

Restitución de los derechos de niños, niñas y adolescentes víctimas de violencia familiar en Sonora

Restoring the rights of children and adolescents who are victims of domestic violence in Sonora

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RESUMEN: El presente artículo tiene como objetivo proponer recomendaciones que permitan el fortalecimiento del sistema de protección integral la garantía de atención efectiva de víctimas a partir del análisis de la situación en que se encuentra el cumplimiento de la función del Estado en la restitución de los derechos de niños, niñas y adolescentes víctimas de violencia familiar en el Estado de Sonora. A través del enfoque jurídico-analítico, se examinan la legislación vigente, las instituciones educativas encargadas de la protección infantil y mecanismos de restitución de derechos implementados. El diseño del estudio descriptivo de revisión es sistemático y de carácter retrospectivo.

Palabras clave: Violencia familiar; Derechos de la infancia; Protección del menor; Instituciones educativas

ABSTRACT: This article aims to propose recommendations that allow for the strengthening of the comprehensive protection system and the guarantee of effective care for victims, based on the analysis of the situation regarding the fulfillment of the State's role in restoring the rights of children and adolescents who are victims of family violence in the State of Sonora. Through a legal-analytical approach, the current legislation, educational institutions responsible for child protection, and mechanisms for restoring rights that have been implemented are examined. The design of the descriptive review study is systematic and retrospective.

Keywords: Family violence; Children's rights; Child protection; Educational institutions

Introduction

Family violence is one of the most devastating forms of human rights violations, profoundly affecting children and adolescents not only psychologically but also in terms of their academic performance.

In Mexico and particularly in the State of Sonora the prevalence of this phenomenon has prompted an institutional response aimed at guaranteeing the protection and restoration of victims' rights.

However, despite legislative progress and the existence of institutions dedicated to child protection, significant challenges remain regarding the effective implementation of public policies.

Given the dire consequences this societal scourge has for the proper personality development of children and adolescents, the central question of this research is: How does the State of Sonora guarantee the restoration of rights for children and adolescents who are victims of family violence?

To address this issue, the study analyses current legislation, the institutions involved including educational institutions and the mechanisms for protection and rights restoration implemented within the state.

Development

When analyzing the subject of the rights of children and adolescents, it is important to highlight those rights enshrined in both the Mexican and international legal frameworks.

Rights of children and adolescents

National and international legal frameworks establish a series of fundamental rights for children and adolescents, most notably:

- Right to protection against violence: Guarantees that minors are free from any form of violence, abuse, or exploitation.
- Right to comprehensive care: Entails access to health, education, protection, and justice services.
- Right to participation: Recognizes the capacity of minors to express their views on matters that affect them.

At the national level, the Government of Mexico (2014) established the General Law on the Rights of Children and Adolescents, which sets the foundation for the comprehensive protection of children; meanwhile, in Sonora, the Law on the Rights of Children and Adolescents of the State of Sonora (2019) adapts these provisions to the local context.

Furthermore, it is important to highlight certain theoretical considerations regarding family violence.

In this regard, the term "family violence" has been defined by various authors not only within the field of law but also from psychological, pedagogical, and other relevant perspectives.

Family violence

The website of the non-governmental organization Educo defines family violence as any act that causes physical, psychological, or sexual harm to members of the family unit. (Educo, 2025)

This research adopts the legal definition proposed by Pérez (2010) and cited in the (Legal Dictionary) which states that family violence:

Is that which arises from the unequal exercise of power relations within the family unit and is perpetrated cyclically or systematically by one family member (regardless of whether they reside in the same household) against another through acts of physical, psychological, sexual, or verbal aggression. Its purpose is to control, subjugate, or dominate the victim, and the existence or proof of such violence does not require evidence of physical injury. (Pérez, 2010)

In the context of childhood, such violence can have devastating effects, including emotional disorders, developmental difficulties, and the risk of perpetuating cycles of violence. These aspects are detailed in Article 234-D of the Penal Code of the State of Sonora; notably, a *fe de erratas* (corrigendum) was published in the Official Gazette on June 27, 2019, amending the provisions of Decree No. 25, which had originally been published on June 13, 2019.

Consequently, upon taking effect on that latter date, the state placed greater emphasis on the penalties imposed for the specific crime of Child Abuse, distinguishing it from the broader category of family violence.

According to data from the System for the Integral Development of the Family (DIF, 2023) in Sonora, more than 10,000 cases of family violence involving children and adolescents were recorded in the state between 2019 and 2021 (Government of the State of Sonora, 2023).

Furthermore, the data presented in this study regarding the state of Sonora from 2015 to 2018 reveal an alarming number of calls reporting domestic violence, as shown in the following Table 1:

Table 1.

