

THE YOUTH IN POLISH LEGATIONS AND GOVERNMENT

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ABSTRACT

Until the 2015 elections, youth policy in Poland was treated as a separate domain. There is no uniform legal basis concerned with the matters of young people. Youth rights are dealt with in several articles of the Constitution of the Republic of Poland as well as a number of Acts: on Public Administration Branches, on the Education System, on Higher Education, on Employment Promotion and Labour Market Institutions, on NFZ General Health Insurance, on Combating Domestic Violence, on Social Employment, on Public Benefit Organisations and Voluntary Service, along with the Labour Code and certain government regulations. The first consistent document concerned with youth issues was the National strategy for young people for 2003–2014, adopted in 2003. Thereafter, the matters of youth policy were discussed in the report entitled Youth 2011, the document Poland 2030 – Third Wave of Modernity, the Long-Term National Development Strategy, and the Government Program for Social Activity of Youth for the years 2015–2016. Following the 2015 parliamentary elections, youth issues were given a lower priority. In the election manifesto of PIS (Law and Justice party), much attention was devoted to family policy, with youth policy being regarded as part thereof. Consequently, on 13 February 2018, the Family, Senior and Social Policy Committee of the Senate of the Republic of Poland adopted a Resolution on “Integrated youth policy”, presenting it as one of the areas of family policy.

KEYWORDS: *youth, youth policy, Polish legations, polish document programme Law and Justice Party.*

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Introduction

The term “youth” refers to a social category of people defined by the age criterion. According to S. Baley, it includes individuals between 13 and 20, M. Kreutz defines youth as the period between 11 and 21 years of age, and M. Żebrowska states that it is the time between 12 and 18 years of age (Pater, Pater, 2008: 49). The definition of the youth given by M. Markiewicz is a group of young people between 15 and 29 (Markiewicz, 1964: 34). A different age criterion was presented in the European Commission programme “Youth in Action” aimed at individuals aged 13-30 (Youth in Action 2007–2013). While this criterion is recommended by the European Union, it has not always been used consistently (Youth in Action Programme Guide, Gąsior-Niemiec, 2014: 9). The definitions given above indicate that researchers find it difficult to adopt a uniform standard. Therefore, youth should be understood to mean the period of human life characterised by the absence of developed cultural awareness, with people in that age group being influenced by various attitudes and orientations and showing the ambition to change the reality, criticism towards adults, dissimilarity of interests and aspirations and frequent lack of moderation in the pursuit of a model of independent life and new means of self-creation (Chodubski, 2014: 11).

There is a similar lack of consensus with regard to youth policy. In Poland, no definition of youth policy has been adopted (Gąsior-Niemiec, 2014: 9). The policy concepts and operation of institutions are characterised by a changeability of objectives and measures aimed at young people. The Polish policy documents

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were developed under the influence of efforts of international organisations and Guidelines of the Council of Europe and of the European Union (Wallace, Bendit, 2009: 441–457).

The aim of this study is to characterise the legal acts and documents prepared by the government and individual ministries that are concerned with youth policy. The study covers the period from the adoption of the Constitution of the Republic of Poland in 1997, which is the most important document referring to youth issues. In addition to statutes, this article presents the youth policy documents issued between 2003, when the first such policy was announced, and 2018. Youth policy pursued before that period has not been considered herein².

The research problem involves identification of the legislation and other documents, including reports and strategies, which refer to the youth matters in the specified period.

The research hypothesis is as follows: youth issues were given more attention in legislation and other documents before the 2015 elections, when the matters of young people were considered a separate area, after their inclusion in the family policy. To verify this hypothesis, the author has framed the following research questions: (1) Which legal acts refer to youth issues?; (2) Which documents issued after 2003 contain the fullest description of youth policy concepts?; (3) What actions for the youth have been provided for in the programme presented by PIS?; (4) What efforts with regard to youth policy have been undertaken since the elections in 2015?

The following research methods were used in this study: analysis of legislation and documents prepared by the government and ministries. This article was written on the basis of legal acts, documents and other literature.

1. The youth in legislation

The legal provisions relating to youth issues are contained in numerous documents: the Constitution, statutes and ministry regulations. In many cases young people are not the only group to which these provisions apply. Article 31 of the Constitution of the Republic of Poland of 2 April 1997 ensures respect for the freedom of citizens, whereas Article 32 guarantees equality of all before the law and equal treatment by public authorities. Under Articles 47 and 48, every citizen is granted the right to the protection of his/her private and family life, and parents – the right to rear their children in accordance with their own convictions and ensure their religious upbringing (Article 53). Pursuant to Article 54, every citizen has the right to express opinions and join organisations whose activities comply with the Constitution. Furthermore, everyone has the right to obtain information on the activities of public authorities and to submit petitions, proposals and complaints (Articles 61 and 63). Citizens are granted the freedom to pursue their occupation and choose their place of work (Article 65). It is prohibited to employ permanently children under 16 years of age (Article 65). Public authorities encourage the development of physical culture among young people and children. Education till 18 years of age is compulsory (Article 70). Parents have the right to choose schools for their children, and public authorities are obliged to establish a system of assistance to pupils and students. The state is required to help families in difficult material circumstances and guarantee protection of children against violence, cruelty, exploitation and actions which undermine their moral sense (Articles 71 and 72). Matters concerning children's rights are dealt with by a specially appointed Commissioner for Children's Rights (Article 72) (Journal of Laws of 1997 No. 78, item 483).

