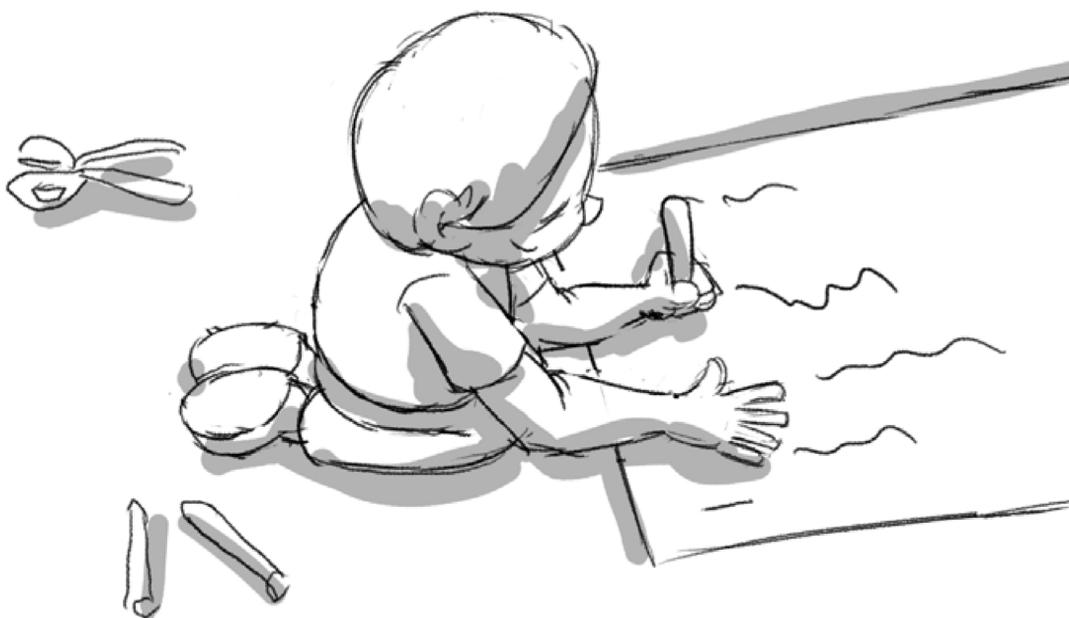


WHITE PAPER

ON CHILD PARTICIPATION IN PORTUGAL



National Commission for the Promotion of the Rights
and the Protection of Children and Young People

White Paper on Child Participation in Portugal (English version)

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OPENING NOTE

I am pleased to present you the *White Paper on Child Participation in Portugal* that resulted of the participation of Portugal – through the National Commission for the Promotion of the Rights and the Protection of Children and Young People (CNPDPJ)- in the Joint Project “CP4 Europe - Strengthening the National Child Participation Framework and Action in Europe”, co-funded by the Council of Europe and the European Union.

The right of the child to participation, enshrined in article 12 of the United Nations Convention on the Rights of the Child, implies that public and private entities, along with the civil society, promote opportunities for children to be heard on all matters that concern them and that their opinions are considered in decision-making.

To Portugal, this project represented the challenge to apply the Child Participation Assessment Tool of the Council of Europe, and consult children and institutions, through their professionals, to ascertain best the state of the art in Portugal regarding the protection and the promotion of the right of the child to participate, and what can be done to improve equal opportunities for all children to participate and contribute to decision-making in all areas that affect their life.

The CNPDPCJ thanks to all those who contributed to enrich this White Paper with their opinions and suggestions, namely to the more than seven hundred children and the institutional stakeholders through their professionals.

We hope that entities and professionals that work with and for children, parents, stakeholders and the civil society consider it a useful resource to support their role of making the right of child to participate a more regular, inclusive, safe, comfortable and meaningful experience for children in Portugal.



Rosário Farmhouse

President of the National Commission for the Promotion of the Rights
and the Protection of Children and Young People

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EXECUTIVE SUMMARY

The right of children to be heard, to participate and to have their opinions taken in due account in all matters that may affect them has been at the core of some projects and initiatives coordinated and implemented by the National Commission for the Promotion of the Rights and the Protection of Children and Young People (CNPDPJ) since 2017.

In 2020, the CNPDPCJ succeeded in applying to represent Portugal as one of the five partner countries of the Council of Europe and the European Union in the joint project “CP4 Europe - Strengthening the National Child Participation Framework and Action in Europe”. Portugal was part of Action Group 1, composed of countries which applied the Child Participation Assessment Tool (CPAT) of the Council of Europe to the respective national context.

The White Paper on Child Participation in Portugal is one of the main deliverables of the Project CP4Europe in Portugal, along with the final report of the implementation of the CPAT.

The consultation process with both children and professionals working with and/or for children in governmental and non-governmental entities was organized by the National Commission, regarding all the 10 indicators of the CPAT.

Adaptations were made while preparing the questionnaires, in order to meet the specific needs deriving from the context of application.

The National Commission resourced to the members of the National Council of the National Commission to reach out to professionals of relevant national institutional stakeholders working with and/or for children, which also operate in the field of the promotion of the rights and the protection of children and young people in Portugal. Written contributions were submitted to the CNPDPCJ by 27 respondent entities.

In parallel, the CNPDPCJ endeavored to reach out to children and young people with materials developed in child-friendly lan-

guage, through various means and channels, including by collaborating with 22 partner organizations to carry out consultations with focus groups of children and young people.

An adapted methodology was developed by the CNPDPCJ, due to the circumstances resulting from the management, by the Portuguese government, of the situation caused by the declaration of a pandemic by the World Health Organization in March 2020, led to the impossibility to carry out all sessions in-person as proposed in the CPAT, especially when considering the time frame available. A total of 67 focus groups of children and young people were organized, encompassing a total of 778 children, 265 of whom of vulnerable contexts and of different nationalities. This response was significantly above what had been initially expected by the CNPDPCJ.

The assessment of the indicators by children and by institutional stakeholders is coincident in some cases and differ in others. Space for further improvement is available.

Feedback to children and institutional stakeholders on the results of the application of the CPAT to the Portuguese context is to be provided by the CNPDPCJ in two online sessions during March/April 2023.

Follow-up consultations with children were conducted by the CNPDPCJ in February and March 2023, focused on core areas identified by the children as requiring follow-up actions during consultation sessions in March 2022. In these additional sessions, children were invited to produce what they felt as missing resources and that can be found on Section 5 of this White Paper.

As a resource, the White Paper on Child Participation in Portugal may contribute to improve child participation in all areas that affect children, in all contexts and scopes of intervention, be them local, regional and national level. In addition, it may also inspire other countries through the opinions, suggestions and good practices identified by the consulted children and institutional stakeholders in Portugal.

1. INTRODUCTION

The National Commission for the Promotion of the Rights and the Protection of Children and Young People - hereinafter referred to as CNPDPCJ or National Commission - is an administratively autonomous public body that operates under the tutelage of the Ministry of Labour, Solidarity and Social Security. The CNPDPCJ was endowed with the mission to contributing to the planning of State intervention and to the coordination, monitoring and assessment of the action taken by public bodies and by the community towards the promotion of the rights and the protection of children and young people¹.

Since 2017, the right of children to be heard, to participate and to have their opinions taken in due account in all matters that may affect them has been at the core of some projects and initiatives coordinated and implemented by the CNPDPCJ, both on its own and jointly with other entities in charge of child protection, in order to further and widen the range of dimensions in regards to child participation.

As such, at a more comprehensive level, the National Commission coordinated the elaboration and monitors the implementation of the National Strategy for the Rights of the Child (ENDC 2021-2024)², the first of its kind in Portugal. This National Strategy was drafted to embody a strategic and holistic political approach to children's rights, in line with the United Nations Convention on the Rights of the Child (UNCRC), the Council of Europe's Strategy on the Rights of the Child and the relevant applicable standards of the European Union, and builds upon five main pillars, the third of which is precisely focused on promoting access to information and participation for children and young people.

Against this backdrop, in 2020, the CNPDPCJ stepped forward to partner with the Council of Europe and the European Union in the joint project "CP4 Europe - Strengthening the National

¹ Pursuant to Decree-Law no. 159/2015, of August 10, amended by Decree-Law nr. 139/2017, of November 10, which establishes its functional and operational mechanisms and reinforces its autonomy.

² Approved by Resolution of the Council of Ministers 112/2020, of December 18.

Child Participation Framework and Action in Europe”³, since it was aimed at contributing to the promotion of the right of the child to participation at national and pan-European level in accordance with the standards and instruments of the Council of Europe in this area, including its Child Participation Assessment Tool (CPAT), thus enabling the CNPDPCJ to assess the state of the art regarding child participation in Portugal, while identifying good practices and aspects for improvement.

Portugal - represented by the CNPDPCJ –, Czech Republic, Finland, Iceland and Slovenia are the five partner countries of the Council of Europe in this joint project, and are organized as follows: Action Group 1, composed by Czech Republic, Iceland and Portugal, which will apply the CPAT to their national context; and Action Group 2, composed by Finland and Slovenia, which now seek to make further progress regarding child participation by improving mechanisms and interventions, based on the results of the CPAT assessment performed previously.

In the specific case of Portugal, the production of a White Paper on Child Participation in Portugal as in the framework of this international project was envisioned from the start, as a possible contribute to enrich child participation processes at the national level, in all dimensions, levels and areas, not only with the analysis perspective of children and of the institutional stakeholders that participated in the consultations, but also with suggestions for follow-up actions to improve the right of the child to participate in each one of the 10 CPAT indicators.

The CNPDPCJ thanks all children, entities working with children that cooperated with the National Commission to make the consultations possible and to the institutional stakeholders that accepted our invitation to be consulted. Without them, making this White Paper would not have been possible.

³ Under implementation between April 1, 2021 and June 30, 2023.

2. THE ASSESSMENT PROCESS

2.1. Methodology used in the consultation process

2.1.1. Consultations with children

The outcomes presented herewith encompass the results of a child consultation process undertaken in Portugal during March 2022, which was coordinated by the CNPDPCJ in cooperation with more than 57 entities with direct contact with children and young people, 22 of which also involved their partner stakeholders to reach out to more children (please, refer to the list in Annex 1).

A total of 778 children were consulted, 265 of whom of vulnerable contexts, in order to guarantee equal opportunities. The children were aged 6 to 18 years old⁴; living in all regions of the country⁵, born in Portugal and abroad (Angola, Brazil, Cape Verde, Gambia, Guinea, Guinea-Bissau, India, Moldova, Morocco, Nigeria, Pakistan, S. Tomé and Príncipe and Ukraine). For the purpose of language simplification, the concept of “children” is used in line with the definition of “child” stated in article 1 of the UNCRC, thus comprising people aged up to 18 years old, therefore including what is generally is referred as children and young people.

Children were consulted and their opinions and suggestions were heard on a wide range of areas, as their right to be heard and to participate extends to all contexts that directly affect them, as well as to others that affect them more indirectly or in a medium or long term.

Children were heard within the scope of consultation sessions facilitated by the CNPDPCJ and/or by partner organizations with whom the CNPDPCJ cooperated in order to carry out this process. Ahead of the consultation sessions with children, partner entities were briefed by the CNPDPCJ on the goals, methodologies and tools to be used, should they facilitate the sessions.

This consultation process contributed implement article 12 of the UNCRC, concerning the right to participate: *“1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*

2. For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”

Article 12 of the UNCRC was, thus, a frame and a basis regarding the consultation process with children in Portugal, and was mentioned during the preparatory and training meetings carried out by the CNPDPCJ with professionals of partner entities, who were directly involved as facilitators of the consultation sessions with focus groups of children. These meetings would ensure the occurrence of the participation of children on an informed basis, full respect for children’s rights during the consultation sessions and for the CP4 Europe’s rules and goals, as well as full coherence within the consultation process in Portugal by the CNPDPCJ, as the coordinator of the whole consultation process.

In these preparatory meetings, professionals were presented with an open spectrum of areas concerning which the children could be consulted and the CNPDPCJ intended to consult children on the CPAT indicators: at home; at school; in recreational and sports contexts; in culture and arts; in conferences; in local communities; in local governments; regarding governmental

⁴ A few young people were aged slightly above 18, but still participated in the sessions since they were part of focus groups of children who were consulted.

⁵ North, Centre, Lisbon Metropolitan Area, Alentejo, Algarve, Madeira and Azores.

policies and in international contexts.

The CNPDPCJ maintained close and regular contact with all entities that accepted to cooperate in this consultation process both as facilitators and/or as providers of the conditions for the CNPDPCJ to conduct the consultations with children directly. This approach allowed a larger number of children to access the opportunity to participate, as resources were multiplied.

The materials prepared by the National Commission were then adapted to younger children by specialized professionals. PowerPoint presentations were also a support resource of the consultations with children: informative slides in very simple and child-friendly language preceded each question posed on aspects of each indicator.

The assessment process of all CPAT indicators was also of an inclusive nature and in order to provide an equal opportunities basis. The necessary preparatory adjustments and arrangements were made as to encompass, as much as possible, boys and girls, children in vulnerable contexts, children of different age groups, ethnic and national origins economic and cultural backgrounds, as well other diversity criteria that enrich the Portuguese context.

Each focus group was organized in order to make all children feel safe and comfortable, with special and specialized support being provided during the consultation sessions whenever necessary, with due adaptations to each child's specific needs⁶.

In order to consult children and young people, the CNPDPCJ prepared from scratch materials in child-friendly language namely: several types of questionnaires, which were directly applied during the in-person, online and/or hybrid consultations sessions with children, or used as support guides during these occasions; and an online survey on the 10 CPAT indicators, which was made available in the website of the CNPDPCJ and also disseminated through the pages of the CNPDPCJ on social media.

Conversely to what is proposed in the CPAT, the CNPDPCJ considered it would be more appropriate to hear children and young people on the whole set of 10 indicators - and not just on indicators 3, 5, 7, 8 and 9, as this option could represent a practical example of how to embody coherence towards the principle of what it is like to hear children regarding all matters that affect them - and all 10 indicators refer to matters that affect them.

The preparation of the questionnaires or topics to address in each consultation session were based on two concerns:

- Exploring each indicator in as many dimensions as possible;
- Allowing replies from the widest possible spectrum of children's contexts and specific situations, including of vulnerability, in order for the outcomes to reflect the largest diversity while respecting the principle of equal opportunities by avoiding any kind of discrimination.

2.1.2. Consultations with institutional stakeholders

In order to consult with professionals and institutions working with and/or for children, the CNPDPCJ elaborated detailed questionnaires on the 10 indicators of the CPAT, as published by the Council of Europe in 2016.

The questionnaires were sent by the National Commission, to multiple institutions, entities and personalities (academics and others with expertise in childhood and youth) – hereinafter referred to as “institutional stakeholders”, for language simplification purposes.

⁶ E.g. children were accompanied by professionals they know and that support them in their daily activities; travelling to meet children at the facilities where they are instead of having them come to facilities that are strange to them.

In order to perform this task while ensuring the widest variety possible of respondent stakeholders, with different levels of decision and intervention in childhood and youth matters, whose impact on children may be direct and indirect, the CNPDPCJ resourced to the members of the National Council of the National Commission⁴, who represent a varied set of pertinent areas in this field. The National Council is a multidisciplinary independent body that meets regularly to debate current and future challenges and opportunities to improve the protection of the rights of children and the quality of the promotion of the rights of children and young people in Portugal. The National Council is headed by the President of the National Commission and is composed by:

- Representatives appointed by the members of the government in charge of public policy areas that may impact childhood and youth at the national, regional and local levels – namely, the Presidency of the Council of Ministers, youth, justice, social security, health, education and home affairs;
- Representatives of the Regional Governments of Azores and Madeira;
- Representatives of the Office of the Attorney-General;
- Representatives of the Ombudsman;
- Representatives of entities with competences in childhood and youth; and
- Representatives of organizations of the civil society, including parents' associations.

The members of the National Council of the National Commission were invited to fill out the questionnaire and to forward it to other relevant national institutional stakeholders they have access to, also operating in the field of the promotion of the rights and the protection of children and young people in Portugal, and whose contribution could be deemed an add-value to this assessment.

Written contributions were submitted to the CNPDPCJ by 27 respondent entities (please refer to Annex 2) through the completion of the questionnaires by professionals, with the most updated and complete information possible as according to their competencies, area of work and specialized focus or comprehensive knowledge, based on their. The replies of the institutional stakeholders did not necessarily address all 10 indicators envisaged in the questionnaires, but those that the stakeholders considered to be in accordance with their institutional, professional or academic competencies, knowledge and expertise.

2.2. Methodology used in the assessment process

In a second phase, and in order to process and analyze all quantitative and qualitative data resulting from the consultations with children and with institutional stakeholders in Portugal, the National Commission complemented the few existing CPAT tools and created additional instruments in line with the aforementioned methodologic approach.

The outcomes presented herewith are based on the replies of children and institutional stakeholders to open, closed, and semi-closed questions, as well as information reflect the drawings and other forms of oral and written expression that children chose to use while providing their opinion.

The assessment of the indicators was based on the criteria described in the CPAT, and included the analysis notes, comments and (follow-up) action points suggested in the resources provided therein. Specific supplementary areas have been added by the CNPDPCJ to the resources at stake while elaborating the materials to the consultations, which were designed with a view to obtain the most detailed perspectives from the replies, which, in turn, would contribute to a better diagnosis of the state of the art in Portugal regarding each indicator.

Consequently, due to the need for a more thorough analysis of the collected data, supplementary areas have also been added to the resources created for this purpose. These specificities are reflected in the outcomes of each indicator.

The outcomes of the assessment of each indicator are presented further ahead in this White Paper, are expressed according to the measuring scale described in the CPAT and reflect the opinions and suggestions of the consulted children and institutional stakeholders. Since the assessments of children and of the institutional stakeholders are not always coincident, each assessment is shown autonomously in order to make it clearer and more equitable.

2.3. Data sources used in the assessment process

The data sources used in the assessment of all 10 indicators as of the children are their opinions expressed during the consultation sessions with them.

The data sources used in the assessment of all 10 indicators as of the institutional stakeholders are their replies to the questionnaires on each indicator, and the sources and legal references identified therein.

Since some of the sources and references were often mentioned by the institutions as applying to several indicators, those were compiled in a single list without repetitions (see Annex 3). In Chapter 3, relevant data sources regarding each indicator are codified in its respective section.

3. OUTCOMES OF THE ASSESSMENT PROCESS

3.1. Protecting the right to participate

3.1.1. INDICATOR 1 – Legal protection for children’s right to participate is reflected in the national constitution and legislation

1 Legal protection for children and young people's right to participate in decision-making in the national constitution and legislation	
Definition	<p>An unequivocal commitment to children's right to participate in decisions affecting them, which is enshrined in national primary legislation. Reference to the Constitution to be able to participate in decisions affecting a specific child, or members of their family, is not sufficient. It is necessary to have legislation in the field that can be participated in, accompanied by a requirement that children's views will be given due weight in accordance with age and capacity, and in the light of the child's best interests. This commitment should also be included in laws directly affecting children's wellbeing:</p> <ul style="list-style-type: none"> • school and education, for example, through mandatory establishment of school councils; • child protection, care and adoption procedures; • custody and decision in family proceedings; • family decision-making; • health care decisions in treatment; • investigation and asylum proceedings; and • criminal justice proceedings.
Data sources (indicative only)	National constitutions; Key legal and policy instruments in the fields of family law, child protection, education, health care, criminal justice and investigation and asylum.
Assessment criteria	<p>States can measure progress towards the indicator using the following assessment criteria:</p> <ol style="list-style-type: none"> 0 = No known legal provision for children to express views and for those views to be given due weight. 1 = A legal expression of children's right to be heard in at least two of the settings specified. 2 = Legal expression of children's right to be heard in at least four of the settings specified. 3 = A clear legal obligation to hear and give due weight to children's views is enshrined in the Constitution (if one exists) and in at least six of the settings specified.
Issues	<p>To consider in respect of vulnerable children:</p> <ul style="list-style-type: none"> • Are there any provisions in the presence of the right to be heard on grounds of age (and/or vulnerability etc)? • How can it be done in the formal right of children to participate in alternatives to judicial proceedings, for example, alternative dispute resolution, such as mediation, in any of the above contexts.

The definition of indicator 1 presented in the CPAT (cf chart on the left) was the starting point for its assessment; the corresponding criteria were applied to the information obtained in the consultation process. As recommended in the CPAT, the assessment of indicator 1 also encompassed issues regarding children in vulnerable situations.

A total of 100 children participated in eight focus groups organized to assess this indicator. One focus group was open to the national level, through an online questionnaire in child-friendly language on indicator 1, made available at the Area for Children and Young People of the website of the CNPDPCJ.

Another focus group was the National Council of Children and Young People, a **permanent consultation forum** created and steered by the National Commission for regular consultations **with children, aiming at giving voice to the experiences, concerns, needs and expectations of children** aged 8 to 17, representing all regions of the country⁷, with a view

⁷ North; Center; Lisboa, Santarém and Setúbal; Alentejo; Algarve; and the Autonomous Regions of the Azores and Madeira.

to enhancing the establishment of bridges with their local communities, with their action having an impact on public policies and social transformation.

Other specific focus groups were organized in order to gather the perspectives of children of several age groups and of different contexts, including vulnerable contexts: a focus group of pupils of secondary education in Arruda dos Vinhos; two focus groups of pupils of two 9th grade classes⁸ of a school in Lisboa, including children in vulnerable situations; a focus group of children of an educational project in Porto; two focus group of children in residential care in Coimbra and Lisbon; and a focus group of children in a residential care facility specialized for victims of domestic violence, in Almada.

The focus groups of children integrated boys and girls aged 6 to 18 years old; it was possible to indicate the sex or not. Participants originated in Brazil, Cape Verde, Moldova, Portugal, S. Tomé and Príncipe and Ukraine.

The analysis of the data collected during child consultations revealed specific outcomes, depending on the closed, semi-closed or open nature of the questions, as follows:

a) Children's replies to closed questions

The majority of children replied that they know that Portugal has laws that protect the right of children to participate and to contribute to the decisions about the issues that concern them. They consider that Portugal protects the right of children to participate and they think it is important to have laws that protect the rights of the child. A very residual number of children replied not knowing if there are in Portugal laws that protect the right of the child to participate; an even lower number replied that there aren't such laws in the country.

The table below consists of the assessment that reflects the opinions of 100 children on specific contexts in which they may find themselves or that apply to situations that concern them (with ticks according to the majority of replies):

Setting	Legal protection of child's right to be heard is in place		
	YES	NO	DON'T KNOW
School and education, for example, through mandatory establishment of school councils	<input checked="" type="checkbox"/>		
Child protection, care and adoption procedures	<input checked="" type="checkbox"/>		
Custody and access in family proceedings			<input checked="" type="checkbox"/>
Family decision-making			<input checked="" type="checkbox"/>
Health care/consent to treatment			<input checked="" type="checkbox"/>
Immigration and asylum proceedings; and		<input checked="" type="checkbox"/>	
Criminal justice proceedings	<input checked="" type="checkbox"/>		

Source: CNPDPCJ, CP4Europe consultations with children, March 2022.

b) Children's replies to open questions

When questioned on any law they know that that is in force in Portugal that protects chil-

⁸ Each class corresponds to one focus group.

dren’s right to participate, children mentioned the UNCRC and the Law on the Protection of Children and Young People in Danger.

Some children referred that they knew about the existence of such laws but didn’t remember their exact designation. When asked if they consider that it is important that these laws exist and why, they replied that they think that it is very important that those laws exist, with some of the justifications indicated by the children during the sessions being exemplified as follows:

- “To be protected”
- “Because children have the right to have their say”
- “If there were no children’s rights, it [*the non-existence of children’s rights*] wouldn’t even be understood!”

c) Outcomes of the analysis notes of the institutional stakeholders

Setting	Legal protection for the child’s right to be heard in place (tick all that apply)			Average score
	YES	NO	DON’T KNOW	
School and education, for example, through mandatory establishment of school councils	11 replies	1 reply	-	3
Child protection, care and adoption procedures	12 replies	-	-	2
Custody and access in family proceedings	12 replies	-	-	2
Family decision-making	8 replies	1 reply	2 replies	2
Health care/consent to treatment	10 replies	1 reply	1 reply	2
Immigration and asylum proceedings	5 replies	1 reply	4 replies	2
Criminal justice proceedings	14 replies	-	1 reply	3
Other contexts: juvenile justice	1 reply	-	-	3
Final score	2			

Source: CP4Europe consultations with institutional stakeholders, 2022.

After the ratification of the UNCRC, the Portuguese legal system has accepted formal mechanisms for the hearing and participation of children in the most diverse normative frameworks, which have been an element of constant improvement. Currently, the national legal framework has assimilated the right of children to participate and to speak.

Illustratively, the following provisions are relevant: article 26 of the Constitution of the Portuguese Republic; Law no. 147/99, of September 1; Law no. 166/99, of September 14, whose amendments in 2015 reinforced the duty of hearing and participation of the child; Law no. 141/2015, of September 8; Law. no. 141/2015, of September 8; Law no. 130/2015, of September 4; Law no. 57/2021, of August 16; Law no. 46/86, of October 14, setting the basis of the education system; Law no. 51/2012, of September 5; and the Regional Legislative Decree of Madeira no. 21/2013 M, of June 25, resulting from the publication of Law no. 51/2012, of September 5.

In what concerns the juvenile justice area, the Educational Guardianship Law provides the

possibility for young people to speak with magistrates and to have a lawyer to defend and represent them in the course of their contact with Justice. The Guide to the Disciplinary Procedure of Educational Centres also provides for the right of young people to a hearing and the possibility of appeal.

In the area of health, children over the age of 16 may give their consent to treatment and make decisions regarding their health care as soon as they have the capacity to discern. Nevertheless, procedures should be explained to all children who already have capacity to understand, regardless of their age and even if they are not able to give legal consent.

In practice, there are still some challenges to child participation. In the school context, the right to participation is ensured in a generic way, but no effective mechanisms are foreseen to achieve this participation, with the exception of the role of student associations, which ensure an indirect participation.

The provisions of the international conventions approved and ratified by Portugal are in force in the national legal order. To this extent, the creation of opportunities for the participation and hearing of children is essential for the full implementation of the rights enshrined in instruments such as the CRC, the Hague Convention or the European Convention on the Exercise of Children's Rights, among others.

It is also worth highlighting the need for the training of professionals in these matters, such as, for example, those assigned to the local Commissions for the Protection of Children and Young People (CPCJ).

d) Good practices identified by children and institutional stakeholders



Children

During the consultation sessions, children identified several good practices implemented in Portugal.

Among those, children described as very positive the initiatives that allow them to know about their rights, to feel protected and safe, and initiatives that allow them to act when they feel that some of those rights are not being respected in some contexts or by some adults.

All initiatives that contribute to provide children information and debate with them about their rights, may they be promoted by the CNPDPCJ, by the CPCJs, by schools, by any other public or private entities, and by civil society - including non-governmental organizations - are good practices that contribute to the assessment made by children on this indicator.

Considering that children mentioned the CRC, it is relevant to mention the annual celebration of this Convention by the CNPDPCJ, on November 20, which may include a special event with the participation of children, the launching of information and publications in child-friendly language that contribute to keep them informed on their rights and how they are protected, among other actions.

In 2021, the CNPDPCJ launched an inclusive version of the CRC, on the occasion of the annual celebration of CRC. This special edition of the Convention also includes braille, making it accessible to both regular and low-sighted people and is accompanied by an audio book and a short video.

Other versions of the Convention in language adapted to children of different age groups are also available.

Annually invited by the CNPDPCJ, the 311 CPCJ scattered nationwide also celebrate this date and raise awareness on this subject, usually in cooperation with relevant local stakeholders, namely: schools, security forces, and entities of the health, justice, social, cultural and recre-

ative sectors.

The creation and maintenance of an Area for Children and Young People in the website of the CNPDCJ provides permanent, regularly updated information in child-friendly language on children's rights, on useful legislation, initiatives, publications, on help lines, while offering a contact form to raise questions, present complaints or suggestions. The materials are age-sensitive: some for children up to 12 years old and others for children over 12.

In this Area, children also find the child-friendly version of the Child Safeguarding Policy of the CNPDCJ, both in Portuguese and in English, whose finalization involved consultation sessions with the National Council of Children and Young People.



A new tab was added to this area, with information on how children's rights must be protected, what to do to keep safe and look for help in case children feel they are not being respected or are in danger, in-person or online, given the circumstances created by the management, by the Portuguese government, of the situation that followed the declaration of a pandemic by the World Health Organization, in March 2020.



Institutional Stakeholders

During the consultation process, the respondent institutional stakeholders identified good practices implemented in Portugal, including the:

- Active participation of children in the construction and definition of pedagogical projects, and their respective implementation, in the context of day-care and pre-school education, even without regulatory support;
- Children's participation in the Charter of Social Rights of Children and Young People, in Lisbon (2017-2020).
- Elaboration of products that contribute to the quality of intervention, in compliance with the legislation.
- Existence of proper rooms for the hearing children (e.g: Loures or Barreiro Court).
- Right of the child to be heard in proceedings to regulate the exercise of parental responsibilities, as well as as a victim in criminal proceedings, considering their age and maturity, while respecting the child's decisions, namely their timing in revealing the facts.
- Right of youngsters above 16 to decide whether to continue with the criminal procedure, under the legal provisions.
- Right of the child not to make statements under the terms of article 134 of the Code of Criminal Procedure (CPP).
- Right of the unaccompanied child to be heard in immigration and asylum procedures as

a “particularly vulnerable person”.

- Right of the child to consent - or not - to the intervention of CPCJ teams when referred as a child at risk.
- Right of the youngster to be heard and to participate in the elaboration of a personal educational project within the scope of educational tutelary measures, by being regularly heard and expressing their opinions in interviews, tutorials and meetings.
- Existence of Children’s Councils in some hospitals, allowing children to express their opinion on issues regarding the services where they are accompanied.
- National Council of Children and Young People, in which experiences, concerns, needs and expectations of children are heard.
- Cuida-te + Programme, a youth health program, namely through: Youth Health Offices, which provide free, anonymous and confidential counselling in the action areas of the Programme, aiming at early detection and intervention, referral of the target population to health structures; and health education, by promoting initiatives with active methods of expression, such as theatre, plastic arts, music, sport or dance, in the scope of the programme’s areas of intervention.
- In the Autonomous Region of the Azores, periodically hearing of children within the framework of the evaluation of the quality of residential care, as well as regarding judicial decisions on promotion and protection and civil guardianship.
- In the Autonomous Region of the Azores, support provided to presumed victims of sexual abuse during their interaction with the Justice and Health Systems, within the scope of the Regional Strategy for the Prevention and Combat of Sexual Abuse of Children and Young People (ERASCJ). This support has been progressively extended to children victims of other crimes and as witnesses, namely in cases of domestic violence and a new professional profile was created: Support Agents are now responsible for informing children about the process, what happens at each stage and what professionals they are going to interact with and their functions. Note that there is no orientation regarding the testimonial, but rather in the promotion of conditions for a better hearing of the child.
- Also, in the Azores, students participate through their representatives in Class and School Assemblies, as well as in the administration and management bodies of their school, creating and executing their educational project. They also have the right to express their opinion and suggestions on the school’s functioning, to be heard by teachers, tutors and administration and management bodies, participate in initiatives that promote training and leisure activities (including field trips, exchanges and other interschool activities), and in the evaluation process through the mechanisms of self-assessment and of others.
- The active role of students in the teaching and learning processes by: promoting projects and developing communication and expression experiences in oral, written, visual and multimodal forms; valuing the role of students as active agents of their own learning process by involving them in the educational action, with a focus on civic intervention, favouring free initiative, autonomy, responsibility and respect for human and cultural diversity.

e) Final assessment of Indicator 1

CPAT Indicators		Assessment			
		0	1	2	3
Protecting the Right to Participate	1. Legal protection for children and young people's right to participate in decision-making is reflected in the national Constitution and legislation				

Source: CNPDPCJ, based on CP4Europe consultations.

f) Points to address based on the replies of institutional stakeholders

- Importance of moving towards a single hearing of the child in criminal proceedings, a single evaluation in age assessment proceedings, and the recognition of the right to difference (cultural customs, religious or alimentary practices, gender identity, physical or other disabilities).
- Ensuring the effective hearing of children in protection and asylum procedures, and the effective consideration of the child's opinion in decision-making, with a view to realizing that right.
- When applying tutelary educational measures, explaining to the subjects the impact of judicial decisions concerning them.
- Improving various aspects regarding health, immigration, asylum, family decision-making, custody and access to family files.
- Improving existing spaces and means in the courts and the CPCJ and, consequently, guarantee the conditions for the realisation of articles 3 and 12 of the CRC where these spaces and means aren't assured yet.
- Increasing the involvement of children and youngsters in health care processes to ensure the full realization of their right to access health care, while contributing to their commitment towards their health.

g) Possible follow-up actions

During the consultations, children mentioned the relevance of continuing implementing the best practices mentioned above, and as possible follow-up actions:

- Continuing to promote and launch campaigns and joint-actions among stakeholders that contribute to disseminate information in child-friendly language on children's rights, namely on participating in making decisions that affect them and on existing laws that protect them, giving children the opportunity to raise questions and give suggestions.
- Continuing to implement specific campaigns and joint-actions with that purpose, but specifically targeted at vulnerable children, using appropriate language and the necessary specific supports to communicate with them in a way they understand and feel comfortable. The CP4 Europe consultation in Portugal made this also possible through the coordination efforts of the CNPDPCJ in identifying and cooperating with relevant stakeholders that work directly and specifically with vulnerable children in Portugal, resulting in the consultation of a significant number and diversity of vulnerable groups of children in a basis of equal opportunities with children in non-vulnerable circumstances.
- Implementing the National Strategy on the Rights of the Child (2021-2024), and its Biannual Plans, which include concrete measures that contribute to tackle challenges identified by children in this consultation.

As of respondent institutional stakeholders, possible follow-up actions could be:

- Carrying out operations that improve the effectiveness and efficiency of interventions and strategic plans on rights and protection of children, designed by various working groups created throughout time.
- In certain contexts, densifying protection sufficiently in infra-constitutional normative instruments, complementarily to the existing constitutional protection by virtue of the principle of opening up the constitutional catalogue of fundamental rights to those deriving from international law, namely the CRC.
- Investing in initial and continuous training of professionals in children's rights and at the level of communication/interaction with children, with a view to implementing the existing legal mechanisms best.
- Developing clear procedures regarding the consultation of children, mainly in the aforementioned subjects, ensuring they are aware of the consequences of certain decisions in their life, along with training and sensitisation of professionals to this purpose.
- Making children aware of their rights and how to access them, so that they are aware and have a critical sense regarding the latter.
- Promoting greater action and participation of young people in decision-making processes about their rights, as long as it is properly age-adapted.

h) Data sources on the indicator

These data sources were provided by: children, as opinions during the consultations; institutions, in their replies to questionnaires:

- Constitutional Law no. 1/2005, of August 12, particularly to articles 26 and 69.
- Regulation (CE) no. 2201/2003, of November 27, concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, particularly article 23.
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)
- Law no. 93/99, of July 14, regulating the application of measures for the protection of witnesses in criminal proceedings, particularly articles 27, 28 and 29.
- Law no. 147/99, of September 1 and subsequent amendments, approving the Law for the Protection of Children and Young People in Danger, which is an integral part of it, particularly articles 4, 10, 51, 56, 57, 58, 84, 86, 91, 94, 107, 114 and 116.
- Law no. 166/99, of September 14, approving the Law on Educational Guardianship, which is an integral part of it, especially articles 45, 46, 47, 59, 77, 84, 96, 98, 100, 101, 104, 107, 114, 137, 142 and 171.
- Law no. 23/2006, of June 23, adopting the legal framework for youth associations, namely article 18.
- Law no. 23/2007, of July 4, approving the legal regime of entry, stay, exit and expulsion of foreigners from national territory, particularly articles 17-A and 78.
- Law no. 27/2008, of June 30, establishing the conditions and procedures for granting asylum or subsidiary protection and asylum-seeker, refugee and subsidiary protection status, particularly articles 2, 17-A, 78 and 79.
- Law no. 51/2012, of September 5, approving the Student Statute and School Ethics, which establishes the rights and duties of students in basic and secondary education and the commitment of parents or guardians and other members of the educational community

in their education and training.

