



*Autorità Garante
per l'Infanzia e l'Adolescenza*



Report to Parliament



Italian Authority for Children and Adolescents

2016



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Rome, Chamber of Deputies
June 2017

Report to Parliament of the
Italian Authority
for Children and Adolescents
2016

*Sala della Regina
Chamber of Deputies
Rome, June 2017*

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CAHENF	Ad hoc Committee for the Rights of the Child
CCNL	National Collective Labour Contract
COE	Council of Europe
COPE	Children of Prisoners Europe
ECHR	European Convention on Human Rights
ENOC	The European Network of Ombudspersons for Children
ENYA	European Network of Young Advisors
FAMI	Fund for Asylum, Migration and Integration
INPS	Italian Social Security Institute
ISTAT	Italian Statistics Institute
MIUR	Ministry of Education, Universities and Research
ONPG	National Permanent Observatory on the Exercise of Jurisdiction
PCM	Presidency of the Council of Ministers
RST	Roma, Sinti and Travellers
SIA	Support for Active Inclusion
S.In.Ba	Information system for the care and protection of children and their families
SISS	Social Security Information System
SPRAR	Service for the Protection of Asylum-Seekers and Refugees
UAM	Unaccompanied minors

*Mr Speaker of the Senate,
Madam Speaker of the Chamber of Deputies,
Members of the Authority,
Dear boys and girls,*

The presentation of the Annual Report to the Parliament is the moment for reporting on the activities of the Authority during the 2016 calendar year, as provided for in the law establishing the body (12 July 2011, n. 112, Art. 3, Para. 1, lett. p), as well as the time to share with all of you the current challenges and the future prospects for children and adolescents in Italy.

In reviewing the year that has passed, I must cite two important events: the twenty-fifth anniversary of the Italian ratification of the New York Convention on the Rights of the Child (adopted by the United Nations in 1989 and implemented in Italy by Law 27 May 1991, N. 176), that illuminates the pathway of this Authority, and the adoption of the Third Council of Europe Strategy for the Rights of the Child. The latter sets forth the five priorities that the Council of Europe is committed to promoting in this sector in the 2016-2021 five-year period. These are: equal opportunities for all children and adolescents, participation of the children in the decisions regarding them, the guarantee of a life free from violence, child-friendly justice and children's rights in the digital environment. The Strategy, which represents the outcome of the discussions between the authorities of the 47 member states and the representatives of the international organisations, indicates the road we must take.

I am beginning from these two events, which are related, not by chance, to the United Nations and the Council of Europe. The protection Authority that I currently head was set up, as a matter of fact, as the result of a need that is expressed at an international level and that likewise has an international vocation.

The need to have independent national body that is able oversee the implementation of the rights of children quite apparent from the Convention on the Rights of the Child and in particular in Article 4 ("States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention"), and in Article 18 paragraph 2 ("For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children"), and lastly, by from the recommendations of the Committee for the Rights of the Child, provided for under the Convention; in the General Observation of 2002 on the "creation of independent national human rights institutions", which recall this commitment as being among those made by the States that have ratified the Convention. On the regional level, Art. 12 of the European Convention on the Exercise of Children's Rights (opened for signature in Strasbourg on 25 January 1996 and implemented by Law 20 March 2003, n. 77) asks the States to

In reviewing the year that has passed, I must cite two important events: the twenty-fifth anniversary of the Italian ratification of the New York Convention on the Rights of the Child, a major step in the work of the Authority, and the adoption of the Third Council of Europe Strategy for the Rights of the Child.



encourage the promotion and exercise of the rights of children through national bodies which among other things have the function of making proposals and giving opinions concerning draft legislation in this respect.

The Authority moves along “the tracks” laid down by international conventions that protect and promote the rights of children and adolescents, as well as on European Union law and sources in Italian law, starting from the Constitution, which in Art. 31, paragraph 2, states that the Republic “protects mothers, children and the young, favouring the institutions necessary for this purpose”.

The Authority moves along “the tracks” laid down by international conventions that safeguard and promoted the rights of children and adolescents, but also by those laid down by European Union law and sources in Italian law, starting from the Constitution, which in Art. 31, paragraph 2, which states that the Republic “The Republic protects mothers, children and the young by promoting the institutions necessary for this purpose”. The Authority was therefore created “from above”. It both fulfils its own functions domestically and has also branched outwards internationally, acting as a point of contact among the different levels in an osmotic relationship with the international and European context.

In recalling 2016, I am therefore starting from the two aforementioned celebrative milestones, confirming both the driving force of the Authority’s activities as well as its international character.

However, 2016 was not a simple year.

As regards Italy, last year was sadly marked by a series of earthquakes that struck the populations of Central Italy, but which gave rise to a significant mobilisation of people and institutions that worked together in close synergy, and solidarity mechanisms. Small children and young people lost their lives, their relatives, people close to them, homes and schools. In order to keep alive the memory of the young lives lost, I planted eight apple trees in Amatrice, together with the students, just in front of the school that had been set up in the meantime. This was an unforgettable moment involving participation, listening to and sharing of pain with the young people, who hugged each other for mutual support in the last farewell to their friends.

The year 2016 was also the years in which some 26,000 unaccompanied minors arrived in our country, chiefly from Africa, fleeing wars and poverty, and arriving in Italy after journeys full of pitfalls and dangers, without any adults close to them and in conditions of particular vulnerability and fragility. The need to structure the Italian system so that it would be able to offer the reception and protection of these small children and young people, and bring it in line with the European Agenda on Migration, emerged as an absolute priority during the past year led to the approval on March 29, 2017 of Law N. 47/2017 containing provisions on the protection of unaccompanied foreign minors.

Before sharing last year’s challenges with you, please allow me to make a premise regarding terminology. Words have a meaning, and this is the time to explain the meaning of the words we have utilised.

The expression “minor person” should be preferred over the more common expression “minor” given that the sources of international and domestic law show that children and adolescents are autonomous subjects of the law, they are persons. A person can be a “minor” compared to a “person over the age of majority”, while the expression “minor person” does not imply any comparison, and attributes the child with the status of inde-



pendent person, an autonomous holder of rights, in line with international and European tradition, with a focus on the human person. A confirmation of the “child-friendly” point of view is the change in the terminology used by Italian legislators with regard to family law. They no longer refer to “parental power” but to “parental responsibility” to indicate all the rights and duties assigned by the law to parents, in line with sources that are international (we can cite the conventions adopted at the Hague Conference on Private International Law, which first used this expression) as well as supranational (in particular Regulation (EC) N. 2201/2003 concerning Matrimonial and parental judgments: jurisdiction, recognition and enforcement). This change in terminology can be detected not only at the level of lexical updating to international sources, but it has a profound cultural value in terms of abandoning any “proprietary” notion regarding children, in the full respect of the best interests of the minor. Today, the family situation is complex. The “post-modern” family is called upon to face important challenges. We live as a matter of fact in a “liquid” society (as Zygmunt Bauman said), dominated by speed, where the relationship between time and space has not been set and preordained, but changing and dynamic. Viewing matters with this standpoint, we must be able to provide solutions that reflect the instantaneous nature of today’s family relationships, always keeping in mind the best interests of the child, the basic principle that guides the activities of the Authority I oversee.

If it is true that words have a meaning, it is also preferable to use the definition “unaccompanied *minor*” (adopted by Directive 2013/33/EU laying down standards for the reception of applicants for international protection) rather than “unaccompanied *foreign minor*”, indicating that this is a person under the age of 18 before he or she is a migrant. Indeed, we are all “*foreigners*” compared to someone else, as we ourselves are in the eyes of the many children who disembark every day in Italy. The perception of the other person allows us to acquire awareness, but this awareness should not foster distances.

It is not a matter of chance that our Authority is the ombudsperson not only of Italian children and adolescents, nor is it only the ombudsperson for those children who are official residents in Italy, but of all of those children who are present in Italy, since what is relevant is not their status but only the fact that they are children under the age of 18. The Authority is for all underage persons who are in Italy, whatever their nationality may be, whatever their place of residents and the connection they have with our country.

This specification is all the more necessary in the light of the present historical circumstances we are experiencing. We must not allow the economic and humanitarian crisis that many countries must face today to create a crisis in solidarity, which is one of the pillars upon which the European Union has been built.

The Authority in Italy operates in close contact with complex situations, in a supranational framework based on the highest principles of peace, freedom and tolerance deriving from the Treaties and Charter of Fundamental Rights of the European Union.

This Report prepared by the Authority regarding its activities in 2016, which I have the honour of presenting for the first time, reflects the sense of the words that I have



discussed, and it is only for sake of simplicity and effective communications that the terms “*minors*” and “*foreigners*” are used in some points, and shown in the Report in italics.

There were many challenges posed in 2016, in passing from the affirmation of rights to their implementation: for some, while for some significant progress was recorded, others still remain unsolved. As we know, Italy has historically stood at the vanguard for the protection and promotion of children and adolescents.

There were many challenges posed in 2016, in passing from the affirmation of rights to their implementation: for some, while for some significant progress was recorded, others still remain unsolved. As we know, Italy has historically stood at the vanguard for the protection and promotion of children and adolescents. The Italian Constitution affirms the common values such as the principle of equality. The national laws, in accordance with the principles and values that have been laid down in the Constitution, identify the key criteria of the choices regarding children and adolescents: equality, the right to be heard, to participate in decisions that effect them and rights. These are rights that are underscored in the Convention on the Rights of the Child, and together incarnate the principle of the best interest of the child.

It is impossible to define a priority when discussing children and adolescents, because all children are equal and all have the same rights. Our little girls and boys, our adolescents both male and female, are this country’s present and its future, and we need to invest in the present in order to have a future without inequality.

The aim is to implement all the rights provided for in the Convention on the Rights of the Child, without there being any question of imagining a hierarchy, since they all deserve equal respect. According to Art. 2 of the Convention, all of the children of the world have the same rights irrespective of who their parents are, the colour of their skin, their sex, the language they speak, their religion, or whether they are rich or poor. However at this historic moment, the principle of equality, which was deemed to have been obtained in the affirmation of a society that is increasingly inclusive as regards children “on the margins”, has once again become a current issue, and a need has therefore arisen for a more advanced interpretation of the same Convention signed in 1989. If the rights are the same, their concrete manifestation is affected by the epochal changes now taking place, not only in Italy but also at the European and international level.

Let us think, and this without any pretension to being exhaustive, to the migration of the many children and young people who arrive in Italy every day from far off countries, often without any adults accompanying them. These children and adolescents are already “equal” to others of their same age: nonetheless, the developments of our times and the migration crisis are forcing us to think of the instruments by means of which we can guarantee them an effective equality to which they are absolutely entitled, i.e. adequate reception, protection by responsible adults, caregivers to refer to, education, health and training opportunities, all of which are the necessary preconditions for a real social integration and inclusion. These are instruments that we have the duty of ensuring, because these young people are a resource that some perceive as a problem. The driving force must be that of breaking down the barriers to the integration of these children and young people, with the awareness that as of now it is “we who are their parents” (as one young man told me at a meeting), and we have to guarantee their present well before their future, in line with our tradition as a country that is a “beacon” in the struggle for human rights. Let’s not forget that these are young people who have left behind their world of loved ones and do not expect to find walls; raising barriers



would drive them towards social marginalisation and could create the preconditions for facilitating their entry in the circuits of deviance and crime.

The goal of implementing the principle of equality should also be pursued together with the fight against poverty.

All children should be equally “rich” and the fight against poverty is a challenge that we need to win in order to guarantee equality, fully aware that the poverty of today’s children will become the poverty of tomorrow’s adults. Poverty is inherited, and uprooting it means interrupting the process of transmission from one generation to the next.

Defeating the existing inequalities among the various areas of the country is a necessity, not only with regard to conditions of economic but also of educational poverty, but also regarding the right to a “home” (we might recall the condition of Roma children), the right to healthcare and the quality of services.

We should, along these lines, monitor: the introduction of income support measures (Active Inclusion Support) aimed at families with children under the age of 18 and to guarantee a global management; the experimental institution, for three years of a fund to counter educational poverty; and finally, the introduction of the Inclusion Income. These are responses to the great challenge of reducing inequality and reducing the gap between rich and poor, which must now be verified in its concrete implementation.

The 4th National Action Plan and measures for the protection of rights and the development of children and adolescents must be the subject of a qualified monitoring system that is capable of verifying the implementation status of the planned measures.

Economic and educational poverty mutually feed one another in a chain that is hard to sever.

The inequalities regarding the deprivation of educational chances of children mired in conditions of poverty violate the principle of equality and prejudice the concrete possibility for children and adolescents to develop their own abilities. Educational poverty also means emotional and poverty that poverty in relationships, which creates exclusion. Poor children are often lonelier children because they are forced to give up or decrease important occasions for socialisation. The educational investment would thus contribute not only to cutting the intergenerational chains of poverty, but would have a preventive function as regards the development of young personalities, in connection with maladjustment and deviance. In this respect, it is fundamental to provide integrated, quality education, starting from the first years of life, and an investment in the definition of essential services levels.

Uninformed and unaware contexts may produce aggressiveness that involves minors not only as victims, but also as perpetrators who are responsible for violent and transgressive behaviour. Violence against children and young people can occur in homes (in so-called “trusted environments”), in schools and in the streets through social media, and can be perpetrated against children by adults as well as by other minors. Violence is a language they learn as children, a “family lexicon” common to different social classes, and also a response to a degraded social context without affection. We always expect adults to protect children and show them the right way to become aware adults.

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In the collective imagination, this teaching creates the roots of social harmony. We also expect the children's stories bringing us into a world of fantasy, innocence and imagination. News stories remind us that the children's tales have terrible contents, and reveal that the child protection networks have not worked, and have not been able to protect those who do not have the means to defend themselves.

The often "hidden" nature of the violence imposes the need for the girls and boys to be able to speak with persons whom they trust about facts of which they are the victims, without any shame; talking is the first step to recovery, and it is with words that violence is fought. Countering the phenomena does not only mean intervening in abuses that have already taken place, but also prevention, intervening before things happen.

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In recent years there have been major steps forward in Italy with the ratification two conventions drawn up by the Council of Europe on child abuse. Firstly, the ratification of the Lanzarote Convention, requiring the States Parties to adopt specific laws that consider any form of sexual abuse of minors to be a crime, and to take measures to prevent sexual violence, protect minors and prosecute those responsible for such violence. The aims of the Convention are summarised in the "4 Ps": prevent, protect, prosecute, promote. Secondly, in 2013, Italy ratified the Istanbul Convention on preventing and combating violence against women, including girls, and domestic violence. The Convention, among other things, explicitly requires States to "collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention and support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention." Another important step forward is the re-establishment of the Observatory for combating paedophilia and child pornography, an organisation which, among other things, has the task of acquiring, analysing and monitoring the data and information on the activities undertaken by all the branches of the public administration, for the prevention and repression of sexual abuse and exploitation of *minors*, as well as of drawing up the National Plan for preventing and combating the sexual abuse and exploitation of minors, with the Authority being a permanent member.

Today we are being forced to deal with new forms of violence, involving new types of victims and the resulting need to develop new tools to counter these: human trafficking, which above all involves unaccompanied *foreign minors*, the special orphans, collateral victims of femicide and cyberstalking. Each category of violence breaks down even further into various gradations each one requiring special attention not only as regards the legal systems, but also from a social and therapeutic point of view. The apparently clear distinctions between different situations (for example human trafficking, smuggling of migrants) are unclear and hard to identify, thus making it difficult to implement measures to counter them. Due to the variety of the situations coming under the general heading of violence, efforts to combat them must take on a transnational and interdisciplinary approach, in such a way as to involve the institutions, associations, legal professionals and social assistants.

The equality of young people outside of their family home and their accompaniment towards the leaving of protection programmes is another challenges we are called



upon to face in order to guarantee the harmonious development of their personality. Young people who have experienced removal from their families should also have support during the eventual reinsertion in their original family, or in the start-up of an independent path. Likewise, policies in favour of children and adolescents cannot be implemented without investments and human, material and economic resources, and without an enhancement of social and healthcare services, including those providing therapeutic treatment, to young people and fragile families.

There remains the problem of the need for a comprehensive database of the minors outside of a family home, that is able to collect data regarding the number, sex, age, cause of removal from the original family, the time spent in reception and outcomes. Up to now, this data has been collected by various organisations using incompatible systems.

But the challenges that must be accepted are also of a legislative character.

Progress has recently been made regarding the approval of the laws that must now overcome the challenge of practical implementation (and this is the case, as I mentioned, of the law that has been approved on unaccompanied *minors*); others should be adopted as soon as possible, while still others show critical issues that require more in-depth assessment.

Among the proposals being discussed, there is the draft law on citizenship, which has been suspended for some time, and this means the hope for so many children and young people, who grow up “different” in Italy also remains suspended. We are referring to the children of immigrants, children and young people born in Italy or who came to our country when they were small, who grew up here, who speak in Italian and recognise Italy as their own country. The “*ius soli*” principle is thus an important step in the integration of the so-called “second and third generations”, and is the direct expression of the principle of equality of children and adolescents set forth in the Convention on the rights of the child. Today in Italy, the children and young people who grow up, play, dream and study together, frequent the same places and have the same teachers actually have a different status according to the origins of their parents, according to the “*ius sanguinis*” principle of citizenship. They grow up in Italy as foreigners, and in practice end up as being foreigners in their parents’ home country. Citizenship confers a sense of belonging to a community, the Nation-State, and incarnates high sentiments and common feelings; we should include rather than divide.

Among the draft laws I hope will soon be approved there is the one for combating and preventing cyberstalking. Digital technologies and Internet access are tools that make the dissemination of knowledge easier and faster, and represent a resource and irreplaceable advantage for young people through which many of the rights in the Convention on the rights of the child: participation, freedom of expression and access to information are safeguarded.

While it is true that global communication through the Internet is an extraordinary milestone, it is also true that this instrument can also be used for violence and extortion. In order to avoid a distorted use of technology and prevent the risks on the web, it is

Among the draft laws I hope will soon be approved there is the one for combating and preventing cyberstalking.



important to have a digital education that not only concerns young people, but also adults, while remaining aware that total control is impossible. As the sense of belonging to a community increasingly weakens, families have been left to their own devices in dealing with the daily issues. The most serious repercussions of the phenomenon fall on children and adolescents, who all too often are left alone to seek answers to the many queries about growing up, with a negative impact on communication and relationships with others, and a tendency to withdraw into themselves, to take refuge in virtual reality, and become incapable of supporting frustration and facing difficulties. It might happen that the young people might develop conflictual relations among themselves, both in the real world and in the virtual world. And so they find it hard to understand and manage their emotions, and to interact with what is seen as “different”, leading to acts of violence and often group violence.

We are also witnessing the birth of new addictions, such as technology addiction a phenomenon that leads young people to increasingly isolate themselves to live a life parallel to the real one, developing a form of dysfunction in interpersonal relationships.

We are also witnessing the birth of new addictions. I am especially referring to technology addiction, which is different from gambling addiction. The latter involves using money to make more money, while the former involves spending money to improve their position in the game. This is something that leads young people to increasingly isolate themselves, and to live a life parallel to the real one, developing a form of dysfunction in interpersonal relationships. In order to protect young people and adolescents in their Internet access, our legal system should acquire new tools such as a way to ascertain the “age of digital consent”.

One of the reforms that should instead be carefully evaluated regards matters of justice. The justice dimension must be moulded so as to become “child-friendly”: a justice that is accessible, fast and adequate, that respects the rights to due process, to participate in decisions concerning the child, and the respect of private and family life.

The protection system must be strengthened with dedicated resources and specialisations dedicated to safeguarding the professional and cultural heritage and the legal framework for the protection of underage children, an “achievement of civilization” for our country. As concerns innovations, such as the procedure for appointing guardians and monitoring their activities, we should focus on the legal jurisdiction regarding the appointment of guardians and the monitoring of their activities by juvenile courts; in as much as the law approved last 29 March, foresees that is they that should sign memoranda of understanding with the pertinent ombudsperson. A careful, and comprehensive reading of the new legislation, also with regard to ascertainment of the age, should lead to a “child-friendly judicial system, organically identifying the competent judicial authority. “child-friendly” reforms of the judicial system that gazes upward, to Europe, and should not only be inspired by, but also comply with European regulations. The European Union has recently approved Directive 2016/800/EU on procedural safeguards for children who are suspects or accused persons in criminal proceedings, stating that the Member States “should take appropriate measures to ensure that judges and prosecutors who deal with criminal proceedings involving children have specific competence in that field”. It is in this direction that we need to move.

The task of promoting the safeguarding of the rights of children and adolescents that is the responsibility the Italian Authority for Children and Adolescents is complex; because protecting children and adolescents is cross-institutional at various levels of



intervention and there are a large number of institutions, in a fragmented framework that sometimes not very coherent. This scenario may lead to dispersion and the overlapping of human and economic resources. This means that the Authority has to be in constant dialogue with the many persons and entities involved that have jurisdiction in the protection of children and adolescents, through parliamentary hearings, meetings between institutions, memoranda of understanding, the participation in Observatories, the issue of opinions and bilateral meetings. The presence of the Authority is indispensable for ensuring that the rights of minors are respected and to represent their interests in the strategies of the institutions involved, in the hope of a reorganisation of the various competences with the goal of simplification.

In view of the importance of the competences assigned to the Authority, the instruments that it makes use of are “soft law” legal acts, which have the function of moral suasion in influencing public institutions. Currently, the Authority expresses recommendations, sends notes to the authorities having jurisdiction to solicit action for the promotion of children’s rights, in order to fill gaps emerging with regard to application that the Italian Authority has encountered during its own activities. These recommendations and the guidelines, proposals, opinions and observations formulated by the Authority, while not directly having any affect the legislative level, act “downstream” and when necessary, gradually work their way “upstream (until they reach an intervention, therefore of “hard law”). For the action to be more incisive and thus truly effective and efficient, it is hoped that the Authority shall be granted broader powers and tools, including powers to sanction, which will directly affect policies on children and adolescents.

In view of the importance of the competences assigned to the Authority, the instruments that it makes use of are “soft law” legal acts, which have the function of moral suasion in influencing public institutions.

The objective of the Authority - the sole monocratic one in Italy that has had a woman at its helm since 2016, is twofold. On the one hand, international networks must be strengthened (namely, the European Network of Ombudpersons for Children as must national networks (the National Conference for the Guarantee of Rights); and on the other, is absolutely crucial that constant dialogue with the institutions and administrations, as well as with associative institutions, takes place in the respect of the autonomy attributed to the Authority in the law establishing the body. This autonomy imposes the quest for forms of structured dialogue with the Government and Parliament in order to fulfil one of the duties provided for by law, i.e. to take part in the formation of legislation concerning children and adolescents.

Given the number of challenges we are facing, we have been forced to assign priority to certain issues. I will therefore illustrate some of the new aspects, details of which can be found in the Report. The main news on the international level is the Authority’s participation in the Ad Hoc Committee for the Rights of the Child (CAHENF), set up in the Council of Europe, to oversee the implementation of the Strategy for the Rights of the Child. The drafting groups of experts in the CAHENF, dedicated to issues regarding unaccompanied foreign minors (CAHENF-Safeguards) and children in the digital environment (CAHENF-IT) will also continue their work in 2017, with the aim of drafting recommendations and guidelines for the States Parties.

As for domestic activities, the consolidation of the networks with the institutions, associations and the Ombudpersons in the Italian Regions and Autonomous Provinces



was the guiding feature of the 2016 activities.

The National Conference for the Rights of Children and Adolescents, which I chair, has increasingly become a tool for the coordination and connection of interventions by ombudspersons having a safeguarding function on the regional and national level. In 2016, the Conference was the occasion for discussion, consultation and exchange of data and information between the Italian Authority and the Ombudspersons in the Regions and Autonomous Provinces, conducting preparatory activities for the adoption of guidelines for common action. The first area of joint intervention involved the reports, and the document “Report Management Procedures” was drafted in 2016 and approved at the Ombudspersons Conference of 2017.

We should stress the importance of achieving this goal, which strengthens the role of the Conference and gives practical implementation to previous and current work, thus enabling a standardised management of the reports on the Ombudspersons in the Regions and Autonomous Provinces in Italy.

In keeping with the adoption of the guidelines regarding reports, it was decided in 2016 that the Ombudspersons in the Regions and Autonomous Provinces are the bodies qualified to respond to the requests and needs emerging in the reports, since they are closer to the local citizens and resources. The aim was to streamline and speed up the procedure, facilitating direct contact by the public with the authority having jurisdiction and avoiding any eventual duplication.

The history of the Conference and the Ombudspersons in the Regions and Autonomous Provinces is constantly evolving. The current situation can be seen in the updated survey on the “Rules, practices and procedures of the Ombudspersons in the Regions and Autonomous Provinces”, attached to the present Report. It illustrates the varied nature of the parties involved as ombudspersons; in some areas, the same person is also the civil rights Ombudsperson and the ombudsperson for the rights of prisoners.

Activities and initiatives (working groups, local visits, project activities) have been undertaken in collaboration with the Ombudspersons in the Regions and Autonomous Provinces, with shared goals and working procedures.

On the national level, the consolidation of the networks with the institutions, associations and the Ombudspersons in the Regions and Autonomous Province was the main aspect of the activities in 2016.

Last year I also undertook action to raise awareness about the need to appoint regional ombudspersons for those positions that had not yet been filled, with positive results: for the first time ombudspersons were appointed in Piedmont and Sicily. In 2016, new people were appointed in the Calabria, Lazio and Emilia Romagna regions. There are currently 16 ombudspersons holding office.

The network of relations among the institutions was likewise enhanced with the participation by the Authority in two Observatories reorganised in 2016 (the National Observatory on the Family and the National Observatory for the Fight against Paedophilia and Child Pornography), in line with the commitment already given regarding the Observatory for Children and Adolescents and the National Observatory for the integration of foreign students and intercultural dialogue. Given its privileged position as permanent delegate to the various Observatories, and given its role as a reference



institution, the Authority participates in various roundtables and inter-institutional networks, contributing actively to providing a strategic overall vision of policies on children and adolescents, representing a linking element among the institutions involved. With regard to the network of associations, there is permanent collaboration through the Council consisting of the most representative associations and organisations working on activities for children and adolescents, with its new composition dating from 5 December 2016. The Council has three working groups covering the following topics: psychological pathology issues in adolescents, with the task of determining the dimensions of this phenomenon, and identifying a desirable model for the treatment of mental health issues; the continuity of emotional support in foster families, aimed at the formulation of recommendations and enhancement of awareness among the institutional protagonists involved, as well as for the minors and the original and foster families after the implementation of Law 19 October 2015, N. 173 on the right to affective continuity; the protection of minors in the world of communications, in order to guarantee that all children, young people and parents/educators have the information and skills enabling them to protect themselves in the world of communications, and to raise awareness among information professionals on the need to guarantee this protection. The building of relationship networks has also been carried out with the participation, from May 2016 when my term of office in the Authority began, in about thirty events, among conferences and seminars, as well as through the signature of memoranda of understanding.

In addition to the activity of consolidating the networks, I have addressed the Authority's activities to the "most vulnerable among the vulnerable", such as unaccompanied minors, children and adolescents who are three times fragile, because they are children, alone and foreigners.

It is not easy to set up a structured reception system owing to the numbers of the arrivals as well as the need to make the links among all the parties involved institutional. The final aim on which the efforts of the various administrations concerned should be focused is the creation of a system of safeguards that are able to accompany the *minors* from the first phase of landing on our shores until they reach their own level of autonomy.

In my action, I have considered it indispensable to ascertain the conditions of reception, protection and integration of the great number of immigrant minors who arrived in 2016. First of all, on 15 July 2016, I sent to the institutions concerned a note containing recommendations, an expression of the action of soft law, requesting the following: the setting up of a national coordinating body to identify the availability of facilities in the country and the possibility overseeing the transfer of the *minors* from the first-line to the second-line reception stage, in keeping with the time schedules established by law, in order to favour a fair distribution throughout the country; a social charter for minors with a customised reception plan and all subsequent information; standardised, multidisciplinary procedures for ascertaining their age; rapid and uniform procedures for the appointment of the guardian; suitable processes of integration and inclusion.

I have provided for a survey of practices regarding the institution of protection to be carried out, asking the judiciary offices, with the help of the Ministry of Justice, to ver-

In addition to the activity of consolidating the networks, I have addressed the Authority's activities to the "most vulnerable among the vulnerable", such as unaccompanied minors, children and adolescents who are three times fragile, because they are children, alone and foreigners.



ify the average times for the appointment of guardians, the type of guardian appointed (legal public guardian or private/volunteer guardian), specifying in this case whether there are rosters of volunteer guardians or memoranda of understanding among the branches of the civil services having jurisdiction, and finally, the type of monitoring used to verify the activities of the guardians and which bodies that have been possibly set up for this monitoring. In the note sent to the Ombudspersons in the regions and autonomous provinces, I have asked for an investigation to be conducted to verify the existence of rosters of volunteers, the methods of their selection, the number of guardians registered and whether the judicial organs actually utilise these rosters for the appointment of guardians.

With regard to the general aspects of guardianship (timing for the appointment of guardians, the competent judicial authority for the appointment, type of protection) a general difference in the application of guardianship has emerged, with considerable discrepancies in the procedures used for the appointment of guardians, as well as considerable discrepancies in the time required for the appointment. On the regional level, experiments are under way through memoranda of understanding between the judicial offices and the Ombudspersons of the regions and autonomous provinces, to draw up rosters of voluntary guardians for minors, selected and trained, as provided for under the recently approved law. For the updated situation, see the section attached to this Report, drawn up with the collaboration of the Ministry of Justice and the Ombudspersons in the Regions and Autonomous Provinces, to whom I am grateful. My activity in the sector of protection was mentioned by the Special Representative of the Secretary General for Migration and Refugees of the Council of Europe, Tomáš Boček, who highlighted the useful nature of the collection of information started by the Italian Authority in this sector.

I also conducted monitoring visits to first-line reception centres in order to assess the effective conditions of unaccompanied foreign minors, in order to learn about their experience, critical issues and best practices.

I also organized monitoring visits to the first-line reception centres in order to ascertain the real conditions of unaccompanied foreign minors, in order to learn about their experience, critical issues and best practices.

These visits brought me to facilities situated in various Italian regions, together with the Ombudspersons in the regions and autonomous provinces concerned. I also met with representatives of the National Magistrates' Association (ANM) and the National Council of the Social Assistants (CNOAS), whom I thank for their support and the professional expertise.

During the visits there were occasions to meet with the young people hosted by the facilities, who told me about their stories, their origins and migratory path. I realised that the stay of the young people in the centres is much longer than the period established for the first-line reception, and the waiting seriously inhibits their integration and delays their inclusion, also considering that they are usually young people about to reach adult age. The long stays in the first-line reception facilities have turned the latter into hybrid structures unsuited to hosting young people for prolonged periods, since the lack planning and there activities related to the second-line reception phase.

I would also like to stress the role of mediation, which is specifically indicated among the tasks attributed to the Authority by the project entitled "From clash to encounter: learning by mediating!" on the topic of raising awareness about scholastic mediation. The aims to reach are stated as being the dissemination of the culture of mediation and prevention of conflict in the schools, of education or difference and respect for people



different from oneself. The art of self-regulation of disputes from an early age, means, in the adult life, knowing how to recognise and face problems, understanding that the solution can never be to prevail over the others and eliminate the adversary.

The project, which is still in progress, is aimed at fourteen lower-secondary schools in different geographical areas, in order to ensure dissemination throughout the country, and consists in two meetings: the first one takes place in Rome with a group of students from the school, and the second one takes place with the whole school where the young people come from. The message of education about conflict must be spread in order to favour a positive contamination, and is also an occasion for the children and adolescents to be heard and participate.

Last year's activities have laid down a solid foundation for 2017, which promises to be a busy year full of challenges. In order to face them I will utilise the experience gained in 2016. And turning my gaze to the future, I return back to the initial international prospect from which I started.

The year 2017 marks the tenth anniversary of the Lanzarote Convention.

In 2017, for the first time, the Authority has submitted the opinion attached to the government report of the status of application, in Italy of the Convention on the Rights of the Child.

In September 2011, in its observations on the last Italian report, the Committee for the Rights of the Child recommended that Italy ensure that the Italian Authority for Children and Adolescents, then just set up, be endowed with sufficient human, technical and financial resources to guarantee its independence and effectiveness. While underscoring the fact that the insufficiency of resources assigned to me has made it hard to achieve this objective, and certainly not in line with the hopes expressed by the Committee for the Rights of the Child, I would nevertheless like to point out that the profile of the Authority will be defined over time, also in the light of the experience of the other independent authorities in Europe and of the new competences assigned to us by recently approved laws.

I will conclude with a thought about the significance of Europe in this year, which precisely marks the 60th anniversary of the signature of the Treaties, about what Europe was in the past, what it has become and what it will be.

Let us reflect upon the importance of the principle of equality, which is the guiding thread running through this introduction, in the context of enhancing the social dimension of the European Union.

Let us think about the Charter of Fundamental Rights, which enshrines the equality of children and young people, girls and boys, without any distinction of age, sex, citizenship, religion, race or ethnic origin. The principle of equality must be the "beacon" lighting up the path of all the actions of the national and European institutions in the area of the rights of children and adolescents, and, of course, of the Authority that I preside over.

Let us reflect on the importance of the principle of equality in the context of enhancing the social dimension of the European Union. It must be the "beacon" lighting up the path of all the actions of the national and European institutions in the area of the rights of children and adolescents, and, of course, of the Authority under my guidance



*Autorità Garante
per l'Infanzia e l'Adolescenza*

1.

The International
and European Level



1. The International and European Level

The Authority was therefore created “from above”. It both fulfils its own functions domestically and has also branched outwards internationally, acting as a point of contact among the different levels in an osmotic relationship with the international and European.

The Strategy for the Rights of the Child indicates the priority goals that the Council of Europe is committed to promoting in the 5-year period 2016-2021.

The Italian Authority for Children and Adolescents is inserted into a complex and varied panorama, in dealing with a situation that is quite fragmentary: it is the keystone holding together institutions and associations operating in the protection and promotion of the rights of underage persons, on the one hand, and children and young people on the other. The Authority was set up in response to a need expressed at the international level, and in particular by Art. 12 of the European Convention on the Exercise of Children’s Rights, opened for signature in Strasbourg in 1996, and likewise has an international vocation. Among the competences attributed to it, in addition to the specifically, national ones we can cite the promotion and the implementation of the rights and interests of children in compliance with international and supranational law. Apart from the Convention on the Rights of the Child, signed in New York on 20 November 1989, the Authority acts on the basis of the European Convention on Human Rights (ECHR), in particular Art. 8, which sets forth the right to respect for private and family life, and European Union law. The activities of the Italian Authority, in the context of a fragmented international and European legal framework, have a relevant role in contact with the national level. The Authority was therefore created “from above”. It both fulfils its own functions domestically and has also branched outwards internationally, acting as a point of contact among the different levels in an osmotic relationship with the international and European context.

The Council of Europe Strategy for the Rights of the Child

The Council of Europe Strategy for the Rights of the Child indicates the priority goals that the Council of Europe is committed to promoting in the 5-year period 2016-2021, and is the outcome of a wide-ranging discussion between the 47 Member States of the Council and the representatives of international organisations with the direct contribution of *minors*.

The Council of Europe (COE) has adopted a general guideline document on policy for safeguarding the fundamental rights of children and adolescents: the Europe Council Strategy for the Rights of the Child, referred to as the Strategy. The Strategy, adopted on the 5th and 6th of April 2016, during the Sofia Conference, sets forth the priority goals that the Council is committed to promoting in the 5-year period 2016-2021, and was the outcome of a wide-ranging discussion between the 47 Member States of the Council and the representatives of international organisations with the direct contribution of children.

There follows a summary of the priorities identified by the Council.

The first one is to guarantee equal opportunities to all children and ado-



lescents, ensuring all of them, though social and educational measures, conditions of healthy physical and mental development; particular attention is focused on *minors* who live in reception facilities, migrants and with disabilities.

The second priority sector regards the participation of the young people in the development of policy and administrative decisions regarding them, in forms taking into account their level of maturity and the nature of the problems to be faced.

The third priority aims to ensure the children a life free from violence, both physical and psychological including sexual abuse and exploitation, as well as bullying, also through the social media.

The fourth priority aims to build child-friendly justice, responding adequately to their needs and able to listen to the voices of the children in the civil, criminal or administrative procedures regarding them.

The fifth priority regards the lift of minor persons in the digital environment and aims to guarantee that the young people can enjoy the opportunities for learning and dialogue offered by the Internet and the social media without the risks to which new technologies expose them.

In 2016, the Italian Authority for Children and Adolescents conducted intensive and top level discussions with the Council of Europe on Strategy issues. In particular, the Authority led the Italian delegation to the Ad Hoc Committee for the Rights of the Child - *CAHENF*, the auxiliary organ set up by the Committee of Ministers after the adoption of the Strategy, in order to oversee the implementation of the Strategy in the Member States. The

CAHENF met for the first time on 28 and 29 September 2016 in Strasbourg.

The Italian delegation played a significant role with participation in the *CAHENF* working groups on: the group on rights of migrant *minors* (*CAHENF* – Safeguards), involved in discussing the procedures for determining the age of the young migrants, and on the rules and procedures for reception of migrant *minors*; the group on the digital environment (*CAHENF* – *IT*), with the task of defining the possible guidelines that the Member States should apply to strengthen the fundamental rights of *minors* in the use of the Internet and social media. The Authority's commitment in relations with the Council of Europe is by definition continuous, and involves coordination between the various branches of the Italian civil service concerned, both to implement the decisions made and to prepare the subsequent meetings. These contacts reflect the need to enact adequate synergy between the different institutional protagonists involved in various ways in protecting *minors* in Italy, and ensure the necessary coherence between the positions taken by Italy in the various international meetings for the discussion of topics involving the respect and promotion of the rights of children and adolescents.

The Authority, in accordance with the proposal in the Strategy for the Rights of the Child to disseminate knowledge about the rights of *minors* and to raise awareness about the need for their protection, announced the developments mentioned above, providing information about *CAHENF* and the relative working groups through its official website.

The Authority led the Italian delegation at the Council of Europe Ad Hoc Committee for the Rights of Minors (*CAHENF*), the auxiliary organ set up by the Committee of Ministers after the adoption of the Strategy for overseeing the implementation of the Strategy in the Member States.



The mandate from Ambassador Boček and the collection of information regarding the means of protection of fundamental rights of immigrants and refugees from member states and the development of an action plan on a national and European level. One of his priorities is the aim to improve the situation of the greatest number of refugee children and migrants already in Europe at this point to further this goal a fact-finding mission was conducted to hotspots, refugee camps and centres in many member states, among them Italy. In our country, between the 16th and 21st of October 2016 the Ambassador visited some of the reception centres that provide support and care to migrants and refugees.

The Authority, in accordance with the expressed request in the Strategy for the Rights of the Child to disseminate knowledge on the rights of children and to raise awareness about the need for their protection, has announced the above developments, providing information about CAHENF and the relative working groups through its official website.

On 21 October 2016, in the context of the development of relations with representative of the Council of Europe institutions, the Authority met with Ambassador Tomáš Boček, Special Representative of the Secretary General of the Council of Europe on migration and refugees. As mentioned above, the Council of Europe is very concerned for the rights of refugees and migrants, which will, in CAHENF – Safeguards, follow and action plan for safeguarding migrants and refugee *minors*, especially when unaccompanied.

During the meeting with Ambassador Tomáš Boček, the Authority illustrated its measures to raise awareness of the institutions in order to strengthen the system for the reception of unaccompanied *minors* in Italy. In particular, the Authority shared recommendations and proposals with the Ambassador, contained in the note dated July 2016, made to the branches of the civil service having jurisdiction in order to activate an effective intervention network throughout Italy. On that occasion, the initiative was also illustrated, formalized with two notes dated October 2016 to the Ministry of Justice and the Ombudspersons in the Italian Regions and Autonomous Provinces, requesting collaboration for a survey all over Italy on the modalities of utilization and application of the institution of guardianships for unaccompanied *minors*.

After the completion of his fact-finding tour in Italy, Ambassador Boček prepared a report containing recommendations to Italy, highlighting the usefulness of collecting information, started by the Authority, on the different practices regarding the appointment of guardians, an activity that will help in more clearly identifying the problematic areas and examples of best practices.



The Lanzarote Convention

The Authority wished to mark the European day to address child sexual abuse and exploitation, “*End Child Sex Abuse Day*”, established by the Council of Europe on 12 May 2015, with a series of initiatives to raise awareness of the public and operators about the rights guaranteed by the Lanzarote Convention of 25 October 2007 for the protection of *minors* against sexual exploitation and abuse.

The European Day, held on 18 November every year, was marked with a conference entitled “The Fight against sexual exploitation and sexual abuse of *minors* – Implementation of the Lanzarote Convention in Italy: experience in application and outstanding problems”, organised by the Authority in collaboration with the Department of Law of the University of Ferrara. The conference, held in Ferrara on 21 November 2016, was a constructive discussion among policy-makers, academics, the civil service, associations and young people on such a highly sensitive topic, and provided a beneficial occasion for the specialised training per legal personnel and professionals who in this field have had to face technically complex issues all the aspects of which are not always fully known.

