

Advisory Opinion 32/25 on the Climate Emergency and Human Rights: The Inter-American Court of Human Rights Meets the Moment

Introduction

On July 3, 2025, following requests by Chile and Colombia, the Inter-American Court of Human Rights (hereinafter Inter-American Court or Court) made public its Advisory Opinion 32/25,¹ which made history in establishing an enhanced due diligence standard for states to follow in addressing the climate emergency and its human rights implications.² For the first time, the Court referred to the climate emergency as a threat to human dignity, and a problem that is urgent, structural, and discriminatory.³

This Advisory Opinion was significantly shaped by an extensive participatory process, including hearings and submissions from a broad range of non-governmental organizations, experts, academics, Indigenous Peoples, Afro-descendent communities, United Nations entities, and states. The significance of the opinion should also be interpreted considering similar opinions recently issued by other important international courts, including the International Court of Justice⁴ and the International Tribunal on the Law of the Sea.⁵

This *Insight* summarizes some of the main legal standards advanced in Advisory Opinion 32/25 and their implications for future regional and global human rights law developments concerning climate change.

The Climate Emergency as a Priority Human Rights Problem in the Americas

The Court took advantage of the opportunity to establish six critical facts as to the gravity, magnitude, and scope of climate change in the Americas and globally. First, the Court relied substantially on technical and scientific sources, including reports from the Intergovernmental Panel on Climate Change (IPCC), to confirm the gravity of the threat.⁶ Second, it established the deep connection between the rise of global temperatures, greenhouse gas emissions, and human activities.⁷

Third, the Court confirmed that both state and non-state actors contribute to the generation of greenhouse gas emissions.⁸ Fourth, it recognized specific regions in the Americas that are particularly vulnerable to climate change, including the Amazon and the Caribbean.⁹ Fifth, the Court emphasized the human impact of climate change on dignified existence, health, food, water security, and the economic situation of individuals; all with human rights consequences.¹⁰ Finally, it acknowledged the global scope of the problem of climate change and its connection to the triple planetary crisis, referring to both the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, as well as a range of international and regional treaties, norms, principles, and initiatives related to this problem.¹¹

Based on these facts, the Court established that the current situation is a “climate emergency,” prompted by the accelerated increase in global temperatures, caused by anthropogenic activities; all posing formidable threats to humanity.¹² The Court extensively discussed examples of the severity of climate change and its human impacts, including exposure to diseases, displacement, cultural losses, hunger, water insecurity, unemployment, poverty and inhuman living conditions, especially for individuals and groups most vulnerable.¹³ The Court therefore confirmed the need for urgency in actions to counteract climate change and its effects, and the multilayered nature of the responses needed.¹⁴

Enhanced Due Diligence

The opinion established that the climate emergency demands an enhanced due diligence response from states. This includes a series of negative and positive obligations under

Article 1(1) of the American Convention on Human Rights. Specifically, states are required to refrain from any actions that may limit, hinder, or impede prompt action to address climate change or condone any setbacks on climate policy, in the absence of adequate justifications.¹⁵ States are also obligated to act affirmatively to prevent and respond to climate change and its effects. This includes a general duty to prevent severe or irreparable damage to the environment, and to prevent, supervise, and regulate activities from private actors which may violate protected rights.¹⁶

As part of this enhanced obligation, states must formulate, implement, and monitor climate change policies and design them incorporating a human rights perspective and taking into consideration their impact on persons and groups in a situation of vulnerability. States must also ensure that their domestic legal frameworks adequately address the climate emergency.¹⁷ States should be mindful of the climate-related content of a range of critical rights contained in the American Convention, from life, personal integrity, health, and privacy to family life, property and housing, freedom of movement, culture, and education.¹⁸

The Court underscored critical principles that should guide all climate action, including intergenerational equity, the differentiated responsibilities of states in relation to the causes and consequences of climate change, and the importance of international and good faith cooperation.¹⁹ States should also ensure an equitable distribution of the burden of climate action and climate impacts, considering their contribution to the causes of climate change and their respective capabilities.²⁰

