Four-year cycle 2013-2016

Colombia

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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?*


From the time of adhesion, the Convention and its two protocols have represented a major opportunity for Colombia, since they promote the effective and appropriate protection of property which guarantees effective enjoyment of other rights of the civil population, which are vulnerable to the effects of armed conflict. There has also been a major challenge for the Colombian government in implementation, taking account of the special situation of Colombia and its internal armed conflict, which has left innumerable humanitarian consequences, and propitiating the destruction of civil, educational and cultural property. Further, Colombia is passing through a stage of post-conflict, which covers social, economic, cultural and cultural aspects: and in addition, is engaged in a process of peace-talks with one of the country's oldest illegal armed groups, which has committed criminal acts all over the country.

In this context, and in order to have an international instrument to protect property, since 2013, there have been efforts to create a comprehensive protection strategy for property protected by International Humanitarian Law in the case of armed conflict. During the period of construction of proposals, it was determined that it was necessary to initiate the process to set priorities in a first group of protected property protected by International Humanitarian Law, that is, cultural goods, in order to comply with the "Convention for the protection of cultural property in the event of armed conflict".

As a result, there was an initiative of the "strategy for the protection of cultural property in the event of armed conflict", led by the "is a subsystem for International Humanitarian Law and armed conflict", in coordination with the Ministry of interior, the Ministry of Defence, and the presidential program for Human Rights and International Humanitarian Law-today, the presidential advisory office for Human Rights, which act as its technical secretariat. Furthermore, there is a participation of the Ministry of Culture, the Ministry of Foreign Affairs, Historic Memory Centre, and the central bank, Banco de la Republica, amongst others.

*Objectives of the strategy.*

The proposal for the strategy is governed by the following specific considerations:

- The setting of priorities and defining strategies property covered by the special protection of International Humanitarian Law.
- Without prejudice to the responsibility of the parties to the conflict, to protect all types of property protected by International Humanitarian Law in the course of hostilities.
(This process goes beyond identification and signposting).

- To ensure that the absence of signposting in no ways relieves the parties in conflict from the obligations in the context of standards of protection for this type of property.

**Activities undertaken.**
The following activities have been implemented to define this strategy.

1. Preliminary diagnosis. 42 national and regional-order entities were consulted to produce a diagnosis; they provided information on actions taken in the protection of cultural property in the event of armed conflict.

Among the results, it was possible to confirm that regional-level agencies are responsible for implementing actions for protection, safeguard and overall preservation of property, which means that their focus is not on protecting cultural property alone, but includes all other kinds of property, including infrastructure and hazardous agents.

Further, it was found that the national-order agencies such as the Gold Museum (Banco de la República) and the Ministry of Defence are engaged in actions nationwide addressed to disseminate the protection of cultural property in the event of armed conflict. In the case of the Gold Museum, actions have been taken in risk management against terrorism, which have become sources of reference and starting-points for the implementation of actions in the context of the strategy.

2. First workshop on the protection of cultural property in the event of armed conflict. The first workshop on the protection of cultural property was held on 26 March 2014, and its objective was to construct guidelines for the prevention and protection of cultural property in the event of internal or international armed conflict. Other specific objectives of the workshop were:

- To consolidate institutional inputs and agreements for the definition of general guidelines and the focus of work nationally and regionally.
- To define national measures in the definition of technical aspects of strategy for the protection of cultural property in the event of armed conflict.
- To complement the strategy for protection of cultural property in the event of armed conflict in terms of possible implementation and viability.

The entities attending this workshop were: the Ministry of Culture, Ministry of Foreign Affairs, Ministry of Defence, Ministry of Interior, the National Archive, the Historic Memory Centre, the central bank *Banco de la Republica*, the Presidential Program for Human Rights and International Humanitarian Law, the Presidential Program for Indigenous communities and Afro-descendants, National Planning Department, the Colombian Red Cross and the International Committee of the Red Cross. The workshop agenda contained the following topics:

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<td>Actions in the protection safeguard of cultural property.</td>
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<td>Ministry of Defence</td>
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<tr>
<td>Presidential Program for Human Rights and International Humanitarian Law</td>
<td>General context of Colombia’s armed conflict. Presentation of input from regional authorities in the protection of cultural property.</td>
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**Conclusions**

