



CENTER FOR JUSTICE AND INTERNATIONAL LAW

THE RIGHT TO DEFEND HUMAN RIGHTS AND ENVIRONMENTAL AND CLIMATE DEFENDERS

THEMATIC GUIDE FOR ANALYSING
ADVISORY OPINION 32



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THE RIGHT TO DEFEND HUMAN RIGHTS AND ENVIRONMENTAL DEFENDERS

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Prepared by: CEJIL

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THE RIGHT TO DEFEND HUMAN RIGHTS AND ENVIRONMENTAL DEFENDERS

Series: International law in the face of 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 contained a specific section with questions regarding environmental and land defenders. In particular, it sought clarification from the Court on what concrete protection and prevention measures States should take to support the work of those who defend the environment and land, also taking into account intersectional factors and differentiated impacts. What type of information should the State generate and make public in order to adequately investigate crimes against defenders? What due diligence measures should States adopt to ensure that attacks against defenders do not go unpunished, especially in the context of the climate emergency? This informative guide analyzes the legal developments of AO32 on these issues, 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 experts and organizations in the context of the AO32 development process and other regional and universal processes¹, including the Protocol for the Effective Response to Threats against Human Rights Defenders (The Esperanza Protocol)².

The defense of human rights is fundamental to demanding compliance with the environmental and climate commitments that States have made at the national and international levels. Protecting those who defend rights and preventing them from facing harassment and violence for doing so is an indispensable condition for guaranteeing rights and, therefore, for ensuring compliance with States' obligations in the context of the climate emergency. While the promotion, protection, and monitoring of the rights to a healthy environment and climate are essential because they strengthen democracy and benefit all of humanity, including future generations, the strategic work of those who defend this cause is not sufficiently recognized at the national level. In our region, there is a persistent pattern of serious discrimination and violence, compounded by patterns of impunity and criminalization that put human rights and environmental defenders

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. The Esperanza Protocol provides guidelines based on international human rights law to promote an adequate response to threats and, in particular, to support the investigation, prosecution, and punishment of threats against human rights defenders. For more information, please visit the following website: <https://esperanzaprotocol.net/en/>

at risk in the context of the climate emergency³. Latin America is the most lethal region for defenders worldwide⁴. Given this situation, the international regulatory framework imposes a special duty of protection on States to guarantee the right to defend human rights freely and in conditions of safety and without discrimination. In addition, various instruments of the inter-American and universal systems have emphasized the essential role that defenders play in the observance of human rights⁵.

The Inter-American Court has established the defense of human rights as an autonomous right derived from various rights protected in the American Convention on Human Rights (ACHR)⁶. In addition, the special duty to protect human rights defenders has been developed in its consistent jurisprudence⁷. In practice, it is not only a matter of removing obstacles, but also of adopting concrete, sustained, and effective measures to ensure that those who raise their voices in defense of human rights and the environment can do so without fear, in safety, and on equal terms. This implies that protection must be inclusive and take into account

3. Inter-American Court of Human Rights. Case of Kawas Fernández v. Honduras. Merits, Reparations, and Costs. Judgment of April 3, 2009. Series C No. 196, paras. 148-149; Case of Luna López v. Honduras. Merits, Reparations, and Costs. Judgment of October 10, 2013. Series C No. 269, para. 123; Case of Escaleras Mejía et al. v. Honduras. Judgment of September 26, 2018. Series C No. 361, para. 28, and Case of Baraona Bray v. Chile. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2022. Series C No. 481, para. 79. **4.** Global Witness. Silenced Voices: Violence Against Land and Environmental Defenders, September 2024; IACHR. Third Report: Situation of Human Rights Defenders in the Americas, EA/Ser.L/V/II. Doc. 119/25, April 15, 2025, paras. 77-139; Frontline Defenders. Global Analysis 2024/25, May 6, 2025, pp. 51-67; and UN. United Nations Special Rapporteur on the situation of human rights defenders, Mary Lawlor. Turning points: human rights defenders, climate change, and just transition, A/80/114, July 4, 2025. **5.** Inter-American Court of Human Rights. Case of Baraona Bray v. Chile. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2022. Series C No. 481, paras. 75-76. **6.** Inter-American Court of Human Rights. Case of Members of the José Alvear Restrepo Lawyers' Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 977, 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. 561. **7.** Inter-American Court of Human Rights. Case of Valle Jaramillo et al. v. Colombia. Merits, Reparations, and Costs. Judgment of November 27, 2008. Series C No. 192, paras. 82-91; Case of Kawas Fernández v. Honduras. Merits, Reparations, and Costs. Judgment of April 3, 2009. Series C No. 196, para. 146; Case of Escaleras Mejía et al. v. Honduras. Judgment of September 26, 2018. Series C No. 361, para. 56, and Case of Members of the "José Alvear Restrepo" Lawyers' Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 979.

the plurality of vulnerability factors faced by defenders, which intersect and generate specific risks. In this regard, it is essential to have national protection programs and effective policies aimed at this group that take into account the reality of defenders in the country, incorporate an intersectional perspective, assess particular circumstances of risk, and focus on prevention.

Likewise, impunity and criminalization must be countered with adequate and effective responses, as indicated by the Inter-American Court of Human Rights. Along these lines, it has established that all investigations into acts committed against human rights defenders must be exhaustive, impartial, timely, initiated ex officio, and carried out effectively and expeditiously. In addition, the authorities in charge of the investigation must seriously explore all possible hypotheses about the facts, taking into account the work they do, and follow the relevant lines of investigation that will clarify what happened and identify all those responsible, whether they are state officials, illegal groups, companies, or individuals. This means considering, among the investigative hypotheses, that the crime or offense may have been motivated by the victim's work in defense of rights or their status as a human rights defender. CEJIL has contributed specific proposals to respond to the prevalence of threats against defenders and establish due diligence standards that should guide policies for the prevention and effective investigation of such threats, in order to ensure that they do not go unpunished⁸.

