

Response of the Children's Commissioner for Wales to the National Assembly for Wales Health, Wellbeing and Local Government Committee inquiry into sunbed use in Wales



The Children's Commissioner for Wales is an independent children's rights institution established in 2001 in line with the Paris Principles¹. My principle aim is to safeguard and promote the rights and welfare of children.² In exercising my functions, I must have regard to the United Nations Convention on the Rights of the Child (UNCRC).³ My remit covers all areas of the devolved powers of the National Assembly for Wales insofar as they affect children's rights and welfare and I may also make representations to the National Assembly for Wales about any matter affecting the rights and welfare of children in Wales.⁴

The UN Convention on the Rights of the Child (UNCRC) is an international human rights treaty that applies to all children and young people aged 18 and under. It is the most widely ratified international instrument and gives children and young people a wide range of civil, political, economic, social and cultural rights which State Parties to the Convention are expected to implement. In 2004, The Welsh Assembly Government adopted the UNCRC as the basis of all policy making for children.

The protection of children's health by governments as outlined in article 24 (Appendix 1) is one of the major obligations under the UNCRC.

I wish to submit this short written note in relation to the above inquiry.

The use of sunbeds by children

I would wish to draw the Committee's attention to the document *A Children's Health and Environment Strategy for the United Kingdom*⁵. This was produced by the Health Protection Agency and has been submitted to the Department of Health.

The strategy seeks to address the 4 Regional Priority Goals of the World Health Organisation in relation to children's health. These goals are:

- *water, sanitation and health;*
- *accidents, injuries, obesity and physical activity; respiratory*

¹ <http://www2.ohchr.org/english/law/parisprinciples.htm>

² Section 72A Care Standards Act 2000

³ Regulation 22 Children's Commissioner for Wales Regulations 2001

⁴ Section 75A (1) Care Standards Act 2000

⁵ A Children's Environment and Health Action Strategy for the United Kingdom

<http://www.hpa.org.uk/webw/HPAweb&Page&HPAwebAutoListName/Page/1204707136075>

- *health, indoor and outdoor air pollution;*
- *and chemical, physical and biological hazards*

Within the goal to address chemical, physical and biological hazards, The World Health Organization sets out to

Reduce the proportion of children with birth defects, mental retardation and developmental disorders, and decrease the incidence of melanoma and non-melanoma skin cancer in later life and other childhood cancers by:

(a) passing and enforcing legislation and regulations and implementing national and international conventions and programmes to:

- *reduce exposure of children and pregnant women to hazardous chemical, physical and biological agents to levels that do not produce harmful effects on children's health,*
- (b) implementing policies to raise awareness and endeavour to ensure reduction of exposure to ultraviolet radiation, particularly in children and adolescents,*

The United Kingdom Government and devolved administrations contributed to the production of the strategy.

One of the many recommendations in the strategy⁶ is that *The use of sunbeds and tanning parlours by children and young people should be prevented or reduced and means to do this need to be explored further and implemented across the UK. Measures could include restricting the use of commercial sunbeds and tanning parlours to those over a specified age (e.g. 18 years) and ensuring that information about health risks is provided with retail sunbed.*

In line with the above recommendation, I would fully support an increase in the minimum age for the use of sunbeds to the age of 18. I have looked at the evidence presented to the Committee to date and have taken account of the right of children to enjoy the highest attainable standard of health under the UNCRC. Access to unmanned sunbed salons and manned sunbed salons can breach a child's right to health and as has been identified the use of sunbeds in childhood can lead to an increased risk of sun cancer in adulthood.⁷ As the Committee is no doubt aware the Scottish Parliament passed the Public Health Act in 2008 and this bans under 18s from using sunbeds as well as buying or hiring sunbeds

Recent high profile cases in Wales⁸ have highlighted the potential risks to children in using tanning salons and as Children's Commissioner for Wales I would call on the Committee to exercise its duty to children by recommending an increase in the minimum age for using such salons to 18. This would in my view help to protect children and help to contribute to their enjoyment of the highest possible standard of health. Such a move would also help to address one of the World Health Organisation's Regional Priority goals to *implement policies to raise awareness and endeavour to ensure reduction of*

⁶ A Children's Environment and Health Action Strategy for the United Kingdom
<http://www.hpa.org.uk/webw/HPAweb&Page&HPAwebAutoListName/Page/1204707136075>

⁷ Lazovich, D & Forster, J. Indoor Tanning by adolescents: prevalence, practices and policies European Journal of Cancer, 2005.41: p20-27

⁸ *Girl, 10, burned at tanning salon* http://news.bbc.co.uk/1/hi/wales/south_west/8028898.stm

exposure to ultraviolet radiation, particularly in children and adolescents. I also draw the Committee's attention to the revised advice from the Health and Safety Executive⁹ that people under the age of 18 should not use either manned or unmanned tanning salons

Yours sincerely

A handwritten signature in black ink that reads "Keith Towler". The signature is written in a cursive style and is underlined with a single horizontal line.

