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The Brasilia Rules: Access to Justice for Vulnerable People

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ABSTRACT

The implementation of the Brasilia Rules is essential to ensure access to justice for vulnerable people in Latin America. This study was qualitative in nature, descriptive-analytical in type, based on documentary and jurisprudential analysis of academic research published in indexed scientific journals, which were processed using the Atlas.ti qualitative data analysis program. To interpret the results, categories of analysis were used, such as structural barriers, judicial inclusion, institutional will, judicial training, perceived impact, and regulations. Although the Rules have been formally incorporated into national regulatory frameworks, structural inequalities, institutional resistance, and technological gaps persist, especially in rural areas. Similarly, the countries analyzed also face significant challenges, such as territorial inequality in implementation, lack of resources, and the absence of sustained public policies. There has been evidence of regulatory inflation with practical deficits and weak sustainability of the measures adopted. Effective access to justice still depends on political will, budget allocation, and ongoing training. The Brasilia Rules represent progress, but their real impact requires coordinated implementation, with citizen participation and constant external evaluation.

Keywords: human rights; Brasilia Rules; inclusiveness; justice; vulnerability.

Las Reglas de Brasilia: acceso a la justicia para las personas en situación de vulnerabilidad

RESUMEN

La implementación de las Reglas de Brasilia es fundamental para asegurar el acceso a la justicia de las personas en situación de vulnerabilidad en América Latina. Este estudio fue de enfoque cualitativo, de tipo descriptivo-analítico, basado en el análisis documental y jurisprudencial de investigaciones académicas publicadas en revistas científicas indexadas, las cuales fueron procesadas mediante el programa para el análisis de datos cualitativos Atlas.ti. Para la interpretación de los resultados se utilizaron categorías de análisis, como barreras estructurales, inclusión judicial, voluntad institucional, formación judicial, impacto percibido y normativa. Aunque se han incorporado formalmente las Reglas en los marcos normativos nacionales, persisten desigualdades estructurales, resistencia institucional y brechas tecnológicas, especialmente en zonas rurales. Así mismo, respecto a los países analizados, estos también presentan importantes desafíos, como la desigualdad territorial en la aplicación, la falta de recursos y la ausencia de políticas públicas sostenidas. Se ha evidenciado una inflación normativa con déficit práctico y una débil sostenibilidad de las medidas adoptadas. El acceso efectivo a la justicia aún depende de la voluntad política, la asignación presupuestal y la formación continua. Las Reglas de Brasilia representan un avance, pero su impacto real requiere una implementación articulada, con participación ciudadana y evaluación externa constante.

Palabras clave: derechos humanos; Reglas de Brasilia; inclusividad; justicia; vulnerabilidad.

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INTRODUCTION

Access to justice is a guiding principle of the rule of law and a condition for the effective exercise of human rights. Nevertheless, millions of people in Latin America face systematic obstacles to asserting their rights before judicial systems, especially those in situations of vulnerability, such as women, children, persons with disabilities, Indigenous peoples, persons deprived of liberty, and migrants, among others. In this context, the Brasilia Rules emerged as a response by the Ibero-American judiciary to the need to establish common standards to guide the treatment of these populations within judicial proceedings. More than a decade after their adoption, it is pertinent to assess their implementation and the persistent challenges in the region.

This normative instrument is key because it recognizes that judicial systems constitute the last resort for citizens in the defense of their rights, being especially relevant for those who face multiple barriers. As stated by the Ibero-American Judicial Summit (2014), the Brasilia Rules do not offer a closed definition of vulnerability, but rather identify factors that may constitute it, without excluding others that may arise according to the particularities of each country.

In Latin America, judicial systems still present limitations in guaranteeing effective and equal access for vulnerable persons. Factors such as disability, gender discrimination, poverty, structural violence, and cultural or linguistic barriers continue to hinder the full exercise of rights (Conferencias Magistrales, 2024). In the same line, Hurtado (2024) emphasizes that these rules seek to ensure that no person is deprived of judicial protection due to reasons of vulnerability. Added to this is the precedent of the case *Airey v. Ireland* (1979), cited by Pezo et al. (2024), in which the European Court of Human Rights condemned the existence of legal and economic barriers that prevented persons of limited resources from fully exercising their right to justice.

At the regional level, different experiences have been developed. In Colombia, the Constitutional Court has developed a robust line of jurisprudence in this area, using the Brasilia Rules as a hermeneutical parameter in emblematic cases related to forced displacement (Judgment T-025/04), women victims of sexual violence (Judgment T-301/16), and the prison population (Judgment T-762/15). These decisions have promoted the creation of judicial protocols to guarantee preferential treatment, reinforced protection, and material accessibility to justice services. Along the same lines, Redondo (2019) reports a substantive review of traditional judicial procedures, including the implementation of free legal assistance, specialized training, and procedural adjustments.

In Mexico, the Federal Judiciary has developed complementary normative instruments that strengthen the application of these rules. Among them, the general guidelines for the performance of jurisdictional personnel in cases involving persons in situations of vulnerability stand out (Federal Council of the Judiciary, 2020), which order reasonable adjustments in judicial proceedings, as well as the use of clear language, free legal assistance, and the implementation of differentiated protection measures. These guidelines have been reinforced by the jurisprudence of the Supreme Court of Justice of the Nation, such as *Amparo en Revisión 356/2020*, which emphasizes that the omission of procedural adjustments in favor of persons with disabilities constitutes a form of structural discrimination. In addition, Barahona and Barzola (2024) highlight, nevertheless, the progress in the design of a more inclusive legal system, with attention to structural inequalities, which has generated more equitable conditions for access to justice.

