[NL] Bill criminalising the sharing of photos and videos of certain victims

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On 11 March 2025, a notable bill was published, which would amend the Dutch Criminal Code, and criminalise the publication of images, videos or livestreams, of certain victims of accidents or crimes. The Explanatory Memorandum to the bill notes that such images of victims are often made public and distributed via social media, and that making public such images is a "serious and punishable violation of privacy". Notably, the offence would carry a possible one-year prison sentence or fine.

Under the bill, a new Article 139h of the Criminal Code would be introduced, which would make it an offence to "intentionally" and unlawfully make public an image of "someone who urgently needs help", or an image of a deceased person. Notably, the Explanatory Memorandum states that an image is understood to mean all forms of visual material, such as "photos, video material and live streaming images". Crucially, Article 139i, paragraph 3, of the Dutch Criminal Code contains a ground for excluding criminal liability for persons who could have assumed in "good faith" that the "public interest required the publication of the images". As such, the Explanatory Memorandum states that criminalisation does not prevent "journalists, whistleblowers and others from making images public in certain situations".

Notably, a victim support group, *Slachtofferhulp Nederland*, welcomed the bill, stating that "people become victims three times: first of a crime, then because they are filmed and then because of the judgments that are directed at you on social media. Sharing images of abuse or accidents is 'a serious invasion of privacy' and can cause additional mental harm". However, it should also be noted that the Dutch Association of Journalists (*Nederlandse Vereniging van Journalisten*) (NVJ) "fears a 'chilling effect' for journalists, when the making and publishing of photos of victims is drawn into the criminal domain", and journalists "make such images when they report or want to use photos or videos of eyewitnesses, who shed light on a certain relevant issue". The NVJ states that it will "enter into discussions with the members of parliament concerned to convey the concerns".

Voorstel van wet van de leden Boswijk en Mutluer tot wijziging van het Wetboek van Strafrecht en het Wetboek van Strafrecht BES in verband

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met het strafbaar stellen van het openbaar maken van beeldmateriaal van slachtoffers, 11 maart 2025

https://d2vs36cx04qmpo.cloudfront.net/files/Tweede-Kamerfractie/Initiatiefwet-strafbaar-stellen-van-het-openbaar-maken-van-beeldmateriaal-van-slachtoffers.pdf

Bill by members Boswijk and Mutluer to amend the Criminal Code and the Criminal Code BES in connection with the criminalisation of the publication of images of victims, 11 March 2025

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