



2021 Learning Report

A summary of how we continue to learn and challenge our assumptions through our work.

April 2022

Introduction

Media Defence values the importance of learning and improvement. We undertake a variety of internal and external evaluations each year in order to understand the effectiveness and relevance of our programmes, ensuring that we learn from the experiences of the lawyers and journalists involved. We also do this to explore the impact of legal defence for journalists in an increasingly contracting space for media freedom globally.

Due to the sensitive nature of many of our evaluation reports, we are not able to share the full reports externally. We have compiled this Learning Report to share some key highlights and findings from 2021.

This report includes a summary of the following programmes and project evaluations carried out in 2021:

1. Strategic Output and Outcome Indicators
2. Journalist Impact Survey 2021
3. Environmental Impact Assessment
4. Lawyer Impact Survey 2021
5. Partner Evaluation: Media Foundation for West Africa
6. Litigation Surgery Monitoring and Evaluation

1. STRATEGIC OUTPUT AND OUTCOME INDICATORS

What did we evaluate?

Throughout the year, we collect data on key performance indicators (KPIs) that monitor our performance in achieving the targets outlined in our [2020-2024 strategy](#). These include indicators such as new strategic and emergency defence cases approved per quarter, the number of cases receiving added-value support from our in-house legal team and the percentage of new strategic cases by strategic litigation priority.

How did we collect data and information?

Monitoring indicators predominantly tracks 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 indicators are collected through reports from the lawyers and partner organisations that we fund as well as surveys, interviews and document analysis.

What did we find?

Overall, 2021 was a successful and busy year in terms of the number of cases we supported. We met our targets for both the total number of cases we took on during the year and the amount of strategic cases that could have a wider impact on the environment within which

the media operates. We are also delivering support faster than before, approving grant applications within eight business days from the moment the application is complete compared to 14 business days in 2020.

Some key indicators and results are detailed in the table below:

Key Performance Indicator	2021 result	Target	2020 result	Notes
Number of new cases supported	124	120	243	While we exceeded our target, we took on fewer cases than in 2020. Our total amount of cases was exceptionally high during 2020 because of a coordinated campaign of 143 cases against one journalist.
Number of new strategic cases supported	53	48	51	24 of these cases received pro bono support or were litigated by MD, and 30 cases received financial support (where relevant, in combination with pro bono support).
Speed of grant approval (average number of days to approve grants)	8 days	10 days	14 days	The average speed of approval is well below our target, meaning we are delivering support faster than in previous years.
Number of partner grants awarded	15	19	13	We had 19 active partner grants at the end of 2021, but only approved 15 new partner grants in 2021 (one of which was awaiting donor approval at the end of the year). Four more grants were planned to be awarded but delayed to 2022 due to delays in securing funding.
% of cases in 'Difficult and Very Serious' or 'Problematic' countries as defined by RSF Press Freedom Index	91%	90%	93%	This high percentage of case support in countries with a difficult press freedom situation means we work in countries where the need is the highest.
% of closed cases with successful outcomes	57%	70%	65%	Our success rate has decreased for the second year in a row, partly because many cases that were lost had been filed to exhaust domestic remedies before appealing to regional human rights mechanisms.

What did we learn?

Number of cases

We continued to expand our support to more journalists in 2021, exceeding our target for total amount of cases. Case numbers have grown organically and are spread across regions. 91% of cases were in countries where the press freedom situation is ranked as problematic, difficult or very serious according to [RSF's 2021 World Press Freedom Index](#), which means we are working where the need for our support is the highest. This is in part due to increased outreach.

We continued to push back against the accelerated decline of press freedom by seeking out more strategic cases than in previous years (53 cases were strategic, stemming from 19 countries) that have the potential to improve the overall climate within which the media operate.

