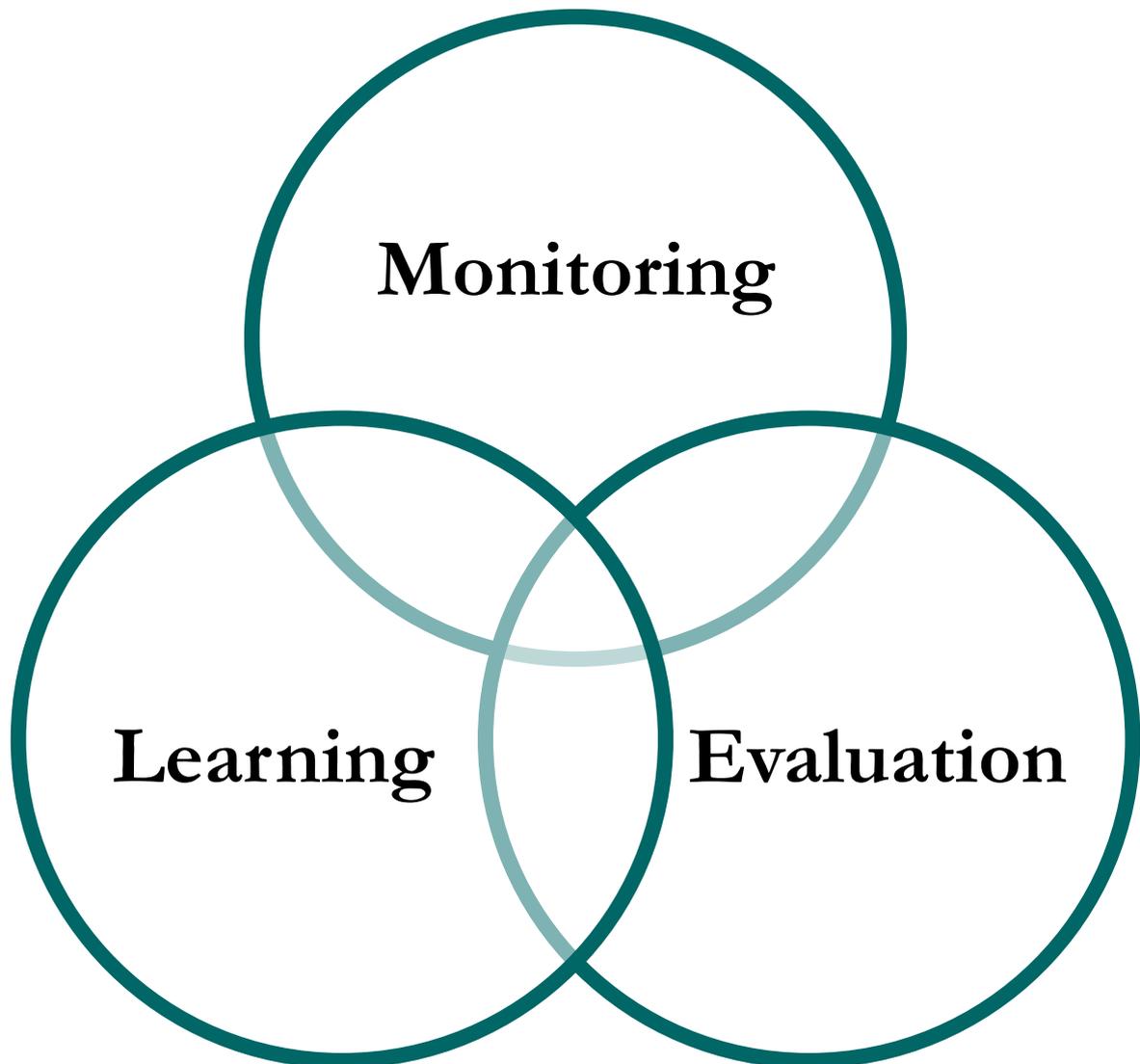


2018 Learning Report

A summary of Media Legal Defence Initiative's 2018
evaluation activities



Introduction

MLDI values the importance of learning and improvement. We dedicate time and resource into the monitoring and evaluation of our projects and programmes in order to learn, improve and grow. We are committed to being a transparent organisation and wish to share these lessons and findings with our supporters, but due to the sensitive nature of many of our evaluation reports, MLDI is not able to share the full reports externally. Instead, we have created this Learning Report to share key highlights and findings.

