**Draft guidelines on the effective implementation of the right to participate in public affairs, prepared in regards to the United Nations Resolution on equal participation in political and public affairs: contribution by Poland**

1. **General remarks**

Every citizen, without any legally unjustified restrictions, should have the right to participate in democratic elections, i.e. both right to vote and the right to stand as a candidate. Restrictions in this respect may only result from certain conditions, i.e. may relate to: age, citizenship, residence requirement in the area of the self-government unit in local elections, deprivation of passive or active electoral law by a final court decision. The law should ensure the right to participate in elections of people of all genders. Democratic elections should be transparent and based on the principality of universality, directness, equality and secrecy of voting, ensuring the freedom of expression of voters. Elections should be conducted at specified, equal time intervals. Every entitled voter should have the right to vote without any discrimination, including the right to easy registration in elections. Registers of voters should be reliable. All stakeholders participating in elections should have equal right to conduct election campaign on the same terms, including equal right to access media. Democratic elections should ensure respect for human rights, including inter alia freedom of expression, freedom of the press, freedom of assembly and organization acting for political purposes, and the freedom of political parties. Information about elections should be to the greatest possible extent available to all voters, with particular consideration of disabled voters. Transparency of the elections should be ensured among others by access to the election documents and assurance of the transparency of revenue sources and transparency of election campaign spendings. The widest possible observance of the electoral process for both national and international observers should also be ensured. Electoral law should provide for the possibility of appealing against the decision of the electoral bodies to the court and the possibility of bringing an election protest to the court. The validity of the election should be determined by the court. The electoral procedure should be simple and free from formalism. The principle of democratic elections should also be expressed in the stability of electoral law and the need to define the vacatio legis in relation to changes in electoral law, ie to maintain the required deadline for making substantive changes to the electoral law before the election is scheduled.

1. **Education system**

In accordance with the effective **core curriculum**[[1]](#footnote-1), the school shapes the attitudes such as responsibility, creativity, resourcefulness and citizenship in student. Teaching objectives and contents of social and civic education are carried out at each educational level, starting from preschool education. They are aimed at a gradual preparation of students for civic and social activities at school, in their place of residence, country and abroad. They are adapted to the age, cognitive abilities, and social experience of students. The *civic studies* subject is particularly dedicated to social and civic education.The core curriculum of the *civic studies* subject places an emphasis on the encouragement of young people to engage in civic activities, to be active in the public space, but also to acquire knowledge and skills regarding such spheres on their own. An education project is proposed as the most effective method of teaching, the results of which should be presented in class, at school or at the commune level. This approach is intended to shape an active citizen attitude in students and to build a strong sense of their worth and self-efficacy in public and social life. In order to implement the teaching content of *civic studies*, the school should ensure such conditions for students to

* have access to different sources of knowledge and different points of view,
* make use of the acquired information and civic skills in everyday ­life,
* learn how to plan and implement student educational projects,
* participate in discussions and debates in class, at school and in other social situa­tion­s,
* cooperate with others to address selected problems of their environment and wider communities,
* have an actual impact on selected areas of the school life, especially within the framework of the stud­ent coun­cil,
* participate in the life of the local community,
* make contact and cooperate with social organisations and public institutions;
* participate in civic campaigns and activities and make use
of different forms of communication in relation to public affairs.

The perception of the need to participate in social and public life is also reinforced by the content of the following subjects: *introduction to business, geography, economy in practice* (students may run, for example, a student company, take part in economic simulation games, also with the use of information technology). Developing their digital competences, students learn the possibilities to take an active part in public and social life through information and communication device

The new core curriculum for primary schools[[2]](#footnote-2), which will apply from the 2017/2018 academic year, formulates the teaching content in the field of social and civic education:

* preschool education – *The social area of children's development,*
* early school education - the *Social education* area,
* grades 4 to 6 of primary schools – history, civic studies, geography, computer science.

