



JUST ATONEMENT INC.

justice  
hope peace unity equal opportunity  
golden age  
progress sustainability democracy freedom  
human rights harmony civilization

**Just Atonement Inc.**

745 5<sup>th</sup> Ave, Suite 500  
New York, New York 10151

Executive Director: [Dave-Inder Comar](#)

Email: [inder@justatonement.org](mailto:inder@justatonement.org)

Telephone: +1 646 600 5470

Just Atonement Inc. (“JAI”) is a legal nonprofit that trains new human rights defenders to address threats to human rights, a livable planet, and the international rule of law.

JAI was founded in the United States of America in 2017.

JAI was founded to address the challenges arising from the intersection of climate change, global peace, and threats to the rule of law and the habitability of the planet.

JAI submits this written submission with respect to the Universal Periodic Review of Portugal.

**Summary Of Conclusions**

1. **We commend Portugal for its climate goals to date.** Portugal has completely removed coal from its energy production,<sup>1</sup> and has made global news for running entirely on renewable energy for one week in November of 2023.<sup>2</sup> Accomplishments like these demonstrate the country’s capacity for climate leadership.
2. **Portugal should continue to strengthen its climate policies and goals.** Due to the significant climate impacts it is experiencing, Portugal must work to implement the robust climate laws it has created, and create stronger systems for coping with increasingly severe environmental dangers such as fires.
3. **Portugal should do more to combat racism in the country.** The Roma people and people of African descent in particular face pervasive racism, and this racism intersects with climate change and human rights concerns.
4. **Portugal should do more to consider the consequences of its colonial legacies, and how such colonial legacies intersect with current-day environmental and climate challenges.** As a former empire, Portugal has a complex colonial past with residual effects. The country must grapple with this as it works to address climate change and promote justice.



## Portugal is Vulnerable to Climate Change

5. While Portugal is an Annex I state under the Paris Agreement with a colonial legacy and relatively ample resources, it is also one of the European countries most vulnerable to climate impacts.
6. These environmental impacts include extreme heat, drought, flooding, fire, and sea-level rise.<sup>3</sup> This set of circumstances requires Portugal to both adapt to and mitigate climate change nationally, while embracing its global responsibility and supporting other, even more vulnerable and less resourced, States. Such responsibility is consistent with principles of common but differentiated responsibilities and respective capabilities as outlined in the UNFCCC.
7. **We encourage Portugal to support the lawsuit and similar lawsuits that seek to clarify the legal obligations of States with respect to climate change and human rights.** Portugal has received global attention for a lawsuit filed by Portuguese children and young adults against European governments (Portugal included), arguing that the inadequate response to climate change is threatening their right to life and their well-being, linking this harm to governmental failure to reduce greenhouse gas emissions.<sup>4</sup>
8. Portugal is also being sued in a class action by domestic environmental groups, on the basis that the state is failing to adequately implement its own climate policies. These groups, Ultimo Recurso, Quercus, and Sciaena, argue that Portugal has not met its 2021 Framework Law on Climate deadlines, and has not been adequately and publicly tracking its progress. As listed on the Columbia Law School Climate Litigation Database, the measures supposed to be implemented by Portugal “include the adoption of the carbon budgets for 2023/2025 and 2025/2030; a report of assessment of climate impact of the legislation in force; the regulation of the climate risk and impact of financial products; an amendment to the rules in relation to corporate governance; an amendment to the legal regime on the exploration for, and exploitation of, hydrocarbons.”<sup>5</sup> **We encourage Portugal to study the lawsuit, to determine in good faith whether the obligation has merit, and to determine whether the proposed remedies should be implemented.**
9. **Climate litigation on the domestic and international levels regarding the Portuguese government’s lacking response to climate change should be a driver for the country to escalate its approach, taking cues from the young people, activists, and policy experts calling for change.** This is especially important with respect to the 2021 Framework Law on Climate’s emphasis on “participation, including citizens and environmental associations in planning, decision-making and evaluation of public policies” (translated).<sup>6</sup>



