Applying a human rights-based approach in line with Section C of the Kunming-Montreal Biodiversity Framework

A briefing note

Note: This joint publication of the Office of the United Nations High Commissioner for Human Rights and the Secretariat of the Convention on Biological Diversity does not reflect the views of the Parties, Member States, or the Conference of the Parties to the Convention. This is a first draft, unedited and subject to further revision and inputs received.

Convention on Biological Diversity

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER

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Introduction

The three objectives of the Convention on Biological Diversity are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.[1] The Kunming-Montreal Global Biodiversity Framework (KMGBF) aims to implement these three objectives of the Convention. Notably, Section C of the KMGBF sets out that its implementation should follow a human rights-based approach.

This briefing note outlines the interlinkages between human rights and biodiversity, with a focus on how Section C of the KMGBF can serve as a key tool for integrating human rights into the implementation of the Convention. It explains the concept of a human rights-based approach to biodiversity action and provides guidance and examples of how to apply it in the implementation of the KMGBF. The briefing note concludes with key messages for ensuring human rights in the context of biodiversity action, as well as references to further resources.

1. Why human rights matter for biodiversity and vice versa

Biodiversity and human rights are interdependent. The full enjoyment of human rights, including, among others, the rights to life, health, culture, food, water, sanitation, and housing, depends on biodiversity. The degradation and loss of biodiversity undermine the ability of persons and groups to fully enjoy their human rights.[2] Biodiversity and healthy ecosystems are also essential elements of the human right to a clean, healthy, and sustainable environment.[3]

Respecting, protecting and fulfilling human rights in the context of biodiversity-related actions is not only an obligation under international human rights law,[4] but also a crucial approach to achieving the best outcomes for both people and biodiversity.[5] This approach is also relevant for other instruments and strategies under the Convention and its Protocols, including those aligned with the KMGBF.[6] This includes the 'Programme of work on Article 8(j) and other provisions of the Convention on Biological Diversity related to indigenous peoples and local communities to 2030,'[7] the 'Joint Programme of Work on the Links between Biological and Cultural Diversity'[8] and the Gender Plan of Action',[9] among others. Human rights should be viewed as complementary to and necessary for environmental protection.[10] They offer 'the most effective, efficient, and equitable path forward to safeguarding the planet.'[11]

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[1] The Convention on Biological Diversity, Article 1.
[2] Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, HRC/34/49 para 5.
[3] UN General Assembly Resolution 76/300; Human Rights Council Resolution 48/13. Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David R. Boyd, Human rights depend on a healthy biosphere, A/75/161, para 33.
[4] Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, HRC/34/49, paras 57-58.
[5] Ibid, para 59; IPBES, Methodological assessment of the diverse values and valuation of nature (April 2022) page 356.
[6] The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.
[7] CBD/COP/DEC/16/4.
[8] CBD/COP/DEC/15/22.
[9] CBD/COP/DEC/15/11.
[10] Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, HRC/34/49 para 59.
[11] David R. Boyd and Stephanie Keene, *Policy Brief No. 1. Human rights-based approaches to conserving biodiversity: equitable, effective and imperative. A policy brief from the UN Special Rapporteur on Human Rights and the Environment* (2021), p. 4.

Secure land rights: better outcomes for biodiversity through human rights

A diverse array of communities, 'including farmers, fishers, herders, hunters, ranchers and forest users, manage significant areas of land and water under various title and tenure systems. Supporting their efforts to conserve and protect those lands, many of which are critical to global biodiversity, would result in less poverty, lower rates of deforestation and better protection of the biodiversity and ecosystem functions on which [they] depend.'[12] 'Indigenous peoples and local communities and peasants can make enormous contributions to the conservation, protection, restoration and sustainable use of ecosystems and biodiversity, when empowered to do so, through recognition of their rights.'[13] Moreover, it has been demonstrated 'that the territories of indigenous peoples' whose land rights have been recognized 'have been significantly better conserved than the adjacent lands.'[14]

For more information on the interlinkages between human rights and biodiversity see the **UNEP OHCHR: Key Messages on Human Rights and Biodiversity.**

2. What is a human rights-based approach (HRBA)?

A human rights-based approach refers to the design and implementation of policies and programs based on international human rights law. It aims to address inequalities and achieve well-being and dignity for all.[15]