The rights of young people are also referred to by the Act on Public Administration Branches of 4 September 1997. It provides that education and upbringing include: education, schooling, upbringing, physical culture of children and young people, children's and youth organisations and their subsidy system, granting of material assistance to children and young people, as well as their international cooperation (Article 20). The state is obliged to support persons in difficult material circumstances, counteract social pathologies and create government programmes of social assistance for persons in difficult material circumstances (Article 31) (Journal of Laws of 1997 No. 141, item 943).

Youth issues are dealt with in detail in the Act on the Education System of 1991. Article 1 states that the education system should guarantee: the right of citizens to education and the right of children and the youth to upbringing and care, school assistance in the educational role of the family, the possibility of establishing

² The beginnings of youth policy in Poland date back to 1982, when the Parliament of the Republic of Poland appointed a separate government minister dealing with matters of young people. That office existed until 1989 (Raczek, 2014: 142).

schools and educational institutions by various entities, adjustment of the teaching content, methods and organisation to the mental and physical fitness of pupils, education of disabled children and the youth, care of highly gifted pupils, universal access to secondary education whose completion is required to start university education, reduction of disparities across regions of the country as well as urban and rural areas, and maintaining healthy working conditions for teachers and pupils in schools. Educational institutions include preschools, primary and secondary schools, educational facilities enabling children to develop their interests and supplement their knowledge, education and career guidance centres, centres of psychological and educational counselling, specialist centres providing psychological and educational assistance to children, the youth, parents and teachers with regard to education and career choices, educational care and rehabilitation centres providing upbringing and care for children and young people whose parents have had their parental rights fully or partially terminated, foster families, educational care centres supporting foster homes, voluntary labour corps, teacher training and further education facilities and educational libraries. Educational policy is implemented by the Minister of National Education. Pupils are entitled to financial assistance from the funds allocated for this purpose in the state or commune budget (Article 21). Article 13.1 provides that schools and public institutions should enable pupils and students to maintain a sense of national, ethnic, linguistic and religious identity, and in particular to learn the language and their own history and culture. Pupils have the right to complain to the headmaster if they believe that the marks they received were determined contrary to the applicable regulations and to view their checked and marked examination paper (Article 44). Pupils are entitled to material assistance from the state budget. Material assistance is granted to aid pupils in difficult material circumstances or support gifted pupils. It may be received by public and non-public school pupils, college students, employees of social services and public and non-public institution pupils until they complete their education. The aid may take the form of a social benefit or an incentive. Benefits of social character include grants and school allowances. Benefits of incentive nature include scholarships for academic or sports achievements and scholarships granted by the Prime Minister, the minister for education, and the minister for culture and heritage protection (Article 90). The Council of Ministers may adopt a government program to promote equal educational opportunities for children and young people, and to support regional or local programmes created by local authorities or public benefit organisations, to promote preventive health care of pupils, development of skills, interests and talents and to support patriotic and citizenship education projects aimed at children and young people (Journal of Laws of 1991 No. 95, item 425).

The Act on Higher Education of 12 September 1990 defines the rights of young people entering higher education. A student can do any number of courses at various universities if he fulfils all his duties relating to the course of studies in the principal field of study. A student has the right to follow an individual plan and programme of studies (Article 149). Students may apply for material assistance in the form of scholarships (social, special scholarship for the disabled, or for academic or sports achievements) or grants. Students can also apply for accommodation in a hall of residence and board in the university canteen (Articles 151 and 152c).

Student government decides on the division of funds allocated for student purposes and carries on activities relating to students' social, living and cultural matters and reviews draft legislation concerning students (Article 156). The funds for student government activity are provided by the minister for higher education (Journal of Laws of 1990 No. 65, item 385).

Youth rights are also referred to in the Act on Employment Promotion and Labour Market Institutions of 2004. A special role was assigned to the academic career office, which is supposed to activate students and graduates, as well as supply information on the labour market and opportunities for raising professional qualifications. Other entities tasked with youth activation include public employment services, voluntary labour corps (hereinafter: OHPs) and employment agencies, along with training, social dialogue and local partnership institutions. A special role has been assigned to OHPs. They provide job matching services and occupational guidance for youth, organise employment for young people who have not completed primary education or do not continue learning after leaving primary school and unemployed up to the age of 25, organise mobile occupational information centres, initiate international youth cooperation and exchanges and refund the costs of salaries and social insurance contributions incurred by employers of young persons

employed on the basis of a contract of employment (Journal of Laws of 2004 No. 99, item 1001). Matters of youth employment are also regulated by the Acts of 24 April 2003 on Public Benefit Organisations and Voluntary Service and of 13 June 2003 on Social Employment. The latter outlines the relationship between therapy, social work and professional activation. It establishes the basis for activities aimed at social inclusion of persons affected by social dysfunctions because of unemployment, homelessness, addiction, mental disease or temporary isolation from the society while serving prison sentences (Journal of Laws of 14 July 2003).

