



World Animal Justice Report

Filling the Accountability Gap for Animals in International Criminal Law

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Abstract

This report addresses critical gaps in International Criminal Law regarding animal protection, aligning with our vision at World Animal Justice to advance a world of justice for non-human animals. It examines inconsistencies in legal frameworks and underscores the need for a paradigm shift to consider animal rights in prohibiting mass animal crimes. Introducing the novel concept of ‘crimes against animality,’ this report critically analyses existing legal protections under International Criminal Law and International Humanitarian Law, with a focus on conflict zones. Among the WAJ experts’ proposals, it recommends amending the Rome Statute of the International Criminal Court to recognize animals as victims of crimes.

Keywords

Animal Law, International Criminal Law, Animal Rights, International Humanitarian Law, Crimes Against Humanity, Crimes Against Animality, Armed Conflicts, Ecocide

Why this report

World Animal Justice (WAJ)¹ is a nonprofit organization advocating to effectively advance animal protection law worldwide. Its double objectives are: to legally protect the fundamental rights of animals and globally prohibit crimes against animals. WAJ's vision is to establish a new legal paradigm where justice is extended to all sentient animals.

Prof. Deborah Cao, WAJ Honorary expert and contributor to this report, was the first legal academic to raise the need for an international law answer to crimes against animals.²

WAJ collaborates with international animal law experts, NGOs, and civil society to advocate for the legal recognition of animal rights and the global prohibition of animal crimes.

WAJ advocates for the legal recognition of **animals' fundamental rights**³ as follows:

¹ World Animal Justice <<https://worldanimaljustice.org>>.

² Deborah Cao, 'Crimes against Animality: Animal Cruelty and Criminal Justice in a Globalized World' in Bruce Arrigo and Heather Bersot (eds), *Routledge Handbook of International Crime and Justice* (Routledge 2014); Deborah Cao, 'Crimes against Animality in International Law' (2018) 45 *UN Observer* 174, 183; Deborah Cao, 'Crimes against Animality & International Law', World Animal Justice webinar series (2024) <<https://www.youtube.com/watch?v=zmBnJ2asH0E>>.

³ The theory of animals' fundamental rights we refer to here has been developed by Valéry Giroux, *Contre L'exploitation Animale* (Éditions L'Âge d'Homme 2017). Many other works have explored the legal status of animals: Gary L. Francione, *Animals, Property, and the Law* (Temple University Press 1995); Ani B. Satz, 'Animals



- **Right to Life:** Protection against unnecessary killings across different categories of sentient animals and human activities, including mass killings of farmed animals, animals used in scientific research, wild animals in nature and captivity, stray animals.
- **Right to Freedom:** Opposition to the confinement of animals, including caged environments, extreme restrictions in factory farming and transportation, and captivity of wild animals.
- **Right to Bodily Integrity:** Advocacy against practices that harm the physical integrity of animals, including live mutilations commonly conducted in factory farming (piglet castration, chicken debeaking), vivisection in laboratories, and aesthetic mutilations of companion animals.
- **Right to Wellbeing:** Generally advocating for prohibiting practices causing avoidable harm to animals and protecting them from human-induced suffering.

A Global Vision for Animal Justice

World Animal Justice envisions a world where the fundamental rights of animals are universally acknowledged and legally protected, paralleling the foundational principles of human rights. Just as human rights frameworks prohibit arbitrary deprivation of life (right to life), arbitrary deprivation of liberty (right to freedom), and freedom from torture (right to bodily and psychological integrity), WAJ seeks to establish similar safeguards for animals. To achieve this vision, WAJ calls for national and international legal reform, including:

- **Amendments to the Rome Statute of the International Criminal Court** to include animal protection provisions.
- **Adoption of new international legal instruments** that explicitly address crimes against animals.
- **Creation of dedicated international institutions** to protect animals as sentient beings, to be further addressed in separate WAJ work.

as Vulnerable Subjects: Beyond Interest–Convergence, Hierarchy, and Property’ (2009) 16(2) *Animal Law* 65; David Favre, ‘Living Property: A New Status for Animals within the Legal System’ (2010) 93(3) *Marquette Law Review* 1021; Sue Donaldson and Will Kymlicka, *Zoopolis: A Political Theory of Animal Rights* (Oxford University Press 2011); Lesli Bisgould, *Animals and the Law* (Irwin Press 2011); Angela Fernandez, ‘Not Quite Property, Not Quite Persons: A “Quasi” Approach for Nonhuman Animals’ (2019) 5 *Canadian Journal of Comparative and Contemporary Law* 155; Maneesha Deckha, *Animals as Legal Beings: Contesting Anthropocentric Legal Orders* (University of Toronto Press 2021).



