



Protecting journalists

OHCHR Contribution to the European Commission's consultation on reinforcing measures for the safety of journalists and combating abusive litigation (SLAPPs)

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*Representation Office
to the European Union*

As part of its strategic engagement with the European Union (EU), the Representation Office to the European Union of the Office of the United Nations High Commissioner for Human Rights (OHCHR ROEU) offers this contribution as input to the targeted stakeholder consultation launched by the European Commission to reinforce measures on the safety of journalists and combating abusive litigation (SLAPPs),¹ as outlined in the European Democracy Shield, and to support the review of the European Commission's anti-SLAPP Recommendation.²

Building on its broad human rights mandate, OHCHR has addressed the safety of journalists and abusive litigation through a range of analytical and normative publications and activities. Building on this work, and on its ongoing engagement with the EU on these issues, OHCHR ROEU offers a number of observations as input to the stakeholder consultation launched by the European Commission.

The observations are tailored to respond to the European Commission call for input; they should not be regarded as exhaustive and should be read alongside broader OHCHR guidance and work on the safety of journalists and the issue of impunity,³ as well as relevant communications, reports and jurisprudence of international human rights mechanisms.⁴

This contribution is also made against the background of OHCHR's ongoing work pursuant to Human Rights Council resolution 59/15,⁵ which requests the Office to assess the effectiveness of national frameworks for the protection of journalists and identify how they should be adapted to respond to new threats.

¹ European Commission, Targeted stakeholder consultation – European Democracy Shield, <https://ec.europa.eu/eusurvey/runner/SLAPPs>

² European Commission, Protecting journalists and human rights defenders from strategic lawsuits against public participation (SLAPPs), https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/democracy-eu-citizenship-anti-corruption/democracy-and-electoral-rights/protecting-journalists-and-human-rights-defenders-strategic-lawsuits-against-public-participation_en

³ OHCHR, Topics, *OHCHR and the safety of journalists and the issue of impunity*, <https://www.ohchr.org/en/safety-of-journalists>

⁴ See, in particular, last year's Report of the Secretary-General, *Safety of journalists and the issue of impunity* (A/80/345), 21 August 2025, <https://docs.un.org/en/A/80/345> and the latest relevant thematic reports of three UN Special Rapporteurs: Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, *Journalists in exile* (A/HRC/56/53), 26 April 2024, <https://docs.un.org/en/A/HRC/56/53>; Special Rapporteur on the rights to freedom of peaceful assembly and of association, *Protecting the rights to freedom of peaceful assembly and of association from stigmatization* (A/79/263), 31 July 2024, <https://docs.un.org/en/A/79/263>; and Special Rapporteur on the situation of human rights defenders, *At the heart of the struggle: human rights defenders working against corruption* (A/HRC/49/49), 28 December 2021, <https://docs.un.org/en/A/HRC/49/49>

⁵ Human Rights Council resolution 59/15 (A/HRC/RES/59/15), 18 July 2025, <https://docs.un.org/en/A/hrc/RES/59/15>

Looking ahead, OHCHR stands ready to further support efforts by the European Commission and other EU institutions to review the anti-SLAPP Recommendation and improve the safety of journalists, protecting and promoting freedom of expression.

Recommendation 1: Use international human rights standards and obligations to frame the upcoming review of the EU anti-SLAPP Recommendation and other measures to protect the safety of journalists

Freedom of opinion and expression is a fundamental human right, enshrined in article 19 of the Universal Declaration of Human Rights (UDHR) and in articles 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR). Together with the freedom to seek, receive, and impart information, it constitutes a foundational condition for independent, free, and pluralistic media. In turn, media play a vital role in promoting transparency and accountability, facilitating democratic participation, and enabling the effective exercise of human rights, including the right to freedom of peaceful assembly, to freedom of association and to participate in public affairs.⁶

OHCHR and international human rights mechanisms have documented an increasingly complex threat environment for journalists and media workers, including physical attacks, impunity, legal harassment, online violence, surveillance, stigmatisation, restrictions in the context of protests, and transnational repression. Recent thematic work by OHCHR and Special Procedures further highlights the growing impact of digital and legal threats on journalism, including on journalists in exile, women journalists, and those reporting on matters of public interest.

Against this background, OHCHR encourages the Commission to ensure that planned initiatives to reinforce measures for the safety of journalists, including the upcoming review of the EU anti-SLAPP Recommendation are integrated into broader efforts to promote and protect civic space, Human Rights Defenders and civil society actors, so as to encompass and address all these threats and risks in line with international human rights obligations and standards.

