

Policy guidelines on combating organised crime relating to drug trafficking, based on the case law of the European Court of Human Rights (OC-DT)

3rd Meeting of the Joint Expert Group

Paris, 28-29 April 2025

REPORT

1. Opening remarks

Mr Gareth HENRY, Ireland, Chair of the Joint Expert Group, opened the meeting acknowledging online participants. List of participants can be found in annex I.

2. Brief review of previous Council of Europe efforts

White Paper on Transnational Organised Crime (TOC - 2012)

Mr Oscar ALARCÓN-JIMÉNEZ, Secretariat of the Council of Europe, presented the White Paper on Transnational Organised Crime, drafted in 2012 to address the serious threats posed to the rule of law, global security, economy, victims, and social development. The paper identified 5 key areas for action: 1) international co-operation; 2) special investigative techniques; 3) witness protection; 4) co-operation with administrative agencies and the private sector; and 5) asset recovery. The TOC paper highlighted the importance of improving international co-operation, enhancing trust among member states and stakeholders, and addressing the practical implementation of existing legal instruments. The Council of Europe member states were encouraged to ratify certain conventions and legal instruments to promote international co-operation in this area. The need to address issues related to effective investigation techniques, witness protection programmes, and co-operation with private sector entities were among the most important ones, whereas the paper identified the recovery of assets as a key area for action. This was argued in the paper as mainly through emphasising the need to prosecute offenders and recover the proceeds of crime. The White Paper (TOC) became the basis of a Council of Europe action plan that was implemented through a period of several years. Various activities and projects aimed at promoting international co-operation, improving investigative techniques, and enhancing witness protection programs were carried out. Nevertheless, the TOC paper helped in establishing the basis of dialogue and research in identifying potential instruments that Council of Europe developed as follow-up steps for actions of relevance in the sector of transnational organised crime.

Previous Council of Europe efforts in addressing Organised Crime (1987-2024)

Ms Samantha CLOITRE-ORENSTEIN, Secretariat of the Council of Europe, presented an overview of previous Council of Europe efforts and instruments on the fight against organised crime since 1987 up to today.

The presentation provided an overview of the Council of Europe's (CoE) initiatives against Organised Crime from 1987 to 2017. Beginning with Recommendation Rec(87)19, the CoE emphasised crime prevention and international co-operation. Key milestones include the 1990 Convention on Laundering, the 1996 Report on Organised Crime, and Recommendation Rec(97)13, enhancing witness protection.

By 1997, the Council advocated for enhanced witness protection with Recommendation Rec(97)13, linking OC to corruption at the 21st Conference of European Ministers of Justice. In 2001, Recommendation Rec(2001)11 established guiding principles for combating Organised Crime. Subsequent initiatives included the 2002 Stability Pact for South-Eastern Europe and Recommendations Rec(2005)10 and Rec(2017)6, which tackled investigative techniques for serious crimes. The 2014 White Paper on Transnational Organised Crime as reported by the Secretariat above, consolidated the prior efforts, reflecting ongoing commitments.

Finally, the 2023 Reykjavik Summit reaffirmed the CoE's dedication to evolving legal frameworks against organised crime, highlighting a continuous and co-operation-oriented approach to enhancing security and rule of law in the continent.

3. Presentation of Background Study from the authors

The draft Background Study is structured into two main sections, with the first addressing commonly known topics and the second focusing on issues and challenges arising from cases involving the European Court of Human Rights. The authors aim to finish with a concluding chapter outlining recommendations developed by both of them and which can serve as a foundation for the expert group's guidelines. Moreover, the Background Study would be expected to be structured as follows:

- 1) Organisation and structure;
- 2) Interplay between organised crime and drug trafficking;
- 3) Human rights considerations;
- 4) Regional focus; and
- 5) Feedback and Recommendations for the future Guidelines.

