



EMORE

MONITORING AND REPORTING ONLINE HATE SPEECH IN EUROPE

National Report on Hate Speech and Hate Crime in Malta

2016

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SOS Malta

For the

E-More Project



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Executive Summary

This report was commissioned in order to gain an understanding of the situation with regard to hate speech and hate crime in Malta. The research done for this report sought insight into the definitions of hate speech used in Maltese society and in the judiciary system; the extent to which hate speech is used in Malta; what research pertaining to hate speech and Malta has already been conducted; what projects have been and are being organised with the aim of raising awareness of or countering hate speech in Malta; and, finally, how hate speech, hate crimes, and discrimination, as well as minorities are represented in the media in Malta.

In order, to address the aforementioned queries a number of different methodological tools were utilised. Firstly, a desk review was conducted in order to ascertain the work that has already been done in Malta, in practical terms through projects and outreach programmes, as well as research in the area. Desk research was also used to determine the definitions of hate speech used on the island and the judicial interpretation to date of the hate speech and hate crime laws. A short survey was carried out to assess the current experiences and perceptions of hate speech and hate crime both on and offline by the public in Malta. 123 responses were received in total. Finally, a media monitoring exercise was done in order to gain insight into the representation of hate speech and hate crimes, as well as minorities, in the media of Malta. This exercise consisted of a thorough analysis of newspaper data taken from Maltese online newspapers and used both qualitative and quantitative analytic tools to gain a better understanding of the representation of hate speech and minorities in the media.

In the first instance, it was found, that although hate speech is included within the Maltese legal framework, no universal definition of hate speech exists. Furthermore, while a number of projects and activities have been organised by NGOs in order to counter and raise awareness of hate speech in Malta, very little research has been done in the area. Moreover, despite the work of NGOs to raise awareness of the dangers of hate speech and the known prevalence of hate speech in Malta, very few prosecutions have been made on the basis of the laws forbidding hate speech and hate crimes. No prosecutions have been made on the basis of hate speech targeted the LGBTQQI (Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, and Intersex) community, and only a handful have been made on the basis of hate speech targeted at other minorities - usually racial and ethnic minorities. The desk research also highlighted a number of challenges with regards to the investigation of hate speech in Malta, such as the lack of data that exists. As is evidenced by the absence of police records as well as the various FRA reports that have been published recording zero data for Malta, little data of hate-related incidents has been recorded in Malta. This is compounded by the fact that there is a serious underreporting of incidences of hate speech. It also became clear that hate speech is not an isolated phenomenon, but it is closely linked to issues of discrimination and integration.

The survey analysis illustrated general trends that allow us to draw some conclusions about the situation without having access to official data, for example, most of the time, respondents had experienced or witnessed hate speech and episodes of hate speech or hate crime in which the perpetrators did not even know their victims. In the majority of these cases, these instances had not been reported to the authorities, again illustrating a serious lack of official reporting or official means of reporting in Malta. Finally, the media analysis consisted of the examination of online newspaper articles published from 1 January 2014 to 30 May 2016. A number of predetermined keywords were used in order to collect the relevant articles that centre around topics of hate speech, hate crime, and minorities. The

analyses made a number of interesting findings. Firstly, it showed that the English-language news of Malta reports on the said topics far more frequently than the Maltese-language news of Malta does. The analyses also showed that the media of Malta is only marginally concerned with issues of hate speech and discrimination, as it has seldom published articles directly referencing hate speech as a phenomenon and concern. In addition to this, the media of Malta appears to publish far more material referencing xenophobia and racial and ethnic minorities (often asylum seekers or refugees) than it does homophobia and members of the LGBTQQI community.

In sum, a number of key issues, trends, challenges, and gaps were identified, through both the examination of the existing body of work and judicial interpretations, as well as through our own research, conducted through the survey analysis and the media monitoring examination. The most pertinent findings to emerge from this work are:

- There are an encouraging number of organisations working in the field of discrimination in Malta, some of which are now taking on the task of directly working to counter and raise awareness of hate speech and hate crimes through various projects and outreaches;
- The survey illustrated that hate speech episodes appear common place, especially online, through social media, but these are rarely reported by the witness or the victim, often due to a lack of confidence that their reports would be followed up by the authorities;
- There has been a slight shift in the media whereby there has been an increase in the number of articles published that directly speak about hate speech as a phenomenon, rather than merely reporting an event in which hate speech was an issue (such as a crime in which hate speech was aggravating factor);
- Xenophobic events and hate speech appear to be reported on far more in the media than homophobic and other types of hate speech;
- Despite the fact that there is strong legislation against hate crime, very few prosecutions have been made on the basis of the hate crime and hate speech laws. In this regard, it may help if the police were more vigilant with cases, or were trained to understand better how to identify such cases in which hate speech may be an aggravating factor and recording them as such. Ideally, bystanders and victims of hate speech would more frequently report incidents of hate speech and the judiciary system would be more stringent with prosecuting cases of hate speech;
- In view of the previous point, it would also be beneficial if professionals such as police were to undergo rigorous training pertaining to hate crime and hate speech laws and on how to deal with and record crimes of hate;
- Journalists and politicians appear to use a rhetoric of discrimination in situations where the rights, safeties, and privileges of minorities is not the issue being discussed. There is a danger of diluting the severity of the discrimination and hate that minorities experience and thus, it is recommended that both the media and politicians alike are consistent in their use of discourse related to hate and discrimination and use it only when it is relevant to minorities.

This report offers a thorough overview of the current climate in Malta with regards to hate speech and minorities by outlining the research and projects that have been carried out thus far, as well as the various interpretations in law, presenting the results of the survey analysis, and finally, by discussing the representation of hate speech and minorities in the media. Although this report is quite a robust summary, there are a number of drawbacks in the research presented here. Firstly, as previously mentioned,

due to a lack of literature and official information on hate speech and hate crime in Malta, our analysis has focused more on discrimination in general as a precursor and contributor to hate speech and ultimately hate crime. Secondly, as with many studies of this kind, it is impossible to offer a fully comprehensive overview of the state of affairs, since during the time of writing, editing, and publishing, new information comes to light. During the final editing of this report, for example, two Maltese people were charged with hate speech for their use of language on the online forum *Facebook*¹. This event was not included in discussion, since by the time it occurred, the final proofing of this document had been done, and the event thus fell outside the scope of the project, which analysed events and work in Malta up until May 2016.

There were also some limitations to the results of the survey. As the survey used was mostly shared through our existing networks and online then it could be that certain relevant sectors of the population were missing from the analysis. For example, very few people of Arab origin responded to the survey, despite being one of the largest ethnic minorities in Malta. As this is one target group that could be subject to hate crime, this could potentially have affected the results of the survey.

In addition to the inevitable transient nature of world and national events, there were also methodological limitations to this study. While, for example, the media analysis consisted of an examination of the representation of hate speech and minorities in the media, more methodologically vigorous tools had to be excluded from use. For example, in the annotation of newspaper articles, the principle researcher annotated every article in the dataset. However, no inter-annotator agreement could be used to verify results. Moreover, it could have been beneficial to confirm (or refute) and expand the findings to the media analysis by means of interviews with minorities, journalists, and politicians.

¹ <http://www.independent.com.mt/articles/2016-11-29/local-news/Two-men-fined-3-000-each-for-hate-speech-over-racist-Facebook-comments-6736167258>

1. The eMORE Project (MONitoring and REporting online hate speech in Europe)

The eMORE project seeks to **contribute to developing**, testing and transferring a **knowledge model on online hate speech and offline hate crime**, based on a circular and advanced joint monitoring-reporting system. The objective is to gain a sound understanding of the phenomena and trends surrounding hate speech and hate crimes, both over the internet and offline, in order to allow comparative analysis with the vision of developing a common model, and to support the harmonised combating of hate-motivated offences at both the national and EU level.

In order to do so, the Project will develop a knowledge platform available to target groups, which will allow the in-depth analysis of hate phenomena online and offline. **The knowledge base will include the most important categories of hate-motivated offences (hate against gender, race, religion, sexual orientation and disability).** This knowledge enlargement and the definition of minimum standards will allow the development of a crawler detecting hate speech online to monitor the Internet and a mobile phone APP to report hate speech online.

Each partner will collect data about its own country in order to create a common database crawler and multi-level report tool APP. The APP will be tested and evaluated in the 9 participating target countries on its potential to promote the engagement of victims, to make hate speech more visible and to combat hate, as well as to produce data and serve as a social research tool. E-learning training courses on hate crime addressed to main stakeholders and CSOs will be organised to improve their knowledge on the analysis and monitoring of hate crime.

Objectives

The description in the previous section offers a broad overview of what the eMORE project seeks to achieve. Put succinctly, the main objectives of the project are the following:

- to develop and test an innovative tool that will crawl the internet in order to automatically detect and monitor online hate speech;
- to develop and test a multi-level reporting tool (APP) for hate speech online;
- to develop and test a comprehensive circular knowledge model, based on the integration between the data and information collected through the monitoring and reporting tools developed by the Project;
- to promote the engagement of victims, witnesses and bystanders through their access to the APP;
- to promote networking and cooperation among stakeholders and to empower them; and
- to enhance visibility and dissemination of results, thus supporting transfer of the model to European Union Member States.

In view of the above, this report will first introduce the various partners involved in the eMore project. It will then move on to a conceptual framework that will help to clarify the notions of hate speech, hate crime, and discrimination and will introduce the basic topics and terms that will be relevant for this report. Subsequently, an analysis of the Maltese context will be outlined, including the current issues, trends and challenges as well as any

gaps in information that can be filled by further research in the area. Section 4 will then outline our own survey results. Sections 5 and 6 will then highlight the relevant stakeholders in Malta and projects that have been organised to date with the view of countering hate speech, hate crime, and discrimination. This will be followed by an analysis of the media in Malta and the ways that the media portrays discrimination and hate speech, and the various actors involved. Finally, the report will move on to a summary of the legal frameworks in place in Malta and how they can be improved in order to ensure better protection of minorities' rights and safety.

Partners

Research Centre on Security and Crime (RISSC), Italy - <http://www.rissc.it/>

RISSC is a non-profit association that deals with security and crime. Their purpose is to contribute to the improvement of society through research, the promotion of culture, technical assistance, and evaluation in security and crime fields at the local, national, European and international levels. The principal activities of RISSC are the analysis of criminal, social and criminogenic phenomena, the elaboration of strategies on risk prevention and damage reduction, technical assistance, and the training of public authorities and private organizations.

A Jewish Contribution to an Inclusive Europe (CEJI), Belgium - <http://www.ceji.org/>

CEJI is an international non-profit organization, established in 1991. CEJI stands with individuals and organisations of all religions, cultures and backgrounds to promote a diverse and inclusive Europe. CEJI works to combat prejudice and discrimination and to promote social cohesion through training, education, dialogue and advocacy.

Centre for Legal Resources (CLR), Romania - <http://www.crj.ro/en/>

The Centre for Legal Resources (CRL) is a non-governmental, non-profit organization, established in 1998 by the Open Society Foundation, which actively advocates for the establishment and operation of a legal and institutional framework that safeguards the observance of human rights and equal opportunities, free access to fair justice and which contributes to the capitalization of its legal expertise for the general public interest. In order to achieve this mission, the Centre for Legal Resources benefits from the support of a Steering Board and a professional team specialized in human rights and rule of law.

College for Public Administration and Administration for Justice – Police Department, Germany - <http://www.fhvr-polizei.bayern.de/de/startseite.html>

The College for Public Administration and Administration for Justice forms part of the Bavarian Ministry of Finance and the Bavarian Ministry of the Interior. They carry out lectures and research on police affairs and criminology, and often focus on the sociological and psychological aspects of such research.

IDOS Study and Research Centre, Italy - <http://www.dossierimmigrazione.it/>

IDOS was created in order to write, publish, and distribute the “Statistical Dossier on Immigration” and other reports. Since 2004, their work includes the “Roman Observatory on Migration” for the Chamber of Commerce of Rome, the Diocesan Caritas of Rome and the

Province of Rome; the EMN (European Migration Network, since 2004 to March 2014) “Reports on Italy”; the “Indices of Integration of Immigrants in Italy”; since 2006, the “Report on Italians in the World” for the Migrants Foundation (collaboration that ended in 2013); and since 2011, “Lazio in the world: Immigration and Emigration” for the Lazio Region. From 2013, the members of the IDOS - Study and Research Centre adhere to the IDOS Association, which promotes awareness-raising activities in the field of immigration and integration of migrants and to counteract discrimination.

Associação ILGA Portugal, Portugal - <http://www.ilga-portugal.pt/ilga/index.php>

Founded in 1995, ILGA Portugal is the largest and oldest NGO in Portugal striving for equality and against discrimination based on sexual orientation and gender identity. Their mission is the social inclusion of the lesbian, gay, bisexual and transgender population in Portugal through a program of social support that improves the quality of life of LGBT people and their families; through the fight against discrimination based on sexual orientation and gender identity; and through the promotion of full citizenship, Human Rights and gender equality. ILGA Portugal is a national organization and although they are based in Lisbon, the organisation also has a group working in Porto. They have a strong diversity policy and very active groups devoted to working on Lesbian or Trans issues, as well as a group devoted to Rainbow Families. ILGA Portugal is a member of the Fundamental Rights Platform; they represent Portugal in ILGA Europe's Advocacy Network and they are founding members of NELFA.

LAND, Italy- www.land.it

LAND is a technical partner and the lead partner of Work stream 1 pertaining to Monitoring Online Hate Speech and Reporting Hate Crime. LAND is an ICT security company based in Italy.

Action for Equality, Support, Antiracism (KISA), Cyprus - <http://kisa.org.cy/>

Kisa is an NGO, established in 1998, and its vision is the promotion of an all-inclusive, multicultural society, free of racism, xenophobia and discrimination and where, through the interaction and mutual respect of diverse cultures, there will be equality and respect for the rights of all individuals.

Migration Policy Group (MPG), Belgium - <http://www.migpolgroup.com/>

As a leading independent non-profit think tank, the Migration Policy Group is committed to achieving lasting progress towards a more open and inclusive European society. They pursue this mission through quality independent research, expert policy analysis, network building, advocacy, benchmarking and training. Since their establishment in 1995, they have played a pivotal role in shaping European migration, integration and anti-discrimination policies and law – many original MPG initiatives have become established features of the European Union's legal and policy landscape.

North West Migrants Forum, United Kingdom - <http://nwmf.org.uk/>

North West Migrants Forum(NWMF) was founded in February 2012 after it was identified by migrants specifically from the black minority ethnic background that there was a need for an advice and support service in the Derry city council area and its environments. North West

Migrants forum has informally been supporting destitute individuals in need of health access, legal advice, and practical support. NWMF is concerned about the lack of support and services for migrants especially from the black minority background, asylum seekers, refugees and non-EU migrants in the North West region of Northern Ireland. Despite the growing number of the black minority ethnic community, refugees, and non-EU migrants in Derry-Londonderry, until the establishment of NWMF, there were limited services offering advice and support to migrants regardless of their nationality or immigration status.

Peace Institute (PI), Slovenia - <http://www.mirovni-institut.si>

The Peace Institute – Institute for Contemporary Social and Political Studies – is a private, independent, non-profit research institution founded in 1991 by individuals who believed in peaceful conflict resolution, equality and respect for human rights standards. The Institute uses scientific research and advocacy activities aimed at creating and preserving an open society capable of critical thought and based on the principles of equality, responsibility, solidarity, human rights and the rule of law. The Institute develops interdisciplinary research, educational and awareness-raising activities in the areas of social science, humanities, anthropology and law, in five thematic fields: human rights and minorities, politics, media, gender and cultural policies. It acts as an ally of vulnerable groups and acts against discrimination in partnership with them. It is a visible research and civil society stakeholder in Slovenia, the region and on the international level and a leading resource in the fields of its operation. It acts in partnership with other similar stakeholders (institutes, universities, non-governmental organisations) as well as with residents on the local, regional and international level.

SOS Malta, Malta - <http://www.sosmalta.org/>

Set up in 1991, SOS Malta is a registered Voluntary Organisation, which works with local and international partners. The organisation assists socially disadvantaged groups in improving their quality of life by providing support services and opportunities to implement development and change. SOS Malta encourages advocacy on behalf of social causes and promotes models of good care and practice. SOS Malta also promotes volunteerism for effective sustainable development. The organisation is a source of knowledge and advice about the role and contribution of volunteering and the benefits of civic engagement. SOS Malta stands on a number of pillars that encompass the above objectives. These are: Social Solidarity; Volunteering; Overseas Development; and Research and Training. SOS Malta is also the EEA and Norway Grants Fund Operator.

2. Conceptual framework

There is often difficulty in defining the terms *hate speech* and *hate crime*, as no universal definition exists. Although most would agree on the basic core definitions of the terms, there is no collective consensus as to their full meanings and how broad or narrow the terms should be (Lillian 2007, p.731) points to this fact and elucidates that although “definitions generally specify race and/or ethnicity as defining features of groups that may be the subjects of hate speech [...] scholars vary considerably in whether or not they include sex, gender or sexual orientation as features that may target groups for hate speech”.

This statement also brings to light the fact that in order to be considered *hate speech* or *hate crime*, an offense must be targeted at a specific minority group that is explicitly protected in legislation on the grounds of their minority characteristic. This fact leaves room for legal (and ethical) grey areas, as there is substantial disagreement as to what should be considered hate speech and which groups should be protected.

Looking at the Maltese Constitution, in 2012, Act no. 2 introduced a number of amendments to various laws related to discrimination against persons with disability, including the criminalisation of the harassment (European network of legal experts in the non-discrimination field, 2012). In 2014, the anti-discrimination laws were changed to include protection for sexual and gender minorities. Prior to 2014, the Constitution of Malta, Article 45, provided protection against discrimination on the basis of “race, place of origin, political opinions, colour, creed or sex” (Government of Malta, 2016a, p. 23). The 2014 amendment provided protection for members of the Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, and Intersex (LGBTQQI) community: “the words ‘creed or sex’ there shall be substituted the words “creed, sex, sexual orientation or ‘gender identity’” (Government of Malta, 2016e).

The 2014 amendment thus expanded the understanding of discrimination and hate to include protection on the grounds of sexual orientation and gender identity. This change was likely brought about as a result of public pressure after, in one instance in 2012, two young lesbians were violently attack in a parkin Hamrun. At the time, the girls had no constitutional protection against this act of violence as a form of hatecrime, and the perpetrators were eventually found guilty of assault and fined €500.

This event prompted activists to set up ‘The Amy Initiative’ on Facebook (Carabott, 2012), in order to draw attention to the lack of sufficient legislation to protect LGBTQQI people from discrimination and hate. Subsequently, Malta has moved far ahead of many European countries with regards to hate and discrimination laws, particularly as concerns the LGBTI.

Although the aforementioned minority groups are constitutionally protected against hate speech and discrimination and, in the case of racial and religious minorities, have been for some time, the day-to-day experiences of members of minority groups might not reflect legislation. UNHCR, for example, has been highly critical of Malta’s mandatory detention of irregular migrants, which is considered discriminatory (United Nations High Commissioner for Refugees, 2013). According to some authors, the practice of discrimination, as reflected in language use, “leads to mainstream endorsement of hate and further perpetuation of negative stereotypes” (Reddy, 2002). Hence, although it might not be fair to classify Malta’s detention policy and treatment of migrants as deliberate acts of hate, discrimination is an important foundation in the analysis for hate speech and hate crime and may offer insight into both the causes and effects of broader societal hate.

3. National Level Context

The analysis of relevant literature pertaining to hate speech and crime in Malta did not yield an abundance of work. There appears to be a great lack of research and statistics with specific focus on hate speech and/or hate crime in the country.

Consequently, the following section outlines the literature that has been published with regards to hate and discrimination in Malta, before moving on to key issues, trends and challenges and finally concluding with a discussion of areas that need to be further addressed. We have chosen to include an analysis of discrimination in the broader sense as a precursor to and cause of hate speech and crime. They are inextricably linked.

Literature review on a national level: Malta

The starting point for this analysis was a desk review based on library catalogue, open source information etc. in order to identify relevant published material. Keywords were input into the search engines and those results were manually filtered and analysed. Keywords used at this stage include: hate speech Malta, hate crime Malta, and discrimination Malta. NGOs were also contacted initially to request any research studies they have conducted.

A number of reports have been published by various NGOs. Rather than scientific investigations on hate speech, the majority of these publications consist mainly of survey analysis and reporting. In addition, the main focus is on policy rather than on the actual manifestation of hate incidents in Malta. Moreover, a number of unpublished dissertations have been written at the University of Malta - a concise list of all publications, reports, and dissertations can be found in Appendix 1. While no scientific studies have been published yet, there is one on-going project named C.O.N.T.A.C.T. (Creating an Online Network, monitoring Team and phone App to Counter hate crime Tactics), being carried out by Institute of Linguistics and the Department of Inclusion and Access to Learning of the University of Malta (UoM), the People for Change Foundation, and We Are - the UoM LGBTQQI Society, which is investigating the nature of hate speech with the view of combating hate crime.

Finally, from the list in Appendix 1, it is evident that much of the work carried out on hate and discrimination in Malta has focused mainly on discrimination against racial and religious minorities. This may be due to the number of irregular migrants that arrive on the shores of Malta, as well as the discrimination that they face.

Key issues on discrimination in Malta

From an analysis of the research documents received, the following key issues were identified. In the first instance, it is difficult to speak of trends in hate speech and hate crime in Malta. It was clear through the analysis of the literature described above that very little concrete data pertaining to hate speech in Malta exists, which made the kind of analysis required for this study difficult. For this reason, much of the discussion in this report has had to focus on discrimination as a phenomenon that may contribute to hate speech and hate crime. This is no more evident than on the websites of the European Union Agency for Fundamental

Rights² and the Organisation for Security and Co-operation in Europe³, which both contain no data for hate crime and hate speech in Malta.

The absence of data pertaining to hate speech and hate crime in Malta is indicative of the problems faced by minorities and the fact that hate crime is not treated as seriously as it ought to be. While the lack of data exemplifies the fact that hate speech and hate crimes often go unreported by victims and bystanders, it is also evidence of the fact that, as is well known to those working in the field in Malta, police are not diligent in recording hate crimes as such. There is a lack of understanding of hate as a crime and, moreover, there is a dire need for adequate training to all professionals involved. Although some training has been done, there is the need for on-going and consistent training in order for law enforcement and relevant professionals to be equipped with the knowledge, expertise, and sensitivity for dealing with cases of hate.

In order to highlight the key issues surrounding discrimination in Malta, it is necessary first to define the minority groups/categories being considered in this report. This research is particularly focused on racial, ethnic, religious, and national minorities (mainly related to xenophobia), on minorities related to gender and sexual orientation (falling within homophobia, transphobia, sexism and, more in general, discrimination against gender minorities) and on persons with disability. It is well documented that the recent surge in irregular migration has escalated xenophobic speech and crimes, and that the migrant community is often on the receiving end of this type of hate speech, crime, and discrimination. Hence, the migrant community is the main focus of the investigation of this research, although not exclusively so.

