

Policy Guidelines on Combating Organised Crime relating to drug trafficking, based on the case law of the European Court of Human Rights

Joint Expert Group - 1st meeting Report 18 December 2024, Strasbourg (online)

In the framework of the follow up to the 4th Council of Europe Summit and based on a proposal by the Netherlands at its 133rd Ministerial Session of May 2024, the Committee of Ministers of the Council of Europe decided that:

“in pursuit of a relentless fight against corruption and organised crime, [the Committee of Ministers of the Council of Europe] invited the Pompidou Group to prepare policy guidelines in the area of combating organised crime relating to drug trafficking, based on the case law of the European Court of Human Rights.”

During his exchange of views with the Committee of Ministers' Rapporteur Group on Social and Health issues (GR-SOC) on 9 July 2024, the Chair of the Permanent Correspondents indicated the readiness of the Pompidou Group to implement the above-mentioned decision.

As a follow up, a Joint Expert Group was established, tasked with developing Policy Guidelines on Combating Organised Crime related to Drug Trafficking (OC-DT), based on European Court of Human Rights case law. The Group held its first meeting on 18 December 2024.

Opening of the Meeting

The Executive Secretary of the Pompidou Group addressed the Joint Expert Group and welcomed all the members.

1. Membership of the Joint Expert Group

The Chairman invited each member to give a brief description of their background and area of expertise.

The Joint Expert Group is comprised of the following nominated members:

- Three experts nominated from Pompidou Group member states (PG) - Mr Gareth HENRY – Chair of the Joint Expert Group (Ireland); Ms Theano Christodoulou MAVROMOUSTAKI – Vice Chair of the Joint Expert Group (Cyprus); Dr Christian SCHNEIDER (Switzerland)
- One expert from the European Committee on Crime Problems (CDPC) - Mr Lorenzo SALAZAR (Italy)
- One expert from the Steering Committee for Human Rights (CDDH) - Ms Milène BLANCHARD (France)
- One expert from the Committee of the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (MEDICRIME) – Hugo K. BONAR (Ireland)
- Two independent experts from academic and research institutions, engaged as consultants – Prof. Dr. Letizia PAOLI and Prof. Dr. Frank VERBRUGGEN (Belgium)
- One expert from the Council of Europe Secretariat (MEDICRIME) - Dr. iur. Oscar ALARCÓN-JIMÉNEZ

At the proposal of the Vice Chair, Mr Spyros CHARALAMBOUS (Cyprus) was invited to join this working group as alternate member on the basis of his relevant knowledge and information which would be beneficial to the Joint Expert Group. Mr CHARALAMBOUS was welcomed by all members and secretariat.

Additionally, four members of the Council of Europe Secretariat will support the works of the Joint Expert Group.

2. Road-mapping document on Policy Formulation

The members of the Joint Expert Group took note of the [Road-mapping Document](#), previously introduced and endorsed at the Pompidou Group Bureau meeting on 23 September 2024. In sum the document provides the modalities of setting the Joint Expert Group, it outlines the policy formulation process and terms of reference for developing Policy Guidelines on Combating Organised Crime related to Drug Trafficking (OC-DT), based on the case law of the European Court of Human Rights (ECHR).

3. Terms of Reference for the Independent Experts

The members of the Joint Expert Group took note of the Terms of Reference for two consultants from academia with expertise in the domain of organised crime and drug trafficking/ECHR:

- Prof. Dr. Letizia Paoli, Faculty of Law, KU Leuven; and
- Prof. Dr. Frank Verbruggen, Institute of Criminal Law, KU Leuven.

The experts have been engaged to conduct a Background Study on European and global legal frameworks pertaining strategies and legal frameworks aimed at combating organised crime relating to drug trafficking. Such Study would represent a briefing document which will be used to inform the Joint Drafting Expert Group prior and during its drafting work/sessions.

4. Background Study-Outline

The two independent experts gave a brief presentation of the outline and first ideas for the background study.

The Study is proposed to have the following structure:

1. Introduction
2. European and global legal frameworks pertaining strategies aimed at combating organised crime relating to drug trafficking
3. Case law of the European Court of Human Rights
4. Discussion of issues and challenges
5. Recommendations for the Scope and Guidelines

The expert from Italy raised a question regarding the scope of the study, inquiring whether the research should also include leading cases from the Court of Justice of the EU. After a brief discussion, it was agreed that the focus (initially) would remain on case law from the European Court of Human Rights.

Furthermore, the expert representing France sought clarification on whether the Study would be limited to specific issues related to drugs and organised crime, excluding other topics such as VAT, fraud, transfer of detainees etc. This suggestion was acknowledged, and it was confirmed that the paper would focus mainly on drug-related organised crime and not extend to the aforementioned issues.

The two experts from academia who will be carrying out the Study confirmed that, focus will be given to digital and online perspectives of organised crime and drug trafficking, given the increased level of crime in using digital tools.

5. Timeline / 2024 - 2025 meetings

The members of the Joint Expert Group discussed and agreed in principle on the following timeline:

- 1st meeting (online) – 18 December 2024
- 2nd meeting (online) – 10 February 2025
- 3rd meeting (in person) – 28-29 April 2025 - Paris
- 4th meeting (in person) – 7-8 July 2025 - Strasbourg
- 5th meeting (online) – 15 September 2025
- 6th meeting (in person) – 1-2 October 2025 - Brussels

Secretariat will follow up with scheduling communication before end of January 2025 in order to confirm final available dates.

6. Other business

None.

List of documents

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| 1. | <u>Agenda of the 1st OC-DT meeting</u> |
| 2. | <u>Terms of Reference of OC-DT</u> |
| 3. | <u>Short Bios of the members of the Joint Expert Group</u> |
| 4. | <u>Decision of the Committee of Ministers from 17 May 2024 - CM/Del/Dec(2024)133/2b</u> |