**The Australian Research Council Centre of Excellence for the Digital Child’s submission in response to the UN Committee on the Rights of the Child’s Consultation on Draft General Comment No. 25:**

**Children’s rights in relation to the digital environment**

**Background**

The **A**ustralian Research Council **C**entre of Excellence for the **D**igital **C**hild (ACDC), funded by the Australian Research Council with AU$34.9M over its seven-year life, is charged with making a global contribution to research, policy and practice regarding children aged birth to 8. It is currently pre-establishment but will be operational in early 2021. Comprising an internationally recognised team of interdisciplinary researchers who have demonstrable expertise relating to a holistic concept of the child – healthy, educated and connected, ACDC encompasses diverse perspectives and focus areas including rights, privacy, commercialisation, relationships, health, wellbeing, sociality, education and play. The team has collaborated since 2017, developing a critical mass of shared knowledge capable of driving substantial high-quality research to underpin future policy and practice related to young children. ACDC has significant expertise pertaining to privacy and data rights, physical health and wellbeing, the benefits of child-led technology development and the opportunities connectivity offers children. The Centre’s cross-institutional and interdisciplinary research collaboration mainly focuses upon Australia, but is informed by international partners and key stakeholders, both nationally and overseas (including families, not-for-profit entities, government, technology, and industry). It draws upon and contributes to global disciplinary and interdisciplinary networks.

With researchers across the career-development spectrum, from PhD students through to academic leaders with international profiles, ACDC builds Australian capacity in early childhood. Queensland University of Technology, Brisbane (QUT), leads the Centre alongside five other Australian universities: Curtin University, Perth (Curtin), Deakin University, Geelong (Deakin), Edith Cowan University, Perth (ECU), The University of Queensland, Brisbane (UQ), and the University of Wollongong, Wollongong (UOW). Lead researchers include:

**Professors Lelia Green (**ECU)**, Susan Danby** (QUT), **Sue Bennett** (UOW), **Lisa Kervin** (UOW), **Julian Sefton-Green** (Deakin), **Leon Straker** (Curtin), **Simon Smith** (UQ), **Karen Thorpe** (UQ), and **Peta Wyeth** (QUT); and **Associate Professors Tama Leaver** (Curtin), **Karen Murcia** (Curtin)and **Sonia White** (QUT), among others.

**Purpose**

ACDC’s focus on very young children (0-8) recognises that, for many neonates, significant engagement with technology begins before birth. Parents use apps to plan conception, track their child’s development in utero, and post images of ultrasounds. Babies emerge into a digital world, setting a life-long trajectory with connected technologies based on early experiences[[1]](#footnote-2). ACDC recognises that young children benefit from digital technologies, even though public and policy discourses often focus on attendant risks[[2]](#footnote-3). These foundation years determine physical, emotional, social, and educational development, informing every child’s understanding of their place in the world and building connectedness with people and place.

Children grow, learn, and connect with and through digital technologies, and yet there is scant evidence and little shared knowledge about young children’s digital technology use that maximises positive outcomes[[3]](#footnote-4) while minimising harm. There is a compelling need to create positive digital childhoods for all children, addressing inequitable access and systemic disadvantage. Children’s access to and use of digital technologies can help build relationships, optimising communication and connectedness, and encouraging and supporting knowledge and skill development. Early years’ positive engagement in digital environments, across and within family and community contexts, demands focused research.

ACDC supports a transdisciplinary, holistic vision for keeping children safe online, while integrating health, wellbeing and education with digital and social connectedness. Optimal development of the healthy, educated and connected child requires an evidence base to inform the development of policy and practice. Crucial work lies ahead: meanwhile ACDC’s understandings align with a range of submissions with which the Centre has geographical/contextual affinity and/or which relate to the 0-8 focus age group.

**Submission**

The following sections indicate “precisely the paragraphs to which comments are being made”, as requested[[4]](#footnote-5). Specific reference will be made to relevant articles of the UN Convention on the Rights of the Child on the occasion when each article is first invoked in this response.

