



## Protecting The Rights Of Children Accompanying Detained Mothers: Observations From The Experience Of The Child Protection Center Reception Of Laulane, In Mozambique

**Jorge Baptista**, Master in Law and Security; Investigator, Legal and Judicial Training Centre (CFJJ) – Ministry of Justice, Constitutional and Religious Affairs – Maputo, Mozambique

Published on: 18<sup>th</sup> July 2025

### *Abstract*

*This article analyzes the protection of the rights of children accompanying mothers incarcerated in prisons in southern Mozambique, based on a qualitative ethnographic study conducted at the Laulane Children's Shelter Center (Aldeia SOS) in Maputo. The research, part of the institutional project of the Legal and Judicial Training Center (CFJJ), used participant observation and informal interviews with seven professionals from the institution (center director, youth leaders, family strengthening program (FS) coordinator, social worker, resident caretaker mother, and monitoring and evaluation officer), selected intentionally and conveniently, based on their roles. Data collection took place on October 1, 2024, using a structured observation guide and field notes. The analysis focused on aspects such as housing, health, nutrition, education, and psychosocial support, with the aim of understanding institutional child care and protection practices. The research strictly adhered to the principles of scientific integrity and participant protection. The results reveal significant advances in childcare, but also highlight structural limitations and operational challenges. The conclusion is that integrated and sustainable public policies are needed to ensure children's fundamental rights, with an emphasis on family reintegration, protection against prolonged institutionalization, and strengthening psychosocial support mechanisms.*

**Key Words:** Children's Rights, Incarcerated Mothers, Institutional Reception, Mozambique, Social Policy.

## INTRODUCTION

This scientific article, entitled "Protecting the Rights of Children Accompanying Detained Mothers: Observations from the Experience of the Laulane Shelter Center in Mozambique," is part of field studies on children's human rights in contexts of deprivation of parental liberty. The situation of children who accompany their mothers in penitentiaries, or who are separated from them due to imprisonment, represents an emerging legal, ethical, and social challenge, requiring specific public policies that are sensitive to their condition of heightened vulnerability.

The research is justified by the recognition, by international organizations such as the United Nations Committee on the Rights of the Child and UNICEF, that these children constitute a neglected group in protection agendas, often exposed to systematic violations of fundamental rights, such as the right to family life, integral development, protection from stigmatization, and access to adequate health care, education, and psychosocial support<sup>1</sup>; <sup>2</sup>. In many cases, the lack of alternatives to prolonged institutionalization compromises their dignity and well-being, perpetuating cycles of social exclusion. In Mozambique, although the national legal framework recognizes children's rights and has ratified international instruments such as the Convention on the Rights of the Child (CRC), there is a gap between legal provisions and practical reality, marked by institutional fragility, a shortage of human resources, and dependence on external support <sup>3</sup>. The child care system, in particular, struggles to adapt to the specific needs of children whose mothers are in detention, lacking integrated approaches that articulate justice, social protection, and human rights.

Given this scenario, the central problem of the research is to ask: To what extent do institutional care practices in Mozambique, exemplified by the experience of the Laulane Center, ensure the protection of the fundamental rights of children accompanying detained mothers, in accordance with the principles of comprehensive protection and the best interests of the child?

The overall objective of this study is to analyze the effectiveness of the institutional response offered to these children, based on empirical observations conducted at the Laulane Shelter Center in Maputo. The specific objectives are:

- Describe the conditions of reception, protection, education and psychosocial support provided by the center;
- Identify the main challenges and limitations faced by the institution;
- Assess the compliance of institutional practices with national and international legal frameworks;

<sup>1</sup> Unicef. *Children of Incarcerated Parents: Policy and Practice Guidance*. New York: UNICEF, 2022.

<sup>2</sup> United Nations. *Convention on the Rights of the Child*. New York: UN, 1989.

<sup>3</sup> Mozambique. Republic of. *Law No. 7/2008, of July 9: Law on the Promotion and Protection of Children's Rights*. Bulletin of the Republic, Series I, Maputo, 2008.

- Propose recommendations aimed at strengthening intersectoral and sustainable public policies.

The research was carried out within the scope of the institutional project of the Legal and Judicial Training Center (CFJJ) and is anchored in the principles of the best interests of the child (CRC, art. 3), non-arbitrary separation of the family (art. 9), protection against discrimination (art. 2) and the absolute priority of childhood, enshrined in the Constitution of the Republic of Mozambique and other national legal instruments.

By reflecting on the situation of children who experience their mothers' imprisonment, this article aims to contribute to the improvement of reception strategies that are sensitive to trauma and inequality, with a focus on family reintegration, prevention of prolonged institutionalization, and the construction of protective and humane environments.

## II. LITERATURE REVIEW

### 2.1 Conceptual framework

#### 2.1.1 Human Rights

Human rights are understood as fundamental, universal, and inalienable prerogatives, based on the dignity of the human person and guaranteed by national and international legal norms. They ensure essential rights such as life, liberty, equality, physical and mental integrity, as well as access to education, health, and protection from violence. The evolution of these rights, according to<sup>4</sup>, stems from social struggles for recognition and codification within legal systems.

At the international level, instruments such as the Universal Declaration of Human Rights of 1948 and the 1966 Covenants form the normative foundation. In the African and Mozambican context, key instruments include the African Charter on Human and Peoples' Rights of 1981, the African Charter on the Rights and Welfare of the Child of 1990, and the Constitution of the Republic of Mozambique of 2004, particularly Articles 11, 47, 121, and 227.

Regarding children, human rights are guided by the doctrine of comprehensive protection, which recognizes them as full rights-holders and prioritizes them absolutely in public policy, as advocated by<sup>5</sup>. This concept requires specific and effective state responses to childhood needs, especially in contexts of vulnerability such as armed conflict.

Mozambique is one of the signatory countries of the Convention on the Rights of the Child (CRC) since 1990, and ratified it in 1994, thus committing to guarantee the rights of all Mozambican children, ensuring a good start in life, healthy growth with access to basic services such as education, health care, safe drinking water, family and community life, and participation in matters concerning them<sup>6</sup>.

<sup>4</sup> Bobbio, N. *A era dos direitos*. Rio de Janeiro: Elsevier, 2004.

<sup>5</sup> Pinto, L. A. S. *Direitos humanos das crianças e adolescentes: a doutrina da proteção integral e os desafios da efetivação*. São Paulo: Cortez, 2016.

