

SLAPP Suits: An Encroachment On Human Rights Of A Global Proportion And What Can Be Done About It

Authors : Laura Lee Prather

Abstract : A functioning democracy is defined by various characteristics, including freedom of speech, equality, human rights, rule of law and many more. Lawsuits brought to intimidate speakers, drain the resources of community members, and silence journalists and others who speak out in support of matters of public concern are an abuse of the legal system and an encroachment of human rights. The impact can have a broad chilling effect, deterring others from speaking out against abuse. This article aims to suggest ways to address this form of judicial harassment. In 1988, University of Denver professors George Pring and Penelope Canan coined the term "SLAPP" when they brought to light a troubling trend of people getting sued for speaking out about matters of public concern. Their research demonstrated that thousands of people engaging in public debate and citizen involvement in government have been and will be the targets of multi-million-dollar lawsuits for the purpose of silencing them and dissuading others from speaking out in the future. SLAPP actions chill information and harm the public at large. Professors Pring and Canan catalogued a tsunami of SLAPP suits filed by public officials, real estate developers and businessmen against environmentalists, consumers, women's rights advocates and more. SLAPPs are now seen in every region of the world as a means to intimidate people into silence and are viewed as a global affront to human rights. Anti-SLAPP laws are the antidote to SLAPP suits and while commonplace in the United States are only recently being considered in the EU and the UK. This researcher studied more than thirty years of Anti-SLAPP legislative policy in the U.S., the call for evidence and resultant EU Commission's Anti-SLAPP Directive and Member States Recommendations, the call for evidence by the UK Ministry of Justice, response and Model Anti-SLAPP law presented to UK Parliament, as well as, conducted dozens of interviews with NGO's throughout the EU, UK, and US to identify varying approaches to SLAPP lawsuits, public policy, and support for SLAPP victims. This paper identifies best practices taken from the US, EU and UK that can be implemented globally to help combat SLAPPs by: (1) raising awareness about SLAPPs, how to identify them, and recognizing habitual abusers of the court system; (2) engaging governments in the policy discussion in combatting SLAPPs and supporting SLAPP victims; (3) educating judges in recognizing SLAPPs an general training on encroachment of human rights; (4) and holding lawyers accountable for ravaging the rule of law.

Keywords : Anti-SLAPP Laws and Policy, Comparative media law and policy, EU Anti-SLAPP Directive and Member Recommendations, International Human Rights of Freedom of Expression

Conference Title : ICMLF 2024 : International Conference on Media Law and Freedom

Conference Location : Prague, Czechia

Conference Dates : March 11-12, 2024