



ADF INTERNATIONAL

*ECOSOC Special Consultative Status (2010)*

UNIVERSAL PERIODIC REVIEW

**Submission to the 51<sup>st</sup> Session of the Human Rights Council's  
Universal Periodic Review Working Group**

**July 2025**

**Geneva, Switzerland**

**AUSTRALIA**

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## Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report highlights the incompatibility of the 2021 Online Safety Act, as well as the actions of the eSafety Commissioner, with Australia's obligations regarding the right to freedom of expression under international law. It further examines the urgent need for Australia to comply with its obligations regarding the rights of the child and parental rights and calls for effective measures to safeguard children from experimental and life-altering medical procedures that are documented to have irreversible negative impacts on their health and well-being.

## (a) Freedom of Expression

### *Legal Framework*

3. In 2021, Australia adopted the Online Safety Act ('the Act') with the stated goal of making Australia's existing online safety laws 'more expansive and much stronger' in response to 'advances in technology' and related threats from 'harmful behavior and toxic content'. According to the government's official factsheet, '[T]he new powers in the Online Safety Act cement eSafety's role as a world leader in online safety. They place Australia at the international forefront in the fight against online harm.'<sup>1</sup>
4. In spite of these claims, the Act's implementation has resulted in unjustified sweeping restrictions on freedom of expression online, significantly undermining Australia's civil rights track record and, more broadly, its international human rights obligations.
5. Section 3 of the Act sets out its objective to improve and promote online safety for Australians.<sup>2</sup>
6. Section 5 defines 'serious harm to a person's mental health' to include 'serious psychological harm' and 'serious distress'. While excluding 'mere ordinary emotional reactions', it fails to clearly delineate the threshold for such serious harm.<sup>3</sup>
7. Section 7 of the Act defines 'cyber-abuse material targeted at an Australian adult' based on whether 'an ordinary reasonable person would conclude that it is likely that the material was *intended* to have an effect of causing serious harm to a particular Australian adult [emphasis added]' and that such a person, in the position of the affected adult, would find it 'menacing, harassing, or offensive' in context. It further specifies that the 'effect of causing serious harm' may result either directly from the adult accessing the material or indirectly via its delivery to others.<sup>4</sup>

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<sup>1</sup> eSafety Commissioner 'Learn about the Online Safety Act' (18 March 2024) <<https://www.esafety.gov.au/newsroom/whats-on/online-safety-act>>.

<sup>2</sup> Online Safety Act 2021 (adopted July 2021, last amended December 2024) sec. 3 <<https://www.legislation.gov.au/C2021A00076/latest/text>>.

<sup>3</sup> *Id.*, sec. 5.

<sup>4</sup> Online Safety Act, sec. 7.

8. Section 8 elaborates on the criteria for material to be deemed 'offensive'. These include an assessment of:
- '(a) the standards of morality, decency and propriety generally accepted by reasonable adults; and
  - (b) the literary, artistic or educational merit (if any) of the material; and
  - (c) the general character of the material (including whether it is of a medical, legal or scientific character).'<sup>5</sup>
9. According to the Regulatory Guidance published by the eSafety Commissioner—which, while not legally binding, informs the application of the Online Safety Act 2021—material is 'likely [to] be offensive when it is calculated to, or likely to, cause significant anger, significant resentment, outrage, disgust, or hatred, and it does more than simply hurt or wound a person's feelings'.<sup>6</sup>
10. Sections 26 to 28 of the Act establish the eSafety Commissioner's functions, including supporting the implementation of measures to improve online safety, coordinating the activities of national departments and authorities, and monitoring and promoting compliance with the Act.<sup>7</sup>
11. Section 36 enables Australian adults to submit complaints to the Commissioner if they have reason to believe that they are the target of cyber-abuse material.<sup>8</sup>
12. Once a complaint is lodged, Sections 88 to 93 of the Act empower the Commissioner to issue formal removal notices for 'cyber-abuse material targeting an Australian adult', mandating removal within 24 hours unless specified otherwise. These notices may be presented to the online service provider, the end user, or the hosting service provider.<sup>9</sup>
13. Non-compliance with a removal notice is punishable by a civil penalty, the issuance of a formal warning, and other measures such as infringement notices, enforceable undertakings, and injunctions.<sup>10</sup>
14. The Commissioner is vested with information-gathering and investigative powers to compel service providers to reveal information on the identity and contact details of end users, to be examined under oath, and to provide relevant documentation for inspection.<sup>11</sup> Failure to comply with the latter may result in a prison sentence of up to 12 months or a civil penalty.<sup>12</sup>
15. According to Section 233 of the Act, '[T]his Act does not apply to the extent (if any) that it would infringe any constitutional doctrine of implied freedom of political communication.'<sup>13</sup> While the Australian Constitution does not enshrine an explicit bill

