Racist Violence in Malta

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An assessment of overall trends and patterns

During the past decade, Malta has experienced the arrival of an unprecedented number of ‘irregular immigrants’¹ many of whom are intercepted or rescued from perilous journeys to seek protection in the European Union². These arrivals have been met by increasing xenophobia from the general public, fuelled by lack of information,³ negative political discourse⁴ and sometimes alarmist reporting by the media⁵. Recent Eurobarometer Surveys have found that immigration is one of the top two social concerns expressed by the Maltese population. In Autumn 2008⁶, immigration was considered to be the top concern by 48% of respondents⁷. In Autumn 2009⁸ this went down by 14% to 34% but remained one of the top 2 concerns. This marked drop suggests that the level of concern is directly related to the number of migrant arrivals, since 2009 saw a significantly lower number of arrivals⁹. The xenophobia and racism faced by African immigrants in Malta has been widely reported and is beyond the scope of the present report¹⁰.

Over the last number of years instances of racially motivated violence began to occur. The most notorious incidents involved the arson of property and cars belonging to entities, activists and journalists who had taken a pro-migrant-rights stance¹¹. Despite extensive public and political attention at the time, these cases have remained unsolved. Moreover, a number of court cases have been instituted, and some decided, with regards to offences of incitement to racial hatred. This report covers the period 2002-2010. This timeframe was chosen to reflect the arrival of sub Saharan African immigrants. The group is the most visible minorities that Malta has encountered.

Whilst the importance of these aforementioned incidents cannot be overstated, this report will focus on the less publicised cases of racial violence that affect the daily life of individual migrants. Such incidents are likely to cause tension, a sense of unease and of being unwanted which may negatively impact their prospects of integration. The findings of this research indicate that there are instances of violence within the open centres for migrants. However, considering the complexity of motivations behind such incidents and the restrictions of the present report, it has been decided to keep the focus away from such incidents. Moreover, our experience has

¹ The focus of this report is on those migrants arriving from sub Saharan Africa as boat people. This group does not cover all of the irregular or undocumented migrants in Malta.
² Number of arrivals: 2002: 1,686, 2003: 502, 2004: 1,388, 2005: 1,822, 2006: 1,780, 2007: 1,702, 2008: 2,775, 2009 1475. Most of these went on to seek asylum. Indeed, between January 2002 and May 2010 the Office of the Refugee Commissioner has processed 10,216 cases involving 10,881 persons. Of these 238 were granted refugee status, 5,828 were granted some form of complementary protection whilst 4,534 had their asylum claims rejected.
³ There has been little effort to raise awareness regarding the conditions asylum seekers fled from. It should be noted that the vast majority of boat people go on to seek asylum and that Malta has the highest recognition rate in the EU in terms of granting protection overall whereby over 50% of applicants are granted some form of protection.
⁴ In most official documents the arrival of immigrants is listed as one of the challenges to be countered but not mentioned as one of the issues that might provide opportunities for Malta.
⁵ See in this regard the forthcoming research on Media Coverage of by The People for Change Foundation.
⁷ This was at a time when Malta had just received the largest number of asylum seekers in its history.
⁹ However this concern was 25 % higher than the EU average and once again the highest within the EU (European Commission, 2009).
¹⁰ See in this regard various shadow reports produced by the European Network Against Racism (ENAR) and reports by a number of other national and international entities including ECRI and FRA.
¹¹ See in this regard ENAR Shadow Report for Malta 2006.
demonstrated that most residents in open centres are reluctant to speak about violence within the open centres\(^\text{12}\). In general however, the findings of this research suggest that African migrants residing in open centres do not feel safe in their residential arrangements, both because of instances of violence amongst residents and also due to the possibility of certain Maltese individuals entering the centre in order to incite violence. In recent months, efforts by relevant entities\(^\text{13}\) have been stepped up in order to increase the security within the centres. The information provided in this report is based both on an analysis of existing literature on Malta and on informal conversations carried out with migrants and NGOs.

