

## El marco jurídico de las niñas y los niños

*The legal framework for children*

*O quadro legal para as crianças*

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### Resumen

El presente trabajo pretende dar a conocer algunos de los grandes problemas que enfrenta la niñez, para lo cual analiza conceptos, doctrinas y normas que tienen como finalidad la prevención y el combate al maltrato infantil, tomando como antecedente lo estipulado por la Declaración Universal de los Derechos Humanos, la Constitución Política de los Estados Unidos Mexicanos, el Código Familiar para el Estado de Sinaloa y la Ley de las Niñas, Niños y Adolescentes del Estado de Sinaloa, entre otros.

El combate al maltrato infantil ayuda a garantizar a las nuevas generaciones una estabilidad integral y el desarrollo potencial de niños y adolescentes.

**Palabras clave:** marco jurídico, niña, niño.

### Abstract

The present study seeks to highlight some of the major problems faced by children, it analyzes concepts, doctrines and rules that are intended to prevent and combat child abuse, taking as a precedent the stipulated by the Universal Declaration of Human Rights, the Political Constitution of the United Mexican States, the Family Code for the State of

Sinaloa and la Ley de las Children and adolescents in the State of Sinaloa Act, among others.

The fight against child abuse helps to ensure new generations an integral stability and the potential development of children and adolescents.

**Key Words:** legal framework, girl, boy.

### Resumo

Este artigo procura destacar alguns dos principais problemas enfrentados pelas crianças, para que analisa conceitos, doutrinas e normas que visam a prevenção e combate ao abuso de crianças, tendo como precedente estipulado pela Declaração Universal dos os direitos humanos, a Constituição dos Estados Unidos Mexicanos, o Código de Família do Estado de Sinaloa e da Lei sobre Crianças e Adolescentes do Estado de Sinaloa, entre outros.

Combate ao abuso infantil ajuda a garantir novas gerações a estabilidade global e potencial desenvolvimento de crianças e adolescentes.

**Palavras-chave:** quadro legal, menina, menino.

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### Introduction

To be able to address the legal framework of children first we will define the concepts of child and child abuse, and then we will see the historical evolution of the Battered Child Syndrome. The deep analysis of the literature of past centuries reflects the habits and customs toward children, as well as statistics on the current situation of child abuse.

In general, the children lacked of rights until started the Industrial Revolution. In ancient Rome were not even considered legally as persons since they were not attributed a personality. And in Sparta:

The child was property of the State and its life depended on of the Council of Elders, since the objective of the education was forming obedient citizens. Children and young people, of the seven to twenty years old, The children went to the fields of youth where were subjected to a strict discipline. Was an humanist education that did not consider the children of slaves, who had to be content with a utilitarian education.<sup>1</sup>

The lack of children legal protection clearly illustrates the fact that up to the middle ages infanticide was practiced on regular basis. In the archaic Greece period there were simply brutal practices to modern culture and sensitivity, such as the infanticide and child abandonment in some of their polis. However, when the Greek civilization reached its maturity from the 6th century BC, began to improve her legal, political and social situation for the children and young people, influencing the development of the educational institution.

### **Child concept**

The word "niño" (Spanish) emerges from the latin *infantus* which means “not speaking”. The Romans used this term to refer to people from birth to age seven.

The meaning has evolved over time and was used to name the human being from birth until he reached adulthood. Obviously the definition is broad and the concept varies from a culture to another.<sup>2</sup>

From a sociological perspective, the child is "an immature person who is in the stage ranging from birth to adolescence".<sup>3</sup> Therefore, the child is in a vulnerable, defenseless, unprotected, so you have to take a stand shelter, always looking for their individual welfare. In this definition no precise time your start or end established, impeding define this stage of development.

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<sup>1</sup> Le Gal, Jean. *The rights of the child: education for citizenship*, Barcelona, España, Graó de Irif, Series Crosscutting Themes, 2005, p. 28.

<sup>2</sup>Guillo Jiménez, Juan. *Derechos de los niños*, Responsabilidad de todos, España, Universidad de Murcia, 2007, p.83.

<sup>3</sup>Diversos autores. *Diccionario de sociología*. México, Fondo de Cultura Económica, 1974, p. 200.

Professor Francisco González de la Vega says what for him is a child, "the person from birth to the onset of puberty".<sup>4</sup> At puberty the most significant changes in the lives of human beings are presented. For example, the hypothalamus through neurotransmitters send signals to the body to begin the maturation of male and female genitalia.

Law Dictionary offers this definition of child "who is in childhood, that is, in the period between birth and adolescence."<sup>5</sup> The same dictionary says that childhood is "the period of life is meant from birth to adolescence".<sup>6</sup> And adolescence is "age happens to children and appear elapsed since the first signs of puberty to adulthood".<sup>7</sup>

Taking as an indicator designated by the Law for the Protection of the Rights of Children and Adolescents of the State of Sinaloa, in Article 3, which tells us that "are children people up to 12 years of age, and adolescents between 12 those years of age and 18 years unfulfilled. " Thus we see that this step comprises from birth to 18 years of age.

Therefore, it is considered that a child requires protection from the moment it is expelled from the womb, in short, from birth and even before it reaches the age of majority.

In Mexico, the age of majority is acquired when they turn 18, as decreed the Federal Constitution Article 34, which literally states: "are citizens Mexicans who are 18 years old and an honest way of live. Therefore, before that age it is considered the person as a child. It pinpoints the semantic value of child according to the convention. "

For its part, the Convention on the Rights of the Child, Article 1 states that the child is "every human being below 18 years of age".<sup>8</sup> In addition, the Unicef defines a child as "any person under 18 years".<sup>9</sup>

Children are people too, as distinguished legal standard in relation to individuals, with all the rights enshrined in the Constitution, laws and national and international documents.

The individual is an asset or liability subject according to the legal standard. In the case of minors, we see that "in Mexican law these will be represented by their representatives".<sup>10</sup>

First legally they represent their parents, who should enjoy themselves moral and economic solvency, precisely because children do not have the degree of maturity that allows them to

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<sup>4</sup> González de la Vega, Francisco. *Derecho penal mexicano*, México, Porrúa, 1976, p. 140.

<sup>5</sup> Pina Vara, Rafael. *Diccionario de Derecho*, México, Porrúa, 2004, p. 341.

<sup>6</sup> *Ibidem*.

<sup>7</sup> *Diccionario de la Lengua Española*. Madrid, España, Espasa Calpe, 1970, p. 30.

<sup>8</sup> Verhellen, Eugeen. *La Convención sobre los Derechos del Niño*, España, Garant, 2002, p. 96.

<sup>9</sup> El Rostro Oculito del Sida. *Fondo de las naciones unidas para la infancia*, 2005, p. 24.

<sup>10</sup> *Diccionario de Derecho*. México, Porrúa, 2014, p. 405.

decide for themselves. And if an immediate family member is prevented, the state will take care of the infant.

### **Notion of abused child**

Clarify the meaning of the abused child seems simple, but in reality is complex. Several authors have tried to define from different perspectives on child abuse. The Convention on the Rights of the Child, adopted by the General Assembly of the United Nations, Article 19 refers to child abuse as "any violence, physical or mental abuse, neglect or negligent treatment, maltreatment or exploitation while the child is in the custody of their parents, a guardian or any other person to take charge".<sup>11</sup> It is also its report on human development, by which it is stated that violence was the ultimate challenge for humanity in the beginning of the century XXI.<sup>12</sup> Eventually this became a reality.

Spanish law defines the legal helplessness in the Civil Code, Article 172 as "situation occurs facts because of noncompliance, or impossible or inadequate exercise of the duties of protection established by law for the care of children, when these are deprived of the moral or material assistance."<sup>13</sup>

Evidently exist in the field of withdrawn preschool, elementary and secondary education, infants and young, self-conscious, with behavioral problems, anxious, hyperactive, and so on. All this is because children do not receive adequate education; on the contrary, they are physically assaulted in their homes and often by their own parents.

