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WORKING PAPER

EUROPEAN VOLUNTARY SERVICE FOR YOUNG PEOPLE

Education and Culture Series

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"L'Europe ne se fait pas seulement dans les réunions au sommet. Elle se construit sur le terrain. Les jeunes volontaires s'impliqueront, échangeront idées et expériences, offriront leur enthousiasme et leur force créative. Ils pourront apporter leur propre pierre à l'édifice. En un mot: ils exerceront une citoyenneté active."

Edith Cresson

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INTRODUCTION

The programme 'European voluntary service for young people' (EVS) proposed by the Commission member responsible for Education, Training and Youth Policies, Mrs Edith Cresson, forms part of the European Union's policy and measures to encourage the free movement of people, particularly young people, in the European Union. Freedom of movement is one of the main prerequisites for the attainment and promotion of a 'European citizenship' and thus of a 'European society', an objective pursued for some time by the Union.

The aim of this study is to present the EVS programme - the implementation phases, objectives and operation - and to draw attention to any obstacles to putting it into effect, including the lack of a legal status for volunteers and rules on the subject at Community level. Ways and means of overcoming such problems will also be proposed.

Part of the work is dedicated to the subject of voluntary service in more general terms in order to provide a comprehensive picture of the voluntary sector at Community level. The findings of a 1994 study by the Association of Voluntary Service Organizations and the various documents and analyses published by the Commission have proved very useful to this end.

In the second part of the document the EVS programme is compared with the compulsory national service in force in some Member States. On the grounds that it would be unthinkable to promote an EVS programme for young people without the involvement of those who opt for national community civilian service in their own countries and taking account of the practical possibility afforded by the Commission to the Member States to decide whether or not to include conscientious objectors in EVS, the document analyses the various systems of compulsory conscription with a view to integrating and involving conscientious objectors in the EVS programme.

PART ONE

EUROPEAN VOLUNTARY SERVICE
FOR YOUNG PEOPLE

CHAPTER ONE

EUROPEAN VOLUNTARY SERVICE FOR YOUNG PEOPLE: OBJECTIVES AND JUSTIFICATION

Removal of the obstacles to the free movement of people is one of the primary objectives of the European Union enshrined in the Treaty of Rome establishing the European Economic Community. Freedom of movement between the various Member States of the Union is one of the fundamental prerequisites for attainment of a real 'European citizenship'. Without such freedom it would be difficult, if not impossible, to promote the creation of a 'European society'.

Mere recognition of freedom of movement within the European Union is however unlikely to be sufficient for the purpose of European integration which often goes beyond purely economic integration and involves sectors and spheres that in many cases are closely linked to the culture and sense of belonging to a national State. It is therefore very important to promote ad hoc measures to really create a sense of belonging to Europe.

The proposal put forward on 4 December 1996 by Commission member Mrs Edith Cresson, responsible for Education, Training and Youth Policies, to the Commission which has been formulated over a number of years, forms part of this scenario. To quote Mrs Cresson when she presented her initiative to create a 'European voluntary service for young people' (EVS) to the press, 'the aim is to make young Europeans know Europe and, during their voluntary service abroad, to learn the language and culture of another country so that contact networks may be created'¹.

The European voluntary service programme is based to a large extent on the experience gained through the Youth for Europe programme which since 1992 has provided initial experience in voluntary activities in a European context. The programme consists in the main of micro-projects involving one or more young volunteers in activities of general interest in one of the Member States. The measures are intended to encourage the development of transnational voluntary initiatives. The European voluntary service intends to use the experience acquired so far under the programme and to extend and complement it. It will thus enable young people between 18 and 25 to participate in short- or long-term voluntary activities with a social or environmental objective in another Member State or third country.

As mentioned above, the EVS programme forms part of the work to facilitate and promote the free movement of European citizens, particularly young people, which the European institutions have undertaken to carry out for some time in an attempt to reduce the numerous obstacles that still exist. With the Treaty of Maastricht, the youth policy and the voluntary service which forms part of it have become official components of the objectives of the European Union as regards young people.

The Treaty of Maastricht and the Youth for Europe III programme have contributed to the creation of a youth policy at Community level. Under Article 126(2) of the Treaty of Maastricht, the Union

¹ Europe, Agence Internationale d'Information pour la Presse, No 6867, Thursday, 5 December 1996, p. 11.

undertakes to develop the European dimension of education and to encourage the mobility of students and the development of exchanges and the training of socio-educational instructors.

It is on the basis of this principle that the Commission drew up a Green Paper on transnational mobility² which Mrs Cresson took as the basic reference for her proposal. The Commission highlights the obstacles existing to the development of a European voluntary service, in particular:

- the lack of a legal status for young volunteers which stands in the way of their freedom of movement and creates a series of financial and fiscal problems;
- the lack of a European structure for voluntary service which makes it difficult to coordinate and develop voluntary initiatives at national and local level.

This situation impedes the development of the EVS. The Commission intends to put forward proposals for overcoming the two problems by defining a legal status for young European volunteers on the basis of the experience acquired during the pilot phase. At the press conference of 25 January 1996 Mrs Cresson expressly requested that participants in the programme be accorded the legal status of 'young European volunteers'. The Member States should also undertake, pending implementation of the measures provided for in the Green Paper, to reduce the difficulties inherent in obtaining a residence permit in foreign countries in which the volunteers are working and guarantee their social protection³.

Mrs Cresson's initiative is also intended to foster a spirit of initiative among young European citizens in the economic as well as social sectors. A period of voluntary service could in fact be useful in facilitating the transition to working life. The various partners in the programme should thus undertake to help young people who want to carry out an economic initiative to resolve obstacles they might encounter.

The aim of the European Voluntary Service is also to promote partnerships at all levels (local, regional, national and transnational) between those in the public and private sector involved with voluntary service and assist the Member States that have already embarked on it. A three-way transnational partnership will thus be created between the organizations that send volunteers, those receiving them and the young volunteers participating in the programme.

Mrs Cresson's project is based on the principle of subsidiarity, which takes the form of increased cooperation between the competent authorities at all levels. It is not intended as a substitute for action taken by individual Member States but to provide additional support and guarantee increased value for activities that already exist or are being created in the Member States of the Union so as to try and remove obstacles that still exist at national level to the development of a transnational voluntary service. Thus, to make the pilot phase operational, the Commission has opted for a decentralized approach which should bring the European Voluntary Service as close as possible to the various operators concerned (young volunteers, host projects, different local parties, non-governmental organizations, etc.). The decentralized approach is based on close collaboration

² *Education - Training - Research: The Obstacles to Transnational Mobility*, Green Paper, European Commission, Brussels, 2 October 1996, p. 25.

³ Europe, Agence Internationale d'Information pour la Presse, No 6653, Friday, 26 January 1996, p. 7-7a.

between the Commission and the Member States and in particular on the involvement of national structures engaged in the pilot project.

1. Obstacles to development of the European Voluntary Service for young people

1.1. Lack of a legal status for volunteers

Voluntary service is a particular type of activity and the various voluntary organizations are agreed on the definition of 'volunteer' (see 1.2A). At the same time however there is still no recognition of a satisfactory legal status for those who volunteer. The main reason for this is the classification of volunteers, in almost all European countries with the exception of the United Kingdom, as workers for the purposes of social security, visas, taxation, residence and work permits, etc. The states of Europe have only minimal rules on voluntary service in their legal and administrative systems. It is therefore very difficult to promote and recognize all aspects of voluntary service (recognition, financial support, legal and administrative integration, etc.).

The main reasons that have prompted the states to classify volunteers as workers are linked to:

- the lack of experience and thus even of any idea of the voluntary service sector;
- the recognized need to protect volunteers, as is usually done for those in employment (health and accident insurance, unemployment benefits, pensions, etc.).

The desire to guarantee volunteers a minimum of social security during their service is comprehensible. On the other hand however equating voluntary service with any other type of activity is in fundamental contradiction with the philosophy and practice of involvement in unpaid youth activities. Experience in countries in which voluntary service has been introduced shows that a lower level of social security is required for volunteers than for normal workers. What is really essential is adequate health, accident and civil liability insurance. A certain level of social security in these sectors must therefore be guaranteed but not in the same way as for workers.

As regards the freedom of movement of young volunteers in the Member States, they often encounter major difficulties in obtaining a residence permit in the host country when engaged in activities for more than three months. Experience has shown that voluntary organizations are thus often obliged to conclude agreements with the competent authorities or, more often, to resort to subterfuges in an attempt to overcome legal obstacles. As regards work in third countries, it is subject to the national laws of each country concerned and the right of residence is negotiated in individual cases with the competent authorities of the country in question on the basis of specific projects.

In the case of young volunteers from third countries resident in the Member States of the Union however the problem arises of granting a visa. A proposal for a directive on the right of citizens of third countries to travel freely in the Community has been put forward by the Commission to the Council⁴. It does not however succeed entirely in resolving the problem since it deals exclusively with short periods of voluntary service.

⁴ COM(95)0346 final

Young volunteers thus find themselves in a difficult situation because of the different social security systems in existence which are difficult to adapt to the specific nature of voluntary service, in particular for transnational work. They do not in fact guarantee young volunteers adequate social security, which ends up having repercussions for the organizations concerned.

In countries where volunteers are considered as workers, the host organizations and in some cases the sending organizations are considered as employers and are thus forced to pay volunteers the minimum wages in force in the host country. This is a particularly heavy financial burden for non-profit-making organizations.

As regards the right to unemployment benefit it should be remembered that in some Member States young job-seekers are required to remain available for work and cannot thus take up remunerated work without running the risk of losing their right to unemployment benefits. The lack of a specific legal status and the fact that volunteers are regarded as workers involves taxation, albeit low, of the allowances received.

This situation is a major obstacle to the development and promotion of a long-term voluntary service at both European and international level. It is therefore very important to find solutions at national and Community level in order to encourage the free movement of volunteers, guarantee their social protection and put an end to their classification as workers with all the implications that has as regards salary, social benefits and taxation.

1.2. Lack of European rules on voluntary service

The lack of European rules has repercussions for various aspects of voluntary service: the work itself, access by young people to it, the status of young volunteers, their preparation and monitoring and certification of the experience required.

There has been a marked increase in voluntary work in the European Union and vis-à-vis third countries. It is however often limited, isolated and very diversified, only rarely giving rise to multilateral activities. The Community should therefore provide incentives for the Member States and promote exchanges of experience and ideas and cooperation between those involved at local, regional, national and Community level.

The lack of European regulations is linked to the lack of a legal status for young volunteers. Lack of coordination at European level has particularly adverse effects as regards the volunteers themselves and for the organizations that are trying to promote transnational voluntary service activities.

As regards the preparation and monitoring of volunteers, they are still essentially the responsibility of the voluntary organizations which have acquired considerable experience in the area. No provision has however been made for any European system to encourage and facilitate the exchange and transfer of experience in the sector, which would be of direct benefit to volunteers.

The problem of recognition at European level of the experience acquired by volunteers during their service is also linked to the lack of European regulations.

1.3 Initiative taken by the European Council

In view of the difficulties described above, the European Council stated in its draft resolution on EVS⁵ that the following steps should be taken for the effective implementation of the programme 'European Voluntary Service for Young People':

A. Right of residence

'The Member States shall take the steps necessary for participants:

- ***in the case of nationals of Member States:***
automatically to be awarded a residence permit.
- ***in the case of nationals of third countries legally resident in a Member State:***
to be awarded a residence permit without difficulties and, where necessary, a visa for the duration of the voluntary service; and to retain, on their return from European voluntary service, the right of residence in the Member State in which they are normally resident.
- ***in the case of nationals of third countries resident in third countries:***
to benefit from simplified formalities for the award of a residence permit and, where necessary, a visa for the duration of the European voluntary service'.

