Call for Consultants:
Development of Training Modules on Freedom of Expression and Digital Rights

Terms of Reference

1. Purpose of the consultant contract

The purpose of the consultant contract is to provide the Media Legal Defence Initiative (MLDI) with training modules for two Advanced Litigation Surgeries MLDI will host in 2020.

The Advanced Litigation Surgeries will provide advanced, in-depth training for lawyers on specific digital rights issues and elaborate on emerging issues and trends. They also create a forum for cross-learning by sharing participants’ experiences in digital rights litigation since attending one of MLDI’s trainings introducing digital rights litigation.

The training modules will update and elaborate on the current litigation surgery materials.

2. Background

MLDI’s vision is a world where journalists no longer face legal challenges that threaten their ability to report freely and independently on issues of public interest, allowing citizens to be better informed, able to hold those in power to account.

MLDI’s mission is to ensure legal protection of journalists and media workers under threat for reporting on issues of public interest, in the belief that freedom of expression is essential.

One of MLDI’s core activities is the delivery of litigation surgeries in East, West and Southern Africa. These litigation surgeries aim to increase the knowledge, skills and confidence of lawyers to litigate digital rights and online freedom of expression cases at national and regional courts.

Between 2017 and 2019, MLDI undertook six litigation surgeries aimed at introducing digital rights litigation which has resulted in a cohort of 70 trained lawyers. A key component of the project has been the development of training manuals, given to every lawyer in attendance. The manuals are also publicly available on MLDI’s website and licenced under the Creative Commons Attribution-Non Commercial 4.0 International Licence. The manuals are currently available as PDFs and MLDI is in the process of developing an e-reader platform to improve the online accessibility and readability of the manuals.

Please see below for MLDI’s current available training manuals:

- Manual on Freedom of Expression Law
- Training Manual on Digital Rights and Freedom of Expression Online
- Digital Rights Litigation Guide: Litigating digital rights and freedom of expression online in East, West and Southern Africa
- Manual on Litigating Freedom of Expression Cases in East Africa
• **Training Manual on Litigation and Freedom of Expression in West Africa**

Below are links to examples of PowerPoint presentations used in the surgeries:

• **Presentations for Manual on Freedom of Expression Law**
• **Presentations for Manual on Litigating Freedom of Expression Cases in East Africa**

The litigation surgeries have a practical focus. Participants are asked to provide a case study, which could be a case they are working on or a case they intend to pursue. They will also complete a survey indicating what sessions would be most useful to them, on the basis of the input provided by the participants, MLDI will create tailor-made training materials.

3. **Expected Deliverables**

(1) The development of training modules on topics outlined below, which can be used to create a training manual tailored to the requirements of the litigation surgery participants. The current training manuals and their content can be updated and used where applicable.

MLDI would in any case like to receive the following modules:

• General overview of trends in digital rights globally and expected developments

  **Restricting access and content**

  • Internet shutdowns
  • Access to content: censorship, blocking, filtering
  • Social media taxes
  • DDoS attacks
  • Disinformation

  **Criminalisation of online speech**

  • Cybercrime laws
  • Fake news laws
  • National security, counter-terrorism and public order offences

  **Privacy and security online**

  • Bans on anonymity and encryption
  • Data protection and GDPR (effects beyond the EU)
  • Surveillance (mass and targeted)
  • Data retention
  • Source protection
  • Facial recognition
  • Production orders on journalists’ materials
  • Covert recordings
Online harassment

*Trends in censorship by private actors*

- Net neutrality
- Intermediary liability
- Right to be forgotten
- Monitoring obligations of search engines and platforms

*Litigating digital rights cases*

- Litigating at the African Commission on Human and Peoples’ Rights
- Litigating at the African Court on Human and Peoples’ Rights
- Litigating at the East African Court of Justice
- Litigating at the ECOWAS Community Court of Justice
- Litigating digital rights cases in practice (including gathering evidence, determining strategy, measuring impact, creating an advocacy strategy, explaining technical concepts to courts, how to raise the profile of your case, accessing support and potential partner organisations).

(2) The creation of PowerPoint presentations for each module to be used by trainers in the litigation surgeries. These should include:

- Overarching introduction to the topic
- Developments and trends
- Applicable international and regional standards
- Relevant case law
- Potential arguments in litigation
- Case study or a question for the group to build their understanding

(3) An organised layout of relevant authorities per module. This will be used to create USBs for litigation surgery participants, containing a folder for each of the modules for the advanced surgery, with any relevant documents such as international guidance, case law and academic articles.

4. **Expected timeline**

- 1 December 2019: Date for submission of proposal
- 15 December 2019: Successful proposal will begin
- 1 February 2020: Submission of modules for review by peer reviewer and MLDI’s Legal Team
- 15 February 2020: Revisions
- 1 March 2020: End of consultancy

5. **Expected profile**

- Experience developing training materials
• Demonstrated knowledge of international/comparative law on the right to freedom of expression, digital rights, and internet freedom
• Availability to provide the deliverables within the expected timeline

6. How to apply

Please submit the following documents to hannah.stoate@mediadefence.org by 1 December 2019:

• Cover letter
• CV
• Quotation/itemised budget in GBP (£)