PO Box A147

Sydney South

NSW 1235

[www.alhr.org.au](http://www.alhr.asn.au/)

18 February 2022

Office of the High Commissioner for Human Rights (OHCHR)
Palais des Nations, UNOG
CH-1211 Geneva 10
SWITZERLAND

**Via email:** **registry@ohchr.org**

**Submission by Australian Lawyers for Human Rights on the impact of the COVID-19 pandemic on the realisation of the equal enjoyment of the right to education by every girl**

## Australian Lawyers for Human Rights (ALHR) is grateful for the opportunity to provide this submission to the Office of the High Commissioner for Human Rights (the OHCHR) in support of its report on the impact of the COVID-19 pandemic on the realisation of the equal enjoyment of the right to education by every girl.

## ALHR was established in 1993 and is a national association of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and specialist thematic committees. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.

Should you require further information or clarification on any aspect of this submission, please email me at: president@alhr.org.au

Yours faithfully

**Kerry Weste**

**President**

**Australian Lawyers for Human Rights**

1. **The ​​most important challenges and barriers that girls have been facing in the context of the COVID-19 pandemic**
	1. In the first year of the pandemic, it is estimated that 25 years of progress in girls’ education and empowerment has been threatened in underserved communities worldwide.[[1]](#footnote-1) Global estimates suggest that girls’ access to education and learning outcomes will be disproportionately affected by the pandemic. One study has estimated 53% of vulnerable adolescent girls in South Asia will not return to school after lockdowns.[[2]](#footnote-2) Additionally, approximately 11.2 million girls and young women around the world (ranging from pre-primary to tertiary education) were predicted to either drop out or lose access to school in 2021.[[3]](#footnote-3)
	2. The December 2019 Alice Springs (Mparntwe) Education Declaration[[4]](#footnote-4), which built on previous declarations including the 2008 Melbourne Declaration on Educational Goals for Young Australians[[5]](#footnote-5), commits the Federal, State and Territory governments to providing “all young Australians with access to high-quality education that is inclusive and free from any form of discrimination”.
	3. Australia has free comprehensive public education at primary school and high school ages that includes mandatory school attendance for children to at least age 17[[6]](#footnote-6) (and encouragement for continued attendance to matriculation) and relatively strong anti-truancy laws and follow-up to keep children in school[[7]](#footnote-7). Australia has also had a history of providing distance education for some remote and isolated rural homes for many years before the pandemic by “School of the Air” and correspondence education. During the pandemic, when learning from home was provided by class teachers via audio-visual link to remote classrooms, there was some support for poorer families by provision of laptops or iPads for use at home and some financial supplements to historically low welfare benefits.
	4. However, before and during the pandemic there have been persistent disparities and inequalities of educational access associated with socio-economic status, educational attainment of parents, entrenched systemic disadvantage for First Nations peoples, barriers to engagement for culturally and linguistically diverse families and geographically disadvantaged areas.
	5. The disadvantages that accrue to children affected by these factors during the pandemic include competition for access to a single device in a multi-user household, unaffordability or structural unavailability of high-speed broadband and lack of availability of parental supervision or support of at-home learning due to need to work or attend other duties, illness, disability or parental language or educational barriers to participation. Reduced opportunities for play, exercise and social interaction across generations (particularly restriction of access to grandparents) can be expected to affect education and well-being. An increase in family violence and other effects of the pandemic on mental and physical health and general wellbeing can also be expected to affect children in their education.
	6. In addition, missing the opportunity for pre-school education and socialisation may have the most significant adverse effects on children who also experience other measures of disadvantage.
	7. Learning disabilities, neurological differences and hearing and vision impairments that all affect children’s ability to learn and enjoy educational engagement and that would usually benefit from early intervention, recognition or support may have gone unrecognised, untreated or unsupported during the pandemic.
	8. The danger for girls, and for boys, experiencing disadvantage in Australia is less that they will not return to school at all after lock-down but more that they will not recover educational gaps incurred during lockdown and will be more likely to leave school at an earlier age, not progress to tertiary education or vocational training and have poorer educational and life outcomes than if their education had not been disrupted.
	9. However, no doubt some children will be lost to the education system as any anti-truancy measures are imperfect. The interplay of poverty, gender, disability, rurality, remoteness and age are core risk factors shaping the pattern of exclusion from re-attendance at school. Intersecting inequalities, challenging environments and evolving policy delivery, create a complex backdrop for access and learning in the context of the COVID-19 pandemic. In addition, even before the pandemic, a study in Australia found that preschool teachers express traditional gender values in the classroom, which in turn influences the behaviour and beliefs of students[[8]](#footnote-8) and may apply exclusionary pressures.
	10. Of the 2,567 calls received by Kids Helpline between January and April 2020 from children and young people aged between 5 and 25, education impacts of the pandemic was the top concern for females and transgender or gender diverse individuals aged 11-14 years, females, males, and transgender or gender diverse individuals aged 15-17 years, and those in outer regional and remote areas.[[9]](#footnote-9)
	11. In Australia, the proportion of young people not in education or employment rose from 8.7% in May 2019 to 12% in May 2020 and has since decreased to 11% in February 2021, a similar rate to February 2020 (10%).[[10]](#footnote-10)

