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Background and Methodology
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.

Through these programmes, lawyers are offered financial support to cover their legal fees as well as pro bono legal support. Our legal support is based on the lawyers' needs and therefore comes in many different forms, for instance: legal research, advice on strategy or support with drafting.

In 2022, we conducted the survey for the third year, aiming to compare our results to learn more about the lawyers we work with and the support we offer.

This survey helps us improve the level of support we offer to lawyers and, in turn, contribute to enhancing freedom of expression globally.
Methodology

We sent the survey to all lawyers who represented journalists in cases that closed in 2022. The 86 emergency and strategic cases that closed in 2022 were supported by 42 lawyers. We received a total of 22 responses, which means that the response rate was 52%. All of the responses were anonymous and many were coded.

The survey questions are designed to understand:

• How lawyers rate the quality, efficiency and quantity of Media Defence’s legal support during their case(s);

• The impact of Media Defence’s support on case outcomes and improving the quality of the lawyers’ case strategies; and

• The wider impact of Media Defence’s support on the legal environment for journalists and freedom of expression in their countries.
If we didn’t have Media Defence’s support...

“Simply, I think we would never reach the end of the case as all the journalists were in jail and their families didn’t have the means to afford a lawyer.”

- Lawyer supported by Media Defence in 2022
The Headline Statistics
2022

Headline

Statistics

86
Media Defence supported cases closed in 2022

42
Lawyers contacted

22
Lawyers responded to the survey
100% of respondents recognised that Media Defence added value to their case

95% of respondents would recommend our legal support to other lawyers

91% of respondents were satisfied or extremely satisfied with the quality of legal support
About the Lawyers
The Lawyers

77% of the lawyers who responded to our survey were male, and 23% were female. In 2021, 88% of respondents were male.

On average, the lawyers had over 14 years of legal practice experience, with seven practicing for over 20 years, nine practicing for over 10 years, and 6 practicing for under 10 years. All the lawyers had been practicing law for over five years.
In 2022, 21% of closed cases came from sub-Saharan Africa, 24% came from the Americas, 5% came from Asia-Pacific, 16% came from Central Asia and Russia, 27% came from Europe and 7% came from the MENA region.

We are pleased to have received more responses from both the MENA region and Central Asia and Russia in 2022, which more closely represents the cases we are supporting.
The Cases
We asked survey respondents what type of legal support they received from MD during their case(s).

59% of respondents reported that they received case strategy support. This is much higher than in 2021, where 27% of respondents received this support. 41% received support in the drafting of legal documents/filings, compared to 23% in 2021.

For those who answered ‘other’, all commented that they only received financial support.
Case Status

Survey respondents were asked about the status of the cases they litigated, of which 50% (11) said that their cases were successful and 27% (6) lost the case. Two of the lawyers whose case was lost are in the process of appealing.

The one who selected 'Other', has taken over 100 cases for one client, of which only one has been lost, and the remaining 99 cases have been won.
“For the last four years of collaborating with Media Defence, their contribution towards our work has been invaluable and has positively improved our work on the ground. On a personal level too, our collaboration has really helped me gain visibility and expertise in my work as a human rights lawyer”

- Lawyer supported by Media Defence in 2022
Respondents demonstrated the positive impact of Media Defence’s support that extended beyond the cases we supported.

- 95% of respondents felt more confident in their skills and ability in litigating freedom of expression cases;
- 82% felt more likely to take on cases relating to the defence of journalism and media;
- 95% said that they have developed an ongoing relationship with Media Defence;
- 86% expressed that the quality of their case strategies and submissions has improved; and
- 77% shared that they more frequently include international and comparative law standards on freedom of expression in their litigation.

(The percentages are made up of those who “strongly agreed” or “agreed” with the statements)
I am more likely to take on cases relating to the defence of journalism and media

The quality of my case strategies and submissions has improved

I more frequently include international and comparative law standards on freedom of expression in litigation
The Impact 2022

- I am more likely to take on cases relating to the defence of journalism and media: 55% strongly agree, 27% agree, 9% unsure, 4% disagree, 2% strongly disagree.

- The quality of my case strategies and submissions have improved: 41% strongly agree, 9% agree, 14% unsure, 2% disagree, 9% strongly disagree.

- I more frequently include international and comparative law standards on freedom of expression in litigation: 54% strongly agree, 23% agree, 14% unsure, 0% disagree, 9% strongly disagree.
“The cases have set binding precedents in favour of freedom of expression.”

- Lawyer supported by Media Defence in 2022
The Support
22 lawyers responded to the question, “What added value did Media Defence’s support bring to the case?”

