



Federal Ministry
of Finance

Compensation for National Socialist Injustice

Indemnification Provisions



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I. History of German provisions relating to compensation and the consequences of the Second World War

1.1 Beginnings of compensation under occupation law

Almost immediately after the end of the Second World War, it became clear that compensation needed to be provided to those who had suffered damage as a result of National Socialist injustice. Those who had suffered oppression due to their political opposition to National Socialism or on the grounds of race, religion or ideology were particularly affected. The first legal provisions, drawn up in 1945 by the occupying powers and local authorities, were aimed at this group of people. They were largely welfare-oriented in nature and were based on the needs of the recipients.

The establishment of *Länder* (states) in the three Western zones (the US, British and French occupation zones) created larger administrative units. These introduced uniform regional compensation provisions. Alongside the purely welfare-based provisions, further measures were taken that gave victims a legal entitlement to compensation. However, a large number of different compensation provisions continued to exist

alongside each other, and these were difficult to keep track of, both in terms of content and in organisational terms. The first clear step in standardising this area of law was to draw a line between restitution and compensation.

1.2 Restitution

The three Western powers passed restitution acts for their occupation zones and for West Berlin in 1947 and 1949. These laws dealt with restitution of and compensation for property that had been unjustly confiscated between 1933 and 1945 as a result 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)¹.

¹ A list of laws mentioned in the text and their original German titles can be found in Annex 8.

After German unification, analogous provisions were adopted for the new *Länder* (what used to be East Germany) in the Act Regulating Open Property Matters, which entered into force together with the Unification Treaty, and the Victims of Nazi Persecution Compensation Act (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 Initial compensation provisions in the occupation zones

Compensation law governs personal injury and damage to property not covered by restitution. *Land* laws were adopted in the American occupation zone as early as 1946. They provided for provisional payments for healthcare, vocational training, self-employment, averting financial distress, 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 for the entire American occupation zone by the Southern German *Länder* Council. It 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 when the Federal Republic of Germany was established and the Basic Law entered into force. In the *Länder* of the British and French occupation zones and West Berlin, similar laws were enacted which, with the exception of *Länder* in the British occupation zone, covered 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 Luxembourg Agreement and Settlement Convention

Just as the *Länder* and local authorities had done prior to its establishment, the Federal Republic of Germany continued to treat moral and financial compensation for the wrongs committed by the National Socialist regime as a priority. At a special meeting of the German Bundestag on 27 October 1951, Federal Chancellor Adenauer declared that Germany was responsible for the atrocities committed by the National Socialist regime. He stressed that the German people had an obligation to provide moral and material compensation, and he offered to enter into negotiations with the state of Israel and Jewish interest groups. One month later, 23 Jewish organisations joined forces and founded the 'Conference on Jewish Material Claims against Germany' (Jewish Claims Conference, or JCC, for short) with the aim of enforcing compensation claims against Germany.

Talks with representatives of Israel and the JCC were taken up in The Hague on 21 March 1952. These negotiations focused on two issues: (i) the aim of concluding an agreement between Germany and Israel regarding global compensation for the State of Israel, and (ii) the two 'Hague Protocols' (Federal Law Gazette II 1953, p. 35, 85) between the German government and the JCC governing individual compensation for the victims of National Socialist persecution.

These two agreements are inextricably linked. They were both signed in Luxembourg at the same time, on 10 September 1952, and are known as the 'Luxembourg Agreement'. Germany agreed to pay DM 3 billion to the state of Israel and DM 450 million to the JCC.

The payment to Israel was intended to help uprooted Jewish refugees without means who had come from Germany and from territories that had previously been under German rule. A large part of this payment was made in the form of deliveries of goods.

According to the second Hague Protocol, the DM 450 million fund was intended for the support and integration of Jewish victims of persecution living outside Israel. The JCC was tasked with implementing this.

In the first Hague Protocol (Federal Law Gazette II 1953, p. 85), the German government committed itself to setting up a legislative programme for restitution and compensation provisions across the Federal Republic of Germany. The protocol defined the main principles of this legislation. Principles for uniform restitution and compensation legislation had already been set down in the fourth part of the Settlement Convention for the Western part of Germany that was concluded with the three Western occupying powers at the end of the Western allies' occupation in 1952 (Federal Law Gazette II 1954, p. 57, 181, 194).

1.5 Payments in former East Germany

Ever since its foundation in 1949, communist East Germany, officially known as the German Democratic Republic (GDR), steadfastly refused to follow the example of the Federal Republic of Germany when it came to compensating victims of Nazi persecution.

The GDR's anti-fascist foundation myth played a particularly important role in the state's resistance towards claims for compensation from abroad. The East German state did not see itself as the Third Reich's legal successor. On the contrary, it viewed itself as being part of an anti-fascist tradition. On this basis, it did not provide material

support for victims of the Nazi regime living in other countries and also refused to accept that it shared moral responsibility for the crimes of Nazi Germany.

Under the laws in force in the Soviet zone, however, victims of fascism who were viewed favourably by the system received special benefits in the context of general healthcare, old-age pensions and survivors' pensions. They were also given lump-sum honorary pensions.

Because the reinstatement of private property was incompatible with nationalisation efforts of the Soviet occupation zone and subsequently the GDR, the only existing compensation legislation – that of the state of Thuringia, which came into force in 1945 – soon ceased to be applied and was repealed in 1952.

The GDR concluded settlement agreements with Austria, Denmark, Finland and Sweden that covered all restitution claims of victims of National Socialist persecution living in these countries.

1.6 Additional Federal Compensation Act, Federal Compensation Act and Final Federal Compensation Act

The first compensation act that applied throughout the Federal Republic of Germany was the Additional Federal Compensation Act, which was adopted on 18 September 1953 (Federal Law Gazette I 1953, p. 1387) and entered into force on 1 October 1953. The Additional Federal Compensation Act was based on the Act on the Treatment of Victims of National Socialist Persecution in the Area of Social Security (see section 1.3), but it considerably expanded the scope of the earlier piece of legislation. Nevertheless, the provisions soon proved insufficient.

The Federal Compensation Act was adopted on 29 June 1956 (Federal Law Gazette I 1956, p. 562). It entered into force with retroactive effect from 1 October 1953 and fundamentally changed compensation for the victims of National Socialism. In addition to extending eligibility, it made a number of changes that benefited victims. The act also introduced cost-sharing between the Federation and the *Länder*. Previously, the *Länder* had borne the costs.

Under the Federal Compensation Act, compensation could be provided in the form of pensions, one-off payments, retraining grants, medical treatment and pensions for surviving dependants. The original application deadline under the Federal Compensation Act was 1 October 1957. This was subsequently extended to 1 April 1958 in the first Act Amending the Federal Compensation Act, which was adopted on 1 July 1957 (Federal Law Gazette I 1957, p. 663).

In applying the legislation, however, it soon became clear that further changes were needed. Lawmakers started to work on a final revision of the Act. Following 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 1965, p. 1315), its very name emphasising that it was to be the last. This law significantly extended the 1 April 1958 application deadline: Article VIII (1) of the Final Federal Compensation Act specified that no claims could be made after 31 December 1969. **This means that applications can no longer be submitted.** The Final Federal Compensation Act did not cover Nazi victims in the communist countries of the former Warsaw Pact.

However, it is still possible for payments for damage to health to be increased if the victim's condition deteriorates. It is also possible for initial decisions to be revised

through secondary procedures if they are proven wrong according to the current interpretation of the law.

Numerous implementing regulations to the Federal Compensation Act have been issued over the past decades. The first three of these are amended regularly to adapt the ongoing payments (pensions) to rising costs of living. The fourth implementing regulation governs the reimbursement of insurance companies for costs incurred under section 182(1) of the Federal Compensation Act. The fifth implementing regulation identifies the pension schemes that 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 in the context of the provision in section 31(2) of the Federal Compensation Act governing the assumed loss of earning power.

The Federal Compensation Act is implemented by the compensation authorities of the *Länder*. Only victims of persecution by the National Socialist regime are eligible for compensation. Expellees as defined in the Federal Expellees Act as well as stateless persons and refugees as defined in the Geneva Convention were also eligible for support under the Federal Compensation Act. In this context, victims of persecution are defined as those who suffered damage to life, limb or health, deprivation of freedom, depreciation of property or assets, or damage to their business or professional career as a result of National Socialist oppression due to their political opposition to National Socialism or for reasons of race, religion or ideology.

