

# Submission to the inquiry into the Influence of International Digital Platforms

February 2023

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## Executive Summary

UNICEF Australia welcomes the opportunity to provide this submission to the inquiry into the influence of international digital platforms.

The digital world was not originally designed for children but it undoubtedly plays a significant role in their lives.<sup>i</sup> Being able to connect online provides children valuable opportunities to learn, play and socialise with friends and peers, as well as to access information and support. However, spending time online also comes with risks for children such as being exposed to potentially harmful content or having their personal data compromised or exploited.

UNICEF Australia seeks digital environments that mitigate these risks and contribute to the healthy development and wellbeing of children. As children's lives become increasingly enmeshed with digital technologies, we envision a future in which these advancements are applied in service of children, their families, and communities.<sup>ii</sup>

To make this vision a reality, we will need to strengthen the platforms, services, and governance frameworks that constitute and regulate digital environments. The decisions we make now will set the foundation for years to come, therefore as we move to make change in this space, we must carefully consider our choices so as not to introduce new risks into the fold and ensure our decisions promote not undermine children's healthy development and wellbeing.

In doing so, we will need to employ a range of approaches, from ensuring our laws are informed by children's rights, to designing beneficial digital play experiences, to creating child-centred artificial intelligence systems. This responsibility sits with no single actor but with many and we offer this series of recommendations which we believe will help make our vision for constructive digital environments a reality. In the spirit of collaboration, UNICEF Australia is eager to work with all involved to turn these ideas into action and realise digital environments that enable every child to thrive.

## Summary of Recommendations

### 1. A child rights-based approach in the digital age

- *Embed a rights-based approach in Australia's online governance frameworks which considers children's views, their best interests, their evolving capacities, and their right to non-discrimination, to ensure the respect, protection and fulfilment of all their rights.*

### 2. Providing the highest level of protection for children

- *Seek the highest level of protection for children in Australia's online governance frameworks without unduly limiting their rights, taking a holistic view of the online risks they face.*

### 3. Responding to the most severe forms of harm

- *Commit to full implementation of the WeProtect Model National Response in Australia through constructive collaboration between government, industry, and regulators.*

### 4. Implementing effective and best-practice age assurance

- *Adopt an approach to age assurance which offers a range of solutions for children and young people that are accessible, inclusive, and privacy-preserving.*

### 5. Beyond safety – Creating constructive digital experiences and play

- *Promote a design framework for digital experiences that positively contribute to children's wellbeing, in partnership with the tech and videogame industry, regulators, and civil society.*

### 6. Child-centred artificial intelligence

- *Guide the development of artificial intelligence (AI) systems to ensure they are child-centred, protecting children, providing equitably for their rights, and empowering them to participate in an AI world.*

### 7. Responsible data governance for children

- *Improve Australia's approach to governing children's data by incorporating the Responsible Data For Children Principles or similar into our privacy and data governance frameworks.*

### 8. The role of business and industry, and public accountability in digital reform

- *Work collaboratively with businesses and industry to ensure that child rights due diligence is routinely undertaken with respect to the impact of their products and services on children in the digital environment.*
- *Ensure that public authorities directly accountable to the Australian people are closely involved in the development of online laws, regulations and policies that impact children and young people, to ensure they meet community expectations.*

## Detailed Recommendations

### 1. A child rights-based approach in the digital age

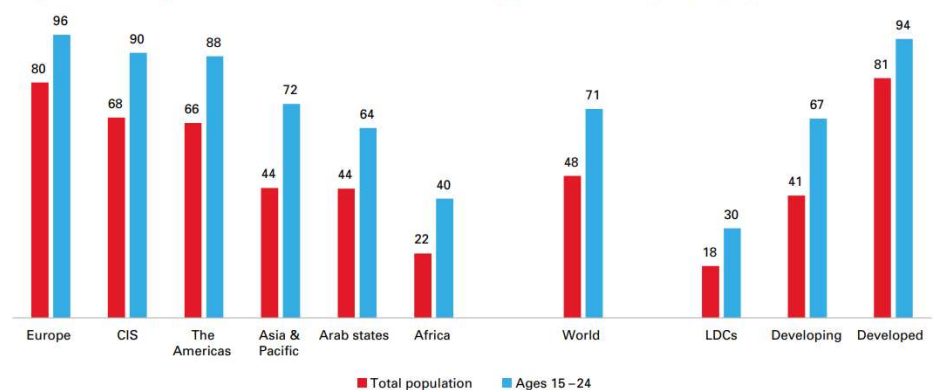
There is an emerging but well-established understanding of how children’s rights can be upheld in the digital age, including most notably through the Committee on the Rights of the Child’s General Comment 25.<sup>iii</sup> As outlined in UNICEF’s data manifesto for children, ‘respect for and implementation of these rights as we move further into the digital age are not only legal and moral imperatives, but also represent an important step towards ensuring children’s psychological and physical well-being.’<sup>iv</sup>

