

Council of Europe International Co-
operation Group on Drugs and Addictions
(Pompidou Group)



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GUIDELINES

ON

COMBATING ORGANISED CRIME

RELATED TO DRUG TRAFFICKING

Preamble

We, the Committee of Permanent Correspondents of the Council of Europe International Co-operation Group on Drugs and Addictions (Pompidou Group),

Considering that the aim of the Council of Europe is to achieve greater unity among its member States, particularly through the adoption of common rules in legal and co-operation matters;

Recalling the obligations of States parties under the European Convention on Human Rights (ETS No. 5, the Convention), particularly the rights to life, liberty and security, a fair trial, the respect for private life and the prohibition of torture, slavery and forced labour;

Noting the complex and evolving threats posed by organised crime groups and/or criminal networks involved in drug trafficking, including the use of violence, corruption, money laundering and cybercrime;

Acknowledging the challenges faced by law enforcement, particularly the use of advanced technologies, exploitation of vulnerable persons, intimidation tactics, data protection considerations and the constraints posed by cross-border operations;

Recognising the need for criminal justice responses that are effective, evidence informed, proportionate and compliant with human rights standards;

Emphasising the guiding role of the European Court of Human Rights (the Court) in developing standards that reconcile public security and public health objectives with individual rights;

Recalling relevant Council of Europe conventions, including the European Convention on Human Rights and its additional protocols; the Convention on the Prevention of Terrorism (CETS No. 196) and its additional protocol (CETS No. 217); the Convention on Action against Trafficking in Human Beings (CETS No. 197); the Convention against Trafficking in Human Organs (CETS No. 216); the Convention on Cybercrime (ETS No. 185) and its second additional protocol (CETS No. 224); the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198); the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201); the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (CETS No. 225); the Convention on the Counterfeiting of Medical Products and Similar Crimes Involving Threats to Public Health (CETS No. 211); the Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210); the European Convention on the Control of the Acquisition and Possession of Firearms by Individuals (ETS No. 101) and its protocols; the Criminal Law Convention on Corruption (ETS No. 173) and its additional protocol (ETS No. 191); the European Convention on Extradition (ETS No. 24) and its protocols; the European Convention on Mutual Assistance in Criminal Matters (ETS No. 30) and its protocols; and the

Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and its protocols;

Recalling the following Committee of Ministers Recommendations to member States: Recommendation Rec(2001)11 concerning guiding principles on the fight against organised crime, Recommendation Rec(2006)2-rev on the European prison rules, Recommendation Rec(2003)20 concerning new ways of dealing with juvenile delinquency and the role of juvenile justice and Recommendation CM/Rec(2017)6 on “special investigation techniques” in relation to serious crimes including acts of terrorism;

Reaffirming the relevant Committee of Ministers decisions, particularly the decision taken at its 133rd meeting (CM/Del/Dec(2024)133/2b), which reflects the principles set out in the Reykjavik Declaration – “United around our values” (2023) and upholds the rule of law, and in which the Pompidou Group was invited to prepare policy guidelines in the area of combating organised crime related to drug trafficking, based on the case law of the European Court of Human Rights;

Recalling the framework laid out by the Pompidou Group and its mission to integrate human rights into drug and addiction policies, as emphasised in its revised statute (appendix to CM/Res/(2021)4) and in the policy document “Bringing human rights to the heart of drug and addiction policies: guidance for aligning drug and addiction policies with human rights” (P-PG(2024)8);

Considering United Nations instruments, including the Single Convention on Narcotic Drugs (1961) as amended by the 1972 protocol, the Convention on Psychotropic Substances (1971), the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) and the Convention against Transnational Organized Crime (2000) and its protocols, which highlight global standards in combating drug-related offences;

Conscious of the need to respect the diversity of the legal systems of the member States and their organisational frameworks while recognising the importance of ensuring that law-enforcement efforts function as effectively and efficiently as possible, and noting the examples of good practice in member States, which can be shared and expanded upon;

Acknowledging the findings presented in reports from European and international bodies, including the European Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Criminal Justice Cooperation (Eurojust), the European Union Drug Agency (EUDA), the Council of Bars and Law Societies of Europe (CCBE), the United Nations Office on Drugs and Crime (UNODC), the United Nations Office of the High Commissioner for Human Rights (OHCHR), the International Narcotics Control Board (INCB), the World Health Organization (WHO), the World Customs Organization (WCO) and the International Criminal Police Organization (INTERPOL);

Reaffirming the Political Declaration and Plan of Action, adopted in 2009 by the United Nations General Assembly, on International Co-operation towards an Integrated and Balanced Strategy to Counter the World Drug Problem ;

Recognising the challenges posed by organised crime, especially in relation to drug trafficking, and the necessity to further align law-enforcement practices with human rights standards, as outlined by the European Court of Human Rights,

Endorse these guidelines to assist member States in designing and implementing effective, proportionate and human rights-based responses to organised crime related to drug trafficking and connected criminal activities.

