



CLIMATE JUSTICE AND THE ROLE OF THE PUBLIC DEFENDER'S OFFICE



DEFENSORIA PÚBLICA
DO ESTADO DO RIO DE JANEIRO

DEFENSORIA
DO BRASIL NA COP30

ACESSO À JUSTIÇA E DEFESA CLIMÁTICA
PARA TODAS E TODOS

WHAT IS THE PUBLIC DEFENDER'S OFFICE?

The **Public Defender's Office** has the constitutional mission of protecting human rights and ensure access to justice for all vulnerable individuals and groups.

The Brazilian Federal Constitution disciplined the organization of State functions (Title IV - "Organization of Powers"), dividing them between the Legislative Branch (Chapter I), the Executive Branch (Chapter II) and the Judiciary (Chapter III). Along with these three elementary State Powers, and within the same Title IV, the Brazilian Constitution established a fourth organic complex, entitled "Essential Functions to Justice" (Chapter IV), comprising the **Public Defender's Office** and Public Prosecutor's Office.

Therefore, the Brazilian Federal Constitution went beyond the traditional State Powers division, and created a fourth organic complex, which performs a fourth political function (alongside the legislative, executive and judicial functions): the justice provision function.

In the Brazilian Constitutional System, the **Public Defender's Office** is not connected to the others State Powers at all, not being under subordinated to the to the Executive Branch, the Legislative Branch or the Judiciary. As a natural consequence of this non-entailment, the Brazilian Constitution attribute to the **Public Defender's Office** functional, administrative and financial autonomy (Article 134, §§ 2 and 3 of the Brazilian Constitution of 1988), as well as ensuring the initiative to forward to the legislative branch proposals of laws for organization and operation of the **Public Defender's Office**.

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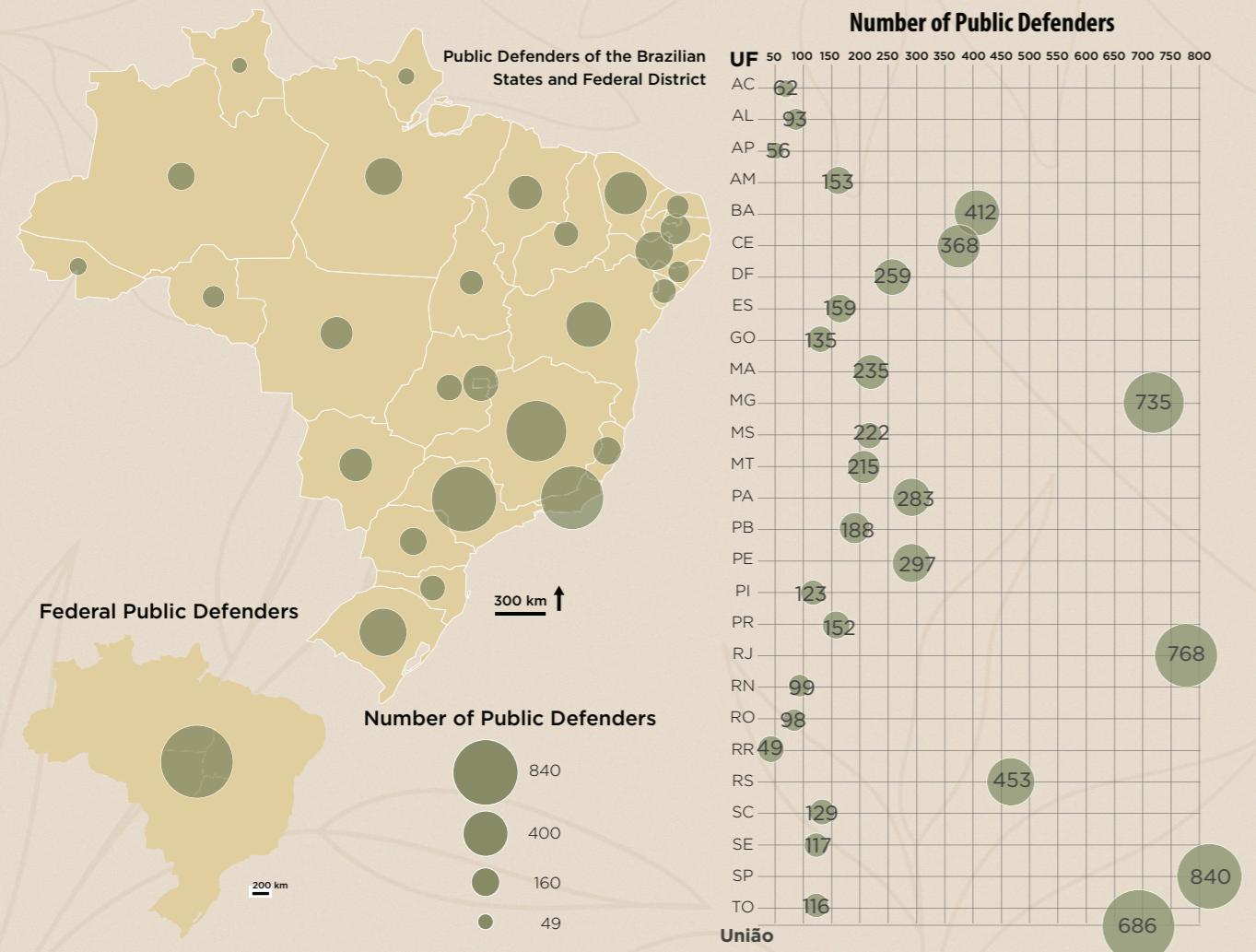
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The Brazilian Federal Constitution establishes that "the State shall provide full and free legal aid to those who prove insufficient resources" (Article 5, LXXIV).