Introduction

This report underscores the urgency of filling existing gaps in International Criminal Law concerning animal protection, particularly within the framework of the Rome Statute of the International Criminal Court (ICC).

Animals have long been affected by human activities, including warfare, environmental destruction, industrial exploitation, and illegal and legal trade. While International Humanitarian Law (IHL) and International Criminal Law (ICL) provide some protections for humans and civilian property—despite the issues connected with their enforceability and effectiveness—these frameworks remain inherently anthropocentric, offering only minimal and indirect legal protection of animals. This report explores the extent to which current international legal frameworks offer incidental protection for animals and proposes legal paths to protect animal interests and advance accountability.

I. The Need for Preventing and Punishing the Worst Crimes Against Animals

1. The Absence in International Criminal Law of Specific Offences for Crimes Against Animals

The purpose of ICL is to investigate, prosecute and condemn individuals who commit the most serious crimes. The core crimes in ICL, particularly as defined under the Rome Statute of the International Criminal Court (ICC) are the gravest offences of concern to the international community as a whole. These core crimes include genocide (Article 6 of the Rome Statute), crimes against humanity (Article 7), war crimes (Article 8) and the crime of aggression (Article 8 *bis*), over which the ICC has jurisdiction in accordance with Article 5 of its Statute.⁴ Recently, a proposal for an additional Article 8 *ter* by way of amendment of the Rome Statute has been introduced to cover the crime of ecocide.

Currently, ICL does not cover animal protection, and they are not included in the scope of international crimes.⁵ To fill this gap, we argue that the most serious crimes against animals should be addressed alongside crimes like genocide, crimes against humanity, and war crimes.

⁴ The International Criminal Court's jurisdiction over the crime of aggression is limited due to two main factors: first, as of April 2023, only 45 States Parties have ratified the Kampala Amendments (adopted June 2010); second, the crime was incorporated into the Court's jurisdiction in July 2018, thereby limiting its temporal applicability.

⁵ Anne Peters, Jérôme de Hemptinne and Robert Kolb (eds), *Animals in the International Law of Armed Conflict* (Cambridge University Press 2022).



We propose the classification of the worst animal offences as underlying actions of an additional and independent core crime, warranting scrutiny under the ICC.

The Office of the Prosecutor announced in early 2024 the start of ‘a process that will culminate in a comprehensive policy paper on Environmental Crimes, aiming to ensure that it takes a systematic approach to dealing with crimes within the Court’s jurisdiction committed by means of, or that result in, environmental damage’.⁶

In the meantime, Pacific Island States (Vanuatu, Fiji, and Samoa), followed by Democratic Republic of the Congo, have proposed amending the ICC Statute to include an independent crime of ecocide, relying on the Independent Expert Panel for the Legal Definition of Ecocide definition of 2021: ‘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’.⁷ A similar strategy and approach to the proposed amendments to the Rome Statute could be explored while necessarily animal-centric, as the ecocide proposal lacks distinction and recognition of animal sentience, to encompass animal protection against the most cruel acts at national and international scale. However, lessons can be learned from the work accomplished, the alliances formed, and the gaps in definition(s).

⁶ Office of the Prosecutor, ‘The Office of the Prosecutor Launches Public Consultation on a New Policy Initiative to Advance Accountability for Environmental Crimes under the Rome Statute’ (International Criminal Court, 16 February 2024) <<https://www.icc-cpi.int/news/office-prosecutor-launches-public-consultation-new-policy-initiative-advance-accountability-0>>.

⁷ Stop Ecocide International, ‘Mass Destruction of Nature Reaches International Criminal Court (ICC) as Pacific Island States Propose Recognition of Ecocide as International Crime’ (2024) <<https://www.stopecocide.earth/2024/mass-destruction-of-nature-reaches-international-criminal-court-icc-as-pacific-island-states-propose-recognition-of-ecocide-as-international-crime>>; Stop Ecocide International, ‘DRC Joins Pacific Island Nations In Call For An International Crime Of Ecocide’ (2024) <<https://www.stopecocide.earth/2024/drc-joins-pacific-island-nations-in-call-for-an-international-crime-of-ecocide>>; Permanent Mission of the Republic of Vanuatu to the United Nations, ‘Proposal - Independent Crime of Ecocide’ (2024) <https://static1.squarespace.com/static/5ca2608ab914493c64ef1f6d/t/66e34b2fd56f13659fd7a093/1726171951982/Proposal_9thSeptember_Vanuatu_RomeStatute.pdf>; Stop Ecocide Foundation, ‘Commentary and Core Text’ (2021) <<https://static1.squarespace.com/static/5ca2608ab914493c64ef1f6d/t/60d1e6e604fae2201d03407f/1624368879048/SE+Foundation+Commentary+and+core+text+rev+6.pdf>>.



