

Protective parameters of the right to education during childhood “family conflicts, silent harms”.

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ABSTRACT: *The right to education, enshrined in the Mexican Constitution as a social and collective right, is fundamental for progressive and permanent human development. In the framework of the UN Sustainable Development Goals, Mexican domestic law and conventionality control, the need for education without violence is highlighted, however, family conflicts represent a significant threat to this right, affecting the psycho-emotional sphere of children and their school performance, which prevails in the study of multidimensionality for the protection of this right. These conflicts, inherent to social complexity, require effective public policies and programs to mitigate their negative impacts. It is crucial to implement concrete measures that guarantee a safe and conducive environment for the learning and integral development of affected children. This approach not only promotes equitable human development, but also strengthens the social fabric by addressing the underlying causes of family conflicts.*

KEYWORDS -Education, family conflicts, silent damage.

I. INTRODUCTION

The right to education has a social and collective character, (Thesis: 1a. CLXVIII/2015 (10a.), 2015) this from the vision of the constituent materialized in the legal instrument of greater depth in our country, namely the Constitution of 1917. (Sierra, 2016, p. 1). The legal nature of this right directly impacts the human development of each person is progressive and permanent. This right has had the transcendence of being studied in a cross-cutting manner and from diverse edges on an international level with legal instruments (Thesis: 1a. CLXIX/2015 (10th.), 2015) that have undoubtedly marked the fundamental and formative axis in the evolution of the parameter of constitutional regularity when this right has been violated by public or private authorities (García, 2023, p. 31 - 32) by virtue of jurisprudential advances and epistemological fragmentation for concrete applications and with benefits for society (Thesis: 1a. CLXX/2015 (10a.), 2015).

Education as a human right is part of the fourth goal within the Sustainable Development Goals (SDGs), developed by the United Nations Organization, emphasizing that this goal and the right to education itself must have the relevant quality with a preponderance of non-discrimination and non-violence. As a presentation of hard data according to national education goals, the percentage of students achieving basic reading skills at the end of elementary school is expected to increase from 51% in 2015 to 67% in 2030. However, an estimated 300 million children and youth will still lack basic numeracy and literacy skills in 2030.

Knowing the qualitative elements behind these projections on education gives room to analyze the implications of the youth and childhood population sector in a social-nuclear phenomenon within the first and most important environment that a minor may have, i.e. the family. The family represents the most important

social cell for an infant. For this reason, Article 9.1 of the Convention on the Rights of the Child establishes the following:

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when, subject to judicial review, competent authorities determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such a determination may be necessary in particular cases, for example, in cases where the child is abused or neglected by his or her parents or where the parents live apart and a decision must be made as to the child's place of residence. (Convention on the Rights of the Child [CRC], 7/05/2024, art. 9.1)

It is in this context that the right to education, to the family, to equality and to non-violence make a vital convergence for the structural study of the social phenomenon of family conflicts and their impact on the education of youth and children. In Advisory Opinion OC - 17/02 of August 28, 2002, the Instituto Universitario de Derechos Humanos (University Institute of Human Rights) and other organizations in the field, A.C. of Mexico, state their position on the issue and the implications of the separation of young people from their parents because the authority considers that their family does not have the conditions for their education or support in relation to the special measures established in Article 19 of the American Convention on Human Rights (ACHR) identified by the Inter-American Commission on Human Rights (IACHR).

From the informative axes exposed and analyzed in the aforementioned advisory opinion, it refers to a semantic precision with respect to the term "youth", alluding that this term should be rejected since it covers both those over and under 18 years of age (Advisory Opinion OC-17/02, 2002, para. 15). This by virtue of Article 1 of the Convention on the Rights of the Child, which establishes that a child means every human being below eighteen years of age, unless under the law applicable to the child, majority is attained earlier. (CRC, 7/05/2024, art. 1).