As a result of the above, Colombia is now evaluating information collected at the workshop in order to continue with the proposal for the construction and formalization of its strategy. Further, and as another result of this experience of intergovernmental work in relation to the protection of cultural property in the case in the event of armed conflict, evaluations are being made of the possible creation of an Intersectoral Committee for the Protection of Cultural Property in the Event of Armed Conflict, in Colombia.
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

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

Yes. Article 72 of Colombia’s 1991 Constitution establishes that the cultural heritage of the Nation is under the protection of the State. The archaeological heritage and other cultural goods which form national identity are the property of the nation and are inalienable, and are not subject to embargo or prescription.

In the context of the situation of armed conflict, whether international or internal, the State is obliged to apply the relevant provisions of International Humanitarian Law, which clearly include measures to protect cultural property and objects of worship, works and installations which contain hazardous forces (dams, dykes, nuclear power-stations, transmission towers and oil pipelines), and those which are essential for the survival of the civilian population (farming areas, installations and reserves for drinking water and other analogous features).

In respect of these goods, the law-enforcement agencies continuously and permanently act in prevention and protection, observing the provisions of international instruments and applying related mechanisms for precautions in the course of hostilities.

Point of view the protection of cultural property in the event of armed conflict, this is the responsibility of commanders at different levels, and those who plan and execute military operations are required to be aware of and to apply the principles of International Humanitarian Law, in order to observe their constitutional mission within the framework of the law, without jeopardizing institutional legitimacy, applying force is necessary, with regard to property, solely on military targets.

Taking account of the foregoing, it is suggested that that certain regulation should be

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1 Article 217 of the 1991 Constitution states that the Nation shall have permanent armed forces for its defence, and that their primary purpose is the defence of sovereignty, Independence, integrity of national Territory and of the constitutional order
complemented with regard to the State’s obligations derived from the Conventions on drug
bans or the restrictions of the use of certain conventional weapons, which may be considered
excessively harmful, or to have indiscriminate effects, and especially, to its attached protocol
on prohibitions or restrictions of the use of landmines, booby-traps and other devices, as
amended on 3 May 1996, and those derived from the 1999 Ottawa Convention on the
prohibition of the use, storage, production and transfer of landmines, and their destruction.

It is sufficiently clear to the forces of law and order that civilian property may not be attacked;
in Colombia; it is the terrorists who indiscriminately and systematically attack civilian
population and their property, as part of their plans, along with power transmission towers
and oil pipelines, amongst other goods, or property, to the detriment of public patrimony, the
natural environment, and the national economy.

The Colombian army, as part of its area of competency, has adopted preventive and
protective measures for civilian property, including those of a cultural nature, in its range of
processes of formation and training of personnel, and in the planning and execution of
military operations; and it collaborates in work with the work of civilian authorities in
campaigns for the maintenance of some of this property. However, it must be said that in the
context of hostilities, civilian property may be the object of incidental damage, which is
considered legal by International Humanitarian Law, when it is the result of the attacks on
military targets, provided they are not excessive in relation to the military advantage
expected from the attack.²

With regard to internal regulations, the Colombian Criminal Code (Law 599/2000, Title II
"Crimes against persons, and property protected by International Humanitarian Law"),
provides sanctions for those who on the occasion of and in the course of armed conflict,
destroy or appropriate for themselves property protected by International Humanitarian Law
through illegal means or means excessive in relation to the specific military advantage
sought; it punishes destruction of goods or installations used for health and sanitation, the
destruction or unlawful use of cultural property and places of worship, and attacks against
works and installations which contain hazardous forces. Further, the provisions of the Military
Criminal Code (Law 1407/2000), and in particular, its Articles 155, 156 and 171, are
applicable to this theme.

Finally, the reference point must be the terms of Ministry of Defence Decree 138/2005, which
regulates the use of the Red Cross emblem by health personnel of the forces of law and
order, and of civilian health personnel authorized by the Ministry of Health.

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?

