COUNCIL OF EUROPE

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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"

GERMAN INSTITUTE FOR HUMAN RIGHTS

GERMANY

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LANZAROTE COMMITTEE

Thematic questionnaire

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

1. Persons concerned by screening requirements

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	Yes, insofar as it concerns public youth welfare services/municipal childcare centres, Section 72a(1) of Book VIII of the Social Code (SGB VIII); Section 30a(1) of the Federal Act on the Organisation of Child and Youth Welfare (BZRG).	Yes, provided the volunteer works for a public youth welfare organisation; see Section 72a(3) of Book VIII of the Social Code (SGB VIII) and Section 30a(1) of the Federal Act on the Organisation of	Yes, provided the organisation is an independent/private youth welfare provider. Public providers should enter into agreements with private providers to ensure that the latter do not employ persons with relevant previous	Yes, in the case of child day care requiring a licence: Section 43 of SGB VIII; Section 72a(5) of SGB VIII; Section 30a(1) of the BZRG. Otherwise, there are no specific regulations.	Educators, teaching staff, childminding providers; in the case of pre-school education within the school system, state school legislation also applies. Section 2(2)(3), Sections 22 et seq., 43, 72a of SGB VIII.

	Specific provisions under state law may apply.	Child and Youth Welfare (BZRG). However, this depends on the nature, intensity and duration of the contact or the activity.	convictions; see Section 72a(2) of Book VIII of the Social Code (SGB VIII) in conjunction with Section 30a(1) of the Federal Youth Welfare Act (BZRG).		
Education – Primary	No general federal obligation under school law, but usually stipulated by state law and often carried out as part of the general aptitude test on the basis of administrative regulations; see, for example, Art. 59(1) sentence 4, Art. 60a(2)-(3) BayEUG, Section 30a BZRG. In the context of civil service employment, the general suitability check under Sections 7 and 9 of the Civil Service Act (BeamtStG) also applies, during which	There is no general federal obligation under school law; for youth welfare and care work, Section 72a(3)-(4) SGB VIII and Section 30a(1) BZRG apply.	No general federal obligation under school law. Private schools may require appropriate suitability; see Section 30a(1) of the BZRG. Often a requirement under state law; see, for example, Article 60a of the Bavarian Education Act (BayEUG).	In principle, there is no general obligation for schools to carry out background checks for purely self-employed work. Section 30a(1)(2) of the BZRG permits the submission of an extended certificate of good conduct where there is qualified contact with minors.	Teachers and, depending on state law, other school, administrative and support staff. Example: Lower Saxony: Circular from the Ministry of Education dated 1 September 2020 – 14-03 009/1, amended 1 December 2025; Bavaria: Articles 59 and 60a of the Bavarian Education Act (BayEUG).

	criminal convictions are also checked.				
Education – Secondary	Same as for Primary.	Same as above.	Same as above.	Same as above.	Same as above.
Education – Tertiary	Only insofar as the work involves minors or suitability under civil service law is relevant. Article 33(2) of the Basic Law, Sections 7 and 9 of the Civil Service Act; Section 30a(1)(2) of the Federal Act on the Protection of Minors.	Only in the case of qualified contact with minors, Section 30a(1)(2) of the Federal Civil Service Act (BZRG); where applicable, Section 72a(3)-(4) of Book VIII of the Social Code (SGB VIII).	No general obligation solely on the grounds of university employment. Section 30a(1)(2) of the Federal Act on the Training of Civil Servants (BZRG) applies only in the case of qualified contact with minors.	-	Professors, lecturers and other staff only in the case of relevant contact with minors; in the case of trainee minors, Section 25 of the Youth Employment Protection Act (JArbSchG) may apply (prohibition on employing young people if one has a relevant criminal record).
Education – Extracurricular (e.g. language schools)	Yes, insofar as work with children and young people constitutes youth welfare. Section 11(3)(1), Section 72a(1) of Book VIII of the Social Code (SGB VIII); Section 30a of the Federal Youth Welfare Act (BZRG).	Yes, provided the volunteer works for a public youth welfare organisation; see Section 72a(3) of Book VIII of the Social Code (SGB VIII) and Section 30a(1) of the Federal Act on the	Yes, provided the organisation is an independent youth welfare provider; otherwise, there is no general obligation. Section 72a(2) of Book VIII of the Social Code (SGB VIII); Section 30a(1)(2) of the Federal Youth	No general obligation; where applicable, Section 25 of the JARbSchG may apply.	Language, music and leisure education, insofar as it involves work with children and young people. For BAMF integration courses, Sections 15, 18, 19 IntV also apply (reliability/suitability assessment).

