

2022 Learning Report

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



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 2022.

This report includes a summary of the following programmes and project evaluations carried out in 2022 [1]:

- 1. Strategic Output and Outcome Indicators**
- 2. Journalist Impact Survey 2022**
- 3. Lawyer Impact Survey 2021**
- 4. Partner Feedback Survey**
- 5. Interim Strategy Evaluation**

[1] Other internal evaluations were carried out on one funded programme and one funded partner.



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 number of partner organisations contracted.

How did we collect data and information?

Monitoring indicators predominantly track our performance on an output level. We collate and store our data in an online case and project database 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 through surveys, interviews and document analysis.

What did we find?

Overall, 2022 was a successful and busy year in terms of the number of cases we supported. We far exceeded our targets for both the total number of emergency defence cases we took on, and the amount of strategic cases that could have a wider impact on the environment within which the media operates.

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

Key Performance Indicator	2022 result	Target	2021 result	Notes
Number of new cases supported	188	134	124	We supported an exceptionally high number of cases in Brazil (49) and Azerbaijan (37) in 2022.
Number of new strategic cases supported	59	54	53	17 of these strategic cases were litigated by Media Defence, and an additional 42 of them received our financial support (where relevant, in combination with pro bono support).
Speed of grant approval (average number of days to approve grants)	10 days	10 days	8 days	The average speed of approval is on target, meaning we are delivering support quickly to journalists and their lawyers.
Number of partner grants awarded	18	19	15	We had 18 active partner grants at the end of 2022, with funding available for one new partner in the Indo-Pacific region.
% of cases in 'Difficult and Very Serious' or 'Problematic' countries as defined by RSF Press Freedom Index	93%	90%	91%	This high percentage of case support in countries with a serious press freedom environment means we work in countries where the need is the highest.
% of closed cases with successful outcomes	55%	70%	57%	Our success rate has decreased for the third year in a row, partly because many cases that were lost were 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 2022, exceeding the target for our total amount of cases. 93% of cases were in countries where the press freedom situation is ranked as problematic, difficult or very serious according to [RSF's 2022 World Press Freedom Index](#), which means we are working where the need for our support is the highest. This is in part due to our increased outreach.

We continued to push back against the accelerated decline of press freedom by seeking out more strategic cases than in previous years (59 cases were strategic, stemming from 27 countries, compared to 23 from 19 countries in 2021) that have the potential to improve the overall climate within which the media operate.

Geographic spread

We have continued to increase our outreach and we are pleased to see that we have been able to support more journalists as a result. The countries with the highest number of non-strategic cases, supported under our emergency defence programme, were Brazil and Azerbaijan. This is unlike 2021, during which these countries were Cameroon and India.

In 2022, 42% of Media Defence's emergency defence cases came from the Americas, 7% from Asia Pacific, 21% from Central Asia and Russia, 7% from Europe, 10% from the MENA region and 13% from Sub-Saharan Africa. This is compared to 2021, where 17% of Media Defence's emergency Defence cases came from the Americas, 17% from Asia Pacific, 4% from Central Asia and Russia, 27% from Europe, 3% from the MENA region and 32% from Sub-Saharan Africa. This matches our increased outreach in both MENA and Asia Pacific, and indicates that our targeted outreach strategy is working.

The country with the highest number of strategic cases was Azerbaijan (13), followed by Colombia (6). Azerbaijan is considered to have a 'very serious' press freedom environment, ranking 154th^[1] and Colombia is considered to be 'Difficult', ranking 145th^[2]. In 2022, 24% of Media Defence's strategic cases came from the Americas, 5% came from Asia Pacific, 27% came from Central Asia and Russia, 22% came from Europe, 2% came from the MENA region and 20% came from Sub-Saharan Africa. In 2021, 22% of Media Defence's strategic cases came from the Americas, 7% from Asia Pacific, 33% from Central Asia and Russia, 19% from Europe and 19% from Sub-Saharan Africa.

Currently, 93% of our live cases are related to countries where RSF ranks the press freedom situation as 'very serious', 'problematic' or 'difficult'. 94% of our funded partners are operating in countries where RSF ranks the press freedom situation as 'very serious', 'problematic' or 'difficult'.

