

# SCHOLARS AT RISK

## EUROPE

### **Comments by SAR Europe on the Draft Recommendation CM/Rec(20XX)XX of the Committee of Ministers to member states on countering the use of SLAPPs**

Scholars at Risk Europe (“SAR Europe”) is the European office of the global Scholars at Risk network (“SAR”). SAR is an international network of more than 600 higher education institutions in 42 countries dedicated to protecting the human rights of scholars around the world, and to raising awareness, understanding of, and respect for the principles of academic freedom and its constituent freedoms of expression, opinion, thought, association, and travel. SAR Europe is also a member of the Coalition Against SLAPPs in Europe (hereinafter, “[CASE](#)”); an alliance of 113 non-governmental organisations from across 27 countries in Europe, advocating for recognition and protection against the threats posed by strategic lawsuits against public participation (hereinafter, “SLAPPs”) to democracies in Europe. We support the CASE submission made in respect of this [draft recommendation](#) and make this additional submission to emphasise the use of SLAPPs to target academics and researchers, and the continued need for their explicit protection.

#### **SLAPPs suppress academic freedom, and censure and silence researcher and scholars.<sup>1</sup>**

Threats to academic freedom manifest through a wide range of conduct, from violent or coercive attacks on scholars, to administrative actions or legal coercion. Legal coercion can take many forms, including SLAPPs which can be utilised to target academic conduct or expression, to intimidate or harass members of the academic community into silence. If scholars are to be encouraged and indeed expected to speak out in public fora, then they must be afforded real protection from vexatious, abusive and meritless legal suits.

- ⇒ SLAPPs can force scholars to disengage from public discourse and debate. They may retract critical publications or avoid publishing altogether or refrain from speaking in a public forum, where their expertise is warranted, including in court cases and political hearings. Consequentially, false and uninformed narratives may go unchallenged, and others revised to align with ideology regardless of truth, fact or discovery.
- ⇒ SLAPPs may serve to discourage the pursuit of a particular type of research, encouraging self-censorship, both in respect of the targeted party but also others engaged in that field of study. This may result in a more cautious approach to the type of work pursued, or avoidance of a particular topic altogether, ultimately serving to deprive the public of evidence-based research.
- ⇒ SLAPPs tie their targets into time-consuming and resource-exhausting litigation, serving to distract them from their work but also hampering their ability to attract grants to support the continuation of this work. They also hold significant potential to damage hard earned reputations, or destroy them before they have even begun to form.

The express inclusion of academics and researchers in anti-SLAPP measures would serve to publicly highlight the crucial role they play in combatting disinformation and misinformation. It would send a powerful message that the Council of Europe understands and seeks to actively protect those that use their voice to both create and share evidence-based knowledge. It would also demonstrate that the Council fully

recognises the interdependence of academic freedom, human rights, democracy and the rule of law, which would work to reinforce the role of higher education communities in safeguarding those values.

SAR Europe thanks the Council of Europe for holding this [public consultation](#). We are ready to provide additional background information or context as helpful, or to assist in identifying relevant stakeholders to include in any related consultations on this topic.

## About Scholars at Risk Europe

SAR Europe, hosted by Maynooth University, Ireland, is the European office of the global [Scholars at Risk Network](#), dedicated to protecting scholars and promoting academic freedom. SAR Europe supports and coordinates the activities of 13 Scholars at Risk sections and 11 partner networks across Europe. We work to strengthen our collective voice at the European level and contribute to informed policymaking for the greater protection of scholars and increased respect for academic freedom worldwide. SAR Europe coordinates [Inspireurope+](#) an EU-funded, multi-partner initiative to support researchers at risk, as well as [MSCA4Ukraine](#), an EU-funded fellowship scheme for displaced researchers from Ukraine. SAR Europe also works to expand, coordinate, and support advocacy in Europe to promote academic freedom, including convening the [European Coordinating Committee for Academic Freedom Advocacy](#). SAR Europe has Observer Status with the Council of Europe Steering Committee for Education (CDEDU) in 2021. SAR Europe is a member of the Coalition Against SLAPPs in Europe ([CASE](#)). Please contact Denise Roche, Advocacy Manager, at [denise.roche@mu.ie](mailto:denise.roche@mu.ie) with any questions.

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<sup>i</sup> While the number of SLAPP cases on public record in connection with scholars is not extensive, we believe they are on the rise. A 2023 report by the European Parliamentary Research Service, on the ‘State of play of academic freedom in the EU Member States,’ ([PE 740.231 – March 2023](#)), recognised (at pg. 72) the threat of SLAPPs by private sector companies against critical academics, particularly in France. The threats posed prompted the French Ministry of Higher Education to establish a commission to assess the situation and formulate [recommendations](#) for reducing these threats. The authors of the 2023 report concluded that implementing these recommendations ‘is not only of relevance for strengthening the protection of academic freedom in France, but in the whole of the EU’ (para. 3.12.4).