The Act on Public Benefit Organisations and Voluntary Service (*Ustawa o organizacjach pożytku publicznego i o wolontariacie*) sets out the principles of conducting public benefit activities by non-governmental organisations. Such activity may also be undertaken by: 1) other legal persons and churches if their statutory purposes include activity for the public benefit; 2) association of local government bodies; 3) social cooperatives; 4) joint stock companies, limited liability companies and sports clubs – on the basis of the Act of 25 June 2010 on sport (Journal of Laws of 2010 No. 127, item 857). The Act also governs the conditions of provision of services by volunteers. They may perform work for: non-governmental organisations and entities in the scope of their statutory activity, public administration bodies, organisational units subordinate to or supervised by public administration bodies (Act on Public Benefit Organisations and Voluntary Service (Journal of Laws of 2003 No. 96, item 873).

Issues concerning the employment of young people are governed by the provisions of the Labour Code of 26 June 1974 (The Labour Code (Journal of Laws of 1974 No. 24, item 141). The Labour Code has been amended repeatedly, with the latest amendment made in 2018 (*Co nas czeka w przyszłości? Czy będą zmiany w Kodeksie Pracy 2019?*). Matters concerning school leavers' apprenticeship are dealt with in the Act of 17 July 2009 on school leavers' apprenticeship and the Labour Code of 26 June 1974. The solutions contained in this legislation were designed to help school leavers to gain experience and acquire the skills required to perform work. School leavers' apprenticeship may be applied for by anyone who completed at least lower secondary education and is below the age of 30 on the first day of apprenticeship. The maximum duration of such apprenticeship is 3 months, with a maximum of 40 working hours per week (Journal of Laws of 2009 No. 127, item 1052)).

Young people are also referred to in the Act of 29 July 2005 on Combating Domestic Violence. This act specifies the tasks in dealing with people affected by domestic violence or inflicting violence. Victims of violence should be given free assistance in the form of medical, psychological, legal, social, professional and family guidance, crisis intervention, protection against abuse by preventing persons committing violence from using the flat occupied by other members of the family, medical examination to determine the cause and type of injury associated with the use of violence, providing accommodation to persons affected by household violence (Journal of Laws of 2005 No. 180, item 1493).

A review of the Polish legal acts dealing with youth matters demonstrates the absence of a uniform legal basis concerned with these issues.

2. Youth policy in documents issued by the government and ministries

After the 1989 transformation, it was not until the first decade of the 21st century that the first youth policy documents were adopted. The first consistent document was the National strategy for young people for 2003–2014, adopted in 2003. Its authors were inspired to commence work on the strategy by the 2002 consultations conducted by the Ministry of National Education and Sport on the implementation of the European Commission white paper – *A new impetus for European youth*. In the course of the discussion, the spheres of life were identified in which actions benefiting young people should be taken by the government, i.e., education, employment and youth involvement in public life. The document emphasised that youth issues were dealt with by many institutions of the central and local governments along with non-governmental organisations, and therefore it was necessary to coordinate their activities. According to the strategy, youth policy applied to people aged 15–25. Because of the social and occupational diversity of that group, its members have widely different needs and expectations of the government policy. The following strategic objectives were identified:

1. Creating and equalising the opportunities for development and self-actualisation of the young generation;
2. Creating opportunities for the young generation's own development;
3. Counteracting marginalisation of the young generation;
4. Developing international youth cooperation;
5. Building a youth information system;
6. Education and further training of personnel working with young people.

The strategy takes into account the programs aimed at young people and implemented by different ministries. Most of the funds for their implementation come from the state budget. An important source of funding for youth programmes are local government resources. The tasks relating to sport and culture may be subsidised with funds from state lottery monopolies and from the advertising of alcoholic beverages (Zielińska, 2009: 131–148). Health care of young people is provided in the framework of the general health insurance scheme, according to the principles laid down in the Act of 23 January 2003 on general insurance in the National Health Fund (NFZ) Journal of Laws No. 45, item 391, as amended).

Most of the tasks defined in the Strategy were eligible for financial support from the European Union Structural Funds. The education sector received European Social Fund support for the development of a knowledge-based society, equalisation of pupils' educational opportunities and better access to the labour market, education for the information society, development of guidance and counselling services, improving the quality of education and development of a system for education and further training of teachers of different types of schools (National strategy for young people for 2003–2014).

The Integrated Regional Development Operational Program will enable co-funding of education infrastructure investments and maintenance, organisation of training courses, traineeships and apprenticeships in order to raise the qualifications or supplement the education of the population of rural and restructuring areas.

The European Agricultural Guidance and Guarantee Fund and the state budget funds included in the Rural Development Plan and the Sectoral Operational Program "Restructuring and Modernisation of the Food Sector and Rural Development" will make it possible to finance early retirement schemes and help young farmers start their career.

