COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

LANZAROTE COMMITTEE

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

Replies to the thematic questionnaire

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

FUNDACIÓN ANAR

SPAIN

Replies received by the Secretariat on 23 July 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. Your name and position

Fundación ANAR

b. State Party in respect of which the questionnaire is submitted

Spain

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

Fundación ANAR

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	X	professionals, volunteer and employment
Education – Primary	X	X	X	X	professionals, volunteer and employment
Education – Secondary	X	X	X	X	professionals, volunteer and employment
Education – Tertiary	X	X	X	X	professionals, volunteer and employment

Education – Extracurricular (e.g. language schools)	X	X	X	X	professionals, volunteer and employment
Childcare (e.g. kindergartens, crèches, childminders	X	X	X	X	professionals, volunteer and employment
Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	X	X	X	X	professionals, volunteer and employment
Detention	X	X	X	X	professionals, volunteer and employment
Migration facilities (e.g. reception centres)	X	X	X	X	professionals, volunteer and employment
Sport	X	X	X	X	professionals, volunteer and employment
Culture and leisure activities	X	X	X	X	professionals, volunteer and employment
Entertainment sector	X	X	X	X	professionals, volunteer and employment
Faith and religion	X	X	X	X	professionals, volunteer and employment
Healthcare (including psychological and psychiatric services)	X	X	X	X	professionals, volunteer and employment
Social protection services	X	X	X	X	professionals, volunteer and employment
Law enforcement	X	X	X	X	professionals, volunteer and employment
Judicial	X	X	X	X	professionals, volunteer and employment

Civil society organisations	X	X	X	X	professionals, volunteer and employment
Victim services (including Barnahus, domestic violence services)	X	X	X	X	professionals, volunteer and employment
Any other sectors (please specify)	Any other profession that may involve regular contact with children				professionals, volunteer and employment

Here you can insert additional details or specify any exceptions.

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

      Our legislation applies to any professions, trades and activities that involve regular contact with minors.

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

      No, this applies to everyone.

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

   a. an adoptive parent

      Yes

   b. a foster parent

      Yes

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

      Yes

   Please provide details.

   In all three cases, candidates' suitability for these roles is assessed, and one of the requirements is a certificate confirming no criminal convictions

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

      Yes

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

      Yes

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

      Yes

   Please provide details.

   This requirement stems from Organic Law 8/2021 on the Comprehensive Protection of Children and Young people against Violence.

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

      Yes

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

      Yes

   Please provide details.

   Article 5 of Royal Decree 1110/2015 of 11 December, regulating the Central Register of Sex Offenders and Human Trafficking.

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.

   If a person has an active criminal record and applies for a certificate after changing their name, the certificate will reflect that record and will be issued in their current legal name.

   A name change does not result in a 'clean slate' for the criminal record, nor does it prevent the authorities from linking convictions to the same person.

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.

   The legal basis is Organic Law 8/2021 on the Comprehensive Protection of Children and Young People against Violence.

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)

      Yes

   b. sexual exploitation of a child ("child prostitution" Article 19 of the Lanzarote Convention)

      Yes

   c. acts involving child sexual abuse material ("child pornography" Article 20 of the Lanzarote Convention)

      Yes

   d. offences related to the participation of children in pornographic performances (Article 21 of the Lanzarote Convention)

      Yes

   e. corruption of a child (causing a child to witness sexual activities) (Article 22 of the Lanzarote Convention)

      Yes

   f. solicitation of a child for sexual purposes ("grooming"), including online (Article 23 of the Lanzarote Convention)

      Yes

g. aiding and abetting or attempting the above offences (Article 24 of the Lanzarote Convention)

Yes

h. any other convictions (please specify)?

Please provide details.

Human trafficking, sexual harassment, indecent exposure.

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

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

Please provide details.

There is currently a bill to amend the Organic Law 8/2021 on the Comprehensive Protection of Children and Young People against Violence which broadens the requirements for access to and the practice of any profession, trade or activity involving regular contact with minors, stipulating that applicants must not have been convicted by a final judgement of any offence relating to children and young people, including offences of gender-based and domestic violence, physical or psychological abuse, child neglect, offences against sexual freedom and human trafficking.

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?

No

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

Where the victim is of legal age, or where the convicted person was convicted for offences committed whilst a minor, the expungement shall be governed by the provisions of chapter vi of Royal Decree 95/2009 of 6 February, depending on whether the entries originate from the central register of convicted offenders (depending on the seriousness of the offence, the time limits for expunging a criminal record are 6 months, 2, 3, 5 and 10 years) or the central register of criminal sentences for minors (10 years since coming of age).

