



United Nations
Educational, Scientific and
Cultural Organization



Convention for the Protection of
Cultural Property in the Event
of Armed Conflict

Four-year cycle 2013-2016

Czech Republic

National report on the implementation of the Hague Convention of 1954
and its two Protocols (1954 and 1999)

Contents

I. Hague Convention of 1954	3
1. Article 3 - Safeguarding of cultural property	3
2. Article 7 - Military measures	3
3. Use of the distinctive emblem to indicate cultural property (Chapter V)	4
4. Article 25 – Dissemination of the Convention	5
5. Article 26 (1) – Official translations	8
6. Article 28 – Sanctions	8
II.	8
Resolution II of the Conference of 1954	8
III. 1954 First Protocol	9
IV. 1999 Second Protocol	9
1. General provisions (Chapter 2)	10
Article 5 - Safeguarding of cultural property	10
Article 9 - Protection of cultural property in occupied territory	10
2. Enhanced protection (Chapter 3)	10
MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION	11
3. Criminal responsibility and jurisdiction (Chapter 4)	11
Article 15 – Serious violations of the Second Protocol	11
Article 16 – Jurisdiction	12
Article 21 – Measures regarding other violations	13
4. Dissemination of information and international assistance	13
Article 30 – Dissemination	13
Articles 32 – International assistance	14
5. Official translation of the 1999 Second Protocol to the Hague Convention of	14
1954	14
V. Miscellaneous questions regarding the Hague Convention of 1954 and its two Protocols	14
1. National focal point	14
2. National practice regarding the implementation of the Hague Convention and its Two Protocols	15
3. The Fund for the Protection of Cultural Property in the Event of Armed	16
Conflict (Article 29 of the Second Protocol)	16
VI. Self-assessment forms	17
VII. Granting of enhanced protection – Opinion Survey	18

I. Hague Convention of 1954

1. Article 3 - Safeguarding of cultural property

This article sets out the obligation for High Contracting Parties to adopt in time of peace the appropriate safeguarding measures against the foreseeable effects of an armed conflict.

Have you adopted such measures?

Yes. General protection of cultural property is governed by the Act No. 20/1987 Coll., on State Heritage Preservation. This law sets for the owner and the user of the protected cultural property various duties applicable even in the event of an armed conflict. Most important such duties are: to protect the property from destroying, damage, loss of value or theft. The owner and the tenant are furthermore obliged to use the property in a way corresponding to its importance, value and technical state. State authorities are supervising the observance by the owners/users and have the right to impose fines or prohibit activities inconsistent with the maintenance of the property. MoC is at present working on the principles for the new Act to replace the Act No. 20/1987. This new law will also regulate the marking of the real estate under protection of the Hague Convention and its Protocols.

For the museum collections, the relevant rules are established in the Act No. 122/2000 Coll., on the Protection of Museum Collections. Apart from other duties, the owner has to protect the collection from damage and enable the marking of the building housing the collection with the international emblem to protect the collection in the event of an armed conflict. The marking foreseen by this Act has however not been launched yet. The Act provides for the monetary contribution from public budget to cover the owner's costs resulting from the compliance with international obligations of the Czech Republic (including from the Hague Convention and its Protocols).

The Ministry of Culture (MoC) adopts the Methodic for Elaboration of the Plan of Protection of Cultural Property. The Methodic consists of three parts, covering the protection of the cultural property (excluding the museums and the libraries), protection of the museums and galleries and the protection of the libraries and documents. This Methodic has been (by a Regulation No. 328/2001 Coll.) incorporated into the Integrated Rescue System (operation of police, ambulances, fire-fighters) and should serve as the basis for preparation of Plans for Protection of Cultural Property by the regional governments.

2. Article 7 - Military measures

This article sets out the obligations of High Contracting Parties to introduce into their military regulations or instructions such provisions as may ensure observance of the Convention. As well as the preparation or establishment, within their armed forces, of services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding it. These obligations must be implemented in time of peace.

*Have you introduced into your **military regulations or instructions** such provisions as may ensure observance of the Convention?*

If this information is available in a previously submitted report, you may refer to it.

Yes. The requirement to comply with the International Humanitarian Law (IHL) is contained in the Act on Professional Soldiers No. 221/1999 Coll., as well as at number of internal normative documents and quasi-normative documents of strategic, operational and tactical nature.

According to § 48 para 1 f) of the Act on Professional Soldiers No. 221/1999 Coll., the primary duties of a member of armed force include inter alia an obligation to observe the law, international humanitarian law (IHL) and international treaties. This obligation also includes the observance of the 1954 Hague Convention and both its Protocols.

