



Società Italiana di Diritto Internazionale e di
Diritto dell'Unione Europea

Società Italiana di Diritto Internazionale e di Diritto
dell'Unione Europea SIDI

c/o Istituto di Studi Giuridici Internazionali ISGI-CNR

Via dei Taurini, 19 00185 ROMA ITALIA

06 49937673 www.sidi-isil.org info@sidi-isil.org

PRESENTAZIONE DEL VOLUME
(a cura dell'autore o del curatore)

Informazioni generali

Autore: **Francesca Ippolito**

Titolo del volume: **Children's Environmental Rights Under International and EU Law. The Changing Face of Fundamental Rights in Pursuit of Ecocentrism**

Casa editrice e luogo di stampa: **TMC ASSER PRESS – Springer, The Hague, The Netherlands**

Anno di pubblicazione: **2023**

Pagine complessive e costo del volume: **339 pp. 106,99 euro**

Informazioni sul volume

Although the links between a safe and healthy environment on the one hand and children's rights on the other have been evoked with increasing insistence both by children and international bodies, they have so far failed to arouse comparable interest among legal scholars, who have instead tended to give their attention to general studies on the interrelationship between international human rights law and international environmental law.

This book seeks to fill that gap in the existing literature by considering the contribution a group-specific perspective can make to the fruitful development of children's environmental rights, which are not identical to the ones of adults whose environmental rights have been appraised from a general point of view. There are three main reasons for thinking that such a perspective can be beneficial. The first is the greater susceptibility of children to environmental

pollution compared to adults. A second reason is their extreme vulnerability to economic, demographic and climatic shifts that may have lifelong repercussions. And the third reason is that children are the generations of tomorrow, so protecting the environmental rights of children who are already among us is a means of caring for future generations.

In the absence of any international law instrument explicitly granting a child the right to a clean environment, drawing on an extensive and original analysis of the UN Convention on the Rights of the Child and the practice of its monitoring body, this book undertakes an assessment of the extent to which these challenges may be overcome through a greater engagement between international law on the rights of the child and international environmental law. The result is the first comprehensive study on the manner in which these two mutually reinforcing legal regimes can interact to strengthen the protection of children's environmental human rights at stake in the increased strategic environmental and climate litigations at both the national and international level.

The book examines in fact, on one hand, those CRC provisions that make explicit reference to the environment, such as Articles 24 and 29, but also the many other child rights, particularly of a socio-economic nature, that have a strong environmental dimension or may be reinterpreted from an environmental perspective, as well as the Convention's guiding principles of non-discrimination, participation, survival, development and the best interests of the child. An interpretation of these conventional provisions as informed by the concept of sustainable development is proposed as a way of operationalizing intergenerational equity and some evidences of that possibility are retraced and presented from the practice of the CRC Committee.

On the other hand, the book highlights a parallel narrative existent between the lines of both soft and hard international environmental law that prioritizes children as resources for achieving sustainable development, arguing for a possible interpretation of international and EU environmental law in a child-oriented manner.

The analysis proceeds concentrating on the angle of general (not targeted) international human rights law to show how children have emerged as proxies for future generations in climate and environmental litigation at both national and international levels. This is alongside their role as beneficiaries of indirect environmental protection in their capacity as (i) family members of applicants where the presence of children is relevant to determining the threshold of the

seriousness of the risk in allegations of infringement of the absolute right to life or the non-absolute right to private and family life; (ii) as possible beneficiaries of NGOs actions; and (iii) aspirational environmental human rights holders. In so doing, it is argued that international human rights jurisdictions and UN human rights treaty-bodies - if intersecting the interpretation of human rights conventions with international environmental law - might be beneficial for recognizing and strengthening children environmental rights. But also, recognizing children as environmental rights holders would provide a much stronger theoretical foundation for a new legal order intended to achieve international equity in environmental matters transforming intergenerational rights and duties into intragenerational rights and duties. As members of the present generation but at the same time bridges to the future, today's children could feasibly be parties to a 'contract' for the sustainable use of the Earth guaranteeing their descendants an appropriate amount of natural and cultural resources, while the members of future generations would stand as intended third-party beneficiaries to the contract.

The book is recommended reading for, amongst others, policy makers, international environmental lawyers and human rights lawyers and practitioners. Additionally, lecturers, students and researchers from a range of disciplines will also gain from seeing how new legal scholarship and intertwined branches of international law contribute to the continual development of the living rights of the human rights conventions.