



Federal Ministry
of Finance



Federal Ministry



Compensation for National Socialist injustice



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I. Legislation concerning compensation and the consequences of war, and international agreements

1.1 Beginnings of compensation under occupation law

It was clear even directly after the end of the Second World War that legislation governing compensation for the wrongs committed by the National Socialist regime was required. Particularly affected were those who had suffered National Socialist oppressive measures due to their political opposition to National Socialism or on the grounds of race, religion or ideology. Legislation for these persons was therefore drawn up at an early stage by the occupying powers, the municipalities and since their establishment the Länder (federal states).

1.2 Restitution

In 1947 and 1949, the three Western powers passed restitution acts for their occupation zones and West Berlin governing restitution of and compensation for property unjustly confiscated between 1933 and 1945 for reasons of racial, religious or political persecution. Following the establishment of the Federal Republic of Germany, restitution claims against the German Reich and other German entities involved in such confiscation were governed by the Federal Act for the Settlement of the Monetary Restitution Liabilities of the German Reich and Legal Entities of Equal Legal Status (Federal Restitution Act) of 19 July 1957 (Federal Law Gazette I p. 734). Following German unification, the provisions from the restitution acts were adopted for the new federal states in the Act on the Settlement of Open Property Matters (which entered into force together with the Unification Treaty) and the Federal Act for the Compensation of the Victims of National Socialist Persecution (Article 3 of the Compensation and Corrective Payments Act).

The restitution process was concluded a long time ago. The application deadlines have passed and the administrative procedures have ceased to operate.

1.3 Compensation regulations in the occupation zones

As far as compensation law governing personal injury cases and damage to property not covered by restitution is concerned, Land laws were adopted in the American occupation zone as early as 1946. They provided for provisional payments for healthcare, vocational training, economic assistance or remedies for distress situations and pensions for victims and their dependants. On 26 April 1949, the Act on the Treatment of Victims of National Socialist Persecution in the Area of Social Security was adopted by the Southern German Länder Council for all zones. This was promulgated by Land laws in Bavaria, Bremen, Baden-Württemberg and Hesse in August 1949. In line with Article 125 of the Basic Law, these Land laws became federal law after the establishment of the Federal Republic of Germany and entry into force of the Basic Law. In the Länder of the British and French occupation zones and West Berlin, corresponding laws were enacted which, with the exception of Länder in the British occupation zone, governed the same types of damage as the Act on the Treatment of Victims of National Socialist Persecution in the Area of Social Security.

1.4 Settlement Convention and Luxembourg Agreement

Just as the Länder and municipalities had done prior to its establishment, the Federal Republic of Germany continued to treat the moral and financial compensation for the wrongs committed by the National Socialist regime as a priority task. It committed to this in the Settlement Convention concluded in 1952 with the three Western occupying powers (Federal Law Gazette II 1954 p. 57, 181, 194) and in the Luxembourg Agreement (with the State of Israel) and in the First Protocol to the Luxembourg Agreement (with the Jewish Claims Conference – JCC) of 1952 (Federal Law Gazette II 1953 p. 35). Accordingly, Germany was endeavouring together with all parties concerned, above all the victims' organizations, to draw up compensation regulations which were as comprehensive as the financial framework allowed and administratively workable within a suitable period of time. This confronted the legislature, administration and judiciary with entirely new tasks, for which they had no models or experience to draw on. Despite these difficulties, legislation was drawn up embracing almost all damages or injuries caused by National Socialist injustice. The victims of National Socialism could thus be helped at least in material terms. All the legislation offers comparable levels of compensation depending on the reason for and scale of injury.

1.5 Additional Federal Compensation Act (1953) and Federal Compensation Act (1956)

The first compensation act covering the entire Federation was the Additional Federal Compensation Act which was adopted on 18 September 1953 (Federal Law Gazette I p. 1,387) and entered into force on 1 October 1953. Although this was much more than an addition to the Act on the Treatment of the Victims of National Socialist Persecution in the Area of Social Security and in particular created legal equality and security on federal territory, its provisions also proved inadequate. Following very detailed and careful preparation, the Federal Compensation Act (Federal Law Gazette I p. 562) was adopted on 29 June 1956 and entered into force with retroactive effect from 1 October 1953. This Act fundamentally changed compensation for the victims of National Socialism and introduced a number of amendments improving their situation. At the outset, the Federal Compensation Act only provided for applications to be submitted until 1 April 1958.

1.6 Implementing Regulations to the Federal Compensation Act

Six Implementing Regulations to the Federal Compensation Act have been issued of which the first three have been regularly amended to adapt the ongoing payments (pensions) to increasing living costs.

The Fourth Implementing Regulation governs the reimbursement of costs for the involvement of insurance companies in resolving claims for compensation for insurance losses.

The Fifth Implementing Regulation determines which pension schemes were dissolved by National Socialist oppressive measures.

In the Sixth Implementing Regulation (concentration camp directory), the German Government established which prison camps were to be considered concentration camps as part of the provision in Section 31 (2) of the Federal Compensation Act governing the assumed loss of earning power.

1.7 Final Federal Compensation Act (1965)

In applying the Federal Compensation Act, further need for amendment became clear. There was an awareness that the new piece of legislation would not be able to take account of all the demands of those eligible for compensation and that, given the high number of settled cases, these could not be re-opened. The amendment was thus to constitute the final piece of legislation in this field. After four years of intense negotiations in the competent committees of the German Bundestag and Bundesrat, the Final Federal Compensation Act was adopted on 14 September 1965 (Federal Law Gazette I p. 1,315), its very name emphasizing that it was to be the last.

The Final Federal Compensation Act considerably extended the deadline (originally 1 April 1958, cf. I.5) as follows:

- > Annulling the deadline in cases of claims for immediate assistance and for mitigation of hardship (Section 189 (1) of the Federal Compensation Act)
- > Restoring to the original legal position in the case of failure to submit applications prior to the deadline through no fault of the applicant (Section 189 (3) of the Federal Compensation Act)
- > Deadline for subsequent registration of claims extended to 31 December 1965 (Section 189a (1) of the Federal Compensation Act)
- > Subsequent registration of facts that had come to light after 31 December 1964 within one year (Section 189a (2) of the Federal Compensation Act)

Nevertheless, Article VIII (1) of the Final Federal Compensation Act provides that even in cases of the original legal position being restored no claims can be made after the period of time after which a right can no longer be exercised, that is after 31 December 1969, meaning claims for compensation payments pursuant to the Federal Compensation Act can no longer be submitted.

However, payments for damage to health can be adapted as part of the procedure governing cases of a further worsening of the disablement.

Furthermore, initial decisions can be revised through secondary procedures if they have been proven wrong according to the current interpretation of the law.

The compensation and restitution acts were complemented by laws on compensation for members of the public service and in the sphere of insurance and pension law.

1.8 General Act Regulating Compensation for War-induced Losses

The legislator reserved the payments provided for in the compensation laws for those who had been the victim of typical National Socialist injustice meaning those persecuted for reasons of race, religion or politics. For other injustice leading to loss of life, damage to limb or health and deprivation of liberty, compensation is granted pursuant to the General Act Regulating Compensation for War-induced Losses of 5 November 1957 (Federal Law Gazette I p.1747). Pursuant to Section 5 of this Act in conjunction with the general legal provisions, pensions and one-time compensation payments could and can be paid in exceptional cases even today.

1.9 Payments in the former GDR and new Länder

In the former Soviet occupation zone and subsequent German Democratic Republic, there were payments for victims of fascism but these were mainly paid to those viewed favourably by the system. General regulations on compensation for National Socialist injustice applying to the entire area of the new Länder could only be agreed following reunification (see below III.1). The Act on the Settlement of Open Property Matters entered into force with the Unification Treaty. It provides, where possible, for the restitution of assets confiscated between 1933 and 1945 due to National Socialist persecution and from 1949 by the GDR.

If restitution is not possible, those who suffered injustice up to 1945 receive compensation pursuant to the Federal Act for the Compensation of the Victims of National Socialist Persecution of 27 September 1994. US citizens alternatively had the possibility of partaking in the property law procedures in Germany to receive compensation based on the Agreement Concerning the Settlement of Certain Property Claims of 13 May 1992 with the United States (see III.3).

1.10 First comprehensive agreements with European states

From 1959 to 1964, comprehensive agreements were concluded with Austria, Belgium, Britain, Denmark, France, Greece, Italy, Luxembourg, the Netherlands, Norway, Sweden and Switzerland for the benefit of nationals of these countries who had suffered National Socialist persecution. On the basis of these agreements, the Federal Republic of Germany made available a total of EUR 496.46 million (DM 971 million). It fell to the governments of the countries concerned to distribute this financing amongst the victims. The comprehensive agreements have now been closed. The individual countries are expected to have distributed the funds made available to them (cf. Annex 9).

1.11 US Comprehensive Agreement

In 1995, a German-American Comprehensive Agreement on Compensation for Victims of National Socialism was concluded. It provides for compensation payments of EUR 1.5 million (DM 3 million) for US citizens who suffered particular hardship as a result of National Socialist persecution who until then had been excluded from compensation and support payments on technical grounds. In the final Supplementary Agreement of 25 January 1999 to the Comprehensive Agreement on Compensation with the United States of America, an additional lump sum payment of EUR 17.6 million (DM 34.5 million) was agreed upon by the Government of the Federal Republic of Germany and the Government of the United States of America. The German Government sees this as a sign of goodwill and humanity. The US Government committed to make payments to all the American victims of National Socialism in question from the agreed comprehensive sum.

1.12 Arrangements with Eastern European states

Following the process of German unification and the ending of the East-West conflict, the German Government concluded arrangements on compensation for National Socialist injustice with Poland and three successor states of the Soviet Union (the Republic of Belarus, the Russian Federation and Ukraine).

The Federal Republic of Germany and the **Republic of Poland** agreed to establish the Foundation for German-Polish Reconciliation in Poland which is subject to Polish law and was financed with a one-time contribution of EUR 255.64 million (DM 500 million). These funds are for persons who suffered serious damage to health during the Second World War due to National Socialist injustice and are currently in a difficult financial situation.

Foundations for the same purpose were established in **Moscow, Minsk and Kiev** in 1993. Germany donated a total of EUR 0.51 billion (DM 1 billion) for these foundations. They in turn gave the assurance of making payments to National Socialist victims in other states of the former Soviet Union.

