



## Legislating against Antisemitism and Holocaust Denial

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# Introduction

This booklet is a compilation of international, regional and domestic legislation, currently in force, pertaining to Antisemitism and Holocaust denial, and is taken from the laws and conventions in *Legislating for Equality, a Multinational Collection of Non-Discrimination Norms, Vol. I: Europe (2012), Vol. II: Americas (2013)* (Netherlands, Martinus Nijhoff Publishers).

Most European countries have enacted, and with greater momentum during the past decade, general provisions prohibiting crimes motivated by racist, religious and ethnic hatred ("hate crimes") and incitement to hatred, racism and discrimination ("hate speech")<sup>1</sup>, in which antisemitic motivation is not specifically mentioned but generally considered subsumed within the categories of religion, race or ethnicity. This is an understandable legal perspective, since the law aims towards universality as opposed to particularity. On the other hand, many have argued that Antisemitism cannot be squarely pegged into one of the above-mentioned categories because it stems from a unique combination of religious, racial, economic and politically based hatred, against the Jewish people, which consist in itself a rare combination of religion and ethnicity. As will be shown herein, few national penal codes include a specific description or mention of Antisemitism. Similarly, Antisemitism is not mentioned in any legally binding international or regional treaties or conventions, but rather in resolutions and declarations.

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<sup>1</sup> Note, all EU Member States' legislation includes laws prohibiting hate speech.

The drafting process of the *European Union Framework Decision on Combating Racism and Xenophobia of 2008* (the "Framework Decision")<sup>2</sup> exemplifies this: Due to some Member States' objection, Antisemitism is not mentioned in the final *Framework Decision* (except once in the preamble), even though it had appeared prominently in earlier drafts.

**Holocaust denial** constitutes a modern (i.e., post World War II), manifestation of Antisemitism. The *Framework Decision* called upon the Member States to enact minimal standards<sup>3</sup> for, *inter alia*, the criminal prohibition of denial, justification and gross trivialization of Holocaust and genocide. The European Commission will publish a report by the end of 2013 on the compliance of Member States' with the *Framework Decision*. Moreover, the Commission has stated it will initiate "infringement proceedings" against non-compliant States.

Before 2008, fourteen countries had adopted Holocaust denial laws (ten of which members of the European Union): Austria, Belgium, Czech Republic, France, Germany, Lithuania, Israel, Liechtenstein, Luxembourg, Poland, Romania, Slovakia, Spain<sup>4</sup>, and Switzerland. Following the *Framework Decision*, several European countries added or amended existing clauses, including: Hungary, Latvia, Macedonia, Malta, and Slovenia.

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<sup>2</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

<sup>3</sup> The minimal standard set in the Framework Decision is the criminalization of Holocaust or genocide denial when it is "carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group", or only "conduct which is either carried out in a manner likely to disturb public order or which is threatening, abusive or insulting."

<sup>4</sup> In Spain, the provision prohibiting Holocaust denial was cancelled in 2007 by the constitutional court, and will be re-enacted in 2014.

Some countries chose not to add new provisions, claiming that specific Holocaust denial provisions were unnecessary, as Holocaust denial was a form of incitement to hatred. As such, the general incitement to hatred clauses would be applicable. The Netherlands, the United Kingdom and Sweden, for example, choose to prosecute Holocaust denial under their general criminal prohibitions of "incitement to hatred" or "collective insult".

In implementing the *Framework Decision*, some eastern and central European States enacted Holocaust and genocide denial laws. Many such laws, however, are drafted in a manner **equating Nazi crimes with Communist crimes**. Hungary, for example, enacted a new penal code provision on Holocaust denial in 2010, drafted as follows:<sup>5</sup>

*"The person who publicly denies, doubts or trivializes the genocides and other crimes against humanity committed by the national socialist and communist regimes, commits a felony and shall be punished with imprisonment of up to three years."*

Further to this provision's enactment, the first case on Holocaust denial was brought before the Hungarian court in 2012. The court convicted the perpetrator for holding a banner during a rally reading "*the Shoah didn't happen*". Interestingly, while the law stipulates a maximum three year sentence, the court ordered the person to visit the local Holocaust memorial center and submit an account of the experience.

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<sup>5</sup> Act LVI of 2010, entered into force on 23 July 2010.