The United Nations Convention on the Rights of the Child (CRC) is the most ratified treaty in the world and its forward-looking principles remain deeply relevant today, including for the role that government and industry can play in considering children’s views, their best interests, their evolving capacities, and the promotion of all their rights.<sup>v</sup> UNICEF Australia believes these principles should be reflected in our online governance frameworks to ensure the respect, protection and fulfilment of all children’s rights.

According to Article 12 of the CRC, every child and young person under 18 has the right to participate and have their opinions included in decision-making processes that relate to their lives.<sup>vi</sup> Including the voices of children and young people in the development of policy isn’t just the right thing to do, it’s the smart thing to do – policies co-designed with children and young people are better tailored to their needs and deliver better outcomes.

Young people engage with digital environments, particularly through social media, at comparatively high rates compared to other age groups.<sup>vii</sup> Therefore changes to those environments stand to have a comparatively greater impact on them. Given this, children and young people should be afforded every opportunity to influence how digital environments are designed. We should undertake genuine and meaningful consultation with children, young people, organisations that work with them, and statutory bodies charged with protecting their rights such as Children’s Commissioners and Guardians, to ensure digital environments are responsive to their needs and views and deliver the best possible outcomes. UNICEF Australia participated in a world-first youth consultation run by PROJECT ROKIT and Meta, to identify [young people’s hopes and concerns](#) about the metaverse.<sup>viii</sup>

Figure 1. Proportion (%) of individuals using the internet, by age, 2017\*



Source: International Telecommunication Union, from UNICEF Office of Research – Innocenti (2019) Global Kids Online Comparative Report

The best interests principle is a dynamic one which always requires an assessment appropriate to the specific context.<sup>ix</sup> In considering the best interests of children we should ‘have regard for all children’s rights, including their rights to seek, receive and impart information, to be protected from harm and to have their views given due weight, and ensure transparency in the assessment of the best interests of the child and the criteria that have been applied.’<sup>x</sup> The Committee on the Rights of the Child’s General Comment 14<sup>xi</sup> provides an even more detailed examination of the best interests principle and how it should be applied in practice. For the tech industry, in practice this may mean making decisions in relation to children which seemingly clash with the interests of companies, such as not capturing and processing children’s data in ways that are detrimental to them, for example, in persuasive design, behavioural advertising, and biometrics collection.<sup>xii</sup> Meta has developed a [best interests of the child framework](#) to help apply the principle to their products and experiences.<sup>xiii</sup>

The evolving capacities principle acknowledges that as children develop and grow, so do their competencies, and in turn they need less direction and have an increased capacity to make decisions that affect their lives.<sup>xiv</sup> For younger children, this agency is



lower, presenting unique challenges when it comes to their online activities, say through parental controls.<sup>xv</sup> Just as children grow and change, so to must our governance frameworks, to ensure they balance the need for legal certainty with the diverse and evolving capacities of children.<sup>xvi</sup> The UK Age Appropriate Design Code takes a practical approach to this, segmenting children into five age ranges which correspond to child developmental theory, which in turn serves as a guide to assess the capacity of a child to have an appropriate level of agency and control over online decisions, and assess the risks involved.<sup>xvii</sup> Similar to the best interests principle, children’s evolving capacities should also be a consideration in all decisions impacting them.

## UK Age Appropriate Design Code

0 - 5: pre-literate and early literacy

6 - 9: core primary school years

10 - 12: transition years

13 - 15: early teens

16 - 17: approach adulthood

The right to non-discrimination urges us to ensure that equal and effective access to digital environments is available to all children, regardless of who they are.<sup>xviii</sup> As an example, we must ensure that any measures put in place to protect children avoid creating additional access barriers for them in situations where they genuinely require it, particularly for vulnerable, disadvantaged or marginalised children. This could be websites providing crucial mental health support where access should be as frictionless as possible, or requiring passports or birth certificates for age verification which adds an additional barrier for those children and their families who may not be able to easily provide them. Every child should have an equal opportunity to access the many benefits that digital environments can provide.

