Denial laws Nhat is forbidden Date of introduction Country **Punishment** Kind of Law History Name Source denial, gross minimization, Austria Verbotsgesetz 1945 (Zakon o Imprisonment from 1 up to 10 supplementary penal law (outfirst introduced 1945, in its cur-- ban of displaying certain symstrict prosecution of speech and Law was first introduced in 1945 | Söllner, Max (2015): Verrechtzabrani iz 1945.) side of criminal code) rent form 1992 behavior referring to Nazism approval or justification of Nazi years, in cases of particularly bols in public, such as Hamas, as a part of denazification and lichung von Geschichte: parla-**EXPLICITLY** genocide or other Nazi crimes dangerous suspects up to 20 Kurdistan workers party, ISIS should suppress any revival of mentarische Debatten um die against humanity in a print symbols and since April 1 two Nazism. However, it not explicgesetzlichen Bestimmungen **BANNING ONLY** publication, in broadcast or other Ustasha symbols (letter U with a itly stated, that Holocaust denial gegen Holocaustleugnung in der media grenade & checkerboard coat of Bundesrepublik Deutschland und was a Nazi activity, even though THE DENIAL arms of NDH), fine up to 4000€ courts treated it this way. The in Österreich. Frankfurt (Main): or up to 10,000€ for repeat law was then changed in 1992 Univ., Diss. OF THE offenders and explicitly banned the denial - https://balkaninsight. com/2019/04/09/croaof the Holocaust **HOLOCAUST** tia-austria-agree-bleiburg-commemoration-without-fascist-insig-- Bazyler, Michael J. (n.d.): Holocaust Denial Laws and Other Legislation Criminalizing Promotion of Nazism. Online at: https://www. yadvashem.org/holocaust/holocaust-antisemitism/holocaust-denial-laws.html [11.4.2019] First introduced in 1985, last Public Incitement (Volksver-- imprisonment up to 5 years Criminal Code - Is part of the law on public - Bazyler, Michael J. (n.d.): Germany (3): publicly or in a meeting ap-- strict prosecution of speech - 1985: Holocaust denial outhetzung, §130. 3-4) proving of, denying or downplay- or a fine revised in 2005 incitement. §130, 1 punishes the and behavior referring to Nalawed as an insult to personal Holocaust Denial Laws and ing an act committed under the honor, imprisonment up to one - for the latter: imprisonment incitement of hatred against seg- zism Other Legislation Criminalizing rule of National Socialism of the up to 3 years or a fine ments of the populations or calls - very strict interpretation e.g., year or a fine Promotion of Nazism. Online at: kind indicated in section 6 (1) of Kamm case 2006, where a man - 1994: Holocaust denial became for violent measures against https://www.yadvashem.org/ the Code of International Crimholocaust/holocaust-antisemi them, or assaults the human was prosecuted for selling Shirts | a criminal offense, increased ism/holocaust-denial-laws.html inal Law, in a manner capable dignity by insulting or defaming against far-right-extremism, that penalty up to five years, extend-[11.4.2019] disturbing the public peace segments of the population with showed a crossed out swastika, ed ban on Nazi symbols and (4): publicly or in a meeting (imprisonment from 3 months to he was first found guilty, but Söllner, Max (2015): Verrechtdisturbing the public peace in a 5 years) later charges were acquitted lichung von Geschichte: parla-- §130.4 "Dissemination - in the aftermath, the constitumanner that violates the dignity mentarische Debatten um die of Propaganda Material of Unof the victims by approving of, tional court decided in 2007, that gesetzlichen Bestimmungen constitutional Organizations" glorifying or justifying National swastika can be used for progegen Holocaustleugnung in der Socialist rule of arbitrary force - §86: ban of displaying anti-con- testing against Nazism Bundesrepublik Deutschland stitutional symbols, such as und in Österreich. Frankfurt (Main): Univ., Diss. flags, medals, paroles or greetings, which are considered to be anti-constitutional, e.g. Swastika Denial of Holocaust (Prohibition) A person who, in writing or by Imprisonment up to 5 years 1986 Zey-Lechtholz, Jacquelina Israel Law, 5476-1986 (2012): The laws banning Holoword of mouth, publishes any caust denail - revised from GPN statement denying or diminishing the pro-Issue 3. In: Genocide Prevention portions of acts committed in the Now, 2012 (9). period of the Nazi regime, which are crimes against the Jewish people or crimes 3. against humanity, with intent to defend the perpetrators of those acts or to express sympathy or identification with them, - expressing praise, sympathy for or identification with those 2001, amended in 2009 Czech Republic Law against Support and Dis-- In the same law, §260 forbids publicly denying, questioning, imprisonment from 6 months to the law was first introduced in http://melaproject.org/legal-dasemination of Movements 2001 and included only the debase/czech-republic approving, or seeking to justify the support or spreading move-**EXPLICITLY** Kosopov, Nikolay(2017): Memory Oppressing Human Rights and the Nazi, ments, that oppress human nial of the communist and Nazi