Following the publication of the strategy, there were repeated attempts to create a delegation of the Polish representation. In 2003, the Polish Youth Council (PRM) was created, bringing together representatives of the national youth organisations and regional youth councils. In 2003, the Minister of National Education and Sport introduced the bill on the representation of young people and their participation in the public life. However, that proposal failed to receive the legislator's approval (Zielińska, 2009: 136–138).

Youth issues have also been dealt with at the ministry level in the framework of education, labour market, family and health care policies as well as the policy for combating social exclusion. It was assumed that the youth delegation should be represented in the advisory and consulting groups operating at the level of ministries and have a say in the policy-making process.

Another sphere that requires the youth participation are various councils/committees consulted with regard to the redistribution of funds for youth programmes. With no youth representatives in such bodies, there is no guarantee that the needs of young people would be met.

Further changes in the objectives of the Polish youth strategy were introduced in connection with the implementation of the European Pact for Youth adopted by the European Council at the spring meeting on 22–23 March 2005. The Pact focuses on three areas: 1) employment, integration and social progress; 2) education, training and mobility; 3) work-life balance (Resolution of the Council and of the representatives of the governments of the Member States meeting within the Council on addressing the concerns of young people in Europe). The impact of the Youth Pact on the government's youth strategy was observed in six areas: equalisation of the educational opportunities of young people, raising the level of education – mainly in rural communities, strengthening the connections between the education system and the local labour market needs, counteracting the marginalisation of the younger generation, international youth cooperation, creating the conditions for participation in the social and public life and building a youth information system (Zielińska, 2009: 136–138).

In August 2011, the Chancellery of the Prime Minister published a report titled “Youth 2011”. It was based on the conviction that youth is “a resource on which to base the construction of a modern society and state”. It has a considerable potential for carrying out far-reaching reforms (Młodzi, 2011: 23). The report consists of ten chapters devoted to a range of topics. The first chapter, titled “Time for the young. “The need for a generation change in Poland” analyses the situation of young people since the political transformation. It contains a thesis about the historical uniqueness of the young people who grew up in a specific period of time that contributed to the political socialisation of youth. Chapter 2, entitled “What are young people like? Matters of importance, aspirations, expectations” is devoted to the present-day image of young people. It indicates that the innovative potential of the youth lies in their aspirations, ambitions and visions of the adult life. The third part, “Demography”, points to the fact that young people constitute a reservoir of innovation and a change-driving factor. However, development can be hampered by the shortage of such people and the ageing of the population. In chapter four, “Education and new challenges”, the weakness in overcoming the limitations of the social environment and education mismatch to the changing labour market were considered to be the main problems of the Polish education system. According to chapter 5, work should be a source of income and satisfaction. One’s life plans and ambitions concerning a family, standard of living, leisure and health cannot be realised without a job and income. The demographic boom and the global economic crisis make it difficult for young people to enter the labour market due to the lack of job security, which in turn delays the decisions concerning starting a family and having children. Chapter 6, “Areas of community and intimacy: marriage, family, alternative choices”, points to the growing popularity of the single life model among young people. The lack of access to mortgage loans or help with raising children stabilises that situation. Thus, the authors prioritised the solutions supporting women in the child-rearing process, such as crèches, nursery schools and various facilities where children can spend their free time. Rural areas and small towns, where women have no assistance and rarely take up employment, are the most neglected in that respect. “Consumption, leisure, new media – areas of status expression and creation of the Self” is the title of chapter 7. Consumerism – the desire to own and use things – is likely to affect young persons below 30 years of age. Young people aspire not only to own things, but also to lead a certain lifestyle. “Young generation, new system – views, attitudes and presence in the public sphere of life” is the title of the next chapter. It highlights the fact that in 2010, for the first time in history, 50% of young people voted in the local elections. However, it also points to the poor involvement of the young in the activities of social organisations. Student self-governments are viewed as a bureaucratic necessity, with more than 50% of students claiming that it they have no influence on the way schools are run. In Poland, a third of young people live in poor material conditions. Some of them cannot cope with the problems of daily life and resort to drugs, legal highs and alcohol – these are the main points of chapter nine.

The last chapter is titled “Youth and social cohesion”. According to statistics, there is an increase in aggression, as well as emotional and conduct disorders. Anti-social behaviour and criminal offences committed by young people are also on the rise. Education was seen as a key to a better life by many people, but in the late 1990s it was accessible for all students who passed the secondary school-leaving exam and did not always guarantee a career. Failure to attain their personal goals pushed young people to the virtual life of social media, which promote lifestyles that often clash with the models accepted by the Polish society. Following the analysis of the problems of young people, 35 recommendations were proposed (reduction of environmental differences in education, improving the quality of higher education, effective career guidance, new technologies, assistance in the form of grants, minimising the differences between regions, labour market improvement, promoting entrepreneurship, reduction of employment costs, employment flexibility, enabling women to combine work with child care, family benefits and support of higher fertility rates, care of the disabled, housing for young families, activation of the young generation, stimulation of the mechanisms of youth participation in social and political life, and stimulation of civic activity (Młodzi, 2011: 25).

