

**Proposed Ecocide (Prevention) (Scotland) Bill:**
**Consultation Response from The Young Women’s Movement**

9 February 2024

The Young Women’s Movement is Scotland’s national organisation for young women’s feminist leadership and collective action against gender inequality. Our vision is a fairer Scotland for all self-identifying young women and girls: a Scotland where young women and girls are meaningfully heard, valued and supported to lead collective action and enact transformational change throughout society, systems and structures. We value the power, and recognise the necessity, of working both intersectionally and intergenerationally to achieve change. Young women, girls and non-binary people who recognise themselves within this movement are at the heart of everything we do by co-designing, leading and participating in our research, campaigns and programmes.

We know that climate change and crimes against the environment affects everyone – but not equally. Young people have historically been the leaders and activists in the environmental justice movement. In Scotland and around the world, young women and girls in particular are tirelessly advocating for systemic changes to ensure the survival and flourishing of people and planet, many of whom are penalised (or even criminalised) by the state for their efforts.

The Young Women’s Movement gladly welcomes the opportunity to respond to this consultation, and our response focuses on young women’s views on the proposal to introduce the crime of ecocide into Scots law and the gendered dimensions of climate change in Scotland and around the world.

To ensure young women’s voices are at the heart of our consultation response, we engaged with members of our advisory collective (this group consists of 31 young women under 30 who help shape our overall strategy and operations) and six young women aged 16 to 30 who engaged in our Young Women Lead Highland programme. Some of these young women are heavily involved in the climate justice movement in Scotland; others had little to no knowledge of ‘ecocide’ or how it affects their lives. To facilitate meaningful participation, we invited written responses to a select number of the consultation questions via a survey. Responses were then analysed by the Research and Policy team.

**Summary of our position**

The Young Women’s Movement fully supports the proposal to introduce the crime of ecocide into Scots law. We believe that the Scottish Parliament must do more to stop the corporate destruction of Scotland’s environment and create a better world and brighter future for young women and girls. It is our understanding that introducing the crime of ecocide into Scots law seeks to prevent the most serious of crimes against the environment in Scotland, and that the current legal framework does not serve as a strong enough deterrent to prevent acts causing severe harm to the environment from happening in the first place. The young women we engaged with were overwhelmingly supportive of the Bill, with many expressing their passion to protect the planet and create a better world for themselves and future generations.

While supportive of the proposal, The Young Women’s Movement calls for a clearer vision of feminist climate justice that integrates a gender-sensitive, intersectional approach into the fight against ecocide in Scotland. Research shows that climate change disproportionately affect women and girls worldwide, and that the climate crisis is not “gender neutral”.[[1]](#footnote-1) This is further compounded when we add the lens of race and recognise the additional risks that face Black, minority ethnic and Indigenous women during environmental catastrophes.[[2]](#footnote-2)

Nonetheless, we still know very little about how climate change affects young women, girls and other marginalised groups in Scotland.[[3]](#footnote-3) In 2019, the National Advisory Council for Women and Girls noted that there is currently “no available evidence showing gendered impacts of climate change in Scotland.[[4]](#footnote-4) Despite much progress over the last five years, we believe there is an urgent need to collect gender-sensitive, intersectional data to fully understand the impacts of climate change and ecocide in Scotland.

In a world of uncertainty, deepening inequalities, and environmental catastrophes, we must seriously consider feminist solutions to imagine a radically different world for everyone. One young woman stated: “I hope the proposal goes ahead; it seems like a step forward. The effects of climate change are intersectional and clearly gendered. Damage to the environment should be criminalised; minority groups and vulnerable people will benefit from this too.”

What young women and girls want is a future with an improved quality of life, more fairness, and better outcomes. If the proposed Ecocide (Prevention) (Scotland) Bill is done right, the people, communities and species of Scotland that have been treated unfairly, exposed to chronic pollution, ignored by unethical corporations, and left out of progress in the past, stand to gain the most.