Child abuse occurs by action and intentional omission. Such damages can be physical or mental; any damage done, even death, from individuals linked to the child victim of child abuse.

Moreover, child abuse is "any act, omission or negligent treatment, not accidental that deprives children of their rights and welfare, threatening and / or interferes with its orderly physical, mental and social development, whose authors can be individuals, institutions or

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<sup>11</sup>El Estudio sobre Maltrato Infantil en el ámbito familiar. Unicef, Paraguay, 2011, p. 44.

<sup>12</sup>Organización de las Naciones Unidas. *Informe sobre el desarrollo humano*, 1994.

<sup>13</sup>Salmerón, Jesús et al., *Atención al maltrato infantil desde el ámbito universitario*, España, Consejería de Política Social, Mujer e Inmigración, S.A., p.32.

society itself".<sup>14</sup> That is, child abuse is what is done improperly or what is not done and must be done.

For its part, the Chilean Ministry of Health describes child abuse as "a physical, emotional or sexual assault against a child under 18, or the failure to provide the necessary care for the expression of its growth potential and development, with the minimum elements and culturally exceeding acceptable limits for that community who violate respect for children's rights."<sup>15</sup>

The problem of violence against children began to take shape as a social and global problem in some European countries in the early sixties. Henry Kempe and Silverman (1962), created the expression child syndrome, ie, "the use of physical force intentionally, not accidentally, addressed to hurt, injure or kill a child, exercised by a parent or other person responsible for the care of the child".<sup>16</sup>

In 1963 the concept of child hit by abused child is replaced. It was considered that "children could be affected by emotional deprivation, malnutrition or neglect".<sup>17</sup> Thus the term was replaced mistreated; since a series of articles on the concept trying to cover the different modalities that exist as to the ways of affecting a child was published.

In 1968, the journal The Medical Journal of Australia, published an article by R. G. Birrell and J.H. Birrell, entitled "The Maltreatment Syndrome of Child Hospital Survey", which define Shaken baby syndrome as "physical abuse and / or deprivation of food, care and affection with circumstances involving these mistreatments and deprivation not result accidental".<sup>18</sup>

Also in 1970 child abuse as defined as "any act by individuals, institutions and society as a whole as well as its derivatives or absent acts that deprive children of their freedom or corresponding rights and / or hinder optimal development".<sup>19</sup>

The concept is approached from different positions: educational, legal, psychological and social, so that "match the different forms of shortfalls and failures in relationships between

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<sup>14</sup>Ibídem.

<sup>15</sup>Aracena, Marcela et al., *Resiliencia al maltrato físico Infantil: variables que diferencian a los sujetos que maltratan y no maltratan físicamente a sus hijos en el presente y que tienen una historia de maltrato físico en la infancia*. Revista de Psicología, Universidad de Chile, Vol. IX, No. 1, 2000, p. 3.

<sup>16</sup>Osorio, César. *El niño maltratado*, México, Trillas, 1999, p.150.

<sup>17</sup>Fontana, V.J. et al. *The maltreatment Syndrome in Child*. N Engl, Med, 1963, pp. 1389-1394.

<sup>18</sup>Halberstam, Michael J. *Medicina Moderna*. Excélsior, 2 de noviembre de 1977.

<sup>19</sup>Gil Dg. *Violence against children*, Cambridge: Harvard University Press, 1870, p 49.

children and adults who interfere with the physical, psychological, emotional development and social of minors".<sup>20</sup>

Similarly, behaviors that unfold against minors, with every intention to affect them or ignore their basic needs are: in the first case the aggressor has every intention of causing harm (no malice, premeditation and advantage); in the second there omission of their basic needs such as food, clothing, medical care, and so on.

In the above two cases they are considered reckless, negligent, intentional conduct against small.

Program Improvement System of Social Care for Children, Child abuse refers to as "various types of situations, different in detection, etiology, treatment and prevention. All of them, however, have several common characteristics and are the: manifestation and outcome of a set of problems that affect psychological well-being of parents or guardians, and present and past environment".<sup>21</sup>

Child abuse negatively affects their physical and mental health, and prevent its proper development, leaving sequelae. It should detect abuse infants to offer adequate rehabilitation that will overcome the unpleasant moments of his life.

The Declaration of Maltreatment to Infantes in Mexico, considered child abuse as "a social disease, present in all sectors and social classes produced by multicasuales, interacting and various intensities and time factors. This situation affects the harmonious, full and proper development of a child, compromising their education, their school performance, socialization, and their personal and professional formation".<sup>22</sup> Thus, if the child does not receive adequate attention it will be detected in their way of being, acting and thinking.

The definition also refers to the result of intentional acts or omissions, which may consist of physical or mental injury, death or any bodily harm.

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<sup>20</sup> Masso O. *Contextos Maltratantes en la Infancia y coordinación Interinstitucional*. Rev. Asoc. Esp. Neuropsiquiatría, 1987, pp. 531-556.

<sup>21</sup>Torres, B. et al. *El Maltrato infantil: detección, notificaciones, investigaciones y evaluaciones. guía básica de utilización*. programas de mejora al sistema de atención a la infancia (SACI). Ministerio de Asuntos Sociales, España, 1990, p. 23.

<sup>22</sup>Chávez Asencio, Manuel. *La Violencia intrafamiliar En la Legislación Mexicana*, Porrúa, México, 1999, p. 14.

The Penal Code for the State of Sinaloa, Chapter II, Article 134 states: "commits the offense of injuries which inflicts damage to another stop on his body a trace or alter their physical and emotional health".<sup>23</sup>

Therefore, injuries can be physical when they affect the integrity or functioning body and mind when thinking functions are damaged; even there injuries that can cause death of the individual. All are temporary or permanent effects that threaten the health of the infant.

In our country, the General Health Law, fourteenth title: Donation, transplant and loss of life, Chapter IV, loss of life, Article 343, states: "the loss of life occurs when brain death occurs, the complete or permanent absence of consciousness, spontaneous breathing, brain stem reflexes, irreversible cardiac arrest".<sup>24</sup>

Given this, the death is "a natural event, is a transition that becomes legal fact, since entitlement arises, powers, duties, obligations and responsibilities for individuals".<sup>25</sup>

Often the abuse of minors is carried out by a family member. These ill-treatment are actions that harm the child in physical, emotional or sexual areas, which are performed by action or omission that threaten their normal development.

In turn, the Intersectoral Committee on Child Abuse, in its final report of 1996 states that "child abuse is a preventable condition that impairs psychosocial well-being of children and adolescents, which can be attributed to the act or omission of people, institutions or others."

The World Health Organization at the meeting held in 1999 on the subject of Prevention of Child Abuse, provides the following definition: "abuse or molestation of minors covers all forms of physical and emotional abuse, sexual abuse, carelessness or negligence or commercial or otherwise, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power exploitation".<sup>26</sup>

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<sup>23</sup>Código Penal para el Estado de Sinaloa, Capítulo II, artículo 134.

<sup>24</sup>Ley General de Salud, título decimocuarto: *Donación, trasplantes y pérdidas de la vida*, capítulo IV, pérdida de la vida, artículo 343.

<sup>25</sup>O'Connor, Nancy. *Déjalos ir con amor*, México, Trillas, 2005, p. 12.

<sup>26</sup>s/a, *La Violencia contra las niñas, niños y adolescentes en México*, Ensayo temático la infancia cuenta en México, 2010.



Some testimonies of child victims of abuse tend to "play through the years the same pattern with their descendants".<sup>27</sup> It is therefore necessary to offer personalized attention to time.

The ill-treatment of minors can be given by anyone, like any family, known, tutor, teacher, caregiver, although most of the time parents are the main aggressors.

