


Legal status of youth councils in Poland and France in the light of new legal regulations

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Abstract: The subject of the paper is the legal status of consultative bodies dedicated to young people, which are established both in Polish local government and in the French local government community. In both legal orders these bodies have a consultative and advisory character. However, there are some differences in their structure and forms of action, which may constitute a field of reflection on their legal status. In Poland and in France, there is a noticeable trend towards expanding the importance and tasks of these bodies in self-governing communities, which indicates a good direction of change. Due to an increase in civic awareness, youth structures in Polish and French local government are becoming an essential element in the creation of democratic administrative structures.

1. Introduction

In both the Polish and French legal orders, the involvement of young people in the affairs of a given local community constitutes a form of participatory democracy, which is the basis for the creation of an informed civil society to which one should aspire.

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The subject of the paper is the legal status of consultative bodies dedicated to young people, which are established both in Polish local government and in the French local government community. In both legal orders these bodies have a consultative and advisory character. They are a fundamental instrument of public participation of an educational nature. However, there are some differences in their structure and forms of action, which may constitute a field of reflection on their legal status, *de facto* their importance in contemporary local government. In both legal orders, there is a noticeable trend towards expanding the importance and tasks of these bodies in self-governing communities, which indicates a good direction of change. The question is whether it is still sufficient to fully implement the principle of subsidiarity in local communities.

Instruments of social participation are an important issue of contemporary local government, which corresponds to the concept of quality of democratisation of this community. Thus, the presentation of the legal status of the consultative bodies dedicated to the youth of the community will make it possible to draw conclusions and indicate directions for change in the research area in question.

Legal-dogmatic and comparative legal methods have been used in this paper.

2. The concept of youth consultative bodies in both legal orders and their normative context

In the Polish legal order, youth commune councils have so far existed only in communes and towns with county rights. Before the introduction of the Act of 8 March 1990 on municipal self-government¹ with the form of the addition of Article 5b², jurisprudence and doctrine regarded the establishment of such a structure solely on the basis of the provisions on associations³. However, the legislator by virtue of Article 2 of the Act of

¹ See Act of 8 March 1990 on Municipal Self-Government (i.e. Journal of Laws 2021, item 1372, as amended. - hereinafter referred to as the u.s.g.).

² Article 5b was added by Article 1 point 7 of the Act of 11 April 2001. (Dz.U.01.45.497) amending the above Act as of 30 May 2001.

³ See Supreme Administrative Court, Judgement of 21 May 1997, SA/Rz 139/97 LEX no. 32555. In the decision in question, the Court stated: "if, on the other hand, it were to be accepted that this Council is an organisation operating outside the structures of

20 April 2021 amending the Act on municipal self-government, the Act on county self-government, the Act on provincial self-government and the Act on public benefit activity and volunteerism⁴ introduced this instrument of social participation also in other units of local self-government. Thus, the *promotion and dissemination of the idea of self-government became a task carried out at all levels of local government. The 2021 amendment* came into force 23 June 2021 and introduced this mechanism of social participation among young people as an optional instrument of social participation in all units of the basic territorial division of the state. It should be noted that the lack of regulations concerning the functioning of youth consultative and advisory bodies at the level of county (powiat) and voivodeship (województwo) self-governments has limited the possibilities of a wider implementation of the idea of self-governance by interested youth communities. Therefore, the actions of the legislator in this regard should be assessed positively. Currently, the legal basis for the organisation and operation of youth councils and regional assemblies are the provisions of local government system acts and the statutes of these bodies, adopted by resolutions of the governing bodies of the various units of the country's territorial division. Youth councils and youth regional assemblies remain optional forms, depending on the will of the councillors of the community to be established. It is ultimately up to the municipal, district and voivodship councillors to decide whether it is appropriate to establish this form of social participation among young people, which should also operate on the basis of statutory regulations. The statutes of these youth bodies shall be adopted by the constituent bodies of the local authorities.

The legislator unambiguously strengthens the legal position of youth councils/ assemblies by specifying in a normative manner the framework

local self-government, it would fall within the concept of a body of a social organisation. The right to associate in such organisations derives from Article 84(1) of the Constitution, which provides that in order to develop political, social, economic and cultural activities, the Republic of Poland shall ensure the right of citizens to associate. The term 'social organisation' is used in everyday language, the legislature and doctrine."

