Confronting Human Rights Justifications in Climate Litigation: Developing a New Methodological Approach for the Systematic Ongoing Direct Civil Society Engagement[1]

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Abstract

This article introduces and applies the innovative Systematic Ongoing Direct Civil Society Engagement (ODCSE) methodology developed under the Horizon Europe HRJust project to examine how states justify their actions through human rights discourse, with a focus on climate litigation. The ODCSE approach emphasizes participatory, iterative engagement with civil society to evaluate the legitimacy and accountability of human rights justifications (HRJs). Drawing on qualitative and quantitative findings, the article shows how the ODCSE methodology has been used to map common state strategies in climate-related HRJs, comparing general and context-specific practices, and identifying the influence of geopolitical dynamics. A key contribution of this process is the integration of gender and intersectionality within the ODCSE framework. Recognising that climate impacts – and connected human rights narratives – are shaped by gender, race, and other intersecting factors, the methodology actively includes feminist and marginalised civil society voices in the co-production of knowledge. The article concludes with proposals for strengthening the role of the EU and global actors in promoting transparent, gender-responsive human rights justifications in climate policy.

Keywords: *human rights justifications; climate litigation; civil society engagement; gender; intersectionality; European Union.*

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1. Introduction

States increasingly invoke the language of human rights to justify and legitimise their actions and policies. The concept of human rights justifications (HRJs) refers to those instances where governments draw on human rights norms or rhetoric as a basis for defending their decisions. For example, a state may claim that its environmental regulations (or lack thereof) are justified by competing rights considerations.

While at first glance such invocations suggest a commitment to human rights, they also raise a critical question: how do we ensure that states' use of human rights as justification is genuine and not instead a shield for arbitrary or unjust conduct, or even a violation of human rights obligations? This appears as a challenging question to answer, as there is no clear (international) legal framework governing HRJs. Unlike formal limitations or derogations of human rights (which are regulated by treaties), the practice of states proactively using human rights discourse to validate their policies and decisions – *de facto* turning human rights into a governance instrument in the hands of the State – often escapes systematic scrutiny. Individuals and communities affected by state actions may find it challenging to verify whether the invocation of human rights by states has been carried out in a legitimate way, or to contest any abuse of human rights justifications.

Accordingly, a gap exists in human rights law and practice.

Against this background, the Horizon Europe project 'HRJust: States' Practice of Human Rights Justification' aims to study how states defend and legitimise their actions through the narrative of human rights, and to develop mechanisms to make such justifications more transparent, accountable, and participatory. A cornerstone output of HRJust is the design and implementation of a new research methodology, i.e. the *Systematic Ongoing Direct Civil Society Engagement* (ODCSE). The ODCSE methodology has been created to directly involve civil society actors in examining and evaluating HRJs in real time, effectively involving them in the relevant co-production of knowledge.

In practical terms, this means moving beyond a top-down analysis of state behaviour and instead creating a dialogue between researchers, civil society, and state representatives about how human rights are used as justifications. Through face-to-face engagements, surveys, and iterative feedback loops, ODCSE enables civil society not only to provide data (as interviewees or survey respondents) but also to shape research questions and interpretive frameworks, ensuring their perspectives and concerns guide the relevant inquiry. This collaborative approach is expected to yield two main benefits: firstly, identifying gaps in the protection of individual human rights when states use HRJs (by surfacing overlooked impacts and counterarguments); and secondly, reinvigorating civil society stakeholders by actively involving them in the generation of

new insights and policy recommendations.

A key innovation of the ODCSE methodology is the integration of gender and intersectionality perspectives as central dimensions of analysis. Climate change and related state policies do not affect all people equally; instead, their impacts are deeply shaped by pre-existing inequalities tied to gender, race, socio-economic status, age, and disability, among others. The methodology embeds gender-responsive tools, inclusive stakeholder selection, and intersectional data analysis at every phase of research.[4]

Climate litigation provides a compelling context in which to apply the ODCSE methodology. Especially in the last few years, individuals and communities have been turning to climate litigation – legal action to spur governments to address climate change – often grounded in human rights claims, such as the right to life, health, or a healthy environment, at all levels of jurisdiction (national, regional and international). In these cases, courts have been increasingly asked to decide whether a state's (in)action on climate change violates human rights. States, in turn, have responded with a variety of justifications for their climate policies, sometimes invoking human rights considerations.[5] Climate litigation thus shines a spotlight on the very phenomenon HRJust investigates: the use of human rights discourse by states to justify their conduct. It also raises high-stakes questions about accountability and justice in the face of a global crisis[6]. How can courts and other actors evaluate state claims relying on human rights argumentations when plaintiffs allege the opposite? And how can civil society be empowered to participate in these debates, ensuring that state narratives do not go unchecked?

This article presents a comprehensive analysis of the ODCSE methodology and its application in the context of climate litigation, with the aim of elucidating how this participatory approach can improve our understanding of human rights justifications and strengthen human rights accountability in climate governance.

The discussion is structured as follows. **Section 2** introduces the theoretical framework of ODCSE, situating it within existing scholarship on human rights justification and participatory research. **Section 3** delves into the implementation of ODCSE in the context of climate litigation. We describe the research design and address

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[4] See, among others, Olena Hankivsky and Renee Cormier, 'Intersectionality and Public Policy: Some Lessons from Existing Models,' *Political Research Quarterly* 64, no. 1 (2011): 217–229, https://doi.org/10.1177/1065912910376385; Ashlee Christoffersen, 'Applying Intersectionality in Policy and Practice: Unseating the Dominance of Gender in Responding to Social Inequalities,' *Sozialpolitik.ch* 1 (2023), https://doi.org/10.18753/2297-8224-4030.

[5] For an overview on climate litigation, see, among others, the report from Joana Setzer and Catherine Higham, 'Global trends in climate change litigation: 2024 snapshot,' *Grantham Research Institute on Climate Change and the Environment-LSE Policy Report* (June 27, 2024), https://www.lse.ac.uk/grantham institute/publication/global-trends-in-climate-change-litigation-2024-snapshot.

[6] A work package (WP6 Climate) of the HRJust project has been dedicated to climate litigation, making it the ideal testing ground for the ODCSE approach. WP6's mission is to map states' uses of human rights justifications when responding to climate change, comparing and contrasting approaches across different legal systems. The research is inherently comparative and intersectional: it examines national, regional, and international levels, also considering how geopolitical factors and gender considerations influence climate-related HRJs. In pursuing this goal, WP6 explicitly embraces co-production of knowledge, engaging with several stakeholders (policy officers, activists, jurists) throughout the process.

the five core research questions that have been guided by the research: (1). How do states defend and legitimise their actions through human rights in climate litigation? (2) How can we compare the general and the particular in HRJs practices? (3) What role does geopolitics play in the strategy, resource allocation, and international reach of HRJs? and (4) What role does the EU play, comparing its internal and external actions? And (5) How can civil society be included in the co-production of knowledge through the ODCSE process? Each of these questions is examined from a methodological perspective, highlighting how the ODCSE process is the best situated one for answering all the relevant research questions. **Section 4** offers a concluding assessment of the ODCSE methodology, including a discussion on possible future directions.

