



IRCT proposed amendments to the Proposal for a recast Reception Conditions Directive (July 2016)

In the next section, changes made by the Commission are highlighted in grey while changes suggested by the IRCT are in blue. Suggestions for deletion of text are shown via strikethrough to the relevant text.

New recital 8 should be amended in order to protect the rights and wellbeing of applicants' with special reception needs, who should be excluded from the sanctions for non-compliance introduced by the proposal, including any restriction or withdrawal of reception conditions set out in Articles 14 to 17.

(8) Where an applicant is present in another Member State from the one in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], the applicant should not be entitled to the reception conditions set out in Articles 14 to 17, **except if he or she has special reception needs according to the assessment set in Article 21.**

New recital 16 should be amended to ensure that the specific situation of applicants with special reception needs is taken into account when Member States determine an assigned place of residence. Indeed, assigned residence can have an adverse effect on the physical and mental health of those applicants when it hinders their access to the specific support to which they are entitled.

(16) For reasons of public interest or public order, for the swift processing and effective monitoring of his or her application for international protection, for the swift processing and effective monitoring of his or her procedure for determining the Member State responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation] or in order to effectively prevent the applicant from absconding, Member States should, where necessary, assign the applicant residence in a specific place, such as an accommodation centre, a private house, flat, hotel or other premises adapted for housing applicants. Such a decision may be necessary to effectively prevent the applicant from absconding in particular in cases where the applicant has not complied with the obligations to: make an application in the Member State of first irregular or legal entry; to remain in the Member State where he or she is required to be present; or in cases where the applicant has been sent back to the Member State where he or she is required to be present after having absconded to another Member State. In case the applicant is entitled to material reception conditions, such material reception conditions should also be provided subject to the applicant residing in this specific place. **When determining such an assigned residence, Member States should take into account the specific situation of applicants with special reception needs, including the availability and accessibility of appropriate physical and mental health care and the impact of assigned residence on their wellbeing.**

New recital 17 should be amended in two ways. First, the competent authorities to which applicants shall report should not necessarily be law enforcement authorities. Applicants who have been subjected to ill-treatment by law enforcement authorities in their country of origin or in transit may be re-traumatised by regular reporting to these authorities. Thus, applicants should be provided with an alternative to report to administrative authorities. In addition, reporting requirements shall take into account the specific situation of

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and participatory
status with the Council
of Europe.*

applicants with special reception needs. For instance, the reporting station shall be easily accessible for persons with reduced mobility and the reporting frequency shall be reasonable so that it does not actually amount to detention. Reporting requirements shall not hinder the access of applicants with special reception needs to the specific support to which they are entitled. For instance, reporting appointments shall not overlap with medical appointments. Second, applicants with special reception needs should be excluded from the provision of material reception conditions only in kind. Indeed, it may hinder their access to the specific support to which they are entitled. For instance, in practice daily allowances may be used by torture victims to cover for their transportation costs to their rehabilitation centre or for medicines which are not reimbursed by their medical insurance.

(17) Where there are reasons for considering that there is a risk that an applicant may abscond, Member States should require applicants to report to the competent authorities as frequently as necessary in order to monitor that the applicant does not abscond. [When determining reporting requirements \(such as the authority, the location, the frequency\), Member States should take into account the specific situation of applicants with special reception needs. In particular, reporting shall not necessarily occur to law enforcement authorities, especially when the applicant has been subjected to gender-based harm, torture, rape, or other serious forms of psychological, physical or sexual violence by law enforcement authorities in the country of origin or in transit.](#) To deter applicants from further absconding, Member States should also be able to grant material reception conditions, where the applicant is entitled to such material reception conditions, only in kind, [except if the applicant has special reception needs.](#)

New recital 18 should be amended to cover all measures aiming to deter applicants from absconding, including restriction or withdrawal of reception conditions as mentioned in recital 17 (and not only the ones “restricting an applicant’s freedom of movement”). As a result, the obligations to take into account the specific situation of applicants with special reception needs and to respect the principle of proportionality would apply to all similar measures. In addition, to reinforce the implementation of this particular provision which is often not enforced in practice, the recital should be more specific.

