
Legal Issues Connected With Cultural Heritage in the Practice of the European Court Of Human Rights

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Abstract

Citizenship rights are the set of rights that every human being has as a citizen and must be respected by others, that is, other citizens and the government. By definition, a citizen is a person who has the rights and privileges granted in the constitution, which in fact is a social position in which a person enjoys freedom of expression and equality before the law on the one hand, and the right to political participation on the other hand. That is, the right to vote and to form a party and trade union, etc. Citizenship rights can be related to human rights in some ways, in such a way that people who live in the same land have equal rights due to being human and also to the reason that mankind has a series of basic rights is the development of citizenship rights. This article is devoted to problems related to cultural heritage in cases considered by the European Court of Human Rights. Authors investigate decisions and judgments of this judicial institution in the relevant cases, including the cases involving the alleged violation. It is concluded that, due to the apparent reluctance of this judicial institution to recognize the existence of the individual right to protection of cultural heritage and/or access to it and its enjoyment on the basis of the existing provisions of the 1950 Convention, it is desirable to adopt a new Protocol to this treaty which will enshrine at least the right of everyone to take part in cultural life (which, in turn, includes the right to access to and enjoyment of cultural heritage).

Keywords: Citizenship rights, Human Rights, European Court, law, human rights, cultural Heritage.

Introduction

International society is increasingly acknowledging the cultural heritage's multifaceted significance, which extends far beyond the cultural sphere itself. A growing amount of focus is being placed on issues related to, among other things, the legal protection of cultural heritage, both globally and locally. The Council of Europe has established the most comprehensive legal framework addressing these issues. A

sizable number of conventions pertaining to the preservation of cultural heritage have been signed under the auspices of this regional international organization, and it has also adopted numerous pertinent "soft law" documents. The Council of Europe therefore places a high priority on protecting cultural heritage.

The establishment of the rule of law, democracy, and respect for human rights are also among this international organization's overarching political and social objectives. The latter is particularly noteworthy [1-2]. Public law discusses the rules governing government organizations and the relations of its affiliated organizations with the people and organizes government organizations. From the field of law, if the researcher intends to compare and

adapt two different systems with each other, he should use the comparative method. It is in the comparative method that the researcher, while examining the advantages and disadvantages of the two systems, finally provides suggestions and solutions. For example, if a researcher intends to conduct a research on "lack of centralization of power in Iran's legal system and compare it with the French system", he should first examine both systems in terms of structure and duties, and then state the merits and demerits of both systems

Methods

A review article is a type of article that reviews the background of a scientific topic. In review articles, the results presented in scientific writings about a specific topic are summarized and evaluated. This type of article may examine anything, it is designed to summarize, analyze and evaluate information that has already been published. In such articles, experimental and new findings are rarely reported. Review articles have a well-defined narrative, are usually critical, and should provide theoretical and emerging interpretations. The important role of review articles is to guide original scientific writings. For this reason, it is essential that the citations provided are accurate and complete.

Results and Discussion

Given the significance the Council of Europe places on cultural heritage, it is imperative to call attention to the fact that the 1950 Convention neither establishes nor generally provides for any rights that are specifically related to cultural heritage [3, p. 118]. Some provisions of this treaty, such as Articles 8, 10, 11, and 14 (Prohibition of Discrimination), may still be applicable in light of such rights. 118; 4, p. 919]. In accordance with Protocol No. It's also important to mention Article 1 of the Convention (the right to education) [5; 3, p. 118].

Additionally, despite having already reviewed a number of cases involving cultural heritage, the European Court has yet to affirm the existence of an individual right to the preservation of cultural heritage based on the current provisions of the Convention [4, p. 919-920]. As an illustration, in the *Sylogos Ton Athinaion v. In its ruling on the United Kingdom*, the ECtHR noted that the applicant had neglected to cite any instances [6]. It should be noted that many of the cases involving cultural heritage that the ECtHR examined involved the alleged violation of Article 1 of Protocol No. Property Protection Clause, Article 1 of the Convention, i. e. It could be said that the Court prioritizes tangibly represented cultural heritage. According to this article, the right to property is a fundamental freedom that is essential for realizing one's potential [7, p. 162]. The aforementioned provisions do not limit the rights of States to ensure compliance with such laws as they deem necessary to regulate the use of property in accordance with the gene.