In Argentina, Carrera and Escalante (2017) document an implementation process that has included training in human rights, free access to justice, and reforms in procedures to address vulnerable groups. Despite these advances, the study identifies persistent resistance by some judicial operators to adapt their practices, as well as the lack of specific normative requirements that guarantee the uniform application of the Rules.

Similarly, in Brazil, Gonet (2020) highlights that the Brasilia Rules have driven transformations aimed at the inclusion of persons traditionally excluded from the system, such as Indigenous peoples, persons with disabilities, or victims of violence. Fernández (2019) adds that, although specialized services such as family courts and free legal support centers have been created, the effective application of the rules presents significant limitations in rural areas, where geographic and economic barriers persist.

In the Peruvian context, the Judiciary of Peru (2020) approved Administrative Resolution No. 000198-2020-CE-PJ, through which the mandatory incorporation of the Brasilia Rules as an interpretative standard for judges at all levels is established. Likewise, Cassation No. 1672-2017/Puno (2017) established that the principle of equality implies an active duty of the State to remove barriers that prevent the exercise of fundamental rights, with special emphasis on persons with disabilities, women victims of violence, and Indigenous populations.

Despite these advances, Latin American judicial systems continue to show significant limitations in complying with international standards. In many cases, inclusion measures are adopted partially, lack budgetary sustainability, or are implemented without clear mechanisms for monitoring and evaluation. Added to this is institutional resistance to change, fueled by entrenched bureaucratic practices, limited specialized training, and a legal culture centered on procedural formalism. This situation generates a gap between the normative recognition of the right to justice and its effective exercise, especially for historically marginalized sectors.

Normative impact of the Brasilia Rules

The Brasilia Rules have had a significant impact on the protection of the human rights of persons in situations of vulnerability, by constituting a normative framework aimed at facilitating their effective access to justice. According to Argés (2018), these rules make it possible to overcome obstacles derived from social, economic, or physical conditions that prevent the full exercise of rights. For their part, Balanta et al. (2014) highlight that one of the fundamental axes of the document is the training of judges and legal operators, who must be trained to adequately attend to vulnerable sectors. This approach has contributed to strengthening social justice in the region, not only by facilitating the entry of these persons into the judicial system, but also by promoting dignified and respectful treatment. However, as Timana and Vega (2023) point out, significant challenges still persist in the effective implementation of the rules, such as the scarcity of resources, the lack of institutional will, and resistance to change in some judicial bodies.

Likewise, Dabove (2024) states that the normative framework of the Brasilia Rules is grounded in the principles of equality, non-discrimination, and universal access to justice. This legal basis makes it possible to establish clear guidelines that guide the adaptation of procedures and promote the gratuity of legal assistance for persons with disabilities, Indigenous peoples, and older adults. Hasanbegovic (2016) complements this view by highlighting the importance of raising awareness among judicial actors regarding the rights of these groups, as a key step toward a more just and inclusive system.

The Brasilia Rules and judicial inclusion

The Brasilia Rules constitute a key tool to promote the judicial inclusion of persons in situations of vulnerability. Through the establishment of clear guidelines and adaptive procedures, this normative framework seeks to ensure that judicial systems adequately respond to the particular needs of those who face conditions of disadvantage, such as persons with disabilities or belonging to Indigenous peoples (Ramírez, 2021).

This set of rules proposes concrete measures, such as the provision of free legal assistance, the simplification of legal procedures, the specialized training of justice system operators,

and the application of an easy-to-read format (Peña, 2018). These actions not only allow vulnerable sectors to access the judicial apparatus, but also ensure the effective and full exercise of their rights (Inter-American Court of Human Rights [IACtHR], 2008).

In this sense, their application becomes a catalyst for strengthening a more inclusive justice in Latin America. The regulation seeks to remove structural obstacles such as economic, cultural, or institutional barriers, which have historically marginalized certain social groups. According to Sousa (2020), this approach aims to ensure that justice is truly affordable, reachable, and equitable. Likewise, the United Nations Development Programme (UNDP, 2005) highlights the need to reduce access gaps, especially among persons in conditions of poverty, whose relationship with the judicial system is often nonexistent or merely formal.

Law and condition of vulnerability

The link between law and vulnerability is fundamental to understanding how normative systems that seek to protect those who are in conditions of disadvantage should be structured. According to Bregaglio (2014) and Ramos (2019), vulnerability is not limited to the inability to access justice, but also implies the existence of barriers that restrict the full exercise of rights, which is directly related to the principle of non-discrimination.

Jabur (2021) states that the right to justice must be guaranteed through adaptive mechanisms that prevent any form of exclusion. Legal norms must, therefore, assume a reparative function in the face of structural inequalities, ensuring that the condition of vulnerability does not become an additional factor of marginalization.

In the Latin American context, characterized by profound economic and social gaps, poverty is configured as one of the main causes of vulnerability (Salazar, 2022). Although the region is not the poorest in the world, it is considered the most unequal, which generates systematic conditions of exclusion and marginalization for vast sectors of the population. Ribotta (2012) emphasizes that, in the face of these situations of real inequality, it is indispensable to apply compensatory measures that eliminate the barriers that prevent an effective defense of fundamental rights.

