

Fair Trials is seeking an external evaluator for the project Effective Legal Assistance in Pre-Trial Detention Decision-Making (EF-PTD), which is part-funded by the European Union and runs from September 2017 to October 2019 (the “**Project**”).

## **Background**

Fair Trials<sup>1</sup> is a human rights organisation that works to improve respect for the right to a fair trial in criminal cases. We are a global criminal justice watchdog that conducts research and advocacy on human rights issues in criminal justice systems, and we conduct thematic campaigns on emerging threats to the right to a fair trial.

We believe that pre-trial detention should be used only as a last resort and only when properly justified. One of our strategic objectives is to tackle the unjustified use of pre-trial detention.

The decision to order pre-trial detention is one that carries grave consequences for the defendant and places them at a significant procedural disadvantage. The right to a lawyer is an essential safeguard in criminal proceedings, which enables the exercise of other fair trial rights. In particular, lawyers have a key role to play in limiting the use of pre-trial detention to cases where it is really justified.

Fair Trials and four partners from Bulgaria, Romania, Italy, Hungary and Greece have undertaken the Project to support the provision of effective legal assistance to suspects during the pre-trial stages. The overall aim is to improve the quality of pre-trial detention decision-making by addressing existing legal, procedural and cultural barriers to the effective involvement of lawyers, by:

- Increasing understanding of barriers to effective legal assistance in pre-trial detention procedures in five Member States;
- Facilitating national and EU-wide dialogues between criminal justice actors to increase awareness of the constructive role that lawyers can play and develop strategies for removing barriers; and
- Improving the capacity and willingness of lawyers to provide effective legal assistance in the context of decisions on pre-trial detention.

## **Evaluation**

An external consultant is sought to assess whether the objectives of the Project and indicators of progress/achievement have been met (further information is provided in the Annex below).

The evaluator will be expected to draw conclusions based on:

- **Document review:** Published materials from the Project over the period September 2017 - October 2019 will be provided, along with working documents, etc;
- **Interviews with key stakeholders:** Interviews should be held with a select number of project partner staff members, relevant Fair Trials staff, and EU stakeholders;
- **Participation and Observation at the EF-PTD Regional Policy Meeting:** The event will take place on 10 October 2019 in Brussels.

The evaluator will be expected to discuss the initial findings of the evaluation in a meeting with Fair Trials staff and to produce a short written report.

These activities must be completed within by 31 October 2019.

## **Tender process**

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<sup>1</sup> Fair Trials work in Europe is undertaken by Fair Trials Europe, a registered public foundation in Belgium (No 0552.688.677)

Interested applicants are invited to submit an application, in English, to [tanja.fachathaler@fairtrials.net](mailto:tanja.fachathaler@fairtrials.net) by no later than **17.00 CET on Sunday 8 September 2019**.

The application should include details of the consultant's relevant experience (e.g. C.V.'s and details of relevant projects), 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.

## **Annex**

### **Implementation, planning and monitoring**

Given the extensive complementarity of activities and outputs, effective coordination between Partners is crucial. In developing the project methodology and timeframe, FTE has drawn on experience of past projects with similar methodologies to ensure that sufficient time is allowed, particularly for activities which are time-consuming (such as engagement with external stakeholders). To ensure effective ongoing coordination throughout the project, FTE and Partners will:

- Establish a clear understanding of responsibilities via partnership agreements.
- Hold kick-off and mid-point in-person meetings;
- Regularly review activities through telephone/skype calls with Partners, monitoring any necessary changes to teams or methodology;
- Establish staged payments to Partners who will provide six-monthly expenditure statements (with supporting documentation) to be reviewed and approved prior to the release of subsequent tranches;
- Provide regular updates to Partners to give an overall update on the project and highlight key dates and deadlines over the next three months; and
- Each Partner will apply internal quality control procedures with respect to activities and outputs on which they are lead. At the end of the project an external consultant will assess the extent to which the objectives were met, taking into account baseline data and an analysis of qualitative and quantitative indicators, and/or the extent to which the project team reflected changes in the external environment and responded effectively within the course of the project.