11 November 2020

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Committee on the Rights of the Child

Human Rights Treaties Division  
Palais Wilson - 52, Rue des Pâquis  
CH-1201 Geneva Switzerland

Emailed to: [crc@ohchr.org](mailto:crc@ohchr.org)

Dear High Commissioner,

General Comment on children’s rights in relation to the digital environment

The Association of Heads of Independent Schools of Australia (AHISA) appreciates the opportunity to participate in the consultation on the draft General Comment on children’s rights in relation to the digital environment.

AHISA supports the draft General Comment, and encourages the Office of the High Commissioner, through the Committee on the Rights of the Child, to progress finalisation of the General Comment and to rigorously pursue its adoption by governments.

Paragraph I.4 of the draft Introduction states, ‘The opportunities and the risks of harm for children are likely to increase, even where children do not actively access the internet, as societies progressively rely upon digital technologies for their functioning’. The COVID-19 pandemic has shifted likelihood to certainty: it has exposed and threatens to broaden the equity gaps in children’s access to digital opportunities in their education1, and has highlighted the high risk of personal and social harms posed by social media.2 The power of digital technologies to both connect and divide, locally and globally, is now starkly evident, and the potential of digital technologies and in particular social media channels to harm the health and wellbeing of young people and the societies in which they live has morphed from risk to threat. 3

AHISA acknowledges that Australia has ratified the Convention on the Rights of the Child. Importantly, we also have a National Children’s Commissioner to promote and help protect the rights of children We are also fortunate in having a government-appointed national eSafety Commissioner whose Office produces high-quality information and resources for young people, their parents or carers and teachers, and who has power under federal legislation to seek action from national and multinational digital platforms to help protect young Australians in cyberspace. Even with these powerful and active agencies in place, there can be a significant lag time between recognition of harms or risk of harms and legislative action to minimise these or to promote the adoption of safe practices.

ABOUT AHISA

AHISA Ltd is a professional association for Heads of independent schools.

The primary object of AHISA is to optimise the opportunity for the education and welfare of Australia’s young people through the maintenance of collegiality and high standards of professional practice and conduct amongst its members.

AHISA’s 440 members lead schools that collectively account for over 450,000 students, representing 11.4 per cent of total Australian school enrolments and over 70 per cent of enrolments in Australia’s independent schools. AHISA members’ schools also account for 20 per cent of Australia’s Year 12 student enrolments.

AHISA’s members lead a collective workforce of over 44,000 teaching staff and some 28,700 support staff.

The socio-economic profile of AHISA members’ schools is diverse. Over 20 per cent of our members lead schools serving low- to very low-SES communities.

Some 86 per cent of AHISA members’ schools provide primary years of schooling as well as secondary schooling and over 70 per cent also offer early childhood education. Almost a third of AHISA’s members lead schools with boarding provision.

AHISA believes that a high quality schooling system in Australia depends on:

* Parents having the freedom to exercise their rights and responsibilities in regard to the education of their children
* Students and their families having the freedom to choose among diverse schooling options
* Schools having the autonomy to exercise educational leadership as they respond to the emerging needs of their communities in a rapidly changing society.

Cyberspace has few boundaries and transforms rapidly. Nor can advocates for children’s health and wellbeing take timely or appropriate government action for granted. AHISA, which was a strong advocate for the establishment of the Office of the Children’s eSafety Commissioner (the precursor to the eSafety Office), finds it is still necessary to maintain a strong advocacy effort to the Australian Government on issues affecting children and young people.4

AHISA is now particularly concerned by the risk of harm to children through exposure to – and participation in – what has been called ‘online hate’5 and by encouragement to suicide ideation via social media.6 These are difficult areas in which to regulate providers or provide protections to service users and, as yet, few resources are available to educators.

It is vital that governments act quickly to address cyber safety issues. While the draft General Comment gives clear guidance to governments on the most appropriate approach to regulation of the digital environment to protect children’s rights (see for example Section III.B, paragraph 14), it is evident from AHISA’s own experience in advocacy that governments would benefit from support to enact regulation a timely manner.

