



D 7.5

Human Rights Justifications (HRJs): an empirically developed methodology for the reinvigoration of an inclusive Civil Society and a complex intersectional critique of HRJs

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Authors

Name	Institution	Contact
Lead Authors		
Yu-Ling Huang (Sociologist)	NCKU	yuling13905@gmail.com
Hsun-Hui Tseng (anthropologist)	NCKU	hsunhui@gmail.com
English language editing:	Jane Riley	janeriley@btinternet.com

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Leads	Yu-Ling Huang & Hsun-Hui Tseng
Department	Department of Humanities and Medicine resp. Department of Taiwanese Literature
Abstract	This Deliverable comprises two main, inter-related reports. 7.5 A (“Rings on Water”- Sociology) and 7.5-B (intersectionality-anthropology). Together with Deliverable 3.2 (law, political theory and philosophy), they constitute a cycle of knowledge co-production. D 3.2 expresses the normative theory of WP3 where each theme Covid, Migration and Climate is processed by the interdisciplinary work of a sociologist and anthropologist on WP7. Annex A summarizes this cycle, and Annex B provides a summary of the interconnectedness between sociology in part A and anthropology in part B of D 7.5.
Keywords	Complex intersectionality, vulnerability, legal theory of rights, paternalistic, Rings on water (RoW), gender, race, class, migrant, Covid, Climate, Migration.

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Inclusive Democracy, Reflecting Gender and Intersectionality: Concluding Synthesis of D 7.5-A and D 7.5-B

Author: Yu-Ling Huang, National Cheng Kung University Yuling13905@gs.ncku.edu.tw

Inclusive Democracy, Reflecting Gender and Intersectionality

Concluding Synthesis of D 7.5-A and D 7.5-B

The Rings-on-Water methodology and the Complex Intersectional Critique as a single, mutually anchored synthesis of our research.

Executive Summary

This Deliverable comprises two main, inter-related reports. 7.5 A (“Rings on Water”) and 7.5-B (intersectionality). Together with Deliverable 3.2, they constitute a cycle of knowledge co-production. Annex A summarizes this cycle. Deliverable 7.5 responds to the Horizon Europe Grant Agreement’s request for a report on *Inclusive Democracy, reflecting gender and intersectionality*. The Deliverable is composed of two mutually anchored component studies. D 7.5-A develops the Rings-on-Water (RoW) methodology through which HRJust conducted Civil Society Engagement across Sweden and Taiwan, and articulates the epistemological underpinning that grounds that methodology in the complex-intersectional commitment developed in the companion study, D 7.5 B. This second study, D 7.5-B, develops the complex-intersectional critique of how Taiwan, Finland and Sweden use Human Rights Justifications (HRJs) to manage populations across the COVID-19 pandemic, migration,

and climate axes. The present report reads the two components as a single Deliverable and draws the conclusions requested by the Grant Agreement.

The Rings-on-Water methodology is the procedural expression of what the Complex Intersectional Critique identifies as the condition of inclusion itself, namely that categories of relevance and vulnerability must emerge from engagement with real subjects rather than being imposed by the State or by the researcher in advance. These requirements have been achieved in both components: D 7.5-A, both in the section on Epistemological Warrant and throughout its limitations and conclusions, specifies the methodological form that this apparatus takes when enacted in Civil Society Engagement; D 7.5-B articulates the theoretical apparatus (complex intersectionality, the monist-subject critique, vulnerability theory, and the hierarchy-of-vulnerability problem).

Introduction: two studies, one Deliverable

The Horizon Europe Grant Agreement defines Deliverable 7.5 as a public report that provides “narratives and examinations of how gender and intersectionality affects the sense and access to democratic inclusion.” The Deliverable is led by NCKU, with IIAS, UGOT and SU jointly responsible. It addresses three questions: how States defend and legitimize their actions through human rights; how the general relates to the particular in that defense; and what role geopolitics plays in the strategy, resources, and reach of State HRJ practices.

Against this mandate, HRJust has produced two substantive component studies. D 7.5-A — *Rings on the Water: An Empirically Developed Methodology for the Reinvigoration of an Inclusive Civil Society and Democratic Participation* — this documents the staged, concentric methodology through which Civil Society Engagement was organised across the Swedish and Taiwanese contexts, and articulates the epistemological underpinning that grounds the methodology in the critique developed by its companion study: D 7.5-B. This second study, D7.5-B, entitled *A Complex Intersectional Critique of Human Rights Justifications in Taiwan, Finland, and Sweden*, develops a theoretical apparatus for understanding HRJs as mechanisms that both construct and operate upon social

realities, and applies this framework to empirical cases across the domains of COVID-19, migration, and climate.

This concluding report reads the two studies as a single Deliverable whose internal coherence is now explicit in each component. D 7.5-A names D 7.5-B as its theoretical companion and develops its design principles, its limitations analysis, and its conclusions in terms drawn from the complex-intersectional critique. D 7.5-B, for its part, produces an empirical and theoretical account whose methodological consequences are enacted — rather than merely asserted — through the engagement infrastructure documented in D 7.5-A. Read together, the two constitute what the Grant Agreement calls an account of “democratic inclusiveness”: a treatment of inclusion that is consistent with its own object, in the sense that the method of producing the account does not contradict the critique the account offers.

Framework: the complex intersectional critique as epistemology of inclusion

From identity-intersection to complex intersectionality

The foundational framework for this Deliverable is Kimberlé Crenshaw’s intersectionality (Crenshaw 2013), which establishes that an individual’s experience of privilege or oppression is shaped by the combination of identity positions they occupy, not by any single axis taken alone. D 7.5-B extends this framework into what it calls complex intersectionality: an intersectionality oriented specifically to how States, through HRJs, construct a singular “standard citizen” whose protection justifies restrictions of liberty that fall disproportionately on those who do not match the construction.

The concept reorients intersectional analysis from *description of who is marginalized to diagnosis of how the State’s own invocation of rights creates marginalization*. Where classical intersectionality reads the position of, for example, women of color in the court system, complex intersectionality reads what the State assumes when it invokes “public health,” “child protection,” “successful integration,” or “green transition” as a justification for a coercive measure — and it makes visible the specific intersectional positions that the assumption writes out of the picture.

Vulnerability theory as corrective supplement

D 7.5-B is explicit that intersectionality alone is insufficient for this task. Critics have long noted that intersectional analysis risks infinite regress of sub-categories, essentialization of identities, and fragmentation of solidarity. D 7.5-B responds not by abandoning intersectionality but by supplementing it with Fineman’s vulnerability theory (Fineman 2018). Where intersectionality identifies how identities are differentially positioned, vulnerability theory directs attention to the institutions that distribute resilience resources unevenly across the population.

The critical move that distinguishes D 7.5-B from conventional intersectional analyses is its willingness to turn the critique reflexively on intersectional practice itself. Any framework that aggregates vulnerability implicitly *ranks* vulnerabilities — it decides whose vulnerability matters most and whose interests define “the collective.” This is the “hierarchy-of-vulnerability” problem. Applied to State practice, it shows why States routinely narrow “collective interest” to the biological survival of the majority. Applied to research practice, it shows why even intersectional research designs can re-centre the voices of institutional actors if the vocabulary of early stakeholders is allowed to frame what later stakeholders are heard as saying.

The hierarchy-of-vulnerability problem is the conceptual hinge at which D 7.5-A and D 7.5-B join. D 7.5-A explicitly diagnoses its own echo-chamber risk in these terms and responds with a specific procedural self-correction: a structured debrief at the close of each Ring, organized around three questions concerning whose voices became quieter, which analytical categories were supplied by participants rather than by prior Rings, and whether a different sequence of inclusion would have produced a different framing. This procedural response is the form in which the theoretical apparatus of D 7.5-B is enacted within the methodology of D 7.5-A.

Empirical findings across three jurisdictions

D 7.5-B examines HRJ practice in Taiwan, Finland and Sweden across the HRJust project’s three thematic axes: pandemic governance (WP4), migration (WP5), and climate (WP6). The findings can be organised under four recurring intersectional configurations, each of which illustrates the monist-subject construction at work.

Class and migration status: the shield that becomes a cage

In Taiwan’s pandemic response, the “Digital Fence” surveillance system — justified as protection of the right to life and health — operated through base-station triangulation that generated frequent positioning errors. Because migrant workers’ “home” was a crowded dormitory rather than a private residence, a technological error of a few metres could suggest that the individual had breached quarantine and therefore trigger a middle-of-the-night police dispatch. Unlike local citizens, migrant workers faced contract termination or deportation as the immediate consequence of such errors. The State’s protective shield became a cage for those without citizenship.

The finding is not that technology was misused: it is that a HRJ organised around an abstract “public” inevitably lands with disproportionate weight on the individuals most distant from the assumed citizen. The monist subject of “public health” is not neutral: it is structured around the domestic arrangements, labor status, and linguistic competence of those already protected.

Gender, nationality, and the paternalism of protection

Taiwan’s Consular Interview system for marriage-migrant spouses from twenty-one specified countries, has been “justified” as preventing human trafficking and protecting national security. However, in practice, it scrutinizes the intimate life of Southeast Asian spouses in ways that Western spouses are not asked to endure. Financial capability tests, framed as ensuring “self-sufficiency” for the migrant’s own family, function as class-based barriers to marriage rights. The State’s HRJ reduces the migrant to either “potential fraudster” or “victim in need of paternalistic rescue,” stripping agency under the badge of protection.

Sweden’s stricter family reunification measures under SOU 2025:95 follow the same logic through different institutional means. “Successful integration” and “protection from honor-based violence” become HRJs that gatekeep the right to family life, treating the migrant family as a burden rather than a subject of rights. Across the two jurisdictions, the HRJ vocabulary is the same, even where the legal mechanisms differ.

Age, ability, and digital invisibility

Finland’s pandemic response offers a particularly instructive case. Formally, the Finnish government used non-binding recommendations for those over 70 to isolate, preserving the appearance of legality. However, in practice, these recommendations operated as de facto binding measures — what the Chancellor of Justice identified as “soft coercion” that risked violating non-discrimination principles and interfered with the right to family life. The formalist adherence to legality masked indirect discrimination.

The pattern extended across Finland and Sweden in what D 7.5-B names “digital invisibility”: as essential services (vaccine booking, child-friendly health information) migrated online, elderly persons and persons with disabilities lacking digital literacy found themselves excluded, not by any explicit decision but by the structural assumption that the standard citizen has digital access and fluency. The HRJ of “administrative efficiency” produced de facto social invisibility — what the report frames as “social death”, under cover of the claim of protecting physical life.

The reverse test: elites under the monist subject

An important finding for the Deliverable’s theoretical claim is that the monist-subject logic operates on high-status professionals as well as on marginalized groups. During Taiwan’s Zero-Covid policy, pilots — conventionally perceived as socially privileged — were subjected to a continuous “quarantine-work-quarantine” cycle that deprived them of family life for over a year (Chen et al. 2025, 33, 50). One pilot, despite being vaccinated and testing negative, faced severe legal penalties and public shaming for a perceived quarantine breach. The logic that turned migrant workers into “risks to be managed” applied identically to the professional bodies of airline crew.

The implication is that the complex-intersectional critique is not a minority-protection framework but a **general critique of HRJ logic**. A HRJ organised around a monist subject will flatten everyone who does not match the construction, although the consequences fall hardest on those with least recourse. This strengthens the critique’s portability across policy domains and across jurisdictional contexts.

Methodological findings: Rings-on-Water as enacted epistemology

What RoW does, and the principles that govern it

D 7.5-A documents a methodology of successive concentric rings of stakeholder engagement. A small core group — in the Swedish case, a Supreme Court Justice, the National Human Rights Institute (NHRI), leading human-rights defenders, and HRJust researchers — convened to co-define concepts. Subsequent workshops progressively widened the circle, integrating additional Civil Society organisations, Taiwanese NGOs, and international academics. Continuity was maintained through overlap: the same core participants joined each Ring, while new voices were added gradually. Each workshop's findings fed into the next workshop's design.

In describing the Core Methodological Principles, D 7.5-A specifies six operational principles that govern this design: *Start Small*, *Iterative Co-Creation*, *Participation with Continuity*, *Real-World Problem Orientation*, *Institutional Buy-In and Alliance Formation*, and — added during the project as its reflective contribution to methodological design — *Corrective Iteration*. The sixth principle names explicitly what the others had implicitly practiced: that iteration is not primarily about widening participation but about correcting the silences of each preceding Ring. Each new Ring is chosen not merely for breadth of representation, but to bring into the conversation positions that were structurally underheard in the prior one. Under a pure-widening logic, iteration adds scope; under corrective iteration, the direction of expansion is set by what the previous Ring made visible only in its omissions.

The empirical reach of the process included BRIS (Children's Rights in Society), Civil Rights Defenders, Serve the People Association, the Taiwan International Workers' Association (TIWA), the Taiwan Association for Human Rights, and the Nordic Rule of Law Forum. It generated outputs including the Sweden–Taiwan Civil Society Bridge, the Civil Society Engagement Toolkit led by the WP5 migration team, the Strategic Litigation Roundtable, and the Norwegian parliamentary consultation.

How RoW detects and corrects its own structural risks

In setting out the Structural and Methodological Challenges, D 7.5-A identifies the structural vulnerability that follows from any staged design: a risk of echo-chamber formation in early Rings when initial stakeholder selection is dominated by institutional actors. The report refuses to treat this as an incidental imperfection to be corrected through goodwill and better stakeholder lists in future iterations. It diagnoses the risk, in the language of D 7.5-B, as a predictable consequence of the **hierarchy of vulnerability**: any framework that aggregates perspectives implicitly ranks the positions it aggregates, both through the sequence in which voices enter and through the vocabulary that enters with the earliest voices.

The methodology's procedural response, now built into D 7.5-A itself, is a structured debrief at the close of each Ring organised around three questions:

- Which voices became quieter, or dropped out, between this Ring and the previous one, and does the pattern of attrition correlate with any identifiable social position?
- Which analytical categories used in recording and reporting this Ring came from the participants themselves, and which came from the vocabulary set in earlier Rings?
- If the same constellation of stakeholders had been assembled in the opposite order — marginalized voices first, institutional authority last — would the project's working framing now look materially different?

Engagement method and knowledge claim: what RoW can and cannot warrant

D 7.5-A concludes by clarifying, in its own voice, how the outputs of the Rings-on-Water process should be described. It is tempting to present those outputs as *the* Civil Society view of the Swedish and Taiwanese HRJ contexts, or as *the* account of State human rights practice that emerges from sustained engagement with those affected. Both descriptions would overstate what the methodology can warrant. What Rings-on-Water in fact generates is the view that this particular Ring configuration, convened under these particular geopolitical and institutional conditions, made audible.

