Four-year cycle
2017-2020

Questionnaire
GENERAL INFORMATION

1. Region: Europe
State Party: POLAND

2. Submission of previous national reports
2.1. 2013-2016 cycle

Yes ☒ No ☐

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
Polish Committee of the Blue Shield

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.

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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.

The main ground for the system of defensive measures developed in the time of peace against foreseen consequences of armed conflicts in Poland 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 separate regulations, the organisation and manner of protection of monuments in the event of an armed conflict and crisis situations, including tasks of various units dealing with monuments and recommendations concerning protective measures.

On the basis of this 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. It obliges the public administration and other bodies dealing with monuments to plan, prepare and implement preventive, documentary, protective, rescue and maintenance actions aimed at protecting 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. These documents are subject to annual updates.

Moreover, a special post was established for ‘protection of monuments in an event of armed conflict and crisis situations’ within the Voivodeship Monument Protection Offices (regional level). The scope of tasks of such person includes: drawing up and updating the Voivodeship monument protection plan in the event of armed conflict and crisis situations, agreeing upon the plans on the levels of counties, municipalities and organisational units obliged to prepare plans of protection, preparation of trainings, informative and educational activities, participation in defensive exercises and trainings.

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.

All the regulations provided by the Hague Convention regarding a special symbol for
marking cultural property object are set 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*. Additionally, the owner/managers of object earmarked by the symbol are obliged to draw up special monument protection plans for the event of an armed conflict and crisis situations, as well as prepare a plan 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*.

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.

Yes, Poland has introduced provisions in the regulations and instructions for the armed forces. 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.
3. Guidelines of the Operational Commander of Branches of Armed Forces of 22nd January 2015 on the protection of cultural property. 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-chief 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 - providing conditions allowing observing the principles of protection of cultural property in subordinate organisational units; appointing necessary specialists of protection of cultural property; organising trainings for soldiers and employees of the Ministry of National Defence encompassing protection of cultural property; -or 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.

4. 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 12th of February 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.

5. In the Ministry of National Defence, a ‘Strategy of renovation and custody over military real estate of historical value for years 2014-2022’ has been drawn up and enforced with a Decision of the Minister of the National Defence no. 271/MON of 01st July 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.


The Ministry of National Defence is working on the Executive Order of the Commander of the Territorial Defense Forces on the observance of the principles of protection of cultural goods in the Headquarters of the Territorial Defense Forces and units directly subordinated. The guidelines of the Chief of Staff of the Territorial Defense Forces Command are also being prepared.

It is worth adding that the Ministry of National Defence has many doctrinal documents concerning the subject of cultural goods in times of peace, threats, crisis situations and armed conflict. They concern, inter alia, joint operations, civil-military cooperation, training.

- 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.

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.
In addition, after several years of joint efforts of the Ministry of Culture and Ministry of Defence of Poland, the International Center for Training and Research on Cultural Heritage in Danger started its operations in Wroclaw in 2020. Once it becomes fully operational it will become an important place for both the military and the civil environment of specialists in the protection of cultural goods and heritage. The facility will also be able to perform tasks within the framework of cooperation with NATO, the European Union, the United Nations, UNESCO and the countries of the region. There was a joint initiative between the Command of the Defense Forces Territorial and International Center for Training and Research on Cultural Heritage in Danger regarding training with representatives of Provincial Monument Protection Offices and carrying out exercises with the Local Military Administration Bodies and 16th Lower Silesian Brigade of Territorial Defense (evacuation, deployment and securing mobile cultural property, staff training - decision-making process with the use of maps with the historic infrastructure of the voivodeship of Lower Silesia).

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.

What regards the military and armed forces, in accordance with the Decision No. 72/MON of the Minister of National Defence, the issue of protection of cultural property has been encompassed in the educational programmes for candidates for professional soldiers and syllabuses of training systems for professional soldiers of the Armed Forces of Poland. Courses are carried out by specialists in international humanitarian law of armed conflicts. 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. Issues concerning protection of cultural property are also discussed within the 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. 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.

Particularly noteworthy is the fact that the War Studies University (Akademia Sztuki Wojennej) in cooperation with the Military Center for Civic Education established a special programme of post-graduate studies for officers: International humanitarian law of armed conflicts. There are plans to establish similar programme for officers at the Naval Academy in Gdynia. In addition, the Center for Preparation for Foreign Missions in Kielce carries out tasks related to the organization and training of military units assigned to operations outside the country. It is worth noting that the subject of the protection of cultural property in international humanitarian law of armed conflicts is one of the important thematic areas.
implemented at the Center in the training process.

