



**unesco**

Protection of  
Cultural Property in  
the Event of Armed Conflict

**Four-year cycle  
2017-2020**

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

## GENERAL INFORMATION

1. Region:

State Party:

Czech Republic

### 2. Submission of previous national reports

Yes

No

2.1. 2013-2016 cycle

### 3. Actors involved in the preparation of the national report

3.1. Government institutions responsible for the protection of cultural property

3.2. National Commission for UNESCO

3.3. Military expert

3.4. Independent experts

If other actors have been involved, please indicate them

### 4. National Focal Point

According to paragraph 120 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 consider the Permanent Delegation as a focal point, you are invited to provide the Secretariat with the name and address of a national focal point who will receive all official documents and correspondence related to the national periodic reporting.

Institution:	<input type="text"/>	Email:	<input type="text"/>
Name:	<input type="text"/>	Tel.:	<input type="text"/>
	Permanent Delegation of the Czech Republic to UNESCO	Fax:	<input type="text"/>
Address:	<input type="text"/>		
	15, Avenue Charles Floquet, 75007 Paris		

# I. The Hague Convention of 1954

## 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.

- *Has your State undertaken such measures?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

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. The Ministry of Culture in the years 2014 – 2017 worked intensively on preparing a new Act to replace the Act No. 20/1987. The aim of the planned act was to ensure an effective, transparent, predictable and professionally guaranteed method for managing the heritage fund of the Czech Republic, including enshrining the Czech Republic's international obligations. It would also strengthen the legal certainty of citizens, eliminate the superfluous administrative burden and mitigate the impact of restricting ownership rights. The Chamber of Deputies however, at its meeting of 12 July 2017 rejected the bill with the Resolution No. 1752 in the 3rd reading. Following the conclusion of the ongoing process of the ongoing recodification of public construction law, legislation is expected to be reopened in the field of State Heritage Preservation. 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).

Pursuant to Section 10 of Act no. 239/2000 Coll., on the integrated rescue system and on the amendment of Certain Acts, as amended, the regional authorities ensure preparation for emergencies, the performance of rescue and liquidation work and the protection of the population. For this purpose, the Regional Authority prepares a plan for the implementation of rescue and liquidation work in the region (hereinafter referred to as the "regional emergency plan"), which includes the "Plan for the protection of cultural assets". The plan for the protection of cultural monuments contains:

- a) an overview of movable and immovable cultural monuments,
- b) the method of ensuring their protection against the effects of accidents, and
- c) the division of responsibilities for the protection of cultural monuments.

The starting points for the implementation of a specific method of ensuring the protection of cultural monuments are established by the methodology of the Ministry of Culture. Methodology of elaboration of the Plan of protection of cultural monuments, which is one of the plans of specific activities of the emergency plan according to Annex 1, letter C (types of plans for specific activities) paragraph (12) of the Decree of the Ministry of the Interior no.

328/2001 Coll., on certain details of securing the integrated rescue system, as amended, was issued by the Ministry of Culture under file no. 3481/2004 of 25.10.2004.

## 2. Article 6 - Use of the distinctive emblem for the marking of cultural property

The 1954 Hague Convention creates a distinctive emblem for the exclusive marking of cultural property, with a view to ensure its recognition, particularly in the event of armed conflict. The marking of cultural property is one of the preparatory measures that can be undertaken in time of peace.

- *Has your State **marked cultural property** by using the distinctive emblem of the Convention?*

YES:      NO:

You can complete your answer below, taking into account the guidelines in the model report.

The Czech Republic developed 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 is used for the need of operational planning and field deployment of the Czech Army in order to ensure the implementation of the Hague Convention.

## 3. Article 7 - Military measures

This Article provides for the obligations of the High Contracting Parties with regard to the introduction in their regulations or instructions for the use of their armed forces of provisions to ensure compliance with the Convention, as well as to plan or establish within their armed forces, 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 such property. These are obligations to be implemented in time of peace.