		Organisation of Youth Welfare (BZRG). However, this depends on the nature, intensity and duration of the contact or the activity.	Welfare Act (BZRG). If a licence to operate a facility is required under Sections 45 and 45a of SGB VIII, the provider must demonstrate that the staff are suitable. To this end, they must require staff to provide an extended certificate of good conduct.		
Childcare (e.g. kindergartens, crèches, childminders)	Yes. Section 72a(1) SGB VIII; Section 30a(1) BZRG.	Yes, provided the volunteer works for a public youth welfare organisation; see Section 72a(3) of Book VIII of the Social Code (SGB VIII), Section 30a(1) of the BZRG. However, this depends on the nature, intensity and duration of the contact or the activity.	Yes, by agreement with an independent provider, Section 72a(2) of Book VIII of the Social Code (SGB VIII); Section 30a(1) of the Federal Act on Child and Youth Welfare (BZRG) and by virtue of the licence to operate such a facility under Sections 45 and 45a of Book VIII of the Social Code (SGB VIII). In order for the	Self-employed childminding services also require a licence once they reach a certain scale; see Section 43 of SGB VIII. Section 72a(I) and (V) of SGB VIII applies mutatis mutandis. Similarly, a licence is required to operate such a facility under Sections 45 and 45a of SGB VIII. In order for the licence to be granted, the provider must demonstrate that the staff are suitable. To	Nursery staff, childminders, other care workers. Sections 22 et seq., 43, 72a of SGB VIII.

			licence to be granted, the provider must demonstrate that the staff are suitable. To this end, it must require them to provide an extended certificate of good conduct.	this end, they must require staff to provide an extended criminal record check.	
Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	Yes. Section 72a(1) SGB VIII; Sections 45, 45a SGB VIII; Section 30a BZRG.	Yes, provided that the volunteer works ly for a public youth welfare organisation; see Section 72a(3) of Book VIII of the Social Code (SGB VIII), Section 30a(1) of the Federal Act on the Organisation of Youth Welfare (BZRG). However, this depends on the nature, intensity and duration of the contact or the activity.	Yes, in the case of independent/private youth welfare organisations acting under an agreement with public bodies, Section 72a (2) SGB VIII; Sections 45, 45a SGB VIII; Section 30a BZRG.	Only if the self-employed activity falls within the scope of the relevant youth welfare/licensing regime . Sections 45, 45a, 72a of Book VIII of the Social Code (SGB VIII); Section 30a of the Federal Act on the Supervision of Residential Care Facilities (BZRG).	Educational, care and other staff in residential homes/shared accommodation; supervision of facilities in accordance with Sections 45–46 of Book VIII of the Social Code (SGB VIII).

Detention	Yes/under state law or civil service law; in the case of the training of young people in prison, there is an additional statutory prohibition on the employment of a trainer with a relevant previous conviction, Article 33(2) of the Basic Law, Sections 7, 9 of the Civil Service Act; Section 25(1) of the Youth Labour Protection Act. Furthermore, provisions under state law are possible; the prison system is a matter for the federal states, and each federal state has its own Youth Prison Act (JStVollzG)	Only in the case of qualified contact with minors: Section 30a(1)(2) of the Federal Act on the Protection of Minors in Criminal Proceedings (BZRG); where applicable, Section 72a(3)-(4) of Book VIII of the Social Code (SGB VIII).	-	-	Teaching and training staff, prison officers and other persons in contact with young people; otherwise, the youth prison system is governed by state law.
Migration facilities (e.g.	Yes. Section 44(3), sentences 2–3, of the Asylum Act (AsylG) in	Yes, in the case of long-term voluntary work	Yes, if a private organisation deploys staff in the	Only if self-employed persons fall within the scope of Section 44(3)	Persons involved in the supervision, care, upbringing or education of minors, or who

reception centres)	conjunction with Sections 30(5) and 30a(1) of the Federal Youth Welfare Act (BZRG).	involving contact with minors requiring specific qualifications, Section 44(3), sentences 2–3 of the Asylum Act; Sections 30(5) and 30a of the BZRG.	reception centre who have relevant contact with minors, Section 44(3) of the Asylum Act; Section 30a of the BZRG.	of the Asylum Act or have qualified contact with minors, Section 44(3) of the Asylum Act; Section 30a(1)(2) of the BZRG.	have comparable opportunities for contact with them; explicit special provision: Section 44(3) of the Asylum Act.
Sport	Only insofar as sport-related youth work constitutes youth welfare, Section 11(3)(2), Section 72a(1) of Book VIII of the Social Code (SGB VIII); Section 30a of the Federal Act on the Care of Minors (BZRG).	Insofar as private youth welfare services are involved and insofar as there is qualified contact, Section 72a(3)-(4) SGB VIII; Section 30a BZRG.	Yes, insofar as a club or private organisation performs youth welfare tasks; otherwise, there is no general obligation. Section 72a(2), (4) of Book VIII of the Social Code (SGB VIII); Section 30a of the Federal Youth Welfare Act (BZRG). In the case of the operation of facilities for young people and children, Sections 45 and 45a of Book VIII of the Social Code (SGB VIII) apply again,	No general sector-wide obligation; possible in cases involving qualified contact with children. Section 30a(1)(2) of the Federal Child Care Act (BZRG); where young people are employed, Section 25 of the Youth Employment Protection Act (JArbSchG) may apply.	E.g. coaches, carers, instructors, insofar as this involves work with children or young people; Section 11(3)(2), Section 72a of SGB VIII.