- Law no. 103/2009, of September, establishing the legal regime applicable to civil sponsorship, particularly articles 11, 14 and 25.
- Law no. 130/2015, of September 4, approving the standing of victims, particularly articles 1, 8, 12, 22 and 24.
- Law no. 141/2015, of September 8, approving the general regime of the civil tutelary process, particularly articles 4, 5 and 35.
- Law no. 143/2015, of September 8, approving the Legal Regime of the Adoption Process, particularly articles 3, 36 and 54.
- Law no. 57/2019, of August 7 and regulatory ordinances, amending Law no. 23/2006, of June 23, establishing the legal framework for youth associations, particularly article 18.
- Decree of the President of the Republic no. 49/90, of September 12, ratifying the CRC, signed in New York on January 26, 1990, approved by Resolution of the Portuguese Parliament no. 20/90, of September 12, particularly article 12.
- Decree of the President of the Republic no. 90/2012, of May 28, ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), approved by the Resolution no. 75/2012 of the Portuguese Parliament, of May 28, particularly article 35.
- Decree-Law of the President of the Republic no. 3/2014, of January 27, ratifying the European Convention on the Exercise of Children's Rights adopted by Resolution of the Portuguese Parliament no. 7/2014, of January 27, with particular reference to articles 1, 3 and 6 of this Convention.
- Decree-Law no. 47344/66, of November 25, approving the Civil Code, of which it is an integral part, particularly articles 91, 92, 1612, 1878, 1890, 1901, 1904-A, 1906, 1918, 1931, 1935, 1971, 1981 and 1984.
- Decree-Law no. 78/87, of February 17, approving the Code of Criminal Procedure, of which it is an integral part, particularly articles 67-A and 271.
- Decree-Law no. 48/95, of March 15, approving the Penal Code, which is an integral part thereof, particularly articles 38 and 77.
- Decree-Law no. 323-D/2000, of December 20, adopting the general and disciplinary regulation of [tutelary] educational centres.
- Decree-Law no. 12/2008, of January 17, establishing the regime of execution of the promotion and protection measures for children and young people in danger in their natural life environment, particularly articles 39, 40, 43 and 45 of the annex to Law no. 147/99, of September 1 and subsequent amendments, approving the Law for the Protection of Children and Young People at Risk.
- Decree-Law no. 75/2008, of April 22, approving the regime of autonomy, administration and management of public pre-school, primary and secondary schools, particularly article 48.
- Decree-Law no. 139/2019, of September 16, establishing the scheme for implementation of foster care, a measure for the promotion of the rights and protection of children and young people at risk.
- Decree-Law no. 164/2019, of October 25, establishing the scheme of implementation of residential care, a measure for the promotion of the rights and protection of children and young people at risk.
- Regional Legislative Decree no. 21/2013/M, of June 25, approving the Pupil Statute and School Ethics of the Autonomous Region of Madeira.

- Regional Legislative Decree no. 12/2013/A, of August 23, of the Legislative Assembly of the Autonomous Region of the Azores, approving the Statute of Primary and Secondary School Pupils of the Autonomous Region of the Azores.
- Regional Legislative Decree of the Azores n. ° 13/2013/A, of August 30, on the Legal Regime of Autonomy and Management of Organic Units of the Regional Education System.
- Regional Legislative Decree of the Azores n. ° 16/2019/A, of July 23, establishing the guiding principles of organization and curricular management of basic education for the regional education system.
- Resolution of the Council of Ministers no. 112/2020, of December 18, approving the National Strategy for the Rights of the Child for the period 2021-2024.
- Ordinance no. 258/2019, of August 19, creating Program “Cuida-Te +” and corresponding regulation.
- Regional Strategy for the Prevention and Combat against Sexual Abuse of Children and Young People of the Autonomous Region of the Azores
- Curricular Guidelines for Pre-School Education of the Directorate-general of Education.
- Guide for Disciplinary Procedure in [tutelary] Educational Centres.
- Hearing of the child - guide of good practices, by Rute Agulhas and Joana Alexandre
- Norm of the Directorate-general of Health on Informed Consent, updated on November 4, 2015 [indicated in the reply, but not available anymore in the website of the Directorate-general of Health, as consulted on September 9, 2022 and on February 14, 2023].
- Specialised Technical Hearing Manual - Technical Advice to Courts - Civil Guardianship Area (Version 01, December 2016).

3.1.2. INDICATOR 2 – Explicit inclusion of children and young people’s right to participate in decision-making in a cross-sectorial national strategy to implement children’s rights

2	Explicit inclusion of children and young people’s right to participate in decision-making in a cross-sectorial national strategy to implement children’s rights.
Definition	Children’s participation should be explicitly included as part of a broader governmental strategy for implementing, monitoring and evaluating the UNCRC, and Council of Europe instruments and conventions. It should include concrete goals, indicators of progress, and a budget for its implementation.
Data source (indicative only)	National and regional policy and programming instruments.
Assessment criteria	States can measure progress towards the indicator using the following assessment criteria: 0 = There is no strategy in place on children’s rights 1 = There is limited reference to children’s rights within a broader national human rights strategy 2 = There is some reference to child participation as part of a cross sectorial national children’s rights strategy 3 = A distinct and coherent focus on children and young people’s right to participate in decision-making exists in a cross sectorial strategy on children’s rights and includes a dedicated set of goals, an established lead responsibility (such as a child or youth ministry) and specific resources allocated to achieve its implementation.
	Issues to consider in respect of vulnerable children: <ul style="list-style-type: none"> • Is implementation of children’s participation, in part of the national strategy on children’s rights, nation-wide or does it vary regionally? • Does it refer to all children or is it exclusive to certain groups in certain contexts? • Does the strategy include ministries responsible for health, education, social welfare, youth, justice, child protection, play, recreation and culture, environment, transport and finance?

The definition of indicator 2 presented in the CPAT (cf chart on the left) was the starting point for its assessment; the corresponding criteria were applied to the information obtained in the consultation process. As recommended in the CPAT, the assessment of indicator 2 also encompassed issues regarding children in vulnerable situations

The methodological basis for organizing focus groups, sessions, preparing support materials and staff, and processing the information conveyed by children is the same used for indicator 1.

Some children consulted on indicator 1 were also consulted on other indicators, using a chart that grouped indicators 1, 2 and 3; others integrate the focus group of the online survey.

A total of 56 children participated in seven focus groups organized to assess indicator 2, six of which also assessed indicator 1. One focus group was open to the national level, through an online questionnaire in child-friendly language on indicator 2, made available at the Area for Children and Young People of the website of the CNPDPCJ.

Another focus group was the National Council of Children and Young People, also consulted on and already described for indicator 1.

Other specific focus groups were organized in order to gather the perspectives of children of several age groups and of different contexts, including vulnerable contexts: two focus groups of pupils of two 9th grade classes⁹ of a school in Lisboa, including children in vulnerable situations; a focus group of children integrated in an educative project in Porto; two focus groups of children in residential care in Coimbra and Lisboa; and a focus group of children in vulnerable situations in a residential care facility specialized for victims of domestic violence, in Almada.

The focus groups of children integrated boys and girls aged 6 to 18 years old; it was possible to indicate the sex or not. Participants originated in Brazil, Cape Verde, Moldova, Portugal, S. Tomé and Príncipe and Ukraine.

The analysis of the data collected during child consultations revealed specific outcomes, depending on the closed, semi-closed or open nature of the questions, as follows:

a) Children's replies to closed questions

Most children replied that they think Portugal has a strategy that protects the right of children to participate and to contribute to the decisions about issues that concern them, but do not know it. In fact, the National Strategy for the Rights of the Child (2021-2024) was recently approved by the Resolution of the Council of Ministers n.º 112/2020, of December 18. In addition, lockdowns imposed by the Portuguese government to manage the situation that followed the declaration of a pandemic by the World Health Organization, in March 2020, limited the dissemination of this information in contexts where a higher number of children could be reached, namely in schools. A very residual number of children replied that they do not know if Portugal has such a strategy and an even lower number that Portugal has no such strategy.

CPAT does not foresee that children assess indicator 2. Since the CNPDPCJ deemed important to consult children on the 10 indicators, a mix of open and closed questions was prepared from scratch as described below¹⁰:

Closed questions raised to children	YES	NO	DON'T KNOW
Could you understand what a strategy is, after what we explained to you?	✔		
Do you think that Portugal has any strategy that protects the right of children and young people to participate and contribute to decisions about the issues that concern them?	✔		
Do you know the Portuguese Strategy for the Rights of the Child to protect the rights of children and young people to participate?			✔

Source: CNPDPCJ, CP4Europe consultations with children, March 2022.

b) Children's replies to open questions

Open questions and open parts of semi-closed questions raised during consultations aimed at helping children improve their notion of what a strategy on the rights of the child is and listen to their perspective on it. Children's replies are in line with those to closed questions, re-

⁹ Each class corresponds to one focus group.

¹⁰ Ticks according to the majority of the replies.

vealing the need to provide better information on this subject, as the following quotes show:

- “I don’t know how to explain it [the strategy]. It’s in my head, I think I know what it is, but I can’t put it into words.”
- “[Do you have any strategy or possible strategy in mind?] Yes, some like the Declaration of Human Rights for example!”
- “I don’t know of any [Strategy]. But I do know that there must be [because things are done concerning the rights of the child].”

c) Outcomes of the analysis notes of the institutional stakeholders

Portugal has legislation within the scope of the promotion and protection of the rights of all children, in all contexts, and should be duly adapted to their circumstances. The implementation of the right of the child to participation is also enshrined in specific national legislation and diplomas in various areas, namely in the National Strategy for the Rights of the Child.

Regarding the promotion and protection of children and young people at risk, the CPCJ and the Family and Minor Courts play a relevant role in enforcing the legislation safeguarding the rights of the child.

Besides the regulation of the implementation of family and residential care measures, several instruments were created aiming at an integrated action of prevention and intervention that promote the development of interpersonal skills and a culture of non-violence from early childhood, with parental training actions, reinforced intervention with children and young people who show signs of risk of violent behavior or of being victims of domestic violence. Despite the significant evolution in effectively hearing children, it is important and necessary to make these interventions more coherent, efficient and effective.

Notwithstanding the efforts made regarding immigration and asylum situations, Portugal lacks investment in addressing the specific needs of children in these circumstances, such as, for example, providing ways to ensure a quick learning of the Portuguese language, and providing more translators-interpreters to effectively hear their interests and needs.

Child participation integrates the II National Youth Plan, foreseeing participation programs for children and young people aged 10 to 30 in different intervention areas, which are also measures of the National Strategy for the Rights of the Child. These programs are implemented by the area of Youth of the Portuguese Institute for Youth and Sports (IPDJ), one of which is the Project Child Safeguarding in Sports.

Some answers pointed out the lack of: a proper cross-sectoral governmental umbrella, with executive competencies that go beyond those of the CNPDPCJ; and of an independent body operating according to the Paris principles, responsible for monitoring and promoting compliance with the provisions on children’s rights and the enforcement of the CRC.

The National Strategy for the Rights of the Child 2021-2024 is based on an inter-sectoral collective commitment to achieve an integrated vision of the protection and promotion of the rights of children and young people. Developed around five strategic areas, the Strategy is structured upon five priorities, one of which is promoting access to information and participation of children and young people. For some respondents, the inclusion of some organisms and areas of society and governmental entities in the document lacks practical concretization, ending up with a greater intervention of education and youth sectors in practice.

Other respondents mentioned that the current reference to children’s rights in the context of an inter-sectoral national strategy on children’s rights is limited, in the sense that although rights exist and are mentioned several times by various bodies and even in the daily activity

of different sectors of our society, “children’s rights are still very much limited to paper”, and there is still no outlined and integrated strategy in all and between all sectors of society which would enable a greater knowledge and action in the procedures and decisions concerning children. Furthermore, children’s rights are a subject mostly discussed, analysed and evaluated by adults, without children having an active voice in the process.

Some respondents perceive that there is no integrated and well-defined national strategy, but strategies and perspectives on children’s rights varying according to the territory and the context and/or the institutions. Conversely, this situation enables a closer and more reliable view of the local development and the beliefs and culture of children and their families. Although it refers to all children, the action is defined and well organized for some contexts, such as children subject to promotion and protection processes, or specific educational processes.

As of some stakeholders, the creation of specific strategies favorable to children and young people is more visible, despite the need for improvement and application of new methods. In the Autonomous Region of the Azores, article 13(a) of the Regional Legislative Decree no. 17/2016/A, of 28 September, which creates the Azores Commissariat for Children (CAI), provides for the elaboration of a strategy for the realization of the CRC in the Azores, being considered an indicator that the promotion of children’s rights is a priority in terms of childhood and youth policies in the region. The need for greater knowledge of the rights and duties of children by the children themselves, and even greater intervention by the children in their daily lives, was also noted.

It was further indicated that in the Azores, the Regional Strategy to Combat Poverty and Exclusion is underway, monitored by the heads of several government departments, and includes actions aimed at promoting children’s rights through the implementation of strategies and the creation of conditions that contribute to the full development of children, with measures aligned with those foreseen in the European Guarantee for Childhood. In this scope, the CAI provided awareness-raising sessions for: children on children’s rights, with a focus on issues related to child poverty and an approach centered on different ways to promote their rights; and for parents, caregivers, entities with competences in childhood and youth matters, presenting contents and strategies for the promotion of children’s rights, reinforcing the role and responsibility of each intervenient. In all sessions, a child-friendly version of the 2nd edition of the CRC, printed by the CAI, and a Braille version were distributed to the children of the 2nd cycle of basic education.

In the Azores, a team of the Regional Directorate of Education ensures the participation of all those involved in the implantation of the National Strategy for Education for Citizenship (ENEC). Each school/organic unit is responsible for outlining its own projects and strategies; the use of technology was essential to enhance the pedagogical effectiveness of ENEC projects in general and/or citizenship and development projects in particular, by fostering the development of participation mechanisms for all, including students.

According to some stakeholders, there is much to be done, particularly regarding the local Participatory Budget and the apportionment to the National Budget.

In the Autonomous Region of Madeira, a Regional Plan for Children and Youth is being worked on, involving 20 partner entities, aiming at developing and promoting measures to improve the promotion and protection of children’s rights, implementing the recommendations of the Council of Europe, the Committee on the Rights of the Child and the National Strategy for the Rights of the Child 2021-2024.

The indicator scored 2 in the final assessment of the institutions.

d) Good practices identified by children and institutional stakeholders



Children

During the consultation sessions, children identified several good practices implemented in Portugal.

During the consultations, children did not know the complete designation of the Strategy on the Rights of the Child 2021-2024, but they understood what it was and its relevance.

Children of the National Council of Children and Young People knew about this Strategy, since they regularly meet and discuss matters that concern them with the CNPDPCJ.



Institutional Stakeholders

During the consultation process, the respondent institutional stakeholders identified good practices implemented in Portugal, including the:

- The National Council of Children and Young People, concurring to develop communication skills in children, raise their awareness towards children's rights, and stimulate critical thinking.
- Consultations with children on certain issues, as previously mentioned.
- Production of materials directed at professionals regarding the participation of children.
- Implementation of the II National Youth Plan 2022-2024.
- Project Child Safeguarding in Sports.
- In the Autonomous Region of the Azores, the hearing of children in the context of promotion and protection processes.
- REDA, a periodic competition organized by the Regional Directorate of Education of Azores aimed at stimulating the creation of digital educational content in that Region to foster greater capacity for participation and empathy in students, since most use digital language in their daily life.

e) Final assessment of Indicator 2

CPAT Indicators		Assessment			
		0	1	2	3
Protecting the Right to Participate	2. Explicit inclusion of children and young people's right to participate in decision-making in a cross-sectorial national strategy to implement children's rights				

Source: CNPDPCJ, based on CP4Europe consultations.

f) Points to address based on the replies of institutional stakeholders

- Immigration and asylum.
- Mental health.
- Dissemination of the National Strategy for the Rights of the Child 2021-2024 and its monitoring by stakeholders of various areas.
- Active participation of young people in choosing their educational pathways.

g) Possible follow-up actions

During child consultations, possible follow-up actions were mentioned:

- Wider dissemination of the National Strategy on the Rights of the Child 2021-2024 in child-friendly language, so that children know and understand its objectives, and the involvement of entities to whom can talk to about this document. More children will be reached if all stakeholders disseminate it in multiple formats, namely: materials in child-friendly language available at schools and where else children meet regularly; audio and video materials as to allow disabled children to access information, including online.
- Implementation of the Strategy through its biannual plans.

As of respondent institutional stakeholders, possible follow-up actions could be:

- Enabling a more participatory educational programme regarding syllabuses and other activities through a more interactive involvement of children and young people;
- Implementing Project Child Safeguarding in Sports, namely by: defining mechanisms that compose the system, identifying the people responsible for child safeguarding with clear descriptions of their functions, specifications of the trainers and other partners in the process; and defining the training modules of the latter, in direct articulation with the different objectives of the project.

h) Data sources on the indicator

These data sources were provided by: children, as opinions during the consultations; institutions, in their replies to questionnaires:

- Convention on the Rights of the Child.
- Law no. 147/99, of September 1 and subsequent amendments, approving the Law for the Protection of Children and Young People in Danger, which is an integral part of it.
- Law no. 130/2015, of September 4, approving the standing of victims.
- Decree of the President of the Republic no. 49/90, of September 12, ratifying the CRC, signed in New York on January 26, 1990, approved by the Resolution of the Portuguese Parliament no. 20/90, of September 12.
- Decree-Law no. 139/2019, of September 16, establishing the scheme for implementation of foster care, a measure for the promotion of the rights and protection of children and young people at risk.
- Regional Legislative Decree no. 17/2016/A, of September 28, creating the Azores Commissioner's Office for Childhood.
- Resolution of the Council of Ministers no. 52/2019, of March 6, establishing a multidisciplinary technical commission to improve the prevention and combatting of domestic violence.
- Resolution of the Council of Ministers no. 139/2019, of August 19, approving measures to

prevent and combat domestic violence.

- Resolution of the Council of Ministers no. 112/2020, of December 18, approving the National Strategy for the Rights of the Child for the period 2021-2024.
- Information on the portal of the Regional Directorate of Education of the Autonomous Region of the Azores
- Educational measures for refugee children and young people of the Directorate-general of Education.
- Guidelines for professionals on the relevance of participation in the promotion of the rights of children and young people in residential care, by CESIS - Centre for Social Intervention Studies.
- The participation of children and young people in residential care - Practical examples from the SUPPORTS project, by CESIS.
- Guidelines for professionals on Life Project as an instrument of implementation of the UNCRC, by CESIS.
- Concluding observations of the Committee on the Rights of the Child regarding the 5th and 6th national reports on the implementation of the CRC in Portugal.

3.1.3. INDICATOR 3 – An independent children’s rights institution is in place and protected by the law

3 An independent children's rights institution is in place and protected by law

Definition: An establishment or organisation for children established and protected by law with a specific mandate and the necessary resources (staff, staff, budget) to pursue a comparative or welfare process on behalf of children. The establishment of the kind may be a charitable institution or part of a broader human rights institution. However, the latter should be independent of government and not be compromised or influenced by any specific political agenda but, rather, to be able to respond to the key concerns and issues as identified by children.

Data sources (Data collection unit): National level
Office of National Ombudsperson/Commissioner
European Network of Ombudspersons for Children (ENOC)
Qualitative research

Assessment criteria: States can measure progress towards the indicator using the following assessment criteria:
0 = No ombudsperson or Commissioner for children
1 = Ombudsperson/Commissioner established but not protected by law
2 = Ombudsperson/Commissioner established and protected by law
3 = Ombudsperson/Commissioner established and is fully compliant with Paris Principles¹⁷

Issues: To consider in respect of vulnerable children:
• Are there any conditions or barriers imposed in relation to access to the Commissioner for example, on grounds of vulnerability, age, disability, language or socio-economic status, ethnic origin?
• Are there any measures in place to facilitate access for more marginalised or isolated children?
• Is there any data which disaggregates evidence on which children make use of the Commissioner, for example on grounds of vulnerability, age, disability etc?

The definition of indicator 3 presented in the CPAT (cf chart on the left) was the starting point for its assessment; the corresponding criteria were applied to the information obtained in the consultation process. As recommended in the CPAT, the assessment of indicator 3 also encompassed issues regarding children in vulnerable situations.

The methodological basis for organizing focus groups, sessions, preparing support materials and staff, and processing the information conveyed by children is the same used for indicator 2.

A total of 72 children composed the same seven focus groups organized for indicator 2 - six of which also assessed indicator 1 -, the difference may derive from being easier understanding and talking about an institution.

The analysis of the data collected during child consultations revealed specific outcomes, depending on the closed, semi-closed or open nature of the questions, as follows:

a) Children’s replies to closed questions

During the sessions, children were introduced the concept of an independent institution for children’s rights, in an age-appropriate language.

The majority of children replied that such an institution exists in Portugal. A few children considered that such an institution doesn’t exist in Portugal, because “*There is no entity that does not follow certain parameters, rules, the laws that the government imposes and we have to follow*”

them". Others mentioned that they didn't know if it exists or not. When asked if they consider the existence of such an institution in Portugal important, most children replied affirmatively, including with a question: "How could children's rights exist without an institution [of this kind]?". Two children replied they don't know. CPAT does not foresee that children assess indicator 3. Since the CNPDPCJ deemed important to consult children on the 10 indicators, a mix of open and closed questions was prepared from scratch as described below¹¹:

Closed questions raised to children	YES	NO	DON'T KNOW
Do you think that there is any institution like this in Portugal? ¹²	<input checked="" type="checkbox"/>		
Do you know how to contact it if you need help for yourself or another child?			<input checked="" type="checkbox"/>
If you needed help for yourself or another child would you contact it?			<input checked="" type="checkbox"/>
Do you think that such an institution this dedicated to the rights of the child is important in Portugal?	<input checked="" type="checkbox"/>		
Do you know the name of that institution?			<input checked="" type="checkbox"/>

Source: CNPDPCJ, CP4Europe consultations with children, March 2022.

The CNPDPCJ depends on the Ministry of Labour, Solidarity and Social Security. Still the replies to the first question indicate many children know it exists and identify it with the protection of children, even though most don't know its lengthy name.

Questions 2 and 3 of the chart above have only emerged in one Focus Group with 29 children, in which nine children replied affirmatively to both questions, while most replied not knowing if they would contact the institution and how to do it.

b) Children's replies to open questions

Children replied as follows to open questions and open parts of semi-closed questions raised during consultations, aimed at challenging them to identify an independent institution of the Portuguese system that protects children's rights:

- "The CNPDPCJ and the Council of Europe."
- "The commissions for the protection of children and young people."
- Some children identified residential care institutions in which they live.

Children's replies varied on whether they knew how to contact the independent institution for children's rights:

- "Yes. I would ask my parents."
- "Yes. I would call 112."
- "I would use the mobile in the [residential care] house and call the police."
- "Yes, I don't know how I would contact it, but if I needed help for myself or another child I would contact."
- "No, but I would research it on the internet or with the school."

¹¹ Ticks according to the majority of the replies.

¹² The consultation included an explanation in child-friendly language, prior to the session, about independent national institution for the protection of children's rights.

- “Let’s create an institution that will improve children’s rights!”
- “It should include professionals such as: psychologists, doctors, sociologists, jurists, etc.”
- “The institution should be decentralized so as to be close to the different realities of the country.”
- “The existence of local teams.”
- “Promote articulation with local political powers namely parish councils and municipalities.”
- “It should regularly listen to local institutions such as schools, IPSS, family, etc.”
- “The basics. And publicize it so everyone knew about it.”
- “To promote and disseminate the rights of children and young people so that everyone is aware of them.”
- “Giving the floor to children and young people.”
- “The institution also integrate children and young people from the various regions of the country.”
- “It should listen, help and protect children. Include them in problem solving.”
- “All children should have the right to have their say. This institution should be able to make this possible.”
- “To listen to the children so that we can understand them better and understand what is needed.”
- “Fast and long-term actions/measures to be taken to help all children and young people.”

c) Outcomes of the analysis notes of the institutional stakeholders

In Portugal, there is no Ombudsman Office for the exclusive defense of children’s rights, as of the definition of indicator 3.

In fact, the Ombudsman is the National Human Rights Institution (NHRI) accredited by the United Nations (UN) with “A” status, in full compliance with the Paris Principles. Under the terms of the Constitution and its Statute, the Ombudsman has a comprehensive mandate for promoting and protecting fundamental rights and, as such, has been reaccredited by the UN system as a privileged interlocutor for the control and monitoring mechanisms foreseen in international human rights treaties. Due to its recognition as a NHRI, the Ombudsman interacts regularly with the Committee on the Rights of the Child regarding the periodic evaluation cycles of the implementation of the UNCRC and its Optional Protocols, and other initiatives developed within the context of the UN High Commissioner for Human Rights, namely the activities of Special Rapporteurs.

Nevertheless, the Ombudsman may legally appoint a Deputy Ombudsman to whom specific attributions related to children’s rights may be delegated for the specialised exercise of these attributions. The Regulation approved by the Ombudsman foresees the possibility to create extensions of its Office in the Autonomous Regions of the Azores and Madeira, as to promote greater proximity to citizens.

In addition, Portugal established the CNPDPCJ, whose mission is to contribute to the planning of the State’s intervention and to the coordination, monitoring and evaluation of the action of public bodies and the community in promoting the rights and protecting children and young people, a reference entity for the realisation of the human rights of each and every child in Portugal. However, the CNPDPCJ does not fully comply with the Paris Principles, as it depends on a member of the government and lacks its own means and resources. Consequently, it does not correspond to the definition of indicator 3.

Specialized offices on children’s rights exist in other stakeholders, such as the Family, Children

and Young People's Office of the General Prosecutor's Office.

In the Autonomous Region of the Azores, the Children's Commission of the Azores is mandated to defend and promote children's rights in that Region.

Concerning the conditions or potential limitations to access these entities, possibly arising from factors such as nationality, language, age, disability, immigration, socio-economic status, or victim status, although no child may be discriminated against in any circumstances, the age and the degree of disability may be limiting factors in the autonomous contact through the helplines, which, in fact, constitute measures aimed exactly at facilitating the access to the institutions by vulnerable children. In one of the replies, it was also mentioned that there is no direct access to the CNPDPCJ.

The existence of disaggregated data with some characteristics of the children who resource to the institution the most was ascertained, based on nationality, age, disability, among other criteria.

The indicator scored 2 in the final assessment of the institutions.

d) Good practices identified by children and institutional stakeholders



Children

During the consultation sessions, children identified several good practices implemented in Portugal.

Children consider it would be important that an independent institution for children's rights has the competences and organic structure of the CNPDPCJ, namely its decentralized dimension through Technical Regional Teams, which allows the CNPDPCJ to have local contacts with each CPCJ, and the multidisciplinary character of its National Council.

The participation of the CNPDPCJ in the CP4Europe Project was also identified as a good practice this Indicator and in others; some children expressed some knowledge about their right to participate, the role of the CNPDPCJ to protect it, and that of the Council of Europe to contribute to children's rights, namely to participation, through this consultation process. One child told she would remember the designation and logo of the CNPDPCJ and of the Council of Europe in the materials used in the consultation session in which she participated. The creation of the National Council of Children and Young People by the CNPDPCJ corresponds to topics children identified as important in an independent national institution of the rights of the child, namely by including children from all over Portugal.

Moreover, also the regular meetings of the Presidency of the CNPDPCJ with stakeholders acting in childhood and youth matters: regional meetings with local CPCJ and other relevant regional stakeholders; and the annual national meeting, with all 311 CPCJ and other stakeholders from all over Portugal, along with all Units of the CNPDPCJ.



Institutional Stakeholders

During the consultation process, the respondent institutional stakeholders identified good practices implemented in Portugal, including:

- Promoting and defending children's right through non-governmental and governmental entities - such as the CNPDPCJ -, with plans/programmes for prevention and capacity building, contributing to a wider participation of children and young people.
- Several national telephone helplines for children (*cf.* indicator 5)

- National Council of Children and Young People, steered by the CNPDPCJ.
- In the context of mutualist association activities: periodic meetings with counsellors, representatives from various areas and families from the social sector.
- In the Autonomous Region of the Azores and other regions of Portugal: (i) Awareness-raising campaigns by children's commissions; (ii) The organisation of meetings with stakeholders to create activities to promote children's rights; and (iii) the participation of external entities in existing youth councils, such as that of the National Scout Corps in the youth council of the Azores, among others.

e) Final assessment of Indicator 3

CPAT Indicators		Assessment			
		0	1	2	3
Protecting the Right to Participate	3. An independent children's rights institution is in place and protected by law				

Source: CNPDPCJ, based on CP4Europe consultations.

f) Points to address based on the replies of institutional stakeholders

- Apparent need to provide civic education starting from an early age as a way to enhance children's participation in various spheres of social life (neighborhood, school, academic associations).
- Compliance with legal obligations, such as the composition of the CPCJ.
- In the Autonomous Region of the Azores, the CPCJ need reinforced financial support and technical resources, and better facilities to provide better services.

g) Possible follow-up actions

During child consultations, possible follow-up actions could be:

- Implementing the National Strategy on the Rights of the Child, of its Biannual Plan for 2021-2022 and the approval and implementation of that for 2023-2024.
- Continuing the initiatives of the CNPDPCJ to present itself, its roles, how to be contacted by children, awareness-raising actions to promote children's rights and to draw attention to the necessity to widen and make more regular initiatives of child consultation at all levels and areas affecting children's interests.
- Insisting in the relevance of making child consultations regular in areas that affect their interests, namely those identified by children in this consultation: entities with competences in child protection measures (local CPCJ, courts) and schools.
- Reinforcing the training of professionals with direct contact with children to prepare them to hear children regularly, respectfully, with no interruptions, making them feel their opinion matters and will be considered in decision-making.

As of the respondent institutional stakeholders, possible actions could be:

- Creating an Ombudsman's Office for Children's Rights, or at least a section with its own means and resources within the Ombudsman's Office.
- Improving the articulation between the various intervening stakeholders, as to overcome some of the constraints and difficulties noted.
- Reinforcing the staff allocated to the CPCJ teams.

h) Data sources on the indicator

These data sources were provided by: children, as opinions during the consultations; institutions, in their replies to questionnaires:

- Constitutional Law no. 1/2005, of August 12, particularly article 23.
- Law no. 9/91, of April 9, and subsequent amendments, establishing the Statute of the Ombudsperson.
- Law no. 51/2012, of September 5, approving the Student Statute and School Ethics, which establishes the rights and duties of students in basic and secondary education and the commitment of parents or guardians and other members of the educational community in their education and training.
- Decree of the President of the Republic no. 49/90, of September 12, ratifying the CRC, signed in New York on January 26, 1990, approved by Resolution of the Portuguese Parliament no. 20/90, of September 12.
- Decree-Law no. 129/2015, of July 9, establishing the composition of and reformulating the Youth Advisory Council
- Decree-Law no. 159/2015, of August 10, establishing the CNPDPCJ.
- Decree-Law no. 80/2021, of October 6, adopting the organisational structure of the Ombudsperson.
- Information on the CNPDPCJ, including on national and international legal instruments concerning the rights of the child.
- Information on the Family, Children, Juveniles and Elders and against Domestic Violence of the Prosecutor's General Office.
- Information on the Group Social Adventure.
- Information on the Institute of Support to the Child.
- Information on the non-governmental organization Observatory of the Rights of the Child (Porto).
- Information on Project Justice Youthopia.
- General Comment no. 2 of the Committee on the Rights of the Child (2002), on the role of independent human rights institutions in promoting and protecting the rights of the child.
- Recommendations of the Committee on the Rights of the Child to Portugal in the Concluding observations regarding the 5th and 6th national reports on the implementation of the CRC.
- Resolution no. 48/134 of the UN General Assembly, of December 20, 1993, adopting the principles relating to the status of national human rights institutions (Paris Principles).

3.1.4. INDICATOR 4 – Existence of mechanisms to enable children to exercise their right to participate safely in judicial and administrative proceedings

4	Existence of mechanisms to enable children to exercise their right to participate safely in judicial and administrative proceedings
Definition	<p>The Council of Europe Child Friendly Justice Guidelines provide that children who come before the court should:</p> <ul style="list-style-type: none"> • be informed of their rights; • be free to exercise their rights; • be heard and taken seriously; and • have measures in place that are explained in a way that they can understand. <p>These provisions should be available to children in the following judicial and administrative proceedings:</p> <ul style="list-style-type: none"> • criminal justice proceedings regardless of whether they are implicated as perpetrators of crimes or as victims or witnesses of crime; • family law proceedings; • civil and administrative proceedings; • immigration proceedings.
Data sources / Evidence sources	<p>Key legal and policy documents in respect of judicial and administrative proceedings</p> <ul style="list-style-type: none"> • UNHCR monitoring reports and concluding observations of the Committee relating to the implementation of Article 12 • European Commission for the Efficiency of Justice monitoring reports on efficiency and quality of justice • Eurobarometer surveys • A specific questionnaire of questions could be included pointing to this issue (for example, under the section "Disputing process or treatment") • FRA and European Commission data on Child Friendly Justice
Assessment criteria	<p>States can measure progress towards the indicator using the following assessment criteria:</p> <ul style="list-style-type: none"> 1. Do the legal access to the courts for children 2. Do the procedures to ensure access to information on rights, to file an action to request access to be heard in judicial proceedings and to have decisions explained in accessible and understandable language and to bring appeal or use of the judicial or administrative system based 3. Have the procedures to ensure access to information on rights, to file an action to request access to be heard in judicial proceedings are being applied to about two of the judicial or administrative system based 4. Full implementation of the Council of Europe Child Friendly Justice guidelines has been achieved in all of the specified judicial and administrative settings
Notes	<p>To consider in respect of vulnerable children:</p> <ul style="list-style-type: none"> • Are there any conditions or limitations imposed on the availability of the support (for example, on grounds of nationality, age, disability, immigration or socio-economic status, with status)? • Are there any measures in place to facilitate access for most marginalised or excluded children? • Is there any data which disaggregates evidence of children participating, for example on grounds of nationality, age, disability etc?

The definition of indicator 4 presented in the CPAT (cf chart on the left) was the starting point for its assessment; the corresponding criteria were applied to the information obtained in the consultation process. As recommended in the CPAT, the assessment of indicator 4 also encompassed issues regarding children in vulnerable situations.

A total of 525 children participated in 39 focus groups organized to assess indicator 4. For a better perception of the assessment of each specific context/proceeding as of the children, two sets of questions were elaborated by the CNPDPCJ: one on administrative and another on judicial contexts/proceedings. Of the 525 children, 309 were involved in the consultation on administrative contexts/proceedings, 165 children were involved in that of judicial contexts/proceedings, and 51 children were involved in consultations on both scopes. The focus groups were organized in order to maximize the odds to include children who were likely to have had direct contact with those contexts/proceedings, along with children who have not had that experience, so that different perspectives could be gathered, even if not experience-based. The final assessment of indicator 4 integrates the results of all approaches collected.

One focus group was open to the national level, through an online questionnaire in child-friendly language on indicator 4, made available at the Area for Children and Young People of the website of the CNPDPCJ.

Specific focus groups were also organized to collect the perspectives of children in different circumstances, including in vulnerable contexts: one focus group of pupils of secondary education in Lisboa; five focus groups of children subjected to measures of protection, including one at a Shelter for Refugee Children, another of children victims of domestic violence at a Shelter for Victims of Domestic Violence, and three others of children in residential care in Lisbon and in Coimbra; 26 focus groups involved in the “Choices Programme” in the North, Center, Alentejo, Algarve, Azores and Madeira; and six focus groups at the Educational Centers of the Directorate-General of Reinsertion and Prison Services in Lisboa, Coimbra, Porto and Vila do Conde.

The 39 focus groups integrated boys and girls aged mostly 6 to 18 years old; three youngsters over 18 were included in the consultation, as they lived in the residential care facility in which one of the focus groups was organized. It was possible to indicate the sex or not. Participants originated in Angola, Brazil, Cape Verde, Gambia, Guinea Bissau, Pakistan, Portugal, the Republic of Guinea and S. Tomé and Príncipe. Children of other geographic origins may also have participated, but that data was not provided.

The analysis of the data collected during child consultations revealed specific outcomes, depending on the closed, semi-closed or open nature of the questions, as follows:

a) Children's replies to closed questions

Most children considered that there are mechanisms in place in Portugal to ensure that children are informed of their rights, have free access to a lawyer and are explained the decisions affecting them in a way they understand, as illustrated in the table below¹³:

Proceedings	Mechanisms in place		
	be informed of their rights	have free access to a lawyer	have decisions affecting them explained in a way that they can understand
Criminal justice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Family law	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Care and protection	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Immigration	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

Source: CNPDPCJ, based on CP4Europe children's consultations, March 2022.