⁴ See the Act of 20 April 2021 on amending the Act on municipal self-government, the Act on county self-government, the Act on province self-government and the Act on public benefit activity and volunteerism (Journal of Laws 2021.1038) - hereinafter referred to as the 2021 amendment.

of their functioning in local government system acts. This provides a basis for increasing the powers and statutorily defined competences assigned to these bodies within the local government structure, which strengthens the framework within which the mechanisms in question operate. At the same time, it leaves room for some freedom to shape their legal status through statutory regulations.

The purpose of establishing youth councils and assemblies is to support and disseminate the idea of self-government among the inhabitants of a given community, including young people in particular. This constitutes the implementation of one of the basic tasks of local government units (see, e.g. Article 7(1)(17) of the Act on local government). This provision is a norm of a task-oriented nature, and not of a competence-oriented nature, and as such it cannot be the basis for any authoritative actions of a municipal authority, in particular the basis for the establishment of e.g. a social youth council by the executive body of the municipality⁵. The task of supporting and disseminating the idea of self-government among the inhabitants of a given community also involves promoting public life (including implementation of the subsidiarity principle), influencing the local community through various participatory mechanisms, e.g. municipal youth councils, consultations, local referenda or co-creating local law⁶.

In the French legal order, youth councils are not part of the bodies of the local authority concerned. They have been classified as optional forms of public participation, having the character of an instrument of pro-citizen democracy. They are not a mechanism for co-production of public services. Youth councils (like their counterparts in Polish law) have not been endowed with the attribute of legal personality, like e.g. territorial

⁵ Provincial Administrative Court in Gliwice, Judgment of 27 July 2021, Ref. No. III SA/Gl 620/21, LEX no. 3224022.

⁶ Promotion of the municipality and the idea of territorial self-governance can be realised by organising and carrying out pro-social, consultative and advisory activities as well as taking up civic initiatives, e.g. the local initiative. One of the forms of implementing the dissemination of the local government idea among the municipality inhabitants is the possibility of establishing a communal youth council and a communal council for senior citizens. - Monika Augustyniak, "Comment to Art. 7," in *Ustawa o samorządzie gminnym. Comments, ver. III*, ed. Bogdan Dolnicki (Warsaw: WoltersKluwer, 2021), 206.

communities, operating on the basis of the principle of decentralisation⁷. In both legal orders, these structures have an internal and subsidiary character, as they enable the implementation of the basic task of the self-governing community, i.e. dissemination of the idea of self-government among the inhabitants of a given community.

In the French legal order, until 2017 there was no explicitly expressed legal basis in the General Code of Territorial Communities (hereinafter CGCT) that allows for the establishment of a youth council (le Conseil des Jeunes). However, these bodies were created on a legal basis dedicated to the creation of so-called consultative committees set up on any matter of municipal interest (e.g. on pro-social issues of young people)⁸. Therefore, based on this standard, it was possible to establish youth councils functioning in municipalities. The youth municipal councils, established on this legal basis, were then chaired by the mayor (the executive body of the municipality) or one of his deputies.

However, the French legislator in January 2017 decided to clarify the legal basis for the establishment of youth councils in the CGCT by introducing Art. L. 1112–23 CGCT, which became the direct legal basis for the possibility of the constituent bodies of territorial communities to create these structures. This provision was introduced by Law n°2017–86 of 27 January 2017 concerning equality and citizenship (LOI n° 2017–86 du 27 janvier 2017 relative à l'égalité et à la citoyenneté)⁹. According to this provision, a territorial community (including the Lyon Metropolis¹⁰) or an inter-municipal cooperation unit (un établissement public de coopération intercommunale) may set up a youth council to give an opinion on decisions relating in particular to youth policy. Currently there is no

⁷ See Jacques Petit and Pierre-Laurent Frier, *Droit Administratif* (Paris: LGDJ, 2020), 183. See Philippe Ardant and Bertrand Mathieu, *Droit constitutionnel et institutions politiques* (Paris: LGDJ, 2015), 338.

⁸ See Marie-Hélène Bacqué and Yves Sintomer, *La démocratie participative. Histoires et généalogies* (Paris: La Découverte, 2011), 75.

⁹ LOI n° 2017–86 du 27 janvier 2017 relative à l'égalité et à la citoyenneté (NOR: LHAL1528110L, JORF n°0024 du 28 janvier 2017).

