Submission to the Joint Committee on Health and Children on the General Scheme of the Public Health (Alcohol) Bill 2015

March 2015
The Children’s Rights Alliance unites over 100 members working together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies and services.

Ag Eisteacht
Alcohol Action Ireland
Alliance Against Cutbacks in Education
Amnesty International Ireland
Arc Adoption
The Ark, A Cultural Centre for Children
ASH Ireland
Assoc. for Criminal Justice Research and Development (ACJRD)
Association of Secondary Teachers Ireland (ASTI)
ATD Fourth World – Ireland Ltd
Atheist Ireland
Barnardos
Barretstown Camp
BeLonG To Youth Services
Bessborough Centre
Border Counties Childhood Network
Carr’s Child and Family Services
Catholic Guides of Ireland
Childhood Development Initiative
Children in Hospital Ireland
City of Dublin YMCA
COPE Galway
Cork Life Centre
Crosscare
Dental Health Foundation
DIT – School of Social Sciences & Legal Studies
Down Syndrome Ireland
Dublin Rape Crisis Centre
Dun Laoghaire Refugee Project
Early Childhood Ireland
Educate Together
School of Education UCD
EPIC
Focus Ireland
Forbairt Náonraí Teoranta
Foróige
GLEN - Gay and Lesbian Equality Network
Headstrong - The National Centre for Youth Mental Health
Healthy Food for All
Immigrant Council of Ireland
Inclusion Ireland
Independent Hospitals Association of Ireland
Inspire Ireland
Institute of Community Health Nursing
Institute of Guidance Counsellors
International Adoption Association
Irish Association of Social Care Workers (IASCW)
Irish Association of Social Workers
Irish Association of Suicidology
Irish Autism Action
Irish Centre for Human Rights, NUI Galway
Irish Congress of Trade Unions (ICTU)
Irish Council for Civil Liberties (ICCL)
Irish Foster Care Association
Irish Girl Guides
Irish Heart Foundation
Irish National Teachers Organisation (INTO)
Irish Penal Reform Trust
Irish Premature Babies
Irish Primary Principals Network
Irish Refugee Council
Irish Second Level Students’ Union (ISSU)
Irish Society for the Prevention of Cruelty to Children
Irish Traveller Movement
Irish Youth Foundation (IYF)
Jack & Jill Children’s Foundation
Jesuit Centre for Faith and Justice
Junglebox Childcare Centre F.D.Y.S.
Kids’ Own Publishing Partnership
Law Centre for Children and Young People
Lifestart National Office
Marriage Equality – Civil Marriage for Gay and Lesbian People
Mary Immaculate College
Mental Health Reform
Mounttown Neighbourhood Youth and Family Project
MyMind
National Organisation for the Treatment of Abusers (NOTA)
National Parents Council Post Primary
National Parents Council Primary
National Youth Council of Ireland
One Family
One in Four
Parentline
Parentstop
Pavee Point
Peter McVerry Trust
Rape Crisis Network Ireland (RCNI)
Realta Beag
SAFE Ireland
Saoirse Housing Association
SADL Beag Children’s Centre
Scouting Ireland
Simon Communities of Ireland
Society of St. Vincent de Paul
Sonas Housing Association
Special Needs Parents Association
SpunOut.ie
St. Nicholas Montessori Teachers Association
St. Nicholas Montessori Society
St. Patrick’s Mental Health Services
Start Strong
Step by Step Child & Family Project
Sugradh
The UNESCO Child and Family Research Centre, NUI Galway
The Guardian Children’s Project
The Prevention and Early Intervention Network
Treoir
UNICEF Ireland
Unmarried and Separated Families of Ireland
youngballymun
Youth Advocate Programme Ireland (YAP)
Youth Work Ireland

Children’s Rights Alliance
7 Red Cow Lane, Smithfield, Dublin 7, Ireland
Tel: +353 1 662 9400; Email: info@childrensrights.ie
www.childrensrights.ie

© 2015 Children’s Rights Alliance – Republic of Ireland Limited
The Children’s Rights Alliance is a registered charity – CHY No. 11541
1. Introduction

The Children’s Rights Alliance unites over 100 organisations working together to make Ireland one of the best places in the world to be a child. We change the lives of all children and young people by ensuring Ireland’s laws, policies and services comply with the standards set out in the United Nations Convention on the Rights of the Child.¹

The Children’s Rights Alliance warmly welcomes the publication of the General Scheme of the Public Health (Alcohol) Bill 2015 and fully supports its provisions.² We support the Government decision to address harm caused by alcohol misuse as a public health measure and acknowledge the work of the Minister for Health, Leo Varadkar, and his departmental officials in producing this important draft legislation. We also welcome the opportunity to be consulted on the General Scheme by the Joint Committee on Health and Children and hope that our observations and proposals will augment and strengthen the Bill as it progresses through the Oireachtas.