A human rights-based approach focuses on strengthening the capacities of duty-bearers to fulfil their obligations and of right-holders to claim their rights.[16] It recognizes that human rights, including the right to participation, empower all people, particularly those who are in marginalized, disadvantaged, and excluded situations due to geography, poverty, gender, age, disability, cultural or ethnic background, or other factors. Overall, this approach seeks to address inequalities and discrimination by advancing human rights through participatory and locally owned processes.[17]

3. What does HRBA mean in the biodiversity context?

In the context of conservation and sustainable use of biodiversity, a HRBA entails ensuring that biodiversity plans, policies, laws and processes must seek the respect, protection, and fulfilment of human rights as a core objective, recognizing that the well-being of people is inherently linked to biodiversity. By anchoring biodiversity-related plans, policies, laws and processes in human rights, the action taken for the benefit of the planet will also benefit people, thereby contributing to true harmony with nature. The present section highlights how the KMGBF reflects these interlinkages between human rights and biodiversity and how they should be addressed in biodiversity actions, including National Biodiversity Strategy and Action Plans (NBSAPs).

[12] Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David R. Boyd, Human rights depend on a healthy biosphere, A/75/161, para 57.
[13] Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David R. Boyd, Human rights depend on a healthy biosphere, A/75/161, para 57.
[14] Report of the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples, Victoria Tauli Corpuz, A/71/229, para 15.
[15] UNRISD, "Universal values. Principle one: Human rights-based approach".
[16] OHCHR, "The impacts of climate change on the effective enjoyment of human rights".
[17] United Nations Development Group, "The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies".

a. A HRBA applies to *all* goals and targets in accordance with Section C of the KMGBF

Human rights need to be central to the implementation of each Goal and Target, even those that do not explicitly reference human rights – as required by Section C of the KMGBF and international human rights law. This requires that the interpretation, implementation and monitoring of all the goals and targets of the KMGBF align with international human rights law, respecting, protecting, fulfilling and promoting human rights.[18]

Several targets of the KMGBF also explicitly mention human rights:

- **Target 1** highlights that the rights of indigenous peoples and local communities[19] need to be respected in the context of spatial planning, bringing the loss of areas of high biodiversity importance close to zero by 2030.
- **Target 3** seeks to ensure equitable governance and recognition and respect of the rights of indigenous peoples and local communities, including over their indigenous and traditional territories, in the context of area-based conservation.
- **Target 21** highlights that traditional knowledge, innovations, practices and technologies of indigenous peoples and local communities should only be accessed with their free, prior and informed consent.[20]
- **Target 22** sets out to ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by indigenous peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by women and girls, children and youth, and persons with disabilities. It also sets out to ensure the full protection of environmental human rights defenders.
- **Target 23** seeks to ensure gender equality in the implementation of the KMGBF, through a gender-responsive approach where all women and girls have equal opportunity and capacity to contribute to the three objectives of the Convention, including by recognizing their equal rights and access to land and natural resources and their full, equitable, meaningful and informed participation and leadership at all levels of action, engagement, policy and decision-making related to biodiversity.

Section C of the KMGBF includes several human rights elements. Section C, inter alia:

- calls for following a **human rights-based approach,** respecting, protecting, fulfilling and promoting human rights;
- acknowledges the roles and **contributions of indigenous peoples and local communities** as custodians of biodiversity and as partners in its conservation, restoration and sustainable use;

[18] Decision 15/4 adopted by the Conference of the Parties to the Convention on Biological Diversity, CBD/COP/DEC/15/4 (2022), para 7 (g).

[19] This document uses the terminology "indigenous peoples and local communities" in line with Decision XII/12 of the Conference of the Parties to the Convention, in which Parties agreed to use the terminology "indigenous peoples and local communities" in future decisions and secondary documents under the Convention, as appropriate. The Office of the United Nations High Commissioner for Human Rights generally follows UN General Assembly resolution A/77/460, which capitalises the terms 'Indigenous Peoples' and 'Indigenous'; and Human Right Council resolution 57/15 on human rights and Indigenous Peoples, which in paragraph 32 'Calls upon States to apply capitalization to the term "Indigenous Peoples" in official documents and in the official languages of the United Nations, as applicable.' See also the United Nations Permanent Forum on Indigenous Issues, The United Nations Expert Mechanism on the Rights of Indigenous Peoples, and the United Nations Special Rapporteur on the Rights of Indigenous Peoples, OUTCOME DOCUMENT, (Rome, February 2024), Recommendation 1, which capitalises the term 'Indigenous Peoples' and recommends to refrain from combining the term Indigenous Peoples with other categories.

