

Investing for Health Team (Tobacco Control)  
Department of Health Social Services and Public Safety  
Room C4.22  
Castle Buildings  
Belfast  
BT4 3SQ

**nigel williams**  
commissioner

**barney mcneaney**  
chief executive

25 April 2006

Dear Sir/Madam,

Thank you very much for forwarding the 'The Draft Smoking (Northern Ireland) Order, 2006'.

The Northern Ireland Commissioner for Children and Young People (NICCY) was appointed with the principal aim of safeguarding and promoting the rights and best interests of children and young people in Northern Ireland. The health and well-being of children and young people is a priority area for NICCY, including health-related issues such as smoking.

Although we are not providing a comprehensive response at this stage, we offer comments to the following questions in the consultation document.

### **Q.1 and Q.2**

NICCY agrees with the definitions of smoking and smoke-free premises as set out in the draft Order.

### **Q. 3**

With regards to certain premises being exempt from a smoking ban, it is NICCY's view that within secure units such as prisons, young offender centres and psychiatric facilities, young people should be able to exercise their choice to smoke or not and, where it is not possible to go outdoors, should have access to a designated smoking area.



Although NICCY has concerns about the obvious health issues associated with smoking, under Article 12 of the United Nations Convention on the Rights of the Child (UNCRC), the child has the right to express an opinion, and to have that opinion taken into account, in any matter or procedure affecting the child, in accordance with his or her age and maturity. It is very important that the voices of young people are heard in order that they may influence policy decisions, particularly on issues which have a direct impact on their own lives.

NICCY strongly advocates that as part of the further consultation on this issue later in the year, the views of young people should be sought in a meaningful and direct way, particularly including those who are currently residing in facilities such as prisons and other secure units.

#### **Q.4 and Q.5**

NICCY agrees with the offences and levels of penalties set out in the draft Order and with the fixed penalty notice procedures.

#### **Q.6**

NICCY also agrees that, alongside tobacco control measures, smoke-free legislation should be enforced by district councils. A uniform approach should be taken to ensure consistent application across Northern Ireland.

#### **Q.7**

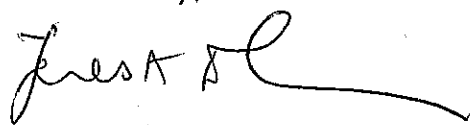
NICCY continues to support Articles 3 and 4 of the Health & Personal Social Services (Northern Ireland) Order 1978 which makes it an offence to sell tobacco products to under 16's.

However, although there are serious health implications around smoking, it is NICCY's view that young people aged 16 and over should be free to exercise their own personal life choices. At the same time, NICCY would advocate increased public awareness campaigns and educational programmes specifically targeted at young people to further highlight the dangers associated with smoking and passive smoking.

Again, as per Article 12 of the UNCRC, NICCY strongly recommends that the DHSSPS undertakes direct, widespread and representative consultation with children and young people on this important issue.

We hope you find these comments helpful. If you require any further information, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Teresa Devlin', with a long horizontal flourish extending to the right.

Teresa Devlin

**Head of Research, Policy & Service Review**