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[https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13192-EU-action-against-abusive-litigation-SLAPP-targeting-journalists-and-rights-defenders\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13192-EU-action-against-abusive-litigation-SLAPP-targeting-journalists-and-rights-defenders_en)

<https://www.coe.int/en/web/commissioner/-/time-to-take-action-against-slapps>

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# SLA

## INFORMATION LEAFLET

# PP

## What is a SLAPP?

The term SLAPP is an abbreviation for “Strategic Lawsuit Against Public Participation”. The definition of a SLAPP is simple: It is an abusive lawsuit filed by a party with the purpose of silencing public criticism.

## How are SLAPPs relevant to the Aarhus Convention?

Article 3, paragraph 8 of the Convention states that:

“Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement.”

SLAPPs can clearly fall under this provision and Parties to the Convention are thus obliged to undertake the necessary measures to prevent the use of SLAPPs for those cases which involve the exercise of rights under the Convention.

## What does a SLAPP look like?

SLAPPs often masquerade as run-of-the-mill civil disputes and the intent of the party bringing the SLAPP can mostly only be inferred. A number of indicative “clues” can be used to identify whether or not a SLAPP is occurring. These characteristics indicate that the court is being

abused, rather than used in the “ordinary and proper” way. Such characteristics include:

- Power imbalance: SLAPPs are often vexatious or frivolous complaints by people in positions of power against those speaking or acting out against an injustice.
- Legal basis: SLAPPs tend to be civil cases filed against defendants who are most frequently individuals (rather than the organisations that they work for or represent).
- Chilling effect: SLAPPs are different to other intimidatory legal actions because their intent is to silence critical voices from raising matters of public interest to encourage public debate.

## Why are SLAPPs dangerous?

SLAPPs have dire financial and psychological impacts on victims and their family members. But they also allow an affluent minority to hold public dialogue hostage. Thus, SLAPPs have an impact on society and democracy as a whole, in what has been defined as a “modern wave of censorship-by-litigation.”

## What should Parties to the Convention do?

Parties should introduce legislation and other guidance to protect members of the public against SLAPPs. This should extend to all forms of public participation (including peaceful protests, activism, whistle-blowing, lawsuits, and journalism). Parties should ensure that this protection covers both domestic and transboundary cases.