Four-year cycle 2013-2016

Poland

Contents

I. Hague Convention of 1954 .................................................................................................................. 2
  1. Article 3 - Safeguarding of cultural property .................................................................................. 3
  2. Article 7 - Military measures ....................................................................................................... 3
  3. Use of the distinctive emblem to indicate cultural property (Chapter V) .................................. 5
  4. Article 25 – Dissemination of the Convention .......................................................................... 5
  5. Article 26 (1) – Official translations ........................................................................................ 7
  6. Article 28 – Sanctions ................................................................................................................. 8

II. Resolution II of the Conference of 1954 ..................................................................................... 9

III. 1954 First Protocol ......................................................................................................................... 9

IV. 1999 Second Protocol ................................................................................................................... 10
  1. General provisions (Chapter 2) .................................................................................................. 10
     Article 5 - Safeguarding of cultural property ............................................................................. 10
     Article 9 - Protection of cultural property in occupied territory ............................................. 10
  2. Enhanced protection (Chapter 3) .......................................................................................... 11
     MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION ... 11
  3. Criminal responsibility and jurisdiction (Chapter 4) .............................................................. 12
     Article 15 – Serious violations of the Second Protocol ............................................................. 12
     Article 16 – Jurisdiction ........................................................................................................... 12
     Article 21 – Measures regarding other violations .................................................................. 13
  4. Dissemination of information and international assistance .................................................... 14
     Article 30 – Dissemination ...................................................................................................... 14
     Articles 32 – International assistance .................................................................................... 14
     1954 .......................................................................................................................................... 14

V. Miscellaneous questions regarding the Hague Convention of .................................................. 15

    1954 and its two Protocols ......................................................................................................... 15
    1. National focal point ................................................................................................................ 15
    2. National practice regarding the implementation of the Hague Convention and its Two
       Protocols ................................................................................................................................. 15
    3. The Fund for the Protection of Cultural Property in the Event of Armed ConFLICT (Article 29
       of the Second Protocol) .......................................................................................................... 16

VI. Self-assessment forms .................................................................................................................. 17

VII. Granting of enhanced protection – Opinion Survey ................................................................. 18

I. Hague Convention of 1954
1. Article 3 - Safeguarding of cultural property

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

Have you adopted such measures?

Yes. The basis for the system of defensive measures developed in the time of peace against foreseen consequences of armed conflicts is the Act of 23rd July 2003 on the protection and safeguarding of monuments, which in article 88 section 2 obliges the minister in charge of matters of culture and protection of national heritage to determine, by means of an ordinance, the organisation and manner of protection of monuments in the event of an armed conflict and crisis situations, including tasks of administrative bodies of appropriate level and organisational units in possession of the monuments, including recommendations concerning protective works.

On the basis of the above mentioned legal act, the Regulation of the Minister of Culture of 25th August 2004 on the organizational and safeguarding measures of protecting monuments in case of armed conflict and emergency situations was issued, which obliges the public administration bodies of appropriate levels and heads of organisational entities in possession of monuments to plan, prepare and implement preventive, documentary, protective, rescue and maintenance actions aimed at protecting the monuments from destruction, damage or loss in an event of armed conflict and other crisis situations. Monument protection plans in the event of armed conflict and crisis situations are prepared in organisational units in possession of monuments and on the level of municipalities, counties (powiat), provinces (voivodeships), as well as on the national level. The plans encompass the holdings under protection, threats, the intent to act, manner the tasks are to be implemented, necessary manpower and equipment as well as time and costs of preparing proper packaging and rooms to store the relics. These document are subject to annual updates. Moreover, within the confines of the tasks carried out of within the area of monument protection in the structure of the Voivodeship Monument Protection Office, a position has been created and named ‘protection of monuments in an event of armed conflict and crisis situations’. The scope of tasks of the person holding this position encompasses in particular: drawing up and updating the Voivodeship monument protection plan in the event of armed conflict and crisis situations, agreeing upon the plans in an event of armed conflict and crisis situations on the levels of counties, municipalities and organisational units obliged to prepare plans of protection, carry out control measures on the area of the voivodeship in the fields of monument protection, carrying out training, informative and educational activities, participation in defensive exercises and trainings as well as in tasks concerning crisis management organised by the Voivode or a local government body.

