

Budapest Declaration on the Role of Ombuds Institutions in Protecting the Needs of Future Generations

Recalling the Declaration on Future Generations adopted by the UN General Assembly during the Summit of the Future on 22 September 2024, and the decision of the UN Secretary General to appoint a Special Envoy for Future Generations,

Noting the recent appointment and election of a new EU Commissioner responsible for inter-generational fairness,

Being committed to fostering the realization of sustainable development, and the UN Sustainable Development Goals, and *being mindful of* the fact that ombuds institutions are key actors in realizing SDG 16 on peaceful and inclusive societies for sustainable development,

Being committed to the principle of intergenerational equity as recognized by various sources of international law and domestic constitutions and legal cultures,

Bearing in mind that domestic courts are also increasingly stepping in to scrutinize state measures and laws that do not protect the interests and rights of later generations from foreseeable risks, such as posed by climate change,

Being acutely aware of the climate and ecological crisis, which threatens the enjoyment of human rights and wellbeing everywhere, including throughout Europe,

Recalling the IOI General Assembly's Hague Declaration (2024), which underlines that ombuds institutions should draft strategic agendas on climate change and future generations related issues,

Recognizing that urgent action needs to be taken in this critical decade to halt dangerous levels of warming and further deterioration of ecosystems,

Recalling Resolution A/76/L.75 of the UN General Assembly, which declared the access to a clean, healthy and sustainable environment as a universal human right under international law,

Bearing in mind the *Verein KlimaSeniorinnen Schweiz v. Switzerland* judgment of the European Court of Human Rights, which stresses the importance of inter-generational burden-sharing under Article 8 of the European Convention on Human Rights and Fundamental Freedoms, and stipulated various requirements as to how greenhouse gas reduction targets and pathways have to be designed on the basis of best available science, be incorporated in a binding domestic legal framework that needs to be adequately implemented and the targets have to be updated with due diligence,

Recalling that future generations have a distinct representational disadvantage and therefore their interests need protection by institutions or groups that can speak up for and represent such interests in the democratic decision-making process,

Noting the non-binding Maastricht Principles on the Human Rights of Future Generations, which highlights that that human rights guarantees have no temporal limitations and therefore

should be guaranteed for future individuals as well and that various obligations and responsibilities towards future generations exist under international and national laws,

Acknowledging that future generations may have various long-term interests and needs, including concerning environmental protection, a safe and resilient climate, decent education, and a stable, just and peaceful society,

Acknowledging that children and future generations are distinct actors, and their interests are doctrinally different categories, there are also overlaps in their needs and interests and that children and the youth can be important actors in raising awareness of intergenerational concerns due to their temporal proximity towards future generations, in line with General Comment No. 26 of the UN Committee for the Rights of the Child recalling the principle of intergenerational equity in the context of interpreting the 1960 UN Convention on the Rights of the Child,

Having met in Budapest on 16-17 December 2024 and having exchanged views and experiences with domestic advocacy for environmental protection and the protection of long-term environmental interests of future generations, the ombuds institutions signatories to this Declaration capture their shared vision on the necessity and the various ways in which ombuds institutions can protect the long-term interests of future generations as follows:

- (1) Future generations need spokespersons at all levels to abate their lack of representation in legislative and policy-making decisions. Ombuds institutions can use their existing mandates to give voice to the voiceless in particular to future generations, nature, children and youth alongside other vulnerable groups in society.
- (2) Ombuds institutions are markedly well-placed to act as the ‘green consciousness’ of societies or as a future-oriented institution, which fosters an effective protection of the people and the planet during the climate and ecological crises. Ombuds institutions are uniquely positioned as public institutions, endowed with statutory powers, specified mandates, and visibility to voice concerns to the public and towards competent institutions and stakeholders when needed.
- (3) National laws vary greatly in terms of the provisions, which can be mobilized to argue for responsibilities towards future generations or the human rights pertaining to later generations. Some countries have explicit provisions on future generations in their constitutions, others have a mandate to promote environmental protection or environmental human rights, still others have general human rights mandates. Ombuds institutions are nevertheless capable of advocating for protecting future generations under various human rights provisions. Ombuds institutions should find effective ways for safeguarding future generations under human rights provisions available to them.
- (4) The legal powers of ombuds institutions also differ across jurisdictions. Their powers may range from investigating citizens’ maladministration complaints, issuing recommendations for public authorities, to initiating legislative proposals or even intervening in court proceedings. The most effective way to speak up for long-term interests will depend on the specificities of each case and the legal context. Even though there are no one-size-fits-all solutions, all ombuds institution can find ways to inject long-term thinking into the shorter-term priorities of lawmaking and policy-making processes.