8. In this regard, see The Esperanza Protocol at <https://esperanzaprotocol.net/es/>.

Inter-American standards also make clear the importance of strengthening institutional capacities to reverse persistent patterns of impunity in cases of violence and harassment against defenders, since the failure to clarify the facts and identify the perpetrators has repercussions not only at the individual level but also on society as a whole. As the Inter-American Court of Human Rights has stated on numerous occasions, impunity fuels violence⁹. In particular, in the AO32, it encourages the development of specific investigation protocols and the establishment of specialized prosecutors' offices or units to address crimes committed against those who defend the environment and human rights¹⁰.

Below are the main standards and new developments issued by the Inter-American Court of Human Rights in AO32 related to the state's duties to respect, protect, and guarantee the exercise of the right to defend human rights and, especially, safeguards for the work of environmental and climate defenders.

9. Inter-American Court of Human Rights. Case of Nogueira de Carvalho et al. v. Brazil. Preliminary Objections and Merits. Judgment of November 28, 2006. Series C No. 161, para. 76; Case of Valle Jaramillo et al. v. Colombia. Merits, Reparations, and Costs. Judgment of November 27, 2008. Series C No. 192, para. 96; Case of Escaleras Mejía et al. v. Honduras. Judgment of September 26, 2018. Series C No. 361, paras. 69-70; Case of Sales Pimenta v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of June 30, 2022. Series C No. 454, paras. 89 and 116; Case of Members of the "José Alvear Restrepo" Lawyers' Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 478, and Advisory Opinion AO-32/25, para. 580. **10.** Inter-American Court of Human Rights. Case of Acosta et al. v. Nicaragua. Preliminary Objections, Merits, Reparations, and Costs. Judgment of March 25, 2017. Series C No. 334, paras. 223-224; Case of Escaleras Mejía et al. v. Honduras. Judgment of September 26, 2018. Series C No. 361, para. 102; Case of Digna Ochoa and Relatives v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 25, 2021. Series C No. 447, paras. 178-179; Case of Sales Pimenta v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of June 30, 2022. Series C No. 454, para. 170; Case of Members of the "José Alvear Restrepo" Lawyers' Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 979, and Advisory Opinion AO-32/25, para. 586.

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1. THE RIGHT TO DEFEND HUMAN RIGHTS

The applicable normative framework used by the Inter-American Court of Human Rights to give substance and scope to the right to defend human rights is based on the definition established in Article 1 of the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the Declaration on Human Rights Defenders¹¹. This instrument recognizes the right as follows: “[e]veryone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”¹².

In the inter-American system, the right to defend human rights is not expressly regulated as such. Therefore, its recognition has been addressed through the joint application of several rights, depending on the circumstances of each specific case. Depending on the specific facts at issue, rights such as life, physical integrity, personal liberty, honor and dignity, freedom of expression, freedom of association, movement and residence, judicial guarantees, and judicial protection are examined¹³.

In its most recent jurisprudence, the Inter-American Court of Human Rights has recognized, under an evolving concept, that the right to defend human rights constitutes an autonomous right provided for in the American Convention on Human Rights¹⁴. In the words of the Inter-American Court, this right protects “the effective possibility of freely exercising, without limitations and without risks of any kind, various activities and tasks aimed at promoting, monitoring, disseminating,

11. Inter-American Court of Human Rights. Case of Members of the “José Alvear Restrepo” Lawyers’ Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 473. **12.** UN. Declaration on Human Rights Defenders, Article 1.

13. Inter-American Court of Human Rights. Case of Escaleras Mejía et al. v. Honduras. Judgment of September 26, 2018. Series C No. 361, para. 60. **14.** Inter-American Court of Human Rights. Case of Members of the José Alvear Restrepo Lawyers’ Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 977.

teaching, defending, claiming, or protecting universally recognized human rights and fundamental freedoms”¹⁵. It encompasses both the defense of civil and political rights, as well as economic, social, cultural, and environmental rights¹⁶.

The Regional Agreement on Access to Information, Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), adopted in 2018, is the first international treaty to recognize the right to defend rights in environmental matters and expressly requires the protection of individuals, groups, and organizations that defend the environment¹⁷. For its part, the Inter-American Court of Human Rights has also considered it a relevant source for giving substance to the state’s obligations to protect human rights defenders and, especially, environmental defenders¹⁸. The Inter-American Court of Human Rights has referred to this treaty in its interpretations when deciding contentious cases such as *Baraona Bray v. Chile* and *Members of the José Alvear Restrepo Lawyers’ Collective v. Colombia*, as well as in AO32.

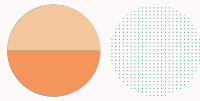
In AO32, the Court reaffirmed that the right to defend human rights is autonomous and will be compromised if defenders suffer illegitimate limitations or obstacles that prevent them from exercising their activities freely and safely¹⁹. Consequently, States have a special duty of protection. This means that they must take all necessary measures to protect defenders from violence and ensure that they can carry out their work free from attacks, threats, or intimidation, and in safe conditions. In addition, criminal acts committed against them must be investigated and punished under criteria of enhanced due diligence²⁰. The Inter-American Court of Human Rights emphasizes that it is also necessary to adopt measures against the criminalization of the work they do, especially in the field of environmental protection²¹.

15. Inter-American Court of Human Rights. Case of Members of the “José Alvear Restrepo” Lawyers’ Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 978. **16.** Inter-American Court of Human Rights. Case of *Kawas Fernández v. Honduras*. Merits, Reparations, and Costs. Judgment of April 3, 2009. Series C No. 196, paras. 147-148, and Case of *Baraona Bray v. Chile*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2022. Series C No. 481, para. 70. **17.** Specifically provided for in Article 9 of the Regional Agreement on Access to Information, Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), adopted on March 4, 2018, by 24 countries in Latin America and the Caribbean, was ratified by 18 States and entered into force on April 22, 2021. **18.** Inter-American Court of Human Rights. Case of *Baraona Bray v. Chile*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2022. Series C No. 481, paras. 73 and 77, and Case *Members of the “José Alvear Restrepo” Lawyers’ Collective v. Colombia*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 474. **19.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 561. **20.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 582. **21.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 569.

The work carried out by human rights defenders is central to the effective observance of human rights and to strengthening the democratic rule of law²². In this regard, they complement the functions performed by States and the inter-American system as a whole²³. Their role takes on even greater relevance in the face of the current climate emergency, given the urgency, seriousness, and complexity of the actions needed to address it. The meaningful participation of society and the defense of rights are crucial in this process²⁴.