Ms Letizia PAOLI – Academic Expert, presented shortly Part I and the objective of the Study that is, to provide a comprehensive analysis of the interplay between organised crime and drug trafficking in Europe. The Study also seeks to gather feedback from the expert group to refine its content and ensure it addresses relevant issues across different regions while adhering to the guidelines provided by the Secretariat.

The Study explores the complexities of organised crime, including its broad[er] definitions under various legal frameworks and the need to differentiate it from drug trafficking while connecting it with organised crime. It highlights the importance of grounding efforts in legal frameworks, citing the European Court of Human Rights as a significant reference point as well as the EU and UN relevant treaty law.

The Study presents recent efforts against organised crime linked to drug trafficking, referencing data from the national crime agencies and EU statistics on drug-related offences. It also discusses the disparities in penalties for drug trafficking across member states, the trends observed in drug seizures, and the number of prisoners incarcerated for drug offences.

Throughout the initial presentation, a key theme which comes across is the need to balance the fight against organised crime and drug trafficking with human rights considerations. The report acknowledges the unintended consequences of criminal justice measures and the effectiveness of penalties in curbing drug trafficking, money laundering, and corruption.

Mr Frank VERBRUGGEN - Academic Expert, presented Part II of the Study focusing mainly on the relevance of the Human Rights-related law and challenges in balancing such rights when investigations on organised crime and drug trafficking are giving unintended consequences. The same challenge stands also on drug control measures, especially regarding data, confiscation, and prison regimes. The European Court of Human Rights (ECHR) allows for a considerable margin of appreciation to certain nations and the Study will provide elements of such road-mapping for other member states. The Study will include an overview of the Council of Europe's previous efforts and instruments aimed at combating organised crime from 1987 to the present day. Key themes of this part will be challenges posed by computer-related crimes and its human rights implications, calling for effective policies to safeguard at-risk groups. Concerns arise about policymakers' effectiveness in addressing issues affecting these groups within diverse prison systems, especially those focused on organised crime.

A recent EU conference highlighted the success of operations preventing transfers to less favourable EU conditions, though it acknowledged that such policies might create pressures without yielding the intended results. The discussion extends to the complexities of justice and health policies and their unintended outcomes, while also reflecting on organised crime's societal impact and the feasibility of emulating successful policies in different contexts. Ultimately, the emphasis is on the necessity of tailored approaches to tackle these urgent matters.

The study will also adopt a data-driven methodology, integrating ongoing investigations and European Court outcomes while focusing on crime-related legal frameworks and also seek to address certain harm reduction elements. It will consider policies for protecting vulnerable groups, youth inclusion, and health-related aspects as fundamental human rights. The research of the Study also plans to explore the role of undercover agents in organised crime, evidence collection and use as well as elements of associated mental health challenges.

4. General review: Tour de Table

The general review addressed the scope, style, legal terminology proposals and content of the Background Study.

Mr Christian SCHNEIDER, Switzerland, appreciated the focus on harm reduction while expected a clearer focus on the overall scope of the study and the need to assure/reconsider whether the study aligns with the Group's mandate and whether it is adequately covering it. This is because of the significant shift in the perception of Organised Crime in Europe. Criminal organisations are now perceived as widespread and treated similarly to terrorist groups, with similar enforcement measures being applied. He mentioned the need to address how new technologies (e.g., encrypted messaging systems) are impacting investigations and how these tools can be used while assuring that they are in line with human rights.

