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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 outlines how efforts to implement comprehensive sexuality education (CSE) based on purported 'United Nations standards' conflict with Austria's international human rights obligations, particularly with regard to the rights of the child and parental rights.

(a) Rights of the Child and Parental Rights

Background

3. In 2023, the Children's Welfare Association of Austrian Educators (Kinderwohl-Verein Österreichischer Pädagogen) initiated a nationwide petition urging the Austrian government to promptly cease the dissemination of child-endangering content within sexuality education curricula in Austrian schools. The petition, which garnered signatures from teachers, parents, and experts, expressed grave concern about the escalating sexualization of children within the school system, with some educators alleged to be approaching children with a sexual orientation, treating them as young adults, and subtly 'diluting the demarcation between adult and child sexuality'.¹
4. The petition arose in response to multiple instances of child sexualization in Austrian public schools, often occurring without parental knowledge of the sexually explicit materials used or after parents were misinformed about the true objectives of the educational programs.

Legal Framework

5. The Federal Constitutional Act on the Rights of Children states that 'every child has the right to the protection and care necessary for their well-being, to the best possible development and fulfilment' and that the 'best interests of the child must be a primary consideration in all actions concerning children'.² Along similar lines, the Civil Code states that 'in all matters concerning the minor child, especially custody and personal contact, the child's best interest must be considered as a guiding principle'. In particular, it highlights that one important criterion in assessing the child's best interest is 'the care, security and protection of the child's physical and mental integrity'.³
6. The Austrian Civil Code also emphasizes that parents have a duty to 'promote the well-being of their minor children, providing them with care, security, and careful upbringing'.⁴ It further emphasises the responsibilities associated with the care and education of a minor child, including: 'safeguarding of his or her physical well-being

¹ Petitionen.com 'Pädagogen, Eltern und Fachleute fordern den sofortigen Stopp kindeswohlgefährdender Inhalte in Sexualpädagogik' (9 September 2023)

<https://www.petitionen.com/sofortiger_stopp_kindeswohlgefahrdender_inhalte_in_sexualpadagogik>.

² Bundesverfassungsgesetz über die Rechte von Kindern (2011, last updated 8 July 2025) art 1,

<<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20007136>>

³ Ibid, art 138.

⁴ Allgemeines bürgerliches Gesetzbuch (1918, last amended 4 July 2025) art 137(2),

<<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001622>>

and health as well as direct supervision' and 'the development of physical, intellectual, psychological, and moral strengths' respectively.⁵

7. In 2015, Austria's Fundamental Decree on Sexuality Education was updated to make sexuality education mandatory for all learners in both primary and secondary schools, in line with the World Health Organisation Standards for Sexuality Education in Europe.⁶ The revised decree extends beyond the provision of scientific information to encompass the impartation of knowledge on attitudes, emotions, and interpersonal dynamics associated with sexual and reproductive matters. This is to be implemented through teacher-developed curricula under the principle of 'curriculum autonomy', with oversight and regulation by the Ministry of Education.⁷
8. In 2023, the Federal Ministry of Education, Science, and Research of Austria published new 'Guidelines for creating a sexual education concept for schools'.⁸ While the new Austrian guideline tasks schools with defining their approach to sexuality education, and quotes various possible definitions of sexuality,⁹ they also list the WHO Standards for Sexuality Education in Europe as 'helpful materials' in this context.¹⁰ However, these standards propose that children at critical developmental stages be introduced to concepts that may be inappropriate and potentially harmful to their psychological and sexual well-being, as outlined in the following subsection.
9. Following the release of these guidelines, the Ministry of Education introduced a new curriculum plan in autumn 2023, explicitly stating that sexuality education in Austria should follow the WHO Standards for Sexuality Education in Europe¹¹, which are themselves based on UN Agencies' *International Technical Guidance on Sexuality Education* (ITGSE)—commonly misrepresented as the 'United Nations standards' on CSE despite not having been formally consulted on or ever approved consensually by UN Member States.¹²

Comprehensive Sexuality Education

10. The ITGSE is premised upon an alleged 'rights-based' approach to sex education, which, instead of protecting children's physical and mental health by encouraging the delay of their sexual debut, normalizes and even promotes high-risk sexual behaviours while unduly interfering with a child's development and the rights and responsibilities

⁵ Ibid. art 160.

⁶ Bundesministerium für Bildung und Frauen 'Grundsatzpapier Sexualpädagogik' (2015) <<https://healtheducationresources.unesco.org/sites/default/files/resources/22155.pdf>>.

