NATURAL JUSTICE

ENVIRONMENTAL LAWYERS COLLECTIVE FOR AFRICA



SLAPP *suits* in African Jurisdictions

A toolkit for Activists, Lawyers and Campaigners in

Kenya




STAY
ALIVE

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FOREWORD



Strategic Lawsuits Against Public Participation (SLAPP suits) and other forms of judicial harassment designed to limit popular participation in democratic processes are on the rise, both globally and on the African continent. This toolkit assesses the strength of relevant legislative provisions related to SLAPP suits and judicial harassment in Kenya, focussing on specific SLAPP cases that have informed Kenya's jurisprudence in this novel area.

The toolkit provides key recommendations on how to confront SLAPP suits and provides information on organisations that specialise in representing victims of SLAPP suits, as well as key information on workshops, webinars, training manuals and other similar resources where SLAPP suits are considered.

The findings call for the development and adoption of specific anti-SLAPP legislation in Kenya as well as the development of a uniform and binding anti-SLAPP directive/resolution from the African Union (AU).

ACKNOWLEDGEMENTS

The toolkit was developed as a response to the increase in the use of **SLAPPs against lawyers, activists, journalists, and academics in Africa**. The toolkit and related work on SLAPP suits constitute a partnership between **SurgeAfrica** and **Natural Justice** and is intended to **empower campaigners** with the knowledge and tools they need to defend their rights and confidently participate in matters of public interest. As such, the toolkit aims to **strengthen the broader movement for environmental justice across Africa**. We wish to thank the following organisations who were integral to the drafting of this document:

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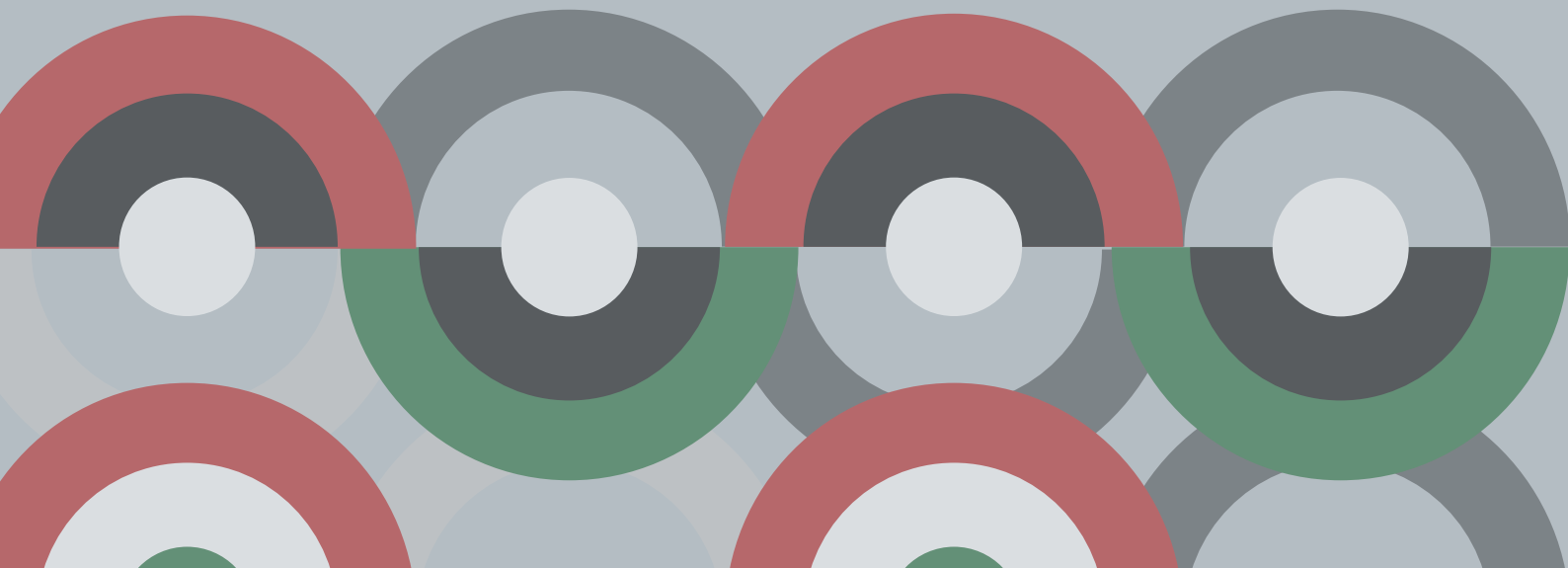
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DISCLAIMER

The toolkit (including any of its attachments) has been drafted for the sole use and benefit of promoting access to information on SLAPP suits and is intended for educational purposes only. The use of any information outlined in the toolkit is upon the reader's own risk. The reader assumes full responsibility and risk of any loss resulting from the use of the content contained therein.

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INTRODUCTION TO SLAPP SUITS
AND OTHER FORMS OF JUDICIAL HARASSMENT



1.1 Democracy's role in environmental governance

Democracy has been defined as 'a system which works towards the full inclusion and participation of citizens in critical decisions and policies of the state.'[1] Democracy should allow for both supportive and critical voices to be heard and should safeguard the rights of those who speak out against injustices, including environmental ones.

However, while laws and adjudicative processes are established to realise democracy and ensure justice, fairness and equality amongst all persons, there are instances where laws and judicial processes are used to subvert those very same principles which they are meant to realise and protect. This can be through unjust laws, haphazard enforcement of legal rules, or policies that favour the powerful. The harsh reality is that there are many instances where laws, lawmakers, and the judiciary, are 'weaponised' (often referred to as 'lawfare') to entrench the interests of political elites and large commercial entities at the cost of popular participation in democratic processes.

1.2 The Rise of the SLAPP suit

One way in which the law is being increasingly 'weaponised' in Africa is via Strategic Lawsuits Against Public Participation (SLAPP suits). SLAPP suits are expensive legal confrontations (usually in the form of defamation cases or interdicts) instigated by powerful parties, such as state actors or companies, against lawyers, campaigners, journalists, and academics who, either during their vocation or activism, threaten to expose potential injustices caused by powerful parties. They are pursued with the aim of intimidating and silencing critiques and represent an abuse of the intention of legal processes. In recent years, they have become one of the most significant risks facing activists and lawyers engaged in climate and human rights work in Africa.[2]

An authoritative legal definition of a SLAPP suit came from the Supreme Court of Canada in 2020 which described them as:

> ***"Lawsuits initiated against individuals or organisations that speak out or take a position on an issue of public interest … not as a direct tool to vindicate a bona fide claim, but as an indirect tool to limit the expression of others … and deter that party, or other potential interested parties, from participating in public affairs."[3]***

[1] Makaye, P. & Dube, B., 2014, 'Zimbabwe: the challenge of Democracy from below, 1980 to 2013', International Journal of Political Science and Development, 2(10), p. 229.

[2] Puentes Riano, A., Chowdhury, J., Masiye-Moyo, N. & Sansico, L., 2023, 'Evaluating impacts of strategic corporate accountability and human rights litigation', Consultoria en Justicia Climatica & Natural Justice, June, https://media.business-humanrights.org/media/documents/Evaluating_Impacts_of_Strategic_Corporate_Accountability_and_Human_Rights_Litigation.pdf Accessed 16 May 2026.

[3] Supreme Court of Canada, 2020, 1704604 Ontario Ltd v Pointes Protection Association 2020 SCC 22 449 DLR (4th) 1 (Pointes) para 2. https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18458/index.do. Accessed 4 June 2026.