¹⁰ For more on this, see Monika Augustyniak, "Pozycja ustrojowa organów Metropolii Lyońskiej- kierunki zmian," in *Pozycja ustrojowa organów jednostek samorządu terytorialnego*, ed. Bogdan Dolnicki (Warsaw: WoltersKluwer, 2021), 35.

requirement for the council to be chaired by a councillor appointed by the mayor or by the chairman of the council concerned. This body may also formulate proposals for action for the benefit of young people in the community. A youth council shall be composed of young people under the age of thirty who reside in the territory of the municipality or inter-municipal cooperation unit concerned and who attend annual secondary or post-secondary education at an educational institution located in the same territory. The difference between the number of women and men in the composition of the Board should not be more than one. This means that the French legislator introduces gender parity in participation mechanisms, which is somewhat a novelty.

The organisation and functioning of youth councils shall be determined by a resolution of the decision-making body of the territorial community or inter-municipal cooperation unit concerned.

The youth councils of the territorial communities concerned also operate on the basis of rules of procedure (e.g. *Règlement intérieur du Conseil départemental des jeunes* 06¹¹) which specify the organisation and functioning of these bodies. An example is the Lyon Metropolitan Youth Council (*Le Conseil métropolitain des Jeunes*), which is made up of young people from 35–40 secondary schools in the Lyon metropolitan area, meeting one Wednesday a month for joint deliberations. This youth council of the Lyon Metropolis is made up of around 40 representatives, whose term of office lasts two years. Youth representatives from the Lyon Metropolitan area work in committees and in plenary meetings. They also participate in the work of the metropolitan authorities and its units, as well as in French and European institutions.

Thus, under the new legislation, youth councils may be established in all local government communities, not excluding the Lyon Metropolis, which is also endowed with the status of a territorial community (see Article 72(1) of the Constitution of the French Republic)¹². It is argued in French

¹¹ "Règlement intérieur du conseil départemental des jeunes," Google, accessed January 6, 2022, https://www.departement06.fr/documents/Le-Conseil-general/CGJ/dpt06-cdj_reglement-interieur.pdf

¹² See Laetitia Janicot and Michel Verpeaux, *Droit des collectivités territoriales* (Paris: LGDJ, 2019), 137.

administrative law doctrine that the interpretation of Article L. 2143–2 du Code Général des Collectivités Territoriales (CGCT)¹³ does not exclude the coexistence of both a youth council of a municipality and a youth council of an inter-municipal association, cooperating in different fields on youth policy measures¹⁴.

Youth councils in the French Republic are set up as a space for the exchange of experiences, as a forum for consultation on matters concerning young people and other matters referred to them by the community authorities for opinion or consultation. It also provides a meeting place for young people learning about community organisation and functioning. It is an opportunity to express your own ideas, local and supra-local projects. As an educational and self-governmental platform, it provides an opportunity to present proposals and projects to public authorities at the self-governmental level in matters which directly affect them. A youth council is also a form of cooperation with local community bodies on projects concerning the entire local community, including inter-municipal cooperation units.

It is worth noting that in the French legal system, in addition to youth councils, municipal children's councils are increasingly being set up at municipal level, involving the youngest generations in the process of social participation in the local community. These are often participatory education projects. An example is the Children's Council of Paris (District No. 9), established for a period of two years (2021–2022). The members of the council are children aged between 9 and 11 (50 in number), elected in elections held in public and private primary schools in the 9th district of Paris. The aim of these bodies is to practice civic life and present projects to serve this group of young Parisians.

Participation in the elections is entirely voluntary. Children deliberate in plenary councils and work in thematic groups, inviting representatives of the authorities to discuss a specific local government topic. As D. Schnapper points out, the concept of school society provides the child with the opportunity to understand and assimilate the concept of

¹³ Code général des collectivités territoriales (General Code of Territorial Communities, CGCT), accessed January 6, 2022. <https://www.legifrance.gouv.fr>.

¹⁴ See Camille Morio, *Guide pratique de la démocratie participative locale* (Paris: Berger Levrault, 2020), 92.

political society¹⁵. Hence, this institution appears as an important element of pro-citizenship education.

In the Polish legal order, these new educational and participatory instruments are being used more and more often, although they still do not have their legal basis in local government acts.