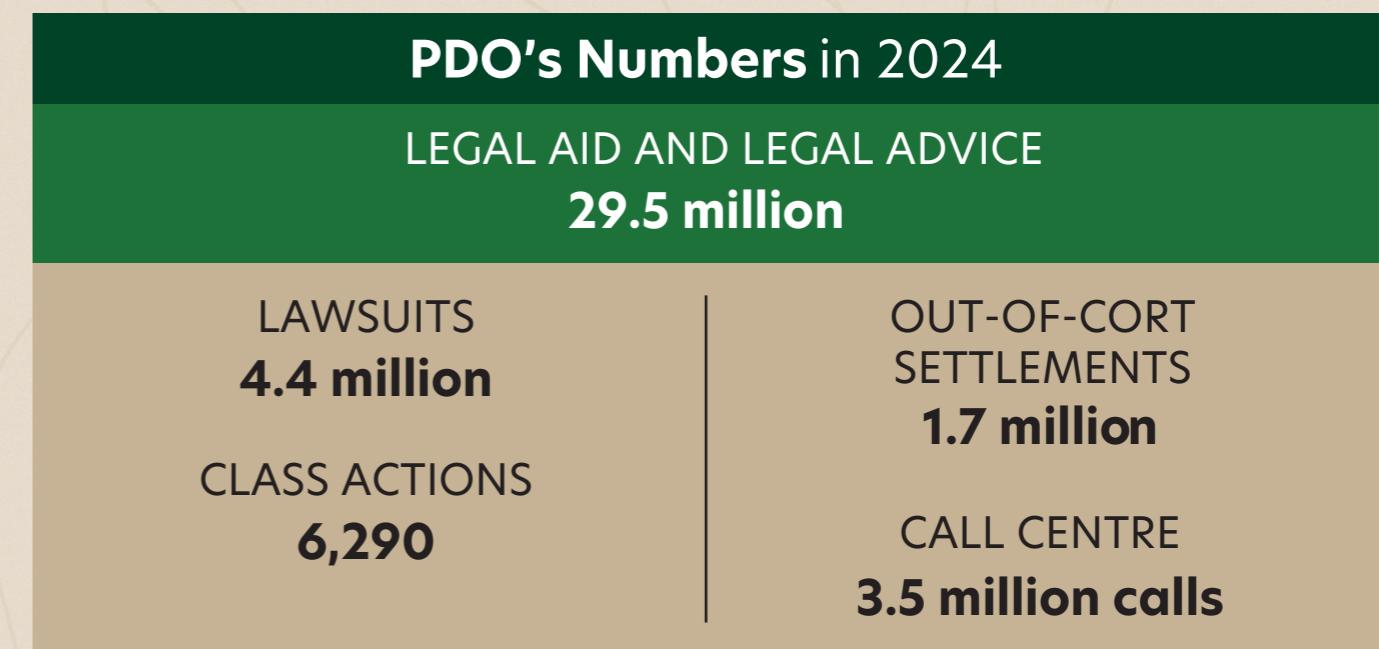
The expression "full and free legal aid" has broad connotations, covering all and any legal services. Therefore, the Brazilian Federal Constitution ensures legal aid and legal advice for all types of civil and criminal cases.

