

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”

GERMANY

Replies received by the Secretariat on 10 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. State Party in respect of which the questionnaire is submitted
- b. Entities and bodies which have been involved in responding to this questionnaire

Persons concerned by screening requirements

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

	Criminal conviction check for employment in public sector?	Criminal conviction check for voluntary activity?	Criminal conviction check for employment in private sector?	Criminal conviction check for self-employed professionals?	Please specify the professionals to whom this requirement applies
Education – Pre-school	<u>Hamburg, Lower-Saxony, Rhineland-Palatinate</u> : yes	<u>Hamburg, Lower-Saxony</u> : yes	<u>Lower-Saxony</u> : yes	<u>Hamburg, Lower-Saxony</u> : yes	Federal level: Any person carrying out duties falling within the remit of child welfare services (section 72a (2) of Book VIII of the German Social Code (SGB VIII), for example providers in daycare facilities or elsewhere (sections 22 and 23 of SGB VIII).

					<u>Hamburg:</u> Social education workers, educators, preschool teachers, school office <u>Lower Saxony:</u> Teaching and non-teaching staff <u>Rhineland-Palatinate:</u> State-certified social workers, social education workers, early years educators
Education – Primary	<u>Federal level:</u> Schools: depending on Regulation of the federal states (<i>Länder</i>) and practice in the schools <u>Bavaria, Berlin, Brandenburg, Hamburg, Hesse, Lower-Saxony, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Rhineland-Palatinate, Saxony-Anhalt, Thuringia:</u> yes	<u>Federal level:</u> Schools: depending on Regulation of the federal states (<i>Länder</i>) and practice in the schools <u>Bavaria, Berlin, Brandenburg, Hamburg, Hesse, Lower-Saxony, North Rhine-Westphalia</u> ¹ <u>Rhineland-Palatinate, Saxony-Anhalt:</u> yes	<u>Federal level:</u> Schools: depending on Regulation of the federal states (<i>Länder</i>) and practice in the schools <u>Bavaria, Berlin, Brandenburg, Lower-Saxony, Saxony-Anhalt:</u> yes	<u>Federal level:</u> Schools: depending on Regulation of the federal states (<i>Länder</i>) and practice in the schools <u>Bavaria, Brandenburg, Hamburg, Lower-Saxony, Rhineland-Palatinate, Saxony-Anhalt:</u> yes	<u>Federal level:</u> Any person carrying out duties falling within the remit of child welfare services (section 72a (2) of SGB VIII). For example, school social workers (section 13a of SGB VIII). <u>Bavaria:</u> People who come into contact with pupils as part of their work in schools <u>Berlin, Lower-Saxony, Saxony-Anhalt:</u> All teaching and non-teaching staff <u>Brandenburg:</u> Teachers, other educational staff, trainee teachers and

					other individuals working independently on behalf of the <i>Land</i> in schools <u>Hamburg:</u> Teachers, social education workers, educators, therapeutic staff, school staff, school bus drivers <u>Hesse:</u> Teachers, social education workers and other individuals who have regular contact with pupils <u>Mecklenburg-Western Pomerania:</u> Teachers, including external substitute teachers and assistants in state schools <u>North Rhine-Westphalia:</u> Teachers, social education workers, care staff, integration and school support staff, and those in similar roles involving regular supervision, care or close contact with minors <u>Rhineland-Palatinate:</u> State-certified
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					social workers, social education workers, early years educators and all professionals in the school sector <u>Thuringia:</u> All education staff
Education – Secondary	<u>Federal level:</u> Schools: depending on Regulation of the federal states (<i>Länder</i>) and practice in the schools <u>Bavaria, Berlin, Brandenburg, Hamburg, Lower-Saxony, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Rhineland-Palatinate, Saxony-Anhalt, Thuringia:</u> yes	<u>Federal level:</u> Schools: depending on Regulation of the federal states (<i>Länder</i>) and practice in the schools <u>Bavaria, Berlin, Brandenburg, Hamburg, Lower-Saxony, Rhineland-Palatinate, Saxony-Anhalt:</u> yes	<u>Federal level:</u> Schools: depending on Regulation of the federal states (<i>Länder</i>) and practice in the schools <u>Bavaria, Berlin, Brandenburg, Lower-Saxony, North Rhine-Westphalia, Saxony-Anhalt:</u> yes	<u>Federal level:</u> Schools: depending on Regulation of the federal states (<i>Länder</i>) and practice in the schools <u>Bavaria, Brandenburg, Hamburg, Lower-Saxony, Rhineland-Palatinate, Saxony-Anhalt:</u> yes	<u>Federal level:</u> Any person carrying out duties falling within the remit of child welfare services (section 72a (2) of SGB VIII). For example, school social workers (section 13a of SGB VIII). <u>Bavaria:</u> People who come into contact with pupils as part of their work in schools <u>Berlin, Lower Saxony, Saxony-Anhalt:</u> All teaching and non-teaching staff <u>Brandenburg:</u> Teachers, other educational staff, trainee teachers and other individuals working independently on behalf of the <i>Land</i> in schools <u>Hamburg:</u> Teachers, social education workers,

					educators, therapeutic staff, school staff, school bus drivers <u>Mecklenburg-Western Pomerania:</u> Teachers, including external substitute teachers and assistants in state schools <u>North Rhine-Westphalia:</u> Teachers, social education workers, care staff, integration and school support staff, and those in similar roles involving regular supervision, care or close contact with minors <u>Rhineland-Palatinate:</u> State-certified social workers, social education workers, early years educators and all professionals in the school sector <u>Thuringia:</u> All education staff
Education – Tertiary	<u>Hamburg, Lower-Saxony, Rhineland-Palatinate:</u> yes	<u>Rhineland-Palatinate:</u> Generally, no volunteer work in this area	<u>Lower-Saxony:</u> yes		<u>Hamburg:</u> Vocational schools/facilities : Staff at the Centre for Initial and Further Training, the

					administrative school for the training of administrative assistants and for the preparatory service of civil service grade 1 (General Administrative Service) <u>Lower-Saxony:</u> Recruitment of new personnel at the Lower Saxony Police Academy <u>Rhineland-Palatinate:</u> State-certified social workers/social education workers/ early years educators and civil servants, public service employees <u>Saxony:</u> There are almost no students under 18 at Saxon universities. Otherwise, the general requirements for employment in the public service apply for all teachers hired as employees or civil servants.
Education – Extracurricular (e.g. language schools)	<u>Berlin, Rhineland-Palatinate:</u> yes <u>Saxony-Anhalt:</u>	<u>Berlin:</u> yes <u>Saxony-Anhalt:</u> Holiday learning camps to	<u>Saxony-Anhalt:</u> Holiday learning camps to help pupils overcome	<u>Saxony-Anhalt:</u> Holiday learning camps to help pupils overcome	<u>Rhineland-Palatinate:</u> State-certified social workers, social education workers, early years

	- Education/training in agriculture and forestry - Holiday learning camps to help pupils overcome learning difficulties	help pupils overcome learning difficulties	learning difficulties	learning difficulties	educators, civil servants and public service employees responsible for the professional training and supervision of interns <u>Saxony-Anhalt:</u> - All public employees at state schools (particularly trainers); - People involved in running holiday learning camps
Childcare (e.g. kindergartens, crèches, childminders)	<u>Federal level:</u> yes <u>Berlin, Lower-Saxony, Mecklenburg-Western Pomerania, Rhineland-Palatinate, Saxony-Anhalt, Thuringia:</u> yes	<u>Federal level:</u> yes <u>Berlin, Lower-Saxony, Mecklenburg-Western Pomerania, Rhineland-Palatinate, Saxony-Anhalt, Thuringia:</u> yes	<u>Federal level:</u> yes <u>Berlin, Lower-Saxony, Mecklenburg-Western Pomerania, Rhineland-Palatinate, Saxony-Anhalt, Thuringia:</u> yes	<u>Federal level:</u> yes <u>Lower-Saxony, Mecklenburg-Western Pomerania, Rhineland-Palatinate, Saxony-Anhalt, Thuringia:</u> yes	<u>Federal level:</u> Any person carrying out duties falling within the remit of child welfare services (sections 72a (2), 22 and 23 of SGB VIII). <u>Berlin, Mecklenburg-Western Pomerania, Thuringia:</u> All <u>Rhineland-Palatinate:</u> State-certified social workers, social education workers, early years educators and all professionals working in this field, whether full-time, part-time or on a voluntary basis <u>Saxony-Anhalt:</u> All childcare

					professionals (with the exception of student trainees)
Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	<u>Federal level:</u> yes <u>Berlin, Bremen, Mecklenburg-Western Pomerania, Rhineland-Palatinate, Saxony-Anhalt:</u> yes	<u>Federal level:</u> yes <u>Berlin, Bremen, Mecklenburg-Western Pomerania, Saxony-Anhalt:</u> yes	<u>Federal level:</u> yes <u>Berlin:</u> yes (Private providers and foster parents) <u>Bremen, Mecklenburg-Western Pomerania, Saxony-Anhalt:</u> yes	<u>Federal level:</u> yes <u>Berlin:</u> Does not exist in the area of residential youth welfare facilities <u>Bremen, Mecklenburg-Western Pomerania, Saxony-Anhalt:</u> yes	<u>Federal level:</u> Any person carrying out duties falling within the remit of child welfare services (section 72a (2) of SGB VIII). For example, foster care (section 33 of SGB VIII), residential care and other supervised living arrangements (section 34 of SGB VIII). <u>Berlin, Mecklenburg-Western Pomerania:</u> All professionals <u>Bremen:</u> • Professionals working in residential child welfare facilities • staff working in residential groups • supervisory staff • educational professionals • caregivers • staff working in outpatient support services who have regular

					contact with minors • staff and volunteers who have close contact with children <u>Rhineland-Palatinate:</u> State-certified social workers, social education workers, early years educators
Detention	<u>Baden-Württemberg,</u> <u>Bavaria, Berlin,</u> <u>Brandenburg,</u> <u>Bremen,</u> <u>Hamburg,</u> <u>Hesse, Lower-Saxony,</u> <u>Mecklenburg-Western Pomerania,</u> <u>North Rhine-Westphalia,</u> <u>Rhineland-Palatinate,</u> <u>Saxony,</u> <u>Thuringia:</u> yes	<u>Baden-Württemberg,</u> <u>Bavaria, Berlin,</u> <u>Brandenburg,</u> <u>Bremen,</u> <u>Hamburg,</u> <u>Hesse,</u> <u>Lower-Saxony,</u> <u>Mecklenburg-Western Pomerania,</u> <u>North Rhine-Westphalia,</u> <u>Saxony,</u> <u>Thuringia:</u> yes	<u>Baden-Württemberg,</u> <u>Berlin,</u> <u>Bremen,</u> <u>Hesse,</u> <u>Lower-Saxony,</u> <u>Saxony,</u> <u>Thuringia:</u> yes <u>Brandenburg:</u> no	<u>Baden-Württemberg,</u> <u>Berlin,</u> <u>Bremen,</u> <u>Hamburg,</u> <u>Hesse,</u> <u>Lower-Saxony:</u> yes <u>Saxony:</u> Depends	<u>Baden-Württemberg,</u> <u>Berlin, Bavaria,</u> <u>Brandenburg,</u> <u>Bremen,</u> <u>Saxony:</u> Every prison staff member <u>Lower-Saxony:</u> Any person who performs duties within the juvenile prison facility, the juvenile arrest facility or the prison facility for women, insofar as it concerns female juvenile detainees. <u>Hamburg,</u> <u>Hesse,</u> <u>Mecklenburg-Western Pomerania:</u> All staff and all external personnel working at the prison (such as tradespeople). <u>Rhineland-Palatinate:</u>