3. Internal organisation of youth councils- Polish and French experiences

The establishment of a youth structure shall be decided by the constituent body of the local authority concerned, which shall establish it by means of a resolution. It may set up such a body on its own initiative. However, the legislator allows the executive body of the local self-government unit to make the request. Entities representing interested circles, in particular student self-government or student self-government from a given municipality/ county/ province, were also allowed to submit an application. The group of these entities also includes non-governmental organisations or entities specified in Article 3(3) of the Act of 24 April 2003 on public benefit activity and volunteer work¹⁶, provided that they operate in the territory of a given local government unit.

If a request for the establishment of a youth council/youth assembly is submitted, the decision-making body shall consider the request within no more than 3 months of its submission. The expiry of the afore mentioned time limit, in the case of inactivity by the decision-making body, is unfortunately penalty-free. On the other hand, the legislator decided that in the case of rejection of an application by the constituting body, another application may be submitted by the same entity not earlier than after the lapse of 6 months from the date of rejection of the previous application. However, this regulation does not limit the possibility of submitting proposals by interested entities, while leaving the freedom to the decision-making body to establish this form of social participation in a given local government unit. The introduction of these provisions allows entities that are interested in

¹⁵ See Dominique Schnapper and Christian Bachelier, *Qu'est-ce que la citoyenneté?* (Paris: Galimard, 2000), 156.

¹⁶ See Act on Public Benefit and Volunteer Work, Journal of Laws of 2020, item 1057, as amended.

establishing a youth structure to articulate such a need, and the governing body of the municipality, county or province will be obliged to respond to such a demand. This constitutes a form of social control over local government bodies, to which the current direction of residents' expectations, in terms of meeting their community needs, is indicated.

The constituting authority, when setting up a youth council/assembly, shall lay down its statutes. This act defines in particular the rules of operation of the municipal/county and regional youth council, the procedure and criteria for the election of its members and the rules for the expiry of the mandate and dismissal of a member of the municipal/county/regional youth council. All these elements are obligatory, *ergo* their absence will result in the statute being declared invalid by the supervisory authority, i.e. the voivode. The statute of the youth council/provincial assembly has the character of an act of local law, as it contains norms of an abstract-general nature. It is an act that regulates the rights and obligations of the inhabitants of a given unit of local government and produces legal effects outside the organisational structures of local government communities¹⁷. The statute belongs to the constitutional and organisational acts and is subject to publication in the relevant provincial official journal.

It is necessary to include in the statutes of the youth council/youth assembly regulations on the principles of cooperation of this body with the authorities of the local government unit, including the possibility of cooperation with other youth structures operating within the local government community.

In the French legal order, youth councils (this also applies to children's councils and bodies called "Youth Forum") are created under Article L. 1112-23 CGCT and resolutions of the constituent bodies of the territorial community concerned. At the same time, these youth structures function on the basis of internal regulations given to them. Residents may take the initiative to set up a youth council, but the request shall be addressed to the authorities of the community concerned. It is up to the councillors of the local authority concerned to decide on the need and legitimacy of setting up consultative and advisory bodies. With regard to

¹⁷ Cf. supervisory decision of the Lower Silesian Voivod of 19 January 2010, NK.II. PK1.0911-1/10, Dolno.2010/14/218).

the composition of the membership, the legislator introduces only gender parity, which does not exclude that the youth council may include young representatives of associations, young experts or representatives of party youth, while complying with the conditions laid down in the CGCT Act. Furthermore, it is not excluded that the composition will be based on voluntary work or a draw of lots¹⁸. This should be decided by the internal rules of these bodies, which also determine the length of the term of office of the council in question. The term of office is usually two years, but there is nothing to prevent it from being the same as the term of office of regional and local authorities.

In the French legal order, youth councils are composed of middle, secondary and post-secondary school students under 30 years of age who live in the community or are studying in an educational establishment located in the community. The age limit for the members of the councils and the rules for their election depend on the regulation of bylaws adopted by resolution by the constituent body of the community. However, they must not be contrary to Articles L. 1112–23 CGCT.

In the Polish legal order, the legislator does not define the age limit for members of youth councils/sejmiks, leaving it to the statutory regulations. There is also no gender parity as a condition affecting the composition of a given board, which could be considered for introduction in Polish regulations.

