Principles to promote and protect the human rights of international students

Commissioner’s foreword

Australia is a popular destination with international students from all parts of the globe.

We benefit socially, culturally and economically from the international students who choose to study here. As a nation, we also have a duty of care to ensure the health, safety and well-being of international students who live, study and work in our cities and regional centres.

While the vast majority of international students report high levels of satisfaction about living and studying in Australia, some experience serious challenges. These include economic insecurity, social isolation, language and cultural barriers, threats to their safety, and difficulties accessing the services and information they need.

Some international students also experience discrimination, exploitation or harassment because of their race, colour, culture, religion, language or sex. This can happen in their dealings with, among others, health providers, migration agents, real estate agents and employers.

In many instances, international students are not aware of their human rights, how their rights are protected under Australian law and what options exist for them to take action when their rights are breached.

Australia has a responsibility to protect the human rights of everyone in the country, which includes international students. This responsibility comes from a number of international human rights treaties that Australia has agreed to uphold.

These Principles are based on these internationally-agreed standards. They have been developed by the Australian Human Rights Commission in consultation with key individuals and organisations, including international students and their representative bodies, representatives of the international education sector, academics, government departments and agencies, and organisations that provide services to international students.

I am very grateful for the expertise and contributions of all those involved.

A number of good practice initiatives that empower international students and promote intercultural engagement have been included throughout this document.

It is my hope that these Principles will be used to build on the valuable work already underway to protect and promote the human rights of international students in Australia and, in turn, contribute to Australia’s reputation as a destination of choice for international students.

Dr Helen Szoke
Race Discrimination Commissioner
Good practice example  The Brisbane Student Ambassador Program aims to empower international students to become advocates for Brisbane. The Program involves over 20 international students who share their first-hand experiences of the city in a variety of ways, including through social media and media interviews. Similarly, the ACT International Student Ambassador Program in Canberra seeks to promote a connection between international students and the broader community through building social networks and relationships.
About international students in Australia

International students in Australia are a diverse group. They are of different ages and at different stages in their lives. Some are single, some are married and some travel to Australia with members of their families. They stay in Australia for varying lengths of time and come from all parts of the globe, including Asia, the Middle East, North and South America, Europe and Africa.

The type of study they undertake is just as diverse: primary and secondary school courses; secondary school exchange programs; English language courses; and higher education courses, such as bachelor or associate degrees, diplomas, postgraduate courses and research.

Australia is a popular destination for international students. In 2009, the country had the highest proportion of international students in all OECD countries, followed by the United Kingdom and Austria. In 2011, over 550,000 international students were enrolled in courses in Australia.

Enrolments by sector, 2011

*ELICOS: English Language Intensive Courses for Overseas Students.


Good practice example  The International College of Management encourages its international students as well as its local students, to participate voluntarily in the local community through its Community Contribution Scheme. This includes volunteering at a local children’s hospice, providing opportunities to be involved in general administration and interactions with children and their families.
### Number of enrolments in Australia over the last ten years

<table>
<thead>
<tr>
<th>Year</th>
<th>Enrolments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>274,114</td>
</tr>
<tr>
<td>2003</td>
<td>307,151</td>
</tr>
<tr>
<td>2004</td>
<td>324,602</td>
</tr>
<tr>
<td>2005</td>
<td>344,779</td>
</tr>
<tr>
<td>2006</td>
<td>380,444</td>
</tr>
<tr>
<td>2007</td>
<td>450,865</td>
</tr>
<tr>
<td>2008</td>
<td>542,313</td>
</tr>
<tr>
<td>2009</td>
<td>630,700</td>
</tr>
<tr>
<td>2010</td>
<td>616,464</td>
</tr>
<tr>
<td>2011</td>
<td>557,425</td>
</tr>
</tbody>
</table>

