

How does the Media Legal Defence Initiative's support impact the journalists, bloggers and media outlets that it seeks to help?

Impact Survey Findings

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Media Legal Defence Initiative



“I can't imagine how desperate my situation would have seemed without MLDI. Having impartial support through unfamiliar criminal proceedings was invaluable”.

-An MLDI supported Journalist, United Arab Emirates



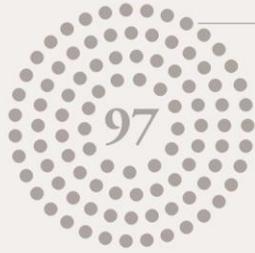
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JOURNALIST IMPACT SURVEY: FINDINGS

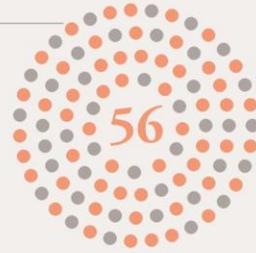
Summary Infographic

Cases supported by MLDI



cases that
came
to a close in
2015/2016

journalists,
bloggers and
media outlets
associated
with 56 cases
were contacted



52%
RESPONSE
RATE

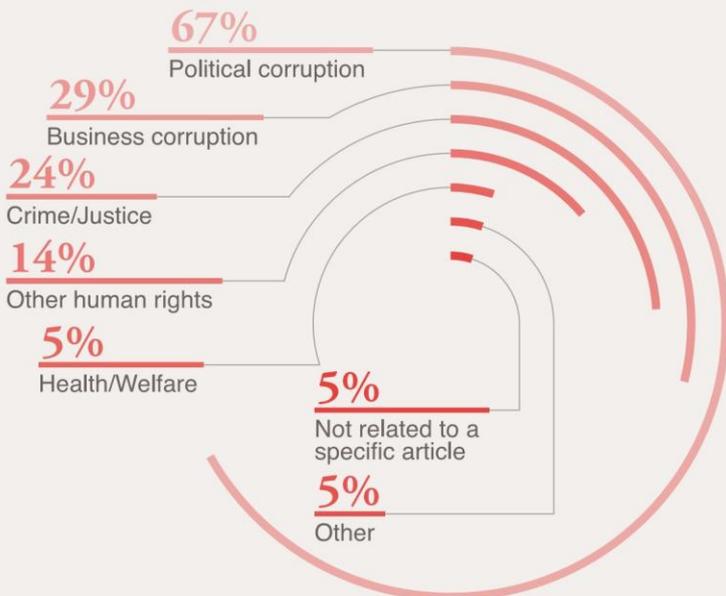
Gender of respondents



Region of respondents



The content of the article, publication or broadcast associated with the case



How many have continued to report since the closure of the case?

87%
Have continued to
report in the
public interest

Of those who had
a case concerning
journalism on
political corruption

78.5%

have continued to
report on **political
corruption**

Of those who had a
case concerning
journalism on
business corruption

67%

have continued to
report on **business
corruption**

Why did you choose MLDI for support with your case?

48%

Someone recommended that I ask for support from MLDI

43%

It was the only way I could cover the legal fees

43%

I thought it could help add international pressure to my case

38%

I trusted MLDI's expertise

29%

It was the only organization I could find that supports journalists with legal fees

24%

I wanted to make sure a third party was involved to keep an eye on the case

10%

Other

5%

It was the first organization I came across when looking for help

Level of satisfaction

85%

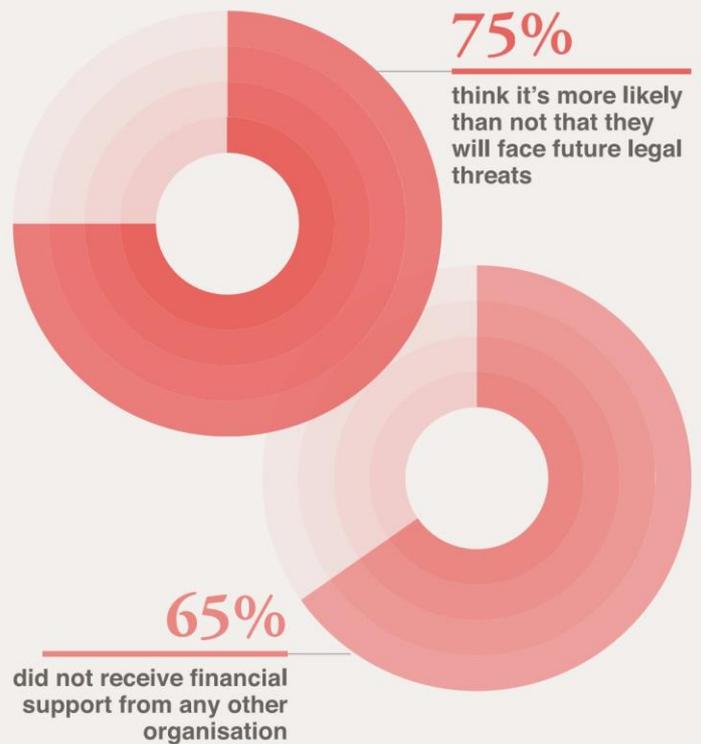
satisfied/extremely satisfied with their lawyer

66%

satisfied/extremely satisfied with the outcome of their case

95%

would recommend MLDI's support to others in a similar situation



Many think the biggest legal threats they face are:



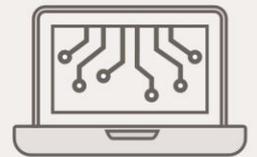
Lack of legal aid and quality lawyers available in country



Cost of lawyers willing to take on their cases



Defamation charges



Cyber-crime and other digital related legislation



Censorship by the state

Without MLDI I most likely would have ended up in jail or remained there.”

Many think their case has contributed to:



Raising awareness of media repression



Setting a positive precedent for future cases



Having success in a repressive system/proving a win can be possible in difficult regimes



A change in laws, strengthening freedom of expression standards



Increasing the respect for journalists

1. Background and methodology

What did we set out to do?

MLDI provides support to journalists, bloggers and media outlets through an Emergency Defence Fund to defend their right to freedom of expression when legal attacks are launched against them. The objective of this survey was to gather data and insight on the outcomes and impact that MLDI's Emergency Defence Fund has had on those that it supports.

