

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 / Supreme Court / Case no. 15/00599 ECLI:NL:HR:2016:510	http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:HR:2016:510	Racial or ethnic origin	Supreme Court (Hoge Raad)	During a demonstration in Enschede on 28 May 2011, a member of the extreme-right party Dutch Peoples-Union (Nederlandse Volksunie) shouted in public: "Ali B. en Mustapha, ga toch terug naar Ankara" [Ali B. and Mustapha, move back to Ankara]. He also said by megaphone: "'Vandaag demonstreren we tegen de multiculturele terreur en voor een totale immigratiestop'". ["today we demonstrate against the multicultural terror and for a total immigration stop"]. Because he made these statements in public, the Court of Appeal of Leeuwarden-Annhem convicted him on the charge of incitement to racial discrimination and hatred (under Article 137d of the Dutch Criminal Code) and on the charge of insulting a group of people because of their race (under Article 137c of the Dutch Criminal Code). The Supreme court affirmed the ruling of the lower court in this appeal.	Political actors are not allowed under Dutch criminal law to make discriminatory or insulting statements about racial or ethnic groups. Statements insulting racial groups or inciting to discrimination of racial groups are criminal under respectively article 137c of the Dutch criminal code and 137d of the Dutch Criminal Code. These articles do not only protect persons against discrimination because of their racial or ethnic background, but also because of their gender, sexual orientation, disability, and religion.	Making a public statement like "Ali B. en Mustapha, ga toch terug naar Ankara" [Ali B. and Mustapha, move to Ankara], in context with a statement like "'Vandaag demonstreren we tegen de multiculturele terreur en voor een totale immigratiestop'". [today we demonstrate against the multicultural terror and for a total immigration stop"] constitutes a criminal offence under Dutch criminal law.	The Supreme Court clarified in its decision that making a statement like "Ali B. en Mustapha, ga toch terug naar Ankara" [Ali B. and Mustapha, move to Ankara], in context with a statement like "'Vandaag demonstreren we tegen de multiculturele terreur en voor een totale immigratiestop'". [today we demonstrate against the multicultural terror and for a total immigration stop"] constitutes incitement to discrimination on the ground of race and incitement to hatred on the ground of race that amount to criminal offence under Article 137d of the Dutch Criminal Code and insult on the ground of race criminalised by Article 137c of the Dutch Criminal Code.	"Het Hof heeft geoordeeld dat deze uittaling van de verdachte, waarbij het kennelijk - en terecht - ook de context van het geval mede van betekenis heeft geacht, het aanzetten tot discriminatie oplevert. Dat oordeel geeft niet blijk van een onjuiste rechtsopvatting en is evenmin onbegrijpelijk, mede in aanmerking genomen de hiervoor onder 2.3 weergegeven overweging van het Hof dat met de uittaling tot uitdrukking is gebracht dat personen van niet-Nederlandse afkomst niet welkom zijn in Nederland. De bewezenverklaring is dan ook naar de eis der wet met redenen omkleed." "The Court of Appeal has judged that this statement of the suspect, the judgement of which was informed, justifiable, by the context of the statement, constitutes incitement to discrimination. This judgement does not entail any incorrect view of law and is not incomprehensible, taking into account the consideration of the Court under point 2.3 that the statement expresses the view that persons of non-Dutch origins are not welcome in the Netherlands." The Netherlands, Supreme Court (Hoge Raad) (2016), Case No. 15/00599, ECLI:NL:HR:2016:510, 29 March 2016

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