

EU Directive Requested Against Gag Lawsuits

Thomas Wahl

News

119 organisations signed a [statement that calls on the EU to stop gag lawsuits](#) against public interest defenders. The statement was published on the website of the European Centre for Press & Media Freedom (ECPMF) on 8 June 2020. The statement lists recent examples of “SLAPPs” against persons who hold powerful persons or organisations to account. SLAPPs is an English acronym for “Strategic Lawsuits Against Public Participation.” Such lawsuits are typically brought forward by powerful actors (e.g., companies, public officials in their private capacity, high-profile persons) against persons with a watchdog function (e.g., journalists, activists, academics, trade unions, civil society organisations, etc.) in order to censor, intimidate, and silence critics. In a typical SLAPP, the plaintiff does not normally expect to win the case, but intends to burden the defendant with the costs of a legal defence, so that he/she abandons criticism or opposition.

The statement outlines that SLAPPs are a threat to the EU’s legal order, threatening in particular:

- Access to justice and judicial cooperation;
- Enforcement of EU law, including protection of the EU budget;
- Freedom of movement.

The organisations urge the EU to take protective measures. These should include:

- An EU anti-SLAPP Directive that sets out Union-wide minimum rules for the protection of victims of such gag lawsuits;
- Reform of the EU rules on the jurisdictional regime, putting an end to forum shopping in defamation cases;
- Establishment of funds to morally and financially support all victims of SLAPPs, especially with legal defence.

Lastly, the statement clarifies that the scope of EU measures must be wide enough to include everyone who might be affected by SLAPPs.

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

Published in
2020, Vol. 15(2) [eucrim p 106](#)
ISSN: 1862-6947
<https://eucrim.eu>



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The project is co-financed by the Union Anti-Fraud Programme (UAFP), managed by the [European Anti-Fraud Office \(OLAF\)](#).



**Co-funded by
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