



Mr. Michael O'Flaherty  
Commissioner for Human Rights  
Council of Europe  
Avenue de l'Europe  
F-67075 Strasbourg Cedex, France

October 17, 2025

## **Escalation: Urgent Appeal for Commissioner Intervention to Address Systemic Human Rights Violations in Cannabis Prohibition and ECtHR Failures**

Dear Mr. Commissioner,

On behalf of the Alliance for Rights-Oriented Drug Policies (AROD), I write to escalate our urgent concerns about the systemic human rights crisis stemming from cannabis prohibition in Council of Europe (CoE) member states. As documented in our prior letters to Secretary General Alain Berset—dated June 5, 2025, July 1, 2025, and September 18, 2025—we have received no meaningful response beyond an acknowledgment on June 23, 2025. This ongoing silence, despite our 12 years of engagement with CoE bodies, compels us to seek your independent advocacy as Commissioner for Human Rights. Your office's mandate to promote awareness, issue thematic reports, and intervene on systemic violations positions it ideally to champion evidence-based reforms and protect the rights of marginalized groups. We implore your leadership to safeguard human dignity, equality, and the rule of law for 700 million citizens, preventing further democratic erosion.

The Commissioner's role, grounded in CoE principles, empowers you to address arbitrary policies that infringe on fundamental rights. For six decades, cannabis prohibition—fueled by unfounded fears rather than evidence—has exemplified such arbitrariness, perpetuating discrimination, inhuman treatment, and judicial impunity. In Norway, it has inflicted an estimated 1 million punitive sanctions, fueled a 1.75 billion NOK black market, and contributed to approximately 300 annual overdose deaths. Globally, AROD's Truth and Reconciliation Commission Report (2025) records 400,000 annual deaths and 5 million wrongful imprisonments, yielding no proven public health gains. This framework breaches key 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), alongside Norway's Constitution (§§ 89, 94, 98, 102).



The European Court of Human Rights (ECtHR) has intensified this plight by summarily dismissing cases like Mikalsen v. Norway (2012, 2023, 2024) as "manifestly ill-founded" without substantive reasoning or merits review, violating procedural fairness per S.A.S. v. France (2014). These precedents empower national courts to sidestep proportionality evaluations, as demonstrated in the Oslo City Court's November 25, 2024, ruling, and sustain a 17-year suppression of remedies by Norway's Supreme Court since 2008. This judicial shielding maintains a \$300–500 billion global criminal enterprise and undermines trust, mirroring alerts in the Secretary General's 2025 Report, Towards a New Democratic Pact for Europe, on "democratic backsliding" and "rising impunity" from judicial lapses.

Norway's Politi og rolleforståelse report (2022, published 2023) exposes a clash between administrative governance and rights-oriented law, with the latter neglected, paving the way for abuses. Expert evidence amplifies prohibition's deficiencies: Norway's NOU 2002:4 and NOU 2019:26 urge decriminalization amid disproportionate harms; the CoE's Baseline Study on Human Rights and Drug Policy (2019) catalogs infringements; and PACE Resolutions 2277 (2019) and 2225 (2018) denounce systemic flaws in judicial independence, fair trials, and enforcement disparities. Implementation has fostered systemic bias, scapegoating minorities in echoes of past injustices, as chronicled in AROD publications like Constitutional Challenges to the Drug Law (2017) and Mikalsen v. Norway: Moving a Nation Forward (2023). The CoE's inertia heightens these dangers, permitting justices to isolate policies from scrutiny and, as Voltaire noted, allowing absurdities to enable atrocities.

To underscore the human rights threat, AROD submits this checklist, based on objective Norwegian assessments. We urge your office to verify these internally, as they necessitate immediate action to uphold CoE standards.

