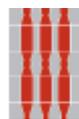


# U N A R S

Understanding Agency & Resistance Strategies:  
Children in situations of domestic violence & abuse

## UNDERSTANDING AGENCY AND RESISTANCE STRATEGIES (UNARS): POLICY ANALYSIS - Umbria



Regione Umbria



This project has been funded with support from the European Commission.

This Report reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

Project Code: JUST/2012/DAP-AG-3461

Suggested citation:

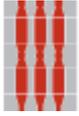
. (2015) UNDERSTANDING AGENCY AND RESISTANCE STRATEGIES (UNARS): POLICY ANALYSIS - Umbria. Draft Final Report. Northampton and online: University of Northampton.

An electronic copy of this report and other UNARS Project publications are available at:

<http://www.unars.co.uk/>®

Copyright © University of Northampton 2015

University of Northampton and University of Northampton Logo are registered trade marks of the University of Northampton trading as University of Northampton. All rights reserved. ®



## POLICY ANALYSIS WS2

### 1. TOPIC 1: MAIN APPROACHES OF REGIONAL POLICY AND INITIATIVES

#### – Overview of regional structures focusing on the rights of children

In Umbria the Regional Directorate of Health and Social cohesion has the expertise in the field of children's rights. This Department is divided into several services, each dealing with specific matters of Social and Health Care, that refer to two different Departments (Welfare and Education Department and the Department of Health). In particular, the issues relating to the "Rights of the child and family responsibilities" are under the responsibility of the "Programming and development of the network of social services and integration of health care" programme. The service is divided into several sections that deal with specific matters; Section "Rights of childhood, adolescence and young, area of child distress, support of family responsibilities" deals with aspects of the rights and protection of minors.

The two sections "Mental health and addictions" and "Basic and specialized care and protecting maternal and child health" of the Service "Programming social health of primary and hospital care" also deal with some aspects of the discomfort of minors and adolescents.

At a local level municipalities and USL provide social and health policies which also affect children. These institutions, together with the private social sector, delivers different services and interventions dedicated to this area.

Within the network service, psychologists, child psychiatrists, social workers, educators and pediatricians are the operators which deal with these aspects. Concerning the problem of children abuse, all operators of all local services (health, education, school etc ...) are involved and committed to report situations of injury to children.

It must be noted that The Centre for Equal Opportunities performs a series of activities aimed at the elimination of gender discrimination and at the promotion of gender policies; in particular, the Centre has set up, since 1989, the Phone Woman Service, performing actions and interventions to prevent and fight abuse and violence against women according to the model of Italian and European anti violence centers. The Phone Woman works with the network of social and health services through specific MoU. The service is active in the whole region thanks to a toll-free phone number and it's connected to the national anti violence network.

#### – Current policies concerning children at regional level

The **Regional Social Plan 2010-2012** (DCR n. 368 of 19/01/2010) contextualizes the policies for childhood and adolescence within a wider area of policies dedicated to "people and families with educational and care responsibilities", within which reaffirms the centrality of policies dedicated to the promotion of children's rights in a changing economic, social and cultural development that gradually led to the loss of effective centrality of respect of the rights of minors. This led to

redefine a strategic framework of addresses to ensure unity and consistency in the implementation of policies in favor of children.

This led to the redefinition of the Guidelines of the services and interventions for childhood and adolescence in Umbria (**DGR n. 405/2010**).

This act identifies the strategic programmes for this area with a role of institutional, cultural and organizational orientation, aimed to consider the rights of children and adolescents in the exercise of our adult responsibilities as parents, teachers, professionals, technicians, managers, public administrators, citizens; create permanent conditions and opportunities for dialogue with children and young people, to share, to work together and build capacity expressing a responsible adult presence that enables them to gradually take initiatives as citizens, in relation to their age, ability and competences.

The strategic axes are:

- 1) **AXIS OF PROMOTION** that promotes the confidence in the 'growing citizens' through specific promotion (with the multiple facets of listening and participation) and an active approach aimed to prevention;
- 2) **AXIS OF SOCIAL PROTECTION AND LEGAL PROTECTION**, which expresses through social protection and refers to interventions in the fields of socio-economic, educational and health sectors, to be activated in favor of families, favoring the weaker or at risk categories, that articulates in the actions of legal protection, meaning the set of actions to safeguard the minor involved in administrative, civil and criminal processes, in the presence of the Judicial Authority;
- 3) **AXIS OF SUPPORT FOR ADULT LIABILITY**, both in the family, by supporting the parenting skills and enhancing the intergenerational relations, and in the territory, through relationships among contemporaries, self-managed or by the presence of significant adults, organized in associations, educational, sporting, cultural and environmental organizations.

Concerning the structure of services and interventions, the plan proposes the creation of services for children and adolescents who are dedicated, competent, stable, qualified and integrated.

The specificity required by the services and interventions for children and adolescents should be maintained; then the visibility of these services should be reinforced, especially in areas where its presence is more confused and uncertain. On the other hand the setting of the welfare framework must be homogeneous to ensure continuity in terms of content, coordination in terms of structure, and cost-effectiveness and sustainability in terms of management plan.

In accordance with the programme, a permanent workshop that provide consultation and cooperation activities for childhood and adolescence at a regional level, composed by administrators, operators (social, health, education) of the public and the private sector, the reality of the Service Sector (volunteering, social cooperation, social promotion) and other social formations, is expected to develop.

Concerning the organization of services for children and adolescents, it is appropriate to identify common parameters that allow a comparative reading and shared policies and actions to be undertaken in favor of "citizens in growth" in the territories, without thereby necessarily pursue a organizational uniqueness that impoverish the richness and originality of the territories and not allow to contextualize the services and interventions, penalizing the needs of a given territory. Within this frame of the axis of social and legal protection, integrated with ASL (psycho – diagnostics evaluation of minors), is present the professional social service or municipal office protection (social inquiry). The Service aims to prevent the maltreatment and abuse and to organise interventions related to the procedures of the judicial authority for children.

