**Questionnaire in relation to Human Rights Council resolution 53/6 on human rights and climate change**

**Input from Portugal**

**3 - Please describe any specific measures, including public policies, legislation, practices, strategies, or institutional arrangements that your Government has undertaken or plans to undertake at a national, sectoral or sub-national level, in compliance with applicable international human rights law, to avert, minimize and address loss and damage, including equity-based approaches and solutions. Please also identify any relevant mechanisms for ensuring accountability, including means of implementation.**

To contextualize: loss and damage from the adverse effects of climate change can be addressed at the national level by two different communities – the Climate Change Adaptation (CCA) community, led by the Ministry of Environment and Climate Action, and the Disaster Risk Reduction (DRR) community, led by the Ministry of Home Affairs. Both communities consider risk assessment (and its prevention/minimization) as the basis for action. Regarding the CCA community in Portugal, one of the main priorities at national level is to establish an adequate monitoring and evaluation (M&E) framework to support the climate risk assessments, the adaptation policy reviews, and reporting obligations. This M&E framework would include the monitoring of climate-related losses and damages; however this is currently better assured by the DRR community which has better access to data.

Nevertheless, it is important to stress that one of the main developments under the CCA community in Portugal was the broad development of subnational adaptation strategies. These strategies followed an iterative design framework (based on Climate [Adaptation Support Tool](https://climate-adapt.eea.europa.eu/en/knowledge/tools/adaptation-support-tool)) that collected local data (including data on past climate events and their impacts, an essential element for loss and damage) and engaged local stakeholders. These comprehensive exercises to prepare the subnational adaptation strategies were held at almost all of the 31 NUTS III (Nomenclature of Territorial Units for Statistics) regions and in some municipalities. The preparation of these subnational adaptation strategies included the organization of local workshops and other means of engagement of local stakeholders. The dynamics within each region/municipality certainly influenced the level of involvement of vulnerable communities.

The Portuguese Climate Law (Law nº 98/2021) introduced the obligation for all municipalities and the 5 mainland regional bodies to develop their Climate Action Plan, which will most likely follow the same approach in the adaptation section.

To complement the above, many sectoral policies address the challenges of Climate Change Adaptation as they are being progressively integrated into planning and public policies due to the relevance of mainstreaming adaptation into those policies. The main strategic documents at the national level are: 1) the National Climate Change Adaptation Strategy (ENAAC); 2) the Action Programme for Climate Change Adaptation (P-3AC); 3) National Energy and Climate Plan 2021-2030 (PNEC 2030) and 4) the Portuguese Climate Law.

ENAAC was adopted in [2015](https://files.dre.pt/1s/2015/07/14700/0511405168.pdf), revising the previous strategy of 2010. It mainly establishes the governance and responsibilities of the entities involved to address its 3 main objectives: 1) improve the level of knowledge on climate change; 2) implement adaptation measures; 3) promote the mainstreaming of adaptation into sectoral policies. Other specific responsibilities / objectives are defined for the sectoral working groups and six thematic areas (one of which dedicated to “safety of people and assets” through which it links to the DRR community).

The P-3AC was adopted in 2019, focusing on ENAAC’s objective to implement adaptation measures (domestically). This action programme defines nine adaptation priority areas fostering action by mobilizing financing instruments.

The above mentioned objectives are not translated into specific targets. Instead, a monitoring system is established with measurable indicators of two kinds – achievement and outcome. The achievement indicators are based on the monitoring frameworks and respective targets of the financial mechanisms that currently support each of the eight priority areas of P-3AC. The outcome indicators are largely derived from current sectoral planning instruments and aim to measure the direct or indirect contribution of the P-3AC, (with targets for 2020 and 2030).

The first Portuguese climate law was approved at the very end of 2021 defining the objectives and other considerations for climate policies. On adaptation matters, it introduces some new elements to be integrated into adaptation policies and governance, including some tasks to accomplish in a short timeframe, amongst others: a) creation of a climate action portal; b) development of municipal and regional climate action plans; c) development of sectoral adaptation plans; d) additional monitoring and reporting processes (including in the national budget); e) introduction of the climate legislative impact assessment; f) integration of climate risks in the decision-making of public and private institutions and agents.