Children in several focus groups replied having had direct experience in judicial and non-judicial proceedings; closed questions were additionally raised to assess their perception on indicator 4¹⁴; most replies are in line with their assessment expressed above:

Closed Questions	YES	NO	DON'T KNOW
When they called you to go to court, did they explain why you were there?	<input checked="" type="checkbox"/>		
Were you able to talk about how you think the situation happened? (In judicial context)	<input checked="" type="checkbox"/>		
Were you supported by any adult when you went to court?	<input checked="" type="checkbox"/>		
Did you feel well having that (those) adult(s) supporting you in court?	<input checked="" type="checkbox"/>		
If someone complained about you, do you feel that they helped you to explain your [side of the] situation? (In judicial context)	<input checked="" type="checkbox"/>		
After their complaint against you, did they inform you and explain their decision on the situation? (In judicial context)	<input checked="" type="checkbox"/>		
When they spoke to you, did they speak in a way that you understood? (In judicial context)	<input checked="" type="checkbox"/>		
If someone complained about you, do you feel that the decision made about the situation was fair? (In judicial context)	<input checked="" type="checkbox"/>		
In court, were you asked on your opinion on how you would like the situation to be decided?		<input checked="" type="checkbox"/>	
Was the place where adults talked to you comfortable?			<input checked="" type="checkbox"/>
When adults made their decision, did they inform you of what it was and explain to you why they decided that way?	<input checked="" type="checkbox"/>		
Did they talk to you about the decision made in a language you understood?	<input checked="" type="checkbox"/>		

¹³ Ticks according to the majority of replies.

¹⁴ Ticks according to the majority of replies.

Closed Questions

YES

NO

DON'T
KNOW

	YES	NO	DON'T KNOW
Do you think adults made that decision having your best interest in mind?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Source: CNPDPCJ, based on CP4Europe children's consultations, March 2022.

b) Children's replies to open questions

Children's replies to the open questions and open parts of semi-closed questions are coherent, which may indicate that children can identify aspects of the reality on which they were consulted and how it affects their lives. The analysis of the replies to open parts of semi-closed questions show children's capacity to suggest possible improvements towards a child-friendly approach, namely in two areas identified through the closed questions: to hear the opinion of the child on how he/she would like the situation to be decided and in places where children feel comfortable.

Children shared their experience dealing with administrative or judicial proceedings and with decisions made by adults that affected their life, and the contexts where that occurred. Most situations identified by children correspond to: separation or loss of parents/caregivers; cases in which they are victims of violence; economic difficulties or other circumstances that made it impossible for the child to be taken care of by parents/relatives; and accusations of violence against other children or adults, in the case of specific focus groups of children in educational centres.

When invited to identify other situations in which adults made decisions that affected them in administrative and/or judicial proceedings, children mentioned:

- "The teacher said I needed to lose weight."
- "When I wanted to move to another school and no teacher agreed."
- "At school, the teacher punished me."
- "Person who draws up school plans to help students."
- "Filing a complaint against a colleague [at school]."
- "On the career path - on choosing a work placement."
- "Not wanting to go to school!"
- "Changing School. They wouldn't let me give up rugby."
- "My father had to return to Guinea, so I stayed with my aunt."
- "Something intimate."
- "It was me doing a bad thing and then they made a decision."
- "Where they wanted me to go and who they wanted me to stay with [parental separation]."
- "The court put me in an Educational Centre without my permission and that of my parents."
- "When I went to the institution and when I had the accident."
- "When I came to the [residential care] institution, the local CPCJ [made the decision]."
- "Separated from my father and going to an emergency shelter."
- "My uncles used to beat me."
- "Situations with the court."
- "I was taken away from the family for bad behavior and they put me in a foster home and it only served to make it worse."
- "Visits/meetings with my father."

Another aspect raised in the consultations concerned the adults, other than parents, children considered to have made important decisions affecting them. In the focus group where this question was raised, the Class Director/Directing Board of the School was the professional category/institution identified by most children, followed by teachers; psychologists; judges/courts; local CPCJ, professionals of residential care institutions, health professionals at hospitals and local health centers, and other adults, such as: *“uncle”*; *“brother and stepmother”*; *“sister, boyfriend”*; *“friends of my mother’s colleague”*; *“friends”* and *“neighbor”*.

Most children referred that they were called by adults¹⁵ to talk about the situation upon which a decision should be made. When asked about how they felt to explain the situation and give their opinion, most said they felt good, while a reduced number of children replied that they didn’t feel good that adults were talking to them¹⁶ and a few mentioned they had not been called at all, despite they would like to have been.

Concerning the place where children were heard by adults/professionals, most indicated that it was comfortable, a significant number didn’t know how to assess the comfort of the place or didn’t want to reply, while a reduced number of children mentioned that the place was uncomfortable.

In order to ascertain what made children assess a place as comfortable when being heard by adults/professionals on decisions that affect their lives, a large consensus seemed to emerge in several focus groups on the following topics: that adults hear children where children live, be it at home or residential care institutions. Regarding comfortable places to be heard during administrative or judicial proceedings, children mentioned mostly the following characteristics:

- *“It’s safe.”*
- *“Quiet environment.”*
- *“Everything [was comfortable].”*
- *“Sofa.”*
- *“The house [facility where the child was being consulted] itself is comfortable.”*
- *“People are cool and when they picked me up and I came to the institution I felt really good.”*
- *“Being in a safe and private space.”*
- *“The people, the atmosphere that was good.”*
- *“A more private room.”*
- A child shared that, at the end of the school year, the head teacher asked him to talk with him alone and asked for his opinion on the way forward regarding the next school year; he felt comfortable and told her she could do what was best for him.
- Another child shared he listened to the teacher’s opinion and feels comfortable when he talks to her because she conveys confidence *“and for everything [he can’t express]”*.

Children who mentioned that the place where they were heard was uncomfortable, justified the discomfort with the following:

- *“I felt like I was in a locked room.”*
- *“People talk too fast.”*
- *“Everyone was looking at me.”*
- *“[There should be] Less people.”*
- *“I don’t know.”*

¹⁵ Professionals or not.

¹⁶ This aspect is deepened later on in the Paper through further questions on this indicator.

- “Yes. I found the place where they spoke [to me] uncomfortable.”

When asked about suggestions to make comfortable a place for them to be heard, children mentioned:

- “[Children] Being at home.”
- “The people I care about not going away, as many have gone.”
- “Chairs.”
- “Warming up the room.”
- “Not being the police and not lying [adult relatives lied to the child before taking him to the police station to talk about the situation to be decided].”

To reach further into their assessment, children were asked about how they felt while being heard in administrative and judicial proceedings. Most children found it difficult to identify or share feelings they recognize they felt; those who identified and shared, picked the following options listed: trust; support; shyness/shame; fear; strangeness; insecurity, loneliness. A blank space was offered, should they want to indicate other feelings; the following was added:

- “Afraid they won’t like my opinion.”
- “Anger.”
- “Heartbreak.”
- “Nothing.”
- “I felt they invaded my privacy.”

The focus groups of children consulted specifically on judicial proceedings replied in the spectrum above regarding the comfort of the place where they were heard: most children not knowing or not wanting to say anything, followed by those who considered it comfortable and a residual number mentioning the place was uncomfortable. The perception of comfort by children seemed to highlight details on how the hearing was prepared and held, more than the physical space itself:

- “They didn’t interrupt.”
- “We had the right to privacy.”
- “There was no noise.”
- “No one disturbed.”
- “There were few people.”
- “Had a certain privacy.”
- One *child* mentioned that it was because it was at home, by videoconference, in his own space, with privacy.

Children who described the space as uncomfortable identified the following:

- “There were a lot of people around.”
- “It was after family counselling.”

When asked what would made have them feel more comfortable: a child mentioned that hearing stories similar to his made him want to participate and not be shy to speak out; other children suggested it should be better that adults talked alone to them, as they did not know those adults and being with other people was intimidating.

While asked whether they felt comfortable enough to ask adults questions on aspects of the hearing they were not understanding, most children replied affirmatively, a high number of children replied they don’t know or don’t want to reply to this question, and some children

replied that they didn't feel comfortable enough to do it:

- "Yes [I felt comfortable asking]. I never asked [because I understood what was being told and asked by adults], but I'd be comfortable [to ask something if I needed to]."
- "When I arrived [to the place where proceedings were held] I didn't feel comfortable [to ask anything] ..., but I'm not sure why."
- "More or less [feeling comfortable to asks questions if I had any doubts]. I was embarrassed and my heart was beating too fast."

Children who had asked adults questions during the hearing were asked if adults tried to explain it otherwise and if that let them understand things better. Most children replied affirmatively, a high number of children replied they don't know or don't want to reply to this question, and some children replied negatively:

- "I don't know why I feel like it wasn't explained to me."
- "I never asked or said I didn't understand something [because I understood all]."
- "No. I didn't say I didn't understand [because I didn't feel comfortable enough]."

In specific focus groups, children who had experienced situations of violence¹⁷ or that affected them and had to be decided in court were invited to identify and talk about how they felt they heard by adults in the proceedings. In most situations, violence happened outside the family or school, in similar numbers to situations involving children victims of domestic and school violence. Regarding other experiences of violence against children, the situations mentioned involve adults in their families, teachers or classmates; the only difference is a residual number of situations of violence against children in residential care and situations involving adults outside the family.

As of the multiple categories of adults/professionals children felt supported by during judicial proceedings, children mentioned, in decreasing order relative; lawyer; professional of the residential care institution; social assistant; psychologist; interpreter; therapist; mentor at the educational centre; teacher; coach; priest; witnesses; friends; girlfriend.

When children who had been heard in court were asked if they felt the place was comfortable, most replied negatively, slightly less replied affirmatively, and a residual number of children didn't know how to reply or chose not to:

Comfortable because of:

Uncomfortable because of:

Physical facilities

"The room was warm."
"Physical space."
"The chairs very welcoming."
"The chairs."
"The waiting room and the audience room."
"The people and the chairs."
"The room and the waiting room."
"Everything, the room, the seat."
"The seats."
"The cushioned chair."

"It was a trial room, wide and cold."
"The facilities."
"It was a courtroom. Not comfortable."
"The room was too big."
"The room was big and there were several people."
"Being in such a big room and with so many people like justice like cramped."
"Not enough windows."
"Microphones. Everyone staring at me."
"Finding a way to record the voice without having the microphone pointed at my face."

¹⁷ Children as victims or aggressors.

Comfortable because of:**Uncomfortable because of:**

"The chairs and lots of gentlemen and ladies in front."
 "Always standing or sitting on something hard."
 "The chairs and being there for 10 hours."
 "Wooden benches."
 "Chair I was sitting in."

Ambience and dynamic in court

"Having my family there with me."
 "Being alone with the judge without anyone listening to me."
 "Being able to tell my side of the story."
 "I didn't think anyone was putting pressure on me."
 "My case manager [supporting me in the hearing]."
 "The room and the Doctors [Judge and other judicial professionals]."
 "Being told what was best for me."
 "The people and the place."
 "The space and the air."
 "It was quiet."
 "Well received."
 "Everything."
 "They spoke well to me."
 "I could have been talking to myself."
 "They were nice to me."
 "The way they spoke to me."
 "The way they treated me."
 "The way they explained things."

"Standing all the time."
 "Very tense atmosphere."
 "Tension."
 "Panicked."
 "Didn't feel well."
 "The environment."
 "Everything. It's not good to be in court."
 "Everything [uncomfortable] about it."
 "The room I was in was not part of my future."
 "I did not like the court and the fact that there were a lot of people (judge, prosecutor, lawyer and two other people who I do not know who they were)."
 "Being judged in front of several people."
 "The court professionals looking at me like the worst in the world."
 "The way they look at us [me]."
 "It was the way they spoke to me because I didn't understand anything."
 "Language used."
 "They don't explain well."
 "Use very expensive words."
 "The tone of the Judge."
 "Having talked to me like I was some guy."
 "Talk [to me] in an arrogant manner."
 "The way your Honour treated me."
 "[It] Was by video call."

To make the court room more comfortable, children mentioned the suggestions below, which will be complemented with replies to further questions raised during the session on indicator 4:

Physical facilities

"Nothing. It's fine as it is, in my opinion."
 "Not to add anything."
 "Not being a judgement room, but more informal."
 "A welcoming room."
 "Change the chairs and fewer people in front [of the child]."
 "A sofa."

"Not bringing the victims and the criminals face to face."

"Not too many strangers [people that the child doesn't know]."

"Maybe the court trying to find out which relatives we sympathise with best, that would be quite comfortable."

"[The child] Being with family members."

"[The child] Being with the people really important to the situation."

"Try to make them [children] feel more comfortable."

"The lawyer to do something. They usually get paid and do nothing."

"[Change] The atmosphere."

"More patience and time."

"[Pay attention to the] Way of speaking [to children]."

"Keep being sincere and cordial."

"[Change] Some ways of talking."

"Not being too rigid."

"Speak more calmly."

"Explain the more complex words"

"Don't speak too fast or [using] too expensive words."

"[Avoid or explain in a child-friendly language] The more complex words."

" [The child] Be listened too."

"To ask for further clarification."

"Speak calmly."

"I think presence is very important [and not hearing the child through video call]."

"Put less pressure on them [on children being heard]."

"Don't show threatening looks."

Children who had experienced situations of violence¹⁸ or that affected them and had to be decided in court were invited to identify what they felt while being heard in court. From a list, children identified mostly: shyness, shame, insecurity and fear, followed by strangeness, trust; support; loneliness. Adding to the list, children indicated:

- "Scared by the uncertainty of my future."
- "I felt nothing."
- "Just afraid of the answer."
- "Distrust."
- "Nervous."
- "I felt I was suspicious."
- "Anger."
- "Sadness."
- "Regretful."

Children were asked how they felt until they knew the decision taken by court. Most identified feelings of the list, mainly fear and worry, and less significantly: confidence, shame, indifference. Children added the following:

- "Felt good."
- "Fear and anger."
- "Regret."
- "Nervous."
- "I felt more relieved."

¹⁸ Children as victims or aggressors.

- “Doesn’t change anything.”
- “Bad, embarrassed, disrespected.”
- “Doubtful and full of unanswered questions.”
- “[All happened] Too fast.”
- “Afraid they won’t like me.”
- “Worry, shame, etc.”
- “Fear of being away from my daughters.”
- “Irritated.”
- “Calm.”
- “Initially worried and [after being heard] simply waiting for the final decision.”

While replying to whether they understood why they felt that way, they mentioned:

- “I don’t know because I don’t think they asked what my opinion was.”
- “Because I didn’t know what I was going through exactly and I had never been in a situation like that before.”
- “Because I didn’t want to be in the institution [residential care].”
- “Because, at the beginning, I was afraid, but then I started to like it and [now I] want to work here - at the Institution.”
- “Because I didn’t know what was going to happen. If I was going to stay at home or go to the [residential care] institution.”
- “I didn’t know if I was going to stay at home or go somewhere else...”
- “They didn’t hear me, but I was worried about what was coming next.”

Additionally, in a session, children were asked what they thought impeded the best explanation of the situation and of the decision by professionals, and replied:

- “[Explain] in a way that a child can understand.”
- “The terms/concepts they use when talking to us being easier.”
- “Talking to me and explaining things.”
- “Not using such difficult terms and words.”

Children of several focus groups on non-judicial proceedings replied enthusiastically about what they would suggest as to feel comfortable while being heard, should they decide how to hear children:

- “Speaking the truth to young people.”
- “Talking calmly to the person.”
- “The adult should tell the child that it is okay to make a complaint and that it can help make things better.”
- “Encourage children to make a complaint.”
- “Help children feel more comfortable and confident.”
- “Parents should get their children used to telling about these situations.”
- “The adult should talk to the child in a calm manner.”
- “Freedom. Respect the children.”
- “Putting them [children] at ease. Pay more attention [to children].”
- “When they say they want to hear our opinion, don’t start putting it on a basis of “It depends on how much trust you have with people”. I think adults have hear the opinion of children/young people no matter what, and have to accept that they are not always right.”
- “Listening to children more. Not forbidding them to do things [e.g. play].”

- “Not shouting and being calm because we are children and we do various things.”
- “Having spoken to me more easily [in a language that is easier for me to understand].”
- “They should listen to children/young people and respect their comments, not only because they know what is best [for them], but because we [children/young people] also have our choices.”
- “The children’s opinion is very important.”
- “I would ask if I wanted to come to Portugal.”
- “Calmly.”
- “To have love.”
- “Speak with love.”
- “Be truthful.”
- “We liked them to speak well to us.”
- “I had to explain calmly.”
- “Slowly, calmly and seriously [with seriousness].”
- “[Helping them to] feel confident.”
- “I wanted to say that he [the adult] made me very happy before he gave me the bad news.”
- “I wanted him [the adult] to be nice.”
- “I would like them to talk to me gently.”
- “[With] Calmness.”
- “Sympathy.”
- “Happiness.”
- “Kindness.”
- “Affection.”
- “Calm and gentle.”
- “In a simple way.”
- “Adults should listen to us and put themselves in our shoes.”
- “Not judging children.”
- “With questionnaires.”
- “[With] Debates about certain issues in society.”
- “My parents keep their voices down.”
- “Having an adult who understands our opinion.”
- “Listening to the children.”
- “Giving more freedom and [with] respect.”
- “Being patient.”
- “If I were an adult I would ask the child if they agree with my opinion.”
- “With patience.”
- “Listening to children or young people before breaking out into aggression.”
- “Adults should listen to children more.”
- “Try first to pass [convey] confidence to the child, listen to them until [they] finish and when giving an opinion don’t be rude or hasty.”
- “Talk calmly and patiently.”
- “Ask questions before making the decision.”
- “Talk to children/young people in a place where they feel more comfortable.”
- “Making people more comfortable and not putting pressure on them.”
- “That they could do anything they wanted.”
- “Listening more to their children and helping their children more.”
- “I would try [suggest to the child] to talk to the adult(s), a colleague/friend that I trust a lot

or I would e-mail or create a suggestion box to ask for some ideas/suggestions to be able to talk/communicate.”

- “I could give an idea, like, adults had to give the floor to children and young people.”
- “They could talk to the children [to] listen to children’s ideas to improve those places [where to listen to children].”
- “They need to listen to children’s opinions more.”
- “Explain in [a] way that the children or young people would understand.”
- “Understanding children.”
- “Adults should listen more to children’s opinions, and should let them be free.”
- “Adults should listen more to children’s opinions, and let them be a bit free.”
- “HAVING A ROOM WITH [PAINTED] COLOURS.”
- “Talking to the children on their own.”
- “Listening to children’s opinions.”
- “Talk well.”
- “I wish they would talk nice to me.”
- “Calmer.
- “I said they had to respect people more.”
- “Listen carefully.”
- “Adults should be calmer in talking and listen more carefully to children’s opinions.”
- “Attention, listening; consideration; unselfishness.”
- “[It should be because] They should pay attention that children don’t see some things [are] not as adults say, so they should explain better.”
- “Having a lot of people there. Listening to their [young people’s] opinion.”
- “Understanding the other side [that of the child] and listening to [the child’s] insecurities and doubts.”
- “To give more support. Not to discriminate.”
- “Respect. Not treating ethnicities differently.”
- “Speak with respect and be our friends.”
- “They should respond to us and treat us like adults.”
- “They should be our friends and explain all the things well.”
- “They should act when they need to, but not make us do things we don’t want to.”
- “If it was up to me, I think adults and my parents should listen to me first and have respect for my wishes.”
- “Nutritionist [support].”
- “Asking if the child thinks it is ok what the adult has suggested. Talk calmly and try to understand the child.”
- “I think adults should listen to our opinion the way we listen to their opinion.”
- “They should listen more to the opinions of young people/children.”
- “I would suggest that adults listen to young people’s opinions more often rather than ignoring them completely.”
- “Thinking about the acts [consequences] that could happen [resulting from it].”
- “Listening more to young people and have to try to put themselves in their [young people’s] shoes more.”
- “With a lot of attention.”
- “Talking to young people in a language that they understand.”
- “From a certain age (6-7 years old), a child already presents an opinion of her own, so, in my opinion, any decision about the child should be discussed with the adult and the child,

not only he/she will feel heard, but will also feel included in this process.”

- “Adults should treat us with respect and care.”
- “Let [the child] be heard and respect the decision!”
- “Listen to their children more and help their children more.”
- “I would try to talk to the adult with a colleague/friend that I trusted a lot or e-mail or create a suggestion box to ask for some ideas to be able to talk/communicate.”
- “I could give an idea: like, the adults had to give the children and young people the floor.”
- “They talk well [to the child].”
- “Speak calmly.”
- “Adults should explain their decisions properly.”
- “I can’t say.”
- “Explain their decisions properly.”
- “Explain the situation well. [As in] less “adult” terms.”
- “Always explain [to the child] what is happening.”
- “Helping, freedom.”
- “Helping and liking them.”
- “They should be clearer with young people.”
- “My experience at the foster home was very positive and I got a strong bond with the coaches and educators.”
- “Listen well to the young person and the parents.”
- “Not putting so much pressure [on children].”
- “They could have more confidence, a nice room, explain well!”
- “Educational centre probably for young people.”
- “Have conversations with young people, listen and respect even if they don’t agree.”
- “Don’t be harsh.”
- “In my opinion, they should listen to us because we have a true and sincere opinion.”
- “I would ask the young person to imagine the situation on a positive side and then I would tell the young person that this imagination could come true with a bit of effort.”
- “That they would talk quietly so that the children didn’t get stressed and that they would listen to the children.”
- “They could talk and see how the children and young people feel and get them to like where they are.”
- “Having a little box for children/young people to put [notes] anonymously what they would like to see improved or what is missing that could make them feel good.”
- “Having someone other than the mother [in this case] to talk more openly about their situation, and their experience of what happened.”
- “Putting the child in a safe and comfortable place.”
- Children of focus groups on judicial proceedings also contributed enthusiastically with suggestions on how to make children feel comfortable while being heard, should they have the power to decide it:
- “Good listeners and respecting the children and explaining what is going on.”
- “More attention. That they [children] be given more attention.”
- “Not to be heard with too many people, so there is no pressure.”
- “Provide an equal relationship between child and second party.”
- “Being with some relative by the [child’s] side.”
- “A conversation in private with the judge or with a psychologist.”
- “To talk particularly with the judge, not being put pressure, to have the support of a psy-

chologist.”

- “Having a joint conversation with a psychologist or some support [in] everything.”
- “I would have the child’s psychologist and a relative of the child be with the child to provide moral support.”
- “Not to treat [the child] so much like a child and improve the way they explain things to us.”
- “[Make them feel] that they are always safe and supported.”
- “Keep it low, focussed and simple.”
- “I would choose what is best for them even if sometimes it is not what they want.”
- “To listen to what they have to say.”
- “That they would let me talk ...”
- “To speak calmly.”
- “Give more support and rest to the young people.”
- “To believe them more because they don’t always lie.”
- “Speak calmly, with affection.”
- “Talk more to the children.”
- “Be a good listener.”
- “[Being] happy is important.”
- “Not having a microphone in front of me.”
- “I think they should explain better what they are saying, because we don’t understand anything of the numbers of the laws [they say] and I think they should ask two or three times if we have anything else to say.”
- “Speaking in an informal setting where you try to reassure the young person and put them at ease about being honest.”
- “I don’t have much to say as mine [educational centre] has good conditions, but maybe explain what an educational centre or any other internment space really is.”
- “Don’t put pressure, speak in a friendly tone.”
- “Come once in a while to the court to talk to the judge.”
- “In my opinion, there should be a closer connection with the state lawyers assigned to us and there should be more preparation before any trial.”
- “Yes, the lawyer next to me to tell me what the doctors were saying.”
- “It said they could talk all they liked, that they were not there to do any harm, and that they only wanted the good of people.”
- “It wouldn’t be as it was with me.”
- “Not using such expensive words for young people to understand.”
- “The understanding of the things that were said.”
- “Speak calmly.”
- “Speaking calmly, without too much pressure, making the young person comfortable and not afraid to speak.”
- “The way they are is not bad, what happens is that it could be better.”
- “Not speaking badly to them [young people], not being mean.”
- “They could understand the young people side better and improve the decisions more.”
- “Speak better to young people and listen to them more.”
- “Easy with words.”
- “I wouldn’t try to go at it in such a formal way, but in a calm way.”
- “Calm and supportive.”
- “Change some expensive [too difficult] language.”

- “Calm, simple words, and the best care.”
- “Support, comfort.”
- “Have comfort zone.”
- “More comfort.”
- “Listening [first] to the decision [opinion?] of the young person and the victim, and then that’s when the decision would be given.”
- “Essentially, knowing the [child’s] life story [previously].”
- “A smaller, more comfortable room.”
- “Speak more with the lawyer. Also, just me and the judge.”
- “Having more flexibility in decisions and not putting a 12-year-old child 500 km away from her family.”
- “Give another opportunity and see if it was worth it.”
- “Maybe just being with a judge and with a representative of mine and an advocate.”
- “Told not to be afraid and to trust because it was better for the future.”
- “Give less pressure.”
- “I would say don’t be afraid because they are doing the best for me.”
- “Speak calmly to the young people.”
- “Don’t judge at first sight.”
- “Clear words/Tell it like it is.”
- “More time to talk to the lawyer beforehand, so that the young person is more secure.”
- “In my opinion, a relative should always be present and not arrogant because despite what we have done, we are human beings.”
- “Be friendlier.”
- “Be calm and don’t give pressure.”
- “I would make the young person feel good afterwards and follow up in the best way.”
- “It was for the good of the young person.”
- “Give a second chance and take them for a month to a jail or educational centre to see that there is nothing good there!”
- “Everything we say in court for our defence they think is always a lie.”
- “Talk to him calmly and give less pressure.”
- “Support, confidence, concern.”
- “It will be good for you as you can improve in the future.”

In one focus group, children were invited to complete some sentences and replied with the following:

Sentence	Replies
I think it is important to consult children to...	<ul style="list-style-type: none"> “...being able to decide fairly.” “...have their side of the story.” “...give their opinion.”
When talking to children about these issues, adults should...	<ul style="list-style-type: none"> “...pay attention to what they have to say and to what they want to say but are afraid to say.” “...be calm and careful with what they say, but don’t treat them like babies.” “...put yourself in the children’s/young people’s shoes and listen to them.”

Sentence	Replies
When talking to children about these issues, adults shouldn't...	"...make them choose what they don't want, speak in a bad voice and shout." "...be rude." "...withhold information."
For children to understand and feel good about the decision made by adults, it is important that adults...	"... be caring and speak with love." "...ask children for their opinion." "...speak truthfully and clearly."

Upon analysis of the children's opinions and suggestions described above, a chart was built that may be useful to professionals/adults that consult or hear children in any context (cf chart on page 127, summarizing these opinions with those received during follow-up consultations):

c) Outcomes of the analysis notes of the institutional stakeholders

Proceedings	Mechanisms in place (tick all that apply)			Average score
	be informed of their rights	have free access to a lawyer	have decisions affecting them explained in a way that they can understand	
Criminal justice	12 replies	13 replies	10 replies	2
Criminal justice procedures	11 replies	10 replies	9 replies	2
Family law	11 replies	9 replies	7 replies	2
Care and protection	10 replies	9 replies	7 replies	2
Immigration	5 replies	3 replies	3 replies	1
Immigration and asylum procedures	6 replies	5 replies	5 replies	1
Final score	2			

Source: CNPDPCJ, CP4Europe consultation with institutional stakeholders, 2022.

Children have the legal right to be informed and to participate. According to some entities, even though certain mechanisms are formalized, they often do not work in practice, and, in several circumstances, children are not involved in judicial and administrative processes, as there are isolated cases of children who are not correctly informed about the processes that concern them, such as decisions regarding the application of protection measures of placement in residential care, for instance.

In immigration, asylum, and promotion and protection processes, a guardian might have to be appointed to support the child in understanding and participating. However, the procedures are neither adequate nor expeditious, and often contravene the principles set out in the UNCRC, namely due to a lack of preparation, qualifications and independence.

Constraints were also identified regarding the access to legal aid, which is promoted by Social Security depending on a previous analysis of financial means. As of some respondents, only children in a poor socio-economic situation are granted direct free access to a lawyer, otherwise legal services are paid. Furthermore, when applicable, the process of attributing a lawyer is lengthy and presupposes an associated administrative process.

The Council of Europe guidelines and the national legislation point towards a child-friendly and child-friendly system, with a set of procedures adjusted to their maturity and age. In practice, in some cases, this is not yet fully harmonised, and information should be made available on the existing mechanisms for the exercise of the right to participate, in a language adapted to the child's age.

Respondent entities underlined that the Constitution of the Portuguese Republic forbids limitations to the provision of this type of support based on criteria such as nationality, age, disability, immigration, socio-economic or victim status. However, replies indicate different views on the conditions in which this support is available and provided, ranging from the absence of such limitations to the practical existence of restrictions to the right of the child to participate, according to the experience of each organization and depending on the circumstances, namely disability, nationality, language, among other vulnerabilities, in various contexts, given the absence of resources or mechanisms that respond to specific needs, namely interpretation, translation, cultural mediation and psychological follow-up.

The definition of procedures to guarantee the participation of children with, for instance, cognitive or other deficits in judicial processes was pinpointed by some entities as a measure ensuring this support. Conversely, it was mentioned that this support is free of charge for some children only, since socio-economic status is a limiting factor.

Some entities mentioned that, particularly in cases involving vulnerable children, it would be convenient to hear them early in the process, as to avoid anxiety states and child victimization.

On measures that facilitate access to this support by marginalised or excluded children, respondents expressed different views: from the absence of measures to existing ones, such as the provision of free legal aid, and measures foreseen in the biannual plan of the National Strategy for the Rights of the Child (2021-2024), illustratively that aiming at reinforcing the teaching of Portuguese as a Non-Mother Tongue (PLNM) to migrant and refugee children.

As of disaggregated data susceptible to characterize the children who use the CPCJ, the annual evaluation report on the activity of the CPCJ, produced by the CNPDPCJ, provides the general public data on reported and ongoing situations. Other disaggregated data exist that is only accessible to local CPCJ and other intervening entities.

d) Good practices identified by children and institutional stakeholders



Children

During the consultation sessions, children identified several good practices implemented in Portugal.

The consultations with diverse focus groups revealed that children know what makes them feel involved, respected and protected in administrative and judicial proceedings and had no difficulties in identifying good practices in those contexts:

- As mentioned previously, a child shared that, at the end of the school year, the head teacher asked him to talk with him alone and asked for his opinion on the way forward regarding the next school year; he felt comfortable and told her she could do what was best for him.
- Another child shared he listened to the teacher's opinion and feels comfortable when he talks to her because she conveys confidence *"and for everything [he can't express]"*.
- "In the foster home where I was [placed], the technician always explained why they made

those decisions about me and my life”.

- *“I had never been in a situation like this before.”*; said a child about how she felt at the court, privacy issues and the creation of a space that could be safe and comfortable for her.
- One youngster explained that, in court, he was asked simple questions designed to understand how he was doing, and found it a good experience.
- Another mentioned he had been asked about his life and his situation.
- One referred to a conversation he had with the court support team, which he found good.
- Children mentioned having felt comfortable; a boy specifically referred he felt good in the immigration services and that everything had gone well.
- One child seeking asylum shared that he understood why the interview had been postponed.
- Another child seeking asylum mentioned that: the questions asked in the asylum interview had been put in a simple way; he felt he had been heard and able to participate in the final decision.
- *“I felt sad. The day I went [to be heard in proceedings] I did not understand myself. They treated me well, so I felt ok. I miss my sister and family, so the immigration service treated me well.”*
- *“I was a bit embarrassed the first time. I went only once to court. They prepared me at the Portuguese Shelter for Refugees and then accompanied me [to the hearing]. The people there were kind.”*
- *“The teacher of the Project “Qualify to Include” asked me what I want”.*
- In reply to the thank you note of the CNPDPCJ to children at the end of the questionnaires, one child wrote *“You are welcome. It was very useful and important to have answered all these questions”*:
- A youngster shared that hearing stories similar to his made him want to participate and not be shy to speak out.
- The CNPDPCJ operates the Children in Danger Helpline since May 2020; in 2022, forms were created to systematize reporting, the assessment of the contact and satisfaction level, adding to a monthly statistical bulletin characterizing the responses provided.



Institutional Stakeholders

During the consultation process, the respondent institutional stakeholders identified good practices implemented in Portugal, including:

- Equal treatment of national and foreign children in national territory, regardless of their status before the law.
- The child’s right to be provided an attorney for the purposes of asylum and subsidiary protection, and the attribution of the status of particularly vulnerable subject.
- In articulation with ACM, Casa Pia has guaranteed immigrant children an interpreter, who explains them their rights and clarifies doubts. It has also adapted visually appealing information brochures for different age groups, available in English and French.
- In cases of domestic violence: (i) Attribution of victim status to the child, indicating all the rights of the child as a victim; (ii) Application of coercive measures to the aggressor, aiming at restricting the exercise of parental responsibilities, guardianship, actions related to the supervision by adults, and the restriction of contact with descendants, including children; and the (iii) Possibility of a child with adequate maturity to ask the court the appointment of a legal guardian, as of the Victim’s statute foresees.
- In civil tutelary proceedings: (i) Right of the child to be heard, receive clear information

- about the hearing and have its meaning explained, and the right to be accompanied by a specialized technician, within the scope of judicial proceedings regarding promotion and protection, educational guardianship and regulation of the exercise of parental responsibilities; and the (ii) Child's right to the appointment of a lawyer to represent him/her when his/her interests collide with those of the parents, legal representative or guardian in fact, and also when the child with adequate maturity requests this from the court.
- In promotion and protection processes: (i) Consent of the child, who is subject of a promotion and protection process, for the CPCJ to act, and the obligation to appoint a lawyer for the child when interests are conflicting or the child requests it; (ii) the Parents, the legal representative or whoever has the *de facto* custody of the child, may, at any stage of the proceedings, appoint a lawyer or request the appointment of a legal counsellor to represent them or the child, under the terms of the legal aid law; (iii) compulsory designation of a legal guardian for the child whenever their interests conflict with those of their parents, legal representative, or those who have actual custody, and when the child requests the court to do so, and should be carried out in accordance with the law on legal aid; and (iv) compulsory constitution of a lawyer or the nomination of a patron to the parents in judicial debate, when the application of the measure foreseen in paragraph g) of no. 1 of article 35 of Law 147/99, of 1 September is at stake, and, in any case, of the child or young person (no. 4 of the same law).
 - In educational tutelary proceedings: (i) provision of a compulsory appointment of a defender of the child to accompany him/her in statements or hearings; and (ii) the competent entity shall foster child participation for the application of the educational monitoring measure, namely during the elaboration of the plan in the design of the personal educational project.
 - In criminal proceedings: (i) the child's right to be heard – according with the child's age and maturity -, with the possibility of being accompanied during the provision of testimony by his/her parents, legal representative or whoever has the *de facto* custody, in case there is no conflict between the interests of the child and those of his/her parents or legal representatives. The appointment of a patron of the child is compulsory when his/her interests and those of his/her parents, legal representative or legal guardian are in conflict, or when the child with the appropriate maturity requests it to the court. The appointment of the advocate is carried out according to the law on legal aid; (ii) mandatory appointment of a defence counsellor in any procedural act, except for the constitution of the accused, whenever the accused is aged below 21 years old, and in the case of statements for future memory. Cases beyond those legally provided for, the defendant may be assigned a lawyer, at the request of the court or the defendant, whenever the circumstances of the case reveal the need or convenience for the defendant to be assisted. If the defendant does not have a lawyer or a legal counsellor, the appointment of one is mandatory when the indictment is presented, and the identification of the legal counsellor must be included in the closure order.
 - The production of statements for future memory, under the terms of the law. Some premises of the Judiciary Police, namely in Lisbon and Funchal, have a room equipped with audio and video equipment for the purpose of recording the hearing of the child.
 - Publication of mini-books on child participation in judicial proceedings, such as "The day Mariana didn't want" and "João goes to court".
 - Awareness-raising actions of the Public Security Police in schools in several parts of the country.