We argue that an additional core crime against animality⁸ would provide the ideal legal framework for holding perpetrators accountable for the most serious crimes against animals.⁹ The current impunity for the most serious crimes against animals has deleterious effects. This situation encourages cruelty against non-human animals, but also against humans, resulting in a cycle of violence. The gravest crimes must be addressed at the international level, not just in the human case but also concerning non-human animals, as both warrant a resolute commitment by international justice to ensure lasting peace globally.¹⁰

2. Global Situation of Animal Protection

It is estimated that over 500 million animals are killed worldwide for food every single day — a staggering figure that underscores the immense scale of harm inflicted on animal populations.¹¹ While most countries have enacted anti-cruelty laws and animal welfare standards, these measures are often narrowly defined and insufficient.¹² Anti-cruelty laws primarily protect companion animals, leaving billions of farmed and wild animals vulnerable, while welfare standards merely aim to mitigate the worst suffering rather than prevent it entirely. Compounding the issue, enforcement of these laws is frequently undermined by inadequate monitoring, limited political will, and insufficient resources, leaving systemic cruelty inappropriately addressed and perpetuating widespread animal suffering.

Many acts that are still legal when committed against animals have long been prohibited when committed against humans. Legal systems around the world reflect a troubling inconsistency: while there is a growing consensus around the recognition of animal sentience and the rejection of cruelty, practices like factory farming are intensifying and expanding around the world, and the number of animals exploited continues to rise. Despite this scientific and legal recognition, animals are victims of serious atrocities, and perpetrators

⁸ This analysis and proposals hereby are the result of the WAJ webinar series on International Criminal Law.

⁹ Major examples include factory farming, wildlife trafficking, and using or severely harming animals during armed conflicts.

¹⁰ Significant here is UN Sustainable Development Goal 16, 'Peace, Justice and Strong Institutions' (United Nations) <<https://sdgs.un.org/goals/goal16>>. Addressing grave crimes against both humans and animals aligns with global commitments to justice, peace, and strong institutions.

¹¹ Based on 2021 numbers and data from the Food and Agriculture Organization. Max Roser, 'How Many Animals Get Slaughtered Every Day?' (2023) Our World in Data <<https://ourworldindata.org/how-many-animals-get-slaughtered-every-day>>.

¹² See the map done out of WAJ's recent research on this topic: <<https://worldanimaljustice.org/projects/>>.



remain widely unpunished. This situation of injustice to animals should be addressed by the international community.

3. Interconnectedness of Animal, Human, and Environmental Rights

Animal rights, human rights, and environmental rights are deeply interconnected.¹³ The destruction of wildlife habitats contributes to environmental degradation, which, in turn, impacts human and animal populations.¹⁴ Wildlife trafficking is often linked to broader organised criminal enterprises, including drug and weapons trafficking, while deforestation and environmental crimes directly threaten the survival of animal species and populations.¹⁵ Industrial animal agriculture is responsible for the massive exploitation, suffering, and destruction of animal lives; major environmental degradation (air, land, water pollution, and biodiversity loss); and serious human health issues (zoonoses, anthroponoses, antibiotic resistance, and a variety of health problems caused by the consumption of animal products).¹⁶

4. The Genocide–Ecocide Continuum

Victimizing billions of sentient animals, industrial animal farming and wildlife trade are the main organized forms through which humans confine, exploit, torture, and massacre animals. Though these are treated as normal, necessary, and legal sectors, a critical analysis would instead qualify them as a continuum between genocide and ecocide.¹⁷ Genocide designates

¹³ Saskia Stucki, Tom Sparks and Visa Kurki, 'Animal Rights: Interconnections with Human Rights and the Environment' (2020) 11(2) *Journal of Human Rights and the Environment* 149 <<https://www.elgaronline.com/view/journals/jhre/11-2/jhre.2020.02.00.xml>>.

¹⁴ Rob White, 'Animal Abuse Resulting from Wildlife Habitat Destruction' in Jennifer Maher, Harriet Pierpoint and Piers Beirne (eds), *The Palgrave International Handbook of Animal Abuse Studies* (Palgrave Macmillan 2017) 173.

¹⁵ UN Office on Drugs and Crime (UNODC), *World Wildlife Crime Report 2024* (2024) <https://www.unodc.org/documents/data-and-analysis/wildlife/2024/Wildlife2024_Final.pdf>.