The three clauses listed above are recognized as three distinct rules by the ECtHR [8, p. 528; 9, p. 112]. Additionally, in accordance with Court precedent, these regulations correspond to three different types of property rights interference: the taking of property; restrictions on how it is used; and other interferences with property rights. The general principle of property protection, i.e., any restriction on this right, should also be taken into account. e. According to Protocol No. 1's first clause of Article 1, 1 [9, p. 112]. It's also important to note that the disputed article does not grant the right to acquire property; rather, it only addresses interferences with already-existing property rights. Still, Art. In Protocol No. If there is a reasonable expectation (and not just a hope) of obtaining a specific property right [10, paras. 35-61]. The article in question is not retroactive, which is another important point to make [7, p. 163].

The issue of the exceptions mentioned in Article 1 of Protocol No. will be covered further. 1 that permit States to restrict the rights outlined in this article when doing so serves the greater good. It should be noted that the ECtHR generally leans toward considering almost any State policy related to protecting the public interest as legitimate. This strategy is based on the Court's presumption that national authorities are better qualified to judge what is and is not in the public interest in a given State [7, p. 163]. In light of this, it would seem natural that in the cases the ECtHR considered involving cultural heritage and the alleged violation of Article 1 of Protocol No. The Court maintained its stance that the State is an "advocate" of the group interest in the preservation of cultural heritage and access to it [3, p. 120]. Thus, in these situations, the ECtHR acknowledged that the public (collective) interest in protecting cultural heritage is a legitimate Objective when States interfere with the rights enshrined in the Convention [11, p. 160; 3, p. 118]. This appears

to be accurate: Protocol No. 1's Article 1's provision for the right to property. 1, by definition, permits deviation from the public interest [12, p. 176]. It is important to note that the foregoing enables us to speak of a certain opposition between the individual right to property and, for instance, the collective dimension of rights related to cultural heritage. The protection of cultural heritage can be seen as a worthwhile public goal to pursue, provided that human rights, including property rights, are not adversely and/or arbitrarily affected. It should be noted that the Court adheres to this concept in these cases [13, p. 47].

One such case is *Beyeler v. In Italy*, one of the most well-known cases the ECtHR has considered in relation to cultural heritage, the Court acknowledged the existence of a "common interest" in open access to the "heritage

of all nations," which can serve as a foundation for State control of private property protected in accordance with Article 1 of Protocol No. 1 of works of art, for instance [4, p. 920]. In this case, the issue was whether the laws of Italy regarding the control of the export of works of art and the pre-emptive right to purchase them were compatible with the rights of private property. In this instance, the Court determined that Italy had failed to strike a fair balance between private property rights and communal interests because it had not used its right of pre-emptive purchase for more than four years. As a result, Article 1 of Protocol No. 1 Italy had disregarded Article 1 [7, p. 163]. Notably, the Court in this case addressed, among other things [14] and mentioned that, in accordance with it, in some cases, a priority should be given to the connection between the work of art and the country of its origin [15, para. 113].

The individual right to freely dispose of cultural property was also restricted by the ECtHR, as seen [16-17]. Since the Court's decisions were based on the collective right to the preservation and access of cultural heritage, it can be inferred that the ECtHR believes that States should limit cultural heritage property rights in order to protect the interests of the community of citizens who should have access to this heritage, rather than the State's own political interests [3, p. 119].

The ECtHR also sided mainly with the States [3, p. 19], which concerned the broad context of the use of cultural heritage, its management, and preservation. [18-19]. It is significant to note that the Court in the second case mentioned emphasized the necessity of a specific division of the duty to ensure access to cultural heritage, which serves a significant social function, and to protect it between public authorities and private owners of such objects. This division should be equitable, though, as the owner of these objects has duties to the public in addition to rights [11, p. 178-179].

