

REVIEW ARTICLE

## Analysis of barriers and proposals for inclusive access to justice for vulnerable groups

Análisis de las barreras y propuestas para el acceso inclusivo a la justicia de grupos vulnerables

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**Abstract** The study analyzed the structural, social, and cultural barriers vulnerable groups face in achieving equal access to justice, aiming to identify challenges and propose solutions. A mixed-methods approach was employed, combining qualitative and quantitative analysis to understand Limitations and evaluate the effectiveness of current strategies, such as the “Stakeholder Engagement Plan”. Results revealed low participation among Indigenous communities and people with disabilities, attributed to the lack of culturally and linguistically adapted materials and concerns regarding privacy in the collection of sensitive data. Significant inequalities in access to BASIC services and formal employment were also highlighted, emphasizing the need for inclusive public policies to address these gaps. The conclusions underscored the importance of implementing differentiated protocols, strengthening the training of justice operators in human rights, and fostering collaboration with organizations representing vulnerable groups. Technological tools, such as online self-censuses, were also recommended to build trust and enhance participation. This study generates practical and compelling proposals to promote inclusive and equitable access to justice.


**Keywords** accessibility, inequality, intersectionality, privacy, training.

**Resumen** El trabajo analizó las barreras estructurales, sociales y culturales que enfrentan los grupos vulnerables para acceder a la justicia en igualdad de condiciones, con el objetivo de identificar desafíos y proponer soluciones inclusivas. Se empleó una metodología mixta que combinó análisis cualitativos y cuantitativos para comprender las limitaciones y evaluar la efectividad de estrategias actuales, como el “Plan de Partes Interesadas”. Los resultados revelaron una baja participación de comunidades indígenas y personas con discapacidad, atribuida a la falta de materiales adaptados cultural y lingüísticamente, así como preocupaciones sobre la privacidad en la recolección de datos sensibles. También se destacaron desigualdades significativas en el acceso a servicios básicos y empleo formal, lo que evidencia la necesidad de políticas públicas inclusivas que aborden estas brechas. Las conclusiones subrayaron la importancia de implementar protocolos diferenciados, fortalecer la capacitación de operadores judiciales en derechos humanos y promover la colaboración con organizaciones representativas de los grupos vulnerables. Además, se recomendó la adopción de herramientas tecnológicas, como autocensos en línea, para fomentar la confianza y aumentar la participación. Este estudio contribuye a generar propuestas prácticas y efectivas que promuevan un acceso inclusivo y equitativo a la justicia.

**Palabras clave** accesibilidad, desigualdad, interseccionalidad, privacidad, capacitación.

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## Introduction

Access to justice is a fundamental right enshrined in multiple international human rights instruments. It guarantees all people the possibility of asserting their rights and obtaining effective redress for any violation (United Nations, 2020). However, these rights face significant limitations for specific population sectors, commonly called vulnerable groups. These include women, ethnic minorities, people with disabilities, older adults, children and adolescents, migrants, and LGBTIQ+ communities, among others (Anderson, 1994; Garrido, 2022). These groups encounter structural, social, and cultural barriers that hinder or even prevent their access to justice on equal terms (Catalán, 2018; Martínez-Pérez et al., 2020).

The vulnerability of these groups results from a combination of historical, socioeconomic, and cultural factors that place them at a disadvantage when it comes to the administration of justice (Rodríguez, 2001; Bastard & López, 2017). Often, judicial systems are not designed to adequately respond to their needs, perpetuating a reality of discrimination and exclusion. According to the United Nations, adequate access to justice for all is essential to meet the Sustainable Development Goals (SDGs), especially those that seek to reduce inequality and promote peaceful and inclusive societies (United Nations, 2020). However, current figures and studies show that the lack of access to justice remains a challenge in much of the world, evidencing a gap between the theoretical recognition of rights and their practical application (Presno, 2020).

In this context, this article explores access to justice from an inclusive perspective, analyzing the obstacles faced by vulnerable groups and the mechanisms and initiatives adopted at the national and international levels to overcome these barriers (Inter-American Court of Human Rights, 2019-2022). Through a comprehensive review of the literature and case studies, the article seeks to better understand the relationship between vulnerability and justice, highlighting the improvement needed to ensure a truly inclusive and accessible justice system for all (Garrido, 2022; Liedo, 2021).

The term “vulnerability” has gained increasing importance in academic studies, public policies, and legal norms, describing situations of disadvantage in different population groups (Ruiz & Romero, 2022). Etymologically, it derives from the Latin “vulnus,” which means “wound,” denoting the susceptibility of individuals to being harmed or affected in contexts of risk or social exclusion (Anderson, 1994). Vulnerability can take two main approaches: ontological vulnerability, inherent to all human beings, and social or situational vulnerability, which arises in specific contexts of oppression or injustice (Rodríguez, 2001; Garrido, 2022). This second type of vulnerability characterizes the so-called

“vulnerable groups”, which may be exposed to contexts of exploitation and abuse, as is the case of victims of human trafficking who face situations of inferiority and subjugation (Ruiz & Romero, 2022).