Mr Hugo K. BONAR, Ireland, expressed that the start of the background study on the definitions of organised crime and drug trafficking is a good basis but emphasises that serious criminals are also involved in the sale and trafficking of prescription medication, which includes many controlled medicines. Prison sentences are not effective for organised crime as they continue their activities from prison, there is a need to disrupt the system. For example, organised crime increasingly uses children because in many countries they cannot be sentenced, thus highlighting the need for awareness, prevention and education tools for children and youth on the danger of organised crime and drug trafficking. He also believes that it is important to decide at a certain moment whether the Group would want to add a separate chapter to the report on trafficking of medical products, or integrate this into the study as a whole, while focusing on the counterfeit medicinal products and not just on medicinal products diverted from the legal system. There is no real difference between the trafficking of drugs and of illicit, counterfeit or falsifiable medicinal products as many illicit drugs are/can be de facto medicines. He raised the issue of one of the major challenges of today in this sector, and that is the lack of coordination between law enforcement and healthcare systems, particularly in relation to criminal investigations involving the diversion and counterfeiting of medical products. He also warned and noted the unintended consequences of poorly regulated medical products and drug policies.

Mr Mark JACKSON, UK - Pharmaceutical Counter Diversion and Illicit Trade Specialist, expressed concern that the report may be too narrow from a law enforcement perspective, focusing primarily on drug trafficking. He emphasised the need to broaden the outlook over the investigative approach, especially the role of intelligence, financial data and evidence in combating organised crime. Intelligence development can contain very detailed information that could raise human rights' concerns. The balance between privacy rights and intelligence gathering needs to be touched upon, particularly regarding data sharing between agencies. He raised the issue of the use of *informants* and *undercover* agents in investigations, particularly as it pertains to case law and human rights protections. He noted an ongoing case before the ECHR regarding police access to smartphone data and privacy, he also pointed out the growing importance of asset seizure as a tool for combating organised crime, particularly regarding illicit profits. He, furthermore, emphasised the practical issues surrounding mutual recognition of convictions and the challenges in asset forfeiture concerns.

Ms Milène BLANCHARD, France, referred to the broad concept of drug trafficking and its connection to organised crime – and as seen as a form of organised crime itself. She emphasised the importance of the reference to the European Court of Human Rights' proceedings related to this issue, which provides a valuable insight into the relative impact of drug trafficking. She suggested that the Group may need to consider also the broader topic of detention and its intersection with health and security concerns and access code. This could involve exploring the relationship between detention and various health aspects, as well as the security implications of drug trafficking and organised crime.

Ms Theano Christodoulou MAVROMOUSTAKI, Cyprus, Vice-Chair of the Joint Expert Group, agreed with concern about the narrow focus on drug trafficking while expressing the importance of addressing how organised crime impacts youth, particularly those exploited by criminal organisations in drug trafficking.

Ms Letizia PAOLI, Academic Expert, highlighted the focus on the outcome of criminal justice measures but questioned again the expected and overall size and scope of the report, suggesting that prioritisation is essential to ensure relevance and readability. She also agreed on the growing overlap between drug trafficking and trafficking of medical products.

Mr Frank VERBRUGGEN, Academic Expert, pointed out that many taboos of the '90s-2000 have now changed and became new practices (e.g., data collection, AI, new technologies). He also confirmed that nowadays almost all European countries are facing organised crime, while from ECHR and EU law perspectives, more and more caselaw is being developed on confiscation and burden of proof.

Mr Gareth HENRY, Ireland, Chair of the Joint Expert Group, discussed the evolving nature of organised crime and particularly with respect to the exploitation of vulnerable populations, including juveniles. Emphasised the importance of anticipating data privacy concerns as technology advances, especially in the context of intelligence gathering. Highlights the need for proposals on how to help and prevent vulnerable people, children and youth.

Ms Ardita ABDIU, Secretariat of the Council of Europe, explained that the Background Study is step one of three steps that Pompidou Group has been tasked with: (1) Background Study on the landscape of the organised crime and drug trafficking, (2) developing policy guidelines on combating organised crime linked to drug trafficking, (3) drafting of a Committee of Ministers Recommendation. The Study will assist the Expert Group in shaping the direction of guidelines; and then of a Recommendation which as an instrument will lead member states in developing their own policy and legal frameworks aiming at reinforcing the fight against organised crime and drug trafficking.

