CLIMATE LITIGATION NOTES



CLIMATE DISINFORMATION AS ADDRESSED BY THE THREE CLIMATE ADVISORY OPINIONS

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IGSD

IGSD INTERNATIONAL

Lead author
Katie Super, ksuper@igsd.org

Reviewers
Fielding Burnette, Sebastian Luengo, and Rebecca Mitchell

Institute for Governance & Sustainable Development

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About the Institute for Governance & Sustainable Development (IGSD)

IGSD's mission is to ensure fast cuts to the non-carbon dioxide climate pollutants and other fast climate mitigation strategies to slow near-term global warming and self-amplifying climate feedbacks, avoid or at least delay catastrophic climate and adverse societal tipping points, and limit global temperature to 1.5 °C—or at least keep this temperature guardrail in sight, limit overshoot, and return to a safe temperature as fast as possible.

IGSD's research confirms that decarbonization alone is insufficient to slow near-term warming to keep us below 1.5 °C or even the more dangerous 2 °C guardrail, and that the fastest and most effective strategy is to combine the marathon to zero out carbon dioxide (CO_2) emissions from decarbonizing the energy system *with* the sprint to rapidly cut non-CO_2 super climate pollutants and protect carbon sinks. The super climate pollutants include four short-lived climate pollutants (SLCPs)—methane (CH_4), hydrofluorocarbons (HFCs), black carbon soot, and tropospheric ozone (O_3)—as well as the longer-lived nitrous oxide (N_2O).

Combining the fast mitigation sprint with the decarbonization marathon also helps address the ethical issues of intra-generational equity by giving societies urgently needed time to build resilience and adapt to unavoidable changes. The latest science suggests that the window for exceeding the 1.5 °C guardrail could close as soon as 2030, making this the decisive decade for fast action to slow warming.

The fastest way to reduce near-term warming in the next two decades is to cut SLCPs. Because they only last in the atmosphere from days to 15 years, reducing them will prevent most of their predicted warming within a decade. Strategies targeting SLCP reductions can avoid about 0.6 °C by 2050 and 1.2 °C by 2100, which is three to four times more warming at 2050 than targeting CO_2 alone. Cutting methane emissions can avoid nearly 0.3 °C of this by the 2040s, with the potential for significant more avoided warming from emerging technologies to remove atmospheric methane faster than the natural cycle. Reducing HFCs can avoid nearly 0.1 °C of warming by 2050 and up to 0.5 °C by the end of the century. The initial HFC phasedown schedule in the Kigali Amendment to the Montreal Protocol will capture about 90 percent of this. Parallel efforts to enhance energy efficiency of air conditioners and other cooling appliances during the HFC phasedown can double the climate benefits at 2050.

Combining the fast mitigation sprint with the decarbonization marathon would reduce the rate of global warming by half from 2030 to 2050, slow the rate of warming a decade or two earlier than decarbonization alone, and make it possible for the world to keep the 1.5 °C guardrail in sight and reduce overshoot. It would also reduce the rate of Arctic warming by two-thirds. This would help slow self-amplifying climate feedbacks in the Arctic, and thus avoid or at least delay the cluster of projected tipping points beyond 1.5 °C. Reducing climate risks and staying within the limits to adaptation are critical to building resilience.

IGSD's approach to fast mitigation includes science, technology, law and policy, and climate finance. IGSD works at the global, regional, national, and subnational levels.

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1. Introduction & Overview

Much has been written about climate disinformation. It has been the topic of investigative journalism (such as the 2015 Exxon series from *Inside Climate News* and the many stories from Amy Westervelt), public campaigns (#ExxonKnew), books (such as Naomi Oreskes and Erik Conway's 2010 book *Merchants of Doubt*), academic journal articles (see Oreskes' work with Geoffrey Supran), and PhD dissertations (on "Big Carbon's Strategic Response to Global Warming"). There is, one could say, plenty of information about disinformation.

Rightfully so; efforts from the fossil fuel industry and others to mislead the public have unquestionably hampered the global response to climate change, and in so doing, have placed us all in danger. Citing a 2025 Global Risks Report from the World Economic Forum, the Inter-American Court of Human Rights (the "Inter-American Court") in its 2025 Advisory Opinion on the Climate Emergency and Human Rights[1] declared that "[e]nvironmental risks and the disinformation that surround them represent one of the main threats that humanity currently faces" [¶ 89]. Accordingly, the Inter-American Court then declared that the States in its jurisdiction have binding obligations under human rights law to combat climate-related disinformation. The Court's willingness to opine on the perils of disinformation provide a tool for advocates of the truth to pressure governments in the Americas and beyond to address this problem. In particular, it provides fuel for litigators to hold governments, and in turn, private actors, accountable for their lies.

