

# CHILD AND YOUTH PROTECTION POLICY



## 1. POLICY

### 1.1. Introduction and Declaration of Commitment

The aim of this Child and Youth Protection Policy is to define the guidelines and procedures of the internal child and youth protection policy that relate to the organic structure of the National Commission, in the context of its activities.

The United Nations Convention on the Rights of the Child defines a child as someone under the age of 18. This is the definition that the National Commission adopts for the purposes of its Child and Youth Protection Policy.

By defining a Child and Youth Protection Policy, the National Commission is committed to promoting children's rights in all actions and projects that involve them.

The National Commission undertakes to respect and guarantee the rights provided for in the Convention on the Rights of the Child, approved by the United Nations in 1989 and ratified by Portugal on September 12, 1990, in the Constitution of the Portuguese Republic and in the Law for the Protection of Children and Young People in Danger.

The National Commission therefore undertakes to:

- To apply the rights and principles of the Convention on the Rights of the Child to all children without exception and to take positive measures to promote their rights;
- Fully consider the best interests of the child in all decisions concerning them;
- Ensuring that children with the capacity to discern have the right to freely express their opinion on issues that concern them, and that their opinion is duly taken into account;
- Guarantee the child's right to be protected from all forms of physical or mental violence, harm or abuse, neglect or ill treatment and maltreatment or exploitation, including sexual violence.

This Child and Youth Protection Policy lays down the principles and defines the procedures to be followed.

**The National Commission for the Promotion of Children's Rights and Protection, hereinafter referred to as the National Commission, is a legal person governed by public law, with administrative autonomy and its own assets, which operates under the Ministry of Labor, Solidarity and Social Security.**

**The National Commission's mission is to contribute to the planning of state intervention and to the coordination, monitoring and evaluation of the actions of public bodies and the community in promoting the rights and protection of children and young people.**

These are guidelines that all members of the National Commission, partner organizations, trainees and volunteers are obliged to implement.

## 1.2. Guiding principles of the Child and Youth Protection Policy

The National Commission guides its action in the light of the guiding principles of intervention set out in Article 4 of the Law on the Protection of Children and Young People in Danger (Law no. 147/99 of September 1, with its successive amendments):

- a)** The best interests of children and young people - intervention must give priority to the interests and rights of children and young people;
- b)** Privacy - the promotion of the rights and protection of children and young people must be carried out with respect for their privacy, their right to an image and the preservation of their private life;
- c)** Early intervention - intervention should be carried out as soon as the dangerous situation is known;
- d)** Minimal intervention - intervention must be exercised exclusively by bodies and institutions whose action is essential to the effective promotion of the rights and protection of children and young people in danger;
- e)** Proportionality and timeliness - the intervention must be necessary and appropriate to the situation of danger the child or young person is in at the time the decision is taken and may only interfere in their life and that of their family to the extent that is strictly necessary for that purpose;
- f)** Parental responsibility - the intervention must be carried out in such a way that the parents fulfill their duties towards the child and young person;
- g)** Mandatory information - children and young people, their parents, legal representative or guardians have the right to be informed of their rights, the reasons for the intervention and how it is carried out; and
- h)** Compulsory hearing and participation - children and young people, either separately or in the company of their parents or a person of their choice, as well as the

parents, legal representative or person who has de facto custody of them, have the right to be heard and to participate in the acts and in the definition of the measure to promote rights and protection.

## 1.3. Objectives of the Child and Youth Protection Policy

The National Commission's Child and Youth Protection Policy has the following objectives:

- a)** Ensure that employees, trainees and volunteers have clear information about the National Commission's Child and Youth Protection Policy;
- b)** Ensure that employees, trainees and volunteers adopt work procedures and methodologies in line with the National Commission's mission, values and principles;
- c)** Ensure that employees, interns and volunteers working for the National Commission adopt procedures and working methodologies that promote the empowerment of children and young people;
- d)** Ensure that the work of the National Commission respects the rights and principles established by the Convention on the Rights of the Child and the national and international recommendations, instruments and guidelines produced in this area;
- e)** Ensure that the National Commission complies with the protection measures set out in Article 5 of the Council of Europe Convention against Sexual Exploitation and Sexual Abuse of Children, under the terms of Law no. 113/2009, of September 17;
- f)** Ensure that employees, trainees and volunteers working for the National Commission have adequate opportunities for training and skills development in the field of children's human rights.

