

Foreigners in Maltese Prisons: Spanning the 150-year Divide

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Abstract

Reviewing the incidence of foreigners in the Maltese Islands' prisons entails an understanding of the realities pertaining to each period under study. Taking a multi-methodological approach, this 150-year study initially qualitatively reviews the situational circumstances faced by Foreign and Maltese offenders between the mid 19th and mid 20th Century, followed by a quantitative and spatial analysis of the post 1950 period, followed by an indepth analysis of the 1990s offenders. A classification system of what is termed as a foreigner offender is created, which employment resulted in the findings that there are distinct differences in structure in terms of foreign offender and the offences they commit when compared to their Maltese counterparts. Findings show that the longer the foreigner stays on the islands, the higher the potentiality of emulation to the Maltese counterpart's structure both in terms of offence type, offender residential and offence spatial locations.

Keywords: Foreign offenders, spatial analysis, prisons, offender-offence relationship, Maltese Islands

1. Introduction

The incidence of foreigners in Maltese prisons is virtually unknown with studies focusing on the generic 'foreigner' component, irrespective of the purpose of entry to Malta (Scicluna, 2004; Formosa, 2007). This paper investigates sentenced offenders in Malta's prisons and develops a classification system which distinguishes between short-term visitors, long-term residents and foreigners who became Maltese citizens.

The paper initially takes a comparative approach through a qualitative assessment of offender case studies taken from 1850 till 1950, followed by a quantitative approach analysing the relative crime component. The study attempts to understand foreign offender issues through the social and spatial parameters that encompass the background of such 'foreigners'. A 60 year (1950 – 2009) analysis was carried out with a further specific focus on the 1990s which show a high rate of incarceration for foreigners in Maltese prisons as compared to other EU countries, a very evident seachange in source country, an exponential increase in non-Maltese incarcerations and an evolving offence structure.

2. Background

In Malta there are negligible race differences or different ethnic groups, except that based on a religious belief. Foreigners did not always pose an issue in Malta. Being a British colony in 1943 we see a wave of Indian immigrants that came to Malta for business purpose (Falzon, 2001). These people settled in well and did not cause any problems which led to imprisonment probably because they were well established people in the business community. However, situations with immigrants was not always rosy. A case in point would be mass migration that came from Italy in the 1859 due to the Italian unification. This mass migration, in-turn resulted in more Italian prisoners being kept in the Maltese prisons (Scicluna, 2004).

Following a reduction of foreigners after independence in 1964, due to British rundown, the number of foreigners living in Malta once again started increasing, especially those from the North African countries. Foreigners moved in for seasonal or long-term stays with a resultant mix of cultures. Long-term stays became rooted communities such as the growth of an Arabic community in Mosta in the nineties that moved to San Pawl il-Bahar during the early 2000s. Analysing crime by ethnicity may help identify impacts as evidenced during the 1990s of foreigners committing homicide on other foreigners as against targeting Maltese victims. Whilst research is compiled on an annual basis by the UN on convicted population structure (ranging from 0.1% in China as the lowest reported in 2010 to 95.5% in Monaco in 2008 as the highest reported figure) (United Nations Crime Trend Survey, 2011), Malta's situation has yet to be analysed and this paper attempts to lay the foundations for further research.

Though not covered in this paper, a recent phenomenon where Malta has not gone untouched and which is also impacting on crime is that of illegal migration. Large annual numbers of immigrants (7182 between 2008 and September 2012), that at times may reach above natural (population) growth balance have arrived in Malta mainly from Libya on boats (Table 1). Whilst most are non violent, incidences have been registered where individuals in free centres partake in crime such as drugs (Khat case in July 2006 (Calleja, 2006), alleged group rapes (Malta Independent, 2006) and other offences. Such incidences cause a misconception of this group, enabling xenophobic debates that generally hinder the investigation process. A report for the European Network against Racism (Gauci, 2011) confirms that racism and racial discrimination is still very high in Malta. This reflects in "in-side"/"out-side" phenomenon that Hay (cited in Garland, 1991) mention when discussing why the poor and the disadvantaged end up in a higher proportion in prison. This, together with the fact that foreigners are rarely given community based alternatives might explain why a disproportionate number of "foreigners" end up in prison.

3. Methodology

3.1 Classification System

Lacking a pre-established categorization structure identifying the different type of foreigners in Maltese prisons, the authors developed a migrant classification system based on a spatial (residential-location) and temporal (time spent on the islands) structure:

- i) **short-term visitors** termed short-stay persons who retain foreign citizenship; such as tourists, those passing-through in transit, or those who may visit the island on a regular basis or live in an undeclared address such as a hotel or other residence (no spatial component and short temporal component)
- ii) **medium to long-term residents** are persons who have a registered Maltese address but retain foreign citizenship (have a spatial component and a variable temporal component)
- iii) **naturalised** – or registered foreign-born persons who became Maltese citizens (have both permanent spatial and temporal components)

3.2 Instruments and Sources

The study was composed of two parts. The initial study was based on a purposive sample of prisoners held in Corradino 1850¹ (n=401), 1860 (n=966), 1870 (n=1608), 1931 (n=648), 1941 (n=483) and 1951 (n=338) (a parameter was taken for each year) which looked into sentencing and pardoning discrepancies between Maltese and non-Maltese offenders. The cases identified those prisoners who would be termed migrants but would fall under the short-term visitor category. Malta, being a British colony until 1964 experienced a high number of English or commonwealth prisoners. Prisoners' petitions were used as assessment to investigate whether there was discrimination in the issuing of pardons. Nationality and place of residence of the prisoners were also analysed.

The second part investigated the full parameter of foreign persons who were in prison between 1950 and 2009 (n=12,454).

¹ Prison regulations were enacted in 1850 and 1931 and the study took two decadal samples for each regulation period).