B. Social security

1. General

Member States must ensure that volunteers under this programme have proper social cover for the duration of their service.

Member States must take all the steps necessary for young volunteers - nationals of EU countries or nationals of third countries legally resident in an EU country - taking part in the programme to retain, for the duration of their voluntary service, their social security entitlements.

2. Specific

Since European voluntary service for young people is an educational experience in the context of an informal education programme, the Member States must take all the steps necessary:

(a) as regards entitlement to unemployment benefits

For job seekers - nationals of Member States or of third countries legally resident in a Member State - not to lose, at the end of European voluntary service, their acquired entitlements to unemployment

⁵ COM(96)610 final.

benefits and, during the period of voluntary service, to be exempt from the obligation to be available for work.

(b) as regards family allowances

For the parents of young volunteers - nationals of Member States or of third countries legally resident in a Member State - to continue to receive family allowances.

C. Tax and social security contributions

The Member States must endeavour to take all the steps necessary to ensure that European voluntary service activities for young people are not assimilated with paid work or employment and therefore that such activities are not subject to mandatory and social security schemes⁶.

⁶ *Communication from the Commission to the Council and the European Parliament, European Voluntary Service for young people, proposal for a European Parliament and Council decision, COM(96)610 final.*

CHAPTER TWO

COURSE OF THE PROPOSAL

- **24.1.1996:** adoption by the Commission, on the initiative of Mrs E. Cresson, of a working document, Guidelines for a European Voluntary Service for Young People, describing the ideas and objectives of the future multiannual programme in order to give a clear added value to actions that already exist or are being created in the various Member States in the sector.
- **25.1.1996:** press conference by Commissioner Mrs E. Cresson at which she presented the Commission's initiative to set up a European Voluntary Service for Young People.
- **15.11.1996:** speech by Mrs Cresson to the Committee on Youth during which she described in detail the proposal. Proposal for a decision for a multiannual programme. Beginning of the pilot action with 165 volunteers and a budget line created by the European Parliament with an endowment of ECU 15 million (B3-1011).
- **4.12.1996:** Commission proposal to set up a multiannual programme entitled Young Citizens of Europe for the period 1998-2002, involving some 100 000/200 000 young people.
- **23.12.1996:** communication from the Commission to the Council and the European Parliament 'European Voluntary Service for Young People' and proposal for a European Parliament and Council decision establishing the Community action programme 'European Voluntary Service for Young People' 1998-2002⁷.

Important stages in the preparation of the programme were:

- the report by the ad hoc Committee on a People's Europe⁸ for the Milan European Council (1985) which proposed the creation of a development voluntary service at Community level;
- the experience acquired in the voluntary sector since 1992 through the Youth for Europe programme;
- the conclusions adopted by the Council of Ministers in November 1994 on the promotion of a voluntary service for young people⁹;
- the request by the Council to the Commission to propose practical measures to promote transnational cooperation in the field of voluntary service¹⁰;

⁷ COM(96) 610 final.

⁸ *A People's Europe: report of the ad hoc committee*, Bulletin of the EC, supplement 7/85, Commission of the European Communities, July 1985.

⁹ OJ C 348, 9.12.1994, p. 2

¹⁰ OJ C 348, 9.12.1994, p. 3

- the European Councils in Essen (9-10 December 1994) and Cannes (26-27 June 1995) which stressed the need for new measures to promote the social and professional integration of young people in Europe;
- the European Parliament resolution of 22 September 1995¹¹ which said that the creation of a European community service could strengthen and complement exchanges between young citizens of Europe and stressed the need to develop increasingly close cooperation with the countries of Central and Eastern Europe and the growing need for meaningful measures on behalf of the developing countries. Parliament also called on the Commission to submit a communication on the creation of a European community service in order to initiate wide-ranging consultation with the non-governmental organizations concerned and consider practical measures for implementing it;
- the Council resolution of 5 October 1995¹² on cooperation with third countries in the youth field which stressed the importance of stepping up cooperation, particularly in the field of voluntary service, with third countries with which the Community had concluded association or cooperation agreements;
- the Council resolution of 5 October 1995 on cooperation with third countries in the youth field¹³;
- the report by the Consultative Committee on racism and xenophobia;
- the Commission White Paper, Teaching and learning: towards the learning society¹⁴;
- the conclusions of the Florence European Council (21-22 June 1996) which confirmed the importance of promoting the integration of young people into working life and took a positive view of the creation of a European Voluntary Service for Young People;
- the report by the Reflection Group on the Intergovernmental Conference which took up the idea of creating a European humanitarian action voluntary service.

¹¹ B4-1127/95, PE 193.734

¹² OJ C 296, 10.11.1995

¹³ OJ C 296, 10.11.1995

¹⁴ COM(95)590 final

CHAPTER THREE

THE PROGRAMME AND THE PILOT PHASE

The plan to create a European voluntary service for young people is directed at young people aged between 18 and 25 and proposes various forms of voluntary service, varying in length (from three weeks to three months for short-term projects and from six months to one year for long-term projects). Participants will be able to take part in voluntary social or environmental work in another state. Activities cover a wide spectrum: assistance to the elderly, the disabled, refugees, the sick, and the homeless, activities for children, organizing services for young people, environmental protection, rehabilitation of run-down areas, humanitarian action (excluding emergency situations), teaching projects, cultural activities, activities relating to the fight against discrimination, and so on.

The three basic ideas and principle objectives of the programme are as follows:

1. support and promotion of transnational youth mobility;
2. promotion of solidarity between young people at European level through participation in a new learning experience;
3. promotion of a People's Europe based on similar grounds and objectives: service for the common good.

The pilot project which should involve a total of some 2 500 participants concentrates mainly on long-term voluntary service in the European Union. The voluntary service is carried out mainly within the European Union, particularly in less-favoured, rural or backward areas. The first volunteers are already at work.

The Commission and the various competent national authorities received many applications. Just as many replies were received from international organizations, associations, local projects and regional and local authorities. Today therefore 350 young volunteers are engaged on various projects of European volunteer organizations selected by the Commission.

Some operational national structures were created to provide the necessary information service in the various member countries and to respond to the numerous applications by young people. Each national structure acts as a point of contact between the Commission (with which it collaborates closely), project promoters at national, regional and local level and the volunteers. The national structures have primary responsibility for promoting the so-called transnational partnerships. In particular, the competent national structure endeavours to bring about the creation of host projects in its own country by launching an information campaign. Each national structure makes an initial assessment of the host projects of the associations that have responded to the campaign and forwards them to the Commission, which selects the projects that best respond to the objectives and conditions of the pilot project and sends a list of the projects accepted to the national structure. It is then up to the national structure to distribute the list of host projects selected to the potential national partners (local authorities, organizations and groups) in order to prompt 'sending projects'.

National structures thus associate sending projects with host projects so as to obtain a 'finalized European project'. The request for financial support for each 'finalized European project' (sending plus host) is forwarded by the 'sending project' to the competent national structure.

Following a public call for tenders, the Commission has engaged a small operational support unit to guarantee national structures adequate support and coordination and to provide the assistance required by Commission DG XX and national structures. The unit will have the task of collecting and disseminating information on host projects, helping with the identification of counterparts, supporting, controlling and evaluating projects and developing efficient systems of information and communication.

The objective of the 1996/97 pilot phase is to investigate the expectations, demands and potential of the European voluntary service sector of young people, local authorities, associations, NGOs and undertakings. During the pilot phase an assessment will be made of the possibility of using the experience acquired to extend the action to third countries. In the belief that the sphere of action and interest of young European citizens cannot be limited merely to the area of the European Union but also extends to third countries, the Commissioner has proposed that voluntary service activities be extended to other third countries that are associated with the European Union or maintain cooperation links with it. In particular the action will concern:

- the associated countries, the European Economic Area, Cyprus and Malta. For these countries the multiannual programme will provide a good opportunity for strengthening their participation in the European Union;
- the Mediterranean countries for which the objective of exchanges of young people has been provided for in the MEDA regulation¹⁵ and the Barcelona Declaration¹⁶;
- the developing countries linked to the European Union by the ACP Convention and the countries of Asia and Latin America with which the Union has concluded cooperation agreements. For these countries the European voluntary service could respond to requests for the volunteers by the various development cooperation NGOs, youth organizations and other interested groups;
- other countries (Central and Eastern Europe, Russia and former Soviet Union countries, South Africa, former Yugoslavian republics) in which various organizations and associations are already active and for which provision has been made for European assistance programmes (e.g. PHARE and TACIS).

On the basis of the above considerations and taking account of the new rules provided for in SEM 2000¹⁷, the Commissioner, Mrs Cresson, put forward the proposal for a multiannual programme

¹⁵ Council Regulation (EC) No 1488/96 of 23.7.1996: financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership, OJ L 189, 30.7.1996, pp. 1-9.

¹⁶ Europe, Agence Internationale d'Information pour la Presse, No 1964, 6.2.1995, pp. 1-6.

¹⁷ Sound and Efficient Financial Management 2000, report on the Commission's programme to improve financial management, 23.10.1996, PE 219.149/fin.

1998/2002 called 'Young European Citizens' which has been discussed and adopted by the Commission and now awaits the opinion of the European Parliament.

Being aware of the value of the voluntary service provided by young people participating in the programme, the acquisition of specific skills and the important European dimension of the action, Mrs Cresson proposed the introduction of a certificate attesting to the experience acquired during the period of voluntary service based on the reports made by the volunteer and his host project.

Community action on such a scale necessitates a series of specific measures to support and promote development of the quality and European dimension of all the activities proposed. Thus, specific measures have been proposed to prepare and train young volunteers, particularly as regards the learning of languages and acquisition of the intercultural awareness needed to work in the country in question.

It is the Commissioner's intention to provide substantial incentives for the widest possible access to information on the programme at local, regional and national level. It will be the Commission's task to follow developments in the programme and ensure that there is an efficient process of constant evaluation in collaboration with the Member States so that the programme can gradually be adapted in the light of the requests and requirements that emerge during the pilot phase. Assessment of the pilot project should be regarded as the first step in a broader evaluation. An initial account has been annexed to the Commission communication accompanying the proposal for a decision. The Commission undertakes to keep the European Parliament regularly informed of the results of the evaluation and progress.

The budget earmarked for the pilot project in 1996 was ECU 15 million and the Commissioner has asked for the same financial support for 1997. Of that amount some 6 million will be committed for a symbolic monthly allowance for participants (about ECU 200) while the rest will be spent on transport, training, insurance (a basic insurance will provide volunteers with cover against sickness, accidents and third-party liability) etc. In general, the Commission undertakes to fund about 50% of the cost of the project, including the travelling expenses of volunteers, their training expenses, their allowances and insurance. The host organization (NGO, association or local authority) will see to participants' board and lodging. In the case of projects with limited financial resources the Commission could in special cases increase its contribution.

For the initial phase of the multiannual programme (1998-1999) a budget of ECU 60 million has been adopted (ECU 25 million for 1998 and 35 million for 1999). Subsequently (2000, 2001 and 2002) funding will depend on the resources available in the European Union budget.

Aspiring participants have to apply to a non-governmental organization or the local authority responsible for the programme in their country of origin. The office responsible will provide them with information on the projects already selected in other Member States and put them in contact with the competent organization. Selection on the basis of the personal motivation and commitment of individual participants, will help to prevent any subsequent work problems.