Complementary to all adopted defensive measures are systematic trainings of all persons involved in the actions concerning protection of heritage.

2. Article 7 - Military measures

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

Have you introduced into your **military regulations or instructions** such provisions as may ensure observance of the Convention?
If this information is available in a previously submitted report, you may refer to it.

Yes. The following regulations are currently in force in the Polish Armed Forces:


2. Order No. 26 of the General Commander of Branches of Armed Forces of 22nd January 2015 on the observation of the principles of protection of cultural property, including guidelines, in the General Command of Branches of Armed Forces and subordinate organisational structures.


The decision defines the tasks of officers and organisational sections of the Ministry of National Defence and command structures in the scope of planning and implementation of actions concerning protection of cultural property within the scope of activities of the Ministry of National Defence. The Decision includes tasks for managerial positions in the Ministry of National Defence in charge of social and infrastructural issues, the Chief of the General Staff of the Polish Armed Forces, General Commander of Branches of Armed Forces, Operational Commander of Branches of Armed Forces, Commanding Officer of the Military Gendarmerie and commanders (directors, chiefs) of organisational units directly subordinate to the Minister of National Defence, including those supervised by the Minister as well as those for which the Minister is the founding body, also for presidents-chiefs of the military universities and chiefs of training centres and facilities.

The General Commander of Branches of Armed Forces defined the most important tasks in the field of protection of cultural property in his Order and Guidelines. These are:

- providing conditions allowing observing the principles of protection of cultural property in subordinate organisational units;

- appointing supernumerary specialists of protection of cultural property;

- organising trainings for soldiers and employees of the Ministry of National Defence encompassing protection of cultural property;

- for the needs of trainings and exercises: drawing up, updating and making available the databases of cultural heritage objects on the basis of the database at the disposal of the National Heritage Board of Poland;

- drawing up and making available in an event of an armed conflict, a database of normative documents and training materials concerning protection of cultural property.

Additionally, supervision and coordination of tasks in the scope of protection of military real estate of historical value under permanent administration of the Ministry of the National Defence has been introduced as a task of the Ministry. It is implemented with consideration to the provisions of ‘Guidelines regarding the protection of military real estate of historical value introduced by the decision of the Minister of National Defence of 29th July 2011 and amended with’ decision of the Minister of National Defence of 12.02.2014.

The Ministry of the National Defence, within the confines of implementation of the ‘Military real estate of historical value custody programme for the years 2013-2016’, has published an album titled ‘Known and unknown military historical monuments’ containing representative military real estate of historical value.
enforced with a Decision of the Minister of the National Defence no. 271/MON of 01.07.2014. This document contains the vision and directions of actions in the scope of protection of real estate of historical value. The main goals of introducing the said Strategy is successive improvement of the state of preservation of military real estate of historical value, their promotion in the military environment as well as outside the Ministry, and development of mechanisms allowing managing over immovable historical monuments more effectively.

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

Yes. There are organisational units functioning within the Ministry of National Defence that are responsible for implementation of international humanitarian law concerning armed conflicts, including protection of cultural property during armed conflicts in accordance with the international law. The activity of the units of the Ministry of National Defence is also supported by the Military Centre for Civic Education tasked with education of soldiers and military personnel in the field of protection of cultural property in the event of armed conflict, including the aspects of international and Polish law.

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

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

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

Yes. Hague Convention symbol design and regulations concerning placing it on the buildings entered to the register of historical monuments are stipulated in the in the Regulation of the Minister of Culture of 9th February 2004 on the design of information symbol placed on immovable historical monuments entered into the register of historical monuments (Journal of Laws No. 30 item 259 as amended). Additionally, the symbol stipulated in the Hague Convention of 1954 is placed on cultural heritage monuments encompassed by the obligation to draw up monument protection plans for the event of an armed conflict and crisis situations, as well as on packaging for evacuation of movable monuments. The design of the symbol and the principles concerning placing it were stipulated in the annex to the Regulation of the Minister of Culture of 25th August 2004 on organisational safeguarding measures of protecting historical monuments in the events of an armed conflict and emergency situations.

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. In accordance with the Decision No. 72/MON of the Minister of National Defence, the issues of protection of cultural property has been encompassed in the educational programmes for candidates for professional soldiers and syllabuses of courses carried out within the confines of the professional development training systems for professional soldiers of the Armed Forces of the Republic of Poland. Classes in this scope are carried out by specialists in international humanitarian law of armed conflicts and encompass such issues like: definition of a cultural property, principles of the protection of cultural property, conduct of commanders towards cultural property while carrying out operations in the course of an armed conflict.

