

Index

- abortion, 11, 16, 114, 125, 132–134, 267–269, 272, 300, 303
- access to justice, 14, 48, 56, 75, 118, 122, 307–308
- Acevedo Buendía v. Peru*, 166–168, 181–182
- ACHR. *See* American Convention on Human Rights
- Act 201 of 1959 (*Ley 201 de 1959*) (Colombia), 227
- adjudication, 5–16, 114
- categorical, 12, 14–15
- constitutional, 3, 12–13, 81, 112, 160, 293, 314
- equality-based, 12, 185–189
- proportionality-based, 5, 8, 10, 95, 293, 297
- rights, 10, 12, 21, 23–27, 30, 40, 47, 62, 64, 83–87, 212, 280, 294
- supranational, 286–287
- Álvarez Villanueva v. Ministerio de Defensa*, 99
- American Convention on Human Rights
- Article 1.1, 168, 172, 185–187, 189–193, 197–199, 203
- Article 2, 200
- Article 10.1, 174
- Article 17.4, 186
- Article 17.5, 186
- Article 23.1, 186
- Article 24, 186
- Article 26, 11, 161–172, 181
- amparo*, 65, 314
- recurso de amparo*, 309, 314
- amparo directo*, 67, 77
- amparo en revisión*, 67–69, 72–76, 86
- arbitrariness, 4–5, 62, 83, 92, 95, 108, 117, 290
- arbitrary, 34, 71, 83, 85, 92, 95, 116, 186, 259, 321
- treatment, 189–197, 204
- Argentina, 3, 5, 9, 15, 21–40, 192, 249, 278, 297, 314, 319
- armed conflict, 4–5, 226–227, 236. *See also* peace, Colombia
- Arriola case*, 31–32
- Artavia Murillo and Others (In Vitro Fertilization) v. Costa Rica*, 188, 200
- Atala Riffo and Daughters v. Chile*, 186, 193–194, 196, 203
- autonomy, 27, 38–39, 101, 133, 157, 251–252. *See also* free development of personality
- moral, 100–101, 251
- personal, 30–32, 77, 79
- balancing, 2, 4, 9, 29, 41, 45–49, 53–54, 58, 61, 67, 88, 96–98, 101, 121, 127, 131, 210–211, 214, 223, 242, 261, 266, 282
- proportionality in the narrow sense, 34
- contradictory, 104–106
- implicit balancing, 33, 90
- law of balancing, 38–39, 46
- of rights, 46
- principle of balancing, 46
- test, 22, 246, 250
- unnecessary, 106–108
- bandos*, 113
- Barbani Duarte and Others v. Uruguay*, 191–192
- Bello, Andrés 316
- Bolivia, 164, 187, 278, 317
- Brazil, 5, 12, 16, 203, 205–219, 282, 314, 319
- buen vivir*, the good life regime (*régimen del buen vivir*), 42, 61. *See also* *sumac kawsay*
- burden
- of allegation, 283, 285, 287
- of argumentation, 14, 16, 32, 291–293, 306
- of justification, 30, 38–39, 115, 158
- of persuasion, 189, 193, 197, 293–294
- of pleading, 293, 295–296
- of proof, 15, 29, 82, 158, 179–180, 289–308

