

Statement at the conclusion of country visit to Portugal

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Introduction

Today, I conclude my nine-day mission to Portugal, which took place from 19 to 27 September. Portugal is a beautiful country, and I was delighted by the warmth, generosity, and passion for human rights and environmental protection of the Portuguese people whom I encountered. I also would like to express my sincere gratitude to the Government of Portugal for the invitation and excellent cooperation both before and during the visit.

As the UN Special Rapporteur on human rights and the environment, my role is to promote the implementation of human rights obligations relating to the right to a clean, healthy and sustainable environment. A key task involves carrying out country visits and preparing public reports to the UN Human Rights Council that describes both good practices and challenges in the protection of human rights and the environment.

Portugal has experienced incredible development since 1970, when there were low rates of access to safe drinking water, sanitation, and electricity. The peaceful democratic Revolution of the Carnations in 1974, the progressive Constitution of 1976, and the entry into the European Union in 1986 catalyzed a new era of progress. One inspiring example is the increase in safe drinking water availability leaping from 50% of households to 99% from 1993 to 2015.

Portugal has played a leadership role in the recognition of the right to a healthy environment in law. The country was one of the first UN member States to recognize this right in its constitution in 1976. Portugal also consistently championed the human right to a clean, healthy and sustainable environment at the international level, supporting historic resolutions at the UN Human Rights Council (2021) and the UN General Assembly (2022).

Despite these positive developments, my visit was bittersweet. The people of Portugal and the country's diverse ecosystems are being deeply affected by heatwaves, wildfire and drought exacerbated by the climate crisis, with more than 1,000 deaths related to the heatwaves (hottest July in 92 years)¹ and close to 110,000 hectares of forest lost to fires in 2022. These are powerful reminders of the close relationship between the health of our beautiful planet and the health and well-being of people. The urgent need to address the world's triple environmental crisis requires all States to not only recognize the human right to a clean, healthy and sustainable environment, but to rigorously respect, protect and fulfil it.

Over the course of my visit, I met with the Minister for Environment and Climate Action, Deputy Minister of Foreign Affairs and Secretary of State for Internationalization, Deputy Minister of Agriculture and Food and Secretary of State of Agriculture, the Portuguese Environmental Agency (APA), the Portuguese Ombudsperson, a representative from the Constitutional Court, the Deputy Attorney General's Office and members of the National Council for Environment and Sustainable Development. I had an excellent conversation with the

Working Group of the National Human Rights Committee, which covers the following Government Areas: Presidency of the Council of Ministers; Foreign Affairs; Home Affairs; Justice; Finance; Citizenship and Gender Equality; Economy and Maritime Affairs; Education; Labour, Solidarity and Social Security; Health; Environment and Climate Action; Infrastructure and Housing; Territorial Cohesion; and Agriculture and Food. I also met with members of Parliament (from the 1st Committee on Constitutional Affairs, Rights, Liberties and Guarantees and the 11th Committee on Environment and Energy), the Deputy Mayor of Porto, the Mayors of Boticas and Covilhã, other local officials, civil society, UN agencies, academics, local communities, youth and the private sector.

I traveled to numerous places including Lisbon, Porto, Covilhã, and Serra da Estrela, where I witnessed the devastating damage inflicted by wildfires and met with numerous stakeholders including local authorities and the National Guard and Civil Protection, whose courageous efforts prevented any deaths in this year's large fire. I also visited the communities of Boticas and Covas do Barroso, to learn about the potential environmental and human rights impacts of a proposed lithium mine. Finally, I visited the beautiful Reserva Natural das Dunas de São Jacinto.

International Legal Framework

I would like to commend Portugal for being a party to all major global human rights treaties, except for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which the State of Portugal should consider joining.

