



unesco

Protection of
Cultural Property in
the Event of Armed Conflict

**Four-year cycle
2017-2020**

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

GENERAL INFORMATION

1. Region:

State Party: **Finland**

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: Ministry of Education and Culture	Email: hannu.vainonen@minedu.fi
Name: Hannu Vainonen	Tel.: 358 2953 30323
Address: P. O Box 29, FI-00023 Government, Finland	Fax:

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.

Finland has structured its readiness during the years for the implementation of the Hague 1954 Convention and its two protocols.

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.

At the moment, there is no intention to mark the cultural property.

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.

No special service has been created or appointed in the Finnish defence forces to secure respect for cultural property. The observance of international humanitarian law is compulsory for the personnel of the Finnish defence forces, and in particular for the leaders. Knowledge of cultural property and respect for it is included in military training on every level.

- *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.

The Finnish Defence Forces give training on international humanitarian law including the Convention to conscripts, reservists and its personnel through lessons and exercises on every level of military education and training. Training implemented for officers is given mostly by military legal advisors and other legal and military specialists with academic degree. Protecting cultural property is also established as a part of humanitarian law training provided by the Finnish Red Cross for the Defence Forces.

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 Finnish Defence Forces give training on international humanitarian law including the Convention to conscripts, reservists and its personnel through lessons and exercises.

There are also several other educational activities for various target groups. The Emergency Services College (Pelastusopisto) provides education and training in its special field under the supervision of the Ministry of the Interior. The College plans and arranges basic and advanced education and training in fire and rescue work, civil defence training and other training in emergency operations. As part of its work, the College has also arranged special education on the protection of cultural heritage.

Protecting cultural property is part of preparedness training in the education and cultural sector also at the municipal level. In recent years, a number of regional training courses have been organised for the representatives of education and cultural services, including museums, archives and libraries.

Protecting cultural property is also an established part of humanitarian law training provided by the Finnish Red Cross for the Defence Forces.

Preparedness concerning cultural property is not governed by specific legislation in Finland, and practical action to safeguard such property would be taken under the Emergency Powers Act and the Rescue Act. The Emergency Powers Act guides the actions of the authorities in emergency conditions and includes the duty to secure the performance of vital activities in all circumstances.

Self-preparedness under the Rescue Act, on the other hand, in practice concerns everyone, obliging the owners and occupants of buildings to prevent and prepare for accidents and hazardous situations as far as their resources allow.

Within the administrative branch of the Ministry of Education and Culture, the National Archives Services is the organisation that has the authority to issue regulations and to direct preparedness activities concerning archives. As regards museums, libraries and buildings of cultural history value, there are no similar means of control. Key regulative measures include various types of guidelines and recommendations as well as training, and possibly also grants for the owners. In other words, safeguarding cultural property in practical terms to a great extent depends on self-preparedness and cooperation between the authorities.

In the Rescue Act, the impacts of accidents on cultural property are highlighted as one complex issue. For sites where a fire or other accident would put property of cultural history value at risk, an emergency plan must be drawn up. In addition, sites of cultural history value are accounted for in regional risk analyses drawn up by the rescue services in the future. Cultural history sites have similarly also been taken into consideration as a special group in the national implementation of the EU Floods Directive. The Floods Directive contains the requirement of taking national cultural heritage into account in regional risk assessments.

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*:

The document can be found here online:

<https://www.finlex.fi/fi/sopimukset/sopsteksti/2004/20040152>

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 Penal Code of Finland provides for the war crimes in its chapter 11, section 5:
<http://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf>

“ Section 5 - War crime

(1) A person who in connection with a war or other international or domestic armed conflict or occupation in violation of the Geneva conventions on the amelioration of the condition of the wounded and sick in armed forces in the field, the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea, the treatment of prisoners of war or the protection of civilian persons in time of war (Treaties of Finland 8/1955, Geneva conventions) or the additional amendment protocols done in 1949 to the Geneva Conventions, on the protection of victims of international armed conflicts and the protection of victims of non-international armed conflicts (Treaties of Finland 82/1980, I and II protocols) or other rules and customs of international law on war, armed conflict of occupation,

...

10) attacks undefended civilian targets or bombs them, attacks places used for religious worship, science, art, medical treatment or charity or historical monuments or attacks persons who are using the symbols referred to in the Geneva conventions or the I or III protocol to the Geneva conventions,

...

shall be sentenced for a war crime to imprisonment for at least one year or for life.

