Category: Obligation to Provide Access to Legal Remedies

Sub-Category: National Human Rights Institutions

Name of Good Practice: Costa Rican Ombudsperson’s Environmental Actions

Key Words: Constitutional Right to Environment, Accountability, National Human Rights Commission, Monitoring, Access to Justice

Implementing Actors: National Ombudsperson: Office of the Ombudsperson in Costa Rica

Location: Costa Rica

Description: The Office of the Ombudsperson is an independent body of the Costa Rican Legislature, which has the general responsibility of protecting the rights and interests of Costa Ricans by ensuring that the public sector meets standards set by the Constitution, statutes, conventions, treaties and general principles of law, as well as standards of morality and justice. It has the authority to investigate, either on its own initiative or upon request, complaints of alleged human rights violations by public authorities through administrative acts or omissions in the exercise of administrative functions. The Ombudsperson can initiate judicial or administrative proceedings to address such violations and can also participate in the legislative process, including through participating in parliamentary debates and reviewing legislative proposals, in order to promote the human rights of citizens.

Much of the work of the Ombudsperson in recent years has concerned environmental issues, including the constitutional right to a healthy and ecologically balanced environment. In 2011, of the 3,305 cases received by the Office of the Ombudsperson, 311 concerned the right to a healthy environment. In approaching those cases, the main function of the Ombudsperson has been to promote the active participation of representatives of civil society and to monitor the performance of government institutions.

Further Information: The law establishing the Ombudsperson can be found at: Office of the Ombudsperson Act (Ley de la Defensoría de los Habitantes de la República) (No. 7319) 7 Nov. 1992, arts. 1 and 2: www.dhr.go.cr/.[www.dhr.go.cr/](http://www.dhr.go.cr/); see also the website of the Ombudsperson: [www.dhr.go.cr/la\_defensoria/informes.html](http://www.dhr.go.cr/la_defensoria/informes.html); 2012–2013 Annual Report of the Ombudsperson: [www.dhr.go.cr/la\_defensoria/informes.html](http://www.dhr.go.cr/la_defensoria/informes.html). See also Report of Independent Expert on Mission to Costa Rica: <http://www.ohchr.org/EN/Issues/Environment/IEEnvironment/Pages/Countryvisits.aspx>.