			and consequently there is an obligation to provide proof of a certificate of good conduct for employees.		
Culture and leisure activities	The same applies as for sports programmes.	See above.	See above.	See above.	
Entertainment sector	See above.	See above.	See above.	See above.	
Faith and religion	See above.	See above.	See above.	See above.	
Healthcare (including psychological and psychiatric services)	The submission of an extended certificate of good conduct is also mandatory (regardless of the person’s age) for work in facilities for people in need of care and people with disabilities who receive integration assistance or care assistance (Section 75(2) of Book XII of the Social Code).	See above.	See above.	See above.	
Social protection services	See above.	See above.	See above.	See above.	

Law enforcement	Regarding the civil service aptitude test; there is no explicit obligation to submit an application, but in practice this is usually the case. Article 33(2) of the Basic Law, Sections 7 and 9 of the Civil Service Act.	-	-	-	
Judicial	The same applies to judges as to all civil servants; see above. Section 9 of the DRiG. Withdrawal of the appointment is possible under Section 12(1)(2) of the BeamtStG.	Aptitude test; no obligation to sit the test, nor is failure to do so a mandatory ground for exclusion; see Sections 31, 32 of the GVG, Section 45 of the StGB, and Section 44a of the DRiG.			
Civil society organisation s	See above				
Victim services (including Barnahus, domestic	see above				

violence services)					
Any other sectors (please specify)	Full-time care requires authorisation under Section 44 of SGB VIII; Section 72a(I) and (V) of SGB VIII applies accordingly.				

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
   b. distinguish between direct, indirect or online contact with children?
   Partially. Section 30a(1)(2) of the Federal Act on the Protection of Minors (BZRG) relates to the professional or voluntary supervision, care, upbringing or education of minors, as well as to activities that are similarly suited to establishing contact with minors. For part-time and voluntary work in youth welfare, Section 72a(3) and (4) of SGB VIII explicitly specifies the threshold on the basis of the nature, intensity and duration of the contact. There is no uniform distinction under federal law between direct, indirect and online contact. However, online contact could fall under the comparable possibility of establishing contact under Section 30a(1)(2)(b) of the Federal Act on the Registration of Criminal Convictions (BZRG) if the specific activity provides corresponding access to minors.

3. **Is the absence of criminal convictions for sexual offences against children required to become an adoptive parent, a foster parent , a child's legal guardian (including for unaccompanied children)?**

   a. Adoptive parents:

   There is no explicit, blanket legal ban on adoption solely on the grounds of a previous criminal conviction. The adoption agency assesses general suitability in accordance with Section 7 of the Adoption Agency Act (AdVermiG); the best interests of the child under Section 1741(1) of the Civil Code (BGB) are also decisive. In practice, an extended certificate of good conduct under Section 30a of the Federal Criminal Records Act (BZRG) is regularly required as part of the suitability assessment; Relevant sexual offences are grounds for deeming a person unsuitable.[1] However, the specific procedure for the suitability assessment may vary between the federal states due to the federal division of powers. The federal states may, through administrative regulations for the authorities,

[1] See also the Federal Working Group of State Youth Welfare Offices, 'Recommendations on Adoption Placement', 9th edition 2022, section 8.5.2.1 'Criminal records'; the Federal Ministry for Family Affairs' family portal, in the list of documents to be submitted, Adoption | Federal Family Portal (accessed on 25 August 2026); likewise on the State of Berlin's service portal: Adoption Placement – Advice and Support – Services – Service Berlin – Berlin.de (accessed on 25 August 2026).

specify which documents the competent adoption agencies must require and, in particular, make the submission of an extended certificate of good conduct mandatory.