The substantiation between the right to education and family conflicts, among other latent phenomena such as violence exercised by parents towards their children, brings as a consequence the reinforcement of the following judicial guarantees in the following assumption:

The separation of children from their parents must be adopted under the due judicial guarantees, "always privileging the supreme interest of the minor, which may be undermined by the lack of conditions for their due integral development". For this reason, the State, in its capacity as promoter and protector of the rights of the child, can only order such reparation in circumstances that place the child at risk of suffering violence, mistreatment, abuse and sexual exploitation, among other dangers. (OC-17/02, 2002, para. 15).

Therefore, in the development of this research work, protective parameters of education during childhood will be developed, the impact of family conflicts for the impairment of this human right, as well as the identification of the so-called silent damage that can affect the psycho-emotional sphere of childhood and its direct impact on quality education provided in the fourth goal of the SDGs by the United Nations, since to meet goal 4, the financing of education must become a national investment priority. (Thesis: 1a. CLXXVIII/2015 (10a.), 2015). In its maximum progressiveness, integrality and convergence with other fundamental rights, as well as the importance of in light of the Political Constitution of the United Mexican States in its third article and international regulations.

II. HEADINGS

1. International and National Legal Framework

The significance of the infant as a subject of rights and international protection has been submitted as a study within the social reality from cases analyzed by the Inter-American Court of Human Rights (IACHR Court), as an example of one of these, the case "street children" vs Guatemala is exposed in this section, where from the issuance of judgment on the merits, analyzes the fundamental concept of the infant as a protected subject establishing the first major protective parameter of the infant in its multidimensionality of action and application. The aforementioned case discriminates with pragmatic elements the scope of Article 19 of the American Convention on Human Rights, by establishing that the focal spirit of said numeral lies in understanding and recognizing the vulnerability of children and their inability to ensure by themselves the

respect of their rights and that in a primordial manner the consequent responsibilities of protection correspond in principle to the family and as established by the Inter-American Commission on Human Rights in the case of children at risk, measures emanating from the State are required. (Case of “street children” (Villagrán Morales et al.) v. Guatemala, 1999, para. 185).

Understanding the scope within the legal and social life of the infant and its various aspects of coexistence for their integral development, the IACHR Court ruled that the exercise of their rights should be configured to progressive development, since the infant as a holistic being is composed of a whole of its social construction from what is built with the senses giving a specific meaning. In the consideration of this psychocognitive conception:

In the case of children, although they are subjects entitled to human rights, those exercise their rights progressively as they develop a higher level of personal autonomy, so in their early childhood they act in this sense through their relatives. Consequently, the separation of a child from his or her family necessarily implies an impairment in the exercise of his or her liberty (Case of Gelman v. Uruguay, 2011, para. 129).

The legal linkage of the protective parameters of the infant as a subject of protection and exercise of his rights according to the progressive jurisprudential development established by the IACHR Court through the aforementioned international standards evokes the comprehensive protection of the Human Rights of the infant, particularly the Human Right to Education in its spectrum of analysis.

As a foundation of the human right to education, the following international instruments are invoked based on the nuances provided in their various contributions to the right in question:

The Convention on the Rights of the Child (Convention on the Rights of the Child [CRC], 7/05/2024, arts. 20, 23, 28 and 29).

Article 20 explores the protection of children deprived of their family environment and mentions in its third paragraph that in considering solutions, particular attention shall be paid to the desirability of continuity in the child's education and to the child's ethnic, religious, cultural and linguistic background.

Article 23, on the other hand, discusses another nuance of great social significance for children with disabilities with respect to effective access to education, protecting their individual sphere in the community for their integration into society.

Of course, the article specialized in the right to education is found in number 28, where this human right is recognized by the States Parties with interpretation of the progressive exercise, establishing the compulsory nature of basic education and the appropriate measures to reduce school dropout rates, giving priority to their human dignity, a focal point for the present research work. In connection with this, Article 29 mentions the following protective parameters regarding the education of the child for an environment of integral wellbeing.