¹⁶ Jeff Sebo, Emma Dietz, and Tony Sims, 'Towards a Global Ban on Industrial Animal Agriculture by 2050: Legal Basis, Precedents, and Instruments' (2024) 54(3) *Environmental Law Review* 599. According to the authors, 'industrial animal agriculture' encompasses 'intensive animal farming systems', also known as 'factory farms' or 'concentrated animal feeding operations (CAFOs)'. See also the full issue of the *Environmental Law Review* on the environmental harms of animal agriculture: <https://law.lclark.edu/law_reviews/environmental_law/>; Marina Bolotnikova, 'How Factory Farming Ends' (2024) *Vox* <www.vox.com/future-perfect/364288/how-factory-farming-ends-animal-rights-vegans-climate-ethics>.

¹⁷ Rimona Afana, 'From Speciesism to Theriocide: Wildlife Trade and Industrial Animal Farming as Embodiments of the Genocide–Ecocide Continuum' in Wendy Wiseman and Burak Kesgin (eds), *Lost Kingdom: Animal Death in the Anthropocene* (Vernon Press 2024); Rimona Afana, 'The Genocide–Ecocide Continuum: Wildlife Trade and



murder perpetrated on identitarian grounds. Just as race, ethnicity, nationality and religion (criteria under the Genocide Convention¹⁸) are identity markers, so is species and, arguably, it is a more fundamental identity marker than others now considered under the legal definition of genocide. The mass murder of animals is not random: we do not kill and exploit all human-made categories of animals; we oppress members of specific species for specific reasons. Just as with the current anthropocentric framing of genocide, certain people are oppressed for specific reasons. Also, when looking at the five types of actions considered under the legal definition of genocide, most apply to our current treatment of animals.¹⁹

While looking at the mass killing of nonhuman animals as a form of genocide might be controversial and deviates from the current legal framing of genocide, such thought experiments counter the reductionist legal and ethical frameworks we now operate in, which permit horrific crimes against animals. Besides causing immense suffering and death to billions of sentient animals, both industrial animal farming and wildlife trade come with major environmental harms, which in some cases could qualify as ecocide. While genocide still holds the title of ‘crime of all crimes’ yet rests on a narrow conceptualization of annihilation which excludes nonhumans, ecocides remain non-criminalized though widespread. This genocide—

Industrial Animal Farming’ (2024) World Animal Justice webinar series <<https://www.youtube.com/watch?v=yg-eD-3UVgg>>.

¹⁸ Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948; entered into force 12 January 1951) 78 UNTS 277. <www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf>.

¹⁹ Under the Convention on the Prevention and Punishment of the Crime of Genocide (‘Genocide Convention’, Article II) and Rome Statute (Article 6), ‘genocide’ means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group: killing members of the group; causing them serious bodily or mental harm; deliberately inflicting on them living conditions calculated to physically destroy the group in whole or in part; imposing measures to prevent births within the group; forcibly transferring children of the group to another group. These criteria arguably also apply to segments of industrial animal farming and wildlife trade: animals are killed; they are physically and psychologically harmed; they are sometimes forced into living conditions which cause or contribute to death; births are prevented; millions of babies are separated from their mothers. See Afana (n 17).

Establishing genocidal intent is a complex matter legally and ethically; so far, international criminal tribunals have primarily drawn on circumstantial evidence to infer genocidal intent. The aim of commercial sectors profiting from the exploitation and murder of animals is to continue profiting, so the annihilation of the respective species is counterproductive. The genocidal intent, as conventionally defined, is missing here. However, the extreme exploitation of certain animals can result in their annihilation, not as an intentional outcome, but as a consequential one—though a different kind of responsibility may still be inferred. For instance, pangolins are the world’s most trafficked mammal. In spite of national and international (CITES) protections, illegal trade continues unabated and out of eight pangolin species, now two species are listed as vulnerable, three endangered, and three critically endangered. See Afana (n 17).



ecocide continuum when it comes to industrial animal farming and wildlife trade shows how animal rights law and activism can draw on established crimes in international criminal law, such as genocide, and on emergent crimes, like ecocide, at the intersection of international environmental law and international criminal law.

II. Recognising and Punishing ‘Crimes Against Animality’

This section introduces the concept of ‘crimes against animality,’ highlighting gaps in international humanitarian and criminal law that treat animals as property rather than victims. It defines this proposed core crime, encompassing acts like mass killings, torture, and exploitation, and advocates for legal reforms to recognize animals as sentient beings and direct victims of such crimes.

1. The Anthropocentric Focus of IHL and ICL

Animals have long suffered due to human warfare, whether as instruments of war, such as cavalry horses or bomb-detecting dogs, or as collateral victims, including wild and domesticated animals caught in the crossfire. While IHL and ICL provide protections for humans (as civilians and combatants) and civilian property, these frameworks remain anthropocentric; animals are treated primarily as property rather than as sentient beings whose welfare matters. As a result, animals only benefit from minimal and indirect legal protection, which is incidental to human-centric concerns.²⁰ This section examines how current international law indirectly protects animals during wartime and how it might address crimes committed against animals or their exploitation in war crimes.