The term LGBTQQI is useful as an encompassing term for issues related to homophobia, transphobia, and discrimination against intersex individuals; however, it fails to represent women and other gender minorities. Thus, although the research into the discrimination of sexual and gender minorities centres very much around the LGBTQQI community, it also includes other gender minorities and women.

The importance to separate the investigation of discrimination directed at the various minority groups becomes clear when one considers the various degrees to which discrimination is manifested. The Malta factsheet of the 2015 Special Eurobarometer 437(European Commission, 2015), shows that 73% of respondents would feel totally comfortable working with a gay, lesbian, or bisexual person, while 69% would feel comfortable working with a Muslim. Moreover, this number declines to 65% for transgender or transsexual people. In addition, 17% of respondents would feel totally uncomfortable working with a Muslim, but only 11% would feel uncomfortable working with a lesbian, gay or bisexual person. This illustrates that degrees of discrimination vary depending on the group involved.

Discrimination against LGBTQQI people

In recent years, numerous legislations have granted LGBTQQI people the right to protection against discrimination, hate crime and hate speech, as well as equal rights through the Civil Union and Adoption Bill and the new Gender Identity Bill⁴. Since the attack of the two young

² <http://fra.europa.eu/en/publications-and-resources/data-and-maps?mdq1=country#t424>

³ <http://hatecrime.osce.org/Malta>

⁴ See section 8 of this report for a full discussion of laws pertaining to LGBTQQI people.

lesbians in a park in Hamrun in 2012 (mentioned previously), there has not been any documented violent homophobic or transphobic attack. Moreover, it can be noted that gay, lesbian and bisexual people have been more positively represented in the media in recent times. For example, with the introduction of civil union for same sex couples in 2014, numerous gay and lesbian weddings were publicised in the local press (The Malta Independent, 2015a), (The Malta Independent, 2015b), (The Malta Independent, 2015c), (Caruana C. , 2015). Moreover, June 2016 witnessed the first child adopted to gay parents (The Malta Independent, 2016).

Interestingly, however, the 2015 Eurobarometer mentioned above (European Commission, 2015) indicates that although Maltese adults are less likely to discriminate against LGBTQQI people than they are racial and religious minorities in the work place, they are more hesitant about exposing their children to diversity in sexual orientation and gender identity. While 21% and 22% of adults totally disagree that school lessons and material should include information about diversity with regards to sexual orientation and gender identity respectively, only 14% disagree with including information about diversity with regards to both ethnic origin and religion (ibid.).

A number of organisations such as the Malta Gay Rights Movement (MGRM) and We Are (the university LGBTQQI community) are active in the promotion of LGBTQQI rights and awareness-raising activities and projects. However, counter movements with the aim of quelling the rights and privileges of LGBTQQI persons, either do not exist or do not receive much publicity and attention. This does not mean to say that the LGBTQQI community is not a target of hate. The comments section of news articles related to LGBTQQI rights, such as the introduction of civil-union for same-sex couple, are enough evidence of this as they can be filled with discriminatory and hateful comments. However, the public protests that have occurred against migrant groups (as will be discussed in the section below) do not appear to ensue as a consequence of discussion regarding the rights and protections of members of the LGBTQQI community.

Although violence against women “increased tenfold between 2007 and 2014” (Malta Today, 2016), women do not feature in any of the discussion of hate speech and hate crime. As will be shown in section 7, women as well as other gender minorities are often side-lined from discussion of hate speech in the media despite their vulnerability to being victims of hate crimes as is evident, for example, in the case of the woman who was recently kicked down the stairs in a train station in Berlin by a man for seemingly no apparent reason (Connolly, 2016).

With regard to employment, in 2004, Maltese law banned discrimination in employment on the basis of sexual orientation (Refalo & Cachia, 2010). According to a survey study carried out by MGRM over the period of 2006-2008, 86.6% of their respondents said that they did not suffer any discrimination at work. Moreover, it can be assumed that this trend has continued, for, as discussed earlier, the LGBTQQI community has recently been subject to progressive legislative changes such as the civil unions bill and the gender identity bill. Thus it can be concluded that while LGBTQQI persons do not face large amounts of hate and discrimination in the work place, this is an area that requires urgent addressing in the case of irregular migrants.

As evidenced by the Eurobarometer survey discussed above (European Commission, 2015), there is some hesitation to include minorities in educational materials at school. This can pose a great threat to the integration of migrants, and the safety of LGBTQQI youths. In fact,

the education sector is one area in which discrimination against both LGBTQQI youths as well as children of migrants is visible.

After discussion of possibly introducing LGBTQQI textbooks into schools caused public fury, Evarist Bartolo, Minister of Education, stated “I don’t blame parents who have expressed concern on this matter but I want to assure them that these books have not and will not be distributed to their children” (Micallef, 2015). Here, Bartolo’s statement indicates clearly that dialogue involving LGBTQQI issues with children still engenders much disagreement amongst the adult population, and, although as discussed above, most Maltese adults will not overtly discriminate or express hate speech against LGBTQQI persons at work, they are not happy for their children to be exposed to LGBTQQI material at school.

More evidence of this lays in the story of Willa, an 8-year-old transgender child who has written a book documenting her transition. When word of Willa appeared in the media presenting her book to the Minister of Education, the public outrage and hate speech that the online newspaper threads collected made it necessary to close down the threads and ban comments (Schembri Orland & Schembri, 2016).

Discrimination on the basis of race, ethnicity, nationality, and religion

Racial, ethnic, and religious minorities, in particular those who have come to Malta as irregular migrants, are the most highly discriminated against group according to the literature and reports. Recent newspaper reports indicate that migrants in the city of Marsa are consistently harassed in drive-by attacks (Ganado, 2016); UNHCR has been highly critical of Malta’s mandatory detention policy; in 2015, a black Hungarian man was hurled abused at the bus station in the Maltese capital of Valletta (Chetcuti, 2015); in 2016, a young black Frenchman was attacked by bouncers in Paceville, the local nightclubbing village (Diacono, 2016a).

Not only are racial and ethnic minorities the victims of violent attacks, they also face difficulty in accessing employment opportunities; discrimination within the work place and at schools; difficulty in obtaining housing; and limited access to goods and services. The 2012-2013 ENAR Shadow Report (Attard, Cassar, & Gauci, 2012-2013, p. 16) highlights that “there is a widespread acknowledgement of the existence of racial discrimination generally, and in the Maltese labour market in particular”. Evidence of this is not difficult to achieve. As recently as 6 September 2016, a job advertisement posted on a classified ad website, specified that the applicant must not be of African nationality (Diacono, 2016b).

In their 2013 Human Rights Report, the People for Change Foundation noted an increase in discrimination and hate speech towards racial, ethnic, and religious minorities “fuelling already-persistent discrimination and further hindering integration efforts for migrants who reside in Malta” (Attard, Cassar, & Gauci, 2013). The report also highlighted that this increase in hate speech is particularly visible over the internet and in other public fora. This increase in hate speech and discrimination may be related to the increase of irregular migrants reaching the shores of Malta. According to a 2015 report, 2014 saw a dramatic increase in the number of people seeking asylum in Malta (Cassar & Gauci, 2015), although this trend seems now to have reversed. While 568 people arrived by boat in 2014, this number fell to 104 in 2015, and dropped significantly more to only 5 up until May of 2016 (UNHCR Malta, 2001-2010). These figures are, however, subject to erratic change since Europe is seeing an ever-growing number of people seeking refuge on its shores.

There are a number of pages and groups on Facebook in which a discourse of hate and non-inclusivity is widespread. These include: the community page of the 'Group of Maltese Patriots' (Għaqda Patrijotti Maltin, Community), and the public figure page that promotes the ideas of far right politician Norman Lowell, 'Norman Lowell was right' (Norman Lowell kellu raġun, Public Figure). The group of patriots are up to 1180 likes on Facebook (Għaqda Patrijotti Maltin, Community). In addition to social media, the comments sections of newspapers also provide a forum conducive to and abundant with hate speech. Hence it is apparent, that the battle against hate speech and discrimination requires a dominantly online component.

Another recent trend is the increase in public activism by both minority groups and allies of minorities, as well as those opposing minority rights. In a demonstration aimed at raising awareness of the need for adequate Friday prayer facilities, a group of Muslim men gathered for their prayers at the yacht marina in Msida (Balzan, 2016). In a backlash against this, a group of Maltese patriots ('Għaqda Patrijoti Maltin') demonstrated in the same location and handed out pork sandwiches (Aguis, 2016). The group's "target is to stop illegal immigrants from entering our country and for controls to be put on all foreigners who have filled Malta"⁵.

With regard to employment, a 2010 FRA factsheet indicates that the Maltese are the least supportive of migrants' rights as well as the most supportive of deporting all legally established third-country nationals, particularly if they are unemployed. In addition, over two-thirds of Maltese believe ethnic discrimination is widespread and getting worse, and the population is split as to whether or not more should be done to combat discrimination.

Within this context, irregular migrants are amongst the most highly discriminated group in employment. Moreover, a General Workers Union (GWU) respondent pointed out, in the aforementioned report, (ibid., p. 7):

the law on racial discrimination had not made any difference because people in general were not aware of their rights and obligations. He said that 'illegal immigrants', which constitute the most vulnerable group of third country nationals, allow themselves to be abused and work illegally 'because they need to eat' and have no other option.

With respect to education, although there is little research that investigates the actual experience of LGBTQQI youths, youths with disability, and migrant children at school, recent events indicate that integration programmes and awareness-raising activities are essential to improve the quality of everyday experiences for minorities. Recent rumours of children at a St. Pauls Bay elementary school being banned from taking pork to school (as well as the public prayers mentioned above) sparked outrage and led to the demonstration in Msida mentioned above. The rumours were later announced to be untrue and unfounded (Times of Malta, 2016a), but the events nevertheless provide insight into the attitudes towards ethnic minorities in schools and Malta in general.

A further challenge for asylum seekers and refugees is the issue of integration. According to 2013 ECRI report, Malta ranks 28th out of 31 on the Migrant Integration Index (European Commission against Racism and Intolerance, 2013). This can be due to a number of contributing factors. Firstly, as some of the aforementioned reports show, Malta considers

⁵ Original sentence translated by the author: "Hija immirata sabiex ma jithallewx iktar immigranti illegali jidhlu gewwa pajjizna u jkun hawn kontrolli fuq il barranin kollha li ntlejna bihom Malta".

itself a transit country for migrants, as most migrants do not desire Malta as a final destination. In addition, by virtue of its small surface area, the only long-term solution is believed by authorities to be the resettlement of migrants.

Beyond the authorities' position on the integration of migrants, families, and individuals face difficulties in more localised areas such as housing. The National Action Plan against Racism and Xenophobia (Equality Research Consortium, 2010, p. 33) indicates "experiences and quality of housing are critical to the sense of ownership and empowerment of ethnic minorities". Despite this, a 2012 publication reveals property owners and estate agents are hesitant to sublet housing to "'African nationals/Arabs'" (National Commission for the Promotion of Equality (NCPE), 2012). Moreover, the presence of particular ethnic minorities within neighbourhoods is perceived to lower property value. This in turn ensures that ethnic minorities are marginalised in the housing market and in society, which further leads to segregation, discrimination and hate crime.

Finally, as discussed in the People for Change's report, there appears to be a trend in Malta to homogenise the Muslim community entirely "with terms such as 'illegal immigrant', 'Arab', and 'African' taken to mean the same thing" (Attard, Cassar, & Gauci, 2013).

Gaps and challenges in obtaining information

Despite the literature discussed in the previous sections, a number of gaps exist within the knowledge, information, and research on discrimination and hate crime in the Maltese context. Some of the more pertinent areas will be discussed in this section.

Underreporting and under-recording of hate speech and hate crimes

One of the greatest challenges in studying and countering hate speech and hate crimes in Malta is the shortage of reported events. This phenomenon is well documented in the publication '*Underreporting of discriminatory incidents in Malta- a research study*' (Equality Research Consortium, 2010), the '*National Action Plan Against Racism and Xenophobia*' (National Commission for the Promotion of Equality (NCPE), 2010), and the 2013 '*ECRI Report on Malta*' all reporting this same limitation (European Commission against Racism and Intolerance, 2013). The former goes as far as to say that "[r]eporting seemed to be the exception rather than the norm in most EU member states" and that in Malta in particular, many people cited language as being a barrier for reporting.

A number of organisations and projects have recently built online platforms to facilitate the reporting of hate speech and hate crimes (see The People for Change Foundation <http://www.reportracism-malta.org/> and C.O.N.T.A.C.T <http://reportinghate.eu/>), however, these are still not widely used. Recent efforts have been put into promoting such platforms as well as raising-awareness as to what constitutes hate speech and hate crime.

In addition to the hate and discrimination that minority groups face, as discussed above, there is also a lack of prosecution against such harassment. The reports cited above clearly indicate that racism, xenophobia, and hate speech are rampant in Malta. In view of this, one might expect a series of prosecutions and arrests to be documented, but this is not the case. The underreporting of hate crimes is a major concern for activists. In addition, as will be discussed further in section 8, many cases that are taken to court on the grounds of hate crime are eventually not prosecuted as such; a more lenient adjudication is often found, such as aggravated assault. This makes further evident, the need for a better understanding

of hate speech and hate crime by both professional and the general public in Malta. Through our work with various stakeholders in the field it has become clear that professionals such as police and other first responders are ill equipped to deal with hate crimes.

Hate speech

Although, the 2013 Human Rights Report (Attard, Cassar, & Gauci, 2013) noted an increase in hate speech, the report does not offer analysis as to the nature of hate speech itself. Who is it directed at? What sort of hate speech is most prevalent in Malta? Which minority group is the worst targeted? What media are most used to communicate hate? What is the linguistic make-up of hate speech in Malta? Does the bilingual nature of the Maltese islands have an impact on hate speech? Can demographic generalisations be made about users of hate speech? As such, no comprehensive study on hate speech in the Maltese context exists.

Recent concern over the prevalence of hate speech in Malta has sparked interest however, and a number of projects are currently seeking to address some of the aforementioned questions. This report forms part of one such project. Other projects include the aforementioned C.O.N.T.A.C.T. project (University of Malta, 2016); and UNI-FORM, funded by the Rights, Equality and Citizenship (REC) Programme of the European Commission and being carried out locally by the Malta Gay Rights Movement(UNI-FORM).

Intersex community and individuals

One section of society that is grossly understudied is the intersex community. Very little is known about intersex individuals in Malta, and no current research exists concerning their daily lives and experiences with discrimination. This is compounded by the fact that until 2015, with the introduction of the Gender Identity Bill, doctors and parents were permitted to opt for corrective surgery very early on. Many misconception surrounds the intersex community in Malta and a lot of misinformation is in circulation. In addition to this, the intersex community appears to be overlooked by many activist organisations and NGOs, which focus more on lesbian, gay, bisexual and transgender issues, thus also overlooking asexual individuals.

There are no documented cases of hate crimes targeted toward intersex people. However, with the introduction of the Gender Identity, Gender Expression And Sex Characteristics Act ('gender identity bill' for short) on 1 April 2015 (Government of Malta, 2016c), which outlaws any gender reassignment or corrective surgery on children, intersex children are at less risk of being victims of unnecessary surgeries, and the new legislation may assist in bringing the intersex community more visibility.

Reanalysis of LGBT individuals

Recent studies seeking to reanalyse the experience of discrimination by lesbian, gay, bisexual and transgender people are also lacking. Although a number of publications and reports pertaining to LGBTQQI people and rights have been written, there has been little effort to study the effects of the new progressive legislation that has been brought into effect in recent years, and thus it is not known whether these legislative changes are in name only, or if they have had an effect on the daily experiences of lesbian, gay, bisexual and transgender individuals.

Youths in primary and secondary education

Another area that lacks sufficient investigation is the experiences of youths who are potentially discriminated against at schools, whether part of an ethnic or religious minority, LGBTQQI, a gender minority or a youth with disability. One study does address the experience of young asylum seekers between the ages of 16 and 18 in further education (Spiteri, 2015), and although numerous reports and projects (both governmental and non-governmental) have sought to address migrants in school through various policies and schemes, there is no research that specifically investigates experiences of discrimination among minority children in schools.

Women

On a legislative level, women are protected against all forms of discrimination (Government of Malta, 2016a):

the State shall promote the equal right of men and women to enjoy all economic, social and cultural, civil and political rights and for this purpose shall take appropriate measures to eliminate all forms of discrimination between the sexes by any person, organization or enterprise; the State shall in particular aim at ensuring that women workers enjoy equal rights and the same wages for the same work as men

The 2015 Human Rights Report, however, reveals concerns regarding “women suffering discrimination, the persistence of gender stereotypes, and women not being fully integrated into economic and political life in terms of their active participation. Malta was also encouraged to improve access towards sexual and reproductive health”(Attard, Cassar, & Gauci, 2013, p. 43).

Despite this, there is a lack of current research that investigates the nature of discrimination that women in Malta face and virtually nothing that discusses hate speech in relation to women.

Disability

Another area of research that is lacking is the area of hate speech and discrimination experienced by persons with disabilities. The Persons with Disabilities Act protects persons with disabilities from discrimination and ensures equal opportunities. However again, there has not been a comprehensive study conducted that investigates the experiences of people with disability with discrimination on the basis of their disability.

Multiple discrimination

Multiple discrimination has been scarcely studied in Malta. Research tends to focus on identity-based discrimination rooted in only one defining feature, such as sexual orientation or religious belief or ethnic origin etc. This was also one of the elements that the 2013 ECRI report points out and, in its recommendations, it suggests that the Maltese authorities put more effort into collecting relevant information broken down into categories, such as language, gender and country of origin with the view of investigating the possibility of multiple discrimination.

4. Survey Results

To complement the national research report on hate speech and hate crime, we also chose to carry out a survey on this topic over four months (from June to September 2016). The same survey was carried out across the different project partners and questions were jointly defined.

In Malta in total we collected 123 answers. This survey in particular sought to understand people's experience of crime and other offences motivated by hate and prejudice and help us to be more aware of the danger of hate speech/crime online and offline. In order to reach this goal, the survey was divided into the following sections:

1. The profile of the people surveyed
2. Their experience as the victim or witness of hate crime, hate speech or other forms of prejudice (offline as well as online)
3. Their opinion about hate motivated offences and prejudice

The survey presented us with some interesting results, however, it is first important to highlight that given the method in which our survey was shared and information collected may lead to certain limitations due to the fact the survey was opened to all and distributed solely via our networks. Therefore, we may not have reached some of the people experiencing hate speech and hate crime. Despite these limitations, analysis of the results has drawn some important conclusions which also reflect the background research undertaken for the national report.

Profile of respondents

Firstly, on analysis of the profile of the persons responding, it is possible to say that this is a reasonable representation of the Maltese population in terms of age distribution, gender, education levels and employment as well as religion and ethnicity and therefore, we can conclude that relevant results can be gained from the survey for Malta.

It is also important to note that according to the results of the survey, people in Malta have a special relationship with the internet, especially with social networks. The rate of usage in Malta is high and whilst people are aware of the dangers of going online and the importance of privacy, they are also using social networks that are predominantly focused on providing information about the self online (Facebook).

Victim Experience

The survey focused on experiences of hate speech and hate crime from the point of view of the victim and the witness. With regards to being a victim, around 34% of people responding have been victims of hate speech, 8% of hate crime and 24% of other forms of prejudice/bias. According to the victims, the main motivations that push people to commit hate speech or hate crime are nationality (21.6%), political opinion (17.6%) and religion (14.7%). They also specified that 80.9% of the hate speech episodes happened in the form of public verbal abuse. Moreover, we asked respondents regarding "who" was the perpetrator of the hate episode. Individuals or groups of people unknown by the victim are the common perpetrators (35.2%).

Another important point also to note is that the majority of the time, people are not reporting the incident to the police (87%). This is also reflected by the lack of data that the

police in Malta hold with regards to hate crime. This could also be reflective of a general feeling that it is not worthwhile to report incidents to the police. So, this survey reaffirms the need to elaborate approaches that tackle all forms of hate and encourage action from all actors in the field including the victims, police, and other social partners.

Experience of the witness

Our survey also focused on witnesses to hate crime/ hate speech and their understanding of the episodes. 83% of the people surveyed have been the witness of a hate episode. In a similar way to the victim experience, witnesses reported that the majority of the time the hate incidents appeared in verbal form (95% of the witnesses) in the public sphere (73% of the witnesses). They also agreed that hate episodes were mostly committed by people unknown to the victim (50% of the witnesses).

Moreover, the witness also did not on the whole report the incident to the police.

However, there are some points which differ between the point of view of the witness and the point of view of the victim. For example, the top 3 of the main motivations of the perpetrators for the victims concerns the skin colour whereas the top 3 for the witnesses did not mention this as a motivating factor. This could also reflect the limitations of the response group.

Respondents also specified that the hate episodes occurred online on social networks (55.2%). According to their testimony, this type of incidents happens frequently online (46% of the respondents). Moreover, they highlighted the fact that the situation is becoming worse in general.

Finally, thanks to our general and comparative results of the survey (Appendix 2), we can say that hate speech and hate crime touch numerous profile of victims. The term victim has to be taken here to have a broad understanding. The multitude of the victims of hate speech highlights, once again, that solving a problem of hate speech is complex. It is necessary to tackle, awareness, action by witnesses, ease of reporting and attitudes and understanding as well as capacities, of public authorities and NGOs to deal with this issue.

5. Stakeholder Analysis

Malta ranks only 28th out of 31 in the Migrant Integration Policy Index (European Commission against Racism and Intolerance, 2013) and it has been highly criticised by UNHCR which states that “the Maltese practice of detaining, for the purposes of removal, all asylum-seekers, who arrive on the territory in an irregular manner, is arbitrary and unlawful” (United Nations High Commissioner for Refugees, 2013, p. 8). However, numerous organizations are active in the fight against hate and intolerance and in supporting the rights and privileges of migrants, asylum seekers, ethnic and religious minorities and other similarly marginalized groups. Similarly, a number of established organizations seek to promote the rights of the LGBTI, women, and gender minorities and strive to safeguard members of the community against discrimination, harassment and hate, whether on a legal level or a personal level.

Stakeholders and organisations working in the areas of human rights, equal opportunities, anti-discrimination, hate speech and hate crime

The literature makes evident the fact that the most highly discriminated minority group in Malta is the community of asylum seekers/refugee/persons seeking protective status and with it, ethnic, religious, national, and linguistic minorities. This is reflected in the number of organisations working to support migrants and refugees, which is higher than those focusing on LGBTQQI people, women, gender minorities and persons with disability.

Below is a (non exhaustive) list of the main non-governmental organisations (NGOs), and government bodies currently working in the areas of human rights, equal opportunities, anti-discrimination, and hate crime/speech and whose work impacts the lives of minorities in Malta.

