Four-year cycle
2017-2020

Questionnaire
GENERAL INFORMATION

1. Region: Latin America and the Caribbean
   State Party: COLOMBIA

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: Colombian National Commission for UNESCO | Email: tatiana.garcia@cancilleria.gov.co |
| Name: Tatiana Garcia Correa | Tel.: +57(1) 381 4000, Ext: 1017 - 1018 |
| Address: Calle 10 No. 5 – 51, Bogota, Colombia | 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: ☐

Within the framework of the “National Strategy for the Guarantee of Human Rights 2014-2034”, which includes the Strategy for the Protection of Cultural Property in the Event of Armed Conflict, and following the relevant international treaties on International Humanitarian Law (IHL) formally incorporated into national legislation, different guidelines, strategies and lines of action against the foreseeable effects of an armed conflict are foreseen.

In this regard, it is important to mention the Guideline 1 regarding the "Application of a clear and coherent normative framework for IHL", which includes Strategy 1.1 "Promote the ratification and accession to international treaties on IHL that have already been adopted by the international community". Two relevant lines of action are contained in Guideline 1, namely: Line of Action 1.2.5. "Promote the design and implementation of measures for the protection of cultural property and other property protected in the event of armed conflict", and Line of Action 1.2.6. "Promote the registration of specially protected cultural property to international organizations".

On the other hand, line of action 1.2.7. determines that the states must "Generate awareness and education campaigns on protected assets". It is important to point out that from the National System of Human Rights and International Humanitarian Law of the Presidential Counselor’s Office for Human Rights and International Affairs, this line of action has been implemented through different territorial assists and training in IHL, developed in all departments nationwide.

The Colombian Ministry of Culture has implemented several cultural heritage management policies, one of which consists of the preparation of inventories of tangible and intangible cultural heritage at the local, national and international levels. In this regard, Colombia has 9 sites inscribed on the UNESCO World Heritage List, more than 3,000 cultural properties in the national inventory, and an even greater number of properties inventoried by the respective national authorities at the regional and local levels.

It is important to mention that the Banco de la República Gold Museum has protocols against terrorist actions. In this regard, the Collection Salvage Plan of this institution includes salvage against earthquakes, fires and floods. This protocol is designed for the Luis Ángel Arango Library, for the Arts and Other Collections Unit and for the Gold Museum.

On the other hand, the Development Plans with Territorial Approach (in spanish, Planes de Desarrollo con Enfoque Territorial - PDET), created through Decree 893 of 2017 (under the
provisions of the Colombian Peace Accord), serve as a planning and management instrument that seeks to transform 170 municipalities in 19 departments, which were prioritized according to the following criteria: 1. Higher poverty rates; 2. Greater affectation by illicit economies; 3. Weak institutional presence; 4. Greater impact of the armed conflict.

The impact of this instrument will be reflected in: the comprehensiveness of the State's intervention and the implementation of the components of the Development Plans with Territorial Approach (PDET); the transformation of illegal economies to foster economic development in accordance with the dynamics of each region; the certainty of institutional presence in these territories; the prevention of the reproduction of cycles of violence; the protection of the integrity of those who live in these municipalities; and the use of the productive, economic and natural potential of the territories.

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: [ ]

The Colombian State has promoted processes of dissemination of Human Rights and IHL aimed at officials, public servants, Public Forces and the community, with regard to the protection of civilian property and distinctive signs. However, in different discussions regarding the Strategy for the Protection of Protected Assets in the framework of the armed conflict, it was concluded that carrying out a signaling process in Colombian territory could generate greater vulnerability to property and the civilian population, since illegal armed groups do not act in accordance with IHL.

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.
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 constitute national identity are property of the nation and are inalienable, and not subject to embargo or prescription.

In the context 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).

With 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.

Taking account of the foregoing, it is considered necessary to complement such regulation 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. However in Colombia, there are terrorists who indiscriminately and systematically attack civilian population and their property, as part of their plans, along with power transmission towers and oil pipelines, among 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 with the work of civilian authorities in campaigns for the maintenance of some of its 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.