² Arts 51(5)(b), 52 and 67 of the 1977 Protocol I Supplementing the 1949 Geneva Conventions
No. The Colombian State has encouraged processes of dissemination of Human Rights and International Humanitarian Law among public servants at all levels, the forces of law and order, and in the community in general, in relation to the protection of civilian property and distinctive signs. However, in a number of discussions held on in the creation of the strategy for the protection of property protected in the conflict in context of armed conflict, the conclusion has been that if there were to be a signposting process, this could generate greater vulnerability for that property and the civilian population, due to the internal armed conflict currently in process in progress, because the illegal armed groups to not apply International Humanitarian Law.

In consideration of this matter, account should be taken of preliminary evaluations made on the need, appropriateness, social context and the armed conflict in the region in which the property to be signposted is located.

It should be emphasized that at meetings held for the formulation of strategy for the comprehensive protection of property protected by International Humanitarian Law in the event of armed conflict, it was decided that signposting of this property would only be in order when circumstances of fact make it possible, and that signposting should not be a requirement for property to be covered by the Strategy. For this purpose, it would be necessary that, in the context of each category of property, an evaluation should be made of context, the degree of vulnerability, related population, budget and material considerations.

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 Colombian State, in the context of process of promotion of Human Rights and dissemination of International Humanitarian Law, has undertaken activities in training and formation of national- and regional-order public servants at all levels, and in the community in general, to disseminate the protection of cultural property, and its distinctive signs.

One representative example is the effort annually made by the Colombian state to hold the "Augusto Ramirez-Ocampo" High-Level Course, addressed to national-and regional order public servants, in which those dissemination from the protection of civilian property and specifically cultural property. The Course has now been held three times, with dissemination of the principles of International Humanitarian Law and international obligations, and the study of the practical situations incorporating the protection for the civilian public and property.
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:


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

No. Given that Spanish is one of the five working languages of UNESCO, the Convention for the Protection of Cultural Property in the Event of Armed Conflict has already been translated and published in the webpage.

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 destruction or unlawful use of cultural property has been defined in Article 156 of Title II “Crimes against persons and property protected by International Humanitarian Law” in the Criminal Code, in the following terms: "He who, on occasion of or in the course of armed conflict, without any justification based on imperative military need, and without previously having taken appropriate and timely measures of protection, attacks and destroys historic monuments, works of art, educational premises or places of worship, which are part of the cultural or spiritual patrimony of peoples, or use such property to support military effort…..". Constitutional Court Decision C-291/2007 extended the definition of the crime to cover all cultural property, declaring that the limitation to goods duly signposted with signs required by the Convention to be unconstitutional.

While Colombia as a nation does not have a specific definition of crimes against cultural heritage, it is currently working on a text for it, and meanwhile, Article 10 of Law 1185/2008, amending Article 15 of Law 397/1997 establishes offences against cultural heritage of the Nation, and in Subsection 1 refers to "Articles 156, 239, 241-13, 265, 266-4 and 447 of Law 599/2000 - the Criminal Code - as amended or substituted".

Article 156. Destruction or unlawful use of cultural goods and places of worship. He who, on the occasion of or in the course of armed conflict, without a justification based on imperative
military needs, and without having previously taken appropriate and timely measures of protection, attacks and destroys historic monuments, works of art, educational premises or places of worship, which are part of the cultural or spiritual heritage of peoples, duly signposted with signs required by the Convention; or uses such assets to support military effort; will be liable for 3-10 years imprisonment and a fine of 200-1000 minimum monthly salaries. The text underlined was declared UNCONSTITUTIONAL in Constitutional Court Decision C-291/2007.

Chapter VII

Article 239. There. He who takes for himself an object belonging to another, in order to take advantage for himself or for a third party, will be liable to imprisonment of 2-6 years. Punishment will be present imprisonment of 1-2 years if the amount concerned does not exceed 10 minimum monthly salaries.

Article 241. The circumstances of aggravation of punishment. Amended by Article 51, Law 1142/2007. The punishment which may be imposed in accordance with the preceding Articles will be increased by one sixth to one half if the conduct is committed:

- 13. Against property, which forms the cultural heritage of the Nation.

Article 265. Damage to the property of another. He who destroys, renders useless, causes to disappear or in any other way damages the movable or immovable property of another, will be liable to imprisonment of 1-5 years and a fine of 5-25 minimum monthly salaries, provided that the conduct is not a crime sanctioned by a higher penalty.