From a broader perspective, the Constitutional Court of Peru (2004) highlights the importance of preserving fundamental rights in contexts of economic, health, or social crisis, where the most vulnerable population is doubly affected. In addition, the Brasilia Rules introduce the intersectionality approach as a tool to understand how different forms of discrimination intertwine and reinforce each other (Carastathis, 2016; Grzanka, 2019). This concept, developed by Kimberlé Crenshaw and adapted to legal analysis in Latin America (Cho et al., 2013), makes it possible to make visible how factors such as poverty, gender, ethnicity, or disability interact to create complex forms of exclusion (Romero, 2018).

As Burgos (2013) maintains, each country must delimit its own criteria of vulnerability according to its social, cultural, and economic development. In this sense, situations such as migration, victimization, disability, belonging to an Indigenous people, or deprivation of liberty represent particularly sensitive conditions (Ruiz, 2012). Deprivation of liberty, in particular, implies an aggravated form of vulnerability, recognized both by the inter-American system and by European human rights standards (Bernales, 2019).

Díaz (2018) and Espinosa (2015) also agree that vulnerability is closely related to risk, understood as a situation of fragility in the face of adverse contexts that can generate serious and sustained consequences over time. The breakdown of social equilibrium exposes certain persons to continuous cycles of exclusion, which requires urgent and differentiated institutional responses.

El desafío de garantizar la justicia para todos

Full and equitable access to justice continues to be one of the main challenges for legal systems in Latin America. Despite normative advances in the field of human rights, structural barriers persist that hinder the effective exercise of fundamental rights by groups in situations of vulnerability. These barriers are not only material or institutional, but also symbolic and hierarchical, which contributes to perpetuating the exclusion of those who are in social, economic, or physical disadvantage. In view of this, the Brasilia Rules emerge as an essential instrument aimed at reversing such inequalities through concrete measures, such as the simplification of judicial procedures, free legal assistance, and specialized training of legal operators (IACtHR, 2008).

One of the main challenges identified is the social gap between those who administer justice and those who need to access it. García (2019) warns that many judicial actors come from middle- or upper-income sectors, with privileged access to formal education, which generates a sociocultural distance from vulnerable sectors, mostly impoverished (Oviedo, 2022). This distance is also manifested in the technical language used during proceedings, which is incomprehensible to many citizens, becoming yet another barrier generated by the judicial system itself. Consequently, exclusion is not only an effect of poverty, but also of an institutional design that does not consider the real conditions of those who seek justice.

In the field of criminal enforcement, the IACtHR has recommended the implementation of reasonable accommodations in procedures when persons with disabilities are involved, in order to suppress barriers that prevent the effective exercise of their rights. Molina (2005) highlights that Mexican regulations have incorporated these recommendations, recognizing the special situation of persons with disabilities deprived of liberty. Likewise, the Inter-American Commission on Human Rights (IACHR, 2021) underscores that factors such as ethnic origin and socioeconomic level continue to be causes of inequality in judicial treatment.

In this context, the present study set as its objective the analysis of the implementation of the Brasilia Rules in access to justice for persons in situations of vulnerability in Latin America, given that these rules are promoted by the Inter-American Court of Human Rights, which seeks to ensure that judicial apparatuses provide sufficient conditions for all persons, regardless of their socioeconomic, physical, or mental status, with the purpose that they may enjoy their fundamental rights.

Similarly, this study is justified by its social and practical relevance, since the impact of the Brasilia Rules is important, not only because they recognize the existence of systematic obstacles that prevent access to justice for persons in our society, but also because, in addition, they promote specific measures to overcome them, such as the implementation of free legal assistance, the adaptation of legal procedures to the needs of vulnerable persons, and mechanisms for the creation of protection for persons immersed in these vulnerable groups. Therefore, in this way, the Brasilia Rules reflect a crucial and significant progress toward the attainment of equitable and inclusive justice, which contributes to equality of rights and human dignity in the context of justice available to all (Valdez et al., 2021).

This study is framed within a qualitative descriptive-analytical approach, based on documentary and jurisprudential analysis and on the inductive interpretation of primary and secondary sources. The type of research of the present study emphasized, as indicated by Veiga et al. (2008), which states that “the main characteristic of descriptive studies is that they are limited simply to ‘drawing’ the phenomenon studied, without attempting to establish any causal relationship over time with any other phenomenon, for which we would need to resort to an analytical study” (p. 83). This qualitative research, as noted by Piña (2023), allowed us to analyze, interpret, and understand a given reality; likewise, it provided us with an understanding of intersubjectivity, as a procedure to reach the truth of a reality.

The research was temporally delimited to the period between 2008 and 2024, considering from the formal approval of the Brasilia Rules to a series of recent studies and pronouncements that evidence their application or limitations in various countries of Latin America. The geographic scope of the study focused on Latin America, with specific references to countries such as Colombia, Mexico, Argentina, Brazil, and Peru, where relevant experiences have been developed regarding the implementation of these rules. Guerrero et al. (2017) maintain that the study scenario will allow the researcher to approach and know its organization, characteristics, and functioning, proposing the study procedure to be carried out and immersing themselves within the phenomenon for its better understanding. A non-probabilistic intentional sampling was used, selecting normative documents, judicial rulings, and indexed scientific articles that had direct relevance to the axes of analysis: access to justice, structural vulnerability, and judicial application of the Brasilia Rules. The sources were chosen for their legal relevance, currency, reliability, and geographic diversity.