					State-certified social workers, social education workers, early years educators <u>Thuringia:</u> All civil servants and employees as well as all volunteer enforcement assistants.
Migration facilities (e.g. reception centres)	<u>Baden-Württemberg:</u> no <u>Bavaria, Berlin, Hamburg, Mecklenburg-Western Pomerania, Rhineland-Palatinate, Saxony-Anhalt:</u> yes	<u>Baden-Württemberg, Bavaria, Berlin, Hamburg, Thuringia:</u> yes	<u>Baden-Württemberg, Bavaria, Berlin, Hamburg, Mecklenburg-Western Pomerania, Thuringia:</u> yes	<u>Baden-Württemberg, Bavaria, Berlin, Hamburg, Thuringia:</u> yes	<u>Baden-Württemberg:</u> For all employees in reception centres <u>Bavaria:</u> Reception centres, shared accommodation for asylum seekers or other accommodation for refugees. This requirement applies to all staff, in particular caretakers, administrative staff, violence prevention coordinators, security staff and senior management. It also applies to any person carrying out duties falling within the remit of child welfare services under section 72a of SGB VIII. <u>Berlin:</u> All staff employed by the accommodation provider and

					other parties involved (security contractors, catering companies, other service providers, e.g. for cleaning) <u>Hamburg:</u> Accommodation and social management, security staff, medical staff, administrative staff, officers <u>Mecklenburg-Western Pomerania:</u> Civil servants at reception centres and at local authorities responsible for foreign nationals and benefits, as well as staff commissioned under private-law contracts to operate and guard the aforementioned accommodation facilities. <u>Rhineland-Palatinate:</u> State-certified social workers, social education workers, early years educators <u>Saxony-Anhalt:</u> Educators
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Sport	<u>Federal level:</u> yes <u>Berlin,</u> <u>Bremen,</u> <u>Mecklenburg-</u> <u>Western</u> <u>Pomerania,</u> <u>Saxony-</u> <u>Anhalt:</u> yes	<u>Federal</u> <u>level:</u> yes <u>Bremen,</u> <u>Hamburg,</u> <u>Mecklenbu</u> <u>rg-Western</u> <u>Pomerania</u> <u>, Saxony-</u> <u>Anhalt:</u> yes	<u>Federal</u> <u>level:</u> yes <u>Mecklenbu</u> <u>rg-Western</u> <u>Pomerania</u> <u>:</u> yes	<u>Federal</u> <u>level:</u> yes <u>Mecklenbur</u> <u>g-Western</u> <u>Pomerania:</u> yes	<u>Federal level:</u> Coaches and other staff or volunteers in sports organisations working with children and young people as well as self-employed coaches/trainers; see section 72a of SGB VIII <u>Berlin:</u> Sports ground and sports hall attendants; machine operators; artificial ice rink attendants; porters; tradespeople <u>Bremen:</u> Public sector employees, groundskeepers, coaches (including volunteers) <u>Hamburg:</u> Full-time, part-time and volunteer staff with direct and regular contact with children, and those who are responsible for organising multi-day activities involving overnight stays for children <u>Mecklenburg-Western Pomerania:</u> All professionals <u>Saxony-Anhalt:</u> Instructors/coaches
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					hes working with children
Culture and leisure activities	<u>Federal level:</u> yes <u>Mecklenburg-Western Pomerania:</u> yes	<u>Federal level:</u> yes <u>Mecklenburg-Western Pomerania:</u> yes	<u>Federal level:</u> yes <u>Mecklenburg-Western Pomerania:</u> yes	<u>Federal level:</u> yes <u>Mecklenburg-Western Pomerania:</u> yes	<u>Federal level:</u> Any person carrying out duties falling within the remit of child welfare services (section 72a (2) of SGB VIII), e.g. youth social work (section 13 of SGB VIII). <u>Mecklenburg-Western Pomerania:</u> All professionals
Entertainment sector					
Faith and religion	<u>Federal level:</u> yes <u>Bremen:</u> yes	<u>Federal level:</u> yes <u>Bremen:</u> yes	<u>Federal level:</u> yes <u>Bremen:</u> yes	<u>Federal level:</u> yes <u>Bremen:</u> yes	<u>Federal level:</u> Any person carrying out duties falling within the remit of child welfare services (section 72a (2) of SGB VIII), for example youth social work (section 13 of SGB VIII) and youth work to help young people participate in and engage with society (section 11 of SGB VIII). <u>Bremen:</u> Employees in a public-sector or

					private-sector employment relationship, or those employed as trainees, as well as volunteers working in institutions of the Protestant and Catholic Churches
Healthcare (including psychological and psychiatric services)	<u>Bavaria, Lower-Saxony, Rhineland-Palatinate, Saxony-Anhalt</u> : yes		<u>Federal level</u> : yes <u>Bavaria, Hamburg, Lower-Saxony, North Rhine-Westphalia</u> : yes	<u>Federal level</u> : yes <u>Bavaria, Hamburg, North Rhine-Westphalia</u> : yes	<u>Federal level</u> : Doctors with statutory health insurance accreditation and doctors employed in their practices who provide outpatient care. <u>Bavaria</u> : Members of the regulated professions (doctors, dentists, pharmacists, psychological psychotherapists, child and youth psychotherapists, psychotherapists), the nursing professions (healthcare and nursing staff, including those specialising in paediatric nursing), and the healthcare support professions (midwives, occupational therapists, dieticians, speech and language

					therapists, massage therapists and physiotherapist, orthoptists, podiatrists, paramedics). <u>Hamburg:</u> Regulated medical professions that require the granting of professional licences and authorisations to practise <u>Lower-Saxony:</u> Employees who work in institutions accommodating people with mental health conditions and who are appointed as administrative enforcement officers; professional groups: doctors and various care professions <u>North Rhine-Westphalia:</u> Care and health professionals <u>Rhineland-Palatinate:</u> State-certified social workers, social education workers, early years educators and medical doctors, dentists, pharmacists, psychotherapists, midwives
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					Saxony-Anhalt: See remarks below
Social protection services	<u>Federal level:</u> yes <u>Bremen,</u> <u>Rhineland-</u> <u>Palatinate:</u> yes	<u>Federal</u> <u>level:</u> yes	<u>Federal</u> <u>level:</u> yes	<u>Federal</u> <u>level:</u> yes	<u>Federal level:</u> Any person carrying out duties falling within the remit of child welfare services (section 72a (2) of SGB VIII), e.g. emergency care for children (section 42 of SGB VIII). <u>Bremen:</u> Social education workers, social workers, staff working in educational support service, child protection workers, counselling professionals, professionals working in youth support services, outreach workers <u>Rhineland-</u> <u>Palatinate:</u> State-certified social workers, social education workers, early years educators
Law enforcemen t	<u>Baden-</u> <u>Württemberg,</u> <u>Bavaria, Berlin,</u> <u>Brandenburg,</u> <u>Bremen,</u> <u>Hamburg,</u> <u>North Rhine-</u> <u>Westphalia,</u> <u>Saxony-</u>	<u>Bavaria,</u> <u>Bremen,</u> <u>Thuringia:</u> yes	<u>Bremen:</u> yes	<u>Bremen:</u> yes	<u>Baden-</u> <u>Württemberg:</u> public prosecutors, police service <u>Berlin:</u> All applicants

	<u>Anhalt</u> , <u>Thuringia</u> : yes				<u>Bavaria</u>: public prosecutors, staff in non-prosecutorial roles within public prosecution offices, police officers, members of the Bavarian Security Guard (volunteers) <u>Bremen</u>: All staff employed in the justice system <u>Hamburg</u>: public prosecutors <u>North Rhine-Westphalia</u>, <u>Saxony-Anhalt</u>: Police officers <u>Thuringia</u>: public prosecutors (to juvenile courts), staff, who in the course of their duties is responsible for underage police cadets
Judicial	<u>Baden-Württemberg</u> , <u>Bavaria</u> , <u>Berlin</u> , <u>Brandenburg</u> , <u>Bremen</u> , <u>Hamburg</u> , <u>Hesse</u> , <u>Lower-Saxony</u> , <u>Mecklenburg-Western Pomerania</u> , <u>North Rhine-Westphalia</u> , <u>Saxony</u> , <u>Saxony-Anhalt</u> , <u>Thuringia</u> : yes	<u>Baden-Württemberg</u> , <u>Bavaria</u> , <u>Berlin</u> , <u>Bremen</u> , <u>North Rhine-Westphalia</u> : yes <u>Saxony</u> : not generally	<u>Berlin</u> , <u>Bremen</u> , <u>Hamburg</u> , <u>Hesse</u> , <u>North Rhine-Westphalia</u> , <u>Saxony</u> , <u>Saxony-Anhalt</u> : yes	<u>Federal level</u> : yes <u>Baden-Württemberg</u> , <u>Berlin</u> , <u>Bremen</u> , <u>Saxony</u> , <u>Saxony-Anhalt</u> : yes	<u>Federal level</u> : Guardians ad litem for minors in proceedings regarding family matters, section 158a (2) of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (FamFG) <u>Baden-Württemberg</u> , <u>North Rhine-Westphalia</u> :

