



**OMBUDSMAN FOR FUTURE GENERATIONS
OFFICE OF THE COMMISSIONER OF FUNDAMENTAL RIGHTS HUNGARY**

Summary of the Hungarian NHRI's engagement with the SDGs

**Promoting Ambitious National Implementation of the SDGs by the Hungarian
Ombudsman for Future Generations**

Budapest, September 2018

Introduction

This summary presents the key features of the involvement of the Hungarian Ombudsman for Future Generations (“HOFG”) in the national implementation of Agenda 2030. The HOFG issued a General Opinion in December 2017 highlighting the most important recommendations of its practice that are relevant in implementing the SDGs. The General Opinion focused on the 5 goals to be reviewed at the 2018 High Level Political Forum (“HLPF”), which coincide with the areas where the HOFG has in-depth experience. The General Opinion summarizes the former recommendations of HOFG whose realization would be essential to the ambitious national implementation of SDGs. It also offers specific national human rights-based indicators. In March 2018 the Government asked the HOFG for input to the Voluntary National Review (“VNR”) process undertaken by Hungary for the 2018 HLPF. This summary also addresses the HOFG’s input provided to the VNR.

1. The Hungarian Ombudsman for Future Generations

The HOFG is part of the Hungarian National Human Rights Institution (“NHRI”) being a Deputy Commissioner to the Commissioner for Fundamental Rights. The HOFG 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 two main pillars: the human right to a healthy environment and a novel provision under Article P enshrined in the Basic Law since 2011 stipulating the ‘common heritage of the nation’. It provides that “all natural resources constitute the common heritage of the nation and thus shall be preserved, maintained and protected by the state and by every citizen for the benefit of future generations.” Based on such constitutional language, in the practice of the HOFG the “interests of future generations” are understood as issues relating to mainly environmental interests and cultural heritage protection.

The powers of HOFG include conducting investigations into maladministration complaints and environmental nuisance claims on the basis of citizens’ complaints or by launching an ex officio investigation into environmental pollution cases. The HOFG’s proceedings conclude with a report containing recommendations to the public authority for the sake of full compliance with the constitutional provisions. Noncompliant authorities would be listed in the Annual Report of the Ombudsman, which is submitted to the Parliament.

The HOFG may submit legislative proposals to the legislature suggesting new laws or the amendment of existing ones. The HOFG may also intervene in court proceedings concerning the judicial review of environmental permits. He can issue general opinions to promote the effective realization of the interests of future generations. Lastly, the HOFG may propose the Commissioner for Fundamental Rights to challenge the constitutionality of any act that is believed to be in violation of the right to a healthy environment or Article P) of the Basic Law by turning to the Constitutional Court.

2. The Hungarian Ombudsman for Future Generations' engagement with the national implementation of the SDGs

The HOFG's involvement in the SDG implementation process stems from the fact that the Ombudsman's reports are relevant for the national implementation in many ways:

- First, due to its human rights based mandate, the HOFG has experience with translating general human rights objectives to specific recommendations, an exercise which is an essential feature of the implementation of the SDGs as well. Just like human rights standards, the Agenda also sets aspirational and often abstract goals while the national implementation of the SDGs calls for exact, well-defined measures. The HOFG's recommendations can assist the government in translating holistic SDG objectives into exact implementation steps, since it expressly identifies those policies that are necessary in order to fully observe human rights standards and corresponding SDGs.
- Second, the recommendations of the HOFG can help the government identify those vulnerable groups that should be first targeted in the SDG's implementation process. Taking into account the HOFG's recommendations can ensure that the national implementation of the SDGs complies with the Agenda's requirement to "reach out for the furthest behind first".
- Third, the national implementation of the Agenda ultimately calls for new legislation or changes in the ways in which existing laws are applied by public authorities. In its reports, the HOFG makes recommendations exactly to that effect: he can recommend legislative steps or advocate for changes in the interpretation and the application of existing laws. Hence, the HOFG's recommendations can be seen as readily available guidelines for the Government in selecting necessary implementation steps.

Against this background, at the end of 2017 the HOFG issued a General Opinion aiming to support the effective and ambitious implementation of the SDGs in Hungary. The General Opinion emphasized that national SDG implementation should be inextricably linked to constitutional human rights standards to be in line with the spirit of Agenda 2030. The HOFG summarized the most relevant recommendations from its case practice to serve as a guideline for the Government in designing ambitious targets and the overall focus of the national implementation of the SDGs.

As to its scope, the General Opinion zoomed in on the goals that were in the focus of the 2018 session of the HLPF, which goals coincide with the special expertise of HOFG in the field of environmental advocacy: Goal 6 (ensure availability and sustainable management of water and sanitation for all), Goal 7 (ensure access to

affordable, reliable, sustainable and modern energy for all), Goal 11 (make cities and human settlements inclusive, safe, resilient and sustainable), Goal 12 (ensure sustainable consumption and production patterns), and Goal 15 (protect, restore and promote sustainable use of terrestrial ecosystems).