**Answers to Questions**

**Q1. What is your view of the proposed Ecocide Prevention (Scotland) Bill? Please explain the reasons for your response.**

The Young Women’s Movement fully supports the proposal to introduce the crime of ecocide into Scots law. We believe that the Scottish Parliament must do more to stop the corporate destruction of Scotland’s environment and create a better world and brighter future for young women and girls. It is our understanding that introducing the crime of ecocide into Scots law seeks to prevent the most serious crimes against the environment in Scotland, and that the current legal framework does not serve as a strong enough deterrent to prevent acts causing severe harm to the environment from happening in the first place. The young women we engaged with were fully supportive of the Bill, with many expressing their passion to protect the planet and create a better life for themselves and future generations.

While supportive of the proposal, The Young Women’s Movement calls for a clearer vision of feminist climate justice that integrates a gender-sensitive, intersectional approach into the fight against ecocide in Scotland. The UN Women’s vision for feminist climate justice is of “a world in which everyone can enjoy the full range of human rights, free from discrimination, and flourish on a planet that is healthy and sustainable.”[[5]](#footnote-5) Jacqueline Patterson, director of the NAACP Environmental and Climate Justice Programme, argues that “The intersections of climate and justice and feminism include the disproportionate impact of climate change and the entire climate continuum on women.”[[6]](#footnote-6) Research shows that climate change disproportionately affects women and girls worldwide, and that the climate crisis is not “gender neutral”.[[7]](#footnote-7) This is further compounded when we add the lens of race and recognise the additional risks that face Black, minority ethnic and Indigenous women.[[8]](#footnote-8)

Nonetheless, we still know very little about how climate change and crimes against the environment affects women and other marginalised groups in Scotland.[[9]](#footnote-9) In 2019, the National Advisory Council for Women and Girls noted that there is currently “no available evidence showing gendered impacts of climate change in Scotland.”[[10]](#footnote-10) We therefore believe there is an urgent need to collect gender-sensitive, intersectional data to fully understand the impacts of climate change and crimes against the environment in Scotland. Pursuing a gender-neutral approach to the crime of ecocide means that young women and girls will continue to fall between the cracks in environmental legislation, policy and practice. Ignoring the unequal impacts of climate change and ecocide will only make it harder to achieve a gender-equal Scotland. We therefore ask that any proposal to introduce the crime of ecocide into Scots law commits to collecting gender-sensitive, intersectional data to make young women, girls and other marginalised groups in Scotland more visible in decision-making processes.

We also note that the proposed Bill is primarily preventative. The Young Women’s Movement believes that criminalising severe harms against the environment also requires moving away from extractive and environmentally damaging activities that may not necessarily qualify as ecocide, and towards those that prioritize care for people and the planet. Despite growing efforts to work towards a “just transition” in Scotland, in recent years we have witnessed the increasing influence of corporate actors with vested interests in fossil fuels and other environmentally harmful industries. As commented on by the Member, non-renewable industries form “a significant part” of Scotland’s economy (p.8). Oil refineries, the presence of oil tankers, nuclear power stations and a large plastics industry mean that there is a real and constant risk of leaks and spillage of environmentally damaging chemicals. If we want to halt the climate crisis, we must urgently phase out the production and use of oil, coal and gas.

While we are supportive of the proposal, we believe it is equally important to measure and understand the extent of the problem as it currently stands, and assess the impact of action to prevent ecocide and enforce existing environmental legislation going forward. Those people and communities most affected by crimes against the environment must see their needs and rights reflected in climate solutions and be able to monitor the performance of the Scottish Parliament, corporations and those in power when necessary.

As well as protecting the Scottish environment, we believe the creation of a Scottish crime of ecocide would show solidarity with young women and other marginalised groups most affected by climate change, biodiversity loss and extractive violence elsewhere around the world. At Cop26 in Glasgow, Delee Nikal, a Wet’suwet’en activist, boldly stated that “The femicide is directly linked to the ecocide... there needs to be more awareness that these extractive industries, all that is affecting our climate and destroying our territories, is intertwined with violence against our women and girls.”[[11]](#footnote-11) Women environmental defenders face retaliation for mobilizing against extractive and polluting projects, which perpetrate violence against Indigenous, minority, poor and rural communities.[[12]](#footnote-12) This highlights the gendered nature of crimes against the environment and the urgent need to address the systemic patterns of violence that affect women as a result of extractive capitalism.

