

Holocaust / Genocide Denial Laws

1	Austria	Prohibition Act 1945 (as amended in 1992) Article 3H	"A person shall also be liable to a penalty under Art. 3g if, in print or in broadcast or in some other medium, or otherwise publicly in any manner accessible to a large number of people, if he denies the National Socialist genocide or other National Socialist crimes against humanity, or seeks to minimise them in a coarse manner or consents thereto or to justify them."
2	Belgium	Negationism Law 1995 (as amended in 1999) Article 1	"Whoever, in one of the circumstances indicated by Article 444 of the Penal Code, denies, grossly minimizes, attempts to justify or approves of the genocide committed by the German National-Socialist regime during the Second World War will be punished by imprisonment of eight days to one year and to a fine of twenty six to five thousand francs. For the application of the previous paragraph, the term genocide is meant in the sense of article 2 of the International Treaty of 9 December 1948 on preventing and combating genocide. In the event of repetitions, the guilty party may in addition have his civic rights suspended in accordance with article 33 of the Penal Code."
3	Czech Republic	Constitution (1992) Sections 260-261	<p>"260 (1) The person who supports or spreads movements oppressing human rights and freedoms or declares national, race, religious or class hatred or hatred against other group of persons will be punished by prison from 1 to 5 years. (2) The person will be imprisoned from 3 to 8 years if: a) he/she commits the crime mentioned in paragraph (1) in print, film, radio, television or other similarly effective manner, b) he/she commits the crime as a member of an organized group c) he/she commits the crime in a state of national emergency or state of war."</p> <p>261 The person who publicly declares sympathies with such a movement mentioned in § 260, will be punished by prison from 6 months to 3 years."</p> <p>261a "The person who publicly denies, puts in doubt, approves or tries to justify Nazis or communist genocide or other crimes of Nazis or communists will be punished by prison of 6 months to 3 years. "</p>

4	France	The Press Act (as amended in 1990), Articles 24 & 24 bis	<p>24. "(5) Anyone who, by one of the means listed in Article 23, has incited to discrimination, hatred or violence against a person or group of persons on account of their origins or their membership or non-membership of a given ethnic group, nation, race or religion will be punished by a term of imprisonment of one month to one year and a fine of 2000 to 300,000 francs, or one only of these two penalties."</p> <p>24 bis. "Those who have disputed, by one of the means stated in Article 23A, the existence of one or more crimes against humanity as they are defined by the article of the statute of the international military tribunal, annexed to the London agreement of 8 August 1945, and which were committed by members of an organization declared criminal by the application of Article 9 of the above mentioned statute or by a person found guilty of such crimes by a French or an international tribunal, will be punished with the penalties foreseen by the sixth paragraph of the Article 24."</p>
5	Germany	Penal Code (1994), Art. 130 (3)	"Whoever publicly, or at meeting, denies, diminishes, or approves of an act committed under the regime of National Socialism, of the kind described in Art. 220A, paragraph 2, in a way likely to disturb public peace shall be punished by imprisonment up to five years, or a monetary fine."
6	Hungary	Act of 22 February 2010	<p>"Those who publicly hurt the dignity of a victim of the Holocaust by denying or questioning the Holocaust itself, or claim it insignificant, infringe the law and can be punished by prison sentence of up to three years."</p> <p><i>Note - the Parliament declared the denial or trivialization of the Holocaust a crime punishable by up to three years imprisonment on February 23, 2010. The law was signed by the President in March 2010. On June 8, 2010, the newly elected parliament changed the wording of the law to "punish those, who deny the genocides committed by national socialist or communist systems". The word "Holocaust" is no longer in the law.</i></p>
7	Israel	Denial of Holocaust (Prohibition) Law, 1986	<p>"A person who, in writing or by word of mouth, publishes any statement denying or diminishing the proportions of acts committed in the period of the Nazi regime, which are crimes against the Jewish people or crimes against humanity, with intent to defend the perpetrators of those acts or to express sympathy or identification with them, shall be liable to imprisonment for a term of five years."</p> <p>"A person who, in writing or by word of mouth, publishes any statement expressing praise or sympathy for or identification with acts done in the period of the Nazi regime, which are crimes against the Jewish people or crimes against humanity, shall be liable to imprisonment for a term of five years."</p>