Environmental protection is essential to fulfilling many of the rights recognized in these agreements, including the rights to life, health, food, water, sanitation and cultural rights. Of critical importance is protecting the rights of those who may be most vulnerable to environmental harms and climate change, including women, children, older persons, and persons with disabilities. Furthermore, Portugal has joined all major global environmental treaties and is a party to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention). Fulfilling these procedural rights is often a prerequisite to environmental protection and sustainable development

National Legal Context

As noted earlier, in 1976 Portugal became one of the first nations in the world to recognize the human right to a healthy and ecologically balanced environment (Art. 66). The right to a clean, healthy and sustainable environment has both procedural and substantive elements. The procedural elements include the rights of access to environmental information, public participation in environmental assessments and decision-making, and access to justice and adequate remedies in cases where the right to a clean and healthy environment is being threatened or violated. The substantive elements include a safe climate, clean air, safe drinking water and adequate sanitation, healthy and sustainably produced food, non-toxic environments in which to live, work, study and play, and healthy biodiversity and ecosystems. My visit focused on the steps Portugal has taken to respect, protect and fulfil this right, and the challenges it faces.

The visionary Article 66 of the Portuguese Constitution also includes references to preventing pollution, respecting the principle of intergenerational solidarity, and guaranteeing the conservation of nature. Portugal has a strong legal framework and a multitude of policies, plans, and strategies. The Framework Law on the Environment contains strong provisions on the right

to a healthy and ecologically balanced environment (see Articles 1, 2, 5-8). The Basic Law on Climate (2021) includes innovative provisions that identify a safe climate as a human right, recognize a stable climate as the common heritage of humanity and define climate refugees. A pilot project to assess the impact of legal acts on climate action was approved in 2021.²

Implementation of the many strong laws and policies is where Portugal faces major challenges. Perhaps the most compelling evidence of this problem is the fact that because of Portugal's failure to comply with EU directives related to air quality, wastewater treatment, energy efficiency, energy performance of buildings, the Natura 2000 network, and others, the European Commission has commenced many infringement proceedings against Portugal.³

For example, the European Commission decided in 2021 that Portugal had “continually and persistently exceeded the annual nitrogen dioxide limit value in three air quality zones” including Lisboa Norte, Porto Litoral and Entre Douro e Minho, thus failing to comply with limits on air pollution established by European Union Directive 2008/50/EC. Portugal had no exceedances of the EU air quality limit for nitrogen dioxide in 2020, but this could be an anomalous result caused by reduced traffic during the COVID-19 pandemic. As a second example, the European Commission is calling on Portugal to comply with the requirements established in the Urban Waste Water Treatment Directive (91/271/EEC).⁴ According to the Commission, one Portuguese community has no system to collect urban waste water and 62 communities fail to meet the standards required by the Directive.

An impediment to implementation is inadequate level of government investment in environmental protection. According to Eurostat, average government environmental protection spending (2019) was 0.5% of GDP in the EU but only 0.3% in Portugal.⁵

A good practice that I would like to highlight because of its contribution to improving implementation is the Fundo Ambiental (Environmental Fund)—for climate change, circular economy, nature conservation and environmental awareness.⁶ Created 2016 by consolidating several other funds, the Fundo Ambiental's annual budget, financed in part by taxes on carbon, pollution and waste, has grown from €41 million in 2017, to more than €1.1 billion in 2022.

I received conflicting information about the extent to which the public is given timely information and meaningful opportunities to participate in environmental decision-making. On one hand, the Government described extensive efforts to engage the public through various processes. On the other hand, many interlocutors with whom I met expressed concerns about their inability to gain easy, timely and affordable access to important information, to participate meaningfully and to have their concerns addressed. I encourage the government to empower everyone by increasing access to information, creating open consultative processes, and ensuring that the government responds to people's concerns and contributions.