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.

- 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.

Commanders, at different levels, and those who plan and execute military operations are responsible to ensure respect for cultural property. In addition, they must know and apply the principles of International Humanitarian Law, carry out their constitutional mission within the framework of the law.

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.

Within the framework of the processes of promotion of human rights and dissemination of IHL, the Colombian State has carried out training and education activities for public servants, officials and civil society, in which the protection of cultural property and its distinctive signs are disseminated.

For its part, the Banco de la República Gold Museum frequently receives personnel from the Military Forces and the National Police in training, who receive training to improve their sense of identification of cultural heritage. In addition, entry for members of the security forces of all countries is free.

In addition, the Ministry of Culture carries out awareness and education campaigns on the safeguarding, protection, recovery, conservation, sustainability and dissemination of cultural heritage in general, as well as on the prevention of illicit trafficking of movable cultural property.
However, these campaigns do not focus specifically on cultural property in the context of armed conflict.

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:

Since Spanish is one of UNESCO's five official working languages, the Convention for the Protection of Cultural Property in the Event of Armed Conflict is already translated and published on the website:

https://unesdoc.unesco.org/ark:/48223/pf0000082464

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.

Within the framework of the ordinary criminal jurisdiction, the Colombian State has established as criminal conducts in Law 599 of 2000, those indicated in Article 154 of the Criminal Code, Title II "Persons and Property Protected by International Humanitarian Law", related to the destruction and appropriation of protected property. In the aforementioned article, the following are understood as protected property under IHL: civilian property that are not military objectives; cultural property and places of worship; property indispensable for the survival of the civilian population; elements that make up the natural environment; and works and installations containing dangerous forces.

Likewise, in article 156 of the Criminal Code, the conduct of destruction or illicit use of cultural property and places of worship is considered punishable. On the other hand, Article 158 of the Penal Code, established as a crime the conduct of retaliation when, among other cases,
they fall against protected property. Additionally, in the disciplinary sphere, Article 34 of Law 734 of 2002, stated that it is the duty of all public servants to comply with and enforce the duties contained in the Constitution and IHL treaties. Thus, taking into account that the aforementioned regulations are currently in force, which typify the conducts and offenses punishable in the domestic legal system, it is evident that the necessary measures to prosecute and impose criminal or disciplinary sanctions against conduct contrary to the obligations established in the Convention have been incorporated into the national legislation.
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.

In Colombia, a National Consultative Committee has not been established to advise the Government on the necessary measures for the implementation of the Convention in its legislative, technical or military aspects in times of peace or armed conflict.

- 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.
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.

One of the cultural heritage management policies of the Colombian Ministry of Culture is the preparation of inventories of tangible and intangible cultural heritage at the national and local levels. In this regard, Colombia has 9 sites inscribed on the UNESCO World Heritage List, more than 3,000 cultural properties in the national inventory and an even greater number of assets inventoried by the respective authorities at the regional and local levels.

During September 2018 and September 2020, the inventory of approximately 2,091 movable assets that are part of the Colombian cultural heritage was registered in the Heritage Information System (in Spanish, Sistema de Información de Patrimonio - SIPA) of the Ministry of Culture. These assets make up the collections of different entities located in different regions of the country, including: churches, basilicas, chapels, cathedrals, cloisters, temples, museums, archives, libraries and collections of public institutions.

Likewise, according to information provided by the National Museum of Colombia in August 2019, 142 entries were made to the inventory of the collections management system “Colombian Collections” between September 1, 2018 and August 23, 2019. Most of the assets entered are of a documentary nature.

The inventory of pieces from the textile collection of the Catedral Primada de Bogotá is currently underway for their subsequent entry into the Heritage Information System (SIPA). For this purpose, Agreement No. 2544 of cooperation between the Ministry of Culture and the Universidad de los Andes of 2016 was signed, which will allow updating the inventory of the collection of movable patrimonial property of the Catedral Primada de Colombia.

