



SUMMARY:

**Inter-American Court of Human Rights Advisory Opinion
on the Climate Emergency and Human Rights**

NB: This summary has been prepared using a DeepL English translation. The Court's official English translation will not be available until 11 July 2025. The official [Spanish version is here](#). For further inquiries, please contact info@igsd.org.

On 3 July 2025, the Inter-American Court of Human Rights published a landmark Advisory Opinion (OC-32/25) on human rights and climate change. The Court unanimously declared that the current situation constitutes a climate emergency that demands urgent and effective actions for mitigation, adaptation, and progress towards sustainable development. After confirming that we are indeed in a climate emergency, the Court then recognized a **right to a healthy climate** as part of the right to a healthy environment that exists to protect humanity, including present and future generations, as well as nature. This is the first time that such a right has been expressed by any court in the Americas.

The Court's 234-page Opinion, with more than 1,000 footnotes, provides a master class in climate science, policy, and law. Grounded in the best available science, climate and human rights law, and climate resilience, the Court affirmed that **States have binding legal obligations to address the climate emergency**, setting out detailed legal requirements for States and private corporations to meet their obligations to protect the climate. The Opinion sets a high ("reinforced") standard of due diligence on all Organization of the American States (OAS) members to take urgent, medium-, and long-term actions to strengthen resilience and to protect the human rights of all, especially vulnerable groups disproportionately impacted by the effects of climate change.

Regarding binding legal obligations, the Court held that States must adopt concrete, enforceable regulatory frameworks that reflect the highest possible ambition for mitigation and adaptation, grounded in the best available science and aligned with international human rights law. These frameworks must be incorporated into domestic legal systems and cannot be merely aspirational or voluntary; they must be binding in nature and capable of ensuring accountability for both State and corporate actors.

In terms of procedural measures, the Court addressed the **shifting of the burden of proof and flexible evidentiary standards** as key innovations to overcome structural barriers in climate litigation. It recognized the difficulty of proving direct causation in climate cases due to complex scientific and legal factors. To remedy this, the Court endorsed the presumption of causality between greenhouse gas (GHG) emissions and climate harm, and between such harm and its

effects on individuals and ecosystems. Procedurally, the Court also called for the application of the *pro actione* principle (favoring access to justice), broad standing (including collective actions), and accelerated timelines for adjudication, in recognition of the urgency and gravity of climate-related human rights violations.

States are legally required to comply with the Opinion, as the highest authoritative interpretation of binding human rights obligations. Under the **doctrine of ‘conventionality control,’** all domestic authorities—in judicial, legislative, and executive functions—must act in conformity with the Court’s pronouncements.

In addition to this short summary, a more detailed 21-page summary of the Opinion is available [here](#).

The Scientific Foundation: Causes and Impacts of the Climate Emergency

The Court’s legal analysis is grounded in the **best available science**. This scientific evidence is the foundation shaping the scope of States’ binding obligations, including requirements to take urgent mitigation action. **The Court stressed that this decade and the next are critical to limiting warming**, declaring that **“the implementation of effective measures that accelerate mitigation is more urgent than ever.”**

On the **causes of climate change**, the Court stated:

- Human activities, primarily through greenhouse gas (GHG) emissions (e.g. carbon dioxide, methane, and nitrous oxide) have significantly altered the global climate since 1750.
- Short-Lived Climate Pollutants (SLCPs): methane, tropospheric ozone, hydrofluorocarbons (HFCs), and black carbon, are significant contributors to climate change and are more powerful climate pollutants than CO₂. For example, methane has an initial warming effect around 80 times more powerful than CO₂ over a 20-year period.
- The majority of GHG emissions come from a small number of large companies (known as the "Carbon Majors").
- Contributions to GHG emissions are highly uneven globally and across the members of the OAS.
- While Latin American countries are not large GHG emitters, their role in global supply chains underscore the need to address the issue through international cooperation. Major sources of emissions in Latin America and the Caribbean are from agriculture, livestock, forestry and other land uses, primarily driven by deforestation.
- The Amazon ecosystem is a critical carbon sink that is under threat.

On the **impacts of climate change**, the Court stated:

- Climate change triggers geophysical processes affecting global temperatures, weather (increased heat waves, droughts, extreme storms), oceans (sea level rise, acidification, and the Atlantic Meridional Overturning Circulation [AMOC] being at risk of collapse), and the cryosphere (accelerating glacier melt).
- Climate change is causing significant and irreversible damage to ecosystems worldwide, putting species at risk of extinction.
- The probability of **exceeding climate tipping points** (critical thresholds beyond which changes become self-perpetuating and irreversible) is a factor that magnifies the severity of the climate emergency.
- Climate change impacts human rights, including the conditions necessary for humans to enjoy a dignified existence, health, food, water security, and culture. It causes extraordinary economic losses, and exacerbates inequality, particularly affecting poorer countries and vulnerable populations. Critically vulnerable areas in the region include the Amazon and the Caribbean (existentially threatened by sea level rise and extreme weather events).

