



A rights-based approach to volunteering

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Ask a Red Cross worker in Georgia, a Scout in France, a fire fighter in Italy or a football coach in a Slovenian sports club for explanation of his or her understanding of volunteering and you will receive a variety of different definitions: 'volunteering is an unpaid activity that I do of my own free will, wherever I want to engage' or 'volunteering activities have clear objectives and have a fixed period and structure'. Ask them about their needs and the challenges they are facing and you hear a common demand: to have the opportunity to be an active citizen in Europe.

The volunteering landscape in Europe is as diverse as its citizens, and the variety of forms of volunteering must be viewed as a vital dimension of democratic and social life. However, in order to ensure equal opportunities for volunteers and their organisations throughout Europe a common or harmonised framework defining key terms and a set of guaranteed rights of the volunteer is necessary.

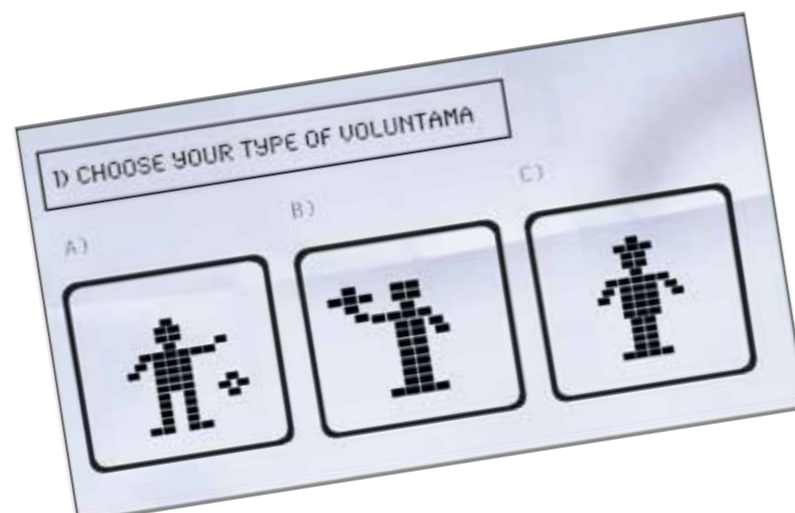
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Volunteering and the participation in youth organisations operate at the heart of democracy, as dynamic forces for social inclusion and active citizenship. Volunteering policy is a core issue for the almost 100 member organisations of the European Youth Forum, for example being volunteer based, volunteer led and representing millions of young people engaged in voluntary activities every day.



Currently not everyone that wants to volunteer actually can volunteer, due to monetary challenges and legal barriers. In Belgium, unemployed citizens are not allowed to volunteer in the current legal setting. In most European countries volunteers cannot contribute to pension schemes and have no social protection in terms of health care and liability insurance. Cross-border volunteers have to deal with a precarious legal status when volunteering abroad and often face expensive visa charges. Also, expenses incurred through volunteering activities are often not reimbursed.

Everybody should have the right to volunteer! A rights-based approach towards volunteering would create a framework that integrates the norms, principles, standards and goals of volunteering, while acknowledging the specific context and different



forms of volunteering as the point of departure. It would establish volunteers as active rights holders and create corresponding duties for responsibility holders, against whom claims can be made. This would allow, for example a young person, as a rights holder, to claim a certain amount of time off from formal education in order to volunteer. If this demand is not met, the young person could file a claim against the school, educational board or political authorities.

Obviously this concept leads to debate on obligations and responsibilities, and triggers the question of accountability of duty bearers, such as whether or not the volunteering organisation or the public authority covers visa or insurance costs. Building accountable relationships between volunteers, volunteering organisations and authorities would legitimise the demands of individuals and groups through a common, recognised legal framework.

In order to foster a culture of participation and active citizenship in Europe and the world, volunteers must be given the access and encouragement to volunteer. First and foremost, however, volunteers need rights that enable them to fully participate in society.

The rights of the volunteer in the framework of EYV 2011

The European Year of Volunteering 2011 (EYV 2011), the 10th anniversary of the United Nations International Year of Volunteering 2001 (IYV+10) and the Council of Europe Parliamentary Assembly Recommendation 1948 (2010) on promoting volunteering in Europe, together create a unique



momentum to improve the conditions for and access to volunteering in Europe. All three institutions, the European Union (EU), the United Nations and the Council of Europe, affirm the value of volunteering for society, express the need to recognise volunteering, outline the importance of the quality of volunteering and highlight the common challenges volunteers and their organisations face.

Let me point out that the groundwork for the rights-based approach exists in all three institutions, but the necessary legal mechanisms are not fully developed, as demonstrated by the following few examples.

The first objective of the EYV 2011 is to 'work towards an enabling environment for volunteering in the EU', which includes defining the legal constraints to volunteering. Additionally, the European Council points out: 'In all Member States there are also real barriers to realising the potential positive impact of volunteering, such as ... discouraging legal provisions, ... and the absence of a legal status.' For years volunteering organisations have been calling upon the EU institutions to deal with issues related to volunteering in the areas where the EU has competence to act, such as the taxation of NGOs, equal opportunities or European association law.

In the context of IYV+10, the global research study 'Drafting and Implementing Volunteerism Laws and Policies, A Guidance Note', provides another analysis of volunteerism laws and considerations of volunteerism and policies. It would be even more encouraging

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to go beyond reviewing existing provision of 'labor codex, tax and social insurance law, immigration rules, civil liability laws, work place safety and health rules', to determining potential unnecessary burdens to volunteering and create a common legal framework for volunteering through a participatory process in co-operation with the volunteering sector.