The survey was based on manual inputting from archival records at the National Archives (NAM) and from Prisoner Ledgers at the Corradino Correctional Facility (CCF). Instruments used for the analysis included spatial information systems and databases which were created by the authors.

In analysing the data, a decision was taken to separate the pre-1950s period to the post-1950s due to the different methods used as constrained by access to the archives. The first period was deemed important in order to understand the situation pertaining to foreigners in Maltese prisoners incarcerated in the late decades of the 19th Century as against that found in the later decades of the 20th Century and the first decade of the 21st. Whilst the first aspect covers differences from a sample-based qualitative analysis based on petitions, the post 1950's aspect covers all the population from a quantitative spatial point of view.

4. Results

4.1 The pre 1950 period

Analysing the situation of foreign offenders in the Corradino Civil Prison (today named Corradino Correction Facility) from the year 1850 to 1951 points to some interesting data. Occurring in a period of British colonial rule, this section looked for early recorded evidence of distinctions between the two groups (Maltese vs Foreigners) through incidences of discrimination in sentencing or issuing pardons as well as through the incidence of prisoners petitioning the governor for a pardon.

Prisoners requesting a pardon could receive immediate release (NAM, LGO/35/5223; NAM, LGO/36/5260/5293; NAM, CSG/04/31/3724; and NAM, LGO/48/7876). Although the majority of the small number of applications were granted, there is no clear pattern about whether pardons were granted or not (see Table 2). A case in point was reviewed when a Maltese prisoner asked that his one-month detention be transformed into a fine so that his children would not be left without supervision, which petition was refused (NAM, LGO/48/8192). In contrast, another Maltese prisoner who had wounded another prisoner, was pardoned because he had almost served his sentence however it is made clear that the victim had forgiven him (NAM, LGO/48/9448). Pardon was not granted for a foreign prisoner condemned for life, but the governor recommended that the prisoner should be pardoned at a later stage when he was older so that he could be reunited with his wife (NAM, LGO/48/9514). On the 28th May 1870 an Englishman petitioned the governor on the grounds that his trial was unfair. Although the petition was refused it was suggested that he should ask for a remittal of sentence on the ground that his health was not good (NAM, CSG/04/41/5327). Two days later he was released and sent onboard his ship to leave the island (NAM, CSG/04/41/5336).

Data from 1870 shows that almost all petitions by English prisoners were granted, whilst about half of the pardons for all other nationals (Maltese and others) were refused. Status and standing were considered valid grounds to differential treatment of insiders and outsiders (Hay, 1975 cited in Garland, 1991:203). Maltese judges may have been sentencing English offenders (outsiders) disproportionately severely, giving them grounds for appeal; or the English colonial administration may have been treating Maltese appellants (outsiders) disproportionately harshly, and English petitioners (insiders) more favourably. A more compelling explanation may have nothing to do with discrimination. Most English prisoners would leave the island as soldiers or marines, frequently to a harsher life than that experienced in prison, and often at the request of the military or naval authorities. This reflects Foucault's (1977:178) reasoning that the army, hospitals and educational institutions all served to meet the imperative of producing well-trained bodies; and it was immaterial where this training took place. For example on 21st December 1870 twenty-two prisoners were released on request of the superintendent of ports, with an order to them being returned to ship and sent home (NAM, CSG/04/42/6281).

After 1931, prisoner's right to petition was modified. Although they could still petition for a pardon of their sentence they could only do so after three months when the sentence was less than two years or six months when the sentence was more than two years. Prisoners were not allowed to petition a second time before they received an answer to their first petition and in any case not before six months had passed from the previous petition. If a prisoner was seen to be abusing this right the director could prohibit him from further petitioning (Prison Regulations, 1931:Sec.91-95).

Fourteen prisoners were pardoned in 1931 (NAM, CSG/01-75/1932, NAM, CCP/10/15), 19 prisoners in 1941 (NAM, CSG/01-97/1941, NAM, CCP/10/27) and 12 in 1951 (NAM, CCP/10/38). A problem that occurred during the war was that English prisoners were complaining that they were being treated differently than the Maltese, both at the point of sentencing and during their stay in prison. Table 3 shows that there were 107 requests for pardons in 1941, out of which 86 were refused 13 accepted and seven prisoners were sent to the reformatory. In total 86 Maltese requested a pardon, 75 were refused, four were accepted and seven were sent to the reformatory, as they were juveniles. In comparison, 21 English prisoners requested to be pardoned, 11 were refused and nine accepted (NAM, CSG/01-1941).

These figures might indicate that there was an 'obviously apparent' bias in issuing pardons but this may be an over-simple explanation. Judges of the Maltese courts were issuing much harsher sentences against English people during this year than the Maltese. For example two Maltese persons were given four-and-a-half-months and five-and-a-half-months imprisonment for assaulting a police officer (NAM, CSG/01-3461/1941). On the other hand three Englishmen for the same offence were awarded one year hard labour for two of the offenders, while the other was given a year-and-a-half of hard labour (NAM, CSG/01-2606/41). The former were refused a pardon while the latter were forgiven three-months and four-months respectively. This might indicate that pardons served to balance prison sentences. Harsher sentences issued to the English might be explained because the judiciary at the time was pro-Italian. The chief justice of the time Sir Arturo Mercieca was interned as soon as Italy declared war on the allies and he was later sent to Uganda (Bondin, 1980). Other members of the judiciary were also interned. In 1943 the governor requested an inquiry about the treatment of servicemen by the Maltese courts and in the Maltese prisons. Although no conclusion is forwarded on the sentences it is suggested that some of the sentences seem 'pretty startling' (PRO, ADM, 178/355B).