We task the Secretariat of the Pompidou Group to take forward these guidelines and develop, in co-operation with the European Committee on Crime Problems (CDPC), a future recommendation to member States calling for the integration of these guidelines into national policies, legal frameworks and international co-operation strategies.

Guidelines on combating organised crime related to drug trafficking

I. Purpose and scope

1. Objective

It is to offer practical guidance to member States with a view to strengthening their responses to organised crime related to drug trafficking, while ensuring full compliance with human rights standards.

2. Scope

These guidelines apply to law enforcement, judicial authorities, policy makers and other relevant stakeholders within the member States of the Council of Europe and Pompidou Group.

II. Definitions

For the purposes of these guidelines, the following terms should be understood as follows:

- “organised crime” means a continuing criminal enterprise involving the planned commission of serious offences for the purpose of gaining profit or power. The activities are carried out by two or more individuals working together over time and who often form organised crime groups and/or criminal networks. Organised crime associates usually further their activities through corruption, intimidation, violence or influence over politics, media and the legitimate economy, typically profiting from the delivery of criminalised goods and services;
- “drug trafficking” is the unlawful production, transportation and wholesale distribution of controlled psychoactive substances and prescription medicinal products, excluding for personal use;
- “human rights” are fundamental rights guaranteed under the European Convention on Human Rights and its protocols, as interpreted and clarified by the Court’s case law.

III. General principles

3. Human rights-based approach

All measures to combat drug trafficking and organised crime should respect the European Convention on Human Rights. This includes the absolute prohibition of the death penalty, prevention of arbitrary detention, protection from torture or inhuman or degrading treatment or punishment and the prohibition of slavery and forced labour.

4. Proportionality and individualisation

Investigative techniques and penalties should align with the severity of the offence and the risk posed by the offender. It is essential to distinguish between high-value targets

within organised crime and lower-tier offenders, ensuring that responses are tailored to the individual circumstances and threat levels involved.

5. Non-discrimination

Responses targeting organised crime associates should uphold the principle of equality before the law and refrain from discrimination based on ‘race’; national, ethnic or social origin; colour; citizenship; disability; age; civil or parental status; sexual orientation, gender identity or expression or sex characteristics; or political, philosophical or religious opinions.

IV. Criminal justice

6. Legal certainty and thresholds

The expressions “organised crime” and “drug trafficking” should be explicitly defined by law to ensure legal certainty and allow for efficient and effective judicial co-operation. The use of special investigative measures should also be proportionate and correspond to the seriousness and scale of the alleged criminal offence.

7. Sentencing and alternatives to custody

Member States should guarantee that sanctions are both proportionate and effective in deterring criminal behaviour, while moving away from an overreliance on mandatory minimum sentences (where applicable) and disproportionate prison terms.

Greater emphasis should be placed on humane, individualised and rehabilitative measures, such as public health interventions and restorative justice, especially for low-tier offenders, vulnerable persons and persons who use drugs.

8. Data transparency, review and capacity building

Member States should collect and publicly share disaggregated data on arrests, prosecutions, seizures, confiscations and imprisonment related to drug trafficking with the aim to inform policy making and ensure accountability.

National laws and enforcement practices should be regularly reviewed for effectiveness and compliance with the rule of law and human rights, taking into account the case law of the European Court of Human Rights.

Continuous training for law enforcement, the judiciary, defence lawyers and the prison administration should be supported to strengthen institutional capacities, uphold standards and ensure comprehensive responses to the evolution and digitalisation of drug trafficking as a form of organised crime.

9. Violence by organised crime groups and/or criminal networks involved in drug trafficking

Member States should prioritise investigating and prosecuting violent offenders to protect life and public safety.

Law-enforcement tactics should be carefully managed to avoid escalating violence.

Protection, support or other incentives should be made available to those leaving an organised crime group or network or co-operating with the authorities.

Laws on enforcement of firearms and explosives, including those targeting arms dealers, should be strengthened.

Improved data collection and intelligence on intra-gang violence and public intimidation are essential. This data and intelligence should inform targeted interventions to reduce harm and retaliation.

10. Corruption and other threats to the rule of law

Member States should address the risks of infiltration, coercion and corruption of both public officials (national and foreign) and private-sector actors by organised crime groups and/or criminal networks. All such cases should be thoroughly investigated and, where guilt is established, result in exemplary sentences. Appropriate protective measures and institutional safeguards should be put in place to preserve judicial independence and maintain administrative and organisational integrity, both in the criminal justice system and wider public service.

11. Scope of criminalisation

Member States should design criminal law frameworks that promote public health and protect fundamental rights. Member States should ensure these laws protect the public health system and offer clear legal protections to healthcare professionals, harm reduction workers, defence lawyers, whistle-blowers and informers or undercover agents. Overly broad criminalisation that covers behaviours only indirectly linked to drug trafficking or criminal organisations should be avoided. Criminal offences should be clearly and narrowly defined, with specific exemptions to protect lawful activities that respect fundamental rights. Legal certainty for individuals engaged in legitimate conduct should not depend on informal non-prosecution practices.