- The punishment will be 1-2 years imprisonment a fine and a fine of up to 10 minimum monthly salaries, where the amount of the damage does not exceed 10 minimum monthly salaries.

- If the damage caused to the parties offended or affected is the object of remedy prior to the handing down of the decision in the first or sole instance, there may be an inhibitory resolution, preclusion of investigation, or cessation of process.

Article 266. Circumstances of aggravation of punishment. The punishment will be increased by up to one third if the conduct described in the preceding article is committed:

- 1. Producing an infection or contagion of plants or animals.
- 2. Employing poisons or corrosive substances.
- 3. In a deserted or solitary place.

In addition, the same Article 10 of Law 85/2008 gives a description of administrative and disciplinary offences against cultural heritage of the Nation.

- 4. Objects of scientific, historical, assistential, educational, cultural, or artistic interest, or of public use and social utility, or on property that forms part of the Cultural Heritage of the Nation.

Article 447. Amended by Article 4 of Law 813/2003, amended by Article 45 of Law 1142/2007. Fencing. He who, without taking part in the execution of the punishable conduct, acquires, possesses, converts or transfers movable or immovable property whose mediate or immediate origin is a crime, or who undertakes any other act to conceal or disguise its
unlawful origin, will be liable to imprisonment of 2-8 years and a fine of 5-500 minimum salaries, provided that the conduct is not a crime sanctioned by a higher penalty.

If the conduct is performed on property whose value is higher than 1,000 minimum monthly salaries, the punishment will be increased by one third to one half.

Further, it should be noted that in addition to the definition of the crime as autonomous, it is possible that with the commission of a crime of a more serious type, under Human Rights or International Humanitarian Law, that there may be an investigation and a trial for that conduct. As an example, homicide against a protected person concurrent with the destruction of cultural property.

Likewise, we take note that at the level of National Directorates (by direct allocation of the Attorney General), or at regional level, it is possible to pursue a process to apply the terms of the criminal law which is cited in the text, that is, in any part of Colombia’s national territory.

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.

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?

No.

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

No.
**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. One of the policies for the management of cultural heritage of the Ministry of Culture consists of the preparation of inventories of material and nonmaterial cultural heritage in the international, national and local ambits. Colombia has eight sites registered on the World Heritage List, more than 1092 cultural properties in the national inventory, and an even larger number of inventoried items of property in regional and local ambits, which the various authorities concerned have inventoried.

According to Article 5 of Law 1185/2008, partially amending Law 397/1997:

"A) Subject to a favourable opinion from the National Council for Cultural Heritage, The Ministry of Culture is responsible for the declaration and management of property of cultural interest in the national ambit. Cultural property in the national ambit includes property declared to be such by the law, the Ministry of Culture or the National Archive, within the bounds of their competency, by reasons of special interest which the property has for the community, everywhere in the country.

B) It is the duty of the regional agencies, based on principles of decentralization, autonomy and participation, to declare and manage the property of cultural interest in the ambit of Departments, Metropolitan or Municipal Districts, indigenous territories and black communities, as included in Law 70/1993, through offices of governors, mayors and related authorities, and subject to a favourable opinion from the Departmental Council for Cultural Heritage; or the Metropolitan Council for Cultural Heritage in the case of Metropolitan Districts.

Property of cultural interest in the ambit of the regional jurisdictions is that declared to be such by the authorities of the Departments, Metropolitan Districts, Municipalities, indigenous territories and black communities defined in Law 70/1993, within the ambit of their competences, by reason of the special interest which the property has for the community in a given regional subdivision.
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?

Does not apply to Colombia.

2. Enhanced protection (Chapter 3)


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?

No. Colombia recognizes the importance of the mechanism of assistance proposed by UNESCO, through non-reimbursable financing for projects related to cultural property with enhanced protection. However, taking account of the fact that no decision has yet been made to present any property as being part of this category, the possibility of requiring that finance has not been taken into account.

During the various discussions which have been held in activities related to the creation of the "Strategy for the protection of cultural property in the event of armed conflict", the conclusion has been that Colombia is not a convenient place to implement a process of signposting, given the internal armed conflict in which we are currently engaged. Signposting could generate greater vulnerability for property, and for the civilian population, since the illegal armed groups do not apply International Humanitarian Law.