CHAPTER FOUR

VOLUNTARY SERVICE: A COMPREHENSIVE VIEW

1. In the European Union

1.1 Action at national level

There are substantial differences in voluntary service from one Member State to another. In some, voluntary service takes the form of activities spread over the year and carried out on the basis of a certain number of hours per week.

In Germany and Austria for instance there are two specific systems (the 'social year' and the 'ecological year') which enable young people to take part in voluntary activities in an organized and recognized fashion. The 'social year' provides for a training period in an institution (special school, rest home, day centre for the disabled, housing for the homeless, etc.) and a 25-day preparatory course (discussion of the activities, social problems, objectives, culture and creativity, personal experience). The year may be regarded as an integral and important part of the personal development of the volunteer and of his education.

In some countries the concept of voluntary service has become of increasing interest as the wealth of legislation and initiatives in the sector show. This is the case in Italy and Portugal which already have legislation on the subject and Spain and Belgium where consideration has been given to drafting laws on the subject.

The diversity of the systems of voluntary service in the various Member States was highlighted and analysed in the ex-ante evaluation of the multiannual European voluntary service programme for young people carried out in October 1996 by the Tavistock Institute (United Kingdom). The final report maintains that unless the enormous diversity in objectives, principles and methods of the various systems of voluntary service are reduced, EVS could well become a purely financial mechanism rather than a coherently structured programme.

The different ways in which voluntary service was conceived in the Member States have had a marked influence on the way in which the pilot programme was organized. In countries with a strong voluntary service tradition and institutionalized structures for the processing of volunteers, it has been easier to organize the service and projects have mainly concerned social assistance.

Countries with no pre-existing voluntary service structures have either tried to create new structures or have organized their work in collaboration with local representatives, youth organizations and various types of associations. On the basis of the ex-ante evaluation, the Tavistock Institute maintains that programme activities should be organized so as to take account of the specific differences of individual projects but considers that a limited number of basic principles for the

service should be included in the multiannual phase so as to ensure a minimum degree of coherence in the programme.

1.1.1 Current situation of volunteers engaged full-time in voluntary service activities in their countries of origin

The following analysis is the result of the survey conducted in November 1994 by the Steering Group of Voluntary Organizations¹⁸, now the AVSO (Association of Voluntary Service Organizations, 174 rue Joseph II, Brussels) which involved the sending of questionnaires to numerous voluntary service organizations in the member countries.

A. Status of volunteers other than as workers

Most of the countries that replied to the questionnaires have no special status for full-time volunteers.

In the United Kingdom full-time volunteers have a common law status but no legislation exists.

In Germany young people can perform voluntary service until they are 27. There are two options:

Category A: service abroad outwith a legally regulated scheme through various voluntary service organizations that operate abroad (long-term voluntary service, 6-24 months);

Category B: inside or outside Germany thanks to a precise legal system governing the 'voluntary social year' (Freiwilliges Soziales Jahr) and the 'ecological voluntary service year' (Freiwilliges Ökologisches Jahr).

Both category A and category B volunteers perform their service in non-governmental organizations. Category A volunteers are considered and treated as other than workers. Currently, not even category B volunteers who are involved in the voluntary social year (law on the voluntary social year) are regarded as workers. This is also the case for full-time volunteers in the scheme provided for by the ecological voluntary service year (law on ecological voluntary service). They are regarded as trainees and treated by law as workers as regards their integration in the social security system.

A law exists for development cooperation assistants which recognizes six non-governmental organizations authorized to send volunteers to developing countries.

In France there is a decree dated 15 March 1986 (No 86-489) on voluntary service in developing countries. It concerns French or other citizens participating in a cooperation programme or project in a developing country through an organization registered in France. The decree describes the legal status of volunteers who have concluded a contract with an organization recognized by the Ministry of Cooperation and Development and who are participating in a project lasting at least two years.

¹⁸ Report to the Commission of the European Communities: *Potential Development of Voluntary Service Activities, Steps to realise a legal status for Full-Time Voluntary Service*, Steering Group of Voluntary Service Organizations (Ulrich Frey, Monica Ribustini, John Stringham), Brussels, 10 November 1994.

The volunteers are entitled to social welfare under the 'Caisse des Français à l'Etranger', including pension rights, third party liability insurance, a subsidy for resettlement in France and a monthly allowance which varies from FF 2885 to 5044 depending on the country and the volunteer's qualifications.

There is no similar status for full-time volunteers serving in France. The term 'volontariat' (voluntary service) is commonly associated with 'bénévolat' (voluntary work) which indicates a few hours of work a week for a charity for no pecuniary reward. In some cases voluntary work by the unemployed has been regarded as professional work by the Social Security Department and the right to unemployment benefits has thus been discontinued.

Full-time work and the related benefits of free board and lodging as in the case of volunteers automatically implies the status of worker and thus for instance the obligation of the host organization to pay a guaranteed minimum wage (SMIC, Salaire Minimum Interprofessionnel de Croissance) and social security contributions.

French law provides for some exceptions in the case of:

- (1) 'Au pair' work by young people aged between 18 and 30 (contracts are limited to one year, and a maximum of 30 hours' service a week, and there is a requirement to study French);
- (2) periods of professional training (based on contracts with professional training schools for no longer than one year with a salary of up to 30% of the SMIC);
- 3) holiday centres (limited term contracts, salary of 30 to 40 % of the SMIC).

In Belgium the Royal Decree of 24 September 1964 and more specifically that of 12 March 1991 form the legal basis for voluntary development service organizations and development cooperation assistants. They govern the situation of young Belgians participating for at least one year in a cooperation programme or project in a developing country under the auspices of a Belgian organization legally recognized by the Ministry for Cooperation and Development. The volunteers receive social assistance from the Government including pension benefits, third party liability insurance, an allowance for resettlement in Belgium and a monthly allowance of at least BFR 16 000 depending on age, country of service and qualifications.

There is no status for full-time volunteers serving in Belgium. The abolition of compulsory military service and thus of community service has prompted the tabling of legislative proposals now being considered at federal level. The non-governmental organizations concerned with the rights and duties of conscientious objectors have been working on the adoption of a status for volunteers known as 'gemmaanschapsdienst' (community service).

In Belgium too the term 'volontariat' (voluntary service) is commonly associated with 'bénévolat' (voluntary work) which indicates a few hours of work a week for a charitable purpose for no type of remuneration. Voluntary work has no legal justification in Belgian law. A first step towards its legal definition was taken by the Flemish Council in a decree covering the social and medical sector on 23 March 1994. This enables organizations concerned with public welfare to obtain public subsidies to cover the cost of volunteers (insurance, training, third-party liability).

Full-time voluntary work involving benefits such as free board and lodging, as in the case of volunteers, automatically implies the status of worker with a minimum salary and payment of social security contributions and taxes by the host organizations. Belgian law recognizes a number of exceptions:

- (1) in the case of 'au pair' work;
- (2) for periods of professional training;
- (3) in the case of certain recognized humanitarian organizations (e.g. VIA-IJU, ATD-Quart Monde).

In Italy there is a law on voluntary work and voluntary organizations, the 'Legge Quadro sul Volontariato' (Voluntary Service Framework Law) No. 266 of 11 August 1991 which guarantees legal recognition for the activities of voluntary organizations. It also lays down the principles and basic rules for the relationships that exist between voluntary organizations and local authorities. It constitutes the legal basis for recognizing organizations but not full-time volunteers.

In Spain, the region of Catalonia adopted Law No. 25 on 13 December 1991 setting up the Catalan Voluntary Service Institute (Institut Català del Voluntariat' which recognizes the organizations in which volunteers work but not the volunteers themselves.

In Portugal two laws are concerned with volunteers but do not provide any legal recognition. The first, Decree Law No. 168 of 11 May 1993, is directed at young Portuguese who want to perform voluntary service in Portugal in various social service sectors and the community ('Jeune Volontaires pour la Solidarité'). The second, Decree Law No. 205 of 14 June 1993, constitutes an agreement between Portugal and African countries with Portuguese as their official language and its aim is to promote voluntary development service in those countries ('Jeune Volontaires pour la Cooperation').

In Luxembourg there is at present no equivalent of the European Voluntary Service Programme and no legal basis laying down the status of volunteers. For the development cooperation sector alone there is a statute for volunteers and legal provisions on the subject (Law of 25 April 1989). A medium-term voluntary service is provided for in the framework of 'Mérite Jeunesse' (Duke of Edinburgh Award) but it is not comparable for instance with the voluntary service that exists in the German Federal Republic. In the development cooperation sector there are voluntary service projects that involve some youth organizations (eg. FE, Fédération Nationale des Eclaireurs Luxembourgeois au Nepal, Lëtzebuerger Guiden a Scouten au Sénégal, Jongbaueren a Jongwënzer en Côte d'Ivoire).

Luxembourg has expressed interest in the development of voluntary services at national and international level.

In the Netherlands voluntary service is generally associated with the performance of a number of hours of work a week in non-profit making organizations. There are various volunteers that work fulltime without being paid in non-profit making organizations and have a basic income from social welfare, unemployment and other social benefits.

Despite the fact that voluntary service is fairly common in the Netherlands, there are few legal provisions on the subject and they are generally concerned with income, taxation and insurance. In legal terms, therefore, the rights and obligations of volunteers and organizations are subject to contracts concluded from time to time between volunteers and organizations. Both organizations and volunteers have to draw up a (written or oral) contract covering the most important aspects of the work.

There is a strong feeling in the Netherlands of the need for a specific definition of the status of volunteers under Dutch law. The status should thus permit the free movement of foreign volunteers and the automatic granting of a visa and a residence permit.

B. Mandatory social security

A distinction can be made between two main categories of countries as regards social security cover. There are those in which there is a national health service (e.g. Denmark, Italy, Finland and the United Kingdom) in which volunteers are covered by the service in the same way as residents.

Another group of countries (e.g. Belgium, France, Germany and Sweden) requires volunteers to pay mandatory health service contributions as in the case of workers.

In Germany, category A volunteers (see point 1.1.1 A) are not covered by national social benefits in the case of illness, unemployment, pensions or when they are working abroad. Category B volunteers (see point 1.1.1 A) are covered by the social security system for pensions, health and unemployment.

Contributions (from the employer and the employee) are paid by the organization with which the volunteer is serving (Träger). The official position of the Federal Ministry of Labour and Social Affairs is that volunteers are fully insured by the mandatory social security system, which is also the case for service performed abroad.

In Italy, the recognized voluntary service organizations are obliged to provide health and third-party liability insurance for their volunteers in the event of accidents connected with voluntary service activities and illness.

In Greece, the non-governmental organizations themselves insure their volunteers against accidents, illness and third-party liability.

In France, since long-term volunteers are regarded as employees, all social security contributions by the employee and the employer have to be paid. These include, inter alia, contributions in the event of sickness, pension, unemployment, insurance against accidents at work and family contributions, which represent about 50% of the salary. In the case of volunteers, contributions can be paid on the basis of a special agreement for voluntary work, e.g.:

cost of board and lodging estimated at about FF 1374 a month (1994),

an allowance of about FF 600 a month,

total taxable income: FF 1374 + 600 = 1974.

Of this sum FF 987 are required as the monthly payment of social security contributions. Such contributions are mandatory but do not provide insurance cover for the volunteer. The organizations therefore have to take out a further private insurance to cover the volunteer against the risks of sickness and accident.