					Civil servants, judges and psychosocial assistance in legal proceedings <u>Bavaria, Lower-Saxony:</u> Judges, civil servants and all other judicial staff <u>Berlin:</u> public prosecutors, judges (including lay judges) and psychosocial assistants in legal proceedings <u>Brandenburg:</u> public prosecutors and judges <u>Bremen:</u> All staff employed in the justice system <u>Hamburg:</u> Judges, guardians ad litem, psychosocial support services in court proceedings, non-judge staff (e.g. judicial officers, wardens) <u>Hesse:</u> Judges, public prosecutors, judicial officers and psychosocial assistance in legal proceedings
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					<u>Mecklenburg-Western Pomerania:</u> Judges, public prosecutors and all staff working in the judicial service (regardless of whether they have contact with children) <u>Saxony:</u> Judges and public prosecutors and youth lay judges as well as psychosocial assistance in legal proceedings <u>Saxony-Anhalt:</u> Psychosocial assistance in legal proceedings <u>Thuringia:</u> public prosecutors (to juvenile courts)
Civil society organisations		<u>Baden-Württemberg, Bremen, Saxony-Anhalt:</u> yes	<u>Baden-Württemberg, Bremen, Saxony-Anhalt:</u> yes	<u>Baden-Württemberg, Bremen:</u> yes	<u>Baden-Württemberg:</u> "Netzwerk Straffälligenhilfe" offender support network in Baden-Württemberg: Social workers, other social education and therapeutic professions requiring formal training <u>Bremen:</u> Staff at independent child welfare organisations, volunteers

					working in child support services, youth group leaders, supervisors in leisure and support programmes, victim support services <u>Saxony-Anhalt:</u> Youth welfare organisations and project management agencies, cf. section 72a of SGB VIII
Victim services (including Barnahus, domestic violence services)	<u>Federal level:</u> yes <u>Bremen, Hesse, Mecklenburg-Western Pomerania, Rhineland-Palatinate:</u> yes	<u>Federal level:</u> yes <u>Bremen, Hesse, Mecklenburg-Western Pomerania</u> : yes	<u>Federal level:</u> yes <u>Bremen, Hesse, Mecklenburg-Western Pomerania</u> : yes	<u>Federal level:</u> yes <u>Bremen, Hesse, Mecklenburg-Western Pomerania:</u> yes	<u>Federal level:</u> Any person carrying out duties falling within the remit of child welfare services (section 72a (2) of SGB VIII). For example, counselling services (section 10a of SGB VIII) and youth social work (section 13 of SGB VIII). <u>Bremen:</u> Staff at women's shelters, counsellors and staff at specialist counselling centres, staff working in protection and support services for minors, volunteers who have regular contact with children

					<u>Hesse:</u> Child protection and victim support professionals <u>Mecklenburg-Western Pomerania:</u> All professionals <u>Rhineland-Palatinate:</u> State-certified social workers, social education workers, early years educators
Any other sectors (please specify) <u>Berlin:</u> Tax offices <u>Hesse:</u> Child and youth welfare <u>North Rhine-Westphalia:</u> Forestry and timber industry <u>Rhineland-Palatinate:</u> - 1. labour market: Projects fostering equal access to general and vocational education - 2. Remembrance work by the <i>Land</i> Agency for	<u>Berlin, Hesse, Sachsen Anhalt:</u> yes <u>Rhineland-Palatinate:</u> yes, see further details below	<u>Hesse:</u> yes <u>Rhineland-Palatinate:</u> yes, for labour market	<u>Hesse:</u> yes <u>Rhineland-Palatinate:</u> yes, for labour market	<u>Hesse:</u> yes <u>Rhineland-Palatinate:</u> yes, for labour market	<u>Berlin:</u> Staff of the Berlin Tax Administration <u>North Rhine-Westphalia:</u> The <i>Land</i> Forestry and Timber Agency is required to carry out screening of employees and professionals who come into contact with young people. This applies to employees who, as part of their work, have regular contact with minors. Checks take place at 5-year intervals. <u>Rhineland-Palatinate:</u> Civil servants and public service employees

Political Education <u>Sachsen</u> <u>Anhalt:</u> - 1. Environmen tal manageme nt, biosphere reserve manageme nt (activities include: supervising the Junior Ranger Programme or welcoming school groups) - 2. Financial administrati on (recruitment at the Property and Constructio n Manageme nt Offices)					
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Here you can insert additional details or specify any exceptions.

General: Screening generally involves the submission of an (extended) certificate of good conduct or an extract from the Federal Central Criminal Register.

Federal level:

- Under German federal law (section 72a of SGB VIII), public youth welfare agencies may not employ or recruit any person to carry out duties falling within the remit of child welfare services who has been convicted of a criminal offence linked to a breach of duty of care or upbringing, or offences against sexual self-determination, including sexual abuse of minors. Therefore, any individual seeking to engage in full-time employment within child welfare services is required to submit an extended certificate of good conduct in advance. This requirement also applies to individuals serving in voluntary or part-time positions. Public youth welfare agencies, as well as independent organisations, determine for which voluntary or part-time occupation a prior review of the applicants' extended certificate of good conduct is necessary. The determining factors in this assessment include the nature, level and duration of contact with children that a given activity entails or facilitates. This ensures that individuals with relevant

prior convictions are prevented from establishing close relationships with children and young people and from exploiting such relationships.

- Healthcare professionals who are in professions regulated by federal law, such as physiotherapists, occupational therapists, speech therapists and nursing staff and physicians, require a state licence to practise. The granting of a licence is subject to the condition that the person has not engaged in conduct that would render them unsuitable for the practice of the profession. Suitability is usually proven by submitting a certificate of good conduct. The commission of criminal offences will result in the withdrawal of the licence if, after review by the competent authority, the professional is found to be unsuitable; certain criminal offences will result in the imposition of a professional ban by the court.
- Guardians ad litem for minors in family court proceedings: According to section 158a (2) of FamFG, a person on whom a final and binding conviction has been passed for a criminal offence under sections 171, 174 to 174c, 176 to 178, 180, 180a, 181a, 182 to 184c, 184e to 184g, 184i to 184l, 201a (3), 225, 232 to 233a, 234, 235 or 236 of the German Criminal Code is particularly personally unsuitable as a guardian ad litem for minors. The offences mentioned above include sexual offences against children.

Baden-Württemberg: Detention

All staff members, including volunteers, are required to provide an extract from the Federal Central Criminal Register. For applications for mid-level civil service positions, further information is requested to determine whether the applicant has ever been an accused person, an affected party (e.g. in the case of administrative offences) or an 'other person'. Exceptions to the requirement for a background check apply if a check has been carried out within the last five years and no findings were made at that time. The check is also waived for external persons who only work at the prison occasionally to provide care, services or labour while accompanied by prison staff. The same applies if, due to an unforeseen event, external personnel must be deployed without delay in order to maintain or restore proper prison operations. In such cases, however, the best possible supervision must be ensured under the circumstances.

Bavaria:

- Detention: In all cases, an unlimited extract from the Federal Central Criminal Register is obtained prior to employment; this forms the basis for a case-by-case assessment. Sexual offences against children generally preclude employment. As a rule, information from the Federal Central Criminal Register is also obtained for volunteer workers.
- Justice system / prosecution authorities: The Bavarian State Ministry of Justice obtains an extract from the Federal Central Criminal Register as part of the application process. In the case of civil servants and public employees, applicants are also required to provide information regarding any ongoing investigations or criminal proceedings. Applicants for civil service posts are also required to state whether any criminal proceedings or investigations by the public prosecutor's office have been pending against them in the last five years.
- Schools: Submission of an extended certificate of good conduct is required. In state schools, this requirement applies as a matter of principle, regardless of whether the activities are carried out in the public service, or as specific activities undertaken outside of a direct employment relationship with the State of Bavaria (e.g. freelance staff or supervisory staff employed by partner organisations). Supplementary internal administrative regulations have been drawn up for the school sector, specifying the circumstances and time intervals under which further certificates of good conduct must be obtained in the event of re-employment. Essentially, the following applies:

- o If an extended certificate of good conduct has not yet been submitted, or if the last period of employment was more than three years ago, the extended certificate of good conduct must be submitted before taking up the post.
- o If the last period of employment was more than one year but no more than three years ago, work may commence on a provisional basis; the extended certificate of good conduct must then be submitted at a later date.
- o If the interruption in employment was for a period less than a year, it is generally not necessary to submit a new extended certificate of good conduct.

Berlin:

- Sport: At centrally managed sports facilities, there is a general screening of all staff members, which includes providing an extended certificate of good conduct. Staff employed in these facilities by external service providers – such as those working in cleaning, security and technical facilities management – are expected to provide an extended certificate of good conduct. This is a contractual obligation and is also subject to checks. When it awards grants, for example, the Senate Department for the Interior and Sport now includes additional conditions in the award notice that are aimed at preventing sexual abuse and improving awareness of the issue on the part of funding recipients.
- Police: There are particularly high barriers to entry for applicants seeking to join the Berlin Police. In addition to requesting unrestricted access to information from the Federal Central Criminal Register, checks are carried out regarding any current or concluded criminal investigations. This involves making enquiries with all *Land* Criminal Investigation Offices throughout Germany and examining all available criminal and court records, regardless of the outcome of the proceedings. Regardless of any potential contact with children in the course of professional duties, a conviction for acts of sexual exploitation or sexual abuse of children, or for the production and/or distribution of child pornography, generally disqualifies an individual from recruitment to the Berlin Police.
- Tax offices: As a rule, any staff at the Berlin Tax Administration who are responsible for training minors are civil servants who had to provide unrestricted access to information from the Federal Central Criminal Register before being appointed. The judicial authorities inform the employer of any misconduct by the civil servant that constitutes a criminal offence while they are in post.

Brandenburg: Detention

All staff and external personnel working in the detention service are subject to security vetting. In particular, checks are carried out to ascertain whether the applicant has any previous convictions or is currently subject to pending criminal proceedings or investigations. The checks are carried out on the basis of the relevant information from the Federal Central Criminal Register, signed declarations of the employees and external personnel, and an enquiry to the intelligence services.

