

**Alliance for children on the move:  
Standard Operating Procedures for Guardians**



**National report on needs assessment of children & guardians  
- Italy -**

**Workpackage:** WP2 – Development of guardians' capacity building methodology

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	Institute of Child Health - Department of Mental Health and Social Welfare, Coordinator	Greece
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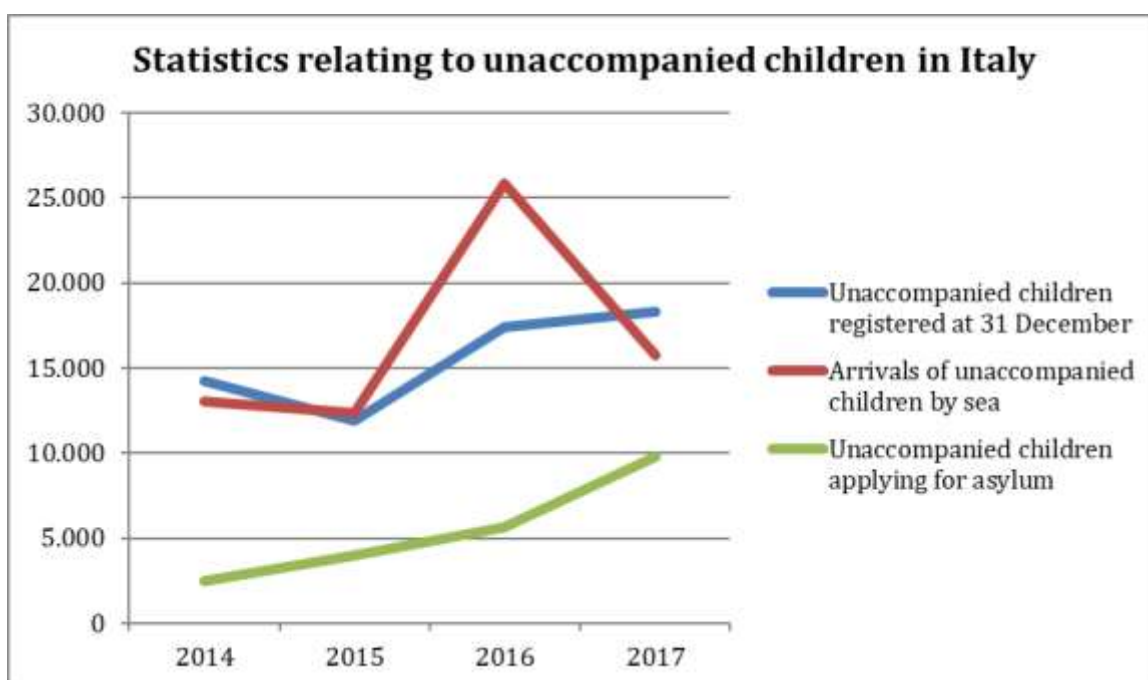
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## 1. INTRODUCTION TO THE ITALIAN CONTEXT

### 1.1. THE PRESENCE OF UNACCOMPANIED CHILDREN IN ITALY: TRENDS AND FIGURES

The arrival and presence of unaccompanied children has grown in the last years in Europe, particularly in some Member States such as Italy. Available data on migratory flows to Italy show that in the last five years there has been a significant increase of unaccompanied children hosted in the country.<sup>1</sup> According to the data gathered by the Ministry of Labour and Social Affairs, the number of unaccompanied children present and registered in Italy at 31 December 2013 was 6,300. Four years later, at 31 December 2017, the number had grown up to 18,303, a 190.5% more. However, figures referring to one month later, January 2018, show a considerable decrease on the number of unaccompanied children (14,939) registered in the Italian territory. According to the latest statistics published by the Ministry, on May 2018 the presence of unaccompanied children has continued to decline to 13,318, 4,570 of whom have gone missing.



Own elaboration from data of the Ministry of Labour and Social Affairs and ISMU<sup>2</sup>

The majority of unaccompanied children arrive from North Africa by sea to the Southern coasts of Italy (namely Sicily, Calabria, Puglia, Campania and Sardinia). While the number of unaccompanied children arriving by sea had substantially grown since 2015, statistics relating to the year 2018 show that between January to April numbers are significantly lower if compared with the previous year, representing a decrease of 72%.<sup>3</sup>

<sup>1</sup> <http://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/minori-stranieri/Documents/Linee-guida-parere-art-32-co-1-bis-doc.pdf>

<sup>2</sup> <http://www.ismu.org/minori-stranieri-non-accompagnati/>

<sup>3</sup> [https://www.savethechildren.it/sites/default/files/files/Analisi%20Sbarchi%20Gen-Apr\\_%202018.pdf](https://www.savethechildren.it/sites/default/files/files/Analisi%20Sbarchi%20Gen-Apr_%202018.pdf)

The reduction in the number of arrivals can partly be explained by an agreement reached between the Italian government and the Libyan authorities last year which involved providing support to the Libyan coastguard, enabling it to intercept boats before they reach Italian waters. Support has also been provided to militias in the south of the country to prevent migrants using Libya as a transit country to get to the Mediterranean coast. The Italian-Libyan arrangement was criticised by the United Nations High Commissioner for Human Rights at the end of last year, because of the alleged inhumane treatment of migrants in Libyan detention centres. However, with summer, arrivals by sea tend to revive. And this has been reflected in the very recent controversy caused by the refusal of the Italian Government<sup>4</sup> to allow the rescue ship Aquarius to dock in Italian ports. After the “Aquarius case” some other rescue ships directed to Italy have been diverted to other destinations by the Italian Ministry of the Interior. In all these rescue operations unaccompanied children were present. Data interpretation may therefore take these facts into account when analysing the recent trends on migration.

Among the unaccompanied children present in Italy on May 2018, the 92.5% were males. Most of them (83.9%) are between 16 years (25%) and 17 years old (58.9%). The largest number of unaccompanied children come from Africa. More specifically, the main countries of origin were Albania (11.7%), Gambia (10.5%), Egypt (9.5%), Guinea (8.3%) and Ivory Coast (8.0%).

The Italian reception system provides for a territorial reallocation of migrants in the different regions. On May 2018 unaccompanied children were mainly hosted in Sicily (42.8%) followed by Lombardy (7.6%) and Lazio (7.1%).

In 2017 9,782 unaccompanied children applied for asylum, 73.5% more than the year 2016. The African continent continues to be the main area of origin of asylum applicants. The first country is Gambia, followed by Nigeria and Bangladesh. The 92.6% of the applicants were male.

## 1.2. THE NATIONAL LEGAL FRAMEWORK FOR THE PROTECTION OF UNACCOMPANIED CHILDREN: LAW 47/2017

In April 2017 was approved the text that currently constitutes the main law for the protection of unaccompanied children. Law 47/2017 provides for a number of protection measures addressed to unaccompanied children in order to guarantee that they are treated without discrimination. In fact, Article 1 on the scope of application, reaffirms that unaccompanied children are holders of protection rights and are entitled to equal treatment like Italian and European children. Article 1 also stresses that the law provisions apply to unaccompanied children in view of their condition of greater vulnerability.

Through all its articles, the law configures a protection system which is comprehensive and integrated. It introduces some important innovations including the “social file” which should gather all the information relevant to identify durable solutions based on the best interest of the child (art. 9) or the specific role of the volunteer guardian for unaccompanied children (art. 11).

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<sup>4</sup> As a result of the last Italian general election in 2018 and following a period of negotiations and impasses, on 1 June 2018 Giuseppe Conte was sworn in as prime minister with support from the League and the Five Star Movement. This new government has shown a tougher approach to immigration than the previous ones.

According to the law upon identification - which may last up to 10 days - and if needed after the age assessment, the child is hosted in a dedicated governmental first reception facility for the strictly necessary period that should anyway not exceed 30 days. This first level of reception is aimed at responding to primary needs and providing for immediate protection. During this period the child should receive, according to his or her age and evolving capacities, information regarding the rights he or she is entitled with as well as information on how to exercise those rights, including the rights to apply for international protection. An interview with a specialised psychologist should be ensured in order to assess the personal situation of the child, the causes and conditions of the departure from the country of origin, the journey and the future expectations.

The continuation of the reception and integration process is done within the so-called second level of reception, after the first 30 days and until the child turns 18. This second phase is aimed at defining and implementing an individual educational project that culminates in a durable solution. Most of the unaccompanied children are placed in residential care facilities managed by private entities. However, law 47/2017 encourages the deinstitutionalisation of alternative care through family foster care (article 7).