⁶ Human Rights Committee, General Comment No. 34, Article 19: Freedoms of opinion and expression (CCPR/C/GC/34), 12 September 2011, <https://docs.un.org/en/CCPR/C/GC/34>

Recommendation 2: Bring awareness to and support the implementation of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity

The UN Plan of Action on the Safety of Journalists and the Issue of Impunity⁷ (UN Plan) aims to create a free and safe environment for journalists and media workers in both conflict and non-conflict situations, through cooperation with States and other actors to develop legislation, protection mechanisms, partnerships and awareness-raising initiatives.

The outcome document⁸ on strengthening implementation of the UN Plan calls on regional intergovernmental organisations to intensify efforts in these areas and to bring awareness of the UN Plan to regional constituencies. It also encourages the nomination of focal points for engagement with other actors in the UN Plan, the sharing of good practices, joint capacity-building and improved data collection and monitoring, as well as the development of protection mechanisms and coordination with relevant human rights mechanisms.

Against this background, OHCHR ROEU encourages the Commission to further support such efforts, including by advancing cooperation with UN and other international partners in this area.

Recommendation 3: Protect public participation and reporting from abusive litigation (SLAPPs)

OHCHR's briefier on *The impact of SLAPPs on human rights and how to respond*,⁹ developed on the basis of a study commissioned by OHCHR,¹⁰ examines SLAPPs through a human rights lens and identifies measures that States should take in response, highlighting the implications for public participation and reporting on matters of public interest.

By targeting journalists, human rights defenders and other civil society actors, SLAPPs undermine freedom of expression, freedom of peaceful assembly and association, and the right to public participation, as protected under the UDHR and the ICCPR. International human rights jurisprudence has underscored that the criminalisation of defamation and

⁷ OHCHR, UN Plan of Action on the Safety of Journalists and the Issue of Impunity,

<https://www.ohchr.org/en/safety-of-journalists/un-plan-action-safety-journalists-and-issue-impunity>

⁸ OHCHR, Strengthening the Implementation of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, Consultation outcome document, 16 August 2017,

<https://www.ohchr.org/sites/default/files/Documents/Issues/Journalists/OutcomeDocument.pdf>

⁹ OHCHR, The impact of SLAPPs on human rights and how to respond,

<https://www.ohchr.org/en/documents/brochures-and-leaflets/impact-slapps-human-rights-and-how-respond>

¹⁰ University of Aberdeen, Anti-SLAPP Research Hub, "Report on the implications of strategic lawsuits against public participation for guarantees under international law for the exercise of freedom of expression and freedom of assembly" (2024), <https://www.abdn.ac.uk/law/research/research-clusters-hubs-and-networks/antislapp/>

blasphemy, disproportionate penalties, and abusive pre-trial detention may have a chilling effect on freedom of expression and related rights. Restrictions on these rights must be prescribed by law, necessary, proportionate and non-discriminatory; SLAPPs do not meet these criteria, since their very purpose is to discourage the exercise of those rights.

In response, States should prioritise efforts to:

- refrain from engaging in abusive lawsuits;
- take positive measures to ensure that third parties do not use SLAPPs to silence those legitimately exercising their rights; decriminalise defamation, blasphemy and other offences, that may impose disproportionate penalties on those exerting their rights to freedom of opinion and expression as well as freedom of peaceful assembly and association;
- adopt and effectively enforce robust and comprehensive anti-SLAPP laws;
- promote and resource complementary measures including monitoring and awareness-raising, legal, financial and psychological support for victims, and training for judges, prosecutors and lawyers; and
- enhance engagement with business actors to ensure that they refrain from SLAPPs and exercise human rights due diligence.

OHCHR ROEU welcomes the commitment by the Commission to accompany EU Member States in ensuring full transposition and enforcement of the EU anti-SLAPP Directive and to review and promote the implementation of the EU anti-SLAPP Recommendation, and invites the Commission to integrate in these efforts the priorities outlined above.

Recommendation 4: Promote the development of comprehensive national frameworks for the safety of journalists

OHCHR's briefer on *National Frameworks for the Safety of Journalists: a global perspective*,¹¹ also developed on the basis of a study commissioned by OHCHR,¹² discusses good practices for the creation of national frameworks for the safety of journalists. It recalls that, to be effective, such frameworks should encompass prevention, protection, and prosecution, in line with the UN Plan. It also identifies the key approaches which should guide their development, backed by strong and unequivocal political support: country-specific, human rights-based, participatory, gender-based, strategic, grounded, and sustainable.

