Parliamentary Assembly
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Recommendation 1930 (2010)[1]
Final version

Prohibiting the marketing and use of the "Mosquito" youth dispersal device

Parliamentary Assembly

1. The Parliamentary Assembly's attention was drawn to the "Mosquito" youth dispersal device by the European Youth Forum and it was asked to take a stand on its use. Its impact on the health of children and young people, and discrimination against them were mentioned as problems.

2. "Mosquito" is the commercial name for the acoustic youth dispersal device currently available on the market and used in several Council of Europe member states. These include the United Kingdom, where some 3 500 devices are in use, Belgium, France, Germany, Ireland, the Netherlands and Switzerland.

3. The "Mosquito" device emits a strong, pulsating acoustic signal with a sound pressure of 75-95 decibels and a frequency range of 16-18.5 kilohertz. This kind of noise is audible to almost all young people under the age of 20 years, but is barely discernible to anyone over the age of 25. The noise produced by the "Mosquito" device is extremely irritating and often even painful to a majority of minors and quickly forces them to leave the area within earshot.

4. The device is used to deter undesirable adolescents from loitering in places where they are not welcome, and where it is considered that they harm the image or the ambiance of the place: outside shopping centres or in alleyways or other places where young people like to gather and spend time. It is installed and used by public authorities, shopkeepers and sometimes even by schools or individual residents. In the majority of cases, no prior warnings or information concerning the installation of these acoustic devices are given.

5. Older people are not aware that they are being exposed to this kind of strong acoustic emission because it is outside their hearing range. On the other hand, many children, in particular babies, have dramatic reactions to the sound. They often start to cry, or shout out and cover their ears, to the surprise of their parents, who, unaware of the noise, do not know what is happening.

6. Teenagers exposed to this kind of sound are forced to leave the zone. They feel that the "Mosquito" device is used as a weapon against them regardless of their behaviour. They feel victimised and offended, and regard this treatment as clear discrimination against young people. They feel that they are being treated as potential troublemakers and delinquents and, consequently, their feeling of alienation deepens.

7. The use of the "Mosquito" device also raises public health questions. While the sound level produced by the device does not normally exceed the sound level permitted by labour law regulations for short-term exposure, these regulations are not applicable to children, minors or pregnant women, who clearly should be much better protected than adult workers.

1. *Assembly debate* on 25 June 2010 (27th Sitting) (see Doc. 12186, report of the Committee on Culture, Science and Education, rapporteur: Mr Wach; and Doc. 12261, opinion of the Social, Health and Family Affairs Committee, rapporteur: Mr Volontè). *Text adopted by the Assembly* on 25 June 2010 (27th Sitting).

8. Research so far indicates that there is no danger of hearing loss for adults or young people as a result of exposure to the "Mosquito" sound. However, although there is no indication that other health risks might be associated with this device, further medical tests are required. It is, for instance, not known what impact high-frequency noise has on unborn children. The "precautionary principle" must therefore apply.

9. The Assembly considers that the use of "Mosquito"-type devices constitutes a disproportionate interference with Article 8 of the European Convention on Human Rights (ETS No. 5), which protects the right to respect for one's private life, including the right to respect for physical integrity. Even though such interference does not result directly from public authorities' action, states parties are bound to guarantee this right effectively and adopt, when required, adequate protective measures. The use of these devices may, depending on circumstances, also interfere with Article 11 of the Convention which guarantees the right to freedom of peaceful assembly.

10. For the Assembly, acoustic dispersal devices aimed at adolescents, such as the "Mosquito", are also inconsistent with the general prohibition of discrimination in the enjoyment of any right set forth by law, as provided for by Article 1 of Protocol No. 12 to the Convention (ETS No. 177), and they are in breach of Article 14 of the Convention, which states that the enjoyment of rights and freedoms protected by the Convention shall be secured without discrimination on any ground such as "birth or other status". Further to a British national campaign against the discriminatory character of the "Mosquito", a new version of the device went on sale in November 2008 which allows the user to lower the frequency, therefore enabling its sound to be audible to people of any age. However, as long as the possibility exists to set the frequency at a higher level, and given the scope the device is intended for, it will remain potentially discriminatory.

11. The Assembly emphasises, in addition, that these devices, while inflicting acoustic pain on young people and treating them as if they were unwanted birds or pests, are harmful, highly offensive and may thus result in a degrading treatment prohibited by Article 3 of the Convention. Under this provision, children and other vulnerable persons have the right to be protected from serious attacks against their physical and psychical integrity.

12. Moreover, the Assembly notes that the "Mosquito" devices contravene the United Nations Convention on the Rights of the Child, in particular regarding health and safety. This convention binds states parties to "ensure that the child is protected against all forms of discrimination or punishment" (Article 2.2), recognises the right of the child to freedom of peaceful assembly (Article 15) and requires states parties to "take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse" (Article 19.1).

13. Finally, the "Mosquito" device is not a reasonable way of dealing with the antisocial behaviour of some young people but merely displaces the problem (elsewhere within a neighbourhood). It is not tackling the root cause of the problem and certainly does not encourage youngsters to act responsibly – probably the reverse.

14. The Assembly welcomes the draft law before the Belgian Senate, which seeks to prohibit the manufacture, marketing and sale of such devices, and also the initiatives of some local authorities which have banned the use of "Mosquito"-type devices. However, the Assembly regrets that no member state of the Council of Europe has so far banned them. Furthermore, in April 2008, the European Commission also decided not to ban them.

15. Therefore, the Assembly recommends that national parliaments, governments and local authorities of the Council of Europe member states, in the exercise of their respective roles and competencies, introduce appropriate measures to:

15.1. ban the installation and use in all public places of sound devices which discriminate against young people, such as the "Mosquito";

15.2. prohibit the marketing and sale of "Mosquito"-type dispersal devices or, at least, require clear warnings if an owner or administrator of a non-public place should decide to use this kind of acoustic device in a place under their responsibility;

15.3. promote, in consultation with youth forums at the local level, the development of indoor and outdoor facilities to increase opportunities for physical, intellectual and leisure recreation, including green areas, gymnasia, swimming pools, playing fields, libraries and multimedia libraries.

16. The Assembly recommends that the Committee of Ministers:

16.1. urge national authorities to enact legislation prohibiting all "Mosquito"-type dispersal devices, as a necessary condition to ensure the full protection of the human rights of young people;

16.2. monitor closely the developments in this area and promote initiatives aimed at ensuring that, in the various aspects of the organisation of their social life, minors are not treated with contempt and animosity, or considered as nuisances, potential troublemakers or hostile elements of society.