Article 13 of the law foresees accompanying measures towards the majority of age and also long-term integration measures that allow the Juvenile Court to extend the intervention of the social services up to 21 years. In such hypothesis, the child would receive continued support towards autonomy.

However, the provisions of law 47/2017 are far from being consistently applied across the country and, as will be outlined below, many weaknesses persist and threaten to compromise the effective exercise of the rights of unaccompanied children and the principle of the best interest of the child. The independent presence of volunteer guardians for unaccompanied children may, in fact, constitute a valuable safeguard against rights violations and other dysfunctions in the system.

### 1.3. THE ITALIAN GUARDIANSHIP SYSTEM, FROM THEORY TO PRACTICE

An important development of law 47/2017, as already mentioned, is the establishment of a volunteer guardianship system<sup>5</sup> for unaccompanied children. Article 11 of the law states that a roster of volunteer guardians should be made available in every Juvenile Court. Private citizens who have been expressly trained and selected by the regional ombudsman office can be registered in these rosters. By doing so, these citizens accept to assume responsibility for the guardianship of an unaccompanied child or more in case of siblings. The same article invites the Presidents of the juvenile court and the competent ombudsman offices to adopt memoranda of understanding in order to promote and facilitate the appointment of volunteer guardians.

Few months after the adoption of the law, in face of existing shortcomings, it was approved a corrective decree that modifies some provisions particularly related with guardianship. It assigns to the National Ombudsman for Children and Adolescence the mandate of monitoring the application of the provisions related to volunteer guardianship. It also limits the number of children that may be appointed to a guardian to a maximum of three. However, the main change regards the shift of competences for the appointment and supervision of the guardian for unaccompanied children from

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<sup>5</sup> The notion of volunteer guardian in Italy has been interpreted in line with the definition of guardian developed at European level by different legitimated tools including the Core standards for guardians of unaccompanied children and the FRA Agency Handbook.

the Tutelary Judge of the Ordinary Court to the Juvenile Court. The current transition phase of this transfer of competences is registering some difficulties that will be further addressed in chapter 3. It is worth noting, however, that one of the main implications concerns the territorial scope of the different courts. While the Tutelary Judge of the Ordinary Court is present in each territorial circumscription that normally coincides with the provincial capital, the territorial competence of Juvenile Courts tends to coincide with those of the Court of Appeal which are a total of 26, far less than Ordinary Courts. As a result, the territorial variable is now added as an important consideration to be made by the judge when assessing the matching between the child and the guardian as well as the degree of proximity between the judicial authority in charge of the appointments of guardians and their supervision.

Article 11 of law 47/2017 refers also to the general provisions of the civil code on guardianship. The civil code addresses in article 348 the choice of the guardian and favours the choice of a close relative. However, when this is not possible as in the case of unaccompanied children, the guardian should be an appropriate adult of impeccable conduct and committed to assume an educational role. The civil code also describes the procedures related with the appointment and the exercise of the guardian and defines his functions. According to article 357, *the guardian takes care of the child, represents him in all the civil acts and administers his goods.*

There are other legal texts that complement the provisions on guardianship and adapt them to the case of unaccompanied children including Legislative Decree 142/2015 that establishes that law enforcement authorities should immediately communicate the presence of an unaccompanied child to the competent court to proceed with the appointment of a guardian. Article 19 of the same decree highlights that *the guardian should have the necessary skills for the exercise of his functions and that he has to carry out his tasks according to the best interest of the child. Individuals or organisations whose interests (potentially) conflict with those of the child cannot be appointed. The guardian can be substituted only in case of necessity.*

Law establishes that when volunteer guardians are not available, guardianship is assumed by an institutional representative, mainly the Mayor of a Municipality or a public officer. In most cases, such institutional guardians delegate their ordinary tasks as guardians to other professionals such as social assistants. When no guardian is appointed – not volunteer nor institutional – the provisional guardianship is activated. In such cases, the responsible of the shelter where the child is living becomes the provisional guardian. This situation should be avoided and used as a measure of last resort and for the shortest time possible due to the problems that it poses in terms of conflicts of interest.

Since its entry into force on 06/05/2017, the law has modified the practices regarding guardianship for unaccompanied children across Italy. In practice the implementation process started from the regional ombudsman offices that took action to organise and implement training courses addressed to candidates wishing to become guardians. Those interested to participate in the trainings must respond to the periodic official calls for participation. The national ombudsman organised the training course in the regions where the regional ombudsman was missing (Abruzzo, Molise, Sardinia, Tuscany, Valle d'Aosta). The majority of training courses are organised in collaboration with other actors with proved experience in the field, such as universities, NGOs, associations or professional bodies. A first weakness emerged during this period due to a lack of a common training curricula and methodology. The training courses that are being organised are so heterogeneous that do not ensure a comparable level of knowledge and preparation among the participants. The national ombudsman issued basic guidelines on training for volunteer guardians (see brief references) that were

insufficient in terms of contents and incisiveness to overcome this challenge. However, from the perspective of child protection, training is a fundamental element to ensure that guardians comprehend the implications of adopting a child rights-based approach, to stress the independence of the guardian and to highlight that the action of the guardian must always be oriented by the principle of the best interest of the child. In addition to this heterogeneity of training offers, the structural weakness of ombudsman authorities and the lack of financial allocations to support the law implementation can put the prerogatives of this advanced guardianship model at stake.

After the training, ombudsman offices had to put in place selection processes in order to assess the appropriateness of the trained candidates to be registered in the roster of guardians. This aspect also faced important challenges again due to the lack of detailed criteria and guidelines for selection.

Once the registers are made available to the competent court and before proceeding with the appointment, the matching between the child and the guardian must be done. The centrality of the relationship between them obliges to pay special attention to this aspect. However, the absence of any reference to the social services – who are the ones in contact with children - in the text of the law was then made evident. The involvement of the local social services that know the stories and personal characteristics of children is crucial to ensure that the matching is done according to the best interest of the child.

Regrettably, as mentioned earlier, the current situation at national level with regards to the appointments of volunteer guardians is still unclear. Even if in general the number of volunteer guardians registered in the rosters has increased, in many cases Juvenile Courts are not appointing new guardians. This gives place to paradoxical situations in which there are a number of trained citizens willing to support an unaccompanied child waiting to be appointed; and a number of unaccompanied children in need of receiving qualified *ad personam* support.

Weaknesses thus persist in relation to the different phases that compose the guardianship model introduced by law 47/2017, including selection of candidates, training, matching, appointment, support, supervision and integration into the system. It is essential that the mandates in charge of realising such processes do not deviate from the principles enshrined in the CRC and of the qualities of independence, compliance, efficiency, appropriateness and inclusion.

#### 1.4. THE LIGURIAN CASE, A PILOT EXPERIENCE

In 2016, following a significant increase of the number of unaccompanied children present in Liguria and particularly in Genoa, an experimental pilot project to set up a process of volunteer guardianship began under the coordination of the Municipality of Genoa with the technical assistance of Defence for Children. This pilot project provided for the selection, training, appointment and support of the first volunteer guardians in the Ligurian capital. Almost all the activities were successfully carried out in synergy between the social services and DCI Italy. This pilot experience already allowed for an analysis to identify difficulties and opportunities of implementing a volunteer guardianship model.

Some months after, in the first half of 2017, Law 47/2017 establishing a national system of volunteer guardianship for unaccompanied children was adopted. As a result, the Ligurian regional ombudsman assumed the mandate to train and select volunteer guardians and to create a roster of guardians to be made available to the

juvenile court. The pilot experience lead by the Municipality of Genoa would need then to be integrated in the new operational map designed by Law 47.

In really short time, the regional ombudsman published an open call for expression of interest to participate in training courses for candidates. Aware of its experience on the matter and after some exchanges, the regional ombudsman decided to delegate the organization of the training courses to Defence for Children Italia. DCI organized the courses in the framework of the EU funded project ELFO<sup>6</sup> aimed at building the capacity of volunteer guardians and foster carers through training and continuous support. The total number of guardians trained in Genoa until that moment amounted to 73.

After DCI having trained a group of candidates, the ombudsman finalized the selection process through individual interviews and created the roster with the first trained volunteer guardians that would then have been made available to the Tutelary Judge. The matching between the first group of trained guardians and children was done in collaboration with the social services of the Municipality of Genoa, who beyond being familiar with unaccompanied children, could rely on the experience on volunteer guardianship gained during the first pilot phase. Subsequently, the Tutelary Judge appointed some volunteers as guardians for children.

