

# Criminal Code

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## Criminal Code

(Text valid on: 01-10-2012)

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### Act of 3 March 1881

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We WILLEM III, by the grace of God, King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxemburg etc. etc. etc.

Greetings to all who shall see or hear these presents! Be it known:  
Whereas We have considered that it is necessary to enact a new Criminal Code;

We therefore, having heard the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree, to establish the following provisions which shall constitute the Criminal Code:

### Book One. General Provisions

#### Part I. Scope of Application of Criminal Law

##### Section 1

1. No act or omission which did not constitute a criminal offence under the law at the time of its commission shall be punishable by law.
2. Where the statutory provisions in force at the time when the criminal offence was committed are later amended, the provisions most favourable to the suspect or the defendant shall apply.

##### Section 2

The criminal law of the Netherlands shall apply to any person who commits a criminal offence in the Netherlands.

##### Section 3

The criminal law of the Netherlands shall apply to any person who commits a criminal offence on board a Dutch vessel or aircraft outside the territory of the Netherlands.

##### Section 4

The criminal law of the Netherlands shall apply to any person who commits outside the territory of the Netherlands:

- 1°. any of the serious offences defined in sections 92-96, 97a, 98-98c, 105 and 108-110;

Section 137b [Repealed as of 26-04-1978]

### **Section 137c**

1. Any person who in public, either verbally or in writing or through images, intentionally makes an insulting 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.
2. If the offence is committed by a person who makes a profession or habit of it or by two or more persons in concert, a term of imprisonment not exceeding two years or a fine of the fourth category shall be imposed.

### **Section 137d**

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.
2. If the offence is committed by a person who makes a profession or habit of it or by two or more persons in concert, a term of imprisonment not exceeding two years or a fine of the fourth category shall be imposed

### **Section 137e**

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 insulting 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.

2. If the offence is committed by a person who makes a profession or habit of it or by two or more persons in concert, a term of imprisonment not exceeding one year or a fine of the fourth category shall be imposed.

### **Section 137f**

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.

### **Section 137g**

1. Any person who, in the exercise of his office, profession or business, intentionally discriminates