Those who suffered oppression as a result of being involved in artistic or academic pursuits of which the Nazi regime disapproved, or because they were close to a victim of persecution, are also treated as victims of persecution.

Surviving dependants and close relatives who were also adversely affected by National Socialist oppression are considered to be victims of persecution under the Federal Compensation Act, as well.

Those who suffered general war-induced losses as a result of the war started by Nazi Germany, for example prisoners of war or victims of the bomb war, are not considered to be victims of targeted National Socialist persecution as defined in the Federal Compensation Act.

1.7 General Act Regulating Compensation for War-Induced Losses

The General Act Regulating Compensation for War-Induced Losses of 5 November 1957 (Federal Law Gazette I 1957, p. 1747) concerns the claims of those who suffered damage during the National Socialist regime and did not qualify as victims as defined in section 1 of the Federal Compensation Act. While the compensation laws cover all property and non-property claims, this Act provides for compensation only in cases of 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 legal rights in accordance with the general legal provisions, in particular in accordance with the provisions on state liability and civil law regulations on unlawful acts (section 823 ff. of the Civil Code).

Claims under section 5 of the Act were recognised only if, on 31 December 1952, the victim had his/her domicile or was permanently resident within the Act's territory of application at the time or in a state which had recognised the government of the Federal Republic of Germany by 1 April 1956, or if one of the other residence or qualifying date requirements specified in section

6 were fulfilled. There were exceptions for expellees (immigrants of ethnic German origin), returnees and persons who settled in the Federal Republic of Germany's territory after 31 December 1952 by way of family reunification, but these are of virtually no practical importance today.

In principle, claims had to be submitted within one year after the Act entered into force, i.e. by 31 December 1958. If the submission deadline had passed, an extension could be granted for one more year, i.e. until 31 December 1959.

Today, cases under section 5 are only being processed; no new claims can be submitted.

The Central Customs Authority's service centre in Cologne is responsible for processing applications (see **Annex 7, II** for the address).

1.8 Compensation provisions under special legislation

The compensation and restitution laws were supplemented by various compensation provisions under special legislation.

A piece of legislation aimed at public-service employees who had been removed from public service under the National Socialist regime and had lost their rights (Act Governing Compensation for National Socialist Injustice for Public-Sector Employees) entered into force on 11 May 1951, with retroactive effect from 1 April 1951. It aimed to place public-service employees who had suffered persecution in the position in which they would have found themselves had the persecution not taken place. On 18 May 1952, it was followed by a similar law for public-sector employees living abroad who had emigrated as a result of the persecution suffered. Both of these pieces of legislation were made obsolete by

the Administrative Consequences of the War Conclusion Act of 20 September 1994.

The Act on Social Insurance Pensions for Victims of National Socialism was adopted by the economic council of the combined economic area (US and British occupation zone) on 22 August 1949, before the German Bundestag had convened for the first time. It was aimed at those whose social insurance claims, especially pensions, had been reduced or lost. Most of those affected were Jewish people and political opponents of the Nazi regime who had fled or emigrated to other countries. In 1950, this Act was extended to the *Länder* of the former French occupation zone, making provisions uniform across the country. A consolidated provision for the entire country – the Act Amending and Supplementing Regulations on Compensation for National Socialist Injustice in the Social Insurance System – was adopted on 22 December 1970 (Federal Law Gazette I 1970, p. 1846). The costs were – and still are – covered exclusively by the pension and accident insurance providers without government involvement.

Jewish veterans who had fought on the front in the First World War, were victims of National Socialist oppression as described in the Federal Compensation Act and had lost (part of) the pensions to which they were entitled as victims of war received compensation under the Federal Act on Compensation for National Socialist Injustice through War Disablement and Survivors' Pensions of 25 June 1958 (Federal Law Gazette I 1958, p. 412). This piece of legislation was made obsolete by the first Regulatory Reform Act of 24 April 1986 (Federal Law Gazette I 1986, p. 560). A corresponding law for claimants resident abroad was adopted on 3 August 1953 (Federal Law Gazette I 1953, p. 843) and entered into force with retroactive effect from 1 October 1950.

1.9 Extra-statutory provisions of the *Länder*

Starting in 1950, individual *Länder* introduced their own rules providing for one-off or ongoing assistance payments for those among their citizens who were victims of National Socialist injustice but had been unable to fulfil the residence or cut-off date requirements laid out in the relevant legislation or who had missed application deadlines through no fault of their own. Generally speaking, these provisions are not limited to victims of persecution as defined in section 1 of the Federal Compensation Act. In many cases, payments for surviving dependants can also be provided under the *Länder* provisions. As with the extra-statutory indemnification arrangements of the federal government, this is usually possible only in cases of special (financial) distress. There is no legal entitlement to payments. See Annex 2 for information about provisions in the individual *Länder*.

1.10 First comprehensive agreements with European states

From 1959 to 1964, the Federal Republic of Germany concluded comprehensive agreements with Austria, Belgium, Denmark, France, Greece, Italy, Luxembourg, the Netherlands, Norway, Sweden, Switzerland and the UK for the benefit of nationals of these countries who had suffered National Socialist persecution. Germany made available a total of DM 971 million (€496.46 million) on the basis of these agreements. The governments of the countries concerned were responsible for distributing these funds amongst the victims. The comprehensive agreements have now been closed.

1.11 Arrangements with Eastern European states

Following German reunification and the end of the East-West conflict, the German government also concluded agreements with Eastern European countries governing compensation for victims of National Socialism in Central and Eastern Europe. These were modelled after the agreements on lump-sum compensation that had been concluded with Western European countries between 1959 and 1964. The primary aim of these was to provide humanitarian aid in cases of hardship, rather than compensating victims for damage to property. To be eligible for payments, applicants had to prove that they had been victims of persecution as defined in section 1 of the Federal Compensation Act.

The Federal Republic of Germany and the Republic of Poland conducted a bilateral exchange of notes on 16 October 1991 establishing the Foundation for German-Polish Reconciliation in Poland, which is subject to Polish law and was financed with a one-off contribution of DM 500 million (€255.64 million). The funds were intended for persons who had suffered serious damage to health during the Second World War due to National Socialist injustice and were in financial distress at the time.

Similarly, foundations for 'Understanding and Reconciliation' were established in three successor states of the Soviet Union – one in Minsk (Republic of Belarus), one in Moscow (Russian Federation) and one in Kyiv (Ukraine) – and endowed with a total of DM 1 billion (€0.51 billion). The three foundations gave the assurance of making payments to National Socialist victims in other states of the former Soviet Union.

The Federal Republic of Germany granted separate assistance amounting to DM 2 million (€1.02 million) to Estonia, Latvia and Lithuania. These funds were used especially to support social institutions for victims of National Socialism.

Germany conducted a bilateral exchange of notes with the Czech Republic on 29 December 1997 in which the two countries agreed to establish the German-Czech Future Fund – an endowment fund under Czech law, headquartered in Prague, funded by both countries and designed for a period of ten years. The aim of the fund is to finance social projects serving the two countries' common interests, especially projects that benefit victims of National Socialist violence. Examples include care for the elderly, support for ethnic minorities and joint economic and environmental projects.

Between 1998 and 2000, funds amounting to DM 80 million were made available for similar measures in other Central and Eastern European countries with which no comprehensive compensation agreements have been concluded (known as the 'Hirsch Initiative', which covered Albania, Croatia, Hungary, Macedonia, Romania, Slovakia, Slovenia and former Yugoslavia). Various national institutions, usually the national Red Cross, assumed responsibility for carrying out the initiative.

1.12 Comprehensive agreement with the United States

A comprehensive agreement between Germany and the US was concluded on 19 September 1995. It dealt with compensation for victims of National Socialism who were already US nationals at the time of their persecution and had not previously received any compensation. The criteria were based on those of the Federal Compensation Act (persecution on the grounds of race, religion or ideology). Further criteria also included detention in a concentration camp and forced labour. In terms of content and approach, it was modelled after similar agreements that had been concluded with other

Western powers between 1959 and 1964 (see section 1.10). Approximately DM 3 million (€1.5 million) were made available. The US government was responsible for allocating the funds.