In view of the success of the initiative and coinciding with the starting date of the ASOP4G project, the regional Ombudsman and Defence for Children Italia signed a collaboration agreement to be implemented in the framework of this initiative. The attempt with the ASOP4G project is to address, both experimentally and also by assuming a role of technical assistance to institutions, the guardianship system's challenges and dysfunctions highlighted in this report. This action that will be focused at the regional level, aims at tracing operational models that could be exported to other national realities. ASOP4G has all the ingredients to become an Italian practice of reference in the field of guardianship for unaccompanied children in this very crucial moment of initial law implementation.

However, at the beginning of 2018 there was the adoption of the decree that modifies Law 47/2017 and that in particular transfers the mandate to appoint guardians for unaccompanied children to the juvenile court. From 3<sup>rd</sup> of March 2018, date in which the transfer of competences entered into force, no guardian of any type has been appointed in Liguria by the Juvenile Court.

The regional ombudsman with the assistance of Defence for Children decided to temporally suspend the trainings and agreed to proceed with the Tutelary Judge, which is competent for the appointment of guardians of unaccompanied children with institutional guardianship that arrived in Genoa before the 3<sup>rd</sup> of March. The regional ombudsman in collaboration with the social services of the Municipality of Genoa and with the assistance of DCI Italy proceed with the matching between unaccompanied children and volunteer guardians. On July 25, 2018 10 matchings had been done to proceed with the appointments by the Tutelary Judge.

In the meantime, active volunteer guardians have been carrying out their role successfully, by creating a strong peer-to-peer support group and relying on the availability of DCI Italy to perform continuous supervision through bilateral and collective exchange, informative and training sessions. Thanks to the ASOP4G needs assessment, it has been proved that unaccompanied children that can benefit from the

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<sup>6</sup> [www.defenceforchildren.it/projects/160-elfo-active-citizenship-guardians-legal-representatives-and-foster-care-families-for-children-deprived-of-parental-care.html](http://www.defenceforchildren.it/projects/160-elfo-active-citizenship-guardians-legal-representatives-and-foster-care-families-for-children-deprived-of-parental-care.html)

presence of a volunteer guardian have greater possibilities of experiencing a positive integration process and more appropriate responses to their specific needs. Volunteer guardians in Genoa are consolidating as a new reality that stands to children's side from a reliable and independent rights-based perspective.

The experience in Liguria synthesizes some of the elements highlighted in this report. From this specific situation problems relating to the implementation of a very advanced but still perfectible law can be observed. It is worth noting how the inefficient or confused cooperation among the key concerned actors can paralyze ongoing processes. Similarly, the lack of knowledge and recognition of the important role volunteer guardians play in improving the conditions of unaccompanied children among the different professionals working in close contact with these children puts a significant brake on the development of volunteer guardianship.

On the other hand, it is worth highlighting how a diligent attitude and sincere will of the concerned authorities, in this case the Ligurian regional ombudsman and the Municipality of Genoa, is crucial to activate such an innovative process. It is also relevant to admit that the concern according to which few citizens are willing to get involved in guardianship is just a myth. The Ligurian experience shows how people are able to participate through concrete actions, when the proposal is serious and qualitatively relevant.

ASOP4G will therefore contribute to consolidate the Ligurian experience, which is the Italian case that represents the more concrete occasion to experiment and propose a model that orients the development of volunteer guardianship at national level.

## 2. CHILDREN AND GUARDIANS' NEEDS ASSESSMENT

### 2.1. OBJECTIVE(S)

The overall objective of the needs assessment is to identify, through the direct consultation with children and guardians, useful elements to understand the functioning of guardianship and possible practical improvements in relation with the principles and articles of the UN Convention on the rights of the child. In particular:

- The level of understanding of the role and functions of the guardian
- Guardianship experience in relation to the CRC divided into 4 dimensions (survival, development, protection and participation)
- Suggestions and reflections to improve guardianship and the relation with the guardian

As mentioned above (see 1.3, page 5), the Italian guardianship law has established a volunteer guardianship system, according to which, private citizens are appointed as volunteer guardians after their selection from the regional Ombudsman office. When volunteer guardians are not available, an institutional representative is by law responsible for guardianship of children deprived of parental care. Taking this into account, an additional objective, apart from the main ones which were commonly set, was addressed, in order to better understand the Italian context.

A specific objective of the needs assessment in Italy is to identify the differences between institutional guardianship and volunteer guardianship and highlight the possible advantages and/or weaknesses of volunteer guardianship. Notwithstanding the small sample of informants, the important results that emerge from this assessment represent an important background research that will serve as a framework for monitoring activities. Moreover, the consultation process has proven to be an effective mechanism to listen, in particular, children's voices.

### 2.2. METHODOLOGY

#### 2.2.1. CHILDREN'S NEEDS ASSESSMENT

The children's needs assessment was developed through 2 focus groups organised in DCI Italy office in Genoa. The first one involved a group of 7 former unaccompanied children who had recently reached the age of majority and who have had an **institutional guardian** in Genoa. The other group was composed of 10 unaccompanied children residing in Genoa, all of them with a **volunteer guardian**. All the participants involved are male, come from Africa except from one Pakistani boy. Both focus groups were facilitated in Italian by the same person, a cultural mediator that collaborates with DCI Italy since many years. DCI Italy staff assisted both meetings. Chairs were set in a circle, around a table, and the facilitator used a flipchart to write down relevant elements of the session.

Number of participants	Country of origin	Age	Type of guardianship
2	Ivory Coast	16	Volunteer
2	Senegal	17	Volunteer
1	Mali	17	Volunteer
1	Gambia	17	Volunteer
1	Ghana	17	Volunteer

1	Pakistan	17	Volunteer
2	Mali	17	Volunteer
2	Mali	+18	Institutional
1	Gambia	+18	Institutional
2	Guinea	+18	Institutional
1	Senegal	+18	Institutional
1	Nigeria	+18	Institutional
<b>Total: 17</b>			

The structure of the focus group was the following:

1. Welcome of the participants: the facilitator welcomes the participants by offering them something to drink and/or eat and then invites children to take a sit.
2. Presentation and explanation of the activity: the facilitator introduces himself, the activity, and the project. He also delivers and explains the consent form and asks permission to record the session.
3. Introduction of the participants: the participants introduce themselves by saying their name, the name of the facility in which they are hosted and the name of a person that is very important for them or that helped them a lot in the context of reception.
4. Introduction of the guardian figure: the facilitator asks the participants if they know who is a guardian, if they have a guardian appointed and if they personally know him.
5. Definition of a framework of reference: it is necessary that the focus group is articulated within a shared framework of reference that is clear to all the participants. This framework are the rights of the child. To this end, the facilitator asks the participants to brainstorm on the needs that they think a young boy like them has. After the brainstorming, the facilitator announces that all the needs identified constitute rights that have to be acknowledged to all children, Italian and foreigners, present in Italy. The facilitator divides the needs/rights emerged into 4 clusters: SURVIVAL, DEVELOPMENT, PROTECTION AND PARTICIPATION. So, for each one of these dimensions the group identifies a series of specific items (for example food, clothes or friendship). The facilitator completes at this point the definition of the guardian, highlighting that he is the one who should stand by them and ensure that all these rights are respected. In particular the facilitator highlights the following characteristics of the guardian:
  - a. Volunteer
  - b. Independent
  - c. General role
  - d. Personal relationship with the child
  - e. Intermediary with other actors
  - f. Trust
  - g. Listening
  - h. Rights defender
  - i. Accessible
6. Gathering children's experiences: the facilitator then explores the different items identified for each of the 4 dimensions in relation to the children's experiences through the following questions:
  - a. Level of satisfaction of the need/right
  - b. Subject in charge of responding to the need/right
  - c. Role of the guardian in relation to the need/right
  - d. Suggestion to improve the guardian's role in relation to the need/right

7. Conclusion: the facilitator concludes with a brief recap of what has emerged and thanks all the participants for their contribution. He also mentions the following steps of the project, giving the possibility to participants of keeping in touch with DCI Italy.

#### 2.2.2. GUARDIANS' NEEDS ASSESSMENT

The guardian's needs assessment was developed through different consultations: an extended focus group with 24 guardians and candidates, 2 meetings with key persons of a group of volunteer guardians of Genoa and several bilateral exchanges with active volunteer guardians. These consultations were articulated around opened questions related with the role of (volunteer) guardians, their tasks and the obstacles they are facing. Meetings with volunteer guardians aim also to assess the situation with regards to volunteer guardianship and monitor how this new experience is developing and expanding.