However this range of local, national and international documents, it should be noted that the Convention on the Rights of Children and Adolescents in Article 18 says: "States parties shall make every effort to ensure recognition of the principle of that both parents have common responsibilities with regard to parenting and child development. It will be for parents or, where applicable, legal guardians, have the primary responsibility for the upbringing and development of children".<sup>28</sup>

It is important to note that parenting is not studied, and it is the practice that orients the way to educate children. You need to be convinced to give birth to a new being to provide love, affection, tenderness, communication, patience and others, and thus become a proactive individual to society.

### **Historical background of child abuse**

Encumbrances against children as "mutilation, torture, incest, rape, disfigurement, etc., is not new since it has been doing for generations. These same actions somehow justified, thinking that they are satisfied with the gods, the species was improved or imposed disciplines".<sup>29</sup> Man tries to dominate impulsively that exists around them, including the environment, animals and members of the same human species, no matter if it means maltreat, destroy and corrupt.

Child abuse is universal. It is revealed that "it is not a bad of affluence or lack, but a disease of society".<sup>30</sup> There is enough literature dating back to past centuries, where the uses and customs that were against infants are reported. the killing of Jewish children "on Mount

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<sup>27</sup>Informe mundial sobre la violencia y la salud. Capítulo III, Maltrato y descuido en los menores por los padres y otras personas a cargo. OMS, 2002.

<sup>28</sup>Convención sobre los Derechos del Niño, Comisión Nacional de los Derechos Humanos, p.7.

<sup>29</sup>Muller R.T, Hunter E. J, Stollak G. *The intergenerational transmission of corporal punishment: a comparison of social learning and temperament models*. Child Abuse neglig. 1995, pp. 1323-1335.

<sup>30</sup>Monteola M.A., *La prevención del Maltrato a menores en México*. En memoria del segundo Simposium interdisciplinario e internacional, México, Federación Iberoamericana contra el Maltrato Infantil, 1992, pp. 173-184.

Morah, as Abraham tried to sacrifice his son Isaac ... by the pharaoh in time of Moses ordered by King Herod in verse 2 of the scriptures, it appears".<sup>31</sup>

Or he used to offer infants to the gods to control his anger, as happened with the Moloch god, who had the body of man, calf's head and a grill bronze in hand, where they played to burn firewood and immediately hung around children.

In Egypt every year: "a child is sacrificed on the Nile river to burst its banks and fertilize the earth".<sup>32</sup>

Meanwhile, Plato command to kill the children who could not be robust citizens.

In Athens, the father was the rightful owner of the newborn. Aristotle also at the time of 400 B.C. He said "a son or a slave owned and nothing is done with the property is unfair".<sup>33</sup>

In ancient times the woman was treated as an object, like a slave.

In Rome, the cradle of the laws and of Western civilization, it was considered children as wholly owned parent, can these have even their lives. And he consulted the goddess Levana to decide on the life or death of the newborn.

In the fourth century A.D. in ancient Greece girls they were killed, and Jericho children were "embedded in the foundations of the walls, walls of buildings and bridges to strengthen".<sup>34</sup>

The Codex Mendocino describes various types of punishments imposed on minors as "pierced with barbed maguey, suck smoke burning chile, leave without eating, hair burn them, make them work long hours, etc.". <sup>35</sup>

Also, a King of Sweden called Even sacrificed nine of his ten children in an effort to prolong his life. It appears in some texts that an oracle predicted that he would govern if every year sacrificed one of his sons.

In Christianity infanticide and abortion was practiced infanticide occurred during Nazism exterminated when children with birth defects in order to preserve the purebred".<sup>36</sup>

Similarly in some countries like China girls she wore at the gates of the city so that they were devoured by wolves; these practices were performed for birth control.<sup>37</sup>

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<sup>31</sup>Toshihiko, Izutsu. *Sufismo y Taoísmo*, 2a. ed., traducción Anne-Helene Suárez Girard, España Siruela, 1997, Vol. I, p. 27.

<sup>32</sup>Castro Molina, Mariano et al. *Cuidados de enfermería en el Maltrato Infantil*, Madrid, 2008, p. 15.

<sup>33</sup>Guisepe di Bernardo, Filipino. *La Insurrección de Lilith*, Unión Europea, Arcibel, 2009, p.12.

<sup>34</sup>Maherp. *El abuso contra los niños, La perspectiva de los Educadores*. México, Grijalbo, 1990.

<sup>35</sup>Loredo A.A., *Maltrato al menor*, p.41.

<sup>36</sup>Ídem, p. 48.

In Chinese politics for some years doctors newborns disappeared after learning about sex, it was a priority to have a son. In some documents how girls are marketed seen, or when they were sent to orphanages, called children's farms, to supply the market adoption.

In the seventeenth century the loss of three-quarters of children in a family was common and, therefore, infant mortality was not seen as something unusual. During that time the way of disappearing children was as simple as care; it was believed that the maternal warmth was beneficial for the child, so the mother usually slept with him, so it was very easy for her to drown or crush him, can argue after the death was an accident.

At other times the "they wrapped so tight that seemed mummies and often ended up as such".<sup>38</sup> It is also used in the lower socioeconomic classes, maim or disfigure children to cause pity or allow the exercise of begging for the benefit of their parents or other exploiters. .

In the eighteenth century there was a significant change with the introduction of enlightened ideas, which highlights the contribution of Rousseau, who regarded the child as a full of possibilities, abilities and values be. However, these changes were observed until the nineteenth century.

Thus, we can see a historical process of victimization and abuse, even after these practices were frowned upon and reproved.

In the nineteenth century there were some favorable and unfavorable aspects regarding child-rearing patterns. 1852 cases such as occurred in France for injuries and ill-treatment of children; Coroner Toulmouche published the book *eludes medicolegal mauvais et sur les services sur les enfants excercés traitements*, where it picks up cases of children who died from shock hit, whips and burns, and describing the so-called battered child syndrome.

When referring to the preceding paragraph was enacted in France in 1889, "a law on protection of abused children".<sup>39</sup>

In Paris and London the first pediatric hospitals were founded to prevent abuse and disease attack.

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<sup>37</sup>King Fairbankg, John, "*China una Nueva Historia*", Trad. Gila Sharony, España, Ed. Andrés Bello, 1992, p. 41.

<sup>38</sup>"*Lesiones Intencionales en los Niños*" *Abboterapia*, no. 190, México, 1974, p. 2.

<sup>39</sup>Moreno Manso, Juan Manuel, *Variables que intervienen en el abandono físico o negligencia infantil comparativamente con otros tipos de maltrato infantil*, Badajoz, 2001, p. 31.

In 1874 he founded in New York Society for the prevention of cruelty to Children<sup>40</sup>, that arises that some people came to the SPCA to report the case of Mary Ellen McCormack girl in New York who was severely beaten and chained by her adoptive parents.<sup>41</sup> And as such that society had to represent the lower court, since there was no legal remedy to defend her.

Following this came the first New York Society for the Prevention of Cruelty to Children; however, the battered child syndrome was first described in 1868 by Tardieu ambrosie a professor of legal medicine in Paris, after performing autopsies of 32 children beaten and burned to death<sup>42</sup>.

American pediatrician and radiologist John Caffey announced: "an investigation concerning six infants and young children who presented a syndrome subdural hematoma and multiple fractures of the long bones appreciated, sometimes with epiphyseal injuries"<sup>43</sup>. The six children examined had a total of 23 fractures in different stages of consolidation in children; the doctor conceived the possibility of such injuries they had a traumatic origin which in any case had hidden.

In 1953, another specialist called Silverman determined traumatic cause in similar cases. In 1955, P.V. Woolley Evans, had pointed out that in such cases the origin was traumatic and intentional.

In 1959, the United Nations Organization (UN) signed the Declaration of the Rights of the Child, which proclaimed the right of children from around the world to receive adequate care from parents and community.

In 1962, Henry Kempe and Silverman created the term "battered child syndrome, based on clinical features presented by the cases that entered the pediatric ward of General Hospital of Denver, Colorado"<sup>44</sup>.