Finally, it must be acknowledged that the task of balancing children’s rights to be protected and free from harm, with others such as the right to privacy and access to information, can be a difficult one.<sup>xix</sup> Parental consent frameworks may be in place to protect children but can at times lead to the overriding of a child’s right to freedom of expression and participation.<sup>xx</sup> However, fundamental to a rights-based approach is an understanding that all rights are interdependent, indivisible, and non-hierarchical.<sup>xxi</sup> In performing the difficult task of balancing children’s rights, children’s voices, the right to non-discrimination, and the best interests and evolving capacities principles, are essential in helping to ensure our decisions promote not undermine them. Embedding these rights in our online governance frameworks will give government and industry alike the tools they need to do so.

### Recommendation

*Embed a rights-based approach in Australia’s online governance frameworks which considers children’s views, their best interests, their evolving capacities, and their right to non-discrimination, to ensure the respect, protection and fulfilment of all their rights.*

## 2. Providing the highest level of protection for children

In the digital environments in which children and young people learn, work, play and socialise, potential or actual harm can come in a variety of forms. Children have a right to be free from all forms of mental and physical violence, abuse and injury, exploitation and maltreatment, as a consequence of their engagement in digital environments. This can range from child sexual exploitation and abuse (CSEA), to child labour, to economic exploitation including through data monetisation, microtargeted advertising, profiling and automated decision-making.<sup>xxii</sup> The implications for children and young people are also unique, both due to the importance of childhood as a time for development, and because they will face greater exposure over their lifetime given their young age,<sup>xxiii</sup> creating the potential for compounding effects. In the context of this more holistic understanding of harm and given the prevalence of children and young people in digital environments along with their unique vulnerability, our approach to their safety should always be one seeking the highest level of protection, without unduly limiting their rights.

Accordingly, we should take a holistic view of the harms and risks that children face online. This can be done in line with the widely used 4Cs typology – covering not just the risk children face from exposure to Content, but also from Contact with others, harmful Conduct, and from Commercial risks.<sup>xxiv</sup>



In many ways, Australia is leading the way when it comes to online safety and the international community looks to us for cues, so the implications of the frameworks we put in place may have ramifications beyond our borders. When talking about the safety and wellbeing of children and young people in digital environments, we should be aiming for the very best, placing ourselves at the forefront of the creation of safe and constructive online spaces.

**Recommendation**

*Seek the highest level of protection for children in Australia’s online governance frameworks without unduly limiting their rights, taking a holistic view of the online risks they face.*

**3. Responding to the most severe forms of harm**

Australia is in many ways a vanguard when it comes to tackling online child sexual exploitation and abuse, spearheaded by our world-leading eSafety Commission. Globally, UNICEF has been conducting work in this space and good practice from Australia is often highlighted across our research,<sup>xxv</sup> a promising sign that we are on the right track. One leading example of this work is the WeProtect Global Alliance, of which UNICEF is a member amongst other experts from government (including Australia), the private sector, and civil society, with the shared aim of protecting children from sexual exploitation and abuse online.<sup>xxvi</sup> WeProtect’s Model National Response (MNR)<sup>xxvii</sup> sets out the capabilities needed to ensure an effective and coordinated national response to prevent and respond to child sexual exploitation and abuse online, and also acknowledges that this cannot be addressed in isolation without a wider set of capabilities in the offline world.<sup>xxviii</sup> The MNR sets out these capabilities across six key domains:



Viewed against the MNR, Australia is making strong progress as documented in the recent WeProtect and UNICEF report *Framing the future*.<sup>xxix</sup> Across the six domains there are many examples of Australia’s positive efforts including the varied work of the eSafety Commission, legislating the *Online Safety Act*, the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030*, the Australian Centre to Counter Child Exploitation, and online safety being present in our national curriculum,<sup>xxx</sup> amongst many others. Additionally, UNICEF Australia has been buoyed seeing Australia (through the eSafety Commission) join the recently established Global Online Safety Regulators Network to coordinate global efforts to make the online world safer, in addition to the eSafety Commission’s existing work strengthening online safety in the Pacific.