The Swedish Ring configuration could begin with an NHRI, a Supreme Court Justice, and a well-developed Civil Society infrastructure of specialized human-rights NGOs; the Taiwanese configuration could not, because Taiwan’s exclusion from the United Nations treaty system and from most international human-rights architecture removes several of the Ring positions that the Swedish configuration could assume. Asymmetries of this kind are not imperfections to be corrected before reporting findings; they are constituent of what findings the methodology was positioned to generate. A methodologically honest account of the RoW outputs therefore specifies, alongside the substantive findings, the conditions under which those findings became audible, and marks clearly the boundary between what the methodology can claim to have heard and what would require a differently configured engagement to hear.

Asymmetric geopolitics as constituent of method

The distinction articulated above is itself a substantive answer to the Grant Agreement’s question on the role of geopolitics. Geopolitical positioning conditions which Ring can be assembled: the ability to convene an NHRI and a Supreme Court Justice in the first Ring is a geopolitically enabled affordance, not a universal design choice; the impossibility of doing so in Taiwan is not a deficiency of Taiwanese civil society but a consequence of international exclusion. D 7.5-A formulates this as a methodological proposition in its own terms: in contexts of geopolitical constraint or international isolation, the outward expansion of the Rings-on-Water methodology from local to national to international engagement is not merely a scale-up but a substantive amplifier of what the Civil Society voice can reach. Geopolitics enters the methodology, in other words, not as context but as design parameter.

Recommendations

For policymakers and treaty-body reviewers

1. Heightened scrutiny of intrapersonal-conflict HRJs. Treaty-body reviews of State reports should identify HRJs that produce intrapersonal rights conflicts as a suspect category and require specific justification for why the rights-holder’s own judgement is being overridden in their name.

2. Digital-invisibility impact assessment. Any HRJ justifying digital-first service provision should include a structural assessment of the population that will become de facto invisible to the service, including elderly persons, persons with disabilities, and non-literate or language-minority subjects.

For Civil Society organisations and human-rights defenders

3. RoW as replicable template. The six-principle engagement methodology articulated in D 7.5-A is replicable in jurisdictions with sufficient Civil Society density; the conditions of that density must be realistically assessed before adoption.
4. Corrective iteration as a procedural commitment. Implementing RoW requires the structured ring-closing debrief set out in D 7.5-A's section on Structural and Methodological Challenges — the three-question self-check and the translation of its answers into the design of the next Ring. Iteration without this procedural commitment would result in merely widening, without correction.
5. Explicit documentation of whose voice was not included. Organisations implementing RoW should document, at the close of each Ring, which positions were structurally underheard, and use that record as the agenda for the next Ring. This record should be a permanent appendix to the engagement output, not an internal working note.

For the research community

6. Portability of the complex-intersectional typology. The HRJ categories developed in D 7.5-B are portable beyond the three jurisdictions studied; their application to additional jurisdictions (particularly within the EU and in countries with significant EU external relations) would strengthen the Horizon Cluster 2 evidence base.
7. Explicit geopolitical self-statement. Any future Civil Society Engagement methodology should state the geopolitical conditions under which it can and cannot be applied. D 7.5-A models how this should be done, particularly in the Replication Guidance.

Limitations

Three limitations of this Deliverable should be stated explicitly.

- Jurisdictional coverage. The empirical work is concentrated on Taiwan, Finland and Sweden. The complex-intersectional critique is argued to be portable, but it has been demonstrated rather than tested across the full range of EU Member States or across EU external-relations partners.
- Civil Society density. The Rings-on-Water methodology was implemented in two jurisdictions whose Civil Society actors were, by D 7.5-A's own admission, unusually well connected. Replicability in jurisdictions with thinner Civil Society density, or where Civil Society actors face direct repression, remains to be established.

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Deliverable 7.5 A: Human Rights Justification

Rings On The Water: An Empirically Developed Methodology for The Reinvigoration of an Inclusive Civil Society and Democratic Participation with Some Comparative Reflections

Introduction

Engaging Civil Society in research and policy development requires a structured yet flexible approach. The **“Rings on the Water” methodology**, developed by the HRJust project, provides a replicable model for sustained engagement between grassroots Civil Society and academic in co-production of knowledge. The Rings-on-Water methodology follows the pathway towards impact already identified in the Grant Agreement which is built on the UK Research Excellence Framework model for identifying pathways towards impact, as described in the Declaration of Action in the Grant Agreement. What is new with this methodology for academic cross sector integration and co-production of knowledge is its deliberately staggered scaling-up process, where the expansion of participants is an interactive process towards expansion of the academic research and scope. The goal has been to develop an holistic and coherent evolving process between academic research, Civil Society participation and public agency buy-in with the goal of generating maximal impact for our research to truly include Civil Society and public agencies in a democratic participatory process.

The target groups at each stage are: Public Actors, Non-Governmental Actors and Academics. Dependent on the level - local, national, regional or international, - the specific stakeholders might be a public agency on the local level (city councils), national (National Human Rights Institute, Supreme Courts), regional (EU, and European Court of Human Rights) or international (the UN -Committees and Office of the United Nations the High Commissioner for Human Rights, and the EU -EEAS and the EU Parliament) levels. The Civil Society and Academic Research follow similar levels but with different expressions. For example, a Civil Society scaling-up would be the connections between local and national NGOs with other local and national NGOs – to connect different local and national NGOs across regions and countries, not necessarily larger organizations themselves (for example we have included local NGOs from Sweden, Norway, Taiwan,

USA, Denmark and India at different levels and stages in this process). One of the insights that has been guiding the local and national exchanges between NGOs is that governments borrow and learn from each other's human rights justifications (HRJs). In our project's case, we have specifically focused on legislation regarding COVID-19, Migration and to a lesser extent Climate), It is rare that a legislator implements a law or a legal instrument that has not already been tested and developed in another jurisdiction or country. HRJust's argument for connecting NGOs across geographical and jurisdictional boundaries is that, if these laws that restrict human rights are global, even when operating within national systems, then even when Civil Society operates at a local level it still needs to have a global knowledge and understanding of these laws, because there is learning to be had from how a new measure was introduced in another jurisdiction before it was made into law in one's own country. There is important knowledge for local and national NGOs to gain by applying a Global outlook to their local activism.

Rings-on-Water has been developed mostly in Sweden and is therefore affected by Sweden's specific local and national history and current political and geopolitical changes. It has been expanded to an international level both through the active participation from the researchers in HRJust from India, Ukraine, Finland, Italy and Taiwan, both at the concept-building stage but also in the implementation and follow-up and alliances-building stage. The two key geographical areas for our focus have been Sweden and Taiwan, where direct Civil Society Engagement and involvement with public agencies and national representatives has taken place within the Rings-on-Water framework in the form of physical meetings, workshops and conferences for both the scientific co-production of concepts but also for active dissemination. Within these workshops and meetings, HRJust researchers from Sweden, Taiwan, Ukraine, India, Finland and Italy have continuously participated at different stages and made different contributions. This process has been led by the Swedish research team together with the Taiwan team as an ongoing and integral partner.

This Report should be read as the methodological companion to D 7.5-B (*A Complex Intersectional Critique of Human Rights Justifications in Taiwan, Finland and Sweden*), and the two together constitute the HRJust response to the Grant Agreement's request for a deliverable on inclusive democracy reflecting gender and intersectionality. Where the present Report documents the engagement infrastructure through which co-produced knowledge was generated, D 7.5-B develops the theoretical apparatus — complex intersectionality, the monist-subject critique, vulnerability theory, and the hierarchy-of-vulnerability problem — that specifies why such an infrastructure is epistemically necessary rather than merely useful. Section 2.4 below returns to this relationship in explicit terms. Annex A (**Co-Production of Knowledge: How D 3.2, D 7.5-A, and D 7.5-B converse to produce a single analytical–methodological contribution**) explains the process in more detail.

The Rings on the Water Methodology: Design Principles and Strategic Goals

The Core Metaphor

The metaphor of concentric rings expanding outward from a point of disturbance on water captures both the process structure and the normative aspiration of the methodology. A single, carefully chosen initial intervention — a small, well-prepared workshop with a tightly focused group of expert stakeholders — creates the first ring. Each subsequent engagement is designed to expand the circle of participation: incorporating new voices, connecting new sectors, and amplifying the initial analytical impulse into broader institutional and social resonance. The key methodological insight is that the rings are not merely additive; they are generative. Each successive ring is qualitatively different from the previous one because the knowledge, trust, and network connections built in earlier stages constitute the enabling conditions for the next expansion.

Three Strategic Goals

The RoW methodology is explicitly organised around the three strategic goals articulated in the HRJust grant agreement:

Strategic Goal 1: Joint Knowledge Production

HRJust must provide policy advice that goes beyond what each individual stakeholder has the capacity to build on its own. This is operationalised through structured workshops in which academic researchers bring theoretical frameworks and empirical data, while Civil Society Organisation (CSO) practitioners bring contextual expertise, lived professional experience, and awareness of implementation constraints. The resulting knowledge is richer than either partner could produce independently.

Strategic Goal 2: Synergistic Policy Advice

HRJust must provide policy advice generated through the creation of synergies between various stakeholders. The RoW workshop design deliberately incorporates participants from different sectors — judiciary, NGO, public administration, academia, international organisations — who do not normally work together, creating conditions for the emergence of synthetic insights that cross disciplinary and institutional boundaries.

Strategic Goal 3: Cross-Sector Network Building

Stakeholder participation must generate not only new policy or knowledge, but also new cross-sector networks and alliances. *Network formation* is treated as a primary output of the RoW process, not a secondary by-product. Workshop agendas dedicate explicit time to joint planning, relationship formalization, and identification of continuing collaboration opportunities.

Core Methodological Principles

Start Small

Early workshops involve a carefully selected core group of twelve to twenty participants whose combination of expertise, positional authority, and practical experience ensures that initial concept-development is both analytically rigorous and normatively credible. The intimacy of early engagements facilitates the candid exchange necessary for genuine conceptual clarification — a condition that is difficult to achieve in larger public forums. Participants who join at the first ring typically become advocates and champions of the project in their own networks, generating organic amplification as the rings expand.

Iterative Co-Creation

Each workshop is explicitly designed as a response to the outputs of its predecessor. The research agenda evolves in direct response to practitioner feedback: analytical gaps identified by NGO representatives in one workshop generate specific empirical research tasks addressed in the next; legal frameworks clarified by judicial participants reshape the theoretical vocabulary used in subsequent engagements; and policy challenges articulated by public administrators direct the practical orientation of academic outputs. This iterative design ensures that the methodology is responsive, relevant, and resistant to the insular dynamics that can afflict purely academic research projects.

Participation with Continuity

Expanding the stakeholder pool progressively serves two functions. First, it ensures that later participants can engage productively with the conceptual framework built in earlier rings, rather than requiring a complete re-introduction at each stage. Second, it allows the project to calibrate the pace of expansion to the actual development of the research, so that practitioners encounter findings at a stage of maturity appropriate for productive critical engagement. The presence of continuity participants (who attend all or most workshops) provides the institutional memory and relational trust that enable new participants to be rapidly integrated.

Real-World Problem Orientation

Every engagement is grounded in the concrete, operational challenges that CSO practitioners, legal advocates, and public officials face in their day-to-day work. Workshop materials include case studies drawn from current legislative processes,

recent court decisions, and live policy debates. This orientation prevents the theoretical framework from becoming detached from practical reality and ensures that outputs are directly usable/helpful by the intended beneficiaries. It also maintains the motivation of Civil Society participants, who can see the direct relevance of their engagement to their commitments and professional responsibilities.

Institutional Buy-In and Alliance Formation

The methodology deliberately targets institutions whose participation signals legitimacy and opens downstream impact pathways. From the outset, HRJust engaged with Sweden's National Human Rights Institution (NHRI), the Supreme Court, and major NGOs such as BRIS (children's rights) and Civil Rights Defenders. Their participation provided both credibility and leverage for subsequent outreach to international institutions.

Corrective Iteration

The iterative architecture of RoW is not only a mechanism for widening participation; it is also, and more fundamentally, a mechanism for correcting the silences of each preceding ring. Each successive ring is therefore designed not merely to add new sectors or institutions, but to bring into the conversation positions that were structurally underheard in the prior one. Under a pure-widening logic, iteration adds breadth; under a corrective-iteration logic, the new participants at each stage are chosen specifically because they occupy a position that the previous ring's configuration could not fully register. This principle converts the iterative structure of the methodology from a practical convenience into a substantive epistemic commitment: the direction of expansion is not arbitrary but is set by what the previous ring made visible only in its omissions.

Epistemological Warrant: RoW as the Methodological Counterpart of the Complex Intersectional Critique

The principles set out in section 2.3 describe how the Rings on Water methodology operates. They do not explain why the methodology must take this particular form rather than any other. That explanation is supplied by the theoretical apparatus developed in D 7.5-B and summarised here in the terms that are directly relevant to the methodological design. The central claim of the complex intersectional critique is that States, when they invoke human rights to justify coercive measures, routinely construct a generic, decontextualized rights-holder — a *monist subject* — whose protection is then used to justify restrictions that fall disproportionately upon those who do not match the construction. The critique is, in this sense, a diagnosis of how State practice flattens the intersectional reality of its subjects under the sign of protection.

The methodological consequence is immediate. A research design that fixes stakeholder categories in advance — that decides before engagement begins which positions count,

how their perspectives will be categorized, and what counts as a substantive contribution — reproduces at the level of method the very flattening the critique is targeting at the level of law. If a State’s invocation of the “standard citizen” is suspect, so too is a research design’s invocation of the “standard stakeholder.” The Rings on Water methodology responds to this homology by refusing to close the definition of relevant participation before engagement has begun. Categories of relevance and vulnerability are allowed to surface from the engagement itself, through successive rings, rather than being imposed on it.

Read in this light, the five principles articulated in section 2.3, together with the sixth principle of corrective iteration, are not a collection of independently justified design choices. They are the operational expression of a single epistemic commitment: that a methodology that is intended to address the problem of inclusive democracy must itself be consistent with the critique of exclusion that motivates it. The staged, iterative widening of rings — from institutional actors, through NGOs working on specific vulnerabilities, to grassroots practitioners and communities directly affected by State HRJ practices — is the methodological form that this commitment takes. It is the structure by which the methodology avoids performing, in its own design, the monist-subject construction that its object of study performs in law.

