



OKTATÁSI ÉS KULTURÁLIS MINISZTERIUM
KÖZGYŰJTEMÉNYI FŐOSZTÁLYVEZETŐ

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Subject: Hague Convention of 1954,
National Report

via

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Permanent Delegation of the Republic of Hungary to UNESCO

Paris

Dear Madam Deputy Head of Department,

According to the information contained in the letter we have received from you, the Permanent Delegation of the Republic of Hungary to UNESCO in Paris has indicated that UNESCO, in its letter to the *National Committees*, has requested the sending by 31 March 2010 of a report on the implementation of the 1954 Hague Convention and its Protocol, also making a request for the necessary information to be provided with due consideration for the given criteria.

Art 3 of HC

At the Ministry for Education and Culture it is the Department for Public Collections which is entrusted with the task of overseeing responsibilities with respect to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, in co-operation with the Department of Cultural Heritage Protection and Coordination.

The Republic of Hungary promulgated the Convention and its Protocols in conjunction with the following legal instruments:

- Law Decree 14 of 1957 on the promulgation of the international Convention, dated Hague, 14 May 1954, for the Protection of Cultural Property in the Event of Armed Conflict, which was adopted together with a Protocol (prohibiting the export of cultural property from occupied territory) (The Protocol became effective on 16 November 1956, pursuant to III. 10., subsection (b) of the said Law Decree)



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- Act XXIX of 2006 on the promulgation of the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and on the amendment of Act IV of 1978 of the Penal Code

Pursuant to the provisions of legal instruments, the Minister for Culture is responsible, in agreement with ministers entrusted with the competency of addressing pertinent issues – i. e. the Minister of Defence as stipulated by Act XXIX of 2006 – for the implementation of the aforementioned legal instruments and of the Convention and its two Protocols.

The Minister for Culture was additionally authorized via Act XXIX of 2006 to issue a decree that includes:

a) the list of cultural property subject to special protection on the territory of the Republic of Hungary pursuant to Article 8 of the 1954 Hague Convention for the Protection of Cultural Property in the event of Armed Conflict, and the list of cultural property subject to special protection on the territory of the Republic of Hungary, pursuant to Article 10 of the Second Protocol thereto,

b) the international compendium of cultural property subject to special protection mentioned under Section 6 of Article 8 in the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, as well as the list of cultural property subject to special protection mentioned in Paragraph (b) Section 1 of Article 27 in the Second Protocol.

In compliance with the said authorisation, Decree No. 29-2007 (VII. 23.) OKM, on the international compendium of cultural property subject to special protection, was issued by the Minister for Education and Culture-

Art. 25

The dissemination of the Convention and the Protocols is facilitated by the fact that, as part of the promulgation of legal instruments, they are in the public domain and are continuously available on the world wide web under Act XC of 2005 on the Freedom of Electronic Information and as stipulated by Government Decree 225/2009 (X. 14.) on electronic publishing as part of public service as well as access thereto.

Resolution II

Pursuant to section I. 1.8. (i) of PART ONE of Directive 3/2009. (IX.4.) issued by the Ministry of Education and Culture on the promulgation of the by-laws of the Ministry for Education and Culture, the minister is personally responsible for running the Hungarian Advisory Committee to ensure international protection for cultural property. The members of the aforementioned committee are invited via the Undersecretary for Culture by the minister to partake in committee work; those invited are outstanding theoreticians and practitioners of the profession. The committee is currently still in the formative stage. (Regulation with respect to the said committee was previously contained in a statutory measure, i.e. Decree 2/1958 (III. 9.) MM, issued by the Ministry for Education and Culture on the forming of a Hungarian advisory committee to ensure the international protection of cultural property. This, however, was rendered ineffective – with due consideration to constitution-related criteria related to issues of legal source and legislation – by Decree 29/2008 (VII. 23.) OKM of the Ministry of Education and Culture on the international compendium of cultural property subject to special protection.



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Article 28 HC / Art 15 2P

With respect to punitive measures and those related to public administration along with disciplinary sanctions imposed in the event of the violation of the said Convention and its Protocols, Act XXIX of 2006 added on the definition of the legal fact pertaining to a new act of crime as Article 160/B to Act IV of 1978 on the Penal Code, which punished *violation of the international protection of cultural property*. (The English language version of the original text has been appended to the Annex.) Additionally, pursuant to Article 146 of Government Decree 218/1999 (XII. 28.) on individual legal misdemeanours, failure to comply with duties related to cultural property in general falls within what is known as a broader category of infringement. Disciplinary regulations with respect to the responsibility of soldiers in the Hungarian Army are subject to separate legislation stipulating the legal standing of the said individuals (Act XCV of 2001).

We also wish to indicate that the Parliament of the Republic of Hungary has, under reference number T/11467, tabled a bill on World Heritage drafted by the Minister for Education and Culture and submitted on behalf of the Government on December 8, 2009.

Finally, we ask the Honourable UNESCO Delegation if they could provide information with respect to the content of the national reports submitted to UNESCO by other states that are signatories to the Convention.

Budapest, April 2010

Sincerely yours,

Annamária Víg, PhD

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CC: Addressee

Archives