

## Basic information

2021/2036(INI)

INI - Own-initiative procedure

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

### Subject



1.10 Fundamental rights in the EU, Charter  
3.30.08 Press, media freedom and pluralism  
6.10.08 Fundamental freedoms, human rights, democracy in general

Procedure completed

## Key players

European Parliament	<b>Joint committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<b>JURI</b> Legal Affairs		WÖLKEN Tiemo (S&D)	12/04/2021
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs		METSOLA Roberta (EPP)	12/04/2021
			<b>Shadow rapporteur</b> ADAMOWICZ Magdalena (EPP) KOHUT Łukasz (S&D) TOOM Jana (Renew) TOUSSAINT Marie (Greens /EFA) RIBA I GINER Diana (Greens /EFA) DZHAMBAZKI Angel (ECR) FEST Nicolaus (ID) DALY Clare (The Left) AUBRY Manon (The Left)	
	<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>
<b>CULT</b> Culture and Education (Associated committee)		FOURLAS Loucas (EPP)	02/02/2021	
European Commission	<b>Commission DG</b>		<b>Commissioner</b>	
	Migration and Home Affairs		JOHANSSON Ylva	

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Key events			
Date	Event	Reference	Summary
29/04/2021	Committee referral announced in Parliament		
29/04/2021	Referral to associated committees announced in Parliament		
29/04/2021	Referral to joint committee announced in Parliament		
14/10/2021	Vote in committee		
27/10/2021	Committee report tabled for plenary	A9-0292/2021	Summary
10/11/2021	Debate in Parliament		
11/11/2021	Decision by Parliament	T9-0451/2021	Summary
11/11/2021	Results of vote in Parliament		

Technical information	
Procedure reference	2021/2036(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Strategic initiative
Legal basis	Rules of Procedure EP 57_o Rules of Procedure EP 55 Rules of Procedure EP 59
Stage reached in procedure	Procedure completed
Committee dossier	CJ03/9/05857

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE693.861	14/06/2021	
Amendments tabled in committee		PE695.299	15/07/2021	
Amendments tabled in committee		PE695.300	06/09/2021	
Committee opinion	<span style="border: 1px solid red; padding: 2px;">CULT</span>	PE692.841	07/09/2021	
Committee report tabled for plenary, single reading		A9-0292/2021	27/10/2021	Summary
Text adopted by Parliament, single reading		T9-0451/2021	11/11/2021	Summary
<b>European Commission</b>				
Document type	Reference	Date	Summary	

## Meetings with interest representatives published in line with the Rules of Procedure

### Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	Role	Committee	Date	Interest representatives
WÖLKEN Tiemo	Rapporteur	JURI	05/04/2022	Věra Jourová, Vice President of the Commission for Values and Transparency

## 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

2021/2036(INI) - 27/10/2021 - Committee report tabled for plenary, single reading

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.

# **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**

2021/2036(INI) - 11/11/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 444 votes to 48, with 75 abstentions, a resolution 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.

### ***Violations of fundamental rights***

In recent years, journalists and media actors in Europe and abroad are increasingly being threatened, physically attacked and assassinated because of their work, particularly when it focuses on the misuse of power, corruption, fundamental rights violations and criminal activities.

Recalling that **independent impartial, professional and responsible journalism** as well as access to pluralistic information are key pillars of democracy, 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.

### ***Effects on justice systems***

The resolution stressed that safeguards against SLAPP lawsuits are essential to counter the threat that this abusive practice poses to the implementation of EU law and policies. SLAPPs not only severely undermine the right of effective access to justice of SLAPP victims, and thereby the rule of law, but also constitute a misuse of Member States' justice systems and legal frameworks.

Members also stressed the importance of adopting common European standards and a coordinated approach to dealing with **hate speech**, especially in the online environment, as women journalists are more often victims of sexual violence and harassment.

### ***Current situation in the EU***

Litigants that resort to SLAPPs mostly use and abuse criminal defamation laws, civil lawsuits for libel, protection of one's reputation or intellectual property rights such as copyright. An imbalance of power between the claimant and the defendant, particularly in terms of financial resources, and unpredictably large damages award claims in matters such as libel are common features of SLAPPs.

Members pointed out 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 the Member States are invited to ensure transparency of media ownership and to develop an ambitious, robust and complete legal framework in its future 'Media Freedom Act'.

The Commission is invited to analyse anti-SLAPP best practices which currently exist in some US states, Canada and Australia, which could be a source of inspiration for EU-wide measures.

### ***Need for legislative action***

Members agreed with 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 respecting rights and principles enshrined in the Charter;
- legislative measures to protect public participation, to ensure the proper functioning of the internal market by allowing corruption and other abusive practices to be exposed;
- 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***

Parliament considered that the new anti-SLAPP legislative and non-legislative measures should complement other EU instruments and policies. Union level measures to combat SLAPPs should be complementary and consistent with other available tools, such as the mechanism for the protection of democracy, the rule of law and fundamental rights, policies on combating corruption, and current financial programmes to support civil society and justice systems