Freedoms, § 261a genocide, in 2009 it was amend-Laws, Memory wars. The politics communist, or other genocide rights and freedoms or declare **BANNING THE** or Nazi, communist, or other ed to include the denial of other of Memory in Europe and Russia national, rate, religious or class crimes against humanity, or Cambridge: Cambridge Universihatred or hatred against other genocides **DENIAL OF THE** war crimes, or crimes against ty Press. groups of persons, if the above peace." mentioned crimes are commit-HOLOCAUST 4. ted in public (print, film radio, television) or as a member of an AND organized group (imprisonment COMMUNIST from 3 to 8 years) - Publicly declaring sympa-CRIMES thies with such movement will be punished by prison from 6 months to 3 years Act 100 of 2012, Section 333 of 2010 additional law on public incite-Until 1992 an already existing Könczöl, Miklós (2017): Dealing Denying before the public large Imprisonment up to 3 years Criminal Code 2013: conviction of Gyorgy Nagy, Hungary Penal Code the crime f genocide and othment to hatred who was holding a banner at law against Holocaust denial with the Past in and around the er crimes committed against a rally, that read "The Shoah was struck down by the Hun-Fundamental Law of Hungahumanity by Nazi and commudid not happen", to eighteen garian Constitutional Court, as it ry. In: Belavusau, Uladzislau; was incompatible with the right Gliszczynska-Grabias, Aleknist regimes, or expressing months in prison (suspended for any doubt or implying that it three years) and probation, in to free speech. sandra (Ed.): Law and Memory. is insignificant or tempting to addition Nagy must visit either - bill punishing the denial of Towards legal Governance of justify them Budapest's Holocaust memorial, denial of both Nazi AND commu-History. Cambridge: Cambridge Auschwitz or Yad Vashem and nist crimes was turned down by University Press. record his observations parliament Criminal Code 2009, amended 2014 Latvia Provision 74.1 on "acquittal of publicly glorifying, denying or ac- imprisonment up to 5 years, Unclear, which denial was to additional law on public incitea number of cases involving arti- Law was first introduced in 2009 Pettai, Eva-Clarita (2018): Progenocide, crimes against the quitting genocide, crime against community service or a fine be seen as a criminal offense, ment to hatred and violence cle 74.1 have been investigated, without a reference to Nazi and tecting memory or criminalizing USSR crimes, however in 2014 dissent? Memory laws in Lithhumanity and war crimes humanity, crime against peace as it's not mentioned in the yet they ended at the pre-trial or war crimes, including genolaw, if the denial was done to the law was amended and the uania and Latvia. Draft chapter. stage denial of Nazi and communist Forthcoming in: Barkan, E; Lang cide, crimes against humanity, incite hatred or to cause public A (ed.): Memory Laws: Criminalcrimes against peace and war disorder crimes was added crimes perpetrated by the USSR Not clear, which legal definiizing Historical Narrative. or Nazi Germany against the tion of genocide is used Republic of Latvia and its inhab-Kosopov assess, that the law itants primarily servers as a weapon in an ongoing, mostly domestic and inter-ethnic "memory war" over the interpretation of the soviet regime. Combating racist talk, antisemitism and other hate speech were only indirectly part of the debates Art. 170 (2) of the Criminal Code 2010 Publicly condoning, justifying, additional law on public incite-Lithuania fine, restriction of freedom, Criminal Code shows a clear prioritization of - Jurijus Subotinas (some kind was introduced as a reaction Pettai, Eva-Clarita (2018): Proarrest or imprisonment up to 2 of TV figure) was fined 1883€ to the EC Framework decision, tecting memory or criminalizing trivializing or denying of the Soviet over Nazi crimes and ment to hatred and violence aggression of the USSR or Nazi dissent? Memory laws in Lithdeflects questions regarding the for consciously and continuousfirst draft in 2009, was rejected Germany against the Republic ly inciting hostility towards the Lithuanians own responsibility though because of concerns reuania and Latvia. Draft chapter. of Lithuania or their crimes of garding freedom of speech and for crimes perpetrated, is an "ex-Forthcoming in: Barkan, E; Lang current political system and government in Lithuania by publicly genocide or other crimes against treme example of the tendency scientific freedom A (ed.): Memory Laws: Criminalizing Historical Narrative. humanity, or war crimes or to use memory laws to promote praising the USSR's aggression Kosopov, Nikolay(2017): Memory national narratives and shift against Lithuania in 1940 other grave crimes or felonies, if it was committed in a threatening, the blame for crimes against - two more cases, one of Holo-Laws, Memory wars. The politics abusive or insulting manner or humanity to others, namely Nazi of Memory in Europe and Russia caust denial, one on denial of resulted in disturbance of public Cambridge: Cambridge Universi-Germany and especially the Soviet