**Program on Independent Journalism**

**Portfolio Review:**

***Addressing key legal challenges to freedom of expression***

**May 1, 2014**

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# I. Executive Summary

*Scope of Review*

The aim of this Portfolio Review is to assess whether in the absence of a clearly defined freedom of expression strategy in 2012-2013 our grant-making efforts and attempts at networking have been effective in supporting the development of organizations and multi-stakeholder coalitions engaged in addressing key legal challenges to freedom of expression.

The review will focus on four key areas of engagement within the past two years, including: 1) legal standard-setting with inter-governmental organizations; 2) safety and protection mechanisms for journalists; 3) legal defence and litigation support for journalists and media outlets; and 4) media law reform and research. Our review includes an analysis of each of these areas of work, first as measured against our actual strategies for 2012-2013, in section two below, and then through our assessment of our grant making in section four of this document.

Our review includes an assessment of 23 grants to 17 organizations over the two-year period from 2012 to 2013 (and referencing one grant in 2014). The total funds provided from the freedom of expression portfolio budget amounted to $1,718,562. Overall this represented approximately one-third of our total funding for the freedom of expression portfolio during this period. Additional contributions from other parts of the PIJ and OSF entities and third-parties brought the total funding for this body of work to $4,847,406, including a $2.5 million 5-year grant issued to the Media Legal Defence Initiative in 2013. In the course of preparing this assessment, we ascertained that at least 50% of the freedom of expression staff time was also spent in direct support of grant making and networking related to this body of work, in particular due to direct staff engagement on both the safety efforts and standard-setting efforts.

*Some initial findings*

In finalizing our assessment we have abandoned our initial title of “building and strengthening legal networks with the goal of improving the enabling environment for journalists and media outlets” as we felt that this was too ambitious a goal, when applied retroactively to our work, for a number of reasons.

In many respects, staff members of the freedom of expression portfolio have played a variety of roles: as donor, convenor, and even as a partner in developing various initiatives. In our role as convenor, we often brought different stakeholders together with the intent that they would form alliances, develop partnerships and potentially networks around specific initiatives. Sometimes this was “embedded” in our grants with other partners and in our support for conferences and events. In many cases, however, we did not state these goals explicitly (even in our strategy) as we wanted partnerships to develop organically and groups to respond to real needs, rather than “donor” interest. Many of the networking opportunities arose from joint discussions with grantees, which we’ve tried to highlight here as well. We may need to think how to better factor into our strategy our role in networking going ahead.

At the same time, we did not sufficiently define what we thought a successful “network” should do in each of the areas of engagement we supported initially, i.e., whether this might mean supporting a multi-stakeholder coalition to share knowledge, to campaign for a given period of time around a specific activity, or whether there might be a need to establish a more formalized network to address a longer-term goal. We have tried to highlight some of our efforts, nonetheless. At the same time, one of the most successful networking efforts has evolved around a project on defamation reform in Africa, which almost failed, as noted under our support for Special Rapporteur for Freedom of Expression in Africa. This also provides a good example of “unintended consequences” of our work.

Had we been more effective in identifying new partners to engage in media law efforts, we might have been able to show how our efforts in this field have improved the enabling environment for journalists. Our case study assessing the changes in Article 19 at that time provides some insight into why we stopped working in this area, and the challenges we had in trying to identify a new, global partner who could work on media law reform.

Going ahead, it is unlikely that we will be able to “spread the net” so widely and be as actively engaged in as many efforts directly as we have been in the past. We should refocus our attention on “building the field,” an area we have largely ignored recently in some aspects of this work. The case study of the PIJ “spin-off”, the Media Legal Defence Initiative, provides some insight as to how close oversight and a guarantee of longer term funding can be the most useful tools in assuring the longer term sustainability for grantees.

We’ve posed some questions at the end of this document to help us guide our thinking on applying some of the lessons we’ve learned to future efforts.