Recently, on the subject of the abuse and mistreatment of minors, the Umbria Region had the opportunity, through the presentation of a specific project, to reactivate a path for the definition of an integrated mode of taking charge and treatment of cases.

The project includes:

**PROJECT P.I.U.M.A.  
(Integrated Project Multidisciplinary Abuse Unit)**

**Premises**

The project is located in the scenario of regional planning (2010-2012 regional social, health plan 2009-2011). In the regional guidelines for children's rights and family responsibilities three strategic policies of direction and orientation of services and interventions for childhood and adolescence have been identified: the axis of the promotion, the 'axis of social protection and legal protection, the Axis of adult responsibilities.

The testing of the project starts from the analysis and evaluation of the work experience done by the operators belonging to the various institutional systems involved (civil and criminal justice, law enforcement, health and social health, social services), in the intercommunal territory of Perugia, Corciano and Torgiano (called social area No. 2) and in the District of Perugia of A.Usl.n ° 2 (geographically coinciding with that of the social zone).

Starting from the significant network of resources and services in our area, in an attempt to overcome the problems that exist today, a shared project is expected to be promoted and implemented to improve the forms of inter-institutional cooperation and the quality of integration between legal Proceedings and social, psychological and healthcare operational practices.

**Project objectives:**

- Identify the activities of protection, care and support (social, educational, psychological, health care) in favor of child victims of sexual abuse and exploitation, to be implemented in an integrated framework
- Ensure adequate inter-institutional coordination among public subjects
- Ensure proper integration among the various systems of services and professionals involved in the management of the intervention model for the victims of sexual abuse and exploitation.

**Lines of action**

The project is based on three lines of actions, that include:

- A) A) the activation of inter-institutional coordination arrangements, composed of representatives of various institutions (Umbria Region, the Municipality of Perugia, Company USL.n 2, Perugia Hospital, Regional Office of Education, Police, Prosecutor of the Juvenile Court , Juvenile Court,

Prosecutor Ordinary Ordinary Court) and private social organizations (social Cooperatives and Associations of Social Promotion) that have joined the project, which is entrusted with the functions of coordination, monitoring and evaluation of the experimental design.

- B) B) the activation of a new form of organization of work called "multidisciplinary responsible unit" (UCM) in the health district. The UCM will be composed of professionals with training and experience in the specific area of intervention, from the social services of the three municipalities and from the social and health services of A.USL.n ° 2 (Department of Mental Health - District of Perugino) and will include the presence, as basic minimum core, of two municipal social workers and two psychologists of the USL n. 2, and will be integrated with other professionals such as psychiatrist / child psychiatrists, pediatricians, educators, lawyers, depending on the situation.
- C) C) the construction of two new "spaces/services", for the administration of visits between children and family, and for the conduction of the protected hearing by the judicial authorities;
- D) D) the implementation of training programs designed to enhance sensitivity, knowledge and skills to support a strong integration among the operators involved in the various stages of intervention

## **The recipients**

### Direct recipients:

children victims of abuse and sexual exploitation, estimated number of 10, who will be taken in charge by the "multidisciplinary responsible unit".

### Indirect recipients:

- Families of children;
- Social workers, health workers, Law Enforcement and Judicial Authorities
- People and subjects of the community that, in various capacities in the social, educational, school, sports and recreation, can come into any contact with the abused child

## **Signatories of A.T.S.**

For the realization of the project an A.T.S is expected to be developed, consisting of:

- Umbria Region – Project leader of A.T.S.
- Municipality of Perugia - Member of A.T.S.
- U.S.L. n. 2- Member of A.T.S.
- Coop. Soc. "BorgoRete" - Member of A.T.S.
- Coop. Soc. "New Dimension" - Member of A.T.S

## **Network Partnership**

A partnership network, consisting of institutional and private social sector subjects, works in the implementation of project activities, specifically:

Ordinary prosecutor of Perugia, Ordinary Court of Perugia, the Public Prosecutor at the Juvenile Court of Umbria, the Juvenile Court of Umbria, police headquarters in Perugia, Perugia Hospital, Regional Education, Associations of social promotion "Mixtim" and "Altre Destinazioni", Municipalities of Torgiano and Corciano.

## **RULES, PLANNING AND INITIATIVES OF UMBRIA REGION ON PEDOPHILIA AND SEXUAL EXPLOITATION OF CHILDREN**

**DCR No. 20 OF 9 OCTOBER 2000** 'Law August 28, 97, n. 285 laying down rules for the promotion of rights and opportunities for childhood and adolescence - definition of the target areas and the Guidelines for the implementation of that law ... '.

**Step 8:** "Actions concerning mistreatment, violence and sexual abuse against women and children" in which you specify the emerging issues of the phenomenon of abuse and mistreatment of children, the specific competences of different Subjects involved in various abuse and mistreatment, the various strategies to be implemented to fight the phenomenon, the organizational model.

Con questo atto la Regione Umbria aveva previsto:

- l'équipe per l'abuso e il maltrattamento tra i servizi di supporto specialistico, articolati su un bacino di utenza zonale o interzonale che garantiscono la valutazione, il progetto e la presa in carico dei soggetti vittima di maltrattamento e abuso;
- due direttrici di intervento per il contrasto della violenza di genere:
  - a) promozionale preventiva che riconduce la questione della violenza sulle donne all'educazione e alla cultura del rispetto delle differenze;
  - b) di tutela e sostegno alla persona demandata alla rete dei servizi per costruire percorsi accompagnati di fuoriuscita dalla condizione di violenza.

With this act the Umbria Region would include:

- among the specialized support services, a team for the abuse and mistreatment, managed over a zone or interzonal area that ensures the assessment, the design and taking charge of the subjects victims of mistreatment and abuse;
- Two lines of action to combat gender violence:
  - c) a) a preventive promotional action that leads back the question of violence against women to education and culture of respecting differences;
  - d) b) an action of protection and support to the person assigned to the network of services to build a pathway out of the condition of violence.