[1] <https://rsf.org/en/azerbaijan>

[2] <https://rsf.org/en/colombia>



Success rate

Cases that closed in 2022 had an average success rate of 55%. In 2021, this figure was 57%, and 65% in 2020. This increase in negative outcomes is mainly visible at the domestic level, where the global decline in media freedom is most keenly felt. The success rate of cases at regional courts and international mechanisms was 80%. The decreasing success rate at the domestic level is partially in line with our expectation for 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. For cases taken 'in kind' by Media Defence, the success rate in 2022 was 74%, which remains above the target.

What are we doing differently as a result?

- We are monitoring the increasingly hostile environment for international payments to ensure that being able to support journalists in repressive countries remains possible and flexible.
- We are learning from our strategic outreach in Asia Pacific and using this to target specific countries that are underrepresented moving forwards.
- We are looking at the amount of SLAPP cases we receive, and the breakdown of cases against freelance journalists and media houses to make sure our support reaches those who are most vulnerable.
- We are focussing on ensuring that we have strong relationships with partners and are able to strengthen relationships between partners to notice key international trends and collaborate more closely.



2. JOURNALIST IMPACT SURVEY 2022

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 the journalists' 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 and ensure our support is allowing journalists to keep reporting.

How did we collect data and information?

We sent the Journalist Impact Survey to all journalists whose cases closed in 2022. The survey was distributed in English, Spanish and Russian. We also sent the survey to partner lawyers and asked them to send it to their clients.

We received 22 individual responses (43% response rate). Our response rate is lower than in previous years (66% in 2021, 54% in 2020 and 30% in 2019).

What did we find?

The 2022 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;
- 95% of respondents were satisfied or extremely satisfied with the lawyer who handled their case;
- 64% of respondents were satisfied with the outcome of their case;
- 95% of respondents have continued to report on public interest issues.

The full Journalist Impact Survey report is published on Media Defence's website.[1]

[1] See <https://www.mediadefence.org/wp-content/uploads/2023/03/Journalist-Impact-Survey-2022.pdf>



What did we learn?

The results continue to highlight the quality, efficiency and reliability of Media Defence's legal defence service. In 2020, 90% of respondents came from Europe, but in 2022, the respondents showed a much more realistic picture of the regions in which Media Defence works; 30% came from Europe, 20% from Sub-Saharan Africa, 25% from the Americas, 10% from the MENA region, 10% from central Asia and Russia and 5% from Asia Pacific. This demonstrates the success of having the survey sent out in different languages. We aim to continue this in order to ensure our feedback matches the cases we are supporting.

We were interested in how the respondents' case(s) might affect their journalism and ability to report. While 95% of respondents continued to report on public interest issues, 45% made no changes to their journalistic practice. For those that did make changes, 14% made logistical changes for their safety, while one went into, and continues to report from exile.

73% of respondents believed their case has had a positive impact on press freedom in their country, which is much higher than in 2021 (48%). An additional 9% of respondents believed that their case had both a positive and negative impact on press freedom, and 41% of respondents believed they were somewhat likely to face more legal challenges as a result of their journalism in the future, with 50% saying it was extremely likely. In 2021, journalists responded that financial pressure was a much greater challenge, along with a lack of independence of media houses, and direct political pressure on their work.

What are we doing differently as a result?

We are pleased that the journalists surveyed were happy with our support, and that they had only a few suggestions for improvement. However, we are always aiming to learn from our beneficiaries and improve our support.

- We will assess how we offer support to journalists, and ensure that we are signposting to partner organisations who can provide additional services, for example psychological support and emergency relocation funds.
- We will aim to translate the survey into more languages, starting with Arabic, to ensure more journalists are able to send us their feedback.



3. LAWYER IMPACT SURVEY 2021

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 2021, we carried out our second 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,[1] and other relevant issues that affect journalism, such as the pandemic.

How did we collect data and information?

The survey was shared with all lawyers who represented journalists in cases that closed in 2021. The 89 emergency defence and strategic cases that closed in 2021 were supported by 46 lawyers. We received a total of 26 responses, which represents a 57% response rate.

