



**DEPUTY COMMISSIONER FOR FUNDAMENTAL RIGHTS
OMBUDSMAN FOR FUTURE GENERATIONS**

**Annex I
Introduction of the Hungarian Ombudsman for Future Generations**

The Ombudsman for Future Generations (“FG Ombudsman”) is elected by the Parliament and functions as a Deputy to the Commissioner for Fundamental Rights (“Commissioner”) within the Hungarian National Human Rights Institution with an “A” status as accredited by the Global Alliance of National Human Rights Institutions in accordance with the Paris Principles defined by United Nations General Assembly. The FG Ombudsman is entrusted with a number of special powers provided under the Ombudsman Act to foster the interests and needs of future generations and is accountable only to the Parliament. Its constitutional mandate has three main pillars: the human right to a healthy environmental, the right to physical and mental health and a novel provision under Article P) enshrined in the Fundamental Law since 2011 stipulating the ‘common heritage of the nation’. Article P)¹ regards natural resources, in particular arable land, forests and the reserves of water, biodiversity, in particular native plant and animal species, as well as cultural assets, as the common heritage of the nation, the protection, maintenance and preservation of which for future generations should be the obligation of the State and everyone else.

The powers of the FG Ombudsman includes the right to examine and comment on national and local legislative actions; to monitor policy developments and legislative proposals to ensure that they do not pose a severe or irreversible threat to the environment, thus causing possible harm to the interests of future generations; and to raise the attention of all stakeholders including the general public when the interests of future generations are at jeopardy. The FG Ombudsman can also prepare its own legislative proposals and publish non-binding recommendations or ombudsman opinions to ensure that the direct link between the nation's common heritage and the fundamental rights of all generations (including future generation) are respected.

The FG Ombudsman may initiate and/or participate in investigations upon complaints or ex officio which conclude with reports containing recommendations to any public authority including the Government. The Ombudsman can propose the Commissioner to turn to the Constitutional Court or the Supreme Court of Hungary in cases where there is a strong belief that a national or local piece of legislation is in violation of the Fundamental Law. Also, the FG Ombudsman may initiate intervention in public administrative court cases regarding environmental protection, by proposing it to the Commissioner. In the daily work, lawyers and environmental policy experts of the Ombudsman heavily rely on the decisions and constitutional interpretations of the Constitutional Court and the Supreme Court.

Since 2017, Prof. Dr. Gyula Bándi acts as the FG Ombudsman for a six-year term. An English language summary of some of his recent projects can be found on our website.²

¹ Article P) reads as follows: “Natural resources, in particular arable land, forests and the reserves of water, biodiversity, in particular native plant and animal species, as well as cultural assets form the common heritage of the nation; it shall be the obligation of the State and everyone to protect and maintain them, and to preserve them for future generations.”

² <http://www.ajbh.hu/en/web/ajbh-en/dr.-gyula-bandi>