States' Binding Obligations to Take Action

Guided by the best available science, climate and human rights laws, and climate resilience, the Court established that States have binding legal obligations to address the climate emergency.

These binding obligations are informed by the best available science, detailed, and require States to take urgent and ambitious action. Key obligations include:

Reinforced Due Diligence to prevent climate harm and protect human rights: Given the extreme gravity and urgency of climate impacts, States must act with **reinforced due diligence** to prevent climate harm and protect human rights threatened by climate change. This duty requires:

- Proactive and ambitious preventive measures to avoid the worst climate scenarios.
- Using the best available science to design and implement climate actions.
- Integrating a human rights perspective into all climate policies.

States must refrain from any behavior that slows down or truncates necessary measures to protect human rights from climate change. Any rollback of climate policies must be exceptional, objectively justified, and meet necessity and proportionality standards.

Obligation to Cooperate: States must cooperate in good faith to address the climate emergency, especially considering their differentiated responsibilities and capacities. This cooperation extends to mitigation, adaptation, and addressing loss and damage.

Mitigation Obligations: States must actively mitigate GHG emissions by adopting binding regulatory frameworks to implement urgent and medium-term actions necessary to achieve carbon neutrality. This binding obligation includes:

- **Setting ambitious mitigation targets (NDCs) that are progressive, reflect the highest possible ambition, and are enshrined in binding domestic law.** These targets must aim to keep warming below 1.5°C.
- Designing and implementing mitigation strategies **that include measures to progressively reduce emissions from fossil fuels, agriculture, livestock, deforestation, and eliminate SLCs as quickly as possible.** The Court specifically highlighted the Montreal Protocol as a roadmap for international cooperation.
- **Strictly monitoring and regulating corporate behavior** to compel companies to adopt effective climate action, disclose GHG emissions, and assess their climate footprint.
- **Conducting Climate Impact Assessments** for projects with significant GHG emissions. These assessments must consider the best available science, including the irreversible nature of climate impacts, and lead to concrete mitigation actions.

Adaptation Obligations: States have an immediate obligation to **define and update ambitious national adaptation plans with the highest possible ambition**, which must include short-, medium-, and long-term measures supported by comprehensive data on climate risks.

The Right to a Healthy Environment and Right to a Healthy Climate: For the first time in a climate change context, the Court developed **the scope of the right to a healthy environment**. This right requires States to protect nature from climate impacts and to establish strategies for sustainable development. It also encompasses a customary international legal norm not to create irreversible damage to the climate and the environment. Additionally, the Court recognized a **right to a healthy climate** as a new component of the right to a healthy environment that exists to protect humanity, both present and future generations, as well as nature.

Protecting Democracy and Procedural Rights in the Climate Emergency: Access to Justice Rights

The Court stressed that States must strengthen procedural rights critical to protect the democratic rule of law and to achieve effective public action in the climate emergency. The Court declared the following key obligations to facilitate access to justice and urgent climate action:

- **Adequate judicial resourcing and training on climate change:** States must provide ongoing training to judicial officers on climate change and its impacts on human rights. This training must include interdisciplinary and intercultural approaches that facilitate decision-making based on the best available science. States should create specialized administrative and judicial bodies for environmental and climate matters.
- **Speed in judicial processes:** Judicial processes in climate cases 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 climate change impacts.

- **Broad standing requirements:** Individual and collective claims must be supported by broad standing requirements. Access to justice must be guaranteed for affected persons beyond a State's borders.
- **Flexible approach to evidence and causation:** Courts must take a flexible approach when evaluating the evidence in climate cases, recognizing challenges in proving causation. Crucially, the Court highlighted that, based on the best available science, it is possible to presume a causal link between GHG emissions and the degradation of the climate system, and between such degradation and the risks it generates for natural systems and people. This approach can help overcome evidentiary barriers and promote more rapid action.
- **Effective judicial and administrative remedies grounded in the best available science:** 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.
- **Special protection for environmental defenders:** This duty affirms the crucial role played by environmental defenders and requires States to act under a reinforced due diligence standard to guarantee a safe environment in which defenders can act freely.

Differentiated Impacts and Protections in the Climate Emergency: States' Obligations to Protect Vulnerable Groups

The Court emphasized the differentiated impacts of climate change on vulnerable groups. To effectively address these impacts, **States must collect information on the climate risks affecting vulnerable groups and take appropriate special measures to guarantee the full enjoyment of human rights.** The Court detailed the impacts on, and special protections required for: children and youth; Indigenous, tribal, Afro-descendant, and rural communities; women; people with disabilities; the elderly; and people living in poverty.