This memo focuses on how recent developments in the international law on climate change establish legal obligations for governments to combat climate disinformation. On obligations relating to climate disinformation specifically, the memo primarily summarizes the takeaways of the Inter-American Advisory Opinion, as neither the Climate Advisory Opinion from the International Tribunal for the Law of the Sea (ITLOS),[2] nor that from the International Court of Justice (ICJ)[3] meaningfully engages with the topic. However, as a natural counterpoint to climate *dis*information, the memo briefly covers international law obligations relating to the provision and dissemination of (accurate) climate *information*. State obligations relating to climate information may be found in all three Climate Advisory Opinions.

2. Inter-American Court of Human Rights

In Advisory Opinion OC-32/25 on the Climate Emergency and Human Rights, the Inter-American Court clarified that States have binding human rights obligations to take measures against climate disinformation. The Inter-American Court located States' obligations to counter climate disinformation under Article 13 of the American Convention on Human Rights (the "American Convention"), on the Right to Freedom of Thought and Expression. Interpreting and applying

[1] Inter-Am. Ct. H.R. (29 May 2025) *Climate Emergency and Human Rights,* Advisory Opinion, OC-32/25, Ser. A No. 32.

[2] ITLOS (21 May 2024) *Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law*, Advisory Opinion, Case No. 31.

[3] I.C.J. (23 July 2025) *Obligations of States in respect of Climate Change*, Advisory Opinion, Gen. List No. 187.

Article 13 to the context of the climate emergency, the Court found that the right entails three sets of State obligations: (1) to produce information; (2) to disseminate and facilitate access to information; and (3) to adopt measures against disinformation [¶ 500].

The obligations under category (1) are addressed in Section C.3.1 of the Advisory Opinion, "Production of Climate Information" [¶¶ 501–518]; those under category (2) in Section C.3.2, "Disclosure of Information [¶¶ 519–523]; and those under category (3) in Section C.3.3, "Adoption of Measures Against Disinformation" [¶¶ 524–529].

This memo will primarily cover the obligations in category (3), on adoption of measures against disinformation. It will integrate discussion of certain obligations from other parts of the Advisory Opinion where most relevant. For a full list of the State obligations delineated by the Court in Section C.3, including those in categories (1), (2), and (3) above, please see **Annex I**.

A. Obligations to Counter Disinformation

The Inter-American Court declares that States must act with due diligence to "adopt progressive measures to counter climate-related disinformation" [¶¶ 526–527; *see also* Operative Paragraph 15 on p. 217]. Underscoring that "access to truthful and reliable information in the context of the climate emergency requires the joint commitment of both States and private actors to prevent and counter disinformation," [¶ 529] the Court delineates specific obligations for States to address potential disinformation from both public and private sources.

To counter disinformation from public sources, States have obligations to:

- Ensure that climate information issued by public authorities is (i) clear, (ii) accurate, (iii) reliable, (iv) accessible, and (v) timely. States must "serve as conduits of science-backed information[,]" and, in this role, must not disseminate information that is "not supported by the best available science or by pertinent local, traditional, or indigenous knowledge" [¶ 525]; and
- Adopt "appropriate measures to safeguard the integrity of public information" when "false or misleading information impairs public understanding of the climate emergency and its impacts on" human rights [¶ 526].

To counter disinformation from private actors, States have obligations to:

- Collaborate with private actors such as businesses, digital technology developers, technology platforms, social media networks, and the media to "strengthen media and information literacy." Collaboration "must aim to ensure that users acquire the skills and knowledge necessary to interact critically, safely, and consciously with digital content" [¶ 529]; and
- Adopt the "necessary legislative measures and implement all mechanisms required" to compel media outlets and online platforms to disclose, at a minimum, information on (i) ownership of the company; (ii) the company's environmental and climate impact; (iii) internal plans and policies concerning mitigation and just transition; and (iv) contracts,

concessions, agreements, or other documents involving public resources. Such information must be disclosed in a manner that is clear, comprehensive, timely, and free [¶¶ 516–517].