### **Checklist for the CoE: Clarifying the Threat to the Rule of Law from Judicial Protection of Cannabis Prohibition**

<b>Question</b>	<b>Expected Answer</b>	<b>Justification and Source</b>
Has the ECtHR dismissed challenges to cannabis prohibition without examining merits or providing reasoned analysis, breaching fair trial principles?	Yes	In Mikalsen v. Norway (2012, 2023, 2024), single-judge decisions labeled claims "manifestly ill-founded" without point-by-point review, violating ECHR Art. 6 adversariality (S.A.S. v. France, 2014, para. 129); see <a href="#">ECtHR applications</a> (2023–2025).



<p>Have national courts cited ECtHR dismissals to refuse proportionality reviews of prohibition, denying effective remedies?</p>	<p>Yes</p>	<p>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 referencing ECtHR's dismissals, allowing the Supreme Court to continue a 17-year pattern since 2008 to suppress an effective remedy. See <a href="#">Human Rising, 2020</a>; <a href="#">ECtHR application 2025</a></p>
<p>Do expert reports and commissions demonstrate prohibition lacks legitimate purpose and causes disproportionate harm?</p>	<p>Yes</p>	<p>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 <a href="#">ECtHR application 2025</a>; <a href="#">AROD's Truth and Reconciliation Report (2025)</a></p>
<p>Has prohibition's enforcement created systemic bias, scapegoating minorities and eroding judicial independence?</p>	<p>Yes</p>	<p>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 <a href="#">Constitutional Challenges to the Drug Law (2017)</a>; <a href="#">Mikalsen v. Norway: Moving a Nation Forward (2023)</a>; <a href="#">ECtHR application 2025</a>; <a href="#">AROD's Truth and Reconciliation Report (2025)</a></p>
<p>Does the CoE's inaction on these failures risk broader democratic backsliding, as warned in its own reports?</p>	<p>Yes</p>	<p>Towards a New Democratic Pact for Europe (2025) cites judicial impunity; aligns with PACE baseline study on repressive policies' harms (ECHR Arts. 3, 8); <a href="#">Requiem for the Rule of Law</a> exhibition (2025) documents corruption of justice systems.</p>

This checklist illuminates a "failure of law" that your office must tackle to reaffirm human rights primacy. AROD's engagement spans since 2013, encompassing letters to former Secretary General Thorbjørn Jagland (2013, 2018), a 2019 PACE submission, and 2025 outreach to the Pompidou Group, Director General of Human Rights and Rule of Law, and your office. Our Requiem for the Rule of Law protests in June and September 2025 outside PACE and the ECtHR have illuminated these violations, resonating with your emphasis on civil



society partnerships. In light of persistent inaction, AROD is escalating civil disobedience through intensified peaceful protests in Strasbourg, including more cannabis demonstrations to test member states' rule of law commitment. We have asked the French police to prosecute the cannabis law violations that took place at our Requiem for the Rule of Law exhibitions in Strasbourg, and we urge you to:

- Issue a thematic report or intervention on drug prohibition's human rights impacts, advocating for a Grand Chamber review of Mikalsen v. Norway to ensure proportionality in reasoned decisions.
- Endorse AROD's 15-day Truth and Reconciliation Commission, inspired by Norway's Sámi and Kven models, to confront the human cost of 1 million sanctions in Norway and equivalent harms elsewhere.
- Launch or support an Article 52 inquiry into ECHR compliance on drug policies, and host a roundtable on their implications for vulnerable groups.
- Bolster civil society by acknowledging our documentary [Requiem for the Rule of Law: Shadows of Prohibition and the Dawn of Awakening](#) to raise awareness across Europe.

We seek a meeting with your office to advance these initiatives and request a substantive response by November 17, 2025, with outlined steps. Without progress, our escalated actions will continue to spotlight these injustices in civil society forums. Your advocacy is crucial to align CoE practices with human rights evidence and halt trust erosion.

Sincerely,

A handwritten signature in black ink that reads 'Roar Mikalsen'. The signature is fluid and cursive, with the first name 'Roar' written in a slightly larger and more prominent script than the last name 'Mikalsen'.

Roar Mikalsen

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