Holocaust denial provisions have also been tested in **national constitutional courts** and the **European Court of Human rights**, with varying results. In general, constitutional courts in EU states have ruled that outlawing Holocaust denial does not contradict the right to freedom of expression<sup>6</sup>. The 2007 Spanish Constitutional Court case against Pedro Varela was a notable exception. The Court ruled that the penal code provision prohibiting Holocaust denial was unconstitutional, since it violated the right to freedom of expression. The provision was subsequently cancelled. Since then the article has been redrafted, ostensibly to withstand future constitutionality tests, and will enter into force in 2014.

Most petitions filed before the European Court of Human Rights, claiming that the right to freedom of expression, granted under the European Convention on Human Rights<sup>7</sup> was violated by the national country's prohibition of Holocaust denial, have been declared inadmissible. For the past decade, the European Court has consistently held that Holocaust denial constitutes a form of hate speech<sup>8</sup>, and that the right of freedom of expression does *not* protect any expressions which deny "clearly established historical facts". Requesting the Court's protection in such cases was considered an "abuse of rights".<sup>9</sup> More generally, the Court has ruled that any expressions which serve to undermine the fundamental

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<sup>6</sup> Dr. Laurent Pech, *The Law of Holocaust Denial in Europe: Towards a (qualified) EU-wide Criminal Prohibition*, Jean Monnet Working Paper No. 10/09, available at: <http://centers.law.nyu.edu/jeanmonnet/papers/09/091001.pdf>.

<sup>7</sup> Guaranteed under Article 10 of the European Convention on Human Rights and Fundamental Freedoms of 1950.

<sup>8</sup> For a summary of the Court's position, see: ECHR Case of Lehideux and Isorni V. France, Application No. 24662/94.

<sup>9</sup> See ECHR Case Garaudy V. Germany, Application No. 65831/01.

principles of the European Convention on Human Rights<sup>10</sup>, **and violate the rights of others**<sup>11</sup>, do not warrant the Convention's protection.

We hope this booklet will contribute to a clear understanding of the current legal framework in place, and enable the refining and updating of laws on Antisemitism and Holocaust denial, wherever necessary.

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The Kantor Center

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<sup>10</sup> The European Convention on Human Rights and Fundamental Freedoms of 1950.

<sup>11</sup> "Prohibition of abuse of rights" is provided under Article 17 of the European Convention on Human Rights and Fundamental Freedoms of 1950.

# Antisemitism

As mentioned above, very few national laws mention specifically "antisemitism". Likewise, in the international and regional realm, while the fight against Antisemitism is mentioned in resolutions and declarations, its mention is omitted from legally binding conventions and treaties.

## DOMESTIC LAWS MENTIONING ANTISEMITISM

<b>COLOMBIA</b>	PENAL CODE OF 2000, AS AMENDED IN 2011  ARTICLE 102	"Whosoever, by any means spreads ideas or doctrines which cause or promote genocide or anti-Semitism or justify or claim to rehabilitate regimes or institutions espousing practices leading thereto shall be punished with imprisonment for a period of ninety – six to one hundred and eighty months, a fine equivalent to six hundred and sixty – six and two thirds to one thousand five hundred current legal monthly minimum wages and disqualification from the exercise of public rights and functions for eighty to one hundred and eighty months."
<b>FRANCE</b>	LAW COMBATING ALL RACIST, ANTI-SEMITIC OR XENOPHOBIC ACTIVITIES OF 1990, AS AMENDED IN 2004  ARTICLE 1	""All discrimination based on membership or non-membership to an ethnic group, a race or a religion, is forbidden. The State grants that this principle is respected by all laws in force."  <i>Note – Antisemitism is mentioned only in the title of the law</i>
<b>MEXICO</b>	FEDERAL PREVENTION AND	""For the purposes of this Act, the term discrimination shall signify any distinction,



