

Safeguarding Public Participation: Tackling Business-related SLAPPs through Judicial Action

3-4 June 2025 | Kuala Lumpur, Malaysia

CONCEPT NOTE

Background and Rationale

Asia's rapid economic growth, driven by export-led industrialisation, wide-scale market reforms, and pro-investment policies, has significantly transformed its development landscape.¹ However, unchecked economic growth has widened wealth inequalities and contributed to the erosion of regulatory standards. Some businesses have leveraged their financial, legal, and political influence to evade scrutiny, stifle dissent, and limit civic participation, often at the detriment of public interest and human rights.²

Strategic Lawsuits Against Public Participation (SLAPPs) have emerged as a key tactic, as an insidious weapon in this environment. SLAPPs misuse legal systems by disguising lawsuits as private disputes – often framed as defamation, privacy breaches, or other civil or criminal actions – not to succeed on legal merit, but to judicially harass, intimidate, place undue financial burdens, and silence those speaking out against corporate misconduct. In Asia, individuals, communities, environmental and human rights defenders, and NGOs advocating for indigenous rights, labor rights, and environmental protection have faced defamation suits brought by corporations seeking to suppress legitimate criticism.³ This misuse provokes self-censorship, deters rights advocates and whistleblowing journalists, and weakens democratic accountability.⁴

At the nexus of corporate accountability and vexatious litigation, SLAPPs create a breeding ground for impunity, shielding businesses from scrutiny while undermining the rights to freedom of expression, access to information, and lawful participation in public affairs.

In the business and human rights (BHR) context, this poses a direct challenge to implementing the United Nations Guiding Principles on Business and Human Rights (UNGPs). The UNGPs affirm that businesses have a responsibility to respect human rights, including safeguarding civic space, and that States have a duty to protect individuals against human rights abuses by third parties, including businesses. SLAPPs, therefore, not only constitute judicial harassment but also represent a serious breach of the 'Protect, Respect, and Remedy Framework' under the UNGPs. Similarly, the United Nations Convention against Corruption (UNCAC), particularly Articles 13 and 33, obliges States to promote active public participation, ensure access to information, and protect individuals who expose misconduct.

¹ See: <https://www.wider.unu.edu/publication/learning-half-century-economic-development-asia>

² See, <https://www.ohchr.org/en/press-releases/2024/10/justice-not-sale-says-special-rapporteur>

³ See, [Environmental rule of law and human rights in Asia Pacific: Strategic litigation against public Participation\(SLAPPs\)](#), UNEP See also <https://www.business-humanrights.org/en/latest-news/slapps-are-on-the-rise-in-asia-as-governments-use-the-pandemic-to-silence-free-speech-says-article/>

⁴ See, [Environmental rule of law and human rights in Asia Pacific: Strategic litigation against public Participation\(SLAPPs\)](#), UNEP See also <https://www.business-humanrights.org/en/latest-news/slapps-are-on-the-rise-in-asia-as-governments-use-the-pandemic-to-silence-free-speech-says-article/>

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Current Developments and Gaps

Recognizing the urgent need to strike a balance between protecting public participation and upholding legitimate defamation protections, some jurisdictions have introduced anti-SLAPP measures. Legislative responses exist in Canada⁵, several US states, and through the EU's 2022 Anti-SLAPP Directive⁶.

In Asia, progress has been made:

- Indonesia and the Philippines have adopted anti-SLAPP laws, particularly regarding environmental rights.
- Thailand amended its Criminal Procedure Code in 2019 to introduce anti-SLAPP provisions and prioritized this in its National Action Plan on Business and Human Rights.

However, broader and stronger protections are needed to match the scale of impunity and the growing use of these suits to silence public calls for corporate accountability and human rights protection. Raising awareness among judicial actors, enhancing early identification of SLAPPs, and equipping the legal community to uphold civic space are critical next steps in the region.