[20] See KMGBF, footnote 7, which stipulates that in the KMGBF, 'Free, prior and informed consent refers to the tripartite terminology of "prior and informed consent" or "free, prior and informed consent" or "approval and involvement"'.

- calls for ensuring that the rights, knowledge, including traditional knowledge associated with biodiversity, innovations, worldviews, values and practices of indigenous peoples and local communities are respected, and documented and preserved with their free, prior and informed consent;
- affirms the **United Nations Declaration on the Rights of Indigenous Peoples**, and **human rights law** and notes that nothing in the KMGBF may be construed as diminishing or extinguishing the rights that indigenous peoples currently have or may acquire in the future;
- recognizes and considers the importance of **different value systems** and concepts of biodiversity;
- acknowledges **the right to a clean, healthy, and sustainable environment**;
- recognizes the **right to development**;
- promotes **a whole-of-government and whole-of-society approach**;
- highlights that the successful implementation of the Framework will depend on **ensuring gender equality and empowerment of women and girls** and **reducing inequalities**;
- calls for implementation of the Framework to be guided by the principle of intergenerational equity.

The Framework is to be understood, acted upon, implemented, reported and evaluated consistent with all of the above considerations.

b. Identification of the most concerned human rights

One of the first steps in applying a human rights-based approach to biodiversity-related actions is identifying the rights that may be affected and the corresponding obligations of States. While human rights are interrelated, interdependent and indivisible, some rights are more likely to be affected in the context of biodiversity loss and the measures taken to counter it. By identifying those rights and implementing laws and mechanisms, States can prevent human rights violations by both State and non-State actors.

Rights that are particularly closely related to the conservation, sustainable use and equitable sharing of the benefits of biodiversity include those to a clean, healthy, and sustainable environment, life, health, food, water, sanitation, housing, an adequate standard of living, education, non-discrimination, development, cultural rights, and land and resource rights, including the rights of women and girls, children and youth, persons with disabilities, environmental human rights defenders, indigenous peoples and local communities.

The right to a clean, healthy, and sustainable environment

The right to a clean, healthy, and sustainable environment has been recognized as a human right by the Human Rights Council and UN General Assembly, reflecting a global consensus on the need to protect both human well-being and ecological integrity. Healthy biodiversity and ecosystems are crucial elements of this right. The right promotes the health and dignity of persons and groups while strengthening ecosystem resilience. Negative impacts on this right can have adverse effects on the effective enjoyment of all human rights.[21] The recognition and effective implementation of this right is critical in addressing environmental injustices, especially for persons and groups in vulnerable situations, who are disproportionately affected by biodiversity loss.

An example of one of the rights most concerned by biodiversity loss or actions: the right to life

[21] Resolution on Biodiversity and Human Rights, adopted at the 57th session of the Human Rights Council, A/HRC/57/28, Preamble.

- The ‘removal of coastal mangroves increases the risk of death from storms. When a major cyclone hit India in 1999, deaths were significantly higher in coastal villages where mangroves had been removed than in villages protected by healthy mangrove forests.’[22]
- ‘Deforestation increases the frequency and severity of flood-related disasters, negatively affecting millions of persons, causing large numbers of deaths and inflicting trillions of dollars of damage.’[23]
- The right to life can also be violated by measures taken in the name of conservation efforts.[24] For example, militarised conservation personnel have killed people around the world. ‘In many countries, the designation of national parks and other protected areas has led to indigenous peoples and local communities being displaced and denied access to traditional territories used for food, water, culture and livelihoods.’[25]

Examples of adverse impacts on the human rights of indigenous peoples in the context of biodiversity

