

Proposal for a Council Directive laying down minimum standards on the reception of applicants for asylum in Member States

(2001/C 213 E/19)

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(Submitted by the Commission on 18 May 2001)

THE COUNCIL OF THE EUROPEAN UNION,

contents, aims to eliminate inequalities, and to promote equality, between men and women.

Having regard to the Treaty establishing the European Community, and in particular point (1)(b) of the first paragraph of Article 63 thereof,

(6) Minimum standards for the reception of applicants for asylum that will normally suffice to ensure them a dignified standard of living and comparable living conditions in all Member States should be laid down.

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

(7) The harmonisation of conditions for the reception of applicants for asylum should help to limit the secondary movements of applicants for asylum influenced by the variety of conditions for their reception.

Having regard to the opinion of the Economic and Social Committee,

(8) The living conditions of applicants for asylum should in all cases be dignified, but they should be improved when applications are considered admissible and not manifestly unfounded.

Having regard to the opinion of the Committee of the Regions,

Whereas:

(1) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of progressively establishing an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Community.

(9) The number and the quality of reception conditions should be increased in relation to long-lasting procedures in so far the length of the procedure is not caused by negative behaviour by applicants for asylum.

(2) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967, thus maintaining the principle of non-refoulement and ensuring that nobody is sent back to persecution.

(10) Reception of groups with special needs should be specifically designed to meet those needs.

(11) Reception of applicants who are in detention should be specifically designed to meet their needs in that situation.

(3) The Tampere Conclusions provide that a Common European Asylum System should include, in the short term, common minimum conditions of reception of applicants for asylum.

(12) In order to ensure compliance with the minimum procedural guarantees consisting in the opportunity to contact organisations or persons that provide legal assistance, there should be effective access to such organisations and persons wherever housing is given.

(13) Legal advisers or counsellors for applicants for asylum, the United Nations High Commissioner for Refugees and the relevant non-governmental organisations should have access to all places where applicants for asylum are housed.

(4) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular this Directive seeks to ensure full respect for human dignity and right to asylum of applicants for asylum and their accompanying family members, and to promote the application of Articles 1 and 18 of the Charter of Fundamental Rights of the European Union.

(14) The possibility of abuse of the reception system should be restricted by laying down causes for the reduction or withdrawal of reception conditions for applicants for asylum.

(5) In accordance with Article 2 and Article 3(2) of the Treaty, this Directive, as regards its objectives and

(15) The efficiency of national reception systems and cooperation among Member States in the field of reception of applicants for asylum should be secured.