Availability

* 1. The availability, or lack thereof, of education for girls in Australia and young people generally has been greatly disrupted because of the pandemic.[[11]](#footnote-11) Girls’ access to learning resources has been highly constrained, with an estimated 40 million girls across the Asia Pacific region unable to access distance learning during lockdown.[[12]](#footnote-12)
	2. This has been further exacerbated in the Australian context because of the many extended school closures in most states and territories as well as localised closures.[[13]](#footnote-13) A report prepared by the Australian Human Rights Commission (AHRC Report) states that one of the top concerns for young people in Australia - and in the majority girls who participated - was access to education and in particular online learning. Many reported struggling with the delivery of online education. The reasons for this included boredom, too many distractions at home, difficulty concentrating and feeling overwhelmed with the work.[[14]](#footnote-14)

Accessibility

* 1. COVID-19 has led to a very different form of school-led remote learning that comes with considerable challenges, including:[[15]](#footnote-15)
		1. Reduced one-to-one engagement with teachers.
		2. Difficulty in ascertaining engagement levels of students.
		3. Restricted ability to monitor individual student progress.
		4. Increased level of oversight required from parents and carers (particularly for younger children).
		5. Increased social isolation and reduced ability to support student wellbeing.
		6. Interruption to learning support for children with additional needs.
		7. Different levels of access to technology, including internet and devices, to support learning.
		8. Different cultural and linguistically diverse home environments
		9. Family violence

Difficulty with implementing school-led remote learning across Australia is further complicated by differences across state and territory jurisdictions, across school sectors (e.g. government and non-government) and across individual schools.[[16]](#footnote-16)

* 1. In the AHRC Report high school students in particular reported feeling overwhelmed with the amount of work assigned online. Year 12 students reported significant anxiety about falling behind in their studies. Children living with disability also reported experiencing educational barriers with learning online, particularly children with neuro-diversity including autism spectrum differences.[[17]](#footnote-17)
	2. These concerns are also reflected in a survey on the impacts of the pandemic on children and young people with disability and their families, conducted by Children and Young People with Disability Australia (CYDA) in May 2020. Uncertainty about education was a prominent theme raised by children living with disability and their family members in this survey, including the impact of school closures and challenges with learning from home, and concerns that progress gained by children and young people living with disability would be lost during this period.[[18]](#footnote-18)
	3. A further issue identified in connection with online learning is limited access to the technology for learning and other activities such as socialising and counselling. For example, children living in remote areas rate their internet connection as poor. Children who move between households frequently mention the difficulties of setting up internet access each time they move. Others say they had to share devices and data with their siblings and parents.[[19]](#footnote-19)
	4. Concerns are also raised in relation to the impact of home learning on the ability to access mental health support. Some children and young people have commented on how they missed the support of teachers, both for completing their schoolwork and for their mental health. Many school-aged children with existing mental health concerns mention that they miss seeing the school counsellor, who was their regular form of support.[[20]](#footnote-20)
	5. Education impacts are also significant for young adults, who are struggling with online university, especially first year students. Some other young people mention that work placements associated with their study, such as apprenticeships, have been cancelled, and this has disrupted their plans for the year and their enjoyment of the course.[[21]](#footnote-21)
	6. As girls and women were the most likely to report these concerns, this data demonstrates the diminished efficacy of girls’ access to education during the pandemic, placing them in a position of greater disadvantage in the future compared to pre-pandemic projections. What is not identified in these studies is whether lower reporting by boys is demonstrative of less disadvantage or actually greater disengagement with education.

Acceptability

* 1. In April 2020, the Australian Government commissioned 6 reports on the potential effects of remote learning from home during COVID-19 on vulnerable cohorts of children and young people (see Brown et al. 2020,[[22]](#footnote-22) Drane et al. 2020,[[23]](#footnote-23) Clinton 2020,[[24]](#footnote-24) Finkel 2020,[[25]](#footnote-25) Lamb 2020[[26]](#footnote-26) and Masters 2020).[[27]](#footnote-27) Each report identifies barriers of access to home learning and provides recommendations for evidence-based actions that can be employed to reduce any negative impacts.
	2. Relevantly, the reports conclude that:

1. Nearly half of the national school student population are vulnerable to negative impacts from learning at home, due to their age, social disadvantage, specific needs (including physical or psychological needs or language support) or family employment context.

