



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

**Briefing Paper:  
Human Rights and Climate Change**

**October 2025**

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## 1.0 Introduction

- 1.1 In recent years, recognition of the links between State human rights obligations and the environment has increased rapidly and continues to evolve at both the domestic and international level. There are a growing number of international agreements, judicial decisions from regional and national courts, and national laws and policies that recognise the impact of environmental degradation and climate change on the enjoyment of human rights. This briefing paper presents the evolving human rights standards on the environment and sets out the Northern Ireland Human Rights Commission's (NIHRC) position in relation to human rights and climate change.
- 1.2 The NIHRC is a statutory public body established in 1999 to promote and protect human rights. In accordance with the Northern Ireland Act 1998, the Commission reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in Northern Ireland (NI). The NIHRC also monitors the implementation of Article 2(1) of the Windsor Framework.<sup>1</sup>

## 2.0 International Human Rights Framework

### Positive Obligations

- 2.1 International human rights law imposes a general commitment on States to secure enjoyment of human rights, which includes "positive obligations". This means that the State's duty to guarantee effective enjoyment of human rights goes beyond ensuring that the government itself respects rights. The State must also take reasonable measures to prevent human rights abuses.<sup>2</sup>

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<sup>1</sup> The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the UK-EU Withdrawal Agreement and all references to the Protocol in this document have been updated to reflect this change. See Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework. Windsor Framework Article 2 is given effect in UK law by section 7A of the EU (Withdrawal) Act 2018.

<sup>2</sup> For example, by enacting laws and securing their effective enforcement, through education, information, monitoring and, where necessary, the deployment of sanctions.

## **UN Paris Agreement (2016)**

- 2.2 In 2016, the UK Government signed and ratified the landmark UN Paris Agreement which formally acknowledged the need to combat climate change and move towards a sustainable low carbon future.<sup>3</sup> The Agreement calls upon all States to respect, promote and consider their respective human rights obligations when taking positive action to address climate change.<sup>4</sup>

## **UN Human Rights Council Resolution 48/13**

- 2.3 In 2021, the UN Human Rights Council and General Assembly adopted a resolution recognising the universal human right to a safe, clean, healthy and sustainable environment.<sup>5</sup> It reiterates the indivisibility and interdependence of human rights, recognising that environmental damage has negative implications, both direct and indirect, for the effective enjoyment of all human rights, including the rights to health, water, food, housing, self-determination, and life itself. These rights are protected by various human rights treaties, including:

- Article 1, International Covenant on Economic, Social and Cultural Rights (ICESCR) protects the right to self-determination.
- Article 11, ICESCR protects the right to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions.
- Article 12, ICESCR protects the right to the enjoyment of the highest attainable standard of physical and mental health.
- Article 2 of the European Convention on Human Rights (ECHR) protects the right to life.

## **UN human rights treaty bodies**

- 2.4 Increasingly, UN human rights treaty bodies are addressing climate change in their recommendations and guidance to State parties. This growing jurisprudence from human rights treaty bodies demonstrates how State obligations under the respective Conventions should be interpreted and applied with due regard for the impact of climate change. For example:

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<sup>3</sup> United Nations, 'The Paris Agreement'. Available at: [The Paris Agreement | United Nations](#)

<sup>4</sup> UN Paris Agreement, 2015. The UK Government signed and ratified the Paris Agreement in 2016.

<sup>5</sup> A/HRC/RES/48/13, 'Resolution adopted by the Human Rights Council: The human right to a clean, healthy and sustainable environment', 18 October 2021.