The UN Special Rapporteur on the Rights of Indigenous Peoples has highlighted a high number of alarming human rights violations in the context of protected areas. He pointed out that ‘Indigenous peoples are denied their rights to land and resources, self-determination and autonomy, and cultural heritage, and suffer from forced evictions, killings, physical violence and abusive prosecution. Such violations have had particularly negative impacts on women and girls, who are primarily responsible for gathering food, fuel, water and medicine and are therefore exposed to risks of sexual violence at the hands of militarized security forces, park rangers and law enforcement. The ability of indigenous peoples to maintain and transmit their knowledge is also impeded by limited access to natural resources and sacred sites.’[26]

The rights to participation, access to information, and access to justice in environmental matters help to empower people to participate in an informed manner in policy formulation that may affect the full enjoyment of their other rights. They also ensure accountability of those responsible for human rights harms related to biodiversity and are instrumental for the protection of environmental human rights defenders.[27]

The rights to participation, access to information, and access to justice and corresponding State obligations apply to all measures that concern biodiversity in ways that threaten the full enjoyment of the human rights that depend on biodiversity and its components.[28]

For example, before a State grants a logging concession, authorizes the building of a dam or takes other steps that may contribute to biodiversity loss, it must assess the possible impacts of such steps on human rights, make available information about its findings; and facilitate informed and effective public participation in decision-making, including by protecting the rights of freedom of expression and association. It must also ensure access to justice and effective remedy for those whose rights may be affected.[29]

[22] Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David R. Boyd, Human rights depend on a healthy biosphere, A/75/161, para 37.
[23] Ibid, para 38.
[24] Ibid, para 39.
[25] Idem.
[26] Report of the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay: Protected areas and indigenous peoples’ rights: the obligations of States and international organizations, A/77/238, para 18.
[27] Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, HRC/34/49 para 31.
[28] Ibid, para 28.
[29] Ibid, para 28.

c. Identification of actors, including those in vulnerable situations

Alongside the identification of implicated human rights, a human rights-based approach requires the identification of relevant actors, including rights-holders and corresponding duty-bearers, and the dynamics between them, taking into account the historical, social, and economic context.

Duty-bearers in the context of human rights

States, as the primary duty-bearers, must respect human rights in the context of biodiversity, which means to refrain from interfering with or curtailing the enjoyment of those rights. States must further take positive action to facilitate the enjoyment of human rights related to biodiversity and fulfil them. States also have to protect individuals and groups against biodiversity-related human rights abuses perpetrated by other actors. Importantly, businesses have the responsibility to respect human rights.

Rights-holders in the context of human rights

All people are rights-holders of human rights under international human rights law as human rights are universal. However, some rights-holders may be disproportionately affected in the context of biodiversity loss and action taken to protect biodiversity. A human rights-based approach aims to reduce inequalities and discrimination and advance the welfare of rights-holders, especially those whose livelihoods are directly dependent on biodiversity or who are already in vulnerable situations due to poverty, marginalisation, disability or other circumstances and characteristics.[30] Oftentimes, these vulnerabilities intersect, and a human rights-based approach allows to address such intersecting vulnerabilities and advance equality and non-discrimination. Indigenous peoples and local communities, peasants and other people working in rural areas, including small-scale fishers and fish workers, pastoralists, foresters, people of African descent, women and girls, youth and children, older persons, and persons with disabilities are some examples of right-holders who can be disproportionately affected by biodiversity loss or action, but who also have much to contribute in terms of solutions.[31] States have heightened obligations with respect to their rights.[32]

Fortress conservation disproportionately affects indigenous children and other children whose rights, way of life and cultural identity are intimately related to nature

'The trauma experienced by community members who are forcibly ejected from their homes and lands may impair children's psychological well-being and sense of safety.'[33] Furthermore, 'prolonged removal from their communities' territories may interfere with Indigenous, Afro-descendant, local community, and peasant children's ability to acquire cultural knowledge and skills' that are fundamentally tied to traditional lands, territories, resources and practices.[34] Displacement may also constrain children's right to safely play and engage in recreational activities of cultural significance.[35] Displacement resulting from exclusionary conservation practices may sometimes prevent children from continuing their education. In such cases, 'the resulting socioeconomic harms may resonate throughout households and communities for generations.'[36]