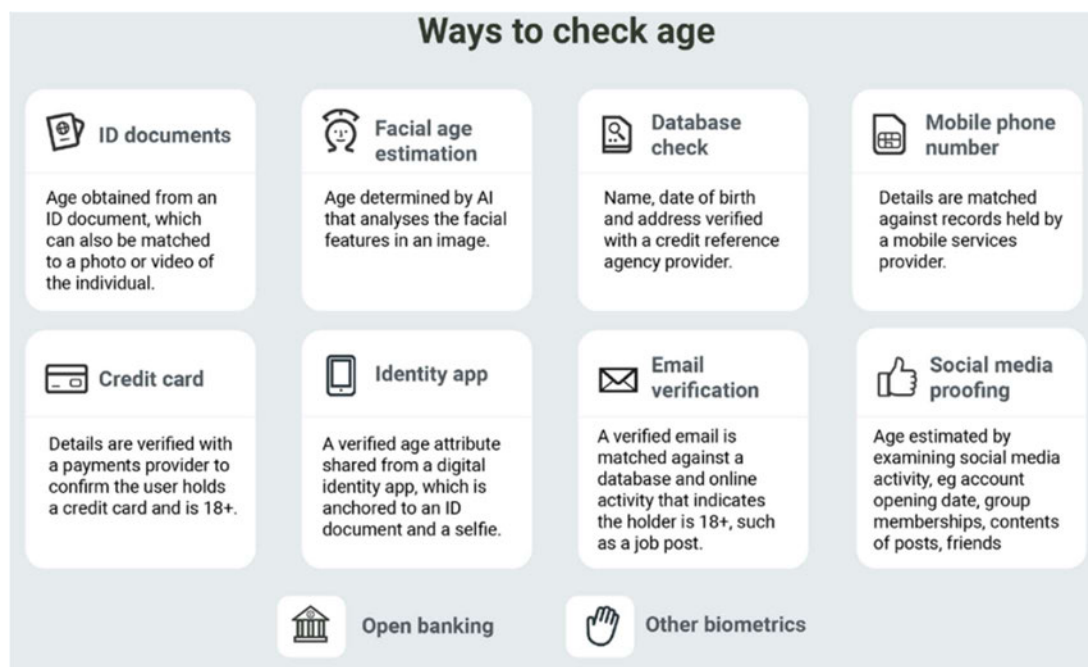
However, we should strive for continuous improvement and the role of industry is one area to highlight as deeply important to tackling online CSEA in Australia. The eSafety Commission’s world-first report, *Basic Online Safety Expectations: Summary of industry responses to the first mandatory transparency notices*, found that some of the world’s biggest technology companies needed to do more to tackle child sexual exploitation and abuse material.<sup>xxxix</sup> To this end, Australia should continue to aspire to full implementation of the Model National Response, and we encourage industry, government and regulators alike, to collaborate in making Australia the safest place in the world for children.

**Recommendation**

*Commit to full implementation of the WeProtect Model National Response in Australia through constructive collaboration between government, industry, and regulators.*

**4. Implementing effective and best-practice age assurance**

Just as children are unable to walk into a bottle shop to buy alcohol, the same protections are needed online to safeguard children from the risks and dangers they face.<sup>xxxix</sup> Age assurance is the umbrella term for all types of age checking, and there now exists a sophisticated range of tools to help do just this online.<sup>xxxix</sup>



Source: WeProtect Global Alliance: *The role of age verification technology in tackling child sexual exploitation and abuse online*

There are also interoperable tokenised age verification approaches available now – digital proof that someone has proven their age which allows them to access other integrated sites without having to go through the process again – which reduce friction in the system.<sup>xxxix</sup> Age tokens do not contain any personally identifiable information.<sup>xxxix</sup>

Once a platform or service knows the age of a child, it is then able to craft and tailor the online experience in an age-appropriate way and ensure it is safe for children and young people.<sup>xxxix</sup> This could be turning off late-night notifications and inappropriate advertising and profiling, preventing geolocation tracking, using content moderation, or preventing contact with adults.<sup>xxxix</sup>

The sheer range of methods for age verification presents a challenge to regulators, but we cannot assume that hard identifiers are always the most secure option.<sup>xxxix</sup> Age assurance solutions need to be accessible and inclusive, with individuals ideally given multiple options to prove their age, ensuring solutions are privacy-preserving.<sup>xxxix</sup> The emerging standards for age assurance are embracing the full range of options on offer.<sup>xl</sup> These need to be coupled with education to understand the value of privacy-preserving age assurance options and the role they can play in improving online safety for children,<sup>xl</sup> along with a broad multi-faceted approach to protecting children online beyond age assurance.<sup>xl</sup>

The eSafety Commission is currently developing a report and roadmap to guide how Australia can practically achieve age verification.<sup>xliii</sup> As this important work continues, the WeProtect Global Alliance has developed a series of recommendations that regulators of age assurance should encourage:

- adhering to international standards;
- providing consumer education materials in plain language;
- utilising education and experiential feedback from young people;
- publishing transparent, clear details in plain English about how solutions are built;
- delivering independent accuracy and implementation reviews with third party, trusted and accredited auditors;
- when using algorithms, conducting independent bias reviews through experts or auditors; and
- ensuring interoperability of methods to reduce friction for consumers and reduce the cost of compliance.<sup>xliiv</sup>

As we look forward to the delivery of the eSafety Commission's report, we offer the above recommendations as a guide and encourage Australia to adopt an approach to age assurance which provides a range of solutions that are accessible, inclusive, and privacy-preserving.

