**Can you provide examples of climate change legislation that incorporates human rights elements, or a reference to obligations relating to loss and damage?**

In 2020, the Republic of Albania adopted the law "on climate change," which approximates the legislation of the European Union in this field. This law aims to accelerate adaptation to climate change, mitigate the harmful effects of climate change and contribute to global climate change efforts.

Albania has also developed and adopted several primary and secondary pieces of legislation regarding the environment that impacts responses to climate change. Additionally, legislation regulating other sectors that have a considerable impact on climate change, such as energy, forest and other sectoral legislation, have also been enacted, and these often transpose several EU Environmental Directives. Implementing measures would also contribute to sustainable development in ensuring proper response to climate change adaptation in the context of the temperature target referred to in Article 2 of the Paris Agreement.

The Constitution of Albania has two provisions that are directly linked with the environment and its protection. The first provision (Article 56) sanctions the right of everyone to be informed about the status of the environment and its protection, as one of the economic, social, and cultural rights. The second provision (Article 59) is included in the “Social Objectives” chapter, which stipulates that the Albanian state, within its constitutional powers and the means at its disposal, aims to supplement private initiative and responsibility with: - A healthy and ecologically adequate environment for the present and future generations; and, - Rational exploitation of Forestry, Water, pastures and other natural resources on the basis of the principle of sustainable development.

However, in our country, the legislation doesn’t include the concept of lost and damage but our legislation recognizes the term “environmental damage”. The definition of the term “environmental damage” is provided in Law No. 10431, dated 09.06.2001, amended “On Environmental Protection”, as a specific law whose one of major objectives is protecting the environment from pollution and damage. “Damage to environment” means the harm done to or loss of the natural function of integral environmental parts, caused by the loss of its respective integral parts and human-induced internal disturbance of relations and the natural course of their development.

Premeditated illegal actions/omissions wrongfully committed to harm the environment by causing damage to the environment and, consequently, producing an adverse impact on community life constitute criminal offences against the environment, as provided for in the criminal legal framework.

**How to you think climate change legislation should frame a connection to human rights obligations?**

The implementation of the legislation regarding climate change will contribute to human rights in a broader sense, in line with Albania’s national policies and regional and global commitments, including the 2030 Agenda and the Aarhus Convention on access to information, public participation in decision-making, and access to justice in environmental matters, through participatory processes, including a strong engagement of youth.

The implementation of environment-related laws and policies may affect the enjoyment of human rights, and conversely the enjoyment of some human rights (e.g. the right to property) may have negative impacts on environmental protection. The adoption of a rights-based approach can therefore help to identify instances where environmental protection and human rights go hand in hand, and solutions to conflicts between the two. The principles of human rights, the right to life and the right to development cannot be realized in the absence of the right to a healthy environment.

However, the relationship between human rights and environmental protection in international law is far from simple or straightforward. The question therefore is not whether a declaration or protocol on human rights and the environment should deal with existing civil and political rights, but how much more it should add.

The greening of well-established human rights, including the rights to life, health, food, water, housing, culture, development, property and home and private life, has contributed to improvements in the health and well-being of people across the world. However, work remains to be done to further clarify and, more importantly, implement and fulfil the human rights obligations relating to a safe, clean, healthy and sustainable environment. Of paramount importance in this regard is the legal recognition of the right to a healthy environment at the global level, so that this fundamental human right can be enjoyed by all persons in all States, rather than in the subset of countries where it is currently recognized. The global recognition of this right would fill a glaring gap in the architecture of international human rights.

**How do you think climate change legislation should engage the concept of loss and damage?**

Yes, the concept of loss and damage may be included in the climate change legislation in order to generate an increased public interest in and focus on domestic environmental regulation.

The COVID-19 pandemic has highlighted the importance of the relationship between human health, nature and security. The continued loss of biodiversity and the unsustainable use and degradation of ecosystems have profound and adverse consequences for peace and security, our well-being and ultimately, our survival. In this regard, the value of an integrated One Health approach that fosters cooperation on human, animal and environmental health, needs to be used as a strong prevention

Losses and damages are ultimately experienced at the national and sub-national level, often by vulnerable communities that have little capacity to respond. Participation by affected communities in the planning and process of addressing losses and damages is vital, alongside measures that enable local communities to be able to respond faster, including through capacity-building, preparedness training and leveraging existing schemes such as microfinance. National-level policies are important for coordinating local efforts, channelling finance and resources, establishing safety nets and creating, analysing and sharing climate risk information. Planning for Loss and Damage responses and considering climate risk in all government decisions and investments is also vital to address losses and damages at all scales.