Note: Unlike the other obligations, which are taken from Section C.3.3 of the Advisory Opinion, the above obligation may be found in Section C.3.1, on "Production of Climate Information." Nonetheless, the Court cites the "serious effects of disinformation" when declaring that States must require mandatory disclosure of climate impacts and related information from media outlets and online platforms, in addition to other private actors "engaging in activities relevant to the causes and impacts of climate change" [¶¶ 516–517]. Such is necessary to "ensure that their content governance policies are transparent and disclose any conflicts of interest with public or private actors that may influence content-related decisions on environmental and climate issues" [¶ 517].

Given that it is not within the Inter-American Court's jurisdiction to establish legal obligations for private actors, the Court did not attempt to do so. However, the Court did "call upon" private actors, including civil society and the media, to "play an active role in generating and disseminating reliable content concerning climate change, based on the best available science and the recognition of indigenous, traditional, and local knowledge" [¶ 528].

States must be mindful that, in fulfilling these obligations, their actions do not "compromise pluralism and freedom of expression within public debate" [¶ 524]. The Court repeatedly emphasizes that, in taking the above actions, States must continue to uphold freedom of expression and avoid censorship [¶¶ 524, 526, 527]. As established in the Court's jurisprudence on freedom of expression, States must therefore "refrain from imposing restrictions that, under the pretext of combating disinformation, amount to prior censorship or arbitrarily or disproportionately limit freedom of expression"; the Court underscores that respecting the right to freedom of expression requires "preserving a pluralistic, open, and robust public debate, particularly in contexts of high democratic relevance such as climate action" [¶ 527].

B. Obligations to Promote Accurate Climate Information

Complementary to State obligations targeted specifically at disinformation, are obligations intended to produce and disseminate *accurate* climate-related information. The Inter-American Court establishes a long list of State obligations in this respect.

First among these is an obligation to generate "**complete, accurate, truthful, useful, and timely information** to identify and mitigate threats to human rights arising both from the adverse impacts of climate change and from the measures adopted to address them" [¶ 504]. In order to fulfill this obligation, States must "establish appropriate systems and mechanisms for the production, collection, analysis, and dissemination of information relevant to the protection of human rights within the framework of the climate emergency," and must use the information produced "to promote the broadest possible public participation in climate action" [¶ 505]. States must follow a series of requirements to ensure the origin, quality, and methodology used to produce the information conform with high standards. This includes providing sufficient resources to the public agencies or other State bodies responsible for producing and managing the information, such that

these actors remain independent and impartial, and can properly "ensure the quality and veracity of the information" [¶ 506].

States are also obligated to compel businesses to disclose information on the climate impacts of their activities. States must ensure that such information is "publicly, accurately, and accessibly" disclosed. The information disclosed must be sufficient to assess (i) the adequacy of measures adopted to prevent human rights violations in the context of the climate emergency; (ii) the climate footprint of the businesses' products and services; (iii) the characteristics and effects of high-emission projects and available technologies; (iv) details of the businesses' sustainability initiatives; (v) compliance with environmental regulations; and (vi) investments in renewable energy and environmentally sound technologies [¶ 506].

Section C.3.1 goes on to identify a plethora of other obligations concerning States' duty to produce accurate climate information; a full list may be found in **Annex I**. These include the obligation, already mentioned in **Section II.A** above, to "adopt the necessary legislative measures and implement all mechanisms required to ensure that businesses and all private actors engaging in activities relevant to the causes and impacts of climate change produce and disclose, in a clear, comprehensive, timely, and free manner, all information related to such activities" [¶ 516].

Within Section C.3.2 of the Advisory Opinion, the Inter-American Court identifies a number of State obligations to disclose information in the context of the climate emergency. States have a positive obligation to supply information produced by, or in the possession of the State, "relating to the causes and impacts of climate change and the measures taken to address them." As such information constitutes a matter of public interest, it is subject to the principle of maximum disclosure. The State must guarantee that access to this information is "affordable, effective, and timely," and must not require interested parties to demonstrate a "direct interest or a personal affectation" in order to access it, "except in those cases where a legitimate restriction is applicable" [¶ 519]. The Court lays out further requirements on the content of such information and the methods required for effectively disseminating it to the public. It addresses specific contexts such as climate-related disasters, where early warning systems are necessary to protect at-risk populations [*see* ¶ 520]. A full list of the obligations in Section C.3.2 may be found in **Annex I**.

