

# Guide for Legal Action to Safeguard the Integrity of Climate Information



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Brazilian Institute for Consumers Defense (IDEC)

Mining Observatory

RPIIC – Partners for the Integrity of Climate  
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## SUPPORTING ORGANIZATIONS



**ANADEP**  
Associação Nacional das Defensoras e Defensores Públicos



**ADEPES**  
ASSOCIAÇÃO DOS  
DEFENSORES PÚBLICOS  
DO ESTADO DO  
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ANADEP – National Association of Public Defenders

ADEPES – Association of Public Defenders of the  
State of Espírito Santo



**UK Government**



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SECRETARIAT OF  
SOCIAL COMMUNICATION

**BRAZILIAN GOVERNMENT**  
**BRAZIL**  
STANDING WITH THE BRAZILIAN PEOPLE

GRAPHIC DESIGN AND LAYOUT

Moara Juliana and Júlia Cristofi

The **Guide for Legal Action to Safeguard the Integrity of Climate Information** is an initiative of the Laboratory for Research on Environmental Policy and Justice (**LAPAJ**), the Instituto Democracia em Xequê (**DX**), Conectas Human Rights, the Brazilian Institute for Consumers Defense (**IDEC**), and the Mining Observatory, with the support of the Partners for the Integrity of Climate Change Information Network (**RPIIC**), the National Association of Public Defenders (**ANADEP**), and the Association of Public Defenders of the State of Espírito Santo - BR (**ADEPES**).

Its main goal is to compile concepts, discussions, strategies, and suggested actions for guiding legal professionals. The **Guide** serves both to raise awareness in the legal field about this topic and to provide practical guidance for situations involving climate disinformation.

**This document is intended solely for informational and educational purposes.** The information herein is based on public sources, judicial decisions, and references cited throughout the text. It does not constitute a formal accusation against individuals, corporations, or public entities, nor does it replace proper judicial inquiries. Mentions of companies, brands, institutions, or individuals are meant exclusively to illustrate practices and are drawn from verifiable sources cited in the references. The signatory entities bear no responsibility for interpretations that go beyond the technical and informational scope of this material.

This **Guide** aims to contribute to a qualified public debate on the integrity of climate information. Any public use should maintain its technical tone, clearly cite sources, and adhere to legal and ethical guidelines.





Image credits: © 2011 CIAT/Neil Palmer, Adobe Stock/master 1305

# Part 1



# 1. Concept of **Disinformation**

Disinformation is the intentional spread of false, misleading, inaccurate, or distorted information with the purpose of confusing, manipulating, or harming individuals, groups, or institutions. It is a deliberate practice intended to influence public opinion, shape behaviors, and foment confusion, often to divert attention, discredit institutions, or further private, economic, or ideological interests.

The key difference between disinformation and misinformation lies in their intent. Disinformation involves coordinated, deliberate actions aimed at influencing others toward specific goals. Misinformation, by contrast, results from information driven by strong beliefs or ideologies—incorrect or erroneous, but without intent to cause harm.

## 1.5. Other Related Concepts

### **Greenwashing**

A strategy to promote products and services as environmentally or climatically responsible without meeting actual sustainability criteria, thereby misleading consumers or citizens. It may constitute deceptive or abusive advertising, which is prohibited under Article 37 of the Brazilian Consumer Protection Code (CDC).

### **Fake News**

Information presented as supposedly factual but entirely false, wrapped in a news-like format and disseminated on a large scale through digital platforms (though not exclusively).

### **Climate Denialism**

The deliberate and persistent rejection of the scientific consensus on the environment or climate change and its human causes, despite existing scientific evidence. It is often motivated by ideological, political, or economic interests and characterized by the spread of disinformation and attacks on the credibility of scientists and institutions.

### Climate Skepticism

A stance of doubt and questioning regarding information and conclusions about climate change. Skeptical individuals may express uncertainty about the severity of the impacts, the real extent of human contribution, or the urgency of action, seeking further proof or explanations before reaching conviction—without necessarily denying the facts outright—maintaining reservation until they feel fully confident in the information.

### Cherry Picking

A rhetorical and manipulative practice that selects only data, facts, or examples that confirm a particular narrative or point of view while deliberately ignoring relevant information that might contradict it. This strategy is common in disinformation campaigns and polarized political discourse because it creates an appearance of evidence and rationality while distorting the overall picture of events.

### Obstruction of Climate Information

Occurs when actors (usually governmental) create measures that obstruct access to information, data, and knowledge about environmental and climate situations.

## 1.2. Disinformation in the Context of the Climate Crisis

**Climate disinformation** refers to the intentional dissemination of messages containing false, inaccurate, or misleading information about climate change, including its causes, impacts, and proposed solutions. It seeks to distort or deny the scientific evidence surrounding the climate crisis, its human origins, and the need for urgent action.

In other words, it is not merely a mistake or lack of knowledge, but a deliberate action designed to confuse public opinion, hinder climate action, and often protect the economic interests of sectors that benefit from maintaining the *status quo*—for example, the fossil fuel industry.

**Note:** The relationships between disinformation and misinformation are complex, strategic, and often bidirectional. On one hand, disinformation

campaigns encourage various actors—such as individuals, influencers, politicians, and even journalists—to share manipulated information believing it to be authentic, thereby expanding the reach and impact of these campaigns. On the other hand, cohesive digital networks built on misinformation create a favorable environment for malicious agents to plan, produce, and disseminate disinformation. Climate change denialism has a longstanding tradition of spreading both disinformation and misinformation, marked by decades of shared attitudes, narratives, and strategies that deny, minimize, or question climate change despite scientific consensus.

## 1.3. Main Characteristics of Climate Disinformation

### **Intentional Distortion of Scientific Facts**

Data are presented selectively, out of context, and interpreted in erroneous or biased ways to support false narratives.

### **Incitement of Explicit or Implicit Denial**

May directly deny the existence of climate change, its human causes, or the severity of its impacts. It may also manifest more subtly by minimizing urgency or the capacity for action.

