



REPORT OF MEETING OF 6th



April 2009



9.30 a.m. Registration of participants.

10.00 a.m. Welcome addresses, common aims and introduction to the day's programme

Rossana Caselli, *Centro Nazionale per il Volontariato* [National Centre for Voluntary Work](CNV), director of the 2MINDS project, started off the day with a round of presentations:

Alessandra Maggi, President of the *Istituto degli Innocenti*, gave a brief history of the institute, designed by Brunelleschi, which has been operating for almost six centuries to promote the family and childhood. From the 1960s onwards it embarked on a process of de-institutionalization (which involves opening outwards and de-concentration) which has transformed the institute from a place exclusively dedicated to child safety and assistance to a centre offering diversified services and activities: a place to house minors; safe houses for pregnant women and women with children; crèches and integrated educational services; a centre of documentation, research and analysis; training in childhood-, adolescence- and family-related matters. The president pointed out that ever since its creation the *Istituto degli Innocenti* has been a place of childhood assistance, emphasising in this regard the increase in separations and divorces and its inevitable impact on minors.

Giovanni Lattarulo, Region of Tuscany, started by underlining the Tuscan tradition of voluntary work and the necessity to implement relationships between voluntary workers and institutions, not only at regional but also at national and international levels. Every culture brings with it values that must be capable of engaging in communication through the exchange of experiences so as to be able to offer its citizens a homogeneous level of support on both a national and a supranational level.

Rossana Caselli, of the *Centro Nazionale per il Volontariato* [National Centre of Voluntary Work] (CNV), together with the Region of Tuscany and the *Istituto degli Innocenti*, organized this day of meeting between mediators, voluntary workers and institutional operators coming from 10 different European countries with the intention of strengthening and consolidating ever closer ties with those operating, in differing national contexts, to promote and diffuse family mediation.

This day of meeting marked the launching of a new common European project, within the Daphne Programme (DG Giustizia, European Commission), of which the CNV is the co-ordinator. The CNV is a second-level structure composed of around 600 voluntary associations and several institutions belonging to differing political and cultural affiliations. In addition, the CNV has promoted the creation of the *Centro Europeo di Volontariato* [European Centre of Voluntary Workers] (CEV), which was started in Lucca in 1989, and whose aim is to co-ordinate the main European centres for voluntary workers. "For around 10 years we of the CNV have been working out several projects – maybe a little too utopian - in defence of rights that are among the most difficult to safeguard: those of

minors. Although the world of voluntary work is always interested in children and adolescents, we wished to show our interest by reinforcing a "message" of peace and mediation that could be important for everyone, adults and children alike, starting from the family environment. We wanted to share with many other associations and institutions the desire to "face conflicts, not only as destructive events but also as occasions for the development and transformation of relationships, helping above all parents who are separated to regain trust, hope and the capability for reciprocal understanding and recognition. We wanted, moreover, to promote the culture of mediation, from which we can obtain results of great usefulness not only for individuals but for society as a whole in terms of pacification of social relations and of trust in personal and community resources". This is a new way of looking at civil co-habitation and at European citizenship itself, of which the world of voluntary work has often been a spokesman. Hence the creation of a series of four projects for which the Daphne programme was a sort of "incubator" of ideas and of good mediation practice, with occasions for study and training, and for experimentation and links. These projects have constituted a network between the voluntary associations leading to a new project for which today's meeting marks a turning point, with the common intention of turning the utopia of mediation into something that is worthy of hope and for which we can all work. The 2MINDS project aims to deal with mediation in the broader sense, partly because the number of minors involved in family conflicts in Europe is estimated at around 5 million. In fact, separations are caused with increasing frequency by migration, above all regarding Eastern European countries. This gives rise to the need to try out family mediation not only in cases of separation and divorce but also in all situations of conflict caused by the migration of one or both parents or when a minor is urged to leave his country of origin in order to contribute from abroad to the maintenance of his family.

10.30 a.m. Round Table on family mediation (and related matters) in Europe and with the Daphne projects . Introducer and moderator: Rossana Caselli, CNV co-ordinator of the 2MINDS project.