- 50% (14) of respondents referenced financial support.
- 27% (6) of respondents referred to the high-level quality case strategy. 14% (3) mentioned more generally the high-quality legal support.
- 9% (2) of respondents said Media Defence provided advocacy support.
- 9% (2) said Media Defence provided a global perspective on the case using international law.
- 9% (2) said they were grateful for legal research provided by Media Defence.
- 5% (1) said that Media Defence's involvement brought respect and trust from journalists.
Respondents were asked to rate the quality of Media Defence’s legal support on a scale of 1-5 (whereby 1 is the worst and 5 is the best). All three areas of support received improved scores from 2021. Lawyers were asked to describe Media Defence and the support offered:

“I would describe it as a very serious and professional service. Where everyone is valued for their skills. A community of people truly passionate about freedom of expression”

“Excellent.”
Survey participants were asked, “What do you think would have happened if Media Defence was unable to support the case?” The responses were coded.

36% (8) indicated that their biggest challenge was the financial burden on either the journalist or the lawyer. 32% (7) said they would have not been able to continue with the case. 32% (7) said that the case would have been less comprehensive.
Learnings

We asked respondents “What could Media Defence have done to improve the legal support provided to you?” 50% expressed satisfaction with their experience, which aligned with the results relating to the quality and efficiency of legal support. Recommendations we received included:

• Provide more research (two lawyers requested this)
• Engage in advocacy
• Translate documents relating to freedom of expression into more languages
• Provide more networking opportunities
• Increase grants in line with inflation
• Provide the full support to train journalists, advocates, and judges in the principle of freedom of expression
“We wouldn't have been able to hire qualified attorneys who could have spoken not only in court, but also in front of journalists. We wouldn't have been able to create resonance around our case.”

- Lawyer supported by Media Defence in 2022
What does freedom of expression mean to you?

“Freedom of expression means being able to fully actualise our independence and autonomy. It means having your persona respected. You are thereafter able to thrive in being who you want to be.”

“Freedom of expression is the heart of democracy..”

“Freedom of expression is at the core of humanity. The ability to express one's thoughts, opinions and criticisms should never be repressed or restricted..”
The Wider Context
Respondents were asked, “What changes have you made to the way you litigate freedom of expression cases as a result of Media Defence’s support?”.

73% made changes, mainly relating to including international standards in their arguments, how to conduct legal research, and new types of case strategies.
Respondents were asked, “What changes have you made to the way you litigate freedom of expression cases as a result of Media Defence’s support?” Answers included:

- Using International Human Rights Law in more cases
- Structuring cases more logically using the three-part test
- Changes to legal research and looking for legal precedents
- Inclusion of international and regional case law
- More precise freedom of expression arguments in domestic and ECtHR litigation
- More references to international standards
Respondents were asked, “To what extent have the cases you handled with Media Defence had an impact on the legal environment for journalists or freedom of expression in your country?”

64% (14) of respondents said that they believe that the cases they litigated have had a positive impact on the legal environment for journalists and/or freedom of expression in their country. The reasons for this included setting binding precedents on freedom of expression, seeing lawyers feeling emboldened to take on similar cases and the lawyer training others on freedom of expression standards.

5% (1) of respondents felt that the case could have a negative impact on the legal environment for journalists and freedom of expression because it may lead to self-censorship and reluctance to report on certain issues.

14% (3) of respondents felt that there was no clear change to the legal environment, and that the impact of the case would take more time to become apparent, while 18% (4) of respondents felt that the case had no impact on the legal environment for journalists or freedom of expression in their country.
How would you describe the work of Media Defence and the support we provide to someone who had never heard of us?...

“A powerhouse that supports victims of human rights violations in freedom of expression at every cost by the protection of journalists and other victims in support through legal means…”

- Lawyer supported by Media Defence in 2022
Conclusions
The third Lawyer Impact Survey allows us to conclude that Media Defence’s pro bono legal support added value in all of the cases and has positively impacted the lawyers' work moving forward. Many of the lawyers who responded to the survey specifically mentioned the importance of Media Defence’s support in helping them structure freedom of expression audiences, think about case strategy and use international and regional law to supplement their arguments.
Several lawyers mentioned that being able to take high profile cases has had an impact on both other journalists and raising awareness to the public about freedom of expression issues in their country. Furthermore, several lawyers mentioned that they were able to use the knowledge gained from working with Media Defence to encourage, or embolden, other lawyers to take on freedom of expression cases.
Impact Themes and Learnings

Economic Relief

In all three of our Lawyer Impact Surveys, economic support has been highlighted as incredibly important, without which many journalists and lawyers would not have been able to continue their cases and may have faced significant financial challenges. Given rising inflation and the increasing international restrictions around money transfers, Media Defence must remain adaptable to continue providing its support to lawyers.
Key Recommendations

• The support provided to lawyers has made a substantial difference. We should work to strengthen and grow this network further and try to support more women lawyers.

• We should ensure that we encourage lawyers from Asia-Pacific to respond to the survey so that we understand their feedback and trends from this region. In 2021, we aimed to increase respondents from the MENA region, which worked well. We can use this learning to ensure all regions are represented in feedback.

• We should find new ways to receive feedback from lawyers to ensure that our response rate remains reasonable.

• We should consider how we determine the grant size to each lawyer, or per country, in relation to recent rises in inflation globally and to ensure that grants respect the legal costs in each country.

• We should ensure lawyers know of the range of support available from the legal team and are able to ask for it when needed.