## II. Freedom of Expression Strategy, 2012-2013

In the past the Program’s strategies provided broad/high-level direction, but left considerable latitude for flexibility and responsiveness at the sub-strategy level. In the FoE portfolio strategy during this period, our decision-making about what areas to support in this domain represented an inflection point in our thinking.

Support for litigation and capacity-building for lawyers had been successfully handed over to the Media Legal Defence Initiative. We were also at a crossroads in winding down much of our support to organizations engaged in monitoring and reporting on freedom of expressions violations, as we found much of the work ineffective. We also felt that a number of our grantees working on media law reform, despite years of engagement, had either not made sufficient headway in or had changed their remit (as in the case of Article 19, described below). We began, therefore, to re-examine our “theory of change” and thought that working more closely with Inter-governmental organizations (i.e., Special Rapporteurs) and civil society jointly might have more impact in regards to standard-setting and subsequent media law reform efforts than supporting civil society engagement alone.

The strategies referenced in regard to our grants during this period include the 2012-2013 two-year strategy and the strategy update from 2013. Both of these documents highlight the Program’s engagement on standard-setting with three (of the four) Special Rapporteurs on freedom of expression (at the United Nations, in Latin America and in Africa) as well as support for litigation provided by the MLDI as the two main areas of intervention during this-two year period. It should be noted, however, that the initial 2012-2013 strategies contained almost no references to media law reform, given the concerns noted above. We also did not includespecific references made to “indicators” of success in any of the fields at that time.

The tools we employed were, in order of magnitude, grant-making, including support for litigation, and capacity-building and technical assistance.

The PIJ has collaborated most closely with the Information Program and OSJI, as well as with the Southeast Asia Initiative, in supporting legal reform efforts and support for digital rights and the Special Rapporteurs. Work on safety has also been complemented by support from the Latin American Program. These co-funding arrangements are noted in the attached project chart.

### III. Assessment of the Field and the Main Players

In 2012 and 2013 when we were making decisions about the grants referenced, physical violence and attacks on journalists remained the primary impediment to their work, followed by the threat of imprisonment, whether due to criminal defamation laws, to anti-terrorism legislation or to laws on state secrets, according to the Committee to Protect Journalists and other press freedom reports.

At the same time, there were growing concerns over the emergence of “cyber-laws” in a number of regions such as the Southeast Asia and CIS, which brought with them often harsher fines for violations of freedom of expression online than they did for the same “offenses” offline. Threats from increased online state surveillance were also on the rise, although a number of digital rights organizations have sprung up to address these challenges (many supported by the Information Program).

Traditional press freedom NGOs and lawyers specializing in defending the media have struggled to keep up with developments and to apply new digital standards as they evolve, while journalists have become more vulnerable to legal threats, due to their own lack of legal training.

The number of organizations that support media law reform efforts and provide litigation support to journalists and media as a field had grown over the preceding years, but not without challenges. In many cases, legal support was “embedded” in existing freedom of expression organizations, ranging from global players such as Reporters Without Borders to regional actors such as the Media Foundation in West Africa, all of which are engaged in working on a multitude of other issues, ranging from monitoring violations on freedom of expression to addressing safety needs of journalists. Few freedom of expression organizations have had the resources to support fulltime lawyers to assist with legal issues.

In other cases, legal networks had formed around specific themes. For example, international, regional and local experts and NGOs have come together to reform defamation laws in Asia. A number of donors have come on board to support similar decriminalization efforts in Africa, following the initial funding provided by PIJ. Increasingly, legal experts have come together to support legal mechanisms to guarantee protection for journalists, such as in Latin America.

Attempting to build upon and strengthen legal networks, and seek integration between them, has always been a key component of the PIJ’s strategy. Other donors actively supporting such efforts include USAID, Swedish SIDA, the Ford Foundation, Sigrid Rausing Trust and the Adessium Foundation. It is difficult, however, to determine the exact spending not only on legal reform and litigation activities but on freedom of expression in general, as the [most recent survey](http://cima.ned.org/sites/default/files/CIMA-Funding_Free_Expression_06-01-11.pdf), funded by PIJ in 2011 shows. It also notes that support for “traditional” freedom of expression work is diminishing as donors move towards supporting digital rights.