The same rule together with an obligation not to misuse the distinctive emblem is embodied in the Ground Order for the Armed Forces of the Czech Republic issued in 2001 [Chapter 1, Section 6 Para 35 and 38]. The Ground Order was jointly approved by the President of the Czech Republic (as Commander in Chief of the Czech Armed Forces) in order to regulate the activities and relations within military; it represents binding normative document for all members of the armed forces of the Czech Republic.

Furthermore, the requirement to comply with IHL as well as express requirement to protect cultural and historical property is contained in the Order for the Ground Forces of the Czech Army (para 49, para 123, para 400). The Order was issued in 1997 and represents internal normative act which is legally binding to all military personnel within the Czech Armed Forces. In para 189 this Order furthermore expressly provides prohibition of the misuse of the distinctive sign for cultural property and in its Annex 1 additionally contains complex information about IHL, such as its purpose, requirement to train armed forces and explanation of the key notions and IHL basic principles. The Annex also expressly requires to protect and safeguard cultural and historical property with respect to definition of civilian objects, in relation to the requirement for the armed forces to provide specific protection to these objects and with respect to acknowledgement of the distinctive sign blue shield and sign of three smaller blue shields in a triangle.

Other documents requiring armed forces to comply with IHL and to protect cultural property are of quasi-normative and doctrinal nature. For instance Doctrine of the Czech Army issued in 2010, which defines strategic and operational grounds for preparation and conduct of military operations, emphasize the requirement to conduct operations according to IHL, to this end sets up limits for planning of the operations and for the use of military force (precautions in the attack etc.). In this respect it specifically lists IHL basic principles such as principle of distinction (safeguard cultural property), military necessity, humanity and proportionality. This doctrine serves as a basis for further development of these principles at tactical level of command.

Finally, it is worth to mention existence of the Handbook of the Czech Soldier issued in 2015 by the Military Academy in Vyškov. This Handbook is not legally binding normative document but from IHL point of view it has a great dissemination value as it serves as complex document explaining rights and obligations of the Czech soldier in a very descriptive and comprehensive manner. The Handbook contains a detailed portion about IHL (nature, purpose, basic principles and rules, prohibited means and methods of warfare etc.).

Have you established within your armed forces, services whose purpose will be to secure respect for cultural property?

Yes. Military Legal Advisers of the Czech Armed Forces serves as legal advisers according to requirement of the Article 82 of the First Additional Protocol to the Geneva Conventions. Therefore they are responsible for the training, dissemination and application of IHL within their headquarter unit. Military Legal Advisers of the Czech Armed Forces are assigned to HQs from a battalion level. Furthermore, International Law Department of the Ministry of Defence is tasked with coordination of all IHL issues, therefore civilian legal advisers working at this department closely cooperate with military legal advisers at General Staff of the Czech Republic, as well as with the Ministry of Culture on expert issues of strategic importance.

3. Use of the distinctive emblem to indicate cultural property (Chapter V)

The Hague Convention of 1954 created a distinctive emblem for the exclusive marking of cultural property with the aim of ensuring its recognition, particularly in the event of armed conflict. The marking of cultural property constitutes one of the preparatory measures that may be taken in time of peace.

*Have you **indicated cultural property** through the use of the distinctive emblem of the Convention?*

Yes. The Czech Republic has been working on the list of cultural properties which should enjoy general protection under Chapter I of the Convention. Taking the position of the Ministry of Defence into account, the list of cultural properties will be used for the need of operational planning and field deployment of the Czech Army in order to ensure the implementation of the Hague Convention.

4. Article 25 – Dissemination of the Convention

The regulations relating to the protection of cultural property in time of war must be incorporated into programmes for military, and where possible, civil training. The aim is to ensure that the principles of the Convention are made known to the whole population, and especially the armed forces and personnel engaged in the protection of cultural property.

*Have you **disseminated the provisions of the Convention** within the armed forces as well as among target groups and the general public?*

Yes. The Ministry of Defence of the Czech Republic ensures education and training for its armed personnel in line with the Geneva Conventions and Hague Convention requirements to disseminate LOAC.

At the strategic level it is the International Law Department of Czech Ministry of Defence that is in charge of coordination of all IHL activities within the Ministry. In this respect and in cooperation with the Czech Red Cross organizes 2x per year specialized IHL training for members of the armed forces or Ministry civilian personnel, called “Basic Course on Law of Armed Conflict”. Furthermore, based on actual requirement the Ministry of Defence organizes specialized IHL seminars.

