

Activity Report

2015

European Shoah Legacy Institute

I. About the European Shoah Legacy Institute

The European Shoah Legacy Institute (ESLI) was created to monitor progress on and advocate for the provisions of the Terezin Declaration in 2010 in a follow up on the results of the Holocaust Era Assets Conference organized by the Czech Presidency of the EU Council on June 26-30, 2009 in Prague and Terezin (itself a follow up on the Conference in Washington in 1998). Its establishment is a direct result of the Terezin Declaration, which has so far been signed by 47 countries. Cooperating with governments, non-governmental organizations, and independent experts, we seek international solutions to the problem of the restitution of immovable property, art, Judaica, and Jewish cultural assets stolen by the Nazis; the provision of adequate social welfare support for Holocaust survivors and other victims of Nazism; and the promotion of Holocaust education, research, and remembrance.

As tasked by Terezin Declaration, European Shoah Legacy Institute monitor and advocates within a field of five crucial, unresolved issues in the post – Holocaust world.

- Welfare for Holocaust Survivors and other victims of Nazi persecution;
- Restitution and compensation of immovable property;
- Recovery of looted art;
- Recovery and study of Judaica, and
- Holocaust education, remembrance and research.

In advocating and monitoring these issues, ESLI operates on international scale, in close cooperation with the European Union, Terezin Declaration governments, and other non-governmental organisations. European Shoah Legacy Institute has also close working relation with many non-European countries, particularly United States and Israel.

Organizational structure

The organizational structure of the Institute is as follows: Director and Secretariat, Administrative Board, Supervisory Board, Advisory Council and Honorary Board. The competencies of the individual bodies are governed by Czech law on public benefit corporations or further defined in the Articles of Incorporation.

Administrative and Supervisory Boards are composed of representatives of the Ministry of Foreign Affairs of the Czech Republic, Office of the Government of the Czech Republic, Federation of Jewish Communities in the Czech Republic, Terezin Initiative, Jewish Museum in Prague and will also include representatives of countries that are financially contributing to the Institute.

Honorary Board consists of personalities of international stature who take upon themselves to support, represent and promote the interests of ESLI. So far President Václav Havel,

Ambassador Stuart Eizenstat, former President of the European Parliament Simone Veil and Nobel Prize winner Elie Wiesel accepted the invitation.

Advisory Council is an international body of the Institute tasked with providing the Institute with information and advice relevant to its activities and with making recommendations as regards the Institute's course of action. The Advisory Council consists of five working groups (Welfare of Holocaust Survivors and Other Victims of Nazi Persecution; Holocaust Education, Remembrance and Research; Immovable Property; Nazi-Confiscated and Looted Cultural Property; Judaica and Jewish Cultural Property). Each group is composed of 15 members (75 total), who represent a range of renowned experts delegated by governments, international organizations and NGOs.

Meet the Team

Halyna Senyk, Executive Director



Ms. Senyk is an expert in human rights, asset recovery, and international law. She has 12 years of experience in civil society development and state policy evaluation. Prior to joining ESLI she had her private legal practice representing clients at the European Court of Human Rights, worked with leading human rights organizations such as Human Rights Watch, Amnesty International, and the International Centre for Human Rights Policy, and consulted for a number of United Nations agencies. Ms. Senyk helped to set up the Anti-Corruption

Action Centre in Ukraine, which played an important role in tracking the assets of the politically exposed members of the Yanukovych regime. She studied at the London School of Economics (LL.M – Law), Central European University, the Lviv National University (BA and MA in International Relations), and the University of Essex. She is fluent in English, Ukrainian, and Russian, conversant in German and Czech, and possesses a basic knowledge of Spanish.



Jan Hackl, Financial Manager

Mr. Hackl joins ESLI after nearly 20 years in corporate managerial finance. A Graduate of the University of Economics, Prague (VŠE), he has worked with such large international companies as Dell Computer and SmithKline Beecham in London, UK, where he was a financial analyst. Following Dell, he served as financial manager and senior financial controller at several well-known Czech companies including

Zentiva, Sita – Information Networking Computing B.V., and Aminostar. He is fluent in English and Czech, conversant in Russian.