- Carol Luz Sáenz Contreras v. Director Zonal Lima-Callao del SENATI*, 104
- Castañeda Gutman v. Mexico*, 14, 283–288
- categoricalism, 312, 318–319, 322
- CEDAW. *See* Convention on the Elimination of All Forms of Discrimination against Women
- Cédula Viva Pension Plan (Act 20530)*, 102
- CERD. *See* Convention on the Elimination of All Forms of Racial Discrimination
- Chicha newspapers case*, 98
- Chile, 5–6, 8, 10, 16, 110–134, 193, 278, 316
- Civil Code of 1855 (Chile), 316
- Colombia, 69, 137–160, 194, 223–242, 268, 274, 278, 300–301, 314, 316. *See also* armed conflict, peace, Constituent Assembly, constitutions, Constitutional Court, decree, jurisprudence
- Committee on Economic, Social and Cultural Rights (ESCR Committee), 11, 161–163, 166–167, 173–184, 200
- Comprehensive Rural Reform (*Reforma Rural Integral*), 150, 231, 236
- conexidad*, doctrine of, 237, 240
- Constituent Assembly
 of Colombia, 228
 of Ecuador, 41–42, 51
- constitution
 Argentinian, 25, 29, 31, 33, 39, 310
 Brazilian, 205–207, 210, 215–216, 218
 Chilean, 10, 16, 110–113, 125, 130
 Colombian, 137, 139, 157–158, 225–230, 235, 238–239
 Ecuadorian, 9, 41–50, 52, 54, 57–62
 French, 316
 Mexican, 7, 65, 67, 69, 71, 73, 85–86, 206, 298–299, 316, 319
 Peruvian, 10, 16, 89–92, 106–108
 Quito 1812, 316
 US, 310, 316, 318, 320
 Venezuelan, 316, 318
- constitutional
 end, 153–157, 223–224
 jurisdiction, 15, 310–311, 313–314
 jurisprudence, 11, 99, 137, 298, 311, 317
 law, 1, 4, 6, 23, 42, 64, 223, 230, 235, 237, 242–243, 271, 276, 280, 309, 311, 313–314, 317, 319
 reforms, 74, 87, 102, 111–112, 114, 134, 227–228, 319
 rights, 5, 10, 14, 21, 42. *See also* adjudication
- Constitutional Court
 Chilean, 110–134
 Colombian, 3, 11, 13, 63, 137–160, 197, 223–224, 272, 300–301
 Ecuadorian, 43–62
- German, 21–23, 34, 63, 77
- South African, 63, 211
- Constitutional Tribunal
 Chile, 11
 Ecuador, 44
 Peru, 10, 88–89, 91–92, 95, 98–109
- constitutionalism. *See also* Latin American constitutionalism, neoconstitutionalism, new Latin American constitutionalism
 comparative, 3
 egalitarian, 14–16
 European, 47
 global, 1, 3, 289
 liberal, 11, 159, 228
 of poverty, 7
 social, 7
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 200
- Convention on the Elimination of All Forms of Racial Discrimination (CERD), 199
- Convention on the Rights of Persons with Disabilities (CRPD), 200
- convivencia*, 227
- Costa Rica, 275, 316, 319
- court
 apex, 5, 112, 304–305, 314
 lower, 31, 72, 208–210, 217–218, 310. *See also* Constitutional Court, Supreme Court
- criminal
 justice system, 321
 policy, 13, 243, 246, 249–251
 procedure, 13, 89, 243, 259–262
 proceeding, 53, 261, 263
 process, 88, 262–263
- criminal law, 13, 104, 243–245, 247, 251–252, 254–256, 259, 263
- doctrine, 13
 theory, 254–255
- criminalization, 16, 125, 132–133, 248–249, 300
- CRPD. *See* Convention on the Rights of Persons with Disabilities
- culture. *See also* right to culture
 constitutional, 318–320
 legal, xiii, 9, 14, 83
 of authority, 302
 of contestation, 16
 of democracy, 301
 of justification, 14, 16, 158, 290, 302–303, 305–307
- Cuscul Pivara v. Guatemala*, 161–184
- decree. *See also* peace
 Decree-Law 902 of 2017 (Colombia), 236–237