In a world of uncertainty, deepening inequalities, and environmental catastrophes, we must seriously consider feminist solutions to imagine a radically different world for everyone. One young woman stated: “I hope the proposal goes ahead; it seems like a step forward. The effects of climate change are intersectional and clearly gendered. Damage to the environment should be criminalised; minority groups and vulnerable people will benefit from this too.”

What young women and girls want is a future with an improved quality of life, more fairness, and better outcomes. If the proposed Ecocide (Prevention) (Scotland) Bill is done right, the people, communities and species of Scotland that have been treated unfairly, exposed to chronic pollution, ignored by unethical corporations, and left out of progress in the past, stand to gain the most.

**Q2. Do you think legislation is required, or are there other ways in which the proposed Bill’s aim could be achieved more effectively? Please explain the reasons for your response.**

Yes, legislation is required. We believe that legislation is required to ensure the proposed Bill’s primary aim – to criminalise severe and irreparable harm against the environment in Scotland – is achieved and realised. The current patchwork of legislation governing wildlife and environmental law in Scotland clearly does not go far enough to protect the environment and deter severe environmental damage.

Young women take an unambiguous stance on ecocide: we must stop unethical corporations from destroying the planet and trampling on our rights, all for the sake of profit.

Many young women expressed feeling demoralised about the state of the planet and the general lack of progress in tackling the effects of climate change and preventing severe crimes against the environment in Scotland. One young woman noted that because political systems tend to rely on the support and funding of non-renewable industries to remain in power, any attempt to curb their influence is ultimately futile, and that legislation is the only way to even attempt to tackle the climate crisis.

While many young women expressed deep frustration over a lack of progress in tackling climate change and preventing ecocide in Scotland, others are confident that the proposal represents an important step forward in tackling the climate crisis. One young woman stated that she was hopeful that the Bill would have a “beneficial impact by holding corporations accountable for their profit-driven, environmentally unconscious actions.”

We do note, however, that legislation does not always work as intended. For example, it was recently reported that HMRC has not charged a single company over tax evasion since the passing of the Criminal Finances Act 2017, which effectively introduced new powers to charge companies and partnerships operating in the UK that failed to stop their employees or associates from facilitating tax evasion, regardless of where in the world the tax was evaded.[[13]](#footnote-13) Another young woman noted that governments are also complicit by not enforcing the law, promising then dropping green investment pledges, facilitating corporations by subsiding fossil fuel industries, and actively guiding policy and permits around existing law and regulations.[[14]](#footnote-14) For example, fossil fuel companies have received £80 billion in UK government support since 2015, with £20 billion of this funding directly supporting new extraction and mining.[[15]](#footnote-15)

Many young women noted that they would be surprised if a company director was ever taken to court, let alone imprisoned, for the crime of ecocide in Scotland, noting that individuals with huge amounts of money and powerful connections are rarely held accountable for their actions. We therefore suggest that the Member carefully considers any loopholes that might be exploited by corporations who might risk imprisonment or a fine in pursuit of profit.

**Q3. Do you think that creating an offence of ecocide would have a deterrent effect against damage to the environment? Please explain the reasons for your response.**

Yes, there would be a deterrent effect. We also believe, however, that efforts to deter environmental damage in Scotland should focus on enforcement as well as deterrence. We need to stop fossil and agricultural subsidies promoting destructive ecological products and processes in Scotland, and make any effort to introduce the crime of ecocide into Scots law more effective and tougher than existing environmental laws.

The Young Women’s Movement believes that it is ultimately up to corporations to tackle the climate crisis, and that legal regulation is only one way to deter severe harms against the environment and ultimately regulate extractive capitalism.

**Q4. Do you have any views on the proposed legal definition of ecocide as unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the Scottish environment being caused by those acts? Please explain the reasons for your response.**

Yes, we support the proposed definition. We note that this definition, drafted by an Independent Expert Panel for the Legal Definition of Ecocide in 2021, has become the starting point for legal, academic and diplomatic discussions worldwide. Under this definition, it is clear that ecocide encompasses some of the most serious incidents of environmental damage. One young woman expressed concerns that the definition might place the burden on the prosecution to prove that the corporation, and relevant persons, were aware that what they were doing was severely harming the environment, and that this might be difficult to prove in a court of law. We therefore suggest that the Member engages with the legal, academic and climate justice activist community in Scotland to see if this definition is robust enough to ensure the existing framework of environmental laws in Scotland are strengthened, rather than undermined.

