

Thought under threat

Situation of academic freedom and university autonomy in Venezuela



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Coalición de Cátedras y
Centros Universitarios de Derechos Humanos



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Joint research project by:

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- ◆ Center for Human Rights of the Andrés Bello Catholic University
- ◆ Center for Human Rights of the Metropolitan University
- ◆ Human Rights Commission of the Faculty of Juridical and Political Sciences of the University of Zulia
- ◆ Observatory of Human Rights of the University of Los Andes
- ◆ Extension Project: Visibility and education in human rights of the Faculty of Education of the University of Carabobo

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March of the gowns, in solidarity with professor Marcos Valverde and student Nelson Navas, arrested on May 18, 2017

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In 2009, the Center for Human Rights of the Andrés Bello Catholic University promoted the creation of a mechanism for coordination and exchange between human rights centers, with the initial participation of six universities in the country. Since then, new centers have been created and have joined this mechanism working together in the development of various academic and extension activities, in what today is known as the Venezuelan Coalition of Human Rights University Centers.

In 2013, as the discussion of the First Single Collective Convention unfolded, the displacement of historical associations representing university teachers in collective bargaining processes and their replacement by newly created non-autonomous unions became evident, through non-transparent electoral processes. This created the concern shared by several human rights centers regarding the implementation, by way of facts, of the Law on University Education, which had been approved in a dawn of December 2010 by the National Assembly and vetoed by the President of the Republic in January 2011.

Hence, human rights university centers agreed to develop a joint document, which would reflect the reality of the university sector from the perspective of human rights, with emphasis on academic freedom and university autonomy as components of the right to education and its relation to other rights such as freedom of expression, association, participation and peaceful assembly.

This is how ***Thought under threat*** arises, as the first initiative of its kind, not only in Venezuela, but also at an international level, in which human rights centers of different public and privately run autonomous universities join forces to produce a text on the situation of human rights in the university field.

The research documents the situation of the aforementioned rights, from early 2011 to August 2017. In order to unify criteria, a review was made of texts provided by *Scholars at Risk*, an international organization dedicated to the subject of academic freedom, as well as an inventory of international instruments and standards on rights to be addressed.

Executive summary

Venezuelan universities are experiencing a progressive deterioration of their autonomy and the academic freedom of their members, in direct violation of the right to education that also affects other rights such as the right to freedom of expression, peaceful assembly and association, with serious consequences and human costs in terms of the right to life, physical integrity, personal liberty and due process.

A first expression of the process of erosion of the bases of university autonomy and academic freedom has been observed since 2003, with the creation of universities subordinated to the Executive, followed by ignorance and progressive dismantling of the legal framework and, finally, development of a new institutional policy on higher education, the basis of which is a parallel system of universities, but which extends to other structures and associations necessary for the functioning of the university system.

As part of this process, in 2009, the Organic Law on Education was adopted, expressly reflecting the conception of the Teaching State and anticipating some assumptions that will later be applied to university education as of 2010, when the Asamblea Nacional approves the Law of University Education that, despite having been vetoed by the President in January 2011, has been imposed by the way of the facts from then on.

In accordance with the rescue of the figure of the Teaching State, the Executive imposed since 2014, a new quota allocation model, privileging non-academic criteria in the decision on the admission of students to universities. As a result of this system imposed - and questioned both by the university authorities and by the student movement - the gap between students with assigned quota and students who, in effect, recorded the documents to formalize their admission, was significantly expanded.

Also based on the Teaching State, in 2015 the Executive issued the System of Continuing Education of University Professors, which imposes unilaterally and vertically a vision of what should be the university and professors and, therefore, their training process.

There have been events that show how universities, their authorities or members have been threatened, intimidated, discredited, criminalized or assaulted, by their activities or academic work or by their status as member of the academic community. Scholars from various universities have been detained or harassed by officials of state security organs because of their professional opinions on the critical situation of services such as health, electricity or infrastructure. These disqualifications

also reach students and their elected representatives who have been labeled as terrorists, coup plotters or conspirators by high officials of the State.

Students, teachers and employees of universities under the direct control of the Executive, are also target of intimidation or discrimination; In these cases, the actions occur in retaliation for criticisms of the government.

Freedom of expression has been affected due to attacks and closure of university media and persecution against journalists working for them.

