

ACADEMIC FREEDOM INSIGHTS SERIES

SLAPPs and other Legal Threats Against Academics

INTRODUCTION

Academic freedom underpins democratic societies, yet members of the academic community across the Council of Europe face escalating legal threats, including Strategic Lawsuits Against Public Participation (SLAPPs), other criminal prosecutions, and regulatory sanctions. These tactics are aimed at silencing scholarly voices and can induce self-censorship. This brief situates SLAPPs and other legal threats within the broader erosion of academic freedom, highlights the Council of Europe's role in countering such threats, and proposes legal and policy safeguards for scholars.

Prepared by Council of Europe experts — Kirsten Roberts Lyster, with the collaboration of Peter Maassen — within the framework of the Education Department project “Academic Freedom in Action,” exploring the key challenges and policy responses that shape academic freedom in Europe.



CONTEXT

Under the *New Democratic Pact for Europe*, safeguarding open, evidence-based dialogue is a strategic priority.

Yet legal actions that seek ‘to misuse or abuse the legal process to prevent, inhibit, restrict or penalise free expression on matters of public interest and the exercise of rights associated with public participation’, known as SLAPPs, are increasingly weaponised by powerful actors to silence academics by suppressing their scholarly research, teaching, publications and speech. Fuelled by broad laws and exploiting resource imbalances, SLAPPs and other legal threats drag academics into costly, protracted battles, irrespective of the likelihood of success and thus often using ‘process as punishment.’ This can foster self-censorship, undermine the free flow of evidence-based information, and erode trust in institutions. Such legal assaults on knowledge production, sharing and dissemination, imperil the Council of Europe’s commitment to protecting democracy, the Pact’s second pillar.

2025

Report on the Erosion
of Academic Freedom in Europe

BEING EDITED

FACTS & FIGURES

Use of SLAPPs is widespread, targeting *journalists, activists, NGOs, academics, and others engaged in public interest work.*

According to a 2024 report by the *Coalition Against SLAPPs in Europe (CASE)*, 1,049 such suits were filed by private parties mainly in positions of power across 41 European countries between 2010 and 2023; 42.5% were brought by business interests and 35.5% by politicians, with 9.4% being ‘cross-border’ cases. A notable number (21.7%) were criminal lawsuits. Further they note, “in the vast majority of cases, the target remains an individual”. *Monitoring groups suggest these figures are underreported, given victims’ reluctance to come forward.* As the UN Special Rapporteur on the independence of judges and lawyers has reported, they are often initiated by *powerful economic actors ‘weaponizing’ the justice system.* Rights groups note that SLAPPs and other forms of legal intimidation such as “insult” laws, ‘foreign agent’ laws or national security charges, are often closely connected to other intimidatory tactics such as smear campaigns, threats, and even physical assaults, reinforcing the overall chilling effect on free inquiry. While the number of recorded cases of SLAPPs against scholars are comparatively low, a 2021 comparative study showed academics were targeted in a number of Council of Europe countries, and *Scholars at Risk* and CASE have warned that these numbers are on the rise.

2010 – 2023, CASE REPORT 2024

Types Of SLAPPs Filed

| | |
|----------------------|-------|
| ● BUSINESS INTERESTS | 42.5% |
| ● POLITICIANS | 35.5% |
| ● CROSS-BORDER CASES | 9.4% |
| ● CRIMINAL LAWSUITS | 21.7% |



KEY CHALLENGES & DEVELOPMENTS

The Council of Europe has recognised the problem of SLAPPs, and most recently recommended the introduction of broad safeguards through Recommendation CM/REC(2024)2.

At the EU level, the 2024 ‘Anti-SLAPP Directive’ also aims to curb abusive civil lawsuits through early dismissal, cost-shifting, penalties for abusive claimants, and protection from foreign SLAPP judgments. Some US States have enacted anti-SLAPP laws, which also suggest early dismissal and fee-shifting provisions can deter vexatious claims. European institutions increasingly recognise SLAPPs and other forms of legal intimidation as a direct threat to academic freedom. The European Parliament Forum for Academic Freedom highlights how legal intimidation distorts research agendas, while European Higher Education Area ministers have reaffirmed the democratic imperative of safeguarding academic inquiry. Despite the emergence of a robust regional framework, most Council of Europe Member States still lack adequate anti-SLAPP and legal threat protection mechanisms that recognise the position of scholars. Coordinated responses, reinforced by national reforms, are essential to uphold academic freedom and Council of Europe’s leadership in higher education and democratic governance.

