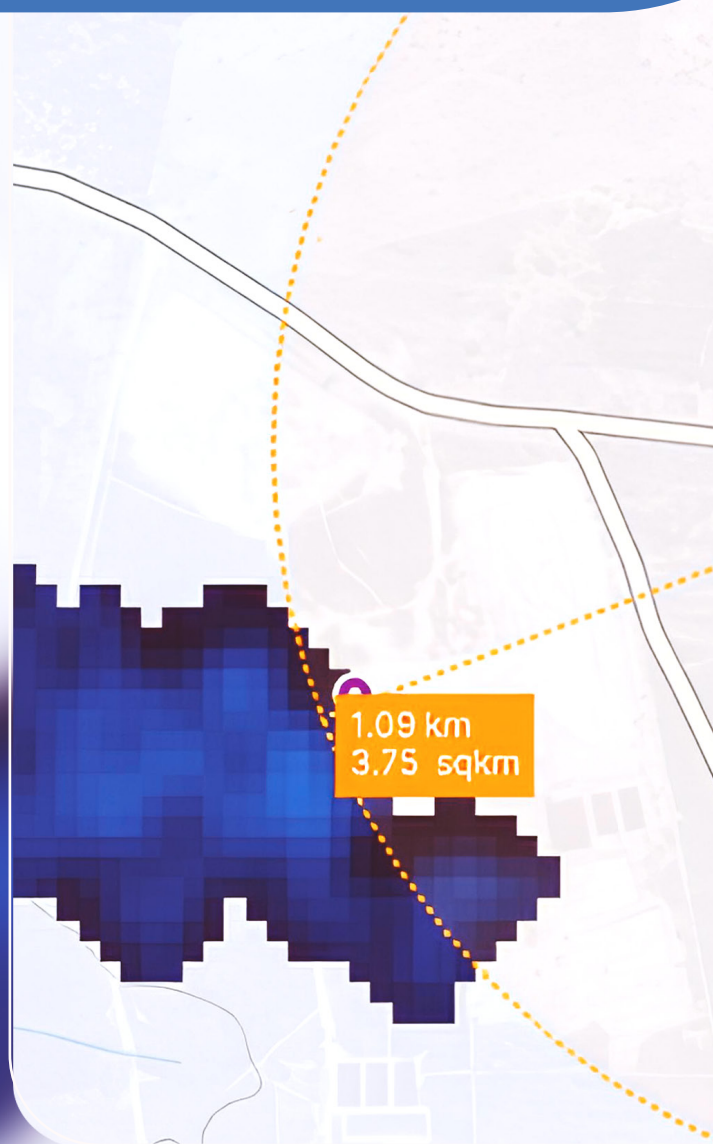


ACCESS TO CLIMATE INFORMATION AND HUMAN RIGHTS OBLIGATIONS

THEMATIC GUIDE FOR ANALYSING
ADVISORY OPINION 32



Source: Maps obtained from the Carbon Mapper platform.

ACCESS TO CLIMATE INFORMATION AND HUMAN RIGHTS OBLIGATIONS

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Prepared by: CEJIL

The Center for Justice and International Law (CEJIL) has a mission to promote structural change and protect individuals and communities at risk in the Americas through the strategic use of the Inter-American Human Rights System, United Nations protection mechanisms, and international human rights law.

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ACCESS TO CLIMATE INFORMATION AND HUMAN RIGHTS OBLIGATIONS

Series: International law and the climate emergency

On July 3, 2025, the Inter-American Court of Human Rights (IACHR) published its [Advisory Opinion AO-32/25](#), entitled “**Climate Emergency and Human Rights**” (AO32), a fundamental legal tool that paves the way for addressing the climate emergency through international human rights law. This series of thematic guides presents in a systematic and practical manner the innovative contributions and insights of AO32, issued in response to a joint request submitted by the States of Colombia and Chile in January 2023.

The Center for Justice and International Law (CEJIL), together with other actors, promoted the submission of this OC to the Inter-American Court of Human Rights and has promoted a series of debates around the [questions raised](#). The Inter-American Court of Human Rights generated a wide-ranging process and received [contributions](#) from hundreds of experts, organizations, universities, indigenous peoples and leaders, States, national human rights institutions, rapporteurs, cities, etc.

Advisory opinions provide access to an authoritative interpretation of the scope of international human rights law on various issues, such as the climate emergency. This series of informative guides brings together the most relevant legal standards and novel aspects of AO32 on the basis of several thematic areas for study and strategic application. Other relevant sources and background information from the inter-American and universal systems are also included. Finally, it highlights lines of action that the community of practice can promote and strengthen based on state obligations in the area of human rights.

INTRODUCTION

The joint request submitted by Colombia and Chile raised specific questions on issues related to obligations of access to information and active transparency. In particular, it sought clarification from the Court on the following questions: Why is it important for all individuals and communities to have access to climate information in order to protect rights such as life, health, property, participation, and access to justice? What type of information should be generated and disclosed to address the climate emergency? From a human rights perspective, should only governments guarantee access to environmental information and information related to the effects of climate change, or do companies and other sectors that generate emissions also have a responsibility? This informative guide analyzes the legal developments of AO32 on the issue of obligations to produce information and access to information in light of international principles and standards, the jurisprudence of the Court, inter-American doctrine, and some of the contributions made by CEJIL and other individuals and organizations with expertise in the AO32 development process and other regional and universal processes¹.

Clear, timely, and constant access to information on the environment and climate change is key to responding in a timely manner to this global crisis resulting from the rapid rise in global temperatures, caused mainly by human activities. From a human rights perspective, access to timely and relevant information is essential for strengthening democracy and transparency in public management, as well as for ensuring that state policies on prevention, adaptation, and mitigation are truly effective. The regulatory framework of environmental law expressed in the Paris Agreement requires enhanced transparency measures and improved public access to information for decision-making². In the same vein, our regional agreement for the protection of the environment: the Escazú Agreement³.

While access to information is important for the protection of many rights, it takes on special relevance in the face of an evolving phenomenon such as the

1. The Amici Curiae briefs submitted by CEJIL, together with human rights organizations and experts, to the Inter-American Court of Human Rights in the AO32 case can be consulted at the following specialized website: <https://cejil.org/clima/> 2. UN. Conference of the Parties to the United Nations Framework Convention on Climate Change, Paris Agreement, 2015, Articles 12 and 13. 3. ECLAC. Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), 2018, Articles 5 and 6.

climate emergency. State actors need to produce, access, and use up-to-date information to tailor their actions to mitigate the effects of the emergency, as well as to ensure timely adaptation and remediation measures at each level and branch of government.

Additionally, if individuals and communities have reliable information based on the best available science, they can more effectively and protectively exercise their right to participate in a timely, meaningful, fair, and informed manner in policies and decisions that impact the environment, climate change, and their rights in the context of the climate emergency.

Indeed, access to information allows communities that are most vulnerable to climate change to understand the risks they face and to have better tools to participate in a timely and effective manner in developing responses, as well as to access and demand justice, redress, and accountability. Therefore, guaranteeing the right of access to information, both by the State and by companies and other private actors, is a central part of climate action for the protection of human rights.

In the inter-American system, access to information under State control has two facets. On the one hand, individuals and communities have the right to request and receive information, especially when it concerns matters of public interest or human rights violations (this is called the passive dimension of the right). On the other hand, States also have an obligation to generate, collect, and share information in a clear, accurate, accessible, and timely manner, without the need for an individual to request it (this is known as the active dimension of the right). These two facets of the right, consolidated in inter-American jurisprudence, are reflected in the development of legislative frameworks and systems for access to public information that exist today in most countries in the region.

To this extent, the Inter-American Court of Human Rights has been a pioneer in developing standards on access to information as an autonomous right under the right to freedom of expression protected in Article 13 of the American Convention on Human Rights (ACHR). With regard to access to environmental information, the Court has consistently held in its jurisprudence that, because such information is clearly in the public interest, individuals have the right to access all information relating to activities and projects that may affect the

environment, as these enjoy special protection due to their importance in a democratic society⁴. In particular, the Court has emphasized the importance of having information on the exploration and exploitation of natural resources in the territories of indigenous communities⁵. In AO32, the Court reaffirms its jurisprudence on the subject and delves into specific aspects related to the existence of a climate emergency and access to information as a fundamental procedural right for mitigation in the face of climate change. The Inter-American Court provides guidance on the information and knowledge that must be taken into account in addressing the emergency, addresses the types of information that must be collected, and refers to the public and private entities that are required to provide it.