This report includes a summary of the following programme and project evaluations carried out in 2018:

1. Strategic Output and Outcome Indicators
3. Journalist Impact Survey: Wave 2
4. Partner Impact Evaluation Using Most Significant Change Methodology
5. Evaluation of our Litigation Surgery in the Gambia: six months on
6. Piloting a Framework for Measuring the Impact of Strategic Litigation
7. External Evaluation of our Work in Europe

Strategic Output and Outcomes Indicators

What were we evaluating?

Throughout the year, we keep a close eye on a number of key performance indicators (KPIs) which monitor our performance in achieving targets and measuring progress against the following strategic outcomes:

- Facilitating high quality legal defence for journalists, bloggers and free media
- Journalists are able to defeat abusive legal challenges and continue to report on issues of public interest
- Ensuring high impact of MLDI litigation, partnerships and training
- Building partnerships with key organisations and individual lawyers where media freedom is under legal threat
- Providing support in all regions where media freedom is under legal threat
- Ensuring sufficient enablers (the internal resources that underpin MLDI's work)

How did we collect data and information?

Monitoring indicators predominantly track our performance on an output level. This output data is collated and stored in an online database of cases and projects for easy analysis. As a live database, this information is continually updated.

Longer term outcome and impact level indicators are collected through reports from the lawyers and partner organisations that we fund as well as through surveys, interviews and document analysis.

What did we find?

We had a successful 2018 and achieved most of our targets, some key indicators and results are detailed in the table below:

Target	Result	Notes
Provide support to 100 new cases	98 new cases were approved for support	Although we did not quite reach 100 cases, we closed the year with 98 cases approved, the most approved in a year in all of MLDI's ten year history.
Approve all requests within 10 days	Our yearly average was 13.2 days	Although slightly over our desired approval speed, recent evaluations showed journalists and lawyers found us to be effective and responsive. We continue to try to improve our grant making processes and the speed of approval.
Provide financial support to at least 14 partner organisations	MLDI provided grants to 13 partner organisations	These were in Colombia, Honduras, Hungary, Italy, Kyrgyzstan, Macedonia, Poland, Turkey, Uganda and Ukraine as well as a new partner in the MENA region and one in South Asia.
Maintain a 70% case success rate	MLDI's success rate to date is 68.5%	Although slightly lower than our target of 70%, as the drop is only small, we believe this is part of a normal pattern of fluctuation as opposed to a downward trend.
70% of supported journalists are reported to continue their reporting after their case	71% of those supported are reported to have continued reporting.	Recent impact survey results suggest this result could be even higher in the long term.
Ensure 90% of our cases are in 'partly free' or 'not free' countries	Over 95.5% of our cases in 2018 were in 'not free' and 'partly free' countries	This helps to ensure that MLDI is targeting its support to the areas which need it most
Increase communications reach and engagement	We increased our total social media followers by 9% in 2018. Our unique page views for our website increased by 33%.	We appointed a new part-time post of communications officer mid-2018, and we expect our online reach to continue to grow.

What did we learn?

We continued to see an increase in requests for our support, supporting 93 new cases and 13 organisations with funding to provide legal services to journalists in their countries. Our ongoing case portfolio grew proportionally across all regions in which we work, reflecting global trends in the restrictions on press freedom. As with previous years, the majority of new cases came from Azerbaijan, Turkey and Russia.

We maintained a success rate of almost 70% and approximately 71% of those we support continue to report after the closure of their case.

We also learned that the rate of cases closing is slower than the rate at which we take on new cases – which has resource implications for the ongoing management and funding of our added-value case

support. In addition, although we increased the size of our grants team in 2018, the growing case portfolio meant we were unable to reduce the speed of our grant approval process.

By tracking our communications engagement, we have been able to better understand how people are using our website and what kind of content they find most inviting – principally strategic cases that can have far-reaching impact and stories that communicate our legal work in an engaging way for both lawyers and non-lawyers alike. The use of animations and videos also helped to increase our engagement rates on social media.

What have we done differently as a result?

We are continuing to review and improve our grant making processes to ensure we can provide support as quickly and as efficiently as possible.