2. Human Rights Justifications and the Systematic Ongoing Direct Civil Society Engagement (ODCSE) Methodology: A Proposal

When states invoke human rights to justify their conduct, they enter what scholars have termed a 'forum of justification'[7] – a space in which reasons for action must be given and assessed in terms of their alignment with human rights norms. Especially Kumm[8] has initiated a pioneer analysis to explore how human rights law and reasoning function as a structured forum for justification, both to enforce human rights duties and to justify possible restrictions on those rights. In the context of courts and formal derogations, this forum is well defined: a state that limits a right (for example, by declaring a state of emergency) must demonstrate that the limitation is lawful, necessary, and proportionate to a pressing public need. However, outside the narrow realm of derogations or limitations, states increasingly use human rights rhetoric in a proactive manner – not to limit rights per se, but to frame their policies as affirmations of human rights.

As noted in the introduction, such uses of HRJs are not explicitly regulated by international law. Accordingly, we can talk about an accountability gap: if a government claims that its climate policy is justified by its duty to protect the human rights of current and future generations, what mechanisms exist for the public or any eventual oversight body to challenge that claim as insufficient or unlawful? Conversely, how can one press a state that ignores human rights implications to instead incorporate human rights justifications in its policy decisions?

These concerns point to the importance of developing new methodologies to monitor and evaluate HRJs. The HRJust project posits that civil society must play a key role in this monitoring, serving both as a watchdog and a source of counter-narratives to state-driven human rights narratives. Civil society actors, including NGOs, grassroots movements, and impacted communities,[9] often possess first-hand insight into whether

[7] Samantha Besson, 'Human Rights and Justification: A Reply to Mattias Kumm,' in *Human Rights: Moral or Political?*, ed. Adam Etinson (Oxford University Press, 2018), 262–268.
[8] Mattias Kumm, 'The Turn to Justification: On the Structure and Domain of Human Rights Practice,' in *Human Rights: Moral or Political?*, ed. Adam Etinson (Oxford University Press, 2018), 238–261.
[9] Within the HRJust project, a broad definition of 'civil society' has been adopted, encompassing non-state actors in the form of NGOs, community-based organisations, individual activists and recipients of activist

state actions truly uphold human rights on the ground. Thus, a methodology that systematically involves civil society in scrutinising HRJs can empower those actors to hold states to account and ensure that human rights discourse is not co-opted or manipulated without challenge.

2.1. Designing the ODCSE Methodology: Systematic, Ongoing, Direct Engagement of Civil Society for the Co-production of Knowledge

The ODCSE methodology has been designed and developed as a response to the above-mentioned needs. Its aim to serve as a structured approach to civil society engagement in research, embodying a **mixed top-down/bottom-up and theoretical/ empirical approach** to human rights justifications. In essence, the ODCSE methodology combines the strengths of normative theory with the insights of fieldwork by iteratively involving civil society and other stakeholders in both developing and testing the project's findings. The approach can be broken down into four conceptual pillars.[10]

The first pillar is **'Systematic Planning'.** Engagement with civil society is not ad hoc or one-off; it is planned in a structured sequence from the project's inception. Following the project proposal, each thematic work package (in HRJust, these cover different domains: pandemic response, migration, and climate change) follows the same flow of activities for civil society engagement. This ensures comparability and coherence across different subjects (the 'systematic' element). Systematic planning involves several steps, including (1) preliminary data collection and background research; (2) identifying key topics or questions on which to engage civil society; (3) determining the objectives of engagement (e.g. to inform policy recommendations or to test a hypothesis); (4) selecting relevant stakeholders to involve; (5) choosing appropriate methods of engagement (such as workshops, interviews, focus groups and surveys); (6) organising the engagement activity logistically; (7) holding a debrief to review what occurred; and (8) planning the next steps. These steps, drawn from best practices in participatory research[11] and policy consultation,[12] form a repeatable cycle. Crucially, the first stage (planning) is conceived to integrate with the subsequent stages of ongoing engagement and direct participation – meaning that even as one plans, one already anticipates continuous feedback loops. According to the HRJust project's timeline, systematic planning means scheduling multiple engagement points over the project's three years: typically, an initial round in the second year and a follow-up round later in the second or third year.

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services.

[10] The development of the ODCSE methodology has been carried out throughout the lifetime of the project. A preliminary note report on methodology has been circulated as Federica Cristani, 'From a Theoretical to an Empirical Approach: First Notes on a Methodological Framework for the HRJust Project,' *WP7 Research Note Series* (2025), https://doi.org/10.5281/zenodo.15382355.

[11] Lisa M. Vaughn and Farrah Jacquez, 'Participatory Research Methods – Choice Points in the Research Process,' *Journal of Participatory Research Methods* 1, no. 1 (2020), https://doi.org/10.35844/001c.13244.

[12] Allison Hendricks, 'Policy Consultation & the Importance of Stakeholders,' Simply Stakeholders, accessed May 14, 2025, https://simplystakeholders.com/policy-consultation-engagement.

The second pillar is **Ongoing Engagement**. Rather than a single intervention, the ODCSE methodology calls for **continuous involvement of civil society throughout the research process**. From day one of the project through its conclusion, civil society actors are kept in the loop and invited to contribute at each phase. In practical terms, ongoing engagement has several facets. Civil society representatives can assist in *data collection and preparatory research* by pointing researchers to relevant information, reports, or community experiences that a purely academic desk review might miss. They can *help identify and refine research questions*, ensuring that the questions address real-world concerns and are framed in an accessible way. During the planning of engagement activities, civil society can provide feedback to make these activities more effective or inclusive (for example, suggesting additional stakeholders to include, or flagging cultural or intersectional considerations). After any engagement event, they are invited to comment in debriefings and suggest follow-up actions. This approach treats civil society not as passive subjects but as partners who are constantly engaged during the process since its beginning. The commitment to ongoing engagement recognises that trust and mutual understanding build over time; by maintaining regular communication, the project can capture evolving perspectives and not just a snapshot opinion.