### **Fostering Doubt and Polarization**

Seeks to create uncertainty about scientific consensus, promoting the illusion of balanced debate where none exists—since a scientific consensus on climate change is already well established. This generates polarization and distrust.

### **Multiple Motivations**

Generally driven by economic, political, or ideological interests opposed to mitigation and adaptation policies.

### **Economic Power and Influence Operations**

Combines strategic and propagandistic actions—multifaceted and deliberate—including investments in media, lobbying, and disinformation to steer public debate and opinion on climate change.

## 1.4. Tactics for Spreading Disinformation

### Coordination

Coordinated inauthentic activity refers to organized and deliberate efforts by groups or individuals using multiple accounts, profiles, or digital platforms to deceptively manipulate public debate, artificially amplify certain messages, and influence social or political perceptions. These actions are designed to appear spontaneous or grassroots, when in fact they are part of a coordinated strategy serving ideological, political, or commercial objectives. Such activities often connect peripheral and mainstream platforms—such as anonymous forums (chans), Reddit, Facebook, and Twitter/X—operating from digital backchannels to test, spread, and amplify deceptive or hateful content.

### Cross-Platform Dissemination

Cross-platform disinformation is a coordinated strategy for spreading false or misleading content that leverages the technical and social features of multiple digital networks to amplify fabricated narratives and evade moderation mechanisms. Unlike approaches that analyze platforms in isolation (e.g., Twitter/X), this dynamic reveals a transmedia logic, where political actors coordinate their actions across multiple platforms, including YouTube, Facebook, Instagram, and Twitter/X, thereby maximizing the reach and persistence of disinformation within the digital ecosystem.

### Simulated Activism (*Astroturfing*)

Digital *astroturfing* is a strategic and deliberately deceptive practice used to manipulate online public debate. Political actors—such as governments, parties, public officials, or interest groups—simulate spontaneous civil society movements to influence public opinion or pressure other political actors. Rather than emerging autonomously and organically, as traditional social movements do, simulated activism is characterized as a top-down action that imitates bottom-up mobilization to support or oppose specific public policies or political figures.

## 1.5. Impacts of Climate Disinformation

### Delay in Climate Action

By undermining trust in science and the urgency of the crisis, disinformation delays the implementation of effective public policies and weakens social engagement in mitigation and adaptation efforts.

### Erosion of Public Debate

Hinders rational, evidence-based discussions about climate change, replacing them with ideological and unfounded narratives that divert attention from critical issues.

### Polarization

By creating conflicting narratives about the causes, impacts, and solutions to climate and socio-environmental challenges, disinformation deepens ideological divides, reducing dialogue and consensus necessary for collective action.

### Harm to Health and Well-being

A lack of understanding about the real impacts of climate change can lead to misguided decisions that endanger the health and well-being of populations.

### Loss of Credibility

Resulting from coordinated actions that erode public trust in scientific, journalistic, and governmental institutions.

### Tolerance of Violence

Discurso ou ações que podem mobilizar processos de violência, sobretudo em territórios, contra lideranças locais, povos indígenas e povos e comunidades tradicionais.

### Radicalization

In a context already marked by social and emotional polarization, disinformation can link extremist ideologies to environmental and climate issues, accelerating processes of ideological radicalization.

## 2. Instruments for Facing Disinformation

### ■ Scientific Education

Serves as the foundation for empowering people to think critically, understand how science works, and value evidence. It helps individuals distinguish between reliable information and pseudoscience and disinformation, thereby building a society more resistant to false narratives.

### ■ Prebunking

A preventive approach that prepares the public against disinformation before it spreads. Inspired by the metaphor of vaccination, this technique exposes people to factual truths beforehand to strengthen critical thinking and enhance their ability to identify and reject manipulative content.

### ■ Debunking

A reactive response to disinformation through the direct refutation of false information in circulation. It involves identifying the falsehood, presenting accurate facts, and explaining the error clearly and accessibly.

### ■ Strengthening Journalism

Ensures that professional and ethical media outlets can produce high-quality journalism based on rigorous investigation and fact-checking, serving as reliable information sources that counter the spread of false news and keep the public well-informed.



### ■ Fact-Checking

Systematic verification of the veracity of digital content, identifying false or misleading information through rigorous methodologies, and publishing detailed reports. It functions as an immediate line of defense against the rapid spread of disinformation across platforms.

### ■ Regulation of Digital Platforms

Aims to hold companies accountable for the content circulating on their networks by establishing rules for moderation, algorithmic transparency, and the fight against fake accounts—seeking to contain the massive dissemination of disinformation and protect public debate.

### ■ Media and Digital Literacy

A process that strengthens individuals' ability to read, understand, interpret, and use information and digital technologies critically and consistently over time, enhancing society's resilience against disinformation and other digital threats.



# Part 2



# How Can Climate Disinformation Lead to Rights Violations?

This is not merely a matter of “factually incorrect information.” Climate disinformation causes a real impairment of fundamental rights – including the rights to information, health, a healthy environment, work, participation, and justice. In this sense, it creates barriers to the urgent climate action that both the **United Nations Framework Convention on Climate Change (UNFCCC)** and the **Universal Declaration of Human Rights** seek to protect.

## ■ Right to Climate and Environmental Information

By creating doubt or denying the urgency and human origins of climate change, disinformation campaigns undermine people’s right to access knowledge that enables them to understand risks affecting their health and environment.

## ■ Right to Health and a Dignified Life

The spread of narratives that delay or obstruct climate policies also worsens emergency responses to extreme events (such as droughts, floods, and heat waves), endangering the health and lives of people – especially those in vulnerable situations.

## ■ Right to Self-Determination and Self-Development

Communities that depend on agriculture, fishing, and other biome-related activities are directly affected. The same applies to ordinary citizens and consumers who face misleading information when making choices. Misleading or deceptive information that delays adaptation measures or promotes greenwashing prevents these communities and citizens from making informed decisions about their way of life, thereby restricting access to justice.