MLDI typically contracts with the journalists' lawyer, and in most cases, communication during and after the case is also with the lawyer. This survey collects information directly from the journalist on the quality of support provided by MLDI and assesses the longer term outcomes of MLDI's support as experienced by the ultimate beneficiary of its service (journalists, bloggers and media outlets). The survey also ensures MLDI captures and incorporates the voice of its end beneficiaries into MLDI's work.

The survey explores:

- The journalists' satisfaction with the outcome of their case
- The journalists' satisfaction with the quality of their defence
- The journalists' reasons for seeking support from MLDI
- The journalists' satisfaction with the support received from MLDI
- The impact of MLDI's support
- Other factors or organisations which may have had an impact on the case and the supported journalists' ability to publish
- Areas for improvement for MLDI

Who did we send the survey to?

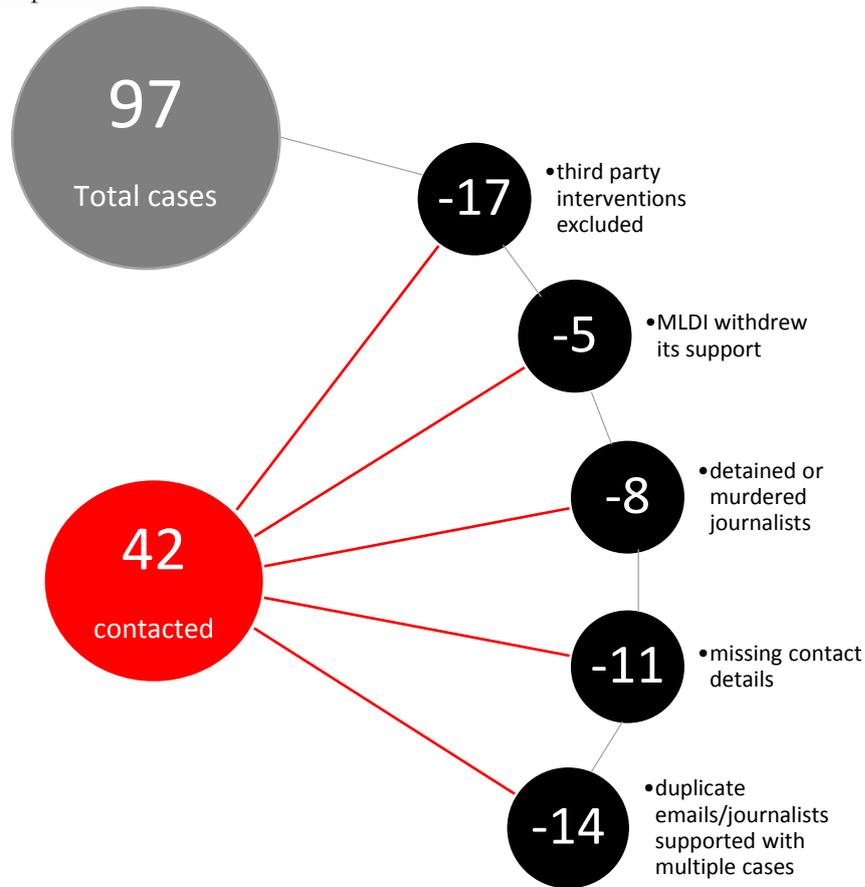
The target group for the survey was journalists, bloggers or media outlets that MLDI had supported and whose case was concluded between 1 January 2015 and 31 December 2016; there was a total of 97 cases closed during this period. This date range was chosen to allow sufficient time between the end of the case and the collection of information to explore the longer term impact of the support. MLDI was only able to send the survey to a total of 42 unique email addresses, in relation to 56 of the 97 cases (some individuals fought multiple cases). A number of cases were excluded from the research for reasons detailed in the chart on page four, which illustrates who was included in the sample and why the sample was smaller than the number of cases supported during the period.

How was the survey administered?

The survey was carried out via SurveyMonkey and sent via the online platform. The survey was open for three weeks between 14 July 2017 and 7 August 2017. Reminder emails were sent after each week to those who had not yet responded. The survey was issued in English.

Data was processed and stored to ensure anonymity of the participants.

Chart 1: Sample composition



Who responded?

MLDI received a total of 22 responses (response rate of 52.4%). MLDI received bounce-back notifications from three email addresses which appeared to be no longer in use. One response was excluded as the respondent was not a journalist, blogger or media outlet (they were a lawyer) thus 21 responses are included in this research.

When asked to identify as either journalists, bloggers or representing media outlets (respondents could select more than one option), 71% identified as journalists, 38% as bloggers and 33% were representing a media outlet (figure 1.1). The majority of respondents were supported with civil or criminal defamation cases, which corresponds to the types of cases MLDI typically supports (see figure 1.2).

Figure 1.1

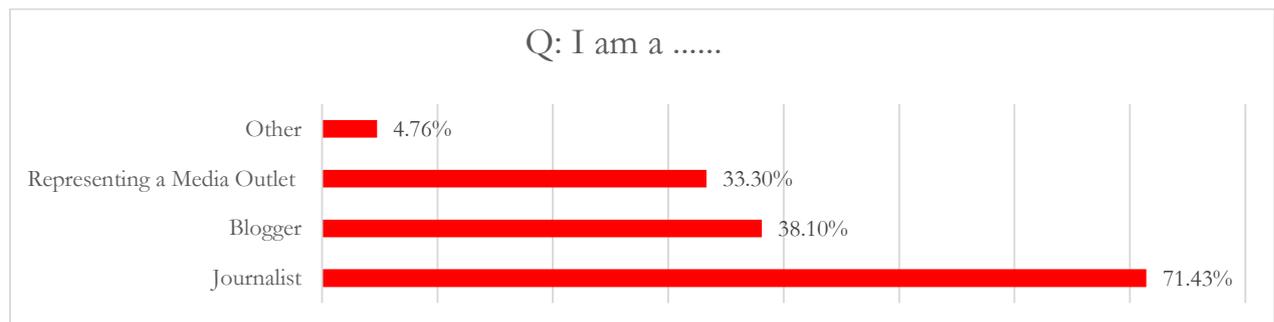


Figure 1.2

Type of case	% of respondents	Number of respondents
Access to information	0.00%	0
Administrative measures/sanctions	9.52%	2
Civil defamation/libel	42.86%	9
Closure of media outlet	4.76%	1
Contempt of Court	9.52%	2
Criminal defamation/libel	33.33%	7
Endangering National Security	0.00%	0
Harassment or bodily harm	0.00%	0
Insult (Government or official)	9.52%	2
Protection of sources	4.76%	1
Sedition	9.52%	2
Other Civil	0.00%	0
Other Criminal	14.29%	3
Other (please specify)	14.29%	3

How representative is the sample obtained compared to the target sample?