Anežka Nekovářová, Project Manager



Anežka joined ESLI in August 2014 as an Event Manager. She is currently responsible for projects connected with welfare of Holocaust survivors and other victims of Nazi persecution. She has over 10 years of experience in customer service and event management, ranging from the international hotel industry to family-run enterprises and national non-governmental organisations. Ms. Nekovářová holds a Bachelor's degree in Security Studies from the University of Jan Amos Komenský in Prague, Czech Republic and is currently studying

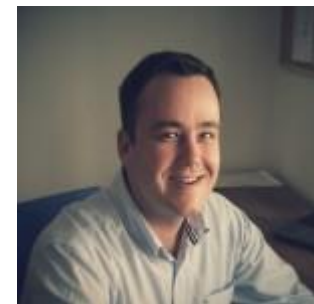
Emergency Planning at the Czech Technical University in Prague. Anežka is fluent in English and Czech.

Petra Seidlová, Project Manager



Petra Seidlová joined ESLI in November 2014 as Project Manager, bringing with her over 12 years of experience in project management and financial management. Before joining ESLI, Petra worked mostly in the non-profit sector (GET-ICON Institute, Humanitas-Profes, o.p.s.) in the development and management of EU-funded projects. Ms. Seidlová holds a Masters degree in Anthropology from Charles University in Prague, is fluent in English and Czech, and conversant in Greek and Italian.

Lochlan Warren, Project Manager



Mr. Warren commenced his career in international development as a Human Rights Monitor attached to the UN's Extraordinary Chambers in the Court of Cambodia, working on behalf of the Cambodian Human Rights and Development Association (ADHOC) based in Phnom Penh. His experience with ADHOC enhanced his skills of establishment and maintenance of a broad and encompassing network of major stakeholders from members of other non-governmental organizations, diplomatic staff and local parliamentarians to the UN profile agencies. Prior to joining ESLI, Mr. Warren worked as a Logistics Coordinator at Gold Coast International Airport, where he was responsible for ensuring company compliance with all current industry regulations and practices, as well as facilitating regular professional development through cooperation with a

number of federal and state government departments. Mr. Warren holds a Bachelor of Laws from Bond University and a Masters of Community Development (Emergency Management) from Southern Cross University. He is fluent in English and conversant in Khmer and Spanish.

II. Activities in 2015

WELFARE FOR HOLOCAUST SURVIVORS AND OTHER VICTIMS OF NAZI PERSECUTION

"It is unacceptable that those who suffered so greatly during the earlier part of their lives should live under impoverished circumstances at the end."

INTERNATIONAL CONFERENCE ON WELFARE FOR HOLOCAUST SURVIVORS AND OTHER VICTIMS OF NAZI PERSECUTION

Date: 26 - 27th May 2015, Prague, Czech Republic

Under the Patronage: Ministry of Foreign Affairs of the Czech Republic, Ministry of Labour and Social Affairs of the Czech Republic, European Parliament, European Commission

With Support of: U.S State Department, Ministry of Senior Citizens of the State of Israel, Foundation "Remembrance, Responsibility and Future" and Conference on Jewish Material Claims Against Germany

Two-day conference, "Living with Dignity" concluded, raising awareness of the urgent welfare needs of the estimated 500,000 Holocaust survivors and 4 million other victims of Nazi persecution. The conference was attended by roughly 200 representatives of 39 governments, the European Union, over 50 non-governmental organizations (NGOs), independent experts and Holocaust survivors and other victims of Nazi persecution. The conference was divided into 6 panels and ESLI assured a varied composition of panellists. Experts from NGOs as well as from governmental sector from various countries participated in panels. Therefore participants could familiarize with situation in Czech Republic, Israel, Germany, France, Malta, Romania, Poland, USA, Great Britain, Ukraine and Russia. This variety enabled to address and identify most urgent needs and problems and to share country best practices.