This framing carries consequences that are developed in the sections that follow. In section 7, it reshapes how the methodology’s acknowledged limitations — in particular the risk of elite capture in early rings — are to be understood and addressed: not as incidental imperfections to be mitigated through goodwill, but as structural risks that the methodology itself must be equipped to detect and correct. In section 8, it reshapes how the outputs of the methodology are to be described: not as a straightforward rendering of the Civil Society perspective, but as the view that a particular ring configuration made audible. Both of these reformulations strengthen rather than weaken the methodological claim being made: they specify the conditions under which the claim holds and the procedures by which it can be tested against its own commitments.

Stage-by-Stage Implementation: The Four Core Workshops

Workshop 1 — Core Group Convenes: Identifying Concepts and Needs

Date and Location: 12 October 2023, Stockholm, Sweden.

Participants: Human Rights Defenders (HRD), a Justice of the Swedish Supreme Court, the Swedish National Human Rights Institute (NHRI), project researchers from Sweden and India (Indian participants participating remotely).

The inaugural Workshop served as the conceptual foundation of the entire RoW process. Its objective was to bring together a small, carefully constituted group of expert practitioners and researchers to establish shared definitions, identify critical knowledge gaps, and co-develop the initial research questions that would guide subsequent stages.

The most significant substantive outcome was the identification of a definitional problem at the heart of the research: the term “Human Rights Justification” (HRJ) was being used inconsistently, conflating the State’s invocation of rights language as a rhetorical strategy with the State’s legitimate positive obligations to protect individual rights. Practitioners from the NHRI and the Supreme Court drew on their operational experience to insist that this distinction had concrete legal consequences, particularly in contexts where the State invokes.

This practitioner insight directly generated a specific academic research task: a detailed legal analysis of the distinction between positive obligations and HRJs within the ECHR system. A second outcome was the identification of the Universal Periodic Review (UPR) process as a key empirical site for observing State deployment of HRJs at the international level. A third set of memos addresses the particular constitutional architecture of Civil Society engagement in Swedish human rights law.

One concrete example is the initiation of a sets of memos: one focusing on the use of Human Rights Justifications in the UPR process authored by Elica Olofsson from Sweden; another example are the memos produced by Work Packages 2 (legal theory) authored by Namita Wahi on the Indian Constitution, WP 4 (COVID-19) authored by Shun-Ling Chen and Hsu-Chieh Su from Taiwan and WP 5 (migration) authored by Paul Lappalanein from Sweden, identifying the constitutional relations in each country between international human rights law and national individually protected human rights. A third set of memos was authored addressing the role of Civil Society in the Swedish example by Paul Lappaleinen. By starting small, this step-built trust and ensured that the project’s initial direction was grounded in real-world concerns brought forward by practitioners. Importantly, core stakeholders felt ownership from the outset, making them more inclined to support and implement the results later.

Network Formation at Ring 1: By designing the first ring around institutional figures with independent monitoring functions — the NHRI and the Centrum for Justice (the leading human rights litigators in Sweden) — HRJust embedded its research within the existing infrastructure of Swedish human rights accountability. This strategic positioning would prove crucial for the later development of the Nordic Rule of Law Forums and the strategic litigation network.

Workshop 2 — Broadening Stakeholder Input: Testing and Refining Concepts

Date and Location: 8 December 2023, Stockholm, Sweden.

Participants: All core participants from Workshop 1, including the Justice of the Supreme Court, representatives from BRIS (the leading Swedish child rights NGO), and a new HRJust Consortium research partner.

The second ring introduced the first expansion of the stakeholder circle, testing the preliminary theoretical framework against a slightly wider audience and beginning the transition from pure concept-development to empirical validation.

Researchers presented preliminary findings and a draft anatomy of HRJs to practitioner scrutiny. The most productive deliberation concerned the relationship between positive obligations and HRJs in adjudicated legal contexts: practitioners pointed out that before the theoretical distinction could be operationalised in advocacy or litigation, it needed to be tested against a well-developed body of case law in which the distinction had been contested and ruled upon. This was carried out by Dr. Maria Nääv by first creating a memo and later an article focusing on the relationship between positive obligations and HRJs in the system of the European Court of Human Rights System (currently under peer review).

The second ring also produced the evidence of genuine co-production: BRIS representatives contributed substantive expertise on the specific vulnerability of children to HRJ-based legislative restrictions, particularly in migration contexts, introducing a child rights dimension that shaped the subsequent development of a toolkit for Civil Society Engagement (see section 5 below) and the December 2025 workshop on children's rights and migration.

Workshop 3 — Scaling Up and External Engagement: Implementing Alliances

Date and Location: 28 May 2024, Stockholm, Sweden.

Participants: All previous core participants plus a substantially expanded group including: international human rights scholars from Gothenburg, Stockholm, Malmö, Helsinki, Leeds, and Academia Sinica (Taiwan); human rights activists from India and Ukraine (Kharkiv); the child rights coordinator at the City of Luleå municipality; chief legal officers of Civil Rights Defenders; the legal director of BRIS; the Director of the International Youth Think Tank; and a coordinator from a social enterprise working with youth.

By the third stage, the project had matured enough to open to a much wider audience, moving beyond the initial circles. Workshop 3 was designed as an “external facing” event, signaling a transition from internal development to outward impact. This workshop involved all previous participants plus a broad spectrum of new stakeholders including those from local public authorities and more Civil Society Groups. The presence of such a diverse group marked a deliberate progression toward societal impact, as envisaged by the Rings on Water model.

With a critical mass gathered, the focus shifted to implementation of ideas and network-building. Researchers briefly updated the group on the refined HRJ theory and then turned to collaborative planning on how to apply insights to real-world challenges. First, participants highlighted the power of narratives and counter-narratives in framing human rights issues, especially in contexts like the war in Ukraine. This led the team to dedicate a future session entirely to developing counter-narratives against disinformation around human rights (carried forward as a panel in Workshop 4). Members of Civil Society shared their impression that narratives of crisis seemed to be connected to the increased use of HRJs. This led to Dr. Maria Nääv and Doctoral candidate from Stockholm University Elica Olofsson and mapping the use of Crisis Narratives and HRJs and authoring a book chapter that sets out their finding that HRJs were not often used within crisis narratives, but more often used after the crisis, when the State is trying to institutionalize new norms that had become acceptable during the crisis. In Sweden, this was done, for example, when changing the law from granting permanent residence status to temporary residence status. This provides a good example of co-production of knowledge between Civil Society and Academia, where neither part can produce the knowledge on their own.

Second, a new strategic alliance was formed on the spot – the decision to co-organize the upcoming *Nordic Rule of Law Forum 2024* in partnership with Civil Rights Defenders (a prominent NGO). This was a direct result of cross-sector networking at the workshop, creating an immediate avenue to disseminate the project’s findings to a national audience. Third, the idea of an ongoing Civil Society “alert” network was born: HRJust’s team initiated a *Human Rights and Democracy Alert* email list to inform NGOs and activists promptly about proposed legal changes in Sweden with human rights implications. **Outcome:** Workshop 3 demonstrated the scaling effect of the Rings approach – by this point, the project was not only generating knowledge but actively facilitating new partnerships and practical tools. The ripple that started with a handful of experts had grown to a wave engaging dozens of stakeholders and spawning collaborative initiatives.

Workshop 4 — Consolidation and Global Reach: Co-Producing Outputs

Date and Location: 9 August 2024, Stockholm, Sweden.

Participants: An interdisciplinary international group of academics (law, ethics, rhetoric, human rights), Civil Society leaders and advocates, and institutional representatives from Sweden, Ukraine, Albania, the United States, the United Kingdom, Belgium, Ecuador and Brazil. Core continuity participants included the Supreme Court Justice, leading NGO officers, a member of the UN Committee on Migrant Workers, an Ambassador Emeritus and former Legal Director of the Swedish Ministry of Foreign Affairs.

The fourth Workshop represented the outer ring of engagement, consolidating what had been learned and pushing it toward formal outputs and international collaboration. By now, HRJust had attracted participants from across the globe. Workshop 4 convened an interdisciplinary group of academics (law, ethics, rhetoric) alongside Civil Society experts and stakeholders from Sweden, Ukraine, Albania, the US, UK, Belgium, Ecuador and Brazil. Many were newcomers who had not attended earlier workshops, brought in to infuse fresh perspectives and extend the geographical scope of the network. At the same time, several core contributors from previous stages (e.g. Supreme Court Justice, NGO leaders, UN Migration Committee Member, Ambassador Emeritus and former Legal Director of the Swedish Ministry of Foreign Affairs and key researchers from HRJust) also took part to ensure continuity. This mix of continuity and new input is a hallmark of the progression model, preventing insularity while preserving institutional memory.

Workshop 4 was largely theory-focused—participants discussed advanced legal theories of HRJs and reflected on the project’s findings—but with a clear eye toward dissemination and real-world impact. Indeed, this session doubled as a planning meeting for concrete deliverables. Outputs from Workshop 4 included: a collective decision to produce a book anthology capturing the HRJust legal theory and methodology, with chapters contributed by the range of experts present; and an agreement to co-author a practical journal article (bridging academia and practice) that would guide judges and lawyers on how to respond when states use human rights arguments to justify contentious actions. These outputs exemplify co-production of knowledge – academics and Civil Society writing together – and they directly aim to equip others (like courts and human rights defenders) with guidance. **Outcome:** By the end of Workshop 4, the Rings on Water engagement had come full circle: the project’s initial questions and stakeholder inputs had been transformed into tangible knowledge products and an expanded community of practice. Moreover, the workshop series had fulfilled its mission of “*reinvigorating inclusive civil society democratic participation*” by catalyzing new cross-border networks. As one objective of HRJust was to protect human rights defenders, the workshops created a supportive international community for these actors to share strategies and solidarity.

Cross-Sector Alliances and Network Building

A core principle of the RoW methodology is that network formation is a primary output, not a by-product. The following alliances, all of which are documented as direct outcomes of the RoW process, demonstrate the methodology's capacity to generate durable cross-sector partnerships.

European External Action Service (EEAS) Engagement

On 13 February 2024, HRJust met with senior officials from the EEAS Human Rights Division (Global VMR.3) and the Division for an Integrated Approach for Peace and

Security (PCM.1), as well as the Research Executive Agency (REA) and DG RTD. This initial meeting established the foundations for continuing dialogue around the global implications of HRJust's research — specifically the EEAS's interest in how HRJs operate in EU external relations contexts, including the relationship between HRJs and the EU's Democracy and Human Rights Action Plans.

The EEAS meeting produced an immediate research impact: the discussion drew attention to the specific use of the Right to Development as a HRJ in India's international engagements, generating a new analytical focus for the Indian arm of the research that has resulted in a report prepared for the EU and addressing the critical constitutional design dimension of HRJ governance — specifically, how the transition of HRJs from international to domestic legal systems is shaped by national constitutional architecture.

Norwegian Parliamentary Consultation

In November 2024, HRJust's research team was invited to Norway to consult lawmakers on the use of HRJs in child protection legislation. The team presented the project's theoretical framework and empirical findings to the Norwegian Parliament's legislative committee, with the consultation subsequently broadcast on national television. This invitation — a direct consequence of the visibility generated through the RoW process — resulted in a formal written advisory submission from HRJust Principal Investigator (PI) Professor Maria Grahn-Farley to the Norwegian Ministry of Justice and the Children's Ombudsman constituting an official policy advisory role generated through the project's Civil Society engagement activities.

The Nordic Rule of Law Forum Alliance

The decision to co-organise the Nordic Rule of Law Forum 2024 — taken spontaneously during Workshop 3 by the HRJust research team and the leadership of Civil Rights Defenders — represents the most institutionally consequential alliance produced by the RoW process. The Forum, held on 5–6 December 2024 in Stockholm, brought together more than 120 participants: judges from the European Court of Human Rights (including its Vice-President), senior practitioners from the Nordic legal community, academics, NGO leaders, immigration authorities, and international Civil Society figures. Half the programme was dedicated to presenting and debating HRJust research findings.

The Forum achieved something unprecedented in the project's network-building ambitions: through the participation of the President of the Constitutional Court of Taiwan (whose engagement was facilitated by the Taiwanese arm of the RoW network), it created a direct dialogue between two of the world's most significant human rights adjudicatory bodies — the European Court of Human Rights and the Taiwanese Constitutional Court. This trans-institutional encounter, made possible only through the cumulative trust and relationships built across multiple rings of the RoW process,

represents a new form of judicial-Civil Society knowledge exchange that extends far beyond the formal scope of any individual research project.

The Nordic Rule of Law Forum 2025 (December 2025) extended this model, premiering HRJust's documentary film 'Migrant Children: The Innocent Victims of Sweden's War Gangs' before an invited audience of 120 senior Nordic stakeholders and consolidating the Forum as a recurring cross-sector dissemination venue that has developed its own institutional identity independent of its HRJust origins.

The Strategic Litigation Roundtable

On 3 December 2024, Prof. Grahn-Farley convened a Strategic Litigation Roundtable bringing together senior lawyers from Centrum för Rättvisa, Civil Rights Defenders, BRIS, and other human rights legal organisations. Notably, this meeting bridged organisations that are sometimes perceived as occupying opposing positions on the political spectrum, united by their shared commitment to constitutional rights protection. The Roundtable explicitly addressed the practical use of HRJust research findings in litigation strategy, creating a knowledge-transfer pathway from academic theory to courtroom practice. It also identified concrete areas for joint litigation strategy, including challenges to the Stop-and-Search Safety Zones and to legislative provisions that deploy positive obligation language to justify migration restrictions.

The Cross-Sector Strategy Meeting on Legislative Expert Roles

On 22 May 2025, HRJust organised a cross-sector strategy meeting with national key stakeholders examining the role of expert opinion in contemporary Swedish legislative drafting. Participants included criminal law academics, migration law specialists from Civil Rights Defenders, the chief legal officer of Barnrättsbyrån (a child rights organisation), a managing partner from Fridh Advokatbyrå (a Swedish law firm whose specialisms include migration, criminal, social and family law), and the head of social policy from TCO (the Swedish Confederation of Professional Employees, representing 1.2 million members).

The meeting produced detailed documentation of the current constraints in the Swedish legislative process — specifically the compressing of consultation periods, the increasing tendency to ignore negative expert opinions, and the structural fragmentation of expertise that prevents coordinated Civil Society advocacy — which directly generated two future research topics: one examining the legislative council's role in ex-ante judicial review of human rights compliance (2024–2026), and one analyzing government responses to Civil Society consultation.