What did we find?

- 100% of respondents recognised that Media Defence added value to their case;
- 92% of respondents would recommend our legal support to other lawyers;
- 90% of respondents were satisfied or extremely satisfied with the quality of legal support;
- 85% of respondents felt more confident in their skills and ability to litigate freedom of expression cases;
- 92% felt more likely to take on cases relating to the defence of journalism and media; and
- Only 12% of respondents were female.

The full Lawyer Impact Survey report is published on Media Defence's website.[2]

What did we learn?

The second Lawyer Impact Survey allows us to conclude that Media Defence's legal support added value in all of the cases, and has positively impacted the work of the lawyers we supported. Knowledge of human rights standards were mentioned throughout the answers to the survey, demonstrating the global perspective added through Media Defence's support. Lawyers highlighted the need for financial and psychological assistance, and commented that Media Defence's support helped them feel supported in challenging cases.

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 whenever it is required.
- We are growing our legal team to be able to provide more support to lawyers and partners.
- We will aim to run more peer learning and training events for lawyers in a variety of regions to ensure they feel confident litigating on freedom of expression.
- We are providing training programmes specifically targeting women lawyers. We hope this will lead to more cases taken on by women lawyers.

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

[2] See <https://www.mediadefence.org/wp-content/uploads/2022/06/Lawyer-Impact-Survey-2021-Final.pdf>



4. PARTNER FEEDBACK SURVEY

What did we evaluate?

In 2022, Media Defence implemented a new partner feedback survey to ensure that we are giving the best support possible, and regularly evaluating our programme to reflect the needs and requirements of our partners.

How did we collect data and information?

Questionnaires were sent to all of Media Defence's active partners, and responses were optional. It was made clear that their responses would not affect their grant.

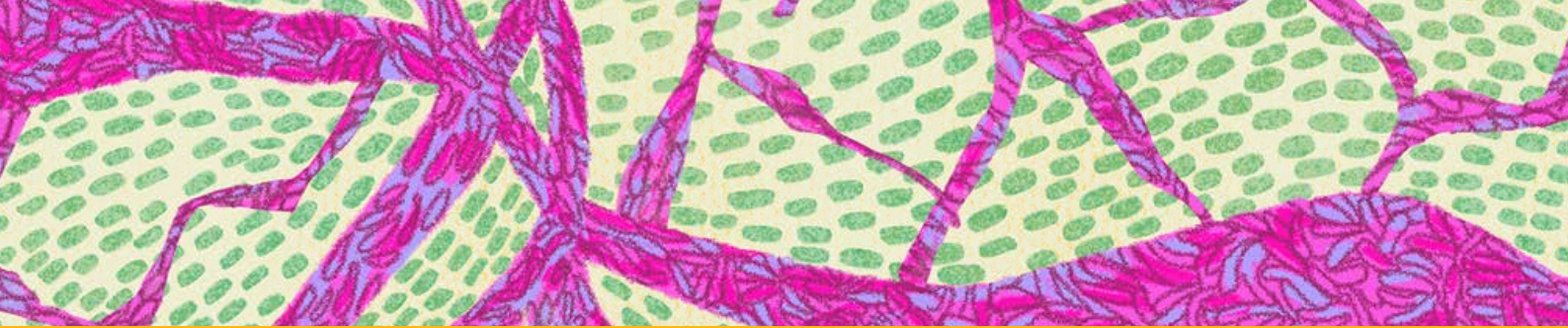
What did we find?

Partners discussed the key emerging trends in their context. Some key trends are:

- Increasing authoritarianism and the targeting of journalists by politicians
- Difficult conditions for lawyers including transferring litigation to prisons in remote areas, and increasing bureaucratic and financial hurdles to litigate
- Illegal detention of journalists and violence against journalists
- Non-compliance of authorities with judgements
- Online attacks against journalists
- Physical violence to journalists particularly when covering protests
- The use of SLAPP suits
- State control of online content
- Surveillance
- Abuse of state of emergency laws
- Abuse of GDPR laws
- Increase in use of criminal laws against journalists creating a chilling effect
- Terror related charges

All partners who responded to the survey felt that the environment for press freedom was getting worse. The key issues they mentioned were:

- Lack of impartiality of the Judiciary
- Political pressure against journalists
- Increasing authoritarianism
- Increasing online attacks against journalists
- Detention of journalists following coverage of protests
- Violence against journalists
- Lack of financial resources and increasingly strict registration laws against publishing companies and other media houses



Partners were asked what they saw as the biggest current challenges to their organisations.

