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Restrictions and reprisals against autonomy and academic freedom in higher education system in Venezuela

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Executive Summary

This report is presented by the Human Rights Observatory of the University of Los Andes (ODH-ULA), the Centre for Human Rights at the Catholic University Andres Bello (CDH-UCAB) and the Commission on Human Rights of the Faculty of Law and Political Sciences of the University of Zulia (LUZ). The report focuses on the restrictions and reprisals against autonomy and academic freedom in the Venezuelan higher education system; issues that were not addressed in the First Cycle on Venezuela and on which no specific recommendations were made. It is divided into the following parts: (i) institutional regulatory framework, (ii) obligations on academic freedom and university autonomy; and (iii) obligations with the fundamental freedoms of professors and students.

I. Legislative and institutional framework

a. Legislation in violation of university autonomy and academic freedom

1. The principle of autonomy and the right to academic freedom are contained in Articles 109 and 102 of the Constitution of the Bolivarian Republic of Venezuela (CRBV)[1], Articles 6, 7 and 9 of the Universities Act (LU)[2], effective since 1970, and Article 36 of the Organic Law of Education (LOE, 2009)[3]. This framework is consistent with Articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights and UNESCO's Recommendation concerning the Status of Higher-Education Teaching Personnel.
2. However, through the LOE—amended in 2009—the State applies articles violating universities autonomy and academic freedom, derived from a draft reform of the Organic Law on Higher Education (PLEU)[4] approved by the National Assembly (AN) in December 2010 but vetoed by the President in January 2011. Despite this and various appeals filled by the universities before the Supreme Court (TSJ) requesting the annulment of said articles (not resolved to date), they still apply to all universities[5].

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[1] Article 109 CRBV: "The State recognizes university **autonomy as a principle and status that allows teachers, professors, students and graduates** in their community to the pursuit of knowledge through scientific, humanistic and technological research, for spiritual and material benefit of the Nation. **Autonomous universities shall have their own rules of governance and operation and efficient management of its assets under the control and monitoring for these purposes established by law**. **University autonomy** to plan, organize, develop and update programs of research, teaching and extension **is guaranteed**. The **inviolability of the campus** is established. Experimental national universities **shall attain their autonomy** in accordance with the law". (Emphasis added). Article 102 CRBV: "Education is a public service based on respect for **all currents of thought** in order to develop the potential of every human being and **the full exercise of their personality in a democratic society** based on ethical evaluation of work and active, conscious and joint participation in the processes of social transformation embodied with the values of national identity and a Latin American and universal vision" (emphasis added).

[2] Article 9, LU: "Universities are autonomous". Within the provisions of this law and its regulations they have: 1. Organizational autonomy, **under which they may adopt internal rules**". (Emphasis added). At: http://www.oei.es/quipu/venezuela/Ley_de_universidades.pdf

[3] Organic Law of Education (LOE). http://planipolis.iiep.unesco.org/upload/Venezuela/Venezuela_Ley_Organica_Educacion.pdf

[4] PLEU: http://www.matematica.ciens.ucv.ve/files/Normativas/Proyecto_de_Ley_de_Educacion_Universitaria_(2010).pdf

[5] The report of the Directorate of Legal Council of the UCV develops the foundations of the unconstitutionality of the LOE: http://www.curricular.info/Docu/INCONSTITUCIONALIDAD.pdf

3. Article 6 of the LOE creates the *Estado Docente*,[6] which assigns to the National Executive Power competences of control over the universities' rules and policies of government, income and training. Article 34 states that university autonomy must be interpreted (a) in academia, as the subordination of training programs and research to the plans of the National Executive Power and the priority needs of the country; (b) in the administrative and self-government level, as the obligation to include the administrative staff and workers in the election of university authorities and student representatives; and (c) in the economic sphere, as the centralized State control over investment and expenditure of universities. Similarly, Articles 37 and 38, reserves to the State the functions of formulation, regulation, monitoring and control of professors training policies.