The Portuguese ~~C~~climate law also define the objectives ~~for guidance of climate~~ to guide public policies on climate change, which include:

* *“[The ensurance of] climate justice, ensuring the protection of communities most vulnerable to the climate crisis, respect for human rights, equality and collective rights over common goods;”* and

*“Responsibility, recovery and repair, with each intervening agent being responsible for their actions and omissions, direct and indirect, being obliged to correct or recover the losses and damages that they have caused, bearing the resulting costs and the compensation applicable to third parties.”*

Most objectives are domestically centred but the Law also introduces considerations of climate foreign policy towards an enhanced international cooperation and solidarity with countries of the global south.

**4 - Please identify and share examples of promising practices and critical challenges in the promotion, protection, and fulfilment of the full enjoyment of human rights in the context of loss and damage, including examples that highlight multilateral cooperation and approaches, at global and regional levels, including equity-based approaches and solutions.**

Respect for human rights and fundamental rights and freedoms is one of the guiding principles of Portugal’s development cooperation strategy.

Climate change ~~is affecting~~ affects billions of people all over the world, most disproportionately, in developing countries, namely the LDCs. The communities with fewer resources are being denied basic rights, such as the right to food, water, shelter, education, freedom of movement, health, etc.

Mozambique, for example, is suffering the devastating effects of increased frequency and intensity of extreme weather events. This was evident in the case of cyclones Kenneth and Idai, Gombe and Freddy and tropical storms such as Eloise. In Mozambique Portugal made use of several instruments to respond to lost and damage. It focused on a human rights-based approach and promoted an inclusive participation of affected communities and people in the development of long-term sustainable solutions.

Humanitarian budget line: Portugal supported the NGDO OIKOS to strengthen resilience and promote access to education through community involvement, rebuilding climate resilient school infrastructure and strengthening local disaster risk management mechanisms (both inside and outside the school). This project (“Resilient Classroom Construction”) has provided the community of Mossuril with a greater resilience to future threats by encouraging the mobilisation of community members to support the reconstruction of school infrastructure (classrooms and teachers accommodation), using traditional methods and materials, combined with the principles and methods of resilient structures construction. Special attention has been given to inclusive construction (ramps, for example) to improve access to education/work to people with health conditions or impairments/people with disabilities.

Special financing mechanism to support recovery from cyclones Idai and Kenneth: Established with an innovative mix of public and private funds, focused on supporting the reconstruction of Sofala Province. Through this instrument, PT supported several projects from NGDO consortia, aiming to help affected communities to rebuild essential public services infrastructures in a more resilient way:

The project *"UNGUMI - Rural communities of the Dondo-Savane corridor"* by the NGDO APOIAR, which included the strengthening of social infrastructures linked to health units (“*postos de saúde*”) by local young people trained in resilient construction techniques.

Project "*RESPI - Reconstruction and resilience in health structures and population in the Dombe region"* by the NGDO Helpo, in which one of the objectives was to create resilient systems in health structures.

Development budget line for NGDOs: Portugal would also like to mention the project *"Reacting to climate change: young people in Beira reflecting on and acting for the common good",* developed in Mozambique by the NGDO Gonçalo da Silveira Foundation, whose specific objective was to promote youth awareness, participation and resilience in rural and urban areas of Beira to climate change.

Portugal’s bilateral cooperation mainstreams human rights in Loss and Damage recovery support through a participatory and inclusive approach, that puts communities themselves at the centere, promoting their empowerment and involves the co-responsibility of the different actors in the development of sustainable people-centred local solutions.

**5 - Please provide specific recommendations, if possible, on how to address the critical challenges that have been identified, including actions to be taken at country, regional, and global levels, as well as by different groups of stakeholders, Governments, development agencies, financing institutions, and others.**

Some of the challenges to address the impact of climate-related loss and damage on the full enjoyment of human rights can be identified as follows:

1. Monitor climate-related losses and damages: Need to establish an effective M&E that systematises data with clarity, transparency, and in collaboration with both CCA and DRR communities. This recommendation applies to all administrative levels, from sub-national to national.
2. Mapping of climate risks and, where appropriate, linking each of them to the specific human rights affected. Expand the scope of the M&E system in order to include the human rights dimension. This could allow a proper assessment of effectiveness of climate policies in ensuring the full enjoyment of human rights. This recommendation also applies to all administrative levels.
3. Improve coordination between different administrative levels, in particular from local to national, in order to better integrate, at national level, the insightful diagnosis of the local climate adaptation policies. These policies take into account local specificities and ensure a closer link with local communities and the most vulnerable.