

# CODE OF PRACTICE ON FREEDOM OF EXPRESSION

IUE 473/22 (CA 449) rev.1



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With the support of the  
Erasmus+ Programme  
of the European Union

The European Commission supports the EUI through the European Union budget. This publication reflects the views only of the author(s), and the Commission cannot be held responsible for any use which may be made of the information contained therein.

\*This code substitutes the former Code of Practice of Free Speech. The EUI's Ethics Committee will revise this code in Fall 2027, with appropriate consultation with other relevant EUI bodies.

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# I. GENERAL PRINCIPLES

1. As an international institution of higher education and research, the European University Institute (EUI) has wide-ranging interests and responsibilities in its research and teaching activities. The EUI also represents a leading international forum for the exchange and discussion of ideas and experience in the areas of study and research with which it is concerned. Controversial ideas that challenge conventional wisdom are often key to academic progress. Such ideas should be contested and developed through debate. Following from its academic aims and responsibilities as defined by the [Convention](#)<sup>1</sup> governing its establishment, freedom of expression is therefore a core principle of the EUI. According to the [EUI Code of Ethics in Academic Research](#):

*The Institute is dedicated to guaranteeing a free academic environment to conduct research, to teach, to speak and to publish, subject to the norms and standards of scholarly inquiry, without interference or penalty, wherever the search for truth, knowledge, scholarship and/or understanding may lead<sup>2</sup>.*

2. The EUI aims to protect and promote freedom of expression within the activities undertaken by its community. The EUI commits to a free and open discussion of ideas and to fostering its members' ability to engage in open and responsible debate.
3. Freedom of expression does not mean a right to say anything at any place and at any time. Thus, as a second key principle, the EUI recognizes narrow exceptions to freedom of expression in order to protect the rights and freedoms of others. In particular, the EUI refers to Articles 9-11 of the [European Convention on Human Rights and Fundamental Freedoms](#), which at art. 10 outlines the duties and responsibilities required to exercise the various rights associated with freedom of expression:

1            Art 3 of the Convention: The Contracting States shall take all the measures necessary to facilitate the pursuit of the aim of the Institute while observing freedom of research and teaching.

2            Section I. Introduction, EUI Code of Ethics in Academic Research.

*Everyone has the right to freedom of expression. This right shall include the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.*

*The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary for a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

4. The EUI exists for the pursuit of learning and research. Its fundamental purpose can be achieved only if members of its community can work peacefully in conditions which permit freedom of thought and expression within a framework of respect for the rights of other persons. In accordance with the European Convention on Human Rights and the EU Charter of Fundamental Rights the EUI, therefore, subscribes to the fundamental principle that every member of the EUI community, including every guest, shall be entitled to freedom of thought, conscience, religion and belief, freedom to hold opinions without interference, disability or disadvantage, and freedom of expression, including the right to seek, receive and impart information and ideas.
5. Expressing disagreement should not be a ground for limiting the freedom of speech. Anyone who disagrees about what is communicated should be allowed to express that disagreement, in orderly manner, and without disrupting the communication. The expression of unpopular, controversial or provocative views or which cause offence does not, if lawful, constitute grounds for the refusal or cancellation of an event. As a general principle, when problematic situations with strong dissent emerge, they should be dealt with a balanced debating of different points of view.

6. The EUI's Ethics Committee is responsible for issues connected with the interpretation of this Code of Practice on Freedom of Expression and will consider matters relevant to this Code as circumstances require. It will review this Code every 5 years, with appropriate consultation with other relevant EUI bodies.

## II. SCOPE AND APPLICATION

1. This Code of Practice on Freedom of Expression applies to all members of the EUI community, including honorary and visiting members, to all individuals associated with the EUI, and to all persons authorised to be on EUI premises or participating in other types of events and activities organised by the EUI, both in presence and online, including speakers. The remainder of the document will refer to “EUI community”, but should be understood to apply to all the above mentioned categories.
2. This Code applies to all forms of expression, including public events with or without external speakers, in person or online expression, and to teaching activities. The provisions in the remainder of the document refer to “events”, but should be understood to apply by analogy to other relevant forms of expression.
3. This Code establishes that all reasonable steps must be taken to ensure that members of the EUI community, are safe from when they arrive at the EUI until they leave, and that they can say what they have come to say without being shouted down, intimidated, or otherwise prevented from speaking.