What regards general education, pupils and students in Poland are obliged to familiarize themselves with the most important sites included in the cultural heritage of the region and the country during the education process. An attitude of respect for the culture and traditions of one’s own nation and respect for the achievements of other cultures are also being developed in the curriculum.

What regards civil defence, the Chief of Civil Defence of Poland has organised a numerous events regarding the protection of cultural goods, such as trainings and excersises, i.e.: “Gnieosz” (June 2019), training for county heads (June 2019), trainings for newly elected mayors, heads of counties (April 2019), etc. Since 2002 a special Programme Council for the Protection of Cultural Goods has been working within the H! of the State Fire Service. During the 2017-2020 the Council worked on the topic, inter alia, of a protection of churches and other wooden objects.

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

The official translation of the Convention is widely available / was submitted before.

6. Article 28 - Sanctions

This Article provides for the obligations of the High Contracting Parties to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, regardless of their nationality, who commit or order a breach of the Convention.

- Has your State introduced in your domestic legislation all necessary steps to prosecute and impose penal or disciplinary sanctions against a conduct contrary to the obligations set out in the Convention?

YES: ☒ NO: ☐

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

The 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 abovementioned 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 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 accordance with the 2nd Resolution to the Hague Convention of 1954, there is an advisory body operating in Poland (Polish Advisory Committee) established in the Regulation of the Council of Ministers of 27th April 2004 (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, National Heritage and Sports – the General Inspector of Monuments. The Committee is composed of representatives of the following ministers: Culture National Heritage and Sport, National Defence, Interior and Administration, Justice, Foreign Affairs, Education and Science, 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.

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. However, 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 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. These tasks are defined in the legal regulations regulating the principles of protection of monuments, museum and library collections.

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. Detailed information was provided in item 1 of this Report. Additionally, Voivodeship Monument Protection Inspectors/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 plans for the protection of monuments are developed on the basis of the Regulation of the Minister of Culture of 25 August 2004 on the organization and method of protection of monuments in the event of an armed conflict and crisis situations (§ 4 point 4). They are part of the civil defense plan, prepared annually by the Chief of Civil Defence. The plans for the protection of monuments are prepared in accordance with with the instruction attached to the above-mentioned regulation. Based on the information provided by sixteen Voivodship Offices, these plans are developed and updated up to date. This information can be found in the yearly prepared by the Chief of Civil Defense (pursuant to the Regulation of the Council...
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.

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

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: ☐

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

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 some cultural property in your State benefits from enhanced protection, please also fill in this part of the questionnaire].
The benefit of enhanced protection implies the continued fulfilment of the conditions provided for in Article 10 of the 1999 Second Protocol.

- Is a specific mechanism for monitoring cultural property under enhanced protection in place? For example, are the measures undertaken to ensure the highest level of protection periodically reviewed to ensure their full adequacy in all circumstances?

YES: □  NO: □

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

N/A

Pursuant to paragraph 94 of the Guidelines, a distinctive emblem is created for the exclusive marking of cultural property under enhanced protection.

- Has your State marked with the distinctive emblem cultural property under enhanced protection?

YES: □  NO: □

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

N/A

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.

In the Republic of Poland, the basis to prosecute an offence concerning violating of the Second Protocol is article 125 of the Penal Code, as mentioned before. 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.

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.

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 committing 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
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.

*In accordance with Art. 126b of the Criminal Code, a person who, failing to fulfill the obligation of due control, allows an act specified, inter alia, in art. 125-126a by a person under his actual authority or control, is punishable (restriction of freedom from 3 months to 5 years).*

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.

*In the Armed Forces and among the general population, the Hague Convention of 1954, First and Second Protocol are disseminated jointly. There were many initiatives undertaken in the 2017-2020 period to disseminate the knowledge among the population of Poland, for example: 2 conferences “Protection of cultural good in the situation of danger (September 2017 – regarding evacuation of goods and collections; October 2019 – regarding new technologies for protection of heritage). These conferences were organised by The Fire Service HQ, School of Fire Service Aspirants in Kraków and Ministry of Culture, National Heritage. As a result of these events, there were 2 important books published:

This publication is distributed not only among security and defense specialists, but also sent to the largest Polish libraries.

