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# Pool of International Experts on Safe Sport

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## **Guidelines on safer recruitment in sport: human rights-compliant screening of professionals and volunteers in contact with children**

This document was adopted by the EPAS Governing Board on 4 July 2025.

Please note that the text is currently undergoing proofreading. The final version will be available soon.

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## 1. Introduction

1.

The objective of the Guidelines is to advise States, sports bodies and organisations on developing effective processes to recruit professionals and volunteers who work with children in sport<sup>1</sup> in a way that aligns with international human rights standards to ensure they are capable of carrying out their roles and are appropriately screened. Establishing such processes is an essential preventive measure aimed at ensuring children are safe in sport. It can help organisations demonstrate their commitment to safeguarding children, minimise risks, and promote a culture of safety and accountability.

2.

The Guidelines focus on safer recruitment, and specifically criminal record checks, for those who engage with children in sport. However, it is acknowledged that children are not the only groups at risk. Similar care should be taken in recruiting individuals for other groups who may be impacted by extreme power differentials such as, but not limited to, people with disabilities, migrant populations etc.

3.

These Guidelines on safer recruitment were developed by the Council of Europe's Pool of International Experts on Safe Sport as an instrumental basis for the work on safeguarding children in sport.

4.

The Pool of International Experts on Safe Sport is the single-entry point to a unique source of multi-disciplinary expertise covering all forms of violence and abuse against children in sport. It brings together policymakers, researchers and academics, specialists supporting people with lived experience, child safeguarding officers, trainers/consultants and agents of change. It is a vehicle for peer-learning, capacity-building and fostering exchanges between all those who have a role to play in preventing and combating violence and abuse against children in sport.

5.

The support for the Pool is provided by "Start to Talk", the flagship project on child safeguarding in sport of the Council of Europe's Enlarged Partial Agreement on Sport (EPAS).

6.

In developing the Guidelines, the Pool was supported by Pool members Håvard B. Øvregård, Senior Adviser at the Norwegian Olympic and Paralympic Committee and Confederation of Sports (Norway), Melanie Lang, Professor of Safeguarding and Children's Rights in Sport at Edge Hill University (United Kingdom), and George Nikolaidis, Psychiatrist and Research Director of the Department of Mental Health and Social Welfare at the Institute of Child Health (Greece). The Secretariat of the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Committee), of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), of the Data Protection Unit, the Registry of the European Court of

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<sup>1</sup> As per the European Sports Charter (2021) "sport" means all forms of physical activity which, through casual or organised participation, are aimed at maintaining or improving physical fitness and mental well-being, forming social relationships or obtaining results in competition at all levels.

Human Rights and the Network of Magistrates / Prosecutors Responsible for Sports (The MARS Network) also contributed to the development of the Guidelines.

7.

The Governing Board and Consultative Committee of EPAS commented and examined the draft on the occasion of the 19<sup>th</sup> annual meeting of EPAS (14-15 May 2025) and the Guidelines were adopted by written procedure by the Governing Board on 4 July 2025.

## 2. Safer recruitment in sport: why it is important

8.

Sport is one of the most popular recreational activities among children and has many health and social benefits. But it can also be a locus for violence and abuse, with studies indicating children experience various forms of violence within sport (Hartill et al., 2023; Vertommen et al., 2016). One of the largest European studies (Hartill et al., 2023) found that 65% of adults reported experiencing psychological violence when they were a child in organised sport, 44% physical violence, 37% neglect, 35% non-contact forms of sexual violence, and 20% contact forms of sexual violence. In addition, there are strong correlations between experiencing violence inside and outside organised sport (Hartill et al., 2023).

9.

Research on perpetrators is limited in all forms of sport, but in organised sport settings such as clubs evidence suggests most are of higher social status than ‘victims’ (i.e., coaches, management staff, senior athletes with higher social status) (Pankowiak et al., 2023; Vertommen et al., 2017; Willson et al., 2022). Anyone can be affected but lesbian, gay and bisexual athletes, elite athletes, disabled athletes and athletes belonging to a minority ethnic group, regardless of age, appear to be at highest risk in organised sport settings, as well as girls (Ohlert et al., 2018; Parent et al., 2016; Vertommen et al., 2016).

10.

The culture in sport can also contribute to the maintenance and normalisation of violence and abuse and to the silencing of those affected. Children are commonly marginalised by their low social position and assumed lack of knowledge and dependence and they have significantly less power in sport than the adults around them (Brackenridge, 2001; Lang, 2022). Organised sport is also an environment where conformity to strict regimens is often expected – participating in intensive training regimes, objectifying practices like weighing and measuring of their bodies, and risk-taking in pursuit of success (Tuakli-Wosornu et al., 2024). This can lead to and even normalise unhealthy and damaging behaviours, including forms of violence. Children may also be more isolated from wider protective structures such as family due to their sports participation. It is especially important, therefore, that individuals who have access to them are suitable to work with them. Given the principle of the best interests of the child is central to all relevant human rights instruments relating to children, the best interests of each individual child must be considered in all public and private actions or decisions affecting children, including in sport.

11.