Figure 1 shows that the majority of prisoners came from the inner harbour area (44% overall: 46% in 1850, 34% in 1860 and 52% in 1870). Ten per cent of prisoners came from other areas in Malta, with even fewer prisoners from Gozo. The proportion of military prisoners rose from 12 per cent in 1850, to 28 per cent in 1860 and dropped to 2 per cent in 1870. This increase in 1860 could probably be explained by the expansion of the British navy in Malta. In 1860 a fight between the British navy and the chamber of commerce occurred, as the former wanted to take over the French creek to transform it from a mercantile base to a navy base (personal communication, R. Mangion, 10/04/02). This led to a higher increase of Englishmen on Maltese soil. In 1859, due to the Italian unification many Italians came over to Malta. With more foreigners on Maltese soil foreigners in prison were bound to increase. This led to an agreement between Italy and Malta to regulate the transfer of criminals (Ordinance 1 of 1863). On the international setting one finds the end of the Crimean war and in the 1860s a great movement of immigrants and emigrants around the Mediterranean. All this could have contributed in the increase of foreigners in the Maltese prisons, although the researchers suspect that the principle cause was that of the expansion of the British navy and Italian unification.

The inner harbour region is the most industrialised place in Malta. With the advent of the industrial revolution an influx of people going to towns and cities occurred. Richards (1977: 202) places the peak of the industrial revolution in England around 1850 with other European countries following. Marx (1959: 334) maintains that with the advent of the industrial revolution the mode of production changed. Peasants with small parcels of land could not compete with the big landowners and they were forced to abandon their lands to seek work in the cities. Here working conditions were poor. Although in Malta there was no great movement of people from the countryside to the towns none the less some movement occurred particularly due to the lack of transport which workers in the naval industries found to their detriment and eventually moved to live in the inner harbour region. These people would not have known the ways of the city and they could get into trouble much easier. Another factor contributing to the overrepresentation of criminals in the inner harbour area is that proportionately more people lived in a smaller area and there was more opportunity to commit crime.

Figure 2 shows that in 1850, 23 per cent (90 individuals) were English. The "other" category was made up of Italians (7 prisoners), 2 prisoners from Corfu, and a prisoner each from America, Dalmatia, Tripoli and Tunisia. In 1860, most offenders were Maltese (68%), followed by the English (29%), the Italians (2%) and Americans (1%). The situation changed ten years later.

The amount of English prisoners decreased from 280 in 1860 to 112 in 1870, while the number of Maltese prisoners increased from 637 in 1860 to 1443 in 1870. It seems that military personnel were no longer posing the same problem with most offenders (90%) being Maltese.

As can be seen from Figure 3 even in the middle of the 20th Century, most offenders lived in the inner harbour region – 61 per cent in 1931, 54 per cent in 1941 and 47 per cent in 1951. The inner harbour region always attracted more crime mainly because there were many people living in close proximity, it was the place where the mercantile ships entered and where most business was situated. Even after the second world war, when most rich people had left the three cities and Valletta, crime rates in these areas continued to flourish. People living in the outer harbour area follow with 16 per cent, 17 per cent and 23 per cent for the years under study. The northern part of Malta is the least criminogenic with 3 to 4 per cent of offenders coming from this region in 1931, 1941 and 1951. The south-eastern and western regions having a slightly higher percentage than the northern region. Offenders from the island of Gozo are few (1%, 4%, and 3%). However when one considers that offenders sentenced to less than 15 days were kept in the Gozo prison, and that most offenders were actually sentenced to less than 15 days, Gozo's claim to be a crime free zone diminishes, probably becoming no different to Malta as a whole. In 1941 and 1951 there were a number of offenders (6% and 4%) who lived in a military base before being committed to prison. The absence of prisoners from military bases in 1931 might indicate that military personnel who committed crimes were tried by court martial. During the war the rich people in these places moved to the countryside while the poor entered the cities. There was an influx of poor people in the towns during the war and after. Miller's (1958) theorising on the link between crime and poverty, surplus labour, urbanisation and overcrowding retains its plausibility.

Figure 4 shows the nationality of the prisoners committed to Corradino during these years. Most prisoners were Maltese (97% in 1931, 89% in 1941 and 93% in 1951). Other prisoners during 1931 came from Egypt (2%) from Susa (1%), Suez (0.3%) and Bona (0.2%). In 1941 seven per cent were English, two per cent of prisoners were Egyptian while one per cent came from Tripoli and Ireland. There was a prisoner each from Algiers, Canada, Denmark and India. The Maltese tend to totally identify themselves as Europeans rather than southern Europeans, but all those who do not conform to the Maltese mentality of the European image are treated in a racist manner (Borg and Mayo, 1994:219). This attitude would have shown itself in the prison warders. It was felt during the war years when the guards did not seem to know how to deal with English prisoners. They ignored them, leading Captain Strologo to comment that the English prisoners were being discriminated against. Recent research has focused on the treatment of ethnic minorities in prisons, linking discriminatory treatment with stereotypes held by prison warders (Smith, 1994:1101).

A more interesting notion is found in the war internees. A cursory look at the work done by internees prior to internment shows that most of them held high status jobs (see Table 4). Six internees were lawyers, out of which one finds an ex-prime minister. Another six were journalists or editors of pro-Italian journals. Twelve were merchants and the others held various professions such as an ex-captain of the British navy, teachers, engineers, pharmacists, accountants and university students. Thirty-six of those interned held jobs with the royal naval arsenal varying from mechanics to accountants and engineers. Half of the internees held a professional job and some of those working with the royal arsenal also held jobs such as accountants or heads of departments.

One can note a parallel between the treatment of the internees and Micciarelli, ninety years previously. When, in November 1850, Vittorio Micciarelli, an Italian editor of a Maltese journal was sentenced to imprisonment, the inspector wrote to the superintendent that Micciarelli was to be treated as a prisoner convicted of '*contravvenzione*'. He was allowed to wear his moustaches, allowed free range of the prison, and to take exercise in the prison from the hour of unlocking to the hour of locking. He was even allowed to see his friends from 09:00 to 17:00 hours, in his room as soldiers occupied the reception room. Furthermore, his rations were to be on the same scale as those of the warders. Mr. Micciarelli was to sustain himself in prison, if he was unable to do so the Roman consul should pay for his expenses (NAM, CCP/Superintendent's Letter Book 1850-53). While both prisoners and internees were considered undesirable by society and therefore put in social quarantine (Durkheim, 1893:104) they were not treated similarly due to their social standing (Rusche and Kirchheimer, 1939:176). One would suppose that the enemies of the state during a war would be considered much more dangerous than prisoners, most of whom had committed some petty crime.