**The legal Framework**

Malta boasts a strong legal framework in the field of racist violence\(^\text{14}\). The Maltese Criminal Code\(^\text{15}\) establishes racial or religious aggravation and xenophobic motivation for any offence an aggravating circumstance entailing the increase of one or two degrees\(^\text{16}\) to the prescribed punishment\(^\text{17}\). The definition of race in this context is broad and covers, *inter alia* nationality and ethnicity\(^\text{18}\). Furthermore, the Code criminalises incitement to racial hatred where intended and in situations where the circumstances have the likely effect of stirring up hatred. In such instances the period of imprisonment ranges between 6 and 18 months\(^\text{19}\).

\(^{12}\) This is something discovered both in the course of the writing of this report but also through conversations with various other organizations. Moreover, our focus is based on the finding of the EU Midis Research which concluded that only a minimal percentage of incidents involved perpetrators from minority ethnic groups. This is not to say that such incidents do not occur. On the contrary, this issue requires further research. This reluctance was experienced during interviews with both migrants and NGO’s, suggesting the need for further research. That said, the findings of the EU Midis Research concluded that only a minimal percentage of incidents involved perpetrators from minority groups.

\(^{13}\) Most notably the Agency for the Welfare of Asylum Seekers. The efforts have included, *inter alia*, the posting of Detention Service staff at the various open centres.

\(^{14}\) The relevant legal provisions are reproduced in Annex 1

\(^{15}\) Chapter 9 of the Laws of Malta

\(^{16}\) Article 31

\(^{17}\) Article 83B, The punishment established for any offence shall be increased by one to two degrees when the offence is racially or religiously aggravated within the meaning of sub-articles (3) to (6), both inclusive, of article 222A or is motivated, wholly or partly, by xenophobia.

\(^{18}\) Article 222A, (1) The punishments established in the foregoing provisions of this sub-title shall be increased by one or two degrees when the harm is committed on a person who has attained the age of sixty years or on a person suffering from a degree of physical or mental infirmity in consequence of which he is unable to defend himself adequately.

(2) The punishments established in the foregoing provisions of this sub-title shall also be increased by one to two degrees when the offence is racially or religiously aggravated or motivated, wholly or partly, by xenophobia within the meaning of the following subarticles.

(3) An offence is racially or religiously aggravated or motivated by xenophobia if:

(a) at the time of committing the offence, or immediately before or after the commission of the offence, the offender demonstrates towards the victim of the offence hostility, aversion or contempt based on the victim’s membership (or presumed membership) of a racial or religious group; or

(b) the offence is motivated, wholly or partly, by hostility, aversion or contempt towards members of a racial group based on their membership of that group.

(4) In subarticle (3)(a):

“membership”, in relation to a racial or religious group, includes association with members of that group; “presumed” means presumed by the offender.

(5) It is immaterial for the purposes of subarticle (3)(a) or (b) whether or not the offender’s hostility is also based, to any extent, on any other factor not mentioned in those paragraphs.

(6) In this article:

“racial group” means a group of persons defined by reference to race, descent, colour, nationality (including citizenship) or ethnic or national origins;

“religious group” means a group of persons defined by reference to religious belief or lack of religious belief.

\(^{19}\) Article 82A, (1) Whosoever uses any threatening, abusive or insulting words or behaviour, or displays any written or printed material which is threatening, abusive or insulting, or otherwise conducts himself in such a manner, with
Available Statistics

The only available statistics on racist violence in Malta are those produced by the EU FRA through the EU Midis Research. In terms of ‘assault or threat’ the research found that 7% of respondents (sub Saharan Africans in Malta) had been victimised in the 12 months immediately preceding the research. Of these, 92% attributed a racial motivation to the incident whilst in 77% of cases racist or religiously offensive language was used. In 57% of cases involved the actual use of force, 63% of these victims consider the incident to be very or fairly serious 37% claiming that it was not very serious. Only 51% of these incidents had been reported to the police. A lack of confidence in the police was quoted as the reason for not reporting by 44% of respondents, with another 33% feeling that the incident was trivial/not worth reporting. The same research found that 26% of respondents had been subjected to ‘serious harassment’. Of these, 99% attributed a racial or ethnic motivation with racial or religiously offensive language being used in 85% of incidents. 29% of incidents are reported to have been considered very or fairly serious with 68% being considered as not very serious. 88% of these incidents were not reported with 54% considering that the case was too trivial and not worth reporting, 2% claiming to have dealt with the problem themselves and 38% quoting no confidence in the police for not reporting.

