Policy Statement on a Just Transition

Irish Human Rights and Equality Commission
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The Irish Human Rights and Equality Commission was established under statute on 1 November 2014 to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.

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# Recommendations

1. **The Commission recommends that the Government establish the Just Transition Commission as a matter of priority and that human rights and equality are explicitly included in its mandate, regarding the functions, expertise and diversity in its governing body and staff.**
2. **The Commission recommends that the Government ensures complementarity across economic, social, climate and infrastructural policy and strategy, nationally and locally, in the context of a Just Transition, working in partnership to reinforce policy goals and reduce unintended negative consequences.**
3. **In progressing Just Transition, the Commission recommends that the Government takes active targeted measures to support structurally vulnerable groups and guard against maladaptation in the design, monitoring, review, and evaluation of Just Transition in Ireland, whilst adopting both intersectional and intergenerational perspectives.**
4. **The Commission recommends that the Government considers climate change vulnerability assessments, with a focus on economic and geographic vulnerability, in the adaptation planning process.**
5. **The Commission recommends that the Government gives due regard to the situation of climate refugees, and the need for support through relocation and resettlement, and proactive asylum planning for Ireland.**
6. **The Commission recommends that the Government place greater emphasis on evidence-informed targeted measures in tandem with one-off measures, to forestall the impact of the energy poverty on structurally vulnerable households.**
7. The Commission recommends ongoing engagement with workers and stakeholders, and highlights that participation and social dialogue are critical approaches to addressing the employment vulnerability associated with the Just Transition.
8. **The Commission recommends that the Government enhances participation by prioritising community development in affected areas, including through funding, supporting alternative and sustainable employment opportunities and training and development.**
9. The Commission recommends that the Just Transition Commission has research and data included in its mandate and has a strategic focus on structurally vulnerable groups.
10. **The Commission recommends that programmes and targeted interventions are subject to systematic monitoring, review, evaluation and reform, including against international evidence and best practice, and that data and reports are published in a timely and accessible way for use and scrutiny by civil society organisations, independent researchers and public bodies.**
11. **The Commission recommends that the Government take active measures to progress a successor National Action Plan on Business and Human Rights, with a particular focus on human rights due diligence and governance, in line with international obligations.**
12. **The Commission recommends that the Just Transition Commission, through its mandate, ensures the accountability of business and enterprise in line with international standards, while also ensuring resilience in sectors affected by the move to a carbon-neutral economy.**
13. **The Commission recommends that the Government ensures the Digital Ireland Framework and Climate Action Plan operate in tandem to ensure meaningful participation in policy design, monitoring and review by all structurally vulnerable groups. This includes Government prioritisation of targeted offline non-digital mechanisms for consultation, including at community level.**
14. **The Commission recommends that the Just Transition Commission’s mandate incudes express commitments to robust oversight, governance, reporting, transparency and accountability.**
15. The Commission recommends that the State prioritises Just Transition resources to advance human rights and equality and promote the Public Sector Duty, with a focus on structurally vulnerable groups.

# Abbreviations

AI Artificial Intelligence

BER Building Energy Rating

CRPD Convention on the Rights of Persons with Disabilities

CSO Central Statistics Office

DGA Data Governance Act

EIGI European Institute for Gender Equality

ESRI Economic and Social Research Institute

EU European Union

ICCPR International Covenant on Civil and Political Rights

ICESCR International Covenant on Economic, Social and Cultural Rights

ICTU Irish Congress of Trade Unions

IHREC Irish Human Rights and Equality Commission

ILO International Labour Organisation

NDCA National Climate Action Dialogue

NDP National Development Plan

SDG Sustainable Development Goal

SME Small and Medium Enterprise

TASC Think-tank for Action on Social Change

UN United Nations

UNECE United Nations Economic Commission for Europe

UNHCR United Nations High Commissioner for Refugees

# Introduction

The Irish Human Rights and Equality Commission (‘the Commission’) is both the national human rights institution and the national equality body for Ireland, established under the Irish Human Rights and Equality Commission Act 2014 (the ‘2014 Act’). In accordance with our founding legislation, we are mandated to keep under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights and equality and to examine any legislative proposal and report its views on any implications for human rights or, equality.[[1]](#footnote-1)

Our *Strategy Statement 2022-2024* has prioritised “a just transition to a sustainable economic future”, improving “protection of the poorest and those experiencing vulnerability”, access to justice and enhancing the role and enforcement of the Public Sector Equality and Human Rights Duty (‘Public Sector Duty’) in the conduct of public bodies and in the execution of their functions.[[2]](#footnote-2) Human rights and equality are critical to the achievement of Just Transition and climate change action. We call on the Government to prioritise resources to advance rights in Ireland and to provide leadership internationally to ensure that “no person and no place shall be left behind.”[[3]](#footnote-3)