Hamburg:

- Psychosocial support in criminal proceedings: Applicants must, in addition to submitting an extended certificate of good conduct, provide a declaration stating that no investigative or criminal proceedings are currently pending against them. The extended certificate of good conduct provides information on whether any offences relevant to the protection of young people, in particular sexual offences, have been committed, even if they are minor offences. A standard certificate of good conduct is sufficient only if the authorisation to provide support during criminal proceedings applies exclusively to support for adult victims.
- Schools: In the case of service contracts (fee-based contracts) and employment of volunteers, a background check is carried out insofar as the work involves contact with

children. This also applies, for example, to trainees, new staff, interns, supply staff or other staff who, through partnerships, carry out work that involves contact with minors.

- Service agreements are concluded with youth welfare organisations providing educational support. The assessment of the personal suitability (e.g. through the submission of extended police certificates) and professional suitability of staff, volunteers and other individuals who come into contact with children is an integral part of the process of concluding service agreements, as well as of the licence procedures under section 45 of SGB VIII.

Hesse: Detention

All staff members and external individuals who are to work within the Hessian prison service are subject to a comprehensive vetting process prior to taking up their duties, which takes into account information from the police, the intelligence service and the Federal Central Criminal Register. In the case of volunteers working in the detention service, their personal suitability is also assessed during a face-to-face interview.

North Rhine-Westphalia:

- Schools: An extended certificate of good conduct is generally required for teachers, social education workers, care staff, integration and school support staff, and those in similar roles involving regular supervision, care or close contact with minors. Non-educational activities may also be covered if they involve a comparable degree of contact or risk. The same applies for volunteer work. By contrast, there is generally no obligation to submit an extended certificate of good conduct in the case of purely administrative or office-based duties that do not involve regular contact with pupils. The requirement to submit a certificate of good conduct may only be waived for persons who are merely present as accompanying helpers.
- Judges and civil servants: During the recruitment process, it is necessary to check both whether the applicant has a criminal record (certificate of good conduct) and whether any criminal proceedings or investigations by the public prosecutor's office are pending against them (declaration by the applicant) – regardless of whether they will have contact with children or not. Personnel files from previous positions in the civil service must be examined.
- Detention: All prison officers undergo security vetting, which involves obtaining unrestricted information from the Federal Central Criminal Register, checking the Central Public Prosecution Proceedings Register, submitting an enquiry to the federal security authorities (Federal Criminal Police Office, Federal Police, etc.), and, under certain conditions, submitting enquiries to foreign security authorities. Volunteers and external specialists working in the prison service and youth detention centres are also subject to screening. External professionals, in particular psychotherapists, experts or other external treatment providers who visit juvenile prisons or youth detention centres as part of their professional activities, are not subject to screening. Access to the facilities is subject to the applicable visitor and security regulations.
- Police: Prior to recruitment, all available information on applicants is gathered from police records and the domestic intelligence services, and any relevant files from previous employers are consulted where applicable. For applicants residing in another European country, a request for personal data may be made via ECRIS (the European Criminal Records Information System) for the period in which the applicant was resident in an EU Member State.

Rhineland-Palatinate:

- People who complete degree programmes in social work in Rhineland-Palatinate and obtain state recognition there can work in all areas of social work, including in public child welfare services, offender support and homelessness support. In order to be admitted to the final examination, a current extended certificate of good conduct must

be submitted. If there are relevant entries on the certificate, state recognition will not be granted. This also applies to individuals with social work qualifications from abroad who wish to have them recognised and be granted state accreditation. A current extended certificate of good conduct must also be provided during the course of the employment.

- As part of its remembrance work, the *Land* Agency for Political Education organises guided tours, project days and workshops for children in collaboration with schools. For staff at the *Land* Agency for Political Education, the submission of a certificate of good conduct is a prerequisite for employment.

Saxony-Anhalt: Healthcare

- In order to be granted professional authorisation (a licence to practise), members of the regulated professions (doctors, dentists, pharmacists, psychotherapists) must submit a standard certificate of good conduct from the authorities. Foreign workers must also provide an excerpt from the criminal register of the countries of origin and study. The same applies to healthcare professionals in the context of their professional authorisation (the granting of permission to use their professional designation). The relevant provisions are set out in all of the laws governing these professions.
- For members of the healthcare professions practising in healthcare facilities, it is the employer's responsibility to ensure that a certificate of good conduct is provided.

- Doctors who want to establish themselves as self-employed require a statutory health insurance accreditation. For statutory health insurance accreditation, the submission of a certificate of good conduct pursuant to section 18 (2) of the Accreditation Ordinance for Statutory Health Insurance Doctors is required.
 - Voluntary work for which a certificate of good conduct would be required is not relevant to the healthcare sector.
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?

If yes, please provide details.

Federal level:

- The requirement to provide an extended certificate of good conduct in the field of child welfare is governed primarily by section 72a of SGB VIII. According to this provision, in the case of part-time and voluntary staff, the key factor is whether the nature, level and duration of contact with children make it necessary to require an extended certificate of good conduct. Of particular importance is whether the activity is likely to create a special relationship of closeness, trust or dependency. Factors taken into account include regular contact, unsupervised situations, care, supervision, education or training, the duration and frequency of the activity, and the age and vulnerability of the children concerned. There is no explicit legal distinction between direct, indirect and online contact within the scope of section 72a of SGB VIII. In the case of full-time staff, public youth welfare organisations are generally required to obtain an extended certificate of good conduct both when those staff are recruited and at regular intervals through their term of employment.
- In the field of sport, the requirement to provide an extended certificate of good conduct in accordance with section 72a of SGB VIII is based on the nature of the activity rather than fixed thresholds such as “one-off” or “regular” contact. It applies to persons entrusted with supervision, education, care or training tasks involving children and young people, in particular coaches, typically in roles with ongoing responsibility for minors. There is no formal legal distinction between direct, indirect and online contact in section 72a of SGB VIII; the requirement is primarily linked to roles involving responsibility for and regular interaction with children and young people.

Baden-Württemberg:

- a) For migration facilities, yes; for detention services, no; screening is undertaken irrespective of the level or frequency of contact.
- b) In migration facilities and prisons, no.

Berlin:

- a) and b) In most sectors, no. In the sectors education, childcare and institutional or residential care “regular” is determined.

Bavaria:

- In detention, the justice system/law enforcement sector (judges/public prosecutors/non-judicial and non-prosecutorial personnel): no
- In the healthcare sector: no. It is not possible to restrict a licence to practise. Conditions can be applied when a doctor who has applied for the reinstatement of their licence to practise, or a member of a health profession, is issued an authorisation to practise.
- In schools: the requirement to provide an extended certificate of good conduct relates to roles that involve the supervision, care, education or training of minors or are otherwise likely to involve contact with minors. For other school staff, the requirements depend on the nature, level and duration of contact with minors. In exceptional cases, an extended certificate of good conduct is not required if it would appear that a risk can be ruled out given the nature, level and duration of contact with pupils.

Bremen: In the context of recruitment for the prison service, law enforcement and the judiciary, no distinction is made regarding either the extent or frequency of contact with children (one-off, regular, etc.) or between direct, indirect or online contact with children. The requirement to provide an extended certificate of good conduct is based on the nature of the role and is primarily linked to positions involving responsibility for and regular contact with children, without any formal distinction being made according to the type of contact or fixed thresholds.

Hamburg: For schools, no.

Hesse: a) and b) In most sectors, no. In the sectors education, an extended certificate of good conduct is required, in particular, from teachers, social education workers and other individuals who have regular contact with pupils.

Lower-Saxony, Mecklenburg-Western Pomerania, Rhineland-Palatinate: a) and b): no

North Rhine-Westphalia: In the care sector and for health professions, in prisons and for civil servants and judges, no; in the forestry and timber industry, yes ("regular").

Saxony-Anhalt: a) and b): no / response to this question not known for all sectors. The nature, level and duration of contact with children are the key aspects in practice. Roles with only occasional contact with children have to date been exempt in some sectors.

Thuringia: a) and b): in prisons, no.

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

Please provide details.

Federal level: For all three categories, yes.

3. a: Under German law, an adoption is only permitted if it serves the best interests of the child (section 1741 (1) of the German Civil Code (BGB)). The adoption is

pronounced by the family court, on application by the potential adoptive parent (section 1752 (1) of BGB). The court must examine whether the adoption serves the best interests of the child. According to section 189 of FamFG, the court is to obtain a professional opinion concerning whether the child and the adoptive family are suitable for the adoption. The professional opinion is to be obtained from the adoption agency involved in the case or, if no adoption agency was involved, of the Youth Welfare Office. Applicants with criminal convictions for offences against sexual self-determination of children are not allowed to adopt. An extended certificate of good conduct must be submitted with the adoption application at the latest, or the family court can request an unrestricted extract from the criminal record before the adoption is granted. If potential risks to the child's welfare are identified, the applicant will not be considered suitable.

3. b/c: yes, the absence of criminal convictions for sexual offences against children is required to become a foster parent or a child's legal guardian. See answer to Q1 above (section 72a of SGB VIII).

For legal guardians for minors: According to section 168 (2) of FamFG, the family court is required to obtain information under section 41 of the Act on the Central Criminal Register and the Educative Measures Register (BZRG) before appointing a legal guardian for a minor. Information within the meaning of section 41 of BZRG includes all entries in the registry concerning the person in question.

4. Is the absence of criminal convictions for sexual offences against children required for the household members of:
- persons carrying out professional activity in their home who are in contact with children
 - persons carrying out volunteering activity in their home who are in contact with children
 - persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian?

Please provide details.

General: In many areas, no activities take place in the home environment.

Federal level:

- An adoption is only permitted if it serves the best interests of the child (section 1741 (1) of BGB). The adoption is pronounced by the family court, on application by the adoptive parent (section 1752 (1) BGB). The court must examine whether the adoption serves the best interests of the child; this examination includes assessing the suitability of the adoptive family. See answer to Q3.
- Regarding legal guardians, it should be noted that, pursuant to section 1779 of BGB, only a guardian who, based on their personal circumstances, is suitable to exercise guardianship in the best interests of the child may be appointed. Personal circumstances must therefore be taken into account, which likely includes persons living in the same household.
- Section 33 of SGB VIII governs full-time foster care as a form of educational support. It enables children and young people who cannot live with their parents to be placed, either temporarily or permanently, with another family (foster family). Under Book VIII of the Social Code (sections 44 (1) and (2)), any foster parent who wishes to take a child into their household on a 24-hour basis must obtain authorisation (the obligation to obtain authorisation does not apply to persons specified in section 44 (1) nos. 1-6, e.g. legal guardians or close

relatives). The federal states have enacted specific implementing legislation setting out in detail the suitability requirements for foster parents. State youth welfare offices issue implementing regulations. These criteria relate in particular to personal suitability, living accommodation and financial circumstances. The Youth Welfare Office is required to assess whether these criteria have been met, taking into account the specific circumstances of each individual case, and whether the foster parents can ensure the child's welfare. Personal circumstances must be taken into account, which likely include persons living in the same household. Furthermore, the Youth Welfare Office shall, as appropriate given the circumstances of each individual case, conduct an on-site assessment to determine whether the foster parent is ensuring the child's well-being. The implementation of these federal regulations is the responsibility of the youth welfare authorities in the federal states.