The information below aims to provide an overview of the situation concerning racist violence in Malta based on accounts collected and received by The People for Change Foundation and other NGOs consulted in the course of the research. A total of 32 interviews were conducted with the target population whilst further interviews and conversations were undertaken with relevant entities working in the field.

Types of Violence

Racially motivated violence explored in the course of this research took a variety of forms including physical and verbal. Whilst findings indicated that there have been instances of sexual violence, the individuals consulted during this research focused on verbal and physical violence. Verbal violence is more widespread and every migrant interviewed had, at least on one occasion been verbally harassed since arriving in Malta. Interviewees reported that some of the derogatory terms used by adult Maltese include: “iswed” (black), “klandestini” (clandestine), “xadin” (monkey), “wirdiena” (cockroach) and “imbarazz” (trash). Young children sometimes use racial terms to describe African immigrants such as “iswed” (black) or “klandestini” (clandestine).

intent thereby to stir up violence or racial hatred or whereby violence or racial hatred is likely, having regard to all the circumstances, to be stir red up shall, on conviction, be liable to imprisonment for a term from six to eighteen months.
(2) For the purposes of the foregoing subarticle "violence or racial hatred" means violence or hatred against a group of persons in Malta defined by reference to colour, race, religion, descent, nationality (including citizenship) or ethnic or national origins or against a member of such a group.

20 89% thereof attributed such motivation including the most recent incident whilst the other 3% attributed the motivation but not to the most recent incident.
21 87% thereof attributed such motivation including the most recent incident whilst the other 12% attributed the motivation but not to the most recent incident.
22 The interviewees included 27 Males and 5 females however it was found that women were more reluctant to speak about such incidents. Further research is suggested in order to explore the female gendered experience of racial violence.
23 The reasons for this and the extent of such violence are not known and require further research.
24 It is to be noted that within this scenario, the term ‘black’ is considered to be derogatory implying something ‘dirty’.
25 It is to be noted that the political discourse in Malta has tended to focus on terms such as ‘illegal immigration’ and ‘irregular immigrants’ irrespective of the particular categories to whom reference is being made. They are general
‘In Birzebbuga people tell me: “You are black – leave our country” ’

Somali Respondent

Those that experienced such verbal abuse were also often subject to warnings to leave Malta or to threats that violence will occur. In some cases such threats were taken further, with cases being reported of, for instance, individuals being chased by cars. One respondent recounted how, having been approach by a car, he was insulted and threatened by the driver who claimed that he would run over as many migrants as possible. The driver then chased the individual with his car, causing the migrant to jump over a wall to avoid being run over. Moreover, such threats have been written as graffiti on public walls26 as well as being distributed as leaflets or notes in various open centres, causing a sense of unease amongst the residents.

Open season on all illegal immigrants. Shoot to kill all black Africans migrating to Malta. We do not want your dirty shits in our country. Get out whilst you can and tell your friends in Africa too. KKK

Note distributed at the one of the Hal Far Open Centres27

Physical violence was another major concern expressed by respondents. This ranged from pushing and shoving to persons being beaten by security personnel at entertainment spots, to persons being hit with stools in bars or being attacked whilst walking on the road or waiting at bus stops. The media reported a case of a migrant who was stopped by a passing car whilst cycling, and was attacked with iron rods28 whilst another was purportedly beaten at Paceville29 whilst trying to enter the club; that attack lead to his death30. Both of these incidents were considered by many NGOs as being racially motivated. Furthermore, respondents reported cases of bottles being thrown at them after being denied entry into clubs. The media has reported cases of bottles and urine bags being hurled at migrants whilst walking or standing in the road31. On a number of occasions these incidents required hospitalisation.