Foster parents:

Yes. In the case of full-time foster care subject to authorisation, authorisation must be refused if the child's best interests are not guaranteed; Section 72a(1) and (5) of Book VIII of the Social Code (SGB VIII) applies mutatis mutandis (Section 44(2) of SGB VIII).

b. Guardians:

Criminal record checks are expressly required for both voluntary and professional guardians. Under section 168(2) of the Family Proceedings Act (FamFG), the Family Court obtains information in accordance with section 41 of the Federal Criminal Records Act (BZRG) prior to appointment and repeats this check at appropriate intervals, at the latest every two years. The substantive suitability criterion is derived from Sections 1778 and 1779 of the German Civil Code (BGB). The BGB does not contain an automatic list of criminal offences corresponding to Section 72a of Book VIII of the Social Code (SGB VIII) as grounds for exclusion; however, relevant convictions are material to the suitability assessment.

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
   b. persons carrying out volunteering activity in their home who are in contact with children
   c. persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian?

There is no uniform nationwide rule requiring an extended certificate of good conduct to be submitted for all household members in all case categories. In the case of child day care under Section 43 of SGB VIII and full-time care under Section 44 of SGB VIII, however, the entire care environment is relevant to the suitability and child welfare assessment; youth welfare offices may therefore take into account information about persons living in the household. For adoption applicants, Section 7(2) of the Adoption and Foster Care Act (AdVermiG) expressly covers personal and family circumstances as well as the social environment. In the case of guardianships, a case-by-case suitability assessment is carried out in accordance with Section 1778 of the Civil Code (BGB). There is no automatic equivalence between all household members and those directly involved in care under Section 72a of Book VIII of the Social Code (SGB VIII).

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**

   Section 72a of SGB VIII uses the term ‘person’ and contains no general exception for applicants who are minors. A certificate of good conduct may be applied for under Section 30(1) of the BZRG from the age of 14. It is therefore not possible to obtain a certificate of good conduct for those under the age of 14.

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

   Convictions dating from before the age of 18 may be taken into account, provided they are recorded in the Federal Central Register and, in accordance with the BZRG rules, are still to be included in the (extended) certificate of good conduct. The extended certificate of good conduct is a special form of German criminal record extract, which serves in particular to protect children and young people. Unlike the standard certificate of good conduct, it also includes certain convictions for offences relating to the protection of children and young people which, due to legal exceptions under the Federal Central Register Act ( ), such as a minor penalty, would not appear on the standard certificate of good conduct; see Sections 30a, 32(2) and (5) of the BZRG. By contrast, purely educational measures and disciplinary measures under juvenile criminal law are generally recorded in the educational register and do not appear in the certificate of good conduct in the same way as criminal convictions. For the ‘offences against the person’ referred to in Section 34(2) of the BZRG, extended retention periods apply in the extended certificate of good conduct (usually ten years; twenty years for certain convictions under Sections 176–176d of the StGB, in each case subject to statutory extensions).

6. **If a person legally changes their name, how does your State ensure that their criminal record remains linked to their new name?**

   The link remains in place. Under Section 20a of the BZRG, registration authorities must notify the register authority of any changes to a person’s maiden name, surname, first name or date of birth. If an entry or search note already exists, the amended personal data is recorded there. The register also utilises other identifying characteristics such as date of birth and place of birth. This also applies to changes made under the SBGG; Section 20a(1) of the BZRG permits the disclosure of such information notwithstanding the prohibition on disclosure under Section 13(1) of the SBGG.

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?**

   Public funding for projects in the field of child and youth welfare is legally conditional upon the exclusion of individuals with relevant criminal convictions. In accordance with Section 74(1)(1) of SGB VIII, the granting of public funds expressly requires that independent organisations fully comply with all legal obligations. This includes, in particular, the duty of care under Section 72a(2) and (4) of SGB VIII, which stipulates that organisations must enter into agreements with the youth welfare office and check extended criminal record certificates (Section 30a of the BZRG) to ensure that no persons who have been convicted of sexual offences against minors (Sections 171, 174–180, 182–184l of the German Criminal Code (StGB)) are employed or deployed as volunteers. This requirement is enforced under budgetary law through conditions set out in the grant notice in accordance with Section 44 of the Federal Budget Code (BHO) and the State Budget Code (LHO) (in conjunction with Section 36 of the Administrative Procedure Act (VwVfG)), which means that non-compliance leads to the revocation of the grant and the recovery of funds already paid out in accordance with Section 49a of the Administrative Procedure Act (VwVfG).

8. **Does the criminal record check include criminal convictions for:**

   In accordance with Section 30a(1)(1) of the Federal Act on Criminal Records (BZRG) (in conjunction with Section 72a of Book VIII of the Social Code (SGB VIII)), the extended certificate of good conduct covers all offences listed in the Lanzarote Convention as well as certain other offences specified by law.