Bavaria: a) No.

Berlin: a) and b) For the sectors education, childcare and institutional or residential care, yes.

Bremen: When assessing the suitability of carers, individuals living in the same household may also be taken into account, insofar as this is relevant to the assessment of the child's best interests and the carer's personal suitability. This may include reliability assessments or the obtaining of certificates of good conduct, particularly in the case of adult household members who have regular contact with the child in care.

Hesse: a) For detention and in judicial-sectors, no; c) People living in the same household are also assessed as part of the suitability assessment for adoption and, insofar as their personal circumstances are relevant to the child's welfare and the suitability assessment, the adoption agency may request further documentation, including an extended certificate of good conduct.

Lower-Saxony: a) and b): no; c): The Lower Saxony recommendations for full-time care recommend that municipal foster services require certificates of good conduct from all members of the relevant households who are aged 14 or above.

Mecklenburg-Western Pomerania: For persons carrying out professional activities in their home who are in contact with children, yes.

North Rhine-Westphalia: For carers working with children and young people, yes.

Rhineland-Palatinate: An absence of criminal convictions for sexual offences against children for the relevant household members is not specifically and directly set out in legislation. However, as the courts are required to consider the suitability of an individual's personal circumstances and the best interests of the child when ruling on an adoption (section 1741 (1) of BGB) and the appointment of legal guardians (section 1779 of BGB) (see above), screening is undertaken indirectly.

Saxony-Anhalt:

- a): For daycare providers, yes - screening by the youth welfare offices
- c): Members of the households of legal guardians do not need to be screened as the exercise of the legal guardian's duties is not connected to their household or the people who live in it.

5. Does the requirement to verify the absence of criminal convictions for sexual offences against children also apply to:
- children applying for professional or volunteer positions
 - adults in respect of criminal convictions received before the age of 18?

Please provide details.

Federal level:

- If the applicant applies for statutory health insurance accreditation or permission to work in an accredited practice as a medical doctor, the applicant has to provide a criminal record extract certificate of good conduct. This criminal record check will generally also identify any criminal convictions received before the age of 18 (section 32 of BZRG).
- For legal guardians for minors: yes, see answer to Q3.c (section 168 (2) of FamFG).

General: a) In many areas, children are not permitted to carry out professional or volunteer positions. According to the available information, most *Länder* have the same provisions on the absence of criminal convictions, irrespective of the age at which the individual is to take up such a position (a.) or at which an offence was committed (b.) (youth custodial sentences are recorded and checked).

Bavaria: a) and b): yes. An individual's age is irrelevant. The requirement to screen for criminal convictions for sexual offences would also apply to children applying for a position. Exception: in schools, the requirement to provide an extended certificate of good conduct does not apply in situations in which pupils are working with other pupils, for example in tutoring schemes. Extended certificates of good conduct include information on any offences committed before the individual in question turned 18.

Berlin: a) For the sectors education, childcare and institutional or residential care, no; b) For the sectors education, childcare and institutional or residential care, yes; a) and b) For migration facilities, yes.

Hamburg: For schools, yes. The screening obligation also applies to the persons referred to in a) and b), e.g. interns and apprentices.

Saxony-Anhalt: Largely yes, to the extent that this information can be obtained from an extended certificate of good conduct. Exceptions under a): pupils on work experience placements in daycare facilities, and pupils who have school-related volunteering roles (for example on the student council). These cases do not pose any greater risk than a pupil's attendance at school and the contact school attendance involves.

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.

Federal level: Name changes must be declared to or are reported to the registry office, which then notifies the registration authority (sections 57 and 58 of the Ordinance on Implementation of the Civil Status Act (*Personenstandsverordnung*)). Under section 20a of BZRG), notification of the change in personal details is then sent to the Central Criminal Register. In this way, even in the event of a name change, the criminal record can still be linked to the person concerned.

The transfer of data is expressly permitted under section 20a (1), second sentence, of BZRG, notwithstanding the prohibition on disclosure in section 13 (1), first sentence,

of the Act on Self-Determination With Regard to Gender Markers (SBGG). Section 13 (4) of the SBGG expressly stipulates that communications and the exchange of information between official registers and official information systems, as well as retrievals from them, are permitted notwithstanding the prohibition on disclosure under paragraph 1, first sentence, insofar as this is permitted under other legal provisions. This is intended to ensure that the exchange of information between public authorities regarding existing data on a person remains possible even after a change to the gender entry and first names.

Baden-Württemberg: Regular screening for prior offences/convictions is carried out using certificates of good conduct for all practitioners listed under 1 who are part of the “Netzwerk Straffälligenhilfe” offender support network. Applicants to the police service must specify on their application form whether they have had any other names.

Lower-Saxony: In some cases, applicants’ birth names are saved in their personnel file along with their current name, as are the relevant official records.

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.

Federal level:

- Sports: Access to public funding is increasingly linked to safeguarding requirements. While there is no uniform nationwide legal rule explicitly making all public funding conditional on the absence of criminal convictions, funding bodies at federal, state, and sports organisation level are increasingly introducing safeguarding standards as a prerequisite for project funding for projects involving contact with children. These requirements typically include the existence and implementation of child protection and safeguarding concepts, which in practice may also provide for the inspection of extended certificates of good conduct for persons employed in or volunteering for funded projects who work with minors. This reflects a growing trend in recent years towards strengthening preventive safeguarding measures in publicly funded sport activities.
- The above-mentioned requirements (section 72a of SGB VIII) apply to individuals who are seeking to carry out duties within the remit of child welfare services.

Bavaria: This varies from sector to sector. For migration facilities, yes: providing certificates of good conduct is one of the conditions of funding. Projects must also comply with statutory child protection requirements. For example, the relevant rules explicitly reference the statutory provisions on child protection relating to the submission of (extended) certificates of good conduct. Responsibility for ensuring that the staff employed are suitably qualified for their roles lies with the recipient of the funding, but proof is to be provided on request.

Berlin: Section 72a of SGB VIII requires agreements to be concluded with recognised non-state youth welfare service providers and guardianship associations to ensure that those bodies do not employ anyone at all, either as staff or as a volunteer, who has been convicted of a relevant criminal offence, which has become final.

When it awards grants, for example, the Senate Department for the Interior and Sport now includes additional conditions in the award notice that are aimed at preventing sexual abuse and improving awareness of the issue on the part of funding recipients.

Berlin's *Land* sports association, the *Landessportbund Berlin* (representing organised sports in Berlin), does not grant financial assistance to any sports organisations that work with children but do not have the "*Berliner Kinderschutzsiegel*" child protection certification (step-by-step introduction until 2027). One of the prerequisites to obtain the certification is the regular review of extended certificates of good conduct.

Brandenburg: Schools: individuals, organisations and businesses that regularly or permanently provide specific services for children must submit protection policies. This requirement extends to providers of projects and programmes aimed at children.

Bremen: In the field of child welfare, independent organisations and other service providers are required to ensure that no individuals with relevant criminal convictions are employed in roles involving regular contact with children (section 72a of SGB VIII). Implementation is usually carried out through agreements between public and independent child welfare providers, as well as within the framework of professional and funding-related requirements. In the context of publicly funded services, compliance with relevant protection and prevention requirements may be a prerequisite for funding or cooperation.

Hamburg: Section 72a of SGB VIII is complied with. Providers take a range of measures to ensure that they do not employ anyone with a non-appealable conviction for relevant sexual offences. However, the application of and compliance with the rules and regulations is the responsibility of the funding recipient in its role as employer.

Hesse: As regards funding for Child Advocacy Centres (*Childhood-Häuser*) and child protection units, support is provided exclusively for existing structures whose practitioners (from the medical and psychology professions, youth welfare offices, the police and the justice system) are all subject to screening and suitability assessments under the professional standards that apply in their field of work.

Lower-Saxony: This varies from sector to sector; in the field of justice and for prisons, for example, yes.

Mecklenburg-Western Pomerania: The administrative provisions on funding for child welfare services in Mecklenburg-Western Pomerania (*Richtlinie zur Förderung der Kinder- und Jugendhilfe in Mecklenburg-Vorpommern*) require funding recipients to ensure, as part of project implementation, that they do not, for the performance of duties in the field of child welfare, employ anyone as a full-time or part-time staff member or volunteer who has a non-appealable conviction for a criminal offence specified in section 72a (1) sentence 1 of SGB VIII. Funding recipients are also required to ensure that preventive measures are taken to protect children from sexual violence.

North Rhine-Westphalia: For the *Land* funding programme "Diabetes in nursery and school" ("*Diabetes in Kita und Schule*"), the funding recipient is required to ensure that individuals who accompany class trips have provided a certificate of good conduct.

Rhineland-Palatinate: Protection from individuals with relevant criminal convictions is addressed primarily by bans, under substantive law, on the employment or recruitment of such individuals and by the requirement to provide extended certificates of good conduct; it is not covered explicitly in provisions governing the award of public project funding.

Saxony-Anhalt: yes, ensuring that staff do not have relevant criminal convictions is a regular prerequisite for the award of public funding for projects involving contact with children.

Thuringia: For the agriculture and rural areas sector, no. No request for information or self-declaration is currently required from applicants as part of the funding application process to confirm that individual employees have no previous convictions for sexual

offences against children. This requirement has not been imposed to date, as there is no evidence of this type of risk.

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.

Federal level: All of the convictions listed above are included in an extended certificate of good conduct (section 32 of BZRG).

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.

General: The standard basis for screening is the extended certificate of good conduct. Where such information is not included in the certificate of good conduct, it will not generally be known to the workplace/employer. If the workplace/employer becomes aware of such sanctions or decisions in civil proceedings during the application process (for example from personnel files consulted), that information will be taken into account in any hiring decision.