## Climate change, climate action and Just Transition

Just Transitionis a vision-led, unifying set of principles, processes, and practices that build economic and political power to address climate change in a way that is just and equitable.[[4]](#footnote-4) The EU Just Transition Mechanism is a key tool to ensure that the transition towards a climate-neutral economy happens in a fair way, leaving no one and no place behind.[[5]](#footnote-5) It provides targeted support to help mobilise approximately €55 billion over the period 2021-2027 in the most affected regions, to alleviate the socio-economic impact of the transition.[[6]](#footnote-6)

Climate change poses an immediate threat to the protection and enjoyment of human rights[[7]](#footnote-7) and equality[[8]](#footnote-8) both in Ireland and abroad. Nature is declining at an unprecedented rate, greenhouse gas emissions have doubled and global temperatures continue to rise.[[9]](#footnote-9) As much as 85% of Ireland’s energy needs are met by fossil fuels[[10]](#footnote-10) and Ireland remains a low performer in climate rankings.[[11]](#footnote-11)

Climate action involves mitigating climate change (helping to cut greenhouse gas emissions); adapting to the impact of climate change by building resilience to phenomena such as flooding, droughts and other extreme weather events; and contributing to understanding the causes of climate change by a range of actions and measures, including policy development.[[12]](#footnote-12)

Climate justice links human rights and development to achieve a human-centred approach, safeguarding the rights of the most vulnerable people.[[13]](#footnote-13) Climate justice must take into account social inequalities.[[14]](#footnote-14)

The carbon-neutral and green transition is happening in parallel to a digital transition[[15]](#footnote-15), resulting in an industrial revolution of unprecedented speed, [[16]](#footnote-16) with significant impacts for society and the economy.[[17]](#footnote-17) As these transitions progress in tandem and interact, both require careful planning.

# Policy framework

There is a strong policy framework internationally to oblige, drive and assist Ireland in ensuring that action on climate change protects and realises the enjoyment of human rights and equality. Significant international and domestic funding is being invested in addressing climate change, including ensuring a Just Transition. We call on the State to ensure that this policy framework is fully and ambitiously implemented in Ireland and that funding achieves the advancement of human rights and equality.

The 2015 United Nations Framework Convention on Climate Change, (‘the Paris Agreement’)[[18]](#footnote-18) marked the first global and legally-binding climate deal. With a human-rights focus,[[19]](#footnote-19) the Paris Agreement places a positive obligation on State Parties to take into account:

“the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities.”[[20]](#footnote-20)

Other human rights frameworks affording related protections include the Convention on the Rights of Persons with Disabilities,[[21]](#footnote-21) the International Covenant on Economic, Social and Cultural Rights,[[22]](#footnote-22) and the International Covenant on Civil and Political Rights.[[23]](#footnote-23)

The 2030 Agenda for Sustainable Development, provides a complementary, rights-based approach that recognises that global initiatives to combat poverty and social deprivation must operate in tandem with strategies that improve health and education, reduce inequality, and foster economic growth. Climate action lies at the heart of the Sustainable Development Goals, (‘SDG’s’) including SDG 7 (affordable and clean energy), SDG 8 (decent work and economic growth), SDG 9 (industry, innovation, and infrastructure) and SDG 13 (climate action).[[24]](#footnote-24) The International Labour Organisation (‘ILO’), has published guidelines towards environmentally sustainable economies for all, with an emphasis on international cooperation, social dialogue, labour rights, social protection and gender.[[25]](#footnote-25)

Through the European Green Deal, Member States have committed to ensuring a Just Transition,[[26]](#footnote-26) in order to transform the EU into a modern, resource-efficient and competitive economy, with no net emissions of greenhouse gases by 2050.[[27]](#footnote-27)

The Green Deal further underscores that:

“no person and no place shall be left behind.”[[28]](#footnote-28)

The EU Just Transition Fund continues to support regions within the EU that are most affected by the transition to climate neutrality by enabling economic development and diversification and helping people adapt to a changing labour market. We welcome the programme of investment up to €169 million announced under the Just Transition Fund for Ireland.[[29]](#footnote-29) It is vital that this investment advances human rights and equality in Ireland including active measures to guard against maladaptation and to provide targeted support for structurally vulnerable groups.

Ireland’s Climate Action Plan 2023[[30]](#footnote-30) builds on the previous action plans[[31]](#footnote-31) and sets out actions to accelerate the response to the climate crisis, with a focus on renewable energy, retrofitting and transportation. The Action Plan commits to mainstreaming a Just Transition framework[[32]](#footnote-32) across climate-action policy-making and delivery, and repeats the previous commitment to establish a Just Transition Commission.

