

STATES OF JERSEY



DRAFT SINGLE-USE PLASTICS ETC. (RESTRICTIONS) (JERSEY) AMENDMENT LAW 202. (P.77/2024) – CHILDREN’S RIGHTS IMPACT ASSESSMENT

**Presented to the States on 29th October 2024
by the Minister for Infrastructure**

STATES GREFFE



Child Rights Impact Assessment (CRIA) Impact of a ban on single use vapes

OCTOBER 24

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1.0 Introduction

A Child Rights Impact Assessment (CRIA) was completed to support the policy development in bringing forward a ban on single use vapes based on their environmental impact.

This document details the screening process to understand if children's rights could be affected by this proposal and the full impact assessment that was required.

The CRIA will be submitted to the States Assembly along with the Proposition recommending that a ban on single use vapes is approved and implemented in 2025.

2.0 Screening

Name and title of Duty Bearer:	Connétable Andy Jehan
Type of Duty Bearer: (Minister, Elected Member or States Assembly Body)	Minister for Infrastructure
Assessment completed by (if not completed by duty bearer):	Project Officer
Date:	16/09/24

Question 1: Name and brief description of the proposed decision

The subject of your CRIA may be a proposed law, policy or proposition and in accordance with the Law is referred to in this template as the 'decision'

- *What is the problem or issue the decision is trying to address?*
- *Do children experience this problem differently from adults?*

A ban on single use (disposable) vapes is to be brought to the States Assembly. The ban aims to stop the sale and supply of single use vapes based on the environmental impact of the devices.

The [Single-Use Plastics etc. \(Restrictions\) \(Jersey\) Law 2021](#) is primary legislation that prohibits the supply and importation of certain single use items. The powers of the Law are currently limited to single use carrier bags and will be extended to single use vapes with States Assembly approval.

Single use vapes are designed for consumption and disposal, with a possible life span of just a few days. The popularity of single use vapes creates:

- an increasing demand for materials (plastic and metals including lithium) to be extracted, processed and used in the manufacture
- more waste
- increased challenges to manage these devices at the end of their useful life as waste, litter and recycling

A recent consultation delivered by Public Health to explore youth vaping identified that of the children and young people that used vapes, 95.65% use disposable (single use) vapes.

In addition to addressing the environmental challenges summarised above, the ban has the potential to discourage youth uptake and potentially protect children and young people from nicotine addiction.

Question 2: Which groups of children and young people are likely to be affected?

Groups of children could include early years, primary or secondary education; young adults; children with additional learning needs; disabled children; children living in poverty; children from particular ethnic backgrounds; migrants; refugees; care experienced children and LGBTQ+ children

The sale of vapes (containing nicotine) to under 18-year-olds is illegal but use by children and young people is commonplace.




Data from recent Public Health engagement with a group of young people aged 15-17 showed that daily vaping in that group was 81.25% with the majority using single use vapes.

Children of secondary school age are more likely to be affected by the ban. If children that already use vapes wish to divert to refillable/rechargeable vape devices, this may impact those with additional learning needs, disabled children and children living in poverty due to the higher cost of alternative vapes and the need to recharge and refill the devices. It should be noted that the sale of refillable/rechargeable nicotine containing vape devices will continue to be illegal to under 18-year-olds.

Question 3: What is the likely impact of the proposed decision on children and on their rights?

- Identify any potential positive OR negative impacts and include indirect impacts on children and their rights as described in the UNCRC
- Will different groups of children be affected differently by this decision?

The ban positively impacts on the following UNCRC Articles:

	<p>Article 3: The best interests of the child must be a top priority</p>
	<p>Article 6: Every child has the right to life</p>
	<p>Article 12: Respect for the views of the child</p>

	<p>Article 24: Right to best possible health</p>
	<p>Article 33: Protection from drug abuse</p>

Question 4: Is a full Child Rights Impact Assessment required?

If you have identified impacts on children and their rights, a full CRIA should be completed. If no impacts are identified then a Full CRIA is not required, but please explain your rationale and how you reached this conclusion

Yes, a full Child Rights Impact Assessment is required. Please refer to the next section of this document.

3.0 Full Child Rights Impact Assessment

Question 5: What will be the impacts (positive or negative) of the proposed decision on children’s rights?