**Source:** Australian Education International, *International Student Enrolments in Australia 1994-2011.*

### Number of enrolments by nationality, 2011, (top ten source countries)

<table>
<thead>
<tr>
<th>Country</th>
<th>Enrolments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saudi Arabia</td>
<td>11,772</td>
</tr>
<tr>
<td>Brazil</td>
<td>15,285</td>
</tr>
<tr>
<td>Nepal</td>
<td>17,780</td>
</tr>
<tr>
<td>Indonesia</td>
<td>17,921</td>
</tr>
<tr>
<td>Thailand</td>
<td>21,701</td>
</tr>
<tr>
<td>Malaysia</td>
<td>22,836</td>
</tr>
<tr>
<td>Vietnam</td>
<td>23,738</td>
</tr>
<tr>
<td>Republic of Korea</td>
<td>29,933</td>
</tr>
<tr>
<td>India</td>
<td>72,801</td>
</tr>
<tr>
<td>China</td>
<td>159,691</td>
</tr>
</tbody>
</table>

**Source:** Austrade, *International Student Data for 2011 (2011).*

**Good practice example**  The NSW International Student of the Year Awards, supported by the NSW Government, celebrates and recognises international students and their contribution to the state. The Awards provide an opportunity to showcase the achievements of international students and encourage social engagement with both the international student and broader communities.
Number of enrolments by state and territory, 2011

Source: Austrade, Basic Pivot Table 2011.¹¹

Good practice example  Recognising that a number of students are ‘techno savvy’, TAFE NSW Hunter Institute uses SMS to inform students, including international students, about on-campus events, ranging from social events to support services that relate to housing, budgeting and employment.¹²
**Good practice example**  The GLoBALL Program – whose supports include the Essendon Football Club, the Royal Melbourne Institute of Technology (RMIT), the Australian Federation of International Students and the City of Melbourne – aims to promote a sense of belonging, social inclusion and celebrate diversity. It provides opportunities for international students and new migrants with free games and skills sessions with members, staff and players from the Essendon Football Club and Cricket Victoria. These opportunities provide students with the opportunity to develop their football skills and enable them to engage in broader themes such as leadership, respect, communication and teamwork.¹³
About the Principles

The purpose of these Principles is to enhance the health, safety and well-being of international students in Australia.

The Principles identify the key human rights considerations to be taken into account in policy development and service delivery to ensure that international students who choose Australia as an educational destination have a safe, positive and productive time during their stay.

Human rights belong to all of us, no matter who we are, where we were born, where we live or the colour of our skin. They recognise the fundamental worth of each person and are grounded on the principles of equality and mutual respect.

Everyone is entitled to their human rights, without discrimination.

Promoting equality and non-discrimination are important goals of the Principles.

Under the International Convention on the Elimination of All Forms of Racial Discrimination 1966, Australia has an obligation to safeguard the human rights of all people in the country, without discrimination on the basis of a person’s race or ethnic or national origin.

The Racial Discrimination Act 1975 (Cth) gives effect to Australia’s obligations under the Convention. Its major objectives are to:

- promote equality before the law for all persons
- make discrimination against people unlawful
- provide protection for people against racial hatred.

It does this by making unfair treatment based on a person’s race, colour, descent, national or ethnic origin or immigrant status unlawful.14

Discrimination, harassment, violence and other breaches of human rights can have a serious impact on people’s lives, their sense of safety, their health and the opportunities available to them.

International students can face a range of human rights challenges in Australia, including in relation to:

- an adequate standard of living, including access to safe, adequate and affordable housing15
- personal safety and security16
- access to physical and mental health services, including information and health services for women17
- safe and fair employment18
- privacy.19

Taking steps to promote and protect human rights, and to prevent and address unlawful discrimination, is a prerequisite for enhancing the health, safety and well-being of international students and members of their families.

Good practice example  The University of Newcastle’s Community Connections Program provides volunteers from the local community to connect with a diverse range of international students, allowing broadening of friendships, sharing of information about other cultures and opportunities to engage in a range of social activities, determined by the participants. The Program began in 1997 to assist international students to feel welcomed and supported.20
Using these Principles

These Principles have been designed:

- as a guide for all organisations and government agencies that provide services to international students
- to inform the ongoing development of policies and services relating to international students.

