

SAFEGUARDING POLICY

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



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

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PART I

INSTITUTIONAL POLITICAL COMMITMENT



a) Goal

This document establishes a Safeguarding Policy for the Promotion of the Rights and the Protection of Children and Young People, hereinafter referred to as the Safeguarding Policy, which constitutes a decisive internal policy instrument for all the activities of the National Commission for the Promotion of the Rights and the Protection of Children and Young People¹, hereinafter referred to as National Commission, which must strictly and fully comply with it from the date of its approval under article 3(1) of Decree-Law No. 139/2017, of November 10, the first amendment to Decree-Law no. 159/2015, of August 10, and that created the organization at stake.

This Safeguarding Policy was inspired by a framework shared by the Council of Europe within the CP4 Europe Project, as well as by European and international reflections based on the main European and international legal instruments on children's rights.

b) Scope of application

The present Safeguarding Policy applies to all the people that integrate the National Commission, work in it, collaborate with it or intervene in its projects or activities, on a permanent or temporary basis, regardless of the functions performed - senior management, coordination, technical, administrative or other - and in all contexts and collaboration schemes or modalities of work provision² - including internship, consultancy, volunteering or others -, who must necessarily know, respect and apply the principles and procedures of this Policy while performing their functions both internally and in external institutional representation, at national and international level.

Complementarily, the scope of application of this Safeguarding Policy extends to all the attributions of the National Commission, as well as to all the bodies that integrate it, as enshrined, respectively, in articles 3 and 6 of Decree-Law No. 159/2015, of 10 August, amended by Decree-Law No. 139/2017, of 10 November and in possible future legislative revisions, in result of which their intervention may be reinforced in order to properly respond to new emergent challenges in the best interest of the child.

The National Commission is a legal collective person under public law, with administrative autonomy and own assets, which operates under the tutelage of the Ministry of Labour, Solidarity and Social Security, and its mission is to contribute to the planning of the State's intervention and the coordination, monitoring and evaluation of the action of public bodies and of the community in promoting the rights and the protection of children and young people in full respect of the fundamental principle of equal treatment, regardless of any characteristic, condition or circumstance of the child or of the child's family and based on the primacy of the best interests of the child.

The aforementioned mission is pursued in compliance with the national legislation and with the European and international legal instruments to which Portugal is a State Party and that, therefore, are applicable in the Portuguese legal order. Of these, due to their relevance at national level, one shall highlight the Constitution of the Portuguese Republic and the Law for the Protection of Children and Young People in Danger³, which regulates the System for the Promotion and Protection of Children and Young People, in whose framework this National Commission is included. At the international level, it should be specifically noted, within the scope of the United Nations, the Con-

¹ Created by Decree-Law No. 159/2015, of 10 August, that was amended by Decree-Law No. 139/2017, of 10 November. Further information about the National Commission available at <https://www.cnpdpj.gov.pt>

² In-person, remote work or mixed regime, at the headquarters of the National Commission, at the premises of the Regional Technical Teams or at any other place where they perform their functions or represent the National Commission.

³ Approved by Law No. 147/99, of September 1, amended by Law No. 31/2003, of August 22, and Law No. 142/2015, of September 8, Law No. 23/2017, of May 23, and Law No. 26/2018, of July 5.

vention on the Rights of the Child⁴ and the respective Optional Protocols⁵ to which Portugal is a State Party, as well as other Conventions and Protocols of the United Nations and of the Council of Europe that are in force in Portugal and reflected in the Portuguese legal system, which include obligations that are inherent to the protection of human rights in general and also of the rights of the child in particular, and specially under the Council of Europe, the Convention against Sexual Exploitation and Sexual Abuse of Children (Lanzarote Convention).

The National Strategy for the Rights of the Child for the period 2021-2024⁶ is the first of its kind to be approved in Portugal, is another document whose nature provides a framework for the present Safeguarding Policy, insofar as it configures a holistic and structured intervention for the promotion and the protection of the rights of the child in Portugal, in light of the aforementioned national and international legislation of reference on this matter.

It is also hereby determined that this Safeguarding Policy is submitted to the consultation of the National Council of Children and Young People, which consists of a permanent consultation forum of the National Commission that is composed of children and young people aged between 8 and 17 years old and was created by this entity financed by PO ISE⁷ - under the scope of the Adélia Project for the Support of Positive Parenthood. This forum gives children and young people a permanent voice to participate in matters that concern them, for the first time in over twenty years of the child and young people protection system in Portugal.

The public launch of the National Council took place on November 20, 2019, on the anniversary of the Convention on the Rights of the Child, in a ceremony attended by His Excellency, the President of the Portuguese Republic. On that occasion, the President of the National Commission announced the opening of the application submission period for children and young people to integrate this Council. The application submission process ended on January 20, 2020 and, afterwards, the National Council of Children and Young People was constituted with children and young people representing all regions of the country.

2. Commitment of institutional policy

The present Safeguarding Policy establishes the guidelines and procedures of the institutional policy for the promotion of the rights and the protection of children and young people within the competencies of the National Commission, in full respect of the national legislation in force in Portugal and of the country's international obligations regarding the protection of human rights and of the specific rights of the child, namely those established in the United Nations Convention on the Rights of the Child, in force in Portugal since October 21, 1990.

By defining a Safeguard Policy, the National Commission commits to promote and protect children's rights in all actions resulting from its institutional functioning, both internally and externally, as well as of the projects it coordinates, implements or in which it participates as a partner at national or international level.