Key take aways:

- **Scope and focus of the report:** There is a need to reconsider the report's focus and scope, ensuring it aligns with the Group's mandate while prioritising the most relevant and timely issues.
- **Human rights considerations:** A recurring theme throughout the discussion is the unintended harm caused by current policies, particularly regarding the treatment of vulnerable populations in the criminal justice system.
- **Intelligence gathering and privacy:** The balance between intelligence gathering for law enforcement purposes and respecting privacy rights remains a contentious issue, with concerns about the future implications of new technologies (e.g., encryption, facial recognition).
- **Youth exploitation and vulnerability:** The exploitation of children and vulnerable individuals in OC activities is a growing concern, requiring more attention in policy discussions and legal frameworks.
- **MEDICRIME standards:** Attention should be paid to the intersection of OC and the MEDICRIME Convention, especially in relation to the illicit trade in medical products.
- **Seizure and asset recovery -- law enforcement tools:** The increasing use of seizures and mutual recognition of convictions warrants further examination, particularly with regard to human rights protections.

5. Chapter by chapter review: open discussion

INTRODUCTION

Focus of future users/readers of this Study should go beyond European countries as Council of Europe 46 member states.

PART I. NORMATIVE FRAMEWORK

1. Normative framework (to be expanded)

The Group members unanimously agreed that the report would benefit from adding statistics of CoE, EUDA and UNODC to cover all 46 member states of the Council of Europe.

2. Link between organised crime and drug trafficking

The discussion highlighted the challenges of defining key terms, particularly "organisation". Concerns were raised about the risk of "infinite regress" when trying to precisely define terms like "organisation", "group", "network", and "structure". Additionally, it was noted that focusing on crime groups may inadvertently exclude other relevant actors from law enforcement efforts. Some suggested adopting a strict definition, while others pointed out that the European Commission is currently working on defining criminal organisations, which could provide valuable guidance and direction for the discussion.

3. Outputs of criminal justice interventions against drug trafficking

The Background Study was seen and emphasised as a crucial component of a multi-step process, encompassing background research, guidelines, and recommendations over the sector. The discussion centred on refining the study's scope and approach. It was suggested that the Study be condensed and more focused in its content. Some participants agreed that the breadth is suitable, recommending a broad approach with a narrowing focus towards the end. It was acknowledged that the Study cannot cover every aspect, although cutting-edge technologies like AI could become relevant to drug trafficking investigations.

4. The impact of criminal justice interventions against drug trafficking

It was considered a curious look at the derogatory regimes applied till now, and we need to carefully distinguish prohibitions of/on drugs. The prohibition of cocaine and other drugs has been a topic of debate, with some experts advocating for a more nuanced approach that takes into account the operational models of organised crime groups. This involves a detailed analysis of evidence-based blocks that can inform policy recommendations. It's also crucial to address the issue of drug dealing on the streets, which is linked to the incidents of violence and drug use that emerged in the 1990s. This discussion has also raised questions about border control and how to effectively combat organised crime in this context.

5. Unintended consequences of criminal justice interventions against drug trafficking

The effectiveness of the criminal law in addressing society and security issues is being questioned often nowadays. Some argue that it has not provided all the solutions and in some cases, the approaches have even led to failures. The issue is complex, with the impact of prison policies differing significantly from one country to another, as well as drug related policies which differ as well.

The Council of Europe's reports on prisons (CPT) and any nexus with drugs are a valuable resource in understanding this issue. Experts recommend alternative measures, such as regulated cannabis use in clubs or restricted models from certain countries. This could be of relevance given the outdated nature of some drug-related legislation, which are outdated, as they were established in the 70s. Yet, the strict prohibition of certain substances has had unintended negative consequences, and it's essential to consider the changing dimensions of the problem.