The General Scheme of the Public Health (Alcohol) Bill 2015 provides for health labelling of alcohol products; minimum unit pricing for retailing of alcohol products; regulation of marketing and advertising of alcohol; and enforcement powers for Environmental Health Officers. The full implementation of the legislation will reduce the harm associated with alcohol misuse and the pressure on young people to drink. The lack of a progressive alcohol policy to-date had resulted in children’s lives being blighted by alcohol misuse within their families contributing to parental addiction, financial difficulties, family breakdown, neglect and abuse; and the health of young people being damaged by their own drinking. Under the UN Convention on the Rights of the Child, the Government has a duty to promote the child’s right to health (Article 24) and to take proactive measures to protect a child from abuse and neglect (Article 19). To vindicate the rights of children and to live up to its international obligations, we urge the enactment of a comprehensive and ambitious Bill to address alcohol misuse as a matter of urgency.

2. Children and Alcohol Misuse

The World Health Organisation (WHO) European Charter on Alcohol, 1995, which has been adopted by Ireland, states that: “All children and adolescents have the right to grow up in an environment protected from the negative consequences of alcohol consumption [...]”.³ Article 24 of the UN Convention on the Rights of the Child requires the Government to take effective steps to ensure that children enjoy the highest attainable standard of health, and Article 19 requires the Government to take proactive measures to protect a child from abuse and neglect. In 2006, the UN Committee on the Rights of the Child recommended that Ireland develop a strategy to raise awareness of the problem of children misusing alcohol and to prohibit the advertising of alcohol that targets children.⁴

The Children’s Rights Alliance has repeatedly expressed grave concern about the impact of alcohol misuse on children, young people and families. The Children’s Rights Alliance has tracked Government commitments to address alcohol in its annual Report Card series since 2009 and we have consistently called for stronger measures to tackle the scourge of alcohol misuse.⁵

---

³ World Health Organisation (2001), Declaration on Young People and Alcohol, http://www.euro.who.int/AboutWHO/Policy/20030204_1 [accessed 11/11/08]. The declaration was adopted by 51 European Ministers of Health, including Ireland
⁴ Ibid, paragraph 49
⁵ See for example, http://www.childrensrights.ie/content/report-card-2015
There is much evidence to suggest that the lives of children and young people in Ireland are negatively impacted by other people’s alcohol misuse. In a 2014 study, one in ten Irish parents/guardians reported that children had experienced at least one or more harms in the past 12 months as a result of someone else’s drinking, including verbal abuse, being left in unsafe situations, witnessing serious violence in the home or physical abuse. In addition, the 2014 report of the Child Law Reporting Project, found that alcohol abuse was the reason for an application to take a child into care in over 12.3 per cent of cases it documented. These findings highlight the close association between parental drinking and child neglect and abuse, and have serious implications for our child protection and welfare services. This has been acknowledged by the Special Rapporteur on Child Protection, Dr Geoffrey Shannon. In his 2014 report, he called for drug, alcohol and mental health services to be actively integrated into the child protection system.

Unfortunately, the phenomenon of binge drinking is a problem affecting many children. A 2014 Health Research Board report on alcohol consumption in Ireland found during the course of 2013 found that almost two thirds of men and half of women started drinking alcohol before the age of 18 years. Similarly, a 2014 World Health Organisation report found that 39 per cent of all Irish people aged 15 years and over had engaged in binge drinking, or ‘heavy episodic drinking’, in the past 30 days. This puts Ireland just behind Austria (40.5 per cent) at the top of the 194 countries studied.

Not only does alcohol consumption have an immediate impact on children’s health in the form of accidents, public safety and violence, it also affects long-term health development and mental health. Alcohol is a factor in half of all suicides in Ireland. The Irish Association of Suicidology lists substance abuse as a risk factor for youth suicide, and the UN Committee on the Rights of the Child has expressed concern about the link between substance abuse and Ireland’s suicide rate.

---

11 Ibid., p. 16  
13 http://alcoholireland.ie/facts/childrenandyoungpeople/#2hash_jK7Zyp1_dud  
3. Comments on the General Scheme of the Public Health (Alcohol) Bill 2015

Evidence demonstrates that the three key actions that have the greatest impact on reducing alcohol-related harm are:

- alcohol pricing
- alcohol availability
- alcohol marketing.¹⁷

The General Scheme addresses each of these but we believe that the provisions on the marketing of alcoholic beverages need to be strengthened. It is disappointing that the General Scheme did not include provisions to reduce access to alcohol by reducing the number of outlets, and the hours during which, alcohol can be purchased.

3.1 Labelling

Head 5 provides for health warnings and advice to be included on all alcoholic products and promotional materials. It also provides for the amount of pure alcohol and calorie count to be included on alcoholic products. The advice will warn about the danger to one’s health of consuming alcohol, including when pregnant. These provisions are welcome. To complement these provisions, a public awareness education campaign should be run by the Government to explain the labelling once introduced.