'States must undertake measures to meaningfully engage with indigenous children and their families in responding to environmental harm. While children in indigenous communities face unique risks, they can also act as educators and advocates in applying traditional knowledge to reduce the impact

[30] UN EMG, Guidance on integrating human rights in National Biodiversity Strategy and Action Plans (NBSAPs), p. 2.
[31] Idem.
[32] Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, HRC/34/49, para 50.
[33] David R. Boyd and Stephanie Keene, *Policy Brief No. 1. Human rights-based approaches to conserving biodiversity: equitable, effective and imperative. A policy brief from the UN Special Rapporteur on Human Rights and the Environment* (2021), p. 7.
[34] Idem.
[35] Idem.
[36] Idem.

of local hazards and strengthen resilience, if this knowledge is passed on and supported.'[37] Comparable measures should be taken regarding the rights of children belonging to non-indigenous groups whose rights, way of life and cultural identity are intimately related to nature,[38] such as children of people of African descent, local community, and peasant children. Measures undertaken by States need to incorporate intersectionality in order to respond to intersecting situations of vulnerability that indigenous children, children of people of African descent, local community, and peasant children may be experiencing.

The role of Indigenous, Afro-descendant, local community, and peasant women in biodiversity action

Indigenous, Afro-descendant, local community, and peasant women play vital roles in all aspects of food systems and nature governance. They perform key roles in their communities, such as seed selection, fish-processing, or livestock breeding. They cultivate knowledge concerning their land, water, fauna, and flora within the territories of their communities, and pass it on from generation to generation. Recognizing, respecting and fulfilling their human rights, including tenure rights, supports them in fulfilling these roles and leads to better biodiversity outcomes.[39]

Serious impact of biodiversity loss on indigenous women amounting to discrimination

Many indigenous women and girls have a close relationship with the environment. Human-caused pollution, contamination, deforestation, burning of fossil fuels and loss of biodiversity threaten that link. 'The failure of States to take adequate action to prevent, adapt to and remediate these serious instances of environmental harm constitutes a form of discrimination and violence against indigenous women and girls that needs to be promptly addressed.'[40]

In their biodiversity action, States have to take into account intersecting vulnerabilities that indigenous women may be facing. Moreover, 'States should take steps to recognize the contribution of indigenous women through their technical knowledge of biodiversity conservation and restoration, including them in decision-making, negotiations and discussions concerning climate action and mitigation and adaptation measures. States should also act promptly to support the work of indigenous women and girls who are environmental human rights defenders and ensure their protection and security.'[41]

For more information on the adverse impacts of fortress conservation and examples of rights-based conservation see **UN Special Rapporteur on Human Rights and the Environment, et al., Policy Brief No. 1: Human rights-based approaches to conserving biodiversity: equitable, effective and imperative.**

d. Human rights-based approach in the context of NBSAPs

NBSAPs are a key tool to support the implementation of the KMGBF at the country level. States have to respect, protect, and fulfil human rights throughout the development, implementation, and monitoring of NBSAPs.

[37] Committee on the Rights of the Child, General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, CRC/C/GC/26, para 58.
[38] Idem.
[39] David R. Boyd and Stephanie Keene, *Policy Brief No. 1. Human rights-based approaches to conserving biodiversity: equitable, effective and imperative. A policy brief from the UN Special Rapporteur on Human Rights and the Environment* (2021), p. 7.
[40] Committee on the Elimination of Discrimination against Women, General recommendation No. 39 (2022) on the rights of Indigenous women and girls, CEDAW/C/GC/39, para 60.
[41] Idem.

The development of NBSAPs should be participatory, ensuring meaningful and informed right-holder participation, as required under international human rights law.[42] For indigenous peoples and local communities, and other people in vulnerable situations, support for capacity-building and participation may be needed to enable their effective contributions to NBSAP development.[43] In their content, NBSAPs should **identify rights-holders**, especially those in vulnerable situations. NBSAPs should also **explicitly reference human rights** and **set out the human rights obligations** of States as duty-bearers.[44]

Examples of human rights in NBSAPs

- **Nicaragua:** National Biodiversity Strategy and Action Plan 2015-2020 references Article 60 of Nicaragua's Constitution which establishes the right to live in a healthy environment and mandates the State to ensure that the environment and natural resources are preserved, rehabilitated and conserved.
- **Switzerland:** the NBSAP provides that it is important to protect biodiversity as it guarantees certain rights such as those to clean water.
- **Fiji:** the NBSAP provides that 'protected areas should also be established and managed in close collaboration with, and through equitable processes that recognise and respect the rights of, indigenous and local communities, and vulnerable populations.'