Courts play an important role in holding governments accountable for complying with both their human rights obligations and their environmental commitments. The Constitution of Portugal provides for an *actio popularis* or public action (Article 52). Portuguese courts, including the Supremo Tribunal de Justiça and the Constitutional Court have issued some important decisions in environmental cases involving issues such as pollution, landfills and endangered species. A

search of the jurisprudence of the Supremo Tribunal de Justiça revealed 109 cases between 1995 and 2020 dealing with a wide range of environmental harms, with many referring to the right to a healthy environment.⁷ A recent decision of the Constitutional Court confirmed that the right to a healthy environment includes the conservation of biodiversity.⁸

However, there are still some barriers related to access to justice especially for the most vulnerable individuals and groups, including costs, lengthy delays, excessive judicial deference (related to the separation of powers), and some judges who may lack adequate training to address environmental cases. A program to provide this training is underway, while a recent court decision confirmed that the right to a healthy and ecologically balanced environment should be considered a fundamental human right.⁹ Portugal should consider creating a specialized environmental court, as many other nations have done.

The Climate Crisis

The world is embroiled in a climate emergency, which is already violating human rights across the planet and threatening to do so on an almost unimaginably vast scale in coming years. The need for rapid decarbonization is clear—we must eliminate our dependence on fossil fuels as quickly as possible, while safeguarding the human rights of all persons affected. In the words of UN Secretary-General Antonio Guterres, “We have a choice. Collective action or collective suicide. It is in our hands.”

Among nations of the global North, Portugal is one of the most acutely vulnerable to the adverse impacts of climate change, including devastating wildfires, deadly heat waves, worsening droughts, desertification, coastal erosion and the increasing intensity of extreme weather events. Between 2001 and 2016, more than two million hectares were burned by wildfires in Portugal, contributing to air pollution and climate change, causing damage to people’s physical and mental health, housing, infrastructure, farms, and communities, threatening human rights, and damaging ecosystems and forest health. The terrible wildfires of 2017 claimed more than 100 lives and burned almost 500,000 hectares of forests, creating a legacy of pain, loss and anxiety that continues to this day. As mentioned earlier, in July 2022, the Directorate-General for Health reported more than 1,000 deaths related to punishing heat waves. As of August 2022, 60.4% of Portugal was suffering from severe drought, and 39.6% from extreme drought.¹⁰ Droughts affect agricultural productivity, posing risks to the olive, wine and fishing sectors and jeopardizing the right to food.

I visited the blackened landscape near Serra de Estrela and Covilhã and met with local residents. I spoke to Ombudsperson Maria Lúcia Amaral, who carried out a year-long extra-judicial process into the Pedrógão Grande wildfire in 2017. High temperatures and droughts, exacerbated by climate change, are lengthening the fire season and increasing the risk of severe and intense wildfires.¹¹ Portugal experienced wildfires that burned an average of 75,000 ha per year in the 1980s, 100,000 ha per year in the 1990s, 150,000 ha per year since 2000, and 475,000 ha in 2017.

I commend the government of Portugal for taking the climate emergency seriously. The government closed down the last two coal-fired power plants, Pego (628 MW) and Sines (1250 MW) in 2021, becoming the fourth European nation to stop burning coal. Large investments in wind and solar have enabled a major increase in renewable electricity, from 40% in 2017 to 60%

in 2021.¹² There are plans for two large solar photovoltaic power plants (one gigawatt each), which if built would result in Portugal quadrupling its solar capacity from 2022 to 2024, and up to 10 gigawatts of offshore wind. Unfortunately, the severe and repeated droughts are sabotaging hydroelectric power production, forcing an increased reliance on natural gas. In September 2022, Portugal approved a package of measures to save energy, cutting natural gas use by up to 17% by the end of 2023 as part of a European response to the crisis in Ukraine.¹³

As I traveled around Portugal under relentlessly sunny skies, I was surprised not to see many solar panels on rooftops or mounted on the ground. Portugal ranks a disappointing 13th in the EU in terms of installed solar PV, behind nations including Belgium, the Czech Republic and Hungary.¹⁴ Portugal fares better on wind power (8th place in the EU) but generating capacity from wind has increased by less than 20% since 2012, or only 2% per year.