The two main legal-support organizations operating globally are Article 19 and the Media Legal Defence Initiative, with the former having focused traditionally on media law reform and MLDI only on litigation. PIJ had supported Article 19 extensively in the 1990s to establish its “Media Law Analysis Unit” and to providing capacity-building to other key partners working on media law reform in the traditional region where the Program was then operating. However, the Program discontinued its support in 2005, due to the concern that the (then newly appointed) director of the organization had shifted significantly the organization’s focus away from core freedom of expression values towards broader development goals. (Article 19’s new director, appointed in late 2013, has expressed a strong interest in refocusing on media law reform).

Other key players, which the PIJ does not fund, include the Center for Law and Democracy (established in 2010 by the former head of Article 19’s legal department) and the International Bar Association. Although substantively CLD had considerable expertise, our Board did not feel confident at the time that it would be able to develop into a fully-fledged organisation, and discouraged us from providing funding, seeing it as too risky or short-term for an investment. While the IBA operates globally through its member associations, it often faces the challenge of not being able to comment directly on ongoing cases and having to seek agreement from its (sometimes conservative) members in countries where it operates.

MLDI, the Program’s spin-off – has become a significant leader in supporting litigation and capacity-building training for lawyers defending journalists, with a 70% success record in defending close to 100 cases a year, according to its most recent annual report covering 2013. Regional media lawyers’ networks where they exist play an important role in defending journalists in the former CIS and in Southern Africa, and in Southeast Asia, although the future of the latter is unclear due to recent disputes among the staff. However, attempts to formalize networks of media lawyers in some regions, such as Africa, have been problematic due to the limited funding available for such work and the fact that few lawyers are able to dedicate substantial time and effort to focusing only on media cases alone.

Given the strategic decision we took to focus on international standard-setting, the roles that the current Special Rapporteurs on freedom of expression play, at the UN and with the respective regional mandates in Europe, Africa and Latin America, should not be underestimated, particularly regarding their ability to establish important standards on key freedom of expression issues ranging from journalists’ protection to Internet freedom and surveillance, although criticism about the effectiveness of their engagement, particularly at the UN level, are noted below.

Increasingly, academic institutions such as Central European University and Hong Kong University are playing a key role by holding specialized courses in media law and regulation for lawyers and experts. According the instructors of these trainings most of these participants remain in touch after these events and have developed their own informal networks, seeking advice from each other on issues of relevance for their work.

#### IV. Assessment of Freedom of Expression Grants

We have divided our analysis of the grants according to the four main sub-themes noted in the beginning of the document, including: 1) legal standard-setting with inter-governmental organizations; 2) safety and protection mechanisms for journalists 3) legal defence and litigation support for journalists and media outlets; and 4) media law reform and research.

We have also tried to address a number of key questions where relevant, including: 1)how has our assistance helped to build and strengthen the field of organizations and networks; 2)whether standard-setting efforts have actually helped to address the key challenges to freedom of expression (on defamation reform, countering “hate speech,” Internet freedom and protecting journalists); 3)whether these initiatives are addressing new challenges arising from the Internet and other technological advancements?; 4) has our support improved the legal environment for journalists?; and 5) could the framework of “fields” and “concepts” be applied retroactively, and what would doing so tell us about our future work?

##### Legal standard-setting with Inter-Governmental Organizations

**Grantees: Demos Institute, Trust for the Americas, University of Pretoria, PACE   
Total funding: $484,096**

The Program has actively supported increased civil society engagement in standard-setting with the three Special Rapporteurs on Freedom of Expression (from the United Nations, the Inter-American Commission on Human Rights, and the African Union) on a number of key issues, which have been negotiated jointly between PIJ and the respective Rapporteurs.

