



HIGHLIGHTS:

INTER-AMERICAN COURT OF HUMAN RIGHTS ADVISORY OPINION ON THE CLIMATE EMERGENCY AND HUMAN RIGHTS (AO OC-32/25)

Adopted in San José, Costa Rica, on 29 May 2025 and [published](#) 3 July 2025. Summary prepared 3-4 July 2025.

VII. CONCLUSIONS [*moved to top*] [pp.229–33, no ¶ numbers]

The Court unanimously declared its competence to issue the AO. It then established that:

1. The current situation constitutes a **climate emergency** which **can only be adequately addressed through urgent and effective actions** for mitigation, adaptation and progress toward sustainable development, articulated with a human rights perspective and **under the prism of resilience** [*unanimous*] [p.229] [referring to [¶¶ 183, 205–16](#)].
2. Under the **general obligation to respect rights**, States must, among other things, refrain from any behavior that sets back, slows down, or truncates necessary measures to protect human rights from climate change impacts, and must ensure that any rollback in climate policies must be exceptional, objectively justified, and meet necessity and proportionality standards [*unanimous*] [p.229] [referring to [¶¶ 219–23](#)].
3. Under the general obligation to guarantee rights, **States must act under a standard of reinforced due diligence** to counteract human causes of climate change and protect vulnerable populations [*unanimous*] [p.229] [referring to [¶¶ 225–37](#)].
4. By virtue of States' general obligation to ensure the progressive development of ESCR (economic, social, and cultural rights), **States must allocate the maximum available resources to protect the most vulnerable** [6-1, *Patricia Perez Goldberg dissenting*] [p.230] [referring to [¶¶ 238–43](#)].
5. By virtue of the general obligation to adopt domestic law provisions, **States must integrate the necessary regulations into their domestic legal frameworks** to fulfill the above duties to respect, guarantee, and ensure the progressive development of rights [*unanimous*] [p.230] [referring to [¶¶ 244–46](#)].

NB: This summary has been prepared using a DeepL English translation. Direct quotations, where included, are taken from a DeepL English translation of the AO and double-checked for accuracy; the Court's official English translation will not be available until 11 July 2025. For further inquiries, please reach out to info@igsd.org

6. States have an obligation to **cooperate in good faith** to address the climate emergency [*unanimous*] [p.230] [referring to ¶¶ 247–65].
7. The **recognition of Nature and its components as subjects of rights** constitutes a normative development that helps protect the long-term integrity of ecosystems and provides effective legal tools to prevent existential damage before it becomes irreversible. It represents the principle of interdependence between human rights and the environment [4-3, *Nancy Hernandez Lopez, Humberto Sierra Porto and Patricia Perez Goldberg dissenting*] [p.230] [referring to ¶¶ 279–86].
8. Based on the principle of effectiveness, the imperative **prohibition of anthropogenic conduct that may irreversibly affect the interdependence and vital equilibrium of the common ecosystem** that makes the life of species possible **constitutes a *jus cogens* norm** [4-3, *Nancy Hernandez Lopez, Humberto Sierra Porto and Patricia Perez Goldberg dissenting*] [p.230] [referring to ¶¶ 287–94].
9. A **right to a healthy climate** exists as a component of the right to a healthy environment, protecting humanity (present and future) and Nature [5-2, *Nancy Hernandez Lopez and Patricia Perez Goldberg partially dissenting*] [p.231] [referring to ¶¶ 298–316].
10. **States must mitigate GHG emissions** through adoption of adequate (i) mitigation regulations, including on companies' behavior; (ii) monitoring and control; and (iii) climate impact assessments [6-1, *Patricia Perez Goldberg partially dissenting*] [p.231] [referring to ¶¶ 323–63].
11. Under the right to a healthy environment, **States must protect Nature from climate impacts and establish a strategy for sustainable development** [*unanimous*] [p.231] [referring to ¶¶ 364–76].
12. **States have an immediate obligation to define and update ambitious national adaptation plans** and to **act with enhanced due diligence** to protect all substantive rights (to life, personal integrity, health, private and family life, property and housing, freedom of residence and movement, water and food, work and social security, culture and education, and others) threatened by climate impacts [6-1, *Patricia Perez Goldberg partially dissenting*] [p.231] [referring to ¶¶ 384–91, 400–57].
13. **States must strengthen democratic rule of law** as an essential framework for ensuring the full exercise of procedural rights [*unanimous*] [p.231–32] [referring to ¶¶ 460–69].
14. There is a **human right to science and recognition of local, traditional, and Indigenous knowledge** under which all persons have the right to access the benefits of measures based on both [6-1, *Patricia Perez Goldberg partially dissenting*] [p.232] [referring to ¶¶ 471–87].

15. Under the right of access to information, States have obligations to **produce and disclose climate information** and to **adopt measures against disinformation** [*unanimous*] [p.232] [referring to ¶¶ 501–27].
16. Under the right to political participation, States must guarantee **meaningful public participation** and **prior consultation of Indigenous and tribal peoples** in climate decision-making [*unanimous*] [p.232] [referring to ¶¶ 530–39].
17. States must ensure **access to justice** through (i) providing adequate means for its administration; (ii) applying the *pro actione* principle; (iii) reasonably speedy judicial proceedings; (iv) appropriate standing; (v) evidentiary standards; (vi) reparations; and (vii) application of inter-American standards [4-3, *Nancy Hernandez Lopez, Humberto Sierra Porto and Patricia Perez Goldberg partially dissenting*] [p.232] [referring to ¶¶ 542–60].
18. By virtue of the right to defend human rights, States have a **special duty with specific obligations to protect environmental defenders**, including investigating and punishing attacks, threats or intimidation and countering their criminalization [*unanimous*] [p.232] [referring to ¶¶ 566–67, 575–87].
19. States must adopt measures to address how the climate emergency **aggravates inequality and disproportionately impacts persons in multidimensional poverty** [*unanimous*] [p.233] [referring to ¶¶ 626–27].
20. States have **specific obligations towards other vulnerable groups** impacted by the climate emergency, including (i) children; (ii) Indigenous peoples, tribes, Afro-descendant persons, and farming and fishing communities; (iii) persons who suffer differentiated impacts in the context of climate disasters; and (iv) persons who do not belong to a traditionally protected category but come into a situation of vulnerability for dynamic or contextual reasons [4-3, *Nancy Hernandez Lopez, Humberto Sierra Porto, and Patricia Perez Goldberg partially dissenting*] [p.233] [referring to ¶¶ 599–602, 604, 606–18, 628–29].