Federal level:

- Alongside details of criminal convictions, a certificate of good conduct for submission to a German public authority is also to include information on certain decisions issued by administrative authorities, such as the revocation of a firearms licence or a permit to run a business. It may also contain any

decisions that an individual cannot be held criminally liable, and information on any stays in psychiatric hospitals ordered by a court.

- Appointment of a legal guardian: Pursuant to section 1779 of BGB, the guardian's personal suitability must be assessed. This includes personal characteristics (health, age, etc.), personal circumstances (financial instability, insolvency, criminal history, etc.), and the ability to cooperate with others involved in the child's upbringing. The determination of suitability is the responsibility of the family court, which is assisted in this process by the Youth Welfare Office (section 53 of SGB VIII). The Youth Welfare Office has an obligation to provide comprehensive cooperation.
- For adoption, foster parents and legal guardians, see answer to Q3.
- Healthcare: In the process of an application for a statutory health insurance or permission to work in an accredited practice as a medical doctor (see Q1), the competent accreditation committee assesses the applicant's personal suitability. The committee is required to take findings obtained in other proceedings that have become final and binding into account. This applies, for example, to administrative sanctions.
- Child and youth welfare: In accordance with section 72a of SGB VIII, the only offences that are relevant for exclusion are those listed therein; civil-law matters are not taken into account.

Bavaria: In schools, as well as providing a certificate of good conduct, applicants are also required to specify in an official declaration whether they are currently the subject of criminal or disciplinary proceedings or have ever been banned from hiring, employing, training or supervising children. In the judicial field/law enforcement, applicants must submit a declaration on any investigation proceedings not resulting in a conviction that have been concluded in the previous five years, and potential employers can consult personnel files, which can also contain relevant information.

All information that is covered by the extended certificate of good conduct in line with the BZRG is also taken into account. Certificates of good conduct for submission to a public authority include entries on certain types of administrative-law decision (see above).

Berlin: For psychosocial assistance in court proceedings, no. However, applications for psychosocial assistance accreditation must include both an extended certificate of good conduct and a declaration by the applicant that there are no pending criminal proceedings against or investigations into them.

Hamburg: For schools, applicants are asked for the information covered in question 9 as part of the recruitment process.

Hesse: If additional information on criminal proceedings or convictions are required as part of screening in the detention sector, investigation and criminal case files can be consulted. These can contain information on any disciplinary proceedings. The Federal Central Criminal Register also records certain administrative decisions, for example disqualifications from exercising a profession (see above). In the public sector, employees' personnel files are consulted before they take up a position; however, disciplinary proceedings are expunged when the standard time limits expire.

North Rhine-Westphalia:

- For police officers, yes to a) and b). For suitability assessments for the police service, all information available from the police information system and the information system of the domestic intelligence services is requested and evaluated. Reports from the authorities and all files (criminal case files/personnel files/court files/disciplinary files/...) that could provide information on an applicant's suitability are requested and evaluated.

- In the care and health professions: a) yes, where there are relevant sanctions, and b) not usually.

Rhineland-Palatinate:

- State-certified social workers, social education workers, early years educators: no, the main consideration is offences that would preclude employment under section 72a of SGB VIII.
- Public child welfare services: screening is based solely on extended certificates of good conduct.
- Schools: as well as requiring an extended certificate of good conduct, the education authority also includes other information they may have in the screening process, for example information from personnel files. For example, if a candidate for a teaching post has already taught in school in Rhineland-Palatinate or elsewhere in Germany, their existing personnel files will be checked.
- Civil servants and public service employees: existing personnel files are routinely checked as part of the recruitment process. The potential employer also asks about any pending investigations by the prosecution service, criminal proceedings, or disciplinary proceedings.

Saxony: In general, not, only in case of doubt. In addition to an extended certificate of good conduct, applicants for the judicial service and detention sector in Saxony have to declare, that they are not aware of any pending criminal proceedings, criminal investigations, or disciplinary proceedings against them, nor that any disciplinary measure has been imposed on them. This also applies to corresponding proceedings abroad.

Thuringia: a) and b): for the sector of detention, no.

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

Please provide details.

General: If criminal convictions are recorded in a certificate of good conduct, the individual will generally not be allowed to exercise the relevant activities. The same time limits apply across Germany. c) No, the law on professional admission generally applies to the profession in question, not just in the public sector.

Federal level:

- If restrictions are linked to the presentation of a certificate of good conduct – as is usually the case – the key factor is for how long a criminal conviction for sexual offences against children will be included on the record. There are time limits after which offences are deleted. These are based on the type and severity of the sentence imposed and generally range from three to twenty years. If you need further details, please let us know.
- To c): see table to question 1. In addition, the provisions of section 72a of SGB VIII are primarily aimed at public-sector employees and are intended to be extended to independent providers by means of agreements (section 72a (2) of SGB VIII).

Brandenburg: In the sector of detention, restrictions on activities in the public sector because of criminal convictions for sexual offences against children are life-long.

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.

Federal level: Expunged convictions are not disclosed either in a full criminal record check or in a certificate of good conduct. After a certain period of time, they are removed from criminal records. Under section 51 of BZRG, the act itself and the conviction may no longer be held against the person concerned in legal dealings and may not be used to his or her detriment if an entry concerning a conviction has been deleted or is required to be deleted from the Federal Criminal Register.

Berlin: No, not usually. Exception: adoption proceedings. Alongside the requirement for an extended certificate of good conduct, which may potentially no longer include offences committed a long time ago, relevant enquiries are also made to the district youth welfare office at the individual's place of residence. A thorough suitability assessment is also undertaken, in which information is also obtained from those around and close to the prospective adoptive parents.

Thuringia: No, in the sector of detention.

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.

General: The Act on the Central Criminal Register and the Educative Measures Register (BZRG) applies to a wide range of sectors and governs entries, types of certificates of good conduct, deletions, etc. In addition, there are a number of sector-specific regulations at federal and *Land* level (acts, ordinances, administrative provisions and regulations on professional licensing and professional codes) that govern screening procedures for specific 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
- b. the candidate must provide proof of absence of convictions
- c. another scenario. Please specify

Please provide details.

Federal level:

- Healthcare: The applicant needs to provide a criminal record extract to the competent accreditation committee.
- Adoption applicants must submit an extended certificate of good conduct to the adoption agency.
- Regarding volunteer or professional guardians, the court must obtain information under section 41 of BZRG.

General: Usually b), i.e. the candidate must provide proof of absence of convictions. In some cases, a), however: in the case of public-sector employers such as the police and prison service, for example, the employer applies for the information directly. In Bavaria, Hesse and Thuringia, the authorities also obtain the relevant proof themselves for judges/public prosecutors.

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

Please provide details.

General: It varies, but the candidate/applicant generally bears the costs themselves. In the case of detention facilities, and in some cases for civil servants, the costs are typically covered by the authority in question. In certain cases, volunteers may be eligible for a fee exemption.

Federal level: Healthcare: The applicant who applies for a statutory health insurance accreditation or permission to work in an accredited practice as a medical doctor bears the fee.

Berlin: Providers of psychosocial assistance in court proceedings can obtain a document from that allows them to apply for a certificate of good conduct free of charge.

Bremen: Where an authority requests a certificate of good conduct – for example, in the case of volunteers – there is no charge to the individuals concerned. In all other cases, the costs must be borne by the candidates.

Rhineland-Palatinate: Volunteers, and in some cases staff at public child welfare services, can apply for a fee exemption.

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

Please provide details.

General: This depends on the organisation in question. Generally, monitoring is the responsibility of the organisation or of the level/authority above it (the body with disciplinary and supervisory oversight) and checks are carried out on an ad-hoc basis. For example, the *Land* Youth Welfare Office monitors the local public youth welfare

providers and can intervene and impose sanctions in the event of violations. Monitoring is otherwise part of contractual performance.

Bremen: In the sports sector, implementation is primarily ensured through the clubs' and federations' own responsibility, and, where applicable, through funding conditions and agreements. In the field of child welfare, implementation is mainly monitored through professional supervision, licensing procedures and agreements between public and independent child welfare providers. Such requirements can also appear in the context of protection strategies, quality improvement procedures and professional review processes. In the case of facilities that require a licence, screening is mainly carried out by the competent supervisory authorities.

Hesse:

- Schools: compliance with statutory requirements in Hesse's schools is monitored through a number of control and supervisory mechanisms. These include:
 - o supervision and monitoring by the public education authorities and the competent ministry;
 - o employment-law and disciplinary control mechanisms;
 - o documentation requirements; and
 - o data protection checks.
- In public child welfare services in general: agreements between state and recognised non-state providers to ensure compliance with statutory requirements; supervisory and quality assurance procedures; organisational protection policies; internal monitoring and documentation requirements at each provider; and conditions imposed as part of funding and grant award procedures.

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

Please provide details.

Bavaria, Saxony, Saxony-Anhalt: Disciplinary and legal steps under employment law (from a warning to termination of employment).

Berlin, Lower-Saxony: The *Land* Youth Welfare Office can impose fines, for example. In very serious cases, a ban on working in a given field can be issued or an operating licence can be revoked.

Brandenburg: In the sector of detention, civil service and collective bargaining law provide for sanctions for non-compliance. If appropriate, criminal investigations can be launched and may lead to sanctions under criminal law.

Bremen: In the sports sector, potential consequences may arise from funding conditions, agreements or internal club or association regulations. Within the field of child welfare, failure to comply may result in various professional, regulatory or contractual consequences. This mainly affects operating licences, cooperation with public authorities, funding, or the deployment of individuals in roles involving contact with children.

Hesse: Various sanctions can be imposed for failure to meet child protection requirements depending on the activity in question and the legal basis. They include: a ban on working with children for the individual in question, disciplinary and employment law measures, supervisory measures, funding implications, in particular

in cases of violations of protection or quality requirements, conditions, or other measures for safeguarding the best interests of children.

Rhineland-Palatinate: Schools and the childcare sector: non-compliance by the hiring authority would constitute misconduct under disciplinary law, which could be sanctioned under the provisions of the *Land* Disciplinary Act.

North Rhine-Westphalia: Pursuing recruitment without the screening process being complete would be more or less impossible given the systemic, technical obstacles to this. Were those obstacles are nonetheless avoided in order to circumvent suitability screening, disciplinary or criminal proceedings against the member of staff responsible may be initiated.

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.