They responded:

- Funding for independent monitoring and assistance
- Physical and mental wellbeing of staff, including risk of being targeted for their work
- Financial security of the organisation generally
- Restrictions to NGOs through government legislation, for example restrictive tax laws
- Digital security
- Staff turnover and sustainability of lawyers through long strategic cases
- Need for psychosocial tools to handle cases
- Lack of public and political will to address freedom of expression issues
- Lack of independence of the judiciary
- Expanding network of supporting lawyers
- Lack of awareness of their work

What did we learn?

- Responses from partners were overwhelmingly positive about the relationship with Media Defence.
- Periodic communication meetings (quarterly for example) to assess the situation for partners would be useful
- All partners requested support from our communications team to highlight their work

What are we doing differently as a result?

- Given the increasingly difficult conditions organisations are working under, we will encourage learning and relationship building among partners in different countries and continents through convenings and learning events.
- We will implement more flexible reporting processes to ensure that we understand the context each organisation is working in, and create new spaces for legal collaborations.



5. INTERIM STRATEGY EVALUATION

What did we evaluate?

Media Defence reached the mid-point of our 2020-2024 strategy in 2022[1]. Since the creation of the strategy, in March 2020, the unexpected outbreak of Covid-19 has led to changes in the way organisations work and secure their income, worldwide delays in court proceedings, and an accelerated decline in media freedom. This has also had a profound impact on Media Defence.

The interim evaluation provided an opportunity to reflect on the work of Media Defence since the start of 2020, and consider if the targets decided in 2020 are still relevant and achievable. It also provided an opportunity to check in with staff to understand their engagement with the strategy, and the extent to which it guides their work, as well as to understand what changes need to be made to our way of working. Finally, the interim evaluation provided an opportunity to reflect and celebrate successes in what has been a particularly challenging environment for the whole team.

How did we collect data and information?

To evaluate the interim impact of the strategy, monitoring and impact indicators were analysed. There were also a series of staff interviews, which took place between July and August 2022. These were complemented by a staff workshop held in July 2022, in which we worked through some of the main questions that came up during staff interviews.

What did we find?

Media Defence's operating environment changed dramatically during the first half of the strategy period. The Covid-19 pandemic affected all areas of our work. Nonetheless, Media Defence managed to adjust to working remotely, continue all its programmes, strengthen its team, launch a new website and brand, and streamline its processes. Its programmes have consistently received very positive feedback from beneficiaries.

[1] See the full strategy here: <https://www.mediadefence.org/news/introducing-our-new-strategy-for-2020-2024/>



Emergency Defence

Media Defence has provided assistance to all requests for emergency legal support that fell within its mandate. Staff have supported a growing number of cases, which continues to increase each year. Court closures had an impact on case numbers in 2020 and 2021, but have picked up in 2022 and are well on track to exceed targets in coming years. Challenges include staff capacity, in particular to deliver added value support, and the falling case success rate.

Strategic litigation

Media Defence pursued cases that could lead to having a wider impact on the legal climate in which the media operate, including important cases challenging internet shutdowns and protecting journalists in armed conflict, amongst others. This area of work involves more proactive outreach and has continued to thrive despite the pandemic. Media Defence is on track to exceed its targets in the coming years.

Challenges include....

Local legal capacity building:

Media Defence has invested in its role as a catalyst and legal capacity builder by continuing to provide grants to longstanding partners and increasing its network of funded partners. The training programme has expanded into Latin America and South Asia, training resources have been made available in a resource hub on our website, and we have offered other learning opportunities to lawyers. However, expanding the network of funded partners with two new organisations per year has proven to be unsustainable. There is also room to deepen the support we provide to partners, both financially and substantively.