<sup>6</sup> Moçambique. *Resolução n.º 19/90, de 23 de outubro. Boletim da República*, n.º 42, I Série. Maputo: INM, 1990.

Consequently, children's rights are provided for and protected by various national laws, as illustrated below:

Article 47 of the Constitution of the Republic of Mozambique (CRM) states that children have the right to protection and care necessary for their well-being (paragraph 1); children may freely express their opinions on matters concerning them, in accordance with their age and maturity (paragraph 2); and all acts concerning children, whether by public or private entities, must primarily consider the best interests of the child (paragraph 3)<sup>7</sup>.

Furthermore, Article 121 of the same law (CRM) establishes that all children have the right to protection by the family, society, and the State, aiming at their full development (paragraph 1); children, especially orphans, children with disabilities, and abandoned children, are protected by the family, society, and the State from any form of discrimination, mistreatment, and from the abusive exercise of authority in the family and other institutions (paragraph 2); children may not be discriminated against, particularly due to birth, nor subjected to mistreatment (paragraph 3); child labor is prohibited both during compulsory schooling age and at any other age (paragraph 4) .

Likewise, Article 7 of the Law on the Promotion and Protection of the Rights of the Child states that it is the duty of the family, the community, society in general, and the State to ensure, with absolute priority, the realization of children's rights to life, health, food security, education, sports, leisure, work, culture, dignity, respect, freedom, and family and community life.

Moreover, Article 20 of the same law determines that cases where there is suspicion or confirmation of mistreatment, abuse, or violence against a child must be reported to the nearest police authority, without prejudice to other legal reporting channels .

Additionally, paragraph 1 of Article 291 of the Family Law stipulates that minor children have the right to be protected, assisted, educated, and supported in their physical and emotional development <sup>8</sup>.

Yet, Article 22 of the Law on Premature Unions provides that, for the purposes of subparagraph e) of paragraph 1 of Article 14 of the same law, a child in a premature union requires special and urgent protection whenever any of the situations listed in the aforementioned Article 22 are present<sup>9</sup>.

### 2.1.2 Child

In accordance with Article 1 of the Convention on the Rights of the Child (CRC) , adopted by the UN General Assembly on November 20, 1989 and ratified by Mozambique in 1990 , together with Article 3 of the Law on the Promotion and Protection of the Rights of the Child, a child is defined as every human

<sup>7</sup> Moçambique. *Lei n° 1/2018, de 12 de junho. Boletim da República*, n° 115 - I Série. 2ª ed. Atual. E ver. Maputo: INM, 2018.

<sup>8</sup> Moçambique. *Lei n° 22/2019, de 11 de dezembro. Boletim da República*, n° 239 - I Série. Maputo: INM, 2019.

<sup>9</sup> Moçambique. *Lei n° 19/2019 de 22 de outubro. Boletim da República*, n° 203 - I Série. Maputo: INM, 2019.

being below the age of 18 years, unless, under the applicable law, majority is attained earlier. Following the ratification of the aforementioned CRC, several legal texts in Mozambique also adopt the biological or chronological age standard, defining a child as any person who has not yet reached 18 years of age, as stipulated in Article 3 of Law No. 7/2008 of July 9, in the Glossary on page 7 of Law No. 19/2019 of October 22, as well as in Articles 23, 24, 25, 27, 28, 47, and 121 of Law No. 1/2018 of June 12.

However, there exists another definition of the concept of child related to civil majority, which contradicts the political age of majority set at 18 years. This situation is addressed in Article 122 of the Civil Code, which states that minors are persons of either sex who have not yet reached the age of 21 (civil minority, a legal status determining incapacities) <sup>10</sup>.

As noted by Cristina Queiroz<sup>11</sup>, the CRC was responsible for the legal recognition of the child as an autonomous subject of rights, while also defining the family as responsible for the child's well-being and harmonious development. Self-determination and participation (through hearing and consent), especially in matters affecting them, are key elements of broader child protection. Article 12 of the Convention enshrines the principle of respect for the views of the child, which includes empowering children to participate in accordance with their age and maturity, including the right to access information and freedom of expression. It has always been recognized that due to their lack of physical and intellectual maturity, children require special protection and care, in full respect for their freedom and dignity.

Fundamental rights have a suprapositive nature and are inherent to the natural existence of the human being. In this regard, Cristina Queiroz [33] explains that the term “fundamental,” as attributed to individual rights and freedoms (originating from the German Constitution of 1848), was intended to emphasize the idea of recognition, not the creation of rights by the State. The pre-state and inalienable character of fundamental rights is what makes them super positive and intrinsic to the unique and unrepeatable nature of the human person. Therefore, the guarantee of fundamental rights does not arise from the will of the family (even though the family gives origin to the child, it only holds the duty-right to provide for the child's development) or from legal provisions. It is contradictory for someone to decide, for instance, who should care for and educate a child besides their parents, or who should determine the child's life and destiny, or even to deny rights to a young child who is not yet mature enough to express their feelings or make choices.

According to paragraph 3 of Article 1 of the Family Law, every human being has the right to be part of a family. The **family** is the fundamental unit and foundation of society, as hierarchically established in

<sup>10</sup> Moçambique. Lei n° 2/2021, de 15 de abril. *Código Civil*. Aprovado pelo Decreto-Lei n.º 47344, de 25 de novembro de 1966. B.R. n° 71, I Série. Maputo: INM

<sup>11</sup> Queiroz, C. *Constitutional Law*. Coimbra: Coimbra Editora, 2009.



paragraph 1 of Article 119 of the Constitution of the Republic of Mozambique (CRM). However, the placement in Maputo reception centres of children accompanying incarcerated mothers constitutes family separation, which consequently prevents the full protection of the child as a subject of rights.

### **2.1.3 Incarceration/Detention**

Incarceration or detention refers to the deprivation of a person's liberty by judicial or administrative order, usually through the execution of a sentence or pre-trial detention in a penitentiary facility<sup>12</sup>. It is an extreme measure that affects not only the detained individual but also their family and social relationships, especially in cases involving mothers with young children.

According to Article 9 of the Convention on the Rights of the Child, separation between children and their parents should occur only when it is in the best interests of the child. Even in such cases, the right to family life, emotional bonding, and psychosocial support must be guaranteed. Scholars such as Jorge Cardona Llorens and Cecília MacDowell Santos emphasise that in the context of incarceration, children become doubly vulnerable: due to the trauma of forced separation and the social stigmatisation they endure.

