



# **General situation of human rights in Venezuela with special reference to the Andean region**

December 2021 - May 2022

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**WITH SPECIAL REFERENCE TO THE ANDEAN REGION**  
**REPORT: DECEMBER 2021-MAY 2022**

**Executive Summary**

In this report, the Human Rights Observatory of the Universidad de Los Andes (ODHULA) presents in four sections the cases that have been documented on human rights violations in the Andean region (Mérida, Táchira and Trujillo states) during the period December 2021-May 2022. In the first section, an account is given of violations of civil and political rights, based on the patterns of action and omission adopted by judges and prosecutors in cases linked to political situations in which, on the one hand, arbitrary detentions are promoted and, on the other hand, impunity is promoted when the perpetrators of punishable acts are sympathetic to the ruling regime; the failure of the State to comply with its obligation to make reparations to the victims of human rights violations; also, the erosion of political participation reflected in the regional and municipal elections of 2021 and the request for a recall referendum in 2022. The second section presents the legislative reforms that seek to politicize scientific research and further undermine university autonomy, the precarious conditions in which public universities find themselves, which make it impossible to carry out academic activities, due to the interventions of the Executive Power in university autonomy, the budgetary suffocation, the deterioration and damage to their infrastructure, the security incidents by the underworld, the desertion of professors and students, the regression of the labor rights of university workers and the misery in which the elderly members of the university community find themselves. The third section contains the deterioration of environmental rights in the state of Merida, in its economic, social and environmental dimensions, as well as the deterioration of the rights to water and sanitation. The fourth section highlights the conditions in which gender justice is found, being impunity the general rule in cases of femicides that have been assisted by the Legal Team of ODHULA, as well as in cases of missing women.

## **1. CIVIL AND POLITICAL RIGHTS**

In this section, the Human Rights Observatory of the University of the Andes (ODHULA) describes: 1) patterns of action followed by judges and prosecutors in arbitrary detentions that hinder access to justice, and the promotion of impunity in cases involving public officials politically aligned with the Executive Branch, which result in actions that violate human rights; 2) lack of reparation to victims of human rights violations for the damage caused; 3) erosion of political participation due to the deterioration of democracy, the rule of law and human rights.

### **1.1. Judges and prosecutors' actions in arbitrary detentions and promotion of impunity**

Judges and prosecutors, on the one hand, have played a key role in arbitrary detentions and persecution of political dissidents, incurring responsibility for human rights violations. Due process guarantees established in the National Constitution (art. 49) and International Human Rights Treaties (such as the International Covenant on Civil and Political Rights and the American Convention on Human Rights) have been violated, such as the presumption of innocence, the right to defense and the right to be heard, in addition to rights and guarantees of due process established in the Organic Code of Criminal Procedure. On the other hand, the actions of judges and prosecutors have promoted impunity in those cases involving public officials ideologically aligned with the regime of Nicolás Maduro as perpetrators of punishable acts.

#### **1.1.1. Arbitrary detentions and political prisoners**

Between March and April 2022, ODHULA has documented 2 cases of victims of human rights violations due to the improper actions of judges and prosecutors, whose acts or omissions are described below:

##### **Case of Steven Ricardo García Sanz**

After multiple undue delays in the criminal trial of political prisoner Steven García, caused by the actions and omissions of judges and prosecutors, such as the failure to transfer the detainee to the court or by non-attendance of the judge for more than 5 years<sup>1</sup>, on

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1 Observatorio de Derechos Humanos de la Universidad de Los Andes. Political persecution and impunity: participation of judges and prosecutors in human rights violations. <https://www.uladdhh.org.ve/wp-content/uploads/2021/08/4.-INFORME-IMPUNIDAD.pdf> p. 28. According to the legal team of this ODHULA, this process has been characterized by the following actions and omissions of judges and prosecutors:

01.04.2022 the act of conclusions of the trial took place. The provisional judge of the case, Yoyreli Mata Granados, decided to grant him full freedom because there was no evidence to incriminate him in the punishable act<sup>2</sup>.

Although Steven García was acquitted, he continued to be deprived of his liberty and transferred to the Andean Region Penitentiary Center (CEPRA) until completing an administrative procedure for his release. ODHULA's lawyers filed a writ of amparo to obtain his release.

On April 23, 2022 in the city of Caracas, a commission of the Bolivarian National Guard deprived Steven García Sanz of his liberty for 4 days, because he had not yet been excluded from the Integrated Police Information System (SIIPOL) and after being presented before the 27th control judge of the metropolitan area of Caracas, he was released on April 26, 2022. He was excluded from SIIPOL on May 9, 2022.

The arbitrary detention of Steven Ricardo García Sanz occurred on 27.01.2016, when he was accused by the chavista deputy Diosdado Cabello, in his TV program, of murdering on 08.03.2014 Giselle Rubilar Figueroa during the social protests of that day<sup>3</sup>.

In this case, due process was not guaranteed in any of its phases and the provisional prosecutors of the Public Prosecutor's Office, Dayana González and Franklin Rangel, insisted on requesting the judge to convict Steven García, despite not having presented during the entire trial any evidence or witness that incriminated him in any punishable act<sup>4</sup>. Provisional prosecutor Franklin Rangel, together with prosecutor Dayana González, tried to exercise the appeal of suspensive effect following a practice of political persecution through the justice system, evidencing bad faith, lack of minimum conditions for the

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deferrals alleging that only certain evidence will be incorporated; deferrals alleging the judge that the prosecutors of the Public Ministry did not study and are not prepared to make the conclusions; postponement of the period of time for the hearing because there is no office in her court due to "health" problems of the judge and; deferrals for lack of evidence bodies despite the issuance of orders to conduct the proceedings.

2 ODHULA. "Judge grants full freedom to Steven García despite the insistence of the Prosecutor's Office that he be sentenced".

<https://www.uladdhh.org.ve/index.php/2022/04/01/jueza-dicta-libertad-plena-a-steven-garcia-pese-a-insistencia-de-la-fiscalia-en-que-lo-condenara/>

3 Observatorio de Derechos Humanos de la Universidad de Los Andes, with the support of PRO-VEA, Universidad Católica Andrés Bello and Civilis (2015). Human Rights Violations in Mérida. February-July 2014.

4 Idem.

exercise of the position and ignorance of the reform of the Organic Code of Criminal Procedure that repealed said appeal<sup>5</sup>.

The Legal Team of this Observatory, which represented the defense of Steven Garcia, demanded that these prosecutors be subjected to a disciplinary process and dismissed for improper exercise of their functions<sup>6</sup> and for violating national and international standards of due process<sup>7</sup>.

In the acquittal sentence, the judge evidenced and confirmed that during the trial the relationship of Steven Garcia with the homicide of Giselle Rubillar Figueroa was not proven according to the standards of evidence in criminal matters, and also that the performance of the Public Prosecutor's Office was deficient and was not in accordance with the National Constitution<sup>8</sup>.

### **The case of Walter Enrique Mayorga Lobo and Marller Kennedy González Rondón**

After 6 years of unjust imprisonment, on May 13, 2022, the provisional judge of the Trial Court N° 1 of the Criminal Judicial Circuit of the State of Merida, Lucy del Carmen Teran Camacho, acquitted Walter Mayorga and Marller Gonzalez. This judge, following the pattern of human rights violations perpetrated by the Judiciary, had unjustifiably deferred the hearing of conclusions of the case initially scheduled for March 10, 2022, delaying this trial with clear political implications, in which no incriminating evidence has been presented against the defendants<sup>9</sup>.

The provisional prosecutor of the Public Prosecutor's Office Lupe Fernandez, in her intervention, criminalized the peaceful protest carried out by ODHULA and relatives of these political prisoners to demand justice outside the criminal judicial circuit in March 2022, and requested a guilty verdict against the young men, even though throughout her presentation she was unable to establish the relationship between them and the crime they were charged with due to lack of evidence.

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5 Observatorio de Derechos Humanos de la Universidad de Los Andes (2022). Boletín Andino de Derechos Humanos de la Universidad de Los Andes N° 139. <https://mailchi.mp/d9141faccf8f/boletin-andino-de-derechos-humanos-n-139>

6 ODHULA. "Judge grants full freedom to Steven García...", ob. cit.

7 Office of the United Nations High Commissioner. Guidelines on the Role of Prosecutors. <https://www.ohchr.org/es/instruments-mechanisms/instruments/guidelines-role-prosecutors>

8 Observatorio de Derechos Humanos de la Universidad de Los Andes (2022). Andean Human Rights Bulletin of the University of Los Andes N° 139..., ob. cit.

9 Observatorio de Derechos Humanos de la Universidad de Los Andes (13/05/2022).

<https://www.uladdhh.org.ve/index.php/2022/05/13/walter-mayorga-y-marller-gonzalez-salen-en-libertad-plena-tras-seis-anos-de-injusta-prision/>



Walter Enrique Mayorga Lobo and Marller Kennedy González Rondón were arbitrarily detained by court order (on 21.01.2016 and 06.07.2016, respectively), as they were unfoundedly involved in the death of a Bolivarian National Guard officer that occurred on 24.03.2014. In addition to the disproportionate, unconstitutional and illegal restriction of the liberty of citizens Walter Mayorga and Marller González, they have also been victims of other human rights violations during the process, since the judges have delayed the process by postponing the preliminary hearing in 29 opportunities (during 4 years), omission in the material control of the prosecutorial accusation, the non-admission of evidence by the public defense and the refusal to notify the victims by extension<sup>10</sup>.

ODHULA's Legal Team requested the decay of the preventive judicial measure of liberty, so that the criminal proceeding could continue with the defendants released under precautionary measure; however, the request was denied. This is yet another example that deprivation of liberty is the rule in the Venezuelan justice system.

## **1.2. Right to reparation for damages for human rights violations**

The right to reparation for human rights violations is based on a general principle of Human Rights: "every violation of an international obligation that has produced a damage entails the duty to adequately repair it"<sup>11</sup>. For the international consolidation of this right, the work of international courts such as the International Court of Justice, the Inter-American Court of Human Rights and the European Court of Human Rights has been important<sup>12</sup>. In the Inter-American Human Rights System there is a broad and reiterated jurisprudential practice of the Inter-American Court of Human Rights that has developed this right, specifically under the modality of "integral reparation"<sup>13</sup> (*restitutio in integrum*) of the damage. Full reparation is also recognized in the "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human

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10 Human Rights Observatory of the Universidad de Los Andes. Situation of human rights in Venezuela with special attention to the Andean region. Semiannual report: May-November 2021. <https://www.uladdhh.org.ve/wp-content/uploads/2021/11/Situacion-de-los-derechos-humanos-en-Venezuela-diagramacion.pdf>

11 Permanent Court of International Justice. Factory at Chorzow Case. Jurisdiction, July 26, 1927, p. 21; Inter-American Court of Human Rights. Case of Velásquez Rodríguez v. Honduras. Judgment of July 21, 1989 (Reparations and Costs), para. 25. [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_07\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_07_esp.pdf).

12 United Nations General Assembly. Promotion of truth, justice, reparation and guarantees of non-repetition. A/69/518, 11 July 2019, para. 17.

13 Inter-American Court of Human Rights. Case of Gonzalez and Others ("Campo Algodonero") v. Mexico. Judgment of November 16, 2009 (Preliminary Objections, Merits, Reparations and Costs), para. 450. [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_205\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_205_esp.pdf).

Rights Law and Serious Violations of International Humanitarian Law", approved by the United Nations General Assembly<sup>14</sup>.

The concept of reparation comprises the various ways in which a State must face the international responsibility it has incurred for the violation of human rights<sup>15</sup>, these are: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

International treaties on human rights ratified by Venezuela, both universal and regional, positively recognize the right to reparation, constituting its international legal basis. In the internal order, the National Constitution in its articles 30, 49.8 and 259 establishes the right to reparation. The Civil<sup>16</sup>, Criminal<sup>17</sup> and Criminal Procedural Codes<sup>18</sup> also recognize reparation of damages, constituting an important legal basis for its enforceability.

### **1.2.1. Failure of the State to comply with the obligation of reparation**

The Venezuelan State persists in its failure to comply with its international human rights obligations. At the close of this Report, in none of the 55 cases attended by the ODHULA Legal Team for human rights violations has there been reparation for the victims. In the state of Merida, the pattern of failing to comply with the obligation to provide reparations to these victims is as widespread as in the whole country; thus, of the 350 people assisted by the Merida Penal Forum, since 2017, none has obtained reparations<sup>19</sup>.

This Observatory was able to confirm that the deadlines for reporting compliance with the judgments of the Inter-American Court of Human Rights have expired and that the reparations required in the condemnatory judgment<sup>20</sup> in the following cases have not been honored: López Soto and Others v. Venezuela, López Soto was the victim of human rights violations<sup>21</sup> Álvarez Ramos v. Venezuela<sup>22</sup>, for violation of freedom of expression; San

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14 United Nations General Assembly. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. A/RES60/147, 16 December 2005.

15 I/A Court H.R., Case of Loayza Tamayo v. Peru. Case of Loayza Tamayo v. Peru. Judgment of November 27, 1998 (Reparations and Costs), para. 85.

[https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_42\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_42_esp.pdf).

16 Article 1185.

17 Article 120.

18 Article 23.

19 Interview with Fernando Cermeño (Foro Penal Mérida), on February 20, 2022.

20 Interview with jurist Tulio Álvarez Ramos on February 25, 2022.

21 IACHR Court. Case of López Soto et al. v. Venezuela, September 26, 2018.

[https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_362\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_362_esp.pdf)

22 I/A Court H.R., Case of Álvarez Ramos v. Venezuela. Case of Álvarez Ramos v. Venezuela. Judgment of August 30, 2019 (Preliminary Exceptions, Merits, Reparations and Costs).

[https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_380\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_380_esp.pdf).

Miguel Sosa and others v. Venezuela<sup>23</sup> for acts of political discrimination<sup>24</sup>. These omissions by the State are an indicator of the lack of commitment to provide reparations to victims of human rights violations.

### **1.2.2. The Law of the Commission for the Guarantee of Justice and Reparation for Victims of Human Rights Crimes is shaping up as another fraud to justice.**

On December 27, 2021, the "Law of the Commission for the Guarantee of Justice and Reparation of the Victims of Crimes against Human Rights"<sup>25</sup> approved by the National Assembly of the regime of Nicolás Maduro was published in the Official Gazette. The purpose of this Law was to "create the Commission for the Guarantee of Justice and Reparation of the Victims of Crimes against Human Rights, for the purpose of generating recommendations and facilitating study, follow-up and verification mechanisms in this matter".

According to the Sole Transitory Provision of said Law, the installation of the Commission had to take place within 30 days after its publication in the Official Gazette; that is, before January 27, 2022.

However, in the monitoring carried out by this Observatory from January 27 to the date of the closing of this Report, no official or unofficial information has been found that this Commission has been created<sup>26</sup>. In the website of the National Assembly (<http://www.asambleanacional.gob.ve/comisiones>), revised on May 11, 2022, the Commission still does not appear.

In the statement of Marta Valiñas, at the 49th session of the Human Rights Council, dated March 18, 2022, it is stated that the law creating the Commission for the Guarantee of

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23 I/A Court H.R., Case of San Miguel Sosa et al. v. Venezuela. Case of San Miguel Sosa et al. v. Venezuela. Judgment of February 8, 2018 (Merits, Reparations and Costs).

[https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_348\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_348_esp.pdf)

24 On 24.12.2021 Rocío San Miguel pointed out that "despite having a favorable ruling in our case, from an international body, the State refuses to comply with it"; Efecto Cocuyo (December 24, 2021). Inter-American Court of Human Rights asks Venezuela to comply with the sentence on the "Tascón list" issued three years ago. <https://efectococuyo.com/la-humanidad/corte-interamericana-ddhh-pide-venezuela-cumpla-sentencia-lista-tascon/>

25 National Assembly. Law of the Commission for the Guarantee of Justice and Reparation of the Victims of Crimes against Human Rights. Official Gazette No. 6.678 Extraordinary of December 27, 2021.

[https://www.controlciudadano.org/web/wp-content/uploads/2021\\_Diciembre\\_g.e\\_6.678.pdf](https://www.controlciudadano.org/web/wp-content/uploads/2021_Diciembre_g.e_6.678.pdf)

26 Cf. Access to Justice. March 4, 2022. The Commission for Justice and Reparations for Victims of Human Rights Crimes: another bureaucratic elephant? <https://accesoalajusticia.org/comision-justicia-reparacion-victimas-delitos-contraderechos-humanos-otro-elefante-burocratico/>

Justice and Reparation for the Victims of Crimes against Human Rights "is not yet operational"<sup>27</sup>.

Furthermore, it is important to note that this law was not created specifically as a genuine act of recognition of responsibility, truth and justice, but rather as a consequence of great international pressure due to systematic human rights violations, and "in the context of a set of reforms in the framework of an international observation, in particular due to the progress of the investigation underway at the Office of the Prosecutor of the International Criminal Court"<sup>28</sup>.

Likewise, there is no guarantee that this Commission will actually be composed of impartial persons, since its seven members are appointed by the National Assembly, and even two of them must be deputies (art. 10), which impairs its independence from the political power commanded by the regime of Nicolás Maduro<sup>29</sup>.

The normative body of said law does not foresee control and accountability mechanisms. Furthermore, it does not contain a normative framework that contemplates measures or programs of integral reparation, but only intends to constitute a body that will be in charge of implementing public policies in this area.

In the discussion of this Law there was no participation of the civil society, nor recognition of the victims of human rights violations that occur massively in Venezuela, which is a fundamental requirement in times of reparation; which indicates that it is an "unconsulted and express" law<sup>30</sup>.

For jurist Tulio Álvarez, this law "is a mockery of justice, because the State defines who its victims are and then makes a mixture with politics in open contradiction with the dignity of the person"<sup>31</sup>.

This type of law designed to the exclusion of the victims of human rights violations does not correspond to the search for truth and justice, much less does it generate certainty of

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27 UN. March 18, 2022. Statement by Marta Valiñas, President of the International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, at the 49th session of the Human Rights Council. <https://www.ohchr.org/es/statements/2022/03/statement-marta-valinas-chair-independent-international-fact-finding-mission>

28 Interview with Simon Gomez (International Federation for Human Rights) on February 23, 2022.

29 CEPAZ. February 15, 2022. New Legislative Reforms in Venezuela: Are They a Guarantee of Justice for Victims of Human Rights Violations? <https://cepaz.org/articulos/nuevas-reformas-legislativas-en-venezuela-son-una-garantia-de-justicia-para-las-victimas-de-violacion-a-derechos-humanos/>

30 Alert Venezuela. Law that judges crimes against human rights does not speak of cooperation. <https://alertavenezuela.org/blog/2021/12/28/ley-que-juzga-crmenes-contra-derechos-humanos-no-habla-de-cooperacion/>

31 Interview with Tulio Álvarez (professor at Universidad Central de Venezuela and Universidad Católica Andrés Bello) on February 25, 2022.

reparation that complies with international standards on the matter, because "it does not take place within the framework of transitional justice"<sup>32</sup>. As CEPAZ points out, "they do not respond to the need to reinstitutionalize the country for access to independent justice in favor of the victims of human rights crimes"<sup>33</sup>.

### **1.3. Erosion of political participation**

The consequences of the erosion of political participation in Venezuela due to the deterioration of democracy, the rule of law and massive human rights violations became evident in the last regional and municipal elections, considering the cases monitored in the Andean region, the insufficient political participation of women, the disregard of the popular will in the state of Barinas through the Supreme Court of Justice, the stripping of powers from the governorships of the states of Zulia and Cojedes and the unfavorable conditions for the realization of the recall referendum against Nicolás Maduro, in January 2022, generated by the National Electoral Council.

#### **1.3.1. New NEC and International Electoral Observation were not enough guarantees for the regional and municipal elections of 2021.**

The regional and municipal elections of November 21, 2021 had two new elements: a new National Electoral Council (NEC) and International Electoral Observation.

On the one hand, this CNE was appointed on May 4, 2021, which was intended to be at best "an attempt to generate more confidence and leave behind the image of partiality of the electoral body"<sup>34</sup>, since the new CNE included two (out of five) rectors. since the new CNE included two (out of five) rectors not politically linked to the Government, "which opened the door to a greater confidence in the independence and credibility of the agency"<sup>35</sup>; however, three rectors from Chavism continued to be the majority, which is the one who decides.

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32 Interview with Simon Gomez (International Federation for Human Rights) on February 23, 2022.

33 CEPAZ. February 15, 2022. Ibid.

34 Access to Justice (May 25, 2021). Six minimum conditions to be guaranteed by the new CNE in the mega-elections. <https://accesoalajusticia.org/seis-condiciones-minimas-quedebe-garantizar-nuevo-cne-en-megaelecciones/>

35 Carter Center (December 3, 2021). PRELIMINARY REPORT. CARTER CENTER ELECTORAL MISSION OF EXPERTS. Elecciones Regionales y Locales, Venezuela 2021, p. 21.

[https://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/venezuela-preliminary-report-120321-spanish.pdf](https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/venezuela-preliminary-report-120321-spanish.pdf)

On the other hand, after 15 years without reliable International Electoral Observation, it was possible to count on the observation of the European Union and a group of experts from the UN<sup>36</sup>. However, the European Union Electoral Observation Mission, which independently, impartially and technically evaluated the electoral process, reported that "the electoral process showed the persistence of structural deficiencies", such as "widely criticized judicial decisions that have affected the equality of conditions by replacing the executive committees of some parties and delivering their electoral cards to internal factions that used them to run in the elections, [...]... the lack of judicial independence and the lack of a fair and impartial electoral process". the lack of judicial independence and disrespect for the rule of law adversely affected the level playing field and the fairness and transparency of the elections"<sup>37</sup>. They also "affected the equality of conditions [...] the privileged access to fuel, as well as the wide use of State resources, the delivery of goods, such as food packages, gas bottles or water pumps"<sup>38</sup>, by the ruling party. by the ruling party.

