

## APPENDIX 11

### OTHER INTERNATIONAL COMPENSATION SCHEMES

#### GERMANY – Compensation for forced labour

##### *Eligibility criteria*

- The compensation is available to former slave labourers, defined as people who were in a concentration camp, ghetto or under comparable conditions of confinement during WW2 and forced to work.
- Forced labourers defined as people forced to work but in conditions less severe than those applying to slave labourers.
- Limited to those still alive in February 1999 or, in the case of those who have died since, their heirs.
- Excludes people now resident in former USSR and its satellites – eligible under a different scheme.
- Excludes Jews – as above.
- Excludes people who were slave labourers in present day Austrian Republic – as above.
- Excludes former POWs.
- Within Germany itself there are four categories:
  - 1) Those in concentration camps
  - 2) Those abducted from their homelands, who worked as slave labourer for a minimum of 2 months
  - 3) People suffering ill health as a direct result of their forced labour
  - 4) Those who have received no compensation for any loss of assets suffered.
- After payment, claimants must relinquish any further claims.

##### *Numbers involved*

- There were 14-15m forced/slave labourers in Germany during the Third Reich, of whom 2-3 million are still alive.
- Estimated only 20%-30% of survivors will be able to claim because of narrow eligibility criteria.
- Difficult for many victims to provide proof, although International Red Cross has information on border crossings of those who worked for the Third Reich. Should help some to prove eligibility.

*Amounts involved*

- Maximum of US\$7,000 per slave labourer or US\$2,300 per forced labourer.
- Maximum may be less if total numbers turn out to be higher than estimated, given that total amount set aside is fixed.
- Total amount set aside is DM10 billion (approximately US\$4.5b).
- Funded by German government and companies that used slave labour.

*Rationale*

According to critics, not a voluntary decision and not based on moral principles but rather an attempt to prevent a number of massive law suits pending in the US against German companies which have benefited from slave labour, and their US subsidiaries. NB similar cases now before the US courts against Japanese companies and their American subsidiaries.

**HUNGARY – Compensation for forced labour***Eligibility criteria*

- Those subject to deportation from 1938.
- Those subject to forced military labour since 1938.
- Those subject to forced labour in USSR since 1938.
- Close relatives of the above.

*Numbers involved*

- 1.6m compensated since 1991, including surviving relatives.
- Further 400,000 likely to receive compensation during 2000.
- Said to have affected one in five Hungarians.

*Amounts involved*

- US\$1.2b up to 1996 - in form of coupons which can be exchanged for life annuity.
- Further US\$65m allocated since 1997.
- Individuals receiving compensation in the future may receive less than those compensated to date because total sum available will not be increased.
- Up until now, victims could receive a maximum of US\$10,000 per person. New maximum likely to be US\$5,000.
- Funded by Hungarian government.

*Rationale*

Seen neither as restitution nor payment of damages. Aimed at easing past grievances. Moral significance of compensation is greater than its financial value.

**HOLLAND (1)**

There are three distinct schemes in Holland for compensating different groups of victims of Nazi war crimes.

*Eligibility criteria*

- Victims of WW2 and their next of kin who were persecuted because of their race, religion, sexual orientation etc.
- Persecution defined as imprisonment, sterilisation or being forced to go into hiding.
- Historical research and medical records used to establish eligibility.

*Numbers involved*

- No information.

*Amounts involved*

- A supplementary scheme (supplements income from other sources).
- Payments though pensions, benefits and allowances.
- Amounts determined by medical condition and financial circumstances.
- Includes reimbursement of medical expenses resulting from war time persecution.
- Funded by Dutch government.

*Rationale*

Payments are not damages. They are an expression of the special solidarity that the Dutch people feel towards those who suffered in WW2. This initiative is to enable people who were disabled as a result of persecution to maintain their standard of living.

**HOLLAND (2)**

Holland has a special scheme covering Jewish residents of Holland during WW2

*Eligibility criteria*

- Jewish victims of Nazism and their next of kin living in Holland in the period 10/5/1940-8/5/1945 and still alive on the latter date.
- Jewish defined as having at least one Jewish parent (and two grandparents).

- Individual claims difficult to support with proof, therefore everybody who meets the above criteria will be eligible.
- The assumption is that the whole of the Jewish community incurred material damage.

*Numbers involved*

Not yet determined. Scheme set up only in mid 2000.

*Amounts involved*

- Not yet clarified
- Will not prevent separate claims for, eg art works stolen, when the loss can be documented.

**HOLLAND (3)**

*Eligibility criteria*

- Civilians who suffered war injuries during WW2 resulting in permanent disability.
- Injury may result from military action or enemy action against civilians.
- Widows and under age orphans of civilian war victims.
- Dutch nationals resident in Holland during WW2 and at the date of application. (includes those Dutch nationals resident in Indonesia during WW2).

*Numbers involved*

- Not stated.

*Amounts involved*

- Means tested periodic benefits to compensate for loss of earning capacity
- Contributions to health costs
- Allowances to meet the extra costs associated with disability.
- Funded by Dutch government.

*Rationale*

To acknowledge the special obligation of the Dutch people towards victims of violence during WW2.

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## **HOLLAND – Comfort women**

### *Eligibility criteria*

- Dutch women who were forced into prostitution during WW2 by the Japanese occupation of Indonesia.

### *Numbers involved*

- Not stated. Scheme began mid 1998.

### *Amounts involved*

- Maximum of 3.6m guilders in total.
- Payment made to cover medical costs, not to individuals as cash.
- Funded by Japanese civilians, through donations.

## **JAPAN – Comfort women**

### *Eligibility criteria*

- Those women proclaiming themselves former comfort women.

### *Numbers involved*

- 160 women in Philippines, Korea and Taiwan since establishment of scheme in 1995.
- 77 in Holland.
- Recently extended to Indonesia.

### *Amounts involved*

- Y486m (A\$1 billion) in total for individual payments.
- Additional Y700m for medical and welfare projects in Philippines, Korea and Taiwan.
- Each individual woman receives Y2m (approximately A\$15,000)
- Additional Y380m set aside for medical and welfare projects in Indonesia, mainly supported accommodation.
- Additional Y255m set aside for medical and welfare projects in Holland.
- Each individual recipient also receives a letter of atonement from Prime Minister of Japan.
- Funded by Japanese government and through donations from the Japanese people.

*Rationale*

To express sincere apologies and remorse on behalf of the people and government of Japan. A form of atonement. Part of program involves publicising within Japan the details of the comfort women practices during WW2, to ensure that such an episode will never be repeated.

**AUSTRIA***Eligibility criteria*

- Surviving forced labourers who worked in what is now Republic of Austria during WW2.
- Separate payment to children under 12 who were deported with their parents.
- After payment, claimants must relinquish any further claims.

*Numbers involved*

- 150,000 survivors.

*Amounts involved*

- US\$400m in total
- US\$7,500 per individual slave labourer.
- US\$2,500 per forced labourer.
- Funded by Austrian government and companies that used slave labour.