- In the Autonomous Region of the Azores, the figure of a support agent was created: a technician specialized in social and human sciences, with specific scientific training and supervision to accompany children in their interactions with the judicial system, health system or others, including accompaniment when making declarations for future memory, carrying out medical/forensic examinations if/when conditions are met, among others.
- In the Azores, training initiatives on the hearing of children are carried out as to build the capacity of professionals who are responsible for hearing children, in the scope of the technical advisory services provided to the courts in cases framed by the Law on the Protection of Children and Young People in Danger and the General Regime of the Civil Guardianship Process.

e) Final assessment of Indicator 4

CPAT Indicators		Assessment			
		0	1	2	3
Protecting the Right to Participate	4. Existence of mechanisms to enable children to exercise their right to participate safely in judicial and administrative proceedings				

Source: CNPDPCJ, based on CP4Europe consultations.

f) Points to address based on the replies of institutional stakeholders

- Tackling the breaches identified by the Ombudsman regarding the infrastructures of the Border and Immigration Service where persons deprived of/restricted in their freedom remain, in terms of: informing children about the meaning, scope and content of the intervention, and of what was identified as manifestly inappropriate conditions in which people are received.
- Explaining, to young people, the impact of judicial decisions concerning them, namely at the moment of applying tutelary educational measures.
- The need for more interpreters, as to respond to all requests.
- Democratizing and adapting schools better to integrate all minorities and particularly vulnerable groups.
- Avoiding children are heard/questioned by entities other than the one legally responsible for investigating crimes, as to prevent secondary victimization.
- Continuous training of the judicial operators who deal with children.
- Keeping attention on the way and means by which children are heard during the training of those who conduct the hearing of child witnesses or victims in legal proceedings, given the emotional weight of these actions; reinforcing the use of this space by the courts; and improving the waiting rooms in courts and CPCJ.
- Reanalyzing the way in which children are provided a lawyer, as well as the adequacy, to the child, of the physical context of cases relating to justice and family law.

g) Possible follow-up actions

During the consultations, children mentioned as possible follow-up actions:

- “[While hearing a child in court]. Give [the child] water.”
- “Having a bottle of water and sugar in case they [children] are feeling unwell [in court, while being heard]”.

- “Too many strange people [in court]. They were dressed in black.”
- “[Adults should] be calm and careful with what they say, but don’t treat them [children] like babies.”
- “Don’t put the ‘I-don’t-want-to-know-your-opinion face’. That face shows false interest in our opinion. Also, don’t talk to us like we don’t understand anything!”
- “[When adults speak with children, it shouldn’t look like an interrogation”.
- “Listening to them [children] without interrupting. Create an environment where the child feels as comfortable as possible.”
- “The people in court being in normal clothes and not dressed in black and in a higher place [at the physical level]. Speak in a simple way so that young people can understand.”
- “I would suggest the person to keep calm and say that [the person/judge] was going to do justice, but thinking on the best for me.”
- “I would ask the child what he/she feels at that moment or what they would like to see decided!”
- “I think they [adults] should say which law we have broken and not the numbers of the infractions”.
- “What’s missing is that they [adults] speak in a way that I understand better.”
- “When I went to the doctor and they had to make a decision for me, and my mother was the one who had to explain how I felt.”
- “When my Class Director made me reply to an e-mail to see if I had already got into my school account knowing that I had said I had already got in.”
- “At school, the teacher punished me and did not ask my opinion.”
- “It was me not wanting to go somewhere and a teacher making me [go].”
- “Forcing me to go on a field trip.”
- “I was in my third year of professional swimming and they [adults] decided I shouldn’t go anymore.”
- “When I was choosing a sport for myself, they [adults] chose for me.”
- “It should be better [adults] talking alone with the child as the child didn’t know them and being with other people was intimidating.”
- “They judged me without even knowing me and decided things for me.”
- “In some situations, put themselves in my place [in court].”
- “I cried a lot when the police picked me up and I know they lied to me... my aunt and uncle. They said we were going to eat ice cream and they took me to the police.”

From all results of the consultations with children on indicator 4, the following structural follow-up actions could be seen as potentially contributing to improve it:

- Addressing nuclear needs identified above by the children in administrative and judicial proceedings, so that the rights of the child are fully respected; the entities in charge in each case could analyse if all necessary details are in place to hear children with respect, dignity, safety, comfort and support. These nuclear needs were identified in isolated cases and shall be framed in a more contextualised dimension, as they don’t reflect the general practice, but need to be improved and solved.
- Continuing and increasing training and awareness-raising actions for professionals in direct contact with children on the use of child-friendly language that is appropriate to children’s age and level of maturity and understanding, avoiding abstract legal concepts or others that children do not understand and explaining things and raising questions in a way children can understand.

- Continuing to implement the National Strategy on the Rights of the Child¹⁹ and of its Biannual Plan for 2021-2022 and of its Biannual Plan for 2023-2024 will contribute to respond collaboratively and in a cross-sectorial approach through improving the system's intervention in administrative and judicial proceedings involving all competent entities.

As of respondent institutional stakeholders, possible follow-up actions could be:

- Potentially creating more groups in different contexts (recreational, school, community) to address and discuss these issues.
- Continuing and increasing the development of awareness-raising activities for children on their rights and on their intervention within this kind of processes.
- Potentially creating a free helpline for children through which they could address their own specific needs.
- Creating specific rooms, adapted to the hearing of children in premises in places where there are none, and training professionals who conduct the hearing of the child.
- Increasingly respect the intervention guiding principles established in the Law on the Protection of Children and Young People in Danger and the General Regime of the Civil Guardianship Process.

h) Data sources on the indicator

These data sources were provided by: children, as opinions during the consultations; institutions, in their replies to questionnaires:

- Convention on the Rights of the Child.
- Constitutional Law no. 1/2005, of August 12, particularly article 62.
- Law no. 147/99, of September 1 and subsequent amendments, approving the Law for the Protection of Children and Young People in Danger, which is an integral part of it, particularly articles 4, 10, 35, 58, 84, 86, 103 and 107.
- Law no. 166/99, of September 14, approving the Law on Educational Guardianship, which is an integral part of it, especially articles 2, 45, 46 and 77.
- Law no. 34/2004, of July 29, amending the regime of access to law and courts, particularly articles 7, 8, 8-A and 20.
- Law no. 27/2008, of June 30, establishing the conditions and procedures for granting asylum or subsidiary protection and the status of asylum seeker, refugee and subsidiary protection, particularly articles 17-A and 49.
- Law no. 130/2015, of September 4, approving the standing of victims, particularly article 22.
- Law no. 141/2015, of September 8, which approves the general regime of the civil tutelary process, particularly articles 1, 4, 5, 18 and 35.
- Law no. 143/2015, of September 8, approving the Legal Regime of the Adoption Process, particularly articles 1 and 54.
- Law no. 57/2021, of August 16, extending protection for victims of domestic violence.
- Decree of the President of the Republic no. 49/90, of September 12, ratifying the UNCRC, signed in New York on January 26, 1990, approved by Resolution of the Portuguese Parliament no. 20/90, of September 12.
- Decree-Law of the President of the Republic no. 3/2014, of January 27, ratifying the European Convention on the Exercise of Children's Rights adopted by Resolution of the Portu-

¹⁹ Approved by the Resolution of the Council of Ministers no. 112/2020, of December 18.

The 30 focus groups integrated boys and girls aged mostly 6 to 18 years old; it was possible to indicate the sex or not. Participants originated in Brazil, Cape Verde, Portugal and S. Tomé and Príncipe. Children of other geographic origins may also have participated, but that data was not provided.

The analysis of the data collected during child consultations revealed specific outcomes, depending on the closed, semi-closed or open nature of the questions, as follows:

a) Children’s replies to closed questions

Most children had doubts regarding if there are complaints procedures in settings such as schools and educational contexts, care and protection, health, criminal justice, and family law and immigration proceedings, as the clear choice was the option “I don’t know”.

Nevertheless, their opinions are very clear when asked more targeted questions:

Closed questions raised to children	YES	NO	DON'T KNOW
Did you know that you have the right to complain about services or people when you were not treated well or if you felt that the service did not work well for you? ²⁰	<input checked="" type="checkbox"/>		
Children and young people have the right to complain about services they use if these services do not function well (for example: at school, at the hospital, at the place where you play sport or learn music, etc.). Do you think that children know that they have this right? ²¹		<input checked="" type="checkbox"/>	
Have you ever felt like complaining about a service or a professional of a service?	<input checked="" type="checkbox"/>		
Have you ever been in a situation where you tried to complain about a service or a professional of a service, but then gave up?	<input checked="" type="checkbox"/>		
Has another child or young person ever asked you for help because they wanted to complain about a service or a professional of a service?		<input checked="" type="checkbox"/>	
As with adults, children and young people's characteristics and situations are different from each other. In some cases, they are even different from the majority (for example, if they come from other countries, if they have disabilities, etc.), but all children and young people have the right to complain. Do you ever feel that some children have fewer opportunities to complain or are treated differently when they do complain?		<input checked="" type="checkbox"/>	
Do you think that services take notice of the children's complaints and try to understand them and improve things?		<input checked="" type="checkbox"/>	
In case you have already made a complaint, have you felt uncomfortable when complaining about a service or professional of a service?		<input checked="" type="checkbox"/>	
Have you ever felt supported in giving your opinion about a service or professional of a service?		<input checked="" type="checkbox"/>	

Source: CNPDPCJ, based on CP4Europe child consultations, March 2022.

b) Children’s replies to open questions

When presented with a list of options, most children chose the one referring that they know they have the right to complain about services or people when they feel they were not treat-

²⁰ Replies of 119 children of several focus groups.

²¹ Replies of 3 children of one focus group.

ed well or when the service did not work well for them.

Most children replied having learned about the right to complain from their parents or adults with whom they live, followed by teachers and other professionals at school. A smaller number of children selected the following options, in decreasing order: through this questionnaire because, before it, they didn't know that they could complain about a service or a professional; adults in (other) places they attend regularly; police; Internet; other children; court; and autonomous research. Some children added: *"Through an NGO"; "School lectures"; "Friends" and "OPTA Project (Opportunity, Promotion and Transformation in Action) of the Choices Program [of the High Commissioner for Migrations]"*.

While articulating the replies to several questions, it was possible to ascertain that children who had felt like complaining about a service or a professional also thought they couldn't do it. In order to understand whether children would complain or would like to complain just about anything, children were asked how many times they had already felt like doing so: most replied that it happened to them in only one occasion; a much lower number of children replied that they felt like complaining several times; and a residual number replied having felt that way lots of times.

Children were invited to share situations in which they felt like complaining of a service or a professional. Their replies show multiple settings, in which children find themselves dealing with adults/professionals:

- "AT SCHOOL."
- "My class is noisy and I am often blamed for being close to my classmates who talk."
- "A non-teaching professional at school."
- "At the school canteen."
- "At school, when a classmate talked too loudly in the library and the lady didn't do anything to get him to keep his voice down."
- "School, home, sports."
- "Emergency shelter."
- "Family problems."
- "In Montemor²², civil registry, health centre, etc."
- "On the bus."
- "On public transportation, the driver took it on me for a problem that was not my fault's."
- "Last time when I went to the hospital, I saw a staff member fiddling with her mobile phone, then looked down the corridors to see if no other staff were watching, then fiddled again. In this case, [it was] a cleaning employee."
- "I was wrongly accused."
- "I did not receive a good answer."
- "I have been harassed on the internet."
- "But I don't want to comment."
- "I don't want to say."

It is very likely that many situations weren't shared in the consultations, given the lower number of the shared ones comparatively with that of children who replied having already felt like complaining from a service or a professional.

To deepen the assessment, children were asked if they had ever tried to complain about a service or professional of a service and eventually gave up. Most replied they never tried to

²² A town in Portugal.

complain. A much lower number of children who had been in such situation chose the following listed options as grounds for that: I don't know/I don't want to say; I was ashamed to do it; parents, caregivers or professionals of the services of which I tried to complain about told me not to do it; other children/youngsters told me not to complain. A very residual number chose: I had complained in another situation and it went wrong. Children added other reasons that made them give up trying to complain from a service or a professional:

- "I no longer had a reason to complain."
- "As it was the first time, I let it go."
- "I was out of patience."
- "I was ashamed."
- "I was afraid."
- "Because it [the complain] is done by a young person."
- "I thought that nobody would care about my complaint."
- "No one wanted to know."
- "I thought there would be no resolution of the problem."
- "It wasn't going to be worth it, and I also took a deep breath and calmed down."
- "It has no consequences, nothing changes, not even by complaining."
- "Because it had already happened²³ and nothing has changed."
- "I have put in my head that it doesn't change."
- "Because filing a complaint would come to nothing."
- "Nothing would happen because the adults are the ones in charge."
- "MANY REASONS."

Regarding whether they had already received any request for help from their peers to present complaints, most children replied that they were never contacted by other children for such. Among those who had been contacted, most helped the peer presenting a complain, while others chose the following listed options: I don't know/I don't want to say; yes, but I didn't know how to help complaining; yes, but I told it wasn't worthy to complain because nothing was going to change; yes, but I suggested not to complain to avoid having problems. A very residual number of children chose the option: Yes, but I didn't help to complain because I was afraid.

In reply to whether they had already seen children being treated differently in a group, in any setting, most children replied that, sometimes, they had seen children needing special support because of a situation they're in or because they are different from the majority; in the latter case, the debate on complaints was not pursued since children understood that specific support was provided to others due to their utmost need for special care in result of their special circumstances – or else the same treatment would apply to all.

On any potential aspect that might have let children who had already complained of a service or professional feel uncomfortable, children replied with the following:

- "The way of speaking."
- "The voice."
- "Screaming."
- "Fear."
- "Shame."
- "They don't care."

²³ The child had presented a complaint in another occasion.

- “Not to cause confusion.”
- “Because I felt sorry.”

While replying about how do they think adults should talk to them about the right to complain and the best way to do it, children replied enthusiastically with a variety of suggestions:

- “Adults should encourage children to complain, but first they should inform them that they can do it and how to do it.”
- “Inform about the places where they [children] should make complaints and what resource each place has [for a child] to be able to complain.”
- “Using the mobile phone. People being nice and protective.”
- “Being heard, having privacy...”
- “Maybe being private and safe.”
- “As in-depth as possible, with the help of a professional.”
- “With psychologists. They understand children better.”
- “Talk to the child and the person who has helped to contribute to this complaint, by making, for instance, a letter of support [someone who would position him/herself as a sort of defence lawyer].”
- “Understanding and helping as much as possible.”
- “In serious conversation, thinking that children are the future of the world.”
- “They should explain in a simple way.”
- “Explaining the child how to do it [present a complaint].”
- “Better language, maybe.”
- “Explaining to them [to the children] and telling them that they can’t complain about anything and everything.”
- “Explain to us well all we can do.”
- “Talking about it [how to present a complaint].”
- “They should have a more open dialogue.”
- “Giving advice.”
- “They should talk in a way that doesn’t force it [presenting a complaint].”
- “Talking to your children in a calm way and informing them about this right.”
- “Calmly and at ease for the child/young person to understand and not be in doubt.”
- “[Help children how to make a complaint] so as not to let them [children] suffer.”
- “By mail.”
- “Through the internet.”
- “A dynamic lecture.”
- “In classes of [education for] citizenship.”
- “[Through] awareness-raising campaigns, also regarding the environment in schools and new solutions related to criminal complaints.”
- “We, children and young people, have the right to know the rights we have.”
- “They [adults] should explain that they [children] can make a complaint if something is not right.”
- “Explain the rights that children have.”
- “THEY SHOULD EXPLAIN WHERE THEY [CHILDREN] SHOULD GO [TO PRESENT A COMPLAINT] AND EXPLAIN THEIR RIGHTS.”
- “Adults should talk [with children] about the right to make a complaint and how it is done.”
- “We [children] should have the right to know what we can do and how we can make [complaint].”

- “Asking [children] if they are okay and if they have any problems.”

In this sequence, issues/factors that had been already mentioned in previous questions emerged once again, with children insisting on the importance of the following when adults/professionals talk with them:

- “With love.”
- “With maturity.”
- “Without shouting.”
- “Politely.”
- “[Being] Sympathetic.”
- “Being patient.”
- “Having had a good education.”
- “Speaking in a correct and orderly manner.”
- “Speak well and listen to them [to children].”
- “Listen to the children’s opinion.”
- “Talking with more respect [to children].”
- “They should respect the children and children [should] respect the adults and everyone should respect the adults.”
- “Being gentle.”
- “Talk in an understandable way and that they [adults] are not rude.”
- “With calm and patience.”
- “Listening to us and being calmer.”
- “I wanted them [adults] to talk to me slowly.”
- “Easier words and calmly.”
- “Adults need to speak more calmly to children.”
- “Calmly and at ease for the child/young person to understand and not be in doubt.”
- “Calmly.”
- “I think they should speak calmly and without shouting.”
- “[Adults should be] calm.”
- “In a clear and calm way.”
- “In an acceptable way.”

c) Outcomes of the analysis notes of the institutional stakeholders

Setting	Child-friendly individual complaints procedures are in place (tick all that apply)			Average score
	YES	NO	DON'T KNOW	
School and education settings	8 replies	1 reply	2 replies	2
Care and protection	7 replies	3 replies	1 reply	2
Health	4 replies	2 replies	5 replies	2
Criminal justice	7 replies	3 replies	2 replies	2
Family law proceedings	7 replies	7 replies	2 replies	2
Immigration proceedings	2 replies	3 replies	5 replies	1
Final score	2			

Source: CNPDPCJ, CP4Europe consultation with institutional stakeholders, 2022.

Although child participation in several dimensions is legally foreseen in instruments such as the Statute of the Student, the Law on the Protection of Children and Young People in Danger, the Tutelary Educational Law, and also by resourcing to telephone helplines, there is still a lack of consolidation on the matter at this level.

Some respondent entities consider that, in certain contexts, the procedures or mechanisms through which children can present their individual complaints do not exist or are unknown, whose implementation require a significant investment of the adults.

It was mentioned that information in age-appropriate formats, adapted to specific vulnerabilities associated to some children's circumstances, is not made available in places where children are able to find it.

The response times are slow and do not always occur within a reasonable time frame, which generates anxiety and doubt in the child. Nevertheless, there are contexts in which these procedures are more developed, and consequently the evaluation is more positive. Reference was made to the existence of several telephone helplines that allow children and adults to make complaints involving children.

In the area of justice, depending on the nature of the complaint, it is possible to file a criminal complaint and to facilitate the filing of a complaint through electronic means. This does not apply to certain procedures (*cf.* article 157 of the Educational Guardianship Law).

In several regions, efforts have been made by public and private entities to increase the knowledge on children's rights. However, the dissemination and knowledge of what exists regarding child-friendly complaint mechanisms is not extensive.

According to article 10 of the Law on the Protection of Children and Young People in Danger, in case of promotion and protection processes initiated by a CPCJ, forms contain information that requires detailed explanation to the child, namely regarding: what the CPCJ is, the legitimacy it invokes to intervene, the accompaniment of the child by a lawyer, the doubts that can be clarified with the case manager or the president of the CPCJ, and the guiding principles of the intervention.

Furthermore, work has been done with the communities, namely school communities, to raise awareness on the different ways of reporting complaints, even though there is no form adapted to enable the child to resort to it.

In criminal proceedings, the Portuguese Association for Victim Support (APAV) website provides information that is age-appropriate to some groups, namely within the scope of the **CARE Project** including: informative videos on the prevention of sexual violence against children, as to empower and inform children and young people on how to ask for help; and information on direct support provided to the victims (still to ascertain whether it fully encompasses all elements that define indicator 5).

In some regions, the practice regarding all complaint procedures falls short of what is legally foreseen, being quite unknown to both children and the general public. The complaint procedures initiated under the Azores Institute of Social Security are an access to the case managers of the Multidisciplinary Team for Court Support and the Technical Support Team for the Residential Shelter for Children and Young People.

Some responding entities mentioned a significant improvement in the adaptation of complaint procedures to age, language ability and disabilities, as well as the fact that it is free of charge, even though the need for dissemination and evolution persists.

d) Good practices identified by children and institutional stakeholders



Children

During the consultation sessions, children identified several good practices implemented in Portugal.

While replying on if they have ever felt supported to give their opinion about a service or a professional, the concrete situation and what made them feel supported, several contexts were identified, including the CP4Europe consultation itself, as more children got to know about the right to complain about a service or professional and ask information and help to complain if they feel they were not treated well or if the service did not work well for them.

While replying on what makes them feel supported to give their opinion about a service or a professional, children specified the following:

- “With presentations like this²⁴, with the drawings.”
- “Teaching about this project [CP4Europe Consultation] in school and the way it was presented and done.”
- “That it be given in school and with presentations like this [CP4Europe Consultation] in institutions, the way we have done now.”
- “Through a debate or PowerPoint presentation on the subject [as in the CP4Europe consultation].”
- “In school activities related to the right of children/young people to complain.”
- “Support of the professional at after-school activities’ and [of] the director of the class at school.”
- “I was sad and the teacher came to talk to me.”
- “At school, in dance class.”
- “Talked to the head teacher, my mother and the teacher in charge.”
- “In this [residential care] institution²⁵.”
- “In the emergency shelter²⁶.”
- “They gave me more courage.”
- “They gave me more courage and help.”
- “Support from parents.”
- “My mother supported me.”

One youngster exemplified with his involvement in a complex situation which he did not report to the police, despite the advice and support of teachers, who made a specific meeting to talk about it. Back then, he said: “*I don’t think it would have come to anything*”; during the consultations, he said that he should have reported it.

The role of families is at the top of children’s replies as their source of information on the right of children to present complaints on services or their professionals. Project Adelia - Support to Positive Parenting, recently concluded by the CNPDPCJ, contributed to promoting the training of the families regarding the exercise of responsible parenting in different dimensions of family life, and to improving parental performance while fulfilling the rights and the protection of children.

Children also referred schools as a context in which they learned about the right to present

²⁴ Referring to the PPT presentations that supported these consultations.

²⁵ Where the child was living.

²⁶ Where the child was living.

a complaint, and that also empowers them, including by tasking them with responsibilities with which they feel comfortable: *"It was at school, my teacher left me in charge of the class."*

The Protective Seal Project is a project of the CNPDPCJ inspired in national and international experiences, particularly in the Australian Blue Card System, designed to provide information and support guidance to institutions that work with children, namely in developing and implementing risk management strategies. An entity with competences on childhood and youth is awarded the seal of "Protective Entity" after its application goes successfully through a selection and evaluation process, and is committed with implementing public policies and practices that promote the rights of children.

The Choices Programme, run by the High Commissioner for Migrations, was also identified by children as a setting where they are informed on their rights about this indicator, also important as a good practice.



Institutional Stakeholders

During the consultation process, the respondent institutional stakeholders identified good practices implemented in Portugal, including:

- Existence of helplines and signposting for children, disseminated and advertised in different contexts, including: Helpline Children in Danger, the Child's Helpline, and the SOS Child Helpline:
- Other helplines and support lines not exclusively targeted at children, but also available to them, including: SOS *Voz Amiga*; Migrant Support Line.
- Legal provision for law enforcement agents and other officials to report crimes they become aware of while on duty or because of it, even if perpetrators are unknown.
- Legal provision for making possible to any citizen to file a complaint regarding crimes of a public nature, whatever the victim may be. If the victim is a child, the complaint is also transmitted to the Public Prosecutor's Office to duly open investigation proceedings.
- Regarding crimes of a semi-public nature, if the victim is aged below 16 or does not have the discernment to understand the scope and the meaning of the exercise of the right to complain, this can be exercised by the respective legal representative(s).
- Whenever the physical and psychological safety of a child is at stake, schools, hospitals, police authorities and citizens, in general, are legally obliged to communicate the situation to the competent judicial authority.
- Complaint boxes made available by educational centres to the young people who attend them.
- Programme "A Child-Friendly Justice", promoted by ComDignitatis.
- "Health Action for Children and Young People at Risk", which restructured the response of the National Health Service to child abuse, creating a National Network of Support Centres for Children and Young People at Risk, both at the levels of primary health care and of hospitals with paediatric care. In the Autonomous Republic of the Azores, this is done through support centres in the health units (NACJR), and hospital support centres for children and young people at risk (NHACJR) in regional hospitals.
- At school, the definition of the figure of the class delegate as an interlocutor for the problems associated with the class that he/she represents, being potentially able to establish better communication with the class director.

e) Final assessment of Indicator 5

CPAT Indicators		Assessment			
		0	1	2	3
Protecting the Right to Participate	5. Child-friendly complaint procedures are in place				

Source: CNPDPCJ, based on CP4Europe consultations.

f) Points to address based on the replies of institutional stakeholders

- Information in spaces attended by children in different social contexts on helplines and other channels to make a complaint, including on aspects regarding school and education, custody and access to family processes, health care, immigration and asylum, and criminal justice.
- Information on the right of children to complain and how to exercise it.
- In some regions, the need to apply more practical and accessible complaint mechanisms for children, in areas such as health.

g) Possible follow-up actions

During the consultations, children recommended:

- “Talking calmly, with language adapted to the child.”
- “Have more respect, not treating us like babies.”
- “Adults don’t take children seriously.”
- “Listening without judging.”
- “They [adults] should speak in a friendly way and pull the subject in a calmer way.”
- “As best as possible, so that they [children] wouldn’t be afraid to report when something goes wrong with them, whether at home or in any other setting.”
- “By encouraging them [the children], so that they are not afraid to do it.”
- “They should take [the children] more seriously.”
- “Adults should inform children. For example, at school they could do training on the subject.”
- “They [adults] should teach children that it is possible to complain when we are treated differently.”
- “The environment [child-friendly] is important.”

From the consultations with children on indicator 5, the next follow-up actions could be seen as potentially contributing to improve it:

- Since parents were clearly the top source of children’s knowledge on their right to complain, it could be beneficial to continue programmes of positive parenting and awareness-raising to help parents teach their children about their rights, namely to complain about a service or professional if they feel their rights were disrespected.

A boy shared a situation involving his asthmatic brother, a condition that entitles the latter to have a doctor’s monthly prescription of an inhaler. One day, the doctor informed him that he could no longer prescribe it and mentioned that his mother wanted the prescription so that she could exchange the inhaler for money. The boy shared in the CP4Eu-

rope consultation that the doctor could have thought before he spoke, as not to insult his mother and disrespect her. The child felt the doctor's approach to his mother was aggressive and wished he would have complained about the situation.

Another child referred to his experience in a previous residential care institution, and shared he used to be hungry, felt nobody cared about him and was beaten by all the other boys who were in the same place. This is something he would have liked to know that he could complain about.

Some children said they felt like complaining about what they felt as aggressive behaviours of specific teachers: *"at school, complaining about a teacher"; "because my teacher hurt me"; "a teacher's aggressiveness"*.

- Several children mentioned having felt like complaining in several services due to *"rude professionals"* or a *"disrespectful attitude"* towards them, including: hospital, school, public transportation, cinema, restaurant, supermarkets, technology companies and communication operators. The need of child-friendly and anonymous complaint mechanisms also emerged as a point to address: *"I was afraid they knew that it was me who made the complaint"*.

One child shared that she feels having not full space to talk to anyone in a way that makes her feel comfortable or privately enough.

- The implementation of the National Strategy on the Rights of the Child, its Biannual Plan for 2021-2022 and approval and implementation of the Biannual Plan for 2023-2024, along with the continuation of the annual editions of the Protective Seal Project of the CNPDPCJ.
- Continuing to develop awareness-raising initiatives for professionals on what makes children feel uncomfortable, ignored or threatened by what is perceived as an aggressive behaviour of professionals with whom they contact, prioritizing contexts where children spend longer time, namely schools.
- Raising children's awareness on their right to complain about services or professionals if the former doesn't work well according to the child's perspective or if their rights are disrespected. Schools may play an important role in informing children on their rights, as some children said: *"I wanted to complain, but I didn't know how to do it"; "I didn't know how to complain"; "I thought minors couldn't make complaints"*.
- Since children mentioned complaint services are very bureaucratic and accessing them is not easy, it could be important to making mechanisms more child-friendly, less bureaucratic and more accessible to children in consultation with them.

As of respondent institutional stakeholders, possible follow-up actions could be:

- Potentially creating more groups in different contexts²⁷ to address and discuss these issues.
- Continuing and increasing the development of awareness-raising activities for children on their rights and on their intervention within these processes in all regions.
- The potential benefit of the creation of a free helpline for children through which they could address their specific needs.
- Creating specific rooms, adapted to the hearing of children, in premises where they don't exist yet, and training of professionals who conduct these hearings.
- More respect for the intervention guiding principles established in the Law on the Protection of Children and Young People in Danger and the General Regime of the Civil Guardianship Process.

²⁷ Including recreational, educational, community, residential care.

h) Data sources on the indicator

These data sources were provided by: children, as opinions during the consultations; institutions, in their replies to questionnaires:

- Law no. 147/99, of September 1 and subsequent amendments, approving the Law for the Protection of Children and Young People in Danger, which is an integral part of it, particularly article 5.
- Law no. 166/99, of September 14, approving the Law on Educational Guardianship, which is an integral part of it, especially articles 45, 46, 47, 59, 77, 84, 98, 100, 101, 104, 107, 114, 137, 142 and 171.
- Guide for the Young Person in [tutelary] Educational Centre.
- Decree-Law no. 323-D/2000, of December 20, adopting the general and disciplinary regulation of [tutelary] educational centres.
- Decree of the President of the Republic no. 49/90, of September 12, ratifying the UNCRC, signed in New York on January 26, 1990, approved by Resolution of the Portuguese Parliament no. 20/90, of September 12.
- Decree-Law no. 78/87, of February 17, approving the Code of Criminal Procedure, of which it is an integral part, particularly article 242.
- Decree-Law no. 48/95, of March 15, approving the Penal Code, which is an integral part thereof, particularly article 113.
- Order no. 31292/2008, of December 5, approving the document “Ill-treatment of children and youth - health intervention”, prepared by the Directorate- General of Health and contained in the respective attachment, giving it the character of technical guidelines for health action for children and youth at risk.
- Order no. 2085/2015, of September 14, amended by Order no. 1082/2019, of July 22, determining that the island health units and hospitals of the Regional Health Service with paediatric care in the Azores Archipelago shall have multidisciplinary teams, designated, respectively, as “support centres for children and young people at risk” and “hospital support centres for children and young people at risk”, which shall support professionals in interventions in this field, articulating and cooperating with other services and institutions.
- Guide for Disciplinary Procedure in [tutelary] Educational Centres.
- Information provided by the Portuguese Association for Victim Support, namely information targeted at young people, in addition to ABC Justiça.
- Information provided by the Public Prosecutor Office on frequently asked questions about filing a complaint.
- Information of the General-Inspectorate of Justice Services, namely on filing complaints, claims or reports on the services and bodies of the Ministry of Justice.
- Information of the Ombudsperson, namely on filing complaints.
- Information on filing complaints with the Judiciary Police.
- Information on and provided by the CNPDPCJ.
- Information provided in the SOS-Child Sector of website of the Institute of Support to the Child.
- Recommendations of the Committee on the Rights of the Child to Portugal in the Concluding observations regarding the 5th and 6th national reports on the implementation of the CRC.

3.2. Promoting Awareness of the Right to Participate

3.2.1. INDICATOR 6 – Children’s right to participate in decision-making is embedded in pre-service training programmes for professionals working with and for children

6	Children’s right to participate in decision-making is embedded in pre-service training programmes for professionals working with and for children
Definition	<p>Competency-based training on children’s right to participate is embedded in pre-service training programmes for professionals working directly with and for children. Competency-based training focuses on an approach by teaching their employees learning and applying skills, in addition to the acquisition of knowledge.</p> <p>When a person is competent, they can apply what they know to a specific task or solve a problem and they are able to transfer this ability between different situations.</p> <p>Please select and assess any six professional groups from the following list:</p> <ul style="list-style-type: none">• teachers• nurses• judiciary• police• social workers• health care professionals• immigration officials• care givers and residential workers• prison officers• children and youth leaders/workers• not accurate and public officials
Data sources (indicative only)	<p>Nationally accredited professional training programmes for all of the disciplines specified.</p> <p>Qualitative research on attainment of competencies in child participation by professionals working with children.</p> <p>Government departments, associations and other training institutions.</p>
Assessment criteria	<p>States can measure progress towards the indicator using the following assessment criteria:</p> <p>0 = Very limited or no training available on children’s right to participation</p> <p>1 = Competency-based training on children’s right to participation is included in pre-service training curricula of at least one group of professionals specified</p> <p>2 = Competency-based training on children’s right to participation is included in pre-service training curricula of at least three groups of professionals specified</p> <p>3 = Competency-based training on children’s right to participate is included in pre-service training curricula of at least six groups of professionals specified</p>
Issues	<p>To consider in respect of vulnerable children:</p> <ul style="list-style-type: none">• Does the training and education account for the diversity of children’s experiences and needs, for example, in relation to gender, ethnicity, disability, age, religion, nationality and the linguistic capacity of the child?

The definition of indicator 6 presented in the CPAT (cf chart on the left) was the starting point for its assessment; the corresponding criteria were applied to the information obtained in the consultation process. As recommended in the CPAT, the assessment of indicator 6 also encompassed issues regarding children in vulnerable situations.

A total of 81 children participated in 10 focus groups organized to assess this indicator. One focus group was open to the national level, through an online questionnaire in child-friendly language on indicator 5, made available at the Area for Children and Young People of the website of the CNPDPCJ.

Specific focus groups were also organized to collect the perspectives of children in different circumstances, including in vulnerable contexts: two focus groups of children of Escola das Emoções, in Leiria; one focus group of deaf children of Casa Pia de Lisboa²⁸; two focus groups of children involved in projects of CESIS - Center of Studies for Social Intervention in Lisbon; four focus groups of children in residential care: one composed of refugee children at a Shelter for Refugee Children, in Lisbon; two composed of children at SOS Villages (one in Lisbon, another in Guarda), and one composed of children at the Champagnat Foundation, in Lisbon. The focus groups integrated both boys and girls aged mostly 6 to 18 years old; it was possible to indicate the sex or not. Participants originated in Angola, Brazil, Cape Verde, Guinea-Bissau, India, Morocco, Portugal and Ukraine.

The analysis of the data collected during child consultations revealed specific outcomes, depending on the closed, semi-closed or open nature of the questions, as follows:

a) Children’s replies to closed questions

Most children replied that they had already participated in decision-making in some contexts, but not in others, in which they wished they could have the opportunity to.

When asked about the situations in which they had the opportunity to participate in decision-making, most children felt that professionals/adults considered their opinions in the process and gave them feedback on the final decision.

Additionally, most children think adults teach children they have the right to participate in decision-making.

Most replied negatively when asked whether children know that they can ask any questions

²⁸ Center for Education and Development Jacob Rodrigues Pereira.

about how services²⁹ work, with a view to participating in decision-making. Despite apparently contradictory with previous replies, it may not necessarily be it, as children seemed to have clear perceptions of the realities they talked about. The difference may derive from children's perceptions that a culture of child participation in decision-making does not exist yet in these services, but that there are professionals who are aware of the importance of child participation in decision-making and implement this dynamic, which is recognised and appreciated by children, who thus feel respected, valued and empowered.

The tool proposed in the CPAT to assess the indicator was enriched with other details, based on suggestions collected during consultations with children:

Professional groups³⁰ suggested by the CNPDPCJ, which organised the CP4Europe's consultations	Training on children's right to participation is embedded in pre-service training		
	YES	NO	DON'T KNOW
Professionals of schools	<input checked="" type="checkbox"/>		
Social support professionals	<input checked="" type="checkbox"/>		
Coaches and sports teachers	<input checked="" type="checkbox"/>		
Other professionals (Please, find below the list of professional groups suggested by children)	<input checked="" type="checkbox"/>		
Residential care professionals	<input checked="" type="checkbox"/>		
Professionals of local and municipal services	<input checked="" type="checkbox"/>		
Journalists		<input checked="" type="checkbox"/>	
Professional groups suggested by the children during the consultations	YES	NO	DON'T KNOW
Teachers of Emotions	<input checked="" type="checkbox"/>		
Psychologists	<input checked="" type="checkbox"/>		
Professionals of schools with Portuguese Sign Language	<input checked="" type="checkbox"/>		

Source: CNPDPCJ, based on CP4Europe child consultations, March 2022.

b) Children's replies to open questions

Most children who replied having already participated in decision-making, identified the following listed settings in which they had that opportunity to do so, decreasingly: family; school; local health services and hospitals; then local and municipal services and residential care institutions. A more reduced number of children also identified contexts for decision-making at the national and international levels, as implicit in the sentence: "[Participation in actions to contribute to] The decision of stopping the war".

Children added other settings:

- "At the Centre for Social Intervention Studies."

²⁹ Like schools, child and youth protection committees, foster homes, hospitals, courts and others that play a role in their protection.

³⁰ The professional groups related to courts were not proposed in consultations with children to assess this indicator, but in those regarding indicator 4, on administrative and judicial proceedings.

- “Going to the auto mechatronics course.”
- “In going to the Mosque.”
- “With my friends.”
- “I can decide things about myself, like what to wear.”

As previously mentioned, there were situations in which children would have liked to have had the opportunity to participate in decision-making, but they didn't have it. Of a proposed list of contexts, children identified the following: the most – family; local health services and hospitals; local services; neighborhood; school; country; sports club and after-school activities center; and the least - at international level and in residential care institutions.

Children also added other settings:

- “In Court.”
- “At the Centre for Social Intervention Studies.”

