

European Shoah Legacy Institute's Restitution Database Initiative

Questionnaire

I. Basic information regarding the responding agency

Country:	Denmark
Office/Ministry:	Ministry of employment
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Date questionnaire submitted:	

II. Whom may we contact in your country for additional information about the responses below? This may include other individuals / agencies in government, local NGOs / advocacy groups. Please include the individual's name, affiliation, and contact information (e.g., email address).

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III. Overview of Immovable Property Restitution/Compensation Regime – Denmark (as of 1 July 2015)

In 1945 the law on compensation for the victims of the German occupation was adopted. The National Board of Industrial Injuries in Denmark administrates this law. In 1996 the paragraphs concerning rules for compensation etc. in connection with e.g. damage to property during the German occupation were repealed and the Compensation Council decommissioned. This was due to the fact that the rules for compensation had only been used in the years immediately after the war.

On this basis it is the assessment of The National Board of Industrial Injuries in Denmark that it cannot purposefully contribute in substance to the subsequent parts of this questionnaire.

The National Board of Industrial Injuries continues to administrate legislation on personal injury, including the law on compensation for victims of the German occupation.

IV. Questions relating to specific immovable property restitution /compensation regimes in Denmark

<p><u>Restitution/ Compensation Treaties or Agreements</u></p>	<p>Please describe any treaties or agreements between Denmark and other countries, which address restitution and/or compensation for immovable property that was confiscated or otherwise wrongfully taken during the Holocaust era between 1933-1945.</p>	
<p><u>Legislation Relating to Immovable Property</u></p>	<p>Please describe any laws in Denmark, which relate to the restitution or compensation of immovable property confiscated during the Holocaust (Shoah) Era, 1933-1945.</p>	

<p><u>Return of Immovable Property</u></p>	<p>Is there any component of the Danish Act of Compensation for Victims of the Occupation Period, which is meant to compensate persons for immovable property confiscated or otherwise wrongfully taken during the Holocaust (Shoah) Era between 1933-1945? If yes, please identify.</p>	
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V. Questions relating to Denmark’s commitments under the Terezin Declaration and its Guidelines and Best Practices

<p><u>Restitution/Compensation Laws</u></p> <p>What measures has Denmark taken to comply with the Terezin Declaration and Guidelines and Best Practices (“GBP”) para. a, which states that <i>“[r]estitution and compensation laws should apply to immovable (real)</i></p>	<p><i>“(i) religious or communal organizations . . . and then subject to confiscation or other wrongful takings during the Holocaust (Shoah) Era between 1933-1945”?</i> (see Terezin Declaration GBP,</p>	
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<p><i>property which was owned by” –</i></p>	<p>para. a)</p>	
	<p>“(i) <u>private individuals or legal persons</u> and then subject to confiscation or other wrongful takings during the Holocaust (Shoah) Era between 1933-1945”? (see Terezin Declaration GBP, para. a)</p>	
<p><u>Restitution/Compensation Processes</u></p> <p>What measures has Denmark taken to comply with the Terezin Declaration and GBP para. c, which states that the <i>“restitution and compensation process should recognize the lawful owner or holder of other legal property rights as listed in property record files as of the last date before commencement of persecution against them by the Nazis, Fascists and their collaborators during the Holocaust (Shoah) era between 1933 and 1945 including the period of WWII”?</i> (see Terezin Declaration GBP, paras. c, d) –</p>	<p>If the property owner was not a Danish <u>citizen</u> at the time of the taking?</p>	
	<p>If the <u>claimant</u> was not a Danish <u>citizen</u> at the time of the filing of the claim?</p>	
	<p>If the <u>claimant</u> was not a Danish <u>resident</u> at the time of the filing of the claim?</p>	

