

## HUMAN RIGHTS OF THE RUSSIAN STUDENTS STUDYING IN AUSTRIA AND GERMANY

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### Abstract

The modern Russian and international labour markets are characterized by a great demand of specialists with fundamental knowledge, certain practical experience, high level of proficiency of several foreign languages, and high motivation. The formal evidence of professional training or internship in a foreign university is appreciated by employers.

The students of Law Institute of the Peoples' Friendship University of Russia (RUDN University) have effectively used the provision of the law "On Education in the Russian Federation" that focuses on the importance of "research on various topics; internships, including academic exchange held in educational and scientific organizations, including higher educational institutions of foreign countries" (Federal Law of the Russian Federation "On Education in the Russian Federation" (2012) N 273-Φ3/ Federal'nyy zakon Rossiyskoy Federatsii «Ob obrazovanii v Rossiyskoy Federatsii»). The Bologna Declaration states the possibility of the students to continue their professional training at a foreign university for two semesters and to participate in double diploma programs in European countries (The Bologna Declaration of 19 June 1999: Joint declaration of the European Ministers of Education (1999).

The goal of the paper is to analyse the observance of the rights and responsibilities of the Russian students as foreign students in course of professional training in the double diploma program in higher education institutions of Austria and Germany. The research methods include the review of studies on the issue, the use of the methods of statistical data processing; the assessment and interpretation of the national Laws on Higher education of Austria and Germany from the viewpoint of the Russian learners. The current research is based on the inductive-empirical and hypothetical-deductive methods.

**Keywords:** higher education, students' human rights, academic mobility.

### 1 INTRODUCTION

Students' mobility has become one of the main characteristics of the modern higher education environment. Many Russian students choose Universities of Germany and Austria for this purpose due to the following positions:

- Free tuition for international students in undergraduate and graduate programs;
- Compliance with the provisions of the "Law on Higher Education" concerning the "rights and responsibilities" of students;
- Accessibility and acceptance of universities' activities;
- A great number of state universities included in the top category;

- “Academic freedom” that assumes the independent choice of the disciplines to study;
- The integration of the educational process and scientific research.

Professional training and higher education in the Universities of Austria and Germany are very popular among Russian students. In 2017-2018 the total number of the Russian students who continued their education in these European countries equalled 2000 undergraduates and graduates and 2670 postgraduates studying in Austria and 700 000 undergraduates and graduates and 400 000 postgraduates studying in Germany. The statistic is given in accordance with the site “Statistik Austria” (Studienabschlüsse, 2018) and DAAD (German Academic Exchange Service) database (Daten & Analysen ..., 2017).

This situation causes the topicality of the issue: whether the Russian students studying in the countries mentioned above have the rights and responsibilities like the rights and responsibilities of the students who are the residents of the countries.

## **2 LITERATURE REVIEW**

Recent studies on the issue under examination showed that few researchers analyzed the problem of the Russian students’ human rights realization in foreign universities; the issues of content analysis methodology regarding the assessment of the content of the legal documents on Higher Education; the use of the foreign students’ rights and responsibilities in the framework of the foreign higher education environment.

Nowadays one of the popular approaches in higher education is humanitarian education that is concentrated on equal access to education for all groups of young people (Robinson, Phillips & Quennerstedt, 2018; Struthers, 2015; Tibbitts, 2005). The importance of the students’ mother tongues and the right to be instructed in a mother tongue is examined by Tove Skutnabb-Kangas (Skutnabb-Kangas, 2012; Hughes, 2008).

The national specificity of higher education in different countries is often a subject matter of various research (Gorbatenko, Atabekova & Belousov, 2014; Graf, 2013).

As higher education in Austria and Germany are very popular among students it is viewed from various angles e.g. the correlation of the university status and the level of employment (Kellermann & Sagmeister, 2000; Schomburg, 2002).

Discourse analysis of human rights is observed in various settings (Atabekova, 2019). Discourse analysis in higher education research can be used as a theory, a method and a dominant (Sousa & Magalhães, 2013).

Apparently, there is a lack of research publications describing the methodology of the step-by-step use of content analysis of the articles of the Law on Education in Germany and Austria in terms of respecting the rights of foreign students. The current research of the problem under discussion can be considered as topical. In this connection a conceptual structure of the research was formed, the aspects of the analysis and research methods were identified.

## **3 METHODOLOGY**

Considering the results of the literature analysis and the data of the questionnaire of the students who participated in a double degree program, the current research algorithm was discussed and stated. The goal of the research was to analyse the practical implementation of the students’ rights in accordance with the legal documents of the issue under study.

Taking into consideration the information received, it was possible to state that currently, the number of foreign students in Germany and Austria is more than 10% of the total number of students in higher education institutions. It is explained by the following fact. For many years general standard rules for admission to higher education institutions have been realized, and high-quality higher education at all levels has been achieved. Accessibility and openness of German and Austrian universities give an opportunity to anyone to find out open access quotas in universities to study various settings, for example, medicine, psychology, business management, etc. In general, the national admission quotas are determined by the Central Office of the Study Distribution (Zentralstelle für die Vergabe von Studienplätzen) in Germany and by each university in Austria. When these quotas are distributed, the average rating for the specialized subjects, the waiting period and the social status of applicants' families are considered.

