



DEPUTY COMMISSIONER FOR FUNDAMENTAL RIGHTS
OMBUDSMAN FOR FUTURE GENERATIONS

Appendix I

Introduction of the Hungarian Ombudsman for Future Generations („FGO”)

The FGO is a Deputy to the Commissioner for Fundamental Rights (“Commissioner”) within the Hungarian National Human Rights Institution. He may act independently in certain aspects, and he is accountable only to the Parliament. The FGO is entrusted with a number of special powers provided under the Ombudsman Act to foster the interests and needs of future generations. Its constitutional mandate has three main pillars: the human right to a healthy environment, 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.

His mandate 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 interest of future generations is at jeopardy. The FGO 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 FGO 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. He can propose the Commissioner to turn to the Constitutional Court or the Curia 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 FGO 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 secretariat heavily rely on the decisions and constitutional interpretations of the Constitutional Court and the Curia.

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.”