



SLAPPS REPORT 2024

SLAPPS in Europe: Mapping Trends and Cases

THE COALITION AGAINST SLAPPS IN EUROPE
DECEMBER 2024





A 2024 Report on SLAPPs in Europe: Mapping Trends and Cases

This report was prepared by **The Daphne Caruana Galizia Foundation** on behalf of the Coalition Against SLAPPs in Europe, and published in November 2024

THIRD EDITION

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Acknowledgements

Firstly, we would like to again thank the Amsterdam Law Clinics (ALCs) who had established the methodology and primary data set used in CASE's first report, upon which the second and third editions were developed.

We would also like to thank all the CASE member organisations and the national experts they are connected to, who frequently provide information on lawsuits in their countries for CASE's mapping and advocacy purposes, and who make such mapping efforts possible.

We would like to especially thank the SLAPP targets themselves - many of whom reached out to the mapping team throughout 2023 to 2024 to provide information about their respective cases, hoping that their situation could be significant in documenting and portraying the reality of abusive lawsuits in Europe.

Last, but not least, we want to acknowledge the targets who were indirectly involved in this study. Ultimately, our aim and objective is that the increased awareness of SLAPPs (Strategic Lawsuits Against Public Participation) across Europe will help free them from the crippling impact of vexatious lawsuits filed against them by the rich and powerful, and help stop the silencing of the watchdogs of democracy once and for all.

About the Coalition Against SLAPPs in Europe (CASE)

CASE is a broad coalition of 110+ non-governmental organisations from across Europe, united in recognition of the threat posed to public watchdogs by SLAPPs (Strategic Lawsuits Against Public Participation). Pursued by wealthy and powerful litigants, SLAPPs are an abuse of the legal system and a threat to democracy. They attempt to intimidate and silence public watchdogs through lengthy and expensive litigation that drains a target's resources and chills critical voices. On behalf of journalists, activists, whistleblowers, rights defenders and other watchdogs targeted by these tactics, CASE works to expose legal harassment and intimidation, to protect the rights of those who speak out, and to advocate for comprehensive protective measures and reform. In the last four years, CASE has worked to convince European Union institutions and Member States to legislate against SLAPPs. Besides advocacy on EU and national levels, CASE has also built up an extensive database on SLAPP lawsuits, and provided advocacy for targets of such lawsuits.

About the Daphne Caruana Galizia Foundation

The team at The Daphne Caruana Galizia Foundation ("the Foundation") is inspired by Daphne Caruana Galizia's life, journalism, and unwavering commitment to the public interest. The Foundation works to ensure justice for Daphne's assassination and to continue her fight for press freedom and liberal democracy. The Foundation's council set out to create a non-governmental organisation that is designed to provide a framework for the advocacy activities of those fighting for justice for Daphne, who was also facing 48 vexatious lawsuits at the time of her death.

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Introduction

In March of 2022, CASE published its findings in the form of its report *Shutting out Criticism: How SLAPPs Threaten European Democracy*, which provided insight into the rising threat of SLAPPs in Europe in such a broad and thorough manner for the first time. An updated report, published in June 2023, identified an additional 200 lawsuits, with 161 of those filed in 2022. The present report found 166 SLAPPs initiated in 2023, alongside 63 additional cases filed in previous years. All in all, SLAPPs continue to rise in Europe with CASE having identified a total of 1,049 in the period 2010-2023.

Despite this worrying trend, there have been a number of important developments over the past year. In particular, the EU adopted an Anti-SLAPP Directive¹ in April 2024 which is accompanied by a Recommendation on combating SLAPPs.² While CASE welcomes the introduction of the EU Anti-SLAPP Directive, Member States must be reminded that the Directive sets out minimum harmonization measures in the limited context of cross-border civil and commercial SLAPPs.

As the present report finds, the overwhelming majority of SLAPP cases may fall outside the scope of the Directive if Member States do not commit to moving beyond the minimum standards set out in the Directive. The Directive has a number of limitations, it only applies to cross-border cases (although broadly construed), the early dismissal mechanism is only available in manifestly unfounded proceedings, and the Directive only covers civil and commercial matters.

Fortunately, the Council of Europe issued a recommendation³ in April 2024 which sets out a more robust framework for deterring and remedying SLAPPs. While the Recommendation is non-binding, it reflects the jurisprudence of the ECtHR that public interest discourse necessitates distinct protections, and affirms that early dismissal mechanisms should be available in all abusive court proceedings against public participation.

¹ Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation')

² Commission Recommendation (EU) 2022/758 of 27 April 2022 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation')

³ Recommendation CM/Rec(2024)2 of the Committee of Ministers to Member States on countering the use of strategic lawsuits against public participation (SLAPPs) available at <https://rm.coe.int/0900001680af2805>

CASE hopes that this report will continue to serve as a reminder to governments across Europe of the importance of crafting robust Anti-SLAPP laws that align with international best practice and international human rights law.

CASE emphasises that the study is not an exhaustive survey of SLAPP cases around Europe. For a number of reasons, including the limitations of the nature of the research, a scoping exercise such as this can only ever scratch the surface of the SLAPP problem in Europe. What is presented hereunder is only a snapshot of the issue of SLAPPs in Europe between 2010 till 2023. It is intended to give an updated, general overview of the nature of SLAPPs in Europe and the common trends and patterns identifiable in the documented cases.

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Terminology and definitions

Prior to presenting the data, it is necessary to set out the terminology that is used throughout the report as well as define SLAPPs and their various elements.

SLAPPs: legal actions that are threatened, initiated or pursued as a means of harassing or intimidating their target, and which seek to prevent, inhibit, restrict or penalise free expression on matters of public interest and the exercise of rights associated with public participation,⁴ including public interest journalism, peaceful protest or boycotts, advocacy, whistleblowing, academic comments, or simply speaking out against the abuse of power. SLAPPs target anyone who works to hold the powerful to account or engage in matters of public interest: so-called “public watchdogs”. This broad category includes journalists, activists, rights defenders, whistleblowers, campaigning organisations, unions or trade associations, and academics. Ultimately, the categorisation of a case as a SLAPP is a value judgement, since one can only ever infer an improper purpose from the circumstances of the case.

