

Beyond formal rights: intercultural competences for minors with a migratory background. A research on professional practices in the Italian juvenile justice system

Oltre i diritti formali: competenze interculturali per i minori con background migratorio. Una ricerca sulle pratiche professionali nel sistema di giustizia minorile Italiano

Elisa M.F. Salvadori

Research fellow

University of Verona

Abstract

This article explores the role of intercultural competences (IC) within the Italian juvenile justice system, with a focus on professional practices involving minors with a migratory background, including unaccompanied foreign minors (UFM). Drawing on a mixed methods design with a qualitative core, this research investigates how intercultural competences are used in the daily practices of legal professionals, identifies five key thematic areas for managing cultural differences, and defines a professional profile of the *intercultural practitioner* within the juvenile justice system. The article specifically focuses on this profile, while deferring the presentation of quantitative results and the theoretical model of IC to future publications. Findings reveal that IC are not an isolated technical skill but complex, relational, and situated perspectives that support equity, personalisation, and cultural awareness in decision-making processes. For UFM, these competences prove crucial in transforming formal rights into accessible and meaningful protections. Despite some limitations, this research contributes to pedagogical reflection and offers practical tools for more inclusive and responsive juvenile justice systems.

Keywords: intercultural competences, juvenile justice system, unaccompanied foreign minors, professional development.

Sommario

Questo articolo esplora il ruolo delle competenze interculturali (CI) all'interno del sistema di giustizia minorile italiano, con particolare attenzione alle pratiche professionali che coinvolgono minori con background migratorio, inclusi i minori stranieri non accompagnati (MSNA). Basandosi su un disegno di ricerca a metodi misti con una componente qualitativa centrale, lo studio indaga come le CI vengano impiegate nelle pratiche quotidiane dei professionisti del sistema giudiziario, individua cinque aree tematiche chiave per la gestione delle differenze culturali e definisce un profilo professionale dell'operatore interculturale nel contesto della giustizia minorile. L'articolo si concentra in particolare su questo profilo, rinviando a future pubblicazioni la presentazione dei risultati quantitativi e del modello teorico delle CI. I risultati mostrano che le competenze interculturali non costituiscono un'abilità tecnica isolata, ma una prospettiva complessa, relazionale e situata, che sostiene l'equità, la personalizzazione e la consapevolezza culturale negli incontri interculturali che si svolgono nel sistema di giustizia minorile. Per i MSNA, tali competenze risultano fondamentali nel trasformare i diritti formali in tutele accessibili e significative. Nonostante alcune limitazioni, la ricerca contribuisce alla riflessione pedagogica e offre strumenti pratici per rendere i sistemi di giustizia minorile più inclusivi e capaci di rispondere ai bisogni di tutti.

Parole chiave: competenze interculturali, sistema di giustizia minorile, minori stranieri non accompagnati, sviluppo professionale.

1. Context and (inter)cultural challenges

Within the juvenile justice system, a multiplicity of identities, cultures, and legislative frameworks profoundly shape the relationship between users and professionals. This is due to the growing diversity of the minors involved and the presence of multiple

professional actors – professional and lay judges, guardianship judges, lawyers, special guardians. The connection with the justice system thus occurs at the intersection of different legislative and value systems (Parolari, 2016). Legal references, cultural affiliations, shared group identities, and different views on childhood, family, and education intertwine with professional practices, therefore influencing relationships, language, and the practitioners' decision-making processes (Ruggiu, 2012; Rebughini, 2014). In this context, far from being exceptions, cultural differences must be recognised as fundamental elements of all societies. They become particularly significant when they concern individuals in vulnerable positions, such as unaccompanied foreign minors (UFM). This complexity is further intensified by the entire care process taking place within a judicial system that tends to reflect the dominant cultural assumptions as though they were neutral (Ricca, 2013; Mazzarese, 2013). Within this context, the biographical trajectories of UFM inevitably intersect with the cultural references, perspectives, and personal values of all the institutional actors involved. Juvenile justice professionals often interact with individuals whose histories, cultures, and normative frameworks may differ significantly from their own and from those implicitly set by the system.