⁷ Ibid. 6.

⁸ Bundesministerium Bildung, Wissenschaft und Forschung 'Leitfaden zur Erstellung eines schulischen sexualpädagogischen Konzeptes' (February 2023) <https://www.schulpsychologie.at/fileadmin/upload/psychologische_gesundheitsfoerderung/Sexualerziehung/Leitfaden_sexualpaedagogischen_Konzeptes.pdf>.

⁹ Ibid. 2.

¹⁰ Ibid. 9; WHO Regional Office for Europe and BZgA 'Standards for Sexuality Education in Europe' (2010) <<https://www.icmec.org/wp-content/uploads/2016/06/WHOStandards-for-Sexuality-Education-in-Europe.pdf>>.

¹¹ Bundesministerium für Bildung 'Lehrplan der Volksschule' (2023), 13. <<https://www.sexualerziehung.at/wp-content/uploads/Lehrplan-VS-neu-Markierung-Vielfalt-Sexualitaet.pdf>>.

¹² UNESCO, UNAIDS, UNFPA, UNICEF, UNWomen, WHO 'International Technical Guidance on Sexuality Education' (2018) <<https://www.unfpa.org/sites/default/files/pub-pdf/ITGSE.pdf>>.

of parents or legal guardians. This is illustrated by the following excerpts from and learning objectives of the ITGSE:

- Each child's decision to be sexually active must be respected, regardless of age.¹³
- As early as age five, children should be taught that 'it is natural for humans to enjoy their bodies', about 'the difference between biological sex and gender', that 'there are different family structures and concepts of marriage', and that various sources of information exist in understanding their bodies.¹⁴
- Children aged five and older are encouraged to 'question social and cultural norms that impact sexual behaviour in society' and to 'identify a trusted adult with whom they feel comfortable and demonstrate asking questions about sexuality' instead of promoting parent-child interaction.¹⁵
- Children as young as nine should be taught about masturbation with a positive framing, that 'human beings are born with the capacity to enjoy their sexuality throughout their life', and that 'people have a sexual response cycle, whereby sexual stimulation can produce a physical response'.¹⁶
- Children as young as nine should also 'reflect on social, cultural and religious beliefs that impact on how they view gender roles', and teachers should explain to children of the same age 'how someone's gender identity may not match their biological sex (knowledge)'.¹⁷

11. It should be noted that there is the evidence for the effectiveness of CSE in achieving its alleged goals is remarkably limited, if not altogether absent. These shortcomings have been acknowledged even by UN agencies. Most notably, the latest update of the ITGSE concedes this lack of evidence.¹⁸ Similarly, a 2021 UNFPA report noted the lack of clear evidence on the effectiveness of CSE in reducing the perpetration or experience of violence, or in addressing risk and protective factors for gender-based violence.¹⁹

12. In 2022, the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs commissioned a study—at the request of the Committee on Women's Rights and Gender Equality (FEMM)—to assess the importance of comprehensive sexuality education (CSE).²⁰ The study acknowledged that 'there is

¹³ Ibid. 18.

¹⁴ Ibid. 70, 56, 50, 43.

¹⁵ Ibid. 48 and 70.

¹⁶ Ibid. 70-71.

¹⁷ Ibid. 50.

¹⁸ Ibid. 30-31.

¹⁹ UNFPA 'Comprehensive Sexuality Education as a Strategy for Gender-based Violence Perpetration' (2021), iv. <<https://www.aidsdatahub.org/sites/default/files/resource/unfpa-comprehensive-sexuality-education-strategy-gbv-prevention-2021.pdf>>.

²⁰ European Parliament Study 'Comprehensive Sexuality Education: why is it important?' Policy Department for Citizens' Rights and Constitutional Affairs Directorate-General for Internal Policies (February 2022) <[https://www.europarl.europa.eu/RegData/etudes/STUD/2022/719998/IPOL_STU\(2022\)719998_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2022/719998/IPOL_STU(2022)719998_EN.pdf)>.

limited evidence of the effectiveness of sexuality education on the reduction of the incidence of human immunodeficiency virus and sexually transmitted infections'.²¹