Public watchdog: SLAPPs target a range of societal actors, united by a common function of holding the powerful to account and exposing wrongdoing. Some of the public watchdogs most frequently targeted by SLAPPs include:

- journalists, particularly investigative reporters,
- activists, particularly environmental and transparency/anti-corruption activists,
- human rights defenders,
- civil society organisations, in particular NGOs and campaigning organisations,
- academics,
- whistleblowers, and
- trade unions and professional associations.

SLAPP tactics: These can take various forms, including legal threats that do not proceed to lawsuits, and the number of these cannot be accounted for in this report. When SLAPP tactics are employed, very often the acts of public participation are shut down even before a lawsuit is initiated and the victims are so fearful that they do not speak about it, especially since a SLAPP threat routinely includes a ban on publication or public discussion of the threat.

⁴ Recommendation CM/Rec(2024)2 of the Committee of Ministers to Member States on countering the use of strategic lawsuits against public participation (SLAPPs) available at <https://rm.coe.int/0900001680af2805>

Cross-border cases:⁵ A cross-border case is classified as such when the plaintiff and the defendant are domiciled in different countries, or the domicile of either party differs to that of the court seized of the matter (e.g., a Romanian journalist sued in London).

Politicians/public services: This category refers to any holder of an elected office, as well as individuals who are professionally involved in politics and/or the civil service. Members of the judiciary are not included in this category.

State-owned entities: This includes entities that are state-owned and state-controlled, as well as those that are substantially state-funded.

Public participant: A public participant is any natural or legal person engaged in matters of public interest.

Population: This refers to the data collected for the purpose of this research, which is a sample size of the total number of SLAPP cases filed throughout Europe from 2010 and 2023.

Legal basis: This refers to the basis of the legal claim. SLAPP cases are typically based on defamation but can also concretise on other legal grounds, including torts, labour law, GDPR and privacy law, and injunctions.

Public interest: This report maintains a broad interpretation of the public interest. It includes all that can be related to a shared political, social, economic, environmental, or other, concern, also having regard to the potential or actual impact on the welfare of society or part of it.

Public participation: Any behaviour of a natural or legal person directed at engagement on a matter of public interest through the disclosure, dissemination or promotion to the public in any form of information, findings, ideas, opinions or testimonies, and any preparatory action thereof. This includes the exercise of freedom of expression and information, assembly, association and other rights relevant to participation, such as access to justice.

⁵ The EU Directive adopts a broader definition of cross-border, encompassing all cases that unless both parties are domiciled in the same Member State as the court seized and all other elements relevant to the situation concerned are located in that Member State. See Article 5 of Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation') Apr. 16, 2024, OJ L, 2024/1069.

Methodology

Data collection for this report followed the same methodology used in the 2022 and 2023 report, that is through a “snowball sampling” method.⁶ However, the present report adopts a stricter approach to screening out state censorship cases, while including cases filed by government figures in their private capacity. In short, the report excluded administrative and criminal matters initiated by executive bodies on their own volition rather than as a response to a private complaint. It is important to note that countries with low reported numbers of SLAPPs may, nevertheless, experience high levels of state censorship. Therefore, the number of SLAPPs should not be taken as a reflection of the degree to which expression is free.

Member organisations of CASE, from a broad range of countries in Europe, provided information on SLAPP cases in their countries as they happened throughout 2023. Occasionally, cases from previous years also emerged, details of which were also provided to the CASE mapping team to input into the SLAPPs database.

For the lawsuits filed between 2010 and 2021, the majority of cases were compiled, assessed, and verified by researchers at the Amsterdam Law Clinics. NGOs, media outlets, journalists, activists, politicians, and others around Europe had helped to contribute information on SLAPP cases filed in 29 European jurisdictions from 2010 to 2021, namely Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Kosovo, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Slovenia, Spain, Switzerland, Turkey, United Kingdom, and Ukraine. Based on this data, CASE identified 570 legal cases from across Europe as SLAPPs from 2010-2021, as assessed against the indicative qualities described in Figure 1.

⁶ Snowball sampling refers to a method of chain referral sampling that involves “collecting a sample from a population in which a standard sampling approach is either impossible or prohibitively expensive, for the purpose of studying characteristics of individuals in the population.” See more in: Handcock, M. S. and Gile K. J. (2011). “On the Concept of Snowball Sampling”. *Sociological Methodology*, 41(1), p. 368. Retrieved from: <https://arxiv.org/pdf/1108.0301.pdf>.