Of particular interest in the context of climate disinformation is the obligation in C.3.2 that States implement and promote "comprehensive mechanisms for disseminating climate information," including through social media, online portals, and communication campaigns [¶ 521]. The information disseminated through these methods must "enable the public to exercise effective oversight over the actions, omissions, and decisions adopted by the State, thereby preventing all forms of greenwashing" [¶ 521]. Here, the Court defines greenwashing to refer to "the practice of presenting a misleading appearance of environmental commitment without genuinely implementing significant actions" [¶ 521]. The Court additionally outlines requirements that the climate information disseminated through these channels be accessible and understandable to a diverse public audience; information "must be provided in a clear and comprehensible format and language, including through audiovisual and electronic media" [¶ 522]. It must take into account "the specific needs of children and adolescents, older persons, and persons with disabilities," and where relevant, must be culturally and linguistically appropriate for the indigenous peoples whose

rights may be affected, particularly where such peoples must give their free, prior, and informed consent [¶ 522].

C. Article 13 of the American Convention

The Court located States' obligations to counter climate disinformation, as well as the obligations to promote accurate climate information, in Article 13 of the American Convention, on the Right to Freedom of Thought and Expression. Article 13 reads, in relevant part [*emphasis added*]:

> 1. Everyone has the right to freedom of thought and expression. **This right includes freedom to seek, receive, and impart information and ideas** of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.
>
> 2. **The exercise of the right** provided for in the foregoing paragraph **shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure:**
>
> a. **respect for the rights** or reputations **of others**; or
>
> b. **the protection of national security, public order, or public health** or morals.
>
> . . .

The text of Article 13 thus expressly includes freedom to seek and receive information, which the Inter-American Court has interpreted to include a "right to access information" [¶ 488]. The Inter-American Court has interpreted this to entail an "obligation of active transparency" that requires States to furnish the information people need in order to effectively exercise their other human rights [¶ 489]. Interpreting and applying Article 13 to the context of the climate emergency, the Inter-American Court found that the right of access to information entails three sets of State obligations: (1) to produce information; (2) to disseminate and facilitate access to information; and (3) to adopt measures against disinformation [¶ 500].

Under Article 13, States must provide the public with information that is (i) complete, (ii) understandable, (iii) provided in accessible languages, (iv) up to date, and (v) delivered in a manner that is effective for different sectors of the population [¶ 489]. In the Court's prior Advisory Opinion on the Environment and Human Rights OC-23/17, the Court declared that States must guarantee access to information on potential environmental impacts to every person under their jurisdiction, regardless of whether that person demonstrates a specific interest [¶ 491].

Both the Inter-American Court and the Inter-American Commission on Human Rights interpret Article 13 in accordance with a "principle of maximum disclosure," which presumes that all information should be publicly accessible, with limited exceptions [¶¶ 489, 490, 495]. Any restrictions on access to information must (i) be previously established by law, (ii) pursue one of the objectives outlined in paragraph 2 of Article 13 (*see above*), and (iii) be necessary and proportionate to satisfy an overriding public interest [¶ 490]. In OC-23/17, the Court established that the environmental impacts of projects and activities—in particular, the impacts of natural

resource exploration and exploitation in indigenous and tribal territories—qualify as "matters of clear public interest" [¶ 491].

Alongside Article 13 of the American Convention, the Inter-American Court also invokes Article IV of the American Declaration of the Rights and Duties of Man [¶ 457], which reads: "Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever." The court does not elaborate on this Article.

D. The Importance of Accurate Climate Information and the Perils of Disinformation

The Inter-American Court also touches upon the topic of climate disinformation in other parts of its Advisory Opinion. Prior to its formal discussion of State obligations (which commences in Section VI of the Advisory Opinion), in discussing the importance of safeguarding democratic systems, the Court states that [¶ 215]:

> In this regard, the response to the climate emergency calls for constant dialogue with scientific, traditional, local and indigenous knowledge (*infra* paras. 471-487). This dialogue should be aimed at avoiding disinformation, misinformation, and other forms of manipulation of information on the climate crisis undermining public trust and hindering effective participation and decision-making (*infra* paras. 524-527). On this point, the Cout notes that, according to the IPCC, the dissemination of misleading scientific information on climate change may encourage polarization, which has negative implication [sic] for climate policy. In this regard, the IPCC has also warned that, in some cases, the emergence of "rhetoric" and "misleading information" that "undermines climate science and disregards the risk and urgency" of climate change, results in a polarization of public support for climate measures, "delaying the urgent planning and application of adaptation measures."

