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# Terms of Reference

External evaluation of an EU-funded project<sup>1</sup> promoting non-discriminatory alternatives to imprisonment across Europe through research, capacity building and advocacy

## Background

Penal Reform International (PRI) is coordinating a 27-month project<sup>2</sup> funded by the European Union's Justice Programme (2014-2020) entitled *PRI Alt Eur: Promoting non-discriminatory alternatives to imprisonment across Europe*. The project, conducted jointly with the Hungarian Helsinki Committee (HHC) and the Faculty of Law of the University of Coimbra (UC), examines the current use of non-custodial sentencing measures across European Union member states and particularly in the projects' two focus countries, Hungary and Portugal, with a focus on the impacts of the application and implementation of non-custodial sanctions on minority groups and those left uniquely vulnerable due to specific personal or background characteristics or circumstances.

Through comparative and country-specific research, awareness raising, capacity building and advocacy activities as well as a review of existing legislative instruments and sentencing guidelines, the project aims to highlight the importance and benefits of ensuring alternative sanctions are non-discriminatory in their availability, use and implementation and to recommend practical steps that can be taken to ensure this in policies, procedures and their everyday implementation in the two focus countries and beyond. Through its activities and outcomes, the project seeks to contribute to the implementation of the EU Council Conclusions on alternative measures to detention.<sup>3</sup>

In addition to country-specific training and advocacy activities in both focus countries, a pilot project is being implemented in Portugal as part of the project to specifically address challenges, gaps and problems faced by individuals with mental health support needs in the context of non-custodial sanctions, with an eye toward lessons and recommendations that have wider applicability. While the project plan included the piloting of a new or improved non-custodial measure in each focus country, pilot implementation was deemed unfeasible in Hungary due to lacking engagement from the probation services and judiciary. As such, the design of an alternative measure and related awareness raising and advocacy efforts are being realised, aiming to secure interest, engagement and support for future implementation outside the scope of the current project.

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<sup>1</sup> See: *PRI Alt Eur: Promoting non-discriminatory alternatives to imprisonment across Europe* at [www.penalreform.org/where-we-work/europe/alternatives/](http://www.penalreform.org/where-we-work/europe/alternatives/).

<sup>2</sup> Initially intended to run for 23 months, extending from January 2021 to November 2022, the project received a four-month extension in early 2022.

<sup>3</sup> Council of the European Union, *Council conclusions on alternative measures to detention: the use of non-custodial sanctions and measures in the field of criminal justice* (2019/C 422/06), Official Journal of the European Union, 16 December 2019.

## **About the consortium members**

Penal Reform International (PRI) is an international human rights organisation working for fair and effective criminal justice systems which are non-discriminatory and protect the rights of disadvantaged people. PRI promotes criminal justice systems that uphold human rights for all and do no harm, running practical human rights programmes and supports reforms that make criminal justice fair and effective. PRI's primary objectives are to secure impartial trials and sentencing practices that are proportionate and to promote social rehabilitation and humane conditions of detention where alternatives to imprisonment are not possible. PRI is the coordinator of the current project, working together with the national partners in the development and implementation of activities and monitoring risks and impact throughout the project's lifespan.

The Hungarian Helsinki Committee (HHC) is a leading human rights watchdog based in Budapest founded over 30 years ago and with an outstanding global reputation. Its vision is a world free of human rights abuses, which respects democratic values, the rule of law and a strong civil society; the right to asylum and international protection; and the rights of detainees and the fairness of the criminal justice system. HHC provides free-of-charge legal counselling, strategic litigation, monitoring, advocacy, media and outreach work, training and empowerment. HHC leads on the development and implementation of all project activities in Hungary, in collaboration with relevant stakeholders, including criminal justice actors and external consultants.

The University of Coimbra (UC) is a Portuguese public higher education institution founded in 1290. Its Faculty of Law has a strong tradition of combining teaching and high-level research through its Institute for Legal Research, an R&D unit dedicated to developing interdisciplinary and transdisciplinary research. Faculty members played a crucial role in drafting the Portuguese Penal Code, Criminal Procedure Code and the first laws for the implementation of prison sentences, as well as many of their subsequent reforms regarded as progressive because of their focus on human dignity, rehabilitation, and imprisonment as a last resort. UC leads on the cross-national comparative research of non-custodial sanctions and measures in the European Union and is in charge of the development and implementation of all project activities in Portugal, in collaboration with the Ministry of Justice and other relevant stakeholders.

## **Purpose**

The project consortium is seeking an evaluator(s) to undertake a comprehensive evaluation of the project, using the OECD DAC evaluation criteria (relevance, efficiency, effectiveness, impact and sustainability), assessing the project results and learning as well as barriers encountered during implementation and any made mid-term adjustments. Drawing on data collected as part of project monitoring as well as additional information collected through direct and secondary sources and feedback from project stakeholders, the evaluators will identify key lessons and recommendations for future programmes. The evaluation of project activities should assess their overall impact in view of their stated goals, looking at the relevance of their design, efficiency and effectiveness of implementation, as well as sustainability of impact in the focus countries and across Europe.

## **Methodology**

The evaluator(s) is expected to develop and propose their own evaluation methodology which is appropriate to the evaluation questions and the design of the project and its activities. The expected methodology should include:

- A comprehensive desk review of relevant project and related documents (to be provided by the consortium and from additional research conducted by the evaluator(s));
- Key informant interviews with a wide range of stakeholders, including consortium member staff, criminal justice representatives directly involved in the design and implementation of

activities, and others involved in or targeted by the project's activities (e.g. civil society representatives, probation clients - a list of relevant stakeholders will be compiled by the consortium jointly with the evaluator(s)).