Thus, in addition to being a right in itself, access to information is classified as a procedural right both in environmental matters and in relation to the effects of climate change. This means that it is an enabler of other rights protected in the inter-American system. For the Inter-American Court, environmental and climate change-related information, in the context of the climate emergency, must be produced and made available by States in a proactive manner. This constitutes a measure of enhanced due diligence to guarantee other protected rights, such as the right to life, physical integrity, health, science, property, a

4. Inter-American Court of Human Rights. Case of Claude Reyes et al. v. Chile. Merits, Reparations, and Costs. Judgment of September 19, 2006. Series C No. 151, paras. 57, 13, 86, and 87; Case of the Kichwa Indigenous People of Sarayaku v. Ecuador. Merits and Reparations. Judgment of June 27, 2012. Series C No. 245, para. 230; Case of Baraona Bray v. Chile. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2022. Series C No. 481, paras. 73, 80, 108, and 114; Case of the Residents of La Oroya v. Peru. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 27, 2023. Series C No. 511, para. 145; Environment and human rights (State obligations in relation to the environment in the context of protecting and guaranteeing the rights to life and personal integrity—interpretation and scope of Articles 4(1) and 5(1), in relation to Articles 1(1) and 2 of the American Convention on Human Rights). Advisory Opinion AO-23/17 of November 15, 2017. Series A No. 23, para. 214, and Climate Emergency and Human Rights (Interpretation and scope of Articles 1.1, 2, 4.1, 5.1, 8, 11.2, 13, 17.1, 19, 21, 22, 23, 25, and 26 of the American Convention on Human Rights; 1, 2, 3, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, “Protocol of San Salvador,” and I, II, IV, V, VI, VII, VIII, XI, XII, XIII, XIV, XVI, XVIII, XX, XXIII, and XXVII of the American Declaration of the Rights and Duties of Man). Advisory Opinion AO-32/25 of May 29, 2025. Series A No. 32, para. 519. **5.** Inter-American Court of Human Rights. Advisory Opinion AO-23/17, para. 214; Case of the Kichwa Indigenous People of Sarayaku v. Ecuador. Merits and Reparations. Judgment of June 27, 2012. Series C No. 245, para. 230; Case of the Maya Q’eqchi’ Agua Caliente Indigenous Community v. Guatemala. Merits, Reparations, and Costs. Judgment of May 16, 2023. Series C No. 488, para. 252; Case of the Rama and Kriol Peoples, the Indigenous Black Creole Community of Bluefields, and Others v. Nicaragua. Merits, Reparations, and Costs. Judgment of April 1, 2024. Series C No. 522, para. 237, and Case of the U’wa Indigenous People and its Members v. Colombia. Merits, Reparations, and Costs. Judgment of July 4, 2024. Series C No. 530, para. 173.

healthy environment and climate, meaningful public participation in government decisions, and access to climate justice.

A central and novel aspect of AO32 is that the Inter-American Court of Human Rights expands on what should be understood by “information” in the face of the climate crisis. According to the Court, this does not refer to any type of information, but rather to information based on the best available science. Currently, the most reliable source of scientific information on climate change is that provided by the Intergovernmental Panel on Climate Change (IPCC) in its reports and statements . However, the Inter-American Court also indicates that, in order to address the climate emergency, the traditional knowledge and wisdom systems of indigenous peoples and local communities must be valued and integrated with other forms of knowledge⁷. This means that States must recognize the value of indigenous and local knowledge and its indispensable link to the generation of information necessary to enrich meaningful public participation, strengthen decision-making, and address climate misinformation⁸. In turn, the fight against climate misinformation requires adequate protection of the space for dissemination and debate on the issue, as well as the work of human rights defenders, indigenous peoples, and journalists.

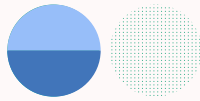
Below are the main standards and novel developments issued by the Inter-American Court of Human Rights in AO32 regarding access to climate information, the content of information that States must produce and disseminate in a clear, truthful, accessible, and timely manner, and the obligations of States and the private sector in this area.

6. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 33 and 487. **7.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 476 and 480. **8.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 215.

KEY ASPECTS OF THE LEGAL STANDARDS AND NEW DEVELOPMENTS OF AO32

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1. ACCESS TO CLIMATE INFORMATION IN THE AMERICAN CONVENTION ON HUMAN RIGHTS

1.1. AS AN AUTONOMOUS RIGHT

The right of access to information is protected by Article 13 of the American Convention on Human Rights (freedom of thought and expression), which refers to the rights to seek and receive information under the control of the State⁹. This implies that every person has the right to request access to information held by the State, especially that which is of public interest, and the State has a positive duty to provide it, so that the individual or community can access and understand such information, or failing that, obtain a justified response for restricting access in the specific case, taking into account the reasons authorized by the ACHR¹⁰.

Information under the control of the State must be made available to anyone who requests it without the need to prove a direct interest or personal or community impact. Therefore, the principle of maximum disclosure applies, such that all State information is presumed to be public and accessible¹¹.

Although the legal criteria surrounding this right were developed by the Inter-American Court of Human Rights mainly in relation to (1) environmental protection¹²; (2) the rights of indigenous peoples to land, ancestral territories,

9. Corte IDH. Opinión Consultiva OC-32/25, párr. 488. **10.** Corte IDH. Caso Gomes Lund y otros (“Guerrilha do Araguaia”) Vs. Brasil. Excepciones Preliminares, Fondo, Reparaciones y Costas. Sentencia de 24 de noviembre de 2010. Serie C No. 219, párrs. 197 y 230, y Caso Pueblos Kalifña y Lokono Vs. Surinam. Fondo, Reparaciones y Costas. Sentencia de 25 de noviembre de 2015. Serie C No. 309, párr. 262. **11.** Corte IDH. Caso Claude Reyes y otros Vs. Chile. Fondo, Reparaciones y Costas. Sentencia de 19 de septiembre de 2006. Serie C No. 151, párrs. 77 y 92, y Caso Gomes Lund y otros (“Guerrilha do Araguaia”) Vs. Brasil. Excepciones Preliminares, Fondo, Reparaciones y Costas. Sentencia de 24 de noviembre de 2010. Serie C No. 219, párrs. 197, 199 y 230.

and natural resources, and prior consultation¹³; and (3) serious human rights violations¹⁴, in AO32, the Court ruled for the first time on access to information in the context of the climate emergency¹⁵. In this regard, the Court reaffirms the principle of maximum disclosure, linking Article 13 of the ACHR with the right to a healthy climate and the need to ensure access to scientific knowledge, as well as the recognition of local, traditional, and indigenous knowledge, in order to base climate policies and decisions on the best available scientific evidence¹⁶. As explained, an unavoidable link is created between the different knowledge systems by also integrating local, traditional, and indigenous knowledge¹⁷.

The Inter-American Court of Human Rights maintains that information generated by the State, as well as information in its possession or under its control, relating to the causes and impacts of climate change and the measures taken to address it, should be considered in the public interest¹⁸. Therefore, it must be produced and disseminated in an accessible, effective, and timely manner, ensuring that it reaches all people in a clear and understandable way, using an appropriate and expeditious method to ensure open, inclusive, and meaningful citizen participation¹⁹. This information must be collected regularly and proactively²⁰.