PART II. ISSUES AND CHALLENGES EMERGING FROM THE CASE LAW OF ECHR

6. Organised crime and drug trafficking as a justification for interference

The concept of participative informants versus undercover agents was raised, highlighting the stark difference in their involvement, status, regulation required and their mirroring in the respective judicial system[s]. Unlike undercover agents, participative informants rarely appear in court proceedings, resulting in a notable absence from ECHR case law despite ongoing regulatory concerns. This raises important questions about proportionality, particularly when weighing the need to protect human rights against the operational effectiveness of law enforcement. The management of informants poses significant challenges, as it can be difficult to maintain their secrecy without compromising their safety or violating their rights. A harm reduction approach has been identified as essential, both in terms of policy and in addressing the consequences of informant activities. Ultimately, striking a balance between investigative powers and respect for human rights is crucial, and proportionality remains a key issue in this context.

7. Broad incriminations

The scope of responsibility in addressing organised crime must be broadened to prioritise the protection of human rights. Specifically, when this entails requiring a proactive approach to safeguard the right to life, which is often compromised by the activities of organised crime groups, but also as an unintended consequence. However, the harm caused by organised crime, particularly in the context of human rights violations, but also when combatting organised crime directly frequently requires an adequate attention. As a result, there is a pressing need to shift the focus towards *proactive measures* that prioritise the protection of human rights, particularly in instances where the right to life is at risk.

8. The use of informers and undercover agents, entrapment

There was a consensus among experts that the use of informers and undercover agents is a common tactic in the fight against organised crime, but determining the scope of the need to better regulate or address its shortcomings through the identified items in the Study will be a challenge. To address this, one suggestion was to rearrange the chapter's structure: with evidence presented before undercover operations, and organising the content around specific articles, such as Articles 8 and 6, which are used to assess the level of evidence in different countries. A key consideration is the need to establish clear criteria, including presumptions, to guide the collection and use of intelligence and evidence. However, experts also acknowledged the importance of taking into account public perception issues and the need for transparency in the justice system, particularly when it comes to the balance between privacy and the need to gather evidence in cases involving organised crime and drug trafficking.

9. Human rights control on evidence (in cross-border cases)

The idea of uniform rules on evidence across member States is a contentious issue, with many governments cautious about imposing stringent regulations from the European Union. However, the varying procedural approaches used in different countries can have significant implications. For instance, some jurisdictions, such as the US, permit the use of deceptive tactics during interviews to encourage witnesses to confess, which may be deemed illegal in other countries. This raises questions about the admissibility of evidence gathered using methods that may be valid in one country but not another. In some jurisdictions, lawfully intercepted material cannot be used as evidence, but through a Eurojust Joint Investigation Team (JIT), such evidence from other partners may be admissible. The JIT framework helps reconcile differing national rules and may overcome local judicial restrictions in line with ECHR standards. The public interest must be taken into account and different countries may permit various methods of evidence collection, as long as they do not violate fundamental principles. The key question is how far the standards can be lowered before they infringe upon core human rights principles, such as the principle of subsidiarity, which requires that the EU respect the autonomy of its Member States.

10. Encryption, decryption and legal obligation to hand over codes

The issue of law enforcement obtaining access to a smartphone raises important questions, particularly in regard to the provision of phone codes. In some jurisdictions, such as France, failure to provide one's phone code can be a criminal offence. However, the question remains as to whether providing the code constitutes self-incrimination, a key concern in the protection of human rights. This issue deserves closer examination, as it has significant implications for the balance between investigative powers and individual rights. ECHR case law (*Minteh v. France*) would be guiding on this issue as expected, yet the Council of Europe's Consultative Council of European Judges (CCJE) seems to be more relaxed on this issue.

11. Data driven searches and data bulk interceptions (to be completed)

No comments

12. Co-operation with third states

The European Court of Human Rights maintains a rigorous and nuanced approach to evaluating cases, with a strong emphasis on individual circumstances. Rather than applying a blanket standard, the Court undertakes a thorough, case-by-case assessment, taking into account the unique context and facts of each situation. This tailored approach allows the Court to respond to the complexities of diverse cases, including those arising from conflict zones or areas with varying levels of stability, without succumbing to overly broad or rigid application of the law.