In the specific case of children accompanying their detained mothers in Maputo penitentiary facilities, as observed at the Laulane Shelter Centre, incarceration directly affects their right to holistic development, protection from emotional trauma, and access to healthcare, education, and family life. According to professionals at the centre, these children arrive "with silent trauma" and require specific emotional bonding and care strategies, such as the "social mother" model.

Therefore, maternal incarceration, when not accompanied by child-sensitive public policies, undermines the principle of the best interests of the child, stated in the article 3 of the CRC . It calls for integrated institutional interventions involving the justice system, social assistance, and healthcare services to ensure the fundamental rights of the affected children.

### **2.2 Theoretical Framework**

The foundational theory of our study is the Theory of Comprehensive Child Protection, a dominant paradigm in international regulatory frameworks and public policies focused on children. This theory guides the understanding of children as subjects with full rights, with specific needs for development, protection and participation, and no longer as a mere object of protection .

The Theory of Comprehensive Protection overcame the doctrine of irregular status, consolidating itself in the Convention on the Rights of the Child (CRC, 1989) and in legislation such as the Law on the Promotion and Protection of the Rights of the Child. This approach recognizes that all children, especially vulnerable ones, must be protected comprehensively and preventively.

---

<sup>12</sup> Committee on the Rights of the Child. *General Comment No. 9: The Rights of Children with Disabilities*. Geneva: UN, 2011.

Although it does not have a single author, the theory was systematized through the contributions of the UN Committee on the Rights of the Child, scholars such as Jorge Cardona Llorens, and the practice of institutions such as UNICEF and SOS Children's Villages International. In the Lusophone context, Boaventura de Sousa Santos and Cecília MacDowell Santos stand out, who address childhood in contexts of inequality <sup>13</sup>.

Comprehensive protection implies coordinated actions between the justice, education, health and social assistance sectors, ensuring child-centered interventions [12]; [2].

Among the key operational concepts underpinning this approach is the best interests of the child, enshrined in Article 3 of the Constitution, which guides all decisions and measures related to children. In the context of this study, this principle served as a criterion for assessing the adequacy of the reception center's institutional practices to the specific needs of children accompanying detained mothers, particularly with regard to their physical, emotional, and social well-being .

Another fundamental concept is the right to family life, guaranteed in Article 9 of the Convention, which recognizes that separation between children and their parents should only occur when strictly necessary and even then should be minimally mitigated. This right underpins the analysis of the importance of regular visits to imprisoned mothers and the family reintegration strategies adopted by the Laulane center.

Institutional reception, in turn, it is considered a provisional and exceptional measure, recommended only when there is no other safe and suitable alternative for the child <sup>14</sup>. The theory of comprehensive protection proposes that institutionalization be avoided whenever possible, prioritizing family or community- based solutions. Thus, deinstitutionalization becomes a strategic objective, defined as the process of progressively reducing dependence on formal care institutions in favor of alternatives based on family and community life.

The research also draws on the concept of child vulnerability, understood as the heightened risk that certain children face due to factors such as extreme poverty, parental separation, violence, discrimination, or forced displacement. In the case of children accompanying detained mothers, this vulnerability is compounded by social stigmatisation, the breakdown of emotional bonds, and limited access to fundamental rights such as health, education, and psychosocial protection.

Finally, the theoretical foundation adopted here allows us to operationalize the concepts in the empirical analysis of the Laulane Shelter Center, examining to what extent its institutional practices effectively guarantee the rights of the children under its responsibility, articulating legal norms, public policies and institutional realities, which contributes to acritical reflection on the limits and potential of the

<sup>13</sup> Santos, B.S. *The Critique of Indolent Reason: Against the Waste of Experience*. 6th ed. São Paulo: Cortez, 2010.

<sup>14</sup> Unicef. *Progress Report on Children Affected by Incarceration*. New York: UNICEF, 2019.

institutional care system in Mozambique, especially in the treatment of children in situations of parental separation due to maternal incarceration.

### III. METHODOLOGY

#### *A. Population and Sample*

It is essential to note that the centre employs a workforce of approximately twenty people, comprising security guards, gardeners, a driver, an accountant, a workshop and infrastructure maintenance manager, a sponsorship secretary, youth leaders, social mothers, and social aunts. There's also a social worker, a family strengthening project coordinator, and the centre's director.

However, the target population of the research comprised professionals and technicians directly involved in the management and monitoring of children living with their mothers in prison. Therefore, the sample consisted of seven key informants (center director, youth leaders, family strengthening program (FS) coordinator, social worker, social mother, and monitoring and evaluation officer), selected based on intentional and convenience criteria, according to their strategic role in the institution<sup>15</sup>.

This non-probability sampling technique is appropriate in qualitative studies that aim to explore depth rather than statistical generalisation. The selection of participants was, therefore, intentional, given that we sought to interview subjects with direct and relevant knowledge about the phenomenon studied. This methodological choice is based on the logic of theoretical saturation, prioritizing informational richness over the number of participants.

#### *B. Data and Source of Data*

This study used a qualitative approach, suitable for in-depth analysis of complex social phenomena and the lived experiences of individuals in specific institutional contexts. The qualitative approach allows us to understand meanings, perceptions, and social practices in natural contexts and is especially recommended for exploratory research focusing on vulnerable social groups.

The methodological strategy adopted was ethnographic research, with an emphasis on direct participant observation and informal interviews with seven participants who worked as professionals and technicians at the observed Shelter Center. Ethnography, as a method, is indicated when the objective is to understand institutional cultures, daily dynamics, and meanings attributed by social actors to their actions.

Participant observation was conducted through field visits in which researchers entered the institutional environment to observe routines, practices, and interactions between technicians and children, without interfering with the natural dynamics of the space. Participant observation is effective in capturing implicit dimensions of institutional daily life, allowing us to understand norms, values, and behaviours

---

<sup>15</sup> Patton, M. Q. *Qualitative Research & Evaluation Methods*. 4th ed. Thousand Oaks: Sage, 2015.



in a real context.

A structured observation guide was used, focusing on the physical conditions of the space, reception practices, institutional routines, psychosocial support strategies, health, education, nutrition, and child protection. Retrospective interviews with informants allowed us to reconstruct personal and institutional narratives related to the protection (or violation) of children's rights, broadening our understanding of the phenomenon.

