

**Call: HORIZON-CL2-2022-DEMOCRACY-01**  
(Reshaping democracies)

**Topic: HORIZON-CL2-2022-DEMOCRACY-01-09**

**Type of Action: HORIZON-RIA**

**Proposal number: 101094346**

**Proposal acronym: HRJust**

**Type of Model Grant Agreement: HORIZON Action Grant Budget-Based**

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# Administrative forms

Proposal ID **101094346**

Acronym **HRJust**

## 1 - General information

Fields marked \* are mandatory to fill.

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|-------|----------------------------------|-------------------------------|-------------|
| Topic | HORIZON-CL2-2022-DEMOCRACY-01-09 | Type of Action                | HORIZON-RIA |
| Call  | HORIZON-CL2-2022-DEMOCRACY-01    | Type of Model Grant Agreement | HORIZON-AG  |

Acronym **HRJust**

Proposal title **States' Practice of Human Rights Justification: a study in civil society engagement and human rights through the lens of gender and intersectionality**

Note that for technical reasons, the following characters are not accepted in the Proposal Title and will be removed: < > " &

Duration in months **36**

Fixed keyword 1 **Global and transnational governance, international law, human rights**

Fixed keyword 2 **Political systems and institutions, governance**

Free keywords **Human Rights, Democracy, Civil Engagement, Gender, Intersectionality, Multilateralism, Democratic Safeguards, Accountability, Transparency**

### Abstract \*

Human Rights Justifications (HRJ) are when States use human rights to justify decisions. Human rights regimes operate on the presumptions that only individual persons can be in possession of human rights. The regulatory gaps occurring when the States use HRJ for their actions are two-fold, one in the regulation of the States' use of HRJ and one in the individual human rights protection when States use HRJ. This activity is not regulated by any international, regional or national regime. In other words, significant and important gaps in human rights regulations has now been identified, which this project seeks to address. We will develop a theory of HRJ and a process for Systematic Ongoing Civil Society Engagement (SODCSE) as a tool for a gender and intersectional inclusive Civil Society engagement. Through SODCSE, we will identify gaps in human rights regulations and protection, serving as underpinning data for our recommendations to EU in support of a multinational human rights system and promotion of transnational democratic governance. SODCSE will also help us identify geopolitical elements that influence States' use of HRJ. This will be done through 5 countries: Sweden, Finland, Taiwan, India and Ukraine, through three actions: human rights dialogue, inclusive democratic participations, and protection of human rights defenders, and operationalised through three themes: Covid, Migration and Climate.

Remaining characters

572

Has this proposal (or a very similar one) been submitted in the past 2 years in response to a call for proposals under any EU programme, including the current call?

Yes  No

Please give the proposal reference or contract number.

|                     |         |
|---------------------|---------|
| Work package number | 6       |
| Work package title  | Climate |

**Objectives:**

O1: Map States' uses of Human Rights Justifications (HRJs) when responding to Climate Change, comparing/contrasting approaches of different legal regimes (Climate, Human Rights, International Trade).

O2: Through Systematic Ongoing Direct Civil Society Engagement (SODCSE) with key groups significantly involved in such measures:

- Understand the realities of the impacts of these measures;
- Identify new actors/new roles for existing actors (including public)
- Identify geopolitical elements and gender considerations
- Input to designing a new strategy for managing States' HRJs; and
- Coproduce recommendations, processes, toolkit materials that better enable public authorities, NGOs and public to engage over the opportunities and challenges of new policy avenues when climate, human rights and international trade are considered together, promoting transparency, accountability, inclusion and democratic participation.

O3: Report on implications and opportunities for EU role, including links between human rights, democracy and choice of global regime.

**Description of work:**

**T1:** Explore EU Climate Change Jurisdiction under International Law: extensive review of academic and grey literature to identify and assess existing jurisdictional rules for climate protection measures, and interviews to understand strengths and weaknesses of legal developments and policy priorities. Publication in Human Rights Law Review, European Journal of International Law, blogs (e.g. The Conversation) (UBERN/UNITN: M6).

