COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

LANZAROTE COMMITTEE

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

Replies to the thematic questionnaire

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

MALTA

Replies received by the Secretariat on 30 June 2026

Main relevant provisions of the Lanzarote Convention and previous recommendations

Article 5 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures, in conformity with their internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children. The Explanatory Report to the Lanzarote Convention indicates that this obligation can be also applied to voluntary activities (see paragraph 57).

In the 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: **MALTA**

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	Yes	Yes	Yes	*	Teacher, Assistant and also learning support educator. All staff within the school including administrators.
Education – Primary	Yes	Yes	Yes	*	Teacher, Assistant and also learning support educator. All staff within the school including administrators, inclusion officers, teachers of

					special needs that visit the child weekly, therapists that visit the child weekly.
Education – Secondary	Yes	Yes	Yes	*	Teacher, Assistant and also learning support educator. All staff within the school including administrators, inclusion officers, teachers of special needs that visit the child weekly, therapists that visit the child weekly.
Education – Tertiary	Yes	Yes	Yes	*	Lecturer and Assistant. All staff within the school including administrators and officers.
Education – Extracurricular (e.g. language schools)	Yes	Yes	Yes	*	Teaching staff and administrators.
Childcare (e.g. kindergartens, crèches, childminders	Yes	Yes	Yes	*	All assistants, carers and members of staff.
Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	Yes	Yes	Yes	*	Carers, Managers, Members of Staff (Support Staff)
Detention	Yes, in Juvenile Court	Yes	Yes	*	Required for staff working with minors
Migration facilities (e.g. reception centres)	Yes	Yes	Yes	*	Required for social workers and staff in

					reception centres.
Sport	Yes	Yes	Yes	*	Required for coaches, trainers, and youth sports staff.
Culture and leisure activities	Yes	Yes	Yes	*	Required for youth activity workers.
Entertainment sector	Yes	Yes	Yes	*	Required for personnel working with minors
Faith and religion	Yes	Yes	Yes	*	Applied mainly through policy-based safeguarding requirements
Healthcare (including psychological and psychiatric services)	Yes	Yes	Yes	*	Required for professionals working with minors (including psychologists and paediatric staff).
Social protection services	Yes	Yes	Yes	*	Required for social workers and child protection personnel.
Law enforcement	Yes	Yes	Yes	*	Required for officers working with juveniles.
Judicial	Yes	Yes	Yes	*	Required for staff handling cases involving minors
Civil society organisations	Yes	Yes	Yes	*	Required for NGO staff and volunteers working with children.
Victim services (including Barnahus, domestic violence services)	Yes	Yes	Yes	*	Required for counsellors and child protection service providers.

Any other sectors (please specify)					

Enforcement of the Protection of Minors (Registration) Act (Chapter 518 of the Laws of Malta) is primarily carried out by the Courts of Justice and the Malta Police Force. The register established under the Act is administered through the judicial system, while the Police are responsible for investigating breaches of registration and notification requirements. Employers and organisations engaging persons in activities involving contact with children are legally obliged to verify whether prospective employees or volunteers are listed on the register. Compliance may also be monitored through sector-specific regulatory, licensing, inspection and safeguarding mechanisms.

*Under Maltese law, there is no separate criminal-record screening regime specifically for self-employed professionals working with children. Instead, the same safeguarding principle applies: a self-employed person who will have direct contact with children is generally expected to produce a Police Conduct Certificate (Certificate of Conduct) and comply with any sector-specific safeguarding requirements.

For example:

Self-employed teachers, tutors, coaches, therapists, psychologists, childcare providers, youth workers, and similar professionals may be required by the school, organisation, licensing authority, contracting entity, or commissioning body to present a clean Police Conduct Certificate before they are permitted to provide services to children.

The Conduct Certificate is obtained from Malta's Criminal Records Office under the Conduct Certificates Ordinance (Chapter 77). The individual applies personally (online or through the Criminal Records Office), and the certificate is then presented to the organisation requesting it.
In education, safeguarding regulations require personnel employed in schools to have a clean Police Conduct Certificate and complete additional self-declarations concerning convictions and investigations affecting suitability to work with minors. Similar safeguarding practices are often extended contractually to external professionals and service providers working with schools.

