



# Media Defence

# Strategy 2020 2024



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# Introduction

At Media Defence, we provide legal help to journalists, citizen journalists and independent media across the world, in the belief that a free press is essential in realising the right to freedom of expression.

We support people to hold power to account by working to ensure the legal protection and defence of journalists and independent media so they can report on issues of public interest.

We do this by providing direct legal assistance to journalists, citizen journalists and independent media through an emergency defence fund, by taking strategic cases to challenge unjust laws and protect freedom of expression, and by developing a world-wide network of partners and specialists to provide legal defence, which we support through grant-making, training and information sharing.

We are unique in what we do. To date, we are the only organisation in the world solely focused on providing this crucial help to journalists.



# Mission and Mandate



## Our Mission

Our core 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 to hold those with power to account.

## Our Mandate

We work globally, where there is the greatest need, to ensure legal defence and protection of journalists, citizen journalists and media outlets from legal threats related to their journalism that violate the right to freedom of expression, ensuring that they can continue to report on issues of public interest.

# Our Impact

*Between 2008 and 2018...*

**We supported over  
600 cases in  
90+ countries**

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**285.6 years  
of detention avoided  
for journalists**

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**\$500 million  
in damages for  
journalists avoided**

**98% of journalists  
would recommend  
our support**

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**71% of journalists  
we've helped have  
continued to report**

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**70% case success rate**

# About Media Defence



*We were established in 2008 to ensure that independent media, journalists and citizen journalists under threat of abusive legal action for their reporting, have affordable access to skilled legal representation.*

*We do this in 3 interconnected ways:*

**Providing emergency defence:**

funding and working alongside lawyers globally to ensure high quality legal defence is provided to media.

**Conducting strategic litigation:**

challenging laws and practices that are used to silence journalists, ensuring the law is used to protect journalists rather than persecute them.

**Developing our partnerships to support world-wide legal defence capacity:**

including financial support – as an added value funder – training, knowledge sharing and capacity building.

# Our Strategic Context

We were created in 2008 in the context of a sharply deteriorating environment for freedom of expression. A number of countries that had transitioned to democracy at the end of the last century were re-asserting aspects of authoritarian rule. Others introduced disproportionately repressive new laws and regulations under the cloak of the 'War on Terror'.

Today, freedom of expression is deeply contested around the world. Increasing control of the media sought by governments and other powerful actors has seen a surge in the persecution of independent media, with abusive legal actions, violence and an array of restrictive laws.

Over the next four years, the context in which we operate is forecast to worsen as insecurity and populism spread, while governments copy restrictive and abusive practices from others. More and more journalists often face the threats alone, without the protection of resourced media houses or effective legal representation. That's why we need to magnify our impact.



# Introducing our Strategy

## 2020-2024

*In 2020-2024, we will increase and deepen the support we offer to our partners, enhancing the availability of quality legal defence for journalists around the world as well as the coordination of strategic litigation on press freedom and freedom of expression.*

Our current and future partnerships include funded partner organisations, experienced and emerging lawyers who provide or intend to provide quality legal defence to journalists and independent media outlets in their respective countries or regions.

We will also continue to provide emergency legal defence to journalists and media organisations globally, in countries where we do not yet have partners and where we are the only realistic avenue to provide this much needed assistance.

We will continue to pursue high-impact strategic litigation to win landmark cases, clarifying or changing laws, bringing them in-line with international standards on freedom of expression.

# Goals

# 2020-2024

*Our overall goal is to enable independent media to hold power to account by reporting on matters of public interest, free from abusive legal action. Five key strategic and enabling goals will drive our work in this period.*

## **Strategic goals**

- Journalists in need have access to free emergency legal assistance
- The legal climate for press freedom worldwide is improved
- Specialist, free legal defence for media is available globally from well-informed legal practitioners and partners, able to defend individual journalists and take strategic cases to protect and extend freedom of expression

## **Enabling goals**

- Strengthened internal capacity to meet the global legal challenge to journalists' ability to work on issues of public interest
- Through the strategic communication of our work and that of our partners, Media Defence is recognised globally as a centre of expertise in legal defence of press freedom

*We will work to achieve these goals by focusing on the following strategic and supporting priorities.*

# 1 —

## Provide free emergency legal assistance to journalists in need

*We will provide assistance to all requests for emergency legal support that fall within our mandate, where we are the only realistic avenue to provide the help required.*

We will support the legal defence of journalists and media houses, as well as help them bring legal action to compel the state to protect their rights where these have been violated, including to investigate abuses and bring perpetrators of attacks to justice.

