



# Advancing a Human Rights-Based Approach to the Global Biodiversity Framework

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## Key Messages of the UN Environment Management Group Issue Management Group on Human Rights and the Environment

### About the Issue Management Group on Human Rights and the Environment

The UN's [Environment Management Group](#) (EMG) was set up in 2001 to coordinate the activities of the UN on environment and human settlements. Its members come from the 51 specialized agencies, programmes and organs of the United Nations, including the secretariats of the Multilateral Environmental Agreements. EMG members collaborate on addressing global environmental issues, including through setting up Issue Management Groups.

In 2020, the EMG established an [Issue Management Group \(IMG\) on Human Rights and the Environment \(IMG\)](#) led by the Office of the UN High Commissioner for Human Rights (OHCHR), the UN Development Programme (UNDP) and the UN Environment Programme (UNEP). The aim of the IMG is to integrate the human right to a healthy environment into the work of the UN to ensure a coherent and human rights-based approach to environmental action. This includes engaging with intergovernmental negotiations on environmental matters. Addressing the current biodiversity crisis requires transformative change that

acknowledges the profound interrelationship between humans and nature. A human rights-based approach to biodiversity requires upholding the rights of the people most impacted by its loss, including Indigenous Peoples, minorities, migrants, older persons, those living with disabilities, informal workers, women, girls, children, youth, environmental human rights defenders and all people in vulnerable situations. It also entails the promotion and protection of social and economic human rights and their related International Labour Standards.

### 1. Integration of a human rights-based approach throughout the post-2020 Global Biodiversity Framework (GBF)

In July 2022, the UN General Assembly recognised the right to a clean, healthy and sustainable environment as a human right, the promotion of which requires full implementation of multilateral environmental agreements such as the Convention on Biological Diversity (CBD) and called upon international organisations such as the UN to support its attainment. The UN Secretary General's Call to Action for Human Rights (Call to Action) also urges strengthening of the

synergies between human rights and all pillars of the work of the United Nations as well as a multilateralism that places human rights at its very centre. The first objective of the Common Approach to Integrating Biodiversity and Nature-Based Solutions for Sustainable Development into the United Nations Policy and Program Planning and Delivery (the Common Approach) is that 'human rights, including the right to a safe, clean, healthy and sustainable environment, are protected and can be exercised.' The International Labour Conference has also adopted a resolution to add the principle of a safe and healthy working environment to the Fundamental Principles and Rights at Work. There are important opportunities for the right to work and the right to a clean, healthy, and sustainable environment to be realized together through rights-based action for the conservation, sustainable use and equitable distribution of the benefits of biodiversity.

The IMG calls for the retention of existing references to human rights in the draft GBF, including the reference to the right to a clean, healthy and sustainable environment in draft Goal B. It advocates the retention of such references throughout the vision, goals, targets, and indicators of the GBF. In addition, the IMG highlights the need for a strong, overarching commitment to implement the GBF in compliance with international human rights law and environmental law, in line with the Call to Action and the Common Approach. The IMG considers that the outcome of UNFCCC COP27, which explicitly integrated the human right to a clean, healthy and sustainable environment, has set an important precedent for CBD COP15.

## **2. Protection of the rights of those in vulnerable situations**

A human rights-based approach to biodiversity aims to protect people living in vulnerable situations, including indigenous peoples, local communities, people living in rural areas, women, children and youth, persons with disabilities, and environmental defenders. It promotes action to address biodiversity and habitat loss in a manner that seeks to remedy historic or systemic discrimination and takes into account gender and age-related impacts as well as intergenerational equality. It upholds the right to participation, particularly of those in vulnerable situations, acknowledging their agency and capacity to push for and support change. A human rights-based approach to biodiversity creates co-benefits for people in vulnerable situations such as more secure land tenure for rural workers, women and indigenous peoples, and

better food security and employment opportunities for rural youth. Many aspects of a human rights-based approach, including the right to organize, free choice of employment and the right to form cooperatives to maintain local rural identity and collectively address biodiversity, are addressed by International Labour Standards, particularly with regard to rural workers. A human rights-based approach also recognises and protects the land and resource tenure of Indigenous Peoples, local communities and women and girls, including through clear and non-discriminatory land titling and recognition of diverse types of tenure.