- Decree-Law 527 of 1974 (Chile), 113
 emergency, 228
 extraordinary, 236, 238, 242
 legislative, 230, 235, 238
 Necessity and Urgency Decrees, 30
 presidential, 230–232, 238
 democracy, 227, 236, 284, 287, 289–290, 293,
 302–303, 315, 319. *See also* culture of
 democracy
 Latin American, 314, 318
 Peruvian, 88–109
 return of, 27–28, 110, 112
 transition to democracy, 5
 deprivation
 of freedom, 58
 of liberty, 60, 180, 249, 256, 258, 261–262
 of rights, 29
 dictatorship, 5, 27, 111–113, 226–227, 311
 disadvantaged groups, 3, 14, 179, 280–282, 288
 discrimination. *See also* equality and
 nondiscrimination, Convention on the
 Elimination of All Forms of
 Discrimination against Women
 (CEDAW), Convention on the
 Elimination of All Forms of Racial
 Discrimination (CERD), International
 Human Rights Law (IHRL)
 direct, 12, 185, 189–190, 192–193, 204
 indirect, 12, 185, 192, 199–204
 intersectional, 188
 nondiscrimination, 99, 140, 163–164, 173,
 193
 patterns, 162
 positive, 89
 presumption of, 193, 195
 prohibition of, 94, 137, 187, 200
Dismissed Petroperú Employees et al. v. Peru, 163
 disproportion
 disproportional “by default or deficiency”, 98
 disproportionality by omission or defect, 2
 disproportionate in a strict sense, 79
 distributional analysis, 13–14, 265–277
Duque v. Colombia, 194–195
 duty
 of progressive development, 170, 173, 182–183
 of progressive realization, 11
 of progressivity, 170–171, 173
 of solidarity, 60
 state duty, 131, 140, 165, 174, 177–178, 207, 244
 Economic Commission for Latin America and the
 Caribbean (ECLAC), 6, 162
 ECtHR. *See* European Court of Human Rights
 Ecuador, 2, 15, 41–62, 278, 316–317, 319
 equality. *See also* adjudication, gender,
 discrimination, inequality
 analysis, 29
 and nondiscrimination, 12, 71, 163, 185–204
 doctrines, 6
 formal, 186, 200
 guarantees, 12, 121, 320
 of opportunities, 127
 principle of equality, 52, 128, 281
 right to, 33, 57, 60, 74, 87, 105, 122–123, 127, 163
 substantial, 104, 106, 137
 substantive, 187, 201, 204, 321
 test, 6, 24, 103, 199
Ecolano v. Lanteri de Renshaw, 24, 26
 ESCR Committee. *See* Committee on Economic,
 Social and Cultural Rights
 European Court of Human Rights (ECtHR), 190
 exceptionality, 5, 226, 230, 236, 242. *See also* states
 of exception, state of emergency
 extraordinary. *See also* power, decree
 cautionary measure, 58
 rules, 118, 123
 times, 224–225, 230–234
 FARC. *See* Fuerzas Armadas Revolucionarias de
 Colombia
 femicide, 248, 274–276
 feminism, 269–276
 US feminists, 269
Five Pensioners v. Peru, 165, 181–182
Flor Freire v. Ecuador, 187, 194
Fondo Nacional de Salud (FONASA), 130
 free development of personality, 77–79, 99
 freedom. *See also* deprivation, rights
 of contract, 24–25, 90, 227
 of speech, 35, 55–56, 224, 251
Frente Nacional (National Front, 1957–1974), 226,
 230
 Fuerzas Armadas Revolucionarias de Colombia
 (FARC), 223, 230
 gender, 6, 14, 130–131, 151, 270, 278, 280, 282, 320,
See also violence
 equality, 161, 175, 274–277
 identity, 186, 202, 282
 perspective, 274–277
 General Comments of the ESCR Committee, 12,
 141, 167, 175, 181
 No. 3, 141–142, 182
 No. 14, 141, 164, 181–182
 No. 15, 141
 No. 19, 175, 178
 Germany. *See also* Constitutional Court,
 proportionality