The new core curriculum places a great emphasis on the issues of the development of students' digital skills, including programming skills. It is expected that students who enter their professional and adult life will be prepared to take on the responsibilities and challenges of the 21st century, also in terms of the participation in public life. Having regard to the promotion of patriotic and civic attitudes and the activity of young people, who play a key role in the creation of civic society, in public life, the Minister of National Education has established the Council of Children and Young People of the Republic of Poland to the Minister of National Education. The council has a consultative character. The tasks of the Council comprise of giving opinions, including the presentation of suggestions about matters concerning children and young people in terms of issues under the government administration department of education, especially the presentation of opinions on the planned changes, and suggestions of solutions. The Council is composed of 16 members and their deputies, who have been appointed by the Minister of National Education among middle and secondary school students according to the school headquarters. One member of the Council represents each voivodship. The Council gives opinions and puts forward suggestions by a simple majority of votes in sessions and by means of correspondence. Council sessions are convened by the Minister of National Education. The members of the Council participate in a Council session. In case one of the members is absent, their deputy will participate in the session. The term of the Council is one year.

**School voluntary service** develops social and interpersonal competencies of students, including respect for other people, sensitises them to the needs of those in need, develops empathy and stimulates the cooperation with non-governmental organisations. Therefore, the promotion of the idea of voluntary service and the engagement in voluntary projects of children and young people should be carried out according to specific rules adopted by the school.

The education law act contains a provision, according to which the education system provides, most of all, the development of pro-social attitudes in students, including through the possibility to participate in activities by means of voluntary service to foster the active participation of students in social life. The above-mentioned act has included a provision that specifies the obligation to incorporate the method of the organisation and implementation of tasks within voluntary service in the statutes of the school. In addition, school councils, in agreement with the headmaster of the school or educational establishment, have been enabled to take up tasks in terms of voluntary service. In order to coordinate these tasks successfully, the school council will be able to compose a voluntary service board out of its members. The voluntary service board will then act as a social authority of the school that selects and gives opinions on activity proposals, diagnoses social needs in the school environment or the school setting. There are many entities and non-governmental organisations that present the proposals of voluntary projects in the education space associated with the school. It is appropriately assumed that at schools and in educational establishments there should be a voluntary authority (the voluntary service board), which will coordinate activities in this regard. The Minister of National Education has declared the 2016/2017 academy year to be the Voluntary Service Year. The Ministry of National Education has announced to hold a contest for "The Volunteer of the Year". The contest is intended for primary, middle and secondary schools in Poland, for schools under the supervision of the Centre for the Development of Polish Education Abroad, and for Polish community schools from around the world. The objective of the "The Volunteer of the Year" contest is to spread the idea of voluntary service among young people and the promotion of positive attitudes and activities in youth. By holding the contest, the Minister of National Education would like to meet and award the most active volunteers. The deadline for the submission of participants was 30 April 2017. The Ministry of National Education received around 400 submissions.

**The Sejm of Children and Young People** is an educational project, the objective of which has been to shape civic attitudes, to propagate knowledge among young people about the way the Polish Sejm and a parliamentary democracy operate for over 20 years, and also to stimulate young people to participate in favour of their local communities for several years. Under a new edition of the Sejm of Children and Young People, a contest is held every year for which teams of two students can submit. A recruitment task to be carried out by teams constitutes the basis for the selection of 230 teams, i.e. 460 representatives. The award for the winners is the participation in a Sejm of Children and Young People session, which is traditionally held on 1 June, i.e. on International Children's Day. This year the 23rd edition of the Sejm of Children and Young People will be held, which is organised by the Chancellery of the Sejm. Apart from the Ministry of National Education, the co-organisers of the project also include the Centre for Education Development and the Institute of National Remembrance. The project organisers wanted for as many young people as possible to be able to participate. Therefore, the rules were altered a few years ago to include a restriction that one can take part in the project only once.

The Sejm of Children and Young People session is preceded by a meeting of a committee that is composed of the representatives of the top rated teams from each voivodship. In this meeting a draft resolution is developed that concerns the subject of the current session, questions for the Ministry of National Education are formulated, and also the speakers of the Sejm of Children and Young People are selected, along with the chair of the committee and subcommittee. The project final of a given Sejm of Children and Young People edition is a plenary session held on June 1. On this day, a discussion and voting on the resolution, among others, are carried out in the Assembly Room of the Sejm. This is also an opportunity to ask the Minister of National Education the questions formulated in the meeting, as well as to visit the Sejm building and see the workplace of the Members of Parliament at close quarters. Up-to-date information concerning the recruitment process and the Sejm of Children and Young People session will be published on the website <https://sdim.sejm.gov.pl/> and the official Sejm of Children and Young People page on Facebook [www.facebook.com/sejmdzieciimlodziezy](http://www.facebook.com/sejmdzieciimlodziezy)

1. Civil society organizations

Institution of the Government Plenipotentiary for Civil Society that aims at strengthening civil society in Poland is very engaged in taking actions and introducing means toward more inclusive and direct participation of all citizens in political and public affairs, with special attention to the civil society organizations.