Co-operation with third countries, (i.e., Mexico and Morocco) which are not members of the Council of Europe, requires careful consideration. The perception and arrangements for operating in these countries must be taken into account, ensuring that they align with the Pompidou Group's principles and values. This co-operation can be complex, as it involves balancing the need for international collaboration with the need to uphold human rights and respect for the rule of law, particularly in countries with different legislative and judicial frameworks.

13. Criminal jurisdiction (in a digital world)

Cybercrime will only grow in importance, with the UN Cybercrime Convention in addition to the Council of Europe one offering a framework for a furthered international co-operation. This area will continue to expand.

14. Use of children or other vulnerable persons

The involvement of juveniles in organised crime is a growing concern, with many cases resulting in complications for investigations due to limited international co-operation on matters involving minors. This trend is significant enough to warrant dedicated attention and efforts to address the challenges it poses. In some countries, such as Ireland, similar issues exist with the juvenile justice system, highlighting the need for a comprehensive approach to tackle these problems.

15. Imprisonment and regimes

No comments.

16. Proceeds-oriented approach

Future discussions will likely focus on the most contentious human rights violations associated with organised crime, with a view to addressing the most pressing concerns and challenges in this area.

17. Illegal market of pharmaceutical products

The discussion here highlighted several key points for the report.

Firstly, it is suggested that the issue of medicines traded in an illicit manner be integrated into the Study as part of broader organised crime activities, rather than being treated as a separate issue. Such acts are criminalised under MEDICRIME but may not be criminal offences where a State is not a Party to the MEDICRIME Convention.

Secondly, it is proposed to expand the section on definitions of drug trafficking (DT) to include references to MEDICRIME and doping substances such as (anabolic) steroids, in order to broaden the understanding of illicit drugs and their consequences.

Thirdly, there is also a recognition that the threat perception of organised crime in Europe has changed, with a growing tendency to treat organised criminals more like terrorists, particularly in the context of narcoterrorism. This shift in perception has led to a blurring of the lines between law enforcement and national security approaches and application of their respective legal frameworks.

Fourth, the limits established in the 1990s are now disappearing, and the logic used against terrorists is often being applied to mafia organisations. This trend highlights the need for a careful consideration of these issues in the study.

6. Conclusions: Brainstorming' Drop-list

Inclusion of non-controlled medicines and Pharmaceutical Products

1. Include non-controlled medicines in the study with definitions (i.e., separate chapter/section).

Investigation and intelligence and evidence collection

2. Collection of evidence, including the Ibrahim criteria and respect for privacy.
3. Recommendations on investigative techniques, including safeguards regarding the right to privacy
4. Deprivation of liberty (e.g. imprisonment, pretrial detention, police custody)
5. Jurisdiction, competences, legal proceedings and judicial review
6. Technical guarantees of the investigation, including:
 - a. Data analysis and intelligence
 - b. Investigation in the digital world
 - c. Human rights perspective
7. Harm reduction and police investigation (issue of vulnerable perpetrators from intrusive techniques)

Impunity aspects and safeguarding of human rights

8. Right to private life.
9. Combating impunity, including:
 - a. Jurisdiction and competence
 - b. Legal proceedings
 - c. Safeguards regarding investigative techniques
10. Awareness-raising/prevention measures concerning the use of youth and instrumentalising their legal age.
11. Minors and juvenile delinquency.

Other emerging issues

12. Need to regulate policy framework with regard to medicines and human rights
13. Application and association with non-conviction-based forfeiture.
14. Proportionality in investigation (investigation in the digital world, new technologies, and data-driven control).

