

### Update on UK-China Transparency's project, *Are Confucius Institutes legal?*

On the 24<sup>th</sup> of April 2023, UK-China Transparency (UKCT) presented [evidence](#) that the Confucius Institutes programme poses a systematic threat to the freedom of speech, academic freedom and safety from harassment of members of UK universities; and that British universities are operating the Institutes illegally.

1. **Chinese staff are hired in a highly discriminatory manner that is illegal under UK law.** Staff are recruited in a way that discriminates on the basis of age, sex, religion, ethnicity and political belief. The Home Office has stated that “UK employment and equality law applies to employment” of Chinese staff at the Confucius Institutes.
2. **Chinese staff are being recruited based on their ability to enforce ‘CCP discipline’ in the UK.** The Chinese government has imposed measures to ensure pro-CCP candidates are sent to work in the UK. Chinese staff at Confucius Institutes are obliged to follow Chinese law, undermine free speech and to conduct harassment on command. *UKCT is aware of harassment of exactly this kind taking place at UK universities but cannot divulge details at this stage.*
3. **UK universities do not seem to be aware of these issues and have not sought proper advice.** These issues have a clear bearing on universities’ legal obligations regarding freedom of speech, harassment, and academic freedom.
4. **The Home Office is operating an unlawful dedicated visa scheme enabling Chinese staff to work in Confucius Institutes in the UK.** As a Tier 5 visa scheme it is “not for filling vacancies”, and instead for “supernumerary” positions: yet Chinese staff roles at Confucius Institutes, such as that of co-director, are defined by all parties as fixed roles necessary to Confucius Institutes’ function and treated as vacancies when they are not filled.

### Higher Education (Freedom of Speech) Act 2023

This [Act](#), which received Royal Assent on the 11<sup>th</sup> May 2023, places new obligations on universities to protect freedom of speech and academic freedom. It also obliges the Office for Students (OfS) to ensure these obligations are met and empowers it to sanction universities that fail to do so. Its clauses have a strong bearing on the Confucius Institutes programme, in particular:

- **The Act details how universities have a “Duty to take steps to secure freedom of speech” for all members, students and staff.** UKCT has found extensive evidence that Confucius Institute staff recruited in China are evaluated on their ability to conduct peer surveillance, peer intimidation and informing and obliged to engage in these activities in the UK. Co-directors are obliged to “proactively resist any speech or behaviour” that undermines collaboration between China and the UK, and to “maintain close communication with the Chinese Embassy or Consulates” in doing so. These measures constitute a systematic threat to the freedom of speech and safety of vulnerable staff, including Chinese and British citizens.
- **The Act demands that Universities ensure those applying to be members (staff, students) of the university do not see their applications adversely affected by their exercise of their academic freedom.** UKCT has found that staff at Confucius Institutes recruited in China are evaluated on their “political attitude” and ability to “act in strict accordance with the CCP’s policies in all foreign activities”. Dissenting individuals’ applications to work at UK universities are clearly adversely affected by these measures. Recruitment for Chinese staff roles at UK Confucius Institutes is illegal under UK law.

- **The Act requires that the OfS monitor the overseas funding of English universities (Confucius Institutes receive funding from China) and assess the threat presented by arrangements involving overseas funding to academic freedom and freedom of speech.** Confucius Institutes clearly pose a widespread systematic threat to these freedoms and this matter cannot fail to come to the attention of the OfS.
- **The Act requires that the OfS ensure that English universities comply with measures relating to freedom of speech and academic freedom as a condition of registration.** Registration with the OfS is in turn a prerequisite for universities to fulfil many of their core functions, such as conferring degrees.

The new Act strengthens and further defines the provisions of the Education (No 2) Act of 1986, which UKCT argued UK universities were acting in breach of, putting beyond doubt the argument that **UK universities are operating Confucius Institutes illegally.**

It is a matter of fact that, once fully in force, **the Act gives the OfS and its yet-to-be-appointed Director for Freedom of Speech and Academic Freedom a clear legal responsibility to ensure English universities comply with the law and cease to operate Confucius Institutes illegally.**

#### A note on the scale of the issue

Vulnerable members of UK universities face serious threats to their life and wellbeing and that of their families if they speak or act against the CCP's ideology in the United Kingdom.

This vulnerable group includes roughly 125,000 students who are Chinese nationals; an unknown number of academics who are Chinese nationals; and an unknown number of students and staff who are citizens of other countries, including the UK, and have family in China or other connections to the country. This large group represents a significant part of the UK universities community whose rights are being systematically ignored.

*UKCT is aware of cases of individuals born in the UK – but who have family in China – who have faced threats and intimidation because of conduct or speech that is not in keeping with the ideology of the CCP.*

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Full details of and data relating to UK-China Transparency's project, *Are Confucius Institutes legal?* can be found here - <https://ukctransparency.org/projects-2/are-confucius-institutes-legal/>