The Right to a Healthy Climate

The Court recognized a new right – the right to a healthy climate – which seeks to protect those environmental components that are directly affected by the climate emergency.²¹ In its individual dimension, the right to a healthy climate protects the possibility of all individuals living in a climate system to be free from anthropogenic interference.²² In its collective scope, the right protects the interest of present and future generations in preserving the well-being and the equilibrium in the climate system, in the face of existential threats.²³

The Court also established broad duties for states and private actors to mitigate and adapt to climate change, as part of the right to a healthy climate. For mitigation, states are mandated to adopt mitigation measures – including legislation - to curb greenhouse gas emissions from human activities.²⁴ States must also regulate, supervise, and monitor corporate conduct and require environmental impact assessments before implementing activities which may be harmful.²⁵ High income countries that are large emitters of greenhouse gas emissions should establish mitigation targets which correspond to their large contribution to this problem.²⁶ Adaptation measures are also critical, demanding that states take steps to manage coastal zones, water resources, and the rehabilitation of areas affected by drought desertification and flooding.²⁷ All mitigation and adaptation measures should be guided by the principles of non-discrimination and equality and take into consideration climate change's dire impact on specific individuals and groups.²⁸

Lastly, the Court placed heavy emphasis on the role of business enterprises in addressing climate change.²⁹ It mandated states to adopt legislative and other measures to prevent, investigate, and punish human rights violations committed by public and private enterprises.³⁰ The Court went farther and also underscored the multiple responsibilities of business enterprises to directly address climate change and its human rights impacts, including that they take action to reduce emissions; address their contribution to the climate with adequate mitigation targets; and conduct environmental impact assessment before implementing activities which may be harmful.³¹

Nature as a Subject of Rights

One of the aspects this opinion will likely be most remembered for is in its recognition of nature “as a subject of rights.”³² For the Court, nature and its components should be treated as entities entitled to autonomous legal protection.³³ The Court confirmed how human interference with the climate system affects – and will continue to affect – the environment and its natural components.³⁴ This includes ecological conditions which are essential for life of many individuals and communities.³⁵ More concretely, the Court referred to the interdependence between climate stability and ecological equilibrium, and the need for an “integrated legal approach,” aligned with the *pro persona* and *pro natura* principles.³⁶ In its conclusions, the Court recognized the growing tendency in legislation and case law to recognize nature as a subject of rights.³⁷

In this sense, the Court underscored the states' positive obligation to adopt measures to guarantee the protection, restoration, and regeneration of ecosystems.³⁸ These measures should be compatible with the best available science; recognize the value of traditional, local, and Indigenous knowledge; and be guided by the principle of non-regressivity.³⁹ The Court also emphasized the *jus cogens* nature of the obligation to prevent environmental damage and its extension to the preservation of our common ecosystem.⁴⁰

Procedural Rights in the Area of Climate Change: Democracy, Access to Information, Access to Justice, and the Right to Defend Human Rights

The Court advanced groundbreaking analysis on procedural rights and their key nature in climate change, calling climate change a “threat multiplier” that widens resource inequalities.⁴¹ Therefore, the Court emphasized that the climate emergency requires efforts to strengthen the rule of law and its constituent elements, as well as the importance of citizen participation in decisions made in this context.⁴² This is noteworthy since the Court is currently considering an Advisory Opinion request from Guatemala in the areas of democracy and human rights, which offers an opportunity to develop more concretely the relationship between democracy and human rights challenges, and potentially recognize an autonomous right to democracy.⁴³

In the realm of procedural rights, Advisory Opinion 32/25 recognized states' duty to guarantee the effective participation of all persons in decision-making and policies concerning climate change, in an “equitable, meaningful, and transparent manner.”⁴⁴ It also acknowledged the importance of access to information for individuals and groups to exercise their rights to participation and other rights in the realm of climate change.⁴⁵ The Court further highlighted the right to access justice in the area of climate change, including the need to guarantee the provision of sufficient resources in the administration of justice; the application of the *pro actione* principle; the guarantee of reasonable time limits; and adequate provisions regarding standing, evidence, and redress.⁴⁶ The Court also underscored the rights to science and scientific progress and clarified that states must provide and disseminate science education.⁴⁷