- *Has your State introduced provisions in the **regulations and instructions for your armed forces** to ensure compliance with the Convention?*

YES:       NO:

You can complete your answer below, taking into account the guidelines in the model report.

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 character.

According to the Article 48 para 1 f) of the Act No. 221/1999 Coll., on the Professional Soldiers, one of the primary duties of members of the armed forces is obligation to observe the law, rules and principles of international humanitarian law (IHL) and applicable international treaties. This obligation thus also includes the observance of the 1954 Hague Convention and its both Protocols.

The same requirement to follow IHL and requirement not to misuse the distinctive emblem is also 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 the armed forces and explanation of the key legal rules and IHL basic principles. The Annex 1 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, emphasizes the requirement to conduct operations according to IHL. To this end, it also sets up limits for planning of the operations and for the use of military force (precautions in the attack etc.). It also specifically lists IHL basic principles such as principle of distinction (safeguarding cultural property), military necessity, humanity and proportionality. The Doctrine of the Czech Army serves as a basis for further development of the IHL rules at operational and tactical level of command.

In 2015 the Military Training Academy in Vyškov issued Handbook of the Czech Soldier. The 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.).

- *Has your State established **services** or designated specialist personnel *within your armed forces to ensure respect for cultural property?**

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

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. The Czech MoD and Czech Armed Forces have no specific experts focusing on protection of cultural property, solely. Its legal experts including military legal advisers ensure dissemination and respect for IHL matters through implementation of IHL into training and education, planning of operations etc.

#### 4. Article 25 - Dissemination of the Convention

Regulations relating to the protection of cultural property in time of armed conflict must be included into the programmes of military and, if possible, civilian training. The objective is to ensure that the principles of the Convention are known by the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

- *Has your State **disseminated the provisions of the Convention** within the armed forces as well as among target groups and the general public?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

**The Ministry of Defence** of the Czech Republic ensures education and training for its armed forces in line with the Geneva Conventions and Hague Convention requirements to disseminate IHL. 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". This course also contains a portion dedicated to protection of cultural property. Furthermore, based on actual requirement the Ministry of Defence organizes specialized IHL seminars. At every IHL training the trainer distributes a paper leaflet specifically designed for dissemination of information regarding 1954 Hague Convention on protection of cultural property. 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 receive 2 hours of refreshing IHL lectures. Such training is either conducted by commander's legal adviser or specialized IHL 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 IHL 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 IHL 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 and 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 F. 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 former 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 Ministry of Interior:** The protection of cultural property is also dealt with, inter alia, by the Integrated Rescue System consisting of individual bodies, which have their specific competencies. During the years 2017–2020 the General Directorate of Fire Rescue Service of the Czech Republic continued in project of methodological assistance to improve the fire protection of cultural heritage. In the area of cultural heritage protection, there is close cooperation between the Fire and Rescue Service of the Czech Republic, the Ministry of Culture and the National Heritage Institute. These authorities also signed a cooperation agreement. Monuments are inspected in terms of fire safety and possibility of evacuation. Technical and organizational arrangements are proposed for individual monuments in cooperation with relevant experts. Progression in the field of cultural heritage protection are summarized in the document Report on fire protection conditions of cultural heritage for the period 2015-2019. The document describes details about all activities from this area and was approved by Government Resolution No. 1013 of 12 October 2020. The Fire and Rescue Service of the Czech Republic in cooperation with the National Heritage Institute continues to organize professional seminars and conferences. Every two years (2014, 2016, 2018, 2020) professional seminars are

organized for guarantors of protection of cultural heritage from the Fire and Rescue Service of the Czech Republic with representatives of the National Heritage Institute. The aim of these seminars is to discuss issues related to ensuring fire protection of cultural heritage (building) and the identification of common interests in this area.

Important conferences in this period include:

- 2017 (December) - Conference "Possibility of fire protection of historic buildings with a focus on wooden buildings", where monument care experts and fire protection specialists discussed this topic.
- 2017 - Czech-Norwegian seminar "Fire protection of industrial monuments and historic buildings", whose partner was the Norwegian Directorate of Monument Care (Riksantikvaren).
- 2018 (October) - Conference "Fire protection of cultural heritage in the Moravian-Silesian Region".