Recruiting individuals who are suitable to work or volunteer with children is a key strand in efforts to safeguard children from harm and promote their rights. Most people wanting to work or volunteer with children are dedicated individuals who want the very best for those in their care. Implementing an effective safer recruitment process can ensure that those entrusted with the education, care, and/or supervision of children have the appropriate capabilities to uphold the highest ethical and professional standards and can promote a culture of safety and accountability. It can also help mitigate risks of harm to children, build trust between organisations and parents/ caregivers, protect organisations from liability and reputational damage, and ensure organisations are complying with legal and regulatory requirements.

12.

Criminal record checks are one tool in the safer recruitment toolkit. These are checks of an individual's criminal history – they check an individual's name against police criminal records (and sometimes other databases) in a specific country (and sometimes overseas). The information returned is then used to help determine the suitability of the individual for a particular role. The practice has been implemented in most countries globally with various aims including preventing fraudulent use of government subsidies, enhancing user and public trust, and/or minimising the risks of harm to children and/or vulnerable adults (Manthorpe & Lipman, 2015; Lang & Papaefstathiou, 2021).

13.

Human-rights compliance refers to the adherence to legal, ethical and international standards that protect the fundamental rights and freedoms of all individuals. For the purposes of these Guidelines, this means ensuring that procedures treat all individuals with dignity and respect and do not violate human rights. Therefore, the Guidelines acknowledge the importance of upholding the human rights of individuals who undergo safer recruitment checks, including criminal record screening, to ensure privacy, fairness, and the opportunity for rehabilitation. In terms of safer recruitment, in view of protecting vulnerable populations from harm, this should ensure procedures are reasonable and proportionate. Therefore, approaches should take into account protection of individuals' privacy, and promotion of fairness, transparency and equality.

14.

Individuals have a right to be informed about and consent to background checks, to understand why they are being screened, how the information will be used, who will have access to the information, and what the consequences of the results might be for them. They also have the right to be free from unnecessary disclosure, to access their own criminal record and to dispute or appeal its accuracy if they believe it is incorrect or incomplete. Information gathered during safer recruitment and criminal record screening is sensitive and the individual's right to privacy must be respected. Data gathered should only be used for the intended purpose and should never be used to discriminate against someone unfairly.

15.

Data on the effectiveness of criminal record checking is limited, but there is evidence from England and Wales that known offenders have been prevented from gaining access to positions with children as a result of having undergone a criminal record check (BBC News, 2014). Implementing the checks

also has a deterrent effect (Lang & Papaefstathiou, 2021). As a result, their use has been called “more reliable and valid than the use of professional judgement alone” (Government of South Australia Attorney-General’s Office, 2016: 538).

16.

The usefulness of criminal record checks as part of strategies to safeguard children has led to their inclusion in numerous international standards, both within and beyond sport. These include those from the Council of Europe (the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (“the Lanzarote Convention” (2007)) and Sport for all: uniting us for stronger societies (2022), the United Nations (General comment No. 13, 2011), the European Parliament and the Council of the European Union (Directive on combating the sexual abuse and sexual exploitation of children and child pornography, 2011), and as a criterion within the International Safeguards for Children in Sport (International Safeguarding Children in Sport Working Group, 2016).

17.

Therefore, following the mandate in the Lanzarote Convention that individuals engaging in regular contact<sup>2</sup> with children should be screened to ensure they have no convictions for sexual exploitation or sexual abuse against children, these Guidelines focus on the use of criminal record checks in organised sport bodies and organisations.

18.

Since criminal record checks cannot identify first-time offenders or offenders who have thus far evaded detection (Lang & Papaefstathiou, 2021), the Guidelines acknowledge a range of supplementary measures – what can be referred to as a 360° approach to safer recruitment<sup>3</sup> – are crucial to ensuring best practice in safeguarding children from harm and promoting their rights. These include the use of pre-, during- and post-recruitment tools, such as the use of other checks of an individual’s background and character, inductions, probationary periods, and effective training and supervision that form part of an ongoing culture of safeguarding and vigilance.

19.

Similarly, those responsible for recruiting staff and/or volunteers have an obligation to conduct a safe, transparent and fair recruitment process for all. Organisations should therefore have clear policies in place for how to manage concerns raised as a result of conducting a criminal record check and/or other safer recruitment activities, alongside policies for managing concerns identified during employment.

20.

The Guidelines also recognise that the particular socio-cultural context of organised sport presents certain challenges in terms of implementing effective safer recruitment processes. The international

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<sup>2</sup> What constitutes ‘regular contact’ is not defined in the Lanzarote Convention. However, the Explanatory Report states the requirement for screening is intended to cover those “whose functions involve regular contacts with children, as well as those who may only occasionally come into contact with a child”.

<sup>3</sup> i.e., an approach that makes use of pre-, during- and post-recruitment tools, such as the use of other background checks, inductions, probationary periods, and effective training and supervision as part of an ongoing culture of safeguarding and vigilance.

nature of organised sport, whereby coaches and other sports staff and volunteers move across countries, regions and sports disciplines, and the reliance, especially at grassroots level, of sports bodies and organisations on volunteers present challenges for safer recruitment efforts and when conducting criminal record checks. Arrangements for accessing the criminal history of an individual from or who has spent time overseas do not always exist. Where they do, accessing this information (or indeed any background information) may be more difficult for those in sports bodies or organisations as these are rarely part of the statutory sector. In addition, some behaviours that breach sporting policies may not meet the threshold for criminal intervention and so may not feature on a criminal history check, though this information could be pertinent for recruitment decisions to new professional or volunteer positions in organised sport.