(18) All decisions ~~restricting an applicant's freedom of movement~~ [aiming to prevent applicants from absconding](#) need to be based on the individual behaviour and particular situation of the person concerned, taking into account any special reception needs of applicants [such as, where necessary, the availability and accessibility of appropriate required physical and mental health care](#) and the principle of proportionality. Applicants must be duly informed of such decisions and of the consequences of non-compliance.

Recital 20 should be amended to prevent applicants with special reception needs from being detained. To ensure this exemption is effective, special needs should always be assessed before any decision related to the deprivation of liberty is taken.

(20) The detention of applicants should be applied in accordance with the underlying principle that a person should not be held in detention for the sole reason that he or she is seeking international protection, particularly in accordance with the international legal obligations of the Member States and with Article 31 of the Geneva Convention. Applicants may be detained only under the very clearly defined exceptional circumstances laid down in this Directive and subject to the principle of necessity and proportionality with regard to both ~~to~~ the manner and the purpose of such detention. \Rightarrow Detention of applicants pursuant to this Directive should only be ordered in writing by judicial or administrative authorities stating the reasons on which it is based, including in the cases where the person is already detained when making the application for international protection. \Leftarrow Where an applicant is held in detention he or she should have effective access to the necessary procedural guarantees, such as judicial

remedy before a national judicial authority. Applicants with special reception needs shall never be detained and detention shall never be ordered before an assessment of the special reception needs of the applicant has been carried out according to Article 21.

Recital 29 should be amended to be more specific in order to reinforce the implementation of this particular provision which IRCT member centres have noted is rarely implemented in practice.

(29) The reception of persons with special reception needs should be a primary concern for national authorities in order to ensure that such reception is specifically designed to meet their special reception needs, such as the availability and accessibility of appropriate physical and mental health care.

New recital 31 should be amended to cover for additional *situations* and *states*. Indeed, the current wording of the recital is unclear as what are considered as “serious mental disorders” may vary from one Member State to another in the absence of an EU-wide or international definition. In addition, to benefit from this provision, applicants must have been diagnosed, while making such a diagnosis may be a lengthy process during which applicants may be prevented from receiving healthcare.

(31) Member States should ensure that applicants receive the necessary health care which should include, at least, emergency care, and essential treatment of illnesses, including of serious mental disorders, treatment of the damage caused by acts of gender-based harm, torture, rape, or other serious forms of psychological, physical or sexual violence, maternal healthcare and healthcare provided to minors. To respond to public health concerns with regard to disease prevention and safeguard the health of individual applicants, applicants' access to health care should also include preventive medical treatment, such as vaccinations. Member States may require medical screening for applicants on public health grounds. The results of medical screening should not influence the assessment of applications for international protection, which should always be carried out objectively, impartially and on an individual basis in line with Regulation (EU) No XXX/XXX [Procedures Regulation].

New recital 32 should be amended to protect the rights and wellbeing of applicants' with special reception needs who should be excluded from the measures introduced by the proposal to sanction non-compliance, including restriction or withdrawal of material reception conditions. The end of the recital, which more specifically concern female victims of gender-based harm, should become a more general, independent recital on the rights of victims of violence.

(32) An applicant's entitlement to material reception conditions under this Directive may be curtailed in certain circumstances such as where an applicant has absconded to another Member State from the Member State where he or she is required to be present. However, Member States should in all circumstances ensure access to health care and a dignified standard of living for applicants in line with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child, in particular by providing for the applicant's subsistence and basic needs both in terms of physical safety and dignity and in terms of interpersonal relationships, with due regard to the inherent vulnerabilities of the person as applicant for international protection and that of his or her family or caretaker. Applicants with special reception needs shall never be deprived of their entitlement to material reception conditions. Due regard must also be given to applicants with special reception needs. The specific needs of children, in particular with regard to respect for the child's right to education and access to healthcare have to be taken into account. When a minor is in a Member State other than the one in which he or she is required to be present, Member States should provide the minor with access to suitable educational activities pending the transfer to the Member State responsible.

(33) The specific needs of **women** applicants who have experienced gender-based harm, **torture, rape or other serious forms of psychological, physical or sexual violence** should be taken into account, including via ensuring access, at different stages of the asylum procedure, to medical care, legal support, and to appropriate trauma counselling and psycho-social care.