The regime of Nicolás Maduro requested the departure from the national territory of the electoral observers of the European Union Mission, who had planned to leave within seven days after the pre-established term, but it was not possible to renew the visa of its members<sup>39</sup>. This happened days after the European Union Mission issued its Preliminary Report, in which it points out that there are still structural deficiencies in the electoral process and that it does not comply with international standards. Maduro indicated after the report was made public, that "they were not international observers. Spies of the European Union! [...] They came to spy on the Venezuelan process and to look for a single element to enlarge it, multiply it and try to stain it", in addition to pointing out that "they came as enemies"<sup>40</sup>.

Diosdado Cabello also referred to the European Union observers as "spies", "they came here to spy on the revolutionary process"<sup>41</sup>.

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36 CEPAZ (October 27, 2021). 21N Elections will have International Observation.

<https://cepaz.org/articulos/elecciones-21n-contara-con-observacion-internacional/>

37 European Union Electoral Observation Mission Bolivarian Republic of Venezuela (November 23, 2021). Preliminary statement. A return to the electoral table of the majority of political forces with improvements in electoral conditions, although with persistent structural deficiencies, p.1.

[https://www.eods.eu/library/declaracion\\_preliminar\\_moe\\_ue\\_venezuela\\_2021\\_es.pdf](https://www.eods.eu/library/declaracion_preliminar_moe_ue_venezuela_2021_es.pdf)

38 Idem, p. 2.

39 El País (December 3, 2021). Venezuela expels EU observers. <https://elpais.com/internacional/2021-12-03/venezuela-expulsa-a-los-observadores-de-la-ue.html>.

40 DW (November 28, 2021). Maduro calls EU election observers "enemies" and "spies".

<https://www.dw.com/es/maduro-llama-enemigos-y-esp%C3%ADas-a-observadores-electorales-de-la-ue/a-59963562>.

41 France 24 (November 25, 2021). "They come to spy", Chavista leader targets EU observers.

<https://www.france24.com/es/minuto-a-minuto/20211125-vienen-a-espiar-dirigente-chavista-apunta-contr-observadores-de-la-ue>

As for the UN experts, they "do not issue public statements evaluating the general conduct of the electoral process or its results", but only an internal report to the Secretary General<sup>42</sup>.

The Carter Center Electoral Expert Mission in its Preliminary Report states that the electoral process took place "in a general context of socioeconomic and humanitarian crisis, aggravated by the COVID 19 pandemic, patterns of political repression, severe restrictions to the rights of political participation and freedom of expression, manifest government advantageism and unequal conditions"<sup>43</sup>.

The Venezuelan Electoral Observatory in its report on conditions and guarantees for the regional and municipal elections of 2021, points out that "the new checks and balances of the Electoral Power are not sufficient in the context of the state institutionality on which the electoral processes rest".

### **1.3.2. Low electoral participation**

According to CNE figures, only 42% of voters turned out for the November 21, 2021 elections<sup>44</sup>, that is, only 8,887,135 of the 21,159,846 voters registered in the electoral roll<sup>45</sup>. This is close to a 60% abstention rate<sup>46</sup>, the causes of which may be attributable, mainly, to the lack of electoral integrity conditions for elections in accordance with international standards and to the forced migration of more than six million people as a consequence of the complex humanitarian crisis the country has been facing for several years.

### **1.3.3. Cases of irregularities in the Andean region**

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42 UN (09 November 2021). The UN panel of electoral experts arrived in Venezuela.

<https://venezuela.un.org/es/157531-el-panel-de-expertos-electorales-de-la-onu-llego-venezuela>

43 Carter Center (December 3, 2021). REPORT..., ob. cit., p. 21.

44 CNE (November 22, 2021). CNE issues second report of results of the 2021 Regional and Municipal Elections. [http://www.cne.gob.ve/web/sala\\_prensa/noticia\\_detallada.php?id=4088](http://www.cne.gob.ve/web/sala_prensa/noticia_detallada.php?id=4088)

45 CNE (August 26, 2021). On 21N, 21,159,846 voters will be able to vote.

[http://www.cne.gob.ve/web/sala\\_prensa/noticia\\_detallada.php?id=3983](http://www.cne.gob.ve/web/sala_prensa/noticia_detallada.php?id=3983)

46 El País (November 22, 2021). High abstention marks Venezuela's regional elections.

<https://elpais.com/internacional/2021-11-22/la-alta-abstencion-marca-las-elecciones-regionales-de-venezuela.html>

In the Andean region, this Observatory documented irregularities during the 2021 electoral process. Some of them involved members of political parties, police and military personnel and even regional authorities of the CNE<sup>47</sup>:

In the Boconó municipality of Trujillo state, in several voting centers, voters were arbitrarily changed to other voting centers, in addition to the fact that many others did not appear registered in the voters list<sup>48</sup>.

In the Cecilio Acosta Educational Unit of the Libertador municipality in Merida, some voters had to put the fingerprints of their toes in the fingerprint machine, because it did not recognize the fingerprints of their hands.

In three voting centers located in the Libertador municipality of Merida there were power failures, which affected the right to vote. Power failures also occurred in Trujillo state<sup>49</sup>.

In the three Andean states there were reports of assisted votes without the existence of any of the justifications contemplated in the legal regime of the electoral processes. A voter denounced that the CNE coordinator of the voting center, located in the Eloy Chalbaud Educational Unit of the Libertador municipality of Merida, threatened the coordinator of this center, Aine Trujillo, with imprisonment for opposing the unjustified assisted vote. In this regard, the European Union Electoral Observation Mission determined that throughout the national territory "an abuse of the assisted vote was observed"<sup>50</sup>. In the State of Merida, at least 13 control points of the PSUV Government party were registered, the so called "red points", where members of this political party were present with lists of voters and machines to scan the QR code of the "carnet de la patria" of those who voted in their favor<sup>51</sup>. Likewise, in the Sucre municipality of Trujillo state, a control point was detected by the opposition<sup>52</sup>.

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47 Observatorio de Derechos Humanos de la Universidad de Los Andes (ODHULA) (November 23, 2021). Regional elections: 14 types of irregularities documented by ODHU-LA in the Andean region. <https://www.uladdhh.org.ve/index.php/2021/11/23/elecciones-regionales-14-tipos-de-irregularidades-documento-el-odh-ula-en-la-region-andina/>

48 Diario de Los Andes (November 21, 2021). In Boconó they denounce changes of voting centers without the consent of the voter. <https://diariodelosandes.com/site/en-bocono-denuncias-cambios-de-centro-de-votacion-sin-consentimiento-del-elector/>

49 ODHULA (November 23, 2021). Elections..., ob. cit.

50 European Union Electoral Observation Mission Bolivarian Republic of Venezuela (November 23, 2021). Preliminary Statement. A return..., ob. cit.

51 La Patilla (November 21, 2021). CNE and international organizations received denunciations of red points and assisted voting in Merida. <https://www.lapatilla.com/2021/11/21/el-cne-y-organismos-internacionales-recibieron-denuncias-de-puntos-rojos-y-voto-asistido-en-merida/>

52 Los Andes Newspaper. Panamericana | For a red dot a multicolored dot.

<https://diariodelosandes.com/site/panamericana-para-un-punto-rojo-un-punto-multicolor/>



In the municipality Campo Elías of Mérida, military officials allowed members of the "Hugo Chávez Battle Units" to campaign in favor of PSUV candidates near a polling place<sup>53</sup>. In the Libertador municipality of Merida, they handed out propaganda, near the voting center located in the Juana de Arco Educational Unit, inviting to vote for the COPEI party with the picture of the candidate for Mayor, Alcides Monsalve. Near the same center, a PSUV check point also distributed propaganda in favor of its candidate for Governor Jehyson Guzman<sup>54</sup>.

In favor of the ruling party, in the three Andean entities there were buses owned by the Venezuelan State which transported voters to the voting centers, as well as the delivery of food bags -of those distributed by the Local Supply and Production Committees (CLAP)-, distribution of gasoline and promises of allocation of bonuses through the "patria system"<sup>55</sup>.

In Mérida, outside a polling station, officials of the Plan República beat Luis Millán, candidate of the MUD for the Libertador municipality council, when he tried to enter the polling station to verify a denunciation of voters. Polling station witnesses also denounced not being able to enter voting centers due to impediments by the voting center coordinators, or even due to the presence of guerrilla groups, as occurred in Táchira.

José Gregorio Ruiz, regional coordinator of the CNE in Mérida, threatened the president, members and witnesses of a voting center because they tried to close one of the tables at 6:00 p.m., when there were no voters present as per regulations.

Regarding arbitrary detentions, in Merida two students of the Universidad de Los Andes were detained by police officers; they were taken to the police headquarters and later released, but the vehicle in which they were traveling remained detained<sup>56</sup>.

There were also irregularities committed against media workers; in at least six voting centers journalists were denied access to journalists in the states of Merida, Tachira and Trujillo, despite the fact that those affected, seven in total, had CNE credentials<sup>57</sup>.

#### **1.3.4. Insufficient political participation of women**

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53 Human Rights Observatory of the Universidad de Los Andes (ODHULA). November 23, 2021. Elections..., ob. cit.

54 Dibiana Torres (November 21, 2021). #21Nov 11:02 am 200 meters from the voting center U.E Juana de Arco, there was a person handing out propaganda for @alcidesmonsalve.  
<https://twitter.com/dibitorresve/status/1462470692386001387>

55 ODHULA (November 23, 2021). Elections..., ob. cit.

56 El Pitazo (December 21, 2021). Mérida : Police detained ULA students for calling to vote.  
<https://elpitazo.net/los-andes/merida-policia-detuvo-a-estudiantes-de-la-ula-por-llamar-a-votar/>

57 Public Space (November 21, 2021). 21N: Plan República denies access to the media.  
<https://espaciopublico.org/21n-plan-republica-niega-el-acceso-a-los-medios/>

An important deficiency of the electoral process is reflected in the insufficient political participation of women. In spite of the fact that 46% of the electoral offer had women candidates, this percentage is derived from nominations for minor positions such as councilwomen and state legislators, while in positions with greater power to make decisions and influence publicly, such as mayorships and governorships, the participation of women was very low. According to the report of the Citizen Electoral Network, out of the 23 governorships in dispute, only 2 were elected women against 21 men elected for the position of governor, meaning 9% of women elected against 92% of men. Of the 335 mayoralties, only 62 were elected women versus 272 men elected mayors, representing 19% of women versus 81% of men<sup>58</sup>. These numbers, compared to the results of the 2017 regional and municipal elections, show a 40% drop in the number of governorships in which a woman was elected, while in the case of mayorships the decrease in the number of women mayors was 16%<sup>59</sup>.

This is reflected in the Andean region where all the governors elected in Mérida, Táchira and Trujillo are men. Furthermore, out of the 70 mayorships contested in this region, only 10 were elected women mayors, representing only 14%. In Merida 21 mayors were elected and only 2 women mayors. In Táchira, 23 mayors were elected and only 6 women mayors. In Trujillo 14 mayors were elected and only 4 women mayors. Women are not duly represented in mayoral and governor's offices, which are important spaces for making public decisions.

### **1.3.5. Disregard of the popular will: the case of Barinas State**

In the elections of November 21, 2022, Freddy Superlano, candidate for governor of the state of Barinas for the MUD, had obtained the highest number of votes to be elected governor of that state, as highlighted by the projections recorded by the CNE which gave a percentage of votes in his favor of 37.60% with respect to the 37.21% of votes obtained by the candidate Argenis Chávez of the PSUV. However, the government of Nicolás Maduro, using the Judicial Power, disregarded the will of the voters with two sentences issued on the same day<sup>60</sup>. In effect, on November 29, 2021, the Electoral Chamber of the TSJ -as it

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58 Citizen Electoral Network (2021). Participation of female leadership in the regional and municipal elections of 2021. [https://cepaz.org/wp-content/uploads/2021/12/Participacion-del-liderazgo-femenino-en-las-elecciones-regionales-y-municipales-2021\\_compressed.pdf](https://cepaz.org/wp-content/uploads/2021/12/Participacion-del-liderazgo-femenino-en-las-elecciones-regionales-y-municipales-2021_compressed.pdf)

59 Netherlands Institute for Multiparty Democracy (2021). Women's Political Participation in Regional and Municipal Elections in Venezuela 2021, p. 7. <https://nimd.org/wp-content/uploads/2021/12/ParticipacionMujeres2021.pdf>

60 Transparencia Venezuela (November 30, 2021). Supreme injustice. Barinas Blog: How the TSJ annulled an election in 6 hours. <https://supremainjusticia.org/bitacora-de-barinas-de-como-el-tsj-anulo-en-6-horas-una-eleccion/>

happened in the 2015 parliamentary elections<sup>61</sup> - by means of a constitutional injunction proceeded to grant a precautionary measure and suspended the process of totalization, adjudication and proclamation of the CNE regarding the candidates for the position of Governor of the state of Barinas, in which Freddy Superlano had obtained the victory<sup>62</sup>. On the same date, said Chamber declared the constitutional injunction admissible and left without effect all the procedures and acts held in the electoral schedule of the state of Barinas, with respect to the election for the office of Governor of the state. It was considered that the citizen Freddy Superlano was disqualified and a new electoral process was ordered to be held on January 9, 2022<sup>63</sup>.

The rector of the CNE, Roberto Picón, declared that "the disqualification of citizen Freddy Superlano was unknown to the CNE at the moment of his nomination [...] Had he been notified, it would have been impossible to process his request"<sup>64</sup>. Despite the irregular disqualification of Freddy Superlano, the Mesa de la Unidad Democrática (MUD) designated his wife, Aurora Silva de Superlano, as candidate for governor in the electoral process of January 9, 2022; however, on December 5, 2021 she was also disqualified, without any justification, to run before the CNE<sup>65</sup>. Julio César Reyes, the second option to run for governor, was also disqualified by the Comptroller General of the Republic without any justification<sup>66</sup>. In view of such unjustified disqualifications, Sergio Garrido, who finally turned out to be the candidate of the opposition, ran on December 6<sup>67</sup>. On December 7, the political disqualification of Aldemaro Sanoja, who had been a candidate without any legal impediment for the November 21 election, was announced<sup>68</sup>.

Despite a new CNE supposedly more balanced, the report of the Carter Center Observation Mission considers that "the political and legal decisions of the Electoral Chamber of the Supreme Court of Justice and the General Directorate of Accountability undermined the

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61 See section 4.3.1 of this report.

62 Judgment No. 78 of November 29, 2021. Only the decisional part of the judgment is available on the TSJ's web page and not the judgment in its entirety.

63 Judgment No. 79 of November 29, 2021. Only the decisional part of the judgment is available on the TSJ's web page and not the judgment in its entirety.

64 Tal Cual (November 30, 2021). Roberto Picón: The CNE was "unaware" of Freddy Superlano's disqualification. <https://talcualdigital.com/roberto-picon-el-cne-desconocia-inhabilitacion-de-freddy-superlano/>

65 Tal Cual (December 5, 2021). Freddy Superlano's wife is disqualified to prevent her candidacy in Barinas. <https://talcualdigital.com/inhabilitan-a-esposa-de-freddy-superlano-para-participar-en-eleccion-de-barinas/>

66 El Nacional (December 6, 2021). Aurora Silva and Julio César Reyes are disqualified from contesting for the Governorship of Barinas. <https://www.elnacional.com/venezuela/inhabilitados-aurora-silva-y-julio-cesar-reyes-para-disputar-la-gobernacion-de-barinas/>

67 Momentum (Dec. 6, 2021). Sergio Garrido: No excuses for me to be disqualified #6Dec. <https://www.elimpulso.com/2021/12/06/sergio-garrido-no-hay-excusas-para-que-me-inhabiliten-6dic/>

68 Aporrea (December 8, 2021). (VIDEO) PCV qualifies the political disqualification of Aldemaro Sanoja's candidacy in Barinas as arbitrary and illegal. <https://www.aporrea.org/regionales/n369867.html>

nascent independence of the new CNE"<sup>69</sup>. The rulings issued by the TSJ, as the NGO Acceso a la Justicia points out, "are not the first in which the governing body of the Judiciary leaves without effect the wish of the majority of voters"<sup>70</sup>. Judicial decisions to erode political participation have been a systematic indicator of the TSJ against the popular will since previous electoral processes. The case of the state of Barinas is one more in the long list of violations of political rights in Venezuela.

### **1.3.6. Arbitrary and discriminatory use of power: stripping of powers from the opposition governorships of Zulia and Cojedes in violation of Article 164 of the National Constitution.**

Despite the fact that the electoral results in most governorships favored the ruling party and only four (Zulia, Cojedes, Nueva Esparta and Barinas) favored the political opposition, this did not mean setting aside previous arbitrary methods of power to disfavor opposition governors, as occurred with the governors of Táchira and Mérida elected in 2017. Indeed, in the state of Zulia, the Governorate of Manuel Rosales, as stated in Official Gazette No. 42,261, Resolutions No. 012 and 013 respectively, dated November 23, 2021, the regime of Nicolás Maduro proceeded to subtract competencies that corresponded to said Governorate<sup>71</sup>. Among them are the management, conservation and administration of La Chinita International Airport (Maracaibo), Miguel Urdaneta Fernández Airport (Santa Bárbara) and Oro Negro Airport (Cabimas); as well as the General Rafael Urdaneta Bridge.

In the state of Cojedes, its governorship presided by Alberto Galíndez was also affected by the centralization of power by Nicolás Maduro. In Official Gazette No. 42,262, Resolution No. 014, dated November 24, 2021, an administrative order was published reducing the competences of said governorate. Specifically, the management, conservation, direction and use of the National Airport G/J Ezequiel Zamora was transferred to the state-owned company Bolivariana de Aeropuertos (BAER S.A.)<sup>72</sup>.

It is important to point out that the stripping of said powers from these Governorships constitutes a violation of Article 164 of the National Constitution which establishes the exclusive powers of the states, one of them being the conservation, administration and use

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69 Carter Center (December 3, 2021). REPORT..., ob. cit., p. 21.

70 Access to Justice (December 14, 2021). Five cases that show that in Venezuela "sentence kills vote". <https://accesoalajusticia.org/cinco-casos-que-muestran-que-en-venezuela-sentencia-mata-voto/>

71 Tal Cual (December 2, 2021). Government makes it official that Manuel Rosales has taken over toll roads and airport competences. <https://talcualdigital.com/retiran-a-la-gobernacion-del-zulia-control-de-peajes-y-del-puente-sobre-el-lago/>

72 Official Gazette. Number 42,262 of November 24, 2021. <https://finanzasdigital.com/2021/11/gaceta-oficial-n42-262-sumario/>

of national roads and highways, as well as ports and airports for commercial use (ordinal 10).

### **1.3.7. The impracticability of the recall referendum in 2022**

The recall referendum of Nicolás Maduro's mandate was presented in a situation of complexity marked by the fact that this is only feasible when the President of the Republic has been constitutionally elected; since, as jurists and sectors of the opposition have alleged, legally it is not possible to revoke whoever is usurping the office of President<sup>73</sup>, as would be the case of Nicolás Maduro who in 2018 conducted fraudulent elections to reelect himself, the result of which was rejected by the opposition, by the National Assembly and by a large part of the international community; consequently, upon the culmination of his mandate on January 10, 2019, Art. 233 of the National Constitution, which attributes to the President of the National Assembly the power to substitute the office while new presidential elections are being held. With the international recognition and support of more than 56 democratic countries<sup>74</sup>, the President of the National Assembly assumed as Interim President, a situation that still continues, and Nicolás Maduro has been considered as a *de facto* president.

Despite the above, the CNE approved on January 17, 2022 three requests for the activation of the recall referendum, promoted by the organizations: Movimiento Venezolano por el Revocatorio (Mover), Todos Unidos por el Referendo Revocatorio and the National Executive Committee of Confedejunta, together with the National and International Democracy Committee<sup>75</sup>. The eventual activation of a referendum request requires that 20% of those registered in the Electoral Registry express their will, as established in Article 72 of the National Constitution.

On January 21, 2022, the majority of CNE rectors (3 out of 5), politically related to the government of Nicolás Maduro, established that the collection of signatures should be carried out in only one day, January 26, 2022. The collection of signatures of around 5 million Venezuelans was to be carried out within 12 hours, in a single day, which led one of the two dissident rectors, Roberto Picón, to point out that "it is not feasible" since "five voters per minute would have to be processed, for 12 hours, in all the machines of the

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73 EFE. 19 Jan. 2022. Exile calls for recall of Maduro a mistake because it gives him legitimacy. <https://www.efe.com/efe/america/politica/exilio-tilda-de-un-error-el-llamado-al-revocatorio-a-maduro-porque-le-da-legitimidad/20000035-4720386>

74 BBC News World. 4 February 2019. Crisis in Venezuela: European countries recognize Juan Guaidó as "president in charge" and international tension grows. <https://www.bbc.com/mundo/noticias-america-latina-47115699>

75 El Nacional (January 17, 2022). CNE approved request to initiate possible recall of Maduro. <https://www.elnacional.com/venezuela/cne-aprobo-solicitud-para-iniciar-posible-revocatorio-a-maduro/>

country, with no margin of error" and "without time to notify the citizens of the collection points"<sup>76</sup>, in addition to the accreditation of the accreditation of the signatures. in addition to the accreditation of witnesses in the electoral centers. Likewise, one of the main political organizations in charge of promoting the referendum, Mover, stated that "all regulations are being violated"<sup>77</sup>. Therefore, this organization requested a modification of the schedule set forth by the electoral institution<sup>78</sup>. In effect, the schedule established by the CNE is a new violation of political rights, since it made the recall referendum practically unfeasible or "unfeasible"<sup>79</sup> with unfavorable obstacles that do not comply with international human rights standards.

One of the main organizations that had the initiative of the recall referendum, Mover, referred that voters should not participate due to irregularities in the electoral schedule approved by the CNE<sup>80</sup>. The Venezuelan Electoral Observatory catalogued this situation as "a wall that is impossible to cross"<sup>81</sup>. In addition to this, the Vice President of the PSUV, Diosdado Cabello, issued the warning that "the President of the Republic has all the right to know who are those who are recalling him, who are requesting the recall of his mandate [...] we reserve all the right we have, as a political organization, to go before the CNE to request the list of those persons who are requesting the recall of the President"<sup>82</sup>, reediting with these words the attempt to implement another "Tascón List" as happened in 2004 with the recall referendum against then President Chávez<sup>83</sup>.

