

LANZAROTE COMMITTEE

Committee of the Parties to the Council of Europe
Convention on the protection of children against sexual
exploitation and sexual abuse

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Replies to the thematic questionnaire

“Screening of professionals, volunteers and other
persons in contact with children”

AUSTRIA

Replies received by the Secretariat on 17 September 2026

Main relevant provisions of the Lanzarote Convention and previous recommendations

Article 5 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures, in conformity with their 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. The Explanatory Report to the Lanzarote Convention indicates that this obligation can be also applied to voluntary activities (see paragraph 57).

In the 2nd implementation report of the 1st monitoring round (2018), the Lanzarote Committee urged those Parties that limited mandatory screening to certain professionals to extend it to the recruitment of all professionals (public or private) in regular contact with children (R19) and invited Parties to encourage continuous screening of all professionals (R20) and volunteers (R21) in regular contact with children.

Article 27 paragraph 3.b of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to deny the perpetrator, temporarily or permanently, the exercise of professional or voluntary activity involving contact with children in the course of which the offence was committed.

Article 37 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to ensure that the information referred to in paragraph 1 (i.e. data related to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention) can be transmitted to the competent authority of another Party, in conformity with the conditions established in its internal law and the relevant international instruments.

Whenever the term “screening” is used in this questionnaire, this should be understood as “verification of criminal convictions for sexual offences against children”.

In all your answers, please provide details to the extent possible and refer to specific laws, policies, programmes, measures, etc.

Please describe the legislation, policy and practice which are in force on 27 March 2026 or are in the process of adoption (in this case, please specify the planned date of entry into force).

Please indicate:

- a. State Party in respect of which the questionnaire is submitted
Austria
- b. Entities and bodies which have been involved in responding to this questionnaire
 - Ministry of Labour, Health and Social Affairs
 - Federal states¹:
 - Salzburg
 - Tyrol
 - Styria

Persons concerned by screening requirements

1. Is the absence of criminal convictions for sexual offences against children required as a pre-condition in order to accede to professions, employment or volunteer positions whose exercise implies regular contacts with children? Please specify whether such restrictions apply to professions, employment or volunteer positions in the following sectors or areas of activities (additional details to be inserted below the table):

	Criminal conviction check for employment in public sector?	Criminal conviction check for voluntary activity?	Criminal conviction check for employment in private sector?	Criminal conviction check for self-employed professionals?	Please specify the professionals to whom this requirement applies
Education – Pre-school	<u>In Salzburg:</u> The reliability of legal entities is assessed during the granting of institutional childcare centre authorisation/operating licence: see Sections 7 and 8 of the S.KBBG		<u>In Salzburg:</u> This also applies to private legal entities. The reliability of teaching staff and language		<u>In Salzburg:</u> The reliability of teaching staff and language support staff must be assessed by the relevant employer in each case:

¹ Comments by Tyrol and Salzburg translated with DeepL.com (free version)

			support staff must be checked by the relevant employer in each case: see Section 27 of the S.KBBG (check prior to the commencement of employment and, where there is reasonable suspicion, at the request of the legal entity during the course of employment)		see Section 27 of the S.KBBG (assessment prior to the commencement of employment and, where there is reasonable suspicion, at the request of the governing body during the course of employment)
Education – Primary	<u>In Salzburg:</u> Pursuant to Section 6(5) of the LDG, the employing authority must, prior to the commencement of the employment relationship, obtain criminal record information without delay in accordance with Sections 9 and 9a of the Criminal Records Act 1968 (Federal Law Gazette No. 277) and process such information in a manner that is documented in writing	<u>In Salzburg:</u> The contracts stipulate that an extended criminal record check must be obtained in cases where there is regular contact with children and young people		<u>In Salzburg:</u> The contracts stipulate that an extended criminal record check must be obtained in cases where there is regular contact with children and young people	<u>In Salzburg:</u> State teachers within the meaning of the State Teachers' Service Regulations Act – LDG 1984 and grant recipients