Growing internal capacity:

Media Defence has strengthened its team, including by investing in its capacity to fundraise and communicate our work and by expanding the finance and operations team. The income of the organisation has remained stable and we have diversified our donor pool.

Strategic communication:

We have launched a rebrand and a new website and increased our communications. We have become better at sharing resources, including through a dedicated Resource Hub on our website. This is some of the best performing content on our website. A challenge for the second half of the strategy period is to continue improving our communications in order to reflect our leading role in media legal defence across the world.



What did we learn?

The learnings have been broken into separate Key Performance Indicators (KPI's).

Emergency Defence:

- The operating environment has become much more complicated. We have seen the impact of court closures during the pandemic, but also an increase in SLAPPs and the introduction of regulations complicating international transfers to certain high need countries.
- There was a dip in incoming applications during the pandemic. However, this has been increasing again throughout 2021 and 2022, indicating that the need for support is still very much there.
- Overall, cases came from more countries in 2022 than 2020. While the full impact of the pandemic makes this data less reliable, it does suggest that outreach is working and that Media Defence is becoming known in new countries.
- We can change the way we determine the impact of the programme, e.g. focus on achieving its goal of ensuring journalists can continue reporting. Instead of case success rate, we could look at the impact survey.
- Media Defence needs to pay close attention to restrictions on international payments and continue to find ways around this.

Strategic Litigation:

- As the strategic litigation programme is more proactive than the emergency defence programme, it was easier to stay well on track with this strategic goal. This is an area in which Media Defence – as perceived by its staff – has high impact in a niche area.
- There is a challenge around measuring impact of strategic litigation, given that the impact only materialises years after a judgment is issued (which in itself can take several years).
- Media Defence needs to better understand and convey the lasting effects of judgments on the freedom of expression environment.
- Staff knowledge is incredibly high in multiple areas but not necessarily well institutionalised. Media Defence could aim to improve this through more communication and learning events.

Capacity Building:

- The target of onboarding two new partners each year while renewing all existing partners has proven to be unrealistic.
- There is a strong desire to be better grant makers by making larger, multi-year grants; streamlining processes to provide more support and offering substantive support more clearly and consistently; and delivering more forms of substantive support to more partners.
- The strategy may need to be amended with regards to the training programme, to clarify that we aim to run four litigation surgeries per year, one in each region that we work most (sub-Saharan Africa, Latin America, Asia and Europe).
- Staff suggested engaging more with local lawyers as part of the training programme, and ensuring greater coherence between the block grants and training programmes.
- Finally, continuing to challenge assumptions of partner needs through learning, and ensuring capacity building is empowering and the learning is mutual was seen as a priority for Media Defence staff in the second half of the strategy period.



Internal Capacity:

- As travel restrictions have been lifted and we gradually returned to attending conferences and dedicated fundraising trips.
- Streamlining payment processes and stronger coherence between finance and other teams has been identified as an important issue to address moving forward with the strategy.
- Funding in challenging countries, where receipt of foreign funding is controversial or may put beneficiaries at risk, remains a challenge. This is something that should be carefully observed throughout the second half of the strategy period.
- Media Defence could spend more time celebrating and communicating its successes as a team.

Communications:

- Media Defence staff do have a shared agreement on who the target audiences of their work are.
- There were mixed feelings among staff. Largely it was felt that progress had been made, but that it was not yet achieving what is set out in the strategy.
- Staff considered the need to tailor the approach for different audiences, as well as having multiple languages for better access.
- Overall staff felt confident that with the removal of travel restrictions, in person meetings, conferences and trainings would help to spread knowledge of Media Defence's work.

What are we doing differently as a result?

- Ensuring that we monitor trends in payment restrictions and discuss with partners or our network who are experiencing the same issues.
- Highlighting added values support available from the legal team to all lawyers and journalists who receive support from Media Defence
- Removing success rates of cases as a Key Performance Indicator for emergency defence grants, and instead looking at journalists' ability to keep reporting.
- Focussing on how to encourage learning and knowledge sharing among partners.
- Finding new ways to celebrate success.



Thank you

**To all the lawyers, journalists, partners
and colleagues who responded to our
surveys.**