

A young child with dark hair and traditional face paint (grey triangles on cheeks) is the central focus. The child is wearing a colorful, patterned strapless top and a long necklace of multi-colored beads. The background is a blurred natural setting with sunlight filtering through.

Ecocide Law and the Rights of The Child

HOW LEGAL
RECOGNITION OF THE
MOST SEVERE HARMS TO
NATURE COULD PROTECT
CHILDREN'S RIGHTS





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Cover photo

5 year old guarani girl standing in her village in Tupi, Brazil,
©Filipe Frazao

Ecocide Law and the Rights of The Child

How legal recognition of the
most severe harms to nature
could protect children's rights



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Leaders often say that children are **resilient**. But you cannot be **resilient** to starvation. You cannot be **resilient** to a suffocating earth. You cannot be **resilient** to extinction. Children have a right to life, and they require **urgent**, long-term solutions to **protect** this right.

Global leaders must go beyond empty promises and non-binding pledges; they must legislate against **ecocide** for children and all future generations.

Vanessa Nakate

Climate activist and UNICEF Goodwill ambassador, Uganda



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FOREWORDS

Priyanka Lalla
UNICEF Eastern Caribbean
Advocate



The climate crisis is an **urgent** call for global action. Large industrialized cities to Small Island Developing states (SIDs), remote inland villages to coastal communities are all affected by changing and unprecedented weather patterns.

The devastation caused by Hurricanes Irma and Maria in 2017, in the Caribbean, was a brutal reminder of our vulnerability and how quickly our **fragile ecosystems** could disappear without warning

Similarly, Europe has witnessed **heatwaves** and **fires** sweeping over the natural environment, making it challenging for many to survive, especially those who are marginalized due to their socioeconomic status.

This year (2023), temperatures soared over summer months as Italy, France, Spain and Greece experienced the hottest July and September on record.

Additionally, drier-than-average conditions spread across central and eastern Europe and Scandinavia, and the western coast of the Black Sea.

No region was spared as some parts of Canada, the United States, Mexico, Asia, and eastern Australia were noticeably warmer than past years.

Human-induced factors have continued to contribute to this global crisis. Human action, including, but not limited to, **damage** to the oceans caused by industrial over-fishing, oil spills, pollution from plastics.

On land, massive **deforestation**, due to intensive livestock farming and agriculture, arson, and water and soil pollution from chemical spills, and mining related activities, have taken a **toll** on Planet Earth.

Stop Ecocide International aims to address these atrocities by ensuring that such **environmental injustices** are fairly and lawfully handled in the **International Criminal Court** by making such acts criminal through establishing an international law of ecocide. **Ecocide** is an infringement on the rights of all of humanity, particularly children.

As outlined by **UNICEF** in the report, the **Climate crisis** is a child's rights crisis, the climate crisis infringes on a spectrum of children's rights including the right to survival and development, the right to health, the right to education and the right to indigenous cultures and language. Stopping ecocide also means stopping the threat to and violation of the rights of the child as enshrined in the **United Nations Convention on the Rights of the Child (CRC)**.

Stop ecocide International aims to re-imagine and reconstruct communities, industries and countries to not only understand the issue but live the **solutions**.

The development and conscious integration of the rights of children and all of humanity play a pivotal role on how we plan to progress and develop as a global community.

The importance of understanding and endorsing Ecocide Law and Children's Rights is key in creating a **stable** and fair **foundation** for a sustainable future. In the pursuit of economic prosperity, the ability of all of humanity to **survive** and thrive is in peril.

Our current **ecological crisis**, therefore, asks profound legal questions. How do we safeguard humanity against this crisis caused by human action?

This calls for **urgent attention** to legal reasoning.

Do we allow our only home, our planet Earth to be **destroyed** or do we seek urgently and effectively to start reclaiming our planet. We have the choice, and making the right choice begins **here**.



Priyanka Lalla
UNICEF Eastern Caribbean
Advocate



FOREWORDS

Léa Weimann

Co-lead Youth for
Ecocide Law



It is **February 2023**, and I am in Vilankulo, Mozambique. Outside, the winds of Cyclone Freddy are beating against my window. They say the worst of the storm has passed by. So why do I feel so stormy inside?

A sadness rages within me. I'm safe, but I know many others less privileged are not. The land here does not rise much above sea level. There are **floods**, and if the rains continue, there will be more floods. In the last five years, Mozambique has been hit by eight **tropical storms** and two severe **droughts**.

Thousands of people have lost their **homes**. Disasters always hit hardest those who are most **vulnerable** and children are among the most vulnerable members of our society.

A voice inside me asks, "Is this even my story to tell? - "Yes," says another voice. "It is your story. You have lived it.

You have experienced it. It is also your **future**. It is part of all our stories. Our collective future. It is about **justice**: social justice, intergenerational justice, environmental and climate justice."

I am honoured to write the foreword to this report on the need to **criminalise ecocide** and the potential of ecocide law to protect children's rights. The **Youth for Ecocide Law** network was founded in 2022 during the Stockholm+50 international conference. It was born out of the recognition that **young generations** are increasingly anxious, frustrated, and frightened by the scale of environmental destruction.

As young **leaders** committed to securing the future, we cannot turn a blind eye to the urgent need for action. It is time to recognise that ecocide is not only an **attack** on nature, but also an attack on **Children's Rights**.

This **report** highlights **three** fundamental ways in which criminalising ecocide would strengthen the protection of children's rights.

First, it would contribute to upholding the four key principles of the Convention on the Rights of the Child: **non-discrimination** (Article 2), the best **interests** of the child (Article 3), the right to **survival** and development (Article 6), and the views of the child (Article 12).

Second, it will promote **intergenerational equity** by holding perpetrators of ecocide accountable, ensuring the well-being of children and the sustainability of our future.

Thirdly, it will act as a **powerful** deterrent, **preventing** decision-makers from engaging in ecocidal activities without foresight or precaution. This preventive action addresses the immediate crisis and ensures the long-term **protection of children** and future generations.

You often hear people talk about youth activists as offering or embodying 'hope for the future', but we are not 'hope machines'.

We are simply **not** willing to **give up** our future, and for me and many fellow young people, the prospect of an Ecocide Law is hope for our future.

Recognition of the crime of ecocide would give us a fighting chance to protect the very ecological foundations that **sustain** us.