- Committee on Economic, Social and Cultural Rights, General Comment No. 15 recognises the right to water under Articles 11 and 12 of ICESCR (2002);<sup>6</sup>
- Committee on the Rights of the Child, General Comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health (2013);<sup>7</sup>
- Human Rights Committee, General Comment No.36 on the right to life under Article 6 of the International Covenant on Civil and Political Rights (2018);<sup>8</sup>
- Committee on the Elimination of Discrimination against Women, General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change (2018);<sup>9</sup>
- Joint Statement on Human Rights and Climate Change by five UN human rights treaty bodies (2019);<sup>10</sup> and
- Committee on the Rights of the Child, General Comment No. 23 on children's rights and the environment, with a special focus on climate change (2023).<sup>11</sup>
- Committee on Economic, Social and Cultural Rights, General Comment No. 26 on land and economic, social and cultural rights draws attention to land use and its impact on climate change, environmental degradation and irreversible environmental changes (2023).<sup>12</sup>

## UN Special Procedures

2.5 Special Procedures of the UN Human Rights Council have played a critical role in highlighting the impact of climate change on a number of human rights. This includes reports from UN Special Rapporteurs on human rights and the environment;<sup>13</sup> the right to food;<sup>14</sup> and extreme poverty and

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<sup>6</sup> E/C.12/2002/11 'General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant)', 20 January 2003.

<sup>7</sup> CRC/C/GC/15, 'UN CRC Committee General comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)', 17 April 2013.

<sup>8</sup> CCPR/C/GC/36, 'UN Human Rights Committee General Comment No.36 on Article 6: the right to life', 3 September 2019.

<sup>9</sup> CEDAW/C/GC/37, 'UN CEDAW Committee General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change', 13 March 2018.

<sup>10</sup> Office of the High Commissioner on Human Rights, 'Five UN human rights treaty bodies issue a joint statement on human rights and climate change'. Available at: [Five UN human rights treaty bodies issue a joint statement on human rights and climate change. | OHCHR](#)

<sup>11</sup> CRC/C/GC/26, 'UN CRC Committee General comment No. 26 on children's rights and the environment with a special focus on climate change', 22 August 2023.

<sup>12</sup> E/C.12/GC/26, 'UN ICESCR Comment No. 26 on land and economic, social and cultural rights', 24 January 2023.

<sup>13</sup> A/77/284, 'Report of the UN Special Rapporteur on the human right to a clean, healthy and sustainable environment: a catalyst for accelerated action to achieve the Sustainable Development Goals', 10 August 2022.

<sup>14</sup> A/74/164, 'Report of the Special Rapporteur on the right to food: the Sustainable Development Goals', 15 July 2019.

human rights,<sup>15</sup> among many more.<sup>16</sup>

- 2.6 In 2022, the UN Special Rapporteur on the promotion and protection of human rights in the context of climate change highlighted the ‘explosion of net zero commitments’ that lack clarity and transparency, potentially underplaying the complexities of mitigating the impacts of climate change.<sup>17</sup> The Special Rapporteur provides various recommendations on mitigation (emissions reduction), addressing the funding gap on loss and damage, and participation in decision-making processes.<sup>18</sup> Underpinning all of these recommendations is the need for adequate and predictable finance and support.<sup>19</sup>

## European Court of Human Rights

- 2.7 At the regional level, the European Court of Human Rights (ECtHR) is increasingly called upon to develop its case-law in environmental matters on account of the fact that the enjoyment of certain ECHR rights will be undermined by harm to the environment and exposure to environmental risks.<sup>20</sup> For instance, the ECtHR has considered the right to life (Article 2), the right to a private and family life (Article 8) and the freedom of expression (Article 10) as they apply to a range of environmental issues, including pollution, gas emissions and access to information.<sup>21</sup>
- 2.8 In 2024, the ECtHR considered a challenge by a group of older women and their association in Switzerland who alleged that the State was not doing enough to reduce CO<sub>2</sub> emissions to ensure global warming was limited to 1.5 degrees Celsius.<sup>22</sup> As a consequence, the State was exposing them to life-threatening heatwaves in violation of the right to life and the right to private and family life. The applicants specifically argued that the Swiss Government had failed to introduce suitable legislation and put in place appropriate and sufficient measures to attain targets for combatting climate change, in accordance with international agreements it had signed. In particular, Switzerland had not set a carbon budget and its environmental legislation merely required action “in good time”.