In 2016 there have been organized following seminars:

- In November in cooperation with British Embassy in Prague prepared specialized IHL seminar for newly recruited military legal advisers;
- In April in cooperation with Embassy of the United States in Prague and Defense Institute of International Legal Studies prepared seminar for military legal advisers of the Czech Republic and other member states of the Visegrad Group.
- In March specialized seminar on international law on detention for members of Military Police.

At the operational level training in the IHL is conducted according to training plan designed by the commander of each headquarter. As a minimum every year all military professionals receives 2 hours of refreshing LOAC lectures. Such training is either conducted by commander’s legal adviser or law of armed conflict instructor.

Training at tactical level is mainly effectuated at Training Command – Military Academy in Vyškov (Military Academy). Military Academy as specialized training headquarter is responsible for providing basic and specialized training for military professional. The IHL training is based on the qualitative and quantitative requirements given at the strategic and operational levels.

Furthermore, LOAC is taught at Defence University in Brno which provides university-level education for Czech military professional personnel. Basic IHL information is also provided to students of Military Secondary School in Moravská Třebová.

Structurally training is divided into individual and unit training. LOAC training is included at all rank levels. However, its scope and intensity varies from newly recruited military personnel over to corps of non-commissioned officers and commissioned officers up to middle command posts. This modular process ensures that every military professional is trained in IHL

commensurate with the degree of their responsibility and operational role.

Currently, there is no specialized training for military professionals focused solely on training in protection of cultural property in event of armed conflict. Information about protection of cultural property with direct references to applicable rules is provided to all military personnel mainly within the description of the principle of distinction (attacks are allowed only to military objectives) and with respect of planning of military operations and precautions in attack. What constitutes military objective is discussed into detail in theoretical part of LOAC education and further applied in practice during field training of units. Furthermore, protection of cultural property is discussed with relation to issue of protective and distinctive emblems. Emblem of “blue shield on white ground” is discussed and explained in terms of what it means for conduct of military operations, protection of objects and when and under which circumstances objects marked with this emblem may lose this protection.

IHL training is conducted mainly in form of lectures using Power Point presentations and other technical means enabling replay of video sequences, and instructional movies like ICRC’s Fighting by the Rules etc. Basic LOAC principles are in form of various scenarios included into practical field training of units. Instructors are also focusing on commenting real cases resulting from their own experience in foreign military operations and lessons learned from the recent armed conflicts. Such forms of lectures are frequently accompanied by introducing a hypothetical/real complex case with several different questions.

In support of LOAC training for armed forces the Czech Republic uses following material:

- A leaflet about Hague convention on protection of cultural property in event of armed conflict issued by UNESCO and translated to the Czech language issued by CZE MOD in 2000.
- A booklet “Respect norms of international humanitarian law”. This booklet illustrates how to behave in situation of armed conflict (contains information about “blue shield”).
- Fight it Right handbook issued by the ICRC and translated into the Czech language and issued by the CZE MOD in 2008. It contains LOAC theory, test, practical scenarios for work in syndicate and CD.
- Handbook on the Law of War for Armed Forces written by Frédéric Mulinen and issued by ICRC. In 1991 this Handbook was translated into Czech language and issued by the CZE MOD. In 2017 it was updated and re-issued.
- A book “International Humanitarian Law” written by JUDr. Jiří FUCHS, PhD., issued in 2008.
- A book “International Humanitarian Law” issued in 2010 and written by the Czech specialists on international law such as prof. Šturma, dr. Bílková, dr. Ondřej etc., and other specialists such as president of the Czech Red Cross dr. Jukl or UNESCO programme specialists JUDr. Hladík.

Training in IHL for NATO operations is conducted in accordance with STANAG 2449 ed. 2, which established for military professionals deployed to NATO/NATO-led operation a minimum standard of training in LOAC. This relates to topics that should be covered, as well as depth of the training as it describes what are the objectives of the training and what are the training principles (e.g. basic level for all military personnel, advanced training for commanders, specialized training for certain functions, such as medical personnel, legal advisers etc.). The Czech Republic adopted STANAG 2449 ed.2 in 2013 and in 2016 it was fully implemented into military regulation (Vševojsk-2-17). The whole standardization agreement was translated into the Czech language in order to ease dissemination and enhance LOAC training.