Additionally, the issues of protection of cultural property has been included into training programmes for individual in-training units and individual branches of armed forces within the confines of the subject 'legal training and civic education'. Issues concerning protection of cultural property are also discussed within the confines of civic education classes for officers, sub-officers and privates.

On the basis of the Regulation no. 184/MON of the Minister of National Defence of 13th June 2012 on the organisation of the education and training system concerning 'the International Humanitarian Law of armed conflict' in the national defence department, the Military Centre for Civic Education carries out postgraduate studies and advanced training courses within the confines of which 473 soldiers and employees of the Ministry have been trained in the years 2013-2016.

There are specialists of protection of cultural property appointed in the Ministry of National Defence. In independent battalions/divisions duties in this scope are being carried out on a supernumerary basis, while in commands of Branches of Armed Forces and brigades, these duties are carried out by units responsible for non-kinetic activities or Civil-Military Co-operation (CIMIC). Additionally, recurring trainings of supernumerary specialists on protection of cultural property are carried out. Since 2014, 91 people have undergone the training.

Soldiers of the Military Gendarmerie participate in trainings concerning criminal liability for failure to observe the Hague Convention of 1954 and its 2nd Protocol. The Military Gendarmerie, within the confines of its preventive activity, also carries out classes concerning criminal liability for failure to observe the Hague Convention of 1954 and its 2nd Protocol. The goal of the classes is primarily raising the level of soldier's knowledge and increasing their awareness and responsibility in the scope of observing and enforcing law and principles concerning protection of cultural property.

In the course of drawing up normative documents for individual compositions of Polish Military Contingents, NATO Response Force and other compositions of Armed Forces of the Republic of Poland prepared to fulfil duties as forces of NATO, there are orders and guidelines encompassing the issues of 'International humanitarian law' concerning the protection of cultural property in the regions of operation.

The problem of protecting cultural property as stipulated in the Hague Convention is encompassed in syllabuses of training courses, workshops, meetings and conferences organised by the Chief of the National Civil Defence.

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.

Within the confines of the celebration of 60th anniversary of the Hague Convention and the 15th anniversary of the Second Protocol, the Ministry of Culture an National Heritage of the Republic of Poland has organised the following event in the year 2014:
- a special thematic panel concerning protection of cultural property within the confines of the Polish School of International Humanitarian Law of Armed Conflict in Radziejowice;

- a formal sitting of the Polish Advisory Committee with participation of interministerial and social entities participating in fulfilling the provisions of the Hague Convention and the Second Protocol;

- a conference titled ‘Protection of cultural heritage during armed conflicts in the light of international and Polish law. 60 years of Hague Convention and its Second Protocol’ at the Faculty of Law and Administration of the Warsaw University;

- a seminar for or organisers of civic education from military schools of higher education and training centres, concerning implementation of provisions of Hague Convention of 1954 and its Protocols into the practical operations of Armed Forces.

Additionally, in the year 2015, a publication titled ‘Protection of cultural heritage during armed conflicts in the light of international and Polish law. 60 years of Hague Convention and 15 years of its Second Protocol’ has been published, as well as an addition to ‘Mówią Wieki (‘Ages Speak’) magazine titled ‘Cultural heritage in the presence of modern threats’, and an addition to ‘Przegląd Obrony Cywilnej’ (‘Civil Defence Review’) magazine dedicated to protection of cultural property in the event of danger.

Ministry of Culture and National Heritage of the Republic of Poland organised and financed participation of experts from 6 Eastern Partnership countries in the international conference ‘Protection of cultural property from special risks – safety of using real estate of historical value’ organised by the Sub-officer School of the State Fire Service in Cracow. The goal of the conference that was held under the auspices of the Minister of Culture and National Heritage was acquainting participants with modern techniques of protecting cultural heritage in danger, including that caused by armed conflicts, and exchange of experiences in implementation of the Hague Convention and its Protocols.

Polish Committee of the Blue Shield and Polish branch of the International Council of Museums ICOM Poland prepared and held a special panel in October 2016. The subject was ‘Protection of historical monuments, collections of museums, libraries and archives in the event of an Armed Conflict and crisis situation – diagnosis, new challenges’. The panel was organised within the confines of the ‘Heritage’ Fair.