Conference tackled following topics:

- The Role and Responsibility of States Towards Holocaust Survivors and Other Victims of Nazi Persecution;
- Analysis of Existing Welfare Mechanisms Across the Forty-Seven Terezin Declaration Countries;
- The Situation of Holocaust Survivors and Other Victims of Nazi Persecution: Current Needs and Future Challenges;
- Enhancing Cooperation Between State and Non-State Providers of Welfare Services ;
- Optimisation of Available Welfare Funding;
- Innovative Approaches.

Conference was co - chaired by US Ambassador Stuart Eizenstat, Special Adviser to the Secretary of State for Holocaust Issues, and Jiri Sitler, Special Envoy of the Ministry of Foreign Affairs of the Czech Republic for Holocaust Issue and Combating Anti-Semitism, in a joint declaration released at the conference's conclusion, noted that the attending participants:

- Affirmed the acute and urgent need for the existence of comprehensive medical and social programs/mechanisms and other benefits to enable Holocaust survivors and other victims of Nazi persecution to live in dignity in the years to come.”
- Recommended the identification of an EU official/special coordinator to combat anti-Semitism and to address Holocaust era issues, including the implementation of the Terezin Declaration.
- Urged states to appoint an official with the responsibility to coordinate mechanisms/programs to assist Holocaust survivors or other victims of Nazi persecution and recommend identification of national focal points to increase awareness of available services and benefits.

The conference also launched a new database compiled by Prof. Lyle Scruggs, University of Connecticut, which for the first time provides a comprehensive analysis of national social welfare policies for survivors and other victims of Nazi persecution. The database, launched with an accompanying report, is based on extensive country surveys detailing specific provisions of policies of particular relevance for the current population of survivors and other victims across the 47 countries who endorsed the 2009 Terezin Declaration.

Conference was also accompanied by NGO Market where organizations had opportunity to represent themselves and also by exhibition of Holocaust survivors from the Europe.

SEMINAR ON WELFARE FOR VICTIMS OF NAZISM AT THE EUROPEAN PARLIAMENT

Date: 23rd June 2015, Brussels, Belgium

In cooperation with: MEP Bastiaan Belder and MEP Olga Sehnalová (Vice – Chairs of the Delegation for Relations with Israel)

Following the International Welfare Conference and fulfilling provisions of Co-Chair's Statement ESLI organized the Seminar on welfare for victims of Nazism at the European Parliament to highlight and publicize the achievements of the International Conference on Welfare for Holocaust Survivors and Other Victims of Nazi Persecution, held in Prague, Czech Republic on 26th and 27th May 2015. The seminar was attended by Members of the European Parliament, officials from the European Commission, the Israeli Special Envoy for Holocaust Issues, diplomats and ministerial delegates, civil society representatives, and members of the Jewish communities of Belgium and the Netherlands. The purpose of the seminar was twofold: firstly, to inform EU institutions of ESLI's recent achievements - including the International Conference on Welfare for Holocaust Survivors and Other Victims of Nazi Persecution and the progress made towards improving welfare availability and accessibility for victims of Nazism – and secondly, to help garner support for the creation of a Special Coordinator for post-Holocaust issues within the European Commission, who would coordinate with EU institutions currently monitoring, advocating for, and providing technical guidance on, the implementation of the Terezin Declaration. Prof. Lyle Scruggs introduced the Social Welfare Database and presented his most important findings regarding welfare of Victims of Nazism in Terezin Declaration Countries. The central theme of the meeting was the importance of appointing a European Special Coordinator for Post-Holocaust Issues at the European Commission.



The seminar was followed by the Opening of Exhibition: “Living with Dignity!”, which was devoted to Holocaust Survivors from the countries of the Terezin Declaration. The exhibition enabled visitors to become better acquainted with issues facing holocaust survivors. The event attended approx. 30 people from the European Parliament and the European Commission, Belgian and Dutch Jewish community, journalists, holocaust survivors and Israeli Special Envoy for Holocaust Issues.