The Court observes that access to environmental and climate-related information is essential for the protection of other human rights, including the rights to life, personal integrity, health, a healthy environment, and a healthy climate [¶ 500]. It further observes that access to information is "intrinsically linked" to public participation in sustainable development and environmental protection [¶ 491].

The Court also touches upon dissemination of climate information in its discussion of the substantive right to education, which is enshrined in Article 26 of the American Convention (read alongside Article 49 of the OAS Charter, Article 13 of the San Salvador Protocol, and Article XII of the American Declaration) [¶ 453]. Paragraph 457 of the Advisory Opinion reads:

> Similarly, the Court highlights the importance of: (i) integrating climate change education into school curricula at all levels to raise awareness about the causes and risks of climate change and the mitigation and adaptation measures needed to address it, and (ii) designing and implementing campaigns through social media networks and the media to raise awareness among the population regarding the measures that can be taken at the national, local, community, family and individual levels to mitigate the causes and effects of the climate emergency and promote sustainable development.

Other international instruments referenced by the Court on the topic of climate information and disinformation include the Escazú Agreement [¶ 492], the Aarhus Convention [¶ 492], the Bali Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters [¶ 493], and the Inter-American Model Law on Access to Public Information [¶ 494]. The Court also looked to the Inter-American Commission on Human Rights [¶ 495], the Special Rapporteur on Climate Change and Human Rights [¶ 496], and the IPCC [¶ 497].

3. ITLOS and the ICJ

As noted above, neither of the climate-related Advisory Opinions from ITLOS or the ICJ address climate disinformation explicitly. Both the ITLOS and ICJ Advisory Opinions do, however, require States to act on the basis of the best available science, which arguably precludes reliance on climate disinformation as a foundation for law and policy.

A. International Court of Justice (ICJ)

While the ICJ acknowledges the relevance of access to information in the context of climate change, it declines to examine the topic in detail [ICJ ¶ 130] and does not mention climate disinformation or misinformation. The ICJ does observe that under Article 12 of the Paris Agreement, States Parties have an obligation to cooperate on measures "'to enhance climate change education, training, public awareness, public participation and public access to information'" [¶ 260]. However, it does not elaborate on this obligation, focusing instead on States' duties to cooperate on financial assistance, technology transfers, and capacity-building [¶ 262].

Additionally, the ICJ highlights States Parties' obligations to communicate detailed information to relevant climate treaty mechanisms [ICJ ¶¶ 201–206, 214 on the UNFCCC; ¶¶ 184, 244, 248 on the Paris Agreement]. The ICJ also incorporates reference to scientific and technological information into the stringent due diligence standard it establishes to assess States' compliance with their climate-related international law obligations. States must therefore "actively pursue the scientific information necessary for them to assess the probability and seriousness of harm," [¶ 283] and must participate in knowledge-sharing initiatives with other States [¶ 285]. The stringent due diligence standard also requires States to conduct climate-related environmental impact assessments for "particularly significant proposed individual activities contributing to [greenhouse gas (GHG)] emissions," reasoning that "[s]uch specific climate-related assessments could identify previously unknown information about possibilities for reducing the quantity of GHG emissions by relevant proposed individual activities" [¶ 298].

B. International Tribunal for the Law of the Sea (ITLOS)

While ITLOS does not explicitly address climate disinformation, it does address climate-related information in its discussion of certain inter-State obligations. These include the obligation to cooperate in the exchange of information and data and on the establishment of appropriate scientific criteria on which rules and standards are to be based [ITLOS ¶¶ 312–321]; and the

transparency obligation under Article 205 of the United Nations Convention for the Law of the Sea (UNCLOS), which requires States to disseminate the results of their monitoring of GHG impacts on the marine environment [¶¶ 350–351].