The present Safeguarding Policy commits only the National Commission in its institutional performance, in full respect for the entities with competencies in childhood and youth matters at national, regional, local and at the Autonomous Regions levels, and also in full respect for the Commissions for the Protection of Children and Young People. In case these entities want to apply the present Safeguarding Policy, the National Commission is available to share information and exchange experiences with any national - or foreign - entity which intends to approve or improve the implementation of their specific Child Safeguarding Policies.

⁴ Convention approved for ratification by Resolution of the Assembly of the Republic No. 20/90, of September 12, ratified by the Decree of the President of the Republic No. 49/90, of September 12, with the amendment of Article 43(2) of the Convention, adopted on December 21, 1995 and approved by Resolution of the Assembly of the Republic No. 12/98, of March 19. Full text of the Convention and the Optional Protocols available [here](#).

⁵ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; and Optional Protocol to the Convention on the Rights of the Child on the establishment of a communications procedure.

⁶ Approved by Resolution of the Council of Ministers No. 112/2020, of December 18.

⁷ PO ISE is the Portuguese acronym for the Social Inclusion and Employment Operational Programme.

Therefore, this Safeguarding Policy states that all persons performing functions, of any nature and under any regime, in the National Commission⁸ are obliged to adopt the necessary procedures to promote and protect the rights of children and of young people, in accordance with the Convention on the Rights of the Child and in full compliance with the principles and measures contained in this Safeguarding Policy, as well as to communicate any procedure that is contrary to it through the reporting procedures contained in this document.

It is further determined that the obligation referred in the preceding paragraph enshrines the duty to consider, analyse and, where necessary, review and adapt procedures, methodologies and products, of any nature, designed or implemented within the scope of the activities, projects or any initiatives of the National Commission, in order to fully comply with this Safeguard Policy.

In addition, and according to articles 7(1)(a) and 7(1)(d) of Decree-Law No. 139/2017, of November 10, which first amended Decree-Law No. 159/2015, of August 10, it is also determined that the President of the National Commission – who, according to article 6 of Decree-Law No. 159/2015, of August 10, also chairs the National Council (a body of the National Commission whose composition is determined in article 8 of the same Decree-Law) - shall submit the present Safeguard Policy to the National Council, so that the latter may express its opinion on the terms of the Policy's application, within the scope of its attributions, as specified in articles 10 and 11 of the legislation at stake.

3. Definitions

For the purposes of this Safeguarding Policy, the definition of “child” is that contained in article 1 of the United Nations Convention on the Rights of the Child, i.e. “(...) every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier”.

Also for the purposes of this Safeguarding Policy, it is important to specify that the concept of “rights of the child” includes all the rights of the child enshrined in the United Nations Convention on the Rights of the Child and its Optional Protocols, without prejudice to any future developments of these international documents or of others that may expand the list of rights to be protected. The present concept will automatically encompass potential developments of the list of rights at stake, by force of the primordial principle of the best interests of the child, already consecrated in the aforementioned Convention, to which Portugal is a State Party and that constitutes one of the guiding standards of the country's intervention, within the scope of the Law for the Protection of Children and Young People in Danger.

For the purposes of this Safeguarding Policy as well, it is important to determine that, in light of the spirit of the articles of the Convention on the Rights of the Child, both concepts identified in the previous paragraphs integrate the dimensions of the promotion and of the protection of children's rights, as well as their preventive, protective and reparatory dimensions.

The fundamental concepts mentioned above are inherent to this Safeguarding Policy and must be interpreted and applied by the National Commission as defined in the preceding paragraphs in all its documents, activities, initiatives and projects under its responsibility at national and international levels.

⁸ It includes senior management, coordination, technical, administrative, in the scope of internships, on a voluntary or other basis, or any other non-discriminatory functions.

4. Main principles

The United Nations Convention on the Rights of the Child is the international document which constitutes the fundamental reference standard for any document, project or initiative under the responsibility of the National Commission, given the fact that it binds the Portuguese State and that it is the most comprehensive and profound legal tool for the promotion and the protection of the rights of the child within the framework of the United Nations, a fact recognised by almost all the countries of the world which are part of this international organisation, as it is the case of Portugal.

This Safeguarding Policy is based on the main principles arising from the fundamental international and national legislation in force in Portugal on the promotion and the protection of children's rights and previously referred in this document: the United Nations Convention on the Rights of the Child⁹, the Portuguese Law for the Protection of Children and Young People in Danger, and the recently approved National Strategy for the Rights of the Child 2021-2024. Within the scope of its competencies, the National Commission does not have direct contact with children and young in what regards the protection of children and young people. However, this may occur within the scope of the National Commission's competencies while carrying out initiatives regarding the promotion of the rights of children and young people, namely consultations with children and young people. Therefore, in all the initiatives promoted by the National Commission, the following main principles must be scrupulously respected:

- **Best interests of the child** - The primary consideration given to the best interests of the child, stated in the Convention on the Rights of the Child, is the guiding principle on any initiative of the National Commission.
- **Equal Opportunities** - The principle of equal opportunities for all children will be safeguarded in each and every initiative of the National Commission, in order to combat any and all risks of exclusion. To this purpose, the necessary procedures will be put in place to include children from more vulnerable groups or contexts due to their age, gender, belonging to minorities, temporary or permanent health condition, disability or any other criterion or condition of the child or of the child's family that may require special measures to guarantee children's right to equal opportunities.
- **Mandatory requirement of informed consent that safeguards the privacy and protection of the child's image and data** - The principle of respect for the privacy and the protection of the child's image and data is compulsorily safeguarded by the National Commission in any and all initiatives under its responsibility.