Children identified types of professionals who they consider they learn from on their right to participate in decision-making:

- “Teachers.”
- “Psychologists.”
- “Doctors of Family Planning.”
- “Mister [sports coach].”
- “Family friends.”
- “Some friends.”
- “Also, colleagues.”

Professionals in the following listed settings were identified by the children as being prepared to help them know they have the right to participate in decision-making: mostly schools, social support, health, sports; less significantly residential care institutions, and local and municipal services; journalists were selected the least. Children also added other professional categories:

- “Teachers of emotions.”
- “My SCHOOL OF EMOTIONS' teacher.”
- “Professionals of the Centre for Social Intervention Studies.”
- “In schools where there is sign language support and psychologists.”

Since most children already participated in decision-making and most replied they think adults considered their participation, it was important to know what they feel was the impact of their opinions in the process: most children considered that adults have given some importance to their opinions; a significant number of them felt that adults gave a lot of importance to their participation; a small number of children shared that adults didn't give any importance to their participation.

Concerning the feedback of the participation in the decision-making: most children replied that, after their participation in decision-making, adults have informed them about whether their opinion was accepted and why; others replied that adults provided some information; a smaller number replied that they don't know or don't want to say; a residual number of children replied that adults didn't inform them on the impact of their participation in the decision after it was taken.

c) Outcomes of the analysis notes of the institutional stakeholders

Professional group	Training on children's right to participation is embedded in pre-service training			Average score
	YES	NO	DON'T KNOW	
Caregivers and staff at foster care institutions	6 replies	2 replies	1 reply	2
Social workers	7 replies	2 replies	1 reply	2
Teachers and educators	4 replies	3 replies	3 replies	2
Judges	9 replies	1 reply	-	2
Lawyers	7 replies	-	2 replies	2
Child and youth leaders/animators/professionals	4 replies	4 replies	-	2
Civil servants and official representatives of public administration	2 replies	1 reply	-	2
Police agents	2 replies	1 reply	1 reply	3
Prison service staff, including prison guards	1 reply	1 reply	2 replies	1
Psychologists	-	-	1 reply	n/a
Healthcare professionals	5 replies	3 replies	1 reply	2
Final score	2			

Source: CP4Europe consultations with institutional stakeholders, 2022.

Entities invest in the continuous training of its employees, based on an annual training plan, supported by the identified needs and potentialities, as is the case of Casa Pia de Lisboa, which has been updating the recruitment and selection models of the professionals involved in its responses, and prioritizing the definition of their human and technical profile. Annually, a training plan for professionals is designed and carried out internally, encouraging the interest in lifelong training updating. In the initial training of its workers, Casa Pia de Lisboa addresses several issues within the scope of the promotion and protection of children and young people to support the intervention as processes sustained by action detailed in practices, instruments, responsibilities and communication circuits, thus guaranteeing the alignment, coherence and quality of the daily intervention with children and young people, safeguarding the well-being with the rights of children, at the action core. To this end, structuring documents and working instructions exist on good practices detailed in indicator 7.

As of professionals of some of the responding non-governmental organizations, the requirement at stake is not included in their initial training programs, but the practical demands of the activity lead them to deepen these competences on their own or through complementary training.

As of Law no. 166/99, of September 14, the (tutelary) educational centers follow pedagogical guidelines with a view to accomplish uniformly the legal principles regarding tutelary educational matters, namely the education of the child and the young person regarding the law and their insertion in life in society, in a dignified and responsible way. In parallel, Law no.

147/2009, of September 1, determines that constant support is provided by the entities and specialized technicians involved in the application of several measures, namely psychological and social support to the children and young people involved, with the purpose of their recovery and of their families’.

In general, training and information consider the diversity of children’s experiences and needs, and is sensitive to factors such as gender, ethnic origin, disability, age, religion, nationality and language ability of the child, namely in the justice and youth sectors. In the latter case, there are some training modules that are more geared towards these issues, such as those related to community project work and citizenship. This dimension is also encompassed in professional training provided to the health professionals, in some cases more consistently than in others.

Usually, contents related to children’s rights, including the rights to be heard and to participate, are included in the initial training curricula of the professions at stake. Except for magistrates, professionals of other areas may access training in multiple higher education institutions, whose curricula structure may differ, namely the number of hours assigned to each subject.

The professional training profile includes modules addressing mechanisms for participation and defense of young people’s rights, such as, for example, methods and tools for participation and action with young people, about youth policies in Portugal or non-formal education. As of magistrates, Law No. 2/2008, of January 14, regulating the entry in the judiciary, magistrates and the nature, structure and functioning of the Judicial Training Centre and proceeds with the fourth amendment to Law No. 13/2002, of February 19, approving the Statute of the Administrative and Fiscal Courts, provides:

- In article 36 that matters related to the CRC and Family and Child Law is a mandatory component of the course for admission to the judicial courts; and
- In article 76 that the continuous training actions may be of a generic or specialized nature, and may be specifically directed to specific courts, and should focus compulsorily on the area of human rights and, in the case of magistrates with functions within the scope of the criminal courts and family and minors courts, compulsorily on the CRC and domestic violence, the standing of victims of domestic violence and specific forms of protection for especially vulnerable victims, among other subjects.

The syllabus of the 37th Training Course for Magistrates for the Judicial Courts (2021-2022) contemplates specific matters on or related to hearing children.

As of lawyers, the training at the Portuguese Bar Association is regulated by the National Training Regulations approved on November 30, 2017. The initial training of the Trainee Lawyer covers a program that essentially includes civil, labor, criminal and deontology procedural practice. Subsequently, other subjects already available at the Training Centers of the Regional Councils of the Portuguese Bar Association may add to the initial training, including issues related to children’s rights, according to provisions laid down in Article 1(3) of the aforementioned Regulation. These trainings have taken place both online and in-person.

d) Good practices identified by children and institutional stakeholders



Children

During the consultation sessions, children identified several good practices implemented in Portugal.

As previously, the CP4Europe consultation process was identified as a good practice in itself, as it provided opportunities for children to contribute to decision-making. One child mentioned: *“Obviously I’ve already made decisions. Right now [during the CP4Europe consultation] I’m making decisions - I’m choosing what to write, what to answer these questions. In our life we have to choose, to make decisions. And it’s very important to know how to make them, consciously.”*

In these consultations, the role of teachers was significantly identified by children as the professional group that is more trained to inform children on their right to participate.

Aside professional groups, the role of families as a source of their information on the right of the child to participate in decision-making processes was at the top of children’s replies.

Project Adelia - Support to Positive Parenting, recently concluded by the CNPDPCJ, also contributed to promoting the training of the families on the exercise of responsible parenting in different dimensions of family life, and to improving parental performance while fulfilling the rights and the protection of children.

The CNPDPCJ also organised two workshops for journalists to sensitize them to the rights of the child enshrined in the UNCRC, both mainly focused on *“The protection of children and young people in the media: privacy and the right to image”*.



Institutional Stakeholders

During the consultation process, the respondent institutional stakeholders identified good practices implemented in Portugal, including the:

- Article 70 of the Constitution of the Portuguese Republic expressly upholds the constitutional rights of young people. Young people and organisations that represent them - such as the National Youth Council - are consulted regarding the Youth national and municipal plans.
- The Directorate-General of Justice Administration provides training to justice professionals, including justice officers, on the rights and protection of victims, including child victims. In 2021, training sessions were provided on family and children’s jurisdiction, as well as on mechanisms for the promotion of children’s rights. The existence of a guide for integrated intervention with children who are victims of domestic violence should also be highlighted, along with a manual of functional action to be adopted by the criminal police bodies within 72 hours following the submission of a complaint of ill-treatment committed in a context of domestic violence, including those involving children.
- Some non-governmental organisations provide training courses for professionals in care institutions.
- In the Autonomous Region of the Azores, the training of social workers includes a specific subject on family law and another on introduction to law; this subject is also part of other training areas. In the health sector, several working groups composed of multidisciplinary technicians operate in the different Island Health Units and Regional Health Service Hospitals, with the aim of identifying and monitoring the needs of children and young people, mainly the most vulnerable, so that their rights of access to and participation in their health care are fulfilled.
- In the foster homes located in the Autonomous Region of Madeira, there is a practice of intervention with a view to provide continuous training within the scope of the child’s needs.

e) Final assessment of Indicator 6

CPAT Indicators	Assessment			
	0	1	2	3
Promoting awareness of the right to participate				

Source: CNPDPCJ, based on CP4Europe consultations.

f) Points to address based on institutions' replies

- Introduction of such subjects in the curricular contents of the various stakeholders.
- Development of continuous training programs adapted to different professional areas related to work with and for children, and the reinforcement of such training in areas where it is not yet as available as desirable.

g) Possible follow-up actions

During the consultations, children identified some topics that could point out possible follow-up actions:

- Deaf children consider essential that professionals are prepared to understand them and communicate with them, not only in specific classes or schools with professionals trained in Portuguese Sign Language, but also in other settings in which they interact. One child mentioned *"People need to know sign language in all services: police, firemen, hospital, everything"*.
- More training to sensitize journalists towards the rights of the child, so that they can contribute to inform about the relevance of the right of children to participate in decision-making processes at all levels. The workshops provided by the CNPDPCJ mentioned above as a good practice are a contribution to prepare this specific group of professionals and involve them in promoting and protecting children's rights, namely on participating in decision-making in all matters that concern them.
- More structurally, under the implementation of the National Strategy on the Rights of the Child, of its Biannual Plan for 2021-2022 and its Biannual Plan for 2023-2024, the continuation of pre-service and in-service training actions for professionals of all areas of intervention, as to inform, stimulate and support the right of the child to participate in decision making processes and in having their opinions considered.

As of respondent institutional stakeholders, possible follow-up actions could be:

- The promotion of this type of training was identified as an area to be developed in the future, as children's right to participate is not sufficiently recognized or addressed in the initial training of several professionals.
- It was also suggested the mandatory inclusion of this programmatic content in any professional qualification inherent to the work with children.

h) Data sources on the indicator

These data sources were provided by: children, as opinions during the consultations; institu-

tions, in their replies to questionnaires:

- Convention on the Rights of the Child.
- Law no. 147/99, of September 1 and subsequent amendments, approving the Law for the Protection of Children and Young People in Danger, which is an integral part of it.
- Law no. 2/2008, of January 14, regulating the entry to the judiciary, the training of magistrates and the nature, structure and functioning of the Judicial Studies Centre, and proceeds with the fourth amendment to Law no. 13/2002, of February 19, approving the Statute of the Administrative and Fiscal Courts, determining as compulsory components of the course for entry to the judicial courts the matter related to the CRC and family and children's law, particularly articles 36 and 76.
- Decree of the President of the Republic no. 49/90, of September 12, ratifying the Convention on the Rights of the Child, signed in New York on January 26, 1990, approved by Resolution of the Portuguese Parliament no. 20/90, of September 12.
- Order no. 31292/2008, of December 5, approving the document "Ill-treatment of children and youth - health intervention", prepared by the Directorate- General of Health and contained in the respective attachment, giving it the character of technical guidelines for health action for children and youth at risk.
- Guide for Integrated Intervention with Children and Young People Victims of Domestic Violence.
- Information on and provided by the National Commission for the Promotion of the Rights and the protection of Children and Young People.
- Information provided by the Public Prosecutor Office, namely information on mechanisms for the promotion of the rights of children and young people.
- Information provided by the Municipal Council of Vila Nova de Gaia, namely on the local Commission for the Protection of Children and Young People.
- Deliberation no. 1096-A/2017 of the Portuguese Bar Association, of December 11, amending the National Regulations for Internships at the Portuguese Bar Association, approved on November 30, 2017 by the General Assembly of the Portuguese Bar Association.
- Information provided by the Portuguese Bar Association, including examples of activities, events and training sessions on: hearing children, also organized by regional entities; guide of good practices on hearing the child; hearing the child in judicial processes; giving children voice in contexts of domestic violence; changing paradigms in the context of family mediation and parental alienation; fulfilment of the rights of the child in Portugal; exercise of the rights enshrined in the Convention on the Rights of the Child; and Family and Child Law.
- Plan of Studies of the 37th Training Course of Magistrates for Judicial Courts (2021-2022), which specifically contemplates matters on or related to hearing of children.

3.2.2. INDICATOR 7 – Children are provided with information about their right to participate in decision-making

7 Children are provided with information about their right to participate in decision-making

Definition: Government departments and their delivering key services to children are required to produce information on children and young people's right to participate in decision-making including, for example, information on complaint mechanisms, legal processes, and opportunities to contribute to their own organisations, as well as to decision-making processes in their communities. This information should be available in child-friendly formats, including through social media networks, accessible to children of different ages and abilities, such as appropriate formats for children with different communication needs. It should be made available in areas that are accessed by children such as specialised centres or facilities.

Education on children's rights, including the right to participate, is a mandatory component of school curricula.

In addition, public information and education programmes identify a system of national oversight or care to ensure awareness among the general public, children, young people, their parents, and professionals, on children's rights, including the right to form or be part of children or young people's organisations.

Indicators (definition only):

- National children rights strategy
- National education curricula
- Government agencies responsible for responsible for children and young people and communication
- Public authorities responsible for local service
- Children's rights NGOs
- Regulators of children and young people's associations and networks
- Qualitative research with children
- Data collected by the European Commission on children's involvement in judicial proceedings and the UNICEF quarterly research on practices and procedures of child participation in their proceedings

Assessment criteria:

States can measure progress towards the indicator using the following assessment criteria:

1. No child-friendly information is available about children's right to participate
2. Child-friendly information is available but not accessible for children of different ages and abilities (e.g. missing translations, missing audio, missing subtitles, missing sign language, missing pictures, missing illustrations and government guidance)
3. Comprehensive and accessible information programme on children's rights to participation, and a compulsory component in the primary and secondary school curriculum on children's rights to participate

Notes:

- Information provided according to age, language and in formats for children with different disabilities
- Information made available to children in, for example, textbooks, posters, digital, children can be for children? (It is available to children in one media support)
- Any media data is only used to inform information disseminated according to age, ability, disability, ethnicity?

The definition of indicator 7 presented in the CPAT (cf chart on the left) was the starting point for its assessment; the corresponding criteria were applied to the information obtained in the consultation process. As recommended in the CPAT, the assessment of indicator 7 also encompassed issues regarding children in vulnerable situations.

The focus groups of children consulted on indicator 7 are the same as those regarding indicator 6, characterized previously. However, 112 children – instead of 81 - participated in the consultation to assess indicator 7.

The analysis of the data collected during child consultations revealed specific outcomes, depending on the closed, semi-closed or open nature of the questions, as follows:

a) Children's replies to closed questions

Since there was no chart available on CPAT to support consultations on indicator 7, the CNPDPCJ elaborated one with questions that were used in children's consultations, with most children having considered that the indicator is fully implemented:

Closed questions raised to children	YES	NO	DON'T KNOW
Do you know that you have the right to participate in the decisions of any issue that has importance in the lives of children/young people? / In your opinion, are children informed about their right to participate in decisions?	☑		
Do you know that you have the right to be told by adults that you can contribute to the decisions they make and to be told how you can contribute?	☑		
Do you think the world would be a better place for children if children participated more in decision-making?	☑		
In your opinion, are children informed about their right to participate in decisions?	☑		
In your opinion, is there any subject where children are taken more seriously by adults to make decisions?	☑		
In your opinion, is there any subject where children are taken less seriously by adults to make decisions?	☑		
Do children know that they have the right to participate?	☑		

Source: CNPDPCJ, based on CP4Europe child consultations, March 2022.

b) Children's replies to open questions

Children's replies to the open and semi-closed parts of the questions allowed a better understanding of their assessment, namely on the settings regarding which children think they know they have the right to participate. From a list of multiple options, children identified: mostly family, school, health local services and hospitals, local and municipal services; next, residential care institutions, processes at the national and at international levels.

Children also added other settings:

- "In Court."
- "At the School of Emotions."
- "In decisions in my own life. Every choice I make, is a decision I make."
- "In the rights and duties of children."
- "By law we have the right to participate with an opinion wherever we are."
- "At the Centre for Social Intervention Studies (CESIS)."
- "In the Parque [facility of the Centre for Social Intervention Studies where the child is integrated]."
- "At the bar [school canteen]."

Children were also heard on how, through whom and by which means they have learned on their right to participate in matters that concern them:

- "Through my family."
- "I know I have this right because my parents contribute to what is best for me."
- "Sometimes my mother says it."
- "Through my mother."
- "I have known [it exists] since I was a little girl."
- "I've known since I was little."
- "Usually when the subject has to do with the family or my education my parents always want to know my opinion on the subject, so that I can also participate in the family meetings."
- "Parents."
- "Through communication in all contexts (home, school, etc.)."
- "At school."
- "At the Centre for Social Intervention Studies (CESIS) and at school!"
- "Adults explained me."
- "It's the adults [that give that information]."
- "People told me."
- "In the street."
- "Because I've lived alone in Morocco."

These accounts highlight again the relevant role of parents/families as sources of information for children on their right to participate, followed by the role of schools.

Children also talked about the reasons why, in addition to being a right, hearing children's opinions bring a specific value when making decisions on matters that concern them:

- "Because young people have different information than [those of] adults."
- "Because they [children] are heard."
- "Because [the one] who is in charge is the one who can change [and hearing children helps to change]."

- “Because those in charge are the ones who can change, but they know what children want [listening to them].”
- “To help children.”
- “For important decisions.”
- “They [adults] ask if they should and then make a decision, that is yes or no.”

Children also mentioned subjects in which they consider their opinions and suggestions are taken more seriously by adults as a contribute to decision-making:

- “Dangerous situations and health situations.”
- “Or in the water park.”
- “Or when we are in the swimming pools or on the sand.”
- “In relation to health.”
- “When we have health issues and when I buy clothes.”
- “Subject of family and school and health.”;
- “In the family, at school, in sports.”
- “Homework, school matters that we talk about at home.”
- “Yes, for example the subject of holidays or tutoring.”
- “When I talk to my mum, things about my day and my activities.”
- “On more personal matters.”
- “On the education part.”
- “For example, the course they want to follow.”
- “In schools.”
- “Eating.”
- “Behaviour.”
- “About being childish (e.g. imagination).”
- “Games and play”
- “Sometimes I can’t say very well.”

On the subjects regarding which children consider their opinions and suggestions are taken less seriously by adults as a contribution to decision-making, children mentioned:

- “Things that don’t make sense to adults.”
- “Complaints.”
- “Their opinion.”
- “In situations that can cause risk.”
- “Financial matters, for example.”
- “Accounting.”
- “Elections, things that children don’t normally decide, but if they say something that is completely right nobody cares at all because “the child doesn’t decide anything so they are wrong.”
- “In politics.”
- “In the matter of the illness of someone in the family.”
- “At home.”
- “When I ask my mother if it can be the food I feel like eating.”
- “When we talk about playing, painting or drawing.”
- “When they are adult matters, for example when mothers go to meetings at school.”
- “At school.”;
- “At the health centre, in the country.”

- "At the doctor's."
- "When I came to the institution [residential care]."
- "When they [[children] get hurt, adults don't call and they are like they didn't see anything."
- "Shopping."
- "Sense of humour."
- "Some things."

When asked about their opinion on what is important for adults to do in order for all children to know they have the right to participate in all matters that concern them, children replied with:

- "Talking about more important issues."
- "Always ask [children] if they want to answer."
- "Only when they [children] want to answer."
- "Listening when children talk, not getting angry and talking without threatening to hit or be grounded."
- "Adults need to listen to children more."
- "It might improve if adults listen to children."
- "Listen to children better."
- "Trying to listen and understand children."
- "Adults should listen to children and not ignore them."
- "Adults should listen more to children."
- "Adults should be more open with children so that they are not ashamed [while/for participating]."
- "The simple fact that people listen to what children have to say [encourages child participation]."
- "Listening to and supporting children."
- "Listening to children and knowing that children's words are important to them."
- "Give them [the children] more attention."
- "With more maturity [of adults] and giving the child a voice."
- "Let children and young people give their opinion more on issues they deal with."
- "If the mother or father is talking, let the child join in the conversation."
- "If the teacher is talking [to other adults about the child], let [the child] hear it, too."
- "They [adults] could build a facility where only children would go and could talk and give their opinion."
- "Let all children participate in the decisions of their lives."
- "Talking more [with children], making an effort."
- "Talking and studying [with children]."
- "Talk to them [children] and say that they have the right to participate and give their opinion."
- "In discussions at school, leisure time activities and at home."
- "Teaching them [children] how to participate."
- "[Teaching children how to participate through] Games and play."
- "Adults respecting children's opinion."
- "Studying, respecting [children], [giving children the] opportunity [to participate]."
- "Give more importance to their [children's] opinions."
- "I think [that children would feel more encouraged to participate] if children would be taken seriously about participating."

- “Honestly, I have no idea, but I am sure that at least with me adults never take me seriously, and in my opinion that is ridiculous.”
- “Basically, adults don’t take children seriously because they think it’s a phase or they just don’t even listen, for example if a child created a project to help street animals, the child would probably not even be listened to, I don’t know why, adults don’t even think [something like]... “at least he had this idea, I didn’t even think of this.” We can never judge a child’s idea even if it’s ridiculous at first sight...an idea, if it’s well worked on, maybe it’s not ridiculous anymore, maybe they don’t even think it’s [coming] from a child. What I’m getting at is that anyone should have the right to have their opinion, have their ideas, I often say “the people who are crazy [for] thinking, they can change the world, are the ones who really change it”; “I don’t know why some children don’t have the same insight into the decisions they make as adults do.”
- “Getting a nice place for 2/3 young people to live in one room and good food.”

In the consultation with deaf children, children were invited to mention any questions they would have liked to have been asked and reply to those:

Do/can most [deaf] children and young people communicate well with their parents at home?

- *“My family are listeners and I am not.”*
- *“I feel very anxious and sad. I asked my brother to learn sign language or come to CED³¹, but my brother is very busy. There should be a CED closer [to home], for families to [have more conditions to] learn.”*

Why do people think differently outside the Centre [CED] and [why] there are no schools for deaf children beyond it?

- *“Deaf people are calm [when] talking normally, without nonsense, with good manners. The listeners start talking strange, nonsense and with bad manners. It’s hard for me to believe in listeners. They also have problems, they also have traumas.”*
- *“The deaf are punctual, the listeners are late and then we are all late and the class starts late. We all get disadvantage.”*
- *“We want the teachers to give us more challenges.”*
- *“Likewise, on tests. If there are problems, then help [deaf children solve them], but do the same to listeners.”*

Why are there listeners who make fun of the deaf?

- *“That makes deaf people suffer.”*
- *“I talk³², I’m deaf, but they don’t make fun of me. When I’m with listeners they don’t make fun of me, but if I’m in a group of deaf people, yes [they do]. That’s bullying. You can see it in facial expression, body movement, they talk about strange people, but we just need to get more attention.”*
- *“The listeners make fun [of the deaf] too, here at the Centre.”*
- *“The young people are the ones who make fun [of the deaf] the most.”*
- *“Outside, young people and adults make fun.”*
- *“Primary school children make fun of the deaf.”*

³¹ Centre for Education and Development Jacob Rodrigues Pereira of Casa Pia de Lisboa, which offers sign language classes.

³² The child has a cochlear implant that lets her hear.

- “We need more attention and to call people out. [Deaf people] just don’t make sounds, otherwise they’re the same as others, there’s no need to make fun because people suffer because of it.”
- “My sister speaks sign language, but in a language that is not Portuguese³³ [comes from other country] and she can also be made fun of for that. She speaks English and knows numbers, the alphabet and words.”
- “In my class, the listeners tease the deaf when the two classes come together in Physical Education classes.”
- “In first grade, there is an educator who is deaf, but the children who listen make fun of him very, very much.”
- “In my class, there is bad behaviour. The teacher told them [listeners] to shut up and work. That work is hard for a deaf person in a class with listeners.”
- “We all have friends who are listeners.”
- “Some children and young people who are listeners make fun of the deaf and children and young people who are listeners. Often, they [the bullies] have problems themselves.”

What good things are there at school [CED]?

- “Conviviality with deaf people.”
- “There are deaf people.”
- “I like learning sign language with deaf people.”
- “I like to study sports and anything we like, but things are different because it seems that listeners steal the things that deaf people like (sports, therapy,...)”
- “New friends, helping people with difficulties.”
- “Deaf people speak sign language and listeners speak Portuguese [oral] language. It is important to have more integration of the deaf and to start removing barriers between deaf and listeners at school, by having listeners learning sign language.”
- “[It would be good to] Teach deaf babies to speak sign language like babies who listen are taught oral language.”
- “It is the young people who make the decisions to implant the cochlear implant, but should be informed of this possibility early on.”

Since it emerged as important during the consultation, deaf children were given the floor to tell what they found relevant on any other issues, as follows:

- “Many adults don’t accept the opinion of young people because they think young people don’t have a mentality.”
- “Most young people even talk about important things, they take the opportunity to explain things to classmates or children and teachers help spread the opinion, but most don’t care.”
- “If an adult’s opinion is important, so is that of children and young people. It has to be given due importance and not be demeaned as not to cause trauma and generate problems from here.”
- “Children and young people have good ideas for adults to do differently. If they don’t agree, [children and young people] want opportunity to explain so that adults understand.”
- “Parents listen and pay more attention to children who listen and less to deaf children.”

³³ The sister comes from abroad.

- “My sister can almost speak.”
- “[My] mother accepts and agrees with my opinion, [my] father does not.”
- “Pupils, children and young people teach teachers to speak sign language.”
- “[My] mother and [my] father do not know sign language.”

While replying to the last question of the consultation sessions, on whether they thought the world would be a better place for children if children participated more in decision-making – and, if so, why -, children mentioned:

- “Our opinion sometimes makes more sense than that of adults.”
- “Because they could do things differently.”
- “It would be more fun.”
- “You could go lots of places.”
- “Things are not always fun, sometimes children are boring.”
- “Because then it would be easier for children to talk to adults.”
- “Because many children don’t talk because they are afraid to talk about their decisions.”
- “Because it [the world] would be better.”
- “Because I think all opinions and different points of view are important, and different ages usually give rise to different opinions.”
- “Yes, because children have their own opinions”
- “They [adults] also had the right to participate [when they were children], but they didn’t decide everything because they might have bad ideas.”
- “Because not all people could have an opinion before, but now everyone has that opinion.”
- “Actually, my opinion is very divided on this issue, because I think children should participate in decisions, but sometimes they should not participate in ALL global decisions: this also varies a lot in age:
 - In the younger ones, there might be issues that could mess a lot with the child’s psychology, such as when a relative is dying and has been in a coma for a long time and the decision has to do with turning off the machines that keep that relative alive;
 - In the older ones, the decisions will be more conscious because normally the answer is always the one that seems to be the best for us, but it is always important to know the pros and cons so try to give the decision that mainly favours the subject or the person in question.”
- “I think so, as everyone’s opinion should be used.”
- “Children don’t say [their opinion] and when they want to say something no one lets them.”
- “I could decide better things for myself.”
- “For the children to care more.”
- “We can help more at home.”

c) Outcomes of the analysis notes of the institutional stakeholders

According to some entities, the National Strategy for the Rights of the Child (2021-2024) has contributed to the results of this indicator.

Information on the children’s right to participate in decision-making processes is made available to them in different contexts.

In the case of promotion and protection processes, the hearing and the participation of children is mandatory, namely regarding the acts or in the definition of measures. Children may

be heard separately from their parents, in their company or in the company of a person chosen by the children themselves. The child who wishes to be heard may address a written request in this regard to the magistrate in charge of the process.

Children in foster care, namely at Casa Pia de Lisboa, may request to be heard by any professional of the house where they live, of the formal direction structure of the institution or by their psychotherapist.

Information on the child's right to participate is also included in school curricula, educational programs, and in the curricular guidelines for pre-school education. In the latter case, awareness-raising may exist, but not at a generalized level.

As far as public policies on youth are concerned, Portugal has a longstanding national architecture in which the public administration bodies dedicated to this subject (e.g. Portuguese Youth Institute and its successor bodies, which include the current IPDJ) operate to guarantee young people access to information of interest to them, in languages and media that suit their characteristics and age group.

In the Autonomous Region of the Azores, the subject of Citizenship and Development is included in the Regional Curriculum for Basic Education (CREB), as mentioned in the annexes to the Regional Legislative Decree no. 16/2019/A, of July 23, establishing the guiding principles for the organisation and curricular management of basic education for the regional education system of the Azores. The strategies for the development of these competences are provided therein, as well as in the National Strategy of Education for Citizenship (ENEC) and in other initiatives, such as the "Youth Parliament" Program.

The information available is not always adequate and accessible to children, including to children with disabilities, but some good practices exist (*cf* below).

This information may not be broadly available to children in institutions, prisons, hospitals and reception centers for asylum seekers. In the case of child asylum seekers, this information is to be provided to the child and to the child's representatives. It is also provided to unaccompanied children. Entities mentioned that sometimes it is provided in hospitals, but not always in the appropriate places.

It was possible to ascertain the existence of disaggregated data regarding the access according to aspects such as age, gender, disability, ethnic origin, among other circumstances; however, it is dispersed to the point of hampering crossed analysis of all these vectors. Specifically, in the justice sector, the application *Citius* allows the obtention of structured information on the age and gender of child victims of crime.

Additional information can be found in studies of the Portuguese Youth Observatory (OPJ) regarding elements on the evaluation of public policy instruments aiming at youth.

The indicator scored 2 in the final assessment of the institutions.

d) Good practices identified by children and institutional stakeholders



Children

During the consultation sessions, children identified several good practices implemented in Portugal.

The CP4Europe consultation process and the CP4Europe project in itself were identified as good practices, as some children learned through them about their right to participate:

- "I didn't know, but now I know."
- "When I started answering the previous questions, I had initially selected "I don't know",

because I think I had never really thought about this right. I always took it for granted and I never thought that it is really a right, that is, I think I never gave it the importance that it has and I think that only if it was violated would I recognise its importance. In short: only now and in this way did I know that I have this right.”

- “Obviously I’ve already made decisions. Right now [during the CP4Europe consultation] I’m making decisions - I’m choosing what to write, what to answer these questions. In our life we have to choose, to make decisions. And it’s very important to know how to make them, consciously.”

Additionally, more good practices have also been identified by children in families, schools and residential care institutions:

- “Usually, when the subject has to do with the family or my education, my parents always want to know my opinion on the subject so that I can also participate in the family meetings.”
- “I found that out because the teachers are very much our friends and when we need them they help us.”
- “When I participated in an ECO-SCHOOLS meeting.”
- “My teacher told us to make proposals.”
- “They [the children] can participate in the rules of the institution.”



Institutional Stakeholders

During the consultation process, the respondent institutional stakeholders identified good practices implemented in Portugal, including the:

- Even though Casa Pia de Lisboa (CPL) executes the decision of placement in foster care pronounced by the system’s entities, other different interveners, at defined moments, also use specific strategies and instruments to help the child reflect upon the foster care measure and the facts which gave rise to it, as well as to promote the child’s appeasement with the family. Whenever necessary, the child is supported in this process by mental health professionals.
- The participation of young people also occurs through their representation in the National Youth Council (CNJ), an organ in which young people have a regular seat and that works with the political tutelage of the government - in this case the Secretary of State for Youth and Sport. The participation of young people can also occur through other organisations aiming at representation and participation in decision-making processes, such as the National Federation of Youth Associations (FNAJ), student associations, municipal youth councils and consultative councils, determined by law. It should be noted that young people benefit from specific mechanisms, as well as from a strong incentive for their participation and involvement in citizenship, namely through a legal regime for youth associations and support programmes for youth associations, among other rights that stimulate and support participation, with autonomy.
- In the Autonomous Region of the Azores, the Children’s Commissariat of the Azores (CAI) distributed copies of a child-friendly version of the Convention on the Rights of the Child, as well as Braille versions of the document, within the scope of awareness-raising sessions aimed at promoted children’s rights aimed at all children in the 1st year of the 1st cycle of basic education.
- Regarding children in foster care at CPL, the latter advocates the development of sustain-

able life projects with the active participation of children in daily activities by promoting various preventive strategies, in conjunction with their families and other partner entities. To this end, there are implemented intervention methodologies that call for the participation and involvement of the various stakeholders in the socio-educational process, through programs to promote personal and social skills. In this context, the Integrated Social Skills Programme, aimed at all children at CPL, promotes skills in the areas of sexual education, vocational development and other citizenship topics, in sessions adapted to the needs of each group. On the other hand, the Individual Intervention Plan (IIP) for children and young people in residential care at CPL is an intervention planning tool with each fostered child, aiming at achieving their Life Project, identifying the levels of participation and accountability of those involved: the child, his/her family or parental guardian and the elements of CPL. The first IIP is an intervention adjusted to the physical, social and emotional needs of each child, being adjusted to its individual needs and potentialities profile, starting after the Initial Diagnostic Assessment. The child is at the centre of the intervention, in a therapeutic, restorative perspective, promoting different autonomy skills, through technically supported procedures, aiming at continuous improvement of the response provided, and evaluated by an external academic entity. Within the scope of the educational and training responses offered by CPL, the Individual Plan is also implemented whenever, as a result of an assessment, the need for individualised intervention arises, tailored to the needs and potential of each child. The Personal Project methodology is also promoted with the aim of guaranteeing and safeguarding the right to participation for children and young people with the capacity to formulate their own value judgements, so that they may freely express their opinions on all matters related to their life, considering their opinion according to their age and maturity. It is a document drawn up for children aged 12 and over and young people in residential care, and may be extended to children aged below 12, subject to the assessment of the staff and the appropriate adaptations so that the child understands best. The Personal Project reflects the child's free opinion about matters related to her/his life. It is applied individually, being evaluated quarterly or whenever one of the parties requests it.

- The Foster Home Assemblies at CPL represent a privileged space for active participation and communication between children and adult caregivers, allowing the free expression of ideas, feelings and opinions, as long as they do not compromise the well-being, freedom and privacy of each one. These sessions are preferably implemented on a weekly basis and are facilitated by an adult carer, possibly in partnership with a child and/or another adult. The schedule of these sessions and the respective facilitators should be posted in a place visible to all with a specific field for the topics to be addressed, even if in a place that is not visible to people outside the Commission for the purpose of preserving the identity of the children/young people in care. The themes discussed in these spaces and the respective results should be recorded in a meeting summary.
- The Dessert Sessions/Community Meetings are a strategy to promote dialogue, fostering a close relationship between adults, children and peers, in an informal, relaxed and cheerful atmosphere. It takes place at the end of a meal and aims to evaluate how the day has gone, discuss current affairs, clarify doubts, reinforce individual and/or group behaviour and provide an exchange of information with the group on important issues to be considered. These moments are led by an adult carer, who may also have the partnership of a child and/or another adult, who should ensure the participation of all members of the group.

- CPL has been implementing different methodologies for listening to the different parties involved in its services, which have become integrated practices in the flow processes of the institution's activities.
- While being aware of the importance of ensuring children the right to participation for some years now, CPL has been collecting the satisfaction assessment of the main stakeholders intervening in the institution and of the children. The annual results are an important performance indicator of the activity of the institution and have had an impact on the annual definition of measures to improve the quality of the care provided.
- At CPL, there is also an Internal Regulation on the rights and duties foreseen in the Protection Act, which includes, among other aspects, the availability of a closed cabinet for keeping belongings, the right to receive visits, and to contact in privacy conditions with the family, lawyer or Court, the right to receive pocket money, to express their opinion and to be considered in decisions about their life.
- Regarding disciplinary procedures in tutelary educational centres, young people have the right to be heard, even when the decision is unfavourable to them.
- In the Autonomous Region of the Azores, there are didactic materials on children's rights and on the celebration of Children's Day, and activities are also organised within the month for the prevention of ill-treatment in childhood.
- The "Youth Parliament" Programme is an initiative of the Assembly of the Republic which, in the Azores, counts on the partnership of the Legislative Assembly and the Regional Directorates of Education and Youth. This Programme is aimed at young people from the 2nd and 3rd Cycles of Basic Education and Secondary Education and culminates with two national sessions in the Assembly of the Republic, preceded by two sessions in the Legislative Assembly of the Autonomous Region of the Azores.
- In the Autonomous Region of Madeira (RAM), children in foster care institutions participate in the elaboration of the Promotion and Protection Project and take knowledge of the report on the execution of the decided measure which is sent to the CPCJ or to the Court.
- Other examples of participation of children and young people are the representation of young people by the National Youth Council (CNJ), which represents them nationally and internationally, as well as the participation of young people in the processes of construction of national or municipal youth plans.
- The CNPDPCJ has publications in child-friendly language, including: the Convention on the Rights of the Child in inclusive format, with the possibility of double reading, aimed at blind, deaf and normal sighted children; various information leaflets such as the brochure "An Age Assessment that Respects the Rights of the Child"; the book "Take Good Care of Me", which addresses the issue of maltreatment, aimed at pre-school children; the book "Child Rhymes with Hope", a child-friendly version of the Convention on the Rights of the Child and also an illustrated version of the Convention on the Rights of the Child.
- The CNPDPCJ website also features the Area for Children and Young People, in which information is provided on various themes including: rights, justice, emotions, bullying, digital safety, sexual abuse, maltreatment, residential and family reception, civil sponsorship and adoption, gender discrimination, mental health. The page also offers a section dedicated to the National Council for Children and Young People, a CNPDPCJ initiative aimed at children aged 8 to 17.
- The CNPDPCJ is also present in social networks and platforms such as Facebook, Instagram and YouTube, seeking to reach children and young people through content that is

accessible and appealing to them.