In calling for this **change** to international criminal law, we assert our unwavering commitment to the rights of children.

We **refuse** to accept a world where profit and exploitation take precedence over the well-being of our planet and its inhabitants.

The criminalisation of ecocide is not only a legal mechanism; it is a profound statement of our values as a **global community**.


It signifies our **collective responsibility** to protect and nurture the world we share. This report calls on **lawmakers, policymakers, and influencers** to recognise the urgency of the situation and take decisive action.

I would like to express my sincere **gratitude** to all those who contributed to this report, including researchers, experts, grassroots activists, and fellow youth advocates. A special thanks go to my co-leaders, Tova and Amalie, and everyone in the Y4EL group with whom I campaign.

Your unwavering **commitment** and tireless efforts inspire me every day.

In conclusion, this report is a call to recognise ecocide also as a children's rights **crisis**. We have the power to shape the future of our planet. By criminalising ecocide, we protect children's rights, ensure intergenerational equity, and preserve the beauty and vitality of the natural world.

Together, let us work across borders to build a future where children's rights are sacred, and where we and future generations can thrive and be proud to call our planet home. The time for **action** is now before the storms wash away more homes and before the air becomes too thick to breathe...



Léa Weimann
Co-lead Youth for Ecocide Law



Executive Summary

There is growing global political and civil society **support** for the recognition of a standalone crime of ecocide, aimed at preventing and **punishing** the wilful mass damage and destruction of nature.

Climate change and associated extreme weather events, biodiversity loss, ecosystem collapse and natural resource crises are becoming inescapable issues for humanity.

A change of course is **urgently needed**.

We are currently missing an international legal mechanism that has the power to **protect us from the most severe harms to nature**, harms that have a transnational impact and, therefore, cannot be left to domestic legislatures to regulate.

Stop Ecocide International, who are **leading** the global momentum to establish an international **crime** of ecocide, are seeking to amend The Rome Statute of the International Criminal Court (**ICC**).

Currently, the ICC recognises four crimes against peace: genocide, war crimes, crimes against humanity and the crime of aggression. Stop Ecocide International are seeking to establish ecocide as the **fifth crime** against peace, allowing cases of the most severe environmental destruction to be investigated and prosecuted by the ICC in both peacetime and conflict.

An internationally recognised crime of ecocide would not only provide the **legal** framework to adequately **protect** the rights of nature, but the rights of children as well as the rights of future generations.

An internationally recognised standalone crime of ecocide will create a route to criminal accountability, disincentivising would-be perpetrators of environmental atrocities and redirect investment away from the most harmful practices.

In 2023 alone, ecocide bills have been proposed or are progressing in the European Union, Brazil, the Netherlands, Belgium, Spain (Catalunya) and Mexico. Leaders across the globe are beginning to wake up to the very **real dangers** we face, and a strong legislative direction of travel is emerging.



Australia:
family of three
brothers
having a quick
breather in
between their
games.
©Unspash



CHILDREN'S RIGHTS & ECOCIDE LAW

The criminalisation of ecocide would:

- 1. Contribute to the protection of the four main principles** promoted by the Convention on the Rights of the Child; namely the principles of non-discrimination, the best interests of the child, the right to survival and development and the views of the child.
- 2. Protect the living conditions of children but also those of future generations**, thus leading to intergenerational equity.
- 3. Dissuade future ecocidal activities**, making the practices that threaten widespread environmental harm very risky for the decision-makers involved. Legally protecting the natural world will necessarily protect the rights of children and future generations alike.



Children protest in
the U.S.
@74 images

SAVE OUR
FUTURE

one earth



SAVE THE
PLANET



1. Introduction

On July 28, 2022, the United Nations General Assembly adopted a resolution declaring that access to a clean, healthy, and sustainable environment is a universal human right.

That human right is under threat from climate and ecological breakdown (1). While young and future generations are least responsible for the policies and practices that have led to these crises, they will ultimately suffer the most severe consequences.

Severe and widespread ecological destruction (ecocide) is fundamentally a violation of a child's right to a safe and healthy environment.

The United Nations Convention on the Rights of the Child (CRC) (2) has four main principles: non-discrimination, best interests of the child, the right to survival and development, and the views of the child (3). Ecocide violates all four principles.

Treaties, agreements, and current international criminal law have not been successful in creating the conditions necessary for long-term sustainability, security, and prosperity.

To protect our young and future generations, we need change at the highest level. **We need a new standalone internationally recognised crime of ecocide.**

1 UN News. "UN General Assembly Declares Access to Clean and Healthy Environment a Universal Human Right," July 28, 2022. <https://news.un.org/en/story/2022/07/1123482>.

2 United Nations General Assembly. "Convention on the Rights of the Child." United Nations Treaty Series, vol. 1577, November 20, 1989. A/RES/44/25. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

3 UNICEF. "Four Principles of the Convention on the Rights of the Child," June 24, 2019. <https://www.unicef.org/armenia/en/stories/four-principles-convention-rights-child>.



Vietnam
Children smiling in
Chupah district,
Gialai province,
Vietnam,
©Larm Rmah



2. Ecocide and Ecocide Law

Ecocide refers to mass damage and destruction of the natural living world. Examples of activities that could be categorised as ecocide include: major oil spills, deforestation, deep seabed mining, long-term water and land contamination, the use of chemical or nuclear weapons, some forms of industrial fishing and farming practices and large-scale industrial emissions (4).

Right now, there is no international legal mechanism which allows for the most severe harms to nature to be prosecuted. As a result, decisions are made with impunity by heads of state or CEO's of multinational corporations that directly lead to ecocide.

The global movement to criminalise ecocide, led by Stop Ecocide International, aims to close this gap in international criminal law, by establishing 'ecocide' as the fifth crime against peace at the International Criminal Court (ICC).

The ICC is comprised of 123 member states and is governed by the 'Rome Statute (5),' which outlines the four crimes under its jurisdiction: genocide, crimes against humanity, war crimes, and the crime of aggression.

For ecocide to be added to the Rome Statute, an amendment must be proposed and approved by a two-thirds majority vote of ICC member states (6).

Finally, ratifying member states will then need to implement aligned legislation domestically, creating a standard framework for state-level ecocide laws to proliferate around the globe.