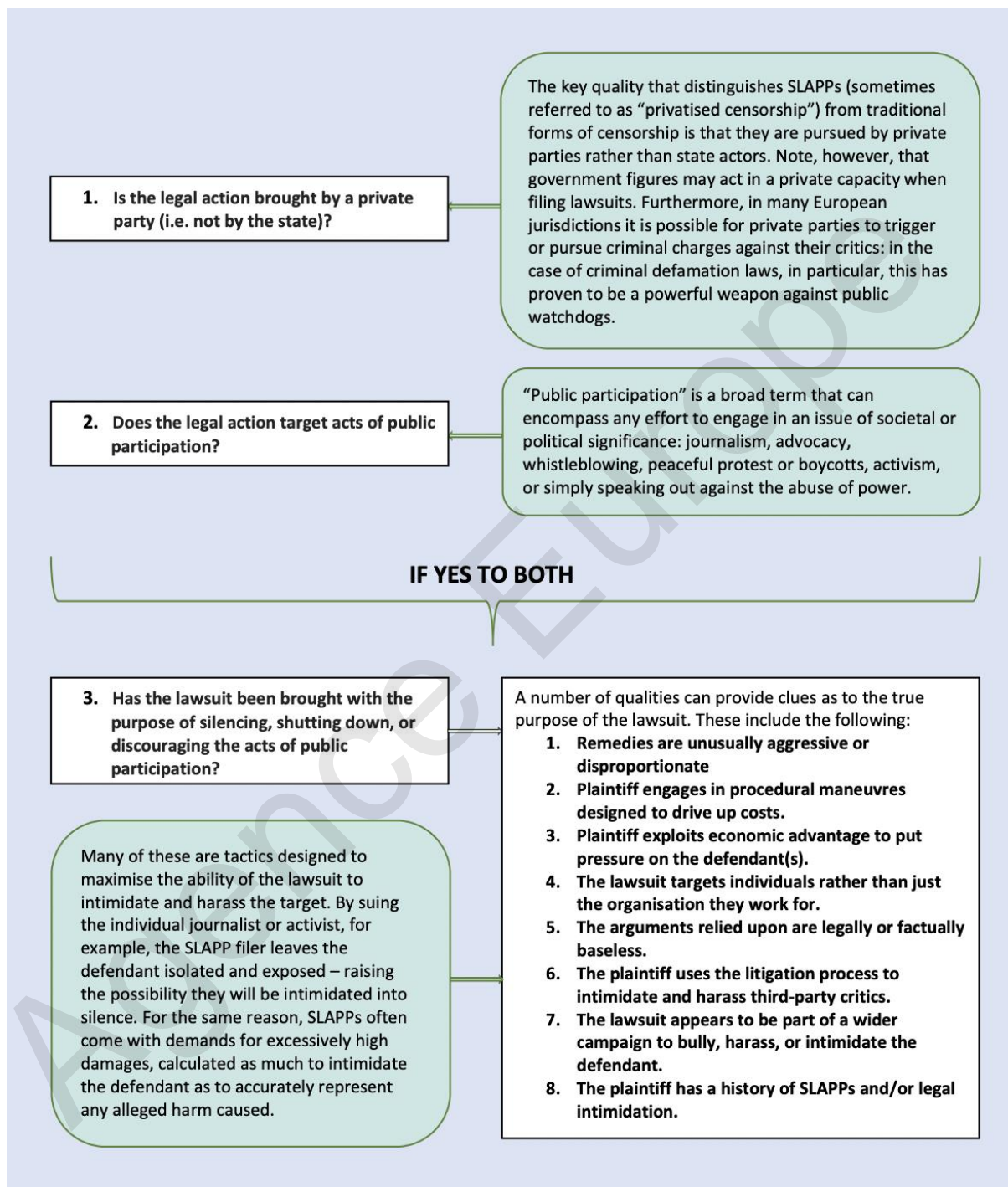


Figure 1 - Identifying a SLAPP flowchart⁷

⁷ The Coalition Against SLAPPs in Europe, available at <https://www.the-case.eu/slapps/>

Following the publication of the 2023 CASE report, through till the end of 2023, another 229 cases were collected, that had been filed either in 2023 (166 cases) or in previous years.

Again, by analysing the updated database, trends and patterns continued to solidify and in some instances were altered by the additional data.

Other methods of assessing the data included the following.

- **Assessing publicly available information.** Research was conducted through the use of online materials, including media and academic articles, court judgments, reports by NGOs and international organisations, and domestic legislation.
- **Emails and interviews.** These were conducted with various CASE members, as well as journalists, academics, lawyers, and other stakeholders.
- **CASE's contact form.** In numerous cases, it was SLAPP targets themselves who approached CASE with information about the lawsuits they are currently faced with, either to reach out for advocacy purposes, or to simply provide their information for mapping purposes.

Limitations

While this data helps to illustrate the nature of SLAPPs in Europe and identify the conditions that give rise to SLAPPs, it cannot fully represent the full scale of the problem for several reasons, including the following.

- Given the sheer quantity of legal threats received by media outlets and other public watchdogs - and the practical difficulties involved in cataloguing these threats - the data gathered for this report only covers court-recorded lawsuits and does not therefore consider the extent to which the act of issuing an aggressive legal threat can itself shut down acts of public participation (i.e., by causing an immediate retraction).
- Furthermore, any efforts to collect SLAPPs are impeded by the chilling effect such lawsuits create, with many SLAPP victims preferring not to draw attention to their case out of fear of further retaliation or reputational damage.

- In specific countries CASE found that journalists, activists, and/or media outlets are so inundated with lawsuits that compiling information about each case would require resources that the target does not have access to. For this reason, it is impossible to find out the exact number of SLAPP lawsuits, especially since each lawsuit would have to be analysed for specific criteria before classifying it as a SLAPP.
- In some instances, obtaining information about lawsuits requires complicated and time-consuming tasks, such as obtaining judgements through Freedom of Information requests, that CASE did not have the capacity to undertake.

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Presenting the updated data

1. Number of SLAPP lawsuits around Europe

Following our first report in 2022, SLAPP lawsuits continued to be filed throughout the year, while more lawsuits from previous years were made known to CASE and inputted into the CASE database. From 820 cases that were analysed in the 2023 Report, CASE’s database increased to over **1049 cases in 2024** - 166 of which were filed in 2023. This increase is notable given the strict approach taken to excluding state censorship cases.

Growth

Following the pattern reported last year, throughout 2023 the number of mapped SLAPPs further increased. Meanwhile, the number of lawsuits from previous years also increased, as additional cases were documented. As a result, while more cases were found in 2023 (166) than the reported findings for 2022 (161) in the previous report, we also identified additional cases from the 2022 period. We expect this trend to continue as often information on cases becomes publicly available following the publication of a judicial decision.