**Access to information and freedom of expression and thought**

The absence of digital technology-related skills, resources and infrastructure marginalises children and young people. In Australia specifically this absence can affect already marginalised groups such as first nation Aboriginal and Torres Strait Islanders (including articles 7 and 8: birth registration and right to identity), rurally located children and children with disabilities[[5]](#footnote-6) (article 23). Lack of equitable digital opportunities impedes access to information (articles 13 and 17). Inclusion in digital environments is paramount for providing children with equitable educational experiences (articles 28 and 29), freedom of expression (article 13) equal opportunity, support for health and wellbeing (article 24), social and emotional connectedness and freedom of thought, conscience and religion (article 14).

In short, the addressing of inequity is core to the delivery of the General Principles enshrined in the Draft General Comment: articles 2 (the right to non-discrimination); 3 (the best interests of the child); 6 (right to life, survival and development) and 12 (the right to be heard).

ACDC agrees that it is imperative to include and acknowledge the voices and perspectives of children, including those under 8 (article 5 relates to the evolving capacities of the child). Children should always have input into public policy that affects them[[6]](#footnote-7) (Mason & Danby, 2011) and this helps build the awareness of families, educators and community members, maximising youngsters’ rights in digital contexts and supporting associated wellbeing outcomes. Likewise, child-led technology development should inform design and functionality. ACDC has a range of partners and specially created facilities to support children’s agency in this respect. Child-driven user design principles help ensure ease of service and age-appropriate engagement with digital environments, while supporting relevant policy- and rights-based outcomes[[7]](#footnote-8) such as the right to privacy (article 10) and children’s control over their digital footprints.

It is crucial that protecting children from harm in the digital environment does not impede their right to free speech, to be heard, and their right to knowledge; all of which underpin the child’s evolving capacity to claim their rights to freedom of association and peaceful assembly (article 15) (Green, 2020).

**Right to education and digital literacy**

The importance of digital learning with and through relevant technology cannot be overstated. Most Australian children encounter digital media at a very young age, shaping childhood in ways not previously experienced, influencing children’s learning preferences and supporting the development of sophisticated technical aptitudes that challenge the hitherto dominant importance of a traditional education (Bennett et al., 2008). In terms of providing the foundations for a productive, passionate life, early childhood is a crucial time for developing interests and understanding. The integration of high-quality interactive digital technologies within children’s learning environments instills a creative advantage, especially when combined with active and connected learning experiences and innovative teaching practices (Berson et al., 2019). Engaging children through playful learning with coding devices can support the development of digital literacies and a range of important cognitive capabilities including computational thinking, mathematical reasoning, language skills, and visual memory (Murcia & Tang, 2019).

Given that digital technologies are a core part of the contemporary curriculum across nations and cultures; pedagogies, teachers and programs require relevant knowledge, awareness and updated training to best support the optimal development of children of all ages. It is therefore crucial to apply research-informed principles of development and learning when considering the use of cutting-edge digital technologies and new education strategies with young children. Educators’ creation of learning experiences that harness imaginative and productive use of digital technology, through high level thinking and computational skills, enable children to learn in meaningful, engaged and engaging, future-focused ways (Baroutis et al., 2019). Digital learning innovations can be achieved through teachers’ professional development and by connecting and communicating with parents and families about children’s safe, productive and creative uses of digital technology.

The use of digital technology to optimise children’s learning and ensure equitable access to knowledge is a key focus for ACDC. Children are active experiential learners, readily adopting digital media to access information and interact with others, and this should be reflected in educational curriculum, resources and training (Bennett et al., 2008). The relationship between learning, media and technology can operate as a meaningful variable in educational contexts, remembering that ongoing learning takes place in a variety of settings (including the family environment and alternative care: articles 5, 9, 18 and 20) (Sefton-Green & Erstad, 2016) and provides a strong foundation for rich, varied, productive and rewarding lives.