Additionally, it is important to note the rulings rendered by the ECtHR in the cases of *Potomska and Potomski v. Poland* [20], *Debelianov v. Bulgaria* [21] and *Kozaciolu v. Turkey* [22] that are representative of the Court's upholding of the rights limitations that (limitations) were related to the preservation of cultural heritage [3, p. 119].

However, the ECtHR determined that Article 1 of Protocol No. 1 had been broken in each of these three cases. I'll use *Kozaciolu v. Turkey* as an example. Turkey, it should be noted that according to the Court's case law, the amount and terms of compensation are crucial factors in determining whether the applicant was subjected to an excessive burden as a result of the interference with their right to property. More specifically, the compensation should fairly match the value of the expropriated property. In this instance, the Court determined that neither the building's rarity nor its architectural or historical features had been taken into consideration by the State when determining the amount of compensation for the expropriation of a structure designated as cultural heritage [7, p. 162]. At the same time, the ECtHR also made note of the fact that "legitimate objectives of public interest" permit withholding some or all of the owner's compensation for the expropriated object [3, p. 119-120]. This case is significant for a second reason: the Court acknowledged in it that State authorities have a duty to preserve cultural heritage and made reference to the policies outlined in the 1985 Convention for the Protection of the Architectural Heritage of Europe [22, para. 54; 23].

The ECtHR provided a similar justification, for instance, in the decision in the case of *Doangil v.*, citing its judgment in the case previously mentioned. The State failed to consider a building's rarity, as well as its architectural and historical features, when determining the amount of compensation for its expropriation, as was the case in *Turkey* [24], which involved similar circumstances. In the current instance, however, the Court determined that the complaint was inadmissible because it was obviously unfounded. The ECtHR was motivated to do this, among other things, by the fact that the applicant had previously missed the deadline for filing an appeal with the domestic court, which had left him without the chance to obtain compensation that was significantly higher than what had already been granted to him [24, para. 67], as well as by the fact that the applicant's final compensation award from the domestic court was not materially less than his eligibility for the maximum award [24, para. 69]. Among the instances involving alleged violations of Protocol No. 1's Article 1 and cultural heritage, in our opinion. *Waldemar Nowakowski v. United States*, one of the cases the Court considered, is of particular note. Restitution of those items that could be legally returned to the owner would be the most appropriate form of Compensation, according to Poland, where the ECtHR found a violation of this article [25]. The decision in this

case will have a significant impact on how the ECtHR protects rights pertaining to cultural heritage in the future. This is explained by the fact that the Court did more than just apply Protocol No. 1's Article 1 in its analysis. I. appreciating the "sentimental" value of one's personal cultural heritage, in this case, a collection of antiquated weapons from the Second World War and earlier. We can therefore conclude that the ECtHR highlighted the significance of the individual right to make use of one's cultural heritage when it is at odds with the public (collective) interest in the protection of cultural heritage and access to it [11, p. 179].

However, generally speaking, based on the aforementioned analysis of the cases that the ECtHR considered involving cultural heritage and the alleged violation of Article 1 of Protocol No. 1, it should be noted that while this article does restrict States' ability to act freely in protecting cultural heritage, it does not pose an