Atlas.ti 23 *software* was used as a qualitative analysis tool and as a powerful data repository (Otzen and Manterola, 2017). The documents were coded according to a system of emergent and predefined categories: measures of judicial inclusion, structural barriers, perceived impact, institutional will, training of operators, and regulation. The coding process allowed the identification of convergences and conceptual relationships, which facilitated the construction of analysis matrices between countries. The categorization technique followed a mixed logic (deductive-inductive), allowing the validation of the indicated categories. The data obtained were triangulated with jurisprudential analysis and the theoretical framework of human rights.

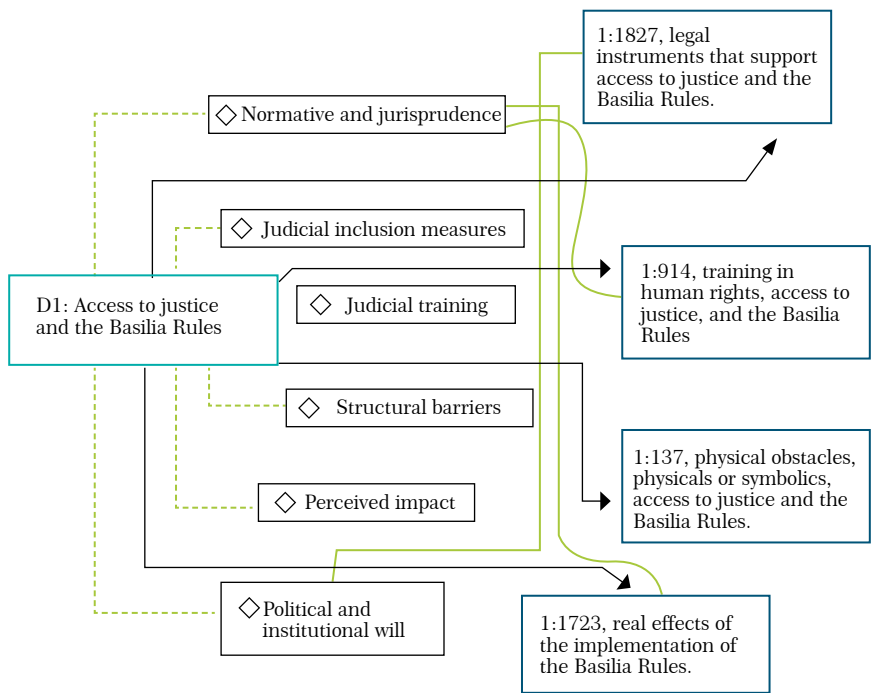
Below, the matrix of categories used to carry out an organized analysis is presented, thus facilitating the identification of co-occurrences among factors that affect access to justice for persons in situations of vulnerability (see Table 1).

Table 1
Category matrix

Category	Subcategories	Operational description
Structural barriers	Economics. Linguistics. Geographicals. Disability.	Physical, social, or symbolic obstacles that prevent equal access to justice.
Judicial inclusion measures	Specialized courts. Free legal assistance. Mobile courts.	Positive actions that adapt the judicial system to the needs of vulnerable persons.
Judicial training	Training in human rights. Intersectionality. Plain language.	Educational processes directed at judges and operators regarding the rights of vulnerable populations.
Institutional will	Assigned budget. Administrative resolutions. Strategic plans.	Concrete state decisions to implement the Brasilia Rules.
Perceived impact	Improvement in access. Persistent inequality. Obstacles in rural areas.	Real effects of the implementation of the Brasilia Rules in different countries.
Regulatory framework and case law	Relevant judgments. National regulations. International treaties.	Legal instruments that support access to justice and inclusion.

This matrix not only allowed the structured analysis of the content, but also the generation of a semantic network through the Atlas.ti tool, identifying patterns of relationship between structural barriers, social obstacles, legal instruments, and the real perceived impact (see Figure 1).

Figure 1
Semantic network of the study categorization



From the content analysis conducted with Atlas.ti, the following concept cloud was obtained. The words with larger size reflect a high frequency and semantic centrality in the corpus, highlighting terms such as “person,” “right,” “justice,” “access,” and “obstacle,” which guided the subsequent coding and analysis process (see Figure 2).

Figure 2
Concept cloud



The concept cloud made it possible to identify the central nodes of the legal and normative discourse around the Brasilia Rules, which were organized into analytical categories. Below, the main findings are presented, distributed around these categories, followed by a comparative discussion with previous studies and regional contexts.

The application of qualitative analysis made it possible to identify various categories that reflect the advances and limitations in the implementation of the Brasilia Rules in Latin American countries. It was evidenced that, although there is a formal incorporation of these rules into national normative frameworks, significant structural barriers persist that limit real access to justice for people in situations of vulnerability. These barriers include economic, linguistic, and geographic obstacles, especially in rural or hard-to-reach areas, as has been observed in Amazonian regions of Peru and Andean areas in Colombia.

There is a diverse panorama regarding strategies for judicial inclusion and overcoming structural barriers. Although Colombia, Mexico, Argentina, Brazil, and Peru have formally incorporated the rules into their normative frameworks, levels of practical effectiveness vary substantially and the coverage of these actions is still fragmented; moreover, they often depend on specific initiatives rather than sustained institutional policies. Mexico, for example, has built a significant normative framework, such as the Comprehensive Justice Centers for Women, but faces serious challenges in the effective application of these structures, especially in contexts where structural discrimination remains present.