In an institutional landscape increasingly shaped by cultural, identity-based, and relational diversity, it becomes essential for professionals to develop appropriate tools to interpret and manage the complexity that such differences entail, without reducing them to mere risk factors or marginal conditions. This need is particularly evident in working with UFM, whose experiences are rooted in cultural, linguistic, and biographical contexts that considerably differ from those of professionals and institutions. From this perspective, intercultural competences emerge as essential tools for acting responsibly and knowingly within systems that are increasingly characterised by pluralism and diversity. Accordingly, this article focuses on understanding how intercultural competences are enacted in professionals' daily practices within the juvenile justice system and on how such competences contribute to shaping a professional profile that supports more equitable interactions with minors with a migratory background.

2. The research

This research falls into the broader field of studies on the management of cultural diversity in professional settings, with a specific focus on the Italian juvenile justice system. It aims to contribute to understanding intercultural competences within this context by examining how they are used in professional everyday practices and how they can be conceptualised in light of the challenges posed by a growing cultural diversity. In this research, *intercultural competences* refer to a complex and evolving construct, based on the individual's ability to mobilise personal resources – particularly knowledge, skills, and attitudes – in heterogeneous and culturally diverse relational contexts (Deardorff, 2006; Fantini, 2007; Barrett, 2012).

According to Portera (2020), intercultural competences can be defined as a combination of characteristics, knowledge, attitudes, and skills that support the effective management of relationships with individuals who differ in linguistic and cultural backgrounds. These competences develop over time but they do not necessarily follow a linear or cumulative trajectory; instead, they may consolidate, evolve, or weaken depending on context and experience. They encompass both acquired components and personal inclinations, and find practical application in educational, social, and professional interactions where the conscious engagement with cultural difference is essential for building respectful and meaningful relationships.

Methodological approach and research design

This research is based on a qualitative methodological framework inspired by the naturalistic paradigm (Lincoln and Guba, 1985), which prioritises understanding the meaning of actions within their natural context. This approach is considered the most appropriate one to explore the richness of human experience (Mortari and Ghirotto, 2019). An additional methodological reference is the ecological paradigm (Mortari, 2007), which emphasises the value of research in its ability to address meaningful issues related to human experience and to contribute to developing knowledge that can inform social policies. These paradigms lead to a research design that is consistent with the exploratory and educational purpose of the study, which aims to capture the complexity of professional practices and the meanings attributed by practitioners working with minors. The overall design is classified as a parallel-phase mixed methods approach, with a clear qualitative dominance (Trinchero and Robasto, 2019). This methodological choice allows us to investigate how intercultural competences are enacted by professionals in their daily interactions within the juvenile justice system. Data were collected primarily through semi-structured interviews and analysed using a thematic approach. Although the study also included a quantitative component, the present article focuses exclusively on the qualitative findings related to the development of the professional profile. Quantitative results will be presented in a separate publication. The entire process complied with ethical standards and received approval from the Ethics Committee of the Department of Human Sciences. All participants – adult professionals working within the juvenile justice system – received detailed information about the research and they signed an informed consent form. Their privacy was protected throughout all phases, including through complete data anonymisation.

Participants

As part of this study, two separate and parallel samples were developed – one for the qualitative component and one for the questionnaire – using a non-probabilistic, purposive sampling approach. This process led to an accidental sample, drawing from the researcher's networks and shaped by practical constraints and participants' availability (Coggi and Ricchiardi, 2005). As for the qualitative component, 20 semi-structured interviews were conducted with 13 women and 7 men, all professionals working as lawyers, lay judges, or magistrates in various Italian regions. Participants had diverse professional backgrounds, with most of them having over 10 years of experience. They were selected by using snowball sampling, initiated through the researcher's professional network and supported by key informants. The questionnaire collected 156 valid responses, mostly from women with diverse professional backgrounds, including lawyers, lay judges, magistrates, Juvenile Social Services staff, court-appointed experts, and other roles within the juvenile justice system. Respondents' experience ranged from less than five to over ten years, and the sample mainly came from Northern and Southern Italy. About half served as special guardians for minors. The questionnaire was distributed through personal contacts, online directories, and targeted mailing lists, ensuring territorial and professional diversity.