- (5) As a precondition to effective advocacy for protecting long-term needs against foreseeable risks, the relevant interests of future generations need to be defined in an objective and persuasive manner. Advocating for protective measures on the basis of robust, consensual scientific evidence is a particularly effective way of justifying these measures. Ombuds institutions are therefore encouraged to reach out to and consult with relevant experts and scientific institutions to receive expert insights and input to inform and support their advocacy.
- (6) Ombuds institutions should strongly promote access to environmental information, public participation and transparency in decision-making processes, especially with regard to those affecting the long-term interests of future generations. Ombuds institutions can be particularly important in channelling different viewpoints and narratives into legislative and policy-making processes and making sure that the voice of the voiceless are heard.
- (7) Ombuds institutions can be particularly useful in facilitating dialogues and build consensus among various actors and stakeholders at all levels, including governmental authorities, local authorities, civil society organizations, scientific experts, faith-based organizations and various communities.
- (8) Ombuds institutions have an important role in fostering the resilience of societies and the legal system, making them more adaptable and responsive to rapid changes and systemic challenges such as mitigating and adapting to adverse impacts of climate change, response measures to pandemics or natural disasters. Ombuds institutions should enable bottom-up processes in order to make sure that the human rights and needs of vulnerable and affected communities are respected and adequately taken into consideration by legislative or other policy measures.
- (9) Ombuds institutions have an especially important role in mainstreaming the view that protection by the state against adverse climate impacts is a human right of everyone under the European Convention of Human Rights and Fundamental Freedoms. The European Court of Human Rights has stressed in its *KlimaSeniorinnen* judgment that competent domestic authorities of Contracting Parties, be it at the legislative, executive or judicial level, have to pay due regard to protect and realize that right. As organs of the state, ombuds institutions themselves have such an obligation and they should also promote discharging the positive obligations the Court mandated in the context of climate change mitigation and adaptation on part of other competent authorities. States authorities have an obligation to provide access to relevant climate information and provide opportunities for affected individuals to voice their concerns about domestic climate measures. Ombuds institutions have particularly important role ensuring compliance with such procedural safeguards.
- (10) Ombuds institutions should also promote the realization of the inter-generational burden-sharing principle, which the European Court of Human Rights declared in *KlimaSeniorinnen* as having fundamental importance in the context of the fight against climate change. The Court found that this principle requires among others taking immediate, substantial and progressive greenhouse gas reduction measures in order not to impose a disproportionate burden on future generations. Ombuds institutions therefore have an important role in ensuring that state authorities are complying with their positive obligations. Forms of intervention may range from issuing recommendations on the human rights aspects and requirements in designing greenhouse gas reduction measures, including

pathways and targets, to intervening in climate related court proceedings also via submitting amicus curiae briefs.

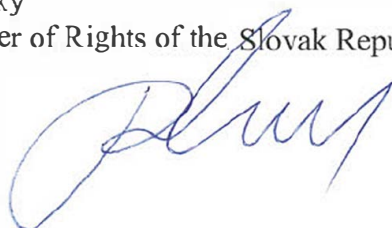
(11) For all these reasons, signatories encourage other ombuds institutions to take proactive steps towards giving voice to long-term interests and invite all other interested ombuds institutions to join this declaration.

Budapest, 17 December 2024

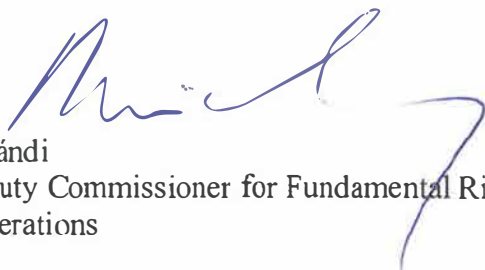
Signed by:

A large, stylized blue ink signature, likely belonging to Róbert Dobrovodský, consisting of a large loop followed by a series of fluid, connected strokes.

Róbert Dobrovodský
Public Defender of Rights of the Slovak Republic

A blue ink signature, likely belonging to Zoran Pašalić, featuring a large, sweeping loop at the beginning followed by several connected, fluid strokes.

Zoran Pašalić
Protector of Citizens of the Republic of Serbia

A blue ink signature, likely belonging to Gyula Bándi, showing a series of fluid, connected strokes with a prominent loop in the middle.

Gyula Bándi
Deputy Commissioner for Fundamental Rights of Hungary, Ombudsman for Future Generations

Signed on 19 December 2024 by:

A black ink signature, likely belonging to JUDr. Stanislav Křeček, featuring a large, stylized 'A' shape followed by several connected, fluid strokes.

JUDr. Stanislav Křeček
Public Defender of Rights of the Czech Republic