Cases

13. In July 2024, an incident was reported at an elementary school in Upper Austria, where parents discovered that educational materials included content on oral sex, various condom flavors, and films depicting sexual scenes intended for children aged 8 to 10. Parents reported that their children returned home distressed following exposure to this material. The Ombudsman responsible for addressing complaints within the education sector launched an official investigation in response to a formal complaint submitted by a group of parents.²²
14. The aforementioned group of parents first sought recourse, without success, through the Department of Education and subsequently the Ministry of Education. Upon further inquiry, the Department of Education confirmed to the parents that books, such as 'How Is Love?' are available in elementary school libraries throughout Austria. The book contains the statement: 'Do you think sex is only for grown-ups? No, of course not. Sex is for everyone, for tall and short people. Fat, thin, black, brown, and white people. For all people, including young people like you.' According to the book's cover, it is intended for children aged 9 and older.²³
15. In November 2023, at a school in the Melk district of Lower Austria, pupils aged 9 to 10 received a sex education booklet during an open day. The booklet featured illustrations of nude individuals in sexually suggestive poses, including a depiction of a naked wheelchair user and an unclothed man. It also contained a section titled 'small sex lexicon' that portrayed drag queens and included 'role plays' encouraging discussions on topics such as a boy transitioning to a girl and using girls' restrooms. Following parental objections, the Directorate of Education deemed the booklet not age-appropriate. However, rather than prohibiting specific sexualized materials or activities, the Directorate instructed the school quality management team to address the issue and ensure that only age-appropriate materials are distributed in the future.²⁴
16. In August 2023, parents discovered that a kindergarten in Graz, Styria, was using a book titled My First Sex Education Book by Dagmar Geisler. The book provides detailed descriptions, accompanied by photographs, of sexual interactions between men and women.²⁵
17. In July 2021, at an elementary school in Vienna, teachers were reported to have discussed sexual intercourse with children as young as 6, using a doll as a teaching aid. The instruction included statements to girls that they could use their fingers and that 'they could use condoms if they did not want to make babies'. This content caused

²¹ Ibid. 8.

²² Express 'Sexualerziehung: Das Wohl des Kindes muss an erster Stelle stehen' (22 May 2025) <<https://express.at/meinung/sexualerziehung-das-wohl-des-kindes-muss-an-erster-stelle-stehen/>>.

²³ Ibid.

²⁴ Kronen Zeitung 'Sex Book for ten-year-olds causes uproar among parents' (30 November 2024) <<https://www.krone.at/3610601>>.

²⁵ Sexualerziehung 'Papa, greif mich hier an' (3 August 2023) <<https://www.sexualerziehung.at/papa-greif-mich-hier-an/>>.

distress among some children, with one reported instance of a boy requesting that a girl lower her pants following the lesson.²⁶

18. In August 2021, a sex education workshop organized by the Lower Austria Department of Sex Education for first-year Gymnasium students (typically aged 10 to 11) distributed books containing pornographic images. According to one of the boys participating, '[S]ince the workshop, all my friends have been watching pornography, and today the last of my friends did.' The workshop reportedly sparked curiosity among the students, leading them to seek out pornographic content online.²⁷

Rights of the Child and Parental Rights under International Human Rights Law

19. Austria ratified the Convention on the Rights of the Child (CRC) on 6 August 1992 and withdrew all reservations thereto by 2015.²⁸ Austria also ratified the International Covenants on Civil and Political Rights (ICCPR) as well as on Economic and Social Rights (ICESCR) in 1978 without reservations.^{29,30}
20. According to Article 3 of the CRC, the best interests of the child shall be a 'primary consideration' in all actions concerning children.³¹ This includes actions undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies.
21. As emphasized by the Committee on the Rights of the Child, the best interest of the child principle is owed to the 'special situation of the child: dependency, maturity, legal status and, often, voicelessness', with the aim of ensuring the child's physical, mental, psychological, and social development, among others.^{32,33}
22. Article 17 of the CRC provides that States shall ensure that the child has access to information and material, 'especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health'. It further states that 'to this end, State Parties shall [...] encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her

²⁶ Kronen Zeitung 'Sexualunterricht in Volksschule verstörte Kinder' (26 July 2021) <<https://www.krone.at/2470265>>.

²⁷ Sexualerziehung 'Jetzt hat der letzte Freund in meiner Klasse einen Porno angeschaut – Workshop der Fachstelle NÖ' (30 August 2021) <<https://www.sexualerziehung.at/jetzt-hat-der-letzte-freund-in-meiner-klasse-einen-porno-angeschaut-workshop-der-fachstelle-noe/>>.

²⁸ United Nations Treaty Depository, 11. Convention on the Rights of the Child (status as of 7 Jul. 2025) <https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=en>.