With regard to violence, there are two major agreements adopted by the Council of Europe and ratified by Italy: - the 2007 Convention for the protection of minors against sexual exploitation and sexual abuse (the Lanzarote Convention), implemented in Italy with Law 1 October 2012, n. 172; - the 2011 Convention for the prevention and fight against the violence against women and domestic violence (the Istanbul Convention), implemented in Italy with Law 27 June 2013, n. 77.

In the context of raising awareness about countering violence and sexual abuse, the Authority has provided for an Italian translation of the explanatory brochure of the video *Tell someone you trust*, produced by the Council of Europe to promote the dissemination of the rights set forth in the Lanzarote Convention. The brochure is available on the Council of Europe official website (<http://www.coe.int/en/web/children/tell-someone-you-trust>). *Tell someone you trust* is a cartoon lasting a few minutes, using very simple language and addressed to all children and young people who are the victims of violence, sexual abuse or sexual exploitation.

The video promotes communication, encouraging boys and girls to talk with somebody they trust about the abuse that they may be victims of and about which they may initially feel ashamed.

Tell someone you trust is a cartoon lasting a few minutes to encourage boys and girls to talk with somebody they trust about the abuse that they may be victims of and about which they may initially feel ashamed.



The European Network of Ombudspersons for Children (ENOC)

FULL MEMBER

Albania
Belgium / Flanders
Belgium / French Community
Bosnia & Herzegovina
Bosnia & Herzegovina / Republika Srpska
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Estonia
Finland
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The Netherlands
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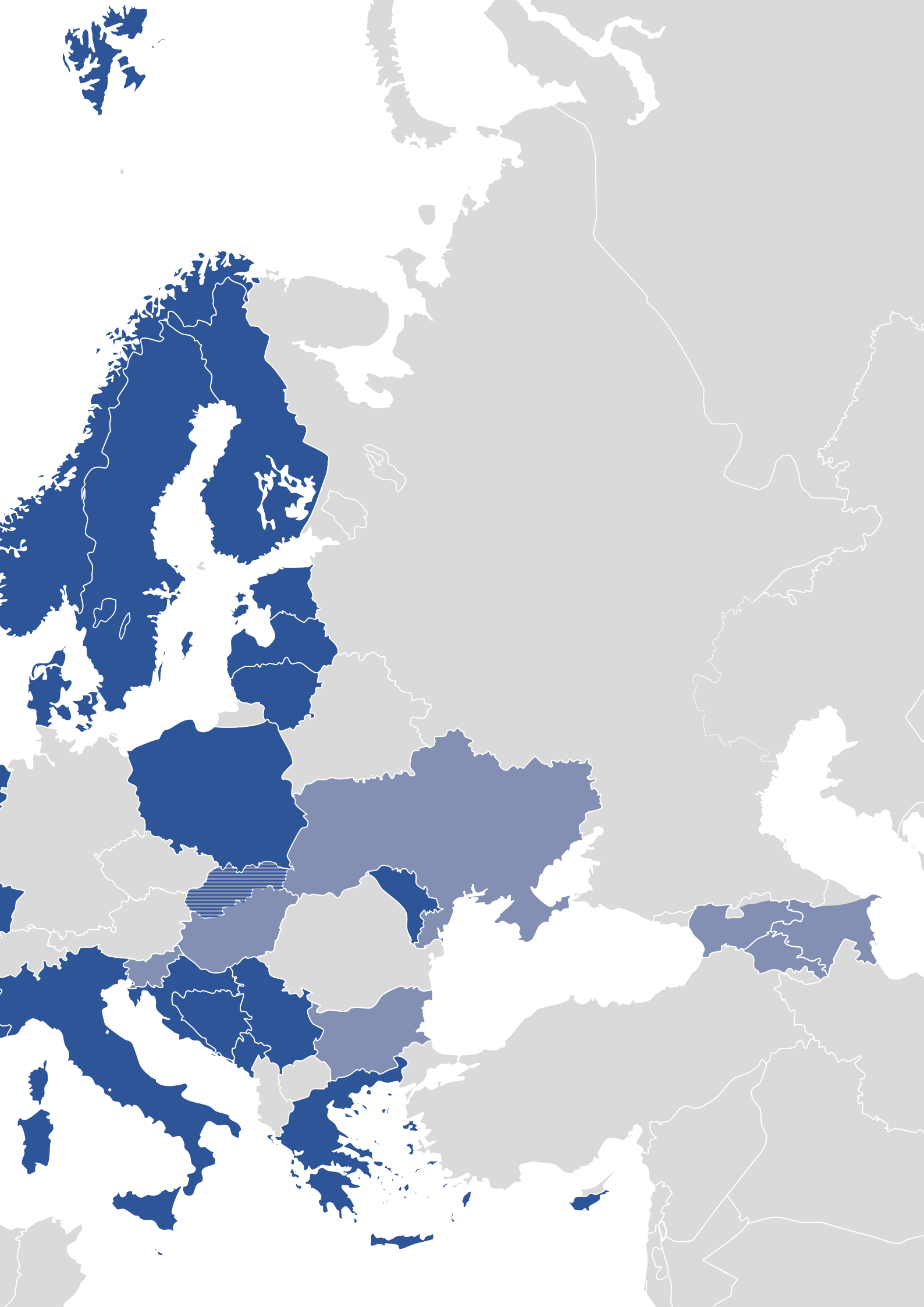
ASSOCIATE MEMBER

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Ukraine

ASSOCIATE/FULL MEMBER

Slovakia







The European Network of Ombudspersons for Children

Art. 3, par. 1, lett. c) of **Law** 12 July 2011, N. 112, states the Italian Authority for Children and Adolescents shall “collaborate in the activities of the international networks of Ombudspersons for *minors* and in the activity of international organisations and institutions for the safeguarding and promotion of their rights. It shall also collaborate with organisations and institutions for the safeguarding and promotion of the rights of minor persons belonging to other countries”.

for a more effective management of the issues arising from time to time.

The ENOC is a non-profit association of independent institutions for the rights of children and adolescents, set up in 1997, with the mission of safeguarding and promoting the fundamental rights of minor persons set forth in the Convention on the Rights of the Child.

Membership of the ENOC is limited to the Member States of the Council of Europe.

There are two types of status of ENOC members: Full Members and Associate Members. Full Members are autonomous and independent institutions, instituted by law and having as its exclusive aim the safeguarding and promotion of children and adolescents. The institutions accredited as Associate Members do not have the requisites of independence and exclusiveness of their objectives, but when these conditions are satisfied, they can take on the status of Full Member.

The tasks of the ENOC include: encouraging the broader application of the Convention on the Rights of the Child; strengthening the work of the networks supporting policies for children; supporting collective actions for the children; supporting collective actions for the rights of minor persons; promoting the exchange of information, approaches and strategies, and the development of effective independent authorities.

To fulfil its mandate, every year, the members of the ENOC select a specific topic requiring particular consideration by the Member States and on the European level regarding the rights of minor persons. The approach adopted by the ENOC on the topic selected from time to time aims to analyse the issue on the level of adults and *minors*, and to compare the results.

The ENOC Annual Conference is the concluding event for presenting the activities undertaken annually on the topic selected. The Conference allows the ENOC members to illustrate “promising” practices to

ENOC a non-profit association of independent institutions for the rights of children and adolescents with the mission of safeguarding and promoting the fundamental rights of minor persons set forth in the Convention on the Rights of the Child.

ENOC a non-profit association of independent institutions for the rights of children and adolescents with the mission of safeguarding and promoting the fundamental rights of minor persons set forth in the Convention on the Rights of the Child. The Italian Authority for Children is a Full Member of the *Network of Ombudspersons for Children- ENOC*, following its initiatives and participating in its activities. The participation in the ENOC has a strategic value, since it provides the opportunity for a useful discussion on the European level on all the topics regarding children and adolescents. The Annual Conference and General Assembly are an important occasion for the exchange of experiences and best practices, and the position statements adopted at the end of the General Assembly have the added value of representing a document agreed by the independent Authorities for the protection and promotion of the rights of children and young people, setting forth the main critical aspects of the topic discussed, with recommendations addressed to the national and European leaders for greater grass-roots awareness, and to call



address the rights, needs and wellbeing of children and adolescents. It also provides the occasion to highlight any shortfalls on the part of the State in guaranteeing the rights of minor persons.

At the end of the Annual Conference, the ENOC members publish a position statement on the topic of the Conference. The opinion reflects the experience of the ENOC members, as well as the feedback from young people on the topic selected. In January 2016, the ENOC published a report on the situation of migrant *minors*, in particular unaccompanied, drafted by a Task Force of some of the Authorities (The Netherlands, Sweden, Belgium – Flanders, Belgium – French Community, Croatia, England, Greece, Italy, Malta, Poland, Catalonia). The report formed the basis for an open letter in which the international policy-makers are asked to start up a European Action Plan on migrant *minors*, on the basis of the recommendations indicated in the letter.

Considering the situation of thousands of *minors* involved in the current migratory crisis in Europe, on 28 June 2016, an extraordinary meeting was held in Paris on this topic, in order to share information and best practices on the reception and protection of migrant *minors*. At the end of the meeting, a position statement was adopted, encouraging all the States to undertake, among other things, to: develop and facilitate mechanisms for legal immigration; setting up adequate and reliable identification systems, and the registration of migrant *minors* upon their arrival in Europa and in each stage of their path, by standardised data collection; strengthen cooperation to protect minor persons from any form of disappearance, violence, negligence, trafficking or exploitation; definitively end any form of detention of migrant *minors*, apart from the immigration procedures that they may undergo; guarantee to migrant *minors* specific and adequate reception conditions; appoint a qualified and independent

guardian or a legal representative to effectively defend the interests of *minors* who are unaccompanied or separated from their families, from the time of their registration; guarantee to minor persons the right of being heard on any issues regarding them; promote cooperation in order to facilitate and accelerate the exchange of information, facilitate the family reunion or requests for relocation; ensure that the chain of responsibility is clearly defined and identified for the reception, assistance and protection of migrant children and young people.

On 5 and 6 April 2016, the Council of Europe adopted a general policy document on the safeguarding of the fundamental rights of children and adolescents: the Council of Europe Strategy for the Rights of the Child

The 2016 Annual Conference was held in Vilnius on 20 and 21 September and followed on 22 September by the General Assembly of the ENOC members. The Conference discussed the topic “Equal opportunities for all children in education”, with particular focus on vulnerable groups of children and adolescents in access to education. The General Assembly adopted a position statement on equality in education. Despite the wide range of practices and standards in the different countries regarding the ENOC, 11 recommendations were agreed. The impact of austerity and economic cuts on the right of access to education of groups of underprivileged *minors*, the refugee crisis and the right of access to the education of migrant children and adolescents, the benefits of education and care of young children, the figures of early school leaving, the need to train teachers on equal opportunities in education are, among other things, the basic recommendations contained in the statement. The position statement mentioned has been published on the website of the Italian Authority (www.garanteinfanzia.org) for wider dissemination.

On 5 and 6 April 2016, the Council of Europe adopted a general policy document on the safeguarding of the fundamental rights of children and adolescents: the Council of Europe Strategy for the Rights of the Child



The purpose of ENYA is to actively involve minors in the annual activities of the ENOC and to enable them to be heard on the European level, beyond the borders of their countries.

Children and adolescents, holders of rights and experts in their own lives and the ambient where they grow up, can participate in the activities of the ENOC in order to share their experiences, provide the Ombudspersons for children and adolescents with a clear idea of the issues regarding them and how to concretely ensure the safeguarding and promotion of their rights, set forth in the Convention on the Rights of the Child, participate in the drafting of the common recommendations.

ENYA is a vehicle for the participation of children and adolescents, implementing Art. 12 of the New York Convention on the Rights of the Child, stating that the States Parties guarantee that all children and young people may freely express their opinion on any issues regarding them.

ENYA is a vehicle for the participation of children and adolescents, implementing Art. 12 of the New York Convention on the Rights of the Child, stating that the States Parties guarantee that all children and young people may freely express their opinion on any issues regarding them.

The right of children and young people to be heard and participate, as stated in Art. 12 of the New York Convention, and their feedback, are another important activity for the persons most concerned to express themselves. In 2010 the ENOC, with the support of the European Commission, thus developed the European Network of Young Advisors (ENYA), a project for the participation of children and adolescents supported by the ENOC members. The topic of the ENYA project for the year 2016 was “Equal opportunities for all children in the field of education for all minor persons”. “Equal opportunities should not be the outcome of luck or chance. Equal opportunities must be guaranteed to all children in the field of education independently from their personal, social, cultural, religious

or other situations”, as a young man participating in the meeting, said. One of the key messages emerging from the consultation with the young people is that the right to education should be considered as a process that can provide children and adolescents with skills and not just knowledge. The Authority will participate in the 2017 edition of the ENYA activities, together with nine other countries, in the project called “The road to RIO – Respect, Information, Opinion: exploring and empowering youth identity and relationships”, creating a youth panel, consisting of young people aged 14 to 17, discussing ideas and experiences in relation to identity and relationship topics. This group of young people will meet constantly and develop a series of recommendations, in the form of points, to be presented at the ENYA Forum to be held in Paris at the end of June 2017, with the participation of two young people and an ENYA coordinator of each participating country. ENYA is a form of participation by children and adolescents, implementing Art. 12 of the New York Convention on the Rights of the Child, stating that the States Parties guarantee that all children and young people may freely express their opinion on any issues regarding them. The Member States must therefore guarantee to children and adolescents the right of expressing their opinion on all the situations regarding them as holders of rights.



ENOC MEMBERS

Albania

Avocati i Popullit-Ombudsman of Albania

- Ombudsman: **Mr. Igli Totozani**
- Address: Blv “Zhan d’Ark” Nr. 2, 1001 TIRANA, Albania
- Telephone: + 355 42 380 300
- Fax: + 355 42 380 315
- Email: ap@avokatipopullit.gov.al
- Website: <http://www.avokatipopullit.gov.al/>
- Status: Full member

Armenia

Office of the Human Rights Defender of the Republic of Armenia

- Human Rights Defender:
Mr. Arman Tatoyan
- Address: Pushkin st. 56A, Yerevan 375002, Armenia
- Telephone: + 37410 53 02 62
- Fax: + 37410 53 88 42
- Email: ombuds@ombuds.am
- Website: <http://www.ombuds.am/>
- Status: Associate member

Azerbaijan

Office of Commissioner for Human Rights of the Republic of Azerbaijan

- Commissioner for Human Rights:
Ms. Elmira Suleymanova
- Address: 40, U.Hajibayov str. Baku, Azerbaijan
- Phone: + 994 12 498 23 65
- Fax: + 994 12 498 23 65
- Email: ombudsman@ombudsman.gov.az
- Website: <http://www.ombudsman.gov.az/az/>
- Status: Associate member

Belgium

Children’s Rights Commissioner (Flemish)

- Commissioner: **Mr. Bruno Vanobbergen**
- Address: Leuvenseweg 86, 1000 Brussels, Belgium
- Phone: + 32 2 552 9800
- Fax: + 32 2 552 9801
- Email: kinderrechten@vlaamsparlement.be
- Website: www.kinderrechten.be
- Status: Full member

Délégué général aux droits de l’enfant de la communauté française de Belgique

- Ombudsman: **Mr. Bernard De Vos**
- Address: Rue de Birmingham 66, 1080 Brussels, Belgium
- Phone: + 32 2 223 36 99
- Fax: + 32 2 223 3646
- Email: dgde@cfwb.be
- Website: <http://www.dgde.cfwb.be/>
- Status: Full member

Bosnia ed Erzegovina

The Human Rights Ombudsman of Bosnia and Herzegovina/ Specialized Department on Children’s Rights

- Ombudsmen: **Mrs. Jasminka Dzumhur ; Mrs. Nives Jukic ; Mr. Ljubomir Sandić**
- Address: Ravnogorska 18, 78 000 Banja Luka
- Phone: + 387 51 303 992
- Fax: + 387 51 303 992
- Email: ombudsmen@ombudsmen.gov.ba
- Website: www.ombudsmen.gov.ba
- Status: Full member

Ombudsman for Children of Republika Srpska

- Ombudsman: **Ms. Nada Grahovac**
- Address: Bana Milosavljevica 8, 78000 Banja Luka, Bosnia & Herzegovina
- Phone: + 38751222420/
+ 38751221990
- Fax: + 38751213332
- Email: info@djeca.rs.ba
- Website: www.djeca.rs.ba
- Status: Full member

Bulgaria

The Ombudsman of Republic of Bulgaria

- Ombudsman: **Ms. Maya Manolova**
- Address: 22 George Washington str., 1202, Sofia, Bulgaria
- Phone: + 359 2 810 6910
- Fax: + 359 2 810 6961
- Email: int@ombudsman.bg
- Website: www.ombudsman.bg
- Status: Associate member



Croatia

Ombudsman for Children

- Ombudsman: **Ms. Ivana Milas Klaric**
- Address: Teslina 10, 10000 Zagreb, Croatia
- Phone: + 385 1 4929 669,
+ 385 1 4921 278
- Fax: + 385 1 4921 277
- Email: info@djete.hr
- Website: www.djete.hr
- Status: Full member

Cyprus

The Cypriot Commissioner for the Protection of Children's Rights

- Commissioner: **Ms. Leda Koursoumba**
- Address: Corner of Apelli and Pavlou Nirvana Strs, 1496 Nicosia, Cyprus
- Phone: + 357 22873200
- Fax: + 357 22 872 36529
- Email: childcom@ccr.gov.cy
- Website: www.childcom.org.cy
- Status: Full member

Denmark

Danish Council for Children's Rights

- Chairperson: **Mr. Per Larsen**
- Address: Borneradet Vesterbrogade 35 a 1620, Copenhagen, Denmark
- Phone: + 45 33 78 3300
- Fax: + 45 33 78 3301
- Email: brd@brd.dk
- Website: www.boerneraadet.dk
- Status: Full member

Estonia

*The Office of the Chancellor of Justice/
Children and Young People's Rights
Department*

- Chancellor: **Ms. Ülle Madise**
- Head of Children and Young People's Rights Department: Mr. Andres Aru
- Address: Kohtu 8, 15193 Tallinn, Estonia
- Phone: + 372 693 8404
- Fax: + 372 693 8401
- Email: info@oiguskantsler.ee
- Website: www.lasteombudsman.ee;
www.oiguskantsler.ee
- Status: Full member

Finland

Ombudsman for Children in Finland

- Ombudsman: **Mr. Tuomas Kurttila**
- Address: Vapaudenkatu 58 A, 40100, Jyväskylä
- Phone: + 35 85 0544 3757
- Fax: + 35 81 4617356
- Email: lapsiasiavaltuutettu@oikeus.fi, tuomas.kurttila@oikeus.fi
- Website: www.lapsiasia.fi
- Status: Full member

France

Le Défenseur des Droits

- Défenseure adjointe aux droits de l'enfant: **Ms. Geneviève Avenard**
- Address: 7, rue Saint Florentin, 75008 Paris
- Phone: + 33 1 53 29 22 00
- Email: Stephanie.carrere@defenseurdesdroits.fr
- Website: www.defenseurdesdroits.fr
- Status: Full member

Georgia

Office of the Public Defender of Georgia

- Head of the Child and Woman's Rights Center: **Ms. Maia Gedevanishvili**
- Address: 6 Nino Ramishvili str. Tbilisi 01079, Georgia
- Phone: + 99532 922479
- Fax: + 955 32 922470
- Email: info@ombudsman.ge
- Website: www.ombudsman.ge
- Status: Associate member

Greece

Greek Ombudsman

- Deputy Ombudsman: **George Moschos**
- Address: 17, Halkokondyli str 104 32 Athens, Greece
- Phone: + 30 210 7289 703,
+ 30 213 1306 605
- Fax: +30 210 7292129
- Email: cr@synigoros.gr
- Website: www.synigoros.gr, www.0-18.gr
- Status: Full member



Ungary

Office of the Commissioner for Fundamental Rights

- Commissioner for Fundamental Rights:
Mr. László Székely
- Address: 1387 Budapest, PO Box: 40, H-1051 Budapest, Nádor Street 22
- Phone: + 36 1 475 7100
- Fax: + 36 1 269 3544
- Email 1: panasz@ajbh.hu
- Email 2: hungarian.ombudsman@ajbh.hu
- Website: www.ajbh.hu
- Status: Associate member

Iceland

The Ombudsman for Children

- Ombudsman:
Ms. Margret Maria Sigurdardottir
- Address: 103 Reykjavík, Iceland Kringlunni 1, 5. hæð
- Phone: + 354 552 8999
- Fax: + 354 552 8966
- Email: ub@barn.is
- Website: www.barn.is
- Status: Full member

Italy

Autorità garante per l'infanzia e l'adolescenza

- The Authority: **Ms. Filomena Albano**
- Address: Via di Villa Ruffo 6, 00196 Rome Italy
- Phone: + 390667796551
- Fax: + 390667793412
- Email: segreteria@garanteinfanzia.org
- Website: www.garanteinfanzia.org
- Status: Full member

Ireland

Ombudsman for Children

- Ombudsman: **Dr. Niall Muldoon**
- Address: Millennium House 52-56 Great Strand Street, Dublin 1, Ireland
- Phone: + 353 1 8656 800
- Fax: + 353 1 8747 333
- Email: oco@oco.ie
- Website: www.oco.ie
- Status: Full member

Latvia

Office of the Ombudsman of the Republic of Latvia

- Ombudsman: **Mr. Juris Jansons**
- Address: Baznīcas str 25, Rīga LV-1010, Latvia
- Phone: + 371 67686768
- Fax: + 371 67244074
- Email: tiesibsargs@tiesibsargs.lv
- Website: www.tiesibsargs.lv
- Status: Full member

Lithuania

Office of the Ombudsperson for Children's Rights

- Ombudsperson: **Ms. Edita Ziobienė**
- Address: Plačioji g. 10, LT-01308 Vilnius, Lithuania
- Phone: + 370 5 2107 077, + 370 5 210 7176
- Fax: + 370 5 2657 960
- Email: vtaki@vtaki.lt
- Website: <http://vaikams.lrs.lt>
- Status: Full member

Luxembuorg

Ombuds-Committee for the Rights of the Child

- Chairperson: **Mr. René Schlechter**
- Address: 2, Rue du Fort Wallis L-2714, Luxembourg, Luxembourg
- Phone: + 352 26 12 31 24
- Fax: + 352 26 12 31 25
- Email: contact@ork.lu
- Website: www.ork.lu
- Status: Full member

Malta

Commissioner for Children's Office

- Commissioner: **Mrs. Pauline Miceli**
- Address: 16/18 Tower Promenade, St Lucia, Malta SLC 1019
- Phone: + 356 2590 3105 / + 356 2590 3102
- Fax: + 356 259 03101
- Email: cfc@gov.mt
- Website: www.tfal.org.mt
- Status: Full member



Moldavia

The People's Advocate (Ombudsman)

- People's Advocate for the Rights of the Child:
Ms. Maia BĂNĂRESCU
- Address: 16, Sfatul Tarii str., MD-2012, Chisinau
- Phone: + 373 22 23 48 02
- Email: cpdom@mdl.net
- Website: ombudsman.md
- Status: Full member

Montenegro

Protector of Human Rights and Freedoms of Montenegro

- Deputy Ombudsman:
Ms. Nevenka Stankovic
- Address: Bulevar Svetog Petra Cetinjskog 1A/2, 81 000 Podgorica, Montenegro
- Phone: + 38220241642
- Fax: + 38220241642
- Email: ombudsmandjeca@t-com.me
- Website: www.ombudsman.co.me
- Status: Full member

Norway

Ombudsman for Children (Barneombudet)

- Ombudsman: **Ms. Anne Lindboe**
- Address: Hammersborg Torg Box 8889 Youngstorget, N-0028 Oslo, Norway
- Phone: + 47 22 99 39 50
- Fax: + 47 22 99 39 70
- Email: post@barneombudet.no
- Website: www.barneombudet.no
- Status: Full member

Poland

The Ombudsman for Children

- Ombudsman: **Mr. Marek Michalak**
- Address: Biuro Rzecznika Praw Dziecka Ul. Przemyslowa 30/32 00-450 Warszawa, Poland
- Phone: + 48 22 696 55 45
- Fax: + 48 22 629 60 79
- Email: rpd@brpd.gov.pl
- Website: www.brpd.gov.pl
- Status: Full member

Serbia

Protector of Citizens of Serbia

- Deputy Ombudsman for Children's Rights:
Ms. Gordana Stevanovic
- Address: Deligradska 16, Belgrade, 11000, Serbia
- Phone: + 381 11 2142 281
- Fax: + 381 311 28 74
- Email: zastitnik@zastitnik.rs
- Website: www.ombudsman.rs
- Status: Full member

Slovakia

Commissioner for Children, Slovakia

- Commissioner: **Ing. Viera Tomanová, PhD.**
- Address: Odborárske námestie 3, 811 07 Bratislava, Slovak Republic
- Phone: + 421 2 32 19 16 91
- Fax: + 421 2 32 19 16 99
- Email: info@komisarpredeti.sk
- Website: <http://www.komisarpredeti.sk/>
- Status: Full member

Office of the Public Defender of Rights

- Public Defender of Rights:
Ms. Jana Dubovcova
- Address: Nevädzová 5 P.O.Box 1 820 04 Bratislava 24, Slovak Republic
- Phone: + 421 2 48287 401
- Fax: + 421 2 48287 203
- Email: office@vop.gov.sk
- Website: www.vop.gov.sk
- Status: Associate member

Slovenia

The Human Rights Ombudsman of the Republic of Slovenia

- Deputy Human Rights Ombudsman:
Mr. Tone Dolcic
- Address: Dunajska cesta 56 (4th floor), 1109 Ljubljana
- Phone: + 386 1 475 00 50
- Fax: + 386 1 475 00 40
- Email: info@varuh-rs.si
- Website: www.varuh-rs.si
- Status: Associate member



Spain

Defensor del Pueblo Andaluz

- Defender: **Mr. José Chamizo de la Rubia**
- Address: Av. Reyes Católicos, 21; 41001 Sevilla, Spain
- Phone: + 34 954212121
- Fax: + 34 954214497
- Email: defensor@defensordelpuebloandaluz.es
- Website: www.defensor-and.es
- Status: Associate member

Office of the Catalan Ombudsman /Deputy Ombudsman for Children's Rights

- Deputy Ombudsman:
Ms. Maria Jesus Larios
- Address: Pg. de Lluís Companys, 7, 08003 Barcelona, Spain
- Phone: + 34 93 301 8075
- Fax: + 34 93 301 3187
- Email: infancia@sindic.cat
- Website: www.sindic.cat/infants
- Status: Full member

Valedor do Pobo de Galicia

- Ombudsman: **Mr. Benigno Lopez Gonzales**
- Address: Rúa do Hórreo 65, 17500 Santiago de Compostela
- Phone: + 981 56 97 40
- Fax: + 981 57 23 35
- Email: valedor@valedordopobo.com
- Website: www.valedordopobo.com
- Status: Full member

Sweden

The Ombudsman for Children in Sweden

- Ombudsman: **Mr. Fredrik Malmberg**
- Address: P.O Box 22 106, S-104 22 Stockholm, Sweden
- Phone: + 46 8 692 2950
- Fax: + 46 8 65 46 277
- Email: info@barnombudsmannen.se
- Website: www.barnombudsmannen.se
- Status: Full member

The Netherlands

De Kinderombudsman

- Ombudsman for Children:
Ms. Margrite Kalverboer
- Address: Bezuidenhoutseweg 151, 2509 AC The Hague, The Netherlands
- Phone: + 31 070 8506952
- Email: info@dekinderombudsman.nl
- Website: www.dekinderombudsman.nl
- Status: Full member

Ukraine

Ukrainian Parliament Commissioner for Human Rights

- Commissioner: **Ms. Valeriya Lutkovska**
- Address: 21/8 Institut'ska st., Kyiv 01008, Ukraine
- Phone: + 380 44 2532203,
+ 380 44 2532091
- Fax: + 380 44 2263427
- Email: omb@ombudsman.gov.ua
- Website: www.ombudsman.gov.ua
- Status: Associate member

United Kingdom

Children's Commissioner for England

- Commissioner: **Ms. Anne Longfield**
- Address: Sanctuary Buildings, 20 Great Smith Street LONDON SW1P 3BT
- Phone: + 44 20 7783 8330
- Fax: + 44 20 7931 7544
- Email: childrens.commissioner@childrenscommissioner.gsi.gov.uk
- Website: www.childrenscommissioner.gov.uk
- Status: Full member

Northern Ireland Commissioner for Children and Young People

- Commissioner: **Ms. Koulla Yiasouma**
- Address: Equality House, 7 – 9 Shaftesbury Square, Belfast, BT2 7DP. Northern Ireland
- Phone: + 44 28 9031 1616
- Fax: + 44 28 90 31 4545
- Email: info@niccy.org
- Website: www.niccy.org
- Status: Full member

Children and Young People's Commissioner Scotland (CYPCS)

- Commissioner: **Mr. Tam Baillie**
- Address: Rosebery House, 9 Haymarket Terrace, Edinburgh, EH12 5EZ
- Phone: + 44 131 346 5350
- Fax: + 44 131 337 1275
- Email: inbox@cypcs.org.uk
- Website: <https://www.cypcs.org.uk/>
- Status: Full member

Children's Commissioner for Wales

- Commissioner: **Prof. Sally Holland**
- Address: Oystermouth House, Charter Court, Phoenix Way, Swansea Enterprise Park, Llansamlet, Swansea SA7 9FS
- Phone: + 44 1792 765 600
- Fax: + 44 01792 765 601
- Email: post@childcomwales.org.uk
- Website: www.childcom.org.uk
- Status: Full member



European policies on asylum-seekers and immigration

Pursuant to Art. 3, paragraph 1, lett. a) of the law setting up the Italian Authority for Children and Adolescents “promotes (...) the full application of current European legislation (...) on the promotion of safeguarding children and adolescents”.

The Authority’s activity is the “expression” of supranational norms in Italy, implementing the European directives and regulations adopted in the sector of safeguarding children and adolescents.

The Authority’s activity is the “expression” of supranational norms in Italy, implementing European directive and regulations adopted in the sector of safeguarding children and adolescents. The Treaty of Lisbon has inserted the safeguarding and promotion of the rights of the child among the objectives of the European Union (Art. 3, para. 3, Treaty of the European Union). The respect of the rights set forth in the Charter of Fundamental Rights of the European Union, including the guarantee specifically set forth for *minors* in Art. 24 – moreover constitutes a limit both for the action of the European institutions as well as for the Member States, when these implement European regulations. The principle of the child’s best interest, in particular, guides the action of the Union in exercising the competences attributed to it by the Treaties, and underlies the implementation by the States in the legislative acts of the Union, insofar as these affect the rights of *minors*. The safeguarding of the rights of the child is of particular significance for the implementation of European policies on border controls, asylum seeking and immigration. The phenomenon of unaccompanied *minors* is of particular importance, they are citizens of non-EU countries or stateless persons, aged fewer than 18, who enter the territory of the Union without being accompanied by a respon-

sible adult person, or who are left alone once they enter EU territory. Although the problem regards all the Member States, the countries like Italy that are on the EU’s outer borders are of course more involved than others.

There is currently no binding instrument in European Union law specifically dedicated to the protection of this especially vulnerable category of migrants. The general instruments developed to implement policies on asylum seeking, immigration and human trafficking contain some rules to guarantee enhanced protection of the rights of unaccompanied *minors*, but the protection provided by these provisions varies according to the “migratory status” of the minor, i.e. whether the applicant is an asylum-seeker or an economic migrant, a legal or illegal migrant, or a victim of human trafficking.

The most favourable provisions of European Union law regard unaccompanied *minors* seeking international asylum. For these persons, the so-called “[Dublin Regulation](#)” sets forth autonomous criteria for identifying the Member State having responsibility for evaluating applications for international asylum, taking into account family links with citizens of non-EU countries legally resident in a Member State and providing, on a residual basis, that the application made by the unaccompanied *minor* should be examined in the Member State where they application has been registered, in any case with precedence being accorded to the best interest of the minor person.

Enhanced guarantees in favour of unaccompanied *minors* are also contained in Directive 2013/32/EU, on common procedures for granting and withdrawing international protection (the so-called “[Procedures Directive](#)”) and in Directive 2013/33/EU, laying down standards for the reception of applicants for international protection (known as the “[Reception Directive](#)”). The latter, in particular, states



that unaccompanied *minors* shall be detained only in exceptional circumstances and in any case never in prison accommodations or together with adults (Art. 11).

European legislation likewise requires Member States to promptly appoint a representative to assist the unaccompanied minor in the eventual procedure for transfer in accordance with the Dublin Regulation and during the procedure for the recognition of international protection, and ensure that the person will fully enjoy the rights recognised by European legislation while awaiting the reply to the asylum application, and then the rights after recognition of international protection. However, standard procedures are lacking for the appointment of guardians, as well as detailed rules on their responsibility and the professional qualifications they must have. More in general, the common asylum system cannot ensure a uniform treatment in the European area for asylum seekers and holders of the status international protection (whether adults or *minors*). This weakness partly derives from the nature of the regulations adopted to implement this European policy; it is more a matter of directives leaving to the Member States wide margins of discretion during the reception phase. To remedy these drawbacks and guarantee greater parity of treatment in the EU, on 13 July 2016 the Commission has made a series of proposals to amend the so-called asylum package.

The instrument needing reform above all is the Dublin Regulation. The mechanism for determining the Member State responsible for evaluating the asylum application in this regulation is almost always within the jurisdiction of the country of first entry of the applicant. This is a solution, which, especially in situations with massive flows on specific migratory routes, makes the cost of reception be paid by a limited number of States. Thus,

in particular, the migratory crisis involving the Mediterranean route in recent years weighs in particular, on Italy.

On 4 May 2016, the Commission presented a proposal for the overall reform of the Dublin Regulation, aimed at promoting the solidarity and sharing the responsibility among Member States, outlining an automatic mechanism for redistribution if a Member State has to deal with a disproportionate number of asylum applications.

Up to now, the management of this crisis situation has mostly been handled by emergency measures aimed at temporarily reducing pressure on Italy and Greece. This is the basis of the two decisions on relocation, adopted by the Council in September 2015 (N. [2015/1523](#) of 14 September and N. [2015/1601](#) of 22 September). They establish a temporary mechanism for the redistribution of 106,000 persons evidently requiring international protection, committing all the Member States to doing their part to guarantee adequate conditions of reception to the persons entitled. The two decisions expressly state that priority to benefit from relocation procedures is assigned to especially vulnerable applicants, including *minors* and unaccompanied *minors*. However, the relocations procedures are being implemented slowly. Not all the States are respecting the commitments made, so that a few months from the end of application of this emergency measure, scheduled for September 2017, less than 14% of the transfers stated in the relocation plan have been made. On 4 May 2016, the Commission presented a proposal for the overall reform of the Dublin Regulation, aimed at promoting the solidarity and sharing of responsibility between Member States, outlining an automatic mechanism for redistribution if a Member State has to deal with a disproportionate number of asylum applications..

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The 10th European Forum on the protection of children in migration

In November 2016, Authority participated in the 10th European Forum on the protection of children in migration. This is an annual conference, organised by the European Commission, bringing together the key protagonists of the EU Member States: child protection agencies, international organisations, NGOs, operators, academics and European institutions, in order to discuss and promote best practice on the rights of children. The topic of the 10th European Forum is the protection of children in migration. In particular, the session on 29 November was dedicated to wide-ranging discussion, with interventions on challenges regarding the safeguarding of migrant children and adolescents and the advisability of taking measure to guarantee their rights. On 30 November, four parallel sessions discussed topics regarding identification and protection, reception, access to asylum procedures and procedural guarantees, lasting solutions and integration.

The 10th European Forum was based on the previous European Forums, in particular on the 10 principles for integrated system for the protection of *minors*:

1. Every child is recognised, respected and protected as a rights holder, with non-negotiable rights to protection;
2. No child is discriminated against;
3. Child protection systems include prevention measures;
4. Families are supported in their role as primary caregiver;

5. Societies are aware and supportive of the child's right to freedom from all forms of violence;
6. Child protection systems ensure adequate care;
7. Child protection systems have transnational and cross-border mechanisms in place;
8. The child has support and protection;
9. Training on identification of risks;
10. There are safe, well-publicised, confidential and accessible reporting mechanisms in place: mechanisms are available for children, their representatives and others to report violence against children, including through the use of 24/7 helplines and hotlines.

The Forum has provided the possibility of exchanging experiences and best practices on a priority topic for the Authority, highlighting the need to ensure concerted and collective efforts better understand the phenomenon and fill in existing gaps, as well as to develop an integrated system for the protection of *minors* who must be treated as such and are entitled to protection, in line with the values and rules of the European Union and international law.



*Autorità Garante
per l'Infanzia e l'Adolescenza*

2.

Relations with Parliament and the other institutions



2. Relations with Parliament and the other institutions

Legal framework and critical issues

Pursuant to Art. 3, paragraph 3 of Law 12 July 2011, n. 112: “The Authority may express opinions to the Government on draft laws of the Government and on draft laws being discussed in Parliament, and on provisions by the Government for the safeguarding of the rights of children and adolescents”.

In 2016, the Authority strengthened and maintained a constant dialogue with Parliament, participating in meetings, organising events on topics of common interest and was heard by the Parliamentary Committees.

The aim of the law establishing the Italian Authority for Children and Adolescents is to strengthen the system to safeguard the rights of children and adolescents. It is a complex task, since the safeguarding of children and adolescents involves various levels of intervention and a large number of institutions, within a fragmented framework that is often not very organic. This scenario can create dispersion and produce the overlapping of human and economic resources. This means that the Authority must constantly interact with many protagonists and organisations that have jurisdiction with regard to children and adolescents, utilising parliamentary hearings, inter-institutional roundtables, memorandums of understanding, participation in observatories, opinions and bilateral meetings.

The presence of the Authority is indispensable for ensuring the need for respecting the rights of *minor* persons

and to make their interests visible in the strategies of Parliament, Government and the institutions, in the hope of a reorganisation of jurisdiction with a view to simplification.

In 2016, the Authority strengthened and maintained a constant dialogue with the Parliament participating in meetings, organising events on topics of common interest and was heard by the Parliamentary Committees.

The instruments enabling the Authority to move in this direction and participate actively in the definition of the policies and measures that Parliament and the Government are called upon to undertake in this sector, consist in dialogue with the institutions and in the power to express their opinion in the process of drafting the provisions, both by parliamentary and government initiative, regarding the powers assigned by the law to the Authority.

However, the provision enabling the Authority to participate in drafting the provisions on safeguarding children and adolescents does not define the procedures by which this power can be exercised. This involves difficulties both for acts by parliamentary initiative, due to the complexity of monitoring all the issues regarding children and adolescents in the work of the various Parliamentary Committees, and for government initiative measures for which there is not yet a suitable measure to guarantee the participation of the Authority in the drafting processes. This is a critical issue to overcome, at least with regard to application, not



only for the institutional role of the Authority, but also because, thanks to its position, providing an overview on the world of children and adolescents, enabling it to express objectively and independently evaluations regarding respect for the principle of the superior interest of the *minor*.

In 2016, the Authority continued the examination of the draft legislation of interest, working for the adoption of provisions to strengthen the system for safeguarding *minor* persons. In accordance with the priorities identified in the Strategy of the Council of Europe, regarding the 5-year period 2016-2021, the Authority continued with particular attention the draft laws to guarantee the safeguarding of *minors* in the digital sphere, equal opportunities for children and adolescents, the creation of a child-friendly justice system. Among these we can point out: the draft law to fight and prevent digital stalking (A.C. 3139-B); in the version currently being discussed by the Justice and Social Affairs Committees of the Chamber of Deputies, besides introducing measures supporting education and the prevention, states that the Italian Authority for Children and Adolescents should participate in technical roundtables to develop an integrated action plan for the prevention and fighting of digital stalking, and to monitor this by data collection. Then we can cite: the draft law (A.S. 2583), approved on 29 March 2017 and published in the Official Gazette N. 93 of 21 April 2017 (Law 7 April 2017, N. 47), containing an organic reform of legislation on unaccompanied foreign *minors* which, in drawing up a roster of voluntary guardians at the Juvenile Court, assigns the Authority the task of selecting and training these guardians, and of signing specific memorandums

of understanding with the presidents of these court to promote and facilitate their appointment in the regions where there is no regional Ombudsperson; the draft law containing provisions on citizenship (A.S. 2092) which, though not determining the automatic acquisition of Italian citizenship, simplifies the access procedures for *minors* born in Italy of foreign parents of whom one holding a permit to stay (a tempered form of the “*ius soli*” principle) and for *minors* arriving in Italy before reaching adult age and who have attended educational courses in Italy (the “*ius culturae*” principle); the draft law containing provisions in favour of orphans of domestic crimes (A.S. 2719); the draft law with delegation for the abolition of Juvenile Courts (A.S. 2284).

