



# Chile & Colombia Advisory Opinion


## Request to Interamerican Court of Human Rights


**Purpose:** Further strengthen the connection between Human Rights and climate change by clarifying the individual and collective State obligations in responding to the climate emergency through the lens of international human rights law.


### Climate Change in the Andes Region:


 Andes region is among the most sensitive zones in the world to migrations and displacement due to climate change.


 Extreme temperatures, flooding, landslides, and heat waves.


 Estimated 100-200% increase in persons affected by flooding.

 85% fauna and flora will be negatively affected.

 Increase in transmission of diseases such as dengue, malaria & chikungunya.

 Continued deforestation of Amazon will devastate rainfall regulation & contribute to extreme global warming.

 Disproportionate impacts on Indigenous peoples, women, children, peasant communities and Afro-descendant communities.

 Around 80% of displaced persons are women and girls.

### Themes Addressed:

#### State Duty of Prevention and Human Rights Guarantees:

1. What is the scope of States' obligations to mitigate climate impacts?
2. What specific measures must States take to satisfy this obligation?
3. What considerations and principles should animate and guide the creation of mitigation and adaptation & loss and damage measures?

#### Children/Intergenerational Equity:

1. What is the nature and scope of States's duty to ensure the protection of children under the American Convention in the face of the climate emergency?
2. What is the nature and extent of a State Party's obligation to provide children with meaningful and effective means to freely and fully express their views, including the opportunity to initiate, or otherwise participate in, any judicial or administrative proceedings concerning the prevention of climate change that constitutes a threat to their lives?

#### Judicial/Admin Processes for Addressing the Climate Crisis:

1. What is the nature and extent of a State's obligation to provide effective judicial remedies to ensure adequate and timely protection and redress for the impairment of rights due to the climate emergency?

### **Right to Life & Right to Access Information:**

1. What is the scope of States' conventional obligations with regards to:
  - a) general information about climate change;
  - b) mitigation and adaptation measures to be implemented and the impacts of these measures, including specific policies of a just transition, taking into account persons most affected by climate change;
  - c) loss and damage measures;
  - d) production of information and access to information relating to levels of greenhouse gas emissions, air pollution, deforestation, and main players contributing to climate change;
  - e) impacts of climate change on migration, forced displacement, health and safety, and economic loss.
2. To what extent is access to environmental information a necessary guarantee of the right to life, property, public participation, and access to justice, among other rights impacted by climate change?

### **Forced Displacement:**

1. What obligations and principles should States use to address forced migration, exacerbated by climate crisis?

### **Extraterritorial Obligations:**

1. What considerations and principles should States take into account to analyze collective and shared responsibilities to combat climate change?
2. Taking into account principles of equity, justice, and sustainability, how should states act individually and collectively to guarantee the right to reparations due to the damages generated by its action or omissions in relation to the climate emergency?

### **Environmental & Human Rights Defenders**

1. What measures and policies must states adopt in order to facilitate the work of environmental defenders?
2. What specific measures should be taken to guarantee the right to a healthy environment and territory of women human rights defenders in the context of the climate emergency?
3. What specific considerations should States make in order to guarantee the right to defend the health of the environment in light of the intersectional impacts on Indigenous peoples, peasant communities and Afrodescendant communities?
4. What information should States publish to determine the capacity to investigate crimes committed against human rights and climate defenders, including threats, kidnappings, homicides, forced displacements, gender violence, discrimination, etc?
5. What due diligence measures should States take to ensure that the attacks and threats towards environmental defenders don't end in impunity?

### **Disproportionately Affected Persons & Regions:**

Considering the climate crisis affects disproportionately the regions and populations in the Caribbean, insular regions and coastal areas:

1. How should the obligations of cooperation between states be interpreted?
2. What principles and obligations should guide the actions of states to ensure the right to life and survival for the most affected countries and regions?