²⁹ United Nations Treaty Depository, 5. International Covenant on Civil and Political Rights (status as of 7 Jul. 2025) <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en>.

³⁰ United Nations Treaty Depository, (status as of 7 Jul. 2025) 3. International Covenant on Economic, Social and Cultural Rights <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en>.

³¹ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, art 3.

³² UN Committee on the Rights of the Child, General comment no. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), CRC /C/GC/14 (29 May 2013), 37.

³³ UN Committee on the Rights of the Child, General comment no. 5 (2003): General measures of implementation of the Convention on the Rights of the Child, CRC/GC/2003/5 (27 November 2003), 12.

wellbeing'.³⁴ Pornography and related materials, however, are highly injurious to the well-being of children, as evidenced in the cases above.

23. International law is also clear on the rights of parents in the area of education. The ICCPR and ICESCR recognize the freedom of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.³⁵ Moreover, Article 5 of the CRC obliges States to respect the rights and duties of parents 'to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights set forth in the ... Convention'.³⁶
24. Most importantly, there is no specific provision for a right to 'comprehensive sexuality education' under international human rights law. The 1994 Programme of Action of the International Conference on Population and Development (ICPD), which outlined, inter alia, states' commitments in the area of reproductive health, highlighted the need for sexual education for adolescents.³⁷ However, it did not define its content and emphasized that such education must respect the rights and responsibilities of parents,³⁸ begin within the family unit,³⁹ and respect cultural values and religious beliefs.⁴⁰ Notably, the Programme of Action also clarified that the ICPD did not create any new human rights.⁴¹ This position was also reaffirmed in the 1995 Beijing Declaration and Platform for Action.⁴²
25. Despite this carefully negotiated balance, UN agencies took an unprecedented step in 2009 by issuing the *International Technical Guidance on Sexuality Education* (ITGSE)—the first international framework promoting specific CSE learning objectives for children under the banner of human rights. This guidance was developed without a mandate from Member States and outside any intergovernmental negotiation or approval process.⁴³ The drafting process lacked transparency and inclusivity, involving only select stakeholders.
26. Soon after the ITGSE's publication, in 2010, the then Special Rapporteur on the Right to Education, Verner Muñoz, unilaterally declared CSE to be a human right—an interpretation that far exceeded his mandate given its lack of any basis in international

³⁴ CRC, art 17.

³⁵ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 3 January 1976) 999 UNTS 171 (ICCPR), art 18(4); International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 23 March 1967) 999 UNTS 171 (ICESCR), art 13(3).

³⁶ CRC, art 5.

³⁷ Programme of Action of the International Conference on Population and Development (1994), 6.4. <https://www.unfpa.org/sites/default/files/pub-pdf/programme_of_action_Web%20ENGLISH.pdf>.

³⁸ Ibid. 73(d).

³⁹ Ibid. 7.37.

⁴⁰ Ibid. 7.45, 7.47, 73(a), 73(e). See also page 11.

⁴¹ Ibid, page 11.

⁴² Beijing Declaration and Platform for Action, 1995

<<https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>>. See for example paras 107(e) and 107(g).

⁴³ UNESCO 'International Guidelines on Sexuality Education: An evidence informed approach to effective sex, relationships and HIV/STI education' (2009) <<http://www.refworld.org/docid/4a69b8902.html>>.

law.⁴⁴ In fact, a large number of Member States explicitly rejected Muñoz's report, reaffirming that no such right exists under international law.⁴⁵

(b) Recommendations

27. In light of the aforementioned, ADF International suggests the following recommendation be made to Austria:

- a. Ensure that sex education programs are geared towards delaying sexual debut and promoting responsible sexual behaviour and healthy relationships;
- b. Respect the right of parents to raise and educate their children in accordance with their moral and religious convictions;
- c. Ensure that parents are able to opt their children out of education programs which violate their religious or moral convictions, including school-based sex education, in accordance with international human rights law;
- d. Clarify, repeal, adopt, or amend laws, regulations, policies, or practices that violate freedom of education and the rights of parents in this context.

⁴⁴ V. Munoz 'Report of the United Nations Special Rapporteur on the right to education – Sexual Education' (23 July 2010) UN Docs A/65/162, sec. II.

⁴⁵ Int'l Service for Human Rights, Majority of GA Third Committee unable to accept report on the human right to sexual education (Oct. 26, 2012) <<https://ishr.ch/latest-updates/majority-ga-third-committee-unable-accept-report-human-right-sexual-education/>>.



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