**DGR. 405 of 8/03/2010 "Guidelines for the regional area of children and family responsibilities"**, which has revised the guidelines for implementing the policies of childhood and adolescence, identifies three strategic interventions with related actions that, both in terms of promotion and of prevention and protection, tend to create services and interventions to combat violence and mistreatment. These guidelines consistently reaffirm and emphasize what is already provided in the DCR n. 20/2000 that defined, in the guidelines for implementing the Law 285/97, the general lines for the organizational methods of prevention and taking care of the victims of abuse, violence and mistreatment, identifying in the establishment of operational teams, the technical subject for the series of abuse, referring to subsequent act the definition of specific operational protocols that indicate in a clear and shared way the path to follow, the duties and functions of the various institutions and professionals involved in the mentioned interventions. These protocols were signed in different territories by the institutions involved (Asl, municipalities, law enforcement agencies).

**DGR. 1116 of 02/07/2007 "Adoption of guidelines for the promotion of the welfare of the younger generation. Action in the area of social prevention "**, identifies two lines of action for the implementation of a plan of social prevention for the young generations:

- The socio-educational axis, oriented to propose educational and not informational models to offer opportunities to discuss the developmental tasks of adolescence, to promote and oriented approach to problem solving, to encourage skills that help project into the future, to take the civilian mission to form the young generation to gender identity;
- The axis of social health, oriented to acquire, develop and internalize healthy lifestyles that allow young people to take control and responsibility of their own well-being and to accept the risk as a factor of development in relation to the significant changes occurring in the adolescence.

In relation to the two axes of intervention, three projects were achieved in the year 2008-2009:

- One related to the activity of complement to the establishment of four territorial integrated groups, with a departmental dimension, able to become useful resources for the development of policies for specific prevention and harm reduction in the socio-educational and social health in the Region of Umbria
- One related to the education to gender differences with the involvement of boys and girls from high school
- One for the training of social, health workers and education workers on preventive interventions for adolescents.

**On the occasion of the day for children's rights in the implementation of the annual regional programme "Adopt a Law" (DGR 2126/2006)** the Umbria Region organizes activities on the theme of rights, dedicated to kids, boys and girls in schools. Among these a series of awareness activities about violence was presented, through the distribution, in all primary schools, of the book "Mi piace, non mi piace" (Giunti Editore), with the recommendation for teachers on how to deal with children.

**Regional Law 16 February 2010 n. 13 "Discipline of services and interventions in favor of the family"**

- Art. 4 "services and general actions", strengthening the activities of the family counseling for the enhancement of motherhood and responsible parenthood, to support pregnant women and mothers in difficulty, for prevention of abandonment at birth, for the listening and support activities to parents during pregnancy, at birth and during the post-partum period, and for the protection of women victims of physical and mental violence;
- Art. 6 "social assistance and health care to the family": information activities and prevention through health care, psychological activities, rehabilitation and post-traumatic treatments, to victims of sexual violence and child victims of abuse, severe neglect and maltreatment.

**DDL "Rules for gender policies and for a new civilization of relations between women and men."**

Adopted in February 2013, the ddl, achieved with the help of a special scientific committee and based on broad participation, represents an important step in the implementation process of the program guidelines of the legislature. The measure, which will now be sent to the competent Commission of the Regional Council for final approval, consists of five titles and 51 articles.

#### Art.23

##### *(Powers of the Region)*

1. The Region ensures the right to protection, welcome, support and aid to women victims of male violence and to their minor children.
2. The Region in particular:
  - a) promotes information, awareness and training on violence, aimed particularly at men and boys, in order to prevent all forms of violence in all areas from the family;
  - b) recognizes and values the paths of cultural development and practice of self-acceptance and self-managed by women, promoted by public and private entities that have the aim of combating violence against women;
  - c) promotes respectful image of women in the media and advertising;
  - d) ensures protection, suitable welcome, solidarity, support and relief to victims of physical, psychological and economic mistreatment, of persecution, of rape, of sexual harassment and to victims of threats of such acts, regardless of their marital status or their nationality ;
  - e) provides a network of services and a unique system for taking charge operated by refuges in order to recover and strengthen the material and psychological autonomy of women, welfare and combat the phenomenon of secondary victimization;
  - f) provides specific measures in favor of minor children witnesses of violence.

#### Art. 24

##### *(Network for the actions of prevention and combat of violence of men against women)*

1. In order to facilitate the delivery of services to women victims of male violence, the region promotes the establishment of a Network to prevent and combat as an integrated form of shelter and exit from violence.

2. Members of the network: the local authorities, the Hospitals, local health authorities, the police, the judiciary and ordinary child, the Regional School Office and provincial, the anti-violence centers, the Centre for Equal Opportunities of Umbria Region, the associations of women and protection of children and those who aim to combat men's violence against women.

3. The Region promotes among the subjects of network protocols for the integrated management of the shelter and exit from violence against women and children.

#### Art. 26

##### *(Functions of the anti-violence centers)*

1. The anti-violence centers, while respecting confidentiality and anonymity, take charge of women victims of violence and of child witnesses of violence through the following functions:

- a) telephone reception;
- b) counseling for preliminary assessment and detection of danger;
- c) ensure the security of women victims of violence;
- d) psychological counseling and legal services;
- e) accompanying, on request, of women in the use of public and private services, while respecting the 'cultural identity and freedom of each of them;
- f) definition and implementation, previously agreed with the woman, of exit routes from violence designed to encourage new projects of life and autonomy;
- g) support for change and the strengthening of self-esteem through working groups;
- h) implementation of measures to protect children witnesses of violence;

#### Art. 27

##### *(House shelter and temporary housing solutions)*

1. The Region promotes the formation of at least one house refuge in the region

2. The retreat house is a protected place, with a secret address or guarantee of security managed by anti-violence centers, where women victims of male violence alone or with minor children are welcomed and protected.