The General Opinion has two prongs. First, it identifies cca. 60 measures and policy changes that are most urgent for realizing the above goals in an ambitious way. These recommendations have been included in previous reports of the HOFG addressed to various authorities or agencies. The General Opinion reiterates them and links each of them to a specific SDG target to reveal the interrelations of the SDGs and domestic human rights requirements. It also highlights when a certain recommendation relates to more than one SDG target thereby raising awareness on the interconnectedness of the SDGs. Second, the General Opinion also identifies a handful of possible new, national human rights-based indicators, which could measure the progress of national implementation.

The table below provides a summary of the most important recommendations as to the key steps needed in the national implementation.

3. Our input to the VNR process

In March 2018 the Government asked for the HOFG's input in the VNR process, undertaken by Hungary for the HLPF's session in July 2018. The HOFG prepared a summary report which later formed an annex to the Government's VNR report in which it summarized the most important recommendations that were stressed in the General Opinion (see below for the summary table). Also worth mentioning is that the Government reiterated our main message stressed the importance of building the SDGs and targets on the principles of guaranteeing human rights, solidarity and global partnership.

The table provided in Annex 1 demonstrates the most important recommendations made in the General Opinion, which were also included in the summary report prepared for the Government's VNR process.

4. Our next steps

The HOFG is also a member of the [Network of Institutions for Future Generations](#) („NIFG”), an international network encompassing national institutions whose mission is the protection of the interests, rights and well-being of future generations. NIFG was funded by the model institutions described in former UN Secretary General Ban Ki-moon's 2013 report "Intergenerational solidarity and the needs of future generations" and its secretarial duties are performed by HOFG. At the initiative of HOFG, in time for the HLPF of 2019 NIFG is going to issue a policy paper on SDG target 16.6 „develop effective, accountable and transparent institutions at all levels” to advocate for the need of institutionalized representation of future generations.

Annex 1 – Excerpt from the HOFG’s General Opinion regarding the national implementation of the SDGs

SDG	Recommendations as to the implementation steps needed (based on the Ombudsman’s practice):
6.1	<ol style="list-style-type: none"> 1. Access to clean drinking water, access to adequate levels of sanitation and hygiene should be available to everybody. 2. The construction, extension and renovation of the public utility network should be planned with regard to the number of residents involved and not the number of properties. Furthermore, the territorial placement of the public utility network should not be discriminatory.
6.3	<ol style="list-style-type: none"> 1. The establishment of wells should be carried out only with appropriate official control (based on notification or permitting). The wells already established without permits should be enumerated and their status should be continuously reviewed.
6.4	<ol style="list-style-type: none"> 1. The global food crisis as well as the demand for water increases the value of virtually exported water (i.e. water sold through exporting agricultural products). In valuing the efficiency of domestic agricultural production, the virtually traded water should be accounted for and balanced against the income gained from agricultural export . 2. Land use changes should be integrated into governmental water management policies as land use determines water demand and it may increase or limit the discharge rate of water resources and their ability to replenish.
6.6.	<ol style="list-style-type: none"> 1. The network of inland water channels should be designed keeping in mind the threefold objective of the channels, i.e.: to divert, to store and to recircle water.
7.1	<ol style="list-style-type: none"> 1. Energy-efficiency renovations of residential homes should be supported in order to reduce energy expenses. To this end, a subsidy program should be established, the tendering system of which is user-friendly, transparent and widely-accessible.
7.2	<ol style="list-style-type: none"> 1. The tax and subsidy policy for renewable energy should be reconsidered on the basis of long-term environmental considerations. The environmental product fee imposed on solar-and wind energy generating systems should be abolished. A coherent, stable and predictable legal environment should be created for the use of renewable energy sources. 2. The potential harm of employing biomass (soil degradation, loss of biodiversity, emission of greenhouse gases) should be taken into account when developing our long-term energy policy.
11.2	<ol style="list-style-type: none"> 1. The accessibility of built environment for persons with disabilities, particularly the accessibility of public transportation should be realized as soon as possible. Legislation enabling the constant postponement of statutory deadline should be abolished. 2. In the process of developing urban planning documentation, the aim to reduce traffic noise should get particular attention. The legislator should rely in this respect on the strategic noise maps.
11.3	<ol style="list-style-type: none"> 1. In the anticipated sectoral reform of the built environment, it is essential that the State adequately assures the public’s right to access to justice in order to fulfill its obligation under the Fundamental Law and the Aarhus Convention.
11.4	<ol style="list-style-type: none"> 1. During the development and implementation of Act LXXIV of 2016 on the Protection of Townscape and its’ enforcement decrees, the legislator should ensure the continuity of laws seeking to protect local monuments - both at the level of central decision-making and municipal laws. 2. The State should appoint local chief architects in regions rich in national monuments.