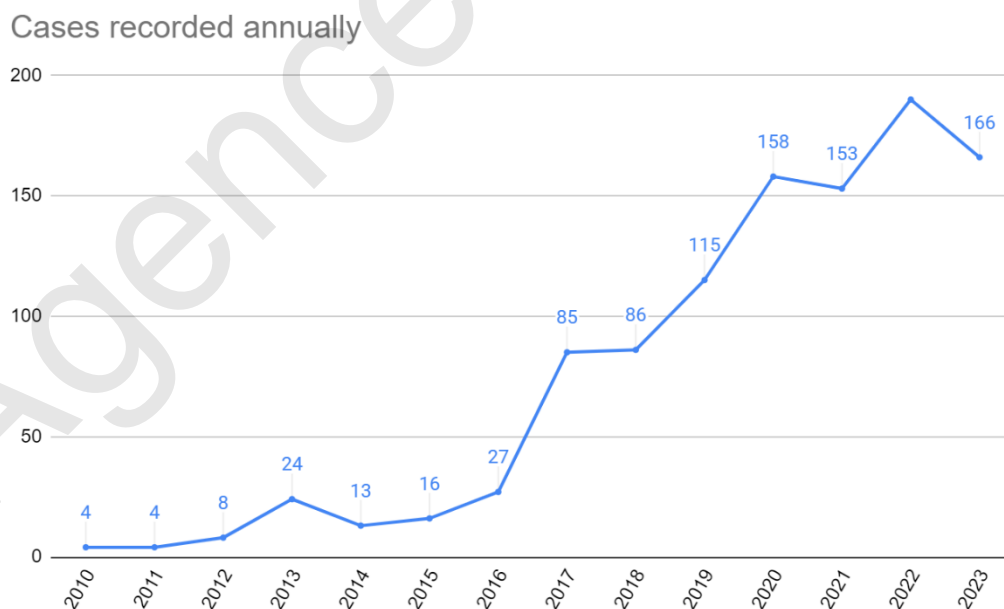


Figure 2 - CASE-recorded SLAPP legal cases from 2010 to 2023

Again, in some European jurisdictions, this was more noticeable than in others, and it is important to note that, due to limitations mentioned previously, in some countries, the number of lawsuits mapped by CASE may only be the tip of the iceberg. During the data collection stage, the team identified (but were unable to verify) a number of SLAPPs reported by other organisations. Those SLAPPs which CASE could not independently verify were not included in the Report. For example, in Armenia, the Committee to Protect Freedom of Expression identified a total of 71 new lawsuits filed in 2022 (35) and 2023 (36) against media and journalists. In Bosnia and Herzegovina, where criminal defamation laws were recently reintroduced in Republika Srpska in July 2023, the International Journalists' Network reported that over 50 criminal defamation charges had been filed by March 2024 with journalists among those targeted.⁸ The recriminalization of defamation has been widely condemned by organisations including the Organization for Security and Co-operation in Europe⁹ and the United Nations Office of the High Commissioner for Human Rights.¹⁰

SLAPPs per country

In 2023, a notable number of SLAPPs were mapped in Italy (26), Romania (15), Serbia (10) and Turkey (10). The number of SLAPPs in Italy persists even as this report employed increased vigilance to filter out cases of state censorship. This shows a concerning trend in Italy, and beyond, to deploy the law as a tool for private censorship.

⁸ Andrijana Pisarevic "Media freedom is under siege in Bosnia's Republika Srpska" (IJNET, March 2024) available at <https://ijnet.org/en/story/media-freedom-under-siege-bosnias-republika-srpska>

⁹ "Increase threats to media freedom, law reform and decriminalization of defamation are crucial" (OSCE, December 2023) available at <https://www.osce.org/mission-to-bosnia-and-herzegovina/561613>

¹⁰ "Bosnia and Herzegovina: UN experts alarmed by re-criminalisation of defamation in the Republika Srpska entity" (UN OHCHR, July 2023) available at <https://www.ohchr.org/en/press-releases/2023/07/bosnia-and-herzegovina-un-experts-alarmed-re-criminalisation-defamation>

SLAPPs per country per year

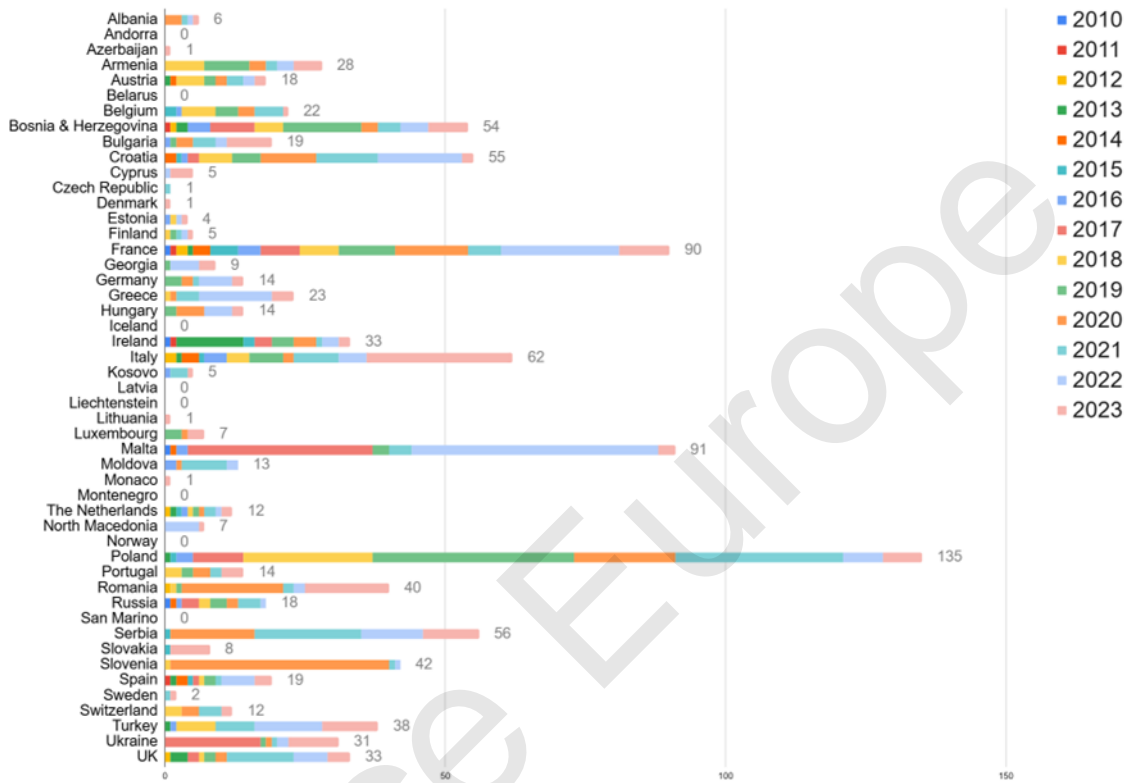


Figure 3 - CASE-recorded SLAPP legal cases per country per year 2010-2023

Legal basis

By the end of 2023, the majority of cases filed were civil lawsuits (64.3%), while 21.7% were criminal lawsuits. 2.1% of cases included both civil and criminal claims, 5.8% of cases were injunctions, less than 1% of cases were constitutional or administrative claims, with the legal basis in 5.3% unknown. This represents an increase in the proportion of cases that are based in criminal law as compared with the previous report where 20.9% of cases were criminal lawsuits. At present, only 5 EU Member States have decriminalised defamation.¹¹ UNESCO recently observed a worrying trend towards the reintroduction of criminal defamation.¹² As such, it is imperative that anti-SLAPP laws operate across civil, criminal and administrative law.