Indeed, human rights defenders play a key role in the implementation of numerous international treaties and commitments related to sustainable development and the response to the climate emergency, among others, including the Sustainable Development Goals (SDGs), the implementation of the United Nations Framework Convention on Climate Change (UNFCCC), the Paris Agreement²⁵, and the Escazú Agreement, etc. Therefore, their protection is essential so that they can share information, contribute different perspectives, and participate in decision-making. This strengthens transparency, accountability, and citizen participation in the response to the climate crisis²⁶.

22. Inter-American Court of Human Rights. Case of Valle Jaramillo et al. v. Colombia. Merits, Reparations, and Costs. Judgment of November 27, 2008. Series C No. 192, para. 87; Case of Baraona Bray v. Chile. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2022. Series C No. 481, para. 78, and Case of Members of the “José Alvear Restrepo” Lawyers’ Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 973. **23.** Inter-American Court of Human Rights. Case of Valle Jaramillo et al. v. Colombia. Merits, Reparations, and Costs. Judgment of November 27, 2008. Series C No. 192, para. 88, and Case of Escaleras Mejía et al. v. Honduras. Judgment of September 26, 2018. Series C No. 361, para. 56. **24.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 535, 563, and 566. **25.** Inter-American Court of Human Rights. Case of Baraona Bray v. Chile. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2022. Series C No. 481, paras. 76-77. **26.** United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe, Special Rapporteur for Freedom of Expression of the Organization of American States, and Special Rapporteur for Freedom of Expression and Access to Information of the African Commission on Human and Peoples’ Rights in Africa. Joint Statement on Climate Crisis and Freedom of Expression, May 3, 2024.



2. STATUS AS A HUMAN RIGHTS DEFENDER

The Inter-American Court of Human Rights is of the opinion that the status of human rights defender should be understood in a broad and flexible manner, given the very nature of this work²⁷. This means that, in order to be considered as such, it is sufficient for a person, individually or collectively, to carry out actions aimed at the promotion, education, protection, or defense of human rights²⁸, regardless of whether they do so as a private individual, through an organization, or through a public function²⁹. The exercise of this work may not be sustained over time, which is why the Inter-American Court does not require a condition of permanence³⁰. Consequently, the status of human rights defender is determined by the nature of the activities carried out, and not by their frequency, scope, or organizational form. In other words, a defender may carry out their work on an occasional or permanent basis, in public or private spheres, individually or collectively, and at the local, national, or international level. In addition, they may focus on the defense of civil, political, economic, social, cultural, or environmental rights, either in a specific

27. Inter-American Court of Human Rights. Case of Baraona Bray v. Chile. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2022. Series C No. 481, para. 71, and Case of the Residents of La Oroya v. Peru. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 27, 2023. Series C No. 511, paras. 304-305. **28.** Inter-American Court of Human Rights. Case of Valle Jaramillo et al. v. Colombia. Merits, Reparations, and Costs. Judgment of November 27, 2008. Series C No. 192, para. 88, and Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 28, 2014. Series C No. 283, para. 129. **29.** Inter-American Court of Human Rights. Case of Members of the “José Alvear Restrepo” Lawyers’ Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 468. **30.** Inter-American Court of Human Rights. Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 28, 2014. Series C No. 283, para. 129; Case of Baraona Bray v. Chile. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2022. Series C No. 481, para. 70; Case of Members of the “José Alvear Restrepo” Lawyers’ Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 468, and 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. 304.

or comprehensive manner³¹. These developments are in line with those made by various United Nations protection bodies and, in particular, the United Nations Special Rapporteur on the situation of human rights defenders³².

AO32 reiterates this concept to define who should be considered defenders³⁴, which includes environmental and climate defenders³³. Likewise, the Inter-American Court of Human Rights refers to the Escazú Agreement to specify that environmental human rights defenders are those individuals, groups, and organizations that promote and safeguard human rights in environmental matters³⁵. This is complemented by the United Nations Special Rapporteur on the situation of human rights defenders, who promotes a definition based on the actions taken by individuals and groups to defend environmental rights related to water, air, ecosystems, and land rights, beyond the formal designation of their work³⁶.

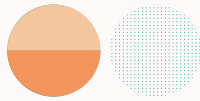
Although these definitions focus on the promotion and protection of the right to a healthy environment, given that AO32 recognizes the right to a healthy climate as a central component of the environment, its defense must also be integrated into the activities carried out by environmental defenders³⁷. Therefore, in the face of the climate emergency, it is essential to support the work of civil society and environmental law associations, among others, not only for effective climate action but also for the strengthening of the democratic system and the rule of law³⁸. This includes individuals, groups, and organizations working

31. Inter-American Court of Human Rights. Case of Members of the José Alvear Restrepo Lawyers' Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 978. **32.** See information at the following link: <https://www.ohchr.org/es/special-procedures/sr-human-rights-defenders/about-human-rights-defenders> **33.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 562. **34.** Inter-American Court of Human Rights. Case of Kawas Fernández v. Honduras. Merits, Reparations, and Costs. Judgment of April 3, 2009. Series C No. 196, paras. 148-149; Case of Luna López v. Honduras. Merits, Reparations, and Costs. Judgment of October 10, 2013. Series C No. 269, para. 123; Case of Escaleras Mejía et al. v. Honduras. Judgment of September 26, 2018. Series C No. 361, paras. 67-70; Case of Baraona Bray v. Chile. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2022. Series C No. 481, para. 79, and Case of the Residents of La Oroya v. Peru. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 27, 2023. Series C No. 511, paras. 304-305. **35.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 564. **36.** UN. Special Rapporteur on the situation of human rights defenders, Michel Forst. Report on the situation of environmental human rights defenders, A/71/281, August 3, 2016, paras. 7 and 8. **37.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 299 and 311. **38.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 461-469.

for climate action³⁹; among them, environmentalists, people involved in land defense, indigenous peoples, scientists, women's and human rights organizations, journalists, etc.

Within the framework of international human rights law, it is essential to establish the status of human rights defender in order to activate the State's special duty of protection; and in case of doubt, to favor the determination of such status. It is worth remembering that environmental and climate defenders carry out their work in a wide variety of fields, including science, law, journalism, the generation and dissemination of environmental and climate emergency information, and the defense of territory in rural areas.

39. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 569.



3. SPECIAL DUTY OF PROTECTION

A central aspect developed in the jurisprudence of the Inter-American Court of Human Rights regarding the State obligations set forth in Article 1.1 of the American Convention on Human Rights relates to the special duty of protection with respect to defenders⁴⁰. This reinforced obligation stems from the recognition of a situation of special vulnerability due to historical contexts and persistent circumstances of harassment and violence against defenders that expose them to specific risks, as well as the key role they play in protecting fundamental rights and freedoms and promoting the democratic system⁴¹.

The Inter-American Court of Human Rights has recognized that defending human rights is a high-risk activity, especially in our region, due to the existence of contexts of violence and criminalization⁴². In addition, defenders of the environment, climate, and nature face specific and heightened risks of having their

40. Inter-American Court of Human Rights. Case of Valle Jaramillo et al. v. Colombia. Merits, Reparations, and Costs. Judgment of November 27, 2008. Series C No. 192, paras. 82-91; Case of Kawas Fernández v. Honduras. Merits, Reparations, and Costs. Judgment of April 3, 2009. Series C No. 196, para. 146; Case of Escaleras Mejía et al. v. Honduras. Judgment of September 26, 2018. Series C No. 361, para. 56, and Case of Members of the “José Alvear Restrepo” Lawyers’ Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 979. **41.** Inter-American Court of Human Rights. Case of Valle Jaramillo et al. v. Colombia. Merits, Reparations, and Costs. Judgment of November 27, 2008. Series C No. 192, para. 90; Case of Luna López v. Honduras. Merits, Reparations, and Costs. Judgment of October 10, 2013. Series C No. 269, paras. 20-21; Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 28, 2014. Series C No. 283, para. 142; Case of Escaleras Mejía et al. v. Honduras. Judgment of September 26, 2018. Series C No. 361, paras. 28-33; Case of Digna Ochoa and Relatives v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 25, 2021. Series C No. 447, paras. 44-47; Case of Sales Pimenta v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of June 30, 2022. Series C No. 454, paras. 47-50; Case of Members of the “José Alvear Restrepo” Lawyers’ Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, paras. 483 and 979, and 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. 306. See also, CEJIL. The Esperanza Protocol, p. 16. **42.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 570. See also, UN. United Nations Special Rapporteur on the promotion and protection of human rights in the context of climate change, Ian Fry. Report on the promotion and protection of human rights in the context of climate change, A/77/226, July 26, 2022, para. 86.

rights violated⁴³, due to the activities they carry out in the context of the climate emergency⁴⁴. This risk manifests itself in various ways, such as censorship of debates on environmental and climate issues, threats and violence both online and in physical spaces, arbitrary detention, disappearances, the use of lethal violence, sexual violence, forced displacement, repression of protests and public gatherings, the use of legal or regulatory frameworks to limit or impede the work of civil society organizations in defending rights, and the criminalization and use of legal proceedings as a tool to silence or discourage citizen participation, both by authorities and private actors (known as “SLAPP” for short)⁴⁵.

For the Inter-American Court of Human Rights, this special duty to protect extends to various areas of state responsibility, such as: (1) ensuring safe environments for the exercise of the right to defend derechos⁴⁶, among others, by refraining from imposing illegitimate limits or restrictions on their work; (2) producing and compiling data and statistics on the types of violence they suffer and disaggregating the data taking into account various relevant factors such as, among others, gender, age, and ethnicity, as well as information on the State’s response in terms of protection and access to justice in the face of violence; (3) designing policies and strategies that address the structural causes of violence, mitigating existing risks, and adopting and promoting prevention measures, both against acts by state agents and private individuals; (4) developing, implementing, and strengthening protection programs with appropriate and effective measures in situations of risk; (5) ensuring the active participation of defenders in the design of policies related to their participation and protection, as well as in the implementation of protection measures, taking into account specific factors such as the situation of women defenders, rural defenders, and young defenders, among others; (6) investigating, prosecuting, and punishing crimes committed against defenders with increased diligence, taking into account the differentiated obligations regarding violence against women defenders;

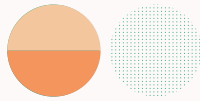
43. Inter-American Court of Human Rights. Case of *Kawas Fernández v. Honduras*. Merits, Reparations, and Costs. Judgment of April 3, 2009. Series C No. 196, para. 149, and Advisory Opinion AO-32/25, paras. 568-574. **44.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 568. **45.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 568. **46.** 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 4: “States should establish a safe and enabling environment in which individuals, groups of individuals, and organs of society engaged in human rights or environmental issues can act without threat, harassment, intimidation, or violence.”

and (7) strengthening institutional capacity, policies, and practices with a view to reversing patterns of impunity⁴⁷.

In summary, the duty to provide special protection implies, on the one hand, obligations not to act: their activity must not be limited or restricted; intimidation, harassment, illegal surveillance, persecution, stigmatization, murder, torture, rape, disappearance, criminalization, or other types of violence against them must not be exercised, encouraged, tolerated, or condoned; their work must not be denigrated, discriminated against, stigmatized, or questioned. But it also requires proactive and sustained action on the part of the State: adopting regulatory frameworks, public policies, and appropriate practices that effectively guarantee that human rights defenders can carry out their work freely and safely, without threats, obstacles, limitations, or risks to their lives, their integrity, or the work they do, both in relation to State actions and those of non-State actors⁴⁸. To this end, it is necessary to “recognize, promote, and guarantee the rights of defenders, affirming the relevance of their role in a democratic society”⁴⁹.

In AO32, the Inter-American Court of Human Rights highlights the vital work carried out by environmental defenders in the context of the climate emergency, to whom this special duty of State protection also applies.⁵⁰ In this regard, as the Inter-American Court of Human Rights has emphasized, it is particularly important to advance “the recognition and protection of the right to defend environmental human rights in all spheres of the state, as well as in society in general”⁵¹.

47. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 575-587 and Case of Members of the “José Alvear Restrepo” Lawyers’ Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, paras. 979-981. **48.** Inter-American Court of Human Rights. Case of Members of the “José Alvear Restrepo” Lawyers’ Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, paras. 972 and 979-980, and Advisory Opinion AO-32/25, paras. 566-567. **49.** Inter-American Court of Human Rights. Case of Members of the José Alvear Restrepo Lawyers’ Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 979. **50.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 566 and operative paragraph 18. **51.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 575.



