



NORDIC RULE OF LAW FORUM 2024

THEME: RULE OF LAW AND STATES' USE OF HUMAN RIGHTS TO DEFEND AND JUSTIFY THEIR ACTIONS, December 6th

Location: Ågrenska villan, University of Gothenburg.

PANEL 1: *The use of human rights as an instrument of the state: What is the pain*

Professor Laura Carlson, Stockholm University, Sweden

Professor Shun-Ling Chen, Academia Sinica, Taiwan

Dr. Olena Cherlenko, University of Charkiv, Ukraine

Professor Ya-Wen Yang, Academia Sinica, Taiwan

Visting Professor Maria Grahn-Farley, University of Gothenburg, Sweden (moderator)

In recent decades, civil society has forced states to become human rights actors - which is a social gain. But in a world where states are becoming increasingly authoritarian, it is also a pain. Human rights watchdogs have handed over authority to states to interpret treaties and in doing so, have diminished their own role as watchdogs. Governments now have the power to interpret international human rights law according to their own principles. When stop and search zones – which will disproportionately target ethnic minorities – are enacted under the guise of ensuring the right to private life for people belonging to ethnic minorities, what happens? We have seen police cite the UN Convention on the Rights of the Child to justify searches of children.

The panel in this session will be composed of researchers from the EU Commission-funded Horizon project HRJust coordinated by Göteborg University and will address how a human

rights narrative has been used to justify infringement of human rights in the context of migration, the climate crisis, and COVID/global pandemics.

PANEL 2: *States of exception: Consolidating executive authority in a time of vulnerability*

Arnfinn Bårdsen, Judge of the European Court of Human Rights, Norway

Johan Hirschfeldt, Former president of the Svea Court of Appeal, Sweden

Professor Vasyl Kostytsky, Taras Shevchenko National University of Kyiv, Ukraine

Dr. Milka Sormunen, University of Helsinki, Finland

Professor Ya-Wen Yang, Academia Sinica, Taiwan (moderator)

The global Covid-19 pandemic demonstrated the pressing need for legal frameworks that allow for national governments to act quickly in times of crisis. At the same time, state responses that disregarded rule of law standards and principles of non-discrimination to promote political interests or pushed through unpopular decrees showed the need to safeguard meaningful scrutiny of emergency measures so as to ensure that they are dutifully considered, absolutely necessary, and deferential to international human rights obligations.

In a recent example of proposed emergency measures, a Swedish government-appointed all-party committee commissioned to investigate the need to extend the government's regulatory power in peacetime crises put forward a proposal that would grant the government authority to declare a state of emergency, transferring legislative power from parliament to the government. Proponents of the proposed legislation maintain that it will strengthen the government's ability to respond quickly and effectively in times of crisis, while others have raised concerns about the risks to democracy and that fundamental civil and political rights could be suspended without appropriate due diligence.

This panel will consider state of emergency laws and the key factors that must be taken into account when balancing competing rights and interests during times of crisis. How should principles such as proportionality and subsidiarity be applied in the context of an emergency? As Europe faces new challenges and crises, meaningful consideration must be given to ensuring a balance between a government's ability to act effectively and the need to protect individual human rights in a precarious moment in history.

PANEL 3: *Reclaiming human rights: Towards a popular offensive*

Anna Dorrian, Påverkansansvarig och barnrättsjurist, Barnens rätt i samhället (BRIS)

John Stauffer, Legal Director & Acting Executive Director, Civil Rights Defenders

Hanna Gerdes, Chairperson of the Civil Rights Defenders Board (moderator)

At a time when national governments are increasingly positioning themselves as explicit antagonists to international human rights and rule of law principles, it becomes

all the more important for civil society actors to take up the mantle. Yet the sheer speed at which rights-infringing policies are being cranked out, combined with the overwhelming institutional and material advantage of their purveyors, has proven to be a daunting foe for an already resource-strapped civil society largely dependent on the voluntary contributions of activists. Instead of taking a proactive stance fighting for human rights or driving a human rights agenda, civil society has all too often found itself on the defensive, only ever reacting to negative developments and unable to escape from the politically generated narrative of fear. Engaging the general public in human rights issues has become increasingly difficult amidst record low trust in human rights as a meaningful avenue for enacting justice when they are obviously so easily set aside at the first inconvenience. Simultaneously, discrimination against often already-marginalized groups is greatly exacerbated by these rights-violating policies, further entrenching social divisions and compounding the challenges faced by civil society actors. This growing marginalization not only worsens existing inequalities but also undermines efforts to foster solidarity and build a more inclusive and just society.

How then can we reimagine the human rights framework as a more effective tool for justice when those responsible for its implementation are actively working to dismantle it? This panel will consider what is needed, as well as the opportunities that exist for cooperation between various actors. What strategies have proven effective to build and sustain a popular movement that works to protect the rights of all and makes it impossible for governments to shy away from their human rights obligations?