### 3. RESULTS FROM THE CONSULTATIONS BY THEME AND STUDY POPULATION

The study population of the present needs assessment is divided into 3 groups:

- 1) Unaccompanied children with institutional guardian
- 2) Unaccompanied children with volunteer guardian
- 3) Volunteer guardians of unaccompanied children

#### 3.1. THE ROLE OF THE GUARDIAN.

##### 1) Unaccompanied children with institutional guardian

During the introduction round, none of the participants of this group mentioned the guardian as an important person for them in the country of reception. Actually five participants specified that they did not know who the guardian was, they had never seen him and they had never interacted with him in any way. One of them initially thought that the person that he identified as important in the initial exercise was the guardian, whereas he actually was an educator of the facility. Just one participant declared to know who his guardian was, his name and role – he was the responsible of the residential care facility. Another boy said that he was aware that his appointed guardian was delegating some tasks – such as bureaucratic procedures to obtain documents - to the coordinator of the facility where he lived, which had been identified as one important person for him. It was evident that these young people were not clear on the guardian figure, did not have an appropriate knowledge about the guardian's role and about how it is distinguished from the other mandates. According to the participants, volunteer guardians may be very recent since they have heard some younger friends saying *"today I am going out with my guardian"*. The participants were very interested to know whether these guardians are paid and when the facilitator explained that it is a free function they started to reflect upon the degree of commitment and the level of involvement of the guardian, which according to them had to be decided by the guardian himself. Another consideration made by the group referred to the fact that the guardian should be present but not always. The guardian should not act for the child and do himself the things that the child is supposed to do, but to help and teach the child on how to do things. Strengthening their own capacities before the 18 years may prepare children to better face the transition towards adulthood.

In general, the guardian has been identified by the participants as the one who should:

- Help the child preparing the shift towards adulthood [for most of them this was difficult and disorienting]
- Accompany the child to different places
- Give advices to the child
- Help the child understanding that school is important
- Help the child understanding his rights and duties

##### 2) Unaccompanied children with volunteer guardian

*"Then I was lucky to meet a person who has helped me a lot, is like a third mum... She is called T.R. She supports me, sometimes I am a little bit [gesticulates with the hands] and she even talks with my mother [who lives in Ivory Coast]."*

M.

*"There I had my guardian and she helped more than anyone. She is called M.C. and*

*she is taking care of me like my mom. Together we travel and also with other friends. She does everything for me."*

M.

For this group of participants the guardian figure was very clear. All of them mentioned their volunteer guardian as an important person for them during the initial exercise. A number of participants compared guardians with parents. The clearness and knowledge that they have on the role of the guardian corresponds to their own personal experience. For them, a guardian is someone who supports and helps the child on an individual basis. From the consultation emerged that the guardian himself plays a primary role in informing the child on the mandate and functions of the guardian.

### 3) Volunteer guardians of unaccompanied children

Volunteer guardians define their role as a personal mandate that can be qualified by exchanging with other guardians about how to perform it. The guardian assumes the legal representation of the child and must take care of him on an individual basis. The relationship with other guardians helps at orienting this *ad personam* relationship with the child within a complex – and not always functional - protection system. Beyond defending and promoting his rights, the guardian must facilitate the social integration of the child.

According to guardians, it is very important to make sure that the child understands properly the role of the guardian. In particular, it is crucial that they comprehend that the guardian is independent and a reliable person. One of the distinctive elements of the guardian is to be perceived as an external presence out of the system. Independence from the system must be a genuine assumption. And this also includes independence from the host structure, which has different prerogatives.

The guardian should also report any rights violation, abuse or non-observance to the ombudsman office or to the judge. Usually ombudsman offices are more accessible than judges.

In Palermo, thanks to volunteer guardians with the support of the local ombudsman office, rights violations have been reported as well as living conditions that are against the best interest of the child. One host structure had to close as a result.

## 3.2. LIVING CONDITIONS OF UNACCOMPANIED CHILDREN

The living conditions of unaccompanied children in relation to the role of the guardian have been explored using 4 macro-areas derived from the CRC and relevant sub-themes belonging to each one of them.

### 3.2.1. SURVIVAL

- Health

Even if this situation must not be generalised, none of the children with institutional guardianship were accompanied by their guardian when they were in need of medical assistance. The ones accompanying them to the hospital or to the doctor were usually the staff members of residential care facilities. A boy with dermatologic problems was

never visited by a doctor until he turned 18 years. Instead, those children with a volunteer guardian with health-related experiences were always supported by their guardian. In some cases, the volunteer guardian adopted a proactive role in addressing health issues that were not being appropriately faced or that were not being treated at all. Volunteer guardians seem therefore to play a fundamental role in ensuring children's right to health and access to medical care.

The distribution of health-related tasks between the guardian and the staff of the residential care facility is quite ambiguous. In principle, when the consent form is requested the guardian should sign and be present. On the contrary, the residential care facility should be in charge of the routine checks and other daily practices. However, according to the consulted guardians, this distribution is not always respected and the volunteer guardian is often asked to carry out ordinary tasks that would fall under the competence of the residential care facility.

### **Suggestions from children**

*The guardian should...*

*... accompany the child to the hospital*  
*... know if the child feels bad, be informed and look for information regarding the child's medical condition*  
*... go to the hospital if the child has been brought there by others*  
*... talk with the child about health-related issues*

- Clothing

The group of children without a volunteer guardian expressed some concerns regarding the provision of clothes in the residential care facilities. In some cases, there was a lack of appropriate clothing and they did not feel that there was the possibility to claim for it. According to this group, the volunteer guardian should dialogue with the staff of the shelter and ask them to buy the clothes needed. In addition, they suggested that if the volunteer guardian has the possibility and wishes to do so, he could give a piece of clothing to the child.

In this case, the guardian would act as a "rights claimant", as the one who defends the best interest of the child when the child's voice is not properly heard and taken into account. Guardians, for their part, feel that they would like to be recognized by the other professionals from a constructive perspective more than from a belligerent one.

### **Suggestions from children**

*The guardian should...*

*... give advice to the child on how to dress appropriately and according to the season, so that he does not get ill.*  
*... claim to the residential care facility to provide for appropriate clothing.*  
*... buy some clothes to the child if he has the economic means and is willing to do so.*

- Food

In general, food provision in the residential care facilities is sufficient but there is a general complaint regarding the quality and variety of the food. However, there are no complaint mechanisms allowing to express such kind of requests. Moreover, food is a very limited dimension. Children rarely are involved in the cooking or in the meal preparation and cleansing. In some shelters they use plastic plates and cutlery, which

could not help at feeling like home. Children, in this case, can neither be involved in the washing up, thus also losing a moment in which a person can feel the space as his or her and the responsibility that taking care of it entails. Moreover, often, the moment of the meal is not considered as a convivial one because each host can eat when he likes and not at fixed timing.

Children with volunteer guardian seem to live this dimension not only for the nutritional value, but also as a social and cultural aspect. Usually volunteer guardians invite children to have a meal at their home, cook together or go out for lunch or dinner. The meal becomes a moment of knowledge, encounter and exchange.

### **Suggestions from children**

*The guardian should...*

*... communicate with the staff of the residential care community in order to favour the resolution of food-related requests and find alternatives.*

*... invite the child out or at home for a meal.*

*... propose the child to cook together.*

### **3.2.2. DEVELOPMENT**

- School

It seems that children tend to need a mediation to understand the role and meaning of schooling in the reception context. In this sense, the guardian may play a key role in transmitting the concrete sense of attending school and the advantages that it may bring to the child's life project. Generally speaking, it seems that the educational proposals to children are standardized and not always take into account their individual characteristics. The presence of a volunteer guardian may result in more personalized responses to the education needs of children. Their presence may be very reassuring for the child in particularly important moments such as during exams. Volunteer guardians tend also to be in direct contact with the school and the teachers in order to supervise and follow school performance and also to offer school tutoring to the child. However, guardians have expressed their need to further explore and know the school-related procedures and territorial offer.

### **Suggestions from children**

*The guardian should...*

*... explain to the child the sense of going to school and advise him to attend school.*

*... accompany the child to do the admission exam.*

*... accompany the child to school on the first day of class.*

*... sign the necessary documents.*

*... accompany the child to get his diploma.*

- Sport activities

Children show great enthusiasm towards the possibility of doing sport activities. Obviously the preferences differ even if the majority of them love playing football. However, these children often encounter some difficulties with the enrolment in a football team due to status-related issues or too high costs. As a consequence, many times they are deprived of accessing sport activities, which constitutes a discrimination. However, children with institutional guardians agreed that the role of the volunteer guardian regarding sport activities must be an optional effort. This specification was aroused by children after considering that volunteer guardians are not paid and already assume great responsibility and, in addition, they have their own work and daily life.