“Poland 2030 – Third Wave of Modernity. Long-Term National Development Strategy” is a document prepared in 2013 by the Ministry of Labour and Social Policy. It identifies the main goals until 2030, one of which is the introduction of a comprehensive system of measures to prepare young people for undertaking roles in the society, including occupational activity (Polska 2030. Trzecia Fala Nowoczesności). The strategy was developed in parti-

icipation with the council for youth, the secretariat for youth, and the team for youth social activity (Zarządzenie nr 7 Ministra Pracy i Polityki Społecznej z dnia z dnia 7 lutego 2014 r. w sprawie powołania zespołu do spraw aktywności społecznej młodzieży). The aforementioned team, established to develop the activity programme, previously carried out an analysis of youth policy documents and evaluated the recommendations of the Long-Term National Development Strategy Poland 2030 – Third Wave of Modernity, the Social Capital Development Strategy, the Human Capital Development Strategy 2020 and the EU documents concerning young people.

One of the units within the Public Benefit Activity Council operating at the Ministry of Labour and Social Policy was the youth policy team, which started developing the draft National Program for Youth. Its task was to equip young people with professional and social skills as well as to shape their active social attitudes. The project supplemented the activities conducted by the Civil Initiatives Fund in 2014–2020. “Active Youth” – the Government Program for Social Activity of Youth for the years 2015–2016 of 10 May 2014 defined the age group of the programme beneficiaries (13-30 years), its legal framework and compliance with strategic documents (Rządowy Program Aktywności Społecznej Młodzieży na lata 2015–2016. Aktywna Młodzież). It provided that the specific action proposals would depend on the programme beneficiaries, that is, young people. Having analysed the situation of young people in Poland, the following specific objectives were defined: stimulating the social and civic youth activity, increasing youth participation in taking decisions concerning the public and greater support for youth initiatives. The activities were planned to be undertaken within five priorities: I. Passions and interests, II. Social and civic activity, III. Developing competences and skills needed in the labour market, IV. Infrastructure for youth support, V. Technical support. The programme had not been launched by April 2015. On 16 April 2015 Romuald Garczewski MP filed Interpellation 32531 to the Parliament concerning the launch of the programme (Interpelacja nr 32531 do ministra pracy i polityki społecznej w sprawie uruchomienia Rządowego Programu Aktywności Młodzieży na lata 2015-2016 “Aktywna Młodzież”).

3. The youth in the programme developed by PIS (Law and Justice party)

Following the 2015 parliamentary elections, youth issues were given a lower priority. In the election manifesto of PIS (Law and Justice party) much attention was devoted to family policy. Stressing the wish to increase the fertility rate in Poland, the party promised support for large families in the form of monthly child benefits of PLN 500 for the second, third and subsequent child below 18 in the family. Low-income families were to receive the benefit also for their first child. The programme also proposed wider access of children and youth to culture, sport and recreation facilities and to medical care at school. Furthermore, PIS proposed 1,200,000 new jobs for school leavers, created through the implementation of the salary increase pact. It was announced that the employers joining the “pact” would benefit from government support programmes e.g. from the financial assistance to cover the costs of apprenticeship for school leavers with a maximum duration of 3 months. It was provided that the Employment Support Fund and the Youth Entrepreneurship Support Fund would grant loans on favourable terms. They would be received in the first place by unemployed school leavers starting economic activity and creating at least two full-time jobs for young people for a period of at least one year. The loans may be remitted if secure jobs are created, and the repayment of the loan with interest can be suspended if the economic situation of the entrepreneur deteriorates. At present, first-time entrepreneurs can take advantage of preferential social insurance contribution rates of 30% of the minimum wages for the first two years of their economic activity but then pay the 100% rate in the following years. Chapter IV of the programme, titled “Society”, provides that the civic sector reforms should include the introduction of a national system of civic and patriotic education utilising the educational and cultural facilities (schools, nursery schools, libraries, culture centres, etc.). Education should also include the issues of legal awareness, as well as universal access to cheap or free legal services, the appointment of the Polish Solidarity Corps in cooperation with the voluntary service centres and other NGOs, establishment of the Good Practice Multiplier Programme whereby the priorities of social needs and problems would be identified (poverty, unemployment, social marginalisation, cultural and civic passivity etc.) and selection of good practices that best address the social problems (Zdrowie, Praca, Rodzina, Program Prawa i Sprawiedliwości 2014).