4. REINFORCED OBLIGATION TO FORMULATE AND IMPLEMENT NATIONAL PROTECTION PROGRAMS

In AO32, the Inter-American Court places special emphasis on the need for national protection programs as part of the public policies that States must develop and implement to guarantee the work of defenders⁵². The protection of human rights defenders must necessarily be part of a more comprehensive policy that also includes measures focused on recognizing the work of human rights defenders, preventing violence, and guaranteeing access to justice and reinforced due diligence in investigations.

For national programs to truly protect the rights of defenders and be tailored to their realities and needs, it is essential that they be based on and supported by reliable information, up-to-date data and statistics, and that they be developed with the participation of defenders. Therefore, a first step is to have effective information production systems that contain disaggregated data, including on the number of verified cases of murders, kidnappings, enforced disappearances, arbitrary detentions, torture, and other harmful acts against environmental defenders, taking into account socioeconomic factors, as well as other relevant data, including, among others, gender, age, and ethnicity⁵³. Furthermore, protection policies must be developed with the participation of environmental defenders and consider how violence affects them differently, based on factors such as gender, ethnic origin, socioeconomic status, or other forms of structural and intersectional discrimination⁵⁴. In other words, they must take into account the additional risks and obstacles faced by people in diverse situations and conditions, such as women defenders⁵⁵, journalists⁵⁶, residents of rural communities, people of African descent, and members of indigenous peoples⁵⁷.

52. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 576. **53.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 575. **54.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 575.

Some essential elements that national protection programs must include are⁵⁸: (1) specific institutional mechanisms and protocols for receiving requests for protection in situations of threats, harassment, violence, and criminalization; (2) analysis of risk level with the participation of beneficiaries for the adoption, evaluation, and monitoring of measures; (3) protection measures that are appropriate to address the specific risk situation and effective in relation to the work carried out by defenders⁵⁹; (4) timely and specialized implementation of protection measures with the participation and consultation of the beneficiary defenders, especially with regard to the appointment of security and protection personnel; and (5) continuity of protection measures as long as the risk that justifies them persists. In addition, the investigation and punishment of those responsible for the attacks helps limit the persistence of risks and breaks cycles of impunity that fuel violence⁶⁰.

As for the state entity in charge of the protection mechanism, the Inter-American Court of Human Rights indicates that it must have the necessary independence and autonomy to perform its functions objectively and be able to act in coordination with the other authorities involved in protection⁶¹. In addition, it must have the necessary budgetary and logistical resources to ensure that protection measures remain active for as long as the risk persists⁶². All of this must be accompanied by

55. Inter-American Court of Human Rights. Case of Digna Ochoa and Relatives v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 25, 2021. Series C No. 447, para. 48. **56.** Inter-American Court of Human Rights. Case of Bedoya Lima et al. v. Colombia. Merits, Reparations, and Costs. Judgment of August 26, 2021. Series C No. 431, para. 48. **57.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 576. **58.** Inter-American Court of Human Rights. Case of Members of the José Alvear Restrepo Lawyers' Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 979, and Advisory Opinion AO-32/25, paras. 577-578. **59.** Inter-American Court of Human Rights. Case of Nogueira de Carvalho et al. v. Brazil. Preliminary Objections and Merits. Judgment of November 28, 2006. Series C No. 161, para. 77; Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 28, 2014. Series C No. 283, para. 157; Case of Members of the "José Alvear Restrepo" Lawyers' Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, footnote 1076, and Advisory Opinion AO-32/25, footnote 976. **60.** Inter-American Court of Human Rights. Case of Nogueira de Carvalho et al. v. Brazil. Preliminary Objections and Merits. Judgment of November 28, 2006. Series C No. 161, para. 76; Case of Valle Jaramillo et al. v. Colombia. Merits, Reparations, and Costs. Judgment of November 27, 2008. Series C No. 192, para. 96; Case of Escaleras Mejía et al. v. Honduras. Judgment of September 26, 2018. Series C No. 361, paras. 69-70; Case of Sales Pimenta v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of June 30, 2022. Series C No. 454, paras. 89 and 116; Case of Members of the "José Alvear Restrepo" Lawyers' Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 478, and Advisory Opinion AO-32/25, para. 580.

education and outreach activities aimed at public officials, the general public, and the media, with the aim of raising awareness of how the institutional protection mechanism for defenders works⁶³.

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For more information on the standards developed in AO32 regarding access to information, as well as the production of information on attacks and violations of rights committed against human rights defenders and the response to them, see [Thematic Guide 1 - Access to climate information and human rights obligations](#)

61. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 578. **62.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 578. **63.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 579.



5. INTERSECTIONAL APPROACHES TO DEFENDERS

In developing the obligations of prevention, protection, and investigation within the framework of AO32, the Inter-American Court of Human Rights emphasized the need to adopt intersectional approaches that recognize the heightened risks faced by certain environmental defenders who, due to the interrelation of various factors, are particularly vulnerable to acute forms of violence⁶⁴. It mentioned women, indigenous peoples, Afro-descendant populations, and rural communities, as well as journalists, among the groups that are most vulnerable. In addition, he made specific references to children and adolescents who are environmental rights defenders, as well as to women defenders, whose protection frameworks are complemented by specific treaties such as the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará).

5.1. CHILDREN AND ADOLESCENTS WHO ARE ENVIRONMENTAL RIGHTS DEFENDERS

Several children and youth advocates and organizations actively participated in the AO32 process, contributing to raising awareness of the urgent needs of children and youth as a group particularly affected by the climate crisis. One of them, Francisco Vera Manzanares, addressed the Inter-American Court

64. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, paras. 571 and 585.

of Human Rights to explain that many children and youth feel hopeless and frustrated because they have been left out of the public debate and decision-making processes on climate change⁶⁵. This has led many young people to organize and raise their voices to demand their rights. Because of this activism, he has received threats and attacks that persist in a context of impunity and lack of state response, which is why he requested that the Court urge States to guarantee a safe environment for human rights defenders, including children.