12. Corte IDH. Caso Claude Reyes y otros Vs. Chile. Fondo, Reparaciones y Costas. Sentencia de 19 de septiembre de 2006. Serie C No. 151, párrs. 77 y 92; Caso Baraona Bray Vs. Chile. Excepciones Preliminares, Fondo, Reparaciones y Costas. Sentencia de 24 de noviembre de 2022. Serie C No. 481, párrs. 94-100; Caso Habitantes de La Oroya Vs. Perú. Excepciones Preliminares, Fondo, Reparaciones y Costas. Sentencia de 27 de noviembre de 2023. Serie C No. 511, párr. 145. Véase también, Opinión Consultiva OC-23/17, párr. 225. **13.** Corte IDH. Caso Pueblo Indígena Kichwa de Sarayaku Vs. Ecuador. Fondo y Reparaciones. Sentencia de 27 de junio de 2012. Serie C No. 245, párr. 230; Caso Comunidad Indígena Maya Q'eqchi' Agua Caliente Vs. Guatemala. Fondo, Reparaciones y Costas. Sentencia de 16 de mayo de 2023. Serie C No. 488, párr. 252; Caso Pueblos Rama y Kriol, Comunidad Negra Creole Indígena de Bluefields y otros Vs. Nicaragua. Fondo, Reparaciones y Costas. Sentencia de 1 de abril de 2024. Serie C No. 522, párr. 237, y Caso Pueblo Indígena U'wa y sus miembros Vs. Colombia. Fondo, Reparaciones y Costas. Sentencia de 4 de julio de 2024. Serie C No. 530, párr. 173. **14.** Entre otros, Caso Gomes Lund y otros ("Guerrilha do Araguaia") Vs. Brasil. Excepciones Preliminares, Fondo, Reparaciones y Costas. Sentencia de 24 de noviembre de 2010. Serie C No. 219, párr. 202, y Caso Miembros de la Corporación Colectivo de Abogados "José Alvear Restrepo" Vs. Colombia. Excepciones Preliminares, Fondo, Reparaciones y Costas. Sentencia de 18 de octubre de 2023. Serie C No. 506, párrs. 601 y 607. **15.** Corte IDH. Opinión Consultiva OC-32/25, párr. 491. **16.** Corte IDH. Opinión Consultiva OC-32/25, párrs. 503 y 610. **17.** Corte IDH. Opinión Consultiva OC-32/25, párr. 476. **18.** Corte IDH. Opinión Consultiva OC-32/25, párr. 519. **19.** Corte IDH. Opinión Consultiva OC-32/25, párrs. 468 y 535, y punto decisorio 13. **20.** ONU. Relatora Especial de las Naciones Unidas sobre la promoción y la protección de los derechos humanos en el contexto del cambio climático, Elisa Morgera. Informe sobre el acceso a la información sobre el cambio climático y los derechos humanos, A/79/176, 18 de julio de 2024, párrs. 5 y 14.

Similarly, the Escazú Agreement, which is specifically mentioned in the section on procedural rights of AO32²¹, establishes that States Parties must “guarantee the right of the public to access environmental information that is in their possession, under their control or custody, in accordance with the principle of maximum disclosure”²².

1.2. AS A MEASURE OF ENHANCED DUE DILIGENCE TO GUARANTEE OTHER RIGHTS

The Inter-American Court of Human Rights expressly establishes that access to climate information, as well as transparency and accountability on the part of the State, is a requirement of the enhanced due diligence standard²³. Acting diligently means that States must take concrete and effective measures, based on the best available science, that are capable of preventing and addressing foreseeable risks to rights, as well as serious and irreversible damage resulting from the climate crisis²⁴. To fulfill this purpose, they must use the best available science to keep the population informed, promote broad and meaningful public participation, and combat misinformation²⁵.

In this regard, the Inter-American Court of Human Rights notes that access to climate information is an essential condition for guaranteeing substantive rights, such as life, integrity, health, the environment, and a healthy climate²⁶, and other procedural rights within the framework of environmental democracy, such as citizen participation in general and the participation of individuals and communities affected by climate change in particular²⁷. It is therefore essential to (1) prevent environmental damage²⁸; (2) prevent risks or violations of human rights caused by

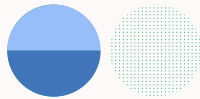
21. First mentioned in para. 464. **22.** Article 5.1 of the Escazú Agreement. See also, UN. United Nations Special Rapporteur on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment, John H. Knox. Annex: Framework Principles on Human Rights and the Environment, A/HRC/37/59, January 24, 2018, Framework Principle 7: “States should provide public access to environmental information by collecting and disseminating data and providing affordable, effective, and timely access to information to any person who requests it.” **23.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 236. **24.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 234-235. **25.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 236 and 468. **26.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 500. **27.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 461-464 and 520. **28.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 503.

the adverse impacts of climate change or by the measures implemented to address them²⁹; (3) protect individuals and communities from disasters and create early warning systems³⁰; (4) define, implement, and update mitigation and adaptation goals, plans, and strategies³¹; (5) guarantee access to justice and determine the attribution of responsibility where appropriate³²; and (6) adopt remedial measures where necessary³³. In this regard, participation not only gives individuals and communities the opportunity to get involved in decision-making and make their voices heard, but also increases information transparency and public confidence in government decisions, as well as accountability³⁴.

In short, information must be a key tool for the population to exercise their rights and effectively monitor the response of the State and companies to the climate emergency³⁵.

For more information on the standards developed in AO32 on access to justice and its relationship to access to information, see [Thematic Guide 3 - Access to justice and effective remedies in the context of climate litigation](#)

29. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 504. **30.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 505. **31.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 314, 335, 384, and 505. **32.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 520. **33.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 500. **34.** Inter-American Court of Human Rights. Case of the Residents of La Oroya v. Peru. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 27, 2023. Series C No. 511, para. 149, and Advisory Opinion AO-32/25, para. 528. **35.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 520.



2. SCOPE AND CONTENT OF THE RIGHT OF ACCESS TO INFORMATION

2.1. PASSIVE AND ACTIVE DIMENSIONS

The right of access to information has two facets. In its passive dimension, Article 13 of the ACHR establishes the right of every person to access information held by the State, except in cases where the restrictions permitted by the ACHR itself apply³⁶. To this end, it is necessary for States to have systems established and regulated by law.

In any case, it is sufficient for the individual or community to request the information, without having to explain the reasons for the request. The recognition of a broad right of access to public information, without the need to justify the reason for the request or demonstrate a direct interest or personal involvement³⁷, can have a positive impact both on the monitoring of climate change and on some local jurisdictions that will need to align their regulations and practices to guarantee this right more openly, following the criteria of the Inter-American Court of Human Rights.

On the other hand, there is the obligation of active transparency, which requires States to proactively provide as much relevant information to the public as possible in an *ex officio* manner, that is, without the need for a prior request³⁸. This information must be timely, complete, clear, accurate, and up-to-date, offered in accessible language and presented in a way that is truly useful and understandable to different sectors of the population³⁹. Under this approach, active transparency based on the best available science plays a fundamental role in responding to the climate emergency and the risks it poses to human rights.

36. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 488. **37** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 491 and 519. **38.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 489 and 503. **39.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 489 and 504. See also, *Case of the Maya Q'eqchi' Agua Caliente Indigenous Community v. Guatemala*. Merits, Reparations, and Costs. Judgment of May 16, 2023. Series C No. 488, para. 238, and *Case of the Quilombola Communities of Alcântara v. Brazil*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 21, 2024. Series C No. 548, para. 176.

In short, the right of access to information is manifested, on the one hand, in the state's obligation to establish mechanisms and procedures that allow individuals and communities to request information on their own initiative and, on the other hand, in the state's active duty to constantly produce, collect, and disseminate climate information⁴⁰.

2.2. CHARACTERISTICS

In practical terms, the Inter-American Court of Human Rights requires that such information be based on the best available science and be complete, clear, accurate, useful, and timely⁴¹. Therefore, everyone has the right to access climate information, which must:

- Be comprehensive, both in terms of general content and the breakdown of specific data by population and sector⁴².
- Be based on the best available science and integrate different types of knowledge, such as indigenous, local, and traditional knowledge⁴³.
- Be published and disseminated periodically⁴⁴ and in a timely manner through appropriate and accessible channels⁴⁵, including through audiovisual and electronic media⁴⁶.
- Be provided in an accessible manner, that is, in an understandable format and language⁴⁷.

40. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 489. **41.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 504. Previously, the Court had held that, "with regard to the characteristics of this obligation, the Bali Guidelines and various international and regional instruments establish that access to environmental information must be affordable, effective, and timely." Inter-American Court of Human Rights. Case of the Residents of La Oroya v. Peru. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 27, 2023. Series C No. 511, para. 145. **42.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 505. **43.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 476-483 and 506. **44.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 491 and 521. **45.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 523. **46.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 522. **47.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 522.

The Inter-American Court of Human Rights also refers to the requirements of the Escazú Agreement⁴⁸, set out in Article 6, which requires the competent authorities to “generate, compile, make available to the public, and disseminate environmental information relevant to their functions in a systematic, proactive, timely, regular, accessible, and understandable manner”⁴⁹. In addition, the information must be updated periodically and made available in understandable and appropriate formats, taking into account the needs of vulnerable groups⁵⁰.