An additional payment of DM 34.5 million (€17.6 million) was made under a supplementary agreement of 25 January 1999, which concluded the comprehensive agreement.

1.13 Washington Conference on Holocaust-Era Assets

A Conference on Holocaust-Era Assets took place in Washington, D.C., in December 1998. It was attended by Germany and 43 other countries as well as 12 non-governmental organisations and the Vatican. The result was a legally non-binding agreement on principles concerning works of art that had been confiscated by the National Socialists (Washington Declaration of 3 December 1998). In acknowledgement of its historical and moral responsibility, Germany issued a joint statement by the Federation, the *Länder* and national associations of local authorities on 9 December 1999 regarding the implementation of this agreement. In this document, Germany committed itself to tracing and returning art confiscated during National Socialism, especially Jewish property.

A manual, published in February 2001 and revised in November 2007, offers practical guidance on tracing and identifying works of art confiscated by the National Socialists and for preparing decisions on their possible return.

The German Lost Art Foundation regularly publishes the information it has on its database about works of art that were moved, transferred or confiscated in connection with National Socialist persecu-

tion online at www.lostart.de (see Annex 7, VI). There is also the option of conducting provenance research, which offers access to the results of investigations into primary and secondary sources as well as specialist literature. Provenance research can also be performed via the Federal Office for Central Services and Unresolved Property Issues (BADV) under www.badv.bund.de.

Thanks to the implementation of the Washington principles and the joint statement by the Federation, the *Länder* and national associations of local authorities, and on the basis of research performed, a number of paintings by well-known artists have already been returned from public ownership to their legitimate owners or their heirs.

1.14 Foundation for Remembrance, Responsibility and the Future

The Foundation for Remembrance, Responsibility and the Future (Stiftung Erinnerung, Verantwortung und Zukunft, or EVZ) was set up in order to provide compensation to former forced labourers. It 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. 1263, most recently amended by the Act of 21 December 2008, Federal Law Gazette I p. 1797) and equipped with DM 10.1 billion (€5.16 billion). These monies were made available by the Federal Republic of Germany and by German companies.

The main purpose of the Foundation was to make financial resources available for individual one-off payments to affected survivors. The payments were made by partner organisations in the various countries.

Resources from the Foundation were primarily granted to those who had been subjected to forced labour in concentration

camps and ghettos as well as to victims who had been deported from their home countries and subjected to forced labour while being imprisoned or subjected to prison-like conditions. Payments were also made to victims of forced labour in agriculture.

Section 11(1), fifth sentence, of the Foundation Act also provided for payments to compensate victims for other personal injury suffered in connection with National Socialist injustice, for example in the course of medical experiments or in the case of death or serious damage to the health of a child kept in a home for forced labourers' children. Under certain conditions, payments from the Foundation could also be made to compensate victims for material losses.

Seven international partner organisations, coordinated by an international board of trustees, were responsible for accepting and examining claims. The final application deadline was 31 December 2002. The payments were completed in early 2007. **New applications may no longer be filed.**

In total, more than 1.7 million people, including 1.66 million forced labourers, received payments. Of the Foundation's capital, €4.37 billion was disbursed for payments to former forced labourers.

Following the end of the payments, EVZ's endowment has, as provided section 2(2) of the Foundation Act, been used to support international projects that serve intercultural understanding, the interests of survivors, youth exchanges, social justice, remembering the danger of totalitarian systems and tyranny, and international cooperation on humanitarian issues.

Further information on EVZ can be found online at www.stiftung-evz.de (see also **Annex 7, VII**).

1.15 Ghetto Work Recognition Guidelines and pension substitution supplement

Under the Ghetto Pensions Act, which was adopted in 2002, Holocaust survivors who took on remunerated employment of their own free will while detained in a ghetto that had been created by the National Socialists are eligible for a social security pension.

Numerous claims under the Ghetto Pensions Act were initially refused. In October 2007, the German government therefore adopted guidelines (Ghetto Work Recognition Guidelines) under which victims of Nazi persecution could receive a one-off payment of €2,000 for work in a ghetto which did not constitute forced labour and which had not yet been recognised under social insurance law. However, payments under the Ghetto Pension Act and the Ghetto Work Recognition Guidelines were mutually exclusive. Those whose work in a ghetto had been recognised as forced labour and who had already received compensation for it from the Foundation for Remembrance, Responsibility and the Future did not qualify for payment, either. The final application deadline was 31 December 2011.

The revision of the Ghetto Work Recognition Guidelines of 20 July 2011 (Federal Gazette No. 110 of 26 July 2011, p. 2624) removed the link between the payment in recognition of work in a ghetto and the receipt of a pension under the Ghetto Pension Act with retroactive effect. As a consequence, the fact that work in a ghetto has been taken into account under social security law now no longer precludes a one-off payment being made in recognition of ghetto work.

The First Act to Amend the Ghetto Pensions Act, which entered into force on 1 August 2014, allows payments to be granted with broad retroactive effect, as far back as 1 July 1997.

Under a German-Polish agreement that was concluded on 5 December 2014 and came into effect on 1 June 2015, recipients in Poland are now also eligible for pensions.

Since July 2017, applicants have also been entitled to a one-off payment of €1,500 under section 2(2) of the Ghetto Work Recognition Guidelines if their application to the German pension authority (Deutsche Rentenversicherung) was rejected only because the general qualifying period set out in section 50(1) of the Sixth Book of the Social Security Code was not fulfilled.

The guidelines are implemented by a dedicated working group at the Federal Office for Central Services and Unresolved Property Issues in Berlin (see Annex 7, I).

1.16 Payment to former Soviet prisoners of war in recognition of their treatment in German detention

The German Bundestag decided on 21 May 2015 that former Soviet prisoners of war should receive a symbolic payment in recognition of their time in German detention. Members of the Soviet armed forces who were detained as prisoners of war by Germany in the Second World War (during the period from 22 June 1941 to 8 May 1945) could receive a one-off payment of €2,500. **The application deadline was 30 September 2017.** There was no legal entitlement to the payment; claims were tied to the individual recipient and could not be transferred or inherited. The heirs of former Soviet prisoners of war were not eligible to apply. The details were set

out in guidelines that were published in the Federal Gazette on 14 October 2015 (Federal Gazette, official section, 14 October 2015, B1).

1.17 Transforming “Wiedergutmachung”

Seventy-five years have passed since the end of the Second World War.

To this day, individual compensation payments are still being made to persons who experienced personal persecution and injury as a result of National Socialist injustice in accordance with section 1 of the Federal Compensation Act. However, demographic developments mean that in the foreseeable future, these active and personal reparations to the survivors of the Holocaust, the Romani genocide and Nazi terror will come to an end.

For national and international as well as political and sociopolitical reasons, the German government is of the firm opinion that this should not mark the end of compensation (Wiedergutmachung) in the sense of drawing a line under Germany’s activities in this area.

Rather, against a backdrop of increasing anti-Semitism and Holocaust denial, there now needs to be a greater focus on what happened before and after 1945, on how the young democracy of the Federal Republic of Germany dealt with its National Socialist past, what lessons were learned and are being learned from the crimes against humanity committed by the National Socialist regime, and how this can be communicated to future generations in a meaningful and lasting way. Compensation for National Socialist injustice is thereby shifting from a programme of active assistance for the victims of persecution towards activities that focus on communicating the ways in which Germany has taken responsibility for its past.

Since the government's firm foreign policy principles and its public stance on certain domestic policy and sociopolitical issues are – and will be – difficult to communicate without reference to its continued responsibility for the crimes committed before 1945, it will be necessary to draw more strongly on the restitution and compensation records of victims of the National Socialist regime.

As the Holocaust recedes further into the past and active compensation claims decline, and given that today there are generations growing up in Germany who, as a result of their migrant backgrounds, have no family/regional or cultural links to the National Socialist era, it is becoming ever more important to shine a light on these records.