b. New non-autonomous institutionality in higher education policies

4. In Venezuela there are seven public national universities with 365,000 students[7] and 27 private universities with an enrollment of 290,000 students [8], which are guided by the principle of university autonomy. Although the Constitution requires that all universities should progress towards the adoption of this principle, still 32 universities (national, experimental and polytechnics) do not contemplate it because the National Executive Power persists in a policy aimed at undermining the institutional autonomy in higher education.
5. The policy against autonomy began in 2003 with a parallel system of higher education subordinated to the State, under the name of *Sucre Mission*, which absorbed all universities lacking autonomous status where the State has created a university *pensée unique* (single thought)[9] model. This model reached the highest enrollment in the National Experimental Polytechnic University of the National Armed Forces (UNEFA)[10]. This system allows to exclude autonomous universities from higher education policies and has been used for purposes of proselytism and indoctrination. The National Executive Power attributed to the Mission having achieved a national university coverage of 83% by 2013, among the highest in the world, but **there are not enough official data to verify registration, or indicators of permanence, desertion and academic performance**.
6. The application of this policy to the entire university sector was made explicit in the Plan of the Motherland 2013-2019[11], which condenses the policy guidelines of the National Executive Power and unconstitutionally became law on December 4, 2013. The Plan provides for the university transformation in order to link it with the objectives of the national project, which lies on deepening and radicalizing the revolution under the Bolivarian socialism (article 2.2.12.10) and establishes that

[6] Through the figure of "*Estado Docente*" (Teaching State), the state regulates, monitors and controls the entire educational activity at all levels of public and private education.
[7] UCV, Universidad Central de Venezuela; UCLA, Universidad Centro Occidental Lisandro Alvarado; UCA, Universidad de Carabobo; ULA, Universidad de Los Andes; UDO, Universidad de Oriente; LUZ, Universidad del Zulia; y USB, Universidad Simón Bolívar.
[8] Ministry of People's Power for Higher Education, Science and Technology. Report and Accounts, 2014 and 2015.
[9] *Pensée unique* (single thought): Imposition of an ideology that is proposed as the only and unquestionable truth and a set of ideas as the only valid and justified objective.
[10] Mission Sucre rests primarily on two emblematic universities: the Bolivarian University of Venezuela (UBV), created in 2003 with the aim of including pending floating student population, extended to several states in spaces called University Village; and UNEFA that being a military university has had a considerable expansion, from an enrollment of 3,000 registered in 2003 to over 200,000 in 61 sites nationwide, also as part of a strategic Civic-Military alliance.
[11] Motherhood Plan, http://historico.tsj.gob.ve/gaceta_ext/diciembre/4122013/E-4122013-3859.pdf#page=1

scientific research should serve the construction of a socialist production model and socialist ethics (article 1.5.1).

7. To implement the Plan of the Motherland in higher education and achieve its goals within "*the greatest political efficiency and revolutionary quality in the construction of socialism*", in 2014 the National Executive Power transformed the executive body of higher education into the Ministry of Popular Power for Higher Education, Science and Technology (MPPEUCT)[12] with three vice-ministries[13], whose responsibilities empower them to issue decrees without consultation in policies, plans and training programs, students admissions and research priorities of higher education; usurping functions that, for their autonomy, correspond to universities[14].

Recommendations

8. The State should promote the reform of the Organic Law of Education (LOE) and ensure full alignment of this and any other legislative project for universities to the International Covenant on Economic, Social and Cultural Rights and the recommendations of UNESCO concerning the protection of the right to autonomy and academic freedom in higher education.
9. The State must cease all policy and practice that threatens or violates the autonomy of universities without discrimination and ensure equal treatment for all existing institutions of higher public and private education, to ensure academic freedom and proper performance of the duties entrusted to these institutions.
10. The State must cease its policies to undermine the structure and internal organization of universities with the aim of depriving them of autonomy.

II. Obligations on academic freedom and university autonomy

a. Interference in professors training, academic opportunities and admission of students

<u>i. Imposition of professors training system</u>

11. Based on the LOE and on the Plan of the Motherland, the MPPEUCT's Vice President of Planning and Knowledge created, in 2015, the System of Permanent Education for University Professors (SFPDU)[15], applied to all universities in the country and which establishes the need to ensure, by

[12] Decree N° 1.226, of September 3, 2014. Official Gazette N° 40.489 of the same date. MPPEUCT Mission at: http://www.mppeuct.gob.ve/ministerio/sobre-nosotros

[13] The deputy ministers are of university education, of research and application of knowledge and, of institutional strengthening, connectivity and knowledge exchange. http://www.mp.gob.ve/c/document_library/get_file?p_l_id=10240&folderId=5490756&name=DLFE-7988.pdf

[14] Juan Carlos Delgado, former Vice Chancellor of Trujillo campus of the University of Los Andes stated: '…Higher Education subsystem is governed by means of decrees, obviating the current Universities Act (…) Ministry of People's Power for Higher Education, Science and Technology, governed by the Organic Law of Education, bases its relationship with universities from the perspective of the *Estado Docente* centralizing, in an overwhelming and interventionist way, decisions and programs previously taken by institutions of higher education autonomously and independently, such as system design and implementation of the budget, development plans and investment system, research and scientific exchange, training-curricular plan, the plan of student admission, the election system of its chancellors and deans authorities…. At: http://aconteceronline.blogspot.com/2013/12/discurso-de-orden-del-doctor-juan.html

[15] Creation of SFPDU at: http://www.mppeuct.gob.ve/sites/default/files/descargables/sistema_nacional_de_formacion_permanente_del_docente_universitario_0.pdf

way of professors training, universities transformation according to the ideological framework of socialism.