The Czech Republic also actively promotes the provisions of the Convention and the Protocol and strives to increase the awareness of this aspect of cultural property protection among professionals and general public. The Czech Committee of the Blue Shield has been established and operates in the Czech Republic as a non-profit national organisation of the International Committee of the Blue Shield. The Czech Republic also organises training of heritage management professionals focused on international conventions including The Hague Convention and its Protocols. These courses are organised by the National Heritage Institute and they form an integral part of the professional skills training.

Czech Commission for UNESCO, Czech Committee ICOM and Czech Commission of Blue Shield organized an expert seminar entitled "*The measures preventing illicit cultural heritage export from Iraq and Syria*" in September 2015 in Prague. Further activities will be developed mainly among Czech authorities ICOM, UNESCO and the Czech police. The outcome of the seminar showed that the Czech Republic can offer its expertise to the world and will do so in particular via UNESCO and ICOM.

The protection of cultural property is also dealt with, inter alia, an Integrated Rescue System consisting of individual bodies of the Integrated Rescue System, which have their specific competencies. During the years 2013–2016 the General Directorate of Fire Rescue Service of the Czech Republic (Mol - DG FRS CR) continued in project of methodological assistance to improve the fire protection of cultural heritage. There was a special seminar in 2014 organized in cooperation with the Fire Rescue Service of the Czech Republic (FRS CR) and the National Heritage Institute (NHI), guarantors of this problematics in the Czech Republic. The seminar was for selected members of the FRS CR and NHI and it was focused on rehabilitation and reconstruction of monuments (Hořovice). Second seminar in 2016 was focused on current trends in the field of ensuring and selecting appropriate fire safety equipment to the monuments (Ostrava, Hlučín).

On the initiative of Mol-DG FRS CR there was an expert conference for professionals and representatives of state administration and local self-government called "*Pyromeeeting 2013*" in Brno with the theme "*Fire protection of historical monuments*".

These activities led to organize major international conference „*Bridges to fire protection of cultural heritage*“, which took place in Prague in 2015. This conference was organized by the Mol-DG FRS CR in cooperation with NHI, FRS of capital of Prague and National Museum Prague under the auspices of the Minister of Interior Milan Chovanec and the Minister of Culture Daniel Herman. Its aim was to inform about the condition of fire protection of the monuments in Czech Republic and to deepen the cooperation of administrative authorities, owners and operators of the historical buildings and to learn the trends in the protection of historical buildings against fire and its effects, in the Czech Republic and in selected European Union Member States.

Every year since the 2012 the FRS CR carries out continual controls in historical buildings. Categories of the controls are - castle or chateau, church and other buildings, f. e. open air museum. During the control the FRS CR provides information about possibilities and trends of protection against fire and its spreading.

By the end of 2014 one hundred major national cultural monuments was examined in cooperation with NHI. Findings of this examination are published by the FRS CR as „*Report on fire protection conditions of cultural heritage*“ (October 2014), which contains recommendations to increase the level of fire protection of monuments. The document was approved by the Government Resolution no. 92 on 9th of February 2015. Based on the findings was also created NHI methodology "*Fire protection of historical buildings*" within the research project VG20132015116 "*Methodology and database of fire protection of historical buildings*" financed by the Security Research Program of the Czech Republic BV II/2-VS in 2012-2015. The methodology has been certified by the FRS CR in April 2015 (Certificate no. 4/2015 CERO).

The cooperation with organizations ensuring the education of professionals for the design and construction of buildings still continues (f. e. Czech Chamber of Chartered Engineers and Technicians) and new connections are being built with organizations and interest groups active in the field of monumental protection.

In 2013 the church institutions were also addressed in the field of protection of cultural monuments.

Within the cooperation between FRS CR and NHI a *plan for the implementation of examination and tactical exercises of fire protection in the major national cultural monuments* managed by the NHI was created and approved in late 2016. Its aim is to mitigate the consequences of fire as well as other possible emergencies.

*Within this framework, what **awareness-raising activities** have you organized, and what awareness-raising activities do you plan to organize in the future? Please indicate the target groups for each activity.*

No answer.

5. Article 26 (1) – Official translations

The Secretariat has received a certain number of official translations of the Convention and of the Regulations for its execution. For reference, please consult:

[Language versions of the Hague Convention and its 1954 Protocol](#)

Does your country have its national translation(s) there?

Yes.

6. Article 28 – Sanctions

This article sets out the obligations of 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 established as criminal offences under your domestic law conduct contrary to the obligations set out by the Convention?

