



External Evaluator - DREP

Fair Trials is seeking an External Evaluator for the project Defence Rights in Evidentiary Procedures (DREP), which is part-funded by the European Union and runs from November 2019 to October 2021 (the “Project”).

Background

Fair Trials is a global criminal justice watchdog with offices in London, Brussels and Washington, D.C., focused on improving the right to a fair trial in accordance with international standards. Fair Trials’ work is premised on the belief that fair trials are one of the cornerstones of a just society: they prevent lives from being ruined by miscarriages of justice and make societies safer by contributing to fair and effective justice systems that maintain public trust.

Evidence has always been at the heart of criminal justice, forming the building blocks of a criminal case. The European Union has also increasingly engaged in facilitating the cross-border exchange of evidence between Member States. However, challenges remain to address questions regarding the admissibility of evidence which is relied on by the prosecution, whether obtained from another Member State or in violation of the EU’s procedural rights standards. Effective rights-based standards on the admissibility of evidence is crucial to effective cross-border evidence sharing and to the enforcement of the Directives.

With this project Fair Trials together with partners from Croatia, Ireland, Lithuania, Poland, Sweden and an academic partner Catholic University of Leuven sought to understand the extent to which defendants are able to meaningfully participate in and gain access to evidence gathering procedures and to challenge the admissibility of unlawfully-gathered evidence. In doing so we aimed to:

- Develop a knowledge-base on evidentiary admissibility in the EU, and specifically the extent to which defendants can challenge evidentiary admissibility through evidence gathering procedures and at trial;
- Improve the implementation of the Directives through evidentiary remedies for violations of the Directives;
- Determine if EU action is necessary to ensure the effective implementation of the Directive by providing meaningful remedies in the event of a violation (which in turn will help build mutual trust in cross-border evidence gathering and sharing).

Evaluation

An external consultant is sought to assess whether the objectives of the Project and indicators of progress/achievement have been met.

The evaluator will be expected to draw conclusions based on:

- Document review: Published materials (in English) produced for the Project;
- Interviews with key stakeholders: Interviews should be held with a select number of project partner staff members, relevant Fair Trials staff, and selection of target stakeholders;
- Participation and Observation at the final launch event: The event will take place online on the 22nd of October 2021.

The evaluator will be expected to discuss the initial findings of the evaluation in a meeting with Fair Trials staff and to produce written report of approximately 30 pages.

The report should be drafted and findings discussed by 31 October 2021, but final publication can follow if final changes are needed (in November/December 2021).

Tender process

Interested applicants are invited to submit a short application setting out the key areas that their evaluation would focus on and the day rate and costs for the work (including any VAT), in English, to ilze.tralmaka@fairtrials.net by no later than 17.00 CET on Friday 24 September 2020.

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.