Some groups are slightly over represented and others underrepresented in the survey. Given the size of the sample achieved, weighting responses was not possible. Thus when interpreting the results of the survey, the reader should keep in mind:

- Female journalists are underrepresented in the sample.
- Regionally, journalists from Sub-Saharan Africa are over represented, and Europe and Central Asia and Russia are underrepresented.

Figure 1.3
Gender

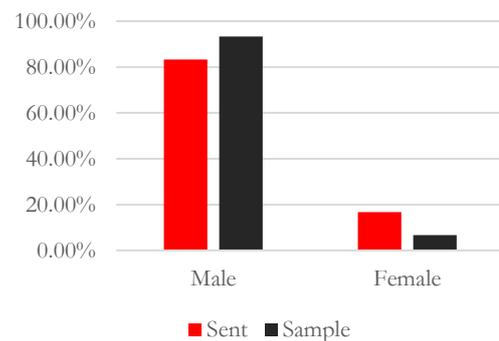
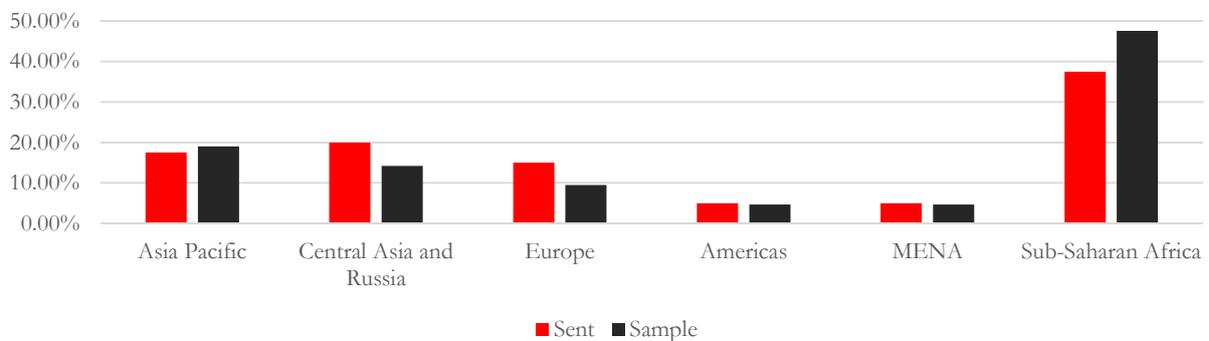


Figure 1.4
Region



What were the limitations of the research?

The contact details of the journalists supported by MLDI had not been systematically collected or stored, which led to a smaller sample size and meant there was less opportunity to segment and compare results by some of the factors that may affect the journalist's experience, such as the type of case, gender, country, level of court and media type. Some segmentation has been possible by region, however, this should be treated with caution due to the small sample size.

Carrying out the survey in English may also have affected the number of respondents willing or able to complete the survey. Similarly, some responses were difficult to understand, which limited analysis.

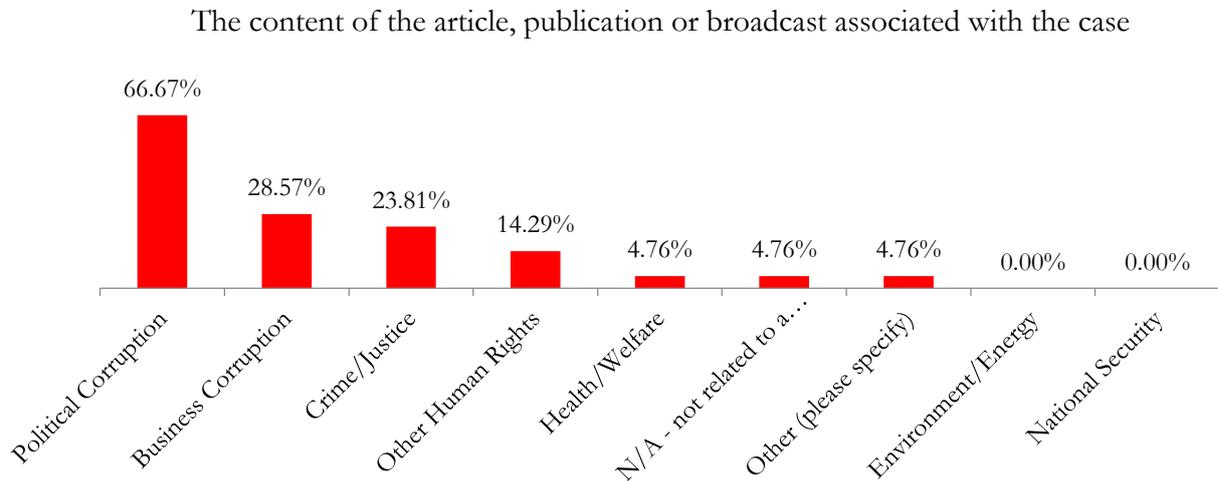
Finally, the survey does not include information from or about any journalists who were killed or who are currently detained.

2. Findings

What were journalists reporting on which led to the legal threats?

The content of their article, publication or broadcast associated with their case most often concerned political corruption, followed by business corruption and crime and justice (some articles related to more than one type of content, see fig.2.1).