### **Suggestions from children**

*The guardian should...*

*... ask to the child which sport would he like to practice.  
... help the child accessing sport activities.*

- Work & money

The minor age is not incompatible with the objective to work and earn money. Actually, the majority of unaccompanied children arrive to destination with the desire of finding a job and sending money home. However, this priority is not always reflected in the individual education project that the concerned professionals propose to the child. Sometimes there are other priorities – such as school or language courses - that take the precedence over this specific need. However, children have this dimension very present in their mind. In most cases finding a job constitutes the main objective of their integration process. For example, two of the children with institutional guardian expressed that they have already learnt some trades. One of them said that he would have liked to use these skills to earn some money. However, nobody asked him whether he had some competences or knowledge to invest. Other children who also declared to have specific competences highlighted that knowing a trade does not mean that automatically you want to be engaged in such activity. The guardian should therefore help the child understanding what he wants to do and what he can actually do and try to support the child to reach his objective. The group of guardians consulted showed a very proactive attitude towards this labour dimension, by trying to intercept and benefit from specific support services. Moreover, volunteer guardians tend to make use of their own contacts to find training or work opportunities suitable for the child.

### **Suggestions from children**

*The guardian should...*

*... introduce the child to people or contexts that could offer work opportunities (networking).  
... help the child developing and capitalizing his capacities, desires, professional projects.  
...support the child in professional training enrolment and job search.  
... help the child to identify and explore new opportunities.  
... explain to the child the real work situation in the reception country.  
... assist the child in the formulation of a plan both in the short and long term.  
... give advice to the child to open a bank account*

### **3.2.3. PROTECTION**

- Host structure

In general, in structural terms, residential care facilities seem to suit children. A recurring complaint that children have directly or indirectly expressed regard the distance of the host structure from the city centre. In many occasions children complained the limited number of bus tickets available to them.

Guardians from their side seem to be expecting to see how the relation between them – as a group – and the staff of the host structure will develop. The innovative character of this experience involves a period of “learning by doing”, a need to define things in progress.

### **Suggestions from children**

*The guardian should...*

*...control and monitor that the host structure is appropriate and has a consistent quality.*

*...verify that the child feels comfortable in the place where he is living.*

- Documents

Documents are a fundamental aspect of unaccompanied children's life upon arrival. The uncertainty derived from an unresolved legal status often determines the child's state of mind as well as the access to practical opportunities. The process to obtain documents is very intense and a number of children live it with great anxiety. Having a close person on their side that assist and supports them would be extremely appreciated. Beyond the emotional value of obtaining the documents, the presence and signature of the guardian is one of the requisites to present the documents and go through all the process. Guardians seem to benefit from the support of the legal advisors that work in reception care facilities. In fact, guardians are not expected to be legal experts but to support the child during the entire procedure.

### **Suggestions from children**

*The guardian should...*

*... stand by the child during the status-related procedures.*

*.... get information on the particular legal situation of the child*

*... be always punctual.*

*...understand whether the child's story meets the prerequisites to apply for asylum. If prerequisites are not met, the guardian should get informed on possible alternatives for the child.*

*...go with the child in the commission for asylum application.*

*... inform the child about court procedures, accompany the child to the court and lodge the appeal together.*

*... reassure the child and give emotional support.*

*... listen to the child's story and be proactive in establishing a relationship of trust with the child, so that the child is opened to accept guardian's advices.*

### **3.2.4. PARTICIPATION**

- Listening

*"An important person for me is L. [his guardian]. He helps me in many things. Sometimes we have a walk together and we talk about important things..."*

E.

From children's words it seems that trust is a very important element of a genuine relationship. Without trust is difficult to establish a sincere dialogue that allows the child to speak freely and the guardian to properly listen to this child. Trust constitutes an element of efficiency of the relationship between the child and the guardian. However cultural differences may initially difficult a common understanding. In this sense, cultural mediation seems to be very important to children. They defined the cultural mediator as the one who is able to explain the differences between the culture of the country of origin and the one of the country of arrival.

*"In some cases I saw that the child had difficulties in representing appropriately his own needs, partly because he was not able to codify them. Strengthening the capacities of this person and representing his condition means also to find ears that listen to you."*

Volunteer guardian.

### **Suggestions from children**

*The guardian should...*

- ... ask for cultural mediation and/or translation when necessary.*
- ... contact the child and keep in touch with him.*
- ... try to establish a relationship based on trust.*
- ... show interest in the child and ask him how he feels*

- Social life

Many times unaccompanied children who are placed in residential care facilities do not have a lot of life outside the shelter. Their social life is very much limited to those that children meet in the facility or during the activities proposed by the competent professionals. However, children with volunteer guardians have the possibility to extend their social network because they come into contact with other contexts, including through volunteering activities, and have greater opportunities to know local people.

*"My guardian helps me. Like the other day for example, when my guardian called me to say that the day after she would have been at her home and that if I wanted I could go. And I went there and invited also my friends and we cooked a typical dish from my country. Yesterday I was at her place too and she introduced her friends to me."*

*L.*

Regularly volunteer guardians in Genoa organise gatherings involving the children under their guardianship.

*"Children in the residential care facility do little or nothing. Now that school has finished there is no planned activities. Me and the child under my guardianship do volunteer work. With the other children under guardianship we have organized different things; and if one of us is not able to come, the other guardians invite him anyway."*

*Volunteer guardian*

Actually in some cases the child is not the only one who meets guardian's family but the guardian who gets in contact with the family of the child.

*"My guardian is in touch with my family and this makes me happy. And I am also very happy to be in contact with the family of my guardian."*

### **Suggestions from children**

*The guardian should...*

- ... invite the child to his home (when appropriate)*
- ... introduce the child to his family and friends.*
- ... ask the child about his friends.*
- ... spend time together.*
- ... propose volunteer activities to the child.*
- ... try to understand if the child wants to put his family in contact with the guardian.*

- Knowledge of the territory

*“Now I live in a residential care facility and I feel alright, before in V.F. too but there was little sun. Now I have a guardian, he is called G. and he is very good. We have organised a trip to Rome together next week. Thanks G for having organised this trip.”*

B.

For children it is important to know the territory in which they are living and to do different activities. When they arrive, everything is new for them and they have to learn not only cultural values and habits but also daily practices such as getting the ticket to take the bus or learning how to move within the city. The presence of a volunteer guardian would be very useful to help the child getting oriented and to show him different interesting places, also from an educational perspective.

### **Suggestions from children**

*The guardian should...*

*... take the child out for a walk or other activities.*

*... invite the child for a ride or an excursion.*

*... ask the child if he has any need or preference regarding the discovery of the territory and give useful indications.*

- 18 years

A cross-cutting concern regards the transition towards adulthood. In most cases, The day after children turn 18 they must leave the residential care facility. It is unclear which path the youngster will undertake. It depends on many factors. However, when there is an efficient educational project this shift appears to be easier.

*“It is a very delicate moment. Often you have the feeling that everything gets lost... and that you have to start all over again. Volunteer guardians could play an important role here. On the one hand by exploring legal ways to continue supporting the child beyond the majority of age<sup>7</sup>, and on the other by talking to the social assistants that will start following the youth. We should ensure continuity.”*

Volunteer guardian

Law 47/2017 gives the possibility to provide for administrative support until 21 years. However, in practice, this measure is being limited and is used in rather exceptional cases.

In Palermo guardians have great impact on the assessment that is done during this transition phase. They help collecting all the elements needed to request and support the administrative support, which allows the child to remain in the child reception system and is renewable every six months.

In order to facilitate this shift, the Court of Genova, proposed the guardians to become “support administrator” (*amministratore di sostegno*). This option that falls under the competence of the Ordinary Court, may allow the guardians to maintain part of the responsibilities over the already young adult. If properly applied and, of course, with the consent of the concerned young person, this measure could make the transition into adulthood much more gradual and controlled, allowing the young adult to benefit from

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<sup>7</sup> For example through the support management.

the support of the (former) guardian and the latter to be legitimated to perform such role.

### 3.3. INTERAGENCY COLLABORATION

This remains one of the most challenging aspects regarding guardianship in Liguria and, more generally, in Italy. On the one hand because interagency collaboration referred to guardianship, as foreseen by law, is limited. Law 47/2017 mentions two actors of the system: the Juvenile Court - in particular its President – and the Ombudsman offices at national and regional level, and calls for the adoption of memoranda of understanding to enhance volunteer guardianship. However, from the first implementation stage of the law it can be observed that in many regions the collaboration between Juvenile Courts and Ombudsman offices is far from being smooth<sup>8</sup>. The fact that Law 47/2017 does not seem to sufficiently consider the interaction between the different concerned actors, namely the authorities and local social services, determines a heterogeneity of approaches and a series of difficulties in the law implementation.

