

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 (09:00-17:00)

Council of Europe Office, 55, avenue Kléber - 75116 Paris, France

Version 22/04/2025

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| 28/04/2025 | Opening Remarks: Gareth HENRY, Chair |
| | Brief review of Previous Council of Europe efforts <ul style="list-style-type: none"> ▪ 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 <ul style="list-style-type: none"> ▪ 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 <ul style="list-style-type: none"> ▪ Scope ▪ Style and legal terminology proposals ▪ Content |
| | Chapter by Chapter Review: Open Discussion INTRODUCTION PART I. NORMATIVE FRAMEWORK <ol style="list-style-type: none"> 1. Normative framework (to be expanded) 2. Link between organized 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 |

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| 29/04/2025 | <p>PART II. ISSUES AND CHALLENGES EMERGING FROM THE CASELAW OF ECHR</p> <ol style="list-style-type: none"> 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 |
| | <p>CONCLUSIONS AND RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Items for Guidelines (brainstorming) |
| | <p>Other elements / proposals / Reports to consider</p> <ul style="list-style-type: none"> ▪ 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 |
| | <p>Next meeting[s], events and follow up steps</p> <ul style="list-style-type: none"> ▪ 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 |
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List of Participants:

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| 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 |