



Mr. Theodoros Rousopoulos
President
Parliamentary Assembly of the Council of Europe (PACE)
Avenue de l'Europe
F-67075 Strasbourg Cedex, France

October 18, 2025

Escalation: Urgent Call for PACE Intervention to Address Systemic Rule of Law Failures in Cannabis Prohibition and ECtHR Accountability

Dear Mr. President,

On behalf of the Alliance for Rights-Oriented Drug Policies (AROD), I write to escalate our longstanding concerns regarding the systemic rule of law crisis perpetuated by cannabis prohibition across Council of Europe (CoE) member states. As detailed in our previous correspondence to Secretary General Alain Berset—dated June 5, 2025, July 1, 2025, and September 18, 2025—we have received no substantive response beyond an initial acknowledgment on June 23, 2025. This persistent inaction compels us to seek PACE's intervention, building on our 2019 submission that informed PACE Resolution 2277 (2019). As the CoE's parliamentary body dedicated to upholding human rights, democracy, and the rule of law, PACE is uniquely positioned to foster debate, adopt resolutions, and refer matters to committees such as Legal Affairs and Human Rights. We urge your leadership to act decisively in safeguarding these principles for 700 million citizens.

PACE's mandate, rooted in the CoE Statute (Article 1), empowers it to challenge arbitrary power and promote evidence-based reforms. Yet, six decades of drug prohibition—driven by fear rather than facts—exemplifies such arbitrariness, undermining judicial integrity and enabling impunity. In Norway, this policy has resulted in an estimated 1 million punitive sanctions, a 1.75 billion NOK black market, and approximately 300 annual overdose deaths. Globally, AROD's Truth and Reconciliation Commission Report (2025) estimates 400,000 annual deaths and 5 million wrongful imprisonments, with no demonstrated public health benefits. This regime violates fundamental ECHR provisions, including Articles 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty), 6 (fair trial), 8 (respect for private life), 13 (effective remedy), 14 (non-discrimination), and 18 (limitations on restrictions), as well as Norway's Constitution (§§ 89, 94, 98, 102).



The European Court of Human Rights (ECtHR) has exacerbated this crisis by dismissing challenges like *Mikalsen v. Norway* (2012, 2023, 2024) as "manifestly ill-founded" without reasoned analysis or merits examination, breaching procedural fairness as established in *S.A.S. v. France* (2014). These rulings allow national courts to bypass proportionality assessments, as seen in the Oslo City Court's decision on November 25, 2024, and perpetuate a 17-year pattern by Norway's Supreme Court since 2008. This judicial evasion sustains a \$300–500 billion global criminal market and erodes public trust, echoing warnings in the Secretary General's 2025 Report, *Towards a New Democratic Pact for Europe*, of "democratic backsliding" and "rising impunity" due to judicial failures.

This backsliding and rising impunity is well documented. Norway's *Politi og rolleforståelse* report (2022, published 2023) highlights a conflict between administrative governance and rights-based law, where the latter has been sidelined, fostering human rights violations. Expert analyses further expose prohibition's flaws: Norway's NOU 2002:4 and NOU 2019:26 advocate decriminalization for disproportionate harms; the CoE's Baseline Study on Human Rights and Drug Policy (2019) documents rights infringements; and PACE Resolutions 2277 (2019) and 2225 (2018) condemn systemic lapses in judicial independence, fair trials, and disproportionate enforcement. Enforcement patterns have bred bias and scapegoating of minorities, akin to historical persecutions, as outlined in ARÖD works such as *Constitutional Challenges to the Drug Law* (2017) and *Mikalsen v. Norway: Moving a Nation Forward* (2023). The CoE's inaction amplifies these risks, allowing justices to shield outdated policies from scrutiny and enabling atrocities.

To clarify the peril to the rule of law, ARÖD presents this checklist, drawn from objective evaluations in Norwegian cases. We implore PACE to conduct an internal verification, as these issues demand prompt remedial measures.