Yes. The information, including wording of relevant provisions of the Criminal Code of the Czech Republic, is available in the previous report.

II. Resolution II of the Conference of 1954

*Have you established a **National Advisory Committee** in accordance with the hope expressed by the Conference in its Resolution II?*

No such special national advisory committee exists in the Czech Republic. However, Commission for International Humanitarian Law, which was established in 2011 (inter-ministerial body for the issues relating to or stemming from the IHL), puts on its regular agenda items relating to the Hague Convention and its two Protocols.

III. 1954 First Protocol

[To be completed by the High Contracting Parties to the 1954 Protocol only]

The main objective of the 1954 Protocol is the protection of cultural property in occupied territory. As such, it organizes, among others, a system of:

- taking into custody;
- return of illegally exported cultural property; and
- finally indemnity to the holders in good faith.

*Have you adopted **measures to implement** the 1954 First Protocol? In particular, have you adopted national legislation providing for the custody of cultural property imported either directly or indirectly from any occupied territory?*

Yes. Return of illegally exported cultural property

The legal framework of the return of illegally exported cultural property:

- *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970, the Czech Republic is a state party*
- *Directive 2014/60/EU of the European Parliament and of the Council on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No. 1024/2012 (recast; Council Regulation No. 116/2009 on the export of cultural goods) that has been transposed into the Czech law by the Amendment of the Act No. 101/2001 Coll. On the return of illegally exported cultural property. The amendment came into force on 21 December 2015.*

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

Yes. Taking into custody:

In 2015, the Czech National Museum restored a collection of sculptures originated from the National Museum of Afghanistan. Before being returned to Afghanistan, the objects were presented at the exhibition Afghanistan – Rescued Treasures of Buddhism in the Czech National Museum.

The National Museum currently prepares a similar project, this time aimed at the preservation of monuments in Syria.

The Czech Republic also continues in the successful programmes supporting preservation of Iraqi cultural heritage hand in hand with the UNESCO initiatives in this respect. Representatives of the High Commission for Erbil Citadel Revitalization visited Ministry of Culture and Ministry of Foreign Affairs and many Czech UNESCO sites in October 2015 to meet their Czech colleagues. They had the opportunity to discuss the heritage management best practices and establish new valuable contacts. The possibility of Czech scholarships for Iraqi students of archaeology was appreciated.

IV. 1999 Second Protocol

[To be completed by the High Contracting Parties to the 1999 Protocol only]

The 1999 Second Protocol complements the Hague Convention of 1954 in many aspects. If this information has already been presented within the framework of the questions regarding the Hague Convention of 1954, you may refer to it directly.

1. General provisions (Chapter 2)

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 adopted such measures?

Yes. The museums and galleries established by the state or regional self-governing units are obliged to register their collections in the Central Database of Collections (CDC), which is managed by the Ministry of Culture of the Czech Republic. The registration in the CDC is, however, voluntary for other owners or curators of collections. All the owners and curators of the collections registered in the CDC are subject to the rights and obligations imposed by the Act no. 122/2000 Coll., On the Protection of Museum Collections, and on Amendments to certain other Acts.

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. Paragraph 102 of the Guidelines for the Implementation of the Second Protocol requests Parties that are an Occupying Power to provide information in their national reports on the way in which the provisions regarding the protection of cultural property in occupied territory are observed.

*Do you ensure compliance with the provisions regarding the **protection of cultural heritage under military occupation**?*

No answer.

2. Enhanced protection (Chapter 3)

The Second Protocol establishes an enhanced protection regime. Enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict (composed of 12 Parties). Paragraph 102 of the Guidelines for the Implementation of the Second Protocol requests that Parties express their intention to request the inscription of cultural property on the List of Cultural Property under Enhanced Protection.

*Do you **intend to request** the granting of enhanced protection for cultural property in the next four years or, where applicable, do you have a **national tentative list** within the framework of Article 11 (1) of the Second Protocol?*

Yes. In recent years, the Czech Republic repeatedly prepared the materials for the nomination of the World Heritage Sites in accordance with the provisions of article 10 of the Second Protocol on granting enhanced protection. The Secretariat of the Hague conventions made comments to eleven dossiers, prepared between the years 2013–2014. The representatives of the Czech Republic subsequently undertook personal consultations in Paris in order to optimize the nomination documentation. In addition, the content of the form has been changed in 2016 and therefore it was agreed that only 1 pilot nomination would be prepared for the Villa Tugendhat in Brno. Also, broad stakeholder cooperation has been launched.

