

## 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”

FINLAND

Replies received by the Secretariat on 25 June 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 2<sup>nd</sup> implementation report of the 1<sup>st</sup> 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

Finland

- b. Entities and bodies which have been involved in responding to this questionnaire

The Government notes that it has requested replies to the Questionnaire from the relevant ministries and invited the supreme overseers of legality, the Human Rights Centre, relevant ombudsmen, some of the biggest cities and the Association of Finnish Cities and Municipalities, churches and other religious communities, relevant university faculties and institutes and several relevant civil society organisations to submit comments on the Questionnaire.

Replies and comments were received from the following:

Ministry of Justice  
Ministry of the Interior  
Ministry of Education and Culture  
Ministry of Economic Affairs and Employment

City of Helsinki  
City of Tampere

Church Council of the Evangelical Lutheran Church of Finland

Suomen Delfins ry and Tukinainen ry (Suomen Delfins is a national advocacy and support association for adults who have experienced sexual violence in childhood. Tukinainen is an association that has works to help and support victims of sexual violence and abuse.)

### 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 | X                                                          | X                                                 | X                                                           |                                                            | Early Childhood Education Worker, After-School Program Instructor, Teachers, School Food Service Worker                                                                                                                                      |
| Education – Primary    | X                                                          | X                                                 | X                                                           |                                                            | Teachers, After-School Program Instructor, Teaching Assistant, Special Education Teacher, Youth Counsellor, School Food Service Worker, Cleaning and Maintenance Staff, School Psychologist, School Physician, School Nurse, Student Curator |
| Education – Secondary  | X                                                          | X                                                 | X                                                           |                                                            | Teachers, After-School                                                                                                                                                                                                                       |

|                                                       |   |   |   |   |                                                                                                                                                                                                                |
|-------------------------------------------------------|---|---|---|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                       |   |   |   |   | Program Instructor, Teaching Assistant, Special Education Teacher, Youth Counsellor, Food Service Worker, Cleaning and Maintenance Staff, School Psychologist, School Physician, School Nurse, Student Curator |
| Education – Tertiary                                  |   |   |   |   |                                                                                                                                                                                                                |
| Education – Extracurricular (e.g. language schools)   | X | X | X |   | Teachers, After-School Program Instructor, Teaching Assistant, Special Education Teacher, Youth Counsellor, Food Service Worker, Cleaning and Maintenance Staff                                                |
| Childcare (e.g. kindergartens, crèches, childminders) | X | X | X | X | Practical Nurse, Nurse, Early Childhood Education Worker, Early Childhood Education Teacher, Food Service Worker, Cleaning and Maintenance Staff                                                               |



|                                                                                                  |   |   |   |   |                                                                                                                        |
|--------------------------------------------------------------------------------------------------|---|---|---|---|------------------------------------------------------------------------------------------------------------------------|
| Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities) | X | X | X | X | Social Worker, Counsellor, Food Service Worker, Cleaning and Maintenance Staff, Social Welfare Instructor              |
| Detention                                                                                        |   |   |   |   |                                                                                                                        |
| Migration facilities (e.g. reception centres)                                                    | X | X |   |   | Social Worker, Counsellor, Food Service Worker, Cleaning and Maintenance Staff, Social Welfare Instructor, Interpreter |
| Sport                                                                                            | X | X | X |   | Coach, Program Coordinator, Instructor, Event Official, other Club Staff                                               |
| Culture and leisure activities                                                                   | X | X | X |   | Music Teacher, Drama Instructor, Project Workers                                                                       |
| Entertainment sector                                                                             |   |   | X |   | Television Production Staff                                                                                            |
| Faith and religion                                                                               | X | X | X |   | Priests, Pastors, Diaconal Workers, Peer Leaders, Instructors, Food Service Worker, Cleaning and Maintenance Staff     |

|                                                                     |   |                                               |       |       |                                                                                     |
|---------------------------------------------------------------------|---|-----------------------------------------------|-------|-------|-------------------------------------------------------------------------------------|
| Healthcare<br>(including psychological and psychiatric services)    | X | Usually employed under an employment contract | X     | X     | Paediatricians, Doctors, Practical Nurses, Nurses, Psychologists, Childcare Workers |
| Social protection services                                          | X |                                               |       |       | Social Workers, Visitation Supervisors, Family Workers                              |
| Law enforcement                                                     | X | (N/A)                                         | (N/A) | (N/A) |                                                                                     |
| Judicial                                                            |   |                                               |       |       |                                                                                     |
| Civil society organisations                                         | X | X                                             | X     |       | Instructors, Volunteers                                                             |
| Victim services<br>(including Barnahus, domestic violence services) | X | X                                             |       |       | Volunteers, Victim Support Workers                                                  |
| Any other sectors<br>(please specify)                               |   |                                               | X     |       | School Transport                                                                    |