## ■ Right to Climate Justice and Political Participation

By spreading distrust toward scientific institutions and public authorities, disinformation reduces citizen participation in decision-making processes such as public consultations and environmental hearings, hindering the exercise of citizenship. This issue is addressed in the **Escazú Agreement** (*Regional Agreement on Access to Information, Public Participation, and Justice in Environmental Matters in Latin America and the Caribbean*), formalized in 2018. The agreement seeks to guarantee: the right of access to environmental information; the promotion of public participation in decisions affecting the environment; the facilitation of access to justice

in environmental matters; and the specific protection of environmental defenders. Brazil has signed the agreement; however, its ratification by the National Congress is still pending<sup>1</sup>.

### ■ Political Rights

When disinformation originates from public authorities, it violates political rights by presenting certain policies as adaptive or mitigative when they are not, or by concealing the impacts of climate change. Such practices mislead citizens both during electoral campaigns and throughout governmental mandates.

### ■ Consumer Rights

Climate disinformation can also violate rights when expressed through **greenwashing** in consumer relations. In these cases, it directly infringes upon the right to clear, adequate, and truthful information – a right guaranteed under the Consumer Protection Code – as consumers are misled about the real environmental impacts of products and services.

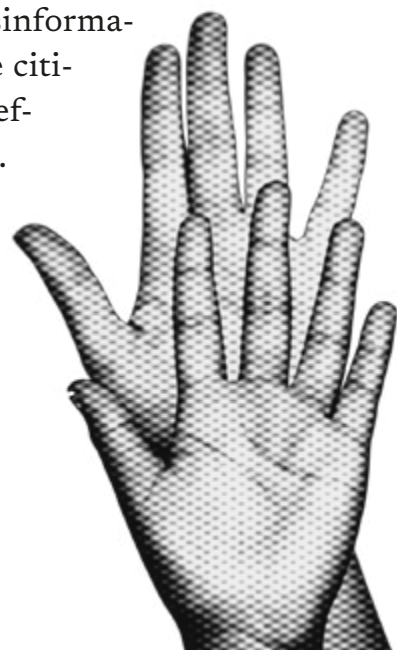
Moreover, greenwashing undermines the exercise of other consumer-related rights, such as the right to education for sustainable consumption. More profoundly, such practices contribute to the perpetuation of production models that violate the **collective right to an ecologically balanced environment, enshrined in the Brazilian Federal Constitution**. By concealing the true socio-environmental impacts of production methods, greenwashing hinders public scrutiny, social accountability, and the transition to genuinely sustainable models.

### ■ Rights of Indigenous Peoples and Traditional Peoples and Communities<sup>2</sup>

Disinformation also contributes to the violation of the rights of the most vulnerable populations – **Indigenous Peoples and Traditional Peoples and Communities**. Beyond the issues related to how disinformation interacts with diverse ways of life and culture, these citizens remain disproportionately exposed to the harmful effects of destructive production and consumption models.

<sup>1</sup> Available at: <<https://escazubrasil.org.br>>.

<sup>2</sup> Traditional Peoples and Communities (PCTs, in the Brazilian acronym), according to Decree No. 6,040/2007, are “culturally distinct groups that recognize themselves as such, that have their own forms of social organization, that occupy and use territories and natural resources as a condition for their cultural, social, religious, ancestral, and economic reproduction, using knowledge, innovations, and practices generated and transmitted by tradition.” Some of them, such as indigenous peoples, gypsies, pomeranians, and some of the Peoples of the African Heritage Tradition, have their own languages.