<i>For each of the UNCRC articles described below, click to identify any that may be relevant</i>			
<i>Category</i>	<i>UNCRC Article (Click to jump to the relevant Article in Part 4)</i>	<i>Impact?</i>	
		<i>YES</i>	<i>NO</i>
Guiding Principles	Non-discrimination (Art 2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Best interests of the Child (Art 3) to be a top priority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Right to Life survival and development (Art 6)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Respect for the child’s views (Art 12)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Civil Rights & Freedoms	Right to birth registration, name and nationality (Art 7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Right to an identity (Art 8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Freedom of expression (Art 13)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Freedom of thought, conscience, and religion (Art 14) Every child has the right to think and believe what they choose	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Freedom of association (Art 15) Every child has the right to meet with other children and to join groups and organisations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Right to Privacy (Art 16) including family and home life	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Access to information from the media (Art 17) Right to access reliable information from a variety of sources, in a format that children can understand	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Protection against torture or other cruel, degrading or inhumane treatment or punishment (Art 37(a))	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Family Environment and Alternative Care	Respect for the responsibilities, rights and duties of parents (or where applicable, extended family or community) to guide their child as they grow up (Art 5)	<input type="checkbox"/>
	Responsibilities of both parents in the upbringing and development of their child (Art 18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Children must not be separated from their parents against their will unless it is in their best interests (Art 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Family reunification (Art 10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Abduction and non-return of children abroad (Art 11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Right to a standard of living that is good enough to meet the child's physical and social needs and support their development (Art 27)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Special protection for children unable to live with their family (Art 20)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Best interests of the child in the context of Adoption (Art 21)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Review of treatment whilst in care (Art 25)		
	If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Protection from violence, abuse or neglect (Art 19)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Recovery from trauma and reintegration (Art 39)		
	Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Basic Health and Welfare	Rights of disabled children (Art 23)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Right to health and health services (Art 24)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Right to social security (Art 26)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Right to adequate standard of living (Art 27)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Education, Leisure and Cultural Activities	Right to education (Art 28)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Goals of education (Art 29)		
	Education must develop every child's personality, talents and abilities to the full	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Leisure, play and culture (Art 31)		
	Every child has the right to relax, play and take part in cultural and artistic activities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Special Protection Measures	Special protection for refugee children (Art 22)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Children and armed conflict (Art 38 and Optional Protocol #1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Governments must do everything they can to protect and care for children affected by war and armed conflict.		
Children and juvenile justice (Art 40)		
Right to be treated with dignity and respect, right to legal assistance and a fair trial that takes account of age.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Inhumane treatment and detention (Art 37 (b)-(d))		
Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Recovery from trauma and reintegration (Art 39)		
Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Child labour and right to be protected from economic exploitation (Art 32)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Drug abuse (Art 33)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual exploitation (Art 34)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Abduction, sale and trafficking of children (Art 35)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Protection from other forms of exploitation including for political activities, by the media or for medical research (Art 36)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Children belonging to a minority or an indigenous group (Art 30)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Optional Protocol on the sale of children, child prostitution and child pornography	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Optional protocol on the involvement of children in armed conflict	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Question 6: Information and research

<i>What evidence has been used to inform your assessment?</i>		
<i>Evidence collected</i> <i>(include links to relevant publications)</i>	<i>What did the evidence tell you?</i>	<i>What are the data gaps, if any?</i>
Impact of a ban on single use vapes, consultation summary report	<p>No negative impact of a ban on single use vapes was identified.</p> <p>The consultation noted that some societal groups may be more vulnerable to a ban and these were identified as those in prison and mental health facilities and those with poor dexterity, impaired intellect and those on a low income.</p> <p>A strong island wide communications campaign is required ahead of the ban to support members of the public and retailers. Providing guidance for schools was referenced.</p>	<p>The views of children and young people were not directly invited as a consultation to understand more about the use of vapes amongst children and young people was running at the same time, delivered by the Health Improvement Team (Public Health).</p>



