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**Regarding disproportionate drug policing in the Nordic countries**

When illicit drug use is criminalized – and especially when consumption itself is a crime, as in several Nordic countries – the combination of a high evidentiary standard (“beyond reasonable doubt”) with an inherently low risk of detection (drug use is a private, victimless act) may lead police to employ very invasive methods in order to ensure satisfactory levels of enforcement and deterrence.

These might be, inter alia, 1) searching someone’s home or undergarments in order to uncover or prove possession, 2) searching someone’s phone or computer in order to uncover or prove drug purchases, or 3) forcibly drug testing someone in order to prove recent consumption.

On April 9 2021, Norway’s Attorney General notified the police that the use of the aforementioned methods to investigate minor drug offenses was disproportionate. Before this, Norwegian police had made liberal use of such methods even when investigating drug offenses carrying a penalty of a small fine, including that of non-DUI and non-public consumption. This practice has now come to an end after the Attorney General’s notice, which has resulted in far fewer penalties for minor drug offenses.

In response to this development, Norway’s government recently appointed a committee tasked with finding legally viable ways of “re-empowering” the police vis-à-vis individuals who use illicit drugs – without increasing the penalties. In the committee’s mandate, it is suggested that greater interferences with the right to private life might be acceptable when giving due weight to the severity of illicit drug use as a social problem, irrespective of what severity the sentencing levels may reflect.

We worry that this impetus to circumvent basic criminal procedural principles and human rights for people who use illicit drugs will gain momentum in the Nordics if left unchecked. With Sweden recently implementing harsh minimum sentencing for even the lowest-level drug trafficking offenses, and both Sweden and Finland still granting police the power to forcibly drug test individuals suspected of non-DUI, non-public consumption, we believe that Norway should lead by *cementing* its recent move away from disproportionate drug policing – not by reversing it.

Thus, we humbly ask that the High Commissioner remind Norway and other relevant member states that 1) investigative measures must always be proportionate to the severity of the crime in question and the expected penalty, and that 2) lawmakers advocating for more lenient sentencing must accept the limits thereby placed on investigative powers.

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