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cdpc-bu/docs 2010/cdpc-bu (2010) 28 - e

CDPC-BU (2010) 28

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau
(CDPC-BU)

DRAFT TERMS OF REFERENCE
OF A RESTRICTED GROUP OF EXPERTS ON SCIENTIFIC EVIDENCE
(PC-R-PS)

prepared by
the Directorate General of Human Rights and Legal Affairs (DG-HL)

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Terms of reference of a restricted group of experts on scientific evidence (PC-R-PS)

- 1. Name of Committee:** Restricted group of experts on scientific evidence (PC-R-PS)
- 2. Type of Committee:** Group of experts
- 3. Source of terms of reference:** Committee of Ministers
- 4. Terms of reference:**

Having regard to:

- the Declaration and Action Plan adopted by the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), in particular concerning challenges attendant on scientific and technical progress;

- Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods;

- the latest developments in the penal field in Europe as regards scientific evidence, notably the fact that criminal justice is making increasing use of new forensic techniques and that scientific evidence is becoming increasingly complex.

Under the authority of the European Committee of Crime Problems (CDPC), and within the framework of the Programme "Development of common standards and policies" (Rule of Law, Strengthening the Rule of Law and Developing Common Standards) of the Programme of Activities, the Group of experts is instructed to:

- i. examine the legislation and practice of Council of Europe member States and relevant non-member States relating to the use of scientific evidence in criminal proceedings, as well as standards developed by other international organisations and bodies;
- ii. identify common problems faced by member States in this field, in particular as regards the admissibility and appraisal of such evidence, as well as its impact on the principle of equality of arms in criminal proceedings;
- iii. on the basis of this examination, advise the CDPC on the desirability and feasibility of developing Council of Europe standards concerning the use of scientific evidence in criminal proceedings and, if appropriate, make proposals as to the contents of such standards.

5. Composition of the PC-R-PS:

5.A. Members

The PC-R-PS shall be composed of 9 national experts from the Council of Europe member States, selected by the CDPC, with the following desirable qualifications: legal experts, legal practitioners, researchers or forensic experts having a thorough knowledge of the use of scientific evidence in criminal proceedings in their respective criminal law systems and in Europe.

The Council of Europe budget will bear their travel and subsistence expenses.

5.B. Participants

The following bodies may each send a representative to meetings of the Group, without the right to vote and at the charge of the corresponding Council of Europe budget sub-heads:

- The Parliamentary Assembly;
- European Committee on Crime Problems (CDPC);
- European Commission for the efficiency of justice (CEPEJ).

5.C. Other Participants

The European Network of Forensic Science Institutes (ENFSI) may send a representative to meetings of the Group, without the right to vote or defrayal of expenses.

6. Working methods and structures:

In its work, the PC-R-PS may be assisted by two scientific experts, appointed by the Secretary General of the Council of Europe for their specific knowledge of either relevant legislation and practice, or forensic science. The Council of Europe budget will bear the travel and subsistence expenses of these experts.

7. Duration:

These terms of reference will expire on 31 December 2011.