2.3. STATE SYSTEMS FOR ACCESS TO INFORMATION

The Inter-American Court of Human Rights has emphasized the need for States to establish, through their legislation, an appropriate procedure for processing and resolving requests for information and to implement them effectively with trained officials⁵¹. There is also significant case law on the production of information and the design and implementation of information systems in cases of risk to life and physical integrity⁵². Complementarily, it has required that a simple, rapid, and effective judicial remedy be available so that individuals can file complaints when access to information is denied. Such a mechanism should make it possible to verify whether there has been a violation of this right and, if so, order that the information be provided by the relevant authority⁵³.

In AO32, as a derivative of the right of access to information, the Inter-American Court of Human Rights establishes the state’s duty to institute adequate systems and mechanisms to produce, collect, examine, and disseminate information relevant to the

48. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 492. **49.** Article 6.1 of the Escazú Agreement. **50.** Article 6.6 of the Escazú Agreement. **51.** Inter-American Court of Human Rights. Case of Gomes Lund et al. (“Guerrilha do Araguaia”) v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2010. Series C No. 219, para. 231. **52.** Inter-American Court of Human Rights. Case of Gonzáles et al. (“Campo Algodonero”) v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009. Series C No. 205, paras. 508-512; Case of Gomes Lund et al. (“Guerrilha do Araguaia”) v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2010. Series C No. 219, para. 293, and Case of Sales Pimenta v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of June 30, 2022. Series C No. 454, para. 178. **53.** Inter-American Court of Human Rights. Case of Gomes Lund et al. (“Guerrilha do Araguaia”) v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2010. Series C No. 219, para. 231, and Case of Flores Bedregal et al. v. Bolivia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 17, 2022. Series C No. 467, para. 140.

protection of human rights in the context of the climate emergency⁵⁴. To achieve this, States must allocate sufficient resources to ensure that the information is of high quality, reliable, and up to date, and they must also establish guarantees that such information is generated and disseminated independently and without bias⁵⁵.

2.4. NEW INFORMATION TECHNOLOGIES

In order to guarantee the broadest and most inclusive participation of individuals, groups, and communities, as well as to ensure that the information produced is useful for preventive purposes, the Inter-American Court of Human Rights promotes its dissemination through new technologies⁵⁶. In this regard, it mentions early warning systems, public databases, computer tools, audiovisual material, online portals, social networks, and the media. This must be accompanied by awareness-raising and education campaigns for the general population.

Beyond dissemination, the Inter-American Court of Human Rights also delves into the role of technology as an indispensable tool for access to climate justice, especially with regard to evidence. Recognizing the complexity of climate litigation and how traditional evidentiary rules can become an “unjustified obstacle to effective access to justice,” the Inter-American Court establishes an innovative standard⁵⁷. AO32 highlights the obligation of States to guarantee access to suitable evidence and, in particular, to “satellite evidence given its probative pertinence in the context of the climate emergency”⁵⁸. In response to inequalities in access to this type of technology, the Inter-American Court establishes that States must adopt a flexible approach to evidence and “activate cooperation mechanisms in the area of technology transfer to allow the use of such evidence”⁵⁹.

54. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 505. **55.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 506. **56.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 521. **57.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 552. **58.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 555. **59.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 555, and UN. United Nations Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera. Report on access to information on climate change and human rights, A/79/176, July 18, 2024, para. 57.

2.5. ACCESSIBILITY FOR DIFFERENT SECTORS OF THE POPULATION

As previously highlighted, environmental and climate information must be complete, understandable, disclosed in accessible language, up to date, and provided in a manner that is effective for different sectors of the population⁶⁰. The Inter-American Court indicates that special consideration should be given, among others, to the differentiated needs of indigenous peoples, children and adolescents (hereinafter “CAs”), older persons, and persons with disabilities⁶¹.

With regard to children and adolescents⁶², the Inter-American Court specifies that States must guarantee access to clear, reliable information based on the best available scientific evidence on the causes and consequences of the climate emergency on their rights, as well as on the measures being taken to address it. In addition, States must provide safe mechanisms adapted to their age and progressive development so that children and adolescents can express their opinions and participate directly in decisions related to climate change that may affect them. This includes their participation in the development and implementation of legal frameworks, policies, projects, or public initiatives that may directly affect them. It is also essential that States effectively address other factors that may hinder effective access to information, such as child illiteracy, disability, linguistic diversity, geographical distance, or lack of access to the internet and digital technologies. Thus, for example, in some isolated communities, or those that do not have a command of the national language or literacy skills, State obligations may require differentiated measures to ensure that they receive adequate and timely information on short- or long-term climate events.

Similarly, in the case of indigenous peoples, the Inter-American Court of Human Rights has consistently indicated in its jurisprudence that access to information must be provided in the relevant indigenous languages and must take into account measures of cultural adequacy, such as, in some contexts, the need to ensure

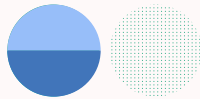
60. Inter-American Court of Human Rights. Case of the Residents of La Oroya v. Peru. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 27, 2023. Series C No. 511, para. 146, and Case of the U'wa Indigenous People and Members Thereof v. Colombia. Merits, Reparations, and Costs. Judgment of July 4, 2024. Series C No. 530, para. 174. **61.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 522. **62.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 600-601.

that information is received orally⁶³. In AO32, the Court reiterates this principle and specifies that “when information is relevant to the exercise and protection of the rights of indigenous and tribal peoples, States must ensure its cultural and linguistic appropriateness, particularly to guarantee their free, prior, and informed consent here required”⁶⁴.

Additionally, the Inter-American Court addresses the centrality of procedural rights for the protection of the rights of individuals and communities at risk or displaced due to climate change and, specifically, the mechanisms and adaptations required to guarantee the rights of access to information and meaningful participation⁶⁵.

Ultimately, a significant part of the jurisprudence of the Inter-American Court of Human Rights refers to the adaptations that are required for access to and maximum disclosure of information on environmental and climate issues in a manner that is accessible to various sectors of the population. Only in this way is it possible to guarantee that the individuals, groups, and communities most affected by climate change, and by the measures and decisions adopted to address it, can access relevant and timely information. These positive measures to enable meaningful, inclusive, and informed participation are based on the principle of equality and non-discrimination⁶⁶.

63. Inter-American Court of Human Rights. Case of the Maya Q’eqchi’ Agua Caliente Indigenous Community v. Guatemala. Merits, Reparations, and Costs. Judgment of May 16, 2023. Series C No. 488, para. 253; Case of the Rama and Kriol Peoples, the Indigenous Black Creole Community of Bluefields, and Others v. Nicaragua. Merits, Reparations, and Costs. Judgment of April 1, 2024. Series C No. 522, para. 239, and Case of the U’wa Indigenous People and its Members v. Colombia. Merits, Reparations, and Costs. Judgment of July 4, 2024. Series C No. 530, para. 175. **64.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 522 and 607. **65.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 425. **66.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 223.



3. MINIMUM CATEGORIES OF CLIMATE INFORMATION THAT STATES MUST PRODUCE, PUBLISH, AND DISSEMINATE

For the Inter-American Court of Human Rights, the obligation of active transparency in environmental and climate matters when life, physical integrity, and health are at stake requires States to generate and provide the public with the maximum amount of information in an *ex officio* manner⁶⁷. It thus lists a series of data and information content that must be made public, which in turn allows for the delineation, specification, and evaluation of the prevention, mitigation, and adaptation measures necessary in the context of the climate emergency.