In general, SLAPP suits tend to have several common characteristics:

1. The lawsuit is filed against individuals or organisations speaking on matters of public interest and importance.
2. The lawsuit is filed disguised as a legitimate claim – often exaggerated or baseless - but with the intention to intimidate individuals and/or organisations.
3. The lawsuit is lengthy, drawn out and expensive and has the result of laying emotional, financial and labour burdens on the defendant.
4. The lawsuit is filed by parties that have significant financial and/or political power (e.g. a large corporation or the state) against opponents who have little to none (a community activist).
5. Litigants in SLAPP suits do not necessarily expect to win the case. The aim is rather to intimidate, discourage or exhaust critical speech or the actions of activists to ultimately shut down any form of opposition.
6. SLAPP suits do not only exist as civil lawsuits and can also be used as criminal claims.[4]

The mere possibility of a SLAPP suit can have a 'chilling effect' on the ongoing activities of individuals and organisations. When faced with potentially significant legal fees opposing a SLAPP, let alone the emotional, reputational and labour burdens of doing so, individuals and organisations can engage in self-censorship. This may include withdrawing or failing to implement legal cases, taking an overly cautious approach to campaigning, or deciding not to campaign at all. This has the effect of supressing vital public discourse, which is precisely the aim of SLAPP suits and those entities which pursue them.[5]

An Example of a Typical SLAPP Suit



In 2021, a large South African property developer claimed damages of R197 million from a small nature organisation and its chairperson for alleged costs associated with building delays caused by their legitimate opposition to its development. The nature organisation and its chairperson had legally appealed a decision to allow the development to take place near important wetlands outside Johannesburg. While the developer typically did not pursue the case, its legal actions were clearly designed to intimidate and silence anyone opposed to the development.[6]

Given the 'chilling effect' that SLAPP suits can have on public participation in decision-making, jurisprudence to counter them is developing in various parts of the world. However, such jurisprudence needs to be cognizant of the fact that most rights can be limited by law. Few constitutions provide for rights that cannot be suspended, limited or restricted, including the rights to freedom of expression and/or assembly/association.

This means that during SLAPP suits, the party bringing them may claim that rights such as expression, assembly and association can be limited, particularly when balanced with other rights - such as a party's reputation and rights over property.

[4] For an example of a journalist facing criminal charges via a SLAPP suit see, Hawker, D., 2023, 'Slapp suit: Media freedom vindicated in Zuma private prosecution verdict', Daily Maverick. 7 June. https://www.dailymaverick.co.za/article/2023-06-07-slapp-suit-media-freedom-vindicated-in-zuma-private-prosecution-verdict/. Accessed 19 May 2026.

[5] Preston, J., 2014, 'Participation from the deep freeze: "Chilling" by SLAPP suits', Environmental and Planning Law Journal, 31(1).

[6] Yeld, J., 2025, 'Massive SLAPP suit against environmentalists withdrawn - Gauteng property developers were suing environmentalists for alleged costs from delays to their projects caused by objections', GroundUp, 24 Jan., https://groundup.org.za/article/massive-slapp-suit-against-environmentalists-withdrawn/. Accessed 19 May 2026.

The principles of legality, legitimacy and proportionality are, therefore, permissible limitations that are often abused by SLAPP suits under the guise of upholding the law or maintaining order. Thus, SLAPP lawsuits, to the extent that they criminalise expression or public participation in protests, are disproportionate and represent a perversion of the limitations of these freedoms undermining laws and public policies that rely on public participation.

Much depends on a country's specific legal environment. Some legal environments can be fertile ground for SLAPP suits, depending on how high legal costs are, the elasticity of laws targeting free speech (especially defamation), and rights over protest and association.[7]

1.3 Judicial Harassment Beyond SLAPP Suits

SLAPP suits are far from the only mechanism used to curtail or silence the public's right to freedom of expression, assembly and protest. In many African countries state sanctioned police surveillance and violence, and arbitrary arrest and detention are used to close civic spaces and curtail public discourse. In most instances the use of such instruments are further examples of the law being 'weaponised' ('lawfare') against public protest. Lastly, activists – especially environmental defenders - have even been silenced by being murdered for their public advocacy.

Some legal scholars have argued, therefore, that the term SLAPP suit should be expanded 'to embrace within its ambit any legal proceedings which are brought to enervate critics, in order to accommodate the versatility of the threat faced by critics in different jurisdictions.'[8] This wider definition of SLAPP suits to include other forms of judicial harassment is adopted in this report.

In short, SLAPP suits and other forms of judicial harassment have three essential aims:

To Change the Focus of Dispute	SLAPP suits and other forms of judicial harassment deliberately shift focus away from the issue of wider public interest to a much narrower form of dispute.
To Change the Forum of Debate	SLAPP suits and judicial harassment oftentimes take debate outside of the public realm and into more elitist and inaccessible spaces, such as courtrooms.
To Change the Role of the Rights Defender	SLAPP suits and judicial harassment recast the role of rights defenders from being active participants in civil society to being defendants under threat.[9]

The following section explores key SLAPP cases that have informed Kenya's jurisprudence in this novel area.

[7] Bord-Barthet, J. Lobina, B. & Zabrocka, M. 2021. The Use of SLAPPs to Silence Journalists, NGOs and Civil Society. Policy Department for Citizens' Rights and Constitutional Affairs Directorate-General for Internal Policies. European Union.

[8] Emmamally, Z., 2022, 'Slapping Down SLAPP Suits in South Africa: The Need for Legislative Protection and Civil Society Action', South African Law Journal, 139(1), p. 3. The Coalition Against SLAPPS in Europe defines them as 'abusive lawsuits filed to shut down acts of public participation, including public interest journalism, peaceful protest or boycotts, advocacy, whistleblowing, academic comments, or simply speaking out against the abuse of power. SLAPPs target anyone who works to hold the powerful to account or engage in matters of public interest: so-called 'public watchdogs.' This broad category includes journalists, activists, rights defenders, whistleblowers, campaigning organisations, unions or trade associations, and academics.' See, 'SLAPPs: Increasingly Threatening Democracy in Europe', 2023, The Coalition Against SLAPPS in Europe, Aug., p. 7.

[9] Chamberlain, L., 2021, 'SLAPPing back: A new legal remedy for targets of corporate bullying', South African Journal of Human Rights, 37(3), pp. 411 - 412.

KENYA CASE STUDY



Introduction

Since the return of multiparty democracy in 1991, the practice of using defamation lawsuits to control a 'rogue' press and critical individuals has gained momentum in Kenya. Over time, this appears to have eroded the willingness of the Kenyan media to speak out against perceived injustices. This could be attributed to the fear of potential repercussions in the event of the misrepresentation of facts, and because potential sources of information are fearful of speaking out due to government repression.[10]

Kenya's Environmental and human rights defenders face worsening attacks and threats, with the African Commission's Special Rapporteur on Human Rights Defenders documenting several cases of violations, including attempted murder, arbitrary arrests, threats, and judicial intimidation in 2015.[11] In 2017, the Kenyan Centre for Justice Governance and Environmental Action (CJGEA) confirmed this worrying trend, observing that these are 'very trying times' for activists working in the area of the environment and human rights.[12]

In September 2020, the African Commission on Human and Peoples' Rights was compelled to pass a resolution condemning police brutality during the COVID-19 pandemic 'which has resulted in at least twenty-three (23) deaths and many instances of assault.'[13] In January 2025, it emerged that no less than 84 human rights defenders had been abducted by security forces in Kenya in 2024 alone.[14] The Kenya National Commission for Human Rights warned that the country was returned to the 'dark days' of politically motivated disappearances which characterised the government of the late President Daniel Moi.[15]

2.1 Kenyan Laws Supporting activism

The categorisation of legal instruments in this toolkit as laws that "support" or "censure" activism is intended as an analytical starting point rather than an absolute classification. Legal instruments may have both enabling and restrictive dimensions, and their effects on activism may vary depending on their substantive provisions, interpretation, implementation and the context in which they are invoked. Accordingly, the categorisation reflects the predominant or most significant effect of each instrument identified in the case studies, while recognising that the same legal framework may create opportunities for activism in some respects while constraining it in others.