   Unlike a standard criminal record check, an extended certificate of good conduct also includes minor convictions (such as fines of fewer than 90 daily rates or custodial sentences of fewer than 3 months), provided that these are listed offences against the person (Section 32(5) BZRG).

   All offences listed in Articles 18–23 of the Lanzarote Convention are expressly included in the catalogue of the German Criminal Code (StGB) in Section 30a(1)(1) of the BZRG:

   a. **Sexual abuse of a child (Art. 18):**

Covered by Section 176 StGB (Sexual abuse of children), Section 176a StGB (Serious sexual abuse of children) and Section 176b StGB (Sexual abuse of children resulting in death).

b. Sexual exploitation of a child (Art. 19):

Covered by Section 180 of the German Criminal Code (StGB) (promotion of sexual acts involving minors), Section 180a of the German Criminal Code (StGB) (exploitation of prostitutes) and Section 182 of the German Criminal Code (StGB) (sexual abuse of young people).

c. Acts relating to child pornography (Art. 20):

Covered by Section 184b of the German Criminal Code (Distribution, acquisition and possession of child pornography).

d. Participation of children in pornographic performances (Art. 21):

Covered by Section 184b of the German Criminal Code (StGB) (in particular, production, facilitation and distribution).

e. Seduction of a child (Art. 22):

Covered by Section 176a(1) of the German Criminal Code (StGB) (exposing children to sexual content/performing sexual acts in front of children) and Section 180 of the German Criminal Code (StGB).

f. Recruiting a child for sexual purposes / grooming (Art. 23):

Covered by Section 176(4)(3) and (4) of the German Criminal Code (StGB) (cybergrooming / attempting to induce a child to perform sexual acts).

g. Further convictions included in the review

The list set out in Section 30a(1)(1) of the Federal Act on the Registration of Sex Offenders (BZRG) goes beyond the Lanzarote Convention and includes further sexual offences, breaches of duty and non-sexual violence against minors:

(1) Other sexual offences (StGB):

- Section 171 StGB (breach of the duty of care or upbringing)
- Section 174 of the German Criminal Code (StGB) (Sexual abuse of vulnerable persons / wards)
- Section 174a of the German Criminal Code (StGB) (Sexual abuse of inmates or patients in institutions)
- Section 174b StGB (Sexual abuse by exploiting a position of authority)
- Section 174c of the German Criminal Code (StGB) (Sexual abuse by exploiting a counselling, treatment or care relationship)
- Section 177 of the German Criminal Code (Sexual coercion, sexual violence, rape)
- Section 181a of the German Criminal Code (Pimping)
- Section 184c of the German Criminal Code (Distribution, acquisition and possession of child pornography)
- Section 184l of the German Criminal Code (Abuse of material to induce sexual contact with minors)

(2) Non-sexual acts of violence against minors:

o Section 225 of the German Criminal Code (Abuse of vulnerable persons – including physical abuse, cruelty or serious neglect of children)

o Sections 232–233a of the German Criminal Code (Human trafficking and exploitation, in particular involving minors)

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:

No, the standard screening via the Extended Certificate of Conduct (Section 30a of the Federal Act on the Registration of Criminal Convictions (BZRG) in conjunction with Section 72a of Book VIII of the Social Code (SGB VIII)) is strictly limited to criminal records and solely includes final, binding criminal convictions.

a. relevant administrative or disciplinary sanctions

Administrative measures (such as the withdrawal of a business or childcare licence) and internal disciplinary measures (e.g. reprimands or salary reductions) are not listed in the Extended Certificate of Conduct.

Special provisions for civil servants / the public sector: A prospective public-sector employer can only verify previous disciplinary decisions by accessing the applicant’s previous personnel files. Under data protection law in the context of employment relationships (Section 26 of the Federal Data Protection Act (BDSG)) and the civil service laws (Section 106 of the Federal Civil Service Act (BBG) / state civil service laws), the applicant’s express written consent is mandatory for this purpose.

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

- Ongoing criminal investigations, discontinued proceedings (Section 153a of the Code of Criminal Procedure) or unconfirmed reports to the youth welfare office held by local youth welfare offices do not appear on the certificate.
- Reporting obligations of the judiciary (MiStra): Under the standard provisions of the judicial regulations (Nos. 15, 16, 27, 28 MiStra), mandatory notifications from the public prosecutor’s office to employers or supervisory authorities are only made once formal charges have been brought or a penalty order has been issued (notifications at an earlier stage of the initiation of an investigation are discretionary exceptions reserved for acute risks).
- Self-declarations: To close this gap in vetting during the recruitment process, the state youth welfare offices specify, as a recommended best practice within the framework of institutional protective measures (Section 45(2), second sentence, No. 4 of SGB VIII), that a written self-declaration be obtained from applicants regarding any pending criminal or disciplinary proceedings (see, for example: p. 59 1.2: https://www.bag-landesjugendaemter.de/media/filer_public/4a/84/4a841abb-49f0-4b49-81b3-edf04bb80ef1/164-2023-orientierungshilfe-kita-einrichtungskonzeption-ua-bf.pdf)

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(3.b):

a. are they life-long?

