**Information on activities in the field of provision of human rights related to the safe drinking water and sanitation in the Republic of Azerbaijan**

*1.1. the legal recognition of the human rights to water and sanitation;*

*1.2. the provision of water and sanitation services and facilities to people living in impoverished rural areas and indigenous peoples;*

*1.3. the recognition of the status of indigenous peoples and their rights; and*

*1.4. the regulation of service providers - whether private or public, or even community-based - and other actors to ensure respect for the human rights to water and sanitation of indigenous peoples and people living in impoverished rural areas.*

According to the resolution of the UN General Assembly, adopted in 1993, every year on March 22 Azerbaijan celebrates World Water Day. The main goal of celebrating of this outstanding day at the international level is to focus the attention of the world on the globally safe drinking water, to protect the existing water resources, use and manage them, and create a basis for taking the necessary measures to solve the water issues.

After the adoption of the Constitution of the Republic of Azerbaijan, democratic and legal reforms were initiated in the country and institutional mechanisms were created to ensure effectiveness of human rights.

Existing national legal and regulatory frameworks incorporate human rights considerations, and reform them where this is not the case. These frameworks clarify the commitments of the State with respect to human rights principles in general and access to water and sanitation in particular.

The Republic of Azerbaijan has legislative and regulatory acts aimed at ensuring access to water and sanitation of the country’s populations. Legal frameworks on water and sanitation include the constitution, legislation, regulations, and contracts. The main legal framework:

* The Constitution of the Republic of Azerbaijan
* The Water Code of the Republic of Azerbaijan (1997)
* The Law of Azerbaijan Republic:
* On Water Supply and Sanitation (1999)
* On hydrometeorological activities (1998)
* On Environmental protection (1999)
* On the water management of municipalities (2001).

To successfully solve problems in the field of water relations more than 30 legal acts have been adopted. The Water Commission was created by Decree of the Azerbaijani President, Ilham Aliyev, on 15 April 2020. The role of the newly created Water Commission is to ensure the efficient use of water resources in the country by coordinating all water sector management activities. The Commission will analyze the current situation of water resources use and water management, increase efficiency, improve accounting and management, and provide operational coordination in this area.

A Cabinet of Ministers set up to resolve any issues arising will involve related state entities, scientific organizations, qualified specialists, and international experts. Every six months, the Cabinet will submit information on the progress made to the President of the Republic of Azerbaijan.

2*. Please provide information on national or local policies and programmes that aim to improve access to safe drinking water, sanitation and hygiene for indigenous peoples (including those living in urban and peri-urban areas) and people living in impoverished rural areas:*

On July 27, 2020 President of Azerbaijan Republic approved the Action Plan for Ensuring the Effective Use of Water Resources in 2020-2022.

The Commission for the Efficient Use of Water Resources was instructed to coordinate measures in this direction, cooperate with NGOs, specialists, international experts.

The Cabinet of Ministers of the Republic of Azerbaijan (CM AR) approves the republican schemes for the allocation and development of water supply and sewage disposal systems, as well as requirements for the installation of water measuring devices and coordinates the volumes of water supplied to consumers in important sectors of the economy,

The Cabinet of Ministers approves by-laws concerning management, regulation, security and protection of water resources, and establishes regulations covering all aspects of water legislation,

Ministry of Ecology and Natural Resources (MENR) is the central executive authority, formulates and implements state policy in the field of environmental protection, develops measures to protect the environment.

MENR implements the state water policy aimed at the conservation and sustainable use of water resources - surface and underground, as well as preventing their pollution. MENR conducts an inventory of water resources and manages a network of monitoring stations for the implementation of continuous hydrometric, hydrogeological and hydrochemical observations. MENR, together with other central executive bodies and interested organizations, develops water balances, estimates groundwater resources and operational reserves, as well as issues related to the rational use and restoration of water resources. The Ministry develops and approves standards for maximum permissible discharges of sewage and controls them through its regional units.

For the purpose of management and assessment of the water resources in the Republic of Azerbaijan , water economy balances for the current year have been prepared for the Republic, as well as for water basins and administrative territorial unites.