The cooperation between Fire and Rescue Service of the Czech Republic and National Heritage Institute still makes use of plan for the implementation of examinational and tactical exercises of fire protection in the major national cultural monuments (managed by the National Heritage Institute). Its aim is to mitigate the consequences of fire as well as other possible emergencies.

**National Committee for the implementation of the IHL**, which is presided over by the Ministry of Foreign Affairs (MFA), organized a Panel discussion on the protection of cultural property in the event of armed conflict on June 19, 2018. An expert from UNESCO, the President of the Czech Red Cross and representatives of relevant Czech ministries and other Czech authorities and universities participated in the event. The aim was to discuss the relevant practicalities concerning submission of requests for granting of enhanced protection under the Second Protocol, legal and theoretical aspects of such protection under international law, and practical problems concerning the protection of cultural property during combat operations.

Czech Republic presented a pledge on the 33. ICRC conference in 2019 according to which it will prepare the Czech translation of the executive summary of the UNESCO Military Manual on the Protection of Cultural Property. It was done in March 2021 and this executive summary was posted on the website of the national committee.

The website of the National Committee for the implementation of the IHL contains special chapter "protection of cultural property during an armed conflict" where relevant documents are published.

The Czech Republic also actively promotes the implementation of the Hague Convention and its Protocols 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 Committee of the Blue Shield focuses mainly on the following tasks:

- Supports and participates in the elaboration and implementation of plans and projects facilitating preventive protection;
- Draws attention to possible risks, informs the public and state authorities and coordinates the cooperation of all stakeholders in the implementation of measures in a specific emergency;
- Collaborates on methodological trainings and practical training and ensures the exchange of information.



- Organizes thematic seminars, edits and publishes documents and arranges internships. For more details, please see <https://www.skipcr.cz/odborne-organy/cesky-komitet-modry-stit>

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. For more details, see <https://www.npu.cz/vzdelavani>

## 5. Article 26(1) - Official translations

This Article requires that the High Contracting Parties communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organization, the official translations of the present Convention and of the Regulations for its execution:

**Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat"**

Please annex an *electronic copy of your translation(s) to this report*:

Attach the document

## 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, regardless of their nationality, who commit or order a breach of the Convention.

- *Has your State **introduced in your domestic legislation** all necessary steps to prosecute and impose penal or disciplinary sanctions against a conduct contrary to the obligations set out in the Convention?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

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 1954 Conference

- *Has your State established a **National Advisory Committee** in accordance with the wish expressed by the Intergovernmental Conference (1954) in [Resolution II](#)?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

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- *In the event that you have established a National Advisory Committee, has it been incorporated into a national commission for the implementation of international humanitarian law?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

The National Committee for the implementation of the IHL, 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 only by the High Contracting Parties to the 1954 Protocol]*

The main purpose of the 1954 Protocol is the protection of cultural property in **or stemming from** occupied territory.

- *Has your State undertaken **measures to implement** these international obligations, including the adoption of relevant legislation?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

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## IV. The 1999 Second Protocol

*[To be filled in only by the Parties to the 1999 Second Protocol]*

The 1999 Second Protocol supplements the 1954 Hague Convention in many respects. In case the information has already been presented in the context of questions relating to the 1954 Hague Convention, you can directly refer to it.