The addresses of the foundations are:

Fundacja Polsko-Niemiecki Pojednanie
Foundation for German-Polish
Reconciliation
ul. Krucza 36
00-921 Warsaw
Republic of Poland

Belarusian Foundation for
Understanding and Reconciliation
ul. Jakuba Kolasa 39a
220013 Minsk
Republic of Belarus

Russian Foundation for Understanding
and Reconciliation
Stoleschnikow per d. 6 Str.
P.O. Box 81
103045 Moscow
Russia

Ukrainian Foundation for Understand-
ing and Reconciliation
ul. Frunse 15
04080 Kiev
Ukraine

More than 15,000 persons eligible for compensation in the Baltic States (Estonia, Latvia and Lithuania) received payments on the accepted scale from the funds of the foundations in Moscow and Minsk. Because some of those eligible from the Baltic states refused to apply to the foundations in Moscow and Minsk, additional infrastructure assistance of EUR 1.02 million (DM 2 million) was granted to the government of each Baltic state. Social institutions especially for the victims have been supported using these funds.

Compensation payments were also made to the other Eastern and South-Eastern European states of the former Eastern bloc:

For **Czech victims of National Socialism**, compensation was granted by the German-Czech Future Fund in accordance with the German-Czech declaration of 21 January 1997. Germany made DM 140 million available for this Fund.

Czech victims of National Socialism can apply to:

German-Czech Future Fund
P.O. Box 47, Legerova 22/1844
12021 Prague
Czech Republic

In order to carry out similar measures in the other **Central and Eastern European countries** (Albania, Bosnia, Bulgaria, Yugoslavia, Croatia, Macedonia, Romania, Slovakia, Slovenia and Hungary), the 1998 German budget earmarked EUR 40.90 million (DM 80 million) to be made available from 1998 to 2000. Various national institutions, usually the national Red Cross, assumed responsibility for carrying out such measures in the remaining Central and Eastern European states.

1.13 Central and Eastern European Fund (JCC)

Given the particular suffering of Jewish victims in Central and Eastern European states, the Jewish Claims Conference established a Fund to finance additional measures for Jewish victims who had suffered particular hardship. The Fund grants monthly payments of EUR 216 for victims in EU Member States in central and eastern Europe and EUR 178 for victims in non-EU countries in central and eastern Europe. The conditions set out in the Article 2 Agreement apply. The German Government paid contributions of around EUR 286 million to the Fund for the years 1999 to 2008 and will contribute further to enable Fund payments to continue.

Applications for payments from the Central and Eastern European Fund are to be submitted to:

Claims Conference CEEF
P.O. Box 29733
Tel Aviv 612 97
Israel

1.14 Compensation for forced labourers – Act on the Creation of a Foundation for Remembrance, Responsibility and the Future

The Foundation for Remembrance, Responsibility and the Future was established by the Act on the Creation of a Foundation for Remembrance, Responsibility and the Future of 2 August 2000 (Federal Law Gazette I p. 1,263, most recently amended by the Act of 21.12.06, Federal Law Gazette I p. 3,343) and equipped with **EUR 5.16 billion (DM 10.1 billion)** to provide compensation in particular to former forced labourers. These monies were made available by the Federal Republic of Germany and German companies.

The purpose of the Foundation is to make financial compensation available to affected persons through partner organizations. The individual partner organizations are responsible for accepting and examining claims.

An application deadline – of 31 December 2001 – had to be introduced to ensure that payments to those eligible are made without delay; an extension – until 31 December 2002 – was granted where claimants failed to meet this deadline through no fault of their own.

Nearly all of the Foundation's resources have now been disbursed; around 1.66 million persons have received payment. This brought an end to the individual payments as of 31 December 2006, as provided for in the Act itself. **New applications may no longer be filed.**

Of the Foundation's capital, EUR 4.37 billion were disbursed for payments to former **forced labourers**. Under the Act, the following were entitled to apply:

> Persons who were detained in a concentration camp as defined in Section 42 (2) of the Federal Compensation Act or detained under comparable conditions in some other prison camp outside the present-day territory of the Republic of Austria or in a ghetto and who were subjected to forced labour (Section 11 (1) (1)).

> Persons who were deported from their native country to the territory of the German Reich within its borders of 1937 or to a region occupied by the German Reich and were subjected to forced labour in an industrial or commercial enterprise or in the public sector and were detained under conditions other than those named above or were subjected to prison-like conditions or comparable exceptionally hard living conditions. This does not apply to persons who are able to receive payments from the Austrian reconciliation fund for forced labour performed mainly in the present-day territory of the Republic of Austria (Section 11 (1) (2)).

In addition, the Act contained a catch-all clause which allowed the partner organizations charged with implementation to provide assistance to other victims of National Socialist injustice, in particular to forced labourers in agriculture.

Forced labour as a prisoner of war was not a cause of entitlement.

The Act also provided for payments to compensate for other **personal injury** suffered in connection with National Socialist injustice, first and foremost in the course of medical experiments or in the case of death or serious injury to the health of a child kept in a home for forced labourers' children (Section 11 (1), fifth sentence).

The Act also allowed for payments to applicants who in the course of racial persecution suffered **property damage**, as defined in the restitution laws, significantly and directly caused by German companies and who, because they did not meet the residence requirements under the Federal Compensation Act, were unable to receive any payment (Section 11 (1) (3)). The Act further envisaged a separate procedure for compensating **other damage to property** in connection with National Socialist injustice. The International Organization for Migration (IOM) was responsible for compensating property damage, while insurance claims fell under the jurisdiction of the International Commission on Holocaust Era **Insurance Claims** (ICHEIC). The ceiling for damage to property was EUR 0.53 billion (DM 1.05 billion).

More information is available on the internet at www.bundesfinanzministerium.de (in German) or at www.stiftung-evz.de/eng.

The addresses of the Foundation and partner organizations can be found in Annex 8.

1.15 Washington Conference on Holocaust-Era Assets

Despite the aforementioned material compensation that had already been granted, the Federal Republic of Germany reaffirmed its willingness to continue its efforts to clear the provenance history of works of art confiscated during the Nazi-Era on the basis of the principles agreed upon at the Washington Conference on Holocaust-Era Assets on 3 December 1998 within the bounds of legal and factual possibilities. Moreover, it pledged to take the steps necessary to achieve a just and fair solution when such works of art are identified.

To implement the Washington principles, the German Government, the Länder and the national associations of local authorities made a joint statement in December 1999 on the tracing and return of Nazi-confiscated art, especially Jewish property.

In this Common Statement, the Federation, the Länder and the national associations of local authorities committed in the spirit of the Washington Declaration to bring their influence to bear in the responsible bodies of the relevant statutory institutions that works of art that have been identified as property confiscated under National Socialism and that can be attributed to specific claimants are returned after careful consideration of the individual case to the legitimate former owners or their heirs. This examination includes a match with material compensation already provided. Such a procedure allows for the identification of the legitimate owners and the avoidance of duplicate compensation.

The manual on the implementation of the Common Statement, published in February 2001 and revised in November 2007, offers the institutions keeping cultural assets (museums etc.) practical guidance for the tracing and identification of works of art confiscated by the National Socialists and for the preparation of decisions on their possible return.

The results of the research carried out by the institutions in question are forwarded to the:

Koordinierungsstelle für
Kulturgutverluste (KK)
(Coordination Office of the Länder for
the Return of Cultural Treasures)
Turmschanzenstraße 32
39114 Magdeburg
Germany

The Coordination Office website can be found at:

www.LostArt.de

It aims to make the research results accessible to the public and give potential owners further information.

One of the most important sources of findings for provenance research on works of art confiscated by the National Socialists are the files compiled for the implementation of the Federal Restitution Act which are held by the Federal Office of Central Services and Unresolved Property Issues (BADV).

Inquiries can thus be sent to:

Bundesamt für zentrale Dienste und
offene Vermögensfragen (BADV)
(Federal Office for Central Services and
Unresolved Property Issues)
Referat B 1
DGZ-Ring 12
13086 Berlin
Germany

Research on individual objects can also be conducted at this Office as it has collated all the pieces of art contained in the restitution archive in a database.

Works of art which came into the possession of the German Reich during National Socialism and were transferred to Federal Ministry of Finance assets (after World War II) are listed on the above mentioned website (www.LostArt.de) under the rubric “Restbestand CCP”.

The BADV is responsible for these works of art and the investigation of their provenance. The latest findings of these investigations are available to the public at:

www.badv.bund.de/003_menu_links/e0_ov/d0_provenienz/b0_dokumentationen/

More information is available from:

Bundesamt für zentrale Dienste und
offene Vermögensfragen (BADV)
(Federal Office for Central Services and
Unresolved Property Issues)
Referat B 1
DGZ-Ring 12
13086 Berlin
Germany

As a result of the implementation of the Washington principles and the joint statement by the Federation, Länder and national associations of local authorities and the research carried out, a number of paintings by well-known artists have been returned from public ownership to their legitimate owners or their heirs in the last ten years.

II. Extra-legal provisions based on the Federal Compensation Act

2.1 Compensation settlement for Jewish victims

The Federal Government Directives on Payments to Persecuted Jews to Compensate for Individual Hardships of 3 October 1980 (Federal Gazette No. 192 of 14 October 1980) contain provisions for Jewish victims of National Socialism who suffered severe damage to their health, which are implemented by the Jewish Claims Conference. Under these directives, one-time payments of up to EUR 2,556.46 (DM 5,000) may be granted. The directives, which tie in with the relevant Federal Compensation Act provisions, define those eligible for assistance. They state that all those subjected to National Socialist oppressive measures due to their political opposition to National Socialism or on the grounds of race, religion or ideology (Sections 1 and 2 of the Federal Compensation Act) are entitled to compensation. This clear definition of the term “victim of persecution”, on which there have been numerous rulings by compensation courts, provides the Jewish Claims Conference with clear criteria when examining who should be classified as a victim. Assistance is contingent upon considerable damage to health caused by National Socialist oppressive measures as defined in Sections 1 and 2 of the Federal Compensation Act.

The directives mentioned above, insofar as they deal with the prerequisites for and the amount of payments, have been part of the Article 2 Agreement since 1992. The Article 2 Agreement derives from Article 2 of the Agreement of 18 September 1990 of the Unification Treaty between the Federal Republic of Germany and the former GDR. The Federal Government concluded this Agreement with the Jewish Claims Conference in October 1992. It goes beyond the above-mentioned directives and envisages ongoing payments for those victims of the National Socialist regime who have received only limited financial compensation to date under the legal provisions of the Federal Republic of Germany and find themselves in a difficult financial situation.

The resources provided by the BMF and administered by the Jewish Claims Conference can, in principle, be used for the following purposes:

a) One-time assistance (“Hardship Fund”)

The Jewish Claims Conference may – in keeping with the directives of 1980 outlined above – grant one-time assistance of EUR 2,556.46.

