

2011-2012 National Report of Greece on the Implementation of the 1954 Hague Convention and its two Protocols

I. The 1954 Hague Convention

1. Article 3 – Safeguarding of cultural property

This Article provides for the obligation of the High Contracting Parties to adopt relevant peacetime safeguarding measures against the foreseeable effects of an armed conflict.

Have you undertaken such measures?

YES: X

NO:

If yes, please provide more specific information.

Recognizing the necessity to protect its cultural property in the event of armed conflict, Greece has created, by law, a special Directorate in the Ministry of Education, Religious Affairs, Culture and Sports, General Secretariat of Culture, pertaining to this exclusive purpose. This Directorate, operating within the greater scheme of civil defense - headed by the Ministry of National Defense - has elaborated specific emergency plans. The mentioned plans concern the protection (by the term 'protection' are meant all aspects of safeguarding, safekeeping, and safe transfer) of cultural property and follow closely the provisions of the Hague Convention and the adjacent Protocols. It should be noted that "cultural property" is herewith understood as per the Article 1 of the 1954 Hague Convention.

2. Article 7 – Military Measures (in peace time)

This Article provides for the obligations of the High Contracting Parties to introduce into their military regulations or instructions provisions that may ensure observance of the Convention, as well as to plan or establish within their armed forces services or specialists whose purpose will be to secure respect for cultural property.

(i) Have you introduced such provisions into your military regulations and instructions?

YES: X

NO:

If yes, please provide more specific information.

The Regulation of Armed Forces provides for the obligation of all militaries to respect and not destroy heritage monuments and works of art and culture during military operations.

(ii) Have you created such services or appointed specialists in your country?

YES:

NO: X

If yes, please provide more specific information.

Up to date there has not been any establishment of services within the armed forces with the specific purpose to secure respect for cultural property. However, such a possibility is being examined.

3. Chapter V – The distinctive emblem

Do you mark cultural property with the distinctive emblem of the Convention?

YES:

NO: X

If yes, please provide more specific information.

If not, please state the reasons you have not done so.

The emblem has not been used given that up to date movable and immovable cultural property has not been placed under special or enhanced protection.

4. Article 25 – Dissemination of the Convention

Knowledge of the laws of armed conflict is of capital importance for the civilian and military personnel required to apply them. Have you disseminated the provisions of the Convention within armed forces as well as among target groups and the general public?

YES: X

NO:

If yes, please provide more specific information.

The Hellenic Ministry of Education and Religious Affairs, Culture and Sports, General Secretariat of Culture, has carried out the translation of the information kit on the Hague Convention and its two Protocols. The objective of this translation is to disseminate the text of the Convention to individuals or bodies responsible for the protection of cultural property. Until now it has been distributed to regional services of the Ministry, which are competent for the protection of cultural heritage, and to the members of the National Advisory Committee on the implementation of the Convention.

The translation of the information kit will also be sent to the Ministry of National Defense in order to be disseminated within the Armed Forces. Moreover, a high-ranking military officer represents the above-mentioned Ministry in the National Advisory Committee of the Hague Convention.

If not, please state the reasons you have not done so.

5. Article 26(1) – Official translations

To date, the Secretariat has received 32 official translations of the Convention and of the Regulations for its execution (Arabic, Azerbaijani, Bulgarian, Burmese, Cambodian, Chinese, Czech, Danish, Dutch, Estonian, Finnish, German, Hebrew, Hungarian, Greek, Italian, Japanese, Kyrgyz, Latvian, Lithuanian, Montenegrin, Nepali, Norwegian, Persian, Polish, Romanian, Serbo-Croatian, Slovak, Slovenian, Swedish, Thai, and Turkish).

Have you officially translated the Convention and the Regulations for its execution?

YES: X

NO:

If yes, could you please provide the Secretariat with an electronic copy of the translation, if you have not already done so?

6. Article 28 – Sanctions

This Article provides for the obligations of the High Contracting Parties to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the Convention.

Have you introduced this provision into your penal code?

YES:

NO: X

If yes, please provide more specific information.

If yes, we would be grateful if you could kindly provide the Secretariat with a copy of the relevant provision(s) in English or French.

II. Resolution II of the 1954 Conference

Have you established a national advisory committee in accordance with the wish expressed by the Conference in Resolution II?

YES: X

NO:

If yes, please provide more specific information.

Greece has established since 2002 a National Advisory Committee on the implementation of the Convention, in accordance with Resolution II to the Convention. The Committee was recently reestablished with the Ministerial Decree YPPOT/DOEPY/TOPYNS/28897/27.3.2012. Its current synthesis is as follows: 9 members from the Ministry of Education and Religious Affairs, Culture and Sports, General Secretariat of Culture, 1 member from the Ministry of Foreign Affairs, 1 member from the Ministry of National Defense and 1 member from the Ministry of Public Order and Citizen Protection.

Is such a committee a part of the national commission on the implementation of international humanitarian law?