I. PRESENTATION OF THE CONSULTATION

On January 9, 2023, the Republic of Chile and the Republic of Colombia (the "requesting States") submitted a request for an Advisory Opinion to the Inter-American Court of Human Rights (hereinafter "the Court"). The request, based on Article 64(1) of the American Convention on Human Rights (hereinafter "American Convention" or "the Convention"), sought clarification on the obligations of States to respond to the climate emergency under international human rights law [¶ 1]. The Court received and considered 263 written observations from diverse stakeholders [¶ 8]; these submissions reflected the participation of 9 States, 4 organs of the Organization of American States ("OAS"), 14 international organizations, 10 State institutions, 62 communities, 178 non-governmental organizations ("NGOs"), 70 NGOs combined with academic institutions

or individuals from civil society, 1 company, 134 academic institutions and 131 individuals of civil society [¶ 8]. The Court formally adopted this Advisory Opinion on May 29, 2025.

II. PROCEDURE BEFORE THE COURT

The Court held public hearings during its 166th and 167th Sessions in Bridgetown, Barbados (April 23-25, 2024), Brasilia, Brazil (May 24, 2024) and Manaus, Brazil (May 27-29, 2024) [¶ 10]. All those who provided written observations were invited to participate in the proceedings [¶ 9]. Following the hearings, the Court received additional submissions from various delegations and took all interventions into account [¶¶ 11-12].

III. JURISDICTION AND ADMISSIBILITY

The Court determined it has jurisdiction to issue the Advisory Opinion, as the request was submitted by OAS member States (Chile and Colombia) and concerns the interpretation of the Convention and other treaties related to the protection of human rights in the Americas [¶¶ 15–16]. The request also fulfilled the formal requirements as articulated in the Court’s Rules of Procedure in Articles 70 and 71 [¶ 17]. Therefore, the Court found it has jurisdiction to rule on the request, and the Court found no formal or material reasons to prevent it from issuing the opinion [¶ 23]. On the contrary, the Court highlighted the request as an opportunity to examine inter-American public policy, while considering regional and global interests [¶ 22].

IV. PRELIMINARY CONSIDERATIONS

A. On the subject matter of this Advisory Opinion and the questions raised by the requesting States: The Court may at times deem it necessary to reformulate the questions posed to clearly determine the meaning, purpose and reason behind international human rights norms [¶24]; to that end, in accordance with its own jurisprudence (Advisory Opinion OC-23/17) [¶ 26] and given the different aspects raised in the request (substantive rights, procedural rights and rights of persons or groups in vulnerable situations) and based on the general obligations derived from the Convention and the Protocol of San Salvador [¶ 27], the Court used the distinction between these three aspects as a basis for reformulating the questions [¶ 27, 29].

B. On the structure of this Advisory Opinion Acknowledging the broad and technical nature of the issues that are the subject of the consultation, the Court decided to divide the Opinion into two main parts:

- **Part One (Chapter V):** An introductory chapter presenting the factual background of climate change, its effects on people and the environment, the international response to climate change, regulatory developments in the Americas, and the climate emergency [¶ 31].

- **Part Two (Chapter VI):** Focuses on the interpretation of inter-American provisions, particularly in relation to the scope and definition of general obligations with respect to substantive rights, procedural rights, and the rights of vulnerable groups [¶ 32].

C. On the sources to be used by the Court: The Court relied on reports from the Intergovernmental Panel on Climate Change (IPCC) to establish the relevant facts underpinning its legal analysis, citing their rigorous methodology and wide state recognition [¶ 33]. The Court considers these reports to be “the best available source of scientific guidance on climate change” at the time of its opinion [¶ 33]. The Court uses both special and general international norms on interpretation, including Article 29 of the Convention which applies the *pro persona* principle [¶ 34], and the general rules of interpretation of the Vienna Convention on the Law of Treaties, which takes into account the object and purpose of the treaty, and its evolving context [¶ 35]; to that end the Court identified the object and purpose of the treaties being interpreted as the protection of the fundamental rights of human beings and ensuring a sufficient understanding of the provisions in the context of the Inter-American Human Rights System and the broader international law system [¶ 35]. Although the purpose of this consultation is not the interpretation of other treaties such as the UNFCCC, Paris Agreement, or the Escazú Agreement, the Court may also refer to these and other instruments as auxiliary sources to interpret the provisions of the Convention and the Protocol of San Salvador. Finally, the Court will depend on the *corpus iuris* of the OAS founding instruments, international human rights law, general international law, international environmental and climate law, and international, conventional and customary principles and norms, including those on the environment and climate change [¶¶ 36, 38].

D. On the scope of this Advisory Opinion: The Court declared that the AO “must be considered in a comprehensive manner *not only* by the States Parties to [(1) the American Convention and (2) the Protocol of San Salvador], but also by **all those that make up the OAS,**” since these are bound by the obligations in (3) the American Declaration of the Rights and Duties of Man, and derived from the (4) OAS Charter and (5) Inter-American Democratic Charter [¶ 41], due to the close relationship between these 5 instruments [¶¶ 39–40].

V. THE CLIMATE EMERGENCY - FACTUAL BACKGROUND [starts ¶ 42]

A. Causes of Climate Change [¶¶ 44–55]

In analyzing the causes of climate change, the Court agreed that human activities have greatly influenced the global climate since 1750 through its greenhouse gas (GHG) emissions [¶ 46]. The GHGs that contribute the most to global warming are carbon dioxide, methane, and nitrous oxide [¶ 46]. Other atmospheric agents include short-lived climate pollutants (SLCPs) like tropospheric ozone, hydrofluorocarbons, and black carbon, which have a higher warming potential than CO₂ [¶ 50]. Methane, another SLCP, has a warming effect around 80 times more powerful than CO₂ in a 20-year period [¶ 50].

The Court also noted that industrialization and expansion of mass production and consumption of goods and services have led to the continuous growth of GHG emissions [¶ 53]. The majority of these GHG emissions are from just 90 companies—known as the “Carbon Majors”—who are responsible for 71% of CO2 emissions between 1988 and 2017 [¶ 54].

Historical emissions from different States and regions of the world are highly uneven [¶ 56]. The OAS member states that make up the largest emitters of CO2 include the United States, Mexico, and Brazil [¶ 57]. While most Latin American countries are not large GHG emitters, their roles in global supply chains—particularly those linked to extractive industries—highlight the importance of addressing transnational carbon flows through international cooperation [¶ 57]. A major source of emissions in LAC is from agriculture, livestock, forestry and other land uses (AFOLU), which account for 58% of global emissions, driven primarily by deforestation [¶ 58]. This deforestation has degraded, among others, the Amazon ecosystem, which is a carbon sink that has begun to release large amounts of carbon [¶ 58].