Education – Secondary	<u>In Salzburg:</u> Pursuant to Section 6(5) of the LDG, the employing authority must, prior to the commencement of the employment relationship, obtain criminal record information without delay in accordance with Sections 9 and 9a of the Criminal Records Act 1968 (Federal Law Gazette No. 277) and process such information in a manner that is documented in writing.	<u>In Salzburg:</u> The contracts stipulate that an extended criminal record check must be obtained where there is regular contact with children and young people		<u>In Salzburg:</u> The contracts stipulate that an extended criminal record check must be obtained in cases where there is regular contact with children and young people	<u>In Salzburg:</u> State teachers as defined in the State Teachers' Service Regulations Act – LDG 1984. Grant recipients
Education – Tertiary					
Education – Extracurricular (e.g. language schools)	<u>In Salzburg:</u> Yes (Salzburg Folk Culture Pledge)			<u>In Salzburg:</u> Yes (Salzburg Folk Culture Pledge)	<u>In Salzburg:</u> Music teachers and educators for training courses organised by Salzburger Volkskultur
Childcare (e.g. kindergartens, crèches, childminders)	<u>In Styria:</u> Yes <u>In Tyrol:</u> For teaching staff and support staff in childcare facilities (nurseries, kindergartens, after-school clubs) run by public authorities <u>In Salzburg:</u>	<u>In Styria:</u> No	<u>In Styria:</u> Yes <u>In Tyrol:</u> For educational staff and assistants in childcare facilities (nurseries, kindergartens, after-school clubs) run	<u>In Styria:</u> Yes <u>In Tyrol:</u> Yes, for childminders <u>In Salzburg:</u> The reliability of childminders is assessed	<u>In Styria:</u> Educators, childcare workers, childminders (family day carers), including substitute caregivers, regardless of whether they have formal pedagogical training or not

	The reliability of legal entities is assessed during the granting of institutional childcare centre authorisation/operating licence: see Sections 7 and 8 of the S.KBBG		by private providers	as part of the licensing process (and then every five years): see Section 37c of the S.KBBG	In Tyrol: In childcare settings: for all childcare staff (i.e. qualified childcare workers and assistants) Furthermore: for childminders <u>In Salzburg:</u> The reliability of teaching staff and language support staff must be assessed by the relevant employer in each case: see Section 27 of the S.KBBG (assessment prior to the commencement of employment and, where there is reasonable suspicion, at the request of the governing body during the course of employment)
Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	<u>In Tyrol:</u> Yes for comprehensive education institutions, outpatient and inpatient facilities run by Tyrolean disability support services		<u>In Tyrol:</u> Yes for child and youth welfare services in the outpatient and inpatient sectors and outpatient	<u>In Tyrol:</u> Yes for outpatient care facilities and individual carers working in the outpatient sector	In Tyrol: All those who come into contact with children and young people. All people in regards of disability support services.

			and inpatient facilities run by Tyrolean disability support services		
Detention	Yes				Civil servants
Migration facilities (e.g. reception centres)					
Sport	No	<u>In Salzburg:</u> Yes, in accordance with the guidelines on funding for clubs and associations (professional and umbrella organisations)	<u>In Salzburg:</u> Yes, in accordance with the guidelines on funding for clubs and associations (professional and umbrella organisations)	<u>In Salzburg:</u> Yes, in accordance with the guidelines on funding for clubs and associations (professional and umbrella organisations)	<u>In Salzburg:</u> Coaches.
Culture and leisure activities	No	<u>In Salzburg:</u> The contracts stipulate that an extended criminal record check must be obtained in cases where there is regular contact with children and young people.	<u>In Salzburg:</u> The contracts stipulate that an extended criminal record check must be obtained in cases where there is regular contact with children and young people.	<u>In Salzburg:</u> The contracts stipulate that an extended criminal record check must be obtained in cases where there is regular contact with children and young people.	<u>In Salzburg:</u> Recipients of funding in the cultural sector.

Entertainment sector		<u>In Salzburg:</u> The contracts stipulate that an extended criminal record check must be obtained in cases where there is regular contact with children and young people.	<u>In Salzburg:</u> The contracts stipulate that an extended criminal record check must be obtained in cases where there is regular contact with children and young people.	<u>In Salzburg:</u> The contracts stipulate that an extended criminal record check must be obtained in cases where there is regular contact with children and young people.	<u>In Salzburg:</u> Recipients of funding in the cultural sector
Faith and religion					
Healthcare (including psychological and psychiatric services)	Yes	Yes	Yes	Yes	Physicians (including child and adolescent psychiatrists), dentists, clinical psychologists, health psychologists, music therapists, psychotherapists, nurses, surgical assistants, medical, therapeutic and diagnostic health professionals and midwives
Social protection services	<u>In Salzburg:</u> In relation to the funding agreements dated February 2005, for those	<u>In Salzburg:</u> In relation to the funding agreement	<u>In Salzburg:</u> In relation to the funding agreements	<u>In Salzburg:</u> In relation to the funding agreement	<u>In Salzburg:</u> For any natural person who is in direct and regular