**Here you can insert additional details or specify any exceptions.**

As a general remark, the Government notes that the information presented in the table (above) is based on data from the Legal Register Centre (LRC) regarding the sectors or types of professions for which criminal record extracts have in practice been requested for working or volunteering with children. The information is, thus, illustrative.

Moreover, when checking the criminal background of an employee or volunteer working with children, it covers crimes beyond just sexual offenses against children. The offences that are covered are listed in English on the website of the LRC: <https://www.oikeusrekisterikeskus.fi/en/registers/criminal-records/extracts-for-working-with-children/>.

The Government notes that regarding employees, according to the [Act on Checking the Criminal Background of Persons Working with Children](#) (*laki lasten kanssa työskentelevien rikostaustan selvittämisestä, lag om kontroll av brottslig bakgrund hos personer som arbetar med barn*; 504/2002) an employer is obliged to request an extract from the criminal records register when a person is employed or appointed for the first time to a contractual employment relationship or public-service employment relationship which includes work referred to in

section 2 in the Act, or when such work is assigned to that person for the first time. For the purposes of the Act, employer also means a centre for non-military service and an employment and economic development authority that concludes an agreement on a work trial.

According to section 2 of the said Act, the act applies to work performed in a contractual employment relationship or a public-service employment relationship which involves, on a permanent basis and to a material degree, and in the absence of any person who has custody of the child, raising, teaching, caring for or looking after a minor, or other work performed in personal contact with a minor. The act also applies to work service carried out by a person liable for non-military service, work carried out by a person participating in a work trial at a workplace, family care provided by a family carer, a provider of social and healthcare services, a provider of private early childhood education and care services and the acquisition of before-school or after-school activity services.

The Act does not apply to work referred to above that lasts for a maximum of three months within one year. However, the employer, the Civilian Service Centre, the Employment and Economic Development Office, the Finnish Supervisory Agency, as well as municipalities and joint municipal authorities have a statutory right, but are not obligated, to request that a criminal record extract be presented in work situations lasting no more than three months.

The Act contains a specific provision concerning conditional appointments to positions in a municipality or joint municipal authority. The appointment shall be conditional and remain unconfirmed until the person who has been appointed produces an extract within 30 days of being notified of the decision on the appointment or within a longer period granted for particular reasons by the authority filling the position. Otherwise, the appointment is considered cancelled.

The Act also contains a specific provision concerning appointments to public posts or public-service employment relationships. A person must upon request provide the authority with an extract from the criminal records to be appointed to a public post or public-service employment relationship.

The Act does not provide a separate list of professional titles or other unambiguous criteria for determining which individuals are subject to the criminal background check procedure. Employers operating in sectors covered by the Act must evaluate whether a particular position or job is subject to the procedure.

A criminal record does not automatically prevent someone from being employed in any sector or profession; in other words, there is no legal prohibition against working with children.

As regards voluntary activities, organisations that organise volunteer activities have a statutory right – not an obligation – to check the criminal backgrounds of their volunteers. The criminal background can be checked if the volunteer's duties essentially and permanently include teaching, counselling, treatment or care of minors or personal interaction with a minor. The duties must also be carried out alone or in circumstances in which the minor's personal integrity cannot reasonably be guaranteed.

There are no specific sectors named or listed in the [Act of Checking the Criminal Background of Volunteers Working with Children](#) (*laki lasten kanssa toimivien vapaaehtoisten rikostaustan selvittämisestä, lag om kontroll av brottslig bakgrund hos frivilliga som deltar i verksamhet bland barn*; 148/2014), it is the nature of the volunteer's duties that determinates when a background check is possible.

Having a criminal record is not an absolute barrier to employment in any sector or profession, i.e., there is no legal prohibition against working or volunteering with children.