Data collection took place on October 1, 2024, between 9:30 a.m. and 11:00 a.m., by a team of four CFJJ investigators. Interview data were manually recorded in field diaries and notebooks, complementing the information obtained through observation. The triangulation of these techniques allowed for a rich and contextualised analysis, fostering a critical and informed reading of the challenges faced in protecting children's rights in prison settings.

### *C. Ethical Considerations*

From an ethical standpoint, the research strictly followed the principles of scientific integrity and participant protection. All interviewees were previously informed about the research objectives, methodological procedures, and the exclusive use of data for academic purposes. Informed consent was obtained verbally, respecting the autonomy and privacy of the informants.

To ensure anonymity, the interviewees' first names were replaced by pseudonyms in the quoted excerpts. Furthermore, all sensitive information was treated confidentially, in accordance with ethical standards for research involving human subjects.

## **IV. PRESENTATION, ANALYSIS AND DISCUSSION OF RESULTS**

### *A. Center Profile and History*

The Laulane Reception Center, located in the city of Maputo, was founded in 1992 as part of cooperation between the Government of Mozambique and the international organization SOS Children's Villages International, with the main objective of providing protection, education, food, healthcare, and psychosocial support to vulnerable children. Over the past three decades, the center has established itself as a national benchmark in the institutional care model with a family and community focus.

It houses around one hundred and fifty children who face multiple forms of exclusion and social risk, namely: orphaned children, abandoned, separated from incarcerated mothers, street children, homeless children, children of demented parents, and others in extreme socioeconomic and emotional vulnerability, comprising eighty females and seventy males. These children, in general, have been deprived of family life due to the death or dementia of their parents, neglect, extreme poverty, abuse, or parental incarceration.

The recent inclusion of four children accompanying mothers deprived of liberty constitutes a significant institutional innovation, embedded within a broader perspective of comprehensive protection of

children's rights. This response reflects the institution's progressive adaptation to new forms of child vulnerability emerging in the urban and prison contexts<sup>16</sup>. The centre thus began to accommodate children deprived of parental care, as well as others whose presence with their detained mothers is necessary to ensure their physical and emotional well-being, respecting the principle of the best interests of the child enshrined in national and international law.

*"Our work began with orphaned and abandoned children, but over the years, we have adjusted our foster care profile. Bringing children who accompany their detained mothers was a new but necessary challenge. We took on the responsibility of fostering emotional bonds and providing continued care."*(Manager Daniel, 01/10/24).

This report confirms the process of progressive institutional adaptation to new vulnerabilities and reinforces the relevance of the Center as an empirical space to observe the coexistence of different types of childhood risk, legitimizing the methodological choice of the research.

The Laulane Center's institutional profile and trajectory contributed decisively to clarifying and defining the object of study, as they provided access to a space where different types of child vulnerability coexist. The center's experience in managing complex cases, including those of children accompanying detained mothers, offered an ideal empirical field for observing the actual conditions of reception, protection and development of these children. Furthermore, the institution's hybrid nature— combining traditional foster care practices with innovations adapted to specific contexts—allowed us to examine how public policies and institutional practices articulate (or not) to ensure the fundamental rights of children in atypical situations.

The history and institutional profile of the centre directly influenced the methodological and analytical orientation of the research because they highlighted the need to adopt an approach sensitive to the diversity of children's experiences in the context of institutional care. The coexistence between orphaned, abandoned, and street children and those accompanying incarcerated mothers required a comparative and attentive look at the singularities of each group, influencing both the design of data collection instruments and the interpretation of results.

Furthermore, the center's institutional openness and its consolidated experience in humane care facilitated the researchers' involvement in the field and strengthened the study's legitimacy. The center's trajectory also revealed operational tensions, human resource challenges, and structural limitations, aspects that were crucial for contextualizing the data and formulating consistent recommendations for public policies aimed at vulnerable children.

#### *B. Reception of Children of Detained Mothers*

In recent years, the Laulane Reception Center has received four children from Cabo Delgado province,

---

<sup>16</sup> SOS Children's Villages International. *Child Protection Policy*. Innsbruck: SOS-KDI, 2023.

whose mothers are deprived of their liberty for alleged involvement in acts classified as terrorism. These children, separated from their mothers for reasons of national security and a court order, were welcomed into the center as an urgent protective measure, in accordance with the principles of the best interests of the child and non-arbitrary separation from the family unit.

Faced with the absence of a maternal figure, the center adopted the “welcoming mother” model,” a live-in caregiver supervised by Social Action technicians, whose role is to recreate a loving, stable, and protective family environment, fostering emotional bonds, routine, and a sense of belonging. This strategy has been crucial in minimizing the negative psychological and emotional effects of forced separation and mitigating the risks of traumatic institutionalization at a young age.

*"We received four children from Cabo Delgado, whose mothers are imprisoned in Maputo penitentiaries, accused of involvement in terrorism. This is very delicate, as they are young children who arrive with a silent trauma. The hardest part is getting them to trust people who aren't family again! The foster mother and foster aunt have been helpful in welcoming the newly arrived children, whom we mix with others to socialize. We have fifteen family homes, and each one welcomes ten children who live together as siblings."* (assistant Fatima, 01/10/24).

The experience described corroborates the strategy adopted by the center to recreate substitute emotional bonds, validating the analysis of the psychosocial impact of forced separation and maternal incarceration on young children.

The experience of fostering these children — directly affected by armed conflict, forced displacement, and parental incarceration—contributed centrally to the scope of the study objective, which consists of analyzing the conditions of reception, protection, and development of vulnerable children who accompany or are separated from detained mothers. The case of the Cabo Delgado children provided a concrete and sensitive illustration of the multiple levels of vulnerability faced by this specific group of children, highlighting the gaps between the normative discourse of comprehensive protection and the practical reality of institutions.

Furthermore, direct observation of these situations allowed us to understand how institutional care operates in extreme cases, where factors such as armed conflict, forced migration, childhood trauma, and maternal deprivation of liberty intertwine. This enriched not only the empirical analysis but also the normative theoretical debate on children's rights in exceptional contexts, providing important insights for recommendations on integrated public policies, focusing on psycho affective protection, gradual family reintegration, and the prevention of prolonged institutionalization.