	agreements or funding commitments which do not contain this clause but where staff members are in direct contact with children or young people, it has been confirmed by telephone that the necessary criminal record certificates for child and youth welfare are on file with the funding body.	s dated February 2005, for those agreements or funding commitments which do not contain this clause but where staff members are in direct contact with children or young people, it has been confirmed by telephone that the necessary criminal record certificates for child and youth welfare are on file with the funding body.	dated February 2005, for those agreements or funding commitments which do not contain this clause but where staff members are in direct contact with children or young people, it has been confirmed by telephone that the necessary criminal record certificates for child and youth welfare are on file with the funding body.	s dated February 2005, for those agreements or funding commitments which do not contain this clause but where staff members are in direct contact with children or young people, it has been confirmed by telephone that the necessary criminal record certificates for child and youth welfare are on file with the funding body.	contact with children or young people and who is funded with the support of this grant, or who acts on behalf of the grant recipient
Law enforcement	Yes				Civil servants
Judicial	Yes				Civil servants
Civil society organisations					
Victim services (including Barnahus, domestic	<u>In Salzburg:</u> In relation to the funding agreements dated February 2005, for those	<u>In Salzburg:</u> In relation to the funding agreement	<u>In Salzburg:</u> In relation to the funding agreements	<u>In Salzburg:</u> In relation to the funding agreement	<u>In Salzburg:</u> For any natural person who is in direct and regular

violence services)	agreements or funding commitments which do not contain this clause but where staff members are in direct contact with children or young people, it has been confirmed by telephone that the necessary criminal record certificates for child and youth welfare are on file with the funding body	s dated February 2005, for those agreements or funding commitments which do not contain this clause but where staff members are in direct contact with children or young people, it has been confirmed by telephone that the necessary criminal record certificates for child and youth welfare are on file with the funding body	dated February 2005, for those agreements or funding commitments which do not contain this clause but where staff members are in direct contact with children or young people, it has been confirmed by telephone that the necessary criminal record certificates for child and youth welfare are on file with the funding body	s dated February 2005, for those agreements or funding commitments which do not contain this clause but where staff members are in direct contact with children or young people, it has been confirmed by telephone that the necessary criminal record certificates for child and youth welfare are on file with the funding body	contact with children or young people and who is funded with the support of this grant, or who acts on behalf of the grant recipient
Any other sectors (please specify)	<u>In Salzburg:</u> Young people, families, integration, generations: All individuals who are in direct and regular contact with children or young people, and who are funded by the grant or act on behalf of the grant recipient, must provide a	<u>In Salzburg:</u> Young people, families, integration, generations: All individuals who are in direct and regular contact with	<u>In Salzburg:</u> Young people, families, integration, generations: All individuals who are in direct and regular contact with children or young		

	'Certificate of Criminal Record for Child and Youth Welfare' in accordance with Section 10(1a) of the Criminal Records Act 1968 (StRegG 1968).	children or young people, and who are funded by the grant or act on behalf of the grant recipient, must provide a 'Certificate of Criminal Record for Child and Youth Welfare' in accordance with Section 10(1a) of the Criminal Records Act 1968 (StRegG 1968).	people, and who are funded by the grant or act on behalf of the grant recipient, must provide a 'Certificate of Criminal Record for Child and Youth Welfare' in accordance with Section 10(1a) of the Criminal Records Act 1968 (StRegG 1968).		
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Here you can insert additional details or specify any exceptions.

Health sector:

Austrian law requires the submission of a criminal record extract (*Strafregisterauszug*) as a mandatory precondition for registration in the professional lists of physicians (including child and adolescent psychiatrists), dentists, clinical psychologists, health psychologists, music therapists, psychotherapists, nurses, surgical assistants, medical, therapeutic and diagnostic health professionals and midwives.

The extract serves to verify the applicant's trustworthiness (*Vertrauenswürdigkeit*). A person is deemed untrustworthy — and thus barred from registration — if they have been convicted of certain criminal offences, including where the nature of the offence and the applicant's personality give reason to fear its repetition in a professional context.

Sports:

In Tyrol:

Tyrol is the main funding body for the Tyrol Centre of Excellence for Youth Elite Sport (NLST). The Centre is committed to the Code of Ethics drawn up by 100% Sport.

The Code of Ethics and Conduct for Austrian youth elite sport applies to all persons who are involved, on a voluntary, part-time or full-time basis, in a VÖN

youth elite sport programme. On 27 September 2023, this Code was adopted by the Executive Board of the VÖN (Association of Austrian Youth Elite Sport).

The Code is divided into the following sections and must be followed and adhered to in full by all the persons mentioned above.

- Equal treatment
- Respectful interaction
- Dual career
- Against violence, sexual assault and exploitation
- Goals and health
- For transparency and against corruption

Sports federations and sports clubs will only receive funding from the Province of Tyrol, Department of Sport, if a criminal record certificate relating to child and youth welfare is submitted as part of the application (in particular with regard to coaches employed by the respective federation or club).