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<sup>15</sup> A/HRC/41/39, ‘Report of the UN Special Rapporteur on extreme poverty and human rights: Climate change and poverty’, 17 July 2019.

<sup>16</sup> See full list at Office of the High Commissioner on Human Rights, ‘Human rights mechanisms addressing climate change’. Available at: [Human rights mechanisms addressing climate change | OHCHR](#)

<sup>17</sup> A/77/226, ‘Report of the UN Special Rapporteur on the promotion and protection of human rights in the context of climate change’, 26 July 2022, at para 19.

<sup>18</sup> Ibid at paras 88 - 100.

<sup>19</sup> Ibid at para 4.

<sup>20</sup> European Court of Human Rights, ‘Factsheet – Environment and the European Convention on Human Rights’. Available at: [FS\\_Environment\\_ENG \(coe.int\)](#)

<sup>21</sup> Ibid.

<sup>22</sup> Verein KlimaSeniorinnen Schweiz and others v. Switzerland [2024] ECHR 304.

- 2.9 The ECtHR found Switzerland had breached Article 8 of the ECHR by failing to ensure effective protection from the serious adverse effects of climate change on the lives, health, wellbeing and quality of life of individuals.<sup>23</sup> The ECtHR found that the Swiss Government failed to comply with its positive obligations concerning climate change under the ECHR.<sup>24</sup> The ECtHR noted the lack of a domestic regulatory framework and the failure to meet past greenhouse gas emission reduction targets.

## **Domestic Jurisprudence on Climate Change**

- 2.10 In 2022, the High Court of England and Wales held that the UK Government's Net Zero Strategy was in breach of the Climate Change Act 2008 for failing to provide sufficient information on how carbon budgets could be met.<sup>25</sup> The Court also found that the lack of quantitative and qualitative analysis deprived Parliament and the public the opportunity to understand the Government's commitment to implement statutory carbon emissions targets. The UK Government confirmed it would not be pursuing an appeal to this judgement in October 2022. In March 2023, the UK Government published its Net Zero Growth Plan 2023, which the Government believed fulfilled the 2022 High Court order, to set out in more detail how it intends to reach net zero. Climate Change NGOs believe that this plan is still in breach of the Climate Change Act 2008 "due to its reliance on unproven and high-risk technological fixes" and have requested a judicial review.<sup>26</sup>
- 2.11 In 2023, the High Court in Belfast confirmed that the NI Commissioner for Children and Young People can intervene in an ongoing Clean Air NI challenge, platforming the concerns of children and young people in NI. This case, taken by Friends of the Earth NI and backed by the PILS Project, will attempt to hold the Department for Infrastructure to account for its 17 year-long failure to identify dangerous emissions levels in vehicles during MOT testing.<sup>27</sup> We await the outcome of this case.

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<sup>23</sup> *Verein KlimaSeniorinnen Schweiz and others v. Switzerland* [2024] ECHR 304.

<sup>24</sup> *Verein KlimaSeniorinnen Schweiz and others v. Switzerland* [2024] ECHR 304.

<sup>25</sup> *R (on the application of (1) Friends of the Earth Limited (2) ClientEarth (3) Good Law Project and Joanna Wheatley v Secretary of State for Business, Energy and Industrial Strategy* [2022] EWHC 1841 (Admin)

<sup>26</sup> Nuala Burnett, Tamsin Edwards and Nicole Watson, 'The UK's Plans and Progress to Reach Net Zero by 2050' (HoC Library, 2023), at 12.