Greenhouse gas emissions in Portugal declined 32.3% from 2005 to 2020 and reportedly fell another 4.8% in 2021. Per capita GHG emissions, at 5.7 tonnes per capita, are among the lowest in Europe (exceeding only Malta, Sweden, Latvia and Romania).¹⁵ Porto reduced emissions 52% between 2004 and 2020 with a range of initiatives that incorporate both climate action and human rights, such as placing solar panels on the roofs of social housing (also done in Covilhã).

With a vision of protecting the nation from severe rural fires, Portugal recently approved a new law and a National Plan for Integrated Rural Fire Management, as well as a preventive strategy and a national action program. The government is making substantial investments, raising public awareness, and improving data on land ownership, but needs to accelerate the pace of fire prevention through implementation of climate-smart and fire-smart land management. The former includes afforestation and reforestation. The latter involves farmland recovery and agroforestry—using fuel reduction and fuel conversion techniques that promote less flammable and more resilient types of land cover.¹⁶ I saw extensive monocultures of Eucalyptus trees during my visit and recommend taking steps to reduce the area of land covered by this species. Experts recommend substituting native species that are more fire resistant, such as oak, cork and chestnut trees, and creating more diverse landscape mosaics. I was concerned to learn that almost one in four municipalities does not have an up to date Forest Fire Defence Plan (PMDFCI).¹⁷

Portugal's goal is to produce 80% of its electricity by 2030. I encourage the government to accelerate the shift to renewables, especially solar and wind, in order to meet this goal ahead of schedule and reach 100% by 2030. These ambitious goals may also require upgrades to the electricity grid and increased interconnections with other States. Other priority climate actions include investments in energy efficiency (e.g. heat pumps for heating and cooling, better insulation for buildings); increased investment in public transport and active transport instead of roads; and increasing support for climate-smart, precision, regenerative, local and organic agriculture. A rights-based approach to climate action will ensure that policies and programs focus on those who are most vulnerable or marginalized, such as people facing poverty who live in buildings that are not energy efficient. Portugal's Vale Eficiência, which provides vouchers of €1,300 plus Value Added Tax to economically vulnerable households to improve the thermal comfort of their homes, is an example of a good practice in this area that should be streamlined and scaled up. Support for decentralized solar should be made easily accessible and scaled up.

Air pollution

Clean air is one of the basic elements of the right to live in a clean, healthy and sustainable environment.¹⁸ For example, fine particulate matter or PM_{2.5}, causes respiratory illness, cardiovascular disease, stroke, and lung cancer, as well as other adverse health effects.¹⁹ In some areas and for some pollutants, air quality in Portugal has improved. For example, average annual concentrations of PM_{2.5} have declined from 11.3 micrograms per cubic meter in 1990 to 8.2 micrograms per cubic meter in 2019.²⁰ However, air quality remains unsatisfactory, as there are pollution hotspots in urban areas with significantly higher levels of PM_{2.5} concentrations. As well, the World Health Organization recently reduced its annual guideline for PM_{2.5} from 10 micrograms per cubic meter to 5 micrograms per cubic meter.

According to the State of Global Air Quality, there were 2,410 premature deaths in Portugal caused by air pollution in 2020 (including fine particulate matter and ozone).²¹ The European Environmental Agency provides a higher estimate, 5,759 premature deaths, partially because this figure includes nitrogen dioxide.²² Recent Portuguese studies confirm that air pollution has a significant impact on mortality caused by respiratory illnesses, diseases of the circulatory system and cancer.²³ A study of air quality in Lisbon estimated that meeting the previous World Health Organization guideline for PM_{2.5} would prevent 423 premature deaths annually, extend average life expectancy by 18.7 months and provide nearly €46 million in annual benefits.²⁴ Meeting the current, more stringent WHO guideline for PM_{2.5} would produce even greater benefits. Portugal could demonstrate global leadership by adopting the new WHO guideline as a national standard.

The government acknowledged that women living in one of Portugal's pollution hotspots (within 500 meters of Avenida de Libertad in Lisbon) were more likely to have low birth weight babies, increasing health risks and jeopardizing their rights to health and a healthy environment.