- Within the scope of CNPDPCJ projects, digital resources are made available such the leaflets “Together for positive parenting”, and several tips on parenting from the “Adélia Project” have been regularly released.
- In the area of justice, one underlines the existence of leaflets that are delivered to the victims, including children, when they are present at the Public Ministry services. The leaflets contain various information: how and where to report a crime, the rights of the victim in the criminal procedure, how to follow up the complaint and participate in the investigation, the stages of the criminal procedure, the trial, how to ask for protection, the courtroom and frequently asked questions. Within the Plan for Implementation of the Standing of Victim, the preparation of informative contents and virtual reproduction of the functioning of a court, hearings and role of the respective actors, namely witnesses and victims, including children, is being finalized.
- During the monitoring of the execution of educational guardianship measures, information is provided to the child or young person on his or her right to participation and means to exercise it.
- This type of information is also made available to children who are, for example, in institutions, prisons, hospitals and reception centres for asylum seekers, among others. It is made available through the CNPDPCJ website and its social networks, the IPDJ website, as well as through the distribution of information materials by the various entities working with and for children.
- Regarding asylum seekers it is foreseen that information is provided to the child and his/her representatives. This information is also given to unaccompanied children.
- Some good practices should be highlighted regarding the availability of information in age-appropriate formats and for children with disabilities.
- At CPL, whenever there is a formal procedure associated to practices within the justice, medical or police system, the child is supported by professionals from the shelter and supported throughout the whole process by a professional of their choice, being provided with the necessary emotional support to mitigate their uneasiness and discomfort, as sometimes invasive clinical examinations, expert examinations, testimonies in court to prove crimes are at stake. They should also be informed of their rights, in order to be able to oppose or have access to specific conditions.
- In 2021, the CNPDPCJ produced an inclusive version of the Convention on the Rights of the Child in child-friendly language, which includes braille, making information accessible to low-sighted children.
- In the Autonomous Region of the Azores, it is not generally known that this type of adaptation of materials exists, however, it is acknowledged that professionals seek to make this adaptation when communicating on the issue.

e) Final assessment of Indicator 7

CPAT Indicators		Assessment			
		0	1	2	3
Promoting awareness of the right to participate	7. Children are provided with information about their right to participate				

Source: CNPDPCJ, based on CP4Europe consultations.

f) Points to address based on institutions' replies

- Within the scope of intervention, the need to adequate the existing information in spaces and moments of participation that are already foreseen, namely through the production of child-friendly formats that are accessible to all of them.
- Complaint mechanisms, legal processes, as well as in decision-making processes inherent to the good functioning of schools, own educational pathways, and in relevant areas such as immigration and health.
- Integration, in the curricula of the different levels of the national educational system, of subjects regarding, e.g., human rights, the CRC, gender equality and citizenship, with the aim of promoting, among children, the dissemination of their rights and their involvement in order to guarantee the effective practices and exercise of the rights at stake.
- Need to reinforce the practice of promoting the rights of the child in its various aspects in educational programs, namely through the integration of games and didactic materials in formal and informal educational contexts.
- Strengthening the capacity to hear children and include more children of vulnerable contexts.

g) Possible follow-up actions

During the consultations, children identified some topics that could point out possible follow-up actions:

- Deaf children who participated in the consultation said they need people to speak slowly and that it is very important that listeners learn sign language: *“By law we have the right to have our say wherever we go.”; “People need to know sign language in all services: police, firemen, hospital, everything.”*
- Deaf children who participated in the consultation seized upon the opportunity to express their great need not to feel apart from the social environment at large and from their own family, several of whose elements are listeners. The lack of knowledge of Portuguese sign language is a major barrier to communication with deaf children and to their integral social participation in equal opportunities with other children. Moreover, the need to widen the offer of Portuguese sign language courses beyond the most usual working hours was often mentioned, as it could make it easier for family members, professionals and civil society to attend them. Disseminating information on these courses could help people who would like to learn it and do not know how or where to, including students who are listeners.

As grounds for their views, the following situations have been identified by children:

- *“Deaf children need equality with others, including their parents. They are equally important and are entitled to equality.”*
- *“It is important that parents develop sign language skills/learning to be able to communicate with their deaf children.”*
- *“I feel that, as a deaf person, if I am with a listener³⁴, I have a voice and listeners always say we are deaf-mute, but we have a voice. We are not mute, we have a voice.”*
- *“Of course, I think the world would be a better place if children could AT LEAST express their opinions. (Children and young people, too). Of course, for young people to be able*

³⁴ The child has a cochlear implant that lets her hear.

to take an active part in society, other things need to be developed, such as education, because there are lots of young people who don't know how to analyse, understand and think critically about situations and information and then know how to express their opinions. But yes, I agree that children, with their ingenuity, or young people, with their creativity, can improve the world. We are more sensitive and if we fight our laziness we can be very important for society. Besides, we are the ones who will live in this world in the future and it makes no sense not to be able to participate in the decisions that will affect this world of ours."

- "I think children could be told that they have rights of opinion more than they are, especially at school."
- "Older children [are taken more seriously]."
- "Children's opinions are taken less seriously if they differ from [that of] the adults"
- "Asking adults [to improve children's opportunities for participation]."
- "Sometimes they [adults] say that children say meaningless things."
- "Parents teach the children [their right to participate in all matters that concern them]."
- "Asking parents and parents helping children to make decisions."
- "Not taking them as children because they are people who have been through a lot and age does not define them."
- "[To involve children in participating in decision-making] It takes experience, it takes practice. Children need to be taken seriously, so they also need to demonstrate that they can be taken seriously. The more they participate, the more they are sensitised and informed about the issues, the more opinions they will be able to formulate and the better they will be able to argue, and then they can be part of the active part of society, both in action and decision-making."
- "Spreading the word about campaigns where they can be part of something bigger, where they can change something in the world or even in a person's life. Parents can also influence their children to take part in some campaign or a campaign."
- "Call children into [making] decisions."
- "That they [adults] inform [on children's right to participate in decision-making] and know how to take the message across [to the children]."

Upon the replies of children, the following could also be deemed as possible follow-up actions:

- Implementation of the National Strategy on the Rights of the Child and of its Biannual Plan for 2021-2022 and approval and implementation of its Biannual Plan for 2023-2024.
- Continuing to hold child consultations within the scope of national and international projects of the CNPDPCJ and, if deemed adequate, of those of other entities, as a resource and an opportunity to inform, stimulate and empower children on their right to participate in decision-making in all areas that concern them, irrespectively of their circumstances, This implies ensuring the necessary special support and adaptations to provide equal opportunities to all children.
- The White Paper on Child Participation in Portugal at hand is a useful resource to improve child participation.

As of respondent institutional stakeholders, possible follow-up actions could be:

- Aggregation of all materials produced by the different entities in an accessible and child-friendly online space, allowing consultation of all existing information in this con-

text at any time.

- Introduction or reinforcement of themes regarding the right of children and young people to participate in decision-making processes, namely in educational programmes and contents.
- Creation of local working groups, with the aim of promoting the access of children and young people to spaces of social and political participation.
- Creation or reinforcement of teams to produce material on the matters under consideration.

h) Data sources on the indicator

These data sources were provided by: children, as opinions during the consultations; institutions, in their replies to questionnaires:

- Convention on the Rights of the Child.
- Law no. 147/99, of September 1 and subsequent amendments, approving the Law for the Protection of Children and Young People in Danger, which is an integral part of it, particularly articles 4, 10, 51, 56, 57, 58, 86, 94, 107 and 116.
- Law no. 166/99, of September 14, approving the Law on Educational Guardianship, which is an integral part of it, especially articles 45, 46, 47, 59, 77, 84, 98, 100, 101, 142 and 171.
- Law no. 1/2006, of January 13, establishing the legal status of the National Youth Council.
- Law no. 8/2009, of February 18, establishing the legal framework for municipal youth councils, setting out their composition, competences and operating rules.
- Law no. 103/2009, of September, establishing the legal regime applicable to civil sponsorship, particularly articles 11, 14 and 25.
- Law no. 141/2015, of September 8, approving the general regime of the civil tutelary process, particularly articles 4 and 5.
- Law no. 57/2019, of August 7 and regulatory ordinances, amending Law no. 23/2006, of June 23, establishing the legal framework for youth associations.
- Decree-Law no. 47344/66, of November 25, approving the Civil Code, of which it is an integral part, particularly articles 1906, 1981 and 1984.
- Decree of the President of the Republic no. 49/90, of September 12, ratifying the Convention on the Rights of the Child, signed in New York on January 26, 1990, approved by Resolution of the Portuguese Parliament no. 20/90, of September 12.
- Decree-Law no. 323-D/2000, of December 20, adopting the general and disciplinary regulation of [tutelary] educational centres.
- Decree-Law no. 129/2015, of July 9, establishing the composition and formulation of the Youth Advisory Council.
- Decree-Law no. 164/2019, of October 25, establishing the scheme of implementation of residential care, a measure for the promotion of the rights and protection of children and young people at risk.
- Curricular Guidelines for Pre-School Education, of the Directorate-general of Education.
- Education for Citizenship – Guidelines, of the Directorate-general of Education.
- Channel of the National Commission for the Promotion of the Rights and the Protection of Children and Young People on YouTube
- Information provided by CESIS - Center of Studies for Social Intervention, namely on the SUPPORTS Project, to support adolescents leaving foster care and preparing for adulthood, including the manifesto of the Youth Advisory Board of the Project and information

on the moment of entry in residential care (leaflet and video), the life project (leaflet and video) and the moment of exit (leaflet and video), as well as a video for raising the awareness for the need for non-discrimination and of construction of a social positive image of young boys and girls that have passed through the residential care system.

- Information provided by the National Commission for the Promotion of the Rights and the Protection of Children and Young People, especially the Children and Young People's Space and the center of resources.
- Information on the National Council of Children and Young People, established and steered by the National Commission for the Promotion of the Rights and Protection of Children and Young People (CNPDPCC)
- Page of the CNPDPCJ Facebook and Instagram.
- Information on the Permanent Observatory of Youth.
- Information on Platform Youth Wiki
- Project Justice Youthopia

3.3. Creating Spaces for Participation

3.3.1. INDICATOR 8 – Children are represented in forums, including through their own organisations, at school, local, regional and national governance levels

8	Children are represented in forums, including through their own organisations, at school, local, regional and national governance levels
Definition	Children are enabled to participate in forums where they can address relevant authorities, including government, at school, local, regional and national levels including through youth councils, child/youth councils, children/youth parliaments or children/youth forums. These forums serve as spaces where children can identify issues of concern to them and bring their opinion's needs at the school, local, regional and national levels. Particular efforts should be made to explain the process by which children are enabled to participate in such institutions, which children are involved, how children take part in the decision-making process, where appropriate, the regions in which they exist, and the decision-making powers afforded to such bodies.
Data sources (indicators only)	<ul style="list-style-type: none"> • DG/FAC Fundationster • CM/D • Public authorities responsible for local services • NGO and academic research • National Youth Councils
Assessment criteria	<p>States can measure progress towards the indicator using the following assessment criteria:</p> <ul style="list-style-type: none"> 0- No forum exist through which children can engage with school, local, regional and national government 1 - A child/youth council or parliament exists through which children can address government at the national level 2 - Child/youth councils exist through which children can address government at the regional level 3 - Legally mandated child/youth councils or parliaments exist through which children can address governments at the school, local, regional and national level

The definition of indicator 8 presented in the CPAT (cf chart on the left) was the starting point for its assessment; the corresponding criteria were applied to the information obtained in the consultation process. As recommended in the CPAT, the assessment of indicator 8 also encompassed issues regarding children in vulnerable situations.

Issues to consider in respect of vulnerable children:
 • In the data on the numbers of children engaged (disaggregated according to age, ethnicity, nationality, gender, disability, region)

A total of 90 children participated in 10 focus groups organized to assess this indicator. One focus group was open to the national level, through an online questionnaire in child-friendly language on indicator 5, made available at the Area for Children and Young People of the website of the CNPDPCJ.

Specific focus groups were also organized to collect the perspectives of children in different circumstances, including in vulnerable contexts: one of children of a second grade class at a basic education school in Lisbon; one of children of a secondary education class at a school awarded with the Protective Seal, in Lisbon; one with Pro³⁵ (youngsters) of ComParte from Alentejo, Lisbon and Leiria; four of children in vulnerable contexts, of which one in Coimbra, another in Lisbon; one of children of a CESIS project in Lisbon; and a focus group of children in residential care at Santa Casa da Misericórdia de Lisboa.

The focus groups integrated boys and girls aged mostly 6 to 18 years old; it was possible to indicate the sex or not. Participants originated in Angola, Brazil, Cape Verde, Guinea-Bissau,

³⁵ Short for youngsters as professionals of their own life.

Nigeria, Portugal and Saint Tomé and Príncipe.

The analysis of the data collected during child consultations revealed specific outcomes, depending on the closed, semi-closed or open nature of the questions, as follows:

a) Children's replies to closed questions

As a result of consultations with 90 children, the following was ascertained based on the chart provided by CPAT³⁶:

Governance level	Children are represented in Forums		
	YES	NO	DON'T KNOW
National	<input checked="" type="checkbox"/>		
Regional	<input checked="" type="checkbox"/>		
Local	<input checked="" type="checkbox"/>		
School	<input checked="" type="checkbox"/>		

Source: CNPDPCJ, based on CP4Europe child consultations, March 2022.

In reply to a set of closed questions created by Portugal with topics to help to assess the indicator based on CP4Europe's child consultations, the following was ascertained³⁷:

Closed questions raised to children	YES	NO	DON'T KNOW
Do you think that children know that they have the right to participate in the existing associations or groups of people?	<input checked="" type="checkbox"/>		
Have you ever been part of an association, council, assembly or other form of meeting to discuss issues and make decisions?	<input checked="" type="checkbox"/>		
When children participate in associations, councils, assemblies or other forms of meetings, do you think that adults consider the opinions children have given to make decisions?	<input checked="" type="checkbox"/>		
Do you think that some children/young people find it more difficult to participate in associations, councils, assemblies or other forms of meetings to discuss issues and make decisions?	<input checked="" type="checkbox"/>		
Have you ever wanted to be part of an association or council and they wouldn't let you?		<input checked="" type="checkbox"/>	

Source: CNPDPCJ, based on CP4Europe child consultations, March 2022.

b) Children's replies to open questions

Children's replies to the open and semi-closed parts of the questions allowed a better understanding of their assessment, namely on the settings in which they know that exist children/youngsters' associations or groups. From a list of multiple options, children identified, by decreasing order: residential care institutions; schools; municipalities; local administration; government; European and international organisations; churches; gymnasiums and sports' associations; musical and art schools; recreative entities and non-governmental organisations.

³⁶ Ticks according to the majority of replies.

³⁷ The lists of topics are reported in decreasing order of referral by the children; in brackets, one can find topics added by the children.

Children also added: *“Courts”; “Police Stations”; and “SIMEC [local musical school and association]”*.

Regarding associations or groups where decisions are made and regarding which they know they can participate, children selected the following listed options, by decreasing order: schools; gymnasiums and sports’ associations; residential care institutions; musical and art schools; churches; local administration; municipalities and the government.

Children added: *“Groups of people that gather to debate a specific issue”*.

On whether there are groups of children to whom it is more difficult to participate in associations, councils, assemblies or other forms of group meetings to discuss issues and make decisions, and, if so, which groups, children selected the following listed options, by decreasing order: children with physical or mental disabilities; younger children (at the primary education level); children coming from abroad, who speak other languages or have other customs or traditions; girls; LGBTQI+; children with skin colour different than that of the majority; children whose family live with economic difficulties; children whose religious creed is different than that of the majority; boys and children victims of domestic violence.

Children added: *“Children going to a new school”*.

While replying to an open question on associations or groups that make decisions and in which they participate or have participated, children mentioned:

- “I have been a class delegate.”
- “A class assembly.”
- “School.”
- “At school, we talk about what we want to improve.”
- “CAF³⁸.”
- “To discuss school matters.”
- “Yes, in a class assembly at my old [previous] school.”
- “Yes, at school sometimes my class would get together to decide some issues.”
- “Free time atelier.”
- “Futsal.”
- “School sports.”
- “Help to Mothers³⁹.”
- “Residential care institution.”
- “Group of the House⁴⁰.”
- “Catechism and youth group in church.”

On how children who had already participated in associations, groups and councils felt during those experiences, most feelings expressed by them are as follows:

- “Great.”
- “Useful.”
- “Fresh.”
- “Well.”

³⁸ “Family Support Component”, which supports the family and/or parents by letting students stay at the school facilities beyond school activity hours and during school holidays.

³⁹ Public institution of social solidarity to support mothers and families.

⁴⁰ Residential care institution.

- “Felt normal.”

Some children shared they had some difficulties in the beginning of these experiences:

- “At the beginning, it was difficult [for me] to give my opinion because I was more closed, I felt some discomfort.”
- “I was embarrassed at the beginning.”

A small number of children identified other feelings:

- “Bored.”
- “Irritated.”
- “Bad, sad.”

Children who had never participated in any association, group or council mentioned the following contexts in which they would have preferred to participate:

- “Helping people.”
- “School.”
- “Painting groups because I really like it.”
- “My father and mother don’t want to live together anymore, I wish they would let me talk, I like them both, but I don’t want to leave my house and my pets.”

The last sentence also indicates that these consultations were an opportunity for children to be heard on issues that concern them, highlighting their need of child-friendly environments in which they children feel safe and heard while talking about situations and emotions involving adults, decisions taken by the latter that affect them and regarding which they feel they were not heard.

Most children who had never participated in associations, groups or councils or in none that they would have liked to, think that that happened because:

- “Because I didn’t want to.”
- “I didn’t ask.”
- “I never cared about it.”
- “I never really cared [to participate].”

Other reasons for not having participated in associations, groups or councils have also been referred:

- *“I haven’t been given a chance yet.”*
- *“Because I’m a child.”*
- *“Because there aren’t any for my age⁴¹.”*
- *“Because I don’t know of any.”*
- *“I never asked my parents and I didn’t want to do it either.”*

A small number of children shared different grounds:

- “Stop judging the children.”
- “Because I don’t like to participate and give suggestions.”
- “I wouldn’t have liked it, because I don’t like to talk.”
- “Don’t know.”

⁴¹ The child was 7 years old.

Children mentioned the following on possible ways to improve the participation of all children in all forms of meetings to discuss issues and make decisions:

- "With a structure."
- "Talking as a group."
- "Talk to one child at a time."
- "Comply with the rules."
- "Respect [the children]."
- "I don't think there is anything to improve, I don't think children are mature enough to make decisions or discuss them."
- "Children have to be more determined."
- "Ask for their opinion."
- "Motivate them to participate."
- "I don't know."



c) Outcomes of the analysis notes of the institutional stakeholders

Governance level	Children are represented in Forums			Average Score	Examples of existing forums
	YES	NO	DON'T KNOW		
National	9 replies	-	1 reply	2	National Council of Children and Young People National Youth Council Parliament Youth Consultative Council Youth Parliament
Regional	6 replies	2 replies		2	Local Social Council Municipal Youth Councils Parish Social Commissions Youth Parliament of the Autonomous Region of Madeira Youth Parliament of the Autonomous Region of the Azores

Governance level	Children are represented in Forums			Average Score	Examples of existing forums
	YES	NO	DON'T KNOW		
Local	4 replies	1 reply	2 replies	2	Foster Home Assemblies [gatherings at dessert time, sessions of the CSI (Integrated Social Skills programme)] Local authority forums Municipal Youth Councils Parish Forums
School	9 replies	-	-	3	Class Assembly Class Council Class Delegates General Meetings of Students Meetings of parents and students Municipal Education Councils School Assembly School Council Students Associations Pedagogic Council Youth Parliament Youth Parliament of the Autonomous Region of the Azores
Others	1 reply	-	-	3	National Federation of Youth Associations
Final Score				2	

Source: CNPDPCJ, CP4Europe consultation with institutional stakeholders, 2022.

It was mentioned that there are some structures that foresee the participation and representativeness of young people; nevertheless, it would be important to create more contexts similar to these for children.

Some entities mentioned a growing call for young people to participate in these types of forums and more intervening areas, with the school environment still being the one that promotes this type of participation the most.

The numerical evaluation of this indicator seemed to be a challenge for some entities, some of which indicated the high number and the diversity of existing institutions acting in the field at regional, local and school level as leading to the absence of a clearly understandable territorial and institutional homogeneity.

d) Good practices identified by children and institutional stakeholders



Children

During the consultation sessions, children identified several good practices implemented in Portugal:

- The creation of the National Council of Children and Young People by the CNPDPCJ is in line with the suggestions of children when they mentioned a “structure” where children

are heard respectfully while also complying with rules, motivating them to participate and give their opinions and suggestions to influence decision-making in areas of their interest and that affect them, including on policy-making documents at national, European and international level.

- Child **participation in some national projects of the CNPDPCJ, such as the Project Protective Seal, and in international projects in which the CNPDPCJ is a partner, such as the Project CP4Europe, and as it happened in past actions, such as:** “Let’s make children’s voices heard” consultations with children to inform the work of CJ/ENF-ISE⁴² on promoting the best interests of the child in parental separation and care proceedings⁴³; Bilateral Initiative “Enhancing the protection of the rights of the child in priority areas” involving Portugal and Norway, and the Project 4 Children, both funded by the Fund for Bilateral Relations of the EEA Grants; Project 12 - Justice for Children⁴⁴; workshops with the participation of children on age assessment procedures, and the production of an informative brochure in child-friendly language on this subject, all funded by the Council of Europe.
- As outcomes of the Bilateral Initiative “Enhancing the protection of the rights of the child in priority areas”, mentioned above, one can find: the Referential of Good Practices for Enhancing Child Participation in the Promotion of the Rights of the Child compiles good practices on child participation in Portugal that are implemented by numerous institutions in different areas; and the **Thematic Glossary of Child Protection Systems and of the Promotion of Children’s Rights focused on the hearing of the child in especially vulnerable contexts**



Institutional Stakeholders

During the consultation process, the respondent institutional stakeholders identified good practices implemented in Portugal, including the:

- The **“Dream Teens” Project**, developed by the association Aventura Social and the Faculty of Human Motricity, aiming at the involvement and participation of children and young people in the improvement of local, regional and national policies.
- The **National Council of Children and Young People**.
- The **National Youth Council**.
- The **Youth Parliament**, including that of the Autonomous Region of the Azores and the one of the Autonomous Region of Madeira. Regarding the Youth Parliament of Madeira, it should be noted that this is an initiative of the Assembly of the Republic aimed at young people from the 2nd and 3rd cycles and secondary education, coordinated by the Regional Secretariat for Education, Science and Technology in partnership with the Legislative Assembly of Madeira. In January 2022, about 100 students from Apel School (Funchal) participated in an action around the theme *Fake news: Impact of disinformation on democracy*. In addition, children aged 14 or above may participate in the Participatory Budget of the Autonomous Region of Madeira.
- The event “Students’ Voice”.
- On October 12, 2021, the National Education Council organised the webinar “The voice of children and young people in education”, on the possibility and the right of children and

⁴² Committee of experts on the rights and the best interests of the child in parental separation and in care proceedings, of the Council of Europe.

⁴³ Funded by the Council of Europe.

⁴⁴ Funded by the European Union.

young people to have the opportunity to express their ideas and opinions throughout the educational process, as well as to have their participation respected and considered in all the options that concern them. The theme of the webinar aimed at reflecting critically on valuing the voice of children and young people in the organisation of school institutions, in the learning process and in the training of teachers and other educational agents.

- The Municipal Youth Assemblies/Councils.
- Participatory Budgeting.
- The National Federation of Youth Associations is one of several organisations that regularly participate and contribute to the training, monitoring, development and evaluation of Youth public policies and their action instruments.
- The Child-Friendly Cities Program.

For more examples of good practices at local and institutional level, see also the results of indicator 7.

e) Final assessment of Indicator 8

CPAT Indicators		Assessment			
		0	1	2	3
Promoting awareness of the right to participate	8. Children are represented in forums, including through their own organizations, at school, local, regional and national governance levels				

Source: CNPDPCJ, based on CP4Europe consultations.

f) Points to address based on institutions' replies

- Greater dissemination of the exercise of the right to participate would be desirable, as it promotes a sense of responsibility, acquisition of democratic values, a feeling of belonging to a community and strengthens citizenship.
- Although widely spread and legally supported, the Municipal Youth Councils are not active in all regions or municipalities of the country, so the reinforcement of the existence of local and regional children's forums or councils could be considered for the improvement of this indicator.
- The application of the working methodology of the Youth Parliament to other areas, such as health, for example, was also indicated as a way to improve the possibilities for children to exercise their right to participation.

g) Possible follow-up actions

During the consultations, children identified some topics that could point out possible follow-up actions:

- *"I think that, if adults care a little bit about listening to the opinion of the younger ones, they can go further, because the younger ones go through a lot of situations in silence that don't cross the adults' minds."*
- *"There should be more events that motivate young people to participate."*
- *"Adults should listen to children more."*
- *"Listening more, what is going well and what is going wrong."*
- *"Let everyone give an opinion, since maybe a younger person may have a different opinion"*

from the rest”.

- Implementing the National Strategy on the Rights of the Child⁴⁵ and of its Biannual Plan for 2021-2022, the approval and implementation of its Biannual Plan for 2023-2024, and the White Paper on Child Participation in Portugal, whose content may point out possible ways to improve this indicator.
- Continuing the CNPDPCJ consultations with children on a regular basis - namely through the National Council of Children and Young People -, as well as in national projects implemented by the CNPDPCJ and in international projects in which it participates as partner.
- Continuing to carry out awareness-raising actions with children on their right of constituting and participating in associations, groups and councils irrespectively of their age or other criteria or circumstance at the individual, family, social or other level, as equal opportunities shall be provided.
- As of respondent institutional stakeholders, possible follow-up actions could be:
- Creating and developing more spaces for dialogue and critical reflection directed at children.
- Forwarding children's contributions to decision-making bodies.
- Creating new opportunities for debating children's rights throughout the year, not only just to mark specific moments or celebrations.

h) Data sources on the indicator

These data sources were provided by: children, as opinions during the consultations; institutions, in their replies to questionnaires:

- Convention on the Rights of the Child.
- Law no. 1/2006, of January 13, establishing the legal status of the National Youth Council.
- Law no. 8/2009, of February 18, establishing the legal framework for municipal youth councils, setting out their composition, competences and operating rules.
- Law no. 57/2019, of August 7 and regulatory ordinances, amending Law no. 23/2006, of June 23, establishing the legal framework for youth associations.
- Decree of the President of the Republic no. 49/90, of September 12, ratifying the Convention on the Rights of the Child, signed in New York on January 26, 1990, approved by Resolution of the Portuguese Parliament no. 20/90, of September 12.
- Decree-Law no. 129/2015, of July 9, establishing the composition and formulation of the Youth Advisory Council.
- Information on the National Council of Children and Young People, established and steered by the National Commission for the Promotion of the Rights and Protection of Children and Young People.
- Information on the National Council for Education, namely on the event on the voice of children and young people in Education.
- Information on the National Federation of Youth Associations
- Information on the National Youth Council.
- Information on the Portuguese Committee for UNICEF, namely on the Program Child-Friendly Cities.
- Information on the Portuguese Youth and Sports Institute.
- Information on the Platform Youth Wiki
- Information on the Permanent Observatory of Youth.

⁴⁵ Approved by the Resolution of the Council of Ministers no. 112/2020, of December 18.

3.3.2. INDICATOR 9 – Child-targeted feedback mechanisms on local services are in place

9 Child-targeted feedback mechanisms on local authority services are in place	
Definition	<p>All public authorities responsible for local services, have mechanisms in place to consult with vulnerable children from children in the following services:</p> <ul style="list-style-type: none"> • Education and schools • Alternative care (e.g. fostering, children's homes) • Play, recreation, and sports • Cultural services (e.g. museums, arts) • Child protection services • Support for immigration and asylum seekers • Family support and care services <p>Such mechanisms might include questionnaires or surveys that are easily accessible to and designed to children of different ages and backgrounds.</p> <p>Particular effort should be made to ensure the extent to which such services respond to the feedback they receive from children. For example, do they have a resolution feedback channel that changes that have been made in response to the best feedback available?</p> <p>Identify efforts that have been made to involve children in the design, implementation and evaluation of feedback mechanisms.</p>
Data source (indicator key)	<p>Legislation</p> <p>Public authorities responsible for local services</p> <p>Local public authorities providers</p> <p>Qualitative analysis / NZD research in talking with children</p>
Assessment criteria	<p>States can measure progress towards the indicator using the following assessment criteria:</p> <ol style="list-style-type: none"> 1. Children do not have opportunities to offer feedback on local public services and such services are not required to offer such opportunities 2. All of the local public services have systems in place to provide feedback for children 3. All of the local public services have systems in place to provide feedback for children 4. All of the local public services have systems in place to provide feedback for children 5. All of the local public services have systems in place to provide feedback for children



The definition of indicator 9 presented in the CPAT (cf chart on the left) was the starting point for its assessment; the corresponding criteria were applied to the information obtained in the consultation process. As recommended in the CPAT, the assessment of indicator 9 also encompassed issues regarding children in vulnerable situations.

A total of 59 children participated in 8 focus groups organized to assess this indicator. One focus group was open to the national level, through an online questionnaire in child-friendly language made available at the Area for Children and Young People of the website of the CNPDPCJ.

Specific focus groups were also organized to collect the perspectives of children in different circumstances, including in vulnerable contexts: one of children of a second grade class at a basic education school in Lisbon; a focus group of children of a CESIS project in Lisbon; a focus group of children at Casa de Formação Cristã, in Coimbra; a focus group of children of the Street Project of the Association for Second Chance Education, in Lisboa; two focus groups of children in vulnerable contexts in Lisboa; and a focus group of children victims of domestic violence in Porto.

The focus groups integrated boys and girls aged mostly 6 to 18 years old; it was possible to indicate the sex or not. Participants originated in Angola, Guinea-Bissau, Portugal and Saint Tomé and Príncipe.

The analysis of the data collected during child consultations revealed specific outcomes, depending on the closed, semi-closed or open nature of the questions, as follows:

a) Children's replies to closed questions

As a result of consultations with 59 children, the following was ascertained based on the chart provided by CPAT⁴⁶:

Local services	Child-targeted feedback mechanisms in place		
	YES	NO	DON'T KNOW
Education and schools	✓		
Alternative care (e.g. fostering, children's homes)	✓		
Play, recreation, and sports	✓		
Cultural services (e.g. museums, arts)	✓		

⁴⁶ Ticks according to the majority of replies.

Local services	Child-targeted feedback mechanisms in place		
	YES	NO	DON'T KNOW
Child protection services	<input checked="" type="checkbox"/>		
Support for immigration and asylum seekers	<input checked="" type="checkbox"/>		
Family support and pre-school services	<input checked="" type="checkbox"/>		

Source: CNPDPCJ, based on CP4Europe child consultations, March 2022.

In reply to a set of closed and open questions created by Portugal with topics to help to assess how well the country meets the indicator based on CP4Europe's child consultations, the following was ascertained⁴⁷:

Close questions raised to children	YES	NO	DON'T KNOW
Do you know that you have the right to ask questions and make suggestions about how any service you have to use works?	<input checked="" type="checkbox"/>		
Have you ever wanted to ask questions about how a service worked?	<input checked="" type="checkbox"/>		
Have you ever wanted to give suggestions to a service so that it could work better for you?	<input checked="" type="checkbox"/>		
Do you think children feel comfortable giving suggestions to improve any service they have to use?	<input checked="" type="checkbox"/>		
The services that exist and are used by children and young people (e.g. schools, health centres, residential care institutions, post-school's activities centres, etc.) should have ways for children and young people to communicate their doubts or suggestions to them and for these services to respond in a language that children and young people understand. Do you think that this way of communicating with children exists in the services?	<input checked="" type="checkbox"/>		
Have you ever made suggestions to a service to improve the way it works?	<input checked="" type="checkbox"/>		
Do you think that adults give importance to the suggestions that children and young people give to improve services?	<input checked="" type="checkbox"/>		
Have you ever made suggestions on how to improve a service?	<input checked="" type="checkbox"/>		
When you made suggestions on how to improve a service did you received a reply to your suggestions?	<input checked="" type="checkbox"/>		

Source: CNPDPCJ, based on CP4Europe child consultations, March 2022.

b) Children's replies to open questions

Children's replies to the open and semi-closed parts of the questions allowed a better understanding of their assessment, namely on the local services regarding which children consider child-targeted feedback mechanisms on local services are in place.

When asked about whether they had ever wanted to ask questions about how a service worked, most children replied that it had happened to them several times; a residual number

⁴⁷ The lists of topics are reported in decreasing order of referral by the children; in brackets, one can find topics added by the children.

mentioned it had never happened, didn't remember or wanted to say. One child provided the following example:

- "I asked questions today, asked for directions and it's normal. They [adults] receive [my questions] well, no problems. I asked about the bus schedule..."

Out of a list of options of people or organizations from which they had learned they have the right to ask questions and make suggestions to a service, most children selected the following: parents or caregivers in the first place and the school in second. Other options chosen by the children were: professionals working in those services; other adults; Internet and other children.

Just like for other indicators, a child mentioned to have learned he had this right during this consultation:

- "With no one, [I] didn't know I have the right."

When invited to name of one or more services to which they had already asked questions about how they work, children identified:

- "Social Services."
- "MEO⁴⁸."
- "Telephone services – NOS."
- "MEO, Apple."
- "School. Bus terminal."
- "Bus terminal."
- "Job centre."
- "Job centre, "Loja do Cidadão"⁴⁹; civil registration office."
- "Loja do Cidadão."

When asked who they resource to when they have a question about how a service works or how to use it, children chose the following listed options and added the quoted ones: parents and people with whom the child lives, in first place, followed by: professionals working in those services; teachers and other professionals at school; autonomous search on the Internet; other adults, such as: *"The closest people"*, *"Family"*, *"Someone who has already contacted that service"*, *"Grandparents on the mother's side"*, *"Sports Coaches"*, *"The President of the Philharmonic Band"*; other children; professionals of the residential care home where the child lives: *"If one doesn't reply, I try another"*.

Most children selected the following listed options, as of the services regarding which they know they can ask questions or make suggestions on any aspect they think is important for them, in decreasing order: schools, sports associations and clubs; police stations; health care services and hospitals. Mentioned next: local services and municipalities; any public service; after school activities' centres; residential care institutions; courts; local Commissions for the Protection of Children and Young People; support services to disabled persons; social services; immigration, refugees and asylum services; churches; government; parliament; and the Presidency of the Republic. A residual number of children identified the option "in none".

Children also added:

- "Shopping centres."

⁴⁸ A telecommunications company.

⁴⁹ A concept of public service delivery that brings together, in the same space, several public and private entities, aiming at facilitating the relationship of citizens and companies with the public administration.

- "Gardens."
- "Philharmonic band."
- "Rugby camp."
- "Musical school theatre."
- "Orchestra Geração."
- "Bus station."
- "Cafe, hotel, restaurants, theatres."

When asked if they had ever suggested ways to improve a service and received a reply upon it, children replied as follows:

- "I think I must have already done it. Maybe not to the president, but to the staff. Or asked questions, now maybe more than before, for the policy part... why they do the minutes, etc. You can watch and ask questions as to why it is the way it is."
- "I am a person who likes to understand why things are [the way they are], the "because" [approach] doesn't work for me. Teachers tell me to do something and I take it all the way through. I took a test yesterday, and it was a test that was scheduled for the week before. It was a physics test and I was the only one in my class who had physics. I talked to the teacher to see if I could have the test this week, because the week before we had a maths test. I explained and gave my arguments."

When invited to name the services to which they have already asked questions about how they work children mentioned:

- "Parliament."
- "School."
- "MEO." / "MEO, "Loja do Cidadão""
- "Firemen."
- "Passenger transport operator."
- "Customer assistance forum."
- "Epic Games, Steam."
- "Gymnasium club."
- "Philharmonic Band."