No, not usually. Under German law, a lifelong ban on practising a profession is a rare exception. It can only be ordered by a court under the strict legal conditions set out in Section 70(2) of the German Criminal Code (StGB), if a comprehensive risk assessment shows that the usual maximum duration of five years is insufficient to prevent further serious criminal offences.

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

- Court-imposed professional disqualification (Section 70 of the StGB): Is ordered by a court for a standard duration of 1 to 5 years (Section 70(1) of the StGB). A lifelong professional disqualification is only permissible under Section 70(2) of the StGB if it is legally established that the maximum duration of 5 years is insufficient to avert the danger posed by the offender.
- Statutory ban on employment (Section 25 of the Juvenile Employment Protection Act (JArbSchG)): The statutory ban on employing, supervising or training minors applies for 5 years from the date the conviction becomes final, with the period spent in custody not being counted towards this period (Section 25(1), sentences 2 and 3 of the JArbSchG).
- Extended Certificate of Good Conduct / Disqualification from Employment (Section 72a SGB VIII in conjunction with Sections 34, 46 BZRG): The disqualification from working in youth welfare services remains in force for as long as the criminal conviction remains on record. Depending on the sentence, the expiry periods are 5, 10 or 15–20 years (minus the time served in prison). Note: Expunged convictions do not appear on the extended criminal record certificate (Sections 51, 52 of the BZRG).

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

No. They apply equally to both the public and private sectors.

Court-imposed prohibitions (Section 70 of the German Criminal Code (StGB)) and statutory prohibitions (Section 25 of the Youth Employment Protection Act (JArbSchG)) are directly binding on all private individuals, commercial enterprises and charitable organisations.

Section 72a(2) and (4) of SGB VIII legally obliges public youth welfare offices to enforce these exclusion criteria in organisations in the private, voluntary and non-governmental sectors (e.g. sports clubs, private childcare centres) through binding agreements.

11. Does the criminal record check verify the existence of an expunged or spent criminal conviction for sexual offences a

The extended certificate of good conduct pursuant to Section 30a of the Federal Act on Criminal Records (BZRG) does not contain any information on expunged or time-barred convictions, nor does it confirm them.

Under Section 51(1) of the BZRG, once a conviction has been expunged, there is an absolute prohibition on the use of that information, and the person concerned is legally deemed to have no previous convictions.

Although Section 52 of the BZRG provides for narrowly defined statutory exceptions, under which certain authorities (such as courts, public prosecutors' offices or intelligence services) may obtain an unrestricted extract from the register ('unrestricted information') to deleted entries, the extended certificate of good conduct issued under Section 30a of the BZRG does not fall within the exceptions set out in Section 52 of the BZRG. Consequently, deleted convictions are completely excluded.

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

In the German legal system, the vetting procedure is not regulated by a single, central piece of legislation, but is divided amongst sector-specific laws:

a. Federal Central Register Act (procedural basis):
The Federal Central Register Act (BZRG) regulates, nationwide, the issue, content and scope of the extended certificate of good conduct (Section 30a BZRG) as well as the prohibition on the use of expunged convictions (Sections 51, 52 BZRG).

b. Child and Youth Welfare (SG**B VIII**):
Section 72a of SGB VIII obliges public youth welfare offices to check the extended certificate of good conduct before recruiting or engaging staff (including volunteers) and to transfer this obligation to independent/private providers through binding agreements. Section 45 of SGB VIII regulates this for the operation of childcare facilities and residential homes.

c. State school legislation:
The conduct of background checks for teachers and school staff is regulated by the respective school laws of the 16 federal states and the associated administrative regulations. For example, Article 60a(3), third sentence, of the Bavarian Education and Teaching Act (BayEUG) expressly stipulates that school staff must submit a renewed extended certificate of good conduct every three years.

d. Employment and data protection law:
Section 26 of the Federal Data Protection Act (BDSG) sets out the legal limits on an employer's right to ask questions and the permissibility of processing applicants' data during the recruitment process.