Climate impacts are distributed unevenly. Half of global CO2 emissions have been caused by the richest 10% of the population, while half of the global population are only responsible for 10% of global CO2 emissions [¶ 61]. In addition to economic factors, the Court recognized that climate vulnerability must be assessed through an intersectional lens that considers the impacts of inequalities [¶ 62–63].

B. Impacts of Climate Change [starts ¶ 64]

Using the best available science [see ¶¶ 486–87], the Court reviewed the impacts of climate change on natural systems, human populations, and vulnerable territories:

- **Impacts on Natural Systems:** GHG emissions trigger a series of geophysical processes that impact global temperatures and weather systems, oceans, the cryosphere, and ecosystems and biodiversity [¶ 65].
 - **Global Temperatures & Weather:** Human activities are almost exclusively responsible for global average temperature, with almost 1.1C of post-Industrial Revolution warming [¶ 66]. The Court noted the rising frequency and intensity of tropical cyclones [¶ 68], heat waves [¶ 69], humidity [¶ 70], drought [¶ 71], and wildfires [¶ 72]. The Court further highlighted that Central America is a region highly vulnerable to the impacts of extreme weather events, particularly droughts, heavy rains, and tropical cyclones [¶ 71].
 - **Oceans:** The Court noted that climate change contributes to sea level rise [¶¶ 74–76], ocean acidification and deoxygenation [¶ 77], increased ocean heat levels [¶ 78], mass coral bleaching [¶¶ 79–80], and the alteration of ocean circulation [¶ 81]. Here the Court cited the IPCC’s conclusion that the Atlantic Meridional Circulation (AMOC) is at risk of collapse [¶ 81].
 - **Cryosphere:** The Court noted that climate change is accelerating glacier melt [¶ 83–85], noting the negative impacts of seasonal melting of Andean snow and glaciers on nearby

ecosystems and communities [¶ 85]. The Court also noted that glacier melting is highly sensitive to decadal and centennial-scale trends [¶ 83].

- **Ecosystems & Biodiversity:** The Court noted that climate change has caused significant and irreversible damage to ecosystems worldwide, noting the species at risk of extinction [¶ 86–87].
- **Impacts on People:** The Court identified environmental risks and their misinformation as a major threat to humanity [¶ 89].
 - **Human Rights:** The Court determined that climate change impacts the conditions necessary for humans to enjoy a dignified existence [¶ 90], health [¶¶ 91–92], food and water security [¶ 93], and their culture [¶ 94].
 - **Economic:** The Court noted that climate change causes extraordinary economic losses, including from property and infrastructure damage, supply chain disruptions, and agricultural impacts [¶ 95], causing significant GDP loss, particularly in the Caribbean [¶ 96].
 - **Systemic:** The Court noted that climate-induced food and water insecurity, economic decline, and migration exacerbate democracy and poverty as threat multipliers [¶¶ 97–98].
 - **Inequality:** These impacts are not evenly distributed. Vulnerability is a reflection of structural asymmetries in access to infrastructure, finance, and adaptive capacities [¶ 99]. The Court detailed the extreme inequality in mortality and vulnerability levels for those in poorer countries [¶ 100–02], and recognized the risk of the forced migration and large-scale displacement of small island populations [¶ 103].
- **Impacts on Vulnerable Territories:** The Court focused in particular on the Amazon and the Caribbean as especially vulnerable territories in the Americas.
 - **Amazon:** The Court recognized the significant global importance of the Amazon as a major carbon sink [¶ 106]. Climate change is turning the Amazon into a source of emissions, amplified by deforestation, forest degradation, and biodiversity loss [¶ 107]. The Amazon basin region is also prone to flooding, affecting nearly 80% of its human population [¶ 108]. The Court highlighted that Indigenous territories are particularly important for the conservation, self-determination, and territorial rights of Indigenous peoples and local communities [¶ 110].
 - **Caribbean:** The Court recognized the threat of sea level rise and extreme weather events on small island states, particularly in the Caribbean [¶¶ 112–15], that could render the region uninhabitable [¶ 116].

The Court noted that these adverse effects will threaten human rights worldwide, with disproportionate impacts for vulnerable communities [¶ 118].

C. International Response to the Climate Emergency

The Court notes that climate change has been an international concern for over 30 years, observing that in the 1980s, early UNEP efforts, the Vienna Convention, the Montreal Protocol, and the establishment of the IPCC all predated the adoption of the UNFCCC in 1992 [¶¶ 121–23].

- It praises the Montreal Protocol as “the first and only environmental treaty ratified by all the world’s States” and “one of the world’s most successful environmental treaties,” and also highlights the success of the Kigali Amendment in addressing HFCs [¶ 122]. Footnote 218 lists 6 factors behind the success of the Montreal Protocol, including clear timelines and phased reductions, specific and enforceable targets, obligations to take concrete action led by developed countries, capacity building and support, and trade-based enforcement mechanisms.

The Court describes the legal principles established by the UNFCCC, in particular equity, CBDR and respective capacities, the precautionary principle, and sustainable development and cooperation [¶ 126]. It refers to UNFCCC obligations on mitigation, adaptation, and remediation [¶ 125]. It also describes the progression of developments under the UNFCCC including the Kyoto Protocol and Paris Agreement [¶¶ 131–44].

In addition to the UNFCCC, the Court points to other environmental protection standards established on the international [¶¶ 145–49] and regional [¶¶ 150–51] levels, and describes the treatment of climate change by other human rights treaty bodies and special procedures [¶¶ 152–59], the ILO [¶ 160], and trade and investment bodies and agreements [¶¶ 161–71].

D. Normative developments in OAS Member States

The Court observes that many regional constitutions include the right to a healthy and/or ecologically balanced environment or establish obligations on climate change [¶¶ 172–73]. It also points to NDCs, National Adaptation Plans [¶ 175], and domestic regulatory frameworks on climate, including in the U.S., the IRA methane fee, the AIM HFC regulation, and the Clean Air Act [¶ 174, fn 373].

E. Climate litigation in the region

The Court observed the growth of climate litigation in the LAC region and around the world, with extensive reference to cases in the Jurisprudence Compendium, the Grantham reports, and the Sabin Center database [¶¶ 176–80, fns 376–401].

F. The outlook for the climate emergency

The Court declares that a climate emergency exists and “can only be adequately addressed through urgent and effective actions articulated through a human rights perspective and **under the prism of resilience**” [¶ 183].