The pedagogical support is provided to help the applicants to prepare the documents for the participation in the double diploma program.

In the framework of the research, a survey regarding the observance of the rights of foreign students was

carried out among the RUDN graduates who studied in the universities in Germany and Austria. A questionnaire implied the detailed answers of the open-ended questions:

- What are the most relevant human rights observed by university students?
- Are the students' human rights breached during the years of studying at the German/Austrian Universities?
- Do the students observe the human rights of their university fellow-students?
- How tolerant are the students towards their mates of different ages, sex, nationality, religion?

The results of the questionnaire were examined and generalized.

## **4 RESULTS AND DISCUSSION**

As far as the human rights of the students are concerned all respondents (100%) stated that all learners no matter what country they are from have equal access to higher education. 98% of the respondents think that the right to social protection is the most essential one. 94% of the students describe personal inviolability as the key right of anyone. The freedom of speech is considered as the most essential by 85% of the survey participants, the right to the free use of personal abilities – by 74%.

92% of the respondents replied that they did not notice any human rights violations among the students during their studies in both Russian and foreign universities; 4% noted some cases of discrimination on ethnic grounds in a Russian university and 2% of the respondents from Austrian university witnessed cases of discrimination against Moslem students from Turkey.

100% of the survey participants do not breach the rights of fellow students. 93% have neutral and even indifferent attitude to the mates' age, 85% - to their gender, 76% - to nationality, 89% - to religion.

However, the graduates of the double diploma program noted that in Austria and Germany there is a strict hierarchy of job employment. The priority is given to the citizens of the country, then the residents of the European Union countries, immigrants from the Commonwealth of Independent States countries and finally to the Russian citizens.

The observance of the students' human rights in higher education institutions of Austria and Germany depends mainly on the three-level system of education management, which consists of the federal centre, federal states, and educational institutions.

The Federal Framework Act on Higher Education (Hochschulrahmengesetz, HRG), adopted in 1998 based on the Framework Act on Higher Education of 1976, and amended in 2006, defines the general principles for the functioning of the higher education system in Germany. The federal centre provides general education guidance. Ministry of Education of Germany develops the concept of educational policy, approves nationwide legal support for the functioning of the education system, allocates funds to create a modern infrastructure for the effective activity of universities.

According to the German Constitution, the current management of education is the competence of the federal government and is coordinated by the relevant laws of the federal states on higher education, which are formed based on the Federal Framework Law.

The management and coordination of the educational process are carried out by the relevant land ministries on such issues as financial and administrative regulation, duration of studies and holidays, curriculum content, mutual recognition of diplomas, forms and frameworks of autonomy and self-governance of universities.

The analysis of the Laws on Higher education in Germany and Austria also specifies the following rights of the learners of higher education institutions: (1) training according to an individual learning schedule within the framework of the educational program in the way stated by the local regulatory acts; (2) the participation in making the content of the professional training within the national and local educational standards; (3) the respect for human dignity, protection from all forms of physical and mental violence, protection of life and health; (4) the free use of library and information resources, educational, industrial, scientific base of an education institution; (5) the participation in research, scientific, technical, experimental and innovative activities carried out by an education institution, under the guidance of scientific and pedagogical supervisors of the higher education institution or researchers of scientific institutions.

Russian students continuing their education in universities of Germany and Austria also appreciate the

principle of "academic freedom", which has become traditional in German universities. According to this rule, students are provided with a free choice of lectures and seminars they are to attend. The conditions for its implementation of this principle are regulated by the Academic rules of the higher education institution, by the national legislation and the laws of the federal states. In this connection, it should be noted that 25% of the Russian students expressed an intention to have the right to choose the subjects from the curriculum, depending on the academic interests, and not on a mandatory basis as it is a rule at Russian universities. Moreover, 15% of the students want to choose the dates of exams independently.

## 5 CONCLUSION

Academic and learning mobility of higher education students has become one of the characteristics of the modern education environment. Austria and Germany are the popular destinations for Russian students to continue their education. Higher education in universities in Austria and Germany has many advantages for foreign students.

Apparently, the observance of the Russian students' human rights in foreign universities at the examples of universities in Austria and Germany is one of the topical issues. However, there are few research papers studying this aspect of higher education reality in the frames of academic and learning mobility of the students.

To identify the implementation of the foreign students' human rights, a survey on the issue was carried out among the RUDN university students. The study proved that in the opinion of most of the students who chose the double diploma program for further studies, the rights of foreign students are respected. Moreover, many rights of the foreign students in German and Austrian universities are similar to the rights of the students in Russian universities. The higher education management in Russia is realized mainly by the Ministry of Higher Education and Science.

The important finding of the current research is the human rights of the students are observed in the countries under study.

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