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NATIONAL CONVENTION ON EUROPEAN INTEGRATION

WG for Chapter 23: Freedom of Media and anti-SLAPP Challenges: a more protective justice system for the media

5 June 2026

RECOMMENDATIONS

Legal Framework and Alignment with European Standards

- A clear legal definition of SLAPPs should be introduced, distinguishing abusive proceedings aimed at silencing public participation from legitimate legal actions intended to protect reputation, privacy, or other rights.
- The legal framework should provide effective procedural safeguards against abusive litigation, including the possibility of early dismissal of manifestly unfounded claims, measures to prevent procedural abuse, and mechanisms to discourage the misuse of judicial proceedings.
- Consideration should be given to introducing proportional sanctions and remedies against those who initiate abusive proceedings, including compensation for damages suffered by SLAPP targets and reimbursement of legal costs.
- It is recommended that when journalists or activists are sued, liability should primarily be directed to the media outlet or organisation they represent, rather than the individual personally, in order to reduce personal intimidation and pressure.
- In assessing whether a case qualifies as a SLAPP, courts should consider whether the claimant has attempted alternative dispute resolution mechanisms before initiating court proceedings. A refusal to use non-judicial remedies may indicate that the primary intention is not dispute resolution but intimidation or reputational harm.
- It is recommended to consider that SLAPP cases should be covered both in domestic and cross-border contexts.

**This consultation session for Chapter 23 takes place within the framework of the project "Building Partnership on Fundamentals: Empowering CSOs for the EU accession process", with the financial support of the European Union - IPA Civil Society Facility 2021, which is implemented by the European Movement in Albania and in cooperation with the Academy of European Integration and Negotiations (AIEN), Slovak Foreign Policy Association (SFPA) and the Center for Transparency and Freedom of Information (CTFI).*



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- Exchange of experiences and best practices with EU Member States and regional partners should be strengthened, both in terms of legislation and judicial practice. Judicial training and awareness-raising activities should also be included. Kosovo, for example, offers relevant experience in transposing anti-SLAPP frameworks and could serve as a useful reference for regional cooperation.

Strengthening Judicial Capacity and Institutional Response

- Continuous training should be provided for judges, prosecutors, lawyers, and other justice sector professionals on identifying and addressing SLAPP cases, drawing on the case law of the European Court of Human Rights and relevant European standards.
- Training programmes should address the balance between freedom of expression, media freedom, protection of reputation, privacy rights, and access to justice, ensuring a consistent and rights-based approach.
- The School of Magistrates should continue integrating topics related to media freedom, protection of journalistic sources, strategic litigation, hate speech, online expression, and SLAPPs into its curricula.
- Institutional capacities should be strengthened to ensure effective collection of data and monitoring of potential SLAPP cases, enabling evidence-based policymaking and trend analysis.
- Courts should give due consideration to the public interest dimension of a case. Where the subject matter concerns issues of high public relevance, there should be a stronger presumption that the case may constitute a SLAPP, and therefore enhanced safeguards for the defendant should apply.
- A clear distinction should be made between intentional defamation or fabrication of information and cases where journalists, civil society actors, or activists have made unintentional errors or relied on inaccurate sources. This distinction should be taken into account to avoid disproportionate liability.

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- The lack of a specific legal framework and limited jurisprudence in Albania on SLAPPs creates uncertainty for judges, making them more hesitant to qualify cases as SLAPPs in the absence of established legal guidance.
- Judges may also face indirect pressure when dealing with SLAPP-related cases, which may limit transparency and public communication even after cases are concluded.

Protection of Journalists, Civil Society and Public Participation

- Journalists, media organisations, civil society organisations, human rights defenders, researchers, activists, and other actors engaged in matters of public interest should benefit from enhanced protection against abusive legal actions intended to intimidate or silence them.
- Support mechanisms should be explored for individuals and organisations targeted by SLAPPs, including access to legal aid, information, psychological support, and professional guidance where necessary.
- Particular attention should be given to cases where legal proceedings are accompanied by public discrediting campaigns, reputational attacks, or other forms of pressure that may undermine freedom of expression and public participation.

Awareness, Dialogue and Stakeholder Involvement

- Public awareness should be strengthened regarding the nature and risks of SLAPPs, including their impact on freedom of expression, media freedom, democratic participation, and the right to access information.
- Cooperation between justice institutions, media organisations, and civil society should be strengthened. In Albania, there is still a lack of a fully functional and trust-based relationship between the judiciary and the media, with mutual perceptions often shaped by distrust. This relationship should be gradually normalised through:

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- Joint dialogue and cooperation meetings
 - Joint training sessions and courses
 - Development of practical guidelines for both judges and journalists to clarify rights, responsibilities, and boundaries in this relationship
- Civil society organisations and media representatives should be actively involved in future consultations and legislative discussions on anti-SLAPP measures, ensuring that reforms respond to real challenges faced by those most exposed to abusive litigation.
- Continued dialogue on SLAPPs should be maintained within the framework of Chapter 23, recognising that the protection of public participation and freedom of expression is a core element of the rule of law and democratic governance.