Table 1: Malta-based NGOs whose work relates to hate crime and hate speech

Name of Organisation	Scope of Work	Website	Publications and Projects (see appendix 1 and table 10)
SOS Malta	<p>Set up in 1991, SOS Malta is a registered Voluntary Organisation, which works with local and international partners. The organisation assists socially disadvantaged groups in improving their quality of life by providing support services and opportunities to implement development and change. SOS Malta stands on a number of pillars that encompass the above objectives. These are: Social Solidarity; Volunteering; Overseas Development; and Research and Training. SOS Malta is the EEA and Norway NGO Grants Fund Operator in Malta.</p>	<p>http://www.sosmalta.org</p>	<p>Blogger Training on No Hate Speech in Malta for Young People: Developing participant’s knowledge, skills and attitudes in human rights; “Connect from the heart” campaign; Media InterAct Project.</p>
People for Change Foundation	<p>The People for Change Foundation (Pfc) is a Malta-based human rights think tank with a Maltese, European and global scope who undertake research, advocacy and proactive action to promote social cohesion, respect for Human Rights and empowerment.</p> <p>In view of these goals, Pfc provides evidence-based, independent, practical and creative ideas on the protection, respect and promotion of human rights in Malta and across the European Union.</p> <p>Pfc’s unique approach creates a safe space for research ideas to be developed and debated by bringing together various methods and approaches to create outputs that are academically rigorous and policy relevant.</p>	<p>http://www.pfcmalta.org</p>	<p>Cassar, C., & Gauci, J.-P. (2015). <i>The Malta Human Rights Report 2015</i>; Attard, S., Cassar, C., & Gauci, J.-P. (2014). <i>European Network Against Racism (ENAR) Shadow Report: Racism and related discriminatory practices in employment in Malta 2012-2013</i>; Attard, S., Cassar, C., & Gauci, J.-P. (2013). <i>The Malta Human Rights Report 2013</i>;</p>

			Equality Research Consortium. (2010, December). <i>National Action Plan Against Racism and Xenophobia</i> ; Pledge for Dignity and Against Racism
Aditus Foundation	<p>The work of the Aditus Foundation is rooted in the national human rights sector, to provide a valid and sustainable contribution to the work being done on the island, while avoiding replicating the work being carried out by other organisations.</p> <p>As such, the Aditus Foundation focuses almost exclusively on advocacy, on constantly pushing the bar higher and higher in order to achieve stronger and more effective human rights protection for all persons in Malta. They are inspired by the Universal Declaration of Human Rights, and as lawyers are wholly committed to removing those obstacles preventing anyone from accessing and enjoying their fundamental human rights.</p>	http://aditus.org.mt/	Judicial Training on Hate Crime
Koperazzjoni Internazzjonali (Kopin)	<p>Kopin envisions a global and inclusive society, where citizens are equally empowered to contribute to a world that is free of poverty and any other forms of injustice.</p> <p>The organization stands for international development cooperation and works in tandem with civil society organisations and NGOs in Malta, Europe, and Africa, on various projects aimed at raising awareness about the role of each individual as a global citizen and to contribute towards the empowerment of developing communities. Through its projects and initiatives, Kopin seeks to reach various</p>	http://www.kopin.org	“Connect from the heart” campaign

	members of society ranging from school children and their families, to civil communities (including institutions within the respective communities), and to national and international policy-makers.		
African Media Association Malta	African Media Association Malta was formed because a young Somali journalist arrived as refugee in Malta and wanted to work to help the African Migrant community in Malta. Under this scope, the Association works to better integrate refugees into Maltese society, as well as improving life in Africa.	http://africanmediamalta.com	Connect from the heart campaign
Integra Foundation	Integra is a non-profit organisation based in Malta, operating independently of any political, economic or religious affiliation at a global level. The Foundation's vision is that of supporting inclusive, non-discriminating and non-disabling societies, where all individuals have the right to human dignity, freedom, respect and social justice. Integra also seeks to facilitate the space for marginalised individuals and groups to be listened to and to have an active and meaningful say in their lives and well-being on their own terms.	https://integrafoundation.org	Connect from the heart campaign
Migrant Women Association Malta (MWAM)	The Migrant Women Association Malta is an autonomous, independent, voluntary non-profit making organization, having as its main objective the social and community advancement concerning migrant women in the Maltese Islands. The MWAM is committed towards empowering migrant women to enable them to fully integrate within the society of the host country, in this case the Maltese Islands, and to realize their full potential.	http://migrantwomenmalta.org	Connect from the heart campaign
Malta Gay Rights Movement (MGRM)	MGRM strives to achieve full equality for LGBT people in Maltese society; a society that enables people to live openly and fully without fear of discrimination based on one's sexual orientation, gender		

	<p>identity and gender expression.</p> <p>In view of this, the main objectives of MGRM are: to achieve legal equality of LGBT people; to have social policies that refer to and are inclusive of sexual orientation, gender identity and gender expression; to bring about positive societal attitudes towards LGBT people and their issues; to empower the LGBT community to engage in social and political issues that are of direct concern; to encourage larger society engagement with MGRM’s human rights-based approach; and to make MGRM a sustainable organisation.</p>		
<p>We Are Youth and Student LGBTQQI Organisation</p>	<p>We Are is an independent and autonomous non-profit organisation. The four main pillars of We Are’s work include:</p> <p>Community</p> <ul style="list-style-type: none"> • To organise regular social activities and provide a safe and friendly environment in which people can meet and interact regardless of their sexuality and/or gender. • To provide informal and confidential support to youth and students who are questioning aspects of their sexuality and/or gender, and to guide LGBTQQI individuals towards entities which offer professional support and guidance. <p>Awareness and Information</p> <ul style="list-style-type: none"> • To provide information about issues affecting the LGBTQQI community through the organisation of projects, campaigns, and any other suitable means. <p>Education</p> <ul style="list-style-type: none"> • To organise non-formal education activities for the promotion 		

	<p>of acceptance and diversity, to be a source of information regarding LGBTQQI activities outside campus, and to enable members approved by the board to represent the organisation at activities which contribute to the development of the organisation.</p> <p>Representation</p> <ul style="list-style-type: none"> • To represent members of the organisation in accordance with the other provisions of this Statute. • To establish links with other societies and organisations as might be necessary for the pursuance of these aims. 		
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Table 2: Government bodies relevant to hate crime and hate speech in Malta

Name of Organisation	Scope of Work	Website	Publications and Projects (see appendix 1 and table 10)
The Office of the Refugee Commissioner	The Office of the Refugee Commissioner's main responsibility is to receive, process and determine applications for international protection in Malta. The Office's fundamental objective is to ensure a totally independent, fair, efficient and swift eligibility determination process while, at the same time, guaranteeing the best quality possible regarding the hearing, analysis and determination of applications.	https://homeaffairs.gov.mt/en/MHAS-Departments/The%20Office%20of%20the%20Refugee%20Commissioner/Pages/Refugee.aspx#1	Putting integration into perspective: Studying integration efforts of beneficiaries of international protection and identifying areas where special input is needed;
Agency for the Welfare of Asylum Seekers	The function of the Agency for the Welfare of Asylum Seekers (AWAS) is the implementation of national legislation and policy concerning the welfare of refugees, persons enjoying international protection and asylum seekers. In practice, AWAS manages reception facilities,	http://homeaffairs.gov.mt/en/MHAS-Departments/awas/Pages/Mission-and-	NA

	<p>provides information programmes in the area of employment, housing, health, welfare, and education, and promotes government schemes related to resettlement voluntary returns.</p> <p>AWAS also acts as a facilitator between public entities responsible for providing services to ensure that national obligations to beneficiaries of international protection and asylum seekers are accessible and encourages networking between relevant local voluntary organisations in Malta. It also advises the Government on new developments in its field of operations and draws up reports for policy-making bodies.</p>	Function.aspx	
Ministry for Social Dialogue, Consumer Affairs and Civil Liberties	The Ministry for Social Dialogue, Consumer Affairs and Civil Liberties was set up in March 2013 following the general election of 9 th March of the same year. The responsibilities of the Ministry include the social dialogue with social partners and civil society, competition and consumer affairs, civil liberties, equality and anti-discrimination policies, information and data protection, the non-governmental and voluntary sector, industrial and employment relations, and the integration of migrants.	https://socialdialogue.gov.mt/en/Pages/default.aspx	Ministry for Social Dialogue, Consumer Affairs and Civil Liberties. (2015, July). <i>LGBTIQ Action Plan 2015-2017</i>
Ministry for Education and Employment	The objective of the Ministry for Education and Employment is to provide present and future generations with the necessary skills and talents for citizenship and employability, in the 21 st century and beyond. Our children need to develop their personal and social potential and acquire the appropriate knowledge, key skills, competences and attitudes through a value-oriented formation including equity, social justice, diversity and inclusivity.	http://education.gov.mt/en/Pages/educ.aspx	NA
Aġenzija Żgħażaġh	Aġenzija Żgħażaġh was established in February 2011 to promote the interests of young people and to provide assistance to youth organisations and young people in achieving their potential.	http://www.agenzijazgħa.gov.mt/	Connect from the heart campaign; No Hate Speech Movement;

			Blogger Training on No Hate Speech in Malta for Young People: Developing participant's knowledge, skills and attitudes in human rights
Advisory Council on LGBT Affairs (through the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties)	<p>The Advisory Council on LGBT Affairs is an independent consultative body, set up by the Labour administration, to give advice to the government on matters relating to LGBT issues. The council is composed of representatives of local NGOs who work in the field of LGBT rights, as well as individual experts on the subject.</p> <p>The Council has been tasked with drafting legislation that will have an impact in the LGBT community in Malta.</p>	https://socialdialogue.gov.mt/en/Pages/Entities/Advisory-Council-on-LGBT-Affairs.aspx	Ministry for Social Dialogue, Consumer Affairs and Civil Liberties. (2015, July). <i>LGBTIQ Action Plan 2015-2017</i>
Ministry for Justice, Culture and Local Government	The aim of the Ministry for Justice, Culture and Local Government is to carry out our objectives in an efficient and effective manner. In this respect the ministry is responsible for promoting and developing a secure, just and inclusive society where every citizen's rights and freedoms are safeguarded in an equitable and secure environment	https://mjcl.gov.mt/en/ministry/Pages/Mission-Statement.aspx	

6. Projects Related to Combating Hate Speech and Hate Crime

In view of the challenges discussed in section 3 and the prevalence of hate speech and discrimination on the island, a number of projects and initiatives have been organised with the view of exposing the existence of, countering, and spreading awareness of the dangers of hate speech and discrimination. Hence, this section outlines the various projects that have been organised in Malta in an attempt to counter hate speech and discrimination.

The table below provides a thorough list of the projects that have been organised in Malta to counter and/or raise awareness of hate speech, discrimination, and hate crime.

Table 3: Projects aimed at combating hate speech, hate crime, and discrimination

Project undertaken by	Name of project and dates of implementation	Aim of project	Outcomes of the projects (when relevant)	Website of description uploaded
Aditus foundation	Fundamental Rights in Practice: European Judicial Training on the rights of persons in need of international protection 1 April 2016 – 31 March 2018	The Project aims to enhance the drive towards a common legal and judicial culture in EU and to strengthen law enforcement in the area of Fundamental Rights through the training of members of the judiciary and judicial staff on the application of the EU Charter of Fundamental Rights and the Council Framework Decision 2008/913/JHA (CFD).	Ongoing	http://aditus.org.mt/our-work/projects/judicial-training/
Aġenzija Żgħażaġħ, SOS Malta, integra Foundation, Kopin, African Media Association Malta, Migrant Women Association Malta and Spark 15	Connect from the heart campaign July 8 2016	Following the occasion of World Refugee Day, Aġenzija Żgħażaġħ, SOS Malta, integra Foundation, Kopin, African Media Association Malta, Migrant Women Association Malta and Spark 15 joined forces under the ‘Connect from the heart campaign’, initiated through the No Hate Movement by Council of Europe. This initiative sought to stop online hate speech, in particular hate speech targeting refugees, asylum seekers, internally displaced people (IDPs) and	Increased awareness of issues related to hate speech and hate crime, particularly with regard to refugees, asylum seekers, IDP’s and migrants.	https://www.facebook.com/events/621767024639299/

		<p>migrants, and the respect of their human rights.</p> <p>The 'Connect from the heart' march was a gathering for publicly condemning hate speech targeting migrants and refugees.</p>		
Institute of Linguistics and the Department of Inclusion and Access to Learning of the University of Malta (UoM), the People for Change Foundation, and We Are - the UoM LGBTQQI Society	<p>Creating an Online Network, monitoring Team and phone App to Counter hate crime Tactics (C.O.N.T.A.C.T)</p> <p>Ongoing</p>	<p>C.O.N.T.A.C.T is a European Union supported project that aims at countering the negative effects of hate crime and hate speech through a hate crime recording website and phone app, training of police and officials and research into hate crime. C.O.N.T.A.C.T covers Cyprus, Denmark, Greece, Italy, Lithuania, Malta, Poland, Romania, Spain and UK.</p>	Ongoing	http://reportinghate.eu
Malta Gay Rights Movement (MGRM)	<p>UNI-Form Malta</p> <p>Ongoing</p>	<p>This project is being conducted, with the support of the European Commission, in 10 EU Member-States: Belgium, Estonia, Hungary, Ireland, Latvia, Lithuania, Malta, Portugal, Spain and United Kingdom. The focus of this research project is hate crime and online hate speech targeted at the LGBT QQI communities.</p>	Ongoing	http://www.gaymalta.com/single-post/2016/08/22/LGBTIQ-Hate-Crime-Survey
Bay Radio	<p>No Hate Campaign</p>	<p>The station highlights the risks of online bullying and raising awareness of how</p>	Ongoing	http://www.agenziazgħa.zgħ.gov.mt/news/526/

	2015	to deal with the problem. The initiative was launched in December 2015 after shocking figures showed as many as 1 in 5 young people are subjected to 'extreme cyber bullying' every day.		
People for Change Foundation	Report Racism Malta November 2014-ongoing	Development of a website for reporting hate crime. Following the reporting, the Foundation can direct victims of race-related crime towards the right channels so that appropriate action may be taken, and remedies accessed.	Website for reporting in English, Maltese and French	http://www.reportracism-malta.org/
Aġenzija Żagħżagħ / Council of Europe (Malta & Europe)	No Hate Speech Movement 2012-2014	Development of an online blog and facebook group(s) with a view to raising awareness regarding online hate speech.	Awareness raising website and dedicated facebook groups for discussing (instances of) hate speech. Even though the project was mainly based online, there have been various awareness raising events organized in different countries, including Malta.	http://blog.nohatespeechmovement.org/no-hate-speech-movement-in-malta/ https://www.facebook.com/NoHateSpeechMalta/ https://www.facebook.com/groups/100204806841887/?fref=ts EU campaign: http://nohate.ext.coe.int/The-Campaign
SOS Malta in partnership with Aġenzija Żgħażgħ	Blogger Training on No Hate Speech in Malta for Young People: Develop	A training course on developing knowledge skills and attitudes in human rights and supporting participants. The aim was to recognize and act against hate speech in their online form of	Training course	http://www.sosmalta.org/nohatespeech http://www.agenziazgħazgħ.gov.mt/News/470/

	ing participant's knowledge, skills and attitudes in human rights. 19-21 September 2014	expression, whilst also supporting the further promotion of the human rights values of the Council of Europe among young people online.		
The People for Change Foundation	Pledge for Dignity and Against Racism July 2013 - ongoing	Development of a statement against racism to be signed by MPs, members of political parties and eventually MEPs too.	Declaration for MPs and politicians. Declaration for MEPs is also underway, although not yet posted.	http://www.pfcmalta.org/mp-pledge.html
Malta LGBTQI Rights Movement (MGRM)	Think Before You Speak: Making Life Better For LGBT Youth December 2011	Reduction and prevention of the use of homophobic and transphobic language through various communication initiatives, in an effort to create a more positive environment for LGBTQ teens / youth.	- Distribution of post cards and posters. - Broadcasting of Public Service Announcements raising awareness on homophobic bullying on local television.	http://www.maltagayrights.org/localcampaignsselected.php?title=Think%20Before%20You%20Speak:%20Making%20Life%20Better%20For%20LGBT%20Youth
National Commission for the Promotion of Equality (NCPE)	Strengthening Equality Beyond Legislation December 2009-November 2010	- Implementation of further legislation on non-discrimination through awareness raising, training, and research. - Dissemination of information on EU and national policy and legislation in the non-discrimination field.	- Analysis of underreporting of discriminatory incidents, which showed that most people do not report such incidents due lack of knowledge about where to report them, embarrassment or fear of further persecution, lack of faith in authorities or feelings of powerlessness. - Identification of the most effective means to encourage people to report: education, media attention and retraining of staff in several entities.	https://socialdialoguecms.gov.mt/en/NCPE/Pages/Projects_and_Specific_Initiatives/Strengthening_Equality_Beyond_Legislation.aspx

7. Analysis of Online Media Coverage of Hate Speech and Hate Crime

Concept

One of the most pertinent issues in the analysis of hate speech is whether or not there is a line, and if so, where to draw the line between hate speech and discriminatory speech, and non-hate or discriminatory speech as well as freedom of speech. While the word ‘*faggot*,’ for example, is quite obviously intended to be hateful and offensive, a statement such as ‘*why do they need to get married?*’ – *referred to homosexuals* - might not appear to be harmful. Although this is a question for researchers of hate speech in general, this section seeks to identify ways in which the media in Malta, in particular newspapers in their online version, deals with similar issues on a daily basis. As stated elsewhere in this report, this analysis has had to expand the search for hate speech to include also discrimination, since the underreporting of hate speech and hate crime leaves very little data for study.

Note on methodology

In addition to the actual language used in the media, in particular online newspapers, it is also relevant to observe how hate crimes and hate speech are actually portrayed in the media. What sort of coverage are hate speech and hate crime given in the media? Do incidents of hate crime and hate speech receive much media attention? Are the phenomena of hate crime and hate speech something that the media is greatly concerned with? How does the media report hate crime and hate speech?

In order to answer the questions above, two types of analysis were conducted. Firstly, a quantitative analysis of keywords was conducted in order to observe to what extent xenophobia, homophobia, sexism, intolerance, discrimination and hate were present in the newspapers of Malta from 1st January 2014 until 30 May 2016. As this research is being undertaken in 2016, it was necessary to have a cut-off point and it was thus decided to analyse half of the year. This analysis allowed comparative data to be observed with a statistically relevant output. Subsequent to this quantitative analysis, the data was looked at more closely in order to observe how the media deals with incidents of hate speech and hate crime, as well as whether or not the media covers the topics of hate speech and hate crime and if so, how they go about it. For this, a complex method of stratified sampling was used in order to populate the data sample. In addition, while the quantitative analysis is based on data from all online newspapers in Malta (both in English and in Maltese), the qualitative analysis was narrowed down to one newspaper written in English, namely *The Times of Malta* and one newspaper written in Maltese, namely TVM.

Quantitative results: initial investigation

The first step of the analysis was to establish a set of keywords that were to be investigated for the purpose of observing the representation of hate speech and hate-related crime in the media of Malta. For this, a list of keywords common to all eMore participating countries was used. Table 4 shows the list of keywords as well as their Maltese translation.

In order to ascertain to what extent each keyword was used in the media of Malta within the specified timeframes, the Europe Media Monitor (<http://emm.newsbrief.eu>), an online database of all European newspaper was used. By means of the database it was possible to

conduct keyword searches and to limit the searches to a specified timeframe, language, country, and newspaper. The results of this analysis can be seen in table 4 below.

Table 4: Quantitative results of keywords searches in online newspapers of Malta from 1 Jan 2014 to 30 May 2016

English				Maltese			
Keyword	2014	2015	2016 until May 30	Keyword	2014	2015	2016 until May 30
hate crime	3	39	10	reat ta' mibegħda	0	0	2
hate speech	6	40	19	diskors ta' mibegħda	0	5	1
xenophobia	21	72	35	Ksenofobija	1	0	0
racism	88	184	66	razzizmu/razz izmu	20	63	26
racial hatred	14	26	11	mibegħda razzjali	11	10	10
intolerance	45	84	19	intolleranza	9	8	2
discrimination	241	457	205	diskriminazzjoni	110	154	87
hostility	30	89	18	ostilità	0	11	2
sexism	3	19	8	sessizmu	1	2	0
crime against homosexual	0	0	0	delitt kontra l-omosesswali	0	0	0
crime against gay	1	0	0	-	-	-	-
crime against lesbian	0	0	0	delitt kontra lezbjani	0	0	0
crime against transgender	0	0	0	delitt kontra transesswali	0	0	0
offenses against homosexual	0	0	0	reati kontra l-omosesswali	0	0	0
offenses against gay	0	0	0	-	-	-	-
offenses against lesbian	0	0	0	reati kontra lezbjani	0	0	0
offenses against transgender	0	0	0	reati kontra transesswali	0	0	0
offenses against persons with disability	0	0	0	reati kontra persuni b'diżabilità	0	0	0

hate speech; LGBT	1	0	0	diskors ta' mibegħda; LGBT	1	0	0
hate speech; gender	1	5	0	diskors ta' mibegħda; ġeneru	0	1	0
hate speech; ethnic	0	5	2	diskors ta' mibegħda; etnika	0	0	0
hate speech; migrants	1	18	14	diskors ta' mibegħda; migranti	0	1	0
hate speech; refugees	0	8	9	diskors ta' mibegħda; refuġjat	0	0	0
hate speech; disability	0	0	1	diskors ta' mibegħda; dizabilità	0	1	0
hate speech; religion	0	12	0	diskors ta' 'mibegħda; religjon	0	3	0
hate speech; terrorism	3	13	3	diskors ta' 'mibegħda; terroriżmu	0	0	0
gender; verbal violence	0	12	3	ġeneru; vjolenza verbali	0	0	0
gender; rights; violation	2	13	5	ġeneru; drittijiet; vjolazzjoni	0	0	0
Yearly total	460	1096	428		153	259	130
Total	1,984				542		

A few pertinent observations can be made by means of the data that appears above. The first immediately clear observation is the fact that there exist more examples of the English language media covering these topics than the Maltese language media.

'Discrimination' appears to be used most in both Maltese and English language press. Moreover, there is a steady increase in its usage from 2014 to 2016 (it is important to keep in mind that the figures for 2016 only represent the news for half the year, from 1 January to 30 May 2016). In fact, there seems to be a steady increase in the usage of all the keywords from 2014 to 2015, with the exception of 'racial hatred' in the Maltese language press. This is not surprising because 2015 saw a notable increase in irregular immigration and discrimination has been on the rise.

Another interesting observation is the fact that terms such as 'xenophobia,' 'racism,' and 'migrant' appear more frequently in the news than terms pertaining to homophobia. This also confirms observations that xenophobia is more widespread in Malta than homophobia.

Furthermore, 'sexism' appears to be only of minor relevance in Maltese media. Its use in the English language press is low and its use in Maltese language press is even lower. Moreover, 'discrimination against persons with disability' is all but absent from both the English language and Maltese language press.

The figures above, therefore, might imply that whether or not hate speech, hate crime, and discrimination are a real experience in the lives of minorities in Malta, the press seems to be only mildly interested in reporting it. Moreover, while sexism and homophobia may be a reality in Malta, xenophobia is of far greater concern as evidenced by the higher amount of media coverage that it receives.

Transmission

The quantitative results reported above offer some interesting insights on the extent of the concern of the Maltese press media and society on hatred and discrimination. In order to further delve into the way of representing minority groups in the news, as well as the way that events are described, a deeper qualitative analysis was necessary. For this, a number of newspaper articles were analysed in more detail to get an understanding of how hate and discriminatory events are dealt with by the press.