We welcome the Just Transition Framework principles, including that:

“costs are shared so that the impact is equitable and existing inequalities are not exacerbated.”[[33]](#footnote-33)

We further welcome the key message of championing a human rights-based approach but note with concern that this is limited to global climate action commitments.[[34]](#footnote-34) A human rights and equality based approached must be fundamental to domestic climate action too.

We further acknowledge the principles set out in Ireland’s International Climate Finance Roadmap, including adopting a human rights-based approach to ensure an equitable transition to a carbon neutral economy.[[35]](#footnote-35) We note commitments to climate action mitigation measures through the National Development Plan 2021-2030.[[36]](#footnote-36) Notwithstanding, we note with concern the lack of an express focus on equality and human rights in the context of State infrastructure policy and strategy. We call on the State to realise Public Sector Duty obligations, by retrospectively building human rights and equality into review and reform processes, and by systematically embedding human rights and equality in the implementation of policies and programmes.

We note that Ireland’s National Just Transition Fund[[37]](#footnote-37) was made available to support communities transitioning to a carbon-neutral economy, with a focus on the Midlands region.[[38]](#footnote-38) We welcome the Programme for Government commitment to establish a statutory Just Transition Commission[[39]](#footnote-39) but regret the ongoing delays in its establishment. As the climate action policy response accelerates, it is of critical importance that the State, in tandem, accelerates plans to establish the Just Transition Commission. The Just Transition Commission will play a central role in identifying and addressing maladaptation and the potential negative impact of policy and strategy on structurally vulnerable groups. We urge the State to prioritise its establishment.

We welcome actions aimed at a Just Transition in Irish policy and national strategies including:

* The Roadmap for Social Inclusion 2020-2025;[[40]](#footnote-40)
* Housing for All - a New Housing Plan for Ireland;[[41]](#footnote-41)
* The Pathways to Work Strategy 2021-2025;[[42]](#footnote-42) and
* The Strategy to Combat Energy Poverty.[[43]](#footnote-43)

In keeping with the commitment in the Climate Action Plan 2023 for Departments to consider their climate policy development and implementation against the Just Transition Framework,[[44]](#footnote-44) the Just Transition should be addressed across national equality strategies. All equality policy and strategy should be developed, reviewed and implemented against the Just Transition Framework.[[45]](#footnote-45) Concurrently, in strengthening the policy framework, it is also critical that human rights and equality are directly embedded in Just Transition policy development, implementation and reform.

This represents a critical juncture for the State to advance human rights and equality, and promote and enforce the Public Sector Duty.[[46]](#footnote-46) The approach must be ambitious, incorporating metrics[[47]](#footnote-47), monitoring, evaluation, review and reform; ensuring that EU and national investments are prioritised to advance human rights and equality, futureproofing the policy framework. In adopting a rights-based approach, it is also essential that the State implements the Just Transition in a non-discriminatory manner, taking into account the needs of structurally vulnerable groups, including those living in poverty, older people, disabled people, women, and minority ethnic people.

Realising a Just Transition requires complementarity across national and local Government policy and strategy, having due regard to the human rights and equality of structurally vulnerable groups. Local authorities have important responsibility within their mandates to ensure Just Transition and broader climate change actions are implemented ambitiously and effectively to impact human rights and equality in their areas so that ‘no person and no place shall be left behind’.

We note the commitments in Climate Action Plan 2023 to target populations impacted by the transition to a carbon neutral society.[[48]](#footnote-48) However we regret the lack of explicit reference to structurally vulnerable groups in the Climate Action Plan 2023,[[49]](#footnote-49) including disabled people and Travellers. The approach to implementation must be targeted, at national and local levels, to address inequality and to provide support to those more likely to be disadvantaged by the Just Transition.

The Commission recommends that the Government establish the Just Transition Commission as a matter of priority, and that human rights and equality are explicitly included in its mandate, regarding the functions, expertise and diversity in its governing body and staff.

The Commission recommends that the Government ensures complementarity across economic, social, climate and infrastructural policy and strategy, nationally and locally, in the context of a Just Transition, working in partnership to reinforce policy goals and reduce unintended negative consequences.

In progressing Just Transition, the Commission recommends that the Government takes active targeted measures to support structurally vulnerable groups and guard against maladaptation, in the design, monitoring, review, and evaluation of Just Transition in Ireland, whilst adopting both intersectional and intergenerational perspectives.