Furthermore, for the inventory of cultural property in the country, the Ministry of Culture develops the National Cultural Heritage Inventory Program (in Spanish, Programa Nacional de Inventario de Patrimonio Cultural), which is responsible for coordinating the processes of identification, documentation and valuation of cultural heritage, as well as the registration of
movable and immovable cultural property in the country as a source of information for the definition of actions aimed at its management and protection.

Information on the National Cultural Heritage Inventory Program is available on the Ministry's website:  

The Cultural collections from the Banco de la República have specific Collections Management Systems (CMS) for documentation, management and inventories, which operate following international standards. There are inner regulations to the inventories frequency as well as procedures for safeguarding, protection, and rescue for each collection. The cultural area has an inner consulting group formed by the cultural manager, the collections managers from the Gold Museum, The Arts and Other Collections Unit and the Luis Angel Arango Library, as well as the preventive conservators. That working group is in charge of the conservation policies, gives technical support and follows the collections protection.

It is important to mention that there are internal regulations for the periodicity of inventories and processes for the safeguarding, protection and salvage of each of the collections in case of emergencies. In the Cultural Submanagement of Banco de la República (in spanish, Subgerencia Cultural del Banco de la República - SGCL), there is a collection conservation committee that consists of an internal cross-cutting work team of the Bank, led by the Cultural Submanager of Banco de la República, and composed of the Head of Registry of the Gold Museum; the Head of Conservation and Registry of the Arts and Other Collections Unit; the technical director of the Library Network Department, and the conservators-restorers of the areas with collections of the Cultural Submanagement: Gold Museum, Arts and Other Collections Units, and the Library Network. This working group develops and updates conservation guidelines for the collections, provides technical advice and follows up on the protection of the collections.

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

- 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: [x]

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

Currently, the Colombian State do not intend to request the granting of enhanced protection for cultural property. In the event of a future request for enhanced protection, the governmental institutions involved in this matter must first be consulted and, additionally, preliminary assessments on need, suitability, social and armed context of the region where the property subject to possible enhanced protection is located must be taken into account. However, to date, there is no provisional list of cultural property for which it is intended to request this kind of protection under Article 11 (1) of the Second Protocol.

**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: [x]

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: [x]

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

4. Article 15 - Serious violations of the 1999 Second Protocol
“Article 15 obliges Parties to establish as criminal offences in their domestic law offences constituting serious breaches of the Second Protocol, and to make such offences punishable by appropriate penalties”.

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

YES: ☒  NO: ☐

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

The Colombian State has materialized what is recognized in the Convention and its second additional protocol. For this purpose, it has enshrined several behaviors under the category of crimes by incorporating them into the Criminal Code under Title II, relating to violations against property and persons protected by IHL.

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.

Within the framework of Law 599 of 2000 (Colombian Criminal Code), measures have been adopted that grant jurisdiction to Colombian courts over serious crimes under the Second Protocol of 1999:

Article 156. Destruction or unlawful use of cultural property and places of worship: whoever, on occasion and in the development of armed conflict, without any justification based on imperative military needs and without having previously taken adequate and timely protective measures, attacks and destroys historical monuments, works of art, educational facilities or places of worship, which constitute the cultural or spiritual heritage of the peoples, duly marked with conventional signs, or uses such property in support of the military effort, shall incur imprisonment of forty-eight (48) to one hundred and eighty (180) months and a fine of two hundred and sixty-six point sixty-six (266.66) to one thousand five hundred (1500) legal monthly minimum wages in force.

Article 269-1. Crimes against submerged cultural heritage: whoever by any means or procedure, without authorization of the competent authority, explores, intervenes, takes economic advantage of, or totally or partially destroys property belonging to the Submerged Cultural Heritage, shall incur imprisonment from one (1) to six (6) years and a fine of up to
one thousand two hundred (1,200) legal monthly minimum wages in force. Likewise, at the domestic ordinary jurisdiction level, Article 35 of the Code of Criminal Procedure has granted jurisdiction to the Specialized Circuit Criminal Judges (in spanish, Jueces Penales de Circuito Especializados), both to judge and to punish serious crimes under the second protocol of 1999.

