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DISCRIMINATION PRACTICES FOR POLITICAL REASONS IN VENEZUELA

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1. Discrimination practices for political reasons in higher education institutions

In 2003, ex-president Hugo Chávez created the Bolivarian Universities by decree; all of this, in the framework of a political project called *Misión Sucre*. The main objective of these universities was made explicit in the so-called *Plan de la Patria* - Second Socialist Plan for Economic and Social Development of the Nation 2013-2019¹, which includes university transformation, **in order to link it with the objectives of the national project**; which consists of deepen and radicalize the revolution within the framework of Bolivarian Socialism (article 2.2.12.10), and establishes that scientific research should be at the service of “the construction of the Socialist Productive Model and of Socialist Ethics” (article 1.5.1). In these same terms, the Rector of the Bolivarian University of Venezuela, César Trómpiz, declared on September 27, 2018, that the University should promote its efforts to be a **“center of study, work and knowledge at the service of our Bolivarian revolution”²**.

On September 18, 2018 Nicolás Maduro said: 'Educational spaces were liberated from privatization, neoliberalism and the destruction to which the educational system has been subjected to by neoliberal capitalism in Latin America.'³

In clear violation of the constitutional principle of university autonomy, since 2003, and up to the present, 41 universities have been submitted to the control of the National Executive for purposes of political indoctrination; all of this, in the framework of *Misión Sucre*.⁴

When the university students are punished for the mere fact of expressing their critical posture

¹ See: *Plan de la Patria* at: http://historico.tsj.gob.ve/gaceta_ext/diciembre/4122013/E-4122013-3859.pdf#page=1

² Information from the official Twitter account of the Bolivarian University of Venezuela (@UBV)

³ Official Twitter account of Presidential Press @PresidencialVen

⁴ On January 14, 2019 Nicolás Maduro said *on air* that, in 2018, his government had created another 11 universities; however, the name, mission, vision and location of these universities are unknown.

to the government or refusing to politically proselytize in favor of the PSUV, practices of discrimination for political reasons are exercised in the universities which are subordinated to the National Executive, as described below:

On November 3rd 2016, Rafael Avendaño was expelled from the Bolivarian University of Venezuela, where he studied Integral Community Medicine. The reason was that he had set a different commercial TV channel from the state official, in the television station of the office where he received his classes.

The expulsion certificate that was issued by the Coordination of the University Program stated that:

“[...] at 10:30 am, in the office Don Perucho, a problem arose with the student Rafael Avendaño, when he himself turns on the television located in the Waiting Room, tuning another channel not corresponding to the Government channels, in which I, María Vilchez, asked him why he had placed that channel, if it was not the right one; then, the student gets annoyed and answers rudely: " I don't understand! Why?" being my answer: "If you are not in accordance with the rules of the Office and the Revolutionary Process, you know what you have to do, because this was a Project of our Commander [...] His attitude was totally hostile, proving to be totally from the opposition party. I thank you for taking a letter in the matter, since these offices and this mission are of a totally *chavista* and revolutionary process. [...]"⁵

After being expelled, Rafael Avendaño, did not have the right to defense. On March 27th 2017, assisted by the Observatory of Human Rights of the University of Los Andes (ODH-ULA), sued before the Superior Administrative Contentious Court of Mérida State, to the Bolivarian University of Venezuela, demanding the annulment of the expulsion so that he would be immediately allowed to continue his studies in that university. On March 29th 2017, the court denied the measure requested by Rafael Avendaño, so that he could not continue his university studies.

⁵ Acta original en poder del ODH-ULA.

On October 24th 2017, the case of Rafael Avendaño was exposed in the Hearing on the Right to Education in Venezuela, requested by the Venezuelan State, in Montevideo, Uruguay. Although the government issued a series of messages to disprove the information that we had exposed, in November 2017, the same court that had denied the request of the student Rafael Avendaño, decided to grant him the precautionary measure, ordering the reinstatement to his studies.