Rossana Caselli opened by explaining the absence at the conference of Rita Cutini, the vice president of the CNV of the *Comunità di Sant'Egidio*.

Valeria Gherardini, lecturer in Psychology at the University of Padua, took charge for the *Istituto degli Innocenti* of the 2003-2008 activities of the ChildONEurope network, of which she here presented a part: an overview of the European regulations on the subject of family mediation. The research work identified all those European regulations that, owing to their non-binding nature, constitute a source of inspiration for the production of the regulations of the individual countries by providing guidelines.

Within the European framework, through the analysis of national legislation, each country maintains a fair amount of autonomy in the regulation of family mediation and the issues linked to it. From the analysis of national legislative production it emerges that all the sets of legislation promulgated have concerned the procedural aspects of mediation within the judicial system. In the face of this, it is seen that the legislators of each country have acted in the first instance to regulate the instrument of mediation within the ordinary judicial system. This aspect is indicative of a transversal institutional legitimisation of mediation as an instrument of support to the judicial system. Conversely, the national legislative production has not acted unequivocally in offering definitions of mediation, its objectives, the role of the mediator and the requirements of the process; therefore it can

be seen that, if on the one hand, in a transversal way, mediation is legitimised as a system of support to the judicial system, on the other hand the delimitations of such practices are not identified, or rather there is no sharing of all the elements needed in order to produce practices capable of moving towards the objective and of evaluating what has been achieved according to methods that are transversal to the local situation within which the intervention has arisen.

The strong diversification, both between different countries and within an individual country, of the meanings attributed to mediation and to the elements through which an act of mediation is structured, highlights the fact that this instrument of justice bends itself to the general objectives of a specific set of regulations, which in this sense becomes the final reference for the construction of an intervention. If, on the other hand, family mediation became a third-party reference, a scenario would emerge within which it would be the set of regulations that would utilise for its own ends an operative instrument coming with its own specificities regarding phrasing and the definition of the objective and of the field of application. This scenario would enable a shared construction and evaluation of mediation interventions at a European level, operations that are not feasible if each country, or each set of laws within the same country, interpret in differing ways the concept of "family mediation".

Hélène Van Den Steen: The European Forum of Family Mediation, of which she is a member, was created in France in 1996. Its main objective was to group together the various European centres for family mediation training. The Forum defined the minimum quality criteria for training: 220 hours of training specifically for family mediation, including 120 hours on the process of mediation and 40 hours of practice. The training is meant for social workers, psychologists, educators, pedagogues and jurists. In particular the training aims to promote knowledge of the theory of mediation: its principles, practice, methodologies and ethics. In addition to this, the Forum is engaged in the following activities:

- the provision of a structured space furthering reflection and research into family mediation;
- the development of relations between the European and international organisations and the setting up of mediation services ;
- the furthering of the exchange of mediation experiences in differing contexts;
- the building up of experience of family mediators through continuous training;
- the development of research.

Hélène Van Den Steen went on to explain the historical origins of the alternative way of solving conflicts, from its creation in the XIX century in the United States up to the present-day situation in Europe.

Franca Gamberoni of ALFID (*Associazione Laica Famiglie in Difficoltà*) (Lay Association for Families in Difficulty): Franca Gamberoni related the experience of ALFID, which is an association of voluntary workers with headquarters in Trento, consisting of 74 members, in which all the statutory bodies (Presidency, Board of Directors, Auditors and Arbitrators) are made up of people who offer their services free of charge. In addition to the voluntary workers, at present the association has five women operators, one of whom takes care of the administrative work and the other four are family mediators. ALFID was set up in 1982, thanks to the strength, intelligence and

courage of Dina Bettarini, who, together with around twenty others involved in the event of separation decided to form an association with the purpose of supporting and safeguarding the interests of the weaker members of families and of claiming their fundamental rights of maintenance, above all in the case of children where there is a lack of interest or prevarication perpetrated by one of the spouses.