12. In this system, the governing powers of the autonomous universities are taken illegally by the MPPEUCT, office from which now depends the approval and certification of training programs, graduate programs and scientific exchanges[16]. The system also uses ideological criteria for the selection of professors, imposes different academic duties to faculties, departments and chairs, and ignores the academic ladder.

ii. Suspension of opening new careers

13. Since 2010 the CNU has not authorized the creation of new academic opportunities, or new mentions in existing careers in autonomous national or private universities, in what some authorities of these educational institutions consider an undeclared veto, which affects the principle of adaptability[17] and flexibility of the curriculum [18]. In the same period, new careers and mentions have been opened in the parallel university system: four new programs in UNEFA in 2014[19], four new programs as well as new mentions in UBV during 2013[20], two new programs in UNES in 2012[21] and two more in 2014[22], and one new program in UNESR in 2013[23].
14. In February 2016, the CNU's Commission for the Review of the Academic Offer announced another evaluation of new programs, which will be based on a new regulation, which means giving back all pending requests for new careers. The new rules would contemplate separate statutes for the academic offerings of autonomous national and private universities, and the future new academic programs must conform to the priorities of the Plan of the Motherland.

iii. Reservation of quotas for admission of new students

15. In 2015, the CNU's Office of University Planning (OPSU), using powers outside its competence [24] and without consultation, allocated 100% of quotas for new incoming students to autonomous national universities, violating the LU which states that University Councils are the only bodies

[16] SFPDU guidelines at: http://www.mppeuct.gob.ve/sites/default/files/descargables/sistema_nacional_de_formacion_permanente_del_docente_universitario_0.pdf, p. 22

[17] Committee on Economic, Social and Cultural Rights. General Comment No. 13: The right to education. E/C.12/1999/10/para.6

[18] Committee on Economic, Social and Cultural Rights. General Comment No. 13: The right to education. E/C.12/1999/10/para.18.

[19] Correo del Orinoco: UNEFA offers four new careers. http://www.correodelorinoco.gob.ve/caracas/unefa-ofrece-cuatro-nuevas-carreras/

[20] Correo del Orinoco: UBV will extend its academic offer. http://www.correodelorinoco.gob.ve/eduacion-venezuela-categorias/ubv-ampliara-su-oferta-academica-seis-nuevas-carreras/

[21] Ministry of People's Power for Communication and Information: UNES opens two new careers. http://www.minci.gob.ve/2012/11/unes-abre-dos-nuevas-carreras-para-reforzar-organos-de-seguridad/

[22] Correo del Orinoco: UNES' preregistration process will remain open until December 15th : http://www.correodelorinoco.gob.ve/nacionales/unes-mantendra-abierto-proceso-preinscripciones-hasta-15-diciembre/

[23] Simon Rodriguez National Experimental University: New careers start in UNESR's Valle Verde campus. http://www.unesr.edu.ve/index.php?option=com_content&view=article&id=631:nuevas-carreras-se-iniciaran-en-nucleo-unesr-de-valle-verde&catid=1:latest-news&Itemid=103

[24] Powers that belong to the CNU, under Article 22 of the LU, and which also violate Article 25 of the CRBV, Articles 137 and 138 of the Law on Public Administration on jurisdiction of governing bodies and Article 19 of the Law on Administrative Procedures, paragraphs 1 and 4.

responsible for defining the policies and procedures for entry of new applicants in each institution[25], and ignoring CNU five previous resolutions on criteria for admission and internal tests [26].

16. Subsequently, by Judgment 831 of 7 July 2015 on an action brought by a student who had not entered, the Constitutional Chamber of the TSJ ordered *"…to the Central University of Venezuela and to all national universities, comply with the guidelines issued by the National Council of Universities (CNU), (…) granting quotas for admission of new students, as established by the Office of University Sector Planning (OPSU), even when they have applied internal tests*", in defense of "*collective and diffuse interests of the Venezuelan student population and for publicly and notoriously expressions according to which universities sought to counteract the results of the system established by the OPSU*"[27].