The involvement of the managers of the villa has been agreed at a joint meeting of the site-managers at the Ministry of Culture of the Czech Republic on 24 January 2017. Inter alia, the Ministry of Justice and the Ministry of Defence were asked for cooperation; especially as far as it concerns the refinement of Chapter 3.C and 3.D (Description of the activities of the ministries concerned in the Czech Republic related to the Hague Convention and the review of applicable legislation and protection in emergency situations).

In 2017, a new version of nomination documentation of Villa Tugendhat in Brno was prepared, which was already more precisely clarified in terms of the material content. Nevertheless, at present, some passages still have to be assessed and consultations carried out without which the material cannot be completed. These are, in particular, the list and the form of presentation of the legislative measures and the map of the immediate surroundings of the property.

MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION

[If certain cultural property(ies) in your State benefit from enhanced protection, please also complete this section of the questionnaire].

The benefit of enhanced protection implies continued compliance with the conditions set out in Article 10 of the Second Protocol.

*Is there a **specific mechanism in place to monitor cultural property under enhanced protection**? As an example, are the measures adopted to ensure the highest level of protection periodically reviewed so as to ensure they are fully effective in all circumstances?*

No answer.

Pursuant to paragraph 102 of the Guidelines, the Parties must inform on the use of the distinctive emblem for cultural property under enhanced protection.

*Have you used the new **distinctive emblem adopted by the 2015 Meeting of Parties to mark** cultural property under enhanced protection?*

No answer.

Pursuant to paragraph 65 of the Guidelines for the Implementation of the 1999 Second Protocol, the Parties must notify the Committee of any change affecting the cultural property concerned to meet the criteria set out in Article 10 of the Second Protocol.

*Does the Committee need to be **notified of a change** regarding cultural property in your territory benefiting from enhanced protection?*

No answer.

3. Criminal responsibility and jurisdiction (Chapter 4)

Article 15 – Serious violations of the Second Protocol

Article 15 requires the Parties to establish as criminal offences under its domestic law a series of behaviours constituting serious violations of the Second Protocol, by punishing them by appropriate penalties.

What measures have been taken to ensure the **implementation of this obligation**?

The information, including wording of relevant provisions of the Criminal Code of the Czech Republic, is available in the previous report.

Article 16 – Jurisdiction

Article 16 requires the Parties to establish the jurisdiction of their courts over serious violations of the 1999 Second Protocol.

What measures have been taken to **confer jurisdiction on your courts** over serious violations of the Second Protocol?

The Criminal Code of the Czech Republic applies the principles of territoriality and active personality (Article 16(1)(2)(a)(b) of the Protocol) in relation to all offences (Section 4 and Section 6 of the Criminal Code). In relation to Article 16(1)(c) of the Protocol, the principle of universality (Section 7(1) of the Criminal Code) and/or principle of subsidiary universality, i. e. principle *aut dedere aut judicare* (Section 8(1) of the Criminal Code) would apply.

Section 4 of the Criminal Code Principle of Territoriality

1) The criminality of an act committed in the territory of the Czech Republic shall be assessed pursuant to the law of the Czech Republic.

A criminal offence shall be considered as committed in the territory of the Czech Republic

a) if an offender committed the act here, either entirely or in part, even though the violation or endangering of an interest protected by the criminal law occurred or was supposed to occur, either entirely or in part abroad, or

b) if an offender violated or endangered an interest protected by criminal law or if such a consequence was supposed to occur, even partially, within the territory, even though the act was committed abroad.

(3) Participation is committed in the territory of the Czech Republic,

a) the act of the offender has been committed within its territory; which is determined analogically according to Sub-section (2), or

b) if the accomplice of the act committed abroad partially acted within its territory.

(4) If the accomplice acted in the territory of the Czech Republic, the law of the Czech Republic shall apply to the participation, regardless of whether the act of the offender is criminal abroad.

Section 6 of the Criminal Code Principle of Personality

The law of the Czech Republic shall also apply to assessment of criminality of an act committed abroad by a citizen of the Czech Republic or a person with no nationality, who has been granted a permanent residence in its territory.