The IMG calls for draft GBF Target 21 to uphold the rights to participation, access to information and access to justice for all people. Public awareness-raising and public access to environmental information should be conducted in a manner that is easily comprehensible and accessible to all rights-holders in a language and medium they can understand. The IMG highlights that a human rights-based approach also emphasises the right of all people to an education with respect for nature at its core, including education of children and youth that reflects diverse cultural perspectives, as well as opportunities for young people to communicate, empower and mobilize themselves and take action for societal and environmental transformation.

The IMG urges States Parties to take the opportunity presented by Draft GBF Target 21 to strengthen practical measures to support and protect environmental human rights defenders. This includes their rights to life, participation, information freedom of association, freedom of assembly, freedom from harassment and other forms of abuse, swift and fair investigation of threats against them and redress for violation of their rights, including by business actors. The UN Secretary General's Call to Action underscores the need for UN support to member states for the development of protection mechanisms for human rights defenders and environmental activists, particularly young people, women and girls.<sup>1</sup> In addition, the Common Approach notes that protecting environmental human rights defenders and activists contributes to fulfilling the right to a healthy environment, while also emphasising the role of justice and accountability measures in protecting against threats to them.

## **3. Respect, protect and fulfil the Rights of Indigenous Peoples, and local communities**

Many Indigenous Peoples and local communities have a deep connection with their lands and territories, the preservation of which is essential for a biologically,

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<sup>1</sup> UNEP and OHCHR are leading the development of UN system guidance for the protection of environmental human rights defenders, with DCO and Resident Coordinators

culturally and linguistically diverse planet. Indigenous Peoples are often disproportionately affected by the negative impacts of biodiversity loss and other environmental harms. Respecting, protecting and fulfilling the rights of Indigenous Peoples, and local communities to their scientific and technical knowledge, lands, resources and territories can make an important contribution to the conservation, sustainable use and equitable distribution of the benefits of biodiversity. Conversely, conservation measures that forcibly displace Indigenous Peoples and local communities, impacting on their cultural identity and traditional knowledge, as well as threatening the traditional governance systems that have enabled the sustainable use of their lands, territories and resources for generations, must be avoided. This is both a matter of law and of effective policy.

The traditional knowledge, innovations, practices and customary sustainable use of biodiversity are protected under human rights and environmental law, including the UN Declaration on the Rights of Indigenous Peoples, the Indigenous and Tribal Peoples Convention, 1989 (No. 169), as well as Article 8(j) and Article 10 (c) of the CBD. The ILO's [Decent Work Agenda](#) also has a critical role to play in supporting and promoting the traditional occupations and knowledge of indigenous peoples, as well as their right to participation relating to policies and programmes that may affect them. The IPBES values report found that rights-based approaches to conservation and respect for different perspectives and worldviews are essential for just, equitable and effective biodiversity outcomes. The UN Common Approach affirms that Indigenous Peoples must have their rights upheld and must not be discriminated against. In Our Common Agenda, the Secretary General highlights the need for new approaches to support the participation in public affairs of traditionally marginalised groups, including Indigenous Peoples.

The IMG calls for the meaningful and effective participation of Indigenous Peoples, and local communities in discussions of the goals and targets related to Indigenous Peoples in the GBF and the inclusion of strong measures to protect their rights. This includes referencing the need to obtain Indigenous Peoples' Free Prior and Informed Consent (FPIC) in draft GBF Target 20. Indigenous Peoples, and local communities can make a substantial contribution to meeting biodiversity targets when their rights are secured and supported. The IMG calls for the rights of Indigenous Peoples, and local communities to be

respected, protected and fulfilled in the outcome of discussions related to proposed GBF targets such as Targets 1 & 3, encompassing the "30 by 30" approach, which calls for 30% of the Earth's land and oceans to be protected by 2030.

#### **4. Gender Equality in the implementation of the Global Biodiversity Framework**

Women make vital contributions to biodiversity as managers, leaders, and defenders of natural resources; biodiversity outcomes are enhanced when conservation measures recognize their rights. The sustainable use of biodiversity can also empower women, particularly indigenous women. Conversely, given the often gendered nature of resource management and the unequal implementation of women's rights in many countries, women and girls may be disproportionately affected by the negative impacts of biodiversity loss. The CBD recognizes the vital role of women in biodiversity action and calls for their full and effective participation in implementation of the CBD. The UN Secretary General's Call to Action for Human Rights highlights the need for the application of a gender lens to all activities with which the UN is involved and the importance of gender-balanced decision making. In decision 14/34 at CBD COP14, Parties agreed that the process to develop the post-2020 Global Biodiversity Framework would systematically integrate a gender perspective and ensure appropriate representation, particularly of women and girls. Per decision 14/34, the CBD Secretariat developed a note on considerations for gender mainstreaming within the Post-2020 Global Biodiversity Framework.