Hearings of the Authority before Parliament and consultancy on legislation

On 28 June 2016, the Authority was heard by the Parliamentary Committee for Children and Adolescents, regarding the fact-finding investigation on *minors* outside of the family homes. This meeting was the occasion to pursue the synergies called for in the law setting up the Authority between the two institutions, and to highlight that the removal of a child from the original family must be the last resort, feasible only when all the family support measures have not given the expected results. The outstanding issues are the problem of data on *minors* located outside the family, currently frag-

Hearing of the Authority in the fact-finding investigation on minors outside of the family home.



Hearing of the Authority in the fact-finding investigation on the status of implementation of legislation on adoption and foster care.

mentary and requiring updating; the issue of checking, where there is a lack of synergy between the institutions having jurisdiction; the absence of national legal standards on the residential communities hosting *minors* outside of the family home.

The problem of data can be overcome by the undertaking inter-institutional action between all entities having jurisdiction, in order to define a complete and updated structural framework. As for checking, synergy is required between the Prosecutor's Department at the Juvenile Court (which every six months receives data from various communities hosting *minors*, and which can order inspections), the regions and local authorities. In order to define the criteria and standards of the residential communities for *minors*, a Roundtable on communities for *minors* was set up in 2015, at the Ministry of Labour and Social Policy, which has drew up guidelines on reception in communities and the definition of quality criteria in the residential communities. Uniform standards should be established promptly on the national level.

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in the residential communities. Uniform standards should be established promptly on the national level.

On 30 June 2016, the Authority was heard by the Justice Committee at the Chamber of Deputies with respect to the fact-finding investigation on the status of implementation of legislative provisions on adoption and foster care. The Authority provided its contribution to the investigation of the practical application of Law 4 May 1983, n. 184, concerning the right of the *minor* person to have a family, in order to verify its coherence and that it is up to date.

Law N. 184 of 1983 was drawn up in a context profoundly different from today. On the one hand, there are unaccompanied *minors* who land daily on our coasts and form an especially vulnerable whose needs require a specific response. On the other hand, together with the married family model, today there are other forms such as families of separated persons, those with single parents and those in which the *minors* have as a reference, adults other than their biological parents. The 2012 reform reflected these changes (the status of child has thus become a single one, whatever the circumstances involved in their birth), and Law 19 October 2015, N. 173 has acknowledged the importance of the emotional relations of the *minors* with the persons who raise them.

On 27 July 2016, the Authority was heard by the United Committees of the Chamber of Deputies for Constitutional Affairs and Labour, in the context of discussion of the draft laws containing provisions on video surveillance in kindergartens, children's schools and social assistance facilities for the disabled and underprivileged *minors*. The issue of video surveillance regards various aspects: the safeguarding of personal data and privacy, both of children and workers in the schools; ensuring the physical and psychological safety of

Hearing of the Authority in the discussion of draft laws with provisions on video surveillance.



the *minors*; safeguarding the educational relationship between teacher and child and, more in general, trust in the persons to who care of children is assigned daily; the safeguarding of workers from baseless accusations; the relationship between new technologies and more traditional monitoring instruments. However, in the case of children, there needs to be a balance between ensuring their physical safety and safeguarding their privacy from excessively invasive instruments, since the other interests involved, though relevant, must be interpreted in the light of the principle of the best interest of the *minor* person, which takes precedence. This balance can be achieved with a system of closed circuit television cameras, as long as the images can be viewed exclusively by the police forces, after authorisation by the judiciary authorities, in the presence of a motivated application by parties concerned or in the context of criminal proceedings resulting from the reporting of a crime.

With regard to draft law A.S. 2284, containing the delegation to the Government to issue provisions for the efficiency of civil hearings, calling, among other things, for the “abolition” of the Juvenile Courts, the Authority was not heard by the Senate Justice Committee, having jurisdiction for examining the draft law on its own account, but did have bilateral meetings, including one with the Chairman of the aforesaid Committee, and discussed the topic of the draft law with the regional Ombudspersons, the institutions having jurisdiction, experts in the area and with associations connected with the judiciary and lawyers, setting up a specific Roundtable. Considering the importance of the critical issues that have emerged, the Authority has also expressed its doubts to the Minister of Justice, sending him a note (see Annex n. 1: Note 30 August 2016, N. 1769) and has promoted an appeal to Parliament,

via a press release campaign published on its website and the social average, entitled “NO to the dismantling of the Juvenile Court and the Public Prosecutor’s Department for Juveniles, YES to a child-friendly reform of justice”.

The reform of civil trials approved by the Chamber of Deputies and being discussed at the Senate might weaken the system of safeguards currently existing, with a doubly negative effect. On the one hand, the abolition of the Public Prosecutor’s Department for Juveniles would risk leading to the elimination its accrued expertise and experience. The Public Prosecutor’s Department for Juveniles does not have jurisdiction only in the context of criminal proceedings, for young people who have committed a crime (and who must in any case be provided with specific projects for social inclusion, since their personality is evolving) but also in the civil context, to safeguard children and young people lacking adequate parental figures or subjected to prejudicial situations. Not to speak of the surveillance tasks in the communities hosting *minors* living outside their original family, the regularity of which is of vital importance for the success of the support paths and requiring judges exclusively dedicated to the task, also to act as a filter with respect to the many episodes of the underprivileged status of *minors*. On the other hand, the abolition of the Juvenile Court and the creation, in place of the former courts, with specialised sections in the ordinary courts to handle this specialisation. The dismantling of the Juvenile Courts and the related Juvenile Public Prosecutor’s Departments involves the risk of losing professional and cultural resources and the judicial model for protecting *minors*, a great achievement for our country.

The Italian Authority for Children and Adolescents participated in the works of the Committee of Experts for LGBT

Observations of the
italian authority on
draft law AS 2284
- delegating to the
government matters
on the efficiency of
civil proceedings



(Lesbian, Gay, Bisexual, Transgender) topics, set up by the Prime Minister's Office with Decree of the Prime Minister of 16 July 2015, has mainly worked on the definition and integration of the project entitled "LGBT National Portal", dedicated to these topics. The LGBT National Portal, launched on 8 July 2016, comes within the context of the "LGBT National Strategy", implementing the recommendation of the Committee of Ministers to the Member States on the measures to counter discrimination based on sexual orientation or gender identity adopted in 2010, and proposes to "promote a greater knowledge of the LGBT dimension to counter any form of discrimination based on sexual orientation and orientation and gender identity". According to the promoters, the Portal is to be a web platform providing information to "educate" Italian citizens on the current process aimed at avoiding any gender discrimination.

National Observatory for Children and Adolescents. Definition and tasks: a body for coordination between the central, regional and local authorities, associations, professional bodies and non-government organisations dealing with children. Every two years it drafts the National Plan for Action and Measures for Protecting the rights and the Development of Minors, in order to give priority to programmes for minor persons and to strengthen cooperation for the development of children in the world. Every two years, the Observatory issues the Report on the condition of children in Italy and the implementation of the relative rights and, every five years, the Draft Government Report to the UN on the application of the Convention on the Rights of the Child. It utilises the National Centre for Documentation and Analysis for children and adolescents.

Legislation sources: Set up under Art. 2 of Law 23 December 1997, N. 451.

National Observatories

The network of inter-institutional relations was enhanced with the participation by the Authority in two Observatories again set up in 2016 (namely, the National Observatory on the family and the National Observatory for the Fight against Paedophilia and Child Pornography), in line with commitment already ensured in the context of the Observatory for Children and Adolescents and the National Observatory for the Integration of Foreign Pupils and Inter-culture. The Italian Authority for Children and Adolescents, given its privileged position as a permanent delegate in the various Observatories, and in accordance with its role as an independent institution participating in various inter-institutional Roundtables and networks, contributes actively to providing a strategic overall view of policies on children and adolescents, and is a connecting element between the institutions involved on all levels.

The Authority participates as a permanent delegate in the work of the National Observatory for children and adolescents, in order to guarantee forms of collaboration, synergy and support in the superior interest of *minor* persons.

The participation by the Authority in the work of the Observatory and the legislation providing for the issue of the opinion on the National Plan for Action and Measures for the safeguarding of the rights and development of *minor* persons (in short the Plan) indicate the recognition of the Authority's role in safeguarding and implementing the rights of children and adolescents. The Plan should reflect an overall strategy, highlight the various priority actions, provide for adequate resources and above all identify specific responsibilities for implemen-



tation and the effective coordination in the monitoring stage. The 4th Action Plan was issued by the National Observatory for Children and Adolescents on 28 July 2015 and obtained the positive opinion of the State-Regions Conference on 11 February 2016, was approved with by the Presidential Decree of 31 August 2016 and finally published on the Official Gazette of the Italian Republic on 15 November 2016. It is to be hoped that the National Observatory for Children and Adolescents just set up again as a result of the request by the Authority, with the note of August 2016 (see Annexe N. 2: Note 5 August 2016, N.1672), can undertake the monitoring of the Plan by system to check the status of implementation of the planned measures, identify the responsibilities and implement the participation of the final beneficiaries of the action, and thus also of the children and adolescents.

There should be coordination between the actions contained in the Plan and the identification of the resources specifically allocated for their implementation, through the concerted action of the various protagonists.

On the positive side it should be pointed out that the Plan was integrated with other national planning instruments such as the National Plan for Disability and the National Plan to prevent and fight sexual abuse and sexual exploitation of *minors* 2015-2017, in such a way as to create an overall strategic vision of the policies in favour of children and adolescents.

The Italian Authority for Children and Adolescents, as set forth in Art. 3 of the Decree of the Prime Minister of 9 August 2016, N. 1963, participates in the session of the Assembly of the National Observatory on the Family on a permanent basis, with its own representative, in order to

Art. 3, paragraph 1, lett. f) of the law setting up the Italian Authority for Children and Adolescents, assigns the Authority the task of issuing its opinion on the National Plan for Action and Intervention for safeguarding of the rights and development of minor persons.

guarantee suitable forms of collaboration, synergy and support. The Authority, as permanent delegate, intends to offer its support to all the thematic working groups identified, in such a way as to favour greater synergy and uniformity both in the analysis and the proposal stages.

Today, the traditional family model has been supplemented by different family forms such as families of separated persons, those with single parents and those in which the *minors* have as their reference, adults other than their biological parents.

The 2016 [Italian Statistics Yearbook](#) shows that over the decades families have been getting smaller and smaller; over

National Observatory on the Family

Definition and tasks: A collegial body set up at the Prime Minister's Office – Department for Family Policies, with functions of study, research, documentation, promotion and consultancy on policies in favour of the family, and support in drafting the National Plan for the Family, undertaken in collaboration with the other branches of the State civil service having jurisdiction and with the Single Conference.

Legislation sources: 27 December 2006, N. 296, Art. 1 paragraph 1251; Decree of 9 August 2016, N. 1963, of the Minister for Regional Affairs and Autonomies with delegation on policies for the family and again setting up the Observatory.



the past 20 years, the average number of household members has fallen from 2.7 (average in 1994-1995) to 2.4 (average in 2014-2015). To this decrease we can add a rise in the number of single-person households, from 21.1% to 31.1 % of total household, and a reduction in the number of households with five or more member, falling from 8.4% to 5.4 %. The statistics also state that in 2014 the number of marriages continued to decrease, falling from 194,057 in 2013 to 189,765 in 2014 (a fall of almost 4,300). Legal separation rose from 88,886 in 2013 to 89,303 in 2014 while divorces fell slightly from 52,943 to 52,355. Separations are more numerous and often show a high level of conflict that makes shared parenting hard to undertake. Therefore, in developing policies for families, taking into account the rapid and varying changes under way, it is necessary to balance the providing of services to them by providing other types of help and subsidies. And above all action is needed in the area of promotion and prevention, rather than addressing chronic needs and emergencies.

This undoubtedly requires investments in terms of human and economic resources, but also an investment in terms of synergy with other national policies regarding *minors* and families. The aim of the Italian Authority for Children and Adolescents is to support the members of the National Observatory on the Family, above all in the sector regarding families with *minor* children, to that a National Plan for the family can be drawn up, containing feasible goals and solutions. The aim is also to check that the measures planned are actually implemented. The Plan must, in fact, contain a monitoring and assessment system, for safeguarding the rights of *minor* persons.

In developing policies for families, taking into account the rapid and varying changes under way, it is necessary to balance

the providing of services to them by providing other types of help and subsidies.

For the Authority, participating in the activities of the National Observatory on the Family means not only working to strengthen and consolidate networks and synergy with associations, organisations and institutions operating in the field of safeguarding the rights of children and adolescents, but also to restore families to the role of active protagonists in public policy. Families, in the broad sense, should no longer just be considered in relations to aspects regarding vulnerability and fragility, but above all with respect to the promotion of rights and the planning of measures oriented towards normality, a global approach and wellbeing. In this respect, the participation in the Observatory by the Authority as an independent protagonist is based on monitoring to guarantee the unified character of the interventions and measures, in a global vision overcoming current fragmentation and the emergency-oriented response approach.

An especially complex aspect regards the violence on and abuse of *minor* persons. The complexity lies in the origins and tragic nature of the events, as well as the response required and the difficulties involved in identifying these phenomena; by their very nature they are largely concealed and are an extremely serious violation of the children's rights. Measures are required strengthen the prevention and countering of abuse, an area where specialised personnel, the police, social services, professionals and judges are working assiduously on a daily basis. From the legislative point of view, the protection system has recently been improved with the ratification by Italy of two international conventions (see Law 1 October 2012, N. 172, ratifying the Lanzarote Convention, and Law 27 June

In developing policies for families, taking into account the rapid and varying changes under way, it is necessary to balance the providing of services to them by providing other types of help and subsidies.



2013, N. 77, ratifying the Istanbul Convention), though there are critical issues mainly regarding application, requiring system-wide intervention regarding both prevention and prosecution, with synergy between all the protagonists involved in prevention in countering violations and in the recovery of *minor* persons who are victims.

In the note dated 5 August 2016, the Authority has enhanced the awareness of the institutions having jurisdiction on the phenomena of violence against *minor* persons, highlighting its often “hidden” nature and identifying some urgent actions for intervention. These aspects include: developing forms of institutional collaboration to achieve the standardised collection of data in this respect, involving all the institutions having jurisdiction, in order to develop a general strategy for intervention designed to prevent and counter all forms of violence against children; launching campaigns for information and training of the personnel directly involved in the various sectors of safeguarding *minors* in the scholastic, medical, sports and tourism sectors, to promptly receive reports of abuse and communicate the procedures for action for reporting of suspicious cases; enhancing support measures in critical situations in fragile families; inserting the prevention of mistreatment in the National Healthcare Plan and the National Health Prevention Plan, guaranteeing throughout the country treatment that is prompt and highly specialised; inserting the topic of mistreatment in the curriculum of the pertinent faculties as a subject common to all the specialisations, and enhance awareness of schools for the early detection of abuse and the adequate protection of mistreated children detected in schools; inserting the prevention and the treatment of the mistreatment of children and adolescents as a priority and as an es-

National Observatory for the Fight against Paedophilia and Child Pornography.

Definition and tasks: A strategic body for study and monitoring at the Department for Equal Opportunity. Its task is to acquire and monitor data and information on the activities conducted by all the branches of the civil service for the prevention and the prosecution of the sexual abuse and sexual exploitation of minors. Source legislation: Art. 17, paragraph 1-bis, of Law 3 August 1998, N. 269; Ministry Decree of 30 August 2016.

sential service level at the State-Regions Conference; implementing the focus on *minor* persons in the civil and criminal law proceedings regarding them with adequate levels of listening, also from the logistics point of view, with the support of specialised personnel; guaranteeing rapid time for completing procedures, avoiding, when possible, repeated interviewing of *minors* (see Annex n. 2).

In the same note, the Authority also requested that the National Observatory for the Fight against Paedophilia and Child Pornography be set up again as the body appointed, among other things, to acquire, analyse and monitor the data and information on the activities undertaken by all the branches of the civil service for the prevention and prosecution of the sexual abuse and sexual exploitation of *minors*, and to draw up the National Plan for preventing and fighting the sexual abuse and sexual exploitation of *minors*. The Observatory was again set up on 30 August 2016, and in October of the same year, as provided for in the Decree dated August, the Authority was invited to participate on a permanent basis, and in this quality monitors the implementation of the aforesaid National Plan.



The Authority has asked for the National Observatory for the Fight against Paedophilia and Child Pornography to be set up again.

For each area, specific goals and related actions were identified. The Authority intends to offer effective collaboration for the work of the Observatory and is a participating institution to be involved in the strategic areas of the Plan regarding “prevention” and “protection of victims”. Among the tasks of the Observatory for the Fight against Paedophilia and Child Pornography, there is the setting up and maintaining of a database which, on the basis of the input provided by the branches of the civil service concerned, will collect the information necessary for monitoring the sexual abuse and sexual exploitation of *minors*, child pornography and the related actions for prevention and prosecution. The Authority was provided with access credentials to the database and the staff has participated in a training and information day on the use of the database. With regard to the data and future prospects, it should be pointed out that the Decree of the Ministry of Labour and Social Policies dated 16 December 2014, N. 206 and regarding the regulation of the assistance register (Art. 13 Legislative Decree 31 May 2010, N. 78, implemented by Law 30 July 2010, N. 122), could be the basis of a permanent system for monitoring mistreatment, since it involves the setting up of a national registry of all the parties (including *minors*) receiving social assistance, and multi-dimensional evaluation by the professional Social Service, coordinated by INPS and fed with data by all local authorities and entities providing services, starting from the municipalities. The register also has a specific S.In.Ba.

Form (“National Information System on the care and protection of children and their families”) to create a database on the multi-dimensional evaluation for acceptance of persons for assistance. It is hoped that in the implementation stage this important information monitoring tool will

include more detailed items on the forms of mistreatment (with the relative glossary of definitions, based on scientific literature) on the persons responsible for the abuse. The introduction of the assistance register and the S.In. Ba. Information system will enable our country to have a complete, updated database, something that is absolutely necessary.

The integration of foreign students and inter-culture is especially important for the Authority, since schools are the main instrument for the integration of foreign children and young people (*foreigners* born abroad, *foreigners* born in Italy, unaccompanied *minors*, asylum-seeking *minors*, Rom, Sinti and Travellers) who live in Italy. The National Observatory for the Integration of Foreign Students and Inter-culture identifies concrete solutions to guarantee the adjustment of scholastic integration policies to the real needs of an increasingly multicultural, constantly changing society.

In order to simplify the functioning of the Observatory, three working groups were set up on the following priority topics: teaching of Italian as a second language and highlighting of multi-linguistic skills; training of school and adult education personnel; active participation of the students and citizenship.

Since it was set up, the Observatory has met five times. In the last meeting, held on 20 December 2016, the intention was expressed to promote and relaunch the activities of the Observatory, implementing the three working groups and planning to have meetings on a monthly base.

The Italian Authority for Children and Adolescents is a member of the Consultative Assembly of the Permanent National Observatory on the Exercise of Jurisdiction (ONPG) as a party inter-



National Observatory for the Integration of Foreign Students and Inter-culture

Definition and tasks: The Observatory has consultation and proposing functions, and in particular has the following tasks: promoting and monitoring scholastic policies for the integration of foreign pupils and inter-cultural education; encouraging inter-institutional agreements; favouring methodological, didactic and disciplinary experimentation and innovation; expressing opinions and formulating proposals on legislative and administrative initiatives pertaining to the Ministry of Education.

Source legislation: Ministry Decree 5 September 2014, n. 718.

ested in contributing to the identification of alternative methods for solving conflicts (mediation, assisted negotiation, collaborative divorce), as set forth in the law setting up the Authority. As a matter of fact, Art. 3 paragraph 1, lett. o), of Law 12 July 2011, N. 112 states that the Authority “favours the development of the culture of mediation and of any instrument designed to prevent disputes involving *minor* persons or solve them with agreements, stimulating the training of personnel in the sector”. Mediation is a child-friendly instrument and it is in the superior interest of the child to turn to mediation before turning to the courts, in order to “save” the serenity of the relationship between the parents, and consequently also the serenity of the child. This is also the position taken by the Committee of Minister of the Council of Europe in the guidelines adopted in 2010 – and addressed to the States Parties of the COE – containing the perimeter of the interventions that the States are called upon to implement in their national system so that justice (understood here as judiciary and out of court instruments) becomes child-friendly.

The Authority for Children and Adolescents participates in three of the Committees set up in the ONPG.

In contrast to the judiciary context,

where the definition of the conflict is delegated to a third party, in family mediation the aim is make the partners responsible so that they themselves will find a solution; they turn voluntarily to an independent mediator who will have no power to impose the solution (unlike the judge) but may urge a solution, accompanying the parties in their search for a new equilibrium, with a role somewhat like that of a demiurge, stimulating the parties to rebuild a new family relationship and manage the conflicts that have led to the breakdown of the original relationship. A solely judiciary response may not be sufficient if it is not supported by “deeper” conflict resolution techniques

Permanent National Observatory on the Exercise of Jurisdiction.

Definition and tasks: As an organ of the National Bar Council, it collects data and develops studies and proposals to favour a more efficient administration of the judiciary functions, and periodically publishes reports on the state of Italian justice.

Legislation sources: Art. 35, paragraph 1, lett. r) of Law 31 December 2012, N. 247; Regulation 13.12.2013, N. 5 containing “Setting up and functioning of the Permanent Observatory on the Exercise of Jurisdiction”.



Mediation is a child-friendly instrument; it is in the superior interest of the child for mediation to be conducted before turning to judiciary procedures in order to “save” the relationship of the parents, and consequently also the serenity of the child.

to induce the parties to reflect on the new relational status resulting from the end of the couple’s relationship. The aim is to ensure positive management of the parents’ conflict, because adults have the duty of ensuring that painful choices, such as the dissolution of the family, do not produce negative effects on the most fragile family members, i.e. children and adolescents.

With regard to the work undertaken by the ONPG in 2016, and taking into account the large amount of legisla-

tion adopted in recent years on the use of measures alternative to trials, other topics covered include the assisted negotiation and arbitration systems (mechanisms of Alternative Dispute Resolution – ADR). The intervention of the Authority is focused on proposals regarding the assisted negotiation on the family, involving the exponential growth in the use of this system by the public and lawyers. A complex operational project was illustrated to the Consultative Assembly at the plenary session of the National Bar Council.



*Autorità Garante
per l'Infanzia e l'Adolescenza*

3.

Relations with the Ombudspersons for Children
of the Regions and Autonomous Provinces:
the National Conference for the Rights of Children
and Adolescents



3. Relations with the Ombudspersons for Children of the Regions and Autonomous Provinces: the National Conference for the Rights of Children and Adolescents

The creation of the Ombudspersons for Children and Adolescents

Even before the start of the legislative procedure leading to the setting up of the National Authority, there were provisions for Ombudspersons for Children and Adolescents, though with considerable differences in their competences and functions, in almost all the Italian regions.

To provide a brief summary of the stages of their creation and history, we have to turn back to the years when the idea started to spread that *minor* persons were not only to be considered as the object of safeguarding and protection, but specific holders of rights that have to be ensured effectively and implemented. In those years the international community was drawing up a text that would become a milestone of the children's rights, the 1989 Convention on the Rights of the Child.

The factors underlying the issue of this document and the wide-ranging, high quality debate that followed were to inspire personnel working in the sector to set up authorities able to guarantee on the legislative level what had been announced as the rights of children.

The story of the regional Ombudspersons is an on-going one, constantly developing. For a current overview of the Ombudspersons, see the "Survey on the norms, practices and procedures of the Ombudspersons for Children and Adolescents of the Regions and Autonomous Provinces – December 2016" (see Annex N. 6).

There are currently 16 Ombudspersons for Children and Adolescents holding office, including the ones for the Autonomous Provinces of Trento and Bolzano.



BASILICATA

Vincenzo Giuliano

tel. 0971 447261/447079

garanteinfanziaeadolescenza@regione.basilicata.it

CALABRIA

Antonio Marziale

tel. 0965 880531

garanteinfanzia@consr.it

garanteinfanzia@pec.consrc.it

CAMPANIA

Cesare Romano

tel. 081 7783861/7783834

garanteinfanzia@consiglio.regione.campania.it

EMILIA-ROMAGNA

Clede Maria Garavini

tel. 051 527 5713/5352

garanteinfanzia@regione.emilia-romagna.it

FRIULI VENEZIA GIULIA

Fabia Mellina Bares

tel. 040 3773131 - 29

cr.organi.garanzia@regione.fvg.it

LAZIO

Jacopo Marzetti

tel. 06 65937211-4

garanteinfanzia@regione.lazio.it

LIGURIA

Francesco Lalla

tel. 010 565 384

garanteinfanzia@regione.liguria.it

LOMBARDY

Massimo Pagani

tel. 02 67486290 fax 02 67482126

garanteinfanziaeadolescenza@consiglio.regione.lombardia.it

MARCHE

Andrea Nobili

tel. 071 229 8483

garantediritti@consiglio.marche.it

MOLISE

Awaiting new appointment

tel. 0874 424768/72

tutorepubblicominori@regione.molise.it

PIEDMONT

Rita Turino

tel. 011 5757303

garante.infanzia@cr.piemonte.it

PUGLIA

Rosy Paparella

tel. 080 540 5727/ 5779

garanteminori@consiglio.puglia.it

SICILY

Luigi Bordonaro

Office awaiting appointment

TOSCANY

Awaiting new appointment

tel. 055 23 87563

garante.infanzia@consiglio.regione.toscana.it

UMBRIA

Maria Pia Serlupini

tel. 075 5721108

garanteminori@regione.umbria.it

VENETO

Mirella Gallinaro

tel. 041 2383422 -23

garantedirittipersonaminori@consiglio.veneto.it

AUTONOMOUS PROVINCE OF BOLZANO

Maria Paula Ladstätter

tel. 0471 970615

info@garanteinfanzia-adolescenza-bz.org



A fundamental stage that deserves closer examination is the preparation, on the basis of what has been called for over the years, of a body for coordination, monitoring and communication, now represented by the National Conference for the Rights of Children and Adolescents.

The National Conference for the Rights of Children and Adolescents (called the “Authority Conference”)

is chaired by the National Authority and consists of the Ombudspersons for the Regions and Autonomous Provinces for Children and Adolescents, or similar figures, where these exist. The Conference is convened on initiative of the Authority or upon the request of the majority of Ombudspersons for the Regions and Autonomous Provinces for Children and Adolescents, or similar figures.

Legislative sources: Art. 3, paragraphs 6 and 7 of Law 12 July 2011, N. 112; Decree of the President of the Prime Minister of 20 July 2012, N. 168: internal regulation of the organisation for the functioning of the National Conference for the Rights of Children and Adolescents set up by Art. 3, paragraph 7, of Law 12 July 2011, N. 112.

The National Conference for the Rights of Children and Adolescents

The National Conference for the Rights of Children and Adolescents (i.e. the “Authority Conference”) is the network joining the figures created over time and which over the years has become increasingly well defined as an instrument coordinating the interventions made on the regional and national level. It is chaired by the National Authority, which promoted important work of increasing awareness for the appointment of unfilled positions of Ombudspersons for the Regions and Autonomous Provinces, leading in 2016 to the appointment for the first time of Ombudspersons for Piedmont and Sicily.

In 2016, the Conference was the venue for discussion, consultation and exchange of data and information between the National Authority and the Ombudspersons for the Regions and Autonomous Provinces, as well as providing initiatives for the adoption of guidelines for common action.

The topic of identifying agreed guide-



lines on reporting, required by Art. 10 of the National Authority Regulation (Decree of the Prime Minister of 20 July 2012, N. 168) is the first area where the Conference decided to work to draw up a common document.

In 2016, updating and coordination was conducted on the guidelines drawn up in 2015. After a careful examination and inclusion of the additions proposed by the Ombudspersons, a document was drafted that was a significant result, subsequently approved in the first Authorities' Conference in 2017.

We should highlight the importance of reaching this goal, which strengthens the role of the Conference and is the practical result of previous and current efforts, leading to standardised procedures for managing the reporting by the regional offices, and strengthening the organisation on the national and local level.

Besides networking for the management of reporting, the Authority is implementing a series of activities and initiative (working groups, local visits and project activities) in collaboration with the Ombudspersons for the Regions and Autonomous Provinces, which now have common goals and working procedures.

The Reports

With regard to the reports made in 2016, the National Authority's role of coordinating the Ombudspersons for the Regions and Autonomous Provinces was highlighted. Since they are closer to the local population and resources, they have the task of responding to individual and local requests emerging in reports regarding the region, in accordance with the principle of subsidiarity. To provide concrete application of this interpretation, the section of the Authority website on reporting shows the network of Ombudspersons for children and the links to their regional and provincial websites. This simplifies the administrative procedure. The aim of the Authority is to streamline and speed up reporting procedures, facilitating direct contact between the public and local Ombudspersons.

With regard to reports regarding television broadcasts, the Authority website has a link for use of a special form to send the report to the "Committee for the application of the Self-Regulatory Code on Media and *Minors*", set up at the Ministry for Economic Development that has jurisdiction for identifying and prosecuting television messages not deemed suitable for viewing by *minors*.

The inclusion of a direct link with the Committee on Media and *Minors* enabled the immediate and complete sending of all the specific elements required for the report to be successfully processed.

The aim of the Authority is to streamline and speed up reporting procedures, facilitating direct contact between the public and the local Ombudspersons.



*Autorità Garante
per l'Infanzia e l'Adolescenza*

4.

The National Council of Associations and Agencies
for the Promotion and Safeguarding of the Rights
of Children and Adolescents



4. The National Council of Associations and Agencies for the Promotion and Safeguarding of the Rights of Children and Adolescents

Definition and tasks: Permanent consultative body of the Authority with the task of studying topics, expressing opinions and recommendations, providing indications and drafting analysis and proposal documents.

Legislative sources: Law 12 July 2011, N. 112; Decree of the President of the Prime Minister of 20 July 2012, No. 168, “Regulation on the organisation of the Office of the Italian Authority for Children and Adolescents”, Art. 8; set up by a decree of the Italian Authority for Children and Adolescents of 10 November 2016, which defined its composition, organisation and duration, limited to the period of one year.

associations and organisations involved in activities for children and adolescents, with ramifications throughout the country.

The Council enables the Authority to have an overview of the effective application throughout the country of the rights of *minor* persons, and is thus of fundamental strategic importance, becoming an element in the governance system. The Council was first convened on 5 December 2016, after meetings held with various coordinating bodies that appointed their representatives. The Authority chaired the meeting, and at the same time as the issue of the decree setting up the Council, the Authority also appointed its members. There are currently 16 members.

The Council consists of three thematic working groups:

a) Mental illness in adolescents. The aim is to identify the size of the problem and identify a desirable model for treatment of mental illness in adolescents while ensuring the continuity of assistance, and to draw up recommendations to be made to the parties involved so that they will invest economic and personnel resources, provided dedicated services and promote campaigns for increasing the awareness and with respect to the culture on this topic;

b) The continuity of affection in foster families. Law 19 October 2015, N. 173

Mental illness in adolescents. The Italian Authority for Children and Adolescents, in undertaking the various tasks assigned to it by the law setting up the organisation, utilises a network designed to face the specific needs of children and adolescents in the various local areas and to identify responses agreed on the national level. This locally consolidated network consists of associations and organisations working assiduously for safeguarding the rights of children and adolescents (the “Council”). The Authority collaborates with them on a permanent basis, in the Council and through forms of participation to promote the rights of children and adolescents and to strengthen mutual knowledge and collaboration.

The continuity of affection in foster families. The Council also has the added value of consisting of the most representative



containing amendments to Law 4 May 1983 N. 184 on the right to the continuity of affection has introduced significant innovations, requiring specific evaluations for the formulation of recommendations and for increasing the awareness of the institutional protagonists involved, the *minor* persons and their original families as well as their foster families;

c) The protection of *minors* in the world of communication. Since there are various institutions and instruments in this sector, all aimed at ensuring and effective strategy for protecting *minor* persons in the audiovisual and information services, it is necessary to pursue the goal of guaranteeing that all children, young people and parents/educators have the information and skills allowing for their protection in the world of communications, and to increase the awareness of communications professionals regarding the need to guarantee such protection.

The protection of
minors in the world
of communications.



*Autorità Garante
per l'Infanzia e l'Adolescenza*

5.

The Action of the Italian Authority
for some of the
“Vulnerable among the Vulnerable”



5. The Action of the Italian Authority for some of the “Vulnerable among the Vulnerable”

Minors outside their family home

Foster care is the answer to the need of distressed families who temporarily fail to deal with the affective and educational needs of their children.

Foster care is the answer to the need of distressed families in difficulty who temporarily fail to deal with the emotional and educational needs of their children. The placement of a child or an adolescent in a foster family does not annihilates the relationships with the family of origin, the goal of this institute, instead, is to maintain contacts in view of a natural return to their own reality. In this sense, the foster family is set up as a material and relational asset that can help the child or adolescent in the transient time of difficulty, accompanying him or her for a brief segment of his or her life.

In some cases it is not possible to introduce children or adolescents in foster families either for “a lack of response” by the available foster families or in cases where the child needs to find shelter in a context other than a family for pre-existing experiences that might jeopardise a successful inclusion. In these cases, the general approach is to place the *minor* in a residential structure, which can be of various types (by way of example, the family community or family home, the educational or socio-educational community, the social and health community).

Family-type communities are structures that provide for the stable presence of resident adults who do not permanently live in the residence but operate on shifts. The social and health communities may also be of a family type, but these structures are qualified for the therapeutic function of the interventions carried out.

There is no shared register of *minors* living outside the family of origin among the various institutions that deal with them (prosecutor’s offices, juvenile courts, juvenile justice and community departments, local authorities, regions,

Ministry of Labour and Social Policies) and existing data are not comparable, as they refer to different time periods and come from different sources.

In particular, data collected by the Ministry of Labour and Social Policies refer to 2012 and are described in the Report “*Affidamenti familiari e collocamenti in comunità al 31 dicembre 2012*” (Foster Family Care and Community Placements as at December 31st 2012). As at December 31st, 2012, children and adolescents aged 0-17 years outside the family of origin received in foster families and residential communities were estimated at 28,449 units. Out of these, 14,194 were in foster family care and 14,255 were hosted in residential communities. Data, however, indicate the lack or partial participation of some territorial realities.

The Italian National Institute for Statistics (ISTAT) describes the situation of *minors* hosted in social support centres as at 2011, in the Report “*I presidi residenziali socio-assistenziali e socio-sanitari: anno 2011*” (Residential Social Support and Social and Health centres: Year 2011) and quantifies *minors* under 18 in residential structures in 17,540 children.

The collection “*La Tutela dei minorenni in comunità - La prima raccolta dati sperimentale elaborata con le Procure della Repubblica presso i Tribunali per i minorenni*” (The protection of *minors* in the Community. The first experimental data collection drafted by the public prosecutors at Juvenile Courts), drafted by the Italian Authority for Children and



Adolescents in 2015 highlights that, in 2014, children and young people hosted in the 3192 residential structures scattered across the country were 19,245.

This evidence, even if experimental and partial, is necessary at least until the Assistance Records is operational, as part of the Informative Social and Health Care System (*Sistema Informativo Socio-Sanitario, SISS*) This database will enable to build a sort of citizen's social folder, by gathering information on all social benefits granted to them, those provided by INPS (National Institute of Social Insurance), municipalities, regions, as well as through the tax channel.

The SISS provides in Annex A3 (structures), of the Directorial Decree N. 8 of 10th April 2015, issued in implementation of the Ministerial Decree dated 16th December 2014,

N. 206 and Law dated 30th July 2010, N. 122, a specific indicator on family and community structures for children.

Given this premise, the Authority has been involved with the relevant institutions (Ministry of Labour and Social Policies and INPS) to verify the state of implementation of the Social Services Information System and in particular the use and implementation of the database which expressly provides for a specific indicator of family and community structures for *minors*. The objective is to assess the possibility, in cooperation with the administrations concerned, to use the Social Services Information System as a shared database among the relevant institutions in order to survey the presence of *minors* in residential care communities and foster families.

Children and adolescents in alternative care, both those hosted in residential facilities and those in out-of-home care, are undoubtedly a sensitive target of the school population and at risk of school failure for their exogenous and endogenous characteristics.

The child and the adolescent who is away, though

temporarily, from the family of origin and is placed in a family care or in a residential facility, carries with him or her specific traits that are primarily related to his or her own personal and social identity, and his or her history must be seamlessly integrated with the steps preceding and following the departure.

The foster family or the community are, in this sense, meant as places for re-processing of the *minor's* personal history with the aim of integrating the different contexts and lifestyles. It should be emphasized that not all children and adolescents living outside the family are in troubles, because each person's resilience, i.e. the ability to positively cope with traumatic events, is expressed differently, and, for this reason, many may have a satisfactory personal and school development, albeit with unfavourable personal experiences.

Nonetheless, due to the extreme variety of individual situations, it is important that school institutions in general and teachers in particular know, understand and are capable of dealing with the experiences, difficulties, and negative experiences that all children and adolescents living outside of the family home experience and have experienced, and that they are properly supported and prepared for the reception of this type of students, without ignoring the past experience and the story that these children and adolescents will bring forth in the classroom. There is therefore a cultural and informational problem that needs to be answered with adequate training.

Moreover, children and young people who come from a migrant background, as well as unaccompanied *minors* may have insufficient schooling for their age or may have never been schooled or may have followed a very different school coursework than the Italian one.

Consequently, high levels of stress that arise from neglect or maltreatment, staying in deprived contexts during an developmental phase, a fragmentation of affection and significant relationships, are all indicators of interest in identifying the best scholastic inclusion for children and adolescents with these characteristics. The school is the first external social context with which the child and the foster family or the host structure comes into touch after the departure from the family of origin, and it is the place where the process of inclusion and integration into a peer community is accomplished. For this reason, the school becomes a fundamental asset for foster parents, for the family of origin and for the structures that host *minors* who have been temporarily removed from their family, to promote the learning path and to experience positive relationships with peers and

Children and adolescents in alternative care, both those hosted in residential facilities and those in out-of-home care, are undoubtedly a sensitive target of the school population and at risk of school failure for their exogenous and endogenous characteristics.



other important adults.

For these reasons, the Italian Authority for Children and Adolescents has shared with the Ministry of Education, University and Research, the need for the right to an education, that is guaranteed not only by the Constitution, but also by the Convention on the Rights of the Child, that is really tailored for the concrete needs of a vulnerable group of children and adolescents who are temporarily out of the family, so as to intercept their educational and educational requirements and the needs of the school institution to ensure their full inclusion. In this regard, the existence of the feasibility conditions for the design of guidelines aimed at improving the well-being of children and adolescents who are temporarily out of family, whether in out-of-home care or in resident structures for *minors*, has been verified.

The choice of the community in which the *minor* should be hosted should not be random, but must be the result of a reasoned and shared pathway, whereby the higher interest of the person of *minor* age has to be the guiding principle: the needs and characteristics of the *minor* to be hosted must be evaluated in relation to the type and quality of the structures available, to the teams that work there, as well as to the values to which the professional activity and work methodology is oriented.

The current Italian situation shows significant differences in the definition of the typologies and criteria and quality requirements of residential communities that receive children and adolescents outside the home family. This situation is determined by the absence of homogeneous standards in the national territory, which are “binding” for all Regions.

During 2016, significant progress has been made thanks to the inter-institutional roundtable, to which the Italian Authori-

ty has participated, set up at the Ministry of Labour and Social Policies, which has drawn up Guidelines for community reception and the definition of the quality criteria of the reception communities to ensure an adequate reception of *minors* who are temporarily removed from their family of origin.

Unaccompanied minors

Foreign minors are the recipients of all the rights enshrined in the Convention on the Rights of the Child, which stipulates that in all decisions concerning *minors*, the highest interest of the *minor* must be considered as paramount and the principles laid down in it must be applied to all *minors* without discrimination.

The arrival and the, by now, well-established presence of *foreign minors* can no longer be regarded as a provisional phenomenon and must therefore be tackled in an organized and integrated way, within the framework of a real system. The absence of parents or adults who are legally responsible for them, exposes these *minors*, not only to the risk of social marginalization, but even to more serious dangers. It is therefore necessary to identify suitable interventions capable of answering to the peculiar characteristics of the child migration phenomenon, in continuous evolution, in line with the New York Convention and the European legislation.

In this regard, it is essential to analyse the preliminary data regarding the presence of unaccompanied *minors* in Italy in order to frame the phenomenon and to

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put in place effective interventions in the process of welcoming the *minor* from the moment of disembarkation to the reaching of the age of majority. A further examination will be dedicated to the Italian system of protection, referring to the multiple competences that are intertwined in the area of juvenile and migration law and the latest regulatory innovations introduced in our system. Finally, the interventions that have been enacted on this subject will be indicated by the Authority, and, in particular, a summary picture of the monitoring action of the first reception facilities will be provided, which will be the subject of a special report.

According to the data provided by the Ministry of the Interior and published on the statistical dashboard of the Department for Civil Liberties and Immigration, it turns out that 25,846 unaccompanied *minors* arrived in Italy in 2016; double the figure of the year 2015, when 12,360 unaccompanied *minors* reached Italy.

From the survey of data on the presence of unaccompanied *minors* in the national territory carried out by the Directorate General for Immigration and Integration Policies of the Ministry of Labour and Social Policies and published on the monitoring report of 31st December 2016, it is clear that the number of unaccompanied *minors* present in Italy as at December 31st, 2016 is 17,373, accounting for 45.7% more than the number of registered attendances as at 31st December 2015 and 25.3% more than the number of attendances related to August 31st, 2016 (see Table 1, Monitoring Report 31/12/2016, Ministry of Labour and Social Policies).