Other sectors:

In Tyrol:

The Society and Work Department is, amongst others, responsible for supporting the needs of young people and families. It provides funding for organisations and projects involved in out-of-school children's and youth work, holiday activities and 'Play with Me' weeks. The awarding of such grants takes place within the framework of private sector administration, based on the relevant funding guidelines. Under the 'Guideline on Funding for "Play with Me" Weeks' (support scheme for parents during the school holidays), the care staff employed must, amongst other things, meet the requirements set out in Section 29(12) of the Tyrolean Child Education and Childcare Act. Section 29(12) of the aforementioned Act stipulates that only persons who have not been convicted by a court for committing a criminal offence that gives rise to a suspicion of a risk to the child's welfare may be employed, unless the conviction has been expunged or is subject to restrictions on the disclosure of information from the criminal record in accordance with the provisions governing expungement. A prerequisite for funding open youth work in accordance with the 'Guidelines on the Funding of Open Youth Work' is that the organisation's working practices are based, among other things, on the 'Protection Concept for Open Youth Work in Austria' drawn up by bOJA – the nationwide network for open youth work. In accordance with this protection concept, all persons working within the organisation must be carefully selected and vetted, and an 'extended police certificate of good conduct' must be submitted. The relevant organisations themselves are responsible for assessing the suitability of the staff they employ in this regard. Please note an initiative by the Federal Chancellery under which organisations and companies can have their child protection policies certified with the 'Child Protection Quality Mark'; see www.qskinderschutzkonzepte.at. A successful audit entitles the organisation to display the seal of approval, thereby highlighting its commitment to the wellbeing of children and young people within its premises. The Quality Assurance Body for Child Protection Policies is a joint project of the Federal Association of Austrian Child Protection Centres (www.oe-kinderschutzzentren.at) and ECPAT Austria, the Working Group for the Protection of Children's Rights against Sexual Exploitation (www.ecpat.at).

2. In requiring the verification of criminal convictions for sexual offences against children in order to accede to the positions listed in question 1, does your State:
 - a. define the level or threshold of contact with children (one-off, regular, etc.) which necessitates such a verification

In Styria:

Yes.

Screening is legally required for individuals who have regular contact with children in the childcare sector and who are authorized to be alone with one or more children (hereinafter referred to as 'caregivers').

Legislative basis:

- § 16 Abs. 4 Steiermärkisches Kinderbildungs- und -betreuungsgesetz 2019 (StKBBG 2019)
- § 24 Abs. 3 StKBBG 2019
- § 52 Abs. 5 lit. b StKBBG 2019

There is no legal screening requirement for individuals who are present in a facility only for a short period of time or on a one-time basis, as such individuals are never permitted to be alone with children. A draft law is currently being prepared that would extend the screening requirement to adults who are training for a profession that qualifies them to work in the childcare sector and who, as part of their training, complete an internship in a childcare setting (e.g., a kindergarten, nursery, or family day care service).

In Salzburg:

Sports: Regular contact in the context of training sessions or competitions

Education: In the case of regular contact with children and young people.

Culture: In the case of regular contact with children and young people. Also as part of the further education and training programmes offered by Salzburger Volkskultur, qualified staff come into contact with children and young people – either on a daily basis or over several days. The latter includes not only teaching sessions but also the associated supporting programme and supervision of leisure activities. Professionals who are in an active employment relationship with a relevant training institution (e.g. Musikum) must submit a criminal record check as part of the admission procedure.

Others: Explicitly 'direct and regular contact'; no distinction is made between direct or online contact.

b. distinguish between direct, indirect or online contact with children?

In Styria:

No.

In Tyrol:

Inclusion and Child and Youth Welfare Department: As a general rule, candidates with previous convictions for sexual offences will not be considered for employment.

Department of Primary Education and General Education:

Section 29 of the Tyrolean Child Education and Childcare Act (TKKG) sets out the following requirements regarding carers in childcare facilities:

Caregivers may only be employed in a childcare facility provided that they have not been convicted by a court of a criminal offence that gives rise to a presumption of a risk to the child's welfare, unless the conviction has been expunged or is subject to restrictions on the disclosure of information from the criminal record in accordance with the provisions governing expungement. A criminal conviction which gives rise to a presumption that the child's welfare is at risk is, in any event, deemed to be a conviction for committing a criminal offence against sexual integrity and self-determination in accordance with Section 10 of the Criminal Code (Sections 201 to 220b CC).

Compliance with these requirements must be demonstrated prior to the commencement of employment with a private employer and, where there is reasonable suspicion, upon request during the course of employment, by submitting criminal record certificates in accordance with Section 10(1) and (1a) of the Criminal Records Act 1968; these must not be more than three months old. If the employer is a local authority or an association of municipalities, the employer must obtain a criminal record check in accordance with Section 9 and Section 9a(2) of the Criminal Records Act 1968 before the commencement of employment and, where there is reasonable suspicion, during the course of employment.