	<p>ELIMINATION OF DISCRIMINATION ACT OF 2003 (AS AMENDED IN 2012)</p> <p>ARTICLE 4</p>	<p>exclusion or restriction which, based on ethnic or national origin, sex, age, disability, social or economic status, health conditions, pregnancy, language, religion, opinions, sexual preferences, marital status or any other grounds, has the effect of preventing or annulling the recognition or the exercise of rights and the actual equality of opportunities of persons. Xenophobia and anti-Semitism in any of their manifestations shall also be understood to be discrimination".</p>
<p><b>UNITED STATES</b></p>	<p>GLOBAL ANTISEMITISM REVIEW ACT OF 2004</p> <p>SECTION 4</p>	<p>"An Act To require a report on acts of anti-Semitism around the world."</p> <p>"...the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a one-time report on acts of anti-Semitism around the world, including a description of—</p> <ol style="list-style-type: none"> <li>(1) acts of physical violence against, or harassment of, Jewish people, and acts of violence against, or vandalism of, Jewish community institutions, such as schools, synagogues, or cemeteries, that occurred in each country;</li> <li>(2) the responses of the governments of those countries to such actions;</li> <li>(3) the actions taken by such governments to enact and enforce laws relating to the protection of the right to religious freedom of Jewish people;</li> <li>(4) the efforts by such governments to promote anti-bias and tolerance education; and</li> <li>(5) instances of propaganda in government and nongovernment media that attempt to justify or promote racial hatred or incite acts of violence against Jewish people.</li> </ol>

		<i>Note –this is a law monitoring Antisemitism rather than outlawing it.</i>
<b>SPAIN</b>	PENAL CODE OF 1995 (AS AMENDED IN 2011)  ARTICLE 22 (4) ARTICLE 510(1)	<p><b>ARTICLE 22(4)</b>          “Racist or Antisemitic motives or discrimination based on ideology, religion or beliefs of the victim, ethnic origin, race or the nation to which he belongs, sex, sexual orientation or identity, illness or physical disabilities.”</p> <p><b>ARTICLE 510(1)</b>          "1. Whosoever incites discrimination, hatred or violence against a group or association, due to racist or antisemitic motives, or motivations related to ideology, religion or belief, family status, to the belonging to an ethnic group or a race, national origin, sex or sexual orientation, illness or disabilities, shall be punished with imprisonment for a period of one to three years, and with a fine of six to twelve months.”</p>

# Holocaust Denial

## INTERNATIONAL DOCUMENTS

### **UN GENERAL ASSEMBLY RESOLUTION OF 2007<sup>12</sup>**

*"The General Assembly,*

*Reaffirming* its resolution 60/7 of 1 November 2005,

*Recalling* that resolution 60/7 observes that remembrance of the Holocaust is critical to prevent further acts of genocide,

*Recalling also* that, for this reason, resolution 60/7 rejects efforts to deny the Holocaust which, by ignoring the historical fact of those terrible events, increase the risk they will be repeated,

*Noting* that all people and States have a vital stake in a world free of genocide,

*Welcoming* the establishment by the Secretary-General of a programme of outreach on the subject of "the Holocaust and the United Nations", and also welcoming the inclusion by Member States within their educational programmes of measures to confront attempts to deny or minimize the importance of the Holocaust,

*Noting* that 27 January has been designated by the United Nations as the annual International Day of Commemoration in memory of the victims of the Holocaust,

1. Condemns without any reservation any denial of the Holocaust;
2. Urges all Member States unreservedly to reject any denial of the Holocaust as an historical event, either in full or in part, or any activities to this end."

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<sup>12</sup> UN General Assembly Resolution of 61/255 of January 2007.

## EUROPEAN DOCUMENTS

### **ADDITIONAL PROTOCOL TO THE CONVENTION ON CYBERCRIME, CONCERNING THE CRIMINALISATION OF ACTS OF A RACIST AND XENOPHOBIC NATURE COMMITTED THROUGH COMPUTER SYSTEMS OF 2003<sup>13</sup>**

#### **Article 6 - *Denial, gross minimisation, approval or justification of genocide or crimes against humanity***

"1. Each Party shall adopt such legislative measures as may be necessary to establish the following conduct as criminal offences under its domestic law, when committed intentionally and without right:

distributing or otherwise making available, through a computer system to the public, material which denies, grossly minimises, approves or justifies acts constituting genocide or crimes against humanity, as defined by international law and recognised as such by final and binding decisions of the International Military Tribunal, established by the London Agreement of 8 August 1945, or of any other international court established by relevant international instruments and whose jurisdiction is recognised by that Party.

2. A Party may either

a. require that the denial or the gross minimisation referred to in paragraph 1 of this article is committed with the intent to incite hatred, discrimination or violence against any individual or group of individuals, based on race, colour, descent or national or ethnic origin, as well as religion if used as a pretext for any of these factors, or otherwise

b. reserve the right not to apply, in whole or in part, paragraph 1 of this article."

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<sup>13</sup>Entered into force on 1 March 2006.