**Freedom of assembly**

ACDC advocates for the connected child and their access to socially engaged technologies. There is significant variation in the ways in which children engage with, connect to and use technology, and this is central to ACDC’s research agenda. The diversity of children’s interests, motivations and needs are reflected in and lead to differences in childhood experiences and opportunities, with the interactions between these elements demanding scholarly attention (Bennett & Maton, 2010). Even young children actively engage as citizens within their communities, including online, claiming their rights with and through their use of digital technology (Green, 2020).

Freedom of assembly includes children’s right to participate with others online and ACDC views with concern the increasing infringements of the rights of child and adult refugees and asylum seekers who seek immigration into Australia and who are detained under punitive government policies, including unacceptable impacts upon children in the early years’ age range (protection of children in armed conflict, migration and other vulnerable situations: articles 22 and 38). Such Australian government sponsored rights infringements include recent steps to remove/restrict detainees’ access to digital media.

**Right to culture, leisure and play (article 31); and Protection of children’s privacy, identity and data**

ACDC values the importance of children’s creative and self-directed imaginative, exploratory play with and through digital technologies in educational contexts, for entertainment, and via hybrid experiences, enabling children to make sense of their world and their role within it. Children as young as 3 years old can enjoy their interactions with computational thinking devices, building early coding and problem-solving skills which can confer significant benefits (Berson et al., 2019).

Children’s voluntary, experimental, self-directed fun and play activities must be supported with regulation and appropriate policy implementation by States (article 4) to balance any associated risks. Presently, for example, children’s use of internet-connected toys is associated with: the commercialisation and unwitting monetisation of their personal data; hacking and surveillance risks; issues of data privacy and security (Holloway & Green, 2016); economic, sexual and other forms of exploitation (articles 32, 34, 35 and 36); and the exposure of children to violence (articles 19, 24 (3), 28 (2), 34, 37, (a) and 39). State-based mandating of privacy by design supports mitigation of many risks while stronger regulation, monitoring, detection and enforcement deters exploitation of children’s play and leisure for corporate profit, helping protect them from all forms of violence including psychological harm. The motivation to protect children from harm should never impinge upon children’s active digital engagement and the enjoyment of their rights, however.

The right to culture, leisure and play supports other child rights, including the right to education. Children are engaged and motivated by education with an element of play. Modified educational games can support effective learning in a playful manner (Bennett et al., 2008).

Children encounter a diverse range of digital media within a variety of environments (Harris et al., 2013). Privacy challenges threaten a child’s civic engagement and digital citizenship[[8]](#footnote-9). Trust in websites in terms of children’s data use remains a pressing issue for youth[[9]](#footnote-10). Responsibility for the safety and security of children’s data should remain with the businesses and companies that administer associated services and products[[10]](#footnote-11), and should not be transferred to the child or their family through corporations’ Terms and Conditions documents. Currently, few digital companies and businesses take responsibility for privacy or security failures, transferring that responsibility to consumers or parents instead (Holloway & Green, 2016). Age-appropriate pictorial or animated mediums should be used to communicate digital rights to children, in a manner which they can easily understand[[11]](#footnote-12).

Children’s voices are an essential resource when it comes to protecting their privacy and data use. Legislators, who are almost always adults, tend to focus on protection and mandating negative aspects of children’s engagement with digital environments rather than focusing on entitlements and positive rights (Green, 2020).

**Protection from violence, sexual exploitation and other harm**

In terms of keeping children safe online, age-appropriate education and digital literacy is the most effective response to internet-mediated threats, particularly in terms of mitigating risks such as cyberbullying, exploitation, early access to pornography, and grooming[[12]](#footnote-13). Involving parents and educational institutions as well as children, ACDC acknowledges a diversity of risks involved when children engage with digital technology. At the same time the Centre passionately supports children’s rights to engage in the digital environment, balancing risks with education that supports positive activity, opportunity and the child’s awareness of autonomy and agency.