- (16) The political and social perception of asylum-related issues by public opinion in general and by local communities in particular plays a major role in the quality of life that can be enjoyed by applicants for asylum. Harmonious relationships between those communities and accommodation centres should therefore be promoted.
- (17) It is in the very nature of minimum standards that Member States have the power to introduce or maintain more favourable provisions for third country nationals and stateless persons who ask for international protection from a Member State.
- (18) In this spirit, Member States are also invited to apply the provisions of this Directive in connection with procedures for deciding on applications for forms of protection other than that emanating from the Geneva Convention for third country nationals or stateless persons who are found not to be refugees.
- (19) The Member States should provide for penalties in the event of infringement of the national provisions adopted pursuant to this Directive.
- (20) The implementation of this Directive should be evaluated at regular intervals.
- (21) In accordance with the principles of subsidiarity and proportionality set out in Article 5 of the Treaty, the objective of the proposed action, namely to establish minimum standards on the reception of applicants for asylum in Member States, cannot be attained by the Member States and, by reason of the scale and effects of the proposed action can therefore only be achieved by the Community. This Directive confines itself to the minimum required to achieve that objective and does not go beyond what is necessary for that purpose,
- (b) 'Application for asylum' means a request by a third country national or a stateless person for international protection from a Member State which can be understood to be on the grounds that that person is a refugee within the meaning of Article 1(A) of the Geneva Convention. Any application for international protection is presumed to be an application for asylum unless a third country national or a stateless person explicitly requests another kind of protection that can be applied for separately;
- (c) 'Applicant' or 'applicant for asylum' means a third country national or a stateless person who has made an application for asylum in respect of which a final decision has not yet been taken. A final decision is a decision in respect of which all possible remedies under Council Directive .../.../EC [on minimum standards on procedures in Member States for granting and withdrawing refugee status] ⁽¹⁾ have been exhausted;
- (d) 'Family members' means, in so far as the family already existed in the country of origin, the following members of the applicant's family:
- (i) the spouse or unmarried partner in a stable relationship, if the legislation of the Member State where the application has been lodged or is being examined treats unmarried couples in the same way as married couples;
 - (ii) the children of the couple referred to in point (i) or of the applicant, on condition that they are unmarried and dependent and without distinction according to whether they were born in or out of wedlock or adopted;
 - (iii) other members of the family if they are dependent on the applicant or have undergone particularly traumatic experiences or require special medical treatment;
- (e) 'Accompanying family members' means the family members of the applicant who are present in the same Member State in relation to the application for asylum;
- (f) 'Refugee' means a person who fulfils the requirements of Article 1(A) of the Geneva Convention;
- (g) 'Refugee status' means the status granted by a Member State to a person who is a refugee and is admitted as such to the territory of that Member State;
- (h) 'Regular procedure', 'accelerated procedure', 'admissibility procedure' and 'appeal procedure' mean the procedures provided for by Directive .../.../EC [on minimum standards on procedures in Member States for granting and withdrawing refugee status];

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

SUBJECT MATTER, DEFINITIONS AND SCOPE

Article 1

Subject matter

The purpose of this Directive is to establish minimum standards on the reception of applicants for asylum in Member States.

Article 2

Definitions

For the purposes of this Directive:

- (a) 'Geneva Convention' means the Convention relating to the status of refugees done at Geneva on 28 July 1951, as supplemented by the New York Protocol of 31 January 1967;

⁽¹⁾ COM(2000) 578 final.

- (i) 'Unaccompanied minors' means persons below the age of eighteen who arrive on the territory of the Member States unaccompanied by an adult responsible for them whether by law or by custom, and for as long as they are not effectively taken into the care of such a person; it includes minors who are left unaccompanied after they have entered the territory of Member States;
- (j) 'Reception conditions' means the full set of measures that Member States grant to applicants for asylum in accordance with this Directive;
- (k) 'Material reception conditions' mean the reception conditions that include housing, food and clothing, provided in kind, or as financial allowances or in vouchers, and a daily expenses allowance;
- (l) 'Detention' means confinement of an applicant for asylum by a Member State within a restricted area, such as prisons, detention centres or airport transit zones, where the applicant's freedom of movement is substantially curtailed;
- (m) 'Accommodation centre' means any place used only for collective housing of applicants for asylum and their accompanying family members;
- (n) 'Detention centre' means any place used for housing, in a detention situation, applicants for asylum and their accompanying family members; it includes accommodation centres where the applicants' freedom of movement is restricted to the centres.

Article 3

Scope

1. This Directive shall apply to all third country nationals and stateless persons who make an application for asylum at the border or on the territory of a Member State and to their accompanying family members.

It shall also apply where examination of an application for asylum takes place within the context of a procedure to decide on the right of the applicant to enter legally the territory of a Member State.

2. This Directive shall not apply in cases of requests for diplomatic or territorial asylum submitted to representations of Member States.

3. Member States may decide to apply this Directive in connection with procedures for deciding on applications for kinds of protection other than that emanating from the Geneva Convention for third country nationals or stateless persons who are found not to be refugees.

Article 4

More favourable provisions

Member States may introduce or retain more favourable provisions in the field of reception conditions for applicants for asylum in so far as they are compatible with this Directive.

CHAPTER II

GENERAL PROVISIONS ON RECEPTION CONDITIONS

Article 5

Information

1. Member States shall inform applicants for asylum as well as adult accompanying family members, immediately after they have lodged their application, of benefits to which they are entitled and of the obligations with which they must comply relating to reception conditions.