YES:

NO: X

The National Advisory Committee is not a part of the national commission on the implementation of international humanitarian law. However, the Ministry of Education & Religious Affairs, Culture & Sports/General Secretariat of Culture and the Ministry of Foreign Affairs are members of both the National Advisory Committee and the national commission on the implementation of international humanitarian law.

III. 1954 (First) Protocol (to be filled in only by the High Contracting Parties party to the 1954 Protocol):_

The Protocol provides for the obligation of the High Contracting Parties to prevent the exportation of cultural property from a territory occupied by it and requires the return of such property to the territory of the State from which it was removed.

Have you complied with this provision? In particular, have you implemented its provisions in your national legislation?

YES:

NO: X

Have you have taken into custody cultural property imported into your territory from an occupied territory?

YES:

NO: X

If yes, please provide more specific information, including what steps you have taken to return this property at the close of a conflict.

IV. The 1999 Second Protocol (to be filled in only by the States party to the 1999 Protocol):_

1. General provisions

Article 5 - Safeguarding of cultural property

Article 5 of the Second Protocol complements Article 3 of the Hague Convention by providing concrete examples of peacetime preparatory measures, such as the preparations of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

Have you undertaken these preparatory measures?

YES: X

NO:

If yes, please provide more specific information.

Designation of competent authorities responsible for the safeguarding of cultural property.

The principal state body responsible for the protection, preservation and enhancement of cultural heritage is the Archaeological Service of the General Secretariat of Culture of the Ministry of Education and Religious Affairs, Culture and Sports. It is structured in two levels, central and regional.

The Central Service is divided into several Directorates and Departments and has the overall supervision of issues concerning cultural heritage. The Regional Services, called Ephorates of Antiquities, are geographically distributed all over the country and are responsible for cultural property within the area of their competence.

There are, also, special Regional Services, such as Museums, Archaeological Institutes or Ephorates dealing with more specialized issues (e.g. underwater antiquities, speleology etc).

Also, the Ministry of Environment, Energy and Climate Change is responsible to list and protect cultural properties, such as traditional settlements, individual listed buildings, etc. In addition, the protection of the cultural environment at all stages of town and country planning, environmental and development plans or plans of equivalent effect is under the Ministry's competence.

Recording of monuments

According to the archaeological legislation (Law 3028/02 «On the Protection of Antiquities and the Cultural Heritage in general») all monuments, movable and immovable, should be recorded and documented in a National Archive of Monuments.

The Organogram of the Ministry of Education and Religious Affairs, Culture and Sports, General Secretariat of Culture stipulates the documentation of cultural property at both central and regional level. The competent Service at central level is the Directorate of the National Archive of Monuments, which is, among others, responsible for keeping a standing inventory of archaeological sites, historical places and monuments, for its publication, for keeping, coordinating and managing the electronic registration and digitalization of the archive.

In this context, the Directorate of the National Archive of Monuments has drafted the Standing List of Archaeological Sites and Monuments of Greece, which is available in two languages, Greek and English and accessible to the public through the following address: <http://listedmonuments.culture.gr> . Furthermore, it has undertaken large-scale projects concerning the digitalization of the cultural heritage of Greece.

At a regional level, the Ephorates keep inventories (digital and/or in print) of archaeological finds discovered at systematic and rescue excavations, of archaeological research and of documentation material in general.

In addition, another Directorate of the General Secretariat of Culture, the one of Modern Culture, is competent, *inter alia*, for registering the tangible evidence of contemporary culture with historical, artistic or scientific value, as well as all evidence of pre-industrial and industrial periods.

(ii) Article 9 – Protection of cultural property in occupied territory

Article 9 of the Second Protocol complements the provisions in Article 5 of the Hague Convention by imposing a number of prohibitive measures on the occupying power. If applicable, please describe the implementation of such measures.

2.Enhanced protection (Chapter 3)

The Second Protocol establishes an enhanced protection regime for cultural property, provided that the property is cultural heritage of the greatest importance for humanity, is properly protected by administrative and legal measures, and is not and will not be used for a military purpose or to shield military sites.

Do you intend to request the granting of enhanced protection for a cultural property?

YES: X

NO:

) Do you intend to use the distinctive emblem to mark cultural property under enhanced protection?

YES: X

NO:

If not, please state the reasons you have not done so.

3. Articles 15 and 21 - Serious violations of this Protocol and measures regarding other violations, respectively

Article 15 obligates Parties to establish certain acts listed under its first paragraph as criminal offences under domestic law and to make them punishable by appropriate penalties.

Article 21 obligates Parties to adopt relevant legislative, administrative or disciplinary measures to suppress any intentional use of cultural property, illicit export, or other removal or transfer of ownership of cultural property from occupied territory, in violation of the Hague Convention or the Second Protocol.

Have you penalized each of these offences and adopted the above-mentioned measures?

YES:

NO: X

If yes, please provide more specific information.

If not, please state the reasons you have not done so.