insurmountable challenge in this regard [9, p. 126]. Furthermore, in the cases under consideration, the State was regarded by the Court as the "advocate" of the aforementioned collective interest, as already mentioned. Simultaneously, in this context, one can discern the general contours of a certain cultural heritage right, which was, however, not directly recognized by the ECtHR (since in nearly all of the cases discussed above, it confined itself only to the strict application of Article 1 of Protocol No. 1 [26, p. 12]). This is a collective right to the broadest public access to cultural heritage that is exercised by the State [15, para. 113; 3, p. 120]. . Regarding the cases the ECtHR considered involving cultural heritage and other articles of the Convention, it should be noted that in the case of *Akdaş v. the European Commission*, the Court addressed the idea of cultural heritage independently of its relationship to the right to property. [27] *Turkey*. Additionally, this case was related to an instance in which the State had been defending morals rather than the collective interest in the preservation of cultural heritage and access to it, which suggests that the State may occasionally prioritize some other values above this interest [3, p. 121]. According to its facts, the applicant, a book publisher, had published a 1907 erotic novel by the French author Guillaume Apollinaire. For this, the applicant was sentenced to a heavy fine, and the State seized the entire print run of the books. When it comes to the "literary heritage of Europe," the ECtHR stated in its ruling in the case under review that the State's freedom of action in protecting morals is subject to limitations by the public interest in access to cultural heritage (we can say that, thus, the Court simultaneously raised the issue of intangible cultural heritage) [3, p. 121]. According to the ECtHR's ruling [27, para.], a work that is a part of this literary heritage cannot be withheld from a group of people who speak that group's native tongue—in this case, Turkish. 30]. In light of this, the ECtHR determined that Article 10 of the Convention had been broken in this instance. The Court also took into account other complaints involving cultural heritage, where it was alleged that Protocol No. 1 (or of a violation that goes beyond just this article). For instance, the Church of Cyprus alleged that Turkey violated Articles 9 in the 2010 complaint it filed against Turkey [28] because the Turkish Cypriot authorities allegedly prevented the Church and its parishioners from conducting religious services in places of worship in Northern Cyprus on a consistent basis. In addition, a transgression of Protocol No. 1 was asserted as a result of the alleged inability to use or gain access to Church-owned religious sites that are situated on ground under the control of Turkish Cypriot authorities. The ECtHR dismissed this complaint because it found that domestic remedies had not been used up [7, p. 164]. Additionally, the *Cangi v. Article 10 of the Convention* (Freedom of expression) was allegedly violated by Turkey [29] in the context of the freedom to receive information guaranteed by this article. The case that was being looked at involved the issue of flooding the remains of a bygone Roman settlement called Allianoi close to Bergama during the construction of the Yortanlı Dam. In this situation, the applicant had made an attempt to have the Turkish government's decisions regarding these archaeological sites, including the decision to flood them, reviewed by a court. This attempt was unsuccessful. The applicant filed a complaint with the ECtHR alleging that Turkey had violated Article 10 of the Convention by refusing to give him the minutes of the meeting of officials where the project to preserve the Allianoi ruins and the dam construction were discussed. The applicant claimed that during this meeting, members of the regional council for the preservation of cultural and natural heritage had been coerced into supporting the construction of the dam and, as a result, the flooding of these archaeological sites. Providing the applicant with the minutes of such a meeting is in the public interest, the ECtHR found in its ruling that there had been a violation of Article 10 [29]. It should be noted that this case emphasizes the significance of participatory processes (including decision-making processes) affecting cultural heritage [31] and the 2000 Council of Europe Landscape Convention [30]. It can also be inferred that in some circumstances, the Court is able to support interested parties in taking part in such processes [4, p. 921]. However, it is still important to recognize the ECtHR's limited recognition of cultural heritage rights. The case of *Ahunbay and Others v. Turkey* [32], whose facts resemble the case under consideration above quite a bit. *Ahunbay and Other Parties v. Turkey* was involved in the construction of the Iisu Dam on the Tigris River, which resulted in the flooding of many historic sites, including the ancient city of Hasankeyf and some of its more than 6,000-year-old cultural artifacts. In the past, the Turkish government had categorized them as "Category I protected sites" [33], which include, for instance, ancient Mesopotamian ruins.

As participants in local archaeological projects, the applicants initially complained to the ECtHR about Turkey, Austria, and Germany, alleging violations of Articles 1, 2, 5, 9, 10, and 19 of the Convention as well as Article 2 of Protocol No. 1 [34, p. 106]. The complaint was apparently filed because the group of businesses in charge of carrying out the dam project included, among others, Austrian and German firms [35, para. 94]. The applicants claimed that the destruction of the aforementioned archaeological heritage, which needs to be the focus of numerous studies, would violate their right to knowledge about their cultural heritage and their obligation to transmit that knowledge to subsequent generations [33]. In its ruling from June 21, 2016 [33], while the complaint against Turkey was made pursuant to Articles 8 [35, paras. 95-96].

