

Social participation of the younger generation

Selection of analytical content



DIALOG
NOWEJ
GENERACJI

Social participation of the younger generation

Selection of analytical content



Warsaw, 2022

Editorial Team:

Piotr Drzewiecki

Authors:

Ilona Oryl

Łucja Urbanowska

Weronika Szyszka

Marta Skobel

Consultation:

Tomasz Opar

Publisher:

Instytut Rozwoju Edukacji Prawnej i Społeczeństwa Obywatelskiego

www.irepso.pl

ISBN: 978-83-963618-2-0

All rights reserved. No part of this publication may be reproduced or reprinted without the written permission of the Institute for the Development of Legal Education and Civil Society. This also applies to the transfer of data to computer systems, photocopying and microfilming.

© Copyright 2022 by IREPSO

Table of contents

Legal education as an effective way of creating legal awareness among young people in the field of justice – Ilona Oryl	7
Introduction	8
The concept and objectives of legal education in times of civilisational change	8
The importance of legal education for the education of the younger generation	10
Legal education in the field of justice	14
Overview of other youth legal education initiatives	16
Pro bono activities of common courts and judges	16
Activities of the professional self-governing bodies of legal advisors and attorneys-at-law ...	17
Commune, Poviast and Voivodship Youth Councils	18
Other	18
Conclusions and recommendations	19
Legal conditions for youth social participation in Poland – Ilona Oryl	21
Wstęp	22
Youth social participation - what does it actually mean?	22
Young people as a specific social group implementing participatory actions	24
Legal regulation of public participation at the national level	25
Youth Climate Council and Youth Justice Council	28
Student Council and Student Government as forms of youth participation in the course of education	29
European Charter of Local Self-Government and European Charter on the Participation of Young People in local and regional life	29
Youth Commune Councils	30
Conclusions and requests de lege ferenda	32
The UN and sustainable development - the role of the young people	
– Weronika Szyszka, Marta Skobel	35
Introduction	36
Agenda 2030 - a plan for the world	36
Implementation of Agenda 2030 in Poland	37
The role of young people in achieving the Sustainable Development Goals	38
UN activities targeting young people	40
Summary and recommendations	45

Young Poles in the face of climate change – Łucja Urbanowska	46
The problem and the role of young people	47
Young Europeans, young Poles	47
Attitudes and (non)involvement	48
Formal education and climate knowledge	49
System change - not climate change, i.e. protest	50
The potential of youth councils and assemblies - the voice of Polish youth on climate issues at local level	50
The voice of Polish youth at the central state level	52
The voice of Polish youth on climate at the international level, i.e. COP and COY	52
Future prospects	53
Summary and recommendations	53
Analysis of regulatory options for internships – Piotr Drzewiecki	55
Problem description and opinion surveys	56
Prevalance of unpaid internships	56
Situation of interns in the European Union	57
Initiatives by international organisations	57
Impact of the phenomenon	58
Current state	58
Proposed amendments	59
Banning unpaid internships	59
Coverage of interns under the Minimum Wage Act	59
Elimination of the maximum internship wage	60
Introducing a ban on internships on a fee-for-service basis for the host entity	60
Introduction of a time limit for the issuing of an apprenticeship certificate	60
Introduction of a notice period for termination of the internship contract	60
Extension of maximum internship period	60
Introducing freedom in the working time regime for interns	61
Holiday entitlement	61
Inclusion of internship period in seniority	61

Legal education as an effective way of creating legal awareness among young people in the field of justice

Ilona Oryl

Introduction

In the era of global socio-economic and cultural changes, it is important to equip the young generation with mechanisms to form their social attitudes by deepening their legal awareness. A number of educational activities teaching the basic principles of the rule of law serve this purpose. With this assumption, legal education is intended to encompass the entire society. Educated young people are not only familiar with legal regulations, but are also able to skilfully navigate them. This translates into building a society that is knowledge-based, creative and able to meet the challenges of the modern world.

It might seem that the selection of arguments justifying the thesis contained in the title of this analysis should not pose any difficulties. The literature on the subject has developed a number of theoretical assumptions supporting this thesis. However, when it comes to the practical dimension, the issue is much more complex. There are still many problems that have a real impact on the effects of educating young people, such as the lack of a proper methodology for teaching legal education to young people in schools, the lack of knowledge of the addressees' expectations due to the scarcity of research in this area, or the lack of mutual exchange of experiences between organisations undertaking a range of relevant activities, both governmental and non-governmental, and lawyers spreading pro bono knowledge.

It should be noted that the implementation of an effective youth legal education system should begin with an understanding of the causes of the current state of affairs. It is therefore crucial to properly diagnose these causes and then to develop a model system and implement it. This cycle is initiated by this analysis. In it, the author will focus on undertaking a theoretical consideration of the state of legal education for young people with a elementary focus on the justice system. This will lay the foundations for the further research process.

The analysis is divided into five thematic blocks. Firstly, the concept of legal education and its general relevance in this era of ongoing changes in society will be explained. We need to be aware of what legal education is and what impact it can have on the further development of civil society. Subsequently, the author will focus on distinguishing the essence of legal education and its importance in the process of educating a young person as a responsible member of society, actively involved and effectively solving the problems he or she encounters. The next two parts will be of a review nature: in the third block, the author will point to currently undertaken initiatives activating young people to participate in social life, mainly in the field of justice. In turn, the fourth block will present other noteworthy initiatives of non-governmental organisations in the field of legal education of youth.

The content included in the blocks is intended to answer the questions of what the current state of legal education of young people in Poland looks like in the field of justice, in the sphere of specific activities, and the substantive (expert) background, as well as what means, tools or methods are used to reach young people and encourage them to take an active part in the community. The last block is used to summarise the information gathered and draw appropriate conclusions and recommendations.

The concept and objectives of legal education in times of civilisational change

Legal education is considered to be one of the important instruments in creating a responsible civic attitude towards the state and society. The emphasis on educating the public on the principles of the functioning of the state and the legal order can be seen in the analysis of the Recommendations of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (2006/962/EC).

Already at that time it was emphasised that, in the light of increasing globalisation, it is people who are considered to be of fundamental value. Consequently, they should be equipped with competences defined as key competences, which will prepare young people for adult life and provide them with a foundation for further learning and development in the professional field. Social and civic competences, defined as "personal, interpersonal and intercultural competences covering the full range of behaviours that equip individuals to participate in an effective and constructive way in social and working life, especially in increasingly diverse

societies”, may be considered important, also in the light of the issue under analysis, as well as conflict resolution when needed. Civic competence prepares individuals to participate fully in civic life, based on knowledge of social and political concepts and structures and a sense of active and democratic participation “1.

Undoubtedly, we can find elements of legal education in these definitions of civic and social competences. Although the Recommendations of the European Parliament and the Council were introduced with a different aim, i.e. to unify educational methods at the European level in order to provide a reference tool for adapting society to changes in the labour market².

When defining the concept of legal education, one cannot omit the widely quoted definition by D. Woźniakowska-Fajst, created for the purpose of the study “Legal education - opportunities, chances, barriers”, within the framework of the Programme Obywatel and Law VI, financed by the Polish-American Freedom Foundation (PAFF) and the Institute of Public Affairs. In this sense, legal education is “all kinds of initiatives addressed to various social groups, aimed at increasing legal knowledge and awareness. Legal education can be provided through publications (textbooks, brochures), trainings addressed to specific groups of recipients, and activities aimed at “cascade” training (training of teachers and educators together with providing them with the tools necessary to conduct classes in the form of, for example, lesson scenarios or educational films). The aim of legal education is not only to impart basic knowledge of the law, but also certain attitudes, such as awareness of one’s rights and the ability to assert them and act in accordance with the law “³.

At the same time, the author emphasises that the development of legal awareness in society consists of a chain of three concepts: legal education, legal information and legal advice. It is only by moving from legal education, i.e. from the level of general awareness of legal principles and rules, to the next two stages, that a coherent system can be achieved, enabling the development of the desired degree of legal awareness. The starting point is always legal education⁴.

An interesting definition, based on Z. Kwiecinski’s so-called decahedron of education and placing legal education in its background, was proposed by V. Kopińska. According to her, “legal education is a set of influences that foster the development of an individual or a group in such a way: (a) so that he/she becomes as aware as possible of the legal regulations (or rights - but not only entitlements) in force in the national, cultural, global and local communities of which he/she is a member, (b) so that he/she also becomes a creative individual in relation to the law, i.e.. (b) to also become a creative entity in relation to the law, i.e. one that participates not only in the processes of implementing or observing the law, but also in its application and creation, and in this way also creates its own identity and identity, and (c) to be aware of the importance and significance of actions taken in this respect, and to go beyond the thresholds of ad hocness, self-interest and short-livedness⁵.

Concluding the considerations around the concept of legal education, it is impossible not to refer to the Act of 5 August 2015 on free legal aid, free civic counselling and legal education⁶. Article 3b of the same Act indicates that legal education includes educational activities aimed at increasing the legal awareness of the public by disseminating knowledge about:

1. rights and duties of citizenship;
2. activities of national and international legal protection bodies;
3. mediation and ways of resolving disputes amicably;

1 Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006), p. 16.

2 D. Dzięwulak, Legal education in elementary and secondary education in Poland, selected European Union countries and Serbia and the United Kingdom, ‘Zeszyty Prawnicze BAS’, no. 68/2020, online: <https://www.ceeol.com/search/article-detail?id=921057> (p. 221) [accessed 26.07.2021].

3 D. Woźniakowska-Fajst, M. Stec, J. Śliwa, Legal education - opportunities, chances, barriers, ed. A. Bojarska., INPRIS Foundation - Institute of Law and Society, [n.m.] 2012, online: http://www.inpris.pl/fileadmin/user_upload/documents/Obywatel_i_Prawo/Raport_Edukacja_prawna_obywateli.pdf (p.11) [accessed: 27.07.2021].

4 Ibid, p. 12.

5 V. Kopsinska, ‘Legal education from a humanistic-critical perspective’, ‘Andragogical Yearbook’, [n.m.] 2012, online: http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-e44df075-bbbf-4490-ae6a-47053fc264b9/c/V_Kopinska_RA_2012.pdf (p. 189) [accessed 27.07.2021].

6 Act of 5 August 2015 on free legal aid, free civic counselling and legal education (Journal of Laws 2021, item 945).

4. opportunities for citizens to participate in public consultations and the law-making process;
5. access to free legal aid and free civic advice.

Paragraph 2, in turn, indicates that the tasks in the field of legal education revolve around the development of guides and handbooks, the holding of open lectures and workshops, and the dissemination of information through the mass media and other customary forms of communication, including the conduct of public campaigns.

The above definition has primarily the nature of a programmatic norm, as it does not confer any obligations on public administration bodies in terms of defining the ways in which these activities are financed and the results expected by the legislator. It may, however, provide a basis for the introduction of different educational programmes⁷. This is necessary insofar as it has a bearing on lifelong (lifelong, permanent) education. In explaining the idea of lifelong education, also in the field of legal education, the Act is based on an analysis of the existing education system, providing an answer to its mismatch with the reality changing at a high pace⁸.

With reference to the above definitions, it can be assumed that the goals of legal education are basically coupled with the goals of education in general. Thus, we can identify two functions that legal education is supposed to fulfil. Within the scope of the adaptation function, the elementary aim is to educate a high legal awareness of the individual in such a way that the individual can cope with the legal problems that will arise in his/her everyday existence. The second is the emancipatory-critical function, which consists in developing one's own legal identity through active participation in the processes of creating the application and changing the law and in the development of one's own community, with the aim of taking active action to improve the legal system or to change it for the better by means of appropriate measures.⁹

In view of the above, educational activities should be undertaken with both functions in mind, so that young people are not only equipped with a basic knowledge of the law and the ability to apply it, but also have an awareness of being part of a social community and take care of its further development, using the skills acquired during legal education. It is therefore not only the dimension of legal education at the level of the individual and his or her attitude to the law that is important, but above all the social dimension in the context of society's expectations of the law.

7 A.S. Bartnik, K.J. Kowalska, Legal regulations of pre-judicial legal aid and counselling, [w:] red. tychże, Nieodpłatna pomoc prawna, Wyd. Wolters Kluwer, Warszawa 2019, s. 37, online: [https://sip.lex.pl/#/monograph/369454852/6/bartnik-adriana-sylwia-kowalska-katarzyna-julia-nieodplat-na-pomoc-prawna?keyword=Prawne%20uregulowania%20Przed%C4%85dowej%20pomocy%20pomocy%20legal%20and%20poradnictwa&cm=STOP](https://sip.lex.pl/#/monograph/369454852/6/bartnik-adriana-sylwia-kowalska-katarzyna-julia-nieodplatna-pomoc-prawna?keyword=Prawne%20uregulowania%20Przed%C4%85dowej%20pomocy%20pomocy%20legal%20and%20poradnictwa&cm=STOP) [accessed 27.07.2021].

8 J. Przeperski, The essence and significance of legal education in the context of protection against harm in the area of violation of religious freedom, Centre for Strategic Analysis of the Institute of Justice, Warsaw 2019, online: <https://iws.gov.pl/wp-content/uploads/2020/11/J.-Przeperski-Isto-ta-i-znaczenie-edukacja-prawnej-w-kontek%C5%9Bcie-protection-pre-pokrzywdzeniem-wobszarze-naruszenia-wolno%C5%9Bci-religijnej.pdf> (p. 6) [accessed 27.07.2021].

9 V. Kopska, op. cit. p. 190.

The importance of legal education for the education process of the young generation

According to the World Health Organisation (WHO), self-awareness of one's rights and responsibilities and the ability to make decisions with consequences for oneself and society are basic life skills¹⁰.

It is therefore surprising that the latest survey conducted, entitled. "Diagnosis of legal awareness of Poles. Main results of the survey on the assessment of the image of the judiciary and legal knowledge of Poles¹¹", was conducted in 2016. These results illustrate the low legal awareness possessed by Polish society. In the light of this study, the negative characteristics that the average citizen attributes to the judiciary gained a decisive advantage. These included: tardiness in conducting court proceedings, bureaucracy, bribery, looking after one's own interests or conceit. More worryingly, knowledge about the functioning of the justice system comes most often from television, personal experience or websites, or from family, close acquaintances or friends. None of these sources of obtaining knowledge about the law can be considered reliable. And it should be noted that the survey also involved people from the younger generation (the survey was addressed to the group of 18 years and older).

Also noteworthy is the result of the survey "Legal awareness of Poles", conducted by the SW Research agency as part of the information campaign "An advocate in every case", organised by the Supreme Bar Council.¹² The survey shows that only 44% of respondents assess their legal knowledge at a good level, while as many as 41% cannot answer the question on the state of their knowledge of the law. Most often, when seeking such knowledge, Poles use Internet portals or consult their families.

Looking at the above, it is easy to conclude that the trend of low legal awareness among the public remains at a similar level. This is particularly worrying considering the state of legal education before 2012. At that time,

D. Woźniakowska-Fajst wrote: "Experts, specialist educators and lawyers agree that so far legal education in Poland has not been conducted in a systematic way. As a result, average citizens do not know the law, nor are they in the habit of using a lawyer". The above quoted survey results confirm that not much has changed.

T. Nieborak aptly pointed out that the low level of legal awareness among the public may constitute a response to the questions posed about the sources of the crisis in legal education of the public¹³. Of course, it should be noted that this refers to society at large, and not only to specific social groups such as the young. However, it is impossible to underestimate such a key observation when assessing and implementing appropriate mechanisms to change this trend. For, as A. Dudak writes: "The legal awareness of citizens should be one of the determinants of a properly functioning open society, in which individuality is accepted, the possibility of achieving goals set by individuals, solving problems and striving for self-fulfilment. Legal education, which consists primarily of providing knowledge about the rights and obligations of citizens, shaping the ability to draw up documents used in court proceedings and habits of using institutions providing legal services, serves to increase legal knowledge and awareness"¹⁴.

The low legal awareness of society is also worrying because of the new phenomenon of the so-called proliferation of law, which means, in simple terms, the constant encroachment of legal regulations into further areas of social life and, consequently, the progressive juridicisation of society. In view of this, interpersonal relations are increasingly defined by the letter of the law¹⁵

10 E. Leszczyńska, M. Pacholska, Legal education at school. Network of cooperation and self-education, Centre for Education Development, Warsaw 2015 online: <http://www.bc.ore.edu.pl/dlibra/docmetadata?id=823&from=publication> [accessed 28.07.2021].

11 T. Baran, Diagnosis of the legal awareness of Poles 2016. Main results of the survey of the image of the judiciary and the legal knowledge of Poles, online: https://zpp.net.pl/wp-content/uploads/2017/08/omt9ag_09.03.2016NiewiadomoprawnnaPolakw2016.pdf [accessed 27.07.2021].

12 Poles choose online forums over lawyers - NRA study, online: <http://www.adwokatura.pl/z-zycia-nra/polacy-wybieraja-fora-internetowe-instead-of-lawyer-research-nra/> [accessed 27.07.2021].

13 T. Nieborak, Is legal education still needed? Reflections on the 100th anniversary of the legal, economic and sociological movement, "Ruch Prawniczy, Ekonomiczny i Socjalistyczny", z. 2/2021, online: <https://pressto.amu.edu.pl/index.php/rpeis/article/view/28732/25854> (p. 272) [accessed 28.07.2021].

14 A. Dudak, The essence and importance of legal education in the formation of an open society, "Przegląd Pedagogiczny", No. 2/2014, Published by the Faculty of Pedagogy UKW in Bydgoszcz, Bydgoszcz 2014, online: <http://repozytorium.ukw.edu.pl/handle/item/1705> (p. 65.) [accessed 28.07.2021].

15 T. Nieborak, op.cit, p. 272.

Ignorance of the law among young people in particular may in turn lead to their social exclusion in adult life. Furthermore, the lack of legal education fosters the development of incorrect civic attitudes, assuming that the main source of information in the digital age is the Internet, and more specifically social media in its broadest sense. Legal knowledge transmitted through the above-mentioned information channels is usually of an unscientific nature and cannot constitute a reliable source for the young generation. The Internet is a natural consequence of the development of the information society, which cannot be eliminated from use and, due to its potential, can be an adequate tool for the education of young people, provided that it is used by trusted entities specialising in the legal education of young people.

Recognising the above problems, it is necessary to address them and to increase the importance of legal education, given the increasing complexity of social life. In this context, legal education is intended to foster among young people the fundamental values, ideas and principles that guide the development of civil society. In turn, a contribution to the development of civil society is to foster respect for and confidence in the observance of the law and in the institutions that create and apply the law, which is facilitated by raising social awareness, including legal awareness among the younger generation.

With reference to the above, we can see a repeating cycle of social development from a starting point - legal education, to an end point - legal awareness. The end result here is the building of a modern, knowledge-based society and equipping it with key civic competencies that will serve its further development. Moreover, an important issue is also conducting activities aimed at systematising the existing ways of conducting legal education among young people, with a view to the future of future generations. This problem was already recognised in 2012 by D. Woźniakowska-Fajst, writing: "Legal awareness will not be born within one generation. In order to arouse and strengthen it, legal education is needed: providing knowledge about rights and duties, consequences of actions taken, 'practising' contacts with state institutions (offices, police, courts) and drafting basic pleadings. In addition to knowledge and skills, it is also necessary to build attitudes: overcoming fear of the law and encouraging active use of its mechanisms. It is important to conduct legal education from the earliest years, so that it becomes an obvious part of the education of a preschooler, elementary school students, junior high school student and high school student"¹⁶.

In the light of the above position, one can advance the thesis that the basic instrument for legal education of youth should be, first of all, the activities of the Ministry of Education and Science aimed at expanding the core curriculum for children at least at the elementary school level¹⁷. As the law currently stands, the subject of "civic knowledge" is compulsory only at the level of grade VIII of elementary school and in secondary schools. Moreover, in the broadest sense, elements of legal education can be found in the core curriculum of the subject "civic education" for general secondary schools, technical secondary schools and upper secondary vocational schools¹⁸.

However, we are not an isolated case. In the educational systems of other EU countries, legal education is most often integrated with other subjects, such as "civic education" or "citizenship education", or its elements appear within several subjects. On the other hand, as a subject in its own right, it is most often an optional subject¹⁹.

While the implementation of elements of legal education in the educational system can be regarded as positive and is a kind of standard throughout the European Union, the approach to education itself and the development of lifelong learning tendencies among young people are also crucial. This task is faced by schools, which are currently failing to prepare young people for life in the future²⁰. It should be noted that the educational model adopted so far, focused on the transmission of knowledge, is not effective enough, as it not only fails to equip young people with appropriate skills, but also significantly hampers their development and creativity.

From the point of view of legal education, there are two types of factors responsible for this state of affairs.

16 D. Woźniakowska-Fajst, M. Stec, J. Śliwa, op.cit, pp. 7-8.

17 Regulation of the Minister of National Education of 14 February 2017 on the core curriculum for pre-school education and the core curriculum for general education for elementary school, including for students with moderate or severe intellectual disabilities, general education for an industry school of the first degree, general education for a special needs school and general education for a post-secondary school (Dz. U. 2017, item 356, as amended). Currently, the core curriculum for students in elementary schools and kindergartens includes, among others, legal education on human rights, students rights or elements of criminal law and misdemeanour law.

18 Regulation of the Minister of National Education of 30 January 2018 on the programme basis of general education for general secondary school, technical school and upper secondary school (Dz. U. of 2017, item 59, 949 and 2203).

19 See D. Dziewulak, op. cit. p. 238. The countries analysed included: Italy, Austria, Hungary, the Czech Republic, Estonia, Finland, France, Spain, Germany, Serbia, Sweden and the United Kingdom.

20 This is particularly emphasised by: J. Przeperski, op.cit, p. 6.

The first is the inability of formal education to adapt to the pace of socio-economic change and the amount of information and knowledge. The second, already strictly related to legal education, turns out to be the instability of the law, due to the number of changes in legal regulations.

Perhaps the key to solving this problem is to instil in young people the conviction of the important role of continuing education. As J. Przepierski emphasises, in the perspective of the changing world, an important function of school should be to prepare students for the task of lifelong learning, as they must not only be aware of the continuous learning ahead of them, but also have adequate skills to acquire new knowledge and actively participate in other forms of education, including informal and self-education²¹. It is therefore necessary at school level to develop in them an attitude of self-discipline and equip them with the tools to solve real legal problems.

Any such action, however, must begin by equipping those who impart this knowledge with the appropriate factual background, since the degree to which young people are familiar with legal knowledge depends to a large extent on the to a large extent on the law's information circulation network. In order to achieve a satisfactory result, one can use the model of communication proposed by M. Vorweg and V. Lasswell's model of communication²², based on a chain of five elements: i.e. the sender (the lawmaker); the message (the content of the law); the channel (e.g. teachers, institutions involved in the dissemination of knowledge about the law); the recipients (in our case young people); and the effect (e.g. a certain social attitude towards the law).

The key role of teachers in the process of engaging young people in lifelong learning was already recognised in 2015. At that time, the material entitled 'Teacher in-service training system based on general comprehensive support for schools', implemented by the Centre for Education Development, was created. Its main aim is to 'support teachers in deepening their own and their students' legal awareness. This new form of in-service teacher training not only provides a unique opportunity to improve teachers' competences, but also to solve school problems. Within the network, teachers develop skills related to:

- a. diagnosing the state of legal education at school in the context of the implementation of the core curriculum;
- b. conducting various educational activities on legal topics, creating lesson plans and teaching materials on their own;
- c. using forms and methods of teaching adapted to the subject matter of the legal issues under discussion and to the predispositions and interests of the students;
- d. application and exchange of good practices, conducting lessons and open classes for in-depth reflection, sharing experiences;
- e. self-evaluation of didactic and educational activities in the field of legal education²³.

However, it is impossible to assess how effective this cooperation network is at present and what impact it has on the development of students' legal awareness. The author was unable to find any studies on this subject.