Protests convened or organized by universities, student movement, or related associations have been the target of some of the most repressive episodes. The student movement has been severely repressed in the exercise of its right to peaceful protest. More than 3,000 people were detained in the context of protests in 2014, with a predominant profile: students, male, aged between 18 and 25 years. During the first half of 2017 there was an increase in repression that resulted in hundreds of injuries and deaths. At least 20 students were killed in this context, mostly as a result of the direct or short-range firing of tear gas bombs, or of wounds caused by modified cartridges containing marbles or metal objects.

As of mid-2016, detention patterns were further aggravated, as courts began to detain students, despite the fact that the Public Ministry did not file charges; there were also cases in which the courts agreed on parole and the security forces in charge of the detainees refused to comply with the judicial decision. On other occasions, the number of guarantors required to agree on alternative measures to prison and / or the amount of income measured in Tax Units that the guarantors had to have, were increased.

Since mid-2017, with the activation of the so-called "Zamora Plan", military justice has been used against civilians. Several scholars, students and employees are subject to military jurisdiction, some of them detained in inhumane conditions, with the consequent deterioration of their health.

In their repressive zeal, security forces have persecuted students to the interior of their study houses, in open violation of university autonomy. As a result of these persecutions, destructions have occurred on college campuses and illegal incursions by armed troops to academic venues.

On other occasions, attacks on universities have been direct, in order to cause damage to facilities and members of the university community. During the national protests of 2014 more than 20 universities were attacked with the participation of armed civilians acting with the tolerance of the authorities or in coordination with them.

Insecurity on campus and surrounding areas has increased considerably, forcing or reducing nighttime schedules. Likewise, the quality of teaching has been affected due to the theft of equipment and supplies.

The right to association has been severely affected by the de facto application of the vetoed Law of University Education, since the associative structures contemplated in that law - and rejected by the university community during the discussion of the law - are being applied, through the creation of conditions imposed from the executive regarding the type of association to which it would recognize legitimacy as a partner in the collective bargaining process.

Since 2012 the Electoral Chamber of the Supreme Court has systematically interfered in the electoral processes of the universities through dozens of sentences that hinder the full exercise of self-government. Only between 2012 and 2015, the Electoral Chamber issued 43 judgments affecting electoral processes of authorities and student representation. In 2017, other practices were observed in which it was intended to impose the substitution of authorities in universities.

The governing powers of autonomous universities are assumed illegally by the Ministry of Popular Power for University Education Science, Technology, office on which now depends the approval and certification of training programs, postgraduate and scientific exchanges.

Since 2010, the Universities Council has not authorized the creation of new academic programs in national autonomous or private universities. In the same period, new programs have been opened in the parallel university system.

The official registration, according to reports from the authorities, would place Venezuela with one of the highest coverage rates in the world (83%); however, there is no access to data to validate the veracity of this figure, nor to evaluate indicators of retention, permanence, dropout and academic performance. In contrast, available partial figures indicate a worrying rise in dropout rates.

Public universities have been subjected to what their authorities call a budget siege. The budgets approved for the corresponding year are always insufficient and repeated. In addition, the Executive has been intimidating the universities unnecessarily complicating the procedures of accountability.

The existence of an increasingly restrictive exchange control system generates difficulties for the access and administration of foreign exchange, with an impact in diverse processes of the universities that include mobility of scholars, researchers and students, acquisition and update of technological equipment and services, book acquisition and affiliation to international indexes or journals, and

maintenance of alliances with and affiliations to international research or academic exchange networks.

The deterioration of the economic conditions of the country, coupled with the budgetary fence to the university sector, has a direct impact on the deterioration of the quality of education, which is reflected in the exodus of experienced scholars and researchers (estimated at 50%), as well as a considerable reduction of funds for the updating of laboratories, libraries and other equipment needed for teaching and research.

Authorities of autonomous universities point to discriminatory treatment compared to universities dependent on the Executive with regard to terms and conditions for structuring their budget, as these universities have access to information in advance.

In the case of private universities, the economic situation of the country, and particularly the policies that in terms of budget and tuition fees have been imposed by the state authorities, have had an impact on the management of private universities, which live under the permanent threat of setting a tuition fee well below the minimum limit that allows them to function.

The factor that has affected university research in a more negative way in recent years is the reform of the Organic Law of Science, Technology and Innovation of 2010, whereby the government not only centralizes in a fund all the public and private resources destined to scientific research, but becomes solely responsible for its management and allocation, excluding the academic and business sector from the decision making and incorporating in its place the communes (*comunas*).