The third pillar is **Direct Participation**. ODCSE emphasizes direct, face-to-face or real-time interaction between researchers and civil society actors (and, where appropriate, state representatives and other stakeholders). 'Direct,' implies moving beyond online surveys or one-way consultations; instead, it entails dialogues such as workshops, roundtables, and interviews where information flows both ways. Two key aspects of direct participation in ODCSE are communication and feedback. First, communication with civil society is designed to occur at *every step*, with researchers regularly sharing information about preliminary, ongoing, and final findings. By keeping civil society informed of findings as they emerge (for instance, summarising what interviews are revealing, or what patterns the data show so far), the project ensures transparency and values participants' time and input. Second, the format of engagement activities is chosen to allow civil society to respond and give feedback on those results. In practice, this has been made possible through organised meetings (virtual or physical) not merely as lectures or presentations, but as discussions – for example, an initial workshop to gather reactions to early analysis, or follow-up interviews that circle back to earlier points raised. Through such formats, civil society participants can correct researchers' interpretations, highlight nuances, or concur with conclusions, thereby actively shaping the knowledge that is being co-created.

The fourth and last pillar is the **Co-production of Knowledge**. In this respect, scholars have already elaborated several approaches, the main ones being participatory action research (PAR) and community-based participatory research (CBRP). While the PAR approach has its origin in revolutionary movements (especially in Latin America), with the aim of building a 'collective subject', generally against an oppressive power, the CBRP approach, while including aspects of PAR, has its origin in contexts where 'scientific knowledge – its assumptions or limitations – played a central role in a

societal conflict.'[13] The idea behind the PAR approach is that a strong network of stakeholders has the capacity to generate 'knowledge contributing to research agendas and empirical knowledge, going beyond the normal scope of academic research', thus creating a new form of 'inside knowledge' that can in turn inform policy interventions. On the other hand, the CBRP approach goes a bit beyond, highlighting how affected local communities have the capacity to carry out' undone science', i.e. address[ing] questions and issues that were neglected by the official science', thus adding great value to the final production of knowledge.[14] All in all, co-production of knowledge builds on the idea that research should be conducted in closed partnerships and cooperation with relevant stakeholders. Such cooperation requires constant communication, information sharing, feedback requests and the establishment of trusted relationships among all relevant stakeholders.[15] Within the framework of the ODCSE methodology, co-production means that the outputs of the research (be it analysis, frameworks, or recommendations) are jointly influenced by academic inquiry and civil society input; co-production implies a blurring of the line between 'researcher' and 'research subject'. By the end of the process, civil society contributors should be able to see their imprint on the findings – for instance, a policy recommendation that was raised by an NGO during a workshop, or a categorisation of state justifications that reflects terminology used by interviewees rather than only scholarly jargon.

From a methodological standpoint, co-production is enabled by the iterative nature of the ODCSE process: initial theoretical ideas are *empirically tested and adjusted* based on stakeholders' inputs, and empirical findings are in turn validated or refined through dialogue with those stakeholders. The HRJust project explicitly designed the thematic work packages and the normative work package (WP3) to inform each other in this way. During the third year of the project, after cycles of engagement, each thematic team (like WP6 on climate) is expected to deliver its data and insights to the project's theoretical core and to the empirical and policy-oriented WP7, ensuring that the final theoretical framework and recommendations are truly collaborative products.

These four pillars – systematic planning, ongoing engagement, direct participation, and co-production – distinguish the ODCSE methodology from more conventional research methodologies in legal and human rights studies. In particular, the ODCSE approach aligns with emerging paradigms of *participatory action research* and *living laboratories*, where stakeholders are involved in continuous observation and

[13] See more in detail, Jennifer Carrera, Les Levidow, 'Introduction: Participatory Knowledge Co-Production,' *Science as Culture* 34, no. 1 (2024): 1–12. https://doi.org/10.1080/09505431.2024.2410718.
[14] Ibid. See also, David J. Hess, 'Mobilized Publics in Local Environmental Conflicts: Comparing Types of Expertise and Outcomes,' *Science as Culture* (2025): 1–28, https://doi.org/10.1080/09505431.2025.2475315, Jennifer S. Carrera, Pastor Cynthia Watkins, Rev. Sarah Bailey, Pastor Ronnie Wiggins, Laura Sullivan, Melissa Mays and Kent Key, 'Flint Community Science Leadership: Co-Production of Knowledge Around Environmental and Public Health Action,' *Science as Culture* 34, no. 1 (2024): 52–72, https://doi.org/10.1080/09505431.2024.2352511.
[15] See also the example of the co-production of knowledge process established by the Center for Science and Society at the Columbia University, 'Co-Production of Knowledge Initiative,', accessed May 14, 2025, https://scienceandsociety.columbia.edu/content/co-production-knowledge-initiative.

iteration. And in this respect, the HRJust Intersect Observatory (the digital platform hosting project outputs)[16] has been served as a 'living lab'[17] or observatory in the social sense, where close and consistent observation by a community leads to agile responses and knowledge creation.[18] This resonates with broader moves in governance and development to include civil society in decision-making processes for legitimacy and effectiveness.

One of the innovative aspects of ODCSE is how it navigates the **top-down vs. bottom-up dichotomy** in research. Rather than choosing one or the other, ODCSE explicitly combines them in a sequence of steps. The ODCSE methodology, as applied to HRJs, proceeded as follows: **(1).** A *top-down theoretical* stage, formulating an initial conceptual framework for understanding HRJs (drawing from existing theory and the project's objectives); **(2)** a *bottom-up empirical* stage, implementing the framework through field activities in three thematic areas (COVID-19, migration, and climate), engaging directly with civil society via interviews, workshops, and data collection; **(3)** a *bottom-up theoretical* stage, in which the empirical evidence from those engagements is brought back to challenge and refine the initial theory; and **(4)** a *top-down empirical* stage, where a revised methodology or model of ODCSE is finalised and can be applied generally to assess HRJs across cases. This cyclical movement ensures that general principles are informed by particular cases, and on the other way round, addressing the research question of how to 'compare the general and the particular' in HRJ practices. By consciously designing the research to oscillate between theory and practice, ODCSE provides a built-in mechanism for comparing broad patterns to specific contexts (we will see this in action in the climate context on the following paragraphs). It acknowledges that effective analysis of HRJs must capture universal trends (the general) *and* local nuances (the particular), without privileging one level over the other a priori.

In summary, ODCSE is a methodology born out of necessity – the necessity to hold states accountable in the novel arena of self-justified human rights claims – and shaped by principles of inclusivity and iterative learning. Its implementation requires careful coordination (to be systematic across various research teams and topics) and a commitment to genuine knowledge-sharing and knowledge co-production with civil society. By design, it targets not only civil society representatives but also brings in state representatives and judicial authorities into the conversation, at least in thematic work packages like WP6 on climate litigation. The rationale is clear: focusing only on civil society's views could lead to a one-sided understanding, whereas involving state officials and judges in dialogues allows the project to 'compare perspectives' and

[16] The official website of the HRJust Intersect Observatory is available at https://hrjust-intersect-observatory.eu.