4. Conclusion

Of the three international judicial bodies which have issued climate-related advisory opinions within the past three years, the Inter-American Court of Human Rights goes the farthest in addressing the problem of climate disinformation. This is perhaps unsurprising, given that, of the three, only the Inter-American Court fully tackled the challenge of interpreting procedural human rights obligations in the context of the climate emergency. As a result, the Inter-American Court Advisory Opinion contains an extensive list of State obligations on the promotion of accurate climate information and the countering of climate disinformation. These obligations offer a valuable tool for advocates and litigators in the Latin American and Caribbean region to hold their governments to account; the breadth and specificity of the obligations, which are restated in their entirety in **Annex I**, are practically instructional. In contrast, the Advisory Opinions from ITLOS and the ICJ barely address obligations to provide accurate climate information, give almost no attention to the need to disseminate such information to the broader public, and entirely fail to mention the problem of climate disinformation. Thus, the Advisory Opinion from the Inter-American Court also provides a singular model for other courts and for governments, advocates, and litigators around the world as these actors are increasingly confronted with the challenge of combating dangerous and targeted climate disinformation campaigns.

Annex I: List of State Obligations under the Right to Access Information in the context of the Climate Emergency (*Section C.3 of the Inter-American Advisory Opinion*)

A. Section C.3.1, "Production of Climate Information"

- States must generate complete, accurate, truthful, useful, and timely information to identify and mitigate threats to human rights arising both from the adverse impacts of climate change and from the measures adopted to address them [¶ 504]. This requires States to:
    - Establish appropriate systems and mechanisms for the production, collection, analysis, and dissemination of information relevant to the protection of human rights within the framework of the climate emergency. The information "must be used to promote the broadest possible public participation in climate action" and must include:
        - Comprehensive, general, and specific information disaggregated by population and sector;
        - Early warning systems providing timely information on disaster risks;
        - Data necessary to establish, implement, and update mitigation and adaptation targets, plans, and strategies [¶ 505]
- Regarding the origin, quality, and methodology for producing such information, States must: [¶ 506]
    - Integrate diverse forms of knowledge to inform solutions tailored to the specific context of each State and community
    - Promote and support participatory research and data collection undertaken by communities, academic institutions, and local organizations, among others, particularly when such actors employ an intersectional approach;
    - Endow the government bodies responsible for producing, collecting, analyzing, and disseminating climate information with sufficient resources for them to ensure the quality and veracity of the information, and to guarantee the independence and impartiality of such bodies;
    - Ensure that businesses publicly, accurately, and accessibly disclose information on the climate impacts of their activities. The information disclosed must be sufficient to assess:
        - The adequacy of measures adopted to prevent human rights violations in the context of the climate emergency;
        - The climate footprint of the businesses' products and services;
        - The characteristics and effects of high-emission projects and available technologies;
        - Details of the businesses' sustainability initiatives;
        - Compliance with environmental regulations;
        - Investments in renewable energy and environmentally sound technologies.
- Regarding the content of such information, States must produce information on: [¶ 507]
    - The causes and effects of climate change;

  - The mitigation and adaptation measures implemented by the State;
  - Environmental impact studies, including climate impact assessments; and
  - The mechanisms in place for accessing information, public participation, and climate-related justice.
- In order to produce this information, States must:
- 1. "First," [¶ 508]
  - Establish a system of indicators measuring progress in the implementation of State strategies towards sustainable development. This must include:
    - Statistics on the population living in situations of multidimensional poverty, disaggregated by (i) location, (ii) gender, and (iii) ethnicity;
    - Statistics on the factors causing and exacerbating inequality in the context of the climate emergency. This may include impacts on agricultural production, ecosystems, food security, climate-related disasters, and provision of healthcare.
  - Collect and produce information on the socioeconomic impacts of the climate emergency. Information must be disaggregated by sector, particularly where the agriculture, fisheries, and tourism sectors are impacted.
  - Produce a diagnosis of the principal obstacles to achieving sustainable development within the framework of the climate emergency.
  - Identify possible conflicts or synergies between climate measures and development objectives.
- 2. "Second," [¶ 509]
  - Produce the information necessary to (1) establish their mitigation target and (2) define and update the strategy to achieve the mitigation target. This information must specify how the mitigation target contributes to keeping warming under the 1.5°C threshold, with reference to IPCC pathways and the best available science.
  - "To this end," at a minimum, States must: [¶ 510]
    - Establish and update detailed GHG emissions inventories broken down by sector (energy, transport, agriculture, industry, waste, land use/land-use change and forestry);
    - Model prospective scenarios of future emissions considering different economic, demographic, technological, consumption, and population behavior trajectories;
    - Assess the technical and economic feasibility of different mitigation strategies, and the costs, benefits, and projected effects of current policies on emissions reduction;
    - Assess the impacts of mitigation strategies on other areas such as energy, water and food security, public health, biodiversity, and sustainable development;
    - Map the location, extension, type and conservation status of forests, wetlands, mangroves, and other ecosystems that act as natural carbon sinks;
    - Identify agricultural, reforestation, ecosystem restoration, and conservation practices that optimize carbon capture and reduce emissions;

