

# Relevant legal provisions concerning discrimination in the Dutch Penal Code.



## KEY WORDS

### Tools:

- public statements
- orally/in writing/ by image

### Means:

- (intentional) defamation
- (intentional) incitement

### Ends:

- hate
- discrimination
- offense
- violence

### ART 137 C.

1. Any person who **in public**, either **verbally or in writing or through images, intentionally** makes an **offensive statement** about a group of persons because of their race, religion or beliefs, their hetero- or homosexual orientation or their physical, mental or intellectual disability, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.

### ART 137 D.

1. Any person who **publicly**, either **verbally or in writing or through images, incites hatred of or discrimination against persons or violence** against their person or property because of their race, religion or beliefs, their sex, their hetero- or homosexual orientation or their physical, mental or intellectual disability, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.

### ART 137 E.

1. Any person who, for any reason other than the provision of factual information:

1°. makes **public a statement** which he knows or should reasonably suspect to be **offensive** to a group of persons because of their race, religion or beliefs, their hetero- or homosexual orientation or their physical, mental or intellectual disability, **or incites hatred of or discrimination against persons or violence** against their person or property because of their race, religion or beliefs, their sex, their hetero- or homosexual orientation or their physical, mental or intellectual disability;

2°. **sends or distributes**, without request, **an object** which he knows or should reasonably suspect to contain such a statement to another person, or has such object in store for public disclosure or distribution;

shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.

### ART 137 F.

Any person who takes part in, or who extends **financial or other material support to activities**, aimed at **discrimination** against persons because of their race, religion or beliefs, their sex, their hetero- or homosexual orientation or their physical, mental or intellectual disability, shall be liable to a term of imprisonment not exceeding three months or a fine of the second category.

### ART 137 G.

1. Any person who, in the exercise of his **office, profession or business**, intentionally **discriminates** against persons because of their race shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.

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## Part II. Minor Offences related to Public Order

### SECTION 429 QUATER

1. Any person who, in the discharge of his office, practice of a profession or in conducting a business **discriminates** against persons on the grounds of their race, their religion, their beliefs, their sex or their hetero- or homosexual orientation, shall be liable to a term of detention not exceeding two months or a fine of the third category.
2. Any person who, in the discharge of his office, practice of a profession or in conducting a business, undertakes or refrains from undertaking, for no reasonable grounds, certain **acts which can have the purpose or effect in regard** of persons with a physical, mental or intellectual disability of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of **human rights\* and fundamental freedoms** in the field of politics or economics, in social or cultural matters or any other area of social life, shall be liable to the same punishment.

## \*UNIVERSAL DECLARATION OF HUMAN RIGHTS

### Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to **equal protection against any discrimination** in violation of this Declaration and **against any incitement to such discrimination**.