21.

Gaps in employment or volunteering history are likely to be more common in sport settings, meaning decisions need to be made about how to manage this. The time and cost commitment of some safer recruitment measures and of conducting criminal record checks may be more burdensome for those in sport, particularly those operating at grassroots level and/or in a voluntary capacity, where funding, specialist safeguarding expertise and time are often limited.

22.

Despite these challenges, the usefulness of criminal record checks in contributing to safeguarding children is such that States, sports bodies and organisations are urged to work together with one another to minimise these challenges and facilitate effective, fair, and transparent safer recruitment processes for all. It is recommended that States harmonise standards and processes where possible.

23.

These Guidelines are intended for use by States, sports bodies and organisations involved in children's sports activities, whether in formal organised settings or as part of more casual arrangements. A child is defined as "any person under the age of 18 years" (Lanzarote Convention, Article 3.a).

## Council of Europe standards on conducting background checks and relevant initiatives

24.

The protection of children against violence and abuse is a priority for the Council of Europe. In the field of sport, EPAS has for some years addressed the question of safer recruitment in organised sport, including criminal records checks, in the framework of the implementation of the Lanzarote Convention and other Council of Europe and international standards.

25.

The Lanzarote Convention is the foremost instrument for the protection of children from all forms of sexual exploitation and abuse and recognises sport as a setting where individuals are likely to have regular contact with children. It explicitly refers to the need for criminal record checks in Article 5: "Recruitment, training and awareness raising of persons working in contact with children":

*Article 5.3: Each Party shall take the necessary legislative or other measures, in conformity with its internal law, to ensure that the conditions to accede to those professions whose*

*exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children*

26.

The Explanatory Report to the Lanzarote Convention aims at facilitating the application of the Convention. Paragraph §57 clarifies Article 5.3 of the Convention as follows:

*57. Paragraph 3 sets an obligation for the Parties to ensure that candidates are screened prior to the exercise of professions involving regular contacts with children to ensure that they have not been convicted of acts of sexual exploitation or sexual abuse of children. In certain member States, this obligation can be applied also to voluntary activities. The addition of “in conformity with its internal law” permits States to implement the provision in a way which is compatible with internal rules, in particular the provisions on rehabilitation and reintegration of offenders. Moreover, this provision does not intend to interfere with specific legal provisions in those States which provide for the deletion of offenders’ criminal records after a certain period of time.*

27.

The Lanzarote Committee, the body established to monitor the implementation of the Lanzarote Convention, presented in its 2<sup>nd</sup> implementation report of the 1<sup>st</sup> monitoring round (“Protection of children against sexual abuse in the circle of trust: The strategies”) the following relevant recommendations (page 44):

- *The Lanzarote Committee:*
  - *urges those Parties that limit mandatory screening only to specific professionals to extend such screening to the recruitment of all professionals (public or private) in regular contact with children; (Recommendation 19)*
  - *invites Parties to encourage continuous screening of all professionals in regular contact with children (not only during the recruitment process); (Recommendation 20)*
  - *invites Parties to encourage continuous screening of all voluntary activities involving regular contact with children (not only during the recruitment process). (Recommendation 21)*

28.

Article 19 (1) of the United Nations Convention on the Rights of the Child establishes that: “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”. General comment No. 13 (2011): The right of the child to freedom from all forms of violence explicitly refers to sport coaches (Article 33) as caregivers for children, and sports facilities (Article 34) and sport clubs (Article 42) as care settings covered by Article 19.

29.

In the field of sport, the International Safeguards for Children in Sport help organisations meet the responsibilities set out in the United Nations Convention on the Rights of the Child to protect children



from harm caused by their staff, activities, operations and partners. According to Safeguard 6: “Recruiting, training and communicating”, the recruitment process should include an interview, character/employment references and a background check in line with local legislation. The International Safeguards for Children in Sport inspired several Building Blocks to keep children safe in sport environments, developed within the European Union – Council of Europe joint project “Child Safeguarding in Sport”. Building Block 8: “Safe Recruitment Systems” provides for, among other measures, the availability of criminal record and other relevant background checks to sports organisations for roles that involve working (paid or unpaid) with children in sport. The methodology of the “Child Safeguarding in Sport” project has been further applied by the EPAS project “Start to Talk”.

30.

In addition, the European Convention on Human Rights (ECHR) affirms further rights for all, with several Articles having relevance to sport (i.e., the right to freedom from inhuman or degrading treatment or punishment, freedom from forced labour, respect for private and family life, prohibition of discrimination, and the right to education, among others). The European Court of Human Rights has developed rich case law in the field of protection of children and minors against sexual abuse<sup>4</sup> and other forms of violence, in particular under Article 3 of the ECHR (prohibition of inhuman or degrading treatment or punishment) and Article 8 of the ECHR (right to respect for private and family life).

