



Dr. Tlaleng Mofokeng
Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable
Standard of Physical and Mental Health
Office of the United Nations High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10, Switzerland

July 2, 2025

Addressing Health Violations in Cannabis Prohibition

Dear Special Rapporteur Mofokeng,

With a fervent commitment to human dignity, the Alliance for Rights-Oriented Drug Policies (AROD) seeks your support to confront the systemic rule of law crisis caused by cannabis prohibition, which violates the right to the highest attainable standard of health (ICESCR Article 12, ECHR Article 8) in Europe and the United States. Our 12-year advocacy, detailed in 2013–2025 correspondence with the Council of Europe (CoE)—including letters to Secretary General Alain Berset (July 10, 2025), [PACE](#), the Pompidou Group, Commissioner O’Flaherty, and Committee of Ministers Chairperson Borg—exposes judicial failures to protect fundamental rights, as evidenced by [Mikalsen v. Norway](#) (2012, 2023, 2024) and [Constitutional Challenges to the Drug Law](#) (2017)

Failure of Law

Cannabis prohibition fuels a €12.1 billion illicit market (EUDA EU Drug Market: Cannabis 2023), undermining the rule of law and public health. In Norway, AROD estimates 1 million punitive sanctions, a 1.75 billion NOK black market, and 300 annual overdose deaths (Nasjonal rapport 2022). Globally, our [Truth and Reconciliation Commission Report](#) estimates 400,000 annual deaths and 5 million wrongful imprisonments, exacerbating health risks through unregulated substances (e.g., synthetic cannabinoids, EUDA European Drug Report 2024). In the U.S., Constitutional Challenges documents over 100 failed challenges to drug laws, with courts’ unprincipled reasoning dismissing privacy and liberty claims, as seen in the Mallan Court’s defective analysis (p. 183). NOU 2019:26 and NOU 2002:04 confirm Norway’s panic-driven policies, with Norwegian jurists for 30 years calling for a new direction. PACE Resolution 2277 (2019) notes “serious violations of the rule of law” across CoE states, aligning with the CoE’s 2025 Report’s call for “reforms where standards fall short,” highlighting critical challenges to the rule of law, including judicial failures and Norway’s disproportionate measures.



Judicial Failures

The ECtHR's dismissal of Mikalsen v. Norway as "manifestly ill-founded" without reasoned analysis violates procedural fairness (*S.A.S. v. France* 2014, 2019 UN Guidelines on Legal Aid). Norway's courts, citing these dismissals, block review (Oslo City Court, November 25, 2024), rendering ECHR protections ineffective since 2010. In the U.S., courts' [reliance](#) on the "demon drug" myth perpetuates health harms through criminalization, violating ICESCR Article 12. Norway's 300 annual overdose deaths and global health toll (Nasjonal rapport, Truth and Reconciliation Commission Report) reflect prohibition's failure to protect health, undermining your mandate.

Regulation as a Solution

Regulation aligns with your mandate to protect the right to health by reducing overdose risks and ensuring safe access. Malta's 2021 legalization (7g possession, non-profit social clubs) cut arrests by 60% and health harms (EUDA European Drug Report 2024–2025). Uruguay and Canada reduced illicit markets by 50–60% (2013–2023,). Your 2023 report and the UN High Commissioner's 2024 CND statement urge replacing punitive policies with harm reduction, citing reduced health risks through regulation. Unlike Norway's 1 million sanctions, regulation mitigates overdose deaths and mental health crises, safeguarding ICESCR Article 12.

Call for Action

AROD's Requiem for the Rule of Law [event](#) (June 23–24, 2025) and 12-year CoE [engagement](#) demand action. As you noted in your 2023 report, punitive drug policies exacerbate health harms. We urge you to:

- conduct country visits to Norway and the U.S.: investigate health violations in drug enforcement (Nasjonal rapport, Constitutional Challenges);
- issue a communication to Norway and the U.S.: demand explanations for ICESCR Article 12 violations;
- report to the HRC: include prohibition's health impacts in your March 2026 report, supporting AROD's Truth and Reconciliation Commission to document these harms.

Civil society demands action. As nations like Malta regulate cannabis to protect public health, your leadership can align drug policies with human rights. We respectfully request a meeting and a response by August 1, 2025.

Sincerely,

A handwritten signature in black ink that reads "Roar Mikalsen". The signature is written in a cursive, flowing style.

Roar Mikalsen

President of the Alliance for Rights-Oriented Drug Policies (AROD)