As regards, for example, the employees of the Finnish Immigration Service (including those working in the Reception Unit's reception centres) are subject to standard security clearance checks ([Security Clearance Act](#) (*turvallisuusselvityslaki, säkerhetsutredningslag*; 726/2014)). A concise security clearance is conducted for persons performing non-military service and staff of outsourced service providers who work in reception centres (such as doctors, teachers, kitchen staff, cleaners and guards). Interpreters used in various processes by the Finnish Immigration Service are also subject to a concise security clearance check. Any convictions for the criminal offences referred to in this questionnaire are disclosed in security clearances. As regards the above-mentioned outsourced service providers, the screening requirement is included in the agreements concluded between them and the Finnish Immigration Service.

Most applicants for international protection are accommodated in reception centres maintained by various service providers. Unaccompanied minors are accommodated in group homes. The related agreements concluded between service providers and the Finnish Immigration Service include a clause requiring the service provider to perform criminal background checks for staff in group homes (Act on Checking the Criminal Background of Persons Working with Children). According to a similar clause in agreements concerning reception centres for adults and families, the service provider is responsible for performing criminal background checks for staff in reception centres, if required (Act on Checking the Criminal Background of Persons Working with Children).

The Evangelical Lutheran Church of Finland notes that as provided in chapter 10, section 4 of the Church Order (*kirkkojärjestys, kyrkoordning*; 657/2023), to promote the best interests of the child, church authorities preparing decisions must assess and take into account their impacts on children. Such an impact assessment is conducted by the authority that first considers the matter. In this context, 'child' means a person under the age of 18. This provision requiring child impact assessments has been in force in the Church since 2015. Such assessments are part of the normal decision-making process in parishes and therefore apply to both employees and elected representatives. The responsibility for conducting assessments rests with the person preparing the matter. Many parishes have designated special child advocates who can assist in child impact assessments. The Church refers also to the Act on Checking the Criminal Background of Persons Working with Children the Act on Checking the Criminal Background of Volunteers Working with Children and notes that parishes are independent actors and the Church Council does not have supervisory authority over them. Consequently, the Council has no precise information about the extent of criminal background checking.

Suomen Delfins and Tukinainen consider it important that a final conviction for a sexual offence would prevent the individual from being employed in positions which involve contact with children or vulnerable groups, such as persons with disabilities. They consider also a good practice that the Act on Checking the Criminal Background of Volunteers Working with Children enables the screening of volunteers even when the work or assignment they carry out is short-term and would like to see it applied as an obligation to everyone working with children, with no requirement concerning the duration of the contractual or public-service employment relationship. Also, organisers of voluntary activities should be required, rather than merely allowed, to order a criminal record extract for volunteers if the nature of the voluntary work or assignment is such that the other conditions for background checks are met. Moreover, Suomen Delfins and Tukinainen point out that according to their understanding criminal record extracts are considered to be unnecessary in outpatient work on the grounds that doctors rarely meet children alone and consider that such an interpretation may lead to situations in which the child's safety is not appropriately secured.

**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**

Yes.

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

**If yes, please provide details.**

Regarding employees, the criminal record shall be checked by the employer when the contractual employment relationship or a public-service employment relationship involves, on a permanent basis and to a material degree and in the absence of any person who has custody of the child, raising, teaching, caring for or looking after a minor, or other work performed in personal contact with a minor.

The government proposal (HE 3/2002 vp) discusses, through examples, situations in which the procedure should not be applied. Positions involving work with both adults and children at the same time are not subject to the procedure, for example, the duties of a swimming pool supervisor. Work in which contact with a child is occasional or limited to reception-type services, and in which it can be assumed that no personal or confidential relationship develops between the child and the employee that could lead, for example, to sexual abuse does not fall within the scope of the procedure. Such tasks include, for example, medical consultations, the work of a social worker in an office setting, work in parenting and family counselling services, child health clinic services, and work in libraries. In these situations, the child often also meets the employee in the presence of a parent.

As regards voluntary activities, the criminal background can be checked if the volunteer's duties essentially and permanently include teaching, counselling, treatment or care of minors or personal interaction with a minor. The duties must also be carried out alone or in circumstances in which the minor's personal integrity cannot reasonably be guaranteed.

The information presented in the table under Question 1, based on data from the Legal Register Centre (LRC), shows in practice the sectors and types of professions for which criminal record extracts have been requested for working or volunteering with children. The information is, however, illustrative.

