



Witness 2

Ministry of Justice and Public Security

Justice Minister Emilie Enger Mehl (Sp)

The Ministry of Justice and Public Security was informed about the problem of a drug policy that is contrary to human rights in August 2009. Justice Minister Knut Storberget did nothing to fix this Gordian knot, and when Grete Faremo took over in 2011, Mikalsen, the leader of the Alliance for rights-oriented drug policies (AROD), attempted yet again to convince the Ministry to consider the problem seriously. In November 2011, the Ministry received documentation which revealed that leading authorities on the drug policy supported Mikalsen's claims. Professor of Criminology Nils Christie believed that Mikalsen had presented "an excellent and clarifying work" and Ragnar Hauge, who led the Department of Drug Research from 1975 to 1988, was "by and large in agreement" with Mikalsen. Hauge believed that the problem, as presented by Mikalsen, had been "put forward in a clear and convincing manner," but the Ministry abstained from further investigations.

On March 30, 2012, therefore, the Ministry received a new letter which illuminated the police's lack of interest in investigating drug offences. In correspondence with the police, Mikalsen had volunteered to solve several drug crimes provided that the police supported human rights



analysis, but the police [would](#) not hear about this. Mikalsen believed that the police had an obligation to investigate large-scale drug offences and, therefore, wrote to the Ministry of Justice. He pointed out to the Ministry the importance of embracing the rule of law and explained, "[I]f the ministry is interested in looking more in depth at the relevance of human rights to the drug policy, I will do what I can to get a decent court process around this topic started by assuming the responsibility of about two tonnes of drugs". Mikalsen saw this as a contribution to the rule of law, but the Ministry of Justice did not respond.

Since then, Justice Minister after Justice Minister has received a letter from Mikalsen and AROD. Justice Minister Anders Anundsen learned that international authorities such as Douglas Husak, Professor at Rutgers University, were completely in agreement with Mikalsen, and more than 250 inmates at Halden and Ullersmo prisons demanded that the quality of the drug law be assured. The ministry [received](#) five questions that needed to be answered for this to be done, but the inmates were met with the same rehearsed ignorance that Minister of Justice Anundsen later revealed on national television in NRK's [*Folkeopplysningen*](#).

This is how the drug war effort was continued. Minister of Justice Per Willy Amundsen also ignored human rights, but in the report of the Royal Commission in 2019, the public panic was highlighted, a phenomenon that Mikalsen had drawn attention to 10 years earlier.

With the publication of the drug report, the rights-oriented debate gained new momentum. This report clearly showed that the political



process had failed, and a handful of organisations [contacted](#) the Ministry of Health and Care Services to seek clarification regarding human rights in relation to the drug policy. The Ministry of Health responded by referring to the Ministry of Justice and Public Security as the appropriate body, and Minister of Justice Monica Mæland was [asked](#) to deliver on human rights obligations. The Ministry of Justice [responded](#) by sending the matter back to the Ministry of Health and Care Services as the appropriate ministry and had no additional comment on AROD's [further](#) attempt to clarify responsibility for the drug law.

Thus, the rights of the persecuted were met with official disdain and AROD began civil disobedience to persuade the courts to take action. On this basis, it is important to highlight the Ministry of Justice's responsibility to the persecuted groups. Civil society has questions about human rights and the rule of law, and the Ministry of Health has a duty to respond.

Questions to Justice Minister Emilie Enger Mehl (Sp)

Since 2002, the Ministry of Justice has received professional recommendations on decriminalising use, as well as reducing the penalty for more serious drug crimes, but the Ministry has opposed this for fear of sending the wrong signal. Now, as the drug report shows, punishment and drug use are unconnected. On the contrary, while the benefits of punishment are uncertain, the costs are enormous, and it is the responsibility of the state to prove a beneficial effect: How has the ministry dealt with responsibility in this area of the criminal law? How



is the criminalisation of cannabis defended? Does the Ministry have research to refer to?