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<sup>5</sup> Id., sec. 8.

<sup>6</sup> eSafety Commissioner 'Adult Cyber Abuse Scheme: Regulatory Guidance' (January 2025) p. 5 <<https://www.esafety.gov.au/sites/default/files/2025-01/Adult-Cyber-Abuse-Scheme-Regulatory-Guidance-January2025.pdf?v=1744645982722>>.

<sup>7</sup> Online Safety Act, secs. 26-28.

<sup>8</sup> Id., sec. 36.

<sup>9</sup> Id., secs. 88-90.

<sup>10</sup> Id., sec. 91. See also secs. 161-165.

<sup>11</sup> Id., sec. 194, 199-203.

<sup>12</sup> Id., sec. 205.

<sup>13</sup> Id., sec. 233.

of rights, an implied right to political communication has been recognized by the High Court.<sup>14</sup>

16. In February 2025, the Minister for Communications published the outcomes of a statutory review of the Act. Despite widespread concerns raised regarding respect for freedom of expression, the review's recommendations include further lowering the threshold for what constitutes adult cyber abuse material and including a definition of 'online hate material' along with relevant measures to tackle such material.<sup>15</sup>

*Case: Chris Elston & X Corp. v. eSafety Commissioner*

17. In February 2024, Canadian children's safety campaigner Chris Elston, also known as 'Billboard Chris', posted on X, a US-based social media platform, about the suitability of the appointment by World Health Organization of a member of a panel tasked with drafting guidelines on the health of trans and gender diverse people.
18. Citing a Daily Mail article, Elston raised questions regarding the appointment of an Australian activist, whom he referred to using biologically accurate pronouns, highlighting the nominee's academic record, activism history, and personal life, along with explicit information and images posted on social media by the person concerned.<sup>16</sup>
19. Following a complaint about the X post (not the article itself) initiated by the Australian activist, the eSafety Commissioner issued a formal removal notice to X on the grounds of 'cyber-abuse material directed at an Australian adult'. The notice condemned Elston's reference to the activist as a woman and female. X geographically blocked the post but challenged the decision in court, alongside Elston himself.<sup>17</sup>
20. At a court hearing in March 2025, the eSafety Commissioner claimed that Elston's 'misgendering' constituted a form of 'serious harm' under the Act. This allegation was disputed by expert witnesses who argued that while the use of biologically accurate pronouns may cause 'irritation' or upset, that did not meet the threshold for 'serious harm', nor was any harm intended. Elston argued that his post was mere political commentary on a matter of public interest, namely the need for evidence-based global health policy.<sup>18</sup>
21. On 1 July 2025, the Administrative Review Tribunal delivered a landmark ruling in favour of Chris Elston, overturning a government order that had censored his post on X under Australia's Online Safety Act. This decision marked a significant step forward in affirming the right to freedom of expression. However, key substantive concerns with

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<sup>14</sup> Parliamentary Education Office 'Australia's Constitution, with Overview and Notes by the Australian Government Solicitor' (accessed April 2025) pg. viii <<https://www.aph.gov.au/constitution>>.