### *C. Maintaining Family Bonds*

*"Every month, we take these children to meet their mothers, who are incarcerated in Maputo prisons, to experience that biological warmth. When they meet, the children and their imprisoned mothers want to*

*be together forever. When they grow up, the idea is to hand them over to trusted family members who are available and able to care for them. Here, they already participate in activities with other children, play, and sleep together."* (official Paulino, 01/10/24).

This excerpt concretely demonstrates the importance of maintaining an emotional bond as a factor of emotional stability, strengthening the empirical evidence on the beneficial effects of this institutional practice.

Promoting regular visits to mothers deprived of liberty is a fundamental practice adopted by the Laulane Reception Center, aiming to ensure the maintenance of the emotional bond between mother and child, even in the face of separation imposed by the penal system. This practice is aligned with the principles of the Convention on the Rights of the Child, which recognizes, in Article 9, the right of the child to maintain regular contact with both parents, except when contrary to their best interests.

The United Nations Committee on the Rights of the Child has also reinforced that, in contexts of parental incarceration, the maintenance of family ties must be prioritized and facilitated by States, including through specific programs of visits, communication, and psychosocial support<sup>17</sup>. The centre's experience in implementing periodic visits to detained mothers demonstrates an institutional effort to avoid emotional and affective rupture, promoting the continuity of family ties and mitigating the psychological impacts of prolonged separation.

This dimension of reception contributed directly to achieving the study's objectives by providing empirical evidence on the effectiveness and challenges of maintaining family bonds as a child protection strategy. During the observations and interviews, it was possible to confirm that regular contact with the mother preserves the child's emotional identity, strengthens their self-esteem, and reduces feelings of abandonment, sadness, and insecurity, crucial elements for their healthy development.

Furthermore, the practice of visits proved to be a relevant indicator for assessing institutional commitment to fundamental children's rights, allowing the study to analyse the extent to which local policies and practices align with international protection frameworks. This approach reinforced the importance of considering institutional care not as a rupture, but as a transitional bridge to family reintegration, thus contributing to the formulation of recommendations aimed at building humanised and integrated public policies.

#### *D. Non-Institutionalization Policy*

The Laulane Shelter Centre adopts as a fundamental guideline the policy of avoiding prolonged institutionalisation, prioritising family and community reintegration or placement with foster families whenever possible, depending on the child's best interests. This approach is in line with the United

---

<sup>17</sup> Committee on the Rights of the Child. *General Comment No. 9: The Rights of Children with Disabilities*. Geneva: UN, 2011.

Nations Guidelines on the Alternative Care of Children, which emphasise that institutional care should be an exceptional, temporary and subsidiary measure, adopted only when it is not possible to immediately guarantee family care<sup>18</sup>.

International guidelines and Mozambican legislation reaffirm that family life is essential to a child's emotional, cognitive, and social development, and that prolonged institutionalization can have negative effects, such as the rupture of emotional bonds, social isolation, difficulties in constructing identity, and impaired emotional development [20]. Based on this understanding, the center seeks to develop individualized reintegration plans, promoting the involvement of biological families, strengthening the community network, and collaborating with justice and social assistance institutions.

*"Our goal is not to keep the children here forever. After the child turns seventeen, we integrate into the youth program, and they leave the village for a more independent environment in rented houses, with a subsidy—all paid by the center. Our role is to be a bridge. Therefore, we always work with reintegration goals—whether with the extended family, adoption, or foster care. For those who are of legal age and want to get married, we sponsor them as parents."*(leader Constantino, 01/10/24).

This testimony supports the centre's policy of progressive deinstitutionalisation, per international standards, and reinforces the critical analysis of the risks of prolonged institutionalisation.

The concrete implementation of this policy contributed significantly to achieving the study's objectives, as it allowed a critical analysis of the limits and potential of institutional care practices in guaranteeing the rights of children separated from their mothers in detention. Direct observation of the strategies adopted by the center highlighted the institutional effort to prevent care from becoming a prolonged and dehumanizing experience, reinforcing the centrality of the right to family life as a structuring element of comprehensive child protection.

Furthermore, this policy influenced research by offering practical indicators on how institutions can build alternatives to the classic shelter model, through intersectoral and humanized interventions, which involve everything from psychosocial support to legal and administrative measures that enable safe and sustainable reintegration. This allowed the study to propose recommendations aligned with international standards for alternative care, with an emphasis on progressive deinstitutionalization, respect for the uniqueness of each case, and strengthening the role of families and communities as primary guardians of child protection.

#### *E. Psychosocial Support*

The Laulane Shelter Center currently has only one social worker, a psychologist. He accompanies children to the health center when they are sick or when trauma is detected. This represents a significant structural limitation, especially considering the emotional and psychological complexity experienced by

---

<sup>18</sup> Unicef. *Guidelines for the Alternative Care of Children: A United Nations Framework*. New York: UNICEF, 2019.



children separated from their primary caregivers, particularly those whose mothers are incarcerated. This limitation not only overburdens the available professional staff but also compromises the provision of continuous, individualized, and effective psychosocial care.

*"We don't have a health center here in the village. We have many children with deep emotional needs, but a single psychologist or social worker isn't enough to provide adequate and consistent care to all the children. We need more government support to hire qualified professionals."* (official Paulino, 10/01/24).

This statement confirms the structural gap identified in the provision of psychosocial services and reinforces the argument regarding the urgency of strengthening multidisciplinary teams as a condition for implementing comprehensive protection.

Several studies demonstrate that specialized, continuous, and trust-based psychosocial support is essential for the prevention and mitigation of long-term trauma, especially in contexts of forced separation, violence, institutionalization, or conflict<sup>19</sup>.

Children in foster care, especially those who have experienced loss, forced displacement, or parental incarceration, tend to exhibit symptoms of anxiety, behavioral regression, school difficulties, and signs of emotional abandonment, which require sensitive and qualified clinical and psychosocial interventions. The analysis of the center's practices about psychosocial support contributed directly to achieving the general objective of the study, by highlighting the gaps in the institutional response to the emotional and affective needs of children in vulnerable situations. Through direct observation and interviews with technicians, it was possible to determine that, although there are laudable initiatives for psychological support, insufficient human resources and the absence of clear psychosocial intervention protocols undermine the comprehensive care recommended by international child protection standards.