For more examples on integrating human rights into NBSAPs, see **OHCHR, Integrating human rights in national biodiversity strategies and action plans: Research, analysis and recommendations for rights-based biodiversity action, October 2022**

NBSAPs should set out clearly the expectation that businesses within a State's jurisdiction respect human rights, including in relation to biodiversity-related operations. This could include measures to encourage or require businesses to conduct human rights due diligence in line with the United Nations Guiding Principles on Business and Human Rights (UNGPs).[45] Additionally, NBSAPs are tools to empower Governments and right-holders to hold businesses accountable for causing or contributing to human rights harms related to biodiversity.[46]

States should also incorporate human rights into the monitoring of the implementation of their NBSAPs.

For more information on integrating human rights into NBSAPs see **UN EMG, Guidance on integrating human rights in National Biodiversity Strategy and Action Plans (NBSAPs).**

For more information on how to monitor the implementation of Section C KMGBF, see CBD, **Guidance on using the indicators of the monitoring framework of the Kunming-Montreal Global Biodiversity Framework CBD/SBSTTA/26/INF/14**, Section 2.

4. Key Messages

I. Incorporate human rights into domestic legislation, including the rights of indigenous peoples and local communities in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples and other relevant international instruments*, as well

[42] OHCHR, Integrating human rights in national biodiversity strategies and action plans: Research, analysis and recommendations for rights-based biodiversity action, October 2022, p. 15.
[43] Ibid, p. 15.
[44] Ibid, p. 16.
[45] UN Working Group on Business and Human Rights, Guidance on National Action Plans on Business and Human Rights, Version 1.0, December 2014, p. 18; United Nations Guiding Principles on Business and Human Rights (UN, 2011), Pillar II.
[46] Ibid, p. 15-16.

as the right to a clean, healthy, and sustainable environment, encompassing healthy biodiversity and ecosystems as one of its elements.

II. Ensure the updating of NBSAPs aligns with Section C of the KMGBF. Explicitly reference internationally recognised human rights in NBSAPs and ensure that they are respected, protected and fulfilled throughout the development, implementation and monitoring of NBSAPs.

III. Guarantee equality in the context of biodiversity, ensuring that the human rights of those most dependent on nature or in already vulnerable situations, such as women and girls, youth and children, persons with disabilities, indigenous peoples and local communities are not disproportionately affected by biodiversity loss or related measures.

IV. Acknowledge the role of indigenous peoples and local communities as vital biodiversity action partners and reflect it in all biodiversity action, including the development, implementation and monitoring of NBSAPs.

V. Strengthen environmental impact assessments in the context of biodiversity by ensuring that they encompass all human rights.

VI. Guarantee access to information, effective participation and access to justice and remedies for human rights violations and abuses in the context of biodiversity.

VII. Protect environmental human rights defenders engaged in the context of terrestrial, coastal, and marine biodiversity, including indigenous human rights defenders, women and girls. Adopt effective measures in this respect, including effective and timely remedies in cases where they face threats, criminalisation and violence.

VIII. Legislate due diligence standards for businesses in all sectors to identify, prevent, mitigate and account for how they address their adverse impacts on ecosystems, biodiversity and human rights, including the rights of indigenous peoples and local communities, and environmental human rights defenders, that are aligned with the UN Guiding Principles on Business and Human Rights.

6. Key resources on a human rights-based approach to biodiversity action

UN resources

- UN EMG, Guidance on integrating human rights in National Biodiversity Strategy and Action Plans (NBSAPs)
- United Nations Guiding Principles on Business and Human Rights (UN, 2011).