31.

The Council of Europe Convention on preventing and combating violence against women and domestic violence (‘the Istanbul Convention’) also has relevance to sport. Article 14 paragraph 2 extends the obligation to promote principles of equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, *inter alia*, in sports and leisure facilities. Meanwhile, it also criminalises, among others, psychological, physical and sexual violence, forced abortion and forced sterilisation (Articles 33, 35, 39, and 40).

32.

On 3 June 2021 EPAS organised the webinar “Checking criminal records as a tool to protect children in sport”. A recording is available online, as well as the presentations from the webinar.

33.

The Resolution “Sport for all: uniting us for stronger societies”, adopted at the 17<sup>th</sup> Council of Europe Conference of Ministers responsible for Sport held in Antalya (Türkiye) on 26 October 2022 invited EPAS to:

*“(...) engage with its member States, the sports movement and other relevant stakeholders to [...] continue supporting States and sports organisations in the design and implementation of child safeguarding policies, taking into account the Council of Europe conventions against child sexual exploitation and abuse, trafficking in human beings, and violence against women and domestic violence, notably in the context of the Start to Talk initiative to stop violence and*

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<sup>4</sup> In a ground-breaking judgement (*X and Others v. Bulgaria*, 2021), the Grand Chamber of the Court referred explicitly to Article 18 § 1b), second point, of the Lanzarote Convention, defining the offence of sexual abuse of a child, *inter alia*, as “engaging in sexual activities with a child where abuse is made of a recognised position of trust, authority or influence over the child, including within the family.”

*abuse of children in sport and support exploratory work on human rights-compliant sharing of information on criminal and disciplinary records of staff and volunteers working with children in the context of sport.*

34.

In response to this mandate, the EPAS 2023 Forum on Sport and Human Rights, organised on 30 June 2023, a panel on international exchanges of information. Here experts from different disciplines explored data protection challenges in transborder data flows, including in the context of child safeguarding. The forum presentations are available online.

35.

The topic of criminal record checks for staff and volunteers working with children in organised sport was also discussed by the Council of Europe's Pool of International Experts on Safe Sport on 5 December 2023 and 3 December 2024 in Strasbourg.

36.

A number of factors in organised sport can present obstacles to creating safer sport and safer recruitment. Many of these are not unique to sport, but can also be found in other leisure-time arenas for children and youth, as well as in settings like schools, nurseries, etc. Some that have specific relevance to safer recruitment are mentioned below.

37.

Within sport there are both professionals/employees and volunteers who have regular contact with children. The proportion of individuals in each type of role can vary between and within States and sports. Measures for safer recruitment in sport therefore must include both professionals/paid workers and volunteers and should recognise that individuals can move between these two categories.

## Human rights-compliant screening of professionals and volunteers and sharing of information

38.

Sharing of information about criminal records, or other relevant information, about future or existing professionals or volunteers in sport must be compliant with human rights and relevant national and international regulations for data protection.

39.

Safer recruitment strategies are only one of many measures needed to promote a safer sport environment. Other measures include: a national policy framework for safeguarding in sport; partnership working (between sport organisations, governmental bodies, and other organisations with relevant expertise, such as civil society organisations working with those affected by violence against women and children and/or child abuse); strategies, structures and procedures for responding to and managing concerns; and advice and support, education and training for all sport stakeholders, including children.

## Adopting a 360° approach to safer recruitment

40.

A criminal record check is one form of background check but is insufficient on its own. Sport bodies and organisations should follow the full safer recruitment process, comprising:

- A clear role description – this should highlight the safeguarding responsibilities of the role and reflect the organisation’s commitment to safeguarding children. It should also reference the safer recruitment procedures in place. Additionally, the job description should include statements affirming the organisation’s commitment to fairness, transparency, equality and protection of privacy and personal data for all individuals,
- An ID check – to confirm the candidate’s identity,
- A right to work check – to confirm a candidate’s right to work legally in the country (if in a paid position),
- A birth certificate check – to confirm whether a candidate has changed their name since birth (criminal record checks should be conducted for current and previous names),
- A criminal history check – including for significant periods spent abroad,
- Employment references – detailed, up-to-date employment references that include information on the candidate’s conduct, disciplinary record, suitability and ability to work with children, as well as knowledge and understanding of child protection/ safeguarding (i.e., this must go beyond a basic employment verification check). These should be verified with the organisation providing them. If references are not available to cover the full employment period then at least one character reference should also be obtained and verified,
- Opportunity for self-disclosure – to allow a candidate the opportunity to confidentially disclose any relevant convictions, investigations, or disciplinary sanctions. For privacy reasons, this should only be carried out with shortlisted or successful candidates,
- A qualification/ training history check – to confirm a candidate’s qualifications / training history (where these are relevant to the role),
- An interview – a face-to-face interview should be carried out for all shortlisted applicants to assess their ability to carry out the role, based on transparent, justifiable and objective criteria,
- A (psycho-social<sup>5</sup>) risk assessment to assess the potential risks associated with the candidate and the role,
- Post-interview checks – successful candidate(s) should be informed the offer is contingent on satisfactory completion of full safer recruitment procedures.