### 1. Article 5 - Safeguarding of cultural property

Article 5 of the Second Protocol supplements Article 3 of the Hague Convention by providing concrete examples of preparatory measures to be undertaken in time of peace, such as the preparation of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

- *Has your State undertaken such measures?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

The museums and galleries established by the state or regional self-governing units are obliged to register their collections in the Central Database (Register) of Collections, which is managed by the Ministry of Culture of the Czech Republic. The Central Database (Register) of Collections is an information system accessible to the public. The registration in this system is, however, voluntary for other owners or curators of collections. All the owners and curators of the collections registered in the Central Database of Collections are subject to the rights and obligations imposed by the Act no. 122/2000 Coll., on the protection of museum collections and on the amendment of certain other Acts. These collections are maintained, supplemented, managed and used in the public interest. The activities of those who care for them are or may be subsidized from public budgets. The website of this Database: <http://cesonline.cz/arl-ces/cs/index/>

The Czech Republic also continues in the successful programs supporting preservation of Iraqi cultural heritage. In 2019, the Czech republic (namely the National Heritage Institute in cooperation with the Ministry of Foreign Affairs, the Ministry of Culture and the Iraqi Institute for the Restoration of Monuments) organised on-site training courses for Iraqi experts. The courses focused on the restoration of movable and immovable monuments, and comprised a theoretical part in the form of standard lectures (translated into Arabic) as well as practical excursions to specific monuments. The aim of the courses was to train Iraqi experts /conservationists, who subsequently pass on their experiences and supervise the renovation of monuments, in the areas of documentation, records, conservation, restoration and preventative care. For more details, see <https://www.npu.cz/cs/generalni-reditelstvi-npu/zpravy/48754-v-iraku-byl-zahajen-vzdelavaci-program-npu-na-obnovu-vaalkou-poskozenych-pamatek>

### 2. Article 9 - Protection of cultural property in occupied territory

Article 9 of the Second Protocol complements Article 5 of the 1954 Hague Convention by imposing specific obligations on the occupying power. Paragraph 119 of the Guidelines for the Implementation of the 1999 Second Protocol requires Parties that are occupying powers to provide information in their national reports on how the provisions relating to the protection of cultural property in occupied territory are being respected.

- *Do you ensure compliance with the provisions relating to the **protection of cultural property in the context of military occupation**?*

YES:  NO:  Not applicable:

You can complete your answer below, taking into account the guidelines in the model report.

### 3. Article 10 - Enhanced protection

The 1999 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).

- *Do you **intend to request the granting** of enhanced protection for cultural property within the next four years or, if appropriate, to submit a **national tentative list** under Article 11 (1) of the 1999 Second Protocol?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

After the successful inscription of the Villa Tugendhat in Brno in 2018 on the International List of Cultural Property under Enhanced Protection pursuant the article 10 of the Second Protocol of the Hague Convention, the Czech Republic is analyzing the possibilities of registering other cultural property on this list. However, for the moment it is not possible to predict the result of these analyzes or the timeframe of a possible nomination.

#### MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION

*[If some cultural property in your State benefits from enhanced protection, please also fill in this part of the questionnaire].*

The benefit of enhanced protection implies the continued fulfilment of the conditions provided for in Article 10 of the 1999 Second Protocol.

- *Is a **specific mechanism for monitoring cultural property under enhanced protection** in place? For example, are the measures undertaken to ensure the highest level of protection periodically reviewed to ensure their full adequacy in all circumstances?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

In the Czech Republic, monitoring of properties according to the Hague Convention has not yet been introduced, but specific monitoring is practiced within the framework of World Heritage properties. Villa Tugendhat, possessing the World Heritage status, is thus monitored at national level every year, however, these documents only indirectly address issues related to the Hague Convention.

Inter-ministerial monitoring, to which the Ministry of Defence would also formulate its views, has not been introduced. It would be welcomed if information required in periodic reporting

on the implementation of both Conventions is aimed at maximum synergy also on international level, so that States Parties could better organize capacities for gathering data and sharing relevant information among relevant governmental departments.

Pursuant to paragraph 94 of the Guidelines, a distinctive emblem is created for the exclusive marking of cultural property under enhanced protection.

- *Has your State **marked with the distinctive emblem** cultural property under enhanced protection?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

#### 4. Article 15 - Serious violations of the 1999 Second Protocol

“Article 15 obliges Parties to **establish as criminal** offences in their domestic law offences constituting serious breaches of the Second Protocol, **and to make such offences punishable by** appropriate penalties”.