Thus, any request or use of the child's image or data must comply with the national, European and international legislation in this area and the National Commission undertakes the commitment to respect and apply the safeguards provided for therein in terms of collecting, sharing or disclosing images or data of the child.

The law determines that for this purpose, and since children are at stake, the informed and expressed consent must be obtained beforehand from the child and from the child's parents, legal representatives or the persons with the de facto custody, institutional guardians or guardians of other nature. However, in its initiatives, the National Commission shall extend the obligation to obtain prior consent to all children, who shall be duly informed on the subject of the consultation in a child-friendly language, appropriated to their age and maturity. It is further determined that, in the activities under the responsibility of the National Commission, the National Commission shall ensure that the opinion of the child prevails in case of contradiction between the opinion of the child and that of the child's parents, legal representatives, person with the de facto custody or guardians regarding the participation of the child in an activity, as far as it is not contrary to the best interests of the child.

- **Minimal and timely intervention** - Although the direct competence for the protection of children at risk lies with the local Commissions for the Protection of Children and Young People, the National Commission also

⁹ Applicable to Portugal as a result of its condition as State Party to this international convention.

intervenes in this matter since it is endowed with the general competence to contribute to the planning and monitoring of public policies for childhood, and in particular for the protection of children. Thus, and as far as its specific scope of competences is concerned [as set out in article 3(2) of Decree-Law no. 159/2015, of August 10, amended by Decree-Law no. 139/2017, of November 10], its intervention will be timely and kept to the minimum deemed indispensable in the two areas upon which it can act, namely by:

- i) (i) Urgently communicating any situation of danger that it learns of, in order to contribute to the protection of the child through the legal provisions in force and via the competent entities identified in the Law for the Protection of Children and Young People in Danger, approved by Law no. 147/99, of September 1, amended by Law no. 31/2003, of August 22, Law no. 142/2015, of September 8, Law no. 23/2017, of May 23 and, more recently, Law no. 26/2018, of July 5.
 - ii) (ii) Implementing and inspiring other entities to carry out preventive initiatives against victimization and re-victimization of children and of promotion of children's rights, thus also contributing to the protection dimension.
- **Proportionality and adequacy** - The intervention of the National Commission must be one that is necessary and adequate to the promotion of the rights and the protection of children and young people, framed within its scope of competencies, either preventively, by disseminating information of awareness-raising and sensitization to the danger, or by communicating to the competent entities situations of danger which it learns of through the victims themselves or through third parties via telephone, online communication forms or via any other means;
- **Positive reinforcement of parental, institutional and other legal responsibilities and promotion of positive parenting** - The National Commission respects parental, institutional and other legal responsibilities towards the child and promotes positive parenting. Therefore, through documents, projects and initiatives, the National Commission sensitizes parents, legal representatives or those who have the de facto custody or guardianship of the child for the need to respect all of the child's rights while exercising their parental responsibilities, namely by adopting positive parenting actions in order to foster, towards the child, a loving and stable affective bond, based on respectful, safe and reliable ties. Positive parenting is encouraged by the National Commission, as it reinforces the child's full physical and psychological development and the child's self-esteem and self-confidence, regardless of gender, age or any other physical or psychological health characteristics or conditions of the child, namely: any kind of temporary or permanent physical, mental, intellectual or sensorial disability; belonging to minority groups which may compromise the child's safety and well-being; or the expression, by the child, of opinions of cultural, religious, political or other nature that are different from those of the child's parents, legal representatives or guardian. This approach aims to guarantee that the child is protected from any type of discrimination that compromises the aforementioned principle of equal opportunities;
- **Child participation or hearing of the child and the effective consideration of the child's opinions and suggestions** - The National Commission, namely - but not exclusively - through the National Council for Children and Young People, will ensure regular consultation with children, hearing their opinions and suggestions in a child-friendly and facilitating language and environment.

Thus, whenever the relevance of the document or initiative to be promoted by the National Commission justifies it and if the necessary resources are available for the purpose, the National Commission will provide a comfortable, safe and pleasant environment, which facilitates the consultations with children and young people in a child-friendly language appropriate to their age, condition and maturity. The consultation presupposes the prior informed consent of the child or young person and, if the child is aged below 18, also that of their parents, legal representatives or those who have the de facto custody or guardianship. The opinions and suggestions of children and young people will always be respected and duly taken into account in the processes of their hearing, listening and participation promoted by the National Commission, which will subsequently inform the participants about the outcome(s) of their participation.

While fulfilling its attributions of monitoring and of providing technical support to the local Commissions for the Protection of Children and Young People, and also while respecting the latter's institutional autonomy, the National Commission must sensitize them and provide them with training, so that these Commissions consider applying or adapting this Safeguarding Policy to their own functioning and in the pursuit of their protection mission, as much as appropriate, namely respecting the principles enshrined therein, sharing with the National Commission any difficulties they may find in the implementation of this Safeguarding Policy in their specific context of intervention and giving suggestions for the improvement of this process.