1.1. Indirect Protections Under IHL

Animals may receive incidental protection under IHL through provisions that safeguard civilian property, civilian objects or, more recently, protect the environment. For example, Article 54(2) of Additional Protocol I to the Geneva Conventions prohibits the destruction of objects essential to the survival of the civilian population, including livestock, whatever the motive. Likewise, Article 35(3) prohibits methods or means of warfare that are intended, or may be expected, to cause widespread, long-term, and severe damage to the natural environment, indirectly protecting wildlife habitats and wild animals. However, these

²⁰ Marine Lercier, ‘War Crimes against Animals: Exploring the Legal Protections of Animals in Armed Conflicts under International Law’ (2024) <<https://www.youtube.com/watch?v=9DhKP31p43w>>.



protections fall short of recognizing the intrinsic value of animals as sentient beings, treating them as components of the natural environment.

1.2. Incidental Protections Under ICL

Animals are not included in the scope of ICL. Forced migrations, ethnic cleansing, or the destruction of property and ecosystems can impact animal populations through starvation or habitat destruction, typical of the crime of genocide or crimes against humanity, and prohibited methods of warfare constituting war crimes. However, since prosecutions are only triggered when animals are linked to human interests, their scope remains limited and indirect.

In *Bemba*,²¹ the ICC noted the pillaging of livestock as part of the charges, while it addressed the destruction and pillaging of property, including livestock, in *Ntaganda*.²² However, the court noted: ‘Even if inherently grave, and having the potential to cause severe consequences for the victims, crimes against property are generally of lesser gravity than crimes against the life and/or bodily integrity of persons’, further establishing a distinction between the gravity of crimes against persons, and crimes against property (animals theoretically included, albeit not as victims but as means of crime commission).²³ Incidentally, in *Lubanga*, the ICC noted how civilians were forced to hand over cows in the context of child soldiers’ enlistment: ‘a cow or a child’.²⁴

The absence of explicit legal recognition of animals as victims under ICL, along with the limited protections they receive under IHL, creates a significant accountability gap while permitting both the dehumanization and animalization of human victims, and the greater commission of crimes against and *through* animals. Indeed, serious crimes are frequently committed both against animals and through their use as weapons during armed conflicts, notwithstanding

²¹ ICC, Prosecutor v. Jean-Pierre Bemba Gombo, decision on the confirmation of charges of 15 June 2009, ICC-01/05-01/08-424, paras. 322 and 324.

²² ICC, Prosecutor v. Bosco Ntaganda, sentencing judgment of 7 November 2019, ICC-01/04-02/06-2442, para 139; ICC, Prosecutor v. Bosco Ntaganda, judgment of 8 July 2019, Trial Chamber VI, Decision, ICC-01/04-02/06-2359, paras 514, 526 and 569.

²³ ICC, Prosecutor v. Bosco Ntaganda, sentencing judgment of 7 November 2019, ICC-01/04-02/06-244, para 136.

²⁴ ICC, Prosecutor v. Lubanga, decision on the confirmation of charges of 29 January 2007, ICC-01/04-01/06-803-tEN, para. 392, fn. 329; Marine Lercier, ‘War Crimes against Animals: Exploring the Legal Protections of Animals in Armed Conflicts under International Law’ (2024) <<https://www.youtube.com/watch?v=9DhKP31p43w>>; Marine Lercier, ‘War Crimes against Animals: Exploring the Legal Protections of Animals in Armed Conflicts under International Law’ (2024) World Animal Justice Webinar Series <<http://dx.doi.org/10.13140/RG.2.2.11592.74241>>.



their various roles as helpers and caretakers. Addressing these gaps through legal reform could help ensure that animals are afforded effective legal protection that prevents harm during armed conflicts and beyond, and could trigger criminal prosecution in cases of violations and exploitation.

1.3. Proposed Legal Reforms under IHL and ICL²⁵

IHL and ICL have been developed with a predominant focus on human welfare and prevention of suffering, relegating animals to the status of property or tools of war. This anthropocentric approach leaves significant gaps in legal accountability for crimes committed against animals during armed conflicts. To bridge these gaps, legal reforms should aim to explicitly recognize animals as sentient beings deserving of protection under IHL and as victims of serious crimes under ICL. Reforms could include expanding the legal definition of protected persons or property under IHL to include animals as sentient beings, in addition to ensuring the protection of their welfare, or the creation of legal instruments specifically designed to protect animals during armed conflict to prohibit their use and alleviate their suffering, and creating an additional category of victims under the Rome Statute. Furthermore, addressing crimes committed against animals under ICL would strengthen accountability for such offences, particularly in cases where animals are exploited in the commission of war crimes.