crimes/aggression USSR" (Kosopov 2017: 174) order one more case ended in pre-trity Press. al investigations as not enough evidence was found to charge the accused of denying the Holocaust - in conclusion, court ruled much more leniently with regard to obvious anti-Jewish hate speech and open distortion of the Holocaust as opposed to the two cases of denial of soviet aggression against Lithuania 18.12.1998 additional law on public incite-Poland Act on the Institute of National contradicting the crimes perpe- fine or imprisonment of up to 3 - Only applies to crimes against Kosopov, Nikolay(2017): Memory Remembrance Commission trated against persons of Polish citizens of Poland and crimes ment to hatred Laws, Memory wars. The politics for the Prosecution of Crimes nationality and Polish citizens committed between 1939 and of Memory in Europe and Russia against the Polish Nation, § 55 of other ethnicity, nationalities 1989 Cambridge: Cambridge Universibetween Sep 1, 1939 and Dec 31, - also covers the Katalyn masty Press. 1989: Nazi crimes, communist sacre crimes, other crimes, such as crimes against peace, humanity or war crimes - publicly condoning crimes defined in art. 6,7,8 of the State of the ICC - accusing the Polish nation or state of being responsible or complicit in the Nazi crimes committed by the Third German Reich 2008 Kosopov, Nikolay(2017): Memory Albania Article 74a Offering in public or deliberateimprisonment from 3 to 6 years | Criminal Code additional law on public incitement to hatred and violence Laws, Memory wars. The politics ly disseminating to the public BANNING THE through of Memory in Europe and Russia. Cambridge: Cambridge Universicomputer systems materials **DENIAL OF ANY** that deny, minimize significantly, ty Press. approve of GENOCIDE or justify acts that are genocide or crimes against humanity Art. 419 a (New SG. No 33/2011) April 2011 additional law on public incite-Kosopov, Nikolay(2017): Memory Bulgaria justifying, denying or grossly imprisonment from 1 up 5 years | Criminal Code palliating a crime committed ment to hatred and violence Laws, Memory wars. The politics against peace and humanity and of Memory in Europe and Russia. thereby poses a risk of violence Cambridge: Cambridge Universior instigates hatred among ty Press. 10. individuals or groups of people united on the grounds of race, color, religion, origin, national or ethic origin 2011 https://balkaninsight. Croatia Article 325, Public Incitement to publicly approving of, denying Criminal Code Police have never filed a criminal imprisonment up to 3 years additional law on public incitecom/2017/11/24/selective-am-Violence and Hatred or grossly trivializing the crimes ment to hatred and violence complaint related to this part of of genocide, crimes of aggresthe code according to the interior nesia-croatia-s-holocaust-desion, against humanity or war ministry, as hard to prove, what niers-11-16-2017/ crimes directed against a group will incite hatred of people or member on account Human rights group filed comhttp://melaproject.org/legal-da-11. of their race, religion, national plaints based on this law, howtabase/croatia or ethnic origin, descent or color ever all charges were rejected in a manner likely to incite to violence or hatred against such a group 1999 Liechtenstein § 283, Race discrimination Criminal Code Kosopov, Nikolay(2017): Memory - Publicly denying, coarsely trivimprisonment up to 2 years ializing, trying to justify genocide Laws, Memory wars. The politics or crimes against humanity via of Memory in Europe and Russia 12. word, writing, pictures, digital Cambridge: Cambridge Universisigns, gestures, violent acts or ty Press. by other means imprisonment from 8 months to Criminal Code Article 82, para. B) Criminal Code | publicly condoning, denying or additional law on public incite-Malta 2009, amended 2014 http://melaproject.org/sites/ also law on incitement to hatred - Condoning, denying or trivialgrossly trivializing genocide, ment to hatred and violence default/files/2018-02/Malta%20 2 years Criminal%20Code%20-%20 izing genocide, crimes against crimes against humanity and humanity and war crimes Article%2082%2C%20para.%20 war crimes directed against a group of persons or a mem-B%29.pdf ber of such a group defined by reference to race, color, religion, citizenship, descent or nationa 13. or ethnic origin when the conduct is carried out in a manner -(a) likely to incite to violence or hatred against such a group or a member of such a group; (b) likely to disturb public order or which is threatening, abusive or insulting 2004 Article 407-a: Approving or jus-For (1): imprisonment of one to Criminal Code Kosopov, Nikolay(2017): Memory Macedonia (1): publicly negating, roughly minimizing, approving and tifying genocide, crimes against Laws, Memory wars. The politics five years of Memory in Europe and Russia. humanity or war crimes justifying the crimes stipulated For (2): impriosnment of at least in Articles 403 to 407 (genocide, Cambridge: Cambridge Universifour years ty Press. crimes against humanity, war crimes, use of not allowed battle means) through