They also provide international students and their representative bodies with a guide on how their human rights can be better promoted and protected, to support their advocacy with governments, service providers and other agencies.

There is no single body or organisation responsible for addressing the issues and concerns faced by international students. It is a joint effort, shared by a broad range of bodies across all parts of Australia, including:

- those in the public and private education sector
- the Australian Government, as well as state, territory and local governments
- law enforcement agencies
- agents who recruit international students outside Australia and provide information about education and living in Australia
- non-government organisations that provide support services
- businesses, both as service providers and as employers
- federal, state and territory anti-discrimination commissions, ombudsmen and other complaint-handling bodies.\(^{21}\)

A number of stakeholders have a shared responsibility for certain issues, such as ensuring safe and affordable housing or gathering up-to-date data about the safety of international students in Australia. Accordingly, the Principles encourage a collaborative approach among all stakeholders to better promote and protect the rights of international students.

The Principles complement recent policy and service reforms implemented by the Australian, state and territory governments, which focus on international students’ individual rights and responsibilities.\(^{22}\) They also complement federal, state and territory human rights and equal opportunity laws, which promote the right to equality and non-discrimination and provide redress for unlawful behaviour to all people in Australia.\(^{23}\)

Recent developments in protecting the rights of international students

Some of the recent reviews and inquiries relating to international students have included:

- the release of the International Education Advisory Council’s discussion paper on the future of international education in Australia in April 2012
- the NSW Legislative Assembly Social Policy Committee’s inquiry into international student accommodation in NSW in 2011
- the Hon Michael Knight AO’s review of the student visa program during 2010 and 2011
- the Hon Bruce Baird AM’s review of the Education Services for Overseas Students (ESOS) Act 2000 during 2009 and 2010
- the Commonwealth Senate Education, Employment and Workplace Relations References Committee’s inquiry into the welfare of international students in 2009.

As a result, a number of steps have been taken to strengthen the support provided for international students, such as:

- the release of the Council of Australian Governments (COAG) International Student Strategy for Australia: 2010-2014, which includes action in the areas of student well-being, quality of education, consumer protection and better education\(^{24}\)
- amendments to the Education Services for Overseas Students Act 2000 (Cth), which include strengthening requirements for education providers and expanding the Commonwealth Ombudsman’s role to deal with complaints about problems with private providers\(^{25}\)
- changes to the skilled migration policy that aim to ensure clarity for potential international students and to ensure that qualifications and skills meet the needs of the Australian economy and community\(^{26}\)
- the development of a survey tool to better understand the international student’s experience of living and studying in Australia\(^{27}\)
- improvements in providing information through the Study in Australia website.\(^{28}\)

Good practice example  International House residences are found in Sydney, Melbourne, Brisbane, Darwin, Newcastle, Wollongong and Townsville, as well as in London, Taiwan and a number of cities in the United States of America. The first International House was established in New York in the early 1900s in response to the need for suitable accommodation for international students, as well as to address the loneliness and isolation many faced. With the assistance of Rotary International, the International House movement reached Australia in the 1950s. While International Houses are separate and independent, they have one mission, which is to provide students of different nationalities and diverse cultures with the opportunity to live and learn together in a community of mutual respect, understanding and international friendship.\(^{29}\)
Good practice example  StudyAdelaide’s Community and Student Support Program offers a range of stimulating experiences for international students, as well as providing opportunities for them to interact with others, make new friends and experience the Australian lifestyle. The Program includes a number of events, including the Governor of South Australia’s International Student Awards, a student ambassador program, regional tours in conjunction with the Rotary Clubs in South Australia and the Port Adelaide international student support group, which is run by international students with the support of the Port Adelaide Footy Club.
Principles

1. **Enhancing** the human rights of international students

2. Ensuring all international students have access to human rights and freedom from discrimination **protections**

3. **Understanding** the diverse needs of international students

4. **Empowering** international students during their stay in Australia

**Good practice example**  
*Meld Magazine* is a not-for-profit media outlet targeted to both current and prospective international students in Victoria, providing them with resources on education providers and student welfare services. It relies solely on volunteers and provides them with the opportunity to develop their skills. *Meld Magazine* also provides industry stakeholders with the opportunity to connect with Melbourne’s international student community. Information is provided through e-newsletters as well as social media platforms such as Facebook and Twitter.  