"Ecocide"

means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.

- Independent Expert Panel for the Legal Definition of Ecocide 2021



Notre Affaire À Tous protest in front the Tour Eiffel in Paris, May2023, ©Angélique Canu

4 Stop Ecocide International. "What Is Ecocide?" Accessed April 18, 2023. <https://www.stopecocide.earth/what-is-ecocide>.

5 International Criminal Court. "The States Parties to the Rome Statute." Accessed April 18, 2023. <https://asp.icc-cpi.int/states-parties>; "Rome Statute of the International Criminal Court." United Nations Treaty Series, vol. 2187, July 17, 1998. https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-10&chapter=18&clang=en.

6. Stop Ecocide International. "Making Ecocide a Crime." Accessed April 18, 2023. <https://www.stopecocide.earth/making-ecocide-a-crime>.



Climate activist Xiye Bastida at COP28, Dubai @SEI

An **internationally recognised** crime of ecocide would target individual decision-makers at the highest level. Perpetrators of environmental **atrocities** would be held **criminally** accountable. This would fundamentally restructure the way our political and business leaders make decisions. No longer would the maximal consequences of causing widespread environmental **damage** be fines or warnings. Instead, the potential repercussions would be felt by individual executives and officials, ensuring they can no longer accept the most **severe ecological harms** as a simple cost of doing business.

In the absence of a internationally recognised criminal law that aims to prevent and punish the most severe crimes against nature, we see investment, insurance, and innovation flow towards **ecocidal projects**.

An internationally recognised crime of ecocide will **create a route** to criminal accountability (7), disincentivising would-be perpetrators of environmental atrocities and, crucially, redirect investment away from the most harmful practices and towards genuinely **sustainable** and **regenerative** economic activity.

7 "Why an Ecocide Law?" Ecocide Law Alliance, November 22, 2021. <https://endecocide.se/wp-content/uploads/2022/06/Why-ecocide-law.pdf>.



Youth for Climate Belgium's co-founder, Adélaïde Charlie, talks about the importance of recognising the crime of ecocide at the march for the criminalisation of ecocide, may 2023, Brussels,

©François Dvorak

3. Human Rights and Environmental Protection

The benefits of criminalising ecocide go beyond environmental protection.

The widespread destruction of nature has a significant negative impacts on the enjoyment of human rights.

One of the most striking examples of this interconnection is the recent emergence of **a right to a clean, healthy and sustainable environment**. The United Nations General Assembly recognised the existence of such a right in 2022 (8).

In a resolution on July 26, 2022 the United Nations General Assembly affirmed, ***“sustainable development [...] and the protection of the environment, including ecosystems, contribute to and promote human well-being and the full enjoyment of all human rights, for present and future generations”***(9).

8. United Nations General Assembly. “The Human Right to a Clean, Healthy and Sustainable Environment.” UNGA, August 1, 2022. A/RES/76/300. <https://digitallibrary.un.org/>

9. United Nations General Assembly. “The Human Right to a Clean, Healthy and Sustainable Environment.” UNGA, August 1, 2022. A/RES/76/300. <https://digitallibrary.un.org/record/3983329>, p. 2.

A boy watches the waves crashing
against the rocks, Brantevik,
Sweden
©Mikael Kristenson



4. Children's Rights and Ecocide Law

Children are disproportionately affected by environmental destruction.

For example, practices such as the clear-cutting of forests that act as critical carbon sinks, drive the climate crisis. In turn, the impacts of climate change, such as increasingly extreme weather, sea level rise and ocean acidification will be felt far into the future, disproportionately harming children and future generations.

In 2021, **UNICEF** released a report entitled "The climate crisis is a child rights crisis," introducing **The Children's Climate Risk Index**. The index provided the first comprehensive look at the **vulnerability** of children around the globe to the impacts of climate change.

It found that at least half the world's children, estimated to be about one billion, "live in **countries** that are at an 'extremely **high-risk**' from the impacts of climate change" (10).

The report further notes that **820 million** children are highly exposed to heatwaves; **400 million** to cyclones; **330 million** to riverine flooding; **240 million** to coastal flooding; **920 million** to water scarcity; **600 million** to vector-borne diseases; and **815 million** to lead pollution. All of these impacts are linked to the climate breakdown, ecosystem degradation, environmental contamination, and resource depletion.

Every child has the right to **life, health, education, play and recreation**, all of which are threatened by widespread environmental destruction.

For example, climate-induced flooding can displace families, **damage** health facilities, **prevent** access to schools, destroy livelihoods, and **disrupt** agricultural harvests. The ability of parents to feed, cloth, shelter, educate, and protect their children are all compromised by the increasingly extreme weather patterns induced by our steadily warming climate (11).

Any child separated from their parents will find themselves in a state of extreme vulnerability. In areas suffering the most acute effects of climate change, children are often placed in uniquely **unsupported** and high-risk circumstances where their survival is threatened.

It is therefore **imperative** that the unique vulnerability of children is given significant consideration in all future policy making concerning mitigation and adaptation to the climate crisis.

¹⁰ "The Climate Crisis Is a Child Rights Crisis: Introducing the Children's Climate Risk Index." New York: UNICEF, August 2021. <https://www.unicef.org/media/105376/file/UNICEF-climate-crisis-child-rights-crisis.pdf>.

¹¹ "The Climate Crisis Is a Child Rights Crisis: Introducing the Children's Climate Risk Index." New York: UNICEF, August 2021. <https://www.unicef.org/media/105376/file/UNICEF-climate-crisis-child-rights-crisis.pdf>.

Children participating to a workshop in Namu Keeling, Indonesia ©Yannis



A child is picking up trash in Nicaragua
©Hermes Rivera



5. Ecocide Law and The Convention on the Rights of the Child

The Convention on the Rights of the Child (CRC) is ratified by **196** countries, including every **United Nations** member state except the United States (12). The CRC affirms that every child should be recognised and protected as a unique human being with their own set of rights. It protects, among others, the right to life, the right to nationality, the right to freedom of expression and the right to the highest attainable standard of health (13).

There are four main principles represented in the CRC:

1. Non-discrimination
2. Best interests of the child
3. Survival and development
4. Views of the child (14).

How is ecocide law aligned with the protection child rights as delineated by these core principles?