The first step in the qualitative analysis was to narrow the scope to one English language newspaper and one Maltese language newspaper. A total of 1,984 articles were retrieved for the English language data over the selected period and 542 for the Maltese language data. For the English language data, *The Times of Malta* was analysed: it is the most widely read English language newspaper on the island. For the Maltese language data, TVM was selected because, among the available online newspapers, this one returned the most results by means of the EMM database and thus was considered suitable to conduct a more thorough analysis.

Data sampling

Table 5 and 6 below display the total number of articles retrieved from The Times of Malta (ToM) and TVM respectively. ToM returned a total of 1,011 newspaper articles for the years 2014, 2015, and half of 2016. TVM returned a total of 121 articles for the same time period. The next step was therefore to reduce the data set to a manageable size for an in-depth analysis. This needed to be done carefully and meticulously for it was necessary that the final sample would represent a more or less proportionate use of the key terms in the years under analysis. In addition, it was imperative that the Maltese language data and the English language data be comparable.

Table 5: Times of Malta quantitative results

Year	2014		2015		2016 (up till May 30)	
	2	Hate crime	15	hate crime	3	hate crime
	1	Hate Speech	14	hate speech	13	hate speech
	15	Xenophobia	31	xenophobia	15	xenophobia
	63	Racism	102	racism	35	racism
	24	Hostility	12	racial hatred	5	racial hatred
	9	Racial Hatred	37	intolerance	12	intolerance

	35	Intolerance	170	discrimination	87	discrimination
	153	discrimination	58	hostility	9	hostility
	3	sexism	12	sexism	5	sexism
	1	crime against gay	2	crime against homosexual	3	hate speech; gender
	1	hate speech; migrants	9	crime against gay	1	hate speech; ethnic
	1	hate speech; terrorism	1	crime against transgender	6	hate speech; migrants
	1	gender; rights; violation	2	hate speech; ethnic	3	hate speech; religion
			9	hate speech; migrant	2	hate speech; terrorism
			2	hate speech; refugee	1	gender; verbal violence
			8	hate speech; religion	3	gender; rights; violation
			6	hate speech; terrorism		
			6	gender; verbal; violence		
			3	gender; rights; violation		
Yearly total	309		499		203	
Total	1011					

Table 6: TVM quantitative results

Year	2014		2015		2016 (up till May 30)	
	6	razziżmu	2	diskors ta' mibegħda	1	reat ta' mibegħda
	4	mibegħda razzjali	6	razziżmu	1	diskors ta' mibegħda
	5	intolleranza	3	intolleranza	3	razziżmu
	48	diskriminazzjoni	20	diskriminazzjoni	1	mibegħda razzjali
	1	sezziżmu	1	ostilità	1	intolleranza
			1	sessiżmu	13	diskriminazzjoni
			1	diskors ta' mibegħda; dizabilità	1	ostilità
			2	diskors ta' mibegħda; religjon		
Yearly total	64		36		21	
Total	121					

It was therefore decided to use a form of stratified random sampling whereby each article would have an equal chance of being selected for analysis and the number of articles used for each keyword would be proportionate to its quantity in the full data set. It was decided to analyse 25% of all article retrieved. Therefore, for each year 25% of the articles were used for analysis and for each keyword, 25% of the articles retrieved were used. Thus, 25% of each of the figures above was taken and rounded off the lowest whole number:

e.g. 2014: xenophobia

$63 \times 25\% = 15.75$

Round off to the lowest whole number = 15 articles were analysed.

As 25% of the articles were used in the final data sample, once the above figure was reached, every fourth article was taken until a total of 15 articles (in the above example) were included in the data sample. Finally, as the main motivations behind this method of sampling was to reduce the data sample to a manageable size for a thorough analysis and hence, to ensure that each article had an equal chance of being selected, it was decided to only apply this method to keywords that returned more than 3 articles in the earlier search. Therefore, for all keywords that retrieved up to 3 results, all articles were analysed; for all keywords that retrieved more that 3 results, the stratified random sampling was applied.

Finally, although substantially fewer articles were retrieved for the Maltese language data, it was decided to use the same method and 25% of the articles in order to have the results fully comparable to the English language results. Therefore, the final numbers of articles analysed were:

Year	Times of Malta	TVM
2014	82	16
2015	127	16
2016	59	11
Total	268	43

Qualitative analysis

Once the final data set was established by mean of the aforementioned methodology, each article was analysed and annotated for the following information:

Table 7: Qualitative analysis annotations

Annotation	What the annotations involve
Publication Date	date of publication of article
Author	when it was specified. Often Reuters and Press Associated articles do not specify the author of the article
Type of Article	type of article; world; local; blogs; opinion; editorial; arts-entertainment; sport; football;

	business-news; letters; consumer-affairs; health-fitness; technology; odd-news; social; quotes; education life-features; world cup; business-comment; European Parliament-elections;
Trigger of the news	event that triggered the news
Geographical location	of the event
People involved	in the event
Type of discrimination	xenophobic; ethnic; racist; religious; anti-Semitic; homophobic; transphobic; sexist; gender discriminatory; disability
Related legal frameworks	legislation
Context/setting	of the event
Connection with other types of crime/violence	when applicable
Follow-up of the news	when applicable
Tone and opinion	positive; negative; neutral
Subject of article	positive; negative; neutral

After the above information was collected for each article, the data sample was analysed. The results of this analysis are outlined in the following subsections.

Qualitative results: The Times of Malta

The first observation is the number of irrelevant articles that form part of the data set. 18% of the articles in 2014 were not related to xenophobia (including ethnic, racial, religious, and national discrimination), homophobia, transphobia, sexism, or discrimination against persons with disability; 11% in 2015; and 12% in 2016. The majority of not relevant articles pertain to political and financial discrimination. Hence, the marginal drop from 2014 to 2015 can be explained by the fact that the news in 2014 was often dominated by internal politics, whereby politicians (and journalists) claimed that certain policies were discriminatory on a political or financial level. Although to a lesser extent, this type of rhetoric makes up the majority of irrelevant articles for 2015 and 2016. This is worrying because using a discourse of discrimination for the aforementioned contexts may dilute the gravity of hate and discrimination aimed to harm minorities. Thus, it is important to establish a discourse, in the media and on a political level, of discrimination used only in the context of the impediment of the rights and privileges of minorities and not on a whim.

Another observation is the fact the percentage of articles related to Malta increased substantially from 2014 to 2016. 57% of the articles in 2014 were related to Malta; 42% in 2015; and in 2016, a sharp increase to 69%. The drop in 2015 could be explained by global events taking precedence such as the Charlie Hebdo killings⁶, and the attacks in Brussels⁷, Nigeria⁸ and more. In 2016, however, the media appear to have honed in on the widespread existence of minorities' discrimination in Malta.

Another positive shift is the considerable difference in the ratio of positive to negative news reported over the 3 years. While in 2014 and 2015 the majority of news articles report negative news (such as, in 2014, when the football executive, Carlo Tavecchio, referred to African players as "banana eaters"(Times of Malta, 2014); and, in 2015, when the group of self-proclaimed patriots, the 'Għaqda Patrijotti Maltin, ' organized a protest against forced integration(Times of Malta, 2015)), thus far in 2016, the majority of news reported with regards to hate and discrimination were positive (such as the report about the speech given by President Marie-Louise Coleiro Preca in which she insists that "racists must be educated" (Times of Malta, 2016b) and the article that reports about pro gay civil unions taking place in Italy(Times of Malta, 2016c)). This can be symptomatic of a society with growing awareness of hate and discrimination, and also of a society working to mitigate discrimination rather than merely reporting it.

Another shift from 2014 to 2016 is the number of articles directly related to hate and discrimination. While a high number of articles in the data sample for the years 2014 and 2015 pertain to an event reported in the news, and only incidentally discuss hate and discrimination, (for example, in 2014, when reporting about the 10 million 'illegal ghosts' living in the world (Batha, 2014), or, in 2015, when reporting about a Polish man in the U.K. who challenged the far-right politician Nigel Farage to a duel (Press Association, 2015)), in 2016, a higher percentage of articles were written directly about discrimination and hate themselves. This could indicate a shift in society whereby there is a higher conscientiousness with regards to the rights and the need of protection for minorities in Malta.

On analysis of the observed tone of articles, the large majority of articles in all 3 years appear to be reported in a neutral tone. Thus, it is fair to say that the ToM attempt to remain impartial as much as possible to the events of discrimination that they are reporting. In addition, there appears to be no pattern in terms of what kind of articles use a negative tone, for all types of articles were labelled as negative: local news, world news; opinion, blogs etc. However, it is not that the articles report the events in question outright negatively, but more subtle clues offer an indication as to the negative tone. For example, in a 2015 article about Jack Daboma, a Hungarian student who was racially attacked at the bus station in Valletta, ToM report that "[t]he *black* Hungarian student who was *briefly arrested* in an incident at the Valletta bus terminus last week has filed a criminal complaint against the woman who slapped and spat at him [emphasis added]" (Xuereb, 2015) and that "Mr Daboma *insisted* that the police should charge the woman with inciting racial hatred, with

⁶On 7 January 2015 12 people were killed at the offices of the French satirical magazine *Charlie Hebdo* in Paris. The terrorist attacks were allegedly motivated by the magazine's printing of controversial caricatures of the prophet Mohammed. This was followed by another police officer being killed on 8 January 2015, and 4 more people on 9 January 2015 in Paris (CNN, 2016).

⁷On 22 March 2016 a series of bombings took place in Brussels in purported terrorist attacks (BBC, 2016).

⁸In January 2015 Boko Haram militant opened fire on villages in Nigeria killing an estimated 2000 people (Mark, 2015).

slightly injuring him and with making malicious, false accusations against him [emphasis added]”. The language used to describe the actions of the student implies aggression which contributes to a metaphor of hostility.

Based on this data sample, xenophobic types of discrimination appear to occur far more frequently than discrimination targeted at members of the LGBTQQI community, women, and other gender minorities, as well as discrimination against persons with disabilities. It is important to highlight that although the term ‘*xenophobia*’ serves as an umbrella term for a various types of discrimination including ‘*racial discrimination*’, ‘*ethnic discrimination*’, ‘*religious discrimination*’ and ‘*discrimination based on nationality*’, the term ‘*homophobia*’ refers to a type of discrimination that is distinct from others such as ‘*transphobia*’, ‘*sexism*’, ‘*gender discrimination*’, and ‘*discrimination against intersex individuals*’.

Table 8 below displays the number of articles pertaining to transphobic discrimination, homophobic discrimination, sexist discrimination, gender identity discrimination, discrimination against persons with disability, ethnic discrimination, religious discrimination, racial discrimination, and nationality-based discrimination over the 3 years.

Table 8: ToM breakdown of types of discrimination

	2014	2015	2016	Total	
transphobia	1	9	5	15	LGBTQQI, women, and gender minorities: 103
homophobia	4	17	16	37	
sexism	8	8	8	24	
gender identity	6	8	13	27	
disability	9	1	1	11	Xenophobic: 397
ethnic	21	64	26	111	
religious	20	67	25	112	
racial	31	76	29	136	
nationality	17	14	7	38	

A number of observations can be made based on data reported in table 8. It is important to note that some figures are similar for some types of discrimination is because the articles and events reported in the ToM involve different types of discrimination at the same time. For example, when a hate crime or act of discrimination reported involves ethnic discrimination, it often involves religious bias.

Hence, the first assumption is that, as mentioned, xenophobic discrimination is reported at a much greater frequency than LGBTQQI discrimination, gender discrimination, and discrimination against persons with disabilities. This is not surprising as, to date, there have not been any successful prosecution on the basis of hate speech, hate crime, or discrimination targeted at the LGBTQQI community or gender minorities. On the contrary, there have been for xenophobic discrimination.

Focusing on discrimination targeted at LGBTQQI individuals, women, and gender minorities, it is clear that transphobia is highly neglected in comparison to other types of discrimination in the data sample. The most commonly reported is homophobia; evidence of the fact that gender issues, and trans and intersex issues are frequently side-lined, as well as conflated with discourse of homophobia, as though they were one in the same thing.

Within the sample of articles that make reference to xenophobia or xenophobic events, nationality-based discrimination receives the least attention. Xenophobia in Malta does not consist necessarily of “hatred or fear of foreigners or strangers or of their politics or culture” (Collins, 2016), but primarily of fear of irregular migrants, asylum seekers and third country nationals, and therefore, by association of stereotypes, Muslims, black people, Africans, and Arabs. These figures of the various types of discrimination that fall under xenophobia (ethnicity, race and religion) are all quite similar, thus in line with findings from other studies, stating that the Maltese fail to recognise the various identities of minorities and evaluates any Muslim or black person as ‘Arab’ or ‘African’ and ‘immigrant’ (Attard, Cassar, & Gauci, 2013).

In summary, the article data of the Times of Malta shows, even if from a partial picture, that xenophobia seems to be of greater concern and more widespread than hate and discrimination targeted at the LGBTQQI community, women, gender minorities and persons with disabilities. Xenophobia in Malta is particularly directed at ethnic, racial and religious minorities, in particular, black, Arab or African, Muslims. In addition, within both subsections, there are further informative patterns that show that trans and intersex issues are all but ignored.

Qualitative results:TVM

The methodology followed for the analysis of the TVM data was the same one used to analyse the ToM data. Hence, 25% of the articles were selected for any keyword that returned more than 3 results. Subsequently, the final data sample was annotated for the information listed in table 7 above. This was done in order to have both data sets fully comparable.

Table 9 below, displays the number of articles pertaining to transphobic discrimination, homophobic discrimination, sexist discrimination, gender identity discrimination, discrimination against persons with disability, ethnic discrimination, religious discrimination, racial discrimination, and nationality-based discrimination over the 3 years under investigation in the TVM data set.

Table 9: TVM breakdown of types of discrimination

	2014	2015	2016	Total	
transphobia	0	2	0	2	LGBTQQI, women, and gender minorities: 12
homophobia	1	3	2	6	
sexism	1	1	2	4	
gender identity	0	0	0	0	
disability	4	3	1	8	
ethnic	1	3	2	6	Xenophobic: 33
religious	0	5	2	7	
racial	2	6	5	13	
nationality	1	3	3	7	

Generally, the TVM data shows similar overall patterns to the ToM data. Xenophobia is reported more frequently than homophobia, discrimination against women, gender minorities, and persons with disabilities. Before discussing the patterns more in detail,

however, it is worth noting a preliminary observation. It is visible, through table 8 and 9, that ToM report discrimination and hate at a much higher rate, in proportion, (103 LGBTQQI, women, and gender minorities; 397 xenophobia) than TVM (12 LGBTQQI, women, and gender minorities; 33 xenophobia). Based on this data sample, it may seem that the English-language media in Malta is far more concerned with the reality of hate and discrimination than the Maltese-language media. The reasons for this would require further investigative research, which includes an analysis of news values, readership, and demography.

Closer observation also reveals similar patterns within the subgroups of discrimination: transphobia, sexism, and discrimination against persons with disabilities are somewhat sidelined, whereas homophobic-based hate incidents receive more attention. In the Maltese language data, discrimination against gender minorities is absent.

In addition, the data reveals that xenophobic discrimination in the TVM data also follows a similar pattern to the ToM data. The most highly reported type of xenophobic discrimination is racial discrimination, followed by religious discrimination, followed closely by ethnic discrimination. Discrimination and hate on the basis of nationality differ substantially in the two data sets. While ToM reports nationality-based discrimination far less frequently than either religious or ethnic discrimination, TVM reports nationality-based discrimination as much as it does with religious discrimination.

In contrast to the ToM data, the number of articles that relate to Malta decreased over the last three years. While in 2014, 87% of the articles in the data set were related to Malta, this number dropped to 64% in 2016. Therefore, it would appear, based on this data sample, that the Maltese-language media has become less concerned over the years about the prevalence of hate and discrimination on the island.

Also, in a similar way to the ToM data, the number of irrelevant articles in 2014 is higher than in any other year and the subject of these articles is similar; political and financial discrimination. In addition, while the articles in 2015 report exclusively positive news, both the data of 2014 and of 2016 include negative news, although in both years negative news makes up a minority of the data. Finally, as with the ToM data, the majority of TVM articles report the news in a neutral tone. Only one article from 2015 and one from 2016 were considered to use a negative tone. In 2015, in an article about the end of the Sun's page 3 topless models, the article started off by referring to the models as "mudelli nisa topless" [topless female models](TVM, 2015), but later in the article used the less neutral "nisa b'sidirhom barra" [women with their boobs out] (ibid.) and in 2016, in an article about the persecution of Christians in Iraq and Syria, the author uses strong and opinionated language to describe their experiences (TVM, 2016). Although not hate speech, these articles are indicative of the (negative) public attitudes surrounding women and religious minorities.

It is evident from the discussion above that, according to the data in this study, the Maltese language media is less concerned about reporting hate and discrimination. Insofar as it does report hate, the Maltese language media follows similar patterns as the English language data in terms of the inclusion of discussion pertaining to xenophobic discrimination and other forms of discrimination. In addition, the Maltese media appears to report less about world news, and focuses more on events that occur on the island.

8. Legal Framework

The last section of this report examines the legal framework in Malta pertaining to hate speech, discrimination, and hate crimes. This section will examine the existing laws and legislations, before exploring some of the most recent legal interpretations of these laws through court cases and trials. Finally, the section will end by identifying gaps in information and recommendations for improving these laws in a way that will better protect targets of hate speech, hate crime and discrimination incidents.

Malta is currently a leading country in Europe in relation to the protection of minority rights, in particular LGBTQQI rights. Up until 2013, lesbian, gay, bisexual, and transgender individuals as well as other gender minorities were only protected against discrimination in employment, through the Employment and Industrial Relations Act (Government of Malta, 2016d). In 2013, however, the Constitution of Malta, and the Maltese Criminal Code (Government of Malta, 2016a; Government of Malta, 2016b) were both amended to provide protection to gender and sexual minorities against hate incidents. Moreover, one report notes that “in December 2014, a consultation process was launched proposing the introduction of an Equality Act and a Human Rights and Equality Commission” (Ellul, 2016, p. 5). These changes were likely due to pressure given to the state by activists and stakeholders following a number of violent events.

One of these events was the aforementioned attack against two young lesbians in a park in Hamrun, Malta (Calleja, 2012a). At the time, no protection against hate motivated crimes existed and, thus, the brothers responsible for the crime were merely charged with assault (Calleja, 2012b). In a similar event, a man charged with attempted murder was conditionally discharged after he violently attacked an Australian man who allegedly called the accused ‘gay’ (Stagno-Navarra, 2012). Since then, in 2013, Maltese legislation was amended to include discrimination on the basis of “gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion” (Government of Malta, 2016e) as aggravating circumstances for all offences. It should be noted also, that although the aforementioned protections exist in legislation, the relevant laws are somewhat onerous, for the criminal code refers to all types of hatred as ‘racial hatred’ and does not distinguish racial and ethnic minorities from sexual and gender minorities.

Relevant legislations⁹

As can be seen in the excerpts from legislation below, Malta has very strong legislation against discrimination, hate speech, and hate crime. The law specifically prohibits any discriminatory act against a person based on their by race, place of origin, political opinions, colour, creed, sex, sexual orientation or gender identity. In addition, the criminal code categorically states that any sort of violence or threatening or abusive behaviour or language is criminal. As will be seen in the case law analysis below, however, these laws have only seldom been enacted in practice.

⁹ This subsection contains relevant extracts from Maltese legislation. The legislations are reproduced verbatim as they appear in Maltese legislation, which can be found on the website of the Ministry for Justice, Culture, and Local Government (<http://justiceservices.gov.mt>). In addition, the extracts below contain only excerpts of the relevant text. To see the legislations in their entirety, please refer to the Ministry website indicated above. The name of Act or Article is clearly indicated in the subsection title and the full citation for each can be found in the reference list of this report.

Despite the strong legislation against hate crime and hate speech, as this report has shown (and will continue to show further in this section), hate speech is widespread. The main weaknesses in this regard are twofold. Firstly, although the law states that any threatening or abusive language targeted at a person on the basis of any one of the aforementioned minority identities is illegal, the law does not elucidate what sort of language is referred to here. No specific information is given, thus leaving any possible interpretation of the hate speech law very ambiguous. The second major drawback, which has already been mentioned, but merits more extensive discussion in this section, is the fact that hate crimes and, in particular, hate speech is drastically under-reported in Malta. It is clear, therefore, that the problem of hate speech does not lie in any lack of legislation, but in the way that the relevant laws are enforced.

Constitution of Malta: Article 45

(1) Subject to the provisions of sub-articles (4), (5) and (7) of this article, **no law shall make any provision that is discriminatory either of itself or in its effect.**

(2) Subject to the provisions of sub-articles (6), (7) and (8) of this article, **no person shall be treated in a discriminatory manner** by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

(3) In this article, the expression "**discriminatory**" means **affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed, sex, sexual orientation or gender identity** whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(Government of Malta, 2016a)

Maltese Criminal Code: Article 82

(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 intent thereby to stir up violence or racial hatred against another person or group on the grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion** or whereby such violence or racial hatred is likely, having regard to all the circumstances, to be stirred 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 racial hatred against a person or against a group of persons in Malta defined by reference to gender, gender identity, sexual orientation, race, colour, language, national or ethnic origin, citizenship, religion or belief or political or other opinion

(Government of Malta, 2016b)

The Press Act: Part II

6. Whosoever, by any means mentioned in article 3, **shall threaten, insult, or expose to hatred, persecution or contempt, a person or group of persons because of their gender,**

gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion, disability as defined in article 2 of the Equal Opportunities (Persons with Disability) Act, shall be liable on conviction to imprisonment for a term not exceeding three months and to a fine (multa).

(Government of Malta, 2016f)

The Broadcasting Act: Article 16K

Audiovisual commercial communications provided by media service providers shall comply with the following requirements: [...]; (c) audiovisual commercial communications shall not: (i) **prejudice respect for human dignity; (ii) include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation; (iii) encourage behaviour prejudicial to health or safety; [...]**

(Government of Malta, 2016g)

The Employment and Industrial Relations Act

(3) The purpose of these regulations is to put into effect the principle of **equal treatment in relation to employment** by laying down minimum requirements to **combat discriminatory treatment on the grounds of religion or religious belief, disability, age, sex, sexual orientation, and racial or ethnic origin**

...

"discriminatory treatment" means any **distinction, exclusion, restriction or difference in treatment, whether direct or indirect, on any of the grounds mentioned in regulation 1(3)** which is not justifiable in a democratic society and includes:

(a) harassment and sexual harassment, as well as any less favourable treatment based on a person's rejection of or submission to such conduct;

(b) instruction to discriminate against persons on grounds of sex;

(c) any less favourable treatment of a woman related to pregnancy or maternity leave within the meaning of Directive 92/85/EEC;

(d) in so far as **the ground of sex is concerned, any less favourable treatment of a person who underwent or is undergoing gender reassignment**, which for the purpose of these regulations shall mean where a person is considering or intends to undergo, or is undergoing or has undergone, a process, or part of a process, for the purpose of reassigning the person's sex by changing physiological or other attributes of sex;

...