3. The House is a temporary hospitality structure to safeguard the physical and mental integrity of women, to ensure, together with the residence, a personalized project of support and social inclusion.

4. The Network also ensures the availability of temporary housing facilities, individual and collective, in which women victims of violence and minor children are housed, who still require a period of time to reach the housing autonomy or return in the possession of the previous dwelling.

Art. 31

*(Interventions for children witnesses of violence)*

1. The Region provides interventions for child witnesses of violence aimed at overcoming the trauma and the recovery of the psycho-physical and social skills.

2. The Region, in line with the regional planning of the sector, ensures the implementation of actions to support child witnesses of violence by establishing an intervention protocol between ordinary judges and child labor, public bodies, local health services, Hospitals, Schools, refuges, Centre for Equal Opportunities of the Region of Umbria and entities, whose purpose the contrast of male violence against women.

## **MAIN SPEECHES ON CHILDREN**

In general, the local law accentuates the responsibility of adults on children, especially regarding protective actions that tend to the preservation and protection of the child conceiving HIM as an object of protective action.

Regional planning identifies two areas of work:

- The first considers the rights of children and adolescents in the exercise of adult responsibility, as parents, teachers, professionals, technicians, managers, public administrators and the community as a whole;
- The second suggests creating permanent conditions and opportunities for dialogue with children and young people, to share, build and operate together, expressing an adult ability of adult responsible presence that enables them to speak and progressively take initiatives in relation to their age, their abilities and skills.

While the axis of the promotion is characterized by behaviors of trust towards the citizens in growth and articulated in specific promotion (listening, participation, etc ..) and active approach to prevention, the axis of social and legal protection is articulated in social protection, with reference to measures of a socio-economic, educational and healthcare nature in favor of families and in the legal protection, as a set of measures to safeguard the minor engaged in administrative, civil and criminal proceedings by the judicial authorities.

The Axis of social protection and legal protection concerns the synthesis of the main guidelines contained in international conventions relating to the rights of children and cut across institutional responsibilities of a territory. In protecting and safeguarding, in fact, different government departments that have the duty to work together to harmonize their actions come in, especially in situations where it is difficult to distinguish whether the child can be adequately protected and assisted with administrative measures (provided by local authorities, the local health, by paediatricians, from educational institutions) or instead the involvement of the judicial Authority is necessary.

The area of the protection defines a large and complex field of intervention that starts with the recognition of the child as "individual with rights" and at the same time dependent on adults who take care of him and on the environmental and social contexts where he lives, for the satisfaction of material, emotional, relational, social and cultural needs.

In this context practices of family support have to be redefined with interventions on the promotion and empowerment of parenting skills through the establishment of solid "networks of coping" to protect minors who may limit the creation of new services and the excessive use of resources.

The family is the first and most important node of the social network that consists of ties of kinship, friendship, neighborhood and school or work, which is generated from the ties of reciprocity of family members and extends in the social environment up to constitute a network of relations of belonging, essential to define the personal identity of the individual and to the social protection of the person.

The protection is an intervention designed to stop the inappropriate behavior with respect to the care of which the child needs and is modulated in relation to the severity of the same: different types of discomfort require different types of protection. In severe cases, surgery may consist in implementing measures, issued by the judicial authority, which are restrictive of parental power or relating to the safety of the child with the move away from their core family.

The protection of children is essentially public, to ensure equal rights and opportunities when they are not sufficiently guaranteed by the family.

The strategic axis of the protection and safeguard answers this purpose and is divided into two lines of action in coordination with each other.

#### Social Protection

Social protection configures an area of intervention aimed at supporting households with limited economic, personal and social resources, where recovery attempts and activation of the remaining resources owned by the family can be exercised under an aid process aimed at achieving autonomy in social and working.

The function of social protection of a minor requires the preparation of a project for its protection that engages the social services of the area to activate and coordinate the complex of interventions of help, support and guidance (educational, psychological, cultural, relational etc.).

The objective of protection is to protect the child exposed to a serious risk of neglect, exploitation, mistreatment and abuse through immediate and appropriate action. To this end a special department of social emergency for the area shall be established, connected with a network of shelters, as specified by the social level.

#### Legal protection

The legal protection intervenes, with measures used by the judicial authorities, in situations of severe hardship and discomfort experienced by the child that can affect both children and boys, and the families and the contexts in which they live

In the first case the situations can concern with the sphere of health (psychological and psychopathological discomfort, repeated incidents and illnesses, addictions), the scope of behaviors suffered (severe forms of exploitation, involvement in begging, isolation, abuse or mistreatment) and the scope of the conduct (bullying, school dropout, prostitution).

In the second case situations can be traced to problematic families, families with pathologies, with parental separations, with unresolved conflicts. The welfare of the child and the protection of his growth are objectives that challenge interlocutors, which, in its scope, can foster an healthy and harmonious development, but it can also be itself a cause of discomfort.

The administrative, civil and criminal skills of judiciary courts for child protection legal minors are fragmented among different subjects: the Ordinary Court and the Court of Appeals, the tutelary judge, the Juvenile Court and the Prosecutor's Office at the Juvenile Court; the Juvenile Section of the Court of Appeals; the Court of Cassation.

The Juvenile Court is the main subject in the interventions to protect the child, while the professional social work is the reference to the Local Authority In the area of judicial protection.

As can be seen, there is a specific emphasis on the resilience of the child as an active subject, even in severe cases of abusive behaviors suffered.

The child is primarily seen as part of a family and as the recipient of specific interventions.

## **RECOGNIZING A PLACE OF CHILDREN IN POLICY AND LEGISLATION ON DOMESTIC VIOLENCE**

In the legislation under consideration, except in the Law No. 112 of 2011 on the establishment of the National Guarantor for Childhood and adolescence and in the monitoring report on the implementation of the Convention on the Rights of the Child in Italy, prepared by the Working Group for the Convention on the Rights of the Child, there is no specific focus on children; instead, subjects victims of violence are generically mentioned.