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**Australian Human Rights Commission** • Principles to promote and protect the human rights of international students
Principle 1: Enhancing the human rights of international students

To enhance the human rights of international students, it is critical that ongoing improvements are made in those areas where international students face barriers, such as accessing health services, housing and employment. This requires agencies with responsibilities in these areas to understand their legal obligations and to pursue improvements that will advance the human rights of international students.

To implement this Principle, it is important that stakeholders:

1.1 ensure that international students and their families have access to affordable medical and hospital treatment while studying in Australia
1.2 ensure international students and their families have sufficient information about how to access emergency health services when required, and that health services are aware of their obligations to provide services
1.3 support access to gender-specific health education and services and appropriate obstetrics care for international students and their partners
1.4 pursue affordable and safe accommodation options for international students
1.5 ensure the development of an appropriate set of national or nationally-consistent minimum standards to enhance accountability and safety for homestay arrangements for international students aged 18 years and over
1.6 enhance the safety, security and social inclusion of international students through affordable public transport
1.7 ensure international students have accurate information about their employment rights, particularly in relation to remuneration, employment conditions and occupational health and safety
1.8 adopt, where there are significant crises occurring in the country of origin, a proactive, timely and flexible whole-of-government response that addresses the associated financial, safety and well-being of students from that country, and communicate this response efficiently to students, including through the Study in Australia website (www.studyinaustralia.gov.au).

Good practice example The Council of International Students Australia (CISA) is the national peak student representative body for international students studying at the postgraduate, undergraduate, private college, TAFE, ELICOS and foundation level. It seeks to empower international students through a range of activities, including advocacy for their interests and needs, high-quality education and network building. CISA hosts a national conference each year, bringing together international students, student support staff and representatives from the education sector, government and other organisations, such as accommodation and insurance providers. It provides a forum for sharing information with international students, as well as allowing them to have a say on a range of important topics.

Principle 2: Ensuring all international students have access to human rights and freedom from discrimination protections

To ensure that international students are properly equipped to address any violence or unlawful discrimination they may experience, it is vital that they can access the necessary social, legal and information services. Greater awareness of their rights, responsibilities and the complaint handling processes available to them will mean they are better able to address issues they encounter or seek redress for unlawful treatment. This requires the relevant organisations to develop and distribute information that is accurate, accessible and appropriate for international students.

There are a range of organisations that provide these services, including independent health services commissions, bodies handling complaints about housing, law enforcement agencies, privacy commissions, ombudsmen and anti-discrimination commissions.

To implement this Principle, it is important that stakeholders:

2.1 provide adequate information to international students about how to make complaints about potential and actual breaches of their rights
2.2 ensure that adequate information on tenancy rights and responsibilities and complaints processes are available to international students, to maximise safety and avoid exploitation and unsafe co-habitation
2.3 provide international students with clear information about how to make complaints about potential or actual breaches of their employment rights
2.4 provide international students with access to targeted legal advice and support.
**Principle 3: Understanding the diverse needs of international students**

A clear understanding among stakeholders of the needs and experiences of international students living in Australia is vital to ensuring the protection of their human rights. Achieving this greater level of understanding requires better and more comprehensive research and data collection. Research and data collection that would contribute to a better understanding of the international student experience would particularly benefit from looking at the safety, discrimination, well-being and living arrangements of international students. It is also important that the results of this research and data collection is available to all stakeholders, so that policy and service development can respond to the diverse and changing needs of international students.