The Sweden–Taiwan Civil Society Bridge

One of the most innovative outcomes of the RoW methodology's international dimension is the systematic connection forged between Swedish and Taiwanese Civil Society

actors in November 2025. The legal director and deputy president of Civil Rights Defenders joined the HRJust team in Taiwan for a three-day intensive cross-sector engagement with Taiwanese CSOs and academic partners, generating findings about the structural similarities between the Swedish and Taiwanese experiences of HRJ-based governance — particularly in relation to the treatment of migrants and persons with a migrant background.¹ This comparative insight, not anticipated at the project's outset, has generated a new research hypothesis: that the treatment of migrant people may represent a new international fault line occurring not between States but within States, in structurally analogous ways across jurisdictions with otherwise very different legal traditions.

The Child Rights and Youth Alliance

HRJust's December 2025 Workshop specifically targeted child rights organisations and youth actors, bringing together BRIS (chief legal officer), the International Youth Think Tank, Street Solid (representing trauma-informed practices from the American juvenile justice system), Unga Örnar (children's organisation), Förebildarna (young people's organisation), and the Dean of the Faculty of Law at Stockholm University. This workshop connected the project's analytical framework with the specific vulnerability of children in HRJ-justified migration legislation, creating a new cross-sector alliance between legal academia, mainstream child rights NGOs, and youth-serving grassroots organisations.

Civil Society Engagement Toolkit Development

Parallel to the four core RoW workshops and across-sector alliance, the WP5 migration team led by Prof. Laura Carlson and researcher Paul Lappalainen conducted a sustained programme of Civil Society Engagement (CSE) meetings specifically focused on the intersection of migration law, human rights justifications, and practical Civil Society capacity with the goal of developing a CSE toolkit. This programme constitutes the RoW methodology within the project.

Stockholm Meeting 1 — October 2024

HRJust included the creation and implementation of an approach we called Systematic Ongoing Direct Civil Society Engagement (SODCSE). The first SODCSE meeting (28 October 2024, Stockholm Centre for Commercial Law) brought together thirteen Civil

¹ Fostering Dialogue Between Taiwanese and Swedish Civil Society: A Panel with John Stauffer, E-Ling Chiu, and Chao-Ju Chen, DOI: [10.5281/zenodo.19818825](https://doi.org/10.5281/zenodo.19818825); WP4 & 5 Project Highlight and Roundtable Illuminating Human Rights Justification: Cross-Border Perspectives and Dialogue on COVID-19 and Migration: DOI: [10.5281/zenodo.19819113](https://doi.org/10.5281/zenodo.19819113) Venue: College of Law, National Taiwan University, 7 Nov, 2025; Engaging the Next Generation of Human Rights Advocates: A Panel with John Stauffer and Yen-Tu Su. DOI: [10.5281/zenodo.19819301](https://doi.org/10.5281/zenodo.19819301) Speaker: John Stauffer, Civil Rights Defenders: Panellist Prof. Yen-Tu Su, Academia Sinica Venue: College of Law, National Taiwan University 10 Nov, 2025

Society organisations with expertise in migration, discrimination, children's rights, LGBTQI+ rights, disability rights, and access to justice. Participants included representatives from BRIS, Amnesty International Sweden, ICJ Sweden, SIOS (Sweden's confederation of ethnic organisations), RFSL (Sweden's LGBTQI+ federation), RFSL Ungdom (its youth wing), the Independent Living Institute, and lawyers Fridh Advokatbyrå. The meeting introduced the HRJ concept to a broader NGO audience, piloted a draft framework for the Human Rights Toolkit, and gathered systematic practitioner feedback on the conceptual clarity and practical usability of both the HRJ theory and the draft toolkit.

Key outcomes included: the identification of access to justice (specifically the 'loser pays' rule) as a structural barrier to challenging HRJ-based legislation through litigation; the recognition that dualist countries such as Sweden create a specific accountability gap at the ratification-incorporation interface of international human rights treaties; and the identification of the Stop-and-Search Safety Zones legislation as a prime case study of a law that is on the face of it neutral, but whose practical application targets migrant communities, with its HRJ framing requiring specific analytical attention in the toolkit.

Malmö Meeting 2 — November 2024

The Malmö meeting (20 November 2024, Malmö against Discrimination) extended the geographic reach of the SODCSE programme and incorporated distinctive expertise in strategic litigation and anti-discrimination law, with the participation of Malmö against Discrimination, the Raoul Wallenberg Institute of Human Rights, and Lund University's law clinic. The discussion foregrounded the underdevelopment of strategic litigation as an advocacy tool in the Swedish human rights CSO landscape, the potential of the UN complaint mechanism as an underused pressure point, and the importance of developing situation-testing methodologies as a means of generating evidence for HRJ-based discrimination claims.

A particularly significant outcome was the identification of a potential foundation for a coordinated all-party human rights CSO network, building on the Civil Society coalition that had previously secured the establishment of Sweden's NHRI. This network could serve as the institutional infrastructure for both the early alert system and a more unified advocacy posture vis-à-vis the Swedish legislature and European institutions.

Stockholm Meeting 3 — October 2025

By the third SODCSE meeting (21 October 2025), the Human Rights Toolkit had progressed to a second draft, and participants were able to engage in detailed review of specific toolkit provisions. The meeting noted that the ASR (Afrosvenskarnas riksförbund, NGO promoting equality and equal rights for Afro-Swedes) had already used an early draft of the toolkit in preparing a formal remiss response to the Swedish government, demonstrating the tool's practical utility. Participants discussed the

architecture of a coordinated early alert system and the conditions under which Swedish CSOs might develop a unified response mechanism for HRJ-laden legislative proposals. The meeting also deepened analysis of six specific legal tools available to Swedish CSOs for challenging HRJ-based legislation, including ECHR compensation claims, Convention-compliant interpretation, and interim measures to the European Court of Human Rights.

International Comparison of RoW: Taiwanese Context

Taiwan's participation in the HRJust Rings on Water process represents both a distinctive and geopolitically significant contribution to the project's methodology. Entering the process as a continuous and integral partner from the concept-building stage, Taiwan is the only non-European jurisdiction deeply embedded throughout the project. Its engagement has enriched the theoretical framework of Human Rights Justifications (HRJs) with empirical material drawn from a young democracy navigating simultaneous internal governance challenges and profound external geopolitical constraints.

Historical and Political Context

Understanding Taiwan's Civil Society requires situating it historically. Japanese colonial rule ended in 1945, followed by government by the Republic of China and the imposition of martial law — a period Taiwanese call the 'White Terror' — which lasted until 1987. Democratic elections followed in 1991. As one CSO participant observed during the November 2025 engagement, Taiwan has now had approximately one more year of democracy than dictatorship, making it a young democracy whose collective memory of repression still shapes how citizens relate to State authority and civil liberties. This historical consciousness — particularly acute in the older generation — gives Taiwanese Civil Society a pronounced sensitivity to State overreach, even when emergency powers are deployed by a democratically elected government with initially high approval.

Taiwan's geopolitical isolation creates a second distinctive condition. Not a member of the United Nations, not party to the 1951 Refugee Convention, and unable to accede to most international human rights treaties, Taiwan's Civil Society must invoke international human rights norms creatively and indirectly. Several CSO representatives emphasized during the November 2025 meetings that statements and emphasis by foreign actors such as the EU and Sweden on human rights issues provide a tool that Taiwanese organizations can leverage domestically. The presence of the Civil Rights Defenders delegation in Taiwan in November 2025 thus carried practical value well beyond academic exchange — it constituted a form of international solidarity that local advocates could cite in their domestic advocacy.

The First Taiwan Workshop: October 2024

The formal launch of direct Civil Society engagement in Taiwan took place on October 26, 2024, in Taipei, organized by the WP4 Taiwan team led by Shun-Ling Chen and Hui-Chieh Su. The workshop brought together a deliberately heterogeneous group, reflecting the Rings on Water principle of combining Civil Society practitioners with legal and academic actors from the outset. Participants included: NGO workers from the Taiwan Association for Human Rights (TAHR) focusing on privacy and digital rights; the Taiwan International Workers' Association (TIWA), focused on migrant workers; members of the Air Line Pilots Association (ALPA-T); medical staff from Taiwan's Centers for Disease Control (CDC); members of the Administrative Appeals Commission; a Supreme Administrative Court judge; and law professors.

TAHR presented its advocacy around digital surveillance during COVID-19, including multiple Freedom of Information Act requests concerning digital preventive measures and concerns about function creep — the gradual extension of pandemic surveillance infrastructure beyond its original purpose. TIWA documented how undocumented migrant workers were scapegoated as vectors of disease, subjected to GPS tracking through the government's 'digital fencing' mechanism, restricted from purchasing essentials, and confined in overcrowded living conditions while severely lacking access to multilingual information and resources such as masks and disinfectant.

The pilots' union recounted its litigation strategy: as pilots were continuously quarantined due to their border-crossing occupational requirements, ALPA-T organized collective habeas corpus petitions against quarantine notices — generating a body of case law that ultimately produced a judicial turning point.

A law professor argued that even without a formal emergency decree, the government's measures amounted functionally to an emergency status by bypassing procedural requirements through the mechanism of daily CECC press conferences. Much of how the CECC operated remained opaque to the public, raising persistent questions of accountability that structured the entire subsequent engagement process.

Three Focus Group Interviews: November–December 2024

Frontline health professionals (November 30, 2024). The first Focus Group gathered a former chief of a municipal public health center, an infectious disease physician, a former CDC staff member, and a medical college health officer. Their testimonies documented systemic governance failures. Strict COVID measures consistently failed to make accommodation for patients with special needs. For instance, surgeries were postponed even during periods of zero community transmission; pregnant women were subjected to cesarean sections regardless of medical necessity and separated from newborns immediately after delivery; and children who tested positive were isolated without parental accompaniment. The disorganized command system meant frontline workers learned of new policies simultaneously with the general public through televised

press conferences, with no preparation time to absorb new information or implement changes.

Police involvement in contact tracing transformed a public health activity grounded in trust and persuasion into something resembling criminal investigation — with police accessing CCTV footage, taxi records, and mobile venue check-in data, raising serious concerns about privacy, stigmatization, and the ambiguity of accountability when individuals sought legal remedies. The Focus Group concluded with a testimony of collective burnout: frontline workers who had committed to the daunting tasks of pandemic response were left with the sense that the benefits that their sacrifice had brought had not been adequately used by the government to prepare for the inevitable transition from zero-COVID to endemic coexistence.

Pilots (December 14, 2024). The second Focus Group, with participants recruited through the ALPA-T, produced a central analytical finding: the practice of *Flucht in das Privatrecht* — 'escape into private law' — whereby the government, rather than issuing legally binding administrative orders directly to pilots, pressured airlines to act as surrogate enforcement agents. This allowed the State to restrict individual freedoms while evading legal scrutiny and judicial oversight. When a pilot was dismissed for visiting a bar during a 'health self-monitoring' period, the airline rather than the State bore legal responsibility — a structural arrangement that made rights violations juridically invisible.

Pilots described an endless cycle of flight duty and quarantine. To minimize mandatory quarantine periods, airlines assigned pilots consecutive flights. Those who refused faced punitive arrangements including reduced flight time, lower pay, or falling below minimum qualification hours. Medical access was systematically restricted: until spring 2022, pilots were barred from hospitals for fourteen days upon return from duty. A pilot who fractured his leg while on duty was examined from a distance outside the hospital, given a cast and painkillers, with no X-ray or follow-up permitted until the quarantine period elapsed. Police surveillance extended to family members, as quarantine lists were linked to vehicle registration databases. Every participant in the Focus Group stated that if another pandemic occurred, they would choose to retire or resign rather than undergo the same experience.

People who underwent quarantine (December 28, 2024). The third Focus Group documented the lived experience of quarantine across both phases of Taiwan's pandemic response: the zero-COVID period (January 2020 to April 2022) and the live-with-COVID period (May 2022 to April 2023). Between January 2020 and June 2021, individuals testing positive were isolated in hospital for three to four weeks or more, requiring at least two consecutive negative tests for discharge. All inbound travelers faced a mandatory fourteen-day quarantine, enforced through 'digital fencing' — a cell-tower-based location tracking mechanism — and heavy fines ranging from NTD 200,000 to 1,000,000 (approximately USD 6,150 to 30,700).

Participants documented the government's failure to address COVID-related stigma: CECC daily press conferences routinely reported confirmed cases in ways that strengthened the association between cross-border movement and disease, fueling discrimination against those who had been infected. One participant took a year off from school and had an employment start date postponed by an employer who learned of her past infection. The absence of provisions for minors and pregnant women generated particularly distressing testimonies: a minor sent unaccompanied by quarantine taxi for testing; a woman who gave birth alone and was separated from her newborn for a month while her husband was quarantined in a separate facility.

A striking finding concerned residual surveillance: the digital fencing system was phased out in July 2022, but the government did not announce this publicly until May 2024 — effectively maintaining a panopticon of psychological pressure on quarantined individuals for nearly two years after the technical mechanism had ceased operating. Whether this delay was deliberate or an administrative oversight remains unclear but constitutes a significant accountability concern. The ambiguity of authority — quarantine notices issued by municipal staff, police, and even fire department personnel — made it practically impossible for many individuals to identify which body had issued the disposition against them, obstructing access to legal remedy.

The March 2025 Workshop and Broader Engagement

The March 22, 2025, Workshop in Taipei expanded the Civil Society engagement to a broader academic and CSO audience, incorporating the accumulated evidence from the three Focus Groups and engaging legal scholars in constitutional and administrative law — including experts who had participated in the legislative process and judicial review. The Workshop generated structured feedback on the draft findings and the HRJust theoretical framework, contributing to the refining of the 'patchwork governance' concept as applied to Taiwan's COVID-19 response.

The November 2025 Taiwan Visit: Civil Society Engagement at Scale

The November 4–8 2025 visit to Taipei marked the culminating formal engagement of the project period, bringing together the Swedish HRJust research team, the Civil Rights Defenders delegation, and a network of Taiwanese Civil Society organizations. Civil Society contacts included Wang Ying-Da (Secretary General, Serve the People Association), Kuan-Ju Chou (Director, Taiwan Association for Human Rights), Yen-Rong Lai (Refugee Rights Campaigner, TAHR), and Xin-Yi Liao (Migration and Asylum Policy Researcher, TAHR).

The discussions situated the COVID-19 governance findings within the broader landscape of rights deficits in Taiwan. Over 700,000 documented migrant workers — primarily from the Philippines, Vietnam, and Indonesia — work under conditions facilitated by debt bondage through recruitment agencies. The approximately 250,000

domestic workers are entirely excluded from the Labor Standards Act, with no entitlement to reasonable limitation of working hours and wages controlled by employers and agencies. Foreign crew members on Taiwanese fishing vessels operate without effective legal protection. Taiwan's political status prevents it from acceding to the 1951 Refugee Convention; without asylum legislation, individuals fleeing persecution in Myanmar, Hong Kong, or elsewhere have no legal basis for protection and are entirely dependent on government discretion.

