



## **Legal Research Opportunity**

### **Mapping digital rights and online freedom of expression litigation in East, West, and Southern Africa**

#### **About MLDI**

The Media Legal Defence Initiative (MLDI) is a charity, based in the United Kingdom, that provides legal help to journalists, bloggers and independent media across the world. It also undertakes strategic litigation and delivers specialist media law workshops for legal professionals.

#### **Summary**

MLDI has commenced a project to build litigation capacity for the defence and promotion of journalists' right online freedom expression and digital rights in East, West, and Southern Africa.

As part of the project, MLDI seeks to commission a research report that maps laws that pose a challenge to digital rights, the outcome or status of related litigation, opportunities for further litigation, and legal and civil society actors in this field.

The report will be used to inform the planning and implementation of the project, constitute a baseline assessment of the field, and will be published as a publicly available resource.

#### **Research report**

The research report will identify legislation, cases, policies and legal/civil society actors relevant to digital rights and strategic litigation in each of the project's sub-regions. Drawing on desktop research, judgements (or legal submissions where judgments are not yet available), and interviews with civil society, it should include the following sections for each country:

##### *Section 1: Legislative and Policy Environment*

Section one will map the legislative and policy environment as well as political developments with implications for, or relevance to, journalists, bloggers and media outlets' ability to exercise the right to freedom of expression online. It should comprise a summary of relevant legislation, policy and political developments.

##### *Section 2: Digital Rights Litigation*

Section two will provide a summary overview of legal cases that have been brought against bloggers, journalists and media outlets on the basis of these laws over the past 24 months, including their outcome or status. It will also include a summary overview of strategic

litigation that has been proactively undertaken over the past 24 months in order to advance digital rights and online freedom of expression, including the outcome or status of those cases.<sup>1</sup>

### *Section 3: Legal and Civil Society Actors*

Section three will identify the extent to which there are lawyers with experience in (online) freedom of expression litigation. It will also map civil society organisations with the mandate and capacity to litigate freedom of expression cases.

### *Section 4: Lessons and Opportunities*

Section four will draw together the findings of the previous three sections. For each target country, it will evaluate the extent to which challenges to digital rights and online freedom of expression can be remedied through strategic litigation, identify opportunities for further litigation, and any lessons that can be derived from litigation that has succeeded or failed in that that particular country.

### *Summary table*

The report should also include a table which summarises its findings by country and region and makes an assessment of each report section for each country. This should include a ranking system (e.g. a traffic light system, numerical scale, high-medium-low or other categorical ranking/scale) for each report section by country, i.e. the legislative and policy environment, the extent of digital rights litigation, the availability of legal and civil society actors, and opportunity for further litigation.

MLDI is open to proposals that include each of the above requirements but use an alternative structure to present its findings.

### **Scope**

MLDI requires that the research report covers countries in East, West, and Southern Africa. While the number countries from each region and choice of countries is negotiable, there should be a clear rationale for each country selected. The report should cover approximately 15 countries in total, including, but not limited to, the following:

<b>East Africa</b>	<b>Southern Africa</b>	<b>West Africa</b>
Ethiopia	Angola	Benin
Kenya	Botswana	Cameroon
Rwanda	Mozambique	Gabon
Tanzania	Namibia	Ghana
Uganda	South Africa	Liberia
	Zambia	Niger
	Zimbabwe	Nigeria
		Togo

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<sup>1</sup> MLDI understands litigation to be strategic when the relevant case (1) is before a constitutional, regional or international court, or if it is before a lower court, it is the first of its kind and could set precedent for future cases, and (2) has the potential to bring about change for journalists and media generally in a specific country or region, as opposed to just the individual journalist involved.

## **Consultant specifications**

MLDI is looking for a research consultant who meets the following criteria:

- A law degree and at least three years' relevant experience in socio-legal research and/or legal practice;
- demonstrated knowledge of international and comparative law on the right to freedom of expression, digital rights, and Internet freedom;
- familiarity with media law in East, West and Southern Africa;
- availability to work on the report in June, July and August 2018;
- experience in carrying out research for evaluation purposes would be advantageous.

## **How to apply**

To apply for this consultancy, please submit the following documents to Michael Moss:  
[michael.moss@mediadefence.org](mailto:michael.moss@mediadefence.org)

- A cover letter;
- your curriculum vitae;
- a brief research outline, including a timeline; and
- a quotation in GBP (£).

Requests for further information can be submitted to Michael Moss as well.

The deadline is **Monday 18 June 2018**.