# Socio-economic rights

While climate change impacts the global population, those who are socially, economically, politically, institutionally or otherwise marginalised are especially structurally vulnerable to climate change, and also to some adaptation and mitigation responses.[[50]](#footnote-50),[[51]](#footnote-51) In addition to the impact of climate change, climate action policy has the potential to exacerbate existing structural vulnerabilities. In ensuring a Just Transition for all, it is essential that Ireland adopts a rights-based framework to protect and vindicate socio-economic rights in line with available resources.

## Climate change vulnerability

Climate change disproportionally affects structurally vulnerable groups, including those who may live in areas exposed to climate events or are vulnerable due to the changes brought about by global warming, and who often lack the resources needed to help them adapt. The stark consequences of climate change include desertification, associated sea level rise, severe weather events, and damaging impacts on global agriculture.[[52]](#footnote-52) We note that disabled people are among those most adversely effected in emergencies, compounded for those with multiple structural vulnerability factors, including women and girls with disabilities.[[53]](#footnote-53)

Climate change will also affect the production and consumption of food, impacting food security globally, and worsening economic vulnerability. The impact will be felt across society, with structurally vulnerable groups especially exposed. The agriculture sector in Ireland was directly responsible for 37.5% of national Greenhouse Gases emissions in 2021, driven by a number of factors, including large livestock numbers. These emissions are set to increase.[[54]](#footnote-54) In addition, while Ireland is a very large net exporter of agricultural commodities, it is a net importer of many other foods.[[55]](#footnote-55) It is noted that some countries currently supplying Ireland with food can expect to experience diminishing levels of precipitation, with the potential considerable impact on crop production.[[56]](#footnote-56) We welcome the commitments to delivering food security in the Climate Action Plan 2023, including references to food availability and food affordability,[[57]](#footnote-57) and commitments in Food Vision 2030.[[58]](#footnote-58) We also note commitments to incentivise voluntary livestock reductions, with a focus on diversification options for livestock farmers.[[59]](#footnote-59)

While critical to climate action, the restructuring of agricultural practices, along with the impact of severe weather events, mechanisation and automation, carries challenges for the farming sector and rural Ireland. The overall average family farm income is considerably lower than the median household income for Ireland.[[60]](#footnote-60) Farmers are also often heavily reliant on direct payments.[[61]](#footnote-61) Further, family farming and related seasonal work is heavily reliant on the unpaid and paid work of women, with incomes often supporting loss-making farms. The loss of this seasonal work may have an added impact on women that merits further consideration.[[62]](#footnote-62)

We also highlight the geographic vulnerability associated with climate change. Refugees and otherwise internally displaced people are also often on the frontline of the climate crisis.[[63]](#footnote-63) In addition, those forced to leave their homes due to severe climate events, often referred to as ‘climate refugees’,[[64]](#footnote-64) are required to rebuild their lives entirely in other places.[[65]](#footnote-65) Some cohorts, including people below the poverty line and disabled people, are also more likely to become climate refugees.[[66]](#footnote-66) While not endorsed as a specific term by the UN High Commissioner on Refugees (UNHCR) and therefore not afforded equivalent protection, the situation of those often referred to as ‘climate refugees’ has been addressed by the UN through the Global Compact on Refugees,[[67]](#footnote-67) affirmed further by the appointment of a Special Advisor on Climate Action by the UNHCR.[[68]](#footnote-68)

The Commission recommends that the Government considers climate change vulnerability assessments, with a focus on economic and geographic vulnerability, in the adaptation planning process.

The Commission recommends that the Government gives due regard to the situation of climate refugees, and the need for support through relocation and resettlement, and proactive asylum planning for Ireland.

## Housing and energy poverty

A rights-based approach is especially important in the context of high levels of energy poverty and increasing energy costs in Ireland. Evidence demonstrates that those experiencing poverty are more likely to live in homes with low energy ratings, and are consequently more likely to rely on fossil fuels.[[69]](#footnote-69) Lower-rated homes have both higher emissions and higher fuel costs. Approximately 44.5% of rental properties in Ireland had a BER rating of D or lower in 2021.[[70]](#footnote-70)

In addition, upfront costs associated with accessing sustainable energy grants can act as a barrier for those on low incomes.[[71]](#footnote-71) Recent energy inflation has increased the estimated share of households in energy poverty in the State to 29%.[[72]](#footnote-72) The ESRI estimated that as little as a 1% increase in fuel prices would drive more households into poverty. [[73]](#footnote-73) While we welcome the budget measures designed to address rising energy costs, including the energy the enhanced electricity credit[[74]](#footnote-74), the universal design is neither means tested, nor targeted. While noting that lump-sum transfers are progressive, increases in energy prices and in the amount of energy required to heat a dwelling have a relatively larger negative effect on lower-income households.[[75]](#footnote-75)