Reducing emissions from road traffic is key. In Porto I learned from the municipal government about ambitious plans for new subway lines, rapid bus lines and electric buses, as well as smart traffic lights. Porto makes public transit free for everyone under 18, offers discounted transit passes for students and residents, and has an innovative program to subsidize taxi use for older persons. In Lisbon, public transit is free for those under 23 years and over 65 years. A recent study indicated that placing greater emphasis on active transport (walking and cycling) in Porto, which would require substantial infrastructure changes, would produce major health and economic benefits.²⁵ The findings are applicable throughout urban areas in Portugal.

It is vital to note that Portugal's most important strategy for both climate change and air pollution involves electrifying energy end uses (transport, heating, etc.) and powering these end uses with electricity generated by renewable sources.²⁶ This will produce climate and air quality co-benefits, with the caveat that biomass burning can produce substantial volumes of air pollution and carbon emissions, making it less attractive as a renewable energy option. Additional actions are needed to substantially reduce PM_{2.5} and nitrogen dioxide by 2030.²⁷

Indoor air pollution is also a potential threat to the right to a healthy environment. According to a study published in 2021, ventilation issues and/or indoor pollutant levels that exceeded recommended limits were found in a substantial number of classrooms surveyed in Portugal.²⁸

Children

No group is more vulnerable to the planetary environmental crisis than children (under 19), who comprise more than 15% of the Portugal's population. Environmental degradation has especially severe effects on children under the age of five. Children are more susceptible to air pollution and toxic substances than adults for physiological, behavioural, and environmental reasons, including that their immune systems are still developing, and that they breathe more quickly and take in more air per unit of body weight.²⁹ Their developing brains and bodies are exquisitely sensitive to toxic substances such as lead, and they can suffer lifelong health consequences.³⁰

A recent UNICEF study found that:

- 5.3% of children in Portugal have elevated levels of lead in their blood;
- 7.6% of children live in areas where the risk of pesticide pollution is high;
- 35% of poor families with children have difficulty keeping their homes warm; and
- 25% of families with children are affected by noise and noise pollution.³¹

Young people also are among the most likely to suffer adverse impacts from climate change, including negative impacts on physical and mental health, which may constitute human rights violations. A recent survey of ten thousand young people (16-25) from ten countries, including 1,000 from Portugal, found profoundly worrisome results.³² Among Portuguese youth:

- 81% said that they think the future is frightening;
- 62% said they believe humanity is doomed; and
- 37% are hesitant to have children.

Two-thirds of Portuguese youth were very worried (35%) or extremely worried (30%) about the climate crisis, the highest level of worry in the global North. A study from the University of Coimbra in 2017 showed that in municipalities affected by the 2017 fires (which caused the death of 100+ people, injured 250+ people and destroyed 500+ houses), 25.4% of children had some kind of psychological disorder and 8.1% had symptoms of post-traumatic disorder.³³

In 2021, UNICEF Portugal organised a national consultation of children before the municipal elections. It was called 'Tenho voto na matéria', which means 'I have a say in the matter. The vast majority (80%) of the approximately 10,000 children and young people consulted from the north to the south of the country said that they do not feel involved in decisions about where they live or, when consulted, feel that their opinions or suggestions have no consequence or impact on the decisions taken.

Despite these challenges, Portuguese youth are vigorously defending their right to a safe and livable climate. Six young people from Portugal filed a case against 33 European governments (including Portugal) before the European Court of Human Rights, arguing that their rights to life, respect for their private and family lives and not to be discriminated against are being violated by governments' inadequate climate action.³⁴ The case is currently pending before the Grand Chamber of the European Court of Human Rights. The latest global climate strike by students was held on September 23. Teresa Nuncio, spokesperson for the student climate strike in Lisbon, said "What we are facing is the possibility of a collapse of civilization if we do nothing and do not change drastically."³⁵