<p align="center"><u>Restitution/Compensation Processes</u></p> <p>What measures has Denmark taken to comply with the Terezin Declaration and GBP para. d, which states that “[t]he <i>property restitution and compensation processes, including the filing of claims, should be accessible, transparent, simple, expeditious, non-discriminatory</i>”? (see Terezin Declaration, and GBP, para. d)</p>		
<p align="center"><u>Archival Access</u></p> <p>What measures has Denmark taken to comply with the Terezin Declaration and GBP para. e, which states that claimants “<i>have unfettered and free access to all relevant local, regional, and national archives</i>”? (see Terezin Declaration, and GBP, para. e)?</p>		
<p align="center"><u>In Rem Restitution</u></p> <p>What measures has Denmark taken to comply with the Terezin Declaration and GBP para. h, which states that “[r]estitution in rem is a preferred outcome, especially for publicly held property”? (see Terezin Declaration, and GBP, para. h)</p>		
<p align="center"><u>Genuine and Adequate Compensation</u></p> <p>What measures has Denmark taken to comply with the Terezin Declaration and GBP para. h, which urge compensation to be “<i>genuinely fair and adequate</i>”? (see Terezin Declaration, and GBP, para. h)</p>		
<p><u>Forms of Compensation</u></p> <p>If compensation for immovable property in Denmark is issued in the form of government vouchers (securities) (see Terezin Declaration, and GBP, para. h) -</p>	<p>May a claimant sell the voucher?</p>	
	<p>May a claimant trade the vouchers on the stock exchange?</p>	
	<p>What limitations are there, if any, on the type of immovable property that may be purchased with the vouchers?</p>	
<p align="center"><u>Prompt Decisions</u></p> <p>What measures has Denmark taken to comply with the Terezin Declaration and GBP paras. f and h,</p>		

<p>which state that “[d]ecisions should be prompt and include a clear explanation of the ruling” and “[t]ransfer of property title or payment of compensation should be effected promptly”? (see Terezin Declaration, and GBP, para. f, h)</p>	
<p style="text-align: center;"><u>Heirless Property</u></p> <p>What measures has Denmark taken to comply with the Terezin Declaration and GBP para. j, which encourages states to “<i>create solutions for the restitution and compensation of heirless or unclaimed property from victims of persecution by Nazis, Fascists and their collaborators</i>”? (see Terezin Declaration, and GBP, para. j)</p>	
<p style="text-align: center;"><u>Heirless Property</u></p> <p>Has Denmark conducted a survey to assess the total amount of heirless property located in the country? (see Terezin Declaration, and GBP, para. j)</p>	
<p style="text-align: center;"><u>Heirless Property</u></p> <p>Who, or what organization, if any, has been designated as the proper recipient of Jewish heirless property, which is still retained by Denmark for any reason? (see Terezin Declaration, and GBP, para. j)</p>	
<p style="text-align: center;"><u>Heirless Property</u></p> <p>If an organization, person, or group of persons have been designated as the proper recipients of Jewish heirless property in Denmark, what properties have been restituted or compensated to them to date? (see Terezin Declaration, and GBP, para. j)</p>	
<p style="text-align: center;"><u>Communal Property</u></p> <p>What provisions have been made in Denmark for the return of Jewish communal property? (see Terezin Declaration, and GBP, paras. a, b, k)</p>	
<p style="text-align: center;"><u>Communal Property</u></p> <p>Please describe all Jewish communal property in Denmark that has been returned. (see Terezin Declaration, and GBP, paras. a, b, k)</p>	
<p style="text-align: center;"><u>Communal Property</u></p> <p>Please describe any Jewish communal property that remains in the possession of the Danish state. (see Terezin Declaration, and GBP, paras. a, b, k)</p>	

<u>Current Mechanisms</u>	
Are there currently any legal or administrative mechanisms in Denmark by which a claimant (Danish or non-Danish citizen) can seek restitution and/or compensation of immovable property seized between 1933 and 1945? If yes, please identify. (<i>see Terezin Declaration, and GBP paras. d, k</i>)	
<u>Fulfillment of Terezin Declaration Commitments</u>	
Does Denmark currently view its commitments under the Terezin Declaration and Guidelines and Best Practices (“GBP”) as being fulfilled ? (<i>see Terezin Declaration, and GBP, paras. a-m</i>)	
<u>Fulfillment of Terezin Declaration Commitments</u>	
What specifically has Denmark done to fulfill its commitments under the Terezin Declaration and GBP? (<i>see Terezin Declaration, and GBP, paras. a-m</i>)	
<u>Fulfillment of Terezin Declaration Commitments</u>	
Since Denmark’s signing of the Terezin Declaration in 2009 , what new laws or regulations , if any, have been passed and/or enacted, which promote the goals of the Terezin Declaration and GBP? (<i>see Terezin Declaration, and GBP</i>)	

[If your country has more than one law that relates to Shoah era restitution/compensation of immovable property, please complete Sections VI-XIII of the Questionnaire for each law**]**

VI. Legislation / Regulation relating to restitution and/or compensation of Shoah era immovable property – Basic information (pursuant to Terezin Declaration, Guidelines and Best Practices (“GBP”), para. k)

Territory:	
Title:	
Text (original language):	
Text (English):	
Date of passage:	
Date of entry	

into force:	
Promulgating authority:	
Citation(s):	
URL:	
Other:	

