

**National report on the implementation of the 1954 Hague Convention and of
the 1999 Second Protocol to the 1954 Hague Convention
Republic of Latvia**

I National report on the implementation of the 1954 Hague Convention - Latvia

1. Article 3 - Safeguarding of cultural property

According to Article 43 of the Cabinet of Ministers Regulation 474 *Registration, protection, use and renovation of cultural property, government first-refusal right and status of environment-degrading object*, all explosive, flammable, chemically active and air-polluting substances that may damage the cultural property, and vibration-causing facilities, environment-degrading material stocks and such rejects are to be removed from the site of a cultural property. Sufficient fire safety practices, optimum hydrogeological conditions, purity of air and water bodies need to be ensured to safeguard the site of cultural property and its buffer zone. Activities posing a potential threat to the cultural property, including changing the groundwater level, are disallowed. According to Article 2 of the Section 13 of the Civil Protection Law of 1 January 2007 and consecutive Cabinet of Ministers Regulation 423 *Structure, format and approval of civil protection plans for municipalities, enterprises and agencies* of 26 June 2007 (Section II, Article 3.7.6) municipal (regional and local) civil protection plans must contain description of cultural property protection and safeguarding arrangements.

2. Article 7 - Military measures

Cultural property protection requirements of the respective national legislation are binding on National Armed Force (NAF) personnel, and violation of such is punished according to Article 79 and Article 229 of the Criminal Law, or Article 89 – 89.3 of the Administrative Violations Code.

3. Chapter V - The distinctive emblem

According to Article 50 of the Cabinet of Ministers Regulation 474 *Registration, protection, use and renovation of cultural property, government first-refusal right and status of environment-degrading object*, the State Inspection for Heritage protection of the Republic of Latvia provides real estate owners (management companies) with distinctive plates that have to be fixed in visible place on the cultural property.

4. Article 25 - Dissemination of the Convention

The Law on Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols of 6 November 2003 is available through the legislative information system and accessible to all interested parties.

The military are informed about the Convention requirements while on basic training, through other re-training courses at the National Defence Academy and pre-mission briefings.

5. Article 26 (1) – Official translations

See of the attached electronic copy (33 pages).

6. Article 28 – Sanctions

Sanctions and penalties for damaging or destroying cultural property are described in Article 79 and Article 229 of the Criminal Law of 17 June 1998.

Administrative Violations Code of 1 July 1985 lists possible administrative penalties and gives definitions for relevant administrative violations of protection of environment, history and culture (Article 89-89.5).

See the attached electronic copy for Criminal Law articles (141 pages).

See the attached electronic copy for the respective sections of the Administrative Violations Code (48 pages).

7. 1954 (First) Protocol

Laws and regulations of the Republic of Latvia includes requirement to return the cultural property to the state from which it was removed. Article 18.2 of the Culture Monument Protection Law states that illegal removal of arts and antiquities may be appealed in court no later than one year from the date on which the location, owner, manager or holder of the said property is revealed. Return of unlawfully removed items of art and antiquities is also subject to the procedures laid down in the Cabinet of Ministers Regulation 526 *Recovery of illegally removed arts and antiquities* of 16 September 2003.

8. Resolution II of the 1954 Hague Conference

According to Article 4 of the Law on Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols of 6 November 2003, Ministry of Culture is responsible for commitments under the Convention and its Protocols.

II National report on the implementation of the 1999 Second Protocol to the 1954 Hague Convention -Latvia

1. Article 5 – Safeguarding of cultural property

National inventory of cultural property is performed according to Article 12 of the Cultural Monument Protection Law. After identification and examination, monuments are entered into the national information system – National Protected Heritage Register. State Inspection for Heritage Protection is the authority responsible for maintenance and updating of the National Protected Heritage Register.

According to Article 45 of the Cabinet of Ministers Regulation 474 *Registration, protection, use and renovation of cultural property, government first-refusal right and status of environment-degrading object*, the Inspection is obliged to give cultural property owners recommendations as how to use and preserve the cultural property in question

A list consisting of more than 100 unique cultural monuments was finalised in 2006. These properties are closely monitored to ensure their protection against a potential threat.

2. Chapter 3 – Enhanced protection

Cultural Monument Protection Law of 3 November 1992, Cabinet of Ministers Regulation 474 *Registration, protection, use and renovation of cultural property, government first-refusal right and status of environment-degrading object* and other laws and regulations provide for protection of properties listed in the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage and inscribed in the World Heritage List.

3. Article 15 – Serious violations of this Protocol

Serious violations and offences involving cultural property are punished according to the Criminal Law of the Republic of Latvia of 17 June 1998 the following way:

Article 79 – Destruction of cultural and national heritage

Intentional destruction of cultural and national heritage items is punished with imprisonment up to 7 years and penalty up to 200 minimum wages.

Article 229 – Destruction or damage to the cultural monuments

(1) Destruction or damaging of the property from the National Protected Heritage Register are punished with imprisonment up to 4 years, detention, community work or fine amounting to 80 minimum wages.

(2) Other offences of a kind involving arson, explosives or other harmful methods are punished with imprisonment up to 10 years or fine amounting to 80 minimum wages.

See the attached electronic copy for Criminal Law articles (141 pages).

4. Article 16 – Jurisdiction

Article 79 and Article 229 of the Criminal Law describe the types of offences involving cultural heritage and the penalties consequently applied.

Administrative Violations Code (Article 89 – 89.5) identifies administrative procedure for cases when environment, history and culture protection rules are violated.

See the attached electronic copy for Criminal Law articles (141 pages).

See the attached electronic copy for the respective sections of the Administrative Violations Code (48 pages).

5. Article 21 – Measures regarding other violations

See the attached electronic copy for the respective sections of the Administrative Violations Code (48 pages).

6. Article 30 – Dissemination

The Law on Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols was endorsed on 6 November 2003, and it ratifies the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the Protocol of the 14 May 1954.

Latvia is not yet ratify the Second Protocol to the 1954 Hague Convention, therefore dissemination of these provisions through the national legislation may be deemed insufficient.

7. Article 37 – Translations and reports

Although Latvia is still in the process of ratifying the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the Protocol has been translated into Latvian to initiate the ratification.

See the attached electronic copy (18 page)- translation in Latvian.