Furthermore, the **Public Defender's Office** has the constitutional mission of protecting the collective rights of vulnerable groups, with the legal authority to file class action.

The Brazilian legal aid system adopts the salaried staff model, with Public Defenders carefully chosen through a rigorous selection process. Currently, **Brazil has 7,520 Public Defenders**.



In 2024, the Brazilian **Public Defender's Office** reached the historic mark of **29,522,711** legal aid and legal advice granted to the vulnerable population.



CLIMATE JUSTICE AND VULNERABLE POPULATION

Climate justice recognizes that the impacts of climate change are not distributed equally among the population. Poor, indigenous, and marginalized communities are the most affected, and the climate crisis exacerbates social and territorial inequalities.

In the state of Rio de Janeiro, between 2010 and 2022, more than 1,500 people lost their lives in extreme events such as heavy rains, floods, and landslides. During the same period, thousands of people were injured or had to leave their homes due to climate tragedies, with more than 25,000 displaced in 2024 alone. These numbers show that the climate crisis in Rio de Janeiro is already a concrete and everyday reality.



CLIMATE JUSTICE AND THE ROLE OF THE PUBLIC DEFENDER'S OFFICE

The Brazilian Federal Constitution (article 134) stipulates that the **Public Defender's Office** has the mission of protecting human rights and guaranteeing access to justice for vulnerable groups. In the context of the climate crisis, the **PDO** acts to ensure the protection of the fundamental rights of vulnerable populations by:

- Preventive action: participation in contingency plans.
- Comprehensive protection of fundamental rights: health, housing, food, and dignity.
- Collective protection: class actions and large-scale mediations.
- Promotion of public policies focused on environmental protection and vulnerable populations.



CLIMATE JUSTICE IN BRAZILIAN LEGISLATION

- **Brazilian Federal Constitution (1988), Article 225** - Environmental protection is a fundamental right, and the courts must act to guarantee this right when other branches of government fail.
- **Paris Agreement (2015)** - It is a legally binding international treaty on climate change, and it was adopted by Brazil.
- **Advisory Opinion N. 32 of the Inter-American Court of Human Rights (2025)** - Defines the obligations of States across the Americas to protect human rights in the face of the climate crisis.



VULNERABLE GROUPS

The **Public Defender's Office** protects the fundamental rights of groups disproportionately affected by the climate crisis:

- Women, children, and the elderly in at-risk areas;
- Indigenous peoples, quilombola communities, and traditional communities;
- Peripheral populations exposed to landslides and floods;
- Climate migrants and people facing housing insecurity.



THE PUBLIC DEFENDER'S OFFICE AT THE BELÉM CLIMATE SUMMIT

The participation of the **Public Defender's Office** in the Belém Climate Summit has three main objectives:

- I. To present practical experiences in Climate Justice.
- II. To reinforce the centrality of human rights in national and local environmental policies.
- III. To foster international partnerships to strengthen the protection of vulnerable populations.

The **Public Defender's Office's** work in the climate crisis demonstrates that environmental justice is also social justice.