Since 2017, the Federal Ministry of Finance has therefore been dedicating itself increasingly to the follow-up tasks of compensation for National Socialist injustice. For example, Germany aims to establish a digital platform to provide access to all restitution and compensation records which are held in various locations throughout Germany and abroad. Hundreds of thousands of individual case files contain detailed records of the victims of National Socialist injustice. In these records, the victims describe the persecution they experienced as well as their family histories, including names, dates and locations, the names of perpetrators and other victims, and much more. The German government aims to make all of these records fully and uniformly accessible in the future. They are invaluable not only for academic research and for the relatives and descendants of the victims and survivors, but also for the purposes of Holocaust education.

II. Extra-statutory federal compensation payments

2.1 Hardship provision for victims of pseudo-medical experiments

Persons who had 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. They initially qualified under *Land* legislation and subsequently under the Additional Federal Compensation Act of 1953, superseded by the Federal Compensation Act of 1956, and were also entitled to compensation from a special fund under Article V of the Final Federal Compensation Act of 1965.

In a Cabinet decision of 26 July 1951, the federal government had already established a hardship provision for victims of human experiments who had not been harmed on the grounds of political opposition, race, religion or ideology, did not fulfil the statutory residence or qualifying date requirements, or had failed to meet the application deadline. This consisted of a one-off payment in cases of particular hardship. Due to its strictly subsidiary nature, as confirmed by rulings by the highest court, this provision did not

apply to anyone who had already received compensation from another source or who was eligible for compensation under a comprehensive agreement between the Federal Republic of Germany and one of various European states (see section 1.10). Due to the particular cruelty of the pseudo-medical experiments, the provision's area of application, which was originally limited to certain territories, was extended by a subsequent Cabinet decision of 22 June 1960 to include assistance for victims of human experiments who live in states with which the Federal Republic of Germany did not have diplomatic relations at that time. Claims by nationals of these states (Poland, Czechoslovakia, Yugoslavia, Hungary and Romania) were examined individually on behalf of the German Government by a neutral commission of the International Committee of the Red Cross (ICRC) in Geneva that had been established for this purpose. 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 for the benefit of those applicants who had not yet received compensation but could expect a decision in their favour.

2.2 Hardship Fund for those not of the Jewish faith who were persecuted on racial grounds

A fund for those who are not of the Jewish faith but were nonetheless persecuted as Jews under the National Socialist regime (HNG Fund) was established in 1952, even before the Luxembourg Agreement. This group of people also suffered persecution, as the Nazis persecuted Jews on racial rather than religious grounds and therefore also targeted those who were not of the Jewish faith but were regarded as Jews under the National Socialist race theory.

Payments from the fund (in the version of 15 September 1966; Federal Gazette No. 178 of 22 September 1966) may be granted to individuals who were persecuted because of their Jewish origins as defined by the Nuremberg Laws of 1935 or to near relatives who were also adversely affected by persecution. Those who are/were members of the Jewish faith at the time of persecution or at the time of the decision on their claim for compensation are not eligible. This is in order to distinguish these victims from those who fall under the responsibility of the Jewish Claims Conference, which represents the interests of members of the Jewish faith.

Payments from the fund may be granted either in the form of one-off or ongoing assistance. The factors taken into consideration include the gravity and impact of the persecution as well as the financial and personal circumstances of the applicant and of any relatives legally obliged to provide support to him/her. The amount of the ongoing assistance payments is determined by guideline figures which are regularly adjusted in line with general economic trends. One-off assistance is generally granted to cover the cost of living, specific costs incurred by illness which are not otherwise covered, or for the acquisition of household articles or clothing.

Applications may be submitted to the Federal Ministry of Finance (Bonn office); there is no need to fill out a form (for contact details see Annex 7, III). There is no legal entitlement to payments. Payments are strictly tied to the individual recipient and cannot be inherited or transferred.

Payments under the fund can be provided to organisations running old people's homes or other homes if these organisations make a long-term commitment to provide a certain requisite number of places in their homes to those eligible for payments.

2.3 Extra-statutory provisions for Jewish victims

After the application deadline under the Final Federal Compensation Act had expired at the end of 1969, special cases of hardship continued to emerge where applicants were not eligible for payments because they had missed the deadline. Moreover, various Eastern European countries introduced emigration opportunities for Jewish citizens in the late 1970s, as a result of which significant numbers of Jewish victims of Nazi persecution were able to emigrate from these countries to Israel. Under the provisions applicable at the time, people in this group did not qualify for compensation. For this reason, the Knesset demanded changes in German compensation provisions. In a resolution of 14 December 1979 (Bundestag printed document 8/3511), the German Bundestag requested the Federal Government to enact hardship guidelines to enable this group of victims to receive support. Under the ensuing guidelines of 3 October 1980 (Federal Gazette No. 192 of 14 October 1980), Jewish victims of National Socialist persecution can receive a one-off payment of DM 5,000 (€2,556.46) through the Jewish Claims Conference (JCC).

Since 1992, the guidelines have formed part of what is known as the Article 2 Agreement. It was concluded with the JCC under Article 2 of the supplementary agreement to the Unification Treaty between the Federal Republic of Germany and the former German Democratic Republic and deals with the compensation of Jewish victims of Nazi persecution who have not yet received any payments. In 2012, precisely twenty years after the Agreement was originally concluded, the arrangements that had been made until then were documented in a revised version. Under this agreement, Jewish victims of National Socialist persecution who were directly affected by National Socialist violence as defined in section 2 of the Federal Compensation Act, or those who lost their parents to National Socialist violence (child victims of persecution), and who have received no compensation payments to date, can receive a one-off payment of €2,556.46. Claims under the hardship fund can also be made by individuals who were not yet born at the time of the persecution, but suffered in the womb from their pregnant mother's persecution.

In addition to one-off payments, the Agreement also covers ongoing monthly payments for Jewish victims of National Socialist persecution who are in financial distress and, in addition,

- were detained in a concentration camp or ghetto as described in section 42(2) of the Federal Compensation Act or
- lived under degrading conditions either in hiding or in illegality under a false identity.

A list of prison camps for the purposes of the Article 2 Agreement with the JCC can be found at www.bundesfinanzministerium.de/Haftstaetten;

a list of ghettos (in German only) is available at www.bundesfinanzministerium.de/Ghettoliste.

In principle, if one of the two forms of compensation is approved, it rules out receiving the other. One-off payments from German sources and ongoing assistance payments are not mutually exclusive. The Article 2 Agreement now also covers assistance under a January 1998 agreement governing compensation for Jewish victims living in Central and Eastern Europe (the JCC's former Central and Eastern European Fund, or CEEF).

Ongoing assistance is granted for the duration of the financial distress. Pensions provided on account of old age, reduced earning capacity or death and comparable payments are not taken into account when calculating income.

There is no legal entitlement to assistance under the Article 2 Agreement. Payments are strictly tied to the individual recipient and cannot be inherited or transferred. They cannot be paid out to third parties. An exception applies to surviving spouses or, if the spouse is also deceased, to surviving children as joint beneficiaries in cases where the victim dies after submitting an application but before a decision is reached. In such cases, the payment is capped at €2,556.

It is necessary to provide proof of entitlement. Should this not be possible, the entitlement can be substantiated in a suitable and plausible way. The payments can be refused in full or in part if the applicant resorted to improper means or caused, encouraged or allowed the submission of incorrect or misleading information, either through wilful intent or gross negligence. In such cases, payments may be claimed back in whole or in part.

The JCC was tasked with distributing the funds provided by Germany. The JCC has sole responsibility for making decisions in individual cases, based on the criteria set out in the agreement. **Applications should be addressed to the JCC's offices** (see Annex 7, V).

The Federal Ministry of Finance conducts regular talks with the JCC about the implementation of the agreement with the aim of adjusting the entitlement to payments.

In recent years, the need for home nursing and medical care for the elderly survivors of the Holocaust has increased particularly strongly. That is why the JCC also receives funds under the Article 2 Agreement for the purpose of maintaining and improving nursing and care options, especially care in their own homes, for Jewish victims of persecution as defined in section 1 of the Federal Compensation Act.

Following intensive discussions in connection with the 80th anniversary of the *Kindertransport*, the Federal Ministry of Finance and the JCC agreed on a one-off symbolic payment of €2,500 for *Kindertransport* evacuees.

