

Checklist for CND Expert Panel Review

Annex to AROD Submission – Alignment of International Drug Control with UN Human Rights Obligations (March 2026)

This objective framework, drawn from UN documents, judicial decisions, and expert sources, demands immediate verification and remedial action by the Expert Panel:

Question	Expected Answer	Justification and Source
Have independent experts contested drug prohibition on human rights grounds for decades?	Yes	Since the 1960s, leading scholars have highlighted the prohibition's incompatibility with core principles of autonomy, equality, proportionality, dignity, and the liberty presumption. See Dichter (<i>Marijuana and the Law</i> , 1968), Bonnie & Whitebread (<i>The Forbidden Fruit and the Tree of Knowledge</i> , 1970), John Kaplan (<i>Marijuana: The New Prohibition</i> , 1971), Wisotsky (<i>Beyond the War on Drugs</i> , 1990), Duke & Gross (<i>America's Longest War</i> , 1993), and Johs Andenæs (<i>Liberalising av Narkotika?</i> , 1994).
Have reports and investigations for over 50 years recommended decriminalization or regulation based on human rights and criminal-law principles?	Yes	Landmark commissions — including the Shafer Commission (1972), Le Dain Commission (1972), Dutch Baan and Hulsman commissions (1970–71), and Norwegian NOU 2002:4 and NOU 2019:26 — have consistently found prohibition disproportionate, ineffective, and counterproductive. The Council of Europe Baseline Study on Human Rights and Drug Policy (2019) and A/HRC/47/40 (2021) recommend decriminalization and human-rights-compliant alternatives. The High Commissioner's report A/HRC/54/53 (2023) explicitly recommends responsible regulation to protect health and undermine illegal markets.
Have constitutional courts found drug prohibition to violate fundamental human rights?	Yes	Constitutional courts in Georgia, Mexico, Colombia, and South Africa have ruled that cannabis prohibition conflicts with fundamental rights, including the right to privacy, personal autonomy, and proportionality.

Have historians, criminologists, and legal experts identified moral panic and scapegoating as core drivers of drug policy?

Yes

Leading critical scholars such as Nils Christie and Kjetil Bruun (*Den gode fiende / The Good Enemy*, 1985), David Musto, Louk Hulsman, Ragnar Hauge, Craig Reinerman, and Harry G. Levine have documented how drug prohibition functions as a modern scapegoating mechanism, mirroring historical persecutions driven by moral panic. See Truth and Reconciliation Commission Report (2025) and Human Rising (2020).

Have policy officials admitted that scapegoating and social control are the real engine of the war on drugs?

Yes

Nixon's domestic policy chief John Ehrlichman publicly admitted that the war on drugs was designed to target and disrupt anti-war leftists and Black communities through criminalization and vilification. This admission reveals the political and social-control motives that have long driven the policy.

Has the UN system upheld professional responsibility by ensuring drug control measures comply with superior human rights obligations?

No

Despite overwhelming evidence of incompatibility with human rights, UN drug control bodies have consistently prioritised strict implementation of the 1961 Single Convention and related treaties over human rights obligations. This approach conflicts with the UN Charter (Art. 1 and 103), which establishes the promotion and protection of human rights as a core purpose of the United Nations and gives Charter obligations primacy over other international agreements, as well as with the principle that human rights obligations prevail in case of conflict (Vienna Convention on the Law of Treaties, Art. 30).

Do Council of Europe and UN human rights documents link ideological extremism and threats to democracy with biased enforcement and reprisals against rights defenders? Is drug prohibition such an ideology?

Yes

Punitive prohibition persists despite clear evidence of harm, driven by moral panic rather than science. It leads to arbitrary detention, disproportionate sanctions, and barriers to health services — outcomes explicitly documented as human rights violations in A/HRC/54/53 and A/HRC/47/40.

Has the failure of UN and CoE human rights mechanisms to conduct merits review of prohibition enabled continued arbitrary persecution?

Yes

AROD's repeated submissions to the UN Human Rights Committee (2012–2026) have received only limited acknowledgment. The European Court of Human Rights' summary dismissals in *Mikalsen v. Norway* (2012, 2023, 2024) as "manifestly ill-founded" have been cited by national courts to deny remedies, perpetuating systemic violations of ICCPR Articles 9, 14, and 2(3). In the United States, more than 100 constitutional challenges have been mishandled by the justice system (see *To Right a Wrong*, 2016).

While "public health" is the stated justification, do CoE and UN documents confirm that prohibition produces net negative consequences?

Yes

The CoE Parliamentary Assembly Resolution 2335 (2020) as well as A/HRC/54/53 (2023) and multiple expert analyses document that the predominantly punitive approach causes widespread harm: mass incarceration, racial and social disparities, barriers to harm reduction, and the fuelling of illicit markets — outcomes that undermine rather than protect public health.

Is drug prohibition central to a power dynamic that weakens open societies, democratic institutions, and the rule of law?

Yes

The regime equips states with tools for social control and empire-building while generating a \$300–500 billion illicit economy that breeds corruption and violence. UN and Council of Europe inaction, despite clear evidence of incompatibility with the UN Charter and human rights treaties, sustains impunity and democratic erosion. See *Human Rising* (2020) and AROD's ICC communication (December 2025).

Does continued UN leadership failure risk broader impunity and undermine the universality of human rights?

Yes

Sixty years of prohibition have produced millions of punitive sanctions without achieving a drug-free society. The growing divergence between states advancing responsible regulation (Germany 2024, Canada, Uruguay, etc.) and the rigid UN drug convention framework threatens the coherence of the international legal order and the

credibility of the United Nations human rights system.

Conclusion

This checklist demonstrates that the current punitive implementation of the international drug control conventions is not merely ineffective — it is fundamentally incompatible with superior UN human rights obligations under the ICCPR, ICESCR, and the UN Charter. The Expert Panel, acting under Resolution 68/6, now has the historic mandate and the evidence required to recommend:

- UN-wide renunciation of prohibitionist elements that conflict with human rights;
- Responsible regulation of cannabis and other substances to protect health and undermine illegal markets;
- Establishment of mechanisms for effective remedies, reparations, and guarantees of non-recurrence.

Failure to act would represent a continuation of the very leadership vacuum the Panel was established to address.

Key sources with direct links

- A/HRC/54/53 (2023) – High Commissioner’s report:
<https://www.ohchr.org/en/documents/thematic-reports/ahrc5453-human-rights-challenges-addressing-and-counteracting-all-aspects>
- A/HRC/47/40 (2021) – Working Group on Arbitrary Detention:
<https://www.ohchr.org/en/documents/thematic-reports/ahrc4740-arbitrary-detention-relating-drug-policies-study-working-group>
- Council of Europe Baseline Study on Human Rights and Drug Policy (2019):
<https://assembly.coe.int/LifeRay/JUR/Pdf/DocsAndDecs/2019/AS-JUR-2019-25-EN.pdf>
- CoE Parliamentary Assembly Resolution 2335 (2020):
<https://pace.coe.int/en/files/28769>