In Peru and Colombia, initiatives such as mobile courts and free legal assistance stand out, although their scope continues to be limited by geographic, cultural, and budgetary conditions. In Argentina, despite the existence of specialized courts and legal reforms aimed at addressing vulnerable groups, institutional resistance is evident, preventing their uniform application. While in Brazil the strengthening of public defender offices and the implementation of free legal services stand out, regional inequalities also persist that limit their coverage. Despite this, these practices have not managed to consolidate homogeneously throughout the region.

With regard to the training of judicial operators, a tendency was observed to offer training focused on human rights, gender, and diversity. However, such efforts are presented sporadically and are generally not mandatory. As Aarón et al. (2016) point out, isolated training processes do not guarantee a structural change in institutional practices, as they often face cultural resistance within the judicial apparatus. Thus, the lack of continuous training and an intersectional approach contributes to the persistence of discriminatory practices, even when protective norms exist.

In this context, it is pertinent to point out a regional paradox: despite the increase in norms that promote equity and inclusion, the practical effectiveness of these provisions remains limited. Hurtado (2024) refers to this phenomenon as normative inflation with a practical deficit; a situation that generates a high level of social frustration, particularly when the expectations generated by the enactment of norms are not reflected in tangible changes. This gap is especially evident in countries such as Mexico, where, despite institutional advances, complaints of revictimization or discriminatory treatment in the judicial process persist.

Another relevant aspect relates to the use of technological tools to improve access to justice. Although the development of digital platforms, accessible forms, or the holding of virtual hearings has represented an advance in urban contexts, a significant digital divide was identified in rural, Indigenous, or connectivity-limited communities. Studies conducted by UNDP (2022) and the IACHR (2023) confirm this tension between technological innovation and inequality of access, which reinforces the need to implement hybrid models that combine technology with in-person strategies, such as mobile courts or judicial buses developed in Chile.

In comparative terms, the research showed that, although the countries analyzed share a common narrative of commitment to human rights, they also present substantial differences in terms of institutional capacity and sustainability of public policies. This coincides with the results of the World Justice Project (2024), which positions Uruguay and Costa Rica, although they were not part of the main sample, as the countries with the highest levels of judicial accessibility in the region. This empirical evidence supports the hypothesis that sustained political will, together with specific budgets and control mechanisms, are the determining factors for an effective implementation of the Brasilia Rules.

Finally, the findings make it possible to derive both theoretical and practical implications. From a conceptual perspective, the usefulness of the intersectional vulnerability approach proposed by Crenshaw is validated, since the barriers faced by disadvantaged groups not only accumulate, but also intersect and intensify, generating complex forms of exclusion. On a practical level, the research suggests that future strategies should include earmarked budgets, external evaluation mechanisms, and active participation of civil society to ensure the sustainability of reforms. Methodologically, the triangulation of sources and the use of Atlas.ti made it possible to identify patterns of convergence between structural factors and institutional responses, which adds rigor to the analysis and opens new possibilities for comparative studies in the field of inclusive justice.

CONCLUSIONS

The qualitative analysis developed around the implementation of the Brasilia Rules in various Latin American countries allows concluding that, although this instrument has been formally adopted within national normative frameworks, its effective application faces serious structural, institutional, and cultural limitations. The research shows that access to justice for people in situations of vulnerability continues to be a transversal challenge in the region, especially when factors such as poverty, rurality, disability, gender, or ethnic belonging intersect and deepen exclusion.

The Brasilia Rules constitute a relevant normative framework to guarantee equitable access to justice for people in situations of vulnerability in Latin America. However, their practical implementation presents notable inequalities among the countries analyzed, conditioned by institutional, political, territorial, and cultural factors. Although there are valuable advances, such as free legal assistance, specialized courts, and procedural adaptation, these have not yet reached a structural and sustained dimension capable of comprehensively transforming the justice systems of the region.

One of the main conclusions reached by this work lies in the existence of a persistent gap between inclusive legal discourse and the materialization of rights in everyday practice. Despite the issuance of protocols, judicial resolutions, and training programs, results remain unequal and fragmented, largely depending on political will, allocated resources, and the operational capacity of national judicial systems.

In addition, it was found that the training of legal operators, although present in institutional plans, lacks continuity, obligatoriness, and transformative impact on professional practices. The absence of an inclusive organizational culture prevents the norm from being translated into an effective improvement in the treatment of people in situations of vulnerability. This finding reinforces the need to conceive judicial training not as an accessory component, but as a structural axis of justice system reform.

The research demonstrated that technological solutions, although they provide valuable tools to expand coverage, run the risk of reproducing new forms of exclusion if they are not accompanied by policies that guarantee connectivity, digital literacy, and accessible devices for all citizens. Therefore, it is concluded that digital innovation must go hand in hand

with community-based and itinerant justice strategies, especially in rural and multicultural contexts.

From a regional perspective, it is noted that the countries with the greatest advances in the application of the Brasilia Rules are those that have managed to articulate normative, financial, and administrative efforts in a sustained manner over time, incorporating citizen participation and external evaluation as mechanisms for continuous improvement. This conclusion supports the need to move toward models of justice that are more transparent, accessible, and co-responsible.

In sum, the Brasilia Rules represent a fundamental framework to promote inclusive and equitable justice, but their real impact will depend on the commitment of States to overcome structural inequality, strengthen democratic institutional frameworks, and ensure that no social group is excluded from the full exercise of its rights. Truly accessible justice will only be possible if it is understood that vulnerability is not a static condition, but a social construction that the law has the responsibility to transform.

Authorship contribution

IAUO: conceptualization, data curation, formal analysis, investigation, writing, review and editing.