These issues fall into stark relief for already structurally vulnerable groups. The majority of homes with a BER of E, F and G are occupied by people aged 60 or older.[[76]](#footnote-76) Those in rural communities are also likely to live in energy inefficient housing.[[77]](#footnote-77) We also know that those most at risk of poverty are individuals not at work due to illness or disability, again more likely to live in less energy efficient housing and experience fuel poverty. [[78]](#footnote-78) In addition, local Authorities in Ireland also have a legacy of underspending allocated Traveller accommodation budgets, contributing to the longstanding issues of substandard accommodation.[[79]](#footnote-79) We know that while having fewer resources, energy costs also tend to be higher for Traveller families, exacerbated for those living on unauthorised sites with little to no energy infrastructure. [[80]](#footnote-80) Research further demonstrates higher levels of energy poverty amongst minority ethnic communities, [[81]](#footnote-81) who are known to face housing discrimination,[[82]](#footnote-82) in turn a barrier to accessing more energy-efficient homes.[[83]](#footnote-83)

Structurally vulnerable groups are also more likely to be reliant on fossil fuels, and consequently at greater risk of the effects of maladaptation. Ireland’s growing population of older people[[84]](#footnote-84) is more likely to rely on fossil fuels for home heating[[85]](#footnote-85) and are vulnerable to energy ageism.[[86]](#footnote-86) Rural areas are also disproportionately negatively affected by removing fossil fuel subsidies and increasing carbon tax in Ireland.[[87]](#footnote-87) In addition, poorer rural households face the largest losses from a carbon tax.[[88]](#footnote-88) It is critical that the State safeguard structurally vulnerable groups against energy poverty.

The Commission recommends that the Government place greater emphasis on evidence-informed targeted measures in tandem with one-off measures, to forestall the impact of the energy poverty on structurally vulnerable households.

## Employment

Ireland can expect Just Transition to be complex and take time.[[89]](#footnote-89) A challenging but critical element of a Just Transition is addressing employment vulnerability and managing upskilling, reskilling and redeployment of those affected.[[90]](#footnote-90) We note the impact on the Midlands region, in particular.[[91]](#footnote-91) Workers are affected by job substitution, job elimination, job transformation, and by the broader impact of automation.[[92]](#footnote-92) We acknowledge the EU’s adoption of Ireland’s Territorial Just Transition Plan and the funding secured under the EU Just Transition Fund.[[93]](#footnote-93) We welcome the dedicated commitments in the Climate Action Plan 2023 to address issues in the Midlands region and consider that this will provide valuable learning in realising the requirement that ‘no person and no place shall be left behind’. [[94]](#footnote-94)

Critical to a successful Just Transition is the anticipation of the impacts of climate action on employment, pre-emptive workforce development, the promotion and creation of decent and sustainable jobs, and adequate and sustainable social protection for job losses and displacement.[[95]](#footnote-95) Policy development should have regard to the protection of the conditions and jobs of workers currently employed, potential alternative areas of employment, and the rights of those who wish to voluntarily leave.[[96]](#footnote-96) It is also important that the State reviews skills development policies to ensure they are suitably responsive and adequately support those affected.[[97]](#footnote-97)

Concerns have been raised in relation to the age demographics of workers in the Irish context, and lack of suitable employment opportunities in the Midlands region as a challenge to re-training and upskilling. [[98]](#footnote-98),[[99]](#footnote-99) In addition, while the shift towards a carbon-neutral economy has disproportionately affected the Midlands, it will impact all sectors of the Irish economy and society.[[100]](#footnote-100)

In this context, we underline the importance of adopting a human-rights based approach to decent work in implementing the Just Transition in Ireland, having regard to all structurally vulnerable groups.[[101]](#footnote-101) The State’s response should incorporate high-impact targeted funding, with the greatest possible local impact. [[102]](#footnote-102) We highlight the importance of the EU Just Transition Fund mechanism as a means of allocating necessary financial resources for re-training and upskilling in regions and communities vulnerable.

Employment vulnerability in the context of climate action is also more likely to negatively impact already structurally vulnerable groups. Older people are more likely to be employed in carbon-intensive sectors.[[103]](#footnote-103) Foreign-born workers also tend to be employed in lower-paying and polluting sectors, with less access to training or upskilling towards a low-carbon economy.[[104]](#footnote-104) Workers in the most affected territories are also more likely to have lower levels of education; a barrier to redeployment.[[105]](#footnote-105)

We assert that Just Transition investment represents an important opportunity to create the conditions to enhance decent work. We welcome the Government’s broader focus on quality, sustainable jobs, less vulnerable to loss, as set out in Future Jobs Ireland, and note the commitments in relation to the transition to a low carbon economy.[[106]](#footnote-106) It is imperative that Just Transition is mutually reflected in related equality policy and strategy.[[107]](#footnote-107)

The Commission recommends ongoing engagement with workers and stakeholders, and highlights that participation and social dialogue are critical approaches to addressing the employment vulnerability associated with the Just Transition

The Commission recommends that the Government enhances participation by prioritising community development in affected areas, including through funding, supporting alternative and sustainable employment opportunities and training and development.