The issue of legal education in the context of lifelong education can be assessed in vertical, horizontal and, combining both dimensions, spatial dimensions²⁴. Legal education in the vertical dimension should encompass the gradability of education, starting from the youngest children to the fully grown adult. This gradualness is to be distinguished by the undertaking of continuous and planned actions, appropriate to the different stages of human development and aimed at realising the vision of a model of an educated human being, coping with every life situation encountered, regardless of its intensity²⁵. The horizontality of legal education means involving not only schools, but also governmental, self-governmental and other institutions in this task, and aligning their activities so that young people develop in a harmonious manner and in a way that is appropriate to their age and mental strength²⁶.

21 Ibid, p. 7

22 T. Nieborak, op.cit., p. 274.

23 E. Leszczyńska, M. Pacholska, op.cit., p. 3.

24 J. Przepierski, op. cit. p. 7.

25 Ibid, p. 7

26 Ibid, pp. 7-8.

It would seem that continuing education focuses exclusively on the time dimension of legal education. Nothing could be further from the truth. In the first years of a young person's life, a major role is played by the school and the teachers, whose approach to education is fundamental in imparting basic knowledge of the law. Knowledge that is not purely theoretical, but equips them with problem-solving skills and the ability to think critically.

According to D. Wojciechowska-Fajst, an ideal teaching model is a synergy of theoretical knowledge (location and ordering of information about the law) and practical knowledge (e.g. solving case studies, analysis of regulations or drafting pleadings), which provides adequate preparation for further horizons²⁷. Besides, a young person entering adulthood should have a chance to acquire further useful skills, both after and during the completion of formal education. This is where the field of for governmental and self-governmental organisations, and other institutions, institutes or foundations able to carry out coordinated activities and create programmes that complement and develop the skills already acquired. The state's role in legal education should be to set an example for young people and encourage them to become involved in the structures of civic life.

It is important to take into account the conclusions that emerged from the final report on the monitoring of the functioning of the free legal aid system, drawn up within the framework of the programme "Supporting Non-Governmental Organisations 2016 - Citizen and Law" of the Polish-American Freedom Foundation, implemented by the Institute of Public Affairs. At that time, it was indicated that the free legal aid system lacks funds dedicated to conducting legal education. We further read: "More than 90% of our compatriots do not feel the need to use legal aid (whether paid or not), because they do not understand that their problems require the support of a lawyer or that they will be able to avoid problems if they use such support. This means that without extensive and widespread legal education of citizens, even though they should use legal aid, they will not do so anyway²⁸".

Further conclusions that do not inspire optimism emerge from data from an audit carried out in 2018 by the Supreme Chamber of Control, as part of the assessment of the functioning of free legal advice²⁹. First of all, it was highlighted that the audited units of the public administration sector fulfilled legal education tasks in an inconsistent manner. In most cases, these activities lacked a coherent, comprehensive and systemic character, and those addressed to persons other than students were mainly limited to providing information on the Internet. To the fullest extent legal education was provided to students, for whom, among other things, materials were prepared and made available to schools and educational institutions. There was also an annual information and education campaign connected with the International Day of Mediation, but a significant part of educational activities, also addressed to children and young people, was carried out only by posting information on websites. While such activities provide universal access to this content, in the opinion of the NIK, their effectiveness remains limited.

The result of the introduction of the Act on free legal aid was also the establishment of a consultative and advisory body under the Minister of Justice, referred to as the Council for Unpaid Legal Aid and Legal Education (Article 17(1) of the Act on free legal aid). In its current form, the body functions on the basis of the Ordinance of the Minister of Justice of 19 July 2021 amending the Ordinance of 16 July 2019 on the appointment and granting of regulations for the work of the Council for Unpaid Legal Aid, Unpaid Citizens' Advice and Legal Education (Journal of Laws 2021, item 168). The Council's competencies include, inter alia, analysing the performance of legal education tasks and taking measures to improve the organisation of the system. In addition, the Minister of Justice has been obliged to report annually (by 30 June of the following year) on the evaluation of the functioning of the system of free legal counselling and legal education. From 2019 onwards. The Council has been convened three times. Until then, the meetings consulted on ways to improve the system of free legal aid and accessibility for persons at risk of exclusion³⁰. Issues related to systemic improvement of legal education have not been raised so far.

27 D. Woźniakowska-Fajst, M. Stec, J. Śliwa, op. cit. pp. 29-30.

28 Institute of Public Affairs, Final report on monitoring the functioning of the system of free legal advice, Warsaw 2016, online: <https://bip.brpo.gov.pl/sites/default/files/RAPORT%20KO%20COWY%20Z%20MONITORING%20FUNCTIONOF%20SYSTEMU%20NIEODPOMOOCY%20PRAWNEJ.pdf> (p. 53) [accessed 27.07.2021].

29 Supreme Audit Office, Information on the results of the audit. Functioning of the system of free legal advice, NIK 2018, online: <https://www.nik.gov.pl/plik/id,16874,vp,19432.pdf> [accessed 24.07.2021].

30 The above can be referred, for example, to a recent communication posted on the website of the Ministry of Justice: Meeting of the Council for Unpaid Legal Aid, Citizens' Advice and Legal Education, online: <https://www.gov.pl/web/sprawiedliwosc/posiedzenie-rady-nieodplatnej-legal-assistance-citizen-advice-and-legal-education> [accessed 28.07.2021].

Legal education in the field of justice

“Legal awareness and knowledge of the law is the key to understanding the modern world. Educating the public in this area serves our common good”, according to Undersecretary of State in the Ministry of Justice dr Marcin Romanowski³¹.

At this point, reference should be made to legal education aimed directly at educating young people about the justice system. As we know, the administration of justice is an area of state action involving the resolution of legal disputes by independent and autonomous courts. To the average citizen, the machinery of the functioning of the justice system seems incomprehensible and their trust in the courts is relatively low. In addition, Poles increasingly report that court procedures are overly complicated (an increase from 30% to 33% between 2012 and 2017).³² As noted earlier in this analysis, the legal awareness of society is shaped over generations. Therefore, it is important to instil confidence in the institution of law among young people, which should translate into a better orientation in legal regulations, knowledge of basic procedures and, above all, eliminate the fear of participating in court procedures³³. So that in the future young people will be able to pass on the knowledge and experience they have gained to their children, and this will ultimately contribute to greater participation in civic and social initiatives.

To their credit, initiatives of a nationwide nature have been undertaken by the Legal Education Department of the Ministry of Justice, which has developed educational programmes aimed at education in the area of legal education for young people. The programmes focus on three levels. The first includes ‘Lessons on the Law’, involving the creation of educational materials for teachers and the provision of interactive classes with young people by Ministry staff. These include programmes such as ‘Lessons on Mediation’ and ‘Lessons on Legislation’. On another level, the Ministry provides opportunities to familiarise young people with the practical aspects of the functioning of the law, through competitions and educational games. In this context, an interesting initiative is the competition for elementary and secondary schools entitled “Justice League”. “Justice League” is an interesting initiative in this context. According to the Ministry, “the aim of the competition is to increase the awareness of young people in the field of legal education, to shape their civic attitudes and their involvement in social life, as well as to activate young people in the field of legal education at the local level.”³⁴ Two teams of 3 to 5 students per school can enter. Together they form the Elementary School League (grades 4-8) and the Secondary School League. Once a week, the teams prepare creative tasks in literary, artistic or multimedia form, based on a theme made available on the competition website.

Interestingly, by Order of the Minister of Justice of 21 December 2020, a Youth Justice Council was established under the Minister of Justice. According to the assumption: “The purpose of the Youth Justice Council is primarily to create and promote among young people an attitude of active participation in the development and building of legal awareness, as well as to involve young people in the dialogue concerning the justice system and legal education in Poland. In addition, the Council will support the actions undertaken by the Minister of Justice in the field of youth, at the same time taking initiatives to promote free legal aid and free civic counseling”³⁵.

The Youth Justice Council is to have essentially two functions: advisory and educational. The normative reflection is the catalogue of tasks entrusted to the Council, set out in § 2(2) of the Ordinance, which include: expressing opinions and presenting proposals to the Minister of Justice, giving opinions on legal acts, preparing analyses and reports and participating in teams and commissions at the invitation of the Minister of Justice, as well as organising workshops, conferences, discussion panels and conducting social campaigns.³⁶ In organisational terms, the Council is a collective body consisting of members of the Council elected for a one-year term through a recruitment process conducted by the Ministry of Justice on the basis of the Selection Regulations. The Council may be composed of 12 to 24 members aged between 16 and 26. The Council is headed by

31 Ministry of Justice, Communication: Celebrating Legal Education Day, online: <https://www.gov.pl/web/sprawiedliwosc/obchodzimy-dzien-education-pr> [accessed 29.07.2021].

32 Centre for Public Opinion Research, Social assessments of the judiciary. Research Communication No. 31/2017, Warsaw 2017, p. 8, online: https://www.cbos.pl/SPISKOM.POL/2017/K_031_17.PDF [accessed 29.07.2021].

33 A. Dudak, op.cit., p. 66

34 Ministry of Justice, Communication: Justice League, online: <https://www.gov.pl/web/sprawiedliwosc/liga-sprawiedliwosci> [accessed 30.07.2021].

35 Ministry of Justice, Communication: Youth Justice Council, online: <https://www.gov.pl/web/sprawiedliwosc/mlodziezowa-rada-justice> [accessed 29.07.2021].

36 Order of the Minister of Justice of 21 December 2020 on the establishment of the Youth Justice Council (Official Gazette of the Ministry of Justice of 2020, item 264).

the Chairman of the Council elected together with the Deputy Chair of the Council and the Secretary of the Council at the first convened meeting. Decisions of the Council are made at Council meetings in the form of resolutions adopted by a simple majority with a quorum of at least half of the Council members. In addition, the Council is obliged to report twice a year to the Minister of Justice on the tasks it has fulfilled.

According to the announcement posted on the website of the Ministry of Justice, the Youth Justice Council of the 1st term consists of 24 members (the full list of members can be found in the published announcement).³⁷ So far, the Council has had the pleasure of participating in a meeting with the President's Youth Advisor Łukasz Rzepecki, as part of a series of meetings entitled "Youth in the Palace". At the meeting, which was conducted by means of a videoconference, issues related to legal education of young people were discussed, as well as promotion of activities related to free legal aid and free civic counselling³⁸. Moreover, during the consultations, the rightness of introducing the institution of magistrates into the Polish legal system was discussed, as well as unpaid internships for young people in the public administration or certified educational courses for young people³⁹.

On 21 May 2021, the second meeting of the Youth Justice Council of the first term was held with the participation of Deputy Minister Marcin Romanowski. The main topic was issues related to mediation and victim support. Solutions concerning the popularisation of legal knowledge and available state support were discussed⁴⁰. The issue of civic activation of young people was also addressed, with the aim of increasing their involvement in social life. Undoubtedly, the creation of this advisory body deserves recognition, moreover, it should be the subject of further analysis, with regard to the implementation of their tasks and future initiatives.

Overview of other initiatives for the legal education of young people

Pro bono activities of common courts and judges

For several years, the activities undertaken by the common courts in the field of legal education, aimed at schoolchildren, have deserved attention. Obviously, it is somewhat difficult to describe any initiatives undertaken in each of the individual courts, as these activities vary.

However, some convergences can be identified, which basically boil down to: meetings of young people with judges, with the aim of introducing the principles of the functioning of the judiciary and the methodology of the judge's work; participation of young people in court hearings; visits to court buildings and courtrooms; preparation by students of simulations of hearings taking into account procedural roles; participation of students in lectures on legal issues; as well as dissemination of educational materials. Such educational undertakings are intended to promote knowledge about the application of law in practice, the organisation and functioning of courts and the structure of the judiciary in Poland.

Most often, courts post on their websites legal education offers addressed to headmasters of schools and educational institutions to apply for participation in a given programme. For example, the Circuit Court in Toruń⁴¹ has published on its website an offer to give students an opportunity to visit the court building and give a short lecture on how it operates; to take part in criminal trials as an audience; to make the courtroom available for a simulated trial prepared as part of a civics lesson; or to organise meetings with a judge on the premises of an educational institution to familiarise young people with the functioning of the judiciary and the judge's working methods.

37 Ministry of Justice, Announcement: Youth Justice Council First Term, online: <https://www.gov.pl/web/sprawiedliwosc/mlodziejowa-justice-council-and-cadence> [accessed 10.09.2021].

38 Announcement: Youth in the Palace. Meeting with the Youth Justice Council, online: <https://www.prezydent.pl/kancelaria/aktywnosc-doradcow/art.522,mlodzi-w-palacu-spotkanie-z-mlodziejowa-rada-sprawiedliwosci.html> [accessed:10.09.2021].

39 Ibid.

40 Ministry of Justice, Announcement: Youth Climate Council meeting with Deputy Minister Marcin Romanowski, online: <https://www.gov.pl/web/sprawiedliwosc/posiedzenie-mlodziejowej-rady-sprawiedliwosci-z-udzialem-wiceministra-marcina-romanowskiego> [accessed 10.09.2021].

41 Legal education offer of the District Court of Toruń, online: <https://torun.so.gov.pl/edukacja-prawna,m,mg,3,163> [accessed 10.09.2021].

Another course of activities of common courts is the dissemination of legal knowledge through the creation of dedicated educational programmes. As an example, one can point to an educational programme called “Lessons on Law”, run by the District Court in Warsaw, by judges of the civil and criminal division⁴².

As we can read on the website of the Public Information Bulletin of the District Court in Warsaw, the average duration of the lessons is 3 hours, during which students prepare a simulation of a court hearing and take on the various procedural roles. The ‘Lessons on Law’ programme is dedicated to students in grades seven to eight of elementary school and secondary school students. It should be borne in mind here that, as a result of the COVID-19 pandemic, access to the premises of general courts is currently significantly impaired.

Concluding the discussion of the activities of common courts in the area of legal education, it should be emphasised that there are still many courts using the Ministry of Justice’s handbook entitled “A student comes to a lawyer. “A student comes to a lawyer...” - an innovative legal guide for young people. The handbook is one of the fruits of the activities implemented since August 2013 by the Ministry of Justice, under the project “School education against legal exclusion” (from the Operational Programme of the Ministry of Justice: Institutional Capacity Building and Cooperation in the Area of Justice)⁴³.

Activities of the professional self-governing bodies of legal advisers and advocates

As part of its efforts to develop legal education among young people, the National Chamber of Legal Advisers has for several years been organising the National Competition “Academy of Knowledge about Law” for elementary and secondary school students. The objectives of the competition are to enhance knowledge of the law among teenage Poles, to increase legal awareness among children and young people, to foster in them an attitude of respect for the law and to promote the links between Polish and international law⁴⁴. The Competition’s Organisational Committee, appointed by the President or the Vice President of the National Council of Legal Advisers, pursues the above-mentioned objectives. This year’s fourth edition began on 29 March 2021, with the final taking place on 26 April 2021. The competition consisted of three stages: a quiz (at school level), a test and a case study (at poviast level) and an oral statement before the Central Competition Commission (at central level). It should be noted that the project involves the District Chambers of Legal Advisers, which are represented by legal education coordinators⁴⁵.

Relevant activities for the legal education of young people are also undertaken at the level of individual chambers. The District Chamber of Legal Advisers in Warsaw can serve as an example as it has developed a programme of classes for elementary and secondary school students entitled ‘Legal Adviser with Flying Colours’⁴⁶. “The classes are conducted by both legal advisors and trainee legal advisors based on specially prepared lesson plans. In turn, the topics are adapted to each level of education. Meetings with legal practitioners are an excellent supplement to the curriculum. Thanks to this initiative, young people learn about issues related to personal data, copyright, human rights, civil law obligations or inheritance law, the basics of business law, family law, labour law and constitutional law.

For several years now, the District Chamber of Legal Advisers in Warsaw has been undertaking a number of initiatives aimed at disseminating and promoting legal knowledge among children and young people, including through the organisation of school classes for children and young people from Warsaw and the surrounding areas. With the agreement and in cooperation with the management of more than 30 Warsaw schools, a group of legal advisers conducted classes on legal topics for elementary and secondary school students. In 2019 alone, the legal advisers carried out more than 270 lesson hours. Also during the pandemic period, the classes conducted by the Warsaw Chamber’s legal advisors are continued online. As declared by the District Chamber of Legal Advisers {**Polish-OIRP**} in Warsaw, classes are to be held at least once a week⁴⁷.

42 Public Information Bulletin of the Warsaw District Court, online: <https://bip.warszawa.so.gov.pl/artykuly/1438/edukacja-prawna> [accessed 10.09.2021].

43 Ministry of Justice, ‘Przychodzi uczeń do prawnika...’. Innovative legal guide for young people, online: <https://www.gov.pl/web/sprawie-dliwosc/przychodzi-uczen-do-prawnika-innowacyjny-poradnik-prawny-dla-mlodziezy> [accessed 10.09.2021].

44 National Chamber of Legal Advisers, Announcement: Legal education, online: <https://kirp.pl/edukacja-prawna/> [accessed 10.09.2021].

45 Regulations of the 4th edition of the National Academy of Law Knowledge Competition for elementary and secondary school students, organised by the National Chamber of Legal Advisers, in the school year 2020/2021, online: <https://kirp.pl/wp-content/uploads/2021/03/regulamin-vi-edycji-konkursu-akademia-know-o-praw.pdf> [accessed: 10.09.2021].

46 Regional Chamber of Legal Advisers in Warsaw, Announcement: Legal education - wider cooperation and more classes, online: <https://www.oirp.warszawa.pl/edukacja-prawna-szersza-wspolprac-i-wiecej-zajec/> [accessed 10.09.2021].

47 Education Office of the City of Warsaw, Announcement: Legal Education of Warsaw Students, online: <http://www.edukacja.warszawa.pl/dla-nauczycie/>

In turn, there is a Legal Education Commission at the Supreme Bar Association. In 2019. The Commission has compiled a study that collects and describes the initiatives undertaken so far by the District Bar Association.

to share experience with each other and inspire further action⁴⁸. Among the educational programmes aimed at young people, the following can be singled out: the programme of the District Bar Association in Gdańsk, which has been in operation since 2014, entitled “A Legal Adviser is Useful in Life”, a project of lessons dedicated to secondary school students A Legal Advisor for a Student, implemented by the District Bar Association in Katowice, an educational programme entitled A Legal advisor helps and teaches law’, aimed at secondary school students within the area of operation of the Bar Association in Olsztyn, and a programme prepared by the Warsaw Bar Association entitled ‘An advocate is useful in life’, aimed at secondary school students.

Commune, Poviats and Voivodship Youth Councils

By the Act of 20 April 2021 amending the Act on Commune Self-Government, the Act on Voivodship Self-Government, the Act on Voivodship Self-Government and the Act on Public Benefit Activity and Volunteerism, the position of youth councils at each level of local government was strengthened⁴⁹.

As a result of the amendment, the legislator obliged communes, poviats and voivodeships to involve young people in matters important to them, significantly strengthening the position of youth councils. These councils at each level gained advisory and initiative character. Based on these competencies, they may submit a motion to authorised entities to take the initiative to adopt a resolution, in the procedure specified by the statutes of the commune, poviat, voivodeship statutes or separate resolutions of the governing bodies of the said local government units. Moreover, the procedure for establishing youth advisory bodies has been simplified, as they can be established both on the own initiative of the decision-making bodies of local government units and at the request of executive bodies, i.e. the head of the commune, poviat and voivodeship boards, and a number of other entities, including non-governmental organisations and students and students from the area of the given unit. Importantly, a statutory deadline of three months from the date of submission of the application for the appointment of advisory bodies has also been introduced. In addition, youth councils were provided with additional statutory powers, such as issuing opinions on draft resolutions concerning youth, participating in the development of strategic documents of the commune for the benefit of youth, monitoring the implementation of strategic documents of the commune, poviat and voivodship for the benefit of youth and the implementation of these activities, and taking other actions for the benefit of youth, in particular in the field of civic education in a manner specified by the commune council, poviat council or voivodship parliament.

From the point of view of this analysis, the last of the mentioned competences seems to be important, as it may lead to the activation of local youth, so far uninterested in activities at the local level. The author draws attention to the fact that the educational tasks of youth councils towards their peers may break down a certain generation barrier and result in a more accessible way of getting young people interested in civic matters.

Other

Particularly noteworthy is the activity of the INRIPS Foundation, founded in 2009 and constituting a legal think-tank focused on five areas: access to legal aid, innovative legal education, the legislative process, the judiciary and the legal profession⁵⁰.

Among other things, the Foundation has developed an interactive game called ‘Your Law’. It is a modern educational tool for gaining practical knowledge about the law, developing civic attitudes and practising skills for which there is a particular social need. The game is aimed at students of secondary schools, junior high schools and higher education institution students or students of other types of secondary schools. The game’s

la- i- director/materialy-dla-nauczyciela/22181-edukacja-prawna-warszawskich-uczniow [accessed 10.09.2021].

48 Study by the Legal Education Commission of the Supreme Bar Association, online: http://www.adwokatura.pl/admin/wgrane_pliki/file-akomisja-edu25ix2019-28974.pdf (p. 7) [accessed 10.09.2021].

49 Act of 20 April 2021 amending the Act on Commune Self-Government, the Act on Poviat Government, the Act on Voivodship Self-Government and the Act on Public Benefit Activity and Volunteerism (Journal of Laws 2021 item 1038).

50 More about the IRIPS Foundation and their activities can be found at: <http://www.inpris.pl>.

premise is that participants take part in the legislative process on a law, the subject of which they can choose themselves or with the help of an instructor. This is an extremely interesting project, as it allows young people to be involved in complex subjects previously reserved for a few, using a skill that is common to them, i.e. playing games.

In addition, in order to promote and stimulate public interest in legal knowledge, Legal Education Day was celebrated for the first time on 15 March 2017. To mark the occasion, attractive webinars were prepared for young people on the Facebook platform and individual 45-minute lessons conducted by judges and lawyers on the Microsoft Teams platform on the topics of criminal law, civil law, copyright, human rights and animal rights. In turn, the event's partner, Wolters Kluwer Polska, prepared articles discussing practical legal issues from everyday life⁵¹.

Due to the specific framework of this analysis, it is impossible to list all the non-governmental organisations dealing with legal education in their statutes. The most interesting ones include the Centre for Citizenship Education⁵², "Iustitia" Legal Education Foundation and the Polish Association for Legal Education. The latter, among others, runs classes based on the Street Law methodology "Law in everyday life"⁵³.

Conclusions and recommendations

Three key conclusions can be drawn from this analysis. Firstly, hardly any research has been conducted in the area of legal education for young people to date. The nationwide survey cited in the analysis concerns 2016 and has the widest scope. A picture of the current state of legal awareness among Poles is therefore missing. Any conclusions can be drawn on the basis of outdated data and partial analyses of institutions not engaged in research work *sensu stricto* (e.g. the Supreme Bar Association). It is recommended to initiate a social debate on the state of legal education of young people in Poland and to conduct thorough and reliable research on the state of legal awareness of young people, as well as to learn about their expectations towards the education system and proposals for improvement.

There is also a lack of coordinated action between organisations that professionally conduct legal education classes (as their statutory objective). They have experts, they have the necessary factual background, they issue publications, they conduct trainings. There is also a lack of youth activation programmes at the local government level (locally). Non-governmental organisations operate in this area, such as the Association of Polish Judges "Iustitia" and the Legal Education Foundation "Iustitia".

It should be emphasised that the key idea is to create an information network through which professional organisations would exchange their knowledge, resulting in a kind of "brainstorming" for the development of better methods of educating young people about the law and implementing adequate tools for the legal development of the young person.

School plays an important role in a young person's life, filling the first years of his or her life in society. This stage of education is all the more important as the young person's personality and approach to social and economic issues are formed at this time. At this point it is impossible to assess the scale, extent and effects of teacher education on young people. In addition, one must wonder whether the current core curriculum is sufficient. So far, most of the activities in the field of legal education are undertaken by non-governmental organisations as well as lawyers and general courts on a pro bono basis, although these tasks should be the responsibility of the Ministry of National Education in particular. In view of this, it is recommended that further research be conducted into the effectiveness of education of young people by teachers of civic education and that consideration be given to effective changes to the education system, in particular including changes to the core curriculum by the Ministry of National Education.