Child-focused organisations frequently require not only a Police Conduct Certificate but also references, background checks, and verification relating to the Protection of Minors (Registration) Act before work with children commences.

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?

    (a) And (b) No distinction is made under law. Malta does not define a single statutory threshold for "regular contact". Screening applies where contact with children is foreseeable, direct, and part of the role. Indirect or online contact is assessed on a case-by-case basis.

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)?

    a. an adoptive parent?

    Yes.

Prospective adoptive parents are subject to a comprehensive suitability assessment carried out through the adoption process regulated by the Civil Code (Chapter 16), the Adoption Administration Act (Chapter 495), and the Social Regulatory Standards on Adoption of Children Regulations. The assessment includes criminal background checks through a Police Conduct Certificate and a home study undertaken by social workers. Criminal convictions, particularly those involving children, violence, sexual offences, or abuse, are considered in determining suitability to adopt.

    b. a foster parent?

    Yes.

Prospective foster carers undergo a formal assessment process coordinated by the competent authorities responsible for alternative care. The assessment includes criminal record checks, reference checks, home visits, and an evaluation of the suitability of all persons residing in the household. Convictions for sexual offences against children would normally be incompatible with approval as a foster carer.

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

Generally yes, where safeguarding assessments are carried out. A conviction for sexual offences against children would almost certainly lead to rejection. It would normally be considered: a serious safeguarding risk; incompatible with the "best interests of the child" standard; grounds for finding the person not "fit and proper"
In unaccompanied minor cases, safeguards are even stricter because the State has direct protective responsibility. A conviction for sexual offences against children would disqualify a person from being appointed a guardian in practice.

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

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

Malta does not impose a general statutory requirement for criminal record screening of household members of all persons carrying out professional or voluntary activities involving children in their homes. However, where services are licensed, regulated, or subject to safeguarding requirements, the suitability of adult household members may be assessed. In the context of adoption and fostering, household members are considered as part of the home study and suitability assessment process conducted by the competent authorities, and relevant criminal background information may be taken into account in determining whether the placement is in the best interests of the child.

a. Persons carrying out professional activity in their home who are in contact with children?

Partially.

Where childcare or other child-related services are provided from a private residence, licensing, safeguarding, and regulatory requirements may include assessments of other adults residing in the household. Depending on the nature of the service, criminal background information relating to household members may be considered as part of the suitability assessment.

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

Not generally required by law.

There is no general statutory obligation requiring criminal record checks of household members of volunteers carrying out activities involving children in their homes. Nevertheless, organisations may impose additional safeguarding requirements and conduct risk assessments where activities take place in a domestic setting.

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

Yes, for adoptive and foster parents; generally considered for guardianship assessments.

For adoption and fostering, the suitability assessment includes a home study conducted by social workers, which examines the household environment and the suitability of persons residing in the household. Criminal background information concerning household members may be considered where relevant to the welfare and protection of the child. The assessment forms part of the decision-making process of the competent authorities and boards responsible for adoption and fostering.

For legal guardianship, particularly where a child is placed in the care of an individual or family, safeguarding considerations relating to other members of the household may also be taken into account by the competent authorities and the courts when assessing suitability.

5. Does the requirement to verify the absence of criminal convictions for sexual offences against children also apply to:
   a. children applying for professional or volunteer positions

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

a. No general requirement exists to conduct criminal record screening of children applying for employment or voluntary positions. Appropriate safeguarding and supervision measures may nevertheless be applied depending on the nature of the activity.

b. No. Under the Conduct Certificates Ordinance (Chapter 77 Laws of Malta), convictions relating to offences committed when a person was under 18 years of age are generally not included in conduct certificates and therefore are not normally disclosed during screening procedures.

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

In Malta, legal changes of name are recorded by the Public Registry and subsequently reflected in the national identity management system. Criminal records remain linked to the individual through official identity records and unique identification data rather than solely through the person's name. Consequently, a legal change of name does not affect the continuity or traceability of criminal records, which remain associated with the same individual notwithstanding any change of name. Relevant government databases are updated following registration of the name change, ensuring continuity between former and current identities.

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?

Malta does not have a general statutory provision making access to all public funds conditional upon the absence of criminal convictions for sexual offences against children. Nevertheless, projects and organisations receiving public funding and involving contact with children are frequently required, through funding agreements, licensing conditions, safeguarding policies, or regulatory requirements, to implement child protection measures, including the screening and vetting of employees and volunteers.