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<sup>40</sup>Koplan, Daniel Horacio et al., *Ensayos y experiencias, Infancia en riesgo*, Argentina, Novedades Educativas, 2000, No. 6, p. 46.

<sup>41</sup>Kingler, Leslie, *Las aventuras de Sherlock Holmes*, trad. Lucía Márquez de la Plata, España, Ed. Akal, vol. I, 2010, p. 240.

<sup>42</sup>Restrepo, Gómez et al., *Psiquiatría clínica: Diagnóstico y tratamiento en niños, niñas, adolescentes y adultos*, 3a. ed., Edit. Médica Panamericana, Bogotá, 2008, s.p.

<sup>43</sup>Herrera Ruiz, Yolanda. *Los Menores Maltratados y la Intervención del Trabajador Social en los Tribunales de Justicia*, Universidad de San Carlos, Guatemala, 1993, p. 2.

<sup>44</sup>Carrasco Guillermina, Liliana. *Modelo de atención del maltrato infantil*, Veracruz, Universidad Veracruzana, 2008, p. 5.

This concept was extended by Fontana to indicate that these children could be attacked "not only physically but also emotionally or negligently, so that replaced the term of abused hit by".<sup>45</sup> Since then it has published a series of articles on the concept.

In 1957 and 1965, the same Caffey said yes to new publications that "the origin of these health disorders was in trauma resulting from abuse".<sup>46</sup> In some documents dating from 1965 National Pediatrics Hospital Medical Center of Mexico appears textually recognized the first group of abused children.

For the year 1962, C. H. Kempe, F. N. Silverman, B. F. Steele, W. Droegemueller and H.K. Silver released a high number of cases of children who had called battered child syndrome, and in the span of a year collected 749 cases.<sup>47</sup>

From 1966 to 1976 in Mexico City, the Hospital of Pediatrics reported by social workers 83 cases of abused children, which gives us real data of the incidence of such events. Carlos Heredia Jasso, a specialist in the subject, based on a survey statistician Rodolfo Torres Talavera, Mexico claims that six million cases of children beaten by their parents present.

An article published in the Excelsior newspaper on May 25, 1978, states that more than half a million minor and are exploited by traders or their own parents, data coming from statements made by the Youth Organization.

In Mexico in 1971, 6 and 8 September, a series of lectures on the subject of Physical Child Abuse, in which psychiatric, medical, social and legal work were analyzed took place; the cycle is carried out under the auspices of the Mexican Social Security Institute and the Mexican Bar Bar. As a result of this event a publication containing works of Miguel Foncerrada doctors, Ubaldo Riojas, Maria Kitsu Ogasawara, Alfonso Aguilar Sánchez, social worker Virginia Garcia Mendez and Mr. Carlos Heredia Jasso was published.

The company products Nestle, S.A. published a compilation of abused children, work of various authors from multiple countries. This publication appeared under the title of "Annales Nestlé. The founding child martyr "and represents a valuable contribution to the subject.

In our country it was held in 1973 the first National Congress on the legal regime by which it was presented as a proposal to create a legal order applicable exclusively to the child.

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<sup>45</sup>Ídem.

<sup>46</sup>En Cesar Augusto Osorio y Nieto, p. 3.

<sup>47</sup>Ídem., p. 4.

In 1976 the XIX Regional Medical Conference, which examined this issue were held.

In addition distinguished journalists as Inigo The viada, Gustavo Cortés, Carlos A. Medina, Miguel Guardia and others have been interested in this topic and through articles in the capital newspapers have offered interesting opinions.

Dr. Marcovich conducted a thorough investigation "observing 686 cases of child victims of child abuse; therefore, from this year inquiry into the social phenomenon oft they were initiated without actions to combat or prevent effectively as has been done in other countries were held."<sup>48</sup>

In the year 1980, it was added to Article 4 of the Constitution of the United Mexican States a sixth paragraph that reads: "parents should preserve the right of children and meeting their needs and physical and mental health".<sup>49</sup>

On 21 December 1976, the General Assembly determined Nations "1979 as the International Year of the Child".<sup>50</sup> In addition, "the minimum rules of the United Nations for the Administration of Juvenile Justice, also called Beijing Rules, 1985".<sup>51</sup>

Moreover, the Convention on the Rights of the Child 1989 entered into force following the UN Convention on the Rights of the Child on 2 September 1990. That way they passed some years to recognize the different levels the rights of infants.

The United Nations Convention on the Rights of the Child held in 1989, tried to consolidate international legislation on basic rights for survival, education and protection from exploitation and abuse.

The special session devoted to children was an important new step after the 1990 World Summit on behalf of children, in which 71 heads of state and government, as well as other world leaders endorsed the World Declaration on the Survival , protection and development of the child and adopted a Plan of Action to win a set of specific goals within certain deadlines.

In 1994, the Foundation for the design and implementation of a model of preventive intervention of child abuse in the family context, conducted a study and found that "girls,

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<sup>48</sup>UNICEF. *Congreso nacional sobre maltrato a menores*, México, 1995, p.30.

<sup>49</sup> [www.diputados.gob.mx](http://www.diputados.gob.mx). 20 octubre de 2015.

<sup>50</sup>Anales de la Real Academia Nacional de Medicina, Instituto de España, 1978.

<sup>51</sup>Pacheco Gómez, Máximo. *Los derechos humanos*, 3ª ed., Jurídicas de Chile, 2000, tomo III, pp. 869-876.

children and young people wanted to learn to be dads and dads learn to interact more with their children. "

The study of the state of art of child abuse in Colombia 1985-1996, shows that no studies have been conducted on the impact of parenting patterns in child abuse, sufficiently flexible programs capable of being replicated in different contexts that facilitate the purposes education to parents and young people in preparation for the role of motherhood and fatherhood. By including a proposal to change traditional patterns towards building new forms of parenting it was made and although there have been isolated efforts, they have not been assessed, disclosed nor has been followed.

They have written many texts on the subject matter of this research, which experts conclude that the origin of the phenomenon arises from social oft breeding patterns, which unfortunately are transmitted from generation to generation. In some cases all obeys the relations woven between children and parents, who try to educate imposed by hook or by crook, as the only alternative to train men and women proactive.

In 1998, the United Nations Organization raised the realization of a "Inter Campaign against violence against women, the Children of Mexico",<sup>52</sup> within the framework of the celebration of the Fiftieth Anniversary of the Universal Celebration of Human Rights, inspired mainly on the achievements of the Vienna Convention and the Convention on the Rights of the Child; including the International Conference on Population and Development in Cairo in 1994 and the Fourth World Conference on Women in Beijing 1995.

In addition, in 1997 and Canton Cortes argued that "child abuse has always prevailed, although it has been for the last 150 years when it has been emerging as a social problem, occupying a large number of social institutions and legal".<sup>53</sup> This phenomenon did not receive attention as such, ie, several cases of abuse were found when efforts were made to end or reduce the problem of the homeless and destitute children.

However, since 1999 the National System for the Prevention of Integral Family Development and the National Institute of Geographic and Computer Statistics began to

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<sup>52</sup>Campaña interagencial contra la violencia hacia las mujeres y las niñas, Informe Nacional sobre la situación de la Violencia de Género contra la mujer, s.e., Perú, 1999.

<sup>53</sup>Cantón, José, *Malos tratos y abuso sexual*, s.e., Madrid, 1997. [www. Tendencias21.net/libros/Malos-tratos-y-abuso-sexual-infantil](http://www.Tendencias21.net/libros/Malos-tratos-y-abuso-sexual-infantil), 20 de octubre de 2015.

keep track of complaints, which are very useful for identifying the degree of vulnerability living the infants.

In 2001, the Plan of Action of the World Summit Unicef stated: "a wide range of measures regarding monitoring and surveillance activities in national and international areas"<sup>54</sup>, to which he considered essential for meeting the commitments to the goals and specific actions.