Geographic spread

We increased our outreach at the start of the pandemic and we are pleased to see that we have been able to support more journalists as a result. The countries with highest number of non-strategic cases, supported under our emergency defence programme, were Cameroon (8) and India (6). Both countries are considered to have a 'difficult' environment for press freedom according to RSF. While Cameroon fell one place to 135th in 2021, India remained the same as 2020, ranked 142nd.¹

The country with the highest number of strategic cases was Azerbaijan (11), followed by Russia (8). Both countries are considered to have a 'very serious' press freedom environment, with Russia ranking 150th, and Azerbaijan ranking 167th.² Currently, 87% of our live strategic cases stem from countries with a very serious situation relating to press freedom.

We also supported 19 organisations across seventeen countries, 67% of whom work in countries ranked as 'very serious' or 'difficult.'

Pro bono legal support

61 cases received substantive support from Media Defence's legal team. Of these, five were emergency defence cases and 56 were strategic cases. 21 cases received support with case strategy and 10 with an amicus curiae intervention. 58% of the cases which received added value support were successful.

¹ <https://rsf.org/en/cameroon>

² <https://rsf.org/en/azerbaijan>

Success rate

Cases that closed in 2021 had an average success rate of 57%, compared to 65% in 2020 and 73% in 2019.

This increase in negative outcomes is mainly visible at the domestic level, where the global decline in media freedom was most keenly felt. The success rate of cases at regional courts and international mechanisms was 88%. The decreasing success rate at the domestic level is partially in line with our expectation in some of the countries in which we work, for instance where there is limited judicial independence and we aim to exhaust domestic remedies before appealing to a regional court. Measured against Freedom House's methodology and rankings, 37% of our unsuccessfully closed cases in 2021 came from countries with no judicial independence (0/4), and 64% where judicial independence was 0 out of 4, or 1 out of 4.³ Where cases can progress to a regional court, these negative outcomes at the domestic level may however lead to important international precedents.

Practical challenges

In 2021, we encountered practical difficulties with grant payments in some countries (e.g. India and Bangladesh). Three grants had to be cancelled because receiving international support might put the beneficiaries or their case at risk.

What are we doing differently as a result?

- We are continuing to improve our outreach in countries where Media Defence has historically had fewer contacts or partners, particularly in MENA and South and Southeast Asia. We have for instance signed a Memorandum of Understanding with the Alliance for the Freedom of Journalists, which has connected us with a range of different organisations, with the aim of increasing our support in the region.
- We are exploring alternative ways of delivering support in countries where our beneficiaries may be at risk because they receive support from an international organisation.
- We are looking more closely at the breakdown of unsuccessful cases to understand the decreasing success rate. This includes comparing judicial independence rankings and changes in our operating environment over the last three years, success rates at international mechanisms and world press freedom rankings.⁴
- We are focussing our fundraising efforts on securing more funding for partner grants in light of our [2020-2024 strategy](#).

³ See <https://freedomhouse.org/countries/freedom-world/scores>

⁴ See <https://rsf.org/en/ranking>.

2. JOURNALIST IMPACT SURVEY 2021

What did we evaluate?

Every year, we issue an Impact Survey to all journalists who received judgment in a case that we supported. The survey questions are designed to understand:

- How journalists rate the quality, efficiency and quantity of Media Defence's financial and legal support during their case;
- The impact of Media Defence's support on case outcomes and journalist's ability to continue reporting; and
- The wider impact of Media Defence's support on press freedom laws and environments in active countries and to test our theory of change

How did we collect data and information?

We have sent the Journalist Impact Survey to all journalists whose cases closed in 2021. The survey was distributed in English, Spanish and Russian.

We received 31 individual responses (66% response rate). Our response rate continues to increase compared to previous years (54% in 2020 and 30% in 2019).

What did we find?

The 2021 Journalist Impact Survey found high levels of satisfaction with Media Defence's legal and financial support:

- 100% of respondents would recommend Media Defence's support to other journalists facing legal action;
- 78% of respondents were satisfied or extremely satisfied with the lawyer who handled their case;
- 68% of respondents were satisfied with the outcome of their case;
- 84% of respondents have continued to report on public interest issues; and
- 58% of respondents were recommended our support.

The full Journalist Impact Survey report is published on Media Defence's website.⁵

What did we learn?