SEMINAR ON WELFARE FOR VICTIMS OF NAZISM AND ARTICLE 25 OF THE EU CHARTER

Date: 13th October 2015, Brussels, Belgium

In cooperation with: MEP Bastiaan Belder and MEP Olga Sehnalová (Vice – Chairs of the Delegation for Relations with Israel)

On 13th October 2015, the second seminar on welfare for Holocaust survivors and other victims of Nazi persecution was held at the European Parliament in Brussels. The seminar was organized by the European Shoah Legacy Institute, hosted by Mr. Bastiaan Belder MEP (ECR), Ms. Olga Sehnalová MEP (S&D) and the European Jewish Community Centre and was attended by over fifty representatives from the European Parliament, European Commission, Special Envoys for Holocaust Issues, diplomatic missions, ministries of social affairs, and civil society organisations.



This seminar aimed at sharing the best practices of national governments and civil society organisations involved in the provision of care services to victims of Nazism, and stressed upon the need to secure European Commission assistance in supporting these organisations in their important work. Discussion enabled to acquaint information about best practices in field of welfare in the Czech Republic, Israel and Macedonia, cooperation between civil society

organisations and governments, importance of supporting of non-governmental organisations providing care to victims of Nazism and impact of NGOs and their efforts on the lives of victims of Nazism.

The participants emphasized the following determinations:

- There is a need to include Holocaust issues in the mandate of the newly appointed coordinator for anti-Semitism within the European Commission;
- There is a need to pursue funding from both the European Commission and the European Parliament to assist civil society organisations to continue providing care services for victims of Nazism;
- Reporting mechanisms should be put in place to enable the European Parliament to be kept up-to-date on the best practices of both governmental and non-governmental organisations involved in the provision of care services; and
- That social isolation and long-term in-home care are two major issues upon which significant focus should be placed to help improve the lives of Holocaust survivors and other victims of Nazism.

Following the seminar, participants had the opportunity to meet with a representative from the European Commission in order to express their views and ideas, and also to ask questions regarding the possibility of receiving funding from the European Social Fund or other sources. European Commission representative – Katharina von Schnurbein, the coordinator for the dialogue between European institutions and churches, religious associations or communities as

well as philosophical and non-confessional organisations, has committed to keeping dialogue between the European Commission and civil society organisations open and productive. ESLI has been working hard to fulfil its commitments arising from the International Welfare Conference held in Prague in May 2015 which objectives are:

- Appointing the focal point within the European Commission to deal with Holocaust issues;
- Encouraging national governments to improve the welfare of Victims of Nazism;
- Seeking funding from the European Commission for non-governmental organisations providing care to victims of Nazism.



ESLI has addressed civil society organisations and Special Envoys on Holocaust issues to support appeal to the European Commission to appoint Special Coordinator on anti-Semitism. We received support from three Special Envoys and 38 organisations and individuals from 18 different countries.

ESLI is very delighted that the First Vice-President of the European Commission – Mr. Frans Timmermans – announced on October 1st at the First Annual Colloquium on Fundamental Rights the appointment of two coordinators to address the main challenges currently faced by the Jewish and Muslim communities in Europe: one coordinator will be responsible for addressing anti-Semitism and the other for addressing Islamophobia. Following on from this remarkable announcement, the European Shoah Legacy Institute, Members of the European Parliament, and Special Envoys for Holocaust Issues along with numerous civil society organizations all agree that it is important to focus now on ensuring that the principles contained within the Terezin Declaration are included in the mandate of the European Commission's coordinator on anti-Semitism.

SOCIAL WELFARE DATABASE

The database catalogues national social policies, legislation, and sources of financial support as they pertain to social welfare available to victims of Nazi persecution. This includes social welfare programs that are available to the national population generally, as well as programs targeted specifically to Holocaust survivors. The database aimed to collect relevant data from all 47 Terezin Declaration countries through direct collaboration with governments. The survey was

led by Prof. Lyle Scruggs of the University of Connecticut in the United States, who was working with a team of international experts.

The database is based on survey detailing specific provisions of policies particularly relevant to the current population of survivors and other victims across Terezin Declaration countries.

