



EMAIL: AROD@ARODPOLICIES.ORG

WWW.ARODPOLICIES.ORG

Leyla Kayacik
Director
Private Office of the Secretary General
and the Deputy Secretary General

March 15, 2019

**Concerning Drug Prohibition, its incompatibility with Human Rights Standards,
and the Right to an Effective Remedy.**

Dear Madam.

In previous correspondence, we brought to your attention some challenging information. To summarize, in 2010-2012 the European Court of Human Rights accepted documentation demonstrating large-scale human rights atrocities in the name of drug prohibition; a case was prepared (case no. 67078/10) which showed how principles of autonomy, equality, dignity, proportionality, and the liberty presumption invalidated a prohibition on drugs, but the Court failed to address this issue, leaving some 40 million European drug law violators without an effective remedy. With the progress of time, this decision of the Court has proved more and more difficult to stand by. Last year alone, three constitutional courts (Georgia, Mexico, and South Africa) did the job that the European Court failed to do, thus holding the state accountable for human rights violations, and as another arm of the COE, the Pompidou Group, has increasingly committed to drug policies founded on respect for human rights, the COE must find a way to bridge the gap between human rights obligations and current reality.

In our letter of December 21, 2018, we asked the Secretary General to address this situation. In addition to letters documenting previous correspondence, your Office received a PDF of *Human Rising*, a report documenting how unconsciousness and powerpolitics have ensured the continuation of drug prohibition unchecked by the rule of law and human rights analysis. We also informed your Office that the Pompidou Group had received similar documentation, including this report, and that the Executive Secretary, Denis Huber, had acted on his human rights obligations, asking the Presidency to inform member states about the positions articulated by AROD. In response, we received your assurance that the Office of the Secretary



General acknowledged the documentation provided and would get back to us as soon as possible.

Now, we have not heard from you in this delicate matter. Considering the controversy of the task at hand, we appreciate that it may take some time before the agencies and officials involved agree upon the proper way forward, but we remind of the urgency of the situation and to ensure that your Office has all appropriate information we hereby provide you with a PDF of the 2019 edition of Human Rising.¹ This is the version that will be delivered to key UN officials at the CND's High Level Session this week; it is also the version that has been delivered to the COE's Commissioner for Human Rights, and you now have the best possible starting point from which to ensure that the COE reestablishes its position as a leading authority on the rule of law.

On behalf of 40 million European drug users, we look forward to your response,

Yours sincerely,

A handwritten signature in black ink that reads 'Roar Mikalsen'. The signature is written in a cursive, flowing style.

Roar Mikalsen
President of AROD

¹ A paperback copy has been sent by post and can be expected to arrive at your office shortly.