



External Evaluator - TWSE

Fair Trials is seeking an External Evaluator for the project Trial Waiver Systems in Europe (TWSE), 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.

There is a common view, reflected both in law and in the public consciousness, that the trial is the key safeguard which guarantees the fairness of criminal convictions. In reality, however, many convictions are imposed without a full trial ever taking place as a result of systems which incentivise suspects to waive their right to a trial. Taking various different forms across the globe, including plea bargaining, abbreviated trials and cooperating witness procedures, this growing practice has considerable implications – both good and bad – for human rights and the rule of law.

Diminishing resort to full criminal trials can threaten human rights protection and the rule of law by sidestepping essential procedural safeguards, risking coercion and reducing public scrutiny of police and prosecutorial practices and rights violations. When conducted without sufficient transparency and regulation, trial waivers can reduce public faith in the system, and potentially undermine anti-impunity and anticorruption efforts. Furthermore their use in some jurisdictions to obtain convictions *en masse* risks over-incentivising criminalisation and conviction, with unintended and potentially costly effects on incarceration downstream.

With this project Fair Trials together with partners from Hungary, Cyprus, Slovenia, Italy and Albania aimed to gather comprehensive and comparative information and on the basis of that to develop country-specific guidance on use of trial waiver systems without compromising defence rights. This information will also serve as a basis for wider discussion on reform on the EU level and provide:

- Improved understanding of the extent to which the spread of trial waiver systems across the EU has impacted the right to a fair trial, and whether the EU Directives provide sufficient safeguards;
- Identified risks to the right to a fair trial, and best practices and procedural safeguards;
- Increased awareness of risks to fair trial rights and injustice associated with trial waiver systems.

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 the last week 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 a written report.

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 emmanuelle.debouverie@fairtrials.net by no later than 17.00 CET on Friday 24 September 2021.

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.