        - Identify the training needs and the financial, institutional, and technological resources needed to implement mitigation measures.
- 3. "Thirdly," [¶ 511]
    - States must produce information underpinning their adaptation plans and strategies. To do so, States must:
        - Collect information on the vulnerability, risk, exposure, and current and projected impacts of climate change on natural and human systems, as well as its effects on human rights. The information must identify at-risk:
            - Communities
            - Population groups
            - Infrastructure
            - Ecosystems
        - Conduct periodic risk assessments concerning communities and groups that are disproportionately vulnerable to human rights violations due to climate change. This must include threats and violence faced by human rights defenders within the context of the climate emergency (*see* ¶¶ 568–586 of the opinion).
- 4. "Similarly," [¶ 512]
    - States must collect, systematize, produce, and analyze information concerning the current and projected impacts of climate change on (i) life, (ii) personal integrity, and (iii) health.
        - The information must take into account: (i) socioeconomic factors, (ii) age, (iii) sex, (iv) gender, (v) disability, and (vi) ethnicity.
        - The information must include evaluation of (i) Food and water security, (ii) the increase in vector-borne diseases, and (iii) the rise in deaths connected to heatwaves, droughts, and other extreme and slow-onset weather events.
    - States must analyze:
        - the risk of human mobility associated with climate change
        - the loss of habitable homes and territories
        - the impacts of climate change on access to territories and means of subsistence of indigenous and tribal peoples
        - the associated deterioration of family and community ties and cultural practices
    - States must produce information concerning current and future impacts on cultural heritage [¶ 512]
        - States must develop intervention methods to address such impacts
    - "Furthermore," States must: [¶ 513]
        - assess disaster risk based on geographical location and collect information on the resilience, vulnerability, and current and future adverse impacts on:
            - critical ecosystems at the local, national, and regional levels
            - health, food, water, and education systems
            - urban and rural housing
        - analyze the availability and viability of:

    - Ecosystem-based adaptation (EbA) measures
    - Measures related to urban agriculture, forestry, and river restoration in urban areas
- 5. “Fifthly,” within the framework of environmental impact assessments, in the assessment of the environmental and climate impact of projects or activities that may contribute to affecting the climate system, States must produce information that: [¶ 514]
    - Enables public participation
    - Where applicable, enables the prior, free, and informed consultation of indigenous and tribal peoples
- 6. “Sixthly,” States must report on public funds allocated to climate action. The information must: [¶ 515]
    - Include the number and priorities of climate finance projects
    - Ensure transparency regarding the use of funds received under international cooperation
    - Allow verification of the progressive increase in resources allocated to progressively reducing inequality as a precondition for addressing many of the vulnerability situations that expose specific individuals and groups to the most severe impacts of climate change
- 7. “Seventhly,” States must adopt the necessary legislative measures and implement all mechanisms required to ensure that businesses and all private actors engaging in activities relevant to the causes and impacts of climate change produce and disclose, in a clear, comprehensive, timely, and free manner, all information related to such activities.
    - This information includes that relating to:
        - The ownership of companies
        - Their environmental and climate impact
        - Their internal plans and policies concerning mitigation and just transition
        - Contracts, concessions, agreements, or other documents involving public resources [¶ 516]
    - The legislative measures and mechanisms must provide for their application to media outlets and online platforms to ensure that their content governance policies are transparent and disclose any conflicts of interest with public or private actors that may influence content-related decisions on environmental and climate issues [¶ 517]
- 8. “Lastly,” States must assess the obstacles and progress in the implementation and enforcement of their climate policies, identifying the measures necessary to ensure their maximum ambition, within the framework of the utilization of their available resources [¶ 518]