## Climate Impacts in Portugal and the Effects on Human Rights

10. Portugal has long been vulnerable to fires, **but climate change is exacerbating the problem by lengthening the annual fire period.** As a result, fires and mega-fires are wreaking havoc on the country.<sup>7</sup>
11. **Furthermore, extreme heat is causing deaths in Portugal at an extremely alarming rate: in July 2022 alone, over 1,000 people died due to the heat wave.**<sup>8</sup> The death and destruction caused by these fires are driving climate displacement, in which individuals are forced to move (either by a sudden-onset event, such as a fire that destroys one's house, or a slower-onset degradation, in which conditions deteriorate enough that people feel they have no choice but to relocate).
12. **Climate displacement within Portugal and out of Portugal is foreseeable as a result of sea level rise, wherein communities near the coastline will be increasingly vulnerable to displacement.**<sup>9</sup>
13. **Climate displacement and migration is undeniably a human rights issue; it is essential that human rights law and principles are abided by as migration occurs and increases.** Specific human rights that are implicated from climate change displacement include the right to life, the right to adequate housing, the right to property, the right to privacy, family life, and a home, the right to dignified work, and the right of self-determination. Vulnerable and marginalized communities are also subject to possible exploitation from displacement, including heightened risks of human trafficking. Political communities constituting "peoples" under international law face risks to their self-determination from climate displacement on account of being denied their ability to pursue their economic, cultural, and social development as protected by article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Cultural and Social Rights.
14. The Office of the High Commissioner for Human Rights' (OHCHR) Guiding Principles on Internal Displacement outline the risks and rights that come with internal displacement.<sup>10</sup> These principles place the onus on national authorities to provide protection and assistance to internally displaced persons. Portugal must rise to this standard as climate impacts continue to cause displacement. Arbitrary displacement is prohibited by the principles even in disaster situations (unless safety and health require evacuation). Portugal should mitigate against further climate displacement by strengthening its climate response as a whole, and targeting vulnerable areas to prevent negative impacts.
15. **Portugal must further respect the rights and protections of migrants and refugees under these bodies of law, particularly regarding cross-border migration.** This includes complying with the principle of non-refoulement and ensuring that migrants are treated with dignity upon arrival and consistent with international obligations related to the processing of asylum and other requests. The 2020 Human Rights Committee



decision from *Teitiota v. New Zealand* highlights the intersection of human rights obligations (including the right to life and the principle of non-refoulement) and climate change impacts.<sup>11</sup>

16. The right to life under Article 6 of the ICCPR further imposes obligations to prevent environmental degradation that threatens the ability of present and future generations to enjoy the right to life. We therefore call attention to the obligations set forth in General Comment No. 36 from the UN Human Rights Committee related to environmental degradation and encourage Portugal to implement policies consistent with such recommendations in managing climate change impacts.<sup>12</sup>

### **Obligations on Portugal to Reduce Greenhouse Gas Emissions And to Support Climate Vulnerable Peoples and States**

17. As an Annex I State, Portugal has a “common but differentiated responsibility” (CBDR) to aid less-developed and/or lower-emissions States in emissions reductions and climate adaptation.
18. **Portugal must adopt a more robust approach to CBDR:** lowering its own emissions, and providing support to more vulnerable States with respect to such other vulnerable States’ mitigation and adaptation plans.
19. **These obligations are all-the-more important due to Portugal’s historic role as a colonial State;** its former territories of the modern Cape Verde, São Tomé and Príncipe, Guinea-Bissau, among others, are in a precarious position regarding climate change, and Portugal must provide stronger financial support to these States. Such obligations are arguably part of Portugal’s obligations to support and sustain the self-determination of peoples as part of the general principle of self-determination and obligations imposed under Article 1(3) of the ICCPR and ICESCR. Former colonial territories left vulnerable from centuries of colonialism may have claims of infringements of their self-determination from being deprived of the economic resources to manage climate change impacts, or from not receiving adequate reparation and therefore being vulnerable today to climate change which they did not cause. Former colonial territories may have claims of infringements on their self-determination from the failure of Annex I countries such as Portugal to dramatically reduce the emissions that are now causing catastrophic harm to the climate system. **We therefore urge Portugal to consider the links between its colonial past and present day climate vulnerability, and to implement policies consistent with international law to support and sustain the self-determination of peoples that were once colonized by Portugal.**
20. **We are encouraged by and applaud Portuguese leadership in addressing the nexus between migration, climate change, and the relationship between Portugal and Africa,** stating that ‘the Portuguese people are close to Africa and understands the advantages that mobility between Europe and Africa can bring, and the African