The main goal in this work was two-fold. We hoped that by bringing together a variety of experts from different background, including lawyers, journalists, and civil society leaders, new informal networks would develop that PIJ and other parts of the OSF network could engage to monitor governments’ adherence to these standards and that governments in turn would be more receptive to adapting standards into law, if pressure to do so came from more collaborative approaches between IGOs and civil society. However, most of these follow-on efforts are expected to take place 2014 as part of the Program’s strategy. Our engagement with the Rapporteurs could be considered as the Program’s concept in that developing these initiatives and following through with implementing them, required substantial staff input.

* **UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression**

In 2010 PIJ agreed to co-fund with the Swedish government a series of six regional consultations on Internet freedom, jointly with the Demos Institute, the NGO founded by the UN Special Rapporteur, Frank La Rue. This process would eventually lead to his, then pivotal, report on Internet freedom to the United Nations, which set new standards on issues ranging from liability to jurisdiction and privacy and surveillance.

In 2012-2013, PIJ supported Demos to hold further consultations with civil society on an additional four topics leading to the Rapporteur’s reports to the United Nations —on hate speech, surveillance, the right to truth and political communication during election periods —while also following up his report on Internet freedom. However, with the exception to the report on the Internet and surveillance, the others have generated little response and it is unclear how they might be used by civil society.

* **Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights**

In 2012, the PIJ, the Latin American Program and the Information Program agreed to provide support to the Trust of the Americas, to support the work of the Special Rapporteur for Freedom of Expression for the Inter-American Commission on Human Rights. This funding included support for civil society consultations and reports on three topics: 1) analysing legal cases in Latin America on impunity surrounding the killings of journalists (so as to hold governments accountable and ultimately improving the overall safety environment for journalists); 2)elaborating standards on Internet freedom for Latin America; and 3) developing best practices for the digital-switch-over (based on findings from the Mapping Digital Media initiative, although this work will be assessed by that Portfolio). This work was much more systematic and organized than the work of the UN Special Rapporteur and through engaging appropriate experts from civil society they were able to also follow through on developing effective advocacy strategies.

* **Special Rapporteur on Freedom of Expression and Access to Information (Africa)**

In 2012, the PIJ began discussions with a number of partners in Africa about supporting ongoing efforts to decriminalize defamation. Due to competing interests between many of these NGOs the PIJ agreed with the Special Rapporteur for Freedom of Expression at the African Commission to support a continent-wide campaign on decriminalization through her office, with grant support provided to the University of Pretoria. This included researching the legislative framework of criminal defamation and its impact in selected countries and regional consultations to address the need for further reform. After two years the research has not been completed but due to the high visibility of the Rapporteur in speaking out on this issue, and our support for regional meetings, a dynamic civil society network has developed in Africa around the decriminalization of defamation campaign and additional support for developing national campaigns has been provided by other donors.

Our instinct that supporting the SRs would alter the landscape has, on balance, been borne out. However, an independent assessment supported by the PIJ has shown that there were critical weaknesses in working with the UN Special Rapporteur, including the choice of their implementing partner, the Demos Institute, which was unable to effectively conduct many of their regional consultations. PIJ staff spent approximately 20% of their time respectively in managing this initiative over the two-year period. The evaluation also points out very few measureable achievements following the publication of the UN Special Rapporteur’s reports. In general though, we have strengthened civil society engagement with the respective rapporteurs and have increased the visibility for the representatives of the respective Rapporteurs’ offices, thereby helping them to gain additional co-funding for their work.

* **Support for the Parliamentary Assembly of the Council of Europe**

Evidence shows that policy-makers and legislators need better quality, more balanced information in order to make good progressive decisions on media and communications law and policy, but finding the right mechanisms for supporting such efforts and achieving results is not always easy.