About 94% is constituted by the male gender with a significantly lower percentage of female unaccompanied *minors*. In this regard, however, by comparing data as

at December 31st, 2015, an increase by twice in the number of minor girls is reported (see Table 2 Monitoring Reports 31/12/2016, source Ministry of Labour and Social Policies).

Most of the *minors* hosted in reception centres are aged between 16 and 17; 9 per cent is 15 years old and the rest are less than 14 years of age,

(see Table 3 Monitoring Report 31/12/2016, Ministry of Labour and Social Policies).

The predominant nationalities are Egyptian, Gambian, Albanian, Nigerian and Eritrean (see Table 4 Monitoring Report 31/12/2016, Ministry of Labour and Social Policies).

In order to have a complete and comprehensive picture of the types of citizenships that are present in Italy and of the evolution of the child migration phenomenon over the last two years, the graph shown in the monitoring report seems to be interesting and relevant. It clearly shows the incidence of each citizenship on the total of UAMs as at December 31st, 2016, as of the 31st of August 2016 and as of the 31st of December, 2015. In 2016, a decrease in the number of *minors* from Albania, Egypt, Somalia, Eritrea and Bangladesh is recorded, as a result of an increase in the share of those coming from Gambia, Nigeria, Guinea, Cote d'Ivoire, Mali and Senegal.

As for the distribution of the reception of UAMs in Italy, the Sicily region accounts for 41.5 per cent of *minors*, followed by Calabria, Emilia Romagna, Lombardy, Lazio and Apulia (see Table 5 Monitoring Report 31/12/2016, source Ministry of Labour and Social Policies).

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Table 1. UAMs present, in absolute values, and percentage changes

REPORTING PERIOD	NO. OF UAMs	INCREASE IN THE % OF PERSONS
31/12/2016	17,373	-
31 /08/2016	13,862	+ 25,3% (from 31/08/2016 to 31/12/2016)
31 /12/2015	11921	+ 45,7% (from 31/12/2015 to 31/12/2016)

Table 2. Distribution of UAMs by gender (data as of 31/12/2016, 31/8/2016 and 31/12/2015).

	DATA AT 31/12/2016		DATA AT 31/08/2016		DATA AT 31/12/2015	
	Annual value	%	Annual value	%	Annual value	%
Male	16,208	93.3	13,065	94,3	11,371	95.4
Female	1,165	6.7	797	5,7	550	4.6
Total	17,373	100.0	13,862	100,0	11,921	100.0

Table 3. Distribution of UAMs by age group (data as of 31/12/2016, 31/8/2016 and 31/12/2015).

	DATA AT 31/12/2016		DATA AT 31/08/2016		DATA AT 31/12/2015	
	Annual value	%	Annual value	%	Annual value	%
17 years of age	9,827	55.6	7,431	53.6	6,432	54.0
16 years of age	4,524	26.0	3,892	25.1	3,235	27.2
15 years of age	1,696	9.8	1,432	10.3	1,312	11.0
From 7 to 14 years of age	1,280	7.4	1,077	7.8	896	7.5
From 0 to 6 years of age	46	0.3	30	0.2	43	0.4
TOTAL	17,373	100.0	13,862	100.0	11,921	100,0



Table 4. Distribution of UAM present by citizenship (data as of 31/12/2016, 31/8/2016 and 31/12/2015).

DATA AT 31/12/2016			DATA AT 31/08/2016			DATA AT 31/12/2015		
CITIZENSHIP	Annual value	%	CITIZENSHIP	Annual value	%	CITIZENSHIP	Annual value	%
EGYPT	2,766	15.9	EGYPT	2,807	20.2	EGYPT	2,753	2.1
GAMBIA	2,302	13.3	GAMBIA	1,693	12.2	ALBANIA	1,432	12.0
ALBANIA	1,611	9.3	ALBANIA	1,343	9.7	ERITREA	1,177	9.9
NIGERIA	1,437	8.3	ERITREA	1,063	7.7	GAMBIA	1,161	9.7
ERITREA	1,331	7.7	NIGERIA	946	6.8	NIGERIA	697	5.8
GUINEA	1,168	6.7	SOMALIA	729	5.3	SOMALIA	686	5.8
COTE D'IVOIRE	922	5.3	GUINEA	725	5.2	BANGLADESH	681	5.7
BANGLADESH	885	5.1	COTE D'IVOIRE	702	5.1	SENEGAL	512	4.3
MALI	865	5.0	MALI	647	4.7	MALI	465	3.9
BANGLADESH	885	5.1	COTE D'IVOIRE	702	5.1	SENEGAL	512	4.3
SENEGAL	841	4.8	SENEGAL	615	4.4	AFGHANISTAN	328	2.8
SOMALIA	818	4.7	BANGLADESH	432	3.1	REP. of KOSOVO	268	2.2
AFGHANISTAN	372	2.1	AFGHANISTAN	314	2.3	GUINEA	252	2.1
GHANA	347	2.0	REP. OF KOSOVO	281	2.0	GHANA	241	2.0
PAKISTAN	300	1.7	PAKISTAN	279	2.0	COTE D'IVOIRE	234	2.0
REP. OF KOSOVO	298	1.7	GHANA	260	1.9	MAROCCO	201	1.7
MOROCCO	179	1.0	MAROCCO	211	1.5	PAKISTAN	181	1.5
SUDAN	87	0.5	TUNISIA	74	0.5	TUNISIA	70	0.6
OTHERS	844	4.9	OTHERS	740	5.3	OTHERS	582	4.9

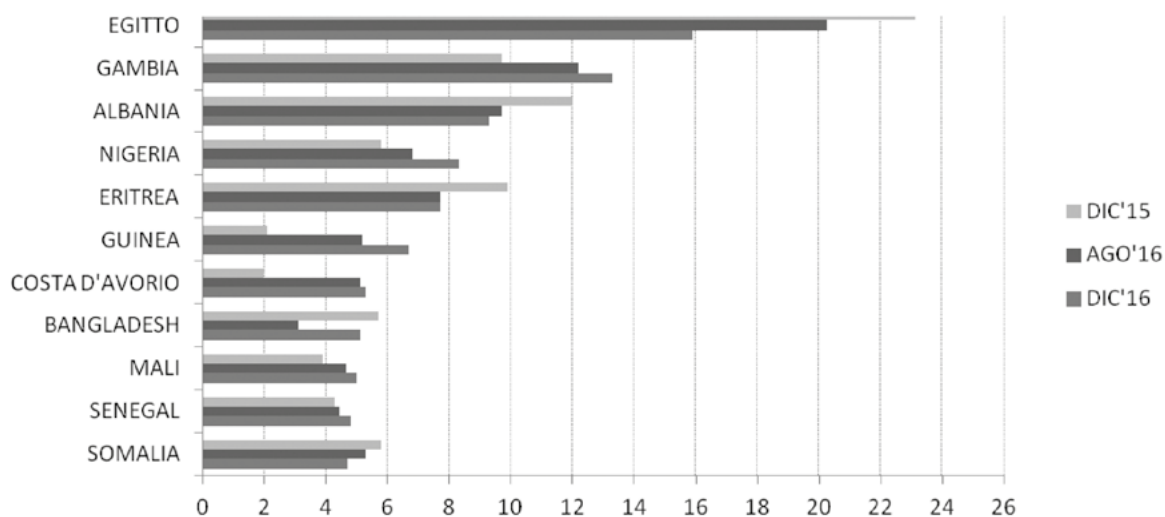




Table 5. Distribution of UAMs by hosting region (data as of 31/12/2016, 31/8/2016 and 31/12/2015).

DATA AT 31/12/2016			DATA AT 31/08/2016			DATA AT 31/12/2015		
REGION	Annual value	%	REGION	Annual value	%	REGION	Annual value	%
SICILY	7,097	40.9	SICILY	5,750	41.5	SICILY	4,109	34.5
CALABRIA	1,418	8.2	CALABRIA	1,059	7.6	CALABRIA	1,126	9.4
EMILIA ROMAGNA	1,081	6.2	LOMBARDY	995	7.2	APULIA	1,102	9.2
LOMBARDY	1,065	6.1	LAZIO	873	6.3	LAZIO	934	7.8
LAZIO	919	5.3	EMILIA ROMAGNA	655	6.2	LOMBARDY	931	7.6
APULIA	879	5.1	APULIA	732	5.3	EMILIA ROMAGNA	783	6.6
CAMPANIA	876	5.0	CAMPANIA	567	4.1	TUSCANY	521	4.4
SARDINIA	752	4.3	FRIULI VENEZIA GIULIA	546	3.9	CAMPANIA	510	4.3
TUSCANY	656	3.8	TUSCANY	515	3.7	FRIULI VENEZIA GIULIA	463	3.9
FRIULI VENEZIA GIULIA	637	3.7	SARDINIA	418	3.0	PIEMONTE	345	2.9
PIEDMONT	539	3.1	PIEDMONT	365	2.6	VENETO	322	2.7
VENETO	304	1.7	VENETO	297	2.1	SARDINIA	220	1.8
BASILICATA	299	1.7	BASILICATA	212	1.5	LIGURIA	174	1.5
LIGURIA	259	1.5	LIGURIA	204	1.5	MARCHE	96	0.8
MARCHE	190	1.1	MARCHE	166	1.2	BASILICATA	92	0.8
ABRUZZO	134	0.8	ABRUZZO	91	0.7	AUT. PROVINCE OF BOLZANO	69	0.5
MOLISE	106	0.6	MOLISE	77	0.6	ABRUZZO	42	0.3
AUT. PROVINCE OF BOLZANO		0.5	AUT. PROVINCE OF BOLZANO	70	0.5	AUT. PROVINCE OF TRENTO	35	0.3
AUT. PROVINCE OF TRENTO	62	0.4	AUT. PROVINCE OF TRENTO	51	0.4	MOLISE	22	0.2
UMBRIA	15	0.1	UMBRIA	15	0.1	UMBRIA	20	0.2
VALLE D'AOSTA	3	0.0	VALLE D'AOSTA	4	0.0	VALLE D'AOSTA	5	0.0
TOTAL	17,373	100.0	TOTAL	13,862	100.0	TOTAL	11,921	100.0



The Italian unaccompanied *minors* (UAMs) protection system is characterised by high levels of safeguard.

The whole Italian protection system is based on the principle of inexpellability of *foreign minors*, as defined in Art. 19 of the Consolidated Law on Immigration.

As clarified also by art. 28 of the Consolidated Law, in all administrative and judicial proceedings aimed at enforcing the right to family reunion related to persons of *minor* age, the best interest of the child must be taken into consideration as paramount, in accordance with the provisions of Art. 3 of the Convention on the Rights of the Child.

Like the “Italian” *minors*, all the provisions in force concerning the right to education, access to educational services, and participation in the life of the school community apply to them. They have the right to appoint a guardian and a suitable reception, and all the legal arrangements envisaged for in our system for the protection of persons of *minor* age apply to them.

The allocation of competences among the various levels of administrations involved in the management of the phenomenon of unaccompanied *minors* is part of the process of progressive decentralization from the central to the peripheral level of the reform of Title V of the Constitution. Local authorities are tasked with receiving and assisting unaccompanied *minors* in their respective territories, as well as the associated economic burdens resulting from such duties. It is the responsibility of the regions to regulate, with their own laws and in accordance with national minimum requirements, the system of accreditation of residential care communities, by defining their functional and structural characteristics, by providing for their receptive capacity, organizational and structural requirements, the staff’s skills, as well as the cost of services. The State is responsible for surveying and monitoring the presence of foreign *minors* throughout the country and for the management of first aid interventions.

The Ministry of Labour and Social Policies - Directorate General for Immigration and Integration Policies - oversees the procedures for the stay of *minors*, cooperates with and liaises with the administrations concerned, carries out promotion and research efforts to help the identification of family members of unaccompanied *minors* (the so-called *family tracing*); it can adopt the voluntary assisted repatriation measure, in order to protect and guarantee the right to the family union, it carries out the census of unaccompanied *minors* and may issue a positive opinion under Article 32, paragraph 1-bis of the Consolidated Law on

Immigration to allow unaccompanied *minors* to obtain a residence permit upon completion of the age of majority, provided that they are included in a foster care or protection programme and that they have gone through a process of integration in our country.

The reception system offered to UAM has been modified by the Legislative Decree dated 30th September 2015, N. 142, whose art. 19, dedicated to the theme of reception of unaccompanied *minors*, has provided a unique reception system, able to overcome the distinctions between unaccompanied *minors* and unaccompanied *foreign minors* seeking international protection.

It was set that for the first-line reception of *minors*, the Ministry of the Interior shall establish and manage, in agreement with the local authorities, specialized centres for emergency and immediate protection needs, for the time strictly necessary for the identification and age assessment, if required, however no longer than 60 days. With regard to the second-line reception, it was envisaged that also unaccompanied *minors* who do not seek international protection can access the SPRAR (Protection System for Asylum Seekers and Refugees) always within the limits of places and resources available.

Subsequently, further changes to the protection system were introduced with the so-called extraordinary measures for the reception of unaccompanied *minors* provided for by Law dated 7th August 2016, N. 160, which converted the Decree Law dated 24th June 2016, N. 113. This law standard introduces a new paragraph 3-bis to Article 19 of the Legislative Decree dated 18th August 2015, N. 142, providing that, in the presence of substantial and close arrivals of unaccompanied *minors*, where there are temporarily no places available in the first-time government or SPRAR facilities and reception cannot be provided by the municipality where the *minor* is located, the Prefect may, in accordance with Article 11 of the same Legislative Decree, provide for the activation of temporary accommodation facilities, exclusively dedicated to *minors* aged above 14 with a maximum capacity of 50 places.

Lastly, the decree issued by the Minister of the Interior in cooperation with the Minister for Economic Affairs and Finance was published in the Official Journal of 8th September, which establishes, inter alia, the services to be provided for the temporary accommodation facilities, introduced by the recent amendment to art. 19 of Law 142/2015, as well as standards for the government centres provided for by the same article.

Local authorities are tasked with receiving and assisting unaccompanied minors in their respective territories, as well as the associated economic burdens resulting from such duties.



The Authority has initiated a programme of monitoring visits at the first-line reception facilities activated under Asylum, Migration and Integration Fund (AMIF)

Interventions by the Italian Authority for Children and Adolescents. In view of the peculiar vulnerabilities and of the need for the protection of unaccompanied foreign *minors*, the regulatory and procedural complexity outlined above, with a view to promoting joint actions between the relevant institutions in this field, the Authority has carried out further inquiries with Institutions and experts, including through the convening of a working table on the subject. After this working table, having received the necessary information, on the 15th of July 2016, it sent a notice of recommendation (see Annex 3: Note dated 15th July 2016, N. 1546) to the institutions concerned.

In particular, it was asked to set up a national “steering committee” to identify the availability of reception facilities in the area and the possibility to provide for the transfer of *minors* from the first-line to second-line reception centres, in compliance with the legal time limits, in order to foster a fair distribution on the national territory; a social folder of the *minor* with a tailored welcome plan offered since the very first stage, and all the subsequent steps of implementation of information gathering throughout the reception pathway in Italy, in order to record their traceability; single and multidisciplinary procedures for age assessment; quick and uniform procedures on the national territory with regard to the appointment of the guardian in favour of unaccompanied *foreign minors*. Lastly, the importance of ensuring, at every reception stage, suitable integration and inclusion processes for *minors* has been emphasized, by providing appropriate procedures and standards for their specific needs, ensuring them a standardised treatment and homogeneity of services across the national territory, including through the use of foster family care.

With regard to the general aspects of the

legal institute of protection (appointment times of guardians, judicial authority responsible for the assignment, type of guardian, being it a public or private citizen), on the national territory there is a general difference in the application of the legal institute and ultimately a discrepancy with regard to the time needed for its appointment. Finally, it was learned that, in the regional context, a trial has been in place for a long time, implemented through memoranda of understanding between the juvenile courts and regional authorities, aimed at establishing registers of voluntary guardians for *minors*, providing for the identification and selection of these by means of training through specific regional courses (see Annex 7: “*La tutela: un istituto in evoluzione. Raccolta dati sperimentale elaborata con il contributo del Ministero della giustizia e dei garanti delle regioni e delle province autonome*” (Guardianship: an evolving legal institution. Experimental data bank elaborated with the Contribution by the Ministry of Justice and the ombudspersons for children and adolescents of the regions and autonomous provinces” and Annexes No. 4 and 5: notes 18th October 2016, N. 2267 and 2268).

Considering the overall picture of this phenomenon, given the activities carried out from the Ministry of the Interior with regard to the reception facilities, the Authority, with the aim of realizing a concrete review of the interventions aimed at protecting this particular category of vulnerable *minors*, has launched a program of monitoring visits at the first-line reception facilities activated within the scope of the Asylum, Migration and Integration Fund (AMIF) “Qualifica del sistema nazionale di prima accoglienza dei Minori Stranieri non Accompagnati (MSNA)” (Qualification of the National System of First-line Reception of Unaccompanied Foreign *Minors*”, dated August 23rd,



2016, which offer the first –line facilities reception to unaccompanied *minors*.

They involve a total of about 60 reception facilities distributed in the regions of Sicily, Calabria, Basilicata, Apulia, Campania, Tuscany, Emilia-Romagna, Piedmont and Liguria, for a total of 950 reception places, hosting a total of 924 *minors* (source: Ministry of Labour and Social Policies).

These were Gambian (21.9%), followed by Guinea (13.6%) *minors*, Nigeria (12.1%) and Egypt (8.1%). Most of them are male and between the aged of 16 and 17.

The planning of the visits was structured according to the lines of activities that take into account the territorial areas in which first-line reception facilities have been activated and which are mostly affected by the phenomenon of UAM reception. The visits were carried out with a special focus on monitoring indicators, which have been processed and reported in the detail in a data measurement format/card. Specifically, the following will be taken into account:

1. *The typology of the structure, its territorial location, internal and external logistics, adjacent territorial services networked by the competent local institutions;*
2. *The typology of the hosted minors; citizenship, age, gender, legal status (asylum seekers);*
3. *The services provided and the activities performed by the minors according to the reception standards indicated in the Ministerial Decree dated 1st September 2016;*
4. *The duration of stay of unaccompanied foreign minors in the structures;*
5. *If minors hosted in the first-line reception facilities come from the regions where refugees are landing or*

are minors found on the location of the structure's territory;

6. *the legal institutes applied to protect minors (guardianship, foster care)*

The programming envisages that the monitoring activity will bring the Authority to visit the facilities located in different regions of Italy. The delegation leading the monitoring consists of the Authority, officials of the office and the authority of the region involved, of representatives of the National Magistrates Association (ANM) and of the National Council of the Association of Social Workers (*Consiglio Nazionale Ordine Assistenti Sociali*, CNOAS), with which the Authority has signed the relevant Memoranda of Understandings on 11th October 2016 and 12th October 2015 respectively.

It is envisaged that the visits of the structures are all preceded by institutional meetings, also jointly, involving the prefects, the juvenile courts, the public prosecutors at the juvenile courts, the ordinary courts and the municipalities, to initiate and implement networking interventions among institutions, that are fundamental for a synergistic and coordinated approach.

Future prospects. Managing the tide of arrivals with a structured reception system is complicated by the numbers and the need to make the link among all the players of the reception and protection of unaccompanied *minors* an organic one. One step forward can be taken with the implementation of the law laying down provisions for protection measures for unaccompanied *foreign minors*, adopted on 29th March 2017 and published in Official Gazette N. 93 of 21st April 2017 (Law 7th April 2017, N. 47).

The final aim of the various administrations involved is to create a system of

Future prospects. Managing the tide of arrivals with a structured reception system is complicated by the numbers and the need to make the link among all the players of the reception and protection of unaccompanied minors an organic one.



The Charter of children of incarcerated parents promotes the concrete implementation of the Convention on the Rights of the Child, helping and supporting minors in the relations with the incarcerated parent, by defining appropriate strategies for receiving minors in jail and envisaging an informative action about the rules of visit and life in a prison. The Charter also provides for the establishment of a permanent roundtable to be convened every three months upon request by the Authority, with tasks of periodic monitoring and promoting of cooperation among the subjects involved, in order to facilitate the exchange of best practices, analysis and proposals.

In the month of December 2016, the first meeting was held of the Standing Roundtable established by the Protocol was held, on which the need was shared to gather data and relevant insights, and in particular, to verify the number of interviews actually done on an annual basis by children and adolescents with incarcerated parents, to verify if family bonds are maintained.

protection that can accompany *minors* from the very first stage of landing to achieving their own level of autonomy.

It is indispensable to have common and shared normative tools, in order to know the phenomenon and the different specific intervention techniques.

More in general, it is necessary to promote the harmonization of procedures at national and European level in order to protect unaccompanied *minors*, in the light of the principles contained in the New York Convention, ratified by all EU countries. The protection of the rights of *minors* must be guaranteed throughout the European Union and in the Countries that are cooperating with the EU in the management of migratory flows.

Minor children of prison incarcerated parents

On 6th September 2016, the Italian Authority, the Ministry of Justice and the Association “*Bambinisenzasbarre Onlus*” renewed the Memorandum of Understanding for the protection of the right of children and adolescents, who, every day, enter in the Italian prisons, to maintain the affective bond with the detained parents

In December 2016, the first meeting of the Standing Roundtable established by the Protocol was held, in which the need was shared to gather data and relevant insights, and, in particular, to verify the number of interviews actually done on an annual basis among children and adolescents with incarcerated parents, to verify if family bonds are maintained.

Indeed, the aspects to be observed and to be taken into account in upholding the rights of *minors* with incarcerated parents are many and cannot be reduced down to strict formulas. On the contrary more flexible regulations are needed that are able to better manage different aspects. There are also cases where separation is necessary, such as when the detention status is a consequence of crimes related to the family sphere and it is inappropriate, due to the delicacy of the situation and according to the assessment of the



Judicial authority, to keep the affective bonds, or simply to visit one's parent in jail. The right measure in all these cases is to pursue the overriding interest of the younger people, a key principal based on which it is possible to build and undertake the right actions. The Authority has considered it important to make the Italian Protocol known internationally by transmitting its English translation to the European Network of Ombudspersons for Children (ENOC). The Italian experience can stand for a virtuous model for other countries and raise the level of protection for the children of incarcerated parents, a particularly vulnerable category subject to possible discriminatory attitudes.

On 30th November 2016, the Charter was presented to the European Parliament in Brussels in a meeting promoted by the Intergroup on the Rights of Children, aimed at signing a Memorandum of Understanding on the protection of the rights of children with incarcerated parents at the European Union level, based on the Italian model.

The Protocol was subsequently submitted to the delegates of several countries at the UN headquarters in Geneva, on February 1st, 2017, during the *panel event “The Rights of Children of Incarcerated Parents: Replicating good practice from Italy”*, organized by the Quaker United Nations Office.

Minors belonging to ethnic minorities

The presence of Roma and Sinti in Italy is estimated at between 120,000 and 180,000, or 0.25% of the total Italian population, one of the lowest percentages in Europe (Annual Report 2015, July 21st). About 60% of the Roma population is under eighteen.

Following the invitation of the European Commission (Communication N. 173 of 4th April 2011 addressed to all Member States), on February 2012, as illustrated in the Report, the Italian Government adopted a National Strategy for the inclusion of Roma, Sinti and Traveller communities (RST), aimed at acting, in particular, on four key areas: education, housing, health and employment. Among the important assumptions of the Strategy, there is the commitment to eradicate the emergency approach and the definitive abandonment of “nomadic camps”.

The National Strategy, though representing a change of course with respect to the emergency approach, is not included by the European Commission among the *best practices*. In particular, the lack of quantifiable targets and indicators of results was identified, as well as the absence of an effective monitoring and evaluation mechanism, a modest involvement of the civil society, and the lack of coordination between national and local levels.

Minors find themselves in an intermediate dimension retaining, on the one hand, the traditions that are typical of the original culture, but at the same time assimilating and accepting some values of the host society, thus building a two dimensional image of reality, in which there is one's own ethnic group on one side and

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ISTAT data show that, in Italy, the condition of *minors* living in poverty has not improved: about one million children and about one and a half million resident families in Italy live mired in an absolute status of poverty and the highest figures from 2005 to today have been recorded.

the social system of the outside world on the other.

The social structure within which the Roma live, is no longer the only reference point for building their own social identity.

The actions that have been launched up to date (National Strategy for the Inclusion of RSTs, the Health Action Plan for Roma, Sinti and Traveller communities, actions for RST children and adolescents in the Fourth Childhood and Adolescence Plan, the national project for the integration of Roma, Sinti and Traveller children (promoted by the Ministry of Labour and Social Policies), should lead to a kind of mediation between cultures and to an increasingly active and participation, being aware of the choices concerning families and Roma and the whole community.

In 2016, following a clearing operations carried out in a Roma settlement in Rome, the Authority initiated an intervention with the relevant institutions, and in particular with the Prefect of Rome and with the Department of Social Policies, Subsidiarity and Health of *Roma Capitale*, aimed to ensure the right of *minors* to the continuity of the educational paths, and also participated in a end-of-the-year day at the primary school Randaccio.

The Authority received reports on the condition of Roma children of Bulgarian origin, established in an abusive camp known as the “ghetto of the Bulgarians”, whose territory falls under the purview of the Municipality of Foggia.

Following the reports, the Authority has sent a note to the various institutional and volunteer interlocutors asking for any useful information (see Annex 6, October 20th, 2016, N. 2295) and calling for the convening of an inter-institutional pub-

lic-private conciliation roundtable, with the aim of guaranteeing and protecting the rights of *minors*, also in view of the strategic planning aimed at identifying non-emergency solutions. In response, the Authority received a detailed report showing the serious precarious preconditions - hygiene, housing, work - of families living in the “ghetto” and the non-inclusion children in inclusion and schooling pathways. Based on the tasks and powers assigned by the law, the Authority has taken actions to deal with the critical situation described, which denotes the serious violation of some fundamental rights: health, education, housing. The aim is to urge the intervention of the territorially competent institutions so that, in synergy with the social private and volunteering entities, they should plan stable interventions to protect and guarantee the rights of *minors* living in the Borgo Mezzanone camp.

ISTAT data show that, in Italy, the condition of children living in poverty has not improved: about one million *minors* and about one and a half million households residing in Italy live mired in a state of absolute poverty, and the highest figures from 2005 to today have been recorded (http://www.istat.it/it/files/2016/12/Sintesi_ASI-2016.pdf). The history of these years has led to a widespread worsening of economic conditions and, among the most vulnerable; there are precisely children and the young generations.

Data from the IV National Plan of action and intervention for the protection of the rights and the development of subjects in evolutionary age 2016-2017 (so called Childhood Plan) have also shown that in Italy *minors* wallowing in conditions of absolute poverty (i.e. unable to sustain the minimum costs necessary to acquire the availability of goods and services that can protect them from the risk of social



exclusion) amount to 1,434,000 units, an increase of 35% compared to 2012.

As regards the complementary aspect of relative poverty, the data show a progressive worsening, especially among the families with many members, as the rate is directly proportional to the number of children, especially when they are *minors*: from 17.4% in 2014 to 20.4% in 2015 for households with two children from 29.8% to 32.9% for families with three or more children.

The Parliament intervened with the 2016 Budget Act, setting up a Fund designed to implement a three-year Poverty Reduction Plan, the Poverty Reduction and Social Exclusion Fund, which provides for the delivery through SIA - *Sostegno inclusione Attiva* - (Active inclusion support) an economic benefit for families in poor economic conditions in which at least one component is a *minor* (or a disabled person or a certified pregnant woman). This measure anticipated that of the inclusion income, provided for by the Law to combat poverty and for the reorganization of social benefits, “*Contrasto alla povertà e riordino delle prestazioni sociali*” (Fight against Poverty, and the Reorganization of Social Services), finally approved by the Chambers on 9th March 2017 (Law dated 15th March 2017, N. 33), whose implementing decrees are expected by the Government. The inclusion income certainly fills in a gap in the Italian system of protection of low-income people and represents a new approach to poverty-control policies. The impact of the measure on families and people of *minor* age, that has to be verified in the next few years, and that the Authority will be watching over, will produce its effects if the standard will be effectively implemented and if the measure will be integrated with other policies of inclusion and poverty alleviation.

Starting from the data above, it is clear that *minors* have paid the highest price of the crisis. The increasing vulnerability of children is, in fact, linked to the parents’ difficulties in sustaining the economic weight of the first phase of the family life cycle, due to the poor and precarious supply of labour.

The risk of children being poor is associated, firstly, to the geographical distribution of residence and the qualification of the reference person. *Minors* of southern Italy and those who live in families headed by a person who has received, at the most, the primary school certificate, show, in fact, a relative poverty risk being about four times higher than residents in the North and those who live with a reference person who is at least graduated. Also the number of people seeking employment within the family is associated with a higher risk of poverty: if the *minor* lives with at least two people who are seeking employment, the risk is about three times higher than the one of individuals living in families where there is no employment seeker. Although with more attenuated differences, the risk of poverty is greater among *minors* who live in foster care in a small municipality, in families with only one parent, in families with more *minors* and with aggregate members or in families headed by a young person (up to 35 years of age).

In addition to the conditions of absolute and relative poverty, there are also alarming signs of educational poverty. This concept must be understood both as deprivation of the possibilities to access educational opportunities and as a deprivation of the chance and freedom to choose those opportunities. In addition, with reference to a wider understanding of the term education, promoted and supported by the European of Ombudspersons for Children (ENOC), the right to education

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does not only concern the formal education and informal education system, but also the right to growth, and relational, affective, emotional, cultural and social development. In this sense, “educational poverty” should be interpreted in its plural form, such as affective, relational, spiritual, social, and cultural poverties. The dyad - poverty and education - requires a multi-disciplinary approach owing to the multiple aspects of the term education and because educational poverty, in the broader meaning we have conveyed to it, is related to the economic poverty of families, and is likely to perpetuate itself from generation to generation as in a sort of vicious circle.

The Authority, in this and other areas, will continue to carry out its action in accordance with the tasks assigned to it by the law. In particular, reference is made to Art. 3 paragraph 1, lett. e) according to which the Authority “verifies that *minors* are guaranteed equal access to care, in the exercise of their right to health and equal opportunities in the access to education”; lett. g): it indicates to the Government, local or regional authorities concerned, in the sphere of their competence, all relevant initiatives to ensure the full promotion and protection of children’s and adolescent’s rights, with particular reference to the right to family, education, school, health; lett. l) it formulates remarks and proposals on the identification of the essential levels of services concerning social and civil rights for persons of *minor* age, as referred to in Article 117 of the Constitution.

In the light of this, the establishment of a specific Fund for the fight against child educational poverty for the three-year period 2016/2018 has to be positively remarked, instituted by the Foundations of Banking Origin (FOB).

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The Fund is intended to support experimental efforts aimed at removing economic, social and cultural barriers that prevent the full enjoyment of educational processes by *minors*. In the implementation of the provisions established by the law, a Memorandum of Understanding on the fund management was issued on 18th May 2016. The Protocol provides for the establishment of a Management Committee consisting of four representatives for each of the main players (i.e. The Government, Foundations of Banking Origin and Forum of the third sector) for a total of twelve members. The Committee also includes a representative, without voting rights, of the Foundation for the South, a representative of ISFOL (Institute for the Development of Vocational Training of Workers) and one of the EIEF (Einaudi Institute for Economics and Finance). In 2016, The Italian Authority for Children and Adolescent initiated a dialogue with the Chairman of the Steering Committee. The aim, with a view to preside over the significant places where measures to protect and guarantee children’s rights are decided and disciplined, is to define ways to fulfil the promotion and guarantee tasks in a more comprehensive way.

During the year 2016, namely on November 11th and November 16th, the Authority took part in a two-day refocusing on the topic. The first event was called “*Per vincere la povertà educativa minorile*” (How to Overcome Child Educational Poverty) and was promoted by Arciragazzi on the occasion for the 35th anniversary of its constitution and the other was entitled “*Povertà educativa minorile. Riflessioni ed esperienze dei Salesiani di don Bosco. Per continuare a progettare cammini di speranza* (Child educational poverty. Reflections and experiences of the Salesians of Don Bosco. To continue planning journeys of hope.) and was



organized by the Salesian Foundation for Social Action (SCS). This opportunity has been useful in clarifying what the Authority means with fight against educational poverty and to underline the importance of developing actions involving the whole educating community in the work “on” and “with” children and their families, with such an approach in which each person- be it a judge, a professional, an operator or a citizen - is called upon to fulfil an educational task and to spread the culture of the rights of the child.

The importance of acting was stressed in order to overcome the inequalities related to the deprivation of educational capabilities to children of low social and economic status, children belonging to ethnic minorities, migrant children and young people, as well as those subject to the measures of the juvenile justice authority. Inequalities are not only detrimental to the rights of children and young people, but they also undermine the fundamental principles of the Convention.

In this context, as emphasized by ENOC in its *position statement*, “education” goes well beyond formal education and covers a wide range of life experiences and learning processes. These allow children, individually or collectively, to develop their personality, talents and abilities within educational communities.

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6.

The Right of the Child
to be Heard and to Participate



6. The right of the child to be heard and to participate

The implementation of the right to be heard is the one that more than others leads to the transformation of children and adolescents from legal “objects” to legal “persons”.

The right to be heard is enshrined in Art. 12 of the New York Convention on the Rights of the Child, enshrined in art. 12, under which children and adolescents must be heard on all matters pertaining to them. The implementation of the right to be heard is the one that more than others leads to the transformation of children and adolescents from legal “objects” to legal “persons”. The right to participate, however, is not expressly provided for by the Convention, but in the analyses and practices that were carried out, rights such as freedom of expression, thought, conscience and religion, association and peaceful reunion, were considered as directly related to the right of participation.

Being heard must be ensured in all of the *minor*’s living environments, from family to school, from playful to recreational, sports and cultural activities, to the communities where they are hosted, from the legal field to healthcare. In order for children and young people to express themselves, to be heard and participate, processes must be tailored to their needs, and respectful of their views.

For the Italian Authority for Children and Adolescents the promotion of being heard and participating in children and young people is of primary importance, and face-to-face dialogue opportunities are always valuable and surprising moments.

Below are some of the opportunities for meeting with children and adolescents in 2016.

It’s the children’s turn to talk, it’s the institutions’ turn to answer

In October 2016, at the Institute of Innocents in Florence, the Authority attended the conference “*La parola ai ragazzi, la risposta alle istituzioni*” (It’s the children’s turn to talk, it’s the institutions’ turn to answer), during which the project “*InFo - INsieme Formando*” (Training Professionals Working with Children in Care) was presented, co-financed by the European Commission and the fruit of a partnership between *SOS Children’s Villages International*, Council of Europe, *Eurochild*, and national partners in 8 countries of the European Union. On this occasion, the young presented their requests to institutional representatives, especially related to their role as of “out-of-the-family-home” children, but aware, informed, ready to recognize the precious and important aspects of their experience, but also firm in representing their desire to be heard.

A day that has highlighted the existence of two plans: that of the affirmation of the rights of children and adolescents and that of their practical application. The meeting, carried out in the presence of the institutions, has been recognized as an authentic opportunity to approach these two plans. Union means strength, not only for the institutions but also for children: it is important to forge a network of commu-



nity-based children, not only in Italy, but also in Europe, to give more strength to the assertion of their rights.

For Italy, *SOS Villaggi bambini Onlus* has carried out the training of Italian professional practitioners and educators based on the guide “*Manuale per la formazione dei professionisti dell’accoglienza etero-familiare*” (Training Manual for Professionals of Out-of-Home Care); a training instrument that is shared by all Partner countries of the project that made it possible to become acquainted with international standards and the key principles underpinning the rights of *minors*.

The youngsters of the Juvenile Penitentiary Institution “Malaspina” in Palermo

In June 2016, the Authority met with the youngsters of the Juvenile Penitentiary Institution “Malaspina”, in Palermo, in the room of the school-based structure, starting with them a constructive dialogue in order to establish a climate of trust and interest. After explaining the reason for the visit and the role of the Authority, the initial climate of shyness and distrust left room for the desire to be heard and, on the part of some youngsters, to open up and talk.

Among them, a less timid companion gave voice to a thought that others seemed to share: “While we are here, the important thing is not to waste time. That’s why I like to learn ... not just to study but also to do things. For example: electrical circuits. First, we study them here in the class, but then we create them:

with our own hands! And when then finally the light turns on, it’s a little thing, but there is a great satisfaction, really. I feel that I did not waste my time.”

These words cannot be forgotten and, in fact, play a further evidence of the fundamental and indispensable importance of the re-education function. It is necessary to constantly focus on the reality of the prison, by pondering and intervening to protect the rights of children and adolescents by investing in their recovery: by differentiating the paths, though still within the same penitentiary institution, by acting on tailored educational projects, providing for “dedicated” spaces, specialized personnel and resources for social inclusion projects that will be effective for a gradual reintegration. It is important to enhance and disseminate the best practices that exist in different institutes through institutional cooperation, and, above all, it is essential to never give up on prevention, providing adequate spaces and services in all the different contexts of the Italian territory, some of which are more difficult than others. To intervene in these contexts by offering opportunities is a firm duty of the society.

Our turn to talk!

In September 2016, the Authority was invited to participate in the Youth Festival and, in particular, to the day “*A noi la parola!*” (It is our turn to speak!) organised by the Catholic Action Youth (ACR) and sponsored by the Italian Authority for Children and Adolescent. The meeting was a meaningful example of how to organize a moment, that is light and joyful, as well as serious, at the same time, in which children and teens can express

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Children and teens have not only expressed their dreams and desires, but they also wanted to illustrate what their ideas and projects were about to improve the quality of life of everyone, starting with the activities that they themselves would carry out, for example, with projects dedicated to the taking care and cleaning the district.

their thoughts on certain aspects of life, such as family and family life, the environment, and so on.

These days were precisely dedicated to participation, citizenship and, in a sense, even to the trust that many children and adolescents have placed in adults, to whom they ask not only to be heard but also to follow the demands of the smallest children. As it usually happens, in the moments of direct contact with children and teens, the encounter offered once more the opportunity to see how precious the time of being heard is to the youngest children, who wished to illustrate their point of view to the various representatives of local and national institutions, including the Authority. Children and teens have not only expressed their dreams and desires, but they also wanted to illustrate what their ideas and projects were about to improve the quality of life of everyone, starting with the activities that they themselves would carry out, for example, with projects dedicated to the taking care and cleaning of the district. The relevance of their questions has allowed to tell them how adults can and should help the youngest and, in particular, what the tasks of the Italian Authority for Children and Adolescents were, including the mandate to promote and facilitate the participation of the youngest in the life of the society.

A forest of memory and hope in Amatrice

It was at the end of September 2016 when, in order to keep the memory alive of the eight young lives lost in Amatrice, due to the earthquake, eight apple trees were planted just in front of the prefabricated building installed by the Civil Protection of Trento, which became the new School of children and adolescents left in the area after the earthquake of August 24th, 2016. At the ceremony, the boys were the ones who planted those trees, among the tears of a memory that was still too much alive. There is no need for sympathetic skills to understand the insatiable pain of such a tragic event as the death that surprises people in their sleep and takes them away. The youngsters hugged themselves to gain strength and support each other in the last greetings to their friends: it was a time of unforgettable participation and being heard. That day, the only thing to hear was their painful silence.



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7. Projects, Protocols and Patronage



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Projects

The Authority is partner of the project “Generazioni Connesse” (Connected Generations) the national centre for the promotion of a safe and positive use of the Internet and digital

The Authority is partner of the “*Generazioni Connesse project*” (Connected Generations) *Safer Internet Centre III*) the national centre for the promotion of a safe and positive use of Internet and digital technologies, which has been running since 1st July 2016, with a new edition, co-funded by the European Commission under the “*Connecting Europe Facility*” (CEF) program.

The Authority participates in the project with the Ministry of the Interior - Post and Communications Police, Save the Children Italy, *Telefono Azzurro*, the University of Florence, the University of Rome “La Sapienza”, Skuola.net, the Cooperative E.D.I. and *Movimento Difesa del Cittadino* (Citizens Defence Movement), Agenzia Dire.

The general objective of *Generazioni Connesse* is to promote strategies designed to make the Internet a safer place for younger users, promoting its positive and aware use. The final beneficiaries of the project’s actions are boys and girls

The project is coordinated by MIUR (Italian Ministry for University, and Scientific and Technological Research) and aims at improving and strengthening the role of the Italian Safer Internet Centre, a national reference point for network security issues and the relationship between the young people and the new media.

and adolescents aged 6 to 18, parents, teachers and educators and all the relevant stakeholders, interested in the issues addressed by the project.

The Italian Authority took part in the *Safer Internet Day*, the world day for the network security, set up and promoted by the European Commission. “*Play your part for a better Internet!*” was the slogan chosen for the 2016 edition, aimed at fostering a dialogue on the issues of on-line safety and to promote the knowledge of the information, materials and services offered by the Italian *Safer Internet Centre*, *Generazioni Connesse*.

The Authority has posted the permanent link to the site of *Generazioni Connesse* on its institutional site and promotes various initiatives implemented within the scope of the project also on its *social network*.