A guarani mother holding her 5 year-old girl standing Tupi village, Brazil, ©Filipe Frazao

12 United Nations Treaty Collection. "Convention on the Rights of the Child." United Nations Treaty Series, vol. 1577, November 20, 1989. A/RES/44/25. https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsq_no=IV-11&chapter=4

13. https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsq_no=IV-11&chapter=4

14 "The Climate Crisis Is a Child Rights Crisis: Introducing the Children's Climate Risk Index." New York: UNICEF, August 2021. <https://www.unicef.org/media/105376/file/UNICEF-climate-crisis-child-rights-crisis.pdf>.

1. Non-discrimination

This obligation of non-discrimination applies to all the rights protected in the Convention on the Rights of the Child.



Article 2 (1) notes:

“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”(19)

What’s more, Article 2(2) notes, *“States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination...”* (15). This applies to all areas in which discrimination may occur, even if they are not covered by the Convention (16) .

An example of this comes from a Human Rights Council (HRC) resolution from 2020. The resolution calls for realising the rights of children by ensuring a healthy environment. The HRC’s wording explicitly recalls the principle of non-discrimination with regard to children, and *“Urges States to respect, protect and fulfil the rights of the child, without discrimination of any kind”*. (17)

Unfortunately, children are disproportionately vulnerable to the effects of environmental damage. The decisions being made today that cause biodiversity loss, climate breakdown, resource depletion, or contamination of water, air, and land will have their most severe consequences over the coming decades and centuries. The impacts will accelerate over the lifetimes of today’s children.

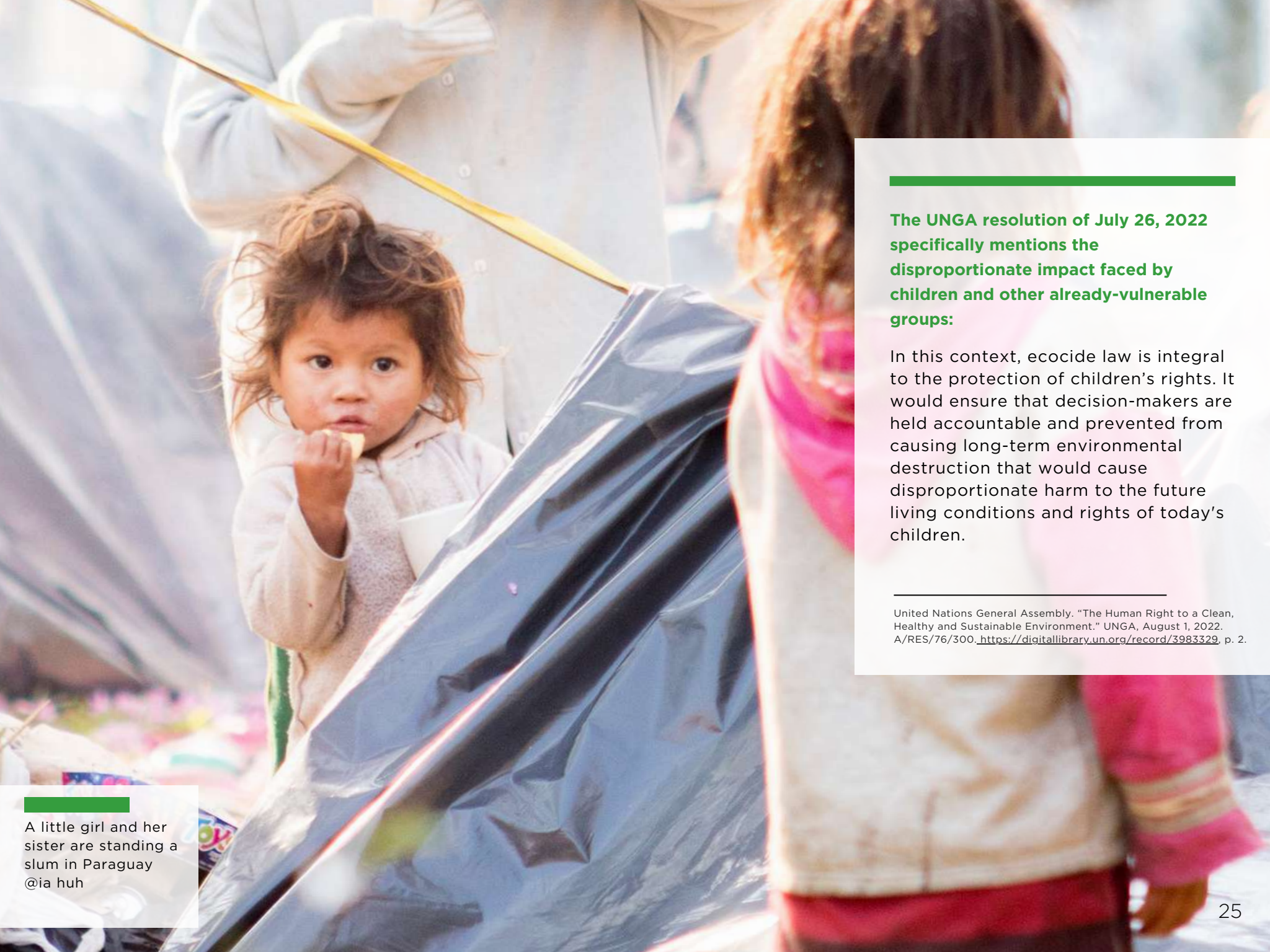
As the HRC’s 2020 resolution goes on to state, “close interlinkages exist between intersecting forms of discrimination and the inequalities faced by children and their level of exposure to the effects of environmental harm, and the unequal exposure to environmental health risks across countries and regions, with a higher burden in developing countries.” (18)

15 United Nations Treaty Collection. “Convention on the Rights of the Child.” United Nations Treaty Series, vol. 1577, November 20, 1989. A/RES/44/25. https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4

16 Besson, Samantha. “The Principle of Non-Discrimination in the Convention on the Rights of the Child.” *The International Journal of Children’s Rights* 13, no. 4 (January 1, 2005): 433–61. <https://doi.org/10.1163/157181805774976068>.