The question is relevant, as in 2016, when Minister of Justice Anders Anundsen was to defend the prohibition in NRK's Folkeopplysningen, it turned out that the Ministry of Justice had nothing to present but an [unpublished](#) exam paper from a Swedish medical student. Do you have anything else today?

Let us move on to psilocybin, the active ingredient in psychedelic mushrooms. On what basis will the Ministry of Justice defend the criminalisation of this drug, which, [according](#) to leading researchers, is the least dangerous of our most well-known drugs, including alcohol and tobacco?

The mandate of the Royal Commission was to assess the relationship between human rights. The proposed legislation entailed punishment for the possession of most quantities of illicit drugs, and as a jurist, you know that there is a presumption of freedom in the constitution. Does this mean that the defenders of prohibition must prove its legitimacy?

If the burden of proof lies on the state, as the Royal Commission has noted, does it make sense to talk about human rights without including a regulated market? Can politicians move from punishing drug use to making it a case of morbidity without emphasising human rights principles?

The report of the Royal Commission showed that public panic has shaped Norwegian drug policy, that punishment must be defended, and that the basis for punishment does not hold up. Despite this, the Minister of Justice wants the system of punishment to continue while objections



are ignored. Does the Minister of Justice on this basis put the political program of her party above constitutional obligations?

The Labour Party is divided between a liberal movement that wants threshold values and a more repressive faction that wants to keep criminalisation, only pathologising the heaviest users. The Minister of Justice is the mouthpiece for the latter and has [proposed](#) a reform of policy. It was important that the reform was established in the prohibition paradigm as this is assumed to have a normative effect. However, what kind of signal does criminalisation send? Does the prohibition of drugs suggest benign guardianship, or would it be better for citizens to take responsibility for their own consumption? Is the politicians' denial of autonomy necessary or do their efforts for public health result in more harm than good? How can the Minister of Justice tell?

Chapters 3.2 and 3.3 of the drug reform report use words such as "public panic", "disproportionate representation", "misleading ideas", "incorrect investment in punishment", and "reality-resistant wrongdoing" to summarise the development of drug policy. We are dealing with a policy characterised by "stereotypical representations," "moral indignation and motives for revenge," one where "scientific analysis of the drug problem have played a minor role". "Panic" is used several times. Could public panic have been shaping drug policy for 50 years if principles such as equality, proportionality, self-determination, and the presumption of freedom were sufficiently emphasised?

The report of the Royal Commission shows that public panic has shaped the drug policy, that punishment works against its purpose, and that the



burden of proof lies with those who want to continue to punish. It is the most thorough work done in the area of drug policy by the Norwegian authorities. Has it been difficult to continue punishment when the premises have been so carefully refuted? Has the Minister found it problematic to put a political program before the Royal Commission's conclusions?

For obvious reasons, prohibitionists have invested heavily in politics. As long as a criminal market exists, there will be prestige, budgets, and powers in the war on drugs, but the defence recalls page 26 of the Royal Commission's report in which the committee for reasons of principle does not propose coerced treatment or provision of health care without the person's consent. The UN working group against arbitrary imprisonment is also [clear](#) that drug users should not be forced into recovery. Therefore, what does the Minister of Justice think about the current drug reform? Does it secure human rights?

Over the years, professionals such as Nils Christie and Ragnar Hauge have linked the hunt for scapegoats to drug policy. ARÖD believes that there is a connection between the scapegoat mechanism, which means the tendency to blame individual groups for problems that we have a collective responsibility to solve, and the Royal Commission's detection of public panic. What are the Minister's thoughts on the hunt for scapegoats in drug policy? Do psychological defence mechanisms among prohibition supporters play a role in the continuation of punishment?

The report of the Royal Commission shows that public panic has shaped the drug policy and that punishment for drug use cannot be defended.



AROD believes that human rights violations are connected to public panic, which means that to the extent that panic characterises development of drug policy, principles such as autonomy, equality, proportionality, and the presumption of freedom will not be sufficiently emphasised. What does the Minister of Justice think about AROD's argument for a regulated drug market based on human rights? Can the Minister see a connection between public panic, human rights violations, and the arbitrary persecution of earlier times, or is today's policy well secured?