The IMG calls for the effective engagement of women and girls in the process of negotiating the GBF. It highlights the need for their equal access, ownership, and control over biological resources; and equal access to benefits from the conservation and sustainable use of biodiversity, including access to decent work/equal pay. The IMG calls for gender equality in the implementation of the GBF. This includes recognition of the equal rights and access to finance, land and natural resources of women and girls, and their meaningful and informed participation in decision-making, as set out in draft GBF Target 22. The IMG emphasises the need for sufficient resources for the implementation of gender-responsive actions in the implementation of the GBF and the post-2020 gender plan of action.

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<sup>2</sup> <https://www.cbd.int/doc/c/8386/a64b/e06e2ffa458062ca33875216/wg2020-01-inf-01-en.pdf>

## 5. Business responsibility to respect human rights in relation to biodiversity

Under human rights law, States have a duty to effectively regulate businesses to prevent threats to human rights including those related to environmental action or harms. Businesses have a responsibility, at a minimum, to align their activities that may affect biodiversity, ecosystems and related human rights with the UN Guiding Principles on Business and Human Rights and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) in all actions, including through the exercise of human rights due diligence. Businesses and public-private partnerships can also play an important role in developing and implementing solutions to biodiversity and ecosystem loss, including through their influence, resources and innovative capacities. The IMG calls for proposed draft GBF Target 15 to advance accountability for the contributions of businesses to biodiversity and habitat loss and for any associated human rights harms, including through regulation. In particular, it is important to ensure access to justice and effective remedy for persons, groups and peoples in vulnerable situations affected by business activities that negatively impact biodiversity, ecosystems and related human rights.

## 6. Inclusive and Rights-based Finance

Under human rights law, States have an obligation to effectively mobilize the maximum available resources for the realization of human rights. This requires mobilization of resources to prevent the human rights harms caused by biodiversity loss. Objective 6 of the Common Approach calls for public and private finance to accelerate green, just and inclusive socio-economic transitions and the creation of decent work.

It goes on to highlight that the United Nations can shape discussions on how current financial flows can prevent or account for harmful impacts on nature while increasing financial flows toward projects with positive impacts on biodiversity. Integrating human rights considerations into the policies, processes and actions of biodiversity funds helps align policy with sustainable development objectives. A human rights-based approach can pro-actively shape the way biodiversity finance is programmed, and guard against the risk of such finance being used to support projects that result in human rights violations,

exacerbate social and economic inequalities and/or deepen inequity between countries. Sustainable finance of social protection floors is also necessary to alleviate poverty, vulnerability and social exclusion, as set out in the ILO Social Protection Floors Recommendation, 2012 (No. 202) and can contribute to environmental protection by reducing demands on natural systems.

The IMG calls for draft GBF Targets 18 and 19.1 to scale up new, additional and public/grants-based finance that has positive impacts on both human rights and biodiversity, to bridge the gap between what is needed and what is currently available and to make finance accessible to rights-holders. The principles of equity, and common but differentiated responsibilities and respective capacities should guide the mobilization of resources for biodiversity action. The IMG emphasises the critical importance of the effective participation in decisions around funding, as well as direct access to funds, of individuals and communities, in particular Indigenous Peoples, local communities, women and persons in vulnerable situations. It emphasizes that a human rights-based approach to biodiversity finance, including environmental and social safeguards to ensure that financial and technical resources are allocated to human rights-compliant action on biodiversity is both a legal obligation and critical to effective outcomes for people and planet.

## 7. A rights-based approach to the post-2020 GBF monitoring framework

The IMG calls for a monitoring framework that is participatory and inclusive, quantitative and qualitative and ensures the effective monitoring of State compliance with human rights obligations related to the post-2020 GBF. This should include indicators that measure effective implementation of commitments related to gender equality, access to finance, the rights of indigenous peoples including to their traditional knowledge, lands, resources and territories, the overall integration of human rights in biodiversity plans and policies, and the participation of rights-holders in biodiversity decision-making. Further, relevant data should be fully accessible and disaggregated based on gender, ethnicity and other protected status to the greatest extent possible in order to ensure meaningful and informed decision-making.

### More Info

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