Finally, the author would like to stress that in the digital age, the education of young people should be based on action-oriented teaching methods, which will encourage them to cooperate and allow them to feel like

51 Iustitia Legal Education Foundation, Announcement: Today we celebrate legal education day, online: <https://www.edukacja.iustitia.prawo.pl/wiadomosci/today-obchodzimy-dzien-edukacji-prawnej/> [accessed 30.07.2021].

52 I encourage you to find out more about the organisation's programmes at: <https://www.ceo.org.pl/programy>

53 Polish Association for Legal Education, Announcement: Street Law, online: http://www.psep.pl/index.php?site=/street_law/ [accessed 30.07.2021].

important members of the community, fostering social participation. Only such solutions will make the younger generation realise the value of their ideas. In addition, it is crucial to use the benefits of the Internet as a tool to improve learning methods for young people and to reach as many interested parties as possible.

Bibliography

1. Baran T., Diagnoza świadomości prawnej Polaków 2016. Główne wyniki badania wizerunku wymiaru sprawiedliwości i wiedzy prawnej Polaków, online: https://zpp.net.pl/wp-content/uploads/2017/08/omt9a-g_09.03.2016NiewiadomoprawnaPolakw2016.pdf [dostęp: 27.07.2021].
2. Bartnik A.S., Kowalska K.J., Prawne uregulowania przedsądowej pomocy prawnej i poradnictwa, [w:] red. tychże, Nieodpłatna pomoc prawna, Wyd. Wolters Kluwer, Warszawa 2019, s. 37, online: [https:// sip.lex.pl/#/monograph/369454852/6/bartnik-adriana-sylwia-kowalska-katarzyna-julia-nieodplatna-pomoc-prawna?keyword=Prawne%20uregulowania%20Przeds%C4%85dowej%20pomocy%20prawnej%20i-%20poradnictwa&cm=STOP](https://sip.lex.pl/#/monograph/369454852/6/bartnik-adriana-sylwia-kowalska-katarzyna-julia-nieodplatna-pomoc-prawna?keyword=Prawne%20uregulowania%20Przeds%C4%85dowej%20pomocy%20prawnej%20i-%20poradnictwa&cm=STOP) [dostęp: 27.07.2021].
3. Dudak A., Istota i znaczenie edukacji prawnej w kształtowaniu społeczeństwa otwartego, „Przegląd Pedagogiczny”, nr 2/2014, Wyd. Wydział Pedagogiki UKW w Bydgoszczy, Bydgoszcz 2014, online: <http://repozytorium.ukw.edu.pl/handle/item/1705> (s. 65.) [dostęp: 28.07.2021].
4. Dziewulak D., Edukacja prawna w szkolnictwie podstawowym i średnim w Polsce, wybranych państwach Unii Europejskiej oraz w Serbii i Wielkiej Brytanii, „Zeszyty Prawnicze BAS”, nr 68/2020, online: <https://www.ceeol.com/search/article-detail?id=921057> (s. 221) [dostęp: 26.07.2021].
5. Kopińska V., Edukacja prawna z perspektywy humanistyczno-krytycznej, „Rocznik Andragogiczny”, [b.m] 2012, online: http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-e44df075-bbbf-4490-a-e6a-47053fc264b9/c/V._Kopinska_RA_2012.pdf (s. 189) [dostęp: 27.07.2021].
6. Leszczyńska E., Pacholska M., Edukacja prawna w szkole. Sieć współpracy i samokształcenia, Ośrodek Rozwoju Edukacji, Warszawa 2015 online: <http://www.bc.ore.edu.pl/dlibra/docmetadata?id=823&from=publication> [dostęp: 28.07.2021].
7. Nieborak T., Czy edukacja prawna jest nadal potrzebna? Refleksje na 100-lecie ruchu prawniczego, ekonomicznego i socjologicznego, „Ruch Prawniczy, Ekonomiczny i Socjalistyczny”, z. 2/2021, online: <https://pressto.amu.edu.pl/index.php/rpeis/article/view/28732/25854> (s. 272) [dostęp: 28.07.2021].
8. Przeperski J., Istota i znaczenie edukacji prawnej w kontekście ochrony przed pokrzywdzeniem w obszarze naruszenia wolności religijnej, Centrum Analiz Strategicznych Instytutu Wymiaru Sprawiedliwości, Warszawa 2019, online: <https://iws.gov.pl/wp-content/uploads/2020/11/J.-Przeperski-Istota-i-znaczenie-edukacji-prawnej-w-kontek%C5%9Bcie-ochrony-przed-pokrzywdzeniem-w-obszarze-naruszenia-wolno%C5%9Bci-religijnej.pdf> (s. 6) [dostęp: 27.07.2021]
9. Woźniakowska-Fajst D., Stec M., Śliwa J., Edukacja prawna – możliwości, szanse, bariery, oprac. A. Bojarska., Fundacja INPRIS – Instytut Prawa i Społeczeństwa, [b.m] 2012, online: http://www.inpris.pl/fileadmin/user_upload/documents/Obywatel_i_Prawo/Raport_Edukacja_prawna_obywateli.pdf (s.11) [dostęp: 27.07.2021].

Legal conditions for youth social participation in Poland

Ilona Oryl

Introduction

This analysis attempts to systematise the knowledge of legal regulations relating to the concept of youth participation. Unfortunately, most legal regulations are scattered in nature, often not referring to participation by this social group. Therefore, it became necessary to cross-sectionally examine these regulations in order to obtain the broadest possible picture of the issue in question. Moreover, the information collected by the author shows that this topic has not yet been addressed in the literature on the subject, so an analysis of this issue seems necessary.

This analysis is divided thematically into five sections. The first one refers to the explanation of the terms “social participation and youth” in order to introduce the reader to the essence of the subject in a precise and comprehensive manner. This subsection can also be regarded as crucial, as it shows the author’s understanding of both concepts, which allows the reader to make a personal assessment of the applicable legal regulations, subsequently indicated in subsections IV and V.

The second part deals with youth as a social group that should be given priority within participatory actions. This assumption cannot be overstated, as it is today’s youth who will become tomorrow’s adults shaping Poland’s political and social reality. The third part presents the issue of legal regulations at the national level, starting with an analysis of the Fundamental Law⁵⁴, followed by the Act on Public Benefit Activity and Volunteerism⁵⁵, the Act on the Council of Ministers⁵⁶, the Regulations of the Council of Ministers⁵⁷, and ending with the Act - Education Law⁵⁸ and the Act on Higher Education and Science⁵⁹.

Subsection IV presents the problem of legal regulations at the self-government level. Firstly, the idea of youth self-government, initiated by EU documents - the European Charter of Local Self-Government⁶⁰ and the European Charter on the Participation of Young People in Local and Regional Life⁶¹ - is indicated. The author has focused considerable attention on the analysis of the Act on Commune Self-Government⁶² and youth commune councils, given the particularly long and rich history of these bodies. Due to the similarity of regulations, only the Act on poviats self-government⁶³ and the Act on voivodeship self-government⁶⁴ were mentioned. The final part presents the final conclusions and possible postulates de lege ferenda.

Youth participation - what does it actually mean?

According to the Polish Language Dictionary, participation is participation⁶⁵. Already on this basis it can be assumed that social participation refers to public participation. K. Wojtoszek defines the term as a more or less direct participation of the public in the decision-making process at the local, public or political level, based on communication with the authorities, with a view to holding a mutual dialogue, mutual support and making correct and constructive decisions⁶⁶.

54 Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws No 78, item 483).

55 Act of 24 April 2003 on public benefit activity and voluntary work (Journal of Laws 2021, item 1038, 1243, 1535).

56 Act of 8 August 1996 on the Council of Ministers (Journal of Laws of 2021, item 178, 1192, 1535) (hereinafter referred to as the u.r.m.)

57 Resolution No. 190 of the Council of Ministers of 29 October 2013. Work Regulations of the Council of Ministers (M.P. of 2013, item 979).

58 Act of 14 December 2016. Education Law (Journal of Laws 2021, item 1082).

59 Act of 20 July 2018 on higher education and science (Journal of Laws 2021, item 478, 619, 1630).

60 European Charter of Local Self-Government, drawn up in Strasbourg on 15 October 1985 (Journal of Laws 1993, No. 124, item 607).

61 European Charter on the Participation of Young People in Local and Regional Life, Strasbourg 2003, online: <https://rm.coe.int/16807038eb> [accessed 27.11.2021].

62 Act of 8 March 1990 on commune self-government (Journal of Laws 2021, item 1372).

63 Act of 5 March 1998 on county government (Journal of Laws 2021, item 1038, 1834).

64 Act of 5 June 1998 on voivodeship self-government (Journal of Laws 2021, item 1038, 1834).

65 Password: participation, Dictionary of Polish Language, online: <https://sjp.pl/partycypowanie> [accessed 25.11.2021].

66 K. Wojtoszek, Prawne uwarunkowania partycypacji społecznej w Polsce, [in:] Samorząd terytorialny w Polsce z perspektywy 25-lecia jego funkcjonowania, ed. P. Laskowski, Wyd. Wałbrzyska Wyższa Szkoła Zarządzania i Przedsiębiorczości w Wałbrzychu, Wałbrzych 2015, p. 327, online: <http://bazekon.icm.edu.pl/bazekon/element/bwmeta1.element.ekon-element-000171405555> [accessed 25.11.2021].

It is 'participation' that occupies a special place in the context of the concept of social participation, as it indicates an active attitude of citizens and stakeholders in the public space, opposing passivity in taking any action. Participation understood in this way is referred to as social participation *sensu stricto*⁶⁷. R. Koziol distinguishes three types of social participation: community (activity in the life of the immediate environment), public (involvement in the affairs of the state) and individual (everyday decisions of the individual and their needs related to life in a given community)⁶⁸.

In the course of further analysis, the author will take up the subject of public participation, which in turn can be further referred to the two categories of citizen participation in public life distinguished by S. Langton, i.e. public activity and citizen involvement⁶⁹. It is to these categories that the subject of the analysed topic will be limited. Compulsory participation, understood as e.g. paying taxes, and electoral participation remain outside the subject of analysis.

Social participation is the subject of research in such scientific disciplines as law, sociology and political science, so it is impossible to find an unambiguous definition of the concept. The legal-administrative concept of social participation is understood as the right of individuals or groups to participate in the decision-making process at various levels of government, guaranteed by legal acts or other documents setting the standards of cooperation between institutions of power and citizens⁷⁰.

D. Żółkowski interprets this concept in a similar way, assuming that social (civic) participation is a phenomenon consisting in the participation of local communities in identifying and solving common needs and problems. It consists in including the population and organisations created by them in the process of implementing public tasks by the government or local authorities⁷¹. In normative terms, the concept of social participation derives from the instrumental interpretation of the concept of a democratic state under the rule of law, as defined in Article 2 of the Constitution of the Republic of Poland, and at the same time is a consequence of the constitutional principle of civil society, pluralism of worldview, social dialogue and social good⁷². Furthermore, H. Izdebski points out that the subjective rights of citizens should be considered as the point of consideration of social participation on the grounds of subjective law, i.e. the set of legal norms regulating it, because it is the increase of their significance that has a decisive impact on the growth of the role of social participation in Poland⁷³.

For the purposes of the present analysis, the author will use the definition of youth by age criterion. In the literature on the subject, these approaches differ significantly. S. Baley defines adolescence in the period between 13 and 20 years of age, for M. Kreutz youth is the period between 11 and 21 years of age, while according to M. Żebrowska, adolescence is between 12 and 18 years of age.⁷⁴ According to the UN definition, youth includes persons between 15 and 24 years of age. According to the UN definition, youth includes persons between 15 and 24 years of age⁷⁵. On the other hand, as M. Skonieczny points out, the most common definition of youth in social policy programmes is between 13 and 30 years of age.⁷⁶ The author of this analysis will use the term "adolescence" to refer to people aged between 13 and 30. The author of this analysis will use the latter definition..

-
- 67 N. Laurisz, Introduction to social participation in Poland, [in:] Public participation in Poland. Atlas of good practices, ed. M. Ćwiklicki, M. Frączak, published by the Foundation for Economy and Public Administration, p. 26, online: https://fundacjagap.pl/wpcontent/uploads/2019/09/Partycypacja_spolecz-na_w_Polsce_2013.pdf [accessed 25.11.2021].
- 68 L. Mysza-Strychalska, The importance of the sense of agency in the process of activity and social participation of youth, "Rocznik Pedagogiczny" 43/2020, pp. 39. online: <https://pressto.amu.edu.pl/index.php/rp/article/view/28375> [accessed 25.11.2021].
- 69 M. Wójcicki, The concept, essence and forms of social participation in the spatial planning process, 'Regional Development and Regional Policy' 2018/24, s. 172, online: <https://core.ac.uk/download/pdf/160250602.pdf>, [accessed 26.11.2021].
- 70 M. Wójcicki, op. cit. s. 172.
- 71 D. Ziolkowski, Strengthening social participation in local government - a challenge for administrative law, 'Studia Iuridica LXXVII', online: <http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.ceon.element-cf7c6167-2bc3-3bfd-a4a8-73fbd78c096e/c/pdf-01.3001.0013.1875.pdf>, p. 201. [accessed: 26.11.2021].
- 72 I. Niżnik-Dobosz, Part one. Legal aspects of public participation, [in:] Public participation in local government, ed. B. Dolnicki, Warsaw 2014. online: <https://sip.lex.pl/#/monograph/369284987/5?tocHit=1> [accessed 25.11.2021].
- 73 M. Wójcicki, op. cit. p. 171.
- 74 E. Wisniewska, Elderly and young in intergenerational dialogue, 'Society - Education - Language' 2017 2(6) p. 30, online: <http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.deskligh-d2a8306-c150-4a1e-84dc-02644780a73a> [accessed 26.11.2021].
- 75 UN Information Centre in Warsaw, UN for Youth, online: https://www.unic.un.org.pl/dla_mlodziwiez/ [accessed 26.11.2021]
- 76 M. Konieczny, Youth policy in Poland - basic issues, [in:] Youth Policy in Poland. European Commission Young Wiki Encyclopedia. Volume I, FRSE Publishing House, Warsaw 2019, online: https://www.frse.org.pl/storage/brepo/panel_repo_files/2021/02/18/ssjhw/polityka-mlodziwowa-online-part1.pdf, p. 7 [accessed 26.11.2021].

Young people as a specific social group implementing participatory actions

Józef Ignacy Kraszewski already noticed that: "Youth has reserves of strength in itself, with which it can overcome many things if it wants to."⁷⁷ Young people are passionate, creative and devoted to the issues they care about, therefore it is important to involve them socially in participatory processes already now, if only because in the perspective of the not too distant future they will play an important social role as those who will directly shape the reality around them.

A. Chodubski pointed to some specific traits distinguishing the youth phase⁷⁸, i.e. the lack of a formed cultural awareness and susceptibility to identification with various attitudes, showing initiative and striving to change reality, revealing aspirations and aspirations in a spontaneous and emotional manner, as well as deep criticism towards adults. The distinctiveness of interests and aspirations and the extremity of orientation in the search for the values of individual, social and professional life are revealed at a young age. In addition, there is a tendency to demonstrate new ways (including unconventional ones) in creating oneself and the surrounding cultural and civilisational reality.

At the same time, it should be borne in mind that the construction of civil society involves the participation of all social groups, including young people, and none of these groups should be excluded on the grounds of inexperience⁷⁹. Contemporary youth live in a world of constant change. On the one hand, they have access to a wide range of information and institutions to which their parents did not have access, which allows them to decide on their own further development. On the other hand, they live in a permanent state of stress and anxiety about tomorrow. Therefore, in order to become an active member of society, a young person should be characterised by a pro-development attitude. An individual displaying such an attitude presents not only an attitude of openness to new experiences, accepts differences, is interested in his/her environment, but also participates in various social areas, being convinced that his/her undertakings have significance for the world in which he/she functions.

Having a conviction of their own agency, they will act for the general good, take part in civic initiatives, elections, and express their opinions in various situations, respecting the opinions of others.⁸⁰ A study conducted in 2021 by CBOS [Public Opinion Research Center], "Young Poles and sense of influence on public affairs and involvement in protests"⁸¹ shows that a sense of influence on national matters is declared by 42% of respondents aged 18-24. This is a relative drop in comparison with Q2 2020, where the index was 53%. In terms of influence on local affairs, there is an even greater drop - from 69% in Q2 2020 to 58% in Q4 2021. It is possible that the discouragement of young people to participate in civic activities is due to the Covid-19 pandemic and the numerous restrictions.

It is worth presenting here two models of youth participation in turn. The first of these was created by Roger A. Hart as the so-called ladder of participation⁸². The first three steps of the ladder, i.e. manipulation, decoration and participation for show, have the character of youth's apparent involvement in social affairs. It is not until the next five steps (assigned but informed, consulting and informing, adult initiative, decision-making with youth, youth initiative and leadership, and youth initiative and decision-making with adults) that young people are successively able to experience their full participation in social life. The ladder depicts how authorities approach young people, starting with sham activities, which authorities should be wary of, and ending with full participation focused at the top of the ladder, where initiatives come from young people and result in decisions together with adults in partnership.

77 <https://www.cytaty.info/cytat/mlodosc-ma-w-sobie-zapasy-sily-ktorymi.htm> [accessed 26.11.2021].

78 A. Chodubski, Young people as objects and subjects of public life, [in:] Youth Policy of the European Union ed. M. Boryń, B. Duraj, S. Mrozowska. Adam Marszałek Publishing House Toruń 2014, pp. 11-12

79 M. Raczek, Youth policy in Poland, [in:] Youth Policy of the European Union, eds M. Boryń, B. Duraj, S. Mrozowska, Wyd. Adam Marszałek, Toruń 2014, p. 149.

80 L. Myszkowska-Strychalska, The importance of the sense of agency in the process of activity and social participation of youth, "Rocznik Pedagogiczny" 43/2020, p. 44, online: <https://pressto.amu.edu.pl/index.php/rp/article/view/28375> [accessed 27.11.2021].

81 Young Poles and the sense of influence on public affairs, CBOS, online: https://www.cbos.pl/SPISKOM.POL/2021/K_095_21.PDF [accessed 27.11.2021].

82 L. Myszkowska-Strychalska, op. cit. p. 50.

Another model of social participation was presented by Harry Shier⁸³. This researcher considered that the determinants of young people's participation should be sought in the conditions created by adults. Crucial in this model is that adults first listen to the needs of young people, the next stage is to support them in expressing their own views and take them into consideration when making decisions. The next two stages focus on involving young people in the process of making choices and co-managing together with adults. Like the previous model, this one also implies partnership. Young people must gain trust in authority, and this will happen when authority gains trust in young people.

Legal regulation of public participation at the national level

The concept of civil society does not appear anywhere in the Constitution of the Republic of Poland, although certain formulations used in the Basic Law constitute its interpretation. The Constitutional Tribunal, in the justification of its judgment of 27 May 2003, pointed out the great importance of the idea of civil society in social participation: "the society that has taken shape since 1989 is a society of free, informed, active and involved citizens in public affairs. Citizens have no legal obstacles to organising themselves in a way that suits their needs, aims and interests. There is no element of public life in which citizens organised in social organisations, associations or foundations do not participate"⁸⁴. The preamble itself emphasises the idea of involving citizens in the process of governing. One can cite for example this passage: "we establish the Constitution of the Republic of Poland as the fundamental rights of the state based on respect for freedom and justice, cooperation between authorities, social dialogue and on the principle of subsidiarity strengthening the powers of citizens and their communities"⁸⁵.

It is also on constitutional grounds that several principles have been specified as the constitutional foundation of social participation. It is impossible to establish a hierarchy of these, as each of them reflects the essence of social participation to a certain extent. Nonetheless, the principle of sovereignty as set out in Article 4(2) of the Constitution Act should be singled out, as it is primarily from this principle that the right to active participation of citizens in managing public affairs stems, constituting one of the fundamental systemic principles of modern democratic states, and allowing broad participation of citizens in the exercise of power⁸⁶. This principle furthermore reflects the idea of democracy that guided the drafters of the Basic Law. According to this principle, citizens can exercise power directly and indirectly. However, as M. Bożek aptly puts it, even if we refer to a broader understanding of this principle, i.e. by understanding it in terms of public participation in the decision-making process, we may observe that constitutional instruments of public participation, such as the citizens' legislative initiative, give decision-makers a limited influence on decision-making, even though they belong to the forms of direct democracy⁸⁷.

This is an extremely pertinent observation, indicating that already on constitutional grounds a specific distinction was made between forms of direct democracy - undoubtedly instruments of social participation of citizens - in view of their impact on the decision-making process. In the case of a referendum, the vote of the majority of citizens is binding, whereas in the case of a legislative initiative, the submitted draft is only a certain proposal to the legislature. Going further, one can point to further constitutional principles constituting the foundation of social participation: the principle of a democratic state under the rule of law (Article 2), a unitary state (Article 3), subsidiarity, decentralisation of public authority (Article 15), and local self-government (Article 16).⁸⁸ It may be argued that undoubtedly, all the above principles play a key role in view of their significant influence

83 Ibidem p. 51.

84 M.T. Góralczyk, The relationship between the constitutional principle of civil society and social participation - an outline of the problematic, "Przegląd Sejmowy" 2020, no. 6(161), online: [https://orka.sejm.gov.pl/przegląd.nsf/0/25C1D6BE6F3DC9A8C125864E003E5BDA/\\$file/2_Micha%C5%82%20To-You%20G%C3%B3ralczyk%20PS%20%206\(161\).pdf](https://orka.sejm.gov.pl/przegląd.nsf/0/25C1D6BE6F3DC9A8C125864E003E5BDA/$file/2_Micha%C5%82%20To-You%20G%C3%B3ralczyk%20PS%20%206(161).pdf) (p. 40) [accessed 30.11.2021].

85 Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws No 78, item 483).

86 A. Gross, Principles of public consultation in administrative law, [in:] Principles in Administrative Law. Theory, practice, jurisprudence, ed. Z. Duniewska, A. Krakala, M. Stahl, Warsaw 2018, online: <https://sip.lex.pl/#/monograph/369428922/346841/duniewska-zofia-red-krakala-artur-red-stahl-malgorzata-red-rules-in-administrative-law...?cm=URELATIONS> [accessed 25.11.2021].

87 M. Bożek, Constitutional bases of social participation and forms of its implementation in local government, 'Przegląd Sejmowy' 5(112), online: <http://orka.sejm.gov.pl/przegląd.nsf/OCA79967FDD23E58C1257ABB00389466/%24File/ps112.pdf> (pp. 93-94) [accessed 26.11.2021].

88 B. Składanek, Social participation as a concept and institution of a democratic legal state - legal and historical aspects, Zeszyty Naukowe Wydziału Nauk Ekonomicznych i Prawnych Uniwersytetu Technologiczno-Humanistycznego im. Kazimierza Puławskiego w Radomiu, "Studia Ekonomiczne, Prawne i Administracyjne" No. 3/2019, online: [http://bazekon.icm.edu.pl/bazekon/element/bwmeta1.element.ekon-element-000171595509\(p.73\)](http://bazekon.icm.edu.pl/bazekon/element/bwmeta1.element.ekon-element-000171595509(p.73)) [accessed 26.11.2021].

on the shape of social participation⁸⁹. In addition to the principles of the political system of the state, the provisions of the Constitution of the Republic of Poland contain civic rights which relate to public participation. Mention should be made, inter alia, of the right to information on the activities of the authorities (art. 61 of the Constitution of the Republic of Poland); the right to express opinions through a nationwide referendum (art. 62 of the Constitution of the Republic of Poland); the right to submit motions, petitions and complaints (art. 63 of the Constitution of the Republic of Poland); the right to information on the state and protection of the environment (art. 74(3) of the Constitution of the Republic of Poland); the right to social dialogue (albeit in a narrow sense, referring only to the economic system, Article 20 of the Constitution of the Republic of Poland); the right to civic legislative initiative (Article 118(2) of the Constitution of the Republic of Poland); the right to participate in a local referendum (Article 170 of the Constitution of the Republic of Poland). From the analysis of the constitutional provisions made, it may be concluded that both the constitutional principles and the above-mentioned civic rights provide the opportunity for active participation of citizens in the exercise of power. At the same time, none of the constitutional provisions use the concept of social participation.