The survey was focused on:

- social insurance pensions and social assistance for those of advanced age;
- the cost, access and coverage provisions surrounding health care benefits
- long--term care at home and in institutions
- national programs granting targeted benefits for Holocaust survivors and other victims of Nazi persecution

The purpose of this project is to compile a searchable, publicly accessible dataset detailing national social policy provisions applicable to Holocaust survivors and other victims of Nazi persecution. This includes social protections available to residents in the country (such as public old age pensions), as well as policies that may be targeted specifically at victims of Nazi persecution. The information contained in the dataset will assist governments and other organizations in identifying best practices and creating policies to help survivors of Nazi persecution live lives in dignity.



Out of 47 Terezin Declaration countries 30 governments submitted formal responses. Governmental surveys were supplemented with information from a variety of national and international sources. The combined surveys will be circulated to national governments for comment before the final database is made public. Much of the information will be presented in an on-line visualization tool that will allow individual users to create their own maps and reports from the database. Future plans include adding data for future years in order to compare progress over time in securing the social welfare of survivors and other victims of Nazi persecution in all Terezin Declaration countries.

The database has been officially launched at the International Conference on Social Welfare for Victims of Nazism, which was held in Prague on May 26-27, 2015.

RECOVERY OF LOOTED ART

“...recognizing that restitution cannot be accomplished without knowledge of potentially looted art and cultural property, we stress the importance for all stakeholders to continue and support intensified systematic provenance research...”

PROVENANCE RESEARCH INITIATIVE



Project Provenance Research Initiative aims to address the key issue to ensure repatriation, recovery and restitution/compensation of immovable and movable property, Judaica, and other cultural artefacts looted or otherwise unlawfully acquired by the Nazis and their

fascist allies during the Second World War. The European Shoah Legacy Institute has been working with the EP Committee on Legal Affairs to introduce a legislative initiative with the aim of promoting provenance research and combatting the trafficking of plundered cultural heritage. It also has been engaging with senior representatives of the international art market to discuss possible mechanisms that may be included as part of the PRI legislative initiative to increase accountability and transparency and prevent the trade of plundered cultural heritage. The Provenance Research Initiative continues to pursue strategic long-term partnerships with national and international organisations, meeting with representatives from national governments, national restitution committees, the International Council of Museums (ICOM), the Network of European Museum Organisations (NEMO), UNESCO, the International Council on Archives, and numerous international non-governmental organisations.

European Shoah Legacy Institute launched its new Provenance Research Initiative (PRI) website, which is packed full of information, resources, news, upcoming events and conferences, blogs, and articles from some of the industry's leading experts. It also boasts a comprehensive list of publicly-searchable databases on looted art and museum collections from around the world. The website is available at <http://provenanceresearch.org> and is updated regularly.

CONFERENCE AND EXHIBITION ON CONFLICT LOOTING AND THE IMPORTANCE OF PROVENANCE RESEARCH TO CULTURAL HERITAGE PROTECTION AT EUROPEAN PARLIAMENT

Date: 15 – 16th September 2015, Brussels, Belgium

In cooperation with: Committee on Legal Affairs, Permanent Representation of the Czech Republic to the European Union

The conference consisted of two parts: the first one was organized for the members of the Working Group on Culture at the Council of the European Union and the European Commission, and the second one for members of the Committee on Legal Affairs and Committee on Culture and Education at the European Parliament. The conference commenced with a discussion on conflict looting and cultural heritage protection, hosted at the Permanent



Representation of the Czech Republic to the European Union by Ambassador Jakub Dür. Representatives of over a dozen permanent representations, along with delegates from the European Commission and the Council of the European Union, listened intently as experts from both Europe and the United States discussed the challenges of cultural heritage protection, particularly in the context of modern conflict looting. This seminar brought together experts and senior representatives of the world's leading museum (Smithsonian Institution), auction houses (Sotheby's and Christie's), provenance and restitution organisations (Dutch Restitution Committee, Conference on Jewish Material Claims Against Germany, Commission for Art Recovery (Europe)) and cultural heritage protection organisations (European Shoah Legacy Institute, Walk of Truth, Heritage for Peace) to discuss the issues surrounding conflict looting and restorative justice, and the role that the European Parliament can play in combatting the trafficking of plundered cultural heritage. The conference was attended by numerous MEPs and representatives of various parliamentary committees and delegations. The conference and exhibition on conflict looting and the importance of provenance research to cultural heritage protection concluded with the decision of the Committee on Legal Affairs to commission a study into the viability and suitability of introducing legislation to the European Parliament to mandate provenance research as an indispensable mechanism to combat the trade in illicit antiquities and plundered cultural heritage.