community in Portugal today is quite significant, as well as the Portuguese communities spread throughout the countries on the African continent'.<sup>13</sup> The country should further embrace this acknowledgement, and create robust mobility pathways between Portugal and its former African territories in response to climate change impacts. Creating channels of migration is an important part of embracing its heightened responsibility as an Annex I state and historic colonizer.

21. **Similarly, Portugal should increase its national response to pervasive racism in the country.** Reports show that the Roma people and those of African descent are particularly at risk of facing discrimination and violence. Especially given Portugal's troubled past regarding slavery and colonization, grappling with continuing issues and examining their intersection with climate change and human rights is essential.
22. **For example, race, housing justice, and climate change have overlapped in Portugal; in one community, risk of flooding allegedly caused mass demolitions of houses that left dozens of families without housing.**<sup>14</sup> Many families in neighborhoods vulnerable to climate impacts are lower-income and/or immigrants; many of the residents of Segundo Torrao are immigrants from former Portuguese colonies. As an article describing the dire situation states, "In a country report released recently, the rights group criticized 'reports of forced evictions leaving people in worse housing situations – including, in some cases, homelessness – persisted, a situation which disproportionately affected people of Roma and African descent.'"<sup>15</sup> Portugal must take further steps to protect vulnerable and marginalized peoples under its jurisdiction from climate change impacts, including infringements on human rights caused by houselessness. This works alongside a goal enumerated in Portugal's climate law, which sets out to "ensure climate justice, ensuring the protection of communities most vulnerable to the climate crisis, respect for human rights, equality and collective rights over common goods."<sup>16</sup>
23. **We encourage Portugal to listen to the requests from other climate vulnerable peoples and States, including Small Island Developing States and States formerly colonized by Portugal, regarding the solidarity needed from Portugal in addressing climate challenges.** Many SIDS leaders have expressed the desire to remain in their homelands for as long as possible, despite rapidly deteriorating climate conditions that will almost certainly make some of these territories uninhabitable. While opening mobility pathways is a potential partial solution to this issue and one that Portugal should embrace, we encourage Portugal to take steps to dramatically reduce its emissions to prevent as much warming as possible, which is an essential first line of defense in preventing widescale climate migration. We also encourage Portugal to work with other Annex I countries to encourage such other States to dramatically reduce emissions as soon as possible.
24. **We applaud Portugal's agreement with Cape Verde regarding replacing debt with climate investment.**<sup>17</sup> We encourage Portugal to consider excusing the debts of its former territories and providing additional funding for serious climate adaptation and



mitigation not premised on debt instruments. One model is the one being pursued by New Zealand and the Pacific Islands; New Zealand has a colonial history with Pacific Island states, and is pouring millions of dollars into supporting the vulnerable Pacific region as it suffers intense impacts of climate change.<sup>18</sup> This approach includes an acknowledgement of the state's greater responsibility towards climate change, and a focus on the autonomy of the states to which they are providing funds.

25. Portugal could consider embracing a similar model, taking on greater responsibility for the climate mitigation and adaptation of its former colonies as an Annex I state. Portugal should additionally increase contributions to global climate funds; Portugal notably pledged five million euros to the fund to address loss and damage at the 28th Conference of Parties, but did not contribute to the Adaptation Fund, the Least Developed Countries Fund, or the Special Climate Change Fund.<sup>19</sup> Maximizing contributions to international funds targeting climate issues is particularly essential for Annex I states.