Regarding the phenomena of bullying and cyberbullying, the Authority has participated in various initiatives throughout Italy to increase the level of knowledge not only of children who have been constantly encouraged to break the wall of silence, but also of families and schools. In particular, as regards bullying, the project devoted to school mediation “*Dall’incontro allo scontro: mediando si impara*” (From the encounter to the clash: learning through mediation) - which will be discussed in further detail in the following section of this Report - takes on the value of preventing episodes of bullying and violence.



As far as cyberbullying is concerned, there has been a constant monitoring activity of the legislative process of the draft law A.C. 3139-B.

“Io sono qui” (I am here) is a project designed to promote legality and to counteract school leaving. Started in 2015 and carried out under the umbrella of the European and national planning, it is an initiative of direct participation of *minors* through actions that can create a “bridge” between girls and boys and the institutions responsible for the implementation of their rights.

The project promoted the use of video-television interviews as an instrument of investigation, understanding and storytelling of the reality: an information and communication strategy to share the knowledge of facts or behaviours in a given context. The project offered children the opportunity to increase their awareness, developing a deeper critical consciousness towards legality, which could be further conveyed also in their community of belonging.

To achieve this goal, the Authority has signed a Memorandum of Understanding with the Ministry of the Interior, in particular with the Management Authority of the National Operational Program Security for the Development - Convergence Objective, “*PON Sicurezza per lo Sviluppo - Obiettivo Convergenza*” 2007-2013 and the Action Plan for Youth Security and Legality, “*Piano di Azione Giovani Sicurezza e Legalità*”, co-ordinated by the Office responsible for co-ordinating and planning the police forces of the Directorate-General for Public Security.

“Io sono qui” has involved the upper secondary schools of the four regions of the Convergence Objective - Calabria, Campania, Apulia and Sicily - and, in particular, eight schools, two for each of the four

regions identified in the poorest areas and high school leaving and/or more affected by criminal phenomena and a higher risk of youth deviance.

The operational part of the project was carried out through laboratories run by professionals from various sectors - journalists, directors, writers, screenwriters, operators, installers, graphic designers - with the task of implementing working methods that would enable participants to investigate on any aspect related to the culture of legality and at the same time to actually train the young people in multimedia communication and in the production of audio-visuals. *Minors* were asked to produce press reports through a journey started with territorial research, followed by journalistic work, culminating in identifying the “message” to be transmitted to the outside. They have therefore produced reportages on facts and living conditions in their neighbourhood and in their cities. The starting point of the project was the opportunity for the teens to take the floor on their reality, then to get to know it from another point of view to finally convey, through the video editing, their personal interpretation of the problems and potentialities of the territories they live in.

Prior to the final event of the project, the integral work of the students who took part in the workshops was screened locally in the cinemas of the cities involved: to allow the widest possible participation of students, teachers and families.

In July 2016, a preview of the works of the students was screened at the Giffoni Film Festival, in the presence of the Authority, which also spoke with the special “jury +16” of the event.

The final event of the project was carried out in Naples on December 17th, 2016 and, on this occasion, the activities car-

“Io sono qui” (I am here) is a project designed to promote legality and to counteract school leaving.



The Authority has continued to monitor the phenomenon of community-based reception of minors away from their family of origin.

ried out, the synergies activated, the aims pursued and above all the objectives achieved were presented. The *minors* involved were asked to express their opinions, their perception of what they saw, collected and told.

The Authority continued to monitor the phenomenon of juvenile delinquency in the community of children outside the family of origin, giving impetus to the survey activity carried out in conjunction with the twenty-nine juvenile prosecutor's offices present on the national territory.

After the publication, in November 2015, of the document entitled "*La Tutela dei minorenni in comunità - La prima raccolta dati sperimentale elaborata con le Procure della Repubblica presso i Tribunali per i minorenni*" (The protection of *minors* in the Community. The first experimental data collection drafted by the public prosecutors at Juvenile Courts), the Authority continued monitoring the phenomenon of out-of-home *minors*' reception in communities, boosting the survey activity carried out in conjunction with the twenty-nine juvenile prosecutor's offices present on the national territory.

In 2016, the collaboration between the Italian Authority for Children and Adolescents and the Ministry of the Interior - Department of Public Security continued with the preparation of an online training course for police forces.

This effort was undertaken in consideration of both the continuing lack of up-to-date data collection by other data collecting agencies, as well as the need to offer to all those working in children protection an up-to-date snapshot of the phenomenon. Because it is only through the knowledge of the data that we can identify the right paths to take.

The monitoring process, launched in the year 2014, in the wake of the positive experiences gained by some regional ombudspersons for children and adolescents, was aimed at enhancing the information

provided to the juvenile prosecutor's offices by the reception facilities located in the respective districts, in compliance with the obligation to submit the six-month reports relevant to hosted *minors* referred to in art. 9 of Law N. 184 dated 1983. It is, as we can see, a wealth of valuable information as it can provide data, timely and as quickly as possible, making it possible to detect possible situations of emergency, prejudice or abandonment of *minors* hosted in reception facilities.

For this reason, from May 2016 onwards, records were collected from juvenile prosecutor's offices containing aggregated data, updated as at December 31st, 2015, regarding the status of *minors* in communities. Despite the burdensome effort required and the criticalities found in the aggregation of information from individual structures, juvenile prosecutor's offices responded by improving both the completeness and the quality of the data provided.

The Authority and the Ministry of the Interior - Department of Public Security - continue to work strategically and operationally to ensure the full implementation of the protection of the rights and interests of *minors*. During the year 2016 an online training course for police forces was provided on the basis of what had been done within the framework of the Memorandum of Understanding in 2014. The *online* course is organized in modules and is intended to disseminate the knowledge of the Convention on the Rights of the Child, the knowledge of the Italian Authority for the protection of the rights of children and adolescents, and to summarize the main indications of the *Vademecum* for the police forces, containing guidelines and operating instructions to support the daily work of police forces, as well as to provide



actionable insights on the issue of children and adolescents' rights.

The young are, at the same time, the recipients and the protagonists of the project and give their contribution by sharing their own history with the intent of being of help to young people who are experiencing their same situation in a reception community or in foster care, but also to improve the system of reception services. The project is divided into three main activities.

The first concerns the reorganization of communication tools to make the project known to both care leavers and professionals. This work was conducted involving a group of senior care leavers. The second activity, aimed at capturing the opinion of care leavers on the reception paths, involved the setting up of care leavers groups at the regional level. This phase of work entitled "*L'accoglienza con i nostri occhi*" (Reception seen with our own eyes) has made it possible to explore the views of boys and girls on the reception paths through the analysis of significant memories of the out-of-family-home journey. The project regards the involvement of 5 regions (Trentino Alto Adige, Veneto, Sardinia, Campania, Piedmont) and 11 provinces (Trento, Bolzano, Verona, Vientiane, Cagliari, Nuoro, Sassari, Naples, Salerno, Turin, Cuneo). The third phase regards the comparison between the outcomes emerged at the regional level and the territories of reference, the results of which, both quantitatively and qualitatively, will be presented at the conference.

Highlight: towards a culture of mediation

"At the beginning of everything, there is relationship, there are interpersonal relationships and the need to learn how to handle them, in every situation of life in which the right balance with the others is to be found."

With these words, the Authority opened the conference of 15th November 2016 entitled "*Dal conflitto al rispetto: verso una cultura della mediazione*", (From Conflict to Respect: Towards a Culture of Mediation) organized by the Authority on the occasion of the 25th anniversary of the ratification of the Convention on the Rights of the Child in Italy, as well as in close proximity to the International Day of Childhood and Juvenile Rights, celebrated on 20th November.

If it is true that at the beginning there is interaction, it is also true that where there is relationship there is conflict. Conflict, in fact, resides in every human and relational experience, thinking of eliminating it, denying it, or suppressing it, is not only useless, but also counterproductive. If it is concealed, repressed, choked, it can become explosive, it can turn into violence.

By now, people have become aware of the importance of being able to go through the conflict, to learn to cope with it, to accept the diversity of points of view, to recognize the emotions.

This is not negation, but the art of managing interpersonal disputes, and this, possibly, already as a child, when there is the propensity to look at the other for what he or she is, without prejudice, but, instead, with sympathy - or "*syn pathos*".

In 2016, the implementation of the "Care Leavers Network" project was started, the first Italian network of 16 to 24-years-old youngsters who are growing up or have grown up out of the family (in communities or foster care) and who, through this project, are involved in a participatory and active citizenship path.



Art. 3 paragraph 1, lett. o) of Law dated 12th July 2011, N. 112, provides that “The Italian Authority for Children and Adolescents “promotes the development of the culture of mediation and of any institution that is able to prevent or resolve conflicts with agreements involving minors, by fostering the training of the operators of the sector”.

This topic is so fundamental that already the law that instituted the Italian Authority for Children and Adolescents, art. 3, paragraph 1, lett. o) explicitly places among the goals to be pursued precisely to “favour the development of the culture of mediation”. The art of self-correcting their own controversies since childhood means being able, in the adult life, of recognising and dealing with problems, understanding that there are different points of view, that the solution can never prevail over the others, or suppress the adversary.

dual objective. Mediation means, in fact, many things. The core meaning that is hereby emphasized relates to the areas of conflict resolution that involve *minors* in the first person - whether it is in school mediation or in juvenile criminal mediation - or in which they are involved as spectators, and in the worst case as “pawns”, of couple and parental crisis situations: *minors* whose serenity can be achieved through the work with and the resort to family mediation.

All this, however, being clearly aware that, whatever the type of mediation is, what matters is not much the search for a solution and the achievement of an agreement, but the change that this approach produces; a change that is made possible by the recognition of the viewpoint and the needs of the other and by the greater sense of self - esteem, self-respect and self-confidence that can be achieved through mediation.

The Italian Authority for Children and Adolescents has promoted a project entitled “*Dallo scontro all’incontro: mediando si impara!*” (From the clash to the encounter: learning through mediation) on the subject of raising awareness on school mediation, thanks to an agreement signed with the G.E.M.Me Association (Groupement Européen des Magistrates pour la Méditation) - Italian section, and the Istituto Don Calabria.

The dissemination of the mediation culture is one of the activities that the instituting law attributes to the Authority:

The Italian Authority for Children and Adolescents has promoted the project entitled “*Dallo scontro all’incontro: mediando si impara!*” (From the clash to the encounter: learning through mediation), on the theme of raising awareness on school mediation, thanks to an Agreement signed with the Association G.E.M.Me. (Groupement Européen des Magistrates pour la Méditation) - Italian section, and the Istituto Don Calabria.

Investing in mediation, spreading it and promoting it, is also important to make it a tool for safeguarding and protecting *minors* themselves. They are, in fact, those who, in a context of daily life, the family, suffer the most the hardship and suffering deriving from the conflict of the adults, especially if they are close to them or very close to them. Nobody suffers the litigation of parents more than children. Promoting a culture of mediation means then also reducing the level of suffering of boys and girls, in their childhood or adolescence, who are experiencing the discomfort of family crises that are becoming more and more frequent today, since it determines a decrease in the tension between parents, to which they may be subject, against their will. Therefore, mediation with *minors*, and mediation for *minors*.

The Authority has suggested focusing on three types of mediation that are specifically addressed by this directive with a



contributing to its diffusion already in the pre-adolescent world enables to understand, since childhood, the culture of respect for the others and it is an investment guarantee for the future.

The aim of the initiative is to analyse into depth the theme of school-based and juvenile conflicts and to disseminate the culture of mediation by introducing the knowledge of some tools that are typical of this practice (empathic listening, impartiality, confidentiality, fairness, “returning to the parties” without judging, reaching an agreement, remedying, etc.), raising awareness and educating on the theme of differences and respect for the “other than one self”, an indispensable prerequisite for every peaceful coexistence. In order to implement the project, the Authority has invited junior high schools from all over Italy to show their interest in participating. The project, which is still underway, involved fourteen first-grade secondary schools, divided according to their territorial areas, in order to ensure its dissemination throughout the country and is divided into two meetings: the first one is held in Rome with a group of representative students of the school, and the second - involving the whole school - takes place at the school of origin of the *minors*.

The organization of the second meeting in the spatial context in which the school is located aims to promote the diffusion of the culture of mediation and conflict prevention among school students, among teachers and parents, but also among associations and offices that deal with mediation, in that territory or in neighbouring territories. In fact, the project actions dedicated to fourteen schools acquire an added value insofar as they succeed in positively communicating the message of education to the conflict by favouring a positive contamination and

multiplication of initiatives.

The implementation of project activities also stands for an opportunity to be heard and to participate for girls and boys. As a matter of fact, the methodology is an added value for the project, designed to encourage responsive pathways and the active participation of children, as well as monitoring and evaluation.

Contributing to the diffusion of mediation already in the pre-adolescent world makes it possible to understand, since childhood, the culture of respect for the others and is an investment that serves as a guarantee for the future.



Memoranda of understanding



Ministry of Justice and Association “Bambinisenzasbarre”

Facilitate the relationship between *minors* and incarcerated parents. The Authority is tasked to convene a monitoring table every three months.



Department of Law of the University of Ferrara,

Cooperation Agreement to develop and consolidate the dialogue between the two institutions.



Department for Family Policies at Prime Minister's Office

It aims to encourage, in the interests of *minors*, cooperation between institutional stakeholders called upon to protect the rights of *minors* through a series of common actions to raise awareness, confrontation, monitoring, prevention, analysis and research.



National Magistrate Association - ANM,

Supporting *advocacy* actions dedicated to the institutions in charge of the rights of *minors* aimed at their suability. Promoting the culture of *minor's* rights. Development of cultural and educational initiatives.



NU, ACEC, ANEC, ANEM, ANICA

Promotion of collaborative initiatives in order to prevent inappropriate content being transmitted before and during the projection of a movie show for *minors*..



National Council of the Association of Social Workers (Consiglio Nazionale Ordine Assistenti Sociali, CNOAS)

Supporting joint *advocacy* actions on the eligibility of the rights of *minors*, promoting support opportunities by social workers, developing cultural and educational initiatives.



Cultural Association Piccolo Cinema America

Creating opportunities of encounter and permanent dialogue in a dedicated space with boys and girls and stimulating, through the cinema, an active participation and direct engagement on the issues that affect them.



PIDIDA – Coordination for the Rights of Children and Adolescents

Consolidate an on-going collaboration for the development of synergies for girls and children, in their childhood or adolescence, with a view to listening to them and enhancing their contribution.



Italian Youth Hotels Association

To carry out common actions for the promotion and protection of children rights and to promote the participation of children and adolescents through the definition of paths, and the organization of initiatives, studies, research, training and information activities



Agrorinasce – Agency for the Innovation, Development and Safety of the Territory

Implementation of initiatives, cultural events and training activities, including the themes of children and adolescents also through the use of social centres activated in the confiscated assets that are available for Agrorinasce.



INEA-National Institute of Agricultural Economics

Promoting the wellbeing and rights of *minors* in Italian rural areas and their families, identifying children's expectations and needs, including through the comparison of lifestyles in rural and urban contexts..



Italian Red Cross

Conducting paths, initiatives, studies, research, training and information activities for the promotion, protection of rights and participation of children and adolescents, and at the same time promoting the culture of volunteering and solidarity.



Arm of Carabinieri

Organization of training sessions to let trainees at the Arm of Carabinieri learn operational practices inspired by the respect of the Convention on the Rights of the Child.



IAP – Istituto di Autodisciplina Pubblicitaria (Advertising Self-Regulatory Institute)

Promotion and protection of the rights and dignity of children and adolescents in commercial communication, including through the exchange of information on the reports received on this topic.



Ministry of the Interior - Department of Public Security

The aim is to promote the dissemination, including through training sessions, of operational practices among the police force operators inspired by the Convention on the Rights of the Child.



Ministry of Education, University and Research and Italian Medical Association of Paediatricians



It is aimed at the implementation of the initiative “A scuola si cresce sicuri” (Growing up safely at school), which provides for training interventions for the school staff dealing with emergency situations, particularly on manoeuvres to unblock airways due to foreign body obstructions in paediatric age.



Enel

Promotion of the rights of persons of *minor* age, and much more, through the provision of information campaigns on issues and phenomena affecting children and adolescents.



Sponsorships

EVENT	Requesting Organisation	TYPE	PERIOD of INVOLVEMENT	LOCATION
SAFER INTERNET DAY	SOS Telefono Azzurro	Thematic Meetings	8-9 February 2016	Milan/Rome
L'ARTE... PER LA LEGALITA' BULLO PERCHE'?	IC2 Castaldo Nosego	Art Contest	Conclusion 12 March 2016	Afragola (Na)
UN BACIO di Ivan Cotroneo	Indigo Film	Awareness Raising/promotion in schools	14 /31 March 2016	Various cities
Festival Trastevere Rione del Cinema	Piccolo Cinema America	Promotion Initiatives	June/July 2016	Rome
XI edizione de "11 giorno del gioco"	Municipality of San Giorgio a Cremano	Awareness Raising Day	11 May 2016	City of San Giorgio a Cremano (Na)
A noi la parola - Festival dei Ragazzi	Azione Cattolica Ragazzi	Festival	9/11 September 2016	Rome
Social Forum Ischia Global Film & Music Fest	Accademia Internazionale Arte Ischia	Promotion Initiatives	10/16 July 2016	Ischia (Na)
Notte della Legalità	ANM-Associazione Nazionale Magistrati	Awareness Raising Event	7 May 2016	Rome
Diritti a Colori	Fondazione Malagutti onlus	International Figurative Art Contest	Final event 20 November 2016	
VII Congresso	Cismai	Congress	10.11 February 2017	Bologna
Segni New Generation Festival	Associazione Segni d'Infanzia	Festival	26 October- 2 November 2016	Mantova
Res Publica	Uniteci Network Europa	Awareness Raising Event	April 2017	Rome
Congresso Nazionale 2016	CamMiNo	Congress	13/15 October 2016	Cassino (Fr)
Identità Virtuale E Navigazione Online A Rischio	Centro Studi Sunas	Seminar	29 September 2016	Rome
Convegno Nazionale 2016	Arciragazzi Nazionale	Congress	11 November 2016	Rome



The Authority has also issued a statement supporting the campaign “*Donare Futuro*” (Give a Future), aimed at protecting the right of children to have a family. In particular, the project, which involves eight regions of central and southern Italy, focuses on the engagement of regional administrations of central and southern Italy, where deficiencies are most pronounced and the number of *minors* forced to live out of the family of origin is higher, in developing appropriate measures to protect the right of children and young people to have a family. Five urgent proposals were identified to be sent to all central and southern institutional representatives: to provide economic, social and psycho-educational support to families adopting disabled children or young people over the age of 12; to establish a regional fund for guiding towards autonomy those youngsters who have just turned 18 and leave foster family care or the reception community; to promote family care and to provide to foster families adequate support, including the reimbursement of the expenses they face while receiving children and young peo-

ple and the issuance of ad-hoc insurance coverage; to promote the diffusion of foster care for new-born infants without a suitable family environment; to set up regional tables on family care, with the involvement of social services, the juvenile justice authority and associations.

On August 1st, 2016, the Authority issued a new regulation disciplining the granting of sponsorships, in which it was emphasized the need to prove that the initiative is deserving appreciation for cultural, scientific and social purposes and that it is not merely a local initiative. In this case, in accordance with the institutional set-up given by the Authority to relations with the ombudspersons of the regions and autonomous Provinces, the application for sponsorship is forwarded for the greater proximity to citizens in accordance with the constitutional principle of subsidiarity, also referred to by the law establishing the Authority (Law 112/2011), to the authority of the region or the autonomous province, which represents the body competent for the specific request.

The Italian Authority has issued a statement supporting the campaign “*Donare Futuro*” (Give a Future), aimed at protecting the right of children to have a family.



*Autorità Garante
per l'Infanzia e l'Adolescenza*

8.

Online Communication
and Dissemination of the
Italian Authority



8. Online Communication and Dissemination of the Italian Authority

Communication and the Website

The communication of the Authority embraces many different and complementary plans, carefully using all the main tools in order to modulate suitable languages for each recipient.

Communication is a crucial tool for the strategic action of the Italian Authority for Children and Adolescents. For most of its activities, the Authority has the function of linking the various players engaged in regulating the interventions that involve people of *minor* age. At the same time, the primary interlocutors of the Authority are precisely children and adolescentss, in a bi-directional approach of listening to their needs, dreams, curiosities, and as recipients of the information and messages that interest them, starting from the knowledge of their rights recognized to them by the Convention on the Rights of the Child.

The work of the Authority and thus its communication are therefore carried out through a series of integrated interventions, with the dual aim of placing the *minor* at the centre of the interest of the public opinion and favouring the listening and engagement of all children and adolescentss, both at the normative and at a political level and in their everyday life.

The communication of the Authority embraces many different and complementary plans, carefully using all main modern tools in order to modulate suitable languages for each recipient.

If the press office, for example, expresses itself by means and in ways that are com-

mon to other institutions, the communication intended to the young interlocutors of the Authority uses in particular social networks (Facebook, Twitter, Instagram and YouTube), that have also been included in the *home page* of the Web site www.garanteinfanzia.org. This is a “fast” communication, that keeps pace with the rhythms of the present-day society, which has dedicated to youngsters an important area within the institutional site, which is more easily accessible, instead, by adults and by the “insiders”. In addition to girls and adolescentss, a large part of the interlocutors of the Authority on the social networks is made up of associations and industry organizations. From training programs to projects for the schools, from activities on the field to the dissemination of good practices on the protection of *minors*: the platforms of the Authority do carry a great deal of content and information available to an ever-increasing number of users.

The continuous interaction made possible by the Facebook page, Twitter and Instagram accounts and by the YouTube channel offers the opportunity to promote the opening and sharing of the Authority with an active participation and debate on the work carried out: many people, associations and organizations working in the same field can find in these platforms a useful space for exchanging projects and ideas, contents and dissemination materials.

Priority is given to the need to spread a culture of respect for the rights of chil-



dren and adolescents at all levels, with a focus not only on chronicle events or emergencies, but on the willingness to invest in the policies they are intended to be necessary and indispensable: the achievement of this goal is possible through a communication addressed to public opinion in general, and to children and young people in particular.

In this perspective, a website restyling (including the publication of a public call for tenders for an integrated communication project) was envisaged, which will include everything related to the work of the Italian Authority, from the news to multimedia materials, from the Italian Authority's tasks to the network of regional ombudspersons for children.

This is why communication is a crucial tool for the strategic action carried out by the Italian Authority: especially in times of strong change in the composition and dynamics of the society.

The goal is to intensify communication to keep the country's attention on sensitive issues always high in order to intervene concretely on the wellbeing of girls and boys, in their childhood and adolescence in Italy.

Conferences Organized by the Authority

The Italian Authority for Children and Adolescents has created a day of reflection called "Dal conflitto al rispetto: verso una cultura della mediazione", (*From Conflict to Respect: Towards a Culture of Mediation*) dedicated to mediation as

a tool for overcoming conflicts and as a guarantee of investment for the future.

The conference took place on November 15th, 2016 in the Sala Lupa of the Chamber of Deputies.

The topic of mediation was addressed through the contribution of speakers who elaborated it with three different perspectives: family, school and criminal system. Family mediation can be an extremely useful tool, not just for the management of a single conflict but in order to forge a new cultural model that allows overcoming conflicts. The goal of mediation is not to reach a compromise, but to create a new model, a new project on which the family can live at the end of the fracture of the couple relationship.

As far as school mediation is concerned, it is a tool that promotes conflict management. It educates on how to overcome conflicts and be transformed and educated also to the recognition of the other and its positions, to the acknowledgement and acceptance of diversity. It is therefore a powerful tool for preventing conflicts and aggression.

Even in criminal mediation, what matters is not the finding of the judicial truth (which continues to be persecuted in the courtrooms), but the meeting point between victim and offender.

Mediation, in this sense, must be conceived as a project of an inclusive society in which a sense of security is perceived, that is given not by a foreign control, but through the encounter with the Other.

At the conference, as an evidence of the participation of a representative group of Italian girls and boys, some children from the Social Service Office for *Minors* in Palermo of the Ministry of Justice attended the conference, paying evidence

On 15th November 2016, the Authority has organised a day of reflection entitled "Dal conflitto al rispetto: verso una cultura della mediazione", (*From Conflict to Respect: Towards a Culture of Mediation*).



of their transformative experience of mediation and of the juvenile criminal pathway, together with a class of the Comprehensive Institute ICS “Settembrini” of Rome who participated in a school mediation initiative.

The title of the day, rather than placing in opposition two terms, meant to indicate a possible evolutionary path that leads to the respect and recognition of the other.

The fact that the Italian Authority for Children and Adolescents has devoted a day of reflection to the theme of communication has taken on a symbolic meaning, because by starting from the relationship, interpersonal relations and the need to learn to manage them since childhood and adolescence allows them to learn since they are little to welcome and respect the point of view of others.

In this light, the day of reflection has also been the occasion to announce the promotion of a project on awareness raising for school mediation addressed to girls and boys of first-grade high school from all over the country. On November 21, 2016, the conference “La lotta all’abuso e allo sfruttamento sessuale dei minori. Attuazione della Convenzione di Lanzarote in Italia: esperienze applicative e problemi aperti” (*The fight against abuse and sexual exploitation of minors. Implementation of the Lanzarote Convention in*

Italy: applicative experiences and open issues) was held, organized by the Authority in collaboration with the Department of Law at the University of Ferrara. The conference was held in conjunction with the European Day for the Protection of Children against Exploitation and Sexual Abuse established by the Council of Europe in 2015, and has been dedicated to an heterogeneous audience of lawyers, psychologists and social workers, with the aim of raising awareness on the issues dealt with by the Lanzarote Convention. In the framework of the Council of Europe’s decision to devote a day to raising awareness on the protection of children against sexual exploitation and abuse, the aim of the meeting was to keep the public’s attention high on these very serious offenses that undermine the integrity of children. In the fight against sexual abuse of *minors*, in fact, it is necessary to invest in pre-prevention, so that it is less and less required to intervene afterwards, at the level of treatment, when the abuse has already been perpetrated. Raising awareness in the entire fabric of society requires a special effort, which can only be achieved with a solid network of players involved, who are also able to overcome internal boundaries. Today’s challenges are certainly more complex than a few years ago, and it is therefore necessary to strengthen the protection of children and adolescents through the diffusion of knowledge of the phenomenon.

On 21st November 2016, the Authority organized, in collaboration with the Department of Law at the University of Ferrara, the conference “La lotta all’abuso e allo sfruttamento sessuale dei minori. L’attuazione della Convenzione di Lanzarote in Italia: esperienze applicative e problemi aperti” (*The fight against abuse and sexual exploitation of minors. Implementation of the Lanzarote Convention in Italy: application experiences and open issues*).



Participation in conferences, seminars, workshops at national level

May *Bambini, adolescenti e rischi dei Nuovi Media: prevenzione e intervento*”, (Children, Teens and New Media Risks: Prevention and Intervention), report within the scope of the training seminar held at the Faculty of Medicine and Psychology of “La Sapienza” University, intended for youth and adolescence professionals (social workers, paediatricians, psychologists and educators) and included in the activities planned for 2016 by the Project Generazioni Connesse (Rome, May 16th, 2016);

June *9° Rapporto sui diritti dell’infanzia e l’adolescenza*”, (9° Report on the rights of children and adolescents) within the scope of the presentation organised by the CRC Group (Rome, 8th June 2016);

“Giornate nazionali per i minori”, (National Days for Minors), opening of the conference organized by the ANFI, Italian National Association of Family Attorneys (June 10th, 2016);

“L’istituto della tutela: dimensione essenziale per la protezione dei minorenni non accompagnati che giungono in Italia”, (The legal institute of guardianship: an essential dimension for the protection of unaccompanied minors who arrive in Italy) report during the national conference organized under the project “SafeGuard - Più sicuro con il tutore” (Safer with the guardian) at Palazzo delle Aquile (Palermo, June 20th, 2016);

June *“Assemblea Unicef”*, (Unicef Assembly) report in the meeting organized by the Italian Committee for Unicef Onlus (Rome, June 25th, 2016);

“Bambini nella nebbia. Tra adozioni e case famiglia”, (Children in the fog. Between adoptions and family homes), report on the occasion of the congress, promoted by the Italian Association of Law and Psychology of the Family, at the Chamber of Deputies - Sala della Regina (Rome, June 28th, 2016);

July *“Giornata nazionale sulla Famiglia”*, (National Family Day), opening report in the context of the conference organized by the Registers of Lawyers of Rome in cooperation with the National Centre for Studies and Research on the rights of the family and minors (Rome, July 12th, 2016);

“Prostituzione minorile” (Child prostitution) report in the context of the presentation of the concluding study of the cognitive investigation on child prostitution, promoted by the Bicameral Childhood and Adolescence Commission (Rome, 19th July 2016);

September *“Festival dei Ragazzi”*, intervention in the meeting organized by the Catholic Action Youth (ACR) at the Sala Nervi (Rome, September 10th, 2016);

“Switch Off”, intervention within the scope of the presentation of the Guidelines - Special Orphans of Femicides - Rome, Chamber of Deputies, September 21st, 2016;



September

“I figli della nuova famiglia. Il diritto ed i cambiamenti culturali e sociali”, (The children of the new family. Law and cultural and social changes) at the National Congress of the Union of Juvenile Chambers, Unione Camere Minorili (Foggia, September 30th, 2016);

October

“Donne e Carcere. Normativa, criticità e soluzioni”, (Women and jail. Regulations, critical issues and solutions) video report at the conference organized by ADMI – Associazione Donne Magistrati Italiani - Italian Women Magistrate Association (Lecce, 1st October 2016);

“Nuove relazioni familiari, procedure e nuovi giudici”

(New Family Relationships, Procedures and New Judges) report at the National Congress of the National Chamber of Family and Minorities Lawyers, Camino (Cassino, October 13th, 2016);

“Affido familiare”,

(Foster family care) intervention in the workshop organized by Coordinamento CARE (Rome, October 22nd, 2016);

“La parola ai ragazzi”,

(It's the children's turn to talk) report within the conference organized by the Association S.O.S Bambini at Istituto degli Innocenti (Florence, 24th October 2016);

November

“I dieci anni della legge 54/2006 su affido condiviso: tutela della bigenitorialità e del diritto ai legami familiari”,

(The Ten Years of Law 54/2006 on Foster Care: Protection of double parenthood and of the right to family ties) report at the conferences held in the Court of Appeals in Rome (Rome, 4th November 2016);

“L'importante è partecipare: 25 anni della Convenzione sui diritti del fanciullo e 35 anni di Arciragazzi per vincere la povertà educativa minorile”,

(The important thing is to participate: 25 years of the Convention on the Rights of the Child and 35 years of Arciragazzi to fight child educational poverty), opening report of the Roundtable organized by Arciragazzi (Rome, November 11th, 2016);

“Dal conflitto al rispetto: verso la cultura della mediazione”,

(From Conflict to Respect: Towards a Culture of Mediation) conference organised by the Italian Authority for Children and Adolescents at Sala della Lupa of the Chamber of Deputies (Rome, November 15th, 2016);

“Povertà educativa minorile. Riflessioni ed esperienze per

continuare a seminare speranza”,

(Child educational poverty. Reflections and Experiences to Continue Sowing Hope) intervention at the Roundtable organized by the Salesian Foundation for Social Action (SCS), at the headquarters of the Pontifical Salesian University (Rome, November 16th, 2016);



November

Giornata nazionale per i diritti dell'infanzia e dell'adolescenza, (National Day for the Rights of Children and Adolescents) organized at Sala Capitolare Santa Maria della Minerva by the Parliamentary Commission for Childhood and Adolescence with the Minister of Regional Affairs and Autonomies in charge of family affairs, the Ministry of Labour and Social Policies, the Italian Authority for Children and Adolescents, the National Council of Social Welfare and the National Council of Psychologists (Rome, November 17th,

“Nuove figure di protezione dei minori d'età – L'esperienza dei Garanti”, (New professional roles for the protection of *minors* - The experience of the ombudpersons), intervention at the seminar organised by the Ombudsperson for Children and Adolescents of the Emilia Romagna Region and from the Alma Mater Studiorum University of Bologna (Bologna, November 18th, 2016);

“I diritti dei bambini: lotta contro il maltrattamento e l'abuso”, (The rights of children: The Fight against Maltreatment and Abuse), presentation at the 72nd Italian Paediatric Congress - Stati Generali della Pediatria 2016 (Florence, November 19th, 2016);

“La lotta all'abuso e allo sfruttamento sessuale dei minori. L'attuazione della Convenzione di Lanzarote in Italia: esperienze applicative e problemi aperti”, (The fight against child abuse and sexual exploitation. Implementation of the Lanzarote Convention in Italy: application experiences and unsolved problems) presentation at the Conference promoted by the Italian Authority for Children and Adolescents together with the University of Ferrara (Ferrara, 21st November 2016);

November

“L'Autorità garante per l'infanzia e l'adolescenza: ruolo e funzioni”, (The Italian Authority for Children and Adolescents: Role and Functions), a lesson at the Pontifical Lateranense University (Rome, 23rd November 2016);

“Straniero tra stranieri. Il minore migrante”, (A stranger among foreigners. The migrating *minor*) 18th National Congress of Legal Psychology at the Chamber of Deputies (Rome, November 25th, 2016);

“Minori fuori famiglia, quale informazione corretta”, (Out-of-home *minors*, how to receive a correct information) presentation in the context of the conference organized by the Rome Press Association Associazione Stampa Romana, (Rome, November 28th, 2016);

“La nuova legge sulla filiazione nelle prime esperienze applicative”, (The new law on parent-child relationship, in the first application experiences) lesson in the training course Of the High School of Magistrates (Scandicci-Firenze, November 30th, 2016);

December

“Ruolo e le funzioni dell'Autorità”, (Role and Functions of the Authority), a lesson at the Master on Family Law, at the LUISS School of Law (Rome, 13th December 2016).



*Autorità Garante
per l'Infanzia e l'Adolescenza*

9.

Internal Organisation
of the Italian Authority



9. Internal Organisation of the Italian Authority

Art. 5, paragraph 1, of Law 12th July 2011, N. 112, envisages that: “1. The Office of the Italian Authority for Children and Adolescents is hereby set up, hereinafter called «Office of the Italian Authority», under the Authority, composed (...) of employees from the Ministries or belonging to other public administrations, in a position of mandatory secondment, in the maximum number of ten units and, in any case, within the limits of fund resources as referred to in paragraph 3 of this Article, of which one of a non-general management level, possessing the skills and professional qualifications required in relation to the functions and characteristics of the Authority’s independence and impartiality. Officials of the Authority’s Office are bound by the professional secrecy”.

The establishing law envisages that the “workforce” of the Office of the Authority shall be made up of public employees who are managed by other public administrations, up to a maximum of ten units, including a non-general director.

The Office is divided into four areas Organizational:

1. Secretariat of the Italian Authority for Children and Adolescents: secretarial activity and organization of missions in Italy and abroad;
2. Rights area: direct collaboration with the activity of the Italian Authority;

3. General business area: administrative, accounting and contractual activities of the Italian Authority;
4. Press and communications area: the external communications activity of the Italian Authority.

There are currently no other independent Authorities in the Italian system which have been endowed with such a small workforce, which is altogether inadequate in relation to the numerous and delicate tasks that have been assigned by the instituting law.

In November 2016, an amendment to the 2016 Budget Law was introduced, with the proposal to strengthen the organizational structure of the Italian Authority for Children and Adolescents aimed at increasing the workforce of seconded personnel by other ten units, bringing the total up to twenty units. The numerical increase in staffing would not, however, entail a significant increase in the burden on public finances, since the Authority is only required to bear the ancillary remuneration due to the seconded staff, while the related fixed salaries are to be borne by the corresponding public administrations. This aforesaid amendment was declared inadmissible.

The increase in the number of seconded staff members, however, would meet a minimum requirement: for an independent Authority that carries out its business in a sensitive sector such



as the protection and promotion of children's and adolescents' rights, the recognition of a role with an "autonomous workforce" is to be welcomed

The lack of an autonomous role has led to considerable difficulties in the time necessary to recruit human resources, owing to the times required to issue secondment measures by certain administrations of origin. These delays have led to the Office being short of staff in delicate areas of intervention for some months.

By way of example, it should be recalled:

- Ministry of Defence: Request for Secondment of 8th June 2016 - Issuance of the measure on 4th August 2016;
- Ministry of Justice: Request for Secondment of May 27th, 2016 - issue of the secondment order dated July 22nd, 2016.

According to Art. 4, paragraph 2, of the Leg. D. dated 31st August 2016, converted by L. October 25th, 2016, N. 197, it is impossible now to draw staff from the Ministry of Justice to confirm the difficulty of recruiting personnel with expertise.

The multiple and diverse competences attributed to the Authority and the consequent need for the multidisciplinary expertise of the members of its staff makes it essential to have an homogeneous and unique framework that frees the staff from the Administrations to which they belong and guarantee a real autonomy, independence and continuity of intervention.

Restrictions in assignments to external collaborators

Art. 7, paragraph 6 of Legislative Decree 30th March 2001, N. 165, provided that, for those needs that cannot be served by the staff in currently in service, public administrations confer individual assignments, with self-employment, employer-coordinated freelance work contracts, to specialists and with a special and validated university specialization.

Art. 14 of the Legislative Decree of 24th April 2014, N. 66 has, however, set spending limits for consultancy services, with the possibility for administrations to make use of external collaborations in proportion to the cost of staff, in particular by fixing a maximum spending ceiling of 4.2% for occasional collaborations and 4.5% for employer-coordinated freelance work collaboration.

In view of the fact that said percentages referred to a staff expenditure of the Authority, which consists only of the items constituting the accessory economic treatment (*rectius*: allowance ex Art. 18 of the national collective bargaining agreement CCNL of the PCM sector, extraordinary work and unique productivity fund under Art. 15 of the aforementioned CCNL), the expenditure available for the Authority is extremely limited.



Financial Resources

The instituting law envisages the provision of a fund in the budget of the Prime Minister's Office for the fulfilment of the powers attributed to the Authority and its functioning (Art. 5, paragraph 3). The estimated ordinary financial contribution from the State budget for the year 2015 amounted to € 1,122,089.00. During the financial year, the contribution underwent a net increase of € 600,000.00 in accordance with Art. 1, paragraph 168 of the Law dated 23rd December 2014, N. 190 (Stability Law 2015). Therefore, the resources assigned to the Italian Authority for Children and Adolescents for the year 2015 totalled € 1,722,089.00.

Thus, it should be pointed out that this increase was only foreseen for 2015-2016-2017, therefore the funds allocated to the Authority in the estimated operational budget of the Prime Minister's Office, for the year 2018-2019, amount to about €800,000.00. In light of the above, it is hoped that the 2017 budget law will provide for the extension of the same increase in the expenditure, also for the three-year period 2018-2020.

It is evident that a drastic reduction of resources would make it impossible for the Authority to have a sufficient capacity to fully and independently carry out the numerous institutional functions assigned to it.



10.

Annexes

1.

Note 30th August 2016, N. 1769

2.

Note 5th August 2016, N. 1672

3.

Note 15th July 2016, N. 1546

4.

Note 18th October 2016, N. 2267

5.

Note 18th October 2016, N. 2268

6.

Survey of the norms, practices and procedures for Ombudspersons
for children and adolescents of the Autonomous Regions and Provinces

7.

Guardianship: an Evolving Institute (La tutela: un istituto in evoluzione)
Collection of experimental data elaborated with the contribution of
the Ministry of Justice and of the Ombudspersons for children and adolescents
of the Regions and Autonomous Provinces



1. Note 30th August 2016, N. 1769



*Autorità Garante
per l'Infanzia e l'Adolescenza*

The Ombudsperson

Rome, 30th August 2016

Prot- N. 1769/2016

Italian Authority for Children and Adolescents

U General Protocol

Protocol N. 0001769/2016 OF 30/08/2016

To The Ministry Of Justice

To Mr. President of the

Senate of the Republic Commission for Justice

Subject Matter: Draft of Law n. 2284/9 having as its subject the “*Enabling the Government to abolish the Juvenile Court and of the Office of the Public Prosecutor at the Juvenile Court*”.

As for the aforementioned Draft Law, this Italian Authority has carried out in-depth thematic analyses, and in particular:

- 1- Has raised the question in the order of the day of the Conference of Ombudspersons for Children and Adolescents of the Regions and autonomous provinces held on 1st June 2016, gathering opinions at the territorial level;
- 2- Has convened and chaired a technical roundtable on 15th June 2016, attended by institutional representatives as well as association representatives of lawyers and magistrates that are strongly committed to the theme of the protecting the rights persons of a minor age;
- 3- Has examined the individual issues in-depth with bilateral meetings with institutions and exponents of the world of magistrates and lawyers, of the respective representative associations and experts;
- 4- Has requested a meeting with the II Commission for Justice of the Senate, in view of the resumption of parliamentary works



Upon completion of the aforementioned queries made, whilst fully aware of the commitment with which it was attempted to find a system solution to define the regulatory framework of jurisdictions regarding families and minors, which is all the more urgent in the wake of the introduction of the Filiation Reform Law 219/2012, and of the Legislative Decree. 2013 N. 154 due to the need to achieve the objectives of “unification of jurisdictions”, “uniformity of procedures” and “homogeneous procedural guarantees”, it is stressed that the following critical issues have emerged, as for the part related to the protection of young people, which are quickly summarized here.