Payments under the Hardship Fund are limited to Jewish Nazi victims who meet the following eligibility criteria:

The applicant suffered considerable **damage to health** which the applicant may prove by demonstrating that either:

- (1) The applicant suffered deprivation of liberty for at least one year on Nazi-occupied territory
- (2) The applicant's earning capacity was generally reduced by 80% or 50% as a result of persecution, at the time of the filing of the application.

Please note: this requirement applies only if the applicant is under the age of 60 (for women) or 65 (for men) at the time of filing the application.

Female persecutees aged 60 or older and male persecutees aged 65 and older are deemed to suffer from a reduction of earning capacity of 80% and do not have to prove having suffered considerable damage to health.

Persecution for the purposes of eligibility under the Hardship Fund includes:

- > **Deprivation of liberty** for less than one year or
- > **Flight** from the Nazi regime or
- > **"Restriction of liberty"** as defined by the Federal Compensation Act
- > Time spent in **Leningrad** at some point between September 1941 and January 1944 or flight from there during this period.

Nazi victims who were citizens of the same Western European country at the time of persecution and at the time of the adoption of the comprehensive agreement between this Western European country and the Federal Republic of Germany ("**western persecutees**") and who did not receive a payment under the comprehensive agreement are not currently receiving payments from the Hardship Fund. An applicant is considered to be a western persecutee if the applicant was a citizen of one of the following countries at the time of persecution and in the year stated in brackets: Austria (only citizenship before 13 March 1938 is relevant here), Belgium (1960), Denmark (1959), France (1960), Greece (1960), Holland (1960), Italy (1961), Luxembourg (1959), Norway (1959), Sweden (1964), Switzerland (1961), United Kingdom (1964).

b) Ongoing assistance ("Article 2 Fund")

Applicants are advised that it has been clarified by Germany that the Hardship Fund will process applications from applicants that were a foetus at the time of their mother's persecution.

Preclusion:

Persons who currently receive a monthly pension under the Federal Compensation Act, the Article 2 Fund, the Central and Eastern European Fund (CEEF), or a pension from the Israeli Ministry of Finance under the Israeli Nazi Persecution Disabled Persons Law 5717-1957 cannot also receive a payment from the Hardship Fund. In addition, persons who received a payment under the Federal Compensation Act or from a comprehensive agreement are also precluded from receiving a payment under the Hardship Fund.

Victims of Nazi persecution who currently reside in former communist bloc countries of Eastern Europe are not eligible for the Hardship Fund.

Ongoing monthly assistance amounting to EUR 291 may be granted to victims who:

> Were imprisoned for at least **six months in a concentration camp**¹

Link to: list of prison camps for Article 2 Agreement.pdf²

Prison camps recognised under the scope of the Article 2 Agreement with the Jewish Claims Conference (JCC) or

> Suffered **18 months** imprisonment in a **ghetto** or

> **Lived in hiding** in degrading conditions for at least **18 months** or

> Lived under a **false identity (for at least 18 months)**

The one-time and ongoing assistance is intended to compensate for hardships for which there is no legal redress.

¹ Concentration camps within the meaning of the Article 2 Agreement refers to all concentration camps and prison camps comparable to concentration camps.

² Further information: <http://www.bundesfinanzministerium.de/wiedergutmachung>

In addition to the above-mentioned criteria relating to the duration of persecution, the eligibility criteria of the Article 2 Fund include the following geographical and financial limitations:

> The applicant does not currently reside in any of the former communist-bloc countries of Eastern Europe and the former Soviet Union. Persons who currently reside in those countries should apply to the Central and Eastern European Fund (CEEF); and

> The applicant did not receive more than **DM 35,000** in previous compensation from a German source (payments under the Federal Compensation Act or a pension from the Israeli Ministry of Finance under the Israeli Nazi Persecution Disabled Persons Law 5717-1957 etc.) [for special criteria concerning western persecutees see below]; and

> The annual net **income** of an applicant may not exceed the local currency equivalent of **US\$ 16,000**, after taxes. (The income limit is slightly different for applicants residing permanently in the Federal Republic of Germany.) The relevant income limit for residents of Germany and other European countries can be obtained from the Claims Conference office in Germany. The relevant income limit for residents of Israel is available on the Claims Conference Hebrew website.

When calculating whether the **income limit** has been met, from 1 October 2007 the following criteria apply:

Only the income of the applicant shall be taken into account (**not** the income of his/her spouse). When determining whether the income limit is met, the following types of **pensions will not be considered as income** (i.e. will not be included in the US\$16,000 limit):

Old age pensions (including governmental pension, social security payments, occupational pension or retirement plans), and/or

Pensions awarded for reduction in earning capacity, for industrial injury or occupational disease, for loss of life or any comparable payment.

In addition to the above-mentioned criteria, the eligibility criteria of the Article 2 Fund also include the following limitations regarding Nazi victims from Western European countries (**western persecutees**):

1. Previously, persons who were citizens of certain Western European countries at the time of persecution and at the time of the conclusion of the comprehensive agreement between Germany and the relevant country were excluded from receiving payments from the Article 2 Fund.

As a result of negotiations in February 2003 and in June 2008, persons who were previously excluded from receiving a payment from the Article 2 Fund, because they were citizens of certain Western European countries at the time of persecution and citizens of such countries at the time of the conclusion of the comprehensive agreement between the Western European country and the Federal Republic of Germany (for exact dates see above), may now be able to receive a payment from the Article 2 Fund. The detailed criteria for such applicants are set out below:

The applicant meets the persecution criteria of the Article 2 Fund and has not received **any payment** from a German source; **or**

The applicant meets the persecution criteria of the Article 2 Fund and during the applicant's persecution he/she was in a **concentration camp or ghetto** – in this case, any payment(s) received from a German source for the persecution he/she suffered will be disregarded (except for ongoing pensions from a German source such as the Federal Compensation Act or Austrian Opferfürsorge pension); **or**

The applicant meets the persecution criteria of the Article 2 Fund and the only payment received by the applicant from a German source was for the **death of a family member** – in this case, the payment from a German source will be disregarded.

The applicant meets the criteria of the Article 2 Fund (see above).

Greece: In addition, persons who were persecuted as Jews by the Nazis, were Greek citizens at the time of persecution and in 1960, and who do not receive a pension for Nazi persecution and meet the criteria of the Article 2 Fund should also apply.

In all cases, the applicant must live in financial need in accordance with the prescribed income and assets limits of the Article 2 Fund.

Applications for compensation can be submitted to the following offices:

> For applicants domiciled or having their permanent place of residence in **Europe:**

Claims Conference Hardship Fund/
Art. 2 Fund
Sophienstraße 44
60487 Frankfurt am Main
Germany

> For applicants domiciled or having their permanent place of residence in **Israel:**

Claims Conference Hardship Fund/
Art. 2 Fund
Ha'arbaa Street 8, 1st Floor
64739 Tel Aviv
Israel

> For applicants domiciled or having their permanent place of residence **outside Europe and Israel:**

Claims Conference Hardship Fund/
Art. 2 Fund
1359 Broadway
Room 2020
New York, NY 100 18
USA

c) Institutions

The Article 2 Agreement also provides for support to be given to institutions. The need for home nursing and medical care has increased over the past years. The Jewish Claims Conference is provided with resources to fund institutions that offer support to needy Jewish victims of National Socialism.

2.2 Hardship Fund for Non-Jewish Victims of National Socialism

a) General

The National Socialists persecuted Jews on racial rather than religious grounds and therefore also persecuted those persons who did not belong to the Jewish community but were regarded as Jews under the National Socialist race theory. At the Hague negotiations with Israel and the Jewish Claims Conference in 1952, the German Government originally intended to make a fund of EUR 255.64 million (DM 500 million) available to this organization to support needy Jews outside Israel. As the Jewish Claims Conference only felt responsible for representing and caring for practising Jews, it received EUR 230 million (DM 450) under the Second Protocol to the Agreement between the Federal Republic of Germany and the State of Israel of 10 September 1952 (Federal Law Gazette 1953 II p. 94 ff). A Cabinet decision of 15 July 1952 provided that the remaining initial sum of EUR 25.56 million (DM 50 million) was to be earmarked for a fund for the so-called non-practising Jews administered by the German Government.

The Hardship Fund for Non-Jewish Victims of National Socialism was initially administered on behalf of the Government by Land North Rhine-Westphalia (Cologne Regional Commissioner), but in the autumn of 1964 responsibility was transferred to the Federal Ministry of Finance, which issued the current Directives on the Disbursement of Resources for Individual Welfare Measures from the Hardship Fund for Non-Jewish Victims of National Socialism, as well as the Directives on the

Disbursement of Resources for Global Welfare Measures from the Hardship Fund for Non-Jewish Victims of National Socialism, as amended on 15 September 1966 (Federal Gazette No. 178 of 22 September 1966).

Payments from the Hardship Fund for Non-Jewish Victims of National Socialism may be granted to individuals who were persecuted because of their Jewish origins as defined by the Nuremberg Laws or were adversely affected by the persecution as a near relative. Furthermore, they must not have belonged, or still belong, to the Jewish community, either at the time of the persecution or of the decision on their claim for compensation. This is a necessary delimitation from the responsibility of the Jewish Claims Conference for practising Jews. Moreover, potential beneficiaries of the Hardship Fund for Non-Jewish Victims of National Socialism include the spouses of Jewish victims who themselves did not fall under the Nuremberg Laws but were persecuted due to the Jewish origins of their spouses or were adversely affected by this persecution.

b) Payments

Payments from the Hardship Fund for Non-Jewish Victims of National Socialism may be granted either in the form of one-time or ongoing assistance. Not only the gravity and impact of the persecution but also the financial and personal circumstances of the applicant, as well as of any relatives legally obliged to provide support, must be taken into consideration. The level of the ongoing assistance is determined by guideline figures which are regularly adjusted in line with general economic developments. One-time assistance is generally granted to cover the cost of living or specifically to cover costs incurred by illness which are not covered by other means or for the acquisition of household articles or clothing.

c) Integration assistance

The directives of the Hardship Fund for Non-Jewish Victims of National Socialism also provide for one-time assistance or loans to consolidate the financial situation, to purchase a dwelling as well as to undergo vocational training. However, under the current circumstances and given the advanced age of those eligible for payments, these provisions are no longer relevant.

d) Legal nature of the Fund

Payments from the Hardship Fund for Non-Jewish Victims of National Socialism are granted without being actionable at law on the basis of a decision taken after a due assessment of the circumstances. They are highly personalized and therefore not heritable or distrainable. Incidentally, this also applies to all other extra-legal provisions. Applications for assistance

may still be submitted irrespective of the legal deadline (31 December 1969 under Article VIII of the Final Federal Compensation Act).