The term *Kindertransport* (“children’s transport”) refers to an evacuation operation which began following the *Reichspogromnacht* on 9 November 1938. Around 10,000 Jewish children travelled without their parents from Germany and territories that had been annexed or occupied by Germany to safe countries. Most of the journeys occurred before the war began on 1 September 1939, and the main destination was the United Kingdom.

The one-off payment is intended to recognise the particular suffering of these children, who were forced to leave their families in peacetime. In many cases, they never saw their families again.

Here, too, the JCC was tasked with distributing the funds provided by Germany. The JCC decides on individual cases, on the basis of jointly agreed criteria. **Applications for this payment should also be addressed to the JCC’s offices** (see Annex 7, V).

2.4 Compensation for non-Jewish victims

The German Government made provisions for non-Jewish victims that are similar to the provisions for Jewish victims. These are set out in the guidelines on payments to non-Jewish victims of persecution to compensate for hardship in individual cases (adopted on 26 August 1981 and amended on 7 March 1988), known as the Compensation Reserve Fund, or WDF (Federal Gazette No. 55 of 19 March 1988).

Under these provisions, non-Jewish victims of persecution who suffered damage to their health as a result of National Socialist injustice or who were prosecuted because of their political opposition to National Socialism or on the grounds of race, religion or ideology (sections 1 and 2 of the Federal Compensation Act) but were not eligible for statutory compensation payments for formal reasons could receive one-off payments of up to €2,556.46 and, in special cases, ongoing assistance.

The following constitute special cases:

- Detainment in a concentration camp as defined by the Federal Compensation Act for at least three months; individual reviews are possible in cases of shorter imprisonment.
- Detainment in a prison camp or life in camp-like conditions for at least three months; individual reviews are possible in cases of shorter imprisonment.
- Life in hiding in degrading or particularly difficult conditions or in illegality for at least four months if this led to permanent damage to health and a disability of at least 50%.

Ongoing assistance under the Compensation Reserve Fund can be granted only to German citizens who live in Germany or to foreign citizens of German origin as defined in the Federal Expellees Act.

There is no legal entitlement to payments from the Compensation Reserve Fund. Payments are strictly tied to the individual recipient and cannot be inherited or transferred.

Claims under these guidelines are processed by the Federal Ministry of Finance (Bonn office; see Annex 7, III).

III. Compensation under the General Act Regulating Compensation for War-Induced Losses

3.1 Government guidelines on hardship compensation to victims of National Socialist injustice under the General Act Regulating Compensation for War-Induced Losses

The German government guidelines on hardship compensation to victims of National Socialist injustice under the General Act Regulating Compensation for War-Induced Losses were issued on 7 March 1988 and revised on 28 March 2011 (Federal Gazette of 15 October 2014, p. 1229). They stipulate that compensation must be provided to persons who were not victims of persecution as defined in 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 that persists despite the provisions of the General Act Regulating Compensation for War-Induced Losses, ei-

ther because the victim missed the relevant deadline or for other reasons.

Those eligible for payments include victims of forced sterilisation and the euthanasia programme as well as individuals who were identified by the National Socialist state or party as 'work-shy', 'refusing to work', 'asocial', homosexual, 'criminal' and 'vagrant' and who suffered National Socialist oppression for this reason. Victims of psychiatric persecution and members of the youth resistance movement also fall into this category. Lawfully imposed penalties are deemed to constitute injustice if they were unusually harsh, taking the circumstances of the time and of war into account. Payments are also made to persons who were imprisoned between 1933 and 1945 provided that the imprisonment was based on a penal decision that was subsequently reversed by law.

Payments can be granted only to German citizens or, in the case of individuals who are not German citizens or who acquired their citizenship after 8 May 1945, to those who are of German ethnic origin as defined in 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.

Compensation is provided in the form of one-off payments (up to €2,556.46), ongoing monthly payments, and additional ongoing payments (in individual cases).

Persons who suffered significant damage to their body or health, victims of forced sterilisation and victims of the euthanasia programme are entitled to a one-off payment of €2,556.46. Persons who suffered deprivation of liberty receive a one-off payment of €76.69 for each month (or part thereof) of detainment, up to a maximum of €2,556.46.

Victims of forced sterilisation and those affected directly by euthanasia measures are entitled to ongoing monthly assistance in addition to the one-off payment.

Additional ongoing payments can be granted in certain exceptional cases in which there are special circumstances that make further assistance necessary and the victim is in financial distress.

Assistance under these guidelines strictly tied to the individual recipient and cannot be inherited or transferred. In exceptional cases, assistance may also be granted to surviving spouses, if they were significantly affected by the injustice or its consequences.

Children whose parents were both killed due to a National Socialist oppressive measure may receive a one-off payment of €2,556.46 provided that, at the time of their parents' death, they had not yet reached the age of twenty-one or, if they were still undergoing education and were entitled to maintenance, they had not yet reached the age of twenty-seven. All assistance is provided in compensation for the injustice suffered. Applications for assistance covered by the guidelines on hardship compensation to victims of National Socialist injustice under the General Act Regulating Compensation for War-Induced Losses should be addressed to the Central Customs Authority's service centre in Cologne (see Annex 7, II).

3.2 Payments to victims of the National Socialist military judiciary

Individuals who were convicted of 'inciting disobedience', 'conscientious objection' or 'desertion' during the Second World War were eligible for a one-off payment of €3,834.68 in addition to any payments received or due under the guidelines described in the preceding section of this brochure. Provision for this payment was made in 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).

It was introduced following a suggestion made on 15 May 1997 by the Bundestag committee on legal affairs. The Bundestag had determined that, in the above-mentioned cases, the judgements passed by the Wehrmacht judiciary during the Second World War were unjust under rule-of-law principles. Compensation was granted in more than 500 cases. **The application deadline was 31 December 1999.**

IV. Provisions for the *Länder* in former East Germany

4.1 Compensation Pension Act

The provisions on honorary and dependants' pensions for victims of National Socialism from the former GDR were revised in the Compensation Pension Act of 22 April 1992 (Federal Law Gazette I, p. 906), which came into force on 1 May 1992. This new legislation was necessary because the legal basis for honorary pensions paid out in the former GDR to fighters against fascism and the victims of fascism, as well as their dependants, largely ceased to exist on 31 December 1991.

As well as establishing that payment of honorary pensions already in existence on 30 April 1992 be continued in the form of compensation pensions (the amount of which was modified), the Compensation Pension Act also gives victims of National Socialism who were refused an honorary pension on unconstitutional grounds by the GDR agency responsible at the time, or whose pension was initially approved but subsequently withdrawn, a right to submit a new application.

The Federal Insurance Office (Bundesversicherungsamt) is responsible for implementing this law (see Annex 7, IV).

4.2 Extra-statutory provisions based on the Compensation Pension Act

Compensation is also available to those who are victims as defined in section 1 of the Federal Compensation Act but are not entitled to a compensation pension under the Compensation Pension Act and were, or are, unable to receive payments under other compensation regulations on account of living in the former GDR. This is governed by a supplementary provision that also entered into force on 1 May 1992 in the form of German government guidelines based on section 8 of the Compensation Pension Act (Federal Gazette No. 95 of 21 May 1992, p. 4185). Those who left the former GDR after 30 June 1969 and started living in the territory of the Federal Republic of Germany as it was on 2 October 1990 are also entitled to submit an application.

In accordance with section 8 of the Compensation Pension Act, pensions under these supplementary guidelines are available to victims of persecution who, among other things,

- were detained for at least six months in a concentration camp as defined in the Federal Compensation Act or
- spent at least 12 months in certain other National Socialist prison camps 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 that are 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 in Article 2(7)(3) of the Pension Law Conversion Act of 25 July 1991 (Federal Law Gazette I p. 1606).

If a victim of persecution who fulfils the prerequisites is deceased, his/her surviving spouse can, under certain conditions, receive a pension in accordance with section 2(6) of the Compensation Pension Act if he/she is incapable of working.

Any payments received under German government or *Land* provisions not connected with the Federal Compensation Act are deducted from the pension.