At the start of the 1980s Italy introduced the institution of divorce and created the first family counselling services: there came to light, perhaps for the first time with such clarity, a large number of family situations that had been dragging on tediously for years between compromises and conflicts at times unsolvable, and that now began to emerge into the limelight.

In its attempt to provide support for these family members in crisis, ALFID had backing and help from the Bishop of Trento, who, at that time, had shown himself to be particularly sensitive to the problem, so much so that he housed in the rooms of the "*Centro pastorale della famiglia*" ("Pastoral Centre for families") the first premises of the association.

To create from nothing a suitable structure for meeting the needs of families in difficulty was at that time, according to its founders, "demanding". At the initial stages, the most arduous task was to tackle a series of problems, of a predominantly psychological nature, including the attempt to overcome deeply rooted taboos, which translated above all into the indifference of public opinion, the difficulty to approach those needing help, and the none too easy task of making authorities, institutions and associations aware of the issue. In 1986 ALFID was granted a convention with the public body (Trentino is an autonomous region) that still exists today, and which fully covers the expenses of the service. In addition, ALFID runs 4 apartments (3 for women and 1 for men).

The hub of the activity is the family and the couple; the various activities on offer are the following:

- consultation for couples;
- orientation in separations and re-orientation;
- support for parents ;
- aid groups for separated parents;
- psychological support;
- pedagogical support;
- family mediation;
- support for adolescents;
- courses of preparation for marriage.

Another interesting activity is that of the groups of children of separated parents who express their emotions and thoughts through play. In addition, for some time there has been a useful collaboration with cultural mediators, who provide help with the language and the teaching of new cultures.

With the law of 2006 regarding shared custody, an increasing number of judges refer couples for mediation, although often the situations are so soured as to render mediation impossible; however, the ALFID working method also has the aim of working on failures. By "getting his hands dirty", the ALFID operator attempts to receive and understand, review and contain the requests so as to be able to follow the various situations.

To conclude, she read the start of an essay on the family written by a girl aged 9, the daughter of separated parents who attends the centre: "In my family there are two of us with mummy and daddy: always two of us".

11.30 a.m. Coffee break.

12.00 a.m. Family mediation in Tuscany

As moderator, Giovanni Lattarulo, of the Region of Tuscany, introduced the discussion by underlining the increase in separations and divorces and hence the necessity to develop services capable of responding to a potentially very high demand. In addition, the increase in separations due to migration (more and more women are moving away from their country of origin to provide assistance to the elderly, whereas the men migrate in search of a job that will subsequently enable them to take their families out of their country of origin) makes it imperative to discuss the necessity to create a network based on the relationships between services at a transnational level.

Enzo Catarsi presented the results of the research on the family mediation services in Tuscany, carried out by the *Centro Regionale di Documentazione sull'Infanzia* (Regional Centre for Documentation on Childhood)

The report started from the presupposition that separation constitutes a difficult and painful event in a person's life. The research developed from a survey and 30 subsequent interviews with 30 individuals in charge of mediation services. Between 2002 and the present, the Tuscan situation has changed drastically; in fact, whereas in 2002 there were 9 services in the territory, at present all the 34 social-health areas apart from one have family mediation services. Several of these services arose from training courses in family mediation, organised by the Region with the supervision of the GeA of Milan, for some social and health workers at no cost to them. From the testimony gathered during the research some contradictions emerge that still persist, even as to the identity of the instrument of mediation itself. In some cases it is confused with the technical consultation required by the judge, hence the need for a regional awareness campaign which would highlight the real potential and aims of family mediation so as to reduce the frequent misconceptions on the part of users. The placing of the family mediation services in an integrated family services centre gives rise to a new situation, the transformation of the concept of mediation, which is no longer applicable only to situations of separation and divorce but also to other situations of family crisis. To this end the research detected a change of position of numerous mediators who are abandoning their "ideological" stance, that of belonging to a specific school of thought. The interviews, carried out in Autumn 2007, were able to detect the first changes brought about by the law of 2006 concerning shared custody; although the quality of the relations with the judges has not changed substantially, there has been a definite increase in referrals, albeit not always indicated. This is partly because, again stemming from the research, it emerges that jurists do not always illustrate properly the meaning of family mediation. In order to overcome these misunderstandings it is considered important to organise mediation education classes for operators of social services, judges, lawyers, psychologists and pedagogues.

