DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

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	2016	Netherlands / District Court North Holland / Case no. 15-155584-15 (P) ECLI:NL:RBNHO:2016:6338	http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBNHO:2016:6338	Religion	District Court North Holland (Rechtbank Noord-Holland)	A Facebook user placed statements on a public Facebook page that were insulting to a group of people because of their religion (in particular Muslims), as evidenced by the reaction of other Facebook users. An example of a statement made by the suspect: "Just fuck off with those dirty filthy stinking Muslims who just fuck goats and want to rape our women, because their wives are too dirty!!" The user later renounced these statements and recognizes that these statements are very offensive to Muslims.	The court decided to convict the suspect to a fine of 300 Euro under article 137c of the Dutch Criminal Code which criminalizes insult on the ground of religion	Making insults on public social media which hurt social groups based on their religion (or race, gender, sexual orientation and disability) is criminal behaviour. Such statements create a social climate which encourages discrimination of religious groups. Therefore, such statements are forbidden under Dutch criminal law.	This verdict makes clear that certain groups of persons are protected by Dutch criminal law against insulting and hurting statements made on social media which are accessible to the general public.	"Verdachte heeft zich schuldig gemaakt aan het beledigen van een groep mensen wegens hun godsdienst, namelijk moslims, op een openbare Facebookpagina. Deze uitlatingen zijn zeer kwetsend, hetgeen ook blijkt uit enkele reacties die daarop gekomen zijn van andere Facebookgebruikers. Het krenken van anderen vanwege ras, godsdienst of seksuele geaardheid – kortom het wezen van een persoon – is verwerpelijk en past niet binnen een samenleving waarin iedereen zich – ongeacht ras, geaardheid, godsdienst of geloofsovertuiging – veilig moet kunnen voelen en in vrijheid de hem of haar toekomende burgerrechten moet kunnen genieten hetgeen de noodzaak tekent van het bestrijden van discriminatie op basis van godsdienst. De uitlatingen van verdachte dragen daarentegen bij aan een klimaat waarin de kans op een discriminerende en gewelddadige bejegening van moslims groter wordt. Dit is verdachte kwalijk te nemen, zodat de op te leggen straf verdachte duidelijk dient te maken hoezeer de samenleving zijn uitlatingen veroordeelt en verafschuwt. Tevens dient deze straf ter algemene preventie." "The accused is guilty of insulting a group of people because of their religion, namely Muslims, on a public Facebook page. His statements are very hurting, as evidenced by some of the reactions that have come to them by other Facebook users. Hurting others because of race, religion or sexual orientation - in short, the essence of a person - is reprehensible and does not fit in a society where everyone - regardless of race, sexual orientation, religion or belief - should be able to feel safe and enjoy his or her civil rights , all of which show the necessity of combating discrimination based on religion. The statements of the suspect, on the other hand, contribute to a climate which increases the likelihood of discrimination and violent abuses of Muslims. The suspect deserves to be held responsible for creating such a climate. The penalty imposed on the criminal suspect should make clear how much society condemns and abhors his statements. The penalty is also intended for general prevention."

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