



Briefing for the Public Petitions Committee

Petition Number: [PE1713](#)

Main Petitioner: Amy Lee Fraioli MSYP and Kit McCarthy MSYP on behalf of the Scottish Youth Parliament

Subject: Ban the use of Mosquito devices in Scotland

Calls on the Parliament to urge the Scottish Government to ban outright the use of Mosquito devices in Scotland, in order to uphold children and young people's rights.

Background Information

The website of [Compound Security Systems](#) (CSS), the manufacturer of the [Mosquito device](#), describes it as follows:

“The Mosquito, MK4 otherwise known as an anti-loitering sound device, anti-teenager alarm, teenager repellent or ultrasonic teenage deterrent. Call it what you will, but it is essentially a low power device that makes a pulsing sound similar to an alarm clock. This sound is just out of the range of an adult's hearing, which is why it only bothers people under the age of about 25. The sound is not loud or painful, just highly annoying after a short period of time.

Over the 10 years since the Mosquito was launched, CSS have sold many many thousands of them worldwide and in 2017 it still continues to be the most effective and safe way to disperse groups of loitering teens from locations they are not welcome.”

The petition argues that the use of such devices is discriminatory and violates the rights of children and young people.

In 2010, another petition ([PE1367](#)) was lodged on behalf of the Scottish Youth Parliament seeking a ban on the use of Mosquito devices. It was first considered by the Public Petitions Committee at its meeting on 29 October 2010. On 30 April 2013, the Committee decided to close the 2010 petition on the grounds that the Scottish Government had set out why it did not intend to legislate at that time.

The Committee considered a range of evidence, both written and oral in relation to the 2010 petition. The position of the Scottish Government (at that time) was summarised in a [letter](#) (13 December 2012) from the Minister for Children & Young People to the Committee:

“Fergus Ewing, when he appeared before the Committee on 8 March 2011 said ‘the Scottish Government does not support and has never supported the use of the devices’. Roseanna Cunningham further confirmed this view when she gave evidence to the Committee on 30 October 2012. I would wholeheartedly agree with my colleagues in this regard.

Roseanna Cunningham outlined to the Committee that in order to legislate on a matter there needs to be a policy justification based on sound evidence which would be scrutinised during the parliamentary process. That justification might also need to stand up to scrutiny from the courts and others, should any challenge be made. However, there remains little indication that there is a widespread problem through use of the device and there do not appear to be any identified long-term health risks. For these reasons, it would be difficult to justify a legislative solution.

I would further re-iterate what Roseanna Cunningham said on 30 October that if any group of people is being seriously impacted on by any activity, it can bring it to Government and Parliament. We will always look carefully at the evidence and consider whether legislation is appropriate.”

More recently, in response to a parliamentary question, the Minister for Community Safety and Legal Affairs stated (20 September 2017) that:

“The Scottish Government is opposed to the use of Mosquito antiloitering devices. Their use is not consistent with our approach to tackling antisocial behaviour, and we note that the United Nations Committee on the Rights of the Child has expressed concerns over their use and children’s right to freedom of movement and peaceful assembly.” (col 6)

She added that:

“I have written to all local authorities and to other public bodies including Transport Scotland, Police Scotland and the Convention of Scottish Local Authorities to emphasise the Government’s opposition to the use of Mosquito devices. I have asked for information on their policies on Mosquito devices and I await their replies.

I am not unsympathetic to those who take the view that we should consider an outright ban on Mosquito devices, but at present, there are no reliable figures on how widespread use of the devices is in Scotland. To proceed successfully down a legislative route, we would need to show that legislation was justified as a proportionate response. We will continue to work on that and to ingather all the available information.” (col 6)

The current petition highlights research published in January 2018. It reported on a survey, commissioned by the Scottish Government, to gather evidence on young people’s experiences and views of Mosquito devices. The findings are based on 725 responses (not necessarily representative of all young people in Scotland). The research report includes the following summary of findings:

Most of the young people surveyed had not heard of Mosquito devices prior to undertaking the survey. 15% of them had encountered one personally, and 85% had not encountered one.

These devices appear to be found across Scotland and a wide range of locations. There were also some reports of devices in other parts of the UK and abroad.

41% of respondents experienced health effects or discomfort from encountering a device.

85% of respondents found the devices to be annoying.

The devices have a limited impact in preventing respondents from gathering in a particular area. Respondents did not perceive the devices to be effective in deterring other young people from loitering.

Respondents expressed a wide range of views about these devices, in addition to those mentioned already. Not all respondents were sure about how the devices made them feel or about their personal views on them. Some were positive, believing the devices made them safer through deterring anti-social behaviour. Others were negative – for example, some expressed that these devices are discriminatory and made them feel unwelcome in their communities.” (p 3)

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20 November 2018

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