From the juridical viewpoint, the abolition of the juvenile court with the creation of specialized sections of the ordinary court on the model of the labour section does not seem to be able to resolve those interpretative problems with regard to the division of jurisdiction between ordinary courts and juvenile courts, problems that would be replicated in the same way in the relationships between city and district courts. It is necessary to re-design the sector. Bearing in mind that the rule currently governing competing competences (Art. 38 C.c.) is the source of interpretative confusion and duplication of decisions concerning the same family nucleus (proceedings under articles 330 and 333 C.C.). Nevertheless, the reform underway is not intended to overcome problems of interpretation and duplicate decisions that characterize the relations between the jurisdiction of juvenile courts and of ordinary courts.

On the investigating/prosecuting side, the transfer of competences from the Public Prosecutor at the Juvenile Court to the “specialized groups” at the ordinary prosecutor’s office could not guarantee exclusivity - not even formally provided - unlike what is set for the specialized district sections of the Court - for the juvenile functions that fall within the scope of Substitutes assigned to them and entails the risk of a serious loss of their current huge heritage of know-how and experience.

Indeed, the Prosecutor’s Offices at the Juvenile Courts have jurisdictional and administrative powers requiring exclusive dedication of the magistrates in charge and which hardly appear to be entirely transmissible to the special groups.

Juvenile Prosecutor’s Offices are not competent only for the criminal sphere, where responsibilities and duties relate to them also in relation to the investigation on the personality of the subject involved, but also in the civil field, where only the Constitutional Law N. 2/99 has reserved exclusively to them the initiative for the opening of protection procedures for minors without adequate parental figures (resulting in the need to be exclusively to dedicate to juvenile matters).



Not to mention the monitoring task of the community structures to which minors have been entrusted, whose effectiveness is essential for the successful completion of the support paths ordered by the judging authority and is essential to avoid abuse to the detriment of the weak.

The special functional and cultural role of the tasks of the Public Prosecutor's Office at the Juvenile Court, that is oriented, in the criminal setting, to the philosophy of recovering minors, and in the civil setting, to minors' protection from abusing or inadequate families is completely different from that of the ordinary Prosecutor's Office. The former, in fact, works with preventative purposes and is in close connection with the social and territorial health and social workers and is a guarantee of filtering against many instances of child unhappiness, which, precisely because of this, often have not resulted in judicial proceedings.

Having regard to the foregoing, the risk of losing the professional and cultural heritage and the legal protection model for the young people - "achievements of civilisation" for our country - must be avoided.

In the light of the above and of the institutional tasks that law N. 112/2011 entrusts to the Italian Authority which I represent, in line with constitutional law and the European recommendations, and in particular the *Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice*, adopted on 17th November 2010. In accordance with principles dictated by international sources and the case law of the European Court of Human Rights, having regard to articles 27, 30, 31, 33 Cost... It is hereby asked to overcome the described critical issues and to implement a system of legal protection. With exclusive competences, in favour of the youngest people, capable of combining the needs of specialization and exclusive functions with those of proximity.

It should also be noted that there is a need for an appropriate body to ensure the expedited treatment of proceedings involving persons of minor age. In this regard, by way of example, among the many delicate issues, the competences of the tutoring Judge as for the appointment of guardian should be emphasised. The latter have become even more relevant by the growing number of unaccompanied foreign minors arriving on a daily basis in Italy and require rapid and uniform procedures on the national territory.

Filomena Albano



2. Note 5th August 2016, N. 1672



*Autorità Garante
per l'Infanzia e l'Adolescenza*
—
The Ombudsperson

Rome, 5th August 2016

Prot. AGIA n. 1672, 2016

2.4 – 440 / 2015

Italian Authority for Children and Adolescents

U General Protocol

Protocol N. 0001672/2016 OF 5/08/2016

To the Head of the Department for Equal Opportunities of the

Prime Minister's Office

To the Head of the Department for Family Policies of the Prime Minister's Office

To the Head of the Cabinet of the Ministry of Labour and Social Policies

To the Head of the Cabinet of the Ministry of Justice

To the Head of the Cabinet of the Ministry of Education, University and Research

To the Head of the Cabinet of the Ministry of Health

To the ISTAT President

To the President of the National Council of the Association of Social Workers

To the State-Regions Conference

To the President of ANCI

To the Coordinator of Regional Ombudspersons for Children and Adolescents

To the Bicameral Commission for Children and Adolescents



A particularly complex aspect is the phenomenon of violence and abuse of the rights of minors, as these are particularly fragile and vulnerable. The complexity lies in the genesis, in the tragic nature of the facts, in the necessary care and in the difficulty of detecting a phenomenon, which, due to its characteristics, is still partly submerged and constitutes a serious violation of the rights of children.

Appropriate interventions are needed to strengthen the prevention and eradication of abuses, activities which already sees care givers, law enforcement agencies, social services, professionals and magistrates are committed with great dedication every single day.

Indeed, the protection system, which has recently been improved, from the regulatory point of view, following the Italian ratification of two international conventions (see Law N. 172 of 2012 for the ratification of the Lanzarote Convention and Law N. 77 of 2013 for ratification of the Istanbul Convention) is faced with critical challenges predominantly at the application level and requires system interventions both in preventive and repressive terms.

In the knowledge of the efforts made so far by the competent Administrations and the of the drafting of the National Plan for the Prevention and Contravention of the Abuse and Sexual Exploitation of Minors, with the driving force entrusted by the instituting law to the Authority, in compliance with the subsidiarity principle as per art. 3 paragraph 2 Law N. 112, and waiting for the competences provided by the relevant laws, some aspects of intervention are highlighted, which are presented below to the relevant institutions, each for their areas of expertise.

- Re-building the Observatory for the fight against paedophilia and child pornography, a body entrusted with the task, among others, to acquire and monitor the data and information related to the activities carried out by all public administrators for the prevention and repression of the phenomenon of abuse and sexual exploitation of minors;
- Rebuilding the National Observatory on the family, a technical-scientific support body for the elaboration of national policies for the family,
- Rebuilding the National Observatory for Childhood and Adolescence and attaining a rapid approval of the National Plan of Action and Intervention for the Protection of Rights and Development of Subjects in a Developmental Age (so called National Childhood Plan)
- developing data collection on the phenomenon with the involvement of all competent institutions in order to draft a general intervention strategy;
- Launching information campaigns and training of staff engaged in a privileged position in the various areas of



child protection: In the school, medical, sports and tourist field in order to intercept precocious signals of abuse and to define ways of reporting suspect cases;

- Intensifying the interventions
- Including the prevention of maltreatment within the national health plan and the national plan of health prevention to ensure, throughout the national territory, timely and highly specialized care interventions
- raising awareness in the schools for the early detection of abuse and to promote an adequate protection of abused children found in the school context;
- Including maltreatment in the relevant faculty curricula (for ex. in the faculties of medicine, psychology, jurisprudence), as a transversal discipline to all specialties;
- Including the prevention and care of child maltreatment as a priority and essential level of services within the State-Regions Conference.
- implementing the central care of minors in civil and criminal proceedings that deal with them with appropriate listening modalities, even from a logistical point of view, and supported by special staff. To ensure the timely execution of expedite judicial proceedings while avoiding, where possible, minors being repeatedly heard:

This note is also sent to the Coordinator of Regional Ombudspersons for Children and Adolescents for a widespread dissemination at regional level so that regional Ombudspersons may also play a role in promoting the interventions described in the preconditions at the territorial level.

In the light of the above and of the institutional tasks that the law N. 112/2011 entrusts to the Authority, in accordance with the subsidiarity principle referred to in Art. 3 par. 2 of the instituting law, the competent authorities, at national and local level, are alerted to the above aspects so that they can actively develop an integrated system aimed at the common goal of safeguarding and fully protecting situations of high vulnerability of minors.

Stefania Giamonte per il P.G. Informatica e P. Affari generali

Filomena Albano



3. Note 15th July 2016, N. 1546



*Autorità Garante
per l'Infanzia e l'Adolescenza*

The Ombudsperson

Prot. n. 1546/ 2016

Rome, 15th July 2016

Italian Authority for Children and Adolescents

U General Protocol

Protocol N. 0001546/2016 OF1 5/07/2016

To the Head of the Department for Civil Liberties and Immigration

Ministry of the Interior

To the Vice Head of the Department for Civil Liberties and Immigration

Ministry of the Interior

To the Head of the Cabinet of the

Ministry of Justice

To the Head of the Cabinet of the

Ministry of Labour and Social Policies

To the Head of the Cabinet of the

Ministry of Health

To the General Director for Italians abroad and migration policies

Ministry of Foreign Affairs

To the Vice president of the Superior Council of the Magistracy

To the President of the National Association of Magistrates

To the President of the National Council of the Association of Social Workers

To the State-Regions Conference

To the President of ANCI

To the Coordinator of Regional Ombudspersons

To the President of the Commission of Constitutional Affairs of the Chamber of Deputies



A specific and particularly complex aspect of the migratory phenomenon is the large presence of unaccompanied foreign minors on the national territory, who arrived in Italy mainly with groups of migrants landed on the southern coasts, who are not assisted and represented by their parents or other legally responsible adults. The absence of a parental network exposes this type of child, in addition to the risk of social marginalization, also to the most serious exploitation risk because they are not only minors, but they are also lonely and foreigners, and therefore particularly vulnerable.

This type of minors has led to the consequent and necessary identification by the relevant institutions of suitable interventions for responding to the changed characteristics of the child migratory phenomenon, which has witnessed to a considerable increase in the number of unaccompanied minors in the last few years in Italy, that has further increased in the recent months.

The legal framework of the procedures for the reception of unaccompanied minors, has undergone amendments with the entry into force on 30th September 2015 of the Legislative Decree N. 142. In particular, Article 19, dedicated to the issue of the reception of unaccompanied minors, outlined a unique reception system that could overcome the distinctions between unaccompanied minors and unaccompanied minors seeking international protection.

In the knowledge of the efforts made so far to move from an emergency logic to an orderly system of managing the phenomenon, it is hereby stated as follows.

In view of the peculiar vulnerabilities and needs of the protection of such minor and of the complexity of legislation and procedures outlined in the current legislation, with the aim of promoting joint actions between the competent institutions involved, the Authority I represent has carried out in-depth studies with Institutions and experts, the outcome of which has shown some aspects that require an urgent action and that are hereafter represented to the institutions concerned, each for their areas of competence.



Steering committee at the national level

The steering committee at a national level that should have an overview of the availability of reception facilities in Italy and of the possibility of managing the transfer of minors from first-line to second-line reception facilities in accordance with the timeframes provided for by the law with a fair distribution of the reception of minors throughout the national territory

Child's social services case report

It is necessary to foresee the use, by the host ombudspersons, of the child's social services case report containing the customized reception plan offered to him or her from the first-line reception phase and that would accompany the child, with all the subsequent information implementations, throughout the Italian reception passages, allowing for its traceability. It would also be desirable for the social services case report to be implemented in a unified and shared format and to contain all the basic information about a minor person (identity, place of reception, health aspects, integration activities carried out, etc.);

Age assessment

There is the need to define uniform and multidisciplinary age-based procedures that allow, in uncertain cases, to assess the correct age of the migrant;

Appointment of the Guardian

There is the need to ensure rapid and uniform procedures on the national territory with regard to appointing a guardian in favour of the unaccompanied minor and to any shift of protection resulting from the transfer of the minor;



Ensure that the exercise of the authority function meets the criteria of effectiveness and efficiency that, in application of the principle of territorial proximity, can guarantee a real and effective right to protection.

Reception integration and inclusion

In view of the particular vulnerability of unaccompanied minors and their protection needs, it is necessary to ensure, at every stage of reception, appropriate ways and standards to their specific needs, guaranteeing the same uniformity of treatment and homogeneity of services throughout the national territory.

In particular, it is necessary to ensure compliance with the timescales provided for by the law as for the stay in the first-line reception facilities.

Additionally, in the second-line reception phase, it would be desirable to encourage and support foster family care, an existing and consolidated legal institution that, in addition to meeting the integration and inclusion goals, enables children and young people to find a stable reference point.

In the light of the above mentioned issues and of the institutional tasks that law N. 112/2011 entrusts to the Authority I represent, pending the implementation of an organic reform of the matter, that is hoped to happen quickly through the issuance of an organic law, we would like to raise the awareness of the competent authorities at national and local level, with regard to the abovementioned aspects, to enable them to work towards a complete, effective and homogenous reception system on the national territory aimed at protecting and, fully and effectively, implementing the rights and interests of unaccompanied minors, as provided for in International and national legislation in this field.

Filomena Albano



4. Note 18th October 2016, N. 2267



*Autorità Garante
per l'Infanzia e l'Adolescenza*

The Ombudsperson

To the Head of the Cabinet of the
Ministry of Justice

And for information to

To the Head of the Department for Civil Liberties and Immigration

Ministry of the Interior

To the Vice Head of the Department for Civil Liberties and Immigration

Ministry of the Interior

To the Head of the Cabinet of the
Ministry of Labour and Social Policies

Prot. n. 2267/2016 – 2.6 – 339/2016

Of 16 Oct 2016

Italian Authority for Children and Adolescents

Protocol N. 0002267/2016 OF1 8/10/2016

Further to the note of this Authority dated 15th July 2016, Prot. 1546 relevant to unaccompanied minors present on the national territory, not being assisted or represented by other legally responsible adults, it is herewith emphasised as follows:

As it is known, the lack of a parental network exposes this kind of minors, besides from the risk of social isolation, also to more severe dangers because they are not only minors, but they are also lonely and foreigners, and therefore particularly vulnerable.

Consequently it is necessary to identify suitable interventions to respond to the changed characteristics of the child migratory phenomenon, which has witnessed a considerable increase in the number of unaccompanied minors in the last few years in Italy, which has further increased in the recent months.



In view of the peculiar needs of the protection of minors and of the complexity of regulations and procedures outlined in the current legislation (which has changed with the entry into force of Legislative Decree N. 142 of 2015 and Law N. 160 of 2016), the Authority that I represent, has carried out in depth analyses with Institutions and experts, from which some issues have arisen that deserve a further investigation, such as, among others, the institute of protection already highlighted in the note of last 15th July.

Specifically, the emerging aspect concerned the procedures related to the activation of the protection measures both in terms of the time needed for appointing guardians and the need to adopt uniform procedures on the national territory.

In particular, the need has surfaced to ensure rapid and uniform procedures in the appointment of the guardian in favour of unaccompanied minors and also with regard to the possible shift of protection resulting from the transfer of the minor to another territory.

It is also essential to ensure that the exercise of the guardian function meets the criteria of effectiveness and efficiency that, in application of the principle of territorial proximity, can guarantee a real and effective right to protection.

In the light of the foregoing, I would like to stress the importance of networking among the institutions involved with unaccompanied minors, to gather proposals in order to try to answer the to the issues that have been identified.

In this line of intervention, in the spirit of collaboration aimed at the concrete implementation of interventions for the protection of minors, by virtue of the tasks attributed to the Authority under Law 17th 2011, N. 112, I hereby require, under Article 4 of this Law, to assess the possibility of verifying at the judicial offices:

- - The average timeframe to appoint guardians for unaccompanied minors in the national judicial offices, with a particular focus on those in the Regions most concerned with the reception of unaccompanied minors (Sicily, Calabria, Lombardy, Lazio, Emilia Romagna, Apulia and Campania);

Autenticata e firmata per l'Espresso e l'Espresso



- Where possible, checking the type of guardian appointed to unaccompanied minors:
 1. Public legal guardian;
 2. private/volunteer guardian - specifying, in this case whether there are registers of volunteer guardians or memoranda of understanding among the competent administrations;
 3. The form of monitoring used to verify the activity carried out by the guardian and which bodies may be responsible for such monitoring.

The information that your intervention could provide can certainly represent a relevant and significant picture of the current state of the institution application, which would allow

to actively synergize, among the institutions involved in the field of childhood and adolescence, improvements to the procedures for the efficient implementation of the institute.

This is all aimed at the common goal of protecting and fully enforcing the rights and interests of unaccompanied minors as provided for by the international and national legislation in this field.

Due to the urgency and the criticality of the situation involving a significant number of minors, we kindly ask for your reply with every possible reminder, and, in any case, by and not later than next December 15th, my kindest regards.

Filomena Albano



5. Note 18th October 2016, N. 2268



*Autorità Garante
per l'Infanzia e l'Adolescenza*

The Ombudsperson

To all the Regional Ombudspersons for Children and Authorities
THEIR RESPECTIVE OFFICES
To the Defender of the Rights of Children and Adolescents
Of the Municipality of Palermo

Prot. N. 2268/2016 – 2.6 – 339/2016
OF 18 Oct 2016
Italian Authority for Children and Adolescents
U General Protocol
Protocol N. 0002268/2016 OF1 8/10/2016

Further to the note of this Authority dated 15th July 2016, Prot. 1546 relevant to unaccompanied minors present on the national territory, not being assisted or represented by other legally responsible adults, it is herewith emphasised as follows:

As it is known, the lack of a parental network exposes this kind of minors, besides from the risk of social isolation, also to more severe dangers because they are not only minors, but they are also lonely and foreigners, and therefore particularly vulnerable.

Consequently, it is necessary to identify suitable interventions to respond to the changed characteristics of the child migratory phenomenon, which has witnessed to a considerable increase in the number of unaccompanied minors in the last few years in Italy, that has further increased in the recent months.

In view of the peculiar vulnerabilities and needs of the protection of such minor and of the complexity of legislation and procedures outlined in the current legislation (which has changed with the entry into force of Legislative Decree N. 142 of 2015 and Law N. 160 of 2016), the Authority that I represent, has carried out in depth analyses with Institutions and experts, from which some issues have arisen that deserve a further investigation, such as, among others, the institute of protection already highlighted in the note of last 15th July.

Specifically, the emerging aspect concerned the procedures related to the activation of the protection measures both in terms of the time needed for appointing guardians and the need to adopt uniform procedures on the national territory.



In particular, the need has surfaced to ensure rapid and uniform procedures in the appointment of the guardian in favour of unaccompanied minors and also with regard to the possible shift of protection resulting from the transfer of the minor to another territory.

It is also essential to ensure that the exercise of the guardian function meets the criteria of effectiveness and efficiency that, in application of the principle of territorial proximity, can guarantee a real and effective right to protection.

In the light of the foregoing, I would like to stress the importance of networking among the institutions involved with unaccompanied minors, to gather proposals in order to try to answer the issues that have been identified.

In the wake of this line of intervention, in the spirit of collaboration aimed at the concrete implementation of interventions for the protection of minors and the application of the tasks attributed to the Authority by Law 12th July 2011, N. 112, I hereby request to activate in the areas of your jurisdiction a reconnaissance and survey in order to verify:

- The existence of registers of volunteer guardians established on the territory;
- In the case of the existence of such registers, with what procedures they have been established (for ex. Memoranda of Understanding among the competent local institutions and the juvenile courts or the offices of the tutoring judges);
- The recruitment procedures of volunteer guardians;
- If these registers exist and are operational, the number of guardians enrolled and whether the judicial bodies actually use such rosters for the appointment of guardians;
- The form of monitoring used to verify the activity carried out by the guardian and the bodies responsible for such monitoring.

The information that your intervention could provide can certainly represent a relevant and significant picture of the current state of application of the institution of protection, and in particular of the figure of the voluntary guardian, which would enable the competent institutions to intervene in improving the procedures in order to obtain a uniform and efficient application of the institute in question.

This is always aimed at the common goal of protecting and fully enforcing the rights and the highest interest of unaccompanied minors as provided for by the international and national legislation in this matter.

Certain, that a fruitful collaboration on this matter is going to be implemented, waiting for a kind answer with every possible reminder, and anyway, by and not later than next December 15th, I express my kindest regards.

Filomena Albano



6. Survey of the norms, practices and procedures of Ombudspersons for Children and Adolescents in the Regions and Autonomous Provinces**

December 2016

General Introduction

The role of the ombudsperson for the rights of minors is currently provided for by the regional and/or provincial law in 17 regions and in the autonomous provinces of Trento and Bolzano. The regions of Abruzzo¹ and Valle d'Aosta have not yet moved in this direction, (in addition to Trentino Alto Adige, where ombudspersons for children of the Autonomous provinces are anyway active).

Sardinia has endowed itself with this figure, who has not as yet been appointed, while in the Tuscany and Molise regions the position is currently vacant, pending a new appointment². In 2016, the Piedmont and Sicily regions proceeded, for the first time, to appoint an ombusman for children. There are consequently 16 appointed ombudspersons for children and adolescents, including the ombudspersons of the autonomous provinces of Trento and Bolzano.

1. Abruzzo, with Regional Law N. 46 of 2nd June 1988, entrusted by virtue of an agreement, the function and role of the "Child Defender" at the Italian Committee for UNICEF.

2. In Tuscany, the *interim* ombudsperson for children and adolescents has been entrusted to the General Secretary of the Regional Council.

* We thank the ombudspersons of the regions and autonomous provinces, as well as the members of their staff, for their precious collaboration in collecting this data.



The Ombudspersons for Children and Adolescents of the Regions and Autonomous Provinces in Italy

BASILICATA

Vincenzo Giuliano

tel. 0971 447261/447079

garanteinfanziaeadolescenza@regione.basilicata.it

CALABRIA

Antonio Marziale

tel. 0965 880531

garanteinfanzia@consr.it

garanteinfanzia@pec.consrc.it

CAMPANIA

Cesare Romano

tel. 081 7783861/7783834

garanteinfanzia@consiglio.regione.campania.it

EMILIA-ROMAGNA

Clede Maria Garavini

tel. 051 527 5713/5352

garanteinfanzia@regione.emilia-romagna.it

FRIULI VENEZIA GIULIA

Fabia Mellina Bares

tel. 040 3773131 - 29

cr.organi.garanzia@regione.fvg.it

LAZIO

Jacopo Marzetti

tel. 06 65937211-4

garanteinfanzia@regione.lazio.it

LIGURIA

Francesco Lalla

tel. 010 565 384

garante.infanzia@regione.liguria.it

LOMBARDY

Massimo Pagani

tel. 02 67486290

fax 02 67482126

garanteinfanziaeadolescenza@consiglio.regione.lombardia.it

garanteinfanziaeadolescenza@pec.consiglio.regione.lombardia.it

MARCHE

Andrea Nobili

tel. 071 229 8483

garantediritti@consiglio.marche.it

MOLISE

New appointment pending

tel. 0874 424768/72

tutorepubblicominori@regione.molise.it

PIEDMONT

Rita Turino

tel. 011 5757303

garante.infanzia@cr.piemonte.it

APULIA

Rosy Paparella

tel. 080 540 5727/ 5779

garanteminori@consiglio.puglia.it

SICILY

Luigi Bordonaro

Office under assignment

TUSCANY

New appointment pending

tel. 055 23 87563

garante.infanzia@consiglio.regione.toscana.it

UMBRIA

Maria Pia Serlupini

tel. 075 5721108

garanteminori@regione.umbria.it

VENETO

Mirella Gallinaro

tel. 041 2383422 -23

garantedirittipersonaminori@consiglioveneto.it

AUTONOMOUS PROVINCE OF BOLZANO

Maria Paula Ladstätter

tel. 0471 970615

info@garanteinfanzia-adolescenza-bz.org

AUTONOMOUS PROVINCE OF TRENTO

Daniela Longo

tel. 0461 213201

difensore.civico@consiglio.provincia.tn.it



General Data

This role of the ombudsperson for children have been attributed different names according to the different Italian territories: public guardian of minors, ombudsperson for children and adolescents, ombudsperson for the rights of children and adolescents, civil ombudsman and ombudsperson for of minors. In Veneto - the Region that first had an instituting law of the figure and of the office of the Public Office for the Protection of Minors (Regional Law N. 49/1988), an office that was set up in 1994 and was better structured starting from the year 2000 - in 2013, with the new Regional Law N. 37/2013 amending the instituting law of the Public Ombudsman for Minors, starting from March 2015, the figure of the Regional Ombudsman for the Rights of the Person was set up, which was attributed three functions: 1) civic defence, 2) activities of promotion, safeguarding and public protection of minors, 3) guarantee activities for persons subject to restrictive measures of personal liberty; moreover, the economic treatment has also been modified, which now amounts to 60% of the service and function allowance of Regional Councillors.

In Friuli Venezia Giulia, the Ombudsman for the rights of the person has been constituted in a collegial form: the function of the ombudsperson for children and adolescents is assigned to the President, the Vice President has the function of protecting persons deprived of their personal liberty, the other component intervenes to protect people who are at risk of discrimination.

In the Autonomous Province of Trento, the role of the ombudsperson for minors is carried out by the Ombudsman established by the Provincial Law N. 28/1982; the competence on minors was added to this positions with the Provincial Law 1/2009; the current name given to this role is Civil Ombudsman and Ombudsperson for Children.

In the Marche region, the Regional Law n. 23/2008 established the Ombudsperson for the respect of the rights of adults and children- a Regional Ombudsperson who carries out the duties attributed to the Office of the Ombudsman, the Office of the Ombudsperson for Children and Adolescents and the Office of the Ombudsman for the Rights of Inmates.

In Molise, where the Public Guardian for Minors was active, the Regional Law dated 9th December, 2015, N.17 was approved, which established the Regional ombudsman for the rights of the person, who has not yet been appointed.

In Calabria, Campania, Liguria, Piedmont and in the autonomous provinces of Trento and Bolzano, the ombudspersons for children are elected by the respective regional and/or provincial councils and remain in office for the entire legislature.

In almost all of the autonomous regions and provinces, the duration of the appointment is five years. In the Region of Piedmont, the ombudsperson may be revoked by the Regional Council for serious and compelling moral reasons or for serious breaches of the law. In Tuscany, the ombudsman for children holds office for six years and is not immediately re-elected.

In the Veneto region, the Regional ombudsperson for the rights of the person, remains in office for three years from the date of the swearing in and can re-elected. In most cases, the ombudspersons for children are headquartered at the regional and/or provincial councils in its various denominations (Legislative Assembly in Emilia Romagna and Marche). Only in Liguria and Umbria is the Office is based, by law, in the premises of the Regional Council. Some instituting laws provide for the possibility of opening decentralized offices. It is already so in Calabria, Campania, Friuli and Lazio, where the structure has branch offices throughout the territory.



	Institution	Name	Current Ombudsman	Appointment	Duration of the assignment	Remuneration	Main Office	Other Offices
Basilicata	Reg. Law 18/2009	Garante dell'infanzia e dell'adolescenza	Vincenzo Giuliano	27.10.2014	5 years	25% of the gross remuneration of the regional councillors	Regional Council	No
Calabria	Reg. Law 28/2004	Garante per l'infanzia e dell'adolescenza	Antonio Marziale	19.04.2016	Whole legislature renewable once	Allowance of the Ombudsman equal to 25% of the fixed compensation of regional councillors	Regional Council	Decentralized Section at the Dep. Social Policies of the Regional Executive Council
Campania	Reg. Law 17/2006	Garante dell'infanzia e dell'adolescenza	Cesare Romano	05.09.2012	5 years	35% of the gross remuneration of the regional councillors	Regional Council	Yes
Emilia-Romagna	Reg. Law 9/2005	Garante per l'infanzia e dell'adolescenza	Clede Maria Garavini	23.11.2016	Whole legislature	35% of the gross remuneration of the regional councillors	Legislative Assembly	No
Friuli Venezia Giulia	Reg. Law 9/2014	Garante regionale dei diritti della persona	Fabia Mellina Bares	01.09.2014	5 years renewable	Established by the President's Office	Regional Council	Yes
Lazio	Reg. Law 38/2002	Garante dell'infanzia e dell'adolescenza	Jacopo Marzetti	15.06.2016	5 years renewable Once	50% of the gross remuneration of the regional councillors due to the regional councillors	Regional Council	Latina



	Institution	Denomination	Current ombudsman	Appointment	Duration of assignment	Compensation	Main office	Other Offices
Liguria	Reg. Law 12/2006 And subsequent amendments	Garante dei diritti dell'infanzia e dell'adolescenza	Francesco Lalla	01.02.2011	Whole legislature	18% of the gross compensation of regional councillors	Council	No
Lombardy	Reg. L. 6/2009	Garante dell'infanzia e dell'adolescenza	Massimo Pagani	15.04.2015	5 years renewable only once	20% of the service allowance of Regional Councillors.	Regional Council	No
Marche	Reg. L. 23/2008 and subsequent	Autorità di garanzia per il rispetto dei diritti di adulti e bambini Ombudsman regionale	Andrea Nobili	22.09.2015	5 years not renewable	Annual remuneration All inclusive	Legislative Assembly	No
Molise	Reg. L. 9th December 2015, n.17 (Reg. L. 32/2006)	Garante regionale dei diritti della persona	Pending appointment	–	–	–	–	–
Piedmont	Reg. L. 31/2009	Garante regionale per l'infanzia e dell'adolescenza	Rita Turino	25.10.2016	Whole legislature, renewable only once	1/3 of the service allowance of Regional Councillors and the refund for actually incurred and documented expenses (in 2017, the budget available for the missions amounts to	Regional Council	No
Apulia	Reg. Law 19/2006	Garante regionale dei diritti del Minore	Rosy Paparella	22.11.2011	5 years renewable	55% of the gross allowance of Regional Councillors.	Council in staff of the Presidency of the Regional Council	No



	Institution	Denomination	Current ombudsman	Appointment	Duration of assignment	Compensation	Main office	Other Offices
Sicily	Regional Law 47/2012	Garante per l'infanzia e dell'adolescenza	Luigi Bordonaro	22.11.2016	5 years renewable only once	With honorary title	-	-
Tuscany	Reg. Law 26/2010	Garante per l'infanzia e dell'adolescenza	Pending appointment	-	6 years not immediately re-electable	70% of the allowance of Regional Councilors.	Regional Council	No but envisaged by instituting law
Umbria	Reg. L. 18/2009	Garante per l'infanzia e dell'adolescenza	Maria Pia Serlupini	22.01.2014	5 years Not renewable	For free by the law; monthly gross allowance assigned as 10% of the gross monthly allowance of regional councilors by decree	Council (by law) but third party office	No
Veneto	Regional Law 37/2013 (Regional Law 42/1988)	Garante regionale dei diritti della persona	Mirella Gallinaro	15.03.2015	3 years re-lectable	60% of the allowance of regional councilors	Regional Council	No
Autonomous Province of Bolzano	Provincial Law. 3/2009	Garante per l'infanzia e dell'adolescenza	Maria Paula Ladstätter	06.03.2012	Whole legislature	The ombudsman receives a gross annual wage (art. 8 instituting law)	Provincial Council	No
Autonomous Province of Trento	Provincial Law 28/1982 & seq.	Difensore civico e Garante dei minore	Daniela Longo	18.02.2014	Whole legislature not renewable	2/3 of the allowance of Regional Councilors.	Provincial Council	No But in the Community of Valle there are 15 listening points that receive with an appointment



Autonomy and Budgets

In almost all autonomous regions and provinces, with the exception of Liguria, Lombardy, Piedmont, Sicily and the province of Trento, the ombudspersons have the obligation of programming their activities. As a rule, the outlays relating to the ombudspersons' work is charged to the budgets of each Regional and/or Provincial Council and is determined annually on the basis of a programme that is submitted for approval to the various President's Offices. Within the framework of the forecasts contained in the programmes and the corresponding financial allocation, the ombudspersons tend to be acknowledged managerial and organizational autonomy. In the

Lombardy region, the ombudsperson carries out his/her own activity in full organizational and administrative autonomy as well as with independence of judgment and evaluation; the outlays related to the activity are charged to the budget of the Regional Council with two different appropriations, respectively: one for reimbursement of mission expenses and the other for organizing events and promotions. Upon the proposal of the Italian Authority for Children and Adolescents, the Region of Calabria approved the implementing regulation of the Regional Law 28/2004: the Regional Executive Government (Giunta) and the Council will annually pay the sums available to the President's Office into a dedicated account that the ombudsperson is required to report within March 31st of the following year.



	Own Logo	Own Site	Obligation di programming activities	Autonomy	Allocation
Basilicata	YES	No (sub-site RC portal)	YES	YES	20,000
Calabria	No	No (sub-site RC portal)	YES	Yes (Year 2016)	111,250 (Year 2016)
Campania	YES	YES	YES	YES	30,000
Emilia- Romagna	No	No (sub-site AL portal)	YES within 15 September of every years with an indication of the financial need	No	35.000 (2017)
Friuli Venezia Giulia	YES	YES	YES	YES	92,500
Lazio	YES	YES	YES	YES	90,000
Liguria	No	No	No	No	No (compensation to the Ombudsman in as much as it is the Ombudsman)
Lombardy	YES	No (sub-site RC portal)	No	YES	17,000 (of which 7,000 for missions)
Marche	YES	YES	YES	YES	No
Piedmont	YES	YES (sub-site RC portal))	No	YES	No
Apulia	YES	YES	YES	YES	55.000
Sicily	No	No	No	No	No
Umbria	Own Logo	Own Site	Obligation di programming activities	Autonomy	Allocation
	No	No	YES	No	20.000
Veneto	YES	YES	YES	YES	240,000 (including the three protection guarantee functions)
Autonomous Province of Bolzano	YES	YES	YES within the 15 th of September at the Presidents Office of the Provincial Council Programme of the activities and the related needs	YES	40.000
Autonomous Province of Trento	YES	No	No	No	No



Personnel

Usually, the ombudspersons' offices are assigned a minimum endowment that is equal at least to two units, identified within the framework of the personnel who are in service in the related Regional and/or Provincial Councils.

In Emilia-Romagna, the ombudsperson for children and adolescents makes use of the collaboration of two dedicated units as well as of a cross-institutional support structure to the three protection institutions operating in the region (in addition to the Ombudsperson for children's rights, there is also the Ombudsman for prisoners' rights, and a Civil ombudsman).

In Friuli-Venezia-Giulia, the ombudsperson for children and adolescents is assisted by an organizational structure called the Servizio Organi di Garanzia (Supervisory Bodies Service), instituted in the General Secretariat, General Area of the Council.

In Calabria, the ombudsperson for children makes use of, upon agreement, the collaboration of personnel assigned by the Regional Council chosen on the basis of their expertise and professional competence required for the duties to be performed.

It is normally foreseen that the Ombudsperson for Children has have the possibility of using external personnel in order to perform specialist services and hence through publicly advertised tenders.

In Veneto, starting from 2016, personnel possessing a high level of professional expertise are guaranteed thanks to a cooperation agreement stipulated with the Local Healthcare Unit No. 3 Serenissima of Venice.

The personnel of the Ombudsperson for the rights of minors of the autonomous province of Trento is the same as that for the Office of the Civil Ombudsman and has not been further augmented with additional personnel for the function of Ombudsperson for minors.

In Campania there is an active agreement with an association of volunteers operating in the territory that assists the Ombudsman for children in carrying out the activities

foreseen by the annual programme of activities.

In the Umbria region, the Regional Executive Council, with a regulation, has laid down a statutory framework for the office organization, the professional quality of the personnel and the modalities of operation of the office.

In the province of Bolzano, the Ombudsperson for children and adolescents has been provided with a structure, set up by the deliberation of the President's Office of the Council, which he/she functionally manages as well as its personnel, guaranteeing that all three linguistic groups have the right to use their own mother tongues. In Piedmont, the President's Office of the Regional Council establishes, with its own deliberation, the amount of staff and the organization of the Ombudsperson's Office, the professional requirements of its staff for which it promotes the specific professional training, and the additional modalities of operation of the Ombudsperson for children's rights offices; the Ombudsperson may request opinions and translations, make use of consultants and interpreters, and can jointly operate with the related Regional Councillor and with the competent public services for minors.

In the Lombardy Region, the staff of the Ombudsperson for children's rights is the same as that of the office for the Regional Ombudsperson for civil rights and other Regional Authorities, which includes permanent staff of the Regional Council and seconded personnel of the Regional Executive Council in the implementation of the ad hoc convention; two D category units are assigned to functional departments in order to allow the exercise of its specific functions (of which 1 has been assigned starting from 01/03/2017) and it is assisted by personnel assigned to the Secretariat of the Office.

Only in the Umbria Region the Ombudsperson for children's rights is not seconded from the service.

The Ombudsperson for children's rights in Sicily does not as yet, have either any office or any personnel.



	Secretary Staff Member (category B)	Administrative or accounting staff member (CJ assistant)	Juridical Specialist (O)	Healthcare specialist and social services (D)	Other	Organizational Position	Executive Manager	External collaborator	Researcher, research fellow or trainee remunerated or not	Volunteer
Basilicata	-	1	-	-	1 administrative official (Cat. O)	-	1	-	-	-
Calabria	1 IT Operator Ctg B3	1 Administrative Instructor Ctg C1	1 Juridical- legal expert (Lawyer) Ctg D3	-	-	-	-	-	-	-
Campania	1 Official	1 Official	-	-	-	-	-	-	-	4 (1 secretariat staff member, 1 juridical, 1 healthcare and social, 1 other)
Emilia- Romagna	1 Cross departmental staff member	1 Cross departmental staff member	1	1	-	1 single staff member with detained juveniles under Ombudsperson	1 Cross departmental staff member	-	Possibility foreseen of activation	1



	Secretary Staff Member (category B)	Administrative or accounting staff member (C,J assistant)	Juridical Specialist (O)	Healthcare specialist and social services (D)	Other	Organizational Position	Executive Manager	External collaborator	Researcher, research fellow or trainee remunerated or not	Volunteer
Friuli-Venezia-Giulia	1	-	-	-	5 administrative and economic specialists (Cat. D) 2 technical specialists (Cat. D) 1 Cultural tourism specialist (Cat. D)	1	1 Executive Manager of the Protection Area	-	-	-
Lazio	1	-	-	1 psychologist Cat D (part time 50%)	4 Cat. D Administrative professional of which 1 Part-time 70% at 1 cat. B 4 Administrative profession (Lazio Crea)	1	1	-	-	-
Liguria	-	-	-	1 social pedagogical assistant	-	-	-	-	-	-
Lombardia	1	2 (of which 1 part-time at 80%)	1	-	1	-	-	-	-	-
Marche	1	3	4	-	1 (Cat. B) Psychologist 1 (cat. B) IT specialist 1 (Cat. D) Psychologist	1	1	-	-	-



	Secretary Staff Member (category B)	Administrative or accounting staff member (CJ assistant)	Judicial Specialist (O)	Healthcare specialist and social services (D)	Other	Organizational Position	Executive Manager	External collaborator	Researcher, research fellow or trainee remunerated or not	Volunteer
Piedmont	-	1	1 part-time staff member	-	-	-	-	-	-	-
Apulia	1	1	-	-	-	-	1	-	-	-
Sicily	-	-	-	-	-	-	-	-	-	-
Umbria	-	2	-	-	-	-	-	-	-	-
Veneto For the promotion of protection and public safeguarding of minor children activities	1 protected category + 1 part-time at 80% in the Regional Council command	1 part-time at 90% in the Regional Council command	-	-	-	1 in the Regional Council command	-	6 (4 jurists, 1 psychologist, 1 expert in human rights) highly specialised staff guaranteed through the agreement with the Local Health and Social Care Facility No. 3 for a total of 70 hours weekly	-	-
Autonomous Province of Bolzano	-	1	2	1 psychologist in assignment	-	-	-	-	-	-
Autonomous Province of Trento	4	-	4	-	-	-	-	-	-	-



Conventions with external entities

It is normally envisaged that ombudsman for children's rights may sign conventions, agreements and memoranda of understanding with entities and associations.

	Conventions with external entities
Basilicata	Memoranda of understanding: 1) President of Children Lab Association 2) President of the Trial Court of Potenza 3) Acting President of the Juvenile Court of Potenza 4) Rotary Club Potenza Torre Guevara 5) Acting President of the Ordinary Court of Matera 6) Rham Centre of Matera 7) ASD Vito Lepore 8) UNLA of Ferrandina
Calabria	Signing of Memoranda of Understanding
Campania	Voluntary association
Emilia-Romagna	The conventions initiated by the previous Ombudsperson having been closed. During the year, new ones will be started up
Friuli Venezia Giulia	Signing of Memoranda of Understanding: - 1. Memoranda of Understanding between the regional Rights of the Person Protection Agency of the, the Regional Equal Opportunity Commission, the Regional Committee for Communications of Friuli Venezia Giulia, the Regional Scholastic Office of Friuli Venezia Giulia and the Postal Police and Communications Department of Friuli Venezia Giulia, the "coordination of the activities for the prevention and fight against the phenomena of bullying and cyber-bullying". -2. Memoranda of understanding between the Regional Rights of the Person Authority. National Association of Italian Municipalities (A.N.C.I.) F.V.G. and Federsanita'/ National Association of Italian Municipalities — Federazione Friuli Venezia Giulia for the Mayors Protectors of the Rights of the Person project ". -3. Agreement with the Order of Social Welfare of the FVG.
Lazio	Signing of Memoranda of Understanding
Liguria	Agreements: 1) Unicef 2) University of Genoa faculty of Jurisprudence Course in Social Service 3) Croas Liguria (Regional Order of Social Assistants)
Lombardy	Some Memoranda of Understanding signed
Marche	Some Memoranda of Understanding and Conventions signed
Piedmont	The Ombudsperson for Piedmont is preparing a Memorandum of Understanding with the Order of Social Welfare Assistants of Piedmont and Valle d'Aosta and has adhered to a project that sees it involved as a Partner and a member of the Steering Committee
Apulia	Agreement with the National Committee for Unicef for the realization of training procedures for volunteer tutors
Sicily	-
Umbria	
Veneto	Cooperation agreement with the Healthcare Unit No. 3 (VE) for the constitution of a professional, highly specialised support; Memoranda of Understanding with the Professional Order of Social Assistants of Veneto for professional training
Autonomous Province of Bolzano	Several Memoranda of Understanding and Agreements signed
Autonomous Province of Trento	Memorandum of Understanding with the Centre for Mediation of the Trentino-Alto Adige Region for the adequate listening to minor children.