One of the sources used by the Inter-American Court of Human Rights to provide content for the list of information is the Escazú Agreement, which includes a broad, non-exhaustive list of categories of information⁶⁸. In addition, the Court takes into consideration a thematic report by the United Nations Rapporteur on the promotion and protection of human rights in the context of climate change, on access to information. In her report, the Rapporteur addresses six key areas: (1) the causes and consequences of climate change, including emission levels and high-emission activities of state and non-state actors, as well as the projected evolution of climate change according to different trajectories and transparent greenhouse gas emission models, and detailed patterns of weather, climate, and disasters; (2) the short- and long-term risks and negative effects of climate change on human rights, incorporating the results of climate vulnerability assessments, strategic environmental assessments, and environmental impact

⁶⁷. Inter-American Court of Human Rights. *Case of the Residents of La Oroya v. Peru*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 27, 2023. Series C No. 511, para. 146. ⁶⁸. UN. United Nations Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera. Report on access to information on climate change and human rights, A/79/176, July 18, 2024.

assessments, as well as the experiences of affected communities; (3) the environmental effectiveness and human rights implications of mitigation and adaptation plans and activities, climate finance projects, just transition programs and projects, carbon markets, and research and use of climate change mitigation technologies; (4) public budgets allocated to combating climate change, as well as subsidies granted to fossil fuels and other high-emission activities; (5) disaggregated data on the impact of climate change and response measures on the human rights of particularly vulnerable and marginalized individuals and groups; (6) activities subject to State influence or control that have an impact outside the territory of the State, and international cooperation initiatives that have an impact on human rights in the context of climate change.

In AO32, the Inter-American Court of Human Rights maintains that information systems must collect data relevant to the climate emergency and clarifies the types of key information that States must produce, publish, and disseminate to comply with this obligation from the perspective of international human rights law⁶⁹. Furthermore, it emphasizes that such information systems enable meaningful public participation in the development of public policies and decision-making regarding mitigation goals and strategies, as well as adaptation and risk management plans and strategies⁷⁰. The contents developed in an integrated manner with other relevant documents and sources are detailed below.

3.1. THE CAUSES AND EFFECTS OF CLIMATE CHANGE, TAKING INTO ACCOUNT HUMAN RIGHTS CONSIDERATIONS

The Inter-American Court of Human Rights indicates that States must have systems in place to measure their progress toward sustainable development. This includes data on poverty, broken down by gender, ethnicity, and location. Likewise, in order to guarantee the right to a healthy environment and sustainable development,

69. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 507-515. **70.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 535.

they must analyze how the climate crisis affects agriculture, public health, various ecosystems, and food security, among other factors. It also emphasizes the study of the socioeconomic impact of climate change on sectors such as agriculture, fishing, and tourism. In addition, States must identify barriers and opportunities to meet their climate and sustainable development goals in the context of the climate emergency, taking into account human rights⁷¹.

In CEJIL's submissions to the Inter-American Court of Human Rights, together with other organizations and experts, and its submissions to the United Nations Rapporteur together with freedom of expression expert Edison Lanza, state obligations derived from human rights treaties were integrated with those resulting from international environmental agreements to consolidate minimum categories of environmental information related to the climate emergency that states should produce, publish, and, in some cases, disseminate in order to adequately respond to the risks that the climate emergency poses to various rights⁷². In particular: (1) key information for responding to the climate emergency from a human rights perspective and, specifically, on the state of the environment; (2) information on public policies on the climate emergency and on the establishment and fulfillment of commitments on national emission reduction targets (NDCs) and adaptation policies; (3) vital information for groups in vulnerable situations in the face of the climate emergency, including information on the impact of the crisis on these groups, communities, and countries, as well as access to instrumental rights to ensure their participation and access to justice, among others.

71. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 508. **72.** Amicus curiae brief on “The right of access to information and the obligations of active production of information and transparency in the context of the climate emergency” prepared and submitted to the Inter-American Court of Human Rights by the Center for Justice and International Law (CEJIL), Edison Lanza, Former Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, Non-Resident Senior Fellow, Secretary for International Relations and Institutional Affairs, Canelones Department (Uruguay), Jonathan Bock Ruiz, Executive Director of the Foundation for Press Freedom (FLIP), Carlos R. Asúnsolo Morales, Director of Research and Public Policy at the Mexican Center for Environmental Law (CEMDA), and Alexandra Huneeus, Professor of Law, Director of the Global Legal Studies Center, University of Wisconsin-Madison, based on Article 73.3 of the Rules of Procedure of the Inter-American Court of Human Rights, December 18, 2023, and Contribution by CEJIL and freedom of expression expert Edison Lanza to the thematic report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change: “Access to information on climate change and human rights,” 2024.

3.2. MEASURES IMPLEMENTED TO MITIGATE GREENHOUSE GAS (GHG) EMISSIONS

The Inter-American Court of Human Rights urges States to immediately adopt concrete and effective measures to rapidly reduce greenhouse gas emissions⁷³. To this end, up-to-date scientific information must be generated in order to have reliable measurements of emissions and to establish national emission reduction targets (NDCs) that contribute to the goal of limiting global temperature rise to below 1.5°C in accordance with the IPCC's emission reduction trajectories and the best available science⁷⁴. This information serves a dual purpose. On the one hand, it is used to set a state mitigation target that is as ambitious as possible, is incorporated into a legally binding regulation, includes specific deadlines for compliance, and is progressively increased. On the other hand, it serves to keep the target progressively and periodically updated so that it is as ambitious as possible, taking into account technological advances, the best available science or knowledge, and the principle of non-regression⁷⁵. Mitigation involves striking a balance between reducing certain gases and adapting the sectors linked to them, as well as preserving and expanding carbon sinks.

Specifically, the Court maintains that certain minimum information must be collected regarding⁷⁶: “(1) establish and update detailed inventories of GHG emissions, broken down by sector: energy, transport, agriculture, industry, waste, and land use/land-use change and forestry (LULUCF); (2) model prospective scenarios of future emissions considering different economic, demographic, technological, consumption and population behavior trajectories; (3) assess the technical and economic feasibility of different mitigation strategies, as well as the costs, benefits, and projected effects of current and planned policies on emissions reduction; (4) assess the impacts of mitigation strategies on other areas such as energy, water and food security, public health, biodiversity and sustainable development; (5) map the location, extension, type and conservation status of forests, wetlands, mangroves and other ecosystems that act as natural carbon sinks, and identify agricultural,

73. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 185-189. **74.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 185-189 and 509. **75.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 240, 331-332, 323-344, and 509. **76.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 510.

reforestation, ecosystem restoration, and conservation practices that optimize carbon capture and reduce emissions, and (6) identify the financial, institutional and technological resources needed to implement mitigation measures, as well as training needs.” The assessment of the situation and the impacts of mitigation and adaptation policies must take into account the differentiated needs and burdens faced by disadvantaged individuals, groups, communities, regions, or countries.

Given the current context of the evolving climate emergency and the reality of the region, the following are particularly relevant for determining national commitments on climate action: the determination of methane emissions, black carbon emissions, accelerated mitigation possibilities such as the elimination of leaks or mega emissions, and the protection of sinks, among others⁷⁷.

For its part, the International Court of Justice was of the opinion that all States share a common interest in the protection of global environmental assets, such as the atmosphere and the high seas. Consequently, the obligations of States related to the protection of the climate system and the environment from greenhouse gas emissions resulting from human activities constitute obligations *erga omnes*. To this extent, all States have a legal interest in the protection of the main mitigation obligations established in climate change treaties and may invoke the responsibility of other States for non-compliance with those obligations⁷⁸. Similarly, States must prevent significant damage to the environment by acting with due diligence; use all available means to prevent significant damage to the climate system and other parts of the environment within their jurisdiction or under their control; and cooperate with each other in a constant, sustained, effective, and good-faith manner, in accordance with their common but differentiated responsibilities and respective capabilities⁷⁹.

77. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 50, 321, 337-339, 510. **78.** International Court of Justice. Advisory Opinion on the Obligations of States with Respect to Climate Change. Advisory Opinion of July 23, 2025, paras. 440-441 (free translation). **79.** International Court of Justice. Advisory Opinion on the Obligations of States with Respect to Climate Change. Advisory Opinion of July 23, 2025, para. 457 (B).

This also implies obligations of enhanced transparency and information sharing related to emissions of gases such as methane, black carbon, tropospheric ozone, etc. And with biomes that are critical due to their role as carbon sinks or their links to planetary tipping points, such as the Amazon rainforest, glaciers, etc. In addition, it is essential to monitor transboundary impacts, both those arising from the management of aforementioned biomes and those resulting from the effects of transboundary emissions.

3.3. PLANS AND STRATEGIES FOR ADAPTING TO THE CURRENT AND PROJECTED IMPACTS OF CLIMATE CHANGE ON NATURAL AND HUMAN SYSTEMS

The Inter-American Court of Human Rights states that States have a duty to define and keep their national adaptation plans up to date so that they advance both the reduction of vulnerability and the promote the increase of resilience of individuals, groups, communities, regions, countries, and ecosystems to the effects of climate change⁸⁰.