- Development of the maximum of their possibilities, in terms of personality, aptitudes and mental and physical capacities.
- Normative awareness of human rights for their individual and collective protection.
- To develop in an environment of healthy coexistence and harmony with their parents, with their own cultural identity, language, national values and respect for cultural diversity.
- Formation under a responsible life in a free society, pondering the importance of human development conscious of its social reality with dignity, equality and respect for oneself and others, as well as respect for the natural environment that configures another dimension of the right to education reflecting the quality of life of the child.

It should be noted that the Human Right to Education is also part of the Economic, Cultural, Social and Environmental Rights (ESCR), provided for in Article 26 of the American Convention on Human Rights (ACHR), emphasizing the progressive nature of these, establishing the duty of international cooperation for their effectiveness.

The international instrumentation invoked above reflects its binding character with the Mexican Legal System in the Contradiction of thesis 293 / 2011 results by the plenary of the Supreme Court of Justice of the Nation determine that the norms on human rights contained in International Treaties have constitutional rank, concentrating on the following structural points:

- Abandonment of the notion of hierarchy and the expansion of international instrumentation in its broadest character.
- Conformation of the parameter of constitutional regularity.
- Express restrictions to the constitution.
- And the obligatory nature of the Jurisprudence of the Inter-American Court of Human Rights.

Consequently, the conventional legal protection is linked in a performative way in the constitutionality of Mexican law for its maximum scope and broader protection (Political Constitution of the United Mexican States [CPEUM], 10/05/2024, art 1).

2. Impact of Family Conflicts on Rights Enforcement

Family conflicts are a fencing of human behavior and of the chaotic nature in which we are immersed, a conflict by itself breaks the social fabric in its harmonic sphere having as repercussion the dimensional imbalance of the individual in collectivity. The complexities and tensions that can be generated in family relationships have a rhizome of effects derived from an interpersonal root that has repercussions on our thoughts.

For Perriau de Videla (2012), "(...) the family today hurts us. Our own family hurts us, those close to us hurt us and also what the family is becoming at a global level. Certainly, the family today is weakened, "wounded", with wounds of varying severity. Possibly, also our family. We do not live "encapsulated". We breathe a hostile atmosphere that, to some extent, affects us all". (p. 11).

These vicissitudes call for reflection on the relationship mind, language and society, in which we progressively fall into the Retrotopia of which Bauman (2017), alludes to by quoting Walter Benjamin (1940), in his Thesis on the Philosophy of History about the message represented by the Angelus Novus (which he called Angel of History), painted by Paul Klee in 1920:

The face of the Angel of History is turned toward the past. Where we perceive a chain of facts, he sees a unique catastrophe that never ceases to pile up debris that it is throwing at his feet. The angel would like to stay, to awaken the dead and recompose what has been reduced to pieces. But a storm blows from paradise and it has become so entangled in his wings that the angel can no longer fold them. This gale pushes him irresistibly towards the future, to which he turns his back, while the heap of ruins grows before him, rising towards the sky. It is the hurricane we call progress.

It is the measure of progress based on the days of the future past to understand our journey. Family conflicts produce affectations in mental health in infants and adolescents have been addressed from different approaches and techniques to manage conflicts within families (Minuchin H., et al, 2004, p. 19), which, according to the Tenth Sustainable Development Goal established by the United Nations, and its sub-numerals have contributed

to seek guarantees of reduction of inequalities in social relations carried in the environment of minors (Chagoya, et al, 2017, p. 32)

Divorce is a social phenomenon that impacts not only on the rupture of the emotional and behavioral couple connection, but the latent projections before, during and after the divorce are in their nature complex and affect infants in their human development, one aspect is education. For (Alvarez, 2018, as cited in Salvador and Boderó, 2019) the emotional factors marked in children of divorcing parents are:

Low academic performance. Children are affected to such an extent that they neglect their studies, and this leads to low grades. Their thoughts are more focused on their parents' problems and actions during and after the divorce.

Low self-esteem. Children of divorced parents tend to have low self-esteem, this is linked to the self-concept they have of themselves, feeling different from other children; they even come to think that they are partly to blame for their parents' divorce.

Lack of social relationships. Children of divorced parents tend to have socialization problems, not because they are incapable of establishing friendships, but because they are very passive and introverted and are afraid that others will find out about the situation they have gone through as a family.