**EUROPEAN COUNCIL FRAMEWORK DECISION ON COMBATING CERTAIN FORMS AND EXPRESSIONS OF RACISM AND XENOPHOBIA BY MEANS OF CRIMINAL LAW OF 2008<sup>14</sup>**

**Article 1**

"(c) publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes as defined in Articles 6, 7 and 8 of the Statute of the International Criminal Court, directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group;

(d) publicly condoning, denying or grossly trivialising the crimes defined in Article 6 of the Charter of the International Military Tribunal appended to the London Agreement of 8 August 1945, directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group."

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<sup>14</sup> Adopted on 28 November 2008. Published in the Official Journal L 328, 06/12/2008 P. 0055 – 0058.

**DOMESTIC LAWS PROHIBITING HOLOCAUST AND GENOCIDE DENIAL**

<p><b>ANDORRA</b></p>	<p>PENAL CODE OF 1990 (AS AMENDED IN 2010)</p> <p>ARTICLE 457</p> <p>ARTICLE 458</p>	<p>"Whosoever transmits by any means ideologies or doctrines targeted to justify the use of genocide or to make apology of regimes, parties or organizations that had practised or supported it, shall be punished with imprisonment of three months to three years"</p> <p>"Whosoever denies through the media, the existence of facts described as genocide in this chapter, that were declared proven by a jurisdiction, shall be punished with imprisonment up to two years."</p>
<p><b>AUSTRIA</b></p>	<p>PROHIBITION ACT 1945 (AS AMENDED IN 1992)</p> <p>ARTICLE 3H</p>	<p>"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."</p>
<p><b>BELGIUM</b></p>	<p>NEGATIONISM LAW OF 1995 (AS AMENDED IN 1999)</p> <p>ARTICLE 1</p>	<p>"Whosoever, in the circumstances given in article 444 of the Penal Code denies, grossly minimises, attempts to justify, or approves of the genocide committed by the German National Socialist Regime during the second World War shall be punished by a prison sentence of eight days to one year, and by a fine of twenty six francs 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</p>

		accordance with article 33 of the Penal Code"
<b>COLOMBIA</b>	PENAL CODE OF 2000, (AS AMENDED IN 2011)  ARTICLE 102	<b>AMENDMENT OF 2011:</b>  "Whosoever, by any means spreads ideas or doctrines which cause or promote genocide or anti-Semitism or justify or claim to rehabilitate regimes or institutions espousing practices leading thereto shall be punished with imprisonment for a period of ninety – six to one hundred and eighty months, a fine equivalent to six hundred and sixty – six and two thirds to one thousand five hundred current legal monthly minimum wages and disqualification from the exercise of public rights and functions for eighty to one hundred and eighty months."
<b>CZECH REPUBLIC</b>	PENAL CODE OF 2009  SECTION 405	"Whoever publicly denies, questions, approves or seeks to justify Nazi, Communist or any other genocide or any other crimes against humanity as committed by Nazis or Communists shall be sentenced to term of imprisonment from six months to three years."
<b>FRANCE</b>	THE FREEDOM OF THE PRESS ACT OF 1881 (AS AMENDED IN 1990),  ARTICLES 24 BIS	"Whoever should have disputed, through one of the means listed in Article 23, the existence of one or many crimes against humanity, as they were defined in Article 6 of the Statute of the International Military Court, annexed to the London Agreement of 8 August 1945, that were committed by members of an organization declared criminal by the application of Article 9 of the mentioned Statute, or by one person declared guilty of such crimes by a French or an international jurisdiction, should be punished with the punishment foreseen in the sixth paragraph of Article 24"

<p><b>GERMANY</b></p>	<p>PENAL CODE OF 1994 (AS AMENDED IN 2005)</p> <p>ART. 130 (3)</p> <p>ART. 130 (4)</p>	<p>"3. Whosoever publicly or in a meeting approves of, denies or downplays an act committed under the rule of National Socialism of the kind indicated in section 6 (1) of the Code of International Criminal Law<sup>15</sup>, in a manner liable to disturb the public peace shall be liable to imprisonment of not more than five years or a fine.</p> <p><b>ADDED IN 2005:</b></p> <p>"4. Whosoever publicly or in a meeting disturbs the public peace in a manner that violates the dignity of the victims by approving of, glorifying, or justifying National Socialist rule of arbitrary force shall be liable to imprisonment of not more than three years or a fine."</p>
<p><b>HUNGARY</b></p>	<p>PENAL CODE OF 1978 (AS AMENDED IN 2010)</p> <p>ART. 269/C</p>	<p><b>AMENDMENT OF 2010:</b></p> <p>"The person who publicly denies, doubts or trivialises the genocides and others crimes against humanity committed by national socialist and communist regimes, commits a felony and shall be punishable with imprisonment of up to three years."</p>
<p><b>ISRAEL</b></p>	<p>DENIAL OF HOLOCAUST (PROHIBITION) LAW OF 1986</p> <p>ARTICLE 2</p>	<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>

