



Why Countering Strategic Lawsuits Against Public Participation (SLAPPs) matters for the environment

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SLAPPs in Africa

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SLAPPs or abusive lawsuits threaten the realisation of the right to a satisfactory environment by silencing the most critical voices in environmental education and advocacy. In July 2026, the African Commission on Human and Peoples' Rights (ACHPR) adopted the first SLAPPs-related resolution, calling for a study on the nature and scope of SLAPPs in Africa and the means to address them. The Resolution is an important move towards understanding and confronting a serious risk to interdependent rights guaranteed by the African Charter on Human and Peoples' Rights, including expression, information, and participation.

● What are SLAPPs?

Strategic Lawsuits Against Public Participation (SLAPPs) are meritless litigation — whether civil, criminal, or administrative — initiated by powerful individuals or entities to obstruct public participation, silence critics and watchdogs, impede investigative reporting, and evade accountability in matters of public interest through long, arduous, and costly litigation. SLAPPs are a gross abuse of judicial or administrative processes.



● Why Should Policymakers Care about Addressing SLAPPs?

SLAPPs are a threat to the aspirations of the Africa We Want ([Agenda 2063](#)).

- **They weaken the fight against corruption:** Powerful individuals mostly use SLAPPs to avoid accountability. They discourage scrutiny of corruption by intimidating those who expose wrongdoing.
- **They undermine the rule of law:** SLAPPs misuse the legal system for private gain, wasting judicial resources and weakening public trust in justice.
- **They have a negative impact on Africa's economic growth:** Transparent institutions and legal certainty encourage investment. SLAPPs' misuse of courts sends the opposite signal.
- **They jeopardise African sustainable development:** SLAPPs threaten access to information on critical issues and the ability of people to make decisions about their own development.

As a result, SLAPPs undermine progress towards the [Sustainable Development Goals \(SDGs\)](#).

- **Poverty reduction, food security, health, water, and energy (SDGs 1, 2, 3, 6, 7):** SLAPPs intimidate individuals, communities, and organisations advocating for social protection, land rights, sustainable agricultural practices, public health, access to water, and accountability for the impacts of energy projects.
- **Gender equality (SDG 5):** SLAPPs disproportionately affect women journalists, activists, and human rights defenders, who already face additional barriers due to structural discrimination, unequal access to justice, and technology-facilitated gender-based violence often targeting women victims of SLAPPs.
- **Climate and environmental protection (SDGs 13, 14, 15):** SLAPPs increasingly target environmental activists, human rights defenders, and journalists reporting on climate change, extractive industries, mining, land rights, biodiversity, and the protection of natural resources, including oceans.
- **Peace, justice, and strong institutions (SDG 16):** SLAPPs undermine access to justice and weaken accountable and inclusive institutions.

● Why Addressing SLAPPs Matters for the Environment

- To safeguard the indispensable role of environmental defenders and journalists in environmental democracy.
- To ensure people can access environmental information, enjoy the right to public participation and access to justice.
- To support environmental decision-making that is transparent, inclusive and safe.
- To ensure businesses are held accountable when their activities threaten environmental rights.

● The Role of Journalism

Human rights defenders and journalists, in particular those advocating and reporting on environmental issues, are among the most common targets of SLAPPs ([IPI report](#)). Therefore, addressing SLAPPs against them is fundamental to guaranteeing the realisation of the right to a healthy environment recognised under Article 24 of the [African Charter on Human and Peoples' Rights](#).

- **People cannot protect what they do not know.** Access to accurate and timely environmental information is essential to guarantee meaningful public participation and access to justice in environmental decision-making, as stated in the [Resolution on Access to Information and the Right to a Healthy Environment - ACHPR/Res. 657 \(2026\)](#).
- **Journalists play a critical role in making environmental information accessible.** Through investigation and reporting, they shed light on issues affecting communities and individuals. When journalists are threatened, harassed, or silenced through tools such as SLAPPs, society loses a vital source of information and accountability.
- **States have a responsibility to protect those who inform.** Under international and regional human rights standards, States must ensure that journalists and other public interest actors can work safely and independently, while fostering an enabling environment for free, independent, and pluralistic media.

The Value Of Protecting Journalism → A UNESCO Study

- Countries with declining press freedom experience slower economic growth.
- Every \$1 invested in investigative journalism can generate more than \$100 in public value.
- Disinformation costs societies an estimated \$350–500 billion every year.
- Greater access to free media is linked to fewer human rights violations.
- News coverage can mobilise life-saving humanitarian assistance.

● How Can SLAPPs Be Addressed?

→ Identifying SLAPPs

- **The purpose:** It is not to win the case, but to silence and create a chilling effect among individuals and groups engaged in public participation.
- **The perpetrators:** Powerful individuals and entities often bring SLAPPs, frequently with significant resources and, in some cases, a history of using litigation to intimidate.
- **The victims:** SLAPPs rest on a power imbalance between the parties. The victims are often civil society actors, human rights defenders, environmental activists, journalists, and others working to expose corruption, address climate change, and defend human rights and other matters of public interest.
- **The tactics:**
 - The claimant uses aggressive procedural and litigation tactics designed to increase costs, delay proceedings, and burden the defendant, even when they are unlikely to succeed on the merits.
 - The lawsuit is unfounded, exaggerated, or disproportionate, for example by seeking excessive damages or disproportionate penalties, including imprisonment.
 - The claimant may combine legal action with public relations attacks against the defendant, including disinformation, harassment, smear campaigns, and technology-facilitated gender-based violence.