Behavioral problems. Children of divorced parents often have behavioral problems, known as disruptive behaviors, which include anxiety, impulsivity, misbehaviors or aggressive behaviors.

The conformations in family life generate positive and negative effects with respect to emotional bonds in diverse situations with effects on the infants as exposed in previous lines. These effects can be analyzed from phenomena of transversal studies, from a socioanthropological, social psychological, and forensic linguistic point of view, all of these strengthening the legal vision to understand the scope of the educational effects on infants.

Following the structural line of phenomena that affect the sphere of educational reality in infants, intra-family violence constitutes a disruptive element of great magnitude. This type of violence, which occurs within the family nucleus, has a direct and profound impact on the emotional, cognitive and social development of children. It is not limited to a specific geographic, economic or cultural context, but crosses all barriers, affecting children from diverse backgrounds and social strata.

According to Pirnagote (2022) "a child who is involved in a violent circle, his or her emotional, physical and mental state will be reflected in academic performance, thus interrupting his or her physical and emotional progress" (142).

Domestic violence manifests itself in various forms, including physical, emotional and psychological abuse, and in some cases, abandonment. Each of these manifestations leaves significant marks on children, affecting their school performance, their ability to establish healthy social relationships, and their general well-being. Children exposed to violent environments often exhibit symptoms of anxiety, depression, low self-esteem and learning difficulties. In addition, they are likely to reproduce patterns of violence in their own relationships, thus perpetuating the cycle of intrafamily violence across generations.

Collaboration between educational institutions, social services and child protection organizations is essential to provide a comprehensive support network that addresses both the consequences and underlying causes of domestic violence. The implementation of parenting education programs, awareness campaigns and family counseling services can contribute significantly to the prevention and reduction of this phenomenon.

According to Zavala (2020):

It is shocking to see that violence is becoming normalized, and less and less importance is given to provocative behaviors in children, since they are attributed to them and justified by their age; however, in the educational area we realize that children urgently ask for help through their attitudes and rebelliousness, and why not say, in the game itself, we cannot remain calm in the face of defiant behaviors and stand idly by, while our children go from being victims to victimizers, taking out their anger and frustration within the school field among their peers. (p.7)

It is worth mentioning that family conflicts may hinder this communication as mentioned above, making parents or guardians less involved in their children's school life. Lack of parental involvement can translate into less understanding and support for children's educational needs, affecting their academic performance and emotional well-being.

Significant barriers are created to the fulfillment of children's and adolescents' educational rights. It is essential to address these disputes sensitively and offer appropriate support to those affected to ensure that everyone has the opportunity to reach their full educational potential.

Some of the human rights in which obstacles to due fulfillment are configured as a result of the educational impacts of family conflicts such as those described above are as follows:

Right to Education - Article 3 of the Political Constitution of the United Mexican States. Article 26 of the Universal Declaration of Human Rights.

Obstacles due to Family Conflicts
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School Interruption: Family conflicts can cause children to miss school days or even drop out of school.
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Underachievement: Stress and anxiety caused by conflict can affect children's ability to concentrate and learn.

Affecting Children

Academic Disadvantage: Loss of continuity in their education and low self-esteem.

Emotional Problems: Increased mental health problems such as anxiety and depression.
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Right to a Healthy Family Environment - General Law on the Rights of Children and Adolescents, Article 13. Article 9 of the Convention on the Rights of the Child.
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Obstacles due to Family Conflicts
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Domestic Violence: The presence of violence seriously affects the emotional stability of children.
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Family Disintegration: Conflictual separations and divorces can generate an unstable environment.

Affecting Children

Emotional Insecurity: Lack of confidence and security in their environment.

Behavioral Problems: Greater propensity to develop problematic behaviors.

Right to Equality and Non-Discrimination - Article 1 of the Political Constitution of the United Mexican States. Article 2 of the Universal Declaration of Human Rights.
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Family Conflict Barriers

School Discrimination: Children from families in conflict may be discriminated against by their peers and teachers.