On 7-9th November 2017, the 5th Fair of Conservation and Restoration of Monuments and the Protection, Equipment of Archives, Museums and Libraries “HERITAGE” took place in Warsaw with the participation of, i.e. the State Fire Service. The topics of the papers and lectures concerned fire protection of historic buildings, evacuation of people and collections from historic buildings, museums, libraries, archives, an innovative safety management system for historic buildings in urban centers, certification and approval requirements for construction products used for fire protection, ways to protect staircases in case of fire, etc.

It is worth mentioning that during the 2015-2018 a special scientific research project „Opracowanie innowacyjnego systemu zarządzania bezpieczeństwem obiektów zabytkowych w zurbanizowanych centrach miast” (“Creation of an innovative system of management of historic building in urbanised centers of towns”) were carried out by a consortium of Fire Service School, Fire Service Aspirants School in Kraków, Centrum Naukowo-Badawcze Ochrony Przeciwpożarowej im. Józefa Tuliszkowskiego Państwowy Instytut Badawczy and Dynamic Safety Corporation Sp. z o.o. with a grant from the National Centre for Research and Development. This project is an innovative, teleinformation support system for security management in the context of increasing the level of security for complexes of historic buildings. The simulator takes into account risk scenarios for historic complexes, along with the ability to respond to rescue, comprehensive rescue technology and a training system.

The Polish Blue Shield Committee organised a series of important events (workshops, trainings, courses, lectures and conferences) regarding the protection of cultural goods, such as: workshop on evacuation of collections in the armed conflict and crisis situations (Wilanów, December 2018); conference „Destruction and rescue of cultural heritage and their impact on social identity” (Gdańsk, June 2019); coorganisation of a conference “Protection of cultural heritage in armed conflicts in the light of international law. 65 years of the Hague Convention and 20 years of the Second Protocol” (Warsaw, October 2019). Moreover, the experts of the Committee participated in various national and international events on the topic as well as provided lectures and trainings for the military and civil forces.

In addition, the Ministry of Culture and National Heritage of Poland prepared a programme of „Polish School of International Humanitarian Law” in Radziejowice (2017-2019), participated in a conference on cultural goods in crisis situations (Kraków, September 2017); organised a Baltic Sea States Forum on security of heritage (Gdańsk, November 2018); organised a series of trainings for directors of cultural institutions regarding the topic (2017-2019); participated in a preparation of a publication „Safe Museum” (2018).

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. 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 the 1999 Second Protocol into their official language(s) of their countries and shall communicate these official translations to the Director-General.

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

Please annex an electronic copy of your translation(s) to this report. The translation is widely available / was submitted before.

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?

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<th>International instruments</th>
<th>Ratification/Accession</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970 UNESCO Convention on the means on Prohibiting and Preventing the Illicit Import,</td>
<td>1974</td>
</tr>
<tr>
<td>Export and Transfer of Ownership of Cultural Property</td>
<td></td>
</tr>
<tr>
<td>2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage</td>
<td>2021</td>
</tr>
<tr>
<td>2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage</td>
<td>2011</td>
</tr>
<tr>
<td>Additional Protocol (I) to the Geneva Conventions, 1977</td>
<td>1992</td>
</tr>
<tr>
<td>Additional Protocol (II) to the Geneva Conventions, 1977</td>
<td>1992</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.
  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?

<table>
<thead>
<tr>
<th>Option</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is no cooperation between the different authorities</td>
<td>☐</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 still improvements to be made</td>
<td>☒</td>
</tr>
<tr>
<td>There is a perfectly functional cooperation between the different 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]

   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 | 4 |
| Use of the distinctive emblem to mark cultural property | 4 |
| 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 | 3 |

2. Assessment of the difficulties encountered

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

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

| Implementation of the safeguarding obligation through the adoption of preparatory measures | 4 |
| Military training on regulations for the protection of cultural property | 5 |
| Use of the distinctive emblem to mark cultural property | 5 |
| Implementation of the obligation to disseminate, through the implementation 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 monitoring system for cultural property under enhanced protection at the national level | |

VII. Enhanced protection mechanism – Opinion survey

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

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

As these conditions are set out in an international treaty, their interpretation cannot be made independently of State practice, which is of fundamental importance under international treaty law. Therefore, this national report is an opportunity for the national authorities of the Parties to express their views on the conditions under which enhanced protection is granted.
For each of the conditions set out in Article 10 of the Second Protocol, please answer the following questions, taking into consideration the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.

- **Article 10, paragraph (a) - "The greatest importance for humanity"**

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

The criteria 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) - “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 National Heritage (since 2021 Ministry of Culture, National Heritage and Sport) of the Republic of Poland, which disposes of legal, organisational and financial means.

- **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 National Defence of Poland