### **Recommendations**

26. **Implement stronger climate goals to reduce emissions.** Portugal must decarbonize at a faster rate, and continue to move away from fossil fuel use toward clean energy.
27. **Take greater responsibility for colonial legacies and the intersection of such legacies with climate vulnerability.** Portugal should provide greater support to its vulnerable former colonies, with as few strings attached as possible. While debt-for-climate investment plans are a strong start, Portugal should let former colonies out of debt to the extent it can and proactively provide financial support.
28. **Protect and promote the self-determination of climate vulnerable peoples.** As but one example, some groups of the Sami people depend on reindeer herding, which is disrupted by on-land wind farms. Especially when climate change is causing mass displacement threatening the homes and livelihood of millions, it is essential that Portugal take cues from the states it is helping and does not foist unwanted plans on them that ignore state and local autonomy.
29. **Protect the human rights of climate vulnerable individuals in Portugal, including marginalized and vulnerable peoples, from climate change impacts including houselessness.** Portugal should work with the areas most in danger of devastating climate impacts such as fires, and create plans for both preserving homes whenever possible via safety mechanisms and creating contingency plans in case of disaster.
30. **Engage in solidarity with climate vulnerable peoples and States and listen to their demands with respect to addressing climate challenges.** This should entail collaboration with vulnerable groups both within Portugal and in other states, particularly those with the aforementioned colonial relationship. Additionally, Portugal should study the intersection of climate impacts with low-income and racially/ethnically marginalized





groups, and seek to develop state-specific solutions to support these communities and prevent further disproportionate harm.

31. **Seek greater cooperation with other Annex I countries in dramatic emissions reductions.** Portugal is included within binding EU legislation requiring its members to adopt national energy and climate plans; alongside these other EU states, Portugal must robustly implement its plan.<sup>20</sup> Portugal should also devote more resources to the funds promoted at the 28<sup>th</sup> Conference of Parties, and/or share resources more directly with vulnerable states.

### Acknowledgements

*This submission was prepared by Dave-Inder Comar (Stanford 2001, Stanford 2002, NYU School of Law 2005) and Abby Kleiman (Barnard College 2022, Harvard Law School 2026).*

Word Count: 2604 (excluding endnotes)

- 
- <sup>1</sup> 'Portugal is Fourth European Country to Go Coal-Free' (*Hannover Messe*, [February 10, 2022]) <<https://www.hannovermesse.de/en/news/news-articles/portugal-is-fourth-european-country-to-go-coal-free>>.
- <sup>2</sup> Orf, Darren, 'This Nation of 10 Million People Just Ran Entirely on Renewable Energy for 149 Hours' (*Popular Mechanics*, [December 8, 2023]) <<https://www.popularmechanics.com/science/green-tech/a45900085/portugal-renewable-energy/>>.
- <sup>3</sup> TPN/Lusa, 'Portugal one of the most vulnerable to climate change' (*The Portugal News*, [August 13, 2021]) <https://www.theportugalnews.com/news/2021-08-13/portugal-one-of-the-most-vulnerable-to-climate-change/61659>.
- <sup>4</sup> Kippenberg, Juliane and Rall, Katharina, 'Child-led Court Case Will Scrutinize Europe's Climate Response' (*Human Rights Watch*, [April 22, 2021]) <https://www.hrw.org/news/2021/04/22/child-led-court-case-will-scrutinize-europes-climate-response>.
- <sup>5</sup> Sabin Center for Climate Change Law, 'Associação Último Recurso et al. v. Portuguese State' (*Climate Case Chart*) <https://climatecasechart.com/non-us-case/associacao-ultimo-recurso-et-al-v-portuguese-state/>.
- <sup>6</sup> Assembleia da República, 'Lei de Bases do Clima' (*Climate Policy Radar*, [December 31, 2021]) [https://cdn.climatepolicyradar.org/navigator/PRT/2021/framework-climate-law-no-98-2021\\_6a10f038a28f31006b1a44110bde2a32.pdf](https://cdn.climatepolicyradar.org/navigator/PRT/2021/framework-climate-law-no-98-2021_6a10f038a28f31006b1a44110bde2a32.pdf).
- <sup>7</sup> Marques, Francisco 'How climate change is causing 'mega-fires' and forcing people to migrate in Portugal' (*Euronews*, [June 4, 2023]) <https://www.euronews.com/2023/06/04/how-climate-change-is-causing-mega-fires-and-forcing-people-to-migrate-in-portugal/>.
- <sup>8</sup> Reuters, 'Portugal reports more than 1,000 heat-related deaths' (*Reuters*, [July 19, 2022]) <https://www.reuters.com/world/europe/portugal-reports-more-than-1000-heat-related-deaths-2022-07-19/>.
- <sup>9</sup> Rocha, Carolina, Antunes, Carlos, and Catita, Cristina, 'Coastal Vulnerability Assessment Due to Sea Level Rise: The Case Study of the Atlantic Coast of Mainland Portugal' (*MDPI*, [January 28, 2020]) <https://www.mdpi.com/2073-4441/12/2/360>.
- <sup>10</sup> United Nations, 'Guiding Principles on Internal Displacement' (*United Nations*, [February 11, 1998]) <https://documents.un.org/doc/undoc/gen/g98/104/93/pdf/g9810493.pdf?token=nT7vlOmZjAzaMfoPPa&fe=true>.
- <sup>11</sup> *Teitiota v. New Zealand*, Human Rights Committee ([September 23, 2020]) [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/127/D/2728/2016&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/127/D/2728/2016&Lang=en).