<sup>15</sup> Australia Department of the Prime Minister and Cabinet 'Report of the Statutory Review of the Online Safety Act 2021' (4 February 2025) sec. 14 <[https://www.aph.gov.au/Parliamentary\\_Business/Tabled\\_Documents/9184](https://www.aph.gov.au/Parliamentary_Business/Tabled_Documents/9184)>.

<sup>16</sup> ADF International 'Australian tribunal to rule on whether using biologically accurate pronouns online is grounds for censorship' (2 April 2025) <<https://adfinternational.org/news/australia-pronouns-case-billboard-chris-x-post>>. Further information with author.

<sup>17</sup> ADF International 'Australian tribunal to rule on whether using biologically accurate pronouns online is grounds for censorship' (2 April 2025) <<https://adfinternational.org/news/australia-pronouns-case-billboard-chris-x-post>>. Further information with author.

<sup>18</sup> Id.

the Act continue to warrant careful scrutiny, including the cross-border implications of online censorship.<sup>19</sup>

### *The Online Safety Act's Incompatibility with International Human Rights Law*

22. Australia ratified the International Covenant on Civil and Political Rights on 13 August 1980 with various reservations. While the majority, including that on Article 19, were subsequently withdrawn, Australia retains its reservation on Article 20, according to which 'the right is reserved not to introduce any further legislative provision on these matters'.<sup>20</sup> This implies that the enactment of the Online Safety Act 2021 does not find a basis in the obligation to prohibit advocacy of hatred constituting incitement to discrimination, hostility or violence.
23. Article 19 of the ICCPR enshrines the right to freedom of expression, which includes 'freedom to seek, receive and impart information and ideas of all kinds regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice'.<sup>21</sup> This right is also recognized under Article 19 of the Universal Declaration of Human Rights ('UDHR').
24. The exercise of this right may be subject to certain restrictions only if provided by law and if necessary for 'respect of the rights and reputations of others' or 'the protection of national security or of public order, or of public health or morals'.<sup>22</sup> The Online Safety Act fails to meet these requirements..
25. First, to meet the principle of legality, laws must be precise enough for individuals to regulate their conduct and must not grant unfettered discretion to those enforcing them. Instead, they must offer clear guidance on what expression can and cannot be restricted.<sup>23</sup> The Act fails to comply with this by prohibiting online expression based on vague and subjective standards.<sup>24</sup> The Act's Regulatory Guidance also fails to clarify this ambiguity, relying on similarly vague criteria.<sup>25</sup> The lack of objective definitions, coupled with the broad discretion granted to the eSafety Commissioner, risks arbitrary and unjustified restrictions on freedom of expression.
26. Secondly, notwithstanding the Act's stated objective of improving and promoting online safety for Australians, several of its provisions are substantively inconsistent and fall short of the principle of necessity, in particular by failing to establish a direct and immediate connection between the expression and the specific and precise nature of

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<sup>19</sup> Australia Administrative Review Tribunal 'X Corp. & Christopher Elston v. eSafety Commissioner' (1 July 2025) <[https://adfinternational.org/wp-content/uploads/2025/07/AU-tribunal-decision\\_Chris-Elston-case.pdf](https://adfinternational.org/wp-content/uploads/2025/07/AU-tribunal-decision_Chris-Elston-case.pdf)>.

<sup>20</sup> UN Treaty Collection 'Ratification Status: International Covenant on Civil and Political Rights' (17 April 2025) <[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en)>.

<sup>21</sup> International Covenant on Civil and Political Rights, Article 19.

<sup>22</sup> Id., Article 19(3).

<sup>23</sup> Human Rights Committee 'General Comment No. 34: Article 19: Freedoms of opinion and expression' (12 September 2011) UN Docs CCPR/C/GC/34, para 25.

<sup>24</sup> Online Safety Act, sec. 7.