In both legal orders, the members of the youth council/youth assembly are young people who, in accordance with the statutory regulations, have the passive right of election to the bodies of this body, as determined by the statutes. However, in French local government the maximum age limit has been set in the CGCT. These members have certain rights. One of these is the entitlement to attend youth council/youth assembly meetings with the possibility to vote. This includes the opportunity to speak at the session, to propose motions and questions. In addition, a member of the youth council/youth assembly is entitled to reimbursement of travel expenses incurred in the performance of their duties. These provisions have been introduced into Polish local government statutes, which enables their

¹⁸ See Camille Morio, *Guide pratique de la démocratie participative locale* (Paris: Berger Levrault, 2020), 93.

implementation in this participatory mechanism. Until now, the use of reimbursement has been limited due to the lack of a statutory standard in this respect. If a member of a youth council/youth assembly attends a youth council/youth assembly meeting or an organised event at which he/she is representing that body, travel expenses within the country for the purpose of attending the youth council/youth assembly meeting or the organised event at which he/she is representing the youth council/youth assembly shall be reimbursed on request. Reimbursement shall also apply to the parent or legal guardian in the case of a minor member of the youth council/youth assembly. These regulations should be assessed positively, as they increase the mobility of young local government activists and widen the circle of cooperation with other representatives of youth structures.

Reimbursement shall be made on the basis of documents, in particular receipts, invoices or tickets, confirming the expenditure incurred or information on the amount of car travel costs. The detailed rules for reimbursement of expenses and the rules for delegating representatives of local youth structures shall be laid down in the statutes of the youth council/seat concerned. These norms are intended to increase the activity of cooperation in the self-government forum. Members of the youth council/youth assembly shall retain the right to reimbursement of costs and expenses incurred in the exercise of their functions and not by reason of the mere fact of being such¹⁹. Similar regulations in this respect have been provided for in the French legal order, however, not under the provisions of the law, but under internal regulations concerning the organisation and functioning of youth councils. Thus, it should be recognised that Polish regulations create a stronger framework for the protection of the rights of individual participants in youth councils/sejmiks.

In both legal orders, the social character of the exercise of public functions in youth councils/ assemblies means that the persons who are members of these bodies do not have an employment relationship on this account and therefore do not receive remuneration for performing these functions. However, the exercise of their functions involves incurring certain costs, such as travel expenses. The overheads associated with

¹⁹ See Provincial Administrative Court in Poznań, Judgment of 22 October 2019, Ref. No. II SA/Po 555/19, LEX no. 2744600.

the exercise of public functions in local government may be compensated for by the allowances which the members of the youth council/ local council do not receive. On the other hand, expenses related to travel undertaken in the performance of these functions - as part of the reimbursement of business travel expenses - are granted in accordance with the procedures and rules laid down in the statutes within the framework of the statutory delegation. This also applies to French regulations, in particular the rules of procedure of local youth councils, which provide for the possibility of paying transport costs for participation in the meetings of the councils and community bodies concerned²⁰.

It should be emphasised that the legal provisions which provide for the compensation of travel expenses do not override the social character of the functions in connection with the performance of which they are paid²¹.

The municipal/county youth council and the regional youth assembly may have a guardian. The guardian should be an adult. The statutes of the youth council/youth assembly may lay down specific requirements to be met by the guardian, his/her duties and the rules for his/her dismissal. The appointment of the guardian, on the other hand, falls within the remit of the decision-making body of the local authority concerned, but from among the candidates nominated by the youth council/youth assembly. Thus, both bodies have influence on the selection of the tutor, which is important in fulfilling the educational role at the level of pro-citizen democracy. French youth councils also appoint an adult (*un correspondant adulte*) who participates throughout his or her mandate to each youth representative - a member of the youth council - to provide substantive support and to help implement specific projects. It does so with the support of the Director of the educational establishment concerned throughout its mandate. On the other hand, the decision to select a particular person is placed on the educational establishment from which the representative comes. Regulations in this respect are not provided for by law, but by internal regulations.

²⁰ See article 24 of *Règlement intérieur du Conseil départemental des jeunes 06 – Mandat 2018 – 2020*, accessed January 6, 2022, https://www.departement06.fr/documents/Le-Conseil-general/CGJ/dpt06-cdj_reglement-interieur.pdf

²¹ Cf. Provincial Administrative Court in Gorzów Wielkopolski, Judgment of 21 March 2018, Ref. No. II SA/Go 42/18, LEX no. 2467191.