- Germany. (cont.)
 German Constitutional Tribunal, 145, 158
 law, 84, 316
- Gonzales Lluy and Others v. Ecuador*, 164, 187, 195, 203
- Granier and Others v. Venezuela*, 186, 198
- Guatemala, 5, 168–172, 182–183, 314, 316, 319
guerrilla, 171, 223, 230
- HIV/AIDS, 71, 164–165, 168–172, 181–182, 187, 195
- human rights
 adjudication, 63–64, 84
 defenders, 51, 240
 guarantee instruments, 42–43, 54
 in Mexico, 63–87
 limitation, 12
 protection, 85, 167, 243, 263
 reform (2011) Mexico, 10
 restrictions, 64–65, 67–68, 71–74
 violation, 5, 203
- IACtHR. *See* Inter-American Court of Human Rights
- ICESCR. *See* International Covenant on Economic, Social and Cultural Rights
- IHRL. *See* International Human Rights Law
- INDECOPI. *See* National Institute for the Defense of Competition and the Protection of Intellectual Property
- indigenous
 and bad distribution, 278–280
 and ESCER or social rights, 161–163
 communities, 50, 283–286
 groups, 6, 284–287
 nations, 61–62
 people, 51, 162, 207, 278, 281
 right to collective property of indigenous communities, 50–51
- inequality
 context, 187
 durable, 284
 in Latin America, 4–6, 162
 political, 39, 278
 social, 1, 39, 278–279
 structural, 4–6, 14, 16, 279–281, 284
- injustice, 6, 97, 108, 150
 control, 90–92
 structural, 9
- Instituciones de Salud Previsional* (ISAPRES), 130–132
- insufficiency, 31, 35–36, 39, 171–172, 179, 302
 insufficient action, 4, 287
 prohibition of, 36, 214–215
- integrated proportionality test, 14, 279, 282–283
- integrated regression test (*test integrado de regresividad*, TIR), 138–160
- interaction, 31, 35
 frames of interaction, 4
 narrative of, 9, 23, 40
 paradigm of, 21–23
- Inter-American Court of Human Rights (IACtHR) and the United Nations Committee on Economic, Social and Cultural Rights, 161–163
 and impact on state's response to crime, 243–257
 rulings of the IACtHR on the restriction of political rights, 279–286
 use of proportionality by the Inter-American Court of Human Rights, 185–204, 262
- Inter-American Human Rights System, 12, 161, 166, 185
- International Covenant on Economic, Social and Cultural Rights (ICESCR), 141, 144, 161–162, 175, 178–180, 183–184, 200
- International Human Rights Law (IHRL), 7, 23, 30, 42, 74, 87, 139, 244
 and boundaries of the criminal domain, 247
 and discrimination, 197, 200
- ISAPRES. *See* *Instituciones de Salud Previsional*
- Jenkins v. Argentina*, 186, 192
- jurisprudence
 Colombian, 11
 criminal, 256
 of rights, 319, 322
 Peruvian, 88–109
 substantive, 28
- jus puniendi*, 243–263
- justification
 test, 151, 157–158
- Lagos del Campo v. Peru*, 70, 161, 163
- Latin American constitutionalism, 8, 14, 310, 316–317
- law. *See also* constitutional, criminal, Germany
 administrative, 21, 23, 63, 246, 249–250
 civil, 14–15, 299, 310–313
 common, 14–15, 107, 244, 307–308
- legal
 good, 58, 252–256
 system, 10, 14, 32, 48, 62, 64, 71, 106, 226, 244, 248, 284, 304, 308, 311–312, 316. *See also* culture, power
- Legislative Act for Peace (*Acto legislativo para la paz*, Colombia), 230
 01 of 2003, 239
 01 of 2016, 238–240

- 01 of 2017, 231
- 03 of 2002, 239
- leyes orgánicas constitucionales* (LOC), 111
- Magisterial Reform Act* case, 96
- Marcia Cecilia Trujillo Calero v. Ecuador*, 173, 175–176, 178–181, 201
- margin of appreciation, 100, 279, 286–287
- maternity leave, 216
- maximum of available resources, 11, 161, 165, 168, 173–174, 182, 184
- measures
 - necessary measures, 173, 177–179, 193
 - precautionary measures, 256, 261
 - reasonable measures, 173, 179, 182–183
- Mexico, 5, 15, 63–87, 278, 298–300, 314, 316, 318
- migrants, 6, 187, 278, 281
- Mohamed Ben Djazia and Naouel Bellili v. Spain*, 173–174, 178, 181
- Muelle Flores v. Peru*, 163, 172, 181
- Mulder Act* case, 103–104
- National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI), 90–92
- necessity, 14, 22–23, 29, 35–36, 39, 49, 56, 81, 93, 109, 119, 126, 128, 154–158, 188, 192, 196, 216, 223–242, 246, 256, 280, 291, 295, 297–298
 - analysis, 38, 104, 229
 - criterion, 237
 - exam, 283, 285
 - false, 14, 289–308
 - scrutiny, 50, 97, 155
 - stage, 67, 71–72, 74, 79–80, 82, 87, 294, 298
 - strict, 12, 225, 230–234, 236–242
 - test, 12, 33, 37, 117, 120–122, 126, 134, 202, 211, 231, 241–242
- neoconstitutionalism, 114, 278
- neoliberalism, 6–7, 125, 129, 134, 160, 278–279
- new Latin American constitutionalism, 278
- Nicaragua, 283–286, 316
- Nobleza Piccardo* case, 24, 33–34
- normative conflicts, 49–52, 56, 107, *See also* conflicts of rights
- Ollanta Moisés Humala Tasso y doña Nadine Heredia Alarcón v. Corte Superior de Justicia de Piura y Lima*, 98
- omission, 2, 31, 35–36, 39, 58, 96, 179, 182, 203, 213, 219, 295
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), 161–162, 167, 173, 178, 183
- Organic Statute of Jurisdictional Guarantees and Constitutional Review (Ecuador), 43, 56
- Pact of San José. *See* American Convention on Human Rights
- peace. *See also* right to peace
 - agreement, 13, 223–225, 230–242
 - Colombian process, 12–13, 223–242
 - decree, 224, 231–232, 234, 236–237, 239, 241
- Peru, 88–109, 176, 314, 317
 - Air Force, 99
 - Armed Forces, 99
- Poblete Vilches v. Chile*, 163–164, 172, 187
- Ponzetti de Balbín v. Ed. Atlántida*, 29
- Popular Participation and Social Control Council (*Consejo de Participación Ciudadana y Control Social*, CPCCS), 44–45
- power
 - discretionary, 198, 204, 235
 - executive, 94, 226–227, 233, 319
 - judicial, 27, 262, 267
 - legal, 198
 - legislative, 25, 233, 236
 - presidential, 231–232, 238
 - special, 225, 231, 233, 241
 - state, 5, 248
- presidentialism, 62, 228, 309–310, 316
- pretrial detention, 224, 243–262
- principle. *See* equality, progressive
 - harm principle (*principio de lesividad*), 251–254
 - of constitutional unity, 46, 90
 - of equal hierarchy, 48
 - of equal treatment, 52, 70, 89, 100
 - of legality, 51, 53, 71, 83, 104–105, 261
 - of nonrestriction, 42
 - of procedural celerity, 51
 - of taxativity, 105
 - pro persona, 7, 42–43
- progressive. *See also* duty
 - interpretation, 39
 - obligation of progressivity, 168
 - progressive realization, 11, 137, 139–140, 142, 146, 151, 157, 169
 - progressivity, 59, 161–182
- proportionality
 - analysis, 1, 9–10, 12, 15–16, 21–22, 24, 29, 39, 51, 55, 57, 63–87, 89–90, 95, 99, 103, 108–110, 112, 134, 138, 153, 157, 204, 246, 265–277, 279, 281, 283–284, 287, 289–309
 - dialogic, 291–308
 - doctrine, 21, 27, 34, 63–64, 67, 265
 - German, 3, 21, 23, 31, 34, 39, 69, 75, 84, 87, 211, 279–280
 - imperative end, 145–146