Data collection tools

The tools used in this research – semi-structured interviews, a questionnaire and a

focus group – were selected according to the theoretical framework, the research questions, and the epistemology of intercultural education. A pilot phase preceded both the interviews and the questionnaire distribution, allowing for language, structure, and clarity adjustments, based on the participants' feedback.

The primary tool for the qualitative phase was the semi-structured interview, which allowed to gather the professionals' experiences, focusing on real-life episodes where intercultural competences were used in interactions with minors with a migratory background (European Commission Glossary, 2025). The interview outline, inspired by the explication interview method (Vermersch, 2005), which is based on accessing and verbalising personal experience, was designed to support participants in recalling and identifying the implicit and explicit dimensions of their professional practices. The interviews were conducted via Zoom, between December 2021 and May 2022, and supported by self-observation forms and tools for monitoring the researcher's reflective process. In addition to reviewing the interview recordings, I used two reflective tools specifically created for this study: a Self-Observation Form and a Reflective Monitoring Sheet. Their purpose was to document not only procedural elements but also interactions, emotions, and spontaneous reactions emerging during the encounter – acknowledging that interviews are not neutral spaces but unique relational events shaped by the presence of two individuals (Benozzo and Priola, 2022). The excerpts reported in the findings are identified through a coding system developed for this study. The letter A refers to the three initial interviews, which also served as pilot explorations conducted with participants in different roles, while the letter B indicates the subsequent 17 interviews. The numerical component (starting from 101) reflects the order in which interview availability was obtained and does not correspond to the chronological sequence of data collection. The slash followed by a number (e.g., /34) identifies the specific segment of the interview from which the excerpt is drawn, corresponding to the numbered question-answer unit.

The questionnaire, which was structured and autonomously completed online, complemented the qualitative phase by expanding the sample and providing a cross-sectional perspective on dimensions shared between different professional roles. Based on Barrett's model (2012), the questionnaire explored areas such as knowledge, attitudes, skills, and behaviours, by correlating them to learning contexts – formal, non-formal, informal. Distribution occurred via links sent through professional networks and targeted mailing lists, ensuring anonymity and compliance with ethical standards. The third tool was a focus group conducted online in the final phase of the research with an external observer and the aim of sharing and validating the *intercultural practitioner* profile with a group of experienced professionals. It stimulated group discussions on the terminology, structure, and clarity of the profile, while offering critical feedback to improve its coherence with professional practice. As a participatory validation process, the focus group confirmed the significance of the profile and supported its refinement.

The combined use of qualitative and quantitative tools allowed to generate a nuanced, situated, and shared representation of intercultural competences within the juvenile justice context, while respecting the complexity of this phenomenon and promoting a dialogical and reflective approach to knowledge production.

Data analysis and interpretation

The qualitative analysis was conducted directly by the researcher, following a reflective thematic analysis (Braun and Clarke, 2019, 2021), as it was considered the most suitable approach to capture the complexity of the phenomenon under investigation. The

analytical process was supported by NVivo software, which enabled the identification and organisation of meaningful units related to intercultural competences. The analytic process began with the *verbatim* transcription of the interviews and repeated readings to gain familiarity with the material. Initial inductive codes were then generated, focusing on how professionals enacted intercultural competences in practice. During the first cycle of coding, the competences mentioned by participants were organised into three macro-areas traditionally used in pedagogical literature – knowledge, skills and attitudes. As the analysis progressed, a fourth area emerged inductively from the data: awareness, understood as an autonomous and transversal dimension grounded in reflexivity and the ability to critically recognise one's own assumptions.