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

- a. **an adoptive parent**

According to section 3 of the [Adoption Act](#) (*adoptiolaki, adoptionslag*, 22/2012) the adoption of a minor child may be granted if it is deemed to be in the best interests of the child and if it has been established that the child will be well taken care of and brought up.

The Act lays down provisions on adoption counselling to prospective adoptive parents. A parent of a minor child intending to relinquish the child for adoption and a person intending to adopt a minor child shall request adoption counselling. Adoption counselling may be provided by wellbeing services counties and by adoption agencies licensed by the Finnish Supervisory Agency to provide adoption counselling (sections 21-22).

For the purpose of submission of an application for adoption permission and petition for the granting of an adoption, the provider of adoption counselling shall provide a written report on the provision of adoption counselling. The report shall provide the necessary information about those concerned and their circumstances (section 30). According to the [Adoption Decree](#)

(*valtioneuvoston asetus adoptiosta, statsrådets förordning om adoption*; 202/2012), the report must present an assessment of the prospective adopter's eligibility and suitability for the adoptive parent.

The provider of adoption counselling may suspend the provision of adoption counselling to a prospective adopter if it is apparent on the basis of issues that have emerged during counselling that the conditions for adoption are not met (section 29). According to the *travaux préparatoires* for the Adoption Act (government proposal HE 47/2011 vp.), the fact that the prospective adopter has been convicted of a serious offence against children can be considered a manifest lack of prerequisites for adoption.

The [Criminal Records Act](#) (*rikosrekisterilaki, straffregisterlag*; 770/1993) enables the disclosure of information extracted from criminal records to a Finnish authority in a matter concerning the taking into care or adoption of a child, and in this context the authority also means an adoption agency. Criminal records are disclosed on prospective adopters and of other adults living in the same household as the prospective adopters. Information extracted from criminal records is disclosed regardless of whether the prospective adopter intends to adopt a child from Finland or abroad (HE 47/2011).

#### **b. a foster parent**

According to section 3 of the [Family Care Act](#) (*perhehoitolaki, familjevårdslag*; 263/2015) in Finland family carers work based on a commission agreement with Wellbeing services county. According to section 5 of the Act on Checking the Criminal Background of Persons Working with Children if commission concerns care of minor persons, the municipality or the joint municipality shall, before the commission agreement is made, ask the person in question to produce an extract from the criminal records.<sup>1</sup>

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

According to the [Act on Child Custody and Rights of Access](#) (*laki lapsen huollosta ja tapaamisoikeudesta, lag angående vårdnad om barn och umgängesrätt*; 361/1983), a matter concerning child custody and right of access shall, first and foremost, be decided in accordance with the best interests of the child. To this end, special attention shall be paid to how the objectives of child custody and right of access specified in sections 1 and 2 can in future be met in the best possible way (section 10 (1)). Under section 1(2) of the Act a child shall be protected from all forms of physical and mental violence, maltreatment and exploitation.

In a case concerning child custody or right of access, the court normally requests a report from the social welfare authorities. The purpose of the report is to provide the court with information about the family's situation, the child's living conditions, and other circumstances affecting the resolution of the case. Finnish Institute for Health and Welfare has published a guide on how to conduct the report. The guide contains a separate chapter on taking violence into account in the report. The social welfare authorities have extensive rights to obtain information on the child, parents and, where necessary, other parties that may have an impact on the decision on the matter. The extent to which there is a need to obtain information on previous criminality of the parties, including household members, from different sources, such as the criminal records or the police, depends on the claims presented in the case and the circumstances that have arisen. The criminal background of the applicant and his or her household members are

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<sup>1</sup> Section 5 of the Act on Checking the Criminal Background of Persons Working with Children refers to the Family Carers Act (*perhehoitajalaki, familjevårdslag*; 312/1992) which has been repealed by the Family Care Act (*perhehoitolaki, familjevårdslag*; 263/2015).

taken into account, among other things, when deciding the matter in the best interests of the child.

**Please provide details.**

**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**

The Act on Checking the Criminal Background of Persons Working with Children applies to family care provided by a family carer referred to in section 3 of the Family Carers Act (312/1992)<sup>2</sup>. Family care refers to the provision of care or other part-time or round-the-clock support in a family carer's private home or in the home of the person receiving care. The wellbeing services county enters into a commission agreement with the family carer or an agreement on the organisation of family care with a private provider of family care services.

