

Reflection by Lilian Gonçalves – Ho Kang You

In a critical column in *De Volkskrant* of November 21st, on the Anti-Piet demonstrations last weekend, Sinan Cankaya concluded that 'Resistance obviously begins in a bus.' Is this not an exaggerated reference to Rosa Parks, a black lady who, on December 1st, 1955, refused to give up her seat on the bus, in the section where black people were allowed to sit as long as no white person was standing?

Let's briefly consider not the Twitter and Facebook messages but the facts. Three busses with about 120 activists from Amsterdam and Rotterdam were on their way to Dokkum, Friesland, to protest against the official arrival of Sinterklaas with Black Piet in Friesland. When there was a counter-demonstration of Pro-Piet demonstrators, who blocked the road and stopped the busses, a dangerous situation occurred. The police stopped the demonstration, and the busses had to return immediately.

The local government announced that the demonstration had been called off for security reasons. One person who had come to Dokkum on her own to protest, held a placard saying: 'A Heritage of Hate is nothing to celebrate.' The police officer informed her that she did not have the mayor's permission for a 'demonstration'. This was not a demonstration, however, but just an individual expression of freedom of speech. No permission was required, therefore, and there was no security threat.

The conclusion from this incident is that the state did not protect Anti-Piet demonstrators who acted in a lawful manner. Moreover, no Pro-Piet demonstrator was arrested. Even if the government had a valid reason to cancel the demonstration for security reasons, disturbance of the public order is not a valid excuse for not arresting Pro-Piet demonstrators. They acted against the law and created a dangerous situation by blocking public roads and inciting a riot. This raises concerns about state impartiality.

In this difficult era of massive terroristic attacks it is understandable that states take more and more preventive measures to control and minimize risks. However, governments should not curb demonstration and protest too easily in the name of public order. By doing so, they maintain the status quo, which mostly favours the positions of those in power. Minority voices might get lost in this process.

Open societies should protect the right of individuals to peaceful demonstration and to freedom of speech within the boundaries of the law.

The protection of these rights requires, first of all, some basic knowledge of human rights and of the Constitution.

One of the findings of the Staatscommissie Grondwet 2010 was that general knowledge of the constitutional order in the Netherlands was very limited. Therefore, the Commission recommended that more systematic attention should be paid in education to the principles of the organization of public administration, the nature of the democratic rule of law and knowledge of fundamental and human rights. This recommendation was related not only to citizens but also explicitly to the government itself and its office holders, including police officers.

The question is what the role of the state should be in safeguarding fundamental rights in an open society: is the state only to respect and protect them or should the state also facilitate and enhance them?

With regard to freedom of speech and media pluralism, the Commission observed that a provision to protect pluralism of information may cause a government to be actively involved in deciding what forms of pluralism are actually admissible. *It is primarily a concern of civil society itself, however, of citizens themselves, to keep pluralism of opinions and points of view alive.* Taking into account the risk involved in obliging government to act with regard to freedom of expression, the Commission advised not to include a provision *to protect* but *to respect* pluralism of the media.

In the end, protecting the open society is the obligation of civil society itself. This requires well-informed, critical citizens, who are willing to protest and demonstrate to defend their fundamental rights and those of others. The seeds of illiberal democracy are sown in societies in which the fundamental rights and freedoms of some are ignored or wilfully neglected.