**Q5. Which of the following best expressed your view of the proposed sanction of imprisonment up to a maximum of 20 years for individuals, including responsible officials such as company directors? Please explain the reasons for your response, including if possible, your view on the severity of the proposed sanction and those to be held liable.**

Fully supportive. We believe that corporations, including their company directors, should be held legally responsible for committing severe, irreparable harms against the environment in Scotland, and that such deliberate behaviour deserves a prison sentence of up to 20 years if proved in a court of law. One young woman asked the Member to consider engaging with the legal community and wider justice sector in Scotland to ensure corporations are unable to scapegoat certain individuals to protect company directors or high-profile board members.

**Q6. Which of the following best expresses your view of the proposed financial sanctions worth 10% of worldwide turnover for companies over three years. Please explain the reasons for your response, including if possible your view on the severity of the proposed sanction and those to be held liable.**

Partially supportive. As already mentioned, one young woman expressed concerns that it might potentially cost less in fines for a corporation to destroy an ecosystem than it is to preserve it, and we believe that this is an important consideration for the Member to reflect on at this early stage.

**Q8. The Human Rights Act 1998 incorporated the European Convention on Human Rights (ECHR) into UK law. It means that public authorities, must not act in a way that is incompatible with the rights set out in ECHR. Do you have any views on potential impacts of the proposals in this consultation on human rights?**

We ask that the Member engages with relevant human rights organisations in Scotland to ensure the Bill is compatible with the rights set out in the European Convention on Human Rights. For young women, girls and people of marginalised genders – whose experiences, perspectives and rights have historically been overlooked – the collection and use of gender-sensitive, intersectional data can help address entrenched climate inequalities and inform solutions that strengthens their human rights. One young woman stated that she believes the Bill will have a “positive impact on women's rights, as women are disproportionately affected by climate change, and this would seek to protect them from the wide-ranging effects of this issue.” Another noted that she thinks that “preventing further damage to the ecosystem will positively affect the wellbeing of women and the realisation of their rights in practice.”

Young women are therefore hopeful that the proposed Bill could bolster and protect their rights. We ask that the Member helps evidence exactly how this will happen by collecting gender-sensitive, intersectional data and by continuing to engage with young women, girls and other marginalised groups as the proposal progresses through Parliament.

**Q9. Any new law can have an impact on different individuals and groups in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. What impact could this proposal have on particular people if it became law? Please explain your reasons for your answer and if there are any ways you think the proposal could avoid negative impacts on particular people.**

The Young Women’s Movement believes that the proposal will have a positive impact on young people as it seeks to protect the planet and create a better world for future generations of young Scots. Young women and girls deserve to be meaningfully heard and listened to on issues that affect the climate and the world around them. We appreciate that the Member has encouraged young people and children under 12 to respond to this consultation; this represents a positive step forward in making the legislative process more inclusive and representative.

As already mentioned, women, girls and people of marginalised genders are most susceptible to the effects of climate change and crimes against the environment due to existing inequalities that limit their autonomy and access to resources. Women in particular tend to experience inequitable environmental burdens, and are less likely than men to have control over environmental decisions, both of which impact on their health and collective wellbeing.[[16]](#footnote-16)

We therefore believe that the proposal could have a positive impact on different individuals and groups in Scotland, particularly those living in already vulnerable communities. One young woman believed that “the Bill will help towards reducing the inequalities women face in relation to climate change...It also supports work undertaken around the Women’s Health Plan and the Equally Safe strategy, where women and girls can thrive as equal citizens.” Going forward, we suggest that the Member carefully considers the different ways in which women and men from different communities, and with different characteristics, experience environmental harm and inequality in Scotland.