Federal level:

- General: This varies depending on the sector, but the Administrative Regulations on Providing Information in Criminal Matters (MiStra), which apply nationwide, stipulate certain obligations to notify public bodies such as (regulatory) authorities, professional bodies, youth welfare offices and family courts. In line with the obligation in place, public bodies may have to be informed of certain stages of criminal proceedings, and can, if necessary, take (provisional) disciplinary or legal steps under employment law.
- a) Pursuant to section 72a (1) of SGB VIII, public youth welfare providers are required to review extended certificates of good conduct for professionals employed in youth welfare services at regular intervals throughout their term of employment. These provisions are intended to be extended to independent providers by means of agreements.
- a) and b) Pursuant to section 45 (3) of SGB VIII, public as well as independent youth welfare facility providers (e.g. childcare facilities) are required to review extended certificates of good conduct for staff working in their facilities at regular intervals throughout their term of employment. In practice, certificates are generally requested every three to five years.
This requirement also applies to volunteers where, in light of the nature, level and duration of their contact with children, an extended certificate of good conduct is required pursuant to section 72a (3) of SGB VIII.
- c) Pursuant to section 44 (2) and section 72a (1) and (5) of SGB VIII, youth welfare offices are required to obtain extended certificates of good conduct from foster parents at regular intervals.

- c) Following the appointment of a person as a volunteer or professional guardian, the court shall, in accordance with section 168 (2) sentence 2 FamFG, verify whether the guardian continues to be suitable at reasonable intervals, and at the latest every two years after the appointment, by obtaining updated information under section 41 of BZRG.
- In the context of the medical care of those with statutory health insurance, there are ad hoc assessments in which the competent accreditation committee evaluates whether a medical doctor is personally suitable. For instance, after a relevant criminal conviction, the competent accreditation committee or the other affected institutions are notified (section 26 of MiStra). On this basis, the competent accreditation committee initiates proceedings to withdraw authorisation ex officio; the affected institutions are authorised to submit a motion. The accreditation committee may use the findings of fact in a final judgment.
- Reception centres: In accordance with section 44 (3) of the Asylum Act (*Asylgesetz*), an extended certificate of good conduct must be submitted as part of the recruitment process and a new extended certificate of good conduct must thereafter be submitted at regular intervals.
- Employees of an adoption agency must submit a new certificate of good conduct every five years. Prospective adoptive parents must report any changes in their personal or financial circumstances. Even if the assessment of parental suitability took place a long time ago, the family court can request a new certificate of good conduct.

Baden-Württemberg: In prisons, yes. Screening is required every five years for external personnel (including volunteers) who have previously been screened and are still working in a prison. Individuals are also screened again if circumstances emerge after they are granted access that could raise safety or security concerns about their continued access.

Bavaria: Regular screening is not generally undertaken; exception: for migration facilities, the Asylum Act provides for regular screening on the basis of (extended) certificates of good conduct (see above). In the interests of flexibility, a specific timeframe for the resubmission of certificates of good conduct is not defined in the legislation.

Berlin, Lower-Saxony, Saxony, Saxony-Anhalt: Ad hoc screening is carried out in the health professions and in some other areas. If criminal proceedings are launched against civil servants/public-sector employees after they have been hired (this includes judges and public prosecutors), their employer is notified. Providers of psychosocial assistance in legal proceedings are accredited for a maximum for five years, after which they must reapply and be screened again. Providers of accredited services for support in everyday life (section 45a of Book XI of the Social Code) are also required to provide a new certificate of good conduct every five years. In Berlin, screening is routinely required every five years in the education, childcare and institutional/residential care sectors; some providers screen every three years. For migration facilities in Berlin, the operator, catering staff, volunteers and other individuals working in the facilities are screened annually, and the security contractors are screened every six months.

Bremen: In organised sport, regular renewal of the extended certificate of good conduct is often a requirement. This is usually done every three to five years; in some cases, shorter intervals apply in accordance with club-specific or association-specific regulations. In the field of child welfare, screening is done not only during the initial recruitment process. Extended certificates of good conduct are often requested again at regular intervals. The specific frequency varies. In practice, repeat submissions are often made at intervals of several years. Repeat screenings may also be required for

volunteers who have regular contact with children. Catholic Church: Ecclesiastical legal entities must require employees to submit an extended certificate of good conduct upon appointment and at regular intervals of five years.

Hesse: Subsequent screening can be required in schools in Hesse on an ad-hoc basis. Regular screening is required in child welfare services.

Mecklenburg-Western Pomerania: Professional: on an ad-hoc basis. A new extended certificate of good conduct is also required at regular intervals in line with section 72a (1) of SGB VIII. In the state school sector, a new certificate of good conduct may be required in certain cases, for example if a member of staff is moving to a new post or doubts arise as to their suitability.

North Rhine-Westphalia: Subsequent screening is required for those taking up certain posts in the police service (for example roles tackling child pornography).

Rhineland-Palatinate:

- No subsequent screening beyond initial recruitment is required in Rhineland-Palatinate's schools (this includes all-day schools).
- Individuals employed by a public child welfare provider must submit certificates of good conduct at regular intervals.

Thuringia:

- a) For the law enforcement and judicial sector, no.
- a) and b) For employees and long-term volunteers in migrations facilities, yes; regular intervals of two years.

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.

Federal level:

- If an investigation is conducted into an individual who works with children or adolescents, either professionally or voluntarily, on suspicion of committing a sexual offence against a child, this may trigger certain reporting obligations for law enforcement authorities. These obligations are governed by the Administrative Regulations on Providing Information in Criminal Matters (MiStra) and the underlying laws. However, in accordance with the provisions in the MiStra and the relevant underlying laws, it is generally the relevant supervisory authority rather than the employer that is notified.
1. Section 27 of MiStra outlines the reporting obligations in criminal cases involving individuals working in schools, universities, children's homes, day care centres and similar institutions. According to this provision, the relevant supervisory authorities, and where applicable the body responsible for granting or recognising professional licences, must be informed of certain stages of criminal proceedings (e.g. the filing of a public indictment).
 2. Additionally, section 26 of MiStra establishes reporting obligations in criminal cases against members of therapeutic and healthcare professions, including paediatric nurses and child psychotherapists. The alleged offence must involve a breach of professional duties or raise doubts about the individual's reliability, suitability, or competence to practise their profession. Reporting is to the relevant authorities and, where applicable, to professional associations that are public-law corporations. The reporting obligation covers information about the issuance and execution of a detention or commitment order, any decision

imposing or lifting a provisional professional ban, the filing of a public prosecution and the outcome of proceedings.

- Pursuant to section 15 of MiStra, criminal courts and public prosecution offices are obliged to inform the competent superior of civil servants and judges of certain stages of criminal proceedings.
- Section 16 of MiStra sets out reporting obligations relating to individuals employed in the public sector. Section 22 of MiStra also stipulates reporting obligations in criminal matters with respect to clergy and civil servants of religious organisations that are governed by public law.
- Under section 35 of MiStra, criminal courts and public prosecution offices are required to notify the competent public authority without delay of all circumstances arising from criminal proceedings that are necessary to prevent a significant risk to minors. Competent authorities include the Youth Welfare Office and the Family Court. A similar duty to provide information is also contained in section 5 of the Act on Cooperation and Information in Child Protection (KKG). The provision regulates the obligations on public prosecutors and criminal courts to notify the youth welfare offices.

The police notify the Youth Welfare Office themselves if there are indications that a child's welfare is at risk, regardless of whether a preliminary investigation has been initiated. Youth Welfare Offices, on the other hand, are not obligated to involve the investigative authorities. Their mandate is not criminal prosecution, but solely the safeguarding of the child's welfare.

Baden-Württemberg: The competent detention facility/the police officer's employing authority considers (where appropriate, temporary) disciplinary or employment law measures such as temporary suspension from duty or withholding/withdrawal of remuneration.

Berlin: Law enforcement authorities or other competent authorities are permitted to notify employers of ongoing investigation proceedings, particularly in cases involving persons who have contact with children in their professional or voluntary activities. Possible consequences include disciplinary proceedings being initiated after conclusion of the criminal investigation or criminal proceedings, or long-service awards or certificates of appreciation being withheld while criminal proceedings are ongoing. The employment relationship may be terminated by dismissal or contesting. Voluntary positions may be terminated. While investigation proceedings are ongoing (presumption of innocence), the employer considers releasing the person concerned from activities involving contact with children.

Brandenburg: In detention facilities, notifications of this sort may result in dismissal/termination.

Bremen:

- In the case of civil servants and judges, possible measures during an ongoing investigation include the initiation of disciplinary proceedings or suspension from duty.
- The police may disclose personal data to other authorities or non-public bodies provided that this is necessary to avert a danger.

Hamburg, Rhineland-Palatinate: In the school sector, the competent authorities (the supervisory and service directorate) are notified of ongoing investigation proceedings. As a result, disciplinary or employment law measures are initiated and implemented.

Hesse:

- School: the mere suspicion of a relevant sexual offence against children justifies the application of temporary measures under employment law or

disciplinary measures to ensure the protection of pupils. Possible consequences include, in particular:

- o temporary release from duty, prohibition from carrying out official duties, or temporary suspension from duty,
 - o reassignment to activities not involving contact with minors,
 - o restriction or prohibition of certain tasks or fields of activity,
 - o initiation of disciplinary proceedings or proceedings under employment law,
 - o close supervisory monitoring and risk assessment,
 - o withdrawal of civil servant status/termination of the employment relationship.
- Civil servants and judges: The superiors of the person in question consider initiating disciplinary proceedings, and take appropriate measures.

Mecklenburg-Western Pomerania: The consequences of pending investigation proceedings into prison staff during their employment relationship depend on the circumstances of the case at hand. Upon becoming aware of the matter, disciplinary investigations are initiated; in addition, personnel-related measures are considered (release from duty, prohibition from carrying out official duties, reassignment, secondment).

Bavaria, Saxony-Anhalt: Consequences are dependent on the circumstances of the case at hand and range from suspension to measures under employment law/civil service law or even dismissal.

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

Please provide details.

Federal level:

- European law: Articles 29(3) and 32(1) of Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market provide that Member States shall notify other Member States and the Commission of service activities that could cause serious damage to the health or safety of persons or to the environment (Internal Market Information System (IMI)). This information is intended to help Member States prevent risks and protect service recipients. Healthcare professionals with foreign professional qualifications must also demonstrate their professional suitability to practice the profession as part of the recognition procedure. As part of the assessment of professional access for persons with professional qualifications from the EU, the competent authorities use IMI for the recognition of professional qualifications from the EU and for mutual information about criminal offences relevant to the profession.