2. Home-based learning is likely to increase anxiety and stress due to the increased isolation and the loss of social connections.

3. Many families lack the space, experience, time, technology and/or resources to support learning at home. Access to adequate technology was a particular barrier for students from remote and rural areas and from low-income households.

4. First Nations students face additional challenges due to their reduced interaction with Indigenous teacher assistance and to the challenges of incorporating culturally appropriate pedagogies in online resources.

5. Home-based learning also restricts the access of students to school-based support for health and wellbeing, and decreases the usual opportunities available to schools to identify and respond to issues, including those to do with child safety and protection.

Adaptability

* 1. COVID-19 has required many teachers, parents and students to rapidly adjust to new modes of learning. In a matter of weeks, schools have had to find and implement viable alternatives to the traditional model of teaching in a physical classroom. The degree to which these have been successful differs substantially and depends on numerous factors.
	2. These negative impacts are greatly increased for students with low socioeconomic status, those with additional learning needs and those already at risk of school failure. The disadvantage of teachers and educators who have not been in a situation like this before makes continuing the same level of engagement and rate of learning more difficult. The reduced learning experienced at home could cause delays in future learning and achievement in some students, and cause some students to become disengaged from the education system entirely.
	3. More training for teachers and educators is needed to ensure that students, particularly girls (who are, as research has shown time and time again, more greatly disadvantaged by the COVID-19 pandemic), receive the best quality at-home learning to combat the impact of the pandemic on their education.
1. **Concrete measures taken to respond to challenges and barriers faced by girls indicated above, at each level of education and in relation to the four elements of the right to education, as a part of the short-term responses to, and mid- and longer-term recovery efforts from the COVID-19 pandemic.**
	1. Australia has engaged in a limited way to respond to the challenges and barriers faced by girls to their education during the pandemic.
	2. The Australian Federal Government has promised an additional $3.3 billion to education, pre-school and child care. Specifically, the 2021-22 budget includes $1.7 billion to cover child care subsidies, $1.6 billion for preschool education, and an additional $53.6 million of targeted support for international education providers most affected by the COVID-19 pandemic.[[28]](#footnote-28) This is in stark contrast to the more targeted approach of other countries such as Finland that has provided a *June 2020 Children Wellbeing Package* with around 320 million euros being invested in order to mitigate the effects of distance learning.[[29]](#footnote-29)
	3. Some schools in Australia have instigated a permanent hybrid learning model (including remote and on-site learning) to equip students and maximise the benefits of both environments to enable an individually paced and malleable approach to learning and teaching.[[30]](#footnote-30) Other countries have acknowledged the impacts of the pandemic on the mental health of children and have provided additional school counsellors (Japan), implemented specific school wellbeing policies (Canada) and set up hotlines for children (Armenia).[[31]](#footnote-31)
	4. In the Indo-Pacific region, Australia has acknowledged the impacts of COVID-19 on girls’ and their education and has signed on to the Statement of Action to Accelerate Marginalised Girls' Education Outcomes and Gender Equality, that will require Australia to support policies and investments that support girls in the Indo-Pacific region and globally.[[32]](#footnote-32) However, UNICEF is taking greater strides to support girls in this region by engaging in the protection of children in quarantine facilities (Vietnam),[[33]](#footnote-33) providing communication materials on COVID-19 to schools in Laos[[34]](#footnote-34) and offering folic acid as a physical health measure to girls in Indonesia.[[35]](#footnote-35) In fact, Australia’s financial support for girls in the region has fallen approximately $60 million behind other donor countries engaged with the Global Partnership for Education (GPE).[[36]](#footnote-36)
	5. The findings are detailed in a new report and an online survey by Plan International Australia, who are calling for the Australian government to increase its commitment to GPE to help get girls back to school.[[37]](#footnote-37) Plan International recommended partners not only increase funding but also address the impacts of COVID-19 on girls’ education (to name a few) by:
* providing age and gender appropriate support for girls’ mental health and emotional wellbeing;
* providing girls living with a disability with the same opportunities to access and complete education as all learners;
* reducing the use of traditional gender stereotypes in education;
* ensuring girls’ voices and views are central to decision-making, with school systems and curriculums co-designed with young people and participatory policy making processes; and
* embedding comprehensive sexuality education in formal and informal education settings and ensure it is accessible for all children, adolescents and young people.
	1. Australia could, and should, take greater action to support not only children and their education, but to specifically tackle the barriers faced by girls. If some of the recommendations and examples set by other countries and organisations are implemented, then the right to education of every girl in Australia would be better advanced and supported.