In Liguria, for example, after the change of mandate to the Juvenile Court in 3 March 2018, no guardianship of any type has been activated to an unaccompanied child, apart from 3 or 4 very recent appointments of volunteer guardians. Some volunteer guardians registered in the roster established by the regional ombudsman have been contacted for an individual interview, only few of them have been appointed (4). Despite several attempts to foster mutual collaboration, the regional ombudsman received no communication on this. DCI Italy neither. The Court, instead, contacted the social services of the Municipality of Genoa to support them during the meetings with the future guardians. However, social services are not mentioned by law 27/2017 and even if their involvement is logical because they follow unaccompanied children's cases and therefore they know their profiles, its convocation is done under the discretion of the concerned judge and not as part of a procedure. Moreover, the fact of not having a legal mandate on guardianship relegates social services to a secondary and rather passive role, preventing them to have power of initiative and to assume responsibilities.

Another general absence regards the professionals working in the shelters for unaccompanied children. Their presence is not foreseen in article 11 of the law 47/2017 even if in practice are the ones who most interact with volunteer guardians. However, practice is showing that there are some problems in the triangulation composed by the child, the volunteer guardian and the staff of the residential care facility. Most of these problems seem to derive from the pioneering character of volunteer guardianship and the adaptation process needed to allow professionals integrating the presence of volunteer guardians in their professional mindset and practice. Likewise, there are no concrete previous experiences that volunteer guardians can use as examples or precedents to relate with host structures. Unfortunately, these misunderstandings do not correspond to the best interest of the child, which instead should orient all the practices that concern him.

*“There is a lack of recognition of the role of the volunteer guardian by the other*

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<sup>8</sup> On June 19, 2018 the National Ombudsman for Childhood and Adolescence organised a meeting with almost all the Presidents of the Juvenile Courts to address different aspects related with family foster care and guardianship for unaccompanied children. The shift of competence to appoint the guardian for unaccompanied children from the Tutelary Judge to the Juvenile Court was also discussed. However, this meeting did not seem to produce immediate effects to speed up the process leading Juvenile Courts to assume the management of unaccompanied children's guardianship.

*professionals. Also because there is no superior authority asking them to recognize and interact with the guardian.”*

*Volunteer guardian*

This sort of reluctance in embracing the new presence of volunteer guardians has also been detected by some guardians in relation to the social worker and even to the Juvenile Court. However, according with the definition of the guardian elaborated at the European level, the guardian should act as a bridge between the child and the other actors and should therefore facilitate their relation with a view of qualifying the principle of the best interest of the child.

Despite that, there are inter-agency and multidisciplinary tools that must put all the different actors together to work for the child's most appropriate sustainable solution. One is the Individual Educational Project (PEI). The PEI is a dynamic project that should be defined during the first month by the educators of the residential care facility together with the social assistant and any other concerned actor, and with the active participation of the child. The guardian should also be involved in its continuous assessment and re-definition. The aim of the individual project is to define and support the implementation of a life project which is sustainable and appropriate for the child<sup>9</sup>.

Another tool is the social file (“cartella sociale”). As mentioned in the previous chapter, the social file must enable the exchange of information among different professionals. Is therefore an excellent tool to strengthen inter-agency case management. In Palermo is being developed an experimental project about the social file because it has been observed that it contains extremely useful information but that the different actors had some difficulties to access it and make contributions. There was thus the need to establish a dynamic social file with different levels of access in order to allow all the different stakeholders using it according to their specific professional needs.

*“In my case the PEI was a brief presentation of the child's story but there was no project. It was a summary of his story.”*

*Volunteer guardian*

Is worth noting, however, that the Genoese volunteer guardians have had little contact with these tools. In most of the cases there were inexistent, in other were not shared by the competent professionals. In general terms, the feeling is that these tools – particularly the PEI- are more formal than substantial, which undermines their potential and real impact in children's lives. According to guardians themselves, they could play a role in consolidating this precious but misused tools. The open question remains: how should the guardian act when there is no PEI in place or when the existing one is not being properly used?

*I do things for Mohammed, but I wish to do things that are useful for all Mohammeds that will come after him. I would like to affirm that this project should be done for every child and not only for the child I am supporting just because he has a guardian. But this doesn't exist today and very often in the reception care facility one waits the 18 years, there is no project. I hope that things can change from the specific and concrete case.”*

*Volunteer guardian*

Last point regards the collaboration among guardians themselves. It is worth noting that mechanisms to support guardians have never been established on paper, not in

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<sup>9</sup> For further information see ... The Life Project is a tool developed at European level by the Council of Europe to define and implement sustainable solutions for children. It could be adopted as the common tool of reference for the definition of the PEI.

Law 47/2017 nor in the Guidelines issued by the National Ombudsman. Volunteer guardians have many times expressed how important is for them to be in contact, to create a community of guardians and share moments, thoughts, experiences, doubts. This collective peer dimension is very useful above all in this starting moment where there are no precedents on volunteer guardianship and everything is done “for the first time”. It helps also establishing the relationship with the child that could otherwise be “difficult and sometimes even embarrassing”.

*“Since the beginning we felt the need to keep in contact through a chat: exchange information and keep updated on the developments and the various issues. Then under the initiative of some of us we felt the need to know more about certain things such as which are the training places in which our boys are sent. So we organised a meeting with a labour centre. Then we organised another meeting with the office work grants following the same method: a restrained group of guardians attended and after reported everything to the rest of the group. This allowed us to face problems of which we didn’t know so much.”*

*Volunteer guardian*

The community of guardians becomes the group of reference. The door to knock on in case of need. One of the guardians consulted explains that they have created a smaller group with the volunteer guardians of the children living in the same facility. This union helped them dealing with specific issues and above all establishing a relation with the residential care facility.

According to volunteer guardians, supervision and support are two very important elements. During training courses, it has been observed that the lack of clear support and supervision mechanisms made feel some candidates scared. In Genova, for example, DCI Italy has established a support mechanism through periodic meetings and a desk of support available once a week and upon request. This is the only semi-structured space specifically dedicated to volunteer guardians in the city. In Palermo there is the guardians’ monitoring office located next to the City Ombudsman and financed by Unicef. This office provides for holistic assistance and referral to volunteer guardians, that have a physical place to which they can resort to. In Siracusa, Sicily, there is also a local association called AccoglieRete that since 2013 provides training and support to volunteer guardians.

### 3.4. PROFESSIONALS’ ELIGIBILITY, CAPACITY BUILDING, MONITORING AND ASSESSMENT

According to law 47/2017 the selection process of volunteer guardians is handled by the regional ombudsman. The only national selection criteria were issued by the national ombudsman for children and adolescents, which published basic guidelines for the selection, training and registration in the roster of volunteer guardians<sup>10</sup>. These guidelines outline a selection process based on three elements: a) the *pre-selection* where candidates are selected according to the information presented in the application; b) *training* which is compulsory for all those who have been accepted after the preselection; and c) *registration in the roster of volunteer guardians* following the training and after having given consent.

The minimum requirements that the candidate needs to present are:

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<sup>10</sup> <http://www.garanteinfanzia.org/sites/default/files/Linee%20guida%20tutori%20volontari.pdf>

- Italian citizenship or of another Member State (in such case the candidate has to prove an appropriate knowledge of Italian language), or stateless persons or non-EU citizens that comply with residence regulations and that have an appropriate knowledge of Italian language and culture in relation with the role of the volunteer guardian, which will be verified by the Commission that will conduct the interviews to assess the attitudes and individual skills;
- Residence in Italy;
- Being 25 years or more;
- Enjoyment of all civil and political rights;
- Having not received criminal convictions and not being involved in criminal proceedings;
- Absence of conditions which prevent to exercise this function according to article 350 of the Civil Code. In particular:
  - free administration of the own assets
  - not having had the parental responsibility limited or suspended
  - not having been removed from another guardianship
  - not being registered in the bankrupts' roster
  - having an impeccable conduct, thus being morally appropriate
  - having enough time and energy availability to perform its functions
  - not being in a situation of conflict of interests with the minor.

The candidate may, in addition, declare to possess a university degree or technical qualification, as well as specific personal and professional capacities and qualities that are relevant to carry out the role of volunteer guardian for unaccompanied children.

This selection process refers to the possibility of being registered in the roster of guardians. Even if it is not prescribed by the law, in practice it may happen that the competent judge organizes a meeting with candidates that has selective value, before proceeding with the appointments.