According to the alert mechanism in Article 56a of Directive (EU) 2013/55, the competent authorities of a Member State shall inform the competent authorities of all other Member States about a professional whose pursuit of their professional activity has been restricted or prohibited (even temporally) by national authorities or courts. This is to be done via IMI and applies to the professions listed in Article 56 of the Directive, e.g. doctor, nurse, dentist, vet, midwife, pharmacist, and regulated professionals exercising activities relating to the education of minors, including childcare and early childhood education.

- Child welfare services: *Full-time employees* who previously resided or worked in other countries and are to carry out duties falling within the remit of child welfare services (section 72a (2) of SGB VIII) must submit an extended certificate of good conduct. The requirement to provide the extended certificate of good conduct is mandatory. However, not in all cases, particularly for non-EU residents residing abroad, it may not always be possible to provide a certificate of good conduct. Where a German citizen has been convicted of a criminal offence in another EU country, the Federal Office of Justice is notified, and this conviction is treated in the same way as a domestic one. This means that these convictions appear in the (extended) certificate of good conduct (European Certificate of Good Conduct, section 30b of BZRG). In the case of individuals from other EU countries who reside in Germany but do not hold German citizenship, but rather that of another EU Member State, the extended certificate of good conduct must be requested from the German registration authority. All convictions are recorded in the central criminal record of the individual's country of nationality. However, in such cases, inquiries must be made on a case-by-case basis to determine to what extent the certificate of good conduct provided complies with the provisions of section 72a of SGB VIII. The provision of a certificate of good conduct is not mandatory for *part-time or volunteer workers* within child welfare services who are foreign nationals. If these individuals become resident in Germany, they must apply for a standard extended criminal record check at the local registration office in Germany, which provides information on criminal offences subject to German criminal jurisdiction. In such cases, comparable protection is to be ensured through appropriate personal declarations or voluntary commitments, which are to be included in the local prevention and protection plans for these situations.
- With regard to the exchange of information from the criminal record, please also see the answer to Question 20. With regard to foster parents or legal guardians, see Q 3. b. and c. above.

General: In a cross-border context, it is possible to apply for a European certificate of good conduct (see above, section 30b of BZRG). This option is used where appropriate. As a general rule, if relevant findings from foreign authorities are listed in the Federal Central Criminal Register (cf. section 54 of BZRG), this is made known to the requesting entity.

Baden-Württemberg:

- Detention facilities: No enquiries are made to foreign information systems. However, the appointment of civil servants is generally conditional on German citizenship, with the result that availability of the required information is generally ensured.
- Migration: For EU citizens, a European certificate of good conduct (see above); for citizens of non-EU countries, a background check by the *Land* Criminal Police Office is required before they can take up their position.

Berlin: Not as standard. In adoption proceedings, both domestic and foreign certificates of good conduct are obtained.

Hesse:

- In the Hesse school system, applicants who have previously lived or worked abroad for an extended period may be required to provide appropriate evidence of a clean criminal record from the country in question, in addition to a German extended certificate of good conduct. However, practical implementation is dependent on the legal and factual circumstances of the country in question. Such checks may also be required for volunteers.
- In detention facilities, police checks include an enquiry to the Schengen Information System (SIS).

Lower-Saxony: Not possible as standard. In the event of indications giving rise to suspicion, the judicial authorities must be informed.

Saxony-Anhalt: For health professionals: Foreign professionals must provide an excerpt from the criminal register of the countries of origin and study.

For associations and project operators in the area of youth welfare: For persons who have continuously lived abroad for longer than 13 months, project operators are advised by the *Land* Youth Welfare Office to obtain a personal declaration in addition to the extended certificate of good conduct. All other persons domiciled abroad are required to provide a personal declaration stating that they have no prior convictions for any of the offences listed in section 72a of SGB VIII. For persons with or without German citizenship domiciled in Germany who have spent more than 13 months abroad, obtaining a personal declaration is also recommended in addition to the extended certificate of good conduct.

Thuringia: a) For the law enforcement and judicial sector, no.

20. Is there a mechanism to:

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

Please provide details.

Federal level:

¹ For purposes of recruitment, volunteering, adoption, foster care or guardianship.

- See answer to Q19 regarding IMI.
- ECRIS: If a person is convicted in a Member State of the European Union, the conviction is recorded in the national criminal register. It can then be retrieved through the European Criminal Record Information System (ECRIS), which is based on Framework Decision 2009/315/JHA. Additionally, the exchange of information on convictions of non-EU nationals and stateless persons is set to be improved by ECRIS-TCN, which is currently under development (see Regulation (EU) 2019/816). Within the framework of the European Council, similar rights and obligations are set out in Articles 13 and 22 of the European Convention on Mutual Assistance in Criminal Matters.

Baden-Württemberg: For correctional facilities, no; for migration facilities, see answer to Q 19. In the field of police threat prevention, the *Land* police may transmit personal data to Member States of the European Union and internationally (statutory basis in the Baden-Württemberg Police Act).

Bavaria: For persons holding another citizenship, a certificate of good conduct from the country of origin or a European certificate of good conduct may be required.

Lower Saxony: In general, the applicant's certificate of good conduct can be requested from the competent municipal authority/citizen's office. In addition, the local police authority of the *Land* in question may be requested to obtain this information from the Federal Criminal Police Office.

Saxony-Anhalt: See the information provided at the federal level. In addition, an enquiry is possible, providing the applicant has given their consent.

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.

Federal level:

- Germany provides data via the ECRIS system or by way of mutual legal assistance.
- Healthcare: Any enforceable decision concerning the professional must be communicated via IMI. An enforceable decision is a decision that results in a prohibition or restrictions on practising the profession in question. A warning notification must be communicated if, for example, a formal investigation is initiated that will result in the professional being prohibited from practicing their profession, even if only temporarily, or in restrictions being imposed.

Baden-Württemberg: Transmission of personal data by the *Land* police in the context of police threat prevention is at the discretion of the authority holding the data.

Berlin: In the areas of education, childcare and institutional or residential care, there is no legal obligation on authorities of the *Land* of Berlin to provide information on prior convictions for sexual offences against children at the request of a competent authority of another state.

North Rhine-Westphalia: For care and health professionals, yes. In the police sector, transmission of information is in principle subject to professional discretion, unless, exceptionally, such discretion is reduced to zero, e.g. to prevent serious criminal offences.

Saxony-Anhalt: For health professionals: As regards doctors, dentists and pharmacists, the *Land* associations of medical practitioners are legally required to provide information about their members to the competent authorities of other EU Member States regarding sanctions under criminal law that might affect their professional activities. If e.g. the professional activities of a doctor include medical treatment of children, information on criminal convictions regarding that doctor in Germany could, upon request, be sent to the competent authorities of another EU Member State. For third states, no such rules apply.

Additional details and reflections

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

Please provide details.

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

Please provide details.

Bavaria:

- Notifications in criminal cases by the public prosecution offices or courts (MiStra notifications) do not always take place in a reliable manner.
- Compliance with the provisions of data protection law can be challenging in the context of investigations to establish the facts of the matter following allegations of misconduct.
- For professionals returning from abroad, there is no legal provision for screening if the professional licence (in the health sector) in Germany was not previously surrendered or revoked by supervisory authorities (meaning that a new or re-issued licence is not required to practise the profession in question).

Brandenburg: A gap may arise in cross-border cases, or where a person has previously resided abroad.

Bremen: Certificates of good conduct are of limited value, as they only list convictions. Further, practical challenges arise from the need to reconcile effective child welfare with data protection requirements, procedural burdens and staffing resources. Challenges also arise from differing implementation practices across different agencies, the organisational burden of regular repeat screenings, the assessment of roles involving varying degrees of contact with children, the involvement of volunteers, cross-border situations and stays abroad.

Hesse: Practical challenges include the different processing times for certificates of good conduct and enquiries to foreign registers, requirements under data protection law for the processing of sensitive personal data, and the fact that digitalisation remains incomplete (transmission of paper documents can cause delays).

Lower-Saxony: Practical challenges include the up-to-dateness of certificates of good conduct, data protection requirements, and country-specific regulations for cross-border proceedings.

North Rhine-Westphalia: A practical challenge lies in the fact that no information from foreign authorities is provided for recruitment procedures, due to the lack of a legal basis.

Rhineland-Palatinate:

- In the area of family court practice, there were isolated reports that regular suitability reviews of legal guardians lead to increased bureaucratic effort.
- In general, existing information structures do not interlink efficiently. Additionally, where multiple authorities/offices are involved, it is difficult to clearly define their respective responsibilities.

Saxony-Anhalt:

- Time required to process and dispatch certificates of good conduct;
- Delays between convictions, recording thereof and ultimately receipt of the relevant information;
- No special legal basis for screening of new partners joining the family (for adoptive and foster parents);
- When obtaining a European certificate of good conduct: Problem of validity and scope of offences, rules on statutes of limitation, and comparability with German criminal law;
- Notifications via the internal market information system IMI sometimes fail to reach the competent authorities in the respective countries.

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.

Bremen: In the field of child welfare, the multidimensional approach – combining certificates of good conduct with further specialist protective measures – is particularly promising. This mainly includes protection strategies in child welfare facilities and services, agreements under section 72a of SGB VIII between public and independent providers, regular awareness-raising and training for professionals and volunteers, professional suitability assessments that go beyond mere criminal record checks, and continuous assessment and support processes in the field of foster care. It is also worth highlighting the close cooperation between public and independent child welfare providers in the area of child protection, as well as the integration of screening procedures into broader prevention and protection frameworks.

Hesse: The Hesse school system takes an integrated approach to child protection. In addition to formal screening, preventive, organisational and educational measures are regarded as important elements of effective child protection. The following practices are particular worth highlighting:

- obligation to provide an extended certificate of good conduct,
- mandatory protection policies against violence and sexual abuse in schools,
- fixed contact person in schools for sexual violence and counselling teachers specialized in violence prevention and development of protection policies,
- regular professional development for teachers and education staff to raise awareness in regard to boundary violations, sexual violence and threats to child welfare.
- close cooperation with child welfare services, school psychologists and specialist advisory services against sexual violence,
- clear reporting channels and intervention plans in the event of suspicion of sexual violence,
- Prevention work in the classroom and everyday school life aimed at empowering children,
- rigorous selection and familiarisation procedures for persons coming into contact with minors.