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

No, the organisation that organises volunteer work can only check the criminal background of the person who is working as a volunteer.

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

Please see reply to Question 3.

**Please provide details.**

**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**

**Regarding employees, all employment relationships fall within the scope of the Act on Checking the Criminal Background of Persons Working with Children.**

A person who has reached the age of 15 and who has completed basic education syllabus may be admitted to work according to the Young Workers' Act (*laki nuorista työntekijöistä, lag om unga arbetstagare*; 998/1993). A person may also be admitted to work if the person has reached the age of 14 years or will reach that age in the course of the calendar year and if the work in question consists of light work that is not hazardous to the person's health or development and does not hinder school attendance, as follows for at most half of the school holidays, and temporarily during schoolwork or otherwise, for individual work performances of a short duration. For a special reason, a person younger than 14 may be permitted to work temporarily as a performer or an assistant in artistic and cultural performances and other similar events.

Children under the age of 15 cannot have a criminal record, because the age of criminal responsibility is 15.

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<sup>2</sup> Family Carers Act (*perhehoitajalaki, familjevårdarlag*; 312/1992) has been repealed by the Family Care Act (*perhehoitolaki, familjevårdslag*; 263/2015).

As regards voluntary activities, there's no age limit for the volunteers in the Act of Checking the Criminal Background of Volunteers Working with Children. Children under the age of 15 cannot have a criminal record, because the age of criminal responsibility is 15.

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

If a person has received a criminal conviction at the age of 15-17, they are also in the criminal records register and part of an extract from the criminal record.

**Please provide details.**

The City of Tampere as well as the Evangelical Lutheran Church of Finland both state that in practice or as a rule, the background is rarely checked with respect to children, because persons under 18 cannot work alone with children and/or typically work together or under the supervision of an adult. Also, for example in Church, group leaders who have just reached 15, i.e. the age of criminal liability account for a large proportion of volunteers.

**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.**

The Legal Register Centre (LRC) connects the details with person's social security number, but a person also has their own distinct YH-ID, with which the information from Population Information System is connected to that person in the Criminal Records System.

**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?**

**Please provide details.**

Access to public funds for projects involving contact with children is not directly conditional on the absence of criminal convictions for sexual offences against children under the general public procurement framework. However, relevant safeguards apply as follows:

Under the [Act on Public Procurement and Concession Contracts](#) (*Iaki julkisista hankinnoista ja käyttöoikeussopimuksista, lag om offentlig upphandling och koncession*; 1397/2016), contracting authorities are required to exclude tenderers who have received a final conviction for certain specified criminal offences. These mandatory exclusion grounds are based on the EU procurement directives and include offences such as human trafficking, terrorism-related offences, and tax fraud. The list is exhaustive (section 80). Sexual offences against children are not listed among the mandatory exclusion grounds.

The discretionary exclusion grounds are set out in section 81 of the Act. One of these permits exclusion of a tenderer who *"has, in the course of their professional activities, committed a serious error calling into question their reliability, which the contracting authority can demonstrate"* (section 81(1)(3)).

Where the subject matter of the procurement involves working with children (e.g. daycare services), the criminal background checks of the specific named individuals proposed to deliver the service are carried out in accordance with the mechanism described in the reply to, in particular, Questions 1 and 2. This operates as a contract performance or qualification requirement tied to the specific procurement, rather than as a general condition under the procurement statute.

Moreover, when evaluating, in specific years, the activities of sport organizations in advancing a safe sport environment, the protection of children and young people from inappropriate treatment and harassment is one of the aspects that is paid attention to in the assessment. The evaluation influences the consideration of the amount of funding granted to the organization either reducing the amount of the grant (or entirely withholding it) or increasing it.

Evangelical Lutheran Church of Finland notes that in church decision-making, the allocation of funding usually does not require a criminal background check, but the funding recipient is required to comply with national legislation. Funding is subject to certain conditions related to, for example, transparency and the reliability of operations.

### **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.**

The extract from the criminal record includes criminal convictions of all offenses listed in (a) – (g). Besides offences against children, criminal convictions of other sex offenses, violent offences, offences against personal liberty and narcotics offences are included. Offences are listed in detail (in English) on the webpage of the LRC:

<https://www.oikeusrekisterikeskus.fi/en/registers/criminal-records/extracts-for-working-with-children/>

The City of Helsinki considers it useful to examine whether criminal record extracts contain adequate information under the current provisions or whether the scope of extracts should be expanded to cover other assault offences than aggravated assault.