## **POLICIES AND INITIATIVES IN RELATION TO THE RIGHTS OF CHILDREN AND DOMESTIC VIOLENCE REGION OF UMBRIA**

*In the articulation of services and expertise the Umbria Region has a section dedicated to the issues affecting children called "Rights of the Child, adolescent and young, area of child distress, support for family responsibilities" which deals with issues concerning children and families.*

*The binding scenario in which the region has moved is the one of the New York Convention ratified by law 176/91, in fact, in redesigning the competencies of the Service Area, we are talking about the rights of children, teens and young people, in line with what was expressed in the Charter of the Region, that refers explicitly to the rights of children and adolescents.*

*generally, the regional legislation and acts related to initiatives, Umbria devotes special attention to children and to the promotion of their rights, to the protection of the child also in regard to violence, abuse and maltreatment, although the specific issue of domestic violence emerges in an indirect way.*

**The Region has identified the following strategic lines on which to steer the actions and interventions on behalf of children:**

*1. Redefinition of Policies for children through new Guidelines to municipalities on regional programming for children and adolescence shared with the territory (municipalities and third sector);*

*2. Raising awareness on the Rights of the Child;*

*3. Promotion of the welfare of younger generation. Regional Action system along two main axes:*

- An educational axis oriented to propose educational models and information to promote empowerment and train the younger generation to gender identity;*
- A social health axis oriented to acquire and develop healthy lifestyles to the assumption of responsibility for their own well-being to contain the destructive outcomes of risk and to consider it instead as a development factor.*

**With the social regional plan and the law 26/2009**, the Umbria Region has redefined the framework of social programming, devoting a specific chapter to the policies for childhood, adolescence and parental responsibilities, also because of the profound socio- economic changes that have invested our regional community, with profound consequences on the system of relations among people in different contexts of life, family, educational, social.

In particular, with regard to children at the institutional level, it is deemed necessary to redefine a strategic framework of addresses to give uniformity and consistency to the organization and management of services and interventions for the specific region.

For this purpose, a regional technical group made up of the representatives of the Region, the municipalities and the third sector has worked sharing the act of redefinition of the "Guidelines of the services of interventions for childhood and adolescence" (DGR n. 405/2010), with reference to the scenario designed by the Convention of the rights of the Child.

The identified strategic axes have a function of institutional, cultural and organizational orientation.

**The overview of the actions regards:**

- **Actions and interventions on behalf of children and women in need**, interventions and projects in the area of trafficking in human beings and interventions and projects related to violence and exploitation of women, actions and initiatives to combat gender-based violence (any form of violence, physical and mental, and averse to violence that occur in any location, inside or outside the family), sexual exploitation, sexual discrimination;

- **Actions for the development of a widespread and shared educational culture** that promote and support effective relationships, solidarity between generations and a dialogic practice that only allows the construction of identity. For this you need to work on the theme of education to the emotions, affectivity, sexuality and on the issue of gender difference that goes directly addressed to boys and girls, focusing on the school contexts, places dedicated to the assumption of behavioral models, culturally and socially shaped.

In particular, in relation to the actions of **prevention of the phenomena of violence and sexual exploitation of children**:

**Regional Law 16 February 2010 n. 13 "Discipline of the services and interventions in favor of the family"** includes:

- **Art. 4** "services and general actions": the strengthening of the activities of the family counseling for the family, for the enhancement of motherhood and responsible parenthood, to support pregnant women and mothers in difficulty, for the prevention of birth, for 'listening and support activities to parents during pregnancy, at birth and during the post-partum period, and for the **protection of women victims of physical and mental violence**;
- **Art. 6** "social assistance and health care to the family" **also activities of information and prevention through health care and psychological rehabilitation and post-traumatic services, to victims of sexual violence and children victims of abuse, severe neglect and maltreatment.**

**To combat the phenomenon of abuse and violence against children, The Regional Social Plan 2010-2012** (DCR n. 368 of 19/01/2010) provides:

- **The team for the abuse and mistreatment among the specialized support services**, managed over a catchment zonal or interzonal that ensure the assessment, the design and taking charge of the subjects victims of mistreatment and abuse;
- Two lines of action to combat gender violence:
  - e) promotional preventive action that leads back the question of violence against women to education and culture of respecting differences;
  - f) the protection and support to the person assigned to the network of services to build pathways to abandon the condition of violence.

**Territorial Interventions of awareness and training, seminars and workshops on the subject of the abuse and mistreatment of children**: these interventions are made by the territorial teams for abuse and mistreatment, the Municipalities and Local Health and associations active in the area. With the Project PIUMA were created a specialized training program for operators that manage the cases of abuse and maltreatment (psychologists, child psychiatrists and psychiatrists of the Department of Mental Health) and a training program for social, health, educational and judicial workers.

**Human trafficking and enslavement for the purpose of labor or sexual exploitation**

Realization of paths of assistance and protection, identified from time to time according to the

different needs of the target, the type of victims (age, gender, nationality) and the type of exploitation suffered.

Up to this date five projects, which the region is heading, were achieved on National call, and then formalized with many acts of GR:

## **FUORI DAL LABIRINTO**

The project is structured as follows:

The Region of Umbria is the leader of an ATS whose subjects are: the Municipality of Perugia, the town of Todi, the town of Terni, the town of Spoleto, the town of Panicale, the City of Narni.

This form of association participates annually in the calls of DPPO for the presentation of projects involving the sexual exploitation, labor exploitation, begging: Article 18 Decree 286 / 1998- Article 13 of Law 228/2003.

The implementing bodies, public and private, manage and implement the various activities envisaged by the project: the interception and the first contact of the victims, the reception in emergency and second level, the resulting accompanying health, social and orientation and labor inclusion. A Strategic action of the regional projects is the consolidation of the network security and protection of victims, also through the formalization of a regional coordination table in which all subjects are variously involved in the phenomenon in question (prefectures, police stations, attorney of Republic, police, ANCI, ASL ....)

