

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

Fair Trials, in support of the Hungarian Helsinki Committee, is seeking a consultant to conduct research into the use of trial waiver mechanisms in Hungarian 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.

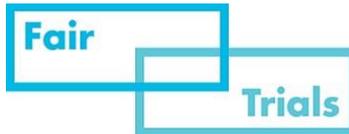
Trial waivers were introduced into Hungarian criminal procedure in the 1990s and were reformed with the 2017 amendments to the Code of Criminal Procedure. In preparation for an in-depth study on the use of the new trial waiver mechanisms across the EU, anticipated to begin in late 2019, Fair Trials and the Hungarian Helsinki Committee wish to conduct a scoping exercise into the use of the trial waiver mechanisms in Hungary. The scoping exercise will seek to answer the following questions:

1. What changes were implemented into the trial waiver mechanisms in use in Hungary?
2. What impact did the initial trial waiver system have on criminal justice and the rights of defendants in Hungary and what shortcomings were identified?
3. What are the expected impacts of the changes to the trial waiver system in Hungary and what early indications can be seen from the implementation of the new Code of Criminal Procedure?
4. 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 Hungary?

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

- Conduct desk review of law and practice in Hungary related to trial waiver systems, including reviewing laws, regulations, legislative records, public reports, data and academic literature produced related to the Hungarian 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 Hungarian trial waiver systems;
- Participate in a small workshop – to be organized by Fair Trials and the Hungarian Helsinki Committee – in Budapest for experts to discuss the Hungarian trial waiver system; and
- Draft a short report of approximately 20 pages (excluding annexes) summarizing the research findings, in both English and Hungarian 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 Hungarian Helsinki Committee, 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 Thursday 24 January 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 by 31 January 2019.