



# THE IMPACT ON CHILDREN OF INTERNATIONAL CRIMES AND SERIOUS HUMAN RIGHTS VIOLATIONS AFFECTING THE ENVIRONMENT

30 – 31 May 2023

## EVENT SUMMARY

Justice Rapid Response (JRR), in collaboration with the Government of Canada, the Government of Belgium, UN Women, and Save the Children, hosted a two-day roundtable on the impact on child rights of international crimes and serious human rights violations affecting the environment. Since 2015, JRR has steadily increased the number of deployments of its rostered child rights experts to national and international investigations. These experts have supported international and national investigations in the world's most violent conflicts and fragile settings. During these deployments, JRR child rights experts are increasingly confronted with the many and complex interlinkages between international crimes and violations of human rights and the environment. Such interlinkages affect very specifically children living in conflict areas and fragile settings: not only the environment in itself is a driver of armed conflict and fragility settings (i.e., rooted in the exploitation of natural resources, including as a primary source of financing for non-state armed groups and militias), but also armed conflict and certain serious human rights violations severely damage the environment in substantive and lasting ways, where children are at the forefront of vulnerable groups.

Forty-three participants, environmental experts, child rights experts, justice professionals from academia, civil society, the International Criminal Court (ICC), the Human Rights Council (HRC)-mandated investigations, including JRR rostered experts among the above experts, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Independent Investigative Mechanism for Myanmar, UN Women, the Office of the High Commissioner for Human Rights, the Committee on the Rights of the Child (CRC), Save the Children and the Child Rights International Network joined to share experiences and perspectives, to exchange knowledge, and to do a collective effort to identify and examine international judicial and non-judicial avenues to address the environmental impact of international crimes and human rights violations applying a child-centered and gender-responsive approach.

The expert meeting deepened into the role and mandates of the ICC, the HRC investigation mechanisms, the CRC, as well as regional and domestic legislation, existing case law/jurisprudence, environmental-related offenses set forth within export/import, civil, sanction schemes, and other financial/due diligence regulations in place, as well as the advancements around the 'ecocide' crime.

Specific entry points and potential accountability avenues were identified to make the case on child rights and the impact of international crimes and serious human rights violations and the environment: from linkages between the destruction of the environment and international crimes outlined in the Rome Statute (e.g., serious bodily harm, forced displacement), the direct targeting and/or disproportionate impact on children of environmental destruction/harm and the abuses and violations that flow from it (e.g., child recruitment, labor exploitation, sexual violence against children, targeting of child human rights defenders), to the proposal to establish and reinforce criteria to be included in case/violations and crime prioritization under HRC-mandated investigation mechanisms and importance of the inquiry procedures around the recently approved CRC General Comment No. 26 on Children's Rights and the Environment.

The concept of intergenerational harm, the need to expand the scope of perpetrators to state and non-state actors, including organized crime and corporations, and the crucial role of NGOs and reinforced coordination of child rights and environmental experts were particularly highlighted to foster improved documentation and investigation avenues proactively.

## KEY TAKEAWAYS OF THE PARTICIPANTS

**ENVIRONMENTAL CRITERIA IN HRC-MANDATED INVESTIGATIONS.** The mandates of fact-finding missions and commissions of inquiry should incorporate specific references to elements related to environmental harm/destruction and children. Additionally, some specific criteria used by the investigations when delimiting their mandates could include using certain types of weapons, damage to survival conditions of the population, particularly children, destruction of cultural heritage, severe impact on traditional ways of living, etc. For inspiration, the HRC-mandated investigations could refer themselves to existing examples such as Venezuela (the environmental dimension of crimes and their impact on the communities) or Lebanon (crimes against the environment).

**EXPERTISE IS OF THE ESSENCE.** There is a need to inject multiple and diverse expertise in investigation teams, particularly environmental and child rights experts, that could work in tandem and be deployed to different investigative bodies, the ICC, HRC-mandate investigations, transitional justice mechanisms, etc. Experts on financial investigations could also be worth considering regarding environmental harm/destruction. An 'expert community of practice (CoP) on environmental crimes' that could include gender and child rights experts (or can be connected with the already existing SGBV and Children CoPs managed by JRR and the UN) will be highly helpful in pushing efforts on the theme forward.

**INTERSECTIONALITY TOOL INCLUDING 'ENVIRONMENTAL HARM'.** Developing an intersectionality analytical tool in the documentation and investigation of violations and crimes against and affecting children that includes 'environmental harm' both as a root cause/driver and as a consequence/impact.

**WORK WITH AND REINFORCE CIVIL SOCIETY ORGANIZATIONS.** Working with civil society organizations to document environmental destruction and the crimes and violations against and affecting children that flow from it is paramount. They are also crucial as an advocacy actor.

**USING THE CRC GENERAL COMMENT (GC) 26 ON CHILDREN'S RIGHTS AND THE ENVIRONMENT.** GC 26 of the CRC is the first human rights instrument linking child rights with the right to a clean, healthy, and sustainable environment. This GC will give light on how the degradation of the environment affects child rights. The GC can be used as an advocacy tool to highlight the need to include expertise, foster investigations, and enhance coordination pertaining to international crimes and serious human rights violations affecting children and the environment. Also, other human rights tools could be used to signal if there are grounds for documenting and investigating crimes and serious human rights violations against and affecting children and the environment. For instance, the inquiry and the individual communication procedures of the Optional Protocol to the CRC and the Universal Periodic Review.

**INVESTIGATION, NON-CRIMINAL AND NON-JUDICIAL ACCOUNTABILITY FOR STATES AND NON-STATES ACTORS, INCLUDING CORPORATIONS AND ORGANIZED CRIME GROUPS.** There is a need to use regulatory offenses, civil law, financial and sanctions mechanisms, human rights due diligence, etc., as a pathway to deter environmental harm and document and investigate crimes and violations. At the international level, the "Magnitsky sanctions" machinery could be tailored to target those responsible for serious child human rights violations and crimes against and affecting the environment.

**A CHILD RIGHTS APPROACH WITHIN THE 'ECOCIDE' DISCUSSIONS.** The ongoing discussions to shape the crime of 'ecocide' provide an opportunity to advocate for child-specific elements within its legal definition. For instance, elements about 'organized crime' around uncontrolled environmental exploitation and how children are specifically targeted (trafficking, labor exploitation, serious bodily and physical harm, SGBV against children).

**REGIONAL AND NATIONAL CHILD RIGHTS & ENVIRONMENT CASE DATA GATHERING.** Gathering data about cases and processes ongoing in different countries on the impact on children of crimes and violations affecting the environment is an important tool to make the case for international documentation and investigation under international investigative procedures.

## MOVING FORWARD

As a result of the expert meeting, JRR, together with its partners, is working on a roadmap based on participants' recommendations to put into practice some of the concrete takeaways of the event, including fostering knowledge, increasing expertise, and coordinating among child rights and environmental experts, and investigative mechanisms.