#### **Recommendation**

*Adopt an approach to age assurance which offers a range of solutions for children and young people that are accessible, inclusive, and privacy-preserving.*

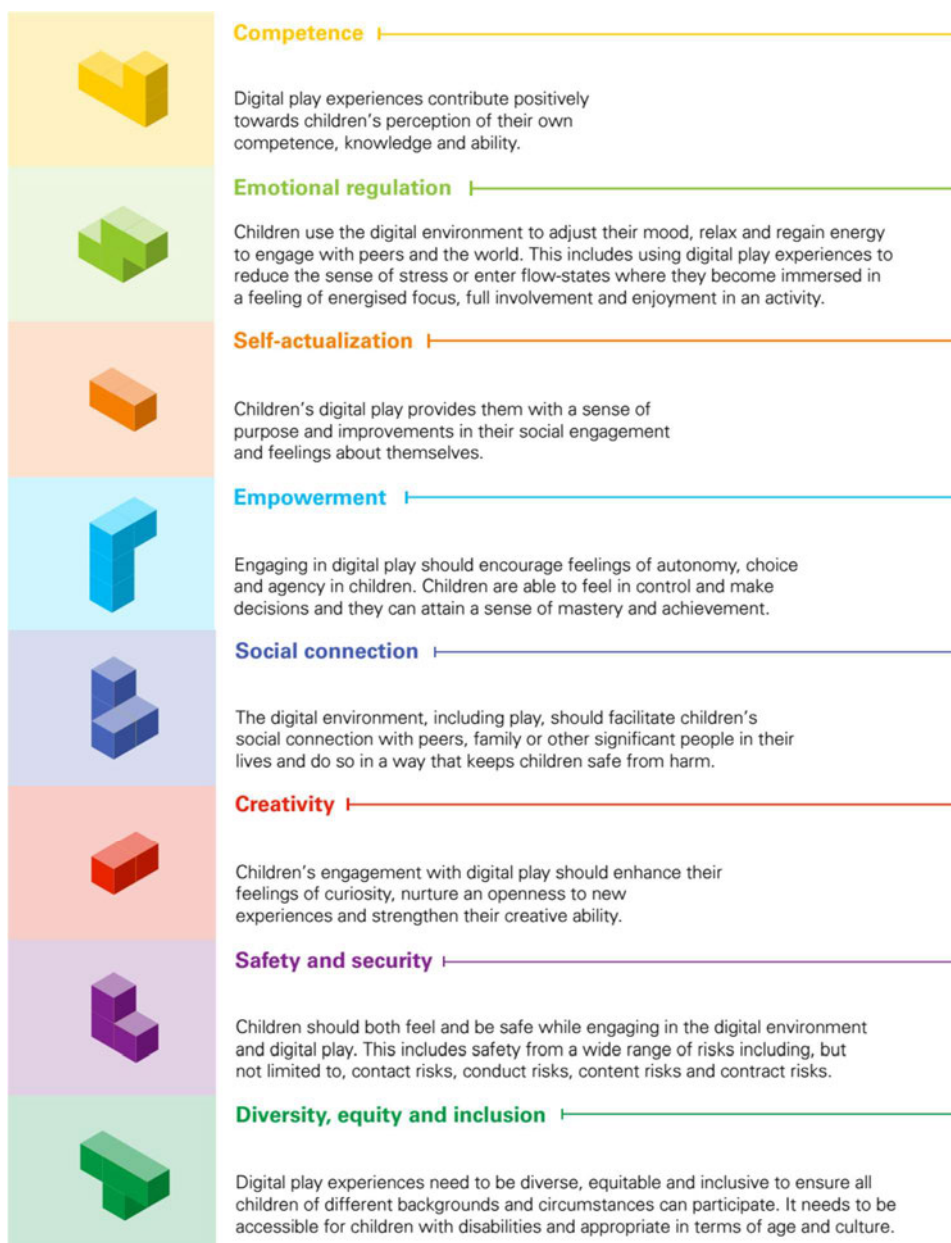
## **5. Beyond safety – Creating constructive digital experiences and play**

We know that engaging in digital environments comes with risks for children such as being exposed to potentially harmful content or having their personal data compromised or exploited. But these environments also bring so many valuable opportunities for children to learn, play, and socialise, and can yield enormous benefits for their development.<sup>xliv</sup> While Australia is becoming a world-leader in online safety, UNICEF Australia wants to broaden the conversation to speak not just about safety and risks, but about how we can ensure digital environments positively contribute to the healthy development and wellbeing of our children.