Importantly, the opinion made critical statements about human rights defenders and the right to defend human rights, as an autonomous right.⁴⁸ It recognized the dire risks faced by human rights defenders due to their activities in the realm of climate change, including forms of violence, criminalization, and strategic lawsuits against public participation brought by private individuals and public entities – SLAPP.⁴⁹ The Court underscored that states have the obligation to design and implement policies and strategies to respond to the structural causes of violence against environmental human rights defenders and prevent future incidents of violent and intimidation.⁵⁰ These measures should be designed with the participation of human rights defenders and take into consideration the differentiated impacts of violence based on intersectional and structural factors of discrimination.⁵¹

Principles of Equality and Non-Discrimination: Persons and Groups in a Situation of Vulnerability in the Context of the Climate Emergency

The Court made clear that all climate action should be guided by the principles of non-discrimination and equality and must take into consideration the climate emergency's negative effects on specific individuals and groups of the population. It reiterated that states are obligated to prevent arbitrary different treatment; to adopt positive measures to revert and change discriminatory situations that affect specific sectors of the population; and to be particularly vigilant of third -party activities which promote discrimination.⁵²

The opinion also delved into the issue of intersectional discrimination and how it increases the disadvantages faced by specific groups in the context of the climate emergency.⁵³ The Court's identification of vulnerable groups affected by climate change was broad reaching, describing vulnerability “as a dynamic and contextual condition” shaped by the diversity and complexity of the impacts associated with climate change.⁵⁴ In this sense, it recognized that not all the groups particularly affected by climate change will correspond to categories traditionally protected by Inter-American law.⁵⁵ Some key holdings from the Court in this regard, included:

- Confirming the disproportionate effects of the climate emergency on several groups, including children, Indigenous and Tribal Peoples, women, persons with disabilities, older persons, and displaced persons, among others.⁵⁶
- Calling on states to ensure age-appropriate, safe, and accessible mechanisms for children's views to be heard regularly in the design, adoption, and implementation of climate change decisions.⁵⁷
- Underscoring the critical nature of respecting the rights to free, prior, and informed consent for Indigenous Peoples.⁵⁸
- Mandating states to incorporate a gender perspective in all actions undertaken in the context of the climate emergency.⁵⁹
- Calling on states to address the increase of gender-based violence derived from the climate emergency and to respond to the negative effects on women of problems such as food insecurity and water scarcity.
- Highlighting the need to guarantee that LGBTIQ+ communities have access to health care, free from all forms of discrimination.⁶⁰

Finally, the opinion connected all this analysis to the alarming situation of poverty in the Americas, which largely limits the ability of many groups to adapt to climate change.⁶¹ The Court overall recognized the nature of poverty as a structural and intersectional factor of vulnerability in the context of climate change.⁶²

Conclusions

With this opinion, the Inter-American Court joined the wave of statements from the international community confirming climate change as a priority human rights problem, which demands prompt attention and response from both state and private actors. Advisory Opinion 32/25 includes a detailed roadmap for states on critical human rights principles that should guide climate action and resilience with enhanced due diligence, strong and adequate mitigation and adaptation policies, and the enforcement of critical substantive and procedural rights in this area.

Moreover, the Court has opened a wide space to discuss in more detail the devastating impacts of climate change on a range of persons and groups who suffer situations of discrimination that are structural and intersectional. The Court can use future opportunities to delve in more detail on the many groups mentioned in this Advisory Opinion, including children, Indigenous Peoples, women, and others, to identify a body of specialized principles and obligations that should guide all climate action and resilience pertinent to them.

Lastly, the hope is that the Inter-American Court of Human Rights can continue playing a leading role in humanizing the problem of climate change. In this sense, the Court can guide states and private actors on the content of the gender, intersectional, intercultural, and human rights perspectives to climate action, always considering the viewpoint of individuals and groups that are most affected. This is a must in adequately addressing a dire human rights challenge that binds us all.

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¹ See *generally*, Inter-Am. Ct. H.R., The 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, Series A No. 32 (May 29, 2025).

² See *id.*, ¶¶ 231-237.

³ *Id.* ¶¶ 89-104; 589-594.