Our assistance will be in the form of funding legal defence and providing technical legal support to the journalist's lawyers. We will also help identify a lawyer where necessary.

### **By 2024...**

- We will support at least 100 new emergency defence cases per year.
- We will maintain a 70%+ success rate in our individual cases.

# 2 —

## Obtain landmark judgments that can improve the climate for press freedom, worldwide

*We will proactively pursue cases that can have a wider impact on the legal climate in which the media operate.*

Our strategic cases will seek to enhance respect for international norms on the right to freedom of expression and promote a legal and regulatory framework in which journalists and citizen journalists can report freely on issues of public interest.

We will do this by directly representing journalists in cases before influential domestic courts and international tribunals, intervening in cases already under way, and by supporting local lawyers to do the same.

### **Our strategic litigation priorities are:**

- Obtaining redress for journalists who have become victims of violence and harassment.
- Protecting free speech online.

To enable us to respond to the rapidly changing freedom of expression landscape, we will also be opportunistic. If a strong opening presents itself to litigate another case that offers an important opportunity to advance media freedom standards, we will seize the moment.

### **By 2024...**

- We will support at least 40 new strategic cases per year.
- We will maintain a 70%+ success rate in our strategic cases.

# 3 —

## **Increase our investment in local legal capacity building through grant-making, training and information sharing**

*We will invest in our role as a catalyst and legal capacity-builder to expand and deepen our local partnerships, supporting partner organisations and individual lawyers with funding, knowledge sharing and training.*

We will prioritise partners in countries or regions where there is a strong need for legal support for journalists and where it can be difficult for independent media to obtain quality and affordable legal support.

### **By 2024...**

- We will support at least 25 national media defence centres around the world.
- We will run regional litigation surgeries for local lawyers in each region.
- We will facilitate cross-partner learning, promote best practices in media defence litigation, and strengthen legal advocacy across the world.

# 4 —

## **Grow our internal capacity to meet the global legal challenge to journalists' ability to work on issues of public interest**

*These supporting priorities underpin and enable our strategic priorities.*

We will enhance our skills as a grant seeker and grant maker. We will strengthen our human resources to ensure we have the right people to deliver on our strategy. We will diversify our funding streams and proactively seek out new and relevant opportunities to grow our income.

### **By 2024...**

- We will double our income in order to provide more and bigger, multi-year grants to national media defence centres.
- We will increase levels of funding for national media defence centres and deepen the practical support we currently offer on litigation and organisational development.
- We will expand and leverage links with the donor community to enhance our skills as a grant maker.

# 5 —

**Strategically communicate our work and that of our partners to broaden our reach and become recognised globally as a centre of expertise in legal defence of press freedom**

*The communication of our work is imperative in achieving our goals.*

We will produce and implement an ambitious communication strategy, focusing on all our media and channels, live and digital. We will reach more journalists and media outlets in need of support and increase knowledge sharing with our partners to better meet the demand.

**By 2024...**

- We will be recognised globally as a leader in the field of media legal defence.
- We will reach more journalists, media defence lawyers, national media defence centres and pro bono lawyers through our communication channels.
- Our online legal resources will be more accessible, user friendly and actively promoted.
- We will facilitate knowledge sharing between partners.

# Strategic Risks

## Change Management Risk:

The organisational change and growth associated with our new strategy results in process disruption and employee turnover and compromise our ability to meet our objectives. We will mitigate this risk by understanding and communicating our target model for 2024, involving employees early on in the planning process and monitoring performance indicators around operational outcomes and employee engagement.