3.2 Minimum Price of Alcohol Products

Head 6 provides for the introduction of minimum unit pricing, with the aim of preventing the sale and promotion of cheap alcohol (relative to its strength). This measure will impact on young people who are likely to change their purchasing behaviour in response to a price change, given their limited means.¹⁸ This provision is warmly welcomed as minimum unit pricing is recognised as one of the most effective methods of reducing alcohol related harm, and was a key recommendation in the 2012 Steering Group Report on the National Substance Misuse Strategy.¹⁹ It is essential that the minimum unit price, which will be set by regulation under Head 7, is fixed at the level sufficient to affect a change in behaviour.

3.3 Control of Marketing and Advertising of Alcohol

Head 9 prohibits the marketing or advertising of alcohol “in a manner that is intended or is likely to appeal to children”. These provisions are welcomed, as are the measures under Head 9(3) proposed for inclusion in regulations on the marketing or advertising of alcohol. However overall, we believe, Head 9 could be strengthened. The same type of courageous public health policymaking displayed in relation to tobacco control should now be applied to the alcohol related marketing, advertising and sponsorship.

Marketing shapes children’s attitudes to alcohol from a very early age²⁰ and leads them to start drinking at a younger age, and to drink more.²¹ Of concern is the increased nature of children’s exposure to alcohol marketing, including through social media.²²

---


Head 9 should be amended to phrase out alcohol sponsorship of sports events, as recommended by the 2012 Steering Group Report on a National Substance Misuse Strategy and to introduce a statutory ban on any new alcohol sponsorship of sports, and other large public events in Ireland from the commencement of the Act.

It is understood that it is the Government’s intention is to place the existing voluntary code, Alcohol Marketing, Communications and Sponsorship Codes of Practice, on a statutory footing through regulation under Head 9. We do not support this approach as it is our view that the current voluntary Code is inadequate, its provisions in relation to children are too weak and it lacks a robust enforcement mechanism with associated penalties.

In 2003, draft legislation was prepared aimed at significantly reducing children’s exposure to alcohol advertising and marketing. Had this been enacted, it would have restricted the placement of alcohol advertisements, limited their content, and banned the drinks industry sponsorship of youth leisure activities. Despite original Cabinet approval, the draft legislation was not brought before the Oireachtas and a voluntary code was introduced in its place. It is worth noting that the text of the voluntary code mirrors exactly that produced by the industry, including grammatical errors. It is clear that the voluntary code is insufficient to address the problem; and this is supported by a 2007 World Health Organisation expert committee, which concluded that voluntary systems do not prevent the kind of marketing which has an impact on younger people and that “self-regulation seems to work only to the extent that there is a current and credible threat of regulation by government.”

The proposal under Head 9(3)(a) to restrict the broadcasting of marketing and advertising of alcohol in certain circumstances is welcome. The Children’s Rights Alliance first called for a ban on broadcast advertising of alcohol products to children in 2004, but alcohol was omitted by the then Broadcasting Commission of Ireland from the Children's Advertising Code and remains absent from its successor the 2013 Broadcasting Authority of Ireland Children’s Commercial Communications Code, although the issue is addressed to some degree under Code 8.1 of the General Commercial Communications Code. Research has shown that advertisements for alcohol were perceived by young people as promoting a desirable lifestyle and image, as portraying alcohol as a gateway to social success, as helping to provide confidence and social skills and to enlarge one’s circle of friends, as increasing sexual attractiveness, and as giving people more energy.

### 3.4 Powers of the Environmental Health Officers

Head 15 proposed to amend Section 9 of the Intoxicating Liquor Act 2008, which provides for the structural separation of alcohol from other goods in mixed retail outlets, such as supermarkets. The amendment will allow Environmental Health Officers, employed by the Health Service Executive, to enforce Section 9 of the Intoxicating Liquor Act 2008 once commenced. This is a welcome provision. The Children’s Rights Alliance has continually called for Section 9 of the Intoxicating Liquor Act 2008 to be commenced as a matter of urgency.

---

22 In a nationally representative survey of Irish 16 and 17-year-olds commissioned by Alcohol Action Ireland, 83% said they had a Facebook or social networking page – and 30% of those had received an alcohol-related ad or pop-up on that page. See more at: http://alcoholireland.ie/policy/marketing-alcohol-children-under-the-influence/#sthash.5vRkNEEK.dpuf
25 Fintan O'Toole, ‘Caving in to the drinks industry’, The Irish Times, 20 December 2005
30 C. Dring and Dr. A. Hope (2001) The Impact of Alcohol Advertising on Teenagers in Ireland, Health Promotion Unit, Department of Health and Children.