



Mr. Michael O'Flaherty  
Commissioner for Human Rights  
Council of Europe  
Avenue de l'Europe  
F-67075 Strasbourg Cedex, France

July 1, 2025

## **Investigating Norway's Human Rights Violations in Cannabis Policy and Supporting AROD's Requiem Initiative**

Dear Commissioner O'Flaherty,

Following our meeting at PACE in Strasbourg, where I presented a flyer for the Alliance for Rights-Oriented Drug Policies' (AROD) Requiem for the Rule of Law event (June 23–24, 2025) and highlighted the European Court of Human Rights' (ECtHR) inaction, I write to seek your continued support in addressing the systemic rule of law crisis caused by cannabis prohibition. This letter builds on our June 5, 2025, letter and correspondence with you, Secretary General Alain Berset, PACE President Theodoros Rousopoulos, Pompidou Group Deputy Executive Secretary Thomas Kattau, Director General Jan Kleijssen, and Committee of Ministers Chairperson Ian Borg (dated June 2 and 5, 2025). Six decades of prohibition on disproven premises evidence systemic failure, undermining the Council of Europe's mission to uphold human rights and the rule of law for 700 million citizens, and you must defend the rule of law.

### **Failure of Law**

The 2025 Report, Towards a New Democratic Pact for Europe, warns of "democratic backsliding" and "rising impunity," highlighting failures in judicial independence and reasoned decision-making that erode trust in the European human rights system. AROD submits that cannabis prohibition exemplifies such failures. In Norway, AROD estimates 1 million punitive sanctions over 60 years, a 1.75 billion NOK black market, and approximately 300 annual overdose deaths. Globally, our Truth and Reconciliation Commission Report estimates 400,000 annual deaths and 5 million wrongful imprisonments, with no demonstrated benefit



to public health. This policy, akin to putting out fire with gasoline, exacerbates harm by twisting the law of supply and demand into a narrative of victim and oppressor, violating principles of equality, proportionality, and autonomy under ECHR Articles 6 (fair trial), 8 (private life), 13 (effective remedy), and 14 (non-discrimination), as well as Norway's Constitution (§§ 89, 94, 102).

Six decades of drug policy on invalidated grounds testify to the failure of law. As Voltaire observed, “those who can make you believe absurdities can make you commit atrocities”; the modern hunt for scapegoats, orchestrated by policymakers, has misled lawyers and public servants into upholding unfounded narratives and double standards that undermine human rights law, but John Andenæs, a titan of Norwegian law, recognized 30 years ago that drug prohibition constitutes a gross abuse of power. Other scholars agree, and this view was echoed by the Criminal Law Commission's report, NOU 2002:04, *Ny straffelov* (2002), which questioned the proportionality of drug penalties. The Norwegian Drug Reform Committee's report, NOU 2019:26, *Rusreform – fra straff til hjelp* (2019), further demonstrates that public and political panic, rather than evidence, drove punitive policies from the 1960s, with fear of “drug epidemics” shaping criminalization despite disputed deterrence effects. The *Politi og rolleforståelse* report (2022, published 2023) notes that “the modern police role exists at the intersection of democratic and rule-of-law-based power,” highlighting a systemic tension between governance law, which serves administrative goals, and rights law, which protects individual freedoms. AROD contends that Norwegian authorities' prioritization of governance law has neglected effective minority protection for those persecuted under drug policies, a failure carefully documented. The *Nasjonal rapport om bruk av tvangsmidler i mindre alvorlige narkotikasaker* (2022) confirms systemic human rights abuses in minor drug cases through disproportionate coercive measures, while larger cases remain an unaddressed blindspot. PACE Resolution 2277 (2019), informed by AROD's 2019 submission, underscores systemic deficiencies in judicial independence and fair trial rights across CoE member states, noting “serious violations of the rule of law” and disproportionate enforcement measures that infringe on privacy and non-discrimination rights. These findings align with the 2025 Report's call for “reforms where standards fall short,” highlighting critical challenges to the rule of law.

### **ECtHR Failure**

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. Its dismissal of cases like *Mikalsen v. Norway* (2012, 2023, 2024) as “manifestly ill-founded” without reasoned analysis violates procedural fairness, as established in *S.A.S. v. France* (2014) and supported by the non-binding 2019 UN Guidelines on Legal Aid. National courts, citing these dismissals, refuse to review prohibition's legitimacy, as seen in Oslo City Court on November 25, 2024, rendering



the ECHR protection system ineffective since 2010. This judicial vacuum sustains prohibition through distorted narratives, hindering human rights progress for 15 years.

### Call for Action

Your mandate to promote human rights and address systemic violations aligns with AROD's advocacy. A commitment to justice regardless of politics is essential to build systemic integrity and AROD's engagement since 2013—letters to Secretary General Thorbjørn Jagland (2013, 2018), a 2019 PACE submission for PACE Resolution 2277 (2019), and 2025 letters to Berset, Kattau, Kleijssen, Borg, and you—highlights the CoE's inaction. Our Requiem for the Rule of Law event, discussed in Strasbourg, exposed prohibition's erosion of judicial review, resonating with your mission to secure human rights protection. Germany. Luxembourg, and Malta's 2021 cannabis legalization, noted by the European Union Drugs Agency as a model for proportionality (Cannabis Laws in Europe 2023, European Drug Report 2024–2025), offers a path for CoE states to adopt harm reduction approaches, contrasting with Norway's punitive policies.

We urge you to:

- conduct a country visit to Norway: investigate judicial practices and coercive measures in drug cases, as documented in Nasjonal rapport, issuing a memorandum on prohibition's human rights impacts;
- issue a letter to Norway's government: address ECtHR failures in Mikalsen v. Norway and systemic violations, urging reform;
- support AROD's Truth and Reconciliation Commission: endorse our 15-day TRC to document prohibition's harms, coordinating with the Pompidou Group and Committee of Ministers.

Civil society demands action. As nations regulate cannabis to protect public health, the CoE must ensure consistent human rights standards across member states. Failure to act risks undermining the CoE's legitimacy as a guardian of human rights, and we respectfully request a meeting with your office and a substantive response by August 1, 2025, outlining concrete steps.

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)