Summary

However, the Court also ruled in January 29, 2019, that the complaint against Turkey was inadmissible. The ECtHR determined that, in accordance with current international legal standards, rights related to cultural heritage are only protected if they belong to minorities and indigenous peoples [32]. This is true even though it took into account other international legal instruments when interpreting the Convention and acknowledged a common European and international understanding of the need to protect access to cultural heritage. Regarding the progression of the events that gave rise to the squabble, the historic city of Hasankeyf was eventually completely flooded in 2020 [31, Art. 4]. Today, the relationship between law and culture and how to deal with legal culture are two important issues in legal science, which perhaps lawyers have paid less attention to, but other social sciences understand this issue in dealing with legal science. Undoubtedly, the change of societies from monocultural to multicultural has caused culture to become a controversial legal issue that requires careful analysis and investigation. Therefore, in our view, rights related to cultural heritage are protected not only if they belong to minorities and indigenous peoples, but also if they belong to any person, in accordance with contemporary international legal norms (which also existed at the time of the ECtHR's decision under discussion).

Conclusions

From the legal point of view, cultural heritage is known as the leaven of preservation, survival and prestige of any country in the current world. This component can provide the economic, scientific and social development of the country. Cultural heritage in any country is the basis for the emergence of a sense of connection and solidarity among the people of a country. This sense, which today is referred to as the sense of national identity, has found a much more important and colorful role in the current chaotic world than in previous decades, and is one of the factors and components of the soft power of countries today. We are considered Every nation and government finds the possibility of identifying and restoring its national identity by looking at its historical and cultural past and thereby guarantees its continuity and survival. In addition, reviewing and republishing the cultural heritage of any country can lead to strengthening the sense of self-confidence among the people of that country and can lead to self-confidence among their heritage owners and as a result, the field of promotion, the sense of creativity and innovation for provide future generations. As a result, the cultural heritage has been and will continue to be damaged in many cases. Given the interdependence of all categories of human rights, such a protocol would also definitively address the issue of relative vulnerability of cultural rights under the Convention as a whole, which has a significant effect on the effective realization of civil, political, economic, and social rights.

Collective memory and common geographic environment. To regulate and determine the conditions of coexistence that arise from the same environment and language, law faces important problems. The duty of the law in this case is to specify the areas of coexistence. In other words, the law must determine the coexistence environment and its boundaries and prevent those boundaries from being broken. This university lecturer continues: Another aspect of culture is material culture. According to sociologists, material culture means the level of technical (technological) development and economic connection. For example, European culture refers to the level of technical development and methods of cooperation, growth and economic integration that are specific to Europe and different from what exists in other parts of the world. Of course, economic and technical structures are very diverse and their impact is not always the same. Another component of culture is shared feelings and emotions. In fact, culture includes attachments, hatreds, fascinations, aversions and definitions of "us" and "them" that are not necessarily based on traditional differences, beliefs or economic and coexistence conditions. So when people think about their cultural affiliations, they realize that they cannot be explained in terms of beliefs, traditions or economic interests. As a result, since culture is not an integrated unit, there is no specific relationship between culture and law.

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Bibliography

- [1] Recommendation of the Committee of Ministers to member States on the European Cultural Heritage Strategy for the 21st century. 22 February 2017. CoE Doc. CM/Rec (2017)1.
- [2] Convention for the Protection of Human Rights and Fundamental Freedoms (4 November 1950) // *Sobranie zakonodatel'stva Rossiiskoi Federatsii*. 8 January 2001. No. 2.
- [3] Bieczyński M. The 'Right to Cultural Heritage' in the European Union: A Tale of Two Courts // *Cultural Heritage in the European Union: A Critical Inquiry into Law and Policy* / ed. by A.
- [4] Jakubowski, K. Hausler, F. Fiorentini. Leiden; Boston: Brill Nijhoff, 2019.
Craufurd Smith R. Europe // *The Oxford Handbook of International Cultural Heritage Law* / ed. by