4. Youth policy after the 2015 parliamentary elections

Between the launch of the 500+ scheme and the beginning of 2018 the government did not issue any youth policy document. In September 2017, during a debate on family issues, the Institute for Integrated Prevention made an attempt to include youth policy among the tasks of family policy. It was supported by the Family, Senior and Social Policy Committee of the Senate of the Republic of Poland on 13 February 2018 in its position on “Integrated youth policy”. The Committee emphasised the important role of young people in tradition and culture. It pointed out that the problems of young people are related to the social threats, i.e. the crisis of marriage and family, the demographic situation, the state of public health, sexualisation, dissemination of pornography and violence. Education of children and young people has a major influence on the development of the young generation and its preparation for performing adult social roles. The Committee proposed the inclusion of youth policy within the family policy and participation in resolving the issues of different civic initiatives (Ważne stanowisko Senatu RP ws. “zintegrowanej polityki młodzieżowej”). Then the Institute for Integrated Prevention prepared a document titled “Youth at the turn of the new century of independence” and began collecting signatures under the declaration. The document was approved by the 36 organisations forming the Alliance for Integrated Youth Policy. The document entitled “Youth at the turn of the new century of independence” provided a definition of “integrated youth policy as one of the areas within the family policy based on respect for the principle of subsidiarity and the key role of parents in the upbringing process” (Młodzież u progu nowego stulecia Niepodległej). The position of the Institute was supported by the 36 organisations forming the Alliance for Integrated Youth Policy. The primary objective of this policy – to support youth development and counteract the existing threats – is part of the Polish national interest and one of the priorities of the family and social policy. Measures ought to be taken to mitigate the problems, pathologies and risky behaviours among young people, support the goals and aspirations of young people relating to marriage, family and children and counteract youth depravation resulting from provisions of the law. The need to pursue an integrated policy and activities was also highlighted in that document. The fulfilment of the objectives of that youth policy may be facilitated by the seven-lever implementation strategy described in the “Guide for the effective prevention of youth problems”. The document is aimed at adults, with the intention to help them support young people in building a mature world and values and realise their dreams and ambitions. The Guide refers to seven levers which, according to the authors, could boost the efficiency of actions taken by local governments in the area of problem prevention and youth behaviours. The message behind the seven-lever scheme is as follows: 1) by focusing on the best interests you will find better solutions to problems; 2) apply an integrated approach to problems and their prevention; 3) by following the methods of local communities you will gain powerful allies; 4) build on the values and dreams of young people; 5) strive to make education and prevention a developmental priority; 6) when developing a strategy, follow the rule of maximum effectiveness at optimum cost; 7) enlist the cooperation of people with keen interest in youth matters. Following the theoretical considerations and the definition of the seven levers, the final chapter of the document contains examples of good practice in the area of youth problems prevention management.

Conclusions

From the early 1990s youth policy in Poland constituted a separate area and was treated as such by the ministries and public authorities. The legal bases relating to youth policy are contained in numerous documents: the Constitution, statutes and ministry regulations. Such bases are provided in the following Acts: on Public Administration Branches, on the Education System, on Higher Education, on Employment Promotion and Labour Market Institutions, on NFZ General Health Insurance, on Combating Domestic Violence, on Social Employment, on Public Benefit Organisations and Voluntary Service, along with the Labour Code and numerous government regulations. A review of the Polish legislation devoted to youth matters demonstrates that there are numerous documents that refer to youth issues, but each of them regulates only one specific problem relating to young people. The first consistent document issued after 1989 was the National strategy for young people for 2003–2014, adopted in 2003. Thereafter, matters of youth policy were discussed in the report Youth 2011, the document Poland 2030 – Third Wave of Modernity, Long-Term National Develop-

ment Strategy, and the Government Program for Social Activity of Youth for the years 2015-2016 – Active Youth. The most comprehensive characterisation of youth issues is contained in the “Youth 2011” report. The assumption behind that document was the need to build a modern society and state based on young people. The Government Program for Social Activity of Youth for the years 2015-2016 – Active Youth had not been implemented before the elections. The victory of PIS in the parliamentary elections meant a change in the youth policy concept in line with the objectives of that party’s programme. Initially, PIS focused on the implementation of certain schemes presented in its manifesto, e.g., “500+”, however, without developing any theoretical programme. An amendment proposal was put forward in September 2017 during the debate on family issues, when the Institute for Integrated Prevention, suggested that youth policy be included among the tasks of family policy. That position was supported by the Family, Senior and Social Policy Committee of the Senate of the Republic of Poland, which adopted a resolution on “Integrated youth policy”, presenting it as one of the areas of family policy. The fulfilment of the objectives of that youth policy was to be supported by the seven-lever implementation strategy described in the “Guide for the effective prevention of youth problems”. It is the first important and at the same time the only document relating to that subject. Having considered the content of the Guide, the author wishes to present the following recommendations:

1. Since the Guide is a practical handbook, the competent ministry ought to develop a theoretical document relating to youth policy.
2. The youth policy document, i.e., the “Guide for the effective prevention of youth problems” should be subject to a nationwide debate participated by all organisations that deal with youth problems.
3. The content of the Guide should be presented to students of various school types.
4. It is necessary to conduct a survey on the expectations of young people concerning their participation in public life.