To implement this Principle, it is important that stakeholders:

3.1 initiate research and data collection that results in a better understanding of the international student experience, in accordance with privacy laws and concerns

3.2 collect and report on data relating to the experience of racism and racially motivated crime directed at international students, and ensure that this data informs policy and service delivery

3.3 report publicly on how information about the numbers and causes of international student deaths is being utilised to ensure the safety and well-being of international students.

**Good practice example**  
EDGE is a leadership program for international students than runs over six weeks and covers three key topics: career management; leadership and success management; and cross cultural skills and working in Asia. It is an initiative of the City of Melbourne and provides participants with support in their nominated project area by industry representatives and high-profile leaders. The program is provided at no cost to participants.

**Principle 4: Empowering international students during their stay in Australia**

Empowering international students to participate in different aspects of community life provides significant benefits for everyone involved. However, genuine participation requires an ongoing commitment to protecting the rights of international students and providing them with the information they need in culturally appropriate ways. To encourage and foster participation, stakeholders need to actively promote opportunities for intercultural exchange at the local, state and federal levels, as well as provide international students with opportunities for leadership training and experience.

To implement this Principle, it is important that stakeholders:

4.1 facilitate ongoing opportunities for international students, their representative bodies and stakeholders working with international students to come together, at the institutional and government levels, to identify opportunities to improve outcomes for international students

4.2 improve the accessibility of information resources and services by providing information on an ongoing basis, in plain English and in relevant languages, either through translations or the appropriate use of interpreters, and in innovative ways, including through the use of social media

4.3 increase awareness of key information resources and services by promoting them on the Study in Australia website

4.4 encourage ongoing opportunities for international students to learn about local and relevant issues, such as the role of local law enforcement agencies, safety awareness training, sexual awareness and physical and mental well-being

4.5 take steps to increase their cultural competency and proficiency by assessing practices, reviewing policies and consulting with international students

4.6 create ongoing opportunities for international students to interact with local students and members of the broader community during their time in Australia, in consultation with international students and their representative bodies.
Good practice example  Arrow on Swanston is located in the university precinct of Melbourne city. Developed 15 years ago in response to the challenges faced by international students, including housing, social support and educational difficulties, it mobilises volunteers and local community through city tours, food, creative arts and sports, mentoring programs and entrepreneurial opportunities. It consists of a 500 room international student complex, which includes art spaces and concert halls, a rooftop ‘kitchen’ garden with a commercial size community kitchen and event centre, health and fitness facilities and collaborative workspaces. Residents use the community kitchen to cook for one another and to host social events. The events centre brings local businesses and community groups into an interactive zone where residents can host exciting city functions. Arrow on Swanston cultivates an environment where students are empowered to participate in and contribute to many areas of life and local community.
Achieving positive outcomes

The Principles seek to deliver a range of practical outcomes for international students, the organisations that work with them, the Australian education sector and the broader Australian community.

For example, by supporting and implementing the Principles:

- the Australian Government and state, territory and local governments will enhance the important work they do in regulation, policy-making and the continuous improvement of services for international students
- government departments and agencies, including law enforcement agencies, will be more responsive to the health and safety needs of international students, through regular and accurate data collection and analysis
- international students and their family members will be better informed about their rights and the protections available to them, and will have more opportunities to connect with the communities where they live and study
- international students will be better able to contribute to ongoing policy development and service delivery through participating in regular consultations and other fora
- education providers will continue to enhance the educational experience of international students and will put in place appropriate protections and other supports to enhance their health, safety and well-being
- the positive experience of living and studying in Australia, explicitly underpinned by human rights principles, will help Australia continue to build a positive reputation as an educational destination for international students.