In the next step, codes were grouped into broader categories and progressively refined into themes and sub-themes through iterative comparison across transcripts. The analysis moved constantly between the data and their interpretation, ensuring consistency between emerging themes and participants' accounts. For example, interview excerpts referring not only to linguistic comprehension but also to the understanding of different meaning systems, contextual references and perspectives were first coded separately and later grouped into a coherent sub-theme (*understanding*), placed within the broader theme *Engaging with differences: communication, understanding and dialogue*.

Meaning was constructed through a recursive and cyclical interpretative process (Benozzo and Priola, 2022), allowing themes to emerge from the continuous dialogue between the researcher's perspective and participants' lived experiences (Cardano and Ortalda, 2021). Rigour was strengthened through the systematic documentation of analytic decisions and reflexive notes taken during coding and theme development, which supported transparency in the analytic process. Additionally, the emerging conceptualisation was later discussed with practitioners during a focus group, which offered a valuable opportunity to reflect on the coherence and resonance of the thematic structure from the perspective of professionals working in the juvenile justice system. Although the focus group was conducted at a later stage of the process (June 2023) when the thematic structure had already been translated into the professional profile, it represented a significant opportunity for collective reflection and refinement. The discussion helped assess the clarity, relevance, and practical usability of the profile derived from the thematic analysis, while ensuring its alignment with practitioners' lived experiences.

While the qualitative material also included contextual and organisational factors influencing intercultural practice, the present article focuses specifically on the dimensions of the professional profile. This editorial choice reflects the main purpose of the study and ensures alignment between the analytic process and the presentation of results.

3. Results

This section presents only a selection of the main results, focusing on the key areas of intercultural competence identified through the reflective thematic analysis and on the professional profile developed from these areas. The first outcome of the thematic reflective analysis concerns the identification of five key areas of intercultural approach enacted by professionals within the juvenile justice system, hereinafter explained and presented with direct quotes from the interviews.

Welcoming minors as whole persons. This competence involves adopting conscious and well-structured strategies to ensure that the minor feels recognised in their wholeness – including experiences, perspectives, and systems of meaning. It requires intentional

professional choices: preparing for the encounter, adapting time and space, gathering relevant information, and being able to welcome the minor's difficulties and suffering. As highlighted in the participants' narratives: «In my office, I try to create a kind of informal setting, so when the kids arrive, I always prepare chocolate bars or fruit juices» (INT.B111/34); «when you enter my office, there is always a glass of water and tissues available, because talking about certain things can be very difficult. There is deep suffering, a strong emotional burden, so I try to take care of that struggle a little» (INT.B108/10).

Engaging with differences: communication, understanding and dialogue. This competence encompasses relational abilities, such as listening, empathy, and decentring, which ensure mutual understanding and facilitate intercultural dialogue within judicial interactions. The following excerpts illustrate this competence in practice: «Hearing and listening are two different things; listening means putting yourself in an empathetic, welcoming stance» (INT.B111/6); «Of course, I adjust my questions according to age: it's one thing if a 12-year-old comes to me, and quite another if they are 16, 17, or 18 years old – these are two completely different situations» (INT.B102/20).

Ways of working: personalisation and participation. This refers to recognising minors as capable and active agents, personalising interventions, and adopting interdisciplinary, ecological and systemic approaches, often acting as a *bridge* between cultures, generations, services and institutional worlds. This emerges clearly in the participants' statements: «[...] in my relationship with people, I try to give them space for authentic participation, which means putting myself in an active listening position» (INT.B114/8); «I take much more time than I normally would with adult clients, because I know that young people need more time: there is a whole stage of preparation, of telling their story, of the personal, before entering into the core of the procedure» (INT.B111/34);

Professional stance: awareness and reflexivity. This thematic area concerns recognising one's implicit theories and interpretative frameworks, managing emotional involvement, and critically evaluating the effects of one's actions in intercultural encounters. This is reflected in the following statement:

The way you look at reality is not necessarily the only way to look at it, and it doesn't tell you what reality *is* – it tells you how *you* see reality. But that same reality can also be seen differently, you know? And if, in addition to your own perspective, you let other people's perspectives converge on that same reality, you may notice details – details of that reality – that are otherwise excluded from your view (INT.B114/28).

