

NEWS REPORT

Date: 11 February 2010
Expert: Rikki Holtmaat
Title: Stop Wilders NOW allowed to participate in local elections
Country: The Netherlands

Context

Issue at stake: Political party has a right to use Wilders' name
Ground of discrimination: of race/ethnic origin
Source: national court decision
Field: Other – political participation
Legislative provisions: Kieswet, Art. G 3 (1).

Content

Case law: A local political association in the city of The Hague wanted to register as a political party to participate in the upcoming local elections on 3 March 2010 under the name "Stop Wilders Now". The administrative board assigned with the tasks of examining the validity of the applications, denied this association the right to participate in the elections under this name. (Decision of the *Centraal Stembureau voor de verkiezingen*, dd. 30 Dec. 2009). The main reason for the rejection was that the association used the name of a well known politician (Geert Wilders) in its name without Mr Wilders' permission, which was considered to be a violation of his right to privacy. The formal reason for the rejection was that the name of the association was a 'threat to public order'. Following an appeal of the applicants, the Dutch Council of State (as the highest appeal instance for such matters) argued that it was sufficiently clear that the aim of this political party was to stand up against the political ideas of Mr Wilders, and not against Mr. Wilders personally. It further ruled that it is against the spirit of the law upon registration of political parties to interpret the formal rejection ground (threat to public order) extensively, as there were no indications that the political party aimed to threaten Mr. Wilders. Therefore, the decision was overturned by the Council of State.

Internet link source and additional information:

Raad van State, 15-01-2010, to be found at:

http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=ljn&ljn=BK9420&u_ljn=BK9420