In order to make sure we can best respond to the increase in our grant making to partner organisations and to individual lawyers, we developed a new partnership strategy to help us become more focused and targeted in how we support those we collaborate with. We also plan to improve our KPIs to include metrics in relation to our partnership strategy goals, particularly with a focus on ensuring we are providing support to a wide range of countries, issues and individuals.

In 2018 we hired a part-time communications officer to help coordinate and lead our communications work to ensure it is engaging and reaches more people. The data and insights from our indicators is a vital tool as we test the waters with the growth of our communications to find out what works.

Journalist Impact Survey: Wave 2

What were we evaluating?

The objective was to gather data and insights on the outcomes and impact that MLDI's Emergency Defence Fund has had on those that it supports, as reported directly by the journalists, bloggers and media outlets themselves 1-2 years after their case had come to an end.

This was the second year we ran the survey.

How did we collect data and information?

We sent a survey to all of the journalists we supported (and had contact details for) that had a case close in 2017. The survey was sent out in English, Italian, Spanish and Russian. We also asked our partner organisations to circulate the survey to those they supported in 2017 under projects funded by MLDI.

What did we find?

The survey found that the support from MLDI and its partners enabled over 90% of those who were the target of litigation to continue their work as journalists. One journalist said: *"Since my case, I have focused more on human rights issues, so I would say that they failed in silencing me, quite to the contrary, they have provoked me to extend my interest to a whole new set of topics."* Another journalist stated that without the support by MLDI: *"I think I would have been found guilty and maybe today I would do something else and not a journalist."*

Some key findings include:

- 98% said they would recommend the support received to a journalist in a similar situation
- 100% were either extremely satisfied or satisfied with the lawyer that handled their case
- 85% were either extremely satisfied or satisfied with the outcome of their case
- Many felt that their case had a positive impact by increasing public support of/respect for journalism; setting legal precedent; increased protection standards for the media; resulting in fewer attacks on journalists; and encouraging other journalists to seek justice

We were also interested in how the case might affect their journalism and ability to report. We found that:

- 62% said they made no changes to their journalistic practice
- 16% said they are now more diligent in their reporting e.g. fact checking
- 10% felt more emboldened and committed to their journalism or that their case has enabled them to do more investigative journalism

What did we learn?

Data from the survey indicates that the support of MLDI or its partners, and a positive case outcome, impacts in different ways on journalists and press freedom. These different outcomes can be grouped into four key impact themes: economic, journalist, community and legal ([see the full report for more details](#)).

As in the 2017 report, the 2018 survey data continues to add weight and credibility to MLDI's theory of change by verifying some of the causal links between its activities, outputs and outcomes. For example, MLDI's support meets journalists' need for financial and legal support, that they couldn't access elsewhere, to defend themselves – therefore making it possible for them to have a positive outcome in their case, to set precedent, and continue their reporting. The survey results also add weight to our theory that MLDI's support to partners enables them to provide quality and trusted legal defence at a local level.

There were some additional unexpected outcomes as a result of facing legal action, such as respondents increasing their due diligence. This begs the question of to what extent MLDI might want to partner with media development organisations or signpost to relevant media organisations that might aid journalists in their professional practice. Building these connections may also support many of the more general (non legal) challenges described by the journalists.

The findings also highlight the important consideration that other actors and external factors exert an influence on the journalists' experiences and ability to continue reporting, such as the space (or lack of space) for independent media, other organisations providing advocacy or other kinds of support, the political environment, job security and finances.

What have we done differently as a result?

- We have used findings from this survey to revise our theory of change, helping us to better communicate and focus our work.
- We will continue to increase our networks with local civil society organisations to ensure journalists know about us and that local organisations know about the support we can provide.
- We will continue to run our survey, but will look to edit it to be shorter, and will run the survey on a more rolling basis.
- We plan to develop further research and evaluation projects to better understand the four impact themes identified (economic, journalist, community and legal).
- We hope to translate the survey into French and Arabic for future waves of research.

Partner Impact Evaluation Using Most Significant Change Methodology

What were we evaluating?

MLDI's partner grants combine financial and technical assistance to support an organisation to either establish or increase their capacity to provide legal defence in their country. This evaluation was designed to better understand the impact we have on the partners that we support.

How did we collect data and information?