The Labour Party (Ap) and the Centre Party (Sp) have their own idea of drug reform and the minister does not [want](#) decriminalisation. Instead, the Minister of Justice is behind Rune Swahn's (NNPF) dissent in the drug report and will strengthen the use of alternative punitive measures. The Minister believes that the police must retain their role and that the agency does an important job of limiting drug use among young people. However, we have not received any good answers as to why treating alcohol and cannabis use differently is reasonable. Does the Minister still think that young people who experiment with cannabis need police "help", while others who experiment with alcohol can be left to their own judgment? What, if anything, opens up for discrimination?

In a [representative](#) proposal, the Minister of Justice questions the Royal Commission's conclusion that decriminalisation will hardly affect the use of drugs in society. The Minister points out, "The National Institute of Public Health (FHI) in its consultation statement has pointed out that there is no solid research evidence for such a claim". A collaboration



between FHI and prohibitionists has since been revealed. There are many indications that FHI is [not](#) an objective party and that the institute has [invested](#) too much in prohibition.

This may be what to expect from an institute that has been the politicians' collaborator for all years. The problem is that public panic continues and that FHI, as other researchers have [pointed](#) out, reverses the burden of proof. Through the drug reform, FHI has supported totalitarian practice, but human rights place the burden of proof on those who want to continue with punishment. As a jurist and justice minister, why not respect the presumption of innocence? Why use questionable research to justify punishment? If the Minister wants the people's trust, shouldn't the Minister instead take care to defend the law?

If the Minister of Justice does not see the connection between public panic, punishment on rejected grounds, and human rights violations, ARÖA's documentation identifies others who do, and from the point of view of society, we cannot assume that prohibition is necessary to protect society. Instead, the question becomes as follows: Has the war on drugs reduced supply and demand? Has it promoted unity, healthy values, and good research or done the opposite? Could the prohibition have fostered a collective psychosis, much like the Salem witch trials?

For 13 years, the Ministry of Justice has had information that indicates the latest. The connection between public panic, human rights violations, and the arbitrary persecution of earlier times is documented in [Human Rising](#), a report forwarded to Norwegian authorities in 2010, and the use of force in drug policy is, therefore, extremely problematic. From the point of view of human rights, goals and means must be



credibly related, and if less intrusive measures are better suited, the presumption of freedom dictates that the state of nature be emphasised. For thousands of years, people have used cannabis and other illicit substances with impunity, so why not take insights from the alcohol policy? Why live with threshold values so low that users must deal with criminals almost daily? Why not ensure quality-controlled substances? Is it reasonable to expose users and society to such a burden?

Since the Norwegian Penal Code Commission ended its work in 2002, decriminalisation has been professionally recommended, but for just as long, the Ministry of Justice and the Storting have resisted the process due to the signal it would send and for fear of increased use. Now, as the Royal Commission's report shows, punishment and drug use are unconnected. On the contrary, while the benefits of punishment are uncertain, the costs are enormous and no one has demonstrated a beneficial effect. We, therefore, ask, what kind of "signal" does a policy actually send that punishes people who use a safer drug than alcohol and tobacco? Is it fine to criminalise unproblematic drug use, make drug use more dangerous than necessary, and punish sellers of drugs less dangerous than those provided by the state?

If the Norwegian drug policy is a good use of criminal law or a case of arbitrary prosecution depends on whether punishment can be defended. To the extent that the drug policy is based on refuted totalitarian premises, does the law not signal the opposite of what the government wants?

According to the Minister of Justice, what does the drug law say about the authority of state? Why do we need prohibition to help cannabis



users but not an alcohol prohibition to limit the harm that alcohol causes to society and the local environment? In what way can prohibition be said to be necessary for a modern society?

The need for the protection of children and young people is the mantra of prohibitionists. "That we allow one harmful drug does not mean that it is wise to legalise other drugs", they say. Nevertheless, thousands of human rights violations have been uncovered because of the Director of Public Prosecutions' report on the use of force in minor drug cases, and the threshold values do not prevent arbitrariness. Instead, the upper limit values for decriminalised drug offenses are a way to preserve a blind spot so that the prohibition ideology can continue.