Checklist for the CoE: Clarifying the Threat to the Rule of Law from Judicial Protection of Cannabis Prohibition

Question	Expected Answer	Justification and Source
Has the ECtHR dismissed challenges to cannabis prohibition without examining merits or providing reasoned analysis, breaching fair trial principles?	Yes	In <i>Mikalsen v. Norway</i> (2012, 2023, 2024), single-judge decisions labeled claims "manifestly ill-founded" without point-by-point review, violating ECHR Art. 6 adversariality (<i>S.A.S. v. France</i> , 2014, para. 129); see ECtHR applications (2023–2025).



Have national courts cited ECtHR dismissals to refuse proportionality reviews of prohibition, denying effective remedies?	Yes	Oslo City Court (November 25, 2024) barred ECHR/UN evidence on prohibition's legitimacy, upholding convictions under §231 without scrutiny; the Appeals Court upheld this decision referencing ECtHR's dismissals, allowing the Supreme Court to continue a 17-year pattern since 2008 to suppress an effective remedy. See Human Rising, 2020 ; ECtHR application 2025
Do expert reports and commissions demonstrate prohibition lacks legitimate purpose and causes disproportionate harm?	Yes	NOU 2002:4, NOU 2019:26, Prop. 92 L (2020–2021) and COE Baseline Study on Human Rights and Drug Policy (2019) recommend decriminalization due to inefficacy and human rights costs; ignored in policy. See ECtHR application 2025 ; AROD's Truth and Reconciliation Report (2025)
Has prohibition's enforcement created systemic bias, scapegoating minorities and eroding judicial independence?	Yes	Experts highlight scapegoating parallels to historical persecutions; the fallacies of prohibition have been confirmed by reports for 60 years, but the US and European justice system has failed to provide effective remedy. See Constitutional Challenges to the Drug Law (2017) ; Mikalsen v. Norway: Moving a Nation Forward (2023) ; ECtHR application 2025 ; AROD's Truth and Reconciliation Report (2025)
Does the CoE's inaction on these failures risk broader democratic backsliding, as warned in its own reports?	Yes	Towards a New Democratic Pact for Europe (2025) cites judicial impunity; aligns with PACE baseline study on repressive policies' harms (ECHR Arts. 3, 8); Requiem for the Rule of Law exhibition (2025) documents corruption of justice systems.

This checklist exposes a profound "failure of law" that PACE must confront to preserve the CoE's credibility. Since 2013, AROD has engaged CoE entities, including letters to former Secretary General Thorbjørn Jagland (2013, 2018), our 2019 PACE submission, and recent 2025 communications to the Pompidou Group, Director General of Human Rights and Rule of Law, and Commissioner for Human Rights. Our Requiem for the Rule of Law events in June and September 2025 outside PACE and the ECtHR have spotlighted these erosions, aligning



with PACE's emphasis on civil society involvement. We call on PACE, under your presidency, to:

- Initiate a debate or resolution on the human rights impacts of cannabis prohibition, advocating for a Grand Chamber review of Mikalsen v. Norway to guarantee reasoned proportionality assessments.
- Endorse AROD's proposed 15-day Truth and Reconciliation Commission, patterned after Norway's Sámi and Kven models, to address the toll of 1 million sanctions in Norway and similar harms in other member states.
- Refer the matter to the Committee on Legal Affairs and Human Rights for an inquiry under Article 52 ECHR into member states' compliance with drug policy obligations, and organize a conference on these implications.
- Amplify our civil society initiatives, including recognition of the documentary [Requiem for the Rule of Law: Shadows of Prohibition and the Dawn of Awakening](#), to galvanize Europe against these threats.

We request a meeting with your office or PACE representatives to explore these actions, and a substantive reply by November 18, 2025, detailing concrete measures. Without intervention, AROD will escalate peaceful protests in Strasbourg and mobilize civil society to challenge member states' dedication to the rule of law. Your guidance is vital to harmonize CoE norms with evidence and avert further trust erosion.

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 distinguishable.

Roar Mikalsen

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