Social Stigma: The family situation can generate stigmatization and social isolation.

Affect on Children

Social Exclusion: Isolation from school and social activities.
Low self-esteem: Feelings of inferiority and self-exclusion.

Right to Protection against Child Labor - Federal Labor Law, Articles 22 and 123
Convention 138 of the International Labor Organization (ILO) on minimum age.

Obstacles due to Family Conflicts

Child Labor: In conflict situations, children may be forced to work to contribute to the family economy.
Exploitation: Increased risk of labor exploitation due to family vulnerability.

Impact on Children

Educational Interruption: Dropping out of school to work.
Inadequate Development: Negative impact on their physical and emotional development.

Right to Health - Article 4 of the Political Constitution of the United Mexican States.
Article 24 of the Convention on the Rights of the Child.

Obstacles due to Family Conflicts

Neglect: Conflicts can lead to neglect in the medical care of children.
Psychological Problems: Increased mental health problems as a result of family stress.

Affecting Children

Impaired Health: Lack of adequate and timely medical care.
Psychological Problems: Emotional and behavioral disorders.

Source: Prepared by the authors based on the articles of the legal instrument.

3. Specific Legal Protections for Children in Situations of Family Conflict

The legal measures that seek to ensure the continuity and quality of education due to the silent damages caused by family conflicts in Mexico are the following:

The National Code of Civil and Family Procedures (CNPCyF) in its articles 554 to 557 referring to family justice, brings up the following by means of protective measures that are vital for the analysis of a progressiveness based on Human Rights and the silent effects caused by family conflicts.

Article 554 - Protective measures in cases of violent conducts or serious omissions

Provisional measures: The jurisdictional authority must take immediate measures to stop any violent conduct or serious omission affecting family members. These measures seek to protect children and adolescents from conflictive environments that may affect their emotional and educational development.

Vicarious violence: In cases of violence perpetrated against women through their children, the authority must protect children and adolescents, as well as women, to prevent further harm. This is crucial to ensure that children do not suffer traumas that interfere with their concentration and school performance.

Article 555 - Food assurance.

Food assurance: The authority must ensure that those who are entitled to food, such as children, obtain it. Adequate nutrition is essential for cognitive development and school performance, and this measure ensures that children do not suffer from malnutrition that may affect their education.

Article 556 - Modification of Provisional Measures

Review of measures: Provisional measures may be modified or revoked if the circumstances that led to them change. This ensures that decisions are adapted to the current needs of the children, protecting their well-being and emotional stability, which is essential for their educational performance.

Article 557 - Protection of the rights of children and adolescents.

Acting beyond demand: The authority must act in the best interests of children, even beyond what is requested. This includes interventions that can prevent children from being negatively affected by family conflicts, thus supporting their emotional and educational stability.

Prioritize special protection: Children must be protected from any form of abuse or neglect, ensuring a violence-free environment where they can develop holistically. A safe environment is essential for children to be able to concentrate on their studies.

Attention to specific needs: Authorities must consider the individual characteristics and needs of each child, avoiding discrimination. This ensures that all children, regardless of their circumstances, receive the necessary support for their education.

Testimonial statements with minimal intervention: Avoid procedures that may cause psychological stress to children, minimizing their involvement in judicial conflicts. Stress and anxiety can negatively affect their concentration and school performance.

Avoid unnecessary delays: Expedite court proceedings and avoid intimidating requirements so that children do not suffer prolonged effects of family conflicts. Delays can aggravate emotional stress, affecting their education.

Confidentiality: Protect the privacy of children in court proceedings. Public exposure can increase stress and anxiety, impairing their well-being and academic performance.

Right to express opinions: Allow children to express their views on decisions that affect them, and take into account their age and maturity. Listening to children can help make decisions that improve their emotional and educational well-being.

Once we have extracted some of the most important protective parameters that are essential for not affecting education due to some of the family conflicts set forth in the Code, it is of great importance what Article 559 of the CNPCyF states regarding the invocation of the Protocol for Judging with a Childhood and Adolescence Perspective of the Supreme Court of Justice of the Nation, a legal instrument that is vital to address various situations that cause silent damage to infants due to the phenomena already mentioned in previous lines.