	2. Throughout the pandemic all levels of government in Australia have consistently failed to adequately respect Article 12 of the *United Nations Convention of the Rights of the Child[[38]](#footnote-38)* (CRC) and girls have had little to no opportunity to freely express their views on pandemic related matters and decisions that affect them, and to have those views taken into account at all levels of society. Given that this is the right of every child, without exception, Australia must develop better frameworks to ensure consultation and participation in decisions regarding education and the COVID-19 pandemic for girls.
1. Khadijah Fancy, ‘Safeguarding Girls’ Education During and After COVID-19’, *Views* (Web Page) <https://www.mottmac.com/views/safeguarding-girls-education-during-and-after-covid-19> [↑](#footnote-ref-1)
2. UNICEF, ‘Leave No Girl Behind Webinar Series for South Asia’, (September 2020) <https://www.unicef.org/rosa/media/10281/file/Leave%20No%20Girl%20Behind%20Webinar%20Series%20for%20South%20Asia%20-%20Thematic%20Review.pdf> [↑](#footnote-ref-2)
3. UNESCO, ‘Over 11 Million Girls May Not Go Back to School After the COVID crisis’, *Keeping Girls in the Picture* (Web Page) <https://en.unesco.org/covid19/educationresponse/girlseducation> [↑](#footnote-ref-3)
4. See Australian Government - Department of Skills, Education and Employment <https://www.dese.gov.au/alice-springs-mparntwe-education-declaration/resources/alice-springs-mparntwe-education-declaration> [↑](#footnote-ref-4)
5. Melbourne: Ministerial Council on Education, Employment, Training and Youth Affairs, 2008 [↑](#footnote-ref-5)
6. eg *Education Amendment Act 2009* (NSW) raised the school leaving age from 15 to 17 cf [*Education and Children's Services Act 2019*](https://www.legislation.sa.gov.au/LZ/C/A/EDUCATION%20AND%20CHILDRENS%20SERVICES%20ACT%202019.aspx) (SA), from 2020 age 18 in Tasmania; exemptions apply that allow children 15 and older to leave school before age 17 if they are in full-time work or study or meet other criteria, the specific requirements vary by State. See also <https://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/national-report-on-schooling-in-australia-2011/schools-and-schooling/school-structures> [↑](#footnote-ref-6)
7. Studies have shown a high degree of variability in truancy law enforcement meaning children may ‘fall between the cracks’ eg Dickson E and Hutchinson ‘Truancy and the Law in Australia: the Queensland Example’ *International Journal of Law and Education* 1836-9030 vol 15, no 2, 2010, pp. 87–102 in which the authors noted in respect of attendance rates that “the worst performing schools were all located in indigenous communities or in disadvantaged communities…”. [↑](#footnote-ref-7)
8. Jin Chi, ‘Pathways for Gender Equality Through Early Childhood Teacher Policy in China’ (Discussion Paper, 7 November 2018) <https://www.brookings.edu/wp-content/uploads/2018/11/Jin-Chi_20181031_final.pdf> [↑](#footnote-ref-8)
9. Australian Human Rights Commission, *Impacts of COVID-19 on children and young people who contact Kids Helpline* (Report, 2020) <https://humanrights.gov.au/our-work/childrens-rights/publications/impacts-covid-19-children-and-young-people-who-contact-kids> [↑](#footnote-ref-9)
10. Australian Institute of Health and Welfare, ‘COVID-19 and the Impact on Young People’ (Web Article, 25 June 2021) <https://www.aihw.gov.au/reports/children-youth/covid-19-and-young-people> [↑](#footnote-ref-10)
11. Ibid. [↑](#footnote-ref-11)
12. Global Partnership for Education, ‘Building Back Better: Girls’ Education in Times of COVID-19 in the Asia-Pacific’ (9 December 2020) <https://www.globalpartnership.org/events/building-back-better-girls-education-times-covid-19-asia-pacific> [↑](#footnote-ref-12)
13. PwC Australia, ‘COVID-19 and Education: How Australian Schools are Responding and What Happens Next’ (Web Article) <https://www.pwc.com.au/government/government-matters/covid-19-education-how-australian-schools-are-responding.html> [↑](#footnote-ref-13)
14. Australian Human Rights Commission, *Impacts of COVID-19 on children and young people who contact Kids Helpline* (Report, 2020) <https://humanrights.gov.au/sites/default/files/document/publication/ahrc_khl_covid-19_2020.pdf> [↑](#footnote-ref-14)
15. PwC Australia, ‘COVID-19 and Education: How Australian Schools are Responding and What Happens Next’ (Web Article) <https://www.pwc.com.au/government/government-matters/covid-19-education-how-australian-schools-are-responding.html> [↑](#footnote-ref-15)
16. Ibid. [↑](#footnote-ref-16)
17. Australian Human Rights Commission, *Impacts of COVID-19 on children and young people who contact Kids Helpline* (Report, 2020) <https://humanrights.gov.au/sites/default/files/document/publication/ahrc_khl_covid-19_2020.pdf> [↑](#footnote-ref-17)
18. Children and Young People with Disability Australia, *More than Isolated: The Experience of Children and Young People with Disability and their Families During the COVID-19 pandemic* (Report, May 2020) <https://www.cyda.org.au/images/pdf/covid_report_compressed_1.pdf> [↑](#footnote-ref-18)
19. Australian Human Rights Commission, *Impacts of COVID-19 on children and young people who contact Kids Helpline* (Report, 2020) <https://humanrights.gov.au/sites/default/files/document/publication/ahrc_khl_covid-19_2020.pdf> [↑](#footnote-ref-19)
20. Ibid. [↑](#footnote-ref-20)
21. Ibid. [↑](#footnote-ref-21)
22. Natalie Brown, Kitty te Riele, Becky Shelley, Jessica Woodroffe, *Learning at Home During COVID-19: Effects on Vulnerable Young Australians* (Independent Rapid Response Report, April 2020) <https://www.dese.gov.au/covid-19/resources/professor-natalie-brown-peter-underwood-centre> [↑](#footnote-ref-22)
23. Catherine Drane, Lynette Vernon and Sarah O’Shea, *The Impact of ‘Learning at Home’ on the Educational Outcomes of Vulnerable Children in Australia During the COVID-19 Pandemic* (Literature Review, April 2020) <https://www.ncsehe.edu.au/wp-content/uploads/2020/04/NCSEHE_V2_Final_literaturereview-learningathome-covid19-final_30042020.pdf> [↑](#footnote-ref-23)
24. Janet Clinton, *Supporting Vulnerable Children in the Face of a Pandemic* (Report, 25 April 2020)