Going beyond: working in depth. This competence refers to reading complexity without reducing it, creating more inclusive conditions, languages and practices, and interpreting one's role critically to support systemic and relational change. This becomes evident in the participants' reflections: «[...] so trying a bit to understand that, for that type of parents, things had a different kind of meaning» (INT.B115/8); «We also asked for the support of a cultural mediator, precisely because my role is a legal one, and when my competences are not enough to protect the minor, it is appropriate to [...]» (INT.B110/6).

These themes can be understood as organised around two interconnected macro-areas: working *with* – competences activated in the intercultural encounter – and working *for* – competences enacted in organisational and professional contexts, even in the absence of a direct intercultural interaction. The second dimension is equally crucial, as working *for* does not imply excluding the people involved, but rather building conditions, languages

and practices that make contexts more accessible, inclusive, and capable of recognising and valuing diversity. As a second result, the five thematic areas were translated into a professional profile for intercultural practice within the juvenile justice system. This work involved adopting the language of competences and professional standards. This phase was guided by the theoretical framework on lifelong learning (European Parliament and Council of the European Union, 2008; Council of the European Union, 2017) and by competence validation systems (ISFOL, 2006; Reggio and Righetti, 2013).

Consistent with the explicitation interview approach (Vermersch, 2005), no external theoretical elements were added to the data: the profile was built from the experiences and practices described by the professionals. As anticipated, the focus group with juvenile justice practitioners helped refine the terminology, clarify some components and reorganise certain elements, thus contributing to the validation and practical usability of the final profile. Intercultural practitioners within the juvenile justice system are professionals capable of establishing effective relationships with minors with a migratory background, who have cultural and identity-based differences. In their professional practice, their focus is on the person: they value each personal history and play a mediating role between different (cultural) systems, while contributing to building intercultural pathways. They can work *with* minors and their networks and *for* them, by using their intercultural competences to critically and transformatively inform practices, procedures, and institutional frameworks, thereby contributing to transforming the professional settings in which they operate. Moreover, they are actively engaged in their professional development, constantly reflecting on their role, intercultural competences, personal history, and the cultural references that shape their professional practice.

The resulting profile is structured into five areas of professional competence, directly derived from the thematic analysis. Each area expresses a specific dimension of practice – from direct interaction with minors to the capacity to act on organisational and systemic contexts. Although closely interconnected, these domains highlight different yet complementary ways in which professionals support more equitable and culturally responsive justice processes. These five specific areas of intervention related to the role can be described as follows:

1. Receiving minors with cultural and identity-based differences, accepting their challenges, and addressing their needs, by preparing to meet them and effectively organising locations and timings of those meetings;
2. Establishing meaningful relationships and a dialogue with minors with a migratory background, drawing on communication and listening skills, ability to understand the other person's point of view and meaning-making systems, and awareness of cultural references;
3. Taking action by focusing primarily on the person, not their culture, thus actively involving the minor in the various stages of the process and playing a *bridging role* between different systems. Contributing to building future-oriented intercultural pathways that extend beyond the period of direct professional engagement;
4. Being aware of one's own multi-dimensional culture, cultural identity, professional identity, and biographical background, and of how these elements influence relationships with individuals with a migratory background. Critically analysing the interaction between these elements, one's own professional practice, and judicial procedures;
5. Applying one's ability to *go beyond*, i.e. being capable of assessing situations in their complexity, acting systemically, and bringing an intercultural approach into the various professional operating contexts.

The profile, developed dynamically and transversely across the various roles within the juvenile justice system, highlights the ability to act in complex situations, by prioritising critical thinking and reflexivity over the mere execution of standardised tasks. The competences described are complex in nature: they appear as an integrated and constantly evolving set of knowledge, skills, and attitudes, encompassing both individual and contextual dimensions. Within this framework, intercultural competences are not viewed as technical or specialised knowledge, but as relational, situated, and dynamic competences, based on professional perspectives and attitudes, rather than on static knowledge. They are thus regarded as transversal competences, capable of crossing roles and contexts, adapting to each specific situation, and contributing to transforming the systems in which they are used.