Access to green spaces for play is vital to the health and well-being of children. High-income neighbourhoods often have a higher density of urban green spaces. Neighbourhoods characterised by low average income, low levels of educational attainment and high unemployment rates tend to have access to smaller areas of green space than those with high income, educational attainment and employment rates. This type of spatial segregation reflects and reinforces discrimination.³⁶ In socio-economically disadvantaged neighbourhoods of Lisbon, urban parks have less diverse facilities and vegetation than those in wealthier city areas.³⁷

A study in Porto found that access to green space was smaller in size and more distant from lower socioeconomic communities, indicating a deficit of both individual and community resources.³⁸ Also green spaces in lower socioeconomic areas had inferior facilities and raised safety concerns. However, the Deputy Mayor of Porto indicated to me that focused efforts are being made to make green spaces safer and more accessible in low income communities, with a goal of doubling public access to green areas by 2030.

Article 29 (1) of the UN Convention on the Rights of the Child defines environmental education as one of the goals of education. To its credit, Portugal recently adopted a National Strategy for Environment Education. Now the key is to focus on implementing the Strategy. Portugal's Ombudsperson offers a special phone line for children. I recommend that Portugal consider establishing a special ombudsperson for the rights of children, either as independent officer or under the existing ombudsperson, as many other nations in Europe and elsewhere have done.

Waste

Inadequate solid waste management can have negative effects on human and ecosystem health, jeopardizing the right to a clean, healthy and sustainable environment. The EU Waste Framework Directive (2008) clarified the waste management hierarchy:

- reduce the amount of waste generated;
- maximize recycling and re-use;
- limit incineration to non-recyclable materials;
- phase out landfilling except for non-recyclable and non-recoverable waste.³⁹

Given that the first priority of waste management is to reduce, the growing volume of municipal waste in Portugal is a concern at 513 kg per capita, 11th highest in the EU and above the EU average.⁴⁰

According to the Intermunicipal Waste Management Service of Greater Porto (LIPOR), in 2019 Portugal recycled or composted 29% of municipal waste, used waste to energy (incineration) for 19%, and sent 47% to landfill, with data missing for the remaining 5%. The most recent Eurostat data indicated 26.5% recycling.⁴¹ It is clear that Portugal failed, by a wide margin, to meet the EU target of recycling 50% of its waste by 2020. Major improvements are needed to meet the more ambitious EU recycling targets of the future (55% by 2025, 60% by 2030, and 65% by 2035).

As the European Commission has observed, “managing waste efficiently remains an important challenge for Portugal.” Under the Landfill Directive, Member States must take measures to ensure that only waste that has been subject to treatment is landfilled. In 2015, the Commission launched a study to investigate the landfilling of untreated municipal waste in Member States. In

Portugal, the study revealed shortcomings in four of the five landfills visited. At least 59% of the municipal waste is landfilled without any treatment. According to the Commission, “Portugal has not established an integrated and adequate network of waste management installations for mixed municipal waste.”⁴²

However, my visit to the headquarters of LIPOR in Porto revealed that a group of municipalities in one of Portugal’s largest metropolitan areas is making substantial progress. LIPOR is rolling out a city-wide program to collect organic waste, which is turned into valuable fertilizer and in the future may be used to generate biogas using an anaerobic digester. Also impressive is a detailed 2022 Waste Prevention Strategy.⁴³ Less than 2% of waste managed by LIPOR is now sent to landfill, as waste that cannot be recycled or composted is sent to an incinerator that generates energy. I note that incineration may be an interim solution but is not consistent with the long-term goal of a circular economy. Incineration can produce not only heat, electricity and valuable metals but also air pollution and greenhouse gas emissions, thus potentially jeopardizing the right to a clean, healthy and sustainable environment.⁴⁴

I urge Portugal to accelerate implementation of its circular economy strategy, with an immediate emphasis on raising the recycling rate. A comprehensive system of extended producer responsibility that shifts the burden of operating and paying for recycling systems from governments to the industries that produce or import recyclable products and packaging, as employed in the Canadian province of British Columbia, warrants consideration.⁴⁵