- The Court identifies three essential factors for understanding the climate emergency: the urgency of effective action, the severity of climate impacts, and the complexity of required responses. It looks to these to determine the scope of the climate emergency, which it then uses to frame the content of the State obligations [¶ 184].
 - The Court emphasizes the carbon budget concept and the emissions gap as indicators of the urgency of mitigation, referencing the IPCC that **this decade and the next are critical to limiting warming** and declaring that **“the implementation of effective measures that accelerate mitigation is more urgent than ever”** [¶¶ 186–89]. It also notes that adaptation measures need to be scaled up [¶¶ 190–94].
 - The Court discusses the probability of exceeding **tipping points** as a factor which magnifies the severity of the climate emergency [¶ 197].
 - Regarding the complexity of the climate emergency, the Court emphasized the need for an approach focused on **resilience**, underpinned by the best available science and a sustainable development framework, as a means of addressing structural problems [¶¶ 204–05]. It calls for strengthening international cooperation and multilateral forums to channel shared international responsibility [¶ 209]. The response must strengthen the democratic rule of law by ensuring broad public participation, access to information, and effective access to justice [¶ 214]. This requires a constant dialogue with scientific, traditional, local, and indigenous knowledge to prevent misinformation from undermining public trust and hindering effective decision-making [¶ 215].

The Court states that **its legal interpretation of State obligations is guided by** a combination of international human rights principles, climate law principles and obligations, **the best available science, and the concept of climate resilience** [¶ 216].

VI. STATE OBLIGATIONS IN THE CONTEXT OF THE CLIMATE EMERGENCY

The Court clarified numerous state’ obligations derived from the American Convention and the Protocol of San Salvador in the context of the climate emergency.

A. General Obligations in the Context of the Climate Emergency [¶¶ 217-265]

A.1 Obligation to Respect Rights

- (*Articles 1.1 and 2 of the American Convention*) [¶ 219]: To comply with the general obligation to respect human rights in the context of the climate emergency States must **refrain from any behavior that leads to a setback, slows down, or truncates necessary measures to protect human rights from climate change impacts** [¶ 221]. This includes refraining from measures that hinder or prevent access to truthful, accurate, and complete information about the causes and impacts of climate change [¶ 221]. This obligation to respect also includes an **obligation of non-regression**, meaning any rollback in climate or environmental policies affecting human rights must be exceptional, objectively justified,

and meet necessity and proportionality standards [¶ 222]. States must also **refrain from implementing discriminatory measures or omissions that directly or indirectly hinder, restrict or affect effective access to the enjoyment of human rights** by persons affected by the climate emergency [¶ 223].

A.2 Obligation to Guarantee Rights

- *(Article 1.1) (Reinforced Due Diligence Standard)* [¶ 224–37]: To comply with the general obligation to “guarantee” exercise of rights recognized in the American Convention, States must **take all necessary measures to reduce risks arising from global climate system degradation** and from the exposure and vulnerability of this degradation [¶ 227]. A State must guarantee human rights when it has or should have knowledge of the possibility that the actors or omissions of its agents or private person may create a risk of serious and irreversible damage within or outside of its territory, even without certainty of this damage [¶ 229]. At a minimum, to comply with this obligation States must (1) regulate, (2) supervise, and (3) oversee the activities of private parties that implies risks to human rights [¶ 230]. States must also (4) require and approve environmental impact studies, (5) establish contingency plans, (6) mitigate in cases of environmental damage [¶ 230].

The Court established a **reinforced due diligence standard** for states to comply with their duty to prevent climate harm and protect human rights, given the extreme gravity and urgency of climate impacts [¶¶ 231–233]. The Court agreed with the ITLOS advisory opinion that the due diligence standard is variable and depends on scientific and technological information and the risks of damage and urgency [¶ 232]. This due diligence standard entails [¶ 236]:

- **Comprehensive and detailed identification and assessment of risks.**
- **Adoption of proactive and ambitious preventive measures to avoid the worst climate scenarios.**
- **Use of best available science in the design and implementation of climate actions** [see also ¶ 486–487].
- **Integration of a human rights perspective** in the formulation, implementation, and monitoring of policies and measures concerning climate change so they do not create new vulnerabilities or exacerbate existing ones [see also ¶¶ 341–42, 388]
- **Permanent and adequate monitoring of the impacts of measures adopted**
- **Promotion of democratic participation and access to justice.**
- **Strict compliance with obligations derived from procedural rights (access to justice and information).**
- **Transparency and continued accountability for State action on climate change**
- **Adequate regulation and supervision of corporate due diligence** [see also ¶¶ 341–51].

- **Enhanced international cooperation**, especially in technology transfer, financing, and capacity building [*see also* ¶ 264].

A.3 Obligation of Progressive Development of ESCRs

- (*Articles 1 & 2 of San Salvador Protocol, 2 & 26 of American Convention*) [¶ 238]: States must adopt necessary measures, both domestic and through international cooperation, to achieve the full realization of economic, social, cultural, and environmental rights. States must allocate the **maximum available resources** to protect vulnerable persons and groups exposed to the severest climate impacts [¶ 242].
 - This obligation implies a duty of **non-retrogression**, where any regression must be adequately justified, scientifically based, and proportionate [¶ 240].

A.4 Obligation to Adopt Domestic Legal Provisions

- (*Article 2*) [¶ 244]: States must integrate necessary regulations into their domestic legal frameworks to ensure the respect, guarantee, and progressive development of human rights in the climate emergency, and must appropriately evolve norms in accordance with the best available science [¶¶ 245–46].

A.5 Obligation of Cooperation:

- States are obligated to **cooperate in good faith** [¶ 247]. This obligation is part of customary international law, and is part of legal instruments [including in the UN Charter [¶ 247] and is emphasized across global and regional instruments, including the OAS Charter [¶ 248], the Rio Declaration [¶ 249], the UNFCCC [¶ 254], and the Convention [¶ 256]. As the duty is part of these binding international and regional instruments, it has binding legal value and is essential for effective implementation and compliance of these instruments [¶ 251]. In consideration of the various provisions detailing this duty, the Court established, “in order to guarantee the rights to life and personal integrity, States have the obligation to cooperate, in good faith, for the protection against environmental damage” [¶ 257].
 - The Court advised that this obligation must be interpreted in light of the principles of **equity and common but differentiated responsibilities** [¶ 258]. In that regard, “States have the obligation to cooperate in good faith to advance in the respect, guarantee and progressive development of human rights threatened or affected by the climate emergency, taking into account their differentiated responsibilities in the face of the causes of climate change; their respective capacities, especially in economic and technical matters; and their particular needs to achieve sustainable development” [¶ 258].
 - Cooperation extends to all measures needed to comprehensively respond to the climate emergency, including mitigation, adaptation, and addressing loss and damage [¶ 259].

