

Call for Applications for a Consultant to Research Trial Waiver Systems in Croatia

Fair Trials, in support of the Croatian Law Centre, is seeking a consultant to conduct research into the use of trial waiver mechanisms in Croatian criminal procedure. This research is being conducted in the framework of the Fair Trials coordinated Legal Experts Advisory Panel (LEAP) network and the civil society working group of the LEAP network: the JUSTICIA European Rights Network, and is co-funded by the Justice Programme of the European Union.

In April 2017, Fair Trials launched a report, [The Disappearing Trial](#), which highlighted the fast spread of trial waiver systems – sometimes colloquially known as “plea bargaining” – across the World over the past 30 years. The report highlighted that trial waiver systems are often introduced without sufficient analysis into the potential negative consequences that the use of these systems can have on the criminal justice system as a whole. In addition, the report highlighted that, without adequate procedural safeguards being implemented the rights of criminal defendants could be placed at risk.

In preparation for an in-depth study on the use of the new trial waiver mechanisms across the EU, anticipated to begin in late 2019, Fair Trials and the Croatian Law Centre wish to conduct a scoping exercise into the use of the trial waiver mechanisms in Croatia. The scoping exercise will seek to answer the following questions:

1. When and how were trial waiver mechanisms introduced in Croatia?
2. What impact has the trial waiver system had on criminal justice and the rights of defendants in Croatia and what shortcomings were identified?
3. What is the relationship between the implementation of the EU’s Directives on the rights of suspects and accused persons in criminal procedure and the implementation of trial waiver systems in Croatia?

In order to answer these questions, Fair Trials is seeking to hire a consultant to conduct research in Croatia who will conduct the following activities:

- Conduct desk review of law and practice in Croatia related to trial waiver systems, including reviewing laws, regulations, legislative records, public reports, data and academic literature produced related to the Croatian trial waiver systems to-date;
- Hold interviews with at least 10 practitioners and/or government officials knowledgeable of the introduction, amendment and/or implementation of the Croatian trial waiver systems;
- Participate in a small workshop – to be organized by Fair Trials and the Croatian Law Centre – in Zagreb for experts to discuss the Croatian trial waiver system; and
- Draft a short report of approximately 20 pages (excluding annexes) summarizing the research findings, in both English and Croatian languages.

These activities must be completed within 20 working days of start of a consultancy contract entered into between the consultant and Fair Trials. It is not expected, however, that the work would involve 20 full working days of work. The consultant will work under the supervision of a member of staff of Fair Trials, with the advice and support of a member of staff of the Croatian Law Centre, and will be paid upon receipt of a satisfactory research report.

Interested consultants are invited to submit an application, in English, to alex.mik@fairtrials.net by no later than **17.00 CET on Sunday 10 February 2019**. The application should include details of the

consultant's relevant experience (e.g. C.V.'s and details of relevant projects carried out), a proposal and timeline for how the consultant intends to carry out the research, and a proposed budget to carry out the research within the specified timeframe. Selection will be based on the application that represents the best value for money, with a decision anticipated to be taken as soon as possible after the closing date.