[17] World Bank, 'The Social Observatory: a Living Lab for Developing a Science of Delivery,' January 28, 2016, https://www.worldbank.org/en/news/feature/2016/01/28/the-social-observatory-a-living-lab-for-developing-a-science-of-delivery.

[18] Tee L. Guidotti, 'The Observatory: a Model for Studies in Health, Society, and the Environment,' *Journal of environmental studies and sciences* 12, no. 4 (2022): 827–837, https://doi.org/10.1007/s13412-022-00786-6. See also Federica Cristani, 'HRJust Intersect Observatory's Mission: Notes on the Methodological Framework,' (2025) https://doi.org/10.5281/zenodo.14888063.

critically examine the role of each actor in, as in this case, climate litigation. This holistic multi-actor engagement under the umbrella of ODCSE sets the stage for a rich analysis of HRJs in practice.

3. Implementing the ODCSE Methodology in Climate Litigation

Having outlined the ODCSE methodological framework, we now turn to its concrete application in the domain of climate change – specifically, climate litigation. This part of the article describes the research design, the qualitative and quantitative methods employed, and the key findings that address our five research questions.

We highlight how the systematic, ongoing, direct engagement and co-production of knowledge with relevant stakeholders has been implemented and how it has enriched data collection and analysis. The discussion is organised thematically, beginning with the research design and methodological choices (which have set the stage for comparing general vs. particular HRJs practices), with a special focus on how gender and intersectionality perspectives have been incorporated in the ODCSE methodology, then moving to delineate how the ODCSE process has been followed in the main research questions of the projects, dealing with HRJs in climate litigation (question 1), delineating general trends and particular context differences (question 2), also identifying the relevant geopolitical dimensions (question 3), and the role of the European Union (EU) in its internal and external actions (question 4) and finally reflecting on the role of civil society especially the co-production of knowledge (question 5).

3.1. Research Design: An Interdisciplinary and Mixed-Method Approach

The analysis of climate litigation aimed at examining how states use HRJs in climate litigation, at different levels of jurisdictions – national, regional, and international. The aim was not only to document instances of HRJs in climate action (or inaction), but also to understand their *impact* and what they reveal about governance, but also to set out to compare and contrast various approaches across various legal systems, investigating different jurisdictions' experiences with climate litigation. By doing so, it sought patterns that transcend any one country (the 'general') as well as factors unique to each case or context (the 'particular'). A special focus has been placed on identifying new actors and emerging roles (for instance, are courts stepping into new roles as enforcers of climate duties?) and on understanding how geopolitical context and gender/intersectionality influence human rights justifications in climate matters.

To meet these objectives, WP6 has employed an **interdisciplinary and mixed-method approach** in line with the above-described ODCSE process. The approach combined qualitative research (to gain depth of understanding and narrative insight) and quantitative research (to measure the frequency and perception of certain phenomena), selecting specific methods based on the type of data available. The key methods included:

Discourse Analysis. Researchers examined a variety of textual sources where

human rights are invoked in the climate context, in particular court proceedings that contain states' justifications. Discourse analysis was also applied to civil society documents such as *amicus curiae briefs* submitted in climate cases. By comparing these, the research could observe a dialogue of justifications and counter-justifications: how states defend themselves versus how civil society challenges or supplements those defences.

Comparative Case Studies: in-depth case studies of climate litigation have been conducted in selected jurisdictions, representing both EU Member States and non-EU countries. This comparative approach has allowed us to observe how different legal cultures and political contexts affect the use of HRJs, juxtaposing the particularities of each case with cross-cutting human rights arguments.

Semi-Structured Interviews: WP6 carried out 43 semi-structured interviews with stakeholders between April and August 2024. The interviewees were carefully selected to represent three groups: policy officers (government officials at national or EU level), judicial authorities (judges or legal experts, including those from domestic courts and European courts), and associations (NGOs and civil society organisations, both national and international).[19]

The interviews were semi-structured, meaning that a set of guiding questions was prepared, but interviewers had leeway to probe further based on responses. This format is well suited to exploring HRJs, as it allows respondents to elaborate on how they see human rights being used or misused in climate contexts. The content of the questions was formulated in line with the project's guiding theoretical inquiries (developed in the theoretical WP of the project). Broadly, the interviews aimed to uncover who uses HRJs (focusing on 'non-private actors' like states or public authorities) and what kinds of arguments they use – e.g. legal reasoning, national interest, security, ethical and moral. They also delved into the function of law in HRJs and contexts where HRJs appear. The interviews were an embodiment of ODCSE's direct participation: they weren't merely data collection, but a dialogue where participants often provided immediate analytical input (e.g. an interviewee might themselves contrast general vs. particular aspects or highlight geopolitical influences on their country's stance).[20]

Qualitative Content Analysis: A codebook was developed collaboratively by

[19] Before conducting the interviews, the research teams obtained the relevant institutional ethical clearances and GDPR assessment. Before conducting interviews, interview questions were structured and shared among research team members. The interviewees selection took into account the balance of the background of the interviewees. Accordingly, both national policy officers as well as EU-level officers were included in the groups. Parallelly, the group of judges included domestic and European-level judicial authorities as well. To ensure a balanced representation of civil society, the same consideration was given to the selection of the related associations as well. Interviewees were chosen from diverse geographical regions to ensure representation from various continents. For more information, please see Elif N. Němec, Jan Lhotský, Federica Cristani, Elisa Fornalé and Riccarda Heepen, "Preliminary WP6 Working Paper on the Methodology for Conducting Interviews," *HRJust WP6 Climate Working Paper Series* (2024), https://doi.org/10.5281/zenodo.10996864.

[20] For more details see also Federica Cristani, 'WP6 Interview dataset. Codes, Group Codes and Quotations (Version_1_February 2025)' (2025), https://doi.org/10.5281/zenodo.15078085 and Federica Cristani, 'WP6 Interview Dataset. Statistical Data (Version_1_February 2025),' (2025), https://doi.org/10.5281/zenodo.15078301.

the research teams, combining inductive codes (terms and ideas emerging from the interviews themselves) and deductive codes (categories derived from the conceptual framework)[21]. This process ensured that the analysis was grounded in participants' language while also addressing the research questions. The final codebook included a range of codes capturing themes such as 'Advantage of HR justification', 'Argumentations alternative to HRJs', 'Balancing human rights arguments', 'State justifications', 'Using HR arguments for climate litigation', 'Role of Civil Society', 'Vulnerable Groups', among others. Each interview was coded line-by-line with these categories. This systematic coding allowed the team to pull together insights across interviews – for example, to see all instances where interviewees discussed *state justifications* or mentioned *geopolitical factors* or *intersectionality issues*. Content analysis thus provided a structured way to synthesise qualitative data, serving as a bridge between narrative and numbers. While inherently qualitative, the approach allowed for some quantitative description (e.g. 'X% of interviewees mentioned the right to life as a key right affected by climate change').