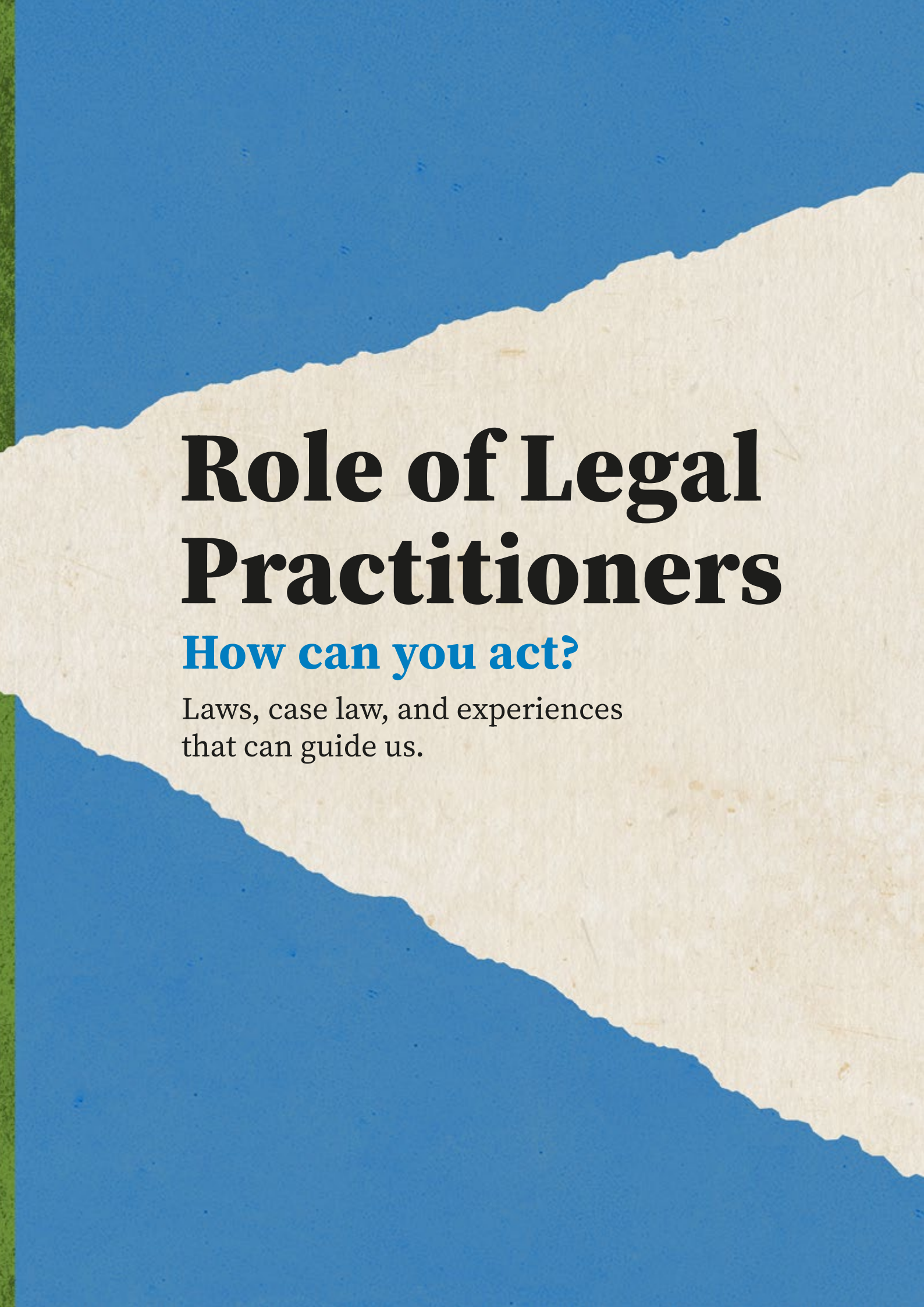




# Part 3



Fotos: Adobe Stock/master1305



# **Role of Legal Practitioners**

**How can you act?**

Laws, case law, and experiences  
that can guide us.

## Laws and Case Law

### ► “Fake News” Bill (Bill Project No. 2630/2020)

Although still under debate in Congress, this bill seeks to establish rules for transparency and platform accountability in addressing disinformation. Brazil already has other statutes that may apply to disinformation cases, such as the Criminal Code (which covers defamation, libel, and other offenses) and the General Data Protection Law (LGPD).

### ► Decision of the Inter-American Court in Advisory Opinion OC-32/25

Advisory Opinion No. 32/25 (OC-32/25) is a landmark pronouncement by the Inter-American Court of Human Rights, issued on July 3, 2025, concerning the climate emergency and its relationship to human rights. It was jointly requested by the governments of Colombia and Chile in January 2023 under Article 64.1 of the American Convention on Human Rights.

An advisory opinion is a legal instrument issued by the Inter-American Court at the request of OAS Member States or OAS bodies. Although it does not adjudicate specific cases, it interprets the scope of the rights provided for in the American Convention and guides the fulfillment of human rights obligations in the Americas.

For the first time in the inter-American system, OC-32/25 affirms that:

- 1)** The climate emergency is a human rights issue that impacts fundamental rights, including the right to life, the right to health, the right to food, the right to housing, and the right to a healthy environment.
- 2)** States have concrete obligations and must: urgently and effectively prevent environmental harm; regulate business activities that have climate impacts; ensure public information and social participation; protect Indigenous Peoples and vulnerable communities; and cooperate internationally on mitigation and adaptation.
- 3)** Nature is a subject of rights. OC-32/25 recognizes nature as a rights-holder, which means environmental protection is to be understood not only as a human interest, but as a duty in and of itself.

## **Legal and Political Significance**

This was the first advisory opinion by a regional human rights court devoted exclusively to climate and rights. It serves as a basis for litigation, public policies, and national legislation, strengthening the field of climate justice.

## **Information, Disinformation, and Greenwashing in OC-32/25**

### **1) Right to Climate Information (pp. 172–184)**

The Court acknowledges that access to environmental information is a fundamental procedural right in the context of the climate emergency. States must ensure:

- the production, systematization, and dissemination of science-based climate information, using accessible language and respecting the principle of equity (pp. 177–183);
- active and passive transparency, consistent with international obligations such as those in the Escazú Agreement (pp. 176–179);
- as the Court states: “Information must be accessible, understandable, up-to-date, scientifically valid, technically adequate, and culturally relevant.” (p. 178)

### **2) Disinformation and Its Risks (p. 184)**

“The Court considers that the adoption of measures to prevent and combat climate disinformation [...] constitutes a State obligation arising from the duties to guarantee human rights in the context of the climate emergency.” (p. 184). Such measures must include fact-checking, critical environmental education, and the dissemination of reliable scientific data. The Court warns that: “The deliberate dissemination of false or distorted information about the climate crisis may constitute a violation of the duty to guarantee fundamental rights.” (p. 184).

### **3) Greenwashing**

The term *greenwashing* does not appear verbatim, but it can be inferred:

- The Court determines that States have a duty to regulate and oversee business activities with environmental impact (pp. 91–94).
- A lack of corporate transparency and deceptive disclosure of climate actions may violate the right to information and the principles of good faith and due diligence (pp. 94 and 183).



### ► Decision of the International Court of Justice

The principal judicial organ of the United Nations, whose purpose is to resolve legal disputes between States and issue advisory opinions at the request of UN bodies and specialized agencies, heeded the request of the UN General Assembly in Resolution 77/276 of March 29, 2023, seeking an opinion on States' obligations to protect the climate system and on the legal consequences for States that cause significant harm.

The obligations identified for States were:

- 1) Mitigation and adaptation;
- 2) Progressive Nationally Determined Contributions (NDCs) reflecting the “highest possible ambition” (Paris Agreement);
- 3) A strict duty of due diligence to prevent environmental harm;
- 4) A duty of cooperation, including financial, technological, and capacity-building support;
- 5) Protection of the marine environment – greenhouse gases (GHGs) are characterized as marine pollution, thereby triggering the protection regime of Part XII of UNCLOS. It was established that, since mitigation obligations are of interest to the international community as a whole, any State may invoke the responsibility of another.

Although the decision does not directly address information integrity, it does mention access to information and public participation by reference to other environmental treaties.



Porto Alegre, RS, Brazil (05/11/2024). City Hall conducts mapping of flooded areas. Photo: Courtesy of PMPA.

## Experiences

### **CASE 1: Historic flood in Rio Grande do Sul (BR) in 2024**

#### ► Fake News During the Climate Disaster in Rio Grande do Sul

Fake news was considered a “parallel tragedy” during the climate disaster that caused floods in Rio Grande do Sul in 2024<sup>3</sup>. The impacts of disinformation during climate emergencies unfold across various levels and effects, both immediate and practical, as well as long-term and systemic.