- The Court emphasized that poverty is a common and shared responsibility [¶ 260], requiring states to cooperate in advancing an open international economic system that is conducive to sustainable development [¶ 262].

B. Specific Obligations Derived from Substantive Rights [¶¶ 266-457]

B.1 Right to a Healthy Environment

1. (*Article 26, American Convention; Article 11, San Salvador Protocol; Articles 30, 31, 33, 34 of OAS Charter*) [¶ 270]:
 - The Court reiterated that the right to a healthy environment is an autonomous right intrinsically linked to other substantive rights, and its protection necessarily results in the protection of those rights [¶ 274].
 - **Nature as a Subject of Rights:** The Court, with a divided vote, stated that recognizing Nature as a subject of rights—in particular, Nature’s right to maintain its essential ecological processes—constitutes a normative development that reinforces human rights protection in the face of the climate emergency [¶¶ 279–81]. Based on this, States have a positive obligation to protect, restore, and regenerate ecosystems compatible with the best available science and traditional/local knowledge [¶ 283].
 - ***Jus Cogens* Norm not to cause irreversible damage to the environment:** The Court, also with a divided vote, opined that the prohibition of anthropogenic conduct that can irreversibly damage the interdependence and vital balance of the common ecosystem supporting life, threatening the survival of all species, and based on the general principle of effectiveness, wherein such survival is a prerequisite for compliance with all human rights norms, constitutes a *jus cogens* norm [¶¶ 292–94].
 - The obligation to prevent environmental harm includes the duty to prevent climate harm, specifically by reducing GHG emissions [¶¶ 295–96].

Right to a Healthy Climate

2. (**A new right derived from the Right to a Healthy Environment**) [¶ 300]:
 - The Court, with a partially dissenting vote, recognized a **human right to a healthy climate as an independent right**, derived from the right to a healthy environment. A healthy climate is defined as one “free of dangerous anthropogenic interference for human beings and for Nature as a whole” [¶ 300].
 - The right to a healthy climate has both an individual and collective dimension. In its **collective dimension**, it protects present and future humanity, as well as Nature as a whole [¶¶ 302, 304]. This involves the principle of **intergenerational equity**, where states must actively contribute to global efforts to combat climate change, based on equity and common but differentiated responsibilities, ensuring that costs are not disproportionately shifted to future generations [¶¶ 308–10]. It also embraces a non-anthropocentric approach by recognizing Nature’s autonomous legal protection [¶ 316].

- In its **individual dimension**, the right to a healthy climate protects each person's ability to develop in a climate system free from dangerous anthropogenic interference and acts as a precondition for other human rights [¶ 303].

Obligations Derived from the Right to a Healthy Environment and Healthy Climate

3. [¶ 317]: The Court found that from the right to a healthy environment derives obligations to (1) act against the causes of climate change and, in particular, to mitigate GHG emissions; and from the right to a healthy environment derives obligations to (2) protect nature; and, (3) progressively advance towards sustainable development [¶ 320].

Obligation: Mitigation of GHG emissions

- [¶ 321]: States must (1) regulate; (2) supervise and oversee; (3) require and approve environmental impact studies [¶ 322]. Specific requirements from these general obligations include:
 - **Obligation to define an appropriate mitigation target** [¶ 323] States must set an **adequate mitigation target (NDC)**, which must be progressive, **reflect the highest possible ambition**, and be contained in a binding domestic legal norm [¶331], and aim to keep warming below 1.5°C. This temperature target is a *minimum* starting point, not a finishing line [¶¶ 326, 331]. This mitigation target should be based on *current and historical cumulative contributions to climate change of each State* [¶ 328], within the resources they have available [¶ 329].
 - **Obligation to define and keep updated a human-rights based strategy to achieve a mitigation target:** [¶ 333] The Court emphasized that to avoid disproportionate impacts on future generations and to meet the threshold of reinforced due diligence, States must establish binding regulatory frameworks to implement short and medium term actions necessary to achieve carbon neutrality [¶¶ 334, 335]. States must develop and update a **human rights-based mitigation strategy**, considering emission sectors, costs, and benefits, and integrating justice considerations (common but differentiated responsibilities, intra- and intergenerational equity). **Mitigation strategies must include measures to progressively reduce GHG emissions from fossil fuels, agriculture, livestock, deforestation and other land uses as well as eliminate SLCPs emissions as quickly as possible** [¶ 337]. Mitigation strategies must also include measures to protect biodiversity and ecosystems, particularly those that play a key role in the climate system [¶ 339]. The Court highlighted the importance of commitments and agreements of eliminating emissions of certain GHG in the Montreal Protocol and Global Methane Pledge [¶ 338]. The Court emphasized the importance of the Montreal Protocol as a road map for international cooperation [¶ 338]. Taking into account the reinforced due diligence standard, States must ensure coherence between their commitments (domestic and international) and their climate

mitigation obligations and adopt measures that enable coherent international action [¶ 344].

- **Obligation to regulate corporate behavior** [¶ 345], compelling companies to adopt effective climate action, disclose GHG emissions, and assess their climate footprint. Obligations can be differentiated based on a company's historical and current contribution to climate change. States must strictly monitor and control public and private activities generating GHG emissions, using robust, independent mechanisms with sufficient resources and technical capacities [¶ 353]. This includes investigating, judging, and sanctioning non-compliant entities, and preventing corruption that undermines mitigation efforts [¶¶ 356–57].
- **Obligation to conduct Climate Impact Assessments** [¶ 358]: To comply with reinforced due diligence standards, projects and activities with significant GHG emissions must undergo **climate impact assessments** as part of environmental impact studies. Environmental impact studies must include a separate assessment of the climate impacts of projects and should establish binding conditions to avoid practices such as greenwashing [¶ 360]. These assessments must consider the best available science, including the irreversible nature of climate impacts and lead to mitigation plans [¶ 363].

Obligations: Protection of Nature and its components and progressive progress towards Sustainable Development

- In order to comply with their obligations to protect Nature and its components, States must:
 - i. Design and implement mechanisms at the national and local levels to identify challenges for ecosystem resilience;
 - ii. Establish and implement strategies and policies to protect ecosystems and expand protected areas;
 - iii. Design and implement priority strategies to protect the ecosystems the IPCC has identified as particularly vulnerable to climate change;
 - iv. Cooperate with other States to protect transboundary ecosystems;
 - v. Develop regional information-sharing platforms for risk assessment and planning based on scientific and local, traditional, and Indigenous knowledge;
 - vi. Establish and implement monitoring and evaluation mechanisms [¶ 366].
- The Court declared that States have an immediately enforceable duty to have a strategy for sustainable development in the context of the climate emergency in their internal regulations and public policies [¶ 371].
 - States have an immediate and progressive obligation to ensure sustainable development as part of their duty to realize Economic, Social, Cultural, and Environmental Rights [¶ 368].