41.

Information gathered as part of the full safer recruitment process must be handled with care and fairness, in accordance with data protection and employment laws where appropriate. Candidates should be informed about the full safer recruitment procedures in place before they apply so they can understand what information will be sought from them, why, and what will be expected of them at

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<sup>5</sup> i.e., to evaluate a candidate’s professional boundaries and behaviours towards children, understandings of safeguarding responsibilities, personal values etc.

each stage. They should also be informed of how the information will be used, who will have access to it, and what the consequences of the results might be for them.

42.

Sport bodies and organisations should always use the full range of safer recruitment procedures. A criminal record check should never be the only form of check carried out for positions/roles involving contact with or special responsibility for children. States should consider how best to facilitate the full range of measures that comprise the safer recruitment process.

43.

It is recognised that there is a wide variation in sport bodies and organisations, with those at a local level predominantly staffed by volunteers and having limited (financial and human) resources. The safer recruitment process should, therefore, entail some flexibility and take into account the particular circumstances of the situation and be reasonable and proportionate, while also complying with children's and recruited individuals' human rights. Sport bodies and organisations should be enabled to adhere to the full safer recruitment process in a way that causes minimal disruption and does not require them to bring in professionals to support them to achieve this.

### 3. Screening for criminal history

#### The criminal record check

44.

Checking an individual's criminal record is a preventive measure to screen candidates for roles involving contact with children. It can help prevent individuals with a (known) history of violence and/or abuse from gaining access to children, can help organisations assess the level of risk posed by an individual, ensure compliance with international safeguarding standards, and show a commitment to creating safe spaces for children. However, such checks have limitations and must be applied in conjunction with other measures for safer recruitment as well as other measures for safeguarding in sport.

45.

Provisions and systems for checking the criminal record of candidates for roles in sport that involve regular contact with children are necessary to ensure that those candidates have not been convicted of acts of sexual exploitation or abuse of children (Article 5.3 of the Lanzarote Convention). States should also consider whether this should be extended to include certain specific non-sexual offences deemed (definitely or potentially) in conflict with regular contact with children (i.e., violent crimes).

46.

Those recruiting individuals for voluntary or paid roles in sport that involve regular contact with children must have legal provisions for requiring and carrying out criminal record checks. States should consider how to provide and facilitate criminal record checks and ensure that they can be used in sport. Sport bodies and organisations should ensure that such provisions and measures are applied. Measures must cover voluntary activities and volunteers as well as paid positions.

47.

The processing of personal data for the purpose of screening for criminal history or measures for safer recruitment must be compliant with the applicable data protection legislation, in particular for all Council of Europe member states the principles and rules established by the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 108) and its amending Protocol ('Convention 108+'). Notably, processing must adhere to the principles of necessity, proportionality, purpose limitation, lawful basis for the processing, data quality, data minimisation, the rules on the processing of special categories of personal data, data security, transparency, accountability of data controllers, data subjects' rights, and external independent oversight.

48.

The transfer of personal data from one jurisdiction to another should be in line with Article 14 of Convention 108<sup>6</sup>, which includes the possibility for States belonging to a regional organisation such as the EU to also comply with harmonised rules of protection defined by the EU. In cases when the transfer happens between jurisdictions but where the appropriate protection of personal data is not guaranteed by domestic legislation, Model Contractual Clauses developed by the Committee of Convention 108 can be used or serve as a reference.

### Measures for continuous screening

49.

To ensure that individuals with regular contact with children, whether professionals or volunteers, have not been convicted of acts of sexual exploitation or sexual abuse of children, it is insufficient to only implement screening measures when the individual commences a new position. Individuals may, after the start of the activity, later be convicted without the relevant sport body/organisation being made aware of this. Measures for continuous screening are therefore necessary (i.e., not only during the recruitment process), as recommended by the Lanzarote Committee in Recommendations 20 and 21 in its 2<sup>nd</sup> implementation report<sup>7</sup>.

50.

States should consider how they provide for continuous screening of individuals in regular contact with children in sport. This may require specific legal provisions in addition to those mandating criminal record checks during recruitment to new professional or volunteer positions. Sport bodies and organisations should ensure that such provisions are applied. Requesting a certificate of no ongoing criminal proceedings should also be considered (where these are available).

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<sup>6</sup> Article 14 (1) states that, "A Party shall not, for the sole purpose of the protection of personal data, prohibit or subject to special authorisation the transfer of such data to a recipient who is subject to the jurisdiction of another Party to the Convention. Such a Party may, however, do so if there is a real and serious risk that the transfer to another Party, or from that other Party to a non-Party, would lead to circumventing the provisions of the Convention. A Party may also do so, if bound by harmonised rules of protection shared by States belonging to a regional international organisation."

<sup>7</sup> <https://rm.coe.int/implementation-report-on-the-2nd-monitoring-round-the-protection-of-ch/1680a619c4>

## Checks for those in positions of trust or with special responsibilities for children

51.