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Conflict of interest statement

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REFERENCES

- Aarón, M., Choles, P., y Solano, A. (2016). Representación del Proceso Formativo de una institución Etnoeducativa a través de la Técnica del Modelo Gráfico y Descriptivo usando Diagramas de influencia y de Forrester. *Información tecnológica*, 27(3), 81-92. <https://dx.doi.org/10.4067/S0718-07642016000300008>
- Amparo en Revisión 356/2020. (12 de noviembre de 2014). Suprema Corte de Justicia de la Nación. https://www.scjn.gob.mx/sites/default/files/listas/documento_dos/2021-08/AR-356-2020-16082021.pdf
- Argés, J. (2018). El acceso a la justicia concebido como derecho humano imperativo (ius cogens). *Derecho global. Estudios sobre derecho y justicia*, 3(8), 73-92. <https://doi.org/10.32870/dgedj.v0i8.145>
- Balanta, P., Estrada, R., Rodríguez, F., y Rodríguez, N. (2014). *Configuración de la noción de discapacidad en un contexto de vulnerabilidad en Bogotá. Análisis interdisciplinar*. Editorial Universidad del Rosario. <https://doi.org/10.7476/9789587384758>
- Barahona, G., y Barzola, Y. (2024). La intervención social en personas con situaciones vulnerables. *Revista de Ciencias Humanísticas y Sociales ReHuSo*, 9(2), 77-91. <https://doi.org/10.33936/rehuSo.v9i2.6269>
- Bernales, G. (2019). El acceso a la justicia en el sistema interamericano de protección de los derechos humanos. *Ius et Praxis*, 25(3), 277-306. <https://dx.doi.org/10.4067/S0718-00122019000300277>
- Bregaglio, R. (2014). Alcances del mandato de no discriminación en la Convención sobre los Derechos de las Personas con Discapacidad. En Salmón, E. y Bregaglio, R. (Eds.), *Nueve conceptos claves para entender la Convención sobre los Derechos de las personas con discapacidad* (pp. 73-98). <https://www.corteidh.or.cr/tablas/32092.pdf>
- Burgos, A. (2013). El acceso a la justicia de grupos en condición de vulnerabilidad y las reglas de Brasilia. *Revista digital de la Maestría en Ciencias Penales*, (5), 349-396. <https://www.pensamientopenal.com.ar/doctrina/39356-acceso-justicia-grupos-condicion-vulnerabilidad-y-reglas-brasil>
- Carastathis, A. (2016). *Intersectionality. Origins, Contestations, Horizons*. University of Nebraska Press. <https://www.researchgate.net/publication/321992533>
- Carrera, M., y Escalante, J. (2017). Las Reglas de Brasilia. Su impacto en la jurisprudencia penal. *Revista de Derecho Penal y Criminología*, 35(1), 45-67. <https://www.pensamientopenal.com.ar/system/files/2019/12/doctrina48366.pdf>