Relations with other protection figures

It is usually foreseen that the Ombudsman for children's rights shall collaborate

with other Protection Authorities, where these are present (Ombudsman, Commission for Prisoners' Rights, Corecom/Regional Committee for Communications) for managing situations of common interest.

	Other protection figures	Other
Basilicata	Ombudsman, Corecom	-
Calabria	Ombudsman, Corecom	-
Campania	Commission for Prisoners' rights and Ombudsman	-
Emilia-Romagna	Corecom, Ombudsman, Ombudsman of the rights of private persons and personal freedom	-
Friuli Venezia Giulia	Steering Committee = President for Childhood + Vice President for Prisoners + Component for Persons at Risk of Discrimination Corecom and the Regional Commission for Equal Opportunities	Please see: Opinions on Drafts of Legislation as well as guideline acts and planning of the Regional Council (therefore relations foreseen with the Council and Government)
Lazio	Ombudsman, Corecom, Commissioner for Prisoners' Rights	- Regional Observatory of Minors - Juvenile Court of Rome
Liguria	Reciprocal invitations or announcements with the Ombudsman	No
Lombardia	Regional ombudsman and other protection authorities may coordinate with each other as concerns situations of common interest within the framework of their respective competencies Corecom collaborates in monitoring television programming, the press, audio-visual and telematic reporting in order to report any violations	Regional Observatory on Minors; The Regional Observatory on Integration and Multi-Ethnicity and thematic observers set up by the Region and with it; Organizations proposed for overseeing the phenomena of evasion and avoidance
Marche	Regional Commission for equal opportunity between men and women: Regional Committee for Communications (Corecom)	Associations, Public Entities, Juvenile Court, Public Prosecutors Office for Minor Children
Piedmont	Ombudsman, Corecom, Regional and Municipal Prisoners' Rights Commission	-
Apulia	Prisoners' Rights Commission for the structural and staff sharing as well as for the implementation of projects and activities within the framework of common interests	No
Sicily	-	-
Umbria	Prisoners' Rights Commission Ombudsman	-



Relations with the Institutional Bodies

The ombudspersons for children and adolescents are normally called upon to keep on their respective Regional/Provincial Councils up to date on the progress of their own activities as well as to submit a report on the activities carried out

a) Relations with the regional/provincial council

	President's Office	Regional Council	Commissions	Responsible Commission (If it exists)	Proposals to the Legislative Assembly of the act of appointment	Regional Law Amendment Proposals
Basilicata		Presentation of a report within March 31 of each year on the condition of childhood and adolescence as well as on the activities carried out.	IVth Permanent Conciliar Commission: Hearing on Draft Legislation regarding minor children			
Calabria	Yes	The Authority reports every six months on the activity carried out and sends a Report on the Activities Carried Out, to the President within March 31st of each year.	When called upon or requested in hearing			Regional Law November 23, 2016 No. 36 Amendments to the Regional Law 12.11.2004



	President's Office	Regional Council	Commissions	Responsible Commission (If it exists)	Proposals to the Legislative Assembly of the act of appointment	Regional Law Amendment Proposals
Campania	Yes	Submission of the report on the activities carried out, on the condition of childhood and adolescence, on the state of the existing services and on the effectiveness of the activities that have been promoted	Yes	No	Modification of the duration of the Office and the possibility of opening other decentralized offices Outcome: positive	Yes
Emilia- Romagna	Submission, within March 31 of each year, the annual Report on the activities carried out to the President of the Regional Council as to the President of the government	The Legislative Assembly, on a proposal from the President's Office, examines and discusses the Report within two months of the submission. The Ombudsperson can sum up the reports in the Chamber	The Council Commissions may call upon the Ombudsperson for clarification of the activities carried out.	Yes	No	Research aimed at analysing the impact of the protection of the guarantee figures and to develop modification proposals or guidelines, is about to be terminated
Friuli Venezia Giulia	The Ombudsperson submits the Program of Activities and the Report on the Activities carried out	Submission of the Annual Report on the situation of the designated subjects of the interventions (Article 13, Regional Law 9/2014). The Ombudsperson shall formulate, upon request on upon its own initiative observations and opinions on draft legislation and solicit legislative action where it deems there is a necessity or opportunity (Article 7 (1) (e), f) Regional Law 9/2014)	No	No	No	No The Regional Law no 9 of 16th May 2014, as amended by the Regional Laws 14 November 2014, No.24, December 29, 2015, n.33 and December 29, 2016, no. 24, has brought about a modification to the financial law
Lazio	No	The Ombudsperson submits the annual Report to the Regional Council	Yes	Every six months, the Ombudsperson reports to the Permanent Committee on Social Services	No	No



	President's Office	Regional Council	Commissions	Responsible Commission (If it exists)	Proposals to the Legislative Assembly of the act of appointment	Regional Law Amendment Proposals
Liguria	Yes	Submission of the report on the activities carried out, within the 31 st of March of every year	No	No	No	No
Lombardia	The Ombudsperson provides information about the activities it has carried out and the results achieved in promoting and ensuring the full implementation of the rights of minors	The Ombudsperson shall submit an annual report. The Council, after its examination by the Council commission, shall adopt the resulting determinations. The report is published in the Official Bulletin of the Region of Lombardy	The Council Commissions may call upon the Ombudsperson for clarification of the activities carried out.	No	No	No
Marche	Yes	Submission of the Annual Report of its Activities within March 31st of the year to the President of the Legislative Assembly, who sends it to the other Councilors as well as to the President of the Regional Council				
Piedmont		Submission of the report on the activities carried out, within the 31st of March regarding the condition of childhood and adolescence in the Region, the results achieved as well as the activities that have been planned. It may submit suggestions, proposals on regulatory and administrative innovations to be adopted. The Annual Report is published in the Official Regional Bulletin and these acts are advertised on daily newspapers, as well as regional radio and television broadcasting stations.		The Council Commissions may call upon the Ombudsperson for clarification and information regarding the activity carried out		



	President's Office	Regional Council	Commissions	Responsible Commission (If it exists)	Proposals to the Legislative Assembly of the act of appointment	Regional Law Amendment Proposals
Apulia	Yes	Submission of the report on the activities carried out, within the 31 st of March of every year				
Sicily	Annual submission to the President's Office as well as to the Regional Council		Half-yearly report to the competent Legislative Commission- Department for the Family, Department of Health			
Umbria		Submission of the Annual Report of its Activities carried out in the previous year within March 31st of the year	The Council Commissions can call upon the Protection Agency		No	No
Veneto	Yes	Submission of the report on the activities carried out in the previous year, within the 31st of March	Presentation and discussion of the Annual Report in Commission V			
Autonomous Province of Bolzano		Submission of the Annual Report to the Provincial Council, to the Municipal Governments and Councils within the 31st of March	The Provincial Authority may be consulted by the Council Commissions regards the problems and initiatives pertaining to the needs, rights and interests of young people			
Autonomous Province of Trento	Yes	Submission of the Annual Report on the activities carried out	When called upon or requested in a hearing	No	No	Yes



b) Relations with the regional/provincial executive

	Regional Executive Council	Departments
Basilicata	Promotion of joint initiatives for the diffusion of a culture of childhood and adolescence and participation in technical roundtables	-
Calabria	Relationships of collaboration with the structures that are competent for matters regarding social services of the Regional Executive Council	Department of Social Policies
Campania	The Ombudsperson reports on a six-monthly basis to the regional Executive Council and to the activities carried out.	Yes
Emilia-Romagna	Submission of the Annual Report to the President of the Executive Council within March 31 of every year	Promotion of joint initiatives for the diffusion of a culture of childhood and adolescence
Friuli Venezia Giulia	Presentation of the Annual Report as well as planning acts or guidelines of the Region	No
Lazio	Normally refers to every six months to the Regional Executive Council	Yes
Liguria	No	No
Lombardy	No	Promotion of joint initiatives for the diffusion of a culture of childhood and adolescence. Roundtables planned for the preparation of the guidelines and protocols for the institution of a roster of volunteer tutors
Marche	The Protective Authority shall send a report on the activities carried out, accompanied by comments and proposals within March 31st of each year to the President of the Regional Executive Council, which shall transmit it to the Regional Councillors and to the President of the Regional Executive Council. Special reports may be sent to the President of the Assembly and the Regional Executive Council in cases of particular importance and urgency.	
Piedmont	The Protective Authority shall send the Annual Report on the activities carried out to the President of the Regional Executive Council within March 31.	For the performance of its functions, the Ombudsperson operates in tandem with the Departments of Social Policies, Youth Policies and Education
Apulia	No	Roundtables for the preparation of guide lines
Sicily	Annual Report	Six-monthly Report
Umbria	-	Yes
Veneto	No	Regional Department of Social Services and the Department of Healthcare Planning
Autonomous Province of Bolzano	The Protection Agency sends the Annual Report on the activities to the Provincial Executive Council, to the Provincial Council and the Council of Municipalities. The Ombudsperson presents a planning project of its activities to the President's Office of the Provincial Council, supplemented with the related forecast of expenditure for approval. The Protective Authority shall be heard by the Council Commissions on the issues and initiatives related to the needs, rights and interests of young people.	-
Autonomous Province of Trento	Obtaining observations regarding general administrative acts, regulations and drafts of laws governing minors	No



Application of the discipline on the administrative proceedings and the obligations of transparency pursuant to Legislative Decree 33/2012

	Application or not of the discipline	Official (D)	Organizational Position	Executive Manager	Protective Authority	Other	Transparency Web Site
Basilicata	Yes	X			X		http://www.consiglio.basilicata.it/consiglienew/site/consiglio/detail.jsp?otype=1040&id=596798
Calabria	Yes	X			X		http://www.qaranteinfanzia.conscit
Campania	Yes				X		http://www.consiglio.regione.campania.it/TraspAmm/index.jsp
Emilia-Romagna	Yes	X					http://trasparenza.regione.emilia-romagna.it/
Friuli-Venezia – Giulia	No as regards warnings				X		http://www.consiglio.regione.fvg.it/cms/pagine/at/
Lazio	Yes		X	X	X		http://www.consiglio.regione.lazio.it/consiglio-regionale/?vw=trasparenzacontenutidetail&id=1#.WOymdrEgUdU
Liguria	No	X					
Lombardy	Yes						http://www.consiglio.regione.lombardia.it/servizi/amministrazionetrasparente
Marche	Yes	X					http://www.ombudsman.marche.it/amministrazione_trasparente/index.php
Piedmont	No						http://trasparenza.cr.piemonte.it
Apulia	No						http://trasparenza.regione.puglia.it
Sicily	-	-	-	-	-	-	-
Umbria	No						
Veneto	No						-
Autonomous Province of Bolzano	No						http://www.consiglio-bz.orght/service/amministrazione-trasparente.asp
Autonomous Province of Trento	No						http://www.provincia.tn.it/ammnistrazione_trasparente/pat/



Concluding Observations

This survey, which has been completed, makes it possible to draw some general considerations. On the one hand, it is clear that the institutional process for establishing ombudspersons for children and adolescents on the Italian territory, has with very few exceptions, shown substantial progress. Only Abruzzo and Valle d'Aosta as a matter of fact, still remain without any Ombudsperson for children and adolescents, while Molise, Sardinia and Tuscany are still awaiting appointments for theirs. What has emerged from this analysis is that there are significant disparities that distinguish the legislation of the autonomous regions and provinces, which is reflected in all aspects of this research. Starting from the names themselves, to the amounts of funding allocated, to the assigned functions and relations with other institutions, even in the identity of the ultimate goals - guaranteeing the effectiveness and the respect of the rights of persons of a minor age as enshrined in the international charters as

in the Italian legislation - the concrete implementation of these goals differs from region to region and autonomous provinces.

Notwithstanding the indispensable respect for local autonomies, which is necessary for enhancing the specific features linked to the territory, and greater proximity to the needs of minors, we cannot fail to point out the risk that arises from the substantial inequalities in the protection of children and adolescents. This is especially obvious as concerns the financial, structural and organizational resources available to the regions and autonomous provinces, which inevitably correspond to different possibilities of actions and outcomes.

The work of the Conference of Ombudspersons (*Conferenza di garanzia*) has proved to be crucial. The Conference is the foremost setting for facilitating communication among co-operative institutions, promoting the dissemination of best practices and the implementation of a common action plan in order to make the promotion and protection of the rights of minors more efficient and effective throughout Italy.



7. Guardianship: an Evolving Institute.

The collection of experimental data processed with the contribution of the Ministry of Justice and the Ombudspersons for Children and Adolescents of the Regions and Autonomous Provinces *

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* This survey was prepared with the collaboration of Angelica Grisolia. We thank the Ministry of Justice, the judicial officials, the Ombudspersons of the Regions and of the Autonomous Provinces that contributed to collecting the data



Acknowledgements- Introductory Overview

The European Reference Framework

Whenever a child is deprived of parental care, European Union member states provide for the appointment of a guardian. However, in the absence of any common definition, each state has attributed a different meaning as concerns the mandate and functions assigned to the term “guardian”. The terminology itself also varies from one State to another: we might, as a matter of fact, encounter the use of “representative” or “legal representative” without there being any consistency as regards the contents of the mandate

In most states, the institute of the guardianship is governed by civil law or family law, even though, in some cases (as it occurs in Latvia) this responsibility falls under the purview of administrative law. Moreover, it is often the case that the functions of the guardianship are managed by social services at local level, while few states have established a central authority. As far as the guardianship of unaccompanied minors are concerned, all states of the European Union have established that protection in these cases, take place within its own territory, independently of the nationality of the child. There is, nonetheless, no uniformity among the relevant laws of the member states. First of all, in almost all cases, the member States, including those that have special laws for the protection of unaccompanied minors, have not laid down any specific and comprehensive legislation governing the protection of minors, which is, in essence, a subject is disciplined by common rules of civil law or family law, without any distinction linked to that particular status.

The only exception is Italy. On March 29, the law “Provisions on Protection Measures for Unaccompanied Minors” (Law no. 47 of April 7, 2017) was adopted, which has the aim of strengthening the protection of minor children and defining an organic discipline that strengthens the instruments of protection guaranteed by the legal system.

In particular, concerning the institution of guardianships, the above-mentioned proposal provides for in Article 11 (Roster of Volunteer Guardians) that “within ninety days from the date of this law entering into force, a roster of volunteer guardians for the minors shall be drawn up in every court, in which private citizens, may be registered who have been selected and appropriately trained by the regional and provincial protection agencies for children and adolescents of Trento and Bolzano, who are willing to assume the guardianship of an unaccompanied foreign minors or several unaccompanied minors when this guardianship concerns brothers or sisters. Special memoranda of understanding between the aforementioned child and adolescent ombudspersons and the presidents of the juvenile courts have been stipulated in order to foster and facilitate the appointment of volunteer guardians. In the Regions as well as in the autonomous provinces of Trento and Bolzano, where the guardian has not been appointed, the offices of the Children and Adolescents Ombudsperson with the support of expert associations in the sector of migration and children, as well as local entities, councils of professional orders, and universities, shall provide to exercise these functions”. The mandate and length of a guardianship vary from one state to another. This mandate may be broad and cover all aspects regarding the guardianship, or be restricted and determined from time to time at the act of appointment. In the latter case, the duties and duration will



depend on the child's specific situation, and more precisely, his or her status as a migrant or whether there are or not any judicial proceedings against him or her. In France, for example, the law foresees the appointment, as regards an ad hoc administrator for foreign minors, whose duties are decided by the competent judicial authorities. In the event in which a child in possession of temporary residence permit is involved, the status of migrant generally prevails over that of child: consequently the representative with more limited powers linked, to the authorities competent in matters of immigration shall be appointed, but without any specific training as concerns guardianship of children. All of this is at the expense of protection. There are furthermore cases in which the guardianship is delegated to several subjects or institutes, to which various duties are attributed. For example, in the Czech Republic the custodian (*poručník*) is responsible for the wellbeing and interests of the child, while the guardian (*opatrovník*) has a mandate that is limited to representation in determined proceedings. The same thing occurs in Portugal, where the *guardião* judicially represents the child, whilst the *guardian* exercises the parental rights and duties of the child in his/her care.

In some Regions of Germany, it has been common to appoint lawyers as complementary guardians (*Ergänzungspfleger*) with specific duties that are related, in particular, to the procedures connected to the asylum and migration. German law provides that the *Ergänzungspfleger* assist the parents of legal guardians in the management of some tasks, when it is perceived that there are shortcomings in specific legal expertise required in special situations. In these cases, the guardian represents the child in matters of housing, education and, at the same time, an *Ergänzungspfleger* represents him or her in the asylum procedures. Starting from

2013, following the ruling by the German Supreme Court (decision XII ZB 530/11), complementary guardians have been abolished and, consequently, some Länder have introduced the figure of co-guardian (*Mitvormund*, section 1775 of the German Civil Code).

In Slovakia, a custodian is appointed (*opatrovník*), who is entrusted with specific duties that are determined by the court within the framework of preliminary measures for the protection of the child, while a guardian (*poručník*) with a more extensive mandate may be appointed at a later point in time.

In Ireland, the aim of the appointment of an *ad litem* guardian is representation of the child in various proceedings, such as – for example – those connected to his charge. The “Child and Family Agency” is responsible for the child's wellbeing and assigns the child a social assistant who deals with all aspects connected to the child, such as education and health.

With the exception of a few States – such as Poland – only natural persons can only exercise a guardianship. The choice of an institute is often followed for the unaccompanied children, or victims of trafficking, who have been identified in a country that is different from that of origin. In these cases, the appointment of a guardian may be made following an internal decision (such as it occurs in Austria, Ireland and the Netherlands), or to be adopted by the judicial authority (as it happens in Poland). In Bulgaria, Cyprus, Hungary, Latvia, Lithuania, Portugal and Romania, whenever an institution has been appointed, the guardianship is entrusted to its legal representative, who delegates specific duties to its staff members, while in some States – such as Austria, Greece and Slovenia – delegating to third parties is also possible.

The system of entrusting guardianships of unaccompanied minors to institutions is generally managed at the local level. In



some States instead, responsibilities are shared at the regional as well as local level: this is, in particular, what takes place in Poland, Belgium, Denmark and Spain. The absence of any conflict of interests between the guardian and this child is the main criterion to be followed regarding the choice of a person or an institution. Nonetheless, this condition has been interpreted in different ways throughout the various states of the European Union.

Some problems might arise, for example in the case in which there are guardians who also provide services in housing structures and therefore find themselves in a situation of conflict, in as much as the child's interest might not correspond to the structure's. The structure's employees are obliged to perform their own functions in the employer's interest and act in compliance with his instructions however, as guardians; they are also at the same time responsible for child's welfare and protection. More specifically, in central European countries, guardianships are entrusted to the directors of these structures, who then delegate their own duties either to the permanent staff or volunteers. In the countries of western and northern Europe, the assignment of the guardianship to reception structures is forbidden by law, or is exclusively conceded strictly on a temporary basis and until a guardian is appointed. This notwithstanding there are cases such as in Finland – in which these centres play a crucial role, in as much as they are at the same time, responsible for the recruitment, supervision, and appointment of children's representatives.

Notwithstanding the fact that within the European Union, only four member states (Belgium, Denmark, Finland, the Netherlands) have introduced a special system for the guardianship of unaccompanied minors who only possess a temporary resident permit, or who are completely without one, there are differ-

ent procedures in the practices of many other states: in Luxemburg, for example, these children are entrusted to the care of the Red Cross or Caritas, which also deal with their housing. Another elements that distinguishes the institution of a guardianship for unaccompanied minors concerns the mandate: given that generally speaking, the laws governing immigration matters prevail over those protecting children, in most states the law only provides for the nomination of a legal representative and guarantees the guardianship only when international protection has been recognized. In spite of the fact that this issue has been assuming alarming dimensions in recent years, no state has as yet, provided for any special legislative framework that is exclusively for the guardianship of those children who are the subject of international trafficking. However, many states have adopted specific provisions for the appointment of the guardian or legal representative, so that a greater protection of the child is guaranteed, while other states such as Croatia have draw up special non-binding protocols. Be this as it may, the fact that such dispositions come into play only when the competent authorities have ascertained the circumstance of being a victim of international trafficking, means that, in most cases, these remain unimplemented.

Notwithstanding the fact that most European member states require the possession of specific expertise in order for someone to be appointed as a guardian, however this professional expertise varies greatly in terms of its contents. When the guardianship is entrusted to an institution, its personnel are generally comprised of social assistants, psychologists or jurists.

On the contrary, when natural persons are assigned, no special professional expertise is required.

In only a handful of states does the law



establish the obligation of attending training courses, which when they are provided for, are generally not regulated in terms of their duration and contents. Indeed, the different legislations appear to dwell far more upon the moral requirements than the professional ones. Moreover, even when particular qualifications are indeed required, these are often indicated in negative terms, that therefore describe those who does not result as being qualified.

Few states of the European Union have established more specific requirements, in Finland; for example, the act of receiving asylum seekers it is foreseen that, notwithstanding the fact that there is no obligation to demonstrate specific qualifications, the guardians should be knowledgeable about the typical issues in immigration matters, more specifically about international protection and the trafficking of human beings; they might also be familiar with the related procedures, be able to work with the children as well as to take part in special courses organized by suitable institutions and – hopefully – may become acquainted with the linguistic, religious, and cultural background of the children entrusted to them.

Generally, for the purpose of the appointment, the possession of the requirements requested is assessed and in many countries, this also takes place by administering physiological-attitudinal tests and controlling the criminal records certificates. The most crucial element regarding this practice is the fact that the assessments take place exclusively at the moment of the first assignment, and consequently fail to take into account any changes that might occur afterwards.

Another shortcoming that can be found in most member states of the European Union consist of the failure to provide for the guardians being obliged to

attend specific training courses: this is despite the fact that the importance of a specific training is stressed in the policies and guidelines of many countries, in the practice however this only occurs in a systematic and regular fashion in only a third of the member states of the European Union, more specifically in Belgium, Denmark, Latvia, Lithuania, the Netherlands, Finland, Slovenia, although the attendance in the latter two is not mandatory.) As a matter of principle, the courses are organized at the regional level by local public or private entities, without there being any uniform national legislation regarding their duration and contents. The states mainly foresee that the judiciary authority shall perform the appointment of a guardian. The latter acts either on its own, or at the request of the child itself (through its legal representative) and of the competent authority. In the case in which there is an unaccompanied minor involved, it is generally the police or immigration and asylum centres that report the situation to the judicial authorities or directors of the reception structures.

In Finland for example it is these centres that are responsible for the appointment of representatives of the unaccompanied minors, for example, that have the same rights and duties of the guardians appointed for its citizens. For the cases of children who are the subjects of trafficking, special dispositions and specific referral procedures are foreseen in most states, that are generally carried out by the police force that has provided for the recognition of the victims and NGOs often get involved: in the Netherlands, for example, the Nidos foundation is responsible for the guardian services of unaccompanied minors, including victims of child trafficking. Nidos has signed a cooperation agreement with the police forces and



the border control authorities in order to facilitate an adequate protection for the victims trafficking as well as to request the judiciary authority to appoint a provisory guardian.

A rapid appointment of the guardian is in the child's interest: it is precisely to this end that the laws of the various states commonly indicate that this decision should be taken quickly. However with the exception of a few cases, constituted for example by the Bulgarian and French law, a fixed term is not generally set. The delays are often linked to the insufficiencies of human resources as well as the difficulties encountered in coping with a constantly growing number of needy children, to structural shortcomings as well as to the stretched out lengths of judiciary procedures. Substantial differences in the duration of the procedures might also exist within a individual state, especially when this involves a federal state such as Austria., where from the seven days necessary for its conclusion in the district of Mödling to the three months required in Linz.

In order to deal with the child's immediate needs, all of the member states of the E.U. have provided for the possibility of adopting provisory measures: the latter are particularly useful in the case of victims of trafficking and may include the appointment of a provisory guardian and the assignment to an assistance structure. There are three different modalities followed: the temporary guardianship is entrusted to a representative of the assistance institute in which the child is found (Finland, Latvia, Lithuania, Luxemburg, Portugal); the same institute that normally performs this service is entrusted (Austria, Cyprus, Czech Republic, Germany, Spain, France, Hungary, Ireland, The Netherlands, Slovenia); and an ad hoc guardian is appointed (Belgium, Bulgaria, Sweden, Slovak Republic, Greece). Monitoring of the guardian's activities is

essential for ensuring the quality of the performance of service in favour of the child. However, in most of the member states of the European Union there is no systemic and effective control system and the children are not informed about their rights and often do not have access to complaint mechanisms. Concerning this matter, one of the few virtuous legal systems is constituted by The Netherlands, whose legislation establishes that not only that every child is given illustrative sheets written in their mother language on the complaint procedure, but institutes a special commission, exclusively made up of independent members. Many states have not provided for a control by an independent authority different from the judicial one in their legal system. One exception is once again represented by The Netherlands, in which a special inspectorate has been instituted (*Inspectie Jeugdzorg*), that is responsible for the monitoring of the guardianship of the children. In addition to the system commonly adopted – there is an obligation to regularly submit a report to the competent authority, in some states, there are also mechanisms of inspection visits to reception centres to be carried out in accordance with modalities and frequencies that often have not been determined by law. Lastly, we should examine the variety of tasks entrusted to the guardians of unaccompanied minors within the European Union. First of all, in these cases, it is often necessary to combine “ordinary” civil laws with specific laws governing asylum and immigration, which can attribute specific duties related to the child's particular status.

The different legislations define these tasks in a rather varied way, thus reflecting the idea that flexibility is a necessary element for best guaranteeing the interests of each child. A rare exception is constituted by the Lithuanian law, which punctually sets out all of the duties of



the guardian. In principle, the latter has the legal representation of the child, for whom he or she administers the finances and for whom he/she ensures adequate care and wellbeing.

In at least four member states of the European Union (Bulgaria, Germany, Latvia, The Netherlands) the guardians have the same rights and duties as parents, even if they do not have the obligation of meeting the material needs of children and are not responsible for their education. Similarly to that which takes place in Italy, in Croatia, Poland, Portugal and Spain as well, the decision-making authority on behalf of the child is fairly limited compared to that which is acknowledged for parents: whose duties are often not clearly defined: in Austria, for example, the guardians are entrusted with duties and responsibilities related to relationships with third parties, while the accommodation in the reception structures is deferred to the assistants, under the surveillance of the guardian. The problem of adopting durable and stable solutions, that starts from the decision itself concerning the possible repatriation back to the country of origin. In most European Union member states, there is no standard procedure that guarantees the best interest of the child and clearly defines the duties of the guardian as far as the identifying of a lasting solution that establishes family unification is concerned, as well as the return to the country of origin or the stay in the host country.

I. Guardianship in the Italian Legal System

There is no doubt that the provisions concerning the institution of the guardianship in Italy appear to be more responsive to the requirements of asset protection than to the real needs of unaccompanied minors who have arrived in Italy from distant foreign countries.

The legal foundation of the institution is the Civil Code of 1942 (Article 343 et seq. of the Italian Civil Code). The institution is moreover mentioned by Law No. 184/1983 on the right of the minor to a family (which disciplines the adoption and foster families of minor children) where, pursuant to Art. 3, par. 2, temporarily confers the guardianship power to the legal representatives of the communities and public well as private assistance institutions, until the appointment of a guardian has been provided for.

Currently there is consequently no law that specifically governs such an institution, notwithstanding the fact that its utilization in the practices has been increasing exponentially in the light of the migratory phenomena of the arrival on our shores of unaccompanied *foreign minors*¹ who as such need a concrete protection for the purpose of a concrete implementation that is as effective and as efficient as possible of the supranational principle of the “best interest of the child”.

The Legislative Decree of August 18, 2015, no. 142 implanting the Directive 2013/33/EU, transposes the regulation

1. From the data provided by the Ministry of the Interior, and published on the statistical dashboard of the Department for civil liberties and immigration it emerges that **25,846** unaccompanied children **arrived** in Italy in they year 2016, a figure that is double that of 2015, that witnessed the entry of **12,360** unaccompanied children into Italy..



concerning the reception of those requesting international protection, as well as the directive 2013/32/EU, transposing the common procedures for the purposes of recognition of and revocation of the status of international protection, more specifically deals with the question of the guardianship for unaccompanied minors, establishing the procedure for the opening of the guardianship.

Pursuant to the decree, the public security authority shall give immediate notice of the presence of an unaccompanied minor to the judge supervising guardianships, for the opening of the guardianship and for the appointment of the guardian, to the Prosecutor of the Republic at the Juvenile Court and at the Juvenile court for the ratification of pre-arranged reception measures. The appointment of a guardian is a requirement for regularizing the status of unaccompanied minors and is therefore required to carrying out any questions.

In the forty-eight hours following the communication to the Police Headquarters, the court shall provide to appoint a guardian who shall immediately contact the child to inform him/her of his appointment. Pursuant to Art. 18 of the Decree in question, *“The guardian shall have the necessary expertise for the performance of his/her duties and shall perform them in accordance with the principle of the minor child’s best interests. No individual guardian or organization whose interests are in conflict, even potentially, with those of the child may be appointed guardians. The guardian can only be replaced in event of necessity.”* It should be pointed out that the law, laying down *“Provisions regarding measures to protect unaccompanied foreign minors”*², introduces a system of voluntary guardianship for unaccompanied minors inte-

grates into a broader system of reception and proposes the institution of voluntary guardians in every juvenile court. Private citizens can be registered in these rosters who have been selected and adequately trained by regional and autonomous province ombudspersons - following the stipulation of memoranda of understanding with the presidents of juvenile courts. In those Regions in which the guardian has not yet been appointed, the Ombudsperson shall temporarily exercise these functions, with the support of associations that have expertise in matters of migration and minors, as well as the support of local entities, councils of professional orders and universities. The implementation of the guardianship in some Italian situations also arises from regional legislation.

In some Regions, the instituting law of the regional Ombudsperson provides for the identification, selection and preparation of people willing to carry out guardianship activities, as well as the institution of a roster of guardians that the judge responsible for guardianships can draw upon. It is interesting to point out that such a guardianship system, configured at a regional level through the ombudpersons, directly emanates from their functions of promotion and protection of the rights of children and adolescents, as rights in the *Convention on the Rights of the Child- CRC*.

The appointment procedure

The appointment of the guardian is the responsibility for the competent judiciary authority- the judge responsible for guardianships, pursuant to Articles 343 and et seq. of the Italian Civil Code, the judge shall appoint the guardian of the unaccompanied minor within 48 hours from the notification. However in some

2. Law approved on the date of March 29th, 2017.

contexts, the appointment of the guardian shall be performed by the juvenile court. This aspect currently appears to be a question that is still open.

Guardianship Models

Regarding the choice of guardian for unaccompanied foreign minors, two types of protection are identified depending on the person named as guardian:

- 1) Institutional subject (so called public guardian);
- 2) a private citizen who expresses his/her willingness and availability to act as a voluntary guardian and is included in a roster at the court of competent jurisdiction or, in some cases, kept by the regional ombudspersons.

The choice of one modality or the other seems to depend in part on the culture and the approach derived from the experience of individual courts, partly by the amount of resources that the context provides to the judicial authorities. In many territorial realities, both models coexist in the same judicial circumscription, as it will be possible to observe more specifically later on.

The Institutional Guardianship

The institutional guardianship appears to be the most common practice at national level. An institutional guardianship means that this guardianship is exercised by a representative of the municipal administration where the minor is located. In practice, therefore, the mayor is appointed, who then in turn delegates a councillor or operator of territorial social services.

Voluntary Guardianship

The second method refers to the appointment of so-called volunteer guardians, who have been registered in a roster at the competent court and who are made available to the judge for the appointment as a guardian. This roster is usually drawn up by the judicial authorities themselves and, sometimes, by the ombudspersons of the regions and autonomous provinces, with special memoranda of understanding with the competent courts.

The Hybrid Model

In many judicial offices, the aforesaid rosters are chiefly made up of lawyers. On the pages that follow, it will be possible to analyse the use of private guardianships as well as that of the public guardianship at the national and regional level,³ according to the data provided by the Ministry of Justice, in order to obtain average, absolute and percentage values. Concerning this matter, it should be noted that, from the prospectus received by the Ministry, there are, also lawyers within the public guardianship, and in this case we are speaking about a hybrid model.

The resulting critical issues

In the absence of any uniform procedures, appointing guardians and managing the guardianship takes place while following procedures that vary a great deal, and at times are carried out in emer-

3. The related data provided to the Italian Authority for Children and Adolescents are shown in special tables that have been broken down separately for the monitored region (see below, page 22) and in a final table showing the regional averages obtained from these last tables (See page 16).



gency situations.

This has resulted in an inevitable application fragmentation across Italy. This consequently entails an unequal treatment as regards the guardianship granted to an individual child, according to whether he/she finds himself/herself in a part of Italy where public guardianship or private guardianship is preferred. The aforesaid described situation makes it difficult to monitor the quality and adequacy of the work done by voluntary guardians.

Proposals for Solutions

In view of the critical issues presented by these application models and the growing number of unaccompanied minors, several initiatives at local level have been promoted in recent years to improve guardianship, through the activation of rosters made up of volunteers, especially trained citizens who are made available to the judicial authorities for appointments.

II. The Activities of the Italian Authority for Children and Adolescents

Infringement Proceedings against Italy. Application for access to documents. Collaboration with the Ministry of Justice

In 2014, the European Commission initiated an infringement procedure (2014/2171) against Italy for the alleged infringement of Directive 2003/9/EC, laying down minimum standards

for the reception of asylum seekers in the Member States, as well as of Directive 2005/85/EC laying down minimum standards for procedures in Member States for the recognition and withdrawal of refugee status in the part concerning unaccompanied foreign minors who are asylum seekers.

It should also be noted that, in observance of the powers conferred by the combined provisions of Art. 3, par. 1, letter A) and Art. 4 of its own Law No. 112/2011, the Ombudsperson requested and obtained access to the documents relating to the above infringement procedure.

On March 9, 2017 (Prot. No. 811/2017), the Minister of Justice was asked to raise awareness among the judicial offices of the existence of the infringement proceedings in progress.

All of this, in order to ensure the proper application of EU law and therefore an effective and efficient protection system, “that is child friendly”, in the light of the principle of the child’s best interest. The Ministry of Justice, with a Note dated March 15, 2017 (Prot. 869/2017), announced that it had invited all the judicial offices to take steps to optimize the times for opening the guardianship and, at the same time, to increase the number of people willing to assume the duty of guardianship, and likewise requiring constant monitoring of the appointment procedure.

The Ministry likewise pledged to submit an updated overview of the activities undertaken by Italian judicial offices to the Italian Authority for Children and Adolescents.



Meeting with the Special Representative on Migration and Refugees of the Council of Europe Ambassador Tomáš Bocek

On October 21, 2016, the Protection Authority met Ambassador Tomáš Boček, during an institutional visit to Italy.

During the meeting, the awareness raising activities of the institutions set up by the Protection Authority were shared with the aim of optimizing the reception system for unaccompanied minors in Italy and, in particular, in the recommendations and invitations to competent authorities aimed at activating an effective intervention network throughout Italy.

During his mandate, Ambassador Tomáš Boček collected information about the modalities of protection of the fundamental rights of migrant and refugees in the member states, and subsequently published his findings in a report submitted to the Council of Europe on March 2, 2017.

The report, in the part dedicated to unaccompanied minors (pp. 7-8), stresses the importance of the monitoring activity of the Ombudsperson on the institution of the guardianship and the appointment of the guardians. According to the Ambassador this concerns a useful activity that will help to better clarify the outlines of the phenomenon, identify the critical issues and then intervene.

III. Objectives of the work... *in progress*

This work examines the situation in a dynamic perspective. On the one hand, it provides a concrete representation of

the data received, laying the foundation for continuous monitoring, a functional tool for overcoming critical application issues. On the other hand, it aims at the preparation of uniform operational proposals related to the application of the institution of guardianship.

A technical roundtable has also been established for this purpose.

IV. Methodological Premise

With two notes of October 18, 2016, one addressed to the Ministry of Justice and the other to the regional ombudspersons, the Authority initiated a collaboration for the assessment of the institution of guardianship throughout Italy.

In particular, the Ministry of Justice was asked to verify, in the judicial offices, the average appointment times of the guardians and, where possible, the typology of the guardian appointed, specifying whether there are rosters of voluntary guardians or memoranda of understanding among the competent authorities and, finally, the form of monitoring focused on the activity carried out by the guardian and which bodies may possibly be responsible for this monitoring. In the note sent to the regional ombudspersons for children and adolescents, the ombudspersons were requested to carry out a survey, in their respective territories, in order to verify the existence of rosters of voluntary guardians and, if so, the modalities of institution, and of selection of guardians the number of guardians enrolled, and also the actual use of such rosters by the judicial bodies. Lastly, the Ombudsperson has asked to be informed



about the monitoring modalities for the verification of the activity performed by the volunteer guardians and the bodies that are responsible for such monitoring. It was possible to collect concrete data thanks to networking among the competent institutions.

This work has been subdivided into two sections.

The first concerns the overall assessment of the institute of guardianship that emerged as a result of the discussion with the Ministry of Justice; the second concerns the overall assessment emerging from the exchange of data with regional ombudsperson.

In particular, with the collaboration of the Ministry of Justice, it is possible to verify:

1. the average appointment time of guardians of unaccompanied minors in those judicial offices that are being monitored, with particular attention to those in the regions most concerned with accommodating unaccompanied minors (Sicily, Calabria, Lombardy, Lazio, Emilia Romagna, Apulia and Campania);
2. the typology of the appointed guardian:
 - a) legal public guardian⁴;
 - b) private voluntary guardian — spe-

ci-fying in this case if there are rosters of volunteer guardians or memoranda of understanding among the competent administrators;

3. the form of monitoring used to verify the activities carried out by the guardian;
4. if the monitoring is carried out, those bodies that are possibly charged to do this;

A survey was conducted in cooperation with the regional Protection Authorities as well as that of the Ombudsperson of the city of Palermo in order to verify:

1. the existence of rosters of voluntary guardians drawn up in Italy;
2. in the event of such rosters existing, the modalities according to which they were drawn up (e.g. memoranda of understanding between the local competent institutions and juvenile courts or the office of the judges supervising guardianships);
3. the selection modalities of the volunteer guardians;
4. in the event of the existence and operation of such rosters, the number of guardians enrolled and the possibility that the judiciary will make use it for appointments;
5. the form of monitoring the guardian's activities and the bodies responsible for such monitoring.

4. As already stated above, what is meant by public legal guardianship exercised by subjects holding public institutional roles (mayors, municipal councillors or social services). Lawyers may not be included among the public legal guardians, in as much as they are private subjects. The Italian Authority does not consider lawyers as public guardians, however, in the following tables, under the heading "Public Guardianship" attorneys are also included. This is explained in virtue of the fact that the Ministry of Justice, in the item prospectus drawn up by the Directorate-General for Civil Justice, expressly also included lawyers under this item, and it was therefore deemed inappropriate to tamper with the data collected and received.

SECTION I: The Data of the Ministry of Justice

With a note dated December 30, 2016, the Justice Ministry sent a prospectus - drafted by the General Directorate of Civil Justice - with the summary of the data acquired by the judicial offices on the progress of the guardianship opening procedures.



Some clarifications should be made regarding this matter,

In the table that was submitted to the Italian Authority by the Ministry of Justice, there does not result as any data having been received from the regional ombudspersons of the following Regions: Basilicata, Liguria and Veneto, which are therefore not included in this first section, but only in Section II.

It should also be noted, again with reference to the data provided by the Ministry of Justice, that in some cases, judicial offices failed to provide any information that would allow a statistical assessment of the requested data. The failure to process and measure the (“not received”) data has therefore been indicated in the report,

Secondly, it should be emphasized that the offices failed to inform the Ombudsperson which competent judicial authority was responsible for the opening of the guardianship and if, it was definitively, the judge responsible for supervising guardianships (the ordinary court) or the juvenile court. This is a specification of no small importance for a timely collection of data. In this regard, in certain judicial districts - in particular those in Catania and Bari - the appointment of guardians is carried out by the juvenile court and it is therefore assumed that the data collected concerns guardianships opened by that court.

Hence, in the absence of precise information, it was decided to only indicate the territorial location of the reference judicial office, without specifying its nature.