Children and adolescents are a very active and mobilized group around human and environmental rights. Many of them have been active online, staging peaceful protests, litigating, and educating adults so that we respond appropriately to the challenges of humanity's survival. Because of their age, they will be the ones most affected for the longest time by the consequences of the measures taken to address the climate emergency⁶⁶.

In this vein, in AO32, the Inter-American Court of Human Rights specifies that States have a duty to promote and facilitate the meaningful participation of children and adolescents in climate action. They must also avoid any decision, whether formalistic or substantive, that hinders their work as defenders of environmental human rights. Furthermore, it points out that States must progressively advance in the adoption of measures that ensure a safe environment for children and adolescents who defend the environment. This includes recognizing and highlighting the positive impact of their work, and guaranteeing their protection against intimidation, harassment, and violence⁶⁷. One of the important corollaries of these developments is the obligation to ensure that, for each of the key policies for the defense of environmental rights, information is collected and appropriate guidelines are established to address the prevention, protection, participation, and investigation of acts of violence linked to children and adolescents, both online and offline. Likewise, spaces that enable the effective participation of children and youth in various contexts must be strengthened.

65. CEJIL, together with other organizations, supported the intervention of the adolescent Francisco Vera Manzanares during the public hearings. **66.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 312. **67.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 602.

5.2. WOMEN DEFENDERS

Much of the jurisprudence developed by the Inter-American Court of Human Rights regarding defenders has been related to human rights violations committed against women defenders and the need for States to address in a differentiated manner the diverse causes and impacts of violence committed against them⁶⁸.

Furthermore, the application of a gender approach together with an intersectional analysis will have a particular impact on the assessment of risk and gender-based violence, as well as on the adoption and implementation of protection measures⁶⁹. The Inter-American Court notes the special attention that must be paid to the heightened risks faced by indigenous women and girls who act as defenders of the environment and guardians of the territory⁷⁰.

The Inter-American Court of Human Rights listed, with reference to the report of the Inter-American Commission on Human Rights (IACHR) “Integral Protection Policies for Human Rights Defenders” (2017), a series of specificities relating to protection measures linked to the situation of risk for women defenders including the incorporation of:

- (i) protection material adapted to the needs of women, for example bullet-proof vests that are tailored for women’s different body shape and size in comparison to men; (ii) the granting of protection to the nuclear family group, when requested; (iii) access to comprehensive psychosocial services for women human rights defenders who experience violence by virtue of the work they undertake; (iv) attention to women victims of sexual violence by personnel adequately trained in gender sensitivity and trauma relief; (v) alternatives to the presence of armed men in their households in certain cases, which can include the use of female police officers or the use of accompaniment that does not include an armed presence;

68. Among others, the cases of Jeanette Kawas Fernández, Digna Ochoa, and the women defenders of the José Alvear Restrepo Lawyers’ Collective. **69.** Inter-American Court of Human Rights. Case of Digna Ochoa and Relatives v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 25, 2021. Series C No. 447, para. 101; Inter-American Court of Human Rights. Case of Members of the José Alvear Restrepo Lawyers’ Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, paras. 882-887 and footnote 1076, and Advisory Opinion AO-32/25, footnote 976. **70.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 572.

(vi) the independence of the protection unit and its human resources so as to guarantee that the armed protection personnel tasked with the protection of the woman defender is not from the same State entity that is being accused of violating their rights; (vii) training of security and law enforcement officials on human rights and on the specific risks and challenges faced by women human rights defenders, and their specific needs for protection⁷¹.

In addition, the application of a gender-based approach will also have an impact on the scope of the obligation to investigate, prosecute, and punish violence against women defenders, which imposes a doubly reinforced duty of due diligence given their status as both women and defenders⁷².

Finally, it is important to consider the effective, equal, and safe participation of women defenders in the development of policies and practices related to the defense of environmental rights and the composition of governance bodies.

5.3. JOURNALISTS

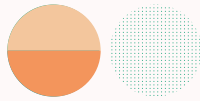
Like defenders, journalists require enhanced protection due to the risks they face in their profession and the importance of their investigative journalism and communication work, especially when it comes to human rights, environmental, or climate issues. Furthermore, some journalists may also be defenders.

Journalists can play a fundamental role in disseminating and providing timely access to information that is highly relevant to the defense of nature and the response to various phenomena related to the climate emergency. Their role is particularly important in guaranteeing the human rights of vulnerable populations in multicultural contexts and in combating misinformation, among other things.

71. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, footnote 996, citing IACHR, “Integral Protection Policies for Human Rights Defenders,” OEA/Ser.L/V/II, December 29, 2017, para. 305. **72.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 566, citing the case *Members of the José Alvear Restrepo Lawyers’ Collective v. Colombia*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, para. 743. See also, Inter-American Court of Human Rights. *Case of Digna Ochoa and Relatives v. Mexico*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 25, 2021. Series C No. 447, para. 104.

The Inter-American Court of Human Rights recognizes in AO32 that journalists covering environmental issues face a hostile environment and are exposed to various forms of reprisal⁷³. Consequently, national protection programs must also take into account the additional risk situation and specific needs of journalists, from an intersectional approach⁷⁴. When journalists can work safely, individuals and communities have better access to reliable information for the protection of human rights and climate action. This helps to achieve key objectives such as caring for the environment and ecosystems, gender equality, respect for the rights of indigenous peoples and Afro-descendant communities, justice, and respect for human rights, among others⁷⁵.

73. Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 573. **74.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 576, and Case of Bedoya Lima et al. v. Colombia. Merits, Reparations, and Costs. Judgment of August 26, 2021. Series C No. 431, para. 48. **75.** Inter-American Court of Human Rights. Case of Leguizamón Zaván et al. v. Paraguay. Merits, Reparations, and Costs. Judgment of November 15, 2022. Series C No. 473, para. 57, citing [United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity](#).