<p>Youth Vaping consultation findings provided by Public Health</p>	<p>89.67% of parents/carers supported a ban on single use vapes and there was an overall sense of urgency for decisive Government intervention to address the 'vaping epidemic' as parents felt strongly that inaction would have consequences on the health and wellbeing of future generations.</p> <p>Additionally, the research suggests that banning single use vapes may have a positive impact on reducing the use of vapes due to the upfront costs of refillable vapes being a barrier for children and young people (CYP), in turn lessening the appeal and affordability for CYP who do not currently vape.</p> <p>A key recommendation following the consultation by Public Health was to develop resources to support parents and carers, CYP and schools.</p>	<p>The groups of children and young people engaged in the consultation were limited to three groups of differing secondary school age (11-12 years, 13-15 years and 15-17 years) and did not represent all Island schools.</p>
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<p>UK data:</p> <p>Use of e-cigarettes among young people in Great Britain (Action on Smoking and Health, 2023)</p> <p>Nicotine vaping in England: 2022 evidence update summary (Gov.uk, 2022)</p>	<p>The proportion of children experimenting with vaping had grown by 50% year on year (2022-23), from one in thirteen to one in nine.</p> <p>There is an age gradient with the percentage of children having tried vaping or currently vaping increasing with age from 11-17 years.</p>	<p>This is national data and has been used to supplement local data such as the annual Smoking Profile.</p>
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Question 7: Engagement with children

What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision?

Possibly the most challenging aspect of completing a CRIA is to capture the 'voice of the child,' but it is vital to listen to views and experiences of children and young people in relation to the proposed decision.

You can use the [Children's Voice database] which contains links to various sources reflecting children's views on a range of issues.

If no information exists on a particular topic, or if the decision will have a significant impact on children in Jersey, you may decide to consult with these groups directly.

<i>Groups consulted</i>	<i>How they were involved</i>	<i>What were the findings?</i>
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<p>Public Health Jersey delivered a consultation to understand more about the use vapes amongst children and young people (March – May 2024).</p> <p>Public Health engaged with:</p> <ul style="list-style-type: none"> • Parents / carers of secondary school children and young people • Young people through the Jersey Youth Service • Teachers, deputy heads and PSHE leads in secondary schools • Children aged 11 – 17 years 	<p>The following groups were consulted with by Public Health to inform the Youth Vaping consultation:</p> <ul style="list-style-type: none"> • Parents / carers were engaged via an online survey • Teachers were engaged via the Education Department, and a meeting was held with secondary school teachers, deputy heads and PSHE leads • Youth workers engaged with young people using the Jersey Youth Service • Children were involved in organised focus groups 	<p>Summary of findings:</p> <ul style="list-style-type: none"> • 95.65% of the children and young people that used vapes, used single use vapes • The responses from the online survey found that 17.84% of children and young people vape • Engagement with a group of 15–17 year olds identified that 81.25% of the group of vape on a daily basis • 89.67% of parents / carers supported a ban on single use vapes and there was an overall sense of urgency for decisive Government intervention to address the ‘vaping epidemic’.
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		<p>Some of the views expressed by young people during various engagements:</p> <ul style="list-style-type: none">• <i>Ban disposables to stop being readily available in shops.</i>• <i>Banning disposable vapes would mean harder access to vapes and would affect cost.</i>• <i>They are just disposed of anywhere, not even in bins.</i>• <i>All the plastic used to make the container isn't good for the environment.</i>• <i>The proposed ban of single use vapes is beneficial to the environment and potentially an incentive for young people to stop.</i>• <i>Young people vaped mostly single use products as they regularly got them confiscated, so conversely wanted them to be cost effective, in that they are</i>
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		<p><i>cheaper (and wanted to try different flavours).</i></p> <ul style="list-style-type: none"><i>• They perceived banning them like they have in Australia would be better, though a handful would turn to smoking.</i><i>• Controlling the brightly coloured packaging and flavours and including warnings on packages they also perceived as beneficial.</i><i>• Regulation of safety and contents of vape liquids is also something they said should be looked into, as they assume if they can buy it... it's safe.</i><i>• If banned, then will always find a way (to circumvent law) And if banned, may just smoke more.</i><i>• Should not ban as vaping is something the students 'like to do' and 'our choice'</i>
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<p>Government of Jersey departments:</p> <ul style="list-style-type: none"> • Health Improvement • Children’s Services • Child and Adolescent Mental Health Service • Education Department • Youth Service 	<p>These groups were consulted with to understand the impact of a ban on single use vapes.</p> <p>Individual meetings were held with each of the departments.</p>	<p>Overall support for a ban on single use vapes</p> <p>Care is required to manage the impact on societal groups that may be more vulnerable to a ban such as those in prison, mental health facilities, elderly care facilities and those with poor dexterity, impaired intellect and those on a low income.</p> <p>Communications and resources are required in the lead up to the ban.</p>
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Question 8: Assessing Impact on children’s rights