As the Hardship Fund for Non-Jewish Victims of National Socialism is a special-purpose fund as defined by Section 171 of the Federal Compensation Act, non-Jewish victims of racial persecution can neither receive compensation under Section 171 of the Federal Compensation Act nor under any other provisions but, rather, exclusively under the directives of the Hardship Fund for Non-Jewish Victims of National Socialism. In order to ensure equal treatment of non-practising Jews and victims who fall under the compensation arrangement under Section 171 of the Federal Compensation Act, the prerequisites for approval contained in the Fund directives were harmonized as far as possible with the uniform Länder compensation directives relating to Section 171 of the Federal Compensation Act.

e) Grants to Jewish institutions

Under the directives of the Hardship Fund for Non-Jewish Victims of National Socialism, grants can be provided from this fund to organizations responsible for old people's or other homes if they make a long-term commitment to provide a certain requisite number of places in the homes to those eligible for payments.

Compensation applications for individuals may be submitted to:

Bundesministerium der Finanzen
(Federal Ministry of Finance)
Bonn Office
P.O. Box 13 08
53003 Bonn
Germany

For statistics cf. Annex 1.

2.3 Compensation settlement for non-Jewish victims

The German Government made relevant provisions for non-Jewish victims in its Directives on Payments to Persecuted Non-Jews to Compensate for Individual Hardships within the Context of Restitution of 26 August 1981 (Federal Gazette No. 160 of 29 August 1981).

Under these directives, non-Jewish victims who suffered damage to their health as a result of National Socialist injustice but could not receive any legal compensation payments on technical grounds can be granted one-time assistance of up to EUR 2,556.46.

This settlement, too, is based on the concept that only those applicants subjected to National Socialist oppressive measures due to their political opposition to National Socialism or on the grounds of race, religion or ideology (Sections 1 and 2 of the Federal Compensation Act) are entitled to assistance.

Furthermore, via Section 8 of the directives of 26 August 1981 the German Government provided for the granting of ongoing assistance on top of the aforementioned one-time assistance in special cases (so-called Compensation Reserve Fund). This option was extended in 1988 by an amendment to Section 8 (notification in the Federal Gazette No. 55 of 19 March 1988).

The following constitute a special case:

- > Imprisonment in a concentration camp as defined by the Federal Compensation Act for at least nine months
- > Deprivation of freedom in certain prison camps or life in camp-like conditions for at least 18 months
- > Life in hiding in degrading or particularly difficult conditions for 30 months if this led to permanent damage to health and a disability of 50%.

In addition, assistance can also be granted if justified by exceptional circumstances in individual cases. In particular, the form and severity of the persecution, as well as the intensity and duration of its impact, are taken into consideration.

In contrast to the above-mentioned one-time assistance, assistance from the Compensation Reserve Fund can only be granted to those with German nationality or to those who gained it before 1 January 1999 or, if he or she is not a German citizen, to those of German origin as defined by the Federal Expellees Act.

The Federal Ministry of Finance decides on claims in accordance with these guidelines.

Applications should be submitted to:

Bundesministerium der Finanzen
(Federal Ministry of Finance)
Bonn Office
P.O. Box 13 08
53003 Bonn
Germany

For statistics cf. Annexes 2 and 3.

In the case of all hardship settlements mentioned above, proof of economic hardship is no longer required for one-time assistance.

2.4 Compensation settlements for victims of pseudo-medical experiments

Persons who suffered damage to their health due to the pseudo-medical experiments carried out in several National Socialist concentration camps were entitled to compensation for the damage caused to body or health. Initially, they were eligible under Land legislation and subsequently under the Additional Federal Compensation Act of 1953, superseded by the Federal Compensation Act of 1956, as well as to funds from the special fund under Article V of the Final Federal Compensation Act of 1965.

Victims of human experiments who were not harmed on one of the persecution grounds named in Section 1 of the Federal Compensation Act (political opposition, race, religion, ideology) or who do not fulfil the legal requirements as regards their domicile or the qualifying date, or who did not observe the deadline for the submission of applications, are not eligible for compensation.

The Cabinet decision of 26 July 1951, which stipulated that victims of pseudo-medical experiments can be granted a one-time payment of EUR 12,782.29 (DM 25,000) in cases of particular hardship, applies to these persons.

Due to its strictly subsidiary character, as confirmed by rulings by the highest court, this decision does not apply to anyone who has already received compensation from another source, regardless of for what damage or what amount, or who has received compensation under a comprehensive agreement between the Federal Republic of Germany and a number of European states. Such comprehensive agreements were concluded with the countries listed in I.

Due to the particular cruelty of the pseudo-medical experiments, the Cabinet decision of 1951, whose area of application was originally limited to certain territories, was extended by a subsequent decision of 22 June 1960 to include assistance for those victims of human experiments who live in states with which the Federal Republic of Germany did not have diplomatic relations at that time (Poland, Czechoslovakia, Yugoslavia, Hungary and Romania). Applications by nationals of these states were examined individually on behalf of the German Government by a neutral commission of the International Committee of the Red Cross (ICRC) in Geneva, established for this purpose, and compensation was granted from the funds made available by the German Government.

In an effort to provide compensation for the victims of experiments as quickly as possible, the German Government, in agreement with the ICRC, concluded comprehensive agreements with Yugoslavia, Czechoslovakia, Hungary and Poland which benefited those applicants who had not yet received compensation but could expect a decision in their favour. The German side has met its obligations in full.

For statistics cf. Annex 4.

Despite the above-mentioned provisions, an allocation of EUR 25.56 million (DM 50 million) for other personal injuries was established during the international negotiations on the Foundation for Remembrance, Responsibility and the Future (cf. No. I. 14). The funds are intended in particular for victims of pseudo-medical experiments. Earlier payments are not deducted.

III. Legislation for the new Länder

3.1 Compensation Pension Act

The Act on Compensation for Victims of National Socialism in the Regions According to the Federal Republic of 22 April 1992 (Federal Law Gazette I p. 906) was enacted in order to regulate compensation for eligible persons in the new Länder. It entered into force on 1 May 1992.

Article 1 of this Act contains the Compensation Pension Act which newly regulates the payment of honorary and dependants' pensions for victims of National Socialism from the former GDR from the date of its entry into force.

This legislation was necessary because the legal basis for honorary pensions paid out in the former GDR to fighters against fascism and for the victims of fascism, as well as their dependants, largely ceased to exist on 31 December 1991. The Unification Treaty provided that the legislation valid in the former GDR for fighters against fascism and for the victims of fascism, as well as their dependants, of 20 September 1976 would only remain in force until 31 December 1991. However, it was stipulated that the honorary pensions at that time and the resulting payments for dependants were to continue.

As well as establishing that payment of the honorary pensions in existence on 30 April 1992 be continued in the form of compensation pensions of a different amount, the Compensation Pension Act also grants those victims of National Socialism who were refused an honorary pension by the then competent GDR agency on unconstitutional grounds or – following an initial approval – whose pension was subsequently withdrawn a right to submit a new application. Responsibility for implementing this Act lies with the:

Bundesversicherungsamt
(Federal Insurance Office)
Friedrich-Ebert-Allee 38
53113 Bonn
Germany

3.2 Extra-legal regulations based on the Compensation Pension Act

Likewise as of 1 May 1992, supplementary German Government directives based on Section 8 of the Compensation Pension Act (Federal Gazette No. 95 of 21 May 1992, p. 4,185) entered into force for persons who are victims as defined by Section 1 of the Federal Compensation Act but are not entitled to a compensation pension under this Act and were, or are, unable to receive payments under other compensation regulations due to their having their place of residence in the former GDR. Those who left the former GDR after 30 June 1969 and were resident in federal territory on 2 October 1990 are also entitled to submit an application.

Under Section 8 of the Compensation Pension Act, the prerequisite for a pension under these supplementary directives, which are implemented by the Federal Ministry of Finance, is, among other things, that the victim:

- > Was imprisoned for at least six months in a concentration camp as defined by the Federal Compensation Act or
- > Spent at least 12 months in certain other National Socialist prisons or
- > Suffered at least 12 months of another form of deprivation of freedom of a certain degree of severity

In exceptional cases, other forms of damage, comparable in terms of gravity and impact to the aforementioned circumstances, can be taken into consideration.

In addition, female applicants must have reached the age of 55 and male applicants the age of 60, or the applicant must be an invalid as defined by Article 2 (7) (3) of the Pension Law Conversion Act of 25 July 1991 (Federal Law Gazette I p. 1,606) before a pension can be granted.

Should victims of persecution who fulfil the directive prerequisites be deceased, their widow or widower will, if they are incapable of working, receive a pension in accordance with Section 2 (6) of the Compensation Pension Act.

This provision reads as follows:

“A compensation pension is granted to widows and widowers if the marriage was contracted before 1 January 1951. This also applies if marriage was not possible before 1 January 1951 due to the absence of official documents or on other important grounds or if a quasi-marital relationship existed and the marriage took place after this date. In the case of return from emigration or release from internment, imprisonment or captivity after 31 December 1945, the deadline shall be five years after the return or release rather than 1 January 1951.”

The pension amounts to EUR 715.80 (DM 1,400) per month for victims and EUR 410 (DM 800) per month for their widows and widowers.

3.3 Property law regulations in the territory of the former GDR

Any payments which the eligible person has received, or is still receiving, under German Government provisions not connected with the Federal Compensation Act are deducted from the pension.

As with compensation pensions under the Compensation Pension Act, payments under the directives should be refused or revoked either in part or in full if the eligible person or the person from whom the eligibility is derived have violated the principles of humanity or the rule of law or have seriously abused their position to their own gain or to the disadvantage of others.

Applications for a compensation pension may be submitted to the:

Bundesministerium der Finanzen
(Federal Ministry of Finance)
Bonn Office
P.O. Box 13 08
53003 Bonn
Germany

For statistics cf. Annex 5.

Initially, the Act Regulating Open Property Issues entered into force together with the Unification Treaty on 29 September 1990. According to Section 1 (6), it should be applied to claims by citizens and associations that were persecuted between 30 January 1933 and 8 May 1945 on racial, political, religious or ideological grounds and lost their property as a result. The Act thus ties in with regulations concerning the return of property. The claims had to be submitted by the end of 1992 (in the case of real estate) or by the end of June 1993 (in the case of movable property). The Act stipulates that the Jewish Claims Conference (JCC) is the legal successor to any heirless or unclaimed lost Jewish assets. The value of property returned to the victims of National Socialism under this Act can only be partially quantified. According to the JCC, more than EUR 724 million had been generated from the sale of restored property by the end of 2001.