Recommendations

17. The State should refrain from pursuing the implementation of systems interfering in the training of university professors, guaranteeing everyone the right to express, preserve and disseminate their opinions freely and to seek and apply new knowledge, free from constriction by prescribed doctrines.
18. The State must guarantee the principles of adaptability and flexibility in the treatment of renewal and updating of the academic offerings of national and private autonomous universities and cease the current discriminatory policy and subordination to official guidelines that go beyond the limits set by Article 13 of the Covenant on Economic, Social and Cultural Rights.
19. The State must revoke any decisions as to interfere with or impede the universities to decide on policies and procedures for admission of new higher education students and ensure consultation and previous coordination with universities regarding criteria aimed at improving equal opportunities in access to higher education.

b. Interference in internal rules of self-governance and participation

<u>i. Suspension of elections and internal rules on political participation</u>

20. Based on Article 34 of the LOE, the Electoral Chamber of the Supreme Court has not allowed the renewal of authorities (rectors, deans and co-government bodies) to date, having been suspended all elections scheduled in 9 public universities since 2011 (UCV, UDO, UCLA, ULA, UCA, ULA, LUZ, National Experimental Polytechnic University Antonio José de Sucre (UNEXPO), Experimental Pedagogical University Libertador (UPEL), and Caracas and Maracay Pedagogical

[25] Article 26, paragraph 9 of the LU, establishes among the powers of the University Council to "*set the number of students for the first year and determine the procedures for selecting candidates*". In Article 20, paragraph 6 thereof, states among the attributions of the CNU to "*periodically determine the goals to be achieved in the training of human resources in higher level and, based on this objective and the means available, to approve diversification plans and quantification of professional courses offered by the respective University Boards, and recommend appropriate procedures for selecting candidates*".

[26] In Resolutions 449, 450, 452 and 454 of 2008, the CNU approved a minimum percentage of 30% for entering of new students for admission. In 2014, the CNU imposed Resolution 491 without consultation, in which four admission variables are set this way: Academic Index notes in 1st to 4th year (50%); socio-economic conditions to favor those who have less (30%); Territorialization (15%) and student participation in their community, high school, society and the environment (5%). UCV Legal Department: http://ucvnoticias.ucv.ve/?p=40008

[27] Judgment 831 of the TSJ (File N° 15-0572): http://historico.tsj.gob.ve/decisiones/scon/julio/179242-831-7715-2015-15-0572.HTML

universities -, until these institutions incorporate workers and administrative staff as voters. Universities have introduced recourses at the Supreme Court, requesting the annulment of the effects of this article, without favorable decision to date.

21. The Electoral Chamber of the Supreme Court with Decision No. 134 of 24 November 2011 not only dictated the suspension of any electoral process in LUZ, but the development of a new regulation for university elections within the time limit fixed by the decision, ordering the authorities to remain in office until the decision is met, even though Venezuelan rules do not allow the Judicial or Electoral Power to take part in the process of election of university authorities, except for technical and procedural monitoring when universities request it. An appeal to the Electoral Chamber of the Supreme Court is currently underway and the Constitutional Court is analyzing procedures to intervene again in this matter.

ii. Obstacles to participation in decisions on higher education

22. In non-autonomous universities of the parallel higher education system, the State has also been involved in the creation of associative figures of government that have served to displace autonomous universities participation in decision-making bodies on university policies[28]. Thus, in the non-autonomous universities the Bolivarian Rectors Association (Arbol) was established as a group analogous to the autonomous Venezuelan Association of University Rectors (AVERU). Similarly, the National Students Federation (FNE) was formed parallel to the Federation of University Students Centers (FCU), and the Venezuelan Federation of University Workers (FETRAUVE) was created parallel to the Federation of University Professors Associations (FAPUV).
23. On 30 October 2015, Eleazar Hernandez, student of the Faculty of Law and Policy of LUZ, died from bleeding, when struck against a billboard whose glass was broken in a student quarrel[29]. The incident occurred when, following the request of President Nicolas Maduro few months earlier to activate parallel student forces into the FCUs, the Bolivarian Federation of Students—composed of government supporters—called for an alleged electoral process without endorsement of the LUZ Electoral Commission and in the absence of most students because of a university stoppage.

Recommendations

24. The State must respect and not interfere with the internal rules of self-governance of universities for the election of its authorities, ensuring that voters are members of the academic community, as established in the LU.
25. The State must abandon practices that restrict the participation of organizations representing the university community – professors and students – to ensure that they can participate without discrimination, in determining the policies of higher education and in the defense of their legitimate interests and rights.