This finding significantly influenced the study by allowing critical reflection on the quality of care provided to children separated from their mothers for criminal reasons, and on the extent to which adequate emotional support is crucial for their resilience, social reintegration, and the recovery of broken emotional bonds. Furthermore, it reinforced the need for policy and institutional recommendations aimed at strengthening the multidisciplinary technical team, highlighting the role of psychologists and social workers as key agents in promoting children's mental health in alternative care settings.

#### *F. Education and Training*

Despite not offering vocational training, the Laulane Reception Center offers access to a kindergarten and a school (grades 1-12). When children finish 12th grade, the center directs them to college, a technical-vocational institute, or vocational training (short-term courses). This subsequent additional training is supported either by the center or by partners offering full scholarships, such as the Institute

---

<sup>19</sup> United Nations. *Guidelines for the Alternative Care of Children*. New York: United Nations General Assembly, 2010.

of Education and Management (IEG). These initiatives represent a concrete institutional effort toward educational inclusion and skills development aiming at the autonomy and future social reintegration of the children and young people in care.

*"There are children who arrive without ever having been to school, like those whose mothers are incarcerated, whom we send to preschool and then to school. Others have interrupted their studies due to lack of resources or social problems. We offer training and psychological support to help them adapt and prepare for future life."*(leader Walker, 01/10/24).

The practice described validates the analysis that education plays a therapeutic and protective role, especially for children separated from their mothers, and highlights the center's commitment to school inclusion and citizenship.

Access to education is recognized as a fundamental right of every child, enshrined in Article 88 of the Constitution of the Republic of Mozambique<sup>20</sup> and in Article 28 of the Convention on the Rights of the Child . These regulatory frameworks impose on the State and institutions the responsibility to guarantee the right to quality, continuous education adapted to the specific needs of children in vulnerable situations, including those deprived of family life.

In the specific case of children separated from their mothers due to incarceration, the guarantee of the right to education acquires a compensatory and protective function, as it contributes to repairing the emotional effects of separation, promotes social inclusion and breaks intergenerational cycles of exclusion and poverty. By ensuring formal schooling and technical and professional training initiatives, the centre creates concrete opportunities for these children to build a dignified future, with a greater likelihood of employment and active citizenship.

This educational dimension was central to achieving the study's objectives, as it allowed us to assess the extent to which institutional care, in addition to ensuring immediate protection, effectively contributes to the child's comprehensive development. During field observations and interviews, it was possible to verify that the centre promotes, whenever possible, the continued education of newly arrived children, including those accompanying detained mothers, respecting their previous educational background and their specific learning and adaptation needs.

Additionally, the involvement of children and adolescents in educational and professional activities was identified as a positive factor for emotional stability and building self-esteem, fundamental aspects in overcoming traumatic experiences. These data reinforced the analysis that education should not be treated as a secondary element in institutional care, but as a structuring axis of social protection policy and guarantee of children's human rights.

---

<sup>20</sup> Republic of Mozambique. *Constitution of the Republic of Mozambique*. Maputo: National Press, 2004.

### *G. Sustainability and External Dependence*

The operational and financial sustainability of the Laulane Reception Center depends largely on the support of external donors, namely the Norwegian Agency for Development Cooperation (NORAD), the German International Organization for Humanitarian Affairs (Kindernothilfe – KNH), Swiss Cooperation, and the children's "Godparents," who are bona fide individuals committed to humanitarian work around the world. While such partnerships are essential to ensuring the continuity of services, this chronic dependence on external funding highlights the structural fragility of public social protection systems in Mozambique, particularly concerning alternative care for children in vulnerable situations

<sup>21</sup>.

The lack of state funding, combined with the absence of a solid public policy providing technical and logistical support for shelter institutions, compromises the center's autonomy, stability, and long-term planning capacity. Fluctuations in funding flows can lead to the interruption of essential services—such as food, health, education, and psychosocial support—directly affecting the quality of protection offered to children, leading to the closure of the Laulane Shelter Center shortly. This reality reinforces the urgency of consistent and sustainable government strategies, with co-financing mechanisms, institutional capacity building, and intersectoral coordination. It also suggests a new approach that includes the restructuring and integration of a community-based alternative care model.

*"We depend on partners, mainly NORAD and the children's 'Godparents.' If our donors cut their support, we risk closing the center because we won't be able to cover operating expenses. Social Action always brings children here, so planning becomes almost impossible. Support isn't enough, and we have to reinvent ourselves to survive."*(coordinator Godson, 10/01/24).

This excerpt illustrates the risks of chronic financial dependence on external sources and reinforces the analysis of institutional vulnerability in the face of the lack of public policies for stable financing for the sector.

In the context of this research, analyzing this financial dependence directly contributed to achieving the study's objective, as it allowed us to identify the institutional limitations that interfere with the effectiveness of the rights of foster children, especially those separated from their mothers for criminal reasons. By observing the relationship between the center's sustainability and its ability to ensure fundamental rights—such as education, health, protection from violence, and family reintegration—it became clear that the precariousness of institutional resources compromises the implementation of the principle of comprehensive protection enshrined in national legislation and international treaties.

Additionally, the study highlighted that the lack of stable public funding weakens state accountability and shifts the responsibility for child protection to the sphere of charity or international cooperation,

---

<sup>21</sup> Unicef Mozambique. *Report on Children in Vulnerable Situations in Mozambique*. Maputo: UNICEF, 2022.

creating inequalities in access to protection and the quality of services provided. This finding was crucial for reinforcing the critical analysis and proposing recommendations for formulating sustainable, child-centred public policies with adequate budget allocation, social oversight, and interministerial commitment.

#### *H. Housing Conditions and Gender Dynamics*

The center accommodates more women than men, with eighty girls and seventy boys distributed across fifteen houses, with ten children per house. During direct observation at the Laulane Shelter Center, a significant difference in the organization of the accommodation spaces between girls and boys was observed. The girls' rooms were notably more organized, clean, and decorated, while the boys' rooms were more disorganized and lacked care for the environment. This distinction was not attributed solely to individual factors, but was analyzed in light of social constructions of gender that influence the behaviors, expectations, and responsibilities assigned to girls and boys from an early age <sup>22</sup>.

The gender dynamics observed in institutional daily life reflect widespread stereotypes in Mozambican society—and in many sociocultural contexts—in which girls are traditionally socialized to care for the domestic space and maintain order, while boys are exempt from these tasks or encouraged to take on other roles. The uncritical maintenance of these patterns in institutional care routines can reproduce inequalities and limit the development of relational and practical skills in both sexes.