In 2012, the Program supported two grants aimed at educating parliamentarians in Europe through the Parliamentary Assembly of the Council of Europe, with the expectation that such efforts might lead to improving parliamentarians’ skills in reviewing and passing more progressive media regulation. These grants included support for two meetings: a seminar on the role of public service broadcasting in Southeast Europe (as a follow-up to the Mapping Digital Media project, although funded through the freedom of expression portfolio), and an event to inform parliamentarians in Europe on key developments on media and Internet regulation and the state of media freedom in selected countries.

These meetings were meant to be developed jointly by PIJ staff and PACE. However, it has been difficult to ascertain how far our interventions actually educated parliamentarians in a manner which would ensure that they could take home “lessons learned” and apply them in practice. There is a clear need for such education, and clear potential benefits to be gained, but we will need to find a way to harness this interest and capitalize it to make interventions useful in the future.

###### Safety and protection mechanisms for journalists

**Grantees: Article 19 Mexico, International Media Support, University of Sheffield  
Program funding: $375,000**

A number of organizations operating globally support the development of safety tools and trainings to protect journalists, including the International News and Safety Institute, the International Federation of Journalists, the Committee to Protect Journalists and the Rory Peck Trust. The PIJ continues to support their work. Since 2012, however, we have placed a particular emphasis on developing and promoting not only tools but also laws, which would require governments to provide funding and resources to protect journalists, particularly important given PIJ’s and other donors’ limited funding. Much of this builds also upon the work of the Special Rapporteurs, who have called for the establishment of similar mechanisms.

During the grant period in question, the Program supported three organizations on broader safety initiatives, but including key components on legal reform, including Article 19 Mexico, International Media Support (Denmark), and the Center for Freedom of the Media (Sheffield University).

While the main Article 19 office in London has been in a period of transition, the office in Mexico has developed into a global leader in the area of safety, providing safety advice and training to its offices around the world and other organizations as well. The PIJ has provided substantial funding and support to Article 19 Mexico, including allowing it to advocate for the passage in Mexico of a new federal law criminalizing attacks against journalists and, more recently, ensuring the adoption of a government-funded protection mechanism to assist journalists under threat. Building on these efforts, PIJ encouraged Article 19 to develop a cross-cutting initiative to advise colleagues in Honduras and Brazil on how to assist their governments in developing similar safety mechanisms.

In 2012, UNESCO introduced its own plan on the “safety of journalists and issue of impunity”, which has been adopted as an inter-agency UN plan, allowing other parts of the UN to contribute to this process. The main goals of this plan include sharing best practices in guaranteeing the safety of journalists and seeking legal remedies to address impunity. Working in partnership with UNESCO, the PIJ funded International Media Support (IMS) to engage with civil society organizations in countries that have signed on to the Plan – including Pakistan, South Sudan, Iraq, Nepal, Brazil and Mexico – to share experiences about establishing appropriates safety mechanisms.

With the ultimate goal of improving media coverage of key threats and solutions to journalists’ safety, the PIJ funded an International Symposium with the BBC, through the University of Sheffield, whose director – a former BBC news journalist – has become a global expert on safety and protection. It is not yet clear what impact the seminars will have in the future in improving media coverage on this topic, although the conferences provided case studies, showing that there has been increased coverage by a number of media outlets on specific safety issues over the past year.

Our assistance has helped to build and strengthen the field of networks not only through grant-making support to these organizations but in providing its own expertise in designing and implementing the projects, in particular with International Media Support. The Program has already seen commitments by governments in Brazil and Pakistan to develop legislation which would improve the safety environment for journalists. These activities have focused primarily on the physical protection needs of journalists and not on online threats, although a separate stream of work to address this issue is also under review with the Information Program. At the same time, shifting priorities on safety have made it more difficult to assess specific successes of this project as of yet.