Locations of Incidents
A further trend which has been noted relates to the location where incidents are likely to occur. These tend to be in the areas around the open centres, most notably the rather secluded Hal Far area, and the central entertainment districts, most notably Paceville. With regards to the areas around the open centres, respondents and NGOs indicate that racist incidents are widespread and are causing a great deal of uneasiness amongst residents. Indeed, most residents who were spoken to in the centres insisted that migrants do not feel secure when they leave Hal Far. Neither men nor women feel comfortable walking outside the centres alone after threatening notes were distributed on various occasions and upon hearing that a number of people who were harassed or beaten. As noted above, others were allegedly chased by cars, and even within the open centres, there is a sense of fear that attackers might come in. A key location of such events remains the road that leads from Birzebbuga (the most often used bus stop to arrive to Hal Far) and the open centres. With regard to entertainment areas, findings

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26 Vide Annex 2
27 Vide Annex 3
29 The main entertainment area in Malta.
30 See in this regard: Times of Malta 11 April 2009 Migrant dies after Paceville incident, 
31 See in this regard: Times of Malta 18 July 2009Urine bags thrown at migrants as racism grows – NGOs.
suggest that the vast majority of NGOs are aware of incidents of racial violence by bouncers and other visitors, whilst this was also highlighted by the various individuals interviewed in the course of this research. Moreover, a number of media reports support this finding.

Under-Reporting
The research findings suggest that another trend is the reluctance of victims to report such incidents to the police. This is a matter of concern as it undermines the possibility of an investigation. The reasons for lack of reporting are various. The first relates to the migrants themselves and a feeling of numbness regarding such incidents and a general feeling of disempowerment. One respondent highlighted that he has been harassed so many times that he now sees this as part of his daily life, and does not react to it. This is especially the case when confronted by verbal violence or threats.

This reluctance is partly a result of the perceived failure of some police officers to take adequate reports of such instances. Various respondents claimed that despite attempts to file reports at a police station, they were refused this possibility by police officers. This was noted both with regards to police in specific locations (ex. police within the Paceville area) as well as police in the various police stations. Most NGOs also said they were aware of such cases. Whilst the Malta Police Force has an internal mechanism to investigate and sanction wrongdoings by its members, most victims feel that they are not in a position to take on a police officer in such a situation. This has caused a great deal of anxiety and uneasiness in the sense that persons felt that were not being duly protected, further fuelling the distrust of the migrant community of the police.

I go to the police and they tell me go away. They don’t want to take my report. They are supposed to protect everyone. But not us. They are police. If they don’t protect me, who will?

Respondent from Sierra Leone

Characteristics of Aggressors
A number of common characteristics of the aggressors were highlighted during this research. Most aggressors in incidents of physical racial violence are reported to be males between the ages of 16 and 35. Older and younger generations of Maltese are more associated with verbal violence rather than physical violence. In the latter case, this is considered to be more an effect of the discourse to which they may be exposed and a lack of awareness of the issue rather than an actual intent to use verbal racial violence.

Characteristics of Victims
The findings of this research indicate that African migrants, irrespective of gender are susceptible to verbal abuse and harassment whilst male immigrants are more likely to be subjected to physical violence. Furthermore, some years ago a number of Maltese nationals who advocated on behalf of migrants, notably NGOs, journalists and poets were also subject to racial violence. However when ‘Maltese’ persons were targeted, the attacks were on the property of the individuals whilst in the cases affecting migrants directly, the crimes were on their person.

32 This role is undertaken by the Internal Affairs Unit within the force, which falls within the responsibility of the Assistant Commissioner for Administration. The unit addresses complaints, PSC Prosecutions as well as disciplinary sittings. Vide: http://www.cepol.europa.eu/fileadmin/website/About_CEPOL/Police_Colleges/Malta/Malta_org.pdf accessed 16 August 2010.
Frequency and Profile of Incidents
Research findings suggest that the number of racial incidents increased over the past decade and most notably since the arrival of boat people in 2002. The EU Midis Research found that 30% of respondents (sub Saharan Africans) had been victims of crimes against the person at least once in the 12 months preceding the research. These incidents had a lower profile than earlier incidents with very few of them being reported by the media or receiving public and political concern or condemnation.