In practice, organisations working with children are often required to obtain Police Conduct Certificates and, where applicable, carry out checks under the Protection of Minors (Registration) Act (Chapter 518). Compliance with safeguarding obligations may be monitored by the relevant funding authority, regulator, or contracting entity.

The extent of these requirements may vary depending on the sector, the nature of the project, and the specific funding programme.

Information included in screening

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

   a. sexual abuse of a child (Article 18 of the Lanzarote Convention)

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

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

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

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

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

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

h. any other convictions (please specify)?

Please provide details.

In Malta, criminal record checks (Police Conduct Certificates) issued for safeguarding purposes, including roles involving direct or indirect contact with children, include the following categories of convictions where applicable and relevant to the purpose of the request.
a–g. Convictions relating to offences under the Lanzarote Convention
The criminal record check includes convictions relating to:
a. Sexual abuse of a child (Article 18 of the Lanzarote Convention)
b. Sexual exploitation of a child, including child prostitution (Article 19)
c. Offences involving child sexual abuse material ("child pornography") (Article 20)
d. Offences related to the participation of children in pornographic performances (Article 21)
e. Corruption of a child, including causing a child to witness sexual activities (Article 22)
f. Solicitation of a child for sexual purposes ("grooming"), including online solicitation (Article 23)
g. Aiding, abetting, inciting, attempting, or otherwise participating in the commission of the above offences (Article 24)
These categories are treated as core safeguarding offences and are disclosed in all cases where the certificate is issued for child protection-related purposes.

h. Other convictions
In addition to the offences listed above, Police Conduct Certificates may also include disclosure of other criminal convictions where these are considered relevant to the assessment of risk to children or vulnerable persons, depending on the purpose for which the certificate is issued.

Such convictions may include, inter alia:
Violent offences (including assault and grievous bodily harm)
Domestic violence-related offences
Serious drug-related offences (including trafficking)
Offences involving threats, coercion, or intimidation
Any other serious criminal conduct that may be considered relevant to safeguarding risk
The disclosure of "other convictions" is not automatic in all cases and is determined by the relevance of the information to the specific safeguarding context, in line with the principle of ensuring the protection and best interests of the child.

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.

In Malta, screening for roles involving the care, supervision, or legal responsibility of children (including guardianship of unaccompanied minors) is primarily carried out through Police Conduct Certificates issued for safeguarding purposes.

a. Administrative or disciplinary sanctions

The screening process does not systematically include administrative or disciplinary sanctions as part of the standard Police Conduct Certificate.

However, sector-specific regulatory bodies (where applicable, e.g. professional regulators) may separately consider disciplinary history when assessing suitability for authorisation or registration in regulated professions. Such information is not centrally integrated into the general criminal record certificate system.

b. Other information (e.g. civil judicial decisions)

Police Conduct Certificates do not routinely include civil court judgments or decisions.

However, in safeguarding-related proceedings (such as guardianship or child protection proceedings), the competent judicial authority may consider any relevant judicial information available to it, including civil proceedings, where this is necessary to assess the best interests of the child. Such consideration is case-specific and not part of the standard automated screening certificate.

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.

In Malta, restrictions on activities involving children following a conviction for sexual offences against children are governed by a combination of criminal law consequences and safeguarding assessments.
a. Restrictions are not automatically life-long in all cases.

Certain court-imposed prohibitions or safeguarding exclusions may be time-limited.
However, in practice, convictions for serious sexual offences against children are treated as permanent disqualifying factors for roles involving children, particularly in safeguarding contexts.

b. Where applicable under Maltese law, restrictions may be linked to the duration of any court-imposed sentence or prohibition order.
Rehabilitation or expungement mechanisms may exist in limited circumstances, depending on the offence and legal conditions.

However, for safeguarding-sensitive roles, authorities may still consider historical convictions indefinitely when assessing risk.

c. No. Restrictions and safeguarding exclusions apply to both public and private sector roles; extend to voluntary positions, foster care, and guardianship arrangements; are based on risk to children rather than employment sector.

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.

In Malta, Police Conduct Certificates issued for safeguarding purposes may, in certain contexts, include information relating to convictions that are otherwise considered spent, where this is permitted and justified by safeguarding legislation and proportionality considerations.