As with pensions under the Compensation Pension Act, payments under the guidelines are refused or revoked, either in part or in full, if the eligible person or the person from whom the eligibility is derived has violated the principles of humanity or the rule of law or has seriously abused his/her position to his/her own gain or to the disadvantage of others.

Applications for a compensation pension may be submitted to the Federal Ministry of Finance (Bonn office; see Annex 7, III).

4.3 Property law provisions in the territory of the former GDR

The Act Regulating Open Property Matters entered into force on 29 September 1990, together with the Unification Treaty. As set out in section 1(6) of the Act, it is also applicable to individuals 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 builds on provisions governing the return of property.

Claims had to be submitted by the end of 1992 (real estate) or by the end of June 1993 (movable property). The Act stipulates that the Jewish Claims Conference (JCC) is the legal successor to any heirless or unclaimed Jewish lost property.

The principle underlying the legislation is that returning property is preferable to providing compensation for it. In other words, assets confiscated are returned *in specie* if at all possible. If it is not possible, for reasons of fact or law, to return the property or if the persons concerned have exercised their right to opt for compensation instead, they receive compensation under the Victims of Nazi Persecution Compensation Act. These payments come from the Compensation Fund, a special federal fund. The amount of the compensation is determined by restitution provisions.

A total of €2.47 billion in compensation payments had been made by the Federal Government by the end of 2017.

The value of property and other assets returned and payments made by third parties cannot be quantified.

Starting in 2002, comprehensive settlements were reached between the Compensation Fund and the JCC in cases in which the JCC is the eligible party. The settlements reached were in respect of synagogues and their contents (2002), movable property and

household effects (2004), the property of self-employed persons (2006), security rights over land and bank account balances (2007), assets of organisations (2009), the clothing industry (2011/2012), securities (2012), businesses without immovable property (2013), small shareholdings (2013), compensation in accordance with section 1(1) of the Victims of Nazi Persecution Compensation Act (2014), and shareholders of IG Farben (2014).

Until 1976, US citizens could submit claims for loss of assets in the former GDR to a commission set up by the US government. 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 made it possible for US citizens to either accept compensation in the United States under the Agreement or to take part in the above-mentioned German property law proceedings in Germany.

Annexes

- Annex 1: Public sector compensation payments
- Annex 2: Compensation paid by the *Länder* outside of the Federal Compensation Act
- Annex 3: Payments made pursuant to the Federal Compensation Act
- Annex 4: Hardship compensation to victims of National Socialist injustice under the General Act Regulating Compensation for War-Induced Losses
- Annex 5: Comprehensive agreements on compensation
- Annex 6: Federal Government guidelines concerning payments to victims of persecution in recognition of work in a ghetto which did not constitute forced labour (Ghetto Work Recognition Guidelines)
- Annex 7: Addresses
- Annex 8: List of laws mentioned

Annex 1: Public sector compensation payments

| | Payments in billions of euros | | |
|--|-------------------------------|--------------|---------------|
| | by 2018 | in 2019 | by 2019 |
| Payments made so far | | | |
| 1. Federal Compensation Act | 48.312 | 0.142 | 48.454 |
| 2. Federal Restitution Act | 2.023 | 0.000 | 2.023 |
| 3. Compensation Pension Act | 0.813 | 0.000 | 0.813 |
| 4. Federal Act for the Compensation of the Victims of National Socialist Persecution | 2.746 | 0.018 | 2.764 |
| 5. Luxembourg Agreement | 1.764 | 0.000 | 1.764 |
| 6. Comprehensive agreements (and similar agreements) | 1.489 | 0.000 | 1.489 |
| 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.) | 6.642 | 0.151 | 6.793 |
| 8. Payments made by the <i>Länder</i> outside of the Federal Compensation Act | 1.994 | 0.034 | 2.028 |
| 9. Hardship compensation (not including the <i>Länder</i>) | 8.319 | 0.829 | 9.148 |
| 10. Act on the Creation of a Foundation for Remembrance, Responsibility and the Future | 2.556 | 0.000 | 2.556 |
| Totals: | 76.659 | 1.174 | 77.833 |

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

Approximately 17% 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. 1387), 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. 1315). These applications were processed as follows:

| | |
|--|-----------|
| Approved | 2,014,142 |
| Denied | 1,246,571 |
| Other outcomes (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.

Except for an insignificant, small number of cases, compensation pursuant to the Federal Restitution Act has been completed.

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 Na-

tional 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 2: Compensation paid by the *Länder* outside of the Federal Compensation Act 1950 to 2019 (figures provided by the *Länder*)

| <i>Länder</i> | in 2019 – in thousands of euros – | up to the end of 2019 – in millions of euros – |
|------------------------|---|---|
| Baden-Württemberg | 6 | 37 |
| Bavaria | 14,111 | 250 |
| Berlin | 12,766 | 835 |
| Bremen | 25 | 13 |
| Hamburg | 278 | 78 |
| Hesse | 1,003 | 77 |
| Lower Saxony | 3,436 | 120 |
| North-Rhine Westphalia | 509 | 509 |
| Rhineland-Palatinate | 2,110 | 83 |
| Saarland | 0 | 1 |
| Schleswig-Holstein | 13 | 25 |
| Total | 34,257 | ~ 2,028 |

Note: all figures have been rounded

Annex 3: Payments made pursuant to the Federal Compensation Act between 1 October 1953 and 31 December 2019 (in million of euros);

(Note: any divergence of total amounts results from rounding)
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 2019 | |
|--|-------------------|--------------------------------|------------------|--------------------------------|----------------|--------------------------------|--|--|
| | Total | To individuals residing abroad | Total | To individuals residing abroad | Total | To individuals residing abroad | Number | Monthly total in thousands of euros |
| 1. Loss of life | 339 | 270 | 3,856 | 2,803 | 4,195 | 3,073 | 506 | 508 |
| 2. Damage to limb or health | 2,151 | 1,659 | 27,863 | 24,825 | 30,014 | 26,484 | 14,778 | 10,902 |
| 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 career | 1,656 | 1,352 | 8,467 | 6,895 | 10,123 | 8,247 | 172 | 146 |
| 8. Damage to business | 42 | 35 | 49 | 24 | 91 | 59 | 1 | 0 |
| 9. Granting of immediate assistance | 90 | 6 | 0 | 0 | 90 | 6 | 0 | 0 |
| 10. Provision of healthcare | 436 | 45 | 0 | 0 | 436 | 45 | 0 | 0 |
| 11. Mitigation of hardship | 37 | 23 | 405 | 335 | 442 | 358 | 110 | 39 |
| Total | 6,836 | 5,161 | 40,641 | 34,881 | 47,477 | 40,042 | 15,567 | 11,595 |

Note: any divergence of total amounts results from rounding

Total amount disbursed in compensation payments:

| | |
|---|------------------------|
| before 30 September 1953 | €377 million |
| under Article V of the Final Federal Compensation Act | €614 million |
| under the Federal Compensation Act (cf. column 5 above) | €47,477 million |
| | €48,468 million |

Average ongoing monthly payment:

| | |
|---|--------|
| for loss of life, damage to limb or health: approx. | €1,004 |
| of all ongoing compensation payments: approx. | €745 |

Annex 4 (1): Hardship compensation to victims of National Socialist injustice under the General Act Regulating Compensation for War-Induced Losses (last updated on 31 December 2019)

One-off payments

| Total no. of applications | 8,196 ¹ | Approved | | Denied, or case referred | |
|---|--------------------|--------------------|-------|--------------------------|--------------------|
| | | Total | 6,352 | Total | 2,556 ² |
| broken down into the following groups: | | | | | |
| Forced sterilisation | 4,671 | 5,013 ³ | | 292 | |
| Victims of the euthanasia programme | 528 | 345 | | 229 | |
| Forced labour | 140 | 3 | | 158 | |
| Inciting disobedience | 305 | 89 | | 148 | |
| Criminals | 46 | 26 | | 23 | |
| Asocial | 288 | 174 | | 140 | |
| Homosexuals | 20 | 8 | | 10 | |
| Conscientious objectors | 61 | 11 | | 33 | |
| Psychiatric patients | 39 | 17 | | 13 | |
| Members of a youth organisation | 9 | 1 | | 9 | |
| Refusing to work | 29 | 17 | | 9 | |
| Work-shy | 33 | 30 | | 13 | |
| Vagrants | 4 | 1 | | 2 | |
| Cannot be (clearly) assigned to any of the above groups | 2,023 | 617 | | 1,477 | |

