



Mr. Ian Borg
Chairperson, Committee of Ministers
Council of Europe

October 18, 2025

Escalation: Urgent Intervention Required to Address Systemic Rule of Law Failures in Cannabis Prohibition and ECtHR Accountability

Dear Mr. Chair,

On behalf of the Alliance for Rights-Oriented Drug Policies (AROD), I write to escalate our concerns regarding the systemic rule of law crisis perpetuated by cannabis prohibition across Council of Europe (CoE) member states. As outlined in our previous correspondence to Secretary General Alain Berset—dated June 5, 2025, July 1, 2025, and September 18, 2025—we have received no substantive response beyond an initial acknowledgment on June 23, 2025. This inaction necessitates escalation to the Committee of Ministers, in line with our stated intentions and the CoE's obligations under Article 52 of the European Convention on Human Rights (ECHR) to ensure collaborative oversight and uphold Convention standards. The Committee, as the CoE's decision-making body, bears ultimate responsibility for safeguarding human rights, democracy, and the rule of law for 700 million citizens, and we urge your leadership to intervene decisively.

The CoE's foundational mandate, as enshrined in its Statute (Article 1), positions it as a bulwark against arbitrary power. Yet, six decades of drug prohibition—rooted in fear rather than evidence—exemplify such arbitrariness, eroding judicial integrity and fostering impunity. In Norway alone, this policy has led to an estimated 1 million punitive sanctions, a 1.75 billion NOK black market, and approximately 300 annual overdose deaths. Globally, AROD's Truth and Reconciliation Commission Report (2025) documents 400,000 annual deaths and 5 million wrongful imprisonments, with no verifiable public health benefits. This regime violates core ECHR provisions, including Articles 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 compounded this crisis through repeated dismissals of challenges, such as Mikalsen v. Norway (2012, 2023, 2024), deemed "manifestly ill-founded" without reasoned analysis or examination of merits. These decisions breach procedural fairness principles established in S.A.S. v. France (2014) and enable national courts to evade proportionality reviews, as evidenced by the Oslo City Court's ruling on November 25, 2024. National appeals courts and the Norwegian Supreme Court have perpetuated this pattern for 17 years since 2008, suppressing effective remedies and sustaining a \$300–500 billion global criminal market. Such judicial protectionism aligns with warnings in the Secretary General's 2025 Report, Towards a New Democratic Pact for Europe, of "democratic backsliding" and "rising impunity" through failures in judicial independence.

This backsliding and rising impunity is well documented. Norway's Politi og rolleforståelse report (2023) laments a conflict between administrative law and rights law, where the latter has been ignored on behalf of the former. That is a recipe for human rights violations and expert reports further underscore prohibition's inefficacy and harms: Norway's NOU 2002:4 and NOU 2019:26 recommend decriminalization due to disproportionate impacts; the CoE's Baseline Study on Human Rights and Drug Policy (2019) highlights rights violations; and PACE Resolutions 2277 (2019) and 2225 (2018) decry systemic deficiencies in fair trial rights and disproportionate enforcement. Enforcement has created bias, scapegoating minorities in patterns reminiscent of historical persecutions, as detailed in AROD publications like Constitutional Challenges to the Drug Law (2017) and Mikalsen v. Norway: Moving a Nation Forward (2023). The CoE's inaction risks broader contagion, as justices who insulate outdated policies from scrutiny foster atrocities.

To illuminate the threat, AROD provides the following checklist, modeled on objective assessments in Norwegian proceedings. We urge the Committee to verify these facts internally, as they demand immediate remedial action.

Checklist for the CoE: 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 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 ECtHR applications (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 Human Rising, 2020; ECtHR application 2025</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 ECtHR application 2025; AROD's Truth and Reconciliation Report (2025)</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 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)</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); Requiem for the Rule of Law exhibition (2025) documents corruption of justice systems.</p>

This checklist reveals a "failure of law" that the Committee must address to restore credibility. AROD has engaged CoE bodies since 2013, including submissions to PACE and events like the Requiem for the Rule of Law protests in June and September 2025, yet progress remains stalled. Under your chairmanship, we call on the Committee to:

- Promote ECtHR accountability by advocating for a Grand Chamber review of Mikalsen v. Norway to ensure reasoned decisions on prohibition's proportionality.



- Endorse AROD's proposed 15-day Truth and Reconciliation Commission, modeled on Norway's Sámi and Kven commissions, to reckon with the human toll of 1 million sanctions in Norway and broader impacts across member states.
- Launch an Article 52 inquiry into member states' compliance with ECHR obligations regarding drug policies, and convene a conference on their human rights implications.
- Amplify civil society efforts, including acknowledgment of our documentary Requiem for the Rule of Law: Shadows of Prohibition and the Dawn of Awakening, to awaken Europe to these threats.

We request a dedicated meeting with your office or Committee representatives to discuss implementation, and a substantive response by November 18, 2025, outlining concrete steps. Absent action, AROD will intensify peaceful protests in Strasbourg and engage civil society forums to test member states' commitment to the rule of law. Your intervention is essential to align CoE standards with evidence and prevent further erosion of trust.

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 legible.

Roar Mikalsen

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