Figure 2.1

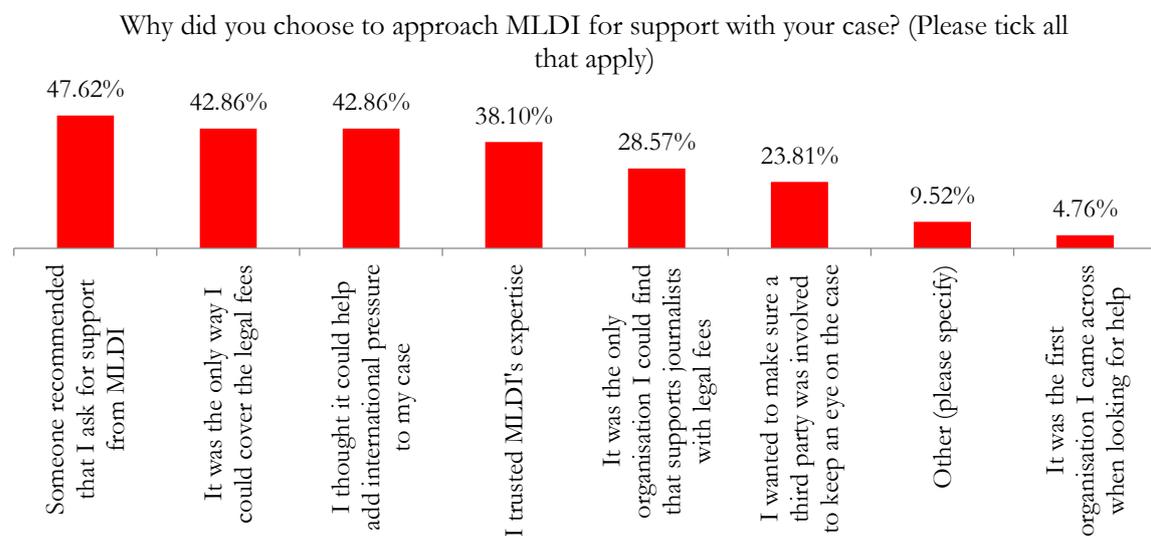


Why did journalists, bloggers and media outlets approach MLDI?

Respondents were asked to select from a list of different options, the reasons why they choose to approach MLDI. Respondents could pick more than one option and there was also an 'other' option.

The most common responses were: someone recommended they ask MLDI for support (48%); it was the only way to cover their legal fees (43%); and belief it could help to add international pressure to their case (43%). The least common response was that MLDI was the first organisation they came across when looking for help (5%). Of those that choose 'other', they stated that MLDI had approached them, or that a media rights organisation approached MLDI on their behalf.

Figure 2.2



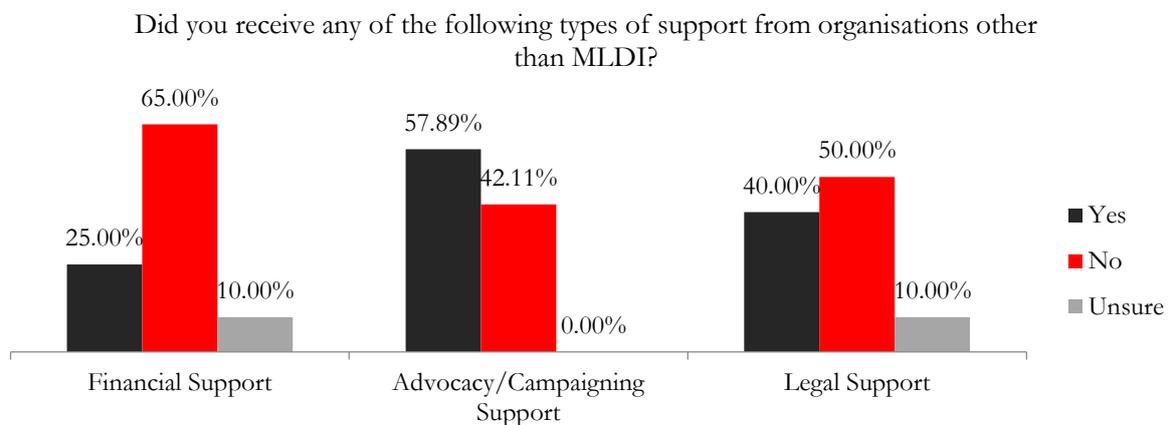
What other support did the journalists, bloggers and media outlets supported by MLDI receive?

Respondents were asked if they received financial, legal or advocacy support from organisations other than MLDI. 38% of respondents did not receive any financial, advocacy or legal support from other organisations, the majority of these respondents (75%) were from Sub-Saharan Africa.

The majority of respondents (at least 65%) did not receive financial support from any other organisation. A significant amount (58%) received advocacy and campaigning support (an activity outside of MLDI's mandate) and 40% received legal support from other organisations (see figure 2.3).

There were no significant differences in the outcomes or experiences when comparing the survey results of those that had external advocacy support or other legal support and those that only received financial support, however, this could be due to the small sample size.

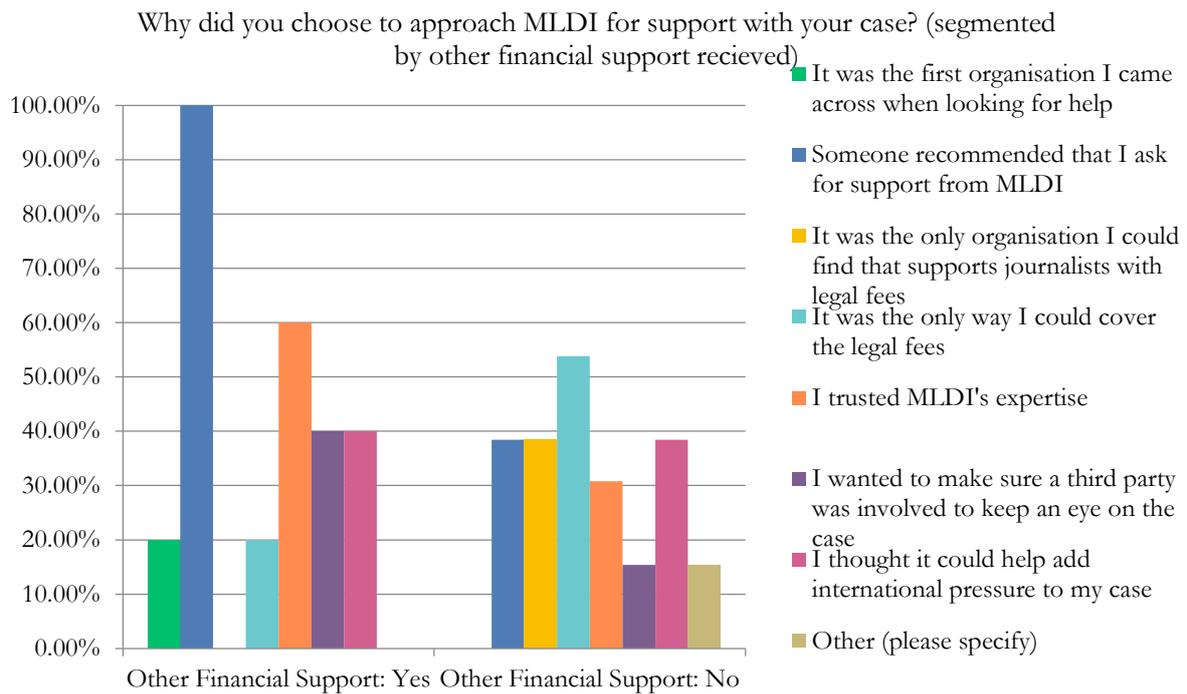
Figure 2.3



Respondents were then asked an open-ended question about the most important form of support they received. 14% mentioned MLDI directly, 9.5% mentioned international pressure or advocacy, 9.5% mentioned third party organisations, 19% stated legal support (50% of which received legal support from MLDI only), and 24% mentioned the financial support received, of which 80% received financial support from MLDI only.