5*. In the case indigenous peoples and people living in impoverished rural areas do not have access to water and sanitation fulfilling the normative content of the human rights to water and sanitation, namely, availability, accessibility, affordability, safety, quality, acceptability, privacy and dignity\*:*

*5.1. Please provide information on the reasons and root causes that impair the full enjoyment of the human rights to water and sanitation;*

*5.2. Please provide information on the challenges faced by the Government to guarantee the human rights to water and sanitation; and*

*5.3. Please provide information on any actions that your Government plan to take in response to the challenges faced by indigenous peoples and people living in impoverished rural area in access to water and sanitation and full enjoyment of the human rights to water and sanitation.*

Inland water resources in Azerbaijan are relatively small compared to the countries of the region and consist of 15% of the water resources of the South Caucasus. Our water resources have declined in recent decades as a result of climate change and they are likely to decline in the future according to climate models. Demand for water is growing because of population growth, the development of various sectors of the economy and the expansion of irrigated agriculture. The sources of the country’s surface water resources consist of rivers, lakes, reservoirs and glaciers.

Surface water resources are mainly concentrated in rivers. 67-70% of river resources are formed in the territory of neighboring countries and the rest (local flow) is formed in the internal rivers of our country. Over the last 30 years (1991-2020) the water level in the Kura, Araz and Ganikh rivers, the main transit rivers has decreased from 4% to 24% compared to 1961-1990 and in the inland rivers from 9% to 27%.

Liberation of occupied territories of Azerbaijan from Armenian occupation has led to start environmental assessment for determining the damage caused to the nature and natural resources as a result of Armenian aggression. Monitoring results has shown that the environment of the region is under serious threat from the environmental crime perpetrated by Armenia in the occupied territories for almost 30 years. In those areas biodiversity, including species of flora and fauna, specially protected natural areas have been severely damaged, burning of areas, pollution of water resources, deliberate deprivation of water, forests rich in valuable tree species, as well as natural monuments, in general, the ecological balance has been disturbed as a result of the deliberate looting of underground and surface natural resources.

Armenia continued to violate all principles of international law related to the protection and management of water needs in the liberated territories of Azerbaijan and at the cross-border level. Serious pollution of transboundary rivers by Armenia poses a serious threat to wildlife in these rivers. Thus, the pollution of the Araz River with various types of waste for many years has led to the reduction or extinction of valuable fish species.

 As a result of the liberation of Azerbaijani lands occupied by Armenia, Azerbaijani ecologists had an access to local rivers, especially in the Zangilan region, and the Oxchuchay and other transboundary rivers were monitored. Heavy metals and salts in the river were found to be several times higher than normal and the color of the river changed from time to time due to pollution (white or acidic-yellow water). In March 2021, a mass death of small trout and others which is included in the Red Book of Azerbaijan was recorded in the river. The monitoring results were analyzed not only in national laboratories, but also in internationally accredited and certified foreign laboratories. As a result of the monitoring, heavy metals in the river water at various times - even in the periods of high and low water levels - in general, exceeded the norm many times in all seasons of the year. Analysis of bottom sediments revealed long-term contamination.

Oxchuchay Gafan and Gajaran mountains are heavily polluted by mining wastes, it can be said that the river plays the role of as a collector of mining waste located in the territory of Armenia. The main part of the transboundary river Oxchuchay flows through the territory of Armenia, the lower reaches of the river flow through the territory of Azerbaijan and flow into the Araz River, the second largest river in the South Caucasus.

The Bargushadchay, one of the transboundary rivers in Karabakh, originates on the northern slope of the Zangezur Range, in Lake Zalkha. After Armenia, it passes through the Gubadli region of Azerbaijan. The Bargushadchay flows into the Khakari River near the village of Garalar and flows into the Araz River. In February-October 2021, 22 monitoring were conducted on the Bargushadchay, 60 water samples were taken and appropriate physical and chemical analyses were conducted on them. The results of the water test portions taken from the Bargushadchay have revealed a high content of heavy metals.

Basitchay, a left tributary of the Araz River, has its beginning in Armenia. The results of monitoring conducted in February-October 2021 showed that Basitchay was contaminated with household and piggery waste from the mountain villages of Armenia.

3. *In the context of international development cooperation, please provide information regarding to your Government's role and responsibility to improve and ensure access to water and sanitation of indigenous peoples and people living in impoverished rural areas, including:*

*3.2. measures in place to ensure that international development projects target and prioritize access to water and sanitation for indigenous peoples and people living in impoverished rural areas.*

The Republic of Azerbaijan acceded to the UN Convention on the Protection and Use of Transboundary Watercourses and International Lakes dated 1993 in 2000, and to the Protocol on Water and Health on October 22, 2002. The Purpose of the Convention is to promote the sustainable management of transboundary waters by member states. Armenia’s non-accession to the UN Convention on the Protection and Use of Transboundary Watercourses and International Lakes has made it impossible to resolve transboundary water issues within the framework of international norms.