17 United Nations General Assembly. “Convention on the Rights of the Child.” United Nations Treaty Series, vol. 1577, November 20, 1989. A/RES/44/25. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

18 United Nations Human Rights Council. “Rights of the Child: Realizing the Rights of the Child through a Healthy Environment.” Geneva.: 2020-10-13: UNHRC, October 7, 2020. A/HRC/45/L.48. <http://digitallibrary.un.org/record/3888433>.



The UNGA resolution of July 26, 2022 specifically mentions the disproportionate impact faced by children and other already-vulnerable groups:

In this context, ecocide law is integral to the protection of children's rights. It would ensure that decision-makers are held accountable and prevented from causing long-term environmental destruction that would cause disproportionate harm to the future living conditions and rights of today's children.

United Nations General Assembly. "The Human Right to a Clean, Healthy and Sustainable Environment." UNGA, August 1, 2022. A/RES/76/300. <https://digitallibrary.un.org/record/3983329>, p. 2.

A little girl and her sister are standing in a slum in Paraguay
@ia huh

2. Best interests of the child



The CRC also promotes the principle of the best interests of the child.(19) Article 3(1) explicitly notes:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”(20)

This principle is particularly important when it comes to taking measures to protect children. It suggests that a **child’s safety, health, and other aspects of well-being should be primary considerations when making decisions that affect that child’s future.**

As mentioned earlier, an ecocide law could necessitate that officials take into account the long-term ecological consequences, and consequently, the rights of children to a clean, healthy, and sustainable environment when making significant business or governmental decisions that will affect the ecosystems vital for children’s well-being.

Acting in the child’s “*best interests*” would refer to protecting spaces where children can live out their childhoods to the fullest — that is, to “*grow, learn, play, develop and flourish with dignity*” (UNICEF, n.d.).(21)

19 United Nations General Assembly. “Convention on the Rights of the Child.” United Nations Treaty Series, vol. 1577, November 20, 1989. A/RES/44/25. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

20 Ibid., Art. 3.

21 Ibid

3. Survival and Development

Because of the particular vulnerability of children, environmental damage compromises the enjoyment of a range of rights that are related to children's survival and full development.

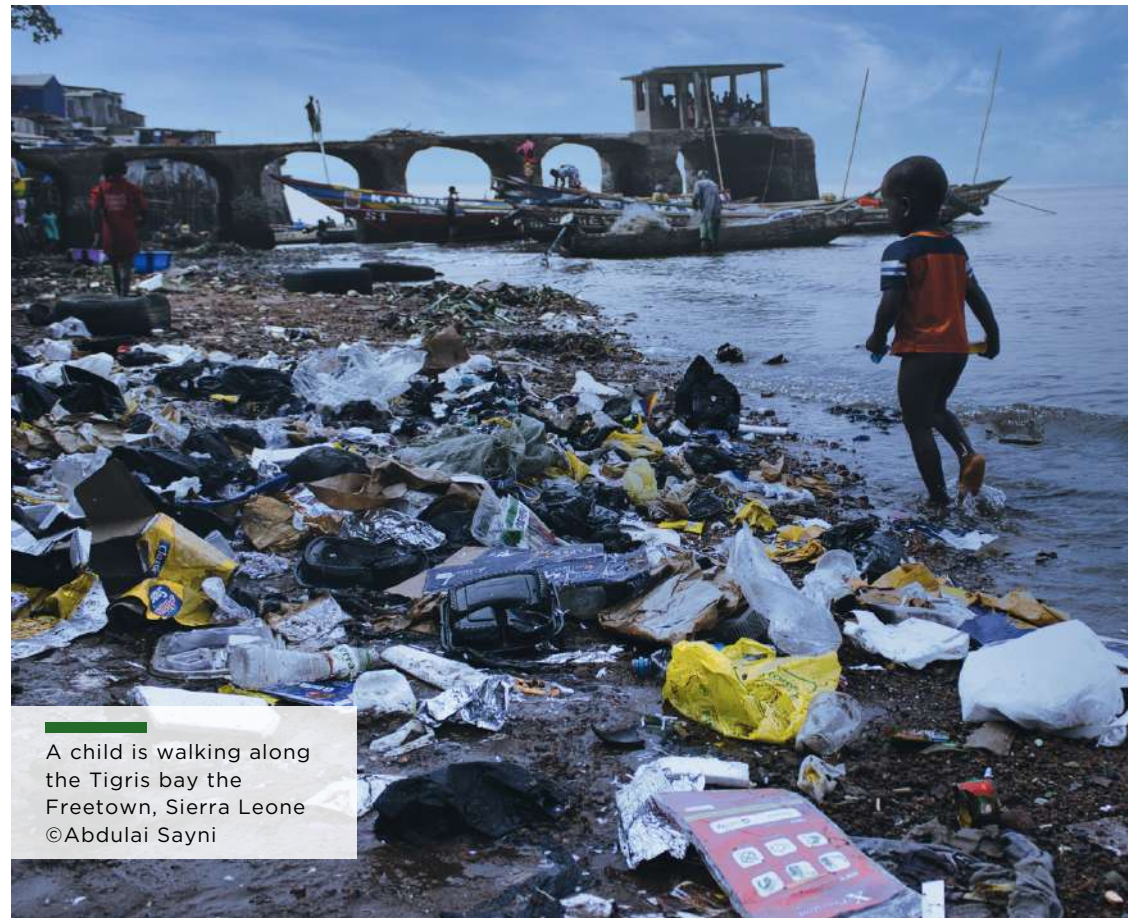
These include the right to life, health and development; the right to an adequate standard of living; and the right to play and enjoy recreational activities.

Without a healthy living environment, these basic needs of children will be compromised.

"Leaders often say that children are resilient. But you cannot be resilient to starvation. You cannot be resilient to a suffocating earth. You cannot be resilient to extinction. Children have a right to life, and they require urgent, long-term solutions to protect this right. Global leaders must go beyond empty promises and non-binding pledges; they must legislate against ecocide for children and all future generations."

Vanessa Nakate

Ugandan climate activist and
UNICEF Goodwill ambassador



A child is walking along the Tigris bay the Freetown, Sierra Leone
©Abdulai Sayni

A. Survival and development: The right to life, health and development

The CRC recognizes that every child has an inherent rights to life, survival, and maximum development (22). This includes ensuring the child's right to the highest attainable standard of health (23).

For children to enjoy these rights, the environment must be healthy and safe.