3.

(1) It shall be **unlawful for a person to subject another person to discriminatory treatment, whether directly or indirectly, on the grounds of a particular religion or religious belief, disability, age, sex, including discriminatory treatment related to gender reassignment and to pregnancy or maternity leave as referred to in the Protection of Maternity (Employment) Regulations, sexual orientation, or racial or ethnic origin in any situation referred to in regulation 1(4).**

(2) For the purpose of these regulations:

(a) **direct** discriminatory treatment shall be taken to occur where one **person is treated less favourably than another** is, has been, or would be, treated in a comparable situation on any of the grounds referred to in subregulation (1);

(b) **indirect** discriminatory treatment shall be taken to occur where **an apparently neutral provision, criterion or practice would put persons of a particular race or ethnic origin or having a particular religion or religious belief, disability, age, sex, or sexual orientation at a disadvantage when compared with other persons unless –**

(i) that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary; or

(ii) with regards to persons with a particular disability, the employer or any person or organization to whom these regulations apply, is obliged, under any law, to take appropriate measures in line with the principles contained in regulation 4A so as to eliminate disadvantages entailed by such provision, criterion or practice.

....

4.

(1) Notwithstanding regulation 3(1) and 3(2), **any difference of treatment based on a characteristic related to grounds of religion or religious belief, disability, age, sexual orientation, and racial or ethnic origin shall not constitute discriminatory treatment** where by **reason of the nature of the particular occupational activities concerned**, or of the context in which they are carried out, such a characteristic **constitutes a genuine and determining occupational requirement** provided that the objective is legitimate and the requirement is proportionate.

....

6.

(1) **Nothing in these regulations shall render unlawful any act done** in or in connection with

-

(a) **affording persons of a particular religion or religious belief, disability, age, sexual orientation, or racial or ethnic origin, access to benefits** relating to training which would help prepare them for a particular work; or

(b) encouraging such persons referred to in paragraph

(a) to take advantage of opportunities for doing a particular work, where it reasonably appears to the person doing the act that it prevents or compensates for disadvantages linked to grounds of religion or religious belief, disability, age, sexual orientation, and racial or ethnic origin

(Government of Malta, 2016d)

Act No. II of 2012

This act enacted by George Abela, (then) President of Malta amends several laws related to disability and provides provisions for protection to persons with disability in various laws.

(Abela, 2012)

Judicial Interpretations and implementations of legislation

As can be seen in table 10 below, there have not been very many prosecutions on the basis of hate and discrimination. One possible cause may be that, as mentioned, sexual orientation and gender identity were only included as grounds for constitutional protection in 2013. As a consequence, the only cases of hate and discrimination brought to court have been on the grounds of racial discrimination.

Probably, the most successful case to date is Norman Lowell's 2008 conviction. Lowell, a far-right politician, who is leader of the Imperium Europa Party, has been vocal about his anti-immigration policy and is often in 'hot water' for his racist and discriminatory rhetoric (Dalli, 2015). The Imperium Europa website itself states "this is our dream, our goal: that this *IDEA* of IMPERIUM EUROPA born in Malta, would capture the imagination of all Europids and bring that unity, which is imperative for the survival of this minority of biological aristocrats" (Imperium Europa, 2004).

As can be seen in the table below, one of the greatest difficulties with hate and discrimination charges is proving that the crime was motivated by hatred. In many of the cases to date, the accused was acquitted due to lack of sufficient evidence. The list of court cases and their outcomes can be seen in table 10 below.

Table 10: Court cases related to the prosecution of hate speech and hate crime

Court Date – Case No. and parties	Description of event	Outcome/verdict and notes
07-03-2007-299_2005-42117	An Armed Forces of Malta official was charged with inciting racial hatred, assaulting and threatening Musa Bugayoka, a Liberian refugee, on 1 April 2005 in Sliema.	Insufficient evidence to convict the accused. Court documents also describe the victim as being a troublemaker.
27-03-2008-518_2006-48253	Norman Lowell was accused of 3 counts of inciting racial hatred by using insolent and abusive words and behaviour. ‘Coming Cataclysmic Crises’ was published on the site of defendant VivaMalta.org , in it several counts of racial hatred and anti-Semitic remarks. The defendant also held two meetings in Nigret and Fra Ben.	Found guilty on all counts, received 2 years jail sentence suspended for 4 years, €500 fine, and €38 for the services of court expert Dr.Stephen Farrugia Sacco.
15-10-2008-83_2008-51626	Norman Lowell appealed the above verdict	The appeal was considered null and the sentence remains.
27-04-2009-5_2009-54649	<p>Normal Lowell V’s Director General of the Justice Courts, Director of the Civil Courts and Tribunal, Director of the Criminal Courts and Tribunals, Attorney General of the Republic, Minister for Justice and Internal Affairs, and the Prime Minister as head of government.</p> <p>Lowell complained that the appeals court was unjust and broke his fundamental human rights by not reading through the entirety of his appeal among other reasons.</p>	The courts deemed that no fundamental rights were broken and turned down the requests made by Norman Lowell.
26-09-2013-804_2010-83148	Defendant 1 was filmed giving what can be interpreted as being a racist speech, and defendant 2 assisted by filming the speech and posting it on You Tube	Both defendants were conditionally discharged (on the grounds that the video was actually filmed to make people laugh rather

Court Date – Case No. and parties	Description of event	Outcome/verdict and notes
		than to make a racial statement).
31-01-2013-1192_2010-79058	The defendant, a Club bouncer, refused entry to two Tunisian men and a small fight broke out.	Defendant acquitted of racist charges (on the grounds that there was no evidence that his refusal of entry was based on racial discrimination). Still, he was fined €300, as he was found guilty of 2 of the 6 charges.
09-06-2014-1076_2010-88366	The defendant, a bus driver, prevented a black couple and their baby from boarding the bus.	Defendant acquitted (on the grounds that there was no evidence that his premise was racist)
24-04-2014-323_2012-88209	The defendant was charged with waving his gun and allegedly hurling racial insults at two Somalian nationals from the balcony his home.	Court issued a Protection Order to prevent the accused from approaching the victims and their residence. Defendant found not guilty on racist charge (on the grounds that there was no evidence of this).
27-08-2014-586_2014-89495	The defendant, who was also a foreign citizen, was charged with both verbally and physically attacking an African male.	Defendant found guilty (sentenced to six months in prison)
13-08-2015-565_2015-96298	A Maltese citizen verbally attacked a coloured Hungarian male at the bus station in Valletta.	Charges dropped by both parties.
10-05-2016-	Correctional officer at Corradino Correctional Facility, Vincent Debono, accused	the accused was found guilty on the first

Court Date – Case No. and parties	Description of event	Outcome/verdict and notes
1_2016-100559	<p>of:</p> <p>a) inappropriately using a network or an electronic communication device, b) inciting racial hatred.</p> <p>Vincent Debono commented on a news article about a refugee camp burning in Sweden, “I hope it’s burning with them inside”</p>	<p>count and fined €5000, but was freed from the accusations of inciting racial hatred as the law says the hatred must be addressed at a person or persons in Malta. Furthermore, the law does not include explicitly refugees and since the defendant did not address his comment to any particular race the law absolves him of responsibility. The court suggests that the law be broadened to include such cases.</p>

Gaps and Challenges within Existing Legislation

One of the most obvious gaps in Maltese legislation is the lack of an adequate definition of hate speech. Although the criminal code makes direct reference to “threatening, abusive or insulting *words* [emphasis added] or behaviour, or displays any *written or printed material* [emphasis added] which is threatening, abusive or insulting...” (Government of Malta, 2016b) there is no indication as to which words, what types of words, and for that matter what type of language is being referred to in the clause. Furthermore, as the legislation specifies ‘insulting words’ as discrimination, it rules out any other sort of hate speech that might not be immediately apparent on a lexical level. In addition, as is evident from the final case described in table 10 above, the law needs to be broadened to include any kind of hate speech oral or written.

Moreover, as is evident from the paucity of prosecutions that have been made on the grounds of hate and discrimination, hate speech can be difficult to prove, since one must prove not only that hate speech was used, but also that it was used in a vicious attempt to incite hatred. As language is transient in nature, it is difficult to reconstruct exactly what was said in any given confrontation. Most of the cases above were dropped for exactly this reason. Norman Lowell’s 2008 conviction was made as the language in question was published on his website. In addition, case 26-09-2013-804_2010-83148 listed above was dropped because the courts decided that although the rhetoric might have been in bad taste, it was not intended to *incite hatred*.

It is thus apparent that although the laws of protection exist in theory, they are yet seldom used in practice. In addition, the lack of judicial interpretations makes it difficult to understand exactly what the perimeters of the law should be, how the law is to be interpreted, and how it should be practiced. Moreover, it makes evident the fact that the work being done to raise awareness of hate speech and hate crime by NGOs and similar bodies is both greatly needed and necessary.

Recommendations

A set of recommendations to help protect minorities from experiencing further hate and discrimination is presented here, based on the findings of the present study.

One of the most important elements of the legislation that needs to be expanded is the definition of hate speech. Without an adequate definition of hate speech, the perimeters of language are left blurry. Firstly, as shown in the judicial interpretations discussed above, this limits the understanding of hate speech to lexical slurs such as ‘*faggot*’ and ‘*nigger*’ and discredits any longer syntactic construction such as ‘*let them drown*’. This lack of definition also restricts the outreach of NGOs and educators, as there is no universal agreement on what falls under the category of hate speech. In addition, it allows the normalization of hatred language, without encouraging awareness on possible consequences.

More research is needed in this field. Malta is a complex country with a complex linguistic sphere. There are two official languages spoken on the island, along with many different dialects and variations, as well as a range of minority languages. In addition, the means of communication are expanding and evolving quickly. Social-media and online newspapers are making it possible for everyone to have their voice heard by the thousands. Research on hate speech, therefore, needs to take into account a multitude of factors.

Once research shows that hate speech consists of more than mere single lexical items, it would be useful to put the laws into effect rigorously. As utterances and phrases such as '*let them drown*' might appear on the surface to not be hate speech, a reading of newspaper comments will show that it is. Subsequently, hate speech is left up online and disseminated to all readers. This not only normalises this sort of discourse, but it also numbs society from its dangers.

Conclusion

This report has discussed the climate of hate and discrimination in Malta and has focused particularly on hate speech. The current literature was examined and the key trends, issues, challenges, and gaps made evident through the existing body of research. This was followed by a discussion of our own survey results, before illustrating the current work being done on the island with regards to hate speech and discrimination and the relevant stakeholders. The final section of this report explored the legislations that currently exist with regards to hate speech and discrimination and the various judicial interpretations of the laws to date.

This report has had to expand the focus of hate speech to include discrimination, since an analysis of hate speech alone in the Maltese context did not bear fruitful material for discussion. There are a number of reasons for this. Firstly, despite the strong legislation against hate crimes, hate speech is critically underreported in Malta, and hence, seldom prosecuted, thus providing limited data for analysis in this regard. This was backed up by the results of the survey which showed the majority of those experiencing or witnessing hate speech do not report it. Moreover, since the presence of hate speech in Malta is undisputed, as evidenced by the survey results, the lack of prosecutions is indicative of the lack of understanding and awareness of hate speech and hate crimes on the island by both the general public as well as public officials such as law enforcement and politicians. Consequently, discussion in the report has had to focus on discrimination in the absence of sufficient data with regards to hate speech and hate crime.

Beyond the lack of data with regard to hate speech, the analyses conducted for this research exposed a number of positive shifts that have been made in Malta with regard to the protection of minorities against hate and discrimination, as evidenced in the media. However, there is still much that needs to be done to eradicate hate speech, and hence, offer protection to the minorities that face discrimination and hate on an almost daily basis.

There has been a shift in articles from mere reporting of hate crime to articles aimed at mitigating hatred, as is evident by the increasing number of 'positive' articles written in the years under investigation. Moreover, the English language data shows that an increasing number of articles are written about hate speech and discrimination rather than incidentally mentioning them while reporting about a hate crime or event. This pattern is absent in the Maltese language data, showing that there is a difference in the way that the Maltese language media and English language media approach hate crime and discrimination.

Despite this, however, there does appear to be overlapping patterns in the ratio of articles pertaining to xenophobia, homophobia, transphobia, sexism, discrimination against gender minorities, and discrimination against persons with disability. While xenophobic hate speech and discrimination including racism and discrimination against ethnic, religious, and national minorities is the most reported in both the English language news and Maltese language news, other types of discrimination are reported substantially less. In addition, some types of discrimination such as transphobia, sexism, and discrimination against persons with disability receive quite little media attention. Further investigation is required to fully understand the nature of the similarities and differences in reporting hate and discrimination between English language media and Maltese language media.

Finally, it was observed that there does not exist a discourse of discrimination that is used exclusively to refer to discrimination aimed to harm minorities. It is important not to dilute the relevance of minority discrimination by applying the use of terms such as *discrimination*

to contexts in which the safety and well-being of minorities is not at risk and thus, it is vital both on a political level and on the level of the media, that a discourse for speaking about discrimination and hate speech is established and used exclusively for that purpose.

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Appendix 1: Publications pertaining to hate speech and hate crime in Malta

Brief Abstract	Bibliographic reference
<p>2014 developments reported: the Civil Unions Bill, giving same-sex partners, through civil unions, the same rights that heterosexual couples have through marriage in all but name; the Valenzia Report, which heavily criticized Malta's detention policy and its services; and the beginning of an investigation against Leisure Clothing Ltd into allegations of human trafficking.</p>	<p>Cassar, C., & Gauci, J.-P. (2015). <i>The Malta Human Rights Report 2015</i>. Retrieved November 11, 2015, from: http://www.pfcmalta.org/malta-human-rights-report-2015.html</p>
<p>This document is a factsheet containing all the data that was collected with regards to discrimination in Malta and used for the 2015 Eurobarometer report (also mentioned below).</p>	<p>European Commission. (2015). <i>Discrimination in the EU in 2015: EUROBAROMETER Malta Factsheet</i>. Retrieved November 11, 2015, from: http://ec.europa.eu/COMMFrontOffice/PublicOpinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2077</p>
<p>This study appraises the particular challenges that minor asylum-seeking migrants who are in the 16–18 age category confront when pursuing their studies in a vocational college in Malta. The study explores how they exercise resilience in their desire to forge a future for themselves and traces their passage from Africa to Malta and their prospective aspirations to eventually settle elsewhere. It also explores how they integrate their lives as college students with these aspirations and how they see this as contributing to their lifelong education and ongoing processes of personal growth.</p>	<p>Spiteri, D. (2015). Experiences of young (minor) asylum seekers in further education in Malta, <i>International Journal of Lifelong Education</i>, 34 (2), 156-171.</p>
<p>Discrimination on the grounds of ethnic origin continues to be regarded as the most widespread form of discrimination in the EU, followed by discrimination on the basis of sexual orientation, gender identity, religion or belief, disability, age (being over 55 years old) and gender.</p>	<p>TNS Opinion & Social at the request of the Directorate-General for Justice and Consumers (DG JUST). (2015). <i>Special Eurobarometer 437: Discrimination in the EU in 2015 Report</i>. Retrieved November 11,</p>

<p>The proportion of respondents that think discrimination is widespread has generally increased since 2012, especially for the grounds of sexual orientation, gender identity and religion or beliefs. For discrimination on the grounds of being over 55 years old, a decrease of respondents believe this to be widespread.</p>	<p>2015, from: http://www.equineteurope.org/Discrimination-in-the-EU-in-2015</p>
<p>The Government recognises that despite the significant progress that has been achieved in a relatively short timeframe an ongoing effort is required in order to address violence, discrimination, bullying and ill-treatment, and on a more positive note, to guarantee equality and quality of life for all LGBTQI persons.</p>	<p>Ministry for Social Dialogue, Consumer Affairs and Civil Liberties. (2015, July). <i>LGBTIQ Action Plan 2015-2017</i>. Retrieved November 23, 2015, from: https://socialdialogue.gov.mt/en/Documents/LGBTIQ%20Action%20Plan/LGBTI%20Action%20Plan%20lo%20res.pdf</p>
<p>The outcomes of the Disability Strategy can be seen in a number of over-arching themes that have emanated from it, namely issues around choice and control and the importance of providing services that are tailor made. The family support is of utmost importance and the message that is given in this strategy is that families of persons with disability need to be provided with all the necessary supports. This Strategy is aligned within the following notions: inclusive and accessible communities, human rights and civil responsibilities, justice, economic development, personal and community support tailored around needs and not vice-versa and learning skills.</p>	<p>Caruana, J. (2015). <i>The Malta national disability strategy</i>. Retrieved: October 22, 2015, from http://activeageing.gov.mt/en/Documents/SOCIAL%20POLICY%20WEB.pdf</p>
<p>Although security has become a common framework for analysing systems aimed at controlling irregular migration, island spaces themselves are seldom considered as security systems. The case of Malta, where detention is mandatory upon arrival, epitomises what could be conceptualised as a “sentinel island” within the European Union. This article demonstrates how the interaction between political discourse, administrative practices, and migrants’ experiences contributes to turning the island into a form of total-institution setting. The empirical data is based on qualitative fieldwork that combines ethnographic</p>	<p>Lemaire, L. (2014). Islands and a Carceral Environment: Maltese Policy in Terms of Irregular Migration. <i>Journal of Immigrant & Refugee Studies</i>, 12 (2), 143-160.</p>

<p>observation, migrants' individual narratives and semi-structured interviews conducted with European and national policy makers.</p>	
<p>The experience of racism and inequality is an ongoing feature of the lives of minority groups in Malta. Despite legislation and policies protecting individuals from racism and discrimination, the experience of individuals and groups in social life as well as in the sphere of employment remains largely unaccounted for. The data used in this report is based on reported cases, rather than sweeping studies, that adequately cover the population in a coherent and comprehensive manner.</p>	<p>Attard, S., Cassar, C., & Gauci, J.-P. (2014). <i>European Network Against Racism (ENAR) Shadow Report: Racism and related discriminatory practices in employment in Malta 2012-2013</i>. Retrieved November 11, 2015, from: http://www.pfcmalta.org/uploads/1/2/1/7/12174934/enar-sr2012-2013.pdf</p>
<p>Since the publication of ECRI's third report on Malta on 29 April 2008, progress has been made in a number of fields covered by that report. ECRI welcomed these positive developments in Malta. However, despite the progress achieved, some issues continue to give rise to concern. In this report, ECRI requests that the Maltese authorities take further action in a number of areas; in this context, it makes a series of recommendations such as steps to counter the exploitation of refugees and persons with humanitarian protection, and that legislation should be amended to ensure that all persons held in the detention centres are provided with a speedy and effective judicial remedy.</p>	<p>Council of Europe. (2013). <i>The European Commission against Racism and Intolerance report on Malta (fourth monitoring cycle)</i>. Retrieved November 11, 2015, from: https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Malta/MLT-CbC-IV-2013-037-ENG.pdf</p>
<p>The year 2013 was marked by the threatened push back of sub-Saharan migrants to Libya, which was halted by the European Court of Human Rights; the MV Salamis incident of rescue at sea and the legal issues this stirred up; and the European Court of Human Rights's decisions regarding Malta's detention policy.</p>	<p>Attard, S., Cassar, C., & Gauci, J.-P. (2013). <i>The Malta Human Rights Report 2013</i>. Retrieved November 10, 2015, from: http://www.pfcmalta.org/uploads/1/2/1/7/12174934/malta_human_rights_report_2013.pdf</p>
<p>Many manifestations of racial and religious discrimination continued to be noted over the reporting period in various spheres of life including employment, education, housing,</p>	<p>Gauci, J.-P. & Pisani, M.(2013) <i>European Network Against Racism (ENAR) Shadow</i></p>

<p>healthcare, media, political participation, access to goods and services and the criminal justice process. Instances of hate crimes were also reported.</p>	<p><i>Report: Racism and related discriminatory practices 2011-2012</i>. Retrieved December 15, 2015, from: http://www.enar-eu.org/IMG/pdf/malta-2.pdf</p>
<p>Racism and racial discrimination continued to be prevalent within the Maltese context over the period under review. In different ways and to varying degrees, the lives of ethnic minorities in Malta were affected by prejudice and disadvantage. The aim of this report is to provide a snapshot of these issues as well as developments and positive initiatives that occurred between March 2010 and March 2011.</p>	<p>Gauci, J-P. (2012) <i>European Network Against Racism (ENAR) Shadow Report: Racism and related discriminatory practices 2010-2011</i>. Retrieved December 15, 2015, from: http://www.enar-eu.org/IMG/pdf/18_malta.pdf</p>
<p>In 2012, the majority of respondents had friends or acquaintances from a different religion or from an ethnic origin different from their own. Europeans were also increasingly accepting of diversity in the public sphere in 2012. Overall, more Europeans said that they would feel comfortable rather than uncomfortable if a person from one of the minority groups analysed were to lead their country, and the proportions feeling “comfortable” have increased since 2009. However, there were large differences between countries, both in terms of social diversity and the acceptance of diversity in the public sphere, which are partly explained by demographic factors and/or cultural differences (particularly when it comes to accepting different sexual orientations).</p> <p>Looking at how perceptions of the prevalence of ethnic discrimination have evolved since 2009, the survey showed that in most countries the situation is thought to have improved. The largest improvement is noted in Malta, where the proportion thinking that ethnic discrimination is rare or non-existent has increased. Malta also saw a notable increase as a country that would feel comfortable if a person from a different ethnic majority held their country’s highest elected political position.</p>	<p>TNS Opinion & Social at the request of the Directorate-General Justice, the Directorate-General Communication. (2012). <i>Special Eurobarometer 393: Discrimination in the EU in 2012 Report</i>. Retrieved November 11, 2015, from: http://ec.europa.eu/public_opinion/archives/ebs/ebs_393_en.pdf</p>

<p>The findings indicate that notwithstanding the protective measures in place in relation to discrimination on the grounds of race and ethnic origin, minority groups within Maltese Society experience discrimination and harassment to some extent or another in its various forms in all areas of their lives. Furthermore, the perpetrators of discrimination and harassment appear to suffer no penalty, partly due to non-reporting of incidents.</p>	<p>Naudi, M., Knight, R., Lepre, R., Grech, C-C., & Calleja, G.(2011). <i>Racial discrimination in Malta: qualitative study</i>. Retrieved October, 22, 2016, from: https://ncpe.gov.mt/en/Documents/Projects_and_Specific_Initiatives/Think_Equal/te_race_report.pdf</p>
<p>This study was part of the <i>Strengthening Equality Beyond Legislation</i> project. When considering the outcomes of the qualitative interviews and the survey, a number of recommendations were given that would seem to address at least some of the causes for underreporting incidences of discrimination through the official channels. It is recognised that a victim is to be allowed to freely decide whether to present an official report or not, however it is fair to expect that stakeholders such as the designated equalitybodies and those who offer measures of redress provide information that would allow a victim toundertake an informed decision. Such information is to be accessible and easily understood, making the victim aware of what is involved in the process of reporting as well as the assistance that one may find should a decision to report be taken.</p>	<p>National Commission for the Promotion of Equality (NCPE). (2010). <i>Underreporting of Discriminatory Incidents in Malta - a research study</i>. Retrieved November 11, 2015, from: https://ncpe.gov.mt/en/Documents/Projects_and_Specific_Initiatives/Strengthening_Equality_Beyond_Legislation/underreporting.pdf</p>
<p>The past years have seen an increasing commitment from various angles to the anti-racism cause. A legal and institutional framework was set in place, to legislate againstracism in both civil law and criminal law. NGOs and community organisations increased theircommitment to address the causes and effects of racism and racial discrimination. Racism and xenophobia are both a reality in Malta. This plan seeks to address some of theseconcerns by setting forth a number of recommendations.</p>	<p>Equality Research Consortium. (2010, December). <i>National Action Plan Against Racism and Xenophobia</i>. Retrieved November 11, 2015, from: http://www.pfcmalta.org/uploads/1/2/1/7/12174934/napar.pdf</p>
<p>This thesis demonstrates that there is no need for a rethink of traditional legal doctrine because technologically neutral laws can be applied to traditional crimes committed online. These legal norms withstand the test of time without requiring amendment in line with every new technological development. Nevertheless, it is evident that special attention</p>	<p>Hilli, A. (2015). <i>The boundaries of freedom of expression on social media: regulating incitement to commit crimes and hate speech in an online environment</i>.</p>