The official opening of an exhibition gallery at the European Parliament took place on the evening of Tuesday 15th September, and was hosted and inaugurated by Mr. Pavel Svoboda MEP. This exhibition on provenance research and cultural heritage protection aimed to address the inextricably linked themes of history, ownership, and possession that define our understanding of the nature and value of art and cultural property. It is hoped that the exhibition will encourage audiences to explore their perceptions on the importance of inheriting, maintaining, and bestowing our shared cultural, intangible, and natural world heritage. As cultural property belongs to all of us collectively, we all share the responsibility of preserving and protecting it for the benefit of future generations.

RESTITUTIONS AND COMPENSATIONS OF IMMOVABLE PROPERTY

“... the protection of property rights is an essential component of a democratic society and the rule of law...”

IMMOVABLE PROPERTY DATABASE

In 2015, as part of its international monitoring and advocacy mandate, ESLI commissioned the creation of a comparative study relating to immovable property confiscated or otherwise misappropriated during the Holocaust era, 1939-1945. The study initiative is headed by Professor Michael J. Bazyler (1939 Scholar in Holocaust and Human Rights Studies, Chapman University Fowler School of Law) and Lee Crawford Boyd (Shareholder, Brownstein Hyatt Farber & Schreck, LLP). Separately the project has been supported by, over 50 pro bono attorneys from major global law firms including White & Case, O'Melveny & Myers, Morgan Lewis, Fried Frank, and Brownstein Hyatt Farber & Schreck. These pro bono attorneys, under the guidance of the directors and their associates, completed research reports addressing the status of restitution legislation in a particular Terezin Declaration country.

The next step in preparing the study is collecting Questionnaires completed by Terezin governments and verifying them with local attorneys. Research and Questionnaire responses are then converted into a comprehensive country report, which will appear on the online database. The final step is for independent scholars, local and international organizations, and domestic lawyers with restitution practices, to review and check the reports for accuracy.

When completed, the study will be turned into online user-friendly database, public-access comparative repository of legislation and international and domestic case law (both past and present) from every country that has endorsed the Terezin Declaration. The database will be the first and only compilation of this type of information. It will also be dynamic, meaning that it can be updated and modified to reflect legal changes relating to the ongoing restitution and compensation efforts in each of the 47 Terezin Declaration countries.

Core components of a country's entry in the database will include restitution and/or compensation-related information falling into four broad categories: commitments made in post-war armistices and agreements, private property restitution, communal property restitution, and heirless property restitution.

For each country's restitution regime (historical and current), the goal is to: catalogue the scope of restitution and/or compensation legislation and its associated regulations; identify the time period covered by the legislation and what kind of property (private, communal, heirless) is covered; ascertain whether eligibility is contingent upon citizenship in the legislating country; clearly list claim filing deadlines; describe how the claims process works (including who decides the claims, standard of proof, necessary documentation, associated costs, appeals procedures);

and describe notable judicial decisions interpreting the legislation (including national court decisions and decisions of the European Court of Human Rights). Where available, statistical information concerning the status of claims, value of restituted property, length of claims process, etc. will be included.

Another important component to the database will be to place a country's legislation and restitution regime into its proper historical context. A casual user of the database may, for example, have limited awareness that property confiscated from Jews and other targeted groups during World War II in central and eastern Europe was confiscated for a second time during widespread nationalization efforts by emerging post-war Communist regimes (confiscations which this time affected the entire population). Including information about these so-called double confiscations helps to explain why restitution efforts faltered or failed to come to fruition for decades following the end of World War II. In addition, such context explains why restitution in these countries is often not merely a question of returning property confiscated during the Holocaust but is also a matter of unwinding subsequent Communist nationalizations of that same property.