New recital 42 should be amended to protect the rights and wellbeing of applicants with special reception needs. Indeed, “necessary healthcare” could be interpreted in a too narrow way, for instance limited to emergency healthcare. In addition, for consistency reasons the last sentence should be amended to avoid the restriction or withdrawal of material reception conditions to applicants with special reception needs, or their provision only in kind.

(42) ⇒ In order to restrict the possibility of abuse of the reception system, Member States should be able to provide material reception conditions only to the extent applicants do not have sufficient means to provide for themselves. When assessing the resources of an applicant and requiring an applicant to cover or contribute to the material reception conditions, Member States should observe the principle of proportionality and take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. Applicants should not be required to cover or contribute to the costs of their **necessary physical and mental** health care. ⇐ The possibility of abuse of the reception system should ☒ also ☒ be restricted by specifying the circumstances in which ~~material reception conditions for applicants~~ ⇒ accommodation, food, clothing and other essential non-food items provided in the form of financial allowances or vouchers may be replaced with reception conditions provided in kind and the circumstances in which the daily allowance ⇐ may be reduced or withdrawn while at the same time ensuring a dignified standard of living for all applicants. **Applicants with special reception needs shall be excluded from these restriction or withdrawal procedures.**

Article 2 – Definitions

Article 2 should be amended in order to mention LGBTIQ persons in the list of applicants with potential special reception needs. Indeed, LGBTIQ persons may have been subjected to gender-based harm, torture, rape or other serious forms of psychological, physical or sexual violence; they may suffer from discrimination in the country of destination, including from other asylum seekers; they may be in need of specific legal, medical, psychosocial or emotional support. In addition, gender-based harm should be added to the list of acts of violence perpetrated against asylum seekers in order to reflect the Istanbul Convention.

(13)(~~k~~) ‘applicant with special reception needs’: means ☒ an applicant ☒ ~~a vulnerable person, in accordance with Article 21,~~ who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive ⇒, such as applicants who are minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, **lesbians, gays, bisexual, trans, intersex and queer persons,** persons with serious illnesses, persons with mental disorders and persons who have been subjected to **gender-based harm,** torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation ⇐.

Article 7 – Residence and freedom of movement

Article 7(2) should be amended in order to protect the rights and wellbeing of applicants’ with special reception needs, who should be protected from the negative impact of measures introduced by the proposal to sanction non-compliance, including assigned residence. Indeed, assigned residence can have an adverse effect on the physical and mental health of those applicants when it hinders their access to the specific support to which they are entitled.

2. Member States ~~may~~ \Rightarrow shall where necessary \Leftarrow decide on the residence of ~~the~~ \boxtimes an \boxtimes applicant \Rightarrow in a specific place \Leftarrow , for \boxtimes any of the following \boxtimes reasons: of

(a) public interest, \boxtimes or \boxtimes public order ~~or~~;

(b) ~~when necessary~~, for the swift processing and effective monitoring of his or her application for international protection;

(c) for the swift processing and effective monitoring of his or her procedure for determining the Member State responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation];

(d) to effectively prevent the applicant from absconding, in particular:

- for applicants who have not complied with the obligation to make an application in the first Member State of entry as set out in Article [4(1)] of Regulation (EU) No XXX/XXX [Dublin Regulation] and have travelled to another Member State without adequate justification and made an application there; or

- where applicants are required to be present in another Member State in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation]; or

- for applicants who have been sent back to the Member State where they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation] after having absconded to another Member State.

In those cases, the provision of material reception conditions shall be subject to the actual residence by the applicant in that specific place. [When determining such an assigned residence, Member States should take into account the specific situation of applicants with special reception needs, including the availability and accessibility of appropriate physical and mental health care and the impact of assigned residence on their wellbeing.](#)

New article 7(3) should be amended to ensure that the competent authorities to which applicants shall report are not necessarily law enforcement authorities. Applicants who have been subjected to torture or ill-treatment by law enforcement authorities in their country of origin or in transit can be re-traumatised by regular reporting to these authorities. Thus, applicants should be provided with an alternative to report to administrative authorities. Moreover, reporting requirements shall take into account the specific situation of applicants with special reception needs. For instance, the reporting station shall be easily accessible for persons with reduced mobility and the reporting frequency shall be reasonable. Reporting requirements shall not hinder the access of applicants with special reception needs to the specific support to which there are entitled. For instance, reporting appointments shall not overlap with medical appointments.

