

Petition submission of 16 November 2022

PE1975/B: Reform the law relating to Strategic Lawsuits Against Public Participation (SLAPPs)

The SPICe briefing is an excellent summary of matters but with two important omissions. These omissions are also evident in the Scottish Government response. In addition, the Scottish Government response lacks clarity in one key area. My responses are as follows:

1. **There is a lack of recognition of the scale of the problem.** For example, a report from the Foreign Policy Centre (FPC) published in November 2020, which surveyed 63 investigative journalists in 41 countries working to uncover financial crime and corruption, found the UK to be by far the most frequent international country of origin for legal threats; indeed significantly more than EU members combined and about three times the scale of SLAPPs in the USA. Scotland is part of such vulnerability.
2. **Neither the briefing nor the Scottish Government response deals with the important observation in my petition that “*Scotland should act too. If we do not, it is likely we will become the chosen destination for defamation and privacy SLAPPs*”.** With the prospect of tightening of laws throughout the EU and also in England and Wales, Scotland will become increasingly vulnerable to so-called ‘defamation tourism’. At present defamation tourism is not restricted to the UK. For example, there is currently a case where the author Oliver Bulloughⁱ has been pursued by a Scottish law firm on behalf of their client, a senior political figure in Angola, but where the case is being pursued in the courts in Portugal, despite the fact the author has never been to Portugal. With the coming tightening of EU law, Scotland becomes even more vulnerable to such action.
3. **The Scottish Government response claims to keep such matters “under constant review” but fails to specify**

how. For example, I can find no record of there having been any recent consultation on the specific issue of SLAPPs. Furthermore, in my own researches amongst journalists, including journalists subject to SLAPPs, I am not aware of any recent research amongst the affected communities of professionals by the Scottish Government, nor does their response indicate they have any plans to conduct such research. As it stands therefore the claim of keeping this matter “under constant review” is lacking in any supporting evidence.

ⁱ Cited with permission from Oliver Bullough.