2. Preliminary Elements for a Definition of ‘Crimes against Animality’

To effectively address the massive scale of the harm and suffering inflicted on animals by humans globally and protect them in peacetime as well as in wartime, WAJ advocates for the recognition of ‘crimes against animality’ in international criminal law. The following preliminary definition represents the initial phase of our work. This concept is subject to refinement and may evolve through ongoing research and collaboration.

Crimes Against Animality: modelled on ‘crimes against humanity’ under Article 7 of the Rome Statute of the ICC, this proposed independent core crime would cover situations of widespread and systematic attack against, or exploitation of animal populations, pursuant to or in furtherance of a state or organizational policy to commit such attack or exploit animal populations. Specific acts may include the following:

²⁵For more information, see the main WAJ Experts webinars addressing these IHL and ICL aspects: Marine Lercier, 'War Crimes against Animals: Exploring the Legal Protections of Animals in Armed Conflicts under International Law' (2024) World Animal Justice Webinar Series <<http://dx.doi.org/10.13140/RG.2.2.11592.74241>>; Saba Pipia, 'How Does International Criminal Law Protect Animals in War and Peacetime', World Animal Justice webinar series (2024) <<https://youtu.be/RbXxNy3FtRI>>.



- **Killing:** Especially mass killings and slaughters such as in industrial animal agriculture, poaching, and animal sacrifice.
- **Severe Deprivation of Physical Liberty:** Confining wild and domesticated animals in sectors like food, clothing, research, entertainment.²⁶
- **Enslavement:** Forced labour or exploitation of animals in sectors such as food, logging, and entertainment, using cruel methods to exert control.
- **Inhumane transportation:** Transporting animals under painful conditions and across long distances whether for slaughter, trade, or entertainment.
- **Torture:** Extremely violent practices that cause the most severe, intentional, and unnecessary physical and psychological pain, such as vivisection, live mutilations, blood shows, and other forms of cruelty.²⁷
- **Sexual Violence:** Practices such as the forced pregnancy of animals, particularly in the dairy industry, while in other sectors, forced sterilizations are routine.
- **Other inhumane acts of a similar nature** causing great suffering or serious injury to animals' physical and/or psychological health.²⁸

3. Animals and the Status of Victims Before the ICC

Lostal highlights the asymmetry of treatment between human and non-human animals. Her analysis shows that animals cannot qualify as 'victims' because they are not human beings. Yet, they meet the other two criteria, namely, 'suffering harm, which results from the commission of crimes within the Court's jurisdiction'.²⁹ According to Lostal, nonhuman animals meet two of the three criteria set out in the Rules of Procedure and Evidence definition of victims to be recognized as such before the ICC:³⁰

²⁶ Rimona Afana, 'Challenging Captivity: Legal, Legislative, and Civic Strategies for Liberating Confined Animals' (2024) Animals & Society Institute colloquium series <<https://www.youtube.com/watch?v=7d8WFMraDGM>>.

²⁷ Rimona Afana, 'Corporate Profit Rests on Torture: Animals Pay the Price' (2024) World Animal Justice <<https://worldanimaljustice.org/corporate-profit-animal-torture>>.

²⁸ According to the letter of paragraph 1. (k) of Article 7 of the Rome Statute.

²⁹ Marina Lostal, 'De-objectifying Animals: Could they Qualify as Victims before the International Criminal Court?' (2021) 19(3) *Journal of International Criminal Justice* 583; International Criminal Court, 'Rules of Procedure and Evidence' (2nd ed 2013) rule 85.

³⁰ *ibid.*



1) Natural Persons: Currently, animals are not recognized as ‘natural persons’ under ICC jurisprudence,³¹ as this category is reserved for human beings.

2) Suffering Harm: The sentience of many animals is being increasingly proven. Therefore, when they fall prey to core crimes, they experience severe harm. This includes physical harm and psychological harm.

3) As a Result of International Crimes: Animals indisputably suffer harm that arises from the commission of crimes within the jurisdiction of the Court. They may die in attacks, out of starvation campaigns, in fires provoked by the war, asphyxiated with gases, etc.

Overall, her analysis highlights the need to consider non-human animals in international legal frameworks as more than objects because ‘granting animals the same treatment as human beings is no more objectionable as a matter of legal principle than granting them the status of “things”’.³²

III. Preliminary Recommendations by WAJ Experts

This section outlines key preliminary recommendations proposed by WAJ experts to strengthen international legal protections for animals. These recommendations aim to address the gaps in current international legal frameworks by advocating for the recognition of crimes against animals as serious international offenses, expanding the legal definition of victims, and promoting broader accountability for harm to animals in the contexts of both peacetime and armed conflict. Through innovative legal mechanisms, dynamic interpretations of existing provisions, and global advocacy, these measures strive to establish solid foundations for advancing animal protection and ensuring justice for all sentient beings.

