



THE COMMISSIONER FOR FUNDAMENTAL RIGHTS  
THE NATIONAL HUMAN RIGHTS INSTITUTION OF THE UNITED NATIONS



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## SUMMARY OF THE HUNGARIAN NHRI'S ENGAGEMENT WITH THE SDGs

for GANHRI upon its [request](#) for identifying NHRI's experiences, best practices and challenges in SDG implementation, monitoring and measurement, with a focus on Goal 16

The participation and contributions of Paris Principles compliant NHRIs in the realization of the Agenda in their role as providers of evidence-based information on human rights situations is a very valuable asset in the national implementation, monitoring and measurement of SDGs. The below is a summary of the SDG-related activities of the Office of the Hungarian Commissioner for Fundamental Rights, an NHRI with an "A" status since 2014, comprising the Commissioner for Fundamental Rights, and his two deputies, the Ombudsman for Future Generations and the Ombudsman for the Rights of National Minorities. The role of the Hungarian NHRI (HNHRI) will be described in two sections:

- (1) The general mandate and operation of the Office of the Commissioner for Fundamental Rights and how it links to the SDGs, demonstrated by specific examples;
- (2) The contribution of the Ombudsman for Future Generations related to the 5 goals most prominent in its practice.

### I. The SDG involvement of the HNHRI

The HNHRI contributes to the realization of the Agenda through its core functions, by conducting investigations based on citizen complaints related to infringement of fundamental rights or initiating investigations ex officio for a comprehensive assessment of an issue. These investigations result in reports containing recommendations on human rights requirements for public authorities, often identifying more general systemic errors and leading to initiation of new legislation or stressing the need to modify existing ones. The Commissioner investigates complaints on threats or infringements of general human rights (incl. various economic and social rights, gender equality, social equality, children's rights, etc.), the Ombudsman for Future Generations investigates primarily claims on the basis of the right to a healthy environment and environmental related nuisance-claims, while the Ombudsman of National Minorities deal with complaints of minorities (e.g. anti-discrimination, minority rights).

**How can NHRIs create linkages between international human rights mechanisms recommendations and SDG targets?** On a general level these below are the factors that make our work highly relevant in this respect:

- Our reports are issued in proceedings that are initiated by complaints of citizens suffering from human rights violations. The findings of our reports based on the conducted investigations can help the government **identify those vulnerable groups** that should be first targeted in the SDG's implementation process. Taking into account the HNHRI's recommendations can ensure that the national implementation of the SDGs complies with the Agenda's requirement "to reach the furthest behind first". The work of the HNHRI thus can assist the implementation – and later on the monitoring – of the SDGs in order to ensure that the SDG process alleviates the burdens of those most in need.



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- Due to its human rights based mandate, the HNHRI has experience with translating general human rights objectives to **specific recommendations and measures**, 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 HNHRI's recommendations can assist the government in translating holistic SDG objectives into exact implementation steps, since it expressly identifies those policies and measures that are necessary in order to fully observe human rights standards and corresponding SDGs.
- 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 HNHRI makes recommendations exactly to that effect: by recommending **legislative steps** or advocating for **changes in the interpretation and the application of existing laws**. Hence, the HNHRI's recommendations can be seen as readily available guidelines for the Government in selecting necessary implementation steps.

The below section offers **concrete examples** of linking international human rights mechanisms recommendations and SDG targets through some specific actions by the HNHRI related to certain SDG targets:

### **16.1 Significantly reduce all forms of violence and related death rates everywhere**

(i) The Commissioner acts as a National Preventive Mechanism (NPM) as defined in Article 3 of the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of the UN Treaty (OPCAT). The tasks of the OPCAT NPM are performed by the HNHRI via a special multidisciplinary function within the institution. The NPM in its consecutive ex officio investigations has been focusing on specific human rights matters, ranging from circumstances of detention through isolation and nutrition to contact with the outside world and specifically targeting women detainees. The recommendations contained in the reports relate to the human rights violations of detainees and are communicated to the institutions and the corresponding authorities (including the public prosecutors office).

(ii) A comprehensive ex officio investigation related to state institutions housing children and disabled people highlighted the complete lack or unregulated nature of control mechanisms of inquiries related to deaths in such institutions. Based on relevant international law and the OPCAT NPM such death cases should be automatically investigated via an independent organ, and as the lack of adequate procedures was identified, the Commissioner submitted recommendations to the relevant Ministries for the creation of a working group tasked with the preparation of necessary legislation and protocol aimed at the objective investigation of such cases.

