

Statement on
The Need for a Council of Europe Recommendation on Combatting SLAPPs

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

1. AJK - The Association of Journalists of Kosovo
2. Alternatif Bilişim, Turkey (Alternative Informatics Association)
3. Amis de la Terre France / Friends of the Earth France
4. Apache
5. ARA - Arbeitsgemeinschaft Regenwald und Artenschutz, Germany
6. Arena for Journalism in Europe
7. ARTICLE 19
8. Articolo 21 + Articolo 21 Campania
9. Association Justice and Environment, z.s.
10. Association Media-Guard, Republic of Moldova
11. Bangladesh NGOs Network for Radio & Communication
12. BankTrack
13. Barys Zvozkau Belarusian Human Rights House
14. Blueprint for Free Speech
15. Bruno Manser Fonds, Basel, Switzerland
16. Centre for Law and Democracy
17. Civil Liberties Union for Europe
18. Civil Society Europe
19. ClientEarth
20. COMMIT - Community Medien Institut für Weiterbildung, Forschung und Beratung
21. Committee to Protect Journalists
22. Community Media Forum Europe (CMFE)
23. Czech center for investigative journalism
24. Daphne Caruana Galizia Foundation
25. Denkhausbremen e.V., Germany
26. Digital Rights Ireland
27. English PEN
28. Environmental Investigation Agency, UK
29. Environmental Paper Network
30. European Association of Lawyers for Democracy and World Human Rights
31. European Centre for Press and Media Freedom
32. European Environmental Bureau
33. European Federation of Journalists
34. European Federation of Journalists (EFJ)
35. Festival "Imbavagliati"
36. FNSI, Federazione Nazionale Stampa Italiana
37. Forum Ökologie & Papier, Germany
38. Forum trentino per la pace e i diritti umani
39. Foundation Libera Informazione
40. Free Press Unlimited
41. Friends of the Earth Europe
42. Friends of the Earth Netherlands / Milieudefensie
43. Fundacja Reporterów (Poland)
44. Global Forum for Media Development (GFMD)

45. GRAIN
46. Greenpeace International
47. Guardian News and Media Limited (as publishers of the Guardian, the Observer and theguardian.com)
48. Helsinki Foundation for Human Rights, Warsaw, Poland
49. Hermes Center for Transparency and Digital Human Rights
50. Homo Digitalis
51. Human Rights Centre, Ghent University
52. Human Rights House Foundation (HRRF)
53. IFEX
54. ILGA-Europe (European Region of the International Lesbian, Gay, Bisexual, Trans & Intersex Association)
55. In Difesa Di
56. Index on Censorship
57. International Consortium of Investigative Journalists (ICIJ)
58. International Federation of Human Rights (FIDH), in the framework of the Observatory for the Protection of Human Rights Defenders
59. International Media Support (IMS)
60. International Partnership for Human Rights (IPHR)
61. International Press Institute
62. International Service for Human Rights (ISHR)
63. Investigative Journalists NGO, Armenia
64. Iuridicum Remedium, z.s.
65. Journalismfund.eu
66. Justice for Journalists Foundation
67. Kif Kif vzw
68. KRIK
69. Lawyers for Lawyers
70. Legal Human Academy
71. Liga voor mensenrechten
72. Ligue des droits humains
73. Mighty Earth
74. Netherlands Helsinki Committee
75. Network for Affirmation of NGO Sector (MANS), Montenegro
76. Network of Concerned Historians
77. Neuer Weg, Romania
78. NGO Shipbreaking Platform
79. OBC Transeuropa
80. Organized Crime and Corruption Reporting Project (OCCRP)
81. Ossigeno per l'Informazione (Ossigeno.info)
82. PEN International
83. Progress Lawyers Network
84. Protection International
85. Radio B138, Community Radio Station Austria
86. Radio Helsinki 92.6 - Freies Radio Graz
87. Rainforest Action Network

88. Rainforest Rescue (Rettet den Regenwald e.V.), Germany
89. ReAct - Réseau pour l'Action Transnationale, France
90. Reporters Without Borders
91. RISE Moldova
92. Rory Peck Trust
93. Salva la Selva, Spain
94. SAR Europe
95. Sherpa
96. Society for Threatened Peoples
97. Spotlight on Corruption
98. Studio Monitor
99. Towarzystwo Dziennikarskie (Society of Journalists) Warsaw
100. Umweltinstitut München
101. Verband Freier Rundfunk Österreich (Association of Austrian Community Broadcasters)
102. Whistleblowing International Network (WIN)
103. World Organisation Against Torture (OMCT), in the framework of the Observatory for the Protection of Human Rights Defenders
104. Xnet Spain