### III. RESPONSIBILITIES OF THE EUI'S AUTHORITIES

1. Event organisers are responsible for upholding and maintaining the principles set out in this Code of Practice on Freedom of Expression during events.
2. The EUI's Ethics Committee may recommend procedures to ensure that events conform to the terms set out in this Code of Practice on Freedom of Expression. These procedures will be published on the EUI's website.
3. The following list, which is not exhaustive, provides examples of the kinds of circumstances in which the EUI should not be convening or hosting an event:
  - a. where the bounds of lawful freedom of expression are exceeded, such as by incitement to commit crimes or breach of the peace; by expression of unlawful discrimination, harassment, hate speech<sup>1</sup> and victimization; or by spreading, inciting, promoting or justifying such hatred; or
  - b. where physical harm to persons, damage to EUI property or a breach of the peace is taking place; or
  - c. where an event participant or a speaker is known to have engaged in the past in conduct that falls under item (a) or item (b) and there is reason to fear that he or she might do so again at the EUI.

<sup>1</sup> According to European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No 15 on "hate speech" 8.12.2016, hate speech is defined as "the use of one or more particular forms of expression – namely, the advocacy, promotion or incitement of the denigration, hatred or vilification of a person or group of persons, as well any harassment, insult, negative stereotyping, stigmatization or threat of such person or persons and any justification of all these forms of expression – that is based on a non-exhaustive list of personal characteristics or status that includes 'race', colour, language, religion or belief, nationality or national or ethnic origin, as well as descent, age, disability, sex, gender, gender identity and sexual orientation."



## IV. RESPONSIBILITIES OF EVENT ORGANISERS

1. Event organisers, including any individual or group which wants to use the EUI's facilities to organise an event, are responsible in the first instance for assessing whether an event might be controversial or for other reasons require special treatment (such as limited access or enhanced security arrangements) to ensure freedom of expression.
2. Any event organiser therefore has a duty to:
  - a. comply with this Code of Practice on Freedom of Expression, and be conversant of Annexes 1 and 2 to this Code; and
  - b. also comply with any prescribed procedures or measures which the EUI puts in place for the organisation, publicizing and management of the event in question; and
  - c. in case of doubts, consult their Head of academic unit, and, if the doubt persists, the Ethics Committee, on any proposal to modify, postpone or cancel an event, where modify means the adaptation of title or format, or one or more speakers being asked not to participate in an event which otherwise goes ahead; and
  - d. in case of controversial events, the organizers should always plan for a Q&A session after any lecture, or for presentations by a panel with different view (ceremonial events, such as the award of honorary doctorates, are exempt from this requirement); and
  - e. in case of controversial events, prepare an action plan for the organization of the event that allows sufficient time for the following steps:
    - i. the organizer should first interact and try to find a mediation with those representing dissenting views. Both parties are expected to propose solutions and propose the cancellation of the event only in extreme cases;
    - ii. if this step is not enough to reach an agreement, the organizer should discuss with the Head of the academic unit of relevance;
    - iii. if this does not resolve, the organizer and those with opposing views should refer to the Ethics Committee for a prompt decision. Both parties have the duty to propose the Ethic

- iii. Committee a reasonable solution based on the general principle of mutual toleration.
3. In the absence of sufficient time to implement these steps, the event should be postponed until this procedure can be followed. The decision to postpone will be taken jointly by the President, the Chair of the Ethics Committee and one of the Reps at the Ethics committee.

## V. RESPONSIBILITIES OF EUI MEMBERS AND OTHERS ADMITTED TO THE EUI'S PREMISES OR PARTICIPATING TO ONLINE ACTIVITIES

1. All members of the EUI community, have a duty to:
  - a. comply with this Code of Practice on Freedom of Expression; and
  - b. comply with any prescribed procedures or measures which the EUI puts in place for the organisation, publicizing and management of an event; and
  - c. take steps consistent with their personal safety to ensure that the principle of freedom of expression is upheld at the EUI; and
  - d. observe good order at any event they participate in. Good order will include the speaker(s) being heard clearly and being able to access and leave an event safely.
  