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**
c. **another scenario. Please specify**

As a rule, the individual concerned applies for the certificate of good conduct. Under Section 30 of the BZRG, a certificate of good conduct is issued at the person's request; for the extended certificate of good conduct, they must, pursuant to Section 30a(2) of the BZRG, submit a written request from the body requiring the certificate. Section 72a(1), second sentence, of SGB VIII states accordingly that the responsible body should have the certificate of good conduct 'submitted to it'. If the certificate of good conduct is applied for with a view to submission to a public authority, it is sent directly to that authority in accordance with Section 30(5) of the BZRG. Under the strict conditions set out in Section 31 of the BZRG, a public authority may receive an (extended) certificate of good conduct directly if a request to the person concerned is inappropriate or proves unsuccessful.

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

A fee of 13 euros is generally payable for a certificate of good conduct under Sections 30, 30a or 30b of the BZRG (No. 1130 of the Schedule of Fees under the JVKostG). The fee is waived if the certificate of good conduct is required for certain voluntary activities, in particular for a charitable organisation, a public authority or certain voluntary services (Preliminary Note 1.1.3 to the Schedule of Fees). Who bears the costs financially may also be governed by employment contracts, collective agreements, grants or internal organisational rules.

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

There is no single central supervisory authority for all sectors. In child and youth welfare, public youth welfare agencies monitor compliance with their statutory obligations and the agreements under Section 72a(2) and (4) of Book VIII of the Social Code (SGB VIII); in the case of institutions requiring a licence, supervisory powers are exercised under Sections 45 and 46 of SGB VIII. In schools, reception centres and the civil service, the relevant school, supervisory, personnel or specialist authorities ( ) carry out checks in accordance with state or specialised legislation. In the case of day care and full-time care, the youth welfare office assesses suitability as part of the licensing and supervisory procedures (Sections 43 and 44 of Book VIII of the Social Code).

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

The legal consequences vary by sector. Section 72a of SGB VIII does not contain a general, standalone provision imposing a fine for every failure to carry out a criminal record check. However, breaches may have consequences under labour and supervisory law, jeopardise agreements or funding, and, in the case of institutions, trigger measures ranging up to the restriction or revocation of the operating licence under SGB VIII. A breach of a court-imposed professional ban is a criminal offence under Section 145c of the German Criminal Code (StGB). Breaches of the employment ban under Section 25 of the Young People's Employment Protection Act (JArbSchG) may be prosecuted in accordance with the criminal and administrative fine provisions of the JArbSchG. In the civil service, disciplinary and employment law consequences also apply.

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?**

For full-time employees in public youth welfare services, the answer is expressly yes: Section 72a(1), second sentence, of Book VIII of the Social Code (SGB VIII) requires screening to be carried out upon recruitment/placement and 'at regular intervals'. The law does not specify a uniform deadline applicable nationwide. For independent organisations and volunteers, the arrangements are specified in agreements under Section 72a(2)–(4) of SGB VIII; in practice, the timeframes are often specific to the federal state or the organisation in question. For child day care and full-time foster care, Section 72a(1) and (5) apply mutatis mutandis (Section 43(2), fourth sentence; Section 44(2), second sentence, of SGB VIII), meaning that recurring checks are also required. In reception centres, Section 44(3) of the Asylum Act (AsylG) expressly requires regular intervals. In the school sector, state regulations may stipulate specific intervals; for example, Bavarian school law contains provisions on mandatory repeat checks.

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?

There is no general obligation to inform private employers or associations as soon as an investigation begins. Notifications arising from criminal proceedings are governed by specific statutory and administrative notification regimes, in particular the Order on Notifications in Criminal Matters (MiStra), and, depending on the case, require a specific public interest or relevance under civil service or supervisory law. In the civil service and with supervisory authorities, notifications may be made to a greater extent than in the case of purely private employers; see No. 15 et seq. of the MiStra; however, notification is generally only made once an arrest warrant has been issued, charges have been brought, a penalty order has been issued, or the preliminary investigation has been concluded.

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

There is no general obligation to obtain a separate certificate of good conduct for every country where the person has previously lived or worked, anywhere in the world. For EU and certain third-country scenarios, Section 30b of the Federal Act on Criminal Records (BZRG) provides for the European Certificate of Good Conduct: Criminal record information from other EU Member States is requested via ECRIS or ECRIS-TCN and included in the certificate of good conduct, provided that the other state transmits it. This applies to professional and voluntary activities as well as to other purposes when a certificate of good conduct is applied for under Section 30 or Section 30a of the BZRG. In cases of adoption, foster care or guardianship, foreign evidence may be required as part of the suitability assessment, particularly if the applicant's CV includes significant periods spent abroad; the scope and form depend on the specific procedure and, where applicable, international agreements.

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 proceedings1 (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)?**

Yes, particularly within the EU. Section 30b of the BZRG enables the European Certificate of Good Conduct; Sections 56b, 57a and 57b of the BZRG govern the storage and exchange of register information with EU Member States and certain partner states. For third-country nationals, ECRIS-TCN is used to identify the Member States that hold register information. Outside this EU legal framework, the transmission of data outside criminal proceedings depends on a specific legal basis under national or international law, as well as on the requirements under data protection and register law; there is no universal global retrieval system.

