



COMBATING SLAPPS IN FRANCE

CNCDH's Opinion on Strategic Lawsuits Against Public Participation- February 2025

Louise SAVRI, Advisor

NHRI Academy 2025 – Warwaw

Session 4 – Specific challenges faced by HRDs : legal restrictions of the right to defend human rights, judicial harassment and criminalisation

1. Genesis of the CNCDH Opinion on SLAPPs



<https://www.daphne.foundation/en/about/daphne/>

- 2017: Assassination of Daphne Caruana Galizia
- 11 April 2024: 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')
- 7 May 2026: Deadline for national transposition
- February 2025: CNCDH Opinion on SLAPPs

1. Genesis of the CNCDH Opinion on SLAPPs



**AVIS «LUTTER CONTRE
LES PROCÉDURES-
BÂILLONS »**
à l'occasion de la transposition
de la directive (UE) 2024/1069
du 11 avril 2024

13 FÉVRIER 2025



2. What are SLAPPs and why should we fight them?

Definitions of Abusive court proceedings against public participation:

- **Definition of the European directive:** Court proceedings which are not brought to genuinely assert or exercise a right, but have as their main purpose the prevention, restriction or penalisation of public participation, frequently exploiting an imbalance of power between the parties, and which pursue unfounded claims.
- **Definition suggested by the CNCDH:** Court proceedings which are not brought to genuinely assert or exercise a right, but have as their main purpose the prevention, restriction or penalisation of public participation, frequently exploiting an imbalance of power between the parties, and which pursue unfounded claims, **intend to harass or intimidate the target.**

2. What are SLAPPs and why should we fight them?

Greenpeace vs TotalEnergies



- ✓ Intended to silence criticism.
- ✓ Involved disproportionate legal pressure, with heavy financial threats aimed at an NGO.
- ✓ No solid legal basis
- ✓ Power imbalance
- ✓ Chilling effect
- ✓ A matter of public interest

3. CNCDH's main recommendations on fighting SLAPPs

- Define and broaden the legal framework
- Guarantee financial protection for victims in order to deter abusive claimants and to allow compensation commensurate with the damage suffered
- Train the judiciary, set up statistical monitoring and raise awareness about SLAPP procedures

=> Create a balance between guarantying the protection of public debate & the protection of general interest and the right to access to a court

Thank you for you attention!



cncdh.fr

contact: louise.savri@cncdh.fr