The results continue to highlight the quality, efficiency and reliability of Media Defence's legal defence service. Interestingly, respondents were much more geographically spread than in previous years. In 2020, 90% of respondents were based in Europe, whereas in 2021, the highest number of respondents (43%) came from Sub-Saharan Africa. This was the region in which most cases closed in 2021 (33%), but is also explained by the strong relationships with

⁵ See <https://www.mediadefence.org/news/our-journalist-impact-survey-2021/>

lawyers we have trained as part of our Digital Rights Advocates project who encouraged the journalists they had supported to respond to the Journalist Impact Survey.

We were also interested in how the case might affect their journalism and ability to report. We learnt that 37% of respondents said they made no changes to their journalistic practice, and two felt more courageous than before. There was a much lower satisfaction rate with the outcome of cases (27% lower), which is in line with the decreasing success rates.

48% of respondents believed their case has had a positive impact on press freedom in their country. This is the same as in 2020. An additional 26% of respondents believed their case had both a positive and negative impact on press freedom and 45% of respondents believed they were somewhat likely to face more legal challenges as a result of their journalism in the future, which is lower than the 57% in 2020. In 2021, journalists responded that financial pressure was a much higher challenge to journalists which was matched in comments from journalists about decreasing funding for journalism.

What are we doing differently as a result?

We are pleased that the journalists surveyed were happy with our support and had few suggestions for improvement. However, we are always aiming to learn from our beneficiaries and improve our support. We have made the following changes as a result:

- We have added room for extra feedback from journalists as to whether they were satisfied with both the case outcome and the lawyer who represented them.
- We will work with female journalists and lawyers to understand the specific risks they face and work towards gender parity in the delivery of our support as well as subsequent evaluations.
- We will aim to translate the survey into more languages, starting with Azeri, to ensure more journalists are able to send us their feedback.

3. ENVIRONMENTAL IMPACT ASSESSMENT

What did we evaluate?

Given the well-established link between climate change and human rights, Media Defence formulated an Environmental Policy, which was introduced in November 2020. The implementation of the policy is evaluated regularly to ensure that we consider the environmental impact of our work and identify ways to minimise any harm.

How did we collect data and information?

We asked all staff to give feedback on the following:

- their understanding of the Environmental Policy;
- whether they referred to the policy in their role;
- if there are other improvements, we can make to ensure we are as climate friendly as possible.

We also reviewed the policy, the Environmental Guidelines and the Flight Necessity Checklist.

What did we find?

Most staff reported that they make a conscious effort to be environmentally friendly in their role.

However, we have yet to see the full impact of the implementation of the policy. Travel is an important element of our Environmental Policy. Due to the impact of the Covid-19 pandemic, we have engaged in much less international travel and our team worked mostly from home. No carbon offsetting took place in relation to the limited travel that took place (three trips).

Environmental considerations were reflected when planning new projects, for instance complementing in-person litigation surgeries with virtual events to reduce air travel.

What did we learn?

As the policy was introduced at a time when no travel took place, it is not yet ingrained in the pre-approval process. Of all the staff who travelled, none believe the Environmental Policy affected their plans. As more travel is expected to take place in 2022, we expect this to change.

What are we doing differently as a result?

- We have implemented a quarterly review of the environmental impact of the organisation and ways in which our practices can be improved. Each quarter, a different team is responsible for this review, reporting to the full organisation during team meetings.
- Staff have been reminded to use the Flight Necessity Checklist before booking flights, and to prioritise environmentally friendly forms of transport where possible.
- The finance and operations team will conduct an evaluation of the environmental impact of Media Defence's IT system in 2022.

4. LAWYER IMPACT SURVEY

What did we evaluate?

Media Defence's in-house lawyers frequently provide pro bono support to lawyers representing the journalists we support in local courts. In 2020, we carried out our first Lawyer Impact Survey to assess the impact of our support to lawyers through our emergency defence and strategic litigation programmes. The aim of the survey was to understand the quality, efficiency and quantity of Media Defence's legal support, the impact of the support on case outcomes,⁶ and other relevant issues that affect journalism, such as the pandemic.