## Competitive Risk:

Press freedom organisations introduce or expand their legal support programmes, undermining our USP as a global leader in the specialist field of media legal defence. We will mitigate this risk by ensuring we effectively communicate our unique work and raise our profile with stakeholders with an interest in specifically legal aspects of global press freedom.

## Compliance and Reputational Risk:

Non-compliance with data protection, employment or environment laws and regulations or our ethics and principles results in fines or other sanctions, bad publicity or negative relationships with partners, beneficiaries, donors or the general public. We will mitigate this risk by engaging external experts to advise on compliance issues,

by ensuring our staff are regularly trained in the legal and regulatory frameworks applicable to their work, and by monitoring the quality of our work to ensure it meets our expectations and standards.

## Financial Risk:

Risks to the financial health, specifically being unable to raise sufficient income to fund our operations. We will mitigate this risk by investing in our fundraising and communications and by diversifying our funding streams. We will regularly report on our financial performance and position to ensure that the financial risks of expanding our organisation over this strategy period are well understood and appropriately managed.

## Innovation Risk:

We rapidly expand our partnership model, increasing the risk of quality problems. We will mitigate this risk by ensuring our due diligence checks on partners remain robust and our grant making process is simplified and streamlined. We will monitor the quality and success of our partners' work and assist them where these fall short of our expectations.

## Liability Risk:

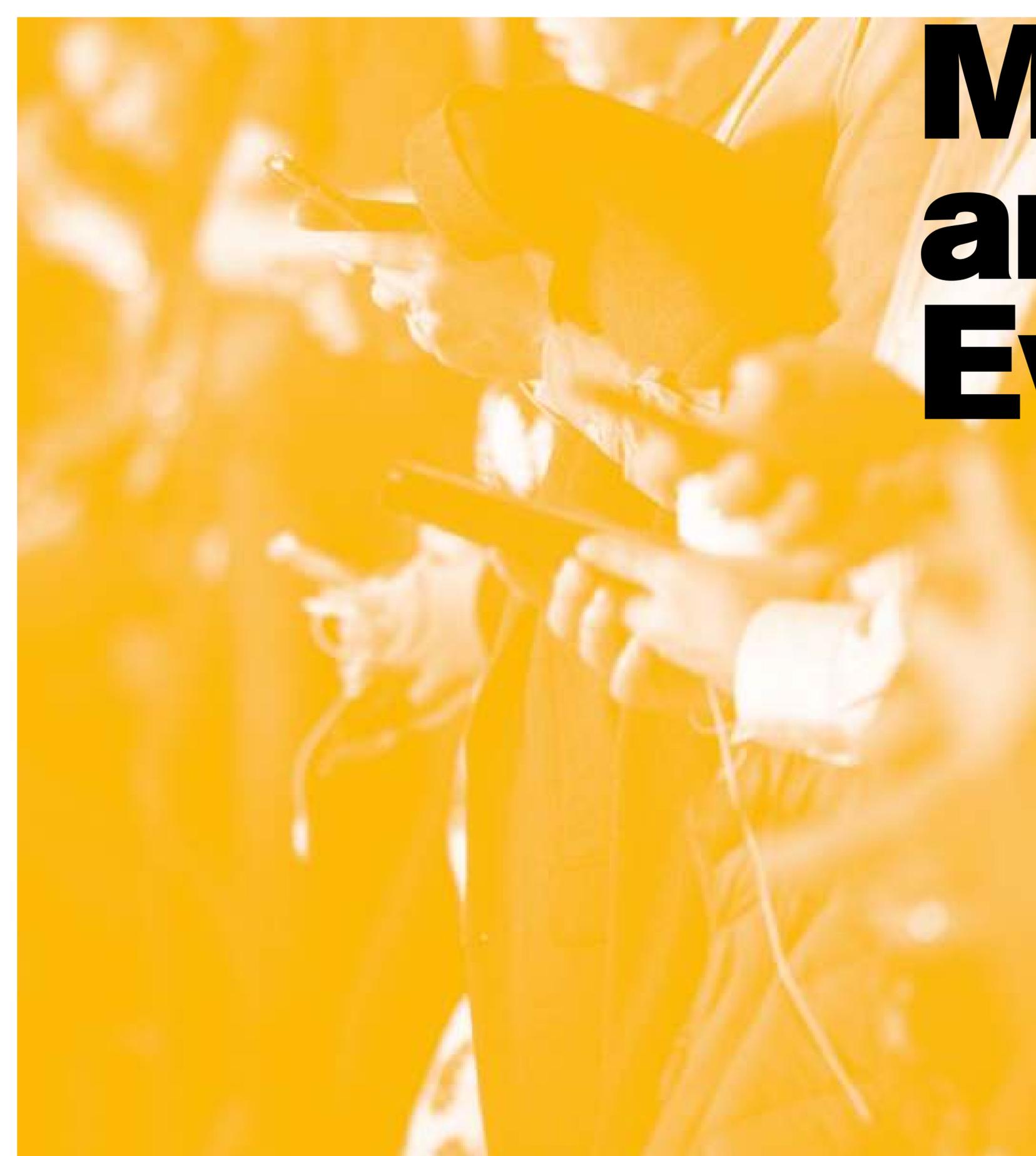
The risk that our litigation leads to legal liability issues and reputational damage. We will mitigate this risk by ensuring the high quality of our work and by ensuring lawyers on record are insured.