⁴ See International Court of Justice, Advisory Opinion, *Obligations of States in Respect of Climate Change* (July 23, 2025), <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf>

⁵ See International Tribunal on the Law of the Sea, Advisory Opinion, *Climate Change* (May 21, 2024), https://itlos.org/fileadmin/itlos/documents/cases/31/Advisory_Opinion/C31_Adv_Op_21.05.2024_orig.pdf

⁶ See Inter-Am. Ct. H.R., Advisory Opinion 32/25 on the Climate Emergency and Human Rights, *supra* note 1, ¶ 33.

⁷ See *id.*, ¶¶ 44-63.

⁸ See *id.*

⁹ *Id.* ¶¶ 106-119.

¹⁰ *Id.* ¶¶ 89-104.

¹¹ *Id.* ¶¶ 120-144.

¹² *Id.* ¶ 183.

¹³ *Id.*, ¶ 195.

¹⁴ *Id.*, ¶ 183.

¹⁵ See Inter-Am. Ct. H.R., Advisory Opinion 32/25 on the Climate Emergency and Human Rights, *supra* note 1, ¶¶ 219-223.

¹⁶ *Id.*, ¶¶ 226-229.

¹⁷ *Id.*, ¶ 245.

¹⁸ *Id.*, ¶¶ 393-457.

¹⁹ *Id.* ¶ 149, 247-265, 287, 305-313.

²⁰ *Id.*, ¶ 310.

²¹ See Inter-Am. Ct. H.R., Advisory Opinion 32/25 on the Climate Emergency and Human Rights, *supra* note 1, ¶ 297.

²² *Id.* ¶ 303.

²³ *Id.* ¶ 302.

²⁴ *Id.* ¶ 321.

²⁵ *Id.*

²⁶ *Id.* ¶ 329.

²⁷ *Id.* ¶ 380.

²⁸ *Id.* ¶ 391.

²⁹ *Id.* ¶ 345.

³⁰ *Id.*

³¹ *Id.* ¶¶ 347, 358, 362.

³² See Inter-Am. Ct. H.R., Advisory Opinion 32/25 on the Climate Emergency and Human Rights, *supra* note 1, ¶ 280.

³³ *Id.* ¶ 316.

³⁴ *Id.* ¶ 314.

³⁵ *Id.* ¶ 315.

³⁶ *Id.*

³⁷ *Id.* ¶ 286.

³⁸ *Id.* ¶ 293.

³⁹ *Id.* ¶ 283.

⁴⁰ *Id.* ¶¶ 291-296.

⁴¹ See Inter-Am. Ct. H.R., Advisory Opinion 32/25 on the Climate Emergency and Human Rights, *supra* note 1, ¶ 461.

⁴² *Id.* ¶ 462.

⁴³ See Inter-Am. Ct. H.R., Request for Advisory Opinion, Guatemala, *Democracy and Political Rights* (Dec. 6th, 2024), paras. 1-30 [Translation of the Author].

⁴⁴ See Inter-Am. Ct. H.R., Advisory Opinion 32/25 on the Climate Emergency and Human Rights, *supra* note 1, ¶ 532.

⁴⁵ *Id.* ¶¶ 489-529.

⁴⁶ *Id.* ¶ 541.

⁴⁷ *Id.* ¶¶ 474, 476, 480, 484.

⁴⁸ *Id.* ¶ 561.

⁴⁹ *Id.* ¶¶ 566-574.

⁵⁰ *Id.* ¶ 575.

⁵¹ *Id.*

⁵² See Inter-Am. Ct. H.R., Advisory Opinion 32/25 on the Climate Emergency and Human Rights, *supra* note 1, ¶ 592.

⁵³ *Id.* ¶ 625.

⁵⁴ *Id.* ¶ 628.

⁵⁵ *Id.* ¶¶ 628-629.

⁵⁶ *Id.* ¶¶ 596-598.

⁵⁷ *Id.* ¶ 601.

⁵⁸ *Id.* ¶¶ 608-611.

⁵⁹ *Id.* ¶ 614.

⁶⁰ *Id.* ¶ 618.

⁶¹ *Id.* ¶¶ 619-624.

⁶² *Id.* ¶ 619.