In Belgium, since long-term volunteers are considered to be employees all social security contributions (against sickness and accidents at work, for pensions, unemployment, family) have to be paid. The sending organizations have drawn up special agreements (private insurance for Belgian volunteers working abroad) to avoid paying the contributions, thus taking advantage of the status of 'quasi trainee'.

In Finland everyone is covered by a health insurance independent of his status.

In Luxembourg the concept of voluntary service is not recognized by the social security service which covers some unremunerated activities against the risks of accident such as activities in the socio-educational field or in the social field. This type of protection is however limited and does not constitute a coherent system that covers all risks.

Some categories of people providing unremunerated services, such as those with the status of cooperation assistants or members of religious associations are comprehensively insured.

Young people resident in Luxembourg and serving in the country are insured under their parents' sickness scheme up to the age of 30. There are also other possibilities of voluntary insurance. Volunteers are covered against the risk of accidents if they are working under the direction of an official body or private association but there is no provision for old age or unemployment insurance. This system applies in general for residents in Luxembourg serving in another Member State.

Volunteers from other Member States performing voluntary service in Luxembourg who are not covered in their country of origin have the possibility of taking out private voluntary insurances.

In the case of cross-border voluntary service a decision has to be taken as to whether social welfare is provided under the legislation of the country of origin or of the host country. National social welfare legislation will be adapted in the light of the solution opted for. As regards social welfare the general rule is that the volunteer must be affiliated in the host country but derogations are possible if the period abroad does not exceed two years.

C. Unemployment and pensions

In the United Kingdom, since volunteers are not regarded as employees, no request is made for any unemployment or pension reductions. In some circumstances however volunteers may opt to pay voluntary pension contributions (e.g. where the volunteer has ceased his voluntary work but wants to continue to contribute towards a pension).

In Denmark national volunteers who want to retain their right to unemployment and pension benefits must pay an unemployment insurance during their period of voluntary service.

In Sweden social welfare payments are mandatory.

In Italy there are no unemployment deductions.

In Finland there is a special scheme for the long-term unemployed which enables them to perform voluntary service abroad for a maximum of six months without losing the right to unemployment benefits.

D. Taxation

Only in Denmark, the Netherlands, Finland and Sweden are volunteers required to pay tax on their income irrespective of its size. Taxes are deducted from the volunteer's monthly allowance, board and lodging if any.

In other countries such as the United Kingdom, Italy, Ireland, France and Belgium, volunteers are liable for tax but their income is too low (if it depends exclusively on voluntary work) to reach the taxable minimum.

In Italy volunteers who are only reimbursed the costs sustained during their service are not required to pay tax. Voluntary organizations are not forced to pay tax on their income if it is marginal and used solely for internal purposes. They may not be profit-making.

In Ireland tax has to be paid on income of more than £60 a week.

In Germany volunteers participating in the social or ecological year (category B) are required to pay tax on the allowances they receive in money or in kind. In practice however the tax is relatively low.

Volunteers may receive compensation for costs sustained during their service. In most cases organizations and volunteers agree on a fixed sum to cover expenses. The sum is tax exempt and normally should not exceed a certain amount each year. In the case of higher allowances, the association is obliged to declare them to the competent authorities for the purpose of taxation.

The tax rules should be adapted to the specific situation of foreign volunteers. Organizations that invite foreign volunteers encounter major problems if they do not pay a high enough allowance to cover expenses without automatically having to pay taxation. In Holland the organizations conclude special agreements with the government or have to seek solutions to the problem case by case.

E. Other allowances

In France and Belgium parents may receive family allowances and tax rebates for children under the age of 20 (26 in Belgium) if they are responsible for maintaining them. In the case of volunteers however the parents may not normally receive such allowances. In some cases where the children serving abroad receive a certificate from the sending organization attesting that their service involves language and intercultural training, the contributions may be recovered.

In Germany category A volunteers do not receive any family or children's allowances. Male volunteers, who are also covered by a law on alternative service for conscientious objectors who perform another type of service abroad (not alternative service) may receive a special form of children's allowance and get preferential treatment as regards admission to university on certain specific conditions.

The parents of category B volunteers participating in the social or ecological year scheme receive family allowances and tax rebates during their period of service. Such volunteers receive a type of 'score' if they enrol in degree courses for which there is a numerus clausus.

In Ireland, the United Kingdom, Portugal, Spain, Greece, Denmark and Sweden there are no special allowances.

1.1.2. Current situation of full-time foreign volunteers

A. Residence permit

In France all foreign volunteers classified as employees, including those from the Member States of the European Union, who intend to stay in France for more than three months require a residence permit. Checks on foreigners, particularly from outside the European Union, have recently been intensified. This category of volunteers has to undergo a medical check-up at the UMI (World Immigration Office) which demands different fees depending on the specific status of the person concerned. An official invitation must be presented at the French Consulate in the sending country to obtain a visa. Visas are often refused especially for the citizens of the Maghreb States and sometimes too for citizens of the countries of Eastern Europe even in the case of short-term service (in France for instance only one visa in ten is granted to Moroccan citizens). In most cases visas are granted more easily for participants in work camps on the basis of official bilateral agreements between France and the sending country (e.g. Franco-Moroccan agreements).

In Belgium visa procedures especially for people coming from the Maghreb and Eastern Europe are very complicated. It is therefore necessary, or preferable, to maintain good relations with the consulates and embassies.

In Germany foreign volunteers normally require visas if they come from countries outside the European Economic Area. Volunteers from the EEA require visas for periods of service of more than three months.

In the United Kingdom residence permits may be granted in principle to any foreigner serving in a charitable organization and receiving in return only board and lodging and a small weekly allowance. In practice, immigration officials have considerable freedom to grant a visa or not. They are not obliged to justify any refusal.

The same applies for Sweden where citizens of the Member States of the Union do not require permits.

In Denmark citizens of the EEA have to register at the national registration office. For citizens from other countries the procedure is not always very clear. The only possibility of entering the country is through a recognized organization but in this case too the procedure is complicated.

In Italy volunteers may enter only if they have a visa for students (residence permit for purposes of study) but this often creates difficulties if for instance the police ask to be shown a document proving enrolment at a university or a school.

In Ireland volunteers from the Member States of the Union do not require a residence permit. Citizens of other western countries require a permit but often the authorities make an exception. Citizens of all other countries are required to request a residence permit.

In Spain residence permits are granted to foreigners participating in programmes promoted by the public administration.

In the Netherlands foreign volunteers require a residence permit if they want to stay in the country for more than three months. Volunteers from other Member States do not generally encounter problems if they are covered by a medical insurance valid in the Netherlands. Citizens of Central and Eastern European countries have to request visas which are generally granted for short periods.

B. Work permits

In Belgium some organizations require a type B work permit for trainees and a residence permit which is granted if the organizations sign a 'verbintenis tot tenlasteneming' assuming full responsibility for the volunteer during his stay in Belgium.

As regards work permits, there can be problems if the authorities demand a medical certificate which has to be issued by a doctor chosen by the Belgian Embassy. In some cases such doctors demand a higher than normal fee. In any case the medical certificate does not guarantee automatic granting of a permit.

Volunteers with a type B work permit may not receive any type of payment. They receive a 'belastingsaangifte' (tax return form).

Another possibility is to obtain a work permit for particular types of training periods in organizations recognized by the government.

Citizens of non-Member States must obtain a work permit, an increasingly complicated procedure.

In Germany long-term volunteers from EEA countries have great difficulty obtaining a visa because of the very rigid regulations. There are no special work and residence permits for volunteers. It is also very difficult for short-term volunteers from North Africa for instance to obtain a visa. The German authorities are suspicious because there have been cases of 'volunteers' that use the expedient to try to find work outside the voluntary service and often do not then return to their country of origin.

In the United Kingdom, as in Italy, volunteers do not require a work permit even in the case of long-term service.

In Sweden work permits are necessary for volunteers from countries outside of the EU/EEA.

In Ireland work permits are required by citizens of non-EEA countries, but exceptions are often made.

In Denmark voluntary activities have to be registered as 'normal work'. The problem is often resolved by registering foreigners as students, but this circumvents the law.

In Finland only volunteers with recognized organizations such as IVS (International Voluntary Service) can enter the country without a work permit and serve for not more than one year. They do not have any special status but are regarded as members of the organizations and that is enough to allow them to perform voluntary service.

C. Social security: health

In Belgium organizations do not have to pay contributions for the social security system. In the case of volunteers from countries outside of the EU the sending organization has to take out a private insurance to cover all risks in Belgium. The organization agrees to cover all the volunteer's expenses. In the case of short-term volunteers one Belgium organization has found a way of insuring its volunteers under 'Assurance Mutuelle/Sécurité Sociale'.

In Italy all persons from the Member States and countries with which Italy maintains bilateral relations are automatically insured against sickness (form E 111). All citizens of countries outside the EEA must have a health insurance (Ina-AssItalia) in order to obtain a residence permit. There are no other social security requirements for volunteers.

In Denmark foreigners are automatically registered with the national health system after a legally permitted stay of three months. For the first three months however a private health insurance must be taken out.

In Germany, the United Kingdom and Sweden foreign volunteers receive the same basic health treatment as national citizens. The authorities (in the UK) may object if they think that a foreign volunteer is entering the country mainly for health reasons (e.g. for an operation or the treatment of long-term illnesses).

In Greece non-governmental organizations take out insurances to cover foreign volunteers against the risks of private accidents, illness and third-party liability.

D. Income and other taxes

In Germany short-term volunteers are not required to pay tax. If a volunteer has the status of employee he must pay tax.

In the United Kingdom and Sweden income tax is deducted from the volunteer's monthly subsistence allowance.

E. Other allowances and rights

There is no provision for allowances for foreign volunteers in any of the countries of the European Union.

1.1.3 Government subsidies for voluntary service

A. On what terms?

B. Is funding restricted to volunteers from the country in question?

In most countries there is some kind of government support for voluntary service activities. Funding is never granted direct to the volunteers but always to the organizations responsible for the projects.

In Sweden there is no type of government financial support.

In Denmark there are no special subsidies for voluntary service but there are various possibilities of support from local authorities.

In Germany there is a Federal Government subsidy under the 'Kinder- und Jugendplan' (programme for children and young people) and from some Länder and/or local communities. Funding is granted to national and foreign volunteers. Some public funds are granted for pedagogic activities, up to a certain sum, for instance under the programme for children and young people for long-term national volunteers under the law on the voluntary social year.

In France voluntary development service is almost entirely funded by the Ministry for Cooperation and Development. No other kind of long-term voluntary service is directly subsidized: support is granted on the basis of specific projects (and covers the cost of training the volunteers and administrative costs). Short-term voluntary service which is almost always based on specific projects is almost entirely funded with public money (from the government or local authorities). All public money is gradually decreasing so that the number of funding partners is increasing, making the funding of projects even more complicated.

In the United Kingdom the Foreign Office offers subsidies to encourage and publicize voluntary service. Funds are granted only to certain organizations which the Foreign Office considers to be most effective in reaching as wide a public as possible. There are no subsidies for individual volunteers.

In Belgium almost all the organizations that replied to the AVSO questionnaire receive subsidies from the EU under the Youth For Europe programme.

In Italy there is a public fund for the promotion of voluntary service. Voluntary organizations requesting financial aid for their projects must be entered on the official register for their region. In a few regions the fund really works. The state, the regions and the communes, together with other public institutions, can 'employ' the voluntary organizations and pay for the services rendered (agreement). The funding is directed at the organization and not individual volunteers and thus is not restricted to Italian volunteers.