How then do we ensure that digital environments and experiences are designed to provide these benefits? This is a question that UNICEF has been seeking to answer with a focus on digital play experiences for children, through the Responsible Innovation in Technology for Children (RITEC) project, co-founded by UNICEF and the LEGO Group and supported by the LEGO Foundation.<sup>xlvi</sup> The project aims to work with children around the world to develop a framework that maps how the design of children's digital experiences affect their wellbeing, and provide guidance on how design choices can promote positive outcomes.<sup>xlvii</sup>

The project's research has so far included analysis of survey data from over 34,000 children, participatory consultations with over 300 children around the world, interviews with parents and game designers, as well as a literature review.<sup>xlviii</sup> Insights from the research were synthesised into an interim wellbeing framework that illustrates key indicators and outcomes that children said are important for digital play experiences, and which any digital experience – if designed with the intention to promote wellbeing – should contribute positively towards:<sup>xlix</sup>





Source: *Responsible Innovation in Technology for Children - Digital technology, play and child well-being*

Long-term, the aim of the RITEC Project is to create a foundational model of innovation that enables companies that design digital play experiences for children to assess and demonstrate positive impact on children.<sup>i</sup> But it also incumbent on government, regulators, and civil society, to promote this kind of model so we can put digital technology to work in improving the lives of children and young people.

#### Recommendation

*Promote a design framework for digital experiences that positively contribute to children's wellbeing, in partnership with the tech and videogame industry, regulators, and civil society.*

## 6. Child-centred artificial intelligence

Artificial Intelligence (AI) systems are fundamentally changing the world, affecting present and future generations of children in many different ways, be it through virtual assistants and video games, to chatbots and adaptive learning software.<sup>ii</sup> Algorithms enhanced with AI provide recommendations to children on what videos to watch, what news to read, and who to be friends with.<sup>iii</sup> Additionally, children's lives are also indirectly impacted by AI-powered automated decision-making systems deployed in a variety of areas including healthcare and education access, welfare support, and their parent's housing applications, all of which have implications for all children.<sup>iiii</sup>

AI is undoubtedly an exciting innovation tool but it also poses risks for children to their privacy, safety and security.<sup>liv</sup> Since AI-powered systems can work unnoticed and at great scale, the risk of widespread exclusion and discrimination is real.<sup>lv</sup> For these reasons, we are seeing governments and organizations set guidelines for AI's development and implementation.<sup>lvi</sup> However, even though there is awareness that the rights of children need urgent attention in the digital age,<sup>lvii</sup> this is not being reflected in the global efforts to make AI systems better serve society.<sup>lviii</sup> Children are interacting with AI systems that are not designed for them and current policy frameworks do not address this.<sup>lix</sup> To further complicate matters, we are also at the very beginning of understanding how children interact with and are impacted by AI.<sup>lx</sup> The effects of AI will transform children's lives in ways we are yet to understand, for better or for worse.<sup>lxi</sup>

In the face of this AI-driven transformation, UNICEF has developed a policy guidance to complement efforts to promote human-centric AI, introducing a child-specific lens.<sup>lxii</sup> Drawing on the CRC, the guidance presents the foundations for child-centred AI, suggesting that AI policies and systems should:

- aim to protect children;
- provide equitably for their needs and rights; and,
- empower children to participate in an AI world by contributing to its development and use.<sup>lxiii</sup>

Building on this foundation, nine requirements for child-centred AI have been established, complementing key work already underway, but with a focus on children:<sup>lxiv</sup>

**Foundation = { uphold children's rights }**  
*Through the lenses of protection, provision and participation*

- 1 Support children's development and well-being**  
*Let AI help me develop to my full potential.*
- 2 Ensure inclusion of and for children**  
*Include me and those around me.*
- 3 Prioritize fairness and non-discrimination for children**  
*AI must be for all children.*
- 4 Protect children's data and privacy**  
*Ensure my privacy in an AI world.*
- 5 Ensure safety for children**  
*I need to be safe in the AI world.*
- 6 Provide transparency, explainability, and accountability for children**  
*I need to know how AI impacts me. You need to be accountable for that.*
- 7 Empower governments and businesses with knowledge of AI and children's rights**  
*You must know what my rights are and uphold them.*
- 8 Prepare children for present and future developments in AI**  
*If I am well prepared now, I can contribute to responsible AI for the future.*
- 9 Create an enabling environment**  
*Make it possible for all to contribute to child-centred AI.*