<sup>27</sup> NI Commissioner for Children and Young People, 'Court grants NI's children and young people right to be heard in landmark air quality case'. Available at: [Court grants NI's children and young people right to be heard in landmark air quality case - Niccy](#)

## 3.0 Windsor Framework Article 2

- 3.1 Windsor Framework Article 2 is a UK Government commitment to ensure there is no diminution of the protections in the 'Rights, Safeguards and Equality of Opportunity' chapter of the Belfast (Good Friday) Agreement 1998 as a result of the UK's withdrawal from the EU.
- 3.2 The section of the Belfast (Good Friday) Agreement entitled 'Human Rights' contains a commitment to "the civil rights and religious liberties of everyone in the community".<sup>28</sup> The NI Court of Appeal has confirmed the relevant chapter was intended to extend further than the rights specifically listed and it encompassed a "broad suite of rights".<sup>29</sup> The *Dillon* judgment further demonstrates the importance of the commitment to 'civil rights' in that chapter, in finding that it encompasses the rights in question, victims' rights, which are given effect by Articles 2, 3, 6 and 14 of the ECHR and underpinned by EU Victims Directive.<sup>30</sup> The NI High Court has also found that 'civil rights' encompasses the political, social and economic rights which can be upheld by the court.<sup>31</sup>
- 3.3 The NIHRC considers that the full range of rights in the ECHR, to the extent that they are underpinned by EU law in force in NI on or before 31 December 2020, fall within scope of the non-diminution commitment in Windsor Framework Article 2.<sup>32</sup>
- 3.4 The NIHRC has published independent academic research exploring the link between environment, human rights and the Windsor Framework.<sup>33</sup> The NIHRC has also published an [accompanying briefing](#) containing the NIHRC's analysis and recommendations, including concerns about the potential downgrading of air quality laws in NI.<sup>34</sup>

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<sup>28</sup> Belfast (Good Friday) Agreement, 10 April 1998, Part 6 on Rights, Safeguards and Equality of Opportunity. See also UK Government, 'UK Government commitment to no-diminution of rights, safeguards and equality of opportunity in Northern Ireland', (NIO, 2020).

<sup>29</sup> *In the matter of an application by Martina Dillon and others for Judicial Review* [2024] NICA 59, at para 115; *In the matter of an application by Martina Dillon and others for Judicial Review* [2024] NIKB 11, at para 540.

<sup>30</sup> *In the Matter of an Application by Martina Dillon and others - NI Troubles (Legacy and Reconciliation) Act 2023* [2024] NICA 59, at paras 117, 121 and 126.

<sup>31</sup> *In the matter of an application by NI Human Rights Commission for Judicial Review* [2024] NIKB 35, at para 70, confirming Colton J in *In the matter of an application by Martina Dillon and others for Judicial Review* [2024] NIKB 11, at para 543.

<sup>32</sup> NI Human Rights Commission and Equality Commission for NI, '[Working Paper: The Scope of Article 2\(1\) of the Ireland/ Northern Ireland Protocol](#)' (NIHRC and ECNI, 2022). See also the NI Court of Appeal confirming that "the trial judge was right to identify that victims' rights are promoted and given effect by civil rights available to all victims of crime, including articles 2, 3, 6 and 14" (*In the matter of an application by Martina Dillon and others for Judicial Review* [2024] NICA 59, at 117).

<sup>33</sup> Ciara Brennan, Mary Dobbs, Alison Hough, Orla Kelleher and Lisa Whitten, '[The Environment, Human Rights and the Windsor Framework](#)' (NIHRC, 2025).

<sup>34</sup> NI Human Rights Commission, '[Briefing on the 'Environment, Human Rights and the Windsor Framework' Report](#)' (NIHRC, 2025).