A prevalent institutional attitude — documented by multiple CSO representatives — holds that migrant workers should be grateful for the opportunity to work in Taiwan and should not assert rights. During the visit of Paul Lappalainen (WP5 member, Stockholm University), Wang Ying-Da organized a protest at the Taiwan Ministry of Labour concerning the exploitation of factory workers by a major medical device manufacturer, with demands including cessation of union-busting, guaranteed contract renewal, and elimination of unpaid 'labor service' cleaning duties imposed as disciplinary punishment.

These discussions produced a cross-national comparative finding that directly enriched HRJust's theoretical framework: despite radically different legal architectures and historical contexts, the commonalities in how Human Rights Justifications operate against persons with migrant backgrounds in Taiwan and Sweden are striking. This convergence led HRJust to formulate the hypothesis that what is at stake may not be 'migration' as a policy category, but the treatment of people with migrant backgrounds as a new international fault line — one that operates not between States but within States, yet in structurally similar patterns across States.

Taiwan and the Nordic Rule of Law Forum: Judicial Diplomacy through Civil Society

The Taiwan team's participation in the Rings on Water process produced one of the most institutionally significant outcomes of the entire HRJust project: the convening, at the Nordic Rule of Law Forum 2024, of a direct dialogue between the Vice-President of the European Court of Human Rights and the President of the Taiwanese Constitutional Court. The Taiwan team's prior engagement within the Rings on Water framework created the trust, network, and legitimacy for this encounter. Given Taiwan's systematic exclusion from the international human rights treaty system, the creation of this direct judicial connection through an academic-Civil Society methodology carries significance that transcends academic output.

EEAS (European External Action Service) meetings held in Taipei in both 2024 and 2025 linked the HRJust Taiwan engagement to European diplomatic networks. The connection established between the Swedish Ambassador in Taiwan and the HRJust Taiwan team further demonstrates the political dimension of Rings on Water: when academic-Civil Society engagement is sustained and deliberately expanded, it can produce new

diplomatic and institutional contacts that governments themselves might struggle to create through official channels. For Taiwanese Civil Society, these international connections are not merely networking but a form of structural protection in a geopolitically precarious environment.

Comparative Insights: Taiwan and Sweden — Methodological Implications for Rings on Water

The Civil Society Engagement processes conducted in Sweden and Taiwan across 2023–2025 offer a productive basis for methodological reflection on the Rings on Water approach. While structurally parallel — both countries conducted stakeholder workshops, CSO consultations, and knowledge co-production activities within the same theoretical framework — the two processes operated under fundamentally different conditions. A systematic comparison illuminates both the universality of the methodology and the contextual adaptations it requires.

Democratic Condition as Methodological Entry Point

The Swedish and Taiwanese engagements were each shaped by a crisis in democratic governance, but of opposite types. In Sweden, the crisis was one of democratic regression in a mature liberal democracy: government ministries began systematically ignoring CSO consultation responses (remisses); funding to Civil Society organizations was cut; the pace and fragmentation of legislative proposals deliberately outpaced the capacity of CSOs and even public agencies to respond adequately. The Swedish NHRI, children's ombudsman, and leading human rights NGOs found themselves unable to exercise their traditional watchdog role effectively. The Rings on Water methodology emerged in this context as a form of institutional resilience — maintaining channels of democratic participation that the State was closing down.

In Taiwan, the crisis was structurally different: a young democracy in which the institutional architecture of participation was still being consolidated, and in which emergency powers during COVID had exposed the fragility of procedural protections. The Constitutional Court was non-functional for approximately eighteen months during the project period. The CECC routinely bypassed formal regulatory processes by announcing legally consequential policies through daily press conferences. Taiwanese Civil Society was not responding to regression from a consolidated standard but was engaged in a longer-term project of building and entrenching standards not yet fully institutionalized. This distinction is critical: in Sweden, Rings on Water functioned as resilience within a retreating democracy; in Taiwan, it functioned as institution-building within an emerging one.

Future implementations of the Rings on Water methodology should therefore begin with an explicit assessment of the democratic condition of the target context. This assessment determines the appropriate configuration of stakeholders (legal

professionals versus broad-based community actors), the weight given to formal versus informal engagement channels, the realistic timescale for impact, and the type of outputs the process can feasibly produce. A methodology designed for institutional resilience must be reconfigured when the task is institution-building, and vice versa.

The Amplifying Effect of Geopolitical Constraint

Perhaps the most significant methodological insight from the Taiwan engagement concerns the role of geopolitical isolation. Taiwan's exclusion from the international treaty system, while a severe constraint on formal Civil Society advocacy, simultaneously amplifies the value of transnational Civil Society connections produced through the Rings on Water process. Taiwanese CSO representatives consistently articulated that the endorsement and engagement of foreign actors — the EU, Sweden, Civil Rights Defenders — provided practical tools for domestic advocacy in a political environment where authorities are sensitive to international reputation.

This observation yields a methodological proposition: in contexts of geopolitical constraint or international isolation, the outward expansion of the Rings on Water methodology — from local to national to international engagement — is not merely a scaling-up of reach, but a qualitative shift in the nature of Civil Society empowerment itself. The international ring carries different and heavier weight in Taiwan than in Sweden, where it reinforces an already robust domestic Civil Society infrastructure. The bridging of judicial bodies — the dialogue between the ECtHR and the Taiwanese Constitutional Court at the Nordic Rule of Law Forum 2024 — illustrates this most dramatically. No purely domestic process could have created this encounter. The methodology's capacity to cross national and geopolitical boundaries enabled an institutional connection that transcended the normal constraints of diplomatic recognition.

Convergent Findings and Cross-National Knowledge Production

A third insight concerns the co-production of comparative knowledge. Both the Swedish and Taiwanese Civil Society engagements independently converged on the treatment of persons with migrant backgrounds as a persistent site of HRJ deployment. In Sweden, this took the form of legislative changes — from permanent to temporary residence status, justified through HRJs invoking public order and social cohesion. In Taiwan, it took the form of structural exclusions: domestic workers outside labor protections, migrant workers in debt bondage, no asylum framework, and COVID policies that scapegoated migrants as disease vectors.

Neither national engagement alone could have generated this comparative finding. The convergence became visible only because the Rings on Water methodology sustained dialogue between the two countries' teams, enabling the Swedish WP5 researchers to bring their observations to bear on the Taiwanese materials during the November 2025 visit. The result — a hypothesis about the cross-national patterning of migrant

mistreatment as a domestic fault line — is precisely the type of knowledge that the methodology was designed to produce, namely, findings that no single stakeholder could generate alone, arising specifically from sustained, iterative, cross-boundary engagement.

Breadth of Civil Society Participation

A final comparative insight concerns the composition of civil society in the two contexts. The Swedish engagement was dominated by legally trained actors — lawyers, NGO legal officers, law clinic academics, anti-discrimination bureau professionals — reflecting the legalistic orientation of Swedish civic advocacy and the project's focus on legislative processes. In Taiwan, Civil Society encompassed a much broader range of actors: labor unions (pilots, migrant workers), medical professionals, digital rights advocates, and protest movements, alongside NGOs specializing in legal issues. The methodology must remain attentive to this diversity. In some contexts, the most effective Civil Society actors operate primarily through legal channels; in others, they are labor organizers, public health professionals, or community advocates.

The Taiwan engagement demonstrated that deliberately broadening the definition of Civil Society beyond the organizational and legal registers — recruiting pilots, healthcare workers, and quarantined individuals as co-participants in knowledge production rather than merely research subjects — produces richer, more socially grounded findings. Future implementations of Rings on Water should explicitly map informal and professional communities most directly affected by the rights issues under study, alongside formal Civil Society organizations, when constituting the first ring of engagement.

Limitations and Challenges

Structural and Methodological Challenges

The RoW methodology's dependence on continuity of involvement from a core group of participants creates a structural vulnerability: if any key actor withdraws due to institutional change, fatigue, or other reasons, the relational infrastructure that enables progressive ring expansion may be compromised. In the Swedish context, this risk is mitigated by the relative density of the human rights NGO ecosystem and the pre-existing familiarity among key actors. In contexts where Civil Society is less institutionally developed, or where key stakeholders are subject to higher levels of political pressure or personal risk, this dependence on individual continuity may be a more serious constraint on replication.

The methodology also carries a risk of echo-chamber formation in early rings, particularly when the initial stakeholder selection is dominated by well-established institutional actors. The deliberate inclusion of youth organisations, grassroots activists, and

international participants in later rings partially addresses this risk, but the lag between early conceptual development and later inclusion of marginalized voices means that the theoretical framework may be partially shaped before the most affected communities have had the opportunity to contribute.

This risk should not be read as an incidental imperfection of the methodology's implementation, to be corrected through goodwill and better stakeholder lists in future iterations. The theoretical apparatus developed in D 7.5-B allows it to be diagnosed more precisely: the risk is a predictable consequence of what D 7.5-B calls the *hierarchy of vulnerability*. Any framework that aggregates perspectives — and the iterative widening of rings is such a framework — implicitly ranks the positions it aggregates: it decides, by the sequence in which voices enter and by the vocabulary that enters with the earliest voices, which formulations will become the project's working language and which will be heard as supplementary or corrective commentary upon that language. Elite capture in early rings is therefore not a contingent failure of stakeholder recruitment but a structural property of any engagement design in which some participants enter before others.

The methodological response that follows from this diagnosis is not to abandon the staged design — the sequence is what allows conceptual continuity and progressive trust-building — but to build into the design a procedure for detecting, at the close of each ring, the specific ways in which the ranking has operated. The practical form of such a procedure is a short reflective debrief at the end of each ring, in which the research team asks three specific questions. First, which voices became quieter, or dropped out, between this ring and the previous one, and does the pattern of attrition correlate with any identifiable social position? Second, which of the analytical categories that the team used in recording and reporting this ring came from the participants themselves, and which came from the vocabulary set in earlier rings? Third, if the same constellation of stakeholders had been assembled in the opposite order — marginalized voices first, institutional authority last — would the project's working framing now look materially different?

Answers to these three questions are not themselves the corrective; they are the input to the corrective. Where the debrief identifies a specific silence, the subsequent ring should be designed to address it — not merely by adding participants in the affected position, but by adjusting the vocabulary in which the ring is convened so that the newly present voices do not enter a conversation whose terms have already been fixed without them. This is the practical content of the principle of corrective iteration introduced in section 2.3, and it is the specific procedural form through which the methodology answers the hierarchy-of-vulnerability critique rather than merely acknowledging it.

Logistical and Resource Constraints

The RoW model as implemented in HRJust is resource intensive. Four major workshops plus numerous supplementary meetings, a Nordic conference, parliamentary

consultations, international travel to Taiwan and Norway, and ongoing management of a Civil Society Alert Network all require significant investment of time, personnel, and institutional support. The methodology's requirement that CSO participants attend multiple workshops over an extended period also places demands on organisations that are often under-resourced and operating under political and financial pressure. The compression of State funding for Swedish human rights NGOs — a theme raised in all three SODCSE meetings — means that CSO participation in extended research engagement processes is itself a resource allocation decision that competes with organizations' core operational priorities.

It is important to note that the resource intensity is not limited to the Civil Society Engagement side: the methodology also requires that the research design itself build in flexibility and dedicated academic capacity to respond to practitioner feedback. In HRJust, this was provided by the allocation of a post-doctoral researcher (Dr. Maria Nääv) specifically tasked with translating RoW workshop insights into academic outputs, and by the flexibility of the project design to incorporate a doctoral student whose work directly addressed themes emerging from the engagement process.

Sustaining Momentum and Measuring Impact

The challenge of sustaining the momentum generated by the RoW process beyond the formal project period is perhaps the most significant structural challenge facing the methodology. HRJust has generated a network of relationships, a set of institutional alliances, a documentary film, a toolkit, an alert system, and a recurring forum — but the project funding that enabled these outputs will end. The risk is not merely that the network dissipates, but that Civil Society actors who have come to rely on HRJust as a bridging institution between academia and activism will find themselves without the analytical and relational infrastructure that the project provided.

Measuring the impact of the RoW process is also intrinsically difficult. Standard bibliometric indicators capture only a fraction of the process's impact: the relationship between a doctoral student's book chapter and a BRIS legal director's changed advocacy strategy is real but not easily quantifiable. The project has sought to address this by tracking concrete policy and institutional outputs — the Norway advisory role, the EEAS dialogue, the Riksdag consultation, the Strategic Litigation Roundtable outputs — but a comprehensive impact assessment would require multi-year longitudinal tracking extending well beyond the project's formal timeline.

Coordinated and Responsible Exit Strategy

There is another crucial challenge that HRJust face when deploying the Rings on Water Methodology. It has to do with the fact that the project will end and that it has become a key factor in Swedish Civil Society, oftentimes functioning as the key facilitating bridge across academic and Civil Society actors dealing with human rights issues. This is in one

way a clear sign of the success of the Rings on Water methodology, but it also highlights the risk in using this methodology. This requires a clear exit strategy that is put in place at the beginning of the project, and that the expansion through the rings is done bearing the well-developed exit strategy in mind. The importance of this focus on the concept and the importance of already having a planned and coordinated exit strategy in place at the outset is already acknowledged within international aid development.² In HRJust, when the Coordinator designed the Civil Society Engagement in the Grant Proposal, she had not anticipated that the Civil Society Engagement would become part of a Swedish national institution bridging Academia and Civil Society. It is now clear that when engaging in serious academic and Civil Society Engagement, a robust exit strategy must be included into the design, in similar ways as one would design an exit strategy before even starting a new developing aid program in another country. Future research should be clear about how to adjust the International Aid models for exit strategies to domestic Grant Funded Academic-Civil Society engagements.

Limitations and Challenges under the Comparative Context

HRJust's Rings on Water model is a staged, workshop-driven approach to Civil Society Engagement that has demonstrated remarkable capacity for scaling, cross-border knowledge production, and institutional alliance-building. The incorporation of the Taiwan Civil Society Engagement across 2023–2025 has, however, brought to the surface additional structural, political, and methodological limitations beyond those identified in the initial Swedish context. These revised limitations reflect the full comparative scope of the project.