Survey Research: a **research survey** was prepared to gather broader quantitative data on public and expert opinion regarding human rights justifications in climate action. The survey was developed in early 2025, building directly on the findings from the interviews and the second civil society engagement workshop. Its purpose was to validate and enrich the qualitative insights with a larger sample. The survey included questions summarising key debates (for instance, asking respondents to rate the legitimacy of certain state justifications). The sample of about 86 participants was identified to ensure diversity: it included both domestic and EU-level policymakers, judges from various jurisdictions, and civil society representatives, mirroring the balance sought in the interviews. While the results of the survey are beyond the timeframe of this article (as they will be analysed in the second part of 2025),[22] the inclusion of a survey underlines the project's commitment to a mixed-method approach. It recognises that while interviews capture depth, a survey can capture breadth and help compare perspectives quantitatively (for example, measuring if there is consensus or divergence on the helpfulness of human rights arguments in climate litigation).

Engagement activities. Following the above described ODCSE process, two

[21] All interview transcripts were transcribed, anonymised, and analysed using qualitative content analysis, supported by Atlas.ti software. When developing the codes for the interview analysis, inter-coder reliability was assessed on all interviews. Overlapping codes developed by the coders were compared, and discrepancies were discussed until consensus was reached. A detailed report on the methodologies for assessing inter-coder reliability has been prepared by the research teams and is being published on the website of the HRJust Climate Claims- Open Access Case Law Database.

[22] Before conducting the research survey, the research teams obtained the relevant institutional ethical clearances and GDPR assessment. At the time of writing, the analysis on the results of the survey still focus on descriptive trends to illustrate general agreement and areas of divergence across respondents. For example, high levels of consensus were observed on the importance of human rights framing in climate policy, while more varied responses emerged regarding the influence of international instruments and political versus legal responsibility. Given the ongoing nature of the data collection, detailed statistical analysis will be conducted and reported in a subsequent phase of the project. The relevant report, which will detail the relevant methodology, will be published on the website of the HRJust Climate Claims- Open Access Case Law Database.

rounds of civil society workshops in addition to the interviews and survey were conducted. The first workshop (which took place in the second year of the project as a first part of the engagement exercise) convened a range of stakeholders – academics, international organisation representatives, policy officers, and civil society – to discuss initial research insights and jointly explore issues of climate litigation, gender, intersectionality, and policy responses. This workshop provided valuable context and guided some emphases (for instance, participants highlighted the crucial accountability role of civil society and the challenges of data gaps, which we detail in the following paragraphs). The second workshop (which also took place in the second year of the project as the second part of the engagement exercise) was a closed webinar specifically designed to present preliminary results from the fieldwork (interviews) and obtain feedback. In this webinar, the research team shared early observations on how interviewees had answered the key questions and facilitated a roundtable discussion on issues such as how climate change affects fundamental rights, which groups are most vulnerable, and the effectiveness of various legal arguments that are usually used in climate litigation. Invited attendees included many of the same people from the first workshop, plus some interviewees and additional civil society and policy stakeholders. The insights and reactions from the second workshop were then used to refine the research survey and shape the final analysis.

3.1.1. Incorporating Gender and Intersectionality Perspectives in the ODCSE Methodology

A critical dimension of HRJs in climate policy – and of the ODCSE methodology itself – is the integration of gender and intersectionality. Climate change is not experienced equally. Women, girls, and gender-diverse individuals often face disproportionate risks due to pre-existing social, economic, and political inequalities, as already outlined in the research carried out within WP6.[23] These risks are further compounded when intersecting with other vulnerabilities such as race, indigeneity, disability, age, or displacement. Yet, mainstream climate governance and litigation frequently treat 'the public' as a homogenous category, failing to account for these differentiated experiences and needs.[24] As such, any methodology for evaluating state justifications through a human rights lens must include gender and intersectional perspectives.[25]

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[23] Elisa Fornalé, "Parità di genere e cambiamenti climatici in tempi di ´polycrisis´," in *Dalla non discriminazione alle pari opportunità: Un itinerario di confronto, ricerca e sperimentazione di buone prassi a UNISA… e oltre*, ed. Angela Di Stasi (Editoriale La Scientifica, 2024), 117–130 and Elisa Fornalé, 'Slow Violence, Gender Equality and Climate Agency in Times of "Polycrisis",' *Revista general de derecho europeo* 61 (2023):64-86, https://www.iustel.com/v2/revistas/_detalle_revista.asp?id_noticia=426572&d=1.

[24] Bridget Lewis, *Environmental Human Rights and Climate Change. Current Status and Future Prospects* (Springer, 2018).

[25] Angela Hefti, 'Intersectional Victims as Agents of Change in International Human Rights-Based Climate Litigation,' *Transnational Environmental Law* 13, no. 3 (2024):610–635, https://doi.org/10.1017/S2047102524000128.

The ODCSE methodology is uniquely well positioned to operationalise such inclusivity. Its emphasis on direct, ongoing, and systematic engagement with civil society enables researchers and policy actors to intentionally involve women-led groups, feminist movements, and others working at the intersection of gender and climate justice. This inclusion should not be peripheral but embedded from the planning stage, ensuring that research questions, stakeholder mapping, and data analysis frameworks reflect gender concerns. Civil society actors with gender expertise can also ensure that state justifications are interrogated for their blind spots: for example, whether a national adaptation policy considers the unpaid care burden on women, or whether mitigation strategies respect reproductive justice.[26] Furthermore, gender-sensitive engagement under ODCSE can help address the pervasive data gap in climate policy. Disaggregated data by sex, gender identity, age, and other axes of vulnerability is often missing, which limits the ability to evaluate whether a state's policies truly uphold human rights.[27] Civil society actors are often the first to document these impacts, especially in communities where official monitoring is weak. Their involvement in co-producing knowledge not only enhances the quality of empirical findings but also fosters accountability by challenging dominant narratives that overlook marginalised experiences.

From a legal perspective, intersectionality is increasingly gaining traction in international human rights discourse. Climate-related displacement, food insecurity, and energy poverty disproportionately affect women, yet rarely are these impacts disaggregated in legal reasoning. Embedding intersectionality into ODCSE ensures that state justifications are tested against real-world consequences, and that co-produced knowledge reflects not only legal doctrine but lived experience. Indeed, during workshops and interviews, research participants have emphasised gender-differentiated impacts (such as the disproportionate burden of climate-induced disasters on women), which have guided us to incorporate specific interview questions on gender and to include 'Gender/Intersectionality' as a code in our analysis, yielding insights into how state policies did or did not address those disparities. In practical terms, adopting a gender-sensitive ODCSE approach involves several methodological enhancements, including gender and intersectionality indicators in interview guides; seeking out diverse civil society voices in stakeholder mapping; ensuring gender parity in workshops and roundtables; and applying intersectional lenses in coding and data analysis. *The authors have designed Table 1, which proposes a framework for operationalising these elements in all the above-mentioned phases of the ODCSE process*.