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

2 This figure also includes successful applications received before 1988.

3 Payments were also made in 8,805 cases to victims of forced sterilisation before 1988.

Annex 4 (2): Hardship compensation to victims of National Socialist injustice under the General Act Regulating Compensation for War-Induced Losses (last updated on 31 December 2019)

Additional ongoing payments

| Total no. of applications | 3,859 | Approved | | Denied, or case referred | |
|---|-------|----------|-------|--------------------------|-------|
| | | Total | 2,145 | Total | 1,133 |
| broken down into the following groups: | | | | | |
| Forced sterilisation | 3,146 | | 1,931 | | 785 |
| Forced labour | 21 | | 0 | | 8 |
| Victims of the euthanasia programme | 33 | | 22 | | 25 |
| Inciting disobedience | 28 | | 5 | | 12 |
| Conscientious objectors | 0 | | 0 | | 2 |
| Criminals | 0 | | 1 | | 0 |
| Homosexuals | 5 | | 2 | | 3 |
| Members of a youth organisation | 1 | | 0 | | 1 |
| Asocial | 4 | | 0 | | 2 |
| Psychiatric patients | 0 | | 0 | | 1 |
| Refusing to work | 27 | | 0 | | 1 |
| Cannot be (clearly) assigned to any of the above groups | 594 | | 184 | | 293 |

Annex 4 (3): Hardship compensation to victims of National Socialist injustice under the General Act Regulating Compensation for War-Induced Losses (Last updated on 31 December 2019)

| Ongoing €446 assistance payments under section 5 of the guidelines under the General Act Regulating Compensation for War-Induced Losses | |
|--|-----------------|
| Total no. of applications | 11,265 |
| Number of applications processed | 9,913 |
| Of these, approved | 9,622 |
| Of these, denied | 291 |
| <u>Payments made so far</u> | |
| In accordance with the guidelines on hardship compensation under the General Act Regulating Compensation for War-Induced Losses and the previous Federal Ministry of Finance instructions on the granting of a one-off payment to victims of forced sterilisation, the following amount was disbursed between 1980 and 31 December 2019: €137,096,708.10 | |
| This breaks down into: | |
| One-off payments: | €14,642,000.68 |
| Ongoing assistance and additional ongoing payments: | €122,454,707.33 |

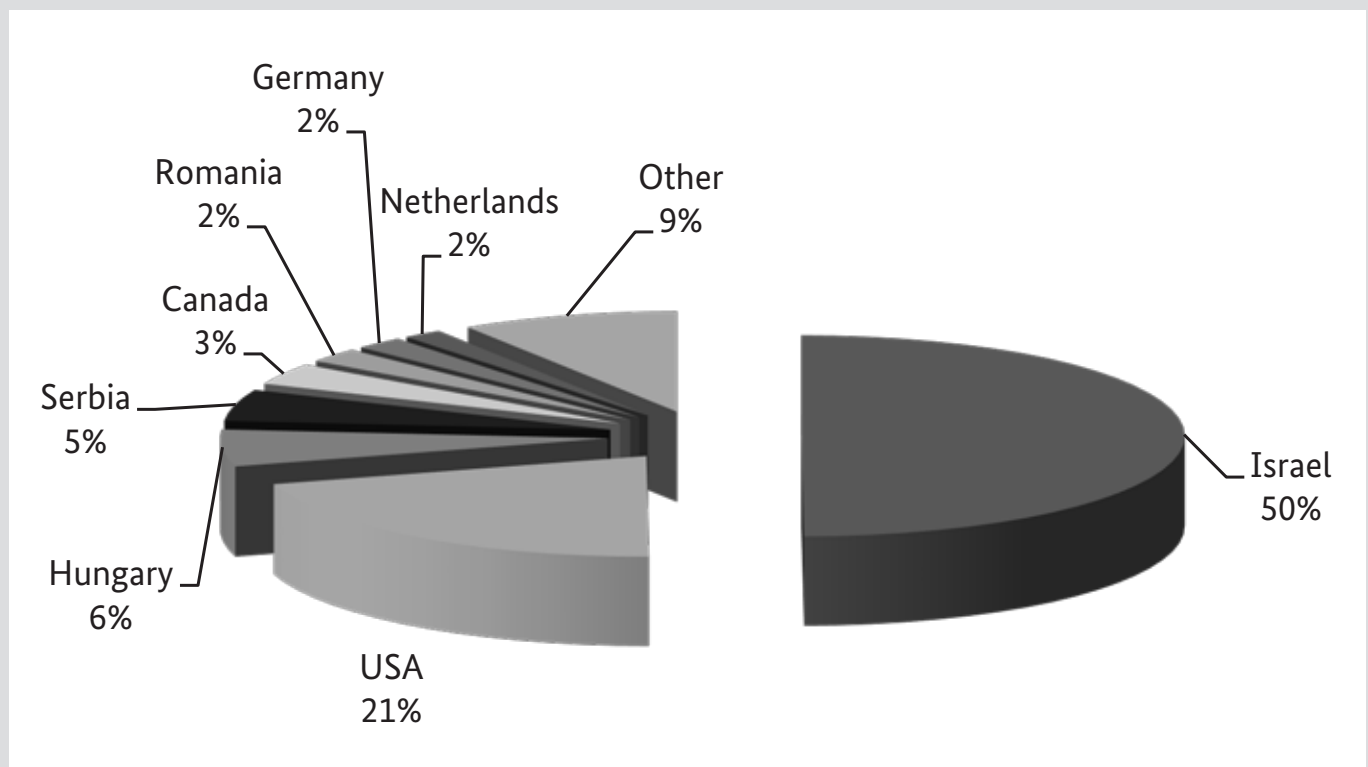
Annex 5: Comprehensive agreements on compensation

| Country | Date agreement was concluded | Published in Federal Law Gazette II | Amount in millions of DM |
|-----------------|-------------------------------------|--|---------------------------------|
| Luxembourg | 11 July 1959 | 1960, p. 2077 | 18 |
| Norway | 7 August 1959 | 1960, p. 1336 | 60 |
| Denmark | 24 August 1959 | 1960, p. 1333 | 16 |
| Greece | 18 March 1960 | 1961, p. 1596 | 115 |
| The Netherlands | 8 April 1960 | 1963, p. 629 | 125 |
| France | 15 July 1960 | 1961, p. 1029 | 400 |
| Belgium | 28 September 1960 | 1961, p. 1037 | 80 |
| Italy | 2 June 1961 | 1963, p. 791 | 40 |
| Switzerland | 29 June 1961 | 1963, p. 155 | 10 |
| Austria | 27 November 1961 | 1962, p. 1041 | 95 |
| United Kingdom | 9 June 1964 | 1964, p. 1032 | 11 |
| Sweden | 3 August 1964 | 1964, p. 1402 | 1 |
| | | | 971 |

Annex 6: Federal government guidelines of 12 July 2017 concerning the payment of amounts to victims of persecution in recognition of work in a ghetto which did not constitute forced labour (Ghetto Work Recognition Guidelines)

| Statistics on applications received and processed | Last updated: 31 December 2019 |
|---|--------------------------------|
| Applications received | 85,042 |
| Approved | 59,656 |
| Processed | 82,495 |