Member States shall ensure that applicants are provided with information about organisations or persons that provide specific legal assistance and organisations that might be able to help them in relation to the available reception conditions, including health care to which they are entitled.

2. Member States shall ensure that each adult accompanying family member of an applicant is informed in private of the right to make a separate application for asylum

3. Member States shall ensure that the information referred to in paragraph 1 is in writing and, as far as possible, in a language that the applicants understand.

4. Applicants shall be informed of language courses and voluntary return schemes when they are available for them.

Article 6

Documentation

1. Member States shall ensure that, immediately after an application is lodged, the applicant and each adult accompanying family member is provided with a document issued in their own name certifying their status as an applicant for asylum or as an adult family member accompanying an applicant for asylum. If the holder is free to move within all or a part of the national territory, the document shall also certify that the holder is legally in the territory of the Member State in which the application has been lodged or is being examined. Information on the holder's entitlement to health and psychological care and position in relation to the labour market may be included in the document.

2. Member States shall ensure that unaccompanied minors are provided with a document equivalent to that referred to in paragraph 1.

3. Member States shall ensure that the documents referred to in paragraphs 1 and 2 are valid or renewed until a decision on the application for asylum is notified. Member States shall provide for the possibility of renewing the validity of the document for the duration of the appeal procedure if the applicant lodges an appeal or an automatic review takes place that suspends the negative decision or if the applicant obtains a provisional ruling granting suspensive effect.

4. Member States may exclude the application of this Article during the examination of an application within the context of a procedure to decide on the right of the applicant to legally enter the territory of a Member State.

5. Member States may provide applicants for asylum with a travel document when serious humanitarian reasons arise that require their presence in another State.

Article 7

Freedom of movement

1. Member States shall grant applicants and their accompanying family members individual freedom of movement within their territory or in a specific area of it under the conditions set out in this Article.

2. Member States shall not hold applicants for asylum in detention for the sole reason that their applications for asylum need to be examined. However, Member States may hold an applicant for asylum in detention for the purpose of taking a decision in the cases described in Article [...] of Directive .../.../EC [on minimum standards on procedures in Member States for granting and withdrawing refugee status].

3. Member States may only limit the freedom of movement of applicants and their accompanying family members to a specific area of their national territory where it is necessary for implementing this Directive or in order to enable applications for asylum to be processed swiftly.

4. In cases referred to in paragraph 3 Member States shall provide for the possibility for applicants for asylum and their adult accompanying family members to receive temporary permission to leave the area of the territory in which they live for relevant personal, health and family reasons or for reasons relating to the examination of their application. Decisions on requests for temporary permission to leave shall be taken individually, objectively and impartially and reasons shall be given if they are negative.

5. Member States shall ensure that applicants have the right to bring proceedings before a court against the limitations on freedom of movement imposed in accordance with paragraph 3 and the decisions provided for by paragraph 4 and that they have access to legal assistance which is free of charge when applicants cannot afford it.

6. Member States may require applicants who are free to choose their place of residence to inform the relevant authorities of their current address and notify any change of address to those authorities as soon as possible.

Article 8

Material reception conditions

Member States shall ensure that applicants and their accompanying family members are provided with material reception conditions, in accordance with the provisions of Chapter III.

Article 9

Families

Member States shall take appropriate measures to maintain the unity of the family as present within their territory, if applicants and their accompanying family members are provided with housing by that Member State and applicants so request.

Article 10

Health care

Member States shall ensure that applicants for asylum and their accompanying family members have access to health and psychological care, in accordance with the provisions of Chapter IV.

Article 11

Medical screening

Member States may require medical screening for applicants. Member States shall ensure that the competent bodies that carry out the screening use methods that are safe and respect human dignity.

Article 12

Schooling and education of minors

1. Member States shall ensure that minor children of applicants for asylum and applicants for asylum who are minors have access to the education system under the same conditions as nationals for so long as a deportation order against them or their parents cannot actually be enforced.