In November 2016 in Cracow the Ministry of Culture and National Heritage together with International Cultural Centre organised an international expert conference titled ‘Cultural heritage in the presence of modern threats and challenges. Programmes and directions of actions’, with assistance of the Polish Committee of the Blue Shield. 120 people participated in the meeting that was under patronage of the Minister of Culture and National Heritage, International Council of Museums ICOM and Polish National Commission for UNESCO. These people were specialists from Poland and entire Europe, representatives of environments related to the subject of the event. Among invited panel speakers, there was a high-ranking member of UNESCO – Chief of the Cultural Heritage Protection Treaties Section. The conference in Cracow was an answer to appeals of UNESCO, UN and the world of science to the international community for intensification of all actions concerning preserving cultural heritage in places endangered, especially by armed conflicts.

The expert meeting in Cracow constituted also an implementation of one of the stages of the project of preparing, training, promoting and participation of civilian and military state experts in protection of cultural heritage in international missions implemented in December 2015 by a decision of the Minister of Culture and National Heritage. The goal of the project is to train civilian specialists and prepare them to preserve cultural heritage – carrying out expert and intervention works, also within the confines of missions organised under the auspices of international organisations specialised in protection and saving cultural heritage, like UN, UNESCO, ICOM, ICCROM, BLUE SHIELD.

5. Article 26 (1) – Official translations
The Secretariat has received a certain number of official translations of the Convention and of the Regulations for its execution. For reference, please consult:

**Language versions of the Hague Convention and its 1954 Protocol**

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

Yes. Official translation of the Hague Conventions and its secondary legislation in force in the Republic of Poland were submitted by Poland together with previous reports.

**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 requirement stipulated in article 28 of the Hague Convention is implemented in the Republic of Poland by provisions of art. 125 – 126c of the Penal Code. English version of these articles reads as follows:

**Article 125.** § 1. Whoever in the occupied or seized territory or in a territory in the course of warfare commits destruction of property, appropriation or seizure of the enemy’s property or cultural goods, shall be subject to the penalty of the deprivation of liberty from one to 10 years.

§ 2. In the event that the act applies to a property of a considerable value or goods of particular importance to culture, the perpetrator shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years.

**Article 126.** § 1. Whoever, in the course of warfare, illegally uses the emblem of the Red Cross or Red Crescent, shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years.

§ 2. The same punishment shall be imposed on anyone, who, in the course of warfare, illegally uses protective emblems for items of cultural heritage or other emblems protected under international law, or uses a national flag or the military markings of the enemy, neutral country or an international organisation or commission.

**Article 126a.** publicly calls for the commission of an act specified in Article 118, 118a, 119 § 1, Articles 120-125 or publicly approves an act specified in the above-mentioned provisions, shall be subject to the penalty of the deprivation of liberty for a term of between 3 months to 5 years.

**Article 126b.** § 1. Whoever, failing to perform a duty of proper supervision allows a person remaining under his actual power or control to commit an act specified in Article 117 § 3, Article 118, 118a, 119 § 1, Article 120-126a, shall be subject to a penalty specified in the above-mentioned provisions.

§ 2. If the perpetrator acts unintentionally, he shall be subject to the deprivation of liberty for a term of between 3 months to 5 years.

**Article 126c.** § 1. Whoever makes preparation to commit the offence specified under article 117, article 118 or article 120, shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years.
§ 2. Whoever makes preparation to commit the offence specified under article 118a § 1 or § 2, article 122 or article 123, shall be subject to the penalty of the deprivation of liberty for a term of between one year to 10 years.

§ 3. Whoever makes preparation to commit the offence specified under article 124 § 1 or article 125, shall be subject to the penalty of the deprivation of liberty for a term up to 3 years.

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?