- [5] F. Francioni, A.F. Vrdoljak. Oxford: Oxford University Press, 2020.
Protocol [No. 1] to the Convention for the Protection of Human Rights and Fundamental Freedoms (20 Marh 1952) // *Sobranie zakonodatel'stva Rossiiskoi Federatsii*. 8 January 2001. No. 2.
- [6] *Sylogos Ton Athinaion v. the United Kingdom* (app. no. 48259/15): decision of the European Court of Human Rights of 31 May 2016. URL: <http://hudoc.echr.coe.int/eng?i=001-164309> (date of access: 14.10.2021).
- [7] Chechi A. *The Settlement of International Cultural Heritage Disputes*. Oxford: Oxford University Press, 2014.
- [8] *European Human Rights Law: Text and Materials* / ed. by M.W. Janis, R.S. Kay, A.W. Bradley. 3rd ed. Oxford; New York: Oxford University Press, 2008.
- [9] Michl F. *The Protection of Cultural Goods and the Right to Property Under the ECHR* // *Cultural Heritage and International Law: Objects, Means and Ends of International Protection* / ed. by E Lagrange, S. Oeter, R. Uerpmann-Witzack. Cham, Switzerland: Springer, 2018.
- [10] *Kopecký v. Slovakia* (app. no. 44912/98): judgment of the European Court of Human Rights of 28 September 2004. URL: <http://hudoc.echr.coe.int/eng?i=001-66758> (date of access: 14.10.2021).
- [11] Jakubowski A. *Cultural Heritage and the Collective Dimension of Cultural Rights in the Jurisprudence of the European Court of Human Rights* // *Cultural Rights as Collective Rights: An International Law Perspective* / ed. by A. Jakubowski. Leiden: Brill, 2016.
- [12] Lenzerini F. *The Tension between Communities' Cultural Rights and Global Interests: the Case of the Māori Mokomokai* // *Cultural Heritage, Cultural Rights, Cultural Diversity: New Developments in International Law* / ed. by S. Borelli, F. Lenzerini. Leiden; Boston: Martinus Nijhoff Publishers, 2012.
- [13] Vadi V. *Cultural Heritage in International Investment Law and Arbitration*. Cambridge: Cambridge University Press, 2014.
- [14] *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (14 November 1970) // *Sbornik mezhdunarodnykh dogovorov SSSR*. Vol. XLIV. Moscow, 1990. P. 506–513.
- [15] *Beyeler v. Italy* (app. no. 33202/96): judgment of the European Court of Human Rights of 5 January 2000. URL: <http://hudoc.echr.coe.int/eng?i=001-58832> (date of access: 14.10.2021).
- [16] *Ruspoli Morenes v. Spain* (app. no. 28979/07): judgment of the European Court of Human Rights of 28 June 2011. URL: <http://hudoc.echr.coe.int/eng?i=001-105400> (date of access: 14.10.2021).
- [17] *Buonomo Gärber and Others v. Italy* (app. no. 63783/00): decision of the European Court of Human Rights of 20 May 2003. URL: <http://hudoc.echr.coe.int/eng?i=001-44223> (date of access: 14.10.2021).
- [18] *SCEA Ferme de Fresnoy v. France* (app. no. 61093/00): decision of the European Court of Human Rights of 1 December 2005. URL: <http://hudoc.echr.coe.int/eng?i=001-71783> (date of access: 14.10.2021).
- [19] *Albert Fürst von Thurn und Taxis v. Germany* (app. no. 26367/10): decision of the European Court of Human Rights of 14 May 2013. URL: <http://hudoc.echr.coe.int/eng?i=001-121103> (date of access: 14.10.2021).
- [20] *Potomska and Potomski v. Poland* (app. no. 33949/05): judgment of the European Court of Human Rights of 29 March 2011. URL: <http://hudoc.echr.coe.int/eng?i=001-104145> (date of access: 14.10.2021).
- [21] *Debelianov v. Bulgaria* (app. no. 61951/00): judgment of the European Court of Human Rights of March 2007. URL: <http://hudoc.echr.coe.int/eng?i=001-79945> (date of access: 14.10.2021).
- [22] *Kozacioğlu v. Turkey* (app. no. 2334/03): judgment of the European Court of Human Rights of 19 February 2009. URL: <http://hudoc.echr.coe.int/eng?i=001-91413> (date of access: 14.10.2021).
- [23] *Convention for the Protection of the Architectural Heritage of Europe* (3 October 1985). European Treaty Series - No. 121.
- [24] *Doğangil v. Turkey* (app. no. 38322/15): decision of the European Court of Human Rights of 16 March 2021. URL: <http://hudoc.echr.coe.int/eng?i=001-209385> (date of access: 14.10.2021).
- [25] *Waldemar Nowakowski v. Poland* (app. no. 55167/11): judgment of the European Court of Human Rights of 24 July 2012. URL: <http://hudoc.echr.coe.int/eng?i=001-112305> (date of access: 14.10.2021).
- [26] Francioni F. *The Human Dimension of International Cultural Heritage Law: An Introduction* // *European Journal of International Law*. 2011. Vol. 22. No. 1.
- [27] *Akdaş v. Turkey* (app. no. 41056/04): judgment of the European Court of Human Rights of 16 February 2010. URL: <http://hudoc.echr.coe.int/eng?i=001-97297> (date of access: 14.10.2021).
- [28] *Chrysostomos v. Turkey* (app. no. 66611/09): decision of the European Court of Human Rights of 4 January 2011. URL: <http://hudoc.echr.coe.int/eng?i=001-103100> (date of access: 14.10.2021).
- [29] *Cangi v. Turkey* (app. no. 24973/15): judgment of the European Court of Human Rights of 29 January 2019. URL: <http://hudoc.echr.coe.int/eng?i=001-189753> (date of access: 14.10.2021).