A foundational limitation concerns the assumption of a broadly common democratic context across engagement sites. The Rings on Water methodology was developed in Sweden and is shaped by the particular conditions of a mature liberal democracy experiencing democratic backsliding. Transferring it to Taiwan — a young democracy with a recent history of authoritarian governance, a non-functioning Constitutional Court during part of the project period, and systematic exclusion from international legal institutions — required significant methodological adaptation that was not fully anticipated in the original design. Future implementations of the methodology must build in an explicit contextual assessment phase to calibrate engagement design to the specific democratic condition of each target context.

The core structural challenge — maintaining continuity amid expansion — was confirmed across both national contexts. In Sweden and Taiwan alike, the methodology

² See for example: de Groot, Albert, CK Ramachandran, Anneke Slob, Anja Willemsen, and Alf Morten Jerve. 2008. *Managing Aid Exit and Transformation: India Country Case Study*. Joint Donor Evaluation. Stockholm: Swedish International Development Cooperation Agency (Sida), the Netherlands Ministry of Foreign Affairs, Danida, and Norad. <https://www.oecd.org/content/dam/oecd/en/toolkits/derec/evaluation-reports/derec/sweden/42207892.pdf>

depends on a core group of engaged stakeholders remaining present across multiple rings. Where key participants move on, institutional memory suffers. In Taiwan, the geopolitical conditions introduced an additional vulnerability: the Constitutional Court's non-functionality for eighteen months removed an important institutional counterpart from the engagement precisely when the project's findings were most relevant to constitutional adjudication.

The breadth of Civil Society in the two contexts also revealed a methodological tension between depth and representativeness. Early rings in both Sweden and Taiwan were populated primarily by organizationally established actors — NGO leaders, lawyers, and academics — while the most affected communities (pilots, healthcare workers, quarantined individuals, migrant workers) required deliberate outreach to be included. This is one of the methodology's largest structural challenges, and Taiwan demonstrated both its possibility and its resource cost: recruiting Focus Group participants from ALPA-T, CDC, and quarantine populations required sustained relationship-building that is not costless.

The resource-intensiveness of the Rings on Water model is amplified considerably in cross-national implementations. The Taiwan engagement involved travel between Sweden, Taiwan, and multiple European locations; coordination across different legal and political systems; and the organizational complexity of a visit that combined academic workshops, Civil Society meetings, diplomatic receptions, and public protests. While this breadth is precisely what produced the methodology's most distinctive comparative findings, it cannot be sustained without substantial project funding. Projects with more limited resources will need to adopt more selective international expansion strategies.

A limitation specific to cross-national Rings on Water implementation is the challenge of sustaining momentum across geopolitical distance and institutional asymmetry. The Taiwan engagement was substantially more intensive in the second half of the project than in the first. The network built — between Taiwanese CSOs, HRJust researchers, Civil Rights Defenders, and European judicial bodies — is vulnerable to fragmentation once the project's funding and organizational infrastructure dissolves. Given that for Taiwanese Civil Society, international engagement carries protective as well as epistemic value, the withdrawal of an engaged international partner is not merely a loss of network resource but may meaningfully affect the operational capacity of participating organizations.

Conclusions and Replication Guidance

The Rings on the Water methodology satisfies the Horizon Europe requirement for an empirically developed new methodology through two forms of evidence. First, the

methodology itself was iteratively developed in response to practical experience: its design evolved across the four Workshop stages in response to what worked, what was insufficient, and what needed to be redesigned. Second, the research outputs produced through the methodology are empirically grounded in practitioner co-production, ensuring that theoretical claims are anchored in real-world professional knowledge rather than abstract conceptualization.

The methodology is further validated by the breadth of its institutional uptake: the fact that it generated an advisory mandate from the Norwegian Ministry of Justice, produced a dialogue between the European Court of Human Rights and the Taiwanese Constitutional Court, and Swedish NGOs demonstrates a quality of impact that is qualitatively different from conventional academic dissemination and constitutes evidence of reinvigorating genuine democratic participation at multiple levels of governance.

The Rings on the Water methodology acquires its broader significance from the political context in which it was developed. It is not merely a procedural innovation in academic engagement design; it is a substantive response to a specific democratic challenge: the withdrawal of liberal democratic states from their traditional roles as active partners in deliberative, rights-oriented Civil Society engagement. When formal consultation mechanisms are compressed, when Civil Society funding is withdrawn, and when human rights language is appropriated by the state to justify its own restrictions on rights, the conventional pathways through which civil society engages with the research-policy interface are systematically blocked.

In Sweden, Rings on Water operated as a form of democratic resilience: maintaining the channels of participatory knowledge production that a retreating liberal democracy was progressively closing down. In Taiwan, it operated as a form of democratic institution-building: co-creating norms, networks, and visibility for a young democracy whose procedural protections had been strained by emergency governance. The two contexts are not simply different implementations of the same methodology; they represent different theoretical challenges that the methodology must be designed to meet. The most important lesson is that Rings on Water cannot be deployed as a universal template — it requires contextual calibration to the specific democratic and geopolitical conditions of each engagement site.

The Taiwan experience has produced several theoretical contributions that exceed what the Swedish engagement alone could yield. The analysis of 'Flucht in das Privatrecht' — the State's use of private actors to enforce pandemic restrictions, evading judicial scrutiny — enriches the HRJust framework's account of how Human Rights Justifications operate below the formal legal threshold. The documentation of residual digital surveillance — maintaining a panopticon of psychological control after the technical mechanism has been dismantled — extends the analysis of HRJs into the domain of

opacity and deferred accountability. And the convergent finding about the cross-national patterning of migrant mistreatment as a domestic fault line suggests that HRJust's core theoretical claim — about the global character of HRJ deployment within national systems — is supported by comparative empirical evidence from two markedly different legal and political contexts.

Perhaps the most significant finding to emerge from the full comparative arc of the project is about the relationship between Civil Society Engagement methodology and geopolitical constraint. When Civil Society operates under conditions of international isolation — as in Taiwan — the outward expansion of academic-Civil Society Engagement networks carries a qualitatively different significance than it does in more internationally integrated contexts. The dialogue between the European Court of Human Rights and the Taiwanese Constitutional Court, made possible through the Rings on Water process, was not a minor networking achievement: it was a form of judicial diplomacy conducted through Civil Society methodology, creating institutional connections that formal diplomatic channels could not produce. This finding suggests that Rings on Water, when implemented across geopolitical boundaries, can function not only as a knowledge production methodology but as a form of soft power for democratic values — a capacity that carries particular importance in an era of democratic regression.

A final clarification concerns how the outputs of the Rings on Water process should be described. The methodology generates, through its successive rings, a substantial body of co-produced analysis, a set of institutional alliances, and a sustained dialogue between academic researchers and Civil Society actors across two jurisdictions. It is tempting, in describing these outputs, to present them as *the* Civil Society view of the Swedish and Taiwanese HRJ contexts, or as *the* account of State human-rights practice that emerges from sustained engagement with those who are affected by it. Both descriptions would overstate what the methodology can warrant.

What the Rings on Water methodology in fact generates is the view that this particular ring configuration, convened under these particular geopolitical and institutional conditions, made audible. The Swedish ring configuration could begin with an NHRI, a Supreme Court Justice, and a well-developed Civil Society infrastructure of specialized human-rights NGOs; the Taiwanese ring configuration could not, because Taiwan's exclusion from the United Nations treaty system and from most international human-rights architecture removes several of the ring positions that the Swedish configuration could assume. Asymmetries of this kind are not imperfections to be corrected before reporting findings; they are constituent of what findings the methodology was positioned to generate. A methodologically honest account of the Rings on Water outputs must therefore specify, alongside the substantive findings, the conditions under which those findings became audible, and must mark clearly the boundary between what the methodology can claim to have heard and what would require a differently configured

engagement to hear. This is not a weakening of the methodology’s claim to co-production; it is the condition under which that claim can responsibly be made.

The project ends not with a conclusion but with a set of ongoing commitments and open questions. The networks built — between Taiwanese and Swedish Civil Society, between European and Asian judicial bodies, between academic researchers and migrant workers, pilots, and healthcare professionals — are fragile in proportion to their significance. Sustaining them requires the kind of planned, coordinated exit strategy that international development programs have long recognized as essential, and that academic-Civil Society Engagements have not yet systematically developed. The contribution of Rings on Water to the methodology of democratic participation will ultimately be measured not by what the project produced during its funded life, but by what the networks it created continue to do once the formal project has ended.

Replication Guidance

Practitioners and researchers seeking to apply the RoW methodology in other contexts should adhere to the following sequence of design principles derived from the HRJust experience:

- Map the stakeholder ecosystem before convening the first ring, identifying actors who combine substantive expertise with positional authority to transform co-produced knowledge into action.
- Convene the first ring around a tightly focused conceptual problem that is genuinely contested and in need of practical clarification — not a research topic that researchers have already resolved and are seeking to disseminate.
- Build in explicit feedback loops between each ring: document insights from each engagement, circulate them to participants, and design the subsequent ring around the gaps and tensions that the previous engagement revealed.
- Allocate dedicated academic capacity to translate ring outputs into scholarly outputs, so that the engagement process generates durable knowledge products and not only network relationships.
- Treat network formation as a primary output: dedicate time in each workshop to joint planning, relationship formalization, and identification of continuing collaboration opportunities.
- Design an exit strategy before the first ring convenes: identify from the outset which network functions are intended to become self-sustaining and engage key CSO partners in succession planning throughout the project.
- Ensure that the research design includes sufficient flexibility and resources to respond to practitioner feedback, including the possibility that stakeholder insights will require fundamental reorientation of the research agenda.

- Attend to the political context in which the methodology operates: the RoW model is specifically designed for contexts in which the liberal democratic state has retracted from its deliberative partnership with Civil Society and should not be understood as a supplement to existing consultation mechanisms but as an alternative infrastructure where those mechanisms are failing.

7.5 B: A Complex Intersectional Critique of Human Rights Justifications in Taiwan, Finland, and Sweden

Introduction

This Deliverable aims to analyze empirical data from all of the thematic Work Packages using an interdisciplinary approach that extends beyond their respective legal frameworks, as recommended by the Reviewer. Written from a socio-anthropological perspective, this document contributes to the production of knowledge about human rights not only within the discipline of law but also across the social sciences and humanities. Specifically, it addresses the individual’s daily encounters with institutional violence in the name of human rights, particularly concerning vulnerable groups such as migrants and children.

Utilizing the framework of “complex intersectionality,” this report demonstrates how the lived experiences of certain marginalized groups are rendered harsher than others due to their social identities. It creates a bridge between Deliverable 3.2, which focuses on the theoretical and epistemological discussions of human rights conflicts, and the empirical work completed by Work Packages 3 and 7.

Deliverable 7.5 B is structured in four sections:

1. Introduction to complex intersectionality as the foundational analytical framework
2. Data analysis of empirical cases drawn from various Work Package reports, including Civil Society Engagement, Migration, Covid and Climate Change across Taiwan, Finland, and Sweden, examined through the lens of complex intersectionality
3. An evaluation of the intersectionality framework, discussing its strengths and shortcomings, and

4. An assessment of vulnerability theory as a complementary approach to intersectionality.

Complex Intersectionality as the Foundational Analytical Framework

The term “intersectionality” was coined by legal scholar Kimberlé Crenshaw. It is a framework to understand how an individual’s living experiences are shaped by different aspects of their identities (Crenshaw, 2013). It emphasizes that different aspects of identity are not isolated from but always intertwine with each other. For example, gender and race would combine together to determine how an individual is treated in society. Black women’s experiences in the judicial system exemplify how their sex and skin color generate the prejudices in the court that white men would never experience.

The legal theoretical framework of intersectionality is precise, rooted in case law and established legal theories evolving from the seminal 1954 Supreme Court decision, *Brown v. Board of Education*, which dismantled racial segregation in the United States. This ruling catalyzed the development of Civil Rights jurisprudence, which subsequently matured into Critical Race Theory (CRT) before converging with Critical Legal Feminism in the 1990s.

There are two approaches to intersectionality in its initial development in academic writing. The first is a socio-legal approach, which offers an external critique by examining how legal frameworks do not merely regulate, but actively construct identities through the convergence of gender, ethnicity, sexuality, and class. This approach is well elaborated by Angela Harris (1990), who challenges "gender essentialism" by arguing that the law often masks the diverse experiences of women of color under a monolithic category. According to her, gender essentialism mistakenly posits that all women share the same experience universally, which is often translated as being the experience of middle-class white women, ignoring differences among women due to their different status, such as class, race, and sexuality. Drawing on the sociologist W.E.B. Du Bois’s foundational theory of "double consciousness (1903),"³ she proposes the concept of

³ Double consciousness describes the inner tension experienced by people who belong to a marginalized group. Taking American Black people for example, living in American white society, they will see themselves both through their own eyes and the eyes of white people, and measure their worth by racist standards. This double

"multiple consciousness" to describe multiple oppression of women of color. In other words, a Black women's suffering does not simply come from her gender or skin color, but from both at the same time.

The second approach to intersectionality focusing on litigation strategies is developed by Kimberlé Crenshaw (1989, 1991). She first introduces the term "intersectionality" in her 1989 article "Demarginalizing the Intersection of Race and Sex," in which she adopts a legal pragmatist approach to American antidiscrimination law, showing how Black women are "invisible" when courts treat race and sex as separate categories. She therefore urges to look at how race intersects with sex to create Black women's vulnerabilities in society. In *Mapping the Margins* (1991), she shifts her focus to discuss violence against women of color, criticizing the feminist politics of identity that overlook the specific living experiences of women of color situated at the intersection of race, class, and gender. In other words, feminist advocacy for women's solidarity should not be achieved at the expense of rights to life and dignity of women of color.

Harris' multiple consciousness provides a philosophical foundation to approach Crenshaw's intersectionality. Both of them urge the importance of seeing women's multiple identities when investigating women's vulnerabilities in their living worlds. While Harris challenges essentialism in feminist and legal theory, Crenshaw offers a concrete analytical tool to map out the specific ways multiple systems converge in women's lives. However, Crenshaw's intersectionality does not function as effectively as expected in protecting marginalized groups with intersecting identities in the court system. It invites criticism for the binary categorization of identity, such as black/white, men/women, or old/young, as identity cannot always be reduced to such rigid binaries, as seen in the case of transgender identity. Furthermore, identity categories cannot be predefined a priori; rather, they are socially constructed and contingent upon an individual's lived experiences as well as their socio-economic status. Jessica Clarke (2011) contends that Crenshaw's competing binaries of identities would exclude individuals whose identities defy the binary frameworks and thereby risks the essentialization of identity as fixed and

consciousness therefore produces a sense of "two-ness," being both an American and Black, two identities conflicting with each other within oneself.

static. To rectify this binary bias, Clarke advocates for a non-binary framework of intersectionality that embraces diversity and fluidity of identity.