Other methods may include questionnaires and surveys which should be used if appropriate.

## Tasks and deliverables

The evaluators will provide a thorough assessment of the realisation of project objectives by:

- Reviewing and analysing documentation regarding project activities, including data;
- Producing an inception report, elaborating on the methodology outlined in the proposal and the evaluation questions to be answered, based on initial desk analysis and discussions with consortium members and other stakeholders;
- Gathering and analysing varied data to support a thorough assessment, including stakeholder feedback and second-hand data;
- Examining project outcomes<sup>4</sup> with consideration of the overall goal that alternative sentences are more pronounced in the target countries and beyond and of key project indicators outlined in project documentation and identified throughout the project and the evaluation, including:
  - Number of end-user beneficiaries in each country and across Europe;
  - Number of criminal justice stakeholders across the EU who are aware of how alternative sanctions are implemented and used across Europe;
  - Number of concrete actions / changes by criminal justice officials to better meet the needs and protect the rights of vulnerable and minority individuals in the criminal justice system, and what these actions were;
  - Number of probation and judiciary representatives who are more/better aware of the rights of vulnerable and minority individuals in the criminal justice system
  - Project-driven changes in the behaviour of probation / judiciary representatives;
  - Changes to sentencing practices, the nature of these changes, and how the changes have impacted end-user beneficiaries.
- Completing a comprehensive evaluation report on the project implementation and outcomes.

A separate evaluation of the pilot alternative measure(s) developed as part of the project is being conducted. The evaluators will have the pilot evaluation reports at their disposal in support of the overall project evaluation. All consortium members will also be available to support the needs of the evaluation by providing information and insights on the project implementation.

### The tangible deliverables include:

- An inception report of no more than 10-15 pages in English;
- End evaluation report in English, due in electronic format in March 2023. Preferred length: 20 – 30 pages.

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<sup>4</sup> The project's monitoring plan outlines four key outcomes:

- 1) Current practices are identified in the legal status, use, type and implementation of alternative measures to imprisonment across European Union member states to better identify best practice and primary barriers to their further use and expansion;
- 2) Probation services and judiciary representatives in the two target countries have a better understanding of the importance and utility of alternative sanctions and are able to better protect the rights and meet the needs of individuals, including those from vulnerable and minority groups as they pertain to pre-trial, sentencing and implementation of alternatives to imprisonment measures;
- 3) Judiciary and other officials in the criminal justice system have access to and make use of legislative instruments, including sentencing guidelines, (whether binding or non-binding in nature) that are non-discriminatory and respect the rights, needs and circumstances of vulnerable and minority groups, and;
- 4) Tried models of alternative sanctions address needs and protect the rights of vulnerable / minority groups.

## **Duration and timeline:**

The evaluation is expected to commence in January or February 2023 and conclude in March 2023. The estimated days for the work will depend on details of the proposed evaluation methodology.

- Gathering of information on project implementation – January / February 2023
- Inception report, to be submitted two weeks after the start of the evaluation – February 2023
- Evaluation activities and analysis – January / February-March 2023
- Completion and submission of the final evaluation report – March 2023

## **Other information:**

- The overall evaluation budget cannot exceed EUR 12,000.00, including any expenses related to travel and on-site work in Hungary and/or Portugal.
- The evaluators will report to the consortium's steering committee. Day to day support and quality assurance will be provided by PRI's project coordinator for Alternatives to imprisonment in Europe, based in the Netherlands, and the appointed representatives of each consortium partner in the focus countries (HHC in Hungary and UC in Portugal).
- The working language with PRI and between project partners is English.
- Not all involved stakeholders in the focus countries speak English. As such, knowledge of the local languages (Hungarian, Portuguese; French) is an asset.

## **Selection Criteria**

The consortium is looking for individual consultants/organisation to propose an evaluation team with the following required skills and competences:

- At least a Master's level or professional qualification relating to Monitoring, Evaluation and Learning specifically for policy advocacy projects for the lead evaluator (Essential);
- A proven record in delivering effective and professional evaluation results on criminal justice and/or other related projects (Essential);
- Experience assessing project outcomes and impact on equality (including gender equality, access to services and equal treatment for those from vulnerable and minority groups etc.) (Essential);
- Excellent communication, analysis, writing and report presentation skills in English (Essential);
- Capacity to carry out data collection in Portugal and Hungary as relevant to proposed methodology (Essential);
- Fluency in Portuguese and/or Hungarian (Desirable);
- Knowledge of criminal justice and/or probation sectors of Portugal and/or Hungary (Desirable);
- Knowledge of international human rights standards and best practice in probation and criminal justice (Desirable);
- Knowledge of EU-funded projects (Desirable);
- Knowledge of PRI and its work (Desirable).

## **Submission of proposals**

The proposal from individuals/companies shall contain the following sections:

- CV(s) of evaluator(s);
- 3-4 page proposal outlining how the assignment will be tackled, including a budget breakdown and proposed work schedule;
- Names and contact details of two references;
- Sample of 2 recently completed evaluation reports on relevant projects or using similar methods;
- In case of companies, registration document of the legal entity and a portfolio containing information about similar projects and staff resumes.

Please send completed proposals to Ms Tanja Dejanova, Project Coordinator Alternatives to Imprisonment in Europe [tdejanova@penalreform.org](mailto:tdejanova@penalreform.org) by 4 December 2022.



The content of this document represents the views of PRI, HHC and UC in their capacity as consortium members on the current project only and is their sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

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