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Geneva, 15 December 2025

Astrid Schomaker,
Executive Secretary
Secretariat of the Convention on Biological Diversity
413, Saint Jacques Street, suite 800
Montreal QC H2Y 1N9, Canada

Subject: Submission on the strategic review and analysis of the current Programme of Work on Protected Areas in the context of the Kunming-Montreal Global Biodiversity Framework

Dear Ms Schomaker,

OHCHR welcomes the opportunity to respond to Notification 2025-135 - Submission of views and information relating to the strategic review and analysis of the current Programme of Work on Protected Areas (PowPA) in the context of the Kunming-Montreal Global Biodiversity Framework.

OHCHR proposes that the revised Programme of Work on Protected Areas (PoWPA) integrate human rights throughout its elements, in line with the Kunming-Montreal Global Biodiversity Framework (KMGBF), and that it prioritise activities that advance human rights, in order to achieve a transformative change, which is urgently needed to halt the crisis of biodiversity loss, and achieve the KMGBF's '*vision of living in harmony with nature by 2050*.'[1]

Biodiversity and human rights & the human rights risks related to biodiversity conservation

People are an inseparable part of the Earth's ecosystems. All life on Earth depends on healthy biodiversity and ecosystems – key components of the right to a clean, healthy and sustainable environment.[2] As noted in Human Rights Council Resolution 57/28 on Biodiversity and human rights, biodiversity loss and the decline in ecosystem services impact on the enjoyment of the right to a clean, healthy and sustainable environment, which has adverse effects on the effective enjoyment of all human rights.[3] Furthermore, biodiversity loss has a disproportionate impact on the human rights of those who are most dependent on nature or are already in vulnerable situations.[4]

At the same time, biodiversity conservation, in particular exclusionary conservation practices, have been linked to reports of forced evictions of Indigenous Peoples, peasants and local communities from their lands,

[1] Kunming-Montreal Global Biodiversity Framework, Sections E and H.
[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, Biodiversity, A/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, David R. Boyd, Human rights depend on a healthy biosphere, A/75/161.
[3] Human Rights Council resolution 57/28. Biodiversity and human rights, A/HRC/RES/57/28 (11 October 2024).
[4] OHCHR-UNEP, Key Messages on Human Rights and Biodiversity; OHCHR-UNEP-UN Women, Key Messages on human rights, the environment, and gender equality.

restrictions on resource rights, threats, violence, including rape and other forms of sexual violence, and killings, with impacts on the rights to life, health, food, water and sanitation, cultural rights, rights to equality and non-discrimination, and Indigenous Peoples' rights, among others.[5] Respecting, protecting, promoting and fulfilling human rights, including gender equality, is an obligation of States under international human rights law. Respecting human rights is also a responsibility of businesses.[6] A human rights-based approach is also necessary to ensure that biodiversity action leads to just and equitable outcomes. IPBES has confirmed that *'human-rights approaches provide an existing framework for … empowering groups in vulnerable situations (N. J. Bennett et al., 2023), enhancing compliance with law (Koh et al., 2022) and clarifying the accountability of public authorities and private companies'.*[7]

The transformative potential of human rights

A human rights-based approach further leads to more effective biodiversity action – IPBES has confirmed that upholding human rights in biodiversity action contributes to transformative change.[8] According to IPBES, '*human rights have been increasingly recognized as crucial to support transformation in biodiversity governance'.*[9] '*Conservation that involves sustainable stewardship, notably by Indigenous Peoples and local communities, contributes to transformative change when it is inclusive, well-resourced, focused on places of high value to nature and people and when the rights of Indigenous Peoples are recognized.*'[10]

Human rights in the Kunming-Montreal Global Biodiversity Framework

The KMGBF reflects these interlinkages between biodiversity and human rights. It **sets out that its implementation should follow a human rights-based approach, respecting, protecting, promoting and fulfilling human rights**.[11] It includes references to human rights law, explicitly mentioning **the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**.[12] It recognises the roles and contributions of Indigenous Peoples, and local communities as custodians of biodiversity and as partners in its conservation, restoration and sustainable use[13] and calls for **recognizing and respecting the rights of Indigenous Peoples, and local communities**, including over their traditional territories.[14] THE KMGBF also acknowledges the **right to a clean, healthy and sustainable environment**, recognised by the UN Human Rights Council resolution 48/13 (2022) and the UN General Assembly resolution 76/300 (2022)[15] and calls for the **full protection of environmental human rights defenders**,[16] which is essential for the protection and conservation of the environment, as recognised by the UN Human Rights Council in its resolution 40/11. It also incorporates the rights to **access information**, to **participation**, and **access to justice**, including for Indigenous Peoples, local communities, women and girls, children and youth and persons with disabilities,[17] and is to be guided by the principle **of intergenerational equity**.[18] In addition, the KMGBF calls for **gender**