[10] Chepkoech, A., 2026, 'States vs media: East African Press Councils call for an end to 'hostility'', Daily Nation, 28 June, https://nation.africa/kenya/news/africa/states-vs-media-east-african-press-councils-call-for-an-end-to-hostility--5511822. Accessed 29 June 2026.

[11] 'The Situation of Human Rights Defenders in Kenya', 2015, International Service for Human Rights.

[12] Okoth, E. & Chanwony, W., 2023, 'Adopting a National Law to Protect Environmental Human Rights Defenders (EHRDs) in Kenya: Strengthening Kenya's Legal Framework for Protection of Human Rights Defenders, Natural Justice, May, p. 7.

[13] 'Resolution on the Human Rights Situation in the Republic of Kenya - ACHPR/Res. 445 (LXVI) 2020', 2020, African Commission on Human and Peoples' Rights, 18 Sept., https://achpr.au.int/en/adopted-resolutions/445-resolution-human-rights-situation-republic-kenya-achprres-4.

[14] 'Kenya: End Abductions and Ill-Treatment of Human Rights Defenders', 2025, Civicus, 8 Jan., https://www.civicus.org/index.php/media-resources/news/7467-kenya-end-abductions-and-ill-treatment-of-human-rights-defenders.

[15] 'Kenya human rights groups raise concerns over abductions of government critics', 2024, africanews, 27 Dec., https://www.africanews.com/2024/12/27/kenya-human-rights-groups-raise-concerns-over-abductions-of-government-critics/.

The Kenyan Constitution, 2010

In Kenyan law, freedom of expression is provided under Article 33 of the Constitution. Similarly, the right of access to information is enshrined in Article 35 of the Constitution which guarantees every citizen the right to access information held by the state and information held by another person required for the exercise or protection of any right or fundamental freedom.

The right to freedom of expression, which includes freedom to seek, receive, or impart information or ideas, freedom of artistic creativity academic freedom, and freedom of scientific research does, however, have limitations. The right to freedom of expression does not extend to propaganda for war, incitement to violence hate speech, advocacy of hatred that constitutes ethnic incitement, vilification of others, or incitement to cause harm, or is based on any ground of discrimination.

Articles 36 and 37 of the Constitution uphold the rights to association and peaceful assembly.

The Access to Information Act, 2016

This Act provides the framework for accessing information by outlining the procedures for requesting information, the responsibilities of public entities and private bodies, and the role of the Commission on Administrative Justice in overseeing the implementation of the Act. However, there are limitations to this right, such as information that could undermine national security, impede due process, or endanger the safety, health, or life of any person. A recent report noted that while access to information in Kenya is better than in several other East African countries, it 'remains uneven, particularly at sub-national level, and proactive disclosure requirements are frequently unmet' and is increasingly under threat by new repressive legislation (see below).[16]

Witness Protection Act, 2016

This Act is supposed to encourage whistleblowing, but critics note that whistleblowers in Kenya 'often face severe retaliation, including threats, violence, and career setbacks.' In response to these challenges the Kenyan government has drawn up new legislation in the form of the Whistleblower Protection Bill, 2023, which observers note 'represents a significant step forward in addressing these challenges.'[17] However, the legislation remains at the Bill stage.

Data Protection Act, 2019

This Act governs the collection, processing, storage, and transfer of personal data. While stakeholders acknowledge that Kenya has made progress in data protection, the Act 'permits exemptions from data related obligations in the interest of national security, law enforcement, and public safety' which can 'legitimise state-sanctioned surveillance and other forms of data misuse by government agencies.'[18]



[16] Prusa, V. & Banoba, P., 2026, 'The Right to Information and Anti-Corruption in East Africa', Transparency International, p. 6.

[17] Sang, M. 2024., 'Legislating to Protect and Compensate Whistleblowers in Kenya: An Appraisal of the Proposed Whistleblower Protection Bill, 2023', Journal of Conflict Management and Sustainable Development, 11(5), pp. 206 & 229. Also see, Onyango, G., 2021, 'Whistleblowing behaviours and anti-corruption approaches in public administration in Kenya', Economic and Political Studies, 9(2).

[18] Juma, I. & Faturoti, B., 2025, Enforcing data privacy in Kenya and Nigeria: towards an African approach to regulatory practice', International Review of Law, Computers and Technology, p. 11.

2.2 Kenyan Laws Censuring Activism

Public Order Act, 1950 (as amended)

This Act makes it mandatory to notify authorities of any public gathering at least three days in advance, while making it a criminal offense not to do so. Critics argue that this prevents spontaneous protests and is used by the state as a tool to stifle legitimate rights.[19] Alarmingly, last year a private members Bill proposed limiting demonstrations to specific areas, further threatening freedoms.[20]

Prevention of Terrorism Act, 2012

Passed in 2012 as a response to escalating threats from al-Qaeda and al-Shabaab, in more recent years this Act has been used to quell popular protests within Kenya. In doing so, the state is criminalising political and civil dissent.[21]

Kenya Information and Communications Amendment Act, 2013 & the Media Council Act 2013

These two laws created a new government-controlled regulatory board that can fine journalists if they are deemed to have breached a government-dictated code of conduct. The Committee to Protect Journalists stated that, 'these media laws will force journalists and news outlets to self-censor to survive. They are a severe blow to investigative reporting in Kenya.'[22] While section 29 of the Kenya Information and Communication Act was declared unconstitutional in 2016, both laws remain.[23]

Public Benefit Organisations Act, 2013

This Act, which was only gazetted in 2024, introduces a robust regulatory framework managing how CSO and NGOs operate in the country. The Act has been vigorously opposed by civil society in Kenya because of the threats it poses to freedoms of association. These threats relate to onerous registration processes; the need to disclose information about donors and members; forced membership of the National Federation of PBOs; and executive control over the PBO Authory and Disputes institutions.

Encouragingly, the High Court in Kenya declared several key provisions of Act unconstitutional in July 2025. So comprehensive where the sections struck down that it is anticipated that a new Public Benefit Organisations Amendment Act will be necessary.[24]

[19] 'Blog: Bad laws in Kenya undermine the right to protest', 2021, Article 19, 1 March, https://www.article19.org/resources/blog-bad-laws-in-kenya-undermine-the-right-to-protest/.

[20] Houghton, I., 2025, 'Authoritarian Lawfare Against the Right to Assembly is Futile', Amnesty International Kenya, 7 July, https://www.amnestykenya.org/authoritarian-lawfare-against-the-right-to-assembly-is-futile/.

[21] Houghton, I., 2025, 'The Dangerous Expansion of Kenya's Anti-Terror Laws', Amnesty International Kenya, 23 July, https://www.amnestykenya.org/the-dangerous-expansion-of-kenyas-anti-terror-laws/. Also see, 'Why is Kenya using its anti-terror law against protesters?', 2025, BBC Africa, 23 July, https://www.youtube.com/shorts/MSfCx1eA55A.

[22] 'Kenya parliament passes draconian media laws', 2013, Committee to Protect Journalists, 5 Dec., https://cpj.org/2013/12/kenya-parliament-passes-draconian-media-laws/.

[23] Gichobi, K., 2026, Media Regulation in Kenya: Press Freedom, the Media Council, and the Tension Between Accountability and Control', Huduma Global, 20 Feb., https://hudumaglobal.com/blog/media-regulation-kenya-press-freedom-media-council-accountability.