(2) Also a person who commits another act defined under article 8 of the Rome Statute of the International Criminal Court (Treaties of Finland 56/2002) or in another manner violates the provisions of an international agreement on war, armed conflict or occupation that is binding on Finland or the generally recognized and established laws and customs of war in accordance with international law shall be sentenced for a war crime.”

The 1954 Hague Convention is mentioned explicitly in the Penal Code of Finland in its chapter 1, section 11, concerning dual criminality:

“ Even if the offence is not punishable under the law of the place of commission, Finnish law applies to it if it has been committed by a Finnish citizen or a person referred to in section 6, subsection 3(1), and the penalty for it has been laid down in (1) sections 5 or 6 of chapter 11, if the act is a war crime or aggravated war crime referred to in article 15 of the second protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict or an act of participation into said acts (212/2008).”

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.

There was an advisory working group in 2010-2012. Since then the work related to the 1954 Convention has been coordinated by the Finnish Heritage Agency in cooperation with other relevant stakeholders.

- *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.

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.

Yes, in terms of confiscating and returning objects imported illegally to Finland, taking also into account the provisions of the Hague Convention.

“ The Act on the implementation of certain provisions of the Protocol for the Protection of Cultural Property in the Event of Armed Conflict and on the application of the Protocol” 1135/1994:

<http://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Finland/1135of1994.pdf>

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 preparatory work for the inventory is going on.

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.

No, we don't intend to request enhanced protection within near future.

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.

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.

See the reply 6 on the Article 28 of the Convention (above) and the provision on the war crime in the Penal Code of Finland.

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.

The jurisdiction according to Article 16 is regulated in the Criminal Code, Chapter 1, Sections 1 (territoriality principle), 2 (flag principle), 6 (personality principle), 8 (principle of proxy administration of criminal law) and 11 (principle of double criminality). The provision on exceptions to the principle of double criminality, Section 11(2), was amended when Finland ratified the Protocol, see reply 6 on the article 28 of the Convention (above).

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.

As to the jurisdiction, closely related Finnish laws (protection of cultural heritage) can be found at the websites of UNESCO and European University Institute:

<http://www.unesco.org/culture/natlaws/>

<http://www.eui.eu/Projects/InternationalArtHeritageLaw/Finland.aspx>

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 the answer in question 4 on the Article 25 of the Convention (above).

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.

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* .

The text in Finnish has been shared already earlier.

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	1999
1972 UNESCO Convention on the Protection of the World, Cultural and Natural Heritage	1987
2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage
2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage	2013
2005 UNESCO Convention for the Protection and Promotion of Diversity of Cultural Expressions	2006
Additional Protocol (I) to the Geneva Conventions, 1977	1980
Additional Protocol (II) to the Geneva Conventions, 1977	1980
Additional Protocol (III) to the Geneva Conventions, 2005	2009

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

We refer to previous questions and answers.

The Penal Code of Finland provides for the war crimes in its chapter 11, section 5:
<http://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf>

The Act on the implementation of certain provisions of the Protocol for the Protection of Cultural Property in the Event of Armed Conflict and on the application of the Protocol, 1135/1994:
<http://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Finland/1135of1994.pdf>

As to the jurisdiction, closely related Finnish laws (protection of cultural heritage) can be found at the websites of UNESCO and European University Institute:

<http://www.unesco.org/culture/natlaws/>
<http://www.eui.eu/Projects/InternationalArtHeritageLaw/Finland.aspx>

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 | <input type="checkbox"/> |
| There is limited cooperation between the different authorities | <input type="checkbox"/> |
| There is cooperation between the various authorities, but there are still improvements to be made | <input checked="" type="checkbox"/> |
| There is a perfectly functional cooperation between the different authorities | <input type="checkbox"/> |
| 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	2
Military training on regulations for the protection of cultural property	3
Use of the distinctive emblem to mark cultural property	1
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	2
Adoption of relevant criminal legislation	4
<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	4
Military training on regulations for the protection of cultural property	5
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	4
Adoption of relevant criminal legislation	5
<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?

The criteria in the "Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict" give already a good starting point to determine the greatest importance for humanity.

- 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?

Ministry of Education and Culture and Finnish Heritage Agency.

- 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?