# Research and data

Research and data allow policy-makers and stakeholders to make informed decisions about the transition to a carbon-neutral economy. Robust evidence can help identify vulnerable communities, the challenges they face, and support targeted policies and programmes. Data is also necessary to track and monitor the implementation of policies and programmes. We welcome the call for expert evidence, which informed the Climate Action Plan 2023. We note the research, innovation and commitments in relation to the Just Transition Commission in the Climate Action Plan 2023, including the efforts to build on research though the National Dialogue on Climate Action and the National Climate Conversations, including the Conversations on local Actions.[[108]](#footnote-108) We also welcome the commitment to an integrated, structured, and evidence-based approach to identify and respond to just transition needs as they emerge.[[109]](#footnote-109) We note existing research in this area, including the ESRI’s research exploring the distributional impact of increases in carbon taxation.[[110]](#footnote-110)

The approach should be mixed-method, but also targeted, having regard to the need for equality data on structurally vulnerable groups, to develop evidence-informed and effective policy measures.[[111]](#footnote-111) The EU’s Equality Data programme, the National Statistics Board’s strategic direction on official statistics, and the development of the national Equality Data Strategy are resources for climate action data and research.[[112]](#footnote-112) Further, the EU Data Governance Act (DGA) and the EU Data Act, which will facilitate ‘data spaces’ provides drivers for the development of equality and human rights data and the creation of data hubs. [[113]](#footnote-113)

Notwithstanding efforts to date, it is critical that ongoing research continues to explore the impact of climate action more broadly, in a socio-economic context and at a household level across structurally vulnerable groups. It is also critical that research honours the voices of structurally vulnerable groups, including those set out above. In addition to future-proofing policy, systematic monitoring, review, evaluation and reform of programmes and targeted measures is critical to a successful and equitable Just Transition.

The Commission recommends that the Just Transition Commission has research and data included in its mandate and has a strategic focus on structurally vulnerable groups.

The Commission recommends that programmes and targeted interventions are subject to systematic monitoring, review, evaluation and reform, including against international evidence and best practice and that data and reports are published in a timely and accessible way for use and scrutiny by civil society organisations, independent researchers and public bodies.

# Business and enterprise

While international efforts at addressing climate change focus heavily on the obligations of States, businesses also play a critical role in Just Transition. Effective governance and human rights due diligence is essential if Ireland is to successfully transition to a carbon-neutral economy. We welcome the European Commission’s adoption of the proposal for Corporate Sustainability Due Diligence,[[114]](#footnote-114) which aims to require businesses to identify and, where necessary, prevent, end or mitigate adverse impacts of their activities on human rights, including the environment.[[115]](#footnote-115)

We note the recent Programme for Government commitments to revising Ireland’s trade and investment strategy, Ireland Connected, to include the promotion of human rights and environmental protection as key goals.[[116]](#footnote-116) We note the launch of the online Climate Toolkit 4 Business to provide SMEs with support in calculating their carbon footprint, including a carbon calculator and template action plan.[[117]](#footnote-117) However, we regret that Ireland’s current business and human rights policy framework- the National Action Plan on Business and Human Rights- expired in 2020, and despite review, a new plan has not been advanced.[[118]](#footnote-118)

We acknowledge that the transition to a carbon-neutral economy will also impact business and enterprise, as carbon taxation increases and the peat industry declines. This is exacerbated by the current inflationary pressures and economic uncertainty. It is critical that Just Transition efforts, while holding business and enterprise to account, also ensure that industry in Ireland remains resilient through the move to a carbon-neutral economy.

The Commission recommends that the Government take active measures to progress a successor National Action Plan on Business and Human Rights, with a particular focus on human rights due diligence and governance, in line with international obligations.

The Commission recommends that the Just Transition Commission, through its mandate, ensures the accountability of business and enterprise in line with international standards, while also ensuring resilience in sectors affected by the move to a carbon-neutral economy.