¹¹ "Decriminalization of defamation" (CMPF and EUI, January 2019) available at https://cmpf.eui.eu/wp-content/uploads/2019/01/decriminalisation-of-defamation_Infographic.pdf

¹² "Defamation laws and SLAPPs increasingly "misused" to curtail freedom of expression" (UNESCO, December 2022) available at <https://www.unesco.org/en/articles/defamation-laws-and-slapps-increasingly-misused-curtail-freedom-expression>

While the large majority of lawsuits are based on national defamation laws (both criminal and civil) or similar provisions on insult or honour, a number of other legal grounds were relied upon as a vehicle for SLAPPs, as illustrated in Figure 4.

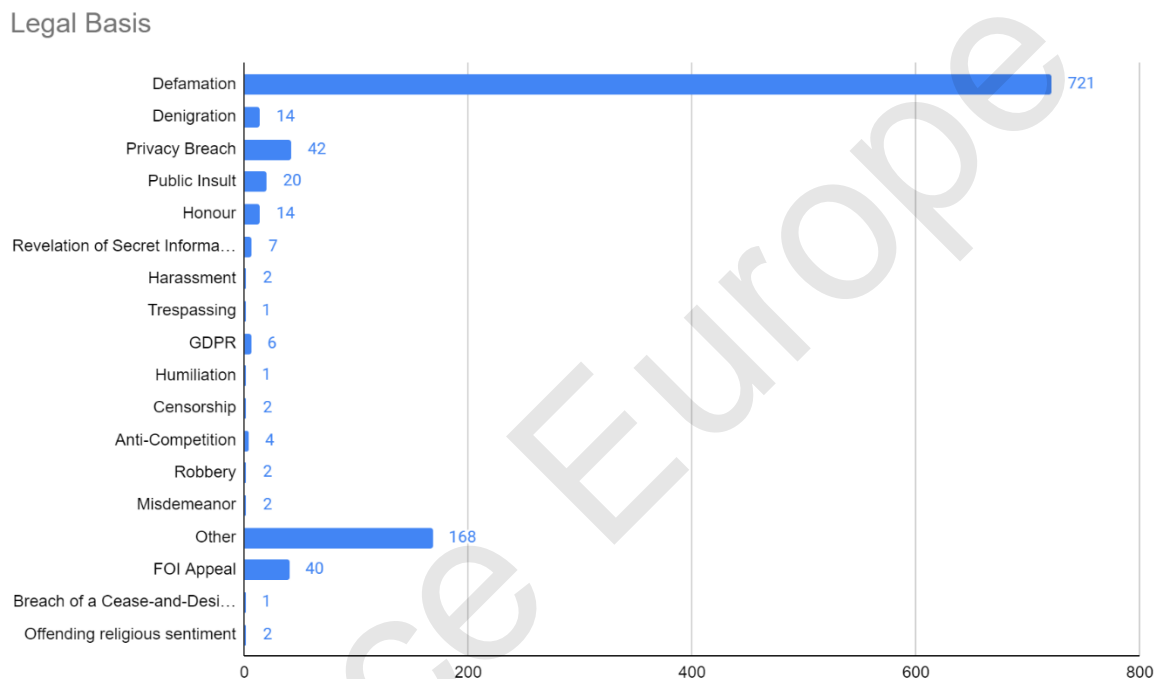


Figure 4: CASE-recorded SLAPP cases 2010-2023 - legal basis of claim

Geographical spread

In CASE's first report, the data collected covered 29 European countries, namely: Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Kosovo, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Slovenia, Spain, Switzerland, Turkey, United Kingdom, and Ukraine. The second report widened the geographical spread, identifying SLAPPs in Georgia, North Macedonia, Greece, Cyprus, Moldova, Czech Republic and Sweden. Likewise, this report recorded SLAPPs in countries that had remained absent from previous reports, including Monaco, Lithuania, Azerbaijan, and Denmark. CASE has therefore now identified SLAPP lawsuits in 41 countries across Europe.

2. Cross-border cases

Out of the cases recorded between 2010 and 2023, 9.4% were cross-border cases based on the narrowest possible definition of “cross-border” meaning the plaintiff and the defendant are domiciled in different countries, or the domicile of either party differs to that of the court seized of the matter. Figure 5 illustrates that the overwhelming majority of SLAPPs occur in a purely domestic context.

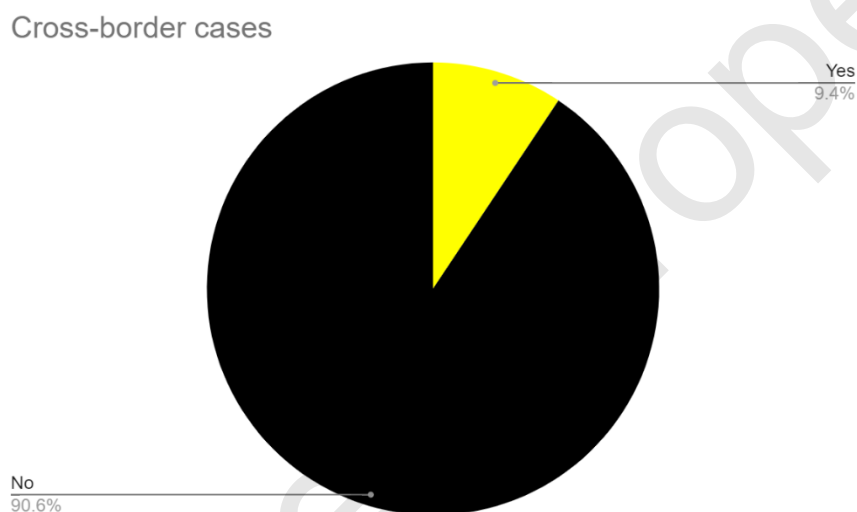


Figure 5: CASE-recorded SLAPP legal cases from 2010 - 2023 - cross-border

It is important to note, however, that the EU Directive adopts a broader definition of cross-border, encompassing all cases that unless both parties are domiciled in the same Member State as the court seized and all other elements relevant to the situation concerned are located in that Member State. Therefore, even when both parties are domiciled in the same state (as in over 90% of cases reported here), where the act of public participation or public interest matter has significance for more than one member state, the matter will fall within the scope of the Directive.

3. Who is the SLAPP Target?

As can be seen in Figure 6, the cumulative data gathered shows that journalists in their individual capacity remain the most likely target of a SLAPP, followed by media outlets, editors, activists and NGOs. Other likely defendants include lawyers, academics, politicians, book authors (writers), and publishers.

