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Palermo.



PROGRAMME BRIEF

# THE IMPORTANCE OF THE 'HUMAN FACTOR' FOR REFUGEE AND MIGRANT UNACCOMPANIED CHILDREN IN ITALY

## THE PALERMO MODEL OF VOLUNTEER GUARDIANSHIP

December 2019

*"Trust in these guys. They are very good people. Sidi is very honest. He's one of my own."*  
Bernarda ('Benni') Monaco, volunteer guardian for 17-year-old Sidi, from Mali

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The lives of more than 280 unaccompanied children in Palermo, Italy, were transformed between June 2017 and August 2019 by providing them with volunteer guardians.

*Volunteer guardians are local people from various professional backgrounds who take on this vital new role by choice and who build lasting relationships with the children to whom they are assigned. They bring the 'human factor' into the lives of children whose faith in other people may have been shattered by their experiences.*

*Today, across Italy, more than 4,000 volunteer guardians are ready to support up to 7,000 unaccompanied refugee and migrant children, each one with the potential to contribute to their new society as citizens of Italy and Europe.*

*To support volunteer guardians in their new role, a monitoring and support system, (the Volunteer Guardians Monitoring and Support Unit has been established in Palermo. This system provides guidance and advice to the volunteers on how to protect and support children as they move towards social inclusion and make the transition to adulthood.*

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### The role of guardians in child protection systems

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Guardians are key components of protection for children who are deprived of family care and whose parents cannot represent their interests.

They have wide-ranging responsibilities, from representing children in legal or other administrative proceedings, to ensuring that all decisions concerning children are taken in their best interests and account for the child's views, as well as acting as a bridge between the child and other actors in the child protection system.

In line with General Comment no. 6 by the Committee on the Rights of the Child<sup>2</sup>, States should appoint a guardian or adviser as soon as an unaccompanied or separated child is identified and maintain such arrangements until the child has either reached the age of majority or has permanently left the territory and/or jurisdiction of the State. The guardian should be consulted and informed about all actions taken in relation to the child.

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## I. BACKGROUND AND RATIONALE

Between 2014 and 2018, some 70,000 unaccompanied refugee and migrant children arrived in Italy. Approximately 60,000 of them have now turned 18, losing the rights and the protection children to which all children are entitled. As of July 2019, around 7,000 unaccompanied children, most of them from Northern and Western Africa, were moving through the reception system, the majority (93 per cent) of them boys, and 86 per cent aged 16 to 17.

In April 2017, Italy adopted a new law on *Protection Measures for Unaccompanied Minors* (Law no. 47/17), which introduced better

safeguards, set up standard age-determination procedures, promoted foster care and special protection for young people at risk up to the age of 21, and guaranteed their access to health and education.<sup>1</sup>

The new Law also emphasized the importance of individual support for unaccompanied children by introducing a new guardianship system, with ordinary citizens appointed as volunteer guardians. This system has helped to resolve major challenges under the old guardianship system, including conflicts of interest and significant delays in asylum and other processes requiring action by legal guardians (usually mayors or social service professionals).

## II. THE VOLUNTEER GUARDIANS MODEL UNDER LAW 47/2017

Under the new guardianship system outlined in Law 47/2017, individuals, local authorities and Ombudspersons have become key actors in ensuring the protection of unaccompanied refugee and migrant children.

Regional Ombudspersons' Offices oversee the selection and training of new volunteer guardians, who are then formally appointed by juvenile courts, based on nationally agreed criteria and standards.<sup>3</sup> Good coordination between local authorities is crucial for the functioning of the volunteer guardianship system, namely between juvenile courts, Ombudspersons for Children and Adolescents, social services, immigration police and prefectures.

One critical element of the new guardianship model is its voluntary nature. A volunteer guardian takes responsibility for a child of their own free will, building a strong relationship with the child that provides the much-needed 'human factor' in the child protection system. The human factor is the key factor in the success of the voluntary

guardianship system. To have one person who devotes their time to a child, who can listen, give advice, and ultimately, who cares is crucial for the well-being of the child.

In addition, volunteer guardians can play a key role in the asylum and migration systems, they are external players that can ensure fairness of the procedures, encourage local authorities to undertake appropriate measures and connect services, without additional cost.