If in future it is decided to apply signposting, account shall be taken of the preliminary evaluations as to need, adaptation, social context, and the situation of armed conflict in the region where the property subject to signposting is located.

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?*

No answer.
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?

No answer.

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?

No. The destruction or unlawful use of cultural property is defined as a crime in Article 156 of Title II “Crimes against persons and property protected by International Humanitarian Law” of the Criminal Code, as follows:

"He who, on occasion of or in the course of armed conflict, without any justification based on imperative military need, and without previously having taken appropriate and timely measures of protection, attacks and destroys historic monuments, works of art, educational premises or places of worship, which are part of the cultural or spiritual patrimony of peoples, or use such property to support military effort.....".

Constitutional Court Decision C-291/2007 extended the definition of the crime to cover all cultural property, declaring that the limitation to goods duly signposted with signs required by the Convention to be unconstitutional.

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.
**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.**

The Ministry of Defence, within the context of its mission-related and functional competences, and the comprehensive policy for human rights, the defence sector, has repeatedly issued large numbers of Ministerial control Directives and circulars, for, amongst others:


- Directive 60/2006, Ministry of Defence, setting sector policy for the recognition, prevention and protection of the indigenous communities, principally with regard to their autonomy, culture, territory and special jurisdiction; amongst other instructions, there is a requirement to respect special places for spiritual and cultural practices which make them sacred sites, previously defined in each community.

- Directive 7/2007, strengthening, promoting and protecting human rights in the Afrodescendant, **raizal** and **Palenquera** communities, and emphasizing their collective rights, such as autonomy, territory, culture, and a special jurisdiction.

- Directive 48/2008, issued by the High Command of the Army, giving instructions to strengthen the policy for prevalence, guarantee and respect for the rights of boys, girls and adolescents, and establishing amongst other things that the Armed Forces should not occupy protected sites or places frequented by children, such as schools and hospitals.


- Circular 033- MD-CGFM CARMA-ITAR-DDEHU-13/2014, issued by the Navy’s Human Rights and International Humanitarian Law Directorate, issuing orders and instructions to protect civilian property and cultural property.

- Likewise, information bulletins are prepared on the protection of civilian persons and property, and those extracurricular training for army units and officer formation and training schools, in which these issues are included.

With this, commitments from the Geneva Conventions and their Protocols are being strictly observed, within the ambit of their respective competences, attending to the obligation for account of each State that it should issue laws and regulations to protect distinctive emblems and other signs, symbols and protective signs; adopting practical measures such as incorporating international humanitarian law into training, and military manuals; and the signposting of protected property, and the issue of identification cards.

All military operations follow a planning exercise which, in compliance with international
norms, applies the principles of precaution, distinction, limitation, proportionality, need and military advantage, which necessarily implies some specific rules of engagement used in each operation effected, taking account of the precautions indicated in the international human and civil rights and International Humanitarian Law, both in planning and execution.

The thematic content of the Single Pedagogical Model in Human Rights and International Humanitarian Law has the approval of the Inter-American Human Rights Institute and the International Committee of the Red Cross. The teaching of these subjects is now in practice, expressed through tactical training courses, which incorporate rules of Human Rights and International Humanitarian law. There are present some 122 such courses, distributed across the country, with more than 600 certified instructors.
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.


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. Taking account of the fact that Spanish is one of the five working languages of UNESCO, the Convention for the Protection of Cultural Property in the Event of Armed Conflict has already been translated and published in the webpage.

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: Ministry of Foreign Affairs of Foreign Affairs |
|-----------------|------------------|------------------|
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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

*Have you contributed to the Fund?*

No.

*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 |          |
| Use of the distinctive emblem to mark cultural property |          |
| Implementation of the dissemination obligation, through the establishment of awareness-raising activities for target audiences |          |
| Adoption of relevant criminal legislation |          |
| For Parties with cultural property under enhanced protection only. 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 |          |
| Use of the distinctive emblem to mark cultural property |          |
| Implementation of the dissemination obligation, through the establishment of awareness-raising activities for target audiences |          |
| Adoption of relevant criminal legislation |          |
| For Parties with cultural property under enhanced protection only. 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.

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

No answer.

. **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.

No answer.