In particular, convictions for serious sexual offences against children are not treated in the same way as ordinary spent convictions when the certificate is issued for child protection purposes.

Therefore, expungement or rehabilitation does not automatically prevent disclosure in safeguarding-related checks. The overriding principle is the protection of children and vulnerable persons.

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.

The screening framework in Malta is not contained in a single unified statute. It is instead based on a combination of:

Criminal law provisions governing offences and penalties
Legislation regulating Police Conduct Certificates
Child protection and guardianship legislation
Sector-specific regulatory frameworks (where applicable)
Court practice applying the best interests of the child principle

Accordingly, screening operates through a multi-layered legal and administrative framework, rather than a single consolidated act.

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.

The reply is a, the employer/recruiter, however candidates may be required to submit consent and identification to enable the certificate to be issued and self-declarations may be used in certain contexts but are not the primary safeguarding tool.

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

For legal checks on the offenders register, the employer is the one who normally files the application in court and there is a small fee.

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

Responsibility in Malta is divided among several authorities:

1. The Courts of Justice

The Offenders Register established under Chapter 518 is administered by the Courts. Access to the register is granted through judicial procedures, and judges determine whether an applicant (such as an employer or organisation working with children) may obtain information from the register.

2. The Malta Police Force

The Police are responsible for:

- Investigating breaches of the Act.
- Monitoring compliance by registered offenders with notification and registration requirements.
- Taking enforcement action where offences under the Act are committed.
- Prosecuting failures to comply with registration obligations.

3. Employers and Organisations Working with Children

Under the Act, employers and persons responsible for voluntary, religious, educational, sports, and other child-related organisations have a legal duty to verify whether a prospective employee or volunteer is listed on the register before engaging them in activities involving children. Failure to do so may constitute a criminal offence.

4. Relevant Regulatory and Licensing Authorities

Sector-specific authorities may also oversee compliance with safeguarding obligations, for example:

- The Ministry responsible for Education and educational authorities.
- Childcare licensing authorities.
- Residential care regulators.
- Sports governing bodies and safeguarding officers.
- Social care and child protection authorities.

These bodies generally do not administer the register itself but may require proof that screening obligations have been fulfilled as part of licensing, inspections, audits, or safeguarding procedures.

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

Yes, under Chapter 518 Laws of Malta, if in breach of the law one can be sentenced to imprisonment.

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.

In Malta, there is no single statutory system of periodic, universal re-screening at fixed intervals applicable across all categories of persons working or volunteering with children. However, ongoing safeguarding controls may apply depending on the role and sector.

a. Professionals in contact with children
There is no general legal obligation for periodic renewal of Police Conduct Certificates at fixed intervals across all professions. However, in regulated sectors (e.g. education, health, social services), employers or competent authorities may request updated Police Conduct Certificates upon renewal of contracts or licences; require re-screening when a person changes role or assumes new duties involving children; continuous suitability monitoring may occur through professional regulatory frameworks where applicable.

b. Volunteers in contact with children
There is no statutory requirement for periodic re-screening of volunteers at set intervals.
However, organisations working with children are expected under safeguarding policies to ensure that vetting remains appropriate over time.

In practice, updated Police Conduct Certificates may be requested when a volunteer's role changes, or a defined safeguarding policy renewal period applies within the organisation.

c. Foster parents and legal guardians
For foster carers and persons exercising legal responsibility for children (including guardians of unaccompanied minors), screening is conducted prior to appointment, and subject to ongoing monitoring of suitability by the responsible child protection authority.

While there is no uniform statutory periodic re-certification interval applicable in all cases:
re-assessments may be conducted where circumstances require, including changes in household composition, risk concerns, or periodic reviews by child protection authorities.
suitability is therefore treated as a continuous requirement rather than a one-off clearance.

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.

As a general rule, law enforcement authorities do not routinely disclose the existence of ongoing investigations to employers or volunteer organisations. However, disclosure may be permitted in exceptional circumstances, subject to legal authorisation, necessity and proportionality tests, and assessment of risk to children or vulnerable persons.

Such situations may arise where there is an immediate and serious safeguarding risk, or disclosure is required to prevent harm to children.