In addition to the jurisdiction given to ordinary judges, two special transitional jurisdictions have been established:

1. The Justice and Peace Jurisdiction, through Law 975 of 2005, modified by Law 1592 of 2012, regarding the commission of crimes in the framework of the Second Protocol of 1999 by the demobilized members of the groups known as "Paramilitaries" (in spanish, "autodefensas o paramilitares") who submitted themselves to this special transitional jurisdiction. These conducts are investigated by the Attorney General's Office of the Nation (State investigating and prosecuting entity) and judged by the Justice and Peace Court.

2. The transitional jurisdiction that is part of the System of Truth, Justice, Reparation and Non-Repetition (Special Justice for Peace - JEP), created as a result of the signing of the Havana Peace Agreements by the National Government and the then insurgent group FARC-EP. The JEP has its own Prosecutors, Judicial Police and Magistrates who are responsible for investigating and punishing the crimes under study in the Convention and the additional protocols in all proceedings, applying the current regulations that recognize and comply with the provisions of international law.

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.


Article 156. "Destruction or illicit use of cultural property and places of worship: whoever, on occasion and in the development of armed conflict, without any justification based on imperative military needs and without having previously taken adequate and timely protective measures, attacks and destroys historical monuments, works of art, educational
facilities or places of worship, which constitute the cultural or spiritual heritage of the peoples, duly marked with conventional signs, or uses such property in support of the military effort, shall incur imprisonment of forty-eight (48) to one hundred and eighty (180) months and a fine of two hundred and sixty-six point sixty-six (266.66) to one thousand five hundred (1500) legal monthly minimum wages in force.

Subparagraph b does not apply to the Colombian case.

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.

The Colombian Ministry of Culture is developing the National Program to Prevent and Counteract Illicit Trafficking of Cultural Property as a coordination and participation strategy to join institutional and individual efforts, and to promote the collaboration of various agencies with the participation of the community, in order to develop joint actions to mitigate the negative effects of illicit trafficking of movable cultural heritage property.

Within the framework of this program, a series of activities have been implemented, such as the dissemination of the National Campaign against the Illicit Trafficking of Cultural Property, as well as the knowledge and valuation of movable heritage and its protection regulations through virtual courses known as: Vivamos y Protejamos el Patrimonio (Let's Live and Protect Heritage).

Training has also been provided to national entities; publications have been produced on the recognition of cultural objects; the ICOM Red List of Endangered Cultural Objects was drawn up; and publicity material such as posters, brochures, video clips, articles and information in the media was designed and disseminated. In addition, international cooperation activities were carried out within the framework of regional platforms such as the Andean Community of Nations and Mercosur.

Finally, the Banco de la República Gold Museum dedicates its work to disseminating and teaching the entire population about the value of cultural heritage and the need to protect and defend it in all circumstances.
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.

To date, no institution of the Colombian State has undertaken specific actions to share experiences and good practices in the implementation of the Convention and its Protocols.


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

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

Please annex an electronic copy of your translation(s) to this report.
V. Other questions relating to the 1954 Hague Convention and its two Protocols

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

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

<table>
<thead>
<tr>
<th>International instruments</th>
<th>Ratification/Accession</th>
</tr>
</thead>
<tbody>
<tr>
<td>1972 UNESCO Convention on the Protection of the World, Cultural and Natural Heritage</td>
<td>Ratification</td>
</tr>
<tr>
<td>2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage</td>
<td>........</td>
</tr>
<tr>
<td>2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage</td>
<td>Ratification</td>
</tr>
<tr>
<td>2005 UNESCO Convention for the Protection and Promotion of Diversity of Cultural Expressions</td>
<td>Ratification</td>
</tr>
<tr>
<td>Additional Protocol (I) to the Geneva Conventions, 1977</td>
<td>........</td>
</tr>
<tr>
<td>Additional Protocol (II) to the Geneva Conventions, 1977</td>
<td>........</td>
</tr>
<tr>
<td>Additional Protocol (III) to the Geneva Conventions, 2005</td>
<td>(Signed only, not ratified)</td>
</tr>
</tbody>
</table>

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.