## 2. PEOPLE AND RESPONSIBILITY

**2.1.** The National Commission, in the person of the members of the National Council, presidency and coordinators, is responsible for:



- a) Respect and promote the rights of children and young people, in accordance with the Convention on the Rights of the Child;
- b) Implement the Child and Youth Protection Policy;
- c) Disseminate the Child and Youth Protection Policy to all of the National Commission's partners with children and young people;
- d) Ensure that everyone working at the National Commission (professionals, trainees and volunteers) is aware of the Child and Youth Protection Policy;
- e) Have up-to-date information on data protection, confidentiality, information sharing and other legal issues that may have an impact on child protection;
- f) Provide information specifically aimed at children and young people about their rights;
- g) Recruit, train, support and supervise its employees, trainees and volunteers in accordance with the principles of protecting children and young people and promoting their rights;
- h) Require its employees and volunteers to adopt the National Commission's Child and Youth Protection Policy and act in accordance with it;
- i) Ensure reporting/complaint procedures are accessible to children and young people;
- j) Appoint the person responsible for monitoring the implementation of the National Commission's Child and Youth Protection Policy, who is entrusted with the following responsibilities:
  - Receive complaints from professionals and beneficiaries who have concerns about the protection of children and young people and collect any relevant data/information;
  - Keep an up-to-date record of these complaints;
  - Immediately report such complaints to the Presidency;
  - Collect and evaluate relevant information on the overall implementation of the Child and Youth Protection Policy, making comments and suggestions to the Presidency;
  - Coordinate the activities and procedures for the effective implementation, monitoring and review of the Child and Youth Protection Policy;
  - If a concern is expressed or a complaint is made regarding the person responsible for the Child and Youth Protection Policy, submit the complaint directly to the Presidency; and
  - Maintaining an appropriate relationship with national and local bodies responsible for protecting the rights of children and young people.

**2.2.** Employees, trainees and volunteers of the National Commission are responsible for adopting the appropriate procedures to protect and promote the rights of children and young people, in accordance with the Convention on the Rights of the Child, and in full compliance with the guiding principles of the National Commission's Child and Youth Protection Policy.

### **3. PROCEDURES FOR IMPLEMENTING CHILD AND YOUTH PROTECTION POLICY**

#### **3.1. Secure recruitment policy**

Under the terms of Law 113/2009 of September 17, the National Commission is responsible for assessing the suitability of the candidate for the job.

#### **3.2. Policy for contracting and sub-contracting services**

Partnerships with individuals or other institutions or entities (contracted or subcontracted) must not contradict the scope and principles of the National Commission's Child and Youth Protection Policy.

#### **3.3. Internal communication policy, training and support for professionals, interns and volunteers**

With a view to the proper implementation of the Child and Youth Protection Policy, the National Commission promotes its dissemination through internal communication channels.

## 4. NATIONAL COMMITTEE CODE OF CONDUCT

The professionals, trainees and volunteers who work at the National Commission, as well as the members of the National Council, are subject to a code of conduct that promotes respect for the rights of children and young people and guarantees the practical implementation of the guiding principles defined in the National Commission's Child and Youth Protection Policy.

These are the duties of the professionals, trainees and volunteers who work at the National Commission:

- a) To guarantee the rights provided for in the Convention on the Rights of the Child to all children, without discrimination of any kind, irrespective of the child's race, color, sex, language, religion, political or other opinion, that of his or her parents or legal representatives, or of his or her national, ethnic or social origin, fortune, disability, birth or other status;
- b) Report any concerns, suspicions or situations of violation of the rights and principles enshrined in the Convention on the Rights of the Child;
- c) Do not disclose personal data of children or

The signing of a consent and confidentiality form is mandatory when there is a need to collect personal data from children and young people;

- d) Do not collaborate with institutions and entities that act against the best interests of the child;
- e) Do not use language or behave inappropriately, disrespectfully or in a way that damages the rights of children and young people;
- f) Do not use information or images of children without the written consent of their parents, legal representatives or guardians (in the case of children and young people under the age of 18), always respecting the opinion of the children. Formal consent must also be given by the child if they are at least 12 years old.

## 5. REVIEW OF CHILD AND YOUTH PROTECTION POLICY

The National Commission, in collaboration with the person responsible for the Child and Youth Protection Policy, reviews the Child and Youth Protection Policy whenever there are relevant changes in national legislation or whenever the monitoring of its application recommends it.



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**Children in Danger Line**

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