



Executive Secretary
Pompidou Group
Council of Europe
Agora Building
F-67075 Strasbourg Cedex, France

October 17, 2025

Escalation: Urgent Appeal for Pompidou Group Intervention to Address Human Rights Violations in Cannabis Prohibition and Drug Policy Failures

Dear Executive Secretary,

On behalf of the Alliance for Rights-Oriented Drug Policies (AROD), I write to escalate our pressing concerns about the systemic human rights violations arising from cannabis prohibition across Council of Europe (CoE) member states. As detailed in our letters to Secretary General Alain Berset—dated June 5, 2025, July 1, 2025, and September 18, 2025—we have received no substantive response beyond an acknowledgment on June 23, 2025. This prolonged inaction, amid our 12-year dialogue with CoE institutions, leads us to engage the Pompidou Group directly. As the CoE's platform for drug policy cooperation, emphasizing human rights-compliant approaches, harm reduction, and evidence-based strategies, your Group is pivotal in addressing these issues. We urge your intervention to uphold rights, reduce harms, and foster policy reform for 700 million citizens, countering democratic backsliding.

The Pompidou Group's mission, aligned with the CoE Statute (Article 1), involves challenging arbitrary drug policies that exacerbate inequality and impunity. Yet, six decades of drug prohibition—grounded in fear, not evidence—epitomizes this arbitrariness, fueling discrimination, violence, and judicial failures. In Norway, it has enforced an estimated 1 million punitive sanctions, sustained a 1.75 billion NOK black market, and caused 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 confirmed public health benefits. This paradigm violates essential ECHR articles, including 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 aggravated this by dismissing challenges such as *Mikalsen v. Norway* (2012, 2023, 2024) as "manifestly ill-founded" without reasoned



merits analysis, breaching fairness standards from *S.A.S. v. France* (2014). These judgments enable national courts to dodge proportionality reviews, as in the Oslo City Court's November 25, 2024, ruling, and maintain a 17-year barrier to remedies via Norway's Supreme Court since 2008. This evasion props up a \$300–500 billion global criminal market and erodes confidence, echoing the Secretary General's 2025 Report, *Towards a New Democratic Pact for Europe*, on "democratic backsliding" and "rising impunity" through judicial deficiencies.

This backsliding and rising impunity is well documented. Norway's *Politi og rolleforståelse* report (2022, published 2023) underscores a divide between administrative governance and rights law, with rights sidelined, enabling abuses. Expert insights reveal prohibition's shortcomings: Norway's NOU 2002:4 and NOU 2019:26 advocate decriminalization for disproportionate impacts; the CoE's *Baseline Study on Human Rights and Drug Policy* (2019)—produced under Pompidou auspices—documents violations; and PACE Resolutions 2277 (2019) and 2225 (2018) decry systemic judicial independence issues, fair trial lapses, and enforcement disparities. Enforcement has bred bias, scapegoating minorities in patterns evoking historical persecutions, as explored in AROD publications like *Constitutional Challenges to the Drug Law* (2017) and *Mikalsen v. Norway: Moving a Nation Forward* (2023). The CoE's inaction intensifies these perils, allowing justices to protect outdated policies from examination and, as Voltaire cautioned, permitting absurdities to facilitate atrocities.

To elucidate the human rights and drug policy threats, AROD provides this checklist, modeled on objective Norwegian assessments. We encourage the Pompidou Group to verify these internally, as they compel immediate action consistent with your human rights focus.

Checklist for the Pompidou Group: 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	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



prohibition, denying effective remedies?		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 "failure of law" that the Pompidou Group must confront to advance rights-centered drug policies. AROD's efforts began in 2013 with letters to former Secretary General Thorbjørn Jagland (2013, 2018), a 2019 PACE submission, and 2025 communications to your Group, the Director General of Human Rights and Rule of Law, and the Commissioner for Human Rights. Our Requiem for the Rule of Law protests in June and September 2025 outside PACE and the ECtHR have highlighted these policy erosions, complementing the Pompidou Group's work on harm reduction and civil society engagement. Due to sustained inaction, AROD is amplifying civil disobedience through increased peaceful protests in Strasbourg, featuring more cannabis actions to scrutinize member states' commitment to human rights in drug policy. We urge the Pompidou Group to:



- Promote evidence-based reform by advocating for a Grand Chamber review of Mikalsen v. Norway, ensuring proportionality and reasoned decisions in drug cases.
- Endorse AROD's 15-day Truth and Reconciliation Commission, modeled on Norway's Sámi and Kven commissions, to assess the human rights toll of 1 million sanctions in Norway and comparable harms across states.
- Convene a working group or conference on drug prohibition's human rights implications, building on your 2019 Baseline Study, and initiate an Article 52 inquiry into ECHR compliance.
- Support civil society by recognizing our documentary [Requiem for the Rule of Law: Shadows of Prohibition and the Dawn of Awakening](#) to promote awareness and policy dialogue in Europe.

We request a meeting with your Secretariat to pursue these initiatives and a substantive response by November 17, 2025, detailing planned steps. Without movement, our escalated activities will continue in civil society platforms to expose these injustices. Your leadership is vital to integrate human rights into CoE drug policies and prevent 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)