By law, the guardian should be held accountable to the judge that appointed him or her. There are some decisions that, due to their importance, need to be specifically authorized by the judge.

From a systemic point of view, Law 47/2017 confers on the National Ombudsman the function of monitoring the overall volunteer guardianship system.

Support and supervision of guardians remains, however, the main shortcoming of this process. It is not foreseen by law and in general is not being consistently upheld across the country. In Genoa, for example, Defence for Children offers continuous support and assistance to appointed volunteer guardians. In Palermo, Unicef has financed the already mentioned guardians' monitoring office. However, in Palermo there are also informal actors that play an important support role. And of course, the collective experience of guardians represents a valuable source of mutual support.

### 3.5. USE OF SOCIAL SUPPORT NETWORKS

One of the main strengths of the volunteer guardian actually refers to the important role that he or she can play to support and qualify the process of social inclusion of an unaccompanied child. The volunteer guardian should act as the support person of reference for the child. Consequently, the guardian becomes the point from which the child can start building his own social network. This dimension is extremely important for unaccompanied children. However, children with a volunteer guardian seem to be more conscious about the importance and the benefits of a diversified social network than unaccompanied children without a volunteer guardian. This is probably because

the former have already established social relations that go beyond the life in the residential care facility. Volunteer guardians tend to invite children at their home, to present their families and friends and to organize leisure and cultural activities with different people. And not only that, volunteer guardians seem to pay serious attention to the child's insertion in the wider community, including work insertion.

In Genoa, for example, some volunteer guardians have introduced children in volunteering networks. In many cases children get well engaged in and develop a sense of commitment and responsibility towards such kind of activities. It also constitutes a way to interact with the host social and cultural fabric and get to know it better and to interact with young host country nationals. In some other cases, instead, children refuse to participate due to cultural differences. In some cultures, volunteering is seen as a form of exploitation.

The same group of volunteer guardians have also shown great interest in exploring existing work insertion programs, in particular work grants. To this end they organized a meeting with the Coordination Office for Labor Insertion of the Municipality of Genoa, in which they were informed about the existence of available funds for providing work grants for unaccompanied children. The access to this service is subject to the request from the social services. This program foresees an accelerated path for children, especially for those who are about to reach 18 years. The "Centres for Labor Education" managed at the local level also offer work opportunities for young people.

Another support network that seems to be appreciated by children is "Garanzia Giovani"<sup>11</sup>, a national program that is part of the European plan "Youth Guarantee" addressed to young people from 15 to 29 years aimed at overcoming youth unemployment through a series of support measures.

### 3.6. TRAINING ON COMMON STANDARDS TO SAFEGUARD THE CHILDREN'S RIGHTS

Training for volunteer guardians of unaccompanied children is still an open topic in Italy. Despite the importance of having minimum training standards to ensure equal treatment, a common and detailed training program and methodology is lacking at the national level. The closest thing that can be found are the guidelines issued by the national ombudsman. In such document, the Ombudsman invites to uniform training modules for volunteer guardians across the country by following the indications outlined there, which namely suggest that training should be specific, multidisciplinary and continuous with a basic course composed of 3 modules of 8/10 hours each. The Ombudsman office proposed a possible agenda for implementing such modules, based on the training courses addressed to volunteer guardians that it coordinated immediately after the adoption of law 47/2017. Actually, the national ombudsman invited the main stakeholders working in the field of child protection, in particular with unaccompanied children, to participate as trainers in the courses. Ideally this could be an occasion for the different actors to fine-tune on a common methodology and program so as to become a sort of pool of potential trainers for volunteer guardians. That was not the case and a uniform training process was not established.

The current situation is that trainings are implemented locally by the regional ombudsman offices, which normally receive the technical assistance of a competent agency. In Liguria the regional ombudsman signed an agreement with DCI Italy in the framework of the ASOP4G project, to coordinate and manage the courses for volunteer

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<sup>11</sup> <http://www.iolavoroliguria.it/area-cittadino/garanzia-giovani-cittadino/1.html>

guardians. Because of its extensive experience working on volunteer guardianship and delivering training for volunteer guardians, DCI Italy has been developing a training module, which is very flexible and adaptable to different contexts. It has also been shared at the European level, thus gathers and builds on reflections of transnational nature.

However, DCI Italy has worked intensively in Sicily in the past years, providing training for volunteer guardians. In 2015, 55 guardians were trained during the EU project SafeGuard and in 2017 other 130 guardians were trained with ELUCE project funded by UNHCR.

A publication containing training guidelines for volunteer guardianship was published after this last experience in January 2018<sup>12</sup>, with the aim of providing orientations at national level, which are still missing as highlighted above.

According to this document, *Orientamenti formativi sulla tutela volontaria di persone minorenni non accompagnate*, the main challenges that training processes for volunteer guardians face in Italy are: the development of a uniform training system; the training of trainers; integration of the training with the other components of the system; availability of resources; ensuring independence and the best interest of the child; selection and monitoring of guardians; the matching procedure between the child and the guardian; the direct participation of children; the connection in the territory.

What this paper proposes to orient training processes addressed to volunteer guardians is articulated around the following elements:

- Difference and balance between information and training
- Objectives of the training: knowledge, comprehension, practice and positioning
- Characteristics and methodological criteria: interrelation between theory and practice, interaction among participants, integration of disciplines, continuous education, supervision, clear and dynamic paradigm of knowledge
- Contents of the training: a) minority of age and the relation between adult's and children's worlds; b) the rights of the child as a multidisciplinary and holistic system to assess and promote the best interest of the child; c) migration, cultural diversity and migration profiles of children and d) legislation, procedures and actors in the reception system.

According to the participants, one of the strengths of this training model is the collective dimension that the training confers to the experience of the volunteer guardian. It transmits the consciousness of acting based on an individual responsibility but in fellowship with all those who assume it in name of law. In general, participants appreciated the high group interaction, the practical application of theory for example through testimonials, the rights-based approach and the "political" reflections related with volunteer guardianship.

The consulted volunteer guardians identified a few topics that, based on their experience, found particularly complex in their relation with the child and therefore would address during supplementary training sessions:

- Religion(s) and spiritual dimension
- Psychological implication of legal status procedures
- School – related procedures and territorial offer
- Work/labor insertion – related procedures and territorial offer
- Mutual knowledge with other actors of the system

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<sup>12</sup> Please see [www.defenceforchildren.it/files/DCI-Eluce-Sicily-2018-small.pdf](http://www.defenceforchildren.it/files/DCI-Eluce-Sicily-2018-small.pdf)

## 4. CONCLUSIONS

The focus groups clearly show that unaccompanied children with volunteer guardian are much more aware of the role of the guardian than those with institutional guardian, who are almost always unaware of the existence and functions of this figure. It has been observed that volunteer guardianship has positive effects on unaccompanied children's lives, and particularly on the following aspects:

- Awareness of their personal situation
- Self-confidence and self-esteem
- Social skills
- Ability to orient oneself
- Availability of information
- Capacity to understand and interpret the surrounding reality
- Social and work insertion

In general, children with volunteer guardian feel well supported on an individual basis and know that they have someone reliable and trustworthy to turn to. This does not mean that children without volunteer guardian do not find support persons, but it happens randomly and not systematically.

Children with volunteer guardian seem to face the transition to adulthood more serenely than children that cannot count on it. For them, the guardian represents the main – if not the only- element of continuity between their lives before and after reaching the age of 18. Practice is showing that volunteer guardians maintain contact with the child after the official end of their mandate. In this sense, it could be said that the role of the volunteer guardian is producing a sustainable empowering effect on unaccompanied children in the context of arrival that goes beyond the legal duty and probably falls under a sense of civic and human commitment.

Is worth noting how the relation between the child and the volunteer guardian works if it is well balanced and the guardian is not intended as a savior but as a responsible adult. In most cases, guardians see this experience as a genuine occasion of enrichment and learning, and also of political positioning.

Volunteer guardianship is becoming also an independent and critical view of the reception and child protection systems. Even if actual volunteer guardians have encountered some difficulties in their relation with the different professionals of the system, mainly staff of the residential care facilities and social assistants, they are succeeding in understanding how things work and how they can best perform their role. A better recognition of their role would probably help them become as efficient as possible. Otherwise the risk is to create a situation of conflict between the guardian and the system, which would hardly correspond with the best interest of the child.

