Category: Obligation to Provide Access to Legal Remedies

Sub-Category: National Human Rights Institutions

Name of Good Practice: Hungary’s Ombudsman for Future Generations

Key Words: Access to Justice, Accountability, Future Generations, Monitoring, Ombudsperson

Implementing Actors: National Ombudsperson**:** Ombudsman for Future Generations

Location: Hungary

Description: Article P of Hungary’s Constitution provides that: “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 shall 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.” In 2007, Parliament created a special Ombudsman for Future Generations, which was grouped with other Ombudsmen in 2012 under the Commissioner for Fundamental Rights. The Ombudsman for Future Generations holds the status of a Deputy Commissioner and reports to Parliament annually. Parliament elected the current Ombudsman, Dr. Marcel Szabó, in 2012 for a six year term with the overarching mandate to protect and monitor the interests of future generations.

According to the Ombudsman’s website, he may: initiate and/or participate in investigations upon receiving complaints and also join investigations conducted by the Commissioner for Fundamental Rights; submit a petition to the Constitutional Court in cases where there is a strong belief that a national or local piece of legislation is in violation of the Fundamental Law; and initiate intervention in public administrative court cases regarding environmental protection. He may also submit non-binding statements and proposals to any public authority to ensure that the direct link between the nation's common heritage and the fundamental rights of all generations (including future generations) are respected. According to his report to Parliament in 2013, the Ombudsman provided input on various proposed environmental policies, such as the Waste Management Policy; provided strong criticisms of inadequate commenting deadline time periods for proposed environmental legislation; identified barriers to public participation relating to proposed environmental legislation; and met twice with groups of civil society organizations to discuss his work plan and to present his annual report. Thematically, he focused on water resource protection, forest protection and land protection. He also received a number of complaints, including relating to noise pollution, waste transportation, the right of children to safe drinking water, public smoking in restaurant establishments and the control of ragweed, an allergenic plant.

**Further Information:** The website for the Commissioner for Fundamental Rights: <http://www.ajbh.hu/en/web/ajbh-en/>; the 2013 Annual Report: <http://www.ajbh.hu/documents/14315/129172/Annual+Report+2013/42bc9441-1e90-4963-ad01-8f2819d2c3bf?version=1.0l>; information about the current Ombudsman: <http://www.ajbh.hu/en/web/ajbh-en/dr.-marcel-szabo>.