While replying as to whether they think that adults consider the suggestions provided by children and young people to improve the services, children referred:

- "It depends a lot on the people at school. The teachers treat me very well. It feels like we are almost of the same age group and I can ask questions. There are channels to give feedback, but more to teachers than to non-teaching staff. For example, I am in [/attend] clubs, and there it's us, students, who give suggestions and say how it's going to work. They accept those aspects!"
- "It depends. I've had negative and positive experiences in relation to giving feedback. With non-teaching staff, I feel the same way. They treat us like children. With teachers, I have felt that I can give feedback [to some], but not to others. In all [school] subjects, we have the "classroom" platform, and my Portuguese teacher has a section there just [for students] to give feedback. And it works, we write there. But another situation was in a class where we had space to give suggestions, but then it didn't go so well because she [the teacher] wasn't available to change with [/even despite] the suggestions we gave. He didn't take into account what we said. In that case, we were asking for feedback."

- “I’ve been there [at the rugby camp] for a while. Maybe if I was younger, they wouldn’t call me as much, but maybe because I know them better... because I know my coaches and there’s that easiness. Maybe that’s why it’s different with the management [board]. Since I don’t know them that well, I don’t ask questions.”

Children were invited to share if they had ever felt uncomfortable asking questions or making suggestions to any service, and replied:

- “MEO.”
- “Bus company.”
- “Job centre.”
- “Clothes shop.”
- “ Nothing, so far.”

As to specifically identify situations in which they had felt uncomfortable asking questions or making suggestions to a service, children mentioned:

- “[Someone] Offended me for giving my opinion in relation to the service.”
- “When I leave a space or that it doesn’t make sense to me, I think it’s not about not asking questions. I was a girl scout for many years and I left because there were things that didn’t make sense to me. I need sleep to be functional and we’d do scenes like at midnight [evening into late night], we’d be exhausted and still go for a 10-kilometer walk. I would openly say I thought it was stupid, whatever age we were. Then it seemed like it was just me, the others thought it was cool. It wasn’t that they didn’t listen to me, but I was the only one who thought like that, so things didn’t change.”
- “I think I asked a teacher some questions, but the way he treated me back [...]. There are some questions I asked and the teacher doesn’t know how to answer. Even on the subject matter, he doesn’t know how to give me the clear answer. It has happened to me. When there’s a concern, it’s good to answer something like “I don’t know now, but I’ll check [it out] and [I’ll] tell you later”. The case I had was not cool because he never told me anything else. If I get a favourable answer, it’s another incentive to participate [that I get]. Maybe I can still participate more than if they don’t cut me off right there.”
- “I think even then there’s a bit of bureaucracy. The elections for the students’ association are held every two years. A classmate of mine is on the list that won. There are a lot of things they want to do. They go and talk to people and people take it seriously, but they say that now they have to send a letter to I-don’t-know-where. And they say it’s boring. They have to go in some circle to do things. The ideal way for me is going to be different from other people’s and it’s impossible to reconcile it with other people’s. But there are stones in the way that could come out.”
- “The orchestra itself is [a] participatory [forum] because we are all there making music. But there is a certain amount of friction among the students. Not with the director of the project, who is very nice, although it’s been many years before I spoke to her. But what bothers everyone are the repertoires every year because they are difficult or more or always the same. These are things that we complain about every year, but I don’t feel like reaching out to the people who make these choices to give feedback and my opinion. In terms of feedback with more important members and decision-making power, it’s more difficult. We have mentoring sessions with psychologists and in group, and we talk about it a lot. But we don’t have the courage to reach out.”

As examples of services where children asked questions, presented suggestions and felt com-

comfortable doing it, the following was referred:

- “The school where I study.”
- “Covid-19 testing centre.”
- “Civil registration.”
- “Clarification of doubts.”
- “Lidl.”
- “Health(care) centre.”

As examples of situations in which children have felt comfortable while having asked questions or presented suggestions, the following was mentioned:

- “I’m not usually very participative, but we used to have a meeting with class representatives. The director would call the meeting and was willing to listen to complaints, suggestions, questions. I would go there more to hear what others say. To be more participative, someone had to take the initiative and I had to share the opinion. It was like a snowball. Practical example: in a class where nobody speaks, the teacher asks questions and there is total silence. All it takes is one person to take the initiative [to speak] and the rest [will] follow. It [works as] snowballs and more people participate. All you have to do is ask a question and someone takes the initiative and that’s it. The same thing happens online. It takes that someone speaks and then more people respond. All it takes is one person asking the question.”
- “Positive memories are of the students’ association. I’m part of it and, in the Direction [board], they were always available to talk to us. They said, ‘you can come and talk’, you can also, send e-mails... but it was only with us, in a specific meeting when we [the list of students] won the election. They had a meeting with us and told us these things. We asked about the list, about asking for permission, we asked if the management [board of the school] can authorise us to bring some stalls... The students’ association is quite important. I am part of it. This makes the communication channel a lot easier. The students talk to us and we transmit to the direction. Sometimes it’s easier.”

While replying to what they think the services should do so that the children who make suggestions enjoy having done it, children mentioned:

- “[Services] saying [to children] thank you and I love you.”
- “Putting it [children’s suggestions] into practice.”
- “Speaking more often.”
- “Gain the trust of young people, use age appropriate language.”
- “Pay more attention to children’s suggestions.”
- “To act based on children’s needs and opinions if these have positive effects on their daily lives.”
- “Change.”

Children suggested the following while replying to what they think can be done to support children to ask questions and make suggestions about services:

- “Adults should ask children [for suggestions related to the services].”
- “Talk to them. Explain in clear language what the services are and try to understand to what extent they like it or not.”
- “Really listen to them [to children].”
- “A complaint book for children.”

- “Asking direct questions, showing how asking questions can be beneficial for children in the future.”
- “Encourage them [children] to ask more questions and also to give their suggestions [to the services].”
- “Showing interest [on children’s suggestions].”
- “Listen to them [to children] and let them explain themselves.”

On suggestions on how it could be easier for children to ask questions or make suggestions about a service, children referred:

- “Reinforcing the teaching of how children can do it at school.”
- “Creating an online chat.”
- “Tell them [children] more about services and correct customer service methods.”
- “For example, at school, ask 12th graders their opinion.”
- “Speak or write like an adult with principles and education.”
- “Employees to be empathetic in order to make us comfortable.”
- “I think they [services] should be more accessible. For example, a more accessible service does not have so many barriers or hierarchies. Talking to the top as you talk to people further down. The interaction between those who are there and those who benefit helps. You can see it in the relationship between people. Being a leader and not being so much of a boss, who is on top and in charge. Being more of a leader that pulls [for colleagues].”
- “Auscultation. You need to talk to people who are in the project. Have meetings, questionnaires. Create a meeting where there is a possibility for young people to go and say what could be improved. That is missing a lot.”
- “Get to the point.”
- “We had to evaluate at the end. We talked in the evaluation about how to reach young people and make young people feel like continuing. And we talked about dissemination! Of investing in the dissemination of these spaces. Because young people don’t always know that things exist. Using social networks to say that we can give feedback. I don’t know exactly, but maybe to say that something is going to be done that will bring young people to this service, that will make them motivated to go. And then, when the young people are there, ask for feedback!”

Regarding the best and preferred ways for children to ask questions and make suggestions, children replied:

- “I’ve interacted by e-mail and in person. There are moments for people to come in and ask questions. Maybe, in those moments, I think it’s more [of] a suggestion and not so much questions. Or, for example, a workshop held by the parish, which has already happened and in which the president was present. Or in the activities that my local administration organises, in a cultural event or something, our representative is always there. I don’t feel that there are any barriers for people to ask questions.”
- “Yes, the suggestion boxes. I’ve used them, but it depends on the teacher. I talked about [suggested] putting in an extra microwave, but I don’t think it had any effect.”
- “Maybe a meeting, in a face-to-face conversation, but I guess it depends on who I’m talking to. If it’s with the council, I’d ask for a meeting, but if it was the president of the philharmonic it would be in a conversation. I prefer the conversation, the feedback is quicker, but the e-mail, more formal, is better if I don’t know the person. It could also be to ask for a meeting to have the conversation. In a way, it helps to know the person, but it’s not

decisive.”

- “The musical theatre school has nothing to do with it... the content we study there and how things are done. The system itself... I felt more listened to. In class, teachers bring things more or less done, but there are spaces for students to give ideas and intervene. Last week, we were looking at a script, a classmate suggested [something] and the teacher told us to go on saying [something more] and adding to it. There is openness to give ideas. More openness than I’ve ever felt before. Even from the management [board]. Also last week, they sent me a questionnaire to evaluate the school, the teachers and the lessons. Nothing like that had ever happened to me before. My old school was much more closed [regarding the institutional culture]. This one has nothing to do with it. I like the way the evaluation is done, much better. At the end of the term, [at the other school] there was a very vague thing in the observations (the student is diligent, she must continue to pay attention). Not here. The observations are much more specific, they show that they really know the student and that they care about him, they want him to progress a lot beyond [just] being a good student.”
- “Writing makes me feel like a way of organising my head. I have endless time before I send an e-mail and the person won’t see it until I send it. Talking to people also has its advantages, as I can see the reaction, I can clarify doubts at that moment. It depends a lot. E-mail is more comfortable, but talking in person is easier to know that everything has been clarified.”
- “Both have their advantages and disadvantages. It depends on how serious the issue is. There are things that should be talked about at the moment, and others that should be more thought over and planned. But the truth is that waiting erodes a little. Seeing people’s reaction at the first moment is important. With teachers, I prefer to talk face-to-face, because I know they’ll get back to me straight away. With the headmaster, it’s by e-mail.”

As of children, the following can be done to let the services respond to their questions and suggestions:

- “Better surveys (less confusing).”
- “Hiring a person designated for this.”
- “Conducting online surveys for those who want to respond.”
- “Put specific people in place for that very thing.”
- “Youth-oriented support.”
- “See if what is indicated is true, many times children and young people have different ways of seeing things, it can even show the solution of some problem.”
- “To have a dedicated area just for doubts/questions.”
- “Nothing.”

The elements of one focus group had already worked on the thematic of child participation, since they integrate a consultation group promoted and implemented by ComParte, in which each is called Young Pro. In this specific CP4Europe consultation session, a check-list of participation elaborated by the Young Pros was used⁵⁰, which is included in a resource produced by ComParte in partnership with the Calouste Gulbenkian Foundation: *“Is this for me? What gets young people to participate”*.

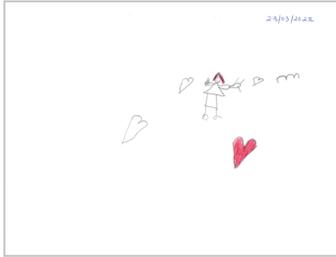
The comments of the children of this focus group on this indicator are based on the items identified in the aforementioned checklist:

⁵⁰ Only available in portuguese.

<input checked="" type="checkbox"/> "ISTO É PARA MIM" QUANDO...		<input type="checkbox"/> NÃO DEIXO E AGUENTA: POSSO RECUSAR E EXPRESSIONAR		<input type="checkbox"/> PODEMOS VIVER	
<input type="checkbox"/> NÃO A DIFERENÇA, CORTESIA E TEMER RESPEITO	<input type="checkbox"/> Não me dá um lugar <input type="checkbox"/> Não me dá um espaço <input type="checkbox"/> Não me dá um tempo	<input type="checkbox"/> POSSO TER UM PENSAMENTO E POSSO ESCOLHER SEU ACESSO	<input type="checkbox"/> Não me dá um lugar <input type="checkbox"/> Não me dá um tempo <input type="checkbox"/> Não me dá um espaço	<input type="checkbox"/> Não me dá um lugar <input type="checkbox"/> Não me dá um tempo <input type="checkbox"/> Não me dá um espaço	<input type="checkbox"/> Não me dá um lugar <input type="checkbox"/> Não me dá um tempo <input type="checkbox"/> Não me dá um espaço
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<input type="checkbox"/> QUERO LER E QUERO ME PAZAR NA COMPREENÇÃO	<input type="checkbox"/> Não me dá um lugar <input type="checkbox"/> Não me dá um tempo <input type="checkbox"/> Não me dá um espaço	<input type="checkbox"/> POSSO TER UM PENSAMENTO E POSSO ESCOLHER SEU ACESSO	<input type="checkbox"/> Não me dá um lugar <input type="checkbox"/> Não me dá um tempo <input type="checkbox"/> Não me dá um espaço	<input type="checkbox"/> Não me dá um lugar <input type="checkbox"/> Não me dá um tempo <input type="checkbox"/> Não me dá um espaço	<input type="checkbox"/> Não me dá um lugar <input type="checkbox"/> Não me dá um tempo <input type="checkbox"/> Não me dá um espaço
<input type="checkbox"/> NÃO ACREDO, POSSO EXPRESSAR EMOÇÕES, QUERO ME OUVIR	<input type="checkbox"/> Não me dá um lugar <input type="checkbox"/> Não me dá um tempo <input type="checkbox"/> Não me dá um espaço	<input type="checkbox"/> POSSO TER UM PENSAMENTO E POSSO ESCOLHER SEU ACESSO	<input type="checkbox"/> Não me dá um lugar <input type="checkbox"/> Não me dá um tempo <input type="checkbox"/> Não me dá um espaço	<input type="checkbox"/> Não me dá um lugar <input type="checkbox"/> Não me dá um tempo <input type="checkbox"/> Não me dá um espaço	<input type="checkbox"/> Não me dá um lugar <input type="checkbox"/> Não me dá um tempo <input type="checkbox"/> Não me dá um espaço
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From here, children mentioned what is most important for children to participate, ask questions and make suggestions to services:

- “I like the grow, go beyond and develop potential”. For me it would be that. I think there are several people who want to be part of a community to feel good and the safe space is a good potential. Being part of the community helps it to be whole and united. If they have a common goal, having a safe space will influence it.”
- “It’s the “listen to me, value me and recognize me”. It’s enough just to listen. Not all institutions and organisations listen.”
- “It is a safe space. Also, there are affections, I can express emotions, they like me.”
- “Regardless of the place, all of these are important, but in between [it is] the “I make a difference, I contribute and have an impact” and the “listen to me, value me and recognize me”. Hearing what I have to say and considering me is important. But if I don’t feel safe... they’re different phases of the same thing.”
- “That I can be myself, I am accepted is important, because I think, if we are in a space where we can give our own opinion without being judged, we have a space more open to change.”
- “The I make a difference, I contribute, I have an impact. If we feel that our opinion has an impact and there has been a change, we will be more encouraged to give our opinion again.”
- “The first step is well taken. When I give feedback or a suggestion for the first time, in a space, if it doesn’t go well the first time, I might not come back! Not just the person or the space. It’s important to receive [others] well. If I am heard or well received for what I said in the first time [I do it], maybe I’ll come back and give suggestions. The first interaction! If I’m not well received, maybe I won’t come back and I’ll be more fearful!”
- “For me, I think it would be the “listen to me, value me and recognize me”. It is important that we feel that people are not asking for the opinion just for the sake of asking. We should feel that our opinion is valued! I think a person feels when they are being valued and when they are not. I feel...maybe the interest that the person shows!”



c) Outcomes of the analysis notes of the institutional stakeholders

Local services	Child-targeted feedback mechanisms in place			Average score
	YES	NO	DON'T KNOW	
Education and schools	10 replies	-	1 reply	2
Alternative care (e.g. fostering, children's homes)	7 replies	3 replies	2 replies	2
Play, recreation, and sports	3 replies	3 replies	3 replies	1
Cultural services (e.g. museums, arts)	4 replies	3 replies	3 replies	1
Child protection services	6 replies	2 replies	2 replies	2
Support for immigration and asylum seeker	4 replies	1 reply	4 replies	1
Family support and pre-school services	2 replies	2 replies	4 replies	1
Other contexts: road safety	2 replies	-	-	2
Final score	2			

Source: CNPDPCJ, CP4Europe consultation with institutional stakeholders, 2022.

Some entities mentioned that, except for specific services, there is no habit of consulting children regarding their perceptions and opinions and, consequently, there are no response mechanisms in place.

Others mentioned there are some mechanisms for consulting children and receiving their opinion, but not all of them have effective response systems.

It was also mentioned the lack of knowledge of the implementation of such mechanisms; even if that intention exists [on the public services' side], the evaluation of a public service may be not open to children.

d) Good practices identified by children and institutional stakeholders



Children

During the consultation sessions, children mentioned the following actions, which somehow could reflect good practices in Portugal:

- “Some people care about what children say, like you [in the CP4Europe consultation].”
- “I talk a lot about things with the teachers. Doubts, suggestions, pieces of the [musical] repertoire... [As of] more general things, [e.g.] to change the way the school works, I talk to the director. He doesn't go there very often, but he's the one who answers e-mails. And he does reply. I've never suggested anything, apart from answering this questionnaire [for the CP4Europe consultation]. It was the first time I was asked for feedback from the school.”
- “In my school, we have a students' association and we have participatory budgeting. Every year, it's x amount of money for the students [to do things] at the school, and the students get together and propose what they [think they] can improve. It's a way of showing trust in the students and giving them space to propose what they want to change. I think they should be more practical.”
- “At my school, the board of direction works like this: we see the director quite often, she walks around the playground. She knows who we are. Within each class, we have class delegates, who get together with delegates [of other classes] of the same grade, and elect one who speaks to the director. And the director's office, we know where it is. And we know that we can knock on the door and talk to her. It's not difficult to get there and express our opinions. I feel like they value our opinion.”
- “There's not the thing about asking the questions and them (teachers) saying it was nonsense. If they didn't want us to ask the questions, they wouldn't have set up this whole system so we could talk.”
- “I remember one suggestion [I gave], to change a space [at school], and it was acted upon.”
- “About e-mailing the school headmaster, I think it was some teacher who must have told us.”
- “I got it [to know that it was possible to ask questions and make suggestions to services] naturally and people told me. It was a mixture of both. There is an openness of the teachers, who tell us to go and give suggestions and feedback. And then the way in which we give feedback once and what we receive. It's not that thing of giving feedback once and then hearing that it can't be done, that things should stay as they are, and we should just throw it down. I had a good experience.”
- “When I asked about how school clubs worked, I was well received. The people who gave this information were non-teaching staff.”
- “[At the hospital,] for example, when I ask the nurses, I get all the information.”
- “Psychologists give importance to what we say.”
- “We asked for a meeting with the president [of the city council]. I think it was in a citizenship class, at school. The topic had to do with the municipality and it made sense to talk to him. If it wasn't for that work, I wouldn't know I could do those things. I didn't have that information.”
- “[By] being inside the local administration services, I have access to ask questions and give suggestions, and it's easier. It has to do with my mother working there. But even someone outside this environment would be able to do it, they open this opportunity to anyone

who wants [it].”

- “When I am practicing sports and have to ask my coaches a question, they always understand and I feel heard. I have to train the younger ones and my coaches even ask me how we can make training more interactive. Giving suggestions there works well. Even the gym [management] board... I don’t speak directly with the gym [management] board because I don’t always have the opportunity. They are not always there, but I know that information gets to them. Regarding the conditions of the floor... a lot of people have complained. I know that if I talk to my coaches, they pass on this information.”
- “Yes [I gave suggestions in my rugby camp] and I spoke in a more informal way. They made us feel comfortable to ask any questions we had. The way they showed interest in my question and went out of their way to make me understand.”
- “As it is about sports clubs, I went to the gym staff and asked how it was.”
- “I shared [suggestions in the scouts’ group]. I knew people, they knew I wasn’t going to say that to upset or to be against [someone]. People knew my personality.”
- “As the philharmonic band is small, the president walks around us, so I talk to the president of the band. It’s an informal conversation, like ours in this consultation. This board has always been comfortable and straightforward, and lets us say whatever we want. It has always given us that freedom, to both musicians and parents. It’s more direct that way.”
- “Yes [I gave suggestions], because it’s a common interest, both for me and for him [the president of the band], it’s good to have young people in the band. I think it was welcomed that something was done and young people joined. I saw people joined the band. I felt it contributed.”
- “Since there is a shortage of young people [at the philharmonic band], I have already questioned the board. It has tried to find young people in schools and there has been a two-week holiday camp, where you play musical percussion. There are results, people join the band, but the difficult thing is to keep them there. I’m not the one who gave those ideas, but I pushed for it.”
- “Those instruments... tablets, to give satisfaction feedback, with smiles [emojis].”



Institutional Stakeholders

During the consultation process, the respondent institutional stakeholders identified good practices implemented in Portugal, including the:

- The national operation carried out annually since 2019 by the Public Security Police (PSP), marking the anniversary of the UNCRC, with a focus on promoting children’s rights and preventing child ill-treatment, including sexual crimes against children in primary and secondary schools. Within the scope of these operations, a total of 1.203 group awareness-raising actions were carried out, encompassed 654 schools and 29.227 students. Moreover, 1.178 individual criminal prevention contacts were made.
- Child participation spaces provided through the tab “Me and the others” of the portal “Júnior Seguro” of the National Authority for Road Safety (ANSR), providing children possibilities of: assessing the public space, presenting proposals to change it, and suggesting awareness-raising campaigns or other forms of participation aimed at designing and improving the public space. The Portal is organised to address different group ages.
- The campaign “Patrulha Júnior” (Junior Patrol), an initiative of Ascendi in partnership with the ANSR, along with the National Republican Guard (GNR), the PSP and the Portuguese

Fire Brigade League (LBP), which encompasses the exhibition of theatre plays aimed at children in several municipalities in mainland Portugal. Through an empowerment approach, these plays aim at raising children’s awareness towards road safety and preventing risky road behaviour, namely the dangers related to the use of mobile phones while driving. At the end of the play, each participating child becomes an agent of the Junior Patrol, and is awarded a badge of the patrol and given the Patrol’s Good Agent Manual.

- Project “Júnior Seguro on the Road”, developed by ANSR with children and teachers, also opens space for the participation of the former.
- Rooms for the reception and hearing of children that exist in some family and juvenile court buildings in Portugal, providing a more child-friendly environment, in which they feel safe. Additionally, there are some leaflets in the reception rooms, addressed to victims, some of which could be made available to children according to their age and maturity. New resources regarding victims will soon be available in the courts.
- The annual satisfaction assessment of the students at Casa Pia de Lisboa, carried out through by applying a survey to the students who attend its educational and training offers, starting from the 1st cycle of basic education. Upon the results of the survey, an improvement plan is designed and implemented as a follow-up action.
- SOS Children’s Helpline, operated by the Institute of Child Support (IAC).
- The services available to children through Programme Cuida-te+, operated by the Portuguese Institute for Sport and Youth (IPDJ), namely: a free, anonymous and confidential helpline for information, advice and referral in the area of sexual and reproductive health; and the section Ask Your Questions Here of the IPDJ portal, where young people can ask questions related to the Programme’s areas of action:

e) Final assessment of Indicator 9

CPAT Indicators		Assessment			
		0	1	2	3
Creating spaces for participation	9. Child-targeted feedback mechanisms on local authority services are in place				

Source: CNPDPCJ, based on CP4Europe consultations.

f) Points to address based on institutions’ replies

- Diversification of projects aimed at road safety and prevention with the participation of children and young people, while increasing the number of children involved.
- Within the scope of reporting cases of children in danger, the possibility of applying questionnaires addressed to children should be considered, as to collect their opinions on matters related to their reception in courts and their participation in proceedings.
- Play, recreation and sports, cultural services, family support and pre-school services.
- Promotion of the participation of children in all areas of public services.

g) Possible follow-up actions

During the consultation sessions, children mentioned the following, which point out to possible follow-up actions:

- “When I don’t feel comfortable in places, if I don’t think I can give my opinion, that’s a bad indication of the place. Red flags stuck on top of each other.”

- “With the non-teaching staff, they see us more as children. In my school, there are people from grade 7 to 12 and they treat us all equally. They don’t differentiate. When we interact with them asking, for example, where the class is, they say ‘ah, you should know’. I don’t feel so understood.”
- “I’ve never tried [giving suggestions to improve a service]. But I feel like trying. I’m afraid they’ll say ‘stay in your place’, ‘see where you stand here’. That’s the image they put me through. And because there’s not a literal openness of them asking us what we’d like to play [music]... and they’re not blind, they see our difficulties.”
- “I don’t think so [wanting to give suggestions to improve a service]. Moments for students to give their opinion never happened. Except for the list for the Students’ Association. But that’s not with all the pupils, it’s only with those who want it. The class now has more freedom. They are trying to improve the school with the proposals they had, but those who are not in the Students’ Association don’t have this access.”
- “[I have] memory of an experience with a teacher. I feel that feedback regarding lessons is not well received.”
- “I’ve only used the library. I never asked anything, but I think if I asked the librarians, they would be available. I think they are calm... teachers, on the other hand, are always more stressed. It’s easier to ask questions to calm people.”
- “I had a small project in which older people were going to be monitors, we were going to have training stages and that’s where I met her [the director of the orchestra]. I got the director’s contact, but I don’t feel at ease. I don’t give her feedback. She e-mails to organise things and I answer her. Without the monitors’ initiative, I wouldn’t have her contact. For many years I didn’t even know who she was!”
- “How could I give suggestions in court, to the gentleman there??? I was afraid they would tell my father or my mother what I [would have] said.”
- “At the Investigation and Prosecution Department, she was rough on me”.

Furthermore, children also mentioned the need of:

- “Conducting online surveys for those [children] who want to respond.”
- “Suggestions boxes.”
- Using “*clear language, understandable by children*” and being “*very clear on what is being asked to children and to which purpose.*”
- Upon children’s feedback, the following can also be deemed as possible follow-up actions:
- Improving the professionals’ capacity to talk to children and hear them in a way they feel seen, respected and comfortable asking questions and giving suggestions;
- Implementing the National Strategy on the Rights of the Child⁵¹ and of its Biannual Plan for 2021-2022 and approval and implementation of its Biannual Plan for 2023-2024.
- Considering the content of this White Paper - which could be deemed as a good practice in itself - since it conveys children’s opinions and suggestions on this indicator, which can be reflected upon by the entities in charge of the services identified by the children, both regarding what needs to be changed and what seems to suit children.

As of respondent institutional stakeholders, possible follow-up actions could be:

- Investment **in spaces for sharing good practices and knowledge.**
- Evaluation **of ANSR’s collaboration with other APSI projects, such as “Brincapé”.**
- Creation of mechanisms to hear children following their attendance/use of certain servic-

⁵¹ Approved by the Resolution of the Council of Ministers no. 112/2020, of December 18.

es, to collect their opinion on their experience as service users, as well as the consequent creation of response mechanisms.

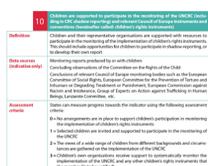
- The creation of an evaluation system of public services for children - namely by implementing game and/or interactive methodologies -, as well as the development, in the courts, of satisfaction surveys directed and adapted to children and young.

h) Data sources on the indicator

These data sources were provided by: children, as opinions during the consultations; institutions, in their replies to questionnaires:

- Protocol of the National Referral System for (alleged) victims of trafficking in human beings for the definition of action procedures aimed at prevention, detection and protection
- Information provided in the SOS-Child Sector of the Institute of Support to the Child.

3.3.3. INDICATOR 10 – Children are supported to participate in the monitoring of the UNCRC (including in CRC shadow reporting) and relevant Council of Europe children’s rights instruments



The definition of indicator 10 presented in the CPAT (cf chart on the left) was the starting point for its assessment; the corresponding criteria were applied to the information obtained in the consultation process. As recommended in the CPAT, the assessment of indicator 10 also encompassed issues regarding children in vulnerable situations.



A total of 34 children participated in 8 focus groups organized to assess this indicator. One focus group was open to the national level, through an online questionnaire in child-friendly language made available at the Area for Children and Young People of the website of the CNPDPCJ.

Another focus group was the National Council of Children and Young People, previously mentioned with children representing all regions of the country⁵².

Specific focus groups were also organized to collect the perspectives of children in different circumstances, including in vulnerable contexts: one of children of a second grade class at a basic education school in Lisbon; a focus group of children of a CESIS project in Lisbon; a focus group of children in the Casa de Formação Cristã, in Coimbra; a focus group of children of the Street project of the Association for Second Chance Education, in Lisboa; two focus groups of children in vulnerable contexts in Lisboa.

The focus groups integrated boys and girls aged mostly 6 to 18 years old; it was possible to indicate the sex or not. Participants originated in Angola, Guinea-Bissau, Portugal and Saint Tomé and Príncipe.

The analysis of the data collected during child consultations revealed specific outcomes, depending on the closed, semi-closed or open nature of the questions, as follows:

⁵² North; Center; Lisboa, Santarém and Setúbal; Alentejo; Algarve; and the Autonomous Regions of the Azores and Madeira.

a) Children's replies to closed questions

First, children were explained the concept of “shadow report” and their right to participate in shadow-reporting initiatives, in a language that they understood, and could raise their questions on what this indicator was about.

The consultations with 34 children, based on the chart provided by the CPAT⁵³, show children lack information on shadow reports and on their right to participate in shadow reporting at the settings at stake, as expressed in the option “Don't know” chosen by most of them:

Local services	Child-targeted feedback mechanisms in place		
	YES	NO	DON'T KNOW
Education and schools			✓
Alternative care (e.g. fostering, children's homes)			✓
Play, recreation and sports			✓
Cultural services (e.g. museums, arts)			✓
Child protection services			✓
Support for immigration and asylum seekers			✓
Family support and pre-school services			✓

Source: CNPDPCJ, based on CP4Europe child consultations, March 2022.

Children also replied to an additional set of open and closed questions elaborated by the CNPDPCJ to understand further the children's assessment⁵⁴:

Closed questions raised to children	YES	NO	DON'T KNOW
Do you think it is important for children/young people to be able to participate for shadow reports?	✓		
Have you ever received an invitation to participate in the writing of a shadow report?		✓	
Do you think it is important for children/young people to be able to participate in shadow reports?	✓		
Have you ever taken part in a shadow report?		✓	
Would you like to have taken part in a shadow report?	✓		

Source: CNPDPCJ, based on CP4Europe child consultations, March 2022.

b) Children's replies to open questions

As of the replies to closed questions, it could be concluded that children consider the indicator is not implemented. Children's replies to the open and semi-closed parts of the questions allowed a better understanding of the experience of the reduced number of children who had already participated in the elaboration of shadow reports, as well as what could be done

⁵³ Ticks according to the majority of replies.

⁵⁴ Ticks according to the majority of replies.

to implement this indicator.

Children were asked about the issues they think are most important for them to participate in shadow reporting and why:

- “All those that are directed at them [at children] and may interfere with their future.”
- “Everything related to school.”
- “Health.”
- “The participation of children, namely in courts.”
- “Violence against children.”
- “How you should play, not get hurt, not argue, learn to be together without arguing.”
- “Right to leisure time. Privacy. Environmental and social issues.”
- “The environment, taking good care of people and animals.”
- “Playing with our shadows.”

On the subjects they would like to talk about the most in a shadow report, children referred:

- “Education, health, at the level of participation in courts or even regarding giving children’s opinion.”
- “Health.”
- “Justice.”
- “Giving the opinion on children’s rights.”
- “Children’s participation, namely in courts.”
- “Education and part of “justice” (courts).”
- “Children’s opinion on various issues.”
- “Education, health, knowing the concerns [and the opinion] of children and young people.”
- “Public policies, school organisation, school curricula, environmental issues, ethnic and racial discrimination and health.”

Regarding what they consider would be important for them to feel good participating in elaborating a shadow report, children replied:

- “To have experience and for children and young people to really talk about what they experience, so that there are no misunderstandings and they don’t give information that could be a little incorrect.”
- “That things should be written as they were said by the children and young people.”
- “That the information that we would write in that report would really be passed on.”

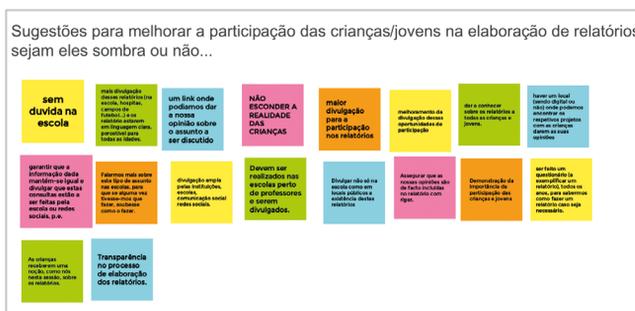
Children were also asked if they think all children are given equal opportunities to participate in shadow reports, and explain the reasons behind their perspectives, and replied as follows:

- “If we got to participate, it was because we were part of the CNCJ [National Council of Children and Young People] (...) and it is not something that is open to all [children] and that there is opportunity [for one to to].”
- “The main dissemination mechanism is the school, and it is there that, in fact, this information should be given [to reach all children equally].”

In the end, children were invited to suggest ways to improve child participation in shadow reports and how it could work better for them to participate in those:

- “At school, we can write shadow reports because we are all together.”
- “Definitely at school.”

- “A link where we could give our opinion on the subject under discussion.”
- “Not hiding the reality from the children.”
- “To have a place [online or offline] where we can find the projects with children giving their opinions.”
- “Talking more about this type of issue in schools, so that, if we ever had to do it, we know how to do it.”
- “Broad dissemination by institutions, schools, social media networks.”
- “They should be held in schools near teachers and be publicised.”
- “Ensure that our views are indeed included in the report accurately.”
- “Demonstrating the importance of children and young people’s participation.”
- “Being given a questionnaire (exemplifying a report) every year, so that we know how to make a report if we need to.”
- “Transparency in the reporting process.”
- “That the reports value all suggestions, whether [deriving] from adults or children.”
- “To allow children’s voice to be heard and to value and pay attention to what they suggest.”
- “Listening carefully to what children say and believing them.”
- “I think children should know that there is even such a committee.”
- “Give children space in the different contexts, [for them] to be able to participate freely.”



c) Outcomes of the analysis notes of the institutional stakeholders

The replies of the institutional stakeholders varied, with some considering that, according to the definition of the indicator, the mechanisms are not established, and, if they do, are not being properly disseminated, while others mentioned that, when children are invited and supported to participate, some limitations exist regarding the inclusion of vulnerable children and children from diverse contexts/circumstances, adding the fact that only a small number of children are involved, whose selection criteria are unknown. Moreover, some respondent institutions referred that the existence of both governmental and non-governmental entities with a direct relationship with the target groups makes it difficult for an integrated approach to take place. Illustratively, the intervention of entities such as the Portuguese Institute for Sport and Youth foresees the participation of children and young people aged between 10 and 30 years old.

The Portuguese National Human Rights Committee, coordinated by the Ministry of Foreign Affairs and composed by representatives of a diverse range of areas, was also mentioned as an asset. Within the strict scope of the reports prepared by the Portuguese State submitted to the UNCRG for the last evaluation cycle of the implementation of the CRC, actions were

taken to ensure the participation of civil society entities, which, in turn, established participatory processes for children. These initiatives, although important, still reveal very elementary forms of child participation. It is expected that systems allowing for a more robust participation, in line with international guidelines and indicators on this matter, will be in place for the next evaluation cycle.

Regarding relevant instruments and conventions of the Council of Europe, young Portuguese have been actively participating in the activities of the Congress of Local and Regional Authorities, especially to the Revised Charter on Youth Participation in Local and Regional Life, as adopted by the Congress on 21 May 2003, as an annex to Recommendation 128(2003), and the CM/Rec(2004)13 on youth participation in local and regional life. Even though it does not have the status of a convention, the Council of Europe proceeds to evaluate the implementation of both recommendations at stake through the youth sector, which implies listening to young people aged above 18. On these occasions, Member States and organizations of the civil society are invited to participate, sometimes through the elaboration and submission of separate and autonomous reports. In the case of young people, their involvement is sought through representative structures; in Portugal, the National Youth Council assumes this role. In relation to young people from disadvantaged neighbourhoods or at risk of marginalisation, the involvement of structures such as the High Commission for Migrations is sought, namely through the Choices Programme.

The indicator scored 1 in the final assessment of the institutions.

d) Good practices identified by children and institutional stakeholders



Children

During the consultation sessions, children identified one good practice in Portugal, which was the CP4Europe consultation session in which they were participating:

- “[A good practice on this matter is] Children to receive a notion, like us in this about the reports.”