When responses to the question “Why did you choose to approach MLDI?” are segmented by those who received financial support from other organisations as well and those who only received financial support from MLDI, some differences emerge. Those that received financial support from other organisations, as well as from MLDI, were more likely to cite non-financial reasons for approaching MLDI, such as ‘being recommended that they ask for support from MLDI’, ‘trusting MLDI’s expertise’, and ‘engaging a third party’. Those who did not receive any other financial support were more likely to cite MLDI as the ‘only way to cover the legal fees’ and ‘the only organisation they could find that supports journalists with legal fees’, as detailed in figure 2.4 below.

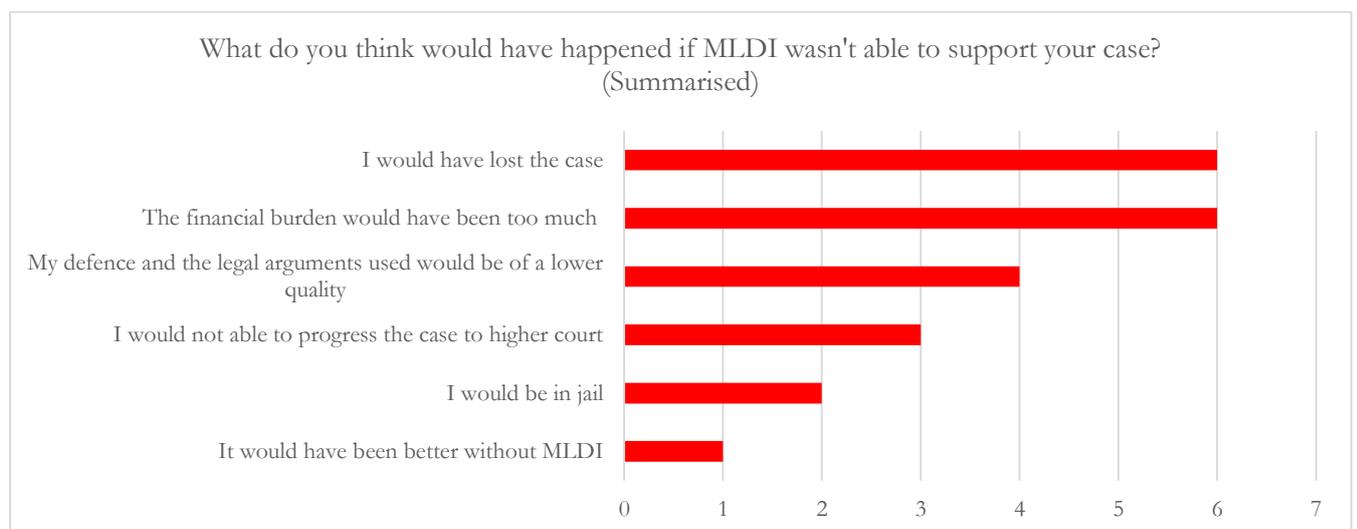
Figure 2.4



What would have happened if MLDI was unable to support their case?

To understand the role MLDI plays in journalists’ legal defence, participants were also asked to consider the possible counterfactual i.e. “What do you think would have happened if MLDI wasn’t able to support your case?”. Themes of responses were very consistent, as summarised and shown in figure 2.5 below, with the majority indicating they would have lost the case or the financial burden would have been too much. Other themes included having a lower quality of legal defence or being unable to seek justice at a higher court. All but one response suggested MLDI’s role was a positive one, with the exception being that one individual felt that MLDI had disrupted their lawyer’s process and “didn’t listen to local expertise”.

Figure 2.5



Quotes: What do you think would have happened if MLDI wasn't able to support your case?

“I would have probably lost my house and struggled to keep my family together.”

“It would be difficult. I would not have my lawyer. They added value to making the case more famous. Lawyers in MLDI and my lawyer prepared excellent case communication documents. They can be used as a teaching material for lawyers. If not for MLDI this all would not have happened.”

“I can't imagine how desperate my situation would have seemed. Having impartial support through unfamiliar criminal proceedings was invaluable.”

“I most likely would have ended up in jail or remained there.”

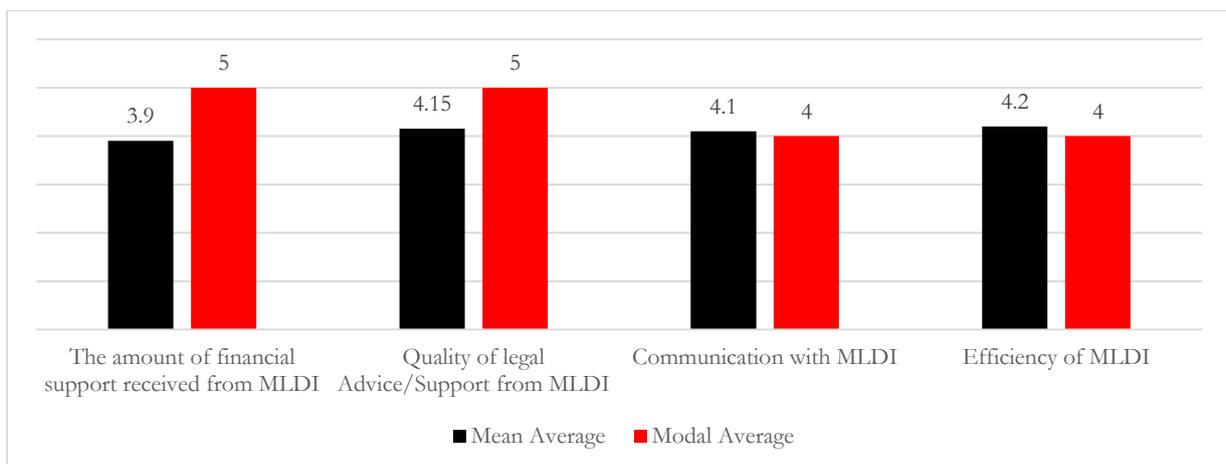
Interestingly, some trends emerged when the responses were separated out by their region, as indicated by the table below (however, the small sample size means this should be interpreted with caution).