References

- Chodubski, A (2014) *Młodzież jako przedmiot i podmiot życia publicznego: Polityka Młodzieżowa Unii Europejskiej*. Ed. M. Boryń, B. Duraj, S. Mrozowska. Toruń: Wydawnictwo Adam Marszałek, pp. 9–21.
- European Commission White Paper – A New Impetus for European Youth (2001). Available at: <https://publications.europa.eu/en/publication-detail/-/publication/a3fb3071-785e-4e15-a2cd-51cb40a6c06b> [Accessed: November 21, 2018].
- Gąsior-Niemiec, A. (2014) *Problematyka młodzieży w perspektywie europejskiej i krajowej: Polityka młodzieżowa wymiar krajowy i europejski*. Rzeszów: Wydawnictwo Uniwersytetu Rzeszowskiego.
- Interpelacja nr. 32531 do ministra pracy i polityki społecznej w sprawie uruchomienia Rządowego Programu Aktywności Młodzieży na lata 2015–2016 “Aktywna Młodzież” w ramach Programu Współpracy Ministra Pracy i Polityki Społecznej z organizacjami pozarządowymi oraz podmiotami wymienionymi w art. 3 ust. 3 ustawy o działalności pożytku publicznego i o wolontariacie na lata 2015–2017*. Available at: <http://www.sejm.gov.pl/sejm7.nsf/InterpelacjaTresc.xsp?key=06BE0314> [Accessed: November 2, 2018].
- Jak zwiększyć skuteczność Profilaktyki Problemów Młodzieży, Siedem sposobów działania opartych na badaniach naukowych i wieloletniej współpracy z młodzieżą*. (2018). Available at: http://www.ipzin.org/images/dokumenty/broszura_ipzin_2018_jak_zwiekszyc_skutecznosc_profilaktyki_problemov_mlodziemy.pdf [Accessed: November 10, 2018].
- Kodeks Pracy Dz. U 1974 nr. 24 poz. 141. Konstytucja Rzeczypospolitej Polskiej, Dz. U 1997, nr. 78, poz. 483.*
- Młodzi 2011*. (2011) Warszawa: Kancelaria Prezesa Rady Ministrów.
- Markiewicz, M. (1964). *Współczesna młodzież jako przedmiot badań naukowych*. Poznań: Wydawnictwo Uniwersytetu im Adama Mickiewicza.
- Noga, H. (2006). *Wybrane aspekty edukacji informatycznej dzieci i młodzieży: Technika, informatyka, Edukacja, Teoretyczne i praktyczne problemy edukacji informatycznej*. Ed. W. Walat, Rzeszów: Wydawnictwo Uniwersytetu Rzeszowskiego.
- Pater, M., Pater, W. (2008). *Polityka młodzieżowa Unii Europejskiej*. Warszawa: UKIE CIE.
- Polska 2030 Trzecia Fala Nowoczesności Długookresowa Strategia Rozwoju Kraju*. Available at: http://www.kigeit.org.pl/FTP/PRCIP/Literatura/002_Strategia_DSRK_PL2030_RM.pdf [Accessed: November 18, 2018].
- Raczek, M. (2014). *Polityka na rzecz młodzieży w Polsce: Polityka Młodzieżowa Unii Europejskiej*. Ed. M. Boryń, B. Duraj, S. Mrozowska. Toruń: Wydawnictwo Adam Marszałek.
- Rezolucja Rady i przedstawicieli rządów Państw Członkowskich zgromadzonych w Radzie w sprawie wychodzenia naprzeciw obawom młodych ludzi w Europie – wprowadzanie w życie Europejskiego Paktu na rzecz Młodzieży i wspieranie aktywnego obywatelstwa 2005/C 292/03, Dz. U. UE., 24.11.2005, C 292/5.*

- Rodziewicz, M. (2016). Proces kształtowania polityki młodzieżowej w Polsce na poziomie centralnym, *Zbliżenia Cywilizacyjne*, Nr. 1, pp. 92–115.
- Strategia państwa na rzecz młodzieży na lata 2003–2014*. Available at: <https://prom.info.pl/strategia-panstwa-dla-młodziezy-na-lata-2003-2012> [Accessed: November 21, 2018].
- Rządowy Program Aktywności Społecznej Młodzieży na lata 2015–2016 Aktywna Młodzież, Ustawa z dnia 29 lipca 2005 r. o przeciwdziałaniu przemocy w rodzinie*, Dz. U 2005, nr. 180, poz. 1493.
- Ustawa z dnia 13 czerwca o zatrudnieniu socjalnym*, Dz. U.2003 nr. 122, poz. 1143.
- Ustawa z dnia 25 czerwca 2010 r. o sporcie*, Dz.U.2010, nr 127, poz. 857.
- Ustawa z dnia 24 kwietnia 2003 r. o organizacjach pożytku publicznego i o wolontariacie*, Dz. U 2003, nr. 96, poz. 873.
- Ustawa z dnia 23 stycznia 2003 r. o powszechnym ubezpieczeniu w Narodowym Funduszu Zdrowia*, Dz. U 2003, nr. 45 poz. 391.
- Ustawa o działach administracji z 4 września 1997 r.* Dz. U 1997 nr. 141, poz. 943.
- Ustawa o promocji zatrudnienia i instytucjach rynku pracy*, Dz. U. 2004, nr. 99, poz.1001.
- Wallace, C., Bendit, R. (2009). *Youth Policies in Europe: Towards a Classification of Different Tendencies in Youth Policies in the European Union*. Available at: <https://www.tandfonline.com/doi/pdf/10.1080/15705850903105868?needAccess=true> [Accessed: November 10, 2018].
- Ważne stanowisko Senatu RP ws. „zintegrowanej polityki młodzieżowej”*. (2018). Available at: <http://ipzin.org/index.php/65-wazne-stanowisko-senatu-rp-ws-zintegrowanej-polityki-młodziezowej> [Accessed: November 15, 2018].
- Youth in Action Programme Guide*. (2007). Available at: https://ec.europa.eu/youth/success-stories/youth-in-action_en [Accessed: November 21, 2018].
- Zielińska, G. (2009) Rola państwa w realizacji polityki dla młodzieży. *Studia BAS*, nr. 2, pp. 131–148.
- Zarządzenie nr. 7 Ministra Pracy i Polityki Społecznej z dnia z dnia 7 lutego 2014 r. w sprawie powołania zespołu do spraw aktywności społecznej młodzieży*, Dz. U MP i PS 2014 nr. 18.
- Zdrowie, Praca, Rodzina. Program Prawa i Sprawiedliwości. (2014). Warszawa.

