

CHILD PROTECTION POLICY



1. POLICY

1.1. Introduction and Declaration of Commitment

The aim of this child protection policy is to define the guidelines and the procedures of the child protection policy of the National Commission at the internal level, according to its organic structure and within the scope of its activities.

For this purpose, the definition of “child” corresponds to that established by the United Nations Convention on the Rights of the Child – “a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”.

By defining a child protection policy, the National Commission commits to promote the rights of the child in all actions and projects in which it is involved.

The National Commission commits to respect and guarantee the rights foreseen in the Convention on the Rights of the Child, approved by the United Nations in 1989 and ratified by Portugal on September 12, 1990, as well as those foreseen in the Portuguese Constitution and in the Law of Protection of Children and Young People in Danger, i.e., Law nr. 149/99, of September 1 and corresponding amendments.

As such, the National Commission commits to:

- Apply the rights and principles of the United Nations Convention on the Rights of the Child to all children, with no exception, and to implement measures to promote their rights;
- Fully consider the child’s best interest in all decisions concerning the child;
- Guarantee the child, with capacity of forming his/her own view, the right to freely express his/her opinion in all matters that concern him/her and to have it taken in due account; and to
- Guarantee the child the right to be protected against all forms of physical or mental violence injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

This Child Protection Policy establishes the principles and defines the procedures that all employees of the National Commission, of partner institutions, trainees and/or volunteers are obliged to comply with.

The National Commission for the Promotion of the Rights and the Protection of Children and Young People, hereinafter referred to as National Commission, is a public body, endowed with administrative and financial autonomy and own assets, functioning under the tutelage of the Ministry of Labor, Solidarity and Social Security.

The mission of the National Commission is to contribute to the planning of State intervention and to the coordination, monitoring and assessment of the action taken by public bodies by the community regarding the promotion of the rights and the protection of children and young people.

1.2. Guidelines of the Child Protection Policy

The National Commission is oriented by intervention guiding principles set forth by Article 4 of the Law of Protection of Children and Young People in Danger, namely:

- a)** The best interest of the child – the intervention shall consider primarily the interests and rights of the child;
- b)** Privacy – the promotion of the rights and the protection of the child shall take place in full respect for the child’s intimacy, right to image and right to private life;
- c)** Early intervention – the intervention shall take place as soon as the situation of danger is known;
- d)** Minimum intervention – the intervention shall be carried out exclusively by the entities and institutions whose action is paramount to the effective promotion of the rights and the protection of the child in danger;
- e)** Proportionality and up-to-dateness – the intervention shall be carried out in accordance with the necessary and adequate terms, appropriate to the situation of danger in which the child is in at the moment the decision is made. The intervention can only interfere in the child’s life and in that of the corresponding family in the strictly necessary terms adopted for that purpose;
- f)** Parental responsibility – the intervention shall be carried out to allow parents to assume their obligations towards the child;
- g)** Obligation to inform – the child, the parents, the child’s legal representative or the child’s legal guardian have the right to be informed of their rights, of the reasons that determined the intervention and how the intervention is carried out; and
- h)** Participation and the obligation to hear – the child – separately or accompanied by the parents or by a person of his/her choice –, the parents, the child’s legal representative or the child’s legal guardian have the right to be heard and to participate in the actions and in the definition of the measure of protection and promotion of the rights.

1.3. Objectives of the Child Protection Policy

The Child Protection Policy of the National Commission aims at:

- a)** Ensuring that all employees, trainees and volunteers are clearly informed about the Child Protection Policy of the National Commission;
- b)** Ensuring that all employees, trainees and volunteers adopt work procedures and methodologies in line with the mission, values and principles of the National Commission;
- c)** Ensuring that all employees, trainees and volunteers working at the National Commission adopt work procedures and methodologies that promote the empowerment of children;
- d)** Ensuring that the National Commission respects the rights and principles established in the United Nations Convention on the Rights of the Child, as well national and international recommendations, instruments and guidelines produced within this scope;
- e)** Ensuring that the National Commission complies with the protection measures set forth in Article 5 of the Council of Europe Convention against Sexual Exploitation and Sexual Abuse, pursuant to Law nr. 113/2009, of September 17; and
- f)** Ensuring that all employees, trainees and volunteers working at the National Commission have adequate training opportunities, as well as opportunities to develop competences in the context of the rights of the child.