If it is not possible to return property or if the persons concerned have exercised their right to choose compensation, they receive compensation under the Federal Act for the Compensation of the Victims of National Socialist Persecution. The payments come from the Compensation Fund, a special federal fund. The level of compensation is determined by the regulations governing restitution. However, it has been doubled in the light of the time which has passed. A total of EUR 1.45 billion in compensation payments had been made by the end of 2007.

To speed up the process of getting compensation to the victims, comprehensive settlements were reached, starting in 2002, between the Compensation Fund and the JCC in cases of a similar nature in which the JCC is the eligible party. The settlements reached were in respect of damage to synagogues and their contents (2002), damage to movable property and household effects (2004), damage to the property of self-employed professionals and losses suffered with respect to security rights over land and bank account balances (2007).

Until 1976, US citizens could submit claims for loss of assets in the former GDR to a commission set up by the US Administration. The subsequent talks conducted with the GDR on compensation did not produce any results. After reunification, the negotiations were continued with the German Government and concluded with the Agreement of 13 May 1992 between the Federal Republic of Germany and the Government of the United States of America Concerning the Settlement of Certain Property Claims. This Agreement made it possible for US citizens to either accept compensation in the United States under this Agreement or to take part in the above-mentioned German property law proceedings in Germany. The German Government transferred a total of approximately US\$ 102 million for compensation in the United States. It is not known what proportion has been paid out to victims of National Socialism. Persons eligible for compensation also include about 1,000 Jewish claimants who gained US citizenship after their property had been damaged but before the close of 1951.

IV. Regulations on the basis of the General Act Regulating Compensation for War induced Losses

4.1 General Act Regulating Compensation for War-induced Losses of 5 November 1957

Section 5 of the General Act Regulating Compensation for War-induced Losses of 5 November 1957 (Federal Law Gazette I p. 1,747), most recently amended by Article 2 (16) of the Act of 12 August 2005 (Federal Law Gazette I p. 2,354), governs the claims of those who suffered damage during the National Socialist regime and did not qualify as victims as defined by Sections 1 and 2 of the Federal Compensation Act. While the compensation laws regulate all property and non-property claims, the Act only provides for compensation for damage to life, limb, or health, as well as deprivation of freedom. Section 5 of the Act grants a right to compensation for unlawful violations of these objects of legal protection in accordance with the general legal provisions, in particular in accordance with the provisions on state liability and in accordance with the civil law regulations on unlawful acts (Section 823 ff of the Civil Code).

Claims under Section 5 of the Act are only recognized if on 31 December 1952 the person who suffered damage had his or her domicile or was permanently resident in the then area of application of the Act or in a state which had recognized the Government of the Federal Republic of Germany by 1 April 1956 (Section 6 (1) of the Act) or fulfils one of the other residence or deadline requirements referred to in Section 6.

Exceptions for expellees (immigrants of ethnic German origin), returnees or persons who did not settle in federal territory until after 31 December 1952 by way of family reunification are of virtually no importance today.

The above-mentioned claims had, in principle, to be submitted within one year after the Act entered into force, i.e. by 31 December 1958 (Section 28 of the Act). If the submission deadline had passed an extension could be granted for one more year, i.e. until 31 December 1959.

Claims under Section 5 are now, in practice, only being wound up. New submissions are only possible in a few exceptions, namely where claims arose after the Act entered into force. In such cases, the one-year submission deadline begins with the emergence of the claim. This can, for example, apply to damage to health which arose or became much worse at a later point in time. The same applies to damage suffered in relation to state old-age pensions due to an inability to pay contributions as a result of unlawful deprivation of freedom, which does not become apparent until the person concerned retires.

On 1 January 2004, the Cologne Regional Finance Office (Customs and Excise Duty Directorate) was given the responsibility of processing claims under Section 5 of the Act. As of 1 August 2008, the office has been renamed as Federal Finance Office (West) and the responsible division there is Z 44.

4.2 Directives under the General Act Regulating Compensation for War-induced Losses

a) Scope of the directives

According to the German Government directives on hardship compensation to victims of National Socialist injustice under the General Act Regulating Compensation for War-induced Losses of 1 January 2004 (Federal Gazette p. 20,921), most recently amended on 13 September 2005 (Federal Gazette p. 15,698), compensation is to be made to persons who are not victims of persecution within the meaning of Section 1 of the Federal Compensation Act, but who, due to their physical or mental constitution or to their personal or social behaviour, were either individually or collectively targeted by the National Socialist regime, and as a result suffered injustice. These payments are intended to mitigate hardship for which the General Act Regulating Compensation for War-induced Losses does not provide any compensation due to individuals having missed the respective deadlines or for other reasons.

Pursuant to the German Government directives on hardship compensation to victims of National Socialist injustice under the General Act Regulating Compensation for War-induced Losses, one-time assistance of up to EUR 2,556.46 (DM 5,000) may be granted (cf. IV 2. d). The directives also allow ongoing compensation payments to be made in exceptional cases where more assistance is required due to special circumstances.

The German Government directives do not aim to provide any financial compensation for war damage, exclusive damage to property or possessions, as well as pre-war or war-induced hardship of any kind.

b) Persons entitled to apply

According to the above-mentioned directives, anyone who suffered damage or harm as a result of National Socialist injustice and who is not a victim of persecution within the meaning of the Federal Compensation Act may submit an application for compensation.

Various groups of individuals who suffered damage or harm resulting from acts that are contrary to the rule of law and that were performed by persons acting in the name of the German Reich are entitled to submit applications. These groups would predominantly be the victims of sterilization and euthanasia.

Also authorized to submit an application are individuals who were identified by the National Socialist state or party as “workshy”, “refusing to work”, “asocial”, “homosexual”, “inciting disobedience”, “conscientious objector”, “criminal” and “vagrant” and who for this reason were subjected to National Socialist oppressive measures, for example, being detained in concentration camps or at similar establishments. Victims of psychiatric persecution may also apply. Depending on the individual circumstances of a specific case, the directives may also permit compensation payments to be made to individuals who were part of the so-called “youth resistance” movement. The following provides more specific information on some of these groups and the damages that were suffered:

Victims of forced sterilization Criminals

Victims of forced sterilization who do not fulfil the requirements for compensation payments under the Federal Compensation Act receive, upon application, one-time assistance amounting to EUR 2,556.46 on the basis of the General Act Regulating Compensation for War-induced Losses as well as an ongoing monthly payment of EUR 120.

In exceptional cases, additional ongoing payments may be granted (cf. IV 2. d).

Victims of euthanasia

The so-called euthanasia establishments are considered to be prison camps within the meaning of the directives because the human dignity of the patients was invariably violated in these establishments and their physical and psychological well-being was constantly threatened. This includes the establishments at Grafeneck in Württemberg, Hartheim near Linz, Sonnenstein near Pirna, Bernburg on the Saale, Hadamar near Limburg, and Brandenburg on the Havel.

In certain cases – in particular if they did not receive support payments – the dependent spouses and children of those victims of National Socialist injustice who died in so-called euthanasia establishments may also be entitled to receive compensation.

Homosexuals

On the basis of the circular instructions issued by the Reich Main Security Office on 12 July 1940, numerous homosexuals were sent to concentration camps either without having been convicted of any offence or after having served a sentence. Compensation can be made for damages that were suffered as a result of such actions, in particular if the respective individual was sent to a concentration camp.

Pursuant to the circular instructions of the Reich and Prussian Minister of the Interior of 14 December 1937, the criminal police were authorized, in certain instances, to take so-called professional and habitual criminals into preventive custody (cf. Buchheim, *Die Aktion "Arbeitsscheu Reich"*, Gutachten des Instituts für Zeitgeschichte, Vol. II, Stuttgart [1966], p. 189 ff). Insofar as alleged criminals were taken into custody and no criminal proceedings were initiated, or insofar as convicted criminals were incarcerated for a longer period of time than that to which they were sentenced in criminal proceedings, such individuals may also qualify for payments.

Individuals who were identified as “work-shy”, “refusing to work”, “vagrants” or “asocial”

The National Socialist regime also took so-called preventive measures against this group of individuals. This was done to ensure that these individuals entered regular employment, and to ease the tense situation on the labour market. The legal basis consisted of, among other things, the previously mentioned circular instructions of the Reich and Prussian Minister of the Interior of 14 December 1937, as well as instructions of the Reich Minister of the Interior of 18 September 1939 (Buchheim, *loc. cit.*, Vol. II, p. 189 ff). Individuals who were affected by such measures are also eligible to apply for compensation.

Victims of National Socialist jurisdiction

The directives also provide for compensation in cases where a court-imposed sentence was served, if an examination of the individual case reveals that either the judgment or its execution was contrary to the rule of law.

For example, a judgment may be deemed contrary to the rule of law if the punishment is considered to be unusually hard and cruel in comparison to the alleged criminal act. Decisions on such matters are based on the respective range of punishment as set out in the Reich Penal Code that was in force prior to 30 January 1933. For military offences, decisions are based on the respective range of punishment as set out in the Military Penal Code of 15 June 1926. As a rule, the authoritative judgment shall be either the one that was pronounced in the last instance or the subsequent decision of a court to pardon the respective individual.

If a judgment was reversed or could have been reversed pursuant to Bavarian Act No. 21 on the Compensation of Victims of National Socialist Jurisdiction of 28 May 1945 (Bavarian Official Gazette No. 11/1946, p. 180), pursuant to another relevant Land law, or pursuant to the Act to Reverse Unjust National Socialist Judicial Rulings of 25 May 1990 (Federal Law Gazette I p. 966), the prerequisites for an act of National Socialist injustice are fulfilled – provided it was not a criminal offence that was committed before 30 January 1933. The same applies to the Act to Reverse Unjust National Socialist Judicial Rulings in Criminal Cases.

In instances where death sentences were pronounced between 30 January 1933 and 8 May 1945 for military offences, and if these sentences were not reversed prior to 8 May 1945, there is prima facie evidence to suspect that an unjust punishment was pronounced (cf. Federal Social Court, *Neue Juristische Wochenschrift* 1992, p. 934). In instances where individuals were sentenced to prison terms for violating the ban on listening to enemy broadcasts, or for consorting with prisoners of war and other foreigners, the prerequisites are generally fulfilled for receiving compensation pursuant to the directives under the General Act Regulating Compensation for War-induced Losses.