Some States have specific criminal record checks / criminal record certificates<sup>8</sup> that can be requested for or from individuals as part of screening procedures for professional or voluntary positions where the individual is in a position of trust or has special responsibility in relation to children. These are limited criminal record checks for specific crimes that are deemed (definitely or potentially) in conflict with such positions.

52.

In many cases, sport bodies and organisations lack sufficient expertise and/or capacity to personally examine every individual's full criminal history and determine their suitability for a role based on this. Criminal record checks / criminal record certificates provide a basis for manageable routine screening of professionals and volunteers.

53.

Some States do not oblige sports bodies and organisations to conduct criminal record checks when recruiting professionals and/or volunteers who regularly engage with children. States that do not currently mandate this must implement it.

## Restricting access to positions involving special responsibilities for children

54.

States should take the necessary measures to ensure that a person who has been convicted of sexual violence or sexual abuse may be temporarily or permanently prevented from exercising at least professional activities involving direct and regular contact with children. States should take the necessary measures to ensure that information concerning the existence of criminal convictions for these offences or of any disqualifications from exercising activities involving direct and regular contacts with children arising from those criminal convictions is transmitted in accordance with national law (for EU member states this is an obligation under Directive 2011/93/EU on Combating sexual abuse and sexual exploitation of children and child pornography).

## Individuals under investigation or indictment

55.

Individuals under investigation or who have been indicted for acts of sexual exploitation or sexual abuse of children should be prevented from holding positions with regular contact with or responsibility for children while the investigation or indictment is ongoing. A criminal record certificate or information provided as a result of a criminal record check should therefore also include information about whether the individual is subject to a criminal investigation or indictment for acts of sexual exploitation or sexual abuse of children.

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<sup>8</sup> Criminal record checks flag certain (often specified) offences (if there are any) on an individual's criminal record, whereas criminal record certificates certify an individual as having no relevant offences on their record.

56.

The presumption of innocence is, in this case, to be recalled as a general principle of law, but for child protection reasons it is recommended that these measures, which are both necessary and appropriate, be implemented.

57.

States should consider whether to also include certain specified non-sexual offences deemed (definitely or potentially) in conflict with regular contact with children (i.e., violent crimes). This should also be applicable to checks conducted at the post-recruitment stage (such as ongoing criminal record checks / certificates of no ongoing criminal proceedings (where available)).

### Accessing criminal records from other jurisdictions

58.

As sport and sports competitions may be international, so are the working possibilities for individuals with skill and competence in sport. Therefore, coaches and other professionals may seek positions beyond their home country or region. Criminal record checks must therefore also cover multiple jurisdictions if they are to be as effective as possible. The current lack of procedures allowing cross-border criminal record checks in many jurisdictions is a significant barrier to robust safer recruitment procedures.

59.

The European Criminal Records Information System (ECRIS) – a decentralised system that allows national courts to exchange information on previous convictions between EU member states – could be a useful tool. The European criminal records information system – third country nationals (ECRIS-TCN) operates a similar system for non-EU countries and international organisations, which could also be useful. States should consider if and how to allow other bodies, such as those in sport, to make use of these.

60.

When undertaking a criminal records check, sport bodies and organisations should ideally have access to all existing criminal history information on an individual, including information available in other countries. Regrettably, this is not universally possible at present: some countries have procedures in place to allow organisations to obtain a criminal record check for an individual who has either spent time abroad or is a non-national, but many do not. There are, however, complementary measures that can be used to support sport bodies and organisations in conducting checks of an individual's suitability to work or volunteer with children (see para 60).

61.

States (or the relevant domestic body) should consider ways of sharing information on an individual's criminal history with sport bodies and organisations from outside their jurisdiction. They could consider doing this by providing information online (perhaps in several widely spoken languages internationally) on how the criminal record information held in their jurisdiction may be accessed in accordance with the applicable law. Any documents not in the official language(s) of the State in which they have been requested should be translated by a certified translator.

## Ensuring accuracy of information

62.

For privacy reasons, access to the results of a criminal record check / criminal record certificate should be restricted. Since the information on criminal record checks is, by definition, considered 'sensitive data' in data protection terms, they require specific safeguards to be in place when being accessed. The responsibility for obtaining a criminal record check / criminal record certificate lies with the individual (i.e., the person being recruited to the role) rather than the recruiting organisation. The individual is then usually responsible for deciding whether to disclose their check / certificate to the relevant sport body or organisation. Sport bodies and organisations must have procedures in place for dealing fairly and transparently with any individual who does not agree to disclose. Individuals must be informed of these in advance.

63.

States should consider ways they can ensure the accuracy of information provided when an individual passes this on in a human-rights compliant way.

## Reducing the administrative burden for all

64.

Any effective system for criminal record checks should be proportionate and limit the administrative burden on sport bodies and organisations and on individuals being recruited. States should consider how to reduce bureaucracy and make it easier for all to apply, receive, and administer criminal record checks.

## Digital systems for criminal record checks

65.

Digital systems have the potential to minimise the bureaucracy, time and costs associated with conducting and accessing criminal record checks. States should consider providing and facilitating digital systems for criminal record checks, with appropriate security measures.

66.