Among these they were included the development of national and subnational plans of action; the review of national and international programs, policies and existing budgets in order to decide how they could give higher priority to children; encouragement to families, communities and religious institutions, as well as the business sector and the media that would support the goals of the action plan.

In addition mechanisms for the collection and dissemination of data for periodic monitoring of indicators on the welfare of children they were established; efforts of the response mechanisms to natural disasters and calamities caused by men; and efforts by governments, industry and academia to achieve technological innovations, more effective social mobilization and better delivery of services to accelerate progress towards the goals of the World Summit.

During the first years of implementation of the Convention on the Rights of the Child, the Committee on the Rights of the Child urged the States to adopt a set of similar measures in addition to other aimed at further promoting the interests of children and increase the level of awareness, reform the legal standards and establish independent monitoring bodies, the promotion and protection of the rights of children.

Moreover, public and private entities have made conferences, debates, round tables, awareness campaigns and other similar acts, to prevent violence against infants.

Finally, the violence began to be addressed as a social problem about 50 years ago, ie, the mid-sixties, when Battered child syndrome emerged. Unfortunately, in many cases the infant offender is a family member. Therefore ill-treatment are presented in historical, social and cultural way around the world, and pass through scenarios such as family, medical, legal and social.

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<sup>54</sup>[www.unicef.org/spanish](http://www.unicef.org/spanish). 22 octubre 2015.



### **Child abuse statistics in Sinaloa**

The maltreatment of children is a problem worldwide. The World Health Organization reports that one quarter of adults report having been physically abused as children and 1 in 5 women and 1 in 5 men report having been sexually abused during childhood. Similarly, many children and adolescents have been subjected to psychological abuse and neglect victims. It is estimated that each year 41,000 children under 15 die from homicide. Much of those figures the cause falls, burns, drowning, and so on.

UNICEF and its advisory body to the range between 12 and 17 years old, shows worrying data violent death, especially in adolescent boys. According to the Ministry of Health, in 2004 each week 12 teenagers were killed and 10 others committed suicide.

The National Institute of Statistics and Informatics Geographic, recorded a total of 677 deaths caused by homicide among young people in this age group. According to INEGI, 56% of women aged 15 to 19 living with a partner and has suffered at least one incident of violence in the last 12 months. The mistreatment of children occurs mainly in homes. The states of Yucatan, Coahuila, Quintana Roo and Sinaloa are "where most cases of abuse were checked in 2010".<sup>55</sup>

The annual registration of Procurators of the Defense of Children and Family State Systems DIF, found that in recent years the child abuse has increased in Mexico by 50%, from 18 000 297 in the year 2013 to 27,000 675 during the past 2014. the director of the association Save the Children, Maria Josefina Menéndez Carvajall, shares the following: "Sinaloa is the state with the highest rate of abuse in the country." This figure comes from a study in conjunction with the Sinaloa DIF system and promoted by the European Union.

Therefore, the state of Sinaloa is positioned sadly alarming situation. Besides Sinaloa out was in Quintana Roo and the Federal District, where a sample of 8,000 children of which 63% admitted having suffered violence in the education system, 48% within their family and 43% in their community was taken; regarding Sinaloa, the association reveals that the same happened in Culiacan and Los Mochis. Moreover, 81% of children sinaloenses said he saw a gun and 44% have been mistreated by their friends.

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<sup>55</sup>Hernández Ávila, Rossana. *Centro de estudios para el adelanto de las mujeres y la equidad, Cámara de Diputados LXII*, Abril 2013, p.8.

In 2014, the Office of the Defense of Children, Women and the Family reported more than eight thousand confirmed cases of any kind of aggression infants, whether sexual, psychological or physical. The first four months of the year 575 cases were reported. The assistant attorney Lugo Elvia Teresa Bejarano said that the damages against minors have become increasingly recurrent cases of sexual abuse. According to statistics, more assault infants are often their immediate families, mainly stepfather and in other cases, the biological parents.

In a field visit to the facilities of the Office of the Defense of Children, Women and the Family, the DIF Sinaloa, the following figures were obtained:

JANUARY - DECEMBER 2014.

<b>Denuncias</b>	<b>Denuncias recibidas</b>	<b>Comprobadas de maltrato</b>	<b>Presentadas ante el Ministerio Público</b>
Menores	1 381	1 003	434
<b>Total</b>	<b>2 946</b>	<b>2 225</b>	<b>879</b>

In 2014 2 946 complaints of abuse taking as reference mistreatment of women, older adults and minors were presented. However, our study shows only issue related to child abuse. In 1381 child abuse complaints were filed, of which 1,003 were checked and submitted to the Public Prosecutor 434.

The number of complaints of mistreatment by 2015, was:

<b>Denuncias</b>	<b>Denuncias recibidas</b>	<b>Comprobadas de maltrato</b>	<b>Presentadas ante el Ministerio Público</b>
Menores	1 362	1 013	471
<b>Total</b>	<b>2 560</b>	<b>1 859</b>	<b>826</b>

The problem of child abuse persists to this day. There are many factors that influence this social phenomenon difficult to eradicate, so it is important to know the instances to denounce potential aggressors and programs implemented by the State Government, the multidisciplinary teams, et cetera.

In an interview outside the premises of the Office for the Defence of Children, Women and the Family, a mother said:

Is tired going around and around so you punish the suspect, the days pass and still sending trades to be responsible for child abuse, therefore, some colleagues have desisted, arises because some work in domestic activities to feed their children, others have to be collected from schools, and no other than continue dealing with this.

Index received reports of maltreatment, attended, tested and complaints per 100 thousand children, by state, 2010.

Estatal	Reporte de maltrato recibido	Reporte de maltrato atendido	Reportes en los que se comprueba el maltrato	Denuncias presentadas ante el Ministerio Público
Yucatán	464	469.4	354.6	121.9
Coahuila	386.7	386.7	304.1	41.2
Sinaloa	182	180.7	134.6	41.4
Quintana Roo	355.3	355.3	144.2	21.9
Chihuahua	300.9	250.6	141.8	12.7

Source: Statistical Office of the DIF Defence of Children, Women and the Family. Abuse and INEGI, Population and Housing Census 2010.

The following table makes the comparison between child victims of abuse.

Number of abused children in care per 100,000 by state, 2010.

Entidad	Menores maltratados atendidos	Niñas maltratadas	Niños Maltratados
Yucatán	370.4	370.4	370.4
Coahuila	552.3	601.6	504.6
Sinaloa	247.3	252.9	241.8
Quintana Roo	62.1	66.5	57.7
Chihuahua	194.6	193.8	195.3

Source: DIF Statistics Office for the Defence of Children, Women and Family. Abuse and INEGI, Population and Housing Census 2010.

### Types of child abuse

Child abuse can occur in all sectors of the population, in all social classes, religious, ethnic and racial groups. This situation is more common in dysfunctional homes or in extreme poverty, with alcoholics, drug addicts or mental problems, ie, in homes where high levels of stress are experienced.

On the other hand, it is desirable to establish a conceptualization of abuse, and noted the "types of abuse".<sup>56</sup>

The Convention on the Rights of the Child in Article 19 refers to child abuse as "any violence, physical or mental abuse, neglect or negligent treatment, maltreatment or exploitation, while the child is in the custody of parent, guardian or other person having the care".<sup>57</sup>

The International Children's Center in Paris, believes that child abuse is "any act by act or omission done by individuals, institutions or society as a whole and all states arising from

<sup>56</sup>León Castro, Juan Carlos et al., *Personal laboral grupo de la comunidad autónoma de Extremadura*, 2da. Ed., España, Mad, 2006, Vol. III, p. 534.