6. ENHANCED DUE DILIGENCE CRITERIA FOR THE INVESTIGATION AND PUNISHMENT OF CRIMES AGAINST HUMAN RIGHTS DEFENDERS AND THE FIGHT AGAINST IMPUNITY

In response to the vulnerability of human rights defenders and the high rates of impunity that affect both individuals and society as a whole⁷⁶, the Inter-American Court of Human Rights has applied a criterion of enhanced due diligence as a parameter for evaluating the activity of state authorities responsible for investigating, prosecuting, and punishing crimes committed against human rights defenders⁷⁷. These obligations are not limited to attacks against life or physical integrity, but also include situations involving threats, defamation, sexual violence, harassment, or other types of aggression or harassment, whether they occur online or in physical spaces⁷⁸.

In AO32, the Inter-American Court of Human Rights echoes this duty of enhanced diligence in clarifying criminal responsibilities and crimes perpetrated against environmental defenders, which requires identifying all intellectual and material perpetrators, even if they are private individuals⁷⁹. Therefore, it is necessary that the investigation in each specific case be swift, thorough, and of high quality in terms of due diligence. This involves seeking out all possible information and thoroughly analyzing the various hypotheses about who could be responsible, whether through direct action or omission. All lines of investigation that help to clarify what happened must also be explored⁸⁰. This includes

76. Corte IDH. Caso Nogueira de Carvalho y otro Vs. Brasil. Excepciones Preliminares y Fondo. Sentencia de 28 de noviembre de 2006. Serie C No. 161, párr. 76; Caso Valle Jaramillo y otros Vs. Colombia. Fondo, Reparaciones y Costas. Sentencia de 27 de noviembre de 2008. Serie C No. 192, párr. 96; Caso Escaleras Mejía y otros Vs. Honduras. Sentencia de 26 de septiembre de 2018. Serie C No. 361, párrs. 69-70; Caso Sales Pimenta Vs. Brasil. Excepciones Preliminares, Fondo, Reparaciones y Costas. Sentencia de 30 de junio de 2022. Serie C No. 454, párrs. 89 y 116; 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, párr. 478, y Opinión Consultiva OC-32/25, párr. 580. **77.** Corte IDH. 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, párr. 979, y Opinión Consultiva OC-32/25, párr. 581. **78.** Corte IDH. Opinión Consultiva OC-32/25, párr. 582. **79.** Corte IDH. Opinión Consultiva OC-32/25, párrs. 581-583.

considering whether there are any indications or reports that an attack against a human rights defender or a family member could be related to their work, which means that the authorities in charge of investigating must consider the context in which the events occurred and the activities that the person was carrying out⁸¹. This is key to identifying what interests may have been affected by their work, following lines of investigation related to their work, defining the possible cause of the crime, and finding those responsible⁸². It should be remembered that “the right of access to justice must ensure, within a reasonable time, the right of alleged victims or their relatives to have everything necessary done to ascertain the truth of what happened and to punish those responsible”⁸³. In addition, an intersectional approach should be adopted to highlight and adequately address the risks and acts committed against women, indigenous, Afro-descendant, and rural defenders, journalists, etc.⁸⁴.

Furthermore, it is necessary to ensure structural conditions that enable impartial, serious, timely, swift, and ex officio justice. For the Inter-American Court of Human Rights, “the duty to investigate, ex officio, signifies that when reports of acts of harassment against human rights defenders are filed before state bodies that are not prima facie competent to investigate them, the latter must take action with regard to those reports, informing the competent organs and advising the alleged victims on how they should proceed”⁸⁵.

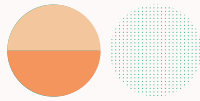
The Inter-American Court of Human Rights has established in its jurisprudence that the risk to human rights defenders persists as long as impunity and the structural factors that give rise to or enable attacks remain. To this extent, it has indicated that the lack of effective investigations and punishment of those responsible, stigmatization, and the absence of structural guarantees allow the risk and violence against human rights defenders to continue. For this reason, it has required the adoption of measures of non-repetition that address the underlying causes, including institutional reforms, information management systems, guarantees of access to justice, and effective protection mechanisms⁸⁶.

81. Corte IDH. Caso Acosta y otros Vs. Nicaragua. Excepciones Preliminares, Fondo, Reparaciones y Costas. Sentencia de 25 de marzo de 2017. Serie C No. 334, párrs. 138-143. **82.** Corte IDH. Opinión Consultiva OC-32/25, párr. 585. **83.** Corte IDH. Caso Kawas Fernández Vs. Honduras. Fondo, Reparaciones y Costas. Sentencia de 3 de abril de 2009. Serie C No. 196, párrs. 112, 117 y 190, y Caso Luna López Vs. Honduras. Fondo, Reparaciones y Costas. Sentencia de 10 de octubre de 2013. Serie C No. 269, párr. 188. **84.** Corte IDH. Opinión Consultiva OC-32/25, párr. 585. **85.** Corte IDH. Opinión Consultiva OC-32/25, párr. 584.

Along the same lines, in AO32, the Inter-American Court of Human Rights encourages the adoption of institutional measures to strengthen investigative capacities and thus reverse persistent patterns of impunity in cases of violence and harassment against environmental defenders⁸⁷. In particular, through the creation of investigation protocols and specialized prosecutors' offices or bodies for the investigation of crimes committed against defenders. This task is essential for clarifying the facts, establishing responsibilities, and eliminating the impunity that enables the persistence of patterns of violence against defenders. At the international level, there are relevant protocols to be taken into account when reformulating criminal policies and criminal investigation guidelines for various types of violence and harassment against defenders. These include the Protocol for Effective Response to Threats against Human Rights Defenders (The Esperanza Protocol)⁸⁸, the Manual for the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) , the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths⁸⁹ and the Latin American Model Protocol for the Investigation of Violent Deaths of Women for Gender Reasons (Femicide/Feminicide)⁹⁰.