3. Where there are reasons for considering that there is a risk that an applicant may abscond, Member States shall, where necessary, require the applicant to report to the competent authorities, or to appear before them in person, either without delay or at a specified time as frequently as necessary to effectively prevent the applicant from absconding. [When determining reporting requirements \(such as the authority, the location and the frequency\), Member States should take into account the specific situation of applicants with special reception needs. In particular, reporting should not be to law enforcement authorities, especially when the applicant has been subjected to gender-based harm, torture, rape or other serious forms of psychological, physical or sexual violence by law enforcement authorities in the country of origin or in transit. Reporting requirements shall not hinder the applicant's access to essential healthcare and, in the case of applicants with special reception needs, to services responding to those needs.](#)

New article 7(7) should be amended in order to protect the rights and wellbeing of applicants' with special reception needs, if they are to be assigned to residence. This amendment aims to avoid reporting

requirements from being so frequent or invasive that they prevent applicants from accessing the support to which they are entitled.

7. Decisions referred to in this Article shall be based on the individual behaviour and particular situation of the person concerned, including with regard to applicants with special reception needs, and with due regard to the principle of proportionality. In particular, they should take into account the availability and accessibility of any support to be provided to applicants with special reception needs, such as physical and mental healthcare.

Article 8 – Detention

A new paragraph should be added to **Article 8** to ensure that applicants with special reception needs are not detained. Too often, special reception needs are not met while applicants are in detention, as access to specific support is limited, including appropriate physical and mental healthcare. In the case of victims of gender-based harm, torture, rape or other serious forms of psychological, physical or sexual violence, the detrimental effect of detention on the applicants' psychological integrity has been proven¹ and should be avoided.

5. In order to better ensure their physical and psychological integrity, applicants with special reception needs shall never be detained.

Article 11 – Detention of applicants with special reception needs

If applicants with special reception needs are to be detained in spite of article 8(5), Article 11 should be amended to include further safeguards for this group. No detention should take place before the evaluation provided by Article 21 of their potential special reception needs is carried out.

1. Applicants shall never be detained before the evaluation of their special reception needs, as provided by Article 21, is carried out.

The health, including mental health, of applicants in detention who are vulnerable persons ⇒ have special reception needs ⇐ shall be of primary concern to national authorities.

Where vulnerable persons ⇒ applicants with special reception needs ⇐ are detained, Member States shall ensure regular monitoring and adequate support taking into account their particular situation, including their physical and mental health.

NEW 2. Victims of gender-based harm, torture, rape or other serious forms of psychological, physical or sexual violence shall be detained only as a measure of last resort and after it having been established that other less coercive alternative measures cannot be applied effectively. Such detention shall be for the shortest period of time and all efforts shall be made to release them.

Where victims of gender-based harm, torture, rape or other serious forms of psychological, physical or sexual violence are detained, their right to rehabilitation shall be guaranteed. They shall have the possibility to engage in activities contributing to their holistic rehabilitation.

Article 13 – Medical screening

Article 13 should be amended to guarantee the informed consent of the applicants.

Member States may require medical screening for applicants on public health grounds. This screening shall respect the informed consent of the applicant, according to national law.

¹ See for instance Steel, Z. et al (2008). "The Impact of Immigration Detention and Temporary Protection on the Mental Health of Refugees", *British Journal of Psychiatry*, 58-188.

New Article 17 – Modalities for material reception conditions

Article 17(9) should be amended in order to protect the rights and wellbeing of applicants' with special reception needs.

9. In duly justified cases, Member States may exceptionally set modalities for material reception conditions different from those provided for in this Article, for a reasonable period which shall be as short as possible, when:

- (a) an assessment of the specific needs of the applicant is required, in accordance with Article ~~22~~ 21;
- (b) housing capacities normally available are temporarily exhausted.

Such different conditions shall in any event circumstances ~~cover basic needs~~ ensure access to physical and mental health care in accordance with Article 18 and a dignified standard of living for all applicants **with due regard to the applicants' special reception needs.**

New Article 17a – Reception conditions in a Member State other than the one in which the applicant is required to be present

Article 17 should be amended in order to protect the rights and wellbeing of applicants' with special reception needs. In particular, the proposed changes aim to guarantee access to physical and mental healthcare as well as to reflect the principles set up in the recitals.