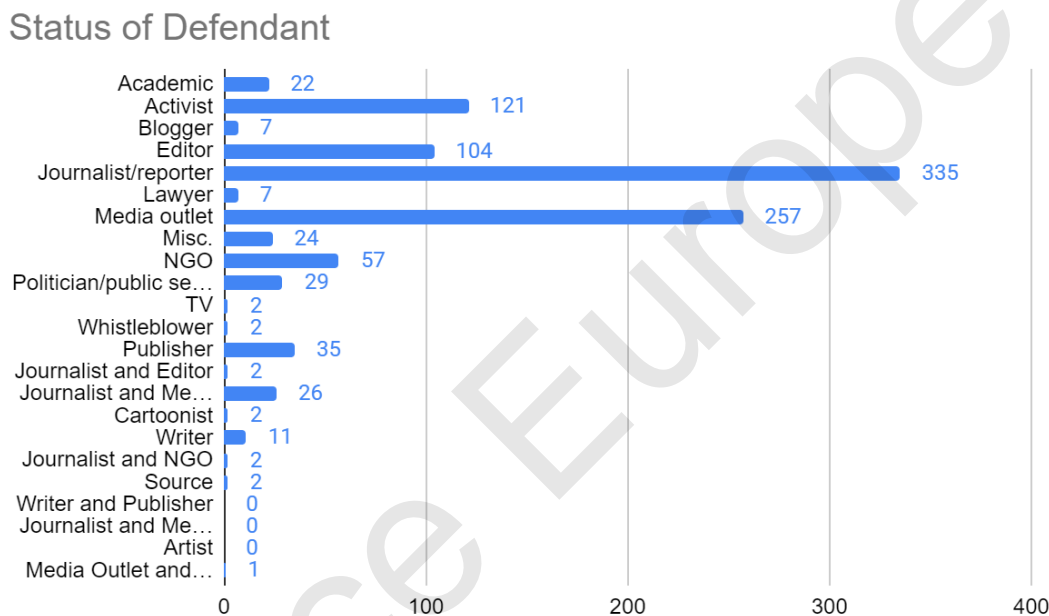


Figure 6: CASE-recorded SLAPP legal cases from 2010 - 2023 - status of defendant

In the vast majority of cases, the target remains an individual, as opposed to an organisation. This shows how critical it is that support channels are easily accessible so that individuals facing SLAPP cases receive the necessary support.

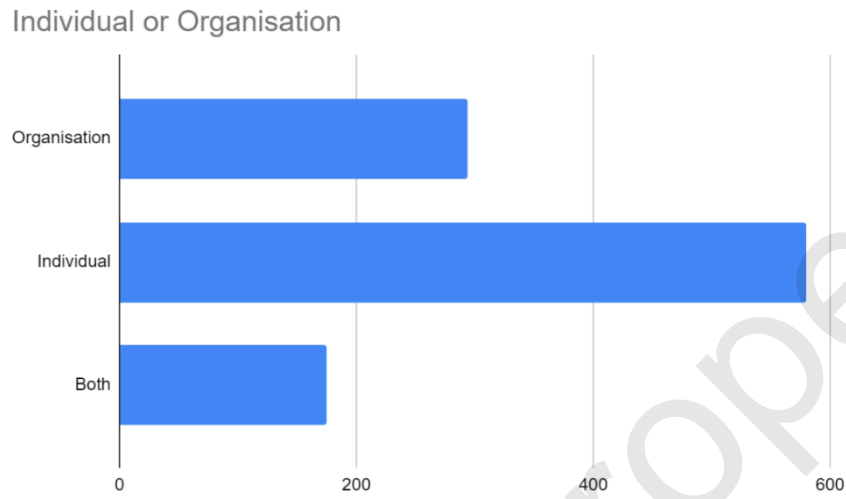


Figure 7: CASE-recorded SLAPP legal cases from 2010 - 2023 - Individual or Organisation

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4. Who is the SLAPP Claimant?

Throughout 2023, businesses / businesspersons filed the most lawsuits (45.2%) followed by politicians (35.5%).

Status of Plaintiff in 2023

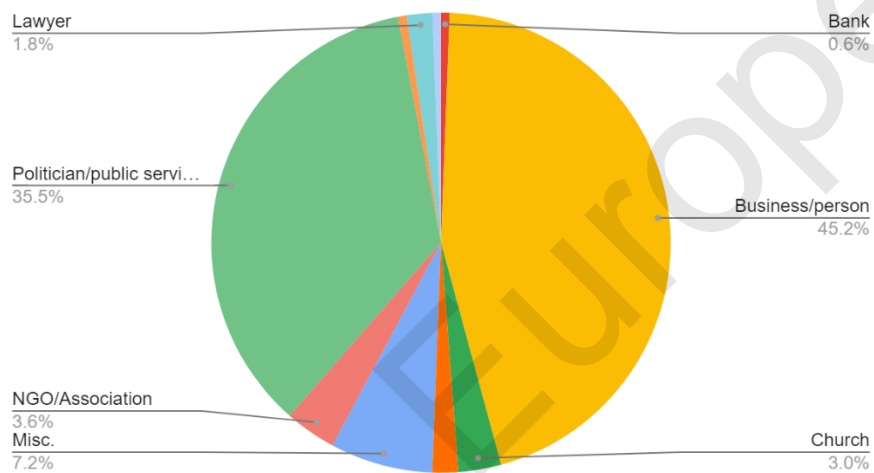


Figure 8: CASE-recorded SLAPP legal cases in 2023 - status of plaintiff

As can be seen in Figure 9, between 2010 till the end of 2023 the most common SLAPP litigants were those in positions of power; namely, businesses and politicians.