###### Legal defence and litigation support for journalists and media outlets

**Grantees: Media Legal Defence Initiative, Southeast Asia Media Defence, Hong Kong University  
Program funding: $2,551,697[[1]](#footnote-1)**

Since it was established by the PIJ over five years ago, the Media Legal Defence Initiative has become a global leader in providing litigation support to journalists and media outlets, both in regards to the number of cases it takes on as well as its success rate. The Program not only developed the concept for MLDI and housed the organization initially in the OSF offices but also invested significant efforts in governance and accountability, after an initial change in leadership and some concerns that financial and grant-making oversight were not functioning adequately. These problems were addressed following the appointment of MLDI’s senior lawyer to head the initiative, and the appointment of a dedicated grants officer.

In 2013, PIJ guaranteed 5 years of support by approving $2.5 million (at $500,000 per year), subject to annual review. OSF funding allowed MLDI to guarantee significant pledges of support from other donors, putting the organization well within the 1/3 funding cap for OSF support after this period.

MLDI provides sub-grants not only for individual cases but also to other institutions to provide legal assistance to journalists and offers capacity-building and training to lawyers defending journalists around the world. This has allowed MLDI to develop a solid network of lawyers who it can engage in supporting key cases where needed. Most of its funding, however, has been earmarked for litigation work, due to the high demand for this activity (nearly 100 cases per year, with a 70% success rate). MLDI has been involved in setting up regional networks of lawyers in Southeast Asia, and has plans to do the same in Africa, provided that additional resources can be allocated for this work directly. The PIJ has invested significant time and resources in both creating and helping to sustain MLDI, including securing guarantees of support from other donors. In regards to capacity-building for lawyers, MLDI has taken part in, and funded, trainings on a variety of issues, ranging from defamation to Internet regulation. More attention though is needed to develop the nascent regional networks of lawyers, which has been difficult due to limitations on MLDI’s time and funding. It is clear though MLDI’s work has contributed to improving the overall working environment for journalists and the organization and is able to address both “old” and “new” threats to freedom of expression. MLDI has also developed a useful evaluation tool which allows it to measure the impact of its support for legal defence on journalists, many of whom have reported that they became often more critical and hard-hitting in their reporting following successful legal nterventions by MLDI.

The case study of the Southeast Asia Media Defence Lawyers’ Network provides a useful “lesson learned.” The PIJ had provided support to development of the lawyers’ network in 2012, jointly with the Southeast Asia Initiative and the Burma Program, to ensure it could develop into a fully functioning organization, capable of providing legal aid to journalists and training for lawyers, while also engaging in media law reform efforts. Initially founded during a media law conference at Hong Kong University in 2009, the network was operating on a more or less ad hoc basis and taking on cases through its network of lawyers. However, tensions between its director and trustees emerged after the organization was registered and its director subsequently resigned. Both PIJ and SEAI staff, as well as MLDI, have invested significant efforts in assisting the network in the transition period (i.e., supporting a consultant to assist with network-building, etc.). This shows that significant time and resources are needed to develop new networks.

At the same time, Hong Kong University has become a focus point for Asia in bringing together legal experts to discuss media law reform. In October 2013, with support from the PIJ, and a number of other OSF programs, brought together legal experts from around the world to discuss key issues ranging from defamation reform to Internet law, with a focus on networking lawyers from different regions and bringing relevant experience on defamation law reform from the UK. HKU is producing a manual and book, which it will use in future training efforts. Discussions are ongoing regarding other potential follow-up activities.

1. **Media law and research**

**Grantees: World Association of Newspapers, UNESCO/University of Pennsylvania, Southeast European Network for Professionalization of the Media (SEENPM), Central European University, Centro de Archivo y Accesso a la Information Publica, Uruguay  
Program funding: $207,769**

As noted in the clarification on the strategy, most of the work in this area has been reactive given that there was no specific strategy planned to address media law and research, per se.