# Participation and accountability

The Office of the High Commissioner for Human Rights (‘OHCHR’) has outlined key procedural human rights principles that must underline climate action: universality, responsibility, participation, transparency, accountability and responsiveness (to the needs of the people).[[119]](#footnote-119) Participation rights in decision-making are especially important in this regard, and we highlight that Ireland’s positive obligations to ensure public participation under the *Aarhus Convention*[[120]](#footnote-120), which was adopted in 1998 by the United Nations Economic Commission for Europe (UNECE).[[121]](#footnote-121) These obligations apply equally to public authorities as well as bodies performing public administrative functions, including private bodies having public responsibilities in relation to the environment and under the control of public authorities.

Participation in public life and policy consultation is often limited to a system of online consultations, with short response timeframes. Public meetings are only held only in rare cases – even prior to the Pandemic.[[122]](#footnote-122) The National Dialogue on Climate Action (NDCA) was established to fund engagement in climate action at all levels across Ireland, and:

“to engage and empower participation in the Climate Conversations.”[[123]](#footnote-123)

Activities to foster participation have included online surveys, workshops and Public Participation Networks, and that additional activities are being planned as part of the development of the Climate Action Plan 2023.[[124]](#footnote-124) We welcome the efforts to engage at a community level and in-person, and the commitment to a mixed-methods approach. Notwithstanding, we regret that some consultations have been wholly digital in nature,[[125]](#footnote-125) locking the digitally excluded out of important conversations.

At a European level, Just Transition takes a broad focus towards a green and digital Europe where no one will be left behind. [[126]](#footnote-126) Among the European Commission’s priorities is responding to the impact of digital technology on our lives in a way that is just and fair, as set out in the European Digital Strategy.[[127]](#footnote-127) The European Commission’s work includes efforts to address digital skills gaps and support digitalisation.[[128]](#footnote-128)

We note that the digital divide isolates and further marginalises communities who are more likely to experience digital poverty (a lack of reliable access to the internet and technology and of digital skills).[[129]](#footnote-129) Older people,[[130]](#footnote-130) people with literacy difficulties and those living outside urban centres are more likely to experience difficulties in accessing public services online.[[131]](#footnote-131) We note that disabled people are often excluded from societal planning and decision-making.[[132]](#footnote-132) We have previously emphasised the lack of targeted engagement with Travellers in policy-making.[[133]](#footnote-133) We further note that policies and programmes also need to take into account the needs and interests of minority ethnic communities, migrants and refugees.[[134]](#footnote-134) We highlight the need for complementarity with digital policy and the Digital Ireland Framework in this context.[[135]](#footnote-135)

Neither transition exists in isolation. Both represent major changes in the operation of society, with the potential to create new economic opportunity and improve overall quality of life. The rapid pace of technological change, the advancement of clean energy technology and the efficiencies of automation can reduce costs and accelerate the transition to a carbon-neutral economy.[[136]](#footnote-136) As they progress in tandem and interact, both also require significant investment. An examination of this transition to a low-carbon and more digital, automated future in the Irish context made a number of recommendations, including the inclusion of social clauses in relevant state transition funding, noting that ensuring funding is targeted at the most vulnerable to transition will require additional policy instruments.[[137]](#footnote-137)

Indeed, the State is in receipt of substantial EU funding for Just Transition policy implementation, programmes and research.[[138]](#footnote-138) The State must accountable for these funds, and must ensure the necessary resources are provided to those who most need them, safeguarding against inequalities. Accountability will also ensure that the negative impacts of potential maladaptation are identified and mitigated against. Existing inequalities, exacerbated by a cost-of-living crisis and compounded by inflationary pressures[[139]](#footnote-139) speak to broader failures in existing accountability measures and the need for accountability review and renewal. We continue to call on the State to ensure accountability through robust oversight, governance and as set out above, monitoring and review mechanisms.[[140]](#footnote-140)

Transparency is essential to accountability, and we call on the State to ensure that decisions in relation to Just Transition funding are made in an open, fair and participatory manner and are reported in an accessible manner to key stakeholders and the public. Transparency will be essential to building trust and confidence and contribute to the success of policies and programmes.

The Commission recommends that the Government ensures the Digital Ireland Framework and Climate Action Plan operate in tandem to ensure meaningful participation in policy design, monitoring and review by all structurally vulnerable groups. This includes Government prioritisation of targeted offline non-digital mechanisms for consultation, including at community level.

The Commission recommends that the Just Transition Commission’s mandate incudes express commitments to robust oversight, governance, reporting, transparency and accountability.

The Commission recommends that the State prioritises Just Transition resources to advance human rights and equality and promote the Public Sector Duty, with a focus on structurally vulnerable groups.

