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NEWS REPORT

Country:	The Netherlands
Title:	Dutch Public Prosecution Service imposes fines for racist remarks on social media
Date:	11 March 2015
Expert:	Rikki Holtmaat
<u>Context</u>	
Issue at stake:	Racist Facebook comments fined by Public Prosecutor
Ground of discrimination:	Race/ethnic origin
Source:	Miscellaneous
Field:	Other (criminal law)
Applicable law:	Article 137c Criminal Code

Content

Case: In November 2014, a photo posted on social media (Instagram) by a member of the Dutch national football team caused a cascade of reactions. The picture, showing the player who posted the picture together with eight other coloured players of the national team, drew numerous negative reactions after it was reposted on the Facebook page of a major football website. Several comments compared the players to apes and slaves, as well as to 'Zwarte Piet' (Black Pete), the hotly-debated central figure of the Dutch Saint-Nicholas festivities (see flash report No 1336-NL-100).

The racist comments drew a lot of media attention and caused indignant reactions from several players of the Dutch national football team as well as from the Dutch football association KNVB, which strongly condemned the racist reactions and called upon the Dutch Public Prosecution Service to take action and punish those who had placed a racist comment to the picture.

The Public Prosecution Service rapidly announced that it had initiated an investigation into the matter and has now announced that three comments were found to be punishable under criminal law. The Service has not announced the legal basis of the prosecution, but it may be presumed that the remarks constitute discriminatory speech (as forbidden under Article 137c Dutch Criminal Code). The suspects have been offered the possibility to settle their case by paying a €360 fine each. If they refuse this 'transaction', they have to appear before a court of justice. The Public Prosecution Service did not announce which comments exactly were prosecuted, but it is clear that many comments go unpunished as only three persons are prosecuted.

The fines were welcomed by the player who initially posted the picture, saying that they are "a clear signal to everybody", and by the national team captain, who stated that "colour should not matter, not in the national team nor in 'normal' life." It is not known whether the suspects have accepted to pay the fine.

Key points of analysis: Public prosecutor imposes fines for racist comments made on Facebook.

Internet link source:

The official press release of the Public Prosecution Office as regards the three fines imposed:
<https://www.om.nl/actueel/nieuwsberichten/@88544/reacties/>

The reactions of Leroy Fer and Robin van Persie to the Public Prosecution Office's decision were published by the Dutch Football Association: <http://home.knvb.nl/nieuws/fer-en-van-persie-blij-met-actie-openbaar-ministerie/>

(All last accessed 11 March 2015)