Four-year cycle
2017-2020

Questionnaire
GENERAL INFORMATION

1. Region: State Party:
   Guatemala

2. Submission of previous national reports
   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: Vice-Minister of Culture and Sports | Email: vicedespachopatrimonio@mcd.gob.gt |
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I. The Hague Convention of 1954

1. Article 3 - Safeguarding of cultural property

This Article provides for the obligation of the High Contracting Parties to adopt relevant peacetime safeguarding measures against the foreseeable effects of an armed conflict.

- Has your State undertaken such measures?

   YES: ☒ NO: ☐

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

In accordance with Decree 425 dated September 25, 1947, the creation of a Registry of archaeological, historical and artistic property is established, which runs and function as a dependency of the Institute of Anthropology and History (IDAEH) and is in-charge of the inscription, annotation, cancellation and publicity of the acts and contracts related to the rights that affect monuments, archaeological, historical and artistic objects, both property owned by individuals and property owned by the State must be registered. Within its provisions, The Register of Cultural Assets is a public institution, attached to the Directorate of Cultural and Natural Heritage. The cultural heritage of the nation is under protection on the legal framework, starting with the Political Constitution of the Republic which is the supreme law of the nation.

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

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

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

   YES: ☒ NO: ☐

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

The emblem is attached to the cultural heritage and is visible to everyone. The inventory continues every year. There is a special program for continuing using and attaching the emblem in the marked cultural properties. The program is carried out by the Institute of Anthropology and History (IDAEH). One of the faced difficulties is the lack of population's awareness about the protections of the cultural heritage. Another issue is the lack of public funds, in the case of Guatemala, the Ministry of Culture and Sports is on the in the last place of the yearly budget assignment. In this case a National Emergency Law for the rescue of the Nation's cultural heritage is promoted.

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.

Guatemala is a state constituted as a free, democratic and independent republic to ensure its inhabitants the enjoyment of justice, freedom, culture and economic and social welfare starting with the compliance of the national law and International Treaties and Conventions among others. The military training is base up in different Levels: training and specialization of the military career, strengthening the content in its Curricula in the subjects of International Humanitarian Law and raised awareness of the cultural heritage among others. The launch the Program "Training of Cultural Ambassadors" addressed to the National Army, was established in order to strengthen the military forces that contribute to the portfolio's mission of strengthening and promoting the values and the protection of cultural heritage of our country.

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

YES: ☒ NO: ☐

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

The Military Educational System is the set of educational institutions that impart knowledge in the military arts and sciences, in their different levels and modalities, conditioned to the philosophy and doctrine of the Army of Guatemala, under the Rectory of the Higher Command of Education of the Army (COSEDE). In order to direct the different levels of education implemented in the Ministry of National Defense, the Higher Education Command of the Army, as the governing body, has the Education Directive, to be able to direct and supervise its different levels of education, during each cycle teaching with professional staff of the Pedagogical Department. The centers of the different educational levels of the Guatemalan Army provide education for life, which encourages knowing, being, doing, peaceful coexistence and proactivity; They promote and generate academic excellence in the knowledge of military art and sciences. Developing competencies, ethical values and citizens, with knowledge and respect for national and international laws and treaties, as well as human rights and peace agreements, in order to train leaders committed to the development of the country. The "Cultural Ambassadors" training is part of the many actions carried out by the Ministry of Culture and Sports in the year of the commemoration of the Bicentennial of independence, in order
to promote Culture as a core of economic development and a facilitator of sustainable
development.

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.

After the signing of the Peace Accords, the efforts of the Government in coordination with
the local and international institutions, continue to provide contributions for the
construction of the rule of law. Starting from the fact that the assets that make up the
cultural heritage of a nation are non-renewable resources, there arises the urgent
obligation and responsibility to ensure the preservation of cultural heritage, through the
protection and conservation of heritage. The dissemination of the Convention is carried
out by the Ministry of Culture and Sports in compliance with other governmental
institutions as well NGOs and the National Committee of the Blue Shield.