1. An applicant shall not be entitled to the reception conditions set out in Articles 14 to 17 in any Member State other than the one in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation].

2. Member States shall ensure a dignified standard of living for all applicants **and protect their physical and mental health. Member States shall guarantee access to emergency care, and essential treatment of illnesses, including of serious mental disorders, treatment of the damage caused by acts of gender-based harm, torture, rape, or other serious forms of psychological, physical or sexual violence, maternal healthcare and healthcare provided to minors.**

3. Pending the transfer under Regulation (EU) No XXX/XXX [Dublin Regulation] of a minor to the Member State responsible, Member States shall provide him or her with access to suitable educational activities.

NEW 4. Paragraph 1 shall not apply to applicants with special reception needs. If the evaluation provided for by Article 21 has not taken place yet, paragraph 1 shall not apply until such an evaluation has been carried out.

New Article 18 – Health care

Article 18(2) should be clarified to further reinforce guarantees provided to victims of torture and ill-treatment.

2. Member States shall provide **necessary** medical or other assistance to applicants who have special reception needs, including appropriate mental health care where needed **and rehabilitation services to victims of gender-based harm, torture, rape or other serious forms of psychological, physical or sexual violence.**

New Article 19 – Replacement, reduction or withdrawal of material reception conditions

New Article 19(3) should be amended to further guarantee the right to health of all applicants.

~~3.5-~~ Decisions for replacement, reduction or withdrawal of material reception conditions or sanctions referred to in paragraphs 1, 2, 3 and 4 of this Article shall be taken **individually, objectively and impartially** on the merits of the individual case and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with

regard to ~~persons covered by Article 21~~ ⇒ applicants with special reception needs ⇐, taking into account the principle of proportionality. Member States shall under all circumstances ensure access to **appropriate physical and mental** health care in accordance with Article 19 18 and shall ensure a dignified standard of living for all applicants.

New Article 20 – Applicants with special reception needs

The IRCT welcomes the replacement of the concept of “vulnerable applicants” by “applicants with special reception needs” as explained in the summary of views. However, the new wording of **Article 20** defining the concept of “applicants with special reception needs” is not clear enough to be applicable as such.

Member States shall take into account the specific situation of ⇒ applicants with special reception needs ⇐ ~~vulnerable persons~~ **who are in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive** in the national law implementing this Directive.

New Article 21 – Assessment of special reception needs

Most of the changes made to new Article 21(1) should be adopted as they may ensure greater implementation of its provisions. In particular, clarifications regarding its systematic nature and its timing are most needed. Article 21(1) could still be amended in order to further detail the provisions in the spirit of the proposal: the assistance of an interpreter trained in dealing with sensitive personal information should be provided for this purpose; clarifications on the response to be given to the identification of such needs; obligation to assess special needs before the admissibility procedure is concluded to avoid applicants being unfairly rejected at this stage; possibility for the applicant to ask for a second evaluation, as some needs may arise later.

1. In order to effectively implement Article ~~21~~ 20, Member States shall ⇒systematically⇐ assess whether the applicant is an applicant with special reception needs, **with the assistance of a qualified interpreter where needed**. Member States shall also indicate the nature of such needs, **measures to be taken to respond to them and the authorities responsible for such response**.

That assessment shall be initiated ⇒as early as possible ⇐ ~~within a reasonable period of time~~ after an application for international protection is made and **at the latest before a decision is made on the admissibility of the claim according to Article [36] of Regulation (EU) No XXX/XXX [Procedures Regulation]**. It may be integrated into existing national procedures ⇒or into the assessment referred to in Article [19] of Regulation (EU) No XXX/XXX [Procedures Regulation]⇐. Member States shall ensure that those special reception needs are also addressed, in accordance with ~~the provisions of~~ this Directive, if they become apparent at a later stage in the asylum procedure **or if the applicant expresses a reasoned request to have his or her special reception needs reassessed**.

Member States shall ensure that the support provided to applicants with special reception needs in accordance with this Directive takes into account their special reception needs throughout the duration of the asylum procedure and shall provide for appropriate monitoring of their situation.