<sup>25</sup> eSafety Commissioner 'Adult Cyber Abuse Scheme: Regulatory Guidance' (January 2025) pgs. 4-5 <<https://www.esafety.gov.au/sites/default/files/2025-01/Adult-Cyber-Abuse-Scheme-Regulatory-Guidance-January2025.pdf?v=1744645982722>>.

the threat that is aimed at being prevented.<sup>26</sup> Commentary on contested political and ideological issues cannot be silenced or otherwise suppressed simply because some find it upsetting or contrary to perceived 'common sense'.<sup>27</sup>

## **(b) Rights of the Child and Parental Rights**

### *Legal Framework*

27. All Australian states and territories allow individuals to alter their legal sex on birth certificates, with varying procedures and requirements.<sup>28</sup>
28. For example, in Queensland, a child between twelve and sixteen years old can apply to change their sex marker in their birth certificate without parental consent if the child has obtained authorization from the Children's Court directing the registrar to accept the application.<sup>29</sup> Children aged sixteen or older can apply without parental consent and without a Court order.<sup>30</sup>
29. In New South Wales, a minor can apply before the Registrar to change their sex marker on official documents such as birth certificates with parental consent.<sup>31</sup> If two parents disagree, the parent or guardian who agrees may apply to the District Court to alter the record of the child's sex.<sup>32</sup> In both New South Wales and Victoria, a minor can 'socially transition' in school, including adopting a new name and pronouns in line with their self-perceived gender, without parental consent. If the school determines that the student possesses sufficient capacity to make informed decisions, it can implement a support plan recognising and affirming the student's self-identified gender at school, without parental notification or involvement.<sup>33</sup>
30. In the Australian Capital Territory, children who are fourteen or older can apply to change their sex marker without parental consent.<sup>34</sup> Children between twelve and

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<sup>26</sup> Human Rights Committee 'General Comment No. 34: Article 19: Freedoms of opinion and expression' (12 September 2011) UN Docs CCPR/C/GC/34, para 35.

<sup>27</sup> Human Rights Committee 'General Comment No. 34: Article 19: Freedoms of opinion and expression' (12 September 2011) UN Docs CCPR/C/GC/34, para 48.

<sup>28</sup> Government of Western Australia 'Reforms to remove barriers for LGBTQIA+ community' (16 April 2024) <<https://www.wa.gov.au/government/media-statements/Cook-Labor-Government/Reforms-to-remove-barriers-for-LGBTQIA%2B-community--20240416>>.

<sup>29</sup> Queensland 'Births, Deaths and Marriages Registration Act 2023' (23 June 2023) Section 40(6) and Section 45 <<https://www.legislation.qld.gov.au/view/pdf/asmade/act-2023-017>>.

<sup>30</sup> Id., Section 39.

<sup>31</sup> Legislative Assembly of New South Wales 'Equality Legislation Amendment (LGBTIQA+) Bill 2024' Section 32C <<https://www.parliament.nsw.gov.au/bill/files/18460/Passed%20by%20both%20Houses.pdf>>.

<sup>32</sup> Id., Section 32D.

<sup>33</sup> Government of New South Wales 'Transgender students in schools, legal issues bulletin 55, LIB55' (Last modified on August 2022) <<https://education.nsw.gov.au/rights-and-accountability/legal-issues-bulletins/transgender-students-in-schools#:~:text=Most%20people%20express%20the%20gender.required%20plan%20for%20their%20support>>.

Victorian Department of Education 'Mature Minors and Decision Making' (15 June 2020) <<https://www2.education.vic.gov.au/pal/mature-minors-and-decision-making/policy>>.

