

Introduction

The Scottish Youth Parliament (SYP) represents Scotland's young people. Our vision for Scotland is of a nation that actively listens to and values the meaningful participation of its children and young people. Our goal is to make this vision a reality, in order to ensure Scotland is the best place in the world to grow up.

We are a fundamentally rights-based organisation, and our mission, vision and values are grounded in the United Nations Convention on the Rights of the Child (UNCRC). In particular, our purpose embodies Article 12: that young people have the right to express their views freely and have their opinions listened to in all matters affecting them. As a completely youth-led organisation, the words and sentiment of Article 12 have a profound importance for our work.

Our democratically elected members listen to and recognise the issues that are most important to young people, ensuring that their voices are heard by decision-makers. We exist to provide a national platform for young people to discuss the issues that are important to them, and campaign to effect the change they wish to see.

SYP's response

1. We welcome the opportunity to respond to the Committee on receipt of the three responses from the Scottish Government, Police Scotland and the Children's Commissioner for Children and Young People Scotland.
2. We are really encouraged by the responses; all are opposed to the use of these devices. We are particularly pleased that all Local Authorities have got back to the Scottish Government to report that they either do not use or no longer use mosquitos. In 2017-18 our members' FOI requests reported differently, finding many devices including in schools, and we are glad our campaigning with other organisations in the sector has led to such significant local change.
3. However, we still do not feel that more evidence on the health impacts of these devices is needed to justify a ban, as even without any further evidence, this is unequivocally a rights and age discrimination issue.
4. We are not convinced of the argument that it would be too difficult to enforce such a ban, as there are already noise complaints procedures in place which could be followed. Banning the use of these devices would actually provide more clarity as to the appropriate course of action to be taken if it is reported that a device is being used.
5. We would be grateful if the Committee would press the Government on why they will not use their powers under justice or rights to ban the use of these devices, if it feels the evidence on health impacts is not sufficient for a legislative response.

Initially, in response to our 2010 petition to ban the devices ([PE01367: Ban Mosquito devices now](#)), decision-makers decided not to legislate on a ban as further evidence on the use of these devices was needed.

Such evidence was commissioned in 2018 by the Scottish Government and carried out by Young Scot and SYP (see [here](#)), finding that these devices are still being used in Scotland, with around four in ten of the young people surveyed saying they had experienced them.

The next position from the Scottish Government following March 2018 (see the 2018 Cabinet Progress report [here](#)) was that further evidence was needed on their health impacts. As clear from the Government's response from 9th August to this petition, the Scottish Government chose to ask the UK's Health and Safety Executive to carry out this evidence in June 2018. There are no plans for the Scottish Government to carry out this research themselves.

Another stance from the Scottish Government is the following agreed action from the Scottish Government. This was following our annual Cabinet meeting with children and young people in March 2019, where one of our members asked the Cabinet whether legislation to ban the use, not sale, of these devices was within the legislative competence of the Scottish Parliament:

'17. We will give further consideration to the legislative competence of banning the use of mosquito devices, keeping in mind the comments made by Members of the Scottish Youth Parliament.' (See full list of actions [here](#), published on 13th June 2019).

The Scottish Government's response dated 9th August 2019 states the following:

'A ban on the sale, supply or use of mosquito devices would be outside the legislative competence of the Scottish Parliament.' (page 1)

We then asked for clarity on this point of legislative competence (ie. if this most recent position had been arrived at based on the 'further consideration', and for their reasoning e.g. was a legal opinion sought?).

The most recent informal response we have received directly from the Scottish Government is that they need more evidence for policy justification which would be scrutinised in the Parliamentary process.

We appreciate that the Scottish Government is fully opposed to the use of these devices, and are grateful for its efforts to support their removal by local authorities.

However, we also believe that the Government does have the power to introduce a ban on the sale of these devices, but is choosing not to do so.

Can the Committee ask the Scottish Government once again to ban the use, not sale, of these devices, possibly using its powers under justice or rights?

6. Please see the case study below to illustrate the difference a ban would make and how it could be enforced in a real life situation, concerning an individual with children.

Case Study 1: Susanne McCabe, concerned Mother, 21st August 2019

I live in Rutherglen and in the street I live, there are many families with children. They are just normal kids, the vast majority are primary school age, playing hide and seek, tig and going up and down on their scooters.

A neighbour of ours purchased a mosquito noise device, a high pitched frequency noise device putting out a frequency of 16KHz, to deter the kids from playing. My own children, my neighbour's children and several of the adults in the street heard the device and found it very upsetting. These devices are supposed to be heard by under 25s. My husband is 42 and the other adults who heard it are late 30s - mid 40s. This is NOT just a device audible to children.

What really upset and angered me was the effect on the children on the street. My children would often complain of headaches when it was on. My daughter, 7 years old at the time, couldn't sleep some nights because of the noise. One night, I checked her window and it was on the latch, so a small gap was there. I closed it completely to shut the noise out. She STILL couldn't sleep because of the mosquito noise. In fact, I had to send her to bed with padded headphones on. She lost sleep on many nights (including school nights) due to the mosquito device.

One of my neighbour's children felt sick every time the device was on and had to come indoors. Not a nice way to spend a sunny day during the summer holidays. A couple of my neighbours suffer from migraines and these were triggered by the device being on. Sometimes this device would be put on on a Friday night and be kept on until late on Sunday. It would be put on and the people would go out and leave it on to upset us.

We phoned the SLC noise team numerous times. I remember a gentleman came out to speak to us from the team and told us that for them to be able to do anything, the noise had to be heard by the AVERAGE person. So I asked him if children didn't count as the average person?! He couldn't answer that. Notwithstanding the fact that adults were also hearing this noise. On another occasion, I was told they would need to source a special meter to check the noise. The team didn't have it on them that night. It was weeks before I got a call to say they had the device with them. Unfortunately, on that occasion, the mosquito noise wasn't on. These devices should be readily available for a noise team.

I couldn't hear the noise myself, but I was aware of tinnitus occurring with me on the days the noise was on. I have an ongoing issue with tinnitus which started last summer when the noise began being a problem. This device is supposed to damage hearing, whether you can hear the noise or not. I would be appalled if my children developed long-term problems with their own hearing as a result of exposure to this device.

The council teams need to have legislation in place that enables them to shut these nuisance devices down and quickly. The council were attentive to our complaints but ultimately, there was nothing they could do to help us. That really angered me, when people's health is at risk.

I want these devices banned in Scotland. They have no place in a compassionate society. They also contravene the UN Rights of the Child, Article 19, 31 and 37.