[26] See, among others, UN Women, 'How Gender Inequality and Climate Change Are Interconnected,' April 2025, https://www.unwomen.org/en/articles/explainer/how-gender-inequality-and-climate-change-are-interconnected and Michael Mikulewicz, Martina Angela Caretta, Farhana Sultana and Neil J. W. Crawford, 'Intersectionality & Climate Justice: A call for synergy in climate change scholarship,' *Environmental Politics* 32, no. 7 (2023): 1275–1286, https://doi.org/10.1080/09644016.2023.2172869.

[27] UNFCC, 'Introduction to Gender and Climate Change,' accessed May 14, 2025, https://unfccc.int/gender.

ODCSE Pillars	Gender- and Intersectionality-Inclusive Practice
Systematic Planning	Map stakeholders using a gender and intersectionality matrix; prioritise women-led groups
Ongoing Engagement	Schedule feedback loops that track changes in gendered experiences over time
Direct Participation	Ensure safe, accessible, and gender-responsive formats for workshops and interviews
Co-Production of Knowledge	Use disaggregated data; develop findings involving feminist civil society organisations

Table 1. Operationalising Gender and Intersectionality in the ODCSE Methodology

3.2. Applying the ODCSE Methodology to the Core Research Questions in the Context of Climate Litigation

3.2.1. How Do States Defend and Legitimise their Actions through Human Rights in the Context of Climate Litigation?

A central question of this research has been: How do states defend and legitimise their actions through human rights, particularly in the face of climate change litigation? The answer that has emerged from WP6's work is multifaceted. States employ a repertoire of arguments when confronted with claims that their climate policies violate human rights. Some of these arguments explicitly invoke human rights to bolster the state's position; others are not framed in human rights terms but serve to counter human-rights-based claims (for instance, by questioning causation). The qualitative data from the comprehensive case law-data collection, case studies and interviews reveal a pattern of justifications that states commonly use.

In this respect, the *HRJust Climate Claims – Open Access Case Law Database*[28] offers a unique overview of HRJs employed by states in climate litigation at all levels of jurisdiction. While the analysis of HRJs in climate litigation and the relevant innovative typologies have been further detailed in a separate academic publication,[29] what is worth recalling here is how the ODCSE methodology has been applied and developed for assessing HRJs in climate litigation.

An important step of the ODCSE methodology has been the integration of the development of *the HRJust Climate Claims – Open Access Case Law Database tool* with the engagement of civil society. This has emerged in three main stages. Firstly, with the support of civil society in data collection and analysis (through presentation of

[28] This dataset includes cases at national, regional and international levels – including not only cases brought before relevant courts in different jurisdictions and the major international and regional courts (namely, the International Court of Justice, the International Tribunal for the Law of the Sea, the InterAmerican Court of Human Rights and the European Court of Human Rights), but also before investment arbitral tribunals and the World Trade Organization dispute settlement bodies.

[29] Federica Cristani and Elisa Fornalé, 'Human Rights and Justifications in Climate Litigation: A First Attempt at Conceptualization,' in *Sea Level Rise: Implications for Human Rights, Security and Peace*, ed. Elisa Fornalé (Palgrave MacMillan, forthcoming 2025).

findings in relevant workshops and bilateral meetings); secondly, with the insights offered by civil society representatives during the fieldwork activities (interviews), where HRJs have been presented or further unpacked to elaborate further on their meaning and (successful) use (also) as a litigation strategy; and thirdly, with the presentation of final results to the civil society representatives (ongoing phase with dedicated workshops and bilateral meetings) in order to go beyond the data collection exercise and enable a holistic reflection on HRJs in climate litigation.

3.2.2. General vs. Particular: Comparing Patterns Across Contexts

A key analytical challenge was how to compare the general and the particular in human rights justification practices. That is, how do we distinguish broad trends or principles that apply across many cases from context-specific peculiarities, and what can be learned by juxtaposing them? The mixed-method, comparative design was purpose-built to navigate this challenge, and the results shed light on both commonalities and divergences in HRJs practices.

General trends (common patterns). The research carried out found similarities in the types of arguments states use and the concerns raised by civil society and other stakeholders. For example, across different jurisdictions, certain human rights repeatedly emerged as central to climate litigation; interviewees from different regions tended to answer certain general questions (e.g.,'Which human rights are most affected by climate change?') in a similar way. This indicates a general awareness and agreement on some issues related to climate change. Another general trend is the acknowledgement (at least in principle) that states have positive obligations related to climate change. For example, interviewees generally concurred that states are obliged to take measures to prevent and mitigate climate harms in order to protect human rights.

Particular context differences. Within these general patterns, the research also found important variations and particularities. Comparing the content and emphasis of HRJs in different settings highlighted how context matters. For instance, in Europe, climate litigation often unfolds against the backdrop of EU law and the European Convention on Human Rights. In developing countries or the Global South, states might place heavier emphasis on the right to development and common but differentiated responsibilities. Legal tradition can also create particular differences. In common law jurisdictions, one might observe more reliance on precedent, whereas in civil law countries, arguments might refer more on codified laws or constitutionally enshrined duties.

The identity of civil society actors and their strategies may vary by context, which, in turn, colours the nature of engagement. For example, in countries with restricted civic space, civil society may use more cautious language or indirect methods (like writing reports to international bodies) to question state justifications, whereas in open societies, they might directly challenge government statements in the media and courts. These differences were reflected in how interviewees from different regions described their engagement with the government. Accordingly, the ODCSE methodology allowed to answer the general vs particular question by effectively testing

universals against specifics.

3.2.3. Geopolitics, Resources, and Reach: The Influence of Geopolitical Context

Human rights justifications do not occur in a vacuum; they are deeply influenced by the geopolitical context in which a state operates. Our next research question probes this influence: What role does geopolitics play in the strategy, resource allocation, and international reach of HRJs? The findings from WP6 indicate that geopolitics are a significant factor shaping both how states formulate justifications and how far those justifications resonate or spread beyond their borders.

The research showed that states align their justifications with their international stance and alliances.[30] One clear instance is the EU collectively and its member states. EU member states tend to frame their climate policies as being in line with international commitments and European values. At times, EU Member States have justified their climate measures (or lack thereof) by referencing to EU processes, which can be considered as a geopolitical argument about burden-sharing. This dynamic came up also during some of the interviews.