[28] Since the creation of Arbol rectors of the autonomous universities have become a minority and many decisions are taken only with the vote of the directors of the parallel university system.
[29] El Nacional: Death of Eleazar Hernandez, student at the University of Zulia is investigated, en: http://www.el-nacional.com/sucesos/Investigan-Eleazar-Hernandez-Universidad-Zulia_0_729527266.html

c. Restrictions on financial and economic autonomy

i. Impeding access to budget

26. The autonomous universities that depend on the public budget are systematically subjected to practices impeding access to economic resources that has seriously weakened their ability to function and the minimum conditions for carrying out appropriate academic activities. Opacity, cuts and fractioned and insufficient allocations have severely reduced the availability of resources[30] creating serious problems of implementation at the expense of academic quality standards[31].
27. Generally, public autonomous universities receive between 30 to 50% of the requested annual budget and must wait for additional funds, finally obtaining between 5 to 10%. Decisions regarding the budget and purchases are centralized[32] and quotas arrive with severe delays. In addition, limitations are established to requests for expenses that are neither for staff payments or operational expenditures, thus affecting investments in infrastructure and services; costs must be calculated according to an unrealistic prices control system, which does not cover the allocations for canteens, laboratories[33], offices and transportation[34].

ii. Tuition payments in private universities

28. In the case of private universities, whose budget does not depend on the State, but of income from tuition, State intervention also affects "*the liberty of individuals and bodies to set up and manage educational institutions*", beyond the limits established by article 13.4 of the International Covenant on Economic, Social and Cultural Rights.
29. Universities have kept afloat paying the cost of a significant deterioration in the living conditions of professors and a reduction of infrastructure and service capabilities that are key to ensuring a quality education. State attempts to regulate the price of tuition have systematically ignored the impact of external factors and pressures generated for these institutions and have not considered the real challenges for this type of service, on the understanding that this is a public service, even when these are private and non-profit institutions.

[30] "*Autonomous universities have been subjected to economic abuse that is manifested in the denial of the requested resources according to their needs and maintaining no increase in budget allocations for six years*". Rachadel, Manuel, 'Controversy over the legal status of the university elections' in *Governance and quality for the Venezuelan University*, UCAB. 2013.
[31] For example, curriculum units to be taught during an academic year, sometimes are reduced to 18 weeks of class.
[32] On January 26, 2016, the National Executive Power issued decree on centralized purchases for public universities in violation of the economic and financial autonomy established in the Universities Act by submitting the procurement and purchase of goods to its guidelines and authorization. http://www.finanzasdigital.com/wp-content/uploads/2016/01/Gaceta40836SistComprasPublicas.pdf
[33] Due to budget shortfalls, the situation of university courses in health and biological sciences in the country's universities is precarious. Although universities have, in most schools and departments, extensive infrastructure built in previous decades, laboratory capacity is extremely deteriorated due to lack of proper maintenance, and of necessary provision of supplies and equipment. In many cases, highly pathogenic biological agents are processed without complying with the standards of national and international biosafety. In LUZ, the laboratories are equipped with obsolete equipment and in some cases damaged and do not have reagents necessary to carry out practical activities, much less research activities that meet the requirements of studies third and fourth level.
[34] Interview with ULA Rector.

iii. Restrictions on access to foreign exchange

30. The existence of a system of increasingly restrictive exchange control creates difficulties for access and exchange management in all higher education institutions that have an impact on the following processes of universities: (a) hinders the mobility of professors, researchers and students within the academic field, a key aspect in strategies for internationalization of universities; (b) hinders the acquisition and upgrading of equipment and technology services; (c) hinders the maintenance of alliances and accession to international research networks and academic exchange; (d) delays infrastructure improvement works and expansion plans aimed at increasing capacities for better services; (e) poses barriers to the acquisition of books and membership of various indexes or international journals.

iv. Reduction in salaries for university professors

31. By Judgment No. 01074 of November 30, 2010, the Political-Administrative Chamber of the TSJ proceeded to disengage homologation norms, which were the legal basis for labor relations between the State and the higher education sector[35]. As a result, in 2013 the State imposed a Single Collective Bargaining (ICCU) for the university sector for a period of two years, in which only employees and workers were involved. The Second Bargaining (IICCU) took place in 2015, in which the teaching sector agreed to participate [36]. However, IICCU contains arbitrary clauses that force members of the academic community to be part of "*brigades against speculation and hoarding",* and the denomination of university professors is changed to "*university workers*". FAPUV issued a public statement informing about IICCU's violations to the salary tables[37] by decreasing salary scales [38] and denial of progressivity, homologation and wage indexation [39].
32. Furthermore, IICCU (clause 64) created distortions by which today 64% of university professors earn less than minimum wage, even after the Decree 2.243 of rising wages of February 19, 2016, violating the Labor Law (LOTTT)[40] and Conventions No. 26, 87, 95, 98 and 100 of the ILO. The salary of administrative staff, for example, which corresponds to a technical degree is higher than a

[35] Approved in 1982. Along with these rules, each university could sign with their respective Association of Professors, collective negotiations of internal effects, which served as complement. In LUZ, for example, two collective contracts between years 1991-1992 were signed. They are still in force since, under the same agreement, it was foreseen that while another is not approved, it would continue forcing the undersigned parties.