In Greece the government is beginning to fund voluntary activities. Support is restricted to young Greeks aged between 18 and 25 participating in environmental conservation projects in remote areas of Greece for a period of two to three weeks.

In Spain the administration supports specific activities promoted by recognized organizations. In some cases they may be voluntary service activities. The funds are always allocated to the organizations.

In Portugal the two recent public voluntary programmes (Young Cooperation Volunteers and Young Solidarity Volunteers) can be considered as the first examples of institutionalized financial support for long-term voluntary service.

In Finland the government supports the work of some organizations but no voluntary activities directly. There are also employment schemes and other activities for the unemployed that can be considered as forms of support for voluntary activities.

1.1.4 Legislative and regulatory innovations needed to promote long-term voluntary service and exchanges of volunteers

Almost every country needs to introduce a specific status for volunteers and a document simplifying the procedures for issuing visas and residence permits. Because of the lack of a voluntary service status, in France and Belgium the existence of voluntary service is barely tolerated and it is thus a delicate subject, depending on the good will of individual bureaucrats. In order to guarantee equal opportunities for citizens of countries outside the EU and to avoid confusion with the status of employee, a special legal status should be created that provides for:

- the legal existence of volunteers;
- the free movement of volunteers and automatic granting of visas and residence permits;
- a definition of 'volunteer' that takes account of its specific nature and the minor expenditure involved for the organizations with which the volunteer is serving.

Along the same lines Denmark, Finland and Sweden stress the need to reduce tax rates and social contributions for volunteers and to change the rules on immigration so as to guarantee a specific status for volunteers and appropriate residence permits,

In Spain there are two main organizations dealing with a possible law on voluntary service: the 'Coordinadora de ONGs para el desarrollo' whose main task is to press for regulations that involve volunteers serving in developing countries and the 'Plataforma del Voluntariado' which deals with the rules covering Spanish volunteers in Spain. For the time being, neither has had any significant success.

1.2. Interpretation of the findings of the survey

A. Definition of voluntary service and its philosophy

One of the main findings of the survey conducted by the AVSO is the broad consensus on the definition of voluntary service. On the basis of the definition adopted by the Symposium of voluntary service organizations in Strasbourg in November 1992, contained in the report by the Council's ad hoc committee of experts on voluntary service and taking account of the findings of the AVSO survey, a volunteer is someone who:

- participates in voluntary service activities in his own country or abroad on the basis of a freely taken personal decision,
- engages in a process of personal, social and intercultural learning and participates in activities likely to provide solutions to new requirements or create new approaches to existing problems, thus contributing to the process of social change,
- is active in non-profit making projects that promote the common good organized by private associations, churches, local authorities or communities,
- takes part, on the basis of a voluntary service agreement, in unpaid activities for a limited period of time in agreement with the sending or host organization which assumes responsibility for his board and lodging, expenses and insurance against sickness and accident.

B. Funding of voluntary service activities

The survey showed that volunteers are funded from various sources. One important source is the volunteers themselves either directly or through sponsors. Some countries (Belgium, France, Germany, the Netherlands) take greater advantage of the possibilities of funding under the Youth for Europe programme than others (Denmark, Italy, Spain, Portugal, Greece, United Kingdom).

The new programmes earmarked by the Spanish Government and aspects of the German programme for children and young people which sponsors the social and ecological voluntary service year, are the only national government plans that directly finance voluntary service activities. The lack of support corresponds to the lack of policies to encourage long-term voluntary service.

There is no one uniform financing system that is used by all voluntary service organizations. The costs may be borne by the sending and host organizations.

The variety of methods of payment and funding highlights the diversity of the voluntary service agreements compared with 'normal' bilateral work contracts which are based on precise wage agreements.

C. Barriers to overcome (visa, permits, taxation)

The barriers to voluntary service that still exist (visa, residence and work permits, taxes) are closely linked to the subject matter of the current voluntary service discussions:

- the creation of a special status for volunteers, as already exists for students and au-pairs, if the volunteers are not employees;
- recognition of sending and host voluntary organizations.

The following measures should be taken:

- at European level, a consensus should be developed on the definition of voluntary service, its characteristics and purpose and on the basic principles for promoting voluntary service;
- at national level rules should be adopted governing entry into the country, right of residence, the activities and taxation of volunteers that are compatible with the regulations of the other Member States and the principles and terms of social security for volunteers and the recognition of organizations under national schemes.

As mentioned above, the main obstacle to the development and recognition of voluntary activities is the fact that in almost all European countries (except for the United Kingdom) volunteers are treated as employees for the purposes of social security, visas, taxation, and residence and work permits. A degree of social protection should be guaranteed during voluntary service but in most cases it is lower than that required for employees. Sickness, accident and third party liability insurance is necessary. Where countries do not have specific legal and administrative guidelines for voluntary work it is difficult to promote it coherently and regulate the various aspects related to it (recognition, subsidies, legal and administrative integration).

As regards residence and work permits, volunteers, as non-employees, are subject to Council Directive 90/364/EEC on the right of residence of 28 June 1990¹⁹. Volunteers are entitled to a residence permit on certain conditions without being regarded as employees. This means that they and the sending and host organizations are not required to pay social security contributions or receive/pay a minimum wage.

Directive 90/364/EEC has been transposed into national law. It is covered by Article 8a of the Treaty establishing the European Economic Community on the right of residence enshrined in the laws of the Member States.

Directive 90/364/EEC covers the general right of residence of citizens of the European Union. Other directives have been drawn up to cover specific situations of particular population groups:

¹⁹ European Community Directives:
90/364/EEC, 28 June 1990, on the right of residence
90/365/EEC, 28 June 1990, on the right of residence for employees and self-employed persons who have ceased their occupational activity
90/364/EEC, 28 June 1990, on the right of residence for students

students (90/366/EEC), and employees and self-employed persons who have ceased their occupational activity (90/365/EEC).

If Article 8a of the Treaty and Directive 90/364/EEC were to be applied to volunteers most of the problems of long-term voluntary service would be resolved as far as citizens of the European Union are concerned. But the Member States maintain that European and national jurisprudence on the definition of employee also applies to volunteers. Consequently, volunteers are covered by Article 48 of the EEC Treaty and Directive 68/360/EEC on the free movement of workers, with all the consequences that entails for work permits, social security and all the other regulations relating to workers.

The European Union has the possibility of promoting voluntary service as something other than work, justifying the effective application of Article 8a of the Treaty and Directive 90/364/EEC in the Member States for voluntary service lasting more than three months.

As regards volunteers from third countries, the present situation is rather difficult, particularly for periods of service of more than three months. The reasons for this are linked to the fear of an uncontrolled movement of foreigners into the EU with consequent adverse social and political repercussions. Voluntary service is not thus recognized as sufficient justification for obtaining a visa.

There are various ways of trying to diminish the risk announced by governments. Entry for instance could be refused where a minimum level of social and financial security is not guaranteed. Permits could be annulled in the case of third country volunteers who abuse the opportunities offered by for instance refusing to return to their countries of origin at the end of their period of service.

The right of entry of third country citizens could be ensured by special foreign policy agreements at national level. The most important decisions should however be taken at European level, for example under special directives governing volunteers and students (90/366/EEC). National legislation would then be influenced positively by the European directives.

1.3 Action at Community level

Since 1992 the Youth for Europe Programme has enabled the Member States and the Commission to experiment with voluntary activities in a Community context. The projects are generally micro-projects involving one or more young people in general activities in another Member State (for instance help with the social reintegration of the excluded in Germany, restoration of housing for orphans and the organization of recreational activities in Greece, activities with the disabled in Portugal, etc.). The aim of these measures is to increase awareness and encourage the development of transnational voluntary initiatives.

In parallel with this, Community initiatives devoted to social integration and employment have been developed in the main through:

The Youthstart Programme, one of the three pillars of the Community employment initiative which aims to encourage access to the labour market by young people under 20, particularly those without qualifications. Youthstart supports vocational training in particular;

The Leonardo Programme which can be regarded as an 'innovative laboratory' in vocational training through transnational projects.

1.4 Activities of non-governmental organizations (youth organizations, voluntary organizations, other NGOs)

A considerable number of NGOs at local, national and European level have considerable experience in the voluntary sector. They enable some 25 000 young people to participate in voluntary activities at national and international level each year.

2. Third countries

Various voluntary activities exist that are covered by bilateral agreements between Member States and various third countries. They generally take the form of development cooperation and in most cases involve professionals. Some activities however directly involve young people and their organizations.

Since the 1980s the Community has been trying to promote voluntary activities with developing countries. In its 1985 report to the Milan Council the ad hoc Europe of Citizens Committee set up by the Fontainebleau European Council, comprising representatives of the Member countries and the President of the Commission, proposed the creation of a Community programme of young volunteers for development cooperation. There has been no follow-up to the report except through the bilateral French German programme European Development Volunteers. In the other cases various volunteers have become involved in projects promoted by NGOs in the ACP countries and financed by the European Development Fund. In 1992 a budget heading (B7-5054) was created to set up a team of young European development volunteers.

The European Forum for Development Service, which brings together 250 organizations, enables some 12 000 volunteers to work in the developing countries each year. The number of young people taking part in the programme has however remained relatively low.

CHAPTER FIVE

PILOT ACTION: REPORT ON WORK IN PROGRESS

Over 350 voluntary workers were involved in the 1996 pilot action, including projects in third countries. The geographical breakdown shows how some countries were able to respond to the programme more quickly thanks to the active presence of voluntary youth NGOs.

	COUNTRY OF ORIGIN			HOST COUNTRY		
	active volunteers	volunteers undergoing selection	total	active volunteers	volunteers undergoing selection	total
Austria	1	5	6	0	1	1
Belgium	0	0	0	5	7	12
Denmark	4	1	5	0	2	2
Finland	2	0	2	3	5	8
France	2	18	20	10	30	40
Germany	44	7	51	2	11	13
Greece	0	2	2	0	1	1
Iceland	2	0	2	2	3	5
Ireland	0	0	0	3	2	5
Italy	0	7	7	6	10	16
Luxembourg	0	0	0	0	0	0
Netherlands	0	5	5	7	7	14
Norway	0	0	0	0	5	5
Portugal	0	9	9	0	2	2
Spain	0	7	7	8	13	21
Sweden	2	0	2	0	1	1
United Kingdom	1	9	10	8	34	42

unknown	0	223	223	2	81	83
total for Europe	58	293	350	56	215	271
Angola					3	3
Brazil					2	2
Costa Rica					1	1
Czech Rep.				1	1	2
Dominican Rep.					2	2
Hungary					1	1
Mozambique					2	2
Morocco					2	2
Palestine					2	2
Poland				1		1
Romania					2	2
South Africa					60	60
Total	58	293	351	58	293	351

Table 1: Participation of volunteers in EVS as at 4 November 1996, '*Pilot Action: European Voluntary Service for young people. Draft Report of Work in Progress*', Commission, 1996.

The Commission hopes to attain the objective of involving from 1000 to 2500 young people in the pilot action by spring 1997.

In May 1996 the Commission launched an action to establish the interest of potential host organizations. The objective was to set up an up-to-date data bank of eligible projects. The action involved a large number of organizations thanks to the intervention of national structures. At the beginning of November 1996 some 723 expressions of interest had been received, broken down as follows:

COUNTRY	NUMBER OF PROJECTS
Austria	29
Belgium	19
Denmark	0
Finland	13
France	23
Germany	261
Greece	0
Ireland	22
Italy	44
Luxembourg	7
Netherlands	20
Portugal	0
Spain	33
Sweden	32
United Kingdom	220
TOTAL	723

Table 2: Expressions of interest received by 4 November 1996, '*Pilot Action: European Voluntary Service for young people. Draft Report of Work in Progress*', Commission, 1996.