Rules for functioning of civil society organizations in Poland are defined mainly by the Public Benefit and Volunteer Work Act, which was passed pm April 24th, 2003 and amended several times. The Act regulates, among others, rules and forms of cooperation between NGOs and public administration. This legal document mentions the following principles of cooperation: the principle of subsidiarity, the sovereignty of the parties, partnership, effectiveness, fair competition and transparency. The co-operation between NGOs and public administration may take the following forms:

- Commissioning NGOs public tasks under the terms of the Act;

- Informing each other about planned directions of activities;

- Consulting with NGOS drafts of normative acts in areas related to their statutory activities ;

- Consulting draft legislation concerning public tasks, with the councils of public benefit activities in the event of their establishment by the competent local government units;

- Creating joint advisory and initiating committees made up of representatives of non-governmental organizations (and other civil society entities described in the Act) and relevant public administration bodies. ;

In order to implement those regulations Polish Prime Minister on July 20th 2016 appointed a special Team for Government cooperation programs with non-governmental organizations. It was a response to the requirements of the amended Public Benefit and Volunteer Work Act involving the obligation to adopt annual or multiannual cooperation program by way of interlocutory procedures, after consultation with non-governmental organizations and bodies,. The purpose of establishing this governmental team wasto develop annual and multiannual model cooperation programs with NGOs, that can be used both by Ministers and provincial governors, as well as model of sharing good practices, and model interactions with the of the Government Plenipotentiary for civil society in the implementation of the tasks from the scope of the coordination and monitoring of Government cooperation with non-governmental organizations and other institutions. The amendment to the Public Benefit and Volunteer Work Act of August 2015 obliges the local authorities to create Public Benefit Local Councils at regional and local government levels. These councils are advisory bodies for public administration. They are composed of representatives of NGOs and public administration. It imposes a duty on the local authorities to create, after consultation with NGOs, the annual or multi-annual program of cooperation with non-governmental organizations.

According to principles of legal certainty governmental draft laws must be submitted to public consultation. The Law on Government Administration, the Rules on the Council of Ministers, the Act on Public Benefit and Volunteer Work, the Law on trade union, the Law on employers' organizations establish a legal framework for conducting public consultations as part of the constitutional principle of social dialogue. Ministries publish draft regulations on their websites. The documents are also published in the Public Information Bulletin (BIP), access to public information is one of the indicators of openness and transparency of power. The civil right to information is a tool strengthening the civil society in the monitoring of public administration decisions. In order to conduct governmental online consultation a specialized platform (www.konsultacje.gov.pl) was created [in](http://in) 2014.

The Government Plenipotentiary for Civil Society currently supervises works on the National Program for Development of the Civil Society. Preparation process for this Program is based on broad regional consultations and involves regular meetings of 5 teams of experts and delegates from NGOs representing in diverse and inclusive way whole social environment, aiming to set principles, endeavors and programs developing and strengthening civil activity.

1. The Regulation of the Minister of National Education of 27 August 2012 on the core curriculum of preschool education and general teaching and learning in individual types of schools (Dz.U. [Journal of Laws], item 977, item 803 of 2014, and item 895 of 2016) [↑](#footnote-ref-1)
2. The Regulation of the Minister of National Education of 14 February 2017 *on the core curriculum of preschool education and the core curriculum of general teaching and learning in primary schools, including primary schools for students with moderate or severe intellectual disability, general teaching and learning in first level vocational schools, general teaching and learning in special vocational training schools and general teaching and learning in postsecondary schools* (Dz. U. [Journal of Laws], item 356) [↑](#footnote-ref-2)