- *Has your State **implemented this obligation**? If yes, what measures have been undertaken?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

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

#### 5. Article 16 - Jurisdiction

Pursuant to Article 16 of the Second Protocol, the Parties shall take the necessary legislative measures to establish their jurisdiction over offences set forth in Article 15 of the 1999 Second Protocol in certain cases.

- *Has your State **implemented this obligation**? If yes, what measures have been undertaken **to grant jurisdiction to your courts** over serious offences under the 1999 Second Protocol?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Under the Criminal Code of the Czech Republic, the principles of territoriality and active personality (Article 16(1)(2)(a)(b) of the Protocol) apply 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.

(2) 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, b) 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.

(3) 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.

## 6. Article 21 - Measures regarding other violations

The 1999 Second Protocol obliges Parties to adopt legislative, administrative or disciplinary measures as may be necessary to **suppress certain other violations of the Second Protocol**:

a. any use of cultural property in violation of the 1954 Hague Convention or the 1999 Second Protocol;

b. any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the 1954 Hague Convention or the 1999 Second Protocol.

- *Has your State* implemented such measures?

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

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

## 7. Article 30 - Dissemination

Article 30 of the Second Protocol complements Articles 7 and 25 of the 1954 Hague Convention. In this regard, Article 30 it asks the Parties, to endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population, to ensure the dissemination of the 1999 Second Protocol, and to incorporate in their military regulations' guidelines and instructions for the protection of cultural property.

- *Has your State disseminated the provisions of the Convention and the Second Protocol within the armed forces as well as to target groups and the general public?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

See response to Article 25.

#### 8. Article 33 – Assistance of UNESCO

Pursuant to paragraph 151 of the Guidelines for the Implementation of the 1999 Second Protocol, the Parties having activities at bilateral or multilateral level are invited to inform the Committee, in their periodic reports, of their activities in order to share their experiences or good practices.

- *Has your State shared, in particular through the Secretariat of UNESCO, your experiences and good practices in implementation of the 1954 Hague Convention and / or its Protocols?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

The Czech Republic informed the Secretariat on (and the Secretariat appreciated) i.a. the organisation of a round table on the protection of cultural properties in the event of armed conflict organized in 2018 by the Ministry of Foreign Affairs in cooperation with the Ministry of Culture.

The nomination dossier for the Villa Tugendhat (property inscribed on the List of the enhanced protection) was appreciated by the Secretariat and served as an inspiration for the nomination dossier of the National Library in Florence.

#### 9. Article 37 - Official translation of the 1999 Second Protocol to the 1954 Hague Convention

Pursuant to Article 37 of the Second Protocol, the Parties shall translate the 1999 Second Protocol into their official language(s) of their countries and shall communicate these official translations to the Director-General.

**Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat.**

Please annex an *electronic copy of your translation(s) to this report.*

## V. Other questions relating to the 1954 Hague Convention and its two Protocols

### 1. Ratification of / accession to other international treaties having provisions of the protection of cultural property

- Can you indicate the other international instruments to which your State is a party?

International instruments	Ratification/Accession
1970 UNESCO Convention on the means on Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property	yes
1972 UNESCO Convention on the Protection of the World, Cultural and Natural Heritage	yes
2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage	no
2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage	yes
2005 UNESCO Convention for the Protection and Promotion of Diversity of Cultural Expressions	yes
Additional Protocol (I) to the Geneva Conventions, 1977	yes
Additional Protocol (II) to the Geneva Conventions, 1977	yes
Additional Protocol (III) to the Geneva Conventions, 2005	yes

### 2. National practice relating to the implementation of the Hague Convention and its two Protocols

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

- Relevant **civil and military administrative regulations**:

PDF Document

Website

- **National laws** relating to the protection of cultural property, as well as criminal provisions adopted in the context of the implementation of Article 28 of the Hague Convention and Articles 15, 16 and 21 of the Second Protocol, and case law relating to the protection of cultural property.