This paradox in treatment can only be explained by the social standing of most of the internees. The Maltese reaction was mainly based on a political move with the Constitutional Party trying to overcome the Nationalist Party and surely not all Italian sympathisers were interned as this would have amounted to much more than eighty people.

Some internees ended in prison. Eric Maitland Woolf an internee was problematic to the authorities. Ganado (1977:288) in his memoirs wrote that his trouble making was equivalent to all those of the internment camp. Woolf was born in England but immigrated to Malta to work with the Strickland press. However he soon left the newspaper. When he was arrested in 1940 he soon got into trouble because he attempted to commit murder as an internee and was transferred to the main prison. He requested that he should be treated in the same manner as all other prisoners awaiting trial but his request was refused both because of security reasons and because as a prisoner awaiting trial he would have had more privileges than an internee would. This would have been seen as receiving a reward for a crime (NAM, CSG/01-2200/1941). Two journalists, Micciarelli and Woolf being treated very differently by the prison authorities. Differential and preferential treatment reflected the status outside prison. Being a newspaper editor he was not seen as needing reform. He came from the same background as the adjudicators, the prison authorities and the government officials. He was also a foreigner, a fact that might have contributed to his preferential treatment.

Hay (1975, cited in Garland, 1991:203) maintains that status and community standing were a justifiable method of discrimination in the treatment of prisoners. However this might be justified as Micciarelli was condemned under the press law and Woolf was being tried for murder. Having social status helps, however when the crime committed is atrocious nothing will favour one.

Having looked at some historical snap shots from the mid-19th century to the mid-20th century, the paper now concentrates to a more profound analysis of foreigners imprisoned in Malta in the last five decades of the 20th Century. The aim of the following section is to move away from the narrative approach of individual prisoners and to focus on the quantitative aggregate approach of statistical analysis. The stories of Micciarelli, Woolf, and Captain Strologo helped depict the picture of the individual prisoner, the statistical analysis will help in showing a clinical reality of the situation.

4.2 The Post-1950 Scenario

The post-1950's study took a quantitative approach and analysed all the incarcerated offenders parameter. Results show that the Maltese islands, having hosted the British colonial powers till 1964, saw its prisons hosting a number of residents/dependents from that power, as evidenced by the 1950s with 96% of Foreign offenders directly coming from England, Wales and Gibraltar, where the larger part were marked as being aboard Royal Navy ships when they committed an offence (Table 5). This decreased over time until the British garrison left in 1979 with very few incarcerations evidenced since then. Subsequent 'aboard ship' offences were mainly tourism and/or merchant shipping related.

This situation was reversed in the later decades by a take-up of North African foreigners, mainly Libyans who have dominated the prison scene since the 1970s, when the Maltese government sought closer ties towards the North African countries, particularly Libya. This component reached 25% during the 1990s (Table 6). In fact, North African offenders constituted 59% of all 1990s foreign prisoners, with 38% coming from the closest lands of Libya and Tunisia, then slightly decreasing in the 2000s.

Figure 5 shows a spatial depiction of the countries of origin of foreign prisoners in the Maltese islands. Following relatively low percentages averaging 6.3% in the previous three decades the number of foreign offenders in prison rose drastically in the 1980s (24.4%), 1990s (30.6%) with the highest year registered in 2010 when the foreign component comprised 36.3% of the convicted population. The spatio-temporal flow from a Northern European to a heavily African component is very evident. Interestingly, the high Libyan component of the 2000 figures is very significant, which component would be drastically reduced should illegal immigrants be included in this study. The latter group have not been included since they were discounted from prison sentencing during the 2000s but kept in detention centres. Inclusion of this flow would shift the continental bubble to the Horn of Africa.

Comparing the component to the global scene (United Nations, 2003; United Nations 2012): a sub-study of the 1990s shows that with 17.1% foreign nationals in Maltese prisons, such was definitely the highest both in Europe and in the only other island reporting comparative information: Hong Kong. Whilst the latter country registered an average of 4.6 percent of foreigners as a percentage of all incarcerated persons between 1998 to 2000, the highest in Europe was Spain with 7.7 %; less than half that of Malta (Figure 6). This all changed in the 2000s where the UNODC statistics (2012) indicate a drastic change in the foreign component. Even though Malta registered a doubling of its rate (36.3% in 2010), some countries that reported during this period show extremely high figures reaching 95.5% for Monaco in 2008 and 88.3% for United Arab Emirates in 2006, with Switzerland (57.1 in 2004), Spain (46.3 in 2009) and Andorra (44.2 in 2010) being the only countries that reported the foreign convicted component to have a rate higher than the Maltese Islands (Table 7).

4.2.1 Employing the Classification System for the 1990s

In order to understand the composition of the offenders and their background, the study focused on the study of the individuals incarcerated in the 1990s as a case study, mainly due to the fact that the variables required for the analysis have not yet been inputted for the 2000s as these are done manually and will entail another year of input.

Thus, for the purpose of the in-depth study, categorising these 1990s individuals in accordance with the classification system, the analysis indicates that 495 persons with a foreign address had foreign nationality and were born abroad, which definitely establishes this group as short-term visitors. Another 594 persons who were born abroad had a registered Maltese address, of which 420 foreigners had a long-term Maltese address but retained foreign nationality. Another 43 foreign-born persons had no fixed address or their residential location was unknown. In summary, of the 1219 foreign-born offenders, 1028 retained their foreign nationality, whereas the rest (191) changed their nationality to Maltese thus signifying permanent residence. Interestingly the homeless persons (19) who were foreign-born now have Maltese citizenship which implies that after gaining citizenship they became homeless. Another 70 lived aboard ship.