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76 Tal Cual (January 21, 2022). CNE announced #26Jan for the collection of signatures for the recall.

<https://talcualdigital.com/cne-anuncio-el-26ene-para-la-recoleccion-de-firmas-para-el-revocatorio/>

77 Tal Cual (January 22, 2022). Mover states that "it makes no sense" to participate in the collection of signatures for the recall. <https://talcualdigital.com/mover-afirma-que-no-tiene-sentido-participar-en-recoleccion-de-firmas-para-el-revocatorio/>

78 Efecto Cocuyo (January 23, 2022). Recall timeline violates political rights, says electoral expert.

<https://efectococuyo.com/politica/cronograma-revocatorio-atenta-derechos-politicos-dice-experto-electoral/>

79 El País (January 25, 2022). The unfeasible activation of the recall against Nicolás Maduro.

<https://elpais.com/internacional/2022-01-25/la-inviable-activacion-del-revocatorio-contra-nicolas-maduro.html>

80 Efecto cocuyo (January 25, 2022). Keys to the collection of signatures for the RR announced by the CNE for this #26Jan. <https://efectococuyo.com/politica/claves-proceso-recoleccion-firmas-revocatorio-cne-26ene/>

81 Venezuelan Electoral Observatory (January 23, 2022). The CNE makes the recall impossible.

<https://oevenezolano.org/2022/01/el-cne-imposibilita-el-revocatorio/>

82 Audio: <https://www.youtube.com/watch?v=LcpT8audUzk>. See also Infobae (January 24, 2022). The Chavista regime will ask the CNE for the list of people who sign the recall against Nicolás Maduro.

<https://www.infobae.com/america/venezuela/2022/01/24/el-regimen-chavista-pedira-al-cne-la-lista-de-personas-que-firmen-el-revocatorio-contra-nicolas-maduro/>

83 El Nacional (January 24, 2022). Diosdado Cabello warns that he will ask the CNE for the list of signatories requesting the recall against Maduro. <https://www.elnacional.com/venezuela/diosdado-cabello-advierde-que-pedira-al-cne-la-lista-de-firmantes-que-solicitan-el-revocatorio-contra-maduro/>

On January 26, 2022, the collection of signatures took place in spite of the difficulties of the schedule established by the CNE and the threats of Diosdado Cabello to discourage political participation. This moment in general was characterized by a predictable lack of voter participation<sup>84</sup> due to disinformation, haste, arbitrariness of the CNE and the call to not attend by part of the promoters of this initiative.

In the Andean region, 97 signature collection points were installed in a fraudulent and strategically biased manner. El Pitazo reports in its investigation that<sup>85</sup>, out of this total, 26 were installed in agencies attached to the national, state or municipal governments:

In Merida, where there were 30 centers, only 3 were located in public squares or in a high school. The remaining points were located in centers or houses of culture administered by the regional or municipal government, while 9 were located in civil registries or prefectures. In the municipality of Libertador, there were only 3 points and none were located in the central area of the city, but in PSUV-friendly places such as Los Curos, Campo de Oro and El Chama.

In Táchira, of the 36 points installed, 5 were located in places that were not politically neutral. In Táriba, Cárdenas municipality, one of the 3 locations was the Casa Comunal. In the municipality of Lobatera, there was a point at the Municipal Institute of Sports, located at the Mayor's Office. In Fernández Feo, one of the 2 points was located at the Parish Council of Naranjales. In José María Vargas, the center was located at the House of Culture, while in Torbes, the parking lot of the Táchira Police headquarters was one of the signature collection points.

In Trujillo, of the 31 points installed, 17 were located in the vicinities of prefectures and 5 in the vicinities of the civil registries of each locality. One point in Valera was in front of the Bolivarian National Police Command. The remaining 7 points were in educational units and one in the airport of the municipality of San Rafael Carvajal.

The low voter participation for the activation of the recall referendum in the three Andean states was highlighted:

In the state of Merida, the points established by the CNE to exercise this political right were generally empty<sup>86</sup>. An example of this is the municipality of Alberto Adriani de Merida,

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84 El Nacional (January 26, 2022). This is how desolate the signature collection points for the recall are. <https://www.elnacional.com/venezuela/asi-de-desolados-estan-los-puntos-de-recoleccion-de-firmas-para-el-revocatorio/>

85 El Pitazo (January 26, 2022). Recall referendum: 140 signature collection points are in government offices. <https://elpitazo.net/politica/referendo-revocatorio-140-puntos-de-recoleccion-de-firmas-estan-en-dependencias-gubernamentales/>

86 Compás Informativo (January 26, 2022). Desolate the points to request the Recall Referendum in Merida. <https://www.compasinformativo.com/2022/01/desolados-los-puntos-para-solicitar-el.html?m=1&s=08>

which had three collection points, about two thousand people attended the collection of signatures, a figure that reflects the 1.5% participation of the electoral roll of that municipality<sup>87</sup>. This situation was also reflected in the municipalities of Zea, Tovar and Rivas Davila<sup>88</sup>.

In the state of Trujillo, the different centers for the collection of signatures "looked empty and desolate", "some people who were in line pointed out that the information was not made known in time in the media"<sup>89</sup>. In Valera five points were established; however, attendance was very low<sup>90</sup>.

In the state of Táchira, low voter participation was also reported, with logistic problems of the CNE, since the time established for the collection of signatures started at 6 am. However, in San Cristobal the process started after 7 am. Three CNE points were set up in Plaza Bolívar, Plaza Los Mangos and Plaza Miranda, where there were only seven fingerprint machines, there were no booklets and in some cases it took up to four minutes to sign<sup>91</sup>. This caused protests due to the unfavorable conditions for the exercise of political rights<sup>92</sup>. Restrictions to the work of press workers by GNB authorities were reported<sup>93</sup>.

Finally, the CNE declared "improper" the recall referendum against Nicolás Maduro on January 27. According to the electoral authority, 42,421 signatures were collected nationwide, which represents only 1.01% of the electoral roll<sup>94</sup>.

This fact demonstrates once again the erosion of political participation due to the hindrance and unfavorable conditions to exercise the revocation of popularly elected mandates provided for in the National Constitution.

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87 Merida Noticia (January 26, 2022). One thousand 425 voters participated in the collection of signatures for the Recall Referendum in Alberto Adriani. <http://meridanoticia.com/dos-mil-400-electores-participaron-en-la-recoleccion-de-firmas-para-el-referendum-revocatorio-en-alberto-adriani>

88 La Patilla (January 26, 2022). This is how the centers in Merida are located for the collection of signatures for the recall referendum this #26Jan (PHOTOS). <https://pwchyt.awsvpni.com/2022/01/26/asi-se-encuentran-los-centros-en-merida-para-la/>

89 Los Andes Newspaper (January 26, 2022). Centers for the collection of signatures for the recall look desolate. <https://diariodelosandes.com/site/centros-de-recoleccion-de-firmas-para-el-revocatorio-lucen-desolados/>

90 VPltv (January 26, 2022). Collection of signatures to activate the Recall Referendum in Venezuela. <https://youtu.be/h8ceGxy1p6U>

91 La Prensa Táchira (January 26, 2022). It takes up to four minutes to sign for the revocatory. <https://laprensatachira.com/nota/24605/2022/01/hasta-cuatro-minutos-se-lleva-firmar-para-el-revocatorio>

92 #Táchira : Protest against "unfeasible conditions" of the CNE in the recall request. Video: <https://www.youtube.com/watch?v=csB-b1-CK40>

93 La Patilla (January 26, 2022). With improvisation and desire to end the crisis in Táchira they went out to activate the recall. <https://www.lapatilla.com/2022/01/26/con-improvisacion-y-deseo-de-acabar-con-la-crisis-en-tachira-salieron-para-activar-el-revocatorio-fotos/amp/>

94 El Pitazo (January 27, 2022). CNE declares the recall against Nicolás Maduro inadmissible. <https://elpitazo.net/politica/cne-declara-improcedente-el-revocatorio-en-contra-de-nicolas-maduro/>



## **2. SITUATION OF UNIVERSITIES AND DETERIORATION OF THE RIGHT TO SCIENCE**

In this section, ODHULA refers to the serious violations of academic freedom and the rights to education and science described in the legislative reforms implemented (or in the process of implementation), violations of university autonomy, budgetary suffocation, deterioration and damage to their infrastructure, unsafe environments for the development of academic activity, faculty and student desertion, regression of labor rights and the serious conditions of university seniors.

### **2.1. Partial Reform of the Organic Law on Science, Technology and Innovation: transgression of the right to science**

The State policies of the last 20 years have significantly harmed the research work of these academic institutions due to budgetary asphyxia, miserable salaries of professors and other university personnel, changes in the laws regulating higher education, which hinder or make it impossible to create and/or replace positions; the increasingly politicized reforms and regulations on research, the lack of maintenance, custody and protection of academic facilities, among others<sup>95</sup>.

On March 17, 2022, the National Assembly (AN), illegitimately elected in 2020, approved the bill for the Partial Reform of the Organic Law of Science, Technology and Innovation, which was sent to Nicolás Maduro for its promulgation.

Francy Rodríguez, president of the National Fund for Science, Technology and Information (FONACIT), explained that one of the most outstanding changes is that now the Ministry of Science appears in the law as the one in charge of directing and articulating the National System of Science, Technology and Innovation<sup>96</sup>. It should be noted that, in violation of the norm established in the National Constitution for organic laws, this Law had already been

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95 Human Rights Observatory of the Universidad de Los Andes (September 29, 2021). Situation of research at the Universidad de Los Andes. <https://www.uladdhh.org.ve/wp-content/uploads/2021/09/5.-Informe-SITUACION-DE-LA-INVESTIGACIONEN-LA-UNIVERSIDAD-DE-LOS-ANDES.pdf>

96 Ministry of Science and Technology (March 17, 2022). Venezuelan National Assembly approves reform of the Organic Law of Science, Technology and Innovation. <https://www.mincyt.gob.ve/tag/fonacit/>

reformed by Nicolás Maduro on November 18, 2014 by means of a "decree with the rank, value and force of law"<sup>97</sup>.

About this new reform it can be advanced that, according to the modifications and articles included, its purpose is to finish submitting scientific and technological research to the unconstitutional "Plan de la Patria 2019-2025", since in its exposition of motives it states that such regulation will be oriented to "the construction of the socialist model that the Homeland requires"<sup>98</sup>; besides being subordinated the scientific research to the minister's will, that is to say, to the National Executive. Ignacio Avalos, researcher of the Universidad Central de Venezuela referred to the new Law of Science and Technology, and indicated that for the academics there is no real diagnosis of the situation and this will contribute to the fact that far from improving, the situation will worsen<sup>99</sup>.

## **2.2. New Law of Universities**

On January 18, 2022, the illegitimate National Assembly elected in 2020 installed a "Commission for the formulation of the strategy for the construction of the University Education Law"<sup>100</sup>. In spite of the fact that a PDF document, a draft of said law, is circulating among members of the National Council of Universities (CNU), last February 9, the president of said Commission, Ricardo Sanchez, denied that there was any draft of the Law of Universities. Likewise, Yadira Cordova, permanent secretary of the CNU and coordinator of the High Level Commission of the Ministry of University Education and the CNU for the elaboration of the draft University Education Law, assured that there is no particular project under discussion<sup>101</sup>.

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97 Decree with Rank, Value and Force of the Organic Law of Science, Technology and Innovation.  
<http://www.asambleanacional.gob.ve/storage/documentos/leyes/decreto-n0-1411-mediante-elcual-se-dicta-el-decreto-con-rango-valor-y-fuerza-de-ley-de-reforma-de-la-ley-organica-ciencia-tecnologia-e-innovacion-20211103142906.pdf>

98 National Assembly. EXPLANATORY MEMORANDUM OF THE DRAFT REFORM OF THE ORGANIC LAW ON SCIENCE, TECHNOLOGY AND INNOVATION.

<http://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-de-reforma-parcial-del-decreto-con-rango-valor-y-fuerza-de-ley-organica-de-ciencia-tecnologia-e-innovacion-20220318163210.pdf>

99 ULA Press. March 29, 2022. Researchers unveiled the reality of science and technology.

<http://prensa.ula.ve/2022/03/29/investigadores-desnudaron-realidad-de-la-ciencia-yla-tecnologia%C3%ADa>

100 Aula Abierta. Alert on exclusionary practices in the NA's attempt to reform the Law on Universities.

<https://aulaabiertavenezuela.org/index.php/2022/01/24/aula-abierta-alerta-sobre-practicas-de-exclusion-en-el-intento-de-la-an-de-reformar-la-ley-de-universidades/>

101 Observatorio de Derechos Humanos de la Universidad de Los Andes (February 23, 2022) What should a Law on University Education in Venezuela include?

<https://www.uladdhh.org.ve/index.php/2022/02/23/que-deberia-contemplar-una-ley-de-educacion-universitaria-en-venezuela/>

Since it is a fact that the aforementioned draft exists among the members of the CNU, forums have been taking place in the universities to discuss the convenience of a new Law:

On March 14, 2022, the University Council of the Universidad de Los Andes (ULA) published a referral on the need to adapt the Law of Universities to the National Constitution, but without leaving aside the urgent requirement to stop the destruction of higher education institutions and discuss the complex humanitarian crisis suffered by university students<sup>102</sup>.

On March 15, 2022, the ULA Professors Association held a forum to discuss the convenience of a new law. Professor Angel Andara pointed out in this forum that the discussion of the project of a new Law of Universities does not solve some of the current problems suffered by the institutions of higher education in the country. In addition, he referred to the humanitarian emergency of the university students and warned that within the proposed methodology it seems to point towards the revision of article 109 of the National Constitution on university autonomy, being urgent to assume positions in relation to this aspect. Professor Keta Stephany, from the Universidad Central de Venezuela, referred to the budgetary problem, the loss of the universities' capacity to attract and train talent, and the suspension of the guarantees of the right to education and the decrease in enrollment, but also emphasized that the new law aims at making the university transformation viable through a model in which decisions are concentrated in the Ministry of University Education and not in each autonomous university as it should be<sup>103</sup>.

During the month of March, also at the Rafael Rangel Nucleus of the ULA, Trujillo state, at the National Experimental Polytechnic University Antonio José de Sucre (UNEXPO) and at the University of Margarita (UNIMAR), forums were held to discuss a possible law, in which the community expressed its concern about the possibility of not enjoying democratic guarantees, academic freedom and university autonomy being violated<sup>104</sup>.

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102 ULA Press. March 16, 2022. Public Remit: New Law on Universities?

<http://prensa.ula.ve/2022/03/16/remitido-p%C3%BAblico-%C2%BFnueva-ley-de-universidades>.

103 The forum was broadcasted by the radio station 107.7 ULA FM. ULA Press. March 17, 2022. New Law of Universities does not solve current problems. <http://190.168.5.99/2022/03/17/nueva-ley-de-universidades-no-resuelve-problemas-vigentes>

104 Los Andes Newspaper. March 10, 2022. ULA Trujillo promotes debates on new University Education Law. <https://diariodelosandes.com/site/ula-trujillo-impulsa-debates-sobrenueva-ley-de-educacion-universitaria/> Promar Tv (March 24, 2022). Rectora UNEXPO: debate on University Education Law must exalt university rights. <https://www.promar.tv/2022/03/24/rectora-unexpo-debate-ley-educacion-universitaria-exaltarlos-derechos-universitarios/> Sol de Margarita (March 20, 2022). Students from Margarita debate on a possible new University Law. <https://elsoldemargarita.com.ve/posts/post/id:243693/Estudiantes-margarite%C3%B1os-debaten-sobre-posiblenueva-Ley-de-Universidades>

ODHULA considers that university autonomy is the institutional expression of academic freedom, therefore, a new law should be based on Article 109 of the National Constitution, the Universal Declaration of Human Rights of 1948 (art. 19), the Inter-American Principles of Academic Freedom, the International Covenant on Economic, Social and Cultural Rights (arts. 13 and 15), and General Comment No. 13 on the Covenant.

### **2.3. Violations of university autonomy**

- The Rector of the Universidad de Los Andes (ULA), Mario Bonucci Rossini, denounced that in the virtual session of the National Council of Universities (CNU) held on December 9, 2021, core issues were excluded from the discussion: low salaries received by university students; budget for social welfare; resources for student providences, since the ULA does not have the budget to repair its buses or to keep its student dining halls open; inaction of the State security bodies in the face of the situation of insecurity to which the university campuses are exposed; and the budgetary suffocation<sup>105</sup>.

During this session, Rector Bonucci also referred to the presence in this CNU session of Jacqueline Farias, who usurps functions corresponding to the Rector of the Central University of Venezuela (UCV) by being appointed by Nicolas Maduro as "protector" of said University; a designation that violates the university autonomy established in the Law of Universities and Art. 109 of the National Constitution<sup>106</sup>.

- On December 14, 2021, in the CNU agenda, it was informed about the creation of the Strategic Commission to elaborate the University Education Law. Minister Tibisay Lucena stated that a joint work is expected to be carried out with the collaboration of all universities; however, she did not provide information about the members of said "Strategic Commission", which generates uncertainty because, in addition, she announced her meeting with the pro-government Federation of University Workers of Venezuela (FTUV) to deal with the salary issue, excluding the legitimate university unions from the discussion<sup>107</sup>.

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105 Audio released by Rector Mario Bonucci Rossini during his intervention at the CNU session. December 09, 2021, and Prensa ULA (December 09, 2021). CNU dodges discussion of core issues for university students. <http://www.prensa.ula.ve/2021/12/09/cnu-esquiva-discusi%C3%B3n-de-temas-medulares-para-universitarios>

106 Mario Bonucci Rossini (December 09, 2021). "At the CNU session I heard that they greeted the presence of Jacqueline Farias. As far as I know she is not a member of the CNU". <https://twitter.com/bonuccimario/status/1468953296840781827?s=20> See also: UCV students reject imposition of Jacqueline Farias' protectorate. <https://www.facebook.com/watch/?v=342179617712112>

107 Mario Bonucci Rossini (December 09, 2021). "At the CNU session I heard that they greeted the presence of Jacqueline Farias. As far as I know she is not a member of the CNU" <https://twitter.com/bonuccimario/status/1468953296840781827?s=20>. See also: UCV students reject

- The National Executive, after denying the necessary budget since 2008 and thus inducing the serious deterioration of the entire infrastructure of the autonomous universities, has now invested resources in the "Beautiful University Plan" for the recovery of university spaces; the resources of said Plan are administered by an extra-university and unconstitutional commission called "Presidential Commission for the Integral Recovery of the UCV" created in 2021<sup>108</sup>.

- On January 30, 2022, Delcy Rodríguez, Vice-President of the illegitimate Venezuelan government, announced the delivery of sports facilities of the University City of Caracas of the Central University of Venezuela (UCV), "fully rehabilitated"<sup>109</sup>. In the speech, representatives of the Executive assured that 24 of the 49 buildings of the University have been completely rehabilitated, and the other 25 have received initial attention<sup>110</sup>. Regarding the report presented by said unconstitutional commission, the UCV Rector, Cecilia García Arocha, issued a statement denouncing various situations of salary discrimination and violation of university autonomy<sup>111</sup>. These works are a debt that the Venezuelan State had with the UCV, which was subjected for more than 13 years to miserable budgets that were decreasing to the point of confiscating them and not being delivered as determined by law, such budgetary condemnation broke our physical infrastructure, limited the academic scope, promoted the diaspora<sup>112</sup>.

Rector García Arocha denounced the detention of Agustín Chirinos, director of Security of the UCV, who on January 29, 2022, without legal reason, State security agents, disrespecting the university autonomy and human rights, detained him in a vehicle of the Bolivarian Service of National Intelligence (SEBIN) inside the university campus to deprive him of his cell phone equipment and then release him. These situations have occurred repeatedly since the designation of the Presidential Commission<sup>113</sup>.

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imposition of the protectorate of Jacqueline Farias.

<https://www.facebook.com/watch/?v=342179617712112>

108 Observatorio de Derechos Humanos de la Universidad de Los Andes. Monthly Report: Situation of Universities in Venezuela, January 2022. <https://www.uladdhh.org.ve/wp-content/uploads/2022/02/1.REPORTE-enero-2022.pdf>, p. 6.

109 VTV (January 30, 2022). <https://www.vtv.gob.ve/gobierno-bolivariano-entrega-totalmente-recuperados-espacios-deportivos-ucv/>

110 El Pitazo (January 31, 2022). <https://elpitazo.net/gran-caracas/estudiantes-sobre-recuperacion-de-la-ucv-la-totalidad-de-esas-rehabilitaciones-son-mentira/>

111 UCV Noticias (January 31, 2022). <https://ucvnoticias.wordpress.com/2022/01/31/rectora-cecilia-garcia-arocha-se-dirige-a-comunidad-universitaria/>

112 Human Rights Observatory of the Universidad de Los Andes. Monthly Report: Situation of Universities in Venezuela, January 2022..., ob. cit.

113 Idem.

- Eiver Saavedra, president of the Student Center of the Rafael Rangel Nucleus (NURR) of the ULA, located in Trujillo state, denounced on February 9, 2022 that graduates of the Nucleus cannot register their university degrees at the Main Registry of Trujillo state due to the political conflict of the government against the university authorities<sup>114</sup>. The refusal of the Main Registry of Trujillo state to notarize the degrees granted by the NURR is a retaliation for political reasons dating from February 2019, when the CNU and the then Minister of University Education, Hugbel Roa, tried to illegally impose a vice rector to the Trujillo Nucleus, but the University Council of the ULA, in exercise of its autonomy and legal powers, appointed Professor Geovanny Castellanos as the new authority of the NURR<sup>115</sup>. This reluctance of the Trujillo Main Registry, besides constituting a transgression to the democratic institutionality, to the right to education and to work, reveals a clear violation to the university autonomy<sup>116</sup>.

