

SLAPPs to be addressed by the Council of Europe

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*Flutura Kusari
European Centre for Press and Media Freedom*

In recent years, civil society organisations across Europe have been advocating before European and national authorities against the use of Strategic Lawsuit Against Public Participation (SLAPPs). SLAPPs are unfounded legal actions brought on matters of public interest that aim to prevent or restrict public participation.

The serious issue around SLAPPs and their devastating impact on media freedom and freedom of expression emerged following the brutal assassination of investigative journalist Daphne Caruana Galizia. At the time of her assassination, she was facing 47 defamation lawsuits, many of which were inherited by her family members.

In 2022, the Coalition Against SLAPPs in Europe (CASE) published a survey of SLAPP cases around Europe which included 570 cases collected over a period of ten years (2010-2021). According to the report, SLAPPs weaken democracy by preventing individuals and civil society organisations from engaging in public debate and impede the exercise of rights to free speech, assembly, and association. The report recommended a comprehensive response made of legislative and non-legislative measures.

European institutions such as the European Union, the European Parliament and the Council of Europe have all reacted with the intention of addressing SLAPPs. The Council of Europe's Committee of Ministers set up the Committee of Experts on Strategic Lawsuits Against Public Participation (MSI-SLP). The Committee consists of 13 members, comprising seven member States' representatives, designated by the Steering Committee on Media and Information Society (CDMSI), and six independent experts, appointed by the Secretary General with recognised expertise in the fields of freedom of expression, media law and civil and criminal procedure. The mandate of MSI-SLP is two years and started on 1 January 2022.

The main task of the Committee is to deliver a draft Recommendation on strategic lawsuits against public participation (SLAPPs) by 31 December 2023. The Committee has met twice, with a third meeting anticipated in April 2023. During the first meeting, experts discussed and agreed on working methods and the main issues to be addressed in the draft recommendation. They also elected the Chair and Vice-Chair and appointed drafting rapporteurs and a Gender Equality Rapporteur. In the second meeting, the experts discussed the first draft recommendation, while the discussions will continue in the third meeting.

Coalition against SLAPP (CASE)

<https://www.the-case.eu/>

Council of Europe, Committee of Experts on SLAPP

<https://www.coe.int/en/web/freedom-expression/msi-slp>