		Article 2, 3	
8	Liechtenstein	Penal Code (1987), Art. 283	"Whoever publicly denies, coarsely trivialises, or tries to justify genocide or other crimes against humanity via word, writing, pictures, electronically transmitted signs, gestures, violent acts or by other means shall be punished with imprisonment for up to two years"
9	Lithuania		<i>Holocaust denial is illegal with prison sentences of two to ten years and a fine.</i>
10	Luxembourg	Penal Code (1997) Art. 457(3)	"A prison sentence of between one week and six months and a fine of between 10,001 and 1,000,000 Luxembourg francs or one only of these two punishments shall be imposed on anyone who, whether by speeches, shouts or threats made in public locales or at public meetings, whether through writings, printed matter, drawings, prints, symbols, pictures or any other aid to written, spoken or visual material whether sold or distributed, put on sale or exhibited in public locales or at public meetings, or by posters or notices put up on public display, or by any audiovisual communication method has disputed, minimized, justified or denied the existence of one or several crimes against humanity or war crimes as defined by Article 6 of the Statutes of the International Military Tribunal appended to the London Agreement of 8 August 1945, and which were committed either by the members of an organization declared to be criminal pursuant to Article 9 of the aforesaid Statutes, or by a person recognized as guilty by a Luxembourg, foreign or international court. The same punishments or one only of these punishments shall be applied to a person who, by one of the means listed in the above paragraph, has disputed, minimized, justified or denied the existence of one or several acts of genocide as defined by the Act of 8 August 1945 making genocide a crime and recognized by a Luxembourg or international court or authority.
11	Poland	Act on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation	Article 1. This Act shall govern: 1. the registration, collection, access, management and use of the documents of the organs of state security created and collected between 22 July 1944 and 31 December 1989, and the documents of the organs of security of the Third Reich and the Union of Soviet Socialist Republics concerning: a) crimes perpetrated against persons of Polish nationality and Polish citizens of other ethnicity, nationalities in the period between 1 September 1939 and 31 December 1989: - Nazi crimes, communist crimes, other crimes constituting crimes against peace, crimes against humanity or war crimes b) other politically motivated repressive measures committed by functionaries of Polish prosecution bodies or the judiciary or persons acting upon their orders, and disclosed in the content of the rulings given pursuant to the Act of 23 February

		(1998) Article 1, 55	1991 on the Acknowledgement as Null and Void Decisions Delivered on Persons Repressed for Activities for the Benefit of the Independent Polish State (Journal of Laws of 1993 No. 34, item 149, of 1995 No. 36, item 159, No. 28, item 143, and of 1998 No. 97, item 604) 55. He who publicly and contrary to facts contradicts the crimes mentioned in Article 1, clause 1 shall be subject to a fine or a penalty of deprivation of liberty of up to three years. The judgment shall be made publicly known.
12	Romania	Emergency ordinance 31 (ratified in 2006) Article 6	"Denial of the Holocaust in public, or to the effects thereof is punishable by imprisonment from 6 months to 5 years and the loss of certain rights"
13	Slovakia	Penal Code (as amended 2001) art 261	<i>In November 2001, the Slovak Parliament passed an amendment to the Penal Code according to which denying the Holocaust and minimizing the importance of its crimes, are defined as criminal offences.</i>
14	Spain	Penal Code (1995), Art 6071 (2)	"The diffusion by any means of ideas or doctrines that deny or justify the crimes in the previous section of this article, or tries the rehabilitation of regimes or institutions which they protect generating practices of such, will be punished with a prison sentence of one to two years" <i>Note - Holocaust denial was illegal in Spain until 2007, when the Constitutional Court ruled that the words "deny or" were unconstitutional in its judgment of November 7, 2007. As a result, Holocaust denial is legal in Spain, although justifying the Holocaust or any other genocide is an offence punishable by imprisonment according to the constitution</i>
15	Switzerland	Penal Code (amended in 1994) Art. 261 bis	"(...) he who, publicly, by word of mouth, in writing, by image, by gesture, by assault or in any other way, belittles or discriminates in a way which affects the human dignity of a person or a group of persons because of their race, their ethnic belonging to their religion or who, for the same reason, denies, grossly minimizes or tries to justify a genocide or other crime against humanity (...) shall be punished with imprisonment or with a fine. (Prison: 3 years maximum/Fine: Up to Sfr. 40,000)"

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