**16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children:** The HNHRI's investigations conducted in children's care homes (both based on his core mandate and his capacity as the OPCAT National Preventive Mechanisms) focus on all forms of violence, abuse, bullying, whether by peers or by institution personnel and also look into cases of underaged prostitution. In his recommendations, amongst others, he emphasised the need to shift from a disciplinary and police sanctions (misdemeanor sanctions) oriented approach to an improved, complex child-protection system with the necessary built-in mechanisms of early warnings. He also highlighted the necessary specific and legislative measures, giving examples of best practices. The staff within the HNHRI's office is already diverse by professional expertise with the majority being



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legally trained and when acting in his capacity as NPM, the Commissioner's team is accompanied by various experts (paediatricians, psychiatrists, nutritionists) thereby ensuring a holistic approach also demonstrated and required by the SDGs.

### **16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all:**

- (i) The HNHRI has conducted an investigation into fundamental legal guarantees around non-voluntary/forced hospitalizations of mentally disabled citizens, including the right of appeal. Based on our recommendations the Curia (High Court of Justice) has initiated a working group focusing on such legal cases with the involvement of HNHRI aiming to improve and unify court practice and highlight systemic inadequacies.
- (ii) Based on the HNHRI's recommendation the Constitutional Court has annulled a section of a legislation which excluded the socially underprivileged from receiving legal advice and representation from state-funded sources in the process of constitutional complaint. Hence, free legal advice and representation is now available for them also in the course of lodging a constitutional complaint.
- (iii) The HNHRI has advocated for a more wide-spread use of minority languages in court procedures.

### **16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels**

The HNHRI has recommended that electoral urns be transported to citizens with physical disabilities to enable them to exercise their electoral rights.

### **16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements**

In its legal consultative role, a daily function of formulating opinions regarding proposed pieces of legislation, the HNHRI consequently calls attention to the necessity of stakeholder involvement, public access to information and compliance with international legal norms.

### **How can NHRIs contribute to the identification of groups left behind and their inclusion in SDG related data collection efforts?**

The identification of groups left behind is a clear objective and guaranteed outcome of the daily work of the HNHRI as explained above. It is important to mention that in an effort to reach out and allow for a direct submission of citizen complaints of potential human rights infringements, the **HNHRI holds on-site events** in the countryside for those citizens who are restricted in the enforcement of their rights (on account of their financial position, age, level of education or some kind of disability, etc.) several times a year.

Regarding data collection, it must be noted that the National Statistical Office is responsible for SDG-related data collection. Although data collection is not a primary focus of the HNHRI, it certainly is an essential result of its investigative activities. The HNHRI's data collection is mostly focused on the issues identified in the course of investigations, and the HNHRI formulates its findings based on data received from authorities. The HNHRI's reports often include data gathered from various sources, thereby offering a new, integrated source of database with a more holistic approach. During investigations the HNHRI also assists in the further specification of certain legal terminology (eg homelessness, people with disability) thereby contributing to a more effective human rights protection system.



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### **Human rights education component of SDGs**

Some of the HNHRI'S activities in this field include:

- (i) establishment of an interdisciplinary task force with members from authorities engaged in human rights protection (Data Protection, Patients' Rights, Equal Treatment, Child Protection, Judiciary, Prosecutor General, the Constitutional Court and the Office of the Commissioner for Educational Rights, and the corresponding Ministry) to work out a strategy regarding tools and methods for raising human rights awareness among children and youth;
- (ii) organizing public events several times a year since 2014 entitled "Evenings with the Ombudsman" related to the Commissioner's role of raising public awareness through debates, presentations and exhibitions on human rights topics;
- (ii) running an internship program in cooperation with partnering law schools, including theoretical and practical training of the selected students over a six-week period;
- (iii) formation and development of a thematic children's rights subsite at the website of the Office.

### **Involvement of other stakeholders, especially civil society**

The HNHRI has a significant role in providing a neutral platform for discussion between governmental decision-makers, NGOs and experts regarding environmental issues or legislative proposals. In times of internationally increasing mistrust against civil society, our NHRI has a long-standing partnership with the civil human rights defenders and other NGOs aiming at partnership and synergies. Some examples and best practices include: (i) In his role as an OPCAT NPM the Commissioner established a Civil Consultation Board for sharing and utilizing his practical and theoretical knowledge in the area of the treatment of persons deprived of their freedom. The Civil Consultation Board supports the efforts of the OPCAT NPM with their proposals and comment, (ii) the Ombudsman for Future Generations has an active cooperative relationship with NGO's involved in environmental-related human rights issues, and designs its workplan through discussions with such NGOs. Several events aimed at awareness raising and sustainability-related education are held in coordination with green NGOs.