Volunteering is one of the key elements supporting the development of NGOs. According to the study entitled *The Condition of NGOs 2018*⁹⁰, more than 63% of organisations use the help of female volunteers. Activity within the framework of voluntary work fulfils an important social role in the life of a young person, teaching him or her independence in thinking and acting, critical judgement of reality, decision-making and implementation of intentions.⁹¹ The definition of voluntary work can be found in the Act on Public Benefit Activity and Volunteerism (hereinafter: Polish - u.d.p.p.).⁹² Currently, this Act can be regarded as the basic normative act which regulates the forms and principles of cooperation between the social side and public administration bodies, both at the governmental and self-governmental level. Pursuant to Article 2(3) of the u.d.p.p., a volunteer is considered to be a natural person who voluntarily and without remuneration performs services under the principles set out in the Act. In turn, Article 42(1)(1) and (2) of the u.d.p.p. states that volunteers may, inter alia, provide services to non-governmental organisations or public administration bodies, excluding their business activities.

Volunteering can therefore be treated as a form of social participation of young people. In addition, special attention should be paid to Article 3(2) of the u.d.p.p.. This provision defines the statutory definition of a non-governmental organisation as a legal person or an organisational unit without legal personality which has legal capacity (the so-called legal disabilities), including foundations and associations, if they do not operate for profit and are not units of the public finance sector, within the meaning of Article 9 of the Public Finance Act.

Emphasising the significant importance of NGOs working for young people, one can use the The Polish Central Statistical Office statistical analysis entitled "Non-profit sector 2018"⁹³, which shows that among the individual recipients for whom NGOs work, as many as 53% are young people.

Due to such a significant predominance of youth-oriented organisations, the author decided to briefly explain the principles of cooperation between non-governmental organisations and public administration. With reference to the above, Article 5.2 of the u.d.p.p. enumerates the forms of cooperation between the social and public sectors. These include: commissioning public tasks to non-governmental organisations, consulting with non-governmental organisations on draft normative acts concerning their statutory activity, or participation in advisory or consultative teams together with representatives of state authorities.

The statutory regulation empowers social organisations, including non-governmental organisations, indicating their special role in the formation of civil society⁹⁴. At the same time, the legislator in Article 5(5) of the

The u.d.p.p. delegated to the constituent body of a local government unit the competence to determine the 'detailed manner of consultation' in the form of a resolution.

89 M. Bożek, op. cit. p. 90

90 Klon/Jawor Association, *The state of NGOs 2018*, online: <https://api.ngo.pl/media/get/108900?> [accessed: 03.12.2021].

91 A. Bejma, *Concept and classification of volunteering as a form of social participation*, 'Studia Politologiczne' 2010, no. 18, online: <http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-c109946a-264b-436f-a753-864bfffac77b1> [accessed 03.12.2021].

92 Act of 24 April 2003 on public benefit activity and voluntary work (Journal of Laws 2021, item 1038, 1243,1535) (hereinafter: u.d.p.p.w).

93 CSO, *Non-profit sector in 2018*, online: <https://stat.gov.pl/obszary-tematyczne/gospodarka-spoleczna-wolontariat/gospodarka-spoleczna-trzeci-sektor/sector-non-profit-w-2018-year.1.7.html> [accessed 03.12.2021].

94 J.H. Szlachetko, 3.2.2. *opinion-making powers of non-governmental organisations*, [in:] *Public participation in local spatial policy*, Warsaw 2017, online: <https://sip.lex.pl/#/monograph/369404605/335613?tocHit=1&cm=URELATIONS> [accessed 26.11.2021].

It should be noted that the subject-matter scope of the referred statutory authorisation is broad and at the same time undefined. The legislator used vague phrases, to which many meanings may be ascribed⁹⁵, thus leaving the local self-government with a certain freedom of interpretation in this respect. In spite of this, the bodies constituting the local self-government units have a statutory obligation in the light of Article 5a(1) of the u.d.p.p. to adopt an annual programme of cooperation with non-governmental organisations, which should be consulted with these organisations beforehand. The Act, however, does not specify the procedure and principles of conducting consultations. In this case, however, the manner of carrying out consultations should be included in the adopted programme (Article 5a, paragraph 4, subparagraph 10 of the u.d.p.p.).

These provisions make it impossible for the decision-making bodies of local government units to exclude the social factor when conducting local policy. However, should a local government unit fail to fulfil its statutory obligations to adopt an annual cooperation programme, the legislator provides legal mechanisms giving non-governmental organisations the possibility to challenge the lack of a resolution to an administrative court - Article 101a of the Act on commune self-government, Article 88 of the Act on powiat self-government and Article 91 of the Act on voivodeship self-government, respectively.

In the Act on Public Benefit Activity and Volunteerism, the regulation concerning the Council for Dialogue with the Young Generation is of particular importance in the context of this topic. This body was introduced by Art. 2 para. 1 of the amendment to the Act on Public Benefit Activity and Volunteerism of 19 July 2019.⁹⁶ Pursuant to Article 411(1) of the Public Benefit Activity Act, the Council is a consultative and advisory body of the Chairman of the Committee for Public Benefit.

The Act provides for an open catalogue of tasks performed by the Council, which include: expressing opinions on the application of the Act in the scope concerning the young generation; expressing opinions on draft legal acts and government programmes in the scope concerning the young generation; initiating and supporting activities to increase the level of civic participation of young people in the Republic of Poland; creating a forum for dialogue between non-governmental organisations and other social institutions and public authorities in the scope concerning the young generation; supporting the activities of institutions of civil dialogue acting for the benefit of the young generation, including children and young people, with particular emphasis on youth commune councils. It should be emphasised that in accordance with the content of Article 412(1) and (2) of the Act the Council is composed of 20 to 35 members, at least half of whom are representatives of non-governmental organisations, unions and agreements of non-governmental organisations, entities referred to in Article 3, paragraph 3, as well as youth councils of communes and the Students' Parliament of the Republic of Poland. The remaining half is elected by the public administration bodies specified in Article 412 par. 1.1-7 of the u.d.p.p., the Council for Public Benefit Activity or local government units.

O. Wyrzykowska and J. Zapolski-Downar point to two key issues threatening the functioning of this body⁹⁷. Firstly, there is a risk that members of the Council elected as representatives of the authorities may in fact not represent the voice of the young generation, due to the fact that those electing councillors are not a representation of the youth. Secondly, the Council by its very nature may become a politicised body, and this may have a negative impact on the substance of its activities. In addition, limiting the participation of activists from other options may consequently have the effect of excluding those representing different perspectives and views on young people's issues from the dialogue.

The Young Generation Dialogue Council is a consultative body. Given the stage of social participation and the extent of public involvement, this body can be classified as a consultative domain⁹⁸. The literature on the subject emphasises that consultation takes precedence over information. This means that representatives of the public may give their opinions on specific issues and their voices are considered by the authorities, although this does not mean that these voices are taken into account in the course of decision-making⁹⁹.

Thus, it can be seen that the initiative to create the Council for Dialogue with the Young Generation was necessary, as the voice of the young generation could formally resound among state authorities, but still the

95 Ibid.

96 Act of 19 July 2019 amending the Act on public benefit activity and voluntary work (Journal of Laws 2019, item 1570).

97 O. Wyrzykowska, J. Zapolski-Downar, *Młodzieżowa samorządność w Polsce. Analiza i dalsza perspektywa*, Wydawnictwo Rys, Poznań 2021, online: https://www.wydawnictworys.com/media/products/7c8df128b4f8b980ced5915e9000985e/attachments/pl_PL/oliwia-wyrzykowska-jan-zapolski-downar-mlodziewowa-samorzadnosc-w-polsce-edycja-online.pdf (p. 20) [accessed 27.11.2021].

98 K. Wojtoszek, op. cit. p. 328.

99 Ibid.

clout of young people is limited to the sphere of consultation and possible - but not conclusive - influence on the decision-making process of the authorities. Despite this, the establishment of the Council is a milestone on the path of the young generation's participation in civic dialogue with state authorities.

The issue of public participation is also addressed by the Act on the Council of Ministers (hereafter: Polish - u.r.m.).¹⁰⁰ Although, at first glance, it might seem that this Act is of marginal significance, it provides the basis for appointing subsidiary bodies for the work of the Prime Minister and members of the Council of Ministers. The Act contains a number of provisions regulating the possibility of establishing councils or teams as auxiliary bodies supporting the government policy adopted by the Council of Ministers. A distinction can be made, for example, in Article 7, paragraph 4, point 5 of the u.r.m. Article 12, paragraph 1, point 3 of the u.r.m. or Article 34, paragraph 1 of the a.m. At the same time, it should be borne in mind that the manner and scope of functioning of these bodies, their composition and objective are determined by the body appointing them. It is important to note that it was this Act that provided the legal basis for the establishment by the Minister of Climate¹⁰¹ and the Minister of Justice¹⁰² of such bodies as the Youth Climate Council and the Youth Justice Council.

In the course of this analysis, a brief discussion of these bodies cannot be omitted. The author will focus exclusively on the purpose for which they were established, as this is particularly relevant to the topic of youth social participation.

Youth Climate Council and Youth Justice Council

The Youth Climate Council is a consultative and advisory body operating under the Minister of Climate and Environment. The tasks of the Youth Climate Council include expressing opinions on matters covered by government administration (climate and energy), and in particular presenting opinions on planned policy changes, strategies and legislative changes within the scope of competence of the Minister of Climate and Environment, including proposals for solutions.¹⁰³ As the Ministry of Climate and Environment further emphasises, the Youth Climate Council is a platform for discussion, exchange of experiences, postulates and ideas between the youth community and decision-makers. The members of the Youth Climate Council are keen to represent the voice of the young generation in a reliable way, so they maintain constant contact with youth organisations and individual activists working in its thematic area, in order to convey their ideas to the representatives of the Ministry of Climate and Environment¹⁰⁴.

The Youth Justice Council was established to create and promote among young people attitudes oriented towards active participation in the development and building of legal awareness, as well as to involve young people in the dialogue on justice and legal education in Poland. At the same time, the council is to undertake initiatives promoting free legal aid and free civic counselling¹⁰⁵.

Public participation is also dealt with in § 36 of Resolution No. 190 of the Council of Ministers of 29 October 2013 on the adoption of the Rules of Procedure of the Council of Ministers, which provides for the presentation of a legislative project for public consultation in order to learn the position of a social organisation or other interested entities or institutions¹⁰⁶.

100 Act of 8 August 1996 on the Council of Ministers (Journal of Laws 2021, item 178, 1192, 1535) (hereinafter u.r.m.).

101 Order of the Climate Minister of 30 March 2020 on the establishment of the Youth Climate Council (MK. Official Gazette 2020, item 20).

102 Order of the Minister of Justice of 21 December 2020 on the establishment of the Youth Justice Council (OJ MS. of 2020, item 264).

103 Ministry of Climate and Environment, Communication: Youth Climate Council, online: <https://www.gov.pl/web/klimat/MRK> [accessed 27.11.2021].

104 Ibid.

105 Ministry of Justice, Communication: Youth Justice Council, online: <https://www.gov.pl/web/sprawiedliwosc/mlodziezowa-rada-justice> [accessed 27.11.2021].

106 Resolution No. 190 of the Council of Ministers of 29 October 2013. Work Regulations of the Council of Ministers (M.P. of 2013, item 979).

Student Council and Student Government as forms of youth participation in education

Adopting a perspective closer to the average young person, one may look at legal institutions which make it possible to prepare young people for civic activity by working for the benefit of the school community in youth structures, i.e. student council or student government. P. Ziółkowski emphasises the important role of student council in the life of a young person, writing: “the aim of upbringing at school is to shape the comprehensively developed personality of each individual and prepare him or her to participate in the life of society. Knowledge alone is not enough; it must be followed by certain practical activities. Such an opportunity is provided by the student’s involvement in activity in student government structures¹⁰⁷. In the case of student council, statutory regulation includes Article 85 of the Act - Education Law¹⁰⁸. Specific powers of the student councils are covered by Article 85(5) of the Act. Pursuant to it, the student council may present motions and opinions to the school or establishment council, the teachers’ board and the principle in all matters of the school or establishment, in particular concerning the realisation of the fundamental rights of students, including but are not limited to: the right to familiarise themselves with the curriculum, its content, purpose and requirements; the right to organise school life in such a way as to maintain a proper balance between school work and the possibility to develop and satisfy one’s own interests; and the right to organise cultural, educational, sports and entertainment activities in accordance with one’s own needs and organisational possibilities, in agreement with the headmaster. Naturally, the rules for the election and operation of student council bodies are laid down in regulations adopted by the general public of each school. The equivalent statutory regulation for the student government is Article 110 of the Act on Higher Education and Science¹⁰⁹. The student government is active in student affairs, including social and cultural affairs, and decides on the distribution of funds allocated by the institution for student affairs. The regulation concerning the manner in which the rules of procedure of the student government are determined is different. In this case, it is not the students who decide, but the decision-making body of the student government.

European Charter of Local Self-Government and European Charter on the Participation of Young People in Local and Regional Life

At European level, the source of the idea of local self-government is the European Charter of Local Self-Government¹¹⁰. The Charter directly emphasises that local self-government is constituted by the local community. The local community is therefore given special importance by the direct assumption that it is the community that is the source of all self-governing authority. This is already evident in the Charter’s preamble, where it is emphasised that local communities, and not local government bodies, constitute one of the essential foundations of the democratic system. It is further written that one of the democratic principles of the state is the right of citizens to participate in managing public affairs. The above provisions undoubtedly constitute a manifestation of social participation at the local government level.

Still on the subject of European regulations, one can look at the European Charter on the Participation of Young People in Local and Regional Life¹¹¹. The preamble contains the idea behind the creation of this act, proclaiming the importance of young people’s participation at local level. In line with this idea:

“The active participation of young people in decisions and undertakings at local and regional level is indispensable if we want to build societies that are more democratic, more supportive and more prosperous. Participation in the democratic life of a community is not just about voting or standing for election, although these are very important elements. To participate and be an active citizen means to have the right, the means, the space, the opportunity and, if necessary, the support required to participate in decisions, to influence them, and to engage in activities in ways that contribute to the establishment of a better society. Local and regional communities,

107 P. Ziółkowski, Civic activity of young people and seniors for regional development, *Zeszyty Naukowe Wyższej Szkoły Gospodarki w Bydgoszczy*, “Edukacja - Rodzina - Społeczeństwo” 3/2018, online: <https://depot.ceon.pl/handle/123456789/20615> (p. 213) [accessed 27.11.2021].

108 Act of 14 December 2016. Education Law (*Journal of Laws* 2021, item 1082).

109 Act of 20 July 2018 on higher education and science (*Journal of Laws* 2021, item 478, 619, 1630).

110 European Charter of Local Self-Government, drawn up in Strasbourg on 15 October 1985 (*Journal of Laws* 1993, No. 124, item 607).

111 European Charter on the Participation of Young People in Local and Regional Life, Strasbourg 2003 online: <https://rm.coe.int/16807038eb> [accessed 27.11.2021].

which are the closest authorities for young people, play a very important role in promoting their participation. In fulfilling this role, they can ensure that young people are well informed about the assumptions of democracy and national belonging, as well as enable them to participate in them in a concrete way¹¹².

Youth Commune Councils

The key to local policy making at the lowest level of local government is to know the needs of residents from different social groups. As K. Frieske: “the first step towards participatory democracy leads to an emphasis on pluralism, on perceiving and respecting the autonomy of complex and group interests, points of view, axiological and substantive rationales”, in view of which social participation is specifically recognised as a permanent element of local government policy¹¹³.

In this context, young people are an extremely important member of the local government community, as their participation in such bodies as youth commune councils allows them to influence the commune decision-making bodies in decision-making processes, as a result of which the measures taken may be better adapted to the expectations of this social group. Based on the first nationwide survey addressing the topic of youth councils, conducted by the Children and Youth Council of the Republic of Poland¹¹⁴, by the end of 2017 there were 408 youth councils in Poland, of which 32% operated in urban communes, 23, 5% in urban-rural communes and 8% in rural communes. The author did not find more recent empirical research.

The instrument of social participation of youth at the commune level is, according to Article 5b of the Act on Commune Self-Government¹¹⁵, the commune youth council. However, these bodies were constituted before their legal regulation came into force, on 30 May 2001, as set out in the provisions of the Act on Commune Self-Government (hereinafter: u.s.g.)¹¹⁶. The oldest commune youth council is the Youth City Council, established in September 1990 in Częstochowa¹¹⁷. In view of the fact that the provisions of Article 5b of the Act on Commune Self-Government turned out to be very general, as they left wide possibilities of interpretation, making it really difficult for youth councils to fulfil their function of representing youth communities before commune authorities, and had a much more simplified character than the provisions of Art. 5c, describing the framework for the operation of commune councils of seniors, the legislator decided to amend the u.s.g. Namely, by virtue of the Act of 20 April 2021 amending the Act on Commune Self-Government, the Act on County Government, the Act on Voivodship Government and the Act on Public Benefit Activity and Volunteerism, the aforementioned Article 5b of the Act on Commune Self-Government was amended.

Beginning the analysis with Article 5.1 of the u.s.g., it should be noted that the commune is responsible for promoting and supporting the idea of self-government among young people by creating youth commune councils. In principle, this provision is a further specification of Article 7 (1) (17) of the u.s.g., which sets out the commune's obligations within the scope of its own tasks, which include supporting and promoting the idea of self-government, including the creation of conditions for the operation and development of auxiliary units and the implementation of programmes to stimulate civic activity. Jurisprudence also presents a relevant opinion, indicating that commune youth councils are an expression of the promotion of the idea of self-government among the inhabitants of a commune¹¹⁸. The establishment of a commune youth council is optional.

Differently than in the previous state of law, the legislator decided to define the catalogue of entities that can appoint this youth body. They are: the commune council or on the motion addressed to the commune councils:

112 Ibid.

113 E. Ingot-Brzęk, The importance of the role of local government in shaping civic participation, [in:] 'Social Inequality and Economic Growth', no. 50 (2/2017), p. 333, online: <https://repozytorium.ur.edu.pl/handle/item/2769> [accessed 28.11.2021].

114 About Youth Councils. Analysis of Youth Councils in Poland for 2018, Children and Youth Council of the Minister of National Education, online: <https://wschowa.info/storehouse/2018/07/Publication-O-m%C5%82odzie%C5%BCowe-radach-.pdf> [accessed 28.11.2021]

115 Act of 8 March 1990 on commune self-government (Journal of Laws 2021, item 1372)

116 M. Augustyniak, A. Barczewska-Dziobek, J. Czerw, G. Maroń, A. Wójtowicz-Dawid, Determinants of the introduction of the regulation on the appointment of communal councils of seniors, [in:] M. Augustyniak, A. Barczewska-Dziobek, J. Czerw, G. Maroń, A. Wójtowicz-Dawid, Communal councils of seniors - interpretation of regulations and effects of their application. Patterns and action schemes, Warsaw 2016, online: <https://sip.lex.pl/#/monograph/369381930/328179/augustyniak-monika-i-in-gommune-councils-senior-wykladnia-przepisow-i-efekt-ich-application-templates-i...?cm=URLATIONS> [accessed 30.11.2021].

117 Ibid.

118 Judgment of the WSA in Gdańsk of 23.02.2012, III SA/Gd 536/11

the head of the commune, entities representing interested circles, such as non-governmental organisations, student council or student government, operating in the area of a given commune. Article 5(3) of the Act stipulates the obligation to consider the application within no more than 3 months from the date of submission. Naturally, by introducing this provision, the risk is eliminated that the application will not be considered for a long time and persons interested in establishing a youth council will be discouraged from acting¹¹⁹. The legislator, in Article 5(5) of the Act, has equipped the youth commune councils with three functions: consultative, advisory and initiative. This requires further discussion.

Youth commune councils were already consultative bodies in the previous legal state. Two additional functions were given to them as a result of the amendment. The consultative function of commune youth councils means "gaining information, gaining knowledge about the position of the local community on the subject of the opinion."¹²⁰ Consultation is thus expressed in conveying a position on the subject of the opinion to decision-makers, which they may or may not take into account - the position is therefore not binding on them. Even in the very explanatory memorandum to the parliamentary draft on amendments to the Commune Self-Government Act¹²¹ it was argued that the consultation function is very rarely used by local self-governments.

According to the Polish Language Dictionary, advisory means serving with advice, advising¹²². Distinguishing between these two functions can be problematic. However, R. Mędrzycki pointed out that both functions are characterised by certain distinctions. According to him, consultation has a rather punctual, initiated character, while the feature of counselling is a certain continuity, expressed in a constant presence with the subject who is being counseled¹²³. One might also be tempted to say that behind counselling there is a certain professionalism and knowledge of the issues by those advising.

The last of the presented competences is the initiative function. According to R. Mędrzycki, the initiative function boils down to putting forward ideas for some actions (not omissions), which are consistent with the scope of tasks of a given commune and do not violate the principle of competence of commune authorities¹²⁴. What is also important, the initiative for resolutions is outside the scope of the initiative function of youth councils, i.e. activities such as educational events directed at young people¹²⁵. In the light of Article 5(6) of the u.s.g., the commune youth council may submit a request to authorised entities to undertake a resolution initiative. This means that the legislator did not decide to grant the commune youth council the right to initiate a resolution, but only the right to submit a motion to relevant bodies, e.g. the mayor, chairman of the council, council committees, council clubs or the councilors themselves, without the motion having to be accepted by the above bodies¹²⁶. Furthermore, the legislator has delegated to the commune the determination of the procedure for submitting the request.

The tasks of the commune youth council are set out in Article 5(8) of the u.s.g. They include: giving opinions on draft resolutions concerning youth, participating in the development of strategic documents of the commune for the benefit of youth, monitoring the implementation of strategic documents of the commune for the benefit of youth, undertaking activities for the benefit of youth, in particular in the field of civic education, on principles laid down by the commune council. The legislator adopted an open catalogue of tasks, using the phrase "in particular". O. Wyrzykowska and J. Zapolski-Downar rightly point out that in order to fulfil the purpose of this provision, the assistance of at least the office staff will undoubtedly be needed, as it cannot be expected that young councillors will have such extensive knowledge in the field of law, administration or sociology to be able

119 O. Wyrzykowska, J. Zapolski-Downar, op. cit. p. 59.

120 P. Baćal, Problem funkcjonowania prawnych form partycypacji społecznej w samorządzie terytorialnym [in:] Samorząd terytorialny dawniej i dzisiaj red. J. Smarż, Paweł Śwital, E. Gulińska, Wyd. INW "Spatium", Radom 2021 online: https://www.researchgate.net/profile/Pawel_Bacal2/publication/355108137_Problem_of_functioning_of_legal_forms_of_social_participation_in_the_local_government/links/6162dbe3ae47db4e57baacdf/Problem-functioning-of-legal-forms-of-social-participation-in-the-local-government-The-problem-of-functioning-of-legal-forms-of-social-participation-in-the-local-government.pdf (p.13) [accessed 30.11.2021].

121 Explanatory Memorandum to the MP's bill to amend the Commune Self-Government Act (Sejm of the Ninth Legislature, print no. 576).

122 Password: advisory, Dictionary of the Polish Language, online: <https://sjp.pl/doradczy> [accessed 30.11.2021].

123 R. Mędrzycki, Functions of Commune Councils of Seniors, "Legal, Economic and Sociological Movement", no. 79 of. 3 2017, online: <https://core.ac.uk/download/pdf/143490889.pdf>, pp. 126-127 [accessed 30.11.2021].