**Q10. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy and just society for future generations. Do you think the proposal could impact in any of these areas? Please explain your reasons for your response, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?**

The Young Women’s Movement believes that ecocide should be considered a crime against sustainability as it degrades the Scottish environment and natural resources. The preservation of the natural environment and consequent impact on climate change is urgently required to preserve the planet for future generations. Young women are hopeful that the proposal could help towards finally curbing corporate power and protecting Scotland’s ecosystems and species. One young woman stated that the Bill would “send a clear message that Scotland wants to create a healthier and just society for future generations, and that we are willing to put in place strong sanctions to create these conditions. But it will need to be implemented effectively, so that it is not paying lip service to this issue.”

**Q11. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?**

The Young Women’s Movement notes that the proposal is carefully situated within a growing movement to make ecocide an international crime, with similar ecocide legislation being proposed in countries worldwide including Italy, Spain, Mexico, Brazil, the Netherlands, Belgium, and England. Last year also saw the provision to criminalise crimes “comparable to ecocide” agreed by the European Union. If passed, the proposed Bill would also complete a decade-long campaign for global recognition of ecocide by the inspiring Scots barrister Polly Higgins, who sadly died in 2019 after years of campaigning on behalf of the planet and environment. Like Polly, The Young Women’s Movement firmly believe that the wilful destruction of the Earth by corporations is a crime and, as a result, should be prosecuted if committed in Scotland.

Nonetheless, advocating for fundamental, systemic environmental change continues to be compromised by attacks on democracy and the surge of far-right, patriarchal and exclusionary forces – both online and in real life. Without addressing and tackling the proliferation of anti-climate, anti-feminist ideas, we believe that climate justice will remain out of reach for many countries, including Scotland. We therefore suggest the Member reflects on how they intend to engage with and challenge such ideas as the proposal progresses through Parliament.

On pages 14 and 15 of their proposal, the Member highlights Scottish Government environmental policy, focusing particularly on their commitment to a “just transition” to net zero and a circular green economy in Scotland. We wish to add that the Scottish Government, through the Climate Justice Fund, has also promised to prioritise funding to those most vulnerable and at risk to climate change in developing countries – particularly women and youth – and ensure their participation is at the centre of their work.[[17]](#footnote-17) We believe that this funding commitment could extend to tackling climate change and ecocide in Scotland.

In 2022, the Scottish Government also funded a scoping study to identify areas of opportunity for policy makers to develop a gender responsive approach to international climate justice.[[18]](#footnote-18) Within the report, it was recommended that the Scottish Government used the Climate Justice Fund and the International Development Strategy to ”support initiatives that model alternatives to extractivist, polluting development, such as regenerative and restorative land use” (p. 38). The report also highlighted renewed calls to make ecocide a crime before the International Criminal Court speak to the need for individual criminal responsibility for environmental damage. The authors noted that whilst a new international crime of ecocide might have ”positive symbolic value”, it should be remembered that it is ”already the responsibility of national courts to hold its companies and those operating within its territory responsible for environmental and climate damage.“ (p.34 ). We therefore believe that the Scottish Government could display its commitment to progressing feminist policies and gender equality in Scotland by engaging with the Member to ensure the proposal progresses through Parliament in line with devolved legislative competence.

**FOR FURTHER INFORMATION**

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**ABOUT US**

The Young Women’s Movement is Scotland’s national organisation for young women’s feminist leadership and collective action against gender inequality. We value the power, and recognise the necessity, of working both intersectionally and intergenerationally to achieve change. Young women, girls and non-binary people who recognise themselves within this movement are at the heart of everything we do by participating, co-designing and leading our research and programmes.