● Key Recommendations

- **Review and amend laws misused to silence public participation**

Repeal criminal defamation and other restrictive civil and criminal legislation that impedes press freedom and freedom of expression, in line with the African Commission on Human and Peoples' Rights' [Resolution on the Safety of Journalists and Media Practitioners in Africa](#), Principles 22(3) and (4) of the [Declaration of Principles on Freedom of Expression and Access to Information in Africa](#), and the 2014 African Court on Human and Peoples' Rights [ruling](#) which held that imprisonment for defamation violates the right to freedom of expression.

- **Enact anti-SLAPP laws to protect public watchdogs**

Urgently enact anti-SLAPP legislation to protect journalists, activists, and human rights defenders from these types of vexatious lawsuits in line with guarantees of access to justice and fair trial under Article 7, freedom of expression and right to information under Article 9, freedom of association under Article 10, freedom of assembly under Article 11, and right to participation under Article 13 of the African Charter, and with regards to the 2026 [Resolution on Access to Information and the Right to a Healthy Environment](#), which highlights the abuse of courts to silence critics through the use of SLAPPs. In addition to enacting national-level legislation, states should provide full cooperation and support to the potential drafting and adoption of a model anti-SLAPP law at the African Union level.

- **Support an independent and well-resourced judiciary**

Strengthen judicial independence in line with the [Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa](#) and the [UN Basic Principles on the Independence of the Judiciary](#) to guarantee access to justice, the right to fair trial, and protection against undue influence from political and corporate actors over the judiciary.

- **Combat the abuse of the legal system**

Independently investigate allegations of misuse of court process through abusive and oppressive litigation, particularly targeted at public watchdogs, including journalists, human rights defenders, community activists, whistleblowers, and opposition figures, and hold perpetrators to account. Prosecutors must decline or discontinue cases based on unfounded charges as required by the [Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa](#).

- **Hold lawyers accountable for abusive litigation**

Develop, strengthen, and enforce professional ethical standards, complaints mechanisms, and disciplinary frameworks governing legal practitioners and law firms to prevent and sanction participation in SLAPPs and other forms of abusive litigation consistent with their duties to uphold human rights and fundamental freedoms and comply with legal ethics as prescribed by the [Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa](#).

- **Ensure access to legal aid for SLAPP victims**

Provide and promote access to legal aid and assistance services to financially disadvantaged and vulnerable persons or groups who are SLAPP victims to protect their rights to a fair trial and access to justice, and mitigate the financial and psychological burden of abusive litigation as guided by the [Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa](#).

● **Six Practical Measures to Address SLAPPs**

1. **Foster regional and national dialogue:** Promote and organise deliberations at the executive, legislative, and judicial levels on SLAPPs, as well as at the regional level, for example at the African Union (AU), the ACHPR, and the Pan-African Parliament (PAP).
2. **Assess the national context through multi-stakeholder engagement:** Convene a multi-stakeholder working group to undertake a comprehensive national assessment on SLAPPs, examining trends, patterns, impacts, and relevant legal and policy gaps to develop concrete, actionable recommendations.
3. **Develop and implement anti-SLAPP measures:** Based on a multi-stakeholder assessment, develop anti-SLAPP legislation, policies, and other measures, as well as review and amend weak legislation. Assess court rules to empower SLAPP defendants.
4. **Establish national focal points:** Establish SLAPP focal points at ministerial and other relevant levels to follow up on the recommendations and on measures to address SLAPPs.
5. **Train judicial officers:** Continuously train judicial officers on identifying and adjudicating SLAPPs fairly.
6. **Support media councils:** Encourage the use of non-judicial media complaints and dispute mechanisms such as media councils grounded in principles of independence, fairness, speedy justice, and transparency.

Key Resources

African regional standards

- ACHPR Resolution on the Need to Conduct a Study on Strategic Litigation Against Public Participation (SLAPPs) in Africa - ACHPR/Res.667(LXXXVIII) 2026
<https://achpr.au.int/index.php/en/adopted-resolutions/667-achpr-res667lxxxviii-2026>
- ACHPR Resolution on Access to Information and the Right to a Healthy Environment
<https://achpr.au.int/index.php/en/adopted-resolutions/657-achprres657lxxxvi-2026>

Other non-African regional standards

- The 2024 Council of Europe Recommendations on Countering the Use of SLAPPs <https://rm.coe.int/0900001680af2805>
- EU SLAPPs Directive 2024/1069_ https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202401069

Research

- IPI SLAPPs against environmental and climate journalists in Africa: A perfect storm for harassment
<https://ipi.media/publications/new-ipi-report-slapps-pose-threat-to-africas-climate-and-environmental-journalists/>
- A Model Law for Protection Against Strategic Litigation Against Public Participation
<https://www.wits.ac.za/media/wits-university/faculties-and-schools/commerce-law-and-management/research-entities/cals/documents/programmes/rule-of-law/resources/Anti-SLAPP%20Model%20Law%20long%20version%20design%205%20November%202024.pdf>



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