<sup>34</sup> Australian Capital Territory 'Births, Deaths and Marriages Registration Act 1997' (As of 28 March 2025) Section 24 <<https://www.legislation.act.gov.au/DownloadFile/a/1997-112/current/PDF/1997-112.PDF>>.



fourteen require parental consent.<sup>35</sup> However, those under fourteen may apply with approval from the ACT Civil and Administrative Tribunal.<sup>36</sup>

31. Lastly, Section 61B of the Family Law Act 1975 defines 'parental responsibility' as the legal duties, powers, and authority parents hold over their children.<sup>37</sup> This encompasses parents' right to decide on medical treatment for their children who cannot yet consent. However, Section 67ZC grants courts jurisdiction to 'make orders relating to the welfare of children' having regard to 'the best interests of the child' as 'the paramount consideration'.<sup>38</sup> If a competent child seeks treatment opposed by a parent or guardian, the court may authorize the child to consent independently.<sup>39</sup>

### *Impact of Practices of So-called Transition on Children's Health and Well-being*

32. In September 2020, the Family Court of Australia ruled on a case involving Imogen, a 16-year-old male identifying as transgender. The case centered on a parental dispute over whether Imogen should begin hormone therapy. While Imogen's mother challenged the gender dysphoria diagnosis, questioned Imogen's 'Gillick competence',<sup>40</sup> and preferred psychotherapy, his father supported hormonal treatment. The court ultimately authorized the treatment.<sup>41</sup>
33. Similarly, in August 2024, the Supreme Court of Victoria ruled in favor of allowing a 12-year-old child to begin puberty blocking treatment only with the mother's consent.<sup>42</sup>
34. Cases like the above have been on the rise in recent years in Australia. Despite the lack of reliable evidence about the benefits of gender-affirming interventions, the majority of the decisions in these types of cases lean in favor of the social and medical transitioning of children.<sup>43</sup> This runs contrary to growing global consensus in favour of

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<sup>35</sup> Id.

<sup>36</sup> Id., Part 4A.

<sup>37</sup> Australian Government 'Family Law Act 1975' (As of 10 June 2025) Section 61B <<https://www.legislation.gov.au/C2004A00275/latest/text>>.

<sup>38</sup> Id., Section 67ZC.

<sup>39</sup> The Australian case, commonly referred to as the 'Marion's case', remains the leading case on the scope of the welfare jurisdiction. This case involved an application to authorise the sterilisation of a 14-year-old girl with severe intellectual disabilities. The case established that parents or guardians cannot consent to non-therapeutic sterilisation of a child, even if it's deemed to be in the child's best interests. Court or tribunal authorization is required for 'special medical procedures', unless they are a consequence of surgery to treat a malfunction or disease. Judgment available at: <https://www.globalhealthrights.org/wp-content/uploads/2013/02/HC-1992-Marions-Case.pdf>. In 2004, the Family Court in the case known as *Re A/lex*, extended the category of 'special medical procedures' to treatment for gender dysphoria in children.

<sup>40</sup> Gillick Competency is a legal principle that recognises the increasing capacity of minors to make informed decisions in matters affecting them. This principle is applicable in all Australian jurisdictions. It originates from the UK case of *Gillick v. West Norfolk and Wisbech Area Health Authority*.

<sup>41</sup> Thorne Harbour Health 'Case Summary Re: Imogen (No. 6) [2020] FamCA 761' (10 September 2020) <[https://cdn.thorneharbour.org/media/documents/Re\\_Imogen\\_no6\\_June\\_2021.pdf](https://cdn.thorneharbour.org/media/documents/Re_Imogen_no6_June_2021.pdf)>.

<sup>42</sup> Human Rights Law Alliance 'Victorian court approves puberty blockers for 12-year-old boy' (15 August 2024) <<https://www.hrla.org.au/victorian-court-approves-puberty-blockers-for-12-year-old-boy>>.

<sup>43</sup> Patrick Parkinson AM 'What are the new transgender cases in Australia all about?' (15 October 2024) <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4977089](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4977089)>.

