

PE1367/FF

Ms. Anne Peat
Clerk to the Public Petitions Committee
The Scottish Parliament
Edinburgh
EH99 1SP



23rd August 2012

Dear Ms. Peat,

Petitioner Response to Submissions Received in Relation to Petition PE1367

I welcome the opportunity to respond to the Scottish Government's latest submission on my petition.

As we approach the two year anniversary of this petition, I have lost count of the number of times I have typed out the above line - the more recent times with an increasing sense of frustration.

This petition represents all I can do as a citizen and as a young person to further this cause. The committee, to their credit, have done as much as I could hope of them in repeatedly refusing to close the petition and continuing to push the Scottish government for proper answers. This is because we both recognise this as an issue which requires some sort of intervention at a government level. The Scottish Government, in two years, have failed to make progress.

It is time for the Scottish Government to lay their cards on the table. There are two important questions that need answered, and they need answered explicitly and with the greatest amount of certainty possible.

The first is whether the Scottish Government supports a ban on the mosquito device, or would at least consult on a ban if such a measure were considered within competence. This petition is named 'Ban mosquito devices now'. The lines we have heard time and again since Fergus Ewing MSP gave evidence on the petition in March 2011 - that 'the "mosquito" device is not consistent with [The Scottish Government's] approach to tackling antisocial behaviour' and that 'the current Scottish Government has not expressed support for these devices in the past' - are fine; but they do not help. Shopkeepers are not going to take down their devices because the Scottish Government does not support their use. Compound Security Systems are not going to stop selling the devices in Scotland simply because of those statements. The Scottish Government need to make it clear whether or not they will pursue a ban if they can.

The second question is the competence question: does the Scottish Parliament and Scottish Government have the power to ban the Mosquito device in Scotland? I

appreciate this might be a difficult question, but in two years I would like to think the Scottish Government could have come up with some kind of answer. The answer might depend on whether the device is to be banned on health grounds, human rights grounds or other grounds; if so, we need that to be set out very clearly so we can move forward.

Young people should not be expected to go through the courts themselves through the Civic Government (Scotland) Act 1982. I appreciate the Scottish Government's effort on that front in terms of contacting ACPOS, but I would like to know from the Scottish Government what they can and will do to protect the rights of Scotland's young people, not what young people could in theory do to protect themselves.

Perhaps a solution to the apparent stalemate would be to invite the Minister for Community Safety to give evidence as her predecessor did more than a year ago. On that occasion we moved forward ever so slightly, and we have barely moved anywhere since. Perhaps the Minister could answer these two questions to give myself, the committee and young people a clearer idea of where the Scottish Government stands.

I have seen for myself many times that committee members, both in the previous session and in the current one, care about this issue and are keen to pursue it. It is because they care that they have kept this petition open time after time in the face of little progress. I am coming to the conclusion that the Scottish Government do not care. When someone cares about this issue - when they recognise what the Mosquito device says about our society and what the legality of it says about how we treat and value our young people - they do what they can to affect change. In engaging with this process I am doing what I can. In keeping the petition alive and continuing to challenge the Scottish Government, the committee are doing what they can. The Scottish Government are letting the process down - Scotland's young people need them to care, and to do what they can to affect change. The first step is to answer the two questions above, and I would love to see the Minister enter the discussion in doing that.

I hope that the committee will continue to pursue the petition and the issue, and thank them for doing so thus far.

Yours Sincerely,

Andrew Deans MSYP