<p>ought to be paid when regulating online activity given the specific nature of the Internet as a tool for free speech and democracy.</p>	<p>Unpublished dissertation for the degree Doctor of Laws. University of Malta, Msida</p>
<p>The research uncovered that although a majority of respondents were open to LGBT tourists, they felt that Malta was lacking in LGBT-friendly qualities when it comes to the tourism products and that the general attitudes of the Maltese population towards LGBT tourists are negative.</p>	<p>Desira, K. (2014). <i>Maltese and LGBT Tourists: Attitudes of Maltese towards Lesbian, Gay, Bisexual and Transgender Tourism</i>. Unpublished dissertation for the degree Bachelor of Tourism Studies. University of Malta, Msida</p>
<p>The findings show that although teachers have a positive general outlook on multicultural education and are more culturally relevant as educators, the level of assimilationist tendencies is excessive. An inadequate number of teachers is willing to adapt the pedagogy to suit cultural diversity in classrooms, which they attribute to syllabi that are too focused, rigid and extensive. Further findings show that the majority of teachers: have no 'ideological clarity'; unconsciously create cultural dissonance in classrooms; are unaware of their race and power evasive discourse and fail to recognise their 'colour-blind approach' as latent racism.</p>	<p>Scicluna, M. (2013). <i>Multicultural Education in Maltese State Secondary Schools: Teachers' Perceptions</i>. Unpublished dissertation for the degree Bachelor of Education. University of Malta, Msida</p>
<p>The findings suggest that there is variability in the levels of victimisation amongst transgender persons. Discrimination and hate crime incidents were reported by the participants in various forms and quantity.</p>	<p>Bugeja, A. (2011) <i>Transgender in Malta: victims of discrimination or hate crime?</i> Unpublished dissertation for the degree Bachelor of Arts Criminology. University of Malta, Msida</p>
<p>The data was obtained from in-depth interviews with four participants. The emergent themes were analysed through interpretative phenomenological approach. The study highlights the struggles that these non-white citizens went through their life, especially in Malta. They all showed a sense of resilience, some more than others. Their identity was challenged, built and strengthened through their life experience. The participants believe in</p>	<p>Debono, M. (2011). <i>The Lived Experience of Coloured Citizens in Malta</i>. Unpublished dissertation for the degree Bachelor of Psychology. University of Malta, Msida</p>

<p>having a better future made up of more inclusion and integration.</p>	
<p>The provisions of the Constitution of Malta dealing with fundamental rights and freedoms in addition to provisions from other Substantive legislation [at the time] did provide for non-discrimination irrespective of an individual sexual orientation. Nevertheless, these did not provide protection and grant rights in respect of same-sex couples, whether registered or not. Subsequently a number of excerpts from Maltese legislation which discriminate against same-sex couples, due to the non- recognition of their relationship, are observed. In addition to including a brief summary of all the study, the conclusion aims at applauding the developments already undertaken by Malta in some aspects and at encouraging more progress as a way forward.</p>	<p>Magro, E. (2011). <i>Discrimination on the Basis of Sexual Orientation due to the Non-Recognition of Same-Sex Relationships, Selected Case Studies drawn from the Maltese Legislative Experience</i>. Unpublished dissertation for the degree Doctor of Laws. University of Malta, Msida</p>
<p>The research carried out in this thesis showed that Malta has an extensive legal framework in place for the protection against discrimination in the fields of civil, administrative, and criminal law, albeit incoherently placed in different laws and coupled with a somewhat deficient enforcement mechanism. In addition to the International Convention for the Elimination of all Forms of Racial Discrimination (ICERD), Malta has ratified almost all international conventions prohibiting racial discrimination in the enjoyment of fundamental rights and freedoms but with reservations. Although these conventions are not directly enforceable in the Maltese courts, they are sources of law nonetheless, and are used by the courts as guide in their interpretation of cases before them.</p>	<p>Zanya Bugre, M. A. (2011). <i>Racial discrimination in Maltese law: does Maltese law provide adequate framework to combat racial discrimination?</i> Unpublished dissertation for the degree Doctor of Laws. University of Malta, Msida</p>
<p>Most of the participants in this study scored quite high in xenophobic beliefs. Participants with lower levels of education and who perceived there is a much higher population of immigrants scored much higher in xenophobic beliefs. This contrasted to the scores of people with higher levels of education. Xenophobic and racist beliefs were significantly correlated, showing that they tend to complement each other. When analysing the proximity of the participant to immigrants, in relation to the district they reside in, the results yielded were not significant. All together these findings suggest that economy, fear of losing one's nationality, and other particular characteristics in a person's social and</p>	<p>Cutajar, R. (2010). <i>Prejudice towards immigrants in Malta: is xenophobia and issue?</i> Unpublished dissertation for the degree Bachelor of Psychology. University of Malta, Msida</p>

<p>personal life are likely to have an impact on xenophobic beliefs.</p>	
<p>Results indicate that education on irregular immigration can bring about a change in attitudes, especially in students. The results also shed light on the importance of integration of migrants into the educational system, as much of the learning occurred through direct interaction of the subjects with the migrants.</p>	<p>Mamo Portelli, S. (2010). <i>The attitudes of students and teachers towards irregular immigration: can education make a change?.</i> Unpublished dissertation for the degree Bachelor of Education. University of Malta, Msida</p>
<p>The life stories of the participants attest that the more the interviewee has control over their lives, the less they internalized homophobia. That is, the more the gay and lesbian individuals that took part in the study believed their lives were controlled by others, the more likely they associated and had internalized homophobia. For example, according to one respondent's opinion, gay people become their own enemies when they do not deal with who they are internally.</p>	<p>Vassallo, R. (2010). <i>Expressions of hatred.</i> Unpublished dissertation for the degree Bachelor of Arts Youth and Community Studies. University of Malta, Msida</p>
<p>Domestic violence, a crime that was 'hidden' until a few years ago, now ranks the second most frequent crime in Malta after theft. Domestic violence has become recognized as a problem that should not be kept within the confines of one's home, but a problem that society needs to address and remedy. Domestic violence is at all-time high, with reports to the police amounting to over 1000 in 2013. This figure has doubled in the short span of 4 years. This study compares Maltese legislation concerning domestic violence to particular sections of the most recent Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention, with the ultimate aim of discovering whether Malta's laws on domestic violence are up to standard in view of the potential ratification of the Convention by Malta. Given the vast nature of the Convention, the author does not seek to tackle the issue of violence against women or domestic violence in general; rather, while recognising that domestic violence may be perpetrated against men, the focus of the author is directed at addressing the most common form of violence against women, that is, violence perpetrated against women by</p>	<p>Borg, A. (2014). <i>Malta's laws on domestic violence perpetrated against women by an intimate partner: are they up to standard?.</i> Unpublished dissertation for the degree Doctor of Laws. University of Malta, Msida</p>

<p>an intimate partner. The compliance or otherwise, of Malta's laws with the Istanbul Convention are examined with the intention of identifying the gaps in protection and support afforded to female victims of domestic violence as well as examining the extent to which this offence is regarded as one of public interest.</p>	
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Appendix 2: Analysis of the eMore Survey in Malta

Context and Methodology of the Survey

This survey was carried out over four months (from June to September 2016). The aim of this survey was to complement a national research report on hate speech and Hate crime being undertaken as part of the E-more Project. The E-more Project is co-financed by the European Commission and aims to increase knowledge about hate crime and hate speech both offline and online. This survey in particular sought to understand people's experiences of crime and other offences motivated by hate and prejudice and help us to be more aware of the danger of hate speech/ crime online and offline. In order to reach this goal, the survey was divided into the following sections:

- The profile of the people surveyed (section 1)
- Their experience as the victim or witness of hate crime, hate speech or other forms of prejudice (offline as well as online) (section 2)
- Their opinion about hate motivated offences and prejudice (section 3)

Within our survey we followed definitions as set out by the E-More project being the following:

1. **Hate Crime:** includes all forms of expression or action that constitute a criminal offence involving prejudice or bias based on race, ethnicity, nationality, religion, sexual orientation, gender identity and disability.
2. **Hate Speech:** includes all forms of expression (oral and written) involving prejudice or bias based on race, ethnicity, nationality, religion, sexual orientation, gender identity and disability.
3. **Online Hate Speech:** includes all forms of expression (with specific reference to written words and symbols) made available over the Internet and through social media, involving prejudice or bias based on race, ethnicity, nationality, religion, sexual orientation, gender identity and disability.

The survey was made available through the website *survey monkey* and the link was shared widely through our Facebook and website and our network of contacts including academia, NGOs and the general public. People could answer the survey anonymously. Over this period, we collected 123 answers.

It is also necessary to highlight that given the method in which our survey was shared and information collected may lead to certain limitations due to the fact the survey was open to all and distributed solely via our networks. Therefore, we may not have reached some of the population experiencing hate speech and hate crime. However, analysis of the results has drawn some important conclusions which also reflect the background research undertaken for the national report. The questionnaire can be found at the following link: <https://www.sosmalta.com/r/emore> and in annex to this report

General overview of the results of our survey

The profile of the people surveyed

It is important to analyse our response group in order to understand if the profile reflects the target population. Firstly, the majority of those who responded are between 30 and 49 years old (47%). However, almost all the age groups are represented, from 18 to around 70 years old. It is also necessary to highlight that our response group is diverse in terms of the **main economic activity** of the people surveyed. In fact, 68% of them are working, 9% are studying and 1.6% are unemployed, 6.5% are retired from work and 1.6% of them are housewives. Another important factor in the analysis is the level of education of our response group. Most respondents are graduates (68%) or have got a high school diploma (30%). Only 1.6% of the persons surveyed only received a basic education.

The **sex** of the people surveyed is also important to highlight. 63% are women compared to 33% being men. Four people described themselves as transgender. Furthermore, in terms of sexual orientation half of the people surveyed didn't mention their **sexual orientation**. But the majority of people who answered this question consider themselves as heterosexual. The sex of the person and/or their sexual orientation are also important factors that can affect their experience.

Religion, ethnicity and even different nationalities are important motivating factors in hate crimes and hate speech. As such, it is important to highlight that people surveyed belong to **different religious groups**. Indeed, for example, we can see that around 60% of responders state that they are Christian. This result reflects the predominant religion in Malta (Catholicism). However, there were also 24% atheists, 3.3% Muslims, 2.4% agnostics and 0.8% Buddhists. **Ethnicity** is also a variable that we have to consider. In our survey, the majority of persons responding were Europeans or white (87%) which again reflects the population of Malta. However, we also count in our study 4% Asians, 4% blacks and 3.3% of mixed race people (see Fig. 1). That means that almost all the ethnicities are represented except "Arab". This may in fact represent a limitation of the survey as one of the predominant foreign populations residing in Malta is Libyan and also more recently Syrian. This survey as such will not have obtained information about their particular experience of hate speech/hate crime. Furthermore, it is important to note that within ethnicity we also have a diversity of cultures. For example in our survey, European includes Polish, Irish or German.

Q10 What is your ethnic affiliation?

Answered: 122 Skipped: 2

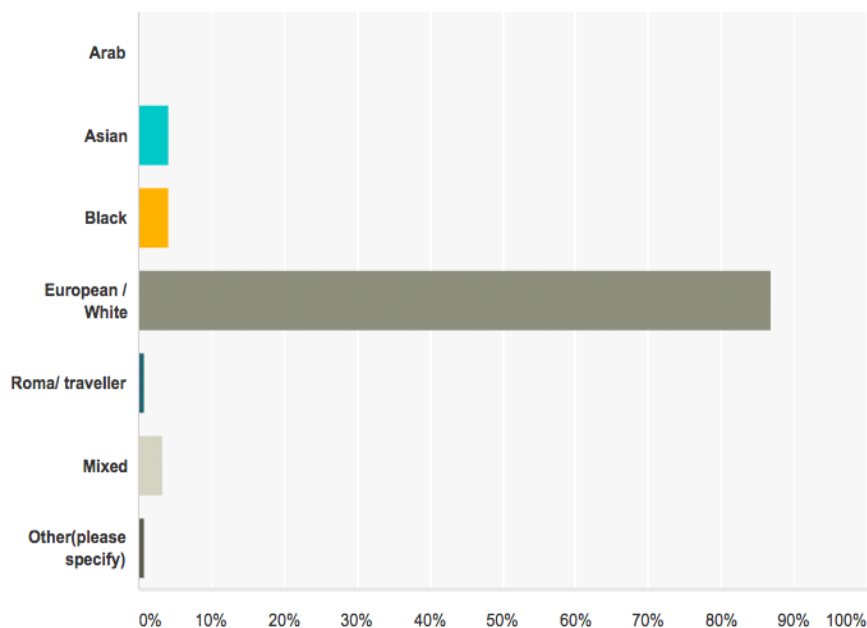


Figure 1: What is your Ethnic Affiliation?

Finally, **disability** can also be a motivating factor in experiencing hate. 13% of the persons responding mentioned that they considered as a person with a disability. From this 13%, 7 people considered themselves that they have physical disability, 2 a sensory disability, 3 a psychosocial disability and 1 an intellectual disability. Other people mentioned different disabilities like stress disorder or anxiety. We need to take this into consideration because it can affect the way these people are perceived by society.

As this is an open survey and has not used any kind of sampling method, there are of course limitations as mentioned above. However, on analysis of the profile of the persons responding, it is possible to say that this is a reasonable representation of the Maltese Population in terms of age distribution, gender, education levels and employment as well as religion and ethnicity and therefore, we can conclude that relevant results can be gained from the survey for Malta.

The internet practices of our response group

An important aspect of this survey is to understand the internet practices of our response group, especially with regard to social networks. We first asked the people surveyed about their use of internet. They were asked to classify their behaviour between 0-5 -0 means they don't use internet at all, 5 means they use internet very much for a particular reason. From initial analysis, it is evident that people in Malta use the internet frequently for a number of reasons. Their behaviour was classified into 5 categories:

- **"I use internet to keep myself informed"**: The majority of people chose number 5 to describe their use of internet to keep themselves informed (67%). This is the highest rate for

all the categories mentioned. Only 18% of people chose number 4, 11,5% chose the number 3 and less than 2% chose the number 2, 1 or 0.

•**“I use internet to make social activities”**: 5 is the number most chosen in this category. In fact, around 37% of the people chose this number. 29% selected number 4. This then decreases in magnitude until 0.

•**“I use internet for my studies or my professional work”**: 5 is the number the most chosen in this category. Again, around 37% of the people selected this option.

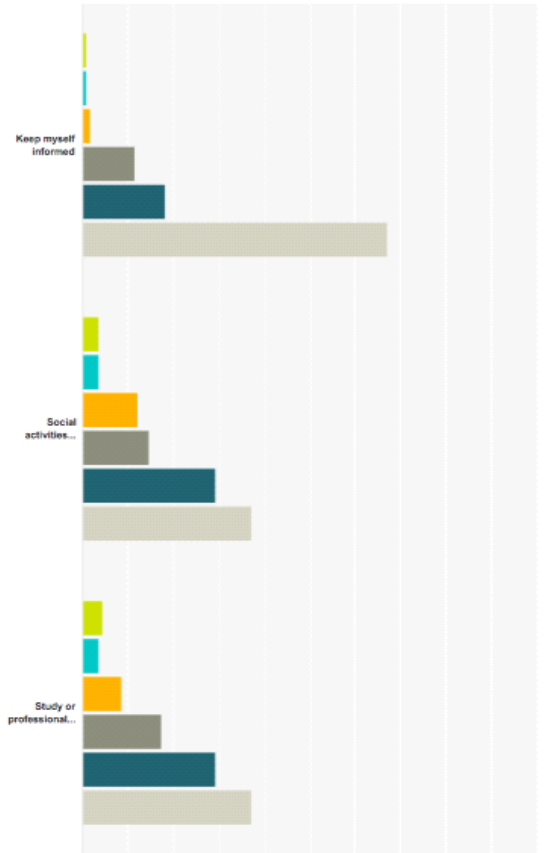
•**“I use internet for social/political activism”**: In this category, whilst 5 is still the number the most chosen in this category, the rate is lower than according to their others categories (25%). Moreover, number 2 has got the second highest rate in this category (19%). Then, we have in order 4, 3, 1, 0. Therefore, we can conclude this is less popular than the other activities.

•**“I use internet for others purposes”**: For this category, 34% of the people chose number 5 which is the highest rate. Then, following the order, we have the number 3 (27%), 4 (14%), 2, 1, 0.

See Figure 2 for a visual representation of these results.

Q14 Do you use internet mostly to: (for each option entry, pick a number from 0 "not at all", to 5 "very much").

Answered: 122 Skipped: 2



Survey

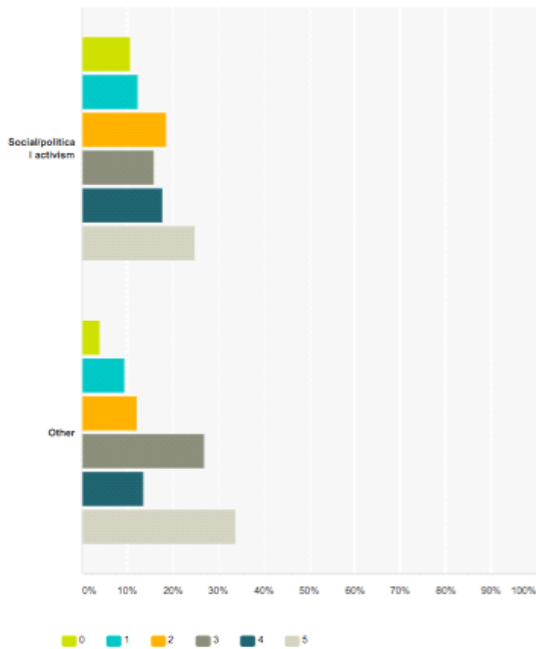


Figure 2: Internet usage of the response group

In summary, the respondents are using internet for many diverse reasons and in general usage is high, however, the rate of use varies. For example, use of the internet for

social/political activism is less than compared to using the internet for keeping themselves informed. In any case, we can consider that internet plays an important role in the every day lives of the Maltese Population.

Subsequently, the survey focused on the use of internet specifically with regards to social networks. First of all, it is possible to conclude that people are using diverse social networks and they are using them often (only 2.5% of the people surveyed don't use any social network). In fact, more than 17 social networks were mentioned. However, even though there is a wide diversity of social networks, there are some social networks which are more popular than others. Facebook is, by far, the most widely used, with 92% of those surveyed choosing it. In the top 3, YouTube (61%) and LinkedIn (33%) are also the most popular. To a lesser extent, Google + (20%), Instagram (21%) and Twitter (23%) are used also. Ask, Flickr, Grindr, MySpace, Pinterest, Reddit, Snapchat, StumbleUpon, Tindr, Tumblr, Whatsapp were also mentioned. See Figure 3 for more details:

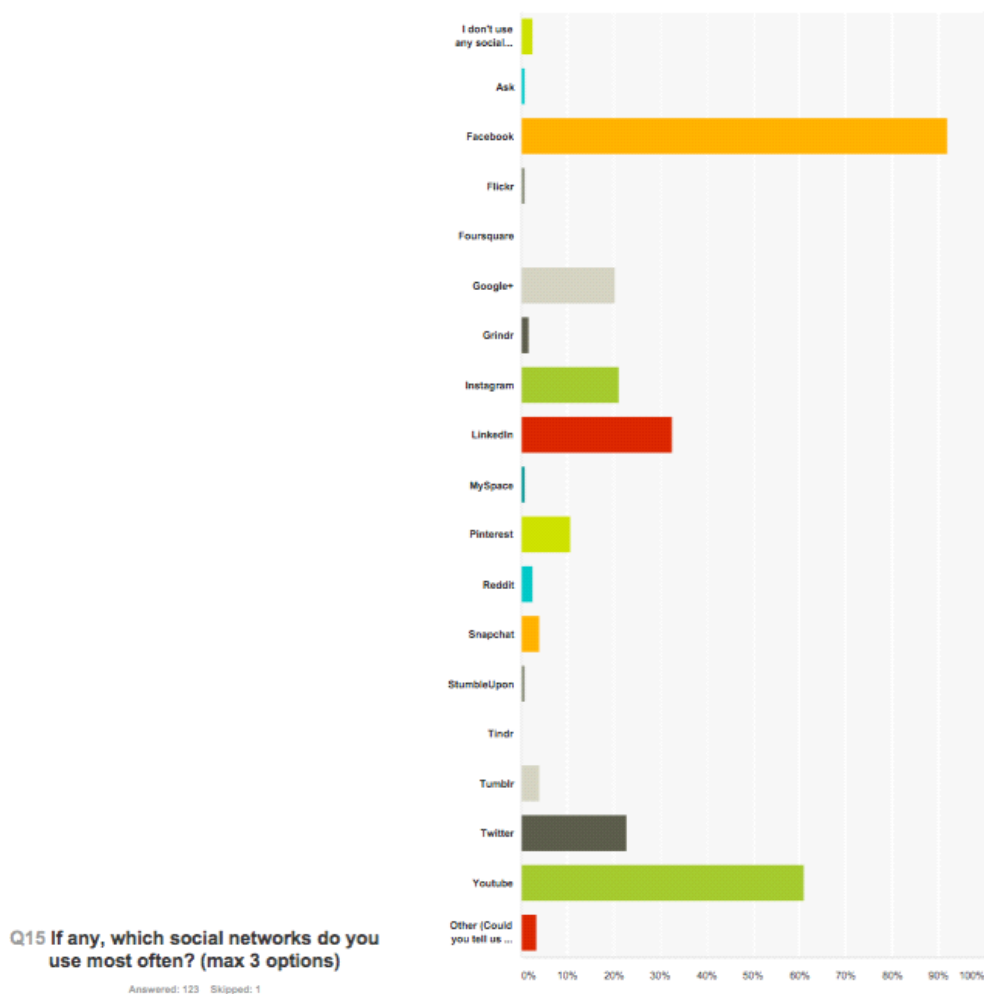


Figure 3: Use of Social Networks

With this diversity of social networks being used, it was important to ask the people surveyed about their point of view of online privacy and protection. As the results show, in general, privacy and protection are generally taken into consideration. In fact, 51% of people surveyed estimate that they are very careful about online privacy and 34% are sufficiently careful. None of the people surveyed mentioned that they don't really care or don't care at

all about online privacy and protection. That means that people are aware of the risk of putting their private life on social networks. However, it is apparent that this does not hinder them including information about themselves online, in fact only 27% of the people surveyed are using a nickname/alias on internet.