# Concluding remarks

Climate change poses an immediate threat to the protection and enjoyment of human rights and equality both in Ireland and abroad. In the context of climate action, we endorse a Just Transition thatbuilds economic and political power to address climate change in a way that is just and equitable. We acknowledge the State’s efforts, as set out above, to address climate change and to engage with civil society and stakeholders in ensuring a Just Transition. However, we regret that, despite committing to establishing a statutory Just Transition Commission and acceleration in climate action policy, delays persist. We call on the Government to take action to accelerate the establishment of the Just Transition Commission with human rights and equality explicit in its mandate.

Delays to policies and programmes affecting the equality and human rights of structurally vulnerable groups are unacceptable. This is especially true in the context of current economic challenges, the cost-of-living crisis and inflationary pressures. We call for complementarity across Government policy and strategy, an evidence-informed approach, along with systematic reporting, monitoring, review, evaluation and reform in policies and programmes that advance Just Transition. We stress the need for targeted measures to safeguard against worsening inequalities. We highlight the importance of honouring all voices in this process.

This is a critical opportunity for the Government to prioritise important resources to advance human rights and equality in Ireland and to provide leadership internationally.



1. Section 10(2)(c) of the Irish Human Rights and Equality Commission Act 2014. [↑](#footnote-ref-1)
2. See Strategic Priority 1: Economic Equality, which sets out the objective of improving “protection of the poorest and those experiencing vulnerability”. The principles of a Just Transition align with the human rights and equality focus of Strategic Priority 2: Justice. See: Irish Human Rights and Equality Commission, [Strategy Statement 2022 -2024](https://www.ihrec.ie/app/uploads/2022/02/IHREC_StrategyStatement_FA-v2.pdf), (2022). See further information on the Public Sector Equality and Human Rights Duty: Irish Human Rights and Equality Commission[, Implementing the Public Sector Equality and Human Rights Duty](https://www.ihrec.ie/app/uploads/2022/08/IHREC_Public_Sector_Duty_Final_Eng_WEB.pdf), (2019) and <https://www.ihrec.ie/our-work/public-sector-duty/>. [↑](#footnote-ref-2)
3. European Commission, [A European Green Deal](https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en), (2020). [↑](#footnote-ref-3)
4. Climate Justice Alliance, [Just Transition: A Framework for Change](https://climatejusticealliance.org/just-transition/), (2022). [↑](#footnote-ref-4)
5. See: European Commission, [A European Green Deal](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en), (2023). [↑](#footnote-ref-5)
6. European Commission, [The Just Transition Mechanism Tool: Making Sure No One is Left Behind](https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal/finance-and-green-deal/just-transition-mechanism_en), (2022). [↑](#footnote-ref-6)
7. In our 2022 Annual Poll, 61% of respondents agreed that climate change is a human rights issue. See: Irish Human Rights and Equality Commission, [Annual Poll 2022](https://www.ihrec.ie/robust-support-continues-for-refugees-says-new-national-survey-on-international-human-rights-day/), (2022). [↑](#footnote-ref-7)
8. See: Equinet, 2023 Work Plan, (2022), p. 7. [↑](#footnote-ref-8)
9. Friends of the Earth, Available at: <https://www.foe.ie/about/> [↑](#footnote-ref-9)
10. Environmental Research Institute, [The Russian energy crisis and Ireland's reliance on fossil fuels](https://www.ucc.ie/en/eri/news/the-russian-energy-crisis-and-irelands-reliance-on-fossil-fuels.html), (2022). [↑](#footnote-ref-10)
11. Climate Change Performance Index, Available at: <https://ccpi.org/> [↑](#footnote-ref-11)
12. European Commission, [Climate Action and Sustainable Development](https://ec.europa.eu/research/participants/docs/h2020-funding-guide/cross-cutting-issues/climate-sustainable-development_en.htm), (2022). [↑](#footnote-ref-12)
13. Mary Robinson Foundation, [Principles of Climate Justice](https://www.mrfcj.org/principles-of-climate-justice/), (2011). [↑](#footnote-ref-13)
14. In Irish Human Rights and Equality Commission’s 2022 Annual Poll, 74% of respondents agreed that response to climate change must take into account social inequalities. Irish Human Rights and Equality Commission, [Annual Poll 2022](https://www.ihrec.ie/robust-support-continues-for-refugees-says-new-national-survey-on-international-human-rights-day/), (2022). [↑](#footnote-ref-14)
15. Eurofound, [Just Transition](https://www.eurofound.europa.eu/topic/just-transition), (2022). [↑](#footnote-ref-15)
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them by, See: United Nations, [Convention on the Rights of Persons with Disabilities](https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf), 2006. [↑](#footnote-ref-21)
22. Article 15 of ICESCR states that everyone has the right to enjoy the benefits of science and its applications. See: United Nations[, International Covenant on Economic, Social and Cultural Rights](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights), (1966). [↑](#footnote-ref-22)
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