5. Article 26(1) - Official translations

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

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

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

[Attach the document]

6. Article 28 - Sanctions

This Article provides for the obligations of the High Contracting Parties to take, within the
framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose
penal or disciplinary sanctions upon those persons, regardless of their nationality, who commit
or order a breach of the Convention.
Has your State *introduced in your domestic legislation* all necessary steps to prosecute and impose penal or disciplinary sanctions against a conduct contrary to the obligations set out in the Convention?

YES: [ ]  NO: [ ]

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

There are sanctions ranging from fines to imprisonment for damage caused to cultural property, which are established in the Law for the Protection of Cultural and Natural Heritage. Decree No. 26-97 Law for the Protection of Cultural Heritage Penalty Regime

Article 43.- Violation of the measures for the protection of cultural property. Violation of the measures for the protection of cultural property established in this Law will cause the offender to incur a fine corresponding to twenty times the minimum monthly salary for commercial activity, without prejudice to the corresponding criminal action. (Amended by Decree Number 81-98 of the Congress of the Republic of Guatemala). Article 44.- Predation of cultural property. Anyone who destroys, alters, deteriorates or partially or totally disables the assets that make up the cultural heritage of the Nation, will be punished with a custodial sentence of six to nine years, plus a fine equal to twice the price of the affected cultural asset. (Amended by Decree Number 81-98 of the Congress of the Republic of Guatemala). Article 45.- Illegal export of cultural property. Anyone who illegally exports an asset that is part of the Cultural Heritage of the Nation will be punished with a custodial sentence of six to fifteen years, plus a fine equivalent to twice the value of the cultural asset, which will be confiscated. The monetary value of the cultural asset will be determined by the General Directorate of Cultural and Natural Heritage. (Amended by Decree Number 81-98 of the Congress of the Republic of Guatemala). Article 46.- Illegal investigations or excavations. Anyone who, without authorization from the General Directorate of Cultural and Natural Heritage, carries out archaeological, terrestrial or underwater research or excavation work, will be punished with a custodial sentence of six to nine years, plus a fine of twenty to forty times the monthly minimum wage of commercial activity. (Amended by Decree Number 81-98 Congress of the Republic of Guatemala). Article 47.- Illicit placement of labels. Anyone responsible for placing any kind of commercial advertising, as well as cables, antennas and conduits in archaeological areas or historical monuments will be sanctioned with a fine of ten thousand quetzales, without prejudice to the obligation to eliminate what was done. (Amended by Decree Number 81-98 of the Congress of the Republic of Guatemala). Article 48.- Responsibility of officials in the cultural heritage. Public officials who participate in criminal acts against cultural heritage will be sanctioned with double the penalty established for each criminal type. (Amended by Decree Number 81-98 of the Congress of the Republic of Guatemala). Article 49.- Illegal demolition. Who, without authorization from the General Directorate of Cultural and Natural Heritage, demolishes, partially or totally, a real estate that is part of the cultural heritage of the Nation, will be imposed a custodial sentence of four to six years, plus a fine of one hundred thousand to five hundred thousand quetzales. (Amended by Decree Number 81-98 of the Congress of the Republic of Guatemala). Article 54.- Theft, robbery and trafficking of cultural property. Regarding the theft, robbery and trafficking of goods that constitute the cultural heritage of the Nation, it will be sanctioned as established by the Penal Code. (Amended by Decree Number 81-98 of the Congress of the Republic of Guatemala). Article 55.- Illegal modifications of cultural property. Whoever performs excavation work, removal or breaking of land, modification of the landscape or alteration of monuments in archaeological and historical sites, archaeological zones, centers or historical complexes, without prior authorization from the General Directorate of Cultural and Natural Heritage, will be imposed the a penalty of six to nine years of deprivation of liberty, plus a fine of one hundred thousand to one million quetzales. (Amended by Decree
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: ☐
The committee is already established and had organized training workshops “First aid for cultural properties”. The workshops were held online due to the COVID-19 pandemic. The Committee also has within its functions the dissemination of topics related to the convention. Trainings and workshops were given in 4 different geographical regions of Guatemala, aimed at professionals responsible for the protection of Cultural Heritage in museums, archaeological sites, libraries, archives, houses of culture and members of institutions that make up CONRED. Applying methodologies developed by ICCROM, Smithsonian Institution and UNESCO, and with the support of the Prince Claus Fund for Culture and Development.

