

**PE1367/P**

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



1<sup>st</sup> September 2011

Dear Ms. Peat,

**Re: Letter from Scottish Government PE1367/O**

Thank you for giving me the opportunity to respond to the Scottish Government's most recent response to my petition 'Ban Mosquito Devices Now'.

I welcome the Scottish Government's continued recognition that the Mosquito device is not consistent with the Promoting Positive Outcome framework or with a desire to create strong supportive communities. It is clear that use of the Mosquito is totally inconsistent with an approach which lists prevention, integration, engagement and communication as its four pillars, going completely against each and every one of these commendable principles.

It would appear we are beginning to reach some sort of consensus that the Mosquito device is harmful to communities where it is used, and that the very fact that such a monstrous piece of equipment is legal does much to diminish confidence in young people that the law protects them from discrimination and that they live in a society which values them as active citizens and recognises the positive contribution they have to communities up and down the country. The main problem seems to be finding a mechanism by which it is possible to implement a ban.

The UK Government's position on the Mosquito remains somewhat unclear and it would be very useful to have the update on the discussions that took place on the 2<sup>nd</sup> of August with the Home Office as detailed in the Scottish Government's letter.

I am slightly bemused by the assertion that "Before any decision can be taken on whether or not to ban or regulate devices such as these, there would require to be justification based on evidence of the effects of the device, and for example whether it was injurious to health." It seems absolutely crystal clear to myself and to my colleagues in the Scottish Youth Parliament that there are extremely good reasons for a ban of the Mosquito device before health effects are even considered. Such an approach would not be permitted against any other group of people in society, not least a vulnerable group which includes babies and toddlers. It is designed to be discriminatory, it is designed to be a nuisance and it is designed with no regard for the vast majority of young people who may be affected. This is the primary reason a ban is necessary.

The only reason it should be necessary to consider the health effects of the device is in order to find another avenue for a ban, in particular an avenue that can be pursued by the Scottish Government under devolved powers. In this case I would welcome the Scottish Government investigating this further and looking for such evidence from the “variety of sources” mentioned. If I could offer one source of information, *Damage to human hearing by airborne sound of very high frequency or ultrasonic frequency*, a report prepared for the Health and Safety Executive by the Institute of Sound and Vibration Research ([http://www.hse.gov.uk/research/crr\\_pdf/2001/crr01343.pdf](http://www.hse.gov.uk/research/crr_pdf/2001/crr01343.pdf)) and referenced by Health Protection Scotland in their response to the petition, casts serious doubt over the safety of sound at frequencies between 10-20kHz at noise levels as high as the Mosquito. However, I cannot stress enough that the health effects of the Mosquito should be considered as a minor issue in comparison to the discrimination and human rights concerns that it raises.

In terms of the three possible avenues suggest by SCCYP, it appears that the third, “To review whether the Mosquito constitutes a noise nuisance under the Antisocial Behaviour (Scotland) Act 2004” would not be an option if a national ban were considered. The chances of success of the first avenue, “To work with the UK Government, who have control over regulation of goods, to achieve a ban” will rest on the UK Government’s stance, on which the promised update will give us more information.

The second avenue, “To review whether public sector organisations have responsibility under the Public Sector Equality Duty to prevent the use of the Mosquito, in relation to it discriminating against children and young people, particularly those with disabilities”, the Scottish Government response mentions that responsibility for enforcement lies at least partly with the EHRC, who have previously made a response to this petition. It would be interesting to hear their view on this avenue and whether it is likely to be successful in terms of a national ban.

I welcome the suggestion from Fergus Ewing to obtain evidence from several bodies who have not yet provided evidence, and also from Compound Security Systems, the manufacturer of the device.

Finally, might I take this opportunity to note with some concern the suggestion of “regulation” by both the then Minister for Community Safety and the Scottish Government in their response. As soon as a Mosquito device is switched on, it goes against *Promoting Positive Outcomes* and it sends out a terrible message to young people about how they are viewed in society. A similar device used against black people, women or even the elderly would not be a candidate for “regulation”, but the subject of a swift ban. There is no place whatsoever for the Mosquito device in a society which values its young people, and nothing short of a ban will be deemed an appropriate response by Scotland’s young people.

Yours sincerely,

Andrew Deans MSYP