*"There are more girls than boys here, but they take better care of their rooms than the boys. They're more organized. You know the boys, they're very sloppy, you have to push them. That's how they left, we always work with them on the issue of responsibility and self-care."*(residential caregiver mother Jorgina, 01/10/24).

The response confirms the observation of gender dynamics within the institution and validates the critical analysis that the reproduction of traditional roles needs to be deconstructed through egalitarian pedagogical interventions.

Analyzing these conditions was crucial to achieving the study's objective, as it allowed for a broader and more intersectional understanding of the institutional structures that impact the development of foster children, especially those separated from their mothers. By observing coexistence practices and the management of private and collective spaces, the study was able to identify elements of symbolic reproduction of gender inequalities within the institution which proved essential for formulating more inclusive, equitable and transformative reception proposals.

Furthermore, this finding strengthened the critical dimension of the research, highlighting the need to implement pedagogical and educational practices that promote gender equality, shared responsibility for environmental care, and challenge discriminatory social norms. Interventions that encourage task

---

<sup>22</sup> Connell, R. *Gender in Real Terms*. São Paulo: n-1 Editions, 2014.

sharing, the appreciation of autonomy, and mutual respect between girls and boys are essential for a foster care model aligned with the principles of human rights and social justice.

By integrating this analysis into the study as a whole, it became possible to reflect on how institutional care can — and should — be a privileged space for promoting equity not only as a protection policy, but also as a tool for social and cultural transformation regarding gender relations from childhood onwards.

### *I. Child Protection Policy*

The Laulane Shelter Center adopts clear and systematic institutional guidelines for child protection, aligned with international standards for the care and safeguarding of children, especially those recommended by SOS Children's Villages International and the United Nations Guidelines on Alternative Care for Children. This policy is structured around three fundamental pillars: (i) the creation of safe and emotionally supportive environments, (ii) the prevention of abuse, neglect and exploitation, and (iii) the active promotion of children's rights, in accordance with the principles of the Convention on the Rights of the Child.

*"Here, there's zero tolerance for violence or child abuse. There are controls on entry and exit, and staff are trained to identify signs of abuse and report or intervene quickly. We also listen to the children; they know they are siblings, and we are their parents or family. For those of legal age, if they have a serious suitor, they can introduce them, and we will then sponsor the wedding."* (leader Walker, 01/10/24).

This excerpt supports the analysis of the existence of an active and integrated institutional child protection policy, while highlighting the center's ethical and pedagogical commitment to listening to and empowering children.

The protection policy implemented at the center includes measures such as ongoing training for caregivers and technicians, clear procedures for reporting and responding to risk situations, and Regular monitoring of children's physical and emotional well-being. These mechanisms aim to ensure that all forms of violence—physical, psychological, institutional, or symbolic—are prevented, detected, and addressed immediately and effectively, creating an organizational culture centered on respect for the dignity and integral development of children.

The existence and implementation of this institutional protection policy contributed significantly to achieving the study's objectives, providing a normative and practical framework that guides the institution's daily activities and enables critical analysis of its effectiveness in safeguarding children's rights, particularly in the case of children separated from detained mothers. Direct observation allowed us to verify how these guidelines materialize in the center's daily routine—from basic care to the management of sensitive situations and how they positively influence the safety, well-being, and self-esteem of the children in care.

Additionally, the study identified limitations and challenges in implementing this policy, such as the



scarcity of specialized human resources, the need for ongoing supervision, and the strengthening of child participation channels. These gaps reveal the importance of protection policies that are not only formal but also effectively integrated into the institutional culture with an emphasis on active listening to children, empowering professionals and holding care institutions accountable ethically.

By integrating this analysis into the research, the study strengthened the understanding that child protection in foster care settings goes beyond providing physical shelter—it requires an ethical, legal, and pedagogical commitment to building fair, inclusive, and emotionally safe environments where children can fully develop, even in adverse circumstances.

## V. FINAL CONSIDERATIONS

The experience of the Laulane Shelter Center provides a privileged analytical window for understanding the challenges, limitations, and progress made in protecting children separated from their mothers in incarcerated settings, particularly those in situations of extreme social, emotional, and institutional vulnerability. The model adopted by the center, which integrates basic care, emotional support, schooling, and an explicit child protection policy, demonstrates consistent practices, but still faces significant structural limitations, particularly regarding financial sustainability, the limited number of specialized professionals, and the persistence of gender inequalities in the institution's daily routine.

The investigation demonstrated that maintaining family ties, through regular visits to detained mothers, and the use of strategies such as the presence of "Foster mothers" are effective practices for mitigating the emotional impacts of forced separation, respecting the principle of the child's best interests. However, it was found that the center still lacks sufficient psychosocial resources, with only one psychologist available for all children, which compromises continuous and qualified care.

From an educational perspective, offering three levels of schooling and vocational training has proven to be a structuring factor for children's comprehensive development, contributing to their future independence. However, chronic dependence on external donors exposes the fragility of public child protection policies in Mozambique and the urgent need to strengthen the state's role in financing, regulating, and overseeing these institutions.

Analysis of housing conditions also revealed reproductions of gender stereotypes, with girls demonstrating greater organization in the spaces compared to boys, which suggests the need for pedagogical practices oriented toward equity and co-responsibility. The institutional policy of prolonged non-institutionalization, combined with family and community reintegration efforts, reinforced the centrality of foster care as a transitional measure, aligning with international guidelines on alternative care.

Based on the data and analysis presented, this research recommends:

- A. Restructuring of the Laulane Shelter Centre and integration of a community-based alternative

care model, which will allow children to live in open spaces alongside the local population;

- B. Reunification of children with biological relatives;
- C. Reintegration of children who have reached the age of majority;
- D. Creation of conditions for the adoption of children by society members;
- E. The SOS Children's Villages International ought to play the role of facilitator (and not implementer) of the project in question;
- F. Community-based organizations (CBOs) must be monitored and trained;
- G. Strengthening intersectoral public policies, integrating justice, social assistance, education and health;
- H. Stable allocation of public funding, which reduces dependence on external donors and ensures continuity of services;
- I. The expansion of multidisciplinary teams, focusing on psychologists, social workers and educators trained in human rights and childhood trauma;
- J. The active promotion of gender equality in everyday institutional practices;
- K. The institutionalization of clear child protection protocols, with active listening to children and accountability for caregivers.