- 3.5 In line with ECtHR jurisprudence on the connection between the environment and human rights analysed in the NIHRC's briefing, the NIHRC advises that the commitments in the Rights, Safeguard and Equality of Opportunity Chapter of the Belfast (Good Friday) Agreement should be understood as encompassing the environmental obligations and safeguards required to realise those rights.<sup>35</sup>
- 3.6 The EU has shared competency with Member States in the field of the environment and has legislated extensively in many areas of environmental protection.<sup>36</sup> EU measures must be interpreted in accordance with the EU Charter of Fundamental Rights.<sup>37</sup> The EU Charter contains a free-standing provision on environmental protection, Article 37, and provides for the right to an effective remedy and access to justice in Article 47. Relevant EU law in the area includes the EU Habitats Directive<sup>38</sup> and the EU Ambient Air Quality Directive.<sup>39</sup>
- 3.7 The EU is party to the UN Economic Commission for Europe (UNECE) Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention).<sup>40</sup> The Aarhus Convention guarantees key procedural rights on environmental issues, such as access to information, public participation and access to justice. The CJEU has held that the Aarhus Convention is part of the body of EU law and that those provisions of the Aarhus Convention that meet the criteria for direct effect can be relied upon by individuals.<sup>41</sup>
- 3.8 The CJEU has developed a substantial amount of case law on the interplay between fundamental rights, environmental law and procedural rights and has read these in light of the EU Charter of Fundamental rights.<sup>42</sup>

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<sup>35</sup> NI Human Rights Commission, '[NIHRC Briefing on the 'The Environment, Human Rights and the Windsor Framework' Report](#)' (NIHRC, 2025).

<sup>36</sup> See Ciara Brennan, Mary Dobbs, Alison Hough, Orla Kelleher and Lisa Whitten, '[The Environment, Human Rights and the Windsor Framework](#)' (NIHRC, 2025), Chapter 3 for a discussion on the EU shared competency in the area of the environment.

<sup>37</sup> *In the Matter of an Application by Martina Dillon and Others for Judicial Review* [2024] NICA 59, at para 126; *Secretary of State for Work and Pensions v AT* [2023] EW CA Civ 1307, at para 92. See also Tobias Lock et al, '[The Interaction Between the EU Charter of Fundamental Rights and General Principles with the Windsor Framework](#)' (NIHRC, 2024).

<sup>38</sup> Directive 92/43/EEC, 'EU Council Directive on the conservation of natural habitats and of wild fauna and flora', 21 May 1992.

<sup>39</sup> Directive 2008/50/EC, 'Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe', 21 May 2008.

<sup>40</sup> UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 1998 (Aarhus Convention). Council Decision 2005/370/EC, 'Council Decision on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters', 17 February 2005.

<sup>41</sup> *Lesoochránárske zoskupenie VLK v Ministerstvo životného prostredia Slovenskej republiky (Brown Bears I)*, Case C-240/09, 8 March 2011, at para 28.

<sup>42</sup> See Part 4, NI Human Rights Commission, '[NIHRC Briefing on the 'The Environment, Human Rights and the Windsor Framework' Report](#)' (NIHRC, 2025).

- 3.9 The NIHRC considers EU environmental law to be part of the EU's fundamental rights framework and therefore the standards and procedures laid out in the relevant EU directives engage the non-diminution commitment in Windsor Framework Article 2. The NIHRC advises that rights found in the Aarhus Convention are an integral part of the EU legal order and must therefore be interpreted in line with the rights in the EU Charter of Fundamental Rights, including the right to an effective remedy in Article 47. Any diminution of these rights may be contrary to the commitment in Windsor Framework Article 2.

## 4.0 Taking a Human Rights-Based Approach to Climate Action

- 4.1 A human rights-based approach is one which is directed towards promoting and protecting human rights, based on international human rights standards. It puts human rights at the heart of policies and initiatives and empowers people themselves (rights-holders)— especially the most marginalised— to participate in policy formulation and hold accountable those who have a duty to act (duty-bearers).<sup>43</sup> The PANEL principles can be used as a guide to developing a human rights-based approach in practice. These principles are:
- P**articipation;
  - A**ccountability;
  - N**on-Discrimination and Equality;
  - E**mpowerment; and
  - L**egality.
- 4.2 The greatest impact of climate change is borne by those from marginalised groups as a result of geography, poverty, gender, age, disability, cultural or ethnic background, among others, that have historically contributed the least to greenhouse gas emissions.<sup>44</sup> Adopting a human rights-based approach should ensure meaningful participation with those groups disproportionately affected in the planning, development and review processes for climate legislation and policy.
- 4.3 The UN Special Rapporteur on human rights and the environment records