¹¹ OHCHR, National Frameworks for the Safety of Journalists: a global perspective, <https://www.ohchr.org/en/documents/brochures-and-leaflets/briefer-national-frameworks-safety-journalists>

¹² Geneva Graduate Institute, "National Protection Mechanisms and Frameworks for the Safety of Journalists" (2023), <https://www.graduateinstitute.ch/interdisciplinary-master-programme/mint-research-practice/national-protection-mechanisms-and>

Human rights-based frameworks should promote and protect the rights of journalists, their relatives and their sources, and should be tailored to country-specific threats while ensuring coordination among multiple actors, including law enforcement officials, State departments, lawmakers, journalists' associations, media employers, civil society organisations and international organisations. In practice, this includes preventive measures such as awareness-raising, capacity-building for journalists and public authorities, information-sharing through multi-stakeholder forums, and monitoring and public reporting. Effective protection should include legislative safeguards consistent with article 19 of the ICCPR, reporting channels, rapid response mechanisms, and medical, psychological and legal support for journalists and their families. Prosecution measures should ensure that criminal justice systems investigate attacks against journalists and provide remedies for victims.

OHCHR has also repeatedly highlighted transnational repression (TNR) as a growing and deeply concerning phenomenon targeting journalists in exile.

TNR, as explained in a recent OHCHR thematic briefer,¹³ refers to acts conducted or directed by a State, or its proxy, to deter, silence or punish dissent, criticism or human rights advocacy towards it, expressed from outside its territory. While relocation is often intended to provide safety, many journalists in exile across the EU face intimidation, legal threats including SLAPPs, threats against family members, online threats including harassment, doxing, smear campaigns, disinformation and unlawful surveillance as well as, in some cases, renditions. This creates a chilling effect that undermines freedom of expression in the region and globally.

Against this background, and observing the fragmentation and inadequacy of existing responses, OHCHR calls for strengthened cooperation, accountability and preventive measures to ensure that journalists can safely exercise their work regardless of where they are located, and for national and international protection mechanisms to adequately address the cross-border nature of these violations.¹⁴

While the EU Recommendation on the protection, safety and empowerment of journalists¹⁵ constitute an important step in the right direction to prompt more ambitious States' initiatives across the region, OHCHR ROEU welcomes the Commission's commitment to scale up responses to threats and attacks and update the Recommendation also with a view

¹³ OHCHR, Civic Space Brief, Transnational Repression, <https://www.ohchr.org/sites/default/files/documents/publications/transnational-repression-1-en.pdf>

¹⁴ OHCHR, Event on the protection of journalists in exile and transnational repression, <https://www.ohchr.org/en/events/events/2026/event-protection-journalists-exile-and-transnational-repression>

¹⁵ European Commission, Recommendation on the protection, safety and empowerment of journalists, <https://digital-strategy.ec.europa.eu/en/library/recommendation-protection-safety-and-empowerment-journalists>

to further promote its full implementation. These efforts offer the opportunity to address persisting protection gaps and challenges, including those outlined above, and to enhance efforts to support and monitor the implementation of existing recommendation by EU and international institutions.

Recommendation 5: Prevent the misuse of counter-terrorism and criminal laws against journalists

OHCHR's briefer *Impact of Counter-Terrorism and Criminal Laws on Media Freedom and Safety of Journalists*¹⁶ examines how counter-terrorism, national security and criminal law frameworks may be framed and applied in ways that restrict media freedom and endanger journalists. It recalls that the right to freedom of expression is a necessary condition for transparency and accountability and a foundation stone for every free and democratic society, and that the media plays a key role in enabling the exercise of that right; thus, while States have a duty to protect individuals from acts of terrorism and safeguard national security, they must do so in full compliance with their obligations under international human rights law.

The briefer exposes OHCHR concerns regarding overly broad and vaguely offences, as well as the use of sedition, defamation, insult and cybercrime laws against journalists. Such laws may criminalise legitimate reporting, criticism of government policies or officials, and online expression, and they may lead to arrest, detention, prosecution, internet shutdowns and other restrictions affecting the legitimate work of journalists with a significant chilling effect on freedom of expression. In response, States should review criminal laws to ensure compliance with international human rights law, taking into account their cumulative impact and amending or repealing them when needed; to respect the principles of legality, necessity, and proportionality, laws pursuing counter-terrorism as a legitimate aim should be precise and narrow. The publication also calls for safeguarding online safety by ensuring that cybercrime and cybersecurity approaches remain specific and focused, refraining from internet shutdowns, ensuring that no journalist is detained for the legitimate exercise of their work, and guaranteeing access to effective remedies and reparation where violations occur.

