

FREEDOM OF THE PRESS

Netherlands

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Freedom of expression is safeguarded under Article 7 of the constitution, and free and independent media operate throughout the country. In 2009, a Dutch court ruled that the Associated Press should pay €1,000 (\$1,400) every time it published pictures of the royal family on vacation, with a maximum fine of €50,000 (\$70,250), but such rules are rarely enforced. The Netherlands still lacks specific national legislation ensuring the right of journalists to protect their sources, despite a landmark 2010 European Court of Human Rights ruling that media premises are exempt from police searches, and that police may not seize journalistic materials unless they obtain a warrant. There was a move during 2011 to abolish the country's blasphemy law, but it failed due to opposition from a minority Christian party. Criminal defamation laws have seldom been used in recent years.

Article 110 of the constitution stipulates that the government must observe the principle of transparency and requires government agencies to publish information. Under the 1991 Government Information (Public Access) Act, any person is allowed to demand information pertaining to an administrative matter. If the information is located in documents belonging to a public body or a private company conducting work for a public entity, the authorities must respond within a period of two weeks.

Journalists in the Netherlands practice some degree of self-censorship, particularly on sensitive issues such as immigration and religion. This has increased since the 2004 murder of the controversial filmmaker Theo van Gogh by a Muslim extremist. In June 2011, the right-wing politician Geert Wilders was cleared of inciting hatred through his public anti-Islam comments. The judge ruled that his statements were against Islam and not against Muslims. The trial had begun in October 2009. The Dutch Muslim complainants in the case said they would bring the matter before UN human rights bodies, claiming that the state had failed to protect them from incitement to discrimination or violence. Physical attacks and intimidation directed against journalists are rare.

Newspaper ownership is highly concentrated in the Netherlands, with three companies owning more than 90 percent of paid newspapers. A decreasing number of independent regional newspapers are available. Moreover, three public broadcasters—NPS, Teleac, and RVU—merged in 2010. Despite high ownership concentration, a variety of opinions are expressed in the media. The state allocates public radio and television programming to political, religious, and social groups according to their size. While every province has at least one public television channel, public broadcasting has faced stiff competition from commercial stations since they became legal in 1988.

The internet is not restricted by the government, and it was used by 92 percent of the population in 2011. In January, a Dutch teenager was convicted for offending Jews through internet postings and sentenced to community service. In June, the lower house of parliament adopted the first "net neutrality" law in Europe and only the second in the world after Chile, barring telecommunications companies from obstructing or charging consumers extra for certain data-intensive services, such as Skype or the mobile messaging

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application WhatsApp. In November, the government pushed for legislation that would ban unauthorized downloads of copyrighted material, which press freedom advocates said could hinder web access. In an April proposal, copyright holders had called for foreign sites that provide such downloads to be blocked.

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