Status of Plaintiff 2010-2023

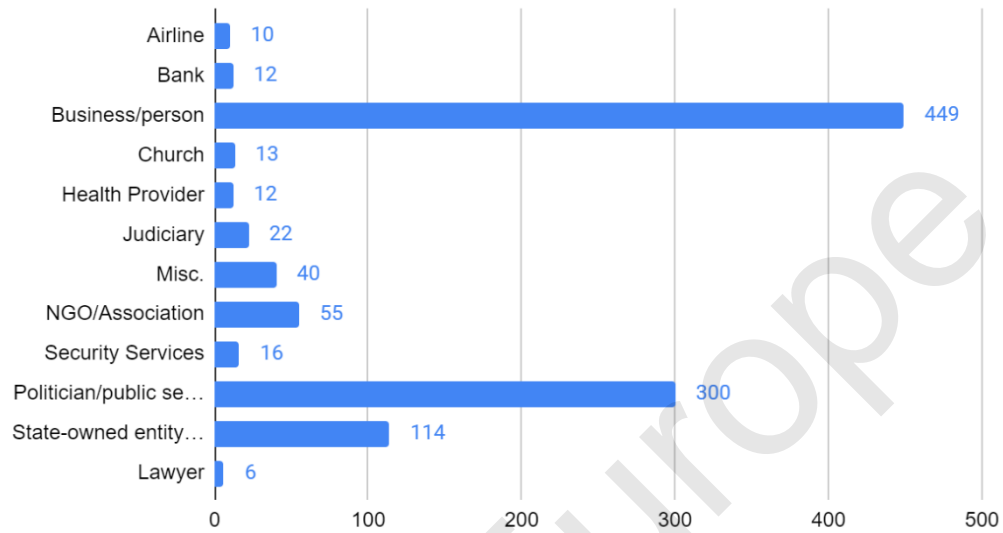


Figure 9: CASE-recorded SLAPP legal cases from 2010 - 2023 - status of plaintiff

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5. Issues targeted

SLAPP cases in 2023 covered a broad range of public interest matters (see Figure 10) including matters relating to sexual abuse in sport, pandemic responsiveness, and corruption in the pharmaceutical sector. In 36.1% of cases in 2023, the public interest matter related to corruption (36.1%), followed by environmental issues (16.3%).

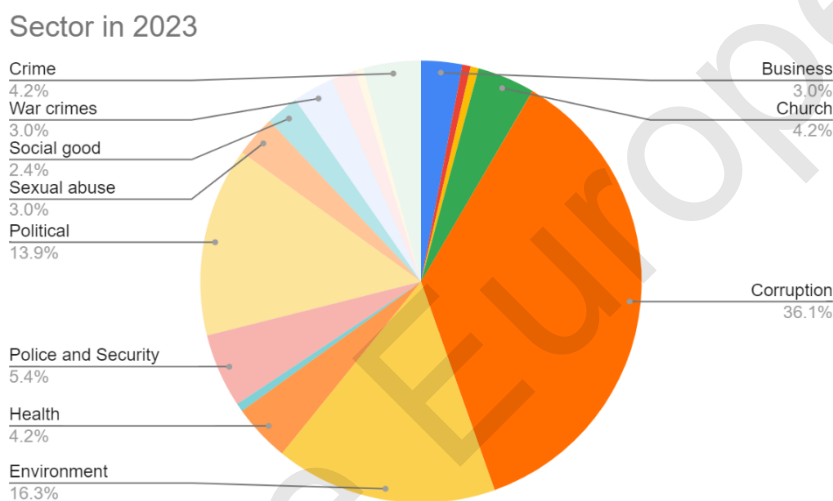


Figure 10: CASE-recorded SLAPP legal cases in 2023 – sectors/issues

Corruption, business-related issues, government action, and the environment remain topics that are most frequently SLAPPed in the period 2010-2023 (Figure 11).

Sector 2010-2023

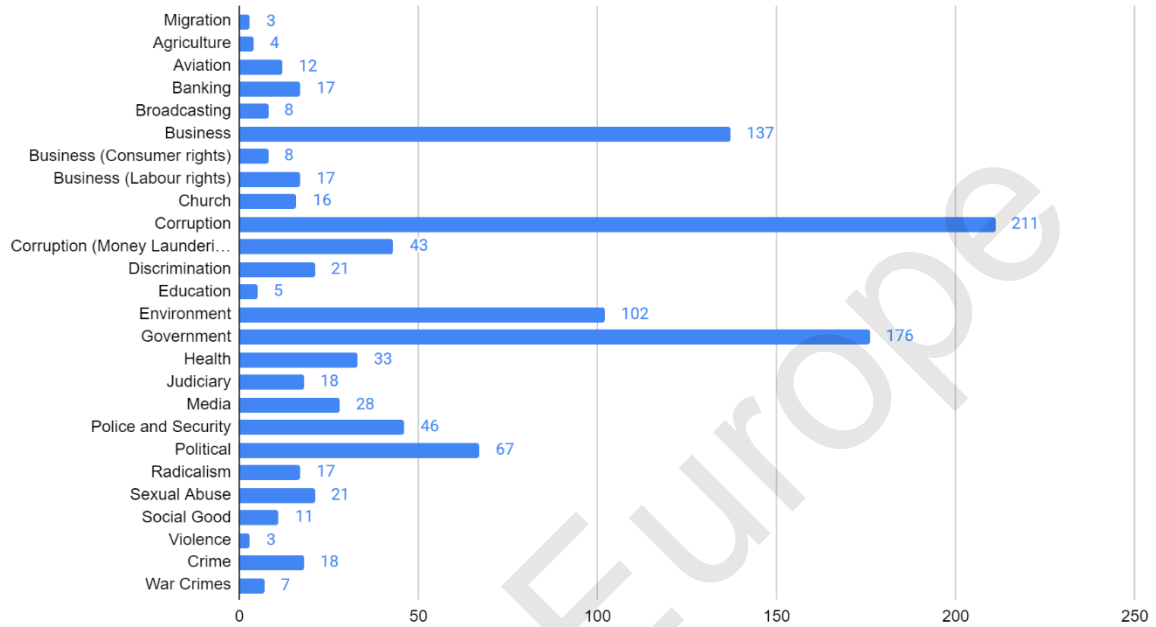


Figure 11: CASE-recorded SLAPP legal cases from 2010 - 2023 - sectors/issues

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Disproportionate claims

In 2023, lawsuits costs continued to include some exorbitant demands. For example, a Bulgarian company brought a claim for civil defamation of the equivalent of €500,000 in Bulgaria against the investigative website Bivol. Bivol's lawyer is reported as stating that the amount was unprecedented and creates "conditions of censorship".¹³ Mediapool, a Bulgarian media outlet, also faces a civil defamation claim for the equivalent of €500,000. The media outlet is being sued in Bulgaria by a Bulgarian insurance company. Mapping Media Freedom states that the "requested damages of nearly half a million euros would bankrupt the private media outlet."¹⁴