Greece intends to proceed to the penalization of such acts. In this context, it should be noted that according to Law 3028/02, destruction, damage or alteration of a monument, as well as theft or embezzlement of monuments are punishable acts (articles 56, 53 and 54 respectively). The same law prohibits the exportation of cultural property from the country (article 34) and includes penal sanctions for the illegal export (article 63) and the non-return of cultural property pursuant to international conventions in force to which Greece is a Party (article 65).

4. Article 16 – Jurisdiction

Have you taken the necessary measures to establish jurisdiction over offences mentioned in Article 15?

YES:

NO: X

If yes, please provide more specific information.

5. Articles 29 (The Fund for the Protection of Cultural Property in the Event of Armed Conflict), 32 (International assistance) and 33 (Assistance of UNESCO)

Are you currently receiving international assistance from the Fund?

YES: NO: X

If yes, please describe the project for which funds were received.

Are you currently providing or planning to provide international or technical assistance on a bilateral or multilateral level?

YES: X NO:

If yes, please provide more details.

If not, please state the reasons you have not done so.

To the extent feasible, Greece is willing to provide technical assistance to countries in post-conflict situation. In 2006 the Greek State provided 100.000 euros as financial support for the restoration of the Church of Panagia Lieviska in Kosovo.

6. Dissemination (Article 30)

Article 30 calls for, among other things, the strengthening of the appreciation and the respect for cultural property, the dissemination of the Protocol and the establishment of military instructions, training and communication facilities.

Please describe the measures taken concerning the above-mentioned obligations.

Provisions of article 30 of the Second Protocol are implemented in parallel and through the same actions taken for the implementation of article 25 of the Convention (see above the relevant question I.4 for the Hague Convention)

Awareness-raising as an important component of our country's policy for the protection of monuments, is stipulated by L. 3028/02, which provides (article 3) the following:

- a) facilitation of access of the public and contact of the public with cultural heritage,
- b) integration of heritage in modern social life and
- c) education and sensitization of the citizens concerning cultural heritage.

This policy is carried out, among others, by the following actions:

- Elaboration of various educational programs in archaeological sites and museums.

- Provision of free passes or reduced tickets for special groups of citizens.
- Opening of museums, archaeological collections, monuments and archaeological sites to the public, free of charge on special dates.
- Organization of special cultural events in museums, monuments, archaeological sites etc.

7. The Fund for the Protection of Cultural Property in the Event of Armed Conflict

Have you contributed to the Fund?

YES:

NO: X

If yes, please provide detailed information concerning your contribution.

If not, would you consider the possibility of contributing to the Fund in the future?

YES:

NO: X

In the present financial circumstances, we do not consider it possible to contribute to the Fund.

8. National focal point

Please provide us with the name and address of a single national focal point for all official documents and correspondence related to the implementation of the Second Protocol.

- **Papathanassiou Artemis**

Legal Advisor A'
 Special Legal Department
 Ministry of Foreign Affairs of the Hellenic Republic
 10 Zalocosta Street
 Athens 10671
 Tel.: +30 210 3683657
 Fax: +30 210 3683611
 e-mail: artipap@mfa.gr

- **Ersi Brouskari**

Archaeologist
 Head of Department of Greek & Foreign Scientific Institutions, Organizations & International Issues
 Directorate of Byzantine and Post-Byzantine Antiquities
 Ministry of Education & Religious Affairs, Culture & Sports of the Hellenic Republic
 General Secretariat of Culture
 20-22 Bouboulinas Street, Athens 10682

Tel.: +30 2131322525
 Fax: +30 210 8201404
 e-mail: b2.dbmm@culture.gr

● **Konstantina Benissi**

Archaeologist
 Department of Greek & Foreign Scientific Institutions, Organizations &
 International Issues
 Directorate of Prehistoric & Classical Antiquities
 Ministry of Education & Religious Affairs, Culture & Sports of the Hellenic Republic
 General Secretariat of Culture
 20-22 Bouboulinas Street, Athens 10682
 Tel.: +30 210 3321730
 Fax: +30 210 8201417
 e-mail: txs.dpkar@culture.gr

Other issues related to the implementation of the Hague Convention and its two Protocols

The Secretariat would appreciate it if you could provide us with a copy of the following documents in English and/or French:

- the relevant administrative civilian and military regulations;
- national laws on the protection of cultural property as well as penal provisions not covered by Article 28 of the Hague Convention and Articles 15, 16, 21 of the Second Protocol; and, Case-law on the protection of cultural property related to the implementation of the Hague Convention and its two Protocols.

Law 3028/02 “On the Protection of Antiquities and Cultural Heritage in general” is available on UNESCO Database of National Cultural Heritage Laws.

V. Official Translations of the Second Protocol to the 1954 Hague Convention

To date, the Secretariat has received 18 official translations of the Second Protocol (Armenian, Brazilian Portuguese, Burmese, Croatian, Czech, Danish, Dutch, Estonian, German, Greek, Italian, Japanese, Latvian, Nepali, Persian, Romanian, Slovak and Slovenian).

Have you officially translated the Second Protocol?

YES: X

NO:

If yes, could you please provide the Secretariat with an electronic copy of the translation, if you have not already done so?