124 Ibid p. 127.

125 O. Wyrzykowska, J. Zapolski-Downar, op. cit. p. 62.

126 Ibid

to reliably perform the above-mentioned tasks¹²⁷. Therefore, cooperation of the commune with the commune youth council should not only include the very assistance with statutory tasks, but also to provide substantive support in order for youth councillors to gain experience with further tasks. In Article 5b (12) of the u.s.g., the legislator provides for the establishment of a guardian for the commune youth council. In Art. 5b (12) of the u.s.g. the legislator provides for the establishment of a guardian for the commune youth council.

The mentor has many functions and roles. The empirical study¹²⁸ shows that 78.6% of the mentors are involved in the work of the youth council. Most respondents, 79.3%, agreed that the mentor provides substantive support to the council. Next, respondents placed emphasis on: supervision - 67.9%, coordination of activities - 64.3%, inspiration - 61.5%, and control - 60.7%. It can therefore be concluded that the mentor plays a significant role in the proper functioning of youth councils.

Finally, it should be noted that these bodies operate on the basis of statutes granted by the commune council in accordance with Article 5b(10) of the u.s.g.

Wnioski i postulaty de lege ferenda

Organy młodzieżowe zarówno na szczeblu rządowym, jak i samorządowym usytuować można w sferze konsultacyjnej etapu partycypacji społecznej.

Na poziomie ogólnokrajowym jedynie Rada Dialogu z Młodym Pokoleniem jest organem opiniodawczo-doradczym, powołanym przez ustawodawcę jako organ dialogu obywatelskiego między administracją rządową a młodzieżą.

Wszelkie inne rady młodzieżowe, np. Młodzieżowa Rada Klimatyczna czy Młodzieżowa Rada Sprawiedliwości, powstały z „zapotrzebowania” samych ministrów kierujących określonymi działami administracji rządowej, chcących zapoznać się z głosem młodego pokolenia na sprawy wchodzące w zakres działalności tych ministerstw. Ich zadania, tryb działania czy pełnione funkcje określa sam minister.

Na poziomie samorządowym istnieją młodzieżowe rady gminy oraz (od 2021 r.) również młodzieżowe rady powiatu i młodzieżowe sejmiki województwa. Gremia te uzyskały na każdym z poziomów ich funkcjonowania analogiczne uprawnienia. Po wielu latach postulatów ze strony młodzieżowych środowisk, młodzieżowe rady powiatu oraz młodzieżowe sejmiki województwa zostały prawnie ukonstytuowane (mimo iż nieformalnie działały już kilka lat wcześniej).

Niepodważalnie powyższe organy młodzieżowe mają wspólny mianownik – są tworzone zwykle w sytuacjach, gdy udział młodego pokolenia jest konieczny w prowadzeniu polityki rządowej oraz jako jej wsparcie, bądź jako rezultat kilkuletnich bojów o prawne umocowanie ich działalności. Oczywiście, pochwalić należy ostatnie intensywne działania prawodawcy skierowane ku młodzieży, jednakże należy obserwować, czy działalność młodzieżowych gremiów nie będzie miała jedynie pozornego charakteru. Szerszej analizie wymaga natomiast kwestia, czy obecne kompetencje młodzieżowych organów wystarczają, by przyniosło to oczekiwane efekty wobec podejmowanych przez decydentów działań na rzecz młodzieży. Czy nie należy wyposażyć młodzieżowych gremiów w dalsze instrumenty, umożliwiające im współdecydowanie jako równoprawnemu partnerowi z instytucjami władzy.

Bibliography

1. Augustyniak M., Barczewska-Dziobek A., Czerw J., Maroń G., Wójtowicz-Dawid A., Determinanty wprowadzenia regulacji dotyczącej powoływania gminnych rad seniorów, [w:] M. Augustyniak, A. Barczewska-Dziobek, J. Czerw, G. Maroń, A. Wójtowicz-Dawid, Gminne rady seniorów – wykładnia przepisów i efekty ich stosowania. Wzory i schematy działań, Warszawa 2016, online: <https://sip.lex.pl/#/>

127 Ibid p. 67.

128 D. Boratyn, The role of the mentor in the activities of youth councils - results of an empirical study, "Colloquium Pedagogy - Political Science and Administration" 1(41)/2021, online: <https://colloquium.amw.gdynia.pl/index.php/colloquium/article/view/334/246> (s. 31) [accessed p: 30.11.2021].

monograph/369381930/328179/augustyniak-monika-i-in-gminne-rady-seniorow-wykladnia-przepisow-i-efekty-ich-stosowania-wzory-i...?cm=URELATIONS [dostęp: 30.11.2021].

2. Baçal P., Problem funkcjonowania prawnych form partycypacji społecznej w samorządzie terytorialnym [w:] Samorząd terytorialny dawniej i dzisiaj red. J. Smarż, Paweł Śwital, E. Gulińska, Wyd. INW „Spatium”, Radom 2021 online: https://www.researchgate.net/profile/Pawel_Bacal2/publication/355108137_Problem_funkcjonowania_prawnych_form_partycypacji_spolecznej_w_samorzadzcie_terytorialnym_The_problem_of_functioning_of_legal_forms_of_social_participation_in_the_local_government/links/6162dbe3ae47db4e57baacdf/Problem-funkcjonowania-prawnych-form-partycypacji-spolecznej-w-samorzadzcie-terytorialnym-The-problem-of-functioning-of-legal-forms-of-social-participation-in-the-local-government.pdf (s.13) [dostęp: 30.11.2021].
3. Bejma A., Pojęcie i klasyfikacja wolontariatu jako formy partycypacji społecznej, „Studia Politologiczne” 2010, nr 18, online: <http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-c109946a-264b-436f-a753-864bfffac77b1> [dostęp: 03.12.2021].
4. Boratyn D., Rola opiekuna w działalności rad młodzieżowych – wyniki badań empirycznych, „Colloquium Pedagogika – Nauki o Polityce i Administracji” 1(41)/2021, online: <https://colloquium.amw.gdynia.pl/index.php/colloquium/article/view/334/246> (s. 31) [dostęp: 30.11.2021].
5. Bożek M., Konstytucyjne podstawy partycypacji społecznej i formy jej realizacji w samorządzie terytorialnym, „Przegląd Sejmowy” 5(112), online: <http://orka.sejm.gov.pl/przeglad.nsf/0/OCA79967FDD23E58C1257ABB00389466/%24File/ps112.pdf> (s. 93-94) [dostęp: 26.11.2021].
6. Chodubski A., Młodzież jako przedmiot i podmiot życia publicznego, [w:] Polityka Młodzieżowa Unii Europejskiej, red. M. Boryń, B. Duraj, S. Mrozowska. Wyd. Adam Marszałek, Toruń 2014.
7. Gross A., Zasady konsultacji społecznych w prawie administracyjnym, [w:] Zasady w prawie administracyjnym. Teoria, praktyka, orzecznictwo, red. Z. Duniewska, A. Krakala, M. Stahl, Warszawa 2018, online: <https://sip.lex.pl/#/monograph/369428922/346841/duniewska-zofia-red-krakala-artur-red-stahl-malgorzata-red-zasady-w-prawie-administracyjnym...?cm=URELATIONS> [dostęp: 25.11.2021].
8. Góralczyk M.T., Związek między konstytucyjną zasadą społeczeństwa obywatelskiego a partycypacją społeczną – zarys problematyki, „Przegląd Sejmowy” 2020, nr 6(161), online: [https://orka.sejm.gov.pl/przeglad.nsf/0/25C1D6BE6F3DC9A8C125864E003E5BDA/\\$file/2.Micha%C5%82%20Tomasz%20G%C3%B3ralczyk%20PS%20%206\(161\).pdf](https://orka.sejm.gov.pl/przeglad.nsf/0/25C1D6BE6F3DC9A8C125864E003E5BDA/$file/2.Micha%C5%82%20Tomasz%20G%C3%B3ralczyk%20PS%20%206(161).pdf) (s. 40) [dostęp: 30.11.2021].
9. Inglot-Brzęk E., Znaczenie roli władz samorządowych w kształtowaniu partycypacji obywatelskiej, [w:] „Nie- równości Społeczne a Wzrost Gospodarczy”, nr 50 (2/2017), s. 333, online: <https://repozytorium.ur.edu.pl/handle/item/2769> [dostęp: 28.11.2021].
10. Konieczny M., Polityka młodzieżowa w Polsce – podstawowe zagadnienia, [w:] Polityka Młodzieżowa w Polsce. Encyklopedia Komisji Europejskiej Young Wiki. Tom I, Wyd. FRSE, Warszawa 2019, online: https://www.frse.org.pl/storage/brepo/panel_repo_files/2021/02/18/ssjhwi/polityka-mlodziezowa-online-part1.pdf (s. 7) [dostęp: 26.11.2021].
11. Mędrzycki R., Funkcje Gminnych Rad Seniorów, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 2017, nr 79/3, online: <https://core.ac.uk/download/pdf/143490889.pdf>, s. 126–127 [dostęp: 30.11.2021].
12. Myszka-Strychalska L., Znaczenie poczucia sprawstwa w procesie aktywności i partycypacji społecznej młodzieży, „Rocznik Pedagogiczny” 43/2020, s. 44, online: <https://pressto.amu.edu.pl/index.php/rp/article/view/28375> [dostęp: 27.11.2021].
13. Niżnik-Dobosz I., Część pierwsza. Prawne aspekty partycypacji społecznej, [w:] Partycypacja społeczna w samorządzie terytorialnym, red. B. Dolnicki, Warszawa 2014. online: <https://sip.lex.pl/#/monograph/369284987/5?tocHit=1> [dostęp: 25.11.2021].
14. Raczek M., Polityka na rzecz młodzieży w Polsce, [w:] Polityka Młodzieżowa Unii Europejskiej, red. M. Boryń, B. Duraj, S. Mrozowska, Wyd. Adam Marszałek, Toruń 2014.

15. Składanek S., Partycypacja społeczna jako pojęcie i instytucja demokratycznego państwa prawnego – aspekty prawne i historyczne, Zeszyty Naukowe Wydziału Nauk Ekonomicznych i Prawnych Uniwersytetu Technologiczno-Humanistycznego im. Kazimierza Puławskiego w Radomiu, „Studia Ekonomiczne, Prawne i Administracyjne” nr 3/2019, online: <http://bazekon.icm.edu.pl/bazekon/element/bwmeta1.element.ekon-element-000171595509> (s. 73) [dostęp: 26.11.2021].
16. Szlachetko J.H., 3.2.2. Uprawnienia opiniodawcze organizacji pozarządowych, [w:] Partycypacja społeczna w lokalnej polityce przestrzennej, Warszawa 2017, online: <https://sip.lex.pl/#/monograph/369404605/335613?tocHit=1&cm=URELATIONS> [dostęp: 26.11.2021].
17. Wiśniewska E., Starsi i młodzi w dialogu międzypokoleniowym, „Społeczeństwo – Edukacja – Język” 2017 2(6) s. 30, online: <http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-da2a8306-c150-4a1e-84dc-02644780a73a> [dostęp: 26.11.2021].
18. Wójcicki M., Pojęcie, istota i formy partycypacji społecznej w procesie planowania przestrzennego, „Rozwój Regionalny i Polityka Regionalna” 2018/24, s. 172, online: <https://core.ac.uk/download/pdf/160250602.pdf>, O. [dostęp: 26.11.2021].
19. Wyrzykowska, J. Zapolski-Downar, Młodzieżowa samorządność w Polsce. Analiza i dalsza perspektywa, Wydawnictwo Rys, Poznań 2021, online: https://www.wydawnictworys.com/media/products/7c8df128b-4f8b980ced5915e9000985e/attachments/pl_PL/oliwia-wyrzykowska-jan-zapolski-downar-mlodziezowa-samorzadnosc-w-polsce-edycja-online.pdf (s. 20) [dostęp: 27.11.2021].
20. Ziółkowski D., Wzmocnienie partycypacji społecznej w samorządzie – wyzwanie dla prawa administracyjnego, „Studia Iuridica LXXVII”, online: <http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.ceon.element-cf7c6167-2bc3-3bfd-a4a8-73fbd78c096e/c/pdf-01.3001.0013.1875.pdf>, s. 201 [dostęp: 26.11.2021].
21. Ziółkowski P., Aktywność obywatelska młodzieży i seniorów na rzecz rozwoju regionalnego, Zeszyty Naukowe Wyższej Szkoły Gospodarki w Bydgoszczy, „Edukacja – Rodzina – Społeczeństwo” 3/2018, online: <https://depot.ceon.pl/handle/123456789/20615> (s. 213) [dostęp: 27.11.2021].

The UN and sustainable development - the role of young people

Weronika Szyszka, Marta Skobel

Introduction

Our planet is currently home to 1.8 billion people aged between 10 and 24, the largest generation of young people in the history of the world. This number is expected to grow in the coming years.¹²⁹ Such a large group is undeniably an important stakeholder in the dialogue on the climate crisis, equal opportunities or sustainable development. Moreover, achieving the Sustainable Development Goals or overcoming the challenges of the current world without the involvement of such a large group seems impossible. This is why it is so important to create the right conditions for young people to develop, which in the long run will encourage and provide a friendly environment for them to take social action and have their say in the debate on major global issues. It is already being pointed out that the contribution of young people to the process that led to the adoption of the 2030 Agenda for Sustainable Development at the UN General Assembly was fundamental. It is not without reason that young people have been described by former UN Secretary-General Ban Ki-moon as "champions of the 2030 Agenda for Sustainable Development".¹³⁰ This shows that their imagination, ideals and energy are essential for the further development of the societies in which we live. Young people are creating a new generation of professionals, bringing not only a breath of fresh air, but also a critical view of past actions and established patterns and schemes. This is why it is so important to include the voice and point of view of young people in the debate on finding and implementing solutions both locally and globally.

This report collects a handful of information on Agenda 2030 and the Sustainable Development Goals adopted within its framework, as well as the role of young people in their implementation. The implementation of sustainable development goals in Poland and worldwide is also discussed. The report also contains examples of activities implemented by young people to implement the Agenda 2030 and counteract the climate crisis, as well as initiatives undertaken by the UN and other entities in relation to young people both in Poland and around the world.

Agenda 2030 - a plan for the world

The United Nations (UN) proposed 17 Sustainable Development Goals (SDGs) and 169 related targets in the resolution Transforming Our World: 2030 Agenda for Sustainable Development (2030 Agenda), adopted at the UN General Assembly on 25 September 2015. The document was signed by 193 UN member states and is a follow-up to the Millennium Development Goals. The 2030 Agenda is an action plan covering five key areas, referred to as the '5Ps principle': people, planet, prosperity, peace and partnership¹³¹. Each of these areas has specific tasks:

People - to eradicate poverty and hunger worldwide, improve quality of life, provide access to knowledge and education and reduce social inequalities.

Planet - ensure access to water and sanitation for all, implement patterns of sustainable consumption and production, take urgent climate action, improve the environment by protecting sustainable terrestrial and marine ecosystems.

Prosperity - foster innovation, ensure access to stable, sustainable and modern energy for all, increase the quality of infrastructure and take steps to transform economies that will foster job creation and strengthen social inclusivity.

Peace - build peace, reduce violence in all forms, ensure equal access to justice for all, develop accountable and transparent institutions, guarantee universal access to information and protect fundamental freedoms.

Partnership - promote effective partnerships involving civil society, support the development of environmentally friendly technologies and strengthen the global partnership for equitable development¹³².

129 The Envoy's Workplan: Vision Statement [accessed 19.12.2021].

130 Youth & Sustainable Development, online: <https://wfuna.org/youth-sustainable-development> [accessed 18.12.2021].

131 Resolution adopted by the UN General Assembly on 25 September 2015. Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1).

132 Agenda 2030, online: <https://www.gov.pl/web/rozwoj-technologie/cele-zrownowazonego-rozwoju> [accessed 15.12.2021].

Sustainable development is defined as such development that, while meeting the needs of contemporary societies, will not at the same time limit the development opportunities of future generations. The 17 goals adopted as part of the 2030 Agenda and 169 related targets reflect the three dimensions of sustainable development: economic, social and environmental.

A key factor for the implementation of Agenda 2030 is the development of ambitious actions that are appropriately adapted to the realities of each country. Actions at regional level contribute to broader follow-up actions, which is why it is so important to implement global targets at national level. Ambitious targets can be achieved if each Member State ensures that progress is monitored through the implementation of an appropriate monitoring and reporting system and the right choice of indicators. Partnerships and regional and international co-responsibility in the implementation of the 2030 Agenda make it possible to strengthen the coordination of global mechanisms. The complexity of the Sustainable Development Goals requires the cooperation of a wide range of actors from the public, business and civil sectors¹³³.

The COVID-19 pandemic has caused a huge amount of extraordinary challenges around the world. By 2020, the number of people suffering from hunger has increased by an estimated 83-132 million. The global social and economic crisis has exacerbated inequalities within countries. Progress in health has been halted: around 90% of countries report disruptions in health services. In response to such a massive crisis, governments around the world have introduced some 1,600 social protection measures. Collaboration to address the pandemic has enabled the development of life-saving vaccines for people around the world. The 2021 Sustainable Development Goals report published by the UN indicates that efforts to achieve the goals by 2030 need to be strengthened. The 2030 Agenda clearly delineates areas for coordinated action through multi-faceted cooperation¹³⁴.

The Sustainable Development Goals are set to be achieved by 31 December 2030. However, the process of implementing Agenda 2030 needs to be properly addressed in the context of the threats posed by the COVID-19 pandemic, as the global community is now at a critical juncture in terms of achieving the Sustainable Development Goals: the current crisis has the potential to undo decades of development achievements, further delaying the greening of economies and progress towards Agenda 2030¹³⁵. New challenges have arisen in relation to the latter. The negative consequences of pandemics have highlighted the need for coordinated action on health, social security and thoughtful economic development. It is therefore all the more important to mobilise all stakeholders, including young people, so that as many of the goals of Agenda 2030 as possible can be achieved.

Implementation of Agenda 2030 in Poland

Poland is implementing strategic projects in support of the Sustainable Development Goals with varying degrees of intensity. To date, various measures have been taken at the governmental level, which are conducive to the successful realisation of the goals in all three dimensions of sustainable development. From 2015 to 2019, the relative poverty rate in Poland has decreased by 2.5 per cent. There has also been a significant improvement in the labour market, with the employment rate of people aged 15-64 increasing by 5.8% between 2015 and 2020. In 2019, the share of renewable energy in gross final energy consumption was 12.16%, indicating the development of energy generation potentials.

The priority for Sustainable Development Goal 4 at national level is investment in computerisation of schools, adult education and research and development activities. Climate action is still a challenge for Poland, as it requires the involvement of a wide range of actors - regions and stakeholders. This is shown by the Sustainable Development Goals Index ranking, developed using standardised indicators that measure the progress of different countries towards the Sustainable Development Goals. In 2021, Poland rose from 23rd to 15th place, receiving 80.2 points¹³⁶.

133 Monitoring the implementation of the 2030 Agenda, online: <https://www.gov.pl/web/rozwoj-technologie/monitoring-realizacji-agendy-2030> [accessed 15.12.2021].

134 Report on the 2021 Sustainable Development Goals (press release), online: <http://www.unic.un.org.pl/oionz/raport-o-celach-zrownowazonego-rozwoju-2021/3418> [accessed 15.12.2021].

135 The Sustainable Development Goals Report 2021, online: <https://unstats.un.org/sdgs/report/2021/#foreword> [accessed 21.12.2021].

136 Publication of the Poland Programme at the UN, Warsaw 2021, online: <https://www.unapoland.org/strefawiedzy> [accessed 15.12.2021].

The development priorities for Agenda 2030 in Poland include striving to increase the role of human and social capital, a high quality of life, guaranteeing development opportunities for future generations, improving the environment and building strong industry and entrepreneurship.

The role of young people in achieving the Sustainable Development Goals

The sustainable development goals are universal and indivisible. The implementation of strategic projects for their implementation requires initiatives to implement the 2030 development model for present and future generations. Working towards Agenda 2030 requires development policy coherence, including the integration of different actors¹³⁷.

The attitude of young people who take action to bring about specific social change is referred to as social activism¹³⁸. Young people have the potential to develop practical and effective solutions to environmental, economic and social challenges. Activists and activists take action to address development challenges, thereby strengthening the role of young people. Their mobilisation shows that they are aware of the challenges and risks posed by the climate crisis.

From the point of view of achieving global goals, education for sustainable development is fundamental. High-quality education makes it possible to be active at national, regional and international levels and develops the skills necessary to function in a complex reality. Young people have now become the stakeholders who will be most affected by the climate crisis in the future. It is therefore essential to provide young people with a sound knowledge of the growing climate risks, how to counteract them and how to apply the knowledge they gain in practice. The social context of education is important for the development of an education programme in this area.

As part of the activities for education, the campaign “Yes! for climate education” was created, implemented in particular by UN Global Compact Network Poland, WWF Poland, Youth Climate Strike, Polish Ecological Club Mazowiecki District, IKEA Retail Polska and Onet.pl, which drew attention to the role and need for reliable climate education¹³⁹. On 15 July 2021, the inaugural meeting of the Roundtable for Climate Education, organised by the UN Global Compact Network Poland, was held in Warsaw. The aim was to start a dialogue on the introduction of climate education in Polish schools and to summarise the first edition of the “Yes! for climate education” campaign. The event was attended by more than 70 people, including representatives of government and local administration, representatives of the UN system, the world of politics and science, teachers, youth and non-governmental organisations, who expressed the need to implement climate education in Polish schools¹⁴⁰.

Young people show great awareness and commitment to sustainable development, but their knowledge in this area is often incomplete. Therefore, a number of initiatives are being developed to remedy this. The implementation of programmes in Poland and around the world also makes it possible to create a space for dialogue among young people and support them in acting for sustainable development¹⁴¹. For example, in terms of actions for SDGs, the Centre for Sustainable Development of the University of Gdansk has started cooperation with Pomeranian high schools, within the framework of the “Pomeranian Academy of Social Competence” programme, implemented from March 2021 to June 2022. Activities are aimed at supporting youth initiatives to solve local community problems. The projects of twelve groups of five high school students will be created in cooperation with non-governmental organisations. Their theme is the Sustainable Development Goals. The programme prepares young people to undertake a variety of activities in this field¹⁴².

137 Partnering for Sustainable Development Goals in Poland, online: <https://www.gov.pl/web/rozwoj-technologie/partnerstwo-na-rzecz-implementation-objective-of-sustainable-development-in-poland> [accessed 15.12.2021].

138 Password: Activism, PWN Polish Language Dictionary, online: <https://sjp.pwn.pl/slowniki/aktywizm.html> [accessed 15.12.2021].

139 Yes! For climate education/ public campaign for climate education launches, online: <https://www.wwf.pl/aktualnosci/tak-dla-edukacji-kli-matycznej> [accessed 16.12.2021].

140 Inaugural meeting of the Roundtable for Climate Education - report, online: <https://ungc.org.pl/spotkanie-inaugurujace-okragly-stol-dla-edukacji-klimatycznej-relacja/> [accessed 16.12.2021].

141 Agenda 2030, <https://kampania17celow.pl/agenda-2030/> [accessed 16.12.2021].

142 Pomeranian Academy of Social Skills (PAKS), online: <https://czrug.ug.edu.pl/programy/badania-i-projekty/> [accessed 16.12.2021].

As part of the South Baltic Youth Core Groups Network project (2020 edition), the Civis Polonus Foundation organised workshops for young people in Elbląg, Iława and Gdynia. Creating a space for discussion on environmental protection became an inspiration for action on sustainable development. As part of the project, a regional meeting of the Network of Youth Groups was also organised, attended by 78 people, including representatives of local authorities, representatives of commune youth councils and young people from non-governmental organisations. The aim of the initiative was to enter into dialogue with representatives of local government units¹⁴³.

The 'Ambassador for Sustainable Development' programme - the second high school edition 2021/2022, is an initiative realized by United Nations Association Poland, aimed at high school and technical school students from all over the country and, as part of the first student edition inaugurated in 2021, also at students. The programme is designed to support secondary school students who are engaged in their school and local communities. Each participant is tasked with an original project. The activities with the support of sustainability experts enable them to gain knowledge, develop soft skills and realise a project that contributes to the implementation of the Sustainable Development Goals¹⁴⁴. As an example, a project from the first edition of 2020/2021, during which one of the Sustainability Ambassadors conducted a series of workshops entitled. "Popularising knowledge about nuclear energy" for nearly 900 people. The aim was to increase knowledge about an alternative form of energy such as nuclear power¹⁴⁵. The activities of this initiative enabled education targeted at peers.