Nazarena Simonetti, a proposal for work in common

The lawyer Nazarena Simonetti opened by thanking the *Istituto degli Innocenti* and the *Centro Nazionale per il Volontariato* (National Voluntary for the opportunity to take part in this important conference on the subjects of social and family mediation. As a lawyer, she plays the role of conciliator at several Chambers of Commerce of Tuscany; in addition, at the Tribunal of Lucca she is a guardian of minors from non-European Community countries residing in our territory in the absence of their parents.

Guardianship is an instrument envisaged in our juridical system for the protection of those

who, because of their age or physical or mental infirmity, are not capable of looking after their own interests. Generally in these cases, the interests of minors are looked after by the parents, who have parental authority over them. However, when the parents are not present, or when they are not capable of exercising parental authority, the tribunal nominates a guardian, who substitutes the parents in all activities seen as having a legal nature involving the child.

Her own experience is, however, with a particular type of guardianship, that of non-Italian minors, (in particular coming from North Africa and from the former Yugoslavia), generally aged between 12 and 16, who often arrive in Italy clandestinely and without their parents. Once established in our country, the minors are housed in structures specifically designed for them, from where, with the help of social workers and voluntary associations, they will embark on study courses or, more often, will find work.

From the strictly formal point of view, the guardian comes to an already well-structured situation, such as that of the communities that house these minors, limiting himself to carrying out a function of purely legal assistance in those cases in which the minors have need of it.

In effect, however, getting to know the minors assigned to him has transformed his role from that of a purely administrative and formal one envisaged by the law into an important experience of life. The activity of guardian is carried out in particular in favour of minors from North Africa and Albania placed in a social structure suitable for accommodating them.

These minors often reach our territory without knowing our language, with no school education, urged or at times forced by their family of origin to look for work in Italy that will guarantee income support also for relatives left behind in their country of origin.

Hence they quickly find themselves face to face with a language, culture, laws and rules of daily life that are different from those they were born and grew up with; they are thus obliged to "grow up rapidly" in a situation alien to them without the support of their parents, figures whose presence we know to be fundamental to the development and training of minors.

And it is exactly in this new situation, in this process of integration, that the role of the guardian has been transformed over time from "legal guarantor" to *de facto* mediator: the difficulties encountered by minors in their interactions with the subjects with whom they have contact (social workers, educators and companions of their community, school or work) have often prompted a concrete activity of cultural and social mediation, intended as help from a *super partes* third party in the creation of a place where minors can speak about their problems, hence furthering communication and intermediation between minors from overseas and the situation in which they find themselves.

The office thus described has also led to collaboration with voluntary workers' associations and public bodies offering assistance to minors, thus coming into contact with the *Centro Nazionale per il Volontariato* [National Centre for Voluntary Work] and she has started to collaborate with its directors in the development and achieving of the objectives pursued by the Two Minds project. Speaking of this, she reminded us that this project is part of the European Daphne III programme, which has as its primary objective the prevention of and the fight against all forms of violence to minors, young people, women and, more generally, those in difficulty.

And it is precisely for this purpose that the Two Minds project intends to take up again and develop the objectives pursued in the preceding projects co-ordinated by the *Centro Nazionale per il Volontariato* [National Centre for Voluntary Work] regarding the guardianship of minors, with particular reference to family mediation as a method that

can be utilised to prevent and manage family conflicts.

Her experience with overseas minors, separated from their families of origin, is therefore linked to one of the primary objectives pursued by the Two Minds project; the latter, in fact, in the light of the promotion of activities of family mediation, is intended to pay particular attention to the developing of forms of guardianship of minors whose families have been split up because of migration, or because of the departure of one or both parents; no-one denies, in fact, that these extremely serious situations of hardship are very likely to leave children with no reference points or models of behaviour and hence more exposed to the risk of social unease or violence.