Geopolitics can also affect how resources are allocated to both pursuing and responding to HRJs. Wealthier nations generally have more capacity to engage in thorough rights-based policy planning (with legal teams that can craft justifications and programs to implement rights-consistent policies).[31] For instance, the lack of disaggregated data on climate impacts is a challenge, and comprehensive data collection is needed. Wealthy countries arguably have the resources to do this, which would strengthen any human-rights-based policymaking (e.g. targeting help to the most vulnerable). In contrast, resource-constrained countries may struggle to gather evidence or implement the measures that would make their HRJs more credible.

The EU's geopolitical role merits special mention (also linking to our next research question, explored in the next paragraph). Indeed, internally, the EU can allocate resources to help Member States meet rights obligations (through funding just transition mechanisms, etc.), thereby strengthening their justifications. Externally, the EU has significant soft power to promote human-rights-based climate action abroad – for example, by making climate cooperation part of its human rights dialogues with

[30] See in this respect the analysis from Hari M. Osofsky, 'The Geography of Climate Change Litigation: Implications for Transnational Regulatory Governance,' *Washington University Law Quarterly* 83, no. 6 (2005): 1789–1855, https://openscholarship.wustl.edu/law_lawreview/vol83/iss6/3, Peter Hill, 'Strategy and justice: Managing the geopolitics of climate change,' *LSE IDEAS – Grantham Research Institute on Climate Change and the Environment Policy insight* (September 2024), https://www.lse.ac.uk/granthaminstitute/publication/strategy-and-justice-managing-the-geopolitics-of-climate-change and Murray Carroll, 'The Geopolitics of Climate Justice: Collective Interest or raison de système ?,' *Journal of Energy & Natural Resources Law* 34, no. 1 (2016): 109–125, https://doi.org/10.1080/02646811.2016.1120581.

[31] See in this respect for example the call from 'BRICS Proposes New Climate Geopolitics Focused on Financing and Social Justice,' BRICS.BR, April 3, 2025, https://brics.br/en/news/brics-proposes-new-climate-geopolitics-focused-on-financing-and-social-justice and the analysis in Joana Setzer and Lisa Benjamin, 'Climate Change Litigation in the Global South: Filling in Gaps,' *AJIL Unbound* 114 (2020):56–60, https://doi.org/10.1017/aju.2020.6.

other countries, or funding climate adaptation under a human rights and solidarity framing.

In terms of resource allocation, geopolitical power can determine who sets the research and policy agenda. Many major initiatives to explore human rights and climate linkages are funded or driven by Western institutions (like European research grants). This means more attention and knowledge production originate in those contexts.

Accordingly, geopolitics shapes HRJs in various ways. The ODCSE approach can help to unveil these layers.

3.2.4. The European Union: its Role in Internal and External Actions

The EU and its member states occupy a unique space in the landscape of HRJs. Our fifth research question is as follows: What role does the EU play in comparison between its internal and external actions when it comes to climate change and human rights?

Internally, the EU has increasingly integrated climate objectives into its legal framework, but typically through an environmental or economic lens rather than an explicit human rights lens. The EU also serves as a forum for internal comparison.[32] If one member state lags, NGOs and citizens can point to others. Thus, the EU creates a semi-competitive environment for justifications. From the perspective of the HRJust project, internal EU practice needs improvement. Internally, there's currently a gap: individuals do not have a direct mechanism at the EU level to challenge a state's HRJ. Indeed, while individuals can use EU law mechanisms for environmental matters (or bring claims to the European Court of Human Rights, within the framework of the Council of Europe), there's no specific process to contest a member state's HRJs. The EU could theoretically set standards (through legislation or directives) requiring, for example, that states conduct human rights impact assessments of major climate-related decisions or ensure participation rights. So far, it has not done so explicitly in human rights terms.

Externally, the EU often integrates human rights and climate in its diplomacy and international agreements. The potential human rights external obligations of the EU when it acts – or refrains from acting – to counter climate change have been particularly neglected. Accordingly, relevant research has been conducted to shed light on the existence and extent of EU extraterritorial human rights obligations in the area of climate change, affirming that 'EU institutions should take extraterritorial human rights obligations seriously'.[33]

The application of the ODCSE methodology has tested the relevant findings about internal and external actions of the EU and its role also during workshops and

[32] See for example, Christina Eckes, 'Strategic Climate Litigation Before National Courts: Can European Union Law be used as a Shield?,' *German Law Journal* 25, no. 6 (2024):1022–1042, https://doi.org/10.1017/glj.2024.54.

[33] Chiara Tea Antoniazzi, 'Extraterritorial Human Rights Obligations in the Area of Climate Change: Why the European Union Should Take Them Seriously,' *European Papers* 9, no. 2 (2024): 479–512, https://doi.org/10.15166/2499-8249/768.

interviews with civil society, thus elaborating further the recommendations to be produced by the end of the project.

3.2.5. The Role of Civil Society in the Co-Production of Knowledge

The ODCSE methodology's emphasis on civil society inclusion was vividly borne out in WP6's activities. Civil society actors not only provided data (e.g. through interviews, workshop activities) but also actively shaped the interpretation of that data and the direction of the inquiry. This answers our final research question: How can civil society be included in the co-production of knowledge through the ODCSE approach, and what impact does this have? Civil society can be woven into the research process at every stage and that their involvement greatly enriches the analysis – particularly by highlighting accountability issues and bringing in perspectives that might otherwise be overlooked by purely academic viewpoints.

One of the clearest conclusions from the engagement activities was the recognition of civil society's crucial role in holding governments and the private sector accountable in the realm of climate change. This sentiment was voiced especially during the first civil society workshop, where participants from NGOs and community groups stressed that climate litigation and advocacy driven by civil society have been instrumental in pressuring states to act. Civil society actors – including environmental organisations, youth movements, and indigenous communities – often serve as the initiators of climate litigation against states, essentially acting as a check when governmental policies fall short.[34] In cases like Urgenda v. Netherlands[35] or Leghari v. Pakistan,[36] it was civil society (an NGO and a farmer, respectively) that brought successful claims leading courts to compel stronger climate action. One of the most valuable conclusions from the discussion was the recognition of civil society's crucial role in holding governments and the private sector accountable.[37]

The HRJust interviews echoed this: many association representatives described their role as watchdogs, gathering evidence of human rights impacts (e.g. documenting how heatwaves affect the elderly or how sea-level rise threatens communities) and bringing that to legal and public forums.[38] What the ODCSE process has indeed added

[34] See, among others, Susana Borràs, 'Movimientos para la justicia climática global: replanteando el escenario internacional del cambio climático,' *Relaciones Internacionales* 33 (2016): 97 – 119, https://doi.org/10.15366/relacionesinternacionales2016.33.005.

[35] 'Urgenda Foundation v. State of the Netherlands,' accessed May 14, 2025, https://climatecasechart.com/non-us-case/urgenda-foundation-v-kingdom-of-the-netherlands/.