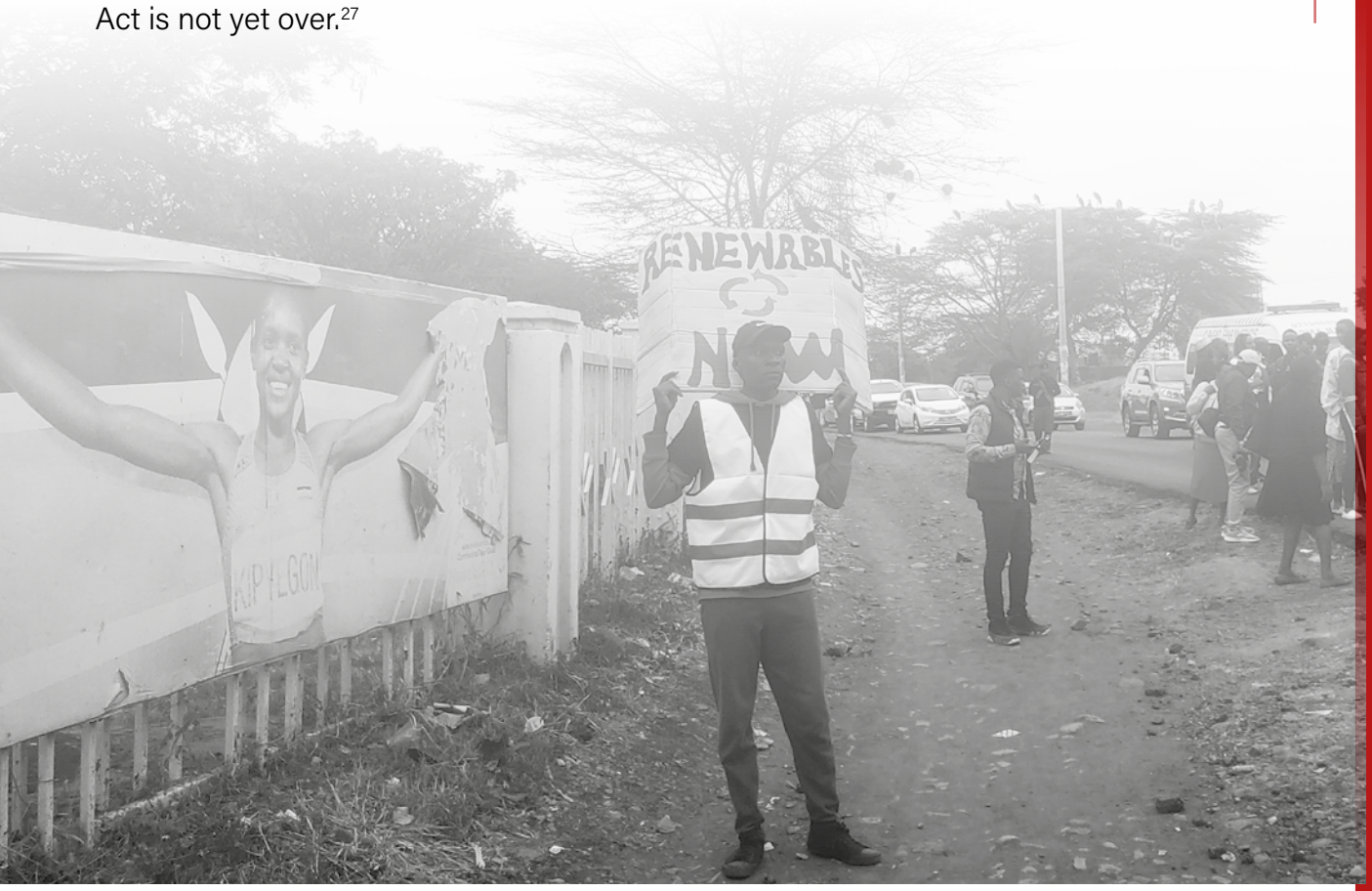
[24] 'Huge relief for PBOs as High Court declares sections of the PBO Act unconstitutional', 2025, CDH, 3 July, https://www.cliffedekkerhofmeyr.com/en/news/publications/2025/Practice/Corporate-Commercial/combined-corporate-commercial-and-tax-and-exchange-control-alert-huge-relief-for-PBOs-as-high-court-declares-sections-of-the-PBO-act-unconstitutional.

Computer Misuse and Cybercrimes Act, 2018 & Computer Misuse and Cybercrimes (Amendments) Act, 2025

This Act was designed to provide a legal framework to combat cybercrime and enhance cyber security in Kenya. The Act and subsequent amendments have, however, been the subject of fierce contestation between the state and civil society in Kenya. Critics of the Act argue that its broad and vague provisions can be used to curtail freedom of expression, while also opening the door for law enforcement surveillance abuse.[25] In addition, despite criminal defamation being declared unconstitutional in 2017, it has reintroduced criminal defamation, while also introducing an ill-defined and vaguely articulated crime of 'cyber harassment'. Critics have argued that sections 22 and 23 which criminalise 'fake news':

> ***"have been used to target individuals critical of the government or outspoken on social media, through trumped up charges intended to silence critical voices. This has had a chilling effect on freedom of expression and other democratic rights enshrined in the constitution."[26]***

In March 2026, the Kenyan Court of Appeal struck down sections 22 and 23 of the Act claiming that the definition of fake news was 'so broad, wide, untargeted, akin to unguided missiles, and likely to net innocent citizens', arguing that offences would be difficult to prove. While this was an encouraging development, other controversial aspects of the law were deemed lawful, prompting civil society advocates to state that the fight against the Act is not yet over.[27]



[25] 'Kenya: New Cybercrime Amendments Threaten Online Expression', 2025, Human Rights Watch, 6 Nov., https://www.hrw.org/news/2025/11/07/kenya-new-cybercrime-amendments-threaten-online-expression. Accessed 29 June 2026.

[26] Khimulu, M, 2025, 'Five Years On: A Review of the Impact of Kenya's Computer Misuse and Cybercrimes Act, 2018', KICKANet, April, pp. 4 & 25.

[27] 'Kenya court strikes down 'fake news' sections of cyber law, upholds other problematic provisions', 2026, Committee to Protect Journalists, 6 March, https://cpj.org/2026/03/kenya-court-strikes-down-fake-news-sections-of-cyber-law-upholds-other-problematic-provisions/.

2.3 Examples of SLAPP suits and Judicial Harassment in Kenya

LAPSSET Project Activists' harassment

In a December 2018 joint report, Human Rights Watch and the National Coalition of Human Rights Defenders note that Kenyan police and the military were harassing and intimidating environmental rights activists in Lamu county. At least 35 activists campaigning against the Lamu Port-South Sudan-Ethiopia Transport Corridor Project (LAPSSET) and the construction of a Lamu coal power plant faced threats, beatings, arbitrary arrests, and detention by police, military or other government officials. In 2016, it was reported that two activists disappeared after being arrested. In at least 15 instances, police accused environmental activists of having links or being sympathetic to the Al-Shabab terrorist group.[28]

Kenya Human Rights Commission & Ndula Resource Centre vs National Land Commission & Kakuzi Plc, 2021.

Kakuzi PLC, a major agricultural company in Kenya, was accused of serious human rights abuses when its guards were implicated in killings, assaults, and rapes. The NGO, the Kenya Human Rights Commission (KHRC), and Ndula Resource Centre (NRC), released a press statement criticizing Kakuzi's activities, which led to Kakuzi filing a lawsuit against them in March 2021 demanding they withdraw the press statement and issue an apology.

The KHRC opposed the lawsuit claiming that it was a SLAPP, noting that 'Kakuzi has perfected the art of weaponizing the law to silence its critics'.[29] In June 2021, the lawsuit was withdrawn. This case underscores the challenges faced by activists and the importance of legal protections against SLAPP suits.



[28] '"They Just Want to Silence Us": Abuses Against Environmental Activists at Kenya's Coast Region', 2018, Human Rights Watch & National Coalition of Human Rights Defenders, p. 27.

