

NICCY

northern ireland commissioner
for children and young people

patricia lewsley
commissioner

barney mcneaney
chief executive

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

19th December 2007

Dear Sir/Madam,

Thank you very much for forwarding the public consultation on 'Minimum Age of Sale of Tobacco Products'.

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.

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.



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. Views from the NICCY youth panel are varied on this issue however the majority of the young people recognise the health difficulties that smoking can cause but also a young person's right to make an informed choice on the matter.

NICCY continues to fully 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. NICCY strongly advocates increased public awareness campaigns and educational programmes specifically targeted at young people to further highlight and make them aware of the dangers to their health associated with smoking and passive smoking.

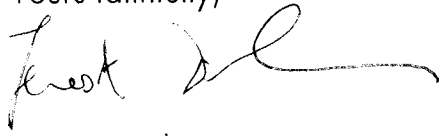
NICCY recognises that there are serious health implications around smoking, especially in relation to young people. We feel that this creates significant difficulties in reconciling Article 12 the child has the right to express an opinion, and to have that opinion taken into account, and Article 3 In all actions concerning children, the best interests of the child shall be a primary. We have had considerable debate on this issue and reflected on our response to the previous consultation on smoking which has led to a policy shift within NICCY.

Given the significant weight of evidence which indicates that smoking can have serious negative consequences for heart disease, and can lead to cancer and other serious illnesses, we believe that we would be negligent in not advocating that the best interests of the child should be the primary consideration. We now recognise that action is needed to protect the health and well being of our young people, by increasing the age limit we are further protecting from this harmful substance. We therefore we support plans within the consultation to increase the minimum age for sale of tobacco to 18years.

We support efforts to defer the legal age of purchasing tobacco on the basis that increased maturity may influence a decision whether to smoke or not. In addition we would urge the government to put in place a range of education and health awareness programmes in schools, and in the media, which aim to increase understanding of the harmful impacts of smoking on health and well-being of young people.

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