VII. Scope of this Legislation / Regulation (pursuant to Terezin Declaration, and GBP, paras. c, d, g, h, k)

What type of recovery is permitted?	Restitution? If yes, describe scope of possible recovery.	
	Compensation? If yes, describe scope of possible recovery.	
	Other?	
What time period does the law cover?	Pre-1945? If yes, for which years?	
	Post-1945? If yes, for which years?	
	Other?	
What type of property can be claimed?	Movable property? If yes, describe scope of property that may be claimed.	
	Immovable property? If yes, describe scope of property that may be	

	claimed.	
	Private property? If yes, describe scope of property that may be claimed.	
	Heirless property? If yes, describe scope of property that may be claimed.	
	Communal property? If yes, describe scope of property that may be claimed.	
	Other?	
Who has legal standing to bring a claim?	Citizens? If yes, describe who is eligible to make a claim.	
	Noncitizens? If yes, describe who is eligible to make a claim.	
	Foreign residents? If yes, describe who is eligible to make a claim.	
	Direct heirs? If yes, describe who is eligible to make a	

	claim.	
	Indirect heirs? If yes, describe who is eligible to make a claim.	
	Other?	
Is there a special fund from which these claims are paid?		
What is the limitations (prescription) period for making the claims, if any?		

VIII. Identifying claimants (pursuant to Terezin Declaration, and GBP, paras. d, e, g, l)

What measures are available for identifying the current titleholder ?	
What measures have been taken to make government archives accessible to persons seeking property ownership documents?	
What measures have been taken to publicize the legislation ?	
What efforts have been made to reach out to local stakeholders , NGOs or advocacy groups?	

IX. Claims procedure under this Legislation / Regulation (pursuant to Terezin Declaration, and GBP, paras. d, e, k)

To what body is a claim made?	Administrative?	
	Judicial / courts?	
	Other?	
What is the claims procedure ?	How is a claim made?	
	Is there any fee for filing a	

	claim?	
	Is prior authorization required?	
	Who decides the validity of the claim?	
	On what basis is the claim decided?	
	What standard of proof is required?	
	Other?	
What is the appeals procedure?	Can first instance decisions be appealed?	
	Is there any fee for filing an appeal?	
	To what body?	
	What is the standard of review?	
	Other?	
Is this claims process currently open or closed?		
If closed, can late claims be accepted?		

X. Administrative regulations relating to this Legislation (pursuant to Terezin Declaration, and GBP, para. k)

Territory:	
Title:	
Text (original language):	

Text (English):	
Date of passage:	
Date of entry into force:	
Promulgating authority:	
Citation(s):	
URL:	
Other:	

XI. Key court rulings interpreting this Legislation. Please add additional rows as necessary for additional court decisions (pursuant to Terezin Declaration, and GBP, para. f)

Case 1	Name of claimant(s):	
	Name of respondent(s):	
	Date of decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	
	Citation(s):	
	Other:	
Case 2	Name of claimant(s):	
	Name of respondent(s):	
	Date of decision:	
	Name of Court:	
	Brief description of	

	facts:	
	Holding:	
	Citation(s):	
	Other:	
Case 3	Name of claimant(s):	
	Name of respondent(s):	
	Date of decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	
	Citation(s):	
	Other:	
Case 4	Name of claimant(s):	
	Name of respondent(s):	
	Date of decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	
	Citation(s):	
	Other:	
Case 5	Name of claimant(s):	
	Name of respondent(s):	
	Date of	

	decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	
	Citation(s):	
	Other:	

XII. Statistical Data relating to this Legislation / Regulation (pursuant to Terezin Declaration, and GBP, paras. c-h, j, k)

How many claims have been filed ?	
How many claims have been finalized ?	
How many claims have been accepted ?	
How many claims have been denied ?	
How many rulings have been complied with ?	
What is the total number of claims that could have been filed?	
How much has been paid by the relevant government in compensation for private property ?	
How much has been paid by the relevant government in compensation for communal property ?	
How much has been paid by the relevant government to date in compensation for heirless property ?	
What is the value of the private property restituted to date?	

What is the value of communal property restituted to date?	
What is the value of heirless property restituted to date?	
What percentage of claims awarded have been paid?	
On average, how long does the claims process take?	
On average, what is the total amount of expenses a claimant will incur when pursuing a claim to completion (excluding attorneys' fees)?	
On average, what is the total amount a claimant will pay in attorneys' fees when pursuing a claim to completion?	
What provision has been made for the distribution of heirless property , if any?	

XIII. Comments. Is there any other information you feel we should know?