In the light of the above, the average data provided by each single judicial office monitored by the Ministry of Justice for each reference region ⁵ was obtained

from this prospectus, by obtaining a assessment overview on a national basis attesting the averages — as an absolute value as well as a percentage value — of the requested data. With reference to this latter measurement aspect, an analysis was carried out of the data that emerged, performed on the basis of survey category.

The final results on a national basis

Analysis of the data

Average time for the appointment of the guardian

The first critical issue encountered is that related to the time taken by the judicial offices for the appointment of a guardian whether this involves a public guardian or private volunteer.

Whilst our legal system, pursuant to Art. 346 of the Italian Civil Code states that the designated judge who is responsible for supervising guardianships must provide for the appointment of a guardian of the minor as soon as he/she has been informed of the cause from which the opening of the guardianship arises, on the contrary, the practice shows a great deal of discrepancy remains as regards the promptness requested by the law aimed at protecting the minor’s best interests.

From the table in the comments it may be seen that in some regions - Campania, Lombardy and Puglia - the appointment times of the guardians are far from complying with the requirement of promptness required by the law. In these regions, as a matter of fact, the average appointment time stands at some 42-48 days. Neither is the national average of appointment times altogether comforting, i.e. approximately 24 days, quite far from what is required by law.

Shorter time periods, on the contrary,

5. In the pages that follow, in addition to the final table attesting to the national overview that emerged, an assessment was made on a regional basis.



were registered in the regions of central Italy, such as Tuscany (average regional time period equal to 7 days based however on the Court of Appeals of Florence, and not on the individual judicial offices) Umbria (average regional time equal to 14 days), Marche (average regional time equal to 15 days), Emilia Romagna (average regional time equal to 17 days), and also along these lines Trentino Alto Adige and Friuli Venezia Giulia (both with average regional times equal to 18 days). As far as individual judicial offices are concerned, the Ordinary Courts of Ferrara (2 days), Milan (7 days), Palermo (3 days), Rieti (1 day) and Terni (3 days) are also positive examples.

In this respect, however, it should be pointed out that, in the light of the reports that have arrived as well as the visits conducted on the territory by the Italian Authority, the average appointment time of the guardian by the judicial offices is far higher not only to the national average (about 24 days), but also to the maximum times indicated by some judicial offices, i.e. beyond 90 days (for example, the ordinary courts of Nocera Inferiore, Lecce, Sondrio, Ragusa) ⁶

Utilization of the public and private guardianship

A substantial use of public guardianships emerges from the table, as well as, including in this notion, the role played by lawyers. As a matter of fact, 80% of the Italian judicial offices monitored stated that they preferred the appointment of public guardians.

Voluntary private guardianships are therefore currently used far less often and are almost always used as a support to public guardianship.

It should also be noted that, and this exclusively with reference to those judicial

offices, which also use private volunteer guardianships, they have seldom declared the presence of rosters to be drawn upon for the appointment of guardians or the presence of memoranda of understanding with the administrations.

Indeed, the average national percentage for the existence of rosters or memoranda of understanding is quite low, i.e. 13%.

The Region of Umbria departs from this tendency: it has indeed announced that rosters or memoranda of understanding exist in all the judicial offices.

Monitoring presence, form and bodies

53% of the judicial offices that have been monitored conduct guardian monitoring activities. Furthermore, the judicial offices which have stated that they are monitoring the guardianship have reported that this activity was directly performed by the judge responsible for supervising guardianships by means of report statements, annual or semi-annual reports (rarely also drawn up by the social services) and finally, through direct interviews with guardians. For example, the Court of Asti reports that it is monitoring the guardianship of the minor child by means of interviews with the latter.

The following is the prospectus drawn up by the Italian Authority for Children and Adolescents.

6. See Chapt. 3



The final results on a national basis

The final prospectus

Monitored Regions	Data requested (for each reference region)				
	Average time period for the appointment of a guardian	Use of a Public Guardian ¹ (%)	Use of a Private Volunteer Guardian (%) ²³	Presence of rosters or memoranda of understanding among administrations (%)	Monitoring Presence (%)
Calabria	29.75 days	83.3%	16.6%	0%	33.3%
Campania	41.73 days ⁴	100%	66.6%	0%	100%
Emilia Romagna	16.83 days	55.5%	33.3%	0%	22.2%
Friuli Venezia Giulia	18.5 days	100%	50%	0%	100%
Lazio	24.83 days	100%	33.3%	0%	55.5%
Lombardy	48.4 days	100%	33.3%	0%	83.3%
Marche	15.37 days ⁵	66.6%	33.3%	16.6% (1/6 judicial offices)	0%
Molise	//	//	//	//	//
Piemonte	10.6 days	80%	40%	0%	40%
Puglia	42.37 days	40%	80%	40% (2/5 judicial offices)	80%
Sardegna	//	//	//	//	//
Sicilia	26.18 days	66.6%	33.3%	16.6% (2/12 judicial offices)	25%
Toscana	7 days	100%	0%	// ⁶	// ⁷
Trentino Alto Adige	17.5 days	100%	33.3%	0%	0%
Umbria	14.5 days	66.6%	100%	100% (3/3 judicial offices)	100%
National average of data assessed in days ⁸	24.12 days	81.43%	42.54%	13.32%	53.27%

1. Including the lawyers on the basis of the data that came to the Ministry of Justice
2. The regional percentage is given taking into account the average of the data received from the judicial offices indicated in each relevant regional prospectus.
3. It should also be noted that almost all of the judicial offices do not use the private guardianship exclusively, but together with the public one, which is the reason why there are the two percentages of use (public and private volunteer guardianship) can not be summed up and constituted as a whole.
4. The data shown in red attest to a greater criticality of data, in absolute value or in percentage value.
5. The data shown in green attest to a positive situation compared to the replies received from the other regions in relation to the requested analysed data;
6. Data not usable as it is indicated generically and is not decipherable.
7. Data that cannot be inserted on the basis of the indications received.
8. It should be noted that the absolute and percentage value averages are obtained without taking into account, in the calculation, those monitored regions that have not provided the requested data (Molise and Sardinia). These regions have been included in the table as they are monitored; their cells are however marked by the “//” symbol in the absence of the data, unlike Basilicata, Liguria, and Veneto, which have not even inserted because they were not monitored.



Identifying the issues: the results on a national basis

In the light of the data provided and of the overall monitoring work carried out, the data that has been received by the Ministry of Justice from every individual judicial office, for each reference region have a great deal of importance. These data formed the starting point for the processing of the prospectus' data that has just been illustrated on a national basis.

It is therefore deemed useful, for the purposes of precisely locating the critical issues already encountered on a national scale as well as identifying possible solutions, and illustrating an overall assessment on a regional basis.



REGION OF CALABRIA

With reference to the judicial offices of the Calabria region that were monitored by the Ministry of Justice, whose data are given below, a substantial use of public guardianship is shown, and in particular the appointment by the judge supervising guardianships, by mayors, attorneys or delegates of reception structure. Moreover, only the Ordinary Court in Cosenza has favoured the appointment of private volunteer guardians, who are not used by the remaining five judicial offices being considered here. On the basis of the data provided, it should be noted that the average time of appointment of a guardian by the judge responsible for supervising guardianships varies from a minimum of 7 days to a maximum of 60 days, with a total average calculated in 30 days (rounded value).

It should also be pointed out that no judicial office, among those that were monitored, has a roster at its disposal to draw from for appointing guardians and no memorandum of understanding results as having been prepared.

With regard to monitoring, only 2 out of 6 judicial offices have declared that they effectively monitored the guardianships after having appointed the guardian. This monitoring emerges as having been carried out by the same judge who is in charge of supervising guardians who is responsible for appointments by means of assessments, and through interviews.

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian ⁹	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Castrovillari	7-15 days	Yes (mayors or delegates of reception structures)	No (neither rosters nor memoranda of understanding)	Assessments	Assessments from Judge Responsible for Supervising Guardianships
Catanzaro	60 days	Yes	No	Not Assessable	Not Assessable
Cosenza	30 days	No	Yes, only private volunteer guardians	Interviews	Assessments from Judge Responsible for Supervising Guardianships
Paola	10 days (max)	Yes (mayors or registrars)	No (neither rosters nor memoranda of understanding)	Not Assessable	Not Assessable
Vibo Valentia	30 days	Yes (mayors and lawyers)	No	Assessments	Assessments from Judge Responsible for Supervising Guardianships
Lamezia Terme	30-45 days	Yes (mayors or delegates of reception structures)	No (neither rosters nor memoranda of understanding)	Not Assessable	Not Assessable
Average of the data assessed ¹⁰	29.75 days	5/6 Yes, public guardianship	1/6 Yes, private volunteer guardians	2/6 Interview or Assessments	Yes, Judge Responsible for Supervising Guardianships

9. Including those exercising the legal profession, on the basis of data provided by the Ministry of Justice.

10. Average of the data obtained on the basis of the average 6 (six) judicial offices related to the reference region.



REGION OF CAMPANIA

With reference to the judicial offices of the Region of Campania monitored by the Ministry of Justice, whose data are set out below, what emerges clearly is the almost absolute use of public guardianship, and in particular appointments - by the judge responsible for supervising guardians - of mayors. In addition, two ordinary courts out of the three monitored, have declared that they also use private volunteer guardians.

Based on the data provided, it should be noted that the average appointment time of a guardian varies between a minimum of 7 days and a maximum of 90 days, with a total average calculated in 42 days (rounded value).

It should likewise be pointed out that no judicial office among those monitored has declared that there is any roster for the appointments of guardians to draw upon and there does not appear to be any memoranda of understanding signed.

With regard to monitoring, only 2 out of 3 judicial offices have stated that they effectively monitored the guardianship after the appointment of the minor's guardian. This monitoring results as being carried out by the same judge responsible for supervising guardians by means of hearings with mayors appointed to perform the guardianship function.

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Salerno	43.2 days	Yes (few)	Yes (without any rosters nor memoranda of understanding)	Yes	Judge Responsible for Supervising Guardianships
Nocera Interiore	60-90 days	Yes	Yes	Periodical (Hearings of Mayors)	Judge Responsible for Supervising Guardianships
Vallo della Lucania	7 days	Always (mayors)	No	I Periodical (Hearings of Mayors)	Not Assessable
Average of the data assessed	41.73 days	3/3 Yes, public guardianship	2/3 Yes, private volunteer guardians	1/3 Hearings of Mayors	Yes, Judge Responsible for Supervising Guardianships



REGION OF EMILIA ROMAGNA

With reference to the judicial offices of the Region of Emilia Romagna monitored by the Ministry of Justice, whose data are set out below, what emerges clearly is that there is a substantial utilization of public guardianship, and in particular the appointment - by the judge responsible for supervising guardians - of the heads of social services or social workers. Moreover, out of the nine law offices monitored, only the Courts of Forlì, Piacenza and Ravenna declared that they also use private volunteer guardians; it should be pointed out that the Court of Ravenna also refers to appointing relatives of minors to perform the guardianship function.

On the basis of the data provided, it is ascertained that the average appointment time of a guardian varies from a minimum of 2 days (Court of Ferrara) to a maximum of 22 days (Court of Modena), with a total average for the Region of Emilia Romagna calculated in 17 days (rounded value). It should also be pointed out that no judicial office among those monitored, has a roster from which it can draw upon for appointments and no memoranda of understanding have been signed. As regards the monitoring, only 2 out of 9 judicial offices have stated that they are effectively monitoring the guardianships following the appointment of the guardian. This monitoring emerges as having been carried out by the same judge responsible for supervising guardians by means annual reports.

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Bologna	11.28 days	Yes	Not Assessable	Not Assessable	Not Assessable
Ferrara	1.94 days	Yes, heads of social services	No	Impossible to monitor the guardianships	Judge Responsible for Supervising Guardianships
Forlì	13.67 days	No	Yes, without rosters	Annual Report	Judge Responsible for Supervising Guardianships
Modena	21.56 days	Not Assessable	Not Assessable	Not Assessable	Not Assessable
Parma	16.27 days	No	No rosters	Not Assessable	Not Assessable
Piacenza	19.50 days	Yes	Yes (without any rosters nor memoranda of understanding)	Reports	Judge Responsible for Supervising Guardianships
Ravenna	35.73 days	Yes, social services	Yes, relatives	Not Assessable	Not Assessable
Reggio Emilia	20.83 days	Not Assessable	Not Assessable	Not Assessable	Not Assessable
Rimini	10.71 days	Yes, social workers	Not Assessable	Not Assessable	Not Assessable
Average of the data assessed	16.83 days	5/9 Yes, public guardianship	3/9 Yes, private volunteer guardianship	2/9 Yes, with reports	3/9 Yes, Judge Responsible for Supervising Guardianships



REGION OF FRIULI VENEZIA GIULIA

With reference to the judicial offices of the Region of Friuli Venezia Giulia that have been monitored by the Ministry of Justice, whose data are set out below, what emerges clearly there is a nearly absolute use of public guardianship, and in particular appointments - by the judge responsible for supervising guardians - of lawyers as guardians of minor children. Moreover, 2 Ordinary Courts out of the 4 monitored declare that they also make use of private volunteer guardians; it should be pointed out that Ordinary Court of Pordenone, reports that it appoints both private volunteer guardians as well as public guardians with an estimated average equal to 50%.

On the basis on the data provided, it should be noted that the average appointment time of a guardian varies from a minimum of 7 days to a maximum of 30 days, with a total average calculated in 18 days (rounded value).

It should also be pointed out that no judicial office among those monitored, has a roster from which it can draw upon for appointments and no memoranda of understanding have been signed. As regards monitoring activities, all of the judicial offices considered for the region in question (4 in all) have stated that they are effectively monitoring the guardianships following the appointment of the guardian. This monitoring results as having been carried out by the same judge responsible for supervising guardians by means of final assessments, annual reports or face-to-face meetings.

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Gorizia	30 days	Yes, lawyers	No (neither rosters nor memoranda of understanding)	Annual report or final assessment	Judge Responsible for Supervising Guardianships
Pordenone	30 days	Yes, lawyers (50%)	Yes private volunteers (50%)	Brief final report	Judge Responsible for Supervising Guardianships
Trieste	7 days	Yes, lawyers	No (neither rosters nor memoranda of understanding)	Discussions	Judge Responsible for Supervising Guardianships
Udine	7 days	Yes, lawyers	Yes, few (memoranda of understanding)	Yes	Judge Responsible for Supervising Guardianships
Average of the data assessed	18.5 days	4/4 Yes, lawyers	2/4 Yes private volunteer guardianship	4/4 Yes, with reports, discussions or assessments	4/4 Yes, Judge Responsible for Supervising Guardianships



REGION OF LAZIO

With reference to the judicial offices of the Region of Lazio monitored by the Ministry of Justice, whose data are set out below, it is clear that there is an almost absolute use of public guardianship, and in particular the appointment - by the judge responsible for supervising guardians - of mayors and lawyers as guardians of minor children. Moreover, 4 Ordinary Courts out of the 9 monitored declare that they also make use of private volunteer guardians. Although this happens rarely; it should be pointed out that Ordinary Court of Civitavecchia, has stated that it appoints relatives of minors, whilst the Court of Rome appoints the legal representatives of family homes.

On the basis of the data provided, it is noted that the average appointment time of a guardian varies from a minimum of 1 day (Court of Rieti) to a maximum of 60 days (Court of Rome), with an average total for the Region of Lazio region calculated in 25 days (rounded value).

It should moreover be noted that two of the nine monitored judicial offices have respectfully declared the following: the Court of Frosinone has issued a call for bids for the preparation of a roster of guardians as well as the activation of agreements with the Council of the Bar Association, while for the Court of Rome — its attempt to prepare a roster proved unsuccessful.

As regards monitoring, 4 out of 9 judicial offices stated that they are effectively monitoring the guardianships following the appointment of the guardian for the minor child. This monitoring emerges as having been carried out by the same judge responsible for supervising guardians by means of constant face-to-face meetings, annual or six monthly reports.

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Cassino	30 days	Yes, mayor	No	Not Assessable	Social services
Civitavecchia	15 days	Yes, mayor	Yes, rarely and only relatives	Six-monthly report	Judge Responsible for Supervising Guardianships
Frosinone	30 days	Yes, mayor or lawyers	Yes, rarely, calls for bids activated for rosters as well as agreements with the Council of the Bar Association	Six-monthly or annual report, convocations	Judge Responsible for Supervising Guardianships
Latina	30 days	Yes, mayors	No	Continuous Discussions	Judge Responsible for Supervising Guardianships
Rieti	1 day	Yes	No	Not Assessable	Not Assessable
Rome	60 days	Yes, mayor for unaccompanied foreign minors	Family houses; unsuccessful attempt to draw up roster of private volunteers	Not Assessable	Social services
Tivoli	15 days	Yes, mayor	Yes, rarely	Not Assessable	Social services
Velletri	30 days	Yes, mayor	No	Reports	Social services
Viterbo	10-15 days	Yes, mayor	No	Interaction	Social services
Average of the data assessed	24.83 days	9/9 Yes, mayor or lawyers	3/9 Yes, private volunteer guardianship (rarely)	5/9 Yes, with reports, discussions or assessments	5/9 Social services; 3/9 Judge Responsible for Supervising Guardianships



REGION OF LOMBARDY

With reference to the judicial offices of the Region of Lombardy monitored by the Ministry of Justice, whose data are set out below, what emerges is that there is a nearly absolute utilisation of public guardianship, and in particular the appointment - by the judge responsible for supervising guardians - of mayors and municipal councillors as guardians of minor children. Moreover 2 offices out of the 6 (total monitored) have declared that they also take advantage of private volunteer guardians, although rarely.

On the basis of the data provided, it should be noted that the average appointment time of a guardian varies from a minimum of 7 days to a maximum of 90 days, with a total average calculated in 48 days (rounded value). It should likewise be pointed out that no judicial office among those monitored, has a roster at its disposal to draw from for appointing guardians nor does any memorandum of understanding result as having been prepared. With regard to monitoring, 5 out of 6 judicial offices have declared that they have effectively been monitoring the guardianship after having appointed the guardian. This monitoring emerges as having been carried out by the same judge who is in charge of supervising guardians, who is responsible for appointments following assessments, and face-to-face meetings or reports, including those drawn up by the social services and concerning the activities carried out.

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Cremona	40 days	Yes, municipal councillors or mayors	Not Assessable	Social services update report	Not Assessable
Lecco	60-90 days	Yes	No	Reports	Judge Responsible for Supervising Guardianships
Lodi	40-50 days	Yes, municipal councillors or mayors	No	Listening and reports	Judge Responsible for Supervising Guardianships
Milan	7 days	Yes	Yes, rarely and without any rosters	Report	Judge Responsible for Supervising Guardianships
Sondra	60-90 days	Yes	Yes, without any rosters nor memoranda of understanding	Not Assessable	Not Assessable
Pavia	"Very brief" ¹²	Yes, mayors	No	Report	Judge Responsible for Supervising Guardianships
Average of the data assessed	48.4 days ¹³	6/6 Yes, municipal councillors or mayors	2/6 Yes, private volunteer guardianship	5/6 Yes, with reports or discussions	Yes, Judge Responsible for Supervising Guardianships



REGION OF MARCHE

With reference to the judicial offices of the Region of Marche monitored by the Ministry of Justice, whose data are set out below, what emerges clearly is a substantial use made of public guardianship, and in particular appointments - by the judge responsible for supervising guardians - of lawyers as guardians for the minor children. Moreover, the Court of Ascoli Piceno totally favours the use of private volunteer guardians; whilst the Court of Ancona has declared that, in addition to a public guardianship, it also makes use of private volunteer guardians. Based on the data provided, it is noted that the average appointment time of a guardian for a minor child varies between a minimum of 10 days and a maximum of 20 days, with a total average calculated in 15 days (rounded value).

It should likewise be pointed out that the Court of Ancona has declared that it draws from a roster of volunteer legal guardians prepared by the regional Ombudsperson.

As far as monitoring is concerned, 3 out of 6 judicial offices have indicated that this falls to the judge responsible for supervising guardians who has appointed a guardian for a minor, as the body responsible for monitoring the guardianship. Indeed, there does not result as being any form of monitoring in any of the six judicial offices under consideration.

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Ancona	"At the most within a few weeks" ¹⁴	Yes, lawyers	Yes, through the roster from the regional Ombudsperson	No	Judge Responsible for Supervising Guardianships
Ascoli Piceno	14 days	No	Yes	Not Assessable	Not Assessable
Fermo	10 days	Yes, lawyers	Not Assessable	Not Assessable	Not Assessable
Macerata	15-20 days	Yes, lawyers	No	Not Assessable	Judge Responsible for Supervising Guardianships
Pesaro	Not Assessable	Not Assessable	Not Assessable	Not Assessable	Not Assessable
Urbino	20 days	Yes, lawyers	No	No	Judge Responsible for Supervising Guardianships
Average of the data assessed	15.37 days ⁵	4/6 Yes, lawyers	2/6 Yes, private volunteer guardianships	6/6 No or Not Assessable	3/6 Yes, Judge Responsible for Supervising Guardianships

12. The data is generic and not numeric, so will consequently not be considered in the final average.

13. The result thus obtained does not use the data provided by the Court of Pavia, which is considered null for the reasons explained below.



REGION OF MOLISE

With reference to the only judicial office (of the Region of Molise monitored by the Ministry of Justice) it has proved impossible to proceed with the work of monitoring and systematically collecting data with the related results.

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Campobasso	Not received	Not received	Not received	Not received	Not received
Average of the data assessed	//	//	//	//	//

14. The data is generic and not numerical, so it will consequently not be considered in the final average.

15. The result thus obtained is given from the average of the numbers provide, therefor excluding the Court of Pesaro.



REGION OF PIEDMONT

With reference to the judicial offices of the Region of Piedmont that have been monitored by the Ministry of Justice, whose data are set out below, what emerges clearly is that there is substantial use of public guardianship, and in more specifically appointments - by the judge responsible for supervising guardians - or, and this only in the Court of Alessandria, or representatives of inter-municipal consortiums responsible for social-assistance services.

Moreover, 2 Courts out of the 5 monitored have declared that they also use private volunteer guardians; it should be pointed out that the Court of Asti appoints both private volunteer guardians as well as public ones, favouring in the case volunteer guardians, the relatives of the minor children.

Based on the data provided, it should be noted that the average appointment time of a guardian for a minor child varies between a minimum of 7 days and a maximum of 15 days, with a total average calculated in 11 days (rounded value).

It should likewise be pointed out that no judicial offices among those monitored, has a roster at its disposal to draw from for appointing guardians and no memorandum of understanding results as having been prepared. With regard to monitoring, 2 out of 5 judicial offices have declared that they have effectively been monitoring the guardianship. This monitoring emerges as having been carried out by the same judge who is in charge of supervising guardians or by the consortiums responsible for social-assistance services by means of assessment reporting or face-to-face meetings, including direct ones with the minor child (Court of Asti).

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Alessandria	Not Assessable	Yes (inter-municipal consortium of social assistance services)	No (without either rosters or memoranda of understanding)	Annual assessments, constant updating	Judge Responsible for Supervising Guardianships
Asti	10 days	Yes, on a residual basis, Municipality	Yes, relatives preferred	Yes, meetings with the minor children or with third parties	Judge Responsible for Supervising Guardianships
Biella	15 days	Not Assessable	Not Assessable	Not Assessable	Not Assessable
Torino	Short time periods	Yes	Yes, rarely and with rosters	Not Assessable	Judge Responsible for Supervising Guardianships
Verbania	7 days	Yes	No (without either rosters or memoranda of understanding)	Not Assessable	Consortium, Social assistance services
Average of the data assessed	10.6 days ¹⁶	4/5 Yes, mayors or social services	2/5 Yes, private volunteer guardianships	2/5 Yes, with assessment reporting or discussions	4/5 Yes, Judge Responsible for Supervising Guardianships

16. The result thus obtained does not use the data provided by the Court of Turin considered null for the reasons outlined in note sub 9, nor that of the Court Alessandria owing to the effective lack of data



REGION OF APULIA

With reference to the judicial offices of the Region of Apulia monitored by the Ministry of Justice, whose data are set out below, it is clear that there has been a reduced utilization of public guardianships, which are only used by the Courts of Brindisi and of Foggia. Lawyers in particular, are appointed guardians - by the judge responsible for supervising guardians - of lawyers as guardians or, only the case of the Court of Brindisi, the heads of social services.

Moreover, 4 out of 5 Ordinary Courts have declared that they make use of private volunteer guardians; and concerning this matter, it should be pointed out that that of these 3 ordinary courts — respectively of Bari, Lecce, and Trani — totally favour the appointment of private volunteer guardians.

Based on the data provided, it should be noted that the average appointment time of a guardian for a minor child varies between a minimum of 3 days and a maximum of 60 days, with a total average calculated in 42 days (rounded value).

It should likewise be pointed out that 2 out of the 5 monitored judicial offices (Bari and Lecce) have declared that they have a roster at their disposal to draw from themselves for appointing guardians, a roster that was prepared by the regional Ombudsperson through the signing of a memorandum of understanding

With regard to monitoring, 5 out of 6 judicial offices have declared that they have been effectively monitoring the guardianship. This monitoring emerges as having been carried out by the same judge who is in charge of supervising guardians by means of reports.

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Bari	30 days	No	Yes volunteers; Yes roster of volunteer guardians drawn up by the Region Ombudsperson	Yes	Judge Responsible for Supervising Guardianships or delegated by the same
Brindisi	42 days	Yes, heads of social services of the Municipality	Yes, without rosters	Report	Judge Responsible for Supervising Guardianships
Foggia	60 days	Yes, lawyers	No, without either rosters or memoranda of understanding	Periodical Report	Judge Responsible for Supervising Guardianships
Lecce	30-45 days	No	Yes volunteers; Yes memorandum of understanding with the Region Ombudsperson	Report	Judge Responsible for Supervising Guardianships
Trani	Not Assessable	No	Yes, provisory private guardian	Not Assessable	Not Assessable
Average of the data assessed	42,37 days ¹⁷	2/5 Yes, lawyers and head of social services of the Municipality	4/5 Yes, private volunteer guardianships	4/5 Yes, reports	4/5 Yes, Judge Responsible for Supervising Guardianships

17. The result obtained given by four of the five total judicial offices that effectively had the opportunity to collect and provide the data.



REGION OF SARDINIA

With reference to the only judicial office (of the Region of Sardinia monitored by the Ministry of Justice) it has proved impossible to proceed with the work of monitoring and systematically collecting data with the related results.

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Court of Appeals of Cagliari	Not received	Not received	Not received	Not received	Not received



REGION OF SICILY

With reference to the judicial offices of the Region of Sicily monitored by the Ministry of Justice, whose data are set out below, it is clear that there has been a substantial use of public guardianship, and in particular the appointment - by the judge responsible for supervising guardians - of mayors, lawyers, social workers, managers, municipal councillors for social services or legal representatives of reception communities, as guardians of the minor child. In addition, only 4 courts out of the 12 monitored say they also use private volunteer guardians; Of the latter, only 2 (the Court of Catania and the Court of Sciacca) have fully endorsed the use of private volunteer guardians. Based on the data provided, it should be noted that the average appointment time of a guardian for a minor child varies between a minimum of 3 days and a maximum of 90 days, with a total average calculated in 26 days (rounded value).

It should also be noted that only 2 out of the 12 monitored judicial offices have respectively made any declarations: the Court of Agrigento has stated that there is a Memorandum of Understanding for the establishment of a roster of voluntary legal guardians, while the Court of Palermo has signed a protocol of In agreement with the Municipality of Palermo for the creation a roster. With regard to monitoring, 3 out of 12 judicial offices have declared that they have been effectively monitoring the guardianship after having appointed the guardian. This monitoring emerges as having been carried out by the same judge who is in charge of supervising guardians who is responsible for appointments by means of reports or assessments.

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Catania	Provisory appointment, almost instantaneous	No	"Yes"	No	No
Agrigento	10 days	Yes, heads of social services of the Municipality	Yes, memorandum of understanding for the creation of a roster	Not Assessable	Judge Responsible for Supervising Guardianships
Caltanissetta	10-30 days	Yes, lawyers	No	Not Assessable	Not Assessable
Enna	30 days	Yes, the mayor, rarely lawyers	No, without rosters	None	Not
Gela	45 days	Yes, municipal administrations	No, without either rosters or memoranda of understanding	Assessment reporting	Judge Responsible for Supervising Guardianships
Marsala	30 days	Yes, the mayor, social workers and lawyers	No	Reports	Judge Responsible for Supervising Guardianships
Palermo	3 days	Yes, the mayor	Yes, memorandum of understanding for the creation of a roster of guardians signed between the Court and Municipality of Palermo	Assessment reporting	Judge Responsible for Supervising Guardianships
Sciacca	15 days	No	Yes, without either rosters or memoranda of understanding		Judge Responsible for Supervising Guardianships
Termini Imerese	30 days	Yes, the mayor, or community legal representative, lawyers	No, without either rosters or memoranda of understanding	Not Assessable	Judge Responsible for Supervising Guardianships
Trapani	10 days	Yes, municipal social services councillors and lawyers	No	Not Assessable	Judge Responsible for Supervising Guardianships
Ragusa	60-90 days	Not Assessable	Not Assessable	Not Assessable	Not Assessable
Siracusa	20 days	Not Assessable	Not Assessable	Not Assessable	Not Assessable
Average of the data assessed	26.18 days	8/12 Yes, mayors, lawyers, heads of social or community services	4/12 Yes, private volunteer guardianships	3/12 Yes, reports or assessment reporting	7/12 Yes, Judge Responsible for Supervising Guardianships



REGION OF TUSCANY

With reference to the judicial offices of the Region of Tuscany monitored by the Ministry of Justice, whose data are set out below, it is obvious that there is a substantial use of public guardianship, which occurs in the most problematic cases.

Moreover, for that pertaining to the private volunteer guardianships, it has proved impossible to classify the data provided by the Court of Appeals of Florence in as much as it is generic. Based on the data provided, it is demonstrated, – as stated in the table – that the average time taken to appoint a guardian for a minor child by a judge responsible for supervising guardians is equal to 7 days.

As regards the monitoring, this is carried out by the judge responsible for supervising guardians upon the notification, or at the completion of the age of majority of the child previously placed under his guardianship.

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Court of Appeals of Florence	Maximum 7 days	Yes, in the most problematic cases	Most ABL, Most problematic cases INT	Upon notification; at the completion of the 18 th year	Judge Responsible for Supervising Guardianships



REGION OF TRENTINO ALTO ADIGE

With reference to the judicial offices of the Region of Trentino Alto Adige monitored by the Ministry of Justice, whose data are set out below, it is clear that there is an almost absolute use of public guardianship, and in particular appointments - by the judge responsible for supervising guardians - of lawyers and trainee lawyers, or only in the case of the Court of Bolzano, of the managers of social services companies, as guardians for minor children. Furthermore, only one court out of the three that were monitored, declares that it also makes use of private volunteer guardians to whom a maximum of two minors can be entrusted.

On the basis of the data provided, it should be noted that the average appointment time of a guardian varies from a minimum of 7 days to a maximum of 28 days, with a total average calculated in 48 days (rounded value).

It should likewise be pointed out that no judicial office among those monitored has a roster at its disposal to draw from for appointing guardians and no memorandum of understanding results as having been prepared. With regard to monitoring, no judicial office has declared to effectively monitor the guardianship following the appointment of the guardian for the minor child.

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Bolzano	28 days	Yes, social services companies	"Only two minors per private guardian	No	No
Rovereto	14-21 days	Yes, lawyers or trainee lawyers	No	No	No
Trento	7 days	Yes, lawyers	No	No	No
Average of the data assessed	17.5days	3/3 Yes, lawyers, trainee lawyers or social services	1/3 Yes, private volunteer guardians	3/3 No	3/3 No



REGION OF UMBRIA

With reference to the judicial offices of the Region of Umbria monitored by the Ministry of Justice, whose data are set out below from which it is clear the that there is a modest use of public guardianship, by means of the appointment - by the judge responsible for supervising guardians - of lawyers as guardians. Moreover, 3 out of the 3 Courts monitored have declared that they make use of private volunteer guardians.

Based on the data provided, it should be noted that the average appointment time of a guardian for a minor child varies between a minimum of 3 days and a maximum of 20 days, with a total average calculated in 15 days (rounded value).

It should likewise be pointed out that each one of the 3 monitored judicial offices have declared that they have an agreement with the regional Ombudsperson regarding the utilisation of the private volunteer guardian., that which was stated by the Court of Perugia be underscored, which while finding itself without a significant roster, stipulated an agreement with the Bar Association of Perugia and with the Regional Ombudsperson for Children and Adolescents.

With regard to monitoring, all three judicial offices have declared that they effectively monitored the guardianship. This monitoring emerges as having been carried out by the same judge who is in charge of supervising guardians by means of annual assessment reports as well as reports prepared by the social services.

Judicial Offices	Data Requested				
	Average time period for the appointment of a guardian	Public Guardian	Private volunteer guardianship from a roster or memoranda of understanding among administrations	Form of Monitoring	Bodies responsible for monitoring
Perugia	20 days	NO	Volunteer guardianship without a roster but with an agreement between the Court of Perugia and the Bar Association. Agreement with the Regional Ombudsperson	Annual assessment reporting and reports from social services	Judge Responsible for Supervising Guardianships
Spoletto	20 days	Yes, lawyers	Yes, Agreement with the Regional Ombudsperson	Annual assessment reporting and reports from social services	Judge Responsible for Supervising Guardianship
Terni	3-4 days	Yes, lawyers	Yes, Agreement with the Regional Ombudsperson	Annual assessment reporting and reports from social services	Judge Responsible for Supervising Guardianship
Average of the data assessed	14.5 days	2/3 Yes, lawyers	1/3 Yes, private volunteer guardians and agreements with the Regional Ombudsperson	3/3 Annual assessment reporting and reports from social services	3/3 Judge Responsible for Supervising Guardianship



SECTION II: Collection of data from the Ombudspersons for Children and Adolescents of the Regions and Autonomous Provinces

The regional ombudspersons for children and adolescents collected data from those areas falling under their purview, in accordance with the survey guidelines mentioned at the opening, which produced the following results.

Basilicata:

The Ombudsperson for children and adolescents of Basilicata signed two Memoranda of Understanding with the Juvenile Court of Potenza as well as the Ordinary Tribunals of Matera and Potenza, respectively, in 2016, pledging to create a roster of voluntary guardians in Basilicata that was divided into two sections: the first concerning voluntary guardians for minors, the second the voluntary guardians for foreign and/or unaccompanied minors. Following the signing of these protocols, the Ombudsperson for Children and Adolescents of the Region of Basilicata initiated training courses for the voluntary guardians of unaccompanied minors starting from December 2016.

Calabria:

No memoranda of understanding have been concluded in the Region of Calabria. The regional Ombudsperson for Children and Adolescents sent two distinct notes that were submitted to the Juvenile

Court of Reggio Calabria and Catanzaro, in which the following was reported. The Reggio Calabria Juvenile Court announced that the Bar Association would periodically provide up-to-date rosters of members who are willing to assume the responsibilities of being a guardian of unaccompanied minors, and training sessions would be organized. Moreover, the juvenile court periodically supplies a roster of specialized lawyers who are willing to act as guardians. The Juvenile Court of Catanzaro has announced that it has not yet prepared a roster of guardians. It did however announce that members of the court have taken part in training courses organized by the Ombudsperson for children and adolescents of the Region of Calabria region, after which rosters of those were drawn up from those who passed the course.

Emilia Romagna:

There have not been any memoranda of understanding signed in the region of Emilia Romagna. With a deliberation of 2014, the Emilia Romagna Region's Executive Council decided to institute in its Family Childhood and Adolescent Policy Service, a well-structured roster on a district basis of those people who have completed the courses promoted by public bodies for training volunteer guardians for minor children. With a subsequent deliberation, the aforementioned Regional Service provided for the preparation of a roster of district-based volunteer guardians, consisting of people who had taken part in courses promoted by public bodies for the training of voluntary tutors for minor children. The municipalities of Bologna and Ferrara created training courses for aspiring volunteer guardians in 2015, in collaboration with the Regional Service. From a monitoring activity carried out by the Ombudsperson for Children and Adolescents throughout the regional



territory, there are 43 people who have been trained for voluntary guardianships. In Reggio Emilia 13 people are active as volunteer guardians and 11 in Bologna.

Friuli Venezia Giulia:

No memoranda of understanding have been stipulated in the Region of Friuli Venezia Giulia nor have any rosters of voluntary guardians been drawn up. In compliance with regional reference legislation, the regional Ombudsperson for Children and Adolescents announced that it intended to sign a memorandum of understanding with the judicial authority. The regional Ombudsperson, always implementing the regional reference regulations, will start training courses in 2017 for aspiring volunteer guardians.

Lazio:

A roster of volunteer guardians was drawn up in 2013-2014 in the Lazio region and filed with the juvenile court. This roster was established following a Memorandum of Understanding that was signed in 2012 between the regional Ombudsperson for Children and Adolescents, Roma Capitale and the Juvenile Court. The selection of guardians was made through a training course promoted by Roma Capitale in the year 2013 for the overall selection of a total of 120 voluntary guardians. At the end of the course, 91 were selected.

Liguria:

No memoranda of understanding have been stipulated in the Region of Liguria nor do any rosters of voluntary guardians appear to have been drawn up. Starting from 2015, the Social Policies Department of the Municipality of Genoa undertook an experimental pathway in

collaboration with the “Defense for Children” association that has led to the identification of 6 voluntary guardians and provided for their training. It is an experience that will continue.

Marche:

In the Marche region, a memorandum of understanding was signed in 2006 with the Juvenile Court of Ancona for the purpose of drawing up a rosters of volunteer guardians, the submission of the same to court, the use of the names by judges and legal support activities from the office. The memorandum did not define the procedures for selecting volunteer guardians. There are 58 volunteer guardians in the latest roster submitted by the Ombudsperson for Children and Adolescents to the court in 2014. The regional Ombudsperson has been collaborating with the University of Urbino and Macerata for the activation of training courses for volunteer guardians starting from 2004-2005.

Apulia:

A roster of guardians and caretakers has been prepared in the Puglia region, in the implementation of the law of the regional Ombudsperson for Children and Adolescents, from which the competent courts may draw from. This is roster that is regulated by a special law regarding its registration, deletion and monitoring is currently made up of 71 enrolees and was sent to the Ordinary courts of Bari and Trani as well as to the Juvenile Court of Bari. Training courses have been carried out and 4 courses for volunteer guardians are currently in their closing stages. In every training course, the Judicial Authority was proposed ahead of time to sign a special memorandum of understanding with the regional Ombudsperson and a copy of the roster of guardians



and the related regulations. The feedback from the judicial authority has not been positive in all cases. A Memorandum of Understanding was signed with the Juvenile Court of Bari.

Umbria:

A roster of guardians was been drawn up in the Region of Umbria, following 2 training courses and is currently available to the Presidents of Ordinary Courts and to the President of the Juvenile Court. The roster contains of 80 enrollees. No memoranda of understanding with the judicial authority have ever been stipulated.

Autonomous Province of Trento:

The Ombudsperson for Children and Adolescents conducted a training course for volunteer guardians in the province of Trento in 2014, with the collaboration of the Province and the Municipality of Trento. At the end of the course, the Ombudsperson prepared a roster that was submitted to the Juvenile Court as well as to the Ordinary Courts of Trento and Rovereto. There are 35 persons enrolled in this roster. A second training phase was organized in 2016 in order to implement the aforementioned roster. This implementation shall start up as of the year 2017. No memoranda of understanding have been signed with judicial authorities.

Sicily:

In the Region of Sicily, the Ombudsperson for Children and Adolescents of the City of Palermo stipulated a memorandum of understanding with the Juvenile Court, the Ordinary Tribunal, the Municipality of Palermo, the Palermo Police Command and other institutions in No-

vember 2016, which foresees, among the various points, the creation of a roster of volunteer guardians in the Ombudsperson's headquarters.

Veneto:

In the Veneto region, the experience of volunteer guardian for minors was launched in 2004, starting with a clear regional mandate (Regional Law No 9 of August 9, 1988, No 42 and Regional Law No 37 of 24 December 2013), which surely represent a successful experience of collaboration between institutions and private citizens. In Veneto, the Ombudsperson for the Rights of the Person manages a database of volunteer legal guardians for minors that was launched at the end of 2004. This database collects data from volunteers who attended one of the training sessions organized by the regional Ombudsperson, who confirmed willingness to be named a guardian. The database currently contains the information of 1,240 volunteers who have been trained, 60% of whom are actually active. From 2005 to 2016, the regional Ombudsperson dealt with 3,504 requests, more than half of them (1896), concerned unaccompanied foreign minors. The guardianships that have been opened as of today amount to some 922 persons and involve approximately 400 volunteer guardians. The entire activity regarding volunteer guardians has been carried out with the collaboration of the territorial delegates, social and healthcare services professionals, who are the main on-site reference points for volunteer guardians. The ombudspersons for children and adolescents of Campania and the Autonomous Province of Bolzano have announced that rosters or lists of voluntary guardians has been prepared in in their territory and that they have not signed any memoranda of understanding



*Autorità Garante
per l'Infanzia e l'Adolescenza*

Via di Villa Ruffo, 6
00196 Roma
(+39) 06 6779 6551

segreteria@garanteinfanzia.org
www.garanteinfanzia.org