Region	Most Common Response (60% of responses or more)
Asia Pacific	The financial burden would have been too much
Central Asia and Russia	I would not be able to progress the case to a higher court
Sub-Saharan Africa	I would have lost the case/be in jail
Europe, MENA and Latin America	Sample too small to determine

How did they rate the quality of the support received from MLDI?

Respondents were asked to rate MLDI on three factors on a scale of 1-5 (with 5 indicating ‘the best’ and 1 indicating ‘the worst’). The results were largely positive, with both mean and modal averages of at least 3.9 for all categories as shown in the graph below.

Figure 2.6



In addition:

- 95% of the respondents stated they would recommend MLDI's support.
- 85% were either satisfied or extremely satisfied with their lawyer (excluding those that were unsure).
- 66% were either satisfied or extremely satisfied with the outcome of their case (excluding those that were unsure).

How could MLDI improve its support?

When asked how MLDI could have improved its support, the most common thing mentioned was to provide a larger contribution to the legal fees, "I think that most lawyers avoided the cases because of the amount being paid.", "By paying my lawyer what he was charging". Language and communication issues were also mentioned, with the suggestion to have a Turkish speaker on staff. In addition, participants mentioned providing more legal advice, letting them choose the lawyer and providing support for counterclaims. One respondent also mentioned the need for more flexibility when seeking support, "In some cases, when I have been seeking support of MLDI, they requested too many details on the case. These details could not be predicted, as the judiciary here is not efficient. You never know, how many motions the lawyer will have to submit, and how many rights will be violated. We need more flexibility with the case planning". Many also mentioned that the support would be difficult to improve, "Hard to imagine how MLDI could have improved its support".

What has the impact of the case been on their reporting (as experienced and perceived by them)?

Respondents were asked about what has happened since their case concluded, and about their current reporting and their current challenges. 90.5% of respondents stated they have been able to continue reporting since the closure of their case.

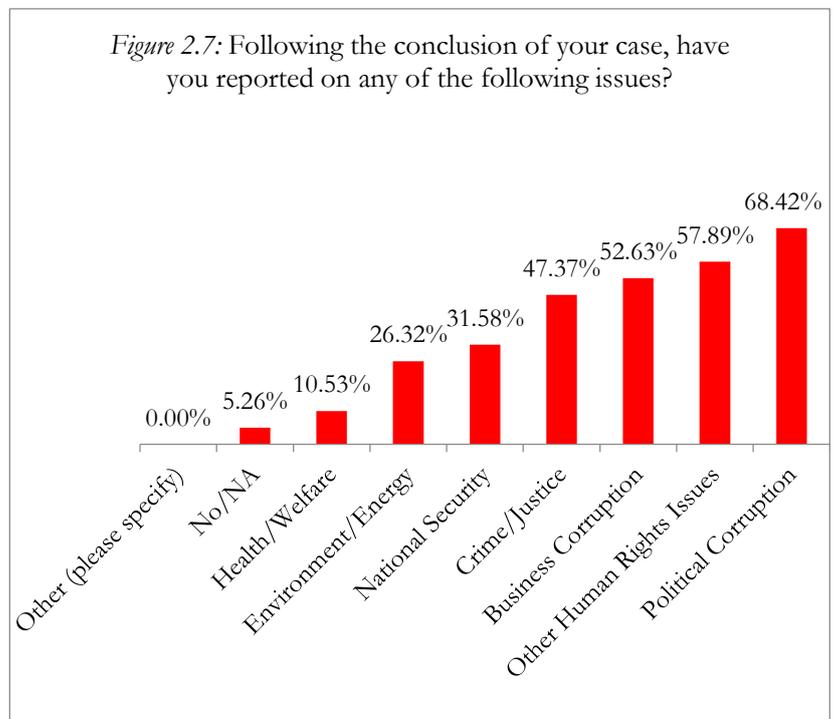
Those that are no longer reporting

Of the two that were unable to continue reporting, one gave the reason: "Poverty. We were forced to devote so much time to defending ourselves that our online site did not have sufficient income to continue". The other stated their media outlet would not support them in any legal matters making it difficult for them to continue working with them.

Those that have continued to report

95% of those that have been able to continue reporting (87% of all respondents) have published on matters of public interest as defined in figure 2.7.

Of those whose cases related to journalism on political corruption (the most common issue supported), 78.5% have continued to report on political corruption since the closure of the case. This drops to 67% for business corruption.



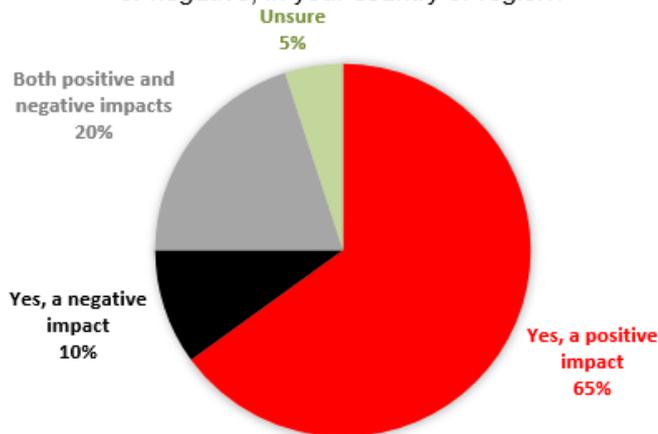
Respondents were asked if they had made any changes to their reporting as a result of the legal challenges they faced. 47% stated they did not consciously change their reporting as a result, “No, we have continued to champion public interest causes.” One respondent even mentioned the case has promoted their journalism and their activities, making it easier to fight legal attacks in the future. Others reported that they had made some change: two respondents shifted to a different type of media, one from radio to print, and another from print to blogging. The other common theme that emerged was that some were more cautious with their reporting, being more careful with sources, presenting information and ensuring they have a lot of evidence (27%). Others also mentioned that they are more aware that authorities are monitoring their reporting.