⁶ In particular, if the lawyers case strategies improved due to support from Media Defence.

How did we collect data and information?

The survey was shared with all lawyers who represented journalists in cases that closed in 2020. The 43 emergency and strategic cases that closed in 2020 were supported by 22 lawyers. We received a total of 16 responses, which represents a 73% response rate.

What did we find?

- 100% of respondents recognised that Media Defence added value to their case;
- 94% of respondents would recommend our legal support to other lawyers;
- 90% of respondents were satisfied or extremely satisfied with the quality of legal support;
- 88% of respondents felt more confident in their skills and ability in litigating freedom of expression cases;
- 88% felt more likely to take on cases relating to the defence of journalism and media; and
- Only one quarter of respondents were female.

What did we learn?

Media Defence's pro bono legal support added value in each of the relevant cases and has positively impacted the work of lawyers representing the media in court. The expertise on the subject matter was recognised frequently. In addition to pro bono legal support, Media Defence's financial support was mentioned regularly, allowing lawyers to continue working on cases where they may not have been able to do so without support.

What are we doing differently as a result?

- We will share the survey with lawyers on a rolling basis, one month after the case has closed, to improve the response rate. We will ensure our contact database is kept up to date so that we have all of the relevant contact details.
- The capacity of our in-house legal team is limited but we will continue to offer pro bono support to our grantees where possible.
- Additional in-depth qualitative interviews will provide an opportunity to expand the research from this survey. This will provide us with us a clearer understanding of the support offered to lawyers and how this can be improved.

5. PARTNER EVALUATION: MEDIA FOUNDATION FOR WEST AFRICA

What did we evaluate?

Each year, we evaluate the impact of our support to a partner organisation. Media Defence's 2020-2024 strategy aims to increase both funding and practical support offered

to partners, so these evaluations offer an opportunity to reflect on what is working well with our partnerships and highlight areas that could be improved.

In July 2020, Media Foundation for West Africa (MFWA) received a grant of £16,535 for the project *Enhancing Freedom of Expression Online in West Africa through Monitoring, Research and Legal Support*. MFWA were one of four sub-Saharan African organisations to receive such a grant. MFWA's project offers an insight into current and potential threats to media freedom and digital rights in West Africa.

The evaluation was split into two areas. The first was designed to understand current and potential threats to media freedom across West Africa. The second was to understand the strength of MFWA as an organisation, their efficiency, relevance, coherence, impact and sustainability.

How did we collect data and information?

Throughout November and December 2021, we conducted desk research, online interviews with MFWA staff, and sent a survey to West African media and human rights organisations to understand both the regional context, and the work of MFWA. In addition, we also interviewed one journalist who received support from MFWA during the grant period. Due to the ongoing pandemic, unfortunately we were not able to visit MFWA.

What did we find?

- There are serious concerns when it comes to press freedom in West Africa, including relating to threats to physical safety of journalists, lack of appropriate legislation to protect journalists and spyware used by states to silence journalists. In 2021 we supported six strategic litigation cases in the region, half of which were related to internet shutdowns.
- 24% of sub-Saharan African cases at Media Defence stem from West Africa, but these cases are concentrated in Nigeria (15), Cameroon (8), Guinea (1), and Togo (2).
- MFWA undertook monitoring and reporting on digital rights abuses, recording 27 incidents.
- MFWA supported two cases in Nigeria with Media Defence's support. Other cases were identified but fell outside Media Defence's mandate.
- In addition to the financial support, MFWA found Media Defence's substantive support relating to monitoring and evaluation particularly useful.
- We found that MFWA has a strong reputation in West Africa and exceptional networks. While they were efficient in reporting threats to journalists, there may be less coherence with our programmes given that they were not already established to provide legal support. We saw that the impact of their work means that journalists were concerned with the current climate towards press freedom. MFWA can increase awareness of journalists regarding legal support for these cases. In terms of sustainability, MFWA were concerned about longer term funding for legal support.

What did we learn?

