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# Terms of Reference

Evaluation of a pilot non-custodial measure designed and implemented in Portugal as part of an EU-funded project promoting non-discriminatory alternatives to imprisonment

## 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. We are registered in The Netherlands with our head office in London. PRI works to promote criminal justice systems that uphold human rights for all and do no harm, running practical human rights programmes and support reforms that make criminal justice fair and effective. PRI's primary objectives are to secure trials that are impartial, sentencing practices that are proportionate and promote social rehabilitation and humane conditions of detention where alternatives to imprisonment are not possible. PRI is the coordinator of the current project, and will support the design, development and implementation of the pilots through expert input.

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 (Instituto Jurídico), a unit of R&D 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. These were regarded as very progressive because of their focus on human dignity, imprisonment as a last resort, and rehabilitation. In the pilot for Portugal UC will, in collaboration with the Ministry of Justice and other relevant stakeholders, provide the theoretical framework for the project, ensuring its conformity with the Constitution, criminal law principles and existing legal framework, and monitor and assess the impact of the project.

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.

## **Background**

PRI is coordinating a project funded by the European Union's Justice Programme titled *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 alternative 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 offer practical recommendations on steps that can be taken to ensure this in policies, procedures and their everyday implementation in the two focus countries and beyond. The project will also design and pilot new or improved alternative measures to specifically address challenges, gaps and problems faced by vulnerable or minority groups that are raised during the project in each target country, with an eye toward lessons and recommendations that have wider, international applicability.

## **Purpose**

The project consortium is seeking an independent evaluator or team of evaluators to undertake a comprehensive evaluation of a newly developed alternative measure to be piloted in Portugal. Implemented over the course of several months in the first half of 2022, the pilot project aims to better address the needs and protect the rights of (at least one of) vulnerable and minority groups identified by the project's research activities, based on findings on their current needs and identified challenges and gaps in provision and implementation of probation (it is expected that the pilot will target mental health needs). The evaluation will take place over the course of the pilots' lifespan and conclude in a presentation of the evaluation report(s) to the national Probation Services and other relevant criminal justice stakeholders, alongside the project partners.

The evaluation of the pilot projects should assess their overall impact in terms of achievement of their stated goals, looking at the relevance of their design, efficiency and effectiveness of implementation, as well as the sustainability of the pilots and the extent to which they can continue, including the possibility of scaling up or replicating. Importantly, the evaluation should assess the extent to which the pilot contributes to ending discriminatory practices towards vulnerable and minority groups (in general or one identified demographic group) in the implementation of probation and/or provision of associated support services which accompany non-custodial sentences.

## **Methodology**

The evaluator(s) is expected to develop and propose their own evaluation methodology which is appropriate to the evaluation questions and design of the pilot. The evaluation is expected to be primarily qualitative. The expected methodology should include:

- A 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 the pilot, probation clients participating in the pilot, NGOs and other service providers etc. (a full list of relevant stakeholders will be provided by the consortium).

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

## **Tasks and deliverables:**

### **The evaluator(s) will:**

- Gather and analyse all documents on the development, design and implementation of the pilot measures in the implementation country necessary for a comprehensive evaluation (desk research);
- Produce an inception report based on initial interviews and discussions with consortium members and other stakeholders as well as initial desk analysis elaborating on the methodology outlined in the proposal and evaluation questions to be answered;
- Work locally in the implementation country to assess all the phases of the pilot, including the initial phase, ongoing running of the pilot and closing phase against the above stated evaluation criteria and using the agreed methodology;
- Complete a comprehensive evaluation report on the implementation and outcomes of the piloted measure, and;
- Present the evaluation outcomes to the project team, local probation leadership and other key stakeholders in Portugal.

### **The tangible deliverables include:**

- An inception report of no more than 10 pages to be submitted two weeks after the start of the evaluation;
- A final evaluation report of no more than 25 pages of the piloted alternative measure(s) in English, to be translated to Portuguese (Electronic and paper format), and;
- Presentation of the evaluation outcomes to the project team, local probation leadership and other key stakeholders in Portugal.

## **Duration and timeline:**

The evaluation is expected to commence at the time of implementation of the piloted measure(s), in January 2022 or shortly thereafter, and conclude after the pilot period ends in August 2022.

- Gathering of initial information on the development and design of the pilot measures – January 2022
- Inception report – February 2022
- Ongoing evaluation activities during the piloting phase – January-August 2022
- Completion of final evaluation report(s) – September 2022
- Presentation of evaluation results to national stakeholders and the project team – Late September 2022

## **Budget:**

- The total budget for the evaluation(s) should not exceed 6,000 euros.

## **Other information:**

- The working language with PRI and between project partners is English.
- The evaluator(s) will report to the project's steering committee. Day to day support and quality assurance will be provided by PRI's project coordinator (Alternatives to imprisonment in Europe), based in the Netherlands, as well as the relevant project consortium partner in the country of the evaluation (UC).

## 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 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 designing and evaluating pilot projects over a longer-term period;
- Experience assessing a project's impact and outcomes on equality (including gender equality, access to services and equal treatment for those from vulnerable and minority groups etc.) (Essential);
- Fluency in Portuguese (Essential);
- Excellent communication, analysis, writing and report presentation skills in English (Essential);
- Capacity to carry out field research in Portugal (Essential);
- Knowledge and awareness of criminal justice and/or probation sectors of Portugal (Desirable);
- Knowledge of international human rights standards and best practice in probation and criminal justice (Desirable);
- Knowledge of PRI and its work (Desirable).

## Submission of proposals

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

- CV of evaluator(s);
- 3-4 page proposal outlining how the assignment will be tackled as well as a budget breakdown and proposed work schedule;
- Names and contact details of two references;
- Example of two evaluation reports conducted recently 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 at [tdejanova@penalreform.org](mailto:tdejanova@penalreform.org) by **10 January 2022**.

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