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<sup>15</sup> Section 6 on genocide appears above in Human Rights Legislation, Act to Introduce the Code of Crimes against International Law of 26 June 2002.



LATVIA	PENAL CODE OF 1998 (AS AMENDED IN 2009)  SECTION 74	<b>AMENDMENT OF 2009:</b>  "For a person who commits public glorification of genocide, crime against humanity, crime against peace or war crime or public denial or acquittal of implemented genocide, crime against humanity, crime against peace or war crime - the applicable sentence is deprivation of liberty for a term of not less than five years or community work."
LIECHTENSTEIN	PENAL CODE OF 1987  ART. 283 (5)	I. "A person shall be punished with imprisonment of up to two years, if the person 1)–(4) 5) publicly denies, grossly plays down the harm of, or attempts to justify genocide or other crimes against humanity, by means of spoken words, writing, images, electronically transmitted symbols, gestures, physical violence, or any other means;..."
LITHUANIA	PENAL CODE OF 2000	<i>Holocaust denial is illegal with prison sentences of two to ten years and a fine.</i>
LUXEMBOURG	PENAL CODE OF 1997 (AS AMENDED IN 2011)  ART. 457(3)	<b>AMENDMENT OF 2011:</b>  "1) Whoever, by spreading speeches, screams or threats in public places or meetings, by written words or printed matters, by drawings, engravings, pictures, emblems, images or any other written, spoken or visual channels, sold or distributed, put for sale or exposed in public places or meetings, by posters or pictures exposed to the public, or by any other audiovisual means, had contested, minimized, justified or denied the existence of one or of many crimes against humanity

		<p>or war crimes, as defined by Article 6 of the Statute of the International Military Court, annex to the London Agreements of 8 August 1945, that were committed by members of an organization considered criminal in application of Article 9 of the same Statute, or by a person declared culpable of such crimes by a Luxembourgian or by a foreign or an international instance, should be punished with imprisonment from eight days to two years and with a fine from 251 to 25,000 euros, or with one of both punishments alone.</p> <p>2) Whoever by one of the means included in the above mentioned paragraph, had contested, minimized, justified or denied the existence of one or of many of the genocides, as defined by Law of 8 August 1985 on the Punishment of Genocide and by Article 6 of the Statute of International Criminal Court, as well as of crimes against humanity and of war crimes, as defined by Articles 7 and 8 of the Statute of the International Criminal Court, and recognized by a Luxembourgian or by an international instance, should be punished with the same punishments or with one of both punishments alone."</p>
<p><b>MACEDONIA</b></p>	<p>PENAL CODE OF 1996 (AS AMENDED IN 2009)</p> <p>ART. 407-A</p>	<p><b>AMENDMENT OF 2009:</b></p> <p>"1. One that will publicly negate, roughly minimize, approve and justify the crimes stipulated in the articles 403 through 407, through an information system, shall be sentenced with imprisonment of one to five years.</p> <p>2. If the negation, minimizing, approval or the justification is performed with intention to pour hate, discrimination or violence against a person or group of persons due to</p>

		their national, ethnic or racial origin or religion, the perpetrator, shall be sentenced with imprisonment of at least four years.”
<b>MALTA</b>	<p>PENAL CODE OF 1985 (AS AMENDED IN 2009)</p> <p>ARTICLE 82B</p>	<p><b>AMENDMENT OF 2009:</b></p> <p>"Whosoever publicly condones, denies or grossly trivializes genocide, crimes against humanity and war crimes directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner</p> <p>-</p> <p>(a) likely to incite to violence or hatred against such a group or a member of such a group;</p> <p>(b) likely to disturb public order or which is threatening, abusive or insulting, shall, on conviction, be liable to imprisonment for a term from eight months to two years.(...)"</p>
<b>POLAND</b>	<p>ACT ON THE INSTITUTE OF NATIONAL REMEMBRANCE – COMMISSION FOR THE PROSECUTION OF CRIMES AGAINST THE POLISH NATION OF 1998</p> <p>ARTICLE 1, 55</p>	<p>"This Act shall govern:</p> <p>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:</p> <p>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:</p> <p>- Nazi crimes, communist crimes, other crimes constituting crimes against peace, crimes against humanity or war crimes</p> <p>b) other politically motivated repressive measures committed by functionaries of Polish prosecution bodies or the judiciary or</p>