The generation of international systems for the protection of human rights triggered the conceptual scopes of greater protection for infants, such as their autonomy and their recognition at a constitutional level. Supreme Court of Justice of the Nation (SCJN, 2021).

Conventional and constitutional principles such as the best interests of the child, the free development of personality and autonomy have had repercussions for a transversal analysis in various legal instruments that in educational matters and the protection necessary to prevent these silent damages are important for progressive harmony.

In the last decade, the constitutional evolution and the creation of the LGDNNA has influenced the modification of other laws in which their rights are regulated, such as the reforms to the General Education Law to integrate the best interests of children as a guiding principle in the provision of educational services in 2019,⁴³ or those of the Migration Law and the Law on Refugees, Complementary Protection and Political Asylum, in matters of migrant children in 2020. (SCJN, 2021, p.14-15).

It goes without saying that the configuration of protection and scope in educational affectations in infants by virtue of the jurisprudential advances by the SCJN provides for intersectionality factors (Amparo en Revisión 272/2019). This is due to the fact that the affectations by family conflicts generate by its conceptual nature a fairly broad spectrum in which the economic deficiencies are damages that arise from an intrafamily level.

Derived from this, and from its contemplation in its intra-family dimension in the reality of each of the infants with the diverse contexts, the inter-family dimension in educational environments requires great specific attention, therefore “The SCJN has protected the integrity and the rights to life and survival in schools, in which their right to education in a safe environment, free of violence and stimulating for the NNA must be respected” (SCJN, 2021, p. 87).

A fundamental part of and as a primary criterion for a comprehensive education and prevention of family conflicts applied to this research are exposed in Article 16 of the General Law of Education, criteria that are vital for the mitigation of silent damage in infants.

Fight against violence and discrimination: Combat violence, especially against children, women and vulnerable people, creating safe educational environments.

Democracy and social improvement: Promotes social and cultural improvement, contributing to a stable and healthy family environment.

Respect and strengthening of families: Promotes respect for families as the basic nuclei of society and spaces free of violence, strengthening family unity.

Equity and inclusion: Combats socioeconomic inequalities and supports vulnerable students, ensuring quality education for all.

Adopts inclusive measures, eliminating barriers to learning for children affected by family conflicts.

Interculturality and harmonious coexistence: Promotes respectful coexistence between different cultures and ways of life, reducing family conflicts.

Integral and socioemotional development: Focuses education on the development of cognitive and socioemotional skills, helping children to better manage family conflicts and their effects.

These criteria ensure an education that contributes to preventing family conflicts and mitigating their negative effects on children, promoting a safe, equitable and inclusive educational environment.

Finally, it is important to mention the provisions found in Article 22 of the General Law on the Rights of Children and Adolescents on the Right to Live in a Family, the persons who care for them must maintain an environment free of violence.

The cases in which the persons exercising parental authority, due to extreme poverty or the need to earn a living far from their place of residence, have difficulties to take care of children and adolescents on a permanent basis, will not be considered as cases of exposure or state of abandonment, as long as they keep them in the care of

other persons, free from violence and provide for their subsistence. (General Law on the Rights of Children and Adolescents [LGDNNA], 8/07/2024, art. 22).

However, the above instrumentation does not present legal specificities regarding the appointment of legal guardians and specialized support programs in case of silent or visible damages caused by family conflicts and affecting the educational performance of minors.

4. Legislative Reflections, Proposals and Feasibility Analysis

Family conflicts represent a profound problem that erodes the foundations of what we know as the basic unit of society: the family. These alterations in the family nucleus are not mere passing discrepancies but have the potential to generate long-lasting effects in legal phenomena, especially those that directly affect children. These conflicts generate an atmosphere of insecurity and stress, as analyzed above, and these emotions undoubtedly have a negative impact on the emotional and psychological well-being of children. The relevance of this issue lies not only in the immediate damage that these situations can cause, but also in how these conflictive family dynamics are reflected in the legal and judicial sphere.