The Member States may limit such access to the state education system only.

Minors shall be younger than the age of legal majority in the Member State in which the application has been lodged or is being examined. Member States shall not refuse continued secondary education only by reason of the person concerned having reached the age of majority.

2. Access to the education system shall not be postponed for more than 65 working days after the application has been lodged by the minor or the minor's parents.

3. Member States shall ensure that minors referred to in paragraph 1 are offered language courses if a lack of knowledge of the language of that Member State makes normal schooling impossible.

Article 13

Employment

1. Member States shall not forbid applicants and their accompanying family members to have access to the labour market for more than six months after their application has been lodged. Member States shall lay down the conditions for the access to the labour market after such a period.

2. Access to the labour market shall not be withdrawn for the sole reason that an application has been rejected if an appeal with suspensive effect has been lodged or a decision has been obtained allowing the applicant to remain in the Member State in which the application has been lodged or is being examined for the time an appeal against a negative decision is examined.

3. Access to the labour market may be excluded when negative behaviour of the applicant is ascertained, in accordance with Article 22.

Article 14

Vocational training

1. Member States shall not forbid applicants and their accompanying family members to have access to vocational training for more than six months after their application has been lodged. Member States shall lay down the conditions for the access to vocational training after such a period.

2. Access to vocational training shall not be withdrawn for the sole reason that an application has been rejected if an appeal with suspensive effect has been lodged or a decision has been obtained allowing the applicant to remain in the Member State in which the application has been lodged or is being examined for the time an appeal against a negative decision is examined.

3. Access to vocational training may be excluded when negative behaviour of the applicant is ascertained, in accordance with Article 22.

CHAPTER III

MATERIAL RECEPTION CONDITIONS

Article 15

General rules

1. Member States shall ensure that material reception conditions are available to applicants and their accompanying family members:

- (a) during the regular, admissibility and accelerated procedures up to the moment a negative first instance decision is notified;
- (b) during the appeal procedures, when an appeal against a negative decision has suspensive effect, up to the moment a negative decision on the appeal is notified;
- (c) when they have obtained a decision allowing them to remain at the border or on the territory of the Member State in which the application has been lodged or is being examined for the time their appeal against a negative decision is examined.

2. Member States shall make provisions on material reception conditions to ensure a standard of living adequate for the health and the well-being of applicants and their accompanying family members as well as the protection of their fundamental rights.

Member States shall ensure that that standard of living is met in the specific situation of persons who have special needs, in accordance with Article 23, as well as in relation to the situation of persons who are in detention.

Member States shall ensure that this standard is determined with regard to the length of the procedure.

3. Material reception conditions may be provided in kind, or in the form of financial allowances or of vouchers.

4. Member States may reduce or withdraw material reception conditions three months after applicants and their accompanying family members have been allowed access to the labour market. In these cases, as far as they are not financially independent, Member States shall grant them a food allowance and access to basic social care.

Article 16

Housing

1. Housing shall be granted in one or a combination of the following forms:

- (a) in premises set up for the specific purpose of housing applicants and their accompanying family members during the examination of an application within the context of a procedure to decide on the right of the applicants to legally enter the territory of a Member State;

- (b) in accommodation centres;
- (c) in private houses, flats or hotels;
- (d) grant of a financial allowance or vouchers sufficient to enable applicants to find independent housing.

2. Member States shall ensure to applicants and their accompanying family members provided with the housing referred to in paragraphs 1(a), (b) and (c):

- (a) access to emergency health and psychological care and to health care that cannot be postponed;
- (b) protection of their family life and privacy;
- (c) the possibility of communicating with the outside world, including at least relatives, legal advisers and representatives of the United Nations High Commissioner for Refugees (UNHCR) and the relevant non-governmental organisations (NGOs).

Member States shall ensure that applicants and their accompanying family members are protected from sexual assault within the premises referred to in paragraphs 1(a) and (b).