- In the face of the climate emergency, this requires a just transition that addresses structural causes and integrates sustainability into national laws and public policies. Development must be inclusive, participatory, and environmentally sound, and any regressive environmental measures must be fully justified [¶¶ 369–70].
- States must adopt deliberate, concrete actions—legislative, administrative, and judicial—adapted to their context and resources [¶ 373].
- Failure to act with due diligence, or adopting unjustified measures that undermine progress, constitutes a violation of the obligation to respect, guarantee, and legislate for the right to a healthy environment [¶ 376].

Obligations to protect all substantive rights

- **Adaptation Obligations:** States have an **obligation to define and update their national adaptation targets and plans** with the highest possible ambition [¶¶ 384–85]. Adaptation plans should include short-, medium-, and long-term measures that address immediate needs effectively while also tackling the underlying structural causes of vulnerability [¶ 386]. This involves an iterative cycle [¶ 389]:
 - **Risk Assessment:** Comprehensive, disaggregated data collection on climate risks to people and ecosystems, including the impact of inequality and multi-dimensional poverty [¶ 389].
 - **Planning:** Designing national adaptation plans that are informed by planning efforts carried out at local, regional, and national levels, accounting for the necessary financial and technical provisions, and implementing objectives, benchmarks and deadlines [¶ 389].
 - **Implementation:** Mobilizing all possible resources to enact plans [¶ 389].
 - **Monitoring, Evaluation, and Learning:** Devising a system – including building institutional and financial capacity– of monitoring, evaluation and learning to inform adaptation efforts [¶ 389].
- **Other Substantive Rights Affected by Climate Impacts:**
 - **Life, Personal Integrity, and Health:** Climate impacts (including heatwaves, droughts, floods, vector-borne diseases) can directly threaten these rights [¶ 394]. These life-threatening impacts are intensifying as global warming increases [¶ 395]. States have specific duties to protect these rights [¶ 400] and must ensure adequate water supply, identify affected populations, develop and implement strategies and infrastructure to support recovery, protect ecosystems, and prevent flood risks from climate impacts [¶ 401], and strengthen national health systems [¶ 402].
 - **Private and Family Life:** Climate change impacts on housing and property can violate these rights and forced displacement may affect family unity [¶ 403]. States must protect these rights amid the climate emergency by ensuring family unity, the tracking of displaced families, protecting unaccompanied children, safeguarding

personal data, and ensuring relocated families receive adequate housing with basic services and proximity to essential facilities [¶¶ 404–05].

- **Private Property and Housing:** Rising sea levels and extreme weather can directly threaten the rights to use and enjoy property and housing [¶ 407]. States must cooperate to prevent, reduce and repair the climate-related damage to housing, property, and public infrastructure [¶ 411]. States must coordinate to share knowledge, provide financial aid, and improve international responses for disaster preparedness, recovery, and reconstruction [¶ 411]. States must prevent real estate speculation and insurance barriers in high-risk areas [¶ 413].
- **Freedom of Residence and Movement:** Climate-induced displacement is a growing reality [¶¶ 416–17]. States must have legal, public policy, institutional, and budgetary instruments to address involuntary mobility, considering intersecting vulnerabilities [¶ 424]. International cooperation is crucial for managing human mobility [¶ 430]. States should consider humanitarian visas and authorization of stays, or refugee status for those forced to move across borders [¶ 433].
- **Water and Food:** Climate change severely threatens water security and food production [¶¶ 436–38]. States must adopt measures for integrated water resource management and resilient food systems and share their sustainable technologies [¶¶ 439–40].
- **Labor and Social Security:** States must protect workers from climate-related risks by ensuring safe conditions, sun and heat protection, and safeguards against climate-exacerbated diseases [¶ 445]. Climate policies must ensure a **just transition** that protects workers' rights, especially those in affected sectors that may have informal economies [¶ 447].
- **Culture:** Climate change destroys culturally significant sites [¶449], affects cultural heritage, and may particularly affect local communities and indigenous peoples [¶ 450]. States must protect cultural and natural heritage in climate plans by involving communities, supporting research, and avoiding harmful measures, while ensuring conservation and restoration [¶¶ 451–52].
- **Education:** Climate change directly and indirectly harms the right to education by disrupting schooling, academic performance and school infrastructure and affecting health, food, and essential services [¶¶ 454–55]. To protect the right to education, States must make schools climate-resilient, ensure learning continuity during disasters, integrate climate education into curricula at all levels and launch awareness campaigns [¶¶ 456–57].

C. Specific Obligations Derived from Procedural Rights

The Court emphasized that these rights are essential for a stronger democratic rule of law and effective public action in the climate emergency.

Democracy and Procedural Rights in the context of the Climate Emergency

1. (*Democratic principles of American Convention; Inter-American Democratic Charter; Article 34, OAS Charter; Article XX, American Declaration*) [¶¶ 460–70]: Responding adequately to the climate emergency requires strengthening the democratic rule of law and expanding broad citizen participation [¶¶ 462–63]. States must follow a standard of enhanced due diligence to ensure that procedural rights are fully enforced and decisions are adopted in a participatory, open, and inclusive manner [¶ 468]. The Court calls upon States to:
 - i. Empower climate action through environmental education, capacity building, and support for CSOs including environmental law organizations and other NGOs that contribute to this goal [¶ 469];
 - ii. Facilitate dialogue through open participatory channels at all stages of developing, implementing, and monitoring climate policies and programs [¶ 469];
 - iii. Ensure auditing, reporting, transparency, ethics and integrity mechanisms to combat corruption in environmental management [¶ 469]; and
 - iv. Provide mechanisms to integrate the interests of Nature and future generations into climate actions [¶ 469].