Impact in their country

Those surveyed were asked whether they thought their case had had a wider impact in their country or region. Responses are detailed in the chart below. 85% felt it had a positive impact (65% said it has a positive impact, 20% said it both a positive and negative impact).

Figure 2.8

Do you think your case has had a wider impact, either positive or negative, in your country or region?



The main themes of the positive impact as described by respondents were:

- Raising awareness of media repression
- Setting a positive precedent for future cases
- Having success in a repressive system/proving a win can be possible in difficult regimes
- A change in laws, strengthening freedom of expression standards
- Increasing the respect of journalists

Negative impact themes included:

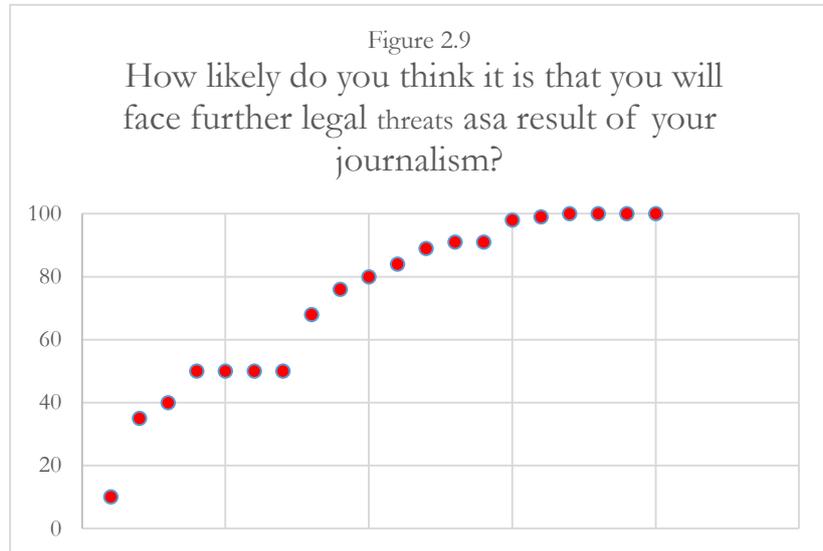
- Intimidation of media workers
- Setting a negative precedent for future cases

Future threats and challenges

Respondents were asked to indicate on a scale of 1 – 100 how likely they thought it was that they would face future legal threats for their work. Responses ranged from 10 – 100 with a mean of 73. The majority (60%) scored the likelihood at 75 or over on the scale and 75% scored 50 or above i.e. indicating it is more likely than not.

Responses are displayed in the scatter diagram 2.9.

Regionally, there was some variation in the mean score, with Central Asia and Russia scoring a mean of 91, Sub-Saharan Africa at 81, Asia Pacific at 57 and Europe at 39. There was only one response to this question from respondents in MENA (35) and in Latin America (100).



What do they see as the biggest legal challenges facing journalists in their countries?

The most recurring theme in respondents' answers to the question "What is the biggest legal challenge currently facing journalists in your country?" was the lack of legal aid and quality lawyers available in country and the cost of lawyers willing to take on their cases. This was followed by cybercrime and other digital related legislation, defamation charges and censorship by the state. Many also mentioned broad terms such as "oppressive regimes and laws", "weak legal framework" and "the use of the law by the state". Issues such as access to information and national security laws were also mentioned.

What are their biggest challenges more generally as a journalist, blogger or media outlet?

When asked about the biggest challenges they face more generally, the most common themes were:



- Funding/lack of resources/poor pay
- Intimidation, harassment or violence
- Self-Censorship
- State authorities/surveillance

Others also mentioned the lack of access to information, oppressive regimes, poor working conditions, legal threats and licensing issues. The word cloud adjacent summarises the types of responses received to this question.

A typical experience of an MLDI supported journalist

By aggregating the different experiences and comments gathered through the survey and identifying the most common aspects of these experiences, it is possible to identify a typical 'journey' of the journalists supported by MLDI. The below depicts a summary of this experiences for illustrative purposes only, and is not based on any one journalist in particular but uses the common themes in this survey to create a narrative. This is likely to be only one of many types of journeys that are experienced by those supported by MLDI.



3. Conclusions

It's clear from the response to the survey that MLDI's connection to an international network of freedom of expression, journalism and human rights organisations is an extremely important factor in reaching the journalists, bloggers and media outlets it seeks to support (with the majority of beneficiaries approaching MLDI after a referral from partners, individuals and other human rights focused organisations). This is further supported by data collected at the time of application, which indicates that for cases supported in the same date range, 59% heard about MLDI through a partner, colleague or friend.¹ As a result, MLDI should maintain, strengthen and grow this network – especially for the regions (Latin America, MENA) and demographics (women) that have been highlighted as underrepresented in MLDI's support.

Conclusions can also be drawn about the role that MLDI plays. By considering the responses to questions around why journalists approached MLDI, what other support they received and what they think would have happened if MLDI had not supported them, it is clear that MLDI is playing an important role. At least 65% did not receive any other financial support, 43% cited MLDI as the only way they could cover the fees and many indicated the financial burden would have been unmanageable without MLDI, thus the financial role that MLDI plays is clearly an extremely important one. For many, it enables them to fight the legal threats launched against them and ultimately allows them to continue to practise journalism and report in the public interest.

It's also clear that MLDI's role goes beyond a financial one for many that it supports. At least 50% did not receive any legal support from any other organisation; many cited the legal support received as one of the most important contributing factors to their case; and a number of respondents stated that without MLDI they felt the legal arguments used in court would be less strong. Because of this, it is apparent that the technical support that MLDI provides also plays an important role.

As motivations to approach MLDI appear to differ depending on if they have received financial support from another organisation, MLDI should consider the different needs of the journalists, bloggers and media outlets that approach MLDI for support, and how best to respond to these different needs. Further research and data would be required for this as detailed in the recommendations.