In 2013, however, following a series of meetings with OSJI and the Information Program, the PIJ agreed to support work elaborating standards on “intermediary liability” (i.e., to define who should be held accountable for content on the Internet, and in which context, such as the ISP, the web-host, the end user, the media outlet, etc.). For the PIJ, the main goal was to ensure that such standards ultimately might provide stricter limits on liability for media outlets, in particular for online content which they moderated. Since then we have proactively sought out two initiatives, one with the World Association of Newspapers, to survey its members on best practices for moderating online commentary and another with UNESCO to assess more broadly how governments around the world are applying laws on intermediary liability, in practice. In addition, we have supported a conference with the Southeast European Network for Professionalization of the Media (SEENPM) to discuss how media websites are being held accountable for “hate speech.”

We also supported an additional research project, to assist a professor at the Central European University, to conduct research on the functioning of the media regulatory body in Hungary. However, the resulting report was unusable, due in part to the lack of clear methodology and deliverables outlined in the grant agreement, and in part to the grantee’s inability to deliver a better product.

There are two national media law initiatives included in the review. Our main effort to support “libel reform” in the UK through English PEN was been quite successful, working jointly with the Information Program. By partnering with other institutions PEN was able to effectively reform the country’s libel law to make it more difficult, in particular, for foreign claimants to seek redress in British courts. This effort has had a multi-plier effect in encouraging broader defamation law reform across Europe.

Finally, we supported a public awareness campaign in Uruguay so as to seek broader consensus on the new broadcasting law, which is considered to be a model law for the region, with the expectation that this might promote further reform elsewhere.

It is difficult to say whether any of these efforts will bear additional fruit, although the research projects on online liability could prove still to be quite useful, if followed through with and used for training purposes. It is not clear how supporting ad hoc conference and events helps to develop the field directly.

#### V. Lessons Learned and Questions for Our Future Work

**Observation 1:** To a large extent the freedom of expression portfolio has attempted to retain the scope to be reactive, so as to be able to address urgent concerns and issues as they arise. This has been particularly useful when addressing new threats such as the individual safety of journalists (i.e., such as support for safety funds, etc.). However, most of the grants in the portfolio have developed as concepts initiated by the team, which has meant potentially less focus on “field-building” efforts. It will be important to shift this balance going ahead.

* **Question:** How should the expression portfolio best retain its flexibility (and that of its grantees) in responding to key freedom of expression challenges, while also being more strategic? Should the portfolio narrow its focus to support projects where there is a direct correlation to improving the enabling environment for independent journalism, rather than broader themes such as Internet freedom, etc.?

**Observation 2:** “One-off” research projects and conferences, while appearing to meet an immediate need, are not always strategic and require significant investment of staff time. The portfolio will therefore consider grants for conferences and events only as part of wider strategic grant-making effort and ensure adequate support for the implementation of recommendations and follow-up.

**Observation 3:** While the PIJ has worked closely with the Information Program and OSJI, more synergy between the programs on building legal defence networks to defend the media and supporting training for lawyers, particularly on Internet law, could be useful. One option may be to develop a clearer inter-program strategy for curricula and support for trainings of lawyers, also in conjunction with PIJ grantees, such as MLDI.

* **Question:** How operational should the PIJ be in supporting the development of legal networks with other OSF Programs, especially given limitations on staff time?

**Observation 4:** Developing better indicators for measuring project goals, in particular where various grantees may be contributing to work in a particular field, is important. Understanding individual grantees’ place in the field requires substantial time not only for understanding “the field” but also for ensuring that grantees cooperate and do not duplicate efforts, where possible. Networking of grantees within specific fields is important but often difficult to measure and assess.

**Question:** How much emphasis should the Program place on assisting grantees in collaborating and convening? Are there ways to evaluate more effectively the “networking” effect and the staff’s role in assisting with such efforts?

1. This includes funding of $2,500,000 towards the Media Legal Defence Initiative, contributed from other parts of the PIJ budget and Presidential grants, as managed entirely by the PIJ, just to show the entire scope of financial support. [↑](#footnote-ref-1)