<sup>57</sup>Bandrés Moya, Fernando y Delgado Bueno, Santiago, *Biomédica y derecho sanitario*, Madrid, Asisa, 2010, p. 456.

such acts or their absence would deprive children of their freedom or corresponding rights and / or hinder their optimum development".<sup>58</sup>

After making a thorough review of the various forms of affected infants, it shows that there are different types of child abuse. This section takes into account the prenatal child abuse, which is presented on the stage of gestation of the mother, and the postnatal stage. In the second classification is "physical abuse, emotional abuse, sexual abuse, emotional neglect and negligence".<sup>59</sup>

Causing more physical abuse triggered a psychological maltreatment; therefore abuse is not "a fact, a distant event, because when abuse committed various social and family factors own child combine."<sup>60</sup> You need to prevail in the family respect, love, tenderness, trust and communication, essential elements for the development of infants and get a free society of ill-treatment.

For all the above, on the following pages a description of the types of abuse infants is performed by reference to the abuse prenatal and postnatal.

### **Prenatal abuse**

It is defined to prenatal abuse as "the circumstance of life of the mother, provided there will or negligence, negatively or pathologically influence pregnancy and having an impact on the fetus, such as drug use, lack of medical monitoring, being a victim of gender violence and the lack of care in pregnancy".<sup>61</sup> The stages of pregnancy are very important to the embryo or fetus.

A woman suffering temperature during pregnancy can affect the product without being born who already have life, and one of the cases of deafness that have occurred in infants is not to control the intense temperatures during pregnancy.

For a prenatal abuse is present some environmental influence medical factors, and family.

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<sup>58</sup>Silva García, Luis et al., *Enfermeros del consorcio sanitario de Tenerife*, España, Madrid, 2000, Vol. 2, p. 568.

<sup>59</sup>Becedóniz Vázquez, Carlos. *Guía de buenas prácticas en la intervención social con la infancia, familia y adolescencia*, Instituto Asturiano de Atención Social a la Infancia, 2003, p. 37.

<sup>60</sup>Gracia, Musitu. *El maltrato infantil. Un análisis ecológico de los factores de riesgo*. Madrid, Ministerio de asuntos sociales, 1993, p. 40.

<sup>61</sup>Abascal Monedero, Pablo. *Guía de intervención administrativa y judicial con menores de protección*, España, Ed. Dykinson ebook, 2014, p. 65.

### **Environmental factors**

They presented in workplace accidents by contamination with microorganisms, exposure to radiation and toxic chemicals. It is therefore important that pregnant women not exposed directly to chemicals or radiation, if work making copies or in a farm field, to name a few examples; if that is the case the woman has to resettle in their work.

### **Factors mother and family**

Somehow influences not consume a diet rich in nutrients, consume alcoholic substances because pregnant women causes deformities in the fetus, motivating them to develop the syndrome of alcoholic baby, take actions that endanger the fetus to expel him from their womb commonly it is called abortion. Women should not drink alcoholic beverages and avoid activities that may disrupt or cause the expulsion of the fetus.

### **Medical factors**

Attendance interrupted prenatal visit does not allow diseases to be detected in the fetus, they are also the use of medications contraindicated during pregnancy and poor obstetric practices during childbirth or surgery.

This type of abuse is difficult to detect, so your complaint is not easy.

### **Prenatal abuse**

Postnatal abuse are those circumstances during the infant's life constitute risks or harm to the child. We have physical abuse, psychological abuse, omissions or neglect, sexual abuse and labor exploitation. This abuse can be easily detected, operating reports to request or on its own initiative, and relevant evidence as it is presented by action. The following briefly describes each type of abuse:

## Physical child abuse

The family is essential for the development of infants base, so it can become the main source of sadness, depression and torture of children and adolescents. In 1946, J. Caffey first described bone lesions in abused children as accidental trauma.

Mexico ranks first in physical violence, sexual abuse and homicide under 14 years of age between countries for Cooperation and Development OECD.<sup>62</sup>

Physical abuse is "any act of physical, voluntarily made, which causes or may cause injury to the infant."<sup>63</sup> In addition, "any intentional act produced by a parent or caregiver that cause or could have caused injury or physical damage to the child, whether or not related discipline. In this category damage as a result of severe physical punishment, deliberate with or without instruments instruments assaults and other acts of physical cruelty toward children are included".<sup>64</sup>

It also defines physical abuse as any action, not accidental, by parents or caregivers that result in physical injury or illness in children.<sup>65</sup> This type of abuse is easier to detect, it is not strictly required to attend a medical opinion to the competent authority to demand justice. In the same vein we must consider that this type of abuse occurs intentionally infants in less than eighteen years by the adult who assumes the role of caregiver within the family.

Childhood and adolescence are important stages in the growth and formation, with needs that require attention, support and companionship. So that the force exerted by adults against children is violating the rights enshrined in the Convention that protects the rights of the child, where international systems for the first time recognize children as subjects of law.

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<sup>62</sup>Vargas Romero, Carolina (coord.) *La violencia contra los niños, niñas y adolescentes en México*. Miradas regionales, México, 2010. [www.derechosinfancia.org.mx/ensayoicm2010](http://www.derechosinfancia.org.mx/ensayoicm2010). 23 de octubre 2015.

<sup>63</sup>Torice Rodarte, Irene et al. *Por mi salud y tu tranquilidad, hablemos de sexualidad*, Secretaría de Educación Pública, México, 2012, p. 281.

<sup>64</sup>Gracia Fuster, Enrique et al. *El maltrato infantil: un análisis ecológico de los factores de riesgo*, Madrid, Ministerio de asuntos sociales, 1993, Vol. 17, p. 35.

<sup>65</sup>Ochotera, de Paul Joaquín. *El maltrato psicológico infantil*, Universidad del País Vasco, p. 22.

### **Indicators of physical abuse**

Some evidence presented in child physical abuse are skin lesions (abrasions, bruises, bruises, scalds, burns, bites, alopecia), fractures, buffeted, mechanical asphyxia, tearing and intoxications. The main cause of serious head injury in infants and shape of shaken baby syndrome are the most common in the first six months.

In Egypt, a cross-sectional survey among children, where 37% reported being beaten or tied up by their parents and 26% had suffered physical injuries as fractures, loss of consciousness or permanent disability due to shock or ties was made.

In a recent study in the Republic of Korea, parents were asked about their behavior towards their children, two-thirds of the parents reported whipping their children and 45% confirmed that it had hit, kicked or beaten.

A survey of households in Romania found that 4.6% of children reported suffering severe and frequent physical abuse, including being beaten with objects, be burned or deprived of objects.

In Ethiopia, 21% of urban schoolchildren and 64% of rural schoolchildren reported bruises or swellings on the body as a result of the punishment provided by their parents.

Researchers from Chile, Egypt, India and the Philippines administered a common core protocol classical samples in the population of mothers in each country.

### **Psychological abuse**

Interaction are situations where adult violence on the child, expressed verbally or in attitudes through threats, punishment, criticism, blame, isolation, etc. predominates. Usually it is the abuse that occurs more; usually physical abuse is caused by psychological abuse.

Through the family, the child, the child and adolescent receive love, affection, tenderness, safety, etc., however, the mistreatment of infants is often inflicted by parents or caregivers, regardless of their economic situation. In economic status families often raised children, and adolescents go unnoticed, so it is more difficult to diagnose.



## Psychological abuse in other parts of the world

Raising children is not easy, so screaming children becomes an easy way out. However, the practices of threatening children with abandon or leave them outside the house and shut the door vary widely across countries.

In the Philippines, threats of abandonment were frequently reported by mothers as a disciplinary measure. In Chile nearly 8% of mothers resorted to such threats. In Costa Rica the parents admitted they used corporal punishment to discipline children, though the method they liked least.

## Consequences of psychological abuse

According to Kempe, children who have been victims of psychological abuse are highly aggressive, while others become resigned and liabilities.

Aggressive children infants are difficult to treat, are reluctant to listen to warnings, reasoning or corrections; They do not feel good about themselves, are considered bad or unfriendly and find it difficult to relate to other children.

Liabilities children are overly obedient, they feel unable to make decisions, accept everything without refuting it, are shy, do not make eye contact with the person they are trying and have difficulty establishing friendships for fear of trusting others.