Accordingly, payments under the General Act Regulating Compensation for War-induced Losses are also made to persons who were imprisoned between 1933 and 1945 provided that the imprisonment is based on a penal decision that was reversed pursuant to the Act to Reverse Unjust National Socialist Judicial Rulings of 25 August 1998 (Federal Law Gazette I 1998 p. 2,501), amended by the Act of 23 July 2002 (Federal Law Gazette I 2002 p. 2,714).

As a rule, no compensation can be made if, after 8 May 1945, either a German or an Allied court ruled that a sentence served as a result of a judgment passed from 30 January 1933 to 8 May 1945 was legitimate.

National Socialist injustice may also have occurred as a result of the way in which a sentence was served. An example of this is detention at concentration camps.

Individuals who were convicted as members of the Wehrmacht may qualify for payments pursuant to the Federal War Victims' Pension Act; as a rule, such claims are to be examined by the respective Länder pension authorities.

c) Further requirements for eligibility (d) Compensation payments

In order to receive one-time compensation pursuant to the directives under the General Act Regulating Compensation for War-induced Losses, the respective individual must submit an application. Payments may only be made to individuals who are German citizens; if they do not hold German citizenship or only acquired German citizenship after 8 May 1945, they must be of German ethnic origin under the definition of Sections 1 and 6 of the Federal Expellees Act. An individual must either be domiciled, or have his or her permanent place of residence, in the Federal Republic of Germany at the time he or she submits an application for compensation.

Assistance is granted on an individual basis and is therefore non-transferable. Heirs of victims are not eligible to claim compensation. In exceptional cases where the spouses of victims were either directly or indirectly significantly affected by the injustice their husbands suffered, assistance may also be granted to widows.

Children whose parents were both killed due to a National Socialist oppressive measure may receive a one-time payment of EUR 2,556.46 provided that at the time of the parent's death they had not yet reached the age of twenty-one or were entitled to maintenance because they were still undergoing education and had not reached the age of twenty-seven.

All assistance that is granted pursuant to these directives is provided as compensation to affected individuals for the injustice they suffered. It is therefore intended not to reduce in any way benefits that affected individuals are legally authorized to receive.

A distinction must be drawn between one-time payments (up to EUR 2,556.46), ongoing monthly payments (EUR 120) and additional ongoing payments (in individual cases).

Persons who suffered damage to their body or health, victims of forced sterilization and victims of euthanasia receive one-time assistance of EUR 2,556.46. Persons who suffered deprivation of liberty receive a one-time payment of EUR 76.69 for each month of imprisonment commenced; the maximum total amount being EUR 2,556.46.

Victims of forced sterilization receive (in addition) on-going monthly payments of EUR 120.

In certain exceptional cases, in which special circumstances require that further assistance be provided and in which the victims are currently in financial need, additional on-going assistance may be granted. In this context, the type and severity of the injustice that was suffered, as well as the severity and duration of the injustice's effects, are to be taken into special consideration. Exceptional circumstances are assumed in particular in the following instances:

> Nine months or more of detention in a concentration camp as defined in Section 42 (2) of the Federal Compensation Act

> Eighteen months or more of deprivation of freedom in another type of prison or in a euthanasia establishment

> Thirty months or more of living in hiding in inhuman or particularly severe conditions; or

> In the case of persons who underwent forced sterilization under the National Socialist regime

Notwithstanding the above conditions, compensation may be granted in exceptional cases where more assistance is required due to exceptional circumstances.

Prior to the amendment of the hardship directives in autumn 2002, it was generally required that anyone submitting an application must currently be in a state of need. The details defining a state of need were set out in accordance with the Implementing Regulations to the Federal Compensation Act. Since then, one-time payments may also be granted if the income of the applicant and his or her family members does not meet the state of need requirement. The same applies to ongoing payments to victims of forced sterilization. Only in cases of need may any additional ongoing payments be made that exceed the standard limit.

Applications that were rejected for not meeting the state of need requirement were automatically re-examined, and compensation was granted to all applicants who qualified.

e) Processing of applications by Federal Finance Office (West), Cologne

The directives under the General Act Regulating Compensation for War-induced Losses are implemented centrally by Federal Finance Office (West) in Cologne (the Customs and Excise Duty Directorate of Cologne Regional Finance Office was responsible for this until 1 August 2008). No deadline shall apply.

For statistics cf. Annex 7.

4.3 Payments to victims of the National Socialist military judiciary

Pursuant to the Instructions for the Final Settlement of the Rehabilitation and Compensation of Individuals Convicted During the Second World War for “Inciting Disobedience”, “Conscientious Objection” or “Desertion” of 17 December 1997 (Federal Gazette No. 2 of 6 January 1998), most recently amended on 30 December 1998 (Federal Gazette No. 8 of 14 January 1999), individuals who were convicted of the above-mentioned offences during the Second World War are eligible to receive an additional one-time payment of EUR 3,834.68. This entitlement is based on a decision of the German Bundestag of 15 May 1997 in which it was determined that, in the above-mentioned cases, these judgments passed by the Wehrmacht judiciary during the Second World War were unjust if rule-of-law principles are applied. The Bundestag therefore called upon the German Government to make an additional one-time payment of EUR 3,834.68 (DM 7,500) to the victims of the Wehrmacht judiciary or to their relatives. Compensation has been granted in more than 500 of the above-mentioned cases.

The deadline for submitting an application expired on 31 December 1999.

4.4 Further information

The Federal Finance Office (West) can provide information on all questions relating to compensation for National Socialist injustice. The address is as follows:

Bundesfinanzdirektion West
(Federal Finance Office (West))
Arbeitsbereich RF 42 C
Zentrale Auskunftsstelle zur Wiedergutmachung nationalsozialistischen Unrechts
Wörthstrasse 1-3
50668 Cologne Germany
(Tel. +49 221 22 25 50).

V. Payment in recognition of work other than forced labour performed in a ghetto

The Federal Social Court ruled in 1997 that work carried out in ghettos during the Second World War may qualify as employment subject to social security payments and entitlement. This ruling, which means that not every case in which a victim of persecution was employed in ghetto conditions is to be considered as forced labour, was confirmed in a number of subsequent decisions.

Against this background, the Bundestag passed the Act Regarding the Conditions for Making Pensions Payable on the Basis of Employment in a Ghetto in June 2002. The provisions of this Act apply to victims of National Socialist persecution who can credibly establish that they worked of their own free will and for payment while in a ghetto. Around 70,000 applications for “ghetto pensions” have been received since the Act came into force. More than 90% of these applications were denied on the basis that it was not possible to ascertain in each individual case that the work performed had the characteristics of employment of the type normally subject to pension contributions.

This resulted in a large number of legal disputes and a great deal of resentment among those affected. The Federal Government consequently recognised the need to redress the situation. It decided not to amend the Act Regarding the Conditions for Making Pensions Payable on the Basis of Employment in a Ghetto, but to respond to the criticism by creating a fallback arrangement.

On 19 September 2007, the German Cabinet therefore decided to pass a directive under which victims of National Socialist persecution can receive a one-off payment of EUR 2,000 for their work in a ghetto which did not constitute forced labour and which has not been recognised to date under social insurance law.

The Government’s Directive attempts, without requiring detailed portrayals of the persecution history, to create a solution that is as simple, specific and helpful as possible with short implementation periods for the parties concerned, that pays tribute to the time spent in the ghettos, and which closes a gap in the framework of existing indemnification provisions.

To be entitled to support under the Directive, an individual must:

- > be a victim of National Socialist persecution within the meaning of the Federal Indemnification Act,
- > have been forced to live in a ghetto which was under National Socialist influence and
- > have been employed **without coercion** during this time.

The term “victim of National Socialist persecution” covers all those who were subjected to National Socialist oppressive measures due to their political opposition to National Socialism or on the grounds of race, religion or ideology (within the meaning of the Federal Indemnification Act (Bundesentschädigungsgesetz)).

The Directive only applies to time spent in a ghetto. The payment provided for by the Directive shall not be made in respect of periods spent in a labour camp or concentration camp. It is important that the individual worked without coercion during this time. However, there is no requirement that the work constituted employment within the meaning of the law on pensions. Instead, it suffices that the work was taken upon referral by the Jewish council or ghetto labour office and the working conditions were structured in such a way that the work could be undertaken without the direct application or threat of physical violence.

The following persons do not qualify for the payment:

> Those whose time working in the ghetto has already been taken into account in statutory insurance schemes (worldwide).

> Those whose work in the ghetto has already been compensated for as forced labour from funds from the Foundation for “Remembrance, Responsibility and the Future”.

A pension only precludes a person from receiving the one-off payment pursuant to the Directive if the pension is actually paid out and if the time worked in the ghetto was taken into account in full when calculating the pension.

Furthermore, applications for the payment in recognition of ghetto work are not necessarily rejected simply because they

come from persons who have already received support from the Foundation for “Remembrance, Responsibility and the Future”. This is of particular relevance where the money received from the Foundation was for different work, either in the same or another ghetto, or was for time spent in a concentration camp or similar. Decisions are always based on the individual circumstances of each case.

The one-off payment of EUR 2,000 is only made upon application. This also applies where an application has already been made pursuant to the Act Regarding the Conditions for Making Pensions Payable on the Basis of Employment in a Ghetto. Surviving dependants of deceased victims of persecution may not apply for the payment in recognition of ghetto work.

The application must be made in German, English or Russian to:

Bundesamt für zentrale Dienste und offene Vermögensfragen
(Federal Office for Central Services and Unresolved Property Issues)
53221 Bonn
Germany

A specific application form is available for this purpose. The form can be ordered from the above address or downloaded from the internet at the following addresses:

German version of the application form:
<http://www.badv.bund.de/antrag/Antragsformular.pdf>

English version of the application form:
http://www.badv.bund.de/antrag/Antragsformular_en.pdf

Russian version of the application form:
http://www.badv.bund.de/antrag/Antragsformular_ru.pdf

A telephone hotline has also been set up to help with enquiries. The number is:
+49 1888 70 30 13 24

Annex 1

**The Hardship Fund for Non-Jewish Victims of National Socialism,
operating pursuant
to the Directives on the Disbursement of Resources for
Individual Welfare Measures
as amended on 15 September 1966
(Federal Gazette No. 178 of 22 September 1966)**

By the end of 2008, victims who meet the requirements of the above-mentioned directives had received payments

totalling approximately EUR 39 million.

This total amount is comprised of ongoing and one-time assistance.

Annual payments currently amount to approximately EUR 0.26 million.

No statistical records are kept of any other information.