- proportionality (cont.)
 in the narrow sense, 9–11, 14, 22–26, 29, 34–39,
 93–94, 97, 101, 109, 145–146, 154–156, 158,
 216, 246, 280, 304
 modern, 22, 24, 28, 34
 strict, 56, 60, 115, 117, 119, 121–125, 132, 134, 146,
 196, 295–298
 structured test, 23, 26–27, 29–35, 40, 51, 91, 211,
 309
 test, 33, 39, 43, 48, 56, 63–88, 94, 96, 100, 103,
 105–107, 109, 117, 128, 132, 138, 142, 144–146,
 153–158, 189–194, 196–197, 199, 201, 203,
 205–206, 210–219, 247, 256, 279, 282–283,
 286
 test of alternative means, 24, 26, 35, 38
 tradition, 69
 unilateral, 291–293, 297–308
 Protocol of San Salvador, 141, 161, 167, 170, 183–184
 public
 interest, 24, 56, 58–59, 91, 124, 224, 280
 policies, 6, 8, 81, 140, 168–169, 172, 174–175, 177,
 179, 205–218, 250, 279, 319
 punishment
 criminal, 13, 246–247, 251, 255–257, 259
 justification of, 92, 244–246
Quisberth Castro case, 36–38
 race, 6, 186, 202, 206, 282
Radio and Television Act (Peru), 102
Ramírez Escobar and Others v. Guatemala, 196
 reasonability
 analysis, 90
 criteria, 234
 means, 9
 standard, 116, 121
 test, 9, 116, 137
 reasonableness
 in the selection, 24
 in weighting, 24
 standards, 5
 test, 21–40
 regression, 31, 35–36, 39, 143–144, 146–160, *See also*
 retrogression
 legal, 141–142, 146–160
 nonregression, 140, 146, 157
 prohibition of regression, 137, 140, 142, 159
Repetto case, 29
 restorative justice, 249, 260
 retrogression, 138, 171
 integrated retrogression test, 11
 nonretrogression, 3, 11, 15–16, 35, 139, 161–184
 prohibition of retrogression, 11, 140
Reverón Trujillo v. Venezuela, 191–192
 right
 to peace, 239
 rights. *See also* human rights, constitutional rights
 abuse of rights, 13, 254, 265
 acquired, 142, 152, 181
 conflict of rights, 9, 30, 46–48, 53, 57, 59, 61, 95,
 115, 210, 214, 272, 295
 economic, social, cultural and environmental
 rights (ESCER), 41, 161–163, 168, 181, 251
 essential content, 11, 115–116, 121, 124, 134,
 143–144, 151, 175
 freedom rights, 126, 205, 212–213, 219
 fundamental, 73, 80–81, 91, 95, 101, 106–107, 128,
 159, 189, 205, 210, 214, 236, 244, 246,
 248–249, 263, 279, 293, 295
 labor rights, 148–160, 163, 217, 278, 319
 limitations, 21–22, 24–25, 38, 50, 71, 78–79,
 84–85, 118, 123, 145, 149, 197, 294–295
 minimum content, 139, 143, 150–151, 175, 178,
 182
 minimum core, 10–11, 138
 optimization, 4, 14, 83, 280, 287, 308
 peasants, 148–160
 political, 14, 41, 111, 162, 184, 186
 property, 49–50, 76, 93, 112, 120, 123, 206
 social rights, 23, 35–39, 57, 59–61, 99–104, 131,
 143, 147, 155–184, 206–208, 263, 287, 289,
 293, 308, 311, 319
 socioeconomic, 11, 137–160, 205–219
 to culture, 76, 85
 to education, 97, 101, 127, 147, 149, 151, 156, 205,
 209, 215
 to health, 60, 79, 147, 149–154, 163–165, 168–169,
 171–172, 181–182, 207–209, 214–217
 to housing, 36–38, 57, 146–147, 153, 173–174, 179,
 210
 to life, 91, 124, 165, 214, 250, 268
 to peace, 240
 to pension, 147, 149, 154
 violation, 5, 30, 35, 50, 55–57, 60, 68–70, 74, 87,
 98, 161–162, 166, 177, 190, 248, 250, 279, 295,
 306
*Rodolfo Luis Oroya Gallo v. Universidad San
 Ignacio de Loyola*, 105
 rule of law, 5, 16, 28, 94, 96, 116, 137, 157–160, 244,
 255, 260, 263, 295, 304, 312, 320
San Miguel Sosa and Others v. Venezuela, 163,
 187, 198–199
 scrutiny. *See also* suitability, necessity
 intermediate, 23, 279, 283
 minimal, 22, 283–286
 normative objective, 141
 objective, 142, 156–159

