

Strengthening Democracy and Media Freedom and Pluralism in the EU: the undue use of actions under civil and criminal law to silence journalists, NGOs and civil society

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The Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs adopted the report by Roberta METSOLA (EPP, MT) and Tiemo WÖLKEN (S&D, DE) on strengthening democracy and media freedom and pluralism in the EU: the undue use of actions under civil and criminal law to silence journalists, NGOs and civil society.

Members highlighted that SLAPPs are vexatious, a direct attack on the exercise of fundamental rights and freedoms and aim to silence the diversity of critical public thought and opinion, including through journalistic self-censorship. They consider that SLAPPs are particularly worrying if they are **funded directly or indirectly from state budgets** and are combined with other indirect and direct state measures against independent media outlets, independent journalism and civil society.

Current situation in the EU

The report stressed that SLAPPs are often meritless, frivolous or based on exaggerated and often abusive claims. They put psychological pressure on or consume the financial resources of those they target with the ultimate objective of blackmailing and forcing them into silence through the judicial procedure itself. Members stated that all Member States **lack legislation on minimum safeguards** which protect people from becoming SLAPP targets and ensure that their fundamental rights are upheld in all Member State jurisdictions. The Commission and Member States are invited to develop an ambitious, robust and complete legal framework in its future Media Freedom Act.

SLAPPs at global level

The report regretted that no Member State has so far enacted targeted legislation to provide protection against SLAPPs. It did however note that anti-SLAPP legislation is particularly well-developed in some states of the United States and Canada as well as in Australia. It encouraged the Commission to analyse anti-SLAPP best practices currently applied outside the EU which could provide valuable inspiration for Union legislative and non-legislative measures on the matter. Members underlined the importance of a common Union approach committing to the most ambitious legislation and best practices currently in force to discourage the use of SLAPPs in the Union.

Need for legislative action

Members agreed with the numerous civil society organisations academics, legal practitioners and victims who point to the need for legislative action against the growing problem of SLAPPs.

The Commission is called on to present proposals for:

- **binding Union legislation on common and effective safeguards for victims of SLAPPs** across the Union, including through a directive establishing **minimum standards for protection against SLAPPs**;

- legislation that sets out **common safeguards for persons investigating and reporting** on or otherwise exposing these matters of public interest;

- measures to address SLAPP cases such as rules for the **early dismissal of SLAPPs** and other court actions that have the purpose of preventing public participation, which should include appropriate **sanctions** such as civil penalties or administrative fines, consideration of abusive motives even if the lawsuit or action is not dismissed, costs and damages suffered by the victim (economic, reputational, psychological or otherwise).

The Commission is also called on to **raise awareness** among judges and prosecutors across the EU about SLAPPs.

Possible soft law measures

Members underlined the urgent need for a robust fund for supporting victims of SLAPPs and organisations supporting them provided the funds are directly used for legal fees or the provision of legal aid and psychological support.

Complementarity with other instruments and policies

The report considered that the new anti-SLAPP legislative and non-legislative measures should complement other EU instruments and policies; welcomes the Union Strategy to tackle Organised Crime 2021-2025.