1. Amend the Rome Statute to Cover ‘Crimes Against Animality’

A crime to protect animals from the most egregious acts of cruelty is fundamental. In line with the principle of complementarity, incorporating such a core crime would ensure and facilitate enforceability from domestic to international courts for the most heinous acts against animals, foster cooperation among nations, and help prevent impunity. Alongside ‘crimes against humanity’ in Article 7 of the Rome Statute, a new category—‘crimes against

³¹ Pre-Trial Chamber I, ‘Decision on the Application for Participation in the Proceedings VPRS 1, VPRS 2, VPRS 3, VPRS 4, VPRS 5 and VPRS 6’ (2006) ICC-01/04-101-tEN-Corr, § 80 <https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2006_01689.PDF>. See also, rule 85 of the Rules of Procedure and Evidence of the ICC.

³² *ibid.*



animality’—could be introduced as an additional Article 7 *bis* of the Rome Statute.³³ Akin to ‘crimes against humanity’, prosecuting ‘crimes against animality’ would require the satisfaction of both contextual elements and underlying offenses.

First, contextual elements must be met, meaning there must be a widespread or systematic attack or exploitation directed against any animal populations, carried out pursuant to or in furtherance of a State or organizational policy to commit such attack. No connection to armed conflict is required for such crimes to occur.

Second, underlying crimes refer to the act that causes or results in harm against animals and are ‘against the law and subject to criminal prosecution and sanction’. This encompasses various forms of abuse and harm to animals, regardless of their legality, whether perpetrated by individuals, the state, corporations, or national and international entities³⁴. However, despite expert opinions, the proposed crimes against animality can only be attributed to individuals; otherwise, they cannot be incorporated into the Rome Statute.

2. Extend the Category of ‘Victims’ of Crimes to Animals

The current definition under Rule 85(a) of the Rules of Procedure and Evidence of the ICC recognizes only humans as ‘victims’, which nonhuman animals are not. A potential solution consists of expanding the definition of ‘victims’ to encompass nonhuman animals, considering them as sentient beings that suffer harm and should thus be recognized as victims of serious international crimes. The alternative could be to recognize the quality of victims to nonhuman animals only in the configuration of crimes against animality, hence not disrupting the ICC framework nor opening Pandora’s box. Another possibility would be to add the category of ‘nonhuman animals’ (or ‘animals’) after the ‘natural persons’ (85(a)) and ‘organizations or institutions’ (85(b)) catalogue of victims, as, if the latter can ‘sustai[n] direct harm’ and are granted the quality of victims before the ICC, there is no formal requirement to be a natural person, even less a human being—only to suffer harm (albeit most probably, to be a legal person, which yet again, most nonhuman animals are not in most jurisdictions).³⁵

³³ Ankita Shanker and Vanessa Man-Yi Wong, ‘Crimes against Animals & Animals as Victims of Serious Atrocities’ (2024) World Animal Justice webinar series <<https://www.youtube.com/watch?v=qmLm3sB31EE>>.

³⁴ Deborah Cao, ‘Crimes against Animality’ in Bruce A Arrigo and Heather Y Bersot (eds), *The Routledge Handbook of International Crime and Justice Studies* (Routledge 2014) 184.

³⁵ The simplest solution for jurisdiction *rationae personae* would be the inclusion of an additional category, e.g., ‘c) animals’, instead of adding them to the category of ‘natural persons’, which they are not, at least currently. Legal personhood for animals is a hot topic, and it would be quite premature, on the one hand, to believe animals would be added to the category of ‘natural persons’ at the current stage, while it would be without effect on their legal status, on the other.



3. Promote the Expansion of IHL Protections to Animals Through Dynamic Interpretation

Promoting a dynamic judicial interpretation of existing provisions can allow the extension of IHL protections to animals, for instance, by considering their vulnerability and civilian status in armed conflicts to protect them.³⁶ In this vein, Peters and de Hemptinne have proposed a progressive interpretation of IHL to better protect animals during armed conflicts, also known as ‘animalization’ of IHL’. This includes emphasising the principle of humanity and the dictates of public conscience (as outlined in the Martens Clause, Article 1(2) of Additional Protocol I to the Geneva Conventions) to include considerations of animal welfare and sentience.³⁷

