



EMAIL: AROD@ARODPOLICIES.ORG

WWW.ARODPOLICIES.ORG

Pompidou Group
Council of Europe

November 27, 2018

Submission of report demonstrating Largescale Violations of ICCPR/ECHR and a Call to Action for COE Member States.

Dear Sir/Madam.

With the legalization of cannabis, Canada, Uruguay, and the United States have been named by INCB officials as being in violation of international law. Even so, with the passing of time, it has become obvious that the cure (the drug law) is worse than the disease (drug use). And as more and more constitutional courts (Alaska, Georgia, South Africa, Mexico) are invalidating the drug law, those who look closer will find that these countries are merely at the forefront of a movement which is set to right the mistakes of previous administrations.

Indeed. Because principles of autonomy, equality, proportionality and the liberty presumption are found at the heart of the UN and Western tradition, it is easy to make a case against the prohibition regime based on First principles, and more and more are taking note. As it is becoming ever more obvious that a prohibition of drugs is incompatible with basic human rights principles, there has been a trend towards a paradigm shift, and next year, at the High-Level Session of the 62 Session of the Commission on Narcotic Drugs, we can expect a clash between countries who agitate for change and those who insist on keeping the status quo.

The Pompidou Group has an obvious part to play in this confusion. As you have dedicated yourselves to the human rights perspective, you are well aware of the importance of abiding by its superior law and attached you will find a PDF of *Human Rising: The Prohibitionist Psychosis and its Constitutional Implications* (2018).

Arguing from First principles, it documents how drug prohibition has informed Western society over the course of generations. As is shown, drug policy is a political, not an evidence-based construct, and it only persists because of moral panic. Indeed, when all is said and done, unconsciousness and power politics have been the prime shapers of drug policy, and this volume has been delivered to individual countries in the run up to next year's CND High-Level Session. Iran, the Czech Republic, and Mexico have already greeted it favourably, and the time has come for the COE to get involved.

From the documentation received, you will find that several western states, until today, have denied drug users their right to an effective remedy. This has been part of a wider pattern of



oppression, for drug prohibition is historically similar to other mass-movements gone wrong in that it is the result of scapegoating, humanity's unfortunate tendency to blame politically weak groups for problems that are a collective responsibility. As humanity matures, we must do away with this great force of injustice, and we ask that the Pompidou Group now honours its human rights pledge by an unwavering dedication to First principles.

After all, without a firm basis in First principles, "human rights" means nothing. It will be another expression of arbitrary law, a catch-all phrase which includes whatever activity is endorsed by authority, and the European people deserve better. The case against prohibition is simply too overwhelming to ignore. And on behalf of 40 million European drug users, therefore, we ask that you make a concerted effort to ensure that these principles—the very basis of Western Civilization and constitutional order—are applied to drug policy.

As an NGO dedicated to the rule of law, we will assist in any way we can, and we look forward to hearing from the COE on this most important/urgent matter.

Yours Sincerely,

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

Roar Mikalsen,
President of AROD
The Alliance for Rights-Oriented Drug Policies.