

COMMITTEE ON OFFENCES RELATING TO CULTURAL PROPERTY (PC-IBC)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods

Type of committee: Subordinate body

Terms of reference valid from: **1 March 2016 until 31 December 2017**

MAIN TASKS

Under the authority of the European Committee on Crime Problems (CDPC), in close co-operation with the Steering Committee for Culture, Heritage and Landscape (CDCPP), and on the basis of drafts prepared by the Secretariat, the Committee shall prepare a draft Convention superseding and replacing the European Convention on Offences relating to Cultural Property (ETS No.119), as well as its draft Explanatory Report.

PILLAR/SECTOR/PROGRAMME

Pillar: Rule of Law

Sector: Strengthening the rule of law

Programme: Development and implementation of common standards and policies

SPECIFIC TASKS

- (i) The Committee shall ensure that the draft Convention deals, inter alia, with the following issues:
- Definition of cultural property;
 - Criminalisation of behaviour which has the potential to harm cultural property;
 - Criminalisation of illicit destruction of cultural property;
 - Criminalisation of trafficking in cultural property;
 - Prevention of offenses relating to cultural property;
 - International co-operation.
- (ii) The Committee shall ensure that the substantive criminal law provisions of the draft Convention are worded in such a way that they can be effectively implemented by States Parties and enable national criminal law provisions based on the draft Convention to be sufficiently clear and precise, so that individuals may ascertain which conduct constitutes a criminal offence.
- (iii) The Committee shall ensure that the aforesaid draft instrument is fully compatible with already existing, relevant international and supranational legally binding standards.
- (iv) The Committee shall consider the previous and current work carried out in this field by the relevant international and supranational organisations, notably the United Nations Educational, Scientific and Cultural Organisation, the European Union and the International Institute for the Unification of Private Law, as well as the previous work of the Council of Europe in this area.
- (v) In its work, the Committee should take into account the human rights and rule of law standards of the Council of Europe, the relevant jurisprudence of the European Court of Human Rights, as well as the best practices of member States and other international organisations and initiatives.
- (vi) In its work, the Committee should take into account the documents "Model provisions for Council of Europe criminal law conventions" and "Elements for an explanatory report".

COMPOSITION

Members:

Governments of member States are invited to designate one or more representatives with recognised expertise in the relevant field of criminal law and cultural property.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Members of the Committee appointed by Governments of member States shall have one vote each. Where a government designates more than one member, only one of them is entitled to take part in the voting.

Participants:

The following may send representatives without the right to vote and at the charge of their corresponding administrative budgets:

- the Parliamentary Assembly;
- the European Committee on Crime Problems (CDPC);
- the Committee of Experts on Terrorism (CODEXTER);
- the Steering Committee for Culture, Heritage and Landscape (CDCPP);
- the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL);
- other Council of Europe intergovernmental committees as appropriate.

The following may send representatives without the right to vote and without defrayal of expenses:

- the European Union;
- States with observer status with the Council of Europe (Canada, Holy See, Japan, Mexico, United States of America);
- the United Nations Educational, Scientific and Cultural Organization (UNESCO);
- the United Nations Office for Drugs and Crime (UNODC);
- the Organisation for Security and Co-operation in Europe (OSCE);
- the International Criminal Police Organisation (INTERPOL);
- the International Institute for the Unification of Private Law (UNIDROIT).

Observers:

States having been invited by decision of the Committee of Ministers to participate in the negotiations may send representatives without the right to vote or defrayal of expenses.

External consultants:

In its work, the PC-IBC shall be assisted, within the limits of its budgetary appropriations, by four scientific experts, with specific knowledge of relevant legislation and legal practice, of international standards and conventions relating to matters related to cultural properties and of recent developments in research and practice in the States.

The Council of Europe budget will bear their travel and subsistence expenses.

WORKING METHODS

Plenary meetings:

48 members, 2 meetings in 2016, 4 days.

48 members, 2 meetings in 2017, 4 days.

The Committee shall report to the Bureau of CDPC on a regular basis. The Bureau of CDPC may issue instructions to the Committee with regard to its work.

The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.