Source: UNICEF Policy guidance on AI for children

UNICEF Australia's hope is that governments and industry alike will use this guidance in their work and to openly and collaboratively share their experiences.<sup>lxv</sup> The guidance does not claim to have all the answers and the challenge of equally balancing child rights in the digital environment is a difficult one,<sup>lxvi</sup> however, we believe it is not only possible but necessary to ensure the wellbeing of children in an AI world.<sup>lxvii</sup>

### Recommendation

*Guide the development of artificial intelligence (AI) systems to ensure they are child-centred, protecting children, providing equitably for their rights, and empowering them to participate in an AI world.*

## 7. Responsible data governance for children

Data is the currency of the online world. Each and every one of us generates a continuous stream of data across both our social and professional lives and throughout the various services and platforms we engage with, be it online shopping, scrolling on social media, doing our banking, or accessing healthcare and education. Children too are generating data, and just like adults it is captured and processed to inform decisions made about their needs, abilities and life prospects.<sup>lxxviii</sup>

This digital ecosystem is so complex and seamless that neither children or their adult guardians are fully aware of how their data is being captured and used, nor what the potential benefits and risks are.<sup>lxxix</sup> And while an individual's data tends to be treated the same way regardless of who they are, children's data is different.<sup>lxxx</sup> Children are more vulnerable than adults and less able to understand the long-term implications of consenting to their data collection.<sup>lxxxi</sup> Given children's greater cognitive, emotional, and physical vulnerabilities, privacy concerns that exist for adults are amplified for children.<sup>lxxxii</sup> With the digital ecosystem intertwined with every part of a child's life, it demands a reassessment of how their data is governed.<sup>lxxxiii</sup>

There is a near global recognition of the need to improve data governance but few reforms have included adequate protection for children and their rights.<sup>lxxxiv</sup> Better data governance for children is critical to ensure that children are protected and that their data is used as a force for good for generations to come.<sup>lxxxv</sup> To this end, UNICEF in partnership with The GovLab at New York University developed the Responsible Data For Children (RD4C) Principles, to provide guidance, tools and leadership to support the responsible handling of data for and about children:<sup>lxxxvi</sup>

1. **PARTICIPATORY** - Engaging and informing individuals and groups affected by the use of data for and about children.
2. **PROFESSIONALLY ACCOUNTABLE** - Operationalizing responsible data practices and principles by establishing institutional processes, roles, and responsibilities.
3. **PEOPLE-CENTRIC** - Ensuring the needs and expectations of children, their caregivers, and their communities are prioritized by actors handling data for and about them.
4. **PREVENTION OF HARMS ACROSS THE DATA LIFE CYCLE** - Establishing end-to-end data responsibility by assessing risks during the collecting, storing, preparing, sharing, analysing, and using stages of the data life cycle.
5. **PROPORTIONAL** - Aligning the breadth of data collection and duration of data retention with the intended purpose.
6. **PROTECTIVE OF CHILDREN'S RIGHTS** - Recognizing the distinct rights and requirements for helping children develop to their full potential.
7. **PURPOSE-DRIVEN** - Identifying and specifying why the data is needed and how the intended or potential benefits relate to improving children's lives. If there is no clearly articulated benefit for children, actors should not collect data, store, share or analyse it.<sup>lxxxvii</sup>

The RD4C Principles articulate a vision for a better approach to governing children's data and should serve as a foundation for embedding similar principles in Australia's privacy and data governance frameworks. The Attorney-General's Department recently released their report from the review of the Privacy Act and recommended the introduction of a Children's Online Privacy Code in Australia.<sup>lxxxviii</sup> Should this reform proceed, it may be an appropriate vehicle for codifying an improved approach to children's data in Australia.

### Recommendation

*Improve Australia's approach to governing children's data by incorporating the Responsible Data For Children Principles or similar into our privacy and data governance frameworks.*

## 8. The role of business and industry, and public accountability in digital reform

Each and every issue canvassed within this submission implies a role to play for business and industry in protecting children in digital environments. Children and young people are over-represented in the online world, and businesses, as the developers, providers and owners of a vast proportion of the digital environment,<sup>lxxxix</sup> clearly carry much responsibility in helping to ensure their wellbeing.