[5] See, for example, 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, David R. Boyd and Stephanie Keene, August 2021, pp. 5-9; 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), paras 18-27.
[6] See UN Guiding Principles on Business and Human Rights.
[7] IPBES, Transformative Change Assessment, Chapter 5, page 232.
[8] IPBES Transformative Change Assessment: Summary for Policymakers, p 7 (KM 8, 16, box SPM.3., B3, C10).
[9] IPBES, the thematic assessment of the underlying causes of biodiversity loss and the determinants of transformative change and options for achieving the 2050 Vision for Biodiversity (transformative change assessment), Chapter 5, page 6
[10] IPBES Transformative Change Assessment: Summary for Policymakers, p 7 (KM 8).
[11] KMGBF, Section C.
[12] KMGBF, Section C.
[13] KMGBF, Section C.
[14] KMGBF, Target 3.
[15] KMGBF, Section C.
[16] KMGBF, Target 22.
[17] KMGBF, Target 22.
[18] KMGBF, Section C.

equality and **reducing inequalities** in biodiversity action, and in this context, it is accompanied by a **Gender Plan of Action**.[19] The PoWPA should incorporate all of these human rights elements in its activities.

In this regard, OHCHR has prepared a list of concrete suggestions, included in **Annex I** to this letter, for integrating a human rights-based approach to the PoWPA, and contributing to the successful, human rights-based implementation of the KMGBF.

Please do not hesitate to contact me if we can be of any further assistance in this regard.

Yours sincerely,

Benjamin Schachter,
Coordinator
Environment and Climate Change Unit
Development, Economic and Social Rights Branch

[19] KMGBF, Section C.

Annex I: OHCHR Suggestions for integrating a human rights-based approach into the Programme of Work on Protected Areas

The Programme of Work on Protected Areas (PoWPA) incorporates several human rights elements. For example, Element 1 refers to the '*full and effective participation of indigenous and local communities and relevant stakeholders,*' and includes language on '*respecting, preserving, and maintaining their traditional knowledge in accordance with article 8(j) and related provisions'*. It also calls for the recognition of '*indigenous and local community conserved areas'*, among others. Element 2 of the PoWPA refers to the respect of the rights of '*indigenous and local communities'*, and calls for their full and effective participation in the management of protected areas. It also incorporates a number of references to equity. Element 3 includes an activity on the development of technology, '*including technologies of indigenous and local communities with their participation, approval and involvement,*' among others. Element 4, for example, suggests an activity on encouraging '*collaborative research between scientists and indigenous and local communities*.' However, many of the human rights components of the Kunming-Montreal Global Biodiversity Network (KMGBF), which reflect the recent developments in international human rights law related to biodiversity, are currently not duly reflected in the PoWPA. For this reason, OHCHR proposes the inclusion of the following activities in the updated PoWPA – be it as a new element on a Human Rights-Based Approach or by incorporating them into the existing elements of the PoWPA:

- **The updated PoW** should include the following activities for **Parties** in the context of **Elements 1 and 2** related to Direct Actions for Planning, Selecting, Establishing, Strengthening, and Managing Protected Area Systems and Sites and the Governance, Participation, Equity and Benefit Sharing:
    - Take specific measures to recognise, respect, protect and fulfil the rights of Indigenous Peoples, and local communities, including over their traditional territories. This shall also include Indigenous Peoples', and local communities', including women's and girls', rights over territories that are overlapped by terrestrial, inland water, marine and coastal protected areas.[20]
    - Take specific measures to ensure that '*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,*'[21].
    - Take specific measures to ensure the elaboration of human rights impact assessments before the establishment of new protected areas or the expansion of existing ones.[22]
    - Take specific measures to ensure access to information, as well as the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making related to the establishment and management of protected areas by Indigenous Peoples, and local communities, as well as by women and girls, children and youth, and persons with disabilities.[23]
    - Take specific action to ensure that before adopting and implementing legislative or administrative measures related to the establishment of protected areas that may affect Indigenous Peoples, the Indigenous Peoples concerned will be consulted and cooperated with in good faith through their own representative institutions in order to obtain their free, prior

[20] The activity supports the implementation of Targets 3 and 23, and Section C of the KMGBF, as well as the Gender Plan of Action.
[21] KMGBF, Target 21. The target also specifies 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".'* In this regard, the Convention's Article 8(j) states that Parties shall: '*respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities (...) and promote their wider application with the approval and involvement of the holders of such knowledge.*' The activity supports the implementation of Targets 3, 21 and Section C of the KMFBF.
[22] The activity supports the implementation of Targets 3, 22, 23 and Section C of the KMFBF.
[23] The activity supports the implementation of Target 22 and Section C of the KMFBF.

and informed consent. This includes measures that may affect Indigenous Peoples' rights to practise and revitalize their cultural traditions and customs,[24] to their traditional medicines and to maintain their health practices,[25] as well as to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired,[26] among others. No relocation of Indigenous Peoples shall take place without their free, prior and informed consent and after agreement on just and fair compensation and, where possible, with the option of return.[27]

