



# **Greece: Higher Education Reforms and University Asylum**

## **Legislative History and Bibliography (1982-2019)**

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# Greece: Higher Education Reforms and University Asylum Legislative History and Bibliography (1982-2019)

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## I. Legislative History of the University Asylum Rule

It appears that the first major university reform, which took place in Greece after the fall of the military junta (or the "Colonels' Regime") in 1974, was realized by the adoption of Law 1268/1982.<sup>1</sup> The Law established a framework for the structure and functioning of higher education institutions (*Ανώτατα Εκπαιδευτικά Ιδρύματα*). Article 2 of the Law, titled "academic freedoms and university asylum," prohibited police from entering universities without the permission of a three-member panel consisting of the rector and representatives of the faculty and students (art. 2(4) et seq.), except when a felony or a crime against life had been committed. The Law referred to this rule as "university asylum" (*πανεπιστημιακό άσυλο*).

The university asylum rule was retained in Law 3549/2007,<sup>2</sup> which reformed the framework for higher education institutions. Article 3 of this Law, titled "academic freedoms and academic asylum," referred to the rule as "academic asylum" (*ακαδημαϊκό άσυλο*).

In 2011, the provision of Law 3549/2007 containing the academic freedom rule was repealed by Law 4009/2011<sup>3</sup> (frequently referred to as the "Diamantopoulou Law" after Anna Diamantopoulou, who was then minister of education). From a cursory review of the literature, it appears that the changes made in the framework by Law 4009/2011 were generally associated with the Panhellenic Socialist Movement (or PASOK) government's effort to respond to the financial crisis that Greece was experiencing at the time and the internal and external political circumstances that followed from it, such as the negotiations that the government was conducting with European Union institutions and other international organizations in hope of securing financial assistance.

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\* At present there are no Law Library of Congress research staff members versed in Greek. This report has been prepared by the author's reliance on practiced legal research methods and translation tools, and on the basis of relevant legal resources currently available in the Law Library and online.

<sup>1</sup> Law No. 1268 of 1982 on the Structure and Operation of Higher Education Institutions, *Ephemeris tes Kyverneseos tes Hellenikes Demokratias* [E.K.E.D.] (Official Journal), 1982, A:87 (in Greek), <https://perma.cc/KN66-VMF5>.

<sup>2</sup> Law No. 3549 of 2007 on the Reform of the Institutional Framework for the Structure and Operation of Higher Education Institutions, *E.K.E.D.*, 2007, A:69 (in Greek), <https://perma.cc/46MD-QN66>.

<sup>3</sup> Law No. 4009 of 2011 on the Structure, Operation, Quality Assurance of Studies and Internationalization of Higher Education Institutions, *E.K.E.D.*, 2011, A:195 (in Greek), <https://perma.cc/3YGW-XUCQ>.

In 2017, the academic asylum rule was reinstated by the adoption of Law 4485/2017<sup>4</sup> during the government of the Coalition of the Radical Left (or SYRIZA) party, whose strong showing in the January and September 2015 legislative elections appears to be seen by many observers in the media as a reaction to the economic policies that were introduced in relation to the financial crisis and the conditions the “European troika” (the European Commission, the European Central Bank, and the International Monetary Fund) was imposing on Greece in return for financial assistance.

Finally, in August 2019, the academic asylum rule was repealed once again by Law 4623/2019.<sup>5</sup> A cursory look at the official records of the debate in the plenary session of the Hellenic Parliament suggests that a main argument of members of parliament (MPs) in opposition was that the total repeal of the asylum rule was unconstitutional, violating Article 16 of the Greek Constitution,<sup>6</sup> which enshrines the right to education, academic freedom, and freedom of teaching and lays down certain principles regarding the organization of universities. Some MPs from the ruling New Democracy party appear to have argued that Article 16 does not guarantee an “academic asylum” rule, and that it was the government’s constitutional obligation to protect academic activity from disruption, which they argued was caused sometimes as a result of the abuse of the asylum rule.<sup>7</sup>

In the explanatory statement<sup>8</sup> for the provision repealing the asylum rule in the bill that became Law 4623/2019, it was submitted that the reason for repeal was the rule’s misuse by persons who psychologically or physically harass students, teachers, and staff within the universities and damage public property by engaging in illegal activities on university campuses that have no relation to research, teaching, or free expression in general, and the abuse of asylum by perpetrators who commit crimes outside of the university premises and then seek refuge within them to take advantage of the rule. Besides repealing the asylum rule, the amending provision also changed the title “academic freedoms” of article 3 of Law 4485/2017, under which the rule had existed, to read “academic freedoms – upgrading the quality of the academic environment” (*Ακαδημαϊκές ελευθερίες - Αναβάθμιση της ποιότητας του ακαδημαϊκού περιβάλλοντος*).

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<sup>4</sup> Law 4485 of 2017 on Organization and Operation of Higher Education, Regulations Regarding Research and Other Provisions, E.K.E.D., 2017, A:114 (in Greek), <https://perma.cc/3EAV-SKW6>.

<sup>5</sup> Law 4623 of 2019 on Ministry of Interior Regulations, Digital Governance Provisions, Pension Regulations and Other Urgent Issues, E.K.E.D., 2019, A:134 (in Greek), <https://perma.cc/JH78-Y3SA>.

<sup>6</sup> Constitution of Greece, as Revised by the Parliamentary Resolution of May 27th, 2008, of the VIIIth Revisionary Parliament (official translation in English), <https://perma.cc/A96D-957E>.

<sup>7</sup> See Minutes of the Parliament [Πρακτικά Βουλής], Plenary Session, Session A’, Meeting IA’ of August 7, 2019, and Meeting IB’ of August 8, 2019 (in Greek), at <https://perma.cc/E42S-4PGT> and <https://perma.cc/T32A-GJ7K>, respectively.

<sup>8</sup> Explanatory Statement for the Draft Law on Ministry of Interior Regulations, Digital Governance Provisions, Pension Regulations and Other Urgent Issues 34-35 (in Greek), <https://perma.cc/2BFD-B9UY>.

## II. Relevant Legislation and Legislative Resources

The following table highlights relevant legislation and its impact on the academic asylum rule:

Legislation	Governing Party / Prime Minister	“Academic Asylum” Rule
Law 4623/2019	New Democracy / K. Mitsotakis	Repealed
Law 4485/2017	SYRIZA / A. Tsipras	Reinstated
Law 4009/2011	PASOK / G. Papandreou	Repealed
Law 3549/2007	New Democracy / K. Karamanlis	Retained
Law 1268/1982	PASOK / A. Papandreou	Established

Resources on the relevant legislation (draft bills, explanatory statements, commission reports, and minutes of plenary debates) can be found in Greek on the Hellenic Parliament’s website. For resources relevant to recently passed Law 4623/2019, visit [https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law\\_id=f31f14e0-2a45-4999-b6b2-aa9d01836f05](https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law_id=f31f14e0-2a45-4999-b6b2-aa9d01836f05).

## III. Short Bibliography on Post-Junta Period Greek University Reforms

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