		<p>persons acting upon their orders, and disclosed in the content of the rulings given pursuant to the Act of 23 February 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)</p> <p>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."</p>
<b>PORTUGAL</b>	<p>PENAL CODE OF 1982 (AS AMENDED IN 2008)</p> <p>ART. 240(2)(B)</p>	<p>"2. Whosoever, in a public meeting, in a written matter intended for dissemination or by any other means of communication, (b) insults or injures a person or a group of persons because of their race, colour, national or ethnic origin or religion, specifically denial of war crimes or crimes against peace and humanity; with the intention to incite to racial or religious discrimination or to encourage it, shall be punished with imprisonment of a period of 6 months to 5 years."</p>
<b>ROMANIA</b>	<p>EMERGENCY ORDINANCE No. 31 OF 2006</p> <p>ARTICLE 6</p>	<p>"Public disavowal or denial of the Holocaust, or of the effects thereof, shall be punished with imprisonment between 6 months and 6 years and the loss of certain rights."</p>
<b>SLOVAKIA</b>	<p>PENAL CODE OF 2006</p> <p>SECTION 424A</p>	<p>"(1) Any person who publicly  a) incites to violence or hatred against a group of people or individual for the reason of race, nation, nationality, colour of skin, ethnic group, gender or for religion, if it is</p>

		<p>pretext for incitement from given reasons, or</p> <p>b) defames such a group or individual or threatens them by publicly excusing an act considered by articles 6,7 and 8 of the Rome Statute of International Criminal Court to be genocide, crime against humanity or war crime or crime considered by article 6 of the Rome Statute of International Criminal Court annexed to the Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis dated 8 August 1945 to be a crime against peace, war crime or crime against humanity, if the act is committed against such a group of people or individual, or if the perpetrator or co-perpetrator of this act was condemned by irrevocable sentence of the international court, if it was not abolished in legal proceeding, publicly denies or seriously detracts such an act, if it is committed against such person or individual, is liable to a term of imprisonment of one to three years.</p> <p>(2) (...)."</p>
<b>SLOVENIA</b>	<p>PENAL CODE</p> <p>ARTICLE 297</p>	<p><b>ADDED IN 2008:</b></p> <p>"(1) Whoever publicly provokes or stirs up ethnic, racial, religious or other hatred, strife or intolerance, or provokes any other inequality on the basis of physical or mental deficiencies or sexual orientation, shall be punished by imprisonment of up to two years.</p> <p>(2) The same sentence shall be imposed on a person who publicly disseminates ideas on the supremacy of one race over another, or provides aid in any manner for racist activity or denies, diminishes the significance of, approves, disregards, makes fun of, or</p>

		advocates genocide, holocaust, crimes against humanity, war crime, aggression, or other criminal offences against humanity. (3) –(6) (...)”
<b>SPAIN</b>	PENAL CODE OF 1995  ART 671 (2)	<p>"...2. Any dissemination of ideas or doctrines that <i>deny</i> or justify the crimes specified in the above paragraph to this article, or that pretend to rehabilitate regimes or institutions that promote such practices, by any means, shall be punished with imprisonment for a period of one to two years."</p> <p><i>The expression "deny or" was declared unconstitutional and void on 7 November 2007 by the Constitutional Court, as it was deemed in violation of the right to freedom of expression.</i></p> <p><i>In 23 January 2013 the Spanish Minister of Justice announced the introduction of a draft bill to reintroduce the prohibition of Holocaust denial in the Spanish penal code. The law will be brought into force during 2014.</i></p>
<b>SWITZERLAND</b>	PENAL CODE OF 1937 (AMENDED IN 1994)  ART. 261 BIS	"any person who on any of these grounds denies, trivialises or seeks justification for genocide or other crimes against humanity, any person who refuses to provide a service to another on the grounds of that person’s race, ethnic origin or religion when that service is intended to be provided to the general public, shall be liable to a custodial sentence not exceeding three years or to a monetary penalty"