information system (2) If the negation, minimizing, approval or the justification is performed with the intent to instigate hate, discrimination or violence against a person or a group of persons due to their race, skin color, national, ethnic origin, religion or conviction, mental or bodily disability, sex, gender identity, sexual orientation and political beliefs, the offender shall be sentenced to imprisonment of at least four years. Article 370-2 April 2010 Kosopov, Nikolay(2017): Memory imprisonment of six months to Criminal Code Article 370 (causing national, Montenegro publicly approving, renouncing the existence or significantly racial and religious hatred) were Laws, Memory wars. The politics five years reducing the gravity of criminal only rarely applied, between of Memory in Europe and Russia 2012 and 2017 only six cases offenses of genocide, crimes Cambridge: Cambridge Universiagainst humanity and war were reported ty Press. crimes (...) in the manner which https://www.paragraf.me/ can lead to violence or cause propisi-crnegore/krivicni-zakonhatred against a group (...) if ik-crne-gore.html those criminal offenses have Montenegro, Ministry of Human been determined by a final and and Minority Rights (2017): The Third Report of Montenegro enforceable judgment of a court 15. in Montenegro or of the Internaon the Implementation of the tional Criminal Tribunal Framework Convention for the Protection of National Minorities. Online: http://www.mmp.gov. me/ResourceManager/File-Download.aspx?rid=277800&r-Type=2&file=The%20Third%20 Report%20on%20the%20lmplementation%20of%20the%20 Framework%20Convention.pdf http://melaproject.org/legal-da-Art. 240 (2b), Religious, racial or Publicly (in a meeting, writing, imprisonment from 6 months to Criminal Code 2006 only law in Western world to ban \ \ \ 240, 2a: Punishes inciting Portugal sexual discrimination media) defaming or slandering 5 years denial of crimes against peace violence against an individual or tabase/portugal an individual or group because a group because of race, religion of race, color, ethnic, religion or ethnic or national origin (imor national origin, particularly prisonment form 6 months to 5 through the denial of war crimes year), but requires organizationor against peace and humanity al element on the part of alleged with the intent to encourage or perpetrators incite to racial or religious discrimination Art. 510, 1c Criminal Code 2015 http://melaproject.org/legal-da-Publicly deny, seriously trivialize, imprisonment from six months additional law on public incite-Spain already introduced a or extol the crimes of genoor a fine of six to twelve months ment to hatred and violence provision on genocide denial in cide, crimes against humanity 1995, but it was ruled unlaw-Kosopov, Nikolay(2017): Memory or against persons or goods ful by the Constitutional Court Laws, Memory wars. The politics of Memory in Europe and Russia protected in the event of armed because of a violation of free-Cambridge: Cambridge Universiconflict, or extol the perpetrators dom of expression. The court ruled, that the justification of the of those crimes, when they had been committed against a group Holocaust may be criminalized, or a part thereof, or against a but not the denial. However, the criminal code of 1995 included person determined by reason of another article 510, which ban his belonging to such group, for racist, anti-Semitic, or other reathe incitement to racial discrimsons related to ideology, religion, ination, hatred and violence. When the Criminal code in 2015 or beliefs, family situation or was revised, the article 510 was membership of an ethnic group, race or nation, national origin. . amended to include a ban on On sexual orientation. . On gennegationism der, disease or disabilities, when [by those actions] a climate of violence, hostility, hatred or discrimination against them is promoted or encouraged. 2009, amended 2014 http://melaproject.org/legal-da-Switzerland § 261 Racial Discrimination, imprisonment up to 3 years or Criminal Code Art. 261 also punishes: publicly inciting hatred or dis-Swiss Penal Code SR 311.0 crimination against a person or a a fine - publicly inciting hate or distabase/switzerland Kosopov, Nikolay(2017): Memory crimination against an individgroup of persons on the grounds of their race, ethnic origin or ual or a group because of race, Laws, Memory wars. The politics religion. . .; or on any of these ethnic or religion of Memory in Europe and Russia. grounds denying, trivialising or - publicly disseminating ideolo-Cambridge: Cambridge Universiseeking justification for genocide gies, that aim on the systematic or other crimes against humanslander or disparagement of members of a race, ethnic or religion - organizing, taking part in and supporting propaganda actions with those aims - refusing a service, that is intended for the public, to an individual or group because of race, ethnic or religion (imprisonment up to 3 years or http://melaproject.org/legal-da-**Negationism Law** 23.3.1995 - Denying, grossly minimizing, imprisonment from 8 days up to - Persecution