Compliance with these requirements must be verified before the employment relationship commences. Private individuals who are not Austrian nationals must provide a criminal record certificate or equivalent proof from the country of which they are nationals. If such proof is not issued by that country, a statutory declaration by the person concerned must be attached instead; or, if the law of that country does not provide for the making of statutory declarations, a solemn declaration by that person must be attached, stating that they have not been convicted of an offence within the meaning of paragraph 6. This declaration must have been made, in accordance with the law of that State, before a competent court, a competent administrative authority, a notary or a duly authorised professional body, and must have been certified by that body or certifying officer; if this is not possible due to special circumstances in the State of which the person concerned is a national, the statutory declaration must have been made in Austria and notarised. (cf. Section 29(12) in conjunction with Section 13(7) of the TKKG)

With regard to childminders, the requirement is that they must have a clean criminal record in order to demonstrate their personal suitability. (See Section 43 of the TKKG in conjunction with the Provincial Government's Ordinance on the Requirements for Childminding, LGBl. No. 95/2010, as amended by LGBl. No. 84/2024)

In Salzburg:

No.

3. Is the absence of criminal convictions for sexual offences against children required to become:

- a. an adoptive parent

In Tyrol: Yes.

- b. a foster parent

In Tyrol: Yes.

- c. a child's legal guardian (including for unaccompanied children)?

In Tyrol: Yes.

4. Is the absence of criminal convictions for sexual offences against children required for the household members of:

- a. persons carrying out professional activity in their home who are in contact with children

In Styria:

Yes.

Legislative basis:

§ 52 Abs. 5 lit. b StKBBG 2019

Furthermore, the supervisory authority is authorized, in the course of its supervisory activities, to obtain special information concerning sexual offences from the competent police authority.

Legislative basis:

§ 52 Abs. 8 StKBBG 2019

In Tyrol:

If 'their home' refers to residential care homes, then this also applies, for example, to domestic helpers, community service workers, caretakers, ... other tradespeople are not left alone with children or young people;

- b. persons carrying out volunteering activity in their home who are in contact with children

In Tyrol:

They are not admitted to the facilities.

- c. persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian?

In Tyrol: Yes

5. Does the requirement to verify the absence of criminal convictions for sexual offences against children also apply to:

- a. children applying for professional or volunteer positions

In Styria:

No, as they are not permitted to be alone with children in the childcare sector.

In Tyrol: No.

- b. adults in respect of criminal convictions received before the age of 18?

In Styria:

Educational professionals who have access to the professions in the childcare sector referred to in Question 1 are required to submit two criminal record certificates: a general criminal record certificate and a certificate specifically issued for persons working with children and young people. The latter is known as the 'Child and Youth Welfare Criminal Record Certificate' and relates specifically to sexual offences.

For the general criminal record certificate, disclosure restrictions apply, among other things, to offences committed before the age of 21; these disclosure restrictions do not apply to the 'Child and Youth Welfare Criminal Record Certificate'.

Legislative basis:

- § 16 Abs. 4 StKBBG 2019
- § 10 Abs. 1a Strafregistergesetz

In Tyrol:

Yes.

Department of Primary Education and General Education:

Only persons who have reached the minimum age of 21 may work as childminders.

People who have reached the age of majority may work as childcare staff in childcare facilities. An exception applies to people who have reached the age of 17 and are currently undergoing training to become childcare assistants or qualified childcare workers, or who have completed such training.

However, the existing (and previously mentioned) regulations apply regardless of the age of the childcare staff.

6. If a person legally changes their name, how does your State ensure that their criminal record remains linked to their new name?
Please provide details.
7. Is access to public funds for projects implying contact with children conditional on the absence of criminal convictions for sexual offences against children for persons employed in or volunteering for such projects?

In Salzburg:

In General: Yes. The award of funding is conditional upon ensuring that the relevant individuals have undergone a criminal record check (submission of the specific criminal record certificate).

Sports/Education: The funding guidelines and the funding agreement stipulate that a criminal record certificate must be submitted when working with children and young people.

Culture: Both the Salzburger Volkskultur umbrella organisation and the respective regional associations regularly carry out projects with children and young people, particularly in the field of further training. Within the framework of the annual grants provided by the Province of Salzburg, there is no explicit requirement that the professionals involved must provide proof of no criminal convictions.

The Salzburger Volkskultur umbrella organisation is aware of its responsibility and, as a voluntary commitment, requires new staff members – who are not already employed by another legal entity – to submit a criminal record extract. Furthermore, they sign the 'Code of Honour' of Salzburger Volkskultur, which, amongst other things, obliges them to inform the association should proceedings under Sections 201–220b of the Austrian Criminal Code (StGB) be pending. From 2026, a criminal record certificate relating to child and youth welfare, in accordance with Section 10(1a) of the Criminal Records Act, will also be required.

In the November 2023 issue of the magazine *Salzburger Volks.kultur*, corresponding codes of conduct were published, sending a clear signal regarding respect, safety and dignified behaviour within the life of the association. This serves to ensure that greater emphasis is placed on the responsibility of all association members, as well as board members, speakers, trainers and supervisors, and that each individual is aware of and acknowledges their respective tasks and duties.