PART II

IMPLEMENTATION MEASURES



a) Risk assessment and mitigation

The risk assessment and the identification of measures to mitigate the risk of compromising the rights of the child in activities to be undertaken are an essential dimension of this Safeguarding Policy, as they aim to guarantee that, prior to undertaking any new activity, all conditions of confidentiality, respect, protection and promotion of the rights of the child are ensured, in a spirit of equal treatment of all children and in the best interests of the child.

It is important to clarify that the assessment of the risk of compromising the children's rights, to be carried out by the National Commission, has necessarily to reflect its competencies, in terms of the activities encompassed in its mission of promoting and protecting children and young people in Portugal, namely in what concerns: its institutional policies; the guidelines it issues; the training it provides; the projects it coordinates, implements or in which it participates; and also at the level of the awareness-raising and information actions it promotes, either through its publications or via any other written documents or in another support, namely those made available on the Internet.

As such, the risk assessment at stake is specifically framed by the scope of the National Commission's competences on the rights of the child and not to the operational competence concerning the protection of children in danger which is endowed to the local Commissions for the Protection of Children and Young People, which are autonomous entities.

Thus, any activity of the National Commission carried out in Portugal or in an international context, either as coordinating entity or as partner, must be mandatorily subject to a previous risk assessment analysis in the perspective of the human rights of the child, an action which constitutes itself a risk mitigation measure that must be accompanied also by further risk mitigation measures aiming at acting at the preventive level of the promotion and the protection of children's rights.

Given the fact that the National Commission does not have financial autonomy, it is supported by the General Secretariat of the Ministry of Labour, Solidarity and Social Security in all matters regarding this area. Therefore, and without prejudice to the compliance with the legislation in force concerning financial and contractual obligations of the aforementioned General Secretariat, for each initiative or activity to be undertaken by the National Commission, a previous assessment of the risk of compromising the rights of the child must be carried out to:

- i) Determine that the activity under assessment will be carried out and meets the necessary conditions for its implementation by ensuring the full safeguard of children's rights and by identifying mitigation measures formerly implemented as a result of a previous risk assessment and that allow so, namely specific measures aimed at ensuring equal opportunities for all children and young people. These additional measures aim to ensure non-discrimination of children and young people on grounds such as: age; gender; nationality; ethnicity; language; culture of origin or host culture; religion professed by the child, the child's parents, legal representatives, persons with the de facto custody, guardian or by the group to which they belong; belonging to a minority group or to especially vulnerable groups, including those which derive from vulnerabilities resulting from conditions, situations or groups of children requiring special attention, such as children with physical, mental, intellectual or psychological illness or disability, LGBTQI+, migrants, victims of domestic violence, victims of human trafficking, undocumented and/or unaccompanied children or in any situation requiring the implementation of additional measures to ensure full equal opportunities for all children and young people;
- ii) Determine that the risk assessment performed prior to the implementation of the activity will be subject to re-assessment in light of further supervening data, if it is considered that, although at the time of the previous assessment there are aspects that guarantee the safeguard of the rights of the

child, there is also evidence of preparatory measures of the activity that guarantee the safeguard of the rights of the child once its implementation is concluded; and

- iii) Determine that the activity under risk assessment will not be carried out as proposed and submitted to assessment, if it is considered that, at the date of the risk assessment, the conditions that are necessary for guaranteeing the full safeguarding the rights of the child during the implementation of the activity are not met, nor are risk mitigation measures in place or planned to guarantee such full safeguarding.

The risk assessment and the identification of risk mitigation measures regarding each activity in light of the rights of the child must be carried out based on a Risk Assessment and Risk Mitigation Measures Form - hereinafter referred to as the Form -, which is of the responsibility of the Unit of the National Commission that proposes the activity, project or initiative, and must be submitted to the person who coordinates the implementation and monitoring of this Safeguarding Policy and that shall analyse it under the terms referred to in paragraphs 1. (a)(i) to 1.(a)(iii) of Part II of the current document.

Whenever the activity is an initiative and/or is coordinated by the National Commission, the final decision on its undertaking shall rest with the President of the National Commission, who, obligatorily, shall take into account the analysis of the aforementioned risk assessment and the measures for mitigating the risk of compromising children's rights, carried out under this Safeguarding Policy, as referred to in the preceding paragraph.

Whenever the National Commission is not the promoting entity of the initiative but is only involved as a partner, the National Commission commits to address this fundamental issue with the entity that coordinates the activity and must show evidence that it has previously sought to ensure that the initiative in which it will participate as a partner respects the rights of the child. Such evidence may consist of the minutes of the meeting which approved the undertaking of the initiative by the coordinating entity, if this document exists; if not, the exchange of confirmatory correspondence between the coordinating entity and the National Commission constitutes an evidence, as long as it makes clear proof to the National Commission that this subject was addressed by the coordinating entity and that the rights of the child are safeguarded in the initiative to be undertaken, in terms which do not conflict with the present Safeguarding Policy.

The International Relations Unit will coordinate a working team to produce the Form, which should be used as a tool for that purpose in each activity. The Form will be prepared based on the dispositions of the United Nations Convention on the Rights of the Child and, in addition to the principles contained therein, it will take into account other issues, namely those related to: confidentiality of data collection; access, registration, processing and use of data and images of or about the child; ways and conditions for the disclosure of these images; ways and conditions of access to and archiving of data and images of a confidential nature; combating stereotypes or prejudice; abolishment of any kind of cruel, inhuman, degrading, abusive or exploitative language or other kind of communication or behaviour towards the child, or towards the child's data, image or voice.