As recommended by the Lanzarote Committee, systems for continuous screening require exchange of information between sport bodies and organisations on the one hand, and the State with its relevant databases (i.e., criminal records systems) on the other. States should consider how to facilitate continuous screening in a human rights-compliant way.

# 4. Other measures for safer recruitment

## Disclosing and contacting previous employers

67.

Individuals are less likely to disclose a previous employer's details if they left the organisation due to disciplinary action, investigation, dispute etc. However, this information may be relevant to



determining the individual's suitability to work or volunteer with children. In light of this, it is recommended that as part of their safer recruitment processes, sport bodies and organisations require candidates to inform them about *all* previous organisations where they have worked.

68.

Candidates should be informed that all previous employers may be contacted as part of the safer recruitment process, as well as about the information that will be sought from these, why, and how this will be used. Sport bodies and organisations should also inform candidates in advance how they will respond to any concerns about their suitability that are identified during the recruitment process and also after an individual has begun in the role.

### Disclosing and contacting organisations where individuals have previously volunteered

69.

It is recommended that sport bodies and organisations use the same procedures in relation to organisations where a candidate has previously volunteered as those described above for organisations where a candidate has been previously employed.

### Sharing of information on previous conduct

70.

To reduce the risk of individuals who have engaged in unacceptable behaviours being able to access new positions where they may do the same, previous employers or organisers of volunteering activities should be able to share information about an individual's previous unacceptable behaviours that would not be disclosed on a criminal record check (alongside self-disclosure opportunities and gaining detailed references). The concerned individuals should be informed of such a communication of their background information.

71.

States should consider how to facilitate this and should provide clear guidance to sport bodies and organisations on how they can share such information in a responsible way that balances the individual's rights to privacy and fairness with children's right to protection.

72.

If a new employer is made aware of an individual's previous unacceptable behaviour, it becomes easier for them, in co-operation with the individual, to mitigate future risks and support the individual while also safeguarding the children they engage with. Having such knowledge also makes it easier, should any further unacceptable behaviour be suspected or occur, to identify this and respond to it appropriately. Examples of such unacceptable behaviours may include unprofessional contact or behaviours with children that did not meet the threshold for criminal or disciplinary action.

### Information about disciplinary cases in sport

73.

Information about disciplinary action against an individual may be relevant to determine that individual's suitability to work with or volunteer with children. Therefore, it is recommended that as part of their recruitment processes, sport bodies and organisations have access to this information

and establish procedures for sharing it in a human-rights compliant way. The concerned individuals should be informed of this.

74.

As professionals and volunteers may move between countries and regions as well as between sports, information about disciplinary cases in sport should also be shared across national boundaries, where possible, as well as between different sports, in a human-rights compliant way. Individuals should be informed of this. States should consider how to facilitate such communication between countries as well as between sports.

### Instances of previously filed charges, investigations, and indictments

75.

Given barriers to reporting the exploitation and abuse of children and low prosecution and conviction rates for these offences (Cross et al., 2003; LeCroy, & Milligan-LeCroy, 2020), information on investigations, indictments, and/or previously filed charges may be relevant to determining an individual's suitability to work or volunteer with children. Therefore, it is recommended that (where domestic legislation allows) investigations, indictments, and/or previously filed charges should be part of a criminal record and / or background check even if these have not led to a conviction.

76.

To maintain a candidate's presumption of innocence, information on investigations, indictments, and / or previously filed charges should not, on their own, be sufficient to prevent an individual from being recruited. Rather, such information should be considered alongside information gathered from conducting other safer recruitment activities. The organisation's safer recruitment policy should be clear on how to manage this and should include conducting a risk assessment of the candidate's suitability to have regular contact with children in light of all information received. Individuals should be informed of this.

### 'Low-level concerns'

77.

There is no universally accepted definition of a 'low-level concern' but it is generally understood as a concern that does not meet the harm threshold for disciplinary or legal action. A 'low-level concern' could still constitute unacceptable behaviour or be indicative of the potential for such behaviour in future as there is often an overlap between 'low-level concerns' and risky behaviour. All 'low-level concerns' identified through safer recruitment checks should therefore be followed up. Individuals should be informed of this.

78.

Sports bodies and organisations should request information on a candidate's conduct (including about any 'low-level concerns') and about a candidate's understanding of child protection / safeguarding as part of the reference request process. The response received should not be sufficient alone to prevent an individual from being recruited. Rather, the information should be considered alongside information gathered from conducting other safer recruitment activities. The organisation's safer recruitment policy should be clear on how to manage this and should include conducting a risk

assessment of the candidate's suitability to have regular contact with children in light of all information received. Individuals should be informed of this.

### Training and education for new professionals and volunteers

79.

In addition to measures for safer recruitment, sport bodies and organisations should always ensure that new professionals and volunteers take part in an induction process and have a probationary period. They should also be required to undertake (initial and ongoing) training and education that covers (as a minimum):

- **definitions and examples** of violence, abuse, harm and poor practice in sport;
- **indicators** of violence and abuse;
- **risk factors** for violence and abuse in sport;
- **recognising and avoiding** risk situations;
- **the position's minimum safeguarding responsibilities**;
- **reporting procedures** for disclosures, incidents, or (suspected) concerns of harm or poor practice within and external to the organisation;
- **the support available** to individuals during and following a disclosure, incident, or concern of harm or poor practice and how they can access this.