Q16 What importance do you give to online privacy and its protection? (pick a number from 0 "I don't care" to 5 "I'm very careful")

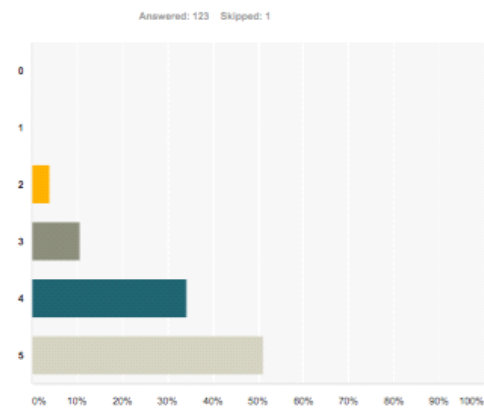


Figure 4: Online Privacy and Protection

In conclusion, the survey results show that people in Malta have a special relationship with the internet, especially with social networks. The rate of usage in Malta is high and whilst people are aware of the dangers of going online and the importance of privacy, they are also using social networks that are predominantly focused on providing information about the self online (Facebook).

Motivations of discrimination/prejudice

The following section of the survey focused specifically on the experience of being a victim of discrimination/prejudice. Around 34% of people responding have been victims of hate speech, 8% of hate crime, 24% of other forms of prejudice/bias. 34% of persons responding have never been victims of this form of victimisation.

Furthermore, the survey focuses our attention on the reasons that push people to commit hate speech or hate crime. According to the respondents, the main motivations of the offences that they were a victim of are the **nationality** (21.6%), **political opinion** (17.6%) and **religion** (14.7%). **Skin colour or ethnic origin** (10.8%), **gender identity** (10.7%), **sexual orientation** (5.9%) and **disabilities** (3.9%) are also mentioned. As "other" reasons people have also mentioned **obesity and poverty**. Results indicate that motivation for hate speech or hate crime are diverse. This contrasts with the background research in the National report where the main studies have focused on race or sexual orientation as the main driving factor in Malta hate episodes. These results may present a limitation in terms of the response group in that perhaps we did not reach as many people from marginalised groups such as people of different ethnic origins or people with different sexual orientations. That being said the fact that our response group have diverse experiences can also provide us with a rich understanding of hate motivations in Malta.

Q20 In your opinion, what were/are the main motivations of the offence(s) against you? Select, among this list of general causes for hate crime and prejudice, the one/s you think is/are the most appropriate (max 3 options):

Answered: 58 Skipped: 66

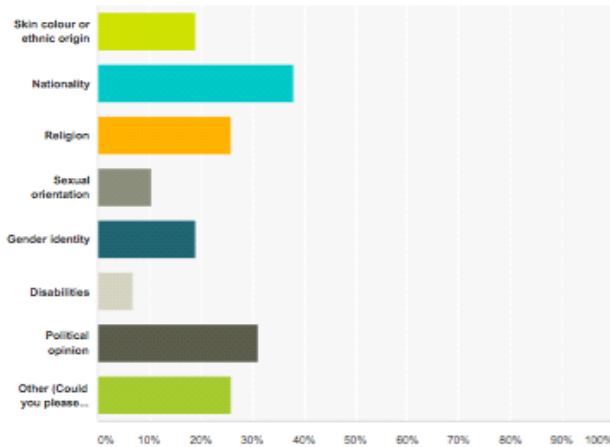


Figure 5: Motivations for Hate Episode

Types of Hate Episodes

As the survey shows, the experiences of the type of hate episode experienced are diverse. The majority of the incidents were verbal (80.9%). That means that people are victims of bullying, derisions, jeering, threats and intimidations. Physical violence is still in the minority (19.1%). However, we notice that physical assault (9%), sexual assault (5.6%) or damage to property (3.4%) are mentioned by a few people. Extreme physical violence is extremely rare (just 1 person on 123 people surveyed mentioned it). From these results we can understand that the manifestations of hate are multifaceted.

Q21 What kind of HATE CRIME did you experienced/are you experiencing mostly?

Answered: 51 Skipped: 73

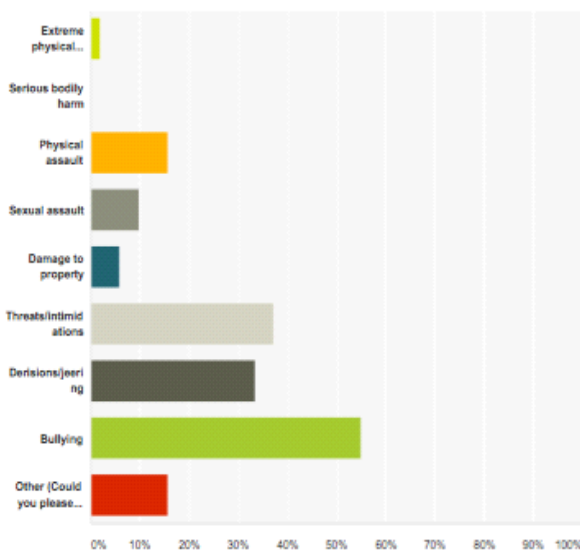


Figure 6: Types of Hate Crime

The context of the hate crime

An important aspect of the analysis was also with regards to where these incidents happened. Did they experience these hate crimes in the private or public sphere? On the whole, it appears that hate crime happens in the form of public verbal abuse. However, to a lesser extent, people also mentioned that private verbal abuse, private written abuse and public written abuse happen.

According to the people surveyed, the places where these forms of discrimination happen are diverse. In fact, people chose in total 11 different places where discrimination happened: at work, at school or university, on the street, on public transport, online, inside public buildings, at home/private places, in a restaurant/bar, during public protests, while doing sport activities, at the stadium. This illustrates that this kind of hate is something that needs to be tackled across the board and needs to involve a number of actors.

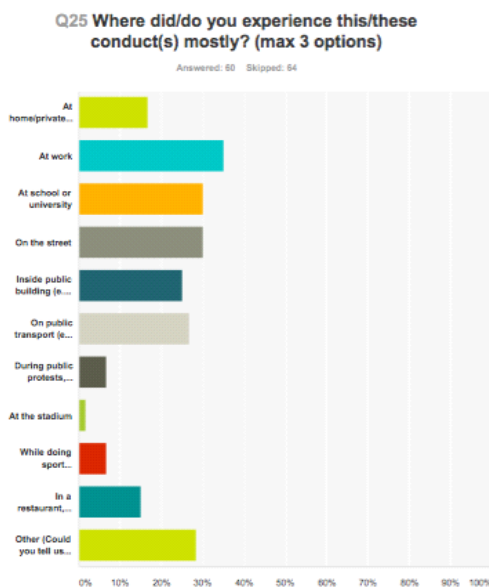


Figure 7: Place where hate episodes happen

Perpetrators of Hate

We also asked respondents regarding 'who' was the perpetrator of the hate episode. Similarly to the other questions the answers are numerous. Indeed, we can highlight 9 types of perpetrators. Individuals or groups of people unknown by the victim are the common perpetrators (35.2%). People surveyed also mentioned colleagues or employers (15.2%) and friends or classmates (13.3%). To a lesser extent, politicians (8.6%), law enforcement agents (6.7%), family members (3.8%) and teachers (4.7%) are mentioned. Even if the answers are very diverse in general the survey shows that most of the time, the perpetrators are not close to their victims and that episodes occur in the public sphere.

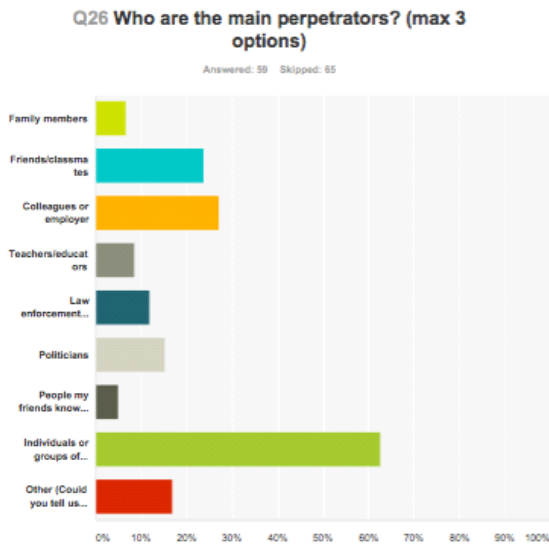


Figure 8: Who are the perpetrators of Hate?

2.7 Frequency of Hate Episodes

It is also important to note that according to our results, most of the time, the victims have been victimised in the past (63%). It means that they have already overcome their situation. Nevertheless, 32% of the victims are still victimised currently. To well-understand the experiences of the victims, we asked them about the frequency of their experience. 10% of the people surveyed specified that it happened one time only and 39% of the people surveyed specified that it happens rarely whereas 36% of the people surveyed specified that it happens often and 15% that it happens regularly/daily.

This highlights that the length of time or frequency that people are victimised varies, with some experiencing hate over a long period whilst for others it was just a one-off episode.

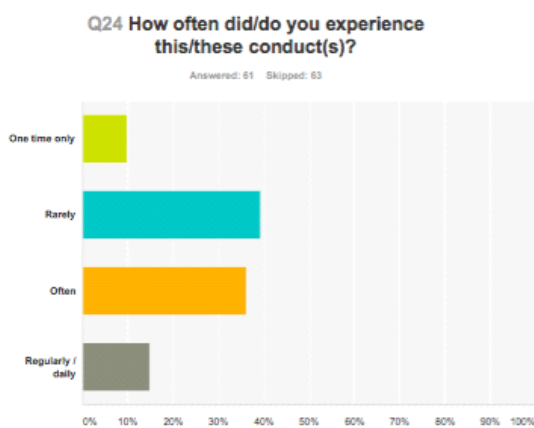


Figure 9: Frequency of Hate Episodes

Reporting of Hate Episodes

An important point to note is that the majority of the time people are not reporting the incident to the police (87%). This is also reflected by the lack of data that the police in Malta hold with regards to hate crime. This could also be reflective of a general feeling that it is not worthwhile to report incidents to the police. As such this result illustrates that work in this

area both with the police and with victims is necessary. Indeed, often, victims are totally powerless with regard to the behaviour of their perpetrators. They don't know how to react and how to solve the problem because they don't believe that any action will be taken. Additionally, sometimes they are too ashamed of what happened to report the incident.

In summary, it is difficult to indicate just one group of persons experiencing hate in Malta. Hate is motivated by a large number of factors. However, it is possible to conclude that the majority of these episodes occur in the public domain and on the whole are not reported. This survey reaffirms the need to elaborate approaches that tackle all forms of hate and encourage action from all actors in the field including the victims, police, and other social partners.

The witness' understanding of the discrimination/prejudice

The following section of the survey focused on witnesses to hate crime/hate speech and their understanding of the episodes. 83% of the people surveyed have been the witness of an episode of prejudice like hate speech or hate crime. This percentage can provide us with a good understanding of the types of hate crime/hate speech occurring in Malta and can perhaps give us a broader picture of the situation than solely focusing on victims being able to speak about their experiences.

We asked our respondents what they feel was the main motivations of the episode they witnessed. The first motivation according to them was linked with the **skin colour or ethnic origin** of the victim (26.5%); this is the most common answer. Their second answer often referred to the **nationality of the victim** (15.8%) **or their religion** (15.2%). To a lesser extent, they also mentioned the **sexual orientation** (11.9%) of the victim or their **political opinion** (11.3%). Only 6.2% of the persons surveyed evoked the gender identity of the victim as a reason of the prejudice and 2.8% of the persons surveyed alluded to the disabilities of the victim. What we can understand is that in general, prejudice is motivated by all different characteristics of the victim. In these responses, we can also see a contrast in the answers received from the victims, as witnesses focused more on skin colour as the motivating factor. This may reflect that we did not reach people of different ethnic origins which have been victims of hate speech with our survey.

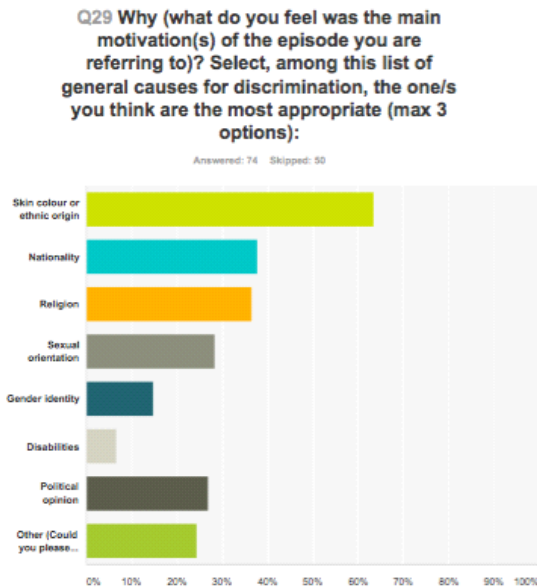


Figure 10: Motivations of the discrimination

Characteristics of the Incident

We notice for example that, most of the time, the prejudice is **verbal** (95%) including derisions, jeering, bullying, threats, hate crime, hate speech and **public** (73%), including verbal abuse, public written abuse. Nevertheless, to a lesser extent, physical prejudices (5%): physical assault, damage to property, sexual assault, etc are still present as private abuse (27%). Perhaps, private and physical incidents because of their nature are more difficult to be perceived by the witness and that is why the rate appears lower.

Q30 Whathappened?

Answered: 74 Skipped: 50

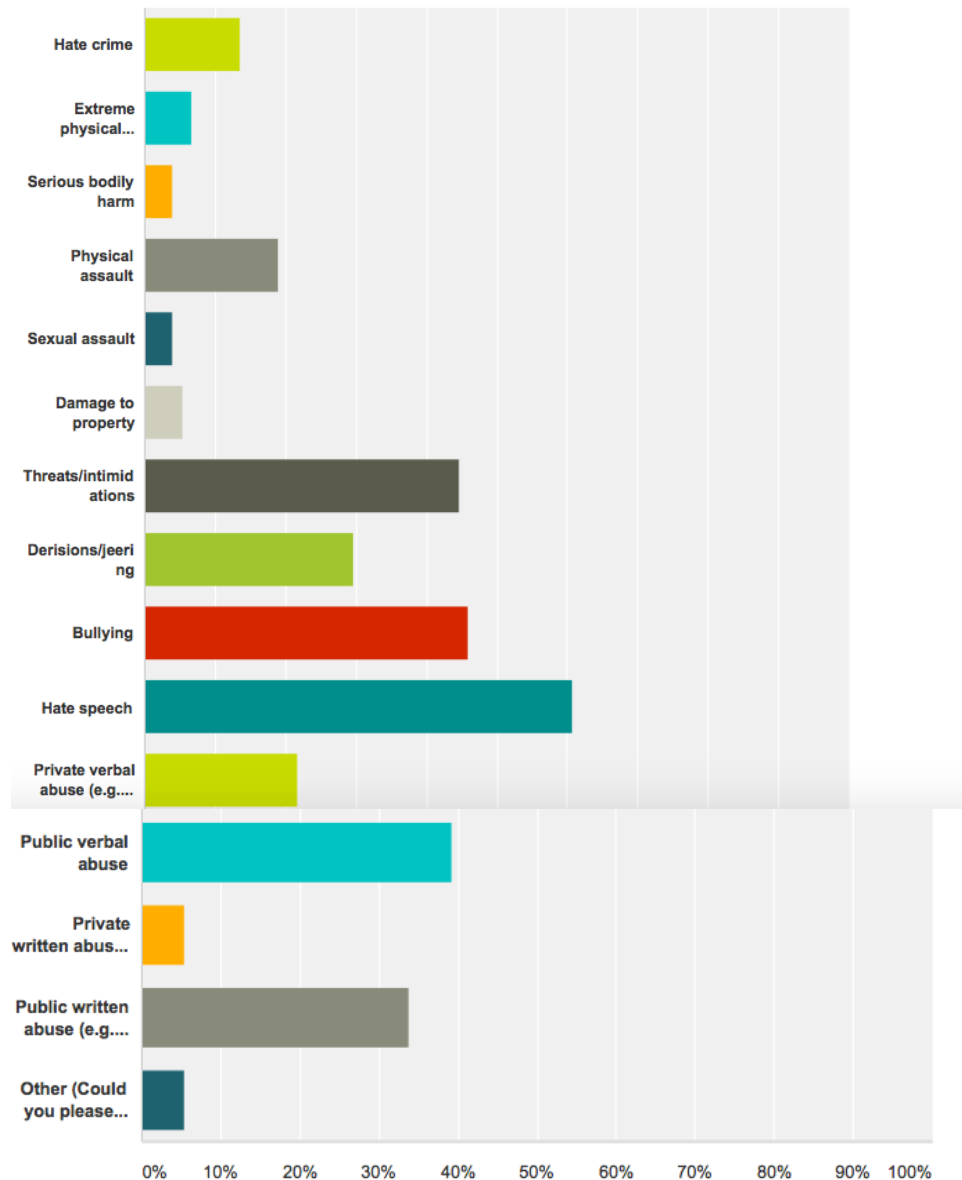


Figure 11: Types of hate crime

In accordance with the results for the reports from the victims of hate, from the witness point of view, the main perpetrators are individuals or groups of people that they don't know (50%). Witnesses also mentioned family members (4.2%), friends/classmates (8.3%), colleagues or employers (12.5%), law enforcement agents (9.4%) and politicians (6.2%).

In terms of time scale, the majority of people specified that the episode happened in the last year or in the past (48%). 27.5% reported that it happened this year, 8.5% this month and 16% recently (a few days ago). As for the location, again the answers were diverse. In fact, even though people mentioned often that it happens mainly in the street or online, they also mentioned that it happens sometimes at home, inside public infrastructures, at work, on the public transport, at school and in a restaurant or a club.

Another important point to note is that, in accordance with the results from the side of the victim, the majority of witnesses don't report the event to the police (91%). Only 4.5% of people reported it once, 3% more than one time and 1.5% of them always did it. This shows that again work needs to be done to raise awareness of both victim and witness of how and why to report incidences and to work with Police to explore how best to deal with such cases.

Comparison of the Victim and Witness experience

It is interesting to make a comparison between the victims' experience and witness' experience. First of all, it is possible to draw common points of comparison between the experience of the witness and the victim. Both response groups reported that the majority of the time the hate incidents appear in **verbal form** (81% for the victims/95% for the witnesses) in **public sphere** (58% for the victims/73% for the witnesses). They also report the diversity of locations that hate episodes can occur including the street, the internet or in the work place. Another important point to note is that the hate episodes are mostly committed by people unknown to the victim (35.2% for the victims/ 50% for the witnesses). Moreover, neither the victim nor the witness goes to the police to report the incident (87% of the victims/91% of the witnesses).

However, there are some points which differ between the point of view of the witness and the victim. It is possible to note divergences when asked about what are, according to them, the main motivations of the perpetrators. The top 3 for the victims are: nationality (21,6%), political opinion (17,6%) and religion (14.7%). The top 3 for the witness are: skin colour/ethnic origin (26.5%), nationality (15.8%)and religion (15.2%). These results can illustrate some limitations of our survey where we have perhaps not reached different ethnic groups in terms of the victim response group and perhaps the results of witness response group provide a more holistic picture of the situation in Malta.

Hate speech online

The specificities of hate speech online

The survey specifically focused on **online hate speech** as a key type of hate episode that is increasing and is also difficult to address.

The first question for this topic was: "Have you ever been the victim or/and witness to examples of online hate speech "We had four types of answers: 42.5% mentioned that they have been witness of online hate speech; 7.5% of the people reported that they have been a victim of online hate speech. 21% specified that they have been a victim and witness of online hate speech. 29% told us that they have never been faced with online hate speech. As such we can conclude that the majority of the people surveyed have been already faced with some kind of online hate speech.

Q37 Have you ever been the victim or/and witness to examples of online hate speech?

Answered: 80 Skipped: 44

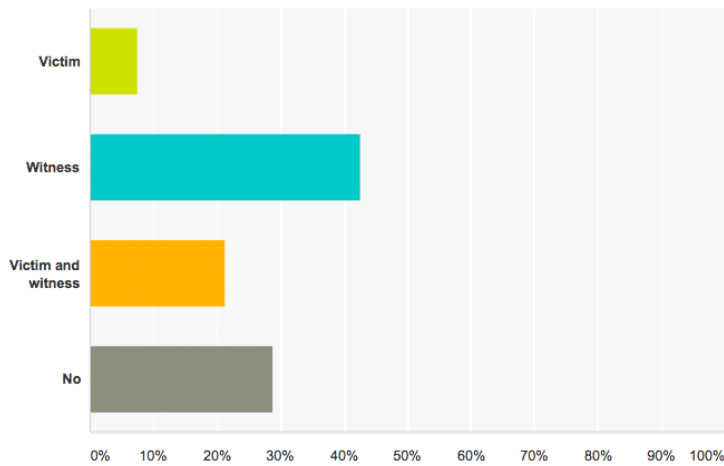


Figure 12: Online Hate Speech

From the responses we can highlight that online hate speech can take several forms. Most of the time, it is written/verbal jeering, derisions, insults, offences and bullying (40.5%) or prejudicial propaganda against specific categories of people (32.8%). To a lesser extent, we notice that people also mentioned racist behaviour like violent verbal assaults (19.8%) and being prevented from joining a chat or making comments (6.8%).

Q38 What happened/often happens?

Answered: 62 Skipped: 62

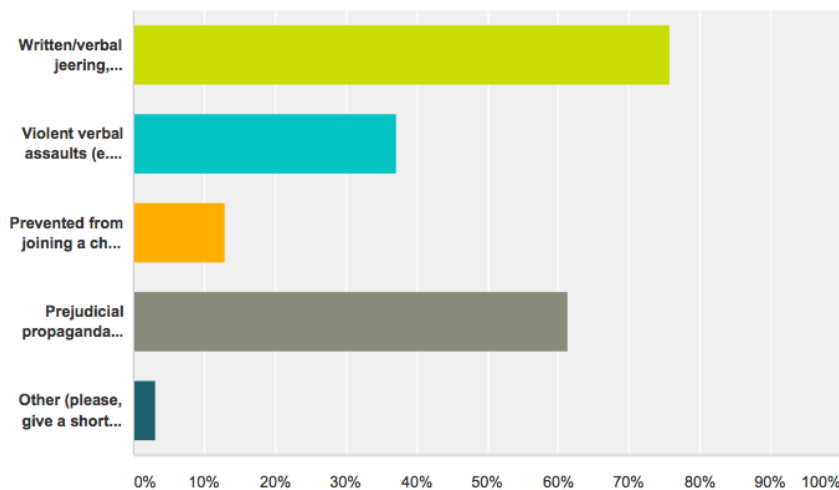


Figure 13: Type of hate speech online

We also asked the people surveyed about the profile of the perpetrators. Over half indicated that the perpetrators are unknown persons (52%). This result confirms the conclusions highlighted above: it is easier for perpetrators to attack people that they don't even know. Other perpetrators mentioned included classmates or colleagues (18%), people that their

friends know but the victim doesn't know (9%). A minority of people also specified that, according to them, the perpetrators were law enforcement agents or politicians.