-On April 5, 2022, the Faculty Council of Architecture and Urbanism of the Central University of Venezuela (UCV) issued a statement rejecting the placement of a new plaque in the university city that replaces the nameplate of the declaration of the UCV university city as world heritage for its cultural and architectural values decreed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the year 2000. To the new plaque was added the logo of the Presidential Commission, a commission that since August 2021, and violating the university autonomy, has been in charge of the recovery of spaces of the UCV by order of Nicolás Maduro, without having recognized that the deterioration of the facilities is a consequence of the budgetary asphyxia to which the National Executive has subjected the autonomous universities since 2008<sup>117</sup>.

The communiqué of the Faculty Council of Architecture and Urbanism points out that the incorporation of the logo of the Presidential Commission is propaganda and that said commission is not linked to the distinction of heritage, considering it offensive to the guiding principles of intervention in world heritage: Ciudad Universitaria de Caracas, and the representatives of the faculty council requested the Council of Preservation and Development of the UCV, to provide what is conducive to remove the new plaque allusive to the management of a government that is circumstantial and peremptory, for an

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114 Noticiero Digital. February 09, 2022. Student Center of ULA-Trujillo denounces "outrages" in the process of registration of university degrees. <https://www.noticierodigital.com/2022/02/centro-de-estudiantes-de-la-ula-trujillo-denuncia-atropellos-en-el-proceso-deregistro-de-titulos-universitarios/>

115 Human Rights Observatory of the Universidad de Los Andes. 2019. Boletín andino de derechos humanos Nº 8. <https://www.uladdhh.org.ve/index.php/2019/08/23/boletin-andino-dederechos-humanos-no-8/>

116 Human Rights Observatory of the Universidad de Los Andes. Monthly Report: Situation of Universities in Venezuela, August 2021. <https://www.uladdhh.org.ve/wp-content/uploads/2020/09/6.Reporte-agosto-2020.pdf>

117 Observatorio de Derechos Humanos de la Universidad de Los Andes. 08 September 2021. Situación de las universidades en Venezuela: Reporte mensual, August 2021. <https://www.uladdhh.org.ve/wp-content/uploads/2021/09/8.-Reporte-Agosto-2021...pdf>

institutional and anonymous plaque as it could be had from December 2000 until March 2022.

#### **2.4. Violations of administrative autonomy due to budgetary asphyxiation**

ODHULA has repeatedly denounced through press releases, communiqués and reports - even raised before international instances- on how the government policy for the last two decades has generated budgetary insufficiency in the autonomous universities, which has had consequences on the quality of higher education, scientific research, investment capacity in infrastructure, living wages for professors, student benefits and has had an impact on faculty and student desertion<sup>118</sup>.

- Professor Milena Bravo, rector of the Universidad de Oriente (UDO), indicated that in 2021 it received only 23% of the approved budget. According to Rector Bravo, the universities are currently limited to the elaboration of budget models, since they no longer handle the budget corresponding to payroll and must enter the salary of each worker in the "patria platform"<sup>119</sup>.

- The rector of the Central University of Venezuela (UCV), Cecilia García Arocha, denounced that for the year 2022 only 1.32% of the requested budget was approved; she also pointed out that in budgetary terms, 2021 ended with negative levels due to not having received the budgets corresponding to 2020 and 2021<sup>120</sup>.

- Engineer Omar Ruiz, director of the Engineering and Maintenance Department of the Universidad de Los Andes (ULA), denounced that in 2021 it did not receive resources for operation, since its item was excluded by the Planning Office of the University Sector (OPSU). He stated that the maintenance of the facilities is a priority since they are deteriorating more and more every day and require resources to acquire materials and

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118 Observatorio de Derechos Humanos de la Universidad de Los Andes (January 25, 2022). UPR 2022: Countries recommend Venezuela to guarantee the right to justice, education, university self-determination and academic freedom. <https://www.uladdhh.org.ve/index.php/2022/01/25/eup-2022-paises-recomiendan-a-venezuela-garantizar-derecho-a-la-justicia-educacion-autonomia-universitaria-y-libertad-academica/>

119 El Nacional (December 15, 2021). The UDO has only received 23% of the budget allocated for 2021. <https://www.elnacional.com/venezuela/la-udo-solo-ha-recibido-23-del-presupuesto-asignado-para-2021/>

120 El Carabobeño (December 14, 2021). Without receiving budget law: UCV graduated 891 students despite the pandemic. <https://www.el-carabobenio.com/sin-recibir-presupuesto-ley-laucv-graduaron-a-891-estudiantes-pese-a-la-pandemia/>

supplies necessary for repairs; the allocated budget was insufficient, but now not even this money is not delivered<sup>121</sup>.

- On December 12, 2021, students of the Veterinary Medicine career of the Simón Rodríguez Experimental University (UNESR), Núcleo Valera, Trujillo state, denounced that since 2019, the year in which this career started with more than 300 students enrolled to date, the institution does not have the resources to be able to continue its activities; they indicated that during the 3 years of the career they have not had budget, necessary spaces to study or laboratories and supplies<sup>122</sup>.

- On January 10, 2022, Professor Mario Bonucci Rossini, Rector of ULA, gave a press conference to inform about the situation of the institution in 2021. Regarding the allocated budget, the rector indicated that, in September 2020, approximately 30% of the budget requested for the operation of 2021 was approved which represented an equivalent of USD 1,600,000; however, due to the effects of the depreciation of the bolivar that same budget for January 2022 represented only USD 140,000, which meant the loss of 91% of the purchasing power, which in addition to the total allocated only received barely 1% of the same<sup>123</sup>.

Regarding salaries, although the University Council made proposals to the national government in 2021, no response was received from the Ministry of University Education, from which regulations were imposed in violation of the university autonomy and the seizure of the payroll by the "patria system" that same year. Finally, he denounced that the government has neglected its obligation to protect the exterior spaces of the university facilities.

The derisory amounts assigned to ULA in 2021, for each Unit, were insufficient to cover minimum expenses, on budget allocations to eight (8) ULA Units during 2021. These allocations were sent in parts between the months of July, August, September and December (see Table 1).

-Professor Manuel Aranguren, Administrative Vice Rector of the ULA communicated to the Administration and Supervisory Boards of the Savings and Social Security Fund (CAPSTULA) that he has not received from the National Executive resources from

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121 ULA Press (December 03, 2021). ULA Engineering and Maintenance denounces lack of budget. <http://www.prensa.ula.ve/2021/12/03/ingenier%C3%ADa-y-mantenimiento-ula-denuncia-falta-de-presupuesto>

122 Palpitar Trujillano: Raise your voice! Students of Veterinary Medicine at UNESR ask for help to continue their studies. [https://www.instagram.com/tv/CXZESnov2kp/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/tv/CXZESnov2kp/?utm_source=ig_web_copy_link)

123 Observatorio de Derechos Humanos de la Universidad de Los Andes (January 10, 2022). [https://twitter.com/Uladdhh/status/1480561639887880197?s=20&t=hvjAwbv\\_lg7ydJMoe-5pTg](https://twitter.com/Uladdhh/status/1480561639887880197?s=20&t=hvjAwbv_lg7ydJMoe-5pTg)



personal withholdings and institutional contributions from payroll deductions corresponding to the months of September, October, November and December 2021. This situation arises due to the centralization of the payment of salaries through the "carnet de la patria". Due to the delay in sending the payroll deductions, the few savings of the personnel are affected in the different social welfare programs, including the CAPSTULA Social Funeral Fund, which has commitments with the service providers and its operation is at risk, not to mention that the contributions are very low, as a result of the derisory university salaries.

-Professor José Ángel Ferreira, administrative vice-rector of the University of Carabobo reported that during 2021 only 8% of the budget approved for its operation was received, and at the last minute, on December 22, 2021, from the Ministry of University Education were sent resources, equivalent to about three thousand dollars, directed to several Faculties to be invested in technology and information. Ferreira pointed out that due to the low budget received by the institution and the delays in the allocation of the budget, they have had to look for alternative sources of income to maintain a minimum structure<sup>124</sup>.

- On January 15, the UCV Rector, Cecilia García Arocha, denounced that only 1.13% of the budget requested for 2022 was approved. According to the rector, the budget granted will barely be enough to cover the first quarter of next year and reminded that the Government continues to owe part of the 2020 and 2021 budgets<sup>125</sup>.

- Aarón Muñoz, director of the Scientific and Humanistic Development Council (CDCH) of the University of Carabobo, pointed out that research has decreased by 60% since 2019, due to the lack of budget. According to Muñoz, around 5,000 research projects were financed in the CDCH and 3,500 publications were made per year with the allocated budget. He also indicated that out of 54 research centers, only 28% (15) are active, which has contributed to the forced migration of research personnel, who receive no incentives for their work and depend only on their meager salary<sup>126</sup>.

- Hernán Barrios, president of the Caja de Ahorro de los Trabajadores de la Universidad de Carabobo, denounced that the State owes the Caja the withholding of contributions corresponding to the months of September, October, November and December 2021 and January 2022. The debt is estimated at USD 70,000<sup>127</sup>. This situation arises due to the

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124 El Carabobeño (January 17, 2022). <https://www.el-carabobeno.com/ferreira-2021-fue-un-anomuy-malo-para-la-uc-presupuestariamente/>

125 El Nacional (January 28, 2022). <https://www.elnacional.com/venezuela/estudiantes-de-la-ucvexigen-presupuesto-justo-para-todas-las-universidades-autonomas-del-pais/>

126 ACN. Research at the UC decreased by 60% due to lack of resources. February 02, 2022. <https://www.acn.com.ve/disminuyeron-investigaciones-uc/>

127 El Carabobeño (February 01, 2022). UC workers demand payment of 270 thousand bolivars. <https://www.el-carabobeno.com/trabajadores-de-la-uc-reclaman-pago-de-270-mil-bolivares/>

centralization of the payment of the salary through the "carnet de la patria" imposed by the regime of Nicolás Maduro in 2021; prior to that date, the universities themselves were the ones to make such reimbursement, but currently the government does not do it<sup>128</sup>.

- On February 22, 2022, 38 professors of the Universidad Pedagógica Experimental Libertador (UPEL), based in Carúpano, Sucre state, denounced that they paralyzed academic activities due to the fact that since 2019 they have not received payments or bonuses. In addition, they pointed out that they were forced to look for alternative jobs to be able to pay for food and other necessities<sup>129</sup>.

- On March 02, 2022, the Central University of Venezuela (UCV) issued a statement on the academic and administrative situation, with the aim of requesting the necessary support to achieve 100% of classroom activity<sup>130</sup>. According to UCV authorities, the main obstacle for the return to face-to-face activities are the working conditions and the socioeconomic situation of professors, students and ATO (administrative, technical and labor) personnel, which hinder the return to the required and desired normality. In view of these problems, the University Council of the UCV demanded the following from the National Executive:

- 1) Review and timely delivery to the Institution of the budget allocation required by Law.
- 2) Provision of biosafety material and equipment for teaching and research activities, offered on several occasions and never received.
- 3) Assignment of salaries and wages to university personnel in accordance with the importance of their mission for the development of the country<sup>131</sup>.

- The Rector of the University of Carabobo (UC), Jessy Divo, filed a claim before the Planning Office of the University Sector (OPSU) of the Ministry of University Education, due to the fact that the UC is assigned Bs. 47,000 (equivalent to USD \$10,755) monthly for operating expenses. Rector Divo pointed out that the budget received by the UC is insufficient and is not enough to carry out daily tasks. She also insisted that there are no decent conditions for the realization of teaching activities, operation of laboratories and libraries, students do not have dining room service and that the UC lacks the fleet of buses it had for student transportation, since most of the units are damaged and only two were recovered with the University's own resources<sup>132</sup>.

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128 Observatorio de Derechos Humanos de la Universidad de Los Andes. Abril 2021. Informe Mensual: Situación de las Universidades en Venezuela, abril-2021. <https://www.uladdhh.org.ve/wp-content/uploads/2021/05/4.Reporte-abril-2021.pdf>

129 El Pitazo (February 22, 2022). Teachers of the Pedagógico de Carúpano paralyze classes due to lack of payment. <https://elpitazo.net/oriente/profesores-del-pedagogico-de-carupano-paralizan-clases-por-falta-de-pago/>

130 UCV News (March 02, 2022). Press release. <https://ucvnoticias.wordpress.com/2022/03/06/informan-sobre-situacion-academica-y-administrativa-de-laucv/>

131 Idem.

132 El Carabobeño (March 11, 2022). The UC only receives 47 thousand bolivars per month for its operation.

- In March 2022, ODHULA received a study coordinated by the Academic Vice Rectorate of the University of the Andes, on "resource needs for teaching and research activities"<sup>133</sup>. The study reveals the current critical situation of the University Units that are intended to support teaching and research activities:

### **General Coordination of Graduate Studies**

The allocation and distribution of resources for the postgraduate programs of the Council for Postgraduate Studies (CEP) has been even more limited since 2017 due to the budget cuts made by the National Executive. As a result: 1) there is no provision of computer, scientific and research equipment for the different postgraduate programs; 2) it has not been possible to acquire laboratory material, reagents or dental material; 3) it has not been possible to acquire software to update programs and; 4) there is no preventive maintenance of equipment, which is also obsolete.

The new postgraduate programs should have their own resources for their operation, but this has not happened in the last 5 years. The lack of resources has prevented these programs from operating at their maximum capacity. The Postgraduate Program in Teaching (scholarship holders), since 2018 has not received resources from the National Executive and, at present, there are no active scholarship holders due to budget cuts.

### **Council for Scientific, Humanistic, Technological and Arts Development (CDCHTA)**

Since 2009, research support and promotion programs at ULA were significantly reduced due to Presidential Decree No. 6,649<sup>134</sup>. According to this Decree, the Vice-Presidency of the Republic is responsible for authorizing the approval of certain expenses that are indispensable for the development of the CDCHTA's programs. Among these expenses are: attendance to scientific events abroad, the acquisition of computers, equipment and technological platforms, the financing of scientific journals and other publications of this institution. This drastically affected the projects executed by the CDCHTA (see Graph 1).

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<https://www.el-carabobeno.com/la-uc-solo-recibe-47-mil-bolivares-mensuales-para-su-funcionamiento/>.

133 The University Council (CU) of the Universidad de Los Andes (ULA), on October 4, 2021, according to resolution CU-0519/21, appointed a commission coordinated by the Academic Vice Chancellor, and integrated jointly by university counselors and directors of Central Units related to the area of Teaching and Research, with the purpose of establishing the needs of resources for teaching and research activities; Academic Vice Chancellor's Office of the Universidad de Los Andes. Study of. Report sent to the Human Rights Observatory ULA on March 15, 2022.

134 The Decree establishes the "Presidential Instructions for the Elimination of Sumptuary or Superfluous Expenses in the National Public Sector" (Official Gazette No. 39,146 of March 25, 2009).

In addition to the Decree, the insufficient budget, the devaluation of the national currency and the increase in travel costs, there was a considerable decrease in the number of professors attending scientific events held abroad (see Graph 2). At the end of 2011, the Vice-Presidency of the Republic issued authorizations for 10 requests, but only 5 professors were able to travel. Subsequently, in 2012 there were other authorizations until the money ran out<sup>135</sup>. In 2016 the Board of Directors decided to suspend the program due to its unfeasibility.

The negative impact of this Decree and the lack of budget resulted in a decrease of 80% in the acquisition of scientific and computer equipment and office furniture required by researchers in 2018 (see Graph 3).

The joint equipment and workshops and maintenance programs have not had resources for their execution since 2016. Barely maintained, with activity above expectations, the electronic publication of scientific and humanistic journals, which has maintained a remarkable record in the number of journals published in 2019 (88) and in 2020 (107). This has been possible thanks to the financial effort made by the publishers and their collaborators plus the coordinated action between SABER-ULA and CDCHTA.

### **Library Services of the University of the Andes (SERBIULA)**

In the period from 2018-2021, there was no allocation for the Library Services of the University of Los Andes (SERBIULA). This affected the acquisition and updating of the collections and produced irreversible damage to the bibliographic and documentary collections, and negatively impacted the scientific production of the university, reflected in the decline in the positioning of the university in international indexes and rankings<sup>136</sup>.

Regarding the acquisition of Technological Infrastructure, SERBIULA is going through one of its most critical moments. Since 2016, no equipment or components have been acquired, and some libraries have been subject to theft, without being able to replace stolen equipment.

### **Coordination of the ULA Council of Information Technology and Academic Communication (CTICA)**

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135 Information from Professor Alejandro Gutiérrez, director of the CDCHTA.

136 Observatorio de Derechos Humanos de la Universidad de Los Andes. 05 September 2021. Report: Situation of research at the Universidad de Los Andes. <https://www.uladdhh.org.ve/wp-content/uploads/2021/09/5.-Informe-SITUACION-DE-LA-INVESTIGACIONEN-LA-UNIVERSIDAD-DE-LOS-ANDES.pdf>

During the period 2015-2021 the regular budget allocated to this unit represented approximately 5% of what was requested for each year, which implied the reallocation of resources to address strategic lines of CTICA and to the near paralysis of funding programs, such as: the acquisition of computer equipment for the sixty-five (65) teaching and research laboratories beneficiaries of CTICA funding programs, equipment for the essential services of the academic area, and conditioning of the service rooms to safeguard the fundamental assets of the academy.

### **Commission for Undergraduate Development (CODEPRE)**

Funding related to field internships and attendance at academic events has decreased significantly. Due to the lack of budget, it is particularly difficult to provide a positive response to the various requests of this type. Since 2018, there has been no funding for national internships, field practices, support for comprehensive student training and funding for industrial visits. On the other hand, Professor Raul Huizzi, Dean of the Faculty of Economic and Social Sciences of the Universidad de Los Andes (ULA) informed that since 2020 the Faculty has not received budget for operating expenses from the National Executive. Professor Huizzi assured that the deterioration of the Faculty has increased due to the lack of budget and the constant robberies and thefts. Finally, he pointed out that, through different agreements with the private sector, they have managed to maintain the spaces to guarantee the continuity of activities<sup>137</sup>.

- On April 11, 2022, university students received the allowance set by the Venezuelan government as a scholarship through the Sistema Patria with an amount that does not allow them to afford minimum needs: Bs. 6.00 (USD 1.35)<sup>138, 139</sup>. Professor Marcos Pino, director of student affairs at the Universidad de Los Andes (ULA), referred to this amount as insufficient and unfair<sup>140</sup>. Student dining and transportation services have been declining year after year to the point of no longer being offered by 2022<sup>141</sup>.

- On May 9, 2022, Mr. Oscar Altuve, president of CAPSTULA, demanded from the Ministry of University Education the liquidation of the resources corresponding to the

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137 Scoop. March 16, 2022. ULA has three years without a budget to operate.

<https://primicia.com.ve/nacion/la-ula-tiene-tres-anos-sin-recibir-presupuesto-para-funcionar/>

138 Calculated according to the official rate of the Venezuelan Central Bank of April 13, 2022, Bs/USD 4.43.

139 Human Rights Observatory of the Universidad de Los Andes. April 16, 2022. Andean Human Rights Bulletin N°141. <https://mailchi.mp/6174b57e43a1/boletn-andino-de-derechos-humanos-n-141>

140 Vivas, Y. (April 12, 2022). Marcos Pino: Burlesque the amount of the student scholarship canceled through the Patria System. Diario de Los Andes. <https://diariodelosandes.com/site/marcos-pino-burlesco-el-monto-de-la-beca-estudiantil-cancelado-a-traves-del-sistema-patria/>

141 Report "Desertion at the Universidad de Los Andes figures 2021" presented at the University Council of April 18, 2022.

withholdings for the savings fund and funeral fund of the payroll corresponding to the period September 2021 - April 2022. In this regard, the rector of ULA, Mario Bonucci Rossini, informed that from his office and together with CAPSTULA, a communication was addressed to Tibisay Lucena, Minister of University Education, to demand such liquidation due to the serious damage being caused to the members<sup>142</sup>.

- On May 3 and 10, 2022, Rector Mario Bonucci Rossini visited some university facilities to detect deficiencies, difficulties and actions to be taken, among them, the Center for Medical Care (CAMIULA), the Directorate of Personnel, the Office of Occupational Health and Safety Services<sup>143</sup>, the Directorate of Telecommunications and Services (DTES), the Central Office of Student Records (OCRE) and the Office of Student Services (OFAE)<sup>144</sup>.

The visit to CAMIULA, on May 3, 2022, evidenced the absence of substitute doctors in the emergency area due to the control of payments through the patria platform, as well as the lack of basic supplies such as biosecurity material and equipment in the X-ray, urology and gastroenterology services<sup>145</sup>. In the DTES, the obsolescence and damage of equipment was reported, as well as the difficulties faced to maintain connectivity<sup>146</sup>. On May 10, 2022, the Postgraduate Division of the School of Medicine reported the lack of supplies that doctors must face due to the hospital crisis and the difficulties faced by foreign students in obtaining visas<sup>147</sup>, while the Surveillance Directorate reported the desertion of 175 security guards not assigned to the Faculties<sup>148</sup>, thus compromising the security of university spaces.