B. Section C.3.2, "Disclosure of Information"

- States have a positive obligation to supply information relating to the causes and impacts of climate change and the measures taken to address them. This obligation includes information produced by, or in the possession of, the State. [¶ 519]
    - These constitute a matter of public interest and must be governed by the principle of maximum disclosure.
    - Access to such information must not be conditioned upon demonstrating a direct interest or a personal affectation, except in those cases where a legitimate restriction is applicable.
    - The State must guarantee that access to this information is affordable, effective, and timely.
    - Such information must enable the population to exercise their rights and to adequately oversee the State's response to the climate emergency.
- States must immediately inform the population at risk from imminent threats to the environment or to human rights resulting from climate change; these include heatwaves, floods, and disasters.
    - States must inform populations through the most effective means
    - States must provide the information necessary to activate early warning systems, prevent harm and human rights violations, and ensure the requisite care [¶ 520]
- States must establish clear strategies for the regular publication and dissemination of information concerning: [¶ 521]
    - The state of the environment
    - The basis of, progress on, and updates to government strategies for advancing sustainable development;
    - The State's mitigation targets and strategies for the short, medium, and long term;
    - The State's adaptation and disaster risk management strategies.
- States must inform the public on: [¶ 521]
    - The causes, effects, and actual and potential sources of climate-related harm;
    - The State's response;
    - Relevant environmental and climate legislation;
    - The findings of climate impact assessments;
    - The mechanisms available to access information, participate in decision-making, and seek justice.
- To disseminate the information described above, States must implement and promote comprehensive mechanisms for disseminating climate information, including: [¶ 521]
    - early warning systems,
    - public databases,
    - digital tools,
    - audiovisual materials,
    - online portals,
    - social media, and
    - communication campaigns.

- The information disseminated through the mechanisms above:
    - Must enable the public to exercise effective oversight over the actions, omissions, and decisions adopted by the State, thereby preventing all forms of greenwashing [¶ 521]
        - Greenwashing here is understood as the practice of presenting a misleading appearance of environmental commitment without genuinely implementing significant actions.
    - Must be provided in a clear and comprehensible format and language, taking into account the specific needs of children and adolescents, older persons, and persons with disabilities. [¶ 522]
    - Must be culturally and linguistically appropriate when relevant to the exercise and protection of the rights of indigenous and tribal peoples.
        - This is of particular importance where information is required to guarantee their free, prior, and informed consent [¶ 522]
- States must also: [¶ 523]
    - Establish mechanisms and procedures that allow individuals to request climate-related information and receive it in an expedited manner. This includes the use of record-keeping and document management systems.
    - Provide means through which individuals can receive real-time alerts whenever there is a latent threat to their rights due to heatwaves, floods, hydrometeorological events, or disasters in general. Alerts should be sent through appropriate channels, electronic or otherwise.

C. Section C.3.3, "Adoption of Measures Against Disinformation"

- States must:
    - Ensure that climate information issued by public authorities is (i) clear, (ii) accurate, (iii) reliable, (iv) accessible, and (v) timely. States must "serve as conduits of science-backed information[,]" and, in this role, must not disseminate information that is "not supported by the best available science or by pertinent local, traditional, or indigenous knowledge" [¶ 525]
    - Adopt "appropriate measures to safeguard the integrity of public information" when "false or misleading information impairs public understanding of the climate emergency and its impacts on" human rights [¶ 526].
        - States must exercise due diligence in fulfilling this obligation [¶ 526]
    - Adopt progressive measures to counter climate-related disinformation [¶ 527]
    - Respect freedom of expression as established in Article 13 of the American Convention, Article IV of the American Declaration, and the jurisprudence of this Court; this requires States to
        - Refrain from imposing restrictions that, under the pretext of combating disinformation, amount to prior censorship or arbitrarily or disproportionately limit freedom of expression

        - Preserve a pluralistic, open, and robust public debate, particularly on climate action [¶ 527]

- The Court "emphasizes the necessity for States to collaborate with" businesses, digital technology developers, technology platforms, social media networks, and the media, "in line with the Pact for the Future," to strengthen media and information literacy.
    - Collaboration must aim to ensure that users acquire the skills and knowledge necessary to interact critically, safely, and consciously with digital content. [¶ 529]

- The Court also "calls upon" civil society, the media, and other actors within the informational sphere to play an active role in generating and disseminating reliable content concerning climate change, based on the best available science and the recognition of indigenous, traditional, and local knowledge.
    - "In this context, the Court highlights the usefulness of mechanisms for monitoring the quality and accuracy of climate information, as well as fact-checking tools that reinforce informational transparency and public trust. This is particularly important for vulnerable groups, who often face structural barriers in accessing reliable and culturally appropriate information." [¶ 528]