Section 7 of the Criminal Code

Principle of Protection and Principle of Universality

(1) The law of the Czech Republic shall apply to assessment of criminality of Torture and other cruel and inhumane treatment (Section 149), Forgery and alteration of money (Section 233), Uttering forged and altered money (Section 235), Manufacture and possession of forgery equipment (Section 236), Unauthorised production of money (Section 237), Subversion of the Republic (Section 310), Terrorist attack (Section 311), Terror (Section 312), Sabotage (Section 314), Espionage (Section 316), Violence against public authority (Section 323), Violence against a public official (Section 325), Forgery and alteration of public documents (Section 348), Participation in organised criminal group pursuant to Section 361 (2) and (3), Genocide (Section 400), Attack against humanity (Section 401), Apartheid and discrimination against groups of people (Section 402), Preparation of offensive war (Section 406), Use of prohibited means and methods of combat (Section 411), War cruelty (Section

412), *Persecution of population (Section 413)*, *Pillage in the area of military operations (Section 414)*, *Abuse of internationally and state recognised symbols (Section 415)*, *Abuse of flag and armistice (Section 416)* and *Harming a conciliator (Section 417)*, even when such a criminal offence was committed abroad by a foreign national or a person with no nationality, who has not been granted permanent residence in the territory of the Czech Republic.

(2) *The law of the Czech Republic shall also apply to assessment of criminality of an act committed abroad against a Czech national or a person without a nationality, who has been granted permanent residence in the territory of the Czech Republic, if the act is criminal in the place of its commission, or if the place of its commission is not subject to any criminal jurisdiction.*

Section 8 of the Criminal Code Subsidiary Principle of Universality

(1) *The law of the Czech Republic shall also assess the culpability of an act committed abroad by a foreign national or a person with no nationality who was not granted a permanent residence in the territory of the Czech Republic even if*

a) *the act is punishable even under the law effective in the territory where it was committed, the offender was apprehended in the territory of the Czech Republic, extradition or transfer proceedings took place and the offender was not extradited or transferred for criminal prosecution or to serve a sentence to another State or another entitled entity, and*

c) *the foreign State or other entitled entity that requested extradition or transfer of the offender for criminal prosecution or to serve a sentence requested criminal prosecution of the offender in the Czech Republic.*

2) *The law of the Czech Republic shall also assess the culpability of an act committed abroad by a foreign national or a person without a nationality to whom permanent residence was not granted in the territory of the Czech Republic even when the act was committed in favour of a legal entity with a registered office or branch in the territory of the Czech Republic.*

b) *However, the offender cannot be imposed a more severe punishment than the punishment set out by the State in which territory the criminal offence was committed.*

Article 21 – Measures regarding other violations

The Second Protocol also requires the Parties to adopt legislative, administrative or disciplinary measures to prevent the occurrence of behaviours that adversely affect the integrity of cultural heritage.

Have you adopted such measures?

Yes.

4. Dissemination of information and international assistance

Article 30 – Dissemination

Article 30 complements Articles 7 and 25 of the Hague Convention of 1954. In this regard, it requests the Parties to, among other things, strengthen appreciation and respect for cultural property by their entire population, ensure the dissemination of the Protocol, and incorporate guidelines and instructions on the protection of cultural property in their military regulations.

Have you disseminated the provisions of the 1999 Second Protocol within the armed forces as well as among target groups and the general public?

Yes. See response to Article 25.

Within this framework, what **awareness-raising activities** have you organized, and what awareness-raising activities do you plan to organize in the future? Please indicate the target groups for each activity.

No answer.

Articles 32 – International assistance

Pursuant to paragraph 102 of the Guidelines for the Implementation of the Second Protocol, the Parties are invited to present their activities at bi- or multilateral level, within the framework of technical assistance in order to share their experiences or best practices.

Have you shared, particularly via the Secretariat of UNESCO, your **experiences in the implementation and best practices**?

No answer.

5. Official translation of the 1999 Second Protocol to the Hague Convention of 1954

Pursuant to Article 37 of the Second Protocol, the Parties shall translate this standard-setting instrument into their official languages and shall communicate these official translations to the Director-General. To date, the Secretariat has received a certain number of official translations of the Second Protocol. For reference, please consult:

Language versions of the 1999 Second Protocol

Does your country have its national translation(s) there?

Yes.

V. Miscellaneous questions regarding the Hague Convention of 1954 and its two Protocols

1. National focal point

According to paragraph 103 of the Guidelines for the Implementation of the Second Protocol: "Unless a Party requests otherwise, the presumed focal point would be its Permanent Delegation to UNESCO". If you do not wish to consider the Permanent Delegation as the focal point, please provide the Secretariat with the name and address of a national focal point that will receive all official documents and correspondence relating to the implementation of the Second Protocol.

