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Via email: [vc@unimelb.edu.au](mailto:vc@unimelb.edu.au)

15 April 2025

Dear Professor Johnston,

**Re: Concerns regarding protest restrictions and student surveillance**

We are writing to express our serious concern about two recent developments at the University of Melbourne — the introduction of sections 5 and 15 of the *Vice Chancellor Regulation*, relating to protests (**Protest Direction**), and recent amendments to the University's *Wireless Terms of Use policy* (**Wireless Policy**) — and their potential impact on the human rights to privacy, peaceful assembly, and freedom of expression.

The University is likely to be considered a public authority under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (**Charter**) and required to act consistently with human rights.

**The Protest Direction**

The University's Protest Direction includes a blanket ban on all indoor protests at the University. It also prohibits protests which undermine the capacity of individuals to fully participate in the University, prejudice the ability of the University to comply with health and safety obligations, or disrupt the activities of the University.<sup>1</sup> Both students and staff face potential sanctions for non-compliance with this policy.

Under section 15 and section 16 of the Charter, and international human rights law, all people in Victoria have the right to the freedom of expression and to peaceful assembly. Any restrictions to these rights must be lawful, necessary and proportionate.

Under international human rights law, any restrictions on participation in peaceful assemblies must be based on an individualised assessment of the conduct of those involved and the nature of the assembly itself. Blanket restrictions on peaceful protest are presumptively disproportionate and risk breaching these protections.<sup>2</sup> We are concerned that the blanket ban on indoor protests does not meet these requirements.

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<sup>1</sup> University of Melbourne, *Vice-Chancellor Rules* (Web Page) <https://about.unimelb.edu.au/strategy/governance/regulatory-framework/legislative-framework/vice-chancellor-rules>.

<sup>2</sup> United Nations Human Rights Committee, General Comment No 37: Article 21 (Right of Peaceful Assembly), UN Doc CCPR/C/GC/37 (17 September 2020) [38].

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Under international human rights law, restrictions on the right to peaceful assembly must be of sufficient precision, so that individuals can regulate their conduct accordingly.<sup>3</sup> We are concerned that the language used in the Protest Direction, particularly in regard to protests which “unreasonably undermine the capacity of individuals to participate fully in the University” is insufficiently precise to enable individuals to regulate their conduct accordingly. The Direction also states that protests must not “unreasonably disrupt activities of the University”. By their nature, protests are often disruptive and what is considered “disruptive” is subjective and could include a wide number of protest activities. We are concerned that certain topics of protest could be deemed “disruptive” by the University. The broad language of the Protest Direction is currently written in a manner that it would be difficult for individual students or staff to ascertain whether their protest activity is compliant with the direction and is therefore likely to have a chilling effect on student and staff’s political communication via protests and public assemblies.

### **Wireless policy**

We are aware that the University has recently amended its *Wireless Terms of Use* policy to permit monitoring of the wireless network “to assist in the detection and investigation of any actual or suspected unlawful or antisocial behaviour or any breach of any University policy by a network user, including where no unauthorised use or misuse of the network is suspected.”<sup>4</sup> Antisocial does not appear to be defined in the policy which is problematic given “antisocial” could be used describe a broad number of activities.

The breadth of this provision—permitting surveillance even in the absence of any suspected misuse of the network—raises significant human rights concerns. In particular, monitoring users’ activity without a reasonable and proportionate justification risks violating the right to privacy and reputation, protected by section 13 of the Charter.

General monitoring of communications is incompatible with international human rights law, which provides that restrictions on the right to privacy must be necessary and proportionate to a legitimate aim.

A provision was also added to permit monitoring of the wireless network to “assist in the detection, identification, and investigation of network users, including by using network data to infer the location of an individual via their connected device”.<sup>5</sup> Likewise, this provision is problematic because it does not specify that probable cause, reasonable suspicion of wrongdoing, or any wrongdoing at all, need to be established first before identifying and locating users.

### **The role of Universities**

Universities, as spaces which aim to foster academic inquiry and critical debate, should be places which facilitate and protect peaceful assemblies and should be especially cautious when imposing measures that may suppress expression and/or assembly.

Student protests have long been an integral and vital part of campus life. From movements advancing LGBTIQ+ equality, racial justice, climate action, decolonisation, and anti-apartheid organising – students have consistently played a leading role in shaping positive social change.

As stated by the United Nations Special Rapporteur on the right to freedom of assembly and association in October 2024:

Respecting and guaranteeing dissent is essential to ensure the universities remain spaces for free thought, speech and academic freedom, as well to guarantee freedom of expression, assembly and association.

The brutal repression of the university-based protest movement is posing a profound threat to democratic systems and institutions; it risks alienating an entire generation, damaging their participation and perception of their role in democratic processes, in addition to failing the responsibility to prevent atrocity crimes and to contribute to peace.<sup>6</sup>

The Special Rapporteur specifically stated that universities should “refrain from and cease any surveillance and retributions against students and staff for expressing their views or participating in peaceful assemblies”.

We acknowledge that the University has an obligation to respond to conduct that is unlawful or genuinely disruptive to learning and safety. However, measures taken to support this must be proportionate, and should

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<sup>3</sup> UN Human Rights Committee, *General Comment No 37: Article 21 (Right of Peaceful Assembly)*, UN Doc CCPR/C/GC/37 (2020) [36]–[40].

<sup>4</sup> University of Melbourne, *IT and Wireless Terms of Use* (Web Page) <https://www.unimelb.edu.au/wireless/it-and-wireless-terms-of-use>.

<sup>5</sup> *Ibid.*

<sup>6</sup> <https://www.ohchr.org/en/statements-and-speeches/2024/10/universities-must-respect-peaceful-activism-and-revise-repressive>.

not result in the blanket silencing of peaceful protest or the routine surveillance of students and staff members engaged in lawful conduct.

We urge the University to reconsider its current protest and surveillance policies and affirm the University's commitment to respecting and protecting the human rights of its staff and students.

We would welcome the opportunity to meet with the University about the matters raised in this letter. Please contact Sarah Schwartz via email at [sarah.schwartz@hrlc.org.au](mailto:sarah.schwartz@hrlc.org.au) to organise a time to meet.

We look forward to your response and to working together to ensure the University of Melbourne remains a space that upholds democratic values, academic freedom and human rights.

Yours sincerely,

**Sarah Schwartz**

Legal Director, Human Rights Law Centre

**Annabel Hennessy**

Researcher, Human Rights Watch Australia

**Nikita White**

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