Accelerating protections for children in the digital environment

In its advocacy efforts on behalf of children’s health and wellbeing, AHISA has drawn on international research, and on examples of legislative or regulatory responses by other nations. A single repository of such resources would be valuable to governments in framing appropriate approaches, regulatory or otherwise, to address risks of harm to children in the digital environment. It would also encourage non-government agencies and actors to advocate on behalf of children and to proactively engage in protecting children in the digital environment.

AHISA believes OHCHR is well placed to monitor research and to collect evidence of nations’ efforts to address current and emerging issues of children’s safety in digital environments. A register of such materials – or links to these materials – could be posted to and made publicly available through OHCHR’s online library.

As a further means to accelerate action on digital issues affecting children and young people, OHCHR might also research and collate links to appropriate resources for children, parents and educators. AHISA promotes resources and online professional learning opportunities for teachers offered by Australia’s eSafety Office and other providers via its eBulletin to members, and can confirm that such resources support rapid adoption and adaptation by schools for use within their communities.

As regulators, governments are key agents in protecting children in the digital environment. Equally important is government support to mobilise educators, parents and carers – and children and young people themselves – as protectors and guardians of the digital environment and those who communicate or play within it. As noted in Section VI.A.52 of the draft General Comment (page 9), the ‘ability to access relevant information can have a significant positive impact on equality’.

OHCHR, at the intersection of global agreement and collaboration, is uniquely positioned to help governments accelerate their responses to the risk of harms to children in the digital environment.

Yours sincerely,

***(Ms) Beth Blackwood***

AHISA Chief Executive Officer

NOTES

1 Schleicher A (2020) *The impact of COVID-19 on education: Insights from Education at a Glance 2020*. OECD: Paris. Accessed at <https://www.oecd.org/education/the-impact-of-covid-19-on-education-insights-education-at-a-glance-2020.pdf>.

2 Hamilton JL, Nesi J & Choukas-Bradley S (2020) Teens and social media during the COVID-19 pandemic: Staying socially connected while physically distant. DOI: [10.31234/osf.io/5stx4](https://www.researchgate.net/deref/http%3A%2F%2Fdx.doi.org%2F10.31234%2Fosf.io%2F5stx4). Accessed at <https://www.researchgate.net/publication/341038149_Teens_and_social_media_during_the_COVID-19_pandemic_Staying_socially_connected_while_physically_distant/link/5eaebeab299bf18b959137ba/download>.

3 Orlando J (2020) Young people are exposed to more hate online during COVID. And it risks their health. *The Conversation*, 10 November 2020. Accessed at <https://theconversation.com/young-people-are-exposed-to-more-hate-online-during-covid-and-it-risks-their-health-148107>.

4 AHISA’s recent advocacy effort has covered: [online safety legislative reform](https://www.ahisa.edu.au/AHISA/Advocacy/Submission_Resources/Submissions_2020/Online_safety_legislative_reform.aspx) (legislation is yet to be introduced to Parliament) and Australia’s [classification regulations](https://www.ahisa.edu.au/AHISA/Advocacy/Submission_Resources/Submissions_2020/Review_of_Australian_classification_regulation.aspx) (2020); development of an [online safety charter](https://www.ahisa.edu.au/AHISA/Advocacy/Submission_Resources/Submissions_2019/Draft_Online_Safety_Charter.aspx) (2019); [exposure to gambling in digital games](https://www.ahisa.edu.au/AHISA/Advocacy/Submission_Resources/Submissions_2018/Gaming_micro-transactions_for_chance-based_items.aspx) (2018); and [exposure to online pornography](https://www.ahisa.edu.au/AHISA/Advocacy/Submission_Resources/Submissions_2016/Submissions_2016.aspx) (2016).

5 Orlando J, op. cit.

6 Gramigna J (2020) Social media use may play important role in youth suicide, expert says. Posted on *Healio*, 5 October 2020. Accessed at <https://www.healio.com/news/psychiatry/20201005/social-media-use-may-play-important-role-in-youth-suicide-expert-says>.