

PROTECT SURVIVORS FROM DEFAMATION AND OTHER ABUSIVE LAWSUITS

THE PROBLEM

Sex harassment is widely prevalent, with nearly [half of women](#) experiencing sexual assault, [over one in three women](#) experiencing domestic violence, and over [one in five women](#) experiencing stalking in their lifetime. But reporting rates remain low. Studies show [very few survivors](#) report their sexual assault. One of the biggest reasons survivors stay silent is [fear of retaliation](#), including the fear of being targeted by a retaliatory lawsuit by their abuser. Such lawsuits have escalated over the past decade as backlash after the #MeToo movement went viral and more survivors began speaking out. For example, one survey shows [23%](#) of student survivors have been threatened with a defamation suit by their assailant—even for filing a Title IX complaint with their school. Similarly, defamation claims were the [third most common](#) form of workplace retaliation reported by survivors who contacted the Time’s Up Legal Defense Fund for legal assistance. Although assailants who file these meritless lawsuits do not typically expect to win, survivors must typically [spend](#) \$21,000 to \$55,000—and in some cases more than \$1 million—to defeat them. Moreover, these abusive lawsuits force survivors to disclose intensely private details and to repeatedly relive their trauma through invasive discovery and other litigation demands, retelling and reproving what happened. As a result, many victims are coerced into silence.

Abusive, meritless lawsuits that are filed to retaliate against someone for reporting misconduct are known as strategic lawsuits against public participation (SLAPPs). Many states have [anti-SLAPP laws](#) that protect people who report misconduct from being targeted by a SLAPP. But most states’ anti-SLAPP laws only protect statements that are: (1) made in a government proceeding (e.g., in a lawsuit or legislative hearing); or (2) about an issue of “public concern.” As a result, these laws often do not protect survivors from SLAPPs as they do for other whistleblowers because: (1) many survivors disclose sex harassment outside of a government proceeding—e.g., to their family, friends, school, or employer; and (2) many courts have wrongly held that sex harassment is a purely *private* issue rather than an issue of “public concern.” And some states do not even have an anti-SLAPP law.

THE SOLUTION

If a state has an existing anti-SLAPP law, it can:

- Amend the law to explicitly protect statements alleging sex harassment or, better yet, all forms of discrimination. For example, if the law protects statements about an issue of “public concern,” define that term to include sex harassment and other discrimination.
- Require discovery to be paused while a court decides whether a lawsuit is a SLAPP and therefore should be dismissed. This ensures that survivors and other people who report misconduct do not have to undergo discovery—which can be invasive, costly, and time-consuming—in order to get a SLAPP dismissed.
- Require SLAPP plaintiffs to pay attorney fees, court costs, and, if possible, money damages to SLAPP defendants. This disincentivizes abusive individuals and corporations from filing SLAPPs in the first place.
- Allow individuals who are targeted by a SLAPP to appeal right away if a court does not dismiss the lawsuit as a SLAPP. This ensures that survivors and other people who report misconduct do not have to defend a SLAPP to the very end, which includes undergoing invasive discovery, before appealing an unfavorable decision.

If a state does not have an anti-SLAPP law yet, it can use the [Uniform Public Expression Protection Act](#) (a model anti-SLAPP law) as a starting point and add language that explicitly protects statements alleging sex harassment and other discrimination.

TALKING POINTS ON THE SOLUTION

- Abusive lawsuits against survivors in the United States have [increased at alarming rates](#) as more survivors have spoken out after #MeToo went viral. They have become so rampant that United Nations officials have condemned these lawsuits for [“undermining free speech”](#) and denounced them as [“a form of gender-based violence”](#) in themselves.
- Sex harassment, including sexual assault, is severely underreported, which means that many survivors do not receive support and many abusers continue to abuse without any accountability. Abusive lawsuits further deter survivors from speaking out and getting the support they need, which can also impact their ability to stay in school or work.
- Survivors should be able to report sex assault and harassment in good faith without fear of being sued by their abuser for defamation. And of course, people who are falsely accused in bad faith should be able to pursue meritorious lawsuits. We must enact laws that do both and treat all parties fairly: prevent abusers from weaponizing the courts against their victims while allowing those who are falsely accused to clear their name.

- **If a state already has an anti-SLAPP law:** Survivors should not be treated differently from other types of whistleblowers just because they report *sexual* misconduct instead of, say, zoning, financial, or environmental misconduct. We must close the gap in our state's anti-SLAPP law, so that sexual misconduct is treated like any other type of misconduct.
- **If a state does not have an anti-SLAPP law:** We should all be able to speak out about misconduct—whether that is a zoning violation, political corruption, environmental pollution, or sex harassment—without being slapped with an abusive, expensive, and meritless lawsuit. We must protect our ability to exercise our First Amendment rights, so that we can speak out freely without fear of retaliation.

Public Popularity

- In a January 2026 poll, more than three in five U.S. adults ([62%](#)) said strengthening protections against sex harassment in schools and workplaces would help them and their families, including 68% of women.
- In an April 2026 survey, more than eight in 10 U.S. adults ([81%](#)) supported guaranteeing the right to be free from sex discrimination, including sex harassment, in schools and workplaces.
- In an April 2026 survey, the majority of U.S. adults ([51%](#)) thought their elected representatives should be doing more to guarantee the right to be free from sex discrimination, including harassment, in schools and workplaces.
- The Uniform Public Expression Protection Act has [broad bipartisan support](#) from organizations across the political spectrum.

State-Specific Data

- [See if your state has an anti-SLAPP law](#) and whether it sufficiently protects survivors speaking out about sex harassment.
- [See the lifetime prevalence](#) of sexual assault, domestic violence, and stalking in your state.

Examples of State and Local Policies

- In 2024 and 2025, [Maine](#) comprehensively amended its anti-SLAPP law to protect survivors from civil liability for statements made in a complain filed under its human rights act, its campus sexual misconduct code, or the federal Title IX statute; and for statements made in good faith about sex harassment or other discrimination—even if no complaint is filed.

- In 2023, [California](#) passed a (non-SLAPP) law to protect communications made in good faith about sexual assault, harassment, or discrimination from defamation liability. In 2025, the law was used by a New York state court to [dismiss](#) actor Justin Baldoni's defamation suit against his *It Ends With Us* co-star Blake Lively, who had alleged he sexually harassed her.
- [Connecticut](#), [New York](#), [Oregon](#), [Texas](#), and [Virginia](#) have also amended their anti-SLAPP laws to protect survivors of sexual assault, sex harassment, and/or other discrimination from defamation and/or other civil liability.