The Youth Climate Strike (MSK) is a social movement that is part of the global Fridays for Future initiative, inspired by the work of Greta Thunberg. MSK members promote the global idea of tackling climate change¹⁴⁶. The MSK strike took place in 2021 in 21 cities in Poland¹⁴⁷ and is an excellent example of young people's activism in the sphere of climate policy, which resulted in 'inviting youth to the salons' and in government representatives listening to the voice of youth. On 17 June 2021, a meeting was held between MSK representatives and Minister Przemysław Czarnek, during which activists proposed changes in education, highlighted the issue of the education system's support of students and teachers in the fight against climate depression and mental health problems. These activities educate a sense of empowerment among young people, thereby increasing their commitment to socially relevant issues¹⁴⁸.

Relevant initiatives for the activity of young people are also implemented through the involvement of commune youth councils. The Act of 20 April 2021 amending the Act on Commune Self-Government, the Act on County Self-Government, the Act on Voivodship Self-Government and the Act on Public Benefit Activity and Volunteerism¹⁴⁹ increased the importance of youth councils at the local government level. These councils are a consultative and advisory body and at the same time a unique form of youth participation in public affairs. The purpose of their establishment was to popularise the idea of self-government among young people. Within the framework of this activity, the young generation can express their opinion on social and educational matters and represent the local community, thus increasing their activity in the local environment.

The designation of youth councils as an entity entitled to initiate resolutions has strengthened the position of youth councils at every level of local government. Based on these competences, young people initiate and coordinate activities for the benefit of local residents. As an example, one can point to the project "Youth in politics - politics for youth" implemented by the Youth Council of Lublin. The aim of this initiative was to develop recommendations for the Mayor of Lublin in the area of activities for young people, student government activities and career counselling¹⁵⁰. In turn, on 26 November 2021 r. The Youth Council of the City of Poznań,

143 Youth for Green Growth in the South Baltic, online: <http://civispolonus.org.pl/projekt/mlodzi-na-rzecz-zielonego-rozwoju-poludniowego-baltic/> [accessed 16.12.2021].

144 Sustainability Ambassador, online: <https://www.unapoland.org/ambasador-sdgs-liceum> [accessed 16.12.2021].

145 Workshop "Promoting Nuclear Energy Awareness", online: <https://www.unapoland.org/post/warsztaty-popularyzacja-wiedzy-o-energetyce-j%C4%85drowa> [accessed 16.12.2021].

146 Youth Climate Strike, online: <https://www.msk.earth/> [accessed 16.12.2021].

147 'Common action or common extinction'. Youth Climate Strike passed through the streets of Warsaw, online: <https://warszawa.wyborcza.pl/warszawa/7,54420,27609585,wspolne-dzialanie-albo-wspolne-wymieranie-mlodziezowy-strajk.html> [accessed 16.12.2021].

148 Minister Czarnek: climate education in schools from 2023, online: <https://klimat.rp.pl/klimat-i-ludzie/art17080651-minister-czarnek-edukacja-kli-climate-education-in-schools-from-2023-r> [accessed 17.1. 2021].

149 Act of 20 April 2021 amending the Act on Commune Self-Government, the Act on County Government, the Act on Voivodship Self-Government and the Act on Public Benefit Activity and Volunteerism (Journal of Laws 2021 item 1038).

150 Conference summarising the project „Youth in politics - politics for youth. Youth policy of Lublin”, online: <https://zss.lublin.eu/konferencja-podsumowujaca-projekt-mlodziez-w-polityce-polityka-dla-mlodziezy-polityka-mlodziezowa-lublina/> [accessed 17.12.2021].

representing the local community, submitted comments and suggestions concerning the draft of a mental health prevention campaign aimed at young people. Active interaction within the framework of sustainable development makes it possible to build awareness among young people, including actively involving them in the dialogue with representatives of local self-government units¹⁵¹.

The Youth Climate Council (YCC) plays a key role in the youth engagement process. According to the Order of the Minister of Climate of 30 March 2020 on the establishment of the Youth Climate Council, the MRK consists of 32 members - two persons from each voivodship¹⁵². The aim of the young people is to actively work for climate protection. The MRK has been established to express its opinion on the issues covered by the government administration for climate and energy issues, as well as to create and promote pro-ecological and pro-climate attitudes among young people and to act for environmental and climate education¹⁵³.

By the Order of the Minister of Climate and Environment of 19 July 2021 on the Youth Climate Council, the MRK became a subsidiary body of the Minister of Climate and Environment¹⁵⁴. As part of its efforts to broaden and deepen knowledge of ecology and climate, the MRK runs the #NatureForClimate project, in which it addresses conservation topics. A popular form of activism for young people is to participate in the dialogue. To this end, a public consultation on the participation of Polish youth representatives in the Youth4Climate event and on the preCOP ministerial meeting was held on 26 September 2021. Recommendations were communicated to Polish youth representatives. These activities increase the real involvement of the young generation in national as well as international affairs.

Also noteworthy in the implementation of Agenda 2030 are the activities of foreign and international youth organisations. The Youth for Global Goals (Y4GG) programme is a Sustainable Development Goals initiative that aimed to activate young people in the Philippines. Y4GG is an initiative of the world's largest student organisation, AIESEC, based in Rotterdam. The organisation promotes Agenda 2030 and the 17 Sustainable Development Goals by implementing projects to create spaces for young people to take action. The implementation of the Y4GG project took place in three stages: awareness, understanding and action, with young people inspiring the local community to act by implementing their own projects¹⁵⁵.

Youth activism is key to making a difference towards the SDGs. With this in mind, the Youth Initiative for Empowering Leadership and Development project, implemented by Indo Global Social Service Society, was established from April 2017 to March 2020 in India. The project involved 1,500 young people who were engaged in community-based problem-solving activities in New Delhi. The organisation of youth meetings provided an opportunity to learn more about the needs of the local community. The programme also included a Youth Adda and Annual Youth Meet, which resulted in the creation of a space for young people to interact with each other, including the creation of campaigns for sustainable development¹⁵⁶.

UN activities targeting young people

Youth is a vague concept that has not received a uniform definition. For statistical purposes, the UN defines youth as those aged between 15 and 24. Accordingly, it recognises that this group currently numbers 1.2 billion people worldwide, representing 16% of the global population. By 2030, the number of 15- to 24-year-olds is estimated to increase by around 7% to 1.3 billion¹⁵⁷. This, in turn, will require tackling multifaceted challenges, such as ensuring young people have equal opportunities and access to quality education, healthcare or employment.

151 XII Session of the 4th term of the Youth Council of the City of Poznań, online: <https://mrm.poznan.pl> [accessed 17.12.2021].

152 Order of the Minister of Climate of 30 March 2020 on the establishment of the Youth Climate Council (Official Gazette of MK of 2020, item 20) [accessed 17.12.2021].

153 Youth Climate Council, online: <https://www.gov.pl/web/klimat/MRK> [accessed 17 12 2021].r.

154 Order of the Minister of Climate and Environment of 19 July 2021 on the Youth Climate Council (Official Gazette of the Ministry of Climate and Environment 2021, item 55) [accessed 17.12.2021].

155 Youth for Global Goals, online: <https://sustainabledevelopment.un.org/partnership/?p=13488> [accessed 17.12.2021].

156 Youth Initiative for Empowering Leadership and Development (YIELD), online: <https://sustainabledevelopment.un.org/partnership/?p=22785> [accessed 17.12.2021].

157 Global issues: Youth, online: <https://www.un.org/en/global-issues/youth> [accessed 16.2.2021].

Young people are also calling for concrete climate action, including at the international level, in which they will act as important stakeholders and equal partners. With their ideas, knowledge and vision of the world, they will make an important contribution to the conversation on solutions to the major challenges of our time.

The UN recognises this need and acknowledges that the imagination, energy and ideals of young people are essential to the development of the world and the societies in which we live. Therefore, on 24 September 2018, UN Secretary-General António Guterres presented the Youth2030 Strategy, setting out the overall framework that will guide the UN intensifying its work with and for young people, building on the three pillars of peace and security, human rights and sustainable development. The indicated strategy aims to strengthen the UN's capacity to engage young people and benefit from their insights and ideas. It seeks to ensure that all this work is carried out by the UN in a coordinated, coherent and holistic manner¹⁵⁸.

The following section of this report will present examples of UN-implemented initiatives that are geared towards engaging young people in the work of the UN and taking their voices into account.

World Programme of Action for Youth

The World Programme of Action for Youth, adopted by the UN General Assembly in 1995, provides a policy framework and practical guidance for national action and international support to improve the situation of young people around the world. The Programme covers 15 priority areas affecting young people and includes proposals for action in each area. Implementation implies ensuring that young people are able to enjoy all human rights and fundamental freedoms, as well as requiring governments to take effective action against violations of these rights and freedoms, and in favour of tolerance, respect for the different religious and ethical values, cultural backgrounds and beliefs of young people, equality of opportunity, security, and the participation of all young women and men in socio-economic life¹⁵⁹.

UN Inter-Agency Network on Youth Development (IANYD)

The UN Inter-Agency Network on Youth Development was established in the aftermath of the International Year of Youth (2010-2011) and works to promote development, including enhancing the effectiveness of UN youth development and youth policies, by strengthening cooperation, creating coherence and enabling the exchange of information between relevant UN entities.

In addition, within the framework of the World Programme Action for Youth and its 15 priority areas, IANYD supports and evaluates progress in the implementation of UN resolutions, conventions and internationally agreed development goals that affect youth¹⁶⁰.

UN Office of the Secretary-General's Envoy on Youth.

The UN Secretary-General's Envoy for Youth acts as a global advocate for the needs and rights of young people and brings them closer to the work of the UN. The Office of the Envoy is part of the UN Secretariat and promotes youth empowerment and leadership at national, regional and global levels. It does this by encouraging youth participation in UN work and political and economic processes, with a particular focus on the most marginalised and vulnerable youth. This role is currently held by Jayathma Wickramanayake, a social activist from Sri Lanka, who was appointed as the UN Secretary-General's Envoy for Youth in June 2017 at the age of 26¹⁶¹.

UN Youth Delegate Programme

The indicated programme involves including youth in the official delegations of individual countries to the sessions of the UN General Assembly and selected UN functional commissions. The youth delegate is expected to actively participate, i.e. speak in the general debate and take part in negotiations on social problems and youth. Poland also participates in the Youth Delegate Programme. The first Polish representative took part in

158 About the Strategy, online: <https://www.unyouth2030.com/about> [accessed 18.12.2021].

159 World Programme of Action for Youth, online: <https://www.un.org/esa/socdev/unyin/documents/wpay2010.pdf> [accessed 19.12.2021].

160 UN Inter-Agency Network on Youth Development, online: <https://www.un.org/development/desa/youth/what-we-do/un-inter-agency-network-on-youth-development.html> [accessed 18.12.2021].

161 Envoy on Youth, online: <https://www.un.org/youthenvoy/about/> [accessed 17.12.2021].

the session of the UN General Assembly in 2012¹⁶². Youth delegates of individual countries are selected within the framework of universal competitions organised annually by the ministries of foreign affairs, national youth councils or the United Nations Associations operating in a given country.¹⁶³ The youth delegates of individual countries are selected within the framework of universal competitions organised annually by the ministries of foreign affairs, national youth councils or the United Nations Associations operating in a given country.

United Nations Economic and Social Council Youth Forum (ECOSOC Youth Forum)

The UN ECOSOC Youth Forum is organised every year and is a key platform through which young people can contribute to policy discussions at the UN with their ideas, solutions and innovations¹⁶⁴. The World Federation of United Nations Associations (WFUNA)¹⁶⁵ also participates in the organisation of the indicated event.

The Youth Advisory Group on Climate Change

The Youth Climate Advisory Group was established by the UN Secretary-General on 27 July 2021 to strengthen youth voices and engage young people in an open and transparent dialogue on climate change, as the UN works to accelerate action to address the climate crisis.

Members of the group will bring the voices of young people into high-level decision-making and will advise the UN Secretary-General on the implementation of his climate change strategy. The group consists of seven activists from around the world¹⁶⁶.

UN Climate Change Conference of Youth (COY)

The COY Youth Conference takes place just before the annual United Nations Climate Change Conference, also known as the Conference of the Parties (COP), in the same country as the COP. COY serves as a space for capacity-building and policy training to prepare young people for the COP. In 2021, COY was held for the 16th time and is considered the largest and longest-running youth event, bringing together thousands of young climate change activists from over 140 countries. It has also been hailed as the most significant meeting due to its ability to directly promote the official youth position in the UN climate negotiations.

One of the main outcomes of COY16 was a policy document developed by young people from around the world, which was presented at COP26 in Glasgow in 2021.¹⁶⁷

Youth Climate Summit

The Youth Climate Summit is a platform for young leaders who are taking action on the climate to present their solutions at the UN and engage with decision-makers on this key issue¹⁶⁸. The event takes place from 2019¹⁶⁹ and is part of the process of including young people in the climate debate.

In the context of COP26, Youth4Climate: DrivingAmbition was held in Milan from 28 to 30 September 2021, resulting in a manifesto in which young people put forward their ideas and proposals for concrete action to address the climate crisis¹⁷⁰.

IGF Youth Internet Governance Forum Summit

Since 2019, a side event of the UN World Digital Forum (UN Internet Governance Forum - IGF) has been the

162 Youth delegates to the UN, online: <https://www.gov.pl/web/dyplomacja/mlodziezowi-delegaci-onz> [accessed 18.12.2021].

163 UN Youth Delegate Programme, online: <https://www.un.org/development/desa/youth/what-we-do/youth-delegate-programme.html> [accessed 18.12.2021].

164 UN Inter-Agency Network on Youth Development, op. cit.

165 Youth & Sustainable Development, op. cit.

166 The Youth Advisory Group on Climate Change, online: <https://www.un.org/en/climatechange/youth-in-action/youth-advisory-group> [accessed 18.12.2021].

167 What is COY?, online: <https://ukcoy16.org/what-is-coy> [accessed 19.12.2021].

168 Youth Climate Summit, online: <https://www.unep.org/events/summit/youth-climate-summit> [accessed 19/12/2021].

169 First Youth Climate Summit Elevates Youth Demands Action, online: <https://sdg.iisd.org/news/first-youth-climate-summit-elevates-youth-demands-for-action/> [accessed 19.12.2021].

170 Youth4Climate: DrivingAmbition - Manifesto, online: <https://ukcop26.org/wp-content/uploads/2021/10/Youth4Climate-Manifesto.pdf> [accessed 19.12.2021].

IGF Youth Summit, providing an opportunity for young people from all over the world to give their point of view on Internet governance, as well as highlighting the most topical issues they are facing. In 2019 in Berlin and at the virtual IGF in 2020, the deliberations of young people resulted in the formulation of demands on different areas of Internet governance, expressing emphatically their views on the key issues discussed at the IGF.

The IGF Summit being held in Katowice in 2021 was preceded by an open preparatory event in the first week of December, during which young people from all over the world had the opportunity to discuss and outline final action points, which were then presented at the IGF. This summit concluded with an award ceremony for the open Wiki Youth competition, which aims to engage young people in initiatives that actively contribute to a more user-friendly Internet for all its users¹⁷¹.

In addition, the UN selected 83 workshops that took place during this year's IGF Summit on topics such as child protection online, sustainable consumption through e-commerce, digital rights and responsibilities or freedom of expression online.

Sustainable Development Solutions Network

The Sustainable Development Solutions Network (SDSN) is an initiative launched in 2012 by UN Secretary-General Ban Ki-moon to mobilise global scientific and technological expertise to promote practical solutions to sustainable development challenges. SDSN currently supports the implementation of the SDGs at national and international levels¹⁷². SDSN also has a programme on youth (SDSN Youth), oriented towards engaging them in dialogue around climate policy issues. As part of this programme, a handbook has been produced presenting practical activities in this area and knowledge on mitigation and adaptation strategies, climate innovation and technology development, and climate justice¹⁷³.

Young Professionals Programme

The Young Professionals Programme (YPP) is a recruitment initiative for talented, highly qualified young professionals who wish to start a career as international civil servants in the UN Secretariat. The programme is aimed at nationals of YPP participating countries who are up to 32 years old in the year of the examination and have at least a first degree (at least a Bachelor's degree or its three-year equivalent) and are fluent in English or French. The programme includes an entrance exam process and then post-entry professional development at the UN for those who qualify. The YPP exam is usually held once a year for selected sectors of employment and the deadline for applying is usually in July¹⁷⁴.

Practical initiatives implemented with the support of the UN are also noteworthy:

Mission Possible – Agents of Change

The Mission Possible programme is implemented by WFUNA, i.e. a global non-profit organisation that represents and coordinates the membership of 100 national United Nations Associations (UNAs). It represents the largest international network of people supporting and engaging with the UN. As part of the programme, secondary school students gain knowledge about the UN and the Sustainable Development Goals for a period of five to six months, improve their critical thinking and project management skills, and work together in teams to develop and implement a project on one of the SDGs.

Students and teachers who complete the Mission Possible programme receive an invitation to attend an international conference at UN headquarters in New York. At this conference, participants have the opportunity to

171 The Youth Summit is coming up! IGF 2021 kicks off tomorrow!, online: <https://yigf.nask.pl/yig/aktualnosci/4370,Zbliza-sie-Youth-Summit-IGF-2021-startuje-jutro.html> [accessed: 18.12.2021].

172 SDSN, online: <https://www.un.org/en/academic-impact/page/sdsn> [accessed 18.12.2021].

173 SDSN Youth launches The Climate Change Guidebook: Decade of Action, online: <https://www.sdsnyouth.org/blog-posts/sdsn-youth-launches-the-climate-change-guidebook-decade-of-action> [accessed 18.12.2021].

174 Young Professionals Programme, online: <https://careers.un.org/lbw/home.aspx?viewtype=nce> [accessed 20.12.2021].

present their projects, meet UN representatives and learn about the ways in which other actors are working towards sustainable development¹⁷⁵.

Youth Sustainable Energy Hub platform

The Youth Sustainable Energy Hub is the first global platform showcasing the work of young practitioners in the sustainable energy sector. It is a flagship project developed by SDG7 Youth Constituency, in collaboration with UNICEF (United Nations Children's Fund) and UNIDO (United Nations Industrial Development Organisation), among others.

The platform is an important tool for boosting youth engagement in sustainable energy, as it demonstrates how youth-led energy initiatives around the world contribute to sustainable development in communities, countries and regions¹⁷⁶.

Decent Jobs for Youth

Decent Jobs for Youth is a global alliance committed to creating quality jobs for young people. Partners in the initiative include governments, social partners, youth and civil society, parliamentarians, the private sector, the media, the United Nations, academia, foundations and regional institutions. The strength of the initiative is based on the commitment of partners from all sectors to improve employment prospects for young people and the implementation of the 2030 Agenda, bringing together diverse resources and knowledge from a wide range of fields to make a long-lasting, positive impact on the lives of young people around the world¹⁷⁷.

Small Grants Programme

The Small Grants Programme is implemented by the Global Environment Facility, which is a partnership of 18 agencies, including UN agencies, multilateral development banks, national entities and international NGOs, working with 183 countries to address some of the world's most challenging environmental problems¹⁷⁸. The Small Grants Programme is implemented by the UNDP (United Nations Development Programme). The priority target group of the Small Grants Programme is young people as a key stakeholder in sustainable development. This is because young people have the potential to be future leaders and drivers of change.

Grants are made directly to community-based organisations and NGOs. The maximum grant amount per project is USD 50 000, but the average is around USD 25 000. In this way, the Small Grants Programme complements the funding of large and medium-sized projects implemented by NGOs, local communities, youth and civic organisations¹⁷⁹. Significantly, around 40 per cent of the projects under the Small Grants Programme have been implemented with the active participation of youth. For example, under this programme, the youth-led Khengrig Namsum Cooperative operating in Bhutan embarked on an agroforestry project in the impoverished Zhemgang district, which aimed to engage new generations in land cultivation, making agriculture sustainable and attractive to young people. The project involved rehabilitating 93 hectares of land that had been abandoned and overgrown for 32 years, while providing local youth with agricultural livelihood opportunities and reducing migration to urban areas¹⁸⁰.

175 Agents of Change. Our Programme, online: <https://wfuna.org/mission-possible/our-program> [accessed 18.12.2021]. Attendance at the New York conference is not a compulsory part of the programme; students and teachers cover travel and accommodation costs in connection with the conference on their own.

176 Youth Sustainable Energy Hub, online: <https://youthsehub.org> [accessed 19.12.2021].

177 Decent Jobs for Youth, online: <https://www.decentjobsforyouth.org/partners> [accessed 20.12.2021].

178 Global Environment Facility, online: <https://www.unep.org/about-un-environment/funding-and-partnerships/global-environment-facility> [accessed 21.12.2021].

179 Small Grants Programme - How to apply, online: <https://sgp.undp.org/about-us-157/how-to-apply.html> [accessed 21.12.2021].

180 Youth in Action: Experiences from the Small Grants Programme, online: https://sgp.undp.org/innovation-library/item/download/2350_14d7a4db-31b560430126294d364c0224.html [accessed 21.12.2021].

Summary and recommendations

The analysis carried out shows how wide-ranging and comprehensive the actions directed at and taken by young people are, both for the implementation of the Sustainable Development Goals and against the climate crisis.

The comprehensive nature of the 17 Sustainable Development Goals (SDGs) and 169 related tasks requires a place-based policy, including the involvement and integration of representatives from different communities. The Covid-19 pandemic reinforced the need for action towards equitable and sustainable development and demonstrated the need for continuous monitoring of progress at regional, national and global levels, while consistently reviewing the actions taken. Undoubtedly, any initiative that activates young people enables them to learn about sustainable development and has a positive impact on their participation in public affairs.

However, all organisations inviting young people to dialogue should always remember to treat young people as equal partners in a conversation, whose opinions, ideas and initiatives have the same weight as positions expressed by “adult” participants. Young people have enormous enthusiasm and potential, which - if properly channelled - can be a catalyst for positive social change. However, responsibility in the sphere of tackling the climate crisis or achieving the Sustainable Development Goals should not be shifted to young people. It is difficult to expect all global problems to be solved by youth activists.

At the same time, it is extremely important not to limit the involvement of young people only to consultations, debates or side events, but to include the voice of young people also in the real decision-making process. Enabling the full development of their potential creates opportunities for a peaceful and equal future, increasing both environmental and social benefits.

Building awareness through education, while promoting active citizenship, is crucial to the implementation of Agenda 2030. Therefore, it is important to impart sustainability-related knowledge to students and to provide teachers with reliable materials in this regard. Any current investment in young people and their involvement will have a decisive impact on the future of sustainable societies. It is therefore necessary to coordinate activities aimed at activating young people at the regional level and fostering their sense of empowerment, as they play a key role as the main initiators and participants in the implementation of the Agenda, as well as beneficiaries of the actions and policies undertaken.

The active involvement of young people in global environmental and sustainable development efforts is absolutely essential to the development of sustainable, inclusive and stable societies. The authors of this report hope that the examples of active youth involvement and youth action presented in this report will inspire readers to ‘roll up their sleeves’ - to take up the challenge of today’s world to transform our society for a better future.

Young Poles in the face of climate change

Łucja Urbanowska

The problem and the role of young people

Climate change raises more and more emotions every year. According to the IPCC (Intergovernmental Panel on Climate Change), in 2017, human-induced global warming reached approximately 1°C compared to the pre-industrial period, and temperatures are rising at a rate of 0.2°C per decade.¹⁸¹ Despite the experience of a pandemic, as many as 78% of Poles believe that the state the Earth is in is serious and requires immediate action¹⁸². The objective of this analysis is to look at the issue of climate change from the perspective of young people in Poland, in particular their attitudes, knowledge of the problem and possible ways to influence it. The aim of this analysis is to look at the issue of climate change from the perspective of young people in Poland, in particular their attitudes, knowledge of the problem, actions taken and possible ways for them to influence public authorities.