[36] Contracting affects teachers of public universities, both national and polytechnic institutes and colleges, whose rights FAPUV has also defended. Regarding the participation of the teaching profession, FAPUV said: "*FAPUV agreed to participate in the IICCU, although our instrument are homologation standards, to avoid conflict, to open a space for dialogue that would address jointly the crisis in the university sector, where the nation is quickly losing talent trained by decades, its intellectual heritage, and its potential for scientific and technological research*…".

[37] Tables violate articles 91 and 104 of CRBV that protects the teaching profession and requires the State to ensure educators "*a regime of work and living in accordance with its important mission*". They also violate Articles 15, 19, 98 and 108 on wage conditions and Articles 86, 87 and 88 of the LU on classification of research and faculty members.

[38] Pay scales were reduced from between 20 and 24% to 13%. Teaching assistants were placed on scales of bachelors, in the case of technical staff performing functions of teaching and scientific research. Tables for teachers to conventional time, were not presented consequently resulting in a reduction of their salary by default.

[39] Based on Articles 104 and 105 of the Organic Labor Law (LOTTT).

[40] September 2016 for a wage increase of 20% with a 3-digit inflation was offered. The salary of a university professor with the highest academic category and dedication (4.5 minimum wages, hereinafter "SM") does not cover the cost of the basic food basket, which stood at 158,000.00 (SM 155). Bonuses for children and hierarchy or position that exist by Proceedings Convention and homologation norms in most universities were denied; and the full professors' bonus and the salary of assistant teacher V were minimally increased, hurting the academic career.

professor with third and fourth level titles and entering through competition[41]. As a result of deteriorating working conditions and salaries, many professors have quit their positions. In September 2015, the USB reported the withdrawal of 500 professors to leave the country[42]. Over the past 3 years UCV has lost more than 700 professors. In UCA[43] as well as in UCLA[44] more than 100 professors have resigned on each.

Recommendations

33. The State should consider the challenges of private university education within the framework of the general challenges of the educational system, by finding consensual solutions, refraining from punitive options in any attempt to regulate tuition fees.
34. The State must ensure that, even in times of severe resource constraints, the quality of education, like that of other social rights, is not unduly affected by improper or discriminatory financial restrictions, in accordance with the provisions of General Comment No. 3 of the Committee on Economic, Social and Cultural Rights.
35. The State must make every effort to provide all public universities access to stable, sufficient and autonomous budget, which guarantees the right to study in institutions with quality and adequate scientific, physical, educational and technical infrastructure.
36. The State must guarantee the right of university professors to wages and decent working conditions, and to collective bargaining, so they can devote to the performance of their professional duties of teaching, intellectual work and research.

e. Insecurity of campuses

37. High levels of violence expose communities and college campuses to high risks of crime. Thefts against students and academic staff, often during research work and teaching, kidnapping and stealing of furniture and equipment, have increased in recent years and are not investigated. The protests starting in February 2014 and extended in much of the country, originated by the attempted rape of a student at ULA's Tachira campus[45].
38. ODH- ULA has recorded more than 14 incidents of insecurity in 8 public and private universities in the country since 2015. In June, two men were killed in UCA. That month a bus from Santa Maria University was assaulted within its premises. On November 4, 2015, during a University Council at the UCV, armed civilians held hostage a group of 60 people for 4 hours. Between January and February 2016, in the ULA Trujillo campus, three incidents involving theft of property were