[29] 'KHRC'S Response to Kakuzi PLC Position Statement on SLAPP suit', undated, Kenya Human Rights Commission, https://www.business-humanrights.org/en/latest-news/khrcs-rejoinder-to-kakuzis-response-to-slapps-research/.

SafariCom vs Nation Media Group, 2024

An investigation by Kenya's The Nation national newspaper into a national telecommunications company's involvement in widespread security service surveillance in Kenya resulted in the company, Safaricom, threatening the Nation Media Group and journalists involved in the article with a lawsuit. In addition, Safaricom filed a complaint against the newspaper with the Media Council of Kenya and threatened legal action against the Kenya Human Rights Commission for its subsequent call for answers from Safaricom to the allegations in the newspaper article.[30]

The Kenyan Civic Freedom Forum, a national platform comprised of civil society organizations (CSOs) operating to protect human rights, civil liberties, and democracy, notes that Safaricom's actions are 'brazen attempts to silence public interest journalism' via SLAPPs.[31]

> ***In April 2026, the High Court ruled that Safaricom could no-longer access the digital devices of an activist who had previously won a case against Safaricom for handing over data to the police without a court order. According to analysts, the recent Court decision 'isn't just a win for one student; it sets a precedent that the Data Protection Act is a mandatory shield, not a polite suggestion' reinforcing Article 31 (Privacy) of the Constitution.[32]***

Brutal Repression of Finance Bill Protests, 2024

Widespread protesting occurred in Kenya in 2024 (sometimes referred to as the Gen-Z protests) in opposition to ongoing government corruption and a Finance Bill which was to introduce taxes on various essential commodities. The Kenyan security forces responded to these protests with extreme violence which included using live ammunition and carrying out murders, abductions, beatings, and torture. Analysts argue that such tactics, ***'not only violate individual rights but also instil fear among citizens, discouraging them from exercising their constitutional rights to dissent and assemble.'[33]***

[30] Shabibi, N. & Lauterbach, C., 2024, 'Exclusive: How Kenyan police use mobile phones to track, capture suspect', The Nation, 29 Oct., https://nation.africa/kenya/news/exclusive-how-kenyan-police-use-mobile-phones-to-track-capture-suspects-4804416#story & Marong, S., 2024, 'Kenya: the telecommunications operator Safaricom is pressuring Nation Media Group due to its investigation into widespread surveillance', Reporters Without Borders, 17 Dec., https://rsf.org/en/kenya-telecommunications-operator-safaricom-pressuring-nation-media-group-due-its-investigation.

[31] Mutunga, W., 2025, 'Safaricom Under Fire: Time to Hold Kenya's Telecom Giant Accountable for Its Rogue Actions', The Elephant, 14 Feb., https://www.theelephant.info/opinion/2025/02/14/safaricom-under-fire-time-to-hold-kenyas-telecom-giant-accountable-for-its-rogue-actions/.

[32] Chuli, L., 2026, The Digital Bill of Rights: Why Mokaya v. Safaricom is Kenya's Privacy Turning Point, MMS Advocates, 4 May, https://mmsadvocates.co.ke/the-digital-bill-of-rights-why-mokaya-v-safaricom-is-kenyas-privacy-turning-point/.

[33] Gatonye, C., 2024, 'A critique of police response to the right to peaceful assembly, demonstration, and picketing in light of the 2024 Finance Bill protests', Kabarak Law Review, 3, p. 269 & 'Kenya: Security Forces Abducted, Killed Protesters', 2024, Human Rights Watch, 5 Nov., https://www.hrw.org/news/2024/11/06/kenya-security-forces-abducted-killed-protesters.

The Alleged Murder of Albert Ojwang, 2025

2025

Albert Ojwang

Blogger and activist, Albert Ojwang, was arrested in June 2025 for allegedly insulting a police 'boss'. Two days after his arrest, police informed family members that he had died by suicide after deliberately hitting his head against a cell wall.

However, a subsequent autopsy found that Ojwang had been beaten to death. Activists in Kenya claim that his apparent murder is an attempt to silence the digital community through intimidation and fear.[34]

2.4 Conclusion: The future of SLAPP suits in Kenya

The future of SLAPP suits in Kenya is a critical issue, given their impact on the freedom of expression and civic participation. SLAPP suits are increasingly being used to silence journalists, activists, and organizations that expose corruption and human rights abuses. These lawsuits often involve defamation claims with high damages, aimed at intimidating and financially damaging defendants.

Despite Kenya's robust constitutional and legal frameworks that promote freedom of expression, SLAPP suits continue to pose a significant threat. There is a growing call for legal reforms to provide better protection for those targeted by these suits. Organizations like Natural Justice, Mzalendo Trust, Katiba Institute, Kenya Human Rights commission, and Twaweza Trust are actively working to raise awareness about the dangers of SLAPP suits. Their reports highlight the need for coordinated action to safeguard democratic norms and protect those who speak out against injustice. SLAPP suits have been shown to disproportionately target women, especially those from marginalized communities, adding an additional layer of harassment and discrimination, making it even more crucial to address these issues comprehensively.

In the future, we will likely see increased advocacy for stronger legal protections and greater public awareness. Efforts to create a more conducive environment for freedom of expression and civic participation are essential to counter the chilling effects of SLAPP suits. Overall, tackling SLAPP suits in Kenya requires a multifaceted approach involving legal reforms, public awareness, and support for those who dare to speak truth to power. The ongoing serious deterioration of respect for human rights in Kenya is, however, deeply worrying because it reduces the likelihood of reform at least in the short term.

[34] Muia, W., 2025, 'Kenyan blogger was hit and assaulted to death, autopsy reveals', BBC News, 11 June, https://www.bbc.com/news/articles/cn9jw20nr5ro & Muturi, J., 2025, 'Albert Ojwand did not die he was murdered by the state', The Standard, 9 June, https://www.standardmedia.co.ke/opinion/article/2001521235/albert-ojwang-did-not-die-he-was-killed-by-the-state#google_vignette.

OPPOSING SLAPP SUITS IN AFRICA – WHAT CAN BE DONE?



3.1 International Anti-SLAPP Laws

To counter legal frameworks which facilitate SLAPP suits, legal safeguards such as anti-SLAPP statutes need to be in place. Anti-SLAPP jurisprudence is most advanced in the United States, where the first anti-SLAPP law was passed in 1992. To date, 38 American states have passed anti-SLAPP laws.[35]

The European Union passed an anti-SLAPP law in 2024.

> ***In March 2024, the European Union adopted a Directive to end 'abusive court proceedings against public participation….which are not brought to genuinely assert or exercise a right, but have as their main purpose the prevention, restriction or penalisation of public participation, frequently exploiting an imbalance of power between the parties.'[36] Importantly, the Directive allows for the early dismissal of cases and for costs and penalties to be imposed on 'a claimant who has brought abusive court proceedings against public participation.'[37] This directive is the first multinational and transnational anti-SLAPP law.***

3.2 African Anti-SLAPP Laws

While there are no specific anti-SLAPP laws in Africa, African states are signatories to various international legal instruments that may be applicable in the defence of an activist, lawyer, journalist or academic facing a SLAPP suit or another form of judicial harassment.



[35] Keating, D., Knowles-Gardner, H. & Greenberg, D. 2025. Anti-SLAPP Statutes: 2025 Report Card. Institute for Free Speech. 25 Aug. https://www.ifs.org/anti-slapp-report/. Accessed 3 June 2026.

[36] European Union. 2024. Directive (EU) 2024/1069. Article 4.3. Also see, van Houtert, B., 2025, 'The Anti-SLAPP Directive as a Roadmap for SLAPP Targets and the Obstacles Along the Way', Maastricht University, 25 Feb., https://www.maastrichtuniversity.nl/blog/2025/02/anti-slapp-directive-roadmap-slapp-targets-and-obstacles-along-way. Accessed 24 June 2026.

[37] European Union. 2024. Directive (EU) 2024/1069. Articles 11, 14 & 15.