Annex 2

**One-time assistance granted pursuant to Section 4
of the Directives on Payments to Persecuted Non-Jews
to Compensate for Individual Hardships within the Context
of Restitution of 26 August 1981
(Federal Gazette No. 160 of 29 August 1981)**

Last updated on 31 December 2008

Total number of applications registered	32,527
Approved	13,193
Denied	17,060
Total number of formal application decisions	30,259
Number of applications otherwise processed	2,268
Total number of processed applications	32,527
Total number of unprocessed applications	0
Overall total of payments made by 31 December 2008	34,599,747 €.

Annex 3

Assistance granted pursuant to Section 8 of the Directives on Payments to Persecuted Non-Jews to Compensate for Individual Hardships within the Context of Restitution of 26 August 1981 as amended on 7 March 1988
Compensation reserve fund

(Federal Gazette No. 160 of 29 August 1981 and No. 55 of 19 March 1988)

Last updated on 31 December 2008

			Applicants of Sinti and Roma ethnic origin		
Total number of applications	2,544			2,389	
(davon 360 Zweitanträge)					
1. Compensation approved		1,292		1,219	
a) ongoing assistance			713		659
b) one-time assistance			579		560
2. Compensation denied, for the following reasons		1,141		1,078	
a) does not meet nationality / ethnic origin / residence requirements			183		174
b) not victim of persecution			606		590
c) received earlier payments			149		137
d) no state of need			49		39
e) other reasons			154		138
3. otherwise processed		95		77	
4. not yet processed		16		15	
I. Total no. of court actions	146			137	
a) court decision reached		34		34	
b) action withdrawn / discontinued		112		103	
c) Administrative Court proceedings pending		0		0	
d) Higher Administrative Court proceedings pending		0		0	
II. Payments made by 31 December 2008			approx.		
			EUR 14,496,828 €		
a) ongoing assistance			approx	EUR 12,964,492	
b) one-time assistance			approx	EUR 1,532,336	

Annex 4

Compensation settlements for victims of pseudo-medical experiments pursuant to the Cabinet decision of 26 July 1951

Last updated in April 2009

Pursuant to the above-mentioned Cabinet decision, the compensation paid to victims of pseudo-medical experiments amounts to

a total of approx. DM 186 million

Of this amount, approx. DM 64 million were disbursed in individual payments, i.e. one-time assistance payments amounting up to DM 25,000 each.

The remaining amount of approx. DM 122 million was disbursed within the framework of the following special agreements:

Yugoslavia	DM 8.00 Mio.
Czechoslovakia	DM 7.50 Mio.
Hungary	DM 6.25 Mio.
Poland	DM 100.00 Mio.

No statistical records were kept of any other data.

Annex 5Statistical data**Directives on Supplementary Compensation for Victims of National Socialism in the Territory Having Acceded to the Federal Republic (adopted 13 May 1992)**

Total number of applications:					1,412
1. number of decisions on compensation:					877
a) compensation approved				77	
aa) ongoing payments (pensions) for victims			49		
bb) ongoing payments (pensions) for widows/ widowers			28		
of these, payments discontinued due to death of the recipient	30				
b) compensation denied				801	
aa) dependant failed to prove he or she was sufficiently affected			279		
bb) applicant not a victim of persecution within the meaning of Section 2 of the above-mentioned Directives			245		
cc) applicant not a victim of persecution within the meaning of Section 1 of the Federal Compensation Act			136		
dd) for other reasons			141		
Court actions filed for rejected applications: 40 (beside court actions withdrawn, most decisions in favour of Finance Ministry)					
2. otherwise processed					534
a) claim referred to Hardship Fund for Non-Jewish Victims of National Socialism			105		
b) claim settled pursuant to hardship directives under the General Act Regulating Compensation for War-induced Losses (Division VB 2)			197		
c) claim referred to the Administration Office of Land Berlin, which ap- proved compensation pursuant to the Law on the Recognition of, and Payment of Compensation to, Victims of National Socialism in Berlin Who Were Persecuted for Political, Racial or Religious Reasons			7		
(d) claim referred to Federal Insurance Office			76		
e) claim referred to Federal Insurance Institute for Salaried Employees			37		
f) claim referred to Federal Ministry of Labour and Social Affairs			3		
g) claim referred to Federal Ministry of Justice			2		
h) lack of participation / claimant deceased / claim withdrawn / other			107		
<p>* This refers to applications that were <u>forwarded directly to Division VB 2</u></p> <p>Where an explicit request was made to test one of these cases' eligibility under the above directives and an official written re- sponse was given, the case is recorded under 1. b) <u>Many</u> of these cases that were <u>rejected under the directives</u> were <u>forwarded to Division VB 2</u> to ascertain whether they eligible under the hardship provisions pursuant to the General Act Regulating Compensa- tion for War-induced Losses. In most cases, the competent regional finance offices subsequently returned a positive decision.</p> <p>The actual number of claims paid out under the General Act is thus considerably higher. <u>To adhere to correct statistical procedure, however, such cases can only be recorded once. This is done under 1. b).</u></p> <p>A similar situation applies to the category of other claims paid out. In particular, the number of claims paid out pursuant to the directives on hardship compensation is much higher in reality, as they often followed rejection of a claim under the Directives on Supplementary Compensation for Victims of National Socialism in the Territory Having Acceded to the Federal Republic. Statis- tically, these had already been recorded under 1. b) (compensation denied).</p>					
Last updated on 28 April 2009					

Annex 6 (1)**Public sector compensation payments**Last updated on 31 December 2008

	Payments in billions of euros		
	by 2007	in 2008	by 2008
<u>Payments made so far</u>			
1. Federal Compensation Act	45.356	0.369	45.725
2. Federal Restitution Act	2.023	0.000	2.023
3. Compensation Pension Act	0.760	0.016	0.776
4. Federal Act for the Compensation of the Victims of National Socialist Persecution	1.451	0.105	1.556
5. Luxembourg Agreement	1.764	0.000	1.764
6. Comprehensive agreements (and similar agreements)	1.460	0.000	1.460
7. Other payments (Civil Service, Wapniarka, Hardship Fund for Non-Jewish Victims of National Socialism, victims of pseudo-medical experiments, Art. VI Final Federal Compensation Act, etc.)	4.870	0.161	5.031
8. Payments made by the Länder outside of the Federal Compensation Act	1.603	0.039	1.642
9. Hardship compensation (not including the Länder)	3.271	0.260	3.531
10. Act on the Creation of a Foundation for Remembrance, Responsibility and the Future	2.556	0.000	2.556
Total:	65.114	0.950	66.064

Other payments made as compensation for National Socialist injustice

The German Government has expressed its intention to make lifelong ongoing payments to victims of National Socialism whose claims have been approved.

Based on this policy, the Federal Ministry of Finance has drawn up cautious estimates, according to which such payments will amount to a double-digit billion euro figure.

Annex 6 (2)

Approximately 20% of payments made pursuant to the Federal Compensation Act and the Federal Restitution Act are disbursed to individuals who live in Germany, and approximately 40% to individuals who live in Israel; the remaining proportion is disbursed to individuals who live elsewhere. Approximately 15% of ongoing payments made pursuant to the Federal Compensation Act are disbursed to individuals who live in Germany, approximately 85% of ongoing payments are disbursed to individuals who live abroad.

During the period from 1 October 1953 to 31 December 1987, **4,384,138 applications** for compensation were submitted pursuant to the Additional Federal Compensation Act of 18 September 1953 (Federal Law Gazette I p. 1,387), the Federal Compensation Act of 29 June 1956 (Federal Law Gazette I p. 559) and the Final Federal Compensation Act of 14 September 1965 (Federal Law Gazette I p. 1,315). These applications were processed as follows:

Approved	2,014,142
Denied	1,246,571
Otherwise processed (e.g. application withdrawn)	1,123,425

No statistical record is kept of the total number of applicants. This number is, however, not identical to the number of applications that are submitted. Pursuant to information provided by the Länder – who are responsible for implementing the Federal Compensation Act – on average, every applicant submitted more than one application. The exact number of claims that were submitted by each individual claimant cannot be determined. The number of applications, and of applications processed, from 1 January 1988 to date is comparatively small; the Länder are therefore no longer keeping a statistical record of this figure.

Compensation pursuant to the Federal Restitution Act has been completed. Payment in one case is still outstanding.

The above table does not include other payments – the individual amounts of which cannot be exactly determined – totalling several billion euros that were made pursuant to other directives, e.g. the Act on Social Insurance Pensions for Victims of National Socialism, the Federal Act on Compensation for National Socialist Injustice through War Disablement and Survivors’ Pensions and the General Act Regulating Compensation for War-induced Losses.

The Foundation for Remembrance, Responsibility and the Future has not made any ongoing compensation payments; it has only made one-off payments. The Foundation received funding totalling EUR 5.1 billion. Of this, the Federal Government provided the EUR 2.556 billion recorded in the table above. The remainder came from German companies that participated in the German Economy Foundation Initiative. By the time the last payments were made in 2007, the Foundation, which was set up to help forced labourers and other victims of National Socialism, had disbursed a total of more than EUR 4.7 billion to around 1.7 million victims of National Socialism, in particular forced labourers, who were entitled to support.

Annex 6 (3)**Compensation paid by the Länder outside of the Federal Compensation Act
1950 to 2008**

(figures provided by the Länder)

Länder	<u>up to the end of 2008</u> - in millions of euros -	<u>in 2008</u> - in thousands of euros -
Baden-Württemberg	37	11
Bavaria	133	8,778
Berlin	668	18,739
Bremen	12	91
Hamburg	75	189
Hesse	57	2,663
Lower Saxony	91	2,121
North Rhine-Westphalia	499	989
Rhineland-Palatinate	44	5,666
Saarland	1	54
Schleswig-Holstein	25	63
Total:	1,642	36,364

Note: all figures have been rounded.

Annex 6 (4)

Payments made pursuant to the Federal Compensation Act between 1 October 1953 and 31 December 2008 (in millions of euros)

figures provided by the Länder

Type of damage or harm suffered Type of compensation made	One-time payments		Ongoing payments		Total payments		Ongoing payments as of 1 December 2008	
	Total	Of column 1 To individuals residing abroad	Total	Of column 3 To individuals residing abroad	Total columns 1+3	To individuals residing abroad columns 2+4	Number	Monthly total in thousand euros
	1	2	3	4	5	6	7	8
1. loss of life	339	270	3,733	2,715	4,072	2,985	1,597	1,348
2. damage to limb or health	2,109	1,621	25,415	22,487	27,524	24,108	46,846	26,514
3. deprivation of liberty	1,442	1,320	0	0	1,442	1,320	0	0
4. damage to property	216	95	0	0	216	95	0	0
5. damage to assets	275	219	0	0	275	219	0	0
6. charges, fines, etc.	155	136	0	0	155	136	0	0
7. damage to professional careers	1,656	1,352	8,403	6,842	10,059	8,194	2,230	1,195
8. damage to business	42	35	49	24	91	59	42	0
9. granting of immediate assistance	90	6	0	0	90	6	0	0
10. provision of health care	378	45	0	0	378	45	0	0
11. mitigation of hardship	37	23	394	324	431	347	604	150
Total:	6,739	5,122	37,994	32,392	44,733	37,514	51,319	29,207

(Note: any divergence of total amounts results from rounding to nearest million.)