Other consequences are psychosomatic diseases such as colitis, ulcers, asthma processes and secondary brain injury.

Some children have problems in their sexual development, expressing confusion about their role as male or female, as well as difficulties to explore your body.

In addition seen in abused children, "a look that constantly looks around for possible dangers, while his face remains motionless at the same time; They do not smile spontaneously or establish eye contact often are children who have characteristics of submission and acceptance of abused children, are negative, aggressive and sometimes hyperactive, suffering anguish and respond well to environmental media ordered".<sup>66</sup>

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<sup>66</sup>S. Kempe, Ruth y Kempe Henry. *Niños maltratados*, Lavel Humanes, Madrid, Ed. Morata, 1998, p. 68.

We have other behavioral indicators potentially present in infants abused: "suspicion contact with parents or other adults, self destruction, extreme aggression and withdrawal, low self-esteem, feeling of being disqualified or rejected, mental retardation or cerebral palsy.

### **Emotional neglect**

If the child does not receive affection, stimulation and protection required at every stage of its evolution, optimal development is inhibited. Parents, educators or caregivers ignore the child emotional expressions such as crying or smiling, or his attempts to approach or interaction. This is a more subtle type of abuse, whose main characteristic is cause discomfort.

This section has two types of emotional abuse: the active, that humiliates and degrades the child stirring up feelings and create insecurity, worthlessness and hopelessness; It manifested through insults or nasty nicknames.

The aftermath of this type of abuse are reflected in adolescence or even later, when many of these children become abusive parents and begin to abuse their own children. An adult who was abused as a child or child will have many difficulties in relating to other individuals, even intimate relationships or have confidence in others.

The abused children are prone to anxiety, depression, neurosis, substance abuse, school or work difficulties. It is recommended that you consult an expert to prevent damage from staying in your psyche the rest of your life.

### **Abandonment or neglect**

One of the most common forms of abuse is neglect, which can occur in all stages of development and become a critical situation given the dependence you have parents or caregivers. Neglect happens "when parents do not meet the child's physical needs in food,

clothing, shelter, or they do not provide adequate supervision and protection to deliver you from danger”.<sup>67</sup>

### **Classification of neglect or abandonment**

Neglect or abandonment is classified into two types:

Physical neglect is shirk or delay care health situations, running from home to a minor, do not make the complaint or attempt to return home the boy fled, leaving the child alone in the house by other minor.

Educational neglect or abandonment: means avoiding enroll the child in school levels required by law, do not do what is necessary to meet the needs of special education if necessary.

Moreover, neglect can result in the development of child involvement in their psycho-social competence, including victims of child abuse may have low intellectual levels, greater linguistic poverty, less academic competition, greater discipline problems and poorer school adjustment.

### **Indicators and forms of abuse in children by neglect**

Negligence is one of the most recurrent forms of abuse. This type is identified in the hygiene, clothing, food, medical care, developmental delay growth of non-organic causes, inadequate hygiene and home security measures, education, leisure and supervision.<sup>68</sup> The following briefly describes each indicator:

Infants who suffer neglect or are victims of neglect have difficulty relating to others, are antisocial and disorganized, have difficulty following instructions and regulations are a bit aggressive. Children who suffer this type of abuse are likely to suffer sexual abuse by the lack of trusted people. They are also likely to masturbate constantly, for lack of love, affection, care and attention from their parents.<sup>69</sup>

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<sup>67</sup>Pruissen, Catherine. *Cómo iniciar y administrar jardines infantiles*, Bogotá, Traducción Ángela García, Ed. Norma, 2004, p. 248.

<sup>68</sup>Díaz Huerta, J. et al. *Niños maltratados*, Madrid, Díaz de Santos, 1997, p. 141.

<sup>69</sup>De Medina, Amparo. *Libre de la Violencia Intrafamiliar*, Canadá, Mundo Hispano, 2000, p. 118.

It can also detect personal hygiene of the child, who usually is dirty or bad hygiene; dermatitis in infants have some areas of the diaper and skin infections.

In addition to food we see the low intake of foods rich in nutrients sufficient for the optimal development of your body. Many times parents should be, those in strict weight control or are vegetarians. With regard to health, is the absence of vaccines, lack of follow-up treatments, consultations are not justified in emergencies, and frequent and uncontrolled form of health care.

Another factor is the growth developmental delay or not due to organic causes. the child to be autonomous is not allowed, but always depends on all educators. So that does not make things for yourself for fear or insecurity.

Inadequate hygiene and safety measures at home. There are also repetitive and unexcused school absences; for example, when the child reaches constantly late, not attending compulsory education by law, no interest in reviewing their homework and school requirements, directly affecting the child's educational performance.

Another factor causing negligence is leisure, for example, let the child watch TV for a long time impossible family life, provide a tablet, ipad or any game as a way to keep busy; some teens are left unattended for too long, encouraging them to enter pre criminal environments or to acquire drug addictions.

In the aspect of monitoring it shows that the child constantly suffers injuries or accidents that make suspect that spends many hours without supervision of parents or other adult. Even young children are left under the care of his older brothers, which is unfair because it should not delegate functions corresponding to an adult.

There are also cases of accidental drowning, burns, crib death in newborns, all of which is due to the lack of supervision of parents or caregivers.

Children show some signs of having been sexually abused when they feel aversion to being touched or cuddled, or when they stop any abnormal flow in the undergarment.

Finally, it is one of the most common situations of abuse is passive exposure to smoke snuff. When parents have cigarette addiction they ignore the fact that the infant inhale the smoke, severely damaging his lungs, which is very harmful in asthmatic children.

Sometimes parents do not realize their wrongdoing with the children until it happens an unpleasant situation.

Another example is when they stop coming to the clinic to apply the appropriate vaccines, marked in the basic vaccination.

These would be some forms of negligence in the care of children.

### **Sexual abuse**

Another type of abuse is hidden and it is very difficult to denounce the victim is sexual abuse, which occurs "when an older person the victim uses force or any other kind of power to convince or force the child to perform sexual activity".<sup>70</sup> "It is not necessary to have physical contact (penetramiento or touching) to consider that there is abuse".<sup>71</sup>

In this type of abuse used children as objects to satisfy the sexual desire of the adult.

On the other hand, the scientific interest in the sexual abuse began in the seventies. According to some research, in Greece and Rome young men were used as sex objects by older men. In all Roman cities were brothels of boys, and Athens could hire a young man. Even in some unauthorized sites they were used child slaves.<sup>72</sup>

The preferred practice of the time were not sexual fondling or oral stimulation of the penis, but anal intercourse. In addition, in the Roman Empire was often castrate boys in the cradle. During the Renaissance sexual contact with children he disapproved, but the moralists argued that it was the duty of the child prevent others from abusing it.

In the eighteenth century adults began to punish children touched their genitals. Some books of the Middle Ages regarded masturbation as a sin, and from the medical point of view masturbation caused blindness, epilepsy, insanity and death.

Thus, in the nineteenth century children it was threatened to cut off the genitals if practiced masturbation.

According to the National Center proposal it is considered sexual abuse "contacts and interaction between a child and an adult when the adult (aggressor) uses the child to sexually stimulated or someone else. Sexual abuse can be committed by a person under 18

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<sup>70</sup>Chavarria, Alfonsina. *Derecho sobre la familia y el niño*, San José, Costa Rica, Asociación de Editoriales Universitarias, 2004, p. 227.

<sup>71</sup>*Cuadernos de Bienestar y Protección Infantil, abuso sexual infantil, definición y taxonomía*. Madrid, España, FAPMI-Federación de Asociaciones para la Prevención del Maltrato Infantil, No.6, junio 2011.