3.3 The Universal Declaration of Human Rights

The Universal Declaration of Human Rights provides, in Articles 19, 20 and 21, that everyone has the right to freedom of expression, freedom of peaceful assembly and association.[38] These rights are important participatory tools which are entrenched in international and regional legal frameworks, including the International Covenant on Civil and Political Rights (ICCPR), and the African Charter on Human and Peoples' Rights (Banjul Charter).[39]

Three specific rights are important for those facing SLAPP suits:

01

Right to freedom of association

Article 22 of the ICCPR and Article 10 of the African Charter entrench the right to freedom of association at international and regional scales. This right ensures that every individual is free to organise and to form and participate in groups, which enables effective participation in civil and political society.





02

Right to peaceful assembly

Article 21 of the ICCPR and Article 11 of the African Charter recognise and entrench the right to peaceful assembly with other like-minded persons, highlighting the importance of protest activities. This right particularly affords individuals the opportunity to express their opinions on matters of collective and public interest in a united manner. It is the conduit from which the pillars of advocacy are built, thereby ensuring that citizens can mould their respective societies in alignment with their morals, values and ideals.

03

Freedom of expression

Freedom of expression is an integral part of public participation provided for in Article 19 of the ICCPR and Article 9 of the African Charter. Freedom of expression includes the right to, seek, receive and express ideas and opinions within the law. Article 19 of the ICCPR goes further to emphasise that this freedom should be enjoyed by all without frontiers.



The 2019 Declaration of Principles of Freedom of Expression and Access to Information in Africa also affirms the rights to freedom of expression and access to information.

[38] Universal Declaration of Human Rights. 1948. United Nations. https://www.un.org/en/about-us/universal-declaration-of-human-rights. Accessed 3 June 2026.

[39] International Covenant on Civil and Political Rights. 1966. United Nations. https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights & African Charter on Human and Peoples' Rights. 1981. African Union. https://au.int/en/treaties/african-charter-human-and-peoples-rights Accessed 3 June 2026.

3.4 African Legal Instruments

While African regional legal instruments specifically addressing SLAPP suits remain underdeveloped, protections can be inferred from broader human rights frameworks and judicial precedents. The African Commission on Human and Peoples' Rights (also known as the Banjul Charter) has passed a number of relevant resolutions:

> ***Resolution 119 (2007)*** *urges member states 'to take all the necessary measures to ensure to all human rights defenders an environment conducive to carrying out their activities without fear of any acts of violence, threats, reprisals, discrimination, pressure and any arbitrary acts by State or non-State actors as a result of their human rights activities.'*[40]

> ***Resolution 196 (2011)*** *notes that the Commission is 'deeply concerned about the difficult environment in which those who cooperate with African human rights system including human rights defenders in Africa are working in Africa which is characterized in several countries by the persistence of arbitrary arrests and detentions, acts of harassment including judicial harassment, threats and other forms of intimidation, of summary and extra-judicial executions and even acts of torture as a result of their activities.' It calls on states to 'to recognize the role of human rights defenders in the promotion and protection of rights and freedoms as recognised by the African Charter and other regional and international instruments.....to release the human rights defenders who are arbitrarily detained and to put an end to the judicial harassment and other acts of intimidation against human rights defenders.'*[41]

> ***Resolution 376 (2017)*** *essentially repeats the text of Resolution 196 noting once again that the Commission is 'deeply concerned about the situation of human rights defenders in Africa.'*

In September 2025, the Commission noted its concern with the 'growing use of strategic lawsuits against public participation.....which often have been used to curtail the work of civil society, human rights defenders and independent journalists, to drain their resources, stigmatize and criminalize them.' The Commission called on member states to 'enact anti-SLAPP legislation, authorizing early dismissal of such lawsuits and protecting civil society actors against legal harassment.'[42] Article 66 of the AU's African Charter on Human and Peoples' Rights allows for supplementary protocols, thus creating a pathway for future instruments to be added which explicitly address SLAPP suits.

[40] African Commission on Human and Peoples' Rights, 2007, Resolution on the Situation of Human Rights Defenders in Africa - ACHPR/Res.119(XXXXII)07, https://achpr.au.int/en/adopted-resolutions/119-resolution-situation-human-rights-defenders-africa-achprres119.

[41] African Commission on Human and Peoples' Rights, 2011, Resolution on Human Rights Defenders in Africa - ACHPR/Res.196(L)2011, https://achpr.au.int/en/adopted-resolutions/196-resolution-human-rights-defenders-africa-achprres196l2011

[42] African Union. 2025. African Commission on Human and Peoples' Rights. Joint Declaration on Protecting the rights to freedom of peaceful assembly and of association from criminalization amid intensified existential threats. 17 Sept. https://achpr.au.int/en/news/press-releases/2025-10-29/joint-declaration-protecting-rights-freedom-peaceful-assembly. Accessed 19 May 2026.

Particularly relevant to environmental defenders and SLAPP suits was resolution 657 from March 2026, which reaffirmed 'the inseparable link between access to information, environmental rights, and the broader framework of human rights protections enshrined in the African Charter on Human and Peoples' Rights.' It directly addresses SLAPP suits calling on member states to:

> ***Take appropriate, legislative, administrative and judicial measures to deter and address vexatious, harassing or abusive resort to litigation that unduly restrict and chill public participation in environmental matters, including, inter alia providing targeted procedural protections such as expedited handling of cases, facilitating timely access to legal aid and other appropriate assistance to victims.***[43]

In June 2026, the Commission passed resolution 663 which speaks directly to ongoing challenges, particularly as they relate to judicial processes. It notes that the Commission is:

> ***Concerned by the shrinking of civic space, notably through the use of surveillance, both in the digital domain and in other spheres, as well as the trend towards democratic repression, including transnational repression, factors which undermine the enabling environment for the work of human and peoples' rights defenders in Africa, particularly in the run-up to presidential elections;***
>
> ***Also concerned by the resurgence of cases of abuse of judicial process imposed on human and peoples' rights defenders, characterised by the proliferation of proceedings brought against them or the organisations which employ them, including by non-State actors, as well as by the imposition of excessively high bail amounts, which are likely to unduly restrict the exercise of their activities;***
>
> ***Concerned further by the persistence of violations targeting human and peoples' rights defenders, in particular arbitrary arrests and detentions, acts of torture, enforced disappearance and murder, as well as the excessive and prolonged use of pre-trial detention, including in conditions characterised by restrictions on their rights of access to legal representation, appropriate healthcare and family visits;***
>
> ***Concerned, furthermore, by the violations of the freedoms of association and peaceful assembly of human and peoples' rights defenders, in particular through the banning of peaceful demonstrations, arrests during such gatherings, and the suspension or dissolution of civil society organisations outside any due legal process.'***

[43] African Commission on Human and People's Rights, 2026, Resolution on Access to Information and the Right to a Healthy Environment - ACHPR/Res.657(LXXXVI).

Among several demands, it called on states to 'refrain from any form of abuse of judicial process imposed on human and peoples' rights defenders, including by non-State actors'.[44]

In combatting SLAPP lawsuits, lawyers must, therefore, be innovative in their use of international rights protections, especially where there is a significant lacuna in the law with regards to anti-SLAPP legislation within a country. Some legal progress is being made towards combatting SLAPPs in Africa. For example, as has been noted, in 2022 the Constitutional Court in South Africa recognised SLAPPs 'as an abuse of process' noting that SLAPPs may be raised as a provisional defence.[45] Despite this, there is clearly a pressing need for the development of national anti-SLAPP legislation in African legal jurisdictions because as legal scholars note, 'anti-SLAPP laws act as a filter for legal proceedings by restraining abusive cases'.[46]



[44] African Commission on Human and Peoples' Rights, 2026, Resolution on the Situation of Human and Peoples' Rights Defenders in Africa ACHPR/Res.663(LXXXVII) 2026, https://achpr.au.int/en/adopted-resolutions/663-achprres663lxxxvii-2026.