We used an approach inspired by the Most Significant Change (MSC) methodology. It consists of collecting a cluster of testimonies and stories from stakeholders using a template of questions aimed at measuring the impact of MLDI's support for these organisations. Once assembled, the answers constituted 'significant change stories'. We then carried out a workshop to review the stories and identify themes of change and impact.

We also carried out two site visits to meet with partners in India and Hungary.

What did we find and learn?

The stories reviewed by the panel found a number of themes in common across many of the significant change stories. These themes can be grouped to identify three key roles that MLDI plays in relation to our partners: MLDI as a crucial donor; MLDI as a capacity builder; and MLDI as a catalyst.

MLDI as a catalyst

- Helping to scale their media defence services or programmes.
- Assistance to expand beyond the confines of their current funding e.g. extending media-related projects to include legal activities.
- Enabling them to provide legal services in a coordinated and structured way.



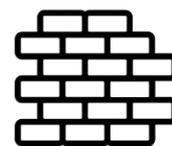
MLDI as a crucial donor

- Funding litigation when no one else would and there was little interest from the wider donor community.
- Not following donor trends in regions or countries.
- Providing multi-year and ongoing funding (required for ongoing litigation).
- Remaining flexible and adaptable to volatile political contexts.



MLDI as a capacity builder

- Facilitating networking and connections to other donors.
- Increasing recipients' confidence and empowering them to further develop legal defence programmes.
- Encouraging reflections on their programmes and organisation.
- Increasing their exposure to media defence cases and donor-funded projects, allowing them to gain experience and build their skills.
- Increasing their reputation.



In addition to these, one common theme in all of the stories of change was that all reported a general deterioration of the media and law environment in their country.

What did we learn?

- One of the key takeaways from this evaluation was assurance that our partner grant making is valued and contributing positively to the development of the organisations we support, and to their ability to provide legal defence to journalists and the media.
- It also stressed the importance of remaining flexible, adaptable and responsive to our partners' needs with consideration of the legal and political climates in which they operate.
- In some instances, it reminded us that some our partners' services rely heavily on financial support from MLDI, which could put them at risk.

What have we done differently as a result?

We are planning to do further analysis of our partner work as some of this evaluation's findings hint at the different types of impact MLDI can have, and how this can also vary, by considering the different types of organisations our partner work supports and the different environments they operate in. This will help us to best target our support.

We also used these findings to feed into the development of our partnership strategy and a new framework to ensure that our partners – and the services they provide – are sustainable.

Evaluation of our Litigation Surgery in the Gambia: 6 months on

What were we evaluating?

We conducted litigation and advocacy training surgeries in Banjul, the Gambia, in November 2017. The litigation surgery was aimed at lawyers, and the advocacy surgery was aimed at journalists, civil society organisations and human rights defenders.

The evaluation sought to answer three key questions:

- How effectively did MLDI plan and deliver the training?
- How effective was the training at contributing to the learning outcomes and project goals?
- How can it be improved in the future?

How did we collect data and information?

The evaluation uses the Kirkpatrick Model for training evaluation which considers four levels of evaluation for training: reaction, learning, behaviour change and results.

Pre- and post-training surveys were distributed to participants before and after each surgery to collect scores on planned learning outcomes, and knowledge, understanding and confidence of the various topics covered in the training. These were collected in person, by MLDI staff, immediately before and immediately after the training. These forms were anonymised. In addition, an online survey was sent out immediately after the training to collect data on a broader variety of information. Participants were also invited to take part in follow-up interviews in the coming months to collect more in-depth data and explore their experiences in more detail.

A follow-up survey was sent to participants six months after the training, which aimed to collect data on their activities since the training and how they have implemented learnings from the training. In addition, stakeholder interviews were carried out with a small number of participants.

What did we find?

- From those that engaged in the six-month tracer survey and interviews, we can see that learnings have been implemented and there has been positive changes to their legal and advocacy actions.
- The pre- and post-training self-assessment scores show an increase in all of the learning outcome indicators, particularly for those to do with confidence in working on cases at regional courts.
- The tracer survey found that six months after the training, participants' self-assessment of their knowledge and skills remained at a higher level compared to before the training.
- Although few of the participants have taken on new cases, there is clear evidence that the skills and knowledge gained at the training are being applied in different ways by at least some of the trained lawyers through both policy engagement and university reduction modules.

What did we learn?