Thus, in order to render this instrument effective and capable of obtaining concrete results, as well as to provide a solidly supranational dimension to this project, it is indispensable to involve all the subjects that in various ways interact with the divided family and with the minor (such as voluntary associations, public bodies and institutions) in the development of links, collaborations and exchanges.

This could lead to a recognition of the currently existing situation; determinant in this regard is the development of a working model of common and co-ordinated procedures which can nevertheless take into account the specificities of each individual country involved.

The consolidation of these practices can then be utilised as a basis for reflection on the setting up of a common set of regulations regarding family mediation.

The theme of family mediation, above all at transnational level, is in fact one that is strongly felt, also at European Community level, and is the subject of research studies and conferences such as the recent one hosted at Strasbourg by the Council of Europe in March 2009, which was on the topic of international family mediation.

And let us not forget that the ever increasing importance that migration is taking on in the countries of the European Community, including those which have recently joined it, will without doubt lead to an increase in cases of departure of members of the same family and hence presumably to a rise in cases of family mediation at a distance.

Thus, for instance, it should be remembered that in Germany, between February 2003 and March 2006, a project was carried out that was applied in all cases of bi-national (Franco-German) family mediation, which had a good practical application and which led to subsequent developments and reflection.

In Britain, too, a project for the development of family mediation has been active for years, directed especially to cases of the abduction of minors and their removal from their country of origin, under the discipline of the Hague Convention of 1980 regarding the civil aspects of the international abduction of minors.

In addition, special "on-line" events will be organised at periodic intervals, partly through the use of video conferencing, with reflection on the individual themes of mediation, open to questions from the participants, and in the course of which they can interact among themselves.

The creation of a community is thus the first indispensable step towards the creation of links between the various subjects involved in the development of the project.

These links can also be utilised not only at the moment of crisis in the marital relationship but also, and above all, to develop common policies to prevent the insurgence of family conflicts.

The final aim of the Two Minds project is in fact to offer the opportunity of support and links with all the major European voluntary organisations that deal with families and minors, including those belonging to European countries not taking part in this programme.

She concluded by quoting a reflection of Jacques Chirac on the birth of the European Community: "The construction of Europe is an art – the art of the possible". And it is of this art that we wish to become experts with the development of this project.

Hélène Van den Steen

The European Centre of Mediation (ASBL) was created in Brussels in 1988, to develop the culture of mediation, continuous training, research and the exchange of experiences among those who operate in this field. Since 1991, the Belgian Ministry of Education has organised training in mediation in general, granting a state diploma (800 hours, 160 of which are practice). Since 2005, private bodies have also offered training in the field of mediation. The Federal Commission on Mediation, which answers to the Ministry of Justice, has established the minimum criteria:

- basic training in mediation: 90 hours
- specific training in family mediation: 60 hours
- specific training in social mediation: 40 hours
- specific training in civil and commercial mediation: 40 hours.

The intervention continued by defining mediation as the art of cultivating peace in the context of values, of attitudes and of respectful behaviour. Mediation involves philosophy, dialogue and comprehension. It is founded on the principles of liberty, justice and diplomacy. Mediation offers the fruits of recognising ourselves in others. In addition, it defines the process of mediation between the past and the future and its principal objectives, arriving at an explanation of the criteria for a mediation:

- whenever the parties wish to preserve a relationship;
- whenever they recognise the existence of a problem between the parties;
- when it is believed that mutually acceptable solutions are possible, through an informal approach;
- co-operation, respect for others and listening are the basic values of mediation;
- belief in impartiality and in the integrity of the mediator and in the value of mediation is a means of resolving conflicts.

There are different types of mediation: the mediation of compromise, based on result; reconciliatory mediation, of a therapeutic nature; facilitating mediation, based on needs and on solving problems; consultative mediation, based on the rights and obligations of the parties.

The mediator must have personal qualities (sensitivity, logic, intuition, patience, a sense of humour, openness etc.); he in effect takes on the role of catalyst, adviser, consultant, pacifier, creator of options, orchestral conductor etc. His competences must therefore be manifold: empathy, a grasp of the situation, the capacity to search for alternatives and so on.