So, let us talk about threshold values. Politicians have worked out this system to distinguish between buying and selling, which it does not. One gram of cannabis can be shared with others in the same way that as much as 20 grams can be smoked alone, and the problem of arbitrary persecution continues. We shall have more to say on that, but if one does not distort the law of supply and demand into a victim and abuser context, why separate buying from selling? How does the possession of one gram or a hundred grams decide whether citizens are to be pathologised or demonised?

Fear of sending the wrong signal justifies a prohibition on drugs and the need to prevent the spread of drugs justifies threshold values. It is unclear whether the prohibition suggests benign guardianship or whether it is better for citizens to take responsibility for their own consumption. We do not know if politicians' efforts for public health do more harm than good, but due to the perceived risk of drugs, threshold



values have become a compromise between those who want to remedy the damage of drug policy and those who do not want to think anew.

Threshold values are therefore central to the question of punishment. Despite this, no one in the government has explained how the basic right to life, liberty, and the pursuit of happiness is nullified by the possession of different amounts of substances, and if the spread of cannabis is less of a risk to society than that of alcohol, how can punishment of up to 21 years be justified?

The Norwegian government equates prohibition with solidarity in practice, but we are more likely talking about bureaucratic mismanagement of an unusually destructive nature. That is why the report of the Royal Commission was so discouraging for politicians, and "the dangers of drugs" and "fear of sending the wrong signal" remain weak justifications for punishment, for which there is no empirical evidence. In fact, several constitutional courts have anchored the right to cannabis use to the principle of self-determination, and if there are good enough reasons to choose drugs other than alcohol, why use police power against unproblematic drug use? Why should drug users risk penalties and the problems resulting from an illegal market? Can the Minister of Justice say something about this that is not applicable to alcohol too?

It does not take much thought to realise that threshold values are useless as guidelines for punishment, so what is their point? Are they the result of prohibitionists' unwillingness to deal with past mistakes? Do the values provide any other benefit than prohibitionists living without shame in a time of upheaval?



According to the Royal Commission, even "the introduction of penalty-like administrative fees may, depending on the circumstances, conflict with the citizens' right to privacy and the right to health" (p. 176). If this is disproportionate, what about current penalties? Why depart from the traditional measure of culpability? Normally, be it knives, axes, explosives, or legal drugs, social scorn and moral blameworthiness are reserved for those who misuse a product, not those who profit from its sale: Why is a dealer of cannabis more to blame than its abuser? Can the Minister of Justice again say something about this that is not applicable to alcohol too?

Proponents of drug prohibition have twisted the law of supply and demand into a victim and abuser context. This is how users are pathologised and dealers demonised. However, is not the same law of supply and demand and the same varying patterns of use applicable to both legal and illegal substances?

If the Minister of Justice cannot deny that the same law of supply and demand and the same varying user patterns are involved, is it proper for law to turn supply and demand into a victim and abuser context? Does this not reveal a blind spot that should be illuminated?

In a criminal market, there is no quality assurance and no protection against fraud and robbery. If politicians want to "ensure a better life situation and dignity and reduce stigma for people with substance abuse problems" and seek to pursue a "knowledge-based" drug policy that "makes it safe to ask for help", is it justifiable to exclude regulation? Could not a controlled market in drugs make everyday life safer for



society and easier for the police? Could it not reduce crime, disease, violence, suffering, stigma, and death?

It appears that a more comprehensive drug policy would benefit the Norwegian people. The Minister of Justice, for example, [wants](#) to protect the young, but prohibition promotes crime. Many young people prefer cannabis to alcohol, and criminalisation means that they must deal with criminals. The better the contacts in the criminal world, the better the quality of products on offer, but at the cost of chaos and uncertain future prospects. Most people who sit on longer sentences are therefore users, and the myth of the drug shark is political fiction. Yet, the prohibition of drugs turns users into sellers and, later, into inmates, while leaving a market worth hundreds of billions to criminals. Cannot young people be better protected through an alternative? Cannot a regulated market remove much of the allure of the banned substances?

