



The Scottish Parliament  
Pàrlamaid na h-Alba

**PUBLIC PETITION NO.**

**PE01713**

### **Name of petitioner**

Amy Lee Fraioli MSYP and Kit McCarthy MSYP on behalf of Scottish Youth Parliament

### **Petition title**

Ban the use of 'Mosquito Devices' in Scotland

### **Petition summary**

Calling on the Scottish 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.

### **Action taken to resolve issues of concern before submitting the petition**

Lodged a petition (PE1367) on this issue in 2010.

Have continued to raise concerns directly with the Scottish Government, MSPs and local councillors.

Have also discussed this issue with the Children and Young People's Commissioner Scotland, and with ScotRail.

### **Petition background information**

The use of mosquito devices as a method of dispersing groups of children and young people continues in communities around Scotland. This is discriminatory and violates the rights of children and young people, particularly the right to peaceful assembly (also Articles 2, 3, 15, 19 and 31 of the United Nation Convention on the Rights of the Child and Articles 3, 8, 11 and 14 of the European Convention on Human Rights, protected by the Human Rights Act 1998 in the UK). Understanding the true prevalence of these devices can be difficult as public bodies are often not aware of their use by private businesses or properties.

However, new research commissioned by the Scottish Government, the Scottish Youth Parliament and Young Scot, published in January 2018 (i), highlights that the devices were found at bus stations, outside shops, in town centres, outside schools and outside private residences in Scotland.

Four out of ten young people experienced health effects or discomfort from encountering a device. The study also found the devices had a 'limited impact' in



preventing young people from gathering with survey respondents saying they "did not perceive the devices to be effective" in deterring other young people from loitering.

When the young people were asked to outline what physical and mental effects they experienced, 68% said they suffered headaches and migraines while 48% said they endured earache and tinnitus. Other effects included experiencing dizziness, nausea, anxiety and panic attacks.

The United Nations Committee on the Rights of the Child has repeatedly called for a ban on the use of mosquito devices, most recently in 2016 (ii). In 2010, the Council of Europe's Parliamentary Assembly recommended the devices be banned in all 47 member states (iii). The Children & Young People's Commissioner Scotland support SYP in its call for a ban. Please see their position statement with more evidence (iv). Together (Scotland's Alliance for Children's Rights) also support SYP in this call and evidence the views of young people that these devices fail to tackle the root cause of anti-social behaviour in its State of Children's Rights Report (v).

The Scottish Youth Parliament has been campaigning for an outright ban since 2010 (vi), and will continue to do so. The SYP Policy passed by the membership on 31 October 2010, which has been renewed by the Conveners Group three times until present, most recently on 21 April 2018, is as follows:

'The 'Mosquito', a device that makes an unpleasant high-pitched noise that only those under 25 can hear, should be banned.' (66.76% agreement).

In 2017, MSYPs submitted Freedom of Information (FOI) requests to all local authorities regarding the use of mosquito devices (vii). Since collecting this data, SYP has lobbied local authorities in Scotland to remove devices which were flagged in the FOIs and various successes have since been made. For example, devices have been removed in Fife Council, which is also considering a total ban (viii), and Perth and Kinross Council have also committed to removing all devices (ix).

Concerns were raised again by SYP after a device was discovered at Hamilton train station by the SYP Chair, Amy Lee Fraioli MSYP, in July 2017. Amy Lee tweeted about the devices, which resulted in widespread media coverage on the use of these devices. After SYP campaigned for its removal and attended a meeting with ScotRail officials, ScotRail has banned the devices in all train stations across its network (x). However, many local authorities are still to take actions to ban the devices and there are frequent reports from young people that devices are still being used across Scotland, particularly in schools. (xi)

In July 2018, the Department of Justice in Ireland advised that use of anti-loitering devices may constitute 'assault' and that all concerns about the devices should be reported to the Garda. (xii)

The harmful effect of these devices is exacerbated when experienced by groups of young people with protected characteristics under the Equality Act 2010, including autistic young people, and even younger children.

