

Prather in *Northwestern Journal of Human Rights*: SLAPP Suits, An Encroachment on Human Rights of a Global Proportion and What Can Be Done About It

December 8, 2023 Laura Prather

PRACTICES Government and Public Policy, Litigation, Intellectual Property Litigation, Media and Entertainment Litigation

Haynes Boone Partner [Laura Prather](#) authored a paper in the *Northwestern Journal of Human Rights* on the global rise of Strategic Lawsuits Against Public Participation (SLAPP suits) targeting journalists and critics, and advocates for Anti-SLAPP legislation being crucial for safeguarding democracy and human rights.

Read the abstract below:

Freedom of expression is the underpinning of all other freedoms. Yet, increasingly, journalists, citizens, advocacy groups, whistleblowers, academics, and media organizations are being targeted and subjected to judicial harassment for informing the public about matters of public concern, denouncing authoritarian regimes, and exposing wrongdoing. These meritless lawsuits do not seek to right a wrong, but rather to silence and intimidate critics. They are known as “Strategic Lawsuits Against Public Participation” (“SLAPP” suits) and are on the rise globally. Because SLAPP suits are designed to inhibit ongoing investigations, stifle informed public debate, and prevent legitimate public interest reporting, they present a threat to democracy and strike at the core of human rights.

The antidote to SLAPP suits is the passage of Anti-SLAPP legislation. While the United States has a vast body of state legislative experiences passing Anti-SLAPP laws over the last thirty years, the passage of a federal Anti-SLAPP law has remained elusive. More recently, the European Union and the United Kingdom recognized the dangers SLAPP suits present to democracy, and both have catapulted into action to address them. Much can be learned from the swift international action of raising awareness, educating lawmakers and judges, pursuing accountability for lawyers, and maintaining best practices in the implementation of Anti-SLAPP laws.

Still, because this phenomenon is a global one, we should consider mining the lessons learned from the U.S. experience and scaling the EU and UK models to impede “forum shopping” by perpetrators who are willing to punish their exposers. The need to establish infrastructures for the development of supranational policies and consider best practices for addressing the rise of SLAPP suits is not just about protecting journalists from abusive behavior, but also about preserving the ability of the public to obtain accurate information, considering diverse interests and perspectives, and engage in vital discourse about their governments and communities.

To read the full paper in *Northwestern Journal of Human Rights*, click [here](#).