**UNESCO publication on rise in**

**criminal defamation and SLAPPS**

**Key facts**

New data published in the UNESCO Issue brief on the “misuse” of the judicial system to attack freedom of expression, shows an increase in criminal and civil defamation and Strategic Lawsuits Against Public Participation (SLAPPs).

* **160 countries, or 80% of the countries in the world, still criminalize defamation.**
* in the **last five years**, new laws have been passed to combat mis- and disinformation, cybercrime, or hate speech, but with potentially **dire consequences for media freedom**.
* Several countries have harshened or reintroduced provisions on **libel, defamation, and insult** by stating new laws intending to address cybersecurity, “fake news”, and hate speech.
* At least **57 laws and regulations adopted or amended since 2016 in 44 countries** contain overly vague language or disproportionate punishments, endangering online freedom of expression and media freedom.

A breakdown of the data in the Issue brief shows that

* Defamation is still a criminal offence in 39 of **Africa’s** 47 countries.
* In **Asia and the Pacific**, 38 of 44 states retain criminal defamation, with six having repealed it and one advancing a partial repeal.
* In **Central and Eastern Europe**, there has been an increased use of criminal defamation laws, which are in force in 15 out of the region’s 25 states, with a majority of them including the possibility of custodial sanctions. Ten countries have abolished all general provisions against defamation and insult, and four more have implemented a partial decriminalisation.
* Criminal defamation offences persist in 29 of the 33 **Latin America and Caribbean states** and continues to be weaponized against journalists and bloggers.
* In **Western Europe and North America**, criminal defamation remains in the statutes of 20 out of the 25 states, most retaining custodial sanctions. Between 2003 and 2018, five countries abolished criminal defamation and insult laws, and another partially repealed one.

**SLAPPs and Forum Shopping on the rise**

* **Strategic Lawsuits Against Public Participation (SLAPPs)** by powerful actors who want to silence critical voices and undermine scrutiny have garnered significant attention from advocates and international bodies, particularly in Europe.
* The Issue brief also highlights the rise in abusive practices such as “**forum shopping**” which refers to the practice of selecting the court in which to bring an action based on the prospect of the most favourable outcome, even when there is no or only a tenuous connection between the legal issues and the jurisdiction.

**Criminal defamation laws need to be repealed**

Against this scenario, it is advised that

* States should **repeal criminal defamation laws** and replace them with appropriate civil defamation legislation in line with international standards.
* Civil society organisations and media actors must also engage in **advocacy and awareness-raising campaigns** to **mobilise the public** and ensure that international and regional judgments are fully implemented at national level.
* At the same time, they can have a significant impact on **pushing for the abolition of criminal defamation** and countering backsliding.
* Finally, **strategic litigation and legal support for journalists are also critical** for encouraging them to continue their work and can result in concrete and positive legal and policy change.