## **2.5. Deterioration and damage of the university infrastructure due to lack of budget**

The collapse of the university infrastructure in Venezuela is generalized in all the autonomous, experimental and even in the parallel system of Venezuela due to the

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142 Bonucci, M. (May 10, 2022). [https://www.youtube.com/watch?v=Pu\\_7bSgLa-w](https://www.youtube.com/watch?v=Pu_7bSgLa-w)

143 Bonucci, M. (May 10, 2022). Today we met with the Directorate of Personnel and the Office of Occupational Safety and Health Service. <https://twitter.com/bonuccimario/status/1524401965098311681>

144 Bonucci, M. (May 10, 2022). We are meeting with OCRE and OFAE staff discussing the redefinition of student transit. Together with the new director of OCRE Prof. Erick Muñoz. We are also joined by Secretary Manuel Morocoima and several directors. <https://twitter.com/bonuccimario/status/1524026082193772548>

145 Bonucci, M. (May 3, 2022). Visit to our Health Center, CAMIULA. <https://www.youtube.com/watch?v=SxAmVI8eYyk>

146 Bonucci, M. (May 3, 2022). Visit DTES. [https://www.youtube.com/shorts/599P\\_aQFDK0](https://www.youtube.com/shorts/599P_aQFDK0)

147 Bonucci, M. (May 10, 2022). Visit to the Hospital and meeting with our University Students. Our Hospital needs the help of all of us. <https://twitter.com/bonuccimario/status/1522559505887862786>

148 Bonucci, M. (May 10, 2022). Visit surveillance. <https://www.youtube.com/shorts/LadOLqKhqAM>

budgetary asphyxia<sup>149</sup> that has prevented the maintenance and investment necessary to guarantee the right to education. The following are the cases documented by this Observatory:

### **Central University of Venezuela (UCV)**

- Professor José Castellanos, dean of the Regional Nucleus of Supervised University Studies of the UCV, located in the state of Anzoátegui, pointed out that this nucleus, founded 63 years ago, is in decay due to lack of budget and students have had to continue their studies with only one computer, lack of laboratories and walls ruined by saltpeter<sup>150</sup>.
- Professor Nancy León de Martínez, dean of the Faculty of Dentistry of the UCV, denounced that in the facilities there are no conditions to start face-to-face activities. Around 200 books are compromised due to water filtrations in the roof of the library. In the Radiology Room the roof shows signs of leaks and the instruments are deteriorated. In the six clinical rooms for undergraduates, which house a total of 220 dental chair units, none of them is fit for clinical service<sup>151</sup>.
- Staff and students of the Faculty of Architecture and Urbanism of the Central-Western Region of the UCV, in the city of Barquisimeto, Lara State, denounced that there are no working conditions for the resumption of on-site classes. The university students explained that the infrastructure is in a deplorable situation: abandoned, without security, administrative or cleaning personnel. In addition to the lack of water pipes, problems with the lighting system and internet service, among others<sup>152</sup>. The student Ariel Perez, pointed out that in 2021 there was no budget allocation for the UCV, which generated greater infrastructure problems due to the lack of investment<sup>153</sup>.

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149 Human Rights Observatory of the Universidad de Los Andes. Monthly Report: Situation of Universities in Venezuela: December, 2021, p. 9. <https://www.uladdhh.org.ve/index.php/2022/01/10/situacion-de-las-universidades-en-venezuela-reporte-mensual-diciembre-2021/>

150 El Tiempo (December 17, 2021). UCV Center in Anzoátegui resists neglect 60 years after its foundation. <https://eltiempo.com.ve/2021/12/17/nucleo-de-la-ucv-en-anzoategui-resiste-a-la-desidia-a-60-anos-de-su-fundacion/>

151 Chronicle One (February 01, 2022). Students and dean of Dentistry of the UCV show in a tour that clinical rooms are still not recovered. <https://cronica.uno/estudiantes-y-decana-de-odontologia-de-la-ucv-muestran-en-un-recorrido-que-las-salas-clinicas-siguen-sin-recuperarse/>

152 El Impulso (February 01, 2022). There are no conditions to resume on-site classes at the Faculty of Architecture and Urbanism of the UCV in Lara. <https://www.elimpulso.com/2022/02/01/video-no-hay-condiciones-para-retomar-clases-presenciales-en-la-facultad-de-arquitectura-y-urbanismo-de-la-ucv-en-lara-1feb/>

153 La Prensa de Lara. Students denounce the precariousness of the UCV Center in Lara. <https://www.laprensalarara.com.ve/nota/42738/2022/02/estudiantes-denuncian-precariidad-del-nucleo-de-la-ucv-en-lara>

- Rogelio Castro, general secretary of the Sindicato Único de Obreros de la UCV, denounced that the Maracay Center, Aragua State, presents a critical situation regarding student transportation, which is 100% paralyzed due to the lack of budget and the continuous robberies that have left the units unusable. He also pointed out that there is a notable deterioration in the infrastructure of the Nucleus, reason for which the students have not been able to restart on-site activities<sup>154</sup>.

- In March 2022, the UCV's Directorate of Culture informed that, due to maintenance and restoration works<sup>155</sup>, the Aula Magna-Concert Hall and the University Gallery will remain closed for at least 8 months, due to contamination. The communiqué states: "These precincts are currently contaminated with microorganisms harmful to humans as a result of humidity caused by leaks and the inoperability of the ventilation and air conditioning systems"<sup>156</sup>.

### **University of Los Andes (ULA)**

- Professor Lino Valera, director of the Research Institute for Forestry Development (INDEFOR), attached to the Faculty of Forestry and Environmental Sciences of the ULA, informed that the institute's facilities are very deteriorated and for the last two years there have been electricity problems that restrict the work in the Seed and Soil Laboratories. He requested the support of the National Electric Corporation (CORPOELEC) for the installation of new transformers already purchased<sup>157</sup>.

- The School of Audiovisual Media (EMA) of the Faculty of Humanities of the ULA, located in the campus La Liria, Merida, is submerged in structural problems that have not been solved due to lack of budget. Its three (3) main classrooms lack electrical service since 2018, telephone lines are also disabled due to the theft of wiring; they also present serious problems of moisture seepage, and the walkways in the green areas are covered by weeds due to lack of budget for maintenance<sup>158</sup>.

According to Professor Roberto Rojas, director of the EMA, between 2014 and 2015 the last endowment of computer equipment was received for the laboratory in which students

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154 El Siglo (February 22, 2022). UCV of Maracay in precarious conditions.

<https://elsiglo.com.ve/2022/02/22/maracay-12/>

155 Restorations have been carried out by the Presidential Commission and the company Racar Ingenieros C.A., under the supervision of the Council for Preservation and Development (COPRED) and personnel from the Department of Culture.

156 UCV Culture (March 22, 2022). To the University and National Community.

[https://www.instagram.com/p/Cbamcheu2at/?utm\\_source=ig\\_web\\_copy\\_link=](https://www.instagram.com/p/Cbamcheu2at/?utm_source=ig_web_copy_link=)

157 ULA Press. December 09, 2021. Indefor recovers its splendor with a cleaning day.

<http://www.prensa.ula.ve/2021/12/09/indefor-recupera-su-esplendor-con-jornada-de-limpieza>

158 On-site visit. January 20, 2022, interview with Professor Roberto Rojas, director of EMA, and María Pernía, president of the EMA Student Center.



performed editing work; twenty (20) computer equipment were donated by the National Autonomous Center of Cinematography (CNAC) and by November 2019 this equipment was stolen by the underworld. Despite the complaint to the security forces, no response has been received on the case, and the replacement of the same represents an investment of at least US\$2,000. The Film Department's equipment at EMA was acquired 15 years ago and there are no resources for the purchase of updated equipment.

- The Faculty of Humanities and Education and the Faculty of Economics and Social Sciences of ULA have been without drinking water service for 98 days due to an electrical failure that rendered the last of 3 pumps still in operation inoperative<sup>159</sup>. Professor Mery López, Dean of the Faculty of Humanities and Education, indicated that the damage to the pump system affects at least 1,300 students, more than 130 professors and more than 100 members of the administrative, technical and working personnel, and that, at present, the little water they get for cleaning is through a bathroom in the cafeteria, which receives water from the Faculty of Legal Sciences<sup>160</sup>.

On January 11, 2022, Dean López delivered a communication and report to the Governor of the State of Mérida explaining the situation and requesting assistance due to the lack of university budget, but she has not received a response. Subsequently, she requested help from the mayor of the municipality of Libertador, Mérida state, who publicly promised to contribute half of the repair costs, but so far this has not materialized. If this serious situation is not solved, it will not be possible to implement semesters under the on-site modality<sup>161</sup>.

- The main building of the School of Music and the School of Performing Arts of the ULA has serious filtration problems due to the expiration of the asphalt coating of the roof. According to Professor Freddy Pérez, director of the School of Performing Arts, the last repairs and adjustments to the building were made more than 10 years ago<sup>162</sup>. In addition to the serious problems of moisture seepage in ceilings and walls, the floating water tank of the building was damaged and generated a continuous water leak that, during the quarantine for the pandemic in 2020, damaged the wooden floor of the dance hall, leaving the space unused and the bathroom for student use had to be closed.

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159 Human Rights Observatory of the Universidad de Los Andes. December 31, 2021. Andean Human Rights Bulletin No. 126. <https://www.uladdhh.org.ve/index.php/2022/01/01/boletin-andino-de-derechos-humanos-n-126/>

160 Human Rights Observatory of the Universidad de Los Andes. February 25, 2022. Andean Human Rights Bulletin N° 134. <https://mailchi.mp/dd6e5a03bd8c/boletn-andino-de-derechos-humanos-n-134>

161 Idem.

162 Interview with Professor Freddy Pérez, director of the School of Performing Arts ULA. February 09, 2022.

Professor Perez, told this Observatory that, according to quotes from private companies, only to recover the wooden floor of the dance hall are needed between USD \$ 3,000 and USD \$ 8,000, not including the repair of the asphalt coating of the roof. Another area affected by water seepage, due to the wear of the asphalt roof, is the library of the School of Music. Moisture seepage has caused the floors, shelves, furniture, study books and research material to be seriously deteriorated. There is also no electricity in the left wing of the entrance to the building due to a short circuit that has not been repaired. Finally, Professor Perez pointed out that since he has been in charge of the Directorate (February 2020), he has not received a budget for its operation and there is very little office equipment, and those that are still functioning are already obsolete.

- The Research Institute for Forestry Development (INDEFOR), Faculty of Forestry and Environmental Sciences of ULA, located in the Chorros de Milla sector, Mérida, is without electrical service, paralyzing activities in laboratories, cold rooms and lighting of the facility. Since 2019, INDEFOR personnel have requested before the National Electric Corporation (CORPOELEC) the installation of transformers acquired, but it has not been possible<sup>163</sup>.

- On March 17, 2022, student Joel Zerpa, deputy president of the Federation of University Centers of the ULA, denounced the precarious situation of the facilities of the Canine Brigade of this University, through a video showing the facilities turned into a garbage dump, a source of contamination and a space taken over by the delinquency of the area<sup>164</sup>.

- From April 24 to April 27, 2022, nine buildings of Núcleo La Liria were without electric power due to a technical failure in the public wiring<sup>165</sup>. Professor Raúl Huizzi, dean of the Faculty of Economic and Social Sciences (FACES), said that the failure, which lasted almost 4 days, affected the academic and administrative activities of this unit and of the Faculty of Humanities and Education, so there were serious difficulties to carry out the work as well as to redesign procedures and activities already scheduled in both units<sup>166</sup>.

- On May 4, 2022, Mr. Habib Taján, Administrative Coordinator of the Faculty of Humanities and Education of the ULA, denounced the deterioration of the Sports Training

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163 ULA Press (January 09, 2022). <http://prensa.ula.ve/2022/01/09/2022-indefor-ula-es-la-nueva-v%C3%ADtima-del-vandalismo>

164 Zerpa Joel (March 17, 2022). We publicly denounce the situation that has arisen in the space where the Canine Brigade used to operate. [https://www.instagram.com/tv/CbNdrkZDUZt/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/tv/CbNdrkZDUZt/?utm_source=ig_web_copy_link)

165 [@jadesdelgado] (April 27, 2022). Since last #24Apr, a large part of the Liria nucleus of ULA has been without electricity, a situation that has made it impossible to carry out academic and administrative activities in the Faculty of Humanities and Education and the Faculty of Economic and Social Sciences. <https://twitter.com/jadesdelgado/status/1519486612421365763>

166 Andean Human Rights Bulletin No. 143. (April 22-28, 2022). <https://mailchi.mp/b1ef57289498/boletn-andino-de-derechos-humanos-n-143>

Center due to the expiration of the asphalt mantle, the auditorium located on the 3rd floor of Building B due to the fracture of a slab, as well as the cafeteria area, also due to leaks<sup>167</sup>.

### **Universidad de Oriente (UDO)**

- In the Nucleus of the Universidad de Oriente (UDO) in San Felix, Bolivar state, due to the lack of budget and support from the State, it has not been possible to recover the electricity of the Nucleus, which has not been available since 2015. According to Robert Perez, head of National Assets of the UDO, the 2015 robbery led to the decline of the Nucleus: "the criminals stole all the electricity of the academic area, the high voltage cables, the 001 cables that feed the entire area of the classrooms and administrative offices. The library, which was also completely destroyed, the computer and thesis room, and the dining room, which was dismantled". Of 33 classrooms at the San Felix Nucleus, only 15% (5) are operative under precarious sanitary conditions. Franklin Rodriguez, student of Administration at this Center, pointed out that in spite of the attempts made to recover spaces, these are insufficient, and calls upon the Minister of University Education, Tibisay Lucena, to respond for the situation of the institutions<sup>168</sup>.

### **National Experimental University of Guayana (UNEG)**

- In Ciudad Guayana, Bolivar State, there are 4 campuses of the Universidad Nacional Experimental de Guayana (UNEG) that have not escaped the same reality of other universities that have been hit by vandalism and the deterioration of their facilities. The impossibility of recovering the spaces prevents adequate access to education for the 4,000 students currently enrolled. UNEG's undergraduate campus on Avenida Atlántico is closed to the public and the administrative campus on Avenida Las Américas is without electricity. According to information from students of the different UNEG Centers in Ciudad Guayana, all of them have been robbed, leaving laboratories and classrooms unusable and closed due to the great deterioration and health risks they represent<sup>169</sup>.

### **Universidad Pedagógica Experimental Libertador (UPEL)**

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167 Andean Human Rights Bulletin No. 144. (April 29 to May 5, 2022).

<https://mailchi.mp/7e0dd0036813/boletn-andino-de-derechos-humanos-n-144>

168 La Patilla (January 20, 2022). The public universities in the state of Bolivar are in danger of extinction.

<https://www.lapatilla.com/2022/01/20/universidades-publicas-bolivar/>

169 Idem.

- Blanca Terán, president of the UPEL Professors Association, denounced that the headquarters in Lara state is in serious deterioration and detailed that the second and third floors of the building are the most affected due to the fact that the corridors lack illumination, the bathrooms are without water service and the doors of the classrooms have had to be closed with improvised padlocks to avoid thefts<sup>170</sup>.
- Eladio Gideon, dean director of the UPEL, Maracay-Aragua Nucleus, pointed out that they continue to advance with respect to the activities in spite of the precarious situation of the institute's infrastructure. He also highlighted that, during 2022, there have already been 18 acts of vandalism that limit the progress of academic activities<sup>171</sup>.

## **2.6. Unsafe spaces, deterioration and damage to the university infrastructure by the underworld**

The budgetary asphyxia imposed by the National Executive makes it impossible for the universities to maintain an efficient security corps to protect their assets and prevent the underworld from looting and destruction of their facilities<sup>172</sup>. ODHULA has monitored and documented the following cases:

At the Universidad de Los Andes alone, security incidents have increased by 34.1% since 3 years ago. In 2019 it documented 34 cases; in 2020, during quarantine, 59; in 2021 it recorded 82 events (see Graph 4).

During 2021 it recorded 169 criminal acts in spaces of 14 public universities in the country. This figure includes robberies, thefts, acts of vandalism and invasions (see Graph 5)<sup>173</sup>.

From December 01 to 31, 2021, 10 cases were documented in 6 universities: ULA, UCV, UDO, UC, UNEXPO and UPEL. Ninety percent of the incidents refer to robberies and thefts and 10% to vandalism<sup>174</sup>.

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170 La Prensa de Lara (January 19, 2022). <https://www.laprensalarara.com.ve/nota/42067/2022/01/sede-de-la-upel-registra-grave-deterioro-por-falta-de-recursos>.

171 El Periodiquito (March 23, 2022). They left nothing. Criminals destroyed the infrastructure of UPEL in Maturín. <https://gossipvzla.com/no-dejaron-nada-delincuentes-destruyeron-la-infraestructura-de-la-upel-en-maturin-fotos/>

172 Observatorio de Derechos Humanos de la Universidad de Los Andes. Informe mensual: situación de las universidades en Venezuela: Enero, 2022..., ob. cit., p, 15.

173 Human Rights Observatory of the Universidad de Los Andes. ODHULA recorded 169 criminal acts in 14 Venezuelan universities during 2021. January 12, 2022. <https://www.uladdhh.org.ve/index.php/2022/01/12/odh-ula-registro-169-hechos-delictivos-en-14-universidades-venezolanas-durante-2021/>

174 Human Rights Observatory of the Universidad de Los Andes. Monthly Report: Situation of Universities in Venezuela: December, 2021..., Ob. cit., p. 10

In January 2022, it recorded 25 security incidents in five (5) universities. Forty-four percent of the incidents occurred at UDO, 40% at ULA, 8% at UCLA, 4% at UPEL and 4% at LUZ<sup>175</sup>.

In February 2022 recorded 12 incidents: ULA (7), UDO (2), UCV (1), UCLA (1) and UPEL (1)<sup>176</sup> were the affected university spaces.

In March 2022, it recorded 4 incidents <sup>177</sup>ULA (1), LUZ (2) and UNEG (1) were affected.

In April 2022, ODHULA has monitored 01 security incident at Universidad de Los Andes.

In May 2022, ODHULA has monitored 05 security incidents of university spaces at Universidad de Los Andes.

From December 2021 to May 15, 2022, a total of 58 security incidents in university spaces have been presented. The most affected was ULA with 29 incidents, representing 50% (see Table 2).

## **2.7. Faculty and Student Desertion**

Budgetary asphyxiation and the complex humanitarian crisis in Venezuela have generated high rates of faculty and student desertion in all universities of the country.

### **2.7.1. Loss of the teaching staff**

- The salaries of professors and other university personnel have lost 99% of their value in 20 years, which has forced them to emigrate forcibly or to look for other labor alternatives in order to survive, besides the fact that, apart from the miserable salaries, the universities were deprived of HCM insurance (hospitalization, surgery and maternity) and the coverage of funeral services, so that in case of illness or death many university students are forced to resort to public charity through social networks<sup>178</sup>. This has caused the desertion of

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175 Observatorio de Derechos Humanos de la Universidad de Los Andes. Monthly Report: Situation of Universities in Venezuela: January, 2022..., Ob. cit., p. 16.

176 Observatorio de Derechos Humanos de la Universidad de Los Andes. Monthly report: situation of universities in Venezuela: February, 2022. <https://www.uladdhh.org.ve/wp-content/uploads/2022/04/2.-reporte-febrero-2022SITUACION-DE-LAS-UNIVERSIDADES-EN-VENEZUELA.pdf> p. 11.

177 Observatorio de Derechos Humanos de la Universidad de Los Andes. Monthly report: situation of universities in Venezuela: March, 2022. <https://www.uladdhh.org.ve/wp-content/uploads/2022/04/3.-Reporte-marzo-2022-SITUACION-DE-LAS-UNIVERSIDADES-EN-VENEZUELA.pdf> p. 13.

178 Human Rights Observatory of the Universidad de Los Andes. Monthly Report: Situation of Universities in Venezuela: December, 2021..., ob. cit., p. 7.

professors in all universities in the country to reach almost 50%, despite their unquestionable teaching vocation, since they are forced to look for other economic alternatives that allow them and their families to survive<sup>179</sup>.

- Professor Gonzalo Meléndez, president of the Association of Professors of the Universidad Nacional Experimental Politécnica "Antonio José de Sucre" (UNEXPO), stated that the unofficial figure of loss of professors is 50% in that institution. According to Meléndez, after the last census in December 2021, there are only 1,200 professors left<sup>180</sup>.

- At the Universidad Centroccidental Lisandro Alvarado (UCLA), the unofficial figure of desertion is 50%. Professor Deborah Velásquez, president of the Association of University Professors of UCLA, pointed out that by December 2021 they counted only 2,400 professors<sup>181</sup>.

- At the Universidad Pedagógica Experimental Libertador (UPEL), by 2018 there were 373 active professors and they currently have 265 professors, which represents a loss of 29% in 4 years.

-The rector of the University of Carabobo, Jessy Divo, assured that 40% of the professors left the University<sup>182</sup>.

- At the Central University of Venezuela, a figure similar to the situation at the University of Carabobo is being handled. According to Jesús Mendoza, university counselor, there is a 40% loss of the teaching staff<sup>183</sup>.

- According to the report entitled "Desertion at the Universidad de Los Andes. Cifras año 2021", presented to the ULA University Council on April 18, 2022, the teaching staff decreased from 2017, going from 2,887 teachers in 2016 to 2,264 in 2021, meaning a decrease of 21.51%<sup>184</sup> (see Graph 6).

### 2.7.2. Student desertion

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179 Observatorio de Derechos Humanos de la Universidad de Los Andes. Informe mensual: situación de las universidades en Venezuela: Enero, 2022..., ob. cit., p. 12.

180 La Prensa de Lara (January 20, 2022). <https://www.laprensalarara.com.ve/nota/42122/2022/01/fuga-de-profesores-universitarios-en-lara-trepa-hasta-en-un-50-en-porciento->

181 Idem.

182 Idem.

183 ACN (January 16, 2022). <https://www.acn.com.ve/jessy-divo-aseguro-profesores-abandonado-universidades/>.

184 Commission appointed by the University Council, Coordination of the Rectorate of the University of Los Andes (March 3, 2022). Desertion at the Universidad de Los Andes. Cifras año 2021, p. 11.

- In December 2021, Professor Blanca Salas, from the School of Nursing of the University of Carabobo, indicated that, due to the precariousness and difficulties to receive classes in virtual modality, there is a desertion of 70% of the students. This School used to have 1000 students and now has only 300, who are at risk of not being able to continue with their studies due to the fact that the facilities do not have water or electricity and lack the minimum conditions to attend to the students<sup>185</sup>.

- At the UCV, the dropout rate had reached 40%. In Núcleo Armando Mendoza Aragua state, student enrollment dropped to 50% from 2018 (997 students) to August 2021 (494 students)<sup>186</sup>.

-At the Pedagogical University (UPEL), student enrollment was 12,000 students and by August 2021 barely 1,500 students remained active<sup>187</sup>.