About the Workshop | Strengthening the Judiciary: How Lawyers and Judges Can Resist SLAPPs

Lawyers and judges have pivotal roles in safeguarding public participation and protecting civic space against SLAPPs. For lawyers, early recognition of SLAPPs allows for more effective litigation strategies, ensuring that legal arguments highlight the abusive intent behind such lawsuits. By doing so, lawyers can prevent their representation from becoming a vehicle for judicial intimidation through heavy-handed tactics. Judges have the authority and responsibility to identify and dismiss meritless claims that exploit the judicial system. Strengthening judicial capacity to recognize and respond to SLAPPs early ensures that courts are not weaponized to chill legitimate advocacy, journalism, and public engagement on corporate conduct.

Within the business and human rights framework, empowering legal professionals to recognize and counter SLAPPs is essential for protecting civic space, ensuring access to remedy, and upholding the duties and responsibilities outlined in the UN Guiding Principles on Business and Human Rights.

In this context, the workshop is organized to strengthen the capacity of lawyers and judges to recognize, resist, and respond to business-related SLAPPs, thereby safeguarding civic space and upholding the business and human rights agenda. The workshop is organized by UNDP in partnership with Leigh Day and the Legal Affairs Division (BHEUU), Government of Malaysia with support from the Government of Sweden, US Bureau of International Narcotics and Law Enforcement Affairs, and Anti-Corruption & Rule of Law in South Asia (ACROL).

⁵ See, [Protection of Public Participation Act](#)

⁶ [European Union's Directive 2024/1069](#)

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Objectives

The workshop will specifically aim to:

- Equip participants with practical tools and strategies to identify and address SLAPPs at an early stage;
- Promote mutual learning and co-creation of legal approaches that reinforce protections for public participation and rights defenders;
- Foster a deeper understanding of the intersection between SLAPPs, corporate accountability, and the implementation of the UN Guiding Principles on Business and Human Rights.

This practical workshop will explore the rise of corporate-related SLAPPs in Asia and the role judicial actors can play in countering this trend. It will draw lessons from across the region and seek co-creation of strategies to empower the judicial community to address this pervasive issue more effectively.

Key Questions

The workshop will explore the following critical questions:

- What are the emerging trends across Asia regarding SLAPPs and their impact on the Business and Human Rights agenda?
- How can the judiciary and legal system actors be better equipped to identify, manage, and dismiss business-related SLAPPs at an early stage?
- What effective legal, procedural, and institutional mechanisms can support individuals and organizations targeted by SLAPPs?
- What are the respective roles and responsibilities of States and businesses in addressing the rise of business-related SLAPPs, in line with the UN Guiding Principles on Business and Human Rights?
- How are cross-border SLAPPs by multinational corporations emerging as a trend, and what strategies can be developed to address these challenges?

Format

The two-day workshop will adopt a highly interactive and practice-oriented format, combining expert-led sessions with participant-driven exercises and structured dialogue. Key components include:

- **Plenary discussions** examining regional trends, legislative reforms, and judicial innovations to counter business-related SLAPPs, drawing on experiences from Asia and other regions;
- **Expert presentations** unpacking the nature, evolution, and distinguishing features of SLAPPs in the Business and Human Rights context.
- **Case study sessions** analyzing litigation strategies employed by corporate plaintiffs and rights defenders across select jurisdictions.
- **Small-group breakout exercises** designed to identify early warning signs of SLAPPs and co-develop legal and procedural strategies for prevention and early dismissal.

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Additional features will include:

- **Safe space discussions** for judges and legal practitioners to explore the intersections between SLAPPs, corporate accountability, and civic space;
- **Moot court-style simulations** enabling lawyers to refine their ability to articulate SLAPP-related arguments before the judiciary;
- **Reflective dialogues** unpacking legal, ethical, and procedural insights drawn from the exercises and participant experiences.

Participants will be encouraged throughout to share experiences, challenges, and best practices, fostering collective reflection on how legal systems can better safeguard civic space, promote corporate accountability, and uphold the rule of law in the face of judicial harassment.