#### **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**

No.

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

No.

**Please provide details.**

An employee's criminal background is checked by asking a person for an extract from the criminal record, who is employed or appointed for the first time to a contractual employment relationship or public-service employment relationship, which includes work referred to in section 2 (please see reply to Question 1), or when such work is assigned to that person for the first time.

As regards voluntary activities, a volunteer's criminal background is checked by ordering an extract from their criminal record.

Conviction will be entered in the criminal records when a person is sentenced to unconditional or conditional imprisonment, a joint sentence, a fine in connection with conditional imprisonment, community service or monitoring, a juvenile penalty, a fine instead of a juvenile penalty, dismissal or when punishment is waived due to criminal irresponsibility.

Information on fines imposed for sex offences or for offences committed against children is also included on the extract. The extract will indicate if the person has been convicted of equivalent offences or been placed under a ban on working or interacting with minors in another EU Member State.

There is no information on administrative or disciplinary sanctions in the criminal records register.

**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?**

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

Personal information will be erased from the criminal records register after a certain time. The storage period varies according to the severity of the punishment and it is five, ten or twenty years from the date of a final judgment. Information about sentences of imprisonment of over five years is erased when the person dies or turns 90. All other entries concerning the person are also erased at this time at the latest. Information about the conviction(s) will be listed on an extract from the criminal record until it is erased from the register.

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

No.

**Please provide details.**

**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?**

**Please provide details.**

If the conviction is expunged from the criminal records register, it will not be listed on the extract from the criminal records.

Information on an individual's sentence, serving it, and a possible pardon is entered in the criminal records register. Serving the sentence or a possible pardon do not erase the conviction from the register and those convictions are also listed on the extract from the criminal records.

**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.**

It is set out in sector-specific legislation so there are several pieces of legislation, such as, the Act on Checking the Criminal Background of Volunteers Working with Children, the Act on Checking the Criminal Background of Persons Working with Children, the Criminal Records Act and legislation covering health care and social services.

The City of Helsinki considers that the legislation governing the right and duty to perform criminal background checks is fragmented, which makes regulation difficult to navigate and likely increases the risk of procedural errors when reviewing extracts. Moreover, the regulation inevitably lags behind as the range of parties interacting closely and regularly with children expands. Fragmentation also has practical implications in the workplace, as employees have to obtain separate criminal record extracts for work with children and for work with older people and people with disabilities even though the information included in the extracts is identical. This process needlessly hinders movement between sectors.

**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**

As regards voluntary activities, organisations that organise volunteer activities have a statutory right to check the criminal backgrounds of their volunteers. Checking the background requires the volunteer's consent. Consent is given in the form of a power of attorney. The declaration of consent must be signed and it must specify that consent is being given for ordering the extract from the criminal records required for volunteer activities. The organisation can order the extracts electronically or by post.

- b. the candidate must provide proof of absence of convictions**

Regarding employees, the employee is required to provide an extract from the criminal record; however, the obligation to request the extract lies with the employer. The employer has the obligation to ask a person who is employed or appointed for the first time to a contractual employment relationship or public-service employment relationship, which includes work referred to in section 2 (please see reply to Question 1), or when such work is assigned to that person for the first time, for an extract from the criminal record. For the purposes of the provision, "employer" also includes a centre for non-military service and an employment and economic development authority that concludes an agreement on a work trial.

- c. another scenario. Please specify**

**Please provide details.**

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

**Please provide details.**

Regarding employees, employers have an obligation to ask for an extract of the criminal records in cases referred to in Question 1. The person who is obligated to give the employer the extract also bears the cost of it. The employer is not entitled to obtain the extract on the applicant's behalf.

As regards voluntary activities, organisations that organise volunteer activities have a statutory right to check the criminal backgrounds of their volunteers. Organisation bears the costs of screening procedure.

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

There is no monitoring on employers to comply with the relevant regulations on screening. Violations can be reported to the police.

As regards voluntary activities, there is no monitoring on organisations that organise volunteer work if they check the criminal background of volunteers.