At first, the spread of false information—besides causing panic and alarming the population—can hinder rescue efforts, endangering the safety of people who need to be displaced from their homes or blocking access to supplies and medicines for those who truly need them.

For example, the spread of prophylaxis protocols—without scientific evidence—for diseases associated with heavy rains can lead to increased demand for medicines, potentially causing shortages and making it harder to provide adequate treatment to those who are actually affected.

<sup>3</sup> Available at: <<https://www.mprs.mp.br/media/areas/gabclima/arquivos/ebookgabclima.pdf>>.

In addition, in the short term, false information about responsibility and omissions can lead to harassment of public officials, journalists, and civil society—episodes that were identified during the tragedy in Rio Grande do Sul.

In the long term, as a systemic effect, there can be a process of instrumentalization, normalization, and acceptance of this type of content, triggering harmful social, cultural, and political consequences, ranging from population radicalization to reduced credibility of institutions and events that were once uncontested. In Brazil, vaccination rates for diseases previously eradicated have declined, the result of a strong disinformation campaign related to COVID-19 vaccines.

Regarding the types of disinformation that circulated at the time, the following categories were observed:

- **Denial of Climate Change as a Cause**

Arguments seeking to disconnect the floods from climate change, citing historical floods in 1941 to claim the phenomenon is “normal” and unrelated to global warming.

*"Former mayors of Porto Alegre washed their hands like Pontius Pilate."*

**EX-PREFEITOS DE PORTO ALEGRE LAVAM AS MÃOS COMO PILATOS**

**"It rained much more in 1941; why then was Lake Guaíba higher?"**

 **Alexandre Garcia**  
June 1, 2024

Available at:  
<<https://www.youtube.com/watch?v=S6Kz6u-1uRQ>>.

Fotos: Reprodução/YouTube

- **Climate Manipulation Theories (HAARP)**

Content suggesting the floods were planned or induced by technologies such as the U.S. HAARP project, allegedly to “impose a climate agenda” or the “Great Reset.” HAARP (High-frequency Active Auroral Research Program) is a U.S. scientific project that studies physical phenomena in the upper layers of Earth’s atmosphere.

The “Great Reset” originally emerged at the 2020 World Economic Forum as a proposal to reduce social inequalities, mitigate climate change, and promote economic growth. Conspiracy narratives distorted it into a supposed global totalitarian project to impose a green agenda and other social policies.

Image credits: Screenshot/X



**BielConn** @bielconn  
May 28, 2024

*“WHAT IS THIS!!!! HAARP at full throttle in RS... lightning after lightning without rain... where is the HAARP base in RS...?”*



Available at: <<https://x.com/bielconn/status/179562382427421118>>.



**André GAP** @AndreGA\_Pe  
May 7, 2024

*“‘CLIMATE CHANGE’ IS A BIG FRAUD... In this documentary, the evil project of climate control begins in 1947. HAARP — draw your own conclusions.”*



Available at: <[https://x.com/AndreGA\\_Pe/status/1787972505874907236](https://x.com/AndreGA_Pe/status/1787972505874907236)>.

Image credits: Screenshot/X

*“THEY’ ARE DOING THIS. IT IS WORSE EVERY YEAR”*



### Climate Manipulation and the HAARP Project



**YouTube**  
**Carol Capel**  
May 22, 2024

Available at: <<https://www.youtube.com/watch?v=EytkQloy5VM>>.

Image credits: Screenshot/YouTube

- **“Agenda 2030” Conspiracy**  
Messages linking the catastrophe to an alleged global social-control plan tied to the 2030 Agenda, including mass expropriation and relocation.
- **State Bureaucracy as an Obstacle**  
Claims that State bureaucracy was preventing or delaying the arrival of donations; accusations that, due to the actions of the National Land Transport Agency, supplies were not reaching affected areas; and allegations that the federal government had not accepted aid from other countries.



**Paladin** @PaladinRood  
May 3, 2024

*“Rio Grande do Sul — The Planned Calamity. How will the artificial climate event in RS drive the 2030 Agenda? Follow the thread...”*



Available at: <<https://x.com/PaladinRood/status/1786526075670941843>>.

Image credits: Screenshot/X

Image credits: Screenshot/Instagram



**@conexaopolitica**  
May 7, 2024



*“Rio Grande do Sul asks for help, Uruguay offers boats, a plane, and drones, but the Lula government rejects it, says a newspaper.”*

Available at: <<https://www.instagram.com/p/C6rvDp9LJoQ/>>.



**Cleitinho** @cleitinhomj  
May 6, 2024

*“The state of Rio Grande do Sul is BLOCKING donation trucks due to lack of invoices... If you can't help, don't hinder those who are helping!”*



Available at: <<https://x.com/cleitinhomj/status/1787587607007817876>>.

Image credits: Screenshot/X

## ► Accountability Proceedings Related to the Floods in Rio Grande do Sul

### 1. Preliminary Injunction by the Special Group to Combat Organized Crime (GAECO) / State Public Prosecutor's Office of Rio Grande do Sul

On May 5, 2024, the Special Group to Combat Organized Crime (GAECO) of the State Public Prosecutor's Office of Rio Grande do Sul, through Prosecutor Maristela Schneider, filed for a preliminary injunction against two social media companies (such as Facebook/Meta) to block or remove fake profiles soliciting donations on behalf of flood victims.

Image credits: Screenshot/Migalhas



**“Floods in RS: Facebook must remove Neco Di’s post with fake news.”**

Available at: <<https://www.migalhas.com.br/quentes/407132/enchentes-no-rs-facebook-deve-excluir-post-de-neco-di-com-fake-news>>.

### 2. Injunction by Judge Fernanda Ajnhorn (Rio Grande do Sul Court of Justice)

On May 9, 2024, on emergency duty, Judge Fernanda Ajnhorn of the Rio Grande do Sul Court of Justice granted an injunction ordering Meta to remove false posts on Facebook/Instagram related to the floods—subject to a daily fine of R\$100.000—also connected to a public civil action brought by the State Public Prosecutor's Office.