- proportionality, 22, 56, 64, 106, 298
 strict, 9, 12–13, 23, 29, 31, 35, 39, 55, 71, 88, 97,
 153, 180–183, 190, 193, 195, 197, 279
 tiered, 10, 23, 27, 31, 39, 87
 tiers, 69, 71, 84
 sexual orientation, 186, 193–194, 196, 202, 282
 social justice, 110, 162, 206, 278–288
 social security, 10, 71, 76, 102, 130–131, 149, 172–181,
 194, 206, 208, 210
solve et repete (pay first, litigate later), 119, 122
 state of emergency, 226–229
 state of exception, 13, 224, 226–228, 235, 238–239,
 260, *See also* exceptionality
 state of siege, 226–230, 235
 suitability
 exam, 81, 283
 test, 25, 32, 37, 88, 94, 117, 119–120, 127, 132, 154,
 216
sumac kawsay, 57, 61, *See also* buen vivir
 Supreme Court
 of Argentina, 9, 21–26, 28, 31, 36
 of Brazil, 205–219
 of Chile, 113, 193–194
 of Colombia, 228
 of Costa Rica, 275
 of Mexico, 10, 64–87, 300, 314
 of Peru, 106–108, 114
 of Spain, 177
 USA, 30, 281, 304, 310–315, 317, 320–321
 terrorism, 10, 96–97
 transitional, 230, 234–235, 241–242, *See also*
 democracy
 transitional justice, 8, 13, 226, 235–236, 239–240,
 242
 transitionality, 225, 227, 229, 234–242
 Transitory Popular Participation and Social
 Control Council (*Consejo de Participación
 Ciudadana y Control Social Transitorio*),
 44
 Transparency and Social Control Branch, 48, 61

 Uruguay, 316, 319
 USA, 14–15, 22, 29, 78, 211, 269, 309–323
 US tiered scrutiny, 9–10, 23, 27, 31, 39

Vaca Ávalos case, 92
 Venezuela, 191, 199, 278, 314
 violence
 gender-based, 202–203, 248, 276
 institutional, 244, 259
 political, 226–227
 sexual, 147, 151
 vulnerability, 6, 9, 14, 23, 27, 36–40, 164, 173,
 178–179, 182, 187

 Wolfenson Act (Peru), 98

Yatama v. Nicaragua, 283–288