For example, environmental damage compromises children's health and development by promoting diseases that can last a lifetime (24). In addition, "Of the approximately 6 million deaths of children under the age of 5 in 2015, more than 1.5 million could have been prevented through the reduction of environmental risks."(25)

Children are more biologically and psychologically vulnerable than adults to polluted environments. This is demonstrated by the prevalence of childhood asthma, particularly in places with poor air quality (26).

In comparison to adults, children have under-developed organs and detoxification and immune systems. Higher ventilation rates increase risk of exposure to airborne pollutants and pathogens for children, making them more vulnerable to illness. Additionally, the first years of a child's development present a unique window of vulnerability to genetic damage (27). In short, **"there can be no doubt that environmental harm interferes with child's right to life, health and development"**(28) as promoted by the Convention on the Rights of the Child.

Diseases and illnesses such as malaria (29), dengue fever (30), diarrhoea (31), cholera (32) or meningococcal meningitis (33), *"asthma, cardiovascular disease, cancer and neurological disorders"*(34) can be exacerbated by the environmental extremes experienced as a result of climate change and in some cases may be a direct result of environmental damage.

One example comes from the use of Agent Orange by the United States as a chemical weapon during the Vietnam War, which caused a large number of cancers and malformations in children and newborns.(35) Another example is air pollution - also highlighted by UNICEF - and the direct cause of a large number of deaths in children (36).

22. Ibid., Art. 6.

23 Ibid., Art. 24.

24 Knox, John H. "Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment." United Nations Human Rights Council, July 19, 2018. A/HRC/37/58.

<https://digitallibrary.un.org/record/1639368>.

25 Ibid, Art. 24.(b).

26 Burbank, Allison J, and David B Peden. "Assessing the Impact of Air Pollution on Childhood Asthma Morbidity: How, When and What to Do." Current Opinion in Allergy and Clinical Immunology 18, no. 2 (2018): 124.

27 Perera, Frederica P., Deliang Tang, Robin M. Whyatt, Sally A. Lederman, and Wieslaw Jedrychowski. "Comparison of PAH-DNA Adducts in Four Populations of Mothers and Newborns in the US, Poland, and China." Cancer Research 64, no. 7_Supplement (April 1, 2004): 454.

28 Dolinoy, Dana C., Jennifer R. Weidman, and Randy L. Jirtle. "Epigenetic Gene Regulation: Linking Early Developmental Environment to Adult Disease." Reproductive Toxicology 23, no. 3 (2007): 297-307.

<https://doi.org/10.1016/j.reprotox.2006.08.012>.

35 Heindel, Jerrold J. "The Fetal Basis of Adult Disease: Role of Environmental Exposures--Introduction." Birth Defects Research. Part A, Clinical and Molecular Teratology 73, no. 3 (March 2005): 131-32.

<https://doi.org/10.1002/bdra.20119>.

29. "Unless We Act Now: The Impact of Climate Change on Children | UNICEF." UNICEF, November 23, 2015. <https://www.unicef.org/reports/unless-we-act-now-impact-climate-change-children>.

30. Ibid. p. 50.

31. Ibid.

32. Ibid. p. 52.

33. Ibid. p. 53.

34. Knox, John H. "Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment." United Nations Human Rights Council, July 19, 2018. A/HRC/37/58.

<https://digitallibrary.un.org/record/1639368>.

35. Environmental Justice Atlas. "Exposure to Agent Orange, a Case of 'Ecocide', Vietnam | EJAtlas," August 18, 2019. <https://ejatlas.org/conflict/exposure-to-agent-orange>.

36. "Unless We Act Now: The Impact of Climate Change on Children | UNICEF." UNICEF, November 23, 2015. <https://www.unicef.org/reports/unless-we-act-now-impact-climate-change-children>.

B. Survival and development : The right to an adequate standard of living



Robert (age 10) created and runs Children's Climate Championship, a youtube channel with hundreds subscribers where he talks to other kids and experts around the world about climate change and what kids can do to help.

Article 27 of the Convention recognizes *“the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development”*. (37)

Damages to the environment hinders the enjoyment of this right since the lack of clean air (38) and water (39), exposure to chemicals and hazardous waste, or the effects of climate change and the decrease in biodiversity (40) compromise the normal development of the child by altering his or her quality of life. (41)

“All kids have a right to a safe happy healthy planet. The forests and the oceans don't belong to governments and oil and gas and coal companies, they belong to all of us. And we kids say you need to act because it's our future. Clean up this mess! Now! Please.”

Robert (10 years old)

37 United Nations General Assembly. “Convention on the Rights of the Child.” United Nations Treaty Series, vol. 1577, November 20, 1989. A/RES/44/25. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

38 Particularly in urban areas where climate change has had devastating effects on human health, livelihoods and key infrastructure. Indeed: “Hot extremes including heatwaves have intensified in cities, where they have also worsened air pollution events”. See IPCC, ‘AR6 Synthesis Report: Climate Change 2023’, p. 16. <https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_LongerReport.pdf>.

39 Ibid., p.6: “Climate change has caused substantial damages, and increasingly irreversible losses, in terrestrial, freshwater, cryospheric and coastal and open ocean ecosystems”.

40 On this topic, see United Nations Environment Programme (2021). Making Peace with Nature: A scientific blueprint to tackle the climate, biodiversity and pollution emergencies. Nairobi.

41 Knox, John H. “Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment.” United Nations Human Rights Council, July 19, 2018. A/HRC/37/58. <https://digitallibrary.un.org/record/1639368>.

One potential response to protect children from contaminated environments, such as air pollution in cities, would be to confine them within ventilated homes and other buildings. However, this option is neither safe, nor healthy in the long-term. As the COVID-19 pandemic demonstrated, movement restrictions can cause significant harm to children's mental health and development.

A study in England found that the first COVID-19 lockdown exacerbated symptoms of hyperactivity and depression in children aged 4 to 10, particularly those living in areas of socio-economic deprivation. (42)

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Youth activist demonstrating against plastic pollution, Kyiv city, Ukraine

©Olena Shvets



42 Simon, Clea. "Early Snapshot of Pandemic's Impact on Children's Mental Health." *Harvard Gazette* (blog), April 21, 2022. <https://news.harvard.edu/gazette/story/2022/04/early-snapshot-of-pandemics-impact-on-childrens-mental-health/>.