### 3. Investigations by the Civil Police and Federal Police

Police investigations (civil and federal) were initiated to investigate both the spread of fake news and Pix donation fraud, which also led to arrests (Operation Dilúvio Moral, or Moral Deluge, a *free translation*<sup>4</sup>).

<sup>4</sup> Available at: <[https://pt.wikipedia.org/wiki/Opera%C3%A7%C3%A3o\\_Dil%C3%BAvio\\_Moral](https://pt.wikipedia.org/wiki/Opera%C3%A7%C3%A3o_Dil%C3%BAvio_Moral)>.

## **CASE 2: Justice Institutions v. Fundação Renova, Samarco, Vale, and BHP Billiton**

### ► **Abusive and Deceptive Advertising by Fundação Renova in the Mariana-Rio Doce Case**

Public Civil Action No. 1023835-46.2021.4.01.3800 against Fundação Renova, Samarco Mineração S.A., Vale S.A., and BHP Billiton do Brasil Ltda. Subject: abusive and deceptive advertising.

In a decision in Case No. 1029323-16.2020.4.01.3800 before the 12th Federal Civil and Agrarian Court of the Judicial Section of Minas Gerais, the judge ruled in favor of the public civil action brought by the Federal Public Prosecutor's Office, the State Public Prosecutor's Office of Minas Gerais, and the Federal Public Defender's Office against Fundação Renova, Samarco Mineração S.A., Vale S.A., and BHP Billiton Brasil Ltda. The action challenged Fundação Renova's institutional advertisements as abusive and deceptive for conveying the idea that reparation for the Mariana disaster had been fully accomplished, contrary to the reality of the victims. The ruling recognized a violation of the collective right to adequate information and good faith under Articles 6, 36, and 37 of the Consumer Protection Code and ordered the defendants to pay R\$10 million in collective moral damages, in addition to immediately suspending the advertisements and publishing counter-advertising to clarify the content of the court's decision.

Inspection of the area affected by the collapse of the Samarco mining company's tailings dam, in Barra Longa, Minas Gerais. Photo: Felipe Werneck – Ascom/Ibama.



- **Main Points of the Decision**

## SUMMARY OF THE JUDGMENT – UNLAWFUL ADVERTISING BY FUNDAÇÃO RENOVA

Case: 1023835-46.2021.4.01.3800/MG

Court: 4th Federal Civil Court of Belo Horizonte

Plaintiffs: Federal Public Prosecutor's Office; Federal Public Defender's Office; State Public Defender's Offices of Minas Gerais and Espírito Santo

Defendants: Fundação Renova; Samarco; Vale; BHP Billiton

## GROUND FOR CONVICTION

Fundação Renova was convicted for running self-promotional advertising campaigns using funds that should have been earmarked for the reparation of the Mariana socio-environmental disaster. The campaigns were deemed deceptive, with inaccurate and partial information, distorting the institutional duty of transparency and the collective right to adequate information.

## LEGAL BASIS AND CASE LAW

Consumer Protection Code (Arts. 6, 36, 37, and 60) – Public Civil Action Law (Law No. 7,347/85), Arts. 3 and 13 – Superior Court of Justice Theme 707 – Collective moral damages – Court of Appeals of Santa Catarina ApC No. 2011.008325-9 – Counter-advertising in deceptive environmental advertising

## OPERATIVE PART OF THE RULING

1. Suspension of advertising campaigns and removal of content;
2. Obligation to publish counter-advertising with the same reach and channels;
3. Compensation for material damages: R\$28.151.282,30;
4. Compensation for collective moral damages: R\$28.151.282,30;
5. Total: R\$ 56,302,564.60;
6. Allocation of amounts to the Federal Fund provided for in Article 13 of the Public Civil Action Law.

## COURT'S OBSERVATIONS

The conviction was limited to campaigns aired up to October 11, 2020. The court did not recognize aggravation based on greenwashing or corporate interference due to a lack of robust proof.



### **CASE 3: Institute for Consumers Defense (IDEC) v. Gol Airlines**

The Institute for Consumer Defense (Idec) notified Gol Airlines and Localiza Rent a Car to clarify advertising initiatives that may constitute greenwashing—the practice of promoting an environmentally responsible image that is not borne out by actual operations<sup>5</sup>.

The notice questioned programs such as:

- Gol's "CO2 Neutral," which promises to offset carbon emissions through voluntary credit purchases;
- Localiza's "Carbon Free," which advertises the offsetting of emissions from rented vehicles.

According to IDEC, these campaigns may mislead consumers and fail to provide clear, verifiable information about the real environmental impact of the actions. The organization requested technical data to prove the project's effectiveness and transparency.

IDEC warns that greenwashing practices harm not only the right to adequate information but also collective efforts to address the climate crisis.

<sup>5</sup> Available at: <<https://idec.org.br/release/idec-notifica-gol-e-localiza-para-prestarem-esclarecimentos-sob-suspeitas-de-greenwashing>>.

## CASE 4: Greenwashing and Mining

31

- Cases involving greenwashing and questionable practices in mining



AUGUST 2020

**“Mining companies use the pandemic as an opportunity for ‘spontaneous marketing’ on national TV.”**

Available at: <<https://observatoriodaminerao.com.br/mineradoras-usam-a-pandemia-como-oportunidade-para-marketing-espontaneo-em-rede-nacional/>>.



SEPTEMBER 2022

**“It’s a lie that the market cares about the environment,’ says ESG specialist, the mining industry’s new obsession.”**

Available at: <<https://observatoriodaminerao.com.br/e-mentira-que-o-mercado-olha-para-o-meio-ambiente-diz-especialista-em-esg-nova-obsessao-de-mineradoras/>>.