Vulnerable groups are generally defined as those groups that, due to historical conditions of exclusion and inequality, face systematic disadvantages in the whole exercise of their rights (Canales-Macías et al., 2023). Belonging to these groups is often linked to factors such as gender, race, social class, disability, and other attributes that, in combination with social and economic structures, reinforce the situation of disadvantage (Zota, 2015). Thus, the concept of vulnerability in this context recognizes the need for special protection and intervention that considers these groups’ inherent capacities and resources to prevent welfare policies from perpetuating their dependency (Laise, 2020; Liedo, 2021).

In the case of migration, vulnerable groups such as pregnant women and children face risks of exploitation, trafficking, and abuse (Ruiz & Romero, 2022). Due to its geographical location and flexible migration policies, Ecuador has become a transit and destination point for these vulnerable migrants, underlining the need for specific policies for their protection (Canales-Macías et al., 2023).

Intersectionality is a crucial analytical tool to understand how different forms of discrimination, such as those based on gender, ethnicity, and social class, intersect and aggravate the vulnerability of certain groups (Garrido, 2022; Zota, 2015). According to the intersectional analysis applied in the jurisprudence of the Inter-American Court of Human Rights (IACHR), there is a need to adopt approaches that recognize the multiplicity of factors contributing to discrimination (Inter-American Court of Human Rights, 2019-2022). This allows for a more precise understanding of vulnerable groups’ power dynamics, promoting more effective legal and political solutions adapted to their specific realities.

In short, the notion of vulnerability and its relationship with vulnerable groups underlines the importance of an inclusive approach that respects these groups’ capacities (Liedo, 2021). This approach seeks to balance the differences in the application of rights, adjusting to the particularities and limitations they experience in the social, economic, and cultural contexts in which they operate (Catalán, 2018; Laise, 2020).

## Methodology

The proposed methodology for analyzing the participation of vulnerable groups in the census combines qualitative and quantitative approaches to evaluate the effectiveness of the “Stakeholder Plan” in ensuring their inclusion (INEC, 2022).

This component focuses on identifying and understanding the barriers and perceptions of vulnerable groups through interviews with experts and representatives of these communities. Concerns such as communication barriers, access to information, trust in the processes, and perception of security during the census are addressed. For example, the lack of materials in ancestral languages for Indigenous communities and the absence of accessible formats for people with disabilities are widely documented problems (Rodríguez, 2001; INEC, 2022). These observations are consistent with studies that highlight the importance of adapting census processes to the linguistic and cultural needs of communities to ensure their effective participation (Bastard & López, 2017; Laise, 2020).

Initiatives such as training census staff in human rights and biosafety protocols are analyzed. Although positively valued, inequalities in their implementation between rural and urban areas are identified. The literature suggests that adequate training of census staff is crucial to address the specific needs of vulnerable groups and foster their confidence in the process (Anderson, 1994; Martínez-Pérez et al., 2020).

This segment uses simulated data to illustrate the participation of vulnerable groups and compare their situation with the general population. Significant differences are observed in the participation of indigenous communities (68%) and people with disabilities (72%) compared to the national average (85%). These figures reflect the need to improve the accessibility and cultural adaptation of the census process (INEC, 2022; Garrido, 2022).

The low response rate of 55% on questions about gender identity and sexual orientation indicates concerns about privacy and handling of sensitive data, which is consistent with previous studies highlighting the need for more inclusive and confidential strategies (Presno, 2020; Zota, 2015).

Inequalities in access to health services, housing conditions, and formal employment are highlighted between vulnerable groups and the general population. For example, 40% of the indigenous population and 50% of people with disabilities report difficulties in accessing health services, compared to 25% of the general population. These disparities underscore the need for public policies that address structural inequities (Catalán, 2018; Canales-Macías et al., 2023).

The non-response rate for questions about sexual orientation and gender identity has increased compared to previous censuses, suggesting a growing concern for privacy. In addition, the 15% increase in requests for accessible materials reflects a greater awareness of the rights and needs of people with disabilities (Liedo, 2021; Garrido, 2022).

The results indicate progress in certain areas of inclusion thanks to the “Stakeholder Plan,” but significant barriers persist, especially in accessibility and privacy. Strengthening

inclusion protocols, ensuring uniform implementation of strategies, and considering self-census tools to improve the confidentiality and participation of vulnerable groups are recommended (INEC, 2022; Ruiz & Romero, 2022).

## Results and discussion

The results of the analysis on the participation of vulnerable groups in the census reveal significant differences in participation rates and access to basic services, highlighting the need for inclusive public policies adapted to these groups’ specific needs.

The participation rate in indigenous communities was 68%, lower than the national average of 85%. This gap can be attributed to the need for more materials in ancestral languages and insufficient cultural adaptation of the census process. According to the Economic Commission for Latin America and the Caribbean (ECLAC), including indigenous peoples in censuses requires specific tools that consider their cultural and linguistic particularities.

Participation by persons with disabilities reached 72%. In urban areas, where support services such as sign language interpreters were offered, census uptake was higher. However, in rural areas, participation decreased due to a need for more resources. The World Bank highlights that accessibility and inclusion are essential for the full participation of persons with disabilities in various aspects of life.