The topic of codes of conduct and the protection of children and young people is also actively addressed at the annual conferences of the regional folklore associations. In addition, keynote talks and workshops on the subject of child protection are offered by the umbrella organisation and the Volunteer Service Centre in collaboration with the Salzburg Bildungswerk.

Information included in screening

8. Does the criminal record check include criminal convictions for:
- a. sexual abuse of a child (Article 18 of the Lanzarote Convention)
 - b. sexual exploitation of a child ("child prostitution" Article 19 of the Lanzarote Convention)
 - c. acts involving child sexual abuse material ("child pornography" Article 20 of the Lanzarote Convention)
 - d. offences related to the participation of children in pornographic performances (Article 21 of the Lanzarote Convention)
 - e. corruption of a child (causing a child to witness sexual activities) (Article 22 of the Lanzarote Convention)
 - f. solicitation of a child for sexual purposes ("grooming"), including online (Article 23 of the Lanzarote Convention)
 - g. aiding and abetting or attempting the above offences (Article 24 of the Lanzarote Convention)
 - h. any other convictions (please specify)?

Please provide details.

In Tyrol:

In summary, the following can be stated here:

For carers in childcare facilities (see Section 29 of the TKKG):

This includes criminal convictions which give rise to a presumption that the child's welfare is at risk; a conviction for committing a criminal offence against sexual integrity and self-determination in accordance with Section 10 of the Criminal Code (§§ 201 to 220b StGB) is, in any event, deemed to be a criminal conviction that gives rise to a presumption of a risk to the child's welfare.

For childminders:

'good character' (see Section 43 of the TKKG in conjunction with the Provincial Government Regulation on the Requirements for Day Care of Children, LGBl. No. 95/2010 as amended by LGBl. No. 84/2024)

In Salzburg:

Data is retrieved in accordance with Section 10(1a) of the Criminal Records Act 1968.

9. Does the screening of persons applying for roles or positions specified in questions 1 and 3 above extend beyond criminal convictions for sexual offences against children to:
- a. relevant administrative or disciplinary sanctions

In Styria:

No.

- b. other information available to the authorities (e.g. judicial decisions in civil proceedings)?

In Styria:

No.

In Tyrol:

Department for Inclusion and Child and Youth Welfare: Only visible entries in the criminal record extract are taken into account; the decision on whether to dismiss an application is made on a case-by-case basis (nature of the offence, circumstances, expungement, etc.).

Department for Early Years Education and General Education:

For carers in childcare facilities (see Section 29 of the TKKG):

Caregivers must – irrespective of the aforementioned requirements regarding relevant criminal convictions – be personally suitable for the role in question. If information within the meaning of point 9(a) and (b) is available, this may be relevant in assessing personal suitability.

This applies mutatis mutandis to childminders.

10. If restrictions on the exercise of the relevant activities apply as a result of a criminal conviction for sexual offences against children, in line with Article 27 paragraph 3.b:

- a. are they life-long?

In Tyrol: Yes.

- b. if they are not life-long, please specify the time-limits applicable

In Tyrol:

Until the conviction has been expunged (see Section 29 of the TKKG: (...)) unless the conviction has been expunged or is subject to restrictions on the provision of information from the criminal record in accordance with the provisions governing expungement.)

- c. are they applied only to activities in the public sector?

In Tyrol:

No, also private.

With regard to private providers of childcare facilities:

Prior to the commencement of employment and, where there is reasonable suspicion, upon request during the course of employment, proof must be provided by means of criminal record certificates in accordance with Section 10(1) and (1a) of the Criminal Records Act 1968 that there are no relevant previous convictions; criminal record certificates must not be more than three months old.

With regard to public providers of childcare facilities:

If the employer is a local authority or an association of municipalities, the employer must, prior to the commencement of employment and, where there is reasonable suspicion, during the course of employment, obtain a criminal

record check in accordance with Section 9 and Section 9a(2) of the Criminal Records Act 1968.

11. Does the criminal record check verify the existence of an expunged or spent criminal conviction for sexual offences against children for persons applying for roles or positions specified in questions 1 and 3?

In Styria:

The authority has no access to obliterate or time-barred offences.

In Tyrol:

Department for Inclusion and Child and Youth Welfare:

No.

Department for Early Years Education and General Education:

See Section 29(12) of the TKKG:

Care staff may only be employed in a childcare facility provided that they have not been convicted by a court of a criminal offence which gives rise to a suspicion that the child's welfare is at risk, unless the conviction has been expunged or is subject to restrictions on the disclosure of information from the criminal record in accordance with the provisions governing expungement.

Screening procedure

12. How is the screening procedure set out in your legal framework (in a single piece of legislation, sector-specific legislation, or other)?

Please provide details.

In Styria:

The screening procedure is regulated by StKBBG 2019.