### 4.1. IMPLICATIONS FOR THE ASOP4G PROJECT IN ITALY

From the needs assessment it emerges that the ASOP4G project is in a privileged position to exercise, first of all, an observation function in relation to the Italian scenario, which is the main unity of analysis. With regards to this level, the ASOP4G is already shaping a tool for continuous analysis that should inform any attempt of

improving the Italian guardianship system. Secondly, the ASOP4G project will play a fundamental role in Liguria, in particular through the implementation of concrete experimental activities accompanied by attentive observation process that will enable possible adaptations and corrections. The ASOP4G experience in Liguria will contribute to help forge institutional harmonisation, information, training and support to guardians and to their mandates. The initiative falls within a new guardianship context that needs to be further tested, adjusted and systematized.

To sum up, the implication for the ASOP4G project in Italy include:

- Continuous analysis with a view to identify needs, obstacles, strengths and opportunities to improve volunteer guardianship at national level, with a focus on the Ligurian context.
- Integrate the Ligurian experience on volunteer guardianship in the recent legal developments affecting the institutional and procedural organisation of volunteer guardianship.
- Provide for support to active volunteer guardians.
- Follow-up the situation of guardians that have been trained but not yet appointed.

#### 4.2. IMPLICATIONS FOR THE REGIONAL AND STATE LEVEL ACTION

As highlighted in the present report, the ASOP4G project is in the position to provide authoritative and systematic orientations to regional and national processes on volunteer guardianship for unaccompanied children. The needs assessment gathers evidence to demonstrate that volunteer guardianship is more appropriate for unaccompanied children than the other types of guardianship, namely institutional and professional ones. This finding constitutes an important resource to advocate for full and due implementation of article 11 law 47/2017 in Italy.

The project also allows to monitor the performance of the different concerned authorities and institutions involved in the implementation of guardianship as foreseen in Law 47/2017 and may draw their attention towards increased efforts for institutional harmonisation and cooperation. Particularly relevant will be to follow-up juvenile courts with regards to the appointments of volunteer guardians and to eventually take action to push things.

Likewise, the project will contribute to uniform procedures, tools and methods at national level, so as to create a sort of theoretical and practical device upon which the different actors and agencies involved in guardianship may refer to when exercising their mandate.

## 5. BRIEF REFERENCES

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Save the Children Italia, I flussi migratori verso l'Italia, April 2018.

## 6. ANNEXES

### 6.1. CONSENT FORM FOR GUARDIANS (in Italian)



Co-finanziato dal Programma Diritti  
Uguaglianza e Cittadinanza (REC)  
dell'Unione Europea



#### **Modulo per il consenso informato per la partecipazione dei ragazzi ai gruppi di discussione**

Gentile Signora/e,

L'Istituto Child Health (GR), l'Università di Nicosia (CY), L'Università Kazimieras Simonavičius (LT) e Defence for Children International-Italia (IT) stanno portando avanti il Progetto "Alliance for children on the Move: Standard Operating Procedures for Guardians" [REC-CHILD-AG-2016-02/764244-ASOP4G, co-finanziato dal Programma Diritti, Uguaglianza e Cittadinanza dell'Unione Europea (2014-2020)]. Il progetto è costituito da una serie di attività che hanno come obiettivo finale quello di implementare principi comuni sulla tutela per i minori non accompagnati e valorizzare le competenze e le capacità dei tutori al fine di meglio tutelare i diritti dei minori non accompagnati e separati.

In questo gruppo di discussione chiederemo ai ragazzi il loro parere in merito agli strumenti formativi che abbiamo realizzato per i tutori nell'ambito del progetto. Più specificatamente, vorremmo raccogliere i loro commenti sugli strumenti elaborati che stiamo sviluppando: un manuale sulle procedure operative standard per tutori, nonché un programma di formazione per tutori che affronti al meglio i loro compiti.

Ai fini della partecipazione del minore posto sotto la Sua tutela, La informiamo di quanto segue:

- Durante la raccolta dei dati e l'analisi saranno seguite tutte le regole appropriate.
- La discussione dovrebbe durare circa 90 minuti e sarà condotta con l'aiuto di un interprete, se necessario.
- La discussione sarà registrata per agevolare il processo.
- Estratti della discussione di gruppo potranno far parte della relazione finale, ma in nessun caso il Suo nome o altro dato identificativo verrà inserito tra gli esiti della ricerca.
- Conformemente alla legislazione nazionale, solo qualora si scoprisse o venisse riferito da un minore che la vita di qualcuno è in pericolo o che un minore è a rischio di abusi potranno essere rivelate informazioni.
- La partecipazione alla discussione non comporta alcun beneficio individuale per i partecipanti (di tipo finanziario o altro).
- Ciascun partecipante alla discussione di gruppo può ritirarsi in qualsiasi momento.

Avendo preso visione delle condizioni sopra citate è libero di decidere se consentire al minore di prendere parte al gruppo di discussione o meno.

Vuole consentire al minore di cui si occupa di partecipare al gruppo di discussione?

X Sì

2. No

Nome del tutore:

Si autorizza la raccolta e il trattamento dati personali forniti, ai sensi del Regolamento Generale sulla protezione dei dati dell'UE (GDPR) 2016/679 e la normativa nazionale sulla privacy

Firma del tutore: .....

Nome & età del minore: .....

Data:



### CONSENSO INFORMATO

Io, \_\_\_\_\_, dichiaro:

1. Di essere stato informato sugli obiettivi del progetto ASOP4G e di averli capiti.
2. Che in questo Focus group mi verrà chiesto di parlare sulle mie esperienze per contribuire a migliorare la tutela dei minorenni stranieri non accompagnati,
3. Di aver capito che questa ricerca raccoglierà informazioni da minorenni stranieri non accompagnati, neo-maggioresnni stranieri e tutori in 4 paesi europei al fine di capire come migliorare il livello di protezione e di supporto che i tutori possono fornire ai ragazzi.
4. Di aver compreso che la mia partecipazione sarà anonima, e che questo significa che:
  - solo le persone che hanno gestito il focus group sapranno che ho partecipato allo studio;
  - e
  - il mio nome non verrà mai usato in nessuno dei rapporti del progetto

5. Di aver capito che le informazioni raccolte durante il focus group verranno usate per elaborare un rapporto di ricerca.

6. Di sapere che le informazioni date verranno usate solo nell'ambito di questa ricerca e che mi dovrà essere chiesto il consenso se si vogliono usare in altre situazioni.

7. Di aver capito che posso scegliere di non rispondere a una o più domande e che posso allontanarmi in qualunque momento.

**Accetto di partecipare a questa discussione**



**Non accetto di partecipare a questa discussione**



\_\_\_\_\_, 2018 |\_\_|\_\_||\_\_|\_\_|

**Luogo**

\_\_\_\_\_

**Firma**

### 6.3. INVITATION LETTER TO PROFESSIONALS FOR CHILDREN'S PARTICIPATION



Co-finanziato dal Programma Diritti  
Uguaglianza e Cittadinanza (REC)  
dell'Unione Europea



Spett.

**Comunità di accoglienza per minorenni stranieri non accompagnati**

.....

C.c.

**Tutore/tutrice**

**Genova, .....**

**OGGETTO: Consultazioni nell'ambito del progetto europeo "Alliance for Children on the Move: Standard Operating Procedures for Guardians - Alleanza per i minorenni in movimento: Procedure operative per tutori" REC – 764244 - ASOP4G**

Gentilissimi,

Vi contattiamo a seguito della convenzione stipulata con la Regione Liguria e l'Ufficio regionale del Garante per l'Infanzia nell'ambito del europeo in oggetto, co-finanziato dalla Commissione Europea, Programma Diritti, Uguaglianza e Cittadinanza che sarà attuato fino a dicembre 2020.

L'obiettivo principale dell'iniziativa, per quel che riguarda il nostro paese, è quello di supportare il processo di attuazione della legge 47/2017 in relazione ai processi di formazione dei tutori con un focus specifico sulla Regione Liguria, cercando di valorizzare le esperienze fin qui condotte coinvolgendo tutti gli attori che questo difficile percorso richiede.

L'iniziativa prevede una serie di consultazioni con **tutori** e con **ragazzi** non accompagnati in accoglienza, con l'obiettivo di comprendere le loro percezioni in merito al ruolo e ai compiti del tutore e orientare meglio i percorsi formativi, informativi e di connessione tra i diversi servizi.

Le consultazioni con i ragazzi saranno condotte con metodologia di focus-group.

La prossima sessione sarà organizzata il \_\_\_\_\_ presso \_\_\_\_\_. Sarà nostra cura richiedere l'autorizzazione ai tutori dei ragazzi che decideranno di aderire.

Rimaniamo a disposizione per qualsiasi chiarimento e nell'attesa di un vostro cortese riscontro inviamo i nostri più cordiali saluti

Gabriella Gallizia  
Defence for Children International Italia  
Tel. 329 4020164