In its evaluation of the expressions of interest, the Commission tried to select host projects on the basis of the following criteria:

- educational opportunities for volunteers;
- type of activity proposed to volunteers;
- capacity to avoid a strategy of labour substitution or low-cost labour exploitation;
- potential impact of the project on local development;

- real capacity of the host project to support volunteers.

National structures are responsible for initial evaluation of the projects proposed. The Commission then evaluates the projects with the support of the operational support structure (OSS). Projects approved by the Commission ('green projects') are added to the data bank and made known to national structures so that they can be combined with appropriate sending projects and volunteers. Projects that cannot be evaluated properly without further information or discussion ('orange projects') are contacted by the OSS. Projects rejected ('red projects') receive a letter setting out the reasons for their rejection. At the beginning of November 1996 the Commission (with the support of the OSS) had evaluated 256 of the 723 proposals for host projects received. 172 of the 256 were approved as 'green projects'.

COUNTRY	GREEN PROJECTS	ORANGE PROJECTS	RED PROJECTS	PROJECTS UNDER EVALUATION	TOTAL
Austria	23	3	0	3	29
Belgium	7	3	1	0	20
Finland	6	4	2	1	13
Germany	61	5	1	0	67
Ireland	10	10	2	0	22
Luxembourg	5	1	1	0	70
Netherlands	6	13	1	0	20
Spain	21	10	1	0	32
Sweden	17	12	3	0	32
United Kingdom	16	6	1	0	23
Total	172	67	13	4	256

Table 3: Evaluation of projects (situation as at 4 November 1996), *'Pilot Action: European Voluntary Service for young people. Draft Report of Work in Progress'*, Commission.

The aim of the pilot action is to offer young people an opportunity to participate in social, environmental or cultural projects. Most of the projects so far evaluated by the Commission fall into the category of social work (see table 4). There thus seems to be a need to involve a wider range of organizations so as to diversify the activities engaged in.

SECTOR OF ACTIVITY	NUMBER OF PROJECTS
Young people and children	174
Social integration	118
Culture	47
Health	46
Environment	44
Measures against discrimination	26
Less-favoured areas	23
Immigration	15
New technologies/scientific research	4
Rural development	1

Table 4: Sectors of activity of the projects: '*Pilot Action: European Voluntary Service for young people. Draft Report of Work in Progress*', Commission.

1. The flagship projects

Alongside the pilot action projects the Commission is promoting a series of flagship projects. They have been selected on the basis of their innovative approach to voluntary service in terms of the subjects involved, methodologies and activities proposed. They will be closely monitored throughout their duration and should provide useful information for the future development and improvement of the activities of the European Voluntary Service for Young People.

One of the five flagship projects is being organized and run by the European Community's Youth Forum. The aim is to involve young people from a disadvantaged background so as to test the ability of the EVS to involve this particular group, which is normally excluded from this type of programme.

The project, which should begin in April, will involve a maximum of 25 volunteers from five countries (Greece, Belgium, Ireland, the United Kingdom and France) and will have the participation of local organizations working with young people at risk or in need of assistance. The organizations have been selected from a group previously involved in the Youth Forum's poverty and social exclusion project (1995-1996) from which the flagship project stems. The aim of the project is to guarantee disadvantaged young people easier access to and participation and integration in the EVS.

2. Involvement of third countries in the programme

Commission Directorate-General XXII is collaborating with other Directorates-General concerned with external relations under third country programmes. In particular it is collaborating with DG IA on the LIEN Programme under PHARE/TACIS. This programme assists projects in the social sector in countries receiving assistance under the PHARE and TACIS programmes.

Two environmental protection projects with Morocco are being considered by DG IB and DG XXII.

DG XXII and DG VIII will co-finance a project which will allow 50 young doctors from the Member States to be sent to hospitals in South Africa.

CHAPTER SIX

EUROPEAN VOLUNTARY SERVICE FOR YOUNG PEOPLE: STANCE AND CONCERNS OF THE EUROPEAN UNION YOUTH FORUM

The Youth Forum, representing national youth councils and international youth organizations vis-à-vis the European Union, expressed its fullest agreement with and support for the programme and objectives of the EVS in its December 1996 resolution. The Forum sees the programme as a valuable opportunity for young people to participate in an important educational and intercultural experience that can be enriching from a human and personal point of view. The programme also affords the possibility of developing a series of (communicative, interactive and linguistic) abilities that could have an impact on the future employment prospects of participants in the programme.

On the other hand the Forum sees signs of some risks that could arise if the programme is not well integrated with the Commission's other youth initiatives and programmes. It highlights the danger of the Youth for Europe programme, hitherto the most important youth programme at European level, being replaced by the EVS. It calls for the new EVS programme to constitute a useful complement to the Youth for Europe programme and takes the view that the interactions and synergies between the two programmes should be analysed extremely carefully given the prospect of integrated development of youth policy at Community level.

In the Forum's view the two programmes present numerous differences in terms of organization and possibility of participation. In order to function for instance the EVS requires a degree of institutionalization and efficient operational structures that many youth organizations or groups do not have. The Youth for Europe programme on the other hand offers the necessary room for action to young people who do not belong to institutionalized organizations but can thus take advantage of the greater degree of flexibility and simplicity offered by Youth for Europe. The two programmes should therefore be integrated so as to satisfy different situations and requirements.

Financial participation by NGOs in the programme also has a bearing on their possibility of participating in the service. The problem is felt most acutely by small NGOs or NGOs from the poorest third countries or developing countries that are not able to bear 50% of the cost of the voluntary projects. The Forum maintains that the Commission should review the programme's financing plan, considering it risky not to expect any financial contribution from volunteers.

The Commission for its part does not intend to consider the possibility of getting volunteers to pay to participate in the service even in the form of refundable contributions.

The Commission does not agree with the argument put forward by many that payment is justified as a demonstration of the commitment and importance of the personal contribution of volunteers to the project. The Commission is also aware of the fact that generally all organizations demand a membership fee and that young people not able to pay could be

exonerated. Nevertheless, since the Commission intends to pay 50% of the costs of the projects, it is not prepared to accept that the volunteers should also pay to participate.

A third criticism made of the programme by the Forum is the involvement of national agencies responsible for the organizational aspects of the programme. The Forum maintains that it is up to it and other groups of youth associations to support and provide all the instruments needed to enable youth organizations to participate as far as possible in the management of the projects. It maintains that the functions of national structures should be lightened and that they should be responsible only for information and administration of the service but not for the selection, guidance and monitoring of projects and volunteers as they are not in the best position to do so. In particular national agencies should not be responsible for managing the training that precedes the period of voluntary service, which in most cases is no more than a three week foreign language course. According to the Forum this should be the task of the sending NGOs which should also be responsible for putting someone in charge throughout the implementation of the project. The Youth Forum believes that the informal sector and thus the youth organizations have a staff and capacity that better meets the needs of the programme and of training (i.e. teachers). The NGOs are thus useful media for optimizing the efficiency of the service given their greater experience in the sector.

The Youth Forum also criticizes the ability of the EVS programme to involve young people from disadvantaged situations. It explicitly mentions the difficulty of reaching them and subsequently guaranteeing their participation. Educationalists, teachers and those who work in youth organizations and associations confirm that marginalized young people including those in economically difficult situations and minorities have less possibility of participating in voluntary activities, especially on a full-time basis or for long periods. The Forum points out that specific organizations working with such social groups can provide fundamental assistance and act as indispensable intermediaries between the volunteers and the competent institutions of the service. Without an effective recruitment and information system smaller projects and local associations and young people that do not belong to any youth or voluntary organization will be unable to participate in the programme. Information on the programme should therefore not be distributed only to youth or voluntary associations but made public through other commercial and public channels such as the media, local authorities, amusements centres etc.

The Forum calls on the Commission to make the necessary resources available so that such young people can take part fully in the programme's activities so as to attain the objectives of the programme and make it a real instrument for combatting discrimination and the social marginalization of young people, particularly specific groups.

The Forum also points out the EVS alone cannot combat the broader and much more general phenomena of social exclusion and youth unemployment. It considers it essential for the Community and the governments of the Member States to undertake to analyse the nature of the problem from a more general point of view. Thanks to the transnational partnerships it promotes the programme constitutes a major opportunity for thought and action at Community level on specific important and current topics related to the situation of young people. This should be a useful instrument for devising specific action at Community level.

1. Unemployment and European Voluntary Service for Young People

EVS, as conceived by the Commission, is not intended to replace existing or potential paid employment. Its main objective is to provide a new educational opportunity for volunteers and it has therefore been included in the Community's education and youth policies. Volunteers cannot be regarded as a source of low-cost labour. They must not be engaged full-time in economic activities but assist in voluntary projects, offering a new perspective and considerable enthusiasm. The approach is not one of vocational training and it is thus not directly related to job creation. The service may, however, be a means of developing new jobs, new qualifications and new types of economic activity.

On the other hand, in its working documents on the service, the Commission often refers to the impermanence and precarious situation in which young Europeans find themselves. The transition of young people from school or university to a stable paid job is no longer problem-free. Various government programmes therefore exist that deal with the problem of unemployment among young people.

The Commission is engaged in drawing up measures to combat youth unemployment under the European Social Fund. Those measures also happen to involve voluntary service activities. Thus, aware of the major problem of youth unemployment, the Commission hopes that some undertakings can follow volunteers during their service so as to provide them with support when they subsequently choose or look for a job or when new professional activities are being created at the end of their period of voluntary service. The Commission also hopes that the development of new social activities will be able to contribute to the creation of new jobs. Voluntary service can thus be linked to local development and employment initiatives.

The Youth Forum is very much aware of the relationship between the programme and the employment argument. It points to the need to prevent the programme becoming a social dumping mechanism used by the governments of the Member States to try to attenuate the growing problem of unemployment among young people. It points out in particular that such a strategy could prove very gratifying for the Member States, seen as a possible alternative to the problem of seeking a job offered by governments to young people. The Forum makes reference to the proposal put forward by the British Labour Party in its employment programme which offers young unemployed people the alternative of performing voluntary activities in exchange for an allowance.

The Forum points out that the employment problem requires more wide-ranging measures than those proposed in the EVS programme and calls on the Commission to implement control measures to ensure that the programme adheres to its original objectives. Unemployment programmes are in fact very different from voluntary programmes in terms of implementation, requirements and objectives.

The ex-ante evaluation of the multiannual European Voluntary Service Programme for Young People, a report prepared by the Tavistock Institute (UK) in October 1996, made recommendations with the objective of improving the multiannual programme. It called in particular for new sectors of activity involving the labour market to a lesser extent to be included among the voluntary activities proposed for the multiannual phase of the programme e.g., food projects for the homeless, cultural programmes in disadvantaged areas, assistance to immigrants' families, campaign against drugs, etc.

The report also highlights the importance of monitoring the possible effects of the service on the labour market (alternative to employment, lowering of wage levels, low-cost labour) during the multiannual phase of the programme and selecting projects on the basis of criteria that specifically refer to the employment sector.