With regard to online hate we also asked people where they experienced these episodes. The result is globally clear: most of these episodes occurred on a social network (55.2% of the time). The social networks which are the most reported to be conduits of hate speech are Facebook and YouTube. Without surprise, these are the social networks which are the most popular in terms of use (according to our survey). People also mentioned others places like websites, blogs, forums, private messages or email, however, social networks are by far the place where hate speech is most prevalent.

Q39 Where did/do these episodes mostly occur:

Answered: 61 Skipped: 63

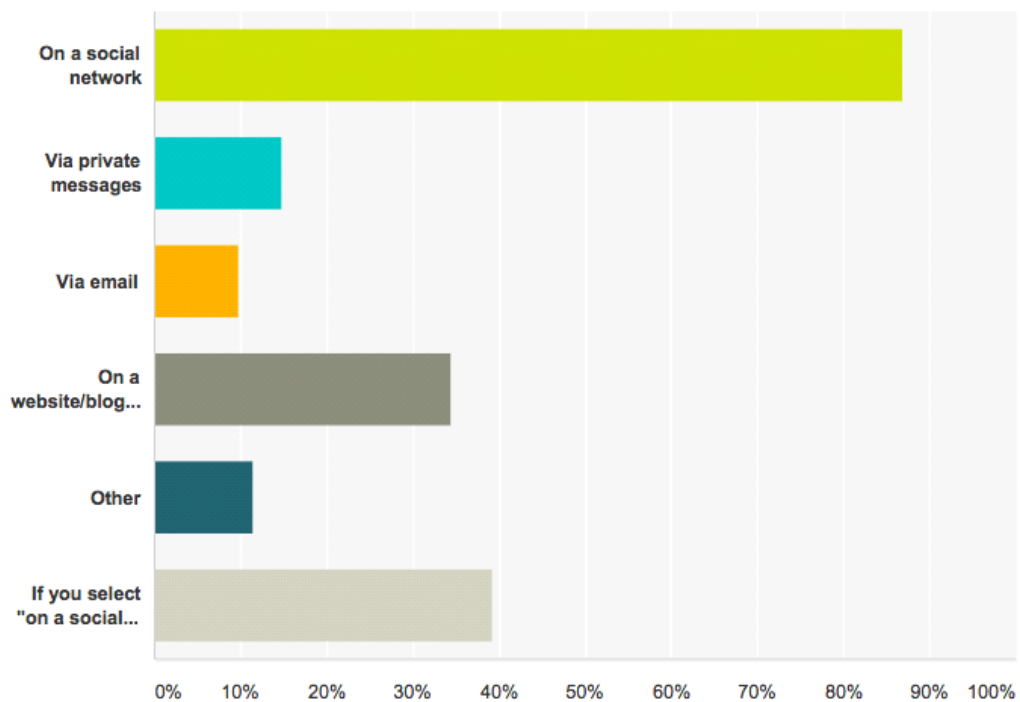


Figure 14: Where does Online Hate Speech Occur

Finally, the response group were asked about the **frequency** that the episodes occurred. According to them, in general, it happens many times (46%); 21% that it happens regularly, 30% of them estimated that it happens rarely and 3% of them specified that it happened one time only. As a general rule, people were exposed to hate speech several times. It is, as such, quite common. Social networks are now places which supply this type of discrimination thanks to their anonymity and their ease of use.

Hate speech in Malta

Respondents were asked about how they feel the situation has evolved in Malta the answers are quite heterogeneous. However, we can draw some principal ideas which were mentioned. So, for 43.5% of them, hate speech has become far worse in the last three years in their country. 27.5% of the people surveyed specified that it is worse but only towards some groups of people. But, 17.5% of the persons asked assure that it has remained more or less the same in the last three years and only 7% of them agree that the situation has improved positively; 4% of them don't really know how to answer this question. Nevertheless, even if the opinions differ, we can see the general trend that people believe the situation is becoming worse in general.

Q44 Has hate speech changed, in your opinion, in the last three years, in your country?

Answered: 69 Skipped: 55

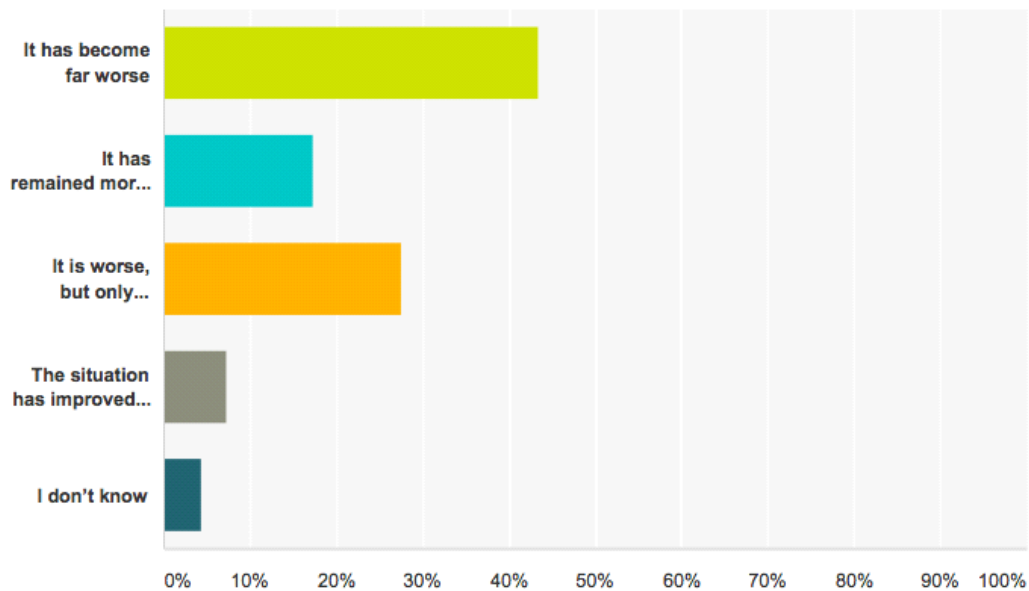


Figure 15: Has the situation become worse in your country?

According to the people surveyed, discrimination /prejudice happens in several different types of places in their country. In general, all opinions converge for this topic. In fact, in their country people agree that most of the time, discrimination prejudice often happens on internet and more than anything, on social networks. For example, 61% of the people agree that discrimination prejudice happens very often on social networks.

It is also possible to confirm the main motivations of discrimination/prejudice online with the question: "Which of the following individual characteristics are the main basis of hate crime/speech offences in your country?" In fact, the same reasons are set out as in previous questions:

- 71% of the people surveyed mentioned skin colour
- 52% of the people surveyed mentioned religion
- 38% of the people surveyed mentioned nationality
- 30% of the people surveyed mentioned that political opinion

Other motivations, less highlighted are also worth mentioning including sexual orientation, gender identity or disability.

Feedback around hate speech online

From the analysis it is now possible to conclude that hate speech episodes happen most of the time over the Internet publicly (as 57% people asked agree). It is also important to analyse how these hate episodes make people feel 56.5% of the people shared that they feel personally offended, because that content is attacking a part of who they are. However, 24.5% of them said to us that as long as it is not directly personal, they don't feel really involved; they find it offensive only on a general level. Moreover, a few of them even think that they are not involved in this debate and think that everybody can do whatever he wants (5.8%). As such, again this indicates a need to raise awareness on taking action to tackle hate speech.

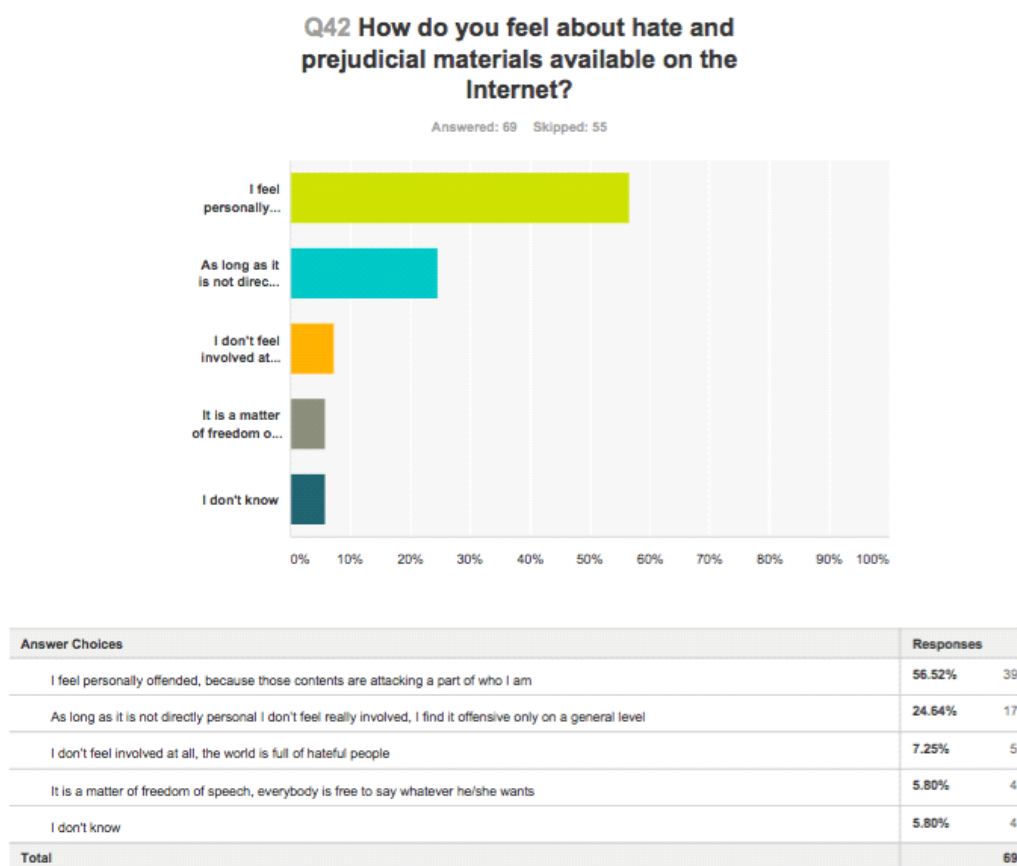


Figure 16: Feelings towards hate speech online

When faced with discrimination/prejudice, there are different reactions; the main are:

- They feel like an activist, what they lived/they are living is useful to them in order to create a better world and fight for it. Internet is a place of huge discrimination, it has been/is underestimated till now and requires better regulation (32 persons)
- They feel like a survivor and they have the strength to go on and be themselves, no matter what (21 persons)
- Some people also admitted to not knowing how to react when faced with this situation (13 persons).

- 9 persons also mentioned that they think they deserve justice from the authorities, 4 people even told us that they want to have their revenge. Feedback is diverse and sometimes contradictory showing that in some cases people need help to know how to deal with this situation

However, it does appear that people on the whole agree that this type of behaviour is unacceptable and should be tackled. 51% mentioned that online hate speech should be confronted by law enforcement agencies and public authorities (for them they should shut down these websites once and for all). 39% of them also specify that online hate speech should be allowed to disappear through better educational activities, information and advocacy. Only 6% of people surveyed say that public services are not capable of doing anything against this. So, in general, people hope that things will change thanks to the authorities and a better education.

In conclusion it is possible to say that that all types of people are affected by hate speech. However, some groups of people are more targeted than others. Internet and social networks are places very exposed to hate speech. The phenomenon of hate speech seems to be on the increase over the last few years and the majority of people feel that authorities can and should improve the actual situation and need to take more actions to do so.

Comparative Analysis

In order to get a more in depth view of the situation of hate speech in Malta we have undertaken a comparative analysis of certain results in order to obtain further conclusions. The following are worthy of mention,

Religion and hate speech

A comparison was done with regards to religion and their experience of hate speech. First, we chose to focus our research around the Christians. They were 74 in our study. Most of them are white or Europeans. 80% are still living in the same country as they were born. According to an analysis of this group Christians in Malta are less victims of hate speech than the other religious groups 44.23% of the Christians surveyed have never been victims of hate speech compared to 33.7% of the people surveyed). Moreover, when they were victims of it, they report these incidents a little more to the police than other categories of person (18.2% of the Christians surveyed reported the facts to the police compared to 13% of the people surveyed). To conclude, we can say that, according to our result, Christians appear slightly less exposed to hate speech and hate crime compared to the other religious groups.

We also studied the specificities of the Muslim group. Nevertheless, for unknown reasons, all the Muslims who began to answer the study did not respond when asked if they were victims of hate speech. We can venture the hypothesis that this topic is very sensitive for them.

Difference and hate speech

We also chose to analyse others characteristics which could sometimes be motivating factors in the discrimination against individuals. In this perspective, in terms of the gender of

the people surveyed. We had 78 women in our survey. We noticed that the results of the survey for the victim don't vary according to the gender of the persons. In other words, being a man or a woman doesn't really change the result of our survey. We can also venture the hypothesis that discrimination around gender identity is not very noticed by the responders because they are not alerted to it as an issue of hate

In terms of Ethnicity most of our responders were European or white. So, this is difficult to really study the impact of hate speech according to the ethnicity of the people. However, thanks to our survey, it appears that some ethnicities are more exposed to hate speech. Indeed, black people who answered the questionnaire told us that they all have been victims of hate speech. According to them, the main motivations against them were their colour of skin and their nationality.

Disability and hate speech

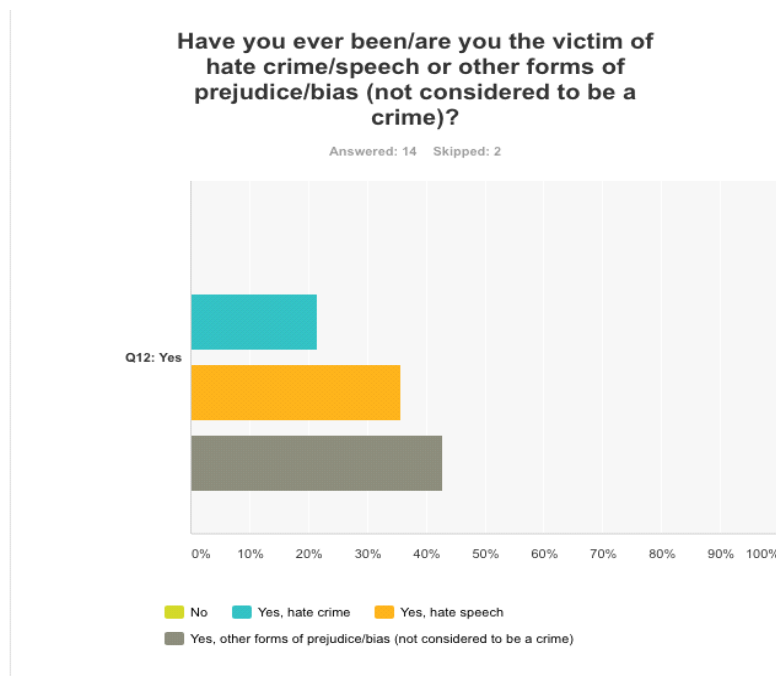


Figure 17: Disability and Hate crime/speech

In our survey, 16 respondents highlighted they had a disability. Of the 14 that answered the relevant question, all of them have been already victims of hate speech or hate crime. Moreover, 43% of them specified that they were face to this type of behaviour every day. However, whereas we could think that people mentioned in this result suffer of hate speech because of their disabilities, we see that this is not really the case. In fact, only 4 of them think that their disability is responsible of the hate speech they received. So, generally, for people who have got disabilities, hate speech is not linked to this specificity; this is linked to other characteristics like religion or nationality.

In your opinion, what were/are the main motivations of the offence(s) against you? Select, among this list of general causes for hate crime and prejudice, the one/s you think is/are the most appropriate (max 3 options):

Answered: 14 Skipped: 2

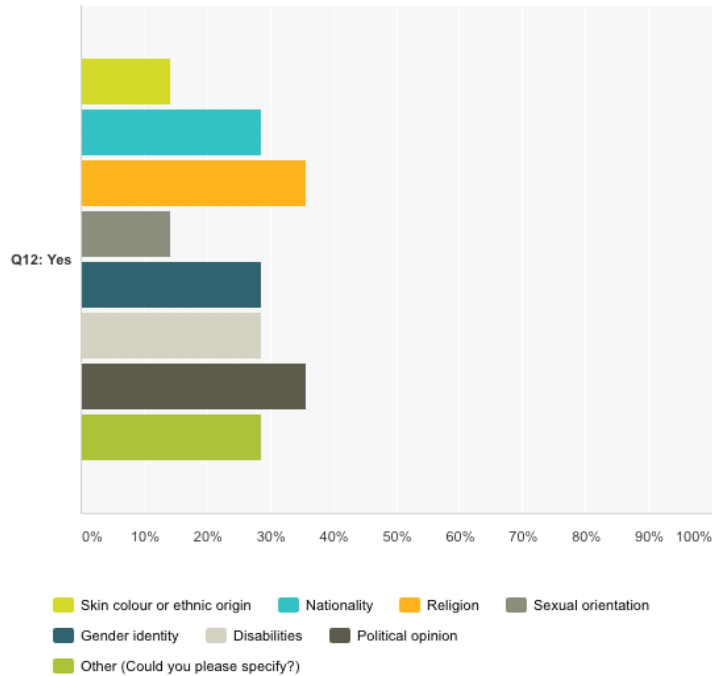


Figure 18: Main motivations of hate speech and disability

Privacy and hate speech

We also analysed if people who gave importance to online privacy and its protection were less exposed to hate speech online. 64 persons mentioned on the survey that they pay attention a lot to online protection. According to our result, we noticed that they appear less a victim of hate speech than the others. In fact, 46% of the people who pay attention a lot to online protection have never been victim of hate speech. This is more compared to the general average. In fact, in all the survey, 34% of the people have never been victims of hate speech. It seems that a better awareness permits a better protection against hate speech.

Have you ever been/are you the victim of hate crime/speech or other forms of prejudice/bias (not considered to be a crime)?

Answered: 41 Skipped: 23

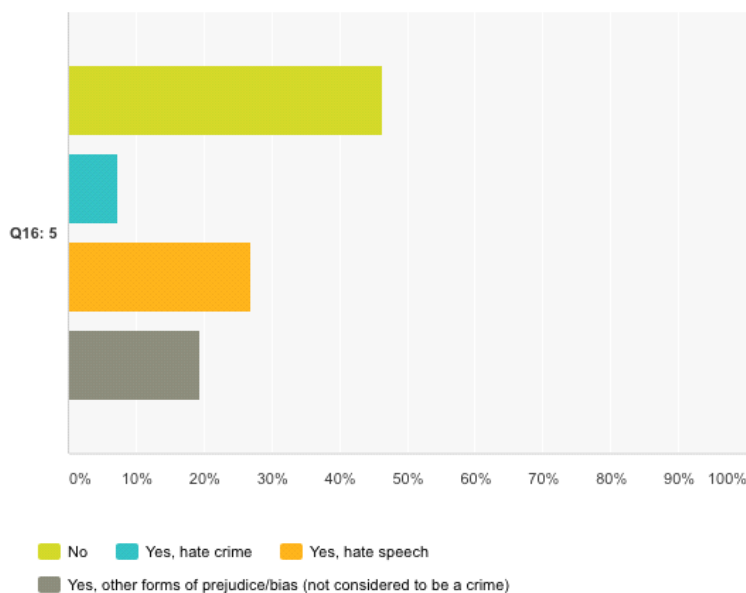


Figure 19: Privacy and hate speech

A multitude of victims

We also analysed the characteristics of the verbal prejudice. Most of the time, the victims don't know their perpetrators. The main motivations which motivate the perpetrators are, according to the victims, their political opinion, their nationality or their colour of skin. This verbal aggression often happens on Internet and most of all, on social networks.

For the people who suffered of physical aggression, there are too several characteristics. In fact, even if the motivations of the perpetrators are very heterogeneous, we can for example admit that the frequency of these aggressions is often high. In others terms, victims who suffer physical aggressions are, most of the time, the most exposed to hate speech/hate crime. Moreover, we can say that physical aggression is frequently twined with verbal aggression. People who suffer physical aggression usually know, their perpetrators more compared to people who suffer verbal aggression. We can understand thanks to this information that the profile of the victim of verbal aggression and the profile of the victim of physical aggression are not strictly the same.

Finally, we would like to highlight the profile of the people who think that hate speech has changed in the last three years and has become far worse. Most of the time, the people who believe this are the less touched directly by hate speech and hate crime. In fact, in reality, they are often the witnesses of hate speech or hate crime. So, as such, they believe that hate speech has become far worse because of what they are seeing around them.

Have you ever been/are you the victim of hate crime/speech or other forms of prejudice/bias (not considered to be a crime)?

Answered: 41 Skipped: 23

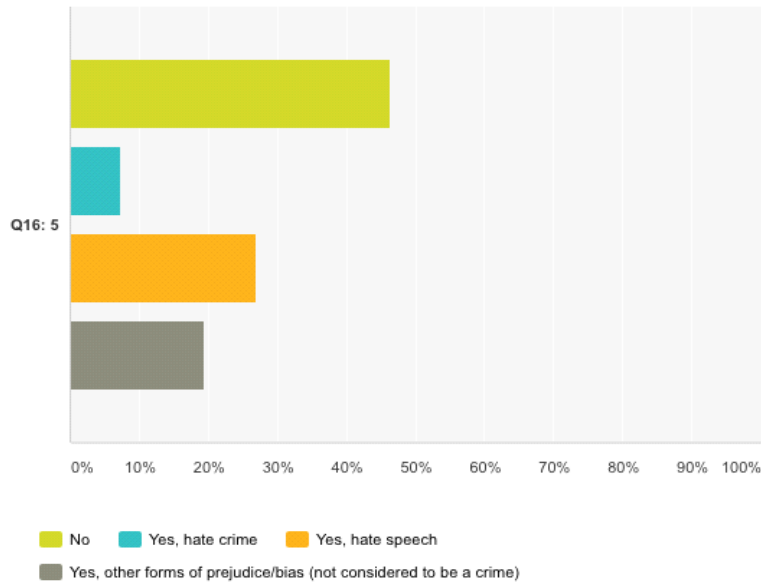


Figure 20: witnesses and victims of hate speech

Finally, we can say that hate speech and hate crime touch numerous profiles of victims. The term victim has to be taken here to have a broad understanding: verbal aggression, physical aggression, witness. The multitude of victims of hate speech highlights, once again, that solving the problem of hate speech is very difficult because of its complexity. It is necessary to tackle, awareness, action by witnesses, ease of reporting and attitudes and awareness as well as capacities, of public authorities and NGOs to deal with this issue.