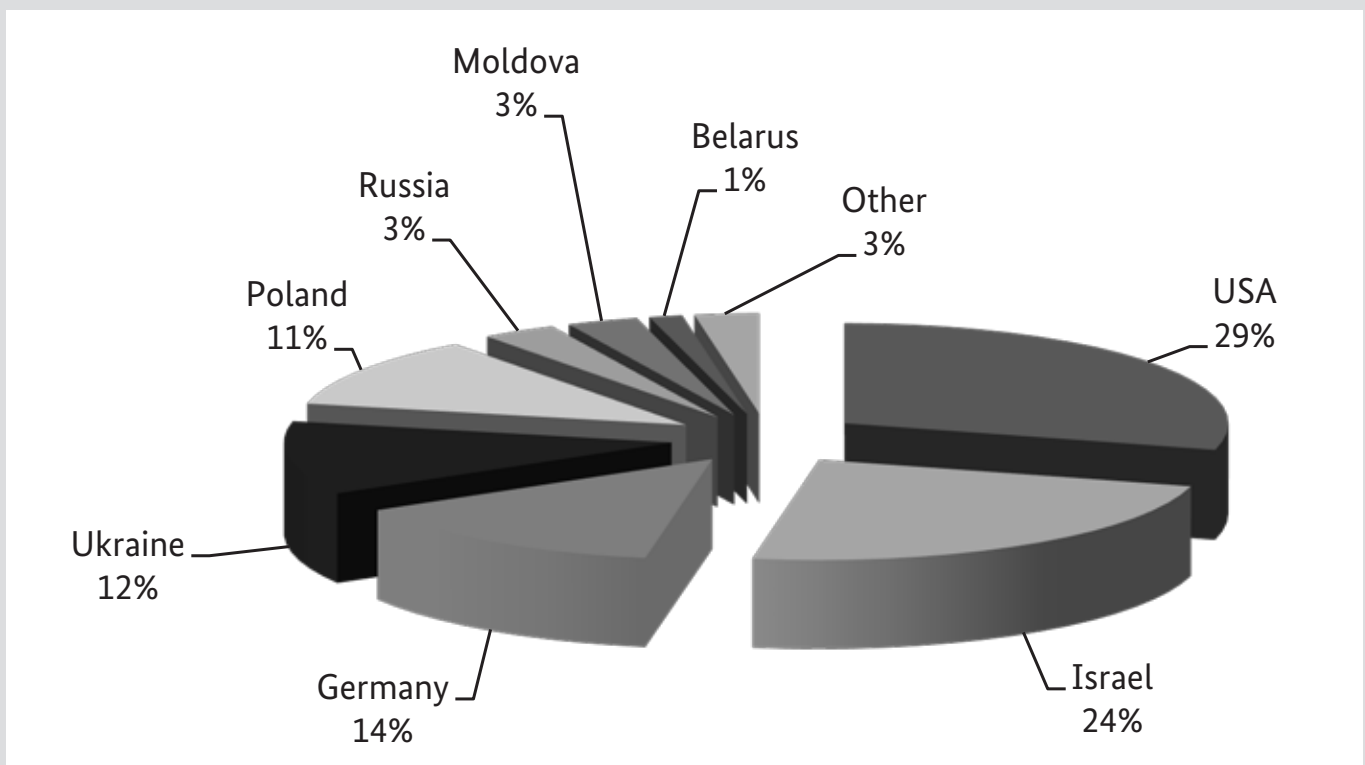
Applications received under the Ghetto Work Recognition Guidelines of 12 July 2017 by country



Annex 6: (cont.)

| Pension Substitution Supplement | Last updated: 31 December 2019 |
|---------------------------------|--------------------------------|
| Applications received | 1,380 |
| Approved | 875 |
| Processed | 1,287 |

Applications received by country (Pension Substitution Supplement)



Annex 7: Addresses

- I. Bundesamt für zentrale Dienste und offene Vermögensfragen
(Federal Office for Central Services and Unresolved Property Issues)
11055 Berlin, Germany
<http://www.badv.bund.de>
- II. Central Customs Authority
Service-Center Köln
Neusser Straße 159
50733 Cologne, Germany
Tel.: +49 228 30326769
<http://www.zoll.de>
- III. Federal Ministry of Finance
Bonn Office
Postfach 13 08
53003 Bonn, Germany
<http://www.bundesfinanzministerium.de>
- IV. Bundesversicherungsamt (Federal Insurance Office)
Geschäftsstelle der Kommission zum Versorgungsruhens- und Entschädigungsrentengesetz
Referat I 114
Friedrich-Ebert-Allee 38
53113 Bonn, Germany
<http://www.bundesversicherungsamt.de> / <http://www.stiftung-evz.de>
- V. Claims Conference Härtefonds / Hardship Fund - Art. 2 Fonds / Art. 2 Fund
Western Europe and northern Africa:
Postfach 90 05 43
60455 Frankfurt am Main, Germany

Israel and Eastern Europe:
P.O. Box 20064
Tel Aviv
Israel 6120001

U.S. and other countries:
P.O. Box 1215
New York, NY 100 10113
United States
<http://www.claimscon.de>
- VI. Deutsches Zentrum Kulturgutverluste (German Lost Art Foundation)
Humboldtstr. 12
39112 Magdeburg, Germany
<http://www.kulturgutverluste.de>
- VII. Stiftung „Erinnerung, Verantwortung und Zukunft“ (Foundation for Remembrance, Responsibility and the Future)
Friedrichstr. 200
10117 Berlin, Germany
<http://www.stiftung-evz.de>

Annex 8: List of laws mentioned (English – German)

| | |
|---|---|
| Act on Compensation for Victims of National Socialism in the Regions Acceding to the Federal Republic | Gesetz über Entschädigungen für Opfer des Nationalsozialismus im Beitrittsgebiet (NSOEBGG) |
| Act on Social Insurance Pensions for Victims of National Socialism | Gesetz über die Behandlung der Verfolgten des Nationalsozialismus in der Sozialversicherung |
| Act on the Creation of a Foundation for Remembrance, Responsibility and the Future (Foundation Act) | Gesetz zur Errichtung einer Stiftung „Erinnerung, Verantwortung und Zukunft“ (EVZStiftG) |
| Act on the Treatment of Victims of National Socialist Persecution in the Area of Social Security | Gesetz zur Wiedergutmachung nationalsozialistischen Unrechts (USEG) |
| Act Regulating Open Property Matters | Gesetz zur Regelung offener Vermögensfragen (VermG) |
| Additional Federal Compensation Act | Bundesergänzungsgesetz zur Entschädigung für Opfer der nationalsozialistischen Verfolgung (BERG) |
| Basic Law | Grundgesetz (GG) |
| Civil Code | Bürgerliches Gesetzbuch |
| Compensation and Corrective Payments Act | Gesetz über die Entschädigung nach dem Gesetz zur Regelung offener Vermögensfragen und über staatliche Ausgleichsleistungen für Enteignungen auf besatzungsrechtlicher oder besatzungshoheitlicher Grundlage (EALG) |
| Compensation Pension Act | Entschädigungsrentengesetz (ERG) |
| Federal Act on Compensation for National Socialist Injustice through War Disablement and Survivors' Pensions | Bundesgesetz zur Wiedergutmachung nationalsozialistischen Unrechts in der Kriegsopferversorgung (BWK) |
| Federal Compensation Act | Bundesgesetz zur Entschädigung für Opfer der nationalsozialistischen Verfolgung (BEG) |
| Federal Expellees Act | Gesetz über die Angelegenheiten der Vertriebenen und Flüchtlinge (BVFG) |
| Federal Restitution Act (Federal Act for the Settlement of the Monetary Restitution Liabilities of the German Reich and Legal Entities of Equal Legal Status) | Bundesgesetz zur Regelung der rückerstattungsrechtlichen Geldverbindlichkeiten des Deutschen Reiches und gleichgestellter Rechtsträger (BRüG) |
| Final Federal Compensation Act | Zweites Gesetz zur Änderung des Bundesentschädigungsgesetzes (BEG-SG) |
| First Act Amending the Federal Compensation Act | Erstes Gesetz zur Änderung des BEG |
| General Act Regulating Compensation for War-Induced Losses | Gesetz zur allgemeinen Regelung durch den Krieg und den Zusammenbruch des Deutschen Reiches entstandener Schäden (AKG) |
| Ghetto Pensions Act | Gesetz zur Zahlbarmachung von Renten aus Beschäftigungen in einem Ghetto (ZRBG) |
| Implementing regulations to the Federal Compensation Act | Verordnungen zur Durchführung des Bundesentschädigungsgesetzes (DV-BEG) |
| Pension Law Conversion Act | Gesetz zur Herstellung der Rechtseinheit in der gesetzlichen Renten- und Unfallversicherung (RÜG) |
| Victims of Nazi Persecution Compensation Act | NS-Verfolgtenentschädigungsgesetz (NS-VEntschG) |

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