



Prof. Bernard Duhaime

Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence

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 Violations through Truth, Justice, and Reconciliation**

Dear Special Rapporteur Duhaime,

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 called for truth and reconciliation mechanisms to address its gross human rights violations. This communication builds on AROD's longstanding engagement with UN human rights mechanisms, including our 2019 submission to the Working Group on Arbitrary Detention (WGAD) highlighting drug policy's role in arbitrary detention and the need for effective remedies, our 2018 report to the Human Rights Committee documenting large-scale ICCPR violations by UN member states through prohibition regimes, and our recent letters to the WGAD (December 31, 2025), the Special Rapporteur on Health (January 1, 2026), the Special Rapporteur on Torture (January 1, 2026), and the Special Rapporteur on Judicial Independence (January 1, 2026). Regrettably, these earlier appeals, like our July 2025 letter and parallel submissions to other Special Rapporteurs (on arbitrary detention, judicial independence, privacy, and health), 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 the WGAD's 2021 report (A/HRC/47/40),<sup>1</sup> which recognizes how punitive drug policies lead to

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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).



arbitrary detention and calls for decriminalization and human rights-compliant reforms. We now implore your mandate to advocate for the United Nations' explicit renunciation of this policy, which perpetuates widespread violations requiring truth, justice, reparation, and guarantees of non-recurrence.

### **The UN's Role in Perpetuating Violations Requiring Truth and Reconciliation**

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 WGAD submission, and 2025 Truth and Reconciliation Commission Report, it fuels violations that demand transitional justice mechanisms. 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 policies are inherently violative: 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 approaches devoid of deterrent impact. Norway and CoE justice systems have sabotaged AROD's proposed truth and reconciliation mission through judicial failures, such as the ECtHR's dismissals in *Mikalsen v. Norway* (2012, 2023, 2024) as "manifestly ill-founded" without reasoned analysis, and the Norwegian justice system's over 17-year denial of effective remedies since 2008, perpetuating impunity and denying reparation. In the United States, over 100 constitutional challenges have been mishandled, rejecting liberty claims under flawed reasoning (see AROD'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, aligning with your mandate's focus on truth-seeking and accountability for systemic abuses.

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 the High Commissioner's 2023 report (A/HRC/54/53)<sup>2</sup> urging responsible regulation to protect health and undermine illegal markets, the UN's inertia sustains these violations worldwide. This contravenes the UN's human rights commitments,

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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.



including those under the ICCPR, and necessitates immediate renunciation to enable truth and reconciliation.

### **Request for Action**

We urge your mandate to:

1. Publicly advocate for the UN to renounce cannabis prohibition as incompatible with human rights, emphasizing its contribution to systemic violations requiring truth, justice, and reparation, 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, ensure reparation, and address Norway/CoE sabotage of such initiatives;
  - 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).
3. Issue a thematic report or statement addressing prohibition's violations of ICCPR Article 14, 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.arodpolicies.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. As moral panic continues to undermine justice systems worldwide, confronting this crisis through your mandate 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 distinguishable.

Roar Mikalsen

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