- An important learning which emerged for us was the need to ensure that the participant recruitment strategy implemented is specific to the context of the target country or region.
- Another important learning was to consider how we might better measure the outcomes of our training. In this instance the assumption was that the training would lead to more litigation and defence of journalists (as has been the case for other MLDI trainings) – but increasingly we are seeing that this isn't always the case – in fact the knowledge gained at the litigation surgery is being applied in a much broader way: through litigation, sharing learnings, providing legal advice or support, or through trainings and education delivered by the participants.
- MLDI staff reported challenges in joint delivery of activities between MLDI and partners. We learned we should ensure that roles and expectations are clearly defined and documented for future collaborative projects e.g. developing Memoria of Understanding or other relevant documentation which can be easily referred to by all parties involved.
- The evaluation data highlighted that MLDI's strength lies in its legal expertise – the feedback for the litigation training was much more positive, and indicative of effectiveness in achieving its desired outcomes, compared to the feedback for the advocacy training.

What have we done differently as a result?

- We have continued to promote our training manuals and guides, which were found to be an effective and valuable resource.
- We have developed more specific participant recruitment and selection plans for subsequent litigation surgeries, and were more proactive in ensuring we achieved an equal gender balance.
- Following feedback and suggestions from the participants, we plan to ensure we maintain contact and develop relationships with the trained lawyers in order to maintain momentum and engagement. Following other recent surgeries, we have sponsored trained lawyers to attend regional conferences and networking events to both ensure they remain engaged in freedom of expression and to deepen our relationship with them.
- We have developed more robust evaluation systems for our current programme of litigation surgeries.

Piloting a Framework for Measuring the Impact of Strategic Litigation

What were we evaluating?

We wanted to pilot a process tracing based framework to measure the impact of strategic litigation. We piloted the method with a case we supported at the East African Court of Justice (EACJ), *the Burundian Union of Journalists V Burundi* which sought to challenge a restrictive media law ahead of elections in Burundi.

We were mostly interested in the capacity for the approach to be used within the context of strategic litigation, and thus the focus of the evaluation was more about the process than the evaluation of the case itself.

How did we collect data and information?

We used a theory-building Process Tracing approach, which sought to identify evidence in relation to different areas of impact. The method aims to build a timeline of events, followed by desk research, developing hypotheses (on outcome and impact), as well as alternative hypotheses. We then identified and searched for the data we would need to support the central hypothesis and negate the alternative hypotheses. We then carried out a second wave of desk research and key informant interviews.

What did we find?

We were able to develop a number of important impact related hypotheses and find evidence to support them. For example, we are confident the case has not led to a change of law or policy in Burundi. With the exception of the Court's opinions on the importance of protection of sources, the ruling left the majority of the legislation intact. According to our research and those interviewed, there were no revisions to any legislation in Burundi concerning the protections of sources.

We were able to identify the following outcome statements related to the case:

- By taking the case to the EACJ: MLDI, the BUJ and its coalition partners set positive precedent regarding the importance of a free press for a healthy democracy and the protection of sources, which has been used to strengthen legal arguments in other cases and jurisdictions.
- By taking the first press freedom case to the EACJ and obtaining a judgment that recognises the importance of press freedom, others can confidently pursue this mechanism as a remedy for press freedom violations.

What did we learn?

- That the Process Tracing Method and draft framework developed has the potential to meet our impact assessment needs for our programme of strategic litigation, although somewhat resource intensive.
- The evaluation also highlighted the broader impact that the case can have despite there being little observable change in the target country on the specific issues challenged.

The evaluation also brought forward some programmatic learnings:

- As the law was new (at the time), it was difficult to demonstrate why it was problematic. It was not enough that the law was problematic in theory. It may be that for future cases at the Court, MLDI may need to wait for a sympathetic applicant that has been directly affected by the law in order to demonstrate its effects.
- MLDI felt they overwhelmed the Court by challenging too many sections of the law. When considering challenging a law, MLDI felt they should narrow down their challenge to the most problematic parts of the law.
- Taking the case has had a positive impact on MLDI's ability to support others to take cases at the Court. MLDI would not have been able to do this had they not gained experience at the Court and created legal precedent which opened it up for taking further press-related cases.

What have we done differently as a result?

We will now continue to develop our framework for measuring strategic litigation impact and carry out more pilot case studies using this method until we can then aggregate findings. This will help us to develop a more robust way of measuring our entire programme of work as opposed to only case-specific evaluations.

