "MESTIZA" platform was created for the registration of museological collections with inventory and cataloging levels. To date, more than 50 museums have been entered. Its administration depends on the National System of Museums. In addition, through the training of culture workers, the National System of Museums seeks to generate inventory habits and raise awareness of their importance.

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.**

xxx

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.**

xxxx

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.**

The Ministry of Education and Culture actively supported the campaign launched by UNESCO "Stop Illicit Traffic" of 2014 (<https://www.mec.gub.uy/innovaportal/v/48435/4/mecweb/%E2%80%9Cstop-traffic-illicit%E2%80%9D?Parentid=253>) Within the framework of the Illicit Traffic Committee, a presentation was made in a national seminar organized by the University of Labor of Uruguay (UTU). It is foreseen in 2019 and 2020 to continue participating in awareness-raising presentations in various instances. Likewise, in its 2019 planning, the Committee plans to generate a dissemination and awareness strategy to reach the general public and some of its main stakeholders.

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

2	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
3	Sharing information on stolen objects with authorities
2	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.

As previously mentioned, in 2018 the 1st Seminar on the subject was held. Among the 120 participants were 7 police workers. It is also important to highlight the support of the UNESCO regional office for the participation of representatives of Uruguay in previous training in Argentina. For example, a representative of Interpol Uruguay participated in a seminar Held in Buenos Aires in 2017.

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.

As previously mentioned, in 2018 the 1st Seminar on the subject was held. Among the 120 participants were 20 customs workers.

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
X	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) : JAVIER responde

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

As a result of the creation of the National System, work has been carried out on the training of technical teams and approval of procedures in accordance with international, local regulations and adherent agreements.

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.**

After the operation Lekhytos (22/6/17) through which there were seized more than 100 archaeological pieces, it was identified the sellers lack of knowledge about UNESCO recommendations (for example for pieces from countries with armed conflict and red Lists). As a result, the association of auctioneers was invited to the 1st national Seminar on the Subject. Also, there were held meetings to generate synergies and a presentation was given to a seminar of auction students. Note that the Committee had just been created. So these facts helped: - to explore an instance of inter-institutional action during and after the police procedure. - Generate a basic institutional training - Contact main actors involved in the cultural goods transit chain.

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

answered above (37)

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

	Yes
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X	No
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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.**

See answer nº4

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**

The restitution of a Murillo piece to Argentina in 2018. Seized and returned within a period of less than 3 months.

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

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

When the Committee was created, the UNESCO Regional Office and the UNESCO Secretariat were informed. In addition, support networks have been created with Committees and national contact points in Latin America

Overall

46. **Yearly statistics**

Thefts

1st Year reporting	4	Number of objects
Additional information : We clarify that the information provided is about cases were the Committee was involved somehow. Not all the cases handled by Interpol. 1) In the context of a complaint by a private individual, the Committee generated a regional alert (for the first in the country) that now is incorporated as part of the process. 2-3) The committee was notified of two other individual complaints 4) The committee received specific consultations from public actors about "possible stolen goods" and procedures to be carried out.		
2nd Year reporting		Number of objects
Additional information :		
3rd Year reporting		Number of objects
Additional information :		
4nd Year reporting		Number of objects
Additional information :		

Illegal Excavations

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting		Number of objects
Additional information :		
3nd Year reporting		Number of objects
Additional information :		
4nd Year reporting		Number of objects
Additional information :		

Seizures (cultural objects originating from own country)

1st Year reporting	0	Number of objects
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Additional information :	
2nd Year reporting	Number of objects
Additional information :	
3nd Year reporting	Number of objects
Additional information :	
4nd Year reporting	Number of objects
Additional information :	

Seizures (cultural objects originating from another country)

1st Year reporting	2	Number of objects
Additional information : Heritage technics participated to treat the pieces: - In the Lekhytos operation were more than 100 pieces of different procedence were siezed (22/7/17) - In the seizure operation were a Murillo stolen from Argentina in 1983 was recovered (31/10/2018)		
2nd Year reporting		Number of objects
Additional information :		
3nd Year reporting		Number of objects
Additional information :		
4nd Year reporting		Number of objects
Additional information :		

Restitutions

1st Year reporting	1	Number of objects
Additional information : The Murillo`s piece siezed was restored to Argentina (11/dec/18)		
2nd Year reporting		Number of objects
Additional information :		
3nd Year reporting		Number of objects
Additional information :		
4nd Year reporting		Number of objects
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 specialists to determinate the authenticity of pieces from some cultures. Lack of budget to get one from the region. Lack of specific or criminal law to streamline legal proceedings (usually they are related with smuggling or other actions that allow the judicialization).

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.).**

Uncompleted legal proceedings

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 Object ID standard is a guide for the museums and collections inventories as well as for the "alert document" generated. ICOM code of ethics is referenced in seminars and training of technical personnel and also is a guide for strategic policy planning and operative plans. Due to the recent creation of the Committee the database as well as the dealers code and all the other documents were fundamental to evaluate our situation, compare with region and reference countries and prioritize actions. During the Lekhytos operative (where more than 100 pieces were seized), the database was very useful to find the implied countries legislation in the matter as a first survey step.

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

Yes. Nevertheless needs updating. The illicit Trafficking Committee could support this action.

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

xxx

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.**

We co-organized the 1st. Uruguayan Seminar "Prevention of Illicit Trafficking in Cultural Goods" (26-27/sep/2018) The Committee President and an Interpol representative, participated in 2017 of a seminar organized by UNESCO in Argentina.

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)?**

- Creating an specific Committee - Advancing with inventories of public collections and promoting same actions between private one. - Promoting cooperation with countries of reference (2016 South Sout cooperation proyect with Bolivia to know their experience. 2019-2020 it is expected to generate a SSC project with Argentina for the methodological transfer of national database) - It is expected that in the next years the customs guide procedure will be completely digital. Being able to upload photographs of the object to be moved (which, on the other hand, will allow the customs officer to compare) and with signature authentication support.

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

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