The Green Economy

There is no doubt that the world urgently needs an economic transformation from an inequitable, unsustainable, fossil-fuel based linear economy to a just and sustainable circular economy powered by renewables. However, it is of paramount importance to ensure that the transition takes place in a way that respects human rights by imposing the highest possible environmental standards, maximizing public benefits and protecting the rights of potentially impacted communities.⁴⁶

I went on a field trip to Covas do Barroso to explore these issues in the context of a controversy related to a proposed lithium mine. Savannah Resources, incorporated in 2010 with headquarters in London (UK), is seeking approval to develop an open-pit lithium mine on a concession of 542 hectares with plans to expand to 593 hectares, the majority of which is community-owned land. The huge project would produce 1.5 million tonnes of rock containing lithium annually as well as 6.85 million tonnes of waste material.⁴⁷

The area of Barroso is designated by the Food and Agriculture Organization of the United Nations as a Globally Important Agricultural Heritage System, a designation reserved for world leading examples of systems led by local communities that support cultural heritage, agricultural biodiversity and ecosystem resilience.⁴⁸ It is the only region in Portugal to enjoy this designation and one of only seven in Europe. Barroso sustainably integrates farming, livestock raising, forestry and nature conservation. The region is famous for its unique breeds of cattle, sheep, and goats, renowned cheese, and delicious honey.

I met with municipal and regional officials, farmers, lifelong residents, children and recent arrivals. Every single person with whom I spoke expressed clear opposition to the project, related to concerns about loss of forests, water pollution, water shortages, potential disasters, and the loss of traditional livelihoods. Residents also raised concerns about lack of access to timely and accurate information, inadequate public consultation and the use of intimidation tactics to silence opposition to the project. Local officials clarified that they do not oppose mining *per se*, and would support a project if it promised to be good for their constituents. There is a case against Portugal underway at the Aarhus Compliance Committee, related to the alleged failure to respect the right of access to environmental information about the proposed mine.⁴⁹

In my most recent report to the United Nations Human Rights Council, I documented the growing global problem of sacrifice zones, defined as areas of intense pollution or environmental degradation where profits and private interests are placed ahead of human health, human rights and the environment.⁵⁰ Sacrifice zones are completely incompatible with the human right to a healthy and ecologically balanced environment (Art. 66 of Portugal's Constitution) or to a clean, healthy and sustainable environment (UN General Assembly resolution 76/300).

Proponents of the proposed mine have attempted to justify the project by arguing that European lithium is needed for Europe's green energy transition.⁵¹ While that may be the case, large resource extraction projects that may violate human rights in the name of the green transition are antithetical to sustainable development, as a number of national and regional courts and commissions have recently concluded.⁵² Open pit metal mining is illegal in some leading green nations, such as Costa Rica, because of environmental and human rights impacts.

Portugal deserves credit for leading the world in recognizing the right to a healthy environment, ending the use of coal, rapidly accelerating renewable energy production and rejecting offshore oil and gas development near the Algarve. It would be difficult to reconcile this track record of leadership with approval of a massive open-pit mine in a community that is a globally recognized example of sustainable development.

Conclusion

I will provide additional details and recommendations on these issues, as well as Portugal's human rights progress and challenges related to water, food, biodiversity (including oceans), toxic substances, environmental impact assessments, and the role of business, in my full report to the UN Human Rights Council, which I will present in March 2023. In the meantime, I urge the government of Portugal to use a rights-based approach to all climate and environmental action, ensuring the protection of vulnerable and marginalized individuals and communities.

I would like to conclude by reiterating my heartfelt appreciation to all of the Portuguese people who took the time to share their views with me during my visit. It has been an honour and a privilege to learn about this beautiful nation, the environmental challenges Portugal faces, and people's determination to overcome these challenges. I hope to work with the Government and people of Portugal to fulfill every person's right to live in a clean and healthy and sustainable environment.

Endnotes

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- ⁶ Created by Decree-Law No. 42A/2016, amended by Decree-Law No. 114/2021.
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