PART TWO

**EUROPEAN COMMUNITY SERVICE,
EUROPEAN VOLUNTARY SERVICE FOR YOUNG
PEOPLE AND NATIONAL SERVICE**

1. Relationship between European community service, European Voluntary Service for Young People and national service

The proposal to set up the programme 'European Voluntary Service for Young People' is closely linked to the current debate on the subject of community service, seen not only as a possible alternative to military service or conscientious objection, but as a real opportunity for young people to perform a more general voluntary service.

This possibility is linked to the current major changes taking place in national service schemes in various European countries. Some countries (for instance the United Kingdom, Ireland, Belgium, Luxembourg, the Netherlands) have already abolished conscription whilst others (France, Spain) are about to do so. In almost all countries, conscientious objection has increased considerably as has the number of young people opting for alternative service (e.g. in Germany).

The question thus arises of how to satisfy the growing interest and demand in this respect by young people and how to integrate the choices made by young people into the more general service for the common good. At the same time, citizens are participating more and more in civilian undertakings in view of the particular emergency and security situations that arise more and more frequently on the European scene.

One answer could be the integration of voluntary service in general, national community service in particular and the programme 'European Voluntary Service for Young People' so as to allow on the one hand for the possibility of integrating and promoting voluntary service activities, thereby creating a system that goes much further than the limited resources the European Union can allocate directly and on the other, for the possibility of guaranteeing increased participation in the service in order to make it exponentially more effective. So that the programme can have the hoped-for impact the number of activities and above all the number of volunteers involved must reach a critical mass otherwise the number of participants would be too small to meet the proposed objective. Since the objective of the service is to promote European culture and citizenship, the impact of the programme will be all the more significant the greater participation in it.

On the basis of these assumptions Parliament took the initiative to call for the setting-up of a European community service which has today been partially realized through the European Voluntary Service programme. The objective was to allow exchanges of young volunteers between Member States or the implementation of joint community measures. This objective was also highlighted in four resolutions on conscientious objection to military service (1983, 1989, 1994)²⁰.

²⁰ Resolution of 7.2.1983 on *Conscientious objection*, OJ C 68, 14.3.1983, p. 14.
Resolution of 13.10.1989 on *Refusal to perform military service for conscientious reasons and alternative service*, A3-15/89, OJ C 291, 20.11.1989, p. 122.

Resolution of 19.1.1994 on *Conscientious objection in the Member States of the Community*, A3-
(continued...)

The resolutions refer to the right of all persons subject to conscription to refuse, for reasons of conscience, to perform armed or other military service, and condemn the disparities and discriminatory treatment that still exist in some Member States as regards the recognition of conscientious objection. They also underline the need to offer those performing alternative service a possibility of contributing to the development of countries in the Third World. The European Parliament also requested that conscientious objectors should be able to participate in alternative service programmes in other Member States too.

The framework report on youth policies in Europe (Luciano Vecchi report, adopted by the EP in May 1991) proposed making a qualitative leap in policies on youth exchanges by supporting voluntary service traineeships and creating a more comprehensive European community service.

In September 1995 the EP tabled a motion for a resolution on behalf of the Committee on Culture, Youth, Education and the Media on setting up a European community service that could also involve conscientious objectors. In its resolution Parliament called on the Commission to draw up and submit to it and the Council a communication on setting up a European community service; it considered that the creation of European community service could not take the place of national forms of statutory military service or community service but that this special European Union measure on behalf of young people of both sexes should be compatible with national community service and should be coordinated with service of this kind²¹.

The motion was to meet with political opposition from some European governments which consider the subject of conscientious objection to military service to come within the exclusive remit of the state and thus not to be subject to Community rules or initiatives. The greatest opposition came from Member States in northern Europe that were concerned that such a programme could constitute a means of exploiting low-cost labour or replacing paid manpower and had little interest in the initiative since their national community and alternative services were already well organized and efficient and their welfare systems were particularly good.

The view expressed by the Commission in its communication on EVS to the Council and the European Parliament follows the same lines as the EP's resolution²². According to the communication, 'European Voluntary Service is the result of a voluntary commitment and of the individual decision of each young person concerned. It is not a substitute for military service, the alternative service formulae available in particular for conscientious objectors or the compulsory community service that exist in Member States and for which they have exclusive competence. National legislators must decide whether or not to allow conscientious objectors to take part in European voluntary service following the conclusion of agreements between European Voluntary Service and national civilian services'.

²⁰(...continued)
0411/93, OJ C 44, 14.2.1994, p. 103.

²¹ PE 193.783/fin.

²² COM(96)610 final.

One important outcome of the Community youth programmes is that voluntary service is no longer seen as subordinate to the organization of defence. At the same time, however, it is inconceivable to promote a European Voluntary Service for young people that does not include the participation of those who opt for community service instead of military service.

It is from this that the idea of European Voluntary Service for young people stems. The possible integration of conscientious objectors within the service is entrusted to conventions between the EVS and national community services. Whether or not it is possible will thus depend on the rules of each State. At all events it is a major innovation if we consider that the voluntary services provided for in the Youth for Europe programme explicitly excluded participation by conscientious objectors up to 1994.

The EBCO (European Bureau for Conscientious Objection) supports its branches in the Member States of the EU in exerting pressure on their national governments to open community voluntary service programmes and EVS in particular to conscientious objectors. The objective is not to discriminate between young people performing voluntary service even under different schemes and systems.

2. Compulsory national service in some Member States of the European Union

There is compulsory national service in most of the Member States of the EU (Germany, Austria, Denmark, Finland, France, Greece, Italy, Sweden, Spain and Portugal). Some States have a professional army (United Kingdom, Ireland, Belgium, Luxembourg and the Netherlands) whilst others have taken steps in that direction (France: abolition of compulsory national service by 2002, Spain: abolition by 2003).

All Member States recognize the right of conscientious objection. It is more difficult to enjoy this right in Greece since the Greek Government tries to discourage the choice of conscientious objection, and alternative service lasts twice as long as military service.

2.1. Austria

Length of military service: 8 months.

Length of community service: 12 months.

In Austria community service is governed by Law No 187 of 1994 (Zivildienstgesetz), the 1991 law on community service and the latest, 1997, law on community and military service.

The law provides for three ways in which to perform community service:

- (a) assistance in hospitals, aiding old people, drug addicts, refugees, in the event of natural disasters or emergency situations and in the social sphere and civil security in general.
- (b) community service abroad (Article 12b ZDG).

Under this article there is a possibility of performing voluntary service in NGOs abroad for at least 14 months by the age of 28 instead of performing community service. The NGOs must

have concluded an agreement with the Ministry of the Interior in agreement with the Ministry for Foreign Affairs and have their head office in Austria. The activities recognized must concern the social and humanitarian sectors.

(c) community service in development cooperation

In Austria Article 12 a of the law on community service and Law No 574/1983 on cooperation (Entwicklungshilfedienst) also recognize the possibility of performing a service, other than community service, in development cooperation abroad for a period of at least two years in recognized cooperation organizations.

There is at present considerable discussion about the last law on community and military service (1997) which requires young people called to arms to perform their national service before reaching the age of 21. The law is intended to prevent the postponement of military service for reasons of study and any attempts to circumvent the obligation, which lapses after the age of 25.

Because of these provisions it is very difficult for Austrian citizens to perform their community service abroad or in the cooperation sector since they cannot postpone the beginning of their community service until the end of their studies and must take a decision earlier (18 to 19 years). In addition service in cooperation and abroad normally requires older participants (objectors) usually aged between 21 and 24.

2.2. Denmark

In Denmark national service is governed by the 'værnepligtsloven', law No 213 of 30 May 1980 as amended in 1992, which allows for the possibility of performing unarmed 'civil defence' military service.

Length of military service: from 4 to 12 months for ordinary soldiers and from 17 to 24 months for sergeants and officers.

Length of 'civil defence' service: 6 months for ordinary soldiers and 15 for officers.

The right of conscientious objection is governed by the 'lov om værnepligtens opfyldelse ved civilt arbejde', Law No 588 of 8 September 1987, subsequently amended in 1992, which allows for the possibility of serving in cooperation projects in developing countries instead of performing national service.

Conscientious objectors normally serve in institutions for children or old people, in cultural associations, in museums or theatres, in pacifist organizations linked to the UN, in environmental NGOs etc.

Length of conscientious objection: as for military service.

2.3 Finland

The law governing national service in Finland dates from 1950. Under it, every male citizen is required to perform compulsory national service for the defence of the country and the common good.

Military service:

Conscripts for military service have to serve for either 240, 285 or 330 days depending on their rank in the army. About 90% of citizens perform military service while the remaining 10% are dispensed for reasons of health.

Community service:

Community service in peacetime has been recognized since 1931. The law that currently governs community service dates back to 1992. Under it, conscientious objectors must serve for 395 days. community service comes under the Ministry of Labour and any application to perform community service is automatically accepted. Community service is restricted to peacetime and there is no provision for it in the event of war. In theory, conscientious objectors may be required to perform military service in the event of war.

Community service may be performed in any public sector organization, and some 30 private associations are recognized including Amnesty International, the Red Cross and some environmental and development cooperation organizations. About 50% of conscientious objectors serve in the health and social sector (hospitals, rest homes, etc.). Municipal and public offices in general, schools and cultural institutions often employ conscientious objectors. In most cases, conscientious objectors choose and find their own employment. Community service involves a 32-day period of training.

Community service may not be performed outside of Finland.

In 1996 there were about 2 703 conscientious objectors in Finland (about 8% of those called up).

Alternative voluntary service:

There is not yet any possibility in Finland of any voluntary service alternative to national service.

2.4 France

Compulsory national service in France is governed by:

- law No. 71-424 of 10 June 1971;
- the law of 4 January 1992.

Length of military service: Ten months since adoption of the law of 4 January 1992.

Voluntary service:

The Ministry of Defence has concluded protocols with various other ministries undertaking to provide them with volunteers with the required qualifications in order to perform national solidarity services. In 1995, 8 protocols were signed with the Ministry for Ex-Servicemen, the Repatriates' Delegation, the Secretary of State for the Handicapped, and the Ministry of Health, Urban Affairs, Environment and Culture. These agreements accounted for over 7 992 people called up.

Women volunteers aged between 18 and 29 may perform national service in a military corps. Since 1986 women military volunteers have been able to perform development cooperation service and since 1988 technical support service. There were around 1 396 women volunteers in the French military corps in 1995.

Four types of voluntary service are recognized as an alternative to national service in France:

1. Technical support service (VAT, Volontaires de l'Aide Technique) created in 1965 for the overseas territories. It lasts 16 months and is performed under the authority of the Ministry for Overseas Departments and Territories. There were 668 technical assistants in 1995.
2. Cooperation service, introduced in 1965, which lasts 16 months and is performed in a developing country that has signed cooperation agreements with France. Four ministries currently benefit from the service performed by national service cooperation assistants (CSN, Coopérants du Service National): the Ministries of Cooperation, Foreign Affairs, the Economy and External Trade.

A distinction can be made between the various categories of national service cooperation assistants. One such category, created in 1978 and justified a posteriori by Decree No. 85.928, enables volunteers to serve in a French undertaking providing development assistance to a state that has concluded cooperation agreements with France (CSNE, Coopérants du Service National en Entreprise)). This support measure means that the qualified French staff of French companies abroad (including scientific and research institutes and universities, etc.) can be strengthened. The definition of CSNE does not justify the presence of CSNEs in Europe and North America. In reality they have no legal status but are an extension of the system of development cooperation.

There were around 5 272 CNSEs in 1995.

Another category of national service cooperation assistants serve in humanitarian NGOs.