The Ministry of Ecology and Natural Resources has been supported by European Union within its EU Water Initiative+ Project aimed to assist Eastern Partnership countries, including Azerbaijan. Project supported the integrated water management in accordance with the principles of the Water Framework Directives and joint water management in the transboundary basin.

Within the framework of the project an Action Plan was developed in accordance with the priorities of the relevant agencies in the field of water legislation and water policy. According to this plan, it is planned to develop a National Water Strategy, support the MENR in the areas of monitoring, protection, management of water and etc. in accordance with international principles. Project finalized in 2021.

Along with that, UNDP and the Global Environment Facility (GEF) supported Azerbaijan and Georgia on implementation of the project Kura II: Strengthening Integrated Water Resources Management in the Kura River Basin through Transboundary Agreed Activities and National Plans” in 2017-2021.

The aim of project was to strengthen the management of transboundary groundwater and surface water and to implement the National Integrated Water Resources Management Plans. The project improved institutional management, built professional capacity and capacity for water managers across sectors and implement stress reduction measures in critical areas. The project implementation period lasted from April 2017 to February 2021, including the Startup Workshop for 4 years.

*6. In what ways has your Government ensured meaningful participation and ensured to obtain the free, prior and informed consent of indigenous peoples and people living in impoverished rural areas relating to decisions, policies and projects affecting their human rights to safe drinking water and sanitation:*

*6.1. Please provide specific information on how your Government has facilitated democratic participation of indigenous peoples and people living in impoverished rural areas in decision making, monitoring and evaluation of such projects at local level;*

*6.2. Please provide information on how your Government monitors the consultation process by government agencies, service providers and private companies in implementation of projects affecting the human rights to safe drinking water and sanitation of indigenous peoples and people living in impoverished rural areas; and*

*6.3. Please provide information on measures and efforts taken by your Government to ensure meaningful participation by indigenous women and women in impoverished rural areas and steps taken to ensure that their voices are heard in decision-making processes, monitoring and evaluation relating to water and sanitation at local and national level, respectively.*

*9.4. the role of indigenous peoples and their communities relating to water management and the resources (human, technical, financial) they have; and*

MENR has control over the public participation in environmental decision-making related to any project developments, including water management and water supply. Those kinds of projects include in the list of activities which requires Environmental Impacts Assessment (EIA). This is also particular feature to Strategic Environmental Assessment (SEA) procedures on strategic documents in relevant sector. Participatory decision-making is major part of EIA and SEA. Azerbaijan has law on EIA adopted in 2018, including relevant legal acts ensuring the control on EIA and SEA system in the country.

Azerbaijan ratified Convention on Environmental Impact Assessment in a transboundary context (Espoo Convention), including Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) and ensured public rights on environmental matters and core principles stipulated by Constitution provisions on human rights on safe drinking water.

State Ecological Expertise process is carried out by the main advisory authority (MENR State Expertise Agency) on the projects and strategic documents requiring EIA and SEA to be applied in accordance with the Law on EIA. Agency is a major advisory body of MENR responsible for governmental environmental review and quality control whose main role is to issue environmental permits for project implementation on behalf of MENR. This entity controls and ensures public to be involved on the in demanded stages of review process.

*9.2. what agencies are responsible for the provision of water and sanitation services to indigenous peoples and what service providers - public or private; at community, imunicipal, or supra-municipal level - manage those services;*

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“Azersu” Open Joint Stock Company was established by the Presidential Order of the Republic of Azerbaijan dated June 11, 2004. “Azersu” OJSC organizes the collection, processing, transportation, storage and distribution of water from sources, provides consumers with drinking water in a centralized manner and sewerage services, implements collection, transportation, treatment and disposal of wastewater. The Joint Stock Company provides design, construction, operation and maintenance of drinking and wastewater systems. The company has 21,000 km of water, 5,000 km of sewage and rainwater lines.

Azerbaijan Amelioration and Water Farm Joint Stock Company is another Service provider whose main task is to effectively manage and distribute water supplies to various sectors, monitor efficient use, take the measures against flood or in case of some problems, provide the technical development in the water management area.