The incidence of these conflicts in the legal sphere is notable, especially when it comes to family law rulings and sentences. These judicial decisions have the power to significantly shape the lives of the children involved, affecting crucial aspects such as their education and integral development. Faced with this reality, there has been a growing concern on the part of legislators and actors in the judicial system, who are seeking ways to address these problems more effectively. Legislative reflection on this issue has given rise to proposals that seek to link and apply laws and regulations more efficiently in cases that directly affect children's rights. The aim is to ensure that, even in the midst of family conflicts, the rights and welfare of children are protected and prioritized, ensuring that judicial resolutions take into account their best interests.

In this context, it is essential to recognize the importance of addressing family conflicts not only from a legal perspective, but also from a preventive and mediation approach. The implementation of public policies that promote the peaceful resolution of conflicts and the strengthening of the family unit can contribute significantly to reducing the incidence of these problems. Likewise, it is crucial that professionals involved in the management of family conflicts, whether lawyers, judges, social workers or psychologists, are properly trained to handle these situations in a sensitive manner and focused on the welfare of children, avoiding and primarily preventing the silent damage generated in the unfortunate daily lives of children where family conflicts are present. Only in this way can we aspire to a society where family conflicts are effectively addressed, protecting the most vulnerable and strengthening the social fabric from its most fundamental nucleus: the family.

Social Feasibility of Interventions

To address these silent harms effectively, it is crucial to promote early and interdisciplinary intervention. Implementing psychological support programs in schools, training teachers and educational staff in identifying signs of stress in children and creating community support networks are essential steps.

Psychological Support Programs

Establishing psychological support programs in schools will enable affected children to receive professional help in a timely manner. These programs can include individual and group therapy, stress management activities, and social skills workshops.

Training of Educational Personnel

Training teachers and educational personnel to recognize signs of stress and family conflict in students is vital. Early detection can prevent exacerbation of problems and facilitate referral to specialized services.

Community Support Networks

Encouraging the creation of support networks involving families, schools and social services is critical to providing a supportive and nurturing environment for children. These networks can provide resources, counseling and accompaniment to families in conflict.

Political Feasibility of the Proposals

From a political perspective, it is imperative that legislative reforms and public policies are aligned with the objectives of child protection and welfare promotion. Collaboration between different institutions and levels of government is essential for the effective implementation of these initiatives.

Legislative Reforms

Laws should focus on protecting children from the negative effects of family conflict. This includes ensuring that divorce and custody proceedings are handled in a way that minimizes the impact on children, and that their access to psychological support services is guaranteed.

Public Policy

Public policies should prioritize the creation of comprehensive programs that address emotional and psychological harm to children. Investment in mental health services, school support programs and community support networks should be a priority.

Interagency Collaboration

Coordination among the various institutions working in the field of child welfare is key to successful interventions. This includes cooperation between ministries of education, health and social services, as well as with non-governmental and community-based organizations.

Silent harm to children caused by family conflict represents a significant challenge to society. Addressing these problems requires a comprehensive approach that combines early intervention, psychological support, awareness of their fundamental rights and inter-agency collaboration. Only through a joint and sustained commitment can we ensure that affected children receive the support they need to overcome these challenges and reach their full academic and personal potential.

5. Perspectives and Recommendations for Future Action

The current situation regarding the protection of children in the school environment is an issue that deserves special attention. The prevention of the negative effects that can affect infants in schools is a matter of great importance. This is where the role of lawyers and civil society becomes fundamental. These actors have the capacity and responsibility to promote significant changes that guarantee a safe environment for children's development and learning.

Lawyers, for their part, play a crucial role in the creation and enforcement of laws that protect children from possible threats within the school environment. Their work is not only limited to the defense of children's rights in court, but also in the promotion of public policies that seek to prevent any form of violence or discrimination in schools.

Legal Counseling and Mediation

Performance in guiding families in conflict toward less adversarial solutions, such as mediation and arbitration, rather than protracted and adversarial litigation are avenues for legal professionals to pursue. Family mediation, facilitated by specialized lawyers, can reduce tension and stress in the home, directly benefiting children.