A 1990s offence analysis shows that the short-term stay category commit most offences followed by long-term residents and naturalised-registered persons with a maximum number of recidivist cases at 17 instances (same individual) against a maximum of 26 instances for a Maltese individual.

Foreigners fall within younger age cohorts than their Maltese counterparts with the different categories showing marked differences between them: the naturalised component has a larger percentage presence than the long-term and short-term groups indicating a greater liability to fall foul of the law when the fear of deportation is much less, reflecting Messner and Golden's (1992) findings that this group is highly likely to be incarcerated (1992).

In terms of sex, the foreign component registered 96.2% males as against a 92.2% for the Maltese component. In terms of status, the majority of the foreign offenders are single (66.2%) as against 57.3% for Maltese offenders, which figures further show that foreign offenders in the naturalised category have a high rate of separated or divorced structure.

Education-wise, foreign offenders tend to have higher educational levels than their Maltese counterparts. Figure 8 also shows that the interesting structure focuses on the trade and technical level within which the naturalised group falls.

Employment-wise, foreigners have lower unemployment rates (42.6%) than Maltese (70.5%), however an analysis based on the classification system shows that the naturalised persons has a higher component than the Maltese at 78% within that category though the other two categories have high rates of students at 10% (short-term) and 9.3% (long-term) as well as 'general managers' at 4.4% and 9.3% respectively.

Sentencing for foreigners shows that in general, foreign offenders have a higher short-term sentencing outcome (33.5%) as against the Maltese 16.8% figure, and a lower long-term outcome 60.1% against a 71.6%. However an analysis by foreign-category shows that the short-stay offenders are balanced between the sentence type with nearly equal numbers receiving short or long-term sentences. However moving towards long-stay offenders, the structure takes on a similar one to the Maltese structure with a near identical one for the naturalised persons.

This is reflected in the type of offence they were sentenced for, which shows that naturalised persons tend to partake to more violent offences with increasing rates for robbery, vehicle crime and thefts.

In terms of recidivism, the larger component of foreign offenders fall within the short-term stay category who have a high 76.9% first-timer component. However, the structure switches in terms of those persons who are naturalised who have a 63.3% recidivist component, which beef up the figure of 8.7% of foreign offenders who have more than 3 times recidivism incidences.

In summary, the characteristics of foreign offenders shows that the foreign offender profile depicts him as male, aged between 21 and 30 years old (Entorf et al, 2000), a recidivist (Schwaner, 1998), has had a secondary education (Rutter et al, 1979), is single and unemployed (Wang, 1999) and increasingly partaking to serious crimes in line with Greenwood's findings (1982).

Finally, an analysis based on foreigners' preferential residential location shows a seachange for the highest two locations, primarily due to the high short-term stay component where Gzira and San Pawl il-Bahar (Figure 9) are preferred to those taken up by the Maltese offender, traditionally switching between Bormla and Valletta. Sliema, Mosta, San Giljan and Qormi are also serving as attractors for foreign offender preference. An in-depth analysis shows that naturalised offenders are taking on a similar structure to the Maltese component where Bormla and Valletta start becoming preferable for foreigners who stay longer or permanently on the islands.

At the other end of the offender-offence pivots, offence analysis shows that whilst it is understandable that most foreign-related offences occur in locations related to transit, such as airports, seaports and bus termini, foreigners tend to commit offences close to their area of residence, with Gudja, Floriana and Valletta registered at the top of the league (Figure 10) (Bottoms and Wiles, 1997). Further analysis shows that the transit component is very evident for the short-term offenders, however the longer-term foreigners tend to commit offences also in high-density residential areas such as San Pawl il-Bahar and Valletta and also in the traditional haunts of the Maltese offender: the entertainment mecca of San Giljan and its recreation centre of Paceville.

5. Conclusions & Outlook

The results of this analysis shows that there are distinct differences in structure in terms of foreign offender and the offences they commit when compared to their Maltese counterparts. Both methodological approaches spanning the 150 years of the study show that whether in terms of actual offences and structure as well as in the sentencing and pardoning practices the differences meted out are distinct.

The classification system employed for this study has shown that the longer the foreigner stays on the islands, the higher the potentiality of emulation to the Maltese counterpart's structure both in terms of offence type, offender residential and offence spatial locations.

The study will be further enhanced with an indepth analysis of the 2000s incarcerated foreigners on the same lines of the 1990s classification-based study, which has a very large foreigner component of 1008 offenders out of n=4058 for the total incarcerations, which number comprises more than 50% increase over the whole 1950s-1999 period.

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² NAM – National Archives of Malta

³ CCP - Corradino Civil Prison

⁴ CSG – Chief Secretary to the Governor

⁵ LGO - Lieutenant Government Office

⁶ PRO - Public Records Office (UK)

Table 1: Illegal migrants arriving in the Maltese Islands by Boat

Year	Incidences	Total Persons	Males	Females	Children	Babies	Deaths
2012	24	1700	1221	433	25	8	13
2011	8	1577	1182	282	106	4	4
2010	1	28	22	5	0	1	0
2009	15	1173	965	186	18	4	2
2008	81	2704	2298	365	32	9	97
2008-2012	129	7182	5688	1271	181	26	116

(Note data for 2012 is valid till the till 12th September)

Source: CrimeMalta, (2012)

Table 2: Petitions for pardon refused or accepted by Governor in 1870

Maltese Prisoners	Refused	16
	Accepted	21
English Prisoners	Refused	3
	Accepted	30
Other Nationalities	Refused	3
	Accepted	4

Source: Adapted from NAM, CSG 04

Table 3: Requests for pardons in 1941

	Refused	Accepted	Reformatory	Total
Maltese	75	4	7	86
English	11	9	-	21
Total	86	13	7	107

