

G8 Statement of Principles Concerning the Use and Sharing of DNA Information Paris – May 5, 2003

A key G8 objective is to facilitate enhanced effectiveness of law enforcement in all countries in the investigation, prosecution and suppression of crime. In particular, the G8 recognize that the protection of society and the administration of justice are well served by the early detection, arrest and conviction of offenders. Such results can be facilitated by the use of DNA evidence. A suspect's DNA can be profiled and compared to evidence left at a crime scene to determine if the suspect was potentially present at the scene, which if established will often be compelling evidence of a person's guilt. DNA profiles can also be used to avoid miscarriages of justice by excluding persons who might otherwise be wrongly accused.

With this in mind the G8 Ministers of Justice and Interior, in May 2002, in Part III(A)(1) of their Recommendations on Transnational Crime, encouraged States to continue finding ways to identify more precisely those involved in crime, such as through the establishment of domestic DNA databases for law enforcement purposes, consistent with civil liberties and individual privacy. Since that statement by the ministers, G8 experts have been working to develop best practices for use by all countries concerning the use of DNA evidence in domestic law enforcement investigations and prosecutions, and international cooperation in conjunction therewith. Based upon their work, the G8 today commit themselves and urge other States to enhance their capabilities to gather, use and cooperate internationally with respect to DNA evidence, in accordance with the following principles:

1. Investigative experts need training in collection, analysis and proper handling of DNA evidence that can identify perpetrators and victims of crime, as well as exonerate persons incorrectly accused or convicted. Judges, prosecutors and other relevant personnel need training on the interpretation and presentation of this evidence in criminal proceedings. The G8 supports the exchange of law enforcement expertise regarding the use of DNA information in criminal investigations and prosecutions. It will provide training and technical assistance to its own authorities, and authorities in non-G8 countries. It encourages all countries to develop or participate in existing training programs on the use of DNA evidence in the criminal process, and, where possible, to provide training to other countries.

2. The G8 urges all States to either develop their own adequate analytical facilities, or enter into a cooperative relationship with an established facility in another country that can provide timely and efficient services, so that all criminal justice systems can benefit from this technology.

3. To ensure the highest degree of reliability of DNA evidence, the G8 supports the establishment by States of standards for interpretation of DNA evidence, consistent with established scientific and technological methods for purposes of use in criminal investigations and proceedings. For example, laboratories from different countries should analyze a common set of DNA markers to facilitate a comparison across laboratories.

4. Because DNA evidence often represents compelling proof of guilt or innocence to the trier of fact, the G8 urges all countries to establish, if they have not already done so, a legal basis for DNA evidence obtained under conditions of suitable reliability to be admitted in criminal proceedings to assist in the determination of guilt or innocence.

5. To ensure offenders cannot avoid responsibility for serious crimes, including violent crimes and sexual offenses, simply by refusing to provide a DNA sample, the G8 urges States that have not done so to establish the power to compel an individual under appropriate circumstances to provide a sample of DNA, or, to the extent this may not be possible, the power to seize material used by the person in order to extract the DNA from it.

6. The G8 supports storing in existing databases of profiles from unresolved crimes, as well as profiles of persons convicted of violent crimes and sexual offenses. States that do not have such databases are encouraged to consider establishing them in order to facilitate the solving of crimes.

7. Since in the course of investigating crime, it may become necessary for law enforcement authorities in one State to compare DNA profiles they possess with profiles located in another State, countries should provide for international sharing of DNA information pursuant to an appropriate request for assistance.

8. Mutual legal assistance treaties and laws should allow for DNA evidence to be gathered under appropriate conditions for foreign requests, including where possible through the power to apply compulsory measures, provided that other conditions for assistance set forth in the applicable treaty, law or arrangement have also been satisfied.

9. Those States that do not have a facility to conduct the analysis of DNA samples should have the legal authority to send them to a foreign State for purposes of forensic DNA analysis. Each State that has analytical facilities should also be able, upon request, to analyze samples of DNA on behalf of another State, or compare them with any evidence or database information as may have been stored domestically. Finally, each State should have the authority pursuant to mutual legal assistance agreements or other arrangements to send DNA samples and profiles to a foreign State for purposes of comparison with evidence or database information located in the latter, where appropriate.

10. The use of DNA evidence can raise concerns about the privacy of individuals who provide samples, the security of data derived from those samples and proper handling of both the DNA samples and data based on those samples. Therefore, the G8 encourages States to take appropriate steps to ensure that:

- (a) the DNA profiles, as well as samples of bodily substances from which the profiles are derived, are used only for the purpose intended in accordance with domestic law and international obligations; and

- (b) safeguards consistent with domestic law and international obligations are placed on:
 - (i) the use and communication of, and access to, DNA profiles and other information retained by States and/or contained in the national DNA data banks; and
 - (ii) the use of and access to, bodily substances that are collected for the purposes of obtaining DNA information to further criminal investigations and prosecutions.

[END]