



HRJust WP 2 – Deliverable 7.4
Toolkit for inclusive Civil Society
Engagement including handbook, film, map
on Practical summary of SODCSE

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abstract	D7.4 Toolkit for inclusive Civil Society Engagement including handbook and map within the toolkit on practical summary of SODCSE. Coproduced recommendations, processes, toolkit materials that better enable public authorities, NGOs and public to engage over the opportunities and challenges raised by HRJs in future pandemics, migration and climate justice actions, promoting transparency, accountability, inclusion and democratic participation.
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STATE'S PRACTICE OF HUMAN RIGHTS JUSTIFICATION: A STUDY IN CIVIL SOCIETY ENGAGEMENT AND HUMAN RIGHTS THROUGH THE LENS OF GENDER AND INTERSECTIONALITY (HRJust)

Deliverable D7.4: Toolkit for inclusive Civil Society Engagement including handbook, film, map on Practical summary of SODCSE

1 Executive Summary: The HRJust Project

The HRJust project is designed to investigate the emerging phenomenon of Human Rights Justifications (HRJs). Historically, human rights were conceptualised as a "normative shield" possessed by individuals to protect them against the potentially overreaching power of the State. However, the project identifies a paradigm shift: States are increasingly assuming the role of the subject of human rights, activating rights language to defend and legitimise their own governance decisions and actions. This shift creates two primary regulatory gaps. First, there is no international, regional, or national regime that regulates how States use human rights to justify their actions. Second, the protection of individual human rights is often weakened when States appropriate rights language as a tool of governance rather than a mechanism of protection. HRJust aims to develop a robust theory of HRJs and implement a process for Systematic Ongoing Direct Civil Society Engagement. By focusing on five countries—Sweden, Finland, Taiwan, India, and Ukraine—and three thematic areas (Covid-19, Migration, and Climate), the project provides recommendations to the EU on promoting transnational democratic governance and mending these gaps in human rights protection.

2 Deliverable 7.4

According to the HRJust Grant Agreement, Deliverable 7.4 comprises:

Deliverable D7.4 comprises the following:

- Handbook Experiential Learning
- Film
- Map on the practical summary of SODSCE – HRJust Toolkit

It is situated within Work Package 7 (Empirical- Cross-cutting) and is due by project month 35. The lead beneficiary originally for Work Package 7 was the University of Lapland (UoL) with joint responsibility between the Institute of International Relations (IIR) and UoL. UoL withdrew from the project in year 2, and IIR withdrew from the project in year 3. The University of Bern has also withdrawn from the project in year three. Stockholm University (SU) has now taken over responsibility of the deliverable.

2.1 Handbook on Experiential Learning – What Makes Us Care?

A handbook setting out experiential learning as a tool for civil society has also been generated in the HRJust project, *What Makes Us Care?* By Naina Kapur, available at <https://heyzine.com/flip-book/fec21bb97f.html#page/1>. The handbook sets out how civil society can work within civil society as well as with decisionmakers such as judges and lawmakers, to understand the situations of migrants, seeing them as individuals who are grappling with personal challenges. When

meeting with decision-makers, this method can focus on creating a pyramid of support involving peer decision makers, civil society and community stakeholders, and with this support, establish an education for decision makers concerning the social context. After the pyramid of support is established, at both the leadership and peer levels and only after the community is integrally involved in the process can the design and development of a social context program begin. Not only must the community be involved in delivery, but they must be involved in all aspects leading up to and including delivery of such education with the support and endorsement of the peer decision makers.

Including community expertise means including civil society in partnership with peer decision makers, which provides an opportunity for the decision makers to actually hear the specific concerns of a marginalised community (i.e. migrants) and provide a unique perspective to decision makers.

Having a full and informed understanding of the social context reality of migrants (or other excluded communities) is the foundation on which an impartial and empathetic outcome is possible. This offers decision makers the ability to use information obtained through an open dialogue or interaction in the most constructive manner possible. The process of inclusion is at the heart of experiential learning and a means to promote robust equality outcomes for marginalised communities such as migrants.

Once the pyramid of support has been cultivated, the elements of equality and experiential learning in the targeted decision-making can draw on the following non-exhaustive aspects that should be adapted according to individual contexts:

- Bringing attention to specific challenges migrants face
- Understanding migrants' narratives of inequality in the context of their perspectives, such as those of the Global South and Third World, from the ground up
- Emphasizing the importance of diverse perspectives to foster justice and equality
- Encouraging critical thought and discussion about geographical and systemic obstacles
- Rethinking migrant rights and international law
- Involving participants in field visits to local communities, shelters, or support centres to engage with migrant workers and gain firsthand insights into their realities
- Participating in experiential exercises such as role reversals
- Building empathy
- Creating insights concerning the power and interests of policy makers to maintain the status quo
- The central role of social context realities and alternate forms of analysis in judicial decision-making in the context of migrant issues.

Building trust is an integral component in the success of experiential learning. Many of the HRJs cited above would possibly be seen in a different light by a group of decision makers with their learning-supporting peers and civil society present. As this approach results in the mobilization of civil society, at least in more democratic societies, this mobilization in itself is also a sign to legislators and judges that they need to pay greater attention

2.2 Film

A film was produced, *MIGRANT CHILDREN: THE INNOCENT VICTIMS OF SWEDEN'S WAR*

ON GANGS, 16-to-18 year old children and youth speak as experts about laws and legislative proposals that shape their lives: <https://hrjust.org/io/gallery/>.



2.3 HRJust Toolkit - The Changing Paradigm of Human Rights: Civil Society Toolkit for Human Rights Justifications by Laura Carlson and Paul Lappalainen

The Toolkit attached to this deliverable takes up the shift in the global human rights landscape: the transition from human rights as a "bottom-up" protective shield for individuals against state power to a "top-down" instrument of governance used by states to justify their own actions. This phenomenon is categorized as Human Rights Justifications (HRJs). While human rights were originally conceived post-World War II to function as normative protections for the individual, states are increasingly "appropriating" this language to restrict or negate rights under the guise of defending them. This briefing document outlines the mechanisms of HRJs, the limitations of current international and regional enforcement bodies, and the essential role of civil society in monitoring, counteracting, and reclaiming the human rights narrative.

Impact on Individuals: When states use HRJs, individuals are no longer the subject of the human right to be protected; rather, they are subjected to state actions that have been pre-legitimized by the state's own human rights rhetoric. Core characteristics of HRJs include the use of language of human rights to defend state actions, even when those actions restrict rights (e.g., arguing that lowering the age of criminal responsibility is in the "best interest of the child"). The state acts *sua sponte* (of its own accord), twisting the context of human rights to fit its legislative or policy goals, effectively removing the individual as a counter-party in the argument.

Civil society—including NGOs, unions, and academic institutions—is essential for counteracting state misuse of HRJs. Main types of civil society action as set out in the toolkit include:

1. **Awareness-Raising:** Educating the public and training legal professionals to identify human rights bias.
2. **Monitoring and Documentation:** Systematically collecting data on violations and submitting "shadow reports" to international bodies.
3. **Legislative Advocacy:** Participating in norm-setting and lobbying for the adoption or

revision of laws (e.g., the "Starting Line Group" which influenced the EU's Racial Equality Directive).

4. Strategic Litigation: Bringing individual or collective complaints to court to establish legal precedents.
5. Protection of Defenders: Advocating for legal frameworks that protect human rights defenders and maintain "civic space."

Successful case studies by civil society are included in the toolkit, as well as checklists for legislative advocacy and strategic litigation are set out in the toolkit.