In addition, the French youth councils' internal regulations provide for the establishment of obligatory committees within their structure, which are a place for debate and reflection. These committees make it possible, in particular, to examine and study the projects envisaged by the young elected representatives, approve them and then put them to work preparing their distribution in the educational establishments they represent. As a collegiate body, youth councils as a rule work *in pleno* at plenary sessions and in thematic groups, which are chaired by a designated coordinator, also a member of the council. In addition to meetings of the council and thematic groups (problem committees), a distinction can be made between plenary meetings of the council, which are held with the participation of, for example, the mayor²².

The administrative and office services for the municipal/county youth council and the youth assembly are provided by the auxiliary apparatus of the local authority concerned, which also covers the service costs of these bodies. Therefore, the respective municipality, district administration or marshal's office will provide substantive, organisational and technical support to these youth structures. In the French legal order, the running costs of a given youth council are covered by the budget of the territorial community concerned, in the section dedicated to the functioning of the governing bodies. This also applies to costs related to the implementation and support for the preparation of specific projects and initiatives and costs within the framework of disseminating projects in the community. These costs also include the reimbursement of travel expenses related to the functions of the young council members.

The process of electoral education begins quite early in the French local community (as children's councils are allowed), by instilling the principles and values of the French Republic. It should be stressed that the role of youth (children's) councils is, however, limited in that it consists of expressing opinions and making proposals. These councils do not have

²² "Règlement intérieur du conseil des jeunes de palaiseau," accessed January 6, 2022, https://www.ville-palaiseau.fr/fileadmin/medias/PRATIQUE/Familles/Jeunesse/Conseil_des_jeunes/Reglement_interieur_CDJ.pdf

any self-organising power, as confirmed by the judiciary²³. Moreover, as it is pointed out in French administrative law doctrine, the opinions expressed by these bodies are not binding on the constituting bodies²⁴, which form them.

4. Tasks and competences of youth councils- Polish and French experiences

In the Polish legal order youth councils/ local assemblies (*sejmik*) have a consultative, advisory and initiative character. It is not a body of local self-government, nor does it have a legislative, controlling or adjudicating function. On the other hand, it has an initiative character, as the legislator has equipped youth councils/ assemblies with the possibility of filing a motion for taking a resolution initiative. This power does not correspond, however, with the possibility of direct presentation of a draft resolution for deliberation by the municipal/county council and the provincial assembly. Thus, youth councils/youth assemblies do not have the right of initiative to pass resolutions, but only to make a proposal that will trigger the whole legislative initiative. The procedure for submitting a request for a legislative initiative shall be determined by the statutes of the local government unit concerned or by a separate resolution of the decision-making body.

The youth council/youth assembly may address questions or requests in the form of a resolution to the executive body. As the youth council/youth assembly is a collegial body, its decisions should take the form of resolutions. The resolution shall include a brief statement of the facts at issue and the questions arising therefrom. The executive body of the municipality, the head of the county or the provincial marshal, or the person designated by them, shall be obliged to respond no later than within 30 days from the date of receipt of the resolution. The response should be in writing.

The legislator limited the possibility of submitting queries and motions only to the executive bodies, forgetting about the possibility of submitting them to the constitutive bodies of the entity. It seems appropriate to

²³ Administrative Court, Judgment in Montreuil of. 24 march 2011, M.D., AJDA 2012. 1005, nota B. Pauvert).

²⁴ See Jacques Ferstenbert, François Priet, and Paule Quilichini, *Droit des collectivités territoriales* (Paris: Dalloz, 2016), 377.

broaden the circle of entities in respect of which an enquiry or application may be submitted to the decision-making body of a given local or regional authority.

It should be stressed that motions or questions may not be tabled by an individual member of the youth council/sejmik, but by the entire collegial body. The legislator has treated the subjective scope for making enquiries differently in relation to councillors of local government units, granting them this right for individual use.

The legislator has indicated that the tasks of the youth council/selective council include, in particular:

- giving its opinion on draft resolutions concerning young people;
- participation in the development of the strategic documents of the municipality/village and the strategic activities of the county in favour of young people;
- monitoring the implementation of strategic documents of the municipality/county and strategic activities of the voivodeship in favour of young people (monitoring takes the form of constant control of the stages of implementation of the documents or activities in question);
- taking action for the benefit of young people, in particular in the area of civic education, in accordance with the arrangements laid down by the decision-making authority.