The Form shall include specific assessment on behavioural procedures to be adopted in situations involving:

- i) The receipt, by the National Commission, of information regarding children in danger, whether via post, telephone, website - namely via the online form for reporting situations of children in danger – and this entity's social media;
- ii) Activities involving child participation in in-person contacts;
- iii) Activities involving child participation in meetings, workshops, consultation procedures, forum or other activities in the digital environment; and
- iv) Activities involving access to and processing of data and audio or video records containing information or any form of communication, expression or printed, oral or recorded image of children and young people.

b) Procedures for safe recruitment, selection, contracting and subcontracting

The National Commission shall observe the requirements of this Safeguarding Policy in its procedures while selecting and recruiting human resources and while contracting or subcontracting services, with the support of the General Secretariat of the Ministry of Labour, Solidarity and Social Security, according to the legal determinations that attribute to the latter the responsibilities, in the financial area, over the acquisition of products and services of this Ministry, under whose tutelage the National Commission operates.

i) Selection and recruitment of human resources

According to Law no. 113/2009 of September 17, it is the duty of the National Commission to assess the personal adequacy and professional competence and suitability of the candidates to work in this entity, in line with the mission entrusted to the National Commission in Decree Law no. 159/2015 of August 10, amended by Decree Law no. 139/2017 of November 10, and the principles established in this Safeguarding Policy.

The National Commission has the right to include the need to present a Criminal Record Certificate as an additional measure to ensure that the human resources also meet this fundamental requirement.

ii) Contracting and subcontracting services

The National Commission's contracts with national or foreign entities and individuals, through hiring or subcontracting, are the responsibility of the aforementioned General Secretariat and must also respect this Safeguarding Policy and comply with its principles, as well as with others encompassed in any other existing specific Children's Rights Safeguarding Policies in force in the contracting entities and which are in line with the National Commission's Safeguarding Policy.

The President of the National Commission is responsible for ensuring that its competent services establish guidelines to support contracting or subcontracting services in line with the current Safeguarding Policy. This must be also the case regarding personal and professional profiles to look for while outsourcing for any collaborations with individuals, including the need to guarantee their collective and individual suitable repute and that their contracting or subcontracting acts respects this Safeguarding Policy and contribute to its implementation.

The National Commission has the right to include the need to present a Criminal Record Certificate and, in the case of collective persons, a Commitment Declaration, both proving the suitable repute of the selected individual or collective entity, in case of involvement in concrete activities that imply contact with children.

iii) Policy for selection, recruitment, contracting and subcontracting

The National Commission is committed to:

- Applying the principles contained in this Safeguarding Policy to all its procedures for the selection and recruitment of persons who, on a permanent or temporary basis, will join, work at or collaborate with the National Commission in its projects or activities, on a contractual or subcontracted basis, irrespectively of their functions - senior management, coordination, technical - and in all contexts and collaboration schemes - including internship, consultancy, volunteering or others;
- Providing the selected and recruited persons with full information on this Safeguarding Policy and on the obligation of its application by all the persons who work at, collaborate with or have any kind of responsibility in the National Commission, or who are in internship, as well that represent it institutionally at the internal or external level, nationally and internationally; and
- Communicating who is the person responsible for coordinating the implementation and monitoring of the current Safeguarding Policy.

c) Initial training and in-service or specialised training

Once this Safeguarding Policy has been approved, it will become an integral part of the institutional culture of the National Commission and will be part of the permanent dimension of the training to be provided by this entity to its human resources in all functions, providing them with information on this tool.

The training to be provided should cover both initial and in-service or specialized training, taking place within the same year or, if necessary, in different fiscal years, possibly alternating between them, in order to allow the widest scope of human resources qualification.

The purpose of the initial training is to ensure that all human resources of the National Commission obtain accurate and detailed information on the present Safeguarding Policy and its mandatory application in their roles and responsibilities, as a guarantee that the rights of the child are fully and permanently protected and that the best interests of the child are respected and taken into account.

The purpose of the in-service or specialised training is to guarantee that, in addition to the initial basic training on the Safeguarding Policy, all the human resources of the National Commission have the necessary regular continuous training on this matter, which allows them to keep up with the challenges, knowledge and good practices emerging internally and externally, at national and international level, regarding Children Safeguarding Policies or on other information that updates and enriches the current Safeguarding Policy.

While respecting the autonomy of the local Commissions for the Protection of Children and Young People, their members – both comprising those Commission's restricted and enlarged modalities - will also be motivated to attend training on this Safeguarding Policy. This could take place through an independent module or as an integrant part of another training module provided by the National Commission. This possibility can also be extended to all the people working in the entities with competence in matters of childhood and youth who also wish to attend this training, provided that the conditions and resources that are necessary to ensure this National Commission are met by the latter or by the entities at stake.

Considering that both the initial and in-service or specialized training model will have to be dynamic over time, in order to be adequately adjusted to the challenges and needs that constantly arise, it is determined that it is organized in terms of: duration, application model (face-to-face or online), methodologies and technical operational resources to be made available (e.g.: support or documentation or relevant studies) by qualified trainers and in terms that will enable, to the maximum extent, the preparation of the trainees to meet the needs and challenges duly identified in the training goals.

d) Code of conduct

A further preventive measure consists in the adoption of a Code of Conduct by all the human resources of the National Commission according to this Safeguarding Policy¹⁰, to be applied in the context of internal, external, national and international activities under the National Commission's direct responsibility or resulting from partnerships in which it participates, namely through the human resources at stake, referred throughout the current document.