However, the Court did not execute the measure, and when Rafael Avendaño presented himself to the University to try to continue his studies, the Coordinator of the Academic Council of that Bolivarian University did not allow it.⁶

After the internal route was exhausted, ODH-ULA and the organization *Defiende Venezuela* presented the case through the petition system at the IACHR, and on November 8th 2018, the numbering of P-2562-18 was assigned.

On January 25th 2019, Franklin Camargo, a medical student at the Experimental University of Los Llanos Occidentales Rómulo Gallegos (UNERG), nucleus located in San Juan de Los Morros, Guárico State, was expelled for questioning his Physiopathology professor, who instead of teaching them the contents of the course, dedicated the class to political proselytism in favor of the United Socialist Party of Venezuela (PSUV, by its acronym in Spanish), and indoctrinated students in the 'revolutionary Bolivarian ideology'. Franklin Camargo, also denounced that the Dean of the Faculty of Medicine had indicated that: "This University is chavista and revolutionary, and if you do not like it, go away".⁷

Carlos Azuaje⁸, student of the Bachelor of Fire Sciences at the National Experimental University of Safety (UNES, by its acronym in Spanish) Mérida, obtained the highest average

among the students in his class. As a result, he was responsible for giving the degree speech on behalf of his classmates. However, the authorities of the University indicated that the speech should contain political propaganda in favor of the revolutionary government. Due to his reluctance to give this kind of speech, the UNES director disallowed him to attend the graduation ceremony scheduled for October 7th, 2017.

2. Discrimination practices for political reasons in organs of administration of justice

Between August 23rd and September 20th 2017, twenty-five prosecutors of the Public Ministry of Mérida State were dismissed by Tarek William Saab, Prosecutor General of the Republic, chosen by the illegitimate National Constituent Assembly.⁹ There was no legal procedure and, consequently, they did not have the right to defend themselves.

The dismissals would have been motivated by the publicly expressed disagreement of the prosecutors with the presidential decree dated May 1st 2017, that called for a National Constituent Assembly, a call that in his opinion constituted a rupture of the constitutional order.

On August 16th 2017, José Rafael Bastos, after being appointed as Superior Prosecutor by Tarek William Saab, convened the dismissed prosecutors to a meeting in which he expressed: "We are not going to accept prosecutors who have spoken against the Constituent Assembly, because that is treason against the country"¹⁰. The removed prosecutors said they were intimidated by violent pro-government groups who threatened to attack the headquarters of the Public Ministry in Mérida, and even their own homes.¹¹

Some of the prosecutors removed had more than twenty-six years of public service or met the requirements to obtain a retirement for their years of service.

⁶ See Report: Situation of human rights and humanitarian emergency in Venezuela with special reference to the Andean region: <http://www.uladdhh.org.ve/wp-content/uploads/2018/12/Informe-Situación-de-los-Human-rights-and-emergency-humanitarian-in-Venezuela-with-special-attention-to-the-Andean-region.-January-September-2018-Download.pdf>

⁷ <http://elpitazo.net/los-llanos/estudiante-de-la-romulo-gallegos-denuncia-expulsion-por-razones-politicas/>

⁸ The identity of the student is protected.

⁹ These mass dismissals were replicated in other States of the country. See: http://www.el-nacional.com/noticias/politica/denuncian-que-saab-despidio-450-fiscales-del-ministerio-publico_213790

¹⁰ Testimony of one of the destitute prosecutors whose identity is protected

¹¹ Testimony collected by the ODH-ULA.

On July 14th 2017, the Office of the United Nations High Commissioner for Human Rights stated that: "States must ensure that prosecutors can perform their professional functions without intimidation, impediment, harassment, undue interference or unjustified exposure to civil responsibilities, nor any partial nor other violations of the rights protected in the main instruments of protection of the Inter-American Human Rights System: the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights.

After the internal route was exhausted, ODH-ULA and the organization *Defiende Venezuela* presented the case before the petition system at the IACHR, and on August 31st 2018 the numbering of the file P 1744-18 was assigned to the case.



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