



[BCSDN press release]

## **3 Western Balkan Countries Among Europe's Top SLAPPs Hotspots: What's happening and what can we do?**

**Strategic Lawsuits against Public Participation (SLAPPs) have surged in the Western Balkans, with Bosnia and Herzegovina, Serbia, and North Macedonia among the top ten European countries with such cases. This has contributed to the broader trend of eroding basic freedoms and shrinking civic space in the region. In its [first regional research on SLAPPs](#) in the Western Balkans, the Balkan Civil Society Development Network (BCSDN) details how these lawsuits threaten democracy and offers recommendations for addressing the issue.**

### **Silencing Voices, Stifling Democracy**

The most compelling way to describe SLAPPs is as high-stakes litigation drama, where powerful plaintiffs - private entities, state institutions, or influential individuals - clash with activists, journalists, civil society representatives, and ordinary citizens that have criticized them. These lawsuits are used like weapons to censor, intimidate, and silence critics through prolonged and costly legal battles. The goal? To stifle public participation, suppress citizens' awareness of vital social, environmental, and political issues, and deter actions that threaten the plaintiffs' interests. In this ongoing drama, democracy and free speech are the real victims, weakened by the misuse of legal proceedings. Like a recurring play, the script remains the same, but the cast may change.

This trend, seen globally, represents a broader attack on civic space, using defamation laws and other measures to suppress free speech, target individuals, and undermine democratic participation. SLAPPs not only harm their direct targets but also their families and communities, and even the wider society by obstructing the right to information. In the Western Balkans, SLAPPs emerge in a wider variety than the typical defamation lawsuits, targeting activists for protests or public performances.

### **SLAPPs on the Rise across the Western Balkans**

According to the [2023 CASE Coalition report](#), Bosnia and Herzegovina, Serbia, and North Macedonia are among the top ten countries in Europe for SLAPP cases. In BiH, SLAPPs emerged as a significant threat to freedom of expression in





2022 and 2023, with 53 cases reported in 2023 alone. Most worryingly, with defamation now being re-criminalized in Republika Srpska, SLAPPs as criminal defamation cases will be treated with the same severity as murder cases. North Macedonia saw a doubling of insult and defamation civil lawsuits in 2022 compared to 2021. In Serbia, a notable instance involved a construction company filing 34 lawsuits within just two months in 2021, 27 of which targeted media and journalists. Overall, Serbia recorded around 250 SLAPP cases that year. The amounts demanded in these lawsuits covered in the report vary from a symbolic 2 EUR in the case of BRAKO against IRL Macedonia to 300,000 EUR in Montenegro's Telekom scandal.

Despite the high number and cases recorded, many SLAPP incidents go unreported due to inaccessible information and fear of retaliation, or even lack of awareness about what SLAPPs are. Without anti-SLAPP laws or specific court criteria that would allow for identification and early dismissal of unfounded SLAPP cases, powerful figures in the Western Balkans will continue to misuse defamation and other laws to silence critics through legal intimidation.

### **SLAPP Tactics: Strategies and Responses**

Plaintiffs across the region, often powerful entities like large companies, influential businessmen, politicians, and public institutions, typically go against environmental activists, watchdogs, journalists, and media organizations, with both sides employing **a range of tactics**. The SLAPP lawsuits commonly relate to accusations of corruption, environmental harm, and misuse of public funds.

In Serbia, the Crime and Corruption Reporting Network (KRIK) has been repeatedly targeted for its investigative journalism, facing severe intimidation and disinformation campaigns. Through the received legal assistance, public support, and funds raised by selling custom T-shirts, KRIK has been able to respond to the attacks. In Bosnia and Herzegovina, Adriatic Metals sued activist Hajrija Čobo for defamation and reputation damage over her environmental activism. Fellow activists and CSOs provided her with much-needed support, until the case was dismissed. Similarly, in Kosovo, Kelkos Energy sued activist Shpresa Loshaj for 100,000 EUR due to her criticism of the company's environmental impact. Loshaj mobilized public support, gained media attention, and received backing from the international community, leading to the lawsuit being dropped.

Additional tactics may include procedural delays, temporarily suspending court proceedings, or plaintiffs choosing a legal jurisdiction that maximizes inconvenience and expense for the defendant. On the defendants' side, other tactics may include filing counterclaims, engaging in national coalitions, and mobilizing regional and European networks.





## Advancing the Fight against SLAPPs

A positive development in addressing SLAPPs on the EU-level are the recent Anti-SLAPP Directive and the Council of Europe Anti-SLAPP Recommendations. In the region, a promising legal step is the adoption of the [Draft Law on Citizens' Initiative and Protection of Citizens and Activists](#) in the Federation of BiH, which aims to protect individuals from SLAPP lawsuits with provisions for early dismissal and shifting the burden of proof to the plaintiff. In practice, Montenegro is a good example where educating judges on the practices of the European Court and significantly lowering the amounts of damages awarded in such cases has led to a decrease in the number of SLAPP lawsuits. Beyond these examples, across the region, there is no indication of any legal or practical solution to SLAPPs being introduced in the near future.

## Actions Needed for a Future Free from SLAPPs

Effective collaboration among CSOs, governments, lawyers, judiciaries, and EU institutions is crucial to combat SLAPPs. Establishing clear definitions and criteria for recognizing and processing SLAPPs, along with streamlined legal frameworks, would significantly reduce these lawsuits. Specialized training for judges, educational activities for relevant stakeholders, and rigorous monitoring would empower all involved to effectively address SLAPPs. Regional and international cooperation, along with support mechanisms like legal aid and financial assistance, would provide essential relief for those targeted.

If we all fail to act and let this trend continue, free speech will increasingly be suppressed and our democratic societies weakened. In the most positive scenario, though, with our collective efforts, we will create an environment where attempts to silence dissent are effectively countered, ensuring robust protection for free expression and democratic engagement. As emphasized during [BCSDN's SLAPPs Multistakeholder Workshop](#) in Tirana this May:

*“Together, we can build a future where SLAPPs are no longer a tool for silencing voices but a reminder of our collective strength and determination.”*

*BCSDN recognizes SLAPPs as crucial topic related to one of the key [standards for ensuring an enabling environment for civil society](#) in WBT – the legal guarantees and respect of the fundamental freedoms of association, assembly and expression. [Join us](#) in the fight against SLAPPs!*

