



Recommendation 2267 (2024)¹

Countering strategic lawsuits against public participation (SLAPPs): an imperative for a democratic society

Parliamentary Assembly

1. The Parliamentary Assembly, referring to its [Resolution 2531 \(2024\)](#) “Countering strategic lawsuits against public participation (SLAPPs): an imperative for a democratic society”, recalls that under Article 10 of the European Convention on Human Rights (ETS No. 5), member States not only must refrain from interfering with the right to freedom of expression, but they also have a positive obligation to ensure a safe and favourable environment for participation in public debate by everyone, without fear, even when the opinions expressed run counter to those defended by official authorities or a significant part of the public.
2. Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors calls on member States to “exercise vigilance to ensure that legislation and sanctions are not applied in a discriminatory or arbitrary fashion against journalists and other media actors. They should also take the necessary legislative and/or other measures to prevent the frivolous, vexatious or malicious use of the law and legal process to intimidate and silence journalists and other media actors.”
3. Similarly, Recommendation CM/Rec(2018)2 of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries calls on member States to consider adopting “appropriate legislation to prevent strategic lawsuits against public participation (SLAPP) or abusive and vexatious litigation against users, content providers and intermediaries which is intended to curtail the right to freedom of expression”.
4. However, SLAPPs are prospering in the jurisdictions of too many Council of Europe member States because of the lack of adequate procedural mechanisms to prevent, remedy and sanction abusive lawsuits which hinder the right to freedom of expression and public participation.
5. The Assembly is concerned by this phenomenon and warmly welcomes the initiative taken by the Committee of Ministers to entrust its Steering Committee on Media and Information Society (CDMSI) to draw up a draft recommendation of the Committee of Ministers to member States on countering the use of SLAPPs.
6. The Assembly commends the work accomplished by the CDMSI and its Committee of Experts on Strategic Lawsuits against Public Participation (MSI-SLP), to which the Assembly’s rapporteur on this issue also contributed.
7. Therefore, the Assembly recommends that the Committee of Ministers:
 - 7.1. adopt a bold recommendation on countering the use of SLAPPs in accordance with CDMSI proposals;
 - 7.2. encourage and monitor the prompt and effective implementation by member States of the guidelines set forth by the recommendation, including the wide range of safeguard mechanisms and remedies therein.

1. *Assembly debate* on 25 January 2024 (6th sitting) (see [Doc. 15869](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Stefan Schennach; and [Doc. 15879](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Davor Ivo Stier). *Text adopted by the Assembly* on 25 January 2024 (6th sitting).