Source: Adapted from NAM, CSG 01-1941

Table 4: Professions of internees

Job held prior to internment	Number of internees
Royal naval arsenal	36
Merchants	13
Journalists/Editors	6
Lawyers/ex-parliamentarians	6
Teachers	2
Engineers	2
University Students	2
Employed	2
Other professionals	7
Unknown	4
Total	80

Source: Constructed from Bondin, 1980:115-121

Table 5: Foreign Offender residence: the 1950s: percentage

Foreign Offender	1950 - 1959	1960 - 1969	1970 - 1979	1980 - 1989	1990 - 1999	2000- 2009
Aboard Ship	71	62	5	19	0	0
England	22	3	10	6	1	5
Pakistan	4	0	0	0	0	0
Gibraltar	2	0	0	0	0	0
Wales	2	0	0	0	1	0

Table 6: Foreign Offender residence: the 1990s: percentage

Foreign Offender	1950 - 1959	1960 - 1969	1970 - 1979	1980 - 1999	1990 - 1999	2000- 2009
Libya	0	0	20	13	25	29
Morocco	0	0	2	0	13	2
Tunisia	0	0	0	21	13	7
Nigeria	0	0	0	0	10	8
Ghana	0	0	0	10	8	1
India	0	0	0	3	8	0
Egypt	0	0	2	3	6	3
Algeria	0	0	5	2	2	3

Table 7: Foreign Offenders in International Countries: A comparative approach

Country	2003	2004	2005	2006	2007	2008	2009	2010	Max (2003- 2010)
Monaco	89.7	93.5	95.3	93.4	90.2	95.5	93.2		95.5
United Arab Emirates			84.4	88.3					88.3
Switzerland	42.7	57.1	55.6	55	54.6	54.4	56.8	57	57.1
Spain							46.3		46.3
Andorra								44.2	44.2
Malta	28.3	21.2	14.5	20.8	21.4	17.7	29.6	36.3	36.3
Austria	27.5	30.2	30.8	29.7	29.7	28.8	29.9		30.8
Malaysia			22.4	28.1					28.1
Italy			21.9	26.2					26.2
France	19.7	19.4	20.8	23.3	24.7	24.1	22.5	21.4	24.7
Germany	24.2	23.2	23.1	22.8	20.5	19.9	20	20.9	24.2
Norway	10.8	11.4	11.5	11.2	12.8	13.5	17.8	16.3	17.8
Montenegro						7.9	16.7		16.7
Costa Rica			11.6	12.4	13.8	13	13.3	13.6	13.8
Japan	13.8	13.4	11.6	9.8	8.7	7.4	6.9	6.3	13.8
Portugal	6.3	6.9	7.9	8.9	11.7	12.2	13.3	13.4	13.4
Finland	6.1	5.8	6.3	7	7.6	8.2	8.8	10.3	10.3
New Zealand	9.2	10.2	9.6	8.8	8.8	9.2			10.2
...									
Philippines			0.1	0.1					0.1
China								0.1	0.1

Source: UNODC: <http://www.unodc.org/unodc/en/data-and-analysis/statistics/data.html>

Malta Source: Corradino Correctional Facilities

Figure 1: Place of residence of prisoners prior to imprisonment in 1850, 1860 and 1870

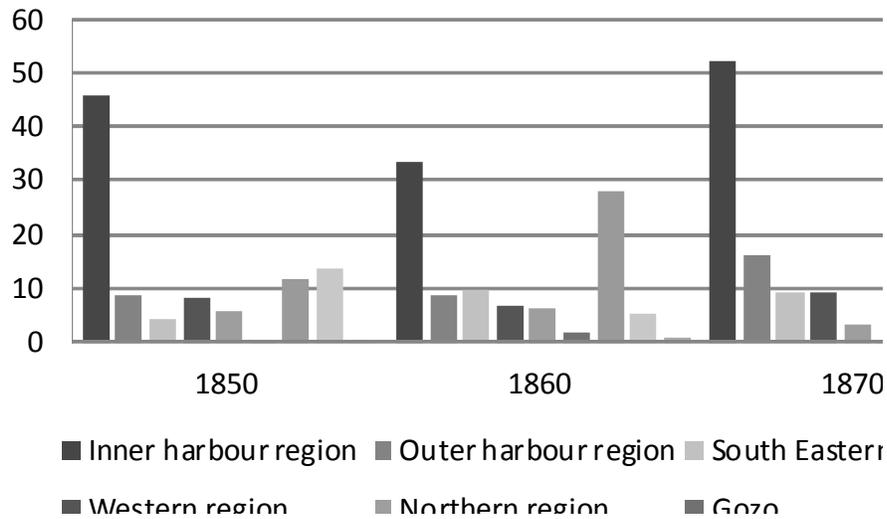
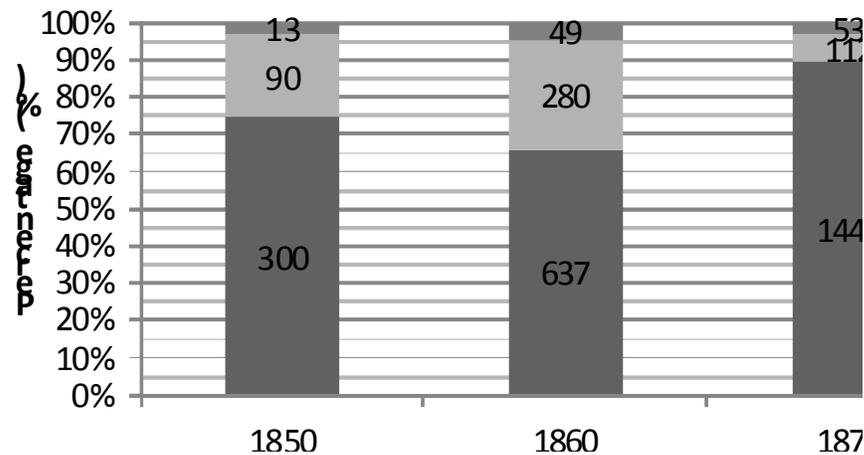
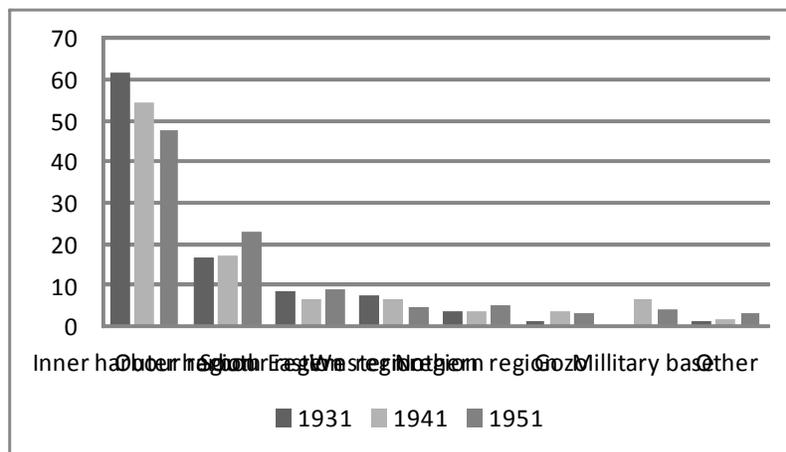