- 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: ☐

Guatemalan Commission for the Application of International Humanitarian Law (COGUADIH) Established: 1999 Legal basis: Government Agreement No. 948-99 of 28 December 1999. Representatives: Foreign Affairs, Interior, Education, Defence, Health, Presidential Commission for Human Rights (COPREDEH), Secretariat for Peace, judiciary, Congress, Public Prosecutor's Office, Human Rights Procurator, Bar Association, and Guatemalan Red Cross Chairmanship and secretariat: Ministry of Foreign Affairs Mandate and activities: To recommend measures for adoption by the government to ensure implementation of international humanitarian law in accordance with this aim, to submit draft legislation and regulations to the President of the Republic for consideration; to spread knowledge of international humanitarian law within State institutions and among the general public; to inform the Ministry of Foreign Affairs of the Committee's willingness to represent Guatemala at international fora dealing with this body of law; to suggest other activities designed to promote respect for humanitarian law.
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.

Have you undertaken any measures to take into custody cultural property? Guatemala, aware of the importance of cultural heritage, its protection, conservation and safeguarding, and having established a Section Prosecutor for Crimes against Cultural Heritage, in 2013, it was agreed to sign a Technical Cooperation Agreement between the Ministry of Culture and Sports and the Public Ministry, the same as in the third clause, numeral 5), established: "The Office of the Prosecutor for the Crimes against the Cultural Heritage of the Nation of the Public Ministry, according to the characteristics and elements of each case under investigation, will request to the respective Comptroller Judge who, in the event of ordering the seizure of cultural property in accordance with the law, authorizes the delivery of such property, under the respective chain of custody procedure, for its adequate safekeeping, deposit and custody, in the archives of the Register of Cultural Assets of the General Directorate of Cultural and Natural Heritage of the Ministry of Culture and Sports ". Therefore, and in accordance with the foregoing, in the cases in which crimes are committed against the Guatemalan cultural heritage and these are confiscated, or in the case of the discovery or location of cultural property originating in another country, these must be manipulated by the technical-professional staff of the General Directorate of Cultural and Natural Heritage of the Ministry of Culture and Sports, in cooperation with the Prosecutor's Office of the Crimes against the Cultural Heritage of the Nation of the Public Ministry, and their protection will remain in the facilities of the Department of Registration of Cultural Assets, pending the corresponding investigation and the evacuation of the restitution and surrender procedure that may arise, and of which have already been carried out by Guatemala, for the benefit of the cultural heritage of other countries. Have you undertaken measures to return illegally exported cultural property? Guatemala, as a State Party to the UNESCO Convention of 1970, which is constituted as the international legal instrument dedicated to the fight against the illicit traffic of cultural property, and within which it regulates what is related to taking appropriate measures to confiscate and restitute, at the request of a State of origin Party to the Convention, all stolen and imported cultural property; has made through the Ministry of Culture and Sports the necessary efforts to comply with this purpose, within which it can be mentioned, the signing of international legal regulations that broaden and reinforce what is regulated in the UNESCO Convention of 1970, these being: - UNIDROIT Convention on Stolen or Illegally Exported Cultural Property. - OAS Convention on the Defense of the Archaeological, Historical and Artistic Heritage of the American Nations. - Central American Convention for the Restitution and Return of Archaeological, Historical and Artistic Objects. - Technical-Operational Agreement for the Restitution and Combating Illicit Trafficking of Archaeological, Artistic and Historical Monuments between the Secretary of Public Education of the United Mexican States and the Ministry of Culture and Sports of the Republic of Guatemala - Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of
Guatemala regarding the imposition of import restrictions on archaeological materials from pre-Columbian cultures and ecclesiastical ethnological objects from the time of the conquest and the colonial times of Guatemala. - Agreement between the Government of the Republic of Guatemala and the Government of the Republic of Peru for the Protection, Conservation, Recovery and Return of Cultural, Archaeological, Artistic and Historical Assets stolen, exported, imported or illegally transferred. - Agreement between the Republic of Guatemala and Belize for the protection, conservation, recovery, and return of stolen, stolen, exported, imported, or illegally transferred cultural and natural property. - Agreement between the Government of the Republic of Guatemala and the Government of the Arab Republic of Egypt on the protection and restitution of stolen or illegally transferred cultural property. And in order to point out specific cases in which the provision for the restitution of cultural property by Guatemala has been complied with, the following cases are noted: * September 2016, return and official delivery of a batch of eighteen skeletal remains of Paracas culture origin, belonging to the cultural heritage of Peru. * October 2017, return and official delivery of nineteen religious cultural assets, belonging to the cultural heritage of Honduras. * November 2019, return and official delivery of a cultural asset consisting of a pre-Hispanic textile, possibly a boy or girl's shirt, from the Chancay culture, belonging to the cultural heritage of Peru. Have you undertaken measures to pay indemnity to the holders in good faith? No