POLICY IMPLICATIONS FOR FURTHER ACTION

Preserving academic freedom demands that scholars can investigate, publish, and speak on matters of academic interest free from reprisal. Reflecting the Pact’s calls, and building on CM/Rec(2024)2 and international standards, key actions include:



Enacting comprehensive anti-SLAPP provisions in line with CM/Rec(2024)2, covering civil, criminal and administrative proceedings, with specific recognition of scholars.



Building on CM/Rec(2024)2, establish a structured Council of Europe-level monitoring framework to track SLAPPs and other legal threats against scholars, to better detect emerging patterns and evaluate the impact of countermeasures.



Decriminalising defamation and introducing exceptions for scholarly discourse. Pending legal reform, judicial guidelines should support procedures that prevent punishment of academic speech.



Particular attention should be given to provisions for cross-border suits where plaintiffs exploit foreign jurisdictions or file coordinated suits in multiple courts.



Legislative should clarify protections for individual scholars, institutions and related organisations (such as research NGOs, and university presses).



Targeted judicial training and raising awareness should be delivered to deter misuse of the legal system against scholars.



Strengthening university autonomy will further shield scholars. Ensuring universities offer legal defence funds, have independent leadership, and maintain transparent, democratic governance. Institutional policies must explicitly commit to defending the academic community against legal intimidation. Adequate support structures should be in place.



Encourage systematic reporting of legal intimidation cases in collaboration with civil society networks such as Scholars at Risk and CASE.

A forthcoming Council of Europe recommendation on academic freedom should incorporate these measures, encouraging Member States to provide comprehensive protections to scholars.



CONCLUSION

Protecting academics is an investment in Europe's democratic future.

SLAPPs and other legal threats against academics corrode the region's foundational commitment to free inquiry and informed debate. Strong legislative safeguards, monitoring systems, and institutional support must be a central component of the Pact's ambition to rebuild trust in democratic institutions and revitalise civic engagement. These efforts can directly contribute to the Pact's 2026 Summit, and Council of Europe Member States' commitments to strengthen European democracy. If Europe values an open society and dynamic innovation, it must shield scholarship from spurious lawsuits and legal intimidation tactics that suppress independent thought.

REFERENCES AND ADDITIONAL READING



➤ ARTICLE 19 • 2025

Poland: Decriminalisation of defamation crucial for combatting SLAPPs



➤ SLAPPS REPORT • 2025

CASE Coalition Against SLAPPs in Europe



➤ PETER COE, REBECCA MOOSAVIAN & PAUL WRAGG • 2025

Addressing strategic lawsuits against public participation (SLAPPs): a critical interrogation of legislative, and judicial responses, *Journal of Media Law*



➤ COUNCIL OF EUROPE • 2024

Speech of the Deputy Secretary General at the Second European Anti-SLAPP Conference



➤ CM/REC(2024)2

Recommendation on countering the use of strategic lawsuits against public participation (SLAPPs)



➤ DIRECTIVE (EU) 2024/1069

Directive on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings



➤ UNITED NATIONS • 2024

Report of the Special Rapporteur on the independence of judges and lawyers, Margaret Satterthwaite



➤ POLITICO • 2024

Lawsuits increasingly being used to silence journalists, activists across Europe, new study warns 9



➤ SCHOLARS AT RISK • 2024

Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project



➤ EUROPEAN PARLIAMENT • 2023

Open SLAPP Cases in 2022 and 2023



➤ SCHOLARS AT RISK • 2022

Recommendation to include academics in any legislative proposal designed to combat strategic lawsuits against public participation (SLAPPs)



➤ EUROPEAN PARLIAMENT • 2021

The Use of SLAPPs to Silence Journalists, NGOs and Civil Society



➤ EU CITIZEN • 2021

Strategic Lawsuits Against Public Participation (SLAPP) in the European Union A comparative study



➤ COUNCIL OF EUROPE • 2020

Human Rights Comment: Time to take action against SLAPPs



➤ EHEA • 2020

Rome Ministerial Communiqué, Annex I – Statement on Academic Freedom