Total amount disbursed in

compensation payments:

before 30 September 1953

pursuant to Article V of the Final Federal Compensation Act

pursuant to the Federal Compensation Act (cf. column 5 above)

EUR 377 million

EUR 614 million

EUR 44,733 million

EUR 45,724 million

Average ongoing monthly payment:

- for loss of life, damage to limb or health: approx. EUR 844

- of all ongoing compensation payments: approx. EUR 569

Annex 7(1)

**Hardship compensation to victims of National Socialist injustice
under the General Act
Regulating Compensation for War-induced Losses**

Last updated on 31 December 2007

One-time payments

Total number of applications	Compensation approved		Compensation denied, or case referred	
	total	6,202 ²⁾	total	2,438
7,877 ¹⁾				
divided into the following groups:				
forced sterilization	4,672	5,009 ³⁾	290	
euthanasia	466	304	219	
forced labour	154	3	158	
individuals claiming they were targeted for/as:				
“inciting disobedience”	301	79	148	
a “criminal”	46	26	23	
“asocial”	278	171	138	
homosexual	20	8	10	
a conscientious objector	60	8	32	
a “psychiatric patient”	30	17	13	
a member of a youth organization	8	1	9	
“refusing to work”	29	17	9	
“work-shy”	31	27	13	
a “vagrant”	4	1	2	
not part of, or cannot be clearly assigned to, one of the above groups	1,778	531	1,374	

¹ In addition to this figure, some 9,470 applications for compensation by victims of forced sterilization were received between 1980 and 1988.

² This figure also includes cases in which compensation was approved for applications received before 1988.

³ Before 1988, payments were also made in 8,805 cases to victims of forced sterilization.

Annex 7(2)

**Hardship compensation to victims of National Socialist injustice
under the General Act
Regulating Compensation for War-induced Losses**

Last updated on 31 December 2007

Ongoing payments

Total number of applications	Compensation approved		Compensation denied, or case referred	
3,696	<u>total:</u>	2,100	<u>total:</u>	1,027
divided into the following groups:				
forced sterilization	2,986	1,887		681
forced labour	21	0		8
euthanasia	58	21		25
individuals claiming they were targeted for / as:				
“inciting disobedience”	27	5		11
a conscientious objector	2	0		2
a “criminal”	1	1		0
homosexual	4	2		3
a member of a youth organization	1	0		1
“asocial”	3	0		2
a “psychiatric patient”	0	0		1
“refusing to work”	0	0		1
not part of, or cannot be clearly assigned to, one of the above groups	593	184		292

Annex 7(3)

**Hardship compensation to victims of National Socialist injustice
under the General Act
Regulating Compensation for War-induced Losses**

Last updated on 31 December 2007

Ongoing EUR 120 assistance payments pursuant to Section 5 of the directives under the
General Act Regulating Compensation for War-induced Losses

Total number of applications	11,182
Number of applications processed	9,834
Of these, approved	9,596
Of these, denied	238

Payments made so far

Pursuant to the directives under the General Act Regulating Compensation for War-induced Losses and the previous Federal Ministry of Finance instructions on the granting of a one-time payment to victims of forced sterilization, the following amount was disbursed between 1988 and 2007:

EUR 117,092,086.10

This amount is comprised of the following:

One-time payments	EUR 14,271,449.01
Ongoing payments	EUR 51,707,197.82
Additional ongoing assistance pursuant to Section 6 (4) of the directives under the General Act Regulating Compensation for War-induced Losses	EUR 51,113,439.27

Annex 8 (1)

**Address of Stiftung „Erinnerung, Verantwortung und Zukunft”
(Foundation for Remembrance, Responsibility and the Future)**

Lindenstraße 20 - 25
D - 10969 Berlin
Germany
Tel.: +49 30 25 92 970
Fax: +49 30 25 92 97 11
E-mail: info@stiftung-evz.de
Website: www.stiftung-evz.de

**Addresses of partner organizations and of offices
to which compensation applications had to be submitted:**

Fundacja Polsko-Niemiecki Pojednanie
Foundation for German-Polish Reconciliation
ul. Krucza 36
00-921 Warsaw
Republic of Poland
Tel.: +48 22 629 73 35 or +48 22 695 99 41
Fax: +48 22 629 52 78
E-mail: informacja@fnpn.pl

Belarusian Foundation for Understanding and Reconciliation
ul. Jakuba Kolasa 39a
220013 Minsk
Republic of Belarus
Tel.: +375 172 31 81 17
Fax: +375 172 11 38 25
E-mail: brfvp@belsonet.net
Website: www.brfvp.euro.ru/

Russian Foundation for Understanding and Reconciliation
Stoleschinkow per.d.6 Str. 3
P.O. Box 81
103045 Moscow
Russia
Tel.: +7 095 727 90 47 or +7 095 727 90 48
Fax: +7 095 777 25 73
E-mail: fondvip@fondvp.ru
Website: www.fondvp.ru

Annex 8 (2)**Foundation for Understanding and Reconciliation**

ul. Frunse 15

04080 Kiev

Ukraine

Tel.: +380 44 462 50 11 or +380 44 462 50 06

Fax: +380 44 462 50 06

E-mail: chman@unf.kiev.ua

German-Czech Future Fund

P.O. Box 47, Legerova 22/1844

12021 Prague 2

Czech Republic

Tel.: +420 2 24 26 20 40

Fax: +420 2 24 26 30 61

E-mail: cron@cron.cz

Website: www.cron.cz

International Organization for Migration (IOM)

Headquarters:

P.O. Box 71

CH - 1211 Geneva 19

Switzerland

Hotline number: +41 22 59 28 230

Fax: +41 22 79 86 150

E-mail: compensation@iom.int

Website: www.compensation-for-forced-labour.org

Applicants who reside in Germany may submit applications to:

IOM Regional Office Germany

Inselstraße 12

D - 10179 Berlin

Germany

Tel.: +49 30 27 87 78 15

Fax: +49 30 27 87 78 99

E-mail: IOM-Germany@iom.int

Applicants who reside in other countries may submit applications to their respective IOM branch office. For more information, visit the IOM website:

www.compensation-for-forced-labour.org

Annex 8 (3)

Conference on Jewish Material Claims against Germany (ICC)

Applicants who reside in Europe may submit applications to:

Sophienstrasse 44
D - 60487 Frankfurt am Main
Germany
Tel.: +49 69 17 08 86 47
Fax: +49 69 17 08 86 49
E-mail: slavelabor@claimscon.de

Applicants who reside in Israel may submit applications to:

18, Gruzenberg Street
Tel Aviv 65251
Israel
Tel.: +972 3 517 92 47
Fax: +972 3 510 09 06
E-mail: uriahy@claimscon.org.il

Applicants who reside in North and South America and on other continents may submit applications to:

15, East 26th Street
New York, NY 100 10
USA
Tel.: +1 212 696 49 44
Fax: +1 212 679 21 26
E-mail: info@claimscon.org

The International Commission on
Holocaust Era Insurance Claims (ICHEIC)

1300 L Street, NW, Suite 1150
Washington, DC 20005
USA
Tel.: +1 202 289 41 00
Fax: +1 202 289 41 01

Annex 8 (4)

Applicants who reside in the Republic of Moldova may submit applications to:

Ukrainian Foundation for Understanding and Reconciliation
Frunse 15, 04080 Kiev
Ukraine
Tel./Fax: +38 044 462 5006
E-mail chman@unf.kiev.ua

Foundation for Reconciliation with the Victims of Fascism in Moldova
Str. Tricolorului 34, ap. 2,
MD-20 12
Republic of Moldova
Chisinau
Fax: +373 2 22 25 35
Tel.: +373 244 10 44

Embassy of the Federal Republic of Germany
Str. Maria Cebotari 35,
MD-20 12
Republic of Moldova
Chisinau
Tel.: +373 2 23 46 07
Fax: +373 2 23 46 80
E-mail: chisinau@deutsche.botschaft.riscom.md

Central office to which applications should be submitted in Estonia:

Estonian Red Cross
Eesti Punane Rist
Lai tn. 17
10133 Tallinn
Estonia
Tel.: +372 641 16 44
Fax: +372 641 16 41
E-mail riina.kabi@redcross.ee

Annex 8 (5)

Central office to which applications should be submitted in Latvia:

State Social Security Agency of the Republic of Latvia
VSAA Starptautisko pakalpojumu dala
Lacpleša iela 70 a
LV-Riga 1011
Latvia
Tel.: +371 7013 632; -00, -95, -30, -46, -33
Fax: +371 70118 13
E-mail dace@hq.vsaa.lv; saltene@hq.vsaa.lv;

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LITHUANIA
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Aukštoji g. 2 A, 2000 Vilnius
LITHUANIA
E-mail: dalia@genozid.lt

German Government information office

Bundesfinanzdirektion West
(Federal Finance Office (West))
Referat Z 44
Zentrale Auskunftsstelle zur Wiedergutmachung
nationalsozialistischen Unrechts
Wörthstrasse 1 - 3
50668 Cologne
Germany
Tel.: +49 221 22 25 50

Annex 9**Comprehensive agreements on compensation**

Country	Date agreement was concluded	Published in Federal Law Gazette II	Compensation in millions of DM
Luxembourg	11 July 1959	1960, p. 2,077	18
Norway	7 August 1959	1960, p. 1,336	60
Denmark	24 August 1959	1960, p. 1,333	16
Greece	18 March 1960	1961, p. 1,596	115
Netherlands	8 April 1960	1963, p. 629	125
France	15 July 1960	1961, p. 1,029	400
Belgium	28 September 1960	1961, p. 1,037	80
Italy	2 June 1961	1963, p. 791	40
Switzerland	29 June 1961	1963, p. 155	10
Austria	27 November 1961	1962, p. 1,041	95
United Kingdom	9 June 1964	1964, p. 1,032	11
Sweden	3 August 1964	1964, p. 1,402	1
			971



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