Michelle M. Taylor-Sands and Georgina Dimopoulos 'Judicial Discomfort Over 'Innovative' Treatment for Adolescents with Gender Dysphoria' (13 July 2022) <<https://academic.oup.com/medlaw/article/30/3/479/6643188?login=false>>.

a cautious approach to child 'gender transitioning', as seen in countries such as the United Kingdom, Finland, Norway, France, and Sweden.<sup>44</sup>

35. Furthermore, if a court in Australia determines that a child is Gillick competent, parental decision-making authority ends, allowing the child to decide independently on matters including access to so-called 'gender-affirmative care'.<sup>45</sup>
36. As noted in the latest report of the Special Rapporteur on Violence Against Women and Girls, the lasting harms of social and medical transitioning in children are increasingly documented. These include persistent psychological distress, body dissatisfaction, infertility, early menopause, heightened osteoporosis risk, sexual dysfunction, and loss of breastfeeding ability after mastectomy. Granting children access to such procedures violates their rights to safety, health, and freedom from violence, and runs counter to their best interests. Moreover, children cannot give informed consent to interventions with potentially grave and irreversible consequences, making consent meaningless in such cases.<sup>46</sup>
37. Children's consent involves more than just capacity and competence. Clinicians have a duty to ensure that any proposed intervention is clinically appropriate and that children and their parents or legal guardians are provided with evidence-based information about the risks, benefits, and expected outcomes.<sup>47</sup>
38. The long-term risks and uncertainties surrounding both medical and non-medical interventions in so-called 'gender medicine' make these practices inherently experimental. As a result, children are placed at serious risk of irreversible harm to their health and well-being, in violation of their best interests, their right to health, and their right to receive appropriate direction and guidance from their parents or legal guardians, particularly when these key figures are excluded from the decision-making process through court orders.

### *Australia's Obligations Under International Human Rights Law*

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<sup>44</sup> Frieda Klotz 'A Teen Gender-Care Debate Is Spreading Across Europe' (28 April 2023) The Atlantic <<https://www.theatlantic.com/health/archive/2023/04/gender-affirming-care-debate-europe-dutch-protocol/673890/>>.

Académie Nationale de Médecine 'Medicine and gender transidentity in children and adolescents' (25 February 2022) <<https://www.academie-medecine.fr/la-medecine-face-a-la-transidentite-de-genre-chez-les-enfants-et-les-adolescents/>>.

NHS England 'NHS England's response to the final report of the independent review of gender identity services for children and young people' (6 August 2024) <<https://www.england.nhs.uk/long-read/nhs-englands-response-to-the-final-report-of-the-independent-review-of-gender-identity-services-for-children-and-young-people/>>.

U.S. Department of Health and Human Services 'HHS Releases Comprehensive Review of Medical Interventions for Children and Adolescents with Gender Dysphoria' (1 May 2025) <<https://www.hhs.gov/press-room/gender-dysphoria-report-release.html>>.

<sup>45</sup> Blanchfield Nicholls 'Gender Dysphoria in Children – 'Gillick' Competence & Best Interests' (15 March 2025) <<https://www.blanchfieldnicholls.com.au/2025/03/15/gender-dysphoria-in-children-gillick-competence-best-interests/>>.

<sup>46</sup> Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem 'Sex-based violence against women and girls: new frontiers and emerging issues' A/HRC/59/47 para. 22 <<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session59/advance-version/a-hrc-59-47-aev.pdf>>.

<sup>47</sup> Dr. Hilary Cass 'Independent Review of Gender Identity Services for Children and Young People' (April 2024) p. 34 <<https://cass.independent-review.uk/home/publications/final-report/>>.