Where the victim was a minor and the convicted person was of legal age, the entry shall be expunged once a period of thirty years has elapsed, provided that the person concerned has not committed any further offence against sexual freedom or human trafficking. the period shall be counted from the day following that on which the sentence is deemed to have been served

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.

Once entries in the sex offenders' register have been expunged (the expungement periods for which are longer than those for the general register of convicted offenders), they are removed.

The article 60 of the Organic law 8/2021 on the Comprehensive Protection of Children and Young People against Violence, specifies entries listed as expunged in the central register of sex offenders and human trafficking offenders shall not be taken into account for the purposes of restricting access to, or the pursuit of, professions, trades and activities involving regular contact with minors.

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 provided in the article 57 of the Organic Law 8/2021 on the Comprehensive Protection of Children and Young People against Violence (it applies for everyone who have contact with minors).

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

In order to do that, they need the consent of the person concerned.

b. the candidate must provide proof of absence of convictions

Yes, by himself/herself or giving the consent to the employer, volunteer recruiter or child protection authority.

c. another scenario. Please specify:

The certificate of no criminal record may be requested and provided by the person concerned and, with that person's express consent, by public authorities or companies and organisations.

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

    Please provide details.

    It is free as the article 3 of the Royal Decree 1110/2015 of 11 December, regulating the Central Register of Sex Offenders and Human Trafficking says.

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

    Please provide details.

    In practice, the Spanish system is based primarily on the responsibility of employers or organisations receiving volunteers, with oversight provided through public inspections.

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

    Please provide details.

    Loss of employment or cessation of voluntary work.

17. Is regular screening, beyond the initial recruitment process, required, for:
    a. professionals in contact with children
    b. volunteers in contact with children
    c. foster parents and legal guardians?

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

    At present, this is required in order to commence business activities; however, companies and organisations are permitted, with the data subject's consent, to submit the request at a later date.

    There is currently a bill to amend the Organic Law 8/2021 on the Comprehensive Protection of Children and Young People against Violence which requires the annual submission of the negative certificate.

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?

    Law enforcement agencies cannot do so, but the judicial authorities, in the interests of and for the protection of the minors involved, could.

    The consequences would be those determined by the judge in that specific case in the interests of and for the protection of the minors involved.

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

    b. volunteers

    Yes

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

    Yes

    Please provide details.

    The law distinguishes between nationals of European Union member states and other foreign nationals.

    The article 9 of the Royal Decree 1110/2015 of 11 December, regulating the Central Register of Sex Offenders and Human Trafficking provides that citizens of foreign origin, or those holding another nationality, must also provide a certificate of no criminal convictions issued by the authorities of their country of origin or of the country of which they are nationals, in respect of sexual offences citizens who are nationals of European Union member states are exempt from this obligation; in such cases, the person in charge of the register shall obtain any criminal record information that may be on file in the country of nationality, for the purpose of including it in the relevant certificate.

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[1] (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.

    In the context of gaining access to a profession, activity or trade that involves regular contact with minors, as we have already indicated in the previous reply, in the case of nationals of a member state of the European Union, the person in charge of the register is required to obtain any criminal record information that may exist in the country of their nationality. in the case of foreign nationals who are not citizens of the European Union, it is always the individual who must provide a certificate confirming that they have no criminal convictions for sexual offences, issued by the authorities in their country.

[1] 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 context of gaining access to a profession, activity or trade that involves regular contact with minors, as we have already indicated in the previous reply, in the case of nationals of a member state of the European Union, the person in charge of the register is required to obtain any criminal record information that may exist in the country of their nationality. in the case of foreign nationals who are not citizens of the European Union, it is always the individual who must provide a certificate confirming that they have no criminal convictions for sexual offences, issued by the authorities in their country.

    Outside the European Union, this would depend on the existence of an international agreement establishing this obligation.

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.

    In Spain, the procedure for applying for a negative test certificate is straightforward and free. it can be done online or in person, and the certificate is issued almost immediately.

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)?

    Please provide details.

    Under our legislation, for a conviction to be entered in the register of sex offenders and trafficking offenders, it must be final – that is, all possible appeals against it must have been exhausted – which can take years. this has led to situations – which have already arisen since the 'certificate of no conviction' came into force in Spain – in which individuals convicted of these offences and sentenced to prison terms, having lodged an appeal and therefore with sentences that are not yet final, have been able to continue having regular contact with minors for years and reoffend against them, as their conviction has not been recorded in the register of sex offenders and trafficking offenders.

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.

    For the screening to be effective and fulfil its preventive function, it is necessary that, once a conviction has been handed down, it be entered in the register without having to wait for it to become final.

At the Anar Foundation, we have been highlighting this flaw in the screening system for years and calling for the necessary legislative changes to ensure that a conviction is entered directly into the sex offenders' register, without the need for it to be final.