The defence asks because thinking along these lines ensures that Canada, Germany, and other nations refer to the Convention on the Rights of the Child to defend the regulation of the cannabis market. A more holistic perspective could also save politicians the challenge of morally and legally separating drug users from drug dealers and problem use from recreational use. There are no good answers on how to solve this, but if the goal is to reduce overdoses and to help those in need, is not a regulated market most apt to remove the shame and stigma? Is it not a controlled supply that secures users the most?

The Government claims to be on the side of the youth. Even so, the Ministry is prosecuting people for behaviour that is less harmful than legally regulated behaviour, and this, historically, is a sign of religious



fanaticism more than rational concern. How is modern drug policy different from the arbitrary persecution of the past?

Those who do not accept the ideal of a drug-free society regard the prohibition ideology as hypocritical. Users would rather deal with sellers than the police, and the prohibition experiment has led to a steady erosion of the authority of the state. Instead of inviting respect for law and order, the result of the drug law is that more and more people see illegal drugs as a symbol of freedom: Why not look at drug policy more holistically? Could not this have reversed the trend?

The Minister of Justice has to go by her gut, as no report has assessed the pros and cons of a regulated market. Nevertheless, few experts believe that drug use will increase significantly, and it is more likely that crime will fall to the level of the 1950s, before the war on drugs accelerated the statistics. This was at least what the Dutch authorities concluded after examining the case ([Human Rising](#) p. 136). Therefore, it only makes sense that the Minister, like everyone else involved in drug policy, should be invested in clarifying whether there is a right to psilocybin and cannabis use, as several courts claim for the latter, and whether this right includes a regulated market. Public panic has been proven in the development of drug policy, and from the drug users' point of view, is it not natural that stigma, social exclusion, and overdoses are connected and that prohibition contributes to problematic drug use? Could not treatment equal to that for alcohol drinkers inspire more sensible drug use? Could it not have contributed to safer drugs and an increased incentive to seek help? Could it not have reversed a development that transforms drug users into criminals?



We ask further, from the point of view of morality, can citizens readily assume that prohibition is good and that those who undermine it are evil? Is the goal of a drug-free society a worthy ideal? What is it about cannabis and psilocybin that makes the protection of law enforcement necessary?

It remains to be seen whether an independent, impartial, and competent court will rule that prohibition is necessary for a modern society. The Royal Commission is clear that punishment has not prevented the spread of drugs, and overall, there are very good reasons to consider a regulated market. The most important is, as the Royal Commission concluded,

In the committee's assessment, the best available knowledge provides a fairly clear basis for concluding that criminalisation of drug use has unintended negative effects. At the same time, there does not seem to be good empirical evidence for a possible preventive effect of the punishment, at least not an effect that there is no reason to believe can be achieved through the use of alternative measures. In light of this, the committee cannot see that the justification requirement for penalising these acts has been met.

(p. 30)

If the justification requirement for penalties for use and possession is considered unfulfilled, should not the creation of a regulated market be justified? Is this not all the reason needed?

There are also other reasons for regulating illicit drugs as we did almost a hundred years ago with alcohol. We know that prohibition comes with major societal costs, that it forces users to have contact with criminals,



and that the illegal market threatens society. For half a century, slowly but surely, the drug trade has corrupted law and order and the institutions intended to safeguard an open society while, at the same time, sacrificing a larger percentage of the population. These are dynamics that receive little attention, but what does dignity entail: is it a drug-free life or one where self-determination is emphasised? And if we are not distorting the law of supply and demand, why are drug dealers so bad?

Prohibitionists can hardly answer, as tyranny and autonomy are opposites in a meaningful universe. We know that users would rather deal with sellers than with the police, and while the former have offered a product there are good enough reasons to use, the latter have offered coercion and deprivation of liberty. If human rights protect drug use, as more and more international courts are claiming, do not the police have a greater ethical problem than drug dealers do? Do not those who led the way in eradicating the "problem" have more to answer for?