In the UK, Shell sued Greenpeace for \$2.1 million in damages over peaceful fossil fuels protests in the North Sea. The lawsuit calls for an indefinite block on all protests at Shell infrastructure anywhere in the world, or the company will make claims that could reach \$8.6m (£7m).¹⁵ The Guardian reported that this is "one of the biggest ever legal threats against [Greenpeace]".¹⁶ Greenpeace International is also facing a claim in the Netherlands filed by deep sea miners NORI. NORI sought an immediate halt to the peaceful protest and asked for the judge to set a fine of up to €10 million if the protest continued.¹⁷ In Greece, Grigoris Dimitriadis, filed another lawsuit against Greek media outlets and journalists in relation to investigative reporting about his alleged involvement in a major surveillance scandal. The 2023 lawsuit follows a similar lawsuit filed in 2021 against some of the same defendants. Mapping Media Freedom reported that Dimitriadis is seeking €250,000 for moral damages from all of seven defendants, and a fine of €100,000 for each violation of the law, totalling up to €700,000 or more.¹⁸ The court was also requested to convict

¹³ Safety of Journalists Platform, "Defamation lawsuit against investigative website Bivol" (January 2022) available at <https://fom.coe.int/en/alerte/detail/107637040;globalSearch=true>.

¹⁴ Mapping Media Freedom, "Mediapool sued for record €500,000 by Bulgarian insurance company Lev Ins" (March 2023) available at <https://www.mapmf.org/alert/30013>.

¹⁵ Jillian Ambrose, "Shell sues Greenpeace for \$2.1m in damages over fossil fuel protest in North Sea" (The Guardian, November 2023) available at <https://www.theguardian.com/business/2023/nov/09/shell-sues-greenpeace-over-fossil-fuel-protest-in-north-sea>; See also "Shell lawsuit against Greenpeace: A blatant attempt to stifle environmental activism" (CASE, May 2024) available at <https://www.theguardian.com/business/2023/nov/09/shell-sues-greenpeace-over-fossil-fuel-protest-in-north-sea>

¹⁶ Jillian Ambrose, "Shell sues Greenpeace for \$2.1m in damages over fossil fuel protest in North Sea" (The Guardian, November 2023) available at <https://www.theguardian.com/business/2023/nov/09/shell-sues-greenpeace-over-fossil-fuel-protest-in-north-sea>;

¹⁷ "Deep sea miners take Greenpeace to court for peaceful protest at sea" (Greenpeace, November 2023) available at <https://www.greenpeace.org/usa/news/deep-sea-miners-take-greenpeace-to-court-for-peaceful-protest-at-sea/>

¹⁸ "Media and journalists targeted in another lawsuit by PM's nephew over spyware revelations" (Mapping Media Freedom, November 2023) available at <https://www.mapmf.org/alert/30965>

the defendants and requested they publish the judgement of the court, with a maximum penalty of €50,000 if they fail to do so, for each defendant, totalling up to €350,000. The International Press Institute estimates that the total demanded from all defendants could amount to €3.3 million.¹⁹ Even though the chilling effect of a lawsuit increases the more exorbitant the value of damages, this is not the only factor that contributes to such a stifling effect. Cost orders can sometimes be a bigger threat in some jurisdictions than damages, e.g. the UK. SLAPP litigants will often take advantage of this factor, hence the fact that claiming 1 euro in damages does not itself mean the case is not a SLAPP. Further, the SLAPP targets who are the subject of criminal law SLAPPs may face fines or imprisonment. For instance, in Slovakia, criminal defamation cases were identified which could result in a **2-8-year prison** sentence. Likewise, in Italy, criminal defamation may result in a fine or between six months and three years in prison.

¹⁹ "Greece: Media and journalists targeted in second lawsuit by PM's nephew over spyware revelations" (International Press Institute, December 2023) available at <https://ipi.media/greece-media-and-journalists-targeted-in-second-lawsuit-by-pms-nephew-over-spyware-revelations/>

6. Conclusion

The main findings from this report are as follows:

- **1049 SLAPPs filed in the period 2010-2023 - with 166 filed in 2023**
- **Notable numbers of SLAPPs in Italy, Romania, Serbia and Turkey filed in 2023**
- **64.3% of cases were filed as civil lawsuits in the period 2010-2023**
- **21.7% of cases were filed as criminal lawsuits in the period 2010-2023**
- **5.8% injunctions filed in the period 2010-2023**
- **An increase in the proportion of cases that are based in criminal law as compared with the second report.**
- **SLAPPs were identified in countries that had remained absent from previous reports, including Monaco, Lithuania, Azerbaijan, and Denmark (CASE has now identified SLAPP lawsuits in 41 countries across Europe)**
- **9.4% of cases filed the period 2010-2023 were cross-border based on the narrowest possible definition of "cross-border".**
- **Journalists in their individual capacity remain the most likely target of SLAPPs, followed by media outlets, editors, activists and NGOs.**
- **The vast majority of cases target an individual, as opposed to an organisation.**
- **Between 2010 till the end of 2023 the most common SLAPP litigants were those in positions of power; namely, businesses and politicians.**
- **The subject matter of SLAPPs in 2023 ranged from health to sexual abuse.**
- **In 2023, the public interest matter related to corruption in 36.1% of cases, followed by environmental issues (16.3%).**
- **Corruption, business-related issues, government action, and the environment remain topics that are most frequently SLAPPED in the period 2010-2023**
- **Lawsuit costs continued to include some exorbitant demands with examples of claims of up to the equivalent of £7 million**
- **SLAPP targets continue to face the threat of custodial sentences despite the United Nations Human Rights Council and other human rights organizations continually affirming that imprisonment is never an appropriate penalty for criminal defamation.**

These findings indicate that year after year, SLAPPs are increasingly being employed as a form of private censorship. On a rolling basis, CASE is identifying an increasing number of abusive lawsuits that shut down acts of participation, and the list of countries around Europe that are home to such lawsuits is growing.

While there have been a number of positive developments in Europe, countries should not underestimate the continued threat that SLAPPs present to human rights, democracy and the rule of law across Europe. The findings of this report

represent the tip of the iceberg, and there are likely to be hundreds more SLAPPs that go unreported. By nature, SLAPPs are intended to silence the target, and therefore many threats or cases never enter the public domain. In many instances, victims of SLAPP lawsuits choose to not report their situation for fear of retaliation.

The findings of CASE's current report underscore the importance and urgency of anti-SLAPP protection measures, particularly robust legislation providing a strong safety shield on both national, and, in the case of cross-border SLAPPs, international levels.

Agence Europe