

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Netherlands	2014	Netherlands / Court of Appeal Amsterdam / Case no. 23-003039-12 ECLI:NL:GHAMS:2014:2752	http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2014:2752	Racial or ethnic origin, Religion	Court of Appeal Amsterdam (Gerechtshof Amsterdam)	In 2010, a man in the city of Zaandam wrote texts in graffiti on a residential building insulting Muslims and Turks. Examples of the texts include "Muslim Murder is top", "Turks stink" etc. The Court of Appeal decided that these texts constituted group insult as criminalised by article 137c of the Dutch criminal code. This article criminalizes group insults on several grounds including race and religion. Turks fall under the definition of race.	The perpetrator was ordered a community service of 60 hours.	The Court decided that the statements by the accused were gratuitously offensive. The Court considered the possibility that the statements by the accused contributed to the public debate. It ruled that the statement had no additional value for the public debate. The Court also considered the possibility that the statements were an expression of an artistic idea. However and according to the Court, this was not the case here.	This case makes clear that gratuitously offensive insults targeting the groups mentioned in Article 137 c of the Dutch Criminal Code are criminal. Groups mentioned are: religion, race, belief, hetero or homosexual orientation or their physical, mental or intellectual disability.	"De vraag of de uitspraken van de verdachte dienstig waren of bijdroegen aan enig maatschappelijk debat dan wel zijn gedaan in verband met een geloofsovertuiging voortkwamen of als kunstuiting waren bedoeld, terwijl dat door de verdediging evenmin is aangevoerd." "The question whether the statements of the accused were useful or contributed to any social debate or being done in connection with a belief or artistic expression must be answered in the negative by the court. The accused has put abusive texts in public areas, which in no way called for any debate or apparently evidenced by a belief or was meant to be artistic, while the defense did not argue this either." The Netherlands Court of Appeal Amsterdam (Gerechtshof Amsterdam) (2014), Case No. 14 July 2014, ECLI:NL:GHAMS:2014:2752, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2014:2752

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