<https://www.dese.gov.au/download/10214/professor-janet-clinton-centre-program-evaluation-melbourne-graduate-school-education/14627/document/pdf> [↑](#footnote-ref-24)
25. Alan Finkel, *Differential Learning Outcomes for Online versus In-Class Education* (Report, 1 May 2020) <https://www.dese.gov.au/covid-19/resources/dr-alan-finkel-ao-faa-ftse-fahms-rapid-research-information-forum> [↑](#footnote-ref-25)
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27. G Masters, P Taylor-Guy, J Fraillon, A Chase, ‘Evidence of the Likely Impact on Educational Outcomes of Vulnerable Children Learning at Home During COVID-19’, (Ministerial Briefing Paper, April 2020) <https://research.acer.edu.au/cgi/viewcontent.cgi?article=1025&context=learning_processes> [↑](#footnote-ref-27)
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30. Independent Schools Victoria, *Remote Learning During COVID-19: Insights from Victorian Independent Schools*, (Report, June 2021) 14 <https://is.vic.edu.au/wp-content/uploads/2021/06/remote-learning-during-COVID-june-2021.pdf> [↑](#footnote-ref-30)
31. UNESCO, *One Year into COVID: Prioritizing Education Recovery to Avoid a Generational Catastrophe* (Conference Report No ED/ADG/2021/01, 29 March 2021), [https://unesdoc.unesco.org/ark:/48223/pf0000376984](https://unesdoc.unesco.org/ark%3A/48223/pf0000376984) [↑](#footnote-ref-31)
32. Department of Foreign Affairs and Trade, ‘Girls Education’, *Australia’s Development Program* (Web Page) <https://www.dfat.gov.au/development/topics/investment-priorities/education-health/education/girls-education> [↑](#footnote-ref-32)
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36. Plan International, *Smart, Successful, Strong: The Case for Investing in Adolescent Girls’ Education in Aid and COVID-19 Response and Recover*y (Report, 16 March 2021) <https://www.plan.org.au/publications/smart-successful-strong/> [↑](#footnote-ref-36)
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38. UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <https://www.refworld.org/docid/3ae6b38f0.html> [accessed 17 February 2022] [↑](#footnote-ref-38)