Right to Science and Recognition of Local, Traditional, and Indigenous Knowledge

2. (*Article 26, American Convention; Article 14.2, San Salvador Protocol; Articles 38, 47, 51, OAS Charter; Article XIII, American Declaration*): All persons have the substantive and procedural right to **access the benefits of measures based on the best available science and the recognition of local, traditional, and indigenous knowledge**. States have positive obligations adopting the best available *knowledge* regarding:
 - **Using the best available science** [¶¶ 474–75].
 - i. This includes the obligation of States to provide education and information to all, create a favorable environment for scientific knowledge, provide opportunities for participation, create incentives to access the benefits of science technology, ensure the right to participate, ensure that the benefits of science are available and affordable without discrimination, and ensure that technological innovation measures do not affect the most vulnerable individuals and groups [¶ 474].
 - ii. This also includes an obligation of international cooperation [¶ 475].
 - **Integrating different types of knowledge** (scientific, local, traditional, indigenous) into decision-making and fostering co-production of climate knowledge [¶¶ 476–83].
 - i. This includes the obligation of States to adopt measures to protect local, traditional, and Indigenous knowledge; adopt all necessary measures to respect and protect the rights of Indigenous peoples; and support the collection of local, traditional, and Indigenous knowledge [¶ 484].
 - **Using the IPCC as the best available science** [¶¶ 486–87].
 - i. To determine the best available science, States must consider the following factors: whether the knowledge is up-to-date, rigorously peer-reviewed, clearly communicates its uncertainties/assumptions, verifiable and reproducible, and accurate [¶ 486].

Right to Access to Information

3. (*Article 13, American Convention*): Article 13 expressly stipulates the rights to seek and receive information, and protects the right of everyone to request access to information under the control of the State, with the exceptions allowed under the Convention's regime of restrictions. States have obligations regarding: [¶¶ 488–529]
- **Production of Climate Information** [¶¶ 501–18]: An active role is required to **produce and collect complete, accurate, truthful, useful, and timely information** to identify and mitigate threats to human rights from climate impacts and response measures. This includes disaggregated data, information on mitigation targets and strategies, adaptation plans, climate impact studies, and financial resources. States should ensure that companies communicate in a public, accurate and accessible manner information on the climate impacts of their activities, including sufficient information to assess the adequacy of measures taken to prevent human rights abuses in the context of the climate emergency.
 - **Disclosure of Information** [¶¶ 519–23]: Information related to climate change is of **public interest and must be governed by the principle of maximum disclosure**, accessible, effective, and timely, without requiring proof of specific interest. This includes information for early warning systems in case of imminent threats. It also means preventing "greenwashing" of State's actions, omissions, and decisions. Information must be in understandable formats, considering children, elderly, and persons with disabilities, and culturally/linguistically appropriate for indigenous peoples.
 - **Measures Against Disinformation** [¶¶ 524–29]: States must **adopt progressive measures to counteract climate disinformation** to guarantee access to information and protect substantive rights. States must ensure that information from authorities is clear, truthful, accessible, and timely, based on science or local knowledge, and refrain from disseminating information not backed by the best available science or relevant traditional/indigenous knowledge. While upholding freedom of expression, states must ensure the integrity of public information and prevent false or misleading information from hindering climate action. This requires collaboration with civil society and media, including tech companies, to strengthen media and information literacy.

Right to Political Participation

4. (*Article 23.1.a, American Convention; Principle 10, Rio Declaration; Article 5, Escazú Agreement*): [¶¶ 530–39] States must **guarantee meaningful participation processes for persons under their jurisdiction in climate change decision-making and policies**. This includes:
- Public participation on climate issues extends to policy development and direct involvement in decision-making processes on mitigation goals and strategy, adaptation and risk management plan and strategies, financing, international cooperation and damage reparation in the context of climate emergency.
 - Ensuring participation without discrimination, prioritizing those particularly affected.
 - Providing effective opportunities to be heard and influence decisions.

- **Guaranteeing prior consultation of indigenous and tribal peoples** when projects or measures may affect their territorial or other essential rights, with their **free, informed, and prior consent** where fundamental impact is concerned.

Right of Access to Justice

5. (*Article 8 & 25, American Convention; Article XVIII, American Declaration*) [¶¶ 540–60]: States must provide effective judicial remedies to the victims of human rights violations and these remedies must be substantiated in accordance with the rules of due process of law; all of this, in compliance with the general obligation to guarantee the free and full exercise of the rights recognized by the American Convention to all persons under its jurisdiction. This involves in the context of climate change:
 - **Adequate Means** [¶ 542]: States must provide ongoing training to justice administrators and operators on climate change, its impacts on human rights, and the measures adopted by other branches of government. They must integrate intercultural and interdisciplinary approaches that allow the adoption of decisions based on the best available science. States should create administrative and jurisdictional bodies specialized in environmental and climate matters, provide justice administrators with timely and sufficient access to the best available scientific knowledge, and guarantee equal access to justice for people in vulnerable situations.
 - **Pro Actione Principle** [¶ 543]: Judicial bodies must interpret procedural rules to guarantee effective access to justice, particularly for climate cases.
 - **Celerity and Reasonable Timeframe** [¶¶ 544–45]: Judicial processes must be swift, considering the imminence of risks, urgency of measures, and impact of inaction on petitioners' human rights, especially for vulnerable individuals in the face of the impacts of climate change.
 - **Standing** [¶¶ 546–51]: “The Court considers that, in view of the urgency, seriousness and complexity of the climate emergency, the judicial authorities must apply the principle *pro actione* with respect to the admissibility of the actions, the remedies filed and the requirements in terms of standing to sue that may truncate the guarantee of the right of access to justice in claims of a collective and individual nature.” [¶ 546].
 - i. The Court affirms that both collective and individual claims must be supported by broad access to justice in climate matters. Many legal systems in the Americas, along with the Escazú Agreement, recognize broad standing for collective, public, or popular environmental defense—mechanisms that should also apply to climate rights.
 - ii. States must equip civil society and public institutions with the resources needed to bring collective actions and adopt internal legal frameworks that allow such broad standing without requiring proof of individual harm.
 - iii. For individual claims, States should ensure flexible standing rules that consider vulnerability, exposure, and structural inequalities.