through the center Belgium additional law on public inciteattempting to justify or approv-1 year or a fine up to 124€, civic for Equal Opportunities and Opment to hatred and violence tabase/belgium BANNING position to Racism or any other ing the genocide committed by rights may be suspended the National-Socialist regime for new law not clear yet organization, that on the grounds http://www.brusselstimes. **HOLOCAUST** during the Second World War of its statutes, has the objective com/belgium/justice/14850/ of defending moral interests and law-would-make-it-illegal-to-de-- New law being passed in DENIAL AND the honor of the resistance or April: deny, minimize, justify or ny-the-rwanda-and-srebrenica-19. approve of genocides, crimes genocides the deported **DENIAL OF** against humanity or war crimes recognized as such by an inter-OTHER national tribunal (includes Srebrenica and Rwanda genocide, **GENOCIDES** but not the Aghet) first introduced in 2011, amend-Cyprus Law no. 45(I)/2015 – Law denial, gross minimization, apimprisonment up to five years additional law on public incitehttps://blogs.prio.org/2015/04/ of fine up to 20,000 CYP (ca. ed in 2015 recognising-and-denying-armeamending the Law to combat proval or justification of genoment to hatred and violence certain forms and expressions cide or crimes against humanity 32,000€) nian-losses-in-cyprus/ Defines genocide as a crime of racism and xenophobia by means of Criminal Law of 2011 recognized as such by an "irrehttps://www.refworld.org/pdfid/541aa9e64.pdf vocable decision of an interna-20. tional court", allowing for such recognition to also be accorded by a "unanimous decision or unanimous resolution of the parliament" imprisonment from 1 month to amendment to Article 24 on the Gayssot Act (Law No. 90-615 to First introduced 13.07.1990, - Bazyler, Michael J. (n.d.): France - Disputing the existence of Even though it was proposed - Article R645-1 prohibits public Relatively strict application - Was challenged by Robert Faurisson, a Holocaust denier, but repress acts of racism, antisemi- one or many crimes against 1 year freedom of press amended in January 2017 to include to denial of slave display of Nazi uniforms, insigni- - e.g. case of French Jewish Holocaust Denial Laws and trade and the Armenian genostudent group vs. Yahoo, who the Human Rights Commission tism and xenophobia humanity, as they were defined - for the latter: imprisonment as and emblems Other Legislation Criminalizing in Article 6 of the Statute [Charfrom 1 to 5 years or fine up to forced Yahoo to ban access for Promotion of Nazism. Online at: cide in the amendment, those upheld it as a necessary means ter] of the International Military ttps://www.yadvashem.org/ are not forbidden to deny, as French users to a site selling to counter possible antisemitism Nazi memorabilia Tribunal annexed to the London they have not been condemned - was originally introduced in by a French or international Agreement of 8 August 1945, 1990. In 2002, 2004 and twice that were committed by memcourt. Therefore the denial of 2005 there were proposals to [11.4.2019] bers of an organization declared the Armenian genocide is legal, also include the denial of the Ar-Kosopov, Nikolay(2017): Memory criminal by the application of Arwhile the denial of Rwanda and menian genocide in the Gayssot Laws, Memory wars. The politics ticle 9 of the mentioned Statute, of Memory in Europe and Russia Srebrenica is punishable by law. Act, however these tries were or by a person declared guilty of unsuccessful Cambridge: Cambridge Universisuch crimes by a French or an A proposed Amendment in ty Press. 2006 was approved by Nationinternational Jurisdiction - denied, minimized or grossly al Assembly, however it was trivialized... the existence of a postponed by the Parliament and crime of genocide other than therefore never came into action. In 2011 the Gayssot Act was those mentioned in the first paragraph of this article, of anamended by the Boyer Act, 21. other crime against humanity, of which included the denial of the a crime of enslavement, or of a Armenian genocide and slave war crime as defined in Articles trade. However, it was ruled 6, 7 and 8 of the Statute of the unconstitutional by the Constitu-International Criminal Court. . tional Court in February 2012. and in Articles 211.1 to 212.3, There were two more proposals 224.1A to 224.1C and 461.1 to amend the law in 2016, the to 461.31 of the penal code last one was successful, even when (1) This crime has been though some parts of the proposal were changed. condemned by a French or an international Jurisdiction; (2) Or when the negation, minimization, or trivialization of this crime D25constitutes an incitement to violence or to hatred against a group of persons or a member of such group defined by alleged race, color, religion, descent, or national origin 2014 Law no. 4285/2014, Article 2, additional law on public incite-Kosopov, Nikolay(2017): Memory Greece publicly condoning, trivializing or | imprisonment from thee months Greece passed the first broad Public denial or approbation of denying the existence