By limiting the number of children per guardian to a maximum of three and stipulating that volunteer guardians cannot play any role in the reception system, the Law also guarantees an individual approach to care and avoids any potential conflict of interest.

Volunteer guardians play a critical role in the following.

- **Identification and age assessment procedures**, their presence is mandatory to guarantee that the practices used comply with the rights of the child and avoid harmful age-assessment practices, such as X-rays.
- **Ensuring children's access to information at**

*"This approach could become a promising practice in the EU. It establishes a flexible guardianship system that can respond to changing needs, is less costly than a system based on professional guardians and, more importantly, actively involves society in the destination country. However, there are potential risks, particularly related to managing, supporting and overseeing a high number of people who may decide to become volunteer guardians."*

EU Fundamental Rights Agency<sup>4</sup>

**all times** (e.g. on available legal paths, the reception system, the right to a cultural mediator, or how to access services).

- **Defining an individual social inclusion path** for children, and to support communication with social workers in reception centres through its implementation.
- **Facilitating a child's access to legal aid** during asylum and residence permit procedures.
- Ensuring that vulnerable children who need **psycho-social or mental health support** receive this support in reception facilities.
- **Helping children access education and vocational training** by maintaining their motivation and confidence, while ensuring their access to opportunities and validating the professional experiences and competencies they acquire.
- Ensuring that the best interests of the child are duly assessed during their **transition to adulthood**, including by supporting their continuum of care until the age of 21.

### III. THE PALERMO VOLUNTEER GUARDIANS MONITORING AND SUPPORT UNIT

Palermo provides a good environment for innovation within the framework of the new guardianship system for three reasons. First, around 25 per cent of all unaccompanied children in Italy now live in Sicily. Second, the Ombudsperson has a strong in Palermo. And third, the city has an ongoing commitment to the social

inclusion of refugees and migrants.

As a result, the Palermo Volunteer Guardians Monitoring and Support Unit was created by the municipality and the municipal Ombudsperson, with support from UNICEF. Following Palermo's example, similar Units have also been established in Catania and Messina.<sup>5</sup>

The Unit is a light mechanism, consisting of one full-time staff member within the Ombudsperson's Office. It helps juvenile courts match volunteer guardians and children, and acts as a technical resource centre and knowledge hub, where volunteer guardians can access specialized information and/or referral. More specifically, the Unit helps guardians perform their functions by providing them with the following.

#### 1. Legal advice and mediation,

including, for example, the possibility of applying for international protection for the child and other suitable legal paths based on the child's profile and aspirations.

#### 2. Advice on pedagogical approaches,

such as how to approach and interact with adolescents; consider their aspirations; facilitate their relationships with their peers and raise their awareness about the risks of exploitation and other 'sensitive' topics.

#### 3. Advice on supporting vulnerable children,

including those who have suffered sexual and gender-based violence, experienced trauma and are the potential victims of trafficking<sup>6</sup>.

#### 4. Managing the guardian-child

**relationship**, including by defining the limits of the relationship, managing expectations and ensuring a smooth ending of the formal relationship as children make the transition to adulthood and leave the care of their guardians.

### **5. Managing cultural diversity,**

particularly around religious beliefs or perceived gender roles.

The Units also support capacity building for guardians through pre-service training and information sessions on relevant topics such as changes in the legislative framework. They also provide information on new opportunities for children at both national and local level and facilitate communication with staff at reception centres. Indeed, the initial pre-service training provided to volunteer guardians is not enough, and they need continuous support to address challenging situations and interface with various public and private actors.

By August 2019, a total of 286 children had benefited from the support of some 230 volunteer guardians who were provided with guidance by the three Volunteer Guardians Monitoring and Support Units in Palermo, Catania and Messina.

The Units have ensured effective linkages across all of the actors and services that make a guardianship successful, systematizing and expanding the volunteer guardianship concept through competency-building and a child rights-based approach. They are now mature enough for replication and adaptation in other parts of the country and beyond.

## **IV. UNICEF'S RECOMMENDATIONS ON VOLUNTEER GUARDIANSHIP FOR UNACCOMPANIED REFUGEE AND MIGRANT CHILDREN**

With adequate support, volunteer guardians can play a key role in successfully receiving

and protecting unaccompanied refugee and migrant children, in line with international and European guidelines and recommendations.<sup>8</sup> UNICEF, therefore, makes the following recommendations.