MARCH 2023

**“Allies of mining companies and prospectors launch the ‘Parliamentary Front for Sustainable Mining’ in Congress.”**

Available at: <<https://observatoriodaminerao.com.br/aliados-de-mineradoras-e-do-garimpo-lancam-frente-parlamentar-da-mineracao-sustentavel-no-congresso/>>.



DECEMBER 2023

**“While Maceió keeps sinking, Braskem touts its ‘sustainable achievements’ at COP 28.”**

Available at: <<https://observatoriodaminerao.com.br/enquanto-maceio-continua-a-afundar-braskem-divulga-seus-feitos-sustentaveis-na-cop-28/>>.



MARCH 2024

**“Coal lobbyists, kept afloat by multibillion subsidies, now bet on the ‘sustainable’ label.”**

Available at: <<https://observatoriodaminerao.com.br/lobistas-do-carvao-mantidos-com-subsidios-multibilionarios-agora-apostam-em-rotulo-sustentavel/>>



OCTOBER 2024

**“The greenwashing behind Brazil’s lithium boom.”**

Available at: <<https://observatoriodaminerao.com.br/the-greenwashing-behind-brazils-lithium-boom>>

## **CASE 5: Mining Observatory and Judicial Harassment**

### ► **Censorship and threats against defenders of information integrity**

Sigma Lithium, a Canada-based mining company and the leading firm exploring lithium in the Jequitinhonha Valley (Minas Gerais), sent an extrajudicial notice<sup>6</sup> to the Mining Observatory in April 2025 with the clear aim of intimidating, threatening, and attempting to censor the Observatory's journalistic work. In response, the legal team sent a judicial counter-notice to Sigma's attorneys. The Observatory then published the investigative report that the company had sought to suppress—based on a technical note by researchers from Brazil and the United Kingdom—and publicly disclosed Sigma's intimidation.

The Mining Observatory received formal support<sup>7</sup> from the Brazilian Association of Investigative Journalism (Abraji), the Brazilian Anthropological Association (ABA), the National Federation of Journalists (FENAJ), the Vladimir Herzog Institute, and more than 22 research institutions.

The case is being formally monitored and analyzed<sup>8</sup> by oversight entities and bodies, including the Federal Public Prosecutor's Office, the State Public Prosecutor's Office of Minas Gerais, and the Federal Public Defender's Office, and it prompted a statement from the International Federation for Human Rights (FIDH).

## **CASE 6: O Joio e O Trigo website and Judicial Harassment**

The Court of Justice of Rondônia (1st Civil Court of Vilhena/RO) granted an injunction ordering the removal of a report by the outlet O Joio e O Trigo, originally published on January 30, 2025, from all of its online platforms. The report covered, among other issues, the purchase of cattle from illegally deforested land on a farm owned by Senator Jaime Bagattoli (PL-RO). The case was placed under seal. The injunction was granted on August 8, requiring the outlet to remove the article from all platforms it administers.

<sup>6</sup> Available at: <<https://observatoriodamineracao.com.br/sigma-lithium-tenta-intimidar-e-censurar-o-observatorio-da-mineracao/>>.

<sup>7</sup> Available at: <<https://observatoriodamineracao.com.br/abraji-aba-e-associacoes-de-pesquisa-repudiam-perseguido-da-sigma-lithium-ao-observatorio-da-mineracao/>>.

<sup>8</sup> Available at: <<https://observatoriodamineracao.com.br/mpf-mpmg-dpu-e-fidh-estao-apurando-a-intimidacao-da-sigma-lithium-contra-o-observatorio-da-mineracao/>>.

This was the organization's first lawsuit in its eight-year history of operation. The outlet conducts investigative journalism and has presented extensive data exposing lesser-known aspects of the food industry and its environmental and public health impacts.

Image credits: Fernando Martinho/  
O Jolo E O Trigo



#### JORNAL NEXO (FEBRUARY 2025)

**“The senator who admits to buying cattle from deforesters.”**

Available at: <<https://www.nexojornal.com.br/externo/2025/02/05/amazonia-desmatamento-gado-senador-pl-jaime-bagattoli>>.

Image credits: Screenshot/  
UOL Notícias



#### UOL NOTÍCIAS (SEPTEMBER 2025)

**“Judge takes down report on senator’s purchase of cattle from deforestation.”**

Available at: <<https://noticias.uol.com.br/ultimas-noticias/redacao/2025/09/03/juiz-tira-do-ar-reportagem-sobre-compra-de-gado-de-desmatamento-por-senador.htm>>.

## CASE 7: Fake News About the Rio Doce Basin Reparation Agreement

The Public Defender’s Office and the Public Prosecutor’s Office of the State of Espírito Santo warned the public about five pieces of disinformation circulating in relation to the Rio Doce Basin Reparation Agreement. Treated as fake news, they include false promises such as “hurry to secure access to the Women’s Fund,” the opening of non-existent registrations in income-transfer programs, the mistaken idea that the entire population is included in the flood zone, the allegation that the reparation programs lack oversight, and the incorrect understanding that all coastal regions of Espírito Santo are covered by the agreement—when, in fact, only specific municipalities were recognized as impacted. The alert was published on the official websites of both institutions,<sup>9</sup> and the disinformation reports were referred to the Public Prosecutor’s Office for investigation.

<sup>9</sup> Available at: <<https://www.defensoria.es.def.br/cinco-fake-news-para-nao-cair-sobre-o-acordo-de-reparacao-da-bacia-do-rio-doce-e-litoral-capixaba/>> e <<https://mpes.mp.br/noticias/2025/09/03/cinco-fake-news-para-nao-cair-sobre-o-acordo-de-reparacao-da-bacia-do-rio-doce-e-litoral-capixaba/>>.

# Part 4



# Who Has Standing to Act?

It is essential that those affected by socio-environmental disasters pay attention, from the outset, to the entities with standing for their proper legal representation. In many situations, procedural conflicts arise over standing for collective action, especially when different institutions claim to defend the same vulnerable group.

In such cases, it is crucial to consider each entity's track record in defending the rights of the affected community. Proximity to communities, knowledge of the territory, and an institutional commitment to promoting human rights must be central elements in assessing standing.