or serito three years and a fine of 5,000 ment to acts or actions likely to anti-racist law in 1979, adopted Laws, Memory wars. The politics lead to hatred or violence of Memory in Europe and Russia crimes ousness of the crimes of genoto 20,000 € in preparation for the country's cide, war crimes, crimes against accession to the EU, banned the Cambridge: Cambridge Universihumanity, the Holocaust or Nazi expression of offensive ideas ty Press. aimed at racial discrimination. crimes, when those crimes have been established by internation-A bill on criminalizing Holocaust al court decisions or the Greek denial was first introduced in Parliament, if this conduct is 2011 by the Ministry of Justice, 22. directed against a group (...) or however was rejected by parliamember of such a group defined ment, second attempt in 2014 by race, color, religion, descent, was successful national or ethnic origin, sexual orientation or gender identity and in a manner that is likely to incite hated or violence or is of a threatening or insulting nature against such a group (...) Italv Art. 604-bis (Propaganda and June 2016 additional law on public incitettp://melaproject.org/legal-dapropaganda, public instigation, imprisonment from two up to 6 first attempt to criminalize deniincitement to commit crimes and public incitement [to disment to hatred and violence al by center-left government in base/italy for reasons of racial, ethnic and crimination or violence], carried 2007, failed though – opposition Kosopov, Nikolay(2017): Memory religious discrimination) out in a way that creates a real of Italian historians who were Laws, Memory wars. The politics danger of their dissemination, afraid of limitation of freedom of of Memory in Europe and Russia. is based in whole or in part on research played role in failure. Cambridge: Cambridge Universi-23. denial of the Shoah or of crimes After fall of Berlusconi in 2011, ty Press. of genocide, crimes against new center-left government humanity and war crimes as introduced a new draft to parliadefined in articles 6, 7 and 8 of ment in 2013, was approved by the ICC Stature Senate in 2015 and adopted in June 2016 Luxembourg Negationism and Revisionism publicly challenging, trivializimprisonment from 8 days up to Criminal Code 2012 additional law on public incite-First law to ban not only the Nazi http://melaproject.org/legal-dalaw, Art. 457-3 of the criminal 2 years or a fine from 251€ up to ment to hatred and violence tabase/luxembourg ing, justifying or denying the crimes against humanity, but 25,000€ also Nazi war crimes existence of one more crimes Became paradigmatic in the Euagainst peace or war crimes as defined in article 6 London ropean Union and for the Frame-Agreement and which were work decision, as it was the first committed by a member of an law to include the denial of Nazi organization declared to be crimes and of other crimes as criminal or by a person found two separate bans in one and the guilty of such crimes by a Luxsame legislation 24. embourg, foreign or international court - challenging, minimizing, justifying or denying the existence of a or several genocide, as well as crimes against the humanity or war crimes, as defined in Article 136 of Luxembourg Criminal Code (Google translation) Romania Law no. 217 of 27 July 2015, Publicly denying, contesting, imprisonment from 6 months to Criminal Code first introduced in 2002 (Emer-Forbidden in the same law is as Only sporadic enforcement of The ban of Genocide denial was Gliszczyńska-Grabias, Aleksanarticle 1, para. 7 gency ordinance No. 31/2002 of dra (2013): Penalizing Holocaust first established as a law in approving justifying or minimiz-3 years or a fine ing in any way by any means the the Penal Code), then introduced - establishing a fascist, racist or 2002, when the country saw a Denial: A view from Europe. again in 2015 Holocaust or its effects xenophobic organization (imprisrise in antisemitism and various In: Asher Small, Charles (Edt.): streets were named after former | Global Antisemitism: A crisis - denying, contesting, approving, onment from 5 to 15 years) - dissemination, sale, manufacjustifying or minimizing in any of modernity. Volume III. Global dictator lonescu. However, the way by any means genocide, ture and possession of fascist, law was only rarely employed. In Antisemitism: Past and Present war crimes and crimes against racist or xenophobic symbols 2005 Romania founded a histori- New York: ISGAP. 