CBD resources

- CBD: The Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments Regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities
- CBD: The Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities

- CBD: The Mo'otz Kuxtal Voluntary Guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the "prior and informed consent", "free, prior and informed consent" or "approval and involvement", depending on national circumstances, of indigenous peoples and local communities for accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge

- CBD: The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity

- CBD: Plan of Action on Customary Sustainable Use

- CBD, Guidance on using the indicators of the monitoring framework of the Kunming-Montreal Global Biodiversity Framework, CBD/SBSTTA/26/INF/14

Resources by OHCHR and partners

- OHCHR, Integrating human rights in national biodiversity strategies and action plans: Research, analysis and recommendations for rights-based biodiversity action, October 2022

- UNEP, OHCHR, Human Rights and Biodiversity: Key Messages

- OHCHR, UNEP, UNDP, What is the Right to a Healthy Environment: Information Note UN, Guidance note for UN Resident Coordinators and Country teams on Environmental Human Rights Defenders

Reports by UN Special Rapporteurs

- Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, HRC/34/49

- Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, Human rights depend on a healthy biosphere, A/75/161

- Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, Right to a healthy environment: good practices, A/HRC/43/53

- Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Recent trends concerning the situation of the rights of indigenous peoples of the world: recent norms and the implementation gap; the increased loss of lands; the impact of climate change; forest peoples; pastoralist peoples; peoples living in isolation; intellectual property rights; indigenous women; indigenous children; the future of the international protection of the rights of indigenous peoples, A/HRC/4/32

- Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, United Nations Declaration on the Rights of Indigenous Peoples: analysis in the context of other international instruments specifically regarding indigenous peoples and human rights instruments of general applicability; the different measures required to implement and make operative the rights affirmed in the Declaration; joint efforts by States, the United Nations system, indigenous peoples and relevant civil society actors, A/HRC/9/9

- Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz: Conservation measures and their impact on indigenous peoples' rights, A/71/229.
- Report of the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay: Protected areas and indigenous peoples' rights: the obligations of States and international organizations, A/77/238

Reports by the Expert Mechanism on the Rights of Indigenous Peoples

- Report of the Expert Mechanism on the Rights of Indigenous Peoples: Final report of the study on indigenous peoples and the right to participate in decision-making, A/HRC/18/42.
- Report of the Expert Mechanism on the Rights of Indigenous Peoples: Role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples, A/HRC/21/53.
- Report of the Expert Mechanism on the Rights of Indigenous Peoples: Access to justice in the promotion and protection of the rights of indigenous peoples, A/HRC/24/50.
- Report of the Expert Mechanism on the Rights of Indigenous Peoples: Free, prior and informed consent: a human rights-based approach, A/HRC/39/62.
- Report of the Expert Mechanism on the Rights of Indigenous Peoples: Right to land under the United Nations Declaration on the Rights of Indigenous Peoples: a human rights focus, A/HRC/45/38, August 2021.

Resources by civil society

- Working Group on Human Rights and Biodiversity, From Agreements to Actions - A guide to applying a human rights-based approach to the Kunming-Montreal Global Biodiversity Framework, First Edition (2024).

Annex I.: Selected international human rights law instruments key for biodiversity action

Selected global instruments

- UN Charter
- Universal Declaration of Human Rights
- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention on the Rights of the Child
- Convention on the Rights of Persons with Disabilities
- International Labour Organization Indigenous and Tribal Peoples Convention No. 169
- United Nations Declaration on the Rights of Indigenous Peoples
- United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas
- United Nations Declaration on the Right to Development
- United Nations Human Rights Council Resolution 48/13, The human right to a clean, healthy and sustainable environment
- United Nations General Assembly Resolution 76/300 of 28 July 2022, The human right to a clean, healthy and sustainable environment
- United Nations Human Rights Council Resolution 52/23, The human right to a clean, healthy and sustainable environment
- United Nations Human Rights Council Resolution 40/11, Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development
- United Nations Human Rights Council Resolution 39/9, The Right to Development
- United Nations Guiding Principles on Business and Human Rights

Selected regional instruments

- African Charter on Human and Peoples' Rights
- American Convention on Human Rights
- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador)
- American Declaration on the Rights of Indigenous Peoples
- Arab Charter on Human Rights
- European Convention on Human Rights
- European Social Charter
- Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)
- Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement)
- Declaration on Human Rights of the Association of South-East Asian Nations