In order to avoid the risks associated with a limited, decontextualised, or static use of the profile, it should be viewed as an open, flexible, and evolving tool designed to adapt to different professional settings and tasks, which may not always be clearly defined or sector-specific. As a historically situated construct, the profile is subject to revision and change, in line with the contingent, relational, and transformative nature of intercultural competences and the complex roles involved in this area of practice.

Conclusions

In a juvenile justice system that is increasingly complex and marked by cultural pluralism, this study highlights the importance of intercultural competences as a structural component of professional practice. Based on the analysis of the everyday practices of professionals working with minors with a migratory background – particularly UFM – this research shows that IC are essential for ensuring fair, personalised, and intercultural interventions. The value of this research lies in its ability to develop a professional profile able to capture the complex and dynamic nature of IC, grounding them in the concrete practices, decisions and interactions that constitute the daily work of juvenile justice professionals. The profile, which covers five areas of competence, allows existing intercultural practices to be visible and assessable, thus providing a solid foundation for self-evaluation, educational planning, and strategies designed to respond to emerging systemic needs.

One limitation of this study is the narrow participation of magistrates and professional judges, key figures in the juvenile justice system whose involvement in the data collection stage proved difficult. Furthermore, the study did not include the direct perspective of unaccompanied foreign minors and their families – who are users of the system – whose voices would be essential for a fully participatory and context-sensitive understanding of intercultural processes. These limitations suggest valuable directions to be followed for future development, including targeted research involving judicial professionals and the integration of minors' real-life experiences into the analysis of intercultural practices.

The findings acquire strategic significance for UFM in particular. Their condition of heightened vulnerability – characterised by traumatic past experiences, absence of family networks, imminent transition to adulthood, and interaction with a complex legal system – calls for professionals who are able to support them through relational and educational pathways based on understanding, decentring, and recognising everyone's unique personal identity. From this perspective, IC act as a tool to not only formally acknowledge but also effectively exercise one's rights. The broader systemic impact of this research also lies in its potential to produce a paradigm shift: intercultural competence should no longer be viewed as a specialised or peripheral skill, but as a transversal orientation to be systematically integrated into both initial and continuous training programs. Recognising

and enhancing good practices – which are often already present but not explicitly mentioned – is an opportunity to strengthen a professional justice culture capable of engaging with biographical and identity complexity, while overcoming automatic routines, standardised responses, and ethnocentric approaches.

Lastly, this research marks an epistemological shift. In a system that often considers itself neutral and universal, intercultural approach requires that all professional action is viewed as situated, and that legal, educational, and evaluation tools are culturally constructed. Embracing this awareness means contributing to building a child-sensitive justice system, one that is truly capable of upholding the best interests of minors, especially those, like UFM, who experience both structural vulnerability and existential discontinuity. In summary, this research can enrich pedagogical reflection on intercultural practice within the juvenile justice system, by offering theoretical insights and an operational profile to support individual and systemic change. In the hope that these outcomes may inform professional training and the transformation of institutional cultures and practices, in pursuit of a system capable of receiving, accompanying and listening to each minor in their unique individuality.

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Short Bio

Elisa M.F. Salvadori

She earned her Ph.D. in Human Sciences with research focusing on the intercultural competences of professionals working in the juvenile justice system. She is currently a research fellow at the University of Verona, after previous experience as a training manager in a social cooperative. Her research interests include intercultural education, the children's rights perspective, and lifelong learning, with particular attention to the training of social professionals.

Ha conseguito il dottorato in Scienze Umane con una ricerca sulle competenze interculturali nei contesti della giustizia minorile. È attualmente assegnista di ricerca presso l'Università di Verona, dopo un'esperienza come responsabile della formazione in una cooperativa sociale. I suoi campi di interesse riguardano la pedagogia interculturale, la prospettiva dei diritti dei minorenni e la formazione dei professionisti, in particolare di quelli del Terzo settore.