11.6	<ol style="list-style-type: none"> 1. The measures set out in the Hungarian Intersectoral Action Program for the Reduction of PM10 should be implemented. 2. It is prohibited to incinerate green and garden waste in Hungary. Nevertheless, the Hungarian legislation allows local municipalities to derogate from this prohibition in municipal laws. This exemption should be abolished and the prohibition should be generally applicable. 3. Legal regulation should be enacted regarding qualitative and quantitative standards of lignite sold for domestic heating purposes. 4. The quality criteria and conditions for the use of solid fuels in household appliances with an input power of less than 140 kW should be regulated, together with rules of their commercial distribution. 5. Local governments should adopt effective regulations on smog alert and ensure that existing smog regulation is consistently enforced.
11.7	<ol style="list-style-type: none"> 1. Legislation on trees in public places should reflect the monetary value of the ecological services provided by such trees, using any of the known tree-value calculating formulas. An urban tree registry should be established.
12.4	<ol style="list-style-type: none"> 1. In the case of the universal environmental licensing procedure, for activities involving hazardous substances, the County Disaster Management Directorate, in cases of exceeding the threshold, the National Directorate General for Disaster Management should be involved in the permitting process. 2. The existing legal obligation to provide collateral security or the liability insurance system should be effectively implemented and enforced.
12.5	<ol style="list-style-type: none"> 1. The framework for applicable fines relating to illegal waste dumping should be transparent, immediate and of an amount capable of having a deterrent effect. 2. The legislator should create consistency between the various types of fines relating to illegal waste dumping. 3. A ministerial decree on the payment of public utilities in waste management should be enacted, in which the amount of the fee is proportional to the amount of waste produced.
12.7	<ol style="list-style-type: none"> 1. Green public procurement procedure should be developed, implemented, and operated.
12.8	<ol style="list-style-type: none"> 1. The amount of food additives should also be indicated on food labels, next to their name and category. 2. To facilitate the realization and promotion of a sustainable consumer lifestyle, awareness campaign and educational trainings should be put in place.
15.2	<ol style="list-style-type: none"> 1. In State-owned forests the prevailing objective of forest management should serve environmental preservation and public use related (educational, recreational, etc.) functions. These forests shall be managed in a way that serves environmental protection goals in an integrated way. In managing protected forests timber production ought not to be the prime objective. 2. In State-owned forests the long-term protection of public use requires replacement of the for-profit forest management entities with not for-profit entities. 3. In protected forests, Natura 2000 sites, and in the forest habitat of protected species, priority should be given to conservation driven forest management. 4. The Forest Act should ensure that forest coverage can only be decreased if it is strictly necessary for meeting significant public interest purposes. 5. Restrictions flowing from Natura 2000 conservation objectives should not be restricted only to those areas of designated sites, where priority species live or priority habitats are found, but they should be applicable to the entirety of sites that are designated under the Habitats Directive.

	<p>6. Financial incentive system available to owners of Natura 2000 forests should be of a quantum, which is capable of providing an effective compensation for conservation driven restrictions on economic use of forests. Financial tools should thereby act as real incentives for forest owners to comply with restrictions.</p> <p>7. The extent of puffer zones, which serve to protect the nesting of protected bird species and species of community interest against disturbance should not be homogeneously prescribed by law, but should be designated on an ad-hoc basis, having due regard to the local specificities of the given species and nesting place.</p> <p>8. Forest management techniques ensuring continuous forest coverage should be introduced with an increased pace in forests serving environmental protection objectives or public purposes. The possibility to clear-cut state-owned forests should be decreased.</p>
15.3	<p>1. Harmful processes leading to soil degradation and loss of soil (hectare), and the increase of soil sealing in cities should be stopped.</p> <p>2. Greenfield investments should be limited or banned until complete remediation of brownfields, the National Remedial Program should be reviewed.</p> <p>3. Fertile land (of excellent and good quality) should be placed under increased protection, the change of their functions should be banned and no mining should be allowed on their territory.</p> <p>4. The flora and fauna of soil ('edaphon') should be legally designated as a value to be protected in applicable legislation.</p> <p>5. Soil protection aspects should be integrated into the system of direct agricultural subsidies, with the aim of spreading agricultural practices that integrate environmental interests.</p> <p>6. Special management obligations should be prescribed for farmers as means to fight soil erosion.</p> <p>7. The conditions for integrated (low use of chemical pesticides) plant protection should be established.</p>
15.4	<p>1. Gene pool protection programs should be continued, with providing adequate financial and infrastructural support for them.</p>