- Casación N.º 1672-2017/Puno. (2017). Corte Suprema de Justicia de la República, Sala Penal Permanente. https://static.legis.pe/wp-content/uploads/2018/10/Casacion-1672-2017-Puno-Legis.pe_.pdf
- Cho S., Crenshaw, K., y McCall, L. (2013). Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis. *Signs. Journal of Women in Culture and Society*, 38(4), 785-810. <https://www.jstor.org/stable/10.1086/669608>
- Comisión Interamericana de Derechos Humanos (2021). *Situación de derechos humanos en Brasil* (OEA/Ser.L/V/II. Doc.9). <https://www.oas.org/es/cidh/informes/pdfs/Brasil2021-es.pdf>
- Comisión Interamericana de Derechos Humanos (2023). *Compendio sobre la reparación integral con perspectiva de género en contextos de justicia transicional* (OEA/Ser.L/V/II. Doc.23). <https://www.oas.org/es/cidh/informes/pdfs/2024/compendio-reparaciones-genero-esp.pdf>
- Conferencias Magistrales. (2024). *Las 100 Reglas de Brasilia: Herramienta fundamental para garantizar el acceso a la justicia de manera efectiva y equitativa*. Instituto Superior de la Judicatura de Panamá. https://www.cumbrejudicial.org/sites/default/files/2025-02/conferencias-magistrales-2024-reglas-de-brasil-herramienta-fundamental-para-el-acceso-a-la-justicia-de-manera-efectiva-y-equitativa-1_1.pdf
- Consejo de la Judicatura Federal. (2020). *Acuerdo general 08/2020, del pleno del Consejo de la Judicatura Federal*. https://www.cjf.gob.mx/resources/index/infoRelevante/2020/pdf/AcuerdoGeneral8_2020.pdf
- Consejo de la Judicatura Federal. (2020). *Acuerdo general 12/2020, del Pleno del Consejo de la Judicatura Federal*. https://www.cjf.gob.mx/resources/index/infoRelevante/2020/pdf/AcuerdoGeneral12_2020.pdf
- Corte Interamericana de Derechos Humanos. (2008). *Reglas de Brasilia sobre el acceso a la justicia de las personas en situación de vulnerabilidad*. <https://www.corteidh.or.cr/tablas/r30061.pdf>
- Corte Interamericana de Derechos Humanos. (2008). *Reglas de Brasilia sobre el acceso a la justicia de las personas en situación de vulnerabilidad*. <https://www.corteidh.or.cr/tablas/r30061.pdf>
- Cumbre Judicial Iberoamericana. (2014). Informe Reglas de Brasilia. *Asamblea Plenaria de la XVII Cumbre Judicial Iberoamericana*. https://www.cumbrejudicial.org/biblioteca-de-documentos?combine=reglas%20de%20brasilia&term_node_tid_depth=All&term_node_tid_depth_1=All&term_node_tid_depth_2=All&page=2
- Dabove, M. (2024). ¿Somos todos vulnerables en la vejez? Aportes de la teoría del derecho para la toma de decisiones judiciales. *Revista Derecho del Estado*, (59), 1-32. <https://doi.org/10.18601/01229893.n59.01>
- Díaz, R. (2018). Vulnerabilidad y riesgo como conceptos indisolubles para el estudio del impacto del cambio climático en la salud. *Región y sociedad*, 30(73), 0006. <https://doi.org/10.22198/rys.2018.73.a968>
- Espinosa Lara, D. (2015). *Grupos en situación de vulnerabilidad. Comisión Nacional de los Derechos Humanos* (Colección de textos sobre Derechos Humanos). Comisión Nacional de los Derechos Humanos. http://appweb.cndh.org.mx/biblioteca/archivos/pdfs/fas_CTDH_GruposVulnerabilidad1aReimpr.pdf
- Fernández, W. (2019). Protección de la familia y acceso a la justicia de los migrantes en el Perú. *Ius Humani. Revista de Derecho*, 8, 245-267. <https://doi.org/10.31207/ih.v8i0.223>
- García, S. (2019). Los sujetos vulnerables en la jurisprudencia “transformadora” de la Corte Interamericana de Derechos Humanos. *Cuestiones constitucionales*, (41), 3-34. <https://doi.org/10.22201/ijj.24484881e.2019.41.13940>
- Gonet, P. (2020). Las 100 Reglas de Brasilia y el acceso a la justicia en Brasil. *Revista Llapanchikpaq: Justicia*, 1(1), 1-20. <https://doi.org/10.51197/lj.v1i1.7>
- Grzanka, P. R. (2019). Systems of oppression. En Grzanka, P. R. (Ed.), *Intersectionality: foundations and frontiers* (pp. 1-5). Routledge. [https://www2.kobe-u.ac.jp/~alexroni/pdf/zemi%20books/Intersectionality%20A%20Foundations%20and%20Frontiers%20Reader%20by%20Patrick%20R.%20Grzanka%20\(Editor\).pdf](https://www2.kobe-u.ac.jp/~alexroni/pdf/zemi%20books/Intersectionality%20A%20Foundations%20and%20Frontiers%20Reader%20by%20Patrick%20R.%20Grzanka%20(Editor).pdf)
- Guerrero, R., Oliva, T., y Ojeda, M. (2017). Acercamiento al escenario de estudio fenomenológico en México: relato de experiencia. *Rev Bras Enferm.*, 70(4), 885-90. <http://dx.doi.org/10.1590/0034-7167-2016-0601>
- Hasanbegovic, C. (2016). Violencia basada en el género y el rol del Poder Judicial Gender-based Violence and the Role of the Judicial Power. *Revista de la Facultad de Derecho*, (40), 119-158. http://www.scielo.edu.uy/scielo.php?script=sci_arttext&pid=S2301-06652016000100006&lng=es&tlng=es
- Hurtado, G. (2024). El acceso a la justicia de las poblaciones indígenas. Una necesidad desde el lenguaje. *Lengua y Sociedad*, 23(1), 177-192. <https://doi.org/10.15381/lengsoc.v23i1.27276>