Therefore, within the scope and under the terms of this Safeguarding Policy, in addition to personal and professional duties enshrined in applicable national and international legislation, all persons that shall abide by this Safeguarding Policy must comply with the provisions below, which integrate the current document and constitute the Code of Conduct of the National Commission, namely:

- To fully respect the rights of children enshrined in the Convention on the Rights of the Child within the scope

¹⁰ See "Scope of application" Section (PART I - Institutional Political Commitment).

of their respective roles and tasks, in particular those aimed at contributing to the promotion and protection of the equality of all children and the primary consideration of the best interests of the child, as well as to respect the principles set out in this Safeguarding Policy, namely the procedures determined in this Code of Conduct, a commitment which will be additionally formalized by signing a declaration of compliance with the Code at stake;

- To keep up to date with new information and be available to participate in training actions on the rights of the child, on this Safeguarding Policy and its respective Code of Conduct;
- To comply with the deontological obligation, under the terms of this Code of Conduct, to obtain the necessary clarifications from the person in charge of the coordination of the activity, with knowledge/in copy to the person who coordinates the implementation and monitoring of the Safeguarding Policy, whenever any of the tasks that are or will be assigned raises doubts or questions concerning the safeguarding of the rights set forth in the Convention on the Rights of the Child or in any guideline of this or any other document;
- To report to the hierarchical superior on any concerns, suspicions or occurrences that may constitute a violation of the rights and principles enshrined in the Convention on the Rights of the Child, which may have come to their attention while undertaking their roles or tasks and regardless of their nature;
- To not use inappropriate, disrespectful, discriminatory or by any means prejudiced language, gestures, images or adopt any other behaviour which is prejudiced, biased or of any other essence that may be harmful to the rights of children and young people, as well as to report to the hierarchical superior any situation of this nature which comes to their knowledge while undertaking their roles or tasks at the National Commission;
- To observe that the establishment of contacts with children should take place in a facilitating environment and in a child-friendly language, while paying attention to the practice of active listening to the child and to always give the child feedback on the child's participation;
- To proceed with the compulsory previous obtainment of a signed declaration of consent and confidentiality authorizing the collection and use of the image or personal data of the child or young person, whenever there is the need to collect and use data and images of children or young people. The language used in the declaration of consent and confidentiality should be appropriate to the age, condition and maturity of the child, to clearly explain the purpose of the use of the image(s) or data collected, including provisions on contexts and conditions of possible disclosure, so that the child may understand what is at stake. If the child is aged under 12, it is compulsory to obtain the legal consent of the parents, legal representatives, person with the de facto custody or guardian, as well as the recommended consultation with the child;
- To not collaborate with entities or people that act against the rights of the child or against the child's best interests by reporting to the competent police or judicial authorities any violation of the rights of the child, which may come to their knowledge.

e) Guidelines for communication procedures

The National Commission should follow the guidelines below in regular communications taking place through platforms, channels and mechanisms at its disposal and in its interactions with children and young people:

- Making available, in clear and child-friendly language, information about the rights of the child protected by the Convention on the Rights of the Child and who to turn to for clarification about them;
- Making available, in a clear and child-friendly language, mechanisms to receive communications, complaints and reporting;
- Using inclusive, respectful, welcoming and reliable language in any oral or written contacts with children;
- Not expressing value judgements – neither in oral and written form nor in behavioural/gestural form - in communications with children;

- Not devaluing, underestimating or discrediting any situation reported by any child, and forward any communication of a situation of a child in danger to the Commission for the Protection of Children and Juvenile of the child's area of residence, so that appropriate analysis and the corresponding promotion and protection measures are carried out by the latter;
- Treating any communications made by the children in an exempt way, fully observing the principle of equality and non-discrimination based on any grounds, may these be age, gender, ethnicity, belonging to a minority group, disability or any other ground;
- Initiating the urgent forwarding of all the reports of situations of danger received, ensuring the necessary confidentiality to safeguard the protection of the child's rights, namely by not sharing any information to the corresponding local Commission for the Protection of Children and Young People or, if not existing, to the corresponding local competent Court, which will analyse the reports and make a decision under the terms of the Law for the Promotion and Protection of Children and Young People in Danger. This procedure is similar to the immediate forwarding of a report received by filling out the online form for the communication of situations of children in danger, which is available at the website of the National Commission;
- Circulating in complete confidentiality the communications received, forwarding them to the professionals who are strictly necessary to ensure the development of the due diligence;
- Not using any oral and written language and gestures, which may cause children to feel uncomfortable, withdrawn, or that may be conducive to the child's feeling of diminished self-esteem, self-confidence, devaluation, fear or of having been abused or exploited;
- Reporting immediately to the President of the National Commission any occurrence whose content is described in the previous point, which they witness or have knowledge of;
- Filing the reports received or circulated regarding the implementation of the present Safeguarding Policy, as well as any information and images corresponding to the activities of children's participation, while complying with the data protection regulations and fully safeguarding all the rights of the children involved;
- Destroying all the communications of children in danger received by the National Commission, in compliance with the legal procedures contained in the data protection regulations, in order to safeguard the protection of the personal data of the children they refer to, once the communications at stake have been forwarded to the competent local Commission for the Protection of Children and Young People or to the local competent Court, depending on what applies to each particular case.