3. Member States shall ensure that minor children of applicants or applicants who are minors are lodged with their parents or with the adult family member responsible for them whether by law or by custom. Minor children of applicants or applicants who are minors, who have adult family members responsible for them already living in the Member State in which the application has been lodged or is being examined shall be allowed to stay with their family members, for the duration of their stay in the country.

4. Member States shall ensure that transfers of applicants from one housing facility to another take place only when necessary in relation to the examination of the application or for security reasons. Member States shall provide for the possibility for applicants to inform their legal advisers of the transfer and of their new place of housing.

5. Persons working in accommodation centres shall be specifically trained or have a specific background in relation to the characteristics and the specific needs of applicants for asylum and their accompanying family members. They shall be bound by the confidentiality principle.

6. Member States may involve applicants in managing the material resources and non-material aspects of life in the centre through a representative advisory board or council which should be gender balanced.

7. Member States shall ensure that legal advisers or counsellors of applicants for asylum and the representatives of the

UNHCR and the relevant NGOs have access to all housing facilities. Limits on such access may only be imposed on grounds relating to the security of the facilities and of the applicants.

8. The housing referred to in paragraph 1(a) shall be available for applicants and their accompanying family members when they must wait for 12 hours or more for a decision on their right to enter the territory.

Article 17

Total amount of allowances or vouchers

1. Member States shall ensure that the total amount of the allowances or vouchers to cover material reception conditions is sufficient to avoid applicants and their accompanying family members falling into poverty.

In cases where applicants, being entitled to those allowances or vouchers, are allowed to stay with relatives or friends, Member States may nonetheless grant them 50 % of the allowances or vouchers to which they are entitled pursuant to national law in application of this Directive.

2. Member States may decide not to pay an allowance for daily expenses, when applicants for asylum are in detention.

Article 18

Complaints and disputes concerning the material reception conditions

Member States shall ensure that applicants and their accompanying family members have access to an independent office that can hear complaints and resolve disputes concerning the material reception conditions provided for by Articles 15, 16 and 17.

Article 19

Financial contribution

1. Member States may require applicants who can afford to do so to contribute to the cost of their material reception conditions or to cover it. Decisions to provide material reception conditions not free of charge shall be taken individually, objectively and impartially and reasons shall be given.

2. Member States shall ensure that applicants have the right to bring proceedings before a court against the decisions referred to in paragraph 1 and that they have access to legal assistance.

CHAPTER IV

Article 21

HEALTH AND PSYCHOLOGICAL CARE

Article 20

Health and psychological care during regular procedures

1. Member States shall ensure that applicants and their accompanying family members have access to primary health care provided by a general practitioner, psychological care and health care that cannot be postponed:

- (a) during the regular procedure up to the moment a negative first instance decision is notified;
- (b) during the appeal procedures, when an appeal against a negative decision in a regular procedure has suspensive effect, up to the moment a negative decision on the appeal is notified;
- (c) when applicants and their accompanying family members have obtained a decision allowing them to remain at the border or on the territory of the Member State in which the application has been lodged or is being examined for the time their appeal against a negative decision in a regular procedure is examined.

2. In the circumstances referred to in paragraph 1, Member States shall meet the special needs of applicants and their accompanying family members who are pregnant women, minors, mentally ill persons, disabled persons or victims of rape or other forms of gender related violence.

3. In the circumstances referred to in paragraph 1, Member States shall lay down the conditions of access of applicants and their accompanying family members to health care that prevents aggravation of existing illness.

4. In the circumstances referred to in paragraph 1 Member States may require applicants who can afford to do so to contribute to the cost of their health and psychological care or to cover it. Decisions to provide health and psychological care not free of charge shall be taken individually, objectively and impartially and reasons shall be given.

5. Member States shall ensure that applicants have the right to bring proceedings before a court against the decisions referred to in paragraph 4 and that they have access to legal assistance.

Health and psychological care during other procedures

1. Member States shall ensure that applicants and their accompanying family members have access to emergency health and psychological care and health care that cannot be postponed during admissibility and accelerated procedures, and during the examination of their application within the context of a procedure to decide on their right to legally enter the territory of a Member State.

