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Drug policy and human rights in Europe: a baseline study

Reply to Recommendation¹: Recommendation 2177 (2020)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2177 \(2020\)](#) “Drug policy and human rights in Europe: a baseline study”. It has forwarded it to the Enlarged Partial Agreement on the Council of Europe International Co-operation Group on Drugs and Addictions (Pompidou Group), to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and to the European Committee of Social Rights (ECSR) for information and possible comments.
2. The Committee of Ministers welcomes the work of the Assembly in this area, as an important contribution to the current discussions at European and global level to take fully into consideration the respect for human rights in the framing, adoption and implementation of drug policies.
3. With specific regard to paragraph 2.1, the Committee of Ministers informs the Assembly that according to the revised Statute of the Pompidou Group, which was adopted by the Committee of Ministers on 16 June 2021, the Pompidou Group, *inter alia*, “promotes respect for human rights in the framing, adoption, implementation and evaluation of drug and addiction policies” and “develops understanding of and responses to the challenges posed by drugs and addictions, focusing on public health, safety and security, while pursuing a multidisciplinary, balanced, gender-sensitive and integrated approach based on scientific evidence and best practices within all areas of the drug problem, with full respect of human rights”.
4. The Committee of Ministers invites member States to give due consideration to paragraph 2.2 of the recommendation. In this context, it would in particular draw attention to the current work of the Pompidou Group creating tools which will allow its members States to conduct a self-assessment on a voluntary basis of their drug policies in connection with their obligations in the field of human rights at both United Nations and Council of Europe level. The expert group which was set up for this purpose finalised its work in Autumn 2021, when the Pompidou Group celebrated its 50th anniversary.
5. With regard to paragraph 2.3, the Committee of Ministers notes that the Pompidou Group is not (and will not become) a monitoring body and it is therefore not foreseen that the Group will adopt authoritative guidance to member States in this area of policymaking. However, the member States of the Pompidou Group are encouraged to use the facility they have in asking the Pompidou Group to provide expert advice on specific issues related to their drug policies, including of course the respect of human rights.
6. Finally, with regard to paragraph 2.4, the Committee of Ministers has taken note of the CPT’s comments which support proposed action by various stakeholders to use risk and harm reduction as well as treatment and rehabilitation services as a means to reduce adverse health and social effects of drugs, reflecting a more human rights-based approach, in particular by ensuring the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, providing equivalence and continuity of care for people who use drugs in prisons or other custodial settings, and safeguard the health of drug-dependent prisoners.

1. Adopted at the 1429th meeting of the Ministers’ Deputies (17 March 2022).



7. In this respect, the Committee of Ministers notes the challenges faced by prison administrations to manage prisoners with substance-use disorders who often constitute a significant proportion of the prison population. During its visits to prisons in various member States, the CPT has often found major shortcomings regarding the situation of persons with substance-use disorders. All too often there appeared to be a discrepancy in the level of health care provided within and outside the prison system, in particular, as regards the provision of drug addiction treatment, the availability of risk reduction measures and the prevention of transmissible diseases.

8. On the basis of its findings, the CPT has frequently formulated specific recommendations in visit reports regarding these matters, in the light of its long-standing standards (see the CPT's 3rd General Report, <https://rm.coe.int/1680696a40>), as well as the European Prison Rules and other relevant Council of Europe recommendations. The Committee of Ministers notes that, in line with the Assembly's recommendation, the CPT will continue in future to pay particular attention to the situation of persons with substance-use disorders when visiting prisons and other places of deprivation of liberty.