43-62 humanity, as defined in interna-(imprisonment from 6 months to cal commission led by Eli Wiesel https://www.washingtontional law, ICT, in London Agreeto research Romania's involvepost.com/news/worldviews/ 5 years) ment 1945, ICTY, ICTR and which - promoting the culture of perment in the Holocaust. In 2015 a vp/2015/07/27/why-roma-25. is recognized by Romanian state sons guilty of commiting a crime nia-had-to-ban-holocaust-denew law banning the denial on - Erecting or maintaining in a against peace and humanity genocide was passed. The law nial-twice/?utm\_term=.bedwas drafted with help from the public space, except for musepr promoting fascist, racist or 3de631b0 xenophobic ideology through U.S. Holocaust Memorial museums, statues, statuary groups or commemorative plaques celepropaganda (imprisonment from um and the commission led by 6 months to 5 years) Eli Wiesel brating persons guilty of committing crimes against peace or additional law on public incitement to hatred humanity, or to name streets, boulevards, squares, parks, or other public persons after such persons (Article 12) Art. 424A Incitement, Defamation Inciting to violence or hatred or 2005 Slovakia imprisonment of one to three Criminal Code Article 421: ban on supporting Was first introduced in Novem-Kosopov, Nikolay(2017): Memory Laws, Memory wars. The politics and Threatening to Persons be- defaming a group or individual and promoting groups aiming ber 2001, referred to crimes of year, two to five years in severer cause of their Affiliation to Race, because of their affiliation to any to suppress fundamental rights fascism of Memory in Europe and Russia. Nation, Nationality, Complexion race, nation, nationality, skin coland freedoms Cambridge: Cambridge Universior, ethnic group, family origin or Article 424: punishment of inty Press. religion by vindicating an offense citement of hatred that is deemed to be genocide, a Article 423: punishment of defacrime against humanity or a war mation of nation, race, belief 26. crime under article 6,7,8 Rome Article 422: ban on using flags, badges, uniforms or slogans, Statute, crime against peace, war crime, crime against huwith the intent to demonstrate manity under Article 6 of London sympathy toward groups or Agreement, publicly denying or movements that use violence grossly derogating such offense or threat of violence and aim to suppress citizens' fundamental rights and freedoms Article 297 (2) – Public incite-Publicly disseminating ideas on Criminal Code first introduced in 2004, amend-Kosopov, Nikolay(2017): Memory Slovenia imprisonment up to 2 years additional law on public incitement to Hatred, Violence or ed in 2008 in new criminal code ment to hatred and violence the supremacy of one race over Imprisonment up to 5 years, if Laws, Memory wars. The politics the act was committed by an Intolerance another, or providing aid in any of Memory in Europe and Russia. official by abusing their official Cambridge: Cambridge Universimanner for racist activity or denying, diminishing the signifty Press. position or rights icance of, approving, disregard-27. making fun of, or advocating genocide, holocaust, crimes aggression, or other criminal offenses against humanity. Denmark no law on incitement to hatred 28. and violence **DENIAL OF** Estonia law on public incitement to **GENOCIDE &** hatred and violence, if there's 29. a resulting danger to the life, HOLOCAUST health and property of a person IS LEGALLY NOT Finland Denial of Holocaust is not banned, however it can be pun-REGULATED ished based on criminal-law provisions about incitement, ethnic 30. agitation or stirring up of hatred no law on incitement to hatred and violence Ireland additional law on public incite-31. ment to hatred Denial of Holocaust or denial of Netherlands other genocides is not banned, however it can be punished 32. based on criminal-law provisions about incitement, ethnic agitation or stirring up of hatred Sweden no law on incitement to hatred 33. and violence UK additional law on public incite-Zey-Lechtholz, Jacquelina (2012): The laws banning Holoment to hatred 34. caust denail - revised from GPN Issue 3. In: Genocide Prevention Now, 2012 (9). USA Zey-Lechtholz, Jacquelina (2012): The laws banning Holo-35. caust denail - revised from GPN Issue 3. In: Genocide Prevention Now, 2012 (9). resolution calling for penalizing Kosovo no law passed yet, only resolu-Resolution published in May law on incitement to national, https://md.rks-gov.net/desk/inc/ the justification, minimization or 2019 media/A5713395-507E-4538racial, religious, or ethnic hatred, DIFFERENT denial of genocide in kosovo. BED6-2FA2510F3FCD.pdf; discord or intolerance 36. Resolution is accusing Serbian **LEIGSLATION** forces of committing genocide https://prishtinainsight.com/ against Kosovo Albanians kosovo-mps-draft-a-resolution-accusing-serbia-of-genocide/ 387 (5) Racial and other discrim- Whoever publicly approves, 2016 Serbia imprisonment from six months Criminal Code ban only includes crimes recadditional law on incitement to https://www.paragraf.rs/propisi/krivicni zakonik.html denies, or significantly diminishes to five years ognized by Serbian courts and ination the gravity of genocide, crimes the ICC and excludes rulings against humanity or war crimes of the ICTY and ICJ, which both https://balkaninsight. committed against groups of established that Srebrenica was com/2019/04/17/bosnia-serpersons or individual members of in fact a genocide. Therefore, bia-unlikely-to-copy-bela group based on their race, skin it's legal to deny the Srebrenica giums-genocide-denial-law/ color, religion, origin, or state, genocide in Serbia. national, or ethnic affiliation, in a 37. manner that could lead to violence or incitement to hate toward such

