

Legal framework



The main legal basis for this guidance is the RCD read in conjunction with the Charter of Fundamental Rights of the European Union (hereafter: 'the EU Charter'). Moreover, in applying this guidance, Member States should seek to ensure full compliance with the principles of the best interests of the child and of family unity, in accordance with the 1989 United Nations Convention on the Rights of the Child and the European Convention for the Protection of Human Rights and Fundamental Freedoms respectively [4](#).

In addition, the following principles are integral to the standards and indicators included in this document and should be observed in the provision of reception conditions in national systems:

- **Transparency and accountability.** The provision of reception conditions should be based on transparent and fair rules and decision-making procedures. Without prejudice to the relevance of involving additional actors for the implementation of specific tasks in national reception systems (e.g. non-governmental organisations, private sector, etc.), the overall responsibility for achieving the highest levels of transparency and accountability lies with the respective reception authority.
- **Participation.** In line with Article 18(8) RCD, reception authorities are encouraged to facilitate the participation and engagement of all applicants, including children, in the management of material and non-material aspects of reception conditions. Participation can, for example, take the form of advisory boards or councils to contribute to specific aspects linked to the residence in housing facilities, such as the composition of meals, calendar of activities.
- **Non-discrimination.** Equal access to reception conditions shall be provided to all applicants for international protection without discrimination.
- **Consideration for special needs.** Special reception needs should be taken into account in this respect. The definition of 'special needs' shall not be limited to the categories of applicants included in the non-exclusive list in Article 21 RCD ('such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation'), but rather include any applicant showing any special reception needs. Gender, gender identity and sexual orientation are particular factors to be taken into account in this regard.

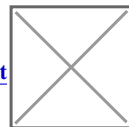
[4 Recital 9 RCD.](#)



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