## **Interventions**

In detail, the specific objectives of the projects can be summarized as:

- a. a. foster the emergence of situations of exploitation by integrating and strengthening the measures already activated in the region in recent years;
- b. b. sensitize the community on the presence, distribution and characteristics of the phenomenon of exploitation and trafficking in persons in order to facilitate the emergence;
- c. c. projects individualized in favor of victims of crime reduction or maintenance of slavery, and trafficking in persons through logistical support actions, from housing, counseling and psychosocial support paths with an intercultural approach, health care both basic specialized legal advice;
- d. d. promote social inclusion in favor of victims of crime reduction or maintenance in slavery and trafficking by reducing the risk from situations of exploitation;
- e. e. strengthen the work of the network with the institutions and organizations involved in the management of the phenomenon through the work of the regional coordination table already started since the previous regional projects.

The target population is represented by people victims of crime reduction or maintenance in slavery and trafficking but also indirectly by the local community as a whole and ultimately also by all the directors of the local authorities, leaders and officials of local authorities, social workers, public and private in various capacities dealing with the phenomenon.

The work methodology adopted is essentially the work of the network and community.

The expected effects can be represented by the decrease in the number of people who are victims of exploitation and trafficking across the region and from the emergence of the phenomenon and the increase of knowledge and cultural awareness of the regional community on the phenomenon of trafficking in addition an expected effect and desirable led consolidation of unifying strategies and professional tools used to understand and combat the phenomenon of exploitation.

The various actions, specifically, are:

- Support housing: housing accommodation with the identification of residential facilities for persons present in the region.
- Projects of assistance through logistical support actions.
- psycho –social accompaniments.
- Strengthening the social safety net through actions of reconciliation with the parties engaged in programs of assistance and social integration, and with all those involved in the management of the phenomenon.
- Strengthening of public awareness and information on the phenomenon and the means to combat it.
- Integrated training given to the subjects of the regional network.

### **Gender violence - Regional Project "Mai più violenza" (DGR124 / 2008)**

*It a project funded with call "Notice to finance projects aimed at strengthening actions to prevent and combat gender violence" - the Official Gazette 284 of 6 December 2007 –*

The project Mai più violenza, which began on 9 September 2008 and ended in March 2010, has started, in the region, the testing of **systematic actions** designed to increase in the Umbria region the ability to respond as a whole system to the problems of victims of violence gender.

The aims of the project:

- make more effective and efficient the corollary of initiatives, organizations, public and private associations which, in various capacities, deal with gender violence referring them back to an idea of "system" which - without flattening the diversity - incentives concerted and integrated interventions (purpose reachable through the establishment of the "Rete delle Reti")
- curb the problem of the lack of a common language among the different social actors that deal with violence against women (objective achieved through thematic groups and educational seminars for operators)
- impact the cultural aspects related to the gender violence in order to raise awareness of the existing culture genders and "educate" boys and girls, men and women to come out and recognize violence and psychological and physical abuse

### **SPECIFIC OBJECTIVES OF THE PROJECT,**

**Objective of action 1:** shared vocabulary of words and gestures; to guarantee consistency and uniqueness in the performance of all project actions.

Recipients: Steering Committee, Experts, Personnel involved in the coordination of the project actions

Out put: "glossary" of the project which share a common vocabulary of words and gestures.

**Objective of action 2:** detailed and extensive knowledge of formal and informal resources present in Umbria and which interface the phenomenon of gender violence.

Recipients: network of institutional and private social organizations operating in the region.

Out put: Cartography of services and of formal and informal networks of the region of Umbria on the theme of gender violence (support tools: database with personal data of the associations and formal and informal groups, multimedia support of the mapping).

**Objective of Action 3:** increasing specialization of the professionals and of public and private operators, in relation to their professional role and allow a comparison between the different actors in the classroom.

Target audience: Professionals and operators of Az. USL, the police, the hospitals, social services, the Offices of citizenship, school, Private Social, Volunteer, staff that promotes the establishment of groups Auto Mutual Aid.

Out put: three training seminars.

**Objective of Action 4:** promoting awareness among the subjects of the RETE delle RETI, the exchange of information about the different methods of approach and work, the construction of a shared model of intervention.

Target audience: all public and private entities who are in and/or will enter the NETWORK.

Out put: preparatory material aimed to the creation of Guidelines for regional and operational protocols in terms of gender violence, realized through the material produced in the two days of work through the methodology of open Space technology.

**Objective of Action 5:** preventing gender violence, promoting the protagonism of boys and girls on the issue of coexistence between genders.

Target audience: boys and girls in secondary schools of II order, boys and girls of the centers of aggregation.

Out put: Research-action: "The gender culture in school", made in the Province of Terni. Survey on the dynamics of the construction of gender and urban space in two groups of adolescents in Perugia.

**Objective of Action 6:** sensitise all citizens of the Region of Umbria to the phenomenon of gender violence; spread, with particular attention to places/territories at risk, information on services, methods of access and opportunity to intervene in support of women.

Target audience: men and women of the region.

Out put: creation of a multimedia site, realization of initial and final campaign, sensibilisation campaign

**Objective of Action 7:** Collect the different interpretations of the "BUONE PRASSI" in the field of gender violence.

Out put: Collection of good practice: national and regional, integrated interventions in the field of combat against gender violence.

The project involved **36 subjects** to partners representing all sectors involved in the field of the fight against gender violence.

### **National law 9 January 2006 n. 7 "Provisions concerning the prevention and prohibition of the practice of female genital mutilation." proposed intervention. DGR. 5/2011**

The regional social plan devotes particular attention to the phenomena related to the condition of foreign women, stressing that, among the social and economic changes which local welfare systems have undergone, the the phenomenon of immigration of foreigners has contributed with the settlement of new families bearers of other cultures and lifestyles. It then emphasized the

need for local public policies for the 'integration of immigrants, a fundamental aspect for multicultural coexistence.