Keith Towler

Children's Commissioner for Wales

⁹ Revised guidance for tanning salons and their customers <http://www.hse.gov.uk/press/2009/e09038.htm>

Appendix 1 Relevant article from the UNCRC

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Appendix 2

A Children's Environment and Health Strategy for the UK

This document has been prepared by the Health Protection Agency at the request of the Department of Health, on behalf of the Interdepartmental Steering Group on Environment and Health.

Regional Priority Goal IV

Reduce the risk of disease and disability arising from exposure to hazardous chemicals (such as heavy metals), physical agents (e.g. excessive noise) and biological agents and to hazardous working environments during pregnancy, childhood and adolescence.

Reduce the proportion of children with birth defects, mental retardation and developmental disorders, and decrease the incidence of melanoma and non-melanoma skin cancer in later life and other childhood cancers by:

(a) passing and enforcing legislation and regulations and implementing national and international conventions and programmes to:

- reduce exposure of children and pregnant women to hazardous chemical, physical and biological agents to levels that do not produce harmful effects on children's health,
- protect children from exposure to harmful noise (such as aircraft noise) at home and at school,
- ensure appropriate information on and/or testing for effects on the health of developing organisms of chemicals, products and technologies before their marketing and release into the environment,
- ensure the safe collection, storage, transportation, recovery, disposal and destruction of non-hazardous and hazardous waste, with particular attention to toxic waste,
- monitor in a harmonised way the exposure of children, as well as men and women of reproductive age, to hazardous chemical, physical and biological agents, • ensure that international agreements on the control of chemical pollutants and hazardous waste are applied,

(b) implementing policies to raise awareness and endeavour to ensure reduction of exposure to ultraviolet radiation, particularly in children and adolescents, and

(c) promoting programmes including those for the adequate dissemination of information to the public that will prevent and minimise the consequences of natural disasters and major industrial and nuclear accidents and take into consideration the needs of children and people of reproductive age. **(WHO, 2004)**

5.1.2 Ionising and non-ionising radiation

Exposure to ionising radiation is known to result in an increased risk of developing cancer. However, studies on the effects of exposure to natural and other background radiation, such as the naturally occurring radioactive gas, radon, have not identified an effect on incidence rates. There may, however, be a small increased risk which is difficult to measure. Ultraviolet radiation, the main source of which is the sun, is a direct cause of skin cancer. The risk of skin cancer is increased by high childhood exposure to ultraviolet radiation. The incidence of skin cancers amongst 20–24 year olds has risen substantially in the UK, and is generally higher amongst young people in Scotland than in England (Figure 5.1).

Evidence to date suggests that, in general, there are no adverse effects on the health of the population of the UK as a result of exposure to electromagnetic fields below nationally and internationally accepted exposure guideline levels. However, there are a number of epidemiological studies, including studies from the UK, showing an association between exposure to power frequency fields at home and/or from living close to high voltage power lines and a small excess of childhood leukaemia. At present no plausible biological mechanism has been identified to explain this excess, if real, and there is uncertainty about what aspect of electromagnetic field exposure, if any, might be responsible. With regard to radiofrequency fields, the widespread development in the use of mobile phones worldwide has not been accompanied by associated, clearly established increases in adverse health effects, including in children.

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5.2.2 Ionising and non-ionising radiation

There is concern about the use of sunbeds by children and young people. In England, the Department of Health has recently announced that it intends to review options for regulation of the cosmetic tanning industry, taking into account the scale of use by minors, with a view to ensuring the health of children and young people is adequately protected (DH, 2007). In Scotland, the Public Health etc (Scotland) Act 2008 includes measures for controls on the use of sunbeds, such as a ban on operators from allowing the use of sunbeds by under 18 year olds in commercial premises, banning the sale or hire of sunbeds to the under 18s and banning the use of unsupervised or coin-operated sunbeds. However, it is important to ensure that the same level of protection is afforded to children throughout the UK.

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5.3.2 Ionising and non-ionising radiation

The use of sunbeds and tanning parlours by children and young people should be prevented or reduced and means to do this need to be explored further and implemented across the UK. Measures could include restricting the use of commercial sunbeds and tanning parlours to those over a specified age (e.g. 18 years) and ensuring that information about health risks is provided with retail sunbeds.

Recommendation 8.4 Regional Priority Goal IV

The use of sunbeds and tanning parlours by children and young people should be prevented or reduced and means to do this need to be explored further and implemented across the UK. Measures could include restricting the use of commercial sunbeds and tanning parlours to those over a specified age (e.g. 18 years) and ensuring that information about health risks is provided with retail sunbeds