Finally, the data from the survey related to the experiences and journeys of the journalists concerned, supports MLDI's theory of change as a method to achieve its broader objectives and goals. Using MLDI's "Activities to Goal" visualisation (part of its Theory of Change, see page 17), the evidence gathered in the survey supports the stream of activity and route to change hypothesised by MLDI, relating to the provision of funding for legal fees (this pathway is highlighted in red in chart 1 on page 17). The responses suggest that the financial support provided to defend journalists' right to freedom of expression (which many felt would have been impossible without MLDI), and the legal support provided to many to promote a positive outcome, ultimately contributed to ensuring 90.5% of those supported were able to continue reporting, with 87% doing so on public interest topics. In addition the challenges faced by respondents that were highlighted in the survey, such as the quality of legal aid available, and the use of the law to censor and stifle journalism, also highlights the importance of MLDI's other core activities as highlighted in blue in the chart on page 17. Thus, the survey findings suggest MLDI is successfully contributing to its objective of ensuring journalists, bloggers and media outlets are able to report in the public interest.

¹ Data is collected routinely when journalists apply for support to MLDI, applicants are asked to indicate how they heard of MLDI. This data is collected separately to that collected in the survey.

4. Recommendations

Administering grants

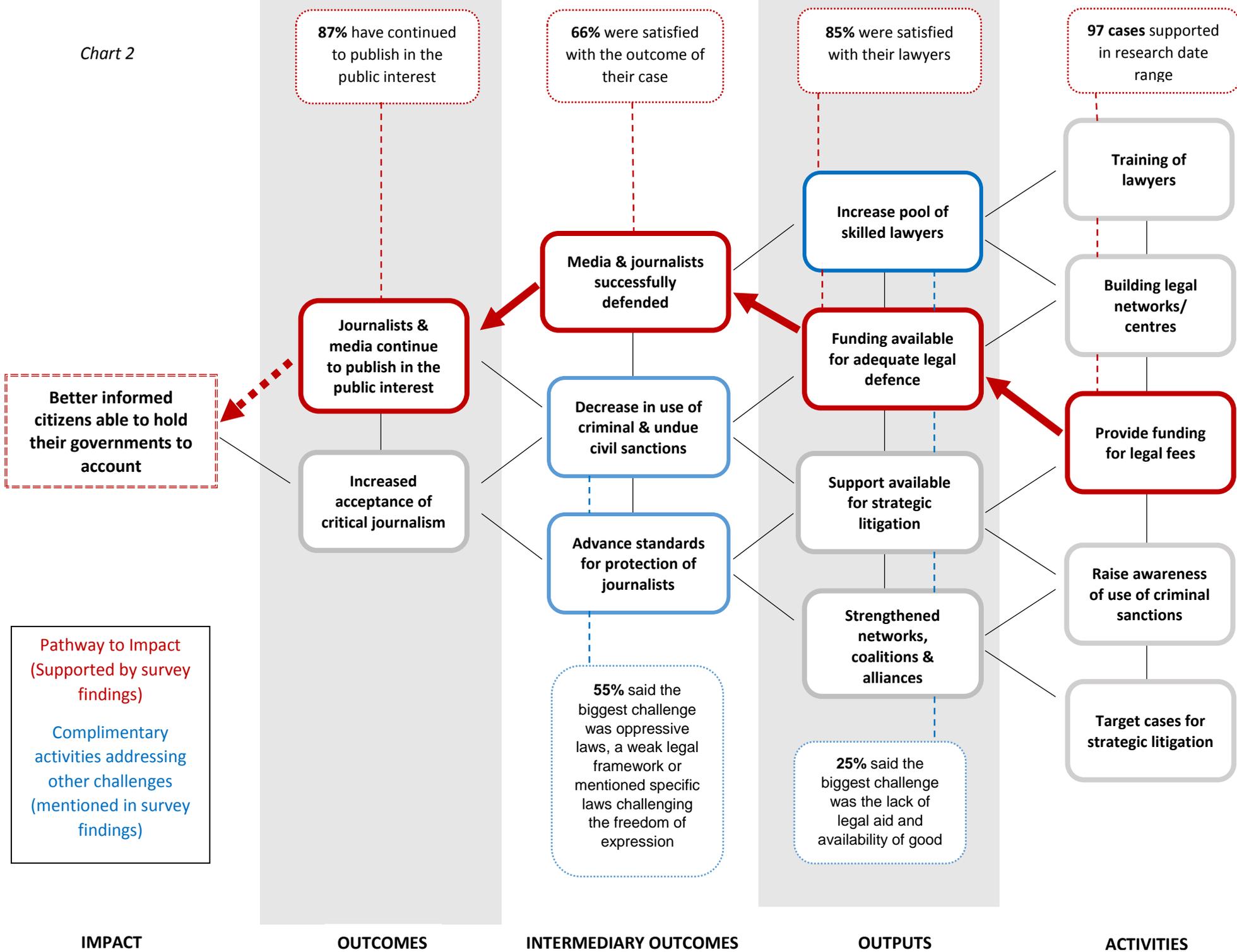
- MLDI should consider how to address language barriers in its grant making, for example, if and how it may be possible to provide information and administer grants in different languages, and in what scenarios translators or interpreters should be engaged.
- MLDI should routinely collect journalists' contact details as part of the application process
- MLDI should identify the reason for the underrepresentation of women in its beneficiaries and act to address this.
- MLDI should consider expanding its reach in MENA and Latin America, which were underrepresented in its beneficiaries.
- As many of the journalists cited reasons apart from financial need as reasons for coming to MLDI, including international attention and having a third party engaged in the proceedings, MLDI should consider how it can maximise this potential benefit, for example by publicising its cases and case updates (when appropriate to do so).
- In light of some of the suggestions on improvements, MLDI should ensure that technical legal support is offered in all cases and offer flexibility in its administrative processes for case planning in complicated and/or delicate cases.

Further Research

The research also presented a number of potential areas for further research in relation to the impact that MLDI has on journalism:

- MLDI should isolate key questions to repeat for future surveys to measure shifts or changes.
- MLDI should isolate key questions and send the survey to journalists supported through partners (block grant recipients), possibly via the partner, and in their own language, this would increase the volume of responses as well as allow for more comparisons and also act as a quality check for those partners supported.
- The data provides an opportunity to develop typologies for the types of journalists MLDI supports if paired with additional, in-depth qualitative interviews.
- In future, MLDI should provide the survey in other languages commonly used by beneficiaries e.g. Russian, Spanish, French, and Turkish).

Chart 2



MLDI

Media Legal
Defence Initiative

Contact details

MLDI

The Foundry

17 - 19 Oval Way

London

SE11 5RR

United Kingdom

Email: info@mediadefence.org

Skype: [mldi.law](https://www.skype.com/people/mldi.law)

Phone: +44 (0) 203 752 5550

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Registered Company in England and Wales (6621203)