### **Some of the systemic challenges the HNHRI experiences in the course of its work, also related to SDG implementation:**

- (i) Latency of issues: the cases that are reported to the HNHRI represent only the tip of the iceberg which distorts statistics (but still can serve as indicators of the type of infringements and are essential tools for identification of groups left behind);
- (ii) General tendency of growing mistrust against human rights defenders and increasing nationalism in the EU and international arena;
- (iii) Cyclic nature of complaints statistics, i.e. with the election of a Commissioner and increased media coverage, the number of complaints escalate in the first half of the 6-year mandate and generally decrease in the second half. This is also a question of whether independent media is available and able to give adequate coverage to the work of the NHRI and with that reach a higher level of public awareness and encourage public participation.
- (iv) Geographical and social imbalance of the complaints received, i.e citizens of underdeveloped rural areas and underprivileged, vulnerable social groups are harder to reach as they are unlikely to lodge a complaint. This is why the HNHRI holds side events and its ex officio investigations target these groups specifically (as demonstrated by the specific examples above).

## **II. The SDG-related work of the Ombudsman for Future Generations**



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The Ombudsman for Future Generations (HOFG), a Deputy to the Commissioner for Fundamental Rights has been very active in his own field aiming to support the effective and ambitious implementation of the SDGs. The HOFG issued a General Opinion at the end of 2017 specifically emphasizing 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 coincided with the special expertise of HOFG in the field of environmental advocacy: Goal 6 (clean water and sanitation), Goal 7 (affordable and clean energy), Goal 11 (sustainable cities and communities), Goal 12 (responsible consumption and production), and Goal 15 (life on land).

The HOFG stressed that in selecting the focus areas for national implementation, the Government should consider the following aspects:

- i) Beside short-term policies, it is essential to prepare comprehensive action plans, which can yield long-term positive changes;
- ii) When designating priority areas for national implementation, it is important to have a systematic approach, i.e. targeting Goals that can trigger a positive snowball effect arising from the holistic nature of the SDGs;
- iii) The Agenda puts a lot of emphasis on monitoring the progress of the implementation. Effective monitoring can only be carried out if we have accurate data and knowledge about the starting situation as well as the problems to be solved, hence data collection and maintenance by national authorities is essential.

The General Opinion had two prongs. First, it identified cca. 60 measures and policy changes most urgent for realizing the above goals in an ambitious way. These recommendations were taken from previous reports of the HOFG addressed to various authorities or agencies. The General Opinion reiterated them and linked each of them to a specific SDG target to reveal the interrelations of the SDGs and international and domestic human rights requirements. It also highlighted when a certain recommendation related to more than one SDG target, thereby raising awareness on the interconnectedness of the SDGs. Second, the General Opinion also identified a handful of possible new, national human rights-based indicators, which could measure the progress of national implementation.

In the preparation of the General Opinion, the HOFG consulted with the Chair of the National Statistical Office (who was closely involved in the preparation of the UN Global Indicator List being a co-chair of the UN High-level Group for Partnership, Coordination and Capacity-Building for post-2015 monitoring) and in the General Opinion we have also taken into account the global indicators when formulating suggestions regarding potential national indicators. The report was sent to the National Statistical Office, the State Audit Office (which was preparing to conduct an internationally coordinated performance audit on the preparatory works for the national implementation of the SDGs), various Ministries, including the Ministry of Foreign Affairs. Based on the HOFG's General Opinion, the Ministry of Foreign Affairs asked for our input in the course of preparing the Hungarian Voluntary National Review (VNR) for the 2018 HLPF. The brief



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summary of the HOFG's General Opinion was included in the final Hungarian VNR as an attachment.

The HOFG hosts the secretariat of the [Network of Institutions for Future Generations](#) (NIFG), an independent, non-formal network of national institutions worldwide working to protect the interests of future generations. A report of the former UN Secretary General, Ban Ki-moon issued in 2013 entitled "Intergenerational Solidarity and the Needs of Future Generations" listed 8 national institutions aimed at safeguarding the interest of future generations as noteworthy model institutions, which inspired communication between such institutions and the establishment of NIFG. NIFG believes that creating local and national institutions advocating for the interests of future generations is a key asset in realizing SDG target 16.6 and also proves instrumental in implementing several other SDGs.

In the first half of 2019 NIFG will issue a **policy paper discussing the benefits and challenges of creating institutions for future generations**, with case studies from all around the world. This policy paper will be informed by the several years of experience accumulated by national institutions working under the umbrella of NIFG.

Budapest, 28<sup>th</sup> February 2019.