The question touches the core of the drug law, the morality that perpetuates persecution. As the Director of Public Prosecutions acknowledged in his response to the work of the Royal Commission, the differential treatment of drug users is paradoxical, which strains the authority of the law: Can the idea of good and bad morals be turned upside down? Could this be the cause of public panic and the continuation of punishment, and can principled thinking heal a divided society?

The point of drug policy, just not stated, is to make drug use as dangerous as possible. Proponents of the prohibition see all drug use as



abuse. There is no quality assurance, and the worse-off the users are, the less lucrative it is for young people to become "drug addicts". Thus, prohibitionists insist on punishment to keep the youth from becoming drug addicts, but can citizens trust the political process? If there is no rational distinction between legal and illegal drugs, can citizens learn anything from drug policy other than to see through its hypocrisy?

The Government's advisers in drug policy are former Director of Public Prosecutions Tor-Aksel Busch, retired judge and public prosecutor Iver Huitfeldt, and others who measure proportionality based on a drug-free ideal. This tradition is much defined by the moral panic documented by the Royal Commission, and the contrast to the Director of Public Prosecutions is noteworthy. This is how Huitfeldt [answered](#) Rett24's question of whether a body search is a proportional intervention if the police perceive a person as intoxicated:

A state of intoxication in itself gives good reason for suspicion of possession and possession presupposes acquisition and again almost always import. Proportionality must be related to a standard. If the police find a slice of salami with narcotics, the case is thus not clarified and decided. A sausage slice must come from a whole sausage; therefore, the whole sausage becomes the standard. This is the case with all drug discoveries; the proportionality must be assessed against a large, unknown quantity.

It is no wonder that the Labour Party's lawyers and the Director of Public Prosecutions clash. The former weighs proportionality on the basis of a drug-free ideal, but if there is neither a rational distinction



between legal and illegal drugs nor good reasons for punishment, can the intervention be proportionate?

What does the Minister of Justice think about the legal tradition that derives proportionality from a drug-free ideal? Is this tradition suitable for protecting the rule of law, or can the judgment of history be brutal? Should the government find new advisers?

What about the Ministry of Justice? The drug report is clear that the burden of proof is on the state, which means that the ministry is obliged to study a regulated market. Will the Minister of Justice advocate for human rights analysis and rights thinking?

The Director of Public Prosecutions has uncovered systematic abuses in less serious drug cases, but a larger catalogue of rights remains unclear and the Minister is responsible for the drug policy's relationship to human rights. Thus, we state: Not only does the Norwegian drug policy [cost](#) 6.5 billion kroner annually, but the more the state has fought a war on drugs, the more the stigma, illness, suffering, and death achieved. Since the 1980s, the price measured in overdoses and deprivation of liberty has been hell to pay, and is this money well-spent when everything indicates that the interventions in privacy have a high price and that less intrusive measures are better suited?

If we recognise that people do not choose intoxicants only for pathological reasons and that the humanisation of drug users makes it problematic to prosecute, what about a criminal market? Is it necessary to expose drug users and society to the problems that come with criminalisation? Are there good reasons to punish, when half of Europe



legalises cannabis, or do we have to acknowledge the connection to the arbitrary persecution of earlier times?

As no investigation has been conducted, there is a blind spot, but your predecessor has [admitted](#) that there are «very demanding assessments, evidence evaluations, and judgments », which the police must decide on in meetings with drug users, and that a police lawyer is not always available to assist the officers. We also learn from the Director of Public Prosecutions' report that the assessments of the police have been systematically insufficient and that thousands of human rights violations occur every year: how is the current regime suitable for securing drug users?

Because no investigation has been made, there is a blind spot, but the Director of Public Prosecutions' report on the use of force in minor drug cases shows that the assessments of the police have been systematically inadequate and that thousands of human rights violations occur every year: How does the current regime safeguard drug users? How can the Director's efforts to ensure human rights protection for drug users in meeting with the police prevent arbitrariness? As it is, cannot the police easily justify strip searches by claiming suspicion of sale, whether that is the case or not? Should this question be up to the individual police officer?