If the organisation that organises volunteer work is ordering extracts from the criminal records for the first time, it must draw up guidelines for the activities. The guideline describes how the personal integrity of minors is protected during the activity. The guideline must be enclosed

with the first application. LRC does not have mandate to monitor the guidelines for the activities. If the guideline is later updated, it must be included with the next application.

**Please provide details.**

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

**Please provide details.**

Regarding employees, a person is liable to a fine for a criminal background checking offence, unless a more severe penalty is provided elsewhere in law, if they intentionally or through gross negligence breach certain statutory obligations under the Act. These obligations include:

- o the duty to request to see the extract from the criminal record in situations covered by the act.
- o the duty to notify the competent authority if, in licensed or registered service provision, a person other than the one specified in the registration, licence application or notification is engaged in duties covered by the Act.
- o the duty to promptly return the criminal record extract to the individual who presented it.

A punishment for violating the non-disclosure obligation laid down in the Act shall be imposed in accordance with the provisions in the Criminal Code (*rikoslaki, strafflag*).

Provisions on the punishment for a data protection offence are also laid down in the Criminal Code.

In practice, a criminal background checking offence may be committed by an employer or its representative, as well as by other parties obliged to request the presentation of a criminal record extract and by service providers. Parties treated as equivalent to an employer include the Non-Military Service Centre and an employment and economic development authority that concludes a work trial agreement. Other parties obliged to request the presentation of a criminal record extract include municipalities, joint municipal authorities and the Finnish Supervisory Agency when acting as licensing authorities, receiving notifications under the Act, or concluding commissioning agreements on family care.

As regards voluntary activities, it can be recalled that screening of volunteers is not mandatory.

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

**a. professionals in contact with children**

The Act on Checking the Criminal Background of Persons Working with Children applies at the recruitment stage or when an individual is first assigned duties involving children. It does not extend to the verification of criminal background during an ongoing employment or service relationship.

A separate assessment on this matter is required, as requested by the Parliament's Employment and Equality Committee, and the initiation of this assessment is still pending.

**b. volunteers in contact with children**

No, there is no regular screening beyond the initial recruitment process.

### **c. foster parents and legal guardians?**

Please see reply to Question 3. c.

If regular screening is required, please specify its frequency and provide other details.

The City of Helsinki considers that consideration should be given to extending the duty to notify employers about criminal convictions to also cover employees in an employment relationship. This would allow employers to better assess whether the conditions for continuing the employment relationship remain in place. Also Suomen Delfins and Tukinainen consider that the [Act on the Obligation of the Court to Inform of its Certain Decisions](#) (*laki tuomioistuimen velvollisuudesta ilmoittaa eräistä ratkaisuksistaan, lag om domstolars skyldighet att informera om vissa avgöranden*; 373/2010) is sound in terms of its content. However, they underline the importance of ensuring that information about convictions always reaches the employer and consider that it would be useful to permit employers to check an employee's criminal record extract during the employment relationship, if required and with the employee's consent.

### **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?**

**Please provide details.**

In general, law enforcement or other authorities are not allowed to inform the employer or volunteer organisation about the ongoing investigation.

However, law enforcement authorities are allowed to inform the employer of a suspicion of a crime/ongoing investigation only if the suspected crime is grave enough and the suspect is an official. According to chapter 3, section 6 of the [Criminal Investigation Act](#) (*esitutkintalaki, förundersökningslag*; 805/2011), the head investigator is obliged to notify the superior of an official (which are defined in chapter 40, section 11, paragraph 1 of the Criminal Code) of the initiation of a criminal investigation for possible measures under civil service law, if the official is suspected in an offence for which the maximum sentence is imprisonment for at least four years.

Additionally, the head investigator has the right of notification also in respect of the initiation of the criminal investigation of another offence of which the official is suspected, if the offence under investigation is such that it can be assumed to be of significance from the point of view of the performance of official duties.

### **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**

The Legal Register Centre (LRC) is not aware of the person's residency or working details if the person does not inform LRC about those. If there is information that the person has resided or worked in different countries, LRC is able to inquire the criminal record information from other Member States. If the person is a citizen of another EU country, LRC inquires the criminal record information from their country of citizenship.

**b. volunteers**

Please see reply to Question 19. a.

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

Please see reply to Question 3.