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<sup>43</sup> UN Office of the High Commissioner for Human Rights, 'Applying a human rights-based approach to climate change negotiations, policies and measures'. Available at: [APPLICATION OF A HUMAN RIGHTS BASED APPROACH IN CLIMATE CHANGE NEGOTIATIONS, POLICIES AND MEASURES \(ohchr.org\)](#)

<sup>44</sup> UN Office of the High Commissioner for Human Rights, 'The impacts of climate change on the effective enjoyment of human rights'. Available at: [The impacts of climate change on the effective enjoyment of human rights | OHCHR](#)

that “children are especially at risk because they are still developing physically and mentally, and because the environmental threats they face are beyond their control”.<sup>45</sup> The UN Convention on the Rights of the Child (UN CRC) recommends that particular attention is paid to the multiple barriers faced by children in disadvantaged situations.<sup>46</sup> In its most recent examination of the UK, the UN CRC Committee made a series of recommendations for the UK Government and NI Executive, including to “promote, with the active participation of schools, children’s awareness of and preparedness for climate change and natural disasters”, among others.<sup>47</sup> Similarly, in its most recent examination of the UK’s compliance with the UN International Covenant on Economic, Social and Cultural Rights (UN ICESCR), the UN ICESCR Committee recommended that the UK Government and NI Executive:

take all measures necessary to meet its nationally determined contribution under the Paris Agreement and implement its net-zero strategy, particularly in the energy, transport, land use, agriculture and building sectors. It further encourages the State Party to enhance its decarbonization policy for dwelling stock and take into account the Committee’s statement on climate change and the Covenant.<sup>48</sup>

- 4.4 A key component of a human rights-based approach is accountability. Accountability relates in part to transparency and the provision of adequate and reliable information. This is evidenced by the 2022 High Court of England and Wales judgement, referenced above at 2.10, which found that the UK Government had failed to provide sufficient information on how carbon budgets would be met in its Net Zero Strategy.
- 4.5 Information about environmental hazards should include regular assessment of impact procedures, that take into account the effects of any proposed action on the enjoyment of human rights, particularly children’s rights. Dissemination methods should be age-appropriate and aimed at overcoming obstacles, such as illiteracy, disability, language barriers, distance and limited access to information and communications technology.<sup>49</sup>

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<sup>45</sup> UN Human Rights Council, ‘Statement: Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment’, 5 March 2018.

<sup>46</sup> CRC/C/GC/26, ‘UN CRC Committee General comment No. 26 on children’s rights and the environment with a special focus on climate change’, 22 August 2023, at para 33.

<sup>47</sup> CRC/C/GBR/CO/6-7, ‘UN CRC Committee Concluding Observations on the Combined Sixth and Seventh Reports of the UK of Great Britain and NI’, 2 June 2023, at para 45.

<sup>48</sup> E/C.12/GBR/CO/7, ‘UN ICESCR Committee Concluding Observations on the Seventh Periodic Report of the UK of Great Britain and NI’, 12 March 2025, at para 13.

<sup>49</sup> CRC/C/GC/26, ‘UN CRC Committee General comment No. 26 on children’s rights and the environment with a special focus on climate change’, 22 August 2023, at para 34.