Institution: - Name: Address:	Email: Tel.: Fax:
---	---------------------------------

2. National practice regarding the implementation of the Hague Convention and its Two Protocols

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

- the relevant **administrative civil and military regulations**:

PDF Document  Website 

- the **national laws** on the protection of cultural property, as well as the criminal provisions made within the framework of the implementation of Article 28 of the Hague Convention and Articles 15, 16 and 21 of the Second Protocol, and any case-law on the protection of cultural property in the event of armed conflict.

PDF Document  Website 

- Documents regarding **awareness-raising activities** (seminar schedule, brochures, etc.), as well as **any other relevant documents** (legislative, legal, or administrative) within the framework of the implementation of the Hague Convention of 1954 and its 1999 Second Protocol.

PDF Document  Website 

3. The Fund for the Protection of Cultural Property in the Event of Armed Conflict (Article 29 of the Second Protocol)

Have you **contributed to the Fund**?

Yes.

If no, do you plan to contribute to the Fund in the Future?

No answer.

VI. Self-assessment forms

In order to reflect the status of implementation of the Hague Convention of 1954 and its 1999 Second Protocol in key areas within the summary document of national reports, please complete the two tables below.

1. Assessment of the level of implementation

[Please use the following assessment scale]

- 1: not implemented;
- 2: partially implemented, the process has come to a standstill;
- 3: partially implemented, the process is ongoing; and,
- 4: fully implemented.

Implementation of the safeguarding obligation through the adoption of preparatory measures	
Training of military personnel on the regulations relating to the protection of cultural heritage	4
Use of the distinctive emblem to mark cultural property	2
Implementation of the dissemination obligation, through the establishment of awareness-raising activities for target audiences	4
Adoption of relevant criminal legislation	4
<i>For Parties with cultural property under enhanced protection only.</i> Establishment of a system to monitor cultural property under enhanced protection at national level	

2. Assessment of difficulties encountered

[Please use the following assessment scale]

- 1: difficulties have been encountered, but there are no plans to request technical assistance from the Secretariat of UNESCO;
- 2: difficulties have been encountered, however there are plans to request technical assistance from the Secretariat of UNESCO;
- 3: difficulties had been encountered, but thanks to the technical assistance of the Secretariat they have been resolved;
- 4: difficulties had initially been encountered, but they turned into challenges that we have overcome; and,
- 5: No difficulties have been encountered.

Implementation of the safeguarding obligation through the adoption of preparatory measures	
Training of military personnel on the regulations relating to the protection of cultural heritage	5
Use of the distinctive emblem to mark cultural property	3
Implementation of the dissemination obligation, through the establishment of awareness-raising activities for target audiences	5
Adoption of relevant criminal legislation	5
<i>For Parties with cultural property under enhanced protection only.</i> Establishment of a system to monitor cultural property under enhanced protection at national level	

VII. Granting of enhanced protection – Opinion Survey

Pursuant to Chapter 3 of the 1999 Second Protocol, enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict if three conditions are cumulatively met:

- The cultural property is of the greatest importance for humanity;
- The cultural property is protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection; and,
- The cultural property is not used for military purposes or to shield military sites, and the Party which has control over it has made a declaration that it will not be used for such purposes.

As these conditions are set out within the framework of an international treaty, their full understanding cannot be separated from state practice, which is of fundamental importance with regard to the International Law of treaties. As such, this national report is an opportunity for the national authorities of the Parties to express their views on the conditions under which enhanced protection is granted.

For each of the conditions set out in Article 10 of the Second Protocol, please answer the following questions, taking into account the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.

Article 10, paragraph (a) – "Greatest importance for humanity"

No answer. As regards this point, for the Czech Republic, the most decisive factor for inclusion of a cultural property on the International list of Cultural Property under enhanced protection (in accordance with Article 10 Enhanced protection of the Second protocol to the Hague Convention) is that the property has been inscribed on any of the prestigious global lists, i.e. Memory of the World Register, World Heritage List, etc.).

Article 10, paragraph (b) – "Highest level of protection"

At this point, the following Czech ministries should be consulted: the Ministry of Culture, the Ministry of Defence, the Ministry of Foreign Affairs and the Ministry of Justice.

Article 10, paragraph (c) – "Non-use for military purposes"

Please indicate the national authorities to be consulted with a view to taking the decision not to use the cultural property submitted for the granting of enhanced protection for military purposes or to shield military sites.

At this point, the following Czech ministries should be consulted: the Ministry of Culture, the Ministry of Defence, the Ministry of Foreign Affairs and the Ministry of Justice.