In addition to the risks children face purely from engaging in digital environments, the activities of businesses can also pose direct risks to children's rights, for example, when companies gather and process data on children.<sup>lxxx</sup> Activities like this can involve multiple commercial partners which create supply chains of activity throughout which risks to children permeate.<sup>lxxxi</sup> These risks to children are heightened by the substantial asymmetry of power between children and industry.<sup>lxxxii</sup>

The Committee on the Rights of the Child's landmark General Comment 25 provides a helpful compass here to guide governments in identifying the specific actions that businesses can take.<sup>lxxxiii</sup> This includes requiring businesses to conduct child rights due diligence and carry out child rights impact assessments, as well as implementing regulatory frameworks, industry codes and terms of services, that adhere to the highest standards of ethics, privacy and safety in relation to the design, engineering, development, operation, distribution and marketing of their products and services.<sup>lxxxiv</sup>

Companies themselves can embed children's rights by design rather than retrofitting safeguards, and frameworks like the eSafety Commission's safety by design approach can help with this.<sup>lxxxv</sup> These actions extend beyond just the tech industry, with businesses across various sectors increasingly engaging with children in digital environments, from toys to fast-moving consumer goods.<sup>lxxxvi</sup> Ultimately, a collaborative approach between government and industry will be needed to ensure the rights of children are realised in the digital environments in which they engage, so many of which are provided by businesses and industry.

### **Recommendation**

*Work collaboratively with businesses and industry to ensure that child rights due diligence is routinely undertaken with respect to the impact of their products and services on children in the digital environment.*

The role of industry also extends to digital reform. There is currently a welcome focus on the impact of digital environments on the lives and children and young people in Australia, and the sheer number of concurrent digital reforms currently in train are evidence of this. These reforms, which stand to have significant impact on the lives of children and young people, are being undertaken using a variety of regulatory methods, some developed primarily by government, and others using co- or self-regulatory methods with industry. In a fast-evolving policy landscape as complex as this, there will likely be both benefit and at times necessity to rely on each of these methods.

However, for those reforms that stand to have significant impact on children and young people, and for which community expectations will be high and need to be met, public authorities directly accountable to the Australian people should be closely involved. This could be the government of the day, or independent bodies such as the eSafety Commission and Information Commission. As a matter of principle, where the reforms do stand to impact children's lives, children and young people themselves should be consulted in their development, particularly those whose voices are often missing from processes like these. Children's advocates, the Children's Commissioner, civil society and experts/academics should also be consulted with to help represent children's interests.

In taking this approach, we can help ensure that the influential laws, codes and policies governing the online world, reflect the desires of the Australian populace who place a high value on the protection and wellbeing of our children.

### **Recommendation**

*Ensure that public authorities directly accountable to the Australian people are closely involved in the development of online laws, regulations and policies that impact children and young people, to ensure they meet community expectations.*



## About UNICEF Australia

UNICEF believes in a fair chance for every child and we are the world's leading organisation working to protect and improve the lives of children in over 190 countries. At UNICEF Australia we work to protect and promote children's rights by advocating for the rights of children in Australia and overseas.

UNICEF Australia would welcome the opportunity to expand further on the measures we have outlined in this submission.

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<sup>i</sup> Committee on the Rights of the Child, *General comment No. 25 (2021) on children's rights in relation to the digital environment*, 86<sup>th</sup> sess, CRC/C/GC/25 (2 March 2021)

<sup>ii</sup> UNICEF (2021), *The Case for Better Governance of Children's Data A Manifesto*, <https://www.unicef.org/globalinsight/reports/better-governance-childrens-data-manifesto>

<sup>iii</sup> Committee on the Rights of the Child, *General comment No. 25 (2021) on children's rights in relation to the digital environment*, 86<sup>th</sup> sess, CRC/C/GC/25 (2 March 2021).

<sup>iv</sup> UNICEF (2021), *The Case for Better Governance of Children's Data A Manifesto*, <https://www.unicef.org/globalinsight/reports/better-governance-childrens-data-manifesto>

<sup>v</sup> Ibid.

<sup>vi</sup> *Convention on the Rights of the Child*, opened for signature 20 November 1989, Treaty Series Vol. 1577 (entered into force 2 September 1990) Art 12

<sup>vii</sup> UNICEF Office of Research – Innocenti (2019), *Global Kids Online Comparative Report*. <https://www.unicef-irc.org/publications/pdf/GKO%20Main%20Report.pdf>

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