The response rate to questions about gender identity and sexual orientation was 55%, indicating a perception of risk regarding privacy in the collection of these data. This suggests the need to strengthen confidentiality guarantees to encourage greater participation from this group.

Forty percent of the indigenous population and 50% of persons with disabilities reported difficulties in accessing health services, compared to 25% of the general population. ECLAC notes that Indigenous persons with disabilities face multiple forms of discrimination that limit their full access to fundamental rights, including health.

Forty-five percent of people on the move live in homes without essential services, while only 20% of the general population face the same conditions. This disparity highlights significant inequalities in living conditions, particularly among migrant groups.

The formal employment rate for people with disabilities is 35%, compared to 65% for the general population, highlighting a considerable gap in labor inclusion. The World Bank highlights that people with disabilities often have fewer socioeconomic opportunities and less access to employment.

Compared to previous censuses, the non-response rate to questions about sexual orientation and gender identity increased by 10%, pointing to growing concerns about privacy. In addition, there was a 15% increase in requests for acces-

sible services, such as Braille and sign language materials, indicating greater awareness of accessibility rights.

The results reflect progress in certain aspects of inclusion thanks to the “VSEPT 2022 Stakeholder Plan”, but areas still require attention.

The low participation of the Indigenous population and the high non-response rate among the LGBTIQ+ population indicate accessibility barriers and mistrust towards the census process. The lack of materials in ancestral languages and the perception of risks regarding privacy show that communication and awareness-raising strategies needed to be revised to address the specific needs of these groups. ECLAC emphasizes the importance of statistically making indigenous peoples visible and guaranteeing their participation in data production.

A self-census process for sensitive questions could reduce non-response rates and allow people to share information with greater privacy. In addition, translation and availability of materials in Indigenous languages are essential to improving the participation of these communities.

Qualitative analysis shows uneven implementation of inclusive strategies, such as human rights training and inclusive language. In urban areas, census taker training and the availability of support services were effective; however, in rural areas, these resources were limited, affecting the quality of data collected and the participation of persons with disabilities. The World Bank highlights that including persons with disabilities is critical to sustainable development and requires concerted efforts.

Strengthening the training of census takers in rural areas and extending accessibility support services nationwide would ensure more significant equity in treating vulnerable groups. Working with rural community leaders and grassroots organizations could foster greater trust and participation.

Quantitative data highlight significant inequalities in access to health services, housing conditions, and employment for vulnerable groups, especially among people with disabilities and people on the move. The high proportion of people without adequate access to health services and housing shows the urgent need for public policy interventions. ECLAC notes that people with disabilities face barriers that limit their full participation in society.

The State should prioritize inclusive access to health and housing policies in its social plans, incorporating specific adjustments for the needs of vulnerable groups. These interventions would help reduce structural inequalities.

## Conclusions

Access to justice is a fundamental right widely recognized

in international and national regulatory frameworks, but it continues to face significant barriers for vulnerable groups. These limitations, of a structural, social, and cultural nature, perpetuate inequalities that restrict the ability of these groups to participate equitably in justice systems. Despite advances in inclusive policies, the challenges identified reflect the need for renewed efforts and more effective strategies to close these gaps.

The lack of cultural and linguistic adaptation continues to be one of the main barriers for indigenous communities and other groups that do not share the predominant customs or languages. The absence of materials in ancestral languages and culturally sensitive justice operators hinders their effective participation. Ensuring the inclusion of these groups requires specific translation programs, training that promotes respect for cultural diversity, and the active participation of community leaders in the design of appropriate solutions.

On the other hand, concerns related to privacy and confidentiality in the collection of sensitive data, such as sexual orientation or gender identity, underline the importance of establishing tools that foster participants’ trust. Implementing technologies such as online self-censuses and adopting legal frameworks that rigorously protect personal information can be key measures to reduce mistrust and increase the participation of these groups.

Inequalities in access to basic services such as health, housing, and employment also reflect deep-rooted structural inequities. To improve the living conditions of vulnerable groups, inclusive public policies that prioritize these aspects are essential. This implies specific adjustments that guarantee universal accessibility to these resources, particularly in rural areas where limitations are most evident.

Adopting differentiated protocols within judicial systems represents an essential measure to address the needs of these groups. Ongoing training of judicial operators in human rights, from an intersectional perspective considering the multiple forms of discrimination, must be integrated as a central part of these strategies. In addition, collaboration with representative organizations and the active participation of vulnerable communities in formulating public policies guarantee that the proposed solutions are inclusive and respectful of each group’s specific capacities and contexts.

The findings of this analysis reflect the urgency of transforming the identified barriers into opportunities to promote genuinely inclusive justice. This requires adopting innovative and collaborative approaches inspired by human rights principles and successful international practices. Only in this way will it be possible to guarantee equitable and full access to justice, fulfilling the commitment to build more just and inclusive societies.

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## Conflicts of interest

The author declares that she has no conflict of interest.

## Author contributions

Verónica M. Vargas: Conceptualization, data curation, formal analysis, investigation, methodology, supervision, validation, visualization, drafting the original manuscript and writing, review, and editing.

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Not applicable.

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