2. Reactive Measures

a) Accountability management

All the persons to whom this Safeguarding Policy applies are responsible for keeping themselves up to date, for its implementation while carrying out professional duties and for reporting any situation that comes to their knowledge that is contrary to this document's principles and measures.

Further to the responsibilities that apply to all the persons mentioned in the previous paragraph, the following persons have additional responsibilities, namely:

- i) The President of the National Commission shall assume: institutional responsibility for the approval, dissemination, training, enforcement and supervision of this Safeguarding Policy, supported by the person responsible for coordinating the implementation and monitoring of this Policy; and responsibility over the preparation and dissemination of the internal order that serves this purpose, which includes the appointment of the Head of the Unit mentioned in point (ii) below;

- ii) The Head of the Unit of Strategic Planning and Projects shall be responsible for coordinating the implementation and monitoring of this Safeguarding Policy. To this effect, the President of the National Commission shall issue an internal order informing of the appointment of the aforementioned Head of Unit, as indicated in (i), which shall also mention the following responsibilities of this Head of Unit regarding specifically this Safeguarding Policy:
- Ensuring the establishment and implementation of a system for the regular and updated registration of communications, complaints and suggestions regarding the Safeguarding Policy or in any way related to it;
 - Coordinating the regular monitoring of the Safeguarding Policy;
 - Receiving and replying to internal and external contacts about this Policy;
 - Be aware of any denunciations reported to the President regarding the violation of the Safeguarding Policy, with the exception of any situations in which the denunciation is reported to the person in charge;
 - Coordinating the organization of actions of dissemination, awareness and information of this Policy; and
 - Proposing to the President the review of the Safeguarding Policy based on the paragraphs mentioned above.
- iii) The Heads of Unit are responsible for the information, training and application of this Safeguarding Policy in their respective Unit.

The National Commission has the institutional responsibility to: promote and protect the rights of children and young people, namely through the articulation with the competent national entities; to promote the right of children and young people to be protected from all forms of physical or mental violence, harm or abuse, neglect or negligent treatment, abuse, maltreatment or exploitation, including sexual violence, perpetrated in in-person contexts or in the digital environment.

Although any communication of danger should be addressed to the local Commissions for the Protection of Children and Young People, to the local competent Courts, as well as to first line entities (security forces, schools, healthcare centres and social security services), the National Commission created an online form for the communication of situations of children in danger, which is available on its website, with the purpose of contributing to reinforcing the channels of reporting danger to these entities, aiming at facilitating the communication in cases in which it may not be clear which institution shall be addressed or to which local Commission to turn to as to report a situation of danger. The communication that is received by the National Commission as a result of filing this form is directly forwarded to the competent local Commission (or Court, in case there is no local Commission yet) for analysis and decision on a possible promotion and protection measure to be applied following due procedure carried out by the competent local entity (Commission or Court).

In order to protect the identity and personal data of the children, and to comply with the legislation in force on data protection, the National Commission will not archive the reports of situations of children in danger received, which will be immediately forwarded to the competent local Commission or to the competent Court, as aforementioned, under whose responsibility they will lie from that moment on.

b) Reporting procedures

The person responsible for coordinating and monitoring this Safeguarding Policy shall maintain an effective and updated system for recording all communications, complaints, claims and suggestions received in relation to the

implementation of this Safeguarding Policy, whether as a result of its ineffective or misleading implementation or as a result of failure to implement it. The system at stake shall contain information on the forwarding of any of the communications, complaints or suggestions received, as well as the feedback provided to the person or entity that presented them.

The filing system referred to in the preceding paragraph must also include the Risk Assessment and Risk Mitigation Measures relating to each initiative coordinated by the National Commission, as well as the minutes of the meetings or correspondence exchanged with the coordinating entity of the initiative or project, whenever it is not coordinated by the National Commission, which participates only as a partner. The exchanged correspondence makes evidence that this matter was addressed with the entity responsible for the initiative.

The person responsible for the coordination and monitoring of this Safeguarding Policy within the National Commission shall submit to the President a mid-term report at the end of the first semester of each year and an annual report covering the two semesters of implementation, identifying existing difficulties in its implementation and how they were overcome, good practices to be highlighted and possible new challenges that require reflection or new responses.

The President of the National Commission may, at any time, request the reporting of the state of the art on specific issues that raise questions or concerns regarding the implementation of the Safeguarding Policy in the institution.

c) Procedures for replying to reported situations

In this document, occurrences are understood as any situations that raise questions or concerns regarding the implementation of the Safeguarding Policy, both internally and externally, namely in communications of any kind and in any support with other entities, participation in meetings or national or international representation.

Any occurrence that comes to the knowledge of the person coordinating the implementation and monitoring of this Safeguarding Policy requires that this person develops the following response procedures:

- i)** Analysis of the occurrence;
- ii)** Fact-checking, if necessary by consulting any other persons with knowledge of the purported facts;
- iii)** Proposal of a corrective measure for any irregularity found; and
- iv)** Decision-making on the proposal referred in point (iii) above and communication of the decision made to the competent parties and to the persons related to the occurrence (since they are involved in the facts or an interested party), for the corresponding implementation.

The person who coordinates and monitors the implementation of this Safeguarding Policy is responsible for the development of the procedures listed above and the President of the National Commission is responsible for the corresponding decision-making process.