Legislative basis:

- § 16 Abs. 4 StKBBG 2019
- § 24 Abs. 3 StKBBG 2019
- § 52 Abs. 5 lit. b StKBBG 2019

Child and Youth Welfare: B-KJHG (Austrian Federal Child and Youth Welfare Act)

In Tyrol:

Inclusion: The legal basis for support for people with disabilities is the Tyrolean Participation Act (TTHG). Section 41 of the TTHG stipulates that, for the purpose of verifying the information referred to in subparagraph (b) and assessing the requirements set out in paragraph 7, subparagraph (c), the Provincial Government is authorised to obtain a criminal record check in accordance with Section 9(1)(1) of the Criminal Records Act 1968.

Service providers in the field of support for people with disabilities carry out these checks independently for all staff members; for provincial institutions, the provincial government's human resources department carries out the checks.

Department of Primary Education and General Education: The Tyrolean Child Education and Childcare Act (TKKG) stipulates that the relevant criminal record certificates must be obtained. In this regard, however, reference is also made to the Criminal Records Act 1968.

In Salzburg:

General: The contracts require grant recipients to obtain a criminal record certificate in accordance with Section 10(1a) of the Criminal Records Act 1968 if they have direct and regular contact with children and young people

Culture: There is also a voluntary commitment by the umbrella organisation Salzburger Volkskultur.

13. If screening is required, who is required to act?

- a. the employer, volunteer recruiter or child protection authority is expected to obtain the necessary information directly from the authorities
- b. the candidate must provide proof of absence of convictions

In Salzburg:

Sports: The person concerned must provide the relevant authority with a current certificate of good conduct, specifying 'child and youth welfare'.

Culture: The candidate must submit the certificate of good conduct as part of the admission procedure.

- c. another scenario. Please specify

In Styria:

Institutional childcare facilities (kindergartens, nurseries, etc.):

The applicant must provide evidence that they have not been convicted of any relevant offences. The employer or the operator of the facility is required to obtain and review this evidence before the applicant commences employment.

Legislative basis:

§ 16 Abs. 4 StKBBG 2019

Family day carers: The provision of family day care must be approved by the competent authority in advance. Submission of the required evidence is a requirement for obtaining such approval.

Legislative basis:

§ 52 Abs. 5 + 6 StKBBG 2019

In Tyrol:

Child and Youth Welfare Sector: Criminal record certificates must be submitted every three years; this is checked during supervisory visits carried out by our department. The relevant organisation or individuals must ensure that up-to-date criminal record certificates are available.

Inclusion sector: Applicants must provide evidence; this is checked by the service providers in the disability support sector or, in the case of state-run institutions, by the state's human resources department.

Department of Early Years Education and General Education: The employer in the case of public providers; however, submission by the candidate is also possible; (see Section 29(13) of the TKKG: 'to be obtained')

14. If screening is required, who bears the costs of screening procedures?

In Styria:

Obtaining the required certificate is subject to a fee. The cost must be paid by the person required to provide the certificate. The screening procedure itself is free of charge.

In Tyrol:

Child and Youth Welfare Sector: The organisation or individual concerned.

Inclusion Sector: The service providers or individuals concerned.

Department of Early Years Education and General Education: It is generally assumed that the costs are borne by the person obtaining the certificate.

In Salzburg:

Unless a fee waiver has been granted, the costs must be borne by the person concerned.

15. How does your State monitor that employers, volunteer recruiters or child protection authorities comply with the relevant regulations on screening?

In Styria:

The authority carries out random checks on a sample basis.

In Tyrol:

Child and Youth Welfare Division: Regular supervisory visits and checks of staff criminal record certificates.

Inclusion sector: Regular coordination meetings and supervisory visits take place at service providers' premises. The Department for Inclusion and Child and Youth Welfare assesses the heads of facilities as part of the operating licence procedure.

Department for Early Years Education and General Education:

The operation of a childcare facility is subject to supervision by the provincial government. The provincial government must exercise this supervision to ensure that

the providers fulfil the duties incumbent upon them under this Act and comply with the legal requirements for proper childcare (legal supervision), and that the childcare staff carry out the education, care, upbringing and nurturing of the children in the childcare facilities in accordance with the pedagogical principles laid down by law (pedagogical supervision); educational supervision includes, in particular, the provision of guidance to educational staff and the regular review of educational activities.

Appropriately qualified bodies with sufficient practical experience in childcare must be appointed to carry out educational supervision.

The operators and staff must facilitate the provincial government's exercise of supervision. In particular, they must provide the supervisory bodies and other representatives of the provincial government with all necessary information,

grant the necessary access to documents and electronically maintained records, grant access to the buildings, rooms and premises of the childcare facility, and allow the operation to be observed; this includes, in particular, discussions with the children, parents and childcare staff.