What about the likelihood of drug addiction? The Director of Public Prosecutions has issued directives, but can we trust the police to assess the threshold for impunity in the best possible way? How should the police distinguish between health problems and criminal behaviour in



the area of drug policy? Is this a job the Minister of Justice wants for the police?

The new practice in minor drug cases has been prepared based on the Supreme Court's assessment of rights. As both the Director of Public Prosecutions and the Supreme Court emphasise the legislator's signal more than principled considerations, threshold values distinguish between punishment and impunity, but no one has shown how threshold values prevent arbitrariness. As long as this is the case, the danger of human rights violations is profound and neither citizens nor the police can be on safe ground. We know, after 40 years of chasing drug users, that a toxic culture exists among the police and a public prosecutor from the Norwegian Narcotic Officers Association (NNPF) has [claimed](#) that the Director of Public Prosecutions' guidelines will not change much. Should it be crucial to the sense of justice whether drug users meet a liberal or conservative police officer?

It is primarily the NNPF that insists on a drug policy that the Royal Commission and more and more constitutional courts find unjustifiable, while Law Enforcement Against Prohibition (LEAP) represents their opposite. The former have traditionally been the government's advisers, while the latter works for a more wholesome and human rights-based drug policy. Is it not logical to look to LEAP if the Støre-Government's name and reputation are to be redeemed?

Former Supreme Court judge Ketil Lund has [highlighted](#) the problem of a toxic police culture in the media, and so have [representatives](#) from LEAP, the faction of the police that wants to correct the mistakes of the past. Now that public panic has been detected by the Royal



Commission, should not the Justice department deal with NNPF and its perversion of principles? Will the Minister of Justice demonstrate leadership and restructure the police to conform to a modern set of values?

What does the Minister of Justice think about toxic culture in the state apparatus? Can public panic shape drug policy for 50 years without the dysfunctional culture being a problem? Can we trust that human rights violations will not be perpetuated, even after the Director's guidelines in minor drug cases?

What does the Minister of Justice think about the toxic culture in the upper echelons? Can public panic continue decade after decade without leadership failure? Has it become a tradition in the drug-fighting machinery to find managers who support a prohibition regardless of legitimacy? Has 50 years of prohibition promoted a culture in the system in which the preservation of prestige, budgets, and powers defines the debate?

We touch here at the Achilles heel of the prohibition, that morality used to justify the law's most severe punishment for victimless acts. Only by turning the law of supply and demand into a victim and perpetrator context does the prohibitionist ideology make sense, only in this way can the infantilisation of drug users and demonisation of drug dealers continue. Still, culture is not a good enough reason to punish, and if better reasons fail, the Minister must recognise a parallel to the arbitrary persecution of earlier times.

Addressing the problem of arbitrariness is crucial, and we ask the following:



- As a comparison of cannabis with alcohol and tobacco shows that the legal drugs are not only more harmful to health but also worse for society, will the Minister of Justice defend the current drug policy? Can the Minister, without building on a discriminatory practice, argue for a different approach to alcohol and cannabis use?
- As the same law on supply and demand dictates the use of legal and illegal substances and varying user patterns are the same regardless of substance, will the Minister of Justice defend the persecution and demonisation of offenders? What has a cannabis grower done that is worse than that done by a beer or wine brewer? What has a cannabis dealer done that is worse than that done by any other employee in the trading of goods? Is it anything other than double standards that makes prohibition an accepted policy?
- As drug researchers note that drug prohibition has had worse side effects than drug use itself and more and more organisations and professional panels publish reports that conclude the same, will the Minister of Justice, based on the evidence that the cure (prohibition) is worse than the disease (cannabis use), defend the application of Sections 231 and 232 of the Norwegian penal code? On what basis can 21 years of imprisonment be defended when large parts of the western world transition to a regulated market?