Legal Protection of Children's Rights

Lawyers must ensure that children's rights are a priority in any legal process. This includes advocating for the best interests of the child in custody cases, ensuring that visitation and support agreements are fair and focused on the child's welfare, and working to ensure that children have access to educational and psychological resources.

Training and Awareness

It is essential that attorneys receive ongoing training on the effects of family conflict on children and best practices for handling these cases. In addition, they can organize and participate in awareness campaigns to educate the community on the importance of addressing family conflicts in ways that minimize the impact on children.

On the other hand, civil society has an equally important role to play. Non-governmental organizations, community groups and individuals can contribute significantly to raising awareness of the importance of protecting children in the school environment, since the involvement of civil society, i.e., citizenship its functioning and potentiality will be closer to society itself (Méndez, 2020, p. 253).

Non-Governmental Organizations (NGOs) and Support Networks

NGOs and other civil society entities can provide direct support to families and children affected by family conflict. This includes counseling services, school support programs, and extracurricular activities that provide a safe and positive environment for children.

Early Intervention Programs

Civil society can develop and implement early intervention programs that identify and serve children at risk of suffering the negative effects of family conflict. These programs can include psychological support, academic tutoring, and recreational activities designed to foster children's emotional and social well-being.

Public Policy Advocacy

Civil society organizations can advocate for public policies that support families in conflict and protect children, by virtue of the fact that in the nature of public policies are means of communication that in a rhetoric as an engine of advancement generates a mitigation or eradication strategy to the policy problem (Harguindéguy, 2022, p. 42-43). This includes promoting laws that facilitate access to mental health services, school support programs, and community resources. In addition, they can work to ensure that educational policies are inclusive and sensitive to the needs of children in difficult family situations.

Collaborative Networks

Establishing collaborative networks among lawyers, NGOs, schools and other key actors is essential to comprehensively address the effects of family conflict on children. These networks can facilitate the exchange of information, coordination of efforts and implementation of joint strategies.

Joint Training and Capacity Building Programs

Developing joint training and capacity building programs for lawyers and members of civil society can improve mutual understanding and responsiveness to the needs of affected children. These programs can include workshops on mediation, conflict management, and psychological and educational support.

Pilot Projects and Impact Assessment

Implementing pilot projects that integrate the efforts of lawyers and civil society in specific areas can serve as a model for future initiatives. Evaluating the impact of these projects will allow for adjusting and improving the strategies employed, ensuring an effective and sustainable response.

III. CONCLUSION

It is essential to underscore the urgent need to adapt and reinforce the current legal framework in order to effectively protect the right to education of children in conflictive family environments. These conflicts, which can range from minor disagreements to situations of domestic violence, have a profound and often invisible impact on the emotional, social and academic well-being of children. This negative impact on their development and school performance makes it imperative that the competent authorities take concrete and effective measures to address and mitigate these problems. Work must be done on the creation and enactment of public policies, as well as on the implementation of support programs that guarantee a safe and conducive environment for the learning and integral development of children affected by family conflicts.

Legal reforms must go beyond theory and translate into effective practices that protect and promote children's right to education. This includes the development of public policies that guarantee access to psychological support services, early intervention programs and adequate educational resources. In addition, it is vital that these legal reforms are backed by strong social and political commitment. Governments, educational institutions, NGOs and the community at large must work together to ensure that new laws and policies are effectively implemented and continuously adjusted to the changing needs of children and their families.

Proactive legislative action must be accompanied by social awareness and mobilization that recognizes the importance of a safe and stable educational environment for the integral development of children. This involves educating the community about the effects of family conflicts on minors and fostering a culture of support and protection for affected children.

Protecting the right to education of children in conflictive family environments requires a coordinated and multifaceted response that combines legislative action with a strong social and political commitment. Only through interdisciplinary cooperation and community support can we ensure that children affected by family conflict receive the care and support they need to overcome these challenges and reach their full academic and personal potential.

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