Figure 2: Nationality of prisoners in 1850, 1860 and 1870



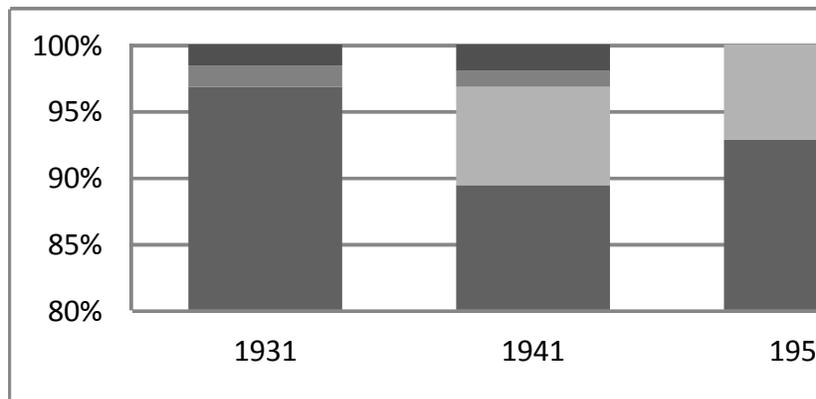
Source: Based on NAM, Prison Admission Records 1850, 1860 and 1870

Figure 3: Place of residence of prisoners prior to imprisonment in 1931, 1941 and 1951



Source: NAM, Prison Admission Records 1931, 1941 and 1951

Figure 4: Nationality of prisoners in 1931, 1941 and 1951



Source: NAM, Constructed from the Prison Admission Records – 1931, 1941 and 1951

Figure 6: Incarcerated Foreigners as a percentage of total convicted 2000s – highest 18 countries