### ***To Italian authorities***

- 1.** Allocate adequate financial, technical and human resources to local authorities, including juvenile courts and Ombudspersons for Children and Adolescents, to ensure timely and effective implementation of the voluntary guardianship system.
- 2.** Ensure every unaccompanied child is assigned a trained voluntary guardian in a timely manner by juvenile courts.
- 3.** Institutionalize the Volunteer Guardians Monitoring and Support Units, building on the Palermo model, to ensure guardians are provided with the guidance and support they need, including through the promotion of peer-to-peer learning and exchange.
- 4.** Establish coordination mechanisms across local authorities to guarantee the consistency and continuity of protection and social inclusion programmes for unaccompanied children and streamline resources.
- 5.** Train and support guardians to manage vulnerable cases, including children who have survived torture, sexual and gender-based violence or who suffer from mental health disorders.

### ***To Italian civil society organizations***

- 1.** Continue to support regional guardianship systems by contributing to pre-service training



Marie (15), left, Maria (centre) and Kadiatou (16) pose for a photo in Palermo, Italy.

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*A police captain from Palermo, Maria Letizia Barone, found out about the volunteer guardian programme through her daughter. While studying at the university, Maria's daughter wanted to become a guardian, but was too young by a couple of years. So Maria Letizia decided to volunteer. "It's the same as seeing a positive pregnancy test," she laughs. "You're excited and scared at the same time."*

*She is now the legal guardian of Marie, aged 17, from a girl from Côte d'Ivoire. Marie met her best friend in Palermo, Kadiatou, through a Facebook group for young migrants. And now they are inseparable. Their bond is so strong that Maria Letizia is now becoming Kadiatou's legal guardian as well.*

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*"The three of us are always together," Maria Letizia says proudly, describing their relationship. As an afterthought, she warns: "I talk a lot," while the two girls giggle in agreement?.*

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and on-the-job support for volunteer guardians, as well as awareness-raising campaigns at local level.

### To the European Union

**1.** Promote learning from and dissemination of good practices around guardianship and other child protection measures for refugee and migrant unaccompanied and separated children, including through pan-European mechanisms.

**2.** Ensure vulnerable groups and issues related to gender and gender-based violence are fully integrated into all relevant EU child protection

tools, including practical guides for volunteer guardians.

**3.** Allocate financial resources to Member States to support the improvement and full implementation of guardianship systems for refugee and migrant unaccompanied children to ensure every child has a guardian.

**4.** Promote the model outside the EU in key transit and receiving countries - using future EU development fund earmarked for migration - as a core component of strengthening national child protection and migration systems.

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<sup>1</sup> Law No. 47/2017 amends existing legislation, such as the Decree No. 142/2015 (transposition of the EU Reception Directive 2013/33/EU) and the EU Asylum Procedures Directive 2013/32/EU, in addition to the Italian Immigration Code (Legislative Decree No. 286/1998).

<sup>2</sup> Committee on the Right of the Child, General Comment no.6 on Treatment of unaccompanied and separated children outside their country of origin, 2005.

<sup>3</sup> A 30-hour training package includes: 1. Profiles of unaccompanied children; 2. The legal framework; 3. psycho-social considerations.

<sup>4</sup> EU Fundamental Rights Agency, *Guardianship systems for children deprived of parental care in the European Union*, first edition October 2015.

<sup>5</sup> Through an agreement between the Regional Ombudsperson of Sicily and UNICEF.

<sup>6</sup> The Unit works with Centro Penc, a local non-governmental organization, providing specialized psychological and psycho-social support with an ethno-psychologic approach.

<sup>7</sup> Extracted and adapted from "A guardian's tale from Sicily - Volunteer legal guardians protect and support refugee and migrant children navigate a new life" - Codi Trigger: <https://www.unicef.org/eca/stories/guardians-tale-sicily>

<sup>8</sup> See, for example, UNICEF, *A call for effective guardianship for unaccompanied and separated children (Advocacy brief)*, August 2016; and EU Fundamental Rights Agency, *Guardianship systems for children deprived of parental care in the European Union*, first edition, October 2015.