## References

BBC News (2014, 24 June). *Fall in number barred from working with children*. Retrieved from: <https://www.bbc.co.uk/news/uk-27978423>

Brackenridge, C. (2001). *Spoilsports: understanding and preventing sexual exploitation in sport*. London: Routledge.

Cross, T., Walsh, J., & Simone, M. (2003). Prosecution of child abuse: a meta-analysis of rates of criminal justice decisions. *Trauma, Violence and Abuse*. 4 (4), pp. 323-340.

Council of Europe (2007). *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*. Retrieved from: <https://rm.coe.int/1680084822>

Council of Europe (2022). *17th Council of Europe Conference of Ministers responsible for Sport. Resolutions*. Retrieved from: <https://rm.coe.int/msl17-10-resolutions/1680a8bcf1>

European Parliament and the Council of the European Union (2011). *Directive on combating the sexual abuse and sexual exploitation of children and child pornography*.

Government of South Australia Attorney-General's Office (2016). *Child Protection Systems Royal Commission*. Retrieved from: <https://www.agd.sa.gov.au/projects-and-consultations/projects-archive/child-protection-systems-royal-commission>

Hartill, M., Rulofs, B., Allroggen, M., Demarbaix, S., Diketmüller, R., Lang, M., Martin, M., Nanu, I., Sage, D., Stativa, E., Kampen, J., & Vertommen, T. (2023). Prevalence of interpersonal violence against children in sport in six European countries. *Child Abuse & Neglect*, 146.

International Safeguarding Children in Sport Working Group (2016). *International Safeguards for Children in Sport*. Retrieved from: <https://www.unicef.org.uk/wp-content/uploads/2014/10/International-Safeguards-for-Children-in-Sport-version-to-view-online.pdf>

Lang, M. (2022). Advancing children's rights in sport: coaching, childhood agency and the participatory agenda. *Sports Coaching Review*. 11 (1), pp. 41-63.

Lang, M. & Papaefstathiou, M. (2020). Barred: Criminal record checks as a tool to prevent child abuse in sport. In M. Lang (Ed.), *The Routledge Handbook of Athlete Welfare* (pp. 365-375). London: Routledge.

LeCroy, C. W., & Milligan-LeCroy, S. (2020). Public perceptions of child maltreatment: a national convenience sample. *Children and Youth Services Review*. 119.

Manthorpe, J., & Lipman, V. (2015). Preventing abuse through pre-employment checks: an international review. *The Journal of Adult Protection*. 17 (6), pp. 341-350.

Ohlert, J., Seidler, C., Rau, T., Rulofs, B., & Allroggen, M. (2018). Sexual violence in organised sport in Germany. *German Journal of Exercise and Sport Research*. 48, pp. 59-68.

Pankowiak, A., Woessner, M. N., Parent, S., Vertommen, T., Eime, R., Spaaij, R., Harvey, J., & Parker, A. G. (2023). Psychological, physical, and sexual violence against children in Australian community sport: frequency, perpetrator, and victim characteristics. *Journal of Interpersonal Violence*. 38 (3-4), pp. 4338-4365.

Parent, S., Lavoie, F., Thibodeau, M.-È., Hébert, M., Blais, M., & v700 (2016). Sexual violence experienced in the sport context by a representative sample of Quebec adolescents. *Journal of Interpersonal Violence*. 31 (16), pp. 2666-2686.

Tuakli-Wosornu, Y. A., Burrows, K., Fasting, K., Hartill, M., Hodge, K., Kaufman, K., Kavanagh, E., Kirby, S. L., MacLeod, J. G., Mountjoy, M., Parent, S., Tak, M., Vertommen, T., & Rhind, D. J. A. (2024). IOC consensus statement: interpersonal violence and safeguarding in sport. *British Journal of Sports Medicine*. 58 (22), pp. 1322-1344.

United Nations (2011). *General comment No. 13 (2011). Article 19: The right of the child to freedom from all forms of violence*. Retrieved from: [https://archive.crin.org/docs/CRC.C.GC.13\\_en\\_AUV-1.pdf](https://archive.crin.org/docs/CRC.C.GC.13_en_AUV-1.pdf)

Vertommen, T., Schipper-van Veldhoven, N., Wouters, K., Kampen, J. K., Brackenridge, C. H., Rhind, D. J. A., Neels, K., & Van Den Eede, F. (2016). Interpersonal violence against children in sport in the Netherlands and Belgium. *Child Abuse & Neglect*. 51, pp. 223-236.

Vertommen, T., Kampen, J., Schipper-van Veldhoven, N., Wouters, K., Uzieblo, K., & Van Den Eede, F. (2017). Profiling perpetrators of interpersonal violence against children in sport based on a victim survey. *Child Abuse & Neglect*. 63, pp. 172-182.

Willson, E., Kerr, G., Stirling, A., & Buono, S. (2022). Prevalence of maltreatment among Canadian national team athletes. *Journal of Interpersonal Violence*. 37 (21-22), pp. 19857-19879.