> a group or group-member, if such criminal acts have been adjudicated in a final judgment of a court in Serbia or the International Criminal Court, will be subject to imprisonment for a term from six

The Holodomor of 1932-1933 in none

Ukraine was a genocide of the

Public denial of the Holodomor

considered desecration of the

memory of millions of victims of

the Holodomor, an insult to, and

humiliation of, the dignity of the

The denial of facts established

by the Judgment of the Interna-

Military Tribunal for the trial

criminals of

publicly,

and punishment of major war

European countries of the Axis, the approval of crimes estab-

lished by the above-mentioned

Judgment, as well as dissemina-

tion of knowingly false information on the activities of the USSR during the Second World War, accompanied by accusations of the commission of crimes established by the above-mentioned Judgment, committed fine or imprisonment of up to 3 Criminal Code

of 1932-1933 in Ukraine is

Ukrainian people, and is

Unlawful.

2006

2014

"De-Communization" law of April

2015: ban of communist party,

symbols and ideology, recog-

nition of anti-communist resis-

independence, dismantling of

Soviet memorials, opening of

KGB archives, creation of an

Institute of National Memory.

Law passed parliament, but was

historians, mostly from America

and Europe, wrote a letter to

then Ukrainian president Poro-

shenko asking not to sign the

bill, however Poroshenko still

approved it.

Kosopov sees the law as an

instrument for censorship,

that can be used to punish any

criticism of the official Soviet/

Aims to protect the memory of

Russian narrative of the war

Stalinism

critized nationally and internationally. Group of highly reputed

tance as a struggle for Ukraine's

Kosopov, Nikolay(2017): Memory

Laws, Memory wars. The politics

of Memory in Europe and Russia.

Cambridge: Cambridge Universi-

Kosopov, Nikolay(2017): Memory

Laws, Memory wars. The politics

of Memory in Europe and Russia.

Cambridge: Cambridge Universi-

ty Press.

ty Press.

2006: introduction of law, that

recognized "Holodomor" (fam-

ine in 1932/1933, killing about

3 Mill. People in Ukraine, 3 Mill.

Kasachstan) as a genocide, how-

ever no introduction of penalties

2007: another try by then-pres-

ident Yushchenko to criminalize

parliament because of concerns

regarding the limit of freedom of

Number of bills introduced to

parliament between 2008 and

2013, however they were not

Introduction of two new memorial laws, banning the public denial or justification of fascist crimes against humanity perpetrated during WWII during the Euro-Maidan crisis in November 2013, however they were repealed in April 2015 In February 2016 attempt to criminalize the denial of Holodomor, Holocaust and deportation of Crimean Tatars, however law did not pass parliament

the denial of Holodomor and

Holocaust, was rejected by

More victims in Russian and

for Holodomor denial

expression

successful

several cases of charges against

Russian citizens on the basis of

Luzgin was sentenced to a fine

3,000€) for reposting an article,

which claimed that WWII start-

ed by the invasion of Poland by

Germany and Soviet union,

of 200,000 rubles (then about

the Yaravoya Act. At least one

led to a conviction: Vladimir

months to five years.

Ukrainian people.

Law no. 376-V of November

1932-1933

28. 2006: On the Holodomor of

Yarovaya Act, Federal Law No.

Changes to Certain Legislative

Acts of the Russian Federation"

128-FZ of May 5, 2014 "On

Ukraine

38.

Russia

39.