- 86% of the students, mostly from public universities, who have emigrated, do so in search of a better quality of life. Some 37% of young people between 15 and 29 years of age are not enrolled in any educational institution<sup>188</sup>.

- The rector of the University of Carabobo (UC), Jessy Divo, pointed out that the student enrollment for 2018 was 68,000 students, but currently there are only 30,000 students enrolled in the UC; which means 44% student desertion in 4 years. Professor Divo asserted that the desertion is due to the country's complex humanitarian emergency and the loss of student benefits such as: transportation, dining hall and scholarships, in addition to the absence of quality basic services<sup>189</sup>.

- Jesús Mendoza, president of the Student Center of the Faculty of Dentistry of the Central University of Venezuela (UCV) indicated that there is a student desertion of 45% by 2022<sup>190</sup>.

-At the Universidad Pedagógica Experimental Libertador (UPEL), headquarters in Barquisimeto, Lara state, for the year 2017, there was an enrollment of 1,500 students

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185 Chronicle One (December 06, 2021). Thefts in the UC School of Nursing put at risk the start of on-site classes. <https://cronica.uno/escuela-de-enfermeria-de-la-uc-entre-el-abandono-y-asedio-del-hampa/>

186 Human Rights Observatory of the Universidad de Los Andes. Situation of universities in Venezuela. August 2021. <https://www.uladdhh.org.ve/wp-content/uploads/2021/09/8.-Reporte-Agosto-2021...pdf>

187 Idem.

188 2001 Live (March 22, 2022). UCAB: 86% of students emigrate in search of a better quality of life. <https://2001online.com/nacionales/ucab-86-de-los-estudiantes-emigran-en-busca-de-calidad-de-vida/>

189 El Carabobeno (March 11, 2022). The UC only receives 47 thousand bolivars per month for its operation. <https://www.el-carabobeno.com/la-uc-solo-recibe-47-mil-bolivares-mensuales-para-su-funcionamiento/>

190 Chronicle One (March 14, 2022). 5 out of 10 dental students at UCV consider abandoning the career. <https://cronica.uno/5-de-cada-10-estudiantes-de-odontologia-de-la-ucv-considera-abandonar-la-carrera/>

enrolled, and by 2020 this reached 500 students, a loss of 67% of the student body<sup>191</sup>. Professor Blanca Terán, president of the UPEL Professors Association, pointed out that young people are no longer attracted by the teaching career and look for more profitable professional alternatives once they realize that upon graduation they will not have salary benefits.

- This Observatory has monitored high percentages of student desertion at ULA. For the year 2012 there was an enrollment of 44,488 students; by March 2020 the student enrollment was 18,000; in December 2021 a serious student desertion is demarcated by counting that only 15,162 students remained, which means a loss of 60% of the enrollment<sup>192</sup>.

- According to the report entitled "Desertion at the Universidad de Los Andes. Figures year 2021", presented to the University Council of the ULA on April 18, 2022, in a period of 10 years, 29,326 students abandoned their studies at the ULA<sup>193</sup>, being 2021 the year with the highest student desertion, 18.6%, while in 2012 this stood at 10.7%.

The dropout rate is also reflected in the canteen service: in 2012, 10,904 students attended served 10,904 students out of the final enrollment of 37,129 (29.37 %), but in 2019 only 1,117 out of 20,109 (5.55 %) <sup>194</sup>. As for transportation, of 1,331 users served in 2019, at the present date the service was discontinued<sup>195</sup>, all due to the situation of budgetary suffocation. The serious situation of student desertion puts at serious risk the generation of relief in the ULA<sup>196</sup>.

## **2.7. Regression of the labor rights of university workers.**

On March 22, 2022, the universities received from the Ministry of University Education, the salary tables and the instructions for the application of labor benefits, following the

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191 La Prensa de Lara. April 01, 2022. Teaching Career registers a 66% decrease in UPEL's enrollment. <https://www.laprensalarara.com.ve/nota/44706/2022/03/carrera-docente-registra-un-66-en-porciento--de-merma-en-matricula-de-la-upel>

192 ULA Press (April 25, 2022). ULA student desertion exceeds 60%. <http://prensa.ula.ve/2022/04/25/deserci%C3%B3n-estudiantil-ula-supera-el-60-por-ciento>

193 Commission appointed by the University Council, Coordination of the Rectorate of the University of Los Andes (March 3, 2022). Desertion..., ob. cit., p. 5.

194 Idem, p. 9.

195 Idem, pp. 9-10

196 Aula Abierta (April 25, 2022). The new generation in check: More than 30 thousand students dropped out of ULA in 10 years. <https://aulaabiartavenezuela.org/index.php/2022/04/25/generacion-de-relevo-en-jaque-mas-de-30-mil-estudiantes-desertaron-de-la-ula-en-10-anos/>



presidential<sup>197</sup> announcement and after the publication in the Official Gazette<sup>198</sup> fixing the minimum salary at Bs. 130.00 (USD \$29.75)<sup>199</sup>.

Professor Manuel Aranguren, administrative vice-rector of the Universidad de Los Andes (ULA), stated to this Observatory that he did not receive any formal communication from the Ministry of University Education regarding the salary increase or any instructions to prepare the payrolls with the new amounts. In addition, he pointed out that university authorities learn about this type of news through informal means such as groups via Telegram, WhatsApp, etc. "There is a lot of misinformation, they say one thing, then something different"<sup>200</sup>.

Professor Mario Bonucci Rossini, rector of ULA, stated that the salary table decreased by 40% with respect to what corresponded<sup>201</sup>. In the new salary tables, some bonuses disappear, such as the bonus for tenure, which represented 20% of the base salary of a tenured professor. Other bonuses were reduced: the family bonus which was previously 40% of the minimum monthly income is now only 10%; the university activity bonus went from 25% of the base salary to 12.5% of that salary; the bonus for professionalization, previously the amounts contemplated were: technician 20%, graduate 30%, specialization 40%, master's 50%, doctorate 60%, now technician 20%, graduate 25%, specialization 30%, master's 35% and doctorate 40%<sup>202</sup>.

On the other hand, the Federation of Associations of University Professors of Venezuela (FAPUV) denounced that such amounts do not remunerate university work. "The result is that what they insist on calling salary, is not"<sup>203</sup>. According to the imposed salary tables, the base salary of a full professor with exclusive dedication is Bs. 522.16 (USD 119.48)<sup>204</sup>. For the month of February 2022, the cost of the food basket was USD 454.93<sup>205</sup>; this means

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197 YouTube (March 03, 2022). Nicolás Maduro fixed the minimum wage at half a Petro.

<https://www.youtube.com/watch?v=-u-kTYyIIIRI>

198 Official Gazette No. 6,691 of March 15, 2002, containing Decree No. 4,653.

[https://www.ojdt.com.ve/archivos/gacetitas/2022-03/6691\\_0.pdf](https://www.ojdt.com.ve/archivos/gacetitas/2022-03/6691_0.pdf)

199 Central Bank of Venezuela rate, March 31, 2022, Bs/USD 4.37.

200 Interview with Professor Manuel Aranguren, March 25, 2022.

201 Mario Bonucci Rossini March 22, 2022.

<https://twitter.com/bonuccimario/status/1506427433607647235>

202 Information provided by Professor Manuel Aranguren, Administrative Vice Rector, ULA, March 25, 2022.

203 FAPUV. March 22, 2022.

<https://twitter.com/FAPUV/status/1506456981615357954?cxt=HHwWhMC5qZWpgegpAAA>

204 Central Bank of Venezuela rate, March 31, 2022, Bs/USD 4.37.

205 According to data from the Center for Documentation and Social Analysis of the Venezuelan Federation of Teachers. March 21, 2022.

[https://twitter.com/CENDASFVM/status/1505902687153537029?s=20&t=cn\\_TwwnvZ0dMz5swxf88g](https://twitter.com/CENDASFVM/status/1505902687153537029?s=20&t=cn_TwwnvZ0dMz5swxf88g)

that a professor of the highest rank could barely cover 26% of the food basket with his base salary.

It should also be noted that the salaries of university professional staff and university technical staff are still located in the poverty classification indicated by the International Labor Organization, either in the category of extreme or moderate poverty<sup>206</sup>, so they continue to violate the right to a living wage and international standards of wage setting.

Between April 25 and 28, 2022, the "Social Dialogue" Forum was held between the national government, employers and unions, with the support of the International Labor Organization (ILO)<sup>207</sup>. At least 5 organizations<sup>208</sup> demanded compliance with agreements on union autonomy<sup>209</sup>. Attorney Dionis Davila, general secretary of the Union of Professionals and Technicians of the Universidad de Los Andes and president of the National Federation of Unions of University Professionals of Venezuela, submitted a document to the ILO, in which he requested the installation of a table with the different legitimate representatives of the university workers for the reconstruction of the salary, due to the fact that in the last few years only the sectors related to the government have participated<sup>210, 211</sup>.

On May 4, 2022, the University Council of the Universidad de Los Andes (ULA) held an extraordinary meeting to discuss the return of the May payroll model by the University Sector Planning Office (OPSU)<sup>212</sup>. In a previous meeting, Omar Odoberto Aparicio, director of the administrative program of the OPSU, demanded the instructions for the month of March from the National Office of Planning and Budget (ONAPRE), and from now on, the sending of payrolls must be done separately and by concepts, highlighting the

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206 According to the tables on the university sector prepared by attorney Charles Newbury (Movimiento Vinotinto).

207 (April 26, 2022). Venezuela sets up tripartite dialogue tables during social forum. Telesur. <https://www.telesurtv.net/news/Venezuela-instala-mesas-de-dialogo-tripartito-durante-foro-social-20220426-0019.html>

208 Confederación de Trabajadores de Venezuela, Confederación de Sindicatos Autónomos de Venezuela, Confederación General de Trabajadores, Alianza Sindical Independiente and Unión Nacional de Trabajadores de Venezuela.

209 (April 28, 2022). Venezuelan workers demand before the ILO that union autonomy be respected. Swissinfo. [https://www.swissinfo.ch/spa/venezuela-oit\\_trabajadores-venezolanos-exigen-ante-la-oit-que-se-respete-autonom%C3%ADa-sindical/47554148#:~:text=Caracas%2C%2028%20abr%20\(EFE\),ajustados%20a%20la%20canasta%20b%C3%A1sic](https://www.swissinfo.ch/spa/venezuela-oit_trabajadores-venezolanos-exigen-ante-la-oit-que-se-respete-autonom%C3%ADa-sindical/47554148#:~:text=Caracas%2C%2028%20abr%20(EFE),ajustados%20a%20la%20canasta%20b%C3%A1sic)

210 Interview via WhatsApp on 29.04.22.

211 Andean Human Rights Bulletin No. 143. (April 22-28, 2022).

<https://mailchi.mp/b1ef57289498/boletn-andino-de-derechos-humanos-n-143>

212 Through the Directorate of the Financial Administrative Program of said entity.

existence of a crisis due to the economic blockade and the imperative of minimizing public spending.<sup>213 214</sup>,

The Union of Professionals and Technicians, the Association of Employees and the Association of Professors of the ULA (APULA), protested against the return of the model because the instruction disregards acquired rights, and on May 5, 2022, Professor Virgilio Castillo, president of APULA, pointed out that OPSU intends to replace legitimate claims with an illegal instruction and, furthermore, that it is the same institution that undermines the rights of its workers<sup>215</sup>.

## **2.9. University seniors: condemned to misery**

In the university community, active and retired senior citizens are in serious conditions of vulnerability due to low salaries and miserable social security conditions, which leads them to depend, for their survival, on the economic help of relatives and/or friends abroad.

For several years, the conditions in the country have not allowed these people to age with dignity and well-being, and the State does not offer them guarantees of timely, efficient, priority and integral treatment as established in the specific Venezuelan regulations on the matter.

The autonomy of older university students has been curtailed by having to depend on relatives, friends and strangers to meet their most basic needs, even though they are in full use of their mental capacities and have made the necessary efforts and sacrifices throughout their lives to ensure a dignified old age with an excellent quality of life.

Cases of significant loss of body weight, requests for public assistance through social networks for medical treatment, and deaths of professors and other university personnel, have increased in a worrying way in the last 2 years.

Of the numerous cases monitored by ODHULA, the following are exposed:

-On March 3 of this year, through WhatsApp groups and other social networks, the Vice Rector-Dean of one of the Nuclei of the University of Los Andes, was forced to request help to be able to cover an expensive medical treatment for a serious illness.

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213 According to a recording released at the University Council meeting on 04.05.2022.

214 Andean Human Rights Bulletin No. 144. (April 29 to May 5, 2022).

<https://mailchi.mp/7e0dd0036813/boletn-andino-de-derechos-humanos-n-144>

215 *idem*

-On January 23, 2022, retired professor Pedro Salinas, 84 years old, from the Faculty of Forestry and Environmental Sciences, was found in a state of severe dehydration, next to the lifeless body of his wife. He was rescued after his relatives outside lost communication with them and were forced to request the support of the Merida State Fire Department<sup>216</sup>. The unfortunate case of Professor Pedro José Salinas, with an academic career of more than 50 years, evidenced the salary crisis and the lack of social security for university professors in Venezuela<sup>217</sup>.

On January 27, 2022, Mr. Antonio Suarez, 73 years old, caretaker of the university campus La Liria, died at the University Hospital of Los Andes, Merida state. He suffered from pneumonia among other pathologies that worsened due to his precarious economic situation<sup>218</sup>. This worker, since 2020, used university spaces to live, first he settled in the guardhouse at the entrance of the campus La Liria, where his lungs were compromised, then his coworkers relocated him to a room of the Faculty of Law and Political Sciences and finally he was transferred to the hospital where he died<sup>219</sup>. The highest salary of a university security guard, classified as a laborer, does not exceed 4 dollars per month<sup>220</sup>.

- On February 6, 2022, after 8 months of having presented a gall bladder crisis, a 61 year old professional worker of the ULA (MD), a member of the administrative staff, underwent surgery. In May 2021 she presented problems of thickening of the gallbladder walls. Given the non-existence of university insurance, her "odyssey", as she calls it, took her 8 months of health problems and worry. When she presented pain in May 2021, she went to CAMIULA, but they requested USD 950 for the surgery and she did not have the money. She went to the Instituto Autónomo Hospital Universitario de Los Andes (IAHULA), which meant that she was examined there by 3 different doctors and after 5 months of visits, twice a week, she was able to access the list of supplies for the surgery, having to ask for help from family and friends, since she could not afford them with her salary. She was scheduled for surgery in December, but the surgery was suspended on the scheduled day due to equipment failure. Tired of the insistence at that health center, and very distressed, she turned to the Dr. Tulio Carnevalli Salvatierra Hospital of the Venezuelan Social Security Institute, Libertador municipality, Merida state, where they also requested supplies

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216 El Pitazo. January 24, 2022. Mérida : Firefighters find university professor dehydrated and his partner dead. <https://epthelinkdos.tk/los-andes/merida-bomberosencuentran-deshidratado-a-profesor-universitario-y-muerta-a-su-pareja>

217 Human Rights Observatory of the Universidad de Los Andes. January 27, 2022. ULA professors' salary not enough to pay for medical coverage since 2017. <https://www.uladdhh.org.ve/index.php/2022/01/27/sueldo-de-profesores-de-la-ula-no-alcanzaporpagar-cobertura-medica-desde-2017/>

218 El Pitazo. January 30, 2022. Mérida : ULA security guard who lived in a classroom dies. <https://elpitazo.net/los-andes/merida-muere-vigilante-de-la-ula-que-dormia-en-un-aulade-clases/>

219 ULA Press. February 14, 2022. Antonio Suárez: living and waning at the university. <http://190.168.5.99/2022/02/14/antonio-su%C3%A1rez-vivir-y-menguar-en-la-universidad>

220 Idem.

and tests for the surgery, some of them different from those requested at IAHULA. The surgery was suspended twice due to problems with the sterilization equipment. Finally, after talking 4 times with the director of the center, she was operated on. It should be noted that each time her surgery was suspended, she had to ask for financial assistance to have the routine examinations prior to surgery (laboratory tests, abdominal ultrasound, cardiovascular assessment, chest X-rays)<sup>221</sup>.

## **2.10. Neglect of health care at the University of the Andes: medical insurance**

The Insurance Office of the Universidad de Los Andes (OFISEULA), serves the teaching and research personnel, as well as the administrative, technical and labor personnel (ATO) - active, retired and pensioned- of the ULA. As of March 2022 it had a coverage of Bs. 500.00 (USD 115.2). This insurance provides coverage to the holder and members of his basic family group enrolled in the Special Coverage Program (PCE)<sup>222</sup>. But this amount is so low that it does not cover higher cost studies, such as a CT scan or MRI, surgeries or hospitalization expenses, and is only used mainly for laboratory tests, X-ray and ultrasound services<sup>223</sup>. Currently, due to low coverage, there are no agreements with private clinics that accept it<sup>224</sup>.

For its part, the Instituto de Previsión del Profesorado (IPP) of the ULA, has not received resources for hospitalization, surgery and maternity expenses for many years. Since 2019 it also does not receive the contributions corresponding to the social pension, which were paid by OPSU<sup>225</sup>.

According to the president of the IPP, Virgilio Castillo, there is no contribution from the Venezuelan State for the social security of university professors and it is they themselves who pay for the health insurance coverage offered from the IPP, indirectly from the same salary of the professors and directly through the payment of a Program of Extended Coverage of the Health Plan (PCA) amounting to USD 800 per year. During 2021, as noted in recent APULA and IPP report (2022), the beneficiary population reached 12,643 people,

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221 Interview via WhatsApp to MD worker. 24.02.2022.

222 Universidad de Los Andes (November 23, 2021). Administrative Vice Chancellor's Office informs about the HCM Special Coverage Program. <http://web.ula.ve/ofiseula/2021/11/23/vicerrectorado-administrativo-informa-sobre-elprograma-de-cobertura-especial-de-hcm/>

223 OFISEULA Information February 23, 2022.

224 Idem.

225 Human Rights Observatory of the Universidad de Los Andes. Situation of universities in Venezuela. Monthly report. January 2022. <https://www.uladdhh.org.ve/wp-content/uploads/2022/02/1.REPORTE-enero-2022.pdf>.

with the age group of 60 years or older requiring 51.99% (33.74 are 70 or older, 18.25% between 60 and 69 years)<sup>226</sup>.

ODHULA has denounced that the salary of university professors is insufficient for the payroll deduction of the payment of the extended medical coverage, devised by the Instituto de Previsión del Profesorado (IPP), since a professor of the highest echelon requires 6 months of his base salary to be able to pay such coverage<sup>227</sup>.

As for the Regional Union of University Professionals and Higher Technicians of the ULA (SIPRULA), the OPSU traditionally allocated a small amount for assistance in unforeseen health cases for workers belonging to the union, but this was taken away by the Government's policies<sup>228</sup>.

The previous insurance and/or welfare systems are administered by the University itself and/or its unions. On the part of the Government, in 2017, the Integrated Health System of the Ministry of University Education (SISMEU) was implemented. After, for years, the coverage of this insurance was below USD 3, through WhatsApp message in February 2022, the university community was informed of its update for Hospitalization, Surgery and Maternity services for Bs. 9,280 (USD 2,138.2), funeral services for Bs 3,480 (USD 802) and coverage for covid-19 of 4,640.00 (USD 1,069.00). It was reported about clinics, numbers and contact emails of regional coordinators, which, it is worth to say, there are only 4 to serve the entire university community in the country. However, on websites and social networks associated with SISMEU no information updates appear since 2017<sup>229</sup>. This Observatory tried to contact insistently via telephone to the Regional Coordinator to request information on procedures to follow in case of claims, but it was not possible to obtain a response.

During 2017, 2018 and 2019, SISMEU announced deliveries of medicines to university workers<sup>230</sup>. However, in the state of Merida the delivery was carried out in a university of the parallel system<sup>231</sup> and did not benefit all personnel.

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226 APULA and IPP Report (2022). Analysis on the health care of the faculty of the Universidad de Los Andes, in the framework of the renewal of the APULA-FONPRULA-FONPRULA - IPP health agreement for the year 2022. Mérida, Venezuela

227 Observatorio de Derechos Humanos de la Universidad de Los Andes (January 27, 2022). Salary of ULA professors not enough to pay medical coverage since 2017.  
<https://www.uladdhh.org.ve/index.php/2022/01/27/sueldo-de-profesores-de-la-ula-no-alcanza-parapagar-cobertura-medica-desde-2017/>

228 Human Rights Observatory of the Universidad de Los Andes. Situation of universities in Venezuela. Monthly Report. January 2022..., ob. cit.

229 Human Rights Observatory of the Universidad de Los Andes. Situation of universities in Venezuela. Monthly Report. January 2022..., ob. cit.

230 VTV. March 25, 2019. More than 6 million medicines have been delivered to university workers.  
<https://www.vtv.gob.ve/6millones-medicamentos-trabajadoresuniversitarios/>

On April 8, 2022, Professor Mario Bonucci Rossini, rector of the ULA, published on social networks a screenshot of messages sent by a professor of the ULA to the telephone number of the person who appeared as responsible in the instructions, in order to obtain the password to enter a close relative of an oncology patient (also a university professor), without being able to contact her. The patient died<sup>232</sup>. Likewise, a retired professor of the university reported having presented an emergency in the city of Caracas, but none of the clinics indicated by the SISMEU accepted her admission<sup>233, 234</sup>.

### **2.10.1. The Integral Medical Assistance Center (CAMIULA)**

The avenue to be resorted to by the university students to attend to their health is the Comprehensive Medical Care Center of the ULA (CAMIULA), but budgetary insufficiency prevents the proper functioning of this Center. In 2017, what was collected was only enough for 20% of what was purchased in 2015. The other 40% is used in maintenance expenses of the institution, but its low amount does not allow repairing, nor buying any medical or technological equipment<sup>235</sup>. At present, CAMIULA staff is retiring without any replacement of positions and its pharmacy has no medicines for chronic or continuous treatments, only some for acute treatments (analgesics)<sup>236</sup>.

