



## German Forced Labour Compensation Programme (GFLCP)

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During World War II, the German Reich and German companies exploited massive numbers of slave and forced labourers and deprived individuals of their private property, with victims mainly but not exclusively coming from Eastern European countries. In the late 1990s a wave of class action lawsuits were filed in US courts against the Government of Germany and German companies to obtain financial compensation for former slave and forced labourers and certain other victims of National Socialist (Nazi) injustice.

As a result, the German Parliament passed the German Foundation Act establishing the German Foundation "Remembrance, Responsibility and Future", whose main purpose was to establish a compensation programme for slave and forced labourers of the National Socialist regime. The Foundation was capitalized by the Federal Republic of Germany and by German companies with DM 10 billion (€5.1 billion).

In July 2000, IOM was designated by the Government of Germany as one of seven partner organizations of the Foundation "Remembrance, Responsibility and Future"; rendering IOM the first permanent international organisation directly engaged in the implementation of a large scale reparations programme.

As a partner organization, IOM was responsible for all non-Jewish victims of slave labour, forced labour and personal injury belonging to the so-called "rest-of-the-world", i.e. non-Jewish victims residing anywhere in the world except in the Czech Republic, Poland and the Republics of the

former Soviet Union. IOM was tasked with the full process including victims' outreach and communication; claims collection and determination including the verification and identification of evidence and the making of payments to the following successful claimants.

The two main categories of claimants specified by the German Foundation Act were victims of Slave Labour and victims of Forced Labour: To be eligible to receive compensation as a *slave labourer*, the person must have been held in a concentration camp or in another place of confinement outside the territory of what is now the Republic of Austria, or a ghetto under comparable conditions, and been subjected to forced labour. A person was eligible to receive compensation as a *forced labourer* if the person had been deported from his or her homeland into the territory of the German Reich within the borders of 1937 or to a German-occupied area, and had been subjected to forced labour in a commercial enterprise or for public authorities or in agriculture and subjected to conditions resembling imprisonment or similar extremely harsh living conditions.

In addition to compensation for slave and forced labourers, the German Foundation Act also set up a separate fund for victims of "other personal injuries", which was available to victims of medical experiments, to children who were separated from their parents and lodged in a home for children of slave and forced labourers, and to parents whose children died in such homes.



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The filing deadline for all claims expired on December 31, 2001. In total, 380,000 claims were received under the GFLCP. The German Foundation administered a DEM 10 billion Compensation Fund, of which approximately DEM 770 million were allocated to IOM: DEM 540 million for slave and forced labour; DEM 200 million for property loss; part of DEM 50 million for personal injury; and DEM 24 million for social programmes for Sinti and Roma. By the end of GFLCP, IOM had paid compensation to over 90,000 slave and forced labourers and 1,656 victims of other personal injury.

In ensuring that all claims were processed in a humane, efficient and fair manner, IOM had to deal with a range of demanding challenges. One major difficulty was the fact that claims needed be processed in more than 20 languages. IOM was also faced with a considerable number of cases for which no or only very little supporting documentary evidence could be found. For the resolution for such claims on the basis of "credibility" required by the German Foundation Act, IOM developed an efficient methodology which was based both on flexible evidentiary standards, hence taking a humanitarian approach towards assessing the plausibility of claims not supported by documentary evidence.

IOM also provided extensive assistance to victims to obtain supporting evidence for their claims through commissioning own historic research and closely liaising with the Red Cross International Tracing Service (ITS) in Bad Arolsen, Germany. By December 2002, IOM had sent data for some 145,000 claims to the ITS of which 10% were corroborated by ITS records. IOM also cooperated with a Foundation-funded centralised system

(Archivverbund) for searching federal, state and local archives all over Germany, and closely worked with victims associations, the Central Council for German Sinti and Roma, the Yugoslav Red Cross and other regional and local organisations to find supporting evidence.

In cases where not supporting records could be found; IOM established a procedure whereby corroborated personal statements were accepted as sufficient evidence. The key to IOM's innovative methodology was to allow for flexible evidentiary standards which could be adapted to the reality.

A specific difficulty of GFLCP stemmed from the fact that most victims were elderly; a category of claimants whose specific needs continue to be frequently ignored in reparations efforts. The situation rendered the immediate processing and resolution of claims a particularly prominent concern which was reflected in IOM's intense efforts regarding communication, outreach and claimant support.

IOM utilised its worldwide network of Field Offices to ensure maximum proximity to claimants, which is the most important consideration in information spreading and gathering, claimant assistance and claims collection phases. Eventually, the processing of claims was centralized in Geneva. It relied heavily on computer support to guarantee consistency and efficiency when dealing with hundreds of thousands of claims from all continents.

To maximise the program's outreach, IOM also set up special telephone helplines in 14 countries immediately after the entering into force of the German law on 12 August 2000.



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Standardized Claimant Assistance guidelines were provided to all Helpline operators; many of who received specialized training. By April 2001, IOM operators in 46 Field Offices worldwide were handling information requests received by letter, telephone, e-mail, fax and personal visits. Weekly reports from all Field Offices involved were compiled into a global statistics report covering both Forced/Slave Labour and Property Loss, enabling IOM to closely monitor the impact of its information campaign, and to provide the German Foundation with a better picture of the size and geographical distribution of IOM's claimant group.

IOM also established a Victim's Organisation Steering Committee representing survivor groups in 12 countries to receive constant feedback on how GFLCP was perceived and to further fine-tune activities accordingly. Another key activity was the design, development and creation of an electronic database and claims registration system. This was used by 20 selected IOM Field Offices worldwide, two victims' associations with which IOM signed a cooperation agreement; and by staff in Geneva to register and review claims. Given the need for consistency, accuracy and speed, together with the programme's different components and changing parameters, training and updating the staff was a continued process. As a result, IOM gained additional institutional expertise in setting up structures to facilitate constant feedback between the programme administration and claimants.

To ensure fairness and transparency in the calculation of awards, the amount of compensation was calculated once all claims were received and decided. Successful claimants were thus not

compensated as soon as their claim was approved but available funds were hence distributed by the end of the programme according to the overall number of successful claims.

All claimants under GFLCP had the right to appeal to a separate and independent Appeals Body within three months of receipt of the decision. GFLCP was completed in 2006 and payments to beneficiaries ended in 2007. **Kindly note that the GFLCP has now been completed and that IOM can no longer accept claims, issue cheques or make new payments to beneficiaries.**

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