External Evaluation of our work in Europe

What were we evaluating?

We sought to carry out an independent outcome and impact level evaluation of our work in Europe, with special attention given to strategic litigation in the region and MLDI's European Coalition of partners.

The principal evaluation question for this evaluation was 'What are the outcomes and impact realised by MLDI's efforts regarding a) strategic litigation in Europe; b) facilitating and convening a European Coalition?'

How did we collect data and information?

We commissioned independent evaluators from the Central European University to carry out:

- an independent analysis of our data
- an in-depth desk study of a sample of 12 cases from our strategic litigation programme
- an interview programme with judges, lawyers and partners from the region concerning MLDI's work, the coalition and the sampled cases

What did we find? (As described and concluded by the independent consultant)

Key extracts from the independent evaluation are included below:

“The organisation distinguishes itself by choosing to support cases of journalists and bloggers that are relevant for the local journalists’ communities. The contribution of MLDI to improved legal expertise is also relevant. The legal capacity developed in the past few years in Macedonia, for example, is ‘100% the work of MLDI,’ according to a local legal expert.”

“MLDI is also seen as an effective and efficient organization. When it decides to support a case, it moves fast in allocating resources to local partners or in submitting written observations to the court. Yet, there is room for improvement in communicating effectively.”

“MLDI has a strong record of achieving short-term impact goals. There are more journalists able to do their work freely and legal practice that helps journalists has improved. MLDI's support was even decisive for the career paths of some journalists.”

“MLDI's written contributions are believed to generally tip the balance in some court decisions.”

“Generally, the environment for the media has deteriorated all over the globe. Governments relentlessly lay into critical journalists and news media. Many of them use legal threats to gag journalists and bloggers. Since 2014, a total of 4,680 cases of ‘limitations, threats and violations that affect media professionals’ were identified by Mapping Media Freedom, a joint project of Index on Censorship and the European Centre for Press and Media Freedom (ECPMF). More than 35% of those are law-related (lawsuits, legal measures, arrests or criminal charges). But all these negative developments were driven by factors, mainly related to political instability, that are outside MLDI's control. In such an environment, the role of MLDI, and organisations alike, is more important than ever. Without its work, fewer journalists will feel emboldened to do their work and the space for freedom of speech will further shrink.”

“In spite of a few meetings and joint collaborations, the Coalition has thus far been just a flash in the pan. Most of the Coalition's members have been very active to date, but mostly alone, in their own country. Only few member NGOs felt that their work was improved thanks to exchanges with Coalition members. Yet, there is broad agreement among journalists and legal experts that such a Coalition is desperately needed in an increasingly illiberal and extremist Europe where the state of independent media continues to worsen. The appetite for it is there.”

What have we done differently as a result?

The evaluation highlighted the question of ‘how we can evaluate what didn't happen?’ and the possibility that in certain places, rather than seeing a positive impact, we are instead preventing negative impact or slowing down the degradation of rights. This is an area we are interested to explore more through our research and evaluation work.

Instead of a coalition model, which was found to be ineffective, going forward we plan to develop more specific working groups and consider other ways in which we can build and foster collaboration and knowledge sharing between our partners in a more time-effective and cost-effective way. We plan to

develop more short term, project-based working groups that will achieve the same benefits of coalitions in terms of developing networks and connections for sharing knowledge, but will also have more specific and tangible outputs and require shorter-term commitments from the working group members.

To reinforce to our networks and potential applicants that we can also support bloggers; we will make sure we feature case studies and stories about bloggers we have supported on our website.

We plan to improve our communication and outreach by launching a newsletter and developing our website and social media to better communicate the case wins and important developments that our networks might find useful.

Closing remarks

We are very grateful to all of the lawyers, journalists and NGOs that partner with us and feed into our evaluation work. The insights and perspectives they provide is invaluable for our learning and growth as an organisation.

In 2018 we also began developing a M&E shared learning group for London based NGOs working in human rights. We welcome any individuals working in M&E from a human rights organisation to join. Please contact info@mediadefence.org for more information.

In 2019 we will continue to measure the impact of our work and evaluate what we do to make sure we are as impactful, effective and supportive as possible.

If you would like to know more about any of MLDI's monitoring and evaluation activities and reports, please email MLDI at info@mediadefence.org.