[45] Centre for Environmental Rights. 2022. South African Constitutional Court provides new protection for activists against SLAPP suits. 15 Nov. https://cer.org.za/news/south-african-constitutional-court-provides-new-protection-for-activists-against-slapp-suits. Accessed 21 May 2026.

[46] Emmamally, Z., 2022, 'Slapping Down SLAPP Suits in South Africa: The Need for Legislative Protection and Civil Society Action', South African Law Journal, 139(1), p. 18.

3.5 Model Anti-SLAPP Law for Africa

As an essential starting point the African Union needs to develop and fully implement a dedicated and binding anti-SLAPP protocol for all members states. This should be accompanied by country-specific anti-SLAPP laws. While being fully cognizant that bespoke and innovative anti-SLAPP legislation is required in all African jurisdictions because there is no one-size-fits-all solution, a draft model anti-SLAPP statute for South Africa has recently been drawn up that includes four essential features which are universally applicable:[47]

1. Definition of SLAPP suits

The ability for judges to recognise and act against SLAPP suits is essential, thus the Model law describes them as unfounded legal proceedings which are threatened or brought against persons with the chief goal of discouraging, silencing, harassing, detracting, under resourcing, and disciplining individuals or a collective of individuals from participating openly in matters of public interest. These matters could include activities such as protest actions, campaigns building, networking publicly, criticism, academic research, journalism, or whistleblowing.

2. Test for Strategic Litigation Against Public Participation

The Anti-SLAPP Model Law also provides a structured test to determine whether a lawsuit qualifies as a Strategic Lawsuit Against Public Participation. This test ensures that courts can quickly identify and dismiss SLAPP cases before they impose undue burdens on defendants.

3. Early Dismissal Mechanism

It provides a legal process for defendants to request the swift dismissal of SLAPP suits, aimed to reduce the financial and emotional strain on those targeted.

4. Protective Measures

The law includes provisions to safeguard defendants from retaliatory actions, such as awarding costs and damages to those wrongfully sued (Courts could automatically award the full costs of participating in a suit to a defendant upon dismissal), thereby deterring potential SLAPP filers.

Scholars argue strongly in support of model laws because of the wider regional impact they can have on shaping 'judicial imagination to influence future decisions.'[48]

[47] Bruce, L., 2024, 'Model law for protection against SLAPP suits', Centre for Applied Legal Studies- University of the Witwatersrand, 10 June, *https://www.wits.ac.za/news/sources/cals-news/2024/model-law-for-protection-against-slapp-suits.html*.

[48] Mafusire, B., 2026, 'Civil Society as a Jurisprudential Actor: Contesting SLAPPS in Business and Human Rights Litigation in Southern Africa', American Journal of International Law Unbound, 125, p. 157.

3.6 Recommendations

SLAPPs are increasingly being employed by powerful entities to limit free speech and discourage public participation. These legal actions target organisations, activists, journalists and legal professionals indiscriminately, saddling them with legal costs and threatening them into silence. For the effective development, adoption and implementation of anti-SLAPP legislation in African jurisdictions the following recommendations are made:

1. PUBLICISE SLAPP SUITS

To prevent issues which are of public interest being turned into private court cases, civil society organisations, the media and activists must work tirelessly to transform SLAPP suits into public issues via social mobilisation, media campaigns and public education (including judicial awareness).





2. PUBLICISE HIDDEN SLAPP SUITS

Civil society organisations and the media must recognise that many attempts to intimidate and silence do not reach the courts (legal threats communicated through confidential letters and correspondence from lawyers etc). Such threats against activists and civil society organisations must also be systematically publicised. In addition, online smear and disinformation campaigns designed to encourage self-censorship must be vigorously publicised.

3. MOBILISE SHAME

When facing SLAPP suits, stakeholders should work to 'mobilise shame.' Exposing unjust behaviour to public scrutiny can be a powerful mechanism to counter the vast resources (power asymmetry) that corporations or governments can commit to SLAPP suits. While reputational damage matters to differing degrees among corporations and governments, it is nonetheless a weakness that can be exposed.[49] This particular issue speaks to both government legitimacy and the social license of corporations to operate.

A critical part of this process is to collect and present compelling evidence to show truth in statements and to demonstrate that an issue of serious public concern is present. This helps to ensure that the government and/or private companies/individuals who are initiating SLAPP suits are subject to scrutiny and held accountable for their actions or activities.



[49] Emmamally, Z., 2022, 'Slapping Down SLAPP Suits in South Africa: The Need for Legislative Protection and Civil Society Action', South African Law Journal, 139(1), p. 29.



4. FILE MOTIONS OF DISMISSAL

In the absence of specific anti-SLAPP laws, filing a motion to dismiss based on a lack of merit to a case, or filing counterclaims for harassment or restriction of civic participatory rights, can be a useful means by which to fight back against SLAPP suits. Doing so, shifts the focus back to the SLAPP plaintiff's motives and might expose the intimidatory tactics being employed by them.

5. FORM ANTI-SLAPP COALITIONS

National and regional anti-SLAPP coalitions should be formed to share information and best practice. Such forums and coalitions could facilitate specific anti-SLAPP campaigns. Alliance building between the media and human and environmental rights defenders is particularly critical.





6. UNDERTAKE LEGISLATIVE ADVOCACY

At national level, relevant civil society organisations and the media should undertake ongoing legislative advocacy to advance the promulgation of specific legal protections. This lobbying should not see the passing of anti-SLAPP legislation as the end goal but should continue so that anti-SLAPP legislation is effectively implemented. At the international level, the promotion of a binding anti-SLAPP directive from the AU should be a priority area of legislative advocacy. In addition, legislative advocacy to advance the promulgation of anti-SLAPP laws should include regional structures such as the SADC, EAC and ECOWAS.

7. LOCATE THE FIGHT AGAINST SLAPP WITHIN WIDER HUMAN RIGHTS STRUGGLES

The place of anti-SLAPP legislation should be seen within the wider struggle for democracy in Africa, including the critical question of judicial independence. Therefore, the challenge posed by SLAPP suits and other forms of judicial harassment cannot simply be reduced to a question of legal reform, because questions of political will are paramount because SLAPPs are 'part of the broader struggles for democratic accountability and economic justice.'[50] As analysts note, 'while we can outline the issues and shed light on the misuse of lawfare, fully resolving these deep-seated problems requires long term political commitment as well as accountability.'[51] What this means is that pushing back against SLAPP suits in Africa should be located within wider pro-democracy and rights movements.



[50] Mafusire, B., 2026, 'Civil Society as a Jurisprudential Actor: Contesting SLAPPS in Business and Human Rights Litigation in Southern Africa,' American Journal of International Law Unbound, 125, p. 154.

[51] Chawaremera, M. & Kugara, S., 2025, 'A Critical Lens into Lawfare as a Tool to Undermine Democracy and Civil Liberties,' African Journal of Law and Justice Systems, 4(3), p. 22.

Directory of organizations potentially offering legal, financial, and emotional support for SLAPP victims.

