



Doc. 15419

06 December 2021

Countering SLAPPs: an imperative for a democratic society

Motion for a resolution

tabled by the Committee on Culture, Science, Education and Media

This motion has not been discussed in the Assembly and commits only those who have signed it

Strategic lawsuits against public participation (SLAPPs) have been growing overwhelmingly in recent years. This form of legal harassment pursued by law firms on behalf of powerful individuals and organisations has a clear objective: to intimidate and silence critics. Several media outlets and individual journalists, as well as human rights defenders and public watchdogs, are being sued and depleted of financial and psychological resources, in order to halt investigation and reporting. Such suits represent a growing threat to the right to freedom of expression and information.

The Council of Europe has taken a clear position on this matter and set a series of standards thereon, enshrined in the European Convention on Human Rights and the Court jurisprudence, as well as in several recommendations of the Committee of Ministers. Member States have a positive obligation to protect freedom of expression and information. Moreover, they must ensure an appropriate environment allowing citizens to be accurately and timely informed, including by investigative journalists, on the activity of public and private companies and individuals. Therefore, State authorities should consider the adoption of appropriate legislation to prevent SLAPPs or abusive and vexatious litigation against internet users, content providers and intermediaries.

The Parliamentary Assembly believes that it is high time for the European countries to put in place efficient anti-SLAPP measures, such as dismissal at an early stage of proceedings, obliging litigants to pay for abusing the law and the courts, giving SLAPPs targets the appropriate means and assistance to defend themselves, reversing the costs of proceedings, raising awareness among judges and prosecutors, etc. Such measures would be able to protect the media and public watchdogs to freely play their role in holding the powerful to account and keeping the democratic debate alive. A resolution on the matter would help to develop further anti-SLAPP measures and support free investigation and reporting.