3. Since 1985 (law of 7 August 1985) conscripts may ask to complete their national service in the national police force (Ministry of the Interior). They serve as 'guardians of the peace'.
4. Since 1992 a civil security service enables conscripts to perform their community service as auxiliary firemen (Ministry of the Interior) or foresters (Ministry of Agriculture).

Conscientious objection

In France conscientious objection is recognized by Law No 63-1255 of 21 December 1963 and regulated by Law No 83-605 of 8 August 1983. Conscientious objectors may opt to serve in civil bodies of national or local administrations and in social or humanitarian bodies working for the common good.

Conscientious objection service is twice as long as national service (20 months in 1996). There were 10 218 conscientious objectors in France in 1995.

2.5 Greece

The situation in Greece is special in that it is the only Member State not to have recognized the right to community service.

The first attempts at conscientious objection are attributable to Jehovah Witnesses during the civil war in Greece (1945-1949). Many of them were imprisoned or sent into exile together with communists, the main enemies of the national army. There were also two executions in 1949.

Until 1977 conscientious objectors were sentenced by military tribunals to prison for up to a maximum of 20 years and when they were released were immediately called up again with the result that they often remained in prison until the age of 50. The last death sentence was pronounced in 1966 but was converted into a prison term of 4.5 years.

In 1977 the left-wing government (the New Democracy Party) adopted a law introducing the possibility of doing unarmed service in the army for religious reasons for a period twice as long as military service (2 years) and instead of military service. So far no one has agreed to perform such service but under the law those who were in prison for more than 4 years and subsequently released could not be called up again.

The first case of conscientious objection for reasons other than religious occurred in December 1986. In 1986-1987 there were various demonstrations and debates on the subject of conscientious objection that resulted in the concept of objection being publicly recognized.

A bill was tabled by the socialist government in 1988 providing for the possibility of community service outside the army for a period of 2 years. The bill never reached parliament but led to a change in the law on military service so that unarmed service was extended to those who opted for it for philosophical and ideological as well as religious reasons.

At present there are no conscientious objectors in prison for ideological reasons although some 400 are in prison for religious reasons. There are also various objectors still in hiding to avoid compulsory military service. They have been deprived of the right to perform public activities, had their passports withdrawn and do not have the right to travel freely or to vote or stand for election. The same applies to those who have not performed military service for medical or psychiatric reasons.

Last summer the Ministry of Defence tabled a law on conscientious objection which reduced unarmed service to a quarter of its length. Because of the early elections the bill never reached parliament.

Because the Greek Government had been rebuked from many sides, including the EU, the Minister for Foreign Affairs recently asked the Minister for Defence to table another bill providing for the possibility of performing community service in border areas and thus as part of defence policy. No information is yet available on developments.

2.6 Italy

Compulsory national service is governed in Italy by:

- Law No 191 of 31 May 1975 on compulsory conscription, which has been amended several times;
- Law No 772 of 15 December 1972 which recognizes conscientious objection;
- Presidential Decree No 1139 of 28 November 1977 implementing Law No 772 recognizing conscientious objection (implementing regulations);
- the 1992 Constitutional Court judgment making the length of community service equal to that of military service (12 months);
- the 1992 Ministerial Decree which reduced the time that elapses between the conscientious objection application, recognition of the status of objector and assignment of service to a total of 18 months instead of the previous 2 to 5 years. The decree simplified the procedure for performing community service and has led to a considerable increase in the number of objection applications, from 5000/7000 to 50 000.

Length of military and community service: 10 months as from 1 January 1997.

Voluntary service:

- Two years community service in a developing country through IVS (International Voluntary Service) provides exemption from compulsory national service. A young person who wants to participate must reach agreement on the project to be implemented in the developing country with a non-governmental organization. No status of conscript is involved (the volunteer is not regarded as an objector) but the young person who has taken part in the service is exempted from the conscription obligation. The opportunity afforded forms part of the wider policy of facilitating development cooperation.

Conscientious objection:

Community service provides for the possibility of opting to serve in four vocational areas:

1. civil protection;
2. environment;
3. culture;

4. social assistance (greater number of participants).

About 5000/6000 recognized bodies and organizations accept conscientious objectors, making some 32 000 posts available.

Reform of compulsory national service is currently being proposed in Italy. The bill has already been approved by the Senate and is now before the Chamber of Deputies. If it is rejected there will be a referendum in June on the repeal of an article of Law 772 which would render the entire law inapplicable. The innovations proposed in the bill include reform of conscientious objection. Responsibility for conscientious objectors would be transferred from the Ministry of Defence to the Presidency of the Council or the Ministry for Social Affairs with as a result civilian management of conscientious objection. The bill also provides for the possibility of performing national service in another country.

In addition a bill has been tabled by the Ministry of Defence which provides for the possibility of choosing between conscientious objection without having to declare oneself an objector (possibility of participating in EVS) as part of national community service and 'normal' community service as a conscientious objector.

2.7 Portugal

The laws governing military service in Portugal are:

- Law 30/87;
- Law 22/91 which amends Law 30/87 and reduces the length of compulsory military service to four months.

Community service on the other hand is governed by:

- Law 7/92 of 12 May 1992;
- Decree Law No 191/92 of 8 September 1992 implementing Law 7/92.

Length of military service: normally four months extendable in exceptional cases up to a maximum of eight.

Length of community service: three months of training (this happens only rarely in exceptional cases) then the normal length of military service, thus seven months altogether.

Conscientious objection:

The right of conscientious objection is governed by Law No 7/92 of 12 May 1992 and Decree Law No 205/93 of 14 June 1993. Under them community service in Portugal must involve activities of a humanitarian, cultural or social solidarity nature performed in non-profit-making public or private institutes.

Under Law No 7/92 community service may be performed abroad, preferably in the European Union, or in territories under Portuguese administration or again in Portuguese-speaking developing countries. Decree Law No 191/92 provides only vaguely for this possibility and thus decisions are taken in each case. Thanks to this law, 12 conscientious objectors performed service in other Member States of the EU, one in Brazil and one in Macao. The type and length of service and financial rewards are the same as for community service performed in Portugal. The only difference concerns the Portuguese Government's request that all service performed abroad should benefit Portuguese emigrant communities.

Decree Law No 205/93 of 14 June 1993 set up a programme to promote community service in developing countries and cooperation between Portugal and African countries with Portuguese as their official language (Jovens Voluntários para a Cooperação). The programme was directed at young volunteers aged between 18 and 30 who wanted to participate in cooperation projects through NGOs or non-profit-making private associations.

The programme was also open to conscientious objectors, who enjoyed a preferential right. The period of service of conscientious objectors under the programme was regarded as an alternative to community service. The programme has recently been cancelled.

Voluntary service:

The only provision made for voluntary service as a replacement for community service is the community service performed by conscientious objectors, who may also serve in non-profit-making NGOs.

Another possibility is to perform service as a cooperation assistant under the abovementioned programme.

There is also a programme 'volunteers for solidarity' but conscientious objectors are excluded from it.

There is not yet any legal provision for EVS in Portugal so that for the time being conscientious objectors are excluded from it.

ALOOC (Free Association of Objectors and Conscientious Objectors) is engaged in a campaign to heighten awareness of conscientious objection in Portugal. It will take part in the campaign organized by Amnesty International from April to May to increase public awareness of and information about objection. The campaign also includes the organization of seminars in Portuguese universities.

The political tendency in Portugal is to abolish compulsory national service in 5 to 10 years. But the constitution will first have to be amended.

2.8 Federal German Republic

In the FRG compulsory national service is governed by:

- Article 12a of the Constitution;

- the law of 21 June 1956 on military service (Wehrpflichtgesetz) amended by the law of 13 June 1969 and the law of 21 June 1994, version dated 28 September 1995;
- the law of 28 February 1983 on conscientious objection (Kriegsdienstverweigerungsgesetz) amended by the law of 30 June 1989;
- the law of 31 July 1986 on community service by conscientious objectors (Zivildienstgesetz) amended on 16 July 1991 and by Article 6 of the law of 27 December 1993;
- the law of 26 November 1990 on the length of military service and community service.

Length of active military service: ten months as from 1 January 1996.

Voluntary service:

- Voluntary service involving civil security and protection against natural disasters, lasting at least eight years and performed before the age of 24 provides exemption from national service;
- police officers with security duties and those responsible for border controls are not required to do national service;
- development cooperation service lasting at least two years and performed by the age of 30 is governed by Article 2 of the law of 18 June 1986 on development cooperation assistants (Entwicklungshelfergesetz) as amended by Article 1 of the law of 24 April 1986 and provides exemption from compulsory national service. The possibility of performing cooperation service in a developing country depends on requests for qualified staff by the partners (usually development NGOs). At present six non-governmental organizations offer the possibility of performing cooperation service in a developing country as an alternative to national service;
- unpaid alternative service lasting at least two months more than community service and performed abroad by the age of 25 to promote peaceful coexistence.

Conscientious objection:

The right of conscientious objection is guaranteed by Article 4(3) of the Constitution and the law on military and community service. It lasts three months longer than military service. The number of conscientious objectors has been increasing for some years (in 1995 there were 160 000 conscientious objectors, i.e. 43.6% of those called up). Conscientious objectors play an important role in the social sector and make a decisive contribution to assistance to old people, the disabled or the ill.

2.9 Spain

Compulsory national service in Spain is governed by:

- Law No 19 of 8 June 1984 on military service as amended by Law No 13 of 20 December 199;
- Royal Decree No 611 of 21 March 1986 implementing the law on military service;
- Law No 48 of 26 December 1984 on conscientious objection and alternative community service;
- Law No 6 of 15 January 1996 on voluntary service.

Length of military service: nine months.

Voluntary service:

- service in the Red Cross and other humanitarian organizations that have concluded an agreement with the Ministry of Defence (volunteers receive a certificate at the end of their service dispensing them from community service);
- service in the national police for at least five years provides exemption from compulsory military service;
- under the law of 15 January 1996 on voluntary service a period of voluntary service lasting at least six months in an organization that has concluded an agreement on alternative service with the Ministry of Justice and Internal Affairs is regarded as an alternative to military service as provided for in Law No 13 of 20 December 1991 on military service;
- the law on community service provides for the possibility of alternative service in developing countries, but this happens only in rare cases.

Conscientious objection:

Conscientious objection constitutes a right guaranteed in Article 30(II) of the constitution. Community service includes activities in the public interest and is mainly performed in the sectors of civil protection, environmental protection and the social and health services.

At present community service lasts 13 months. The 1997 bill proposes reducing it to nine months.

2.10 Sweden

On 1 July 1995 the Swedish Parliament adopted a new law on national service and community service under which any Swedish citizen aged between 16 and 70 may be asked to do compulsory national service, being allowed to choose between military service and community service.

Military service:

The National Service Administration is the body responsible for calling up citizens aged between 18 and 24. Men aged between 19 and 47 are forced to do military service. In Sweden military service lasts from seven to 15 months.

Community service:

Community service in Sweden lasts from three to ten months and is organized by the Community Service Department of the Ministry of Defence. Community service activities must be of value and significance to the national defence of the country. They thus include the possibility of serving as a fireman at national airports or in one's own town as a mechanic, radioactive control technician or railway technician (electrician, repairman).

Conscientious objectors may be obliged to use arms. In the case of conscientious objectors who absolutely refuse to bear arms there is the possibility of unarmed community service.

Voluntary service for women:

Swedish women have the right to perform voluntary service in the military service or community service on the same terms as men.

Voluntary service:

Under the laws in force there is no possibility in Sweden of performing any type of voluntary service instead of national service.