The problem of female genital mutilation has a number of aspects, linked both to the cultures of origin of women, and to the protection of their health. The phenomenon, even if submerged, requires study and measures ranging from health care and psychological assistance to women who have suffered a mutilation, the promotion of a deeper understanding of the different cultures that facilitates the approach and dialogue between health workers and people of different ethnicities.

The Service VII Social programming and Service II Programming social health, the Directorate for Health and Social Services have set up for this purpose a joint working group, comprising representatives of the USL, of the hospitals and of municipalities in order to define a project of intervention to achieve in implementing the measures provided by law. The comparison showed the need to identify some priority actions in order to gain a greater understanding of the phenomenon on the territory, also useful in order to plan interventions to raise awareness and training of health and social education.

The proposal provides for:

1. 1. action/research – number and quality on the actual extent of the phenomenon on the territory of Umbria; setting, content, objectives, tools and methodology, to be agreed with the agency established for the implementation of the research.
2. 2. Action of training and awareness: two-year training course lectures and further investigation on particular aspects of the phenomenon for social, health, education, public and private workers.
3. 3. awareness campaigns targeted to specific contexts and subjects.

A two-year course of training aimed at social, health, and education workers, entitled "Migrants, rights and health. An anthropological path of in-depth analysis and sensitization on the issue of female genital mutilation", is ongoing,

## **RIGHTS OF CHILDREN IN ITALY**

**With LAW N. 176 DEL 1991 the UN Convention on the Rights of the Child of 1989 is ratified:** the baby *"is not configured anymore as a mere object of protection and security, but as a real subject of rights, as a person that has its own value and their own dignity. "*

## **CONSTITUTION**

**Article 3:** states the duty of the Republic to remove all obstacles that prevent the full development of the human person, therefore including the minor.

*"It is the duty and right of parents to support and educate their children, even if born out of wedlock. In cases of incapacity of the parents, the law provides for the fulfillment of their tasks.*

*The law ensures to children born out of wedlock every legal and social protection, compatible with the rights of members of the legitimate family. The law lays down the rules and limitations for the determination of paternity. "*

**Article 31:** *"The Republic assists through economic measures and other provisions the formation of the family and the fulfillment of its duties, with particular consideration for large families.*

*It protects maternity, infancy and youth, promoting the institutions necessary for this purpose. "*

**Article 34:** the right to study, requiring the state to develop the structures, the means and the tools to ensure school attendance.

**Article 35:** The Constitution requires the state to supervise the formation of workers to establish a minimum age for paid work.

**Article 37:** ..... with special rules to ensure the protection of child labor by ensuring equal pay for equal work.

**THE CIVIL CODE** reserve a series of articles to the protection of the child, in particular the status of son and relationships with parents.

**Article 147:** *"Duties toward children - Marriage imposes on both spouses the obligation to maintain and educate their offspring, taking into account the abilities, natural inclinations and aspirations of the children"*, the nourishment obligation, education and upbringing of children is up to the parents, regardless of his status (legitimate, natural, adoptive) and regardless of the personal stories of parents (married, separated, cohabiting, no longer cohabiting etc ..).

**Articles 330 and 333:** disqualifications of power or other restrictive measures in the case where there are behaviors of abuse of power or of a violation by the parents against the personality of the child or of his fundamental freedoms, which affect in a negative way on his mental balance or their personality.

**Art. 403 Intervention of public authorities in favor of the child** When the child is physically or morally abandoned or is bred in local unhealthy or dangerous, or by people for negligence, immorality, ignorance or otherwise unable to provide education to him, the public authorities, by the organs of protection, places it in a safe place until you can provide permanently to its protection.

**LAW N. 151 DEL 1975 "REFORM OF FAMILY LAW** has changed some articles of the original Civil Code (1942) regarding family relationships. The rule has determined equality between legitimate and natural children (once defined illegitimate) also with regard to inheritance rights that previously favored the legitimate children. The law also reformulated the concept of power, once the exclusive power of the father, extending even to the mother, so we no longer speak of "parental authority" but of "parental responsibility" or "parental authority", as exercised by both parents.

**LAW No. 431/1967 AND LAW 184/1983, MODIFIED BY LAW 149/2001 regarding adoption and foster care:** was reaffirmed the right of the child to be raised and educated within their natural family, requiring local services to draw up measures to support and aid to poor families.

**ABOUT THE INTERNATIONAL ADOPTION, Italy ratified by Law n. 476 of 1998, the "Convention for the Protection of Children and Co-operation in international adoption"** approved at Aja in 1993, which defines the minimum requirements of international adoption and indicate the tools and reference bodies, including bodies authorized, with the task of control.

**LAW NO 54/2006** discipline in an entirely new way the issue of custody of children resulting in rupture of the family unit. Previously the child was entrusted exclusively to the parent (usually the mother) who seemed to be better able to follow the growth process.

**The new law introduces a new principle**, according to which the child is to be the subject of law and not subject to division between the parents. The perspective of custody and the exercise of power change, which is exercised in a way shared by both parents. The **shared custody** therefore becomes the norm, while the sole is evaluated case by case, always in the actual interest of the child.

**CRIMINAL SCOPE** our penal code, dating back to 1930, has set the threshold for eligibility ( the possibility of being taken to court in the context of a criminal trial) to 14 years, establishing a forecast of absolute eligibility under this limit: the minor aged between fourteen and eighteen who commits a crime is considered attributable based on its ability to discernment. Children are reserved treatments sanction less severe than those for adults; the peculiarities of the condition of the child, as growing subject, requires a specific individualization and flexibility in treatment, and the preeminence of rehabilitative goal of punishment. For this reason, specific alternative measures to detention have been identified by the Ordinamento

**D.P.R. 448/1988** ha introdotto nell'ordinamento una speciale tutela per il minore, dettando disposizioni sul processo penale a carico di imputati minorenni che differiscono dal processo ordinario a carico di adulti.