JAUNIMAS LENKIJOS TEISĖS DOKUMENTUOSE IR VALDYSENOJE

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Santrauka

Jaunimo sąvoka apibrėžia socialinę žmonių kategoriją pagal amžiaus kriterijų. S. Baley teigimu, jaunuolių amžiaus tarpsnis apima 13–20 metų, M. Kreutz nurodo jaunimo amžių – 11–21 metų, M. Żebrowska – 12–18 metų. M. Markiewicz jaunimą apibrėžia kaip 15–29 metų žmonių grupę. Skirtingi amžiaus kriterijai pateikiami ir programoje „Europos Sąjungos jaunimas“, kur jaunimu vadinami asmenys nuo 13 iki 30 metų. Taigi jaunystė turėtų būti suprantama kaip žmogaus gyvenimo laikotarpis, kai jis dar nėra pakankamai sąmoningas, dažnai negeba savarankiškai dirbti ir užsidirbti. Šios amžiaus grupės žmonės veikia įvairūs požiūriai ir orientacijos, dažnu atveju kritikuojami vyresnieji ir maištaujama, nors paprastai nepagrįstai, pabrėžiamas išskirtinumas, akcentuojami savi interesai, pastebimas dažnas nuosaikumo trūkumas demonstruojant nepriklausomo gyvenimo modelį ir naujas savikūros priemones.

Iki 2015 m. rinkimų Lenkijos jaunimo politika laikyta atskira sritimi. Jaunimo teisės nagrinėtos keliuose Lenkijos Respublikos Konstitucijos straipsniuose, Darbo kodekse ir daugelyje įstatymų dėl: viešojo administravimo padalinių, švietimo sistemos, aukštojo mokslo, užimtumo skatinimo ir darbo rinkos institucijų, bendrosios sveikatos draudimo, kovos su smurtu šeimoje, socialinio užimtumo, visuomeninių išmokų organizacijos ir savanorių tarnybos.

Šiame straipsnyje analizuojami Lenkijos Vyriausybės ir paskirų ministerijų, susijusių su jaunimo politika, parengti teisės aktai bei dokumentai. Tyrimas apima laikotarpį nuo Lenkijos Respublikos Konstitucijos, kuris yra svarbiausias su jaunimo klausimais susijęs dokumentas, priėmimo 1997 m. Aptariami su jaunimu susijusios politikos dokumentai, patvirtinti nuo 2003 m., kai paskelbta pirmoji jaunimo politikos koncepcija, ir lyginama su 2018 m. jaunimo politikos koncepcijos redakcija.

Tyrimas apima teisės aktų ir kitų dokumentų, įskaitant Lenkijos Respublikos Vyriausybės pateiktas strateginių tikslų jaunimo klausimais įgyvendinimo ataskaitas. Tyrimo hipotezė: jaunimo klausimams teisės aktuose ir kituose dokumentuose buvo skirta daugiau dėmesio iki 2015 m. rinkimų, kai jaunų žmonių klausimai buvo laikomi atskira sritimi, nei po to, kai jie įtraukti į šeimos politiką. Siekdama patikrinti šią hipotezę, autorė analizavo dokumentus, keldama šiuos klausimus: kokie teisės aktai susiję su jaunimo klausimais; kuriuose dokumentuose, kurie patvirtinti po 2003 m., išsamiai aprašytos jaunimo politikos koncepcijos; kokių realių žingsnių imtasi dėl jaunimo politikos nuo 2015 m. rinkimų? Atliekant tyrimą taikyta teisės aktų ir Vyriausybės bei ministerijų parengtų dokumentų analizė.

PAGRINDINIAI ŽODŽIAI: *jaunimas, jaunimo politika, Lenkijoje priimti teisės aktai, lenkų dokumentų programa „Teisė ir teisingumo partija“.*

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