To this end, States must collect, produce, and analyze information to inform their climate change adaptation plans⁸¹. This includes data on vulnerability, risks, exposure, and current and future impacts of climate change on population groups, communities, ecosystems, infrastructure, and human rights, with special attention to communities and groups at greater risk or affected by the climate emergency, such as coastal residents, people forcibly displaced by climate events, and human rights defenders. They should also periodically assess the effects on health, food and water security, human mobility, and the loss of homes and habitable territories, as well as the impacts on indigenous and tribal peoples, cultural heritage, and natural systems. In addition, they should consider socioeconomic factors, age, gender, ethnicity, displacement, and disability, among others.

⁸⁰. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 384-385. ⁸¹. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 511-513.

This information should also cover that derived from environmental emergencies caused by sudden or medium- to long-term phenomena. This includes early warning systems⁸².

3.4. ENVIRONMENTAL AND CLIMATE IMPACT STUDIES

The Inter-American Court of Human Rights has indicated that social and environmental impact studies are a key tool for preventing damage to the environment⁸³. Therefore, they must be carried out whenever a project or activity could cause significant environmental damage, whether undertaken by the state or private actors. Since the impact on the climate system is a form of environmental damage, these studies must assess the climate impact⁸⁴. These studies must take into account the scientific consensus recognized by the Court in this Advisory Opinion, including the impact of activities or projects on biomes of special importance for the preservation of climate balance, such as the Amazon, glaciers, mangroves, among others⁸⁵.

Consequently, the Court calls for the generation of the information necessary to enable meaningful public participation in the assessment of the social, environmental, and climate impact of projects or activities that may contribute to the disruption of the climate system and, where appropriate, culturally adapted to enable free, prior, and informed consultation with indigenous and tribal peoples⁸⁶.

The disclosure of the information gathered in these studies is of great importance in guaranteeing the right to a healthy environment and other associated rights.

82. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 389, 430, 505, 520, and 521. **83.** Inter-American Court of Human Rights. Advisory Opinion AO-23/17, paras. 156-170, and Case of the Indigenous Communities Members of the Lhaka Honhat (Our Land) Association v. Argentina. Merits, Reparations, and Costs. Judgment of February 6, 2020. Series C No. 400, para. 208.

84. Inter-American Court of Human Rights. Advisory Opinion OC AO-32/25, paras. 358-363. **85.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 105-119. **86.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 358-363, 514, and 535-536. See also, among others, Inter-American Court of Human Rights. Case of the Kichwa Indigenous People of Sarayaku v. Ecuador. Merits and Reparations. Judgment of June 27, 2012. Series C No. 245, paras. 204-206, and Case of the Kaliña and Lokono Peoples v. Suriname. Merits, Reparations, and Costs. Judgment of November 25, 2015. Series C No. 309, paras. 214-215.

3.5. THE BUDGET ALLOCATED TO CLIMATE ACTION

States must report on the number and priorities of climate finance projects, including both public funds and those from international cooperation, international financial institutions, and other development support funds⁸⁷. The information collected should make it possible to verify that the resources allocated to reducing inequality are increasing progressively, as a key aspect of reducing the vulnerability of individuals and groups most severely affected by the effects of climate change, such as people displaced by climate phenomena⁸⁸.

3.6. EXISTING MECHANISMS FOR ACCESSING PROCEDURAL RIGHTS

Part of the obligation to generate clear, accessible, and timely information, also includes information related to access to procedural rights to protect individuals and communities from the climate emergency through meaningful public participation and justice in climate matters⁸⁹. To this extent, information on judicial mechanisms and consultation procedures must be disseminated.

Likewise, the mechanisms must consider the dissemination of information to specific groups and communities, including adults, children and adolescents, indigenous peoples, communities particularly affected by climate change, or measures to address the energy transition⁹⁰.

87. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 515. **88.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 515 and 626. **89.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 507 and 521. **90.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 425.

A fundamental aspect is to generate information on the territories and indigenous peoples of the continent that have played a key role in safeguarding territories. The dissemination of information to indigenous peoples must be provided in an appropriate and timely manner to enable them to participate in consultation processes, decision-making on their territories, access to justice and reparations, among others⁹¹.

With regard to children and adolescents, it is essential that they receive adequate and timely information on climate change in school curricula, based on scientific knowledge and traditional wisdom; that appropriate and adequate awareness campaigns be carried out for different groups of children and adolescents; and that the need to “prevent and address eco-anxiety” be taken into account⁹².

3.7. THE PRODUCTION OF INFORMATION ON ATTACKS AND VIOLATIONS OF THE RIGHTS OF HUMAN RIGHTS DEFENDERS AND THE RESPONSE TO THEM

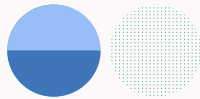
The Inter-American Court introduces the right to defend rights as one that underpins the exercise of human rights and is therefore essential to providing an adequate response to the climate emergency. Without adequate protection for defenders, there is no effective access to the protection of environmental rights. Human rights defenders not only activate information mechanisms, but local activism and journalism are also channels for the adequate and timely dissemination of information in areas where the State often does not reach.

91. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 522 and 607. **92.** UN. United Nations Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera. Report on access to information on climate change and human rights, A/79/176, July 18, 2024, para. 6. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 457 and 597.

For all these reasons, and taking into account the difficult situation faced by environmental defenders in the region, the Court requires that a series of measures be taken to guarantee a conducive environment for the defense of rights, among which measures emphasize the importance of creating information systems that account for the types of violence suffered by defenders, including not only lethal violence but also other violations of their rights such as threats, displacement, impunity, lack of protection, etc.⁹³.

For more information on the standards developed in AO32 regarding human rights, environmental, and climate defenders, see [Thematic Guide 2 - The right to defend human rights and environmental and climate defenders](#)

⁹³. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 561-587.



4. LEGITIMATE RESTRICTIONS ON ACCESS TO ENVIRONMENTAL AND CLIMATE INFORMATION

The Inter-American Court of Human Rights has developed criteria in its doctrine and jurisprudence to guide the scope of possible restrictions on rights in accordance with international human rights law and has enriched it with guidelines from comparative constitutional law⁹⁴. Since its first ruling on the subject, the Inter-American Court of Human Rights has established the position that the only admissible exceptions to the principle of maximum disclosure on environmental impacts are restrictions that comply with the provisions of the American Convention on Human Rights⁹⁵. Therefore, it is incumbent upon the State to provide a reasoned explanation and a substantiated response for any refusal to provide information. The absence of a response from the State renders the decision arbitrary⁹⁶.

In AO32, the Court reaffirms its jurisprudence on the matter. The criteria established by the Court for evaluating restrictions on the right of access to information contain the following parameters⁹⁷:

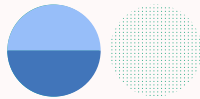
94. Among others, Inter-American Court of Human Rights. *Case of Usón Ramírez v. Venezuela*. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 20, 2009. Series C No. 207, paras. 80 and 83; *Case of Granier et al. (Radio Caracas Televisión) v. Venezuela*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of June 22, 2015. Series C No. 293, para. 144; *Case of Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations, and Costs. Judgment of August 30, 2019. Series C No. 380, paras. 103-109, and *Case of Palacio Urrutia et al. v. Ecuador*. Merits, Reparations, and Costs. Judgment of November 24, 2021. Series C No. 446, paras. 102-109. **95.** Inter-American Court of Human Rights. *Case of Claude Reyes et al. v. Chile*. Merits, Reparations, and Costs. Judgment of September 19, 2006. Series C No. 151, para. 92; *Advisory Opinion AO-23/17*, para. 224, and *Case of the Kalíña and Lokono Peoples v. Suriname*. Merits, Reparations, and Costs. Judgment of November 25, 2015. Series C No. 309, paras. 261-262. **96.** Inter-American Court of Human Rights. *Case of Claude Reyes et al. v. Chile*. Merits, Reparations, and Costs. Judgment of September 19, 2006. Series C No. 151, paras. 98 and 120; *Case of the Residents of La Oroya v. Peru*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 27, 2023. Series C No. 511, para. 147, and *Advisory Opinion AO-32/25*, para. 490. **97.** Inter-American Court of Human Rights. *Case of Gomes Lund et al. ("Guerrilha do Araguaia") v. Brazil*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2010. Series C No. 219, para. 229; *Case of the Residents of La Oroya v. Peru*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 27, 2023. Series C No. 511, para. 147, and *Advisory Opinion AO-32/25*, para. 490.