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.

   See Article 3 of the 1954 Hague Convention.

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.

   Not applicable

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.

Not applicable

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.

Not applicable

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.

Not applicable

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

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

**YES:** ☑️ **NO:** ☐

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

See Article 28 of the 1954 Hague Convention.

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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.

See Article 28 of the 1954 Hague Convention.

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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:** ☑️
7. Article 30 - Dissemination

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

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

YES: ☒  NO: ☐

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

See Article 7 and 25 of the 1954 Hague Convention.

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.

No, any experience has shared


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>Ratification</td>
</tr>
<tr>
<td>2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage</td>
<td>Ratification</td>
</tr>
</tbody>
</table>
2005 UNESCO Convention for the Protection and Promotion of Diversity of Cultural Expressions | Ratification
---|---
Additional Protocol (I) to the Geneva Conventions, 1977 | Ratification
Additional Protocol (II) to the Geneva Conventions, 1977 | Ratification
Additional Protocol (III) to the Geneva Conventions, 2005 | Ratification

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

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

- Relevant civil and military administrative regulations:
  - PDF Document  
  - Website

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

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

3. Effectiveness of cooperation mechanisms at the national level

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

  - There is no cooperation between the different authorities □
  - There is limited cooperation between the different authorities □
  - There is cooperation between the various authorities, but there are still improvements to be made ✗
  - There is a perfectly functional cooperation between the different authorities □
  - Other (specify)
VI. Self-assessment forms

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

1. Assessment of the degree of implementation

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

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

| Implementation of the safeguarding obligation through the adoption of preparatory measures | 3 |
| Military training on regulations for the protection of cultural property | 3 |
| Use of the distinctive emblem to mark cultural property | 3 |
| Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences | 3 |
| Adoption of relevant criminal legislation | 3 |
| 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]

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

<table>
<thead>
<tr>
<th>Implementation of the safeguarding obligation through the adoption of preparatory measures</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military training on regulations for the protection of cultural property</td>
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<tr>
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<td>2</td>
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<tr>
<td>Establishment of a monitoring system for cultural property under enhanced protection at the national level</td>
<td>.......</td>
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</tbody>
</table>

VII. Enhanced protection mechanism – Opinion survey

Pursuant to Chapter 3 of the 1999 Second Protocol, enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict if three criteria are cumulatively met:

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

As these conditions are set out in an international treaty, their interpretation cannot be made independently of State practice, which is of fundamental importance under international treaty law. Therefore, this national report is an opportunity for the national authorities of the Parties to express their views on the conditions under which enhanced protection is granted.

For each of the conditions set out in Article 10 of the Second Protocol, please answer the following questions, taking into consideration the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.
• **Article 10, paragraph (a) - "The greatest importance for humanity"**

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

- Uniqueness and irreplaceable - Testimony of an event in history - Part of a cultural identity that goes beyond boundaries - Important contributions to the development of humanity

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

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

Ministry of Culture and Sports  Ministry of National Defense  Measures that ensure the highest level of protection? - Use of the emblem - National Inventory updated - Reinforced the efforts against illegal trafficking of cultural property.

• **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 Culture and Sports  Ministry of National Defense  Public Ministry