4. Promote Accountability for Environmental Crimes under ICC Jurisdiction, Focusing on Their Impact on Animals

Revise the definition of the principle of proportionality and detach environmental crime from it to recognize a separate war crime including harm to animals, and lower the threshold for proving environmental (and animal)-related war crimes (Article 8(2)(b)(iv) of the ICC Statute) to strengthen accountability.³⁸ Indeed, the terms ‘widespread, long-term, and severe’ are not clearly defined, while the threshold is high, making intent too difficult to prove and limiting the scope for prosecuting harm to the environment—including animals—and leading to challenges in prosecution and enforcement. In addition, it would be advisable to extend the applicability of the war crime of environmental damage to non-international armed conflicts and ensure that the impact of such crime on animals is taken into account, given their widespread occurrence and significant impact on animals.³⁹

5. Raise Global Awareness of Crimes Against Animality

Partner with governments, NGOs, and legal scholars to highlight the necessity of animal protection under ICL, emphasising the ethical and environmental imperatives.

³⁶ Marine Lercier, 'War Crimes against Animals: Exploring the Legal Protections of Animals in Armed Conflicts under International Law' (2024) <<https://www.youtube.com/watch?v=9DhKP31p43w>>; Marine Lercier, 'War Crimes against Animals: Exploring the Legal Protections of Animals in Armed Conflicts under International Law' (2024) World Animal Justice Webinar Series <<http://dx.doi.org/10.13140/RG.2.2.11592.74241>>.

³⁷ Anne Peters and Jérôme de Hemptinne, 'A Plea for Animalizing International Law on Armed Conflict' (2022) Lieber Institute West Point.

³⁸ Marine Lercier, 'War Crimes against Animals: Exploring the Legal Protections of Animals in Armed Conflicts under International Law' (2024) <<https://www.youtube.com/watch?v=9DhKP31p43w>>; Marine Lercier, 'War Crimes against Animals: Exploring the Legal Protections of Animals in Armed Conflicts under International Law' (2024) World Animal Justice Webinar Series <<http://dx.doi.org/10.13140/RG.2.2.11592.74241>>.

³⁹ *ibid.*



6. Support an Animal-Inclusive Approach to the International Criminalization of Ecocide

Support the recognition of ecocide as an international crime, ensuring that the destruction of ecosystems and its broader impacts on the environment and correlative harms caused to animals—both indirectly (through their habitats) and directly—are adequately addressed.⁴⁰

7. Promote Legal Reforms for Animals in Conflict Zones

Work towards drafting, adopting, and ratifying an international convention focused on animal protection (anti-cruelty, welfare, and rights) during armed conflicts and other global crises, providing a comprehensive framework for safeguarding the interests of animals. While politically challenging, this approach could mark a significant evolution in the international protection of animals.⁴¹ A first step can consist of adopting a protocol prohibiting the use of animals amid hostilities and prohibiting animal experiments for military purposes.⁴²

By advancing these recommendations, the international community can move closer to the prosecution of ‘crimes against animality’, thereby ensuring justice for all sentient beings.

Conclusion

This report presents a compelling case for developing international criminal animal law as a subset of ICL, extending legal protections to animals through a new legal framework. The proposal to define and globally criminalize ‘crimes against animality’ represents a crucial step toward prosecuting and condemning the most serious crimes committed against animals, in order to put an end to the current impunity and provide a deterring effect. By providing an overview of the current situation and suggesting improvements to international legal protections for animals, including in conflict zones and their aftermath, this report underscores the urgent need for comprehensive and transformative legal reforms.

Through sustained international advocacy and reforms like the proposed amendments to the Rome Statute of the ICC, the international community can take decisive steps to address the widespread, systematic abuse of animals. This would mark a significant step in preventing

⁴⁰ The emerging definition of ecocide proposed by independent experts focuses on the ‘biosphere’ as a whole, encompassing the natural environment without explicitly addressing animals nor considering their individuality and sentience, but likely including wildlife. See Independent Expert Panel, ‘Definition of Ecocide’ <<https://ecocidelaw.com/definition/>>.

⁴¹ Marine Lercier, ‘War Crimes against Animals: Exploring the Legal Protections of Animals in Armed Conflicts under International Law’ (2024) <<https://www.youtube.com/watch?v=9DhKP31p43w>>; Marine Lercier, ‘War Crimes against Animals: Exploring the Legal Protections of Animals in Armed Conflicts under International Law’ (2024) World Animal Justice Webinar Series <<http://dx.doi.org/10.13140/RG.2.2.11592.74241>>.

⁴² *ibid.*



crimes against animality, emphasizing their fundamental interests, and would underscore the interconnectedness of animal, human, and environmental justice. These are not the only avenues and solutions need to be further investigated and narrowed down. Recognizing and addressing the extreme suffering animals endure daily is no longer optional; it is an ethical and legal imperative.