



Dr. Tlaleng Mofokeng  
Special Rapporteur on the Right to 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

January 1, 2026

## **Urgent Call for UN Renunciation of Cannabis Prohibition: Addressing Systemic Health Violations and Rule of Law Failures**

Dear Special Rapporteur Mofokeng,

On behalf of the Alliance for Rights-Oriented Drug Policies (AROD), I write to follow up on our letter of July 2, 2025, which detailed the systemic rule of law crisis caused by cannabis prohibition and its violations of the right to liberty and security under ICCPR Article 9 and ECHR Article 5. This communication builds on AROD's longstanding engagement with UN human rights mechanisms, including our 2019 submission to your Working Group highlighting drug policy's role in arbitrary detention and the need for effective remedies, and our 2018 report to the Human Rights Committee documenting large-scale ICCPR violations by UN member states through prohibition regimes. Regrettably, these earlier appeals, like our July 2025 letter and parallel submissions to other Special Rapporteurs (on judicial independence, privacy, health, and truth), have gone unanswered.

This prolonged silence heightens the imperative for action, as prohibition's destructive consequences persist unabated. In furtherance of our efforts, AROD submitted a formal communication to the International Criminal Court (ICC) on December 29, 2025, alleging drug prohibition as crimes against humanity under Article 7 of the Rome Statute—a position bolstered by our contribution to your Working Group's 2021 report (A/HRC/47/40),<sup>1</sup> which explicitly recognizes how punitive drug policies lead to arbitrary detention and calls for decriminalization, alternatives to incarceration, and human rights-compliant reforms. We now

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<sup>1</sup> A/HRC/47/40, "Arbitrary detention relating to drug policies" (July 2021), to which AROD contributed via our submission on civil society perspectives, available at [https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Call/CSOs/Alliance\\_for\\_rights-oriented\\_drug\\_policies.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Call/CSOs/Alliance_for_rights-oriented_drug_policies.pdf).



implore your Working Group to advocate for the United Nations' explicit renunciation of this policy, which perpetuates arbitrary detention on a massive scale and undermines the global rule of law.

### **The UN's Role in Perpetuating Arbitrary Detention**

Cannabis prohibition, enshrined in UN conventions since the 1960s, has devolved into a vehicle for systemic harm rather than public health advancement. As documented in our ICC complaint, 2019 submission to your Working Group, and 2025 Truth and Reconciliation Commission Report, it fuels arbitrary detentions that infringe fundamental human rights. In Norway, around 1 million punitive sanctions have been imposed, sustaining a 1.75 billion NOK black market and approximately 300 annual overdose deaths, disproportionately impacting marginalized communities. Globally, prohibition inflicts an estimated 5 million wrongful imprisonments and 400,000 preventable deaths annually, with the European Union Drugs Agency (EUDA) reporting a €12.1 billion illicit cannabis market that exacerbates violence and corruption (EU Drug Market: Cannabis, 2023).

These detentions are inherently arbitrary: grounded in moral panic and disproven assumptions, they lack proportionality and legitimate purpose, as affirmed by Norwegian expert reports like NOU 2002:4 and NOU 2019:26, which critique panic-driven policies devoid of deterrent impact. Judicial failures, such as the ECtHR's dismissals in *Mikalsen v. Norway* (2012, 2023, 2024) without reasoned analysis, perpetuate this, denying effective remedies and fostering impunity. In the United States, over 100 constitutional challenges have been mishandled, rejecting liberty claims under flawed reasoning (see ARÖA's submission to ICC, Appendix B, *To Right a Wrong*, part three). As underscored in A/HRC/47/40—these practices erode judicial independence, fair trial rights, and non-recurrence guarantees.

The UN's single convention framework has not only resisted adaptation to evidence-based reforms—evident in countries like Germany (2024 legalization), Canada, and Uruguay—but has actively upheld this regime. Despite A/HRC/47/40's recommendations for decriminalization and post-2021 developments like Colombia's President Gustavo Petro's 2025 advocacy against U.S. drug war actions as potential crimes against humanity, the UN's inertia sustains arbitrary detention worldwide. This contravenes the UN's human rights commitments, including those under the ICCPR, and necessitates immediate renunciation to avert further devastation.

### **Request for Action**

We urge your Working Group to:

1. Publicly advocate for the UN to renounce cannabis prohibition as incompatible with human rights, emphasizing its contribution to arbitrary detention and rule-of-law erosion, in line with A/HRC/47/40 and recent global trends such as increased cannabis regulation and advocacy against punitive policies.



2. Recommend a comprehensive UN review of drug conventions, incorporating:
  - a. Truth and reconciliation mechanisms to document harms and ensure reparation;
  - b. Guarantees of non-recurrence through decriminalization, alternatives to incarceration, and responsible regulation of drug markets to dismantle black markets, reduce youth involvement in criminality, and protect public health, as recommended by the UN High Commissioner for Human Rights in A/HRC/54/53 (2023).<sup>2</sup>
3. Issue a thematic report or statement addressing prohibition's violations of ICCPR Article 9, drawing on our evidence, the ICC submission, and prior WGAD findings for global mobilization, including post-2021 events like Germany's 2024 cannabis legalization and Colombia's 2025 advocacy against punitive drug policies.

AROD stands ready to provide further documentation, including our full ICC complaint and annexed materials, available at <https://www.rodpolices.org/international-criminal-court-submission>. We enclose copies of our July 2, 2025 letter, 2019 WGAD submission, 2018 HR Committee report, and the ICC communication for your reference. By confronting this crisis, your Working Group can propel the UN toward evidence-based policies that uphold human dignity and the rule of law.

We await your prompt response and collaboration to terminate this era of systemic injustice.

Sincerely,

A handwritten signature in black ink that reads 'Roar Mikalsen'. The signature is fluid and cursive, with the first name 'Roar' and last name 'Mikalsen' clearly legible.

Roar Mikalsen

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

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<sup>2</sup> A/HRC/54/53 (2023), in which the High Commissioner recommends responsible regulation of drug markets to protect health and undermine illegal economies.