



Ms. Ana Brian Nougrères
Special Rapporteur on the Right to Privacy
Office of the United Nations High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10, Switzerland

July 2, 2025

Addressing Privacy Violations in Cannabis Prohibition

Dear Special Rapporteur Nougrères,

The Alliance for Rights-Oriented Drug Policies (AROD) seeks your support to address the systemic rule of law crisis caused by cannabis prohibition, which violates the right to privacy (ICCPR Article 17, ECHR Article 8) in Europe and the United States. Our advocacy, detailed in our 2013–2025 correspondence with the Council of Europe (CoE)—including letters to Secretary General Alain Berset, [PACE](#), the Pompidou Group, and others—highlights the failure of judicial systems to protect fundamental rights, as evidenced by [Mikalsen v. Norway](#) (2012, 2023, 2024) and [Constitutional Challenges to the Drug Law](#) (2017).

Failure of Law

Cannabis prohibition fuels a €12.1 billion illicit market (EUDA EU Drug Market: Cannabis 2023), undermining the rule of law. In Norway, AROD estimates 1 million punitive sanctions, a 1.75 billion NOK black market, and 300 annual overdose deaths (Nasjonal rapport 2022). Globally, our [Truth and Reconciliation Commission Report](#) estimates 400,000 deaths and 5 million wrongful imprisonments. These policies violate ICCPR Article 17 and ECHR Article 8 through invasive searches and arbitrary intrusions (Nasjonal rapport). In the U.S., Constitutional Challenges documents over 100 failed challenges to drug laws, with courts relying on unprincipled reasoning that dismisses privacy, liberty, and equal protection claims, as seen in the Mallan Court’s defective analysis (p. 183). NOU 2019:26 and NOU 2002:04 confirm Norway’s panic-driven policies, and PACE Resolution 2277 (2019) notes “serious violations of the rule of law” across CoE states, aligning with the CoE’s 2025 Report’s call for “reforms where standards fall short.”



Judicial Failures

The ECtHR's dismissal of Mikalsen v. Norway as "manifestly ill-founded" without reasoned analysis violates procedural fairness (S.A.S. v. France 2014, 2019 UN Guidelines on Legal Aid). Norway's courts, citing these dismissals, block review (Oslo City Court, November 25, 2024), rendering ECHR protections ineffective since 2010. In the U.S., courts' [confused](#) analysis prioritizes the "demon drug" myth over constitutional principles, undermining ICCPR Article 17. These failures perpetuate privacy violations, as seen in Norway's coercive measures (Nasjonal rapport).

Regulation as a Solution

Regulation aligns with your mandate to protect privacy by reducing arbitrary intrusions. Malta's 2021 legalization (7g possession, non-profit clubs) cut arrests by 60% (EUDA European Drug Report 2024–2025), while Uruguay and Canada reduced illicit markets by 50–60%. The UN High Commissioner's 2024 CND statement urged regulation to protect rights. Regulation respects privacy by replacing punitive enforcement with controlled access, unlike Norway's 1 million sanctions.

Call for Action

AROD's Requiem for the Rule of Law [event](#) (June 23–24, 2025) and 12-year CoE [engagement](#) demand action. We urge you to:

- conduct country visits to Norway and the U.S.: investigate privacy violations in drug enforcement (Nasjonal rapport, Constitutional Challenges);
- issue a communication to Norway and the U.S.: demand explanations for ICCPR Article 17 violations;
- report to the HRC: include prohibition's privacy impacts in your March 2026 report, supporting AROD's [Truth and Reconciliation Commission](#).

We request a meeting and a response by August 1, 2025.

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)