

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Malta	2019	Malta / Court of Criminal Appeal / 58 / 2018	https://ecourts.gov.mt/online-services/judgements/details?judgementId=0&CaseJudgementId=117329	Racial or ethnic origin	Court of Criminal Appeal (Inferior)	The case involves an appeal of a decision by the Court of Magistrates which found the accused guilty of physical assault and verbal abuse that were racially motivated. The original case revolved around an argument between the appellant and 2 Nigerian women during which the appellant (accused) made remarks that the court deemed to be 'incitement to racial hatred or violence' as well as showing and during which the women were physically assaulted which assault was coupled with the statements noted above. The appeal is against the decision by the first court which found the accused guilty.	The Appeal Court upheld the decision of the Court of Magistrates, i.e. a sentencing to nine months imprisonment (including as a result of racial aggravation).	The court provides an interesting analysis, through the use of both the wording of the Maltese Criminal Code and the world of the ICERD of the term racial hatred and then finds that the words uttered by the appellant (accused) was 'aggressive, threatening and hateful'. The court concluded there was no doubt that this wording fell foul of the relevant legal provisions. The fact that the appellant (accused) had told the victims to 'go back to your country' etc. was, in the view of the court, a clear indication that the crime was racially motivated (and therefore fell within the aggravation provided for under the Maltese Criminal Code).	The key issue was whether the defendant's assault and verbal abuse counted as incitement to violence and racial hatred as covered by the Maltese Criminal Code.	"F'il-fehma tal-Qorti m'ghandux jkun hemm l-ebda dubju li fi kwalunkwe soċjeta civilizzata kien bhal dak li ntqal mill-appellant għandu jitgħies bħala kien li jgħajjem vijoenza jew mibgheda kontra persuni minhabba ir-razza jew l-origini etnika tagħhom u m'għandu qatt jigi aċċettat fl-ebda ċirkostanzi." "In the view of this court, there should be no doubt that in any civilised society, words such as those expressed by the appellant should be considered as speech that will incite to violence and hatred against people due to race or ethnic origin and should never be accepted under any circumstances."

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<http://fra.europa.eu/en/databases/anti-muslim-hatred/>

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