- Jabur, C. (2021). Una política «a medio camino». Reflexiones sobre la política para pueblos indígenas de contacto reciente en Brasil. *Anthropologica*, 39(47), 413-445. <https://doi.org/10.18800/anthropologica.202102.016>
- Molina, R. (2005). La Discapacidad y su Inclusión Social: Un Asunto de Justicia. *rev.fac.med.* 53(4): 259-262. http://www.scielo.org.co/scielo.php?script=sci_arttext&pid=S0120-00112005000400007&lng=en
- Otzen, T., y Manterola, C. (2017). Técnicas de Muestreo sobre una Población a Estudio. *International Journal of Morphology*, 35(1), 227-232. <https://dx.doi.org/10.4067/S0717-95022017000100037>
- Oviedo, A. (2022). Inclusión, exclusión, justicia social. *Revista Andina de Educación*, 6(1), e100. <https://doi.org/10.32719/26312816.2022.6.1.01>
- Peña, L. (2018). La sentencia en formato de lectura fácil: aplicable para todos. Hechos y Derechos, (47). <https://revistas.juridicas.unam.mx/index.php/hechos-y-derechos/article/view/12876/14426>
- Pezo, O., Choque, Y., y Calle, D. (2024). Las rutas y dinámicas sociales de las necesidades jurídicas y el acceso a la justicia para la gestión de conflictos en el sur del Perú. *Derecho global. Estudios sobre derecho y justicia*, 9(26), 201-221. <https://doi.org/10.32870/dgedj.v9i26.713>
- Piña, L. (2023). El enfoque cualitativo: Una alternativa compleja dentro del mundo de la investigación. *Revista Arbitrada Interdisciplinaria Koinonía*, 8(15), 1-3. <https://doi.org/10.35381/r.k.v8i15.2440>
- Programa de las Naciones Unidas para el Desarrollo. (2005). Manual de Políticas Públicas para el Acceso a la Justicia. América Latina y el Caribe. <http://inecip.org/wp-content/uploads/Inecip-Manual-Politicas-Publicas.pdf>
- Programa de las Naciones Unidas para el Desarrollo. (2022). Estrategia digital 2022 - 2025. https://digitalstrategy.undp.org/documents/Digital-Strategy-2022-2025-Full-Documents_ES_Interactive.pdf
- Ramírez, S. (2021). ¿Es el campo judicial un aspecto privilegiado para la lucha por los derechos indígenas en América latina? *Revista Jurídica Derecho*, 10(15), 193-208. http://www.scielo.org.bo/scielo.php?script=sci_arttext&pid=S241328102021000200011&lng=es&tln=es
- Ramos, D. (2019). Entendiendo la vulnerabilidad social: una mirada desde sus principales teóricos. *Revista Estudios del Desarrollo Social: Cuba y América Latina*, 7(1), 139-154. http://scielo.sld.cu/scielo.php?script=sci_arttext&pid=S230801322019000100139&lng=es&tln=es
- Redondo, M. (2019). El juez humanista: el nuevo guardián del derecho en el paradigma neoconstitucional. *Cuestiones constitucionales*, (40), 141-170. <https://doi.org/10.22201/ij.24484881e.2019.40.13230>
- Resolución Administrativa N.º 000198-2020-CE-PJ. Aprueban adhesión a las Reglas de Brasilia sobre Acceso a la Justicia de Personas en Condición de Vulnerabilidad, disponiendo su aplicación por todos los jueces de la República, incluidos los jueces de paz (2020, 1 de agosto). Poder Judicial del Perú. Diario Oficial El Peruano. <https://www.pj.gob.pe/wps/wcm/connect/00bf72804f9fc09abd1bbd6976768c74/R.+A.+N%C2%B0+000198-2020-CE-PJ.PDF?MOD=AJPERES&CACHEID=00bf72804f9fc09abd1bbd6976768c74>
- Ribotta, S. (2012). Reglas de Brasilia sobre Acceso a la Justicia de las Personas en Condición de Vulnerabilidad. Vulnerabilidad, pobreza y acceso a la justicia. *Revista Electrónica Iberoamericana*, 6(2), 1-37. https://www.urjc.es/images/ceib/revista_electronica/vol_6_2012_2/REIB_06_02_04Ribotta.pdf
- Romero, M. (2018). *Introducing intersectionality*. Polity Press. https://www.politybooks.com/bookdetail?book_slug=introducingintersectionality--9780745663661
- Ruiz, N. (2012). La definición y medición de la vulnerabilidad social. Un enfoque normativo. *Investigaciones geográficas*, (77), 63-74. http://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S0188461120120010100006&lng=es&tln=es
- Salazar, J. (2022). 100 reglas de Brasilia: Propuestas para asegurar el derecho de acceso a la justicia de las personas en condiciones de pobreza. *Rev. investig. cient. Erga omnes* 2022, 2, 1-11. <https://revistas.unh.edu.pe/index.php/rceo/article/view/87/1013>
- Sentencia del Tribunal Constitucional. (2004, 24 de marzo). Sala Primera del Tribunal Constitucional (Alva Orlandini, presidente; Aguirre Roca y Gonzales Ojeda). <https://www.tc.gob.pe/jurisprudencia/2004/00858-2003-AA.html>
- Sentencia T-025/04. (2004, 22 de enero). Agencia oficiosa en tutela-Asociaciones de desplazados. Corte Constitucional de Colombia. <https://www.corteconstitucional.gov.co/relatoria/2004/t-025-04.htm>
- Sentencia T-301/16. (2016, 9 de junio). Procedencia de tutela para amparar el derecho a la IVE. Corte Constitucional de Colombia. <https://derechoalaborto.com/conoce-las-sentencias/sentencia-t-301-de-2016/>

- Sentencia T-762/15. (2015, 16 de diciembre). Desarticulación de la Política criminal. Corte Constitucional de Colombia. <https://publicaciones.eafit.edu.co/index.php/nuevo-foro-penal/article/view/4362/3646>
- Sousa, V. (2020). El acceso a la administración de justicia para las personas con discapacidad visual en Panamá. *Conrado*, 16(76), 443-447. http://scielo.sld.cu/scielo.php?script=sci_arttext&pid=S1990-86442020000500443&lng=es&tlng=es
- Timana, M., y Vega, A. (2023). Las 100 Reglas de Brasilia como herramienta para enfrentar las barreras de acceso a la justicia: el enfoque de género como factor de vulnerabilidad. *Revista Llapanchikpaq Justicia*, 5(7), 181-202. <https://doi.org/10.51197/lj.v5i7.871>
- Valdez, A., Fernández-Silva, C., Bittner, C., y Mancilla, C. (2021). Aproximaciones al concepto de vulnerabilidad desde la bioética: una revisión integradora. *Persona y Bioética*, 25(2), e2522. <https://doi.org/10.5294/pebi.2021.25.2.2>
- Veiga, J., De la Fuente, E., y Zimmermann, M. (2008). Modelos de estudios en investigación aplicada: conceptos y criterios para el diseño. *Med Segur Trab*, 210, 81-88. <https://scielo.isciii.es/pdf/mesetra/v54n210/aula.pdf>
- World Justice Project. (2024). *Uruguay ocupa el puesto 24 de 142 en el World Justice Project Rule of Law Index*. https://worldjusticeproject.org/sites/default/files/documents/Uruguay_ES.pdf

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