B. Survival and development : The right to play and recreational activities



Children playing football outside of Jakarta. ©Robert Collins

The right of children to rest and enjoy leisure time is also laid out in the Convention. This includes the right to engage in play and recreational activities appropriate to their age, as well as to participate freely in cultural life and the arts.(43)

Indeed, *"as the Committee on the Rights of the Child has explained, play and recreation are essential to the health and well-being of children and promote the development of creativity, imagination, self-confidence and self-efficacy, as well as physical, social, cognitive and emotional strength and skills".*(44)

However, in order to enjoy this right children need a safe and healthy environment in which to play. (45) This is not the case for children living in poverty who may be exposed to environmental hazards such as polluted water, toxic substances or lack access green spaces. Those who are unable to play outside without exposure to environmental harms are unable to enjoy their right to recreation. (46)

43. Convention on the Rights of the Child (1989), Art. 31.

44. Knox, John H. "Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment." United Nations Human Rights Council, July 19, 2018. A/HRC/37/58. <https://digitallibrary.un.org/record/1639368>, para. 36.

45. Ibid., para. 37.

46. Ibid., para. 37.

4. The views of the child

While young and future generations will disproportionately suffer the impacts of the policies that contribute to biodiversity and climate breakdown, this same group is often locked out of key decision-making spaces on environmental issues.

Article 12 of the CRC calls for this dynamic to change. It calls for the views of the child to be freely expressed, given due consideration, and heard in judicial or administrative proceedings:

- *“1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*
- *2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.” (47)*



Global climate change strike, March 2022, Erlangen, Germany, ©Markus Spiske

47. United Nations General Assembly. “Convention on the Rights of the Child.” United Nations Treaty Series, vol. 1577, November 20, 1989. A/RES/44/25. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

A report from the UN Human Rights Council on the rights obligations of states relating to enjoyment of a safe, clean, healthy, and sustainable environment highlights how children’s voices should not be excluded from the policy making process. The report notes “Taken as a whole, no group is more vulnerable to environmental harm than children (persons under the age of 18), who make up 30 per cent of the world’s population.”(48)

It continues: *“The obligations of States in relation to the environment include duties in relation to education and public awareness, to access to public information and assessment of proposed projects and policies, to expression, association and public participation in environmental decision-making and to remedies for harm [...] Fulfilling these rights helps to ensure that, when possible, children have agency to influence environmental policy and protect themselves from environmental harm.”* (49)



Street art, Brick Lane,
London , UK
©Bruno Figueiredo

48. Knox, John H. “Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment.” United Nations Human Rights Council, July 19, 2018. A/HRC/37/58. <https://digitallibrary.un.org/record/1639368>.

49 Ibid., Article 39.

Calls to consider the views of the child in the context of policy making are deeply related to the concept of ‘intergenerational equity.’

This concept maintains that institutions should construct administrative acts that balance the short-term needs of today’s population with the longer-term needs of future generations.(50)

The concept of future generations is inherently tied to sustainability, as it involves an extension of the legal timeframe to encompass the long-term protection of the environment and people.

For the long-term needs of the young and future generations to be considered, youth voices must be present in policy-making spaces.

According to Edith Brown Weiss, a scholar of International Environmental Law, **intergenerational equity is guided by three main principles:** comparable options, quality and access. (51)

Figure 2 : The three principles of intergenerational equity

Principle	Definition (in the context of intergenerational equity, i.e. balancing short-term needs of today’s generation with the long-term needs of future generations⁵⁶)
Comparable options	Conserving the diversity of the natural resource base so that future generations can tap on it
Comparable Quality	Ensuring the quality of the environment is comparable between generations
Comparable access	Protecting the non-discriminatory access among generations to earth’s resources

50 United Nations Department of Economic and Social Affairs. “Intergenerational Equity.” Accessed April 18, 2023. <https://publicadministration.un.org/en/Intergovernmental-Support/Committee-of-Experts-on-Public-Administration/Governance-principles/Addressing-common-governance-challenges/Intergenerational-equity>.

51 Weiss, Edith Brown. “Climate Change, Intergenerational Equity, and International Law.” Vermont Journal of Environmental Law 9, no. 3 (2008): 615. <https://doi.org/10.2307/vermjenvilaw.9.3.615>.



Girls hand at a protest
©Paddy O Sullivan

6. The Global Movement To Criminalise Ecocide

An internationally recognised standalone crime of ecocide would prevent or penalise decisions by powerful individuals that result in significant environmental destruction that disproportionately harms children.

The inclusion of ecocide as the fifth crime against peace in the Rome Statute of the International Criminal Court will serve as a reminder to companies and governments that they must prioritise the best interests of children by safeguarding the natural environment.

This protection is crucial to ensure that children can enjoy a childhood free from the adverse impacts of climate breakdown, extensive biodiversity loss, and widespread environmental contamination.

In 2023 alone, ecocide bills have been proposed or are progressing in the European Union, Brazil, the Netherlands, Belgium, Spain (Catalunya) and Mexico.

Leaders across the globe are beginning to wake up to the very real dangers we face as a planet and a species, and a strong legislative direction of travel is emerging.

Ecocide Law: Recent Developments

- December 2019: Vanuatu and the Maldives first called for the inclusion of ecocide in the Rome Statute of the International Criminal Court (ICC) in 2019.(52)
- January 2021: the European Parliament adopted a non-binding resolution encouraging European Member States to recognise ecocide as an international crime in the Rome Statute.(53)
- May 2021: At the instigation of Belgium, the Inter-Parliamentary Union - where 179 parliaments from around the world are represented - has also adopted a resolution calling for ecocide to be recognised as a criminal offence.(54)

52 Stop Ecocide International. "Vanuatu Calls for International Criminal Court to Seriously Consider Recognising Crime of Ecocide," December 3, 2019, <https://www.stopecocide.earth/press-releases-summary/vanuatu-calls-for-international-criminal-court-to-seriously-consider-recognizing-crime-of-ecocide->; Stop Ecocide International. "Maldives Calls for a Fifth International Crime of Ecocide," December 5, 2019, <https://www.stopecocide.earth/press-releases-summary/maldives-calls-for-a-fifth-international-crime-of-ecocide->.