Mediation can be associated with other practices, such as a therapeutic accompaniment, a good knowledge of rights and duties, or the quest for information from other professionals on some specific subjects. Moreover it is emphasised that mediation can be conventional or judicial; in fact, the agreements reached may pass through the competent tribunal. Mediation is therefore the art of cultivating peace.

1.00 p.m. Lunch break

2.00 p.m. Visit to the *Istituto degli Innocenti* with Alessandra Maggi, president

of the *Istituto degli Innocenti*

3.00 p.m. Presentation of our Daphne projects related by the protagonists

Bulgaria: Anna Nikolova is a psychologist who is involved above all with the trade in human beings. She works at the Foundation SOS Families in risk where she is occupied with both prevention and providing assistance and protection for victims of abuse. There are two centres, one where legal consultation and assistance are available in cases of trauma, the other where 8 people can be accommodated. In Bulgaria in 2004 a law on mediation was passed. The ministry of Justice has a register of the mediators operating on its territory and a register of the organisations involved in mediation training. In fact, on the territory there are mediators trained at the European Forum, although they do not practise family mediation, but rather they apply some techniques and approaches, even though up to now the majority of the mediators have had 60 hours' training, 30 of which were practical. The project is expected to be helpful in the exchange of experiences and in learning to use the technique of mediation for situations which involve abused mothers and children, since communication between them is often destroyed by the experience of abuse.

Latvia: Inese RuKa is a psychologist and psychotherapist who works for the "Skalbes" Crisis Centre, which offers psychological support. For more than 10 years the centre has had a telephone support line open 24 hours a day, operated by volunteers (they organise seminars to train the volunteers). In addition, the association offers face to face psychological help and free legal consultation for cases of domestic violence. The seat of the Association is in the same building as another association, which collaborates with the tribunal and offers support psychological to minors whose parents are undergoing separation. In the last two years in Latvia, following a law on mediation, some experiments in family mediation have been carried out, the training of mediators taking 90 hours, of which almost all is theoretical. At present in Latvia 50% of marriages end in separation, with obvious consequences for the family. The project is expected to provide a better understanding of the family mediation instrument in order for the association to be able to offer it to its users; there is also great interest in creating a European network which deals with family mediation, especially because many people are emigrating from Latvia to other European countries. They are in fact increasingly having to deal with situations of severe conflict between parents who have to decide which should be the minors' country of residence.

Lithuania: Since 1994, Angelica, with the Social Innovation Fund, has been occupied mainly with women's self-help groups, following both national and European projects. In Lithuania there are more than 60 organisations which deal with crisis families, but there is still no legislation on the subject of mediation. By participating in 2MINDS they hope to be able to study the subject of family mediation in more depth.

Belgium: Camilla works for the CEV (Centro Europeo Volontariato) [European Voluntary Workers' Centre], which is formed of a network of 65 voluntary organisations. The job of the CEV is to promote collaboration between the various voluntary organisations by making their actions more efficient, through the exchange of good practice. The project is expected to assist in mapping the European situation regarding mediation and in understanding how the various organisations work and to try to put them in touch with

each other as much as possible. As in the previous project, at the end of 2MINDS the results of the research will be published.

3.45 p.m. Group work activities

We split into two work groups, with previously established subjects:

Group 1.

Promotion of family mediation and conflict management: which collateral activities involving parents and teenagers?

- 1. Do you think it is important to promote the culture of conflict management?**
- 2. What do you believe to be the best initiatives to promote family mediation?**
- 3. What projects, related to the program, do you think would best actively involve parents and teenagers?**

Group 2.

Good family mediation practices and evaluation of indicators

- 1. In your opinion, which characteristics best identify good family mediation practices?**
- 2. Based on these characteristics, in your opinion, which should be used as overall indicators? How can you compare these good practices?**
- 3. How can the indicators be developed?**

4.30 p.m. Report of the group work and conclusions by Rossana Caselli, CNV Co-ordinator of the 2MINDS project.

5.00 p.m. End of the day's programme.