In short, intersectionality helps us see how different combinations of one's identities would result in an individual's different experiences of privilege or oppression, receiving benefits or harms. Through the lens of intersectionality, it is expected that the vulnerabilities of the most marginalized groups of people in society, such as women of color, those in a sexual minority, elderly people or immigrants can be identified when addressing social justices.

In this document, we adopt intersectionality with a non-binary framework and expand it into other social contexts beyond its original American legal context. More specifically, "complex intersectionality," a further developed framework of intersectionality designed by Maria Grahn-Farley (2024) (WP2), will be adopted to examine empirical cases where human rights and social justice are involved. According to Grahn-Farley, complex intersectionality is a theoretical framework used to explore conflicts and coexistence among three different methods of identity construction through which a person's subjectivity is defined: legally constructed identities, socially constructed identities, and universal biological vulnerabilities.

The first category, legally constructed identities, refers to an individual's legal status defined by law. For example, the identity of the child is defined by an age limit. In the second category, socially constructed identities are identities that are shaped by social hierarchies, subjugation, and prejudice, for example, race and class. Last, drawing from Martha Fineman (2018), the third category of universal biological vulnerability refers to human beings' physical fragility, such as infants and the elderly, who require institutional support. Complex intersectionality occurs when these three frameworks collide. For example, when the law relies purely on a legal identity (age) or a biological vulnerability (the fragility of a child's body) and turns a blind eye to the social forces of racism and sexism that uniquely subjugate specific individuals and therefore forms a case of human rights justification that this project aims to critique. Following Grahn-Farley, this report is expected to enrich the discussion on the theoretical dilemma of managing "competing universal constructions" through providing more empirical cases.

Intersectionality Critiques of Human Rights Justifications

Human Rights Justifications (HRJs) represent a complex paradigm shift of the State's governance (Grahn-Farley, 2025b). Human rights were created to be used as a shield for individuals to fight against the State's intrusion. However, a new trend shows that human rights have been invoked by the State to justify its intervention and restriction on individuals' liberty in the name of protecting life and health. The following section will show how intersectionality as a framework can be utilized to identify the limitations of and critique Human Rights Justifications.

Civil Social Engagement during the Pandemic

The cases studies in Sweden, Finland and Taiwan show that HRJs were utilized during the COVID-19 pandemic to intervene in individuals' lives and restrict their liberties. Specifically, in Taiwan, the State's intervention was characterized by a "protectionist" approach that prioritized collective biosecurity over individual privacy and political rights. The government deployed sophisticated technological surveillance, such as the "Digital Fence" system using telecommunication data, which the State justified as a necessary measure to protect the right to life of the general public. However, this HRJ led to a de-facto deprivation of the right to vote for those under mandatory quarantine, as the Central Election Committee prioritized public health over the constitutional right to political participation. Furthermore, during this period, Taiwanese courts exhibited a narrowed interpretation of Habeas Corpus, where judges frequently rejected cases based on mere formal compliance with quarantine decisions rather than performing a substantial proportionality review (Chen et.al, 2025).

In contrast, Sweden's intervention relied on "voluntary recommendations" and the expansion of executive power. This approach has been characterized as "liberal", and "laissez-faire" compared to the stricter strategies of other European States. While seemingly less restrictive, this approach shifted the burden of protection onto individuals, disproportionately impacting those in vulnerable socio-economic positions. For instance, the Swedish Public Health Authority's power expanded significantly

without robust judicial oversight, leading to what is described as "Silent Administration." Within this framework, civil servants often faced political pressure to remain silent about the potential human rights infringements of policies, effectively neutralizing internal checks and balances.⁴ Finland's pandemic response balanced government emergency powers with parliamentary constitutional review by utilizing a mix of hard and soft law measures. It utilized legality to invoke emergency powers to restrict movement. Yet, this formalist adherence to law often masked indirect discrimination against the elderly and persons with disabilities, as the legal review focused on procedural validity rather than intersectional impact.

The enforcement of laws and policies, regardless of whether they were a more open or a stricter measure, inevitably risks infringing an individual's rights in various ways. Taking schooling during the pandemic for example, we see how the State utilized a human right discourse to justify its policy. In Taiwan, the policy was packaged as being to protect people's rights to life and health. As the government insisted on a Zero-Covid policy, any kind of gathering was prohibited, including hospital visits and family visits. Schools were locked down to prevent infection clusters (Chen et.al., 2025, p. 7); while in Sweden, closing schools was regarded as violating children's right to education, despite the risk of infection clusters existing. However, a closer intersectional analysis reveals that Sweden's choice to keep schools open did not result in equal protection for all children.

According to Lindberg (2025), while the Swedish government used the "right to education" as an HRJ to avoid national school closures, the decentralized nature of decision-making—shifting the responsibility to local municipalities and individual school principals—exacerbated pre-existing socio-economic and geographical inequalities. For instance, children from affluent backgrounds often had access to private laptops and stable internet, whereas those in lower socio-economic areas faced a significant "digital divide," struggling with inadequate hardware and limited space for study (Lindberg, 2025, p. 9). The impact was particularly severe for newly immigrant children, who faced language barriers, and those living in overcrowded housing. In many cases, parents with

⁴ Round Table of Stakeholders discussing strategies for how to respond to the government's changed attitude of ignoring the Legislative Inquiry Process, "A New World Harder to Navigate" meeting at Scandic Anglais, Stockholm, at 11 am CE, 22 May 2025

limited Swedish language proficiency were unable to provide the necessary academic or emotional support, leading to increased anxiety and a "silent" exclusion from the very educational rights the State claimed to be protecting. This demonstrates that an HRJ centered on a singular right (the right to education) can mask the structural vulnerabilities of marginalized children, ultimately failing the principle of the "best interests of the child" in practice.

From these cases we see how human right discourses are appropriated by the State to justify its measures, such as data collection and surveillance. These measures are justified to protect "public health" or "the right to life" of the general population and very often at the expense of the rights of social minorities, such as indigenous people and migrants. As Martha Fineman (2018) argues, social justice requires a "responsive state" that moves beyond the myth of the autonomous, independent individual. By recognizing "complex intersectionality," the State would be forced to acknowledge that a migrant worker's right to health cannot be achieved through simple isolation orders; it requires active structural interventions, such as de-linking residency status from employment and ensuring that "collective health" does not become a pretext for the "silent drowning" of those at the bottom of the social hierarchy (Grahn-Farley, 2025b).

Deconstructing the Monist Subject with Complex Intersectionality

In the reports of Work Packages from different teams in this project, several key identities frequently appear and intersect, including class, gender, race, age, migration status, and health status. The framework of complex intersectionality helps reveal the problematic nature of the monist subject construction in those HRJ cases. Here are some examples across the three regions:

Taiwan:

Class and Migrant Status: Migrant Workers' Predicaments during the Pandemic

While the general population faced standard movement restrictions, the pandemic exposed a harsh divide for migrant workers in the fishery and factory sectors. For these workers, "home" was a crowded dormitory where substandard living conditions made social distancing an impossibility, yet they were subjected to discriminatory confinement and surveillance that did not apply to citizens. A migrant worker might look out from a gated factory compound, legally barred from leaving, while witnessing local neighbors walk to the grocery store—a stark reminder that the State's protective "shield" had become a cage for those without citizenship (Chen et.al., 2025, p. 33; Yang, 2025, p. 1). The technical failures of the "Digital Fence" further exacerbated this vulnerability. Due to the reliance on base station triangulation, positioning errors were frequent, especially in high-density factory dormitories. For migrant workers, a signal drift of a few meters could trigger a police dispatch in the middle of the night on the false belief that the individual had physically moved. While the State defended this as a "necessary technical limitation" to ensure public safety (the HRJ), for workers, it meant living in a constant state of "Technological Terror." Unlike local citizens who could much more easily clarify misunderstandings and who have the right to permanent residency, migrant workers - with their different legal status and often a language barrier - faced the threat of contract termination or deportation due to these automated errors. This highlights how the State's reliance on allegedly "objective" technology can institutionalize discrimination, as the burden of proof always falls on those in the most precarious situations.

The Taiwan government justified these intrusive measures as a fulfillment of its positive obligation to protect the right to life and health of the general population (Chen et.al, 2025, p. 58). This Human Rights Justification was manifest in the deployment of "digital fencing" technology, which leveraged telecommunication base station data to monitor those under mandatory quarantine. While the State framed this surveillance as a necessary tool for biosecurity, it was implemented without clear informed consent and

lacked transparency regarding the collection of sensitive personal data.⁵ As explained above, for migrant workers in the fishery and factory sectors, this technological surveillance interacted catastrophically with their substandard living conditions. Because their "home" was an overcrowded dormitory with no private space, the digital fence effectively enforced a state of total confinement that was far more burdensome than the restrictions placed on ordinary citizens. This demonstrates that when the State's protective "shield" is built on a monist understanding of the "general public," it risks becoming a mechanism of oppression that lands with disproportionate weight upon the most vulnerable bodies.

The case of technological governance during the pandemic illustrates how migrant workers' class (working class) and migrant status (temporary guest workers) led to their vulnerabilities. They faced social discrimination and lost privacy under the universal claim of "right to life." Such experiences were foreign to middle-class citizens who owned their own house and white-collar expatriates who resided in a private room during their stay in Taiwan.

Nationality and Class: Privacy Violation of Marriage Immigrants from Southeast Asia and China

The State treats marriage immigrants differently. Restrictive visa requirements and financial capability tests are now framed as ensuring "self-sufficiency" for the immigrant's own family or "protecting their rights" (Yang, 2025, p. 2).⁶ The implementation of these "tests" is most visible in the "consular interview" system for spouses from 21 specific countries. Under the HRJ of "preventing human trafficking" and "protecting national security," State officials subject couples to intrusive questioning that scrutinizes their most intimate details—from the layout of their bedrooms to the frequency of their private communications.

This process creates a "nationality and class hierarchy," where spouses from Southeast Asia must prove their "love" and "economic utility" in a way that Western spouses do not. As the report observes, this system reduces the immigrant to a

⁵ Workshop, 7 November 2025 at First Conference Room (1710 Room), College of Law, National Taiwan University, organised by IIAS, NTU and NCKU

⁶ Yang Ya-Wen. (2025). *Civil Society Engagement Summary*

“potential fraud” or a “victim in need of paternalistic rescue,” stripping them of their agency and reinforcing the State’s sovereign control over the domestic sphere. Specifically, these “tests” are manifested through stringent financial requirements and intrusive interview processes directed predominantly at spouses primarily from Southeast Asian countries and China. For instance, the Taiwanese government mandates a financial capability proof from Chinese spouses, requiring them to provide evidence of stable income or substantial savings.⁷

The State justifies this as a measure to prevent the immigrant from becoming a "social burden" and to ensure they have the material basis to enjoy their "right to family life." In practice, however, this creates a class-based barrier to marriage rights. Furthermore, the “consular interview” functions as a qualitative test of the “authenticity” of the relationship. During these interviews, State officials often pose deeply personal and culturally biased questions to determine if the marriage is “genuine.” If an applicant fails to meet the arbitrary standards of "financial stability" or "marital sincerity" defined by the official, their visa would be denied—a decision often made with minimal transparency and no effective mechanism for appeal. By packaging these restrictive hurdles as a means to “protect” the immigrant from potential exploitation or poverty, the State utilizes HRJs to exercise sovereign control over who is allowed to form a family within its borders.^{8 9}

In this case, foreign spouses are categorized by nationality into two groups: one is required to undergo a consular interview for entry and provide self-sufficiency evidence for naturalization, whereas the other is exempt. Those subjected to these measures are primarily from developing countries in Southeast Asia and China, while those who are exempt are typically from western or developed countries. This disparity reflects a class hierarchy among women that aligns with the global hierarchy of nationalities. It exposes a structural vulnerability that burdens foreign spouses from Southeast Asia, obstructing

⁷ The legal requirement for financial sufficiency evidence was abolished for foreign spouses in 2016. https://www.moi.gov.tw/News_Content.aspx?n=8&s=14624

⁸ Workshop, 7 November 2025 at First Conference Room (1710 Room), College of Law, National Taiwan University, organised by IAS, NTU and NCKU

⁹ Yang Ya-Wen. (2025). *Civil Society Engagement Summary*

their right to family life in a way that their counterparts from western countries do not experience.

Sweden:

Gender and Migrant Status: Migrant Boys as “Risk Subjects” in Crime Prevention

In the post-pandemic era, the government of Sweden adopted a more aggressive approach to crime prevention, such as body searches, and proposed electronic monitoring of children, and the removal of "special reasons" for coercive measures against children under 15 (Al-Amirtaha, 2025, p. 83; Grahn-Farley, 2025b, p. 37). The government argues that coercive measures are necessary to "protect" children from criminal networks and to ensure their "right to development" and "right to life," thereby fulfilling the State's positive obligations (Al-Amirtaha, 2025, p. 17). A concrete manifestation of this shift is the establishment of the Youth Crime Prevention Agency (MUK). This agency is proposed to be authorized to implement coercive measures—such as the use of electronic ankle monitors—even before a child has committed a crime, based solely on an administrative assessment of "future criminal risk." The State cynically invokes Article 18(2) of the CRC, framing these restrictive measures not as punishment, but as a form of State "support" to help parents fulfill their upbringing responsibilities. By packaging electronic surveillance as a human rights-based intervention to ensure the "best interests of the child," the Swedish government effectively transforms the child from a subject of rights into a "risk subject" to be managed through constant monitoring. This instrumentalization of human rights discourse allows the state to bypass traditional legal safeguards, justifying intrusive social and police interventions under the guise of welfare and protection (Al-Amirtaha, 2025, p. 83; Grahn-Farley, 2025b).

However, analysis shows that these measures do not affect a generic "child" but are specifically aimed at boys with immigrant backgrounds living in socio-economically disadvantaged areas (Al-Amirtaha, 2025, p. 112; Grahn-Farley, 2025b, p. 1). This discriminatory logic is also evident in Sweden's stricter family reunification policies. The State justifies these restrictions by claiming they "promote integration" and "protect

children from honor-based violence." However, through an intersectional lens, these policies disproportionately target women and children from non-European backgrounds. As Issa (2025) argues, by imposing high maintenance requirements and limiting the right to appeal, the State effectively treats the migrant family as a "burden" rather than a subject of rights. The HRJ of "successful integration" is used to gatekeep the right to family life, transforming a universal human right into a conditional privilege accessible only to those who meet the State's idealized socio-economic criteria (Issa, 2025, p. 32).