It is also important for those with standing to engage in dialogue and develop litigation strategies that mutually reinforce one another, even when acting independently. Coordination among institutions is vital to prevent the fragmentation of the defense of victims' rights and to enhance the outcomes of judicial and extrajudicial actions. A significant example was the joint action of six justice institutions in the Samarco case—the State Public Defender's Offices of Espírito Santo and Minas Gerais; the Federal Public Defender's Office; and the Public Prosecutor's Offices of Espírito Santo, Minas Gerais, and the Federation—which built a coordinated front, respecting their competencies while joining efforts on behalf of the victims of the disaster.

## **The person affected by the harm of disinformation must always be at the center of the process.**

The interests and needs of those affected by climate disinformation must be at the center of the definition of strategies and actions. This requires a sensitive approach to the multiple vulnerabilities affecting those impacted, taking into account social and economic inequalities, as well as race and gender dimensions, in the debates on access to information and the exercise of rights. It is also essential to recognize the barriers faced by the digitally excluded—people with limited or no access to communications technologies.

### ► **Case: Justice Institutions v. Pogust Goodhead**

The Federal Court of Minas Gerais, through the 13th Civil Court of Belo Horizonte, granted an injunction on July 18, 2025, in Public Civil Action No. 6062724-04.2025.4.06.3800, brought by the Public Prosecutor's Offices (Federal and the States of MG and ES) and the Public Defender's Offices (Federal and MG) against Pogust Goodhead Law Ltd. (United Kingdom) and Felipe Hotta Sociedade Individual de Advocacia (Brazil). The case arises from the 2015 collapse of the Fundão dam in Mariana (Minas Gerais), whose victims have sought compensation both in Brazil and in a collective action abroad.

- **Case Overview:** According to the plaintiffs, victims of the Mariana disaster hired a foreign law firm and a Brazilian firm to file a class action against Samarco/BHP in the United Kingdom, but were subjected to contractual clauses that compromised their right to seek compensation in Brazil—creating “hyper-vulnerability” and “unjust enrichment” by the attorneys, according to the allegations. The preliminary suspension of the clauses aims to ensure that victims can freely adhere to the national Definitive Compensation Program (PID) without fear of losing amounts already received, as well as to ensure transparency in the charging of fees. The decision also underscores the competence of Brazilian courts in protecting the rights of vulnerable consumers and reaffirms the application of the Brazilian Consumer Protection Code to client-attorney relationships in exceptional situations of vulnerability.
- **Facts and Object of the Decision:** Reports indicated that the contracts offered by the firms contained clauses for exclusive foreign forum (London), international arbitration, fees charged on amounts already received in Brazil, and prohibitions on contract termination or adherence to national agreements. There were also advertisements discouraging adherence to the Definitive Compensation Program (PID) approved by the Supreme Federal Court in November 2024.

The injunction suspended such abusive clauses and ordered: **(i)** the judicial deposit of fee amounts levied on national compensation; **(ii)** the removal of all advertisements discouraging adherence to the PID; and **(iii)** notification of the victims, through the same channels and with the same frequency, for at least 90 days.

- **Legal Basis**

- 1) Jurisdiction and Competence

- Articles 21 and 25 of the Code of Civil Procedure (2015): competence of Brazilian authorities for acts performed in national territory and

the relativity of electing a foreign forum (item II).

- Article 24 of the Code of Civil Procedure (2015): removes lis pendens between Brazil and abroad, permitting simultaneous actions in both jurisdictions.

## 2) Consumer Protection

- Law No. 8,078/90 (Consumer Protection Code): applies to legal services where the consumer is vulnerable (Arts. 2; 3 caput and §2; 14 §4; and 60); the presumption of vulnerability is reinforced by the socio-environmental disaster context.
- Article 82 of the Consumer Protection Code and Superior Court of Justice Precedent 601: standing of the Public Prosecutor's Offices and the Public Defender's Offices to bring collective actions on behalf of consumers.
- Consumer Protection Code, Art. 60: deceptive advertising.
- Consumer Protection Code, Art. 82: standing of "the Public Prosecutor's Office and, under Article 5, item LXXIV of the Constitution, the Public Defender's Office" to bring public civil actions.
- Superior Court of Justice Precedent 601: standing of the Public Defender's Office in defense of consumers.

## 3) Brazilian Bar Association Statute and Civil Code

- Law No. 8,906/94, Art. 32: ethical and disciplinary responsibility of attorneys.
- Bar Statute, Art. 24 §4: attorneys' fees are the attorney's autonomous property, but require clear information and consent.
- Civil Code (2002), Art. 667: service contracts require effective performance to bind the attorney to contractual consequences.

## 4) Constitutional Principles

- Brazilian Federal Constitution (1988), Art. 5 XXXV: guarantee of access to justice.
- Brazilian Federal Constitution (1988), Art. 129 III: Public Prosecutor's Office empowered to defend diffuse and collective interests.
- Law No. 7,347/85 (Public Civil Action Law), Art. 12: possibility of preliminary relief in public civil action.

## 5) Superior Court of Justice Case Law

- REsp 2,079,440/RO: the Public Prosecutor's Office has standing to bring public civil actions against abusive fee contracts involving vulnerable parties.

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# Notes

## RESPONSIBLE ORGANIZATIONS AND CONTRIBUTORS



**RPIIC**

REDE  
INTEGRIDADE  
CLIMA

LAPAJ – Laboratory for Research on Environmental Policy  
and Justice

Instituto Democracia em Xequê (DX)

Conectas Human Rights

Brazilian Institute for Consumers Defense (IDEC)

Mining Observatory

RPIIC – Partners for the Integrity of Climate  
Change Information Network

## SUPPORTING ORGANIZATIONS



ANADEP – National Association of Public Defenders

ADEPES – Association of Public Defenders of the  
State of Espírito Santo



SECRETARIAT OF  
SOCIAL COMMUNICATION



GRAPHIC DESIGN AND LAYOUT

Moara Juliana and Júlia Cristoff

# Guide for Legal Action to Safeguard the Integrity of Climate Information

