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Press release | 27.04.2022

SLAPPs: Commission proposal tackles strategic litigation but lacks ambition

Today, the European Commission presented its Strategic Lawsuits against Public Participation (SLAPPs) Package*. The Greens/EFA Group welcomes the Commission's proposal as a significant step in the right direction especially by extending the personal scope, not only to journalists but also fundamental rights and environmental defenders, as victims of abusive litigation. However, the Commission's proposal seriously lacks in ambition compared to the European Parliament report as it does not cover domestic cases as well as cases based on criminal law, that represent the majority cases in the EU.

Diana Riba i Giner MEP, Greens/EFA Member in the Civil Liberties, Justice and Home Affairs Committee, comments:

"For too long we have seen the use of strategic litigation against journalists, activists, environmental and human rights defenders as a tool to smother civil society and to protect those who abuse positions of power from scrutiny. SLAPPS threaten individuals into not speaking out when they uncover corruption and wrongdoings and systematically obstruct justice.

"The Commission's proposal is welcome but does not go far enough. It misses the chance to have an ambitious legislation covering domestic cases and cases based on criminal law. Loopholes will continue to allow attacks against journalists, civil society and all those who are defending democracy."

Marie Toussaint MEP, Greens/EFA Member in the Legal Affairs Committee, comments:

"The use of SLAPPs has dangerous consequences for fundamental rights such as the right to a fair trial, freedom of speech and a free press. These lawsuits can force their victims into legal and financial difficulties and prevent people from taking a stand when they uncover wrongdoing.

"The European Commission has finally recognised that we urgently need to protect the guardians of democracy, freedom of expression and fundamental rights, including the right to a healthy environment.

"Beyond this legislation, the fight against SLAPPs and the protection of environmental democracy must also include access to justice and a right to a fair trial that is truly effective at the European level."

Background:

As the case of the murder of of the Maltese journalist Daphne Caruana Galizia has shown, the use of SLAPPs is rising in the EU and has been used in high profile cases to try and stop journalists and watchdogs from carrying out their vital work.

As an example, yesterday and after 1,000 days of detention, the lawyer Steven Donziger, a historic defender of Ecuador's indigenous communities in the face of massive pollution from the Texaco-Chevron oil tanker, was just released after having been the victim of a targeted attack by the multinational and the justice system.

*The package contains a proposal for a directive and non-binding recommendations to Member States on training and awareness raising, as well as individual and independent support, and aggregated data collected at national level.

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