The Council of Europe, as a promoter of human rights, decided to establish a legal basis in the area of volunteering by calling upon its members to sign and ratify the European Convention on the Promotion of a Transnational Long-term Voluntary Service for Young People. Indeed, as many NGOs

can testify, transnational volunteering faces a wide range of challenges that national-level volunteering does not, ranging from mobility obstacles, to (in)compatibility of national legal systems in the field, to the issues of insurance, to mention only a few. Considering the legal needs of

local volunteering, this initiative is not sufficient and further measures need to be taken.

Ultimately, focusing on a rights-based approach to volunteering improves the situation of volunteers, in terms of their needs, problems and potential. A charter of the rights of the volunteer, addressing all these and other aspects in a structured, clear and forward-looking manner, would be the most appropriate mechanism to foster Europe-wide volunteering.

Towards a charter of the rights of the volunteer

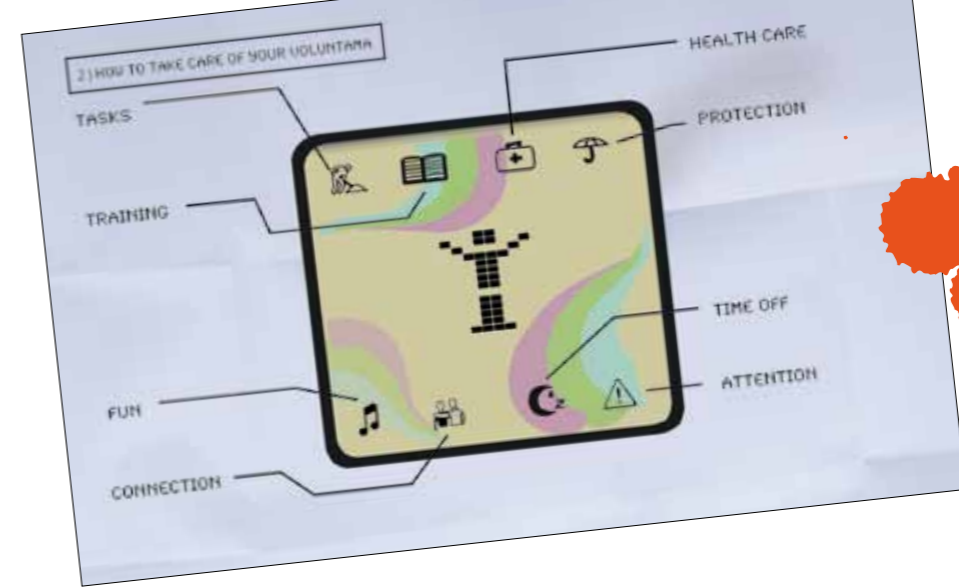
The need for a legal framework on volunteering at the European level was first raised in December 2006, when an analysis provided by National Youth Councils and International Youth Organisations,

combined with the European-level analysis of the European Youth Forum (YFJ), pointed to a clear conclusion: the need for a common legal framework or charter defining the basic rights and responsibilities of volunteers. Moreover, this framework should encompass support to youth organisations, because a volunteer can participate only if there is an organisation providing her or him with the necessary support.

What are the necessary elements to be included in a charter?

After a common discussion we should arrive at a definition of 'a volunteer' that is not limiting in scope but allows a common understanding of voluntary activities across Europe. It should respect basic principles, for example that volunteering is based on a non-profit cause and is done out of free will. Furthermore, an assessment identifying rights of volunteers, such as the right to a legal status or to obtain a visa through an open, accessible and transparent procedure, free of charge, is necessary. At the same time, responsibilities of the volunteer towards the volunteering organisation and other relevant stakeholders, such as to respect the commitments that are made with the organisation should be defined. Beyond that, the corresponding obligations of authorities need to be identified.

Volunteering organisations need to foster quality assurance, transparent and accessible information, clear task descriptions and guidance through training programmes and other support mechanisms, in order to meet the needs of volunteers and ensure their rights are respected. Finally, the role of the authorities in supporting the volunteering organisations – ensuring the necessary commitment of authorities and institutions to provide funding and cross-sectoral co-operation mechanisms in order to create an enabling environment for volunteering organisations and volunteers – needs to be specified.



Conclusion

The YFJ is convinced that EYV 2011 must answer the needs of the millions of active citizens who volunteer every day and who develop European values and proactively participate in their society. The YFJ started the development of a European charter on the rights of volunteers and invited all relevant actors, and you, to join the debate. After gathering information, we will run an open consultation and drafting process by ensuring intense co-operation with institutional, business and civil society actors. Finally, the YFJ Volunteering Convention (6-10 September 2011), the largest civil society event in Brussels, aims to discuss, develop and agree on a declaration on the rights-based approach to volunteering.

It is essential that this debate is held on various levels within volunteering organisations as it is important to showcase examples, by referring to the local, regional and national levels, when discussing Europe-wide solutions. Therefore the input given by volunteering organisations, volunteers and institutions is crucial for the debate on the rights-based approach to volunteering.

All volunteers will have their rights when volunteers exercise their right and speak up.

Join the debate, follow the process and share your needs, thoughts and concerns. www.youthforum.org