Similarly, additional clarifications provided by the **new Article 21(2)** are most welcome. The IRCT strongly recommends their adoption, as well as the use of the PROTECT questionnaire² to implement these provisions. Nevertheless, a few points should be amended. Health professionals in charge of the second-stage evaluation

² Process of Recognition and Orientation of Torture Victims in European Countries to Facilitate Care and Treatment (PROTECT), available [here](#).

of victims of violence should be adequately trained, as in most Member States curriculum do not include training on post-traumatic stress disorder and intercultural medical evaluations. Interpreting services should also be provided at this stage, where needed. Referrals should be automatic once signs are detected, and not based on the potential impact on reception conditions that these signs may have, as evaluated by the agent in charge of carrying out the evaluation. Such an evaluation of the reception needs of victims of violence should be carried out jointly with trained health professionals.

2. For the purposes of paragraph 1, Member States shall ensure that the personnel of the authorities referred to in Article 26:

(a) are trained and continues to be trained to detect first signs that an applicant requires special reception conditions and to address those needs when identified;

(b) include information concerning the applicant's special reception needs in the applicant's file, together with the indication of the signs referred to in point (a) as well as recommendations as to the type of support that may be needed by the applicant;

(c) refer applicants to a doctor or a psychologist, [trained in carrying out that type of assessment](#), for further assessment of their psychological and physical state [with the support of a qualified interpreter](#) where there are indications that applicants may have been victim of [gender-based harm](#), torture, rape or of another serious form of psychological, physical or sexual violence [and that this could affect the reception needs of the applicant](#); and

(d) take into account the result of that examination when deciding on the type of special reception support which may be provided to the applicant.

New Article 21(3) should be deleted as its previous version led to misunderstandings regarding its implementation; as it is now conflicting with the requirement set up at Article 21(1) to “systematically” assess the needs; and as it has not been amended in the new proposal to make it clearer.

[3.2. The assessment referred to in paragraph 1 need not take the form of an administrative procedure.](#)

New Article 22 – Minors

For consistency reasons, new Article 22(4) should be amended.

4. Member States shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, [gender-based harm](#), torture or cruel, inhuman and degrading treatment, [rape or other serious forms of psychological, physical or sexual violence](#) or who have suffered from armed conflicts, and ensure that appropriate mental health care is developed and qualified counselling is provided when needed.

New Article 24 – Victims of torture and violence

New Article 24 is instrumental in the enforcement of torture victims’ rights, including the right to holistic rehabilitation as defined by General Comment No. 3 of the UN Committee Against Torture³. The IRCT suggest the following amendments to ensure it complies with international standards and guarantees an appropriate reception of victims: explicit mention of qualified counselling; establishment of a time limit to start providing support; provision of the support of a qualified interpreter; explicit mention of health professionals among categories of personnel who should be adequately trained, as health professionals who are not staff members of the responsible authorities often are not covered by this obligation.

³ UN Committee against Torture (2012). *General comment no. 3. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Implementation of article 14 by States parties*. Available [here](#).



1. Member States shall ensure that persons who have been subjected to \Rightarrow gender-based harm, \Leftarrow torture, rape or other serious acts of psychological, physical or sexual violence ~~receive the necessary treatment~~ are provided with holistic rehabilitation services for the damage caused by such acts, in particular access to appropriate medical and psychological treatment or care as well as qualified counselling, with the support of a qualified interpreter where needed. Access to that support shall be as early as possible after a victim has been identified.
2. Those working with victims of gender-based harm, torture, rape or other serious acts of psychological, physical or sexual violence, including health professionals in charge of implementing paragraph 1, shall have had and shall continue to receive appropriate training concerning their needs, and shall be bound by the confidentiality rules provided for in national law and professional ethics codes, in relation to any information they obtain in the course of their work.

New Article 28 – Contingency planning

New Article 28(1) should be amended in order to protect the rights and wellbeing of applicants' with special reception needs, in particular when Member States are confronted with a disproportionate number of applicants for international protection.

1. Each Member State shall draw up a contingency plan setting out the planned measures to be taken to ensure an adequate reception of applicants in accordance with this Directive in cases where the Member State is confronted with a disproportionate number of applicants for international protection. The applicants for international protection are to be understood as those required to be present on its territory, including those for whom the Member State is responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], taking into account the corrective allocation mechanism outlined in Chapter VII of that Regulation. Contingency plans shall take into account the situation of applicants with special reception needs and guarantee their rights according to this Directive.