[41] ICCU and IICCU violate Article 96 of the CRBV by not recognizing the right to collective bargaining, worsening salaries and breaking the relationship between academic career and salary level.
[42] El Nacional: 500 professors from USB left the country: http://www.el-nacional.com/sociedad/mayoria-profesores-USB-pais_0_702529944.html
[43] El Nacional: University professors emigrate due to low wages: http://www.el-nacional.com/sociedad/Profesores-universitarios-emigran-bajos-salarios_0_717528322.html
[44] El Nacional: 100 UCLA's professors resigned due to low wages: http://www.el-nacional.com/sociedad/profesores-UCLA-renunciaron-bajos-sueldos_0_731326939.html
[45] Preliminary Report on the Situation of Human Rights in Tachira State, in the context of protests between 4 February and 4 September 2014 / Human Rights Team of the Tachira State supported by CDH-UCAB, CivilisDDHH and Provea: http://civilisac.org/civilisweb/wp-content/uploads/Informe-DDHH-Tachira-1.pdf

reported. On February 11, 2016, armed civilians stole in a class 32 students and the teacher; similar incident occurred on October 19, 2015 at the University Institute Rufino Blanco Fombona, Merida state, when students were stolen during a class by men armed with guns and grenades[46].

Recommendations

39. The State must protect the life, safety and physical integrity of university staff to ensure the work of education, research and extension.
40. The State must ensure that the performance of teaching personnel is not impeded by violence, intimidation or harassment, whether their work in the classroom or research activities.

III. Obligations with the fundamental freedoms of professors and students

a. Restrictions on freedoms of expression, association, assembly and peaceful demonstration

41. The State's criminalization and repression of student demonstrations reached alarming levels starting in 2013, generating protective actions by international human rights bodies. Between February and June 2014, more than 3,000 demonstrators, mostly students from public and private universities in several states who participated in peaceful protests, were arrested preventively and subjected to unfair trials without due process. A serious pattern of these policies is the intervention of army troops – not authorized either by law or by their functions to control public order – and groups of armed civilians, acting with the acquiescence of or in cooperation with the security forces.
42. The significant reduction in the number of student and citizen protests because of these policies, has not diminished the presence of military exerting control actions and vigilance on public roads and around universities, nor have changed abusive patterns against protests, situation on which the State must respond in accordance with the recommendations of the Committee against Torture 2014 and the Human Rights Committee 2015, not yet implemented[47].
43. In 2015, the Ministry of Defense issued Resolution 008610 authorizing the national armed forces to control public meetings and demonstrations, using lethal force. On February 24, 2015, Kluivert Roa, high school student, was killed in protests of Tachira; 15 students were injured in protests for this killing, in the ULA and the Catholic University of Tachira (UCAT). Doctors who treated injured protesters were detained and interrogated by members of the Bolivarian Intelligence Service (SEBIN). From January to October 2015, three university students were killed by the National Guard and the National Bolivarian Police outside university campuses[48].
44. Between 2015 and 2016 the ODH-ULA has reported more than 20 student protests that have been repressed resulting in detained and / or injured students. On January 23, 2015, Simon Gabay, ULA student, was shot in the ankle by motorized armed civilians even when the university march had concluded. On 27 January 2015, 18 students were arrested in protests in the ULA and later released

[46] ULA Human Rights Observatory: http://www.uladdhh.org.ve/wp-content/uploads/2015/11/Boletiin_1_seguridad.pdf
[47] CAT/C/VEN/CO/3-4/Párr.9. CCPR/C/VEN/CO/4/Par.14
[48] ODH-ULA: Monthly Bulletin No. 1. Status of insecurity in Venezuelan universities. January-October 2015: http://www.uladdhh.org.ve/wp-content/uploads/2015/11/Boletiin_1_seguridad.pdf

without charge. On July 22, 2015, students protesting in front of the School of Medicine of the ULA, were attacked by armed civilians who were shooting to kill, according to the stories collected. In testimony it was stated that "*the police opened the way to armed civilians to assault demonstrators*". Scholars at Risk documented that 10 students were injured in Caracas on November 2, 2015, during a university march in front of the Vice Presidency[49]. Repression has also caused damage to the infrastructure of universities.

45. Professors and researchers who question government policies are monitored and harassed by the Bureau of Scientific and Criminal Investigations (CICPC) and SEBIN. In 2012, the Rector of ULA reported being questioned for more than four hours due to electricity rationing protests outside the university residences. In 2014, more than 200 faculty and staff of the ULA, received subpoenas for their participation in peaceful demonstrations[50]. In 2013 Leo Leon, ULA journalist, was accused of defamation by the governor Alexis Ramirez[51]. That year, the CICPC's National Bureau of Counter-Terrorism Investigation summoned professors Victor Poleo and Jose Manuel Aller, and the engineer Miguel Lara, for their public statements about the electricity crisis in the country[52]. On January 20, 2015, the SEBIN arrested the engineer Luis Vazquez and, in 2016, Professor Pedro Mora (ULA) denounced the persecution of SEBIN and telephone threats, for the same reason.
46. On March 3, 2015, the majority of government deputies of the National Assembly (NA) passed a resolution requesting the intervention of the universities due to their stoppage for vindicating demands[53]. Twenty two human rights organizations, AVERU[54], FAPUV, FCU and university staff expressed their rejection. The NA agreement accuses universities of "*generating insubordination to the law and to support unconstitutional and violent outings against the democratically elected government*" [55].