Climate change used to be seen as an environmental problem whose potential consequences, including economic ones, lie in the distant future¹⁸³. Nowadays, in public discourse, climate is also linked to the social order¹⁸⁴. Consequently, looking at the problem from the perspective of young people seems justified for several reasons. We now have the world's largest generation of young people (according to the UN, the world is now home to 1.8 billion people aged 10-24¹⁸⁵). The concept of sustainable development implies that it is for the sake of the well-being of future generations that mankind sets itself the goal of ceasing to draw continuously on non-renewable resources. When it comes to climate policy, young people have become a unique stakeholder, as they will be affected more than the older generation. This is related to the complex issue of intergenerational (intergenerational) justice, which belongs to many branches of law and policy. Furthermore, young adults, high school and university students often see (and define) themselves as a group affected by climate change. Of course, it would be an oversimplification to assume that the young generation is a homogeneous group and that every member of it cares to the same extent about combating these changes. Generally speaking, some young people are active, both on an individual and collective level¹⁸⁶, while others remain uninterested¹⁸⁷.

In this context, the formation of pro-social attitudes among young adults, due precisely to climate change, is not without significance. In a similar vein, the problem of smog in Polish cities has in the past proved to be a catalyst for interest in protecting air quality in Polish cities. The involvement of young people in climate issues can be viewed as an exercise in social awareness, which is undoubtedly a desirable phenomenon.

The essential role of young people in climate action was recently confirmed by the German Federal Constitutional Court. The judges in Karlsruhe upheld the position of young activists. The German Climate Act was deemed unconstitutional and detrimental to fundamental freedoms, as the national authorities had not set sufficiently precise and strategic emission targets in the law. Thus, the German government failed in its duty to protect the interests of future generations¹⁸⁸. Interesting from this perspective are the recently filed Polish lawsuits to acknowledge the state's responsibility for ensuring the climate security of its citizens, as one of the lawsuits against the State Treasury is a high school student.

Young Europeans, young Poles

Whether young Poles are in some way a different group from their foreign peers raises, among other things, the question of whether global warming in Poland really arouses as much emotion as it does in the West.

181 Online: https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/SR15_Chapter1_Low_Res.pdf [accessed 07.07.2021].

182 Online: <https://ziemianieatakujapl/> [accessed 07.07.2021].

183 J. Gupta, *The history of climate global governance*, Cambridge University Press, 2014.

184 J. Allan, *The New Climate Activism: NGO authority and participation in climate change governance*, University of Toronto Press, 2020.

185 Online: <https://www.un.org/en/climatechange/youth-in-action> [accessed 07.07.2021].

186 See K. O'Brien, E. Selboe, B.M. Hayward, Exploring youth activism on climate change: dutiful, disruptive, and dangerous dissent, 'Ecology and Society' 2018, 23(3):42, online: <https://doi.org/10.5751/ES-10287-230342>

187 See M. Hibberd, A. Nguyen, Climate Change Communications & Young People in the Kingdom: A Reception Study, *International Journal of Media & Cultural Politics* 2013, 9 (1), pp. 27-46.

188 Online: <https://news.climate.columbia.edu/2021/05/28/german-court-sides-with-youth-climate-activists-to-safeguard-human-rights/> [accessed: 15.07.2021].

A pan-European study¹⁸⁹ from autumn 2020, which surveyed young people (aged 15 to 35) in 23 European countries, shows that almost half (46%) of young Europeans consider climate change to be one of the most serious problems affecting the whole world. This means that they put this issue at the top of the list of problems, even during the COVID-19 pandemic, followed by “environmental degradation, including, for example, air pollution, deforestation and animal extinction” (44%).

Concern about climate change among young Western Europeans is considerable - 46% are very or extremely concerned about it, while in Poland only 30% of young people feel such a degree of concern. This, however, is accompanied by very high support for the idea of state intervention - as many as 74% of young Poles believe that if government plans do not include combating climate change, this has a negative impact on the economy. A similar percentage of young Western Europeans believes the same (70-75%). Surveyed Poles and Western Europeans are also united in identifying with the statement that economically more developed, richer countries should make the greatest economic and political efforts to mitigate the effects of climate change (43% of young Western Europeans and 46% of young Poles)¹⁹⁰.

A similar trend is shown by research on a group of Polish rural youth from the Podkarpacie region. Respondents from this group, answering the question whether they agree with the statement that climate change is currently one of the greatest threats to modern civilisation, answered mostly rather yes (54%), and only 24% answered definitely yes¹⁹¹.

It would seem that, apart from a lower degree of concern about the problem, there are no major differences in the views of Polish youth compared to the rest of Europe - or at least those declared in the surveys.

Attitudes and (non)commitment

A separate issue is how young people deal with the vision of climate change, and whether there is a sense of responsibility and a desire for real action behind the declared emotions. Research¹⁹² conducted at SWPS University, during which several group interviews were conducted with 40 young Poles, shows that they present a whole mosaic of ideas on how to deal with the climate crisis. Thanks to the methodology of the study, it was possible to look at the attitudes of ‘ordinary’ young citizens and young activists. The findings show that the former often treat ecology as a consumer choice only and that “being eco” is therefore reduced to thinking in terms of one’s own benefits (e.g. health). This is combined with a low sense of agency and a lack of belief in the wider effects of these actions (beyond the household). In contrast, the young activists treat consumption reduction as one aspect of action that is part of a broader civic stance. Quite characteristically, the results of this research indicate that awareness of the climate crisis does not necessarily translate into commitment to individual environmental practices (sorting rubbish, etc.) among the young. What comes into play here is a doubt about the sense of such practices and their real impact (while being aware of the climate crisis). The second aspect is motivations other than the desire to protect the climate. Examples include the financial sanction for not following a particular practice or the aforementioned fashion for consuming certain categories of goods.

It is worth adding that what differentiates the attitudes of young Poles towards the climate crisis is their attitude to progress and nature. The greater the scepticism towards the capitalist social order and the deeper the relation with nature, the greater the conviction as to the reality of climate change and the concern about the problem¹⁹³.

Formal education and knowledge of climate

The opinions and attitudes of young Poles are formed on the basis of knowledge about the climate, drawn

189 Online: https://ekonsument.pl/materialy/publ_688_co_mlodziw_mowi_o_zmianach_klimatu.pdf [8.07.2021].

190 Ibid.

191 Online: <https://doi.org/10.30858/zer/125589> [accessed 8.07.2021].

192 Online: https://issuu.com/dominika.blachnicka/docs/raport_klimatyczny_web [accessed 8.07.2021].

193 Ibid.

mainly from the Internet and television programmes, news, documentaries and nature channels¹⁹⁴. Access to information on the Internet and social media definitely contributes to the popularisation of the climate change topic among young people, but the problem of the lack of credibility of some Internet content and the superficiality of ecological news in the media has to be pointed out. As a result, knowledge of ecology and the state of the climate threat is still cursory and fragmentary. According to previous research carried out at the SWPS University, the majority of participants in the focus groups could not correctly identify the key issues affecting global warming. At the same time, they were characterised by a deep trust deficit in this area: they did not know who they could trust¹⁹⁵. It was also pointed out that public concern about a given environmental problem, such as drought in the spring of 2020, is a direct result of the frequency with which these topics appear in the media.¹⁹⁶

A debate on climate education in Polish schools is therefore underway. The NGO community is involved. Sound climate education is one of the demands of the Youth Climate Strike. Gradually, this issue is also starting to be addressed by the youth advisory bodies of the Minister for Climate and Environment, as will be discussed later. Moreover, climate education in Polish schools was one of the priorities of the Ombudsman's activities, which he confirmed in his address to the Ministry of National Education¹⁹⁷. However, the issue of climate change, including climate education, has not been of interest to the Ombudsman for Children so far¹⁹⁸.

According to Article 1(15) of the Education Law, the aim of the education system is, inter alia, to disseminate among children and young people knowledge of the principles of sustainable development and to shape attitudes conducive to its implementation on a local, national and global scale¹⁹⁹. This provision has been referred to more than once in official government responses to proposals to introduce a special programme of classes in schools on climate change and ways of counteracting its effects (cf. the response of the Undersecretary of State in the Ministry of National Education to an interpellation on broadening climate awareness among children and young people²⁰⁰, or the response of the same Ministry to the letter of the Youth Climate Strike²⁰¹). In a similar vein, these positions maintain that environmental education in its current form is sufficient, citing selected excerpts from the core curriculum on human-environment relations.

A certain change in this respect appears to be the Regulation of the Minister of National Education of 3 June 2020,²⁰² which introduces the obligation to carry out during the so-called "educational hour" "classes concerning important social problems: health, legal, financial, climate and environmental protection". This applies to elementary and secondary schools from the school year 2020/2021. However, it seems that lumping climate issues together with health, law and finance cannot be overstated. The topic of climate change should be addressed during science lessons in the context of the overall issues discussed in these classes. The Institute of Oceanology of the Polish Academy of Sciences suggests that this education should be conducted in a way that integrates different fields of knowledge: from physics to biology to social studies, and elements of climate education should be introduced into individual subjects as examples and problems to be solved²⁰³.

Trudno więc oczekiwać, że przyjęte we wspomnianym rozporządzeniu rozwiązanie uporządkuje rozproszoną już wiedzę młodych ludzi o zmianach klimatu i wyposaży ich w narzędzia do zwalczania tzw. fake newsów. Wiele zależy od chęci nauczyciela czy dyrekcji – w końcu trudno spodziewać się w rozporządzeniu formalnej procedury postępowania w przypadku braku przeprowadzenia takich lekcji.

It is therefore difficult to expect that the solution adopted in the aforementioned regulation will bring order to

194 Online: <https://ekologia.ceo.org.pl/1planet4all/aktualnosci/badanie-swiadomosci-mlodziezy-i-mlodych-doroslych-w-polsce-na-temat-zmiany> [accessed 8.07.2021].

195 Online: https://issuu.com/dominika.blachnicka/docs/raport_klimatyczny_web [accessed 9.07.2021].

196 Online: <https://ungc.org.pl/wp-content/uploads/2021/07/Raport-Edukacja-Klimatyczna-w-Polsce.pdf> [accessed 21.07.2021].

197 Online: <https://bip.brpo.gov.pl/pl/content/uczmy-porzadnie-o-sprawach-klimatu-rpo-pisze-do-men> [accessed 9.07.2021].

198 The word 'climate' appears only once in the RPD's 2020 activity report, in the context of the patronage of a student conference on environmental issues. Online report: https://brpd.gov.pl/wp-content/uploads/2021/04/informacja_rpd_za_rok_2020.pdf [accessed 22.07.2021].

199 Act of 14 December 2016. - Education Law (i.e. Journal of Laws 2016, item 1082, as amended).

200 Online: <https://sejm.gov.pl/sejm9.nsf/InterpelacjaTresc.xsp?key=BSWHSG> [accessed 9.07.2021].

201 Online: [http://orka2.sejm.gov.pl/INT9.nsf/kucz/ATTBR6HW3/\\$FILE/i08218-o1.pdf](http://orka2.sejm.gov.pl/INT9.nsf/kucz/ATTBR6HW3/$FILE/i08218-o1.pdf) [accessed 9.07.2021].

202 Regulation amending the regulation on framework teaching plans for public schools (i.e. OJ 2020, item 1008).

203 Online: <https://ungc.org.pl/wp-content/uploads/2021/07/Raport-Edukacja-Klimatyczna-w-Polsce.pdf> [accessed 21.07.2021].

the dispersed knowledge the young people already have about climate change and equip them with the tools to combat so-called 'fake news'. A lot depends on the willingness of the teacher or the directorate - after all, it is difficult to expect a formal procedure in the regulation to deal with the absence of such lessons.

The WWF campaign #YesForClimateEducation and the Roundtable for Climate Education organised by, among others, Global Compact Poland should also be noted in this context. The meeting saw the premiere of the report "Climate Education in Poland", in the creation of which, in addition to representatives of civil society and experts, representatives of the Ministry of Education and Science also took part. In the report, on the one hand, the Ministry of Education consistently assured that the current core curriculum is sufficient and that schools can organise additional educational activities (the requirements and content set out in the core curriculum are comprehensive and enable teachers to address the most relevant topics in this area)²⁰⁴. On the other hand, it seems that further changes can be expected in this field, as the Ministry emphasised the support for schools wishing to organise such activities, thanks to the available materials (lesson scenarios, webinars, e-books), helpful in conducting classes on climate. The Ministry of Education also highlighted the fact that the curricula for training future teachers at university and postgraduate level meet the requirements for an adequate standard of climate education²⁰⁵. The Ministry unofficially announces further changes, such as the development of another educational reform on climate education to appear in Polish schools in 2023²⁰⁶.

System change - not climate change, or protest

Perhaps the most distinctive and media-present manifestation of youth activism in the sphere of climate policy is protest. It is impossible not to mention the Youth Climate Strike (MSK), an international movement of schoolchildren and students protesting against politicians' inaction on climate change. MSK is part of the global Fridays for Future initiative, inspired by Greta Thunberg's social action. The members of the Strike describe themselves not as environmental experts, but as young people aware of the threat of climate catastrophe and fighting for the right to their future²⁰⁷.

The specifics of this global movement do not make it easy to draw too many conclusions about the approach to the climate issue of Polish youth - FFF-type organisations in Poland are, so to speak, implants of foreign solutions, promoting uniform, global ideas of combating climate change. The Youth Climate Strike is an expression of glocalism, as evidenced by the organisational division of the movement into Polish cities (a local participatory initiative combined with a global problem). In September 2019, strikes took place in 60 Polish cities, including Kraków, Poznań, Łódź, Lublin, Wrocław, Rzeszów, Kielce or Zakopane, as well as in smaller ones such as Rybnik, Mrągowo or Żyrardów,²⁰⁸ demonstrating the popularity of voluntary and spontaneous actions as forms of youth climate activism.

It will not be the subject of this analysis to assess the effects of the climate protests. They are important above all for the participants themselves and are the aforementioned exercise of social awareness. The strikes can unite young Poles who want to express their emotions and their political stance in a symbolic but organised way, and above all be a starting point for further social activism.

The potential of youth councils and assemblies - the voice of Polish youth on climate issues at local level

A unique form of youth participation in public affairs are youth councils, representing the local community. The establishment of a youth council is to promote the idea of self-government among young people (Article 5b in conjunction with Article 7(1)(17) of the Act on Commune Self-Government²⁰⁹). It seems that the potential of

204 Ibid.

205 Ibid.

206 Online: <https://klimat.rp.pl/ludzie/8858-minister-czarnek-edukacja-klimatyczna-w-szkolach-od-2023-r/> [accessed 12.07.2021].

207 Online: <https://www.msk.earth/> [accessed 12.07.2021].

208 Online: <https://www.euractiv.pl/section/energia-i-srodowisko/news/protest-tysiecy-miasta-w-obronie-klimatu/> [accessed 12.07.2021].

209 Act of 8 March 1990 on commune self-government (i.e. Journal of Laws of 2020, item 713, as amended).

these consultation bodies as a tool for opting for sustainable development policies is considerable, as evidenced by the popularity of youth councils. Following the introduction of this form of citizen participation in the Local Government Act in 2001, more than 500 youth commune councils have been established in Poland in 19 years, and the number continues to increase²¹⁰.

This year, a law was adopted²¹¹ strengthening the role of youth councils at local government units. Thus, young people now have the opportunity to act not only at the commune level, but also at the county and voivodship levels. The nature of the youth council has been expanded from a purely consultative function - young councillors have gained the initiative to pass resolutions in the respective local government.

The powers of youth councils clearly indicate that the legislator sees a space for youth to have a voice at the local level on public issues - including climate protection. A practical example of the use of this institution for climate can be the resolution of the Youth Council of the Silesian Voivodeship on expressing opposition to emerging initiatives of exploitation of hard coal deposits, methane as an associated mineral and metals in their native state in the Silesian Voivodeship²¹².

In practice, youth regional assemblies and commune councils more often deal with broadly defined ecological issues than with climate change in the strict sense. For example, the Youth Sejmik of the Lower Silesian Voivodeship organises workshops on ecology²¹³, other councils organise art or science competitions for young people on this topic. The Youth Council of Dzierzgon organised a Round Table on ecology and conducted an ecological audit in its commune²¹⁴.

The organisation of conferences and other educational events remains a popular form of youth activation - for example, the Youth Councils of the Pomerania region were involved in debates about environmental initiatives and tourism in their region²¹⁵. Initiatives focusing on the cooperation of many youth councils can also be identified, such as the National Congress of Youth Councils on Ecology in 2019, organised by the Youth Council of Krakow at Krakow University of Technology. The most important pillar of the councils' and assemblies' activities thus remains the function of activating and educating peers on environmental protection in the broadest sense, while less numerous seem to be strictly advisory initiatives, concerning youth speaking at proposing specific environmental solutions in the commune, district or voivodeship.

In order for councils and assemblies to be able to function efficiently in the field of climate policy, they need the right support on the ground. The issue of global climate change is a complex one, and the lack of structured school climate education does not help young people to have a voice on the issue. This highlights the important role of the council leader, who is elected by the commune council (county council, regional parliament) from among the candidates nominated by the youth council (regional parliament). Also crucial is the need for constructive cooperation with the "adult" councillors.

These councils and assemblies are intended to be an opportunity for young people to gain experience in public and social activities, by involving them in matters of relevance to the local community. Thus, they can be - and to some extent already are - an instrument for them to participate in climate policy dialogue at the local authority level. They can build on the existing involvement of young people in public issues, such as environmental protection, and transfer this activity from spontaneous action to the institutional level.

The voice of Polish youth at the central state level

In 2020, a Youth Climate Council was established by order of the Minister of Climate²¹⁶. The scope of the

210 Online: <https://orka.sejm.gov.pl/Druki9ka.nsf/0/1476337BF95A07D2C12585D900357157/%24File/576.pdf> [dostęp: 13.07.2021].

211 Act of 20 April 2021 amending the Act on commune self-government, the Act on county self-government, the Act on voivodship self-government and the Act on public benefit activity and voluntary work (Journal of Laws, item 1038).

212 Online: <https://mlodzi.slaskie.pl/content/uchwala-nr-11-2021> [accessed 18.07.2021].

213 Online: <https://www.mlodziowseyjmik.pl/czym-sie-zajmujemy/> [accessed:18.07.2021].

214 Online: <https://sztum.naszemiasto.pl/mlodziow-i-radni-dzierzgonia-mimo-pandemii-sa-bardzo/ar/c15-8330402> [accessed 18.07.2021].

215 Online: <http://www.mlodzi.wzp.pl/europejski-tydzien-mlodziow-2021/> [accessed 18.07.2021].

216 Order of the Minister of Climate of 30 March 2020 on the establishment of the Youth Climate Council (Official Gazette of MK of 2020, item 20 as amended).

Council's activities includes expressing opinions on matters covered by the government departments climate and energy, in particular on planned policy changes, strategies and legislative changes within the Climate Minister's jurisdiction, including proposals for solutions. The Council is composed of 29 members, and each voivodship has a representative there.

In practice, the MRK has so far been involved in promoting climate awareness on social media, maintaining contacts with youth organisations and activists, and organising an initiative to dialogue between youth communities and relevant ministries about climate education (the Climatic Youth Dialogue²¹⁷).

A similar but separate advisory body is the Youth Environmental Council, established a few months later²¹⁸. It is a subsidiary body of the Minister of Climate and Environment, and its activities include advising on forestry and hunting topics and raising awareness of these issues among young people. The Youth Environmental Council has less to say on the climate issue, due to the rather narrow range of topics it is supposed to deal with according to the ordinance. In addition, in practice, the MRE undertakes similar activities to the MRK - for example, the two councils jointly engage in dialogue about climate education, which makes one wonder about the sense of having two bodies of this type.

In theory, there are several arguments in favour of such a solution: youth advisory bodies can act as intermediaries between key players in the climate policy arena and the young generation. They can help bridge the gap between the official rhetoric of 'taking into account the voice of the young generation' and the reality, which often does not reflect these declarations. It is worth adding that this is an existing solution abroad (Denmark's Ungekli- marådet, Canada's Youth Advisory Council). However, their operation carries several risks. These include, first and foremost, their facade and the risk of a kind of inbreeding (the danger that the Councils will be concerned with promoting the Council itself and its members, rather than the ideas behind their creation). It cannot be ruled out that the climate will be used as a bargaining chip to win the support of the young electorate, which may result in successive governments rushing to set up newer and newer youth advisory bodies, which can clearly be qualified as youthwashing, i.e. using the idea of including the voice of the young generation in discussions for image purposes (in reference to the term greenwashing).

The voice of Polish youth on the climate issue at international level, i.e. COP and COY

At the international level, the symbolic participation of Polish youth in the co-creation of climate policy is manifested mainly through youth delegations participating in UN climate summits (Conference of the Parties, or COP). For example, during COP24 in Katowice, representatives of Polish youth handed over the postulates they had developed to the Polish official delegation to the summit,²¹⁹ a five-member delegation of young Poles participated in COP25 in Madrid. For obvious reasons, such as the scale of the international negotiations, the impact of these delegations is rather symbolic.

It is worth mentioning that the UN Climate Summits are preceded by COY youth conferences organised by YOUNGO (the representative of children and young people to the United Nations Framework Convention on Climate Change - UNFCCC). Some of these events, such as COY9 in 2013 and COY14 in 2018, were held in Poland, all of which provide an opportunity for youth NGO representatives to express their positions and exchange international experiences.

217 Initiative Agreement, online: <https://drive.google.com/file/d/10PhGVPbK55O7CFhspwDyMTH3cZ1OfMaJview?fbclid=IwAR23yCtJsspwWwyBMXjtqHpEOGlajYyHPatBucM6ztxJuXBduhHPc> [accessed 15.07.2021].

218 Order of the Minister of the Environment of 22 September 2020 on the establishment of the Youth Ecological Council (Official Journal of the Ministry of the Environment of 2020, item 40), later replaced by an order of 19 February 2021. (Official Journal of the Ministry of the Environment, 2021, item 17).

219 Online: <https://www.gridw.pl/aktualnosci/grid/2202-elektryczne-autobusy-tereny-zielone-w-miastach-edukacja-klimatyczna-w-szkolach-mlodzi-proponuja-solutions-for-climate-at-cop24> [accessed 18.07.2021].

Future prospects

The socio-political engagement of the younger generation is a relatively new issue, but one that is worthy of attention especially in the context of environmental protection. International organisations such as the UN and the EU will increasingly take the role of young stakeholders into account in their strategies. Consideration of the voice of young people in the legal sphere (primarily in international law) can be expected - already, the 2015 Paris Agreement in its preamble notes that Parties to the Agreement, in taking action on climate change, should respect, promote and take into account their respective commitments on intergenerational equity²²⁰. Similarly, taking into account the needs of youth as a marginalised group is mentioned in the UN 2030 Agenda for Sustainable Development. This is a trend justified on the grounds that it is impossible to create strategies for the future without taking the young into account, just as it is impossible to talk about the young without taking the vision of the future into account. What is related to this, the trend of creating youth advisory bodies seems to remain growing in the future - also in Poland.

As the younger generation places a stronger emphasis on sustainability in their political preferences, it can be expected that political parties will increasingly have to take climate considerations into account in their proposals in order to win over young voters. When they start voting in greater numbers (as the propensity to participate in elections increases with age²²¹), an increase in “green” voters is not excluded. One may risk the thesis that if attempts to enter into dialogue with state decision-makers fail (as a result of the clash between the youth’s characteristic clash of awakened ambitions and the limitations of its own unestablished position and social system), the current generation of youth will itself attempt to enter the political arena and propose solutions it could not support before.

To a large extent, the direction of youth policy in Poland will determine the ways in which the youth position on climate will be publicised. If, in the opinion of youth circles, the ways proposed to them by the government prove insufficient, an increase in the number of uncoordinated youth NGOs is expected, which, thanks to the internet, can gain nationwide reach.