Ultimately, protecting the rights of children accompanying detained mothers is not only a moral responsibility, but also a legal duty of the Mozambican state, grounded in constitutional norms and international human rights treaties. It is imperative to move toward more humane, inclusive, and sustainable care models capable of guaranteeing the dignity and integral development of all children, even in the most adverse contexts.

## VI. ACKNOWLEDGMENT

The author gratefully acknowledges the support of the Legal and Judicial Training Centre (CFJJ) of Mozambique for facilitating fieldwork and institutional access. Special thanks are extended to the staff and children of the Laulane Shelter Centre (*Aldeia da Criança SOS*) for their openness and collaboration, without which this research would not have been possible. Appreciation is also due to colleagues and family members whose insights contributed to the refinement of this study. Last, but not least, he is greatly indebted to Almighty God for giving him the wisdom and health enough to accomplish the writing of this paper, which is one of the highest achievements not gifted to every human being on earth.

## REFERENCES

- [1] Unicef. *Children of Incarcerated Parents: Policy and Practice Guidance*. New York: UNICEF, 2022.
- [2] United Nations *Convention on the Rights of the Child*. New York: UN, 1989.
- [3] Mozambique. Republic of Law No. 7/2008, of July 9: *Law on the Promotion and Protection of Children's Rights*. Bulletin of the Republic, Series I, Maputo, 2008.
- [4] N. Bobbio. *A era dos direitos*. Rio de Janeiro: Elsevier, 2004.
- [5] L. A. S. Pinto. *Direitos humanos das crianças e adolescentes: a doutrina da proteção integral e os desafios da efetivação*. São Paulo: Cortez, 2016
- [6] Moçambique. *Resolução n.º 19/90, de 23 de outubro. Boletim da República*, n.º 42, I Série. Maputo: INM, 1990.
- [7] Moçambique. *Lei n.º 1/2018 de 12 de junho. Boletim da República*, n.º 115 - I Série. 2ª ed. Atual. E ver. Maputo: INM, 2018.
- [8] Moçambique. 2019. *Lei n.º 22/2019 de 11 de dezembro. Boletim da República*, n.º 239 - I Série. Maputo: INM, 2019.
- [9] Moçambique. *Lei n.º 19/2019 de 22 de outubro. Boletim da República*, n.º 203 - I Série. Maputo: INM, 2019.
- [10] Moçambique. Lei n.º 2/2021, de 15 de abril. *Código Civil*. Aprovado pelo Decreto-Lei n.º 47344, de 25 de novembro de 1966. B.R. n.º 71, I Série. Maputo: INM, 2021.
- [11] C. Queiroz. *Direito Constitucional*, Coimbra, Coimbra Editora, 2009.
- [12] Committee on the Rights of the Child. *General Comment No. 9: The rights of children with disabilities*. Geneva: UN, 2011.
- [13] B. S Santos. *The Critique of Indolent Reason: Against the Waste of Experience*. 6th ed. São Paulo: Cortez, 2010.
- [14] Unicef. *Progress Report on Children Affected by Incarceration*. New York: UNICEF, 2019.
- [15] M.Q. Patton. *Qualitative Research & Evaluation Methods*. 4th ed. Thousand Oaks: Sage, 2015.
- [16] SOS Children's Villages International. *Child Protection Policy*. Innsbruck: SOS-KDI, 2023.
- [17] Committee on the Rights of the Child. *General Comment No. 9: The rights of children with disabilities*. Geneva: UN, 2011.
- [18] Unicef. *Guidelines for the Alternative Care of Children: A United Nations Framework*. New York: UNICEF, 2019.
- [19] United Nations. *Guidelines for the Alternative Care of Children*. New York: United Nations General Assembly, 2010.
- [20] Republic of Mozambique. *Constitution of the Republic of Mozambique*. Maputo: National Press, 2004.
- [21] Unicef Mozambique. *Report on Children in Vulnerable Situations in Mozambique*. Maputo: UNICEF, 2022.
- [22] R. Connell. *Gender in real terms*. São Paulo: n-1 Editions, 2014.

- [23] U. Flick. *Introduction to Qualitative Research*. 5th ed. Porto Alegre: Artmed, 2018.
- [24] B.B. Kawulich. Participant Observation as a Data Collection Method Forum: *Qualitative Social Research*, v. 6, n. 2, art. 43, 2005.
- [25] N.K. Denzin; Y.S. Lincoln. *The SAGE Handbook of Qualitative Research*. 5. ed. Thousand Oaks: Sage Publications, 2018.
- [26] S.J. Tracy. *Qualitative Research Methods: Collecting Evidence, Crafting Analysis, Communicating Impact*. 2nd ed. Hoboken: Wiley, 2020.
- [27] G. Guest; E. E Namey; M. L Mitchell. *Collecting Qualitative Data: A Field Manual for Applied Research*. Thousand Oaks: SAGE, 2013.
- [28] National Association for Research Ethics. *CNS Resolution No. 466/2012*. Brasília: National Health Council, 2012.
- [29] World Medical Association. *Declaration of Helsinki: Ethical Principles for Medical Research Involving Human Subjects*. Fortaleza: WMA, 2013.
- [30] J. CardonaLlorens. *Children's rights in the international protection system*. Valencia: Tirant lo Blanch, 2016.
- [31] C. Fischer et al. *Children of Incarcerated Parents: Research, Policy and Practice*. New York: Springer, 2021.
- [32] N. Cantwell et al. *Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'*. UK: Center for Excellence for Looked After Children in Scotland (CELCIS), 2012.
- [33] M. Fischer; F. Santos; J. Oliveira. *Psychosocial interventions with children in situations of forced family separation*. Brasilia: Abrinq Foundation, 2021.
- [34] Save the Children. *Psychosocial Support for Children in Emergencies: Training and Resource Package*. London: Save the Children UK, 2020.
- [35] B.S, Santos and C.M, Santos. Estado e sociedade em tempos de pandemia e pós-pandemia: para um novo contrato social. São Paulo: Cortez. 2010.
- [36] Unicef. *Children of incarcerated parents: ensuring the rights and well-being of children when their parents are in prison*. New York: United Nations Children's Fund. 2023