La norma ha previsto il diritto del minore ad avere un suo processo davanti ad un organo specializzato (il Tribunale per i Minorenni), il diritto di difesa e di autodifesa, il diritto all'assistenza affettiva e psicologica garantita in ogni stato e grado del procedimento, assicurata dai servizi, il diritto alla riservatezza).

**D.P.R. 448/1988** introduced a special protection for the child, dictating rules on criminal proceedings against juvenile offenders that are different from the ordinary process of dependent adults. The decree provides: for the child the right to have his trial before a specialized body (the Juvenile Court), the right of defense and self-defense, the right to emotional and psychological guaranteed in every stage of the proceedings , ensured by the services, the right to privacy.

**LAW No. 285/1997 "Provisions for the promotion of rights and opportunities for childhood and adolescence"** establishes the National Fund dedicated to children and adolescents, aimed at the implementation of measures at all levels of government to encourage the promotion of rights, quality of life, development, individual achievement and socialization of children and adolescents, favoring the natural family, adoptive or foster. This fund has financed projects that had the goal of creating services of preparation and support for the parent-child relationship, fight poverty and violence, alternative measures to the inclusion of children in educational or social institutions.

**LAW No. 451/1997** establishing *the Parliamentary Commission for Children and the National Observatory for Children*

The Observatory, established at the Ministry, is headed by the Minister and is composed not only by experts, but also by representatives of the various ministries that have responsibilities for child, representatives of local authorities, associations, voluntary organizations, social cooperatives engaged in promotion and protection of child rights.

The same law Italian Day was established for the Rights of the Child which is celebrated on 20th November each year, on the anniversary of the signing of the UN Convention.

## **JUDICIAL BODIES**

The Italian legal system does not confer jurisdiction on the subject of children to a single judicial body, but to a number of organs: the Juvenile Court, the Ordinary Court both civil and criminal, tutelary Judge, Prosecutor General of the Republic, the Prosecutor's Office at the ordinary courts, Public Prosecutor at the juvenile Court.

**The main judicial organ of protection of minors is the Juvenile Court** that has civil, criminal and rehabilitation jurisdiction.

**The prosecutor**, set up at the Juvenile Court, has civil and criminal jurisdiction and authority not only of justice, but also for the promotion and protection of the rights of the child.

**The tutelary Judge**, established by the Civil Code of 1942, is a judicial body with judicial and administrative function. It is not a specialized body, despite its numerous functions within the child law: appoints and dismisses the guardian, if the minor has no parents or if they are unable to exercise parental authority.

**With the D.P.R. 616/77** it is required the creation of social services in place of institutions aimed at certain categories of people. The Presidential Decree provides for the transfer of skills in art. 117 of the Constitution, which includes assistance and social services from the state to local governments.

**The reform of Title V of the Constitution** has entrusted to the Regions exclusive legislative power in the field of health and social care, for which administrative functions are attributed to the ***Municipalities and Provinces, regulated by law n. 328/2000***

## **The GUARANTOR**

The Strasbourg Convention attributes the action to promote the rights of minors to the national bodies referred to in Article 12, to a new figure indicated as "guarantor of the rights of the child."

The Guarantor ***"promotes "non conflictual" protection of rights of the person exercising the magisterium of persuasion" (promotion, supervision, protection, signaling) that is at the limit between the "rule of law" and to "beneficence", between "protection and conservation".***

**Since November 2011**, in Italy, there is the figure of the National Guarantor for Childhood and Adolescence, **established by Law n. 112 of 12 July 2011.**

The powers of the Guarantor:

- To oversee the implementation of the UN Convention of 1989
- Spread the knowledge and culture of the Rights of the Child
- Report to the competent authorities breaches of the rights of minors
- Ensure that people from minority are guaranteed equal opportunities in access rights
- Express opinions on the national plan of action and interventions for the protection of the rights and development of subjects in childhood

- It can give opinions on draft laws of the government and the legislative proposals of the Chambers regarding minors
- Report to the Government, to the regions and local authorities concerned all necessary steps to ensure the full promotion of the rights of children and adolescents

The Guarantor is appointed by the presidents of the Chamber of Deputies and the Senate.

## **LEGISLATION AND POLICY ON THE SUBJECT OF DOMESTIC VIOLENCE**

### **NATIONAL LEVEL**

#### **BOOK 1 - TITLE IX CIVIL CODE**

##### **Art. 342 bis Orders of protection against family abuse**

When the conduct of a spouse or other partner is cause of a serious injury to the physical or moral

integrity or freedom of the other spouse or partner, the court, on application, may adopt with a decree one or more of the measures referred to Article 342 ter.

**Art. 342 ter Content of protection orders.**

With the decree referred to art. 342 bis the judge orders the spouse or partner, who held the prejudicial conduct, the cessation of the same conduct and has the removal from the family house of the spouse or partner who has held the conduct prejudicial, ordering also, where appropriate, to not get close to the places usually frequented by the other spouse, and in particular to the workplace, to the residence of the original family, to other homes of close relatives and near the places of education of the couple's children, except that he shall attend the same places for business needs.

The judge may also, if necessary, order the intervention of the social services of the territory or of a center of family mediation, as well of the associations that have the statutory purpose of support and hosting women and children or others who are victims of abuse and mistreated; the periodic payment of a check in favor of persons residing that, as a result of the measures mentioned in the first paragraph, are left without adequate means, setting the terms and conditions of payment and prescribing, if appropriate, the amount to be directly paid to entitled by the employer of the obligated, deducting it from the salary payable to the same.

By the same decree the court, in the cases of the preceding paragraphs, shall determine the length of the Order of protection, starting on the day of implementation. This cannot be more than six months and may be extended upon request of a party, only if there are serious reasons for the strictly necessary time.

By the same decree the judge determines the mode of implementation. Where practical difficulties or disputes may rise, the judge will issue a decree to adopt the most appropriate measures for the implementation, including aid of the public force and health officer.

**LAW No. 154 of 5 April 2001.** "Measures against violence in family relations"