- iv. Given the transboundary nature of climate harm, access to justice must also be guaranteed for affected persons and entities beyond a State's borders.
- **Evidence** [¶¶ 552–55]: Given the complexity in climate litigation, the Court urges a flexible approach to evidence in climate cases, recognizing challenges in proving causation and unequal access to data like satellite imagery. It encourages measures like shifting the burden of proof to overcome power imbalances, especially for vulnerable groups. The Court highlights the importance of access to satellite evidence and recommends technology transfer cooperation to ensure its availability. “[A]ccess to justice demands the adoption of alternative evidentiary standards that allow establishing the causal relationship, based on the best available science, from the generation or tolerance of significant risks due to the omission of prevention measures, and the effective exposure of persons or groups to such risks, without necessarily requiring the proof of a direct causal link. In this sense, this Court draws attention to the possibility of presuming the causal link between GHG emissions and the degradation of the climate system, as well as that existing between such degradation and the risks it generates on natural systems and people.” [¶ 553]
- **Reparation** [¶¶ 556–59]: Victims of climate-related human rights violations must have access to effective judicial and administrative mechanisms for full reparation. These should go beyond monetary compensation and include restitution, rehabilitation, satisfaction, and guarantees of non-repetition, tailored to the nature of the harm and the needs of both people and ecosystems. In the context of the climate emergency, reparations may involve restoring ecosystems, strengthening mitigation efforts, providing culturally appropriate healthcare, and building resilience. All measures must be grounded in the best available science and uphold the procedural and substantive rights of affected communities, with consideration given to monitoring their implementation.
- **Application of Inter-American Standards** [¶ 560]: Competent authorities must apply conventionality control with the Court's jurisprudence and this Advisory Opinion's standards. “These standards also derive from the American Declaration, the OAS Charter, and the Inter-American Democratic Charter, which is why they are applicable in all the countries that are part of the Inter-American System.” [¶ 560]

Right to Defend Human Rights and Protection of Environmental Defenders

6. (*Article 25, American Convention; Article 9, Escazú Agreement*): [¶¶ 561-587] The Court recognizes a **special duty of protection** for environmental defenders, arising from the obligation to respect and guarantee the right to defend human rights [¶ 566]. This translates into concrete obligations to:
 - **Recognize, promote, and guarantee their rights**, affirming their crucial role and providing the necessary means to exercise it, while refraining from stigmatization, harassment, or illegitimate obstacles [¶ 566].
 - **Guarantee a safe and conducive environment** in which defenders can act freely [¶ 566]. This includes, for example, an obligation to monitor harmful acts against defenders and adopt appropriate policies and measures to counter this structural violence [¶ 575]. States

also have an obligation to establish or strengthen national protection programs incorporating an intersectional and participatory approach [¶¶ 576, 578].

- **Investigate, prosecute, and punish attacks, threats, or intimidation** against them, applying a reinforced due diligence standard, and considering their dual status (e.g., women defenders) [¶¶ 566, 581–85].
- **Counter the "criminalization" of environmental defense**, by reviewing and modifying laws that could be used to illegitimately restrict their work (e.g., SLAPP lawsuits). This also means training police and judicial authorities on inter-American standards [¶¶ 568–570, 587].

D. Obligations Derived from the Principle of Equality and Non-Discrimination (*Articles 1.1 and 24, American Convention; Article 3, San Salvador Protocol; Article II, American Declaration*)

Under the principle of equality, States must refrain from actions that create situations of de jure or de facto discrimination [¶ 589]. This fundamental principle is a *jus cogens* norm [¶ 590]. This principle includes the right against arbitrary differences in treatment and the obligation of States to adopt positive measures to change discriminatory situations, which implies a special duty of protection [¶ 591].

Differentiated protection in a climate emergency [¶¶ 595–629]: States are obligated to gather all information related to the risks posed by climate change on vulnerable people and take appropriate measures to guarantee the full enjoyment of human rights [¶ 595]. This includes differentiated protections for the following:

- **Children & youth** [¶¶ 597–604]: Climate change is exacerbating water and food insecurity, malnutrition, and physical and mental development of children [¶ 597]. Recognizing this, States are obligated to:
 - Progressively adopt all necessary measures to guarantee youth's access to available, accessible, and comprehensive health services, systems, and other infrastructure, ensure that environmental health policies utilize the best available science on the impacts of climate change on children's health, and put in policies to reach socioeconomically excluded groups of children [¶ 599].
 - Adopt all necessary measures to guarantee youth's procedural rights, which include access to reliable and accurate information based on the best available science that considers barriers to access to information [¶ 600].
 - Ensure that youth participate in environmental and climate issues at the international and regional levels [¶ 601].
 - Promote and facilitate climate action AND refrain from adopting any decision that hinders the actions of youth who defend environmental human rights, including ensuring their protection from intimidation, harassment, and violence [¶ 602].
 - Facilitate access to justice for youth through effective complaint mechanisms [¶ 604].

- Identify and eliminate barriers that prevent youth from initiating proceedings with public officials [¶ 604].
- Adopt necessary measures to ensure that youth can promote effective judicial remedies [¶ 604].
- Strengthen specialized mechanisms (like ombudspersons) for protecting children's rights [¶ 604].
- Promote mechanisms to provide youth with access to effective and free legal assistance [¶ 604].
- **Indigenous, tribal, Afro-descendant, and peasant communities** [¶ 605–13]: States must adopt progressive measures to:
 - Strengthen institutions representing Indigenous & tribal peoples [¶ 606].
 - Design and implement reports with disaggregated data on their special impacts [¶ 606].
 - Design and implement policies—with the participation of these populations—to address the impacts of climate change on these communities [¶ 606].
 - Adopt legislative, administrative, and public policy measures to guarantee their protection, resilience, and adaptation [¶ 606].
 - Ensure access to justice, which includes measures to identify/eliminate operational barriers to access to justice, facilitate effective avenues of access to justice, strengthen specialized mechanisms (like ombudspersons) [¶ 613].
 - This includes the obligation to make all available state information publicly available [¶ 607] and to consult and obtain free, informed, and prior consent of affected communities before large-scale development or investment in plans that would have a major impact within these territories [¶ 608–09]. This information must be maximally disclosed, updated, clear, accessible, sufficient, and timely [¶ 610], with State-implemented mechanisms to guarantee prior consultation [¶ 611]. The rights of Indigenous and tribal peoples cannot be ignored in third party agreements and consultations must be carried out in good faith [¶ 612].
- **Women, people with disabilities, and the elderly** [¶ 614–18]: States are obligated to:
 - Prevent, investigate, and punish any actions of violence against women [¶ 614].
 - Ensure that climate actions incorporate gender, age, disabilities, and other intersectional perspectives [¶ 614–18]. This includes an obligation to protect LGBTQ+ populations [¶ 618].
- **Impoverished persons** [¶ 619–29]: Recognizing that poverty is a structural factor of vulnerability and an obstacle to development, States must:
 - Develop and implement comprehensive social protection policies and programs based on the principles of universality, solidarity, equality, non-discrimination, and equity [¶ 620].
 - Gather all the necessary information to design and implement policies and strategies to guarantee the access of people living in poverty to the goods and services necessary to achieve a dignified life in the context of the climate emergency and progressively eradicate the causes that perpetuate and increase climate vulnerability [¶ 626].

- Ensure that measures to alleviate climate impacts are implemented in the framework of a just climate transition [¶ 627].
- Identify particular risks and needs of vulnerable groups not part of traditionally protected categories [¶ 629].