Generation and Ethnicity: Crisis of Indigenous Culture for Environmental Safety

The expansion of HRJs into the realm of environmental governance can be seen in the treatment of the Sámi people in Sweden. In the Stormyrsberget wind farm case (MÖD M 3359-22), the Swedish government justified the expansion of renewable energy infrastructure as a fulfillment of its obligation to combat climate change and protect the universal right to a healthy environment. However, this "green transition" has been criticized as "green colonialism" because it systematically overlooks the rights of Sámi children, whose lives are caught between the State's climate goals and their cultural survival.

As Petersson (2025) highlights, this policy overlooks the specific psychological and cultural vulnerability of Sámi children. For these children, the loss of land is not just an economic issue but a severance of their ancestral identity. The State's focus on "universal climate safety" creates a hierarchy where the indigenous child's right to culture and mental well-being is sacrificed for the energy security of the majority, demonstrating that "protection" can be a tool for systemic erasure.

The court's failure to adequately apply the Convention on the Rights of the Child (CRC), particularly Article 30 regarding the right to enjoy one's culture and traditional livelihoods like reindeer herding, demonstrates how a universal human right (environmental protection) can be used as a justification to render indigenous children invisible and further marginalize them (Petersson, 2025).

This case illustrates how generation and ethnicity intersect to impact Sami youth's livelihoods and cultural heritage. While urban residents continue to enjoy the benefits of modern facilities, the Sámi - as indigenous people - are deprived of their fundamental

rights to life and traditional culture. Consequently, their children's future is rendered precarious, as their traditional heritage faces the threat of cultural extinction in the pursuit of "green technology." This creates a profound cultural anxiety that Swedish youth residing in urban areas would never experience.

Finland:

Age and Health Status: The Elderly Face Isolation During the Pandemic

The government of Finland issued strong recommendations for persons over 70 to stay in quarantine-like conditions during the pandemic as a means of protection of the right to life (Chen et. al., 2025, p. 24). Yet, this focus on biological vulnerability overshadowed the structural harm of isolation. During the pandemic, essential services—from booking vaccine appointments to accessing child-friendly health information—moved entirely online. For elderly citizens and persons with disabilities who lack digital literacy or specialized hardware, this created a state of "digital invisibility."

As Lindberg (2025) notes, the State's HRJ of "maximizing administrative efficiency" for the sake of public health resulted in the de facto exclusion of those who could not navigate the digital landscape. The "protection" of their physical life thus resulted in a predicament where their inability to comply with a digital-centric society rendered them silent and forgotten within the very system that claimed to be saving them. Although the Finnish government utilized non-binding "recommendations" for those over 70 to isolate, these measures were perceived as de facto binding in practice. According to the Chancellor of Justice, this age-based "soft coercion" not only risked violating the principle of non-discrimination but also significantly interfered with the right to family life (Chen et. al., 2025, p. 24).

This focus on biological vulnerability led to what can be described as "institutionalized abandonment." For the elderly and persons with disabilities, the State's "protection" resulted in the sudden withdrawal of essential home-care services and social support systems. The impact was not merely a loss of movement, but a profound state of social "invisibility" where the lack of digital literacy or access further

severed their connection to the outside world. For many, the "protection" of their physical life came at the cost of their mental health and dignity, as they were trapped in a state of prolonged isolation without the means to challenge the necessity of their confinement.

Strengthening Intersectionality with Vulnerability Theory

Even though intersectionality provides a useful framework to enable the examination of the vulnerabilities of specific marginalized groups, it also has some conceptual shortcomings. Here are some examples:

1. **Methodological difficulties:** intersectionality can lead to "infinite regression," since every identity can be further subdivided into more specific intersections. If the law attempts to address every unique combination of identities, it risks fragmenting the subject of rights until it becomes impossible to form a coherent legal response. For instance, a policy designed to support "migrant women" might be criticized for failing to account for "migrant women with disabilities," who could further be subdivided by "age," "legal status," or "linguistic proficiency." This constant slicing of identity can lead to a political and legal paralysis where the State cannot act because it cannot satisfy the infinite specificities of every subgroup.
2. **Its categorization risks essentializing identities:** despite its original anti-essentialist intentions, intersectionality can end up reifying categories like race and gender by repeatedly centering them as fixed axes of analysis. An example of this reification can be seen in the State's treatment of "marriage migrant women" in family reunification policies. By centering "migration status" and "gender" as fixed, essentialized categories, the legal system often presumes these women are inherently "vulnerable" or "lacking agency," regardless of their actual socio-economic background or professional qualifications.
3. **Different aspects of an individual's identity would be inconsistent:** how to define an individual or a group's social position is sometimes very difficult, as "class" (in the Marxist sense) and "social status" (in the Weber's sense) do not necessarily align with each other in the contemporary era. This misalignment is vividly illustrated by

the rise of "precarity" among seemingly privileged groups. For example, a highly educated "digital nomad" may possess high social status and cultural capital (Weberian status), yet they often lack the labor protections and economic stability traditionally associated with the middle class, effectively placing them in a precarious economic position (Marxist class). Conversely, certain migrant entrepreneurs may achieve significant financial success but remain socially marginalized and excluded from political influence due to their "foreign" status.

4. The fragmentation of identities would undermine possible solidarity among subgroups: endlessly subdividing social groups into smaller, highly specific identity-based categories would weaken political power by preventing the formation of a broad, unified front against systemic injustice. For example, instead of organizing around a shared struggle for common rights, different marginalized groups may find themselves competing for a limited pool of "special protections" or State resources allocated to their specific intersectional niche, e.g., "migrant women over 50" vs. "LGBTQ+ youth with disabilities". Focusing on what divides marginalized groups (their unique intersections) rather than what unites them (their shared human vulnerability) would undermine solidarity among these vulnerable subjects.

To address the issue of essentialization of identity, we must recognize the fact that identity is not fixed but fluid in reality. The fluidity of identity means that an individual's vulnerability can shift rapidly depending on the context. For example, pilots are conventionally perceived as privileged members of the social elite. However, their vulnerabilities, such as high levels of mental stress and sleep deprivation inherent to their profession, are overlooked. During the pandemic, they were subject to the same quarantine regulations. This one-size-fits-all policy failed to account for their specific professional roles and ended up depriving them of the right to family life and subjecting them to prolonged isolation (Chen et. al., 2025, p. 33). For over a year, many crew members lived in a state of "infinite isolation," where the heavy workload and the cycle of work/quarantine that it generated, left them legally barred from interacting with their families or participating in social life between flights. This case reveals that vulnerability is not a fixed trait exclusive to certain marginalized groups but a universal human

condition that every individual, regardless of social and economic status, is susceptible to experiencing. However, since intersectionality primarily focuses on marginalized identities, the vulnerabilities of people whose lived experiences do not fall under socially recognized categories of marginalization often remain unseen.

Instead of focusing on the ever-shrinking identity categories that the framework of intersectionality may create, Martha Fineman (2019) suggests we shift the focus toward “universal vulnerability.” Her vulnerability theory is built around the recognition of people’s shared vulnerability and dependence, contending that everyone is at risk of experiencing suffering and becoming a vulnerable subject regardless of identities and social status. According to her, a vulnerability approach looks at “the underlying social structures, and relationships that organize society and affect the lives of everyone within society (p. 342).” In other words, we should first recognize vulnerability as a universal human condition, and then ensure that legal institutions are responsive to universal human dependency.

The core of vulnerability theory lies in examining how social institutions distribute “resilience” resources to individuals. Fineman argues that social justice should focus on whether the institutions themselves—such as healthcare, education, and the legal system—respond fairly to universal human dependency. From this perspective, the State’s failure during the pandemic was not just a failure to recognize “marginalized identities,” but a failure to build a “responsive state” capable of providing the necessary infrastructure to bolster human resilience. By shifting the focus from individual “rights” to institutional “responsibilities,” vulnerability theory offers a way to move beyond the fragmentation of identity politics, advocating for a universal standard of care that addresses the inherent fragility of the human body and the social structures it relies upon.

Fineman’s vulnerability theory may rectify the limitations of intersectionality, particularly its tendency to overemphasize identity as the primary axis of analysis. However, intersectionality remains indispensable, as it provides a critical lens to highlight the specific vulnerabilities of particular groups, a degree of specificity that vulnerability theory may not provide. For instance, while vulnerability theory addresses universal human frailty, it may overlook the unique systemic barriers faced by migrant

workers and children—as evidenced by the intersectional HRJ cases in this project—which intersectionality is uniquely equipped to decipher. Therefore, we contend that a vulnerability approach should not be a substitute for intersectionality to analyze disadvantage or discrimination in society; rather, it can supplement it by scrutinizing the institutions that organize society for everyone. Equality of resource distribution does not guarantee social justice if we do not take into consideration the intersecting systemic barriers that shape the lived experiences of marginalized groups, through the understanding of complex intersectionality.

Conclusion

This report analyzes the empirical cases of Human Rights Justifications (HRJs) across Taiwan, Finland and Sweden, utilizing a complex intersectional framework to examine how State interventions impact individuals and bring harm to certain vulnerable groups in the name of protecting their human rights. By investigating diverse cases ranging from pandemic surveillance and school closures to marriage migration and indigenous land rights, this report reveals that a monist understanding of the “general public” frequently masks structural violence against those at the margins of society.

This report contends that intersectionality remains a powerful analytical tool for identifying how intertwined identities, such as race, gender, class, and migration status, generate unique experiences of oppression that single-axis frameworks fail to capture. However, it also acknowledges some conceptual challenges this framework may face, including infinite regression, risk of essentialization, and solidarity fragmentation.

To rectify these limitations, we suggest adopting vulnerability theory as a supplementary approach to examining the prevailing structural vulnerabilities that affect individuals. While vulnerability theory offers a necessary corrective by emphasizing a “responsive state” and the universal fragility of the human condition, we argue that it cannot replace intersectionality. Vulnerability theory’s focus on universal human dependency risks overlooking the unique systemic barriers and specific socio-cultural prejudices faced by particular marginalized groups. As demonstrated by the intersectional HRJ cases involving migrant workers and indigenous children, the degree

of specificity required to decipher these particular hardships is a strength unique to intersectionality. Consequently, vulnerability theory should be viewed as a supplementary approach that scrutinizes the institutions organizing society for everyone, rather than a substitute for analyzing targeted discrimination.

There are some critical challenges remaining for future consideration. For example, the question remains as to how to effectively balance the universalizing lens of vulnerability theory with the particularizing lens of intersectionality. Balancing these approaches is essential to ensure that legal institutions respond to universal needs without erasing the specific lived experiences of marginalized subjects. Furthermore, resisting the "hierarchy of vulnerability" imposed by the State requires shifting from a model of "protecting the many" at the expense of the "few" toward a model of universal resilience. Only by constantly renegotiating the "collective interest" to include the most marginalized voices can we move beyond the fragmentation of identity politics and toward a more robust, inclusive social justice.

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ANNEX A

Co-Production of Knowledge

How D 3.2, D 7.5-A, and D 7.5-B converse to produce a single analytical–methodological contribution

A single co-production cycle

The three deliverables do not sit alongside one another; they form a **single cycle of knowledge co-production** in which each document supplies what the other two presuppose. D 7.5-A provides the *engagement infrastructure* through which Civil Society practitioners and legal researchers enter structured contact. D 7.5-B provides the *reflexive condition* under which that contact can produce intersectional knowledge rather than reimpose the State’s own categories on those affected. D 3.2 provides the *analytical instrument* into which the engagement’s empirical findings are distilled, and which then returns to Civil Society as an advocacy and litigation resource.

Read as a conversation, the three deliverables pose and answer a specific sequence of questions. D 7.5-A asks: *under what methodological conditions can State HRJ practice be read from inside rather than from above?* D 7.5-B answers: only if categories of vulnerability are allowed to surface from engagement itself, rather than being pre-decided by researcher or State. D 3.2, working on the empirical corpus that D 7.5-A’s rings assembled and disciplined by D 7.5-B’s reflexive check, answers the further question: *what classes of HRJs are most prone to the which harm that this corpus exposes?* Its answer — HRJs producing intrapersonal rights conflicts, in the Taiwanese cases of migrant workers’ mobility restrictions, intrusive marriage-migrant interviews, and the invalidated ban on women’s night shifts — is a suspect category identifiable by the legal structure and empirically traceable to the groups whose judgment the State feels most entitled to override.

The bidirectionality is constitutive. D 3.2’s most original move — the suspect-category claim — became possible only because NGO practitioners repeatedly surfaced cases in which paternalistic State action was justified in the name of the persons being restricted. The theoretical refinement then returned to Civil Society through the method documented in D 7.5-A, such as the Nordic Rule of Law Forum and the Sweden–Taiwan civil-society bridge operationalise the framework transnationally.

The three-way dialogue at a glance

Deliverable	What it contributes to the cycle	What it requires of the others
D 7.5-A <i>Rings on Water</i>	The engagement infrastructure : a staged, concentric methodology in which each workshop is designed to correct the silences of the previous one. Successive rings brought NGO practitioners, frontline workers, and affected communities into structured contact with legal researchers.	A reflexive critique to prevent the design from re-imposing the categories it is meant to surface (supplied by D 7.5-B); and an analytical instrument into which its empirical findings can be distilled (supplied by D 3.2).

Deliverable	What it contributes to the cycle	What it requires of the others
<p>D 7.5-B <i>Complex Intersectional Critique</i></p>	<p>The reflexive condition: intersectionality in a legal project must be built bottom-up from empirical legal cases, not imposed a priori. The <i>monist-subject</i> critique names the failure mode the other two deliverables must avoid in their own design.</p>	<p>An engagement site structured to let affected subjects become legible as subjects rather than categories (supplied by D 7.5-A); and a doctrinal frame that treats HRJ rhetoric as law rather than as discourse alone (supplied by D 3.2).</p>
<p>D 3.2 <i>HRJ Theory Paper</i></p>	<p>The analytical instrument: a Hohfeldian typology distinguishing Type A, B, and C HRJs, and identifying <i>intrapersonal-conflict HRJs</i> as a <i>suspect category</i> prone to paternalism and indirect discrimination.</p>	<p>An empirical pattern of cases dense enough to sustain a doctrinal typology (supplied by D 7.5-A engagements with NGOs); and the reflexive warrant for identifying disproportionately affected groups bottom-up (supplied by D 7.5-B).</p>

What HRJust’s contribution to inclusive democracy ultimately demonstrates is that rigorous human-rights theory, empirically-grounded intersectional analysis, and effective Civil Society practice are co-constitutive — neither separable as enterprises nor deliverable by any single discipline working alone.