These are questions that determine human rights. It does not appear that the Minister of Justice is defending the status quo with conviction, but the burden of proof belongs to those who want to punish, and the Norwegian drug policy's problems with human rights are receiving more and more attention. The media has had a lot to say about the police



scandal that is unfolding, and the integrity of the department is one reason Are Frykholm, the leader of the Norwegian Association for Police Lawyers, is [calling](#) for leadership. Equally important are the rule of law's guarantees for the persecuted groups, and if these questions cannot be answered, should the Minister not accept responsibility for the drug policy's incompatibility with human rights and work for a more holistic approach?

We have seen the problem with threshold values, and the Director of Public Prosecutions has accepted the principle of turning from punishment to help in more significant drug cases also. The Director said the following in his consultation response to drug reform:

Today, we have reached a point where even very serious drug offenses are met with alternative punitive measures if it is considered the best individual prevention. In a Supreme Court ruling in August last year, a 46-year-old woman who had been abusing drugs for about 30 years was sentenced to probation on terms of a drug program with court control for dealing with nearly 10 kilos of methamphetamine. The alternative unconditional prison sentence, and the subsidiary punishment for violation of the condition, was imprisonment for six years. The Supreme Court considered that such a conditional reaction made it far more likely that she would not fall back into drug use and new crime, and it became decisive for the result (in addition, a long time had passed since the act was committed). The Director of Public Prosecutions considers the ruling as a result of the increasingly common view that long-term drug addicts who are motivated for change need a



different follow-up and a different content in the sentence than what serving a prison term entails. The verdict is thus an expression of the approach we share, namely a shift from punishment to help.

How is this different for other violators of Section 232 of the Penal Code? Research indicates that not only is the myth of the drug shark political fiction but that the vast majority of those who sit on long sentences are users. Examination also shows that the longer the sentence, the more difficult the road back to society, and it is reasonable to assume that all non-violent offenders will benefit more from a suspended sentence than from years in prison. Preventively, this appears to be the best solution for the individual, so why maintain severe penalties? Are there other considerations?

If general preventive considerations are used to retain the most severe punishment of the law, it means that some are punished so that others will not do the same. Even so, as we have seen, the demonisation of the sale of drugs depends on turning the law of supply and demand into a victim and abuser context, and no one can explain why. Rather than punishing out of old habit, should not the Minister of Justice take care to justify the moral distinction between use and sale? When half of Europe and large parts of the United States have legalised similar actions, how is the requirement of proportionality met?

It is not to be expected that confidence in the police and politicians can be improved as long as the justification for punishment remains unclear. Rather than adapting the terrain to the map, as the Labour Party and the Ministry of Justice do to protect the prohibition paradigm, is it not better to draw a map that follows the terrain?



The Minister of Justice has [received](#) questions from AROD, which, after numerous reminders, have not been answered. Why does the Ministry of Justice continue to ignore the issues raised by the rights-oriented debate?

The Minister of Justice has also received [questions](#) from Arild Hermestad and the Green Party (MDG). All of the questions touch upon a blind spot that the prohibitionists depend on, and they have also not been answered. What signal does the Minister of Justice send by ignoring questions that point out the problems with prohibition? If the questions from AROD and MDG cannot be answered responsibly, should not the Minister of Justice mark her distance from a totalitarian party program? Should not the Minister accept responsibility for the problem with human rights and work for a drug policy that can be defended?

Apart from the light that the Director of Public Prosecutions' report shed on a few weeks' work of the Norwegian police, the politicians, prosecution authority, and the courts have preserved a blind spot. As a result, 460,000 criminal cases have been brought on constitutionally dubious grounds after the Norwegian Supreme Court in 2010 rejected the issue without justification and an open wound in the Norwegian legal history must be healed.

It remains to be seen whether an impartial and competent court will rule that the prohibition is necessary in a modern society, but what is the Minister of Justice's gut feeling? Does the prohibition signal a benign and necessary guardianship, or do the state's efforts for public health do more harm than good? Are the politicians free to deny citizens'



autonomy, or is it better for citizens to take responsibility for their own use? What does the Minister believe will be history's verdict on punishment in drug policy?

What are the Minister's thoughts on the need for a truth and reconciliation commission?

The Minister of Justice has not yet apologised to those who have experienced abuse in drug cases. What are the Minister's thoughts on doing so today?