12. Proceeds-oriented justice and financial sanctions

Asset freezing, seizure and confiscation strategies are indispensable for an effective policy to combat organised crime related to drug trafficking. Member States should implement measures such as asset freezing and seizure, confiscation (including civil forfeiture) and combating money laundering. Appropriate safeguards should be put in place to prevent breaches of bona fide third-party rights. Financial disruption strategies aimed at suspects should be subject to human rights-based oversight and review mechanisms.

V. Protection of vulnerable persons

13. Health and dignity

Persons who use drugs should be treated with dignity and respect. They should have guaranteed access to healthcare, harm reduction services and evidence-informed treatment on a voluntary basis. This should also include access to services in prisons.

14. Children, minors and other vulnerable persons

Children, minors and other vulnerable persons engaged in drug-related offences, including as a result of coercion or exploitation, should be provided with tailored support and protection measures and competent authorities should consider whether they are to be recognised as victims.

VI. Investigative techniques

15. Regulation of special investigative techniques

The use of special investigative techniques, including, but not limited, to informants, cross-border surveillance, controlled delivery, covert investigations, joint investigation teams, interception of telecommunications and use of technical recording devices, particularly in the territory of another State party, should be lawful, necessary, proportionate and subject to judicial oversight.

16. Admissibility and integrity of evidence

Evidence gathered lawfully in one State may be used in criminal proceedings in another State, provided that the admissibility of such evidence is in accordance with the national law of the other State, including its fundamental principles of law. Respective cross-border evidence should comply with international instruments and with standards of due process and fairness.

VII. Detention and prison conditions

17. Humane conditions and judicial oversight

Detention conditions should meet European standards, particularly regarding prison overcrowding, inhumane treatment and indefinite pretrial detention. Special regimes for organised crime leaders and other members of an organisation's hierarchy require legal justification and regular judicial oversight. Solitary confinement should be used only as a last resort, be as short as possible and take into account the prisoner's health.

VIII. Strategic and systemic considerations

18. Displacement risks

Member States should be aware of the cross-border nature of drug trafficking as a form of organised crime and of the possible displacement risks. Therefore, they should anticipate and co-ordinate law-enforcement activities on a strategic, tactical and

operational level. Displacement and fragmentation risks should be monitored and mitigated.

19. Minimising individual targeting risks

To reduce the risk of individual targeting by organised crime groups and/or criminal networks, responsibility for sensitive cases should be institutionally shared among a sufficient number of prosecutors, judges and law-enforcement officers.

Organisational practices should promote collective risk management, strengthen specialised services and enhance institutional knowledge. Member States should ensure that the responsibility for decision making in critical cases is distributed across multiple professionals to maintain continuity, prevent targeted actions and safeguard human rights throughout law-enforcement procedures.

20. Protecting witnesses, informants, collaborators of justice and their families from organised crime threats

Member States should consider adopting measures to safeguard witnesses, informants, collaborators of justice and their families from being targeted by organised crime groups and/or criminal networks.

21. Empirical evaluation of supply-side interventions

Repressive and coercive measures, policies, strategies, law-enforcement operations and sanctions targeting those involved in organised crime and drug trafficking should be precisely focused using the best available data. All interventions should be proportionate, respect human rights and be guided by evidence-informed policy. Policies and strategies should be regularly evaluated for their impact on drug availability, violence, corruption and costs, with findings informing future strategy-development cycles.

IX. Digital, cross-border dimensions and international co-operation

22. Encryption and digital evidence

Member States should develop policies that acknowledge legitimate use of encryption technology and not consider its use alone as evidence of suspicious behaviour or criminal involvement. Any access to encrypted communications during criminal investigations should be lawful, necessary, proportionate and duly respect the right to privacy.

23. International co-operation

Member States should ensure that human rights are safeguarded when co-operating with third countries. Such co-operation, especially extradition, mutual legal assistance and data sharing, should align with European standards and the Court's case law.

24. Mass surveillance and data protection

Member States should regulate data collection and surveillance mechanisms to ensure full compliance with privacy rights and data protection laws. Intelligence gathering should not be conflated with legal evidence and civil society actors should be shielded from undue monitoring.

25. Artificial intelligence and big data in criminal justice

The collection of data through artificial intelligence, automated systems and predictive analytics in criminal investigations should be transparent and proportionate, with clear and sufficient explanations, and subject to accountability mechanisms to ensure accuracy and fairness. To avoid algorithmic discrimination or unjustified surveillance, it is essential to have data protection, human rights, democracy and rule of law assessments of artificial intelligence technologies at their deployment.

26. International law and remote access to evidence

Member States should address any gaps in international law to avoid legal uncertainty and jurisdictional overreach when it comes to remote access to data collected for criminal investigations and digital evidence.

X. Participation

27. Stakeholder engagement

Policy making should include input from civil society organisations, persons with lived and living experience, legal experts and human rights monitoring mechanisms.