7. Other elements / proposals / reports to consider

Next meetings, events and follow up steps:

- 4th meeting: 7-8 July – Strasbourg
- 5th meeting: 15 September – online
- 6th meeting: 1-2 October – Brussels

ANNEXES

I. List of Participants

Ireland	Gareth HENRY Chair of the Joint Expert Group (PG)
Cyprus	Theano Christodoulou MAVROMOUSTAKI Vice-Chair of the Joint Expert Group (PG)
Switzerland	Christian SCHNEIDER Member of the Joint Expert Group (PG)
France	Milène BLANCHARD Member of the Joint Expert Group (CDDH)
Italy (excused)	Lorenzo SALAZAR Member of the Joint Expert Group (CDPC)
Ireland	Hugo K. BONAR Member of the Joint Expert Group (MEDICRIME)
Belgium (Consultant)	Letizia PAOLI Member of the Joint Expert Group (KU Leuven - Academia)
Belgium (Consultant)	Frank VERBRUGGEN Member of the Joint Expert Group (KU Leuven - Academia)
Council of Europe	Oscar ALARCÓN-JIMÉNEZ Member of the Joint Expert Group (MEDICRIME)
Invited expert	Mark JACKSON Pharmaceutical Counter Diversion and Illicit Trade Specialist
CoE Secretariat:	Ardita ABDIU - PG Samantha CLOITRE-ORENSTEIN - PG Felicia RUSU - PG Daniel PAP (online) - CDDH

II. Agenda

Opening Remarks: Gareth HENRY, Chair

Brief review of Previous Council of Europe efforts

- White Paper on Transnational Organised Crime (2014) - Oscar ALARCÓN-JIMÉNEZ, Secretariat of the Council of the Council of Europe
- Recommendation Rec(2001)11 of the Committee of Ministers to member states concerning guiding principles on the fight against organised crime Explanatory Memorandum Rec(2001)11 - Samantha CLOITRE-ORENSTEIN, Secretariat of the Pompidou Group.

Presentation of Background Study from the authors

- Part I: Normative Framework- Letizia PAOLI, Member of OC-DT Group
- Part II: Human Rights – Frank VERBRUGGEN, Member of OC-DT Group

General Review: Tour de Table

- Scope
- Style and legal terminology proposals
- Content

Chapter by Chapter Review: Open Discussion

INTRODUCTION

PART I. NORMATIVE FRAMEWORK

1. Normative framework (to be expanded)
2. Link between organised crime and drug trafficking
3. Outputs of criminal justice interventions against drug trafficking
4. The impact of criminal justice interventions against drug trafficking
5. Unintended consequences of criminal justice interventions against drug trafficking

PART II. ISSUES AND CHALLENGES EMERGING FROM THE CASELAW OF ECHR

6. Organised crime and drug trafficking as a justification for interference
7. Broad incriminations
8. The use of informers and undercover agents, entrapment
9. Human rights control on evidence (in cross-border cases)
10. Encryption, decryption and legal obligation to hand over codes
11. Data driven searches and data bulk interceptions (to be completed)
12. Cooperation with third states
13. Criminal jurisdiction (in a digital world)
14. Use of children or other vulnerable persons
15. Imprisonment and regimes
16. Proceeds-oriented approach
17. Illegal market of legal pharmaceutical products

CONCLUSIONS AND RECOMMENDATIONS

- Items for Guidelines (brainstorming)

Other elements / proposals / Reports to consider

- MEDICRIME Report: An assessment of publicly reported incidents of illicit diversion and falsification of medicines (2025) - Mark JACKSON, Pharmaceutical Counter Diversion and Illicit Trade Specialist

Next meeting[s], events and follow up steps

- 7-8 July – Strasbourg
- 15 September- online
- 1-2 October- Brussels
- Pompidou Group Permanent Correspondent Session- Rome: 27 November
- Pompidou Group 19th Ministerial Meeting – Rome: 28 November

III. Reference Documents



P-PG

OC-DT(2025)3_Refer