ORGANISATION	CONTACT INFORMATION	LOCATION
Kenya Human Rights Commission (KHRC)	admin@khrc.or.ke	Kenya
Mzalendo Trust	info@mzalendo.com	Kenya
Twaweza	info@twaweza.org	Kenya
Katiba Institute	info@katibainstitute.org	Kenya
Justice Defenders	https://www.justice-defenders.org/	Kenya & Uganda
African Environmental Defenders	https://envirodefenders.africa/	Africa wide
Zimbabwe Environmental Lawyers Association	Info@zela.org	Zimbabwe
Zimbabwe Lawyers for Human Rights	info@zlhr.org	Zimbabwe
TI Zimbabwe - Advocacy and Legal Advice Center	https://www.tizim.org/advocacy-and-legal-advice-center/	Zimbabwe
Asina Loyiko	info@asinaloyiko.org.za https://asinaloyiko.org.za/	South Africa
Legal Resources Centre	Info@lrc.org.za	South Africa
Women's Legal Centre	https://wlce.co.za/	South Africa
Lawyers for Human Rights	https://www.lhr.org.za/	South Africa
Centre for Environmental Rights	Info@cer.org.za	South Africa
Southern African Litigation Centre	Enquiries@salc.org.za	Namibia | South Africa Zambia | Zimbabwe
Centre for Applied Legal Studies	duduzile.mlambo@wits.ac.za busisiwe.kamolane@wits.ac.za	South Africa
Centre for Child Law	centreforchildlaw@up.ac.za	South Africa
Global Climate Legal Defenders	abrownell@climatelegaldefense.org	Uganda
Southern Africa Human Rights Defenders Network	info@southerndefenders.africa	South Africa | Zambia Zimbabwe
Coalition Against SLAPPS in Africa	https://www.sarwatch.co.za/project/coalition-against-slaaps-in-africa/	Africa wide
SLAPP Back	https://slappback.org.za	South Africa
Platform for the Protection of Whistleblowers in Africa	https://www.pplaaf.org/	Africa wide
Action – Access to Information Namibia	https://action-namibia.org/	Namibia
Media Institute of Southern Africa	https://misa.org/	Southern Africa
Media Monitoring Africa	https://www.mediamonitoringafrica.org/	Africa wide
Campaign for Free Expression	https://freeexpression.org.za/	South Africa
Institute for Human Rights and Development in Africa	https://ihrda.org/en/	Africa wide

Links to workshops, webinars, and manuals on SLAPP defences.

TITLE	TYPE OF RESOURCE	LINK
The Importance of Freedom of Expression *(the Southern Africa Litigation Centre)*	Report	https://www.southernafricalitigationcentre.org/wp-content/uploads/2017/08/Chapter-2.pdf
Campaign for Free Expression	Article	https://freeexpression.org.za/publications/
Legal Gaslighting – SLAPP-ing back at abusive process	Article	https://www.hsfkramer.com/notes/africa/2023-07/legal-gaslighting-slapp-ing-back-at-abusive-process
SARW/ CALS Anti- SLAPP Toolkit *(Wits University and Centre for Applied Legal Studies)*	Report	https://www.wits.ac.za/media/wits-university/faculties-and-schools/commerce-law-and-management/research-entities/cals/documents/programmes/environment/resources/Anti-Slapp-Toolkit-email-1-2.pdf
A Model Law for Protection from Strategic Litigation Against Public Participation *(Wits University)*	Legal Resource	https://www.wits.ac.za/media/wits-university/faculties-and-schools/commerce-law-and-management/research-entities/cals/documents/programmes/rule-of-law/resources/Draft%20for%20public%20comment-%2013Dec2023-%20Anti-SLAPP%20model%20law-%20Draft%202023.pdf https://www.wits.ac.za/media/wits-university/faculties-and-schools/commerce-law-and-management/research-entities/cals/documents/programmes/rule-of-law/resources/Anti-SLAPP%20Model%20Law%20for%20web%207%20June%202024.pdf
Toolkit on the right to Freedom of Association and Assembly *(Legal Resources Centre)*	Report	https://lrc.org.za/wp-content/uploads/Toolkit-booklet-210x148-Online-version.pdf
Asina Loyiko Website Launch	Webinar	https://www.youtube.com/watch?v=s1MGDFmdWvI
ICAR Annual Meeting - Protecting Protest: Fighting Back Against Corporate Bullies.	Webinar	https://www.youtube.com/watch?v=DkG8dcTsQ04
The effects of Strategic Lawsuits against Public participation (SLAPP) on freedom of expression and citizen participation in public dialogues in Kenya	Report	https://mzalendo.com/media/resources/Slapp.Report-2.pdf
SLAPPed: A Tool for Activists - Part 7: Resources	Report	https://www.acluohio.org/slapped-tool-activists/how-guard-against-slapp-suits/
Defending SLAPP Suits: Widening Circuit Split, Anti-SLAPP Motions, Cease and Desist Letters, Amended State Laws *(Strafford Webinars)*	Webinar	https://www.straffordpub.com/products/defending-slapp-suits-widening-circuit-split-anti-slapp-motions-cease-and-desist-letters-amended-state-laws-2021-03-31
SLAPPed but Not Silenced: Defending Human Rights in the Face of Legal Risks *(Vance Centre)*	Webinar	https://www.vancecenter.org/vance-centerhosts-bhr-webinar-on-role-of-lawyers-inslapps/
Anti-SLAPP Legal Guide	Blog	https://www.rcfp.org/anti-slapp-legal-guide/
Trainings on SLAPPs and Legal Defence	Webinar	https://cldc.org/resources/resource-library/?_sfm_resource-category=SLAPP
International Senior Lawyers Project	Anti-SLAPP Guide for Lawyers in Southern Africa	https://islp.org/7455-2/

Digital Security: Protecting communications and sensitive data.

Passwords: In today's digital world, safeguarding personal information online is more important than ever. This of course is amplified when activists are fighting to protect their or someone else's biodiversity, livelihood, cultural etc… One of the most effective ways to protect your data is by using strong, unique passwords for every account, and enabling two-factor authentication (2FA) wherever possible.

TIPS:

- Make sure that when creating a new password, that it is randomised, has capital letters, lower case letters and characters – and it is longer than ten digits.
- Choose reliable security methods, such as authentication apps, security keys, SMSes
- When saving passwords, make sure to save them in a key chain app or programme. Examples of these apps/programmes are NordPass, 1Password, Keeper, RoboForm

Phishing scams: It's crucial to be cautious of phishing scams — avoid clicking on any suspicious links or downloading attachments from unknown sources that do not look like it is from the company that it says it is from. i.e. john@party.xzy would not be a legitimate email from the company party.

VPNs: Using a virtual private network (VPN) when browsing on public Wi-Fi can prevent others from intercepting your data and when traveling to a country that may have unfavourable protection of information laws it may stop such governments from accessing your information.

TIPS:

- When travelling to a country that won't allow you to use a VPN, make sure it is already turned on before you arrive, as this might assist.
- Use a reputable VPN company like ExpressVPN, NordVPN, Cyberghost, Surfshark.

Emails: Emails can be intercepted when being sent via the web. To stop this, you can use an encryption scrambling systems that only the other person will be allowed to read the email once received. Or you can use free email system like protonmail or tuta. (If using Protonmail, don't forget your password as it won't allow you to reset this.)

Ad blocker, trackers and pop-ups: When engaging on the web multiple organizations / people / hackers want to try and obtain as much information from you as possible or they trying to have ads pop every five minutes to sell you something or click on a website that is harmful to your computer / laptop. Installing apps like Ghostery is a great way to stop Adverts, trackers or pop-ups.

Search Engine Tracking – Google, Bing, Yahoo etc. track your internet activity. There are several, search engines that do not. Good options which do not track activity are DuckDuckGo (*https://duckduckgo.com/*) or Brave Search (*https://search.brave.com/*).

Messaging Services – While no messaging services are completely secure, it is recommended not to use WhatsApp, rather use an alternative such as Signal which tracks far less user activity.

Cell/Mobile Phones – Turn off location settings for apps where possible.

Google Maps – Be cautious of using Google Maps.

There is a useful guide to activist security here - *https://activisthandbook.org/tools/security* while the following organisation can help activists and NGOs with digital security issues - *https://www.accessnow.org/help/*.

Remember, any information can still be accessible and you are never one hundred percent safe on the internet. Please make sure you take care when sharing sensitive information





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