Finally, it is probably only a matter of time before climate change education is developed in schools. Recent efforts by representatives of civil society (including young people) in this direction and announcements by the Ministry of Education and Science give hope for an increase in the relevance of this education and therefore in social awareness among young people and universal access to reliable information.

Summary and recommendations

Undoubtedly, the involvement of young Poles in the public debate is a welcome development. Any alternative approach to public assemblies as a tool for youth to influence decision-makers on climate policy is now essential. Taking the initiative beyond the street protest is crucial for them to achieve tangible action.

To this end, climate education in schools is vitally needed so that the younger generation has access to sound knowledge of the causes, effects and ways to counteract the global rise in temperatures. Then, firstly, young people can make informed electoral and consumer decisions. Secondly, they can effectively seek to implement solutions at different levels of state functioning: local, national and international.

An unquestionable advantage of youth lobbying at the level of the local self-government unit is the use of already existing and well-established forms of youth activity: youth commune councils, and since the last amendment - also of county councils and voivodeship assemblies, which should have appropriate substantive support of councillors and officials.

The quality of youth climate counselling at the state central level will be positively influenced by acting in the spirit of the “quality, not quantity” principle, in other words, by refraining from “multiplying entities” in the form of youth-

220 Paris Agreement to the United Nations Framework Convention on Climate Change, done at New York on 9 May 1992, adopted in Paris on 12 December 2015. (Journal of Laws 2017, item 36).

221 Online: https://www.batory.org.pl/upload/files/Programy%20operacyjne/Masz%20Glos/partycypacja_nowych_wyborcow.pdf [accessed 12.08.2021].

The development of new youth advisory bodies, which are inevitably becoming duplicated. It is a bizarre and unacceptable situation that successive governments are rushing to create more and more youth advisory committees for their own purposes. The idea of a “strong” voice for the young generation on climate issues does not necessarily mean a large role for the government in youth policy. After all, there are also youth NGOs with long traditions in Poland.

The challenge for youth communities is that they must work together and make their demands concrete. All levels (local, national and international) must work together so that efforts do not remain singular.

Alongside the hardships of today’s labour market, ubiquitous digitisation and pandemics, climate change is part of the generational experience of youth insecurity in Poland. Climate activists must confront the undesirable thinking about climate in purely consumerist terms and, above all, the sense of lack of agency among the young. The game is worth the candle, because without success in this field, the participation of young Poles in any decision-making processes is doubtful.

Bibliography

Allan J., *The New Climate Activism: NGO authority and participation in climate change governance*, University of Toronto Press, 2020.

Gupta J., *The history of climate global governance*, Cambridge University Press, 2014.

O’Brien K., Selboe E., Hayward B.M., *Exploring youth activism on climate change: dutiful, disruptive, and dangerous dissent*, „Ecology and Society” 2018, 23(3), s. 42, online: <https://doi.org/10.5751/ES-10287-230342>.

Hibberd M., Nguyen A., *Climate Change Communications & Young People in the Kingdom: A Reception Study*, „International Journal of Media & Cultural Politics” 2013, 9 (1), s. 27–46.

Analysis of regulatory options for internships

Piotr Drzewiecki

Problem description and research opinions

Apprenticeships are intended to help young people make the transition from education to permanent employment by providing them with practical training in their future workplace. While the very institution of apprenticeships as an opportunity to gain first work experience seems to be a good one, the biggest problem for young people continues to be their unpaid nature and the consequent additional difficulties in taking their first steps in the demanding labour market.

In this context, the most common argument of interns is that they feel exploited by the companies where they do their apprenticeship. In the course of their apprenticeship, they are entrusted with the simplest tasks that are not related to their career choice and experience, and for the performance of which they do not receive any reward. As a result, it is pointed out, participation in apprenticeships is all too often a sham, which does not result in the acquisition of new skills that are useful on the labour market, but only in the completion of the first entries in the professional CV.

As regards the issue of paid internships, the Eurobarometer¹ report, commissioned by the European Commission, indicates that only one in two young Poles received remuneration for internships, while less than one in three stated that the remuneration enabled them to cover basic living costs²²². In recent years, young people were encouraged to make conscious career choices by the campaign "Internship. Check before you go"²²³. A nationwide survey covering the majority of large academic centres and commissioned by the Polish Human Resources Management Association at the time showed that every fourth student or graduate associates internships with exploitation. Similar conclusions can be drawn from this year's survey by the European Law Students' Association²²⁴ in which law students, when asked: "Under what contract did you do your internship?", indicate no contract and no remuneration (30%), no contract (28%), a graduate practice contract (22%) or a volunteer contract (9%), while as many as 78% of those surveyed among the group who did their internship did not receive remuneration or their hourly rate was lower than the national minimum. In addition, 58% of them admitted to practising without any kind of contract.

Similar conclusions can be drawn from this year's survey by the European Law Students' Association, in which law students, when asked the same question, "Under what contract did you practise?", indicate no contract and remuneration (30%), no contract (28%), a graduate practice contract (22%) or a volunteer contract (9%), while as many as 78% of those surveyed who had practised were not paid or their hourly rate was below the national minimum. In addition, 58% of them admitted to practising without any contract.

Furthermore, the same survey shows that the question of remuneration remains extremely important to apprentices. The payment of the internship and the amount of remuneration was indicated as the second most important factor influencing the choice of internship by as many as 45% of respondents. Similar conclusions arise from the aforementioned survey conducted by the Polish Human Resources Management Association, according to which a total of 83% of students indicated that remuneration for work was an important or very important determinant of a high-quality internship, while 71% of students said that having general health and accident insurance for the duration of their internship was important or very important to them.

Universality of unpaid internships

The discussion about the legitimacy of paying for internships is going on at best in, among others, the United Kingdom, the United States and Canada. In all of these countries, however, there is a similar principle that cannot be found in Polish law: if the intern performs real work, i.e. work that benefits the company, he or she is entitled to the minimum wage. In Canada, internships may be unpaid, but only if, for example, the company does not benefit from the young person's work and the intern learns something new or the internship is a compulsory part of the college or university curriculum. In contrast, in the United States, only internships that only benefit the intern, not the company, can be unpaid. Nor can the intern replace a full-time employee. Taking into account the above-mentioned data from surveys of young trainees and the trends of change both in

222 Online: https://ec.europa.eu/commfrontoffice/publicopinion/flash/fl_378_sum_en.pdf [accessed 28.03.2021].

223 Online: http://www.stazeipraktyki.pl/raport_z_badania_opinii_pszk.pdf [accessed 28.03.2021].

224 Online: https://elsa.org.pl/images/dokumenty/Raport_-_Badanie_Students_pr_a_in_Poland_2020.pdf [accessed 28.03.2021].

Europe and in all developed countries, it seems that the sanctioning of a ban on unpaid traineeships for young people is only a matter of time.

Situation of interns in the European Union

In the absence of uniform EU legislation to legally regulate the payment of internships for young people, their situation is different in each Member State of the European Union.

However, given the current legal situation in Poland, the reality for young people choosing to undertake an internship is clearly worse than in other European countries. For example, in Germany, some young people on selected university courses have to undertake a compulsory internship, as its completion is a condition for obtaining a university degree. In this case, the internship is unpaid, but in the case of optional internships²²⁵ (which - under Polish law - are referred to in the Graduate Internships Act), i.e. those that are not required by the university for graduation, they are unpaid for up to a maximum of three months. In 2018, the minimum wage for interns in Germany was close to €10 per hour²²⁶.

Young people who have opted for vocational training and spend part of their study period training in companies thus receive a regular salary for their work. The exceptions provided for by law concern internships included in the study programme, which are usually educational in nature and are not a "real" job, but rather an opportunity to participate in specific courses organised by specialists in the relevant fields. Failing to pay for internships or paying an amount that is underestimated for a given profession is contrary to good morals and treated as exploitation²²⁷.

In France, by contrast, the internship period usually starts in the third or fourth year of study and generally lasts between two and six months. In 2014, the French National Assembly voted to prohibit unpaid internships longer than two months²²⁸, thereby making it compulsory for hosts to remunerate interns for longer periods. And although French interns receive a gratification, by which is meant a bonus or gratuity, distinguished by French law from a rémunération, i.e. a salary in the classical sense, this has no practical meaning, and the amount of the gratification is currently €523. In addition to the right to gratification, the new law has introduced a ban on internships longer than six months. No exceptions to this rule are allowed and the 6-month period is counted as actual attendance at the internship and not the duration of the contract. In addition, the working time of interns is limited to the working time of the employees of the internship provider, leave in case of pregnancy, maternity or paternity leave is provided (the relevant leave provisions must be included in the contract), half of the transport costs are reimbursed and interns have access to a company restaurant or meal vouchers to be redeemed outside the internship provider²²⁹.

An apprentice movement has also developed in Italy. It is called Generazione 1000, named after the amount in euros on which young Italians have to make ends meet. Most internships, which - depending on the employer - can last up to a year, are unpaid. If employers do offer a salary as an exception, it is usually around €600, roughly a quarter of the average gross earnings in the country.

Initiatives by international organisations

The growing discontent among young people has been addressed by the European Parliament with its decision in 2018 to definitively ban unpaid internships in Parliament. According to the declarations, this is to continue to improve the situation of all young people, too many of whom, according to the European Parliament, are caught up in a spiral of internships and other non-standard forms of work.

The resolution to ban unpaid internships within the European Parliament itself was adopted by 574 votes to 77, with only 43 abstentions²³⁰. Faced with rising youth unemployment across the EU, further exacerbated by the

225 Online: https://www.s-a.uni-muenchen.de/praktikum/faq/student_arbeiten_deutschland.pdf [accessed 21.03.2022].

226 Online: <https://www.lecturio.de/magazin/mindestlohn-praktikum/#wie-das-mindestlohngesetz-fuer-praktikanten-auszulegen-ist> [accessed 21.03.2022].

227 Online: https://www.s-a.uni-muenchen.de/praktikum/faq/student_arbeiten_deutschland.pdf

228 Online: <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000029223331/> [accessed 21.03.2022].

229 Online: <http://etudiant.aujourd'hui.fr/etudiant/info/stages-en-entreprise-les-7-nouveaux-droits-des-stagiaires.html> [accessed 21.03.2022].

230 Online: https://www.europarl.europa.eu/doceo/document/B-9-2020-0310_EN.html [accessed 21.03.2022].

effects of the COVID-19 pandemic, the Parliament further called on the European Commission and Member States to increase support for young people in precarious working conditions, so that good quality, varied and tailored offers of jobs, training, apprenticeships or internships, including decent wages, are offered to young people, while the practice of unpaid internships was condemned as a form of exploitation of young people and a violation of their rights. According to the European Parliament's working group, almost 60% of traineeships in the European Union are unpaid, while four out of ten interns do not have a contract and three out of ten contracts do not specify any duties and therefore activities that interns can learn.

Impact phenomenon

Offering unpaid internships to young people reduces their attractiveness and makes young people decide not to learn their trade practically because it is not profitable for them. This results in a situation that goes against the very idea of training young workers. Due to the lack of remuneration, there is a significant reduction in the quality of internships taking place for free or for a small amount below the minimum wage, which ultimately delays or even discourages young people from entering the labour market and taking up permanent, salaried work.

Due to the lack of clear and adjusted to the current reality regulations governing internships, entities accepting young people for internships often decide to undertake cooperation without any type of contract, whether under the regime of civil law or labour law. This problem also affects young people, who often perform work, the income from which is not subject to any contribution and taxation, which only accumulates their problems.

Current state

The legislative solutions developed so far in Poland do not meet the needs of young people. There is a need to create regulations which would cumulatively and comprehensively enable young people to undertake internships or apprenticeships, guarantee them respect for their social rights and at the same time be attractive and acceptable from the perspective of entities hosting them. The basic legal act regulating the issue of internships undertaken by young people in Poland is a residual regulation, contained in a mere three- page Act on Graduate Internships. The formation of the rights and obligations of the intern can be done on the basis of civil law contracts or other derivatives, e.g. internship contracts²³¹.

The graduate internship contract, as regulated by the provisions of the aforementioned Graduate Internship Act, is unattractive for young people and leads to socially unfavourable phenomena on the labour market. This is primarily due to the fact that the internships in question may be unpaid and that those performing their duties as part of such internships are not guaranteed the basic rights relevant to them (discussed in more detail in Part III below). Due to the residual regulation of graduate internships, young people can easily be exploited by those who take them on as interns and do not have the tools and mechanisms that would, by law, enable them to undertake internships under appropriate conditions. It is clear from the documents produced in the course of the legislative process of the draft law that at the stage of the drafting of the law (2008-2009), the legislator did not lean on the issue of the exemption of unpaid internships. This was due to the economic situation, which made it impossible to push through the solutions indicated in this analysis²³².

A practical alternative to graduate internships contracts are civil law contracts, which, however, do not give young people any stability in their internships and are almost entirely exempt from regulation

Legal in terms of the conditions under which they should take place. An Intern performing his or her duties under a civil law contract may be deprived of, among others, a notice period and the right not to perform the contract for a certain number of days. Civil law contracts may also be subject to contractual penalties, which the apprentice must pay to the internship provider for failure to comply with the obligations in question (often disproportionate to the nature of the internship). The host entity, as the stronger party in the legal relationship, can, by means of civil law contracts, deprive interns of all social rights, without at the same time guaranteeing

231 Act of 17 July 2009 on graduate traineeships (Journal of Laws 2009 No. 127 item 1052).

232 Legislative process with online documentation: <http://orka.sejm.gov.pl/proc6.nsf/descriptions/1701.htm> [accessed 21.03.2022].

them that the internship will maintain the quality and add value for the young person. In contrast, the provision of internships on the basis of an employment contract (on a temporary basis) is not a common phenomenon, due to the high degree of formalisation of employment contracts and the many obligations (including economic ones) incumbent on the employer and the employee. An employment relationship is also associated with the obligation to pay social security contributions, which significantly increases the cost of employing an intern, who is most often a student and already has health insurance for this reason.

Proposed changes

This part of the analysis presents the areas and issues which need to be regulated or specified within the framework of the currently binding legal regulations (in particular, the Act on graduate internships). The proposed changes indicated below have been prepared taking into account the problems and inconveniences experienced by young people due to the lack of precise legal regulations concerning internships and apprenticeships adapted to the realities of the labour market. Taking appropriate legislative action in the areas indicated below would allow for the creation of a legal framework enabling young people to acquire knowledge and broaden competences while respecting their rights and interests. It would also increase the quality and usefulness of internships and apprenticeships offered to young people.

The following proposals are primarily intended to highlight areas in need of legal change. They should be taken as a starting point for a constructive debate about the situation of young people in the labour market in the context of their apprenticeship or traineeship.

Banning unpaid internships

It should not be forgotten that interns, apart from the fact that during their internship they should have the opportunity to acquire new knowledge and broaden their competences, perform a number of duties for the entities taking them on as interns and are part of the organisation of work. On the other hand, in accordance with constitutional principles and the legal system adopted in Poland, work performed should be remunerated, the minimum amount of which is set by law. At the statutory level, the organisation of unpaid internships should be prohibited. On the other hand, entities which, contrary to the provisions of the law, would take on interns without remuneration should bear misdemeanour liability for this (corresponding to the liability incurred by employers for non-payment of remuneration to employees).

This issue should be subject to control by the State Labour Inspectorate. If irregularities are detected in this regard, the State Labour Inspectorate should be able to apply for a penalty against the entity hosting the interns and impose an obligation on that entity to pay the interns a benefit equivalent to the minimum wage (per hour of internship). In particular, the authority should investigate whether the regulations on internships are being circumvented in such a way that interns undergo internships on the basis of a voluntary contract, whereas such a contract, pursuant to the Act on Public Benefit Activity and Voluntary Work, can only be concluded by a certain circle of entities. In particular, the provision of the Act on graduate internship, which allows for unpaid internships, needs to be amended.

Coverage of interns under the Minimum Wage Act

In the case of internships, the provisions of the Minimum Wage Act should apply (in the same way as they apply to civil law contracts). This area should also be subject to control by the State Labour Inspectorate on the same basis as for civil law contracts.

Elimination of maximum pay for internships

Pursuant to the Act on Graduate Internships, the amount of the monthly monetary benefit (remuneration for internships) may not exceed twice the amount of the minimum wage established in a given year. The introduction of such a limit on the remuneration of an intern appears to be unjustified from the point of view of young interns. If the intern performs work of high market value during the internship (IT internships are an

example of this) and the internship provider is willing to pay the intern more than twice the minimum wage, it should be allowed to do so.

Introducing a ban on internships on a fee-for-service basis for the host entity

On the internship market, a dangerous phenomenon can be observed in certain economic sectors, namely the offering of internships to young people for which they have to pay remuneration to the internship providers. This is an example of blatant and uncooperative exploitation of the vulnerable position of young people and the fact that their first work experience can be the most complicated. A situation in which a young person has to pay for the opportunity to work on his or her own is socially damaging and should be prohibited at a statutory level. Appropriate sanctions should be imposed on entities that charge interns for organising internship. This area should be subject to control by the State Labour Inspectorate.

Introduction of a time limit for the issuing of an internship completion certificate

Pursuant to the provisions of the Graduate Internship Act, at the request of the intern, the entity hosting the intern is obliged to issue a certificate in writing about the type of work performed and the skills acquired during the intern's internship. However, the provision does not indicate the period of time during which the internship host should issue such a certificate to the intern. For example, according to the provisions of the Labour Code, the employer should issue an employment certificate to the employee on the date on which the employment relationship has ended. If this is not possible, the employment certificate should be provided to the employee within seven days of the date of termination of the employment relationship. A similar mechanism should also be created in the context of internship contracts. This is justified in particular by the fact that young interns often need an appropriate internship completion certificate for educational reasons. Failure to regulate this issue leads to a situation in which interns often do not receive the relevant certificates from the entities which took them on as interns within an acceptable period, despite their applications.

Introduction of a notice period for internships

In fact, apprenticeships and internships are, for many young people, not only an opportunity to acquire knowledge and develop themselves, but also a source of livelihood. For host organisations, on the other hand, interns may be an important link in the organisation of the work process. In view of this, it would seem justified to introduce a period of notice for termination of a graduate internship contract which would be strictly dependent on the duration of the internship contract. Regulating the issue of notice periods in this way (similarly to the provisions of the Labour Code) would give interns more stability in their internship and encourage them to use this form of non-employment.

Extension of the maximum period of internships

According to the Graduate Internship Act, the internship period can last a maximum of three months. It should be noted that for many young people and host organisations this period is too short for the traineeship to actually provide adequate value. In workplaces, it is generally accepted that a period of three months is most often the time needed to familiarise the new person with the specifics of the job and to initially introduce them to the performance of their duties (the so-called onboarding period). Limiting the apprenticeship period to three months reduces the substantive value of the internships and leads to the circumvention of graduate internship regulations (including the employment of young people without any legal basis). The period in which the intern can make the greatest development and the host entity reap the benefits of the intern's performance of duty is most often only after three months. An extension of the permissible internship period would make all the more sense in the event that the ban on organising unpaid internships referred to above comes to pass..

Introducing freedom in the working time regime for internships

Entities taking on young apprentices should be able to cover apprentices under different working time systems. The placement of an apprentice under a particular working time regime (other than the basic regime) should be subject to the apprentice's agreement. The introduction of provisions which would transparently allow apprenticeship providers to cover apprentices under different working time systems would have a positive impact on increasing the flexibility of apprenticeship. For the host company, this would mean that it would be easier to organise work and give the apprentice company-relevant responsibilities. For the apprentice, the possibility of working in different working hours would be important from the perspective of the need to combine the apprenticeship with education. For example, the inclusion of a full-time trainee in a task-based working time system would appear to be beneficial not only from the perspective of the host company, but also from that of the trainee himself.

Right to leave

As the law currently stands, apprentices are in no way entitled to take leave (either paid or unpaid leave). This legal state of affairs leads to a situation in which the entity hosting the young person on an apprenticeship can refuse to allow the apprentice to take days off - even in cases where the leave is necessary for the young person due to fortuitous events or the necessity for the young person to undertake activities related to his/her education. Apprentices should be guaranteed the possibility of not taking an apprenticeship for a given period if this is justified by their health and family situation, or necessary from the perspective of their education (e.g. when an examination or compulsory consultation date has been set on the day of the student's internship).

Inclusion of internship period in seniority

An internship involves performing work for the entity hosting the interns. It is therefore a period that should count as part of the length of service affecting, among other things, entitlement to annual leave and pension rights.

The inclusion of the period of internship in the length of service seems all the more justified as, under the current state of employment, the length of service may include not only the period of employment under an employment contract, but also, among others, the period of doctoral studies and the period of receiving unemployment benefit and a grant received by an unemployed person during a training course to which he/she was referred by a starost. From a purposeful and practical point of view, the inclusion of the period of internship in the length of service is in line with the regulations in force in this respect. Moreover, it would have a positive impact on the attractiveness of internship and guarantee much greater stability and security for interns.

Furthermore, it cannot be ruled out that a young person would like to undertake an internship in several successive places. This is due to increased mobility and the desire to learn about the work environment and its specificities (particularly in technological sectors). The inclusion of the internship period as a period of work experience in such situations is justified, since the time spent on practical vocational training, like education, serves to prepare for a specific occupation (type of work).

Bibliography

1. Allen M.R., Dube O., Aragón-Durand W.F. et al., Framing and Context. In: Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty, eds. Masson-Delmotte V., Zhai P., Pörtner H.-O., et al., 2018, online: https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/SR15_Chapter1_Low_Res.pdf [dostęp: 21.03.2022 r.].
2. Allan, J.I., The New Climate Activism: NGO Authority and Participation in Climate Change Governance, University of Toronto Press, 2021.
3. Blachnicka-Ciacek, D., Młodzi Polacy wobec kryzysu klimatycznego, Youth Working Papers 1/2020, SWPS Uniwersytet Humanistyczno-Społeczny, Warszawa 2020, online: https://issuu.com/dominika.blachnicka/docs/raport_klimatyczny_web [dostęp: 21.03.2022 r.].
4. Gupta, J., The History of Global Climate Governance, Cambridge University Press, 2014.
5. Hibberd, M., Nguyen. A., Climate Change Communications & Young People in the Kingdom: A Reception Study, „International Journal of Media & Cultural Politics” 2013, 9/1, s. 27-46.
6. O'Brien K., Selboe E., Hayward B.M., Exploring youth activism on climate change: dutiful, disruptive, and dangerous dissent, „Ecology and Society” 2008, 23(3), s. 42, online: <https://doi.org/10.5751/ES-10287-230342> [dostęp: 21.03.2022 r.].
7. Woźniak, M., Influence of climate changes on the global condition of the environment and agriculture in the opinion of rural youth in the podkarpackie region, Problems of agricultural economics” 3/2020 t. 364 online: <https://doi.org/10.30858/zer/125589> [dostęp: 21.03.2022 r.].
8. Żerkowska-Balas, M., Zaremba, M., Partycypacja nowych wyborców, Fundacja Batorego online: https://www.batory.org.pl/upload/files/Programy%20operacyjne/Masz%20Glos/partycypacja_nowych_wyborcow.pdf [dostęp: 21.03.2022 r.]



**SFINANSOWANO ZE ŚRODKÓW NARODOWEGO INSTYTUTU WOLNOŚCI –
CENTRUM ROZWOJU SPOŁECZEŃSTWA OBYWATELSKIEGO**
W RAMACH RZĄDOWEGO PROGRAMU FUNDUSZ MŁODZIEŻOWY NA LATA 2022-2033
PROGRAM POD PATRONATEM PEŁNOMOCNIKA RZĄDU DS. POLITYKI MŁODZIEŻOWEJ

Translation was financed by National Freedom Institute. Centre for Civil Society Development.

DIALOG
NOWEJ
GENERACJI

A stylized white speech bubble graphic with a tail pointing downwards and to the left, positioned to the right of the text 'DIALOG NOWEJ GENERACJI'.

IREPŚO

EDUKACJA.
PRAWO.
OBYWATEL.