- 4.6 Integrating human rights norms and principles in climate action will ensure a holistic approach that addresses the economic, social, cultural and political dimensions of climate change and empowers the most affected groups and people. A human rights-based approach will support all duty-bearers in the discharge of their obligations and facilitate transparency, inclusivity and accountability.
- 4.7 In NI, –Section 30(2)(a) of the Climate Change Act (NI) 2022 requires each NI Executive Department, when deciding its proposals and policies for the purposes of meeting its carbon budget, must have regard for the just transition principle. The UN Environment Programme Finance Initiative explains that a just transition entails maximising the social and economic benefits and opportunities of climate and environmental actions, while “ensuring an equitable climate transition that leaves no one behind”.<sup>50</sup> Part 3 – Section 37 of the 2022 Act requires the Department of Agriculture, Environment and Rural Affairs to set up a Just Transition Commission to oversee the just transition elements of the Act.
- 4.8 Section 30 of the Climate Justice Act (NI) 2022 identifies the importance of the just transition principle in taking action to reduce NI emissions and increase NI removals. Such actions should, so far as possible, achieve the objectives of:
- supporting jobs and the growth of jobs that are climate resilient and environmentally and socially sustainable;
  - supporting jobs and the growth of jobs that are climate resilient and environmentally and socially sustainable;
  - in particular, supporting the agriculture sector and other sectors of the economy in Northern Ireland that are likely to be most affected by action to reduce those emissions and increase those removals;
  - supporting low-carbon investment and infrastructure;
  - developing and maintaining consensus through engagement with (among others) workers, trade unions, communities, non-governmental organisations and representatives of the interests of business and industry;
  - creating decent, fair and high-value work in a way which does not negatively affect the current workforce;

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<sup>50</sup> UN Environment Programme Finance Initiative, ‘Just Transition’. Available at: [Just Transition – United Nations Environment – Finance Initiative \(unepfi.org\)](https://www.unepfi.org/just-transition)

- contributing to a resource-efficient and sustainable economy;
- supporting persons who are most affected by climate change, particularly those who may have done the least to cause it or may be the least equipped to adapt to its effects;
- reducing, with a view to eliminating, poverty, inequality and social deprivation,
- eliminating gender inequality and advancing equality of opportunity between men and women;
- supporting the social and economic needs of people in rural areas, and
- taking into account the future generations principle.

4.9 Climate justice is an integral facet of a just transition. Vulnerable marginalised populations can be at heightened risk of harm during transition if not protected and consulted.<sup>51</sup> It is accepted that those contributing the least to climate change are disproportionately affected by it. Climate justice suggests that the responsibility for addressing climate change should be divided equally according to who is contributing most to the problem, while addressing systemic socio-economic and intergenerational inequality.<sup>52</sup> This closely aligns with other human rights, including economic, social and cultural rights and the principle of equality.

## 5.0 Recommendations

### The NIHRC recommends that:

- all decisions taken by NI Executive Departments in relation to climate action should be informed by international human rights standards and norms. Rather than dealing with human rights and climate change as separate issues, the NIHRC recommends that greater cohesion is necessary;
- the Department of Agriculture, Environment and Rural Affairs study in detail the relevant EU environmental law and relevant CJEU jurisprudence

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<sup>51</sup> United Nations Development Programme, 'Climate change is a matter of justice – here's why'. Available at: [Climate change is a matter of justice – here's why | Climate Promise \(undp.org\)](#)

<sup>52</sup> United Nations Development Programme, 'Climate change is a matter of justice – here's why'. Available at: [Climate change is a matter of justice – here's why | Climate Promise \(undp.org\)](#)

with the objective of identifying and clarifying binding minimum standards on environmental protection that underpin human rights;

- the Department of Agriculture, Environment and Rural Affairs ensures climate justice values are adopted in all laws and policies aimed at tackling climate change, including ensuring there is a focus on the specific needs of and preventative measures for those most affected, including children. This includes taking steps to monitor and address poor air quality in NI; and
- the Department of Agriculture, Environment and Rural Affairs takes immediate steps to set up a Just Transition Commission, which is sufficiently resourced and funded, with a mandate that allows for effective oversight functions to monitor the Department's implementation of the just transition principle under the Climate Change Act (NI) 2022.

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