Based on the information collected and analysed above, what likely impact will the proposed decision have on the specific children’s rights identified in question 5)?		
Relevant UNCRC Articles (rights) identified in Q5	Describe the positive or negative impacts on these rights	Which group(s) of children are likely to be affected?
<p>Best interests (Article 3)</p> 	<p>The ban on single use vapes aims to remove the negative impact of these devices from the local environment and contribute to a global shift away from single use, protecting the world’s finite resources.</p> <p>Public Health identified that a ban may reduce youth uptake in vaping.</p>	<p>All children will be positively affected by the environmental benefits of a ban on single use vapes.</p> <p>All children will benefit from barriers to vaping and potential nicotine addiction.</p>
<p>Right to life, survival and development (Article 6)</p> 	<p>The ban on single use vapes will help to ensure that all children can grow up in conditions that do not impact negatively on their physical and mental wellbeing. This will be achieved by protecting the local environment and reducing the demand for resources that have</p>	<p>All children will be positively affected by the environmental benefits of a ban on single use vapes.</p> <p>All children will benefit from barriers to vaping and potential nicotine addiction</p>

	<p>environmental impact across the globe.</p>	
<p>Respect for child's views (Article 12)</p> 	<p>Children's views on a ban on single use vapes were collected by the Public Health consultation on youth vaping and via those working with children (education, youth work and health practitioners).</p> <p>Children's views will inform the implementation plan (what information is provided and how this is communicated).</p> <p>Not all children agreed with a ban or that a ban would change their behaviour.</p>	<p>Children using single use vapes will be directly affected by the ban as this type of device will no longer be available.</p> <p>Communications about a ban on single use vapes will be shared by practitioners i.e. youth workers and secondary schools.</p>
<p>Best possible health (Article 24)</p> 	<p>The ban on single use vapes aims to remove the negative impact of these devices from the local environment and contribute to a global shift away from single use.</p>	<p>All children will be positively affected by the environmental benefits of a ban on single use vapes.</p> <p>All children will benefit from barriers to vaping and potential nicotine addiction.</p>

	<p>Public Health identified that a ban may reduce youth uptake in vaping.</p> <p>Vaping by children can negatively affect behaviour and brain development and can lead to nicotine dependency.</p>	
<p>Protection from drug abuse (Article 33)</p> 	<p>Nicotine is a psychotropic substance as it can affect behaviour and brain development.</p> <p>Public Health identified that a ban may reduce youth uptake in vaping.</p> <p>It is illegal for under 18 year olds to purchase vapes.</p> <p>Vaping by children can lead to nicotine dependency.</p>	<p>All children will benefit from barriers to vaping and potential nicotine addiction.</p>

Question 9: Weighing positive and negative impacts

- *If a negative impact is identified for any area of rights or any group of children and young people, what options are there to modify the proposed decision to mitigate the impact?*
- *Could any positive impacts be enhanced?*

Children using single use vapes will be directly impacted by the ban as their behaviour will be forced to change. This may be a small change regarding the type of vape device they use or initiate a change in behaviour i.e. to stop vaping.

The consultation noted that some societal groups may be more vulnerable to a ban and the amends to the Single-Use Plastics etc. (Restrictions) (Jersey) Law 2021 will ensure alternative vape devices (refillable / rechargeable) are still available that are accessible for these groups.

The Heath Improvement Team are working with the Education Department / secondary schools to provide guidance and resources around youth vaping.

Public resources will also be produced ahead of a ban coming into force and these will be developed in collaboration with Public Health.

The positive impacts achieved by the ban (environmental protection and the barriers to prevent potential nicotine addiction) can be communicated through the public resources.

Question 10: Conclusion

In summary, what are your key findings on the impact of the proposed decision on the rights of Jersey children?

A ban on single use vapes will remove the existing and increasing environmental impacts of these devices which are seen locally in terms of litter and waste and experienced globally by the use of finite resources in a disposable product.

Vape use by children can have negative impacts on health, development and wellbeing and a ban will create barriers that may reduce youth vaping and prevent future nicotine dependency.

A ban will support the rights of children in Jersey by protecting the environment that children live and grow up in, and by safeguarding children's physical and mental wellbeing.

The voice of the child has been listened to in developing the proposed ban and children that already use single use vapes will be directly affected by the decision. Through joined up working across government departments and public communications, support will be available and for those that wish to continue to vape, other devices will continue to be available.