- They must be previously established by law in a formal and material sense⁹⁸ to ensure that they are not left to the discretion of the public authorities.
- They must respond to an objective permitted by Article 13.2 of the ACHR, which implies that they must be necessary to ensure “respect for the rights or reputation of others” or “the protection of national security, public order, or public health or morals.”
- They must be necessary and proportionate in a democratic society and aimed at satisfying an imperative public interest, which means that, of all possible alternatives, those that restrict or interfere as little as possible with the effective exercise of the right to seek and receive information should be favored.

It is important to compare any other environmental treaty, such as the Escazú Agreement, and the potential legitimate interests and guidelines established therein, with inter-American standards. In this regard, such instruments should be interpreted in accordance with the protective guidelines of the human rights system and the pro persona principle, which directs a preference for the most generous interpretation possible for individuals and, therefore, the most restrictive possible when it comes to limitations on human rights⁹⁹.

In short, the Inter-American Court of Human Rights reaffirms the principle that there is a presumption of public access to all climate information held by the State¹⁰⁰. Given the seriousness and urgency of the climate emergency, the strictest possible interpretation of treaty exceptions is required. Restrictions can only be justified if they are provided for by law, pursue a legitimate objective, and are proportionate and necessary in a democratic society, in accordance with the provisions of the American Convention on Human Rights.

98. Inter-American Court of Human Rights. The term “laws” in Article 30 of the American Convention on Human Rights. Advisory Opinion AO-6/86 of May 9, 1986. Series A No. 6. **99.** UN. United Nations Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera. Report on access to information on climate change and human rights, A/79/176, July 18, 2024, paras. 47, 48, and 51. **100.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 490.



5. STATE OBLIGATIONS RELATED TO THE PRODUCTION, PUBLICATION, AND DISSEMINATION OF INFORMATION BY THE PRIVATE SECTOR

The Inter-American Court of Human Rights stipulates state obligations regarding access to information in relation to companies that contribute to climate change and other sectors whose activities may have an impact on the climate and ecosystems. To this end, it requires that information be made public that allows for the analysis and comparison of “the adequacy of measures adopted to prevent human rights violations in the context of the climate emergency, the climate footprint of their products and services, the characteristics and effects of high-emission projects and available technologies, as well as details of their sustainability initiatives, compliance with environmental regulations, and investments in renewable energy and environmentally sound technologies”¹⁰¹.

To this end, it is incumbent upon States to legislate and implement mechanisms to ensure that both companies and individuals engaged in activities related to climate change produce and disclose all relevant information. This information must be clear, complete, timely, and free of charge. To this extent, it must include information on the owners of the companies, their environmental and climate impact, their internal plans and policies on mitigation and just transition, and contracts, concessions, agreements, or other documents involving public resources¹⁰². This also applies to the media and online platforms, for which it is crucial that they “disclose any conflicts of interest with public or private actors that may influence content-related decisions on environmental and climate issues”¹⁰³.

Given that the production and dissemination of environmental and climate information is essential for the proper management and development of

101. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 506. **102.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 516. **103.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 517.

public policies aimed at ensuring human rights and the protection of the most vulnerable groups, the general obligations of the ACHR are embodied in enhanced due diligence measures that require the collection, cross-referencing, and systematization of data held by companies and other private actors, which are obliged to produce and make available accurate and accessible information to counteract the climate emergency from a multisectoral perspective.

The Inter-American Court of Human Rights points out that companies have an obligation to respect human rights and prevent their violation, given that they are one of the actors contributing to the generation of GHG emissions¹⁰⁴. In this context, it emphasizes the duty of States to supervise their actions and adopt measures to prevent and respond to possible violations in the context of the climate emergency, using the Guiding Principles on Business and Human Rights as an interpretive framework¹⁰⁵.

104. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 347-363 and 516-17. **105.** UN. Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, [Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework](#), A/HRC/17/31, March 21, 2011, and Working Group on the issue of human rights and transnational corporations and other business enterprises, [Information note on climate change and the Guiding Principles on Business and Human Rights](#), June 2023.



6. MEASURES AGAINST MISINFORMATION

The AO32 calls on States to prevent and address climate misinformation in conjunction with private actors¹⁰⁶, in order to preserve scientific consensus and avoid confusion or distortion, without compromising pluralism and freedom of expression in public debate¹⁰⁷.

As part of the obligations to respect, the Inter-American Court of Human Rights establishes a series of negative mandates that include refraining from: (1) obstructing or impeding access to accurate, truthful, and complete information necessary to address the risks to human rights arising from the causes and consequences of the climate emergency¹⁰⁸, such as denying access to official scientific studies on sea level rise, its impacts, and projections of flooding in coastal communities¹⁰⁹; (2) disseminating information that is not supported by the best available science or by relevant local, traditional, or indigenous knowledge¹¹⁰, such as conducting climate information campaigns that distort IPCC data and reports; and (3) implementing measures that unduly limit the right to freedom of expression for the purpose of combating misinformation through prior censorship or arbitrary or disproportionate restrictions¹¹¹.

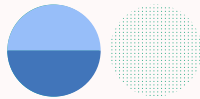
The Inter-American Court of Human Rights also elaborates on the safeguards required to ensure the integrity and accuracy of public information on the impact of climate change, provided that they do not constitute a form of censorship contrary to freedom of expression¹¹². In this regard, it reminds us that freedom of expression requires “preserving a pluralistic, open, and robust public debate, particularly in contexts of high democratic relevance such as climate action”¹¹³.

106. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 524–527. **107.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 524 and 526. **108.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 221. **109.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 76 and 498. **110.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 525. **111.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 527. **112.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 526. **113.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 527.

Finally, the Inter-American Court calls on civil society, the media, and other entities in the field of information to work actively to produce and transmit reliable content on climate change, supported by the best available science and also by the knowledge of indigenous peoples and other traditional and local knowledge¹¹⁴. The role of defenders, scientists, journalists, and others who defend the rights to a healthy environment and climate is essential to guarantee public access to information on the climate crisis, enable the dissemination of environmental information relevant to the climate emergency, and combat misinformation based on scientific evidence and indigenous and traditional knowledge. States must therefore guarantee a safe environment, free from threats and violence, both online and in physical spaces, for those who defend and report on the climate system and the environment, as well as generate and disseminate relevant information on the subject¹¹⁵.

In summary, the Court is of the opinion 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”¹¹⁶.

114. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 528. **115.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 575-587. See also, UN. United Nations Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera. Report on access to information on climate change and human rights, A/79/176, July 18, 2024, para. 50. **116** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 529.



7. CONCLUSION

In the inter-American context, access to environmental and climate information is established as an autonomous human right and a key procedural right for the protection of all rights, particularly for those affected by the climate emergency. In summary, the Court concludes that, “by virtue of the right of access to information, States have obligations regarding (i) the production of climate information [...]; (ii) the disclosure of information relevant to the protection of human rights in the face of climate change [...], and (iii) the adoption of measures against misinformation [...]”¹¹⁷.

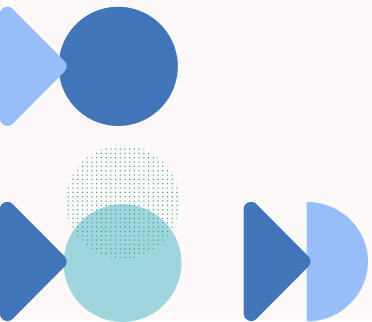
Producing and disseminating comprehensive, clear, up-to-date information based on the best available science strengthens transparency, democracy, and meaningful public participation in decision-making to respond effectively to the climate crisis. Both the Paris Agreement and the Escazú Agreement reaffirm the need for States to proactively generate and disseminate information, enabling individuals and communities to understand the risks they face, participate in the development of solutions, and demand justice and redress for the impacts of climate change.

In its AO32, the Court reaffirms that States must act with enhanced due diligence to produce and disseminate environmental and climate information, incorporating both the scientific knowledge of the IPCC and the traditional knowledge of indigenous peoples and local communities. This integrated approach makes it possible to address the climate emergency from a human rights perspective,

¹¹⁷. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, operative paragraph 15.

strengthen accountability, and combat climate misinformation, thus ensuring meaningful public participation and effective climate justice.