53 Stop Ecocide International. "European Parliament Urges Support for Making Ecocide an International Crime," January 21, 2021, <https://www.stopecocide.earth/press-releases-summary/european-parliament-urges-support-for-making-ecocide-an-international-crime>.

54 Stop Ecocide International. "European Parliament Proposes Including 'Ecocide' in EU Law," March 29, 2023, <https://www.stopecocide.earth/breaking-news-2023/european-parliament-proposes-including-ecocide-in-eu-law>.

Ecocide Law: Recent Developments Continued (55)

- November 2022: In its statement to COP27, the International Corporate Governance Network (ICGN), an investor-led organisation with \$70 trillion in assets, called on governments to criminalise ecocide for the second year running
- October 2022 + 2023: The need for an international crime of ecocide was discussed at length at the United for Justice conference in Ukraine
- Jan 2023: The Parliamentary Assembly of the Council of Europe (PACE) voted overwhelmingly to adopt Resolution 2477 and Recommendation 2246. Both texts call for the recognition of ecocide on the basis of a report published by the Committee on Social Affairs, Health and Sustainable Development on the environmental impact of armed conflicts.
- In March 2023, Vanuatu, Tuvalu, Tonga, Fiji, Niue, and the Solomon Islands made an ambitious collective call to phase out fossil fuels, support a rapid and just Pacific transition to renewable energy, and strengthen related legal obligations - including to "prevent Ecocide".
- March 2023: the European Parliament announced its support for the inclusion of ecocide-level crimes in the EU's revised environmental crime directive.
- June 2023: Kakhovka dam destruction in Ukraine branded "ecocide" - Ukraine calls for assistance to assess damage.
- June 2023: New Ecocide Bill submitted to the Brazilian Congress.
- July 2023: The Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE) has called on parliaments of its participating States to enshrine the concept of ecocide in national and international law.
- July 2023: New bill to criminalise 'ecocide' submitted to Mexican Parliament.
- July 2023: Formal process underway to include ecocide in Spanish penal code.
- July 2023: Ecocide included in new Belgian draft penal code.
- July 2023: Bill to criminalise ecocide formally proposed in Netherlands.
- September 2023: New bill to criminalise 'ecocide' submitted to Italian Parliament.
- September 2023: Volker Türk, United Nations High Commissioner for Human Rights, expressed enthusiasm for inclusion of the international crime of "ecocide" in the Rome Statute.
- November 2023: The Nordic Council urged its member states to actively participate in the global conversation around criminalising ecocide.
- November 2023: Scottish ecocide bill proposal launched by Scottish Labour MSP Monica Lennon
- November 2023: EU agrees to create new offence aimed at preventing and punishing "cases comparable to ecocide".

6 The Global Movement To Criminalise Ecocide

"Companies that support the criminalisation of Ecocide show that they want to do business in an environmentally friendly way and thus protect my generation, and future generations. The climate crisis is already devastating human lives worldwide, together we must do all we can to save human lives. "

Benjamin Van Bunderen Robberechts
Climate activist, Belgium



Brother and sister at the edge of a pond looking for tadpoles in the water Lincoln, CA, USA ©Meritt Thomas.



Cousins sleeping together in the suburbs Kinshasa, DRC

©Patricia Willocq

7 ■ Youth for Ecocide Law

Youth for Ecocide Law (Y4EL) was founded in 2021, in response to growing frustration among global youth over the lack of action to address the climate and ecological crisis.

Y4EL call for clear legal and moral guardrails to hold political and corporate decision-makers accountable when they cause severe and widespread or long-term harm to the environment and therefore our futures.

Y4EL is one of the main driving forces behind the growing global movement to end ecocide, **bringing fresh perspectives to the initiative**, empowering youth voices in the environmental movement, building

bridges between civil society, young people, the UN policy process, corporate decision-making, and government policy and promoting intergenerational respect.

The Y4EL network was officially founded around the Stockholm+50 International Meeting, where The Global Youth Position Paper for S+50 included a call to: *“Recognize large scale environmental destruction,*

ecocide, as a punishable crime in domestic laws and in the Rome Statute of the International Criminal Court.”

It was established in response to the growing recognition that younger generations are experiencing increasing anxiety, frustration, fear, and grief due to the significant environmental destruction occurring on our planet, which has severe consequences for our futures.



Demonstration for the recognition of ecocide in the Netherlands
©Marte Visser



8. Conclusion

The climate and biodiversity crisis is a child rights crisis. Rampant and normalised abuse of the environment and failure to adhere to existing environmental regulations has jeopardised the future of our children, young people and future generations.

- **Up to half the world's 2.2 billion children are at high risk from the impacts of climate change, and this will only increase in coming decades.(71)**
- **UNICEF has estimated that climate-induced environmental catastrophes will result in up to 131,000 excess child deaths a year by 2030.'(72/73)**

We know that ecocide is the root cause of climate crisis and biodiversity loss. Ecocide taking place every day without any fear of accountability or repercussions for the perpetrators.

We need to establish an international crime of ecocide, prosecutable in peacetime and conflict, which will allow us to leave behind a better world for the next generations.

Already, climate and environmental lawsuits around the world demonstrate to us the power of the law in holding governments and corporations to account.

We urge governments, business and civil society organisations, especially child rights organisations worldwide, to support the call for an ecocide law.

71 "The Climate Crisis Is a Child Rights Crisis: Introducing the Children's Climate Risk Index." New York: UNICEF, August 2021. <https://www.unicef.org/media/105376/file/UNICEF-climate-crisis-child-rights-crisis.pdf>.

72 Romanello, Marina, Alice McGushin, Frances A S MacGuire, Peter D Sly, Bethany Jennings, Jennifer Requejo, and Anthony Costello. "Monitoring Climate Change and Child Health: The Case for Putting Children in All Policies." *Journal of Paediatrics and Child Health* 57, no. 11 (2021): 1736-40. <https://doi.org/10.1111/jpc.15757>.

73 Bhutta, Zulfiqar Ahmed, Ashley Aimone, and Saeed Akhtar. "Climate Change and Global Child Health: What Can Paediatricians Do?" *Archives of Disease in Childhood* 104, no. 5 (2019): 417-18. <https://doi.org/10.1136/archdischild-2018-316694>.



A little girl holding leaf
in a park

©Alan Rodriguez