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Council of Europe must issue recommendation to member states to combat SLAPPs

HRHF joins over 100 international organisations calling on the Council of Europe (CoE) to act on the growing threat of Strategic Lawsuits Against Public Participation (SLAPPs).

Published: March 26, 2021 Author: Human Rights House Foundation

This statement is originally published at the [website of the Coalition Against Slapps in Europe \(CASE\)](#).

The undersigned groups, representing a range of different public watchdogs (including journalists, activists, NGOs, lawyers, trade unions, workers' representatives, scholars and whistleblowers), call on the Council of Europe (CoE) to act on the growing threat of Strategic Lawsuits Against Public Participation (SLAPPs).

SLAPPs are abusive lawsuits filed by powerful individuals and companies as a means of silencing critical expression (e.g. journalism, peaceful protest or whistleblowing). They typically use long and costly legal procedures, or the threat thereof, to intimidate and harass critics into silence.

A growing body of evidence – including from [ECPMF](#), [Greenpeace EU](#), and [Index on Censorship](#) – shows a rise in the use of SLAPPs across the continent, and highlights the devastating impact such abusive tactics can have on public watchdogs.

The EU has recognised the problem and is exploring steps to address it. At present, however, no dedicated European human rights standards exist to guide the EU in enacting anti-SLAPP measures. SLAPPs are also a major problem in many European states that are not EU members.

The CoE has already spoken out against SLAPPs in the context of issues such as defamation. However, its statements consist of brief references in existing policy documents that do not add up to a coherent set of guidelines on how national law and practice should prevent SLAPPs.

The European Court of Human Rights (ECtHR) has dealt with the issue indirectly on a number of occasions. These cases point to a requirement under the European Convention on Human Rights for governments to deter SLAPPs and support those targeted, as part of States' duty to enable free speech and create a favourable environment for participation in public debate by all.

Despite the growth in SLAPPs, no specific anti-SLAPP laws exist in Europe, and safeguards against procedural abuse are often limited. It falls to the CoE to address this gap and guide its members to ensure the full and consistent application of the principles advanced by the ECtHR.

Urgent action is needed. Given the scale and nature of the problem, we are asking the CoE to act at the earliest possible opportunity.

In particular, a self-standing recommendation should be issued with clear guidance on measures needed to discourage SLAPPs and dismiss them at an early stage, to sanction those who use SLAPPs or threaten to do so, and to provide financial and legal support to those targeted by SLAPPs. It should also give guidance on how to prevent the use of forum shopping, whereby cases are brought in jurisdictions that maximise the cost and inconvenience for the defendant.

This recommendation would be of huge importance in positively influencing laws and policies across CoE member states, as well as shaping EU anti-SLAPP legislation. The case for a CoE recommendation is set out in more detail in the [attached memorandum](#).

SIGNED BY

- ARTICLE 19

- Arena for Journalism in Europe
- Articolo 21
- Articolo 21 Campania
- Centre for Law and Democracy
- Civil Liberties Union for Europe
- Civil Society Europe
- Committee to Protect Journalists
- European Centre for Press and Media Freedom
- European Federation of Journalists
- Environmental Paper Network
- Festival “Imbavagliati”
- FNSI, Federazione Nazionale Stampa Italiana
- Foundation Libera Informazione
- Greenpeace International
- Homo Digitalis
- Human Rights Centre, Ghent University
- Human Rights House Foundation (HRHF)
- Index on Censorship
- International Partnership for Human Rights (IPHR)
- International Press Institute
- International Service for Human Rights (ISHR)
- Legal Human Academy
- Network of Concerned Historians
- Progress Lawyers Network
- Journalismfund.eu
- Kif Kif vzw
- KRIK

- Liga voor mensenrechten
 - Ligue des droits humains
 - NGO Shipbreaking Platform
 - Digital Rights Ireland
 - Xnet Spain
 - OBC Transeuropa
 - Reporters Without Borders
 - Global Forum for Media Development (GFMD)
 - Blueprint for Free Speech
 - International Federation of Human Rights (FIDH), in the framework of the Observatory for the Protection of
 - Human Rights Defenders
 - Association Justice and Environment, z.s.
 - Free Press Unlimited
 - Protection International
 - The Daphne Caruana Galizia Foundation
 - European Association of Lawyers for Democracy and World Human Rights
 - BankTrack
 - Apache
 - European Federation of Journalists (EFJ)
 - ClientEarth
 - Ossigeno per l'Informazione (Ossigeno.info)
 - Community Media Forum Europe (CMFE)
 - Guardian News and Media Limited (as publishers of the Guardian, the Observer and theguardian.com)
 - COMMIT – Community Medien Institut für Weiterbildung, Forschung und Beratung
 - Bangladesh NGOs Network for Radio & Communication
 - World Organisation Against Torture (OMCT), in the framework of the Observatory for the Protection of Human
 - Rights Defenders
 - Forum trentino per la pace e i diritti umani
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- Radio Helsinki 92.6 – Freies Radio Graz
 - Verband Freier Rundfunk Österreich (Association of Austrian Community Broadcasters)
 - Organized Crime and Corruption Reporting Project (OCCRP)
 - Radio B138, Community Radio Station Austria
 - Alternatif Bilişim, Turkey (Alternative Informatics Association)
 - Lawyers for Lawyers
-
- SAR Europe
 - Iuridicum Remedium, z.s.
 - Netherlands Helsinki Committee
 - ILGA-Europe (European Region of the International Lesbian, Gay, Bisexual, Trans & Intersex Association)
 - Mighty Earth
 - Friends of the Earth Europe
 - International Consortium of Investigative Journalists (ICIJ)
 - Hermes Center for Transparency and Digital Human Rights
 - Amis de la Terre France / Friends of the Earth France

- International Media Support (IMS)
- Czech center for investigative journalism
- Fundacja Reporterów (Poland)
- Network for Affirmation of NGO Sector (MANS), Montenegro
- Association Media-Guard, Republic of Moldova
- RISE Moldova
- Investigative Journalists NGO, Armenia
- Studio Monitor
- Towarzystwo Dziennikarskie (Society of Journalists) Warsaw
- PEN International
- Whistleblowing International Network (WIN)
- Justice for Journalists Foundation
- Spotlight on Corruption
- Rory Peck Trust
- Sherpa
- In Difesa Di
- English PEN
- Helsinki Foundation for Human Rights, Warsaw, Poland
- IFEX
- The Barys Zvozkau Belarusian Human Rights House
- Blueprint for Free Speech
- AJK – The Association of Journalists of Kosovo
- Umweltinstitut München
- Rainforest Rescue (Rettet den Regenwald e.V.), Germany
- Rainforest Action Network
- Environmental Investigation Agency, UK
- Society for Threatened Peoples
- Neuer Weg, Romania
- Bruno Manser Fonds, Basel, Switzerland
- GRAIN
- Friends of the Earth Netherlands / Milieudefensie
- Denkhausbremen e.V., Germany
- Forum Ökologie & Papier, Germany
- Salva la Selva, Spain
- ARA – Arbeitsgemeinschaft Regenwald und Artenschutz, Germany
- ReAct – Réseau pour l’Action Transnationale, France
- European Environmental Bureau

Related documents

[Memorandum-The-Need-for-a-Council-of-Europe-Recommendation-on-SLAPPs.pdf](#)
192.10KB

Tags:

[Freedom of expression](#)