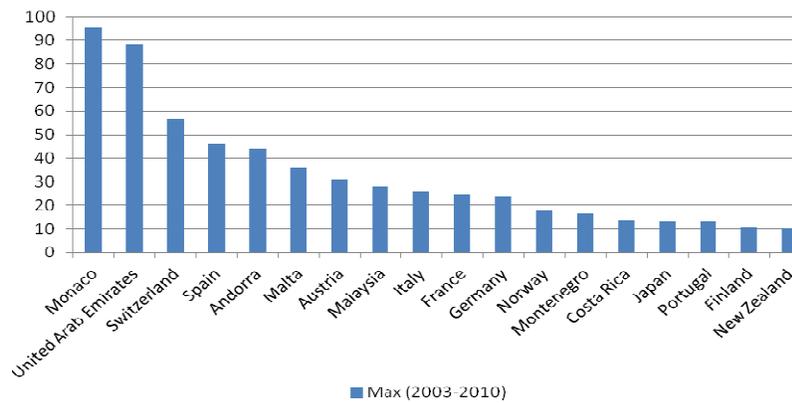


Figure 5 Foreign prisoners in the Maltese Islands: 1950s to 2000s 1

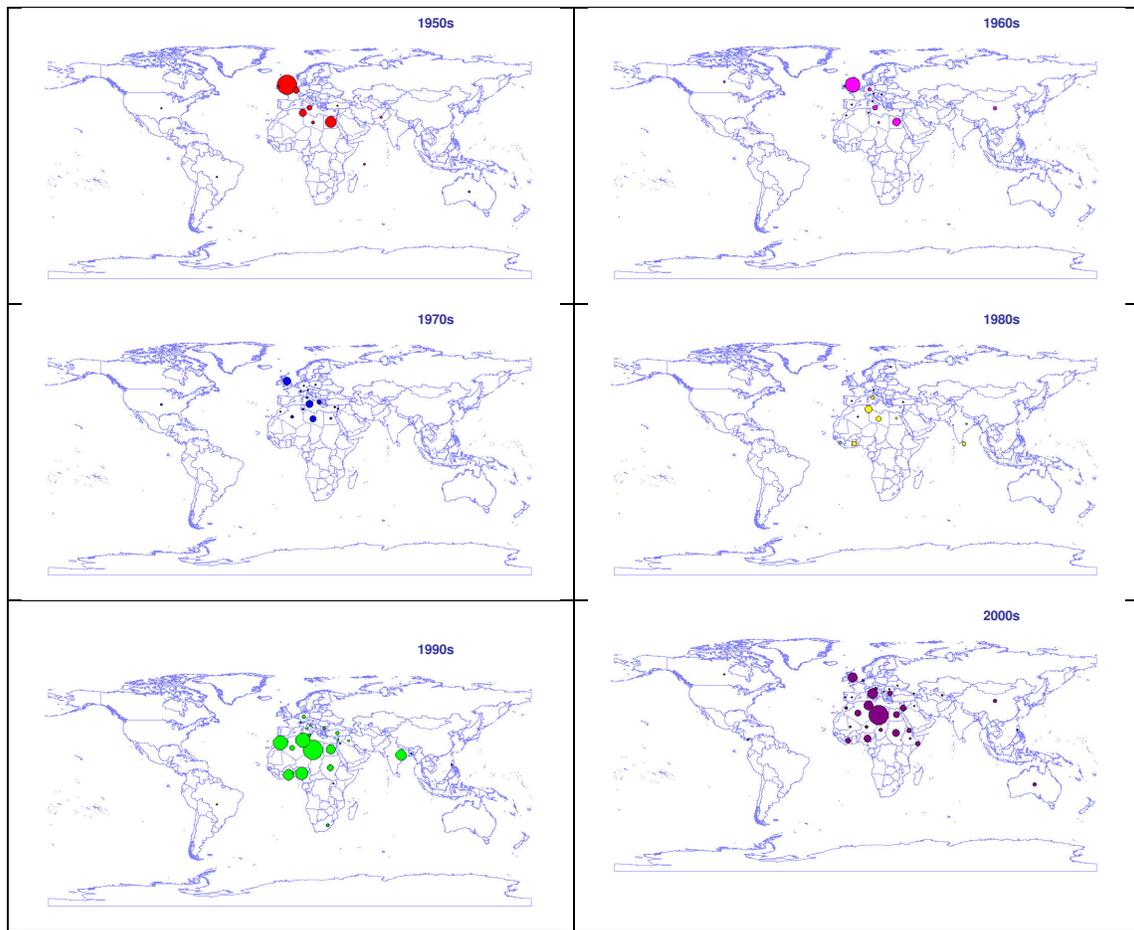


Figure 7: Foreign Offences (1990s): Instances of offences and Maximum instances per individual.

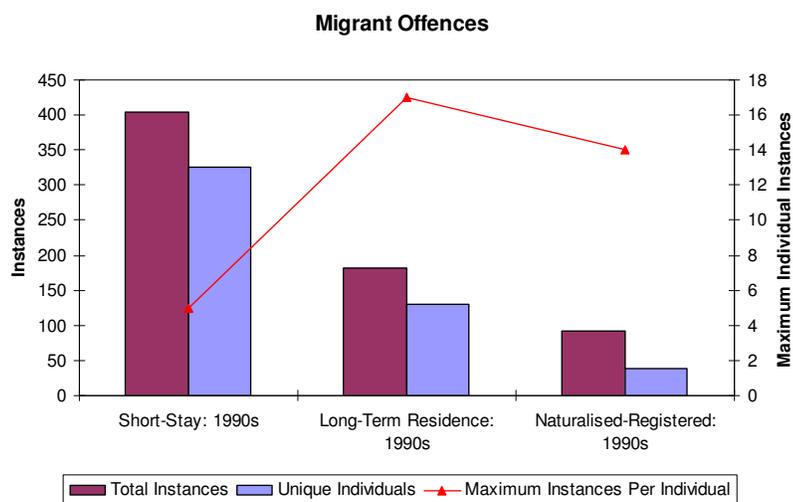


Figure 8: Educational levels - Foreigners 1990s

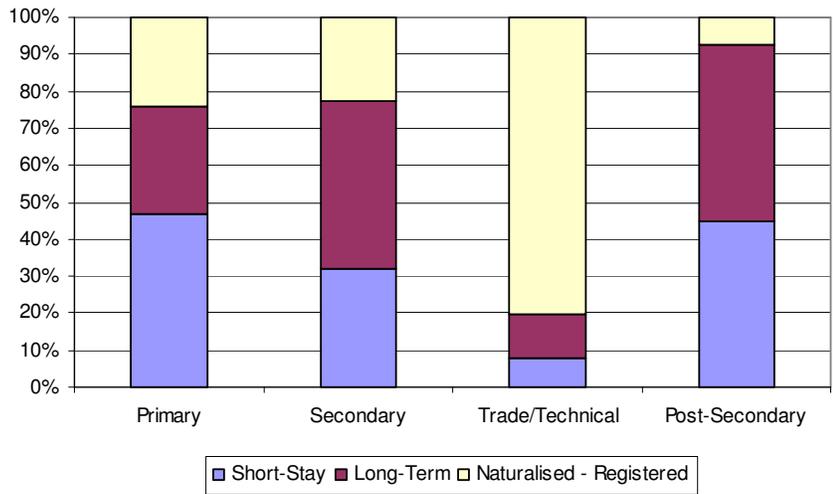


Figure 9: Foreign Residential preferences: The darker colour signifies a higher residential rate

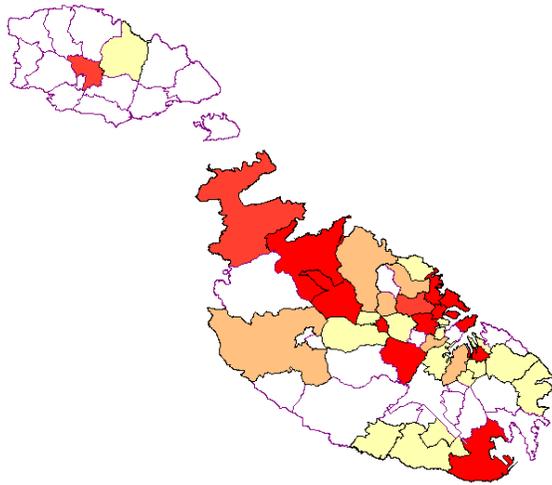


Figure 10: Foreign Offence targets: the darker colour signifies a higher offence rate