Furthermore, in order to protect the children in care from violence, every childcare facility must draw up a child protection policy that takes account of the applicable professional standards. This policy must, in any event, include a risk analysis, a code of conduct, guidelines for dealing with complaints and suspected cases, and a plan for its implementation.

16. If screening is required, are there sanctions foreseen for failure to comply with it? If yes, what type of sanctions?

In Styria: Yes.

Operators of childcare facilities are required to obtain the necessary certificates. If they fail to do so and do not comply with a corresponding order issued by the competent authority, an administrative fine of up to € 3.500,00 may be imposed and, as a measure of last resort, the facility may be closed.

Legislative basis:

- § 45 Abs. 3 StKBBG 2019
- § 48 Abs. 3 StKBBG 2019
- § 49 Abs. 2 StKBBG 2019
- § 61 Abs. 1 + 2 StKBBG 2019

In Tyrol:

Child and Youth Welfare: Initially, a period is granted in which to provide criminal record certificates; otherwise, a default procedure must be initiated. If criminal record certificates are still not provided at that stage, the person cannot continue to be employed.

Inclusion: If the required evidence is not provided, a facility cannot be granted authorisation.

Service providers or the state will not employ anyone who fails to provide a criminal record extract.

Department of Early Years Education and General Education: The proper operation of a childcare facility in accordance with statutory requirements must be ensured.

If the state government identifies rectifiable deficiencies, it must instruct the operator to remedy these deficiencies within a reasonable timeframe to be determined.

If such a deficiency poses a significant and immediate risk to the welfare of the child, the continued operation of the childcare facility must also be prohibited until the deficiency has been rectified.

As a last resort, the licence to operate a childcare facility may also be revoked. Upon revocation of the licence, the childcare facility is deemed to have ceased operations.

In Salzburg:

Sports: Criminal record certificates are checked on a random basis; failure to comply may result in a reduction in funding.

17. Is regular screening, beyond the initial recruitment process, required, for:

- a. professionals in contact with children

In Tyrol: Every 3 years. In the field of inclusion currently not. In the field of education: Where there is reasonable suspicion, an investigation must be carried out.

- b. volunteers in contact with children

In Tyrol: Not provided for in this area/not within their remit.

- c. foster parents and legal guardians?

In Tyrol: No/not within their remit.

In Styria:

No.

In Salzburg:

Sports: This criminal record certificate must not be more than 2 to 3 years old.

18. Where a person working or volunteering in contact with children is under investigation for a sexual offence against a child, are law enforcement or other authorities allowed to inform the employer or volunteer organisation about the ongoing investigation? If yes, what is the consequence?

In Tyrol:

Child and Youth Welfare:

within this sector, there is a duty to provide information in the best interests of the child;

Inclusion: the assessment is the responsibility of the law enforcement authorities

In Salzburg:

Culture: The person is not going to be employed.

Cross-border screening

19. If the candidate for roles or positions specified in questions 1 and 3 has previously resided or worked in different countries, is it required to verify the absence of criminal convictions for sexual offences against children in each of those countries in respect of:

- a. Professionals

In Tyrol: Yes. For Primary Education and General Education the TKKG expressly refers to any previous convictions recorded in accordance with the Criminal Records Act 1968. (see Section 29(13) TKKG)

- b. volunteers

- c. persons wishing to become an adoptive parent, a foster parent or a child's legal guardian?

In Tyrol: Children and Young People's Services yes.

In Styria:

No.

20. Is there a mechanism to:

- a. request data about a person's criminal convictions for sexual offences against children from the competent authority of another State outside the context of criminal proceedings² (please specify)

² For purposes of recruitment, volunteering, adoption, foster care or guardianship.

- b. provide data about a person's criminal convictions for sexual offences against children to the competent authority of another State outside the context of criminal proceedings (please specify)?

In Tyrol:

Department for Inclusion and Child and Youth Welfare: No.

Department of Primary Education and General Education: The TKKG merely authorises public bodies to obtain criminal record information or certificates within the meaning of the Criminal Records Act 1968; such information or certificates must be deleted immediately following verification (see Section 46(13) TKKG).

21. Is there an obligation to provide data about a person's criminal convictions for sexual offences against children at the request of the competent authority of another State outside the context of criminal proceedings?

Additional details and reflections

22. Please add any further details regarding the modalities of the screening procedures applicable in your State, if relevant.

Please provide details.

23. What challenges related to the screening for criminal convictions for sexual offences against children of professionals, volunteers and persons wishing to become adoptive parents, foster parents or a child's legal guardian exist in your State in practice (e.g. administrative costs, delays, cross-border co-operation)?

In Tyrol:

Child and Youth Services:

Cross-border cooperation not possible

24. What promising practices, if any, would your State like to highlight in the screening of professionals, volunteers and other persons in contact with children?

Please provide details.