<sup>72</sup>V. Intebi, Irene. *Abuso sexual infantil: en las mejores familias*, Argentina, Granica, 2008, p. 70.

years, when this is significantly higher than the child (victim) or when the offender is in a position of power or control over the child”.<sup>73</sup>

In this type of abuse may be present verbal seduction, exhibitionism, performing sexual acts against the child, showing pornography and sexual abuse as some fondling or touching inappropriate parts to motivate adult.

Most sexually abused children are preschool girls or adolescents. Studies have shown that most parents who abuse their children suffered the same situation by their parents.

Some studies claim that such parent makes a child's personality, while others believe that unrealistically expect that their psychological needs are covered by their children, not being fulfilled makes violent with their children. Despite this psychopathological approach, few parents of this type can be considered true psychotic or sociopaths, as in other facets of life work without social and psychological distortions.

It is important to note about the abuse and sexual exploitation. In the latter there are situations in which the child is physically or psychologically forced to perform sexual activities with adults in exchange for financial remuneration.

### **Consequences of sexual abuse**

Some doctors in interviews revealed that it is rare that sexual abuse causes visible and permanent physical injuries, however, a key element is the account of the victim and not necessarily the physical signs. Therefore, even if there is no physical signs should not exclude the diagnosis of sexual abuse as some forms of abuse do not cause injury. The reality is that most victims of sexual abuse are women and the main aggressors are a member of your family or someone close.

There are "some consequences of sexual abuse long- and short-term"<sup>74</sup>, which are described below:

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<sup>73</sup>Echeburúa, Enrique y Guerrica Echevarría, Cristina. *Abuso sexual en la infancia: víctimas y agresores*, Ariel, 2009, España, p.10.

<sup>74</sup>Riso, Walter, *Terapia Cognitiva: Fundamentos teóricos y contextualización del caso clínico*, Norma, 2006, Colombia, p. 139.

In the short term sphincters loss, nightmares, changes in eating habits, generalized fear, hyperactivity, guilt, shame, rejection of the body, PTSD, exhibitionist behavior occurs, among others.

We have long-term hypochondria, gastrointestinal problems, suicide attempts, drug abuse, personality disorder, affective inhibition, aversions, sexual phobias, sexual desire disorder, isolation, difficulties in raising children, among others.

Specific physical indicators include lesions in genital areas and / or anal bleeding from vagina or anus, genital infections or sexually transmitted diseases (syphilis, gonorrhea, AIDS, genital warts, genital warts, herpes, infectious vaginal discharge presence of unusual germs in the normal flora of children) and pregnancy.

### **Labor exploitation**

Undoubtedly poverty is the main cause of labor exploitation in children and adolescents. Here the exploitation of children in order to obtain economic benefits (eg begging), and from performing any work that could hinder their education are included, be harmful to their health or physical, mental, spiritual or social development.

Child labor is prohibited by all the laws because "threatens the physical and moral health, relationships and radically unjust wages, absence of labor guarantees and social security."<sup>75</sup>

Child labor is poorly paid and minimally bring these children home, showing the close relationship between poverty and work. It is mandatory that children join the education system, as it enacts the 3rd article. Constitution which reads: "Everyone has the right to receive education. The State, Federation, states and municipalities taught Early Childhood Education, Elementary and Secondary Education, which form the Basic Education; this and the upper half will be mandatory. " Young people and children are entitled to education. There are no precise statistics on child labor because it is clandestine or informal conditions without security measures manner.

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<sup>75</sup>Melo Moreno, Vladimir. *Identidades*, Colombia, Ed. Norma, 2005, p. 55.

### **Factors affecting child exploitation**

The exploitation of child labor occurs more in the countries of Asia, Africa and Latin America. In Europe and the United States there has been a notable increase in the exploitation of child labor because employers seek underpaid labor, agricultural activities being the heaviest weight. There are children who are dedicated to extract gold from the mines of Peru and coal in Colombia.

There are children and adolescents who work as domestic servants, in tourism, in the street or in prostitution.

In Haiti, 20% of domestic workers are minors, while in Brazil are 22%. In India prefer girls between 12 and 15 years old to do housework; are poorly paid and are at risk of physical and sexual abuse by their employers, have no legal rights, do not attend school, lack of family affection and play and own activities of girls and boys his age who allow adequate social development. Some of these girls have withdrawal, premature aging, regression and depression.<sup>76</sup>

Another factor affecting child labor exploitation is not gratuitous schools. Many working children to cover their expenses. In 1996 the International Labour Organization noted that the exploitation of child labor is a serious problem due to the high number of children.

Children and adolescents are exposed to sudden changes in temperature, rain, charging excessive weight, use no appropriate tools for their age, to use or inhaling toxic chemicals, which is a serious problem for them. In the Valley of Sinaloa farmers hire a lot of farm workers without distinction of age.

For many years we study with the intention of finding a psychopathological profile parents who abuse their children, finding that there is no such profile is made. However, in interviews with parents aggressors are common features, same that are considered as risk factors:<sup>77</sup>

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<sup>76</sup>Des Hommes Europa, Frere. *La esclavitud* en el 2000, Barcelona, Ed. Icaria, 1998, p. 16.

<sup>77</sup>Díaz Huerta, J. y Casado Flores J. *Niños maltratados*, Madrid, Ed. Díaz de Santos, 1997, p.18.



## **Risk factors for child abuse**

Difficulties in pregnancy and childbirth, as can be high number of pregnancies, unintended pregnancy, teenage mothers or in situations of isolation, without family support or resources. Children from birth are rejected. Having too many children is a complicated situation because they do not usually receive adequate care for the poor economic conditions. There is also the inexperience or ignorance in caring for children, which can cause difficulties in recognizing their emotional needs. There are cases of teenage parents whose degree of immaturity prevents them from assuming their rightful role.

## **Conclusions**

On the principles of the Declaration of the Rights of the Child is spoken in item 1 regarding equal regardless of race, religion or nationality; also, paragraph 2 gives you the right to special protection for the physical, mental and social development, finally numeral 8 protects against all forms of neglect, cruelty and exploitation.

The highest rate of child abuse is caused by parents and announces the UNICEF (United Nations Children's Fund).

It is therefore necessary to incorporate in all preschool and basic schools project called "School for Parents" highly qualified with a dad-student mode, ie, personal father works as a student; at the end of the semester and school year the parent would have its rating. Crystallization of this modality in the school project to involve parents commitment and responsibility for parents, and therefore for your child.

In addition incorporate preschool and basic education plans and curriculum content areas related to detection and prevention of child abuse.

Also the current social and technological issues limited the State to participate directly in the bosom of families and we are with it, and is thus skirting the parents to a state of "comfort", ie, disinterest towards children with the use of social networks which really hurts the crystallization of this project, therefore the parents would take to assume a level of

commitment that promotes child abuse and adolescents of the State of Sinaloa. And in extreme cases to legislate the use of cell from a degree of maturity of the adolescent.

In the Convention on the Rights of the Child in Article 3, first paragraph, it decreed that all measures undertaken by public or private social welfare institutions, courts, administrative authorities or legislative bodies in the legal environment of the child must observe as a primary consideration. By this is meant that in cases where children are involved this principle should be applied in this case this research is abuse.

Therefore, it is important that a regulatory body to organize, implement, systematize, apply and follow-up investigations already conducted on child abuse in Sinaloa is generated. Because institutions or public or private bodies on the matter do not include monitoring the accuracy of the information, as it should be according to the law of transparency.

Child abuse is not a problem to be solved immediately, but if they improve public policies on prevention, protection and treatment of children and adolescents Sinaloa would not be an unattainable goal.

They should be strengthened care services and support to children and abused adolescents and their families and scientific evidence proving their effectiveness is also needed.

Define plans, policies, programs and services relevant different types of abuse for early rehabilitation may be detected.

The children and adolescents with disabilities is a major priority for their vulnerability.

We can conclude that for the detection of child abuse and prevention programs and care services sufficient resources are needed to reduce the high rates of child abuse in Sinaloa, and improve the care provided to children and families who are immersed in environments violent to achieve real success in the prevention and eradication of this problem.

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