### **2.10.2. Funeral Services**

In January 2022, the Administrative Vice Rector of ULA, Professor Manuel Aranguren, informed the Administrative and Supervisory Boards of the Caja de Ahorro y Previsión

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231 Human Rights Observatory of the Universidad de Los Andes. January 2020. El sistema paralelo universitario en Venezuela, 2003-2019. <https://www.uladdhh.org.ve/wpcontent/uploads/2020/02/Informe-El-sistema-paralelo-universitario-en-Venezuela.-2003-2019-Descargar-1.pdf>

232 Bonucci, M. (April 8, 2022). Occurs with the SISMEU... [Tweet]. <https://twitter.com/bonuccimario/status/1512567328390750210?s=03>

233 [@candidavega7] (April 9, 2022). Doctor, I am retired ULA, I had a health emergency in Caracas, and NONE of the clinics attached to SISMEU received me. How are we then left with the health insurance the university students? <https://twitter.com/candidavega7/status/1512916316205760515?s=03>

234 Andean Human Rights Bulletin No. 141. (April 8 to 14, 2022). <https://mailchi.mp/6174b57e43a1/boletn-andino-de-derechos-humanos-n-141>

235 Report made by ODHULA to respond to the request contained in Resolution of the University Council, signed under number 3355/17, dated November 13, 2017. February 2018.

236 Human Rights Observatory of the Universidad de Los Andes. April 27, 2021. Situation of human rights in Venezuela, with special reference to the Andean region. <https://www.uladdhh.org.ve/index.php/2021/04/27/informe-situacion-de-los-derechos-humanos-en-venezuela-con-especial-referencia-a-la-region-andina/>

Social de los Trabajadores de la ULA (CAPSTULA) that it has not received from the National Executive resources from personal withholdings and institutional contributions from payroll deductions corresponding to the months of September, October, November and December 2021. This situation arises due to the centralization of the payment of salaries through the "carnet de la patria", arbitrarily imposed by the regime of Nicolás Maduro<sup>237</sup>.

Due to this delay in sending payroll deductions, the few savings of the personnel are affected in the different social welfare programs, including CAPSTULA's Social Funeral Fund, which has commitments with service providers and its operation is at risk. According to what a CAPSTULA<sup>238</sup> worker informed to this Observatory, in 2022 and for the moment, the service provided only covers a 'basic' coffin, wake and transfers within the Libertador municipality, Mérida state. The burial plot must be provided by the worker, and the service does not include cremation.

This Observatory found that in the two main companies that offer funeral services in the municipality of Libertador, state of Merida, a simple emergency service without affiliation can cost USD 650, and if cremation is required, it is an additional USD 235<sup>239</sup>. Affiliation currently implies an initial payment of USD 10 and USD 2 monthly, with coverage available 90 days after affiliation and includes preparation of the corpse, wake in chapel and hearse; it does not include the cost of cremation or burial plot<sup>240</sup>.

### **3. DETERIORATION OF ENVIRONMENTAL RIGHTS IN MERIDA**

In this section ODHULA highlights the deterioration of environmental rights in the state of Merida through the economic, social and environmental dimensions of such rights, as well as the deterioration of the rights to water and sanitation.

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237 Human Rights Observatory of the Universidad de Los Andes. Situation of universities in Venezuela. Monthly report. January 2022. <https://www.uladdhh.org.ve/wpcontent/uploads/2022/02/1.REPORTE-enero-2022.pdf>

238 Telephone interview via WhatsApp on 24.02.2022.

239 Information provided by telephone to the customer service department of Servicios Especiales La Inmaculada. February 23, 2022

240 Information provided by telephone to the customer service department of Funeraria La Patrona. February 23, 2022.



Environmental rights are catalogued as human rights, since it will be impossible to reach a minimum level of dignity and social justice for people if they do not have an environment that provides acceptable quality of life conditions, considering adverse factors to this: water and air pollution, unhealthiness, inefficient management of wastewater and hazardous waste, loss of biodiversity, just to mention some of these elements. The essential point between these two areas lies in the recognition of the right to a healthy environment as a human right<sup>241</sup>.

The set of options for linking environmental rights with the content of the goals included in the Sustainable Development Goals or Agenda 2030, have an important portfolio of norms and laws at national and international level that clearly establish the obligations of society and the State in consummating individual and joint actions for the protection of the environment and, therefore, guarantee the use and enjoyment of natural resources for present and future generations.

However, the state of Merida presents a particular scenario, in which there is a weakness in the regulation of activities and behaviors that directly and indirectly damage or harm the environment. This situation is differentiated by territorial, geographic, socio-demographic and cultural aspects, which, when related to socio-productive activities, generate replication tendencies in each of the regions of influence.

The ODHULA has carried out a research designed, structured and developed between January and March 2022, which shows that there is a direct and indirect affectation of environmental rights in the state of Merida that, focused on the economic, social and environmental dimensions (see Table 3), allows delineating aspects of interest that require attention from the public entities involved with the productive and conservation activities of this federal entity<sup>242</sup>.

### **3.1. Economic Dimension**

Environmental rights, from the economic dimension, are related to promoting employment and encouraging local production through ecotourism, developing industrial and productive activities while protecting the environment and cultural heritage, as well as reducing food waste at the consumption and post-harvest levels<sup>243</sup>.

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241 Observatorio de Derechos Humanos de la Universidad de Los Andes. Situación actual de los derechos ambientales en el estado Mérida. <https://www.uladdhh.org.ve/wp-content/uploads/2022/05/4.Situacion-actual-de-los-derechos-ambientales-en-el-estado-Merida.pdf> pp. 5-6.

242 Idem, p. 42.

243 Idem, p. 15.

The trends reveal that there is no positive assessment regarding the promotion of ecotourism and the development of industrial and productive activities in harmony with the environment (see Figure 1). These perceptions are more pronounced in the Metropolitan Zone, Páramo and Valle del Mocotíes, compared to the Panamerican Zone and Pueblos del Sur. Respondents consider that food wastage at the consumption and post-harvest levels has not been totally or partially reduced; this opinion is more prevalent in the Metropolitan, Panamerican and Páramo Zones (69.70%)<sup>244</sup>.

There is a lack of public policies for the development of ecotourism, which would promote local employment and encourage local production, a situation of interest for the entity with emphasis on the Metropolitan, Páramo and Mocotíes Valley regions, which must be addressed to avoid damage to the environment in terms of cultural ecosystem services. Similarly, industrial and productive activities are not being developed in harmony with the environment in terms of conscious use for conservation and sustainability purposes; a context that focuses attention on the Metropolitan, Panamerican, Páramo and Mocotíes Valley regions<sup>245</sup>.

### **3.2. Social dimension**

The social component of environmental rights is structured and systematized in the scope of the Sustainable Development goals to be achieved by 2030. In this sense, based on a pilot study, the following goals were selected: the role of the State in the management of seeds and native species to solve the problem of hunger, increase of vector-borne diseases (insects), women's access to land and natural resources, and implementation of educational schemes oriented to Sustainable Development<sup>246</sup>.

Based on these criteria, it can be indicated that for the Metropolitan, Pueblos del Sur and Valle del Mocotíes regions, it is considered that policies that encourage the use of native seeds and species to combat hunger are not developed, in contrast to the Páramo zone, which values this management as positive. Regarding the implementation of Education for Sustainable Development schemes (72.73%), all regions consider that such schemes are not promoted; however, regarding the right of women to access, among others, land and natural resources, as well as access to green areas and safe public spaces, the assessment was markedly positive in relation to the right of women (52.94%) and slightly positive (38.24%) regarding green areas and spaces, as shown in Figure 2<sup>247</sup>.

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<sup>244</sup> Idem, p. 16.

<sup>245</sup> Idem, pp. 42-43.

<sup>246</sup> Idem, p. 16.

<sup>247</sup> Idem, pp. 16-17.

With a high percentage of opinion (75.76%), all regions consider that there has been an increase in vectors (insects) that affect health; however, with regard to drinking water service in the state of Merida there is a tendency, according to this pilot study, which indicates that it is provided in an almost uninterrupted manner, with a presentation between crystalline and with turbidity, predominantly distributed through aqueducts or pipes<sup>248</sup>.

The entity, with the exception of the Paramo region, presents weaknesses in the importance given to the management of seeds and native species for food production and, being one of the points of interest in attention to its added value, it is considered that Education for Sustainable Development is not being implemented with the required rigor. However, in the Metropolitan, Pan-American and Pueblos del Sur regions, women's access to land and natural resources is considered positive and, with the exception of the Metropolitan region, opinion is divided on access to green areas and safe public spaces<sup>249</sup>.

### **3.3. Environmental Dimension**

The Environmental Dimension of Sustainable Development is explicitly and implicitly contained in almost all of the goals contained in the 2030 Agenda, since their scope depends on the social component, creating the basis on which the greatest number of environmental rights could be concentrated<sup>250</sup>.

The results of the consultation in part of this area, shown in Figure 3, reveal the interest of the respondents in stating that agricultural practices are not carried out in an environmentally friendly manner (61.76%), for which they consider that there is no control of the risk of water, soil and air pollution due to the use of toxic products (74.29%), and that the environment is degraded in the development of productive activities (87.88%); In this area, when asked about the perception of the contamination of the aforementioned environments and its effects on the communities, the response was concentrated around a medium and high level (88.23%)<sup>251</sup>.

Based on the indicators shown, it is evident from the answers provided that there is no efficient control to reduce the environmental impact of the use of chemical products (82.35%), a situation that is compounded by the lack of public policies to mitigate poaching and trafficking of species (61.76%)<sup>252</sup>.

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248 Idem, p. 17.

249 Idem, p. 43.

250 Idem, pp. 17-18.

251 Idem, p. 18.

252 Idem.

Although governments worldwide are implementing environmentally sound technologies, this is not the case in Venezuela or in the state of Mérida (67.65%), although in this state there are private and academic organizations that are working on this task, such as: The Inter-American Center for Environmental and Territorial Development and Research of the Universidad de Los Andes (CIDIAT), the Circuito de la Universidad de Los Andes para el Manejo Integral de los Desechos (CIULAMIDE), the Instituto de Ciencias Ambientales y Ecológicas de la Universidad de Los Andes (ICAE) and the Asociación de Productores Integrales el Páramo (PROINPA). The above trends can be seen in Figure 4<sup>253</sup>.

According to the results of the consultation, the state of Mérida lacks effective policies to prevent natural disasters, improve air quality and waste management (96.88%), with little (76.47%) or no (23.53%) evidence of waste reduction, recycling and reuse processes<sup>254</sup>.

The environmental dimension presents serious weaknesses in terms of agricultural and livestock development, which are degrading the environment due to the lack of control in the use of toxic chemicals, and there is no effective risk control policy for water, soil and air pollution and its corresponding impact on the communities. As for environmentally sound technologies, these are still in their early stages of development and only by private and academic organizations<sup>255</sup>.

### **3.4. Right to safe drinking water and sanitation**

Table 4 presents a summary of reflections on the human rights to drinking water and sanitation. The following alert criteria have been adopted in its elaboration: green color reflects compliance greater than 95% (compliance), yellow color reflects compliance between 95% and 85% (alert), orange color reflects compliance between 85% and 75% (critical) and red color reflects compliance less than 75% (non-compliance)<sup>256</sup>.

The 2011 National Census reflected an alert (yellow color) in terms of compliance with the right to drinking water and sanitation in the state of Merida. However, the same Census reflects full compliance (green) at the level of the city of Merida.

The Observatorio Venezolano de los Servicios Públicos (OVSP, 2021) in its September 2021 report, reports, for the city of Mérida, that the perception of those surveyed reflects compliance (green color) of the right to drinking water in terms of infrastructure and non-compliance (red color) in terms of frequency of service. It also reflects an alert value regarding the right to sanitation (yellow color).

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253 Idem, pp. 18-19.

254 Idem, p. 19.

255 Idem, p. 43.

256 Idem, p. 39.

The survey conducted in this research, in March 2022, reflects for the state of Mérida (its five geographic regions) that the perception of the respondents was of compliance (green color) for the right to drinking water in terms of infrastructure, and critical level of compliance (orange color) in terms of frequency of service. Similarly, it reflects the perception of full compliance (green color) for the right to sanitation.

When comparing the results of the 2011 National Census with the results of the OVSP of September 2021 regarding the right to drinking water and sanitation in the city of Mérida (Libertador Municipality of Mérida State), there is evidence of a perception of a decrease in the frequency of drinking water service. This can be explained by the progressive deterioration of the hydro-sanitary infrastructure of drinking water supply (drinking water treatment plant and distribution and storage systems of the city of Merida). As is known, the maintenance of the water infrastructure in Venezuela is very precarious (only corrective maintenance is performed), service tariffs do not reflect operation and maintenance costs, and qualified professional, technical and operating personnel have resigned and emigrated to other countries.

Comparing the results of the 2011 National Census with the results of the survey conducted for ODHULA in March 2022, regarding the right to drinking water and sanitation in the state of Merida, the perception of deterioration in the frequency of drinking water service is also evident. In this case, the perception of deterioration in the frequency of the supply service is reflected in all the municipalities and parishes of the state of Merida. As in the previous case, this can be explained by the progressive deterioration of the water infrastructure, frozen tariffs that do not reflect the costs of operating and maintaining the systems, and the migration due to resignation and retirement of qualified personnel.

It was not possible to obtain official information on the quality of the water supplied, in order to corroborate whether the water supply is potable. Nor is there access to epidemiological bulletins for recent years, which would provide information on the morbidity of waterborne diseases. This information sheds light on the quality of drinking water and the correct handling of raw food. In addition, since 2007 the water companies have not reported management indexes of the supply systems. The latest data on the Non-Invoiced Water Index (IANF) reported by HIDROANDES are from 2004, 2005 and the first quarter of 2006, with an average value of 61%<sup>257</sup>.

In this entity there is a marked problem with the drinking water management service which, although in the online consultation it was indicated that it is maintained regularly and in acceptable conditions, there are sectors where there are intermittencies and interruptions

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257 Idem, pp. 40-41.

due to damage to the infrastructure, thus affecting the right of access and enjoyment of this resource<sup>258</sup>.

#### **4. ACCESS TO GENDER JUSTICE AND FEMICIDES**

In this section, ODHULA highlights how impunity continues to be the rule in access to gender justice, leaving women helpless when it comes time to go before the justice system to assert their rights.

##### **4.1. Performance of bodies receiving complaints**

Fabiana Santamaría, president of the Merida Institute for Women and the Family (IMMFA) considers that there are limitations due to the bureaucracy in the procedures: "there are many processes for a case of violence to be attended and there is still a lack of awareness of gender-based violence"<sup>259</sup>. Its management has also been limited by lack of resources, mainly because it is not part of an administration submissive to the National Executive, a fact that has conditioned the public policies of support and programs, having to focus IMMFA's work only on awareness-raising campaigns and making the institution known.

Since April 2021, ODHULA has legally assisted and accompanied direct and indirect victims in 8 cases of gender-based violence. The cases deal with psychological violence, harassment, sexual harassment, sexual abuse and femicides. None of them have been dealt with expeditiously by the competent agencies.

On December 25 and 31, 2021, Prosecutor's Office 20, with competence in defense of women's rights in the state of Merida, did not have a prosecutor on duty, nor did it post a notice with contact information for victims of violence to go to, thus impeding their access to justice<sup>260</sup>.

-Justice operators such as prosecutors of the Public Prosecutor's Office, do not respond to cases with the required promptness, thus contravening Article 285 of the National Constitution, which provides for their obligation to guarantee procedural celerity and the

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258 Idem, p. 43.

259 Interview with Fabiana Santamaría, February 17, 2022.

260 Testimonies of women human rights defenders, Mérida State. February 24, 2022.

correct administration of justice<sup>261</sup>. The above is also contrary to Article 2 of the Law of Partial Reform to the Organic Law on the Right of Women to a Life Free of Violence, which establishes that its purpose is to guarantee the exercise and expeditious, transparent and effective access to their human rights before the organs of justice<sup>262</sup>.

During 2022, access to justice in cases of gender-based violence has been affected due to the removal of prosecutors with competence in the matter. The assigned prosecutor is responsible for another office located in another sector of the city of Merida, which makes it difficult to control his functions, therefore, it is the administrative staff who attends and processes the requirements of the defense. The new prosecutors do not know how to carry out a criminal investigation in this type of cases, to the point of indicating that in these cases the "post mortem psychiatric examination" is not carried out, a test contemplated in the Latin American Model Protocol for the investigation of violent deaths of women for gender reasons (femicide/feminicide)<sup>263</sup> and the accusations are annulled due to defects of substance, lack of indication of the applicable norm and the adequacy of the conduct of the accused to the crime foreseen in the norms<sup>264</sup>.

#### **4.2. Reform of the Organic Law on the Right of Women to a Life Free of Violence**

On December 16, 2021 the Reform to the Organic Law on the Right of Women to a Life Free of Violence was published in Official Gazette No. 6.667. In this regard, our Research Team considered it pertinent to gather the opinions of lawyers, women's rights defenders and leaders in the state of Merida, since these are the people who know first hand the cases and the existing weaknesses in both the law and the system.

Most of the people interviewed consider that:

- The new reform is insufficient and the State is not legislating according to the existing reality and needs.
- In the new reform of this Law, the State continues without recognizing its responsibility in the violent deaths of women, vicarious violence and disappearance.

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261 2. To guarantee the speed and proper functioning of the administration of justice, prior trial and due process.

262 Official Gazette of the Bolivarian Republic of Venezuela 6,667 of December 16, 2021.

263 United Nations, UN Women and Unite Latin America. Model Latin American Protocol for the Investigation of Gender-related Violent Deaths of Women.

<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2014/Modelo%20de%20protocolo.pdf>

264 Andean Human Rights Bulletin No. 141. (April 8 to 14, 2022). <https://mailchi.mp/6174b57e43a1/boletn-andino-de-derechos-humanos-n-141>

- With respect to protected rights, this new reform eliminates the rights contained in the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, "Convention of Belém do Pará"<sup>265</sup> (rights protected in the previous law), without any explanation from the legislators so that the population can know the reason or motive for this elimination<sup>266</sup>.
- The State reforms a law without the previous one having been regulated and without protocols for its practical application, and continues to disregard the participation of independent civil society in terms of consultation and participation in law reforms and the formulation of protocols.
- As for protection and security measures, the State continues to fail to promote and provide the necessary resources and actions for shelters, even though such a measure is provided for in Article 106, paragraph 2 of the reform<sup>267</sup>. In Venezuela there are no temporary shelters for victims of gender violence, thus confirming that the law is not backed up with real public policies or transparency.

### 4.3. Femicides

The monitoring of the month of December 2021 carried out by the Femicide Observatory of the Center for Justice and Peace (CEPAZ), revealed that during the month of December 2021 there were 34 completed femicides and 4 attempted femicides in Venezuela<sup>268</sup>. On average there was a femicide action in the country every 19 hours. Twelve children were orphaned. Six of them witnessed the violent death of their mother<sup>269</sup>. This same

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265 Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, "Convention of BELÉM DO PARÁ".

[https://www.gob.mx/cms/uploads/attachment/file/44013/Convenci\\_n\\_de\\_Bel\\_m\\_Do\\_Par\\_.pdf](https://www.gob.mx/cms/uploads/attachment/file/44013/Convenci_n_de_Bel_m_Do_Par_.pdf)

266 In the previous law (of 2014) it was stipulated: "The others enshrined in the Constitution of the Bolivarian Republic of Venezuela and in all international conventions and treaties on the matter, signed by the Bolivarian Republic of Venezuela, such as the Law Approving the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará)". But in the reform of 2021 this wording is changed and the Convention of Belém do Pará is excluded, in the following terms: "The rights enshrined in the Constitution of the Bolivarian Republic of Venezuela and in the international conventions and treaties on the matter, signed and ratified by the Bolivarian Republic of Venezuela, such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)".

267 Ministry of Women. Law Reform. <http://minmujer.gob.ve/?s=reforma+law+reform>.  
<http://minmujer.gob.ve/?s=reforma+of+law>

268 CEPAZ. January 2022. Monitoring of femicides in Venezuela. December 2021.

[https://cepaz.org/documentos\\_informes/monitoreo-de-femicidios-diciembre-2021/](https://cepaz.org/documentos_informes/monitoreo-de-femicidios-diciembre-2021/)

269 Idem.



Observatory noted that from January to December 2021 in Venezuela there were 290 femicides and another 84 abroad<sup>270</sup>.

In the period from January 01 to May 15, 2022, the ULA Women's Commission and ODHULA registered 71 cases of gender-based violence, in the Andean region. 38 occurred in Merida state, which includes 2 femicides, 18 cases in Tachira state, which includes 1 femicide and 2 cases of femicide and 15 cases in Trujillo state. Thirty-four percent of the cases occurred during the month of January 2022.

The registered cases constitute 8 of the 21 types of violence that are typified in the Organic Law on the Right of Women to a Life Free of Violence. The types of violence found in the 27 documented cases are: psychological violence, harassment, threats, physical violence, family violence, sexual violence, labor violence, patrimonial and economic violence against women, girls and adolescents, and femicide<sup>271</sup>.

In the Andean region, 3 cases of femicide and 2 cases of attempted femicide were documented, as well as the disappearance of 4 women, as described below:

On January 01, 2022, Mairoby Tahiri Villarreal Díaz, 20 years old and mother of two girls, was murdered with a firearm, allegedly by her ex-partner, who acted with the complicity of two brothers who are already in custody, according to ongoing police investigations<sup>272</sup>. Christian Piero Rojas Parra, the main suspect, remains a fugitive from justice. Authorities indicate that he may have fled to Colombia. This case, in addition to being a femicide, left two orphaned girls and four victims by extension: them and Villarreal's parents, who were left in charge of their granddaughters. ODHULA's legal team is representing these victims who are still waiting for justice to be done<sup>273</sup>.

On January 27, officers of the Merida State Fire Department found the body of Adelaida Karina Rojas Saavedra, 37 years old, inside an apartment where the victim lived with her victimizer and their son, only 3 years old. Next to her was the child and the lifeless body of her murderer, Carlos Alexander Rivas Peña, who committed suicide after suffocating her. Firefighters found a letter written by Rivas, who confesses his crime and alleges her infidelity as the cause<sup>274</sup>.