[36] 'Leghari v. Federation of Pakistan,' accessed May 14, 2025, https://climatecasechart.com/non-us-case/ashgar-leghari-v-federation-of-pakistan/.

[37] A closed workshop on 'Climate Litigation, Gender and Intersectionality with Civil Society Engagement', co-organised by the World Trade Institute of the University of Bern and the Institute of International Relations Prague and held on 27 May 2024 in Prague (CZ). See the detailed report from the workshop on the HRJust Intersect Observatory website, https://hrjust-intersect-observatory.eu/civil-society-catalogue/#climate.

[38] See preliminary results from interviews in Elif N. Němec, Jan Lhotský, Federica Cristani, Elisa Fornalé, and Riccarda Heepen, 'Preliminary WP6 Working Paper on the Methodology for Conducting Interviews,' *HRJust WP6 Climate Working Paper Series* (2024), https://doi.org/10.5281/zenodo.10996864.

was a formal avenue for these insights to feed into a research framework and ultimately into policy recommendations, rather than remaining in separate silos of activism. In particular, following the ODCSE methodology, civil society was engaged in co-production in several concrete ways:

The involvement of civil society is without question relevant in shaping the direction and substance of the research project from the very beginning. In the preliminary stage, its contributions were decisive in identifying the issues that deserved increased attention. Through participatory methods such as workshops and interviews, it resulted that certain social groups, especially children, the elderly, women, and indigenous populations, are disproportionately vulnerable to the effects of climate change. This is an empirical finding which guided the research team towards refining the investigative direction by including targeted questions and thematic coding categories such as "Vulnerable Groups" and "Intersectionality", so that these dimensions would not be omitted from the methodological framework of the project.

Alongside these aspects, civil society actors contributed substantially to the data corpus by providing concrete case studies and examples from their direct activity with affected communities. All these qualitative perspectives extended the empirical scope of the research far beyond what the core academic team could have collected on its own. In practice, civil society functioned both as a consultative body and as a true co-producer of knowledge, enriching the dataset with specific narratives and operational realities that would otherwise have remained inaccessible.

With regard to the validation and interpretation of the results, the second phase of involvement, which took place through a new workshop and a dedicated survey, served as a real-time feedback mechanism, which allowed the testing of preliminary results against the perspectives of civil society representatives and other interested parties, facilitating a dynamic process of triangulation and reflexive interpretation.

Such iterative validation mechanisms contributed to reducing the risks of academic detachment and led to the maintenance of the emerging conclusions rooted in the reality of the actors involved.

Finally, the role of civil society becomes more pronounced in the co-development of public policy recommendations. As the project enters its final stage, participatory mechanisms continue to provide platforms through which civil society actors can express the transformations they desire. The second workshop and subsequent exchanges have already begun to capture these normative aspirations, which will guide the formulation of applicable recommendations. In this way, the project becomes an example of collaborative and socially sensitive research design, in which civil society acquires new dimensions, stepping out of the framework of an object of study and becoming an active actor in shaping the outcomes.

The impact of civil society co-production is evident in the following outcomes: 1) broadening the notion of accountability beyond courtroom wins; 2) public campaigning; 3) investor pressure on corporations, and 4) international advocacy (e.g. pushing for an International Court of Justice advisory opinion on climate change and human rights). These insights define a multi-pronged strategy: not just legal, but also political and social, to confront inadequate HRJs.

In sum, co-production experience suggests a model in which civil society is not a mere subject of study but a co-investigator. The knowledge generated is hybrid: part empirical academic study, part lived experience and praxis of activists. This approach democratises knowledge production, reflecting the idea that those affected by or fighting against climate injustices have expertise that is just as valid as that of scholars or officials.

Finally, civil society co-production ensures relevance and impact. The findings and recommendations have a constituency behind them – those very stakeholders who helped shape them are likely to champion them. Digital tools like the *HRJust Climate Claims – Open Access Case Law Database* and the *HRJust Intersect Observatory* serve as repositories and platforms where civil society can find the research outputs (academic publications, working papers, recordings from events and discussions) and use them in their ongoing work. This continuous loop means the knowledge doesn't just reside in an article or report, but feeds back into advocacy and potentially state practice. As one workshop takeaway put it, coordinated efforts and innovative approaches are needed to address global challenges effectively – a call that was jointly endorsed by academics and civil society. The ODCSE approaches illustrated one such innovative approach by blending analysis with activism in pursuit of climate justice.

4. Conclusion and Future Directions

The analysis presented in this article demonstrates the promise of the ODCSE methodology in bridging the gap between state-driven human rights narratives and the accountability demanded by civil society, with climate change as a critical testing ground.

By engaging directly with a broad range of stakeholders and iteratively combining theoretical and empirical insights, the HRJust project – particularly through its climate-focused activities – has shed light on how states use HRJs, how those justifications can be evaluated and compared, and how the process of co-producing knowledge with civil society can lead to more robust outcomes. Several key conclusions and implications emerge. Filling the accountability gap is an achievable desideratum through the fact that the ODCSE approach delivers a model for continuous monitoring, so that through the involvement of civil society from the beginning, it creates a form of continuous accountability for the actions of states.

The empowerment of knowledge co-production and stakeholder inclusion is conferred by the methodology and conclusions of the project, which emphasise that an inclusive co-production of knowledge leads to more legitimate and concrete outcomes. A practical future direction is the extension of the ODCSE methodology to other fields of human rights justification. Beyond the HRJust project, other researchers or institutions have the possibility to adopt this participatory method to examine, for example, how states justify surveillance measures with human rights (privacy vs. security) or how they justify emergency economic measures etc. The success within WP6 regarding climate suggests that the model is replicable. At the same time, follow-up and broader implementation are propelled by the HRJust project itself, from which

this article is a result, generating academic publications, working papers, policy papers and recommendations that will be disseminated to stakeholders, including the European Commission and national authorities, as it is vital that these do not remain on paper.

For climate (WP6), one idea could be to pilot the ODCSE approach in a specific national context beyond the project for instance, choose a member state willing to try a more participatory process for its next climate action plan, using ODCSE as a model, and see how that improves outcomes. Similarly, at the EU level, one could incorporate elements of ODCSE into the mandated public consultations for policies (ensuring they are not one-off, but ongoing engagements). Lessons learned here could then be documented to refine the methodology further.

The ODCSE methodology and the findings from its application show that when civil society is given a seat at the table, when data and experiences are shared, and when states are challenged constructively, it is possible to move towards more transparent, accountable, and rights-respecting climate governance. As one workshop participant noted, addressing climate change effectively requires *'coordinated efforts and innovative approaches'*. ODCSE can serve as one of such innovative approaches.

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