West Africa has an active regional court that provides opportunities for strategic litigation, particularly considering the strength of our network in the region.

However, not all threats relating to press freedom can be addressed effectively by working through the courts. Threats to the physical safety of journalists remain common across West Africa, but few cases relating to safety proceed to court. Some journalists drop cases due to harassment.

Increased outreach in countries where we support very few cases could help improve the geographic spread of our work. This may also encourage journalists who have become victims of violence to come forward and seek redress through the courts.

Ideally, support to local organisations would extend beyond the one-year project period. The lengthy duration of trials means that cases generally continue after the one-year grant period has come to an end.

We can also improve our work as a grant maker by clearly communicating from the outset which cases fall within our mandate and which additional support is available to the grantee.

What are we doing differently as a result?

- We will increase our outreach in Francophone West African countries to expand the scope of our support.
- Local legal capacity building, and in particular higher, multi-year grants are a fundraising priority. Towards the end of our 2020-2024 strategy period, we aim to award multi-year grants to our partner organisations.
- We will remind grantees about the available substantive support beyond the application process as well.
- We will explain in more detail what cases we are able to fund, with clear examples. We will also create an information sheet to explain this, aimed at both legal and non-legal audiences.

6. FIXED AMOUNT AWARDS: EVALUATION

What did we evaluate?

As part of the Digital Rights Advocates Project (DRAP), Media Defence offered grants to five lawyers who attended the litigation surgeries in sub-Saharan Africa ('training alumni') to facilitate the organization of litigation surgeries in their country of practice.

Between June and July 2021, the five training alumni ran surgeries in Kenya, Ethiopia, Malawi, Nigeria and the Democratic Republic of the Congo. As part of the grant requirement, training alumni were required to complete monitoring and evaluation of their surgeries. For Media Defence, this is a useful way to understand the success of these surgeries.

How did we collect data and information?

Training alumni received training on monitoring and evaluation during the 'training of trainers' event, which was held from 4 to 6 May 2021. They were encouraged to send a pre and post event survey to their participants. However, as the litigation surgeries were run by the training alumni, the design of the monitoring and evaluation was up to them.

Reports sent to Media Defence at the end of the grant were varied; some gave the results of each survey question, and some gave an overview of the training and learnings. Two of the lawyers who ran litigation surgeries have also been interviewed by Media Defence to complement the results of the surveys.

What did we find?

- Seven litigation surgeries were organised by five training alumni, training 153 lawyers across sub-Saharan Africa.
- The trainings took place in three languages: English, French and Amharic.
- Four out of five participants submitted their monitoring and evaluation reports to Media Defence, which all showed positive responses from training participants.
- Two trainings included other members of the DRAP network.

What did we learn?

Providing grants to training alumni to organise their own litigation surgeries is a useful way to bolster the sustainability of our training programme. We have reached a much larger number of lawyers that can deliver support to journalists and media outlets in future cases. The trainings have formed at least two country-based networks of lawyers who are able to support each other to better challenge human rights violations.

The training style of each training alumni was vastly different, but from the feedback received each surgery was successful. Similarly, the monitoring and evaluation styles were vastly different, but the reports all indicated that participants had gained knowledge on digital rights issues. However, we learnt that the lawyers were not all aware of expectations in terms of compliance with donor terms and finance reporting and needed some support in this area.

Several training alumni chose to collaborate with other alumni during their own surgeries, indicating the network of lawyers built over the course of the DRAP project is strong, and that lawyers continue to collaborate after the trainings.

What are we doing differently as a result?

- Due to the success of the local litigation surgeries in bolstering the sustainability of our training programme, we will consider building this form of delivering training into future funding proposals.

- We will acknowledge that the expertise of training alumni is based in litigation. Therefore, if we are in a position to offer training grants in the future, we will offer more support to lawyers running the surgeries to ensure they are able to meet the compliance requirements and know how to organise the logistics of a litigation surgery.
- We will reach out to the two communication networks that were established as a result of the in-country trainings to better understand if they are used for regular communication and to offer support in the context of any relevant cases.