Who Can Apply

This in-person roundtable in Kuala Lumpur is designed for legal practitioners from South and Southeast Asia who are actively engaged in addressing SLAPPs in the context of corporate-related human rights and environmental harms.

Applicants must meet the following eligibility criteria:

- Be a practicing lawyer with at least 7 years of post-qualification experience in Asia;
- Demonstrated experience in handling or advising on cases involving SLAPPs, particularly those intersecting with business operations and human rights issues;
- Working proficiency in English to effectively engage in discussions and exercises.

Applicants with experience advancing corporate accountability, protecting civic space, or litigating business-related human rights cases may be preferred.

Link to Apply: <https://forms.gle/8UjxEtanTYKkr86n6>

Expected Outcomes

By the end of the workshop, participants will:

- **Gain a deeper understanding** of the impact of business-related SLAPPs on access to remedy, civic space, and broader human rights protections in Asia;
- **Be equipped with strategies, tools, and legal arguments** to identify, challenge, and prevent the misuse of judicial systems by corporate actors;
- **Co-develop practical recommendations** to strengthen judicial responses to SLAPPs, including early dismissal of meritless claims and protection mechanisms for affected individuals and communities;
- **Enhance their capacity to advance the Business and Human Rights agenda**, particularly by reinforcing access to remedy and safeguarding public participation in line with the UN Guiding Principles on Business and Human Rights.

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Agenda

DAY 1 3 June 2025 Lawyers' Strategy Lab	
09:00 – 09:30	Registration
09:30 – 10:00	Welcome, Introductions and Workshop Objectives <ul style="list-style-type: none"> - Introductions - Objectives
10:00 – 10:45	Intro to UNGPs – Situating SLAPPs under BHR <ul style="list-style-type: none"> - Introduction to UNGPs - Situating SLAPP in BHR context
10:45-11:00	Tea/Coffee
11:00 – 12:30	SLAPP 101 – What, When, Where, How, Who <ul style="list-style-type: none"> - Definitions and typologies of SLAPPs - Regional trends - Actors and tactics - Support that exists at regional/international level
12:30 - 13:30	Lunch
13:30-14:45	Identifying SLAPPs <ul style="list-style-type: none"> - Legal and procedural red flags - Strategic v/s legitimate litigation - Tools and indicators (motive, patterns, demands)
14:45 – 15:00	Tea/Coffee
15:00 - 16:30	How to Investigate and Respond <ul style="list-style-type: none"> - Legal avenues (constitutional frameworks, precedents, tool) - Documentation and evidence gathering - Contacting support mechanisms (bar associations, law firms, networks) - Funding - Strategic Pressure Points: Instituting temporary stay orders, Ex-Parte Judgments
16:30 - 17:30	Strategic Case Development <ul style="list-style-type: none"> - What's your pitch? Preparing arguments, opening statements, and legal narratives - Preparation for mock exercise
19:00 – 20:30	Dinner and networking among legal professionals

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DAY 2 | 4 June 2025
Judicial Perspectives on SLAPPs

9:30 – 10:00	Recap and Setting the Stage
10:00 – 11:30	Moot Court Simulation and Reflective Dialogue <ul style="list-style-type: none"> - Demonstration of how SLAPPs unfold procedurally and substantively before a court - Reflection involves discussion on legal standards, evidentiary burdens, and options of early dismissal of lawsuits.
11:30 – 11:45	Break
11:45 – 13:00	Judiciary's Role in Addressing SLAPP <ul style="list-style-type: none"> - International standards and comparative jurisprudence - Panel with Judges: "Do you see these cases in your courts"
13:00 – 14:00	Lunch
14:00 – 15:15	Building Judicial Safeguards Against SLAPPs <ul style="list-style-type: none"> - Co-develop recommendations to strengthen judicial responses to SLAPPs - How can courts and bar councils work together?
15:15 - 15:30	Break
15:30-16:30	Final Reflections, Next Steps and Closing

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