2. In the circumstances referred to in paragraph 1 Member States shall meet the special needs of the applicants and their accompanying family members who are pregnant women, minors, mentally ill persons, disabled persons or victims of rape or other forms of gender related violence.

3. In the circumstances referred to in paragraph 1, Member States shall lay down the conditions of access of applicants and their accompanying family members to health care that prevents aggravation of existing illness.

4. Member States shall ensure that if a decision to dismiss the application as inadmissible or manifestly unfounded has not been taken 65 working days after an application is lodged, the applicant and accompanying family members have the same access to health care as during the regular procedure.

5. Member States shall ensure that if a decision on the appeal has not yet been taken 65 working days after notice of appeal is given in admissibility and accelerated procedures, the applicant and accompanying family members have the same access to health care as during the regular procedure.

6. Member States may require applicants who can afford to do so to contribute to the cost of their health and psychological care or to cover it. Decisions to provide health and psychological care not free of charge shall be taken individually, objectively and impartially and reasons shall be given.

7. Member States shall ensure that applicants have the right to bring proceedings before a court against the decisions referred to in paragraph 6 and that they have access to legal assistance.

CHAPTER V

REDUCTION OR WITHDRAWAL OF RECEPTION CONDITIONS*Article 22***Reduction or withdrawal of reception conditions following negative behaviour**

1. Member States may reduce or withdraw the reception conditions in the following cases:

- (a) if an applicant for asylum has disappeared or, without reasonable cause, has not complied with reporting duties or requests to provide information or to appear for personal interviews concerning the asylum procedure for at least 30 working days. When the missing applicant is traced or voluntarily reports to the relevant authority after that period, a reasoned decision based on the reasons for the disappearance shall be taken on the reinstatement or the grant of some or all of the reception conditions. Reception conditions depending on the length of the procedure shall not be granted;
- (b) if an applicant withdraws the application;
- (c) if an applicant has concealed financial resources and has therefore unduly benefited from material reception conditions;
- (d) if an applicant is regarded as a threat to national security or there are serious grounds for believing that the applicant has committed a war crime or a crime against humanity or if, during the examination of the asylum application, there are serious and manifest reasons for considering that grounds of Article 1 (F) of the Geneva Convention may apply with respect to the applicant.

2. Member States may reduce or withdraw material reception conditions in the following cases:

- (a) if an applicant or an accompanying family member has repeatedly behaved in a violent or threatening manner towards persons performing duties in the running of an accommodation centre or to other persons staying at the centres;
- (b) if an applicant or an accompanying family member does not comply with a decision requiring them to stay at a place determined by the relevant authority.

3. Member States may reduce material reception conditions when an applicant prevents minors under that applicant's care from attending school or single classes in ordinary school programmes.

4. Decisions for reduction or withdrawal of reception conditions referred to in paragraphs 1, 2 and 3 shall be based solely on the personal conduct of the person concerned and on the principle of proportionality. Member States shall ensure that such decisions are taken individually, objectively and impartially and reasons shall be given.

5. Member States shall ensure that applicants have the right to bring proceedings before a court against decisions provided for by this Article and that they have access to legal assistance that shall be free of charge when applicants cannot afford it.

6. Emergency health care and health care that cannot be postponed shall not be reduced or withdrawn.

CHAPTER VI

PROVISIONS FOR PERSONS WITH SPECIAL NEEDS*Article 23***General principle**

1. Member States shall take into account the specific situation of persons who have special needs as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single women subject, in their country of origin, to substantial legal gender related discrimination, single parents with minor children and victims of sexual abuse or exploitation, in the national legislation implementing the provisions of Chapters III, IV and V relating to material reception conditions, psychological and health care.

2. Paragraph 1 shall apply only to persons found to have special needs after an individual evaluation of their situation.

*Article 24***Minors**

1. The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that involve minors.

2. Member States shall ensure access to rehabilitation services to minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflicts. To facilitate recovery and reintegration, appropriate mental health care shall be developed and qualified psycho-social counselling shall be provided when it is needed.