39. As a State Party to the Convention on the Rights of the Child<sup>48</sup> ('CRC'), the ICCPR,<sup>49</sup> and the International Covenant on Economic, Social, and Cultural Rights<sup>50</sup> ('ICESCR'), Australia is under the obligation to respect and protect the right of every child to the highest attainable standard of physical and mental health, as well as their right to receive appropriate direction and guidance from their parents or legal guardians in the exercise of their rights.<sup>51</sup>
40. According to Article 18(1) of the CRC, the 'best interest of the child' is to be the basic concern of parents, guiding them as they fulfill their rights, duties, and responsibilities vis-à-vis their children.<sup>52</sup> Article 3(2) of the CRC emphasizes that the rights and duties of parents must be taken into account to ensure the necessary protection and care for the child's well-being.<sup>53</sup> Under this and other key treaty provisions, the full and effective exercise of parental rights and responsibilities is understood as crucial for realizing the child's best interests.<sup>54</sup>
41. While parental rights are not absolute, the failure to respect such parental rights to protect their children from 'gender transitioning' would leave vulnerable children without the necessary protections enjoyed under international human rights law, increasing the risk of violations of their human rights.
42. Lastly, Article 24(1) of the ICCPR affirms every child's right to the protection required by their status as a minor, provided by their family, society, and the State.<sup>55</sup> Given the highly problematic nature of child 'gender transitioning', measures of protection under said provision can legitimately encompass protecting children from the harmful and irreversible consequences of such medical procedures.

### (c) Recommendations

43. In light of the aforementioned, ADF International respectfully suggests the following recommendations be made to Australia:
- a. Amend the Online Safety Act to incorporate narrow and precisely defined thresholds for imposing limitations on the exercise of freedom of expression, in full compliance with Article 19 of the ICCPR;

<sup>48</sup> United Nations Treaty Collection 'Convention on the Rights of the Child' <[https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsq\\_no=IV-11&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsq_no=IV-11&chapter=4&clang=en)>.

<sup>49</sup> United Nations Treaty Collection 'International Covenant on Civil and Political Rights' <[https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsq\\_no=IV-4&src=IND](https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsq_no=IV-4&src=IND)>.

<sup>50</sup> United Nations Treaty Collection 'International Covenant on Economic, Social and Cultural Rights' <[https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsq\\_no=IV-3&chapter=4](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsq_no=IV-3&chapter=4)>.

<sup>51</sup> This is in conformity with Article 18(4) of the ICCPR, Articles 12(1) and 13(3) of the ICESCR, Articles 5, 14(2), and 24(1) of the CRC, and Article 26(3) of the Universal Declaration of Human Rights ('UDHR').

<sup>52</sup> OHCHR, *Convention on the Rights of the Child* (20 November 1989) *General Assembly Resolution 44/24*, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>, Article 18(1).

<sup>53</sup> Id., Article 3(2).

<sup>54</sup> Georgia du Plessis, *Parental Rights Protecting Parents, Empowering Generations* (2024) ADF International, available at [https://adfinternational.org/wp-content/uploads/2024/06/Parental-Rights\\_A5-White-Paper\\_Digital-Version.pdf](https://adfinternational.org/wp-content/uploads/2024/06/Parental-Rights_A5-White-Paper_Digital-Version.pdf), pg. 54.

<sup>55</sup> United Nations Treaty Collection 'International Covenant on Civil and Political Rights' ((Adopted 16 Dec. 1966 by General Assembly resolution 2200A (XXI)) Article 24(1)<[https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsq\\_no=IV-4&src=IND](https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsq_no=IV-4&src=IND)>.

- b. Review and amend the Regulatory Guidance to ensure that the activities of the eSafety Commissioner fully conform to Australia's international human rights obligations, including by preventing arbitrary, overbroad or discriminatory restrictions on the exercise of freedom of expression;
- c. Uphold the rights of children to the highest attainable standard of physical and mental health, including through the prohibition of legal, social, and medical transitioning of children who experience gender dysphoria;
- d. Ensure that children who experience gender dysphoria receive a comprehensive, evidence-based assessment to inform an individualized care plan that includes screening for neurodevelopmental, mental health, and other conditions to properly address underlying factors before any form of intervention is considered;
- e. Review all laws and policies that do not recognize or uphold the right of children to receive appropriate direction and guidance from their parents or legal guardians in the exercise of their rights, in full conformity with international human rights law.



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