## Political Risk:

The risk that the political environment will turn hostile to us in key countries, hindering our ability to deliver programmes or fund partners or cases in target areas. We will mitigate this risk by carefully monitoring country situations and by maintaining a low profile in hostile countries.

## Systemic Risk:

The risk of collapse of the financial system of a country either where we are located or where a significant amount of our funding originates; or the risk that the key legal institutions through which we defend press freedom collapse – for example regional courts and UN bodies. We will mitigate this risk by monitoring financial developments around the world, diversifying our funding methods and sources, and taking cases in a wide selection of regional courts and international mechanisms.



# Monitoring and Evaluation

*Our Theory of Change and strategic goals will structure our monitoring and evaluation activities during this strategy period.*

We will measure progress towards our five strategic goals through a range of output and outcome indicators. These will include monitoring on a quarterly basis our emergency defence, strategic litigation and legal capacity building activities, tracking the number of cases supported, case success rates, financial and technical support provided to partners and the quality of our legal training.

We will develop appropriate indicators to ensure that the regional and thematic focus of our litigation is aligned to need and our litigation priorities.

We will use tested methods and trial new ones to evaluate the impact of our work, including using qualitative techniques such as Most Significant Change, process tracing and outcome harvesting.

We will triangulate data sources to ensure accuracy and avoid bias, and we will commission external evaluations where appropriate.

# Our Theory of Change

## **If Media Defence...**

Supports skilled, trained and well-informed legal practitioners and partners around the world

## **And**

Works with our partners to provide quality legal defence to journalists in need and conduct strategic litigation to advance media freedom

## **And**

Supports greater awareness of the legal developments in press freedom to amplify our impact and to keep the legal community informed on successes and failures

## **Then**

This mitigates threats to individual journalists, allow them to continue their work, and improves the overall environment in which they operate

## **Impact**

This leads to better informed citizens who are able to hold government and other powerful actors to account, contributing to more open societies and stronger democracies



# Levers of Change

These are the primary tools that Media Defence and its partners use to bring about change. They are useful to understand when considering our strategic priorities and work.

- Effective domestic courts and regional mechanisms
- Availability, experience and skills of specialist media lawyers, including pro bono support
- In-country availability of media defence centres
- Effectiveness of our administrative and financial capacity and systems
- Appropriate and sufficient funds
- In-house legal expertise and language skills
- Communication channels to amplify message to appropriate communities

*Where any of these levers of change is identified as a constraint on our activities, we will work where possible to remove or minimise that constraint.*



*“Thanks to the support, I never felt alone or intimidated during the last three years. It’s fundamental for freelance journalists who are not backed by a media company to get this free legal assistance.”*

**Raffaella Cosentino, Journalist**

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For more information, go to:

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