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

86. Among others, Inter-American Court of Human Rights. Case of Luna López v. Honduras. Merits, Reparations, and Costs. Judgment of October 10, 2013. Series C No. 269, para. 243; Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 28, 2014. Series C No. 283, para. 263; Case of Digna Ochoa and Relatives v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 25, 2021. Series C No. 447, paras. 143, 146, and 179; Case of Sales Pimenta v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of June 30, 2022. Series C No. 454, paras. 84-89, 116, and 169-180, and Case of Members of the “José Alvear Restrepo” Lawyers’ Collective v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 18, 2023. Series C No. 506, paras. 781, 877, 962, 1044, 1047, and 1050. **87.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 586. **88.** The updated 2022 version is available in English only at the following link: https://www.ohchr.org/sites/default/files/documents/publications/2022-06-29/Istanbul-Protocol_Rev2_EN.pdf **89.** The 2016 Minnesota Protocol on the Investigation of Potentially Unlawful Deaths is the revised version of the United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary, or Summary Executions. It can be consulted at the following link: https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol_SP.pdf **90.** It can be consulted at the following link: <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/ProtocoloLatinoamericanoDeInvestigacion.pdf>



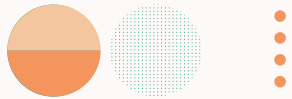
7. MEASURES AGAINST CRIMINALIZATION AND PERSECUTION

Criminalization can also be a form of violence against the rights of those who defend the environment. At the regional and global levels, the criminalization of land defenders has been an important tool for silencing, inhibiting, or delegitimizing the exercise of the right to defend human rights. In addition, in several countries on the continent and worldwide, authorities have issued legal or infra-legal regulations to unduly restrict the independent functioning of civil society organizations, silence defenders, or prohibit conduct protected by international law. Examples of criminalization occur, for example, when the law is misused to limit their work, through judicial harassment, or through criminalization for acts protected by international law, through arbitrary detentions or disproportionate sentences, among others⁹¹.

In light of this situation, the Inter-American Court of Human Rights specifies in AO32 a series of state obligations that include⁹²: (i) identify laws that are applied selectively and repeatedly to prosecute and punish environmental defenders based only on their legitimate exercise of the work of defending human rights, as well as those that, due to their ambiguity, could have an intimidating or dissuasive effect; (ii) revise the conventionality of such laws and adopt administrative or legislative measures to derogate or amend them, as necessary; (iii) establish procedures that allow administrative or judicial actions that are merely aimed at intimidating or silencing defenders to be dismissed promptly, rather than imposing measures that restrict their rights, and (iv) undertake special education and training efforts for relevant police and judicial authorities on the inter-American standards of protection for environmental defenders to prevent and avoid forms of judicial harassment.

91. UN. Working Group on Arbitrary Detention, Report on the deprivation of liberty of human rights defenders, A/HRC/48/55, August 6, 2021, paras. 46-50 and 70, and Report on the deprivation of liberty of human rights defenders related to the environment, A/HRC/54/51, July 31, 2023, paras. 55-58 and 66. **92.** Inter-American Court of Human Rights. Advisory Opinion AO-32/25, para. 587.

The Inter-American Court also clarifies that these measures do not prevent States from investigating a defender if there are legitimate grounds for doing so, provided that due process is respected. The study of cases and patterns of criminalization with enhanced diligence is a necessary measure to respond to the obligation to guarantee the right to defend rights. The development of standards against criminalization paves the way for the establishment of international responsibility for action and omission in the face of the undue persecution of defenders.

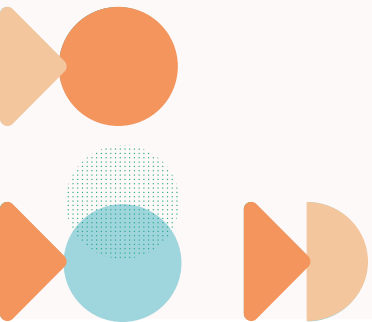


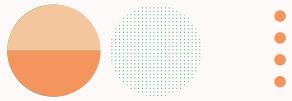
8. CONCLUSION

AO32 reinforces the developments of the Inter-American Court on the right to defend human rights and the fundamental role that defenders play in guaranteeing the environmental and climate rights and commitments assumed by States at both the national and international levels. Their protection is essential to address the climate emergency, protect the environment, and preserve democracy.

Likewise, the Inter-American Court specifies the reinforced obligations of States to guarantee the free and safe exercise of the right to defend human rights. Thus, in operative paragraph 18 of AO32, it states that: “[p]ursuant to the right to defend human rights, States have a special duty to protect environmental defenders and this results in specific obligations, including protecting them and investigating and, as appropriate, punishing any attacks, threats or intimidation they suffer, and to counteract the ‘criminalization’ of environmental defense”.

It is not only a matter of removing obstacles, but also of adopting concrete, sustained, and effective measures in terms of public policy, criminal policy, and response mechanisms to specific events and patterns of violence or threats. In this regard, the Inter-American Court establishes in AO32 a series of substantive guidelines to guide the design and implementation of such policies and measures, which should be enriched in accordance with the national and local needs of each State in the region. As developed by the Inter-American Court, these policies must consider the different types of impacts and the specific needs of diverse groups. The text of AO32 is expressed as an essential roadmap for the defense of the right to defend human rights and the possibility for defenders to contribute with their work to the response to the climate emergency and human rights.





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the Rights of Children and Adolescents of Paraguay (CDIA), the Emmanuel Foundation, the Alana Institute, the NGO Development Covacha, Plan International, and World's Youth for Climate Justice (WYCJ), based on Article 73.3 of the Rules of Procedure of the Inter-American Court of Human Rights, December 18, 2023.

[Amici curiae brief “On the conventional obligations to protect and prevent harm to environmental and land defenders, as well as women, indigenous peoples, and Afro-descendant communities 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); Amazon Frontlines, Amazon Watch, Association for Human Rights (Aprodeh), Center for Climate Crime Analysis, the Information Center on Business and Human Rights, the Mexican Center for Environmental Law, A.C. (CEMDA), the José Alvear Restrepo Lawyers' Collective (CAJAR), the Colombian Commission of Jurists (CCJ), the Consultancy for Human Rights and Displacement (CODHES), EarthRights International, the Ecumenical Foundation for Development and Peace (FEDEPAZ), the Mesoamerican Initiative of Women Human Rights Defenders (IMDefensoras), the Legal Defense

Institute (IDL), International Service for Human Rights, Justiça Global, the International Institute on Law and Society (IIDS), the Venezuelan Program for Education and Action on Human Rights (Provea), Protection International, RFK Human Rights (RFKHR), Redress, the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA) based on Article 73.3 of the Rules of Procedure of the Inter-American Court of Human Rights, December 18, 2023.

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: CEJIL Archive. Members of the Kichwa Indigenous People of Sarayaku, Ecuador.