



Professor Bernard Duhaime

Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-Recurrence

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

CH-1211 Geneva 10,

Switzerland

July 2, 2025

## **Addressing Systemic Violations through a Truth and Reconciliation Commission for Cannabis Prohibition**

Dear Special Rapporteur Duhaime,

With unwavering commitment to justice, the Alliance for Rights-Oriented Drug Policies (AROD) seeks your support to confront the systemic rule of law crisis caused by cannabis prohibition, a policy that perpetrates gross human rights violations (ICCPR Articles 9, 14, 17; ECHR Articles 5, 6, 8, 13, 14) 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 Bertet, [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). Your mandate to promote truth, justice, reparation, and non-recurrence aligns with our call for a Truth and Reconciliation Commission (TRC) to document prohibition’s harms and restore trust in the rule of law.

### **Failure of Law**

Cannabis prohibition fuels a €12.1 billion illicit market (EUDA EU Drug Market: Cannabis 2023), undermining the rule of law and human rights. In Norway, AROD estimates 1 million punitive sanctions, a 1.75 billion NOK black market, and 300 annual overdose deaths. Globally, our [Truth and Reconciliation Commission Report](#) estimates 400,000 annual deaths and 5 million wrongful imprisonments, violating rights to liberty, fair trial, privacy, and non-discrimination. In the U.S., Constitutional Challenges [documents](#) over 100 failed challenges to drug laws, with courts’ unprincipled reasoning—driven by the “demon drug” myth—dismissing privacy,



liberty, and equal protection claims (Mallan Court, p. 183). NOU 2019:26 and NOU 2002:04 confirm Norway's panic-driven policies, while 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 judicial integrity and human rights protections.

### **Judicial Failures**

The independence of the judiciary presupposes a willingness to question the legality of cannabis prohibition. The integrity of the justice system depends on its ability to protect rights regardless of politics, yet the ECtHR has exacerbated this crisis. 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 prejudice (Constitutional Challenges, p. 12) empties constitutional protections of meaning (p. 144), undermining ICCPR Article 14. These failures perpetuate arbitrary detentions, privacy intrusions, and health harms, as seen in Norway's coercive measures, defying your mandate to ensure accountability and truth.

### **Regulation as a Solution**

60 years of prohibition on disproven premises evidences systemic failures to protect and uphold human rights. As nations regulate cannabis to protect public health, no state can take for granted that criminalization fulfils a legitimate purpose, and regulation aligns with your mandate to promote truth, justice, and non-recurrence by replacing punitive policies with evidence-based reforms. Malta's 2021 legalization (7g possession, non-profit social clubs) cut arrests by 60% and illicit market activity (EUDA European Drug Report 2024–2025). Uruguay and Canada reduced illicit markets by 50–60% (2013–2023,). The UN High Commissioner's 2024 CND statement urged regulation to protect rights, mitigating Norway's 1 million sanctions and global 5 million imprisonments. Regulation restores trust, as seen in Canada's Residential Schools TRC (2008–2015), which your mandate supports.

### **Call for Action**

AROD's Requiem for the Rule of Law [event](#) (June 23–24, 2025) and 12-year CoE [engagement](#), including recent letters to UN Special Rapporteurs on Privacy, Health, Arbitrary Detention, and Judicial Independence, demand action. Your 2024 report on mass violations and transitional justice (A/HRC/57/50) underscores the need for truth-seeking mechanisms, and persecution on disproven grounds [equals](#) arbitrary persecution. We urge you to:

- conduct country visits to Norway and the U.S.: investigate systemic violations in drug enforcement (Nasjonal rapport, Constitutional Challenges);
- issue a communication to Norway and the U.S.: demand explanations for ICCPR/ECHR violations;



- report to the HRC: include prohibition's impacts in your March 2026 report, endorsing AROD's 15-day Truth and Reconciliation Commission to document harms and promote reconciliation.

Civil society demands action. As nations like Germany, Luxembourg, Malta, South Africa, Mexico, Brazil, and US States regulate cannabis to uphold human rights, your leadership can catalyze a global TRC, restoring trust in the rule of law. We respectfully request a meeting and a response by August 1, 2025.

Sincerely,

A handwritten signature in black ink, reading 'Roar Mikalsen', is positioned below the word 'Sincerely,'.

Roar Mikalsen

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