Typical case study
As discussed above, findings suggest that the cases of racial violence have taken a variety of forms and identifying a typical case is therefore not an easy task. What follows seems to be one of the more common scenarios. Abdul, a 26 year old male Somali national enjoying protection in Malta, went to Paceville on a Saturday night with some friends. On trying to enter a bar, he was refused entry. Upon insisting, he was shoved about by the bouncer and some other Maltese persons. When he fell to the ground he was kicked, insulted and told never to come close to the particular bar again. When he attempted to make a report to the police, the police told him that the bar owner had every right to deny him entry and that no report would be taken even regarding the violence. No further investigation of the case was undertaken.

Recommendations
In view of the findings described in this research, Malta should:

- Urgently develop further collaboration and dialogue amongst all stakeholders including law enforcement officials, migrant communities and civil society organizations in order to ensure that distrust between the migrant community and the police are mitigated and that migrants do not feel reluctant to pursue justice in the case of violence.
- Ensure that national anti racism policies and efforts also cater for instances of racist violence in terms of prevention, protection, prosecution and redress. Additionally, it should address the general lack of awareness of what constitutes discrimination and racism.
- Ensure that the legal provisions regarding racist violence are known to all relevant stakeholders including law enforcement officials, and persons in charge of prosecution and are duly applied in all cases where such an aggravation or motivation is reasonably suspected.
- Ensure that all relevant stakeholders, most notably law enforcement officials are adequately trained to deal with such cases.
- Ensure that migrants are aware of their rights and protection mechanisms in situations where they are exposed to racial violence (through information dissemination and educational initiatives).

\[^{34}\] Defined as assaults, threats or serious harassment. Maltese law includes within its definition of crimes against the person crimes such as grievous and slight bodily harm and homicide.

\[^{35}\] The name has been changed to protect the individual's identity.

\[^{36}\] Including the National Action Plan Against Racism which is currently being drafted.
Develop without delay adequate data collection mechanisms regarding incidents of racist violence enabling the projections of trends in such violence.

NGOs should develop cohesive and coordinated initiatives to deal with issues of racial violence.

Example 1

Example 2
Bibliography

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Annex 1

Recording incidents of racist violence

Data collection on issues of racist violence appears to be critically weak in Malta. No data was available at time of writing regarding these issues except for some records being kept by NGOs that may have come into contact with the issue through their work. Even in such cases however, no formal database exists, and the available information often takes the form of notes held by an organization. This appears to be the result of two factors: firstly, there appears to be a great degree of under-reporting of such incidents and secondly, there seems to be a reluctance to classify crimes as being racially motivated, resulting in them being reported as ‘ordinary crimes’. Furthermore, when reports are made to NGOs and other similar entities these often look at the cases on an individual level and no attempt has yet been made to seek to identify trends in such cases. NGOs contacted during the drafting of this report mostly said that they do not keep official records of these cases. Moreover, where records are kept, these are usually very broad and involve primarily an outline of the incident and some details of the person passing on the information. Most NGOs approached in the course of this research indicated that they did not feel they have the capacity to actively engage with the issue of racist violence. Some felt that these issues fell outside their primary mandate whilst others indicated that many of their clients do not report cases of violence to them. Moreover, cases reported on the media are rarely followed up and the information contained therein is generally sketchy and generic. Finally, NGOs actively working in the field do not, at present, share a common understanding of what might constitute racist violence. A number of instances have arisen where cases were identified by some NGOs as being racially aggravated whilst other NGOs believed otherwise. The situation has now been aided by the legal framework which clearly indicates that the racial aggravation need not be the sole or even the primary motivation for the act.

Reviewing incidents of racist violence

To date, no specific reviews of incidents of racist violence have been undertaken in Malta either by the authorities or by NGOs. This may be due to the relatively low number of incidents and the fact that racist violence per se does not clearly fall within the direct and main remit of any particular organization. This is also in line with a general lack of similar reviews in Malta. NGOs often refer to such incidents anecdotally when discussing issues of racism however this has not translated itself into formal reviews of trends of racist violence. The findings of this research suggest that racist violence is not an issue that is often discussed in the public forum or even in a forum that specifically focus on the particularly marginalized situation of ethnic minorities.

37 At time of writing, the National Commission for the Promotion of Equality had commissioned a research project aimed at looking at the underreporting of discrimination. This research might also identify trends in under-reporting of incidents of racist violence.
38 Article 222A(5) introduced by Act XI of 2009