CONTACT THE THE PUBLIC DEFENDER'S OFFICE

Defensoria Pública do Estado do Rio de Janeiro - DPRJ

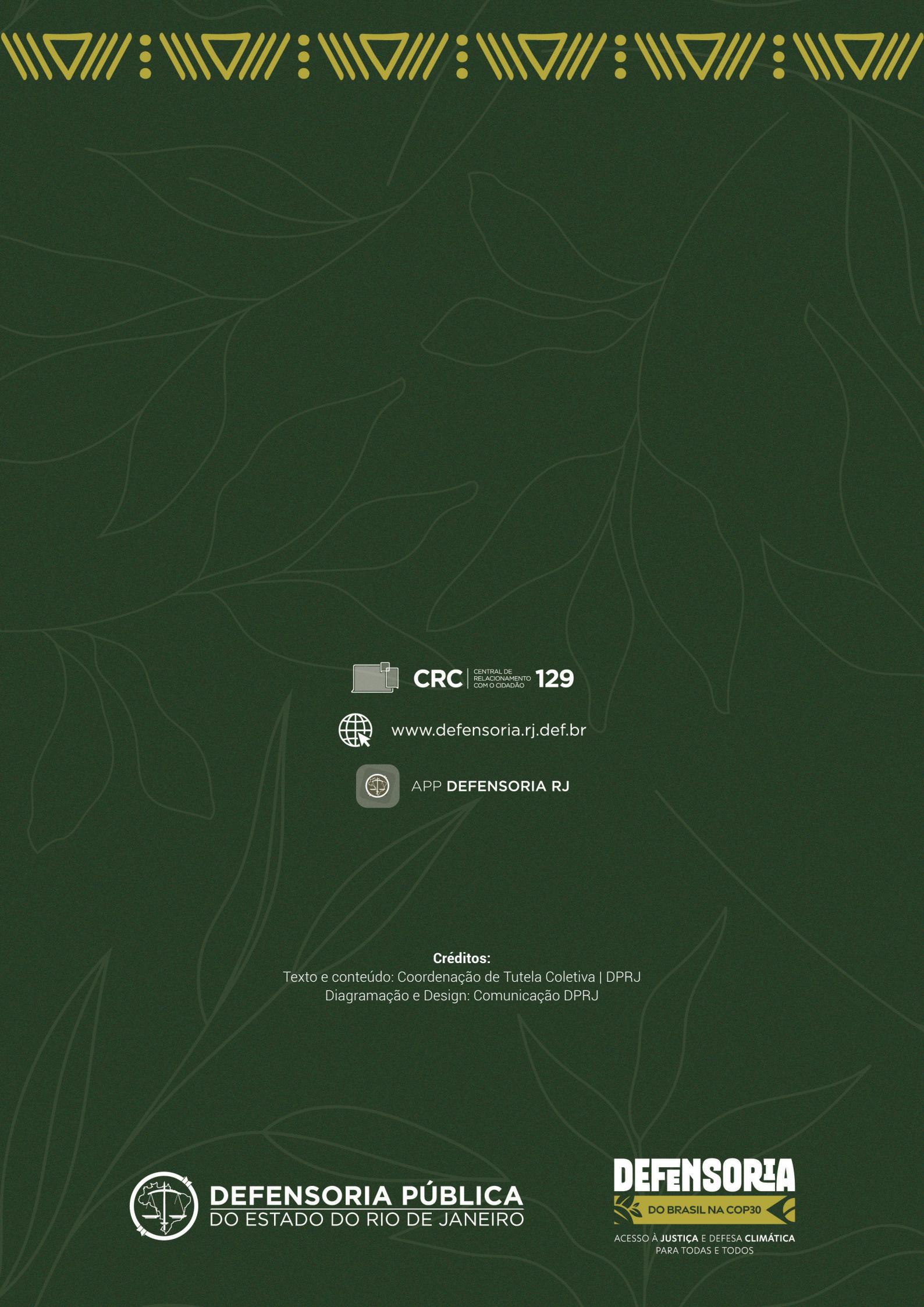
📍 Av. Marechal Câmara, 314 - Centro, Rio de Janeiro - RJ
 🌐 www.defensoria.rj.def.br
 📩 defensoria@defensoria.rj.def.br
 📱 [@defensoriarj](https://twitter.com/defensoriarj)



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