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	UN, International Covenant on Civil and Political Rights / No. 2124/2011 / Mohamed Rabbae, A.B.S and N.A. v. The Netherlands	http://juris.ohchr.org/Search/Details/2153	Religion, Nationality	International Covenant on Civil and Political Rights	The claimants, Muslims and Moroccan nationals, joined the criminal proceedings as an aggrieved party and claimed a symbolic compensation of EUR 1 against Geert Wilders, a Member of Parliament and the founder of the extreme right-wing political Party for Freedom. They joined the criminal proceedings as alleged injured parties. Their purpose was to clarify the limits of what can be said in political debates and to establish the practical meaning of their right to be protected from incitement to hatred, discrimination and violence. The claim for symbolic compensation was intended to convince the judge that Mr. Wilders had crossed the boundaries between what is acceptable in a democratic society and what is liable to punishment because of the harm it causes to society as a whole, to ethnic and religious minorities and to the claimants personally.	The Committee is of the view that the facts before it do not reveal a breach of any provision of the Covenant.	The Committee notes the claimants' comments in this respect that their claim is about the lack of an effective prosecution. In this respect, the Committee considers that, for the purpose of admissibility, the claimants have sufficiently substantiated their claims. Regarding the claimants' allegations the Committee considers that the claimants have not adduced specific arguments in support of their claims under these provisions, distinct from their claims. Accordingly, the Committee considers this part of the communication as insufficiently substantiated and declares it inadmissible.	The Committee recalls in this regard that freedom of expression embraces even expression that may be regarded as deeply offensive. Moreover, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential to the promotion and protection of free expression.	"The Committee notes the authors' comments in this respect that their claim is about the lack of an effective prosecution. In this respect, the Committee considers that, for the purpose of admissibility, the authors have sufficiently substantiated their claims." "Regarding the authors' allegations the Committee considers that the authors have not adduced specific arguments in support of their claims under these provisions, distinct from their claims. Accordingly, the Committee considers this part of the communication as insufficiently substantiated and declares it inadmissible."

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