*Article 25***Unaccompanied minors**

1. Member States shall ensure that, as soon as possible, a guardian for each unaccompanied minor is appointed who shall ensure that the minor's needs are duly met in the implementation of the provisions of this Directive. Regular assessments shall be made by the appropriate welfare authorities.

2. Unaccompanied minors who make an application for asylum shall, from the moment they are admitted to the territory to the moment they have to leave the Member State in which the application has been lodged or is being examined, be placed, in the following order of priority

- (a) with adult family members;
- (b) with a foster family;
- (c) in centres specialised in accommodation for minors;
- (d) in other accommodation with a suitable situation for minors.

Siblings shall be kept together. Changes of unaccompanied minors' residence shall be limited to a minimum.

3. If it is in the best interest of the child, Member States shall endeavour to trace the members of the family of unaccompanied minors as soon as possible. In cases where there may be a threat to the life or integrity of a minor or its close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardising their safety.

4. Those working with unaccompanied minors shall receive appropriate training on their needs.

*Article 26***Victims of torture and organised violence**

Member States shall ensure that, if necessary, victims of torture, or organised violence, rape, other gender related violence or other serious acts of violence are accommodated in special centres for traumatised persons or have access to special rehabilitation programmes. Special mental health care shall be provided for persons suffering from post-traumatic stress when it is needed.

CHAPTER VII

ACTIONS TO IMPROVE THE EFFICIENCY OF THE RECEPTION SYSTEM*Article 27***Cooperation**

1. With a view to the administrative cooperation required to implement this Directive, Member States shall each appoint a national contact point, whose address they shall communicate to the Commission, which shall communicate it to the other Member States. Member States shall, in liaison with the Commission, take all the appropriate measures to establish direct cooperation, including the exchange of visits, and an exchange of information between the competent authorities.

2. Member States shall, regularly and as quickly as possible, inform the Commission on the data concerning the number of persons, segregated by sex and age, covered by reception conditions and provide full information on the type, name and format of the documents provided for by Article 6.

*Article 28***Coordination**

Member States shall ensure coordination between the competent authorities and other actors, including NGOs, involved at national or local level in the reception of applicants for asylum in accordance with this Directive.

*Article 29***Local communities**

Member States shall ensure that appropriate measures are in place to promote harmonious relationships between local communities and the accommodation centres that are located in their territory with a view to preventing acts of racism, sex discrimination and xenophobia against applicants for asylum.

*Article 30***Guidance, monitoring and control system**

Member States shall provide for rules on the guidance, monitoring and control of the level of reception conditions to ensure:

- (a) comparable standards of reception conditions within the national reception system;
- (b) comparable standards of facilities in different centres;
- (c) adequate training of the relevant staff.

Those rules shall include provisions on the office referred to in Article 18 and on regular inspections and the adoption of guidelines on standards of reception conditions and measures to remedy possible deficiencies of the reception system.

*Article 31***Staff and resources**

1. Member States shall take appropriate measures to ensure that authorities and other organisations implementing this Directive have received the necessary basic training with respect to the needs of both male and female applicants and their accompanying family members.

2. Member States shall allocate the necessary resources in connection with the national provisions enacted to implement this Directive.

CHAPTER VIII

FINAL PROVISIONS*Article 32***Non-discrimination**

The Member States shall give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation.

*Article 33***Reports**

By 31 December 2004 at the latest the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments that are necessary.

Member States shall send the Commission all the information that is appropriate for drawing up that report, including the statistical data provided for by Article 27(2) and the results of the actions provided for by Article 29, by 30 June 2004 at the latest.

After presenting the report the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every five years.

*Article 34***Penalties**

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by the date specified in Article 35 at the latest and shall notify it without delay of any subsequent amendment affecting them.

*Article 35***Transposition**

1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2002 at the latest. They shall forthwith inform the Commission thereof.

When the Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.

*Article 36***Entry into force**

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

*Article 37***Addressees**

This Directive is addressed to the Member States.