Recommendations

47. The State must refrain from restricting the exercise of academic freedom of thought, expression, assembly and association, ensuring that all opinions can be expressed without fear of discrimination or repression by the State.
48. The State must repeal any decree that criminalizes the exercise of freedoms of expression and assembly and which restricts the right to challenge public policies.

b. Attacks on universities facilities and campuses

49. In 2013, ULA's Center for Integrative Health Care (CAMIULA) was attacked during the second day

[49] Scholar at Risk, Academic Freedom Monitor, en: http://monitoring.academicfreedom.info/map/americas
[50] ODH-ULA: Report on human rights violations in Mérida, February – July 2014: http://www.saber.ula.ve/bitstream/123456789/40296/1/informeDDHH.pdf
[51] Action which subsequently withdrawn: http://merida.tsj.gob.ve/DECISIONES/2014/ENERO/931-20-LP01-P-2013-016385-.HTML
[52] El Nacional CICPC electrical summons experts for making statements regarding the crisis: http://www.el-nacional.com/regiones/CICPC-ingenieros-electricistas-declarar-crisis_0_271172942.html
[53] National Assembly: Agreement to reject universities stoppage: http://historico.tsj.gob.ve/gaceta/noviembre/4112015/4112015-4427.pdf#page=2
[54] AVERU Statement: http://www.prensa.ula.ve/2015/11/09/comunicado-de-averu-ante-las-amenazas-la-educaci%C3%B3n-superior
[55] ULA: Universities and Human Rights organizations take a position on the Agreement: http://www.uladdhh.org.ve/index.php/2015/11/09/centros-universitarios-y-organizaciones-de-ddhh-se-pronuncian-sobre-el-acuerdo/

of protests against the National Electoral Council (CNE) to demand the recount of votes in the presidential elections in April. According to witnesses, armed men in motorcycles attacked and chased protesters to CAMIULA with bombs and bullets. The attackers burned vehicles and vandalized the health center, injuring personnel. No security force that was guarding the headquarters of the CNE prevented the assault or protected those affected[56]. The facts have not been investigated and remain unpunished.

50. In the demonstrations of 2014, more than 20 public and private universities in different states were systematically attacked by security forces and armed civilians. Several of these attacks were documented in public reports by ODH-ULA[57], CDH-UCAB[58], CODHEZ[59] and Civilis DDHH[60]; physical and psychological aggressions to students, teachers and workers were recorded as well as arson of buildings, offices, libraries and other property, being notorious cases of ULA Merida and Tachira, ULA Radio Station, LUZ, Universidad Rafael Belloso Chacín, UCV, UDO, UCLA, UNEXPO Nucleus Carora, Universidad Fermín Toro and Universidad Metropolitana. Although to a lesser extent, attacks have continued as the burning of a bus (Nucleus ULA-Tachira) in 2015[61].

Recommendations

51. The State must ensure conditions of peace and security adequate for teaching and research on university campuses and protect higher education institutions from threats to their autonomy.
52. The State must ensure the safety and security of the facilities of universities and safeguard and ensure public order and safety of persons and property.

[56] Video of the CAMIULA incidents prepared by ULA: http://www.prensa.ula.ve/2013/04/18/ataque-a-camiula-violencia-e-impunidad-video/

[57] ODH-ULA: Report on human rights violations in Merida. February – July 2014: http://www.saber.ula.ve/bitstream/123456789/40296/1/informeDDHH.pdf

[58] CDH-UCAB: License to protest, June 2014: http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/licencia%20para%20protestar.pdf Informe de Codhez, en: http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/INFORME%20FINAL%20CDDHH%20ZULIA.pdf

[59] CODHEZ: Report on the human rights situation in Zulia sate: http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/INFORME%20FINAL%20CDDHH%20ZULIA.pdf

[60] CivilisDDHH: Report on attacks against civilians in residential areas, 2014. P. 38-39: http://civilisac.org/civilisweb/wp-content/uploads/Informe-Ataques-a-Civiles-en-Areas-Residenciales-2014-1.pdf

[61] Rector of ULA rejects vandalic acts within the ULA Táchira http://prensa.ula.ve/2015/01/12/rector-de-la-ula-rechaza-actos-vandalicos-dentro-de-la-ula-tachira