Yes. In accordance with the 2nd Resolution to the Hague Convention of 1954, there is an advisory body operating in Poland. It has been appointed by the Regulation of the Council of Ministers of 27th April 2004 on the Polish Advisory Committee (Journal of Laws No. 102, item 1066). The Polish Advisory Committee is a collegial and interministerial subsidiary body to the Council of Ministers. The chair of the Committee is Under-Secretary of State in the Ministry of Culture and National Heritage – the General Conservator of Monuments. The Committee is composed of representatives of Ministers: of Culture and National Heritage, National Defence, Interior and Administration, Justice, Foreign Affairs, Science and Higher Education, National Education, as well as of experts in protection of national heritage. Additionally, issues concerning protection of cultural property in the event of an armed conflict is one of the fields of activity of the Committee for dissemination of international humanitarian law of armed conflicts that operates by the Executive Board of the Polish Red Cross.

III. 1954 First Protocol

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

The main objective of the 1954 Protocol is the protection of cultural property in occupied territory. As such, it organizes, among others, a system of:
- taking into custody;
- return of illegally exported cultural property; and
- finally indemnity to the holders in good faith.

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

Yes.

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

No. There were no cases of cultural property being brought to Poland from any occupied territory.
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. Detailed information was provided in item 1 of this Report. Additionally, Voivodeship Monument Conservators responsible for protection of monuments in the event of an armed conflict on the areas of respective Voivodeships carried out various information, educational or training activities. The most important among them are:

- drawing up a model plan for protection of historical monuments in the event of an armed conflict and crisis situations and handing it over to all County Offices (Starostwo Powiatowe) with request to distribute it among all municipal offices, that in turn were asked to send the plans to all organisational units in possession of monuments,
- organisation of a conference for priests titled ‘Safety of movable historical monuments’,
- initiating a programme for marking movable historical monuments within all religious facilities and marking movable historical monuments in the Poznań Cathedral,
- carrying out tasks within the confines of defensive exercises ‘Drwęca-14’ and ‘Gniegosz-15’ including principles of evacuation and securing objects of historical value,
- organisation of a training conference entitled ‘Comprehensive protection of cultural property and historical monuments – practical notes’,
- carrying out trainings for local government authorities in the scope of protecting historical monuments,
- participation in application-staff exercises simulating a fire of The Church of Peace in Świdnica,
- organising training for directors of museums, cultural facilities and important historical facilities as well as for presidents, mayors and village governors,
- carrying out trainings for soldiers and employees of the Armed Forces.

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?
The Republic of Poland is currently preparing detailed principles in this scope.

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?

Yes. The Ministry of Culture and National Heritage of the Republic of Poland is currently preparing principles of reporting objects of historical value to be subject to enhanced protection and presenting them to the Committee for the Protection of Cultural Property in the Event of Armed Conflict. It is being considered to put the objects planned to be subject to enhanced protection on a preliminary tentative list of cultural property on the territory of the Republic of Poland, divided into the following categories:

- immovable cultural property on the World Heritage list of UNESCO in accordance with the Convention concerning the Protection of World Cultural and Natural Heritage;
- cultural property on the UNESCO Memory of the World Register;
- objects deemed to be Monuments of History by the President of the Republic of Poland.

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?

In the Republic of Poland, the basis to prosecute an offence concerning violating of the Second Protocol is article 125 of the Penal Code. It should be stressed that article 125 of the Penal Code ensures criminalisation of conduct against cultural property undertaken on an area invaded, occupied or being a stage of military activities. An offence contrary to article 125 of the Penal Code is an offence of consequence (for the offence to take place, there must be a defined consequence taking place—damage, destruction, appropriation, unlawful taking), while acts indicated in article 15 a and b of the Second Protocol are offences of endangering (undertaking a specified action is enough for the offence to take place, independently from the effect of that action). However, the differences indicated above should not be significant in practice, as it is hard to assume that making a cultural property a target of an attack or using it to support military activities could not result in this property being destroyed or damaged.

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?

Provisions of the article 5 of the Penal Code (an act committed on the territory of the Republic of Poland or a sea or air vessel regardless of the nationality of the perpetrator) and articles 109-113 of the Penal Code (an act committed outside the territory of the Republic of Poland by a citizen of Poland of a foreigner) define jurisdiction in criminal cases and are accordant with the requirements of the article 16 of the Second Protocol.

English version of these regulations below:

Article 5. The Polish penal law shall be applied to the perpetrator who committed a prohibited act within the territory of the Republic of Poland, or on a Polish vessel or aircraft, unless an international agreement to which the Republic of Poland is a party stipulates otherwise.