In conclusion, it is essential that States develop and strengthen national systems for access to climate information that comply with the minimum standards established by the Inter-American Court of Human Rights and the international instruments on environmental and human rights matters.



HUMAN RIGHTS OBLIGATIONS IN PRACTICE:

TOWARDS THE EFFECTIVE IMPLEMENTATION OF ADVISORY OPINION AO-32/2025

- Ensure that everyone can obtain clear, accurate, and timely information on environmental and climate issues without having to justify an interest.
- Promote and monitor active transparency for climate action.
- Develop and strengthen national systems for access to climate information so that they include the minimum categories required by the Inter-American Court of Human Rights, the Escazú Agreement, and, where relevant, other environmental and human rights treaties.
- Ensure that national laws, regulations, and jurisprudence are in line with international commitments on access to climate information and human rights.
- Require companies and sectors linked to climate change to share transparent information about their activities and impacts.
- Promote a restrictive interpretation of exceptions to access to information.
- Disseminate data in accessible and inclusive formats, especially for people in vulnerable situations, such as persons with disabilities, indigenous peoples, children and adolescents, and older persons, among others.
- Leverage new technologies to facilitate quick and easy access to climate and environmental information.
- Counter misinformation without compromising media pluralism.
- Protect the role of defenders, journalists, and civil society organizations in generating, monitoring, and disseminating relevant information on the climate crisis and in protecting and defending territories and natural resources, as well as in defending rights.



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UN. [United Nations Framework Convention on Climate Change](#), 1992, Articles 4.1(a), 7.2(d) and 12.

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[Inter-American Court of Human Rights. Climate Emergency and Human Rights](#) (Interpretation and scope of Articles 1.1, 2, 4.1, 5.1, 8, 11.2, 13, 17.1, 19, 21, 22, 23, 25, and 26 of the American Convention on Human Rights; 1, 2, 3, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, “Protocol of San Salvador”; and I, II, IV, V, VI, VII, VIII, XI, XII, XIII, XIV, XVI, XVIII, XX, XXIII, and XXVII of the American Declaration of the Rights and Duties of Man). Advisory Opinion AO-32/25 of May 29, 2025. Series A No. 32.

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[Contribution by CEJIL and freedom of expression expert Edison Lanza](#) to the thematic report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change: “Access to information on climate change and human rights,” 2024.

BACKGROUND ON AO32 AND INSTITUTIONAL INFORMATION ON CEJIL

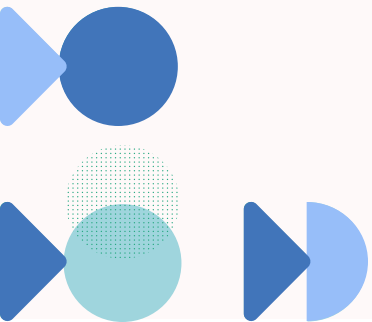
The issuance of advisory opinions is part of the functions assigned to the Inter-American Court of Human Rights for the protection of human rights in the Americas. Advisory opinions do not resolve specific disputes, but they contain authoritative interpretations that develop and establish the scope and content of the rights and obligations of States under the American Convention on Human Rights (ACHR) and other relevant treaties on current issues, such as the severity of the climate emergency. The Court's findings in these opinions carry significant legal weight: they help guide the development of international law, influence the creation of laws, public policies, and state decisions, and strengthen the legal tools available to civil society organizations, environmental defenders, and communities affected by climate change. Given the broad scope of this advisory function, **the AO's opinions are binding on all OAS member states, not just those countries that have ratified the ACHR.**

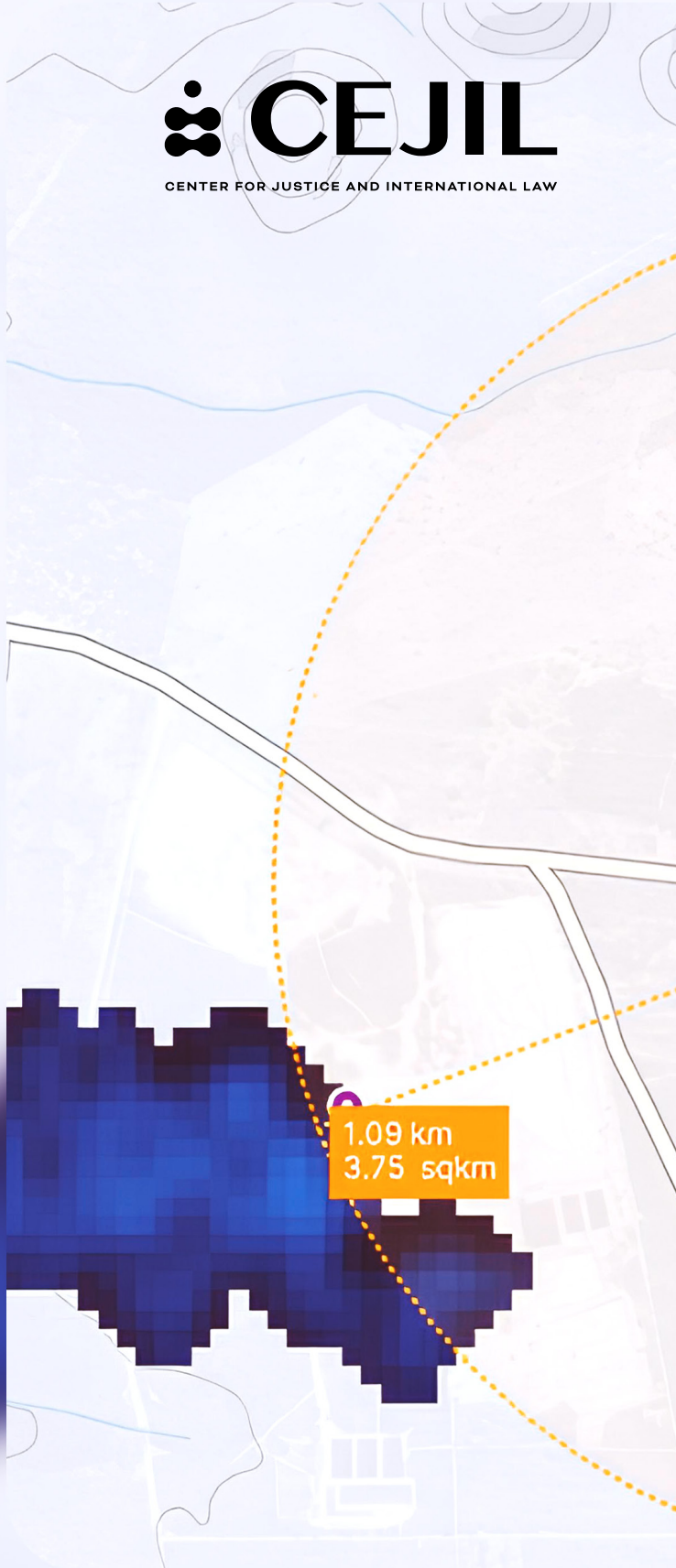
The strength of AO32 lies not only in its content, but also in the robust consultation and participation process that preceded it. According to the Court itself, AO32 was the result of the most participatory process in its history. More than 650 individuals and organizations submitted 263 written contributions, and hundreds more participated in the three public hearings held. Among them were States, social and academic organizations, human rights defenders, indigenous communities, scientists, children, and adolescents. The diversity and breadth of voices reflect the urgency and global scope of the climate emergency, as well as the interest of different sectors in international justice playing an active role in addressing it.

The Center for Justice and International Law (CEJIL) has a mission to contribute to the enjoyment of human rights through the effective use of the Inter-American

Human Rights System (IAHRS) and other international protection mechanisms. It played a key role in promoting and developing AO32, discussing its relevance and content with organizations and experts, providing technical input to the requesting States, coordinating participatory processes with more than 1,500 people, and submitting five briefs with substantive contributions to the Court.

The inter-American debate on the matter and the inputs presented can be accessed on the [specialized website](#) of the Inter-American Court of Human Rights. CEJIL also has a [website](#) with technical information and complementary information on the process, where relevant documentation can be accessed..





Source: Maps obtained from the Carbon Mapper platform.