1. United Nations Population Fund, ‘[Taking Stock: Sexual and Reproductive and Health and Rights in Climate Commitments: A Global Review](https://www.unfpa.org/publications/taking-stock-sexual-and-reproductive-and-health-and-rights-climate-commitments-global),’ 30 September 2023. Accessed 25 January 2024. [↑](#footnote-ref-1)
2. Naomi Michelson, “The Impact of Climate Change on Black Girls’ and Women’s Health: Using Theory to Mitigate and Organize”, *Undergraduate Journal of Public Health* 6 (2022); Lindsey Bacigal, ‘[What is gender-based environmental violence?](https://briarpatchmagazine.com/articles/view/what-is-gender-based-environmental-violence)’ *Briarpatch Magazine*, 28 December 2020. Accessed 2 February 2024. [↑](#footnote-ref-2)
3. Women’s organisations, including [Close the Gap](https://www.closethegap.org.uk/news/blog/making-sure-a-green-economy-also-works-for-women/), [Scottish Women’s Budget Group](https://www.swbg.org.uk/content/publications/1706096624_Investing-in-Scotlands-Green-Economy.pdf), and [Engender](https://www.engender.org.uk/news/blog/gender--economic-recovery/), have produced high-quality research and policy briefings that highlight the importance of gender when considering a “just transition” and investing in Scotland’s green economy. [↑](#footnote-ref-3)
4. National Advisory Council of Women and Girls, ‘[Women and Girls and Climate Change](https://www.generationequal.scot/climate-change-what-we-already-know/)’ (2019). Accessed 18 January 2024. [↑](#footnote-ref-4)
5. UN Women, ‘[Feminist climate justice: A framework for action,](https://www.unwomen.org/en/digital-library/publications/2023/11/feminist-climate-justice-a-framework-for-action#:~:text=The%20vision%20for%20feminist%20climate,that%20is%20healthy%20and%20sustainable.)’ (2023). Accessed 30 January 2024. [↑](#footnote-ref-5)
6. Natural Resources Defence Council (NRDC), ‘[What is climate feminism?](https://www.nrdc.org/stories/what-climate-feminism)’, 18 March 2021. Accessed 3 February 2024. [↑](#footnote-ref-6)
7. United Nations Population Fund, ‘Taking Stock: Sexual and Reproductive and Health and Rights in Climate Commitments: A Global Review,’ 30 September 2023. Accessed 25 January 2024. [↑](#footnote-ref-7)
8. Naomi Michelson, “The Impact of Climate Change on Black Girls’ and Women’s Health: Using Theory to Mitigate and Organize”, *Undergraduate Journal of Public Health* 6 (2022); Lindsey Bacigal, ‘[What is gender-based environmental violence?](https://briarpatchmagazine.com/articles/view/what-is-gender-based-environmental-violence)’ *Briarpatch Magazine*, 28 December 2020. Accessed 2 February 2024. [↑](#footnote-ref-8)
9. Women’s organisations, including [Close the Gap](https://www.closethegap.org.uk/news/blog/making-sure-a-green-economy-also-works-for-women/), [Scottish Women’s Budget Group](https://www.swbg.org.uk/content/publications/1706096624_Investing-in-Scotlands-Green-Economy.pdf), and [Engender](https://www.engender.org.uk/news/blog/gender--economic-recovery/), have produced high-quality research and policy briefings that highlight the importance of gender when considering a “just transition” and investing in Scotland’s green economy. [↑](#footnote-ref-9)
10. National Advisory Council of Women and Girls, ‘[Women and Girls and Climate Change](https://www.generationequal.scot/climate-change-what-we-already-know/)’ (2019). Accessed 18 January 2024. [↑](#footnote-ref-10)
11. *The Guardian,* ‘[Indigenous women speak out at Cop26 rally: “Femicide is linked to ecocide](https://www.theguardian.com/environment/2021/nov/10/indigenous-women-speak-out-at-cop26-rally-femicide-is-linked-to-ecocide#:~:text=2%20years%20old-,Indigenous%20women%20speak%20out%20at%20Cop26%20rally,Femicide%20is%20linked%20to%20ecocide%27&text=)’. 10 November 2021. Accessed 4 February 2024. [↑](#footnote-ref-11)
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17. Scottish Government, I[nternational Development: Climate Justice Fund.](https://www.gov.scot/policies/international-development/climate-justice-fund/) Accessed 2 February 2024. [↑](#footnote-ref-17)
18. Scottish Government, ’[Independent Report by ClimateXChange: International climate justice, conflict and gender: scoping study](https://www.gov.scot/publications/international-climate-justice-conflict-gender-scoping-study/),‘ (2022). Accessed 20 January 2024. [↑](#footnote-ref-18)