

Template for Case Studies Regional Forum on Sustainable Development (21-22 March 2019, Geneva)

Why?

The [Regional Forum on Sustainable Development \(21-22 March 2019, Geneva\)](#) creates a regional space for peer learning and sharing of practical solutions in implementing the SDGs. Governments and other stakeholders will mutually learn from sharing concrete experiences, best practices and challenges. Case studies will form the basis of the peer learning segment.

How?

Governments and other stakeholders are kindly asked to provide concrete case studies and examples of practical solutions from their experience in SDG implementation. The case studies will be compiled in a document and shared with participants in advance of the Forum (please see last year's [case study compilation](#)). A selection of case studies will be presented during the peer learning segment.

When?

Please submit the case study by 1 March 2019

Please fill in the template

below.

SDG addressed

The case study must address one of the themes discussed at the round tables (see below). Please tick the relevant box.

- Learning without Limits:** Lifelong Learning and Inclusive Education
- The Power of Knowledge for Change:** Education and Learning as Drivers of Sustainable Development
- The Growth We Want:** Solutions for Sustained, Inclusive and Sustainable Economic Growth
- The Future of Work:** Productive Employment and Decent Work for All
- 10 REDUCED INEQUALITIES** **Bridging the Gap:** Achieving Greater Income and Economic Equality
- Towards a World of Equal Opportunity:** Tackling inequality caused by exclusion and discrimination
- Acting for Climate:** Stepping Up Climate Change Policies, Action and Awareness in the Region
- 13 CLIMATE ACTION** **Coping with Climate Change:** Strengthening Resilience and Adaptation
- Strengthening Institutions for Change:** Fostering Effective and Inclusive Governance for Sustainable Development
- Empowering People to Protect the Planet:** The Environmental Dimension of SDG 16

Title

Please provide a title that reflects the core issues addressed in your case study.

Title: Quashing water management law in representation of the public, the scientific sector and future generations - how a National Human Rights Institution can promote public participation by providing channels into environmental legislation and decision-making

Summary

Please briefly summarise the objective of the case study/ practical solution (max 100 words).

This case study offers a good example of how a National Human Rights Institution (NHRI) can offer a useful channel for public participation (private citizens, NGOs and scientific expert community) in a complex matter to enable informed decisions related to the environment and public health. A proposed legislation would have allowed drilling water wells without any permitting requirement, aggravating the situation of the already drained groundwater resources in Hungary. Building on citizen complaints and through discussions with the professional and scientific community and NGOs, using the powers allowed by its constitutional mandate, the NHRI effectively advocated for invalidating the proposed legislation.

Situation

Please elaborate on the specific situation/context. Where possible, draw on statistics and data (max 150 words).

The mandate of the Ombudsman for Future Generations (OFG) within the NHRI is anchored in the Constitution to safeguard a) the human right to a healthy environment and b) the common heritage of mankind including natural resources for future generations. Some of its powers include:

- investigations into citizen complaints or launching ex officio investigations and concluding with recommendations to decision makers;
- submitting legislative proposals and commenting on proposed new pieces of legislation;
- publicly issuing general opinions to flag important issues and raise awareness,
- proposing the Commissioner to challenge the constitutionality of an act before the Constitutional Court, and submitting amicus briefs to the Court.

The OFG regularly receives citizen complaints regarding groundwater matters and in 2017 has learnt of a draft legislation proposing to allow drilling of wells down to 80 meters without permitting or notification requirements, thereby greatly endangering groundwater resources.

Strategy

Please describe the approach chosen (max 100 words).

After consultation with multiple stakeholders the OFG published a general opinion detailing why the legislation would violate constitutional provisions and endanger groundwater resources and public health – the OFG has also tabled these arguments in Parliamentary Committees. The Parliament first annulled the draft but it was submitted again later after parliamentary elections and was enacted. The Head of State initiated an ex ante constitutional review of this piece of legislation before the Constitutional Court. The OFG provided an amicus brief to the Constitutional Court with arguments that were echoed in the final decision of the Court in annulling the proposed legislation.

Results and lessons learned

Please elaborate on the specific results, challenges encountered and lessons learned. If possible, briefly elaborate whether the concrete experience could be replicated in other contexts. Preferably, summarise your answer in bullet points (max 100 words).

- **Result** was the annulment of the legislation based on arguments developed by the OFG through discussion with multiple stakeholders - the process could and has been replicated via successfully channelling views into decision making.
- **Challenges** encountered: lack of real public participation and impact assessment by the legislators and associated inability to consider long-term environmental impacts and risks.
- **Lessons learned:** even in an inherently flawed process an adequately mandated institution can act as a vehicle to channel public participatory views into decision-making. A specifically appointed spokesperson representing long-term interests of future generations can influence law-making processes.

Contact

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Please tick this box if you do not wish your contact details to be published in the compiled document. The document will be published on our [website](#). Please bear in mind that other stakeholders might wish to contact you in regard to the case study.