If the reported occurrence refers to an event involving the person responsible for the coordination and monitoring of the implementation of this Safeguarding Policy, the person responsible for the development of the procedures described above shall be the President of the National Commission, assisted by a person who is a Head of Unit, who is not involved in the occurrence nor is an interested party in it.

If the occurrence reported refers to an event involving the President of the National Commission, the person responsible for the development of the procedures described above shall be the person in charge of coordinating and monitoring the implementation of this Safeguarding Policy, who shall report the occurrence and the procedures carried out to the Minister under whose tutelage the National Commission operates, for ministerial analysis and decision.

In any of the circumstances mentioned in the preceding paragraphs, any occurrence which, by its nature, involves criminal or penal matters shall be immediately reported to the competent authorities.

It is further determined that any attempt of silencing, bribing, coercing, intimidating, insinuating, threatening or blackmailing of any kind must be immediately reported to the competent authorities if the safety of any person is at risk.

PART III

OTHER DETERMINATIONS



1. Start of the implementation

This Safeguarding Policy and the Code of Conduct integrated therein shall be implemented from the first working day following the date of this Policy's approval at the institutional level.

Its implementation shall be carried out according to the following procedures, which make it operational:

- a) Internal order from the President of the National Commission informing of the approval of this Safeguarding Policy and of the appointment of the Head of the Unit of Strategic Planning and Projects as responsible for the coordination and implementation of the Safeguarding Policy, who will be in direct articulation with the President for this purpose.
- b) Immediate internal dissemination of the Safeguarding Policy and of the appointed person who is responsible for coordinating and monitoring its institutional implementation, in accordance with the internal order mentioned in point a) above. This disclosure shall cover all the persons to whom the Safeguarding Policy applies.
- c) Internal dissemination of this Safeguarding Policy, at all times whenever a new person starts working for the National Commission, as well as of the person responsible for its institutional implementation.
- d) External dissemination of the Safeguarding Policy, as well as of the person responsible for its implementation to the General Secretariat of the Ministry of Labour, Solidarity and Social Security, to all local Commissions for Protection of Children and Young People and to the national entities with competency in matters of childhood and youth.
- e) International dissemination of the Safeguarding Policy, through the International Relations Unit, including of its English version on website of the National Commission, in order to share it with similar foreign entities and with governmental and non-governmental organisations involved in the promotion and protection of children's rights, thus enhancing the exchange of information, knowledge and good practices that may contribute to improve the quality of this document and others of the same nature in other countries that wish to benefit from this exchange of information and experiences.
- f) Broad public dissemination of the Safeguarding Policy – including of its English version - on the Website of the National Commission and on its profiles on social media¹¹, with an e-mail address¹² for contact in case of doubts and questions arise or suggestions are to be made on the Safeguarding Policy.
- g) Elaboration of a version of this Safeguarding Policy in child-friendly language¹³, to be disseminated internally and externally, namely to the National Council of Children and Young People, which was consulted on this Policy in child-friendly version, and in the menu "Children and Youth Space"¹⁴ of the National Commission's website, along with an e-mail address through which doubts, questions or suggestions on the matter may be presented to the National Commission.
- h) Initial and continuous or specialized training actions on this Safeguarding Policy to be provided by the National Commission to all its human resources and to be included in the Annual Plan of Activities. These training actions will be available to other entities that wish to benefit from them, upon invitation addressed to the National Commission for this purpose and as long as the necessary resources for that purpose are ensured by the inviting institution.

¹¹ See the profile of the CNPDPCJ [on Facebook](#) and [on Instagram](#).

¹² The e-mail address to use to this purpose is apoio.presidencia@cnpdpcj.pt

¹³ The Safeguarding Policy in child-friendly language is available [in Portuguese](#) and [in English](#).

¹⁴ This Space provides information only in Portuguese language.

2. Regular review

The Safeguarding Policy will be revised by the National Commission whenever relevant changes occur in the applicable national or international legislation, whenever the monitoring of its application recommends so, and also as a result of the emergence of new challenges or phenomena in the short, medium or long term, that appear to likely affect the wellbeing, safety or other rights of the children.

Any revision of this Safeguarding Policy will be subject to extensive consultation to all National Commission's human resources, with the exception of revisions which are mere updates resulting from changes in national or international legal references applicable to Portugal and which do not imply a change in the goals, principles and measures provided for in this Policy.

The National Commission shall widely disseminate, internally and externally, any update or revision of this Policy, thereby ensuring the right to information that is always up to date and complying with the principle of institutional transparency towards citizens.

3. Final disposition

In order to make the institutional application of this Safeguard Policy as consistent and consolidated as possible, it shall be implemented in phases within a period of three years starting from the date of its approval, as follows:

- i) The first and second years will focus on the wide internal and external dissemination of the Safeguarding Policy, on the training of its human resources regarding it, as well as on its implementation on an experimental basis, which will continue over the third year;
- ii) Preparation of a report regarding the first three years of implementation, including the following aspects:
 - Assessment of the difficulties identified and proposal of measures to overcome them;
 - Identification of possible gaps to be filled; and
 - Identification of potentialities and good practices to be reinforced in the following three-year period.

The implementation of the Safeguarding Policy shall continue to be assessed and improved, namely through the preparation of a report every three years; in its basic structure, reports shall include the aspects considered in the report of the previous three-year period.



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