Empowered children are safer in digital contexts, using their skills to report threats and inappropriate conduct and content. For example, longstanding research by the EU Kids Online project established that children whose families use filters to restrict digital activities are equally likely to encounter troubling content online over time as children raised in homes with open internet access. Further, once the child from a technologically restricted home reaches mid-teens, they are more likely to say they experience harm as a result their digital encounters.

In Australia, older children risk harm as a result of being criminalised through consensual, private digital image-making with an age appropriate romantic partner. Any sexual image of a child, including of a child above the legal age of sexual consent by their same aged romantic partner, constitutes creation of child sexual abuse material (child pornography), raising issues around the equitable administration of child justice (article 40) and the creation of a crime for children that is both legal and commonplace within many adult Australians’ romantic relationships.

**Family environment, parenting and alternative care**

ACDC acknowledges the child as an individual and as a family member, emphasising the important roles of parents, siblings and other caregivers. These roles are especially crucial in children’s early development. All caregivers benefit from information and support that balances mediation of children’s digital access with the child’s rights to culture, leisure and play, helping support identity-formation and a sense of autonomy[[13]](#footnote-14). Education around the benefits and opportunities of children’s digital engagement helps build parents’ and caregivers’ confidence, especially where children are more technologically minded than those who care for them[[14]](#footnote-15). In protecting children’s privacy, the child’s consent regarding what adults do with their data is crucial. For example, parents may share private information about the child in publicly accessible arenas without the child’s consent (‘sharenting’), thereby creating a digital footprint and aggregated data even before the child initiates their own social media profile[[15]](#footnote-16) (Leaver, 2017).

**Health and Wellbeing**

Engagement with digital technologies should be balanced with sleep, physical exercise and non-digital activities, mindful of health impacts of screen time and helping to ensure positive social, psychological, emotional and intellectual development (Howie et al., 2020). ACDC acknowledges these competing tensions and advocates a balancing of the benefits of digital technologies against health risks.

**Cited references by ACDC researchers:**

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1. Footnoted points are also supported by the following organisations’ submissions, amongst others:

   Early Childhood Ireland, Carnegie UK Trust [↑](#footnote-ref-2)
2. Carnegie UK Trust [↑](#footnote-ref-3)
3. EU Kids Online, Netsafe [↑](#footnote-ref-4)
4. https://www.ohchr.org/EN/HRBodies/CRC/Pages/GCChildrensRightsRelationDigitalEnvironment.aspx [↑](#footnote-ref-5)
5. Law Council of Australia, South Australia’s Commissioner for Children and Young People, Australian Human Rights Commission–National Children’s Commissioner [↑](#footnote-ref-6)
6. South Australia’s Commissioner for Children and Young People, EU Kids Online [↑](#footnote-ref-7)
7. Australian Human Rights Commission, Early Childhood Ireland, Carnegie UK Trust [↑](#footnote-ref-8)
8. EU Kids Online, South Australia’s Commissioner for Children and Young People, Australian Human Rights Commission –National Children’s Commissioner, Law Council of Australia [↑](#footnote-ref-9)
9. Australian Human Rights Commission –National Children’s Commissioner, South Australia’s Commissioner for Children and Young People, Early Childhood Ireland [↑](#footnote-ref-10)
10. EU Kids Online, Australian Human Rights Commission –National Children’s Commissioner, South Australia’s Commissioner for Children and Young People, Carnegie UK Trust [↑](#footnote-ref-11)
11. Early Childhood Ireland [↑](#footnote-ref-12)
12. Australian Human Rights Commission, Netsafe, Early Childhood Ireland, Carnegie UK Trust [↑](#footnote-ref-13)
13. EU Kids Online, Parentzone, Carnegie UK Trust, South Australia’s Commissioner for Children and Young People, Early Childhood Ireland, Netsafe [↑](#footnote-ref-14)
14. Netsafe [↑](#footnote-ref-15)
15. South Australia’s Commissioner for Children and Young People [↑](#footnote-ref-16)