OHCHR ROEU encourages the Commission to further support, in cooperation with partners, Member States across the EU and beyond in their efforts to ensure an enabling legal environment for journalists, media workers and other actors to exercise freely their right to freedom of expression and opinion.

¹⁶ OHCHR, *Impact of counter-terrorism and criminal laws on media freedom and safety of journalists*, <https://www.ohchr.org/en/documents/brochures-and-leaflets/briefer-impact-counter-terrorism-and-criminal-laws-media-freedom>

Recommendation 6: Safeguard the rights and safety of journalists in the context of protests

OHCHR's briefer *Human Rights in the Context of Protests for Journalists*¹⁷ recalls that journalists play an important role by exercising their right to observe, and by extension monitor, protests and assemblies, whether violent or not, and to record reactions by officials or other actors, as part of the right to seek, receive and impart information under international human rights law. Even where an assembly is declared unlawful or is dispersed, this does not terminate the right of journalists to monitor protests and collect, verify and disseminate information on matters of public interest.

The publication documents the threats faced by journalists in this context, including stigmatisation, intimidation, threats, violence, arbitrary arrest and detention, legal harassment, online attacks, digital surveillance and internet shutdowns, as well as gender-based risks for women journalists. Any restrictions on journalists' work in the context of protests must remain strictly limited to those permitted under article 19(3) of the ICCPR, namely restrictions that are provided by law, pursue a legitimate aim, and meet the requirements of necessity and proportionality.

States have a positive obligation to respect and ensure the right of journalists to observe and monitor all aspects of an assembly; law enforcement officials have a duty to ensure the safety and rights of journalists covering protests, and any use of force must comply with the principles of legality, necessity, proportionality, non-discrimination, precaution and accountability. The publication also calls for the prohibition of spyware and other surveillance measures aimed at intimidating journalists, for an end to internet shutdowns designed to block participation in and monitoring of protests, and for effective investigation, accountability and remedies for violations committed against journalists by both State and non-State actors.

¹⁷ OHCHR, *Human Rights in the Context of Protests for Journalists*, <https://www.ohchr.org/en/documents/brochures-and-leaflets/briefer-human-rights-context-protests-journalists>

Against the background of a global erosion of the right to freedom of assembly, also exacerbated by the use of digital repression tools,¹⁸ more efforts should be made to ensure that journalists are enabled to freely and safely observe and report about assemblies, and are effectively protected against interferences and restrictions of their rights when covering protests and demonstrations, including arbitrary arrest, harassment, or physical harm.¹⁹ OHCHR ROEU welcomes the relevant recommendations included in the EU Recommendation on the protection, safety and empowerment of journalists, and encourages the Commission to step up efforts to ensure that Member States effectively implement them.

ABOUT OHCHR

Building on its broad human rights mandate and leveraging its thematic and country specific expertise, advisory role and capacity-building capabilities, OHCHR works to advance international human rights standards and to ensure the participation, protection and recognition of civil society actors. The promotion and protection of civic space and of Human Rights Defenders (HRDs), including journalists, have been a long-standing priority of OHCHR.

Through its presence in Brussels, OHCHR engages closely on these issues with EU institutions and bodies in close cooperation with the Office's headquarters and field offices, UN partners and regional actors and civil society, to strengthen policy coherence, protection frameworks and accountability at EU level. The [HRDs Protection Community of Practice for Europe](#) is one of the initiatives recently launched by OHCHR ROEU to advance these efforts.

¹⁸ Special Rapporteur on the rights to freedom of peaceful assembly and of association, *Unmasking the chilling effects of the digital surveillance ecosystem: the erosion of assembly and association rights* (A/HRC/62/45), 21 April 2026, <https://docs.un.org/en/A/HRC/62/45> ; see also the related study, *"Pushed into the Shadows": Evidencing Digital Surveillance Chilling Effects and the Erosion of the Rights to Freedom of Assembly and of Association* (STD/SR/ASSEMBLY/DIGITAL), 13 May 2026, <https://www.ohchr.org/en/documents/studies-and-research/pushed-shadows-evidencing-digital-surveillance-chilling-effects-and>

¹⁹ OHCHR, Civic Space Brief, Freedom of Peaceful Assembly, <https://www.ohchr.org/sites/default/files/documents/form/civic-esce-brief-peaceful-assembly-freedom-1-en.pdf>