

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 / 353/2014	https://ecourts.gov.mt/online-services/judgements/details?judgementId=0&CaseJudgementId=114433	Racial or ethnic origin	Court of Criminal Appeal	The case deals with an appeal of a decision by a lower court which found the appellant guilty of incitement to racial hatred. Appellant was heard shouting and swearing and kicking the car of their senior citizen neighbours. The complainant in that case heard bad language and swearing by the accused stating several times that he will kill every f.... negro that came to that street. The accused also shouted at and pushed a dark skinned refuse collector who happened to be working on the street, and used offensive language in their regard.	Two years suspended sentence.	With regard to the formal element of the crime required by article 82A of the Criminal Code, the Court explained that the requisite intention of the perpetrator is that of stirring up violence or racial hatred or the probability of stirring up violence or racial hatred. The court focused on the definition of incitement to racial hatred as provided for by the Maltese Criminal Code, elaborated by the Maltese courts in previous judgments (most notably The Police vs Norman Lowell). On the basis of this, and given the examination of the facts by the lower court, the appeal court determined that the lower court was correct in its determination. The court notes that: Shouting in the middle of the street, causing such a disturbance which includes banging on a neighbour's car, showing aggravation towards the same neighbour and using threatening language and unacceptable adjectives to describe dark skinned persons clearly renders the act reus.	The court focused on the definition of incitement to racial hatred as provided for by the Maltese Criminal Code, elaborated by the Maltese courts in previous judgments (most notably The Police vs Norman Lowell). On the basis of this, and given the examination of the facts by the lower court, the appeal court determined that the lower court was correct in its determination. The court notes that: Shouting in the middle of the street, causing such a disturbance which includes banging on a neighbour's car, showing aggravation towards the same neighbour and using threatening language and unacceptable adjectives to describe dark skinned persons clearly renders the act reus. Lowell of the 15 July 2013).	"With regard to the formal element of the crime required of article 82A of the Criminal Code, the Court explained that the requisite intention of the perpetrator is that of stirring up violence or racial hatred or the probability of stirring up violence or racial hatred. This Court sees no reason why it should depart from such clear and learned description of this formal element. It has very often been stated in a short yet meaningful manner that intention is subjective but is proved objectively. Shouting in the middle of the street, causing such a disturbance which includes banging on a neighbour's car, showing aggravation towards the same neighbour and using threatening language and unacceptable adjectives to describe dark skinned persons clearly renders the act reus."

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