2. PEOPLE AND ACCOUNTABILITY

2.1. The National Commission, through the members of its National Council, through its Presidency and coordinators is responsible for:

- a)** Respecting and promoting the rights of the child as of the United Nations Convention on the Rights of the Child;
- b)** Implementing the Child Protection Policy;
- c)** Disseminating the Child Protection Policy of the

National Commission to partner institutions;

- d)** Ensuring that all employees, trainees and volunteers working at the National Commission are acquainted with its Child Protection Policy;
- e)** Having updated information on data protection, confidentiality, information sharing and other matters of legal nature that may cause impact on child protection;
- f)** Having information specifically addressed to children on their rights;
- g)** Recruiting, training, supporting and supervising its employees, trainees and volunteers according to the principles of child protection and of the promotion of the rights of the child;
- h)** Requiring its employees and volunteers to adopt Child Protection Policy of the National Commission and act accordingly with it;
- i)** Guaranteeing complaint procedures that are accessible to children;
- j)** Designating the person in charge of monitoring the implementation of the Child Protection Policy of the National Commission, to whom the following responsibilities are assigned:
 - Filing complaints of professionals and named persons who express concerns regarding child protection and collecting all relevant information/data;
 - Keeping an updated registry of the aforementioned complaints;
 - Reporting immediately such complaints to the Presidency;
 - Collecting and assessing relevant information on the global implementation of the Child Protection Policy, making comments and presenting suggestions to the Presidency;
 - Coordinating activities and procedures towards the effective implementation, monitoring and review of the Child Protection Policy;
 - Presenting the complaint directly to the Presidency, in case any concern is expressed or any complaint is filed against the person in charge of the Child Protection Policy; and
 - Maintaining an appropriate relation with national and local entities with competence within the scope of the protection of the rights of the child.

2.2. The employees, trainees and volunteers of the National Commission are responsible for adopting the adequate procedures to protect and promote

the rights of the child, pursuant to the United Nations Convention on the Rights of the Child and in full compliance with the guiding principles of the Child Protection Policy of the National Commission.

3. PROCEDURES FOR THE IMPLEMENTATION OF THE CHILD PROTECTION POLICY

3.1. Safe recruitment policy

Pursuant to Law nr. 113/2009, of September 17, it is incumbent upon the National Commission to assess the reliability of the applicant to the duties to be performed.

3.2. Procurement and outsourcing policy

The partnerships with individuals or other – procured or outsourced – institutions or entities – cannot collide with the scope or with the principles of the Child Protection Policy of the National Commission.

3.3. Policy of internal communication, training and of support to professionals, trainees and volunteers

The National Commission promotes the dissemination of the Child Protection Policy through its internal communication channels, with a view to duly implement it.

4. CODE OF CONDUCT OF THE NATIONAL COMMISSION

The employees, trainees and volunteers working at the National Commission, as well as the members of its National Council, are subject to a code of conduct that promotes the respect for the rights of the child and ensures the effective implementation of the guiding principles defined in the Child Protection Policy of the National Commission.

As such, the employees, trainees and volunteers working at the National Commission have the duty to:

- a)** Guarantee all children the rights foreseen in the United Nations Convention on the Rights of the Child, without discrimination of any kind, irrespective of the child's or his or her parent's or le-

gal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;

- b)** Communicate any concerns, suspicions or situations of violation of the rights and principles enshrined in the United Nations Convention on the Rights of the Child;
- c)** Disclose not personal data of children, while making mandatory that a declaration of consent and confidentiality is signed whenever collecting personal data of children is deemed necessary;
- d)** Cooperate not with institutions and entities that act against the best interests of the child;
- e)** Use or adopt not inappropriate, disrespectful or harmful language or behavior; and

- f)** Use not information or images of children without the written consent of the respective parents, legal representative or legal guardian, in case of children aged below 18. The formal consent of the child shall be also expressed in case of children aged, at least, 12 or above.

5. REVIEW OF THE CHILD PROTECTION POLICY

The National Commission, along with the person who is responsible for the Child Protection Policy, carries out a review of the Child Protection Policy whenever relevant legal amendments occur or whenever the monitoring of its implementation recommends so.



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