---

<sup>12</sup> UN Human Rights Committee ‘General comment No. 36 – Article 6: right to life’ UN Doc CCPR/C/GC/36 para 62.

<sup>13</sup> Portugal.Gov.PT, ‘Climate-Migration Nexus requires ‘aligned and ambitious mobilisation’’ (*Portugal.Gov.PT*, [February 16, 2023]) <https://www.portugal.gov.pt/en/gc23/communication/news-item?i=climate-migration-nexus-requires-aligned-and-ambitious-mobilisation>.

<sup>14</sup> De Sousa, Ana Naomi, ‘Portugal’s worsening housing crisis hits a diverse neighbourhood’ (*Al Jazeera*, [April 5, 2023]) <https://www.aljazeera.com/news/2023/4/5/portugals-worsening-housing-crisis-hits-a-diverse-neighbourhood>.

<sup>15</sup> Id.

<sup>16</sup> Assembleia da República, ‘Lei de Bases do Clima’ (*Climate Policy Radar*, [December 31, 2021]) [https://cdn.climatepolicyradar.org/navigator/PRT/2021/framework-climate-law-no-98-2021\\_6a10f038a28f31006b1a44110bde2a32.pdf](https://cdn.climatepolicyradar.org/navigator/PRT/2021/framework-climate-law-no-98-2021_6a10f038a28f31006b1a44110bde2a32.pdf).

<sup>17</sup> Lo, Joe, ‘Portugal agrees to swap Cape Verde’s debt for environmental investment’ (*Climate Home News*, [January 24, 2023]) <https://www.climatechangenews.com/2023/01/24/portugal-agrees-to-swap-cape-verdes-debt-for-environmental-investment/>.

<sup>18</sup> New Zealand Foreign Affairs and Trade, ‘Our aid partnerships in the Pacific’ (*New Zealand Foreign Affairs and Trade*) <https://www.mfat.govt.nz/en/aid-and-development/our-aid-partnerships-in-the-pacific/>.

<sup>19</sup> Thwaites, Joe, ‘COP28 Climate Funds Pledge Tracker’, (*NRDC*, [January 24, 2024]) <https://www.nrdc.org/bio/joe-thwaites/cop-28-climate-fund-pledge-tracker>.

<sup>20</sup> ‘Climate action in Portugal,’ (*European Parliament*, [2021]) [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/696196/EPRS\\_BRI\(2021\)696196\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/696196/EPRS_BRI(2021)696196_EN.pdf).