PDF Document

Website

- Documents relating to awareness-raising activities (seminar programme, brochures, etc.), as well as any other document (legislative, judicial or administrative) relevant to the dissemination of the 1954 Hague Convention and its 1999 Second Protocol.

PDF Document

Website

### 3. Effectiveness of cooperation mechanisms at the national level

- The implementation of the Hague Convention and its two Protocols requires cooperation at the national level between the various authorities (civil, military, etc.). Can you assess the degree of cooperation, at the national level, in your State?

There is no cooperation between the different authorities

There is limited cooperation between the different authorities

There is cooperation between the various authorities, but there are still improvements to be made

There is a perfectly functional cooperation between the different authorities

Other (specify)

## VI. Self-assessment forms

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

### 1. Assessment of the degree of implementation

[To do this, please use the following rating scale]

1. Not at all implemented;
2. Partially implemented and the process is at standstill;
3. Partially implemented, the process following its course; and
4. Fully implemented.

Implementation of the safeguarding obligation through the adoption of preparatory measures	.....
Military training on regulations for the protection of cultural property	.....
Use of the distinctive emblem to mark cultural property	.....
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	.....
Adoption of relevant criminal legislation	.....
<i>For Parties with cultural property under enhanced protection only.</i>	.....
Establishment of a monitoring system for cultural property under enhanced protection at the national level	

### 2. Assessment of the difficulties encountered

[To do this, please use the following rating scale]

1. Difficulties are encountered, but there are no plans to seek technical assistance from the UNESCO Secretariat;
2. Difficulties are encountered, nevertheless, it is planned to make use of the technical assistance of the UNESCO Secretariat;
3. Difficulties were encountered, but thanks to the technical assistance of the Secretariat they could be resolved;
4. Difficulties were encountered at first, but they turned into challenges that were overcome; and
5. No difficulties were encountered.

Implementation of the safeguarding obligation through the adoption of preparatory measures	.....
Military training on regulations for the protection of cultural property	.....
Use of the distinctive emblem to mark cultural property	.....
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	.....
Adoption of relevant criminal legislation	.....
<i>For Parties with cultural property under enhanced protection only.</i>	.....
Establishment of a monitoring system for cultural property under enhanced protection at the national level	



## VII. Enhanced protection mechanism – 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 criteria are cumulatively met:

- ✓ Cultural property is of the greatest importance to humanity;
- ✓ Cultural property is protected by adequate domestic, legal and administrative measures recognising its exceptional cultural and historical value and ensuring the highest level of protection; and
- ✓ Cultural property must not be used for military purposes or to shield military sites. And the Party which has control over the cultural property has to make a declaration confirming that it will not be used for military purposes or to shield military sites.

As these conditions are set out in an international treaty, their interpretation cannot be made independently of State practice, which is of fundamental importance under international treaty law. Therefore, 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 consideration the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.*

- Article 10, paragraph (a) - "The greatest importance for humanity"

Please list the main factors to be undertaken into consideration in determining whether a cultural property is of the greatest importance for humanity?

- inscription of the nominated property on the World Heritage List
- inclusion of the nominated property in the Memory of the World Register
- proven imminent danger to the nominated property, mainly threat or even outbreak armed conflict

- Article 10, paragraph (b) - "The highest level of protection"

Please mention the national authorities to be consulted in determining the choice of measures to be adopted to ensure the highest level of protection for a cultural property for which enhanced protection is requested. What measures can ensure the highest level of protection?

The Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of Culture and the Ministry of Justice should be consulted.

The highest level of protection for the purposes of the Hague Convention must currently be addressed by national legislation

- Article 10, paragraph (c) - "Not-used for military purposes"

Please mention the national authorities to be consulted in order to take the decision not to use the proposed cultural property for granting enhanced protection for military purposes or to shield military sites?

The Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of Culture and the Ministry of Justice should be consulted.

However, the Ministry of Defense has the main say in this process. The Minister of Defense issues the relevant certificate, which is added to the nomination documentation. The confirmation is linked to the specific defense interests of the state, which are not even known in detail at the national level to all government partners.