



F29 The Regulation of Forensic Science Evidence in Europe

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Learning Overview: The goal of this presentation is to discuss the current state of regulation in forensic science in various European countries, highlighting the benefits and challenges that current regulation regimes pose in terms of a fair administration of justice and some of the regulatory trends that can be expected in the future.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by offering an alternative perspective on forensic science regulation by discussing the options taken by European countries on the matter in various forensic disciplines and the challenges that such regulatory schemes raise with regard to the right to a fair trial.

The ability of forensic practitioners to provide the fact-finder with accurate information has been questioned in the past decade. In the United States, several forensic disciplines have been denounced as lacking empirical validation, relying too heavily on the subjective opinion of individual experts, and having inconsistent and sometimes shoddy practices. Institutions have thus been tasked with harmonizing existing regulation, reforming outdated rules, and developing new standards when needed. In turn, these efforts have given rise to vigorous debates in the forensic and legal communities.

In Europe, each country regulates the production and use of forensic science evidence in their own criminal proceedings. Very few efforts have been made to develop a coherent system of regulation, although the growing number of transnational prosecutions and the increase in exchange of evidence between countries would require some form of harmonization. Besides, it could be argued that some practices run counter to the right to a fair trial as guaranteed by the European Convention on Human Rights because they do not give the parties an opportunity to substantively assess the robustness of the expert conclusions presented in a given case.

Using practical examples, this presentation will show how forensic science evidence is currently regulated in the criminal justice systems of Europe. It will highlight the high degree of variability in regulation between different countries and disciplines, and its consequences in terms of the administration of justice. Finally, it will illustrate what dangers such unsystematic regulatory regimes pose in terms of the rights of the parties (notably, the defense). Finally, the presentation will offer an evaluation of the relevance of current regulatory regimes considering existing knowledge in the fields of forensic science, law, and governance.

Regulation, Standards, Europe