The National Autistic Society is opposed to their use, due to concerns about their impact on people with autism. Jenny Paterson, director of The National Autistic Society Scotland, said: "Many autistic people have very sensitive hearing, experience sensory challenges and struggle with social anxiety. As well as being painful to hear, the sudden, high-pitched buzz of the 'mosquito device' could further increase the social isolation we know autistic people face by making them feel unable to access the public spaces that many of us take for granted." (xiii)

The German Federal Institute for Occupational Safety and Health (xiv) stated in a report on The Mosquito, entitled "Use of ultrasonic noise channels not entirely safe'. (xv)

The auditors found that: 'Small children and infants are especially at risk, due to lengthy exposure to the sound, because the adults themselves do not perceive the noise. Moreover, the ultrasound (xvi) affects not only hearing. Disruption of the equilibrium senses, as well as other extra-aural effects are well known. With the sound levels that can be reached by the device, the onset of dizziness, headache, nausea and impairment is to be expected. This is not the limit of the total risks to safety and health.'



An outright ban of mosquito devices by the Scottish Government is essential to ensure children and young people's rights are no longer being violated on a daily basis. There is now an expanse of well-founded research from a variety of sources to back this call, as well as international recommendations from the United Nations and the Council of Europe to institute a ban, dating back eight years.

With these devices starting to be banned at a local level, and recommendations for bans existing at international level, the Committee and the Scottish Parliament need to pressure the Government to act now and ban these devices nationally in a binding, not guiding, way. In order to be a world leader in human rights protection, and the best place in the world to grow up - these devices need to be banned for good, *Right Here, Right Now*.

### Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/mosquito>

### Related information for petition

- (i) <https://www.youngscot.net/wp-content/uploads/2018/03/Justice-Mosquito-Devices-Survey-Feedback-Report-final.pdf>
- (ii) [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=CRC%2fC%2fGBR%2fCO%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRC%2fC%2fGBR%2fCO%2f5&Lang=en)
- (iii) <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17891&lang=en>
- (iv) <https://www.cypcs.org.uk/ufiles/Mosquito-devices.pdf>
- (v) <https://www.togetherscotland.org.uk/pdfs/TogetherReport2016.pdf>
- (vi) <http://policy.syp.org.uk/?committee=default&level=default&customOption=default&keywords=mosquito&applyFilter=>
- (vii) [https://www.whatdotheyknow.com/user/kit\\_mccarthy/requests](https://www.whatdotheyknow.com/user/kit_mccarthy/requests)
- (viii) <https://www.kingdomfm.co.uk/news/local-news/two-mosquito-devices-removed-in-five-as-councillors-consider-total-ban/>
- (ix) <https://www.scotsman.com/future-scotland/tech/council-removes-mosquito-alarms-after-scottish-youth-parliament-pressure-1-4652621>
- (x) <https://inews.co.uk/news/uk/scotrail-bans-use-anti-youth-mosquito-devices-stations/>
- (xi) Together (Scotland's Alliance for Children's Rights) 'State of Children's Rights' Report 2016, pages 46 - 49. Available at: <https://www.togetherscotland.org.uk/pdfs/TogetherReport2016.pdf>
- (xii) <https://www.irishtimes.com/news/crime-and-law/alarms-to-repel-teens-removed-from-dublin-city-council-flats-1.3563086>
- (xiii) [https://www.thenational.scot/news/15469288.Scottish\\_Youth\\_Parliament\\_calls\\_for\\_ban](https://www.thenational.scot/news/15469288.Scottish_Youth_Parliament_calls_for_ban)
- (xiv) [https://en.wikipedia.org/wiki/Federal\\_Institute\\_for\\_Occupational\\_Safety\\_and\\_Health](https://en.wikipedia.org/wiki/Federal_Institute_for_Occupational_Safety_and_Health)
- (xv) [https://web.archive.org/web/20110927131822/http://www.baua.de/nn\\_5858/de/Presse/Pr-07.html](https://web.archive.org/web/20110927131822/http://www.baua.de/nn_5858/de/Presse/Pr-07.html)
- (xvi) <https://en.wikipedia.org/wiki/Ultrasound>

**Do you wish your petition to be hosted on the Parliament's website to collect signatures online?**

**YES**

**How many signatures have you collected so far?**

0

**Closing date for collecting signatures online**

06 / 12 / 2018

**Comments to stimulate online discussion**

Do you agree with the SYP's call for a ban on mosquito devices?

Have you been affected by these devices? If so, please leave a comment outlining how you were affected and what you would like to see done to address this issue.