- [30] Council of Europe Landscape Convention (as amended by the 2016 Protocol) (20 October 2000). European Treaty Series - No. 176.
- [31] Council of Europe Framework Convention on the Value of Cultural Heritage for Society (27 October 2005). Council of Europe Treaty Series - No. 199.
- [32] Ahunbay and Others v. Turkey (app. no. 6080/06): decision of the European Court of Human Rights of 29 January 2019. URL: <http://hudoc.echr.coe.int/eng?i=001-191120> (date of access: 14.10.2021).
- [33] Ahunbay and Others v. Turkey (app. no. 6080/06): summary of the decision of the European Court of Human Rights of 21 June 2016. URL: <http://hudoc.echr.coe.int/eng?i=002-11251> (date of access: 14.10.2021).
- [34] Drazewska B. Hasankeyf, the Ilisu Dam, and the Existence of “Common European Standards” on Cultural Heritage Protection // *Santander Art and Culture Law Review*. 2018. Vol. 4. No. 2.
- [35] Ahunbay and Others v. Turkey (app. no. 6080/06): decision of the European Court of Human Rights of 21 June 2016. URL: <http://hudoc.echr.coe.int/eng?i=001-165187> (date of access: 14.10.2021).
- [36] International Covenant on Economic, Social and Cultural Rights (16 December 1966) // *Byulleten' Verkhovnogo Suda Rossiiskoi Federatsii*. 1994. No. 12.
- [37] Kinney E.D. The International Human Right To Health: What Does This Mean For Our Nation And World? // *Indiana Law Review*. 2001. Vol. 34.
- [38] Report of the independent expert in the field of cultural rights, Farida Shaheed. UN Doc. A/HRC/17/38. 21 March 2011.
- [39] General comment No. 21 of the Committee on Economic, Social and Cultural Rights: Right of Everyone to take part in cultural life (art. 15, para. 1 (a), of the International Covenant on Economic, Social and Cultural Rights). UN Doc. E/C.12/GC/21. 21 December 2009.
- [40] Universal Declaration of Human Rights (10 December 1948) // *Rossiiskaya gazeta*. 10.12.1998. No. 235.