

Template for submitting comments on the draft guidance for Integrating Human Rights in NBSAPs (OHCHR)

Please submit comments by **26 May 2023** to the following email address: benjamin.schachter@un.org (cc: secretariat@cbd.int)

In submitting comments, you may wish to consider the following questions:

- Does the guidance capture the main human rights issues which should be reflected in NBSAPs?
- Does the guidance capture the main issues related to the rights of people in vulnerable situations? Are there gaps in terms of how their rights should be reflected in NBSAPs?
- Do you have any other comments on how to improve this guidance and its uptake and accessibility?

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Please provide general comments on the draft guidance below.	
<p>The guidance on integrating Human Rights in NBSAPs is a welcome and important addition to ensuring that the GBF (from Section C) <i>“is to be understood, acted upon, implemented, reported and evaluated consistent with...”</i> a HRBA. This initial guidance is a framework guidance hence general and comprehensive. However, the CBD Secretariat and OHCHR might want to consider the development of additional, more specific, targeted guidance and other groups/networks/organizations with the relevant expertise could be invited to co-develop such additional guidance to further support Parties. Such a process could also allow for showcasing more examples and cases of how HR could be integrated in NBSAPs.</p> <p>The overall tone of the guidance is slightly stronger on ‘no harm’ than ‘promote HRBA for biodiversity outcomes.’ This is indeed fundamental to make sure that actions and processes in the NBSAPs do not trigger, generate or cause human rights abuses. However, it is also important to highlight the positive impact on biodiversity and the achievement of the GBF by adopting and implementing a HRBA. Some points to this regard in the narrative could be highlighted also in the beginning of the document.</p> <p>The specific sections are good but also partially overlapping. For more consistency and focus, OHCHR might want to consider organizing the current sections differently by ‘rights’ mentioned in the GBF and/or by rights holders’</p>	

groups? For example, there is a bit of guidance on IPs under various sections and sub-sections (3; 4.2; 6;6.1). There are however two categories of rights holders that are not yet duly covered by this guidance: people with disabilities; local communities and rural people (and reference to UNDROP).

Please provide other comments indicating the section below.

Section	Comments
1.1. (Interlinkages)	Important to make reference to Article 10 c of the convention in addition to 8j.
1.3. Why is it important...	This introductory section would benefit from highlighting more the positive impact for biodiversity conservation from fulfilling a HRBA, e.g., tenure security, women empowerment, or recognition of Indigenous Peoples rights and contributions to biodiversity conservation. There are good points that should be also highlighted in 1.3. e.g., in Section 4. p 5; in Section 6, second bullet point p 10.
1.3. (p 3)	It is important to make explicit reference to Indigenous and traditional territories and waters, and how these contribute under the governance systems of their custodians to biodiversity goals and targets
2. (Development and elaboration..)	Important to add a point on analyzing the broader policy context, and other policies/regulations that would need to be influenced for more effective implementation of the GBF, and also aligned with the NBSAPs development.
3. (General guidance...)	Clarify to and for whom? (p 5) "Integrate the duty to cooperate and mobilize resources that are adequate, predictable and easily accessible" There are different levels, states, local governments and rights holders. Moreover, the aspect of adequate finances for IPs or other rights holders is not mentioned as a specific point. There is only reference to mobilizing resources for gender-responsive plans (p 12)
4.2. (p6) (Guidance for integrating the right to...)	Important to explicitly mention in this sub-section the need for establishing mechanisms to provide feedback on whether (and to what extent) the input of stakeholders and rights holders has been integrated in the NBSAPs, and for supporting processes to sustain dialogues and exchanges, including through multi-stakeholders/rights holders platforms.
6.1. (p 10-11)	In this sub-section, some targets of the GBF are referred to but others that are equally relevant for Indigenous Peoples are not. More consistency in approach might help. Guidance is also needed for other targets (e.g., 2, 10 and 19). If applicable, direct reference to UNDRIP is also important.
6.3. (NBSAPs and the right of children..)	The principle of inter-generational equity is now in Section C. Important to mention it also in the title here.