Institutional Stakeholders

During the consultation process, the respondent institutional stakeholders identified good practices implemented in Portugal, including:

- The National Council of Children and Young People, as a forum where children are given voice to express their experiences, concerns, needs and expectations.
- The occasional participation in consultation processes, namely in those of the Council of Europe, of young people who are serving internment measures at an Educational Centre or in the community and are under the application of educational tutelary measures, whose execution is monitored by the Social Reinsertion Teams. In particular, the participation of 12 young people attending tutelar centres in a project carried out in April 2019, under the 2nd monitoring cycle of the Lanzarote Convention, focused on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies. The action resulted of the collaboration of the Directorate-General of Reintegration and Prison Services.
- The different methodologies used to foster child participation at residential care facilities, such as those of Casa Pia de Lisboa, a current practice at the institution, for which it

determines and monitors success performance indicators, and, whenever necessary, applies measures to correct the deviations detected. Furthermore, Casa Pia de Lisboa highlighted the following contributions, some of which in coordinated by the CNPDPCJ: child consultations on age assessment of children in migration, with a view to implementing child-friendly procedures in all aspects concerning immigration and asylum laws, namely age assessment of children in the context of asylum and immigration procedures; Project 12 “Justice for Children”, promoted by the CNPDPCJ in partnership with Instituto Universitário de Lisboa (ISCTE-IUL) and Logframe - Consultoria e Formação, co-funded by the European Union under the Rights, Equality and Citizenship programme, aiming at contributing to a justice system that is accessible, age-appropriate, swift, diligent, adapted and focused on the needs and rights of the child; the Bilateral initiative “Enhancing the protection of the rights of the child in priority areas”, coordinated by the CNPDPCJ in partnership with the Agency for Child and Family Welfare of the City of Oslo, financed by the Fund for Bilateral Relations of the EEA Grants. Children aged 12 and above responded to a questionnaire on the importance of child participation and committed themselves to a planned joint activity with Norway, that should have taken place on March 20, 2020, the International Day of Happiness; consultation process coordinated by CNPDPCJ with children and young people regarding the priority area “equal opportunities and social inclusion for all children” of the Council of Europe’s Strategy for the Rights of the Child 2022-2027 (EDC 2022-2027). Portugal, through the CNPDPCJ, along with other 9 Member States selected by that international organization carried out the consultations.

- Casa Pia de Lisboa also participates in external work groups or initiatives, with other entities of the child protection system and of the academia, in order to keep up comparability terms and detect opportunities for performance improvement, aiming at adjusting it to the needs of children and young people.
- The UNICEF activity in the elaboration of an Alternative Report to the UNCRC (V-VI Cycle) which included the participation of 64 children from 9 to 17 years old.

e) Final assessment of Indicator 10

CPAT Indicators		Assessment			
		0	1	2	3
Creating spaces for participation	10. Children are supported to participate in the monitoring of the UNCRC (including in CRC shadow reporting) and relevant Council of Europe instruments and conventions				

Source: CNPDPCJ, based on CP4Europe consultations.

f) Points to address based on the replies of institutional stakeholders

- Promotion of children and youth associations.
- Investment in specialized training, which is essential to guarantee an adequate and qualified approach to services, allowing greater dissemination/clarification of what exists at the level of this indicator.
- Ensuring diversity regarding the cultural, social, economic backgrounds of children that participate.
- Awareness-raising of the decision-making bodies regarding the importance of support-

ing organizations on monitoring the UNCRC and other instruments.

- Creating and sustaining mechanisms for effective consultations with target groups and the governmental and non-governmental entities that interact with them.

g) Possible follow-up actions

During the consultation sessions, children mentioned the following, which point out to possible follow-up actions:

- “Young people are unaware that shadow reports exist. There should be better dissemination. A lot of people even want to participate, but they don’t know about this subject.”
- “Giving information to all children and young people that shadow reports exist.”
- “Publicise not only in school, but [also] in public facilities that these reports exist.”
- “More dissemination of the shadow reports (in school, hospitals, football fields...) and the reports being in clear language, perceptible to all ages.”
- “Increased outreach for participation in the reports.”
- “Improved dissemination of these opportunities for participation.”
- “Ensure that the information that is provided stays the same and publicise that these consultations are being done by school or social media, e.g.”
- “One of the imperative conditions to our participation is that our opinions are really taken into account in the report, that there is rigour, that the reported information corresponds to what the children say, that the opinions they expressed are taken into account.”

These words make clear that work still needs to be done to make child participation in shadow reports a reality, and the interest of children in being involved and participating in shadow reports. Informing on the existence of shadow reports and on their right to participate in them come up as a possible follow-up action.

The CNPDPCJ will communicate the results of the CP4Europe consultations with children on this indicator to the Portuguese National Human Rights Committee, the national entity in charge of preparing and submitting national reports and competent for stimulating the elaboration of shadow reports on the implementation of UN and Council of Europe Conventions and Protocols in Portugal, regarding on human rights in general and children’s rights particularly, namely the UNCRC.

The CNPDPCJ may produce an informed and documented invitation, in child-friendly language, stimulating children to participate in shadow reports to assess the implementation, in Portugal, of the relevant Conventions and Protocols aforementioned, namely the UNCRC. A possible location for the document, which could include links to relevant information on conventions and protocols, is the Area for Children and Young People of the website of the CNPDPCJ.

This White Paper on Child Participation in Portugal is a follow-up action in itself, as it contributes to a wider, regular and meaningful participation of children in all areas and covers all CPAT indicators.

As of respondent institutional stakeholders, possible follow-up actions could be:

- Creating mechanisms/procedures that allow the participation of a larger number of children from various places, with different needs, characteristics, ages, ethnicities and of both sexes, as well as of a system of representativeness of the national territory - including the autonomous regions - upon the results of this assessment.
- Better articulation involving all relevant actors and stakeholder groups, both from public bodies and civil society.

h) Data sources on the indicator

These data sources were provided by: children, as opinions during the consultations; institutions, in their replies to questionnaires:

- Convention on the Rights of the Child.
- Decree of the President of the Republic no. 49/90, of September 12, ratifying the Convention on the Rights of the Child, signed in New York on January 26, 1990, approved by Resolution of the Portuguese Parliament no. 20/90, of September 12.
- Shadow reports of civil society organizations to the Committee on the Rights of the Child on the implementation of the Convention on the Rights of the Child in Portugal.
- Information provided by the National Commission for the Promotion of the Rights and the Protection of Children and Young People, especially the Children and Young People's Space provided at its website.
- Recommendation 128(2003), adopted by the Congress of Local and Regional Authorities of the Council of Europe on May 21, on the Revised European Chart on the Participation of Young People in the Local and Regional Life, which is an annex thereof
- Recommendation CM/Rec(2004)13, adopted by the Committee of Ministers of the Council of Europe on November 17, on the participation of young people in the local and regional life.
- Recommendation CM/Rec(2015)3, adopted by the Committee of Ministers of the Council of Europe on January 21, on the access of young people of from disadvantaged neighbourhoods to social rights.
- Recommendation CM/Rec(2016)7, adopted by the Committee of Ministers of the Council of Europe on September 28, on the access of young people to rights.

At the end of all CP4Europe's consultations with children in Portugal, feedback was given to them on the importance of their participation.

4. OVERVIEW OF THE 10 CPAT INDICATORS

The assessment of all 10 CPAT indicators as a result of consultations with children and institutional stakeholders in Portugal, using the CPAT grading criteria ranging from 0 (lower) to 3 (higher) is summarized in the following table:

CPAT Indicators Assessment Resulting from Consultations in Portugal to Children and Entities

Key:



Assessment by children



Assessment by institutional stakeholders

CPAT INDICATORS

0

1

2

3

Protecting the Right to Participate	1. Legal protection for children and young people's right to participate in decision-making is reflected in the national Constitution and legislation				
	2. Explicit inclusion of children and young people's right to participate in decision-making in a cross-sectorial national strategy to implement children's rights				
	3. An independent children's rights institution is in place and protected by law				
	4. Existence of mechanisms to enable children to exercise their right to participate safely in judicial and administrative proceedings			 	
	5. Child friendly complaints procedures are in place			 	
Promoting awareness of the right to participate	6. Children's right to participate in decision-making is embedded in pre-service training programmes for professionals working with and for children				
	7. Children are provided with information about their right to participate			 	
Creating spaces for participation	8. Children are represented in forums, including through their own organisations, at school, local, regional and national governance levels				
	9. Child-targeted feedback mechanisms on local services are in place			 	
	10. Children are supported to participate in the monitoring of the UNCRC (including in CRC shadow reporting) and relevant Council of Europe instruments and conventions				

Source: CNPDPCJ.

5. FOLLOW-UP CONSULTATIONS WITH CHILDREN

In face of the fruitful consultations with children on the 10 CPAT indicators undertaken in Portugal during March 2022, the CNPDPCJ proposed the Council of Europe, as the international coordinator of the project, to carry out follow-up consultations with children in February and March 2023, with the specific purpose of inviting them to produce resources to be possibly used by adults, professionals, and institutions in the areas that identified as requiring improvement by children consulted in March 2022.

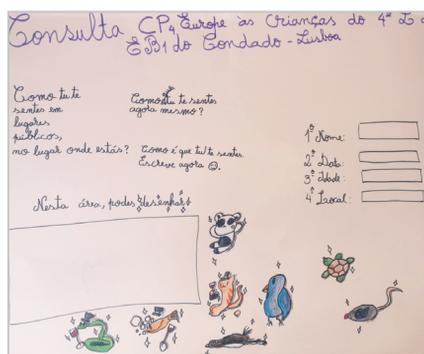
The CNPDPCJ planned and implemented these follow-up consultations with children with the collaboration of entities that work directly with them and that had already been informed and trained for the CP4Europe consultation process with children back in March 2022.

Each follow-up consultation session was focused on one out of the six core areas mentioned below, and resulted in a resource which ends up being produced by children over the outcomes of previous consultations with other peers:

- Child-friendly mechanisms for conveying children's complaints/appreciation/suggestions;
- Feedback mechanisms to children regarding the complaints/appreciation/suggestions conveyed by children to professionals/institutions;
- [Set of] Characteristics of professionals who work with children that favour a child-friendly approach/behaviour;
- Topics to include in a training module directed at professionals who work with children, with a focus on child-friendly approaches;
- Child-friendly language: what is part of it and what is an obstacle to communication;
- Child-friendly environments.

The CNPDPCJ facilitated a follow-up consultation session on *child-friendly mechanisms for conveying children's complaints/appreciation/suggestions* with students of the 4th Grade, Class L, of Basic School 1 of Condado, in Lisbon, on February 3, 2023, with the collaboration of the Institute of Child Support.

The resource produced by the children mentions:

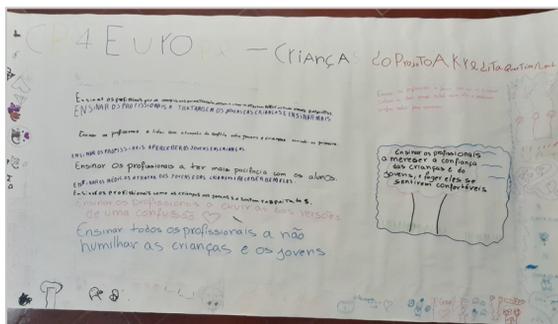


"1-Name:
2-Date:
3-Age:
4-Venue:
How do you feel in public places, in the place where you are now?
How do you feel right now?
How to you feel? Write now 😊
In this spot, you may draw:"

Source: CNPDPCJ, CP4Europe follow-up consultation session with children of the 4th Grade, Class L of Basic School 1 of Condado, Lisbon, February 3, 2023.

The CNPDPCJ facilitated a follow-up consultation session on *feedback mechanisms to children regarding the complaints/appreciation/suggestions conveyed by children to professionals/institutions* with children of the School of Emotions, in Leiria, on March 15, 2023, resulting in the resource shown below, mentioning:

The CNPDPCJ collaborated with the High Commissioner for Migrations to facilitate a follow-up consultation session on *topics to include in a training module directed at professionals who work with children, with a focus on child-friendly approaches* with children of Project “Akredita” of the Choices Program, in Quarteira (Algarve), on February 10, 2023, which resulted in the following resource, which mentions:



- “Teach professionals how children and young people feel respected;
- Teach professionals to deserve children and youngsters’ trust and how to make them feel comfortable;
- Teach professionals to make that children feel well in their company and can trust them to talk;
- Teach professionals to understand children and young people;
- Teach professionals that children and young people also make mistakes and to not punish them for knowing the correct replies to questions;
- Teach professionals to treat children and young people well and to teach more;
- Teach all professionals not to humiliate children and young people;
- Teach professionals to deal with conflict situations between children and young people by listening to them first;
- Teach professionals to hear both versions of a mess ☺;
- Teach professionals to be more patient with pupils;
- Teach doctors to treat youngsters and children and receive them well.”

Source: CNPDPCJ, CP4Europe follow-up consultation session with children of Project “Akredita”, Quarteira, February 10, 2023.

The CNPDPCJ coordinated two follow-up consultation sessions on *child-friendly environments*: one targeting children aged below 12 years old and another targeting children over 12 and up to 18. The session of the group of children aged up to 12 was also facilitated by the CNPDPCJ and took place on March 15, 2023, in Leiria, with children of the “School of Emotions”; the session of the group of children aged between 12 and 18 was facilitated by professionals of Project “Qualify to Include”, on March 16, 2023, in line with the technical orientations of the CNPDPCJ. The following resources were produced:

Resource on child-friendly environments by children aged below 12 years old:

While BEING HEARD, children NEED THAT professionals/adults...



Help the child feel he/she matters, is safe and comfortable;	Shout or make aggressive gestures;
Help the child feel at ease and confident;	Speak in a cold or aggressive tone;
Be kind, friendly and empathic;	Stress the child;
Be calm, reassuring, caring and supportive;	Be rude;
Explain what is happening and why;	Be harsh;
Keep it simple and clear;	Be mean;
Speak quietly, gently and with love;	Be selfish;
Speak with seriousness;	Be disrespectful of the child and/or of his/her opinions;
Tell the truth respecting the age and maturity of the child;	Make the child feel ignored;
Be a good and active, patient and flexible listener;	See the child as a liar;
Pay attention to what the child has to say and to what he/she may want to say;	Discriminate;
Ask the child for his/her opinion;	Judge at first sight or the words spoken;
Listen attentively and more often;	Ignore or underestimate what the child says;
Listen to the child up to the end of his/her statements or opinions;	Make the child feel uncomfortable, insecure or unsafe;
Respect the child and his/her opinions, even when not agreeing with them;	Make the child feel ridiculed, judged or accused based in his/her appearance or opinions;
Try to know and respect the child's life story and his/her side and view of it;	Put pressure on the child;
Believe and understand the child;	Treat a child like a baby;
Walk in the child's shoes;	Withhold information;
Explain properly the decisions made and their benefit to the child;	Make judgements based on any kind of prejudices or preconceptions related to the child, his/her family or life story;
Recognize the importance of the child and of his/her participation;	Interrupt the child while he/she is speaking;
Follow-up in the best way.	Speak using technical words, concepts or other language that is not appropriate to the child's age and maturity;
	Decide and not inform the child.

Source: CNPDPCJ, based on CP4Europe's children's consultations, March 2022.

6. CONCLUSIONS

The implementation of the Child Participation Assessment Tool of the Council of Europe (CPAT) to the Portuguese national context, presented in the current White Paper, has provided a first overview of the state of the art regarding child participation in the country.

Portugal has been improving child participation throughout the years, making efforts in a crosscutting manner. However, there is still margin for further improvement regarding different aspects of child participation, some of which may imply financial investment, while some others may not, as it was possible to ascertain. Examples of solutions for the latter remain, sometimes, in the domain of sensitivity of a human being standing before another one, while some others, in the realm of simple deep humanity, and it may take actions as simple as providing a glass of water or a chair for those who may need it.

While working towards improving child participation in Portugal, and previously to discussing further developments regarding this matter, it is important to keep in mind and at hand essential outlines that shall frame and provide the base for such actions, namely the preference for collaborative approaches, and the utter need of critical thinking and humanity.

With this kind of take, the opinions of children and young people are heard regarding all matters that concern them, while the same also applies to any and every other human being who contact and relate with them at several levels, in various contexts. In fact, human rights are rights of all human beings, and honoring the rights of children as human beings should not mean not honoring the human rights of other human beings who are aged above 18 years old.

Albeit lengthier in time, as consensus may tend to take longer to be achieved, collaborative approaches – instead of imposing ones, on both sides – are to be deemed more valuable to everyone and to the process, as the life experience of adults shall also be highly treasured in the process. Concurrently, this last note also highlights the need to beware of certain kinds of processes in order to avoid their occurrence while trying to improve child participation, namely potential processes that may tend to slide into situations in which the voice of adults would be disregarded and that may lead to the abuse of well-intentioned actions for setting or mainstreaming topics into the political agenda, which is also undesirable and inadequate. While improving child participation, it is also important to keep in mind that:

Human rights are all human beings' rights, to which children's rights add up in the case of children.

As vulnerable human beings, children have the right to be protected by their parents and/or legal guardians, whose human rights as parents or legal guardians of a child are natural and unalienable and who have the responsibility for and the right of upbringing and the development of the child. The intervention of the child protection system is thus circumscribed to situations of children at risk or in danger whose diagnosis as such is duly grounded.

All parts of society play important roles in protecting children and contribute to create, in all contexts, the conditions for their integral development as human beings and for the expansion of their full potential.

The fulfillment of the right of the child to participate requires that professionals, institutions and citizens at large are aware of it and are prepared to ensure its exercise respectfully, safely and comfortably to all children, irrespectively of their age, gender, disability, belonging to a

minority group or any other criteria, and in equal opportunities which may imply providing children in vulnerable circumstances specific additional support.

In the pursuit of its mission, the National Commission for the Promotion of the Rights and the Protection of Children and Young People plays an important role in this area and takes the United Nations Convention on the Rights of the Child as a referential for its action, including while cooperating closely with entities with competences on childhood and youth matters, monitoring the activities of the local Commissions for the Protection of Children and Young People, and being actively involved in national and international projects that contribute to promote and protect children's rights, including the right to participate, be heard and have their opinions considered in all matters that concern them.

In the end, as in the beginning, the CNPDPCJ thanks all children and institutions for the cooperation that allowed the making of this White Paper on Child Participation in Portugal, and hopes that it can be useful to improving child participation, as it presents the results of the consultations with children and institutions on the 10 CPAT indicators, good practices points to address, and suggestions of follow-up actions, a large part of which conveyed by children in their own words, as an added-value that allows one to meet their needs best and make their participation be a meaningful experience.

7. ANNEXES

A) Annex 1: List of partners involved in consultations with focus groups of children

- Agrupamento de Escolas Mães d'Água [Group of Schools Mães d'Água, awarded with the Protective Seal by the CNPDPCJ], with the support of the Regional Technical Team of Lisboa, Setúbal and Santarém of the CNPDPCJ
- Aldeias de Crianças SOS (SOS Children's Villages)
- Alto Comissariado para as Migrações [High Commissioner for Migrations] / Projects of the Choices Programme
- Representação do Alto Comissariado das Nações Unidas para os Refugiados em Portugal [Portugal Foundation with the UN High Commissioner for Refugees]
- Casa da Criança de Tires – Champagnat Foundation [Children's House of Tires]
- Casa do Pai – Fundação Bissaya Barreto [Father's House – Bissaya Barreto Foundation]
- Casa Pia de Lisboa, I.P.
- Casa Qui
- Comissão de Proteção de Crianças e Jovens da Amadora [Commission for the Protection of Children and Young People of Amadora]
- Comissão de Proteção de Crianças e Jovens de Arruda dos Vinhos [Commission for the Protection of Children and Young People of Arruda dos Vinhos]
- ComParte – Maria Rosa Foundation, with children and young people of Alentejo (Santiago do Cacém), Metropolitan Area of Lisboa (Almada, Camarate, Lisboa e Odivelas) and of the Center of Portugal (Leiria)
- Conselho Nacional de Crianças e Jovens [National Council of Children and Young People], steered by the CNPDPCJ with children of all the regions of Portugal (Norte, Centro, Lisboa, Santarém e Setúbal, Alentejo, Algarve, Madeira e Açores)
- Conselho Português para os Refugiados [Portuguese Council for Refugees]
- CrescerSer
- Direção-Geral de Reinserção e Serviços Prisionais [Directorate-General for Reintegration and Prison Services], in articulation with the Educational Centres of Navarro de Paiva, of Bela Vista and of Padre António de Oliveira (Lisbon), and with the Educational Centres of Olivais (Coimbra), of Santo António (Porto) and of Santa Clara (Vila do Conde)
- Escola das Emoções [School of Emotions]
- Externato João Alberto Faria de Arruda dos Vinhos, with the support of the Regional Technical Team of Lisboa, Setúbal and Santarém of the CNPDPCJ
- Instituto de Apoio à Criança [Institute of Support the Child]
- Programa P'RA-TI Crianças e Jovens (UMAR) [Program For You Children and Young People]/Psychologic Support Response to Children and Young People Victims of Domestic Violence (RAP)
- Qualificar Para Incluir [Qualify to Include]
- Santa Casa da Misericórdia de Lisboa
- União de Mulheres Alternativa e Reposta (UMAR – Union of Women Alternative and Response) – Shelter for Children Victims of Domestic Violence (Almada)

B) Annex 2: List of respondent institutional stakeholders

The implementation of the CPAT implied a consultation process with national institutional stakeholders. The list below mentions the 27 ones that provided replies to the request of the CNPDPCJ, within the scope of the process at stake:

- Casa Pia de Lisboa, I.P.
- Azores Commissioner's Office for Childhood
- Confederation of National Institutions for Solidarity
- Directorate-General of Education (Ministry of Education)
- Directorate-General of Justice Administration (Ministry of Justice)
- Directorate-General for Justice Policy (Ministry of Justice)
- General-Directorate of Reintegration and Prison Services (Ministry of Justice)
- General-Inspectorate of Justice Services (Ministry of Justice)
- High Commissioner for Migrations (Minister of the Presidency)
- Institute of Employment and Professional Training, I.P. (Ministry of Labor, Solidarity and Social Security)
- Institute of Social Security of Madeira, I.P.-RAM
- Judiciary Police (Ministry of Justice)
- Ministry of Internal Affairs
- National Commission for the Promotion of the Rights and the Protection of Children and Young People (Ministry of Labor, Solidarity and Social Security)
- National Youth Council
- Obra do Ardina Foundation
- Portuguese Youth and Sports Institute
- Representative of the Attorney General at the District Court of the Azores in the Regional Council of the Azores Commissioner's Office for Childhood
- Representative of the education sector in the Regional Council of the Azores Commissioner's Office for Childhood
- Representative of the health sector in the Regional Council of the Azores Commissioner's Office for Childhood
- Representative of the National Scouts Corp at the Autonomous Region of the Azores in the Regional Council of the Azores Commissioner's Office for Childhood
- Representative of the social security sector in the Regional Council of the Azores Commissioner's Office for Childhood
- Representative of youth in the Regional Council of the Azores Commissioner's Office for Childhood
- Representative of youth associations in the Regional Council of the Azores Commissioner's Office for Childhood
- Teresa Goldschmidt, Counsellor of the National Council of the CNPDPCJ
- The Ombudsperson
- Union of Portuguese Mutualities

C) Annex 3: List of sources and legal references

- Convention on the Rights of the Child.
- Constitutional Law no. 1/2005, of August 12, particularly articles 23, 62 and 69.
- Regulation (CE) no. 2201/2003, of November 27, concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental

responsibility, particularly article 23.

- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)
- Law no. 46/86, of October 14, setting the basis of the education system.
- Law no. 9/91, of April 9, and subsequent amendments, establishing the Statute of the Ombudsperson.
- Law no. 93/99, of July 14, regulating the application of measures for the protection of witnesses in criminal proceedings, particularly articles 27, 28 and 29.
- Law no. 147/99, of September 1, and subsequent amendments, approving the Law for the Protection of Children and Young People in Danger, which is an integral part of it, 147/99 particularly articles 4, 5, 10, 35, 51, 56, 57, 58, 84, 86, 91, 94, 103, 107, 114 and 116.
- Law no. 166/99, of September 14, approving the Law on Educational Guardianship, which is an integral part of it, especially articles 2, 45, 46, 47, 59, 77, 84, 96, 98, 100, 101, 104, 107, 114, 137, 142 and 171.
- Law no. 34/2004, of July 29, amending the regime of access to law and courts, particularly articles 7, 8, 8-A and 20.
- Law no. 1/2006, of January 13, establishing the legal status of the National Youth Council.
- Law no. 23/2006, of June 23, adopting the legal framework for youth associations, namely article 18.
- Law no. 23/2007, of July 4, approving the legal regime of entry, stay, exit and expulsion of foreigners from national territory, particularly articles 17-A and 78.
- Law no. 2/2008, of January 14, which regulates entry to the judiciary, the training of magistrates and the nature, structure and functioning of the Judicial Studies Centre, and proceeds with the fourth amendment to Law no. 13/2002, of February 19, approving the Statute of the Administrative and Fiscal Courts, determining as compulsory components of the course for entry to the judicial courts the matter related to the UNCRC and family and children's law, particularly articles 36 and 76.
- Law no. 27/2008, of June 30, establishing the conditions and procedures for granting asylum or subsidiary protection and asylum-seeker, refugee and subsidiary protection status, particularly articles 2, 17-A, 49, 78 and 79.
- Law no. 8/2009, of February 18, establishing the legal framework for municipal youth councils, setting out their composition, competences and operating rules.
- Law no. 51/2012, of September 5, approving the Student Statute and School Ethics, which establishes the rights and duties of students in basic and secondary education and the commitment of parents or guardians and other members of the educational community in their education and training.
- Law no. 103/2009, of September, establishing the legal regime applicable to civil sponsorship, particularly articles 11, 14 and 25.
- Law no. 130/2015, of September 4, approving the standing of victims, particularly articles 1, 8, 12, 22 and 24.
- Law no. 141/2015, of September 8, approving the general regime of the civil tutelary process, particularly articles 1, 4, 5, 18 and 35.
- Law no. 143/2015, of September 8, approving the Legal Regime of the Adoption Process, particularly articles 1, 3, 36 and 54.
- Law no. 57/2019, of August 7 and regulatory ordinances, amending Law no. 23/2006, of June 23, establishing the legal framework for youth associations, particularly article 18.
- Law no. 57/2021, of August 16, extending protection for victims of domestic violence.

- Decree of the President of the Republic no. 49/90, of September 12, ratifying the UNCRC, signed in New York on January 26, 1990, approved by Resolution of the Portuguese Parliament no. 20/90, of September 12, particularly article 12.
- Decree of the President of the Republic no. 90/2012, of May 28, ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), approved by the Resolution no. 75/2012 of the Portuguese Parliament, of May 28, particularly article 35 of this Convention.
- Decree-Law of the President of the Republic no. 3/2014, of January 27, ratifying the European Convention on the Exercise of Children's Rights adopted by Resolution of the Portuguese Parliament no. 7/2014, of January 27, particularly articles 1, 3 and 6 of this Convention.
- Decree-Law no. 47344/66, of November 25, approving the Civil Code, of which it is an integral part, particularly articles 91, 92, 1612, 1878, 1890, 1901, 1904-A, 1906, 1918, 1931, 1935, 1962, 1971, 1981 and 1984.
- Decree-Law no. 78/87, of February 17, approving the Code of Criminal Procedure, of which it is an integral part, particularly articles 64-A, 67-A, 242 and 271.
- Decree-Law no. 48/95, of March 15, approving the Penal Code, which is an integral part thereof, particularly article 38, 77 and 113.
- Decree-Law no. 323-D/2000, of December 20, adopting the general and disciplinary regulation of [tutelary] educational centres.
- Decree-Law no. 67/2004, of March 25, establishing a national register of foreign minors who are illegally staying on national territory.
- Decree-Law no. 12/2008, of January 17, establishing the regime of execution of the promotion and protection measures for children and young people in danger in their natural life environment, with particular emphasis on those foreseen in articles 39, 40, 43 and 45 of the annex to Law no. 147/99, of September 1 and subsequent amendments, which approves the Law for the Protection of Children and Young People at Risk.
- Decree-Law no. 75/2008, of April 22, approving the regime of autonomy, administration and management of public pre-school, primary and secondary schools, particularly article 48.
- Decree-Law no. 129/2015, of July 9, which establishes the composition of and reformulates the Youth Advisory Council
- Decree-Law no. 159/2015, of August 10, establishing the CNPDPCJ.
- Decree-Law no. 139/2019, of September 16, establishing the scheme for implementation of foster care, a measure for the promotion of the rights and protection of children and young people at risk.
- Decree-Law no. 164/2019, of October 25, establishing the scheme of implementation of residential care, a measure for the promotion of the rights and protection of children and young people at risk.
- Decree-Law no. 80/2021, of October 6, adopting the organisational structure of the Ombudsperson.
- Regional Legislative Decree no. 21/2013/M, of June 25, approving the Pupil Statute and School Ethics of the Autonomous Region of Madeira.
- Regional Legislative Decree no. 12/2013/A, of August 23, of the Legislative Assembly of the Autonomous Region of the Azores, approving the Statute of Primary and Secondary School Pupils of the Autonomous Region of the Azores.
- Regional Legislative Decree of the Azores no. 13/2013/A, of August 30, on the Legal Re-

- gime of Autonomy and Management of Organic Units of the Regional Education System.
- Regional Legislative Decree no. 17/2016/A, of September 28, creating the Commissariat of the Azores for Childhood.
 - Regional Legislative Decree of the Azores no. 16/2019/A, of July 23, establishing the guiding principles of organization and curricular management of basic education for the regional education system
 - Resolution of the Council of Ministers no. 52/2019, of March 6, establishing a multidisciplinary technical commission to improve the prevention and combatting of domestic violence.
 - Resolution of the Council of Ministers no. 139/2019, of August 19, approving measures to prevent and combat domestic violence.
 - Resolution of the Council of Ministers no. 112/2020, of December 18, approving the National Strategy for the Rights of the Child for the period 2021-2024.
 - Order no. 31292/2008, of December 5, approving the document “Ill-treatment of children and youth - health intervention”, prepared by the Directorate- General of Health and contained in the respective attachment, giving it the character of technical guidelines for health action for children and youth at risk.
 - Order no. 2085/2015, of September 14, amended by Order no. 1082/2019, of July 22, determining that the health units and hospitals of the Regional Health Service with paediatric care in the Azores Archipelago shall have multidisciplinary teams, designated, respectively, as “support centres for children and young people at risk” and “hospital support centres for children and young people at risk”, which shall support professionals in interventions in this field, articulating and cooperating with other services and institutions.
 - Ordinance no. 258/2019, of August 19, which creates Program “Cuida-Te +” and corresponding regulation.
 - Protocol of the National Referral System for (alleged) victims of trafficking in human beings for the definition of action procedures aimed at prevention, detection and protection
 - Regional Strategy for the Prevention and Combat against Sexual Abuse of Children and Young People of the Autonomous Region of the Azores
 - Curricular Guidelines for Pre-School Education of the Directorate-general of Education.
 - Deliberation no. 1096-A/2017 of the Portuguese Bar Association, of December 11, amending the National Regulations for Internships at the Portuguese Bar Association, approved on November 30, 2017 by the General Assembly of the Portuguese Bar Association.
 - Education for Citizenship – Guidelines of the Directorate-general of Education.
 - Educational measures for refugee children and young people of the Directorate-general of Education.
 - Guide for Disciplinary Procedure in [tutelary] Educational Centres.
 - Guide for Integrated Intervention with Children and Young People Victims of Domestic Violence.
 - Guide for the Young Person in [tutelary] Educational Centre.
 - Guidelines for professionals on Life Project as an instrument of implementation of the UNCRC, by CESIS - Centre for Social Intervention Studies.
 - Guidelines for professionals on the relevance of participation in the promotion of the rights of children and young people in residential care, by CESIS.
 - Hearing of the child - guide of good practices, by Rute Agulhas and Joana Alexandre.
 - Information of the General-inspectorate of Justice Services, namely on filing complaints, claims or reports on the services and bodies of the Ministry of Justice.

- Information of the Ombudsperson, namely on filing complaints.
- Information on the High Commissioner for Migrations, namely information on support to the integration of refugees.
- Information on the Institute of Social Security, namely information on support in case of children and young people in situations of danger.
- Information on the National Council of Children and Young People, established and steered by the CNPDPCJ.
- Information on and provided by the CNPDPCJ on its website, including on national and international legal instruments concerning the rights of the child, as well as in the Children and Young People's Space and the center of resources.
- Information on and provided by the CNPDPCJ on its channel on YouTube, and on its pages on Facebook and Instagram.
- Information on the Family, Children, Juveniles and Elders and against Domestic Violence of the Prosecutor's General Office.
- Information on the Group Social Adventure.
- Information on the Institute of Support to the Child.
- Information on the non-governmental organization Observatory of the Rights of the Child (Porto).
- Information on filing complaints with the Judiciary Police.
- Information on Platform Youth Wiki
- Information on Project Justice Youthopia.
- Information on the National Council for Education, namely on the event on the voice of children and young people in Education.
- Information on the National Federation of Youth Associations
- Information on the National Youth Council.
- Information on the Permanent Observatory of Youth.
- Information on the Portuguese Committee for UNICEF, namely on the Program Child-Friendly Cities.
- Information on the Portuguese Youth and Sports Institute.
- Information provided at the portal of the Regional Directorate of Education of the Autonomous Region of the Azores
- Information provided by CESIS - Center of Studies for Social Intervention, namely on the SUPPORTS Project, to support adolescents leaving foster care and preparing for adulthood, including the manifesto of the Youth Advisory Board of the Project and information on the moment of entry in residential care (leaflet and video), the life project (leaflet and video) and the moment of exit (leaflet and video), as well as a video for raising the awareness for the need for non-discrimination and of construction of a social positive image of young boys and girls that have passed through the residential care system.
- Information provided by the Portuguese Association for Victim Support, namely information targeted at young people, in addition to ABC Justiça.
- Information provided by the Portuguese Bar Association, including examples of activities, events and training sessions on: hearing children, also organized by regional entities; guide of good practices on hearing the child; hearing the child in judicial processes; giving children voice in contexts of domestic violence; changing paradigms in the context of family mediation and parental alienation; fulfilment of the rights of the child in Portugal; UNCRC; and Family and Child Law.
- Information provided by the Public Prosecutor Office on frequently asked questions about

filing a complaint and on information on mechanisms for the promotion of the rights of children and young people.

- Information provided by the Municipal Council of Vila Nova de Gaia, namely on the local Commission for the Protection of Children and Young People.
- Information provided in the SOS-Child Sector of the Institute of Support to the Child.
- Norm of the Directorate-general of Health on Informed Consent, updated on November 4, 2015 [indicated in the reply, but not available any longer in the website of the Directorate-general of Health, as consulted on September 9, 2022 and on February 14, 2023].
- Plan of Studies of the 37th Training Course of Magistrates for Judicial Courts (2021-2022), which specifically contemplates matters on or related to hearing of children.
- Recommendations of the Ombudsperson on the National Prevention Mechanism.
- Shadow reports of civil society organizations to the Committee on the Rights of the Child on the implementation of the UNCRC in Portugal.
- Specialized Technical Hearing Manual - Technical Advice to Courts - Civil Guardianship Area (Version 01, December 2016)
- The participation of children and young people in residential care - Practical examples from the SUPPORTS project, by CESIS.
- Concluding observations regarding the 5th and 6th national reports on the implementation of the CRC in Portugal.
- General Comment no. 2 of the Committee on the Rights of the Child (2002), on the role of independent human rights institutions in promoting and protecting the rights of the child.
- Resolution no. 48/134 of the UN General Assembly, of December 20, 1993, adopting the principles relating to the status of national human rights institutions (Paris Principles).
- Recommendation 128(2003), adopted by the Congress of Local and Regional Authorities of the Council of Europe on May 21, on the Revised European Charter on the Participation of Young People in the Local and Regional Life.
- Recommendation CM/Rec(2004)13, adopted by the Committee of Ministers of the Council of Europe on November 17, on the participation of young people in the local and regional life.
- Recommendation CM/Rec(2015)3, adopted by the Committee of Ministers of the Council of Europe on January 21, on the access of young people of from disadvantaged neighbourhoods to social rights.
- Recommendation CM/Rec(2016)7, adopted by the Committee of Ministers of the Council of Europe on September 28.

The right of the child to participation, enshrined in article 12 of the United Nations Convention on the Rights of the Child, implies that public and private entities, along with the civil society, promote opportunities for children to be heard on all matters that concern them and that their opinions are considered in decision-making.

To Portugal, this project represented the challenge to apply the Child Participation Assessment Tool of the Council of Europe, and consult children and institutions, through their professionals, to ascertain best the state of the art in Portugal regarding the protection and the promotion of the right of the child to participate, and what can be done to improve equal opportunities for all children to participate and contribute to decision-making in all areas that affect their life.