Good practice example  Established in Adelaide, Insider Guides – International Student Guide is a publication that now also covers Brisbane, Melbourne, Sydney and Perth. It is designed to help new international students settle into and enjoy their new city and includes information on finding a job or home, transport, budgeting, health services, shopping, eating out and local activities. It also features a list of useful contacts. The publication is complemented by a free smart phone app – ‘Australia – Student Guide’ – which includes a calendar of upcoming events.
The Australian Human Rights Commission can investigate and resolve complaints of discrimination, harassment and bullying based on a person’s:

- sex, including pregnancy, marital status, breastfeeding, family responsibilities and sexual harassment
- disability, including temporary and permanent disabilities; physical, intellectual, sensory, psychiatric disabilities, diseases or illnesses; medical conditions; work related injuries; past, present and future disabilities; and association with a person with a disability
- race including colour, descent, national or ethnic origin, immigrant status and racial hatred
- age, covering young people and older people
- sexual preference, criminal record, trade union activity, political opinion, religion or social origin (in employment only).

For free advice on discrimination and your rights, or to make a complaint, call the Commission’s Complaint Information Service on 02 9284 9888, 1300 656 419 (local call) or 1800 620 241 (TTY).

Information about making or responding to a complaint is available at www.humanrights.gov.au. You can also email the Commission at complaintsinfo@humanrights.gov.au.

Free interpretation and translation services are available by contacting 13 14 50 and asking for the Australian Human Rights Commission.
References


2. The human rights standards on which these Principles are based are found in a range of international human rights treaties to which Australia is a party and include: the *International Convention on the Elimination of All Forms of Racial Discrimination*, 1966; the *International Covenant on Civil and Political Rights*, 1966; the *International Covenant on Economic, Social and Cultural Rights*, 1966; the *Convention on the Elimination of Discrimination against Women*, 1979; the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 1984; the *Convention on the Rights of the Child*, 1989; and the *Convention on the Rights of Persons with Disabilities*, 2006; as well as a number of International Labour Organization conventions, including the *Discrimination (Employment and Occupation) Convention*, 1958 (No. 111).


14. Section 5 of the *Racial Discrimination Act 1975* (Cth) extends the Act’s operation in limited circumstances to provide that it is unlawful to discriminate by reason that a ‘person is or has been an immigrant’ or ‘any relative or associate of that person is or has been an immigrant’.

15. Article 25(1) of the *Universal Declaration of Human Rights* and article 11(1) of the *International Covenant on Economic, Social and Cultural Rights*.

16. Article 3 of the *Universal Declaration of Human Rights* and article 9(1) of the *International Covenant on Civil and Political Rights*.

17. Article 12(1) of the *International Covenant on Economic, Social and Cultural Rights* and articles 10(h) and 12 of the *Convention on the Elimination of All Forms of Discrimination Against Women*.

18. Articles 23(1), (2) and (3) of the *Universal Declaration of Human Rights*, article 7 of the *International Covenant on Economic, Social and Cultural Rights*, as well as a number of International Labour Organization conventions that set out standards relating to employment, decent work and fair treatment, including the *Discrimination (Employment and Occupation) Convention*, 1958 (No. 111).
Article 12 of the *Universal Declaration of Human Rights* and article 17 of the *International Covenant on Civil and Political Rights*.


22 Some of the national laws that provide protections for international students relate to: access to Australian Government records, education services, workplace relations, occupational health and safety, privacy and consumer protections.


30 For more information, see [http://studyadelaide.com/zh-hans/about](http://studyadelaide.com/zh-hans/about) (viewed 3 September 2012).


33 In 2010, the Committee on the Elimination of Racial Discrimination recommended that Australia require law enforcement authorities to collect data on the nationality and ethnicity of victims of racially motivated violence and “provide updated statistical data on the number and nature of reported hate crimes, prosecutions, convictions and sentences imposed on perpetrators, disaggregated by age, gender and national or ethnic origin of victims”. See: *Concluding observations of the Committee on the Elimination of Racial Discrimination: Australia* (2010), (CERD/C/AUS/CO/15-17), paragraph 23. At [http://www2.ohchr.org/english/bodies/cerd/ceds77.htm](http://www2.ohchr.org/english/bodies/cerd/ceds77.htm) (viewed 3 September 2012).