Where disclosure is lawfully made, potential consequences may include immediate temporary suspension from duties involving children; risk assessment procedures initiated by the employer or competent authority; implementation of safeguarding measures, which may include restricted access to children pending outcome of proceedings; in some cases, precautionary administrative action, depending on sectoral rules and organisational safeguarding policies

Any measures taken are precautionary in nature, and do not constitute a determination of guilt, which remains subject to judicial process.

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.

In Malta, cross-border verification of criminal convictions for persons applying for roles involving contact with children is not uniformly mandatory in all cases, but is implemented where legally and operationally feasible, particularly in safeguarding-sensitive contexts.

a. Professionals

Where professionals have resided or worked in other countries there is no single statutory obligation requiring systematic checks in every previous country of residence for all professions.

However, for regulated or child-related sectors (e.g. education, health, social care), employers or competent authorities may request equivalent criminal record certificates from previous countries of residence, where available; use EU-level information exchange mechanisms (e.g. ECRIS) when applicable; assess self-declared residence history and require supporting documentation as part of suitability checks.

b. Volunteers
For volunteers, cross-border checks are generally risk-based rather than systematically mandatory. Organisations working with children may request foreign police certificates where a volunteer has recent residence abroad, but this is typically guided by internal safeguarding policies rather than a single legal obligation.

c. Adoptive parents, foster parents, and legal guardians
In cases involving foster care, adoption, or legal guardianship of minors, including unaccompanied children a more stringent and comprehensive suitability assessment applies. Authorities may request foreign criminal record information from previous countries of residence, where feasible. The assessment is guided by the best interests of the child principle, and includes evaluation of all available risk-relevant information, including international background where necessary.

20. Is there a mechanism to:
    a. request data about a person's criminal convictions for sexual offences against children from the competent authority of another State outside the context of criminal proceedings[1] (please specify)
    b. provide data about a person's criminal convictions for sexual offences against children to the competent authority of another State outside the context of criminal proceedings (please specify)?

    Please provide details.

a. Requesting information from foreign States

Malta has mechanisms to request criminal conviction information from other States outside criminal proceedings, including EU-level cooperation through the European Criminal Records Information System (ECRIS) for EU Member States; Direct police-to-police cooperation channels; Requests via international mutual legal assistance frameworks where applicable.

Such requests may be made for employment vetting in sensitive sectors, safeguarding-related suitability assessments and other legally justified administrative purposes.

b. Providing information to foreign States

Malta may also transmit criminal conviction information to competent authorities of other States through ECRIS (for EU Member States), and through mutual legal assistance and international cooperation channels.

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

Disclosure is subject to legal basis, necessity and proportionality, and compliance with applicable data protection and criminal justice rules.

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.

Malta is obliged to provide criminal conviction data to other States in accordance with applicable international and EU legal frameworks, in particular obligations under EU law (including ECRIS obligations), and mutual legal assistance treaties and conventions where applicable.

Such obligations apply within the limits of domestic law and data protection safeguards, and are generally triggered by formal requests from competent foreign authorities.

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.

As explained above, the Maltese screening system is characterised by a multi-layered approach, including Police Conduct Certificates for safeguarding-related vetting; sector-specific regulatory checks (where applicable); judicial involvement in guardianship and child protection cases; cooperation between child protection authorities, employers, and regulatory bodies.

Screening is therefore context-dependent and based on the principle of best interests and protection of the child, rather than a single unified screening statute.

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.

Key challenges identified in Malta include:

Cross-border information delays, particularly where non-EU jurisdictions are involved
Variability in the availability and format of foreign criminal record data
Administrative burdens associated with verifying residence histories across multiple jurisdictions
Dependence on the responsiveness and completeness of foreign authorities
Ensuring consistency of safeguarding standards across different legal systems

Despite these challenges, Malta continues to rely on EU mechanisms (such as ECRIS) where applicable to improve efficiency and reliability.

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.

Malta highlights the following positive practices:

Use of Police Conduct Certificates tailored for safeguarding purposes, ensuring relevant child protection convictions are systematically disclosed.
Application of the best interests of the child principle as the central criterion in all suitability assessments involving minors.
Use of multi-agency cooperation in guardianship and child protection contexts.
Participation in EU information exchange systems (ECRIS) to strengthen cross-border vetting.
Risk-based safeguarding assessments allowing authorities to consider both domestic and international background information where necessary.