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270 CEPAZ. May 2022. 290 femicides were consummated in Venezuela and another 84 abroad.

<http://historia.pdnnoticias.com/sucesos/cepaz-290-femicidios-se-consumaron-en-venezuela-durante-2021>

271 Human Rights Observatory and Women's Commission of the Universidad de Los Andes. Violence against women, an evil that does not cease. 2022, p. 14.

272 Information provided by the legal team of the Human Rights Observatory of the Universidad de Los Andes (ODHULA). January 2022.

273 Observatorio de Derechos Humanos y Comisión de la Mujer de la Universidad de Los Andes. Violence against women..., ob. cit., p. 14.

274 Idem.

On February 27, 2022, Luis Omar Patiño, a retired sergeant of the National Guard shot his wife Fanny Contreras, 47 years old, and his daughter, Fanny Patiño, 29 years old, after they both told him that he would be denounced for sexual abuse<sup>275</sup>. The man sexually abused his daughter since she was 14 years old, and from this constant aggression a son was born who is currently 3 years old. Luis Omar Patiño took his own life after members of the Bolivarian National Police tried to mediate so that he would give himself up. The incident occurred in the municipality of Torbes, Táchira state<sup>276</sup>.

On March 25, 2022, a woman was sexually abused by 5 men, who also tried to take her life by hitting her in the head with a stone, when she was trying to cross a trail in the San Antonio sector, Bolívar municipality, Tachira state, to go to Colombia<sup>277</sup>. This case represents one of the many that are not documented when violence against women in vulnerable situations occurs.

On March 28, 2022, Mariela Josefina Delgado Rivas, 46 years old, was murdered by her partner Néstor Javier Escobar León, 64 years old, after an argument. Escobar took his own life after committing the act, which occurred in Fernández Feo municipality, Táchira state<sup>278</sup>. Their son found the victim still alive, but she arrived at the hospital without vital signs<sup>279</sup>.

#### **4.4. Cases of disappearances**

In addition to the 71 registered cases, the disappearance of four women so far this year 2022, among them a minor, is noteworthy. Three disappeared in Táchira and one in Mérida. As of the date of publication of this report, there was no new information on the course of these events.

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275 El Pitazo (February 27, 2022). Retired military officer shoots his wife and daughter.

<https://elpitazo.net/sucesos/tachira-militar-retirado-dispara-contra-su-esposa-e-hija/>

276 Observatorio de Derechos Humanos y Comisión de la Mujer de la Universidad de Los Andes. Violence against women..., ob. cit., p. 15.

277 (March 30, 2022). A woman is raped and attempted to be killed at the Colombian-Venezuelan border. La Verdad. <http://www.laverdad.com/sucesos/192714-violan-e-intentan-matar-a-una-mujer-en-la-frontera-colombo-venezolana.html>

278 Rodríguez, M. (April 29, 2022). Man commits femicide against his partner in El Piñal. El Pitazo. <https://epthelinkdos.tk/los-andes/tachira-hombre-comete-femicidio-contra-su-pareja-en-el-pinal/>

279 Idem.

On January 2, Rosa Angélica Ramírez Castellanos, 27 years old, disappeared. She lived in the Vega de Aza sector, Córdoba municipality, Táchira state. Ramírez has a mild infantile condition, controlled with medication<sup>280</sup>.

On January 11, Luiris Daniela Ledesma Castro, 19 years old, left her house located in La Mulata village, Pedro María Ureña municipality, Táchira state. According to neighbors, Ledesma was supposed to go to the Colombian city of Cúcuta, but never returned. The young woman is the mother of a 4 year old child<sup>281</sup>.

On January 12, in Merida, Heliany Gonzalez, 16 years old, was reported missing. "The teenager was seen for the last time this Wednesday morning, when she left her residence located in the Miranda passage of the La Milagrosa neighborhood, in the Libertador municipality of Merida", indicates the publication of a local journalist<sup>282</sup>.

On February 9, in Táchira, Dominga Antonia García Mancilla, 18 years old, according to witnesses, was approached by some men while she was riding her bicycle and was forced to get into a pick-up truck in the sector La Paz, municipality Fernández Feo<sup>283</sup>.

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280 lanaciónweb (January 13, 2022). Search for Rosa Angélica, missing since January 2 in Vega de Aza. [https://www.instagram.com/p/CYrhYJOLVHo/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/CYrhYJOLVHo/?utm_source=ig_web_copy_link).

281 The Nation. January 24, 2022. Missing young woman in Ureña. <https://lanacionweb.com/regional/desaparecida-joven-en-urena/>

282 Morales Jordin. January 13, 2022. Search for missing teenager in Merida. [https://www.instagram.com/p/CYsOy9sMPLG/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/CYsOy9sMPLG/?utm_source=ig_web_copy_link)

283 The Nation. February 11, 2021. Alleged kidnapping of a girl in Naranjales. <https://lanacionweb.com/regional/denuncian-presunto-secuestro-de-una-muchacha-en-naranjales/>

## ANNEXES

Table 1. Budget Allocation to ULA Units

ULA Address	Total, in USD
Directorate of Prevention and Security Services of ULA	110
General Coordination of Interactive Distance Learning Studies	107
Directorate of Faculty Affairs	45
Director of Interinstitutional Relations	96
Directorate of Student Affairs	43
General Directorate of Media	58
Directorate of Culture and Extension	58
Directorate of Sports	8

Source: ODHULA.

Amounts were converted at the Venezuelan Central Bank's exchange rate as of January 31, 2022.

of the Venezuelan Central Bank of January 31, 2022.

**Table 2. Security incidents occurring in the Universities between December 2021 and May 2022.**

Universidades	Número de incidentes				Número total de incidentes	Porcentaje (%) total de incidentes
	Diciembre	Enero	Febrero	Marzo		
ULA	3	10	7	1	21	42%
UDO	1	11	2	-	14	28%
UCV	2	-	1	-	3	6%
UCLA	-	2	1	-	3	6%
UPEL	1	1	1	-	3	6%
LUZ	-	1	-	2	3	6%
UC	1	-	-	-	1	2%
UNEXPO	1	-	-	-	1	2%
UNEG	-	-	-	1	1	2%
<b>TOTAL</b>	9	25	12	4	50	100%

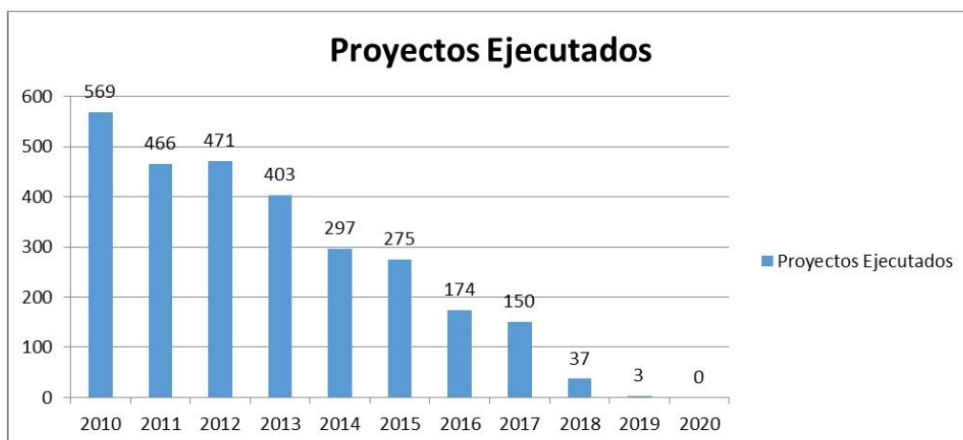
**Table 3. Goals contained in the 2030 Agenda related to environmental law**

Dimension	Goals	SDGs Involved
Economic	5	8, 9 y 12
Social	20	3, 4, 5, 6, 11, 12, 15, 16 y 17
Environmental	20	2, 6, 11, 12, 13 y 15
I		
Total	45	

**Table 4. Summary of compliance with the human rights to drinking water and sanitation, according to the results of the documents or instruments analyzed.**

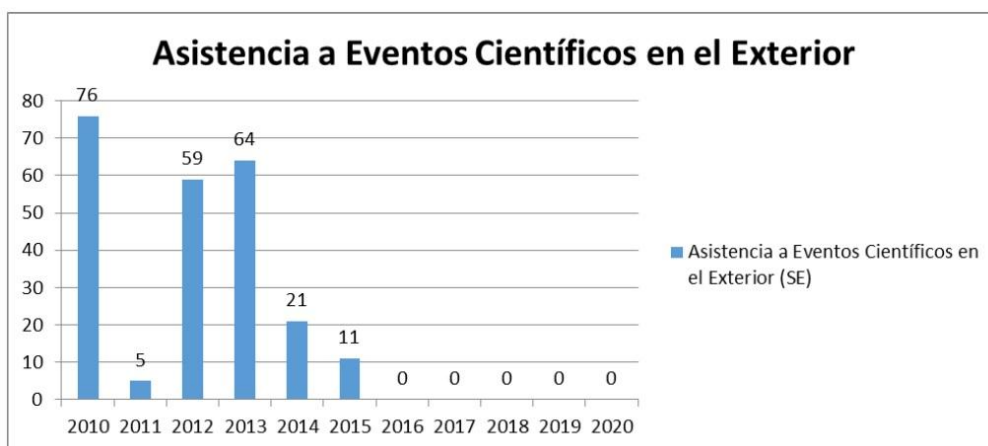
Document o Instrument	Human right to drinking water (%)		Human right to sanitation (%)	Remarks
	Infrastructure	Frequency		
<i>National Census 2011 state of Merida. National Census 2011 Libertador municipality or in the city of Merida.</i>	89	87	87	Based on data from the 2011 National Census
	98	97	99	
Venezuelan Public Services Observatory of September 2021 for the city of Mérida	97,5	70,6	91,8	Based on surveys that reflect the perception of the inhabitants or interviewees on the subject.
Survey conducted in March 2022 for the regions of the State of Merida.	95	84	100	

**Graph 1. Projects implemented by the CDCHTA. Period 2010-2020**



**Source: ULA Academic Vice Rectorate Report 2022**

**Graph 2. Attendance to scientific events abroad. Period 2010 – 2020**



**Source: ULA Academic Vice Rectorate Report 2022**

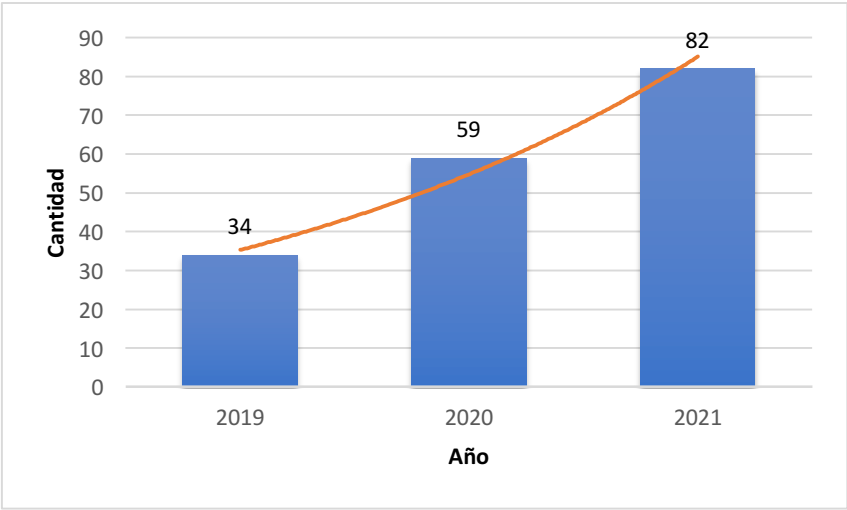


**Graph 3. Support to work units (Z). Period 2010-2020**



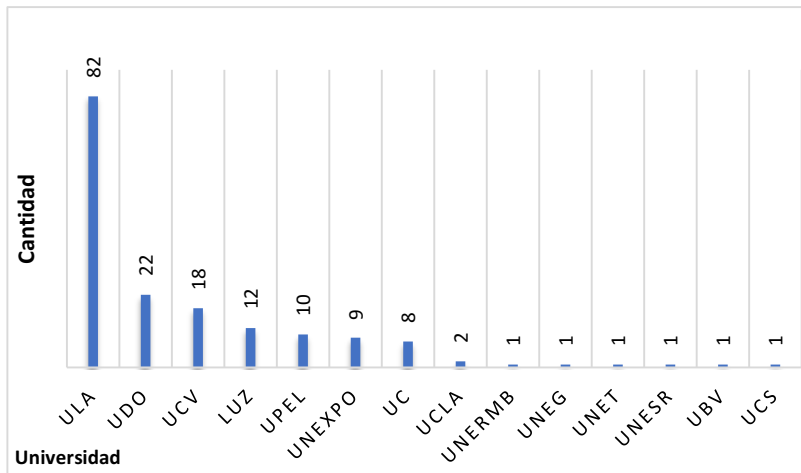
**Source: ULA Academic Vice Rectorate Report 2022**

**Graph 4. Security incidents at the ULA. Period 2019-2021**



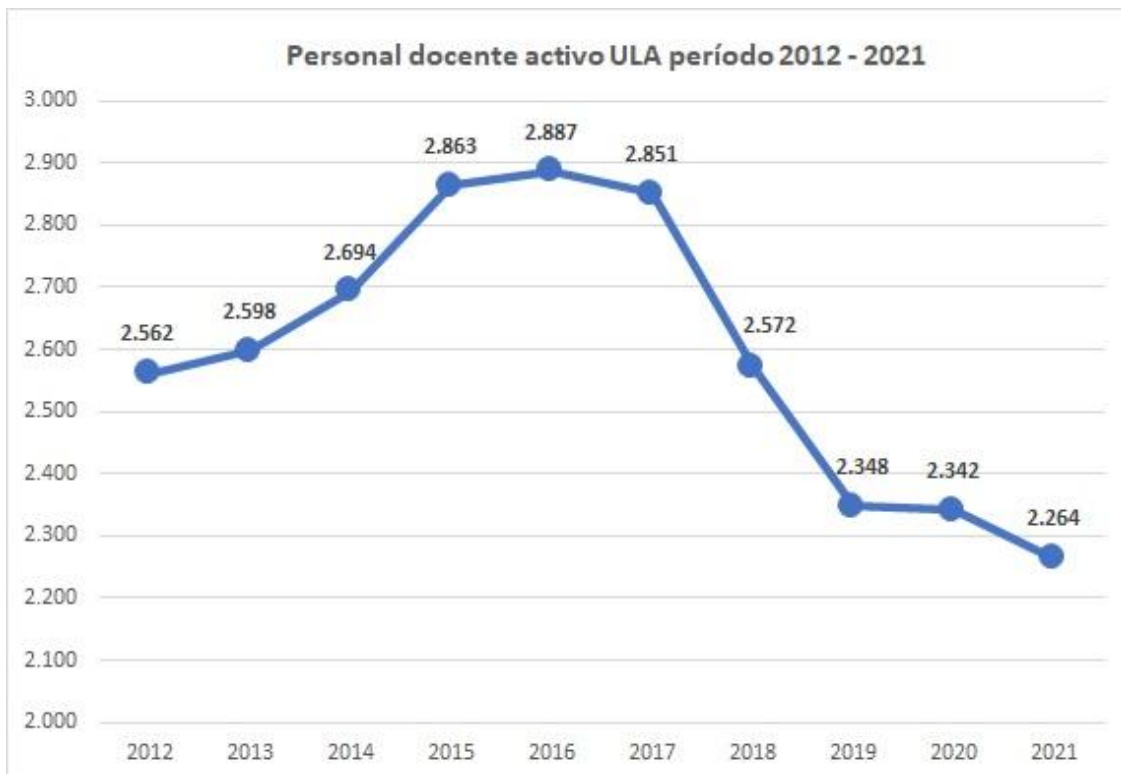
**Source: ODHULA**

**Graph 5. Criminal acts in university areas in 2021**



**Source:** ODHULA

**Graph 6. Active teaching staff ULA period 2012-2021**



**Source:** Commission appointed by the University Council, Coordination of the Rectorate of the Universidad de Los Andes (March 3, 2022). Desertion at the Universidad de Los Andes. Cifras año 2021, p. 11.

Figure 1. Perception and trends regarding the promotion of ecotourism and the development of industrial and productive activities while preserving the environment (Percentage values / Own elaboration).

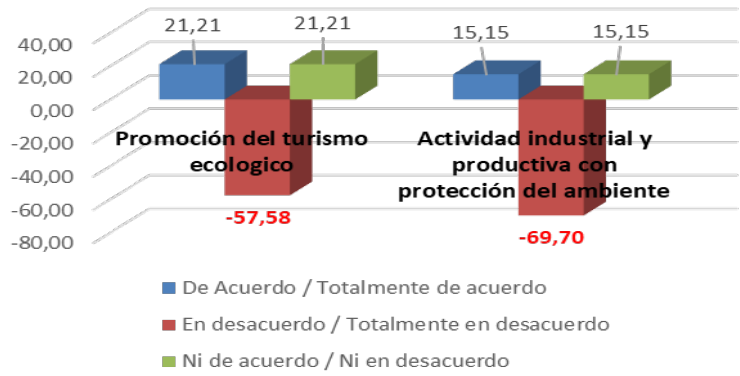


Figure 2. Perception and trends regarding the management of native seeds and species, education for sustainable development, women's rights regarding access to natural resources and access to green areas and safe public spaces (Percentage values / Own elaboration).

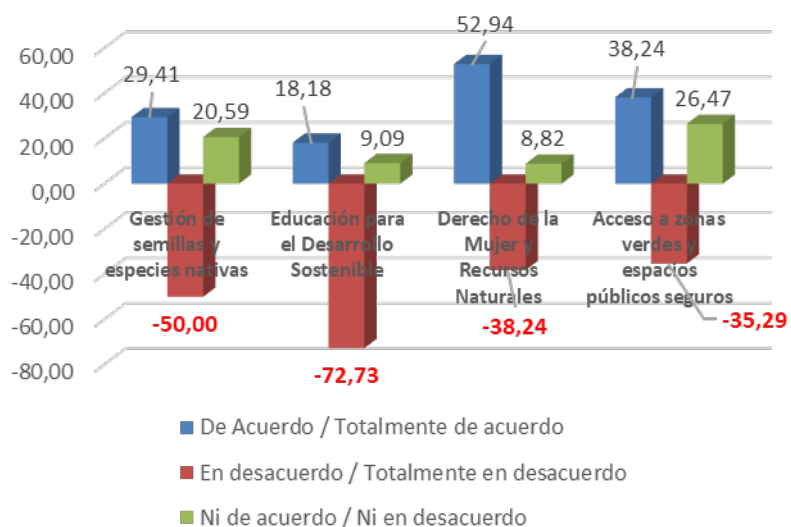


Figure 3. Perception and trends regarding agricultural practices in harmony with ecosystems, water, soil and air pollution risk control, and how productive activities are degrading the environment. (Percentage values / Own elaboration).

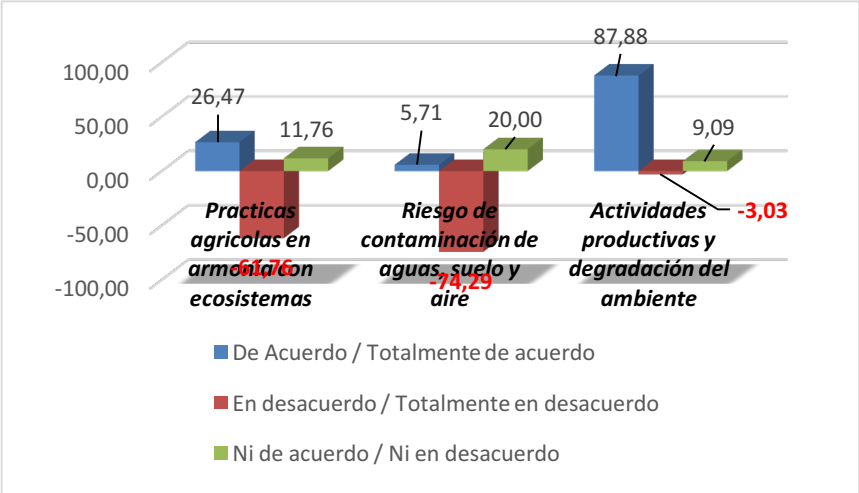
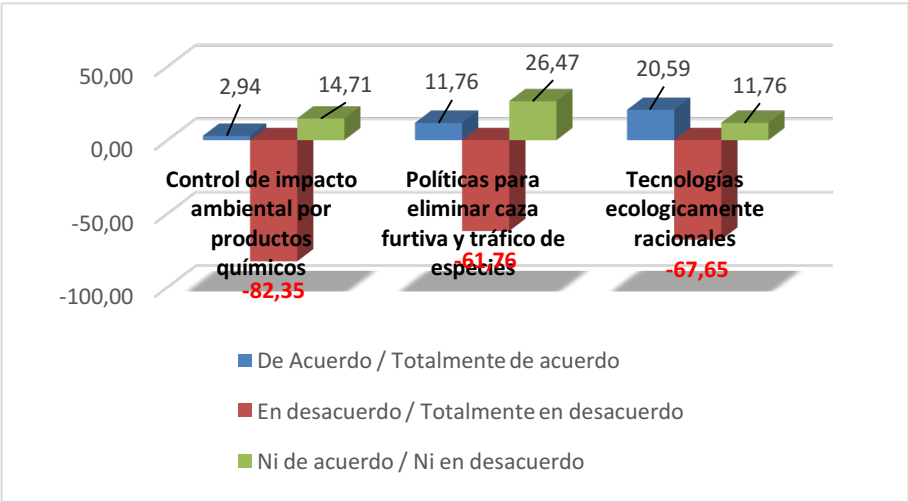


Figure 4. Perception and trends regarding the control of environmental impact due to the use of chemical products, policies to eliminate poaching and trafficking of species, and implementation of environmentally sound technologies (Percentage values / Own elaboration).





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