**Inputs for the report on “Ehhancing climate change legislation,support for climate change litigation and advancement of the principle of intergeneration justice”**

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

The right to live in a healthy environment (Article 39) is established in Chapter III of the Constitution of the Republic of Azerbaijan entitled "Fundamental rights and freedoms of man and citizen”. In accordance with this article, everyone has the right to live in a healthy environment. Everyone has the right to gain information about true ecological situation and to get compensation for damage done to his/her health and property by violation of ecological requirements.

In accordance with the Article 5 of the Law "On Sanitary and Epidemiological Safety", (dated November 10,1992 № 371) citizens of the Republic of Azerbaijan have the right to live in a favorable environment that does not adversely affect health of present and future generations and ensures their sanitary and epidemiological well-being. Citizens of the Republic of Azerbaijan have the right to receive complete, accurate and free information about the morbidity rate, epidemiological situation and radiation condition, environmental condition and its impact on human health, the results of hygiene examinations and other special examinations, and about the decisions taken by state bodies and officials, the implementation of which is related to the impact on public health and the environment (Article 6). Citizens of the Republic of Azerbaijan, in accordance with the legislation in force, have the right to get full compensation for damage done to his/her health as a result of the influence of chemical, physical, biological and other factors of the environment, as well as of food products.

According to Article 4 of the Law "On Ecological Safety" (dated June 8, 1999 № 677-IQ) one of the main directions of the state policy in the field of ecological safety, as an integral part of human, society and state security, are prevention of dangerous and environmental emergency situation, preparation and systematic implementation of the measures for its elimination, including consequences that may affect future generations. Harming or endangering people’s lives and health as a result of violation of legal norms in terms of ecological safety is considered a violation of human rights. According to Article 7 of this Law the ecological safety of citizens of the Republic of Azerbaijan, foreigners, and stateless persons (hereinafter referred to as “citizens”) is ensured by the state. They have the same right to compensation for the damage caused to them as a result of dangerous environmental situation. Citizens and public associations have the right to make offers to the state and local self-government bodies, to receive information from the state and local self-government bodies within their competency about the sources of environmental danger, the dangerous ecological situation and the implementation of measures for their elimination, to implement public control in order to meet the requirements for ensuring ecological safety, to appeal to the relevant state and local self-government bodies and courts in case of violation of legislation in terms of ecological safety.

According to Article 1 of the Law "On the Protection of Environment" (dated June 8, 1999 № 678-IQ) nature exploitation is proper and economically sound exploitation of natural resources with no impact on ecological balance, taking into account social and economic needs of local society as well as the needs of the future generations. According to Article 6 of this Law the rights of citizens, foreigners and stateless persons (hereinafter referred to as 'citizens’) in terms of environmental protection are as follows:

1. obtain precise information on measures taken to improve his/her living standards and health, and suitability of present environment for living;
2. get compensation for damages caused to their health and property as a result of violation of legislation on environmental protection;
3. live in an environment, safe for human health and life;
4. use natural resources, implement protection and rehabilitation measures, take part in protection and improvement of the environment in accordance with prescribed procedures;
5. participate in meetings, assemblies, pickets, demonstrations and marches, referendums on environmental protection in accordance with legislation;
6. apply to state authorities and organizations on environmental protection;
7. make offers on public ecological expertise;
8. demand cancellation of the decisions through legal and administrative actions against allocation of area under construction, construction, reconstruction and operation of enterprises, organizations and other ecologically dangerous entities that affect environment and human life, and also to demand limitation of the activities carried out by legal entities and physical persons, suspension and termination of such activities carried out by legal entities;
9. raise claims before the relevant authorities and courts for bringing organizations, officials and citizens to liability, who are guilty in violation the legislation about environmental protection;
10. exercise other rights stipulated by the legislation;

According to Article 6 of the Law "On Protection of Atmospheric Air" (dated March 27, 2001, № 109-IIQ) all legal entities and physical persons in the Republic of Azerbaijan have the same right to get compensation for damage caused to them as a result of air pollution. At the same time the rights of legal entities and physical persons in terms of air protection are as follows:

1. make offers to the state and local self-government bodies;
2. obtain information from the state and local self- government bodies regarding pollution of the air, harmful physical impacts on it and their sources, as well as the implementation of measures in order to eliminate pollution and impact in accordance with the legislation;
3. implement public control over the observance of requirements on prevention of air pollution in accordance with the legislation;
4. appeal to the relevant state bodies, local self-government bodies and courts in case of violation of requirements of legislation, in terms of air pollution;
5. participate in the events regarding air protection and finance them ;
6. participate in the decision-making, connected with manufacture and other activity, able to render harmful impact on air quality;
7. file a claim for compensation of damage caused to human health, property and the environment as a result of air pollution;

According to the Law "On Environmental Impact Assessment" (dated June 12, 2018 № 1175-VQ) environmental impact assessment (hereinafter referred to as EIA) is detection, analysis, elimination or reduction of the direct or indirect negative impact of the intended activity on the environment and human health as well as determining their impact on the environment and human health on the basis of a complex (socio­economic, ecological) analysis of those types of activities in order to make a decision on the implementation or non-implementation of this activity, strategic ecological assessment (hereafter-SEA) is a systematic assessment of strategic documents, territorial planning documents from the point of view of ecological safety in order to detect, prevent potential impacts on the environment and human health and ensure efficient use of the environment. Comprehensive ecological, social and economic assessment of the impact of the intended activity on the environment and human health, accuracy, transparency and reliability of information on the environmental safety of the intended activity, preservation of ecological balance and biological diversity, transparency in conducting EIA, public awareness and consideration of public opinion, ensuring the participation of state and municipal bodies, physical persons and legal entities, including non-governmental organizations, in the implementation of EIA and SEA, state control and public control in the term of EIA and SEA are noted as basic principles in term of environmental impact assessment.