Indicating an open catalogue of tasks increases the participation of young people in creating or giving opinions on legal acts at the local government level which concern the future of the younger generation.

In the French legal order, the scope of action and the forms of implementation of this youth council are defined in its rules of procedure and subordinated to the purpose of its establishment. The Council is an advisory body. It may give an opinion or make proposals to the bodies of the community concerned or to another youth council. This is done either on its own initiative or at the request of the above-mentioned entities.

The youth council is a space for the implementation of public projects of general interest to the community. The aim of this council is to involve young people in the decisions of community bodies that affect them. It is also important that young people have the ability to carry out public service projects. Their task is to promote citizenship learning by giving young

people the opportunity to be citizens in motion/youth councils represent the community in discussions with other youth councils at municipal, departmental or regional level at home and abroad.

The catalogue of tasks of the youth council includes in particular:

- meetings of youth council members with representatives of the authorities of the municipality concerned and with experts;
- proposing solutions, projects and initiatives to promote and disseminate the idea of *self-government among young people*;
- participating in the work of thematic groups, set up within the Board, on specific issues and putting forward specific ideas and solutions to problems, opinions and proposals on these issues;
- the implementation of projects in educational establishments as a result of youth council meetings;
- cooperation with other youth structures, including representation of councils in the National Association of Children and Youth Councils (Association Nationale des Conseils d'enfants et de jeunes)²⁵.

The youth council cannot substitute itself for the authorities of the territorial community concerned and therefore cannot issue administrative decisions²⁶.

5. Conclusions and requests

The activity of young people in Polish and French local self-government at all levels of local self-government as civic activity relies on the proper creation of conditions for self-government education. Learning about the structures of public administration is aimed at a more complete understanding of the basis of organisation and functioning of the self-government community.

A youth council is a form of social participation aimed at young people, operating on a voluntary basis with the aim of involving young people in the process of participating in the affairs of their local community. This form has a clear legal basis in the Polish and French legal systems. It should be noted that French legislature defined *ex lege* the upper age limit of

²⁵ Accessed January 6, 2022, <http://www.cnajep.asso.fr/membre/anacej/>.

²⁶ See Camille Morio, *Guide pratique de la démocratie participative locale* (Paris: Berger Levrault, 2020), 95.

a youth council member, *a contrario* to Polish legal solutions, which leave this issue to be regulated in the statutes. It is therefore worth drawing on the French experience in this area.

In both legal orders, youth councils operate on the basis of sub-statutory legislative acts (statutes, regulations) defining their election procedure and rules of organisation and functioning. These acts are adopted by the constituent bodies in the form of a resolution, which guarantees them a kind of strong position among the participatory actors in the structure of a given community. It should be noted that the French legislator introduces gender parity in participation mechanisms, which is an element worth considering in terms of Polish regulations on youth structures.

In both legal orders, the organisation and scope of activities of youth councils, fulfilling the objectives of their establishment, teaching citizenship, becoming a very desirable form of participation of young people in creating their own public space. It is worth noting that under the *Amendment of 2021 the Polish legislator has significantly broadened the scope of activities and principles of operation of youth councils/ assemblies, establishing even a minimum catalogue of tasks of an obligatory nature under the Act, the lack of which should be noted in French legal solutions. I view this action by the Polish legislator positively.*

The process of citizen and electoral education begins quite early in the French local community (e.g. children's municipal councils), by instilling the principles and values of the French Republic. It is worth following this pattern, which is a kind of *de lege ferenda* postulate, inter alia, for the creation in the Polish legal order of children's municipal councils as the first school of social participation under the law.

The introduction of a mechanism of participation of youth structures at the level of all units of the basic territorial division of the country should be considered a right step by the legislator, strengthening the educational platform of civic attitudes among young inhabitants of local communities. The introduction of a catalogue of tasks has also increased the hitherto very limited powers and competences of these bodies, while still placing greater emphasis on keeping this form within the instruments of participatory democracy rather than co-management, which should also be viewed positively. The regulations introduced by the 2021 Amendment serve to

improve the functioning of existing youth councils by broadening their subject and object scope.

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