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?**

Within the EU criminal records system, there are binding mechanisms for the transmission of data and the provision of replies in accordance with the relevant EU instruments and their implementation in the BZRG, in particular Sections 56b, 57a and 57b of the BZRG. Section 57a of the BZRG also covers requests made for the purpose of issuing a certificate of good conduct in another Member State. Outside the EU or a partner state, there is no general, unconditional obligation to provide information for the purposes of recruitment, voluntary work, adoption, care or guardianship; a relevant legal basis is required, and the respective conditions for disclosure must be met.

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

It is essential to distinguish between the Federal Central Register and the certificate of good conduct. Employers do not, as a rule, have full access to the Federal Central Register, but only to the certificate of good conduct provided for by law. The extended certificate of good conduct under Section 30a of the Federal Central Register Act (BZRG) discloses certain convictions relevant to the protection of children and young people in greater detail than a standard certificate of good conduct (Section 32(5) BZRG). The receiving body may only process the data for the specified purpose

and must delete it in accordance with Section 30a(3) of the Federal Central Register Act (BZRG) as soon as it is no longer required, at the latest six months after the activity was last carried out. For youth welfare services, Section 72a(5) of Book VIII of the Social Code (SGB VIII) sets out additional data protection restrictions on documentation and storage.

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)?

The German Institute for Human Rights is the independent National Human Rights Institution of Germany (Section 1 GIHR law). It is accredited according to the Paris Principles of the United Nations (A-status). The Institute's activities include the provision of advice on policy issues, human rights education, information and documentation, applied research on human rights issues and cooperation with international organizations. It is supported by the German Bundestag. The Institute is mandated to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child and established Monitoring Bodies for these purposes. It is also mandated as National Rapporteur Mechanism under the Council of Europe Conventions on Violence against Women and Domestic Violence (Istanbul Convention) and on Trafficking in Human Beings.

The National Rapporteur Mechanism under the Council of Europe Conventions on Trafficking in Human Beings collects and analyses data to identify trends and developments in the field of human trafficking. It supports decision-makers in politics and public administration at federal and state level. It engages in intensive dialogue with associations and counselling centres and makes recommendations to state and non-state actors for the better protection of victims of human trafficking. The National Rapporteur Mechanism has not yet carried out in-depth work on the Lanzarote Convention, nor has it conducted any practical surveys. The responses and recommendations are based on the findings of a desk-based review.

Key practical challenges include the federal fragmentation of the rules. As legislation governing childcare centres and schools is regulated at state level, and the specific implementation of Section 72a of Book VIII of the Social Code takes place at local authority level, the guidelines in the various federal states may be inconsistent and confusing. In the private sector in particular, there is often merely a right to request a certificate of good conduct, but no legal obligation to do so. There is no uniform, nationwide ban on employment for individuals with relevant criminal convictions who work with children. This is frequently checked as part of the general suitability assessment and on the basis of administrative regulations, but an explicit provision is generally lacking. There is a confusing array of administrative regulations and recommendations. Consequently, the question of when someone is unsuitable to work with children is often decided on a case-by-case basis. In the private sector in particular, there is a lack of explicit obligations, prohibitions and checks, meaning that individuals with criminal records may go undetected.[2]

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?

The following elements can be highlighted as particularly robust: the extended certificate of good conduct under Section 30a in conjunction with Section 32(5) of the BZRG; the catalogue-based exclusion from certain activities and the re-assessment under Section 72a of SGB VIII; the involvement of independent organisations and volunteers through agreements under Section 72a(2)–(4) of SGB VIII; the explicit requirement for a repeat vetting in reception centres under Section 44(3) of the Asylum Act; and the European certificate of good conduct under Section 30b of the BZRG with ECRIS/ECRIS-TCN connectivity. Under Section 70 of the German Criminal Code (StGB), a professional ban may be imposed if a person has been convicted of an unlawful act committed by abusing their professional position. Anyone who contravenes this provision is liable to prosecution under Section 145c of the German Criminal Code (StGB).

[2] See also the North Rhine-Westphalia State Sports Federation, Statement 16/2860, North Rhine-Westphalia State Parliament, 16th legislative period, p. 4 ‘Implementation problems’; Prof. Ullrich Gintzel, Statement to the German Bundestag, Committee Document 18(13)29d, 26 January 2015; Ronja Bachofer/Timm Giesbers, Tagesschau, ‘Are children’s and youth holiday camps a “paradise for offenders”?’, 13 August 2024.