Study covering 2015–2018 in Sonora

Year	Investigations in Hermosillo 911 calls (approx., Significant trend)	(Example only)	(national/Sonora)
2015	1 132 folders	—	Baseline of 2,235 reports; sharp increase in 2016
2016	1 549 folders	721 771 calls (national)	+60% compared to 2015
2017	1 002 folders	689,885 calls; 82,331 in Sonora	High rate; Sonora leads in calls
2018	799 folders	647,940 calls	Gradual decline in national calls

Source: Author's own elaboration

The State's role in the restoration of rights

Although robust regulatory frameworks and residential care facilities dedicated to protection exist, their capacity is insufficient; furthermore, they primarily cater to children under the age of twelve. Consequently, adolescents remain vulnerable, lacking adequate spaces that offer not merely shelter but also a comprehensive life plan enabling them to integrate into society with dignity and autonomy.

The problem lies not only in a lack of infrastructure but also in the absence of far-reaching public policies that include specialized programs for those transitioning to adulthood without family support. This omission carries a serious risk of perpetuating cycles of violence, marginalization, and exclusion, as these adolescents are forced to face highly complex social, economic, and emotional realities on their own.

This raises the question: what does the State do with these adolescents whom no one wished to support or guide during their development? The answer is crucial for rethinking the protection approach; true restoration of rights must go beyond offering temporary shelter to guaranteeing conditions that enable the full exercise of citizenship and access to opportunities, allowing them to build a future different from the violence that marked their past.

The State has an obligation to guarantee the protection and restoration of the rights of minors who are victims of domestic violence.

This entails:

1. Prevention and awareness-raising: Implementing educational programs and awareness campaigns to prevent violence.
2. Care and protection: Providing medical, psychological, and legal services to victims.
3. Restoration of rights: Ensuring that affected minors can access their fundamental rights, such as education, healthcare, and safety.
4. Sanctioning aggressors: Ensuring that those responsible for the violence are identified and punished in accordance with the law. Methodology

The research employs a qualitative approach, utilizing document and case law analysis.

Through a legal-analytical approach, the study examines current legislation, educational institutions responsible for child protection, and the mechanisms implemented for the restoration of rights.

The study utilizes a systematic, retrospective descriptive review design.

To achieve the stated objective, the following documents were reviewed:

Current regulations: General Law on the Rights of Children and Adolescents; Law on the Rights of Children and Adolescents of the State of Sonora; Penal Code of the State of Sonora.

Institutional reports: Reports from DIF Sonora, the National Human Rights Commission (CNDH, 2023), and the Comprehensive Protection System for Children and Adolescents (SIPINNA, 2023).

Academic studies: Research on domestic violence and child protection within the Mexican context.

Results and Analysis: Child Protection Institutions in Sonora

In Sonora, the main institutions responsible for protecting the rights of minors are:

DIF Sonora: Through its Office of the Attorney for the Protection of Children and Adolescents, it provides direct care to victims, including temporary shelter, psychological support, and legal counsel.

We will elaborate slightly on this point given the institution's multidisciplinary role: when a minor is sheltered due to being a victim of domestic violence, the immediate goal is to place them with a family that can assume responsibility. The first point of contact involves the non-custodial parent and/or grandparents a process known as the "family support network" followed by aunts and uncles from either parent's side. It is crucial that the potential caregiver meets the appropriate conditions

to assume custody of the child or adolescent; however, in many cases, this is not possible because they fail to meet the requirements or, frequently, due to fear.

Sonora State Attorney General's Office (Fiscalía General de Justicia del Estado de Sonora): Investigates and prosecutes domestic violence cases, ensuring that those responsible are brought to justice.

SIPINNA Sonora: Coordinates inter-institutional actions and promotes public policies for the comprehensive protection of children.

Mechanisms for the restitution of rights

Mechanisms implemented in Sonora include:

"Sálvalos" (Save Them) Hotline: A 24-hour telephone service for reporting cases of domestic violence and child abuse.

Comprehensive care centers: Facilities where victims receive holistic medical, psychological, and legal care.

Educational programs: School-based initiatives designed to raise awareness about violence and promote safe environments for minors.

Implementation challenges

Despite institutional efforts, challenges persist regarding the effective implementation of protection policies, such as:

Under-reporting of cases: Many incidents of violence go unreported due to fear, mistrust of authorities, or a lack of knowledge regarding reporting mechanisms.

Lack of resources: A shortage of trained personnel and financial resources limits the response capacity of institutions responsible for child protection.

Cultural resistance: In some communities, norms and attitudes exist that downplay the severity of family violence, hindering effective intervention.

Restoring the rights of children and adolescents who are victims of family violence in Sonora faces significant challenges.

While regulatory frameworks and public policies aimed at child protection exist, the effectiveness of these measures depends on their proper implementation and on overcoming the aforementioned challenges.

It is essential to strengthen inter-institutional coordination, enhance training for personnel responsible for victim care, and promote awareness campaigns that engage the community in the prevention and reporting of family violence.

Conclusions

The State of Sonora possesses an adequate regulatory framework for protecting the rights of minors who are victims of family violence.

Institutions responsible for child protection play a crucial role in the restoration of rights but face challenges that limit their effectiveness.

It is necessary to implement strategies that strengthen inter-institutional coordination, staff training, and community awareness to ensure comprehensive and effective protection of children's rights.

The restoration of rights for children and adolescents who are victims of family violence in Sonora faces structural limitations stemming largely from a lack of institutional resources.

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