**T2:** Assess use of HRJs in Climate Change Litigation: explore main HRJs used in climate change litigation by States through collection and analysis of cases, using Switzerland, Czech Republic, Finland and Sweden as case studies, identifying types of arguments, which rights are claimed/allegedly breached, groups affected. Use HUDOC and national court databases for creation of typology of legal arguments to support assessment of impacts. Identify gaps in regulation. Produce Academic paper (UBERN/IRR: M6).

**T3:** Explore emerging field of International Trade and Investment to understand what arguments States are using: key emerging trends include States defending environmental interests against other States (trade law) or even individuals (investment law), litigating through Dispute Settlement System of World Trade Organisations or tribunals. By way of example, the EU and EU member states are defending their pro-environment policies against claims that despite their pro-environment stance, they are not doing enough. Analyse human rights narratives in inter-State economic relations, e.g. the EU and EU member states are using human rights language to curtail other States' and individuals' rights in trade and investment when negotiating and implementing international agreements. Identify gaps in regulation. Produce article for top-tier journal (UNITN: M12).

**T4:** Assess role of EU as Global Human Rights Promoter and Defender, including acting beyond its territory, using this to create theoretical model to underpin Civil Society Engagement (UNITN: M15).

**T5:** Develop a visual tool that aligns the exercise of jurisdiction with human rights norms, comprising a database of cases which offers human rights arguments, classifying cases/arguments according to type of human rights obligations, whether international, regional or national; instruments invoked, kind of vulnerability assessed and which approaches prove to be more effective. Utilise preliminary findings and expertise in Data Visualisation to build interactive 'Climate Claims Visual Maps', providing a typology of climate claims (UBERN: M15).

**T6:** Hold first Civil Society Engagement (SODCSE): (1) 40 semi-structured interviews (via web conferencing) with stakeholders: ten government policy officers, ten European/national judges, twenty international/national associations engaged in the promotion and protection of the rights and citizens and vulnerable groups). Use

qualitative content analysis<sup>16</sup> to identify role of HRJs, impacts, perceived challenges and opportunities; interaction of HRJs with other key themes (e.g. jurisdiction, extraterritoriality, procedural limits); particular focus on vulnerable groups – enabling identification of new actors, and new roles for existing actors; (2) Workshop involving policy makers, sharing draft of digital tool to facilitate discussion on how to support EU's role as promoter/defender of human rights (UBERN/UNITN: M16-18).

**Task 7:** Use outputs to revise tool and materials, and inform draft policy recommendations (All: M19).

**T8:** Deliver second Civil Society Engagement: share analysis from SODCSE 1, presenting findings, draft outputs and further questions, including revised tools: identify new roles (including for policy makers, NGOs and public), strategy and methodology to enable direct democratic participation when talking about climate change when States use HRJs (All partners: M20-24).

**T9:** Synthesise all findings and strengthen outputs/tools: contrasts, comparisons and patterns by key characteristics: identity of regime (Climate, Human rights, and International trade), and the implications of the merging of those three regime identities; identify whether EU principles on human rights and democracy impacted on States' choices between regimes; identify implications for Climate strategy and for EU internal/external roles including how principles of sovereign equality, equitable distribution of climate change burdens, unilateral jurisdiction and extraterritoriality may be applied (All partners: M25-32).

**T10:** Share detailed reports on SODCSE process and outcomes with WP2 (dissemination), WP3 (influencing production of theory), WP7 (empirical cross-cutting issues) (All partners: M32).

**T11:** Production of products, theme-specific reports including report on interviews at European and national levels (IIR), Visual Maps of Climate Claims (UBERN), interactive tool (UNITN), recommendations and key products, conference and publications (All partners: M36).

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<sup>16</sup> Uwe Flick, *The SAGE Handbook of Qualitative Data Analysis*, Sage (2014); Johnny Saldana, *The Coding Manual for Qualitative Researchers* (4th ed., 2021).