2. If a person thinks her/his rights risk being infringed or were infringed by an event, he/she should:
  - a. discuss with the organizers of the event and, if relevant, with the speaker;
  - b. if this does not solve the issue, then refer to the Head of the relevant academic unit;
  - c. if this does not solve the issue either, then refer to the Ethics Committee.

## VI. PROMOTION OF THE CODE OF FREE EXPRESSION

1. The EUI actively promotes the Code of Practice on Freedom of Expression in its academic community.
  - a. The Academic Service, the Human Resources Service and other relevant services/units distribute the Code of Practice on Freedom of Expression to all new EUI members.
  - b. Administrative assistants of the units in charge of events inform the event organizers of the Code of Practice on Freedom of Expression and its changes, providing an updated copy.
  - c. The Code will be publicly available on the EUI website.

# ANNEX 1: BRIEFING FOR THE CHAIR OF A PUBLIC EVENT AT THE EUI

This briefing aims to provide useful information and tips for best practice during EUI events.

For the sake of academic neutrality, the chair should not express their own views on the subject matter of the event in a manner that would risk impacting the freedom of expression of any panellist. At controversial events it is not prudent to have someone in the chair whose own views mean they may not be perceived to be neutral.

## Pre-event issues

It can be useful before the start of the panel to discuss the practical issues with the speaker(s) to prevent any confusion once the panel has started. It is useful to:

- a. brief the speaker(s) that the EUI has a Code of Practice on Freedom of Expression which protects free speech and which the speaker(s) has(ve) joint responsibility with the EUI to uphold;
- b. confirm how the event will proceed, e.g., introduction by the chair, event format, running order, speaking time, technical issues pertaining to presentations, Q&A session and give speaker/s idea of when the event will end.

## Proceedings

For the chair of an event, the following constitute examples of good practice:

- a. welcome the audience to the EUI for the event and say which part of the EUI is hosting (if relevant) and whether the event belongs in a series (if relevant);
- b. briefly set out the proceedings, including highlighting any Q&A session;
- c. provide some short biographical information on the speaker(s);
- d. keep the speaker(s) to time;
- e. Q&A session: be proactive and be willing to interrupt someone who does embark on a speech rather than a question.

# ANNEX 2: GUIDE TO CHAIRS OF PUBLIC MEETINGS IN THE EVENT OF DISORDER

## Protests/disruptions and the role of the chair

Serious protests or disruptions at EUI events are rare, but those acting as chair must be fully aware of options available to them should this occur. The chair of any public event is an important figure, including during incidents of disorder. If you have any concerns that the event you have agreed to chair is likely to attract protest or if you discover that protest or disruption is planned at the event, then please raise this with the event organisers and consult expertise available at the EUI (Head of the relevant academic unit of relevance and, as a second step, the Ethics Committee).

If there are indications prior to the event that protests may occur or the speaker(s) and/or the topic is controversial, one possible option is that when introducing the event, the chair can highlight to the audience 1) the importance of freedom of expression within the law; 2) the EUI commitment to freedom of expression as confirmed by this Code; and 3) that there will be the opportunity for questions to the speaker(s) later in the event.

## Guidelines

The guidelines below are meant to inform cases in which you are chairing a public event that is being disrupted, for example, by repeated heckling, verbal abuse or offensive signs, behaviour or language. In such cases, you can issue the following declarations in the first instance:

*"As chair of this public event, I remind you that it is the policy of the EUI to ensure freedom of expression for all speakers. Please stop disturbing this event."*

Be clear and direct, but also remember that interrupting a speaker can be tolerated as a spontaneous expression of disagreement, but not if it continually disrupts the speaker and infringes thereby on freedom of expression rights.

If the person(s) continue(s) to disrupt the event, the following warning can be issued:

*"You are disrupting this event. Unless you stop, I will ask you to leave the event. Please stop disrupting the event."*

If the disruption continues, you can say:

*"I have asked you to stop disrupting this event. I am reminding you that, adhering to the highest academic standards, the EUI is determined to ensure freedom of expression for all speakers. Unless you stop disrupting this event immediately, I will need to ask you to leave."*

Allow time for compliance, but if the individual(s) fail(s) to comply, you will need to ask the person(s) to leave.

In case of continued disruption or escalation of disruption, terminate the event is at your discretion.