- Undertake capacity-building and awareness-raising activities for law enforcement personnel guarding protected areas on a human rights-based, gender-responsive approach to Target 3, including the prevention of gender-based violence. [28]
- Take specific measures to ensure the full protection of environmental human rights defenders in the context of protected areas.[29]
- Take specific measures to ensure access to justice and remedy in cases of human rights violations related to protected areas.[30]

- **The updated PoW** should include the following activities for **the Executive Secretary** in the context of **Elements 1 and 2** related to Direct Actions for Planning, Selecting, Establishing, Strengthening, and Managing Protected Area Systems and Sites and the Governance, Participation, Equity and Benefit Sharing:
  - Undertake capacity-building and awareness-raising activities, in cooperation with the Office of the UN High Commissioner for Human Rights, on a human rights-based approach to Target 3.[31]
  - Undertake capacity-building and awareness-raising activities, in cooperation with the Office of the UN High Commissioner for Human Rights, on the protection of environmental human rights defenders, including Indigenous and women environmental human rights defenders, in the context of protected areas.[32]
- **The updated PoW** should include the following activities for **Parties** in the context of **Element 3** related to Enabling Activities:
  - Anchor the right to a clean, healthy and sustainable environment in national legislation.[33]
  - Take appropriate steps to prevent human rights abuse within their territory by third parties, including conservation organisations or funders, in line with international human rights law, including the UN Guiding Principles on Business and Human Rights.[34]
  - Take specific measures to enhance direct access by Indigenous Peoples, and local communities, including women, to conservation funding, in order to promote their roles and contributions to biodiversity conservation.[35]
- **The updated PoW** should include the following activity for **the Executive Secretary** in the context of **Element 3** related to Enabling Activities:

[24] UNDRIP, Article 11.
[25] UNDRIP, Article 24.
[26] UNDRIP, Article 26.
[27] UNDRIP, Article 10. The activity supports the implementation of Target 3 in line with Section C of the KMGBF, and the UNDRIP, mentioned in the KMGBF.
[28] The activity supports the implementation of Target 3, 23 and Section C of the KMFBF.
[29] The activity supports the implementation of Target 22 and Section C of the KMFBF.
[30] The activity supports the implementation of Target 22 and Section C of the KMFBF.
[31] The activity supports the implementation of Target 22 and Section C of the KMFBF.
[32] The activity supports the implementation of Targets 22, 23 and Section C of the KMFBF.
[33] The activity supports the implementation of Target 3 and Section C of the KMFBF.
[34] UN Guiding Principles on Business and Human Rights, endorsed by HRC/RES/17/4, para 1. The activity supports the implementation of Target 3 and Section C of the KMGBF.
[35] The activity supports the implementation of Targets 3, 19, 22, 23 and Section C of the KMGBF.

  - Undertake capacity-building and awareness-raising activities, in cooperation with the Office of the UN High Commissioner for Human Rights, on a human rights-based approach to biodiversity finance, with a focus on protected areas.[36]
- **The updated PoW** should include the following activities for **Parties** in the context of **Element 4** related to Standards, Assessment, and Monitoring:
  - Take specific steps to ensure that the assessment and monitoring of protected area status and trends also include assessment and monitoring of the related human rights impacts.[37]
  - Take specific steps to incorporate monitoring and reporting by Indigenous Peoples, with their free, prior and informed consent, in national biodiversity monitoring and reporting related to protected areas.[38]
  - Promote interdisciplinary research to deepen the understanding of the transformative potential of a human rights-based approach to conservation.[39]
- **The updated PoW** should include the following activities for **the Executive Secretary** in the context of **Element 4** related to Standards, Assessment, and Monitoring:
  - Develop guidance, in cooperation with the Office of the UN High Commissioner for Human Rights, on a human rights-based approach to Targets 1, 2, and 3.[40]
  - Develop guidance, in cooperation with the Office of the UN High Commissioner for Human Rights, on a human rights-based approach to Target 19, with a focus on protected areas.[41]
  - Develop guidance, in cooperation with the Office of the UN High Commissioner for Human Rights, on a human rights-based approach to Target 22, with a focus on protected areas.[42]
  - Develop guidance, in cooperation with the Office of the UN High Commissioner for Human Rights, on a human rights-based approach to Target 23, with a focus on protected areas.[43]
- Include the Office of the UN High Commissioner for Human Rights among **Partners** in the **Appendix** of the updated PoWPA.

[36] The activity supports the implementation of Targets 3, 19 and Section C of the KMGBF.
[37] The activity supports the implementation of Target 3 and Section C of the KMFBF
[38] The activity supports the implementation of Targets 3, 21, 22 and Section C of the KMFBF.
[39] The activity supports the implementation of Targets 3, 21 and Section C of the KMFBF.
[40] The activity supports the implementation of Targets 1, 2, 3 and Section C of the KMFBF.
[41] The activity supports the implementation of Targets 3, 19 and Section C of the KMGBF.
[42] The activity supports the implementation of Targets 3 and 22 and Section C of the KMFBF.
[43] The activity supports the implementation of Targets 3 and 22 and Section C of the KMFBF.