Article 109. The Polish penal law shall be applied to Polish citizens who have committed an offence abroad.
Article 110. § 1. The Polish penal law shall be applied to aliens who have committed abroad an offence against the interests of the Republic of Poland, a Polish citizen, a Polish legal person or a Polish organisational unit not having legal personality and to aliens who have committed abroad a terrorist offence.

§ 2. The Polish penal law shall be applied to aliens in the case of the commission abroad an offence other than listed in § 1, if, under the Polish penal law, such an offence is subject to a penalty exceeding 2 years of deprivation of liberty, and the perpetrator remains within the territory of the Republic of Poland and no decision on his extradition has been taken.

Article 111. § 1. The requirement for liability for an act committed abroad is that an act is likewise recognised as an offence by a law in force in the place of its commission.

§ 2. If there are differences between the Polish penal law and the law in force in the place of commission, the court may take these differences into account in favour of the perpetrator.

§ 3. The condition provided for in § 1 shall not be applied neither to the Polish public official, performing his duties abroad, has committed an offence in connection with his functions, nor to a person who committed an offence in a place beyond the jurisdiction of any state authority.

Article 112. Notwithstanding the provisions in force in the place of the commission of the offence the Polish penal law shall be applied to a Polish citizen or an alien in case of the commission of:

1) an offence against the internal or external security of the Republic of Poland;

2) an offence against Polish offices or public officials and offence of swindling Polish public official or other person entitled on the basis of Polish law to produce a document out of authentication of untruth;

3) an offence against essential economic interests of Poland

4) an offence of false deposition or false statement, opinion or translation, use of document certifying the identity of another person, certifying untruth or false document - made before a Polish office.

5) an offence from which any material benefit has been obtained, even indirectly, within the territory of the Republic of Poland.

Article 113. Notwithstanding the provisions binding in the place of committing an offence, the Polish Penal law shall be applied to a Polish national and an alien, whose surrender has not been decided if such an alien has committed an offence abroad and the Republic of Poland is obliged to prosecute such crime under an international treaty or if an offence committed by such an alien is specified in the Rome Statute of the International Criminal Court, drawn up in Rome on 17 July 1998 (Journal of Laws of 2003, No. 78, pos. 708).

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. In the Republic of Poland solutions in this scope are currently being prepared.
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.

In the Armed Forces and among the general population, the Hague Convention of 1954, First and Second Protocol are disseminated jointly. It is planned to publish informational, educational and training material concerning protection of cultural property in the event of armed conflict in 2017.

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?

Yes, numerous times, by organising expert conferences, sending experts for international events, organisation of study visits, workshops and trainings. The Republic of Poland is also ready for other projects concerning exchange of experiences of civilian experts participating in saving cultural heritage in regions of armed conflicts. Poland has experts that took part in missions in regions of armed conflicts and is ready to share these experiences.


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?
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.

<table>
<thead>
<tr>
<th>Institution:</th>
<th>Email:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Tel.:</td>
</tr>
<tr>
<td>Address:</td>
<td>Fax:</td>
</tr>
</tbody>
</table>

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?
Yes.
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.

<table>
<thead>
<tr>
<th>Implementation of the safeguarding obligation through the adoption of preparatory measures</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training of military personnel on the regulations relating to the protection of cultural heritage</td>
<td>4</td>
</tr>
<tr>
<td>Use of the distinctive emblem to mark cultural property</td>
<td>4</td>
</tr>
<tr>
<td>Implementation of the dissemination obligation, through the establishment of awareness-raising activities for target audiences</td>
<td></td>
</tr>
<tr>
<td>Adoption of relevant criminal legislation</td>
<td></td>
</tr>
</tbody>
</table>

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 | 4 |
| Training of military personnel on the regulations relating to the protection of cultural heritage | 5 |
| Use of the distinctive emblem to mark cultural property | 5 |
| Implementation of the dissemination obligation, through the establishment of awareness-raising activities for target audiences | 4 |
| Adoption of relevant criminal legislation | 5 |

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"

The criteria listed in the Guidelines for the Implementation of the 1999 Second Protocol to the 1954 Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict are a solid basis for any consideration in this regard. They describe in a satisfactory manner all the factors to be taken into consideration while deciding whether cultural property is of greatest importance for humanity.

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

Ministry of Culture and National Heritage of the Republic of Poland, which disposes of legal, organisational and financial means.

† 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.

Ministry of National Defence of the Republic of Poland.