**Please provide details.**

The City of Helsinki considers that information about the criminal backgrounds of individuals who arrive from, or have long resided in, third countries appears to be less consistently available. In the City's view, in practice, criminal record extracts issued in Finland for third-country nationals are nearly always clean, as the individuals concerned may not yet have entered Finland or may have done so only recently. It would be very important to obtain a criminal record extract providing an accurate account of any relevant criminal history for every individual who intends to work with children.

**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 proceedings<sup>3</sup> (please specify)**

**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)?**

**Please provide details.**

**EU Member States and the United Kingdom exchange criminal records information through ECRIS.** Information may be requested when a private person or organiser of volunteer activities requests an extract from the criminal record, and when an authority requests an extract from the criminal record for the processing of a criminal matter or for a precursor permit matter. The exchange of information is bilateral. The Legal Register Centre (LRC) also, upon request, discloses register data from the criminal and fine register to other EU Member States.

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<sup>3</sup> For purposes of recruitment, volunteering, adoption, foster care or guardianship.

**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?**

**Please provide details.**

In the case of judgments issued by Finnish courts, it is mandatory to provide the information also in matters other than criminal cases.

**Additional details and reflections**

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

**Please provide details.**

**22. 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)?**

**Please provide details.**

The Government recalls that in addition to requesting replies from relevant ministries, the Government has invited the supreme overseers of legality, the Human Rights Centre, relevant ombudsmen, some of the biggest cities and the Association of Finnish Cities and Municipalities, churches and other religious communities, relevant university faculties and institutions and several relevant civil society organisations to submit comments on the Questionnaire.

The City of Helsinki considers that the personal scope of application of the right and duty to perform criminal background checks is currently too narrow. The right and duty are the broadest where the individuals working in contact with children are directly employed by the service provider. However, in today's workplaces, many individuals who personally interact with children do so under a range of other statuses. Examples include staffing agency employees, students, people participating in work try-out or performing non-military service, and individuals participating in integration training and various types of language practice. The right and duty to perform criminal background checks lie with the "sending" organisation – for example, the staffing agency, employment authority or Centre for Non-Military Service. The service provider responsible for activities involving contact with children, such as a city or municipality, has no direct means of ensuring that the sending organisation has carried out the checks in accordance with the agreed cooperation practices. Moreover, current legislation does not allow any criminal background checks to be performed for individuals participating in integration training and various types of language practice in the workplace. This creates a significant hindrance to entry into working life and integration into society.

The City of Helsinki considers also that the process for obtaining a criminal record extract, with all the required forms and fees, is perceived as cumbersome and burdensome in workplaces already suffering from a shortage of staff. Checking criminal record extracts is further complicated by the fact that individuals recruited from third countries may reside in their country of origin throughout the recruitment process, making the secure delivery of an extract both challenging and time-consuming.

The Evangelical Lutheran Church of Finland notes that in the case of seasonal workers and volunteers in parish education activities, criminal record extracts must be ordered from the Legal Register Centre well in advance to ensure their delivery before the summer season. This may slow down processing at the Legal Register Centre.

**23. 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.**

The Ministry of Economic Affairs and Employment has published [guidelines](#) (in Finnish, Swedish and English) on checking the criminal background of persons working with children (MEAE guidelines and other publications 2021:2).

The Legal Register Centre has a dedicated [webpage concerning criminal records](#) and therein sections concerning, *inter alia*, extracts for working with children and instructions for employers.

You Are Not Alone (*Et ole yksin*) is Finland's targeted support service for people, who have been subjected to abuse and harassment, inappropriate behaviour or bullying in sports or other organised hobby in the youth sector in Finland. The service includes a helpline, as well as training and guidance on how to implement practices and materials that prevent inappropriate behaviour and facilitate intervention in such situations.

National Board of Sport Ethics promotes responsible sports in co-operation with its partners. A more efficient operating model for a safe physical activity and sports operating environment is regularly discussed and is being worked on within the Board.

The Evangelical Lutheran Church of Finland submits that parish employers promptly address any detected misconduct and suspected offences. Every child's right to comprehensive security in parish activities is highlighted in training and materials. Each diocese has at least one appointed harassment contact person. The Diocese of Helsinki has drawn up guidelines for preventing sexual harassment and sexual offences and for handling such cases <https://www.helsinginhiippakunta.fi/wp-content/uploads/2024/09/Toimintaohje-2024.pdf>. They are in use across all dioceses.

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