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?

<table>
<thead>
<tr>
<th>Option</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>There is no cooperation between the different authorities</td>
<td>X</td>
</tr>
<tr>
<td>There is limited cooperation between the different authorities</td>
<td></td>
</tr>
<tr>
<td>There is cooperation between the various authorities, but there are</td>
<td></td>
</tr>
<tr>
<td>still improvements to be made</td>
<td>X</td>
</tr>
<tr>
<td>There is a perfectly functional cooperation between the different</td>
<td></td>
</tr>
<tr>
<td>authorities</td>
<td></td>
</tr>
<tr>
<td>Other (specify)</td>
<td></td>
</tr>
</tbody>
</table>
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]

<table>
<thead>
<tr>
<th></th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementation of the safeguarding obligation through the adoption of preparatory measures</td>
<td>4</td>
</tr>
<tr>
<td>Military training on regulations for the protection of cultural property</td>
<td>3</td>
</tr>
<tr>
<td>Use of the distinctive emblem to mark cultural property</td>
<td>1</td>
</tr>
<tr>
<td>Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences</td>
<td>4</td>
</tr>
<tr>
<td>Adoption of relevant criminal legislation</td>
<td>4</td>
</tr>
</tbody>
</table>

For Parties with cultural property under enhanced protection only.

| 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]

<table>
<thead>
<tr>
<th></th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementation of the safeguarding obligation through the adoption of preparatory measures</td>
<td>5</td>
</tr>
<tr>
<td>Military training on regulations for the protection of cultural property</td>
<td>5</td>
</tr>
<tr>
<td>Use of the distinctive emblem to mark cultural property</td>
<td>1</td>
</tr>
<tr>
<td>Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences</td>
<td>5</td>
</tr>
<tr>
<td>Adoption of relevant criminal legislation</td>
<td>5</td>
</tr>
</tbody>
</table>

For Parties with cultural property under enhanced protection only.

| 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 recognizing 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 main factors to be taken into account in determining whether a cultural property is of the greatest importance for humanity are considered to be based on the criteria established under the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage to determine whether a cultural property is eligible for designation as a national or world heritage property and for inscription on the World Heritage List.

These criteria are as follows:

In general terms, the cultural property, site or monument must be of outstanding universal value and meet one of the following criteria:

i. represent a masterpiece of creative, human genius;

ii. attest to a considerable exchange of human values during a certain period or in a specific cultural area, in the development of architecture or technology, the monumental arts, urban planning or landscape design;

iii. provide a unique or at least exceptional testimony of a cultural tradition or civilization that is still alive or that has disappeared;

iv. be an outstanding example of a type of construction or of an architectural or technological ensemble, or of a landscape that illustrates a significant stage or significant stages in the history of mankind;
v. constitute an outstanding example of traditional forms of human settlement, land use, or use of the sea, which is representative of a culture or cultures, or of the interaction between man and his natural environment, especially when it is vulnerable to the effects of irreversible change;

vi. be directly or tangibly associated with events or living traditions, with ideas, beliefs, or with artistic or literary works of outstanding universal value. (The Committee considers that this criterion should be used in conjunction with other criteria).

vii. depict superlative natural phenomena or areas of natural beauty and exceptional aesthetic importance.

viii. be eminently representative examples of the great phases of the earth's history, including the testimony of life, of geological processes ongoing in the evolution of landforms, or of geomorphic or physiographic features of great significance.

ix. be eminently representative examples of ongoing ecological and biological processes in the evolution and development of ecosystems and plant and animal communities, terrestrial, aquatic, coastal and marine.

x. contain the most representative and important natural habitats for in situ conservation of biological diversity, including those in which endangered species of outstanding universal scientific or conservation value survive.

- 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 Defense;
- Ministry of Culture;
- Ministry de Justice;
- Ministry of the Interior.

- 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?

- Ministry of Defense;
- Ministry of Culture;
- Ministry de Justice;
- Ministry of the Interior.