

HELLENIC REPUBLIC
GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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Resolution regarding the Issue of University Asylum
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University asylum constitutes the most fundamental guarantee of academic freedom which is interwoven with the existence and function of any university institution. University asylum was established by the very first universities in Italy and its purpose was to prevent any intervention in the freedom of thought, research and teaching, mostly by the church. For that reason it is considered to guarantee academic freedom.

Similar has been the history of university asylum in Greece. The period before and during the dictatorship of 21st April 1967 has been the most noteworthy. The massive student protests demanding democracy and freedom in November of 1973 in the Polytechnic School of Athens led to the fall of the regime and turned university facilities into protective shield of freedom.

Although university asylum is not expressly provided for in the Constitution, there is no doubt that it has the status of a constitutional guarantee interwoven with the freedom of academic research and teaching and, in general, with the free movements of ideas. University asylum is a constitutional and institutional guarantee of academic freedom and strengthens the self-regulation of university institutions.

It opposes State authority and precludes arbitrary- without prior permission- interventions or invasion of police authorities in university facilities. It also opposes any form of policing and any attempt to control or manipulate teaching, research and movement of ideas. It is protected from both state authority and privates (individuals, groups, enterprises). The beneficiaries of university asylum are university institutions and

technological institutions of higher education regardless of whether they are public or private. The independence of professors' opinion, free research and movement of ideas of students and researchers is absolute and it may not depend on laws, ministerial decisions or approvals, or be manipulated by private interests.

All members of university community are entitled to the protection of university asylum, individually and as a whole. Subjects of university asylum are the subjects of academic freedom, all those who take part in teaching, research, and disseminating knowledge, professors and students. University authorities are responsible for both maintaining the peaceful and free enjoyment of university asylum and effectively protecting it. University self-regulation entails that university authorities are responsible for protecting university's facilities and safeguarding academic freedom. However, the responsibility to protect university's facilities from any kind of material damages lies, individually and collectively, with all members of the university community and every organized body of students or professors.

The areas that fall under the protection of university asylum are the facilities, as well as virtual spaces, such as auditoria, places of entertainment, accommodation, and open-air areas where teaching, research, movements of ideas and entertainment of students take place.

It is evident that university asylum cannot be used as a pretext for the perpetration of criminal acts and its invocation cannot preclude wrongfulness. University asylum does not provide criminal or civil immunity to those, members of the university or third persons, who destroy public goods and commit other offences. Besides, it is well known that the perpetration of flagrant felonies and the endangerment of life permit the entrance, without prior authorization given by the university authorities but with the request of the public prosecutor, of police officers in university facilities for protecting life and other important legal goods being in immediate danger.

The recent law on higher education amended the previous one with regards to university asylum's protection without rendering this protection any better. The prescription of criminal acts was broadened but and their general and vague description is not in compliance with article 7 of the Constitution which imposes the *nullum crimen sine lege certa* principle.

University asylum, even today, faces the risk of being violated by public authorities, especially the police. However, third persons or groups who invade arbitrarily in university facilities do not violate university asylum but they abuse it by destroying facilities and committing other punishable acts. These acts will lead to the degeneration of university asylum and its moral status. The same impact is also produced by the prolonged, frequent and arbitrary sit-ins of students.

University asylum is an institutional guarantee for free and independent teaching and research. Professors have the moral responsibility to safeguard this good both from being violated and degenerated by decisions, practices or rivalries of political parties which move towards that direction.

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