

2.8 Current debates and reforms

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The law of 2005 on volunteers' rights is currently revised as asked by the Minister of social affairs.

The [High Council of Volunteers](#) is currently finalizing the evaluation of the law of 3 July 2005 related to the volunteer's rights. It will be available online at the end of May. This evaluation includes two appendices about youth volunteering. The first one addresses foreign young people volunteering in Belgium and the second one focuses on Belgian volunteers abroad.

About young Belgian volunteers going abroad, the High Council observes the following issues:

- The upholding of family allowances and unemployment benefit while volunteering abroad.
- The clarifications of the terms used in the law about what can be considered as volunteering.

Regarding the issues about young volunteers coming from abroad, the High Council of volunteers discusses the following points:

- Volunteering doesn't confer the right to get a visa according to the law of 15 December 1980 related to the territory access. Volunteering in Belgium for a period longer than 3 months is then compromised regarding the rules to obtain a visa. The International Youth Office is also concerned by this problem as it is developed in the section related to Cross-Border Mobility Programme;
- The hosting organisation provides accommodation to the volunteer and is in charge of his/her daily expenses. In specific programme such as the European Volunteer Programme, the volunteer can also receive a small allowance. Two problems arise in the fields of tax and labour law:

If this amount (accommodation, meals) exceeds the yearly maximal sum allowed by